



# CITY COUNCIL REGULAR MEETING AGENDA

June 6, 2016

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<b>7. CONSENT AGENDA</b>		
	a. Approval of Check Register: Check Numbers 43580-43705 in the Amount of \$282,385.97 for Payment on June 6, 2016; and, Payroll Salaries and Benefits Approval Check Numbers 6835-6843 for Direct Deposits and Wire Transfers in the Amount of \$274,495.14 for May 1-15, 2016, Paid on May 20, 2016.	61.
	b. Approval of Minutes: Regular Meeting, May 16, 2016; and, Study Session, May 23, 2016.	81.
	c. Motion to Adopt Ordinance No. 640, Relating to Shoreline Master Program.	89.
	d. Motion to Adopt Ordinance No. Ordinance No. 638, Amending BMC Title 15, Buildings and Construction.	97.
<b>8. BUSINESS AGENDA</b>		
	a. Public Hearing and Discussion on the 2017 through 2022 Six-Year Transportation Improvement Program. (15 mins)	175.
	b. Motion to Adopt Proposed Ordinance No. 643, Approving the Final Plat of Boulevard Landing Subdivision. (10 mins)	193.
	c. Motion to Appoint Voting Delegate to the 2016 Association of Washington Cities (AWC) Annual Business Meeting. (5 mins)	263.
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	e. Discussion and Potential Action to Adopt Proposed Ordinance No. 644, Amending the 2015-2016 Biennial Budget to Recognize Revenue for the Sale of the NERA Property and Appropriate Expenditures to Repay the 2013 Line of Credit. (10 mins)	295.
	f. Discussion and Potential Action to Authorize Letter of Agreement with the U.S. Attorney's Office (USAO) Regarding City Hall/Library. (10 mins)	301.
	g. Discussion on Preliminary Ordinance 642, Granting a Franchise to Astound Broadband, LLC D/B/A Wave for installing Fiber Optic Cable in City Rights-of-Way. (10 mins)	307.
	h. Discussion on the Strategic Plan. (45 mins)	337.
	i. Seattle Annexation of North Highline Area "Y" Information and Update. (15 mins)	361.
	j. Discussion on Relative Cost and Levels of Animal Services and Council Direction on Provider Options. (30 mins)	363.
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<b>9. COUNCIL REPORTS</b>		
<b>10. CITY MANAGER'S REPORT</b>		371.
<b>11. ADJOURNMENT</b>		

Quinton Thompson  
P.O. Box 98484  
Seattle, WA 98198-0484  
(206) 830-8002 (Cell Phone)

04/23/16

CTTC: 6/6/16

cc: Dan Trimble, Economic Development  
manager

Burien City Council  
400 S.W. 152<sup>nd</sup> Street, Suite 300  
Burien, WA 98166  
Phone: 206-241-4647 Fax: 206-248-5539  
email: council@burienwa.gov

To Whom It May Concern:

I, Quinton Thompson, visited the Burien Community Animal Resource & Education Society (C.A.R.E.S.) facility located at 909 SW 151<sup>st</sup> Street, Burien, WA, 98166 on 4/7/2016. From the time I arrived at 1:30 pm until I left at 5:30 pm, I observed adults and younger youth coming into the facility to socialize with the animals still awaiting a new home.

If the Council does not extend the contract, the young adults and kids – or for that matter the elderly and disabled will not have a place to come and visit the animals unless they are able to get transportation to the nearest King County Animal Control Shelter. In most cases, that is not an easy thing to do and in others - nearly impossible.

Burien C.A.R.E.S. is a non-profit 501 c(3) Corporation with five (5) paid employees (3 are part-time), and approximately 15-30 volunteers which varies from week to week. As a small community no-kill shelter, C.A.R.E.S. relies on the excellent and varied team of volunteers to help with day-to-day shelter operations, animal care, and special events. C.A.R.E.S. is able to provide a clean facility and quality care for the animals, in part due to the volunteers' generous donations of time and energy. They range in age from high-school students to seemingly ageless retirees/seniors, including many with disabilities. They can be individuals with court-ordered community service, high school students with senior service requirements, or just ordinary citizens with a desire to help animals. All volunteers participate in an initial orientation session as well as on-the-job training.

Quinton Thompson  
(letter regarding Burien C.A.R.E.S. - page 2)

I feel this agency has a huge positive impact on this community. Personally, I know that spending time with animals is a wonderful way to relieve stress. Also, having something rewarding to do such as taking care of an animal in-need can help some people avoid the temptations of drugs or alcohol. Another plus is the pet food donations C.A.R.E.S. provides to area food banks for people without enough money to feed their animals.

On 4/15/2016, the Highline Times / Des Moines News published an article which stated that on April 4<sup>th</sup>, the Burien City Council voted down an amendment to extend the contract for C.A.R.E.S. until January 31, 2017. (The current contract expires on August 31, 2016.) I believe not renewing this contract would have an adverse effect on the city of Burien and its citizens. Please reconsider your decision.

If you have any questions or want any further information on my visit and observations, please feel free to contact me at the address or phone number shown above. If possible, I'd like a copy of any Burien City Council action on C.A.R.E.S.

Sincerely,

Quinton J. Thompson

## Monica Lusk

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**From:** Monica Lusk  
**Sent:** Wednesday, June 01, 2016 3:51 PM  
**To:** 'Linda Plein'  
**Cc:** Kamuron Guroi; Monica Lusk  
**Subject:** Burien - 8/17/15 CTTC & 4/4/16 Publ Recds Req

Ms. Plein,

CTTC : 6/6/16

staff Follow-up by monica lusk, City Clerk

This is written in response to your attached Public Records Request dated 4/7/16 (attached), your letter dated 4/25/16 regarding removal of the \* and footnote in the revised 8/17/15 Correspondence to the Council section of the Council packet (attached) and your letter dated 5/19/16 requesting your public records request be fulfilled and to receive a status on your letter (attached).

Regarding your Public Records Request, no letters were found. When there are requests that call for a search of emails, there are potentially thousands of documents to review. They can take months to fulfill. As you are probably aware, the City of Burien has no staff who are devoted full time to the fulfillment of public records requests and the City's staffing is quite lean to save taxpayer costs. We are currently reviewing emails to be responsive to your request. We take all public records requests seriously and work diligently to fulfill them with the resources available.

Regarding your request to have the \* and footnote removed from the 8/17/15 Agenda, the Burien City Council Meeting Guidelines 2.6(D) states "If, after publication, the City becomes aware that a false statement was made about an individual, the City will remove the correspondence from publication on the City's website." Since the correspondence was removed after publication, the \* provides documentation of the correspondence and the footnote provides an explanation of its removal using language from the Guidelines. For these reasons, the \* and footnote will not be removed. Please note that the letter is still a matter of public record and is available for viewing.

Regards,

Monica Lusk, City Clerk  
400 SW 152<sup>nd</sup> Street, Ste. 300  
Burien, WA 98166  
(206) 248-5517  
[monical@burienwa.gov](mailto:monical@burienwa.gov)

## Monica Lusk

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**From:** Linda Plein <lindaplein@comcast.net>  
**Sent:** Thursday, April 07, 2016 8:41 PM  
**To:** Monica Lusk  
**Subject:** false allegations

To Monika Lusk;

According to the Council Rules 2.6 D, anyone who is concerned that a fake allegations published about an individual may email the City Clerk to identify the false statement and explain why it is false.

Two letters of mine (July 20, 2015 and August 17, 2015) were removed from the correspondence to the city Council. I was never told that this was going to happen. When I requested a meeting with the City Manager to find out exactly why this happened, I was told he could not meet with me about it. I can only assume that someone submitted a letter to have them removed.

For that reason I am making a Public Information Request for the two letters or written communications that were sent the City Clerk requesting that my letters be removed and the explanations for why they were to be removed.

Respectfully,

L. Plein

RECEIVED

MAY 5 2016

CITY OF BURIEEN

April 25, 2016

To Monica Lusk/Burien City Clerk;

I am writing to you requesting that the false allegations made about me in the revised City Council packet of August 17, 2015 be removed. According to the Council Guidelines, Section 2.6 B and D, anyone concerned that a false allegation was published about an individual may email the City Clerk to identify the false statement (\* shown in the Correspondence to the Council and footnote shown below, 8-17, 2015 packet) and explain why it is false and ask for its removal. I am requesting the removal of this false allegation because I feel it is defamatory to my reputation, harassing and discriminatory.

To the best of my knowledge, I have never violated Section 2.6 B of any guidelines and the City has refused to provide me with information or evidence that I did this. I sent a letter to the Burien City Council and it was published in the April 17, 2015 Council packet under Correspondence to the Council. My letter was published under the Council Guidelines of 2013. To the best of my knowledge it didn't violate any of the existing, working 2013 guidelines and my letter didn't contain any of the items that are listed under Section 2.6 B of the later passed (Sept. 21, 2015) 2015 Council Guidelines. However, some individual in the City removed my letter from the August 17, 2015 Council Packet after September 21, 2015 with no notice to me about the removal and inserted false allegations about me into the revised, published August 17, 2015 Council packet.

At a later date, I discovered my letter was missing from the City website, August 17, 2015. In addition, I observed that an \* and footnote making false allegations about me had been inserted into the revised August 17, 2015 Council packet. I wrote to the City Manager asking for a meeting to discuss what was going on. The City Manager called me and stated that he would have his assistant (Carol Allread) arrange a meeting time with him to discuss this issue. But then, I was sent an email from the City Manager that this issue could not be discussed with me. However, the City still proceeded to publish false allegations about me next to where my letter had been in the Correspondence to the Council with the use of an \* and a footnote and it still maintains that revised version of that August 17, 2015 Council packet on its website for all of the public to view.

Again, I am restating that to the best of my knowledge, I have never violated Section 2.6 B and D of any guidelines and the City has refused to provide me with any information, explanation or supportive evidence that I did. For that reason, I am requesting that the \* and footnote in the revised August 17, 2015 Correspondence to the Council section of Council packet (relating to my name, Linda Plein and letter) be removed. I find the comment inserted by the City to be a false allegation about me, defamatory, harassing and discriminatory. Additionally, the City has been unwilling to provide me with any evidence or in person meeting to explain the situation and allegation.

I am certainly open to a meeting to discuss this issue with the City Manager.

Respectfully,

Linda Plein



cc City Manager, City Attorney, City Mayor

RECEIVED

May 19, 2016

MAY 23 2016

To Monica Lusk/City Clerk;

One month ago, I filed a Public Information Request with the City of Burien for copies of the letter or letters that were sent to the City Clerk/Monica Lusk for the removal of my letters from City Council packets under the topic of Correspondence to the Council. I still have not received those letters and to the best of my knowledge my request has not been filled.

Additionally, I requested that a written comment made by the City about me in the August 17, 2015 revised Council packet under the topic of Correspondence to the Council and that was shown as a footnote be removed. I sent that request to Monica Lusk per the 2015 Council Guidelines/Rules under 2.6B and D. Also, I have received no response to that letter either and the comment has still not been removed.

I am requesting that my public information request be filled and that I receive a status notice on my other letter.

Respectfully,

Linda Plein

Cc City Manager, City Attorney, City Mayor

**Carol Allread**

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**From:** Public Council Inbox  
**Sent:** Tuesday, May 31, 2016 1:25 PM  
**To:** 'Nikki Sessler'  
**Subject:** RE: Burien CARES

Dear Ms. Sessler,

Thank you for writing to the City Council to express your concerns. Your email will be included in a future Council agenda packet as Correspondence to the Council.

Sincerely, *CTTC: 6/6/16*

Carol Allread  
Executive Assistant  
City Manager Office  
206-248-5508

*cc: Dan Trimble, Economic Development manager*

**From:** nikki.sessler@gmail.com [mailto:nikki.sessler@gmail.com] **On Behalf Of** Nikki Sessler  
**Sent:** Monday, May 23, 2016 9:43 AM  
**To:** Public Council Inbox <council@burienwa.gov>  
**Subject:** Burien CARES

Dear Members of the Burien City Council,

I hope that you have received MANY emails, letters, and comments that say the same thing I am about to say:

~~**Burien CARES is a wonderful organization and fills a very real need for our city.**~~

I don't know the financial differences between CARES and King Co Animal Control, but I can't believe that it would be enough to take away the contract from a company that is supporting OUR TOWN and employing OUR TOWNSPEOPLE. How many people do they have on staff to cover the entirety of King County? What is the turn around time, once a stray has been called in? What is their adoption vs. kill rate?

We've adopted 1 dog and 1 cat from CARES. The people have always been very welcoming, great to work with, and thankful for community support.

I very much appreciate, that when I do see a dog running around the neighborhood, or anywhere in Burien, without it's human, I always call CARES and know that within a short amount of time they will be right out to pick up the dog and try to find it's owner.

I also LOVE that it is a no kill shelter and they do everything they can to get these animals into good and loving homes.

Our children love CARES so much that, when time allows, they ask to go and volunteer there.

PLEASE RENEW CARES CONTRACT!!!

Thank you!

--  
Nikki Sessler  
[nikki@freggies.com](mailto:nikki@freggies.com)  
206-551-6100

Sent from mobile device



## Carol Allread

---

**From:** Public Council Inbox  
**Sent:** Tuesday, May 31, 2016 1:28 PM  
**To:** 'Wade Pennington'  
**Subject:** RE: A vote for CARES

Dear Mr. Pennington,

Thank you for writing to the City Council to express your concerns. Your email will be included in a future Council agenda packet as Correspondence to the Council.

Sincerely,

CTTC: 6/6/16

Carol Allread  
Executive Assistant  
City Manager Office  
206-248-5508

cc: Dan Trimble, Economic Development manager

---

**From:** Wade Pennington [mailto:wade@emailisn.com]  
**Sent:** Tuesday, May 24, 2016 11:29 AM  
**To:** Public Council Inbox <council@burienwa.gov>  
**Subject:** A vote for CARES

Dear Council members:

This email is to strongly urge you to support CARES and is a vote against bringing back King County animal control.

Our community needs to promote trust in government and local control. Moving the animal control process to a large and cumbersome organization that, because of its size, cannot support the kind of animal care citizens expect.

Removing the local trust of animal control will undermine the effectiveness of the organization. The small size of CARES has allowed a personal touch when dealing with citizens in an emotional state when their pets are missing or injured. This will be completely lost with a move back to King County.

A move to farm out city funds and control of any arm of local government undermines the credibility of the council and weakens control of the council over actions of government employees not directly under the control of the city.

This would be a move away from local control and community control of our resources the citizens voted on when the city was created.

Many citizens signed the petition to keep CARES operating. I strongly urge the council to give heavy weight to the citizens' signatures and keep CARES operating as a locally controlled arm of government.

I thank you for your time and consideration on this matter.

■  
Sincerely,

Wade A. Pennington

3210 SW 166<sup>th</sup> St

Burien, WA 98166

## Carol Allread

---

**From:** Public Council Inbox  
**Sent:** Tuesday, May 31, 2016 1:29 PM  
**To:** 'Whitmyre, Sarah (US - Seattle)'  
**Subject:** RE: Burien should have CARES!

Dear Ms. Whitmyre,

Thank you for writing to the City Council to express your concerns. Your email will be included in a future Council agenda packet as Correspondence to the Council.

Sincerely,

*CTTC: 6/6/16*

Carol Allread  
Executive Assistant  
City Manager Office  
206-248-5508

*CC: Dan Trimble, Economic Development manager*

**From:** Whitmyre, Sarah (US - Seattle) [mailto:swhitmyre@DELOITTE.com]  
**Sent:** Tuesday, May 24, 2016 11:55 AM  
**To:** Public Council Inbox <council@burienwa.gov>  
**Subject:** Burien should have CARES!

Dear Council members:

This email is to strongly urge you to support CARES and is a vote against bringing back King County animal control.

Our community needs to promote trust in government and local control. Moving the animal control process to a large and cumbersome organization that, because of its size, cannot support the kind of animal care citizens expect is not what the citizens want from their council.

Removing the local trust of animal control will undermine the effectiveness of the organization. The small size of CARES has allowed a personal touch when dealing with citizens in an emotional state when their pets are missing or injured. This will be completely lost with a move back to King County.

A move to farm out city funds and control of any arm of local government undermines the credibility of the council and weakens control of the council over actions of government employees not directly under the control of the city.

This would be a move away from local control and community control of our resources the citizens voted on when the city was created.

Many citizens signed the petition to keep CARES operating. I strongly urge the council to give heavy weight to the citizens' signatures and keep CARES operating as a locally controlled arm of government.

I thank you for your time and consideration on this matter.

Sarah Whitmyre  
Tax Manager

[swhitmyre@deloitte.com](mailto:swhitmyre@deloitte.com) | [www.deloitte.com](http://www.deloitte.com)

Please consider the environment before printing

**\*\*\*\*\*Any tax advice included in this communication may not contain a full description of all relevant facts or a complete analysis of all relevant tax issues or authorities. This communication is solely for the intended recipient's benefit and may not be relied upon by any other person or entity. \*\*\*\*\***

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**v.T.1**

## Carol Allread

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**From:** Public Council Inbox  
**Sent:** Tuesday, May 31, 2016 1:36 PM  
**To:** 'jack'  
**Subject:** RE: CARES and the Need for it to Remain in Burien

Dear Ms. Thompson,

Thank you for writing to the City Council to express your concerns. Your email will be included in a future Council agenda packet as Correspondence to the Council.

Sincerely,

Carol Allread  
Executive Assistant  
City Manager Office  
206-248-5508

CTTC: 6/6/16

CC: Dan Trimble, Economic Development Manager

-----Original Message-----

**From:** jack [mailto:jmthom7@msn.com]  
**Sent:** Tuesday, May 24, 2016 1:01 PM  
**To:** Public Council Inbox <council@burienwa.gov>  
**Subject:** CARES and the Need for it to Remain in Burien

Dear Council members:

This email is to strongly urge you to support CARES and is a vote against bringing back King County animal control.

Our community needs to promote trust in government and local control. Moving the animal control process to a large and cumbersome organization that, because of its size, cannot support the kind of animal care citizens expect is not what the citizens want from their council.

Removing the local trust of animal control will undermine the effectiveness of the organization. The small size of CARES has allowed a personal touch when dealing with citizens in an emotional state when their pets are missing or injured. This will be completely lost with a move back to King County.

A move to farm out city funds and control of any arm of local government undermines the credibility of the council and weakens control of the council over actions of government employees not directly under the control of the city.

This would be a move away from local control and community control of our resources the citizens voted on when the city was created.

Many citizens signed the petition to keep CARES operating. I strongly urge the council to give heavy weight to the citizens' signatures and keep CARES operating as a locally controlled arm of government.

I thank you for your time and consideration on this matter.

Jackie Thompson

PS: This is being sent from a corrected email address. Thank you

Sent from my iPad

## Carol Allread

---

**From:** Public Council Inbox  
**Sent:** Wednesday, June 01, 2016 10:51 AM  
**To:** 'Mike DeRouin'  
**Subject:** RE: CARES

Dear Mr. DeRouin,

Thank you for writing to the City Council to express your concerns. Your email will be included in a future Council agenda packet as Correspondence to the Council.

Sincerely,

CTTC: 6/6/16

Carol Allread  
Executive Assistant  
City Manager Office  
206-248-5508

cc: Dan Trimble, Economic Development manager

-----Original Message-----

**From:** Mike DeRouin [mailto:anabel61@comcast.net]  
**Sent:** Tuesday, May 24, 2016 2:06 PM  
**To:** Public Council Inbox <council@burienwa.gov>  
**Subject:** CARES

As a dog owner and city taxpayer, I feel it is in our best interest to retain the CARES organization. As any new business owner will tell you, the first few years are the most challenging. It seems to me, CARES has met these challenges and is providing a local service that the citizens of Burien benefit from. I do not want to deal with King County for animal services. They do not have enough officers to cover the square miles of their current contract, why would we think we would get better service? Perhaps you don't care. In any event, those of you who vote down this issue will not see my vote for you ever again.

Thank you for your time. Anabel Adams DeRouin. Registered voter, lifetime resident of Normandy Park and Burien. HHS Alumni. Proud supporter of LOCAL BUSINESSES AND LOCAL SERVICES. Not so sure about the current City Council.



## Carol Allread

---

**From:** Public Council Inbox  
**Sent:** Tuesday, May 31, 2016 1:37 PM  
**To:** 'Betsy McQuinn'  
**Subject:** RE: Support for CARES

Dear Ms. McQuinn,

Thank you for writing to the City Council to express your concerns. Your email will be included in a future Council agenda packet as Correspondence to the Council.

Sincerely,

*CTTC: 6/6/16*

Carol Allread  
Executive Assistant  
City Manager Office  
206-248-5508

*cc: Dan Trimble, Economic Development manager*

-----Original Message-----

**From:** Betsy McQuinn [mailto:betsymcquinn@live.com]  
**Sent:** Tuesday, May 24, 2016 3:21 PM  
**To:** Public Council Inbox <council@burienwa.gov>  
**Subject:** Support for CARES

Dear Burien City Council,

I am writing to you to make known my support of CARES. I am sorry to see some council members considering making a change to King County Animal Control. For the following reasons, I feel the city should maintain and even upgrade financial support for CARES.

The cost of switching to King County would be enough to fund one or two more Burien police officers. In your own survey, your citizens put crime and police funding at the top of their priorities for the city. By using money to fund King County and not local police you are going against the very priority your community has set for you.

CARES is a local entity giving us local control of our animal issues. It is also providing local jobs both inside CARES and for those (such as local veterinarians) who supply services for CARES. I was part of the effort to incorporate the city so that we could have local control in such issues and not be lost in the maze that is King County.

CARES is drastically underfunded. To be able to provide the level of service you feel you may receive from King County, why not double the funding for CARES and request additional services from them if you feel you have the money to spare.

I was not an initial supporter of CARES. Early on they made a few fumbles but in the time they have been in operation they have grown considerably and corrected many service issues. I would hope that the City of Burien would extend their contact, as well as consider additional funding. There seems to be overwhelming support for CARES and very little opposition. Council members should be listening to their community.

Thank you for your time.

Betsy McQuinn  
15100 6th Avenue SW



## Carol Allread

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**From:** Public Council Inbox  
**Sent:** Tuesday, May 31, 2016 11:32 AM  
**To:** 'Marianne'  
**Subject:** RE: Burien CARES

Dear Ms. Hudson,

Thank you for writing to the City Council to express your concerns. Your email will be included in a future Council agenda packet as Correspondence to the Council.

Sincerely,

CTTC: 6/6/16

Carol Allread  
Executive Assistant  
City Manager Office  
206-248-5508

CC: Dan Trimble, Economic Development manager

**From:** Marianne [mailto:mehud7@aol.com]  
**Sent:** Tuesday, May 24, 2016 8:08 PM  
**To:** Public Council Inbox <council@burienwa.gov>  
**Subject:** Burien CARES

Dear City Manager Gurol, Mayor Krakowiak, Deputy Mayor Edgar, and Councilmembers Armstrong, Bell, Berkowitz, Tosta, and Wagner,

Thank you for allowing the public to attend the Council study session last night.

I would like to illustrate my recommendation for a return to RASKC with another CARES story, this time involving a potential animal cruelty/neglect situation.

After emailing CARES twice regarding two cats friends reported to be in distress, trapped in a cat carrier on private property, and getting the response that the case was "high priority" but would need time to be "fully resolved," I reached out to RASKC for advice and help. They responded immediately, pointing me in the direction of Burien City Hall. I was put in touch with Dan Trimble, economic development manager, who in turn contacted CARES, who went to the site immediately.

Good news/bad news is that now seven cats surrendered from the site have been at CARES in quarantine for 12 days with no clear plan for them (CARES is packed with cats). Four of the seven are presenting as feral. I shudder to imagine what the quarantine area at CARES looks like after seeing the state of their adoption area.

I am working with Barn Cats R Us and Puget Sound Working Cats with the hopes that CARES will release the cats to one/both of them to be rehomed. Barn Cats R Us has an agreement with RASKC for placing feral cats.

I highly recommend you pay a visit to the CARES facility to see it with your own eyes. I also recommend another evaluation of their finances, procedures, programs, and protocols, similar to the one done five years ago.

It is wonderful that CARES had the community volunteer support that it does. This volunteer support would continue should CARES continue to exist as a community based, independent rescue group.

Unfortunately CARES is not the right choice for animal control services in my mind though. The fact that they would house feral cats with no clear plan for them, that they have tiny, unvaccinated kittens on the adoption floor, that their cat cages are full of the same sad faces week after week with apparently no outreach program to find permanent homes—it all

supports the fact that CARES is overwhelmed and underqualified to do the job they took on. They do not have the best interest of all animals in mind.

Thank you for your time and consideration,  
Marianne Hudson

**Pages 23 – 26**

**INTENTIONALLY**

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## Carol Allread

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**From:** Public Council Inbox  
**Sent:** Wednesday, June 01, 2016 1:56 PM  
**To:** 'David Roberts - Trumari'  
**Subject:** RE: Burien skate park

Dear Mr. Roberts,

Thank you for writing to the City Council to express your concerns. Your inquiry has been forwarded to staff for follow-up, and will be included in a future Council agenda packet as Correspondence to the Council.

Sincerely, *Staff to Follow-up: Steve Roemer,*  
*Parks Director*

Carol Allread  
Executive Assistant  
City Manager Office  
206-248-5508

*CTTC: 6/6/16*

**From:** David Roberts - Trumari [mailto:david.roberts@trumari.com]  
**Sent:** Wednesday, May 25, 2016 4:03 PM  
**To:** Public Council Inbox <council@burienwa.gov>  
**Subject:** Burien skate park

I am a dad of a 12 year old and last week I took my son and 2 other 12 year old boys to the skate park for some fun. We arrived at 5:30 PM and had to leave at 5:45 PM because I was so uncomfortable with the surroundings. People were openly smoking pot, drinking and two guys were walking around as if they had electricity running through them.....jerky their necks and flailing their arms.... There were at least 15 people lined up along the fence line.

I pay taxes and live here because we have nice parks in which to play – I should not have to fear for my family's safety. Please do something, I know this is not new news to you.

David Roberts

IT CAN BE DONE!

Office: 425-873-3678 Cell: 206-696-2007

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## Carol Allread

---

**From:** Public Council Inbox  
**Sent:** Tuesday, May 31, 2016 1:38 PM  
**To:** 'Nicki Garnett'  
**Subject:** RE: Burien CARES

Dear Ms. Garnett,

Thank you for writing to the City Council to express your concerns. Your email will be included in a future Council agenda packet as Correspondence to the Council.

Sincerely, CTTC: 6/6/16

Carol Allread  
Executive Assistant  
City Manager Office  
206-248-5508

CC: Dan Trimble, Economic Development manager

---

**From:** Nicki Garnett [mailto:nicki.garnett@outlook.com]  
**Sent:** Thursday, May 26, 2016 8:39 AM  
**To:** Public Council Inbox <council@burienwa.gov>  
**Subject:** Burien CARES

Dear Council members:

This email is to strongly urge you to support CARES and is a vote against bringing back King County animal control.

Moving animal control at this time for a small price reduction after the many city dollars invested does not make economic sense. This is particularly true since it is unclear that the move will actually save any money long term.

Our community needs to promote trust in government and local control. Moving the animal control process to a large and cumbersome organization that, because of its size, cannot support the kind of animal care citizens expect is not what the citizens want from their council.

Removing the local trust of animal control will undermine the effectiveness of the organization. The small size of CARES has allowed a personal touch when dealing with citizens in an emotional state when their pets are missing or injured. This will be completely lost with a move back to King County.

A move to farm out city funds and control of any arm of local government undermines the credibility of the council and weakens control of the council over actions of government employees not directly under the control of the city.

This would be a move away from local control and community control of our resources the citizens voted on when the city was created.

Many citizens signed the petition to keep CARES operating. I strongly urge the council to give heavy weight to the citizens' signatures and keep CARES operating as a locally controlled arm of government.

I thank you for your time and consideration on this matter.

Sincerely,

Nicki Garnett

**Carol Allread**

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**From:** Public Council Inbox  
**Sent:** Tuesday, May 31, 2016 1:41 PM  
**To:** 'Marcie Rhodes'  
**Subject:** RE: Burien CARES

Dear Ms. Rhodes,

Thank you for writing to the City Council to express your concerns. Your email will be included in a future Council agenda packet as Correspondence to the Council.

Sincerely,

*CTTC: 6/6/16*

Carol Allread  
Executive Assistant  
City Manager Office  
206-248-5508

*cc: Dan Trimble, Economic Development manager*

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**From:** Marcie Rhodes [mailto:mar535@hotmail.com]  
**Sent:** Thursday, May 26, 2016 8:42 AM  
**To:** Public Council Inbox <council@burienwa.gov>  
**Subject:** Burien CARES

Dear Council members:

This email is to strongly urge you to support CARES and is a vote against bringing back King County animal control.

Moving animal control at this time for a small price reduction after the many city dollars invested does not make economic sense. This is particularly true since it is unclear that the move will actually save any money long term.

Our community needs to promote trust in government and local control. Moving the animal control process to a large and cumbersome organization that, because of its size, cannot support the kind of animal care citizens expect is not what the citizens want from their council.

Removing the local trust of animal control will undermine the effectiveness of the organization. The small size of CARES has allowed a personal touch when dealing with citizens in an emotional state when their pets are missing or injured. This will be completely lost with a move back to King County.

A move to farm out city funds and control of any arm of local government undermines the credibility of the council and weakens control of the council over actions of government employees not directly under the control of the city.

This would be a move away from local control and community control of our resources the citizens voted on when the city was created.

Many citizens signed the petition to keep CARES operating. I strongly urge the council to give heavy weight to the citizens' signatures and keep CARES operating as a locally controlled arm of government.

I thank you for your time and consideration on this matter.

Best regards,  
Marcie Rhodes



**Carol Allread**

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**From:** Public Council Inbox  
**Sent:** Tuesday, May 31, 2016 1:43 PM  
**To:** 'Julia Styer'  
**Subject:** RE: C.A.R.E.S

Dear Ms. Styer,

Thank you for writing to the City Council to express your concerns. Your email will be included in a future Council agenda packet as Correspondence to the Council.

Sincerely,

CTTC: 6/6/16

Carol Allread  
Executive Assistant  
City Manager Office  
206-248-5508

CC: Dan Trimble, Economic Development manager

**From:** Julia Styer [mailto:juliarstyer@gmail.com]  
**Sent:** Thursday, May 26, 2016 8:47 AM  
**To:** Public Council inbox <council@burienwa.gov>  
**Subject:** C.A.R.E.S

Dear Council members:

~~This email is to strongly urge you to support CARES and is a vote against bringing back King County animal control.~~

Moving animal control at this time for a small price reduction after the many city dollars invested does not make economic sense. This is particularly true since it is unclear that the move will actually save any money long term.

Our community needs to promote trust in government and local control. Moving the animal control process to a large and cumbersome organization that, because of its size, cannot support the kind of animal care citizens expect is not what the citizens want from their council.

Removing the local trust of animal control will undermine the effectiveness of the organization. The small size of CARES has allowed a personal touch when dealing with citizens in an emotional state when their pets are missing or injured. This will be completely lost with a move back to King County.

A move to farm out city funds and control of any arm of local government undermines the credibility of the council and weakens control of the council over actions of government employees not directly under the control of the city.

This would be a move away from local control and community control of our resources the citizens voted on when the city was created.

Many citizens signed the petition to keep CARES operating. I strongly urge the council to give heavy weight to the citizens' signatures and keep CARES operating as a locally controlled arm of government.

I thank you for your time and consideration on this matter.

Julia Styer

## Carol Allread

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**From:** Public Council Inbox  
**Sent:** Tuesday, May 31, 2016 3:01 PM  
**To:** 'CenturyLink Customer'  
**Subject:** RE: CARES

Dear Ms. Altieri,

Thank you for writing to the City Council to express your concerns. Your email will be included in a future Council agenda packet as Correspondence to the Council.

Sincerely,

CTTC: 6/6/16

Carol Allread  
Executive Assistant  
City Manager Office  
206-248-5508

cc: Dan Trimble, Economic Development  
manager

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**From:** CenturyLink Customer [mailto:guitargirl@q.com]  
**Sent:** Thursday, May 26, 2016 9:21 PM  
**To:** Public Council Inbox <council@burienwa.gov>  
**Subject:** CARES

Dear Council members:

This email is to strongly urge you to support CARES and is a vote against bringing back King County animal control.

Moving animal control at this time for a small price reduction after the many city dollars invested does not make economic sense. This is particularly true since it is unclear that the move will actually save any money long term.

Our community needs to promote trust in government and local control. Moving the animal control process to a large and cumbersome organization that, because of its size, cannot support the kind of animal care citizens expect is not what the citizens want from their council.

Removing the local trust of animal control will undermine the effectiveness of the organization. The small size of CARES has allowed a personal touch when dealing with citizens in an emotional state when their pets are missing or injured. This will be completely lost with a move back to King County.

A move to farm out city funds and control of any arm of local government undermines the credibility of the council and weakens control of the council over actions of government employees not directly under the control of the city.

This would be a move away from local control and community control of our resources the citizens voted on when the city was created.

Many citizens signed the petition to keep CARES operating. I strongly urge the council to give heavy weight to the citizens' signatures and keep CARES operating as a locally controlled arm of government.

I thank you for your time and consideration on this matter.

Debbi Altieri  
13302 6th Ave SW  
Burien WA 98146



**Carol Allread**

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**From:** Public Council Inbox  
**Sent:** Tuesday, May 31, 2016 3:00 PM  
**To:** 'Dona Baker'  
**Subject:** RE: Keep CARES

Dear Ms. Baker,

Thank you for writing to the City Council to express your concerns. Your email will be included in a future Council agenda packet as Correspondence to the Council.

Sincerely, CTTC: 6/6/16

Carol Allread CC: Dan Trimble, Economic Development Manager  
Executive Assistant  
City Manager Office  
206-248-5508

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**From:** Dona Baker [mailto:radcad92@msn.com]  
**Sent:** Friday, May 27, 2016 9:29 PM  
**To:** Public Council Inbox <council@burienwa.gov>  
**Subject:** Keep CARES

*Dear Council members:*

*This email is to strongly urge you to support CARES and is a vote against bringing back King County animal control.*

*Moving animal control at this time for a small price reduction after the many city dollars invested does not make economic sense. This is particularly true since it is unclear that the move will actually save any money long term.*

*Our community needs to promote trust in government and local control. Moving the animal control process to a large and cumbersome organization that, because of its size, cannot support the kind of animal care citizens expect is not what the citizens want from their council. Removing the local trust of animal control will undermine the effectiveness of the organization. The small size of CARES has allowed a personal touch when dealing with citizens in an emotional state when their pets are missing or injured. This will be completely lost with a move back to King County.*

*A move to farm out city funds and control of any arm of local government undermines the credibility of the council and weakens control of the council over actions of government employees not directly under the control of the city.*

*This would be a move away from local control and community control of our resources the citizens voted on when the city was created.*

*Many citizens signed the petition to keep CARES operating. I strongly urge the council to give heavy weight to the citizens' signatures and keep CARES operating as a locally controlled arm of government.*

*I thank you for your time and consideration on this matter. Dona Baker*

**Carol Allread**

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**From:** Public Council Inbox  
**Sent:** Tuesday, May 31, 2016 2:59 PM  
**To:** 'hoodshouldbetrent@gmail.com'  
**Subject:** RE: Cares

Dear Ms. Hood,

Thank you for writing to the City Council to express your concerns. Your email will be included in a future Council agenda packet as Correspondence to the Council.

Sincerely, *CTTC: 6/6/16*

Carol Allread  
Executive Assistant  
City Manager Office  
206-248-5508

*CC: Dan Trimble, Economic Development Manager*

-----Original Message-----

**From:** hoodshouldbetrent@gmail.com [mailto:hoodshouldbetrent@gmail.com]  
**Sent:** Saturday, May 28, 2016 3:04 AM  
**To:** Public Council Inbox <council@burienwa.gov>  
**Subject:** Cares

My name is Susan Hood, I got my dog Lilu from Burien cares. She is the best dog I have ever had, and the people there really live what they do, and care about all of the animals that have to come there. I am sending you this. Because I would like to see Burien cares stay open, and keep helping the animals of our community. Thanks for your time, Susan hood



## Carol Allread

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**From:** Public Council Inbox  
**Sent:** Tuesday, May 31, 2016 2:58 PM  
**To:** 'berrylava'  
**Subject:** RE: Purchased home in 2014. Burien Cares was very helpful.

Dear Ms. Carpenter,

Thank you for writing to the City Council to express your concerns. Your email will be included in a future Council agenda packet as Correspondence to the Council.

Sincerely, CTTC: 6/6/16

Carol Allread  
Executive Assistant  
City Manager Office  
206-248-5508

CC: Dan Trimble, Economic Development Manager

**From:** berrylava [mailto:berrylava@gmail.com]  
**Sent:** Saturday, May 28, 2016 8:19 PM  
**To:** Public Council Inbox <council@burienwa.gov>  
**Subject:** Purchased home in 2014. Burien Cares was very helpful.

Greetings City Council,

My husband, a software engineer, was walking from his bus stop to our new home when he encountered a loose pit bull. This dog was menacing, but only barked as my husband maneuvered past him. Once home, Brandon told me about the incident and I became concerned about the safety of our small dog and worried that we shouldn't have picked Burien to buy a home. I didn't want to bother the police with a stray dog call. I knew county animal services had a reputation of bureaucratic hurdles, apathetic staff, and euthanasia. Still I did a quick internet search and discovered I could get help from Cares.

At 8:30 pm I called Cares. A friendly person answered on the second ring. They asked me to describe the dog. "That's Prince." The Cares man announced. "We have worked with his owners in the past. Prince hasn't bitten anyone before but should be locked up. I'll call the owners now."

I never saw Prince on the loose again.

Cares made me feel safe and delivered a sense of community that's rare and very much appreciated. What an incredible service that helps Burien be a place we want to live in forever, not just a first home stepping stone.

Listen to the overwhelming support of Cares by Burien's citizens. Extend the Cares contract. It is an asset to our community and a wonderful feature of our downtown. Cares makes Burien stand out as a classy city that values quality of life.

Sincere thanks,  
Rebecca

Rebecca Carpenter  
13436 Occidental Ave S  
Burien WA 98168  
503.473.2168

**Carol Allread**

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**From:** Public Council Inbox  
**Sent:** Wednesday, June 01, 2016 9:34 AM  
**To:** 'Susan Goding'  
**Subject:** RE: Housing stock

Dear Ms. Goding,

Thank you for writing to the City Council to express your concerns. Your email will be included in a future Council agenda packet as Correspondence to the Council.

Sincerely, CTTC: 6/6/16

Carol Allread  
Executive Assistant  
City Manager Office  
206-248-5508

CC: Chip Davis, Community Development Director  
Dan Trimble, Economic Development Manager

**From:** Susan Goding [mailto:suenoir@gmail.com]  
**Sent:** Monday, May 30, 2016 6:49 AM  
**To:** Public Council Inbox <council@burienwa.gov>  
**Subject:** Housing stock

Dear Mayor Krakowiak and City Council Members,

This area has an urgent need for more housing. Please make it a priority to move up any timeline you have for Burien's development plan. I am not on the committee, but I would like to suggest that you encourage condominium development and MIL apartments and accessory dwelling as quickly as is feasible. In my neighborhood, north Burien, many of us have lots that could easily accommodate more housing.

Burien has several things going for it that would especially make development attractive, with the City's help. One is Sound Transit's plan for a rapid bus terminal in the city. Two is the number of empty nesters in the city. And three, Burien has land that can be developed. With a little, clever campaign, the City could urge empty nesters to down size into condominiums or into their accessory dwellings, thereby keeping residents who might move as they age and as important, freeing up family size housing.

My son is moving back to this area. He has the means to live anywhere, including Seattle, however the house stock everywhere is very low. Burien should capitalize on this by, like Sound Transit 3, speeding up your development timeline. Burien is on the cusp of become the hot place to live. I hope you all can put urgency into the development plan and create more housing for all generations.

Sincerely,  
Susan Goding  
2441 S. 121 Pl.  
Burien, WA 98168  
206-369-9907



**Carol Allread**

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**From:** Public Council Inbox  
**Sent:** Wednesday, June 01, 2016 9:35 AM  
**To:** 'Rachael Levine'  
**Subject:** RE: Seattle Potential Area of Annexation: Boundary Review Questions

Dear Ms. Levine,

Thank you for writing to the City Council to express your concerns. Your email will be included in a future Council agenda packet as Correspondence to the Council.

Sincerely, *CTTC: b/l/l/l*

Carol Allread *cc: Chip Davis, Community Development Director*  
Executive Assistant  
City Manager Office  
206-248-5508

**From:** Rachael Levine [mailto:rachael.levine@centurylink.net]  
**Sent:** Monday, May 30, 2016 7:48 AM  
**To:** Public Council Inbox <council@burienwa.gov>  
**Subject:** Re: Seattle Potential Area of Annexation: Boundary Review Questions

To: Burien City Council Members:  
From: Rachael Levine

~~Below is a copy of the letter I recently sent to the King County Boundary Review Board.~~ For those of us living in "Area X", annexed to Burien, what happens in the potential annexation of "Area Y" to Seattle is of particular importance. Does the Burien City Council have any place in the boundary discussions? Who will be representing Burien in the discussions? Who will be responsible for the information that all Burien residents need in relation to property taxes, shared infrastructure, shared community?

It is my hope that the item on the agenda for the next BCC meeting will address some of these questions.

Dear Members of the King County Boundary Review Board,

In your very important role to review the effects of establishing a political boundary, it is essential that you consider those who will not be appearing at one of your hearings and are not likely to write a letter. I am referring to the children who already live within the boundaries that will be set and those who will be joining them. They will be the first whose education, safety and social community will be impacted by a boundary decision. Why do I make this assertion, now?

There has yet to be a coming together of those responsible to insure that already crowded schools are not made even less responsive to the needs of children and their families. There has not been

sufficient time to consider and plan for the availability of first responders. The infrastructure services, such as water, sewage, waste, transportation, all have regional environmental implications. They must demonstrate their ability to provide those elements necessary for the health of a community, especially the youngest. (We never want to be a Flint, Michigan.) Parents need to get to and from work with time left for their families. There need to be robust programs and places for recreation. These are elements of what provide for the common good.

Our very regressive state tax system means that if we want to make our schools better we have to lower our expectations of other services or we have to increase those tax systems we already have. One of these ways is taxing property. Consider carefully the social implications of having to fund schools, a library, or even a swimming pool, by taxes on those who may no longer have representation because of political jurisdictions established by boundaries.

Please give more time and effort in helping everyone understand the effects of annexation. There needs to be much more attention given to the real needs of a community, especially the children, for whom everyone must advocate. Elected officials absolutely must be held responsible for putting children and families first.

Sincerely,

Rachael Levine  
430 S. 124th St.  
Burien, WA 98168

**Carol Allread**

---

**From:** Public Council Inbox  
**Sent:** Wednesday, June 01, 2016 9:31 AM  
**To:** 'Brendan Freeman'  
**Subject:** RE: Problems in the central core

Dear Mr. Freeman,

Thank you for writing to the City Council to express your concerns. Your email will be included in a future Council agenda packet as Correspondence to the Council.

Sincerely, *C.TTC: 6/6/16*  
*CC: Steve Roemer, Parks Director*

Carol Allread  
Executive Assistant  
City Manager Office  
206-248-5508

*Dan Trimble, Economic Development manager*

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**From:** Brendan Freeman [mailto:btfree@icloud.com]  
**Sent:** Monday, May 30, 2016 3:26 PM  
**To:** Public Council Inbox <council@burienwa.gov>  
**Cc:** Kamuron Gurol <kamurong@burienwa.gov>  
**Subject:** Problems in the central core

Dear Burien City Council:

I live in Burien Town Square Condominiums and walk the central city with my dogs at least three times a day. Just across from the back of the post office on 151st and directly behind Smarty Pants there are three large boxes. One is for newspapers and two I believe are for clothing. This area has become a dumping ground for all kinds of trash and refuse. It's constantly an ugly, disgusting mess. The boxes are either overflowing or clothing and all kinds of crap are strewn around the boxes and up and down the street. I presume these boxes are licensed by the city, if not they should be since they are sitting on the street. The city needs to regulate or get rid of these boxes all together. A great deal of city money is being spent to redevelop the downtown core to attract people to live in it. What's the point of redeveloping the core if you let private business (the owners of these boxes) make a blight of the area? I've attached some recent pictures.



The second item I would like to bring to your attention is the sad state of the jewel of the central core, Town Square Park. It is so sad to see the decline of this wonderful little park in the two years I have lived here. The beds used to be beautiful, taken care of, replanted, mulched and weeded. Now, the caretakers come into the park in the morning with mowers, blowers and weedwackers; Instead of taking care of the once beautiful beds the weedwack through them leaving them in a sorry state. The trees and shrubs that dyed in the winter have not been replaced and whole park looks degraded. I often walk through the park in the morning while gardeners are doing their thing. At noon I walk through again and I see nothing but destroyed beds and cigarette butts all around, the same cigarette butts I saw in the morning. The park is currently being overrun by a group of older vagrants that spend the days drinking beer and leaving their cans, vomit and trash everywhere, but that is a different letter to the police. I often wonder If the city can't properly take care of their downtown core and this wonderful little park in the councils own backyard, what can they take care of?

My next letter is to AT&T to try and get them to clean up their landscaping. It's hard to believe a huge corporation like AT&T would let their property become so overgrown and trash strewn. This certainly doesn't show any respect for Burien or their neighbors.

Beautify Burien-

Thank you,  
Brendan T. Freeman

## Carol Allread

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**From:** Brendan Freeman <btfree@me.com>  
**Sent:** Monday, May 30, 2016 4:06 PM  
**To:** kmcghee@att.com  
**Cc:** Public Council Inbox  
**Subject:** SIOR Enquiry

Dear Mr. McGhee,

I hope I am writing to the correct person here. If not, could you please redirect this e-mail to someone with the authority to take care of this?

I am a loyal At&T customer. I live in a small little town between Seattle and SeaTac Airport called Burien. In Burien we have a huge, nice looking AT&T building downtown that houses, I presume, servers for your wireless services. Although the building takes up a city block, there are very few people that seem to work there.

The reason I am writing is I also live in the downtown core of Burien, which is being redeveloped with all kinds of new housing. I walk my dogs past your building a couple of times of day and I am constantly angered and perplexed that the managers of this huge building are letting the extensive (once very nice) landscaping around the building dye off and go to weed. It's such a shame, obviously when the building was built, a lot of thought and money were given to the landscaping. To see it now, overgrown and ugly, never watered or taken care of is just sad. Your AT&T logo sit prominently in front of the building. Is this what AT&T corporate would consider good advertising for your name? What a sad statement of your commitment to the environment and the city of Burien that AT&T would let this prominent building so ugly and uncared for.

One of these days someone's going to out this sad situation on social media. Please start caring for your property, its surrounding and the people of Burien, some your loyal customers.

Thank you,--

Brendan T. Freeman



**Carol Allread**

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**From:** Public Council Inbox  
**Sent:** Tuesday, May 31, 2016 3:03 PM  
**To:** 'Belle Leemans'  
**Subject:** RE: proposal to fund and maintain CARES in Burien

Dear Mr. and Mrs. Leemans,

Thank you for writing to the City Council to express your concerns. Your email will be included in a future Council agenda packet as Correspondence to the Council.

Sincerely, CTTC: 6/6/16

Carol Allread cc: Dan Trimble, Economic Development manager  
Executive Assistant  
City Manager Office  
206-248-5508

---

**From:** Belle Leemans [mailto:outlook\_6445CF8B41AF522F@outlook.com] **On Behalf Of** Belle Leemans  
**Sent:** Tuesday, May 31, 2016 11:53 AM  
**To:** Public Council Inbox <council@burienwa.gov>  
**Subject:** proposal to fund and maintain CARES in Burien

Sent from Mail for Windows 10

I am a resident of Burien living in Vintage Senior Housing.

I have recently fostered and adopted a dog that had been a stray in the city. The dog had been to the vet first and had neutering, immunizations, flea treatment, microchip before we fostered him in our home. He was sick with a cough, Alex of animal control went back to the vet for two medicines we administered at home and our dog recovered. We then adopted our pet, and paid the license fee. What a wonderful service right here in Burien. Please fund and extend contract and possible even help them financially to make a great service even better.

Belle and Joe Leemans



**Carol Allread**

---

**From:** Public Council Inbox  
**Sent:** Thursday, June 02, 2016 8:54 AM  
**To:** 'Ray Helms'  
**Subject:** RE: Animal Control contract

Dear Mr. Helms,

Thank you for writing to the City Council to express your concerns. Your email will be included in a future Council agenda packet as Correspondence to the Council.

Sincerely,

*CTIC: 6/6/16*

Carol Allread  
Executive Assistant  
City Manager Office  
206-248-5508

*cc: Dan Trimble, Economic Development Manager*

**From:** Ray Helms [mailto:racysllc@gmail.com]  
**Sent:** Tuesday, May 31, 2016 10:08 PM  
**To:** Public Council Inbox <council@burienwa.gov>  
**Subject:** Animal Control contract

See attached letter to the Burien City Council

Ray Helms  
*Racy's llc*  
Handyman Services  
206-371-1116

Dear Council Members,

I have never been as disappointed in my elected representatives as I was at your last work study session on May 23, 2016.

Resident after resident stepped forward to speak publicly in support of Burien's current animal shelter. Even residents outside of Burien came to speak in support of the local agency. The only real negative comment came from Bob Edgar's wife.

Mayor Lucy Krakowiak openly stated that this is the hardest decision she has ever made since she has been on City Council, that she prefers King County over the current Burien Animal Control. The only reason this would be hard for her would be because she has a personal investment or interest, and does not want to vote for what the Burien taxpayers want. I want to know - What is her personal interest?

Bob Edgar and his wife keep spouting off about "inconsistencies in data," "how much do they pay in rent?" "what if something happens to Debra George and she is unable to continue as Director," and so on. The CARES organization will do what all organizations do if they lose a key administrator - hire someone else to run CARES. Month after month, reports are run at CARES, documenting animals and calls. If Bob and his wife are so concerned about the numbers, he could easily have acquired them. Yet he wants City staff to do the research for him and his wife, and then complains when they don't see the results they're looking for.

Meanwhile, Debi Wagner doesn't seem to understand basic math. She hopes that RASKC will be cheaper even after their representative stated twice that "it is not likely." What does she think a Burien officer should cost? Staff to answer phones and look after animals 24/7, what should that cost? Rent and utilities on a commercial building located conveniently in downtown Burien, what should that cost? Vehicle maintenance costs? These are all requirements that you have applied to the current contract. Yet you think you're paying too much.

RASKC has 7 officers to cover 25 cities, the unincorporated area alone is 252,000 residents (and is currently under staffed, interesting that wasn't mentioned) which is compared to CARES 1.5 officers for Burien's 44,000 residents. Both organizations' officers received the same WACA training side-by-side.

Not once has this current council reached out an olive branch to Burien's community shelter, anything as simple as a longer-term contract so they can set some longer-term goals. How about paying the rent on a very expensive commercial building located in downtown Burien. Instead, they keep placing more hoops for CARES to jump through at every opportunity, hoping they will miss one.

If this Council wants cheap service and to receive as much fine and licensing revenue as possible, more power to them. In 2015, City staff came to the Council three times with proposals to increase pet licensing, and all three times Council made no decision and took no action. The taxpayers are paying a flat fee for Burien's animal control, and are retaining all licensing fees and violation revenues.

The taxpayers are not paying on CARES' building expenses or paying employee wages or benefits. By offering a reasonable contract with CARES, Council can lock in a flat fee for as long as they decide.

If this council feels that they should micro-manage this contractor's contract then they should get off their butt and get their hands dirty and volunteer some hours at Burien's animal shelter.

To vote against CARES contract renewal is voting for your own personal agenda, and against the will of the taxpayers of Burien.

I'm expecting you to do the right thing.

*Ray Helms*

*Racy's* LLC  
Property Services  
16239 – 12<sup>th</sup> Avenue SW  
Burien, WA. 98166  
206-371-1116



**Carol Allread**

---

**From:** Public Council Inbox  
**Sent:** Thursday, June 02, 2016 8:56 AM  
**To:** 'Elfin Marie'  
**Subject:** RE: Burien CARES Contract - We Support Renewal of Contract

Dear Mikel, Linda, and Michael,

Thank you for writing to the City Council to express your concerns. Your email will be included in a future Council agenda packet as Correspondence to the Council.

Sincerely,

*CTTC 6/6/16*

Carol Allread  
Executive Assistant  
City Manager Office  
206-248-5508

*cc: Dan Trimble, Economic Development manager*

**From:** Elfin Marie [mailto:theelfingroup@gmail.com]  
**Sent:** Tuesday, May 31, 2016 11:51 PM  
**To:** Public Council Inbox <council@burienwa.gov>  
**Subject:** Burien CARES Contract - We Support Renewal of Contract

Mikel, Linda (Elfin) and Michael Sorenson

12609 – 2<sup>nd</sup> CT SW

Burien, WA 98146

Cell phone: 206-579-2284

May 31, 2016

- The Honorable Mayor Lucy Krakowiak
- The Honorable Deputy Mayor Bob Edgar
- The Honorable Councilmember Steve Armstrong
- The Honorable Councilmember Austin Bell
- The Honorable Councilmember Lauren Berkowitz
- The Honorable Councilmember Nancy Tosta

The Honorable Councilmember Debi Wagner

Burien City Hall

400 SW 152<sup>nd</sup> Street, Suite 300

Burien, WA 98166

Subject: Renewal of Burien C.A.R.E.S. (CARES) Contract

To the Honorable Burien City Mayor, Burien Deputy Mayor, and Burien Council Members:

Please help my family understand how even one member of our Burien City Council, whether Mayor Krakowiak, Deputy Mayor Edgar, or any of the Councilmembers can vote against renewing the CARES contract?

Has our Burien City Council, including Mayor Krakowiak and Deputy Mayor Edgar visited CARES? After reviewing what CARES consistently provides versus the report from the Regional Animal Services of King County; the **fiscally** and **financially responsible** as well as the **most ethical choice for our Burien pets and animals** can only be **CARES!**

We have only recently become acquainted with CARES and are very impressed with what Director Debra George, the CARES staff, and volunteers, have created and accomplished with so little funding and in the very short time-frame. Our entire family will be serving as volunteers at CARES in the very near future.

Burien CARES passed their audit, conducted by Denise McVicker, Deputy Director of the Humane Society for Tacoma and Pierce County in 2013, and received accolades in 2014 from Ms. McVicker for implementing her recommendations from the 2013 audit. CARES continues making improvements with the bottom line always being the welfare of the animals!

Several years ago, Mikel Sorenson went to the King County Shelter (Shelter) to adopt a family pet; he was deeply troubled by what he found. In short, the animals had been institutionalized ... exhibiting the appearance of giving up, the staff was indifferent to the needs of the animals and knew little, if anything, about the animals backgrounds, nor was there any attempt made by the staff to promote good homes for these animals. In closing, the King County Shelter was in need of vast improvement!

The vast majority of Burien residents at the May 23, 2016, Burien City Council meeting strongly advocated for renewing the CARES contract, over 1600 Burien residents have signed petitions supporting CARES, even the Burien online polls reflect solid support for CARES!

As your constituents, we strongly urge Burien Mayor Krakowiak, Burien Deputy Mayor Edgar, and the Burien Councilmembers to be **fiscally** and **financially responsible**; we implore you to **be truly considerate of our beloved pets and animals** ... do the right thing **renew CARES contract!**



## COMPUTER CHECK REGISTER

### CHECK REGISTER APPROVAL

WE, THE MEMBERS OF THE CITY COUNCIL OF BURIEN, WASHINGTON, HAVING RECEIVED DEPARTMENT CERTIFICATION THAT MERCHANDISE AND/OR SERVICES HAVE BEEN RECEIVED OR RENDERED, DO HEREBY APPROVE FOR PAYMENT ON **This 6<sup>th</sup> day of June 2016** THE FOLLOWING:

CHECK NOS. **43580-43705**

IN THE AMOUNT OF **\$282,385.97**

WITH VOIDED CHECK NOS. **0**

WIRE TRANSFERS TO US BANK FOR DEBT SERVICE

IN THE AMOUNT OF **\$434,440.38**

### PAYROLL SALARIES AND BENEFITS APPROVAL

FOR **May 1<sup>st</sup> – May 15<sup>th</sup>** PAID ON **May 20<sup>th</sup> 2016**

CHECK NOS. **6835-6843**

DIRECT DEPOSITS AND WIRE TRANSFERS IN THE AMOUNT OF: **\$274,495.14**



# Accounts Payable

## Checks for Approval



User: cathy  
 Printed: 06/01/2016 - 7:35 AM

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
43580	06/06/2016	General Fund	Professional Services	4Leaf inc	15,520.00
Check Total:					15,520.00
43581	06/06/2016	General Fund	Professional Services	ABC Legal	14.00
43581	06/06/2016	General Fund	Professional Services	ABC Legal	7.00
43581	06/06/2016	General Fund	Professional Services	ABC Legal	7.00
43581	06/06/2016	General Fund	Professional Services	ABC Legal	7.00
43581	06/06/2016	General Fund	Professional Services	ABC Legal	7.00
43581	06/06/2016	General Fund	Professional Services	ABC Legal	7.00
43581	06/06/2016	General Fund	Professional Services	ABC Legal	50.00
Check Total:					99.00
43582	06/06/2016	General Fund	Office and Operating Supplies	Ace Hardware	43.77
43582	06/06/2016	General Fund	Office and Operating Supplies	Ace Hardware	9.84
43582	06/06/2016	General Fund	Office and Operating Supplies	Ace Hardware	8.18
43582	06/06/2016	General Fund	Office and Operating Supplies	Ace Hardware	56.91
43582	06/06/2016	General Fund	Office and Operating Supplies	Ace Hardware	39.41
43582	06/06/2016	General Fund	Office and Operating Supplies	Ace Hardware	17.51
43582	06/06/2016	General Fund	Office and Operating Supplies	Ace Hardware	67.24
43582	06/06/2016	General Fund	Office and Operating Supplies	Ace Hardware	4.92
43582	06/06/2016	General Fund	Office and Operating Supplies	Ace Hardware	3.02
43582	06/06/2016	General Fund	Office and Operating Supplies	Ace Hardware	14.22
43582	06/06/2016	General Fund	Office and Operating Supplies	Ace Hardware	144.46
43582	06/06/2016	General Fund	Office and Operating Supplies	Ace Hardware	1.97
43582	06/06/2016	General Fund	Office and Operating Supplies	Ace Hardware	7.64
43582	06/06/2016	General Fund	Office and Operating Supplies	Ace Hardware	5.02
43582	06/06/2016	Street Fund	Office and Operating Supplies	Ace Hardware	20.04
43582	06/06/2016	Surface Water Management Fund	Office and Operating Supplies	Ace Hardware	8.34
43582	06/06/2016	Surface Water Management Fund	Office and Operating Supplies	Ace Hardware	59.66
43582	06/06/2016	General Fund	Office and Operating Supplies	Ace Hardware	8.40
43582	06/06/2016	Surface Water Management Fund	Office and Operating Supplies	Ace Hardware	5.46

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
43582	06/06/2016	Street Fund	Office and Operating Supplies	Ace Hardware	5.69
43582	06/06/2016	Street Fund	Office and Operating Supplies	Ace Hardware	14.21
Check Total:					545.91
43583	06/06/2016	Surface Water Management Fund	Professional Services	Action Services Corporation	1,516.69
43583	06/06/2016	Surface Water Management Fund	Professional Services	Action Services Corporation	315.00
43583	06/06/2016	Surface Water Management Fund	Professional Services	Action Services Corporation	1,516.69
Check Total:					3,348.38
43584	06/06/2016	General Fund	Subscriptions and Publications	Attorney's Eagle Eye Service	59.18
Check Total:					59.18
43585	06/06/2016	General Fund	Professional Services	Alliance 2020 Inc	18.50
Check Total:					18.50
43586	06/06/2016	General Fund	Office and Operating Supplies	Alpine Kiln & Equipment LLC	59.97
Check Total:					59.97
43587	06/06/2016	General Fund	Fuel Consumed	Amerigas	207.16
43587	06/06/2016	General Fund	Fuel Consumed	Amerigas	195.81
Check Total:					402.97
43588	06/06/2016	General Fund	Office and Operating Supplies	Aramark Uniform Services	33.59
43588	06/06/2016	General Fund	Office and Operating Supplies	Aramark Uniform Services	35.24
Check Total:					68.83
43589	06/06/2016	General Fund	Telephone/Internet	STEPHEN ARMSTRONG	39.99
Check Total:					39.99
43590	06/06/2016	General Fund	Professional Services	Kenneth Barger	223.92
43590	06/06/2016	General Fund	Professional Services	Kenneth Barger	45.00
Check Total:					268.92
43591	06/06/2016	General Fund	Professional Services	BERK Consulting	5,887.42

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
43591	06/06/2016	General Fund	Professional Services	BERK Consulting	7,875.00
				Check Total:	13,762.42
43592	06/06/2016	General Fund	Telephone/Internet	LAUREN BERKOWITZ	60.94
				Check Total:	60.94
43593	06/06/2016	Surface Water Management Fund	Office and Operating Supplies	Bryant's Tractor & Mower Inc	92.90
43593	06/06/2016	Surface Water Management Fund	Office and Operating Supplies	Bryant's Tractor & Mower Inc	136.07
43593	06/06/2016	Street Fund	Office and Operating Supplies	Bryant's Tractor & Mower Inc	136.08
				Check Total:	365.05
43594	06/06/2016	General Fund	Police Explorer Program	Blumenthal Uniforms & Equipmen	51.01
				Check Total:	51.01
43595	06/06/2016	Street Fund	Office and Operating Supplies	Burien Bark LLC	32.51
43595	06/06/2016	Surface Water Management Fund	Office and Operating Supplies	Burien Bark LLC	74.88
43595	06/06/2016	Surface Water Management Fund	Office and Operating Supplies	Burien Bark LLC	224.64
43595	06/06/2016	Surface Water Management Fund	Office and Operating Supplies	Burien Bark LLC	230.55
43595	06/06/2016	Surface Water Management Fund	Office and Operating Supplies	Burien Bark LLC	230.55
43595	06/06/2016	Surface Water Management Fund	Office and Operating Supplies	Burien Bark LLC	14.78
43595	06/06/2016	Surface Water Management Fund	Office and Operating Supplies	Burien Bark LLC	224.64
43595	06/06/2016	Surface Water Management Fund	Office and Operating Supplies	Burien Bark LLC	224.64
43595	06/06/2016	General Fund	Office and Operating Supplies	Burien Bark LLC	39.41
43595	06/06/2016	General Fund	Office and Operating Supplies	Burien Bark LLC	66.99
43595	06/06/2016	Surface Water Management Fund	Office and Operating Supplies	Burien Bark LLC	192.13
				Check Total:	1,555.72
43596	06/06/2016	General Fund	Strawberry Festival	Garry Golightly	550.00
				Check Total:	550.00
43597	06/06/2016	Street Fund	Office and Operating Supplies	Burien Sand & Gravel	342.87
				Check Total:	342.87
43598	06/06/2016	General Fund	Small Tools & Minor Equipment	CDW-G	252.83

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
				Check Total:	252.83
43599	06/06/2016	Street Fund	Office and Operating Supplies	ALVARO CELIS	54.73
				Check Total:	54.73
43600	06/06/2016	General Fund	Office and Operating Supplies	Central Welding Supply Co Inc	167.86
				Check Total:	167.86
43601	06/06/2016	General Fund	Recreation Guide	Creative Fuel Studios	2,395.00
				Check Total:	2,395.00
43602	06/06/2016	Surface Water Mgmt CIP	Design-Engineering	CH2M Hill Engineers Inc	10,372.99
				Check Total:	10,372.99
43603	06/06/2016	General Fund	Wellness Activities	ANGELA CHAUFY	150.00
				Check Total:	150.00
43604	06/06/2016	General Fund	Professional Services	Recology CleanScapes Inc	1,362.23
				Check Total:	1,362.23
43605	06/06/2016	General Fund	Office and Operating Supplies	Key Bank	1.64
43605	06/06/2016	General Fund	Office and Operating Supplies	Key Bank	8.75
43605	06/06/2016	General Fund	Registration-Training/Workshop	Key Bank	85.00
43605	06/06/2016	General Fund	Office and Operating Supplies	Key Bank	168.37
43605	06/06/2016	General Fund	Office and Operating Supplies	Key Bank	21.86
43605	06/06/2016	General Fund	Office and Operating Supplies	Key Bank	102.38
43605	06/06/2016	General Fund	Office and Operating Supplies	Key Bank	63.99
43605	06/06/2016	General Fund	Office and Operating Supplies	Key Bank	7.67
43605	06/06/2016	General Fund	Office and Operating Supplies	Key Bank	57.19
43605	06/06/2016	General Fund	Office and Operating Supplies	Key Bank	29.50
43605	06/06/2016	General Fund	Office and Operating Supplies	Key Bank	56.89
43605	06/06/2016	General Fund	Office and Operating Supplies	Key Bank	30.64
43605	06/06/2016	General Fund	Office and Operating Supplies	Key Bank	91.03
43605	06/06/2016	General Fund	Office and Operating Supplies	Key Bank	26.19
43605	06/06/2016	General Fund	Office and Operating Supplies	Key Bank	394.20
43605	06/06/2016	General Fund	Software Licensing Fees	Key Bank	29.00

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
43605	06/06/2016	General Fund	Subscriptions and Publications	Key Bank	13.96
43605	06/06/2016	General Fund	Professional Services	Key Bank	104.04
43605	06/06/2016	General Fund	Registration-Training/Workshop	Key Bank	25.00
43605	06/06/2016	General Fund	Registration-Training Workshop	Key Bank	199.00
43605	06/06/2016	General Fund	Registration-Training/Workshop	Key Bank	199.00
43605	06/06/2016	General Fund	Registration-Training/Workshop	Key Bank	199.00
43605	06/06/2016	General Fund	Miscellaneous	Key Bank	199.00
43605	06/06/2016	Street Fund	Miscellaneous	Key Bank	199.00
43605	06/06/2016	General Fund	Other Travel	Key Bank	172.77
43605	06/06/2016	General Fund	Software Licensing Fees	Key Bank	29.99
43605	06/06/2016	General Fund	Registration-Training/Workshop	Key Bank	50.00
43605	06/06/2016	Street Fund	Office and Operating Supplies	Key Bank	-26.27
43605	06/06/2016	Surface Water Management Fund	Office and Operating Supplies	Key Bank	-26.28
43605	06/06/2016	General Fund	Registration-Training Workshop	Key Bank	230.00
43605	06/06/2016	Street Fund	Office and Operating Supplies	Key Bank	24.99
43605	06/06/2016	Surface Water Management Fund	Office and Operating Supplies	Key Bank	24.99
43605	06/06/2016	General Fund	Registration-Training Workshop	Key Bank	100.00
43605	06/06/2016	General Fund	Other Travel	Key Bank	503.32
43605	06/06/2016	Street Fund	Office and Operating Supplies	Key Bank	-36.46
43605	06/06/2016	Surface Water Management Fund	Office and Operating Supplies	Key Bank	-36.47
43605	06/06/2016	General Fund	Registration-Training/Workshop	Key Bank	199.00
43605	06/06/2016	General Fund	Registration-Training/Workshop	Key Bank	199.00
43605	06/06/2016	General Fund	Registration-Training/Workshop	Key Bank	199.00
43605	06/06/2016	General Fund	Office and Operating Supplies	Key Bank	107.26
43605	06/06/2016	General Fund	Office and Operating Supplies	Key Bank	524.28
43605	06/06/2016	General Fund	Office and Operating Supplies	Key Bank	56.28
43605	06/06/2016	General Fund	Small Tools & Minor Equipment	Key Bank	262.78
43605	06/06/2016	General Fund	Office and Operating Supplies	Key Bank	6.99
43605	06/06/2016	General Fund	Office and Operating Supplies	Key Bank	13.12
43605	06/06/2016	General Fund	Office and Operating Supplies	Key Bank	11.97
43605	06/06/2016	General Fund	Office and Operating Supplies	Key Bank	9.95
43605	06/06/2016	General Fund	Printing/Binding/Copying	Key Bank	186.00
43605	06/06/2016	General Fund	Printing/Binding/Copying	Key Bank	186.00
43605	06/06/2016	General Fund	Office and Operating Supplies	Key Bank	137.73
43605	06/06/2016	General Fund	Office and Operating Supplies	Key Bank	107.31
43605	06/06/2016	General Fund	Office and Operating Supplies	Key Bank	10.95
43605	06/06/2016	General Fund	Office and Operating Supplies	Key Bank	130.64
43605	06/06/2016	General Fund	Office and Operating Supplies	Key Bank	10.94
43605	06/06/2016	General Fund	Office and Operating Supplies	Key Bank	-3.32
43605	06/06/2016	General Fund	Registration-Training/Workshop	Key Bank	25.00
43605	06/06/2016	General Fund	Subscriptions and Publications	Key Bank	62.25
43605	06/06/2016	General Fund	Memberships and Dues	Key Bank	240.00
43605	06/06/2016	General Fund	Registration-Training/Workshop	Key Bank	25.00
43605	06/06/2016	General Fund	Registration-Training/Workshop	Key Bank	25.00
43605	06/06/2016	General Fund	Registration-Training/Workshop	Key Bank	25.00

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
43605	06/06/2016	General Fund	Registration-Training/Workshop	Key Bank	25.00
43605	06/06/2016	General Fund	Registration-Training/Workshop	Key Bank	25.00
43605	06/06/2016	General Fund	Other Travel	Key Bank	20.00
43605	06/06/2016	General Fund	Office and Operating Supplies	Key Bank	60.06
43605	06/06/2016	General Fund	Other Travel	Key Bank	14.00
43605	06/06/2016	Street Fund	Miscellaneous	Key Bank	10.50
43605	06/06/2016	General Fund	Office and Operating Supplies	Key Bank	54.52
43605	06/06/2016	General Fund	Office and Operating Supplies	Key Bank	818.71
43605	06/06/2016	General Fund	Office and Operating Supplies	Key Bank	54.52
43605	06/06/2016	General Fund	Office and Operating Supplies	Key Bank	58.25
43605	06/06/2016	General Fund	Office and Operating Supplies	Key Bank	-10.00
43605	06/06/2016	General Fund	Office and Operating Supplies	Key Bank	216.06
43605	06/06/2016	General Fund	Office and Operating Supplies	Key Bank	122.56
43605	06/06/2016	General Fund	Office and Operating Supplies	Key Bank	52.58
43605	06/06/2016	General Fund	Parks Building Security	Key Bank	14.99
43605	06/06/2016	General Fund	Office and Operating Supplies	Key Bank	129.50
43605	06/06/2016	General Fund	Office and Operating Supplies	Key Bank	320.29
43605	06/06/2016	General Fund	Software Licensing Fees	Key Bank	14.99
43605	06/06/2016	General Fund	Office and Operating Supplies	Key Bank	66.04
43605	06/06/2016	General Fund	Office and Operating Supplies	Key Bank	30.70
43605	06/06/2016	General Fund	Software Licensing Fees	Key Bank	59.95
Check Total:					8,239.23
43606	06/06/2016	General Fund	Drug Seizure Proceeds KCSO	Comcast Corporation	69.95
Check Total:					69.95
43607	06/06/2016	General Fund	Recreation Guide	Consolidated Press	4,412.55
Check Total:					4,412.55
43608	06/06/2016	General Fund	Strawberry Festival	Luke Cruise	1,200.00
Check Total:					1,200.00
43609	06/06/2016	General Fund	Jail Contracts	City of Renton	6,675.00
Check Total:					6,675.00
43610	06/06/2016	Street Fund	Utilities-Street Lighting	City of Seattle	71.20
43610	06/06/2016	Street Fund	Utilities-Street Lighting	City of Seattle	53.40
43610	06/06/2016	Street Fund	Utilities-Street Lighting	City of Seattle	25.80
43610	06/06/2016	Street Fund	Utilities-Street Lighting	City of Seattle	30.10

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
43610	06/06/2016	Street Fund	Utilities-Street Lighting	City of Seattle	5,917.55
				Check Total:	6,098.05
43611	06/06/2016	Street Fund	Operating Rentals and Leases	City of SeaTac	287.50
43611	06/06/2016	Surface Water Management Fund	Operating Rentals and Leases	City of SeaTac	287.50
				Check Total:	575.00
43612	06/06/2016	General Fund	Discover Burien	Discover Burien Association	6,125.00
43612	06/06/2016	General Fund	Discover Burien - Clean & Safe	Discover Burien Association	3,331.66
				Check Total:	9,456.66
43613	06/06/2016	General Fund	Operating Rentals and Leases	D&L Property Management LLC	490.00
				Check Total:	490.00
43614	06/06/2016	General Fund	Professional Services	Dunbar Armored Inc	134.81
				Check Total:	134.81
43615	06/06/2016	General Fund	Overflow Legal Services	Davis Wright Tremaine	1,948.05
				Check Total:	1,948.05
43616	06/06/2016	General Fund	Strawberry Festival	Patrick K Dwyer	200.00
				Check Total:	200.00
43617	06/06/2016	General Fund	Repairs and Maintenance	Alpha Eden	93.08
				Check Total:	93.08
43618	06/06/2016	General Fund	Telephone/Internet	ROBERT EDGAR	50.94
				Check Total:	50.94
43619	06/06/2016	General Fund	Strawberry Festival	Alan Ehrlich	600.00
				Check Total:	600.00

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
43620	06/06/2016	General Fund	Professional Services	Epicenter Services LLC	542.35
				Check Total:	542.35
43621	06/06/2016	General Fund	Strawberry Festival	Colin Ernst	900.00
				Check Total:	900.00
43622	06/06/2016	General Fund	Repairs and Maintenance	Fox Plumbing & Heating	485.01
				Check Total:	485.01
43623	06/06/2016	Surface Water Mgmt CIP	Design-Engineering	GeoEngineers	1,661.00
43623	06/06/2016	Surface Water Mgmt CIP	Design-Engineering	GeoEngineers	1,121.50
				Check Total:	2,782.50
43624	06/06/2016	General Fund	Other Travel	MICHAEL GLASGOW	107.00
				Check Total:	107.00
43625	06/06/2016	General Fund	Strawberry Festival	Jon Eric Haines	600.00
				Check Total:	600.00
43626	06/06/2016	Transportation CIP	Construction	HD Fowler Company	239.26
43626	06/06/2016	Surface Water Management Fund	Office and Operating Supplies	HD Fowler Company	2,408.65
43626	06/06/2016	Surface Water Management Fund	Office and Operating Supplies	HD Fowler Company	1,572.20
				Check Total:	4,220.11
43627	06/06/2016	Surface Water Management Fund	Repairs and Maint - Fleet	Hiline Auto Repair	135.74
				Check Total:	135.74
43628	06/06/2016	General Fund	Strawberry Festival	Allan Hirsch	1,100.00
				Check Total:	1,100.00
43629	06/06/2016	Transportation CIP	Construction	ICON Materials	112.86
43629	06/06/2016	Transportation CIP	Construction	ICON Materials	295.53
43629	06/06/2016	Transportation CIP	Construction	ICON Materials	3.49
43629	06/06/2016	Street Fund	Office and Operating Supplies	ICON Materials	232.07

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
43629	06/06/2016	Street Fund	Office and Operating Supplies	ICON Materials	16.44
43629	06/06/2016	Transportation CIP	Construction	ICON Materials	48.30
43629	06/06/2016	Surface Water Management Fund	Office and Operating Supplies	ICON Materials	125.49
43629	06/06/2016	Surface Water Management Fund	Office and Operating Supplies	ICON Materials	255.70
43629	06/06/2016	Transportation CIP	Construction	ICON Materials	113.80
43629	06/06/2016	Transportation CIP	Construction	ICON Materials	9.73
43629	06/06/2016	Transportation CIP	Construction	ICON Materials	206.49
43629	06/06/2016	Transportation CIP	Construction	ICON Materials	314.99
43629	06/06/2016	Transportation CIP	Construction	ICON Materials	158.15
Check Total:					1,893.04
43630	06/06/2016	General Fund	Citizens Patrol/ Crime Prevent	Ideaworks NW LLC	489.47
Check Total:					489.47
43631	06/06/2016	General Fund	Miscellaneous	Iron Mountain	567.68
Check Total:					567.68
43632	06/06/2016	General Fund	Miscellaneous	Iron Mountain	81.57
43632	06/06/2016	General Fund	Miscellaneous	Iron Mountain	301.05
Check Total:					382.62
43633	06/06/2016	General Fund	Strawberry Festival	William Jarcho	650.00
Check Total:					650.00
43634	06/06/2016	Street Fund	Office and Operating Supplies	BRYANT JONES	46.58
Check Total:					46.58
43635	06/06/2016	General Fund	Telephone/Internet	LUCY KRAKOWIAK	57.98
Check Total:					57.98
43636	06/06/2016	General Fund	Drug Seizure Proceeds KCSO	King County Sheriff's Office	406.92
Check Total:					406.92
43637	06/06/2016	General Fund	Miscellaneous Contingencies	KING COUNTY FINANCE	209.64
43637	06/06/2016	General Fund	Miscellaneous Contingencies	KING COUNTY FINANCE	209.83

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
43637	06/06/2016	General Fund	Substance Abuses	KING COUNTY FINANCE	3,402.60
43637	06/06/2016	Street Fund	Professional Services	KING COUNTY FINANCE	1,980.00
43637	06/06/2016	Surface Water Management Fund	TV Inspection and Vactoring	KING COUNTY FINANCE	535.47
43637	06/06/2016	Street Fund	Traffic Signal/Control.Mainten	KING COUNTY FINANCE	21,399.14
43637	06/06/2016	Street Fund	Traffic Signal/Control.Mainten	KING COUNTY FINANCE	225.12
Check Total:					27,961.80
43638	06/06/2016	General Fund	King Co Pet License Trust Acct	King County Pet License	165.00
Check Total:					165.00
43639	06/06/2016	General Fund	Drug Seizure Proceeds KCSO	KC Sheriff Det. RCrenshaw	868.00
Check Total:					868.00
43640	06/06/2016	General Fund	IT Office & Operating Suppli	Kelly Imaging Systems Inc	155.30
Check Total:					155.30
43641	06/06/2016	General Fund	Parks Maintenance	LandCare	40,086.11
Check Total:					40,086.11
43642	06/06/2016	General Fund	Prof. Svcs-Instructors	Randolph Alan Litch	400.00
Check Total:					400.00
43643	06/06/2016	Street Fund	Repairs and Maint - Fleet	Les Schwab	10.95
43643	06/06/2016	Surface Water Management Fund	Repairs and Maint - Fleet	Les Schwab	10.95
Check Total:					21.90
43644	06/06/2016	General Fund	Wellness Activities	MONICA LUSK	54.78
Check Total:					54.78
43645	06/06/2016	Surface Water Management Fund	Repairs and Maint - Fleet	MAACO Collision Repair & Auto	689.12
43645	06/06/2016	Street Fund	Repairs and Maint - Fleet	MAACO Collision Repair & Auto	689.13
Check Total:					1,378.25
43646	06/06/2016	Street Fund	Office and Operating Supplies	Masons Supply Company	434.40

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
43646	06/06/2016	Surface Water Management Fund	Office and Operating Supplies	Masons Supply Company	434.40
				Check Total:	868.80
43647	06/06/2016	General Fund	Strawberry Festival	Paul Mataruse	800.00
				Check Total:	800.00
43648	06/06/2016	Surface Water Management Fund	Office and Operating Supplies	McLendon Hardware Inc	35.25
43648	06/06/2016	Street Fund	Office and Operating Supplies	McLendon Hardware Inc	35.26
43648	06/06/2016	Surface Water Management Fund	Office and Operating Supplies	McLendon Hardware Inc	77.70
43648	06/06/2016	Street Fund	Office and Operating Supplies	McLendon Hardware Inc	77.71
				Check Total:	225.92
43649	06/06/2016	General Fund	Office and Operating Supplies	KAITLIN MELGOZA	148.09
				Check Total:	148.09
43650	06/06/2016	General Fund	Repairs and Maintenance	Microflex	123.19
43650	06/06/2016	General Fund	Sales Tax Auditing Costs	Microflex	562.98
43650	06/06/2016	General Fund	B&O Tax Collect and Audit	Microflex	8,490.72
				Check Total:	9,176.89
43651	06/06/2016	General Fund	Nuisance and Abatement Costs	Miller Paint Company Inc	39.77
43651	06/06/2016	Street Fund	Office and Operating Supplies	Miller Paint Company Inc	45.73
43651	06/06/2016	Street Fund	Office and Operating Supplies	Miller Paint Company Inc	153.85
43651	06/06/2016	Street Fund	Office and Operating Supplies	Miller Paint Company Inc	16.72
43651	06/06/2016	Street Fund	Office and Operating Supplies	Miller Paint Company Inc	40.04
43651	06/06/2016	General Fund	Nuisance and Abatement Costs	Miller Paint Company Inc	39.77
				Check Total:	335.88
43652	06/06/2016	General Fund	City Hall Custodial	Management Services NW Inc	185.00
				Check Total:	185.00
43653	06/06/2016	Surface Water Mgmt CIP	Construction	NC Machinery Co.	-1,232.38
43653	06/06/2016	Surface Water Management Fund	Repairs and Maint - Fleet	NC Machinery Co.	2,062.72
				Check Total:	830.34

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
43654	06/06/2016	Street Fund	Office and Operating Supplies	National Safety Inc	531.74
43654	06/06/2016	Surface Water Management Fund	Office and Operating Supplies	National Safety Inc	531.73
				Check Total:	1,063.47
43655	06/06/2016	Surface Water Management Fund	Registration-Training/Workshop	DAN O'BRIEN	1,190.00
				Check Total:	1,190.00
43656	06/06/2016	General Fund	Printing/Binding/Copying	Bruce Mildenberg	1,806.75
				Check Total:	1,806.75
43657	06/06/2016	Street Fund	Repairs and Maint - Fleet	OReilly Auto Parts	95.64
43657	06/06/2016	Surface Water Management Fund	Repairs and Maint - Fleet	OReilly Auto Parts	95.65
43657	06/06/2016	Street Fund	Repairs and Maint - Fleet	OReilly Auto Parts	34.35
43657	06/06/2016	Surface Water Management Fund	Repairs and Maint - Fleet	OReilly Auto Parts	34.36
				Check Total:	260.00
43658	06/06/2016	Surface Water Management Fund	Professional Services	OTAK, Inc	4,448.23
				Check Total:	4,448.23
43659	06/06/2016	General Fund	Operating Rentals and Leases	Pacific Office Automation Inc	48.84
43659	06/06/2016	General Fund	Operating Rentals and Leases	Pacific Office Automation Inc	1,017.53
				Check Total:	1,066.37
43660	06/06/2016	General Fund	Strawberry Festival	Albert Parisi	1,782.00
				Check Total:	1,782.00
43661	06/06/2016	General Fund	Strawberry Festival	Robert A Pastorok	900.00
				Check Total:	900.00
43662	06/06/2016	Transportation CIP	Design Engineering	Perteet Inc	9,448.27
43662	06/06/2016	Transportation CIP	Design - Engineering	Perteet Inc	12,048.37
43662	06/06/2016	Transportation CIP	Design Engineering	Perteet Inc	4,594.24
				Check Total:	26,090.88

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
43663	06/06/2016	General Fund	Prof. Svcs-Instructors	Amy Pinon	75.00
Check Total:					75.00
43664	06/06/2016	Street Fund	Repairs and Maint - Fleet	PIRTEK	206.14
43664	06/06/2016	Surface Water Management Fund	Repairs and Maint - Fleet	PIRTEK	206.15
43664	06/06/2016	Street Fund	Repairs and Maint - Fleet	PIRTEK	528.12
43664	06/06/2016	Surface Water Management Fund	Repairs and Maint - Fleet	PIRTEK	528.12
Check Total:					1,468.53
43665	06/06/2016	General Fund	Office and Operating Supplies	Pacific Lamp & Supply Company	254.97
43665	06/06/2016	General Fund	Office and Operating Supplies	Pacific Lamp & Supply Company	185.99
Check Total:					440.96
43666	06/06/2016	General Fund	Operating Rentals and Leases	PRG Investment Company, LLC	2,224.80
Check Total:					2,224.80
43667	06/06/2016	General Fund	Building Security	Protection One Alarm Monitorin	60.28
Check Total:					60.28
43668	06/06/2016	General Fund	Channel 21 Video Production	Puget Sound Access	852.54
43668	06/06/2016	General Fund	Online Video Streaming	Puget Sound Access	200.00
Check Total:					1,052.54
43669	06/06/2016	Surface Water Management Fund	Utilities - Maintenance Shop	Puget Sound Energy	17.73
43669	06/06/2016	Street Fund	Utilities - Maintenance Shop	Puget Sound Energy	17.74
43669	06/06/2016	Street Fund	Utilities - Maintenance Shop	Puget Sound Energy	20.10
43669	06/06/2016	Surface Water Management Fund	Utilities - Maintenance Shop	Puget Sound Energy	20.11
43669	06/06/2016	Street Fund	Utilities-Street Lighting	Puget Sound Energy	1,809.49
Check Total:					1,885.17
43670	06/06/2016	General Fund	Professional Services	Protect Youth Sports	56.00
43670	06/06/2016	General Fund	Professional Services	Protect Youth Sports	-8.00
Check Total:					48.00
43671	06/06/2016	General Fund	Mechanical Permit	Hermanson Co. LLP	1,436.00

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
				Check Total:	1,436.00
43672	06/06/2016	General Fund	Mechanical Permit	Todd Grimm	102.40
				Check Total:	102.40
43673	06/06/2016	General Fund	Refund Clearing Account -Parks	Sea Mar CHC	500.00
				Check Total:	500.00
43674	06/06/2016	General Fund	Refund Clearing Account -Parks	Sharlotta Green	114.00
				Check Total:	114.00
43675	06/06/2016	General Fund	Refund Clearing Account -Parks	Beatriz Torres	500.00
				Check Total:	500.00
43676	06/06/2016	General Fund	Instructors Prof Srvs	John James Rhodes	290.00
				Check Total:	290.00
43677	06/06/2016	General Fund	Printing/Binding/Copying	Claude McAlpin, III	36.01
				Check Total:	36.01
43678	06/06/2016	General Fund	Franchise Deposit	Robinson Newspapers	85.00
				Check Total:	85.00
43679	06/06/2016	General Fund	Prof. Svcs-Instructors	E. B. Rodgers	670.00
				Check Total:	670.00
43680	06/06/2016	General Fund	Office and Operating Supplies	Seatown Locksmith	29.02
43680	06/06/2016	General Fund	Office and Operating Supplies	Seatown Locksmith	3.00
43680	06/06/2016	General Fund	Office and Operating Supplies	Seatown Locksmith	39.42
				Check Total:	71.44
43681	06/06/2016	General Fund	Computer Consultant Prof Svcs	SEITEL Systems, LLC	2,583.75

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount	
					Check Total:	2,583.75
43682	06/06/2016	General Fund	Strawberry Festival	Molly Shannon	500.00	
					Check Total:	500.00
43683	06/06/2016	General Fund	Fuel Consumed	Shell Fleet Plus	80.74	
43683	06/06/2016	General Fund	Citizens Patrol/ Crime Prevent	Shell Fleet Plus	66.83	
43683	06/06/2016	General Fund	Fuel Consumed	Shell Fleet Plus	193.80	
43683	06/06/2016	General Fund	Fuel Consumed	Shell Fleet Plus	386.36	
43683	06/06/2016	General Fund	Fuel Consumed	Shell Fleet Plus	95.68	
43683	06/06/2016	Street Fund	Fuel Consumed	Shell Fleet Plus	1,130.59	
43683	06/06/2016	Surface Water Management Fund	Fuel Consumed	Shell Fleet Plus	1,757.62	
					Check Total:	3,711.62
43684	06/06/2016	General Fund	Jail Contracts	Smart Start	89.10	
					Check Total:	89.10
43685	06/06/2016	General Fund	Professional Svcs-State Audit	State Auditor's Office	828.69	
					Check Total:	828.69
43686	06/06/2016	General Fund	Telephone/Internet	TelSpan Inc	1.61	
43686	06/06/2016	General Fund	Telephone/Internet	TelSpan Inc	13.69	
					Check Total:	15.30
43687	06/06/2016	General Fund	Arts and Culture Grants	Debra A Thoma	656.00	
					Check Total:	656.00
43688	06/06/2016	Street Fund	Neighborhood Traffic Control	Traffic Count Consultants Inc	250.00	
					Check Total:	250.00
43689	06/06/2016	General Fund	Human Svc-Family/Youth	Transform Burien	500.00	
					Check Total:	500.00
43690	06/06/2016	General Fund	Repairs and Maintenance	Tri-Tec	201.48	

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount	
					Check Total:	201.48
43691	06/06/2016	General Fund	Strawberry Festival	Anthony F. Tse	250.00	
					Check Total:	250.00
43692	06/06/2016	Street Fund	Office and Operating Supplies	United Laboratories Inc	239.67	
43692	06/06/2016	Surface Water Management Fund	Office and Operating Supplies	United Laboratories Inc	90.54	
43692	06/06/2016	Street Fund	Office and Operating Supplies	United Laboratories Inc	90.55	
					Check Total:	420.76
43693	06/06/2016	General Fund	Telephone/Internet	Verizon Wireless	211.56	
43693	06/06/2016	Street Fund	Telephone	Verizon Wireless	142.00	
43693	06/06/2016	Surface Water Management Fund	Telephone	Verizon Wireless	290.32	
43693	06/06/2016	General Fund	Telephone/Internet	Verizon Wireless	58.96	
43693	06/06/2016	General Fund	Telephone/Internet	Verizon Wireless	160.72	
43693	06/06/2016	General Fund	Telephone/Internet	Verizon Wireless	40.01	
43693	06/06/2016	General Fund	Telephone/Internet	Verizon Wireless	61.28	
43693	06/06/2016	General Fund	Telephone/Internet	Verizon Wireless	40.01	
43693	06/06/2016	General Fund	Telephone/Internet	Verizon Wireless	58.96	
43693	06/06/2016	General Fund	Telephone/Internet	Verizon Wireless	247.92	
43693	06/06/2016	General Fund	Drug Seizure Proceeds KCSO	Verizon Wireless	200.05	
43693	06/06/2016	General Fund	Telephone/Internet	Verizon Wireless	80.02	
					Check Total:	1,591.81
43694	06/06/2016	General Fund	Strawberry Festival	Minh Huynh	200.00	
					Check Total:	200.00
43695	06/06/2016	General Fund	Telephone/Internet	DEBI WAGNER	31.46	
					Check Total:	31.46
43696	06/06/2016	General Fund	Criminal Prosecution Services	Walls Law Firm	15,833.00	
					Check Total:	15,833.00
43697	06/06/2016	General Fund	Strawberry Festival	James Walls	300.00	

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
				Check Total:	300.00
43698	06/06/2016	General Fund	Utilities	King County Water Dist. No 20	310.34
				Check Total:	310.34
43699	06/06/2016	General Fund	Utilities	King Co Water Dist 49	62.08
43699	06/06/2016	General Fund	Utilities	King Co Water Dist 49	236.74
43699	06/06/2016	Street Fund	Landscape Maint - Utilities	King Co Water Dist 49	68.25
43699	06/06/2016	Street Fund	Landscape Maint - Utilities	King Co Water Dist 49	138.75
43699	06/06/2016	Street Fund	Landscape Maint - Utilities	King Co Water Dist 49	68.25
43699	06/06/2016	Street Fund	Landscape Maint - Utilities	King Co Water Dist 49	68.25
43699	06/06/2016	Street Fund	Landscape Maint - Utilities	King Co Water Dist 49	68.25
				Check Total:	710.57
43700	06/06/2016	General Fund	Subscriptions and Publications	West Payment Center	575.68
				Check Total:	575.68
43701	06/06/2016	General Fund	Other Travel	KIERSTEN WHITACRE	107.00
				Check Total:	107.00
43702	06/06/2016	General Fund	Professional Services	Whitewater Aquatics Mgmt	1,666.66
				Check Total:	1,666.66
43703	06/06/2016	Street Fund	Operating Rentals and Leases	Wilken Properties, LLC	3,300.00
43703	06/06/2016	Surface Water Management Fund	Operating Rentals and Leases	Wilken Properties, LLC	3,300.00
				Check Total:	6,600.00
43704	06/06/2016	General Fund	Jury and Witness Fees	Jennifer Papuga	12.24
				Check Total:	12.24
43705	06/06/2016	General Fund	State Lobbying Services	Jennifer Ziegler	3,625.00
				Check Total:	3,625.00

<b>Check Number</b>	<b>Check Date</b>	<b>Fund Name</b>	<b>Account Name</b>	<b>Vendor Name</b>	<b>Amount</b>
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					Report Total:	282,385.97
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## CITY COUNCIL REGULAR MEETING MINUTES

May 16, 2016

7:00 p.m.

400 SW 152<sup>nd</sup> Street, 1<sup>st</sup> Floor  
Burien, Washington 98166

*To hear Council's full discussion of a specific topic or the complete meeting, the following resources are available:*

- Watch the video-stream available on the City website, [www.burienwa.gov](http://www.burienwa.gov)
- Check out a DVD of the Council Meeting from the Burien Library

### CALL TO ORDER

Mayor Krakowiak called the Meeting of the Burien City Council to order at 7:00 p.m.

### PLEDGE OF ALLEGIANCE

Mayor Krakowiak led the Pledge of Allegiance.

### ROLL CALL

Present: Mayor Lucy Krakowiak, Deputy Mayor Bob Edgar, Councilmembers Stephen Armstrong, Austin Bell, Lauren Berkowitz (via telephone), Nancy Tosta, and Debi Wagner.

Administrative staff present: City Manager Kamuron Gurol; Police Chief Scott Kimerer; City Attorney Soojin Kim; Public Works Director Maiya Andrews; Community Development Director Chip Davis; Cultural Arts Supervisor Gina Kallman; Recreation Specialist Alisa Savage; Senior Planner David Johanson; Economic Development Manager Dan Trimble; Building Official Jan Vogee; Communications Officer Katie Trefry; Parks, Recreation and Cultural Services Director Steve Roemer; Public Works Maintenance Worker Adam Zapata; and, Department Assistant Kathy Wetherbee.

### ADVISORY BOARD MEMBERS AND VOLUNTEERS

Mayor Krakowiak read the Certificate of Appreciation for the outgoing Planning Commissioners Jim Clingan, Joey Martinez, Joel Millar, and Brooks Stanfield.

### RECESS FOR RECEPTION

Mayor Krakowiak called a recess at 7:05 p.m. for the purpose of holding a reception honoring the volunteers and the outgoing advisory board members as mentioned above.

Mayor Krakowiak reconvened the Regular Meeting at 7:22 p.m.

### AGENDA CONFIRMATION

#### Direction/Action

**Motion** was made by Deputy Mayor Edgar, seconded by Councilmember Tosta, and passed unanimously to affirm the May 16, 2016, Agenda.

**PUBLIC COMMENT**

Brian Walker, 236 South 152<sup>nd</sup> Street, Burien  
Lori Box, Athletic Director, Highline High school  
Lisa Parks, 404 Southwest 138<sup>th</sup> Street, Burien  
Quinton Thompson, Burien

**PROCLAMATIONS**

**Proclamation proclaiming June 2016 as *MUSIC4LIFE* Month;**

Mayor Krakowiak read and presented the proclamation proclaiming June 2016, as *MUSIC4LIFE* Month to David Endicott, President/CEO Music4Life.

**Proclamation Proclaiming May 15-21, 2016 as Public Works Appreciation Week.**

Mayor Krakowiak read and presented the proclamation proclaiming May 15-21, 2016, as Public Works Appreciation Week to Maiya Andrews, Public Works Director and Adam Zapata, Public Works Maintenance Worker.

**Proclamation Proclaiming May 15-21, 2016 as National Police Week.**

Mayor Krakowiak read and presented the proclamation proclaiming May 15-21, 2016, as National Police Week to Scott Kimerer, Burien Police Chief.

**Proclamation Proclaiming May 16-22, 2016 as Affordable Housing Week.**

Mayor Krakowiak read and presented the proclamation proclaiming May 16-22, 2016, as Affordable Housing Week to Marty Kooistra, Housing Development Consortium, Executive Director.

**PRESENTATIONS**

**Presentation of the Annual Police Report.**

**Follow-up**

Staff will provide statistics by neighborhood.

**CORRESPONDENCE TO THE COUNCIL**

- a. Letter Dated April 18, 2016, from Evella Kuxhaus.
- b. Email Dated May 5, 2016, from Lisa Sawoya.
- c. Email Dated May 5, 2016, from Marianne Hudson.
- d. Email Dated May 6, 2016, from Brian Gill.
- e. Email Dated May 10, 2016, from Rachael Levine.
- f. Email Dated May 11, 2016, from Chestine Edgar.

**CONSENT AGENDA**

- a. Approval of Check Register: Check Numbers 43441-43579 in the Amount of \$787,615.96 for Payment on May 16, 2016; and, Payroll Salaries and Benefits Approval Check Numbers 6822 - 6834 for Direct Deposits and Wire Transfers in the Amount of \$349,070.98 for April 15 – April 30, 2016, Paid on May 5, 2016.
- b. Approval of Minutes: Regular Meeting, May 2, 2016.
- c. Motion to Adopt Ordinance No. 639, Granting a Non-Exclusive Cable Franchise to CenturyLink.

**Direction/Action**

**Motion** was made by Deputy Mayor Edgar, seconded by Councilmember Tosta, and passed unanimously to approve the May 16, 2016, Consent Agenda.

**BUSINESS AGENDA**

**Discussion and Potential Action on Proposed Ordinance No. 638, Amending BMC Title 15, Buildings and Construction.**

**Public Comment**

None received

**Direction/Action**

Councilmembers reached consensus to place Ordinance No. 638, Amending BMC Title 15, Buildings and Construction on the June 6, 2016, Consent Agenda for approval.

**Discussion and Potential Action to Adopt Ordinance No. 640, Relating to Shoreline Master Program.**

**Public Comment**

None received

**Direction/Action**

Councilmembers reached consensus to place Ordinance No 640, Relating to Shoreline Master Program on the June 6, 2016, Consent Agenda for approval.

**Discussion on Resolution Regarding Sea-Tac Airport Operations and Impacts.**

**Public Comment**

Brian Walker, 236 South 152<sup>nd</sup> Street, Burien  
Claire Gallagher, P.O. Box 1209, Seattle  
Robert Howell, 15240 20<sup>th</sup> Avenue Southwest, Burien

**Direction/Action**

Mayor Krakowiak called a recess at 8:53 p.m. and reconvened the meeting at 9:03 p.m.

**Direction/Action**

**Motion** was made by Councilmember Wagner, seconded by Councilmember Tosta, to adopt Resolution 375 requesting support and investment for Burien from the Port of Seattle for Environment, health and economic impacts caused by airport operation as amended. **Motion** passed 5-2. Opposed, Mayor Krakowiak, Deputy Mayor Edgar.

**Review of Council Proposed Agenda Schedule.**

**Follow-up**

Staff will schedule a King County Cities Climate Collaboration (K4C) discussion.

**COUNCIL REPORTS**

Councilmember Tosta spoke about the Sound Cities Association—Public Issues Committee (PIC) Meeting that she attended.

Councilmember Bell stated that he attended the King County Metropolitan Solid Waste Management Advisory Committee (MSWMAC) meeting.

Mayor Krakowiak spoke about the upcoming tour of the Merrill Gardens and the Town Square apartment building on May 17, 2016.

**CITY MANAGER'S REPORT**

City Manager Kamuron Gurol spoke about the Highline School District (HSD) New Start High School Building & Community Renovation, the 1st Quarter 2016 Financial Report and the King Conservation District (KCD) Funding.

**ADJOURNMENT**

**MOTION** was made by Deputy Mayor Edgar, seconded by Councilmember Tosta, and passed unanimously to adjourn the meeting at 9:55 p.m.

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Lucy Krakowiak, Mayor

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Kathy Wetherbee, Department Assistant



## **CITY COUNCIL STUDY SESSION MINUTES**

**May 23, 2016**

**7:00 pm**

**400 SW 152<sup>nd</sup> Street, 1<sup>st</sup> Floor  
Burien, Washington 98166**

### **CALL TO ORDER**

Mayor Krakowiak called the Study Session of the Burien City Council to order at 7:00 p.m.

### **PLEDGE OF ALLEGIANCE**

Mayor Krakowiak led the Pledge of Allegiance.

### **ROLL CALL**

Present: Mayor Lucy Krakowiak, Deputy Mayor Bob Edgar, Councilmembers Stephen Armstrong, Austin Bell, Nancy Tosta and Debi Wagner. Councilmember Lauren Berkowitz was excused.

Administrative staff present: City Manager Kamuron Guroi; Police Chief Scott Kimerer; City Attorney Soojin Kim; Economic Development Manager Dan Trimble; Community Development Director Chip Davis; and, City Clerk Monica Lusk.

### **CORRESPONDENCE TO THE COUNCIL**

- a. Letter Dated April 4, 2016, from Roger DeLorm with Response from City Clerk Monica Lusk.
- b. Letter Dated April 4, 2016, from Roger DeLorm with Response from City Clerk Monica Lusk.
- c. Response from Assistant Public Works Director Brian Roberts to Email Dated May 6, 2016, from Brian Gill.
- d. Email Dated May 17, 2016, from Daniell Brown.
- e. Email Dated May 18, 2016, from John Serratore, DVM.

### **DISCUSSION ITEMS**

**Briefing and Discussion on Relative Cost and Levels of Animal Services Provided by Regional Animal Services of King County (RASKC) and Burien Community Animal Resources and Education Society (CARES).**

#### **Public Comment**

Ray Helms, Burien

John Upthegrove, 1808 SW 156<sup>th</sup> St., Burien

Marlene Moore, 233 SW 154<sup>th</sup> St., Burien

John Upthegrove, 1808 SW 156<sup>th</sup> St., Burien

Sheri, 1229 SW 126<sup>th</sup> St., Burien

Ed Dacy, 2016 SW 146<sup>th</sup> St., Burien

Ben Doris, SW 136<sup>th</sup> Street and Ambaum Blvd. SW, Burien

Verna Seal, Tukwila City Council Member

Amy Miller, 15801 4<sup>th</sup> Ave. S., Burien  
Maryanne Hudson, 110 SW 116<sup>th</sup> St., Seattle  
Anna Denton, 14654 8<sup>th</sup> Ave. SW, Burien  
Erin Collins, 14671 22<sup>nd</sup> Ave. SW, Burien  
Chestine Edgar, 1811 SW 152<sup>nd</sup> St., Burien  
Peter Mitchell, 13826 9<sup>th</sup> Place, Burien  
Rachel Levine, 430 S. 124<sup>th</sup> St., Burien  
Kate Bysheim, 12819 2<sup>nd</sup> Ave. S., Burien  
Lee Henderson, Burien  
Leanna Henderson, 14447 11<sup>th</sup> Ave. SW, Burien  
Katrina Doone, Tukwila  
Jennifer, 26<sup>th</sup> Ave. SW, Burien  
Alena Robbins, 10617 28<sup>th</sup> Ave. SW, Unincorporated King County  
Lynda Isernio, Burien  
Sydnee Pardee  
John White, 14645 25<sup>th</sup> Ave. SW, Burien  
Barb Watson, 156<sup>th</sup> Ave. SW, Burien  
No name given, 411 Morris Ave. S., Renton  
Kellie Bassen, Founder of B-Town D.O.G.  
Laura Stiles, 16239 12<sup>th</sup> Ave. SW, Burien  
Quinton Thompson, P.O. Box 98484, Seattle  
Jarrod Sessler, Burien

**Direction/Action**

Councilmembers reached consensus to place on the June 6, 2016, Agenda a continued discussion on relative cost and levels of animal services provided by Regional Animal Services of King County (RASKC) and Burien Community Animal Resources and Education Society (CARES).

**Public Comment**

John Upthegrove, 1808 SW 156<sup>th</sup> St., Burien  
Marlene Moore, 233 SW 154<sup>th</sup> St., Burien  
Chestine Edgar, 1811 SW 152<sup>nd</sup> St., Burien

**Direction/Action**

Mayor Krakowiak called a recess at 9:15 p.m. and reconvened the meeting at 9:25 p.m.

**Public Comment**

Maryanne Hudson, 110 SW 116<sup>th</sup> St., Seattle  
Rob Johnson, 13422 6<sup>th</sup> Ave. S., Burien  
Ms. Watson, 11<sup>th</sup> Ave. SW, Burien  
Marlene Moore, 233 SW 154<sup>th</sup> St., Burien

**Continued Update on the Downtown Mobility Study & City Parking Standards Recommendations.**

**Direction/Action**

**MOTION** was made by Deputy Mayor Edgar, seconded by Councilmember Tosta, and passed unanimously to extend the meeting to 10:15 p.m.

**Direction/Action**

**MOTION** was made by Councilmember Tosta, seconded by Councilmember Armstrong, to extend the meeting to 10:30 p.m. **Motion** passed 4-2. Opposed, Mayor Krakowiak and Deputy Mayor Edgar.

**Follow-up**

Staff will translate the Mobility Study recommendations into code amendments that will be referred to the Planning Commission, ask the Commission to look at the parking in-lieu fee, examine fee data from other cities for alternatives, bring back draft code changes to Council, and provide the cost to build a parking stall.

**Public Comment**

Dan Mathews, Kidder Matthews and Business and Economic Development Partnership Member

Darla Green, Burien business owner and resident

Dave Hawthorne, Hawthorne & Company CPAs President, Burien

**Direction/Action**

**MOTION** was made by Councilmember Tosta, seconded by Councilmember Bell, to extend the meeting to 10:45 p.m. **Motion** passed 4-2. Opposed, Mayor Krakowiak and Deputy Mayor Edgar.

**Public Comment**

John White, 14645 25<sup>th</sup> Ave. SW, Burien

**Seattle Annexation of North Highline Area “Y” Information and Update.**

**Direction/Action**

Councilmembers reached consensus to reschedule this item.

**Review of Council Proposed Agenda Schedule.**

**Follow-up**

Staff will check with the Council on its availability to hold a Special Meeting in June or July.

**COUNCIL REPORTS**

No reports were given.

**ADJOURNMENT**

**Direction/Action**

**MOTION** was made by Councilmember Wagner, seconded by Mayor Krakowiak, and passed unanimously to adjourn the meeting at 10:44 p.m.

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Lucy Krakowiak, Mayor

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Monica Lusk, City Clerk



**CITY OF BURIEN**  
**ORDINANCE NO. 640**

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**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
BURIEN, WASHINGTON, APPROVING AMENDMENTS TO THE  
BURIEN SHORELINE MASTER PROGRAM.**

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WHEREAS, the State of Washington Shoreline Management Act of 1971 (Chapter 90.58 RCW), recognizes that the shorelines are among the most valuable and fragile resources of the state and that the state and local government must establish a coordinated planning program to address the types and effects of development occurring along shorelines of state-wide significance; and

WHEREAS, on June 3, 2013 the City of Burien adopted Ordinance 581 establishing a New Title 20 of the Burien Municipal Code Adopting a Shoreline Master Program and the Accompanying Goals Policies, Environmental Designations, Regulations, Restoration Plan and Cumulative Impacts Analysis; and

WHEREAS, on October 3, 2013 the Washington State Department of Ecology approved the new Shoreline Master Program with an effective date of October 17, 2013; and

WHEREAS, on June 15, 2015 the City of Burien adopted amendments to its critical area regulations to comply with the State Growth Management Act; and

WHEREAS, the Planning Commission held a total of three (3) public meetings including one (1) public hearing soliciting comment on the proposed shoreline master program amendments on the following dates: 8/12/2015, 8/26/2015 and 9/9/2015; and

WHEREAS, the Burien City Council held two (2) public meetings on the proposed amendments to the shoreline master program on the following dates: 9/21/2015 and 10/19/2015; and

WHEREAS, comments were solicited from federal, state, local, regional and tribal interests in accordance with RCW 90.58.130; and

WHEREAS, on November 4, 2014 the City's State Environmental Policy Act responsible official conducted SEPA review of the proposed land use Comprehensive Plan and zoning map changes and issued an Environmental Impact Statement Addendum to the 1997 Environmental Impact Statement for the City of Burien Comprehensive Plan.

WHEREAS, on May 6, 2015 the City's State Environmental Policy Act responsible official conducted SEPA review of the amended critical area regulations and issued an Determination of Non-significance; and

WHEREAS, the proposed City of Burien Shoreline Master Program addresses a requirement of WAC 173-26 (Shoreline Master Program Guidelines) that the SMP result in “no net loss” of ecological functions relative to the baseline conditions due to its implementation; and

WHEREAS, on October 5, 2015, the City approved Resolution No. 368 approving the proposed City of Burien Shoreline Master Program and directed City staff to forward the appropriate Shoreline Master Program update documents to the State Department of Ecology for formal review and approval; and

WHEREAS, on April 27, 2016, the Department of Ecology completed its review and determined there were required changes in order to comply with Chapter 90.58 RCW, the Shoreline Management Act of 1971, and the Shoreline Master Program Guidelines (WAC 173-26, Part III); and

WHEREAS, the Burien City Council finds that the policies and regulations set forth in Exhibit A are consistent with the Shoreline Management Act and its implementing regulations (WAC 173-26), the Growth Management Act, the City’s Comprehensive Plan, the City’s Zoning Code, and other applicable law;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. The Burien City Council hereby approves the proposed City of Burien Shoreline Master Program as set forth in Exhibit A, which is attached hereto and incorporated herein by reference.

Section 2. Severability. Should any section, subsection, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 3. Savings. The enactments of this ordinance shall not affect any case, proceeding, appeal or other matter currently pending in any court or in any way modify any right or liability, civil or criminal, which may be in existence on the effective date of this ordinance.

Section 4. Effective Date. This ordinance shall take effect upon approval of the proposed City of Burien Shoreline Master Program as set forth in Exhibit A by the Washington State Department of Ecology pursuant to RCW 90.58.090 and WAC 173-26-120.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON, AT A  
REGULAR MEETING THEREOF THIS \_\_\_\_\_ DAY OF JUNE 2016.

CITY OF BURIEN

\_\_\_\_\_  
Lucy Krakowiak, Mayor

ATTEST/AUTHENTICATED:

\_\_\_\_\_  
Monica Lusk, City Clerk

Approved as to form:

\_\_\_\_\_  
Soojin Kim, City Attorney

Filed with the City Clerk:  
Passed by the City Council:  
Ordinance No.: 640  
Date of Publication:



**Ordinance No. 640**  
**Exhibit A**

**20.30.025 Critical Areas**

Critical areas include the following areas and ecosystems: wetlands, critical aquifer recharge areas, fish and wildlife habitat conservation areas, frequently flooded areas, and geologically hazardous areas. Critical saltwater and critical freshwater habitats are also types of critical areas within shoreline jurisdiction.

**1. Policies**

- a. In assessing the potential for net loss of ecological functions or processes, project specific and cumulative impacts should be considered.
- b. Development standards for density, frontage improvements, setbacks, impervious surface, shoreline stabilization, vegetation conservation, buffers, critical areas, and water quality should protect existing shoreline ecological functions and processes. During permit review, the Shoreline Administrator should consider the expected impacts associated with proposed shoreline development when assessing compliance with this policy.

(For additional policy guidance please refer to Chapter II General Goals and Policies, pgs. 12-15 and Chapter III Management Policies, pgs. 2-4.)

**2. Regulations**

- a. BMC 19.40—Critical areas (City of Burien Ordinance ~~394623~~, adopted ~~October 20, 2003~~ June 15, 2015) has been reviewed for consistency with Chapter 90.58 RCW and WAC 173-26 and shall apply to the shoreline jurisdiction with the following exceptions:
  - i. The exemptions and exceptions contained in BMC 19.40.070(~~4~~), (~~32~~) & (~~43~~) apply only to the critical areas provisions and are not exemptions from substantial development permits. The exceptions contained in BMC 19.40.070 (~~45~~) do not apply and are not considered part of the SMP.
  - ii. BMC 19.40.290 (~~32~~.B.iii) does not apply and is not considered part of the SMP. For a landslide hazard area buffer of less than twenty-five (25) feet, in addition to the items required in BMC 19.40.120, a shoreline variance shall be required.
  - ~~iii. BMC 19.40.310 (2.H.v) does not apply and is not considered part of the SMP. For a wetland buffer of less than twenty-five (25) feet, a shoreline variance shall be required.~~
  - ~~iv.~~ iii. BMC 19.40.410(2.B) does not apply and is not considered part of the SMP. Filling is prohibited in the Aquatic environment per Section 20.30.001 Figure 4.

- ~~v. The following types of wetlands are not regulated by the SMP:
  - ~~a. Small wetlands less than 1,000 square feet and hydrologically isolated;~~
  - ~~b. Man-made ponds smaller than one acre and excavated from uplands without a surface water connection to streams, lakes, or other wetlands.~~~~
- iv. BMC 19.40.300.-3.C(Category III & IV Wetland Exemption) does not apply and is not considered part of the SMP.
- v. BMC 19.40.350.2.F.ii. is amended as follows: Standard buffer width averaging may be allowed by the Director (in accordance with an approved critical area review) if:
  - ii. Minimum buffer width is the greater of fifty seventy-five percent (50 75%) of the standard buffer width or twenty-five (25) feet;

~~b. Identification of wetlands and delineation of their boundaries pursuant to this Master Program shall be done in accordance with the approved federal wetland delineation manual and applicable regional supplements. All areas within the City of Burien meeting the wetland designation criteria in that procedure are hereby designated critical areas and are subject to the provisions of this Master Program.~~

~~Wetland rating system. Wetlands for the purposes of the SMP shall be categorized in accordance with the Washington State Wetland Rating System for Western Washington—Revised (Ecology Publication #04-06-025).~~

~~e. Wetland buffers. Wetland buffers for the purposes of this SMP shall be determined based upon Appendix 8 C of “Wetlands in Washington State Volume 2: Guidance for Protecting and Managing Wetlands FINAL April 2005 Ecology Publication #05-06-008” based on information provided as part of a critical area study.~~

~~d.b.~~ Development proposals shall adhere to the applicable submittal requirements (a critical area report specific to the critical area) as specified in the Critical Areas Ordinance regulations adopted as part of this SMP.

~~e.c.~~ Development shall not intrude into, over, or within 10 feet from *critical saltwater habitats* (e.g., eelgrass) except when an alternative alignment or location is not *feasible* and the development would result in no net loss of *critical saltwater habitat*.

~~f.d.~~ When this Master Program requires mitigation, the mitigation sequence described in section BMC 20.30.010 [Impact Mitigation] shall be followed.

## 20.30.050 Dimensional Standards for Shoreline Development

**Figure 5 Dimensional Standards for Shoreline Development**

	<b>UC</b>	<b>SR-LB</b>	<b>SR-AL</b>	<b>SR-HA</b>
<b>Shoreline Buffer Zone 1</b> <sup>(1)</sup>	50 ft	30 ft	30 ft	20 ft
<b>Shoreline Buffer Zone 2</b> <sup>(1)</sup>	100 ft	15 ft	15 ft	15 ft
<b>Vegetation Conservation</b> <sup>(2)</sup>	200 ft	150 ft	150 ft	150 ft
<b>Lot Size</b> <sup>(3)</sup>	RS-12,000	<del>RS-7,200</del> RS-12,000	RS-12,000	RS-12,000
<b>Building Coverage</b> <sup>(4)</sup>	30%	35%	35%	35%

**UC: Urban Conservancy**

**SR-LB: Shoreline Residential – Lake Burien**

**SR-AL: Shoreline Residential – Marine altered**

**SR-HA: Shoreline Residential – Marine highly altered**

(Please refer to Figure 6 for a map detailing the locations of the areas listed above.)

- (1) Consistent with BMC 19.40-critical areas and BMC 20.30.055(1). For single family residential development in the Marine altered and highly altered planning areas, development may occur in the buffers prescribed in this section pursuant to BMC 20.30.095, through the conditional use or variance permit process. Additions or expansions of primary single family residences are not allowed in zone one or two around Lake Burien.
- (2) See BMC 20.30.040 Shoreline Vegetation Conservation for specific requirements.
- (3) See BMC 19.15 and BMC 19.17.170 of the zoning code for minimum lot area requirements.
- (4) See BMC 19.15



# CITY OF BURIEN, WASHINGTON

## ORDINANCE NO. 638

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**AN ORDINANCE OF THE CITY OF BURIEN, WASHINGTON,  
AMENDING BURIEN MUNICIPAL CODE TITLE 15, (BUILDINGS  
AND CONSTRUCTION CODE) BY AMENDING CHAPTERS 15.05  
(CONSTRUCTION ADMINISTRATIVE CODE), 15.10  
(CONSTRUCTION CODES), 15.20 (FIRE CODE), PROVIDING FOR  
SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE.**

---

WHEREAS, Washington statute requires all jurisdictions in the state to adopt by reference and enforce the updated version of the State Building Code as set forth in RCW 19.27.031; and

WHEREAS, the updated version of the State Building Code will go into effect on July 1, 2016; and

WHEREAS, RCW 19.27.040 permits a city to amend the State Building Code as it applies within that city, so long as the minimum performance standards for the Code and the objectives enumerated in RCW 19.27.020 are not diminished; and

WHEREAS, the City Council of the City of Burien has adopted by reference the State Building Code and related construction codes for the health, safety and welfare of the citizens, as set forth in the Burien Municipal Code Title 15; and

WHEREAS, the City Council wishes to provide consistency in the administration of the construction codes; and

WHEREAS, the City Council wishes to provide standards for the maintenance of buildings and property within the City to protect the public health, safety and welfare;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. BMC Chapter 15.05. Chapter 15.05, Construction Administrative Code, of the Burien Municipal Code is hereby amended by amending various sections as set forth in Exhibit A.

Section 2. BMC Chapter 15.10. Chapter 15.10, Construction Codes, of the Burien Municipal Code is hereby amended by amending various sections as set forth in Exhibit B.

Section 3. BMC Chapter 15.20. Chapter 15.20, Fire Code, of the Burien Municipal Code is hereby amended by amending various sections as set forth in Exhibit C.

Section 4. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 5. Effective Date. This ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force beginning July 1, 2016.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON, AT  
A REGULAR MEETING THEREOF THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2016.

CITY OF BURIEN

\_\_\_\_\_  
Lucy Krakowiak, Mayor

ATTEST/AUTHENTICATED:

\_\_\_\_\_  
Monica Lusk, City Clerk

Approved as to form:

\_\_\_\_\_  
Soojin Kim, City Attorney

Filed with the City Clerk:  
Passed by the City Council:  
Ordinance No.:  
Date of Publication:

## **EXHIBIT A**

### **Chapter 15.05**

#### **CONSTRUCTION ADMINISTRATIVE CODE**

##### Sections:

- 15.05.010 Short title.
- 15.05.015 Scope.
- 15.05.020 Definitions.
- 15.05.025 Appendices.
- 15.05.030 Intent.
- 15.05.035 Referenced codes.
- 15.05.040 International Building Code – Scope.
- 15.05.045 International Residential Code – Scope.
- 15.05.050 International Mechanical Code – Scope.
- 15.05.055 Liquid Propane Gas Codes – Scope.
- 15.05.060 International Fuel Gas Code – Scope.
- 15.05.065 International Fire Code – Scope.
- 15.05.070 Uniform Plumbing Code – Scope.
- 15.05.075 Burien Building and Property Maintenance Code – Scope.
- 15.08.082 Washington State Energy Code – Scope.
- 15.05.082 International Existing Building Code – Scope.**
- 15.05.085 Burien Electrical Code – Scope.
- 15.05.090 Applicability.
- 15.05.095 Other laws.
- 15.05.100 Application of references.
- 15.05.105 Referenced codes and standards.
- 15.05.110 Partial invalidity.
- 15.05.115 Existing structures.
- 15.05.120 Maintenance.
- 15.05.125 Added electrical wiring.

- 15.05.130 Requirements not covered by code.
- 15.05.135 Moved buildings.
- 15.05.140 Moved buildings – Electrical requirements.
- 15.05.145 Structures in areas of special flood hazard.
- 15.05.150 Building department – Established.
- 15.05.155 Building official designated.
- 15.05.160 Deputies.
- 15.05.165 Duties and power of the building official.
- 15.05.170 Applications and permits.
- 15.05.175 Notices and orders.
- 15.05.180 Inspections.
- 15.05.185 Identification.
- 15.05.190 Right of entry.
- 15.05.195 Department records.
- 15.05.200 Liability.
- 15.05.205 Approved materials and equipment.
- 15.05.210 Used materials and equipment.
- 15.05.215 Modifications.
- 15.05.220 Alternative materials, design and methods of construction and equipment.
- 15.05.225 Research reports.
- 15.05.230 Tests.
- 15.05.235 Permits required.
- 15.05.240 Electrical permit required.
- 15.05.242 Annual Permit.
- 15.05.245 Work exempt from permit.
- 15.05.250 Emergency repairs.
- 15.05.255 Ordinary repairs.
- 15.05.260 Public service agencies.
- 15.05.265 Application for permit.

- 15.05.270 Areas of flood hazard.
- 15.05.275 Action on permit application.
- 15.05.280 Time limitation on permit application.
- 15.05.285 Validity of permit.
- 15.05.290 Permit expiration.
- 15.05.295 Permit extensions and renewals.
- 15.05.300 Permit suspension or revocation.
- 15.05.305 Placement of permit.
- 15.05.310 Floor and roof design loads.
- 15.05.315 Submittal documents.
- 15.05.320 Construction documents.
- 15.05.325 Examination of documents.
- 15.05.330 Use of consultants.
- 15.05.335 Expedited plan review.
- 15.05.340 Approval of construction documents.
- 15.05.345 Phased approval.
- 15.05.350 Design professional in responsible charge.
- 15.05.355 Deferred submittals.
- 15.05.360 Amended construction documents.
- 15.05.365 Retention of construction documents.
- 15.05.370 Temporary structures and uses.
- 15.05.375 Fees.
- 15.05.380 Inspections.
- 15.05.385 Traffic management systems.
- 15.05.390 Certificate of occupancy.
- 15.05.395 Service utilities.
- 15.05.400 Appeals.
- 15.05.405 Unlawful acts.
- 15.05.410 Violations – Penalties.

15.05.415 Stop work order.

15.05.420 Unsafe structures and equipment.

15.05.425 Copies to be available.

**15.05.010 Short title.**

This chapter shall be known as the construction administrative code of the city of Burien, hereinafter referred to as “this code.”

**15.05.015 Scope.**

The provisions of this code shall apply to the administration of the following construction codes:

- (1) International Building Code – Chapter 51-50 WAC;
- (2) International Residential Code – Chapter 51-51 WAC;
- (3) International Mechanical Code – Chapter 51-52 WAC;
- (4) National Fuel Gas Code (NFPA 54) – Chapter 51-52 WAC;
- (5) Liquefied Petroleum Gas Code (NFPA 58) – Chapter 51-52 WAC;
- (6) International Fuel Gas Code – Chapter 51-52 WAC;
- (7) Uniform Plumbing Code – Chapter 51-56 WAC;
- (8) International Energy Conservation Code – Chapters 51-11R, C, and A WAC;
- (9) International Existing Building Code – WAC 51-50-480000 (10) Burien Electrical Code.

**15.05.020 Definitions.**

For the purpose of this code, certain terms, phrases, words and their derivatives shall have the meanings set forth in this section. Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. Webster’s Third International Dictionary of the English Language, Unabridged latest edition, shall be considered as providing ordinary accepted meanings. Words used in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine and the feminine the masculine.

“Action” means a specific response complying fully with a specific request by the city.

“Amended construction documents” means changes or revisions to the approved plans which do not alter the size, shape, height, location or orientation on property, major components of the structural load path, or exiting requirements.

“BMC” means the Burien Municipal Code.

“BPMC” means the Burien Building and Property Maintenance Code as adopted by the city of Burien.

“Building official” means the person or persons designated by the city manager, or a duly authorized representative, charged with the administration and enforcement of the adopted administrative and construction codes.

“Building service equipment” means and refers to the plumbing, mechanical and electrical equipment including piping, wiring, fixtures, and other accessories which provide sanitation, lighting, heating, ventilation, cooling, refrigeration, firefighting, and transportation facilities essential to the occupancy of the building or structure for its designated use.

“Code Official” means the person or persons charged with the enforcement of the adopted administrative and construction codes, or any duly authorized representative.

“Complete response” means a written submittal responding to all requests from city staff in sufficient detail to allow the application to proceed or be processed.

“Construction codes” means the construction codes listed in BMC 15.05.015.

“Energy code” means the latest edition of the International Energy Conservation Code promulgated by the International Code Council as adopted by the city.

“IBC” means the latest edition of the International Building Code promulgated by the International Code Council as adopted by the city.

“IEBC” means the latest edition of the International Existing Building Code promulgated by the International Code Council as adopted by the city.

“IPMC” means the Burien Building and Property Maintenance Code as adopted by the city of Burien.

“IMC” means the latest edition of the International Mechanical Code promulgated by the International Code Council as adopted by the city.

“IRC” means the latest edition of the International Residential Code for One- and Two-Family Dwellings promulgated by the International Code Council as adopted by the city.

“NEC” means the latest edition of the National Electrical Code promulgated by the National Fire Protection Association as amended by the Washington Cities Electrical Code and adopted by the city.

“Occupancy” means the purpose for which a building, or part thereof, is used or intended to be used.

“Public service agency” means those agencies providing noncompetitive services and rates to the public for the purpose of delivering electrical, water, sewer or gas utilities. The equipment installed by a public service agency shall be owned, operated and maintained by that agency.

“Shall,” as used in this chapter, is mandatory.

“UPC” means the latest edition of the Uniform Plumbing Code promulgated by the International Association of Plumbing and Mechanical Officials as adopted by the city.

“Valuation” or “value,” as applied to a building, structure, or building service equipment, shall mean the estimated cost to construct or replace the structure, building and its building service equipment in kind based on current construction or replacement costs. Current construction or replacement include fees

for all architectural, engineering and construction management services, and includes all structural, electrical, plumbing, mechanical equipment and labor, including all contractors' profits and all on-site preparation costs. The building official is authorized to utilize two methodologies to determine valuation. The greater of the two methods (the square footage method vs. the total valuation method) shall be used to determine the construction valuation for the purpose of computing permit fees.

The valuation for a permit renewal or reinstatement shall be based upon the value of all work not completed prior to the permit expiration date, with a minimum valuation of \$4,000 for each required remaining inspection.

#### **15.05.025 Appendices.**

Provisions in the appendices shall not apply unless specifically adopted.

#### **15.05.030 Intent.**

The purpose of this code and the construction codes is to establish the minimum requirements to provide a reasonable level of safety, public health, safety and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment and to provide a reasonable level of safety to fire fighters and emergency responders during emergency operations.

#### **15.05.035 Referenced codes.**

The codes listed in BMC 15.05.040 through 15.05.085 and referenced elsewhere in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference.

#### **15.05.040 International Building Code – Scope.**

The provisions of the International Building Code (IBC) shall apply to the construction, alteration, relocation, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal, and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures.

Exception:

(a) Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade plane in height with separate means of egress and their accessory structures not more than three *stories above grade plane* in height, shall comply with the International Residential Code.

(b) Roads, bridges, sidewalks, drainage structures, retaining walls and similar structures regulated, approved and inspected by the city's public works department.

(c) Electrical transmission towers and telephone poles (not including cell towers) under the control of a utility.

#### **15.05.045 International Residential Code – Scope.**

The provisions of the International Residential Code for One- and Two-Family Dwellings (IRC) shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal, and demolition of detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade plane in height with separate means of egress and their accessory structures not more than three stories above *grade plane* in height.

Exceptions:

(a) Live/work units located in *townhouses* complying with the requirements of Section 419 of the International Building Code shall be permitted to be constructed in accordance with the *International Residential Code for One- and Two-Family Dwellings*. Fire suppression required by Section 419.5 of the International Building Code where constructed under the International Residential Code for One- and Two-family Dwellings shall conform to Appendix Q of the International Residential Code.

(b) Owner-occupied lodging houses with one or two guestrooms shall be permitted to be constructed in accordance with the International Residential Code for One- and Two-Family Dwellings.

(c) Owner-occupied lodging homes with three to five guestrooms shall be permitted to be constructed in accordance with the International Residential Code for One- and Two- Family Dwellings where equipped with a fire sprinkler system in accordance with Appendix Q.

#### **15.05.050 International Mechanical Code – Scope.**

The provisions of the International Mechanical Code (IMC) shall apply to the design, installation, maintenance, alteration and inspection of mechanical systems that are permanently installed and utilized to provide control of environmental conditions and related processes within buildings. This code shall also regulate those mechanical systems, system components, equipment, and appliances specifically addressed herein.

Exceptions:

(a) The International Fuel Gas Code (IFGC) shall apply to all installations utilizing natural gas and gaseous hydrogen except those regulated by the IRC and those utilizing LPG.

(b) International Residential Code shall apply to all structures regulated by the IRC except LPG installations.

(c) NFPA 54 (National Fuel Gas Code) and NFPA 58 (Liquid Petroleum Gas Code) shall apply to all LPG installations for liquefied petroleum gas (LPG) installations.

#### **15.05.055 Liquid Propane Gas Codes – Scope.**

The provisions of the National Fuel Gas Code and Liquid Petroleum Gas Code (NFPA 54 and 58) shall apply to the installation of all materials and equipment utilizing liquid propane gas.

#### **15.05.060 International Fuel Gas Code – Scope.**

The provisions of the International Fuel Gas Code (IFGC) shall apply to the installation of all materials and equipment utilizing natural gas except those regulated by the International Residential Code.

**15.05.065 International Fire Code – Scope.**

The provisions of the International Fire Code (IFC) shall apply to matters affecting or relating to the protection of structures, processes, premises and safeguards regarding all of the following:

- (1) The hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices.
- (2) Conditions hazardous to life, property or public welfare in the occupancy of structures or premises.
- (3) Fire hazards in the structure or on the premises from occupancy or operation.
- (4) Matters related to the construction, extension, repair, alteration or removal of fire suppression or alarm systems.
5. Conditions affecting the safety of fire fighters and emergency responders during emergency operations.

**15.05.070 Uniform Plumbing Code – Scope.**

The provisions of the Uniform Plumbing Code shall apply to the erection, installation, alteration, repair relocation, replacement, addition to, use, or maintenance of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, where connected to a water or sewage system and all aspects of a medical gas system.

**15.05.075 Burien Building and Property Maintenance Code – Scope.**

The provisions of the Burien Building and Property Maintenance Code shall apply to existing structures and premises; equipment and facilities; light, ventilation, space heating, sanitation, life and fire safety hazards; responsibilities of owners, operators and occupants; and occupancy of existing premises and structures.

**15.05.080 Washington State Energy Code – Scope.**

The provisions of the Washington State Energy Code shall apply to all matters governing the design and construction of buildings for energy efficiency.

- (1) WAC 51-11R applies to residential buildings and the buildings sites and associated systems and equipment. This code shall be the maximum and minimum energy code for residential construction in each town, city and county.
- (2) WAC 51-11C applies to commercial buildings and the buildings sites and associated systems and equipment.

EXCEPTION: The provisions of this code do not apply to temporary growing structures used solely for the commercial production of horticultural plants including ornamental plants, flowers, vegetables, and fruits. A temporary growing structure is not considered a building for the purposes of this code.

However, the installation of other than listed, portable mechanical equipment or listed, portable lighting fixtures is not allowed.

#### **15.05.082 International Existing Building Code – Scope.**

The provisions of the *International Existing Building Code* shall apply to the *repair, alteration, change of occupancy, addition* to and relocation of existing *buildings not regulated under the International Residential code*.

#### **15.05.085 Burien Electrical Code – Scope.**

The provisions of the Burien Electrical Code apply to the installation of electric conductors, electric equipment and additions, alterations, modifications, or repairs to existing electrical installations for the following:

- (1) Electric conductors, electric equipment, and electrical raceways installed within or on public and private buildings, property or other structures.
- (2) Signaling and communications conductors and equipment, telecommunications conductors and equipment, fiber optic cables, and raceways installed within or on public and private buildings, property or other structures.
- (3) Yards, lots, parking lots, and industrial substations.
- (4) Temporary electrical installations for use during the construction of buildings.
- (5) Temporary electrical installations for carnivals, conventions, festivals, fairs, traveling shows, the holding of religious services, temporary lighting of streets, or other approved uses.
- (6) Installations of conductors and equipment that connect to a supply of electricity.
- (7) All other outside electrical conductors on the premises.
- (8) Optional standby systems derived from portable generators.

Exception: Installations under the exclusive control of electric utilities for the purpose of communication, transmission, and distribution of electric energy located in buildings used exclusively by utilities for such purposes or located outdoors on property owned or leased by the utilities or on public highways, streets, roads, etc., or outdoors by established rights on private property.

It is the intent of this section that the Burien Electrical Code covers all premises' wiring or wiring other than utility owned metering equipment, on the load side of the service point of buildings, structures, or any other premises not owned or leased by the utility. Also, it is the intent that the Burien Electrical Code covers installations in buildings used by the utility for purposes other than listed in above, such as office buildings, warehouses, garages, machine shops, and recreational buildings which are not an integral part of a generating plant, substation, or control center.

#### **15.05.090 Applicability.**

(1) General. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern except that the hierarchy of the codes as specified in RCW 19.27.031 shall govern.

(2) New Installations. This code applies to new installations.

Exception: If an electrical, plumbing or mechanical permit application is received after this code has taken effect, but is identified with a building permit application received prior to the effective date of the ordinance codified in this chapter, all applicable codes adopted and in force at the time of a complete building permit application will apply.

(3) Existing Installations. Lawfully installed existing installations that do not comply with the provisions of the adopted construction codes shall be permitted to be continued without change, except as is specifically covered in this chapter, the International Fire Code, the Burien Building and Property Maintenance Code or as is deemed necessary by the building official for the general safety and welfare of the occupants and the public. Where changes are required for correction of hazards, a reasonable amount of time shall be given for compliance, depending on the degree of the hazard.

(4) Maintenance. Building and structures, including their electrical, plumbing and mechanical systems, equipment, materials and appurtenances, both existing and new, and parts thereof shall be maintained in proper operating condition in accordance with the original design and in a safe, hazard-free condition. Devices or safeguards that are required by adopted construction codes shall be maintained in compliance with the code edition under which installed. The owner or the owner's designated agent shall be responsible for the maintenance of the systems and equipment. To determine compliance with this provision, the building official shall have the authority to require that the systems and equipment be re-inspected.

(5) Additions, Alterations, Modifications or Repairs. Additions, alterations, modifications or repairs to a building or structure or to the electrical, plumbing or mechanical system(s) of any building, structure, or premises shall conform to the requirements of the adopted construction codes, without requiring those portions of the existing building or system not being altered or modified to comply with all the requirements of this code. Installations, additions, alterations, modifications, or repairs shall not cause an existing building to become unsafe or to adversely affect the performance of the building as determined by the building official or designated representative.

Electrical wiring added to an existing service, feeder, or branch circuit shall not result in an installation that violates the provisions of the code in force at the time the additions were made.

Minor additions, alterations, renovations and repairs to existing mechanical systems shall meet the provisions for new construction, unless such work is done in the same manner and arrangement as was in the existing system, is not hazardous, and is approved by the building official.

Exceptions:

(a) Additions constructed under the International Residential Code with less than 500 square feet of conditioned floor area are exempt from the requirements for Whole House Ventilation Systems, Section M1508.

(b) Additions or alterations to existing buildings constructed under the International Residential Code, which do not require the construction of foundations, crawlspaces, slabs or basements, shall not be required to meet the requirements for radon protection in Section R327.1 and Appendix F.

**15.05.095 Other laws.**

The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

**15.05.100 Application of references.**

References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

**15.05.105 Referenced codes and standards.**

The codes and standards referenced in the construction codes shall be considered part of the requirements of that code to the prescribed extent of each such reference.

Where conflicts occur between provisions of the construction code and referenced codes and standards, the provisions of the construction code shall apply.

Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of the construction codes listed in the Burien Municipal Code, the provisions of this title and the codes listed in BMC 15.05.015, as applicable, shall take precedence over the provisions in the referenced code or standard.

**15.05.110 Partial invalidity.**

In the event that any part or provision of this code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.

**15.05.115 Existing structures.**

The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in the construction codes, the Burien Building and Property Maintenance Code, the International Fire Code, or as is deemed necessary by the building official or fire marshal for the general safety and welfare of the occupants and the public.

(1) Buildings not previously occupied. A building or portion of a building that has not been previously occupied or used for its intended purpose in accordance with the laws in existence at the time of its completion shall be permitted to comply with the provisions of the laws in existence at the time of its original permit unless such permit has expired. Subsequent permits shall comply with the *International Building Code* or *International Residential Code*, as applicable, for new construction.

(2) **Buildings previously occupied.** The legal occupancy of any building existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in the *International Existing Building Code*, the *International Fire Code*, or as is deemed necessary by the *code official* to mitigate an unsafe building. For the purpose of this section, “unsafe building” is not to be construed as a mere lack of compliance with current code.

(3) Modifications. Repair, alteration, change of occupancy or use, addition to and relocation of existing structures not regulated by the International Residential Code shall be performed in accordance with the International Existing Building Code.

(4) Additions, alterations or repairs of structures regulated by the International Residential Code. *Additions, alterations* or repairs to any structure shall conform to the requirements for a new structure without requiring the existing structure to comply with the requirements of the International Residential Code, unless otherwise stated. *Additions, alterations*, repairs and relocations shall not cause an existing structure to become unsafe or adversely affect the performance of the building.

(5) Determination of substantially improved or substantially damaged existing buildings and structures in flood hazard areas. For applications for reconstruction, rehabilitation, repair, alteration, addition or other improvement of existing buildings or structures located in flood hazard areas, the building official shall determine where the proposed work constitutes substantial improvement or repair of substantial damage. Where the building official determines that the proposed work constitutes substantial improvement or repair of substantial damage, and where required by the International existing building code, the building official shall require the building to meet the requirements of Section 1612 of the *International Building Code*.

(6) **Preliminary meeting.** When requested by the permit applicant or the *code official*, the *code official* shall meet with the permit applicant prior to the application for a construction permit to discuss plans for the proposed work or *change of occupancy* in order to establish the specific applicability of the provisions of this code.

**Exception:** *Repairs* and Level 1 *alterations*.

(7) **Building evaluation.** The *code official* is authorized to require an *existing building* to be investigated and evaluated by a registered design professional based on the circumstances agreed upon at the preliminary meeting. The design professional shall notify the *code official* if any potential nonconformance with the provisions of this code is identified.

#### **15.05.120 Maintenance.**

Structures and installations, both existing and new, and parts thereof shall be maintained in proper operating condition in accordance with the original design and in a safe condition. Devices or safeguards shall be maintained in compliance with the code edition under which they were constructed or installed. The owner or the owner's authorized agent shall be responsible for maintenance of structures and installations. To determine compliance with this provision, the building official shall have the authority to require an installation to be reinspected.

#### **15.05.125 Added electrical wiring.**

Electrical wiring added to an existing service, feeder, or branch circuit shall not result in an installation that violates the provisions of the code in force at the time the additions were made.

#### **15.05.130 Requirements not covered by code.**

Requirements necessary for the strength, stability or proper operation of an existing or proposed structure or installation, or for the public safety, health and general welfare, not specifically covered by this code, shall be determined by the building official.

**15.05.135 Moved buildings.**

(1) Buildings or structures moved into or within the city shall comply with the provisions of BMC 15.10.150 (1).

**15.05.140 Moved buildings – Electrical requirements.**

**(1) Electrical requirements for moved buildings shall be in accordance with BMC 15.10.150(2)**

**15.05.145 Structures in areas of special flood hazard.**

Buildings located in areas of special flood hazard shall be regulated under the International Building Code, the International Residential Code and the Burien Municipal Code.

**15.05.150 Building department – Established.**

There is established for the city the “building department” which shall be under the supervision and control of the city manager or his/her authorized representative.

**15.05.155 Building official designated.**

The building official shall be appointed by the city manager.

**15.05.160 Deputies.**

In accordance with the prescribed procedures of the city of Burien and with the concurrence of the appointing authority, the building official shall have the authority to appoint a deputy building official, the related technical officers, inspectors, plan examiners and other employees. Such employees shall have powers as delegated by the building official.

**15.05.165 Duties and power of the building official.**

The building official is hereby authorized and directed to enforce the provisions of this code and this title. The building official shall have the authority to render interpretations of this code and this title and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code and this title. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code and this title.

**15.05.170 Applications and permits.**

The building official shall receive applications, review construction documents and issue permits for the erection, alteration, demolition and moving of buildings, structures and building service equipment, inspect the premises for which such permits have been issued, and enforce compliance with the provisions of this code and the construction codes.

**15.05.175 Notices and orders.**

(1) The building official shall have the authority to issue all necessary notices or orders to ensure compliance with this code.

(2) Following a city of Burien issued formal declaration of emergency, the building official shall be authorized to evaluate and provide building safety evaluations. Evaluations shall generally follow standards from the Applied Technology Council ATC 20, ATC 20-1, or ATC 45 manuals. The procedure shall allow for the tagging of buildings as “inspected,” “limited entry” or “unsafe,” along with any associated penalties per BMC 15.05.405 and 15.05.410 for removal of building tags. Notice of orders pertaining to dangerous buildings and appeal procedures established under adopted building codes shall not apply under official declarations of emergency.

**15.05.180 Inspections.**

The building official shall make all of the required inspections and shall have the authority to accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The building official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, at the applicant’s expense.

**15.05.185 Identification.**

Building department personnel shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

**15.05.190 Right of entry.**

Where it is necessary to make an inspection to enforce the provisions of this code, or where the building official has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of this code which makes the structure or premises unsafe, dangerous or hazardous, the building official is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this code; provided, that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises is unoccupied, the building official shall first make a reasonable effort to locate the owner, the owner’s authorized agent or other person having charge or control of the structure or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry.

Where the code official has first obtained a proper inspection warrant or other remedy provided by law to secure entry, an owner, the owner’s authorized agent or occupant or person have charge, care or control of the building or premises shall not fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the code official for the purpose of inspection and examination pursuant to the applicable construction code.

**15.05.195 Department records.**

The city shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the period required for retention of public records.

#### **15.05.200 Liability.**

This title shall not be construed to relieve or lessen the responsibility of any person, partnership, firm, association, or corporation owning, building, altering, constructing, or moving any building or structure as defined in this title; nor shall the city or any agent thereof be held as assuming such liability by reason of inspection authorized herein or a certificate of inspection issued by the city or any of its agencies.

The building official or employee charged with the enforcement of this code and this title, while acting for the city of Burien in good faith and without malice in the discharge of the duties required by this code and this title or other pertinent law or ordinance, shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code and this title shall be defended by legal representative of the city of Burien until the final termination of the proceedings. The building official or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this code and this title.

#### **15.05.205 Approved materials and equipment.**

Materials, equipment and devices approved by the building official shall be constructed and installed in accordance with such approval.

#### **15.05.210 Used materials and equipment.**

The use of used materials and building service equipment which meet the requirements of this code for new materials is permitted. Used equipment and devices shall not be reused unless approved by the building official.

#### **15.05.215 Modifications.**

Wherever there are practical difficulties involved in carrying out the provisions of this code, the building official shall have the authority to grant modifications for individual cases, upon application of the owner or the owner's authorized agent, provided the building official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, accessibility, life and fire safety, or structural requirements. The details of action granting modifications shall be recorded and entered in the files of the department. The building official is authorized to charge an additional fee to evaluate any proposed modification under the provisions of this section.

#### **15.05.220 Alternative materials, design and methods of construction and equipment.**

The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code; provided, that any such alternative has been approved by the building official as provided herein. An alternative material, design or method of construction shall be approved where the building official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety. Where the alternative material,

design or method of construction is not approved, the building official shall respond in writing, stating the reasons why the alternative was not approved. The building official is authorized to charge an additional fee to evaluate any proposed alternate material, design and/or method of construction and equipment under the provisions of this section.

**15.05.225 Research reports.**

Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from approved sources.

**15.05.230 Tests.**

Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the building official shall have the authority to require tests as evidence of compliance to be made at no expense to the city of Burien. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the building official shall approve the testing procedures. Tests shall be performed by an approved agency. Reports of such tests shall be retained by the city for the period required for retention of public records.

**15.05.235 Permits required.**

Any owner or owner's authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by the construction codes, or to cause any such work to be done, shall first make application to the city and obtain the required permit. A separate permit is required for each building or structure.

Exceptions:

- (a) When deemed appropriate by the building official, accessory buildings and structures may be included under the permit of the main building or structure.
- (b) A single demolition permit may be issued for the demolition of multiple structures on a single tax parcel.

**15.05.240 Electrical permit required.**

In accordance with Chapter 19.28 RCW, an electrical permit is required for the following installations:

- (1) The installation, alteration, repair, replacement, modification or maintenance of all electrical systems, wire and electrical equipment regardless of voltage.
- (2) The installation and/or alteration of low voltage systems defined as:
  - (a) NEC, Class 1 power limited circuits at 30 volts maximum.
  - (b) NEC, Class 2 circuits powered by a Class 2 power supply as defined in NEC 725.41(A).
  - (c) NEC, Class 3 circuits powered by a Class 3 power supply as defined in NEC 725.41(A).

(3) Telecommunications Systems.

(a) Installation of telecommunications systems on the customer side of the network demarcation point for projects greater than 10 telecommunications outlets.

(b) All backbone installations, regardless of size, and all telecommunications cable or equipment installations involving penetrations of fire barriers or passing through hazardous locations.

(c) The installation of greater than 10 outlets and the associated cables along any horizontal pathway from a telecommunications closet to work areas during any continuous 90-day period requires a permit and inspection.

(d) Backbone installations in multifamily residential dwellings which require penetration of fire barriers or installation of more than 10 outlets in common areas.

(e) Definitions of telecommunications technical terms shall be as set forth in Chapter 19.28 RCW, EIA/TIA standards, and the Burien Electrical Code.

**15.05.242 Annual Permit.**

Instead of an individual construction permit for each plumbing, mechanical or electrical alteration to an already *approved* system or equipment or application installation, the code official is authorized to issue an annual permit upon application therefor to any person, firm or corporation regularly employing one or more qualified tradespersons in the building, structure or on the premises owned or operated by the applicant for the permit.

The person to whom an annual permit is issued shall keep a detailed record of alterations made under such annual permit. The code official shall have access to such records at all times or such records shall be filed with the code official as designated.

**15.05.245 Work exempt from permit.**

Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of the city of Burien. Permits shall not be required for the following except when located in a special flood hazard area or other areas within the city requiring critical area review or exemption by the zoning code:

(1) Building.

(a) One-story detached accessory structures which are accessory to residential buildings and constructed under the provisions of the IRC used as tool and storage sheds, tree supported play structures, playhouse and similar uses, provided the floor area does not exceed 200 square feet (18.58 m<sup>2</sup>) and the structure is located in accordance with all land use regulations.

(b) Fences six feet (1,829 mm) or less in height.

(c) Oil derricks.

- (d) Retaining walls which are four feet (1,219 mm) or less in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or III-A liquids.
- (e) Water tanks not utilized for fire protection water supplies which are supported directly on grade, if the capacity is 5,000 gallons (18,925 L) or less and the ratio of height to diameter or width does not exceed two to one.
- (f) Sidewalks and driveways that are not part of an accessible route.
- (g) Decks, associated platforms and steps accessory to buildings, which are 30 inches (762 mm) or less above adjacent grade and which are not over any basement or story below and which are not part of an accessible route.
- (h) Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work; provided, that existing accessible features are not altered.
- (i) Replacement of nonstructural siding on IRC structures, except for veneer, stucco or "Exterior Finish and Insulation Systems" (EFIS).
- (j) In-kind re-roofing of one- and two-family dwellings provided the roof sheathing is not removed or replaced.
- (k) Window replacement for IRC structures in Airport Noise Reduction Area 3, where no alteration of structural members is required, the window U-Values meet the prescriptive requirements of the International Energy Conservation Code, the window glazing is not required to be safety glass, and minimum dimensions and placement of any required egress window is not reduced.
- (l) Temporary motion picture, television, and theater stage sets and scenery.
- (m) Prefabricated swimming pools accessory to a one- and two-family dwelling or Group R-3 occupancy, which are less than 24 inches (610 mm) deep, do not exceed 5,000 gallons (18,925 L) and are installed entirely above ground.
- (n) Shade cloth structures constructed for garden, nursery or agricultural purposes and not including service systems.
- (o) Swings, slides and other similar playground equipment accessory to a one- or two-family dwelling or Group R-3 occupancy.
- (p) Window awnings that are supported by an exterior wall of one- and two-family dwellings, Group R-3 occupancies, or Group U occupancies and that do not project more than 54 inches (1,372 mm) from the exterior wall and do not require additional support.
- (q) Non-fixed and movable cases, counters and partitions five feet nine inches (1,753 mm) or less in height.
- (r) Satellite earth station antennas six and one-half feet (two meters) or less in diameter or diagonal dimensions in zones other than residential zones.
- (s) Satellite earth station antennas three and one-quarter feet (one meter) or less in diameter in residential zones.

(t) Video programming service antennas three and one-quarter feet (one meter) or less in diameter or diagonal dimension, regardless of zone.

(u) Job shacks that are placed at the job site during a construction project, for which a permit has been issued or applied, may be allowed on a temporary basis and shall be removed upon final approval of construction. A job shack is a portable structure for which the primary purpose is to house equipment and supplies and which may serve as a temporary office during construction for the purposes of the construction project.

(v) Electrical transmission towers and telephone poles, hydraulic flood control structures, and other structures under the control of a public utility or public agency which are located in a public right-of-way or public easement.

(2) Electrical.

(a) Portable motors or other portable appliances which are energized by means of a cord or cable having an attachment plug end to be connected to an approved receptacle, when that cord or cable is permitted by the National Electrical Code.

(b) Repair or replacement of fixed motors, transformers, or fixed approved appliances or devices rated 50 amps or less and which are like-in-kind and in the same location.

(c) Temporary decorative lighting; when used for a period not to exceed 90 days and removed at the conclusion of the 90-day period.

(d) Repair or replacement of current-carrying parts of any switch, conductor or control device, which are like-in-kind and in the same location.

(e) Repair or replacement of attachment plug(s) and associated receptacle(s) rated 50 amperes or less, which are like-in-kind in the same location.

(f) Repair or replacement of any over current device, which is like-in-kind and in the same location.

(g) Repair or replacement of electrodes or transformers of the same size and capacity for signs or gas tube systems.

(h) Removal of electrical wiring.

(i) Telecommunication outlet installations within individual dwelling units.

(j) Listed wireless security systems for which power is supplied by a listed Class 2 plug-in transformer and which are installed within dwelling units.

(k) The installation, alteration or repair of electrical wiring, apparatus or equipment or the generation, transmission, distribution or metering of electrical energy or in the operation of signals or the transmission of intelligence, by a public or private utility in the exercise of its function as a serving utility.

(l) Portable generators serving only cord and plug connected loads supplied through receptacles on the generator.

(m) Travel trailers.

(n) Like-in-kind replacement of one or more of the following: contactor, relay, timer, starter, circuit board, or similar control component; household appliance; circuit breaker; fuse; residential luminaire; lamp; snap switch; dimmer; receptacle outlet; thermostat; heating element; luminaire ballast with an exact same ballast; component(s) of electric signs, outline lighting, skeleton neon tubing, when replaced on site by an appropriate electrical contractor and when the sign, outline lighting or skeleton neon tubing electrical system is not modified; 10 horsepower or smaller motor; and induction detection loops that comply with WAC 296-46B-300(2) and are used to control gate access devices.

(o) All wiring for low voltage installations within a one-family dwelling unit or its accessory structure except wired security, fire or smoke alarm systems, provided the power is supplied by a listed Class 2 power supply and none of the wiring penetrates the wall or ceiling between the dwelling unit and an attached garage, or wall separating two dwelling units.

(3) Gas.

(a) Portable heating, cooking or clothes drying appliances.

(b) Replacement of any minor part that does not alter its approval or make it unsafe.

(4) Mechanical.

(a) Portable heating, cooking or clothes drying appliances.

(b) Portable ventilation equipment.

(c) Portable cooling units.

(d) Steam, hot or chilled water piping that is within any heating or cooling equipment regulated by this code.

(e) Replacement of any part which does not alter its approval or make it unsafe.

(f) Portable evaporative coolers.

(g) Self-contained refrigeration systems containing 10 pounds (4.54 kg) or less of refrigerant and actuated by motors of one horsepower (746 W) or less.

(h) Portable fuel cell appliances that are not connected to a fixed piping system and are not interconnected.

(5) Plumbing.

(a) The stopping and/or repairing of leaks in drains, water, soil, waste or vent pipes; provided, however, that should any concealed trap, drain pipe, water, soil, waste or vent pipe become defective and it becomes necessary to remove and replace the same with new material, the same shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.

(b) The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures and the removal and reinstallation of water closets, provided such repairs do not involve or require replacement or rearrangement of valves, pipes or fixtures.

(c) Reinstallation or replacement of approved prefabricated fixtures that do not involve or require the replacement or rearrangement of valves or pipes.

(6) Grading.

(a) Grading in an isolated, self-contained area; provided, that there is no danger to the public and such grading will not adversely affect adjoining properties, as determined by the building official.

(b) Excavation for construction of a structure permitted under this code.

(c) Cemetery graves.

(d) Refuse disposal sites controlled by other regulations.

(e) Excavations for wells and trenches for utilities.

(f) Mining, quarrying, excavating, processing or stockpiling rock, sand, gravel, aggregate or clay controlled by other regulations, provided such operations do not affect the lateral support of, or significantly increase stresses in, soil on adjoining properties.

(g) Exploratory excavations performed under the direction of a registered design professional.

(h) An excavation below existing finished grade for basements and footings of an existing building, retaining wall or other structure, for which the structure is authorized by a valid building permit.

(i) An excavation of less than 50 cubic yards of material, which is less than two feet in depth and which does not create a cut slope of a ratio steeper than two horizontal to one vertical.

(j) A fill of less than 50 cubic yards of material, which is less than one foot in depth and placed on natural terrain with a slope flatter than five horizontal to one vertical.

#### **15.05.250 Emergency repairs.**

Where equipment replacements and equipment repairs must be performed in an emergency situation, the permit application shall be submitted to the city within the next working business day.

#### **15.05.255 Ordinary repairs.**

Application or notice to the building official is not required for ordinary repairs to structures, replacement of lamps, or the connection of approved portable electrical equipment to approved permanently installed receptacles. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, replacement, or relocation of, any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

#### **15.05.260 Public service agencies.**

A permit shall not be required for the installation, alteration or repair of generation, transmission, distribution or metering, or other related equipment, which is under the ownership and control of public service agencies.

### **15.05.265 Application for permit.**

To obtain a permit the applicant shall first file a complete permit application in writing on a form furnished by the building department for that purpose. Such application shall include:

- (1) A description of the work to be covered by the permit for which application is made.
- (2) The legal description or tax parcel number, and the street address if available, which will readily identify and definitely locate the proposed building or work.
- (3) The property owner's name, address, and phone number.
- (4) The prime contractor's business name, address, phone number, and current state contractor registration number.
- (5) For building projects valued at over \$5,000, either:
  - (a) The name, address, and phone number of the office of the lender administering the interim construction financing, if any; or
  - (b) The name and address of the firm that has issued a payment bond, if any, on behalf of the prime contractor for the protection of the owner, if the bond is for an amount not less than 50 percent of the total amount of the construction project.
- (6) The use or occupancy for which the proposed work is intended.
- (7) Plans, diagrams, computations and specifications and other information as required in BMC 15.05.315, 15.05.320 and 15.05.350.
- (8) Valuation of the proposed work.
- (9) Signature of the applicant or the applicant's authorized agent.
- (10) Such other data and information as required by the city.

The information required on the building permit application by subsections (2) through (5) of this section shall be set forth on the building permit document, which is issued to the owner, and on the inspection record card, which shall be posted at the construction site.

If the information required by subsection (5) of this section is not available at the time the application is submitted, the applicant shall so state, and the application shall be processed and the permit issued as if the information had been supplied, and the lack of the information shall not cause the application to be deemed incomplete for the purposes of vesting. However, the applicant shall provide such information as soon as the applicant can reasonably obtain such information.

### **15.05.270 Areas of flood hazard.**

Areas prone to flooding and designated in areas of flood hazard shall provide application information per Chapter 15.55 BMC.

### **15.05.275 Action on permit application.**

(1) City staff shall examine or cause to be examined applications for permits and amendments thereto, prior to acceptance of the building, plumbing, mechanical, electrical, fire prevention or related permit application. If the application is incomplete or the construction documents or other submittal information lacks sufficient information to demonstrate compliance with applicable codes and standards, the application shall be returned to the applicant stating the reasons therefor. If city staff is satisfied that the application and construction documents are complete and provide sufficient information to proceed with review, the building official shall accept the permit application and collect the appropriate submittal fees.

Notwithstanding the language of this section or any other provision of this code, no building permit shall be issued until all other project permits related to the project action for which the building permit is sought have been approved and issued and all related fees, bonds, and approval conditions have been paid and/or satisfied, including but not limited to: SEPA approvals, subdivisions, building site plans, variances, shoreline permits, and frontage improvement requirements.

(2) Revisions to the submittal documents, not requested by the city, may be accepted by the city; however, the revisions may result in additional fees being assessed. Substantial revisions may require a new permit application to be submitted, as determined by the building official.

**15.05.280 Time limitation on permit application.**

(1) Permit applications that are received on or after July 1, 2010, for which no permit is issued within 18 months following the date of application shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed in accordance with state law.

(2) Permit applications that were received on or before June 30, 2010, for which no permit has been issued shall be permitted to remain active until December 31, 2011. If at that time the permit is not issued, the application shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed in accordance with state law. Where the original permit application was received prior to July 1, 2007, the building official is authorized to require plans and other supporting information to be updated to current codes in order for the permit application to remain active in accordance with this section.

(3) Existing and new applications for which no permit has been issued may be canceled for inactivity, if an applicant fails to respond to the building official's written request for revisions, corrections, actions or additional information within 90 days of the date of request. The building official may extend the response period beyond 90 days, if within the original 90-day time period the applicant provides and subsequently adheres to an approved schedule with specific target dates for submitting the full revisions, corrections or other information requested by the building official.

(4) The building official may extend the life of an application for an additional 180 days beyond the expiration period established in subsection (1) of this section, if any of the following conditions exist:

(a) Compliance with the State Environmental Policy Act is in progress;

(b) Any other city review is in progress, provided the applicant has submitted a complete response to city requests for information or corrections;

- (c) The building official determines that unique or unusual circumstances exist that warrant additional time for such response, and the building official determines that the review is proceeding in a timely manner toward the final city decision; or
- (d) Litigation against the city or applicant is in progress, the outcome of which may affect the validity or the provisions of any permit issued pursuant to such application.
- (5) The building official may place a permit application on hold for up to one year, if requested to do so in writing by a permit applicant.
- (6) Any balance owing for plan review or other review fees shall be paid prior to any approval for extension of the permit application.

**15.05.285 Validity of permit.**

The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this chapter or the construction codes or of any other ordinance of the city. Permits presuming to give authority to violate or cancel the provisions of this code or the construction codes or other ordinances of the city shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the building official from requiring the correction of errors in the construction documents and other data. The building official is also authorized to prevent occupancy or use of a structure when in violation of this code or of any other ordinances of the city. This section shall be applied, implemented and interpreted consistent with the statutes and court decisions of the state of Washington.

**15.05.290 Permit expiration.**

- (1) Every issued permit shall expire two years from the date of issuance. The building official may approve a request for an extended expiration date, when construction work is performed in phases extending beyond the two-year period due to the unique size and scope of project work and a construction schedule is provided by the applicant and approved prior to permit issuance.
- (2) Permits issued for applications submitted prior to July 1, 2010, shall be valid for two years from the date of adoption of this code, unless a written request for extension is approved by the building official prior to permit expiration or the permit is renewed in accordance with BMC 15.05.295. Where new codes have been adopted or required to be enforced per Chapter 19.27 RCW since the time of permit issuance, the building official is authorized to require construction documents to be updated to current codes and submitted as a permit revision for review and approval by city staff.
- (3) Mechanical, plumbing, electrical and other ancillary permits shall expire at the same time as the associated building permit, except that if no associated building permit is issued, the mechanical, plumbing, electrical, and/or other ancillary permit shall expire two years from the date of issuance.

**15.05.295 Permit extensions and renewals.**

Permits may be extended, renewed or re-established by the building official in compliance with the terms and conditions of this section.

- (1) Permit Extensions. A permit expiration date may be extended in accordance with the following:

- (a) The written request for extension is received prior to the date of permit expiration.
  - (b) Upon written request from the owner, the building official or authorized representative is authorized to extend the expiration date up to 90 days with no additional fee, when all inspections except final inspection have been performed and approved. If all work is not completed within the 90-day extension period, the permit shall expire unless renewed under the provisions of subsection (2) of this section.
- (2) Permit Renewals. A permit may be renewed for a period of no more than one year from the date of original expiration in accordance with the following:
- (a) A written request for renewal shall be received prior to the date of permit expiration.
  - (b) A permit may be renewed one time subject to approval by the building official, as long as no unauthorized changes have been made to the originally approved plans and the applicant continues to make regular requests for inspections.
  - (c) The applicant shall pay an additional fee based on the valuation of the work remaining to be inspected.
- (3) Expired Permit Re-Establishment. A permit that has expired may be re-established one time in accordance with the following:
- (a) A written request for re-establishment is received by the building official within six months after the date of permit expiration.
  - (b) No unauthorized changes have been made to the originally approved plans, and the applicant agrees to make regular requests for inspections.
  - (c) The applicant shall pay an additional fee based on the valuation of the work remaining to be inspected.
  - (d) The re-established permit shall expire one year from the date of re-establishment and may not be further renewed or extended.

#### **15.05.300 Permit suspension or revocation.**

The building official is authorized to suspend or revoke a permit issued under the provisions of this code, whenever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or when the permit is in violation of any ordinance or regulation or any of the provisions of this code. This section shall be applied, implemented and interpreted consistent with the statutes and court decisions of the state of Washington.

#### **15.05.305 Placement of permit.**

The building permit or copy shall be kept on the site of the work until the completion of the project.

#### **15.05.310 Floor and roof design loads.**

(1) Live Loads Posted. Where the live load for which each floor or portion thereof of a commercial or industrial building is or has been designed to exceed 50 psf (2.40 kN/m<sup>2</sup>), such design live load shall be conspicuously posted by the owner or owner's authorized agent in that part of each story in which they apply, using durable signs. It shall be unlawful to remove or deface such notices.

(2) Issuance of Certificate of Occupancy. A certificate of occupancy required by BMC 15.05.390 shall not be issued until the floor load signs required by this section have been installed.

(3) Restrictions on Loading. It shall be unlawful to place, cause or permit to be placed, on any floor or room of a building structure or portion thereof, a load greater than is permitted by this code.

#### **15.05.315 Submittal documents.**

Submittal documents, consisting of construction documents, statement of special inspection, geotechnical reports, and other data, shall be submitted with each permit application. The construction documents shall be prepared by a registered design professional when required by the state of Washington. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional.

Exception: The building official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional, if it is found that the nature of the work applied for is such that review of construction documents is not necessary to obtain compliance with this code.

#### **15.05.320 Construction documents.**

(1) Building.

(a) Information on Construction Documents. Construction documents shall be dimensioned and drawn upon material acceptable to the building official. Electronic media documents are permitted to be submitted when approved by the building official. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed in the proper orientation and layout as it is to be constructed and shall show in detail that the work will conform to the provisions of this code and relevant laws, ordinances, rules and regulations, as determined by the building official. The plans must include the relevant items listed in this section and any other information or documents as determined by the building official.

(b) Manufacturer's installation instructions. Manufacturer's installation instructions shall be available on the job site at the time of inspection as required by the code official.

(c) Braced Wall Lines. For buildings and structures utilizing braced wall design, braced wall lines shall be identified on the construction documents. All pertinent information, including, but not limited to, bracing methods, location and length of braced wall panels, and foundation requirements of braced wall panels at top and bottom, shall be provided.

(d) Fire Protection System Shop Drawings. Shop drawings for the fire protection system(s) shall be submitted to indicate conformance with this code and the construction documents and shall be approved prior to the start of system installation. Shop drawings shall contain all information as

required by the referenced installation standards in Chapter 9 of the IBC. Shop drawings shall be prepared by a certified individual as required by the state of Washington.

(e) Means of Egress. In occupancies within the scope of the International Residential Code the construction documents shall show in sufficient detail the location, construction, size and character of all portions of the means of egress in compliance with the provisions of the International Residential Code.

In occupancies within the scope of the International Building Code, the construction documents shall show in sufficient detail the location, construction, size and character of all portions of the means of egress including the path of the exit discharge to the public way in compliance with the International Building Code. In other than Group R-3 occupancies, the construction documents shall designate the number of occupants to be accommodated on every floor, and in all rooms and spaces.

The construction documents for *Alterations—Level 2, Alterations—Level 3, additions and changes of occupancy* shall show in sufficient detail the location, construction, size and character of all portions of the means of egress in compliance with the provisions of this code. The construction documents shall designate the number of occupants to be accommodated in every *work area* of every floor and in all affected rooms and spaces.

(f) Exterior Wall Envelope. Construction documents for all buildings shall describe the exterior wall envelope in sufficient detail to determine compliance with this code. The construction documents shall provide details of the exterior wall envelope as required, including flashing, intersections with dissimilar materials, corners, end details, control joints, intersections at roof, eaves or parapets, means of drainage, water-resistive membrane, and details around openings. The construction documents shall include manufacturer's installation instructions, which provides supporting documentation that the proposed penetration and opening details described in the construction documents maintain the weather resistance of the exterior wall envelope. The supporting documentation shall fully describe the exterior wall system which was tested, and where applicable, the test procedure used. In addition to these requirements, multi-unit structures as defined in RCW 64.55.010 shall comply with the submittal requirements listed in RCW 64.55.020.

Exception: Subject to the approval of the building official, R-3, one- and two-family dwellings, and their accessory structures may be exempted from the detailing requirements of this subsection.

(g) Site Plan. The construction documents submitted with the permit application shall be accompanied by a site plan, showing to scale the size and location of new construction and existing structures on the site, distances from lot lines, the established street grades, and the proposed finished grades and, as applicable, flood hazard areas, floodways, and design flood elevations. The site plan shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The building official is authorized to waive or modify the requirement for a site plan, when the application for permit is for alteration or repair or when otherwise warranted.

(h) Design Flood Elevations. Where design flood elevations are not specified, they shall be established in accordance with Section 1612.3.1 of the IBC and Chapter 15.55 BMC.(2) Electrical.

(a) Electrical Plans. Electrical plans for the following installations shall be prepared by, or under the direction of, an electrical engineer registered under Chapter 18.43 RCW and Chapters 392-344, 246-320, and 388-97 WAC. All electrical plans must bear the engineer's stamp and signature:

(i) All educational facilities, hospitals, and nursing homes;

(ii) All services or feeders rated 1,600 amperes or larger;

(iii) All installations identified in the National Electrical Code as requiring engineering supervision; and

(iv) As required by the building official for installations which by their nature are complex, hazardous, or pose unique design problems.

(b) Construction Documents. Construction documents shall identify the name and classification of the facility and clearly show the electrical installation or alteration in floor plan view, include all switchboard and panelboard schedules, and, when a service or feeder is to be installed or altered, must include a riser diagram, load calculation, fault current calculation, and interrupting rating of equipment.

(c) Penetrations. Construction documents shall indicate where penetrations will be made for electrical systems and shall indicate the materials and methods for maintaining required structural safety, fire-resistance rating, and fireblocking.

(d) Load Calculations. Where an addition or alteration is made to an existing electrical system, an electrical load calculation shall be prepared to determine if the existing electrical service has the capacity to serve the added load.

(e) Site Plan. The construction documents submitted with the application for permit shall be accompanied by a site plan, showing to scale the size and location of new construction and existing structures on the site, distances from lot lines, the established street grades, and the proposed finished grades. The site plan shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The building official is permitted to waive or modify the requirement for a site plan, where the application for permit is for alteration or repair or where otherwise warranted.

(f) Plan Review Required. Electrical plan review is required for all new or altered electrical projects in the following occupancies and/or installations including but not limited to:

(i) Educational, institutional, or health care facilities/buildings as follows:

(A) Hospitals.

(B) Nursing home units or long-term care units.

(C) Boarding homes.

(D) Assisted living facilities.

(E) Private alcoholism hospitals.

(F) Alcoholism treatment facilities.

(G) Private psychiatric hospitals.

(H) Maternity homes.

(I) Ambulatory surgery facilities.

(J) Renal hemodialysis clinics.

(K) Residential treatment facilities for psychiatrically impaired children and youth.

(L) Adult residential rehabilitation centers.

(M) Educational facilities.

(N) Institutional facilities.

Exceptions: Electrical plan review is not required for the following types of installations in the above educational, institutional, or health care facilities buildings:

1. Lighting-specific projects that result in an electrical load reduction on each feeder involved in the project.

2. Low voltage systems.

3. Modification to existing electrical installations when all of the following conditions are met:

a. Service or distribution equipment involved is rated less than 100 amperes and does not exceed 250 volts;

b. Does not involve emergency systems other than listed unit equipment per NEC 700.12(F);

c. Does not involve branch circuits or feeders of an essential electrical system as defined in NEC 517.2; and

d. Service and feeder load calculations are increased by five percent or less.

4. Stand-alone utility fed services that do not exceed 250 volts, 100 amperes, where the project's distribution system does not include:

a. Emergency systems other than listed unit equipment per NEC 700.12(F);

b. Critical branch circuits or feeders as defined in NEC 517.2; or

c. A required fire pump system.

(ii) Installations in occupancies except one- and two-family dwellings where a service or feeder rated 100 amperes or greater is installed or altered or if more than 100 amperes is added to the service or feeder.

(iii) All work on electrical systems operating at/over 600 volts.

(iv) All commercial generator installations or alterations.

(v) All work in areas classified as hazardous locations by the NEC.

(vi) If 60 percent or more of luminaires change.

(vii) Installations of switches or circuit breakers rated 400 amperes or over except for one- and two-family dwellings.

(viii) Wind-driven generators.

(ix) Solar photovoltaic systems.

(x) Any proposed installation which cannot be adequately described in the application form.

(3) Plumbing. Plans, engineering calculations, diagrams, and other data shall be submitted in two sets with each application for a permit. When required by the building official, plans, computations, and specifications are to be prepared by, and the plumbing designed by, an engineer, an architect, or both who shall be licensed by the state to practice as such. Plans must be submitted for review and approval whenever the scope of the work includes:

(a) New nonresidential or mixed use buildings.

(b) New multifamily projects with three or more dwelling units (except townhomes as defined in the IRC).

(c) Nonresidential or mixed-use addition or alteration projects with more than 10 fixtures added or altered.

(d) Roof drains/overflow systems.

(e) Tenant improvements involving medical gas piping, commercial kitchens, and food service installations.

(f) Oil/water separator or grease interceptor installation.

(g) Sumps for nonresidential use.

(h) All types of laboratories.

(i) Addition of washing machines in multifamily units.

Construction documents for buildings more than two stories in height shall indicate where penetrations will be made for plumbing systems and the materials and methods for maintaining required structural safety, fire-resistance rating and fireblocking.

(4) Mechanical. Plans must be submitted for review and approval for all mechanical work. Construction documents for buildings more than two stories in height shall indicate where penetrations will be made for mechanical systems and the materials and methods for maintaining required structural safety, fire-resistance rating and fireblocking.

Exceptions:

(a) Work in one- and two-family dwellings and IRC townhouses.

(b) The additional or relocation of not more than 15 diffusers connected to existing HVAC equipment provided the work is limited to ducts and diffusers, the building does not have a smoke control system, and ducts do not penetrate a fire rated assembly.

(c) In kind replacement of indoor or outdoor equipment.

#### **15.05.325 Examination of documents.**

The building official shall examine or cause to be examined the accompanying submittal documents and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of this code and other pertinent laws or ordinances.

#### **15.05.330 Use of consultants.**

Whenever review of a building permit application requires retention by the city for professional consulting services, the applicant shall reimburse the city the full cost of such professional consulting services. This fee shall be in addition to the normal plan review and building permit fees. The city may require the applicant to deposit an amount with the city estimated in the discretion of the building official to be sufficient to cover anticipated costs for retaining professional consultant services and to ensure reimbursement of such costs.

#### **15.05.335 Expedited plan review.**

At the time of application, an applicant may request that plans be sent to city approved contract consultants, if the applicant believes that such review may expedite the plan review process. The request must be in writing and acknowledge that the applicant agrees to pay the full consultant fee, which is in addition to the normal plan review and building permit fees collected by the city. The city may require the applicant to deposit with the city an amount estimated by the city to be sufficient to cover anticipated costs for the expedited consultant review and to ensure reimbursement of such costs.

#### **15.05.340 Approval of construction documents.**

When the building official issues a permit, the construction documents shall be approved in writing or by stamp. One set of construction documents so reviewed shall be retained by the city. The other set shall be returned to the applicant, shall be kept at the site of work, and shall be open to inspection by the building official or a duly authorized representative.

#### **15.05.345 Phased approval.**

The building official is authorized to issue a permit for the construction of foundations or any other part of a building or structure before the construction documents for the whole building or structure have been submitted; provided, that adequate information and detailed statements have been filed complying with pertinent requirements of this code. The holder of such permit for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the building operation and without assurance that a permit for the entire structure will be granted. The city is authorized to require that a performance bond or other security acceptable to the city be posted with the city in an amount equal to 150 percent of the cost of demolition and removal of the work authorized under a phased approval. The security shall be rescindable or refundable upon issuance of a building permit for the complete building or structure and a request in writing for the refund. It shall be the duty of the

applicant to request a refund within 180 days of the permit issuance. Failure to request a refund within the specified time period may result in forfeiture of the full amount.

**15.05.350 Design professional in responsible charge.**

When it is required that documents be prepared by a registered design professional, the building official shall be authorized to require the owner to engage and designate on the building permit application a registered design professional to act as the registered design professional in responsible charge. If the circumstances require, the owner shall designate a substitute registered design professional to perform the duties required of the original registered design professional. The building official shall be notified in writing by the owner, if the registered design professional in responsible charge is changed or is unable to continue to perform the duties.

The registered design professional in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building. Where structural observation is required by Chapter 17 IBC, the statement of special inspections shall name the individual or firms who are to perform structural observation and describe the stages of construction at which structural observation is to occur (see also duties specified in Section 1704 of the IBC).

At least one set of documents prepared by a registered design professional shall bear the seal or stamp of the design professional and shall contain the original signature of the design professional.

Exceptions:

(a) Supporting documents such as engineering calculations, geotechnical reports, and specifications need only bear an original stamp and signature on the cover sheet of the supporting documents.

(b) With permission of the building official, a copy of the original stamp and original signature may be accepted on the documents.

**15.05.355 Deferred submittals.**

For the purposes of this section, “deferred submittals” are defined as those portions of the design that are not submitted at the time of the application and that are to be submitted to the building official within a specified period. Deferral of any submittal items shall have the prior approval of the building official.

The registered design professional in responsible charge shall list the deferred submittals on the construction documents for review by the building official. Documents for deferred submittal items shall be submitted to the registered design professional in responsible charge, who shall review them and forward them to the building official with a notation indicating that the deferred submittal documents have been reviewed and found to be in general conformance to the design of the building. The deferred submittal items shall not be installed until the deferred submittal documents have been approved by the building official. The city is authorized to charge an additional review fee to evaluate deferred submittals under the provisions of this section.

**15.05.360 Amended construction documents.**

Work shall be installed in accordance with the approved construction documents, and any changes made during construction that are not in compliance with the approved construction documents shall be resubmitted for approval as an amended set of construction documents. The building official may authorize minor field changes subject to the approval of the field inspector. Where changes to the approved plans alter the size, shape, height, location or orientation on the property, major components of the structural load path, or exiting requirements, a new permit application shall be submitted and applicable fee paid.

**15.05.365 Retention of construction documents.**

One set of approved construction documents shall be retained by the city for a period of not less than 180 days from date of final inspection approval or permit expiration or as required by state law.

**15.05.370 Temporary structures and uses.**

(1) General. The building official is authorized to issue a permit for temporary structures and temporary uses. Such permits shall be limited as to time of service, but shall not be permitted for more than 180 days. The building official is authorized to grant extensions for demonstrated cause.

Exception: The building official may authorize unheated tents and yurts less than 500 square feet accommodating an R-1 occupancy for recreational use as a temporary structure and allow them to be used indefinitely.

(2) Electrical. If the building official finds that the safety of life and property will not be jeopardized, permits may be issued for temporary electrical installations for use during the construction of buildings or for carnivals, conventions, festivals, fairs, the holding of religious services, temporary lighting of streets, or other approved uses. Permission to use such temporary installations shall not be granted for a length of time greater than 90 days, except that a permit for a temporary installation to be used for constructing a building may be issued for the period of construction. Where such temporary lighting is over the street area, the proper authorization for such use of the street must first be obtained.

All such temporary installations shall be made in accordance with the requirements of this code; provided, that the building official may permit deviations which will not permit hazards to life or property; and further provided, that whenever such hazards are deemed by the building official to exist, the building official may at once rescind or cancel the permit covering such installation and disconnect, or order the disconnection of, all energy to such equipment.

(3) Plumbing and Mechanical. The building official is authorized to issue a permit for temporary equipment, systems and uses. Such permits shall be limited as to time of service, but shall not be permitted for more than 180 days. The code official is authorized to grant extensions for demonstrated cause.

(4) Utilities. The code official is authorized to give permission to temporarily supply utilities before an installation has been fully completed and the final certificate of completion has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat or power in the code.

(5) Conformance. Temporary structures and uses shall conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation, and sanitary requirements of this code, as necessary to ensure the public health, safety and welfare.

(6) Termination of Approval. The building official is authorized to terminate such permit for a temporary structure or use and to order the temporary structure or use to be discontinued.

**15.05.375 Fees.**

(1) Payment of Fees. A permit shall not be valid until the fees prescribed by law have been paid, nor shall an amendment to a permit be issued until the additional fee, if any, has been paid.

(2) Schedule of Permit Fees. For buildings, grading, demolitions and structures, and for electrical, gas, mechanical, fire protection, and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required in accordance with this code and the fee schedule adopted by resolution of the city council, as now or hereafter amended. In no case shall the building permit fee be less than the city's hourly inspection fee multiplied by the number of inspections expected to be performed for work authorized by the permit. The city manager is authorized to establish fees for any permit activity not specifically set forth herein.

(3) Plan Review Fees. When submittal documents are required, a plan review fee shall be paid at the time of submitting the documents for plan review. The building official may have the option to charge a deposit in lieu of the full plan review fee, if the full amount is not known at the time. Any plan review deposit shall be applied toward the total plan review fee owed. The actual permit fees and related plan review fee shall be determined upon completion of the plan review, and the balance owing shall be paid at the time of permit issuance. The plan review fee shall be a separate fee from the permit fees specified in this section and shall be in addition to the permit fees. When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items, an additional plan review fee may be charged. Any balance owing for plan review shall be paid prior to any approval for extension of the permit application.

(4) Building Permit Valuations. The permit applicant shall provide an estimated permit value at time of application. Permit valuation or valuation shall be as defined in BMC 15.05.020. The final determination of value or valuation under any of the provisions of this code shall be made by the building official.

(5) Work Commencing before Permit Issuance. Any person who commences any work on a building or structure or grading or on any gas, electrical, mechanical, fire protection or plumbing system before obtaining the necessary permits shall be subject to a stop work order and a special investigation fee in an amount equal to twice the permit fee. The special investigation fee shall be in addition to the required permit fees.

When it is determined that construction has taken place that required a permit and construction is at such a stage that structural conformance cannot be visually assured by the building official, the owner shall comply with the following:

(a) As determined necessary by the building official the owner shall hire a licensed registered design professional to submit a certified report as to the structural integrity of the structure erected and the compliance of the structure with applicable construction codes and regulations along with the building

permit application. This document (certification) must state any deficiencies and the acceptable (code) corrective action.

(b) As determined necessary by the building official the owner shall secure building, electrical, fire, plumbing and/or mechanical permits.

(c) As determined necessary by the building official the owner shall remove construction materials in order to validate the systems have been installed correctly.

(d) As determined necessary by the building official, the owner shall substantiate and/or show proof of compliance with all applicable local, state and federal laws pertaining to land use.

(e) As determined necessary by the building official, a site inspection and a life safety inspection shall be obtained, when temporary occupancy approval or use of the building or structure is needed prior to permit issuance and final inspection.

(6) Related Fees. The payment of the fee for the construction, alteration, removal or demolition of work done in connection to or concurrently with the work authorized by a building permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law.

(7) Refunds. The building official may authorize refunding not more than 80 percent of the permit fee paid, when no work has been done under a permit issued in accordance with this chapter. The building official may authorize refunding not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review is done. The building official shall not authorize refunding any fee paid except on written application filed by the original permittee not later than 180 days after the date of fee payment.

#### **15.05.380 Inspections.**

The building official is authorized to require construction or work for which a permit is required to be inspected, and such construction or work shall remain accessible and exposed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the city. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the city shall not be valid. It shall be the duty of the owner or the owner's authorized agent to cause the work to remain accessible and exposed for inspection purposes. Neither the building official nor the city shall be liable for expense entailed in the removal or replacement of any material as required to allow for inspection. Electrical systems and equipment regulated by the Burien Electrical Code shall not be connected to the energy source until authorized by the building official.

(1) Preliminary Inspections. Before issuing a permit, the building official is authorized to examine or cause to be examined buildings, structures and sites for which an application has been filed.

(2) Manufacturer's Installation Instructions. Manufacturer's installation instructions, as required by this code, shall be available on the job site at the time of inspection.

(3) Required Inspections. The building official, upon notification, shall make the following inspections:

(a) Temporary Erosion and Sediment Control Inspection. Temporary erosion and sediment control inspections shall be made after all required silt fencing, construction fencing, straw bales, storm drain

catch basin inserts (socks), entrance rocking, and other required elements are in place and prior to commencement of construction and/or clearing the site.

(b) Footing and Foundation Inspection. Footing and foundation inspections shall be made after poles or piers are set, trenches or basement areas are excavated, or excavations for footings are complete, any forms erected, and all required hold-down anchor bolts, hold-down straps, and any required reinforcing steel is in place and supported. The foundation inspection shall include excavations for thickened slabs intended for the support of bearing walls, partitions, structural supports, or equipment. Foundation inspections shall also include special requirements for wood foundations and for any setbacks required from a property line, building setback line, critical area buffer, and/or the ordinary high water mark on waterfront properties. For concrete foundations, any required forms shall be in place prior to inspection. Materials for the foundation shall be on the job except that where concrete is ready-mixed in accordance with ASTM C 94, the concrete need not be on the job.

(c) Concrete Slab and Under-Floor Inspection. Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, slab insulation, piping accessories, and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor.

(d) Underground Inspections. Underground inspection shall be made after trenches or ditches are excavated and bedded and piping or conductors are installed and before backfill is put in place. Where excavated soil contains rocks, broken concrete, frozen chunks or other rubble that would damage or break the raceway, cable or conductors, or where corrosive action will occur, protection shall be provided in the form of granular or selected material, approved running boards, sleeves, or other means.

Exception: Ground-source heat pump loop systems tested in accordance with Section IMC section 1210.10 shall be permitted to be backfilled prior to inspection.

(e) Lowest Floor Elevation. In flood hazard areas, upon placement of the lowest floor, including the basement, and prior to further vertical construction, the elevation certification required in IBC Section 1612.5 or IRC Section R322 and Chapter 15.55 BMC shall be submitted to the building official. FEMA flood elevation certificates shall contain an original stamp and signature of the surveyor, licensed by the state of Washington, and shall document the elevation of the lowest floor, including basement, and other information required by the flood elevation certificate.

(f) Exterior Wall Sheathing Inspection. Exterior wall sheathing shall be inspected after all wall framing is complete and strapping and nailing is properly installed but prior to being covered.

(g) Roof Sheathing Inspection. The roof sheathing shall be inspected after all roof framing is complete. No roof coverings shall be installed until inspections are made and approved and confirmation that the height of the structure is in conformance with the requirements of the city of Burien zoning code and/or shoreline master program.

(h) IMC/UPC/Gas/Rough-In Inspection. Rough-in mechanical, gas piping, plumbing, and electrical shall be inspected after the roof, framing, fireblocking and bracing are in place and all components to be concealed are complete and, if required, under test prior to covering or concealment, before fixtures or appliances are set or installed, and prior to framing inspection. No connections to primary utilities shall

be made until the rough-in work is inspected, tested and approved. Joints and connections in the plumbing system shall be gastight and watertight for the pressures required by the test.

No test or inspection shall be required where a plumbing system, or part thereof, is set up for exhibition purposes and has no connection with a water or drainage system.

The requirements of this section shall not be considered to prohibit the operation of any heating *equipment* or appliances installed to replace existing heating *equipment* or appliances serving an occupied portion of a structure provided that a request for inspection of such heating *equipment* or appliances has been filed with the department not more than 48 hours after such replacement work is completed, and before any portion of such *equipment* or appliances is concealed by any permanent portion of the structure.

(i) Electrical Rough-In Inspection. Rough-in inspection shall be made after the roof, framing, fireblocking and bracing are in place and all wiring and other components to be concealed are complete and prior to covering or concealment, but before fixtures, equipment or appliances are set or installed, and prior to framing inspection. All required equipment grounding conductors installed in concealed cable or flexible conduit systems must be completely installed and made up at the time of the rough-in cover inspection.

(j) Frame Inspection. Framing inspections shall be made after the roof deck, exterior wall sheathing, all framing, fire blocking, and bracing are in place, pipes, chimneys and vents to be concealed are complete, the rough electrical, plumbing, fire suppression piping, heating wires, pipes, and ducts are approved, and the building is substantially dried in.

(k) Flashing and Exterior Weather Barrier Inspection. Flashing and exterior weather barrier inspections shall be made after flashing and weather barrier materials have been installed but prior to any of the work being covered. Subject to the approval of the building official, an approved special inspection agency may be utilized for these inspections during the course of construction. In addition to these requirements, multi-unit structures as defined in RCW 64.55.010 shall comply with the special inspection and documentation requirements of RCW 64.55.020.

Exception: Group R-3 and one- and two-family dwellings are exempt from this inspection.

(l) Exterior Finish and Insulation Systems (EFIS), Lath and Gypsum Board Inspection. EFIS, lath and gypsum board inspections shall be made after backing, lathing or gypsum board, interior and exterior, is in place, but before any plastering is applied or gypsum board joints and fasteners are taped and finished.

Exception: Interior gypsum board that is not part of a fire-resistance rated assembly or a shear assembly and is not located in Aircraft Noise Reduction Zone 1 (35 dB).

(m) Fire-resistance-rated construction inspections. Where fire-resistance-rated construction is required an inspection of such construction shall be made after lathing or gypsum board or gypsum panel products are in place, but before any plaster is applied, or before board or panel joints and fasteners are taped and finished.

Protection of joints and penetrations in fire-resistance-rated assemblies, smoke barriers, and smoke partitions shall not be concealed from view until inspected and approved.

(n) Energy Efficiency Inspection. In addition to the inspections required in Chapter 51-11 WAC, the following inspections are also required:

(i) Envelope.

(A) Wall Insulation. To be made after all wall insulation and air vapor retarder sheet or film materials are in place, but before any wall covering is placed.

(B) Glazing. To be made after glazing materials are installed in the building.

(C) Exterior Roofing Insulation. To be made after the installation of the roof insulation, but before concealment.

(D) Slab/Floor Insulation. To be made after the installation of the slab/floor insulation, but before concealment.

(ii) Mechanical.

(A) Mechanical Equipment Efficiency and Economizer. To be made after all equipment and controls required by the construction codes are installed and prior to the concealment of such equipment or controls.

(B) Mechanical Pipe and Duct Insulation. To be made after all pipe, fire suppression piping, and duct insulation is in place, but before concealment.

(iii) Lighting and Motors.

(A) Lighting Equipment and Controls. To be made after the installation of all lighting equipment and controls required by the construction codes, but before concealment of the lighting equipment.

(B) Motors. To be made after installation of all equipment covered by the construction codes, but before concealment.

(iv) Water Heating Equipment

(A) Water Heater efficiency. To be made after water heater is on site, but prior to installation and connection to the water system.

(o) Other inspections. In addition to the specified inspections, the *building official* is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws that are enforced by the building department.

(p) Final Inspection. The final inspection shall be made after all work required by the permit is completed. If located in a flood hazard area, documentation of the elevation of the lowest floor as required in IBC Section 1612.5 or IRC Section R322 and Chapter 15.55 BMC shall be submitted to the building official prior to the final inspection.

(4) Reinspection. The building official may require a structure or portions of work to be re-inspected. A reinspection fee shall be permitted to be assessed for each inspection or reinspection, when such portion of work for which inspection is called is not complete; or when required corrections have not been made; or when the approved plans and permit are not on site in a conspicuous or pre-approved

location; or when the building is not accessible. This provision is not to be interpreted as requiring reinspection fees the first time a job is rejected for failure to comply with the requirements of this code, but as controlling the practice of calling for inspections before the job is ready for inspection or reinspection. In instances where re-inspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid.

(5) Special Inspections. In addition to the inspections noted above, the building official is authorized to require special inspections for any type of work related to the construction codes by an inspection agency approved by the building official at no cost to the city.

The building official may require special inspection of equipment or wiring methods, when the installation requires special training, equipment, expertise, or knowledge. When such special inspection is required, it shall be performed by an independent third party acceptable to the building official. The special inspection person/agency shall be designated and approved prior to beginning the installation of wiring or equipment. A written report from the designated special inspection agency indicating that the installation conforms to the appropriate codes and standards shall be received by the building official prior to that installation being approved. All costs for such testing and reporting shall be the responsibility of the permit holder.

Multi-unit structures as defined in RCW 64.55.010 shall comply with the special inspection requirements as listed in RCW 64.55.030. Upon completion of an inspection required by RCW 64.55.030, the qualified inspector shall prepare and submit to the appropriate building department a signed letter certifying that the building enclosure has been inspected during the course of construction or rehabilitative construction and that it has been constructed or reconstructed in substantial compliance with the building enclosure design documents, as updated pursuant to RCW 64.55.020. The building department shall not issue a final certificate of occupancy or other equivalent final acceptance until the letter required by this section has been submitted. The building department is not charged with and has no responsibility for determining whether the building enclosure inspection is adequate or appropriate to satisfy the requirements of this chapter.

(6) Inspection Agencies. The building official is authorized to accept reports of approved inspection agencies, provided such agencies satisfy the applicable requirements as to qualifications and reliability.

(7) Inspection Requests. It shall be the duty of the holders of the permits or their duly authorized agent to notify the city when work is ready for inspection. It shall be the duty of the permit holders to provide access to and means for inspections of such work that are required by this code.

(8) Approval Required. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the building official. The building official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed or notify the permit holder or his or her agent that the same fails to comply with this code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the building official.

(9) Correction of violations of other codes. *Repairs* or *alterations* mandated by any property, housing, or fire safety maintenance code or mandated by any licensing rule or ordinance adopted pursuant to law

shall conform only to the requirements of that code, rule, or ordinance and shall not be required to conform to this code unless the code requiring such *repair* or *alteration* so provides.

**15.05.385 Traffic management systems.**

(1) The city building official will perform the electrical inspection and acceptance of traffic management systems within its jurisdiction. A traffic management system includes:

(a) Traffic illumination systems;

(b) Traffic signal systems;

(c) Traffic monitoring systems;

(d) The electrical service cabinet and all related components and equipment installed on the load side of the service cabinet supplying electrical power to the traffic management system; and

(e) Signalization system(s) necessary for the operation of a light rail system. A traffic management system can provide signalization for controlling vehicular traffic, pedestrian traffic, or rolling stock.

(2) The city recognizes that traffic signal conductors, pole and bracket cables, signal displays, traffic signal controllers/cabinets, and associated components used in traffic management systems are acceptable for the purpose of meeting the requirements of chapter 19.28 RCW, provided they conform with the following standards or are listed on the Washington State Department of Transportation (WSDOT) qualified products list:

(a) WSDOT/APWA Standard Specifications and Plans;

(b) WSDOT Design Manual;

(c) International Municipal Signal Association (IMSA);

(d) National Electrical Manufacturer's Association (NEMA);

(e) Federal Standards 170/Controller Cabinets;

(f) Manual for Uniform Road, Bridge, and Municipal Construction;

(g) Institute of Transportation Engineers (ITE); or

(h) Manual of Uniform Traffic Control Devices (MUTCD).

(3) Associated induction detection loop or similar circuits will be accepted by the city without inspection.

(4) For the licensing requirements of Chapter 19.28 RCW, jurisdictions will be considered owners of traffic management systems when doing electrical work for another jurisdiction(s) under a valid interlocal agreement, as permitted by Chapter 39.34 RCW. Interlocal agreements for traffic management systems must be filed with the city prior to work being performed for this provision to apply.

(5) Jurisdictions with an established electrical inspection authority and WSDOT may perform electrical inspection on their rights-of-way for each other by interlocal agreement. They may not perform electrical inspection on other rights-of-way except as allowed in Chapter 19.28 or 39.34 RCW.

(6) Underground Installations.

(a) In other than open trenching, raceways will be considered “fished” according to the NEC and do not require visual inspection.

(b) The city will conduct inspections in open trenching within its jurisdiction upon request.

(7) Identification of Traffic Management System Components. Local government jurisdictions or WSDOT may act as the certifying authority for the safety evaluation of all components.

(a) An electrical service cabinet must contain only listed components. The electrical service cabinet enclosure is not required to be listed but will conform to the standards in subsection (8) of this section.

(b) The local government jurisdiction must identify, as acceptable, the controller cabinet or system component(s) with an identification plate. The identification plate must be located inside the cabinet and may be attached with adhesive.

(8) Conductors of Different Circuits in Same Cable, Enclosure, or Raceway. All traffic management system circuits will be permitted to occupy the same cable, enclosure, or raceway without regard to voltage characteristics, provided all conductors are insulated for the maximum voltage of any conductor in the cable, enclosure, or raceway.

#### **15.05.390 Certificate of occupancy.**

(1) Use and Occupancy. No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the building official has issued a certificate of occupancy therefor as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the city.

Exception: Work exempt from permits per BMC 15.05.245.

(2) Certificate Issued. After the building official inspects the building or structure and finds no violations of the provisions of this code or other laws that are enforced by the building department, the building official shall issue a certificate of occupancy that contains the following information:

(a) The permit number.

(b) The address of the structure.

(c) The name and address of the owner.

(d) A description of that portion of the structure for which the certificate is issued.

(e) A statement that the described portion of the structure has been inspected for compliance with the requirements of this code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.

- (f) The name of the building official.
- (g) The edition of the code under which the permit was issued.
- (h) The use and occupancy.
- (i) The type of construction.
- (j) The design occupant load.
- (k) Whether an automatic sprinkler system is provided and whether the sprinkler system is required.
- (l) Any special stipulations and conditions of the building permit.

Exception: Single-family dwellings and their accessory structures approved under the International Residential Code and group U occupancies associated with single-family residences approved under the International Building Code may be issued a certificate of occupancy in the form of a signed off permit inspection card.

Where applicable, a certificate of occupancy shall not be issued until the floor load signs, required by BMC 15.05.310 have been installed. It shall be unlawful to place, or cause or permit to be placed, on any floor or roof of a building, structure or portion thereof, a load greater than is permitted by the International Building Code or International Residential Code.

(3) Temporary or Phased Occupancy. The building official is authorized to issue a temporary or phased certificate of occupancy before the completion of the entire work covered by the permit; provided, that such portion or portions shall be occupied safely. The building official is authorized to require in addition to the completion of life safety building components, the completion of any or all accessibility components prior to issuance of a temporary or phased certificate of occupancy. The building official shall set a time period during which the temporary or phased certificate of occupancy is valid. The city is authorized to require that a performance bond or other security acceptable to the city be provided with the city in an amount equal to 150 percent of the value of incomplete work as determined by the design professional. The security shall be rescindable or refundable upon issuance of a final certificate of occupancy for the complete building or structure and a request in writing for the refund. It shall be the duty of the applicant to request a refund within 180 days of the issuance of the certificate of occupancy. Failure to request a refund within the specified time period may result in forfeiture of the full amount.

(4) Revocation. The building official is authorized to, in writing, suspend or revoke a certificate of occupancy or completion issued under the provisions of this code wherever the certificate is issued in error, or on the basis of incorrect information supplied by the owner or owner's representatives, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of this code. This section shall be applied, implemented and interpreted consistent with the statutes and court decisions of the state of Washington.

#### **15.05.395 Service utilities.**

(1) Connection of Service Utilities. No person shall make connections from a utility or source of energy, fuel or power to any building or system that is regulated by this code for which a permit is required, until authorized by the building official.

(2) Temporary Connection. The building official shall have the authority to authorize the temporary connection of the building or system to the utility source of energy, fuel or power.

(3) Authority to order Disconnect Service Utilities. The building official shall have the authority to order disconnection of utility service to the building, structure or system regulated by the construction codes and the referenced codes and standards set forth in this chapter in case of emergency, when necessary to eliminate an immediate hazard to life or property, or when such utility connection has been made without the required approval. The building official shall notify the serving utility, and whenever possible the owner, owner's authorized agent, and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner, the owner's authorized agent or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter.

(4) Connection after order to disconnect. A person shall not make energy source connections to mechanical, plumbing, or electrical systems regulated by the construction codes, which have been disconnected or ordered to be disconnected by the code official, or the use of which has been ordered to be discontinued by the code official until the code official authorizes the reconnection and use of such systems. Where a system is maintained in violation of the construction code, and in violation of a notice issued pursuant to the provisions of this section, the code official shall institute appropriate action to prevent, restrain, correct or abate the violation.

#### **15.05.400 Appeals.**

(1) General. Appeals of final orders, decisions, or determinations made by the building official relative to the application and interpretation of this title and the adopted codes may be appealed by the permit applicant, property owner or his/her agent to the hearing examiner, pursuant to Chapters 2.15 and 2.20 BMC, within 30 days of the issuance of the final order, decision or determination.

(2) Limitations on Authority. An application for appeal shall be based on a claim that the true intent of this title or the rules adopted thereunder have been incorrectly interpreted, the provisions of this title do not fully apply or an equally good or better form of construction is proposed. The hearing examiner shall have no authority to waive requirements of this title.

(3) Participation in the Appeal. Only those parties who have appealed the building official's final order, decision or determination may participate in the appeal in either or both of the following ways:

(a) By submitting written comments or testimony to the hearing examiner prior to commencement of the hearing; or

(b) By appearing in person, or through a representative at the hearing. The hearing examiner may reasonably limit the extent of oral testimony or oral argument to facilitate the orderly and timely conduct of the hearing.

(4) Decision on the Appeal. The hearing examiner shall consider all information and material within the scope of the appeal submitted by persons entitled to participate in the appeal. Based on the hearing examiner's findings and conclusions, the hearing examiner may affirm, reverse or modify the order, decision or determination being appealed. The hearing examiner's decision on the appeal shall be issued within 90 days from the date the original appeal period closed, unless all parties to an appeal have

agreed to an extended time period. Within four business days after it is issued, the hearing examiner's decision shall be mailed to the applicant and to each person who has requested notice of the decision. The hearing examiner's final decision shall be the final decision of the city on the appeal and shall be conclusive unless proceedings for review of the decision are properly commenced in superior court within the time period specified by state law.

(5) Judicial Review. Any judicial appeal of the hearing examiner's decision shall be reviewed in King County superior court pursuant to Chapter 36.70C RCW, the Land Use Petition Act ("LUPA"). The land use petition must be filed within 21 calendar days of the issuance of the hearing examiner's decision.

#### **15.05.405 Unlawful acts.**

It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure, property or equipment regulated by this title, or cause the same to be done, in conflict with or in violation of any of the provisions of this title. Signs, tags or seals posted or affixed by the building official shall not be mutilated, destroyed or tampered with or removed without authorization from the building official.

#### **15.05.410 Violations – Penalties.**

The violation of or failure to comply with any provision of this chapter is declared to be unlawful and subject to enforcement as set forth in Chapter 1.15 BMC.

#### **15.05.415 Stop work order.**

(1) Authority. Whenever the building official finds any work being performed in a manner either contrary to the provisions of this code, the construction codes, or other pertinent laws or ordinances that are violated during the course of work authorized by the permit, the building official is authorized to issue a stop work order. Issuance of a notice of violation, infraction or notice and order is not a condition precedent to the issuance of the stop work order.

(2) Issuance. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's authorized agent, or to the person doing the work and posted in plain site on the premises, structure, fixture, or system as applicable. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work will be permitted to resume.

(3) Effect.

(a) The building official is authorized to assess a special investigation fee for the issuance of a stop work order, when work has started without the issuance of a permit. The special investigation fee shall be determined in accordance with BMC 15.05.375(5), Work Commencing before Permit Issuance.

(b) A stop work order represents a determination that a code violation has occurred and that any work or activity that is causing or contributing to the violation on the property where the violation has occurred or is occurring must cease.

(c) A stop work order requires the immediate cessation of the specified work or activity on the named property. Work or activity may not resume unless specifically authorized by the building official or designee.

(d) A stop work order may be appealed to the city hearing examiner according to the procedures prescribed by BMC 15.05.400, Appeals.

(e) Failure to appeal the stop work order within the applicable time limits shall render the stop work order a final determination that a code violation occurred and that work was properly ordered to cease.

(f) Failure to comply with the terms of a stop work order is declared to be unlawful and subject to enforcement as provided in BMC 1.15.110.

#### **15.05.420 Unsafe structures and equipment.**

(1) Conditions. Structures or existing equipment which are or hereafter become unsafe, unsanitary or deficient because of inadequate means of egress facilities or inadequate light and ventilation, which constitute a fire hazard, are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance shall be deemed an unsafe condition. Additionally, a structure that is not secured against entry or which has been abandoned for more than one year or for which the applicant or owner fails to request the required inspection(s) prior to permit expiration or occupancy may be deemed unsafe by the building official.

(2) Evacuation. Where conditions exist that are deemed hazardous to life and property, the building official is authorized to abate summarily such hazardous conditions that are in violation of the codes. The building official shall be authorized to order the immediate evacuation of any unsafe occupied building when such building has hazardous conditions that present imminent danger to building occupants. Persons so notified shall immediately leave the structure or premises and shall not enter or re-enter until authorized to do so by the building official.

(3) Abatement. Where a structure has been deemed unsafe, the building official or designee shall first issue a civil notice of violation as prescribed in BMC 1.15.120. The notice of violation shall include a statement requiring the unsafe structure or equipment to be taken down and removed or made safe, as the building official deems necessary and as provided for in Chapter 15.40 BMC, Burien Building and Property Maintenance Code.

(4) **Restoration.** Where the structure or equipment determined to be unsafe by the *building official* is restored to a safe condition, to the extent that repairs, *alterations* or *additions* are made or a change of occupancy occurs during the restoration of the structure, such *repairs, alterations, additions* and change of occupancy shall comply with the requirements of BMC 15.05.235 and the *International Existing Building Code*.

#### **15.05.425 Copies to be available.**

(1) A copy of each code adopted by reference in this title shall be authenticated and recorded by the city clerk.

(2) The codes, standards, rules, and regulations adopted by this title are adopted by reference thereto as though fully set forth in this title. Not less than one copy of each such code, standards, rules, and regulations, in the form in which it was adopted and suitably marked to indicate amendments, additions, deletions, and exceptions as provided in this title, shall be filed in the building official's office and be available for use and examination by the public.



## **Exhibit B**

### **Chapter 15.10 CONSTRUCTION CODES**

Sections:

- 15.10.010 Short title.
- 15.10.020 Purpose.
- 15.10.030 Sound and hours of construction.
- 15.10.040 Referenced codes.
- 15.10.050 Code conflicts resolution.
- 15.10.060 International Building Code adopted.
- 15.10.070 International Residential Code adopted.
- 15.10.080 International Mechanical Code adopted.
- 15.10.090 National Fuel Gas Code (NFPA 54) adopted.
- 15.10.100 Liquefied Petroleum Gas Code (NFPA 58) adopted.
- 15.10.110 International Fuel Gas Code adopted.
- 15.10.120 Uniform Plumbing Code adopted.
- 15.10.130 ~~International Energy Conservation~~[Washington State Energy](#) Code adopted.
- 15.10.140 Washington Cities Electrical Code adopted.
- [15.10.150 International Existing Building Code adopted](#)

#### **15.10.010 Short title.**

This chapter is known as and may be referred to as the “city of Burien building and construction code” and may be cited as such.

#### **15.10.020 Purpose.**

The purpose of the codes and regulations adopted by this title is to promote the health, safety, and welfare of the occupants or users of buildings and structures and the general public, by the provision of construction codes throughout the city and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected by the terms of these codes and regulations. More specifically, this chapter is designed to effectuate the following purposes, objectives and standards:

- (1) To set forth minimum performance standards and requirements for construction and construction materials, consistent with nationally accepted standards of engineering and fire and life safety.
- (2) To permit the use of current technical methods, devices and improvements.

(3) To eliminate restrictive, obsolete, conflicting, duplicative and unnecessary regulations and requirements which could unnecessarily increase construction costs or retard the use of new materials and methods of installation or provide unwarranted preferential treatment to types or classes of materials or products or methods of construction.

(4) To provide standards and specifications for making buildings and facilities accessible to and usable by physically challenged persons.

(5) To consolidate the administration and enforcement of building and construction codes.

#### **15.10.030 Sound and hours of construction.**

Sounds originating from construction sites, including but not limited to sound from construction equipment, power tools and hammering, are prohibited between the hours of 10:00 p.m. to 7:00 a.m. on weekdays and 10:00 p.m. to 9:00 a.m. on weekends, as regulated in BMC 9.105.400.

#### **15.10.040 Referenced codes.**

Specific codes referenced in the general codes adopted by this chapter shall be as follows:

(1) Any and all reference to the International Plumbing Code shall be replaced with the Uniform Plumbing Code as adopted in BMC 15.10.120.

(2) Any and all reference to the International Property Maintenance Code shall be replaced with the Burien Building and Property Maintenance Code as adopted in Chapter 15.40 BMC.

(3) Any and all reference to the International Electrical Code, National Electrical Code or NFPA 70 shall be replaced with the Burien Electrical Code as adopted in BMC 15.10.140.

#### **15.10.050 Code conflicts resolution.**

(1) The codes enumerated in this title are adopted by the State Building Code Council as provided in RCW 19.27.074 and amended by the State Building Code Council from time to time, and are enacted by the State Legislature.

The State Legislature mandates, as provided in RCW 19.27.050, that all counties and cities throughout the state shall enforce the codes and all amendments thereto. Therefore, the city of Burien automatically adopts by reference these codes and their respective amendments as they are adopted and amended by the State Legislature.

(2) In case of conflict among the International Building Code, the International Residential Code, the International Mechanical Code, the International Fire Code and the Uniform Plumbing Code, the first named code shall govern over those following.

(3) In case of conflict between other codes and provisions adopted by this chapter, the code or provision that is the most restrictive, as determined by the building official, shall apply.

#### **15.10.060 International Building Code adopted.**

The [2012-2015](#) Edition of the International Building Code (IBC), as published by the International Code Council, Inc., and as adopted by the State Building Code Council in Chapter 51-50 WAC, and including

Appendix Chapter E (Accessibility), ICC A117.1-2009 (Accessible Standards), Appendix Chapter H (Signs), and Appendix Chapter J (Grading), excluding Chapter 1, Administration, is hereby adopted by reference, together with the amendments set forth in this section. The Construction Administrative Code, as set forth in Chapter 15.05 BMC, shall be used in place of IBC Chapter 1, Administration.

~~(1) The 2012 International Existing Building Code (IEBC) is included in the adoption of this code in Section 3401.6 and amended in WAC 51-50-480000, excluding Chapter 1, Part 2 – Administration. The Construction Administrative Code as set forth in Chapter 15.05 BMC shall be used in place of IEBC Chapter 1, Part 2 – Administration.~~

~~(2)~~ The provisions of this code do not apply to temporary growing structures used solely for the commercial production of horticultural plants including ornamental plants, flowers, vegetables, and fruits. “Temporary growing structure” means a structure that has the sides and roof covered with polyethylene, polyvinyl, or similar flexible synthetic material and is used to provide plants with either frost protection or increased heat retention. A temporary growing structure is not considered a building for purposes of this code.

~~(3)~~ The provisions of this code do not apply to the construction, alteration, or repair of temporary worker housing, except as provided by rule adopted under Chapter 70.114A RCW or Chapter 37, Laws of 1998 (SB 6168). “Temporary worker housing” means a place, area, or piece of land where sleeping places or housing sites are provided by an employer for his or her employees or by another person, including a temporary worker housing operator, who is providing such accommodations for employees, for temporary, seasonal occupancy, and includes “labor camps” under RCW 70.54.110.

~~(4)~~ The provisions of this code do not apply to vendor carts. “Vendor cart” means a mobile, portable means of containing or transporting merchandise, vegetables, fruits, or other inventory for the purpose of retail sales. “Vendor cart” shall not mean a building or structure, as defined in this code. Unless otherwise exempted, separate plumbing, electrical and mechanical permits shall be required.

(4) Recyclable materials, compost, and solid waste storage. For the purposes of this section, the following definitions shall apply:

COMPOST means biodegradable solid wastes that are separated for composting such as food waste, food soiled paper and yard waste.

RECYCLED MATERIALS means those solid wastes that are separated for recycling or reuse, such as papers, metals and glass.

All local jurisdictions shall require that space be provided for the storage of recycled materials, compost, and solid waste for all new buildings.

EXCEPTION: Group R-3 and Group U Occupancies.

The storage area shall be designed to meet the needs of the occupancy, efficiency of pickup, and shall be available to occupants and haulers.

(5) Add new stand-alone section as follows:

Design Criteria shall be as follows:

GROUND AND ROOF SNOW LOAD: 25 PSF

SEISMIC DESIGN CATEGORY: D

WIND SPEED: ~~70 mph sustained with 85 mph 3 sec. gust~~ Risk category I: 100 mph; Risk category II: 110 mph; Risk category III and IV: 115 MPH

WIND EXPOSURE: Site Specific. See IBC Section 1609.4

SOIL BEARING: Site specific. See IBC Chapter 18

WEATHERING: Moderate

FROST LINE DEPTH: 12 inches

TERMITE: Slight to moderate

DECAY: Slight to moderate

WINTER DESIGN TEMPERATURE: 24°F

SUMMER DESIGN TEMPERATURE: 83°F

ICE SHIELD UNDERLAYMENT REQUIRED: No

FLOOD HAZARDS: See BMC 15.55

AIR FREEZING INDEX: 148°F- days

MEAN ANNUAL TEMPERATURE: 51.4°F.

(56) Amend IBC Section 403.4.8.1, ~~Special requirements for standby power systems~~ Equipment Room, to read as follows:

403.4.8.1 ~~Special requirements for standby power systems~~ Equipment room. If the standby system is a generator set inside a building, the system shall be located in a separate room enclosed with 2-hour fire barriers constructed in accordance with Section 707 or horizontal assemblies constructed in accordance with Section 711, or both, and shall be in a separate room from the normal power source including transformers and distribution equipment. Power distribution from the emergency source to the emergency transfer switch shall be by an independent route from the normal power source. System supervision with manual start and transfer features shall be provided at the fire command center. Fuel-fired standby power generator sets and associated fuel storage, including optional landlord- or tenant-owned generator sets, located more than 75 feet above the lowest level of Fire Department vehicle access, require the approval of the fire code official.

(76) Add new IBC Section 403.4.8.1.1, Penetrations, to read as follows:

403.4.8.1.1 Penetrations. Penetrations into and openings through a room containing a standby power system are prohibited except for required exit doors, equipment and ductwork necessary for heating, cooling or ventilation, sprinkler branch line piping, or electrical raceway serving the standby power system or being served by the standby power system. Such penetrations shall be protected in accordance with Section 714.

Exception: Metallic piping with no joints or openings where it passes through the standby power system room.

(87) Amend IBC Section 403.4.8.23, Standby power loads, ~~to add a fourth item~~ to read as follows:

403.4.8.23 Standby power loads. The following are classified as standby power loads:

1. Power and lighting for the fire command center required by Section 403.4.6;
2. Ventilation and automatic fire detection equipment for smoke proof enclosures;

3. Elevators.

~~34. Standby power shall be provided for elevators in accordance with Sections 1007.4, 3003, 3007 and 3008: and~~ Where elevators are provided in a high-rise buildings for accessible means of egress, fire service access or occupant self-evacuation, the standby power system shall also comply with IBC Section 1009.4, 3007 or 3008 as applicable.

45. Smoke control systems.

(98) Add new IBC Section 403.7, Smoke control, and amend to read as follows:

403.7 Smoke control. A smoke control system meeting the requirements of Section 909 shall be provided in buildings having floors more than 75 feet above the lowest level of fire department vehicle access.

(109) Amend IBC Section 405.8, Standby power, as follows: Add the following sentence to the end of the paragraph:

405.8 Standby power. A standby power system complying with Chapter 27 shall be provided standby power loads specified in Section 405.8.1. An emergency power system complying with Section 2702 shall be provided for the emergency power loads specified in Section 405.8.2. Fuel-fired emergency generator sets and associated fuel storage, including optional generator sets, located more than 30 feet below the lowest level of exit discharge require the approval of the fire code official.

(1110) Amend IBC Table 508.4, Required Separation of Occupancies (Hours), as follows:

Add footnote reference superscript “ef” to R Occupancy Classification row and column headings. Add footnote “ef” to read: See Section 419 for Live/Work Unit separations.

~~Add footnote reference superscript “a” to I-1 Occupancy.~~

(11) IBC section 901.7, Fire Areas, is amended to include a second paragraph as follows:

901.4.3 Fire Area 901.7 Fire areas. Where buildings, or portions thereof, are divided into fire areas so as not to exceed the limits established for requiring a fire protection system in accordance with this chapter, such fire areas shall be separated by fire barriers constructed in accordance with Section 707 of the International Building Code or horizontal assemblies constructed in accordance with Section 711 of the International Building Code, or both, having a fire-resistance rating of not less than that determined in accordance with Section 707.3.10 of the International Building Code.

For the purpose of this section, fire barriers shall not be used to reduce the calculation of floor areas in this chapter for newly constructed buildings with a gross floor area of 5,000 square feet or greater and existing buildings undergoing a modification or change of use with a cumulative work area of 5,000 square feet or greater.

(12) Amend IBC Section 903.2, Automatic sprinkler systems, to read as follows:

903.2 Where required. Approved automatic sprinkler systems in new buildings and structures shall be provided in the locations described in Sections 903.2.1 through 903.2.12, WAC 51-50-903 and in all new and substantially altered buildings with a gross work area of 5,000 square feet or greater, regardless of type or use.

Exceptions: Spaces or areas in telecommunications buildings used exclusively for telecommunications equipment, associated electrical power distribution equipment, batteries and standby engines, provided those spaces or areas are equipped throughout with an automatic smoke detection system in accordance with Section 907.2 and are separated from the remainder of the building by not less than 1-hour fire barriers constructed in accordance with Section 707 or not less than 2-hour horizontal assemblies constructed in accordance with Section 711, or both.

~~For the purposes of this section, fire walls as specified in Section 706 of the International Building Code shall not be used to reduce the calculation of floor areas of this chapter.~~

(13) Amend IBC Section 907.1.3, Equipment, as follows: Add the following sentence to the end of the paragraph:

907.1.3 Equipment. Systems and their components shall be listed and approved for the purpose for which they are installed. All new alarm systems shall be addressable. Each device shall have its own address and shall annunciate individual addresses at the approved supervising station.

(14) Add new IBC Section 907.2.24, System Installation, to read as follows:

907.2.24 System installation. Fire alarm systems shall be installed and maintained in accordance with this code by persons under the direct supervision of individuals that have factory training and certification on the system being installed. Plans submitted for Fire Alarm System permits shall be prepared under the supervision of individuals possessing a NICET (National Institute for Certification in Engineering Technologies) Level III certification in Fire Alarm Systems or shall be licensed by the State of Washington as a Professional Fire Protection or Electrical Engineer or certified by the State of Washington. Plans shall identify certification and/or licensing information.

(15) Add new IBC Section 911.1.2.1, Penetrations, to read as follows:

911.1.2.1 Penetrations. Penetrations into and openings through a fire command center are prohibited except for required exit doors, equipment and ductwork necessary for heating, cooling or ventilation, sprinkler branch line piping, electrical raceway for fire department communication and control, and electrical raceways serving the fire command center or being controlled from the fire command center. Such penetrations shall be protected in accordance with Section 713.

Exception: Metallic piping with no joints or openings.

(16) Amend IBC Section 1503.4, Roof drainage, to revise reference to the Uniform Plumbing Code and add new Section 1503.4.4, Discharge and Disposal, to read as follows:

[P] 1503.4 Roof drainage. Design and installation of roof drainage systems shall comply with IBC Section 1503 and Chapter 11 of the Uniform Plumbing Code.

1503.4.4 Discharge and Disposal. Roof top drainage shall be disposed of by one of the following methods:

1. Tight line to a storm water system (private or public).
2. Tight line to a roof-runoff infiltration system.
3. Concrete splash blocks.

1503.4.4.1 Tight line. A tight line with direct discharge to an abutting property or the right-of-way is prohibited unless specifically approved by the building official on the construction plans/permit.

1503.4.4.2 Review Required. In all cases the method selected shall be subject to review and approval by the building official and/or the city Public Works Department, with consideration given to site, soil types, slope condition and the nature of the development.

1503.4.4.3 Standards. All drainage systems both public and private shall be designed in accordance with storm water standards adopted by the city of Burien.

1503.4.4.4 "Green Roof technology". "Green roof" technology may be approved by the building official provided that any drainage coming off of the roof is collected and disposed of pursuant to Sec 1503.4.4.1.

(17) Amend IBC Section 1608.1, General, to read as follows:

1608.1 General. Design snow loads shall be not less than 25 PSF uniform roof snow load, nor less than that determined by IBC Section 1607.

(18) Amend IBC Section 1612.3, Establishment of flood hazard areas, to read as follows:

1612.3 Establishment of flood hazard areas. To establish flood hazard areas, the applicable governing authority shall adopt a flood hazard map and supporting data. The flood hazard map shall include, at a minimum, areas of special flood hazard as identified by the Federal Emergency Management Agency in an engineering report entitled "The Flood Insurance Study for King County" dated September 2007, as amended or revised with the accompanying Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map (FBFM) and related supporting data along with any revisions thereto. The adopted flood hazard map and supporting data are hereby adopted by reference and declared to be part of this section.

(19) Amend IBC Section ~~1705.15~~1705.16, Exterior insulation and finish systems (EIFS), to read as follows:

~~1705.15~~1705.16 Exterior insulation and finish systems (EIFS). Special inspections shall be required for all EIFS applications. All exterior insulation finish systems (EIFS) shall be certified by the manufacturer as having been installed per the manufacturer's installation recommendations or other agency approved

by the building official. The manufacturer's certification shall serve as the special inspection requirement when approved by the building official.

Exception: Special inspections shall not be required for EIFS applications installed over masonry or concrete walls.

~~1705.15.1~~1705.6.1 Water-resistive barrier coating. A water-resistive barrier coating complying with ASTM E 2570 requires special inspection of the water-resistive barrier coating when installed over a sheathing substrate.

(20) Amend IBC Section 2701.1, Scope, to read as follows:

2701.1 Scope. This chapter governs the electrical components, equipment and systems used in buildings and structures covered by this code. Electrical components, equipment and systems shall be designed and constructed in accordance with the provisions of the Burien Electrical Code as adopted in BMC 15.10.140.

(21) Add new IBC Section 2702.1.~~16~~, Location, to read as follows:

2702.1.~~26~~ Location. Location of stationary generators, fuel piping, and storage tanks are subject to the approval of the building official and/or fire code official.

(22) ~~Amend IBC Section 3002.4, Elevator car to accommodate ambulance stretcher, to read as follows:~~

~~3002.4 Elevator car to accommodate ambulance stretcher. In buildings four or more stories above or below grade plane, or in any R1, R2 or I occupancy building provided with an elevator regardless of the number of stories, at least one elevator shall be provided for fire department emergency access to all floors. The elevator car shall be of such a size and arrangement to accommodate a 24-inch by 84-inch (610 mm by 2134 mm) ambulance stretcher with not less than 5-inch (127 mm) radius corners, in the horizontal, open position and shall be identified by the international symbol for emergency medical services (star of life). The symbol shall not be less than 3 inches (76 mm) high and shall be placed inside on both sides of the hoistway door frame.~~

~~(2322)~~ Amend IBC Section 3303, Demolition standards, to read as follows:

3303.1 Purpose. The purpose of this section is to establish standards by which demolition of existing structures is to be conducted. The proposed standards are intended to ensure that the public health, safety and welfare are protected when structures are removed. If demolition is proposed along with an application for a construction permit or reuse of a property, sections 3303.5 and 3303.11 do not apply. Following demolition of any structure the property shall be altered to a condition that will not create an attractive nuisance or be unsightly to neighboring properties, public streets and pedestrian facilities. This purpose statement shall be preeminent.

3303.2 Construction Documents. Construction documents and a schedule for demolition must be submitted when required by the Building Official. Where such information is required, no work shall be done until such construction documents or schedule, or both, are approved.

3303.3 Permit Required. A demolition permit is required for any structure to be removed. The demolition permit may be conditioned as necessary to mitigate adverse impacts associated with demolition activities and the aesthetic condition of the vacant site following demolition. All demolition

work shall be completed within 30 days from commencement of demolition activity provided that site restoration work shall be completed as provided in section 3303.11.

3303.4 Nuisances. The activity shall not create or exacerbate a nuisance as defined by BMC 8.45.020.

3303.5 Foundation Removal and Surface Restoration. All foundations and/or related materials shall be removed from the site. Unless otherwise approved by the city, all man-made or processed surfaces including but not limited to driveways, asphalt, patios or sidewalks shall be removed, except in the public right-of-way.

3303.6 Pedestrian protection. The work of demolishing any building shall not be commenced until pedestrian protection is in place as required by this chapter.

3303.7 Means of egress. A party wall balcony or horizontal exit shall not be destroyed unless and until a substitute means of egress has been provided and approved.

3303.8 Vacant Lot. Where a structure has been demolished or removed, the vacant lot shall be filled and maintained to the existing grade or in accordance with the ordinances of the jurisdiction having authority. This requirement may be waived if grading would require the alteration of a critical area and/or its buffer. It may also be waived if grading activity could result in soil instability.

3303.9 Erosion Control. All areas that have been disturbed by demolition activity shall be stabilized to prevent erosion. Erosion control measures shall comply with adopted best management practices and shall be in place prior to and during any demolition activity.

3303.10 Water Accumulation. Provisions shall be made to prevent the accumulation of water or damage to any foundations on the premises or the adjoining property.

3303.11 Site Restoration Required. Restoration of properties shall be completed within 4 months of the issuance of a demolition permit. The city may require a financial guarantee to ensure proper installation, establishment and maintenance of a restoration plan. Areas of a site that have been disturbed shall be re-vegetated with an approved hydro-seed mixture.

3303.12 Utility Connections. All service utilities shall be properly capped or terminated at property lines or at the service connection in the right-of-way unless otherwise approved by the Building Official. Utilities Removal and/or decommissioning of utilities shall be completed in accordance with all applicable laws and procedures including but not limited to the IFC, IBC, WAC and RCW.

3303.13 Fire safety during demolition. Fire safety during demolition shall comply with the applicable requirements of this code and the applicable provisions of Chapter 56 of the International Fire Code.

~~(24) Amend IBC Section 3412.2, Applicability as follows: Insert applicable date:~~

~~3412.2 Applicability. Structures existing prior to July 1, 2013, in which there is work involving additions, alterations or changes of occupancy shall be made to comply with the requirements of this section or the provisions of Sections 3403 through 3409. The provisions in Sections 3412.2.1 through 3412.2.5 shall apply to existing occupancies that will continue to be, or are proposed to be, in Groups A, B, E, F, M, R, S and U. These provisions shall not apply to buildings with occupancies in Group H or I.~~

~~(2523) IBC Section H104, Identification, is deleted.~~

### 15.10.070 International Residential Code adopted.

The 2012-2015 Edition of the International Residential Code, as published by the International Code Council, Inc., and as adopted by the State Building Code Council in Chapter 51-51 WAC, including Appendix Chapter G, Swimming Pools, Spas and Hot Tubs, Appendix F, Radon Control Methods, Appendix J, Existing Buildings and Structures, WAC 51-51-60105 – Appendix Chapter ~~RQ~~, Dwelling Unit Fire Sprinkler Systems, WAC 51-51-60106 – Appendix U Solar-ready Provisions, WAC 51-51-60107 – Appendix ~~SV~~, Fire Sprinklers, and excluding Chapters 1, 11, 25 through 43, is hereby adopted by reference, together with the amendments set forth in this section. The Construction Administrative Code, as set forth in Chapter 15.05 BMC, shall be used in place of IRC Chapter 1, Administration.

(1) Energy Code requirements are regulated by Chapter 51-11R WAC as adopted and amended in BMC 15.10.130.

(2) Plumbing Code requirements are regulated by Chapter 51-56 WAC (UPC) as adopted and amended in BMC 15.10.120.

(3) Electrical Code requirements are regulated by Burien Electrical Code (WCEC) as adopted in BMC 15.10.140.

(4) Except where required by the International Fire Code for access or fire flow, an automatic residential fire sprinkler system shall not be required for additions or alterations to existing buildings that are not already provided with an automatic residential sprinkler system.

(5) Amend IRC Table R301.2, Climatic and geographic design criteria, to include local design values as follows:

R301.2 Climatic and Geographic design criteria. Buildings shall be constructed in accordance with the provisions of this code as limited by the provisions of this section. Additional criteria shall be established by the local jurisdiction and set forth in Table R301.2 (1). Design values for Table R-301.2(1) shall be as follows:

GROUND AND ROOF SNOW LOAD: 25 PSF

WIND SPEED: ~~70 mph sustained with 85 mph 3 sec. gust~~ 110 mph

TOPOGRAPHIC EFFECTS: No

SEISMIC DESIGN CATEGORY: D2

WEATHERING: Moderate

FROST LINE DEPTH: 12 inches

TERMITE: Slight to moderate

DECAY: Slight to moderate

WINTER DESIGN TEMPERATURE: 24°F.

SUMMER DESIGN TEMPERATURE: 83°F.

ICE SHIELD UNDERLAYMENT REQUIRED: No

FLOOD HAZARDS: See BMC 15.55

AIR FREEZING INDEX: 148°F.- days

MEAN ANNUAL TEMPERATURE: 51.4°F.

SOIL BEARING (Assumed): 1500 PSF

(6) Amend IRC Appendix SV, Fire Sprinklers, to read as follows:

AS107.1 Fire sprinklers. An approved automatic fire sprinkler system shall be installed in new one-family and two-family dwellings and townhouses in accordance with Appendix RP.

EXCEPTION: One-family and two-family dwellings and their attached accessory structures with a gross floor area less than 3600 square feet.

#### **15.10.080 International Mechanical Code adopted.**

The 2012-2015 Edition of the International Mechanical Code (IMC), as published by the International Code Council, Inc., and as adopted by the State Building Code Council in Chapter 51-52 WAC, excluding Chapter 1, Administration, is hereby adopted by reference together with the amendments set forth in this section. The Construction Administrative Code, as set forth in Chapter 15.05 BMC, shall be used in place of IMC Chapter 1, Administration.

~~(1) Amend IMC Section 504.4, Exhaust installation, to read as follows:~~

~~504.4 Exhaust installation. Dryer exhaust ducts for clothes dryers shall terminate on the outside of the building and shall be equipped with a back draft damper. Dryer exhaust ducts may terminate at approved exterior louvers with not less than 1" openings in any direction. Screens shall not be installed at the duct termination. Ducts shall not be connected or installed with sheet metal screws or other fasteners that will obstruct the exhaust flow. Clothes dryer exhaust ducts shall not be connected to a vent connector, vent or chimney. Clothes dryer exhaust ducts shall not extend into or through ducts or plenums.~~

~~[Ord. 583 § 2 (Exh. B), 2013; Ord. 541 § 4 (Exh. B), 2010]~~

#### **15.10.090 National Fuel Gas Code (NFPA 54) adopted.**

The 2012-2015 Edition of ANSI Z223.1/NFPA 54, National Fuel Gas Code (NFGC), as published by National Fire Protection Association (NFPA) and as adopted by the State Building Code Council in Chapter 51-52 WAC, is hereby adopted by reference. The Construction Administrative Code, as set forth in Chapter 15.05 BMC, shall be used for the administration of the National Fuel Gas Code.

#### **15.10.100 Liquefied Petroleum Gas Code (NFPA 58) adopted.**

The 2011-2014 Edition of NFPA 58, Liquefied Petroleum Gas Code (LPGC), as published by National Fire Protection Association (NFPA) and as adopted by the State Building Code Council in Chapter 51-52 WAC,

is hereby adopted by reference. The Construction Administrative Code, as set forth in Chapter 15.05 BMC, shall be used for the administration of the Liquefied Petroleum Gas Code.

#### **15.10.110 International Fuel Gas Code adopted.**

The ~~2012-2015~~ Edition of the International Fuel Gas Code (IFGC), as published by the International Code Council, Inc., and as adopted by the State Building Code Council in Chapter 51-52 WAC, excluding Chapter 1 “Administration,” is hereby adopted by reference together with the amendments set forth in this section. The Construction Administrative Code, as set forth in Chapter 15.05 BMC, shall be used in place of IFGC Chapter 1, Administration.

(1) Amend IFGC Section 614.4, Exhaust installation, to read as follows:

614.4 Exhaust installation. Exhaust ducts for clothes dryers shall terminate on the outside of the building and shall be equipped with a back-draft damper. Dryer exhaust ducts may terminate at approved exterior louvers with not less than 1<sup>1</sup>/<sub>2</sub>” openings in any direction. Screens shall not be installed at the duct termination. Ducts shall not be connected or installed with sheet metal screws or other fasteners that will obstruct the flow. Clothes dryer exhaust ducts shall not be connected to a vent connector, vent or chimney. Clothes dryer exhaust ducts shall not extend into or through ducts or plenums.

#### **15.10.120 Uniform Plumbing Code adopted.**

The ~~2012-2015~~ Edition of the Uniform Plumbing Code (UPC), as published by the International Association of Plumbing and Mechanical Officials and as adopted and amended by the State Building Code Council in Chapter 51-56 WAC, including Appendix A – Recommended Rules for Sizing the Water Supply System; Appendix B – Explanatory Notes on Combination Waste and Vent Systems; Appendix I – Installation Standards, and, in addition, Appendix C, Alternate Plumbing Systems, excluding Sections ~~C5~~ C303.3, C304.0 through ~~C7-C601.9~~ of Appendix C, is hereby adopted by reference together with the additions, deletions, exceptions, and amendments set forth in this section. The Construction Administrative Code, as set forth in Chapter 15.05 BMC, shall be used in place of UPC Chapter 1, Administration; Chapters 12 and ~~15-14~~ of the Uniform Plumbing Code are not adopted; and, those requirements of the Uniform Plumbing Code relating to venting and combustion air of fuel-fired appliances as found in Chapter 5 and those portions of the code addressing building sewers as identified in Chapter 51-56 WAC are not adopted.

(1) Amend UPC Section 311.0, Independent Systems, as follows:

311.0 Independent Systems. The drainage system of each new building and of new work installed in any existing building shall be separate and independent from that of any other building, and, when available, every building shall have an independent connection with a public or private sewer.

Exception: Where one (1) building stands in the rear of another building on an interior lot, and no private sewer is available or can be constructed to the rear building through an adjoining court, yard, or driveway, the building drain from the front building shall be permitted to be extended to the rear building.

Swimming pools shall be provided with a separate and independent drainage system, which shall connect with a public or private sewer. The drainage pipe for the pool, floor drain, and similar fixtures shall be connected either to the side sewer downstream of the main building or structure, or to the building sewer downstream of the last plumbing fixture. The main building drain shall be equipped with an accessible backwater valve outside of the building or structure and upstream of the pool drain connection.

(2) Amend UPC Chapter 6, Table 610.3, Water Supply Fixture Units (WSFU) and Minimum Fixture Branch Pipe Sizes, as follows:

Delete "Lawn Sprinkler, each head" "for Private Use" from the table.

(3) Amend UPC Section 708.0, Grade of Horizontal Drainage Piping, to read as follows:

708.0 Grade of Horizontal Drainage Piping. Horizontal drainage piping shall be run in practical alignment and a uniform slope of not less than one fourth (1/4) inch per foot (20.9 mm/m) or two (2) percent toward the point of disposal provided that, where it is impractical due to the depth of the street sewer or to the structural features or to the arrangement of any building or structure to obtain a slope of one-fourth (1/4) of an inch per foot (20.9 mm/m) or two (2) percent. Any such pipe or piping four (4) inches (100 mm) or larger in diameter may have a slope of not less than one-eighth (1/8) of an inch per foot (10.5 mm/m) or one (1) percent, only when first approved by the building official. Horizontal drainage piping connected to any dual flush gravity tank water closet shall slope a minimum of one-fourth (1/4) inch per foot.

(4) Amend UPC Section ~~1101.11.2.2(B)~~, 1101.12.2.2.2 Combined System, to read as follows:

~~1101.11.2.2(B)~~1101.12.2.2.2 Combined System. The secondary roof drains shall connect to the vertical piping of the primary storm drainage system conductor downstream of any horizontal offset below the roof. The primary storm drainage system shall connect to the building storm water that connects to an underground public storm sewer. The combined secondary and primary roof drain systems shall be sized in accordance with Section ~~1106.0~~1103.0 based on double the rainfall for the local area. A relief drain shall be connected to the vertical drain piping, within 20 feet of grade, using a wye-type fitting piped to daylight on the exterior of the building. The piping shall be sized as required for a secondary drain with a 4 inch maximum.

#### **15.10.130 ~~International Energy Conservation Code~~ Washington State Energy Code adopted.**

The ~~International Energy Conservation~~ Washington State Energy Code, as adopted by the State Building Code Council in Chapters ~~51-11A~~, 51-11C, and 51-11R WAC, is hereby adopted by reference. The Construction Administrative Code, as set forth in Chapter 15.05 BMC, shall be used for the administration of the Washington State Energy Code.

(1) Sections R107, Fees; R108, Stop Work Order; R109, Board of appeals; R110, Violations; and R111, Liability, are not adopted.

(2) Sections C107, Fees; C108, Stop Work Order; C109, Board of appeals; C110, Violations; and C111, Liability, are not adopted.

#### **15.10.140 Washington Cities Electrical Code adopted.**

(1) The ~~November 12, 2009 most current~~ edition of the Washington Cities Electrical Code (WCEC), ~~Parts One Part -One (Adoption) and part Three (National Electrical code amendments)~~, as published by the Washington Association of Building Officials, is hereby adopted by reference and shall be known as the Burien Electrical Code. This includes Annex A, B and C of the National Electrical Code; Commercial Building Telecommunications Cabling Standard (ANSI/TIA-568-C series, February 2009); Commercial Building Standard for Telecommunications Pathway and Spaces (TIA-569-B, October 2004); Commercial Building Grounding and Bonding Requirements for Telecommunications (ANSI/TIA-607-B, August 2011); Residential Telecommunications Cable Standard (ANSI/TIA/EIA 570-B-2004); and the National Electrical Safety Code (NESC C2-2012 excluding Appendixes A and B)

(2) The “Construction Administrative Code” as set forth in Chapter 15.05 BMC shall be used for the administration of the Burien Electrical Code.

(3) Conflicts.

(a) The requirements of ~~this chapter~~ Washington Cities Electrical Code will be observed where there is any conflict between this chapter and the National Electrical Code (NFPA 70), Centrifugal Fire Pumps (NFPA 20), the Emergency and Standby Power Systems (NFPA 110), ANSI/TIA/EIA 568-B, ANSI/TIA/EIA 569-A, ANSI/TIA/EIA 607, or ANSI/TIA/EIA 570.

(b) The National Electrical Code will be followed when there is any conflict between standard for Installation of Stationary Pumps for Fire Protection (NFPA 20), standard for Emergency and Standby Power Systems (NFPA 110), ANSI/TIA/EIA 568-B, ANSI/TIA/EIA 569-A, ANSI/TIA/EIA 607, ANSI/TIA/EIA 570-B, and the National Electrical Code (NFPA 70).

(c) In accordance with RCW 19.28.010(3), when the State of Washington Department of Labor and Industries adopts a more current edition of the National Electrical Code (NFPA 70), the more current edition shall be enforced. ~~the building official may supplement use of the Burien Electrical Code with newly adopted editions of the National Electrical Code.~~ Provisions in the annex chapters of the National Electrical Code shall not apply unless specifically referenced in the adopting ordinance.

#### **15.10.150 International Existing Building Code**

The 2015 International Existing Building Code (IEBC) is as published by the International Code Council, Inc., and as adopted by the State Building Code Council in Chapter 51-50-48000 WAC, including Appendix A, Guidelines for the Seismic retrofit of Existing Buildings, Appendix N, Solar Readiness, and excluding Chapter 1, Administration, is hereby adopted by reference together with the amendments set forth in this section. The Construction Administrative Code, as set forth in Chapter 15.05 BMC, shall be used in place of IEBC Chapter 1, Administration.

(1) Amend section 409.1 to include state amendments and City requirements relocated from BMC 15.05.135 to read as follows

409.1 Conformance. Buildings or structures moved into or within the jurisdiction shall comply with the provisions of this code, the Inter- national Residential Code (chapter 51-51 WAC), the International Mechanical Code (chapter 51-52 WAC), the International Fire Code (chap-ter 51-54A WAC), the Uniform Plumbing Code and Standards (chapters 51-56 and 51-57 WAC), the Washington State Energy Code

(chapter 51-11 WAC) and the Washington State Ventilation and Indoor Air Quality Code (chapter 51-13 WAC) for new buildings or structures.

EXCEPTION: Group R-3 buildings or structures are not required to comply if:

1. The original occupancy classification is not changed; and
2. The original building is not substantially remodeled or rehabilitated.

For the purposes of this section, a building shall be considered to be substantially remodeled when the costs of remodeling exceed 60 percent of the value of the building exclusive of the costs relating to preparation, construction, demolition or renovation of foundations.

Prior to relocation, a feasibility inspection shall be performed on the building or structure by a registered design professional to document any known structural deficiencies, examine existing plumbing and mechanical systems, inspect insulated areas of the structure and check for life safety deficiencies. A copy of the inspection reports shall be submitted along with a building permit application for relocation.

Structures which do not conform to minimum requirements at the time of initial construction, or current life safety regulations, or are found substantially deficient in structural integrity, shall be subject to correction.

See BMC 12.17.095 (Building moving) for additional permit requirements.

(2) Add new section 409.1 Moved building - Electrical Conformance, for the purpose of relocating the content of BMC 15.05.135 as follows:

409.1 Moved buildings – Electrical requirements.

(1) Nonresidential buildings or structures moved into or within the jurisdiction must be inspected to ensure compliance with current requirements of this chapter.

(2) Residential buildings or structures wired in the U.S. to NEC requirements and moved into the jurisdiction must be inspected to ensure compliance with the NEC requirements in effect at the time and place the original wiring was made. The building or structure must be inspected to ensure compliance with all current requirements of Chapter 19.28 RCW and the rules developed by the building department if:

(a) The original occupancy classification of the building or structure is changed as a result of the move;  
or

(b) The building or structure has been substantially remodeled or rehabilitated as a result of the move.

(3) Residential buildings or structures wired in Canada to Canadian Electrical Code (CEC) standards and moved into the jurisdiction must be inspected to ensure compliance with the following minimum safety requirements:

(a) Service, service grounding, and service bonding must comply with the Burien Electrical Code.

(b) Canadian Standards Association (CSA) listed Type NMD cable is allowed with the following qualifications:

(i) CSA listed Type NMD cable, American Wire Gauge No. 10 and smaller installed after 1964, utilizing an equipment grounding conductor smaller than the phase conductors, must be:

(A) Replaced with a cable utilizing a full-size equipment grounding conductor; or

(B) Protected by a ground fault circuit interrupter protection device.

(ii) CSA listed Type NMD cable, No. 8 AWG and larger, must:

(A) Utilize an equipment grounding conductor sized according to the requirements of the NEC in effect at the time of the installation;

(B) Be protected by a ground fault circuit interrupter protection device; or

(C) Be replaced.

(c) Other types of wiring and cable must be:

(i) Replaced with wiring listed or field evaluated in accordance with U.S. standards by a laboratory approved by the department; or

(ii) Protected by a ground fault circuit interrupter protection device and arc fault circuit protection device.

(d) Equipment, other than wiring or panelboards, manufactured and installed prior to 1997, must be listed and identified by laboratory labels approved by the department or CSA labels.

(e) All panelboards must be listed and identified by testing laboratory labels approved by the department with the following qualifications:

(i) CSA listed panelboards labeled "Suitable for Use as Service Equipment" will be considered to be approved as "Suitable for Use only as Service Equipment."

(ii) CSA listed panelboards must be limited to a maximum of 42 circuits.

(iii) CSA listed panelboards used as lighting and appliance panelboards, as described in the NEC, must meet all current requirements of the NEC and this chapter.

(f) Any wiring or panelboards replaced or changed as a result of the move must meet current requirements of Chapter 19.28 RCW and this chapter.

(g) The location, type, and ground fault circuit interrupter protection of receptacles and equipment in a bathroom, kitchen, basement, garage, or outdoor area must meet the Washington requirements in effect at the time the wiring was installed.

(h) Four 15-ampere, kitchen small appliance circuits will be accepted in lieu of two 20-ampere, kitchen small appliance circuits. Receptacles will not be required to be added on kitchen peninsular or island counters.

(i) Spacing requirements for all other receptacles must meet the Washington requirements in effect at the time the wiring was installed.

(j) Receptacles installed above baseboard or fixed wall space heaters must be removed and the outlet box covered with a blank cover. The receptacle is required to be relocated as closely as possible to the existing location.

(k) Lighting outlet and switch locations must meet the Washington requirements in effect at the time the wiring was installed.

(l) Dedicated 20-ampere small appliance circuits are not required in dining rooms.

(m) Electric water heater branch circuits must be adequate for the load.

(n) The location, type, and circuit protection of feeders must meet the Washington State requirements in effect at the time the wiring was installed.

**Exhibit C**

**Chapter 15.20**

**FIRE CODE**

Sections:

- 15.20.010 Short title.
- 15.20.020 Adoption of International Fire Code.
- 15.20.030 Section 104 amended – General authority and responsibility.
- 15.20.040 Section 105 amended – Permits.
- 15.20.050 Section 108 amended – Board of appeals.
- 15.20.060 Section 109 amended – Violations.
- 15.20.070 Section 111 amended – Stop work order.
- 15.20.080 Section 113 amended – Fees.
- 15.20.085 Section 202 amended – General Definitions**
- 15.20.090 Section 308.3 amended – Group A occupancies – Exceptions.
- 15.20.100 Section 314.4 amended – Indoor displays – Vehicles.
- 15.20.110 Section 503 amended – Fire apparatus access roads.
- 15.20.120 Section 506 amended – Key boxes – Where required.
- 15.20.130 Section 507 amended – Fire protection water supplies.
- 15.20.140 Section 508.1 amended – Fire command center – Penetrations.
- 15.20.150 Section 602 amended – Building services and systems – Definitions.
- 15.20.160 Section 604.2.14 amended – Emergency and standby power systems – High rise buildings.
- 15.20.170 Section 901 amended – Fire protection systems.
- 15.20.180 Section 903.2 amended – Automatic sprinkler systems – Where required.
- 15.20.190 Section 907 amended – Fire alarm and detection systems.
- 15.20.200 Section 5704.2 amended – Flammable and combustible liquids – Storage.
- 15.20.210 Section 5706.2.4.4 amended – Special operations – Storage and dispensing of flammable and combustible liquids on farms and construction sites – Locations where above-ground tanks are prohibited.
- 15.20.220 Section 5806.2 amended – Flammable cryogenic fluids – Limitations.

15.20.230 Section 6104.2 amended – Location of LP-gas containers – Maximum capacity within established limits.

15.20.240 Repealed.

**15.20.010 Short title.**

This chapter shall be known as and may be referred to as the “city of Burien fire code.”

**15.20.020 Adoption of International Fire Code.**

The 2012-2015 Edition of the International Fire Code (IFC) as published by the International Code Council, Inc., and as adopted by the State Building Code Council in Chapter 51-54A WAC, and including Appendix B (Fire-Flow Requirements for Buildings), Appendix C (Fire Hydrant Locations and Distribution), Appendix D (Fire Apparatus Access Roads), and Appendix H (Hazardous Materials Management Plan (HMMP) and Hazardous Materials Inventory Statement (HMIS) Instructions), is hereby adopted by reference, together with the amendments, additions, deletions, and exceptions as set forth in this chapter.

**15.20.030 Section 104 amended – General authority and responsibility.**

(1) IFC Section 104.10.1, Assistance from other agencies, is amended to read as follows:

104.10.1 Assistance from other agencies. Police and other enforcement agencies shall have authority to render necessary assistance in the investigation of fires or the enforcement of this code when requested to do so by the fire code official.

(2) IFC Section 104.11.2, Obstructing operations, is amended to read as follows:

104.11.2 Obstructing operations. No person shall obstruct the operations of the fire department in connection with extinguishment, control, or investigation of any fire, or actions relative to other emergencies, or disobey any lawful command of the fire chief or officer of the fire department in charge of the emergency, or any part thereof, or any lawful order of a police officer assisting the fire department.

**15.20.040 Section 105 amended – Permits.**

(1) IFC Section 105.2.3, Time limitation of application, is amended to read as follows:

105.2.3 Time limitation of application. An application for any operational permit shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been diligently prosecuted or a permit shall have been issued; except that the fire code official is authorized to grant one or more extensions of time for additional periods not exceeding 90 days each. The extension shall be requested in writing and justifiable cause demonstrated.

An application for any fire protection systems construction permit shall be subject to the time imitations as prescribed in BMC 15.05.280.

(2) IFC Section 105.3.1, Expiration, is amended to read as follows:

105.3.1 Expiration. An operational permit shall remain in effect until reissued, renewed, or revoked or for such a period of time as specified in the permit. Fire protection systems construction permits expiration shall be as prescribed in BMC 15.05.290. Permits are not transferable and any change in occupancy, operation, tenancy or ownership shall require that a new permit be issued.

(3) IFC Section 105.3.2, Extensions, is amended to read as follows:

105.3.2 Extensions. A permittee holding an unexpired operational permit shall have the right to apply for an extension of the time within which the permittee will commence work under that permit when work is unable to be commenced within the time required by this section for good and satisfactory reasons. The fire code official is authorized to grant, in writing, one or more extensions of the time period of a permit for periods of not more than 180 days each. Such extensions shall be requested by the permit holder in writing and justifiable cause demonstrated.

Fire protection systems construction permits may be extended or renewed in accordance with BMC 15.05.295.

**15.20.050 Section 108 amended – Board of appeals.**

(1) IFC Section 108, Board of Appeals, is not adopted and is replaced as follows:

Section 108 - Means of appeal

108.1 General. Appeals shall be heard by the Hearing Examiner pursuant to BMC 15.05.400.

**15.20.060 Section 109 amended – Violations.**

(1) IFC Section 109.1, Unlawful acts, is amended to read as follows:

Section 109.1 Unlawful acts. It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or utilize any building, occupancy, premises, structure, property, equipment, or system regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code. Signs, tags or seals posted or affixed by the code official shall not be mutilated, destroyed or tampered with or removed without authorization from the code official.

(2) IFC Section 109.2, Notice of violation, is amended to read as follows:

Section 109.2 Violation enforcement. Violations shall be enforced as prescribed in BMC 15.05.410.

(3) IFC Section 109.3, Violation penalties, is amended to read as follows:

Section 109.3 Violation penalties. Violation penalties shall be as prescribed in BMC 15.05.410.

**15.20.070 Section 111 amended – Stop work order.**

(1) IFC Section 111.4, Failure to comply, is amended to read as follows:

111.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to the effects and penalties in BMC 15.05.415(3).

**15.20.080 Section 113 amended – Fees.**

(1) IFC Section 113.2, Schedule of permit fees, is amended to read as follows:

113.2 Schedule of permit fees. A fee for each permit shall be paid as required in accordance with the city's contract with King County Fire District #2 and BMC 15.05.375(2). Plan Review fees shall be in accordance with BMC 15.05.375(3). Permit Valuations shall be determined in accordance with BMC 15.05.375(4).

(2) IFC Section 113.3, Work commencing before permit issuance, is amended to read as follows:

113.3 Work commencing before permit issuance. Any person who commences any work, activity or operation regulated by this code before obtaining the necessary permits shall be subject to the penalties and requirements of BMC 15.05.375(5).

(3) IFC Section 113.5, Refunds, is amended to read as follows:

113.5 Refunds. Refunds may be authorized by the building official in accordance with BMC 15.05.375(7).

**15.20.085 Section 202 amended – General Definitions**

(1) IFC Section 202, Definitions, is amended by addition of the following:

**POWER TAP.** A listed device for indoor use consisting of an attachment plug on one end of a flexible cord and two or more receptacles on the opposite end, and has overcurrent protection.

**15.20.090 Section 308.3 amended – Group A occupancies – Exceptions.**

(1) IFC Section 308.3, Group A occupancies – Exceptions, is amended by addition of a fourth exception to read as follows:

4. Where approved by the fire code official (see also Section 308.1.8).

**15.20.100 Section 314.4 amended – Indoor displays – Vehicles.**

(1) IFC Section 314.4, Vehicles, is amended as follows:

314.4 Vehicles. Liquid- or gas-fueled vehicles, fueled equipment, boats or other motor craft shall not be located indoors except as follows:

1. Batteries are disconnected.
2. Fuel in fuel tanks does not exceed one-quarter tank or 5 gallons (19L) (whichever is least).
3. Fuel tanks and fill openings are closed and sealed to prevent tampering.
4. Vehicles, boats or other motor craft equipment are not fueled or defueled within the building.

**15.20.110 Section 503 amended – Fire apparatus access roads.**

~~The city of Burien does not adopt WAC 51-54-0500 and does adopt the following sections and their subsections of the International Fire Code, as adopted by this chapter:~~

~~(1) IFC Section 503.1, Where required, as written in the IFC is adopted without amendments.~~

(1) IFC Section 503, Fire Apparatus access roads is adopted along with the following amendments.

~~(2) IFC Section 503.2.2, Specifications, as written in the IFC is adopted without amendment, except IFC Section 503.2.2, Authority, is amended to read as follows:~~

503.2.2 Authority. The fire code official shall have the authority to allow a decrease in minimum access widths or require an increase in minimum access widths where they are inadequate for fire or rescue operations or where necessary to meet the public safety objectives of the jurisdiction.

(3) IFC Section 503.3, Marking, is amended to read as follows:

503.3 Marking. Where required by the fire code official, approved signs or other approved notices shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof.

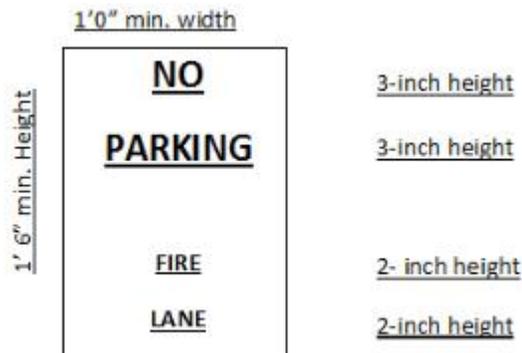
Signs or notices shall be maintained in a clean and legible condition at all times and shall be replaced or repaired when necessary to provide adequate visibility. Marked fire apparatus access roads, or “fire lanes” as defined above may be established or relocated at the time of plan review, pre-construction site inspection, and/or post construction site inspection as well as any time during the life of the occupancy as needed to provide and maintain fire department access. The fire code official or his/her designee may require that areas specified for use as driveways or private thoroughfares shall be designated as fire lanes and be marked or identified as required by this Section. All designated fire lanes shall be clearly marked in the following manner:

(a) Vertical curbs (6 inch) shall be painted yellow on the top and side, extending the length of the designated fire lane. The pavement adjacent to the painted curbs shall be marked with minimum 18 inch

in height block lettering with a minimum 3 inch brush stroke reading: “NO PARKING - FIRE LANE.” Lettering shall be yellow and spaced at 50 foot intervals or portions thereof, or

(b) Rolled curbs or surfaces without curbs shall have a yellow 6 inch wide stripe painted extending the length of the designated fire lane. The surface adjacent to the stripe shall be marked with minimum 18 inch in height block lettering with a minimum 3 inch brush stroke reading: “NO PARKING - FIRE LANE.” Lettering shall be in yellow and spaced at 50 foot intervals or portions thereof, or

(c) Curbs shall be painted and/or surfaces striped as noted above and fire lane signs shall be installed as



follows:

(i) Reflective in nature.

(ii) Red letters on white background.

(iii) Signs shall be spaced at 50 foot intervals or portions thereof apart and posted on or immediately next to the curb.

(iv) Top of signs shall be not less than 4 feet or more than 6 feet from the ground.

(v) Signs may be placed on a building when approved by the fire code official.

(vi) When posts are required they shall be a minimum of 2 inch galvanized steel or 4 inch x 4 inch pressure treated wood. Signs shall be placed so they face the direction of the vehicular travel.

(d) Diagonal yellow striping across the width of the Fire Lane shall be used when required by the fire code official. They shall be used in conjunction with a 6 inch yellow stripe and lettering indicated in item “b.” They shall run at a 30 to 60 degree angle and shall be parallel with each other. The stripes shall be a minimum of 6 inches in width and a minimum of 24 inches apart.

(4) IFC Section 503.4, Obstruction of fire apparatus roads, is amended to read as follows:

503.4 Obstruction of fire apparatus roads/fire lanes. Fire apparatus access roads/fire lanes shall not be obstructed in any manner, including the parking of vehicles. The minimum widths and clearances established in Section 503.2.1 shall be maintained at all times.

(a) The obstruction of a designated fire lane by a parked vehicle or any other object is prohibited and shall constitute a traffic and fire hazard and be deemed an immediate hazard to life and property.

(b) No person shall stop, stand, or park a vehicle whether occupied or not within a designated Fire Lane, except; momentarily to pick up or discharge a passenger or passengers provided the driver does not leave the vehicle.

(c) No person shall allow continued violations of this section on private property which they own or manage.

(d) Any vehicle or object obstructing a designated fire lane is hereby declared a traffic and fire hazard and may be immediately impounded pursuant to applicable state law, without prior notification to its owner. Pursuant to state law, the owner may be held responsible for all impound fees.

(e) The owner, manager, or person in charge of any property upon which designated fire lanes have been established shall provide marking as required above and, shall prevent the parking of vehicles or placement of other obstructions in such fire lanes.

(f) Fire lane markings shall be maintained at the expense of the property owner(s) as often as needed to clearly identify the designated area as being a fire lane.

(g) Parking control officers, as defined in BMC 10.15.120, are authorized to issue notices of traffic infraction for violations of this section in accordance with BMC 10.15.120. Such notices also may be issued by any police officer.

(h) Penalties for infractions of this section shall be in accordance with BMC 10.15.140.

(i) Each day or part of a day during which the unlawful act or violation occurs shall constitute a separate offense.

**15.20.120 Section 506 amended – Key boxes – Where required.**

(1) IFC Section 506.1, Where required, is amended by the addition of a second paragraph and exception as follows:

506.1 Where required. Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the fire code official is authorized to require a key box to be installed in an approved location. The key box shall be of an approved type listed in accordance with UL 1037 and shall contain keys to gain necessary access as required by the fire code official.

All occupancies equipped with an automatic sprinkler system or fire alarm system shall have a key box mounted in a location approved by the fire code official.

Exception: One and two family dwelling.

**15.20.130 Section 507 amended – Fire protection water supplies.**

(1) IFC Section ~~507.1~~507.2, Required Type of water supply, is amended ~~by the addition of the following paragraph:~~to read as follows:

~~507.1 Required water supply. An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises upon which facilities, buildings or portions of buildings are hereafter constructed or moved into or within the jurisdiction.~~

507.2 Type of water supply. The type of ~~hydrants water supply~~ shall be approved by the building official, fire chief, and the water purveyor. Existing substandard water supply mains and/or hydrant installations, which serve new constructions, shall be upgraded. Fire hydrants and their supplying mains shall be installed to the standard of the water purveyor and shall be dedicated along with repair easements, where needed, to the purveyor. This section shall not apply to conditions existing prior to the effective date of this chapter.

(2) IFC Section 507.3, Fire Flow, is amended to read as follows:

507.3 Fire flow. Fire flow requirements for buildings or portions of buildings and facilities shall be determined by use of Appendix B.

Exceptions:

1. Fire flow is not required for structures under 500 square feet with a B, U or R-1 occupancy where structures are at least 30 feet from any other structure and are used only for recreation.

2. In rural and suburban areas in which adequate and reliable water supply systems do not exist, the fire code official is authorized to utilize NFPA 1142 or the International Wildland-Urban Interface Code.

(3) IFC Section 507.5.1, Where required, is amended to read as follows:

507.5.1 Where required. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 150 feet from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official. Fire hydrant locations and distribution shall be in accordance with Appendix C.

Exceptions:

1. For Group R-3 and Group U occupancies, the distance requirement shall be 350 feet.

2. For Group R-3 and Group U occupancies equipped throughout with an approved automatic sprinkler system the distance requirement may be modified by the fire code official.

#### **15.20.140 Section 508.1 amended – Fire command center – Penetrations.**

(1) IFC Section 508.1, General, is amended by the addition of a new subsection ~~508.1.6~~508.1.2.1, Penetrations, to read as follows:

~~508.1.6~~508.1.2.1 Penetrations. Penetrations into and openings through a fire command center are prohibited except for required exit doors, equipment and ductwork necessary for heating, cooling or ventilation, sprinkler branch line piping, electrical raceway for fire department communication and control and electrical raceway serving the fire command center or being controlled from the fire

command center. Such penetrations shall be protected in accordance with Section 714 of the International Building Code.

Exception: Metallic piping with no joints or openings.

**15.20.150 Section 602 amended – Building services and systems – Definitions.**

(1) IFC Section 602.1, Definitions, is amended by addition of the following:

~~POWER TAP. A listed device for indoor use consisting of an attachment plug on one end of a flexible cord and two or more receptacles on the opposite end, and has overcurrent protection.~~

**15.20.160 Section 604.2.149 amended – Emergency and standby power systems – High rise buildings.**

(1) IFC Section 604.2.149, High-rise buildings, is amended to include new subsection ~~602.14.1.4~~604.2.9.1, Penetrations, as follows:

~~604.2.14 High-rise buildings. Standby power, light and emergency systems in high-rise buildings shall comply with the requirements of Sections 604.2.14.1 through 604.2.14.4.~~

~~604.2.14.1~~604.2.9.1 Penetrations. Penetrations into and openings through a room containing a standby power system are prohibited except for required exit doors, equipment and ductwork necessary for heating, cooling or ventilation, sprinkler branch line piping, or electrical raceway serving the standby power system or being controlled by the standby power system. Such penetrations shall be protected in accordance with Section 714 of the International Building Code.

Exception: Metallic piping with no joints or openings where it passes through the standby power system room.

**15.20.170 Section 901 amended – Fire protection systems.**

(1) IFC section 901.4.3, Fire Areas, is amended to include the a second paragraph as follows:

901.4.3 Fire Area 901.4.3 Fire areas. Where buildings, or portions thereof, are divided into fire areas so as not to exceed the limits established for requiring a fire protection system in accordance with this chapter, such fire areas shall be separated by fire barriers constructed in accordance with Section 707 of the International Building Code or horizontal assemblies constructed in accordance with Section 711 of the International Building Code, or both, having a fire-resistance rating of not less than that determined in accordance with Section 707.3.10 of the International Building Code.

For the purpose of this section, fire barriers shall not be used to reduce the calculation of floor areas in this chapter for newly constructed buildings with a gross floor area of 5,000 square feet or greater and existing buildings undergoing a modification or change of use with a cumulative work area of 5,000 square feet or greater.

~~(12)~~ IFC Section 901.4, Installation, is amended by the addition of a new subsection 901.4.7, Additions, change of use, alterations and repairs to buildings, to read as follows:

901.4.7 Additions, change of use, alterations and repairs to buildings. Additions, change of use, alterations and repairs to buildings shall comply with ~~Chapter 34~~ of the International Existing Building Code.

~~(2) IFC Section 901.7, Systems out of service, is amended to read as follows:~~

~~901.7 Systems out of service. Where a fire protection system is out of service, the fire department and the fire code official shall be notified immediately and, where required by the fire code official, the building shall either be evacuated or an approved fire watch shall be provided for all occupants left unprotected by the shut down until the fire protection system has been returned to service.~~

~~Where utilized, fire watches shall be provided with at least one approved means for notification of the fire department and their only duty shall be to perform constant patrols of the protected premises and keep watch for fires.~~

#### **15.20.180 Section 903.2 amended – Automatic sprinkler systems – Where required.**

(1) IFC Section 903.2, Where required, is amended to read as follows:

903.2 Where required. Approved automatic sprinkler systems in new buildings and structures shall be provided in the locations described in Sections 903.2.1 through 903.2.12, WAC 51-50-903, and in all new and substantially altered buildings with a gross work area of 5,000 square feet or greater, regardless of type or use.

Exceptions: Spaces or areas in telecommunications buildings used exclusively for telecommunications equipment, associated electrical power distribution equipment, batteries and standby engines, provided those spaces or areas are equipped throughout with an automatic smoke detection system in accordance with Section 907.2 and are separated from the remainder of the building by not less than 1-hour fire barriers constructed in accordance with IBC Section 707 Fire Barriers or not less than 2-hour horizontal assemblies constructed in accordance with IBC Section 711 Horizontal Assemblies, or both.

~~For the purposes of this section, fire walls as specified in Section 706 of the International Building Code shall not be used to reduce the calculation of floor areas of this chapter.~~

#### **15.20.190 Section 907 amended – Fire alarm and detection systems.**

(1) IFC Section 907.1.3, Equipment, is amended to read as follows:

907.1.3 Equipment. Systems and their components shall be listed and approved for the purpose for which they are installed. All new alarm systems shall be addressable. Each device shall have its own address and shall annunciate individual addresses at the approved supervising station.

(2) IFC Section 907.2, System installation, is amended by addition of the following section:

907.2.24 System installation. Fire alarm systems shall be installed and maintained in accordance with this code by persons under the direct supervision of individuals that have factory training and certification on the system being installed. Plans submitted for Fire Alarm System permits shall be prepared under the supervision of individuals possessing a NICET (National Institute for Certification in Engineering Technologies) Level III certification in Fire Alarm Systems; or shall be licensed by the State of Washington as a Professional Fire Protection or Electrical Engineer or certified by the State of Washington. Plans shall identify certification and/or licensing information.

(3) IFC Section 907.8.5, Maintenance, inspection and testing, is amended by addition of a second paragraph to read as follows:

907.8.5 Maintenance, inspection and testing. The building owner shall be responsible to maintain the fire and life safety systems in an operable condition at all times. Service personnel shall meet the qualification requirements of NFPA 72 for maintaining, inspecting and testing such systems. A written record shall be maintained and shall be made available to the fire code official.

It shall be the responsibility of an owner of the apartment building, upon every change in tenancy of a dwelling unit, to inspect the fire warning system within such dwelling unit to determine if the same is in operating condition. If the same is not in operating condition, the owner shall repair or replace the same and shall not allow occupancy of such dwelling unit until the fire warning system therein is operating properly. During the term of any tenancy of a dwelling unit in an apartment building, it shall be the responsibility of the tenant, and not the owner, to maintain the fire warning system therein in operating condition.

**15.20.200 Section 5704.2 amended – Flammable and combustible liquids – Storage.**

(1) IFC Section 5704.2.9.6.1, Locations where above-ground tanks are prohibited, is amended to read as follows:

5704.2.9.6.1 Locations where above-ground tanks are regulated. Storage of Class I and II liquids in above-ground tanks outside of buildings is subject to the requirements of Chapter 19.40 BMC - "Critical Areas."

(2) IFC Section 5704.2.11.2, Locations, is amended to read as follows:

5704.2.11.2 Location. Flammable and combustible liquid storage tanks located underground, either outside or under buildings, shall be in accordance with all of the following:

1. Tanks shall be located with respect to existing foundations and supports such that the loads carried by the latter cannot be transmitted to the tank.
2. The distance from any part of a tank storing liquids to the nearest wall of a basement, pit, cellar, or lot line shall not be less than 3 feet (914 mm).
3. A minimum distance of 1 foot (305 mm), shell to shell, shall be maintained between underground tanks.
4. Tank location shall be in accordance with the limitations of Chapter 19.40 BMC - "Critical areas."

**15.20.210 Section 5706.2.4.4 amended – Special operations – Storage and dispensing of flammable and combustible liquids on farms and construction sites – Locations where above-ground tanks are prohibited.**

(1) IFC Section 5706.2.4.4, Locations where above ground tanks are prohibited, is amended to read as follows:

5706.2.4.4 Locations where above-ground tanks are regulated. The storage of Class I and II liquids in above-ground tanks is subject to the requirements of Chapter 19.40 BMC - "Critical Areas."

**15.20.220 Section 5806.2 amended – Flammable cryogenic fluids – Limitations.**

(1) IFC Section 5806.2, Limitations, is amended to read as follows:

5806.2 Limitations. Storage of flammable cryogenic fluids in stationary containers outside of buildings is subject to the requirements of Chapter 19.40 BMC - "Critical Areas."

**15.20.230 Section 6104.2 amended – Location of LP-gas containers – Maximum capacity within established limits.**

(1) IFC Section 6104.2, Maximum capacity within established limits, is amended to read as follows:

6104.2 Maximum capacity within established limits. The aggregate capacity for the storage of Liquid Petroleum Gas (LPG) of any one installation shall not exceed 2,000 gallons water capacity, except that in particular installations this capacity limit may be altered at the discretion of the fire code official after consideration of special features such as topographical conditions, nature of the occupancy and proximity to buildings, capacity of proposed tanks, degree of private fire protection to be provided, and facilities of the fire department.

~~**15.20.240 Section 4603.7.1 amended – Single and multiple station smoke alarms – Where required.**~~

~~*Repealed by Ord. 583. [Ord. 541 § 8 (Exh. D), 2010]*~~



**CITY OF BURIEN  
AGENDA BILL**

<b>Agenda Subject:</b> Public Hearing and Discussion on the 2017 through 2022 Six-Year Transportation Improvement Program		<b>Meeting Date:</b> June 6, 2016
<b>Department:</b> Public Works	<b>Attachments:</b> 1. <a href="#">Draft Six Year Transportation Improvement Program 2017-2022</a> 2. <a href="#">Draft Resolution No. 374</a>	<b>Fund Source:</b> N/A
<b>Contact:</b> Maiya Andrews, Public Works Director		<b>Activity Cost:</b> N/A
<b>Telephone:</b> (206) 248-5521 <a href="#">Click here and begin typing</a>		<b>Amount Budgeted:</b> N/A <b>Unencumbered Budget Authority:</b> N/A
<b>Adopted Initiative:</b> <a href="#">Click to choose an answer.</a>	<b>Initiative Description:</b>	
<p><b>PURPOSE/ REQUIRED ACTION:</b> The purpose of this agenda item is for Council to hold a public hearing to receive comments on the 2017-2022 Six-Year Transportation Improvement Program (TIP). Following the hearing, Council may review, discuss and provide direction to staff. By statute, the TIP must be adopted by June 30<sup>th</sup> each year.</p> <p><b>BACKGROUND (Include prior Council action &amp; discussion):</b> The TIP is a short-range planning document that is updated annually based on needs and policies identified through a variety of sources. Staff has evaluated last year’s TIP with respect to the Transportation Master Plan (TMP) and the Stormwater Master Plan to ensure that the new TIP is coordinated with the goals of both documents, and specifically with the TMP’s multimodal layered network concept.</p> <p>The primary importance of the Six-Year TIP is to act as a planning tool for the development of transportation facilities within the City. It is used as a tool in preparing the City’s capital budget, and it is used to coordinate transportation projects with our utility districts and other agencies. In most cases, local projects must be included in the TIP to be eligible for state and federal grant programs. State Law requires that each city develop a local TIP and that it be updated annually (RCW 35.77.010).</p> <p>This TIP includes the following changes to last year’s TIP:</p> <ul style="list-style-type: none"> <li>• Per Council suggestion, the note “Unfunded” has been removed from projects where no potential funding source is listed.</li> <li>• Funded projects are so noted in the Potential Funding Sources column.</li> <li>• Four suggested new projects are included and identified as new in the list. Staff will describe these suggested new projects at the meeting.</li> <li>• Project 43 has been completed and closed, and removed from the list.</li> </ul> <p>Currently, there is no funding for projects not already in the adopted budget. The Street Fund includes revenue from motor vehicle fuel tax, solid waste franchise fees, solid waste utility tax, commercial parking tax, and business licenses. This revenue pays for street maintenance (operating costs), debt service for about half of the overlay bond, and the yearly overlay program (currently \$480,000 per year). In recent years, Burien has relied heavily on grants for capital projects.</p> <p>As described in the adopted budget, to create a revenue source for capital projects such as in the TIP, staff will evaluate franchise agreements with water, sewer and potentially electric utilities. A six percent franchise fee or utility tax on all of our water and sewer utilities could produce an estimated \$840,000 annually. Increasing Seattle City Light’s contract fee from the adopted level to the maximum would result in an estimated \$425,000 annually. Increasing the Transportation Benefit District from \$10 to \$20 would generate approximately \$350,000 in additional revenue. If one or more of these mechanisms were used, the new revenue, or a portion of the revenue, could be used to supplement the yearly pavement overlay program or provide funding for other capital projects.</p>		

**OPTIONS (Including fiscal impacts):** N/A

**Administrative Recommendation:**

Conduct Public Hearing on the 2017-2022 Six-Year Transportation Improvement Program, provide direction to staff and consider placing Resolution No. 374 on the June 20<sup>th</sup> Consent Agenda for adoption.

**Advisory Board Recommendation:**

N/A

**Suggested Motion:**

None required

**Submitted by:** Maiya Andrews

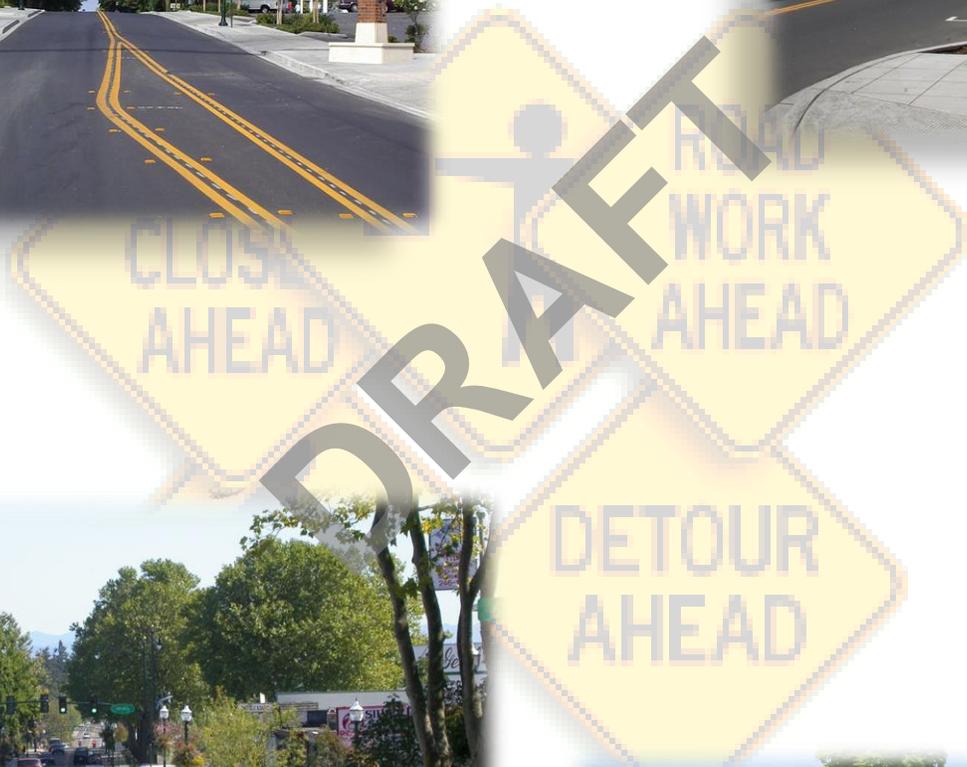
Administration \_\_\_\_\_

City Manager \_\_\_\_\_

**Today's Date:** May 27, 2016

**File Code:** R:\CC\Agenda Bills 2016\060616pw-1 TIP

City of Burien, Washington  
Six Year Transportation Improvement Program  
2017 - 2022



## EXHIBIT-A

# **CITY OF BURIEN SIX YEAR TRANSPORTATION IMPROVEMENT PROGRAM 2017-2022**

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## **Introduction**

The Six-Year Transportation Improvement Program (TIP) is a mid-range planning document that is annually updated based on needs and policies identified through a variety of sources. Project and financial development involve interactions with many groups and agencies at the local, regional, state, and federal levels. It represents Burien's current list of needed projects that may begin work in the next six years.

The primary importance of the Six Year TIP is to act as a planning tool for the development of transportation facilities within the City. It is used to coordinate transportation projects with our utility districts and other agencies. Staff has evaluated last year's TIP with respect to the new Transportation Master Plan to ensure that the new TIP is coordinated with the TMP's goals and the multimodal layered network concept. In most cases, local projects must be included in the TIP to be eligible for state and federal grant programs.

### Mandated by State Law

State law requires that each city develop a local TIP and that it be updated annually (RCW 35.77.010). In order for cities to compete for transportation funding grants from Federal and State sources most granting agencies require that projects be included in the TIP.

**City of Burien**  
**Six Year Transportation Improvement Program**  
**2017-2022**

Project No.	Name of Project	Project Limit	Project Description	Potential Funding Sources	Priority, TMP Category*	Total Length of Street in feet	Cost
1.1	1st Avenue South-Phase 3	SW 128th to SW 140th Street	Reconstruct roadway to Principal Arterial standards, including pedestrian, stormwater detention and water quality facilities, center medians and left-turn lanes, signal improvements and interconnections, landscaping and irrigation, and driveway consolidation where feasible. Reconstruct intersection at SW 128th St. and add protected left-turn phasing at SW 136th St. intersections. Overhead to underground utility conversion. Major Drainage Replacement (MDR).	TIB PSRC	High A,F,P,T	4,000	10.5 M
1.2	1st Avenue South-Phase 4	SW 128th to SW 116th Street	Reconstruct roadway to Principal Arterial standards, including pedestrian, stormwater detention and water quality facilities, center medians and left-turn lanes, signal improvements and interconnections, landscaping and irrigation, and driveway consolidation where feasible. Overhead to underground utility conversion. MDR.	TIB PSRC	High A,F,P,T	4,000	<del>10.5</del> 11.4M
5 (Program A)	S 136th Street	1st Avenue South to DMMD	Bicycle lanes on both sides. Repair inadequate and non-ADA portion of existing sidewalk and fill in gaps in sidewalk. Evaluate appropriate street tree options.	Legislature PSRC	High B,P	4,800	1.37M
6	SW 136th Street	1st Avenue South to Ambaum Blvd SW	Reconstruct road to include storm drainage, bike lanes, parking, curb, gutter and sidewalks.	Legislature PSRC TIB	High A,B,P	3,600	9.98M
13.0 (Programs A,G)	8th Avenue South	S 128th Street to S 136th St	Pedestrian access project. Sidewalk, curb and gutter, bike lanes, drainage, landscaping and illumination. Note: Consider phases along this corridor based on funding sources.	SRTS	High B,P	2,700	1.16M
13.1 (Programs A,G)	8th Avenue South	S 136th Street to Des Moines Memorial Dr	Reconstruct road to include curb, gutter, sidewalks, bicycle lanes, parking, drainage, landscaping, and illumination. Note: Consider phases along this corridor based on funding sources.	Unfunded	High A,B,P	5,300	16.8M

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**City of Burien**  
**Six Year Transportation Improvement Program**  
**2017-2022**

Project No.	Name of Project	Project Limit	Project Description	Potential Funding Sources	Priority, TMP Category*	Total Length of Street in feet	Cost
14.0 (Program A)	South 152nd Street	1st Avenue South to 8th Ave S	Sidewalks on both sides of street. Fill in gaps in intermittent sidewalk and ensure implementation of American with Disabilities Act (ADA) standards. Bicycle lanes on both sides of street. Connect to Highline High School.	SRTS TIB	High B,P	2,700	1.26M
14.1	South 152nd Street	8th Ave S to Des Moines Memorial Dr	Existing three intersections (8th Ave S/S 152nd St, DMMD/8th Ave S, and S 152nd St/DMMD) should be evaluated for comprehensive revisions to improve safety and general awkwardness; consider elimination of an intersection.	City Economic Development TIB	High A,B,F,P	250	0.79M
17	Ambaum Blvd SW Corridor Study	SW 116th Street to 1st Avenue South	Ambaum Corridor Study of safety, capacity, & non-motorized issues.	City	High A,B,F,T	15,000	0.06M
20.0 (Program A)	4th Avenue SW	SW 156th Street to SW 160th St	Pedestrian access project. Sidewalk on east side, curb and gutter, bike lanes, drainage, landscaping and illumination.	SRTS	High B,P	1,370	1.37M
31	4th Avenue SW & SW 148th Street	Intersection	Upgrade existing signal to include an eastbound right-turn overlap phase and protected left turns. Consider combining with 32 for funding.	City METRO SCL	High A		2.25M
32	6th Ave SW & SW 148th Street	Intersection	New Signal to add interconnect and protected left turn. Overhead to underground utility conversion. MDR. Consider combining with 31 for funding.	City SCL	High A,P		1.5M

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**City of Burien**  
**Six Year Transportation Improvement Program**  
**2017-2022**

Project No.	Name of Project	Project Limit	Project Description	Potential Funding Sources	Priority, TMP Category*	Total Length of Street in feet	Cost
35.0	SR 518/Des Moines Memorial Drive Eastbound Off-Ramp	Interchange	Construct eastbound off-ramp from SR 518 to Des Moines Memorial Drive DMMD. Note: Ensure design is consistent with the DMMD Corridor Management Plan.	<b>FUNDED</b> TIB PSRC Legislature	High A,F		12.6M
35.1	SR 518/Des Moines Memorial Drive Westbound On-Ramp	Interchange	Construct westbound on-ramp from SR 518 to DMMD. Note: Ensure design is consistent with the DMMD Corridor Management Plan.	TIB PSRC Legislature	High A,F		73.5M
37	Northeast Redevelopment Area (NERA)	NERA	Construct new streets and signals as envisioned in the Northeast Redevelopment Area (NERA) Plan. Improve and create pedestrian connections. Area generally bounded by 8th Ave S, S 138th St, Des Moines Memorial Drive and SR 518.	City FAA Developer	High A,F,P		3.68M
38 (Program A)	S 132nd St Trail Project	9th Ave S to 10th Ave S	Construct shared use path on S 132nd St, in unopened right of way between 9th Ave S to 10th Ave S. Evaluate lighting and signing.	<b>FUNDED</b> CDBG	High B,P	325	0.18M
39 (Program A)	Pedestrian and Bicycle Facilities	Citywide	Construct bicycle/pedestrian/shared use facilities in unopened rights of way that are not being used for, and not planned to be used for, vehicular access.	City CDBG SRTS	High B,P		0.06M
40 (Program A)	Pedestrian Access Near Schools Study	Citywide	Evaluate and prioritize pedestrian access needs near schools, giving consideration to parking and surface water impacts.	City	High B,P		0.06M

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**City of Burien**  
**Six Year Transportation Improvement Program**  
**2017-2022**

Project No.	Name of Project	Project Limit	Project Description	Potential Funding Sources	Priority, TMP Category*	Total Length of Street in feet	Cost
42 (Program A)	Pedestrian Improvements for Hilltop Elementary Military Road Crosswalk	12300 block	Rectangular Rapid Flashing Beacon (RRFB) and signage for existing school crossing.	<b>FUNDED</b> City CDBG SRTS	High B,P		0.06M
<del>43</del>	<del>Pavement Rehabilitation for Embankment Stabilization</del>	<del>Citywide</del>	<del>Regrade and repave selected sites that have excessive roadway embankment settlement.</del>	<del>City</del>	<del>High A</del>		<del>0.06M</del>
<del>NEW-45</del>	<del>Speed Radar Signs</del>	<del>15200 block of southbound Maplewild Ave, 12000 block of 5th Ave S both directions</del>	<del>Install speed radar signs at selected locations.</del>	<del>City HSIP</del>	<del>High A</del>		<del>0.12M</del>
<del>NEW-46</del> (Program A)	<del>S 132nd St Trail Completion</del>	<del>10th Ave S to 12th Ave S</del>	<del>Install a multi-use bike path on unopened right of way. Completes the physical connection for the 1st Ave S to DMMD neighborhood bikeway.</del>	<del>City CDBG PBP</del>	<del>High B,P</del>	<del>600</del>	<del>0.19M</del>
<del>NEW-47</del> (Program A)	<del>SW 132nd St Trail Completion</del>	<del>1st Ave SW to 1st Ave S</del>	<del>Install a multi-use bike path on unopened right of way. Install a pedestrian-actuated HAWK signal on 1st Ave S. Completes the physical connection for the 8th Ave SW to 1st Ave S neighborhood bikeway.</del>	<del>City CDBG PBP</del>	<del>High B,P</del>	<del>300</del>	<del>0.73M</del>
<del>NEW-48</del> (Program A)	<del>4th Ave SW Bike Lanes</del>	<del>SW 116th St to SW 128th St</del>	<del>Restripe 4th Ave SW to provide bike lanes and parallel parking</del>	<del>City</del>	<del>High A,B</del>	<del>4,000</del>	<del>0.03M</del>

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**City of Burien**  
**Six Year Transportation Improvement Program**  
**2017-2022**

Project No.	Name of Project	Project Limit	Project Description	Potential Funding Sources	Priority, TMP Category*	Total Length of Street in feet	Cost
NEW-49 (Program A)	SW 152nd St Downtown Sharrows	10th Ave SW to 1st Ave S	Pavement markings to provide sharrow lanes and restripe parking for back-in angle parking.	City	High A,B	3,300	0.17M
NEW-51	S 116th St Mini Roundabout	24th Ave S	Reconfigure the intersection with a mini roundabout.	City	High A		0.18M
NEW 52	160th St Corridor Study	Des Moines Memorial Drive to 4th Ave SW	Analyze traffic operations on the 160th St corridor between DMMD and 4th Ave SW, focusing at the two closely spaced signalized intersections at 1st Ave S and the Ambaum Cutoff S. The study will identify changes to improve traffic operations and vehicle progression between the two intersections and along the corridor.	City	High A,B,F	3,800	0.050M
NEW 53 (Program A)	Pedestrian Improvements for 21st Ave SW Mid-Block Crosswalk	Between SW 152nd St and SW 154th St	Install a Rectangular Rapid Flashing Beacon and bulb-outs to serve the existing mid-block crosswalk.	CDBG	High B,P		0.080M
NEW 55	5th Ave S Traffic Calming	S 116th St to S 126th St	Evaluate and construct traffic calming features such as compact roundabouts at intersections, mid-block chicanes, narrowed lanes, and integrated LID features.	City HSIP	High A,P	3,400	1.40 M
8	SW 144th Street and SW 146th Street	Ambaum Blvd SW to 21st Avenue SW	Reconstruct road to include storm drainage, bike lanes, curb, gutter and sidewalks.	Unfunded	Medium B,P	4,200	13.23M

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**City of Burien**  
**Six Year Transportation Improvement Program**  
**2017-2022**

Project No.	Name of Project	Project Limit	Project Description	Potential Funding Sources	Priority, TMP Category*	Total Length of Street in feet	Cost
9	21st Avenue SW	SW 146th to SW 164th Street	Reconstruct road including storm drainage, bicycle lanes, transit access, curb, gutter and sidewalks.	<del>Unfunded</del>	Medium B,P,T	6,780	2.46M
11	SW 152nd St	10th Avenue SW to 22nd Avenue SW	From 10th Avenue SW to 20th Avenue SW: curb and gutter; 6- foot sidewalk (evaluate parking at time of design or open house). Bicycle movement through this area shall be accommodated by shared bicycle/vehicle usage, and signage.	<del>Unfunded</del>	Medium B,P	4,000	12.6M
12	S 146th Street / S 144th Way	8th Avenue S to Des Moines Memorial Drive	Reconstruct road including storm drainage, curb, gutter and sidewalks, bicycle lanes or sharrows.	City FAA Developer	Medium A,B,P,T	2,530	7.98M
15 (Program A)	South and SW 146th St	Ambaum Blvd SW to 8th Avenue S	Repair existing sidewalks and ensure implementation of ADA standards for ramps, stripe bicycle lanes or sharrows.	<del>Unfunded</del>	Medium B,P	6,200	2.1M
18	16th Avenue SW	SW 160th to SW 168th Street	Reconstruct road including storm drainage, curb, gutter and sidewalks, bicycle lanes or sharrows. Major drainage replacement.	<del>Unfunded</del>	Medium B,P	2,728	8.61M
23	South Normandy Road	1st Avenue South to Des Moines Memorial Drive	Reconstruct road including storm drainage, curbs, gutters, bike lanes and sidewalks. Note: Consistent with DMMD corridor plan.	<del>Unfunded</del>	Medium B,P	1,900	7.73M
25 (Program A)	SW 150th St	1st Avenue South to Ambaum Blvd SW	Fill in gaps in intermittent sidewalk and ensure implementation of ADA standards for ramps.	<del>Unfunded</del>	Medium P	3,000	0.95M

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**City of Burien**  
**Six Year Transportation Improvement Program**  
**2017-2022**

Project No.	Name of Project	Project Limit	Project Description	Potential Funding Sources	Priority, TMP Category*	Total Length of Street in feet	Cost
29 (Program A)	SW 160th Street	2nd Avenue SW to 21st Avenue SW	Fill in gaps in intermittent sidewalk and ensure implementation of ADA standards for ramps, stripe bicycle lanes or sharrows.	<del>Unfunded</del>	Medium B,P	6,500	1.89M
33	8th Avenue S/S 146th St	Intersection	New Signal for NERA. Overhead to underground utility conversion. Signal improvement shall be evaluated as NERA develops to see if Manual of Uniform Traffic control Devices (MUTCD) signal warrants are met.	City FAA Developer	Medium A		0.32M
34	S 160th St / 509 Northbound Ramp	Interchange	Coordinate with Washington State Department of Transportation (WSDOT) for this interchange improvements (work with WSDOT to signalize)	<del>Unfunded</del>	Medium A,F		0.42M
<del>NEW-44</del> (Program A)	S 156th St at 4th Ave S Pedestrian HAWK Signal	Intersection	Install a pedestrian-actuated signal to replace the always-on crosswalk beacon.	City SRTS	Medium P		0.15M
<del>NEW-50</del> (Program A)	SW 128th St Road Diet	Ambaum Blvd to 1st Ave S	Restripe SW 128th St to provide one through lane in each direction with a median two way left turn lane, and dedicated left turn lanes at 4th Ave SW. Reconfigure the 4th Ave SW traffic signal for permitted left turns. Confirm future traffic operations meet standards prior to implementation.	City	Medium A	4,000	0.10M
<b>NEW 54</b>	<b>Replacement Traffic Signal</b>	<b>1st Ave S at 152nd St</b>	<b>Replace the aging traffic signal poles, mast arms, signal heads, controller cabinet and service cabinet.</b>	<b>City, HSIP</b>	<b>Medium A</b>		<b>0.450M</b>

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**City of Burien**  
**Six Year Transportation Improvement Program**  
**2017-2022**

Project No.	Name of Project	Project Limit	Project Description	Potential Funding Sources	Priority, TMP Category*	Total Length of Street in feet	Cost
2	Des Moines Memorial Drive (DMMD)	South 165th Street to Normandy Road	Reconstruct and widen roadway to 36-44 feet to include storm drainage, landscaping, bicycle lanes, street lighting, channelization, signal modification, and paving. Install curb, gutter, and sidewalks. Construct center two-way left turn lane and consolidate driveways in commercial area. Note: Consistent with Des Moines Memorial Drive corridor plan and Lake to Sound Trail.	<del>Unfunded</del>	Low A,B,P,T	3,676	12.6M
3	26th Avenue SW	SW 116th Street to Shorewood Drive SW	Reconstruct road to include curb and gutter, sidewalks, drainage, and landscaping, bicycle lanes or sharrows. Major Drainage Replacement MDR.	<del>Unfunded</del>	Low B,P	2,500	8.30M
4	Shorewood Drive SW	26th Avenue SW to Ambaum Blvd SW, including SW 130th Street	Road reconstruction, including storm drain improvements, pedestrian access, or other infrastructure that can be built within the existing pavement footprint located in the right-of-way of the City of Burien. Bicycle movement through this area shall consider uphill bike lane only or accommodated by shared bicycle/vehicle usage, and signage.	<del>Unfunded</del>	Low B,P	8,580	27.03M
7 (Program A)	8th Avenue SW	Ambaum Blvd SW to Sylvester Rd SW	Reconstruct road to include storm drainage, bike lanes, parking, curb, gutter and sidewalks.	<del>Unfunded</del>	Low A,B,P	4,800	15.12M
10	Marine View DR	SW 164th Street to 28th Avenue SW	Reconstruct road including storm drainage, bicycle lane, curb, gutter and sidewalks.	<del>Unfunded</del>	Low A,B	3,000	9.9.45M
13.05 (Programs A,G)	8th Avenue South	S 128th Street to S 136th St	Reconstruct road to include curb, gutter, sidewalks, bicycle lanes, parking, drainage, landscaping, and illumination. Note: Consider phases along this corridor based on funding sources.	<del>Unfunded</del>	Low A,B,P	2,700	7.35M

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**City of Burien**  
**Six Year Transportation Improvement Program**  
**2017-2022**

Project No.	Name of Project	Project Limit	Project Description	Potential Funding Sources	Priority, TMP Category*	Total Length of Street in feet	Cost
13.2 (Programs A,G)	8th Avenue South	S 112th Street to S 128th St	Pedestrian access project. Sidewalk, curb and gutter, bike lanes, drainage, landscaping and illumination. Note: Consider phases along this corridor based on funding sources.	Unfunded	Low B,P	5,300	16.8M
16 (Program A)	South 160th Street	1st Avenue South to Des Moines Memorial Drive	Fill in gaps in intermittent sidewalk and ensure implementation of ADA standards for ramps.	Unfunded	Low P	2,604	1.39M
19 (Program A)	SW 116th St	26th Avenue SW to 12th Avenue SW	Fill in gaps in intermittent sidewalk and ensure implementation of ADA standards for ramps, stripe bicycle lanes or sharrows.	Unfunded	Low B,P	3,790	0.84M
20.1 (Program A)	4th Avenue SW	SW 156th Street to SW 160th St	Reconstruct road including sidewalk on west side, storm drainage, curb, gutter, and sidewalks, sharrows.	Unfunded	Low B,P	1,370	4.2M
21 (Program A)	SW 159th Street and 19th Avenue SW	SW 21st Avenue to SW 160th St	Reconstruct road including storm drainage, street lighting, parking, curb, gutter, bike lanes and sidewalks.	Unfunded	Low A,B,P,T	700	2.21M
22 (Program A)	28th Avenue SW and SW 170th St	Marine View Drive to SW 22nd Avenue SW	Reconstruct road including storm drainage, pedestrian access, curb, gutter, bike lanes and sidewalks.	Unfunded	Low A,B,P	3,150	9.92M
24	S 174th Street / Des Moines Memorial Dr	1st Avenue S to 8th Avenue S	Reconstruct road including storm drainage, street lighting, curb, gutter, bike lanes and sidewalks. Overhead to underground utility conversion.	Unfunded	Low A,B,F,P,T	2,250	7.09M

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**City of Burien**  
**Six Year Transportation Improvement Program**  
**2017-2022**

Project No.	Name of Project	Project Limit	Project Description	Potential Funding Sources	Priority, TMP Category*	Total Length of Street in feet	Cost
26	Military Road S	S 128th St to Des Moines Memorial Drive	Reconstruct roadway to Principal Arterial standards, including pedestrian, stormwater detention and water quality facilities, center medians and left-turn lanes, signal improvements and interconnections, landscaping and irrigation, and driveway consolidation where feasible.	<del>Unfunded</del>	Low A,F,P,T	5,700	17.85M
27	SW 172nd St / Sylvester Rd SW	SW 171st Street to 16th Avenue SW	Road reconstruction, including storm drain improvements, pedestrian access, or other infrastructure that can be built within the existing pavement footprint located in the right-of-way of the City of Burien. Bicycle movement through this area shall be accommodated by shared bicycle/vehicle usage, and signage.	<del>Unfunded</del>	Low A,B,P	7,500	23.63M
28	Maplewild Avenue SW	22nd Avenue SW to SW 171st Street	Road reconstruction, including storm drain improvements, pedestrian access, or other infrastructure that can be built within the existing pavement footprint located in the right-of-way of the City of Burien. Bicycle movement through this area shall be accommodated by shared bicycle/vehicle usage, and signage.	<del>Unfunded</del>	Low A,B,P	9,700	30.45M
30	Sylvester Road SW	6th Avenue SW to 8th Pl SW	Reconstruct road to include curb and gutter, sidewalks, bike lanes or sharrows, drainage, landscaping and illumination. Overhead to underground utility conversion.	<del>Unfunded</del>	Low A,B,P	1,900	5.99M
41 (Program A)	S 146th St at 5th Pl S Intersection Improvements	Intersection	Evaluate stop control and/or pedestrian crossing enhancements in conjunction with final buildout of Matheson Park.	City	Low P		0.16M

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**City of Burien  
Capital Programs  
2016-2021**

Program No.	Name of Program	Program Description	Funding Sources
A	Pedestrian and Bicycle Facilities	A primarily grant-funded program to construct bicycle/pedestrian/shared use facilities throughout the City. Includes pedestrian actuated flashers and beacons.	Transportation CIP CDBG SRTS
B	Annual Overlay	Maintain and preserve the integrity of the City's existing roadway surface through a combination of repair to major pavement failures, crack sealing of existing pavements to extend their usable life and overlay pavements that are structurally declining. Projects are prioritized through the City Pavement Management System.	Transportation CIP
C	ADA Barrier Mitigation	Upgrades curb ramps, pedestrian push buttons and pedestrian access routes required by the Americans with Disabilities Act. Priorities established by the City's ADA Transition Plan.	Transportation CIP CDBG WSDOT
D	Guardrail and Safety Improvements	Upgrades existing guardrail or installs new where warranted. Includes supplemental signing and/or pavement markings.	Street Fund Street maintenance
E	Channelization Improvements	Maintenance of existing striping and pavement markings, or revisions and additions at selected locations not covered by Program A.	Street Fund Street maintenance
F	Traffic Signal Management	Maintain and operate traffic signals. Update outdated signal controllers and interconnect selected corridors with fiber optic cable. Evaluate signal controller cabinets for sight distance impacts.	Transportation CIP Street Fund Signal Maint & Operations
G	Street Lighting and Illumination Program	Operation, maintenance replacement and repair of street light systems. Includes capital upgrades and conversion to LED luminaires.	Street Fund Seattle City Light Puget Sound Energy
H	Residential Traffic Calming	A primarily grant-funded program to install recommended traffic calming facilities at identified locations around the City: pavement markings, speed bumps and tables, speed radar signs, traffic circles, chicanes, etc.	WSDOT      TIB PBP         SRTS CDBG

# Transportation Improvement Program 2017-2022

City of Burien



**Legend**

- HIGH
- MEDIUM
- LOW

- 1.1 - 1st Ave S Phase 3
- 1.2 - 1st Ave S Phase 4
- 2 - Des Moines Memorial Drive
- 3 - 26th Ave SW
- 4 - Shorewood Dr
- 5 - S 136th ST
- 6 - SW 136th ST
- 7 - 8th Ave SW
- 8 - SW 144th, 146th ST
- 9 - 21st Ave SW
- 10 - Marine View Dr SW
- 11 - SW 152nd ST
- 12 - S 146th ST/144th WY
- 13 - 8th Ave S
- 13.05 - 8th Ave S
- 13.1 - 8th Ave S
- 13.2 - 8th Ave S
- 14/14.1 - S 152nd ST
- 15 - S, SW 146th ST
- 16/52 - S/SW 160th ST
- 17 - Ambaum Blvd Corridor
- 18 - 16th Ave SW
- 19 - SW 116th ST
- 20/20.1 - 4th Ave SW
- 21 - SW 159th & 19th Ave SW
- 22 - 28th Ave & 170th ST SW
- 23 - S Normandy Rd
- 24 - S 174th ST/DMMD
- 25 - SW 150th St
- 26 - Military Rd
- 27 - SW 172nd ST/Sylvester RD
- 28 - Maplewild Ave SW
- 29 - SW 160th ST
- 30 - Sylvester Rd SW
- 48 - 4th Ave SW
- 49 - SW 152nd ST
- 50 - SW 128th ST
- 55 - 5th Ave S



0 0.25 0.5 1  
Miles

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# CITY OF BURIEN, WASHINGTON

## RESOLUTION NO. 374

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### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON, ADOPTING THE 2017 THROUGH 2022 SIX-YEAR TRANSPORTATION IMPROVEMENT PROGRAM FOR THE CITY OF BURIEN

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WHEREAS, State law (Ch. 35.77 RCW) requires cities to develop a Six-Year Transportation Improvement Program and update it annually; and

WHEREAS, in order for cities to compete for transportation funding grants from Federal and State sources, most granting agencies require that projects be included in the Transportation Improvement Program document; and

WHEREAS, as required by State law and after proper notice, the City Council held a public hearing at its regular meeting on June 6, 2016, to consider public testimony on the City's proposed 2017 through 2022 Six-Year Transportation Improvement Program; and

WHEREAS, the City Council finds it to be in the best interest of the City to adopt the proposed 2017 through 2022 Six-Year Transportation Improvement Program;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON, DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Adoption. The 2017 through 2022 Six-Year Transportation Improvement Program, which is set forth in the attached Exhibit A and which has been filed with the City Clerk, is hereby adopted.

Section 2. Effective Date. This resolution shall take effect immediately upon passage by the Burien City Council.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON, AT A REGULAR MEETING THEREOF THIS DAY OF JUNE, 2016.

CITY OF BURIEN

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Lucy Krakowiak, Mayor

ATTEST/AUTHENTICATED:

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Monica Lusk, City Clerk

Approved as to form:

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Soojin Kim, City Attorney

Filed with the City Clerk:  
Passed by the City Council:  
Resolution No. 374

**CITY OF BURIEN  
AGENDA BILL**

<b>Agenda Subject:</b> Motion to Adopt Proposed Ordinance No. 643, Approving the Final Plat of Boulevard Landing Subdivision		<b>Meeting Date:</b> June 6, 2016
<b>Department:</b> Community Development	<b>Attachments:</b> 1. Proposed Ordinance No. 643, with Exhibit A – Hearing Examiner’s Findings, Conclusions and Recommendation. 2. Vicinity Map 3. Boulevard Landing Subdivision Final Plat Map	<b>Fund Source:</b> N/A <b>Activity Cost:</b> N/A <b>Amount Budgeted:</b> N/A <b>Unencumbered Budget Authority:</b> N/A
<b>Contact:</b> Chad Tibbits, Planner		
<b>Telephone:</b> (206) 812-7575		
<b>Adopted Initiative:</b> No	<b>Initiative Description:</b> N/A	

**PURPOSE/ REQUIRED ACTION:**

The purpose of this item is for the Council to adopt an ordinance approving the final plat of Boulevard Landing Subdivision.

**BACKGROUND (Include prior Council action & discussion):**

The proposal is to subdivide 2.19 acres (95,396 square feet) into 14-lots. The site is located at 12414 Military Road S, as shown on the attached vicinity map.

The City Council on October 28, 2013 adopted Resolution No. 349, which granted preliminary approval of the Boulevard Landing Subdivision with conditions. The resolution also adopted the findings of fact and conclusions as set forth by the Hearing Examiner.

Only the City Council can grant final plat approval, but the decision is a ministerial one. State law at RCW 58.17.170 requires that if the applicant meets the terms of preliminary approval and the plan conforms with state law and local ordinances in effect at the time of the preliminary plat approval, final approval must be granted.

State law imposes time limits on local governments to approve or disapprove of plats. A final plat meeting requirements of Chapter 58.17 RCW must be submitted to the Council for approval within seven years of the date of the preliminary plat approval. A decision must be made within 30 days of the final plat’s filing unless the applicant consents to an extension of such time period.

Per BMC Title 17.45 Final Plats, the City Council is required to determine if the applicant has satisfied preliminary conditions of approval for the plat and has completed or bonded for all required improvements for the plat as required by the Public Works Department. The applicant has met the required conditions of approval for the development and has constructed all of the required improvements. The Development Engineer has reviewed the final plat map and all construction improvements and has recommended final approval of the plat.

By passing proposed Ordinance No. 643, the City Council will grant final approval for Boulevard Landing Subdivision, with the noted conditions as set forth in the attached Hearing Examiner Report. The plat documents will then be recorded, which will formally create the new lots for the purpose of sale, and allow the issuance of building permits.

**OPTIONS (Including fiscal impacts):**

Since it has already been determined that the applicant meets the terms of preliminary approval and the plan conforms with state law and applicable local ordinances, final approval should be granted tonight.

**Administrative Recommendation:**

Adopt proposed Ordinance No. 643, granting approval of the final plat for the Boulevard Landing Subdivision.

**Advisory Board Recommendation:**

N/A

**Suggested Motion:**

Move to Adopt Ordinance No. 643, Approving the Final Plat of Boulevard Landing Subdivision, and authorizing the Mayor to Sign the Final Plat Documents.

**Submitted by:**

Administration



City Manager

\_\_\_\_\_

**Today's Date:** May 23, 2016

**File Code:**

# CITY OF BURIEN, WASHINGTON

## ORDINANCE NO. 643

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### AN ORDINANCE OF THE CITY OF BURIEN, WASHINGTON, APPROVING THE SUBDIVISION AND FINAL PLAT KNOWN AS BOULEVARD LANDING.

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WHEREAS, on October 23, 2012, application was made to the City of Burien for the preliminary approval of a subdivision known as Boulevard Landing; and

WHEREAS, on October 8, 2013, City Hearing Examiner, issued the Findings, Conclusions, and Decision for preliminary approval of the Boulevard Landing Subdivision, No. 12-2131, subject to a number of conditions; and

WHEREAS, on October 28, 2013, the City Council adopted Resolution 349, which concurred with the Findings, Conclusions, and Recommendation of the City's Hearing Examiner and preliminarily approved the Boulevard Landing Subdivision, subject to a number of terms and conditions.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1:     Findings. The City Council makes the following findings:

A.     The Findings, Conclusions, and Decision of the City's Hearing Examiner attached hereto as Exhibit A are hereby adopted and incorporated herein by this reference.

B.     The Final Plat for the Boulevard Landing Subdivision complies with all terms and conditions of preliminary plat approval and all applicable zoning and subdivision code requirements.

Section 2:     Approval. The City Council hereby approves the Boulevard Landing Subdivision and Final Plat, subject to all terms and conditions set forth in the attached Exhibit A.

Section 3:     Severability. Should any section, subsection, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be preempted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

**Section 4: Savings.** The enactments of this ordinance shall not affect any case, proceeding, appeal or other matter currently pending in any court or in any way modify any right or liability, civil or criminal, which may be in existence on the effective date of this ordinance.

**Section 5: Effective Date.** This ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

**ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 6<sup>th</sup> DAY OF JUNE, 2016, AND SIGNED IN AUTHENTICATION OF ITS PASSAGE THIS \_\_\_\_ DAY OF JUNE, 2016.**

CITY OF BURIEN

\_\_\_\_\_  
Lucy Krakowiak, Mayor

ATTEST/AUTHENTICATED:

\_\_\_\_\_  
Monica Lusk, City Clerk

Approved as to form:

\_\_\_\_\_  
Soojin Kim, Burien City Attorney

Filed with the City Clerk:  
Passed by the City Council:  
Ordinance No. 643  
Date of Publication:

**BEFORE THE HEARING EXAMINER  
FOR THE CITY OF BURIEN**

In the Matter of the Application of	)	No. PLA 12-2131
	)	
<b>Troy Schmeil, on behalf of</b>	)	<b>Boulevard Landing Subdivision</b>
<b>Callidus Development, Inc.</b>	)	
	)	FINDINGS, CONCLUSIONS,
<u>For a Preliminary Plat</u>	)	AND RECOMMENDATION

**SUMMARY OF RECOMMENDATION**

The Hearing Examiner recommends that the request for approval of a preliminary plat to subdivide approximately 2.19 acres into 14 single-family residential lots located at 12414 Military Road S, in Burien, Washington, should be **GRANTED**, subject to conditions.

**SUMMARY OF RECORD**

Hearing Date:

The Hearing Examiner held an open record hearing on the preliminary plat on September 24, 2013.

Testimony:

The following individuals presented testimony under oath at the open record hearing:

Stephanie Jewett, City Planner  
Ramesh Davad, City Development Review Engineer  
James Lindberg  
Scott Sundquist  
Debra Cahill  
Jon Nelson  
Gary Norris, Applicant Senior Traffic Engineer  
Troy Schmeil, Applicant Representative

Exhibits:

The following exhibits were admitted into the record at the open record hearing:

1. Staff Report, dated September 5, 2013, with the following attachments:
  1. Vicinity Map, last updated March 19, 2013
  2. Residential Subdivision Development Regulations, undated
  3. Boundary/Topographic Survey, dated October 12, 2012
  4. Conceptual Planting Plan and Tree Replacement Plan, dated October 17, 2012
  5. Preliminary Plat Map, dated October 17, 2012
  6. Preliminary Grading, Drainage & Utility Plan, dated October 2012

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7. Letter from James & Trudy Lindberg, received April 22, 2013
8. Letter from Scott Sundquist, received April 23, 2013
9. Email from Debra Cahill, received April 23, 2013
10. Email from Ron Steinman, received April 23, 2013
11. Offsite/Level 1 Downstream Analysis, Land Development Advisors, LLC, dated October 2012
12. Traffic Impact Analysis, DN Traffic Consultants, Inc., dated October 15, 2012
13. Roads Standards Variance, dated March 12, 2013
14. Memorandum from John Nelson, DA Land Development Advisors, LLC, dated October 15, 2012
15. Public Works Recommended Conditions of Land Use Approval, dated August 2, 2013, Ramash Davad, City Development Review Engineer
16. Public Works Stormwater Conditions of Land Use Approval, dated August 7, 2013, Huengkook Lim, City Surface Water Management Engineer
17. SEPA Checklist, received October 23, 2013
18. Environmental Review Report, dated September 5, 2013
19. Determination of Nonsignificance, dated September 5, 2013
20. Certificate of Water Availability, King County Water District 20, dated September 10, 2012
21. Certificate of Sewer Availability, Valley View Sewer District, dated September 7, 2012
22. Certificate of Fire Hydrant Availability, King County Fire District #2, dated October 12, 2012
23. Preliminary Subdivision Application, received October 23, 2012
24. Notice of Application, dated March 26, 2013
25. PowerPoint presentation slides, received September 24, 2013
26. Revised Preliminary Plat Map, dated September 23, 2013
27. Public Hearing Notice, dated September 10, 2013

Based upon the testimony and documents submitted at the open record hearing, the Hearings Examiner enters the following findings, conclusions, and recommendation:

## FINDINGS

### Application and Notice

1. Troy Schmeil, on behalf of Callidus Development, Inc. (Applicant), requests approval of a preliminary plat to subdivide approximately 2.19 acres into 14 single-family residential lots located at 12414 Military Road S, in Burien, Washington.<sup>1</sup> *Exhibit 1, Attachment 23; Exhibit 1, Attachment 26.*

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<sup>1</sup> The subject property is identified by Tax Parcel Nos. 025700-0080 and 025700-0087. A legal description of the property is included within a proposed preliminary plat map. *Exhibit 1, Attachment 5; Exhibit 1, Attachment 23.*

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2. The City of Burien (City) determined the application was complete on March 12, 2013. On March 22, 2013, the City mailed notice of the application to owners of property within 500 feet of the property, and distributed notice to Seattle City Light, King County Water District #20, King County Fire District #2, Valley View Sewer District, Highline School District, and Burien Police Services. On March 26, 2013, the City posted notice of the application on the property and published notice in the local newspaper of record. Stephanie Jewett, City Planner, testified that on September 6, 2013, the City mailed notice of the hearing to owners of property within 500 feet of the subject property. On September 10, 2013, the City posted notice of the open record hearing on the property and published notice in the local newspaper of record. *Exhibit 1, Staff Report, pages 1, 6, and 8; Exhibit 1, Attachment 24; Exhibit 1, Attachment 27; Testimony of Ms. Jewett.*

#### State Environmental Policy Act

3. The City acted as lead agency and analyzed the environmental impact of the proposal, as required by the State Environmental Policy Act (SEPA), chapter 43.21C RCW. The City determined that the proposal would not have a probable significant adverse impact on the environment, and issued a Determination of Nonsignificance (DNS) on September 5, 2013. Ms. Jewett testified that the DNS was not appealed. *Exhibit 1, Attachment 19; Testimony of Ms. Jewett.*

#### Comprehensive Plan, Zoning, and Surrounding Property

4. The east 1.7 acres of the property is designated Low Density Multi-family Residential, and the west 0.49 acres is designated Moderate Density Residential, under the City Comprehensive Plan. The Low Density Multi-family Residential designation encourages primarily multi-family residential uses, and development may be characterized by single-family residential homes, duplexes, garden style apartments, townhomes, condominiums, or apartment buildings. The Moderate Density Residential designation encourages single-family residential uses in neighborhoods suitable for that type of development, where community improvements and facilities necessary for development can be provided. Development within the designation includes existing neighborhoods subdivided into an average of five to six units per acre. *City Comprehensive Plan, page 2-9 to 2-11 (December 12, 2011); Exhibit 1, Staff Report, page 23.*
5. The east 1.7 acres of the property is located in the City's Multi-Family (RM-12) zoning district, and the west 0.49 acres is located in the City's RS 7200 Single-Family Residential (RS 7200) zoning district. The purpose of the RM-12 zoning district is to establish areas in which a wide range of single-family and multi-family housing opportunities can be provided that are compatible with adjacent

lower-density, single-family housing and that protect environmentally sensitive areas. The intent is to provide a variety of stable and attractive, well-designed housing choices that are located near transit, employment, shopping, and recreational facilities and to meet the needs of existing and future city residents. Redevelopment of existing housing complexes is encouraged. *Burien Municipal Code (BMC) 19.15.010*. The purpose of the RS 7200 zoning district is to establish areas where a wide range of single-family housing opportunities can be provided while preserving the character of the surrounding neighborhood and protecting environmentally sensitive areas. The intent is to provide a variety of well-designed, attractive housing choices that meet the needs of existing and future city residents. *BMC 19.15.005*.

6. Development of single-family residential detached housing units is an allowed use within the RS 7200 and RM-12 zones. *BMC 19.15.005.2; BMC 19.15.010.4*. Single-family residential development within the RS 7200 zone must include at least 20-foot front setbacks and five-foot interior setbacks, and structures must be 35 feet high or less. Building coverage is limited to 35 percent of a lot. Impervious surface coverage is limited to 70 percent of a lot. At least two off-street parking spaces per unit must be provided. Lots within in the zone must be at least 7,200 square feet in size, which can be met through lot averaging, with no lot created with an area less than 90 percent of the required minimum area. *BMC 19.15.005.1; BMC 19.15.005.2*. Single-family residential development within the RM-12 zone must include at least 10-foot front setbacks and five-foot interior setbacks, and structures must be 35 feet high or less. Building coverage is limited to 55 percent of a lot. Impervious surface coverage is limited to 75 percent of a lot. At least two off-street parking spaces per unit must be provided. Lots within the RM-12 zone must be at least 3,600 square feet. *BMC 19.15.010.4; BMC 19.15.015.1*.
7. Ms. Jewett testified that the Applicant submitted a revised proposed preliminary plat map to the City on September 23, 2013, consisting of a minor revision of the size of lots 9 – 14 and Tract C for detention. As revised, lot 9 would be approximately 3,496 square feet, lot 10 would approximately 3,272 square feet, lot 11 would be approximately 3,318 square feet, lot 12 would be 3,263 square feet, and Tract C would be 9,972 square feet. Lot 13 would be 7,224 square feet and lot 14 would be 7,215 square feet. Ms. Jewett testified that with lot averaging, as allowed under the City code, proposed lot sizes would comply with the minimum lot size requirements of the RS 7200 and RM-12 zones. *Exhibit 1, Attachment 26; Testimony of Ms. Jewett*.
8. Single-family residential development located within the City's RS 7200 zoning district is located to the north and west of the property. Multi-family residential

development located in the City's RM-18 zoning district is located to the east and south of the property. Ms. Jewett testified that Hilltop Elementary School is located to the northwest of the property and can be accessed from the property and paved shoulders along Military Road S through use of an existing crosswalk across Military Road S. The crosswalk is located north of the property frontage along Military Road S. *Exhibit 1, Staff Report, page 5; Exhibit 1, Attachment 26; Testimony of Ms. Jewett.*

9. BMC 19.17.015 provides standards for creation of a buffer between a residential zone and a zone that permits higher-intensity development, and between an RM zone and RS zone. The purpose of the standards is to create a buffer between residential single-family zones and multi-family zones that permit higher-intensity development. BMC 19.17.015.2.A requires a 20-foot wide Type I landscape buffer along the portions of the property zoned RM-12 that are adjacent to RS 7200-zoned properties. The portion of the subject property zoned RM-12 is adjacent to off-site properties located in RS zones along the north and west boundary. The Applicant requests an administrative adjustment under BMC 19.17.015 to reduce the buffer from 20 feet to 10 feet along the north and west property lines and to eliminate the otherwise required buffer between lots 12 and 13, the boundary between RS- and RM-zoned land within the subject property. The Applicant would provide 100 percent evergreen trees within the buffer instead of the 70 percent minimum required for Type I landscaping under the City code, BMC 19.25.050.1, and would space evergreen trees at 18 feet on center instead of the required minimum 25 feet on center. Shrubs selected for the buffer would have good characteristics for screening. *Exhibit 1, Staff Report, pages 21 to 22; Exhibit 1, Attachment 4; Exhibit 1, Attachment 26.*
10. Ms. Jewett testified that it is City policy to consider a transition standards administrative adjustment request, a Type 1 administrative decision under City code, as part of an overall preliminary plat proposal. City staff analyzed the administrative adjustment request and found that the proposed landscaping would ensure the reduction is not detrimental to surrounding properties, the proposed removal of the buffer between lots 12 and 13 would not be detrimental because the lots would be located within the same proposed development, the proposal would comply with the intent and purpose of BMC 19.17.015.1, and the proposal would provide equal or greater protection for the zone receiving transition than strict compliance with the section would provide. *Exhibit 1, Staff Report, pages 21 to 22; Exhibit 1, Attachment 4; Exhibit 1, Attachment 26; Testimony of Ms. Jewett.*

### Existing Conditions and Proposal

11. The subject property is currently vacant. A cleared area on the property signals where a single-family residence was recently demolished. Trees, grasses, and shrubs are located onsite. The property slopes gradually to the southeast at a 0 to 15 percent grade. *Exhibit 1, Staff Report, page 5.*
12. There are currently 14 trees on the property that are significant under the City code. As proposed, the Applicant would remove the 14 significant trees and plant 93 new trees on site, including 67 new trees with a caliper of two inches or greater. BMC 19.25.160 allows replacement with new trees at a replacement rate of two inches in diameter for every one inch in diameter of the removed significant tree when significant trees otherwise required to be retained cannot be retained. BMC 19.25.120.2 would otherwise require 30 percent of significant trees onsite to be retained. *Exhibit 1, Staff Report, pages 20 to 21; Exhibit 1, Attachment 4.*
13. As proposed, a cul-de-sac road, Road A, would extend east from Military Road S to provide access to proposed subdivision lots. A detention tract, Tract C, would be located in the northeast corner of the proposed subdivision. Troy Schmeil, Applicant Representative, testified that the detention tract would consist of a below-grade detention vault, with graded inlet and manhole covers. Two access tracts, Tract A and Tract B, would extend into the proposed lots from the cul-de-sac. A 15-foot sewer easement would extend east from access Tract B. A 10-foot water easement would extend south from access Tract A. Tract D, a road tract, would occupy the extreme southeast corner of the property. Sidewalk would be constructed on each side of proposed Road A. Ms. Jewett testified that subdivision lots would include two off-street parking spaces per lot. The City Development Review Engineer, Ramash Davad, reviewed an October 15, 2012, traffic, road, and drainage drawing; an October 11, 2012, preliminary site plan; and a February 20, 2013, Traffic Study Report for compliance with 2008 City Road Standards, and recommended conditions in an August 2, 2013, memorandum. *Exhibit 1, Attachment 15; Exhibit 1, Attachment 26; Testimony of Ms. Jewett; Testimony of Mr. Schmeil.*
14. BMC 19.17.013 requires that residential developments provide onsite recreational areas at a rate of 390 square feet for each lot created, or pay a fee-in-lieu of actual recreational space when the space is not provided. The fee would be 4,680 square feet multiplied by the current assessed value per square foot of the property, paid prior to recording the final plat. Ms. Jewett testified that proposed Tract C could be used as a recreational area, or “tot lot,” or the Applicant could pay a fee-in-lieu of providing recreational open space within the proposed subdivision. Mr. Schmeil testified that no final decision has been made whether the detention tract

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would be used as a tot lot or whether a fee-in-lieu would be paid. Mr. Schmeil testified that this decision would be made during the design phase of the proposed subdivision. *Exhibit 1, Staff Report, pages 19 to 20; Testimony of Ms. Jewett; Testimony of Mr. Schmeil.*

#### Traffic Impacts

15. Proposed development would generate approximately 134 vehicle trips on the surrounding road system during the average weekday, with 11 trips during the A.M. peak period and 14 during the P.M. peak period. With demolition of the single-family residence formerly on the property, the proposed development would generate a net impact of 124 vehicle trips during the average weekday, with 10 trips during the A.M. peak period and 13 trips during the P.M. peak period. With the proposed development, Level of Service (LOS)<sup>2</sup> in 2014 at the Military Road S/S 128<sup>th</sup> Street intersection and the Military Road S/S 120<sup>th</sup> St/24<sup>th</sup> Avenue S intersection would not change from projected conditions without the project in 2014. The City approved an administrative variance from the 2008 Burien Road Standards for which, prior to submittal of the final plat map, the Applicant's Traffic Engineer must provide sight distance analysis to verify the proposed minimum entering sight distance (ESD) of 400 feet after construction of the proposed intersection and frontage improvements along Military Road S. If the proposed intersection does not meet minimum ESD (400 feet) after construction of proposed intersection and frontage improvements along Military Road S, then the Applicant must sign the intersection to prohibit left turns both in and out. The variance approved by the City reduces the entering sight distance to the south of the intersection of the subdivision access road with Military Road S from 445 feet to 400 feet. *Exhibit 1, Staff Report, page 12; Exhibit 1, Attachment 13.*
  
16. The required mitigation for the City-approved road standards variance includes: removing landscaping that encroaches into the right-of-way within the line of sight; paving the shoulder, from the edge of the existing roadway to the right-of-way line, from the proposed subdivision access to S 125<sup>th</sup> Street in order to restrict future vegetation growth; installing storm drainage facilities along Military Road S to accommodate the additional impervious surface created by the shoulder paving; installing an intersection warning sign; installing "No Parking" signs from the proposed subdivision access to S 125<sup>th</sup> Street; installing raised pavement markings; and installing street lighting at the intersection. *Exhibit 1, Staff Report, pages 3 to 4; Exhibit 1, Attachment 13.*

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<sup>2</sup> Level of Service (LOS) describes the degree of traffic congestion and driver comfort on streets or at intersections. LOS A indicates a relatively free-flowing condition and LOS F indicates operational breakdown. *Exhibit 1, Attachment 12.*

17. Military Road S is a Minor Arterial<sup>3</sup> that runs generally north-south between International Boulevard on the south and Des Moines Memorial Drive on the north. Military Road S in the subject property vicinity is 20 feet wide with eight-foot paved shoulders on both sides. No parking is allowed on either side of the street. The Military Road S/S 144<sup>th</sup> Street intersection to the south of the subject property is controlled with a four-way stop. The Military Road S/S 120<sup>th</sup> Street intersection to the north is also controlled with a four-way stop. Along the subject property frontage, there is a posted school zone speed limit of 20 mph. Elsewhere on Military Road S, there is a 35 mph posted speed limit. A 25 mph warning sign is located on the approach to S 128<sup>th</sup> Street. *Exhibit 1, Attachment 12.*

#### Stormwater Control

18. Stormwater runoff from the subject property currently sheet-flows to the east, then enters an existing swale along the property's east boundary. Runoff generally flows north through the swale, then flows through a 12-inch culvert and outfall into a ditch north of the property. Minor erosion occurs at the outfall and in the channel for several feet downstream, then erosion becomes moderate to severe at a point in the ditch further north. Even further north, the ditch becomes stable and well-vegetated, continues into an open ditch to Tukwila International Boulevard, then finally feeds into the Duwamish River. There were no drainage issues or concerns reported with the Tukwila International Boulevard drainage system. *Exhibit 1, Attachment 11.*
19. As proposed, stormwater runoff from impervious surface within the proposed subdivision and offsite flows from the west would be captured onsite within a proposed detention vault located in Tract C. Basic water quality treatment of stormwater runoff would occur through dead storage in the vault. Vault size would be based on basic water quality treatment through dead storage and Level 2 flow control. The Applicant's stormwater engineer recommended providing onsite detention to a Level 2 flow control standard to avoid exacerbating erosion occurring downstream from the subject property. A 15-foot stormwater easement would be located along the east boundary of the property. The City Surface Water Management Engineer, Huengkook Lim, reviewed the Applicant's October 2012 Offsite/Level 1 Downstream Analysis, October 2012 preliminary plat map, and October 2012 preliminary grading, drainage, and utility plan for compliance with the 2009 King County Surface Water Design Manual (KCSWDM), the 2009 Stormwater Pollution Prevention Manual (SPPM) as adopted by the City, and

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<sup>3</sup> A minor arterial is a roadway that provides intra-community connections that accommodate predominantly non-local, or through, traffic. Military Road is also an Auto/Truck Priority Route. *Exhibit 1, Attachment 12.*

chapter 13.10 BMC, and recommended conditions in an August 7, 2013, memorandum. *Exhibit 1, Attachment 6; Exhibit 1, Attachment 11; Exhibit 1, Attachment 16.*

#### Utilities and Services

20. King County Water District 20 would provide public water service to the proposed development through connection to an existing eight-inch main 10 feet from the property. The Valley View Sewer District would provide sewer service upon completion of a required developer extension, recording of a sewer easement, and payment of connection charges. *Exhibit 1, Attachment 20; Exhibit 1, Attachment 21.*
21. Fire flow is available to the property. The Fire Marshal approved the proposed development for water flow, hydrant spacing, and access, with conditions: prohibiting parking on both sides of roads less than 28 feet in unobstructed width, requiring fire land and maintenance provisions to be recorded in the homeowners covenants, and requiring a new fire hydrant in the proposed cul-de-sac. *Exhibit 1, Staff Report, pages 16 to 17; Exhibit 1, Attachment 22.*

#### Public Comment

22. Jim Lindberg, neighboring property owner at 12415 Military Road S, testified to inquire whether traffic-count hoses over Military Road S that came loose during the testing phase interfered with traffic count accuracy; why speed design calculations assumed 30 mph when the posted speed limit on Military Road S is 35 mph, and whether the section of roadway entering and exiting the proposed subdivision from Military Road S can be relocated and redesigned to avoid vehicle headlights shining into his home. Mr. Lindberg added that vegetation could possibly also help block vehicle headlights. *Testimony of Mr. Lindberg.*
23. A letter from Mr. Lindberg, dated April 19, 2013, expresses concern about the number of vehicles per proposed dwelling, compliance with Fire Marshal requirements, vehicle accident potential at the Military Road S/proposed subdivision access intersection, and the potential for vehicle headlights entering and exiting the subdivision to shine into his residence. *Exhibit 1, Attachment 7.*
24. Scott Sundquist, a resident of 12402 Military Road S, which abuts the subject property's north property line, testified to inquire how widening Military Road S, if widening were to occur, would affect his property, and to inquire about proposed buffer and building setbacks along the subject property's north boundary. Mr. Sundquist also testified that the Applicant's traffic impact study is less reliable because vehicles often travel at 50 mph along Military Road S instead of the posted speed and that the crosswalk across Military Road S to

access Hilltop School is not correctly painted. Mr. Sundquist also inquired about the proposed placement and height of homes on proposed lots 13 and 14, and the impact of that proposed development on his property adjacent to the north. Debra Cahill testified that pedestrians use the cross-walk across Military Road S, located north of the subject property, to access Hilltop School, but that the crosswalk is unpainted and vehicles exceed the posted speed limit when travelling on the street. Ms. Cahill testified to her concern about safe walking conditions, particularly for students. *Testimony of Mr. Sundquist; Testimony of Ms. Cahill.*

25. A letter from Mr. Sundquist, received April 23, 2013, expresses concern about an official survey of the north boundary of the subject property, which abuts his property; speeding vehicles on Military Road S; potential multi-family home construction on subdivided single-family residential lots within the subject property; and potential disturbance of the roots of large fir trees along his property boundary. *Exhibit 1, Attachment 8.*
26. An email from Debra Cahill, dated April 23, 2013, expresses concern about use of the crosswalk across Military Road S, in light of speeding vehicles along the road, and about communication with neighboring property owners upon construction. *Exhibit 1, Attachment 9.*
27. An email from Ron Steinman, General Manager/Owner of Boulevard Park Place Retirement Community at 2805 S 125<sup>th</sup> Street, dated April 23, 2013, expresses concern about traffic volume and speed along Military Road S. The email states a Metro bus stop and a school bus stop are located at the Military Road S/S 125<sup>th</sup> Street intersection, south of the proposed access to the subdivision from Military Road S. The email also mentions the crosswalk across Military Road S located north of the proposed access. According to the email, the crosswalk and bus stop are heavily used by schoolchildren and senior citizens. The email suggests a flashing light and lighted crosswalk at the Military Road S/S 125<sup>th</sup> Street intersection to decrease vehicle speed for pedestrian safety. *Exhibit 1, Attachment 10.*
28. Jon Nelson, Applicant consultant, testified that he would be open to a proposed condition requiring an examination of existing signage to protect pedestrians at the crosswalk, with implementation of additional signage and painting, if needed. Mr. Nelson added that vehicle speed enforcement by the City is an issue along Military Road S. Gary Norris, Applicant Senior Traffic Engineer, testified that a 20 mph school zone sign and intersection warning signs suggesting 25 mph speeds exist near the crosswalk. Mr. Norris testified that traffic-count hose studies were performed to ensure accuracy and that design speed was set at 40 mph, so not to promote a higher-level speed along the street. Mr. Norris added

that the illumination plan required by the City does not deal directly with vehicles, and that he would not recommend implementing the measures suggested by Mr. Lindberg because of concerns over sight distance and access at the proposed subdivision entrance/exit from Military Road S. *Testimony of Mr. Nelson; Testimony of Mr. Norris.*

29. Ramesh Davad, City Development Review Engineer, responded that 85 percent of vehicles on Military Road S travel at approximately 40 mph. Mr. Davad testified that the width of the paved shoulder along both sides of Military Road S meets the City standard for pedestrian and ADA access. Mr. Davad added that the crosswalk used to cross Military Road S, to continue along the route to Hilltop School, is uncontrolled. *Testimony of Mr. Davad.*

#### Staff Recommendation and Applicant Response

30. Ms. Jewett testified that City staff recommends the preliminary plat request be granted with six proposed conditions. Proposed conditions concern applicable City code requirements; activities that must occur before development permits for any construction activities onsite can be issued, including street, stormwater, utility, and common recreation space or fee-in-lieu; activities that must occur prior to applying for final subdivision, including street and stormwater improvements; compliance with Fire Marshal requirements prior to issuance of development permits for any lots; and a construction stormwater general permit. Proposed conditions for activities occurring before applying for final subdivision include implementing the approved mitigation for the City-approved road standards variance. *Exhibit 1, Staff Report, pages 2 to 4; Testimony of Ms. Jewett.*
31. Troy Schmeil, Applicant Representative, testified that he would explore screening or hedging, if feasible, to reduce glare. The illumination plan required by the City could explore use of lights that produce less glare. Mr. Schmeil also testified that he would explore additional signage or painting, if feasible, to increase safety at the crosswalk over Military Road S, but that required development is limited to improvements along the proposed subdivision's Military Road S frontage. Any street widening would occur within the public right-of-way and not on private property. The developer would install a common mailbox, as governed by the USPS. Two off-street parking spaces can be provided within each proposed lot. *Testimony of Mr. Schmeil.*

## CONCLUSIONS

### Jurisdiction

The Hearing Examiner has jurisdiction to receive and examine available information on a preliminary plat application; conduct a public hearing on the application; prepare a record of the hearing; enter findings of fact and conclusions; and, based upon those facts, make a

recommendation to the City Council to grant the application, grant the application with conditions, or deny the application. *BMC 2.15.070 (2) (a); BMC 2.15.080; BMC 17.55.040.*

#### Criteria for Review

The Hearing Examiner's decision must be supported by the evidence presented and must be consistent with the objectives and goals of the comprehensive plan, zoning code, subdivision code, and other City codes and ordinances. *BMC 2.15.070 (2); BMC 2.15.080 (1); BMC 17.55.040(3).*

The preliminary plat application review standards and criteria are found in Title 17 BMC and chapter 58.17 RCW. Subdivisions shall conform to chapter 17.15 BMC and chapter 17.20 BMC.

#### A. Pursuant to chapter 17.15 BMC:

- a. The proposed subdivision and its ultimate use shall be in the best interests of the public welfare and the neighborhood development of the area and the subdivider shall present evidence to this effort when requested by the city of Burien;
- b. Subdivision streets shall conform in effect to the master plan as adopted and/or to the general pattern of the highway system of the city of Burien;
- c. The tract to be subdivided shall not be part of or encroach on an area or areas designated in the master plan for future public facilities;
- d. No plan for the replatting, subdivision or dedication of any area shall be approved by the city of Burien unless the streets shown therein are connected by a surfaced road or street (according to city specifications) to an existing dedicated highway of the city;
- e. Sidewalks or walkways shall be required for all existing and proposed streets including perimeter streets in business and residential subdivisions as specified in Chapter 17.20 BMC;
- f. No lot or portion of a lot in this plat shall be divided and sold or resold or ownership changed or transferred whereby the ownership of any portion of this plat shall be less than the area required for the use (zone) district in which located;

*Findings, Conclusions, and Recommendation  
City of Burien Hearing Examiner  
Boulevard Landing Preliminary Plat, No. PLA12-2131*

- g. All lots must be served by or provision made for an adequate public sewage disposal system; and
- h. All lots must have an adequate water supply before the plat may be recorded.

Pursuant to chapter 17.20 BMC, the minimum dimensions for lots shall conform to the dimensions established in the zoning code and shall not be less than the requirements for the use district in which located. *BMC 17.20.010*.

The criteria and standards set forth in Title 17 BMC are essentially identical to those in chapter 58.17 of the Revised Code of Washington (RCW). The application must meet the RCW criteria before a decision of approval may be made. *BMC 17.10.310*. RCW 58.17.110 requires that:

Appropriate provisions must be made for the public health, safety and general welfare, for open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds and all other relevant facts including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and the public interest must be served by the subdivision.

The criteria for review adopted by the Burien City Council are designed to implement the requirement of chapter 36.70B RCW to enact the Growth Management Act. In particular, RCW 36.70B.040 mandates that local jurisdictions review proposed development to ensure consistency with City development regulations, considering the type of land use, the level of development, infrastructure, and the characteristics of development. *RCW 36.70B.040*.

#### Conclusions Based on Findings

1. **With conditions, the proposed development is consistent with Title 17 BMC provisions and chapter 58.17 RCW.** The City provided adequate notice and opportunity to comment on the proposed subdivision. The Applicant presented evidence that the proposed development would be in the best interests of the public welfare because the development would provide housing compatible with surrounding residential development and consistent with the Comprehensive Plan designation for the property. The access to the proposed subdivision would be located on Military Road S, a Minor Arterial. Single-family residential development is an allowed use within the City's RS 7200 and RM-12 zoning districts. Lots would conform to the minimum lot size required within the zones through lot averaging. Setbacks are required on subdivision lots under City code. The administrative adjustment request to reduce buffer width and eliminate buffer between lots 12 and

13 should be granted because, as proposed, the reduced buffer would not be detrimental to surrounding properties, would comply with the purpose and intent of BMC 19.17.015.1, and would provide equal or greater protection for the zone receiving transition than strict compliance with BMC 19.17.015.1 would provide. The reduced buffer would be planted with 100 percent evergreen trees, planted 18 feet on center, and planted with shrubs with good characteristics for screening. Adequate sewer and water would be provided to the proposed subdivision. Conditions are necessary to ensure that proposed development complies with Fire Marshal requirements. The proposed onsite detention vault within Tract C would provide adequate stormwater drainage of the proposed subdivision site and water quality treatment. Either recreational space would be provided within Tract C or a fee-in-lieu of providing such space would be paid. Sufficient new, replacement trees would be planted onsite to mitigate for removal of existing significant trees. Transit stops exist in the property vicinity. Paved shoulders along Military Road S are sufficient to accommodate pedestrians. A condition is necessary to ensure that safe walking conditions for pedestrians crossing Military Road S at the crosswalk and to safely use transit stops are reviewed. Conditions are necessary to ensure compliance with applicable City code; City approval of street improvement and stormwater plans; installation of street, stormwater, and utility improvements; compliance with Fire Marshal requirements; maintenance of stormwater facilities; implementation of the approved mitigation for the City-approved road standards variance; and that right-of-way permits and a construction stormwater general permit are obtained. *Findings 1 – 31.*

### RECOMMENDATION

Based on the preceding Findings and Conclusions, the Hearing Examiner recommends that the City Council **GRANT** the request for a preliminary plat to subdivide approximately 2.19 acres into 14 single-family residential lots located at 12414 Military Road S, in Burien, Washington, with the following conditions:<sup>4</sup>

1. This application is subject to the applicable requirements contained in the Burien Municipal Code (including but not limited to the Zoning Code, Building Code, and Fire Code), the 2009 King County Surface Water Design Manual, the 2009 Stormwater Pollution Prevention Manual as adopted by the City of Burien, and the 2008 Burien Road Standards. It is the responsibility of the applicant to ensure compliance with the various provisions contained in these documents. Attachment 2, Residential Subdivision Development Regulations, is provided in this report to familiarize the applicant with some of the additional requirements

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<sup>4</sup> Conditions are necessary to mitigate specific impacts of proposed development and comply with City Code.

that may apply to the project. This attachment does not include all of the additional requirements.

2. Prior to the issuance of development permits for any construction activities on-site the applicant shall:
  - a. Submit detailed on-site street improvement plans for review and approval by the Development Review Engineer. The Plans shall be in accordance with the requirements of the 2008 Burien Road Standards and address the issues expressed in the Development Review Engineer's memorandum dated August 2, 2013 (Attachment 15). The plans shall include an illumination plan for the proposed street, a channelization and signing plan, and approved utility plans for the various underground utilities serving or proposed to serve the site. The channelization and signing plan shall include consideration of additional traffic calming measures, such as additional painting or signage, which would provide additional protection to pedestrians using the crosswalk across Military Road S or crossing Military Road S at S 125<sup>th</sup> Street to access transit stops.
  - b. Submit an updated Downstream Analysis and Engineering Plans to reflect final design and calculation and to include all the requirements of the King County Surface Water Design Manual (KCSWDM). Engineering plans include a "Technical Information Report" (TIR), "Site Improvements Plans", and a "Construction Stormwater Prevention Plan" (CSWPP), which includes an "Erosion and Sediment Control (ESC) Plan" and a "Stormwater Pollution Prevention and Spill (SWPPS) plan" for review and approval by the Surface Water Management Engineer. The Analysis and Plans shall be in accordance with the 2009 King County Surface Water Design Manual and address the issues expressed in the Surface Water Management Engineer's memorandum dated August 7, 2013 (Attachment 16).
  - c. Record a Declaration of Covenant and grant of easement per Section 5.2.1 of the KCSWDM for drainage facilities proposed on private properties.
  - d. Submit detailed plans for the proposed common recreation space indicating that it will:
    - i. Be of a grade and surface suitable for recreation.
    - ii. Contain at least 5,000 square feet of area.
    - iii. Have no dimensions less than 30 feet.
    - iv. Have a street roadway or parking area along 10 to 50 percent of the recreation space perimeter.

- v. Be centrally located and accessible and convenient to all residents within the development.
- vi. Provide a tot/child play area. Any play apparatus that is provided shall meet Consumer Product Safety Standards for equipment, soft surfacing and spacing, and shall be located in an area that is at least 400 square feet in size with no dimension less than 20 feet and be adjacent to main pedestrian paths.

If the common recreation space cannot be developed consistent with the above requirements, the Applicant shall pay a fee-in- lieu of providing 390 square feet of recreation space on the property for each of the 12 additional lots created. The fee shall be 4,680 square feet multiplied by the current assessed value per square foot of the property. The fee shall be paid prior to recording the final plat.

3. Prior to applying for Final Subdivision, the Applicant shall:

- a. Implement the approved mitigation for the approved Road Standards Variance, including:
  - i. Remove landscaping that encroaches into the right-of-way within the line of sight.
  - ii. Pave the shoulder from the edge of the existing roadway to the right-of-way line from the site access to South 125<sup>th</sup> Street to constrain future growth of obstructing landscaping.
  - iii. Install storm drainage facilities in accordance with the 2009 King County Surface Water Design Manual (KCSWDM) along Military Road South to accommodate the additional impervious surface created by the additional shoulder paving.
  - iv. Install Intersection Warning Sign in accordance with MUTCD standards on Military Road South, north of South 125<sup>th</sup> Street to alert motorist of the approaching intersection.
  - v. Install “No Parking” signs from the site access to South 125<sup>th</sup> Street.
  - vi. Install raised pavement markings along the centerline and fog line of Military Road South from the site access intersection to a point approximately 400 feet south along the sight line.
  - vii. Provide street lighting at the intersection in accordance with 2008 BRS, section 5.05.
- b. Provide sight distance analysis to verify that the proposed minimum Entering Sight Distance (ESD) of 400 feet has been met. If the intersection does not

meet the minimum ESD of 400 feet, the Applicant shall sign the intersection to prohibit left turns both in and out.

- c. Install all required street and stormwater improvements per the approved plans and provide appropriate performance and maintenance bonds to the Development Review Engineer and Surface Water Management Engineer.
  - d. Provide water and sewer service to each lot, or submit a bond, consistent with the requirements of the serving utility and the Subdivision Code.
  - e. Install all required landscaping and submit a landscaping maintenance bond or other appropriate security for a period of two years after planting to ensure proper installation, establishment and maintenance.
4. Prior to issuance of development permits for any lots, the applicant shall demonstrate conformance with all requirements of the Fire Marshal (see Conclusion of II.E.4).
  5. Prior to beginning any work in the public right-of-way or on-site, the applicant shall apply for and obtain a right-of-way use construction permit and a grading & clearing permit.
  6. A Construction Stormwater General Permit (also known as "NPDES" permit) is required from the Washington State Department of Ecology prior to discharging stormwater from construction activities.

RECOMMENDED this 8<sup>th</sup> day of October 2013.

  
KRISTEN J. LARSON  
Hearing Examiner  
Sound Law Center



## CITY OF BURIEN, WASHINGTON

Department of Community Development

400 SW 152<sup>nd</sup> St., Suite 300, Burien, Washington 98166

Phone: (206) 241-4647 Fax: (206) 248-5539

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### TYPE 3 LAND USE REVIEW STAFF RECOMMENDATION TO THE HEARING EXAMINER

DATE: September 5, 2013

FILE NO.: PLA 12-2131

APPLICANT: Troy Schmeil, Callidus Development, Inc.

REQUEST: Subdivide two (2) existing residential lots totaling 2.19 acres into fourteen (14) single-family residential lots.

LOCATION: 12414 Military Road, Burien, WA (see Attachment 1)

PARCEL: 025700-0080; 025700-0087

APPLICATION SUBMITTED: October 23, 2013

APPLICATION COMPLETE: March 12, 2013

RECOMMENDATION: Approval with conditions

DECISION MAKER: City Council

HEARING EXAMINER DATE: To be determined

PROJECT PLANNER: Stephanie Jewett, AICP, Project Planner

## I. INTRODUCTION

### A. PROJECT SUMMARY

The Applicant is proposing a 14-lot single-family residential subdivision on a 2.19 acre site. The lots are proposed to gain access to Military Road South from an improved cul-de-sac road. Site work includes development of a private access cul-de-sac road, on-site stormwater facilities and landscaping. Tract C, located in the northeast portion of the site, is proposed for an onsite stormwater detention facility and recreation area. Tract A is proposed for

shared access to lots 1, 2 and 3 and Tract B is proposed for shared access to lots 6 and 7. Tract D is proposed to accommodate the existing roadway (see attachments 4, 5 and 6 for project plans).

## **B. RECOMMENDATION**

Based on the Findings of Fact and Conclusions (Section II) and Attachments to this report, it is recommended that the application be approved subject to the following conditions:

1. This application is subject to the applicable requirements contained in the Burien Municipal Code (including but not limited to the Zoning Code, Building Code and Fire Code), the 2009 King County Surface Water Design Manual and the 2009 Stormwater Pollution Prevention Manual as adopted by the City of Burien, and the 2008 Burien Road Standards. It is the responsibility of the applicant to ensure compliance with the various provisions contained in these documents. Attachment 2, Residential Subdivision Development Regulations, is provided in this report to familiarize the applicant with some of the additional requirements that may apply to the project. This attachment does not include all of the additional requirements (see Conclusion II.E.1).
2. Prior to the issuance of development permits for any construction activities on-site the applicant shall:
  - a. Submit for review and approval an updated preliminary subdivision plat map showing that lots located in the RS zoned portion of the site will meet the minimum lot area requirements. Lots 13 and 14 do not meet the minimum lot area requirement. In order to meet the lot size requirements, lots 13 and 14 will likely need to be combined into one lot (see Conclusion II.E.2).
  - b. Submit detailed on-site street improvement plans for review and approval by the Development Review Engineer. The Plans shall be in accordance with the requirements of the 2008 Burien Road Standards and address the issues expressed in the Development Review Engineer's memorandum dated August 2, 2013 (Attachment 15). The plans shall include an illumination plan for the proposed street, a channelization and signing plan, and approved utility plans for the various underground utilities serving or proposed to serve the site (see Conclusion II.E.3).
  - c. Submit an updated Downstream Analysis and Engineering Plans to reflect final design and calculation and to include all the requirements of the King County Surface Water Design Manual (KCSWDM). Engineering plans include a "Technical Information Report" (TIR), "Site Improvements Plans", and a "Construction Stormwater Prevention Plan" (CSWPP), which includes an "Erosion and Sediment Control (ESC) Plan" and a "Stormwater Pollution Prevention and Spill (SWPPS) plan" for review and approval by the Surface Water Management Engineer. The Analysis and Plans shall be in accordance with the 2009 King County Surface Water Design Manual and address the issues expressed in the

Surface Water Management Engineer's memorandum dated August 7, 2013  
(Attachment 16) (see Conclusion II.E.5).

- d. Record a Declaration of Covenant and grant of easement per Section 5.2.1 of the KCSWDM for drainage facilities proposed on private properties (see Conclusion II.E.5).
- e. Submit detailed plans for the proposed common recreation space indicating that it will:
  - i) Be of a grade and surface suitable for recreation.
  - ii) Contain at least 5,000 square feet of area.
  - iii) Have no dimensions less than 30 feet.
  - iv) Have a street roadway or parking area along 10 to 50 percent of the recreation space perimeter.
  - v) Be centrally located and accessible and convenient to all residents within the development.
  - vi) Provide a tot/child play area. Any play apparatus that is provided shall meet Consumer Product Safety Standards for equipment, soft surfacing and spacing, and shall be located in an area that is at least 400 square feet in size with no dimension less than 20 feet and be adjacent to main pedestrian paths.

If the common recreation space cannot be developed consistent with the above requirements, the Applicant shall pay a fee-in-lieu of providing 390 square feet of recreation space on the property for each of the 12 additional lots created. The fee shall be 4,680 square feet multiplied by the current assessed value per square foot of the property. The fee shall be paid prior to recording the final plat (see Conclusion II.E.6).

3. Prior to applying for Final Subdivision, the Applicant shall:
  - a. Implement the approved mitigation for the approved Road Standards Variance, including:
    - i) Remove landscaping that encroaches into the right-of-way within the line of sight.
    - ii) Pave the shoulder from the edge of the existing roadway to the right-of-way line from the site access to South 125<sup>th</sup> Street to constrain future growth of obstructing landscaping.
    - iii) Install storm drainage facilities in accordance with the 2009 King County Surface Water Design Manual (KCSWDM) along Military Road South to accommodate the additional impervious surface created by the additional shoulder paving.

- iv) Install Intersection Warning Sign in accordance with MUTCD standards on Military Road South, north of South 125<sup>th</sup> Street to alert motorist of the approaching intersection.
  - v) Install “No Parking” signs from the site access to South 125<sup>th</sup> Street.
  - vi) Install raised pavement markings along the centerline and fog line of Military Road South from the site access intersection to a point approximately 400 feet south along the sight line.
  - vii) Provide street lighting at the intersection in accordance with 2008 BRS, section 5.05 (see Conclusion II.E.3).
- b. Provide sight distance analysis to verify that the proposed minimum Entering Sight Distance (ESD) of 400 feet has been met. If the intersection does not meet the minimum ESD of 400 feet, the Applicant shall sign the intersection to prohibit left turns both in and out (see Conclusion II.E.3).
  - c. Install all required street and stormwater improvements per the approved plans and provide appropriate performance and maintenance bonds to the Development Review Engineer and Surface Water Management Engineer (see Conclusion II.E.3 and II.E.5).
  - d. Provide water and sewer service to each lot, or submit a bond, consistent with the requirements of the serving utility and the Subdivision Code (see Conclusion II.E.4).
  - e. Install all required landscaping and submit a landscaping maintenance bond or other appropriate security for a period of two years after planting to ensure proper installation, establishment and maintenance (see Conclusion II.E.8).
- 4. Prior to issuance of development permits for any lots, the applicant shall demonstrate conformance with all requirements of the Fire Marshal (see Conclusion of II.E.4).
  - 5. Prior to beginning any work in the public right-of-way or on-site, the applicant shall apply for and obtain a right-of-way use construction permit and a grading & clearing permit (see Conclusion II.E.3 & II.E.5).
  - 6. A Construction Stormwater General Permit (also known as “NPDES” permit) is required from the Washington State Department of Ecology prior to discharging stormwater from construction activities (see Conclusion II.E.5).

## II. FINDINGS OF FACT AND CONCLUSIONS

### A. SITE DESCRIPTION

1. Facts:

- a. Size: 95,412 square feet (2.19 acres)
- b. Land Use: Currently vacant
- c. Terrain: The site slopes gradually down from the northwest boundary of the site (elevation 490) to the southeast corner of the site (elevation 342) for an elevation change of 46 feet across the site with slopes on the site ranging from 0-15%.
- d. Vegetation: The site consists of trees, grasses and shrubs, including blackberry and english ivy. There is also a cleared area on the site where a single-family home was recently demolished. See Section II.E.7 for further analysis of trees located on site.
- e. Bulk Regulations: Future development of single detached dwelling units on the new lots in the RM-12 zone will be required to meet the following development standards:  
  
Front Setback: 10 feet minimum  
Interior Setback: 5 feet minimum  
Building Coverage: 55% maximum  
Impervious Surface Coverage: 75% Maximum  
Height: 35' maximum  
Minimum Parking Required: 2 off-street spaces per dwelling unit  
  
Future development of single detached dwelling units on the new lots in the RS 7,200 zone will be required to meet the following development standards:  
  
Front Setback: 20 feet minimum  
Interior Setback: 5 feet minimum  
Building Coverage: 35% maximum  
Impervious Surface Coverage: 70% Maximum  
Height: 35' maximum  
Minimum Parking Required: 2 off-street spaces per dwelling unit
- f. Neighboring Development and Zoning: The subject site is bordered to the North and west by single family development zoned for single-family use (RS 7200) and to the east and south by multi-family development zoned for multifamily use (RM-18).

2. **Conclusions:** Size, land use, terrain, and vegetation are not constraining factors in the consideration of this application. Site specific requirements including, but not limited to, building height, setback, impervious surface coverage and building coverage will be reviewed when building permits are filed for each new lot. This application is consistent with neighboring single-family and multi-family development.

## **B. PUBLIC & AGENCY COMMENT**

### **1. Public Comments**

- a. **Facts:** Public notice of this application was posted on the site and published in the newspaper March 26, 2013 and mailed to all property owners within 500 feet of the site on March 22, 2013. See Attachment 24 for a copy of the Notice of Application. Four public comment letters were received during the 30-day comment period, which ended on April 25, 2013. These comment letters have been summarized and addressed below.

#### **James & Trudy Lindberg (see Attachment 7)**

Expresses concern with possible increased parking impacts to the neighborhood and asks how many vehicles will be allowed per dwelling. Inquires about and expresses concern with potential impacts from increased traffic on Military Road South and expresses concern with potential light and glare impacts to their single-family house from cars entering and exiting the development

**City Response:** Each single family home that is developed in the City of Burien is required to provide space for two vehicles to park on-site. Compliance with this requirement is reviewed at the time of building permit submittal for each of the single-family homes. Additionally, after the single-family homes are developed, no more than four motor vehicles may be parked on a residential lot at any one time per section 10.11.030 of the Burien Municipal Code.

The Applicant is required to comply with the 2008 Burien Road Standards. The City's Development Review Engineer reviewed the proposed development for compliance with the 2008 Burien Road Standards and is requiring improvements to Military Road South to meet the City's standards, including removing landscaping that encroaches into the right-of-way within the line of sight, installing an intersection warning sign, "no parking" signs and raised pavement markings. See section II.E.3 Traffic, Access & Street Improvements for a more detailed discussion of the traffic impacts and Road Standards requirements of this project.

The headlights of vehicles leaving the development and entering onto Military Road South may shine onto property located on the west side of Military Road South. The City has not identified measures which could be taken on the development site that could mitigate such impacts without adversely impacting sight distance requirements on Military Road South.

**Scott Sundquist (see Attachment 8)**

Asks if there will be an official survey that clearly marks the northern property line of the site prior to development and if the roots of the fir trees located on his site could be damaged during the construction. Expresses concern with the impacts to Military Road from increased traffic and the potential for multi-family homes to be built in the development.

City's Response: After preliminary approval of the proposed subdivision, during the clearing and grading permit approval, the Applicant will be required to stake the boundaries of the site and install erosion control measures. The exact location and extent of grading on the site and potential impacts to neighboring trees will be identified and mitigated at that time. An area of prohibited disturbance, generally corresponding to the drip line of the neighboring trees will be required to be protected during construction with a temporary five-foot high chain link or plastic net fence as required by BMC 19.25.150(2).

The Applicant is required to comply with the 2008 Burien Road Standards. The City's Development Review Engineer reviewed the proposed development for compliance with the 2008 Burien Road Standards and is requiring improvements to Military Road South to meet the City's standards, including removing landscaping that encroaches into the right-of-way within the line of sight, installing an intersection warning sign, "no parking" signs and raised pavement markings. See section II.E.3 Traffic, Access & Street Improvements for a more detailed discussion of the traffic impacts and Road Standards requirements of this project.

Multi-family homes are not proposed as part of this Preliminary Subdivision application. The Applicant is proposing to subdivide the property into 14 single family home lots with the stated intent of building a single-family home on each of the newly created lots.

**Debra Cahill (see Attachment 9)**

Expresses concern over increased traffic in the neighborhood and possible impacts to children crossing Military Road South at the existing cross walk en route to Hilltop Elementary School and points out that the existing crosswalk does not have a crossing guard.

**City's Response:** The Applicant is required to comply with the 2008 Burien Road Standards. The City's Development Review Engineer reviewed the proposed development for compliance with the 2008 Burien Road Standards and is requiring improvements to Military Road South to meet the City's standards, including removing landscaping that encroaches into the right-of-way within the line of sight, installing an intersection warning sign, "no parking" signs and raised pavement markings. These improvements will increase sight distance in the area of the development and will contribute to traffic safety. See section II.E.3 Traffic, Access & Street Improvements for a more detailed discussion of the traffic impacts and Road Standards requirements of this project. Your concerns about the school crosswalk not having a crossing guard have been forwarded to Highline Public School District for consideration.

**Ron Steinman (see Attachment 10)**

Expresses concern over increased traffic on Military Road South and possible impacts to school children crossing the street en route to Hilltop Elementary School as well as possible impacts to school children, senior citizens from Boulevard Park Place Retirement Community, and other pedestrians accessing both the metro bus stop and school bus stop located at the intersection of 125<sup>th</sup> and Military Road South.

**City's Response:** The Applicant is required to comply with the 2008 Burien Road Standards. The City's Development Review Engineer reviewed the proposed development for compliance with the 2008 Burien Road Standards and is requiring improvements to Military Road South to meet the City's standards, including removing landscaping that encroaches into the right-of-way within the line of sight, installing an intersection warning sign, "no parking" signs and raised pavement markings. These improvements will increase sight distance in the area of the development and will contribute to traffic safety. See section II.D.3 Traffic, Access & Street Improvements for a more detailed discussion of the traffic impacts and Road Standards requirements of this project.

- b. **Conclusions:** The public comment requirement has been addressed for the proposal.

**2. Agency Comments**

- a. **Facts:** On March 22, 2013, notice of this application was distributed to Seattle City Light, King County Water District #20, King County Fire District # 2, Valley View Sewer District, Highline School District and Burien Police Services. The water, sewer and fire districts have completed availability forms with comments and requirements (see Section II.E.4). No responses were received from Highline School District, Seattle City Light or Burien Police Services.

- b. Conclusions: The agency comment requirement has been addressed for the proposal.

### **C. STATE ENVIRONMENTAL POLICY ACT (SEPA)**

1. Facts: The Applicant submitted a SEPA checklist (Attachment 17) and the City prepared an Environmental Review Report (Attachment 18). A Determination of Nonsignificance (DNS) was issued by the City of Burien's SEPA Responsible Official on September 5, 2013 (Attachment 19).
2. Conclusions: The Applicant has satisfactorily completed the SEPA process.

### **D. APPROVAL CRITERIA**

#### **1. Subdivision Code Compliance**

- a. Facts: The Burien Subdivision Code outlines various standards which are to be met when creating a subdivision. The purpose of the City of Burien's subdivision regulations is to:
  - (1) Set forth the rules and regulations for the division of real property into subdivisions;
  - (2) Provide for the proper location and width of streets, building lines, open spaces, safety and recreation facilities, utilities, and drainage;
  - (3) Provide for the avoidance of congestion of population through requirements of minimum lot area and compatibility of design;
  - (4) Require and fix the extent to which and the manner in which streets shall be graded and improved, and water, sewer, drainage, and other utility mains and piping or connections of other physical improvements shall be installed; and
  - (5) Provide for and secure the actual construction of such physical improvements.
- b. Conclusions: The application, as conditioned, meets the subdivision standards (see Section II.E).

#### **2. Revised Code of Washington Section 58.17.110**

- a. Facts:
  - (1) RCW 58.17.110, as amended, states that "A proposed subdivision shall not be approved unless the city... makes written findings that:

- i) Appropriate provisions are made for the public health, safety, and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds and all other relevant facts...; and
  - ii) The public use and interest will be served by the platting of such subdivision and dedication."
- (2) Pursuant to BMC 17.35.120.2 the preliminary plat decision shall be based on conformance to adopted city rules and regulations and RCW 58.17.110 states that prior to approval of the subdivision the city must find that the public use and interest must be served by the platting of such subdivision.
- b. Conclusions: The proposal, as conditioned, complies with RCW 58.17.110. As conditioned, it will serve the public use and interest and is consistent with the public health, safety, and general welfare because it will contribute to the community's ability to provide additional single-family residential units and additional home ownership opportunities within the community. The property will develop in accordance with the Comprehensive Plan for this area (see Section II.F).

## **E. DEVELOPMENT REGULATIONS**

### **1. General Compliance**

- a. Fact: This application is subject to the applicable requirements contained in the Burien Municipal Code (including but not limited to the Zoning Code, Building Code and Fire Code), the 2009 King County Surface Water Design Manual and the 2009 Stormwater Pollution Prevention Manual as adopted by the City of Burien, and the City of Burien 2008 adopted Road Design and Construction Standards.
- b. Conclusion: It is the responsibility of the applicant to ensure compliance with the various provisions contained in the Burien Municipal Code (including but not limited to the Zoning Code, Building Code and Fire Code), 2009 King County Surface Water Design Manual and the 2009 Stormwater Pollution Prevention Manual as adopted by the City of Burien, and the City of Burien 2008 adopted Road Design and Construction Standards. Attachment 2, Residential Subdivision Development Requirements, is provided to familiarize the applicant with some of the additional requirements that may apply to the project. This attachment does not include all of the additional requirements.

**2. Lot Size and Layout**

- a. **Facts:** The eastern 1.70 acres of site is zoned Residential Multi-family (RM-12) and the western .49 acres of the site is zoned Residential Single-family (RS 7200). The minimum lot area per each single-family dwelling unit for the RS 7200 zoned portion of the site is 7,200 square feet and the minimum lot area for the RM-12 zoned portion of the site is 3,600 square feet. No lot may be created less than the minimum lot area in each zone except through the application of lot averaging (BMC 19.15.005.2 & 19.15.010.4). Lot averaging allows for lots to be created that are 90 percent of the minimum lot area (6,480 square feet in the RS 7200 zone and 3,240 square feet in the RM-12 zone) as long as the overall average lot size of the development remains at or greater than minimum lot size for the zone.

The proposal for lots 1-12, located in the RM-12 zoned portion of the site (Attachment 5) meets the minimum lot size requirement through the use of lot averaging. Proposed lot sizes and overall lot average is as follows:

Lot No.	Square Feet	Lot No.	Square Feet
1	5,391	7	5,021
2	3,533	8	4,469
3	4,143	9	3,485
4	3,339	10	3,258
5	3,325	11	3,281
6	3,287	12	3,932
<b>Lot Size Average</b>			
46,464/12 = 3,872			

The proposal for lots 13 and 14, located in the RS-7,200 zoned portion of the site (Attachment 5) does not meet the minimum lot size requirement through the use of lot averaging. Proposed lot sizes and overall lot average is as follows:

Lot No.	Square Feet	Lot No.	Square Feet
13	6,591	14	7,056
<b>Lot Size Average</b>			
13,647/2 = 6,823 square feet			

- b. **Conclusion:** The proposed preliminary plat satisfies the minimum lot area requirement for lots 1-12. Lots 13 and 14 do not meet the minimum lot area requirement. In order to meet the lot size requirements, lots 13 and 14 will likely need to be combined into one lot. Prior to any development permits, the preliminary subdivision shall be revised to show that the lots proposed in RS zoned portion of the site will meet the minimum lot area requirement.

### 3. Traffic, Access & Street Improvements

- a. **Facts:** City of Burien Municipal Code section 17.35.120 requires that access and street improvements comply with the 2008 Burien Road Standards. The Applicant submitted a Traffic Impact Analysis by DN Traffic Consultants, Inc. (Attachment 12) and a road standards variance approved by the City's Public Works Director (Attachment 13) as part of the initial plat submittal. The road standards variance approved a reduction in the entering sight distance to the south of the proposed new street's intersection with Military Road South from 445 lineal feet to 400 feet. The Traffic Impact Analysis estimates that the proposed subdivision will generate 134 daily trips, with 11 AM peak hour trips and 14 PM peak hour trips. The City of Burien Development Review Engineer reviewed the proposed development for compliance with the 2008 Burien Road Standards and provided comments in a memorandum dated August 2, 2013 (Attachment 15) including, but not limited to, the following:

- (1) The proposed Road "A" shall be designed as a Minor Access Street in accordance with Table 2.1 of the 2008 Burien Road Standards (BRS). This includes 22 feet of pavement with curb, gutter, drainage and 5 foot wide cement concrete sidewalk on both sides located within a 40 foot wide Tract.
- (2) The proposed new street shall be a private road in accordance with 2008 BRS, Section 2.05. It shall be maintained and owned by a Home Owners Association (HOA). A HOA shall be created by the Developer at the time of Final Plat application.
- (3) The proposed cul-de-sac shall be designed in accordance with Section 2.08 of the 2008 BRS. This includes the following:
  - i) Minimum diameter across bulb section: 100 feet in permanent cul-de-sac.
  - ii) Minimum diameter of surfacing across bulb: 80 feet of paving in curb type road.
  - iii) Sidewalks shall be constructed on both sides of the cul-de-sac.
- (4) Frontage improvements along Military Road South shall consist of curb, gutter, sidewalk and streetlight at the proposed intersection of the new Road

“A” and Military Road South in accordance with the 2008 Burien Road Standards. The existing pavement should be sawcut at a minimum 1 ft. from edge in a straight line parallel to roadway centerline.

- (5) A stop sign will be required at the intersection of the new access road and Military Road South per the Manual on Uniform Traffic Control Devices (MUTCD).
- (6) Prior to Final Plat Application and after construction of the proposed intersection and frontage improvements along Military Road South, the Applicant's Traffic Engineer shall provide sight distance analysis to verify that the proposed minimum Entering Sight Distance (ESD) of 400 feet has been met. If the intersection does not meet the minimum ESD of 400 feet, the Applicant shall sign the intersection to prohibit left turns both in and out.
- (7) Consistent with the approved Roads Standards Variance, prior to Final Plat application the Applicant shall implement the approved mitigation, including:
  - i) Remove landscaping that encroaches into the right-of-way within the line of sight.
  - ii) Pave the shoulder from the edge of the existing roadway to the right-of-way line from the site access to South 125<sup>th</sup> Street to constrain future growth of obstructing landscaping.
  - iii) Install storm drainage facilities in accordance with the 2009 King County Surface Water Design Manual (KCSWDM) along Military Road South to accommodate the additional impervious surface created by the additional shoulder paving.
  - iv) Install Intersection Warning Sign in accordance with MUTCD standards on Military Road South, north of South 125<sup>th</sup> Street to alert motorist of the approaching intersection.
  - v) Install “No Parking” signs from the site access to South 125<sup>th</sup> Street.
  - vi) Install raised pavement markings along the centerline and fog line of Military Road South from the site access intersection to a point approximately 400 feet south along the sight line.
  - vii) Provide street lighting at the intersection in accordance with 2008 BRS, section 5.05.
- (8) All required utilities, drainage and street improvement plans shall be designed by a Washington State Licensed Civil Engineer in accordance

with the 2008 Burien Road Standards and 2009 King County Surface Water Design Manual.

- (9) All driveways shall be designed and constructed in accordance with Burien Road Standards, Section 3.01. Specifically, all driveways shall: 1) be located at least 5 feet from side property lines except if a joint use driveway tract is proposed to serve the two parcels (per BRS Drawing 3-006); and 2) have a minimum width of 10 feet and a maximum width of 20 feet (per BRS Drawing 3-007). Curb ramps and driveways shall be designed consistent with the requirements in BRS Section 3.05 and 3.01.
- (10) All utilities serving the property shall be placed underground (BMC 12.40.070).
- (11) A channelization and signing plan shall be submitted for review and approval by the Public Works Department prior to issuance of construction permits.
- (12) Approved utility plans for the various underground utilities serving or proposed to serve the site shall be submitted prior to issuance of construction permits.
- (13) A Right-of-way use permit will be required for all work performed in the public right-of-way of Military Road South, as required by BMC 12.17 and 12.18.
- (14) A Clearing & Grading permit will be required for all on-site work, including installation of on-site drainage and street improvements, prior to beginning any construction.
- (15) An illumination plan for the proposed private street (Road "A") shall be submitted to the Public Works Department for review and approval prior to issuance of construction permits for any work onsite. Any required pole installation (or relocations) shall be coordinated with Seattle City Light (SCL), and meet applicable City of Burien and SCL Standards. Applicant shall design minimum 25 feet steel post street light with LED fixture to meet the City's foot-candle requirements (BRS section 5.05). The Applicant shall provide assurance to collect streetlight billing either through Water District #20 or a Home Owner Association.
- (16) Restoration, Performance and maintenance security bonds are required for site and right-of-way improvements.

(17) The Applicant shall submit a channelization and signing plan prior to issuance of construction permits.

(18) The Applicant shall submit approved utility plans for the various underground utilities serving or proposed to serve the site.

b. Conclusions:

(1) Prior to issuance of development permits for any construction activities on-site, the applicant shall submit for review and approval to the Development Review Engineer final engineered drawings for all required street improvements consistent with the Development Review Engineer's comments dated August 2, 2013 (see Attachment 15). The plans shall include an illumination plan for the proposed street, a channelization and signing plan, and approved utility plans for the various underground utilities serving or proposed to serve the site.

(2) Consistent with the approved Roads Standards Variance, prior to applying for Final Subdivision, the Applicant shall implement the approved mitigation, including:

- i) Remove landscaping that encroaches into the right-of-way within the line of sight.
- ii) Pave the shoulder from the edge of the existing roadway to the right-of-way line from the site access to South 125<sup>th</sup> Street to constrain future growth of obstructing landscaping.
- iii) Install storm drainage facilities in accordance with the 2009 King County Surface Water Design Manual (KCSWDM) along Military Road South to accommodate the additional impervious surface created by the additional shoulder paving.
- iv) Install Intersection Warning Sign in accordance with MUTCD standards on Military Road South, north of South 125<sup>th</sup> Street to alert motorist of the approaching intersection.
- v) Install "No Parking" signs from the site access to South 125<sup>th</sup> Street.
- vi) Install raised pavement markings along the centerline and fog line of Military Road South from the site access intersection to a point approximately 400 feet south along the sight line.
- vii) Provide street lighting at the intersection in accordance with 2008 BRS, section 5.05.

(3) Prior to applying for Final subdivision and after construction of the proposed intersection and frontage improvements along Military Road South, the Applicant's Traffic Engineer shall provide sight distance analysis to verify

that the proposed minimum Entering Sight Distance (ESD) of 400 feet has been met. If the intersection does not meet the minimum ESD of 400 feet, the Applicant shall sign the intersection to prohibit left turns both in and out.

- (4) Prior to applying for final subdivision, the Applicant shall install all required street improvements per the approved plans and provide appropriate performance and maintenance bonds to the Development Review Engineer.
- (5) A Home Owner's Association shall be created to own and maintain the private street.
- (6) A right-of-way construction permit is required prior to any work performed in the public right-of-way and a clearing & grading permit is required for all on-site work, including on-site drainage and street improvements.

#### 4. Utilities

##### a. Facts:

- (1) The site is located within King County Water District 20. King County Water District 20 approved the development for public water service based on the findings that water service is provided by connection to an existing 8-inch water main located approximately 10 feet from the site and the nearest fire hydrant is located approximately 230 feet from the site with a flow rate of 1,000 gallons or more for a duration of 2 hours or more (see Attachment 20).
- (2) The site is located within the Valley View Sewer District. Valley View Sewer District issued a certificate of sewer availability to serve the site based on the satisfactory completion of a required developer extension, the recording of a sewer easement and the payment of connection charges (see Attachment 21).
- (3) Fire District #2 provides fire protection to the area. The Fire Marshal approved the development for water flow, hydrant spacing and access with the following conditions: 1) Roads less than 28 feet in unobstructed width shall be marked fire lane with no parking allowed on both sides; 2) The fire lane and maintenance provisions shall be recorded in the home owners covenants; and 3) A new fire hydrant is required in the cul-de-sac (see Attachment 22).

- b. Conclusion: Prior to applying for Final Subdivision, water and sewer service shall be provided to each lot, or a bond submitted, consistent with the requirements of the serving utility and the Subdivision Code. The applicant shall show any utility easements or reference documents pertaining to sewer and water

utility easements, which are necessary to provide service to the lots. Prior to issuance of development permits for any lots, the applicant shall demonstrate conformance with all requirements of the Fire Marshal.

## **5. Surface Water Management**

### **a. Facts:**

- (1) The City of Burien adopted the 2009 King County Surface Water Design Manual (KCSWDM) and 2009 Stormwater Pollution Prevention Manual (SPPM) as the City's drainage control regulations.
- (2) The applicant submitted an Offsite/Level 1 Downstream Analysis by Land Development Advisors, LLC (Attachment 11) and a Preliminary Drainage Plan (Attachment 6), addressing surface water management facilities for the proposed development.
- (3) The City of Burien Public Works Surface Water Management Engineer reviewed the proposed development for compliance with the 2009 KCSWDM and 2009 SPPM and provided comments in a memorandum dated August 7, 2013 (see Attachment 16), including, but not limited to, the following:
  - i) In general, the proposed storm drain detention facilities appear reasonable, refinement of the final design of water quality and flow control facilities will be required prior to issuance of development permits for any construction activities on-site.
  - ii) Prior to issuance of development permits for any construction activities on-site, the submitted Downstream Analysis and Engineering Plans shall be updated to reflect final design and calculation and to include all the requirements in the KCSWDM. Engineering Plans include a "technical information report (TIR)", "site improvement plans", and a "construction stormwater pollution prevention plan (CSWPPP)", which includes an "erosion and sediment control (ESC) plan" and a "stormwater pollution prevention and spill (SWPPS) plan". The TIR must be prepared to include all the requirements in the KCSWDM, including all eight core requirements in Section 1.2 and all five special requirements in Section 1.3.
  - iii) At least three ESC inspections are required i.e., prior to clearing and construction, during construction, upon completion of construction.
  - iv) Engineering plans and calculations must be prepared and stamped by a Washington State Licensed civil engineer. At least three ESC inspections

are required i.e., prior to clearing and construction, during construction, upon completion of construction.

- v) The location, condition and size of existing drainage systems and drainage easements, if any shall be verified. The existing drainage systems on the proposed excavation area shall be removed relocated, or appropriately treated.
- vi) Any offsite conveyance system element shall be located in a drainage easement.
- vii) A tightline conveyance system is recommended for steep slope. The tightline must be located in the drainage easement and conform to the materials and design requirements of Section 4.2 of the KCSWDM. The location of discharge point must be approved locations.
- viii) New conveyance system alignments should be located adjacent and parallel to property lines so that required drainage easements can be situated along property lines.
- ix) In computing runoff from the site, the assumed impervious coverage shall not be less than 4,000 square feet per lot in urban residential development, or the maximum impervious coverage permitted by city code (BMC 19.15.005), whichever is less.
- x) All drainage facilities on private properties, including proposed Tract C, shall be private. The facilities shall be owned and maintained by a Home Owner's Association. All privately maintained facilities must be maintained as specified in the site/lot's declaration of covenant and grant of easement per Section 5.2.1 of the KCSWDM.
- xi) A Declaration of Covenant must be recorded prior to engineering plan approval per page 1-46 of the KCSWDM. The form and the instruction of the covenant will be provided during building permit process.
- xii) The Department of Ecology's Construction Stormwater General Permit (also known as the "NPDES" permit) shall be required. The Applicant must submit the Notice of Intent (NOI) to Ecology at least 60 days before discharging stormwater from construction activities. More detail about the permit can be found at -  
*<http://www.ecy.wa.gov/programs/wq/stormwater/construction/>*

b. Conclusions:

- (1) Prior to issuance of development permits for any construction activities on-site, the applicant shall:
  - (i) Submit an updated Downstream Analysis and Engineering Plans to reflect final design and calculation and to include all the requirements of the KCSWDM. Engineering plans include a “Technical Information Report” (TIR), “site improvement plans”, and a “construction stormwater pollution prevention plan” (CSWPPP), which includes an “erosion and sediment control (ESC) plan” and a “stormwater pollution prevention and spill (SWPPS) plan”.
  - (ii) Record a Declaration of Covenant and grant of easement per Section 5.2.1 of the KCSWDM for drainage facilities proposed on private properties.
- (2) Prior to submitting for the final subdivision, the Applicant shall install approved stormwater improvements and provide restoration, performance and maintenance security bonds or other security methods as required by the Surface Water Management Engineer.
- (3) An engineer licensed in the State of Washington shall prepare all plans for storm water improvements.
- (4) A right-of-way construction permit is required prior to any work in the right-of-way and a grading and clearing permit is required for all on-site drainage and access improvements.
- (5) A Construction Stormwater General Permit (also known as “NPDES” permit) is required from the Washington State Department of Ecology prior to discharging stormwater from construction activities.

6. **On-site Recreation Space**

- a. Facts: The Burien Zoning Code requires residential developments to provide on-site recreational areas or pay a fee-in-lieu of actual recreational space when the space is not provided (BMC 19.17.013). Residential subdivisions are required to provide 390 square feet of on-site commonly owned recreation space for each new lot created. For the proposed subdivision, 12 additional lots are being created (credit is received for the two lots currently located on site), requiring 4,680 square feet of common recreation space. The submitted Preliminary Plat Map (Attachment 5) notes that the common recreation space will be provided within Tract C. At the time of clearing and grading permit submittal for required on-site improvements, the Applicant will be required to show detailed plans for

the common recreation space that show compliance with the development standards for common recreation space found in BMC 19.17.013.

- b. Conclusions: To comply with the requirements of BMC 19.17.013, at the time of clearing and grading permit submittal for required on-site improvements, the Applicant shall show detailed plans for the common recreation space indicating that it will:
- (1) Be of a grade and surface suitable for recreation.
  - (2) Contain at least 5,000 square feet of area.
  - (3) Have no dimensions less than 30 feet.
  - (4) Have a street roadway or parking area along 10 to 50 percent of the recreation space perimeter.
  - (5) Be centrally located and accessible and convenient to all residents within the development.
  - (6) Provide a tot/child play area. Any play apparatus that is provided shall meet Consumer Product Safety Standards for equipment, soft surfacing and spacing, and shall be located in an area that is at least 400 square feet in size with no dimension less than 20 feet and be adjacent to main pedestrian paths.

If the common recreation space cannot be developed consistent with the above requirements, the Applicant shall pay a fee in lieu of providing 390 square feet of recreation space on the property for each of the 12 additional lots created. The fee shall be 4,680 square feet multiplied by the current assessed value per square foot of the property. The fee shall be paid prior to recording the final plat.

## 7. Tree Retention and Protection

- a. Facts: Single Detached Dwelling Units in the RS 7200 and RM-12 zones are required to comply with Landscape Category A (BMC 19.15.005.2 & 19.15.010.4). Landscape Category A requires 30% of the significant trees located on site to be retained (BMC 19.25.120.2). A significant tree is defined as a healthy tree, which when measured four feet above grade, has a minimum diameter of 8 inches for evergreen trees or 12 inches for deciduous trees (BMC 19.10.493). When the required number of significant trees cannot be retained, they may be replaced with new trees at a replacement rate of two inches diameter for every one-inch diameter of the removed significant tree (BMC 19.25.160).

The submitted Conceptual Planting and Tree Replacement Plan (Attachment 4) shows there are 14 significant trees located on the site. In lieu of the 30% retention requirement, the Applicant is proposing to remove the 14 significant trees and plant 93 trees on the site, with 67 of those trees each having a caliper of two inches or greater to meet the City's tree retention requirements.

- b. Conclusions: The Applicant's proposal to plant a total of 93 trees on the site with 67 of those trees each having a caliper of two inches or greater, meets the City's significant tree retention requirements.

## 8. Transition Standards

### a. Facts:

- (1) The eastern 1.7 acres of the 2.19 acre project site is zoned for Multi-family (RM-12) use and abuts properties zoned for Residential Single-Family (RS-7,200) use along the north and west property boundaries. As such the City's transition standards apply to the site.
- (2) The purpose of the City's transition standards is to create a buffer between residential single-family zones and multi-family zones that permit development of higher intensity. The City's transition standards require a 20-foot wide Type 1 (Full Screen) landscape buffer to be provided along those portions of the site zoned multi-family (RM-12) adjacent to residential single-family (RS-7200) zoned properties. The Applicant is requesting an administrative adjustment to this requirement to reduce the buffer from 20 feet to 10 feet along the northern and western property lines and to eliminate the required buffer between proposed lots 12 and 13 (see Attachment 14). Burien Municipal Code Section 19.17.015 sets forth the decision criteria for an adjustment to the Transition Standards through a Type 1 decision. The Director may only approve the application if all of the following criteria are met:
  - i. Will not be detrimental to surrounding properties; and

City Analysis: The proposed development will consist of single-family homes. The minimum lot size requirement of 3,600 square feet for single-family development in the RM-12 zone allows for development at densities of 12 dwelling units per acre, while the minimum lot size requirement of 7,200 square feet for single-family development in the adjacent single-family residential zoned properties allows for development at densities of 6 dwelling units per acre. Although the density allowed for single-family homes is higher in the RM-zoned portion of the site than the adjacent zones, the single-family housing types are consistent and compatible with adjacent single-family housing. In addition, to compensate for the requested buffer reduction from 20 feet to 10 feet, the Applicant proposes to provide 100% evergreen trees in the buffer instead of the 70% minimum required for Type 1 landscaping (BMC 19.25.050.1) and the tree spacing will be at 18 feet on center instead of the required minimum of 25 feet on center (see attachment 4, Conceptual Planting Plan). Also, the Applicant has stated in the submitted reduction request (Attachment 14) that the shrubs to be selected for the Type

1 Landscaping will have good characteristics for screening. Although lot 12 is located within the Residential Multi-family (RM-12) zone and Lot 13 is located within the Residential Single-family (RS 7,200) zone, they are within the same proposed development of single-family homes and will not be detrimental to each other.

ii. Will comply with the purpose and intent of this section (BMC 19.17.015.1).

**City Analysis:** The stated purpose of the Transition Standards is to create a buffer between a Residential Multi-family zone and a Residential Single-family zone. As stated above, to compensate for the requested buffer reduction from 20 feet to 10 feet, the Applicant proposes to provide 100% evergreen trees in the buffer instead of the 70% minimum required for Type 1 landscaping (BMC 19.25.050.1) and the tree spacing will be at 18 feet on center instead of the required minimum of 25 feet on center (see attachment 4, Conceptual Planting Plan). Also, the Applicant has stated in the submitted reduction request (Attachment 14) that the shrubs to be selected for the Type 1 Landscaping will have good characteristics for screening to compensate for the requested buffer reduction from 20 feet to 10 feet along the western and northern property lines. As noted above, although lot 12 is located within the Residential Multi-family (RM-12) zone and Lot 13 is located within the Residential Single-family (RS 7,200) zone, they are within the same proposed development and the uses do not require buffering from one another.

iii. Will provide equal or greater protection for the zone receiving transition than strict compliance with this section would provide.

**City Analysis:** Given the Applicant is proposing to use 100 % evergreen trees instead of the required 70 % minimum and increase the planting densities, the proposed reduction from a 20 foot buffer to a 10 foot buffer will provide equal protection for the properties located to the north and west of the site. As noted above, although lot 12 is located within the Residential Multi-family (RM -12) zone and Lot 13 is located within the Residential Single-family (RS 7,200) zone, they are within the same proposed development and the uses do not require buffering from one another.

b. **Conclusions:** The proposal is consistent with the approval criteria of BMC 19.17.015. Prior to application for Final Subdivision the Applicant shall submit a landscaping maintenance bond or other appropriate security shall be required for a period of two years after planting to ensure proper installation, establishment and maintenance.

## 9. Transportation Impact Fee

- a. Facts: Any person who receives a building permit or any other construction permit for any development activity or who undertakes any development activity within the City's corporate limits for which a building permit or other construction permit is not required, shall pay a transportation impact fee as set forth in Table 19.35-2 at the time of issuance of the permit (BMC 19.35.060).
- b. Conclusions: Prior to issuance of building permits for future development on each of the new lots, the applicant shall pay a Transportation Impact Fee as set forth in Table 19.35-2.

## F. COMPREHENSIVE PLAN

1. Facts: The eastern 1.70 acres of the site is designated Low Density Multi-family Residential and the western .49 acres of the site is designated Moderate Density Residential Neighborhood.
  - (a) Burien Comprehensive Plan Policy RE 1.7 indicates that the Low Density Multi-family Residential designation should provide primarily for multi-family residential uses and development in these areas may be characterized by single-family homes, duplexes, garden style apartments, townhouses, condominiums or apartment buildings. Development within this designation includes existing neighborhoods that have been platted at an average of eight to twelve units per acre.
  - (b) Burien Comprehensive Plan Policy RE 1.6 indicates that the Moderate Density Residential Neighborhood designation should provide primarily single-family residential uses in neighborhoods suitable for this type of development, where community improvements and facilities that are normally necessary for development can be provided. Development within this designation includes existing neighborhoods that have been platted at an average of five to six units per acre.
2. Conclusions: The proposed subdivision is consistent with the Low Density Multifamily Residential and Moderate Density Residential Neighborhood land use designations. As conditioned, the proposal complies with the Comprehensive Plan.

### **III. APPEALS AND JUDICIAL REVIEW**

State law allows the city's final decision to be appealed by a party of record with standing by filing a land use petition in King County superior court. Such petition must be filed within 21 days after issuance of the decision, as provided in RCW 36.70C.

### **IV. LAPSE OF APPROVAL**

Under BMC 17.40.140(3)(a), subdivision preliminary approvals shall be valid for seven (7) years. If any condition is not satisfied and the final plat is not recorded within the 7-year period the preliminary subdivision approval shall be null and void. If all conditions have been satisfied and all required documents have been submitted within the 7-year period, the city may grant a single extension of up to 90 days to obtain additional information or for the processing and recording of final plat documents. Applicants will have a maximum of 30 days to comply with requests for additional information made within the extension period.

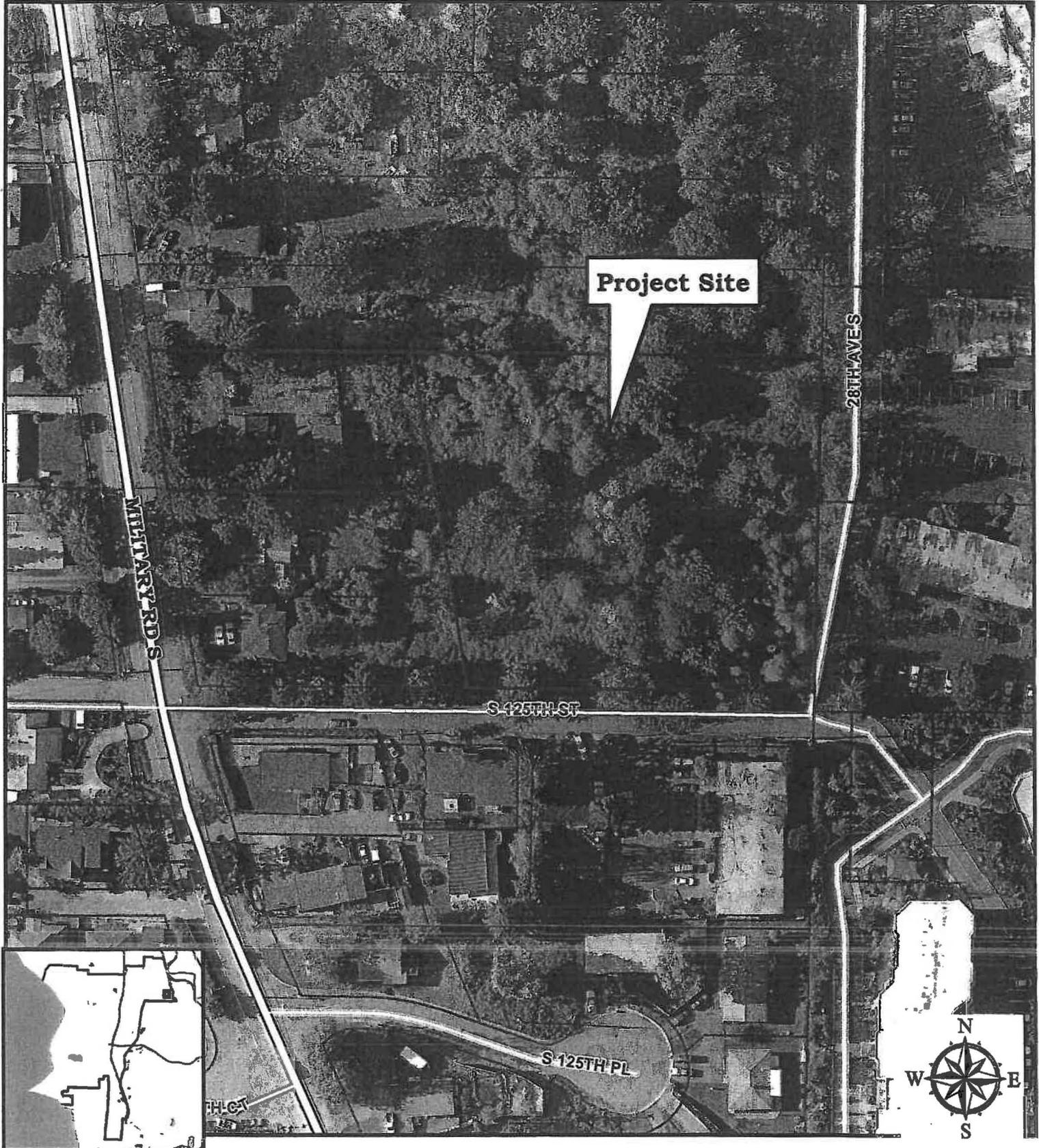
## V. ATTACHMENTS

1. Vicinity Map
2. Residential Subdivision Development Regulations
3. Boundary/Topographic Survey
4. Conceptual Planting Plan and Tree Replacement Plan
5. Preliminary Plat Map
6. Preliminary Grading, Drainage & Utility Plan
7. Comment Letter, James & Trudy Lindberg, received April 22, 2013
8. Comment Letter, Scott Sundquist, received April 23, 2013
9. Comment email, Debra Cahill, received April 23, 2013
10. Comment email, Ron Steinman, received April 23, 2013
11. Offsite/Level 1 Downstream Analysis, Land Development Advisors, LLC, October, 2012
12. Traffic Impact Analysis, DN Traffic Consultants, Inc., dated October 15, 2012
13. Roads Standards Variance, granted March 12, 2013
14. Memo from John Nelson, DA Land Development Advisors, LLC, dated October 15, 2012
15. Public Works Recommended Conditions of Land Use Approval, dated August 2, 2013, Ramesh Davad, Development Review Engineer
16. Public Works Stormwater Conditions of Land Use Approval, dated August 7, 2013, Huengkook Lim, Surface Water Management Engineer.
17. SEPA checklist, received October 23, 2013
18. Environmental Review Report
19. Determination of Nonsignificance
20. Certificate of Water Availability, King County Water District 20, September 10, 2012
21. Certificate of Sewer Availability, Valley View Sewer District, September 7, 2012
22. Certificate of Fire Hydrant Availability, King County Fire District #2, dated October 12, 2012
23. Preliminary Subdivision Application
24. Notice of Application

# Vicinity Map

File: PLA 12-2131 (Boulevard Landing Subdivision)

Address: 12414 Military Road South



**VI. PARTIES OF RECORD**

Troy Schmeil, Callidus Development, Inc.	16834 SE 43 <sup>rd</sup> Street Issaquah, WA 98027
Jon Nelson, Land Development Advisors, LLC	12865 SE 47 <sup>th</sup> Place Bellevue, WA 98006
James and Trudy Lindberg	PO Box 68483 Seattle, WA 98168
Scott Sundquist	12402 Military Road South Burien, WA 98168
Debra Cahill	12312 Military Road South Burien, WA 98168
Ron Steinman, General Manager/Owner	Boulevard Park Place Retirement Community 2805 South 125 <sup>th</sup> Street Burien, WA 98168

Dated this 5th day of September, 2013.



Charles W. "Chip" Davis, AICP  
Community Development Director

**RESIDENTIAL SUBDIVISION DEVELOPMENT REGULATIONS**  
**For Subdivisions and Consequent Building Permits**

In addition to the standards addressed in the staff report, the City of Burien and other agencies will review the Final Plat and the Building Permits to ensure compliance with all applicable city, county, and state codes and policies. At a minimum, the following sections of the Burien Municipal Code (BMC), King County Code (KCC), and state laws will be analyzed during those reviews.

**BMC 13.10 Surface Water Management**

**BMC 12.05 Road Design and Construction Standards**

**BMC 12.40.070 Undergrounding of Utilities**

This section applies to new construction on an undeveloped site, to any substantial improvement on a developed site and any new or altered service. All utility lines on a site must be undergrounded. All existing overhead utility lines in the right of way adjacent to the site must be undergrounded unless the Public Works Director determines that this is infeasible. The Public Works Director may require the applicant to submit a statement from all utility companies with existing overhead lines indicating if undergrounding in the right-of-way is feasible. If the Public Works Director determines that undergrounding in the right of way is not feasible, the property owner must sign a concomitant agreement for future undergrounding.

**BMC Title 17 Subdivision Code**

**17.15.280 Sewage disposal.**

**Prior to recording the final plat**, either the approved public sewage system shall be installed to serve each lot, or a bond or similar security shall be deposited with the city of Burien and may be assigned to a purveyor to assure the construction of such facilities within two years of the date of plat recording.

**17.15.290 Water supply.**

**Prior to recording the final plat**, the approved public water system shall be installed to serve each lot unless a bond or similar security has been deposited with the city of Burien in a form and amount, and with conditions satisfactory to the city of Burien to provide for the construction of required water facilities in Group A systems as defined by board of health regulations, within two years of the date of plat recording.

**17.25.010 Site Improvements.**

**Prior to approval of the final plat**, all streets shall be improved in full compliance with and pursuant to a construction permit issued by the city of Burien. In lieu of the full compliance herewith, the plattor may deposit a performance bond with the city in an amount equal to the cost as a guarantee that the plattor will, within one year from the date of acceptance of the plat, fully comply with all the requirements set forth to the satisfaction of the development engineer.

17.40.040.3 Qualifications governing preliminary plat approval.

Prior to approval of the final plat, engineering details of the proposed streets, storm drainage, sanitary sewer and water systems and other proposed public facilities shall be approved by the city engineer and the King County department of public health.

17.45.030 Monuments.

All monuments shall be set after the grading of the streets. In case the plat is approved before the grading is complete, the grading shall be done and the monuments shall be set before the release of the road guarantee bond.

17.55.070 Performance Bond.

A performance bond or other satisfactory security shall be submitted to secure the successful operation of improvements for a period of 12 months in an amount and form satisfactory to the city. Such bond or security shall cover workmanship and materials, damage from reasonable expected usage and damage due to construction activities.

**BMC Title 19 Zoning Code**

19.10.265 Structure height.

Structure height is the vertical distance measured from average natural grade to the highest point of the structure. Natural grade is the topography of the lot immediately prior to any site preparation or grading, including excavation or filling. Prior to issuance of any development permits for the site, the city must have on file a topographic survey showing natural grade of the site prior to any development activity.

19.20.100.10 Parking for single detached dwelling units.

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 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.

19.35 Transportation Impact Fees.

19.35.060 Imposition of transportation impact fees.

Any person who receives a building permit or other construction permit for any development activity or who undertakes any development activity within the city's corporate limits for which a building permit, or other construction permit if a building permit is not required, shall pay the transportation impact fees as set forth in this chapter to the city. The impact fees shall be paid at the time of issuance of the permit.

19.17.013 Residential Recreation Space.

19.17.013 Fee in lieu of on-site recreation space.

In lieu of providing 390 square feet of on-site recreation space for each new lot created, the applicant shall pay a fee in lieu.

#### 19.17.240 Sight Distance Requirements.

A sight distance triangle area shall contain no fence, berm, vegetation, on-site vehicle parking area, signs or other physical obstruction between 42 inches and eight feet above the existing street grade. The sight distance triangle at a site access point (driveway) is determined by measuring 15 feet along the street line and 15 feet along the edges of the driveway starting at the point of intersection. The third side of each triangle shall be a line connecting the endpoints of the first two sides of each triangle.

#### 19.17.290 (1) Fences.

Fences exceeding a height of six feet shall comply with the applicable street and interior setbacks of the zone in which the property is located.

#### 19.25.120 Significant trees - Retention required.

*Significant trees* shall be retained as follows:

Landscape Category A: Thirty percent (30%) of the *significant trees* located on the *site*, excluding *critical areas* or their *buffers*.

#### 19.25.150 Significant trees - Protection.

To provide the best protection for *significant trees*:

1. No clearing shall be allowed on a *site* until approval of tree retention and landscape plans;
2. An area of prohibited disturbance, generally corresponding to the drip line of the *significant tree* shall be protected during construction with a temporary five-foot-high chain link or plastic net *fence*. The fencing shall be installed prior to issuance of development permits for the *site*;
3. No *impervious surfaces*, fill, excavation, or storage of construction materials shall be permitted within the area defined by such *fencing*;
4. A rock well shall be constructed if the grade level around the tree is to be raised by more than one foot. The inside diameter of the well shall be equal to the diameter of the drip line of the tree;
5. The grade level shall not be lowered within the larger of the two areas defined as follows:
  - A. The drip line of the tree(s); or
  - B. An area around the tree equal to one foot diameter for each inch of tree trunk diameter measured four feet above the ground; and
6. Alternative protection methods may be used if determined by the *Director* to provide equal or greater tree protection. [Ord. 293 § 1, 2000]

#### 19.70.050 Surface Water Management.

All new development shall be served by an adequate surface water management system approved by the department as being consistent with the design, operating and procedural requirements of the 2009 Surface Water Design Manual and KCC Title 9.

**19.70.100 Adequate Vehicular access.**

All new development shall be served by adequate vehicular access meeting the standards of this section.

**19.70.110 Adequate Fire Protection.**

All new development shall be served by adequate fire protection. The water supply system must provide at least minimum fire flow and the road system must provide life safety/rescue access. Other fire protection requirements for buildings must be met as required by the fire code and IBC, and building and construction standards.



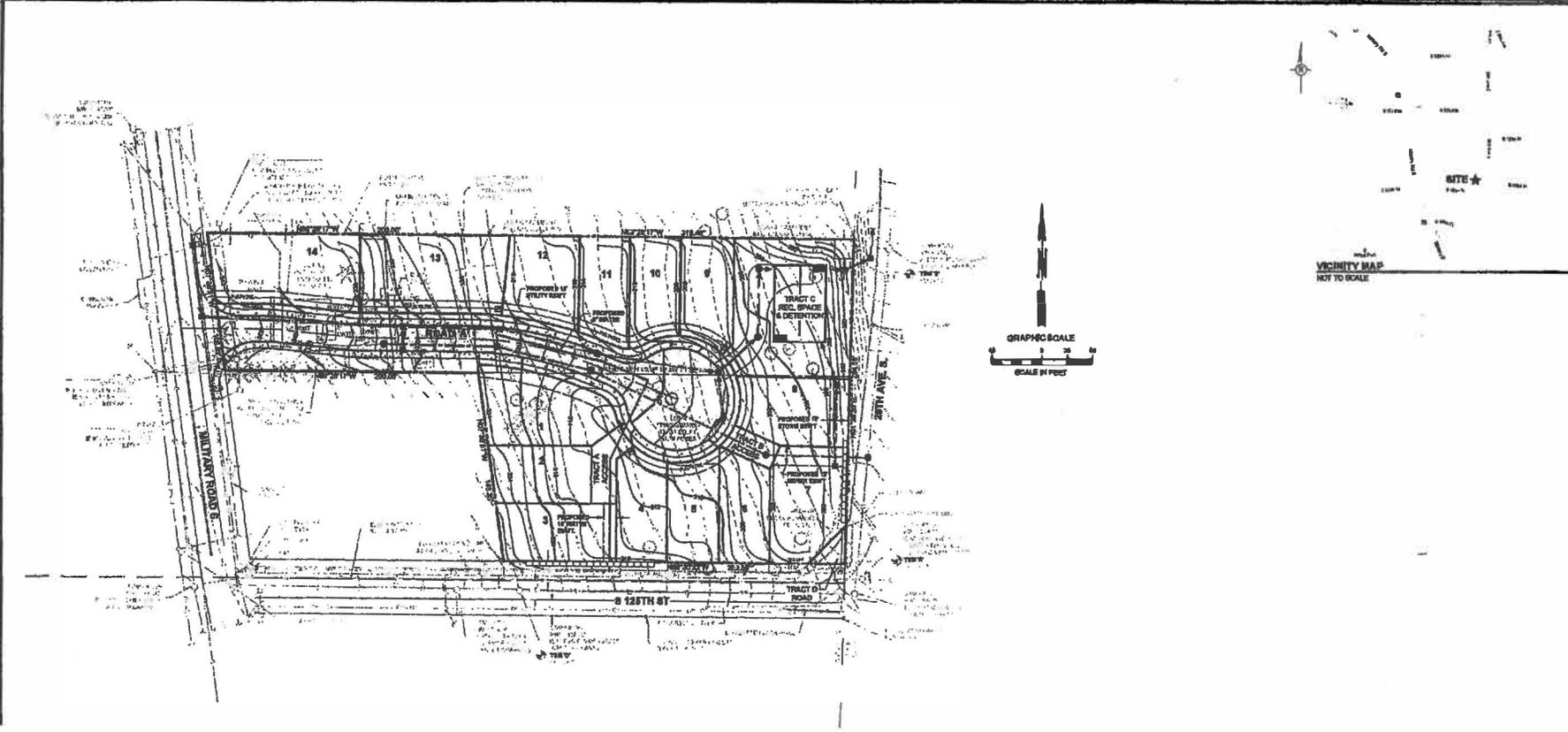





  
 Call 2 Working Days Before You Dig
   
**1-800-424-5555**
  
 Utility Underground Location Center
   
 (D) 417-242-0344 (M)

**NOTICE**
  
 This notice is required by law. It is the responsibility of the person or organization performing the excavation to ensure that all utility owners are notified. Failure to do so may result in fines and penalties.

**CAUTION**
  
 Excavation work is dangerous. It is the responsibility of the person or organization performing the excavation to ensure that all workers are properly trained and equipped. Failure to do so may result in injury or death.



 10/11/12	STAMP PROVIDED UNLESS NOTED OTHERWISE
<b>DA</b> Planning, Engineering, Project Management Land Development Advisors, LLC 19205 SE 47th Place Bellevue, WA 98006 206.465.0000	<b>PRELIMINARY GRADING, DRAINAGE          &amp; UTILITY PLAN</b>  <b>BOULEVARD LANDING</b>  CALLIDUS DEVELOPMENT, INC.  CITY OF BURIEN WASHINGTON
JOB NUMBER <b>CALX-008</b>	SHEET NUMBER <b>C2 of 2</b>
DATE REVISION	CHECKED BY DATE

Stephanie Jewett , AICP  
Department of Community Development  
City of Burien  
400 SW 152<sup>nd</sup> Street  
Suite 300  
Burien, Wa 98166-3066

April 19, 2013

RECEIVED

APR 22 2013

CITY OF BURIEN

RE: File 12-2131  
Proposal of sub-divide - 12414 Military Road S.

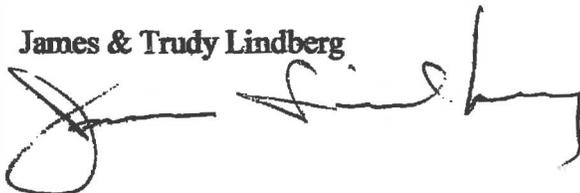
Ms Jewett

Received your notice of application for proposal of sub-divide and access to the site.  
The following items are my concerns to this site.

- Item 1. How many vehicles will be allowed per dwelling?
- Item 2. Are all vehicles to be parked on dwelling property?  
( Fire department requirements)
- Item 3. With 30 or more vehicles entering and exiting this proposed site, and the short distance of 125<sup>th</sup> st. and the busy military road; is this an accident waiting to happen?  
I know some one put a traffic counter on military road but the counter hoses that were strung across military road came lose for a couple days. Check the accuracy of the traffic.
- Item 4. My personal concern of this proposal is the entering and exiting of vehicles, especially at night. The proposal would shine head lights into my living room window every morning and evening; this would disturb my living environment.  
In the past, the neighbors only had one car entering or exiting their drive area. I have lived here for almost 50 years , many of the neighbors are retired . This has been a peaceful neighborhood and this development will bring another disturbance to our community.
- Item 5. As a tax payer to the city of Burien , will the city of Burien be liable in any accident that will come from this multi-car exit.

Thank you for your time and response.

James & Trudy Lindberg



ATTACHMENT 7

RECEIVED

APR 23 2013

CITY OF BURIEN

To Stephanie Jewett AICP

from Scott Sundquist

City of Burien

12402 Military Rd So

Dept of Community Development

Burien Wa 98168

File no pla 12-2131

1) The northern boundary property line abuts my land. I have only seen 2 survey stakes on this 510 foot line. Will there be an official survey of this property line and will it be clearly marked?

2 Speeding vehicles are a daily problem on this section of military road. Even metro buses speedby.. Additional traffic problems will result when cars and trucks backed up by a stop sign try to merge onto this dangerous arterial.

3. Im concerned that multi-family homes will be built on these 14 single family lots if subdivided.

4. There are large Fir trees on my property line that I do not want disturbed. If digging damages the tree roots these large trees could fall on my house in a wind storm.

Thank you

*Scott Sundquist*  
4-24-13

ATTACHMENT 8

**Stephanie Jewett**

---

**From:** Debbie Cahill [Debbie.Cahill@AlaskaAir.com]  
**Sent:** Tuesday, April 23, 2013 6:58 PM  
**To:** Stephanie Jewett  
**Subject:** file # pla 12-2131-Callidus Development Inc

My name is Debra Cahill address is 12312 Military Rd S Burien 988168- 38 year resident in this home

I have some concerns about the development planned for 12414 Military Rd S.

# 1 - traffic is an issue now - we have no light at 128th or 125th - the outflow of traffic onto Military from 12414 will be between 2 curves - right where cars pick up speed. A school crosswalk

is right in front of my house (with no crossing guard) I see the traffic and the speed some of cars and it is a huge concern/ for the children crossing to go to the apartments

I also hope that the neighbors will be a huge consideration to this company planning to move in all there equipment etc..

Thank you Stephanie for viewing these concerns and keeping me informed on this project.

Debra Cahill

## **Stephanie Jewett**

---

**From:** Ron Steinman [rwsteinman@aol.com]  
**Sent:** Tuesday, April 23, 2013 4:26 PM  
**To:** Stephanie Jewett  
**Subject:** Callidus Dev

Stephanie Jewett  
Department of Community Development  
City of Burien  
400 SW 152nd St (Suite 300)  
Burien, WA 98166-3066

Ref: Callidus Development  
12414 Military Road, S. Burien, WA

Dear Stephanie,

I am writing in response to the public notice regarding the potential development of two lots into 14 lots located at 12414 Military Rd. S.

My family owns Boulevard Park Place Retirement Community 2805 S. 125th St, Burien, WA 98168. We are located very near this proposed development. Our street access is from S. 125th St which some of these proposed lots will be adjacent to.

My primary concerns for this proposal is the ingress and egress from Military Road. We have owned our property since 1986 and have a lot of concern for the traffic volume and speed on Military Road.

There is a Metro bus stop and a school bus stop at the intersection of 125th & Military Road, located south of the proposed access point to this development. There is also a cross walk located just north of the proposed site that the local school kids use to gain access to the local grade school. Both of these areas are heavily used at different times throughout the day, with many grade school children as well as many senior citizens trying to get on and off their busses.

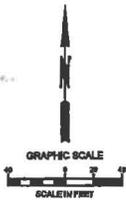
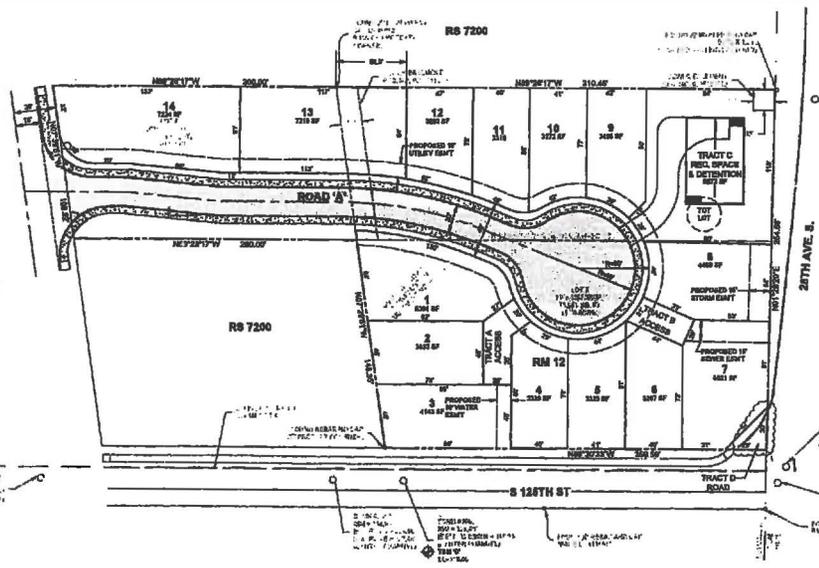
I would ask the city to look at the traffic flow and speed on military road and address a way to slow it down to at least the posted speed limit. A flashing light and a lit cross walk at 125th & Military intersection would help considerably to create a safer environment for the school age pedestrians as well as our senior citizens.

I believe that if there was a flashing light on military road, the traffic speed would decrease. As a result, it would create a safer ingress and egress environment for the additional flow of traffic created by this proposed development.

Sincerely,

Ron Steinman  
General Manager/Owner  
Boulevard Park Place Retirement Community  
2805 S. 125th St  
Burien, WA 98168  
[rwsteinman@aol.com](mailto:rwsteinman@aol.com)  
206 779-8942

**ATTACHMENTS 11-25 ON FILE AND AVAILABLE FOR REVIEW AT THE  
DEPARTMENT OF COMMUNITY DEVELOPMENT**



**VICINITY MAP**  
NOT TO SCALE

**PROJECT INFO:**

**OWNER:** CALLOUS DEVELOPMENT, INC.  
1024 85 45TH STREET  
LONGACRE, WA 98007  
PHONE: 425-278-8028  
CONTACT: TROY MICHAEL

**ENGINEER:** LAND DEVELOPMENT ADVISORS, LLC  
12806 92-4TH PLACE  
BELLEVUE, WA 98008  
PHONE: 425-484-8200  
CONTACT: JOHN W. NELSON, PE

**LANDSCAPE ARCHITECT:** GMA LANDSCAPE ARCHITECTS  
1417 160TH STREET  
SEATTLE, WA 98148  
PHONE: 206-822-2234  
CONTACT: MEL BUCHANAN

**SURVEYOR:** AED SURVEYING & MAPPING  
3300 162 10TH PLACE  
KIRKLAND, WA 98034  
PHONE: 425-823-8700  
CONTACT: NETCH EWING, PLS

**DATUM / BASIS OF BEARINGS**

FIELD SURVEY ALSO SHOWS THE POINTS OF THE SECTIONAL QUARTERS OF SECTION 4, TOWNSHIP 23 NORTH, RANGE 4 EAST, WELLSLATE HILLS, IN KING COUNTY, WASHINGTON, FOR CROSS-CHECKED VALUES.

COORDINATION BENCHMARKS:  
MARKET SQUARE MOUNTAIN, 2017-22, AS PUBLISHED IN MARKET REPORT OF SURVEYING.

VERTICAL CURVE: 1000' (W/ 1% GRADE)

ELEVATION: SEA1

TEMPORARY BENCHMARKS:  
 • TM 10 SET ON CORNER 10' N NORTH 100' 00" 00" 00" ELEVATION = 229.12  
 • TM 11 SET ON CORNER 10' N NORTH 100' 00" 00" 00" ELEVATION = 229.12  
 • TM 12 SET ON CORNER 10' N NORTH 100' 00" 00" 00" ELEVATION = 229.12

**LEGAL DESCRIPTION:**

APN 9824-0000-00

THE WEST 100 FEET AS MEASURED ALONG THE NORTHERLY LINE AND THE SOUTHERLY LINE THEREOF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 4 EAST, TOWNSHIP 23 NORTH, RANGE 4 EAST, WELLSLATE HILLS, IN KING COUNTY, WASHINGTON, LIES EAST OF THE OLD MILITARY ROAD.

ALSO SHOWS AN INTEREST OF UNINCORPORATED KING COUNTY LOT LINE ADJACENT TO SAID SECTION.

BEWARE IN THE COUNTY OF KING, STATE OF WASHINGTON.

TOGETHER WITH APN 9824-0000-00

PARCEL A:  
THE SOUTH HALF OF THE NORTHERLY LINE OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 4, TOWNSHIP 23 NORTH, RANGE 4 EAST, WELLSLATE HILLS, IN KING COUNTY, WASHINGTON.

EXCEPT THAT PORTION LYING WESTERLY OF A LINE DRAWN PARALLEL TO AND 100 FEET SOUTHWEST OF THE WESTERLY CORNER OF OLD MILITARY ROAD, AS MEASURED ALONG THE SOUTHWEST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 4 EAST, WELLSLATE HILLS, IN KING COUNTY, WASHINGTON, INCLUDING 100 FEET EAST OF THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 4 EAST, WELLSLATE HILLS, IN KING COUNTY, WASHINGTON.

AND EXCEPT THE SOUTH 10 FEET OF THE BENCHMARK.

PARCEL B:  
THE SOUTH TWO-THIRDS OF THE NORTHERLY LINE OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 4, TOWNSHIP 23 NORTH, RANGE 4 EAST, WELLSLATE HILLS, IN KING COUNTY, WASHINGTON, INCLUDING 100 FEET EAST OF THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 4 EAST, WELLSLATE HILLS, IN KING COUNTY, WASHINGTON.

EXCEPT THE WEST 100 FEET THEREOF AS MEASURED ALONG THE NORTH

**SHEET INDEX:**

- C1 PRELIMINARY PLAT MAP
- C2 PRELIMINARY GRADING, DRAINAGE & UTILITY PLAN
- S1 BOUNDARY & TOPOGRAPHIC SURVEY
- L1 CONCEPTUAL PLANTING & TREE RETENTION PLAN

**LEGEND**

- UTILITY POLE WITH LIGHT & MEDIUM VOLTAGE CONDUIT
- UTILITY POLE WITH LIGHT & TRANSFORMER
- AUXILIARY POWER MANHOLE
- WATER METER
- WATER VALVE
- SEWER MANHOLE
- GAZ VALVE
- CGM RETARDANT WELL
- POSSIBLE SOIL PIPE
- FOUR-ARMED SIGN AS SHOWN
- SET BENCHMARK
- JACK
- 12" O.D. PIPE
- 18" O.D. PIPE
- 18" O.D. PIPE
- ROADWAY EDGE LINE
- OVERHEAD POWER AND TELECOMMUNICATION
- WATER LINE
- CGM LINE
- CHAIN LINK FENCE LINE
- WOOD FENCE LINE
- WIRE FENCE LINE
- CONCRETE FINISH
- GRAVEL SURFACE
- WEDGERS
- PROPOSED DRIVE UTILITY
- PROPOSED UTILITY LINES

Call 5 Working Days Before You Dig  
**1-800-424-5555**  
 Utilities Underground Location Center  
 (NO. MT. RD. OR 100)

CAUTION: Digging without proper planning can result in injury or death. Call 1-800-424-5555 to locate underground utilities before you dig. Digging without proper planning can result in injury or death. Call 1-800-424-5555 to locate underground utilities before you dig.

DATE	REVISION

DESIGN GROUP	DATE
PROJECT MANAGER	

**PRELIMINARY PLAT MAP**

**CALLOUS DEVELOPMENT, INC.**  
**BOULEVARD**

**DA** Planning, Engineering, Project Management  
 Land Development Advisors, LLC  
 12806 92-4TH PLACE  
 BELLEVUE, WA 98008  
 425-484-8200



STAMP WITH SEAL  
 LICENSE NUMBER AND DATED  
 DATE ISSUED: **CALX-008**  
 SHEET NUMBER: **C1** of **2**



# Public Hearing Notice

City of Burien 400 SW 152<sup>nd</sup> Street, Suite 300 Burien, Washington 98166-3066

**Hearing Information:** The City of Burien Hearing Examiner will hold a public hearing on **September 24, 2013 at 9:30 AM** at the Miller Creek Conference Room, Burien City Hall, 400 SW 152<sup>nd</sup> Street, Suite 300, to receive public comments on the following application:

**Applicant:** Troy Schmeil, Callidus Development, Inc.

**Proposal:** Subdivide two (2) existing residential lots totaling 2.19 acres into fourteen (14) single-family residential lots.

**File No.:** PLA 12-2131

File is available for viewing at Burien City Hall during regular business hours

**Location:** 12414 Military Road, Burien, WA

**Tax Parcel No.:** 025700-0080; 025700-0087

**Current Zoning:** RS 7,200 (Residential Single Family) and RM-12 (Residential Multi-family 12 units per acre)

**How to Comment:** Any person may submit written or oral comments or testimony at the public hearing, or may submit written comments prior to the hearing. Written comments may be submitted in person, via mail, e-mail or by facsimile. Only persons who submit written or oral comments prior to the close of the hearing may appeal the decision. All documents submitted or requested as part of this application, including the City staff report are available for review at City Hall during regular business hours.

**Project Planner:** Stephanie Jewett, AICP

(for submittal of written comments or for more information) Department of Community Development

City of Burien

400 SW 152<sup>nd</sup> Street (Suite 300)

Burien, WA 98166

Phone: (206) 439-3152 E-Mail: [stephaniej@burienwa.gov](mailto:stephaniej@burienwa.gov)

Published in the  
Seattle Times

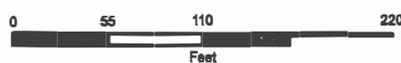
Date of Notice: September 10, 2013

cc: Burien City Council  
Burien Staff  
B-Town Blog  
Burien Daily  
Burien Library

Discover Burien  
Highline Times  
Seahurst Post Office  
White Center Now  
Web site: [www.burienwa.gov](http://www.burienwa.gov)



File No.: PLA 16-0352  
Boulevard Landing Subdivision Final Plat  
Project address: 12414 Military Road South  
Vicinity Map









CITY OF BURIEN, WASHINGTON  
DEPARTMENT OF COMMUNITY  
DEVELOPMENT NO.: PLA 12-2131

# PLAT OF BOULEVARD LANDING

RECORDING NO.

VOL./PAGE

PORTION OF

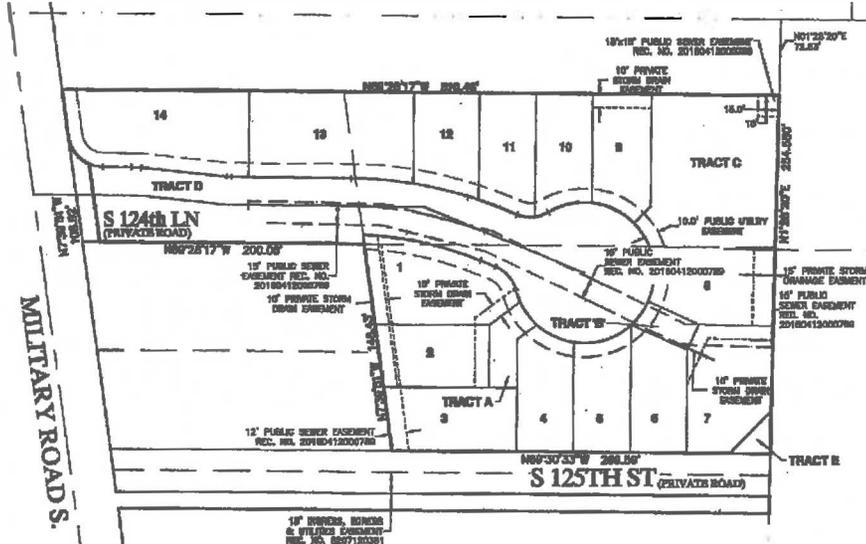
SW 1/4 of SE 1/4, S. 9 T. 23N R. 4E

## EASEMENT NOTES

1. AN EASEMENT IS HEREBY GRANTED TO KING COUNTY WATER DISTRICT 20, VALLEY VIEW SEWER DISTRICT, SEATTLE CITY LIGHT, CUMULUX COMMUNICATIONS, AND A COMCAST CABLE AND FIBER RESPECTIVE SUBSCRIBERS AND THEIR SUCCESSORS AND UPON THE RECORDS TO FURTHER PARALLEL WITH AND ADJACENT THE STREET FRONTAGE OF ALL LOTS AND TRACTS IN ORDER TO INSTALL, MAINTAIN, REPAIR, REPLACE, OPERATE AND MAINTAIN UNDERGROUND CONDUITS, CABLE, PIPING, AND WIRES WITH THE NECESSARY FACILITIES AND OTHER EQUIPMENT FOR THE PURPOSES OF SERVING TO THE SUBSCRIBER AND OTHER PROPERTY WITH ELECTRIC, TELEPHONE, GAS, CABLE TV SERVICE, SEWER AND WATER, TOGETHER WITH THE RIGHT TO ENTER UPON THE EASEMENTS AT ALL TIMES FOR THE PURPOSES STATED.
2. THE PUBLIC WATER EASEMENT UNDER KING COUNTY RECORDING NUMBER 200404300078 IS HEREBY CONVEYED TO KING COUNTY WATER DISTRICT 20 TO INSTALL, MAINTAIN, REPAIR, REPLACE AND OPERATE WATER FOR THIS SUBSCRIBER AND OTHER PROPERTY, TOGETHER WITH THE RIGHT TO ENTER UPON SAID EASEMENTS AT ALL TIMES FOR THE PURPOSES STATED. STRUCTURES SHALL NOT BE CONSTRUCTED UPON ANY AREA RESERVED FOR THESE EASEMENTS. THIS EASEMENT SHALL EXTEND OVER THE ENTIRE PRIVATE ROAD TRACT "D".
3. ALL PUBLIC SANITARY SEWER EASEMENTS WITHIN THIS PLAT ARE HEREBY CONVEYED TO THE VALLEY VIEW SEWER DISTRICT TO INSTALL, MAINTAIN, REPAIR, REPLACE AND OPERATE SANITARY SEWER SYSTEMS FOR THIS SUBSCRIBER AND OTHER PROPERTY, TOGETHER WITH THE RIGHT TO ENTER UPON SAID EASEMENTS AT ALL TIMES FOR THE PURPOSES STATED. STRUCTURES SHALL NOT BE CONSTRUCTED UPON ANY AREA RESERVED FOR THESE EASEMENTS.
4. ALL PRIVATE STORM DRAINAGE SYSTEMS SHALL BE MAINTAINED IN A MANNER CONSISTENT WITH THEIR APPROVED DESIGN, THE APPROVED ROAD AND STORM DRAINAGE PLAN AND AS-BUILT PLANS ON FILE WITH THE CITY OF BURIEN PUBLIC WORKS DEPARTMENT OR ITS SUCCESSOR AGENCY. REFER TO THOSE PLANS FOR THE LOCATIONS AND SPECIFICATIONS OF THE PLAT INFRASTRUCTURE.
5. THE PRIVATE STORM DRAINAGE EASEMENT OVER THE EAST 15.00 FEET OF LOTS 6 IS HEREBY GRANTED AND CONVEYED FOR THE BENEFIT OF THE OWNERS OF LOTS 6 & 7. THE OWNERS ARE HEREBY RESPONSIBLE FOR THE MAINTENANCE OF THESE RESPECTIVE PRIVATE UTILITIES AND SHALL SHARE EQUALLY IN THE MAINTENANCE RESPONSIBILITIES FOR THE COST, MAINTENANCE, REPAIR OR REPLACEMENT OF IMPROVEMENTS CONTAINED THEREIN.
6. THE PRIVATE STORM DRAINAGE EASEMENT OVER THE NORTH 15.00 FEET OF LOT 7 IS HEREBY GRANTED AND CONVEYED FOR THE BENEFIT OF THE OWNERS OF LOT 7. THE OWNERS ARE HEREBY RESPONSIBLE FOR THE MAINTENANCE OF THESE RESPECTIVE PRIVATE UTILITIES AND SHALL SHARE EQUALLY IN THE MAINTENANCE RESPONSIBILITIES FOR THE COST, MAINTENANCE, REPAIR OR REPLACEMENT OF IMPROVEMENTS CONTAINED THEREIN.
7. THE PRIVATE STORM DRAINAGE EASEMENT OVER THE SOUTHEASTERLY 10.00 FEET AND THE WESTERLY 15.00 FEET OF LOT 1 AND THE EASTERLY AND WESTERLY 10.00 FEET OF LOT 2 IS HEREBY GRANTED AND CONVEYED FOR THE BENEFIT OF THE OWNERS OF LOT 2 & 3. THE OWNERS ARE HEREBY RESPONSIBLE FOR THE MAINTENANCE OF THESE RESPECTIVE PRIVATE UTILITIES AND SHALL SHARE EQUALLY IN THE MAINTENANCE RESPONSIBILITIES FOR THE COST, MAINTENANCE, REPAIR OR REPLACEMENT OF IMPROVEMENTS CONTAINED THEREIN.
8. THE PRIVATE STORM DRAINAGE EASEMENT OVER THE NORTH 15.00 FEET OF LOTS 8 IS HEREBY GRANTED AND CONVEYED FOR THE BENEFIT OF THE OWNER OF LOT 8. THE OWNERS ARE HEREBY RESPONSIBLE FOR THE MAINTENANCE OF THESE RESPECTIVE PRIVATE UTILITIES AND SHALL SHARE EQUALLY IN THE MAINTENANCE RESPONSIBILITIES FOR THE COST, MAINTENANCE, REPAIR OR REPLACEMENT OF IMPROVEMENTS CONTAINED THEREIN.
9. THE PUBLIC SEWER LINE EASEMENT OVER THE NORTH 15.00 FEET OF LOT 7 IS HEREBY GRANTED AND CONVEYED TO VALLEY VIEW SEWER DISTRICT FOR THE BENEFIT OF LOTS 1-14.
10. THE PRIVATE SEWER EASEMENT OVER TRACT A IS FOR THE BENEFIT OF LOTS 1 AND 3. THE COST OF MAINTENANCE, REPAIR OR REPLACEMENT OF THAT PORTION OF THE SEWER USED IN COMMON SHALL BE BORNE IN EQUAL SHARES, EXCEPT THAT THE OWNERS OF LOT 2 SHALL NOT BE RESPONSIBLE FOR THE PART OF THE SEWER SERVING ONLY LOT 3. WHEN NECESSARY TO REPAIR, CLEAN OR RECONSTRUCT THE SEWER, THE PARTIES TO THIS AGREEMENT SHALL HAVE A RIGHT OF ENTRY FOR THAT PURPOSE.

## TRACT NOTES

- A "TRACT" IS LAND RESERVED FOR SPECIFIC USES, INCLUDING, BUT NOT LIMITED TO RESERVE TRACTS, INDICATING OPEN SPACE, CEMETERIES, AND/OR SURFACE WATER RESTRICTION, UTILITY FACILITIES AND ACCESS. TRACTS ARE NOT CONSIDERED BUILDING SITES FOR THE PURPOSES OF RESIDENTIAL DWELLING.
1. TRACT "A" IS AN ACCESS TRACT TO SERVE LOTS 1 THROUGH 4, UPON RECORDING OF THIS PLAT THE OWNERS OF LOTS 1 THROUGH 4 ARE HEREBY DESIGNATED AND CONVEYED AN EQUAL AND UNDIVIDED OWNERSHIP INTEREST IN SAID TRACT "A". TRACT "A" IS ALSO A PRIVATE WATER, PRIVATE STORM DRAINAGE AND PRIVATE SANITARY SEWER EASEMENT. LOTS 1 THROUGH 4 SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF TRACT "A" UPON RECORDING THIS PLAT.
  2. TRACT "B" IS AN ACCESS TRACT TO SERVE LOTS 5 THROUGH 8, UPON RECORDING OF THIS PLAT THE OWNERS OF LOTS 5 THROUGH 8 ARE HEREBY DESIGNATED AND CONVEYED AN EQUAL AND UNDIVIDED OWNERSHIP INTEREST IN SAID TRACT "B". TRACT "B" IS ALSO A PRIVATE WATER, PRIVATE STORM DRAINAGE AND PRIVATE SANITARY SEWER EASEMENT. LOTS 5 THROUGH 8 SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF TRACT "B" UPON RECORDING THIS PLAT.
  3. TRACT "C" IS A PRIVATE STORM DRAINAGE AND SEWERAGE TRACT AND IS HEREBY DESIGNATED AND CONVEYED UPON THE RECORDING OF THIS PLAT TO THE BOULEVARD LANDING HOMEOWNERS ASSOCIATION, WHO SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF SAID TRACT "C" AND ITS STORMWATER FACILITIES CONTAINED THEREIN. UPON THE RECORDING OF THIS PLAT, TRACT "C" IS HEREBY GRANTED AND CONVEYED TO THE BOULEVARD LANDING HOMEOWNERS ASSOCIATION (HOA). THE CITY OF BURIEN HAS THE RIGHT TO ENTER TRACT "C" FOR THE PURPOSE OF INSPECTION FOR STORMWATER FACILITIES CONTAINED THEREIN. MAINTENANCE OF ALL OTHER IMPROVEMENTS ON SAID TRACT "C" SHALL BE THE RESPONSIBILITY OF THE HOA. IN THE EVENT THAT THE HOA IS DISSOLVED OR OTHERWISE FAILS TO MEET ITS PROPERTY TAX OBLIGATIONS, AS EVIDENCED BY NON-PAYMENT OF PROPERTY TAXES FOR A PERIOD OF FIFTEEN (15) CONSECUTIVE YEARS, THEN EACH LOT IN THIS PLAT SHALL ACQUIRE AND HAVE AN EQUAL AND UNDIVIDED OWNERSHIP INTEREST IN TRACT "C" PREVIOUSLY OWNED BY THE HOA AND HAVE THE ATTENDANT FINANCIAL AND MAINTENANCE RESPONSIBILITIES.
  4. TRACT "D" IS A PRIVATE ROAD (SOUTH 124TH LANE) FOR HIGHWAY EXCISES, PRIVATE DRAINAGE AND FOR UTILITIES FOR THE BENEFIT OF ALL LOT OWNERS WITHIN THIS PLAT AND IS HEREBY DESIGNATED AND CONVEYED TO THE BOULEVARD LANDING HOMEOWNERS ASSOCIATION, WHICH SHALL BE RESPONSIBLE FOR THE MAINTENANCE AND ALL OTHER IMPROVEMENTS TO TRACT "D" SOUTH 124TH LANE. IF THE HOMEOWNERS ASSOCIATION FAILS TO PROPERLY MAINTAIN TRACT "D" OR PROVIDE FOR PAYMENT OF AFFIRMATIVE FEES, THEN THE OWNERS OF LOTS 1 THROUGH 14 SHALL BE EQUALLY RESPONSIBLE FOR THE MAINTENANCE OF SAID ROAD AND RELATED FEES. TRACT "D" IS OWNED WITH UNDIVIDED INTEREST BY ALL OWNERS OF THE LOTS IN THIS PLAT. TRACT "D" IS SUBJECT TO ENCUMBRANCES FOR HIGHWAY EXCISES AND UTILITIES. THE ADDRESS RANGE FOR SOUTH 124TH LN WILL BE FROM 2880 TO 2790.
  5. TRACT "E" IS A ROADWAY TRACT AND IS HEREBY DESIGNATED AND CONVEYED TO THE BOULEVARD LANDING HOMEOWNERS ASSOCIATION, THE BOULEVARD LANDING HOMEOWNERS ASSOCIATION SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF TRACT "E" UPON RECORDING THIS PLAT.



## EASEMENTS

1"=50'

### HOME OWNER'S ASSOCIATION (HOA)

THE BOULEVARD LANDING HOMEOWNERS ASSOCIATION WAS ESTABLISHED ON 2/17/2016 (ARTICLES OF INCORPORATION ON FILE IN CLERK'S OFFICE). THE BOULEVARD LANDING HOMEOWNERS ASSOCIATION SHALL BE RESPONSIBLE FOR PAYMENT OF STREET LIGHT BILLS AND MAINTENANCE. THE CITY OF BURIEN SHALL TAKE NO RESPONSIBILITY FOR PAYMENT OF STREET LIGHT BILLS AND MAINTENANCE.

ADDRESS  
THE ADDRESS RANGE FOR SOUTH 124TH LN WILL BE FROM 2880 TO 2790.

### COMMENTS

ALL LINES AND TRACTS WITHIN THIS PLAT ARE SUBJECT TO THE COMMENTS RECORDED ON APRIL 12, 2016 UNDER RECORDING NO. 20160412000783, RECORDS OF KING COUNTY, WASHINGTON.

LINE LEGEND:  
 - - - - - WATERLINE EASEMENT  
 - - - - - SANITARY SEWER EASEMENT  
 - - - - - STORM DRAINAGE EASEMENT



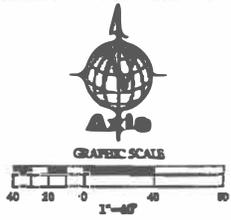
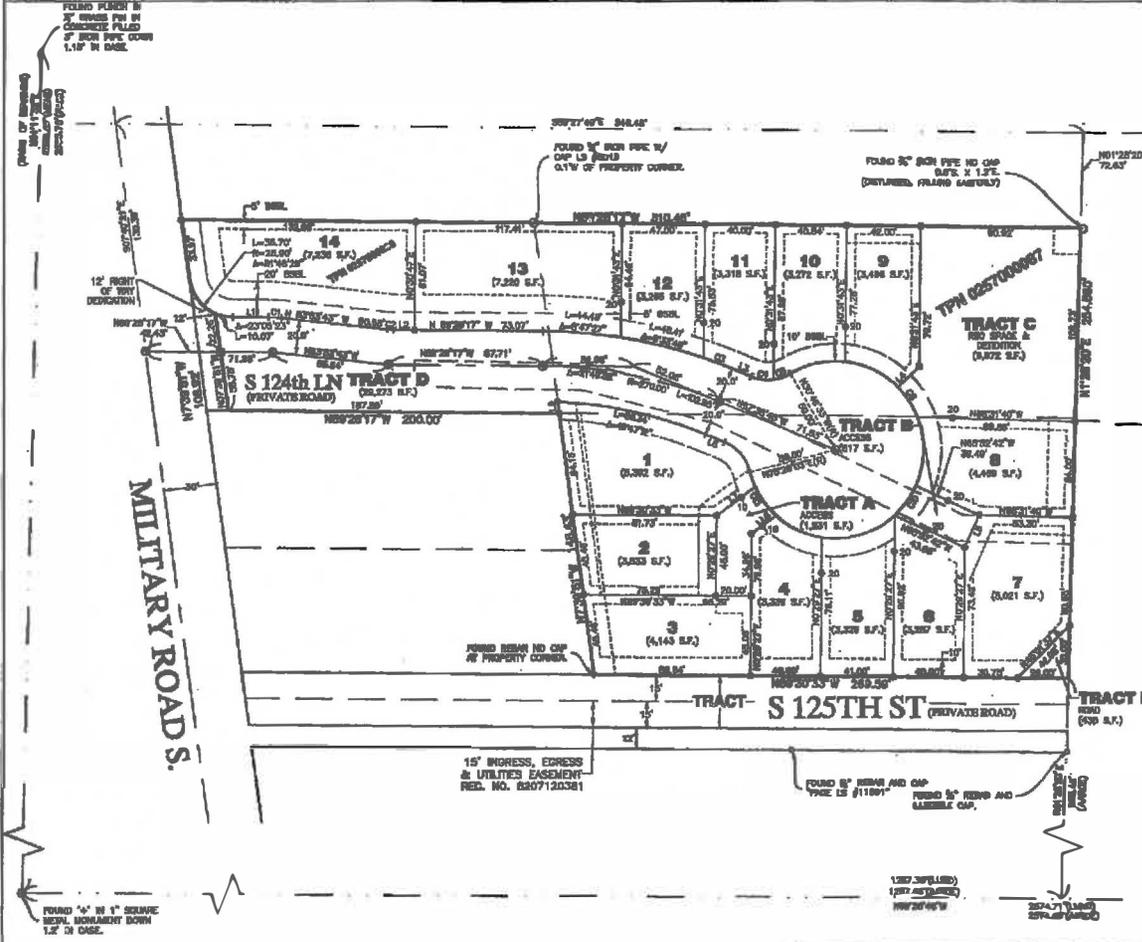
BOULEVARD SAPPHIRE, LLC,  
12412 MILITARY RD. S.  
BURIEN, WA 98168

OWN. BY DMS/AM	DATE 04/28/16	JOB NO. 12-017
CHKD. BY MTSE	SCALE N/A	SHEET 8 OF 3

CITY OF BURIEN, WASHINGTON  
 DEPARTMENT OF COMMUNITY  
 DEVELOPMENT NO.: PLA 12-2131

# PLAT OF BOULEVARD LANDING

RECORDING NO. \_\_\_\_\_ VOL./PAGE \_\_\_\_\_  
 PORTION OF  
 SW 1/4 of SE 1/4, S. 9 T. 23N R. 4E



BASE OF MONUMENT  
 HELD N01°11'32"E ALONG THE WEST  
 LINE OF THE SOUTHWEST QUARTER OF  
 SECTION 8, TOWNSHIP 23 NORTH,  
 RANGE 4 EAST, WILLAMETTE MERIDIAN,  
 IN KING COUNTY, WASHINGTON, PER  
 GPS OBSERVED VALUES.

- SYMBOL LEGEND:**
- MONUMENT IN CHAIN - TO BE SET
  - ⊙ FOUND MONUMENT AS NOTED
  - FOUND 1/2" REBAR AND CAP AS NOTED
  - ⊙ SET 1/2" REBAR AND CAP LS #40084
  - ⊙ SET 20' OFFSET 1/2" REBAR AND CAP LS #40084
  - ⊙ SET 10' OFFSET 1/2" REBAR AND CAP LS #40084
  - ⊙ SET TACK/ALIAS W/REBAR W/SHOUL LS #40084
  - (R) RADIAL BEARING

LINE	BEARING	DISTANCE
L1	N 49°28'17" W	20.14'
L2	N 49°28'17" W	11.88'
L3	N 67°38'45" W	11.53'
L4	N 49°28'42" E	18.73'
L5	N 39°07'18" E	20.00'
L6	S 82°42'02" W	17.25'
L7	S 82°42'02" W	37.25'
L8	S 67°38'45" E	11.88'
L9	N 67°38'45" W	6.88'

CURVE	BEAR.	CHORD	ARC LENGTH
C18	89°07'48"	90.00	23.18'
C9	89°07'25"	90.00	25.14'
C10	89°24'41"	90.00	20.89'
C13	89°04'38"	90.00	26.14'
C14	10°13'00"	90.00	8.63'
C5	33°07'04"	90.00	32.40'
C7	89°02'22"	90.00	24.07'
C8	49°08'10"	90.00	38.84'
C11	89°08'40"	90.00	44.40'
C12	39°34'07"	90.00	29.32'
C4	29°33'35"	29.00	13.04'
C6	39°14'13"	29.00	16.14'
C3	37°08'18"	29.00	17.97'
C2	89°42'29"	29.00	3.41'
C1	83°42'38"	78.00	7.38'

- LINE LEGEND:**
- SITE BOUNDARY LINE
  - LOT LINE
  - RIGHT OF WAY LINE
  - RIGHT OF WAY CENTERLINE
  - WATERLINE / UTILITY EASEMENT LINE
  - SANITARY SEWER EASEMENT LINE
  - STORM DRAINAGE EASEMENT LINE
  - BUILDING SETBACK LINE

15244 THE SPURRY ST  
 SEASIDE, WA 98148  
 TEL: 425-829-6700  
 FAX: 425-829-6880



BOULEVARD SAPPHIRE, LLC,  
 12412 MILITARY RD. S.  
 BURIEN, WA 98168

OWN. BY DMB/JM	DATE 04/28/18	JOB NO. 13-017
CHKD. BY MTC	SCALE N/A	SHEET 3 OF 3



**CITY OF BURIEN  
AGENDA BILL**

<b>Agenda Subject:</b> Motion to Appoint Voting Delegates to the 2016 Association of Washington Cities (AWC) Annual Business Meeting		<b>Meeting Date:</b> June 6, 2016
<b>Department:</b> City Manager	<b>Attachments:</b> <a href="#">Letter from AWC regarding its Annual Business Meeting</a>	<b>Fund Source:</b> N/A <b>Activity Cost:</b> N/A <b>Amount Budgeted:</b> N/A <b>Unencumbered Budget Authority:</b> N/A
<b>Contact:</b> Monica Lusk, City Clerk		
<b>Telephone:</b> (206) 248-5517		
<b>Adopted Work Plan Priority:</b> Yes    No X	<b>Work Plan Item Description:</b> N/A	
<b>PURPOSE/REQUIRED ACTION:</b>		
<p>The purpose of this agenda item is to name the City’s voting delegates for the annual business meeting of the Association of Washington Cities (AWC) during the annual AWC Conference on June 23, 2016.</p>		
<b>BACKGROUND (Include prior Council action &amp; discussion):</b>		
<p>The City Council is allowed to appoint up to three persons to serve as the City’s voting delegates at the AWC annual business meeting, held during the annual AWC conference. According to the AWC Bylaws, “Each member, prior to the annual membership meeting, shall designate three delegates who shall be duly elected or appointed officials or employees of such member to represent the member in the affairs of the corporation, and shall file with the corporation’s Executive Director certificates of such designation prior to the annual member meeting. Voting members’ delegates may be changed at any time, provided the Executive Director receives notice of such change prior to the start of the annual membership meeting.”</p> <p>Councilmembers Nancy Tosta along with City Manager Kamuron Gurol are the elected or appointed officials from Burien who have registered for the 2016 AWC Conference.</p> <p>AWC has requested to receive notification of each city’s voting delegates.</p>		
<b>OPTIONS (Including fiscal impacts):</b>		
<ol style="list-style-type: none"> <li>1. Name up to three voting delegates.</li> <li>2. Do not name any voting delegates.</li> </ol>		
<b>Administrative Recommendation:</b> Name voting delegates for the AWC annual business meeting.		
<b>Advisory Board Recommendation:</b> N/A		
<b>Suggested Motion:</b> Motion to endorse naming Councilmember Nancy Tosta and City Manager Kamuron Gurol as the City’s voting delegates to the AWC Annual Business Meeting on June 23, 2016.		
Submitted by:		
<b>Administration</b> _____	<b>City Manager</b> _____	
<b>Today’s Date:</b> May 27, 2016	<b>File Code:</b> R:/CC/Agenda Bills 2016/060616cm-1 awc voting delegates	



May 16, 2016

To: Lucy Krakowiak, Mayor  
City of Burien

From: Paul Roberts, AWC Board President

Subject: 2016 AWC Business Meeting

AWC invites you to attend the annual **Business Meeting on Thursday, June 23, 2016, 4 – 5:45 pm at the Edward D. Hansen Conference Center at Xfinity Arena** (Ballroom 1 and 2, 2000 Hewitt Ave., Everett) in conjunction with the Annual Conference. On behalf of the AWC Board of Directors, I strongly encourage your city to participate by appointing voting delegates.

AWC bylaws allow each city to appoint up to three voting delegates. The bylaws do not specify a method or form cities must use to appoint delegates. If your city determines these appointments through council action, please share this information with your city council.

Each voting delegate has one vote. Voting delegates have the opportunity to influence the operations of AWC by:

- Electing the members of the AWC Board of Directors, who play a critical leadership role in the success of the Association;
- Voting on amendments to the AWC bylaws, which govern the association's operations; and
- Considering floor amendments to the Statement of Policy.

Once the Mayor, City Manager, or City Council has determined the city's voting delegates for 2016, please send their names and titles to Michelle Catlin, AWC Executive Assistant. The deadline for submitting voting delegates is **Wednesday, June 15, 2016**. You may e-mail or fax this information to Michelle Catlin at [michellec@awcnet.org](mailto:michellec@awcnet.org) or Fax: (360) 753-0149.

AWC's Statement of Policy provides the basis for policy recommendations by AWC's Legislative Priorities Committee, the Board and staff. It is updated at least every six years and was recently updated with committee recommendations in 2014 and amended on the floor at the 2015 Business Meeting. Further changes are not proposed for 2016, but the AWC Bylaws provide for members to propose amendments for floor action. If your city plans to propose a floor amendment, please complete the amendment form on AWC's website [www.awcnet.org/SOPAmendmentForm](http://www.awcnet.org/SOPAmendmentForm) and send it to Regina Adams at [reginaa@awcnet.org](mailto:reginaa@awcnet.org) by Wednesday, June 15.

Additional information on the Business Meeting, the AWC Board of Directors, and the Annual Conference can be found on AWC's website: [awcnet.org](http://awcnet.org).

cc: Kamuron Gurol, City Manager  
Monica Lusk, City Clerk



**CITY OF BURIEN  
AGENDA BILL**

<b>Agenda Subject:</b> Discussion of Ordinance No. 641, Providing for the Issuance of Limited Tax General Obligation and Refunding Bonds		<b>Meeting Date:</b> June 6, 2016
<b>Department:</b> Finance	<b>Attachments:</b> <a href="#">Ordinance No. 641</a>	<b>Fund Source:</b> Real Estate Excise Tax/Debt Service Fund
<b>Contact:</b> Kim Krause, Finance Director		<b>Activity Cost:</b> Not to Exceed \$6.2 million
<b>Telephone:</b> (206) 439-3150		<b>Amount Budgeted:</b> \$0 <b>Unencumbered Budget Authority:</b> \$0
<b>Adopted Initiative:</b> No	<b>Initiative Description:</b> N/A	
<b>PURPOSE/ REQUIRED ACTION:</b>		
<p>The purpose of this agenda item is for Council to hold discussion regarding the issuance of bonds to refund the 2006 Limited Tax General Obligation Bonds.</p>		
<b>BACKGROUND (Include prior Council action &amp; discussion):</b>		
<p>On December 4, 2006, Council approved Ordinance No. 465 to issue \$9,805,000 in Limited Tax General Obligation Bonds for the purpose of providing funds to pay or reimburse a portion of the Town Square project, including a City Hall, Senior and Community Activity Center, Library, Open Space and Street Improvements. Ordinance No. 465 provides that the City may call the 2006 bonds maturing on or after December 1, 2017, for redemption on or after December 1, 2016 at the price of par plus accrued interest. The current bond market is favorable with anticipated savings of more than \$600,000.</p>		
<p>Staff will continue to evaluate the market but requests authority to proceed with the issuance and sale of the bonds to Piper Jaffray, within the principal amount, maximum interest rate and minimum savings parameters set forth in the ordinance.</p>		
<p>If Council approves, staff will prepare a budget amendment for adoption after the sale of the bonds, when actual numbers are known.</p>		
<b>OPTIONS (Including fiscal impacts):</b>		
<ol style="list-style-type: none"> <li>1. Approve Ordinance No. 641 providing for the issuance of Limited Tax General Obligation Refunding Bonds.</li> <li>2. Do not approve Ordinance No. 641.</li> </ol>		
<b>Administrative Recommendation:</b>		
Hold discussion and consider placing on the June 20, 2016, Consent Agenda for approval.		
<b>Advisory Board Recommendation:</b> N/A		
<b>Suggested Motion:</b> None required.		
<b>Submitted by:</b>		
Administration _____		City Manager _____
<b>Today's Date:</b> May 31, 2016	<b>File Code:</b> \\File\records\CC\Agenda Bill 2016\060615ad-Ord 641 2016 LTGO Refunding Bonds.docx	



CITY OF BURIEN, WASHINGTON  
LIMITED TAX GENERAL OBLIGATION REFUNDING BONDS, 2016  
ORDINANCE NO. 641

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AN ORDINANCE OF THE CITY OF BURIEN, WASHINGTON, PROVIDING FOR THE ISSUANCE OF LIMITED TAX GENERAL OBLIGATION REFUNDING BONDS OF THE CITY IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$6,200,000 TO REFUND CERTAIN OUTSTANDING LIMITED TAX GENERAL OBLIGATION BONDS OF THE CITY AND TO PAY COSTS OF ISSUING THE BONDS; AND DELEGATING THE AUTHORITY TO APPROVE THE FINAL TERMS OF THE BONDS.

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PASSED: JUNE \_\_, 2016

PREPARED BY:

PACIFICA LAW GROUP LLP  
Seattle, Washington

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Exhibit A: Form of Bond

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\* This Table of Contents is provided for convenience only and is not a part of this ordinance.

CITY OF BURIEN, WASHINGTON

ORDINANCE NO. 641

---

AN ORDINANCE OF THE CITY OF BURIEN, WASHINGTON, PROVIDING FOR THE ISSUANCE OF LIMITED TAX GENERAL OBLIGATION REFUNDING BONDS OF THE CITY IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$6,200,000 TO REFUND CERTAIN OUTSTANDING LIMITED TAX GENERAL OBLIGATION BONDS OF THE CITY AND TO PAY COSTS OF ISSUING THE BONDS; AND DELEGATING THE AUTHORITY TO APPROVE THE FINAL TERMS OF THE BONDS.

---

**WHEREAS**, the City of Burien, Washington (the “City”), a non-charter optional code city, operating under section 35A of the Revised Code of Washington (“RCW”), has outstanding its Limited Tax General Obligation Bonds, 2006, issued on December 20, 2006, pursuant to Ordinance No. 465 passed by the City Council (the “Council”) on December 4, 2006 (the “2006 Bond Ordinance”), which remain outstanding as follows:

<u>Maturity Dates (December 1)</u>	<u>Principal Amounts</u>	<u>Interest Rates</u>
2016	\$ 470,000	5.00%
2017	490,000	5.00
2018	515,000	3.80
2019	535,000	3.80
2020	555,000	3.85
2021	575,000	3.85
2022	600,000	3.90
2023	625,000	3.90
2024	645,000	3.95
2025	670,000	3.95
2026	700,000	4.00

(the “2006 Bonds”); and

**WHEREAS**, the 2006 Bond Ordinance provides that the City may call the 2006 Bonds maturing on or after December 1, 2017 (the “Refunding Candidates”), for redemption on or after December 1, 2016, in whole or in part on any date, at the price of par plus accrued interest, if any, to the date of redemption; and

**WHEREAS**, after due consideration it appears that all or a portion of the Refunding Candidates (the “Refunded Bonds”) may be defeased and refunded by the proceeds of limited tax general obligation bonds at a savings to the City and its taxpayers; and

**WHEREAS**, the Council deems it in the best interest of the City to issue limited tax general obligation refunding bonds in an aggregate principal amount not to exceed \$6,200,000 (the “Bonds”) to redeem and defease the Refunded Bonds and to pay costs of issuing the Bonds; and

**WHEREAS**, the Council wishes to delegate authority to the City Manager and Finance Director (each, a “Designated Representative”), for a limited time, to approve the interest rates, maturity dates, redemption terms and principal maturities for the Bonds within the parameters set by this ordinance, in order to effect such a refinancing; and

**WHEREAS**, the City expects to receive a proposal from Piper Jaffray & Co. (the “Underwriter”) to underwrite the Bonds, and now desires to authorize the acceptance of such proposal, and the issuance and sale of the Bonds to the Underwriter, all as set forth herein;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON DOES ORDAIN AS FOLLOWS:

Section 1. Definitions and Interpretation of Terms.

(a) *Definitions.* As used in this ordinance, the following words shall have the following meanings:

***Acquired Obligations*** means the Government Obligations acquired by the City under the terms of this ordinance and the Escrow Agreement to effect the defeasance and refunding of the Refunded Bonds, but only to the extent that the same are acquired at Fair Market Value.

***Beneficial Owner*** means any person that has or shares the power, directly or indirectly to make investment decisions concerning ownership of any Bonds (including persons holding Bonds through nominees, depositories or other intermediaries).

***Bond Counsel*** means Pacifica Law Group LLP or an attorney at law or a firm of attorneys, selected by the City, of nationally recognized standing in matters pertaining to the tax exempt nature of interest on bonds issued by states and their political subdivisions.

***Bond Purchase Contract*** means the contract for the purchase of the Bonds between the Underwriter and City, executed pursuant to Section 11.

***Bond Register*** means the registration books showing the name, address and tax identification number of each Registered Owner of the Bonds, maintained for the Bonds in the manner required pursuant to Section 149(a) of the Code.

***Bond Registrar*** means, initially, the fiscal agent of the State, for the purposes of registering and authenticating the Bonds, maintaining the Bond Register, effecting transfer of ownership of the Bonds and paying interest on and principal of the Bonds.

**Bonds** mean the City of Burien, Washington, Limited Tax General Obligation Refunding Bonds, 2016, or other such series designation as approved by a Designated Representative, issued pursuant to this ordinance.

**Call Date** means December 1, 2016.

**City Attorney** means the duly appointed and acting City Attorney of the City or the successor to the duties of that office.

**City** means the City of Burien, Washington, a municipal corporation duly organized and existing by virtue of the laws of the State.

**City Clerk** means the duly appointed and acting City Clerk of the City or the successor to the duties of that office.

**City Manager** means the duly appointed and acting City Manager of the City or the successor to the duties of such office.

**Closing** means the date of delivery of the Bonds to the Underwriter.

**Code** means the Internal Revenue Code of 1986 as in effect on the date of issuance of the Bonds or (except as otherwise referenced herein) as it may be amended to apply to obligations issued on the date of issuance of the Bonds, together with applicable proposed, temporary and final regulations promulgated, and applicable official public guidance published, under the Code.

**Commission** means the Securities and Exchange Commission.

**Council** means the Burien City Council as the general legislative authority of the City, as duly and regularly constituted from time to time.

**Debt Service Fund** means the “City of Burien Limited Tax General Obligation Bond Debt Service Fund” and the accounts held therein.

**Designated Representative** means the City Manager and the Finance Director of the City and any successor to the functions of such offices. The signature of one Designated Representative shall be sufficient to bind the City.

**DTC** means The Depository Trust Company, New York, New York, a limited purpose trust company organized under the laws of the State of New York, as depository for the Bonds pursuant to Section 3.

**Escrow Agent** means U.S. Bank National Association.

**Escrow Agreement** means the Escrow Deposit Agreement between the City and the Escrow Agent authorized to be entered into pursuant to Section 7 of this ordinance.

**Fair Market Value** means the price at which a willing buyer would purchase the investment from a willing seller in a bona fide, arm’s length transaction (determined as of the date

the contract to purchase or sell the investment becomes binding) if the investment is traded on an established securities market (within the meaning of Section 1273 of the Code) and, otherwise, the term “Fair Market Value” means the acquisition price in a bona fide arm’s length transaction (as referenced above) if (i) the investment is a certificate of deposit that is acquired in accordance with applicable regulations under the Code, (ii) the investment is an agreement with specifically negotiated withdrawal or reinvestment provisions and a specifically negotiated interest rate (for example, a guaranteed investment contract, a forward supply contract or other investment agreement) that is acquired in accordance with applicable regulations under the Code, (iii) the investment is a United States Treasury Security--State and Local Government Series that is acquired in accordance with applicable regulations of the United States Bureau of Public Debt, or (iv) any commingled investment fund in which the City and related parties do not own more than a 10% beneficial interest therein if the return paid by the fund is without regard to the source of the investment. To the extent required by the applicable regulations under the Code, the term “investment” will include a hedge.

**Federal Tax Certificate** means the certificate executed by a Designated Representative setting forth the requirements of the Code for maintaining the tax exemption of interest on the Bonds to be dated as of the date of Closing, and attachments thereto.

**Finance Director** means the Finance Director of the City or the successor to the duties of such office.

**Government Obligations** mean those obligations now or hereafter defined as such in chapter 39.53 RCW.

**Letter of Representations** means the Blanket Issuer Letter of Representations from the City to DTC.

**Mayor** means the duly appointed and acting Mayor of the City or the successor to the duties of that office.

**MSRB** means the Municipal Securities Rulemaking Board or any successors to its functions.

**Official Statement** means the disclosure documents prepared and delivered in connection with the issuance of the Bonds.

**Refunded Bonds** mean those Refunding Candidates designated by a Designated Representative for refunding pursuant to Section 7 and Section 11.

**Refunding Account** means the account by that name established pursuant to Section 7.

**Refunding Candidates** mean the outstanding 2006 Bonds maturing on or after December 1, 2017, as shown in the recitals to this ordinance.

**Registered Owner** means the person named as the registered owner of a Bond in the Bond Register. For so long as the Bonds are held in book-entry only form, DTC or its nominee shall be deemed to be the sole Registered Owner.

**Rule** means the Commission’s Rule 15c2-12 under the Securities Exchange Act of 1934, as the same may be amended from time to time.

**State** means the State of Washington.

**2006 Bond Ordinance** means Ordinance No. 465 passed by the Council on December 4, 2006, authorizing the issuance of the 2006 Bonds.

**2006 Bonds** mean the City’s Limited Tax General Obligation Bonds, 2006, issued on December 20, 2006, pursuant to the 2006 Bond Ordinance as described in the recitals of this ordinance.

**Underwriter** means Piper Jaffray & Co., or its successors.

(b) *Interpretation.* In this ordinance, unless the context otherwise requires:

(1) The terms “hereby,” “hereof,” “hereto,” “herein,” “hereunder” and any similar terms, as used in this ordinance, refer to this ordinance as a whole and not to any particular article, section, subdivision or clause hereof, and the term “hereafter” shall mean after, and the term “heretofore” shall mean before, the date of this ordinance;

(2) Words of the masculine gender shall mean and include correlative words of the feminine and neutral genders and words importing the singular number shall mean and include the plural number and vice versa;

(3) Words importing persons shall include firms, associations, partnerships (including limited partnerships), trusts, corporations and other legal entities, including public bodies, as well as natural persons;

(4) Any headings preceding the text of the several articles and sections of this ordinance, and any table of contents or marginal notes appended to copies hereof, shall be solely for convenience of reference and shall not constitute a part of this ordinance, nor shall they affect its meaning, construction or effect; and

(5) All references herein to “articles,” “sections” and other subdivisions or clauses are to the corresponding articles, sections, subdivisions or clauses hereof.

**Section 2. Authorization of Bonds and Bond Details.** For the purpose of refunding the Refunded Bonds and paying costs of issuance of the Bonds and costs related to the administration of the refunding, the City is hereby authorized to issue and sell limited tax general obligation refunding bonds in an aggregate principal amount not to exceed \$6,200,000 (the “Bonds”).

The Bonds shall be general obligations of the City, shall be designated “City of Burien, Washington, Limited Tax General Obligation Refunding Bonds, 2016,” or other such designation as set forth in the Bond Purchase Contract and approved by a Designated Representative. The Bonds shall be dated as of the date of Closing; shall be fully registered as to both principal and interest; shall be in the denomination of \$5,000 each, or any integral multiple thereof, within a maturity; shall be numbered separately in such manner and with any additional designation as the

Bond Registrar deems necessary for purposes of identification; and shall bear interest payable on the dates set forth in the Bond Purchase Contract; and shall mature on the dates and in the principal amounts set forth in the Bond Purchase Contract and as approved by a Designated Representative pursuant to Section 11. The Bonds of any of the maturities may be combined and issued as term bonds, subject to mandatory redemption as provided in the Bond Purchase Contract.

Section 3. Registration, Exchange and Payments.

(a) *Bond Registrar/Bond Register.* The City hereby specifies and adopts the system of registration approved by the State Finance Committee from time to time through the appointment of a state fiscal agent. The City shall cause a bond register to be maintained by the Bond Registrar. So long as any Bonds remain outstanding, the Bond Registrar shall make all necessary provisions to permit the exchange or registration or transfer of Bonds at its designated office. The Bond Registrar may be removed at any time at the option of the Finance Director upon prior notice to the Bond Registrar and a successor Bond Registrar appointed by the Finance Director. No resignation or removal of the Bond Registrar shall be effective until a successor shall have been appointed and until the successor Bond Registrar shall have accepted the duties of the Bond Registrar hereunder. The Bond Registrar is authorized, on behalf of the City, to authenticate and deliver Bonds transferred or exchanged in accordance with the provisions of such Bonds and this ordinance and to carry out all of the Bond Registrar's powers and duties under this ordinance. The Bond Registrar shall be responsible for its representations contained in the Certificate of Authentication of the Bonds.

(b) *Registered Ownership.* The City and the Bond Registrar, each in its discretion, may deem and treat the Registered Owner of each Bond as the absolute owner thereof for all purposes (except as provided in Section 12), and neither the City nor the Bond Registrar shall be affected by any notice to the contrary. Payment of any such Bond shall be made only as described in Section 3(g), but such Bond may be transferred as herein provided. All such payments made as described in Section 3(g) shall be valid and shall satisfy and discharge the liability of the City upon such Bond to the extent of the amount or amounts so paid.

(c) *DTC Acceptance/Letters of Representations.* The Bonds initially shall be held in fully immobilized form by DTC acting as depository. The City has executed and delivered to DTC the Letter of Representations. Neither the City nor the Bond Registrar will have any responsibility or obligation to DTC participants or the persons for whom they act as nominees (or any successor depository) with respect to the Bonds in respect of the accuracy of any records maintained by DTC (or any successor depository) or any DTC participant, the payment by DTC (or any successor depository) or any DTC participant of any amount in respect of the principal of or interest on Bonds, any notice which is permitted or required to be given to Registered Owners under this ordinance (except such notices as shall be required to be given by the City to the Bond Registrar or to DTC (or any successor depository)), or any consent given or other action taken by DTC (or any successor depository) as the Registered Owner. For so long as any Bonds are held in fully-immobilized form, DTC or its successor depository shall be deemed to be the Registered Owner for all purposes hereunder, and all references herein to the Registered Owners shall mean DTC (or any successor depository) or its nominee and shall not mean the owners of any beneficial interest in such Bonds.

(d) *Use of Depository.*

(1) The Bonds shall be registered initially in the name of “Cede & Co.”, as nominee of DTC, with one Bond maturing on each of the maturity dates for the Bonds in a denomination corresponding to the total principal therein designated to mature on such date. Registered ownership of such immobilized Bonds, or any portions thereof, may not thereafter be transferred except (A) to any successor of DTC or its nominee, provided that any such successor shall be qualified under any applicable laws to provide the service proposed to be provided by it; (B) to any substitute depository appointed by the Finance Director pursuant to subsection (2) below or such substitute depository’s successor; or (C) to any person as provided in subsection (4) below.

(2) Upon the resignation of DTC or its successor (or any substitute depository or its successor) from its functions as depository or a determination by the Finance Director to discontinue the system of book entry transfers through DTC or its successor (or any substitute depository or its successor), the Finance Director may hereafter appoint a substitute depository. Any such substitute depository shall be qualified under any applicable laws to provide the services proposed to be provided by it.

(3) In the case of any transfer pursuant to clause (A) or (B) of subsection (1) above, the Bond Registrar shall, upon receipt of all outstanding Bonds, together with a written request on behalf of the Finance Director, issue a single new Bond for each maturity then outstanding, registered in the name of such successor or such substitute depository, or their nominees, as the case may be, all as specified in such written request of the Finance Director.

(4) In the event that (A) DTC or its successor (or substitute depository or its successor) resigns from its functions as depository, and no substitute depository can be obtained, or (B) the Finance Director determines that it is in the best interest of the beneficial owners of the Bonds that such owners be able to obtain such Bonds in the form of Bond certificates, the ownership of such Bonds may then be transferred to any person or entity as herein provided, and shall no longer be held by a depository. The Finance Director shall deliver a written request to the Bond Registrar, together with a supply of physical Bonds, to issue Bonds as herein provided in any authorized denomination. Upon receipt by the Bond Registrar of all then outstanding Bonds together with a written request on behalf of the Finance Director to the Bond Registrar, new Bonds shall be issued in the appropriate denominations and registered in the names of such persons as are requested in such written request.

(e) *Registration of Transfer of Ownership or Exchange; Change in Denominations.* The transfer of any Bond may be registered and Bonds may be exchanged, but no transfer of any such Bond shall be valid unless it is surrendered to the Bond Registrar with the assignment form appearing on such Bond duly executed by the Registered Owner or such Registered Owner’s duly authorized agent in a manner satisfactory to the Bond Registrar. Upon such surrender, the Bond Registrar shall cancel the surrendered Bond and shall authenticate and deliver, without charge to the Registered Owner or transferee therefor, a new Bond (or Bonds at the option of the new Registered Owner) of the same date, maturity and interest rate and for the same aggregate principal amount in any authorized denomination, naming as Registered Owner the person or persons listed as the assignee on the assignment form appearing on the surrendered Bond, in exchange for such

surrendered and cancelled Bond. Any Bond may be surrendered to the Bond Registrar and exchanged, without charge, for an equal aggregate principal amount of Bonds of the same date, maturity, and interest rate, in any authorized denomination. The Bond Registrar shall not be obligated to register the transfer of or to exchange any Bond during the 15 days preceding any principal payment or redemption date.

(f) *Bond Registrar's Ownership of Bonds.* The Bond Registrar may become the Registered Owner of any Bond with the same rights it would have if it were not the Bond Registrar, and to the extent permitted by law, may act as depository for and permit any of its officers or directors to act as a member of, or in any other capacity with respect to, any committee formed to protect the right of the Registered Owners of Bonds.

(g) *Place and Medium of Payment.* Both principal of and interest on the Bonds shall be payable in lawful money of the United States of America. Interest on the Bonds shall be calculated on the basis of a year of 360 days and twelve 30-day months. For so long as all Bonds are held by DTC, payments of principal and interest thereon shall be made as provided in accordance with the operational arrangements of DTC referred to in the Letter of Representations. In the event that the Bonds are no longer held by a depository, interest on the Bonds shall be paid by check or draft mailed to the Registered Owners at the addresses for such Registered Owners appearing on the Bond Register on the fifteenth day of the month preceding the interest payment date, or upon the written request of a Registered Owner of more than \$1,000,000 of Bonds (received by the Bond Registrar at least 15 days prior to the applicable payment date), such payment shall be made by the Bond Registrar by wire transfer to the account within the United States designated by the Registered Owner. Principal of the Bonds shall be payable upon presentation and surrender of such Bonds by the Registered Owners at the designated office of the Bond Registrar.

If any Bond shall be duly presented for payment and funds have not been duly provided by the City on such applicable date, then interest shall continue to accrue thereafter on the unpaid principal thereof at the rate stated on such Bonds until it is paid.

#### Section 4. Redemption Prior to Maturity and Purchase of Bonds.

(a) *Mandatory Redemption of Term Bonds and Optional Redemption, if any.* The Bonds shall be subject to mandatory redemption to the extent, if any, as set forth in the Bond Purchase Contract and as approved by a Designated Representative pursuant to Section 11. The Bonds shall be subject to optional redemption on the dates, at the prices and under the terms set forth in the Bond Purchase Contract approved by a Designated Representative pursuant to Section 11.

(b) *Purchase of Bonds.* The City reserves the right to purchase any of the Bonds at any time at a price deemed reasonable by a Designated Representative.

(c) *Selection of Bonds for Redemption.* For as long as the Bonds are held in book-entry only form, the selection of particular Bonds within a maturity to be redeemed shall be made in accordance with the operational arrangements then in effect at DTC. If the Bonds are no longer held by a depository, the selection of such Bonds to be redeemed and the surrender and reissuance

thereof, as applicable, shall be made as provided in the following provisions of this subsection (c). If the City redeems at any one time fewer than all of the Bonds having the same maturity date, the particular Bonds or portions of Bonds of such maturity to be redeemed shall be selected by lot (or in such manner determined by the Bond Registrar) in increments of \$5,000. In the case of a Bond of a denomination greater than \$5,000, the City and the Bond Registrar shall treat each Bond as representing such number of separate Bonds each of the denomination of \$5,000 as is obtained by dividing the actual principal amount of such Bond by \$5,000. In the event that only a portion of the principal sum of a Bond is redeemed, upon surrender of such Bond at the designated office of the Bond Registrar there shall be issued to the Registered Owner, without charge therefor, for the then unredeemed balance of the principal sum thereof, at the option of the Registered Owner, a Bond or Bonds of like maturity and interest rate in any of the denominations herein authorized.

(d) *Notice of Redemption.*

(1) Official Notice. For so long as the Bonds are held by a depository, notice of redemption (which notice may be conditional) shall be given in accordance with the operational arrangements of DTC as then in effect, and neither the City nor the Bond Registrar will provide any notice of redemption to any Beneficial Owners. Thereafter (if the Bonds are no longer held in uncertificated form), notice of redemption shall be given in the manner hereinafter provided. Unless waived by any owner of Bonds to be redeemed, official notice of any such redemption shall be given by the Bond Registrar on behalf of the City by mailing a copy of an official redemption notice by first class mail at least 20 days and not more than 60 days prior to the date fixed for redemption to the Registered Owner of the Bond or Bonds to be redeemed at the address shown on the Bond Register or at such other address as is furnished in writing by such Registered Owner to the Bond Registrar.

All official notices of redemption shall be dated and shall state:

- (A) the redemption date,
- (B) the redemption price,
- (C) if fewer than all outstanding Bonds are to be redeemed, the identification by maturity (and, in the case of partial redemption, the respective principal amounts) of the Bonds to be redeemed,
- (D) any conditions to redemption;
- (E) that (unless such notice is conditional) on the redemption date the redemption price will become due and payable upon each such Bond or portion thereof called for redemption, and that interest thereon shall cease to accrue from and after said date, and
- (F) the place where such Bonds are to be surrendered for payment of the redemption price, which place of payment shall be the designated office of the Bond Registrar.

On or prior to any redemption date, unless any condition to such redemption has not been satisfied or waived or notice of such redemption has been rescinded, the City shall deposit with the Bond Registrar an amount of money sufficient to pay the redemption price of all the Bonds or

portions of Bonds which are to be redeemed on that date. The City retains the right to rescind any redemption notice and the related optional redemption of Bonds by giving notice of rescission to the affected registered owners at any time on or prior to the scheduled redemption date. Any notice of optional redemption that is so rescinded shall be of no effect, and the Bonds for which the notice of optional redemption has been rescinded shall remain outstanding.

(2) Effect of Notice; Bonds Due. If notice of redemption has been given and not rescinded or revoked, or if the conditions set forth in a conditional notice of redemption have been satisfied or waived, the Bonds or portions of Bonds to be redeemed shall, on the redemption date, become due and payable at the redemption price therein specified, and, if the Bond Registrar then holds sufficient funds to pay such Bonds at the redemption price, then from and after such date such Bonds or portions of Bonds shall cease to bear interest. Upon surrender of such Bonds for redemption in accordance with said notice, such Bonds shall be paid by the Bond Registrar at the redemption price. Installments of interest due on or prior to the redemption date shall be payable as herein provided for payment of interest. All Bonds which have been redeemed shall be canceled by the Bond Registrar and shall not be reissued.

(3) Additional Notice. In addition to the foregoing notice, further notice shall be given by the City as set out below, but no defect in said further notice nor any failure to give all or any portion of such further notice shall in any manner defeat the effectiveness of a call for redemption if notice thereof is given as above prescribed. Each further notice of redemption given hereunder shall contain the information required above for an official notice of redemption plus (A) the CUSIP numbers of all Bonds being redeemed; (B) the date of issue of the Bonds as originally issued; (C) the rate of interest borne by each Bond being redeemed; (D) the maturity date of each Bond being redeemed; and (E) any other descriptive information needed to identify accurately the Bonds being redeemed. Each further notice of redemption may be sent at least 20 days before the redemption date to each party entitled to receive notice pursuant to Section 12 and with such additional information as the City shall deem appropriate, but such mailings shall not be a condition precedent to the redemption of such Bonds.

(4) Amendment of Notice Provisions. The foregoing notice provisions of this Section 4, including but not limited to the information to be included in redemption notices and the persons designated to receive notices, may be amended by additions, deletions and changes in order to maintain compliance with duly promulgated regulations and recommendations regarding notices of redemption of municipal securities.

Section 5. Form of Bonds. The Bonds shall be in substantially the form set forth in Exhibit A, which is incorporated herein by this reference.

Section 6. Execution of Bonds. The Bonds shall be executed on behalf of the City with the manual or facsimile signatures of the Mayor and City Clerk of the City and the seal of the City shall be impressed, imprinted or otherwise reproduced thereon.

In case either of the officers who shall have executed the Bonds shall cease to be an officer or officers of the City before the Bonds so signed shall have been authenticated or delivered by the Bond Registrar, or issued by the City, such Bonds may nevertheless be authenticated, delivered and issued and upon such authentication, delivery and issuance, shall be as binding upon the City

as though those who signed the same had continued to be such officers of the City. Any Bond may be signed and attested on behalf of the City by such persons who at the date of the actual execution of such Bond, are the proper officers of the City, although at the original date of such Bond any such person shall not have been such officer of the City.

Only such Bonds as shall bear thereon a Certificate of Authentication in the form hereinbefore recited, manually executed by the Bond Registrar, shall be valid or obligatory for any purpose or entitled to the benefits of this ordinance. Such Certificate of Authentication shall be conclusive evidence that the Bonds so authenticated have been duly executed, authenticated and delivered hereunder and are entitled to the benefits of this ordinance.

Section 7. Refunding Plan; Application of Bond Proceeds.

(a) *Refunding Plan.* For the purpose of realizing a debt service savings and benefiting the taxpayers of the City, the Council proposes to refund and defease the Refunded Bonds as set forth herein. The Refunded Bonds shall include those Refunding Candidates (or portions thereof) as are selected by a Designated Representative and set forth in the Bond Purchase Contract. A portion of the proceeds of the Bonds and other available funds of the City, if any, shall be deposited with the Escrow Agent pursuant to the Escrow Agreement to be used immediately upon receipt thereof to defease the Refunded Bonds as authorized by the 2006 Bond Ordinance and to pay costs of issuance of the Bonds.

The net proceeds deposited with the Escrow Agent shall be used to defease the Refunded Bonds and discharge the obligations thereon by the purchase of certain Government Obligations (which obligations so purchased, are herein called "Acquired Obligations"), bearing such interest and maturing as to principal and interest in such amounts and at such times which, together with any necessary beginning cash balance, will provide for the payment of interest on the Refunded Bonds due and payable on and prior to the Call Date and the redemption prices of the Refunded Bonds on the Call Date.

Such Acquired Obligations shall be purchased at a yield not greater than the yield permitted by the Code and regulations relating to acquired obligations in connection with refunding bond issues.

(b) *Escrow Agent/Escrow Agreement.* The City hereby appoints U.S. Bank National Association, as the Escrow Agent. A cash balance, if any, and the Acquired Obligations shall be deposited irrevocably with the Escrow Agent in an amount sufficient to defease the Refunded Bonds. The proceeds of the Bonds remaining after acquisition of the Acquired Obligations and provision for the necessary cash balance shall be utilized to pay expenses of the acquisition and safekeeping of the Acquired Obligations and expenses of the issuance of the Bonds.

In order to carry out the purposes of this Section 7, a Designated Representative is authorized and directed to execute and deliver to the Escrow Agent the Escrow Agreement.

(c) *Call for Redemption of Refunded Bonds.* The City hereby calls the Refunded Bonds for redemption on their Call Date in accordance with the provisions of the 2006 Bond Ordinance authorizing the redemption and retirement of the 2006 Bonds prior to their fixed maturities. Said

defeasance and call for redemption of the Refunded Bonds shall be irrevocable after the issuance of the Bonds and delivery of the Acquired Obligations to the Escrow Agent.

The Designated Representatives and the Escrow Agent are hereby authorized and directed to provide for the giving of notices of the redemption of the Refunded Bonds in accordance with the provisions of the 2006 Bond Ordinance. The costs of publication of such notices shall be an expense of the City.

The Escrow Agent is hereby authorized and directed to pay to the Finance Director, or, at the direction of the Finance Director, to the paying agent for the Refunded Bonds, sums sufficient to pay, when due, the payments specified in this Section 7. All such sums shall be paid from the money and Acquired Obligations deposited with the Escrow Agent, and the income therefrom and proceeds thereof. All such sums so paid to said Finance Director shall be credited to the Refunding Account for the refunding of the Refunded Bonds, which is hereby authorized to be created, or to pay costs of issuance. All moneys and Acquired Obligations deposited with the Escrow Agent and any income therefrom shall be held, invested (but only at the direction of the Finance Director) and applied in accordance with the provisions of this ordinance and the Escrow Agent and with the laws of the State for the benefit of the City and owners of the Refunded Bonds.

The City will take such actions as are found necessary to see that all necessary and proper fees, compensation and expenses of the Escrow Agent for the Refunded Bonds shall be paid when due.

**Section 8. Tax Covenants.** The City will take all actions necessary to assure the exclusion of interest on the Bonds from the gross income of the owners of the Bonds to the same extent as such interest is permitted to be excluded from gross income under the Code as in effect on the date of issuance of the Bonds, including but not limited to the following:

(a) *Private Activity Bond Limitation.* The City will assure that the proceeds of the Bonds are not so used as to cause the Bonds to satisfy the private business tests of Section 141(b) of the Code or the private loan financing test of Section 141(c) of the Code.

(b) *Limitations on Disposition of Project.* The City will not sell or otherwise transfer or dispose of (i) any personal property components of the projects financed with proceeds of the Refunded Bonds (the "Projects") other than in the ordinary course of an established government program under Treasury Regulation 1.141-2(d)(4) or (ii) any real property components of the Projects, unless it has received an opinion of Bond Counsel to the effect that such disposition will not adversely affect the treatment of interest on the Bond as excludable from gross income for federal income tax purposes.

(c) *Federal Guarantee Prohibition.* The City will not take any action or permit or suffer any action to be taken if the result of such action would be to cause any of the Bonds to be "federally guaranteed" within the meaning of Section 149(b) of the Code.

(d) *Rebate Requirement.* The City will take any and all actions necessary to assure compliance with Section 148(f) of the Code, relating to the rebate of excess investment earnings, if any, to the federal government, to the extent that such section is applicable to the Bonds.

(e) *No Arbitrage.* The City will not take, or permit or suffer to be taken by the Escrow Agent or otherwise, any action with respect to the proceeds of the Bonds which, if such action had been reasonably expected to have been taken, or had been deliberately and intentionally taken, on the date of issuance of the Bonds would have caused the Bonds to be “arbitrage bonds” within the meaning of Section 148 of the Code.

(f) *Registration Covenant.* The City will maintain a system for recording the ownership of each Bond that complies with the provisions of Section 149 of the Code until all Bonds have been surrendered and canceled.

(g) *Record Retention.* The City will retain its records of all accounting and monitoring it carries out with respect to the Bonds for at least three years after the Bonds mature or are redeemed (whichever is earlier); however, if the Bonds are redeemed and refunded, the City will retain its records of accounting and monitoring at least three years after the earlier of the maturity or redemption of the obligations that refunded the Bonds.

(h) *Compliance with Federal Tax Certificate.* The City will comply with the provisions of the Federal Tax Certificate with respect to the Bonds, which are incorporated herein as if fully set forth herein. The covenants of this Section will survive payment in full or defeasance of the Bonds.

(i) *Bank Qualification.* The City hereby designates the Bonds as “qualified tax-exempt obligations” for purposes of paragraph (3) of Section 265(b) of the Code and represents that not more than \$10,000,000 aggregate principal amount of obligations the interest on which is excludable (under Section 103(a) of the Code) from gross income for federal income tax purposes (excluding (i) private activity bonds, as defined in Section 141 of the Code, except qualified 501(c)(3) bonds as defined in Section 145 of the Code and (ii) current refunding obligations to the extent the amount of the refunding obligation does not exceed the outstanding amount of the refunded obligation), has been or will be issued by the City, including all subordinate entities of the City, during the calendar year 2016.

Section 9. Debt Service Fund and Provision for Tax Levy Payments. The City hereby authorizes the creation of one or more accounts in the City’s Debt Service Fund to be used for the payment of debt service on the Bonds. No later than the date each payment of principal or interest on the Bonds becomes due, the City shall transmit sufficient funds, from the Debt Service Fund or from real estate excise tax revenue or other legally available sources, to the Bond Registrar for the payment of such principal or interest. Money in the Debt Service Fund may be invested in legal investments for City funds, but only to the extent that the same are acquired, valued and disposed of at Fair Market Value.

The City hereby irrevocably covenants and agrees for as long as any of the Bonds are outstanding and unpaid that each year it will include in its budget and levy an *ad valorem* tax upon all the property within the City subject to taxation in an amount that will be sufficient, together with all other revenues and money of the City legally available for such purposes, to pay the principal of and interest on the Bonds when due.

The City hereby irrevocably pledges that the annual property tax provided for herein to be levied for the payment of such principal and interest shall be within and as a part of the regular property tax levy permitted to cities without a vote of the people, and that a sufficient portion of each annual levy to be levied and collected by the City prior to the full payment of the principal of and interest on the Bonds will be and is hereby irrevocably set aside, pledged and appropriated for the payment of the principal of and interest on the Bonds. The full faith, credit and resources of the City are hereby irrevocably pledged for the annual levy and collection of said taxes and for the prompt payment of the principal of and interest on the Bonds when due.

Section 10. Defeasance. In the event that the City, to effect the payment, retirement or redemption of any Bond, sets aside in the Debt Service Fund or in another special account, cash or noncallable Government Obligations, or any combination of cash and/or noncallable Government Obligations, in amounts and maturities which, together with the known earned income therefrom, are sufficient to redeem or pay and retire such Bond in accordance with its terms and to pay when due the interest and redemption premium, if any, thereon, and such cash and/or noncallable Government Obligations are irrevocably set aside and pledged for such purpose, then no further payments need be made into the Debt Service Fund for the payment of the principal of and interest on such Bond. The owner of a Bond so provided for shall cease to be entitled to any lien, benefit or security of this ordinance except the right to receive payment of principal, premium, if any, and interest from the Debt Service Fund or such special account, and such Bond shall be deemed to be not outstanding under this ordinance. The City shall give written notice of defeasance in accordance with Section 12.

Section 11. Sale of Bonds.

(a) *Bond Sale.* The Bonds shall be sold at negotiated sale to the Underwriter pursuant to the terms of the Bond Purchase Contract. The Council has determined that it would be in the best interest of the City to delegate to the Designated Representatives for a limited time the authority to approve the selection of the Refunded Bonds and the final interest rates, aggregate principal amount, principal amounts of each maturity of the Bonds, and redemption rights for the Bonds.

Each Designated Representative is hereby authorized to approve the final interest rates, aggregate principal amount, principal amounts of each maturity of the Bonds, and redemption rights for the Bonds and to select the Refunded Bonds in the manner provided hereafter so long as:

- (1) the aggregate principal amount of the Bonds does not exceed \$6,200,000;
- (2) the final maturity date for the Bonds is no later than December 1, 2026;
- (3) the Bonds are sold (in the aggregate) at a price not less than 97% and not greater than 130%;
- (4) the Bonds are sold for a price that results in a minimum net present value debt service savings over the Refunded Bonds of 5.0%;

(5) the true interest cost for the Bonds (in the aggregate) does not exceed 3.00%; and

(6) the Bonds conform to all other terms of this ordinance.

Subject to the terms and conditions set forth in this Section 11, the Designated Representatives are each hereby authorized to execute the Bond Purchase Contract. The signature of one Designated Representative shall be sufficient to bind the City.

Following the execution of the Bond Purchase Contract, a Designated Representative shall provide a report to the Council describing the final terms of the Bonds approved pursuant to the authority delegated in this section. The authority granted to the Designated Representatives by this Section 11 shall expire 120 days after the effective date of this ordinance. If a Bond Purchase Contract for the Bonds has not been executed within 120 days after the effective date of this ordinance, the authorization for the issuance of the Bonds shall be rescinded, and the Bonds shall not be issued nor their sale approved unless such Bonds shall have been re-authorized by ordinance of the Council. The ordinance re-authorizing the issuance and sale of such Bonds may be in the form of a new ordinance repealing this ordinance in whole or in part or may be in the form of an amendatory ordinance approving a bond purchase contract or establishing terms and conditions for the authority delegated under this Section 11.

(b) *Delivery of Bonds; Documentation.* Upon the execution and delivery of the Bond Purchase Contract, the proper officials of the City, including the Designated Representatives, are authorized and directed to undertake all action necessary for the prompt execution and delivery of the Bonds to the Underwriter and further to execute all closing certificates and documents required to effect the closing and delivery of the Bonds in accordance with the terms of the Bond Purchase Contract. Such documents may include, but are not limited to, documents related to a municipal bond insurance policy delivered by an insurer to insure the payment when due of the principal of and interest on the Bonds as provided therein, if such insurance is determined by a Designated Representative to be in the best interest of the City.

(c) *Preliminary and Final Official Statements.* The Finance Director is hereby authorized to deem final the preliminary Official Statement relating to the Bonds for the purposes of the Rule. The Finance Director is further authorized to approve for purposes of the Rule, on behalf of the City, the final Official Statement relating to the issuance and sale of the Bonds and the distribution of the final Official Statement pursuant thereto with such changes, if any, as may be deemed to be appropriate.

Section 12. Undertaking to Provide Ongoing Disclosure.

(a) *Contract/Undertaking.* This section constitutes the City's written undertaking for the benefit of the owners, including Beneficial Owners, of the Bonds as required by Section (b)(5) of the Rule.

(b) *Financial Statements/Operating Data.* The City agrees to provide or cause to be provided to the MSRB, the following annual financial information and operating data for the prior fiscal year (commencing in 2016 for the fiscal year ended December 31, 2015):

(1) Annual financial statements, which statements may or may not be audited, showing ending fund balances for the City's general fund prepared in accordance with the Budgeting Accounting and Reporting System prescribed by the State Auditor pursuant to RCW 43.09.200 (or any successor statute) and generally of the type included in the Official Statement for the Bonds;

- (2) The assessed valuation of taxable property in the City;
- (3) Ad valorem taxes due and percentage of taxes collected;
- (4) Property tax levy rate per \$1,000 of assessed valuation; and
- (5) Outstanding general obligation debt of the City.

Items 2-5 shall be required only to the extent that such information is not included in the annual financial statements.

The information and data described above shall be provided on or before the end of nine months (September 30) after the end of the City's fiscal year. The City's fiscal year currently ends on December 31. The City may adjust such fiscal year by providing written notice of the change of fiscal year to the MSRB. In lieu of providing such annual financial information and operating data, the City may cross-reference to other documents available to the public on the MSRB's internet website or filed with the Commission.

If not provided as part of the annual financial information discussed above, the City shall provide the City's audited annual financial statement prepared in accordance with the Budgeting Accounting and Reporting System prescribed by the State Auditor pursuant to RCW 43.09.200 (or any successor statute) when and if available to the MSRB.

(c) *Listed Events.* The City agrees to provide or cause to be provided to the MSRB, in a timely manner not in excess of 10 business days after the occurrence of the event, notice of the occurrence of any of the following events with respect to the Bonds:

- Principal and interest payment delinquencies;
- Non-payment related defaults, if material;
- Unscheduled draws on debt service reserves reflecting financial difficulties;
- Unscheduled draws on credit enhancements reflecting financial difficulties;
- Substitution of credit or liquidity providers, or their failure to perform;
- Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the Bonds, or other material events affecting the tax status of the Bonds;
- Modifications to the rights of Bondholders, if material;
- Optional, contingent or unscheduled Bond calls other than scheduled sinking fund redemptions for which notice is given pursuant to Exchange Act Release 34-23856, if material, and tender offers;

- Defeasances;
- Release, substitution, or sale of property securing repayment of the Bonds, if material;
- Rating changes;
- Bankruptcy, insolvency, receivership or similar event of the City;
- The consummation of a merger, consolidation, or acquisition involving the City or the sale of all or substantially all of the assets of the City, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material; and
- Appointment of a successor or additional trustee or the change of name of a trustee, if material.

(d) *Format for Filings with the MSRB.* All notices, financial information and operating data required by this undertaking to be provided to the MSRB must be in an electronic format as prescribed by the MSRB. All documents provided to the MSRB pursuant to this undertaking must be accompanied by identifying information as prescribed by the MSRB.

(e) *Notification Upon Failure to Provide Financial Data.* The City agrees to provide or cause to be provided to the MSRB notice of its failure to provide the annual financial information described in Subsection (b) above on or prior to the date set forth in Subsection (b) above.

(f) *Termination/Modification.* The City's obligations to provide annual financial information and notices of listed events shall terminate upon the legal defeasance, prior redemption or payment in full of all of the Bonds. Any provision of this section shall be null and void if the City (1) obtains an opinion of Bond Counsel to the effect that the portion of the Rule that requires that provision is invalid, has been repealed retroactively or otherwise does not apply to the Bonds and (2) notifies the MSRB of such opinion and the cancellation of this section.

The City may amend this section, without the consent of Bond owners, with an opinion of Bond Counsel in accordance with the Rule. In the event of any amendment of this section, the City shall describe such amendment in the next annual report, and shall include a narrative explanation of the reason for the amendment and its impact on the type (or in the case of a change of accounting principles, on the presentation) of financial information or operating data being presented by the City. In addition, if the amendment relates to the accounting principles to be followed in preparing financial statements, (A) notice of such change shall be given in the same manner as for a listed event under Subsection (c), and (B) the annual report for the year in which the change is made shall present a comparison (in narrative form and also, if feasible, in quantitative form) between the financial statements as prepared on the basis of the new accounting principles and those prepared on the basis of the former accounting principles.

(g) *Bond Owner's Remedies Under This Section.* The right of any Bond owner or Beneficial Owner of Bonds to enforce the provisions of this section shall be limited to a right to obtain specific enforcement of the City's obligations under this section, and any failure by the City to comply with the provisions of this undertaking shall not be an event of default with respect to the Bonds.

(h) *No Default.* Except as otherwise disclosed in the City's Official Statement relating to the Bonds, the City is not and has not been in default in the performance of its obligations of any prior undertaking for ongoing disclosure with respect to its obligations.

Section 13. Lost, Stolen or Destroyed Bonds. In case any Bond or Bonds shall be lost, stolen or destroyed, the Bond Registrar may authenticate and deliver a new Bond or Bonds of like date, number and tenor to the Registered Owner thereof upon the Registered Owner's paying the expenses and charges of the City and the Bond Registrar in connection therewith and upon his/her filing with the City evidence satisfactory to the City that such Bond was actually lost, stolen or destroyed and of his/her ownership thereof, and upon furnishing the City and/or the Bond Registrar with indemnity satisfactory to the City and the Bond Registrar.

Section 14. Severability; Ratification. If any one or more of the covenants or agreements provided in this ordinance to be performed on the part of the City shall be declared by any court of competent jurisdiction to be contrary to law, then such covenant or covenants, agreement or agreements, shall be null and void and shall be deemed separable from the remaining covenants and agreements of this ordinance and shall in no way affect the validity of the other provisions of this ordinance or of the Bonds. All acts taken pursuant to the authority granted in this ordinance but prior to its effective date are hereby ratified and confirmed.

Section 15. Effective Date of Ordinance. This ordinance shall take effect and be in force five (5) days from and after its passage, approval, and publication, as required by law. A summary of this ordinance, consisting of the title, may be published in lieu of publishing the ordinance in its entirety.

Section 16. Corrections by Clerk. Upon approval of the City Attorney and Bond Counsel, the Clerk is hereby authorized to make necessary corrections to this ordinance, including but not limited to the correction of clerical errors; references to other local, state or federal laws, codes, rules, or regulations; ordinance numbering and section/subsection numbering; and other similar necessary corrections.

PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 20TH DAY OF JUNE, 2016, AND SIGNED IN AUTHENTICATION OF ITS PASSAGE ON THIS \_\_\_ DAY OF JUNE, 2016.

CITY OF BURIEN, WASHINGTON

\_\_\_\_\_  
Mayor

ATTEST/AUTHENTICATED:

\_\_\_\_\_  
City Clerk

Approved as to form:

\_\_\_\_\_  
Pacifica Law Group LLP, Bond Counsel

Filed with the City Clerk: \_\_\_\_\_

Adopted by the City Council: \_\_\_\_\_

Ordinance No. \_\_\_\_\_

Date of Publication: \_\_\_\_\_

Exhibit A

Form of Bond

[DTC LANGUAGE]

UNITED STATES OF AMERICA

NO. \_\_\_\_\_

\$ \_\_\_\_\_

STATE OF WASHINGTON

CITY OF BURIEN

LIMITED TAX GENERAL OBLIGATION REFUNDING BOND, 2016

INTEREST RATE: %

MATURITY DATE:

CUSIP NO.:

REGISTERED OWNER: CEDE & CO.

PRINCIPAL AMOUNT:

The City of Burien, Washington (the "City"), hereby acknowledges itself to owe and for value received promises to pay to the Registered Owner identified above, or registered assigns, on the Maturity Date identified above, the Principal Amount indicated above and to pay interest thereon from \_\_\_\_\_, 2016, or the most recent date to which interest has been paid or duly provided for until payment of this bond at the Interest Rate set forth above, payable on \_\_\_\_\_ 1, 2016, and semiannually thereafter on the first days of each succeeding \_\_\_\_\_ and \_\_\_\_\_. Both principal of and interest on this bond are payable in lawful money of the United States of America. The fiscal agent of the State of Washington has been appointed by the City as the authenticating agent, paying agent and registrar for the bonds of this issue (the "Bond Registrar"). For so long as the bonds of this issue are held in fully immobilized form, payments of principal and interest thereon shall be made as provided in accordance with the operational arrangements of The Depository Trust Company ("DTC") referred to in the Blanket Issuer Letter of Representations (the "Letter of Representations") from the City to DTC.

The bonds of this issue are issued under and in accordance with the provisions of the Constitution and applicable statutes of the State of Washington and Ordinance No.639 duly passed by the City Council on June 20, 2016 (the "Bond Ordinance"). Capitalized terms used in this bond have the meanings given such terms in the Bond Ordinance.

This bond shall not be valid or become obligatory for any purpose or be entitled to any security or benefit under the Bond Ordinance until the Certificate of Authentication hereon shall have been manually signed by or on behalf of the Bond Registrar or its duly designated agent.

This bond is one of an authorized issue of bonds of like series, date, tenor, rate of interest and date of maturity, except as to number and amount in the aggregate principal amount of \$ \_\_\_\_\_ and is issued pursuant to the Bond Ordinance to provide a portion of the funds

necessary (a) to refund and/or defease certain limited tax general obligation bonds of the City, and (b) to pay costs of issuance and costs related to the administration of the refunding.

The bonds of this issue [are/are not] subject to redemption as provided in the Bond Ordinance and in the Bond Purchase Contract.

The City hereby irrevocably covenants and agrees with the owner of this bond that it will include in its annual budget and levy taxes annually, within and as a part of the tax levy permitted to the City without a vote of the electorate, upon all the property within the City subject to taxation in amounts sufficient, together with other money legally available therefor, to pay the principal of and interest on this bond as the same shall become due. The full faith, credit and resources of the City are hereby irrevocably pledged for the annual levy and collection of such taxes and the prompt payment of such principal and interest.

The bonds of this issue have been designated by the City as “qualified tax-exempt obligations” for investment by financial institutions under Section 265(b) of the Code.

The pledge of tax levies for payment of principal of and interest on the bonds may be discharged prior to maturity of the bonds by making provision for the payment thereof on the terms and conditions set forth in the Bond Ordinance.

It is hereby certified that all acts, conditions and things required by the Constitution and statutes of the State of Washington to exist and to have happened, been done and performed precedent to and in the issuance of this bond exist and have happened, been done and performed and that the issuance of this bond and the bonds of this issue does not violate any constitutional, statutory or other limitation upon the amount of bonded indebtedness that the City may incur.

IN WITNESS WHEREOF, the City of Burien, Washington, has caused this bond to be executed by the manual or facsimile signatures of the Mayor and the City Clerk and the seal of the City to be imprinted, impressed or otherwise reproduced hereon as of this \_\_\_\_ day of \_\_\_\_\_, 2016.

[SEAL]

CITY OF BURIEN, WASHINGTON

By \_\_\_\_\_ /s/ manual or facsimile  
Mayor

ATTEST:

\_\_\_\_\_/s/ manual or facsimile  
City Clerk

The Bond Registrar’s Certificate of Authentication on the Bonds shall be in substantially the following form:

CERTIFICATE OF AUTHENTICATION

Date of Authentication: \_\_\_\_\_

This bond is one of the bonds described in the within-mentioned Bond Ordinance and is one of the Limited Tax General Obligation Refunding Bonds, 2016, of the City of Burien, Washington, dated \_\_\_\_\_, 2016.

WASHINGTON STATE FISCAL AGENT,  
as Bond Registrar

By \_\_\_\_\_

CERTIFICATE

I, the undersigned, City Clerk of the City Council of the City of Burien, Washington (the "City"), DO HEREBY CERTIFY:

1. The attached copy of Ordinance No. 641 (the "Ordinance") is a full, true and correct copy of an ordinance duly passed at a regular meeting of the City Council of the City held at the regular meeting place thereof on June \_\_, 2016, as that ordinance appears in the minute book of the City; and the Ordinance will be in full force and effect five (5) days after its passage and publication as provided by law; and

2. That said meeting was duly convened and held in all respects in accordance with law, and to the extent required by law, due and proper notice of such meeting was given; that a legal quorum was present throughout the meeting and a legally sufficient number of members of the Council voted in the proper manner for the passage of said Ordinance; that all other requirements and proceedings incident to the proper passage of said Ordinance have been fully fulfilled, carried out and otherwise observed; and that I am authorized to execute this certificate.

3. That Ordinance No. 641 has not been amended, supplemented or rescinded since its passage and is in full force and effect and that I am authorized to execute this certificate.

IN WITNESS WHEREOF, I have hereunto set my hand this \_\_ day of June, 2016.

---

City Clerk



**CITY OF BURIEN  
AGENDA BILL**

<b>Agenda Subject:</b> Discussion and Potential Action to Adopt Ordinance No. 644, Amending the 2015-2016 Biennial Budget to Recognize Revenue for the Sale of the NERA Property and to Appropriate Expenditures to Repay the 2013 Line of Credit		<b>Meeting Date:</b> June 6, 2016
<b>Department:</b> Finance	<b>Attachments:</b> <a href="#">Ordinance No. 644</a>	<b>Fund Source:</b> General <b>Activity Cost:</b> \$4.275 million <b>Amount Budgeted:</b> \$0 <b>Unencumbered Budget Authority:</b> \$0
<b>Contact:</b> Kim Krause, Finance Director		
<b>Telephone:</b> (206) 439-3150		
<b>Adopted Initiative:</b> No	<b>Initiative Description:</b> N/A	
<b>PURPOSE/ REQUIRED ACTION:</b>		
<p>The purpose of this agenda item is to discuss and potentially adopt Ordinance No. 644 amending the 2015-2016 Biennial Budget.</p>		
<b>BACKGROUND (Include prior Council action &amp; discussion):</b>		
<p>On August 5, 2013, Council approved Ordinance No. 584 to issue a Limited Tax General Obligation Bond for \$3.6 million to purchase property in the Northeast Redevelopment Area, for the purpose of resale and redevelopment. The bond was issued in the form of a line of credit from Key Bank. On January 25, 2016, Council approved a purchase and sale agreement with Latitude Development, LLC for \$4.5 million. The sale was executed on May 17, 2016 and the City received net proceeds of \$4,266,061.91. Staff is requesting that Council approve a budget amendment to recognize the sale revenue and pay off the line of credit principal and interest. Staff is also requesting that Council waive the two touch rule and approve the ordinance tonight to stop further accrual of interest expense. The balance due on the line of credit is \$3,538,562. Staff is waiting for Key Bank to provide a final payoff but estimates that interest expense will not exceed \$75,000. The amounts included in the attached ordinance are rounded up to the nearest \$25,000.</p>		
<b>OPTIONS (Including fiscal impacts):</b>		
<ol style="list-style-type: none"> <li>1. Approve Ordinance No. 644 amending the 2015-2016 Biennial Budget to recognize revenue for the sale of the NERA property and to appropriate expenditures to repay the 2013 line of credit principal and interest.</li> <li>2. Do not approve Ordinance No. 644.</li> </ol>		
<b>Administrative Recommendation:</b> Hold discussion and approve Ordinance No. 644.		
<b>Advisory Board Recommendation:</b> N/A		
<b>Suggested Motion:</b> Move to Adopt Ordinance No. 644, Amending the 2015-2016 Biennial Budget.		
<b>Submitted by:</b> Administration _____ City Manager _____		
<b>Today's Date:</b> May 31, 2016	<b>File Code:</b> <a href="#">\\File\records\CC\Agenda Bill 2016\060615ad2-Budget Amendment for Sale of NERA Property.docx</a>	



# CITY OF BURIEN, WASHINGTON

## ORDINANCE NO. 644

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### **AN ORDINANCE OF THE CITY OF BURIEN, WASHINGTON, AMENDING THE 2015-2016 BIENNIAL BUDGET OF THE CITY OF BURIEN, WASHINGTON TO RECOGNIZE REVENUE FOR THE SALE OF THE NORTH EAST REDEVELOPMENT AREA (NERA) PROPERTY AND APPROPRIATE EXPENDITURES TO REPAY THE 2013 LINE OF CREDIT**

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WHEREAS, the City of Burien adopted the 2015-2016 Biennial Budget by Ordinance No. 618; and

WHEREAS, the City amended Ordinance No. 618 by adopting Ordinance No. 628; and

WHEREAS, in 2013 and 2014, the City purchased two parcels of land in the Northeast Redevelopment Area (NERA) for the purpose of resale and redevelopment; and

WHEREAS, in 2013, the City issued a Limited Tax General Obligation Bond in the form of a line of credit from Key Bank in the amount of \$3.6 million to purchase the NERA property; and

WHEREAS, the City recently sold the NERA property and received net proceeds in the amount of \$4,266,062, deposited into the General Fund; and

WHEREAS, the City will transfer most of the proceeds from the sale of the NERA property to the Debt Service Fund to repay the \$3,538,562 balance on the line of credit plus interest expense estimated not to exceed \$75,000; and

WHEREAS, the balance of the sale proceeds will reimburse the General Fund for interest and other expenses incurred to prepare the property for resale and redevelopment; and

WHEREAS, the attached budget ordinance recognizes the revenue from the property sale and increases the expenditures to repay the line of credit principal and interest; and

WHEREAS, the amounts in the attached budget ordinance have been rounded up to the nearest \$25,000; and

WHEREAS, staff recommends the 2015-2016 Revised Biennial Budget be amended to reflect this additional revenue and increased expenditures to repay the Line of Credit and accrued interest in full.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. The revenues and expenditures for the General Fund and Debt Service Fund are hereby amended as follows:

The following table shows the changes to the 2016 Budget:

<b>Operating Funds - Resources</b>	<b>Changes to Beginning Fund Balance</b>	<b>Changes to Revenues</b>	<b>Changes to Transfers In</b>	<b>Changes to Total Resources</b>
General Fund	\$ -	\$ 4,275,000	\$ -	\$ 4,275,000
Debt Service Fund	-	-	3,625,000	3,625,000
<b>Total Resources</b>	<b>\$ -</b>	<b>\$ 4,275,000</b>	<b>\$ 3,625,000</b>	<b>\$ 7,900,000</b>
<b>Operating Funds - Uses</b>	<b>Changes to Expenditures</b>	<b>Changes to Transfers Out</b>	<b>Changes to Ending Fund Balance</b>	<b>Changes to Total Uses</b>
General Fund	\$ -	\$ 3,625,000	\$ 650,000	\$ 4,275,000
Debt Service Fund	3,625,000	-	-	3,625,000
<b>Total Uses</b>	<b>\$ 3,625,000</b>	<b>\$ 3,625,000</b>	<b>\$ 650,000</b>	<b>\$ 7,900,000</b>

The following table shows the amended 2016 Budget:

<b>Operating Funds - Resources</b>	<b>Beginning Fund Balance</b>	<b>Revenues</b>	<b>Transfers In</b>	<b>Total Resources</b>
General Fund	\$ 11,533,275	\$ 27,784,300	\$ 173,000	\$ 39,490,575
Debt Service Fund	48,870	242,000	6,165,000	6,455,870
<b>Total Resources</b>	<b>\$ 11,582,145</b>	<b>\$ 28,026,300</b>	<b>\$ 6,338,000</b>	<b>\$ 45,946,445</b>
<b>Operating Funds - Uses</b>	<b>Expenditures</b>	<b>Transfers Out</b>	<b>Ending Fund Balance</b>	<b>Total Uses</b>
General Fund	\$ 23,977,370	\$ 4,040,000	\$ 11,473,205	\$ 39,490,575
Debt Service Fund	6,393,980	-	61,890	6,455,870
<b>Total Uses</b>	<b>\$ 30,371,350</b>	<b>\$ 4,040,000</b>	<b>\$ 11,535,095</b>	<b>\$ 45,946,445</b>

Section 2. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 3. Effective Date. This ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

**ADOPTED** BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE \_\_\_ DAY OF \_\_\_\_\_, 2016, AND SIGNED IN AUTHENTICATION OF ITS PASSAGE THIS \_\_\_ DAY OF \_\_\_\_\_, 2016.

CITY OF BURIEN

\_\_\_\_\_  
Lucy Krakowiak, Mayor

ATTEST/AUTHENTICATED:

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Monica Lusk, City Clerk

Approved as to form:

---

Soojin Kim, City Attorney

Filed with the City Clerk:  
Passed by the City Council:  
Ordinance No. 644  
Date of Publication:



**CITY OF BURIEN  
AGENDA BILL**

<b>Agenda Subject:</b> Discussion and potential action to authorize Letter of Agreement with the U.S. Attorney’s Office (USAO) regarding City Hall/Library		<b>Meeting Date:</b> June 6, 2016
<b>Department:</b> Legal/Public Works	<b>Attachments:</b> Letter of Agreement with the USAO to resolve findings regarding the City Hall/Library building	<b>Fund Source:</b> N/A
<b>Contact:</b> Soojin Kim/Brian Roberts		<b>Activity Cost:</b> N/A
<b>Telephone:</b> (206) 248-5531/(206)439-3164		<b>Amount Budgeted:</b> N/A <b>Unencumbered Budget Authority:</b> N/A
<b>Adopted Initiative:</b> No	<b>Initiative Description:</b> N/A	

**PURPOSE/ REQUIRED ACTION:**

The purpose of this agenda item is to have the City Council authorize approval of the attached letter agreement with the USAO to resolve the findings of the U.S. Department of Justice arising from its investigation of a complaint that the Burien City Hall/King County Library building is not accessible to and usable by individuals with disabilities. Given that this matter involves legal risk to the City, remarks in this agenda bill and in public session are intentionally brief. The USAO’s offer to issue a Letter of Resolution on the terms attached is unlikely to extend past June 6, 2016. Absent voluntary compliance, the USAO will explore its options to take legal action against the City. The Council is urged to take action at the June 6 meeting to authorize the letter agreement. If Council Members have any questions, please save them for a confidential communication to the City Attorney.

**BACKGROUND (Include prior Council action & discussion):**

Prompted by a complaint which the United States Department of Justice has assigned the number DJ# 204-82-275, the U.S. Attorney’s Office for the Western District of Washington has been investigating whether the City of Burien violated Title II of the Americans with Disabilities Act of 1990 (“ADA”) and its implementing regulation, by failing to ensure that Burien City Hall is accessible to and usable by individuals with disabilities, including individuals who use wheelchairs. The outcome of the investigation is the USAO’s determination that two discrete areas within the City Hall/Library building and its surrounding off-site parking area are not in compliance with the 2010 ADA Standards for Accessible Design (“Standards”). These Standards comprise the ADA’s architectural requirements for newly constructed facilities.

The USAO has offered to issue a Letter of Resolution if the City Council authorizes the City to execute the attached Letter Agreement to complete the following modifications within nine months, and the City provides evidence of their completion:

1. Provide two accessible on-street parking spaces (that meet ADA Standards) along the block perimeter of Burien City Hall. It should be noted that the City provides accessible on-site parking on the street-level of the garage, but the USAO has indicated that because the City provides 25-50 on-street parallel parking spaces along the building’s block perimeter, the Standards require two accessible on-street parking spaces.
2. Modify the emergency two-way communication device located within the common use elevator in the City Hall/Library building so that the communication device can be accessed without voice communication.
3. Modify the third floor drinking fountain so that it has two, not just one, drinking fountain spout, and build it so that one spout is no higher than 36 inches above the finished floor and the second spout mounted between 38 inches and 43 inches above the finished floor.

The Public Works Department’s very preliminary estimate of cost to complete the modifications is less than \$100,000. It is expected that the King County Library System will pay some portion of the cost to modify common elements.

[Note as of June 1, 2016: The USDOJ is expected to approve the attached Letter of Agreement, but has not yet officially approved it. That approval is expected by close of business June 2, 2016, which is after the publication deadline of the Council's agenda.]

**OPTIONS (Including fiscal impacts):**

1. Authorize the proposed Letter of Agreement with the USAO. This will mean that Public Works will need Council to approve funds to pay contractors to complete the modifications.
2. Reject the proposed Letter of Agreement with the USAO and accept the risk of potential legal action by the USAO, potential (but unknown) associated costs of defense and judgments.

**Administrative Recommendation:**

Authorize the attached Letter of Agreement with the USAO to resolve findings regarding the City Hall/Library building

**Advisory Board Recommendation:**

N/A

**Suggested Motion:**

I move to authorize the City Manager to execute the Letter Agreement with the USAO to resolve findings regarding the City Hall/Library building, the substance of which is attached to this agenda bill.

**Submitted by:**

Administration \_\_\_\_\_

City Manager \_\_\_\_\_

**Today's Date:** June 1, 2016

**File Code:** [Click here and begin typing.](#)



## U. S. Department of Justice

United States Attorney  
Western District of Washington

Please reply to:  
J. Michael Diaz  
Assistant United States Attorney

700 Stewart St., Suite 5220  
Seattle, WA 98101-1271  
[www.usdoj.gov/usao/waw](http://www.usdoj.gov/usao/waw)

Tel: (206) 553-7970  
Fax: (206) 553-0882

June 2, 2016

City of Burien  
Attn: Soojin E. Kim, City Attorney  
400 SW 152<sup>nd</sup> St. Ste. 300  
Burien, WA 98166

RE: Investigation of ADA Complaint Against Burien City Hall  
DOJ# 204-82-275; USAO# 2013v00776

Dear Ms. Kim:

This letter constitutes an offer to close an investigation of a complaint identified as DJ# 204-82-275. If this letter is signed by the City, it will become a letter agreement to resolve the findings of the United States Department of Justice. Prompted by that complaint, the United States Department of Justice has been investigating whether the City of Burien violated Title II of the Americans with Disabilities Act of 1990 (“ADA”), and its implementing regulation at 28 C.F.R. Part 35, by failing to ensure that Burien City Hall is readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs. 28 C.F.R. § 35.149-151. The United States Department of Justice (“Department”) investigated this complaint under the authority granted by Section 203(b) of the ADA, 42 U.S.C. § 12133(b).

After evaluating the documentation obtained during our on-site reviews on September 29, 2015 and May 19, 2016, we have determined that there are two discrete areas within the Burien City Hall and King County Library building and its surrounding offsite parking area that are not in compliance with Title II and its implementing regulation, including the ADA Standards for Accessible Design’s (“ADA Standards” or “Standards”) architectural requirements for newly constructed and altered facilities.<sup>1</sup>

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<sup>1</sup> The ADA Standards for Accessible Design consist of the 1991 Standards, 28 C.F.R. Pt. 36, App. D, and the 2010 Standards, which consist of the 2004 ADAAG, Appendices B and D to 36 C.F.R. Pt. 1191 (2009), and the requirement contained in subpart D of 28 C.F.R. Pt. 36. 28 C.F.R. § 36.104. The ADA also applies to the public rights-of-way.

The following is a list of the features and elements of the facilities which, based upon our on-site review and evaluation of the facilities, do not comply with the Standards and a discussion of how we believe the City may be brought into compliance with the requirements of the Standards.

I. On-street parking along building's block perimeter

1. There are between 25-50 on-street parallel parking spaces provided along the block perimeter of Burien City Hall. Therefore, accessible on-street parking must also be provided. The City would need to provide a total of two accessible parking spaces along the perimeter to be in compliance with the ADA. PROW §§ R214, R309.

II. Common Use Elevator

2. The emergency two-way communication device located within the common use elevator in the building shared by Burien City Hall and the King County Library currently requires voice communication. To be in compliance with the ADA, the communication device must be modified so that it can be accessed without voice communication. Standards §§206.3, 206.6, 407.1, 105.2.2, ASME A17.1.

III. Third Floor

3. There is only one drinking fountain spout located on the third floor constituting Burien City Hall. No fewer than two drinking fountains shall be provided. One drinking fountain shall have a spout outlet no higher than 36" above the finish floor. The second drinking fountain, for standing persons, shall have a spout outlet mounted between 38" and 43" above the finish floor. Standards §§ 211.2, 602.7.

We are offering to close our investigation and issue a Letter of Resolution if, within nine months of the effective date of this Agreement, you provide us with evidence that you have completed the following modifications pursuant to the ADA Standards.

If the City wishes to accept the Department's offer of letter of resolution, please provide written confirmation that the City will undertake the actions outlined in this letter by signing this letter in the space provided below and return it to us within ten (10) business days of the date of this letter. If you have any questions or would like to discuss this matter further, please call me within that same time frame.

This offer of resolution is limited to the allegations of complaint DJ# 204-82-275 as described above and does not address the resolution of any other alleged violations of the ADA or other federal laws that may exist or arise, including any that may exist or arise in connection with the Complainant in ADA Complaint DJ# 204-82-275.

Thank you for your continued cooperation. You may contact me at (206) 557-4358 or by e-mail at [Michael.Diaz@usdoj.gov](mailto:Michael.Diaz@usdoj.gov).

Sincerely,

ANNETTE L. HAYES  
United States Attorney

Handwritten signature of J. Michael Diaz in black ink.

J. MICHAEL DIAZ  
Assistant United States Attorney

The City of Burien of King County, Washington will take the actions outlined in this letter to achieve compliance with the requirements of Title II of the ADA in order to resolve the allegations in DOJ #204-82-275. The person signing below represents that he/she is authorized to bind the City of Burien, WA to this letter.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name and Title



**CITY OF BURIEN  
AGENDA BILL**

<b>Agenda Subject:</b> Discussion on Preliminary Ordinance 642, granting a franchise to Astound Broadband, LLC D/B/A Wave for installing fiber optic cable in City Rights-of-Way		<b>Meeting Date:</b> June 6, 2016
<b>Department:</b> Legal, Public Works	<b>Attachments:</b> 1. <a href="#">Preliminary Ordinance 642</a>	<b>Fund Source:</b> NA
<b>Contact:</b> Brian Roberts		<b>Activity Cost:</b> NA
<b>Telephone:</b> (206) 439-3164		<b>Amount Budgeted:</b> NA <b>Unencumbered Budget Authority:</b> NA
<b>Adopted Initiative:</b> No	<b>Initiative Description:</b> NA	
<p><b>PURPOSE/ REQUIRED ACTION:</b> The purpose of this item is to have discussion on Preliminary Ordinance 642, granting a franchise to Astound Broadband, LLC for installing fiber optic cables in City rights of way.</p> <p><b>BACKGROUND:</b> The City has received a request from Astound Broadband, LLC D/B/A Wave for a franchise to install fiber optic cable in City rights of way. Astound Broadband is a wholly owned subsidiary of WaveDivision Holdings, LLC headquartered in Kirkland, WA, whose primary business is providing wholesale broadband fiber services. Astound’s customers in Burien will be businesses requiring large capacity internet and telecom services, such as financial institutions, industrial institutions, hospitals, clinics, schools, and governments.</p> <p><b>ANALYSIS:</b> Astound’s proposed route though Burien is mostly overhead, using Seattle City Light poles. However, the franchise requires the overhead cable to be relocated underground at such future time as the City may direct, which would most likely be when the streets are improved and other utilities are undergrounded. The proposed franchise ordinance contains the following additional significant provisions:</p> <ol style="list-style-type: none"> <li>1. Franchise term is five years with automatic five year renewal unless cancelled by either party;</li> <li>2. Construction/installation must meet or exceed all legally required technical standards, must have City permits, and must be coordinated with planned work by City and other right of way users;</li> <li>3. Unused or abandoned facilities must be removed or become City property at City’s discretion;</li> <li>4. Insurance and a \$100,000 security fund must be provided;</li> <li>5. \$5,000 franchise processing fee, 6% utility tax on gross revenues, and right of way use permit fees must be paid;</li> <li>6. Astound must provide additional ducts, conduit or overhead facilities if requested, and incremental cost is paid, by the City;</li> <li>7. Noncompliance with franchise terms is grounds for terminating the franchise.</li> </ol> <p><b>OPTIONS (Including fiscal impacts):</b> N/A</p>		
<b>Administrative Recommendation:</b> Discuss the proposed ordinance and consider placing it on the June 20 <sup>th</sup> Consent Agenda for adoption.		
<b>Advisory Board Recommendation:</b> N/A		
<b>Suggested Motion:</b> N/A		
<b>Submitted by:</b> Administration _____ City Manager _____		
<b>Today’s Date:</b> June 1, 2016		<b>File Code:</b> R:/CC/Agenda Bills 2016/060616pw-2 Astound



**CITY OF BURIEN, WASHINGTON  
ORDINANCE NO. 642**

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**AN ORDINANCE OF THE CITY OF BURIEN, WASHINGTON,  
GRANTING A NON-EXCLUSIVE FRANCHISE TO ASTOUND  
BROADBAND, LLC D/B/A WAVE, TO INSTALL, OPERATE AND  
MAINTAIN FIBER OPTIC CABLES IN PUBLIC RIGHTS OF WAY OF  
THE CITY OF BURIEN AND SETTING FORTH TERMS AND  
CONDITIONS OF THE FRANCHISE**

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WHEREAS, the City of Burien (“City”) is authorized by applicable law to grant one or more nonexclusive franchises to construct, operate, and maintain fiber optic cables within the boundaries of the City; and

WHEREAS, Astound Broadband, LLC, a limited liability company organized and existing under the laws of the State of Washington (“Franchisee”) is a competitive telecommunications company providing telecommunication services, which desires to occupy City rights-of-ways to install, construct, operate, and maintain its telecommunications facilities and network for the purpose of providing services to its customers at locations within the City; and

WHEREAS, Franchisee has applied to the City for a non-exclusive franchise to enter, occupy, and use City rights-of-way to construct, install, operate, maintain, and repair fiber optic facilities to offer and provide telecommunications service for hire, sale, or resale in the City of Burien; and

WHEREAS, the Federal Communications Act of 1934, as amended by the 1996 Telecommunications Act relating to telecommunications providers, recognizes and provides local government authority to manage the public rights-of-way and to require fair and reasonable compensation on a competitively neutral and nondiscriminatory basis; and

WHEREAS, a franchise does not include, and is not a substitute for any other permit, agreement, or other authorization required by the City, including without limitation, permits required in connection with construction activities in City rights-of-way, which must be administratively approved by the City after review of specific plans; and

WHEREAS, Franchisee shall be responsible for its actual costs in using, occupying and repairing City rights-of-way; and

WHEREAS, the City and Franchisee desire to effectuate good coordination of the use of the rights-of-way; and

WHEREAS, the public has had adequate notice and opportunity to comment on this franchise during a public proceeding; and

WHEREAS, the City Council finds that the franchise terms and conditions contained in this Ordinance are in the public interest.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON, DOES ORDAIN AS FOLLOWS:

**Section 1. Definitions.** For the purposes of this Ordinance, the following terms, phrases, words, and their derivations will have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural include the singular, and words in the singular include the plural. Words not defined will have the meaning ascribed to those words in the Burien Municipal Code (“BMC”) or in the Federal Communications Act of 1934 as amended, unless inconsistent herewith.

“Affiliate” means any Person who owns or controls, is owned by or controlled by, or is under common ownership or control with Franchisee.

“Cable Service” means the one-way transmission to subscribers of video programming or other programming service and subscriber interaction, if any, which is required for the selection or use of such video programming or other programming service.

“City” means the City of Burien.

“City Council” means the governing legislative body of the City.

“Conduit” means optical cable housing, jackets, or casing, and pipes, tubes, or tiles used for receiving and protecting wires, lines, cables, and communication and signal lines.

“Costs” means costs, expenses, and other financial obligations of any kind whatsoever.

“Dark Fiber” means properly functioning optical cable, which is not used or available for use by Franchisee or the general public.

“Effective Date” means five days following the publication of this Franchise or a summary thereof occurs in an official newspaper of the City as provided by law.

“Facilities” means, collectively, any and all telecommunications transmission systems and appurtenances owned by Franchisee, now and in the future, in the Franchise Area, including, but not limited to, wire, radio, optical cable, electromagnetic or other similar types of equipment, and related appurtenances, in any way comprising part of the System.

“FCC” means the Federal Communications Commission or its designated representative.

“Franchise Area” means the area within the jurisdictional boundaries of the City, including annexed area.

“Incremental Costs” means the actual and necessary costs incurred, which exceed costs that would have otherwise been incurred. Incremental costs shall not include any part, portion, or proration of costs, of any kind whatsoever, including without limitation overhead or labor costs that would have otherwise been incurred.

“Optical Cable” means wires, lines, cables and communication and signal lines used to convey communications by fiber optics.

“Person” means any individual, firm, partnership, association, corporation, company, or organization of any kind.

“Public Way” or “Right-of-Way” means any highway, street, road, sidewalk, alley, or other public right of way or public utility easement under the jurisdiction and control of the City, which has been acquired, established, dedicated, or devoted to such purposes.

“Telecommunications” means the transmission, between or among points specified by the user, of information of the user’s choosing, without change in the form or content of the information as sent and received.

“Telecommunications Applications Fees and Charges” means fees and charges related to right-of-way management, construction permit, permit design fee, building permit, encroachment permit, inspections, and pavement restoration.

“Telecommunications Service” means the offering of telecommunications for a fee directly to the public or to such classes of users as to be effectively available directly to the public, regardless of the Facilities used.

“Telecommunications System” or “System” means only those Facilities necessary for Franchisee to provide Telecommunications Service.

“Underground Facilities” means Facilities located under the surface of the ground, other than underground foundations or supports for overhead Facilities.

“Utility Poles” means poles, and crossarms, devices, and attachments directly affixed to such poles, which are used for the transmission and distribution of electrical energy, signals, or other methods of communication.

## **Section 2. Franchise - Grant and Authorization.**

A. The City grants to Franchisee, subject to the terms and conditions of this Franchise, a non-exclusive franchise to enter, occupy, and use Public Ways for constructing, installing, operating, maintaining, repairing, and removing Telecommunications Facilities necessary to provide Telecommunications Services. Franchisee shall construct, install, operate, maintain, repair, and remove its Facilities at its expense, except as expressly provided otherwise in this Franchise, and in accordance with the Burien Municipal Code, including but not limited to the right-of-way use provisions and permitting requirements of Title 12 BMC.

B. Nothing in this Franchise grants authority to Franchisee to enter, occupy, or use City property, except Public Ways as provided in Section 2(A) above.

C. Any rights, privileges, and authority granted to Franchisee under this Franchise are subject to the legitimate rights of the police power of the City to adopt and enforce, in a reasonable and non-discriminatory manner, general ordinances necessary to protect the safety and welfare of the public, and nothing in this Franchise excuses Franchisee from its obligation to comply with all applicable general laws enacted by the City pursuant to such power. Any conflict between the terms or conditions of this Franchise and any other present or future exercise of the City's police powers will be resolved in favor of the exercise of the City's police power.

D. Nothing in this Franchise excuses Franchisee of its obligation to identify its Facilities and proposed Facilities and their location or proposed location in the Public Ways and to obtain use and/or development authorization and permits from the City before entering, occupying, or using Public Ways to construct, install, operate, maintain, repair, or remove such Facilities.

E. Nothing in this Franchise excuses Franchisee of its obligation to comply with applicable City, Federal, State and local codes, rules, regulations, and published standards.

F. Nothing in this Franchise shall be construed to limit taxing authority or other lawful authority to impose charges or fees, or to excuse Franchisee of any obligation to pay lawfully imposed charges or fees.

G. Nothing in this Franchise shall be construed to create a duty upon the City to be responsible for construction of Facilities or to modify Public Ways to accommodate Franchisee's Facilities.

H. Nothing in this Franchise grants authority to Franchisee to provide or offer Cable Service or be a multichannel video programming distributor ("MVPD").

I. Franchisee may use the wired Facilities authorized by this Franchise for the transmission of Telecommunications Service only as expressly provided in this Franchise.

J. Nothing in this Franchise shall be construed to create, expand, or extend any liability of the City to any third party user of Franchisee's Facilities or to otherwise recognize or create third party beneficiaries to this Franchise.

K. Nothing in this Franchise shall be construed to permit Franchisee to unlawfully enter or construct improvements upon the property or premises of another.

**Section 3. Term.** Authorization granted under this Franchise shall be for a period of five (5) years from the effective date of this Franchise. This shall be referred to as the primary term. The Franchise will automatically renew for one successive period of five (5) years unless cancelled at the end of the primary term by either party by written notice to the other party no less than 180 calendar days prior to the end of the primary term.

#### **Section 4. Location, Colocation, and Relocation of Facilities.**

A. Franchisee must place its Facilities underground except as otherwise expressly provided herein or in the Burien Municipal Code. Subject to the terms and conditions of this Franchise and the Burien Municipal Code, Franchisee may place optical cable, optical cable housing, and splicing connections on existing utility poles as overhead Facilities, if approved by the owner of the utility poles and if approved by the City. All other Facilities, including, without limitation, Facilities required to operate or maintain such optical cable, optical cable housing, and splicing connections must be underground Facilities if they are located in a Public Way, provided that this requirement shall not apply to Facilities excepted by BMC 12.40.040.

B. Franchisee's Facilities shall not interfere with the use of Public Ways or City property by the City, the general public, or other persons authorized to enter, occupy, or use Public Ways or City property. Whenever new Facilities will exhaust the capacity of a Public Way to reasonably accommodate future users or Facilities, the Franchisee shall provide nondiscriminatory access to its Facilities to future users and facilities. However, Franchisee shall not permit installations by others in the Franchise Area without written approval of the City, which approval shall not be in lieu of a franchise or other requirements of the City and shall not abrogate Franchisee's responsibility for compliance with this Franchise by third party users of the Telecommunications System.

C. Franchisee shall not impair or damage any City property, Public Way, other ways, or other property, whether publicly or privately owned.

D. Franchisee shall provide the City with information in such form requested by the City, which accurately reflects the horizontal and vertical location and configuration of all of Franchisee's Facilities. Franchisee shall provide the City with updated information upon request by the City.

E. Franchisee shall relocate its Facilities at the request of the City, whenever there is construction, alteration, repair or improvement of a Public Way. Franchisee shall complete the relocation by the date specified by the City, unless the City in its sole discretion establishes a later date for completion, after a showing by Franchisee that the relocation cannot be completed by the date specified using best efforts and meeting safety and service requirements. Franchisee shall relocate its Facilities at its expense when such relocation is necessary for the benefit of the general public, but when such relocation is primarily for the benefit of a private party or parties, Franchisee shall be reimbursed by the private party or parties in accordance with RCW 35.99.060.

F. Franchisee shall relocate its Facilities at its expense at the request of the City in the event of an unforeseen emergency that creates an immediate threat to the public safety, health or welfare.

G. Franchisee shall install its Facilities in alleys rather than streets, wherever economically reasonable and technically feasible, unless otherwise authorized by the Public Works Director.

H. Prior to installation, alteration or maintenance of its Facilities in the Public Way,

Franchisee shall provide the City with a work schedule and a map showing the planned location of the Facilities. Upon completion of the work, Franchisee shall provide the City with as-built maps showing the final location of the Facilities. If requested, Franchisee shall also provide the City an electronic format of aerial and underground Facilities in relation to the Right-of-Way centerline to enable the City to add this information to the City's GIS program.

**Section 5. Poles, Conduit, Structures, and Property Owned by Others.** Franchisee shall obtain written approval from the owners of utility poles, conduit, structures, and property not owned by Franchisee, prior to attaching to or otherwise using such poles, conduit, structures or property, and shall provide proof of such approval to the satisfaction of the City. Where the City owns the utility poles, conduit, or structures, the Franchisee shall comply with City Code provisions as required for a specific project plan and permit submittal and shall enter into a separate lease or license agreement with the City. The City makes no representation and assumes no responsibility for the availability of utility poles, structures, and property owned by third parties for the installation of Franchisee's Facilities. The City shall not be liable for the unavailability of utility poles, structures, and property owned by the City or third parties for any reason whatsoever. The installation of Facilities by Franchisee on or in the poles, structures, or property owned by others shall be subject to and limited by the owner's authority to enter, occupy, and use Public Ways. In the event that the authority of the owner of poles, structures, or property to enter, occupy, and use the Public Ways either expires, terminates, or is cancelled, the authority of Franchisee to construct, install, operate, maintain, and repair Franchisee's Facilities at such locations may be immediately cancelled at the sole option of the City. The City shall not be liable for the costs of removal of Facilities arising from expiration, termination, or cancellation of any pole owner's authority to enter, occupy, or use Public Ways for any reason whatsoever.

**Section 6. Construction and Installation Requirements.**

A. The technical performance of the Facilities must meet or exceed all applicable technical standards authorized or required by applicable law, regardless of the transmission technology utilized. The City shall have the full authority permitted by applicable law to enforce compliance with such technical standards.

B. All Facilities shall be installed in accordance with the best engineering, quality, and construction practices and standards of the telecommunications industry.

C. All Facilities shall be constructed and installed in such manner and at such points so as not to materially inconvenience City or public use of the Public Ways or to adversely affect the public health, safety or welfare and in conformity with plans approved by the City, except in instances in which deviation may be allowed by the City.

D. Franchisee's installations and operations shall conform to all federal, state, local, and industry codes, rules, regulations, published standards and laws. Franchisee must cease work immediately, if the City determines that Franchisee is not in compliance with such codes, rules, regulations, standards or laws, and may not begin or resume work until the City determines that

Franchisee is in compliance. The City shall not be liable for any costs arising out of delays occurring as a result of such work stoppage.

E. The Telecommunications System constructed, maintained and operated pursuant to this Franchise shall be so constructed, maintained and operated in accordance with all applicable engineering codes adopted or approved by the City, State of Washington, federal government, and/or engineering profession and in accordance with any applicable statutes of the State of Washington, rules and regulations of the applicable Washington regulatory authority, ordinances of the City, or regulations of any other governmental regulatory commission, board or agency having jurisdiction over Franchisee.

F. Franchisee shall have the sole responsibility for obtaining, at its own cost and expense, all permits, licenses, or other forms of approval or authorization necessary to construct, operate, maintain or repair or expand the System, and to construct, maintain and repair any part thereof, including right-of-way use permits under Title 12 BMC.

G. Franchisee or its designee shall give prior written notice and shall obtain approval from the City for all tree trimming work as provided in Title 12 BMC. The City agrees to either approve of Franchisee's request or to meet with Franchisee to review the proposed tree trimming within 2 business days of the receipt of Franchisee's written notice. Franchisee takes full responsibility for removing debris when the work is complete. All tree trimming under this section is to be done at the sole expense and responsibility of Franchisee. Franchisee is solely responsible for property or tree damage caused by it and must fully restore any such property or tree damage when so requested by the City. In an emergency, Franchisee or its designee shall have the right to trim trees without prior approval from the City. Trimming of trees and shrubbery within or overhanging the Public Ways to prevent contact with Franchisee's Facilities shall be done in such a manner to cause the minimum amount of damage to trees and shrubs. If trees or shrubbery are excessively damaged as a result of the work undertaken by or on behalf of Franchisee, Franchisee shall submit to the City its plan to preserve the trees or shrubbery or to remove and replace the trees or shrubbery with landscaping of equal value or to pay the City the value of the trees or shrubbery prior to the damage or removal, as determined acceptable by the Public Works Director or other authorized agent of the City. Any trimming or removal of trees or shrubs shall be done in full compliance with the City's ordinances and all other laws or regulations of the City.

H. Neither approval of plans by the City nor any action or inaction by the City shall relieve Franchisee of any duty, obligation, or responsibility for the design, construction, and installation of its Facilities. Franchisee is solely responsible for the supervision, condition, and quality of the work done, whether it is performed by itself or by its contractors, agents, or assigns.

I. Except as to emergency repairs, Franchisee shall, prior to excavating within any street, alley or other public place and installing any conduit, overhead cable or equipment therein, file with the Public Works Director plans and specifications thereof showing the work to be done, the location and nature of the installation to be made, repaired or maintained, and a schedule showing the times of beginning and completion and shall secure a permit from the City before proceeding with any such work. The Franchisee shall conform to all requirements of the City Code and

regulations adopted pursuant thereto, as such requirements and regulations currently exist or may be amended.

J. All construction and/or maintenance work as provided herein shall be performed in conformity with the plans and specifications filed with the City and with the permit or permits issued, except in instances in which deviation may be allowed thereafter in writing pursuant to an application by the Franchisee.

K. Excavation work requiring permission from the City shall only commence upon the issuance of applicable permits by the City. However, in the event of an emergency requiring immediate action by Franchisee for the protection of the Facilities, City property, or other persons or property, Franchisee may proceed without first obtaining the normally required permits. In such event Franchisee must: (1) take all necessary and prudent steps to protect, support, and keep safe from harm the Facilities or any part thereof, City property, or other persons or property and to protect the public health, safety, and welfare; and (2) as soon as possible thereafter, must obtain the required permits and comply with any mitigation requirements or other conditions in the after-the-fact permit.

L. Unless a condition or regulation is in conflict with a federal or state requirement, the City may condition the granting of any permit or other approval that is required under this Franchise, in any manner reasonably necessary for the safe use and management of the public right-of-way or the City's property, including, by way of example and not limitation, maintaining proper distance from other utilities, protecting the continuity of pedestrian and vehicular traffic, and protecting right-of-way improvements, private facilities, and public safety.

M. Whenever necessary, after construction or maintenance of any of Franchisee's Facilities within the Right-of-Way, the Franchisee shall, without delay and at Franchisee's sole expense, remove all debris and restore the surface disturbed by Franchisee as nearly as possible to as good or better condition as it was in before the work began. Franchisee shall replace any property corner monuments, survey references, or equipment, which were disturbed or destroyed during Franchisee's work in the Right-of-Way. Such restoration shall be done in a manner consistent with applicable codes and laws and to the City's satisfaction and specifications.

N. Upon request, Franchisee shall provide the City maps showing the size and location of the Facilities within the Franchise Area in a format acceptable to the City, subject to the City's agreement to maintain the confidentiality of such information to the extent allowed by law. The City agrees that it will comply with applicable state law regarding public disclosure of Franchisee's maps and information and will withhold such disclosure from any third party to the extent allowed by law. Any map or information furnished to the City pursuant to this Franchise shall remain the Franchisee's proprietary information for all purposes to the extent allowed by law. Franchisee shall provide locates and field verify its Facilities at no cost to the City in accordance with RCW 19.122.

O. Franchisee shall be solely and completely responsible for workplace safety and safe working practices on its job sites within the Franchise area, including safety of all persons and property during the performance of any work.

P. Franchisee shall at all times keep up-to-date maps and records showing the location and sizes of all Franchisee Facilities installed by it in the Franchise Area. Such maps and records shall be subject to inspection at all reasonable times by proper officials or agents of said City. Franchisee shall provide at the City's request a copy of Facilities maps for the City's use.

Q. All of Franchisee's underground Facilities shall be installed in accordance with current City regulations and project permit requirements. Unless otherwise approved by the Public Works Director, underground Facilities must maintain ten (10) parallel feet of separation from water and sewer mains in accordance with the City's Road Design and Construction Standards. Franchisee shall restore the Public Way to pre-construction condition or better. Franchisee agrees to pay all costs and expenditures required on Rights-of-Way as a result of settling, subsidence, or any other need for repairs or maintenance resulting from excavations made by Franchisee for necessary trench patch maintenance until the next paving job. Favorable weather conditions permitting, Franchisee agrees to repair Rights-of-Way as a result of settling, subsidence, or other needed repairs or maintenance resulting from excavations made by the Franchisee upon forty-eight (48) hours' notice excluding weekends and holidays. If Franchisee fails to undertake such repairs as herein provided, the City may perform the repairs at Franchisee's expense.

R. Franchisee shall notify and provide documentation to the City in advance of any work in the Right-of-Way that involves excavation and/or street cuts. Design review is not required where trenching does not occur or for routine repair and maintenance.

#### **Section 7. Coordination of Construction and Installation Activities and Other Work.**

A. Franchisee shall coordinate its construction and installation activities and other work with the City and other users of the Public Ways at least annually or as determined by the City.

B. All construction or installation locations, activities and schedules shall be coordinated, as ordered by the City, to minimize public inconvenience, disruption or damages.

C. Franchisee shall conduct its construction and installation activities at all times so as to maximize the life and usefulness of the paving and municipal infrastructure and to anticipate and avoid conflicts with the facilities of other users, occupants, utilities, franchisees, or permittees of the Public Ways.

D. Franchisee shall, in its reasonable discretion, make available and accept the colocation of property of others within trenches excavated or used by Franchisee in the Public Ways, provided the costs of the work are fairly allocated between the parties.

Upon notification by the City, Franchisee shall participate, along with other utilities that are subject to the same procedures set forth in this section, in joint utility trenches associated with City capital projects. The Franchisee shall provide duct and vault plans, specifications and bid schedule for its Facilities at its own expense for participation in joint utility trenches associated with City capital projects. Franchisee's utility undergrounding plans, specifications and bid

schedule will be incorporated into the City's bid package, and will be bid as a unique schedule within the capital project.

The bid results from the overall lowest responsive responsible bidder will be shared with the Franchisee for acceptance. Said acceptance shall not be unreasonably withheld. The City will award the capital project contract to the bidder that provided the overall lowest responsive responsible bid for all bid schedules combined.

Upon completion of the duct and vault system, the Franchisee shall participate in a final walk through with the City and the City's Contractor, in order to generate punch list items based on the plans and specifications of the Franchisee's bid schedule. Upon correction of the punch list items by the City, the Franchisee shall submit written acceptance of ownership of the duct and vault system. Said acceptance shall not be unreasonably withheld. Upon acceptance, the Franchisee shall install its underground facilities in the duct and vault, transfer service to the underground system, and, in coordination with pole owners, wreck out its obsolete aerial facilities without delay to the capital project.

Upon Franchisee's acceptance of the duct and vault the City will invoice the Franchisee for its pro-rata share of the joint utility trench expenses. Payment shall be made within 30 days of receipt of the City's invoice.

E. The City shall give reasonable advance notice to Franchisee of plans to open Public Ways for construction or installation in locations where Franchisee has Facilities; provided, however, the City shall not be liable for damages for failure to provide such notice. When such notice has been given, Franchisee shall provide information requested by the City regarding Franchisee's future plans for use of the Public Way to be opened. When notice has been given, Franchisee may only construct or install Facilities during such period that the City has opened the Public Way for construction or installation.

### **Section 8. Temporary Removal, Adjustment, or Alteration of Facilities.**

A. Upon reasonable notice from the City, Franchisee shall temporarily remove, adjust, or alter the position of its Facilities at its cost at the request of the City for public projects, events, or other public operations or purposes.

B. Whenever any Person has obtained permission from the City to use any Right-of-Way for the purpose of moving any building or other oversized structure, and upon 14 days' written notice from the City or the permittee, provided the permittee shows sufficient evidence of a valid City permit, Franchisee shall raise or remove, at the expense of the permittee, any of Franchisee's Facilities that may obstruct the movement thereof, provided that the moving of such building or structure shall be done in accordance with the regulations and ordinances of the City.

### **Section 9. Safety and Maintenance Requirements.**

A. All work authorized and required under this Franchise shall be performed in a safe, thorough, and workmanlike manner.

B. Franchisee, in accordance with applicable federal, state, and local laws, shall at all times employ necessary care and shall use commonly accepted methods and devices for preventing failures and accidents that are likely to cause damage, injury, or nuisance to occur. All Facilities, wherever situated or located, shall at all times be kept in a good, safe, and suitable condition. If the City finds that Franchisee is responsible for a violation of a federal, state or local safety code or other applicable regulation, the City may, after discussion with Franchisee, establish a reasonable time for Franchisee to make necessary repairs. If the repairs are not made within the established time frame, the City may make the repairs itself at the cost of the Franchisee or have them made at the cost of Franchisee.

C. If Franchisee fails to timely commence, pursue, or complete any work as required by law, permit, or this Franchise, the City may at its discretion cause the work to be done. Franchisee shall pay to the City the reasonable and documented actual costs of the work in an itemized report provided by the City to Franchisee within 30 days after receipt of such report. In performing such work, the City shall not be liable to Franchisee for any damage.

D. Franchisee or any Person acting on its behalf shall provide a traffic control plan that conforms to the latest edition of the Manual of Uniform Traffic Control Devices (MUTCD). Said plan shall use suitable barricades, flags, flaggers, lights, flares, and other measures as required for the safety of all members of the public during the performance of work in Public Ways, in order to prevent injury or damage to any person, vehicle, or property. Franchisee shall implement and comply with its approved traffic control plan during execution of its work. The traffic control plan shall be developed and kept on site in Franchisee's possession for all work impacting vehicular and pedestrian traffic.

E. Franchisee shall maintain its Facilities in proper working order. Franchisee shall restore its Facilities to proper working order upon receipt of notice from the City that Facilities are not in proper working order. The City may, after discussion with Franchisee, establish a reasonable time for Franchisee to restore its Facilities to proper working order. If the Facilities are not restored to proper working order within the established time frame, the City may restore the Facilities to proper working order or have them restored at the cost of Franchisee.

F. The City shall have the right to inspect all construction and installation work performed by Franchisee pursuant to this Franchise to the extent necessary to ensure compliance by Franchisee.

G. The City reserves the right to install, and permit to be installed, sewer, electric, phone, gas, water and other pipelines, cables, conduits and related appurtenances and to do, or permit to be done, any underground or overhead work in, across, along, over or under a Public Way or other public place occupied by Franchisee. The City also reserves the right to construct new streets and public utilities and to alter the design of existing streets and public utilities. In performing such work, the City shall not be liable to Franchisee for any damage except to the extent of the City's negligence, but nothing herein shall relieve any other person or entity from the responsibility for damages to Franchisee's Facilities. The City will use its best efforts to provide Franchisee with reasonable advance notice of plans by other persons to open the Public Ways.

H. On notice from the City that any work is being performed contrary to the provisions herein, or in an unsafe or dangerous manner, or in violation of the terms of any applicable permit, laws, regulations, ordinances or standards, the City may issue a stop work order and Franchisee shall stop the work immediately. The City shall issue a stop work order in writing, unless given verbally in the case of an emergency, and provide the order to the individual doing the work or post it on the work site. A copy of the order shall be sent to Franchisee, and the order shall indicate the nature of the alleged violation or unsafe condition and the conditions under which Franchisee may resume work.

**Section 10. Removal of Unauthorized Facilities.** Within thirty (30) days following written notice from the City, Franchisee shall, at its expense, remove unauthorized Facilities and restore the Rights-of-Way and other property to as good a condition as existed prior to construction or installation of its Facilities. Any plan for removal of said Facilities must be approved by the City prior to such work. Facilities are unauthorized and subject to removal in the following circumstances:

- A. Upon expiration, termination, or cancellation of this Franchise;
- B. Upon abandonment of the Facilities, provided that Facilities shall be deemed abandoned if they are unused by Franchisee for a period of ninety (90) days;
- C. If the Facilities were constructed or installed prior to the effective date of this Franchise; unless such Facilities were constructed or installed upon the condition of subsequent approval of this Franchise with the consent of the City;
- D. If the Facilities were constructed, installed, operated, maintained, or repaired without the prior issuance of required use and/or development authorization and permits;
- E. If the Facilities were constructed or installed or are operated, maintained or repaired in violation of the terms or conditions of this Franchise; or
- F. If the Facilities are unauthorized for any reason whatsoever.

**Section 11. Discontinuing Use/Abandonment of Facilities.**

A. The City may in its sole discretion allow Franchisee to abandon its Facilities in place, provided that no Facilities may be abandoned in place without the express written consent of the City. Upon consensual abandonment in place of Facilities, the Facilities shall become property of the City, and Franchisee shall submit to the City an instrument in writing, to be approved by the City, transferring to the City the ownership of such Facilities. The failure of Franchisee to submit an instrument shall not prevent, delay, or impair transfer of ownership to the City.

B. Whenever Franchisee intends to discontinue using any Facility within the Rights-of-Way, Franchisee shall submit for the City's approval a complete description of the Facility and the date on which Franchisee intends to discontinue using the Facility. Franchisee may remove the

Facility or request that the City permit it to remain in place. Notwithstanding Franchisee's request that any such Facility remain in place, the City may require Franchisee to remove the Facility from the Right-of-Way or modify the Facility to protect the public health, welfare, safety, and convenience, or otherwise serve the public interest. The City may require Franchisee to perform a combination of modification and removal of the Facility. Franchisee shall complete such removal or modification in accordance with a schedule set by the City. Until such time as Franchisee removes or modifies the Facility as directed by the City, or until the rights to and responsibility for the Facility are accepted by another Person having authority to construct and maintain such Facility, Franchisee shall be responsible for all necessary repairs and relocations of the Facility, as well as maintenance of the Right-of-Way, in the same manner and degree as if the Facility were in active use, and Franchisee shall retain all liability for such Facility.

### **Section 12. Restoration of Public Ways and Other Property.**

A. When Franchisee, or any person acting on its behalf, does any work in or affecting any Public Way or other property, it shall, at its own expense, promptly remove any obstructions therefrom and restore, at Franchisee's cost, such ways and property to as good a condition as existed before the work was undertaken, unless otherwise directed by the City.

B. If weather or other conditions do not permit the complete restoration required by this section, the Franchisee shall temporarily restore the affected Public Ways or property. Such temporary restoration shall be at the Franchisee's cost, and Franchisee shall promptly undertake and complete the required permanent restoration, when the weather or other conditions no longer prevent such permanent restoration.

C. All restoration work is subject to inspection and final approval by the City. If restoration is not made to the satisfaction of the City within the established timeframe, the City may make the restoration itself at the cost of Franchisee or have them made at the cost of Franchisee.

**Section 13. Use and/or Development Authorization and Permits.** Franchisee shall obtain use, right-of-way construction, and/or development authorization and required permits from the City and all other appropriate regulatory authorities prior to constructing or installing Facilities or performing other work in a Public Way in accordance with the Burien Municipal Code, including but not limited to Title 12 BMC.

A. Franchisee shall provide the information for all Facilities that it proposes to construct or install as set forth in BMC 12.18.040.

B. The requirements of this section do not apply to repair or maintenance of a previously approved overhead facility, provided that the location and size of the previously approved facility is not materially changed, that no additional new Facilities are constructed or installed, that the repair or maintenance activities are conducted in accordance with good engineering, repair, and maintenance practices and do not interfere with the public use of the Public Ways or adversely affect public health, safety, or welfare, that maintenance or repair activities conform to all federal, state, local, and industry codes, rules, regulations, and standards, and that the repair or maintenance activities comply with the City Code.

C. Franchisee shall not be granted development authorization or issued permits for construction or installation of new Facilities unless Franchisee is in full compliance with the provisions of this Franchise and all of Franchisee's existing Facilities have been expressly approved by the City in writing.

#### **Section 14. Indemnification and Assumption of Risk.**

##### **A. Indemnification.**

(1) Franchisee hereby releases, covenants not to bring suit, and agrees to indemnify, defend and hold harmless the City, its elected officials, officers, employees, agents, and representatives against any and all claims, costs, damages, judgments, awards, attorneys' fees or liability, of any kind whatsoever, to any person, including claims by Franchisee's own employees from which Franchisee might otherwise be immune under Title 51 RCW, arising from injury or death of any person or damage to property caused by the acts or omissions of Franchisee, its officers, employees, agents or representatives.

(2) Franchisee further releases, covenants not to bring suit and agrees to indemnify, defend and hold harmless the City, its elected officials, officers, employees, agents, and representatives from any and all claims, costs, damages, judgments, awards, attorneys' fees or liability to any person arising out of Franchisee's exercise of the rights, privileges, or authority granted by this Franchise, which are made against the City, in whole or in part, due to the City's ownership or control of the Public Ways or other City property, by virtue of the City permitting the Franchisee's entry, occupancy or use of the Public Ways, or based upon the City's inspection or lack of inspection of work performed by Franchisee, its officers, employees, agents or representatives.

(3) These indemnification covenants include, but are not limited to, claims against the City arising as a result of the acts or omissions of Franchisee, its officers, employees, agents or representatives in barricading, instituting trench safety systems, or providing inadequate warnings of any excavation, construction, or work in any Public Way or other public place in performance of work or services permitted under this Franchise.

(4) Franchisee further agrees to indemnify, hold harmless and defend the City, its elected officials, officers, employees, agents, and representatives against any claims for damages, including, but not limited to, business interruption damages and lost profits, brought by or under users of the Franchisee's Facilities as the result of any interruption of service due to damage or destruction of the user's facilities caused by or arising out of damage or destruction of Franchisee's Facilities, except to the extent any such damage or destruction is caused by or arises from the active sole negligence or willful misconduct of the City.

(5) In the event of liability for damages arising out of bodily injury to persons or damages to property caused by or resulting from the concurrent negligence of Franchisee and the City, Franchisee's liability hereunder shall be only to the extent of Franchisee's negligence.

(6) It is further specifically and expressly understood that the indemnification covenants provided herein constitute the Franchisee's waiver of immunity under Title 51 RCW. This waiver has been mutually negotiated by the parties.

(7) Inspection or acceptance by the City of any work performed by Franchisee at the time of completion of construction or installation shall not be grounds for avoidance of any of these indemnification covenants. Said indemnification obligations shall extend to claims that are not reduced to a suit and to any claims that may be compromised prior to the culmination of any litigation or the institution of any litigation.

(8) In the event that Franchisee refuses the tender of defense in any suit or any claim, said tender having been made pursuant to the indemnification covenants contained herein, and said refusal is subsequently determined by a court having jurisdiction, or such other tribunal that the parties shall agree to decide the matter, to have been a wrongful refusal on the part of Franchisee, then Franchisee shall pay and be responsible for all of the City's costs for defense of the action, including all reasonable expert witness fees and reasonable attorneys' fees and the reasonable costs of the City, including reasonable attorneys' fees of recovering under these indemnification covenants.

#### B. Assumption of Risk.

(1) Franchisee assumes the risk of damage to its Facilities located in the City's Public Ways from activities conducted by third parties or the City, its elected officials, officers, employees, agents, or representatives. Franchisee releases and waives any and all claims against the City, its elected officials, officers, employees, agents, and representatives for damage to or destruction of the Franchisee's Facilities, except to the extent any such damage or destruction is caused by or arises from the active sole negligence of the City.

(2) Franchisee bears sole responsibility to insure its property. Franchisee shall ensure that its insurance contracts waive subrogation claims against the City, its elected officials, officers, employees, agents, and representatives, and Franchisee shall indemnify, defend and hold harmless the City, its elected officials, officers, employees, agents, and representatives against any and all subrogation claims if it fails to do so.

**Section 15. Insurance.** Franchisee shall obtain and maintain, at its cost, worker's compensation insurance in accordance with State law requirements and the following liability insurance policies insuring Franchisee and, as additional insureds, the City, the City's elected officials, employees, agents, representatives, consultants, and volunteers, against claims for injuries to persons or damages to property, which may arise from or in connection with the exercise of the rights, privileges, and authority granted to Franchisee:

A. Comprehensive general liability insurance, written on an occurrence basis, with limits not less than:

(1) \$5,000,000.00 for bodily injury or death to each person;

(2) \$5,000,000.00 for property damage resulting from any one accident; and

(3) \$5,000,000.00 for umbrella coverage for all other types of liability.

B. Automobile liability for owned, non-owned and hired vehicles with a limit of \$3,000,000.00 for each person and \$3,000,000 for each accident.

C. The liability insurance policies required by this section shall be maintained by Franchisee throughout the term of this Franchise, such other periods of time during which Franchisee's Facilities occupy Public Ways, and while Franchisee is engaged in the removal of its Facilities. Franchisee shall provide an insurance certificate, together with an endorsement naming the City, and its elected officials, employees, agents, representatives, consultants, and volunteers as additional insureds, to the City prior to the commencement of any construction or installation of any Facilities pursuant to this Franchise or other work in a Public Way. Payment of deductibles and self-insured retentions shall be the sole responsibility of Franchisee. The insurance certificate required by this section shall contain a clause stating that coverage shall apply separately to each insured against whom a claim is made or suit is brought, except with respect to the limits of the insurer's liability. Franchisee's insurance shall be primary insurance with respect to the City, its elected officials, employees, agents, representatives, consultants, and volunteers. Any insurance maintained by the City, its elected officials, employees, agents, representatives, consultants, and volunteers shall be in excess of the Franchisee's insurance and shall not contribute to it.

D. Franchisee must provide at least five (5) days' notice of said cancellation or non-renewal, Franchisee shall obtain and furnish to the City replacement insurance policies meeting the requirements of this section.

**Section 16. Performance Bond.** If at the time of right of way permit application the estimated right of way restoration costs will exceed \$100,000, Franchisee shall file with the City a performance bond, in the amount the Franchisee's estimated cost of restoration of the Public Way, less the then-current balance of the Security Fund, as a condition of the right-of-way use permit. This bond shall be maintained throughout the period of time that Franchisee is performing work under such applicable permit. In the event Franchisee fails to comply with any law, ordinance, or regulation governing the Franchise or the permit, or fails to perform, observe, and fulfill each term, condition and covenant of the Franchise or the permit, there shall be recoverable, jointly and severally from the principal and surety of the bond, any damage or loss suffered by the City.

**Section 17. Security Fund.** Franchisee shall establish and maintain a security fund in the amount of one hundred thousand dollars (\$100,000), at its cost, with the City by depositing such monies, letters of credit, bonds, or other instruments in such form and amount acceptable to the City within 30 calendar days of the effective date of this Franchise. No sums may be withdrawn from the fund by Franchisee without consent of the City. The security fund shall be maintained at the sole expense of Franchisee so long as any of the Franchisee's Facilities occupy a Public Way.

A. The fund shall serve as security for the performance of this Franchise, including any claims, costs, damages, judgments, awards, attorneys' fees or liability, of any kind whatsoever that the City pays or incurs, including civil penalties, because of any failure attributable to Franchisee to comply with the provisions of this Franchise or the codes, ordinances, rules, regulations, standards, or permits of the City.

B. Before any sums are withdrawn from the security fund, the City shall give written notice to Franchisee:

(1) Describing the act, default or failure to be remedied, or the claims, costs, damages, judgments, awards, attorneys' fees or liability that the City has incurred or may pay by reason of Franchisee's act or default;

(2) Providing a reasonable opportunity for Franchisee to first remedy the existing or ongoing default or failure, if applicable;

(3) Providing a reasonable opportunity for Franchisee to pay any monies due the City before the City withdraws the amount thereof from the security fund, if applicable; and

(4) Providing Franchisee a reasonable opportunity to review with the City the act, default or failure described in the notice.

C. Franchisee shall replenish the security fund within fourteen (14) days after written notice from the City that there is a deficiency in the amount of the fund.

D. Insufficiency of the security fund shall not release or relieve Franchisee of any obligation or financial responsibility under this Franchise or any other applicable legal requirement.

### **Section 18. Taxes, Charges, and Fees.**

A. Franchise Fee. The parties understand that RCW 35.21.860 currently prohibits a municipal franchise fee for permission to use the Right-of-Way for telephone business as defined in as RCW 82.16.010 or for a service provider as defined in RCW 35.99.010 purposes. Based on the representations of Franchisee, it is the City's understanding that Franchisee will use the right of way for telephone business purposes as defined by RCW 82.16.010 or service provider purposes as defined in RCW 35.99.010. If this statutory prohibition is removed, Franchisee agrees that the City will assess a reasonable franchise fee in accordance with such revised state statute and that this Franchise will be amended accordingly, including the adoption of provisions necessary for the proper administration and payment of such fee.

B. Administrative Charges and Fees. The parties also understand that RCW 35.21.860 authorizes the City to recover from Franchisee all charges and fees imposed to recover actual administrative expenses incurred by the City that are directly related to: receiving and approving this Franchise and required permits; inspecting plans and construction; and preparing a detailed statement under Ch. 43.21C RCW. Regular application and processing charges and fees imposed by the City shall be deemed to be attributable to actual administrative expenses incurred by the City but shall

not excuse Franchisee from paying and being responsible for other actual administrative expenses incurred by the City. Franchisee and the City agree that the following fees are consistent with this provision and shall be paid by Franchisee:

- (1) Franchisee shall pay an initial franchise administration/processing fee of five thousand dollars (\$5,000) within 30 calendar days of the effective date of this Franchise.
- (2) Franchisee shall pay permit fees and related charges, in accordance with applicable sections of the City Code.

C. Tax. The parties further understand that RCW 35.21.870 currently limits the rate of City tax upon telephone business activities to six percent (6%) of gross receipts, unless a higher rate is approved by a majority vote of the people. Franchisee agrees that its business activities in the City, which utilize Franchisee's Facilities in City Rights of Way as authorized by this Franchise, shall be subject to said six percent (6%) tax and to the requirements of the City's tax code as set forth in Title 3 BMC, including but not limited to all provisions necessary and applicable to the administration, payment, accounting, reporting, and auditing of the utility tax obligation of Franchisee. If this Franchise terminates for any reason, the Franchisee shall file with the City within ninety (90) calendar days of the date of the termination, a financial statement showing the gross revenues received by the Franchisee since the end of the previous fiscal year. The City reserves the right to satisfy any remaining financial obligations of the Franchisee to the City by utilizing the funds available in the security fund or performance bond provided by the Franchisee. Franchisee further agrees that nothing in this Franchise shall otherwise limit the City's power of taxation, as it now or hereafter exists.

D. The fees and taxes set forth in this section shall be in addition to any and all taxes or other levies or assessments which are now or hereafter required to be paid by businesses in general by any law of the City, the State or the United States including, without limitation, sales, use and other taxes, business license fees or other payments. Payment of the fees under this Franchise shall not exempt Franchisee from the payment of any other license fee, permit fee, tax or charge on the business, occupation, property or income of Franchisee that may be lawfully imposed by the City.

### **Section 19. Additional Ducts, Conduits, and Overhead Facilities.**

A. As provided in RCW 35.99.070, whenever Franchisee is constructing, relocating, or placing ducts or conduits in the Public Way and whenever the City has made a request for additional ducts or conduits in advance of such installation, Franchisee shall construct and install additional ducts and conduits when and where requested by the City and related structures necessary to access the ducts and conduits, subject to the separate mutual written agreement of the parties to include charges paid by the City for Franchisee's incremental costs. Such ducts and conduits shall be readily accessible and available for governmental use as determined by the City in its reasonable discretion. Such ducts and conduits shall not be used to provide telecommunications or cable service for hire, sale, or resale to the general public and shall be limited to the City's noncommercial, governmental use for the benefit of the general public, unless otherwise agreed by the parties or as otherwise provided in RCW 35.99.070.

B. As a condition of being allowed to place optical cable, optical cable housing, or splicing connections on existing utility poles as overhead Facilities, whenever the City has made a request for additional overhead facilities in advance of such installation, Franchisee shall construct, install, maintain, and repair additional such overhead facilities when and where requested by the City and related structures necessary to access the facilities, subject to the separate mutual written agreement of the parties to include charges paid by the City for Franchisee's incremental costs of material and labor. Such additional overhead facilities shall be readily accessible and available for governmental use as determined by the City in its reasonable discretion. Such additional overhead facilities shall not be used to provide telecommunications or cable service for hire, sale, or resale to the general public and shall be limited to the City's non-commercial, governmental use for the benefit of the general public, unless otherwise agreed by the parties or as otherwise provided in RCW 35.99.070. Franchisee is not responsible for operation or maintenance of the overhead facilities provided to the City under this section after acceptance of the facilities by the City. Franchisee must secure the written permission of the owner(s) of the utility poles before attaching its facilities.

**Section 20. Access to Facilities.** Franchisee shall provide Internet access to users of City property, at locations requested by the City, if it is practicable; provided that, Franchisee and the City shall enter into a separate agreement or agreements regarding the allocation of costs to construct, install, operate, maintain, repair, and remove Facilities needed to provide such access; provided, however, that nothing herein shall require the City to accept construction or installation of Facilities on City property.

**Section 21. Acquisition of Facilities.** Upon Franchisee's acquisition of any Facilities in the Public Way, or upon any addition or annexation to the City of any area in which Franchisee has Facilities, such Facilities shall immediately be subject to the terms of this Franchise without further action of the City or Franchisee.

**Section 22. One-Call.** Franchisee is responsible for complying with the provisions of Washington's One-Call statutes.

**Section 23. Vacation of Public Ways.** The City reserves the right to vacate any Public Way that is subject to rights, privileges, and authority granted by this Franchise. If Franchisee has Facilities in such Public Way, the City shall reserve an easement for Franchisee's Facilities or arrive at some other mutually acceptable arrangement for Franchisee's Facilities.

**Section 24. Duty to Provide Information.** Within thirty (30) days of a written request from the City, Franchisee shall furnish the City with all requested information sufficient to document:

A. That Franchisee has complied with all requirements of this Franchise;

B. That taxes, fees, charges, or other costs owed or payable by Franchisee have been properly collected and paid;

C. The amount of gross revenues Franchisee received during the preceding fiscal year as verified by a certified public accountant retained by Franchisee; and

D. Franchisee's obligations under this section are in addition to those provided elsewhere in this Franchise and in applicable provisions of the Burien Municipal Code including but not limited to Titles 3 and 12 BMC.

### **Section 25. Records.**

A. Franchisee will manage all of its operations in accordance with a policy of keeping its documents and records open and accessible to the City. The City will have access to, and the right to inspect, upon reasonable notice, any documents and records of Franchisee and its affiliates that are reasonably necessary for the enforcement of this Franchise or to verify Franchisee's compliance with terms or conditions of this Franchise. Franchisee will not deny the City access to any of Franchisee's records on the basis that Franchisee's documents or records are under the control of any affiliate or a third party.

B. All documents and records maintained by Franchisee shall be made available for inspection by the City at reasonable times and intervals; provided, however, that nothing in this section shall be construed to require Franchisee to violate state or federal law regarding subscriber privacy, nor shall this section be construed to require Franchisee to disclose proprietary or confidential information without adequate safeguards for its confidential or proprietary nature.

C. One copy of documents and records requested by the City will be furnished to the City at the cost of Franchisee. If the requested documents and records are too voluminous or for security reasons cannot be copied or removed, then Franchisee may request, in writing within ten (10) days of the City's request, that the City inspect them at Franchisee's local office. If any documents or records of Franchisee are not kept in a local office and/or are not made available in copies to the City, and if the City determines that an examination of such documents or records is necessary or appropriate for the enforcement of this Franchise or to verify Franchisee's compliance with terms or conditions of this Franchise, then all reasonable travel and related costs incurred in making such examination shall be paid by Franchisee.

**Section 26. Assignment or Transfer.** Franchisee's rights, privileges, and authority under this Franchise, and ownership or working control of Facilities constructed or installed pursuant to this Franchise, may not, directly or indirectly, be transferred, assigned or disposed of by sale, lease, merger, consolidation or other act of Franchisee, by operation of law or otherwise, except as provided herein, or without the prior written consent of the City, which consent shall not be unreasonably withheld or delayed; provided that, the foregoing shall not be applicable to assignments to Franchisee's affiliates. Any transfer, assignment, or disposal of Franchisee's rights, privileges, and authority under this Franchise, or ownership or working control of Facilities constructed or installed pursuant to this Franchise, may be subject to reasonable conditions as may be prescribed by the City. Franchisee may pledge this Franchise to its lender, solely for purposes of securing indebtedness, without City's consent; provided that Franchisee will be required to obtain the City's prior written approval before the lender may assume the Franchise.

A. Franchisee and the proposed assignee or transferee shall provide and certify the following information to the City not less than sixty (60) days prior to the proposed date of assignment, transfer, or disposal:

- (1) Complete information setting forth the nature, terms and conditions of the proposed assignment, transfer, or disposal;
- (2) Any other information reasonably required by the City; and
- (3) A transfer application fee in an amount to be determined by the City to recover actual administrative costs directly related to receiving and reviewing the proposed assignment, transfer, or disposal.

B. No assignment, transfer, or disposal may be made or shall be approved unless the assignee or transferee has the legal, technical, financial, and other requisite qualifications to operate, maintain, repair, and remove Facilities constructed or installed pursuant to this Franchise and to comply with the terms and conditions of this Franchise.

C. Any transfer, assignment, or disposal of rights, privileges, and authority under this Franchise or ownership or working control of Facilities constructed or installed pursuant to this Franchise, without prior written approval of the City pursuant to this section, shall be void and is cause for termination of this Franchise.

D. Any transactions which singularly or collectively result in a change of fifty percent (50%) or more of the ownership or working control (regardless of the percentage) of the Franchisee or affiliated entities having fifty percent (50%) or more of the ownership or actual working control (regardless of the percentage) of Franchisee, or of control of the telecommunications capacity or bandwidth of Franchisee, shall be considered an assignment or transfer requiring City approval. Transactions between affiliated entities are exempt from City approval; provided that, Franchisee shall promptly notify the City prior to any proposed change in, or transfer of, or acquisition by any other party of control of Franchisee. Every change, transfer, or acquisition of control of Franchisee shall cause a review of the proposed transfer. City approval shall not be required for mortgaging purposes or if said transfer is from Franchisee to another person controlled by Franchisee.

E. All terms and conditions of this Franchise shall be binding upon all permitted successors and assigns of Franchisee and all persons who obtain ownership or working control of any facility constructed or installed pursuant to this Franchise.

**Section 27. Receivership.** At the option of the City, subject to applicable law, this Franchise may be revoked after the appointment of a receiver or trustee to take over the business of Franchisee whether in a receivership, reorganization, bankruptcy or other action or proceeding, unless:

A. The receivership or trusteeship is timely vacated; or

B. The receiver or trustee has timely and fully complied with all the terms and provisions of this Franchise and has remedied all defaults under the Franchise. Additionally, the receiver or trustee shall have executed an agreement duly approved by the court having jurisdiction, by which the receiver or trustee assumes and agrees to be bound by each and every term, provision and limitation of this Franchise.

**Section 28. Violations, Noncompliance, and Other Grounds for Termination or Cancellation.**

A. This Franchise, and any right, privilege or authority of Franchisee to enter, occupy or use Public Ways, may be terminated or cancelled by the City for the following reasons:

- (1) Violation of or noncompliance with any term or condition of this Franchise by Franchisee;
- (2) Violation of or noncompliance with the material terms of any use and/or development authorization or required permit by Franchisee;
- (3) Construction, installation, operation, maintenance, or repair of Facilities on, in, under, over, across, or within any Public Way without Franchisee first obtaining use and/or development authorization and required permits from the City and all other appropriate regulatory authorities;
- (4) Unauthorized construction, installation, operation, maintenance, or repair of Facilities on City property;
- (5) Misrepresentation or lack of candor by or on behalf of Franchisee in any application or written or oral statement upon which the City relies in making the decision to grant, review or amend any right, privilege or authority to Franchisee;
- (6) Abandonment of Facilities;
- (7) Failure of Franchisee to pay taxes, fees, charges or costs when and as due; or
- (8) Insolvency or bankruptcy of Franchisee.

B. In the event that the City believes that grounds exist for termination or cancellation of this Franchise or any right, privilege or authority of Franchisee to enter, occupy or use Public Ways, Franchisee shall be given written notice and a reasonable period of time not exceeding thirty (30) days to furnish evidence:

- (1) That corrective action has been, or is being actively and expeditiously pursued, to remedy the violation, noncompliance, or other grounds for termination or cancellation;
- (2) That rebuts the alleged violation, noncompliance, or other grounds for termination or cancellation; or

(3) That it would be in the public interest to impose some penalty or sanction less than termination or cancellation.

C. In the event that Franchisee fails to provide evidence reasonably satisfactory to the City as provided in subsection (B) of this section, the City shall refer the apparent violation, noncompliance, or other grounds for termination or cancellation to the City Council. The City shall provide the Franchisee with notice and a reasonable opportunity to be heard concerning the matter.

D. If the City Council determines that the violation, noncompliance, or other grounds above for termination or cancellation exist, then, Franchisee shall, at the election of the City Council, forfeit all rights, privileges and authority conferred under this Franchise or any use and/or development authorization or permit granted by the City, and this Franchise and any such use and/or development authorization or permit may be terminated or cancelled by the City Council. The City Council may elect, in lieu of the foregoing and without any prejudice to any of its other legal rights and remedies, to pursue other remedies, including obtaining an order compelling Franchisee into compliance or to take corrective action, or to recover damages and costs incurred by the City by reason of Franchisee's actions or omissions. The City Council shall utilize the following factors in analyzing the nature, circumstances, extent, and gravity of the actions or omissions of Franchisee:

- (1) Whether the misconduct was egregious;
- (2) Whether substantial harm resulted;
- (3) Whether the violation was intentional;
- (4) Whether there is a history of prior violations of the same or other requirements;
- (5) Whether there is a history of overall compliance; and
- (6) Whether the violation was voluntarily disclosed, admitted or cured.

E. The City Council's choice of remedy shall not excuse Franchisee from compliance with any term or condition of this Franchise or the material terms of any use and/or development authorization or required permit. Franchisee shall have a continuing duty to remedy any violation, noncompliance, or other grounds for termination or cancellation. Further, nothing herein shall be construed as limiting any remedies that the City may have, at law or in equity, for enforcement of this Franchise and any use and/or development authorization or permit granted to Franchisee.

## **Section 29. Notices.**

A. Any regular notice or information required or permitted to be given to the parties under this Franchise may be sent to the following addresses unless otherwise specified:

The City: City of Burien  
Attn: City Manager  
400 SW 152nd St., Suite 300  
Burien, WA 98166-3066

Franchisee: Astound Broadband, LLC d/b/a Wave  
401 Kirkland Parkplace, Suite 500  
Kirkland, WA 98033  
Attn: Steve Weed, CEO and Byron Springer, EVP

B. Franchisee shall additionally provide a phone number and designated responsible officials to respond to emergencies. After being notified of an emergency, Franchisee shall cooperate with the City and make its best efforts to immediately respond to minimize damage, protect the welfare, health and safety of the public and repair Facilities to restore them to proper working order. Annually, on request of the City, Franchisee will meet with City emergency response personnel to coordinate emergency management operations and, at least once a year, at the request of the City, actively participate in emergency preparations.

**Section 30. Non-Waiver.** The failure of the City to exercise any rights or remedies under this Franchise or to insist upon compliance with any terms or conditions of this Franchise shall not be a waiver of any such rights, remedies, terms or conditions of this Franchise by the City and shall not prevent the City from demanding compliance with such terms or conditions at any future time or pursuing its rights or remedies.

**Section 31. Eminent Domain.** This Franchise is subject to the power of eminent domain and the right of the City Council to repeal, amend, or modify the Franchise in the interest of the public. In any proceeding under eminent domain, the Franchise itself shall have no value.

**Section 32. Limitation of Liability.** Administration of this Franchise may not be construed to create the basis for any liability on the part of the City, its elected officials, employees, agents, representatives, consultants, or volunteers for injury or damage resulting from: (1) any schedule or specification review, inspection, notice and order, permission, or other approval or consent by the City; (2) any action or inaction authorized or done in connection with the implementation or enforcement of this Franchise by the City; or (3) the inaccuracy of plans submitted to the City.

**Section 33. Damage to Facilities.** Unless proximately caused by the active sole negligence or willful misconduct of the City, the City shall not be liable for any damage to or loss of any Facilities as a result of or in connection with any public works, public improvements, construction, excavation, grading, filling, or work of any kind on, in, under, over, across, or within a Public Way done by or on behalf of the City.

**Section 34. Competitive Neutrality.** In order to maintain a level playing field among all similarly situated franchisees of the City, upon the grant or renewal of another franchise in the Rights-of-Way where material terms or conditions of this Franchise conflict with a change in the

City Code, or the provisions of this Franchise provide a material competitive advantage over another similarly situated provider such that it negatively impacts the City's ability to effectively manage the Rights-of-Way, then the City may elect to renegotiate with the Franchisee in good faith to modify the terms and provisions of this Franchise to obtain material terms and conditions that, as a whole, are competitively neutral between franchisees.

**Section 35. Governing Law and Venue.** This Franchise and use of the applicable Public Ways will be governed by federal law, the laws of the State of Washington, and local law. Franchisee agrees to be subject to the jurisdiction of the courts of the State of Washington. Any action relating to this Franchise must be brought in the Superior Court of Washington for King County, or in the case of a federal action, the United States District Court for the Western District of Washington, unless an administrative agency has primary jurisdiction.

**Section 36. Severability.** If any section, sentence, clause or phrase of this Franchise or its application to any person or entity should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality will not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Franchise or its application to any other person or entity; provided that, if Franchisee's right, privilege, or authority with a utility company to place optical cable, optical cable housing, and splicing connections on existing utility poles as overhead Facilities is held to be invalid or unconstitutional by a court of competent jurisdiction, Franchisee's authority to construct, install, operate, maintain, or repair overhead Facilities shall be deemed void *ab initio*, any overhead Facilities shall be deemed to be unauthorized, and Franchisee shall be authorized only to place Facilities underground; and provided further that, as an alternative to the above severability provisions, the parties may negotiate a mutually acceptable amendment of this Franchise as may be necessary and appropriate to meet the requirements of the law and to effectuate the intention of this Franchise.

**Section 37. Miscellaneous.**

A. Equal Employment and Nondiscrimination. Throughout the term of this Franchise, Franchisee will fully comply with all equal employment and nondiscrimination provisions and requirements of federal, state, and local laws, and in particular, FCC rules and regulations relating thereto.

B. Local Employment Efforts. Franchisee will use reasonable efforts to utilize qualified local contractors, including minority business enterprises and woman business enterprises, whenever the Franchisee employs contractors to perform work under this Franchise.

C. Descriptive Headings. The headings and titles of the sections and subsections of this Franchise are for reference purposes only and do not affect the meaning or interpretation of the text herein.

D. Force Majeure. Franchisee shall not be required to perform any covenant or obligation in this Franchise, or be liable in damages to the City, so long as the performance of the covenant or obligation is delayed, caused or prevented by an act of God or force majeure. An "act of God" or "force majeure" is defined for purposes of this Franchise as strikes, lockouts, sit-downs, material

or labor restrictions by any governmental authority, unusual transportation delays, riots, floods, washouts, explosions, earthquakes, fire, storms, weather (including inclement weather which prevents construction), acts of the public enemy, wars, terrorism, insurrections, and any other similar cause not reasonably within the control of Franchisee.

E. Costs and Attorneys' Fees. If any action or suit arises in connection with this Franchise, the substantially prevailing party will be entitled to recover all of its costs and attorneys' fees, as well as costs and attorneys' fees on appeal, in addition to such other relief as the court may deem proper.

F. No Joint Venture. Nothing herein will be deemed to create a joint venture or principal agent relationship between the parties, and neither party is authorized to, nor shall either party, act toward third persons or the public in any manner that would indicate any such relationship with the other.

G. Actions of the City or Franchisee. In performing their respective obligations under this Franchise, the City and Franchisee will act in a reasonable, expeditious, and timely manner. Whenever this Franchise sets forth a time for any act to be performed by Franchisee, such time shall be deemed to be of the essence, and any failure of Franchisee to perform within the allotted time may be considered a material breach of this Franchise and sufficient grounds for the City to invoke any relevant remedy.

H. Counterparts. This Franchise may be executed in one or more counterparts, and each originally executed duplicate counterpart of this Franchise shall be deemed to possess the full force and effect of the original.

I. Entire Agreement. This Franchise represents the entire understanding and agreement between the parties with respect to the subject matter hereof and supersedes all prior oral and written negotiations between the parties.

J. Modification. The parties may alter, amend or modify the terms and conditions of this Franchise upon written agreement of both parties to such alteration, amendment or modification.

K. Non-exclusivity. This Franchise does not confer any exclusive right, privilege, or authority to enter, occupy or use Public Ways for delivery of Telecommunications Services or any other purposes. This Franchise is granted upon the express condition that it will not in any manner prevent the City from granting other or further franchises in, on, across, over, along, under or through any Public Way.

L. Authorization. This Franchise does not convey any right, title or interest in Public Ways but shall be deemed only as authorization to enter, occupy, or use Public Ways for the limited purposes and terms stated in this Franchise. Further, this Franchise shall not be construed as any warranty of title.

M. Contractors and Subcontractors. Franchisee's contractors and subcontractors must be licensed and bonded in accordance with the City's ordinances, rules, and regulations. Work by contractors

and subcontractors is subject to the same restrictions, limitations and conditions as if the work were performed by Franchisee.

**Section 38. Effective Date.** This ordinance shall be published in the official newspaper of the City and shall take effect and be in full force five (5) days after the date of publication.

**Section 39. Acceptance.** Within thirty (30) days after the effective date of this franchise ordinance, Franchisee shall deliver to the City a fully executed, unconditional acceptance of this Franchise in the form attached hereto as Exhibit A. Said acceptance shall be executed by a duly authorized representative of Franchisee, who has full authority to bind Franchisee to the terms of the Franchise. Upon receipt by the City of the Franchisee's acceptance, and the \$5,000 administration/processing fee pursuant to Section 18 and proof of deposit of the \$100,000 security fund pursuant to Section 17, within said 30-day period, the City shall attach the fully executed acceptance to the franchise ordinance as Exhibit A. If Franchisee fails to provide the acceptance, fee, and security fund within said 30-day period, then Franchisee shall be deemed to have rejected the Franchise and the Franchise shall be voidable at the discretion of the City.

**ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016, AND SIGNED IN AUTHENTICATION OF ITS PASSAGE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016.**

CITY OF BURIEN

\_\_\_\_\_  
Mayor

ATTEST/AUTHENTICATED:

\_\_\_\_\_  
City Clerk

Approved as to form:

\_\_\_\_\_  
City Attorney

Filed with the City Clerk: \_\_\_\_\_

Passed by the City Council: \_\_\_\_\_

Ordinance No. \_\_\_\_\_

Date of Publication: \_\_\_\_\_

**Exhibit A – Acceptance of Franchise**

In accordance with Section 39 of Ordinance No. \_\_\_\_, Franchisee hereby submits this unconditional acceptance of the Franchise granted to Astound Broadband, LLC d/b/a Wave by the City of Burien. Franchisee hereby certifies that the undersigned is a duly authorized officer of Franchisee with the authority to execute unconditional acceptance of this Franchise. Attached herewith are the following documents in accordance with the requirements of the Franchise:

- 1. \$5,000 administration/processing fee in accordance with Section 18; and
- 2. Proof of deposit of \$100,000 security fund in accordance with Section 17.

ACCEPTED BY ASTOUND BROADBAND, LLC D/B/A WAVE

\_\_\_\_\_  
Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, personally appeared before me the undersigned, a Notary Public, in and for the State of \_\_\_\_\_, duly commissioned and sworn, \_\_\_\_\_ to me known to be an authorized representative of \_\_\_\_\_, a \_\_\_\_\_ limited liability corporation, that executed the foregoing instrument and acknowledged the said instrument to be the free and voluntary act and deed of said entity, for the uses and purposes therein mentioned, and on oath stated that said person is authorized to execute the said instrument.

WITNESS MY HAND AND OFFICIAL SEAL hereto affixed the day and year first above written.

(Signature of Notary)

(Legibly Print or Stamp Name of Notary)

Notary public in and for the State of \_\_\_\_\_, residing at \_\_\_\_\_.

My appointment expires \_\_\_\_\_.







# CITY OF BURIEN

## STRATEGIC PLAN 2017-2020

### BURIEN COMMUNITY VISION

*A vibrant and creative community, where the residents embrace diversity, celebrate arts and culture, promote vitality, and treasure the environment.*

### BURIEN'S FOCUS FOR THE COMING FOUR YEARS

Through 2020, the City of Burien will prioritize delivering core services and ensuring the community's key infrastructure needs are met. This Strategic Plan identifies how City Council and staff will advance these shared commitments during the 2017/18 and 2019/20 biennia.

This Strategic Plan describes areas of emphasis that will be prioritized based on expressed community desires. Much of the City's work will continue as it always does, with this Plan focusing on particular areas of emphasis for this time period.

# GOALS, INITIATIVES, & STRATEGIES

\* designates a 2017/18 priority



## SAFE Community



1. *Enhance public safety through effective policing and an increasing focus on prevention and community engagement.*

- a. Support community interest to build staffing capacity for both supervision and response.\*
- b. Increase community engagement, include crime prevention strategies.
- c. Focus crime reduction through crime analysis and predictive policing models\*.

2. *Steward the City's basic infrastructure, making sure it is safe and maintained to standard.*

- a. Take care of our streets by investing more resources to maintain current pavement conditions.\*
- b. In high priority areas, help Burien pedestrians by improving existing sidewalk conditions.\*
- c. Further promote safety by increasing our capacity for routine street maintenance.\*
- d. Maintain our parks facilities and equipment to provide a high quality visitor environment.\*

## DYNAMIC Community



3. *Promote a thriving business community and a positive community spirit.*

- a. Retain and strengthen existing Burien businesses through proactive efforts.\*
- b. Attract new business investment through communications, outreach, and targeted use of incentives.\*
- c. Improve Burien's community image with a refreshed brand and a marketing campaign.\*
- d. Establish new ways to better engage diverse communities in civic conversations and activities.\*
- e. Implement the Downtown Mobility Study and develop an Urban Center Plan for downtown.
- f. Proactively work to attract lodging and complementary conference and arts facilities.
- g. Foster community development and community leaders, both locally and regionally in South County.

4. *Optimize customer service and support private investment in Burien.*

- a. Ensure fast and reliable permitting for public and private development.\*
- b. Improve efficiency and enhance customer experience through innovative and modern permit systems.\*
- c. Update and modernize key city codes and policy documents.\*

## HEALTHY Community



5. *Enhance Parks and Recreation facilities and programs.*

- a. Decide to invest in a new community recreation center and/or other facilities.\*
- b. Enhance programs for youth and teens, with a focus on City-subsidized programs. \*
- c. Improve efficiency and enhance customer experience by upgrading the parks registration system.\*

6. *Work with partners to provide quality services for at-risk community members and educational opportunities for all Burien children*

- a. Support at-risk community members, and the community-based organizations that serve them, by working in partnership with South King County partners.\*
- b. Support success for all Burien children by further strengthening our partnership with Highline Public Schools.

7. *Protect and improve the quality of Burien's natural environment.*

- a. Promote Low Impact Development (LID) for new and retrofit development projects.
- b. Address litter and increase recycling participation.
- c. Address noise and air pollution impacts associated with SeaTac Airport in partnership with others.\*

8. *Celebrate arts and culture.*

- a. Increase the City's support for public arts.\*
- b. Enhance the quality and number of community events and celebrations.

## STRONG City Organization



9. *Continue to strengthen the City team.*

- a. Attract, retain, and develop employees through a competitive compensation and benefit package, employee development, and accountability.\*
- b. Increase staff capacity in critical areas to advance community priorities.\*
- c. Continue to protect and enhance the City's financial strength.\*

10. *Upgrade critical information technology systems and address key facility needs.*

- a. Upgrade the City's financial management IT system.\*
- b. Upgrade the City's Records Management IT system.\*
- c. In partnership, develop a strategy for a permanent Public Works maintenance facility to increase efficiencies and accommodate needs.

# PLAN DEVELOPMENT & IMPLEMENTATION

## How was the Strategic Plan developed?

The strategic planning process was a collaborative effort between the Burien City Council and Leadership Team. Emphasis was placed on responding to community preferences communicated to elected officials and staff and voiced in the City's Community Survey. This input communicated strong community interest in ensuring public safety and investing in basic infrastructure.

## How will the Plan be implemented?

- To be discussed during June 6 Council meeting.

# CITY COUNCIL

- Mayor Lucy Krakowiak
- Deputy Mayor Bob Edgar
- Councilmember Steve Armstrong
- Councilmember Austin Bell
- Councilmember Lauren Berkowitz
- Councilmember Nancy Tosta
- Councilmember Debi Wagner

# LEADERSHIP TEAM

- Kamuron Gurol - City Manager
- Maiya Andrews - Public Works Director
- Angie Chaufy - Administrative Services Manager
- Chip Davis - Community Development Director
- Soojin Kim - City Attorney
- Scott Kimerer - Police Chief
- Kim Krause - Finance Director
- Steve Roemer - Parks, Recreation, and Cultural Services Director
- Dan Trimble - Economic Development Manager
- Katie Whittier Trefry - Communications Officer



## FIND OUT MORE:

[www.burienwa.gov/strategicplanwebpage](http://www.burienwa.gov/strategicplanwebpage)

Contact Name, [address@burienwa.org](mailto:address@burienwa.org)

*Working Draft*  
*6/1/16*





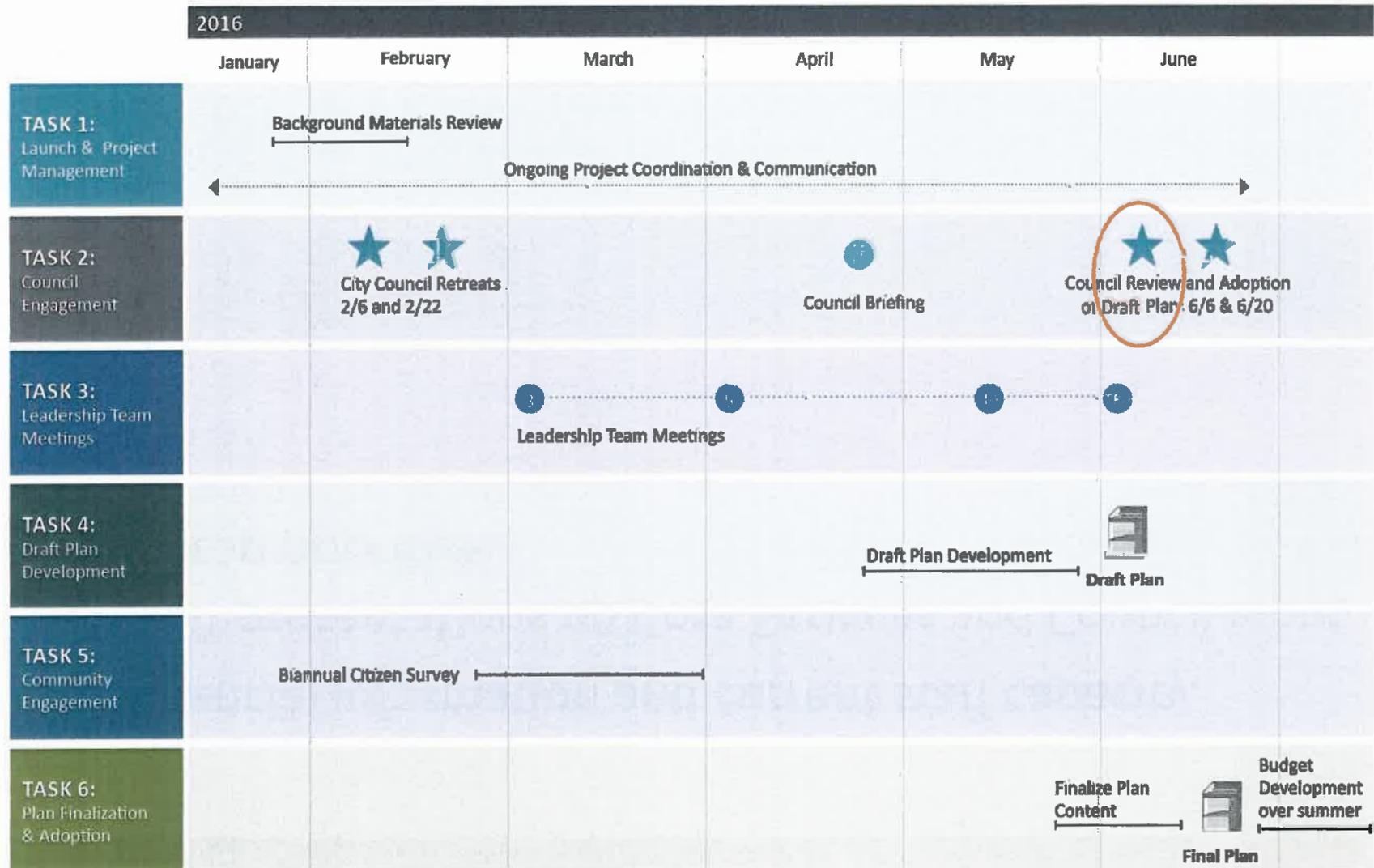


City of Burien  
Draft Strategic Plan:  
Council Review June 6, 2016

## Tonight's Objectives

- A. Review planning process and inputs that have been incorporated into the Draft Plan.
- B. Gain Council feedback on Draft Plan content and layout.
- C. Discuss how the Plan will be implemented.

# Where We Are in the Process



Updated 4/5/16

## Process to Date

### Council Retreats: February 6 and 22

- A. Financial information and current staff capacity.
- B. Staff presentations on Core Services and Council input on top priorities.

## A. Financial information and current staff capacity

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- As with most Washington cities, current **revenue growth is not keeping pace with expenditure growth.**
- Sales Tax Annexation Credit expires in June 2020: Burien will **lose** more than **\$700,000.**
- Economic development impact is incremental and will take many years.
- Some potential new sources of revenue outlined.

## A. Financial information and current staff capacity

<b>Full-Time Equivalent Staff Per 1,000 Population - 2014</b>			
<b>City</b>	<b>Population*</b>	<b>Adjusted FTE***</b>	<b>Total FTE Per 1,000</b>
SeaTac	27,620	117.70	4.26
Lynnwood	36,030	136.40	3.79
Auburn	65,350	225.70	3.45
Puyallup	38,670	116.00	3.00
Shoreline	53,990	142.05	2.63
Edmonds	39,950	102.10	2.56
Des Moines	30,030	75.49	2.51
Lakewood	58,360	112.13	1.92
Sammamish	49,260	71.00	1.44
Federal Way	90,150	128.55	1.43
<b>Burien</b>	<b>48,240</b>	<b>66.13</b>	<b>1.37</b>
<b>Average</b>	<b>48,877</b>	<b>117.57</b>	<b>2.41</b>

## B. Staff presentations on Core Services and Council input on top priorities

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### Highest Core Service Priorities (Council Dot Votes)

- Public Safety
  - Identify resources for **patrol**, **supervision** and **investigative capacity**.
  - Enhance **crime analysis and predictive policing practices**.
  - Enhance **outreach to ethnically and culturally diverse neighborhoods**.
- Infrastructure
  - Identify resources to maintain existing **pavement condition**.
  - Identify resources to enhance other core services: **striping, sign replacements, crack sealing**, etc.
  - Identify resources for **new sidewalks** and **maintenance for existing sidewalks**.
- Community Development
  - Identify resources to **maintain current level of service and timeline targets for building and development permits**.
  - Upgrade **development review and permit tracking software**.

## B. Staff presentations on Core Services and Council input on top priorities

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### Highest Core Service Priorities (Council Dot Votes), continued

- Parks and Recreation
  - Undertake staff work leading to Council decision on community recreation facilities including a central **recreation center**.
  - Enhance **programs for youth and teens**.
- Economic Development
  - Continue implementation of **Top 5 Economic Development Priorities**:
    - Removing/Reducing Impediments; Business Retention/Expansion; Hotel Development  
Downtown Mobility/Parking; Branding/Marketing
- Finance and IT
  - **Research and consider new revenue options**.
  - Upgrade **financial software**.
  - Work with regional partners to **allocate human services funds effectively** including those addressing homelessness.



## Topline Results

- Overall satisfaction with City government.
- In general, survey results support priorities of the emerging draft plan, particularly the **Safe Community Goal**.
  - Strong support for **improving public safety/crime prevention**.
  - Strong support to **maintain, repair and enhance street and sidewalks conditions**.

## Process to Date

Leadership Team Meetings: 3/10, 4/5, 5/10, 5/24

- Moved from departmental topics to Citywide Goals.
- Worked in teams to develop preliminary content.
- Reviewed and revised all material collectively.
- Develop draft content and layout for the Draft Strategic Plan being reviewed during this meeting.

# Process to Date

## Council Briefing: April 25



- Reviewed framework and topics covered in “emerging” Strategic Plan.
  1. Safe Community.
  2. Dynamic Community.
  3. Healthy Community.
  4. Organizational Capacity.

FRAMEWORK & SHORTHAND SUMMARY OF CURRENT (WORKING DRAFT) CONTENT

\* = 2017/18 priority

	Safe Community	Dynamic Community	Healthy Community
2017/18 and 2018/20 CORE SERVICES	<p><b>Public Safety</b></p> <ul style="list-style-type: none"> <li>Increase patrol, supervision, investigations*</li> <li>Diversify Police Department workforce, increase public safety outreach to diverse neighborhoods*</li> <li>Strengthen crime analysis and predictive policing</li> </ul> <p><b>Basic Infrastructure</b></p> <ul style="list-style-type: none"> <li>Enhance capacity to maintain street pavement condition Index*</li> <li>Enhance capacity to improve pedestrian safety: bring existing sidewalks to ADA standards, upgrade signals to ADA*</li> <li>Ensure safe parks facilities and equipment*</li> <li>Enhance capacity for routine maintenance, such as sign replacement, striping</li> </ul>	<p><b>Economic/Community Development</b></p> <ul style="list-style-type: none"> <li>Retain and strengthen businesses*</li> <li>Implement branding/marketing campaign*</li> <li>Better engage diverse communities in civic conversations and activities</li> </ul> <p><b>Expand/Grow</b></p> <ul style="list-style-type: none"> <li>Develop/implement Urban Center Plan and Downtown Mobility Study*</li> <li>Attract hotel development*</li> <li>Establish South County Leadership Academy</li> </ul> <p><b>Planning/Development Services</b></p> <ul style="list-style-type: none"> <li>Assure adequate permit capacity, reduce impediments, and make processing improvements*</li> <li>Undertake key Code and Policy document updates*</li> </ul>	<p><b>Parks/Recreation</b></p> <ul style="list-style-type: none"> <li>Community Recreation Center decision*</li> <li>Enhance programs for youth and teens, especially subsidized programs*</li> </ul> <p><b>Education</b></p> <ul style="list-style-type: none"> <li>Enhance partnerships with Highline Public Schools</li> <li>Enhance facilities and programs for youth and teens</li> </ul> <p><b>At-risk Community Members</b></p> <ul style="list-style-type: none"> <li>Support community-based organizations and work in partnership with south county entities</li> </ul> <p><b>Natural Environment</b></p> <ul style="list-style-type: none"> <li>Implement Low Impact Development (LID)</li> <li>Increase recycling rates</li> <li>Work with partners to address noise/emission impacts</li> </ul>
2020 - ENHANCEMENTS	<ul style="list-style-type: none"> <li>New sidewalks; more traffic calming</li> <li>Crime prevention; more community engagement in public safety</li> </ul>	<ul style="list-style-type: none"> <li>Enhance community engagement in planning</li> <li>Build intergovernmental relations and policy development support</li> <li>Provide better on-line information access/usability</li> </ul>	<ul style="list-style-type: none"> <li>Enhance capacity for arts and culture</li> </ul>
<b>Organizational Capacity (details to be developed)</b>			
<p><b>People:</b> organizational culture, recruitment, training, retention, succession planning, staffing levels</p> <p><b>Systems:</b> Upgrade IT Systems (Finance*, Permitting*, Parks Registration*, Records Management, Meeting Rooms, City Hall phones), website/mobile</p> <p><b>Facilities:</b> Maintenance facility*, Community Rec Center*, fleet/equipment</p>			

# April 25: Council Feedback

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- Overall positive feedback on the emerging Strategic Plan.
- Suggested **additional items** to incorporate in the Plan:
  - Proactive policing.
  - New sidewalks.
  - Arts and cultural events.
  - Business attraction.
  - Address litter.
  - Community conversations regarding development design.
- Suggested **increase in emphasis**:
  - More focus on removing impediments to development.
  - More youth opportunities, including via partnerships with schools.
  - More business development/growth (hotel, meeting space).
  - More “Enhancements” before 2020.

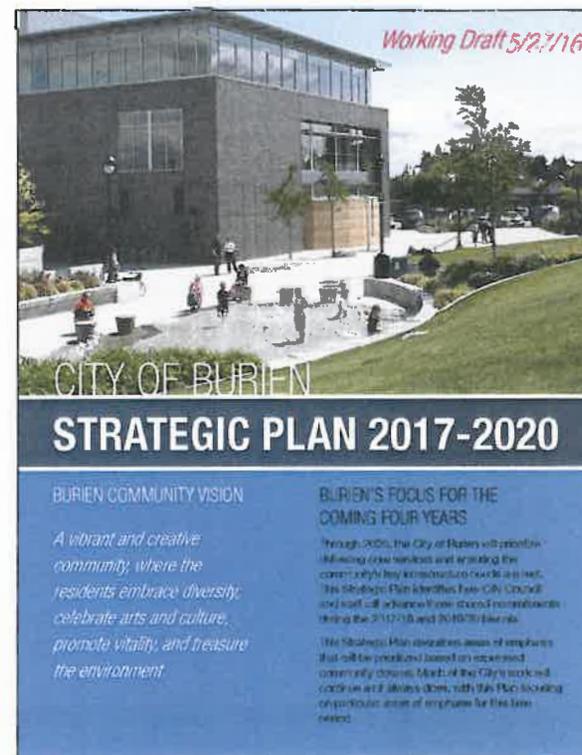
# Review of Draft Plan

## Orientation and Tone

- Citywide (not departmental) focus.
- Use of accessible language describing the benefit to stakeholders, not the bureaucratic function that provides it.

## Front Page

- **Burien Community Vision**
- **Statement of current focus:** “Through 2020, the City of Burien will prioritize delivering core services and ensuring the community’s key infrastructure needs are met.”



# Review of Draft Plan: Inside Spread

1. SAFE Community
2. DYNAMIC Community
3. HEALTHY Community
4. STRONG City

Supporting Strategies delineated by time:

- 2017/18\*
- 2019/20

**GOALS, INITIATIVES, & STRATEGIES**  
\* designed as 2017/18 priority



### SAFE Community



- 1. **Centralize public safety through a unified entity and an existing local law enforcement and emergency organization**
  - a. Support information systems on higher levels for support and response.
  - b. Increase community engagement in public safety initiatives.
  - c. Focus on non-law enforcement and produce public safety model.
- 2. **Take care of our streets by investing more resources to maintain our current pavement conditions**
  - a. Help Bureau maintain and vectors travel on low fuel priority roads and improve road conditions.
  - b. Make sure our streets are well-maintained and make sure we are keeping our streets in the best condition.
  - c. Maximize our use of fuel and equipment to provide a public safety solution.

### DYNAMIC Community



- 1. **Reduce and moderate driving for business through proactive efforts**
  - a. Attract and nurture investment through entrepreneurship, industry, and regulated use of resources.
  - b. Improve Bureau community engagement and feedback level and crafting to strategy.
  - c. Establish new user to be for a safe driving environment in our communities and centers.
  - d. Implement a set for Center for Road Development Mobility Safety.
  - e. Promote safety and about a local to drive.
  - f. Foster community development and community vision, such as road and program in such a way to establishing a Leadership Academy.
- 2. **Improve our roads and make it easier for public and private development to address public safety needs and long-term solutions, and making roads more efficient**
  - a. Improve our current conditions and infrastructure through alternative parking systems.
  - b. Update our standards and safety documents.

### HEALTHY Community



- 1. **Expand parks and recreation facilities and programs**
  - a. Develop a plan for a new Recreation Center or renovate the existing Arroyo Building.
  - b. Enhance programs for youth and teens, with a focus on City-subsidized programs.
  - c. Improve outdoor experiences and staff efficiency by upgrading the parks registration system.
- 2. **Work with partners to provide quality services for all community members and encourage opportunities for all classes citizens**
  - a. Support active community members and community-based organizations that contribute to a strong partnership with South West County partners.
  - b. Support activities in street and community by strengthening the City's partnership with Highline Public Schools.
- 3. **Promote and support the type of Development (D) and other services**
  - a. Address and improve existing parameters.
  - b. Address zero and/or reduction impacts associated with the development in partnership with neighboring areas.
- 4. **Improve the City's support of our users**
  - a. Enhance the equity and quality of our mobility needs and solutions.

### STRONG City Organization



- 1. **Continue to strengthen our City team**
  - a. Attract, retain, and develop employees through a comprehensive compensation and benefit package, employee development, and accountability.
  - b. Increase staff capacity and efficiency to advance community priorities.
  - c. Continue to enhance the City's financial strength.
- 2. **Improve our internal systems and processes and support the City's work**
  - a. Upgrade the City's financial management system.
  - b. Upgrade the City's human resources management system.
  - c. Develop a strategy for equipment, fleet, and maintenance to further improve efficiency and accommodate future.

Working Draft 5/27/16
Working Draft 5/27/16

# Review of Draft Plan: Back Page

- Brief summary of planning process.
- Description of how the Plan will be implemented.
- Credit to City Council and Leadership Team members.

**PLAN DEVELOPMENT & IMPLEMENTATION**

**How was the Strategic Plan developed?**

The strategic planning process was a collaborative effort between the Burien City Council and the Leadership Team. Emphasis was placed on responding to community preferences demonstrated by elected officials and staff over several months. Community survey data, staff observations during community events assessing public safety and mobility, and other initiatives.

**How will the Plan be implemented?**

- To be discussed during June 16 Council meeting.

**CITY COUNCIL**

- Mayor Lory Birkowski
- Deputy Mayor David Ogden
- Councilmember Steve Armstrong
- Councilmember Anita Bell
- Councilmember Lauren Berkowitz
- Councilmember Nancy Brite
- Councilmember Dick Wagner

**LEADERSHIP TEAM**

- Kamron Cook - City Manager
- Midge Andrews - Public Works Director
- Angie Cloutier - Administrative Services Manager
- Chris Davis - Community Development Director
- Scott Kinross - Police Chief
- Kim Kizile - Finance Director
- Steve Hooper - Parks, Recreation, and Cultural Services Director
- Paul Hibel Sr. - Economic Development Manager
- Kate Walker - City Communications Officer

**FIND OUT MORE:**  
[www.burienwa.gov/strategicplanwebpage](http://www.burienwa.gov/strategicplanwebpage)  
Contact Name, [address@burienwa.org](mailto:address@burienwa.org)

*Working Draft*  
**5/27/16**

# Discussion of How the Plan will be Implemented

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## General Ideas and Recommendations

### Keep the Strategic Plan central

- Use it to describe and align efforts within the City, with partners, and with community members.
- Reference it often, connecting topical conversations to the Strategic Plan in Council, Leadership Team, and staff meetings.

### Use the Strategic Plan to inform the budget process:

- Staff should use the Plan to guide budget proposals.
- Council should use the Plan to frame budget considerations.

### Use the Plan to inform organizational workplans, including:

- Council goal setting.
- Departmental workplans.

### Stay focused on implementation:

- Review regularly progress at Council and Leadership Team meetings.
- Share updates with the community.

Feedback on these ideas?  
Other ideas?

## Next Steps

- Revisions based on tonight's discussion.
- Final review and potential adoption at June 20 Council meeting.
- Finalization and publication of document.
- Begin operating with the benefit of the Strategic Plan.
- Revise layout when City branding process is completed.



**CITY OF BURIEN  
AGENDA BILL**

<b>Agenda Subject:</b> Seattle Annexation of North Highline Area “Y” Information and Update		<b>Meeting Date:</b> June 6, 2016
<b>Department:</b> Community Development	<b>Attachments:</b>	<b>Fund Source:</b> n/a
<b>Contact:</b> Charles W. “Chip” Davis		<b>Activity Cost:</b> n/a
<b>Telephone:</b> 206-248-5501		<b>Amount Budgeted:</b> n/a <b>Unencumbered Budget Authority:</b> n/a
<b>Adopted Initiative:</b> N/A	<b>Initiative Description:</b>	

**PURPOSE/ REQUIRED ACTION:**

The purpose of the presentation is to provide the City Council with information and an update on the City of Seattle’s proposed annexation of North Highline Area “Y”. The Washington State Boundary Review Board’s Public Hearings on the matter are scheduled for June 13<sup>th</sup>, 14<sup>th</sup> and 16<sup>th</sup> and

**BACKGROUND (Include prior Council action & discussion):**

In November and December of 2008, the cities of Burien and Seattle engaged in formal mediation to determine the potential annexation boundaries of all or portions of the North Highline area of unincorporated King County which were included in both cities Comprehensive Plans as Potential Annexation Areas (PAA’s). The mediation process led to an agreement giving the City of Burien first opportunity to annex the southern portion of the North Highline unincorporated area (Area “X”) and the City of Seattle the opportunity to annex the northern portion of the North Highline unincorporated area (Area “Y”). It was also agreed that if the City of Seattle decided not to move forward with an annexation proposal for Area “Y” by January 2012, that the City of Burien could move forward with an annexation proposal for the remainder of the North Highline Annexation Area.

In a 2009 election, Burien was successful in its annexation of Area “X” and in 2010 that area became a part of the City Burien. In late 2011, the City of Seattle notified the City of Burien that it was not planning to move forward with annexation of Area “Y” and that Burien was free to pursue annexation of the area. In 2012, the City of Burien’s proposal to annex Area “Y” was turned down by Area “Y” voters. On December 15, 2014 the Burien City Council adopted Ordinance No. 614 which removed all Potential Annexation Area (PAA) language, including the map and designation of North Highline Area “Y”, from the Burien Comprehensive Plan.

In August of 2014, the City of Seattle submitted a Notice of Intention for annexation of the Duwamish Annexation Area as the first phase of a two-phase approach to annex the remaining portions of the North Highline unincorporated area. On December 15, 2014 the Seattle City Council authorized the submittal of a Notice of Intention for annexation of North Highline Area “Y”, by the election method, to the Washington State Boundary Review Board for King County.

On April 15, 2016, Burien received notice from the Washington State Boundary Review Board for King County that the City of Seattle has requested Boundary Review Board (BRB) action on Seattle’s request concerning annexation of North Highline Area “Y”. The BRB has published a public notice and established June 13<sup>th</sup>, 14<sup>th</sup> and 16<sup>th</sup> for public hearing, deliberations and a preliminary decision on Seattle’s annexation proposal. May 27, 2016 is the deadline for receipt of comments for inclusion in the BRB public hearing packet. Staff is in the process of determining what impacts to Burien residents could result from Seattle’s annexation of North Highline Area “Y”.

Following a preliminary decision by the BRB in June, a final hearing and decision report will be issued by late July and a 30-day appeal period will commence. The Seattle City Council could set an annexation election date by late August.

The 2008 mediation sessions, which preceded the 2009 annexation vote, included representatives of King County Fire District #2 and King County Fire District #11 and one of the provisions of the mediation agreement was a transitional framework to address the operational impacts arising from annexation affecting Fire District #2. The transitional framework included language to determine which jurisdiction would be responsible for the provision of land for a replacement fire station in North Burien based on different outcomes of annexation for North Highline Area "Y". Fire District #2 recently contacted King County regarding moving forward with the land purchase should Seattle successfully annex the area and was told King County would not be honoring the transition framework agreement. This action could put residents in the northwest portion of Burien at risk due to the increased response times required to serve the area from current Fire District #2 stations. This action also causes Fire District #2 to oppose Seattle's annexation at the June Boundary Review Board Public Hearing.

Burien staff has received communications from King County Fire District #2 expressing concern over adverse impacts to fire protection services resulting from Seattle's annexation and acquisition of King County Fire District #11 Fire Station, located at 1243 SW 112th Street, coupled with the need to locate an appropriate parcel of land for a replacement Fire Station to ensure appropriate response times. The Fire District has also requested Burien's assistance in articulating these concerns to the Boundary Review Board.

**OPTIONS (Including fiscal impacts):**

n/a

**Administrative Recommendation:** Discussion and Council direction.

**Advisory Board Recommendation:** n/a

**Suggested Motion:** n/a

**Submitted by:** Charles Davis

Administration \_\_\_\_\_

City Manager \_\_\_\_\_

**Today's Date:** June 1, 2016

**File Code:** <R:\CC\Agenda Bill 2016\060616cd-2 NHAreaY Annex Update.docx>

**CITY OF BURIEN  
AGENDA BILL**

<b>Agenda Subject:</b> Discussion on relative cost and levels of animal services and Council direction on provider options.		<b>Meeting Date:</b> June 6, 2016
<b>Department:</b> City Manager	<b>Attachments:</b>	<b>Fund Source:</b> Pet Licenses and General Fund
<b>Contact:</b> Kamuron Gurol		<b>Activity Cost:</b> \$0
<b>Telephone:</b> (206) 248-5503		<b>Amount Budgeted:</b> \$175,000 <b>Unencumbered Budget Authority:</b> \$0
<b>Adopted Initiative:</b> Yes	<b>Initiative Description:</b> Animal Issues	
<b>PURPOSE/ REQUIRED ACTION:</b> The purpose of this agenda item is to complete Council discussion on relative cost and levels of animal services and get Council direction on animal services provided by either Regional Animal Services of King County (RASKC) or Burien CARES.		
<b>BACKGROUND (Include prior Council action &amp; discussion):</b> The City of Burien-CARES contract is set to expire on August 31, 2016. At the April 4, 2016 meeting, the Council voted against amending the CARES contract to extend the expiring contract to January 31, 2017. Also at the April 4, 2016 meeting, the Council directed staff to bring back information on the cost and levels of animal services for the period of September 1, 2016 through December 31, 2017 and for the period of January 1, 2017 through December 31, 2017 as provided by RASKC and Burien CARES, two known animal service providers in the region. At the May 23, 2016 meeting, staff presented the research finds and cost estimates, and further discussion on this item was scheduled for June 6, 2016.  To ensure there is time to execute the Council’s choice, staff requests that the Council complete the discussions and provide direction on June 6, 2016. Staff believes the Council has three primary options to choose from:		
<ol style="list-style-type: none"> <li>1. <b>No further action/No Service</b> – All City funded services end on August 31, 2016. <u>Staff comment:</u> Service demands are likely to continue and would impact other city departments (Police, Code Enforcement, Public Works, etc.). Modest budget savings.</li> <li>2. <b>Extend CARES contract for 16-months</b> – Continue services with the current provider through December 31, 2017. <u>Staff comment:</u> Sufficient funds are budgeted and continuity of service would be provided.</li> <li>3. <b>New RASKC contract for 16 months</b> – Services would transfer to the new provider on September 1, 2016 and run through December 31, 2017. <u>Staff comment:</u> Additional funds would be needed, from unknown sources, beyond current and assumed budgeted amounts. The public would need to adapt to a new service provider in three months, and it may be difficult to switch back later. King County is now in the process of working with other cities on a new ILA for 2018 and beyond, and those negotiations will likely continue into fall 2016 or beyond.</li> </ol>		
For options 2 and 3, staff suggests the city conduct concurrent negotiations with both CARES and RASKC on multi-year agreements starting in 2018 for Council consideration in 1Q/2Q 2017. Staff suggest that option 2 appears to be the most practical and would preserve Burien’s options for animal services in the longer term.		
<b>OPTIONS (Including fiscal impacts):</b> N/A		
<b>Administrative Recommendation:</b> 1. Provide staff direction on the above options.		
<b>Advisory Board Recommendation:</b> N/A		
<b>Suggested Motion:</b> Staff request Council direction on one of the options listed above.		
<b>Submitted by:</b> Administration _____		<b>City Manager</b> _____
<b>Today’s Date:</b> June 1, 2016	<b>File Code:</b> \\File\records\CC\Agenda Bill 2016\060616cm-3 Animal Services.docx	



**CITY OF BURIEN  
AGENDA BILL**

<b>Agenda Subject:</b> Review of Council Proposed Agenda Schedule		<b>Meeting Date:</b> June 6, 2016
<b>Department:</b> City Manager	<b>Attachments:</b> Proposed Agenda Schedule	<b>Fund Source:</b> N/A <b>Activity Cost:</b> N/A <b>Amount Budgeted:</b> N/A <b>Unencumbered Budget Authority:</b> N/A
<b>Contact:</b> Monica Lusk, City Clerk		
<b>Telephone:</b> (206) 248-5517		
<b>Adopted Initiative:</b> Yes    No <input checked="" type="checkbox"/>	<b>Initiative Description:</b> N/A	
<b>PURPOSE/REQUIRED ACTION:</b>		
The purpose of this agenda item is for Council to review the proposed City Council meeting schedule. New items or items that have been rescheduled are in bold.		
<b>BACKGROUND (Include prior Council action &amp; discussion):</b>		
Per the City Council Meeting Guidelines, the proposed meeting schedule is reviewed at each meeting.		
<b>OPTIONS (Including fiscal impacts):</b>		
<ol style="list-style-type: none"> <li>1. Review the schedule and add, delete, or move items.</li> <li>2. Review the schedule and make no modifications.</li> </ol>		
<b>Administrative Recommendation:</b> Review the schedule and provide direction to staff.		
<b>Advisory Board Recommendation:</b> N/A		
<b>Suggested Motion:</b> None required.		
Submitted by:		
<b>Administration</b> _____	<b>City Manager</b> _____	
<b>Today's Date:</b> May 27, 2016	<b>File Code:</b> <a href="#">R:/CC/Agenda Bills 2016/060616cm-2 Rev Agenda Schedule</a>	



**CITY OF BURIEN  
COUNCIL PROPOSED AGENDA SCHEDULE  
2016**

**SUMMER SCHEDULE (JUN – AUG)**

**June 20, 7 pm Regular Meeting**

**Presentations**

Presentation on Stormwater Inspection Technology by Stormwater Inspector Brian Tornow.  
*(Public Works)*

**Presentation on the Highline Bears by President Russ Pritchard.**

*(City Manager)*

**Consent Agenda**

**Motion to Adopt Ordinance No. 641, Providing for the Issuance of Limited Tax General Obligation and Refunding Bonds.**

*(Finance)*

Motion to Adopt Ordinance No. 642, Granting a Right-of-Way Franchise Agreement to Astound Broadband.

*(Public Works)*

**Business Agenda**

Potential Action on the Strategic Plan.

*(City Manager – Rescheduled from 6/6/16)*

Motion to Approve Resolution No. 374, Adopting the 2017 through 2022 Six-Year Transportation Improvement Program (TIP).

*(Public Works)*

Motion to Adopt Ordinance No. 641, Providing for the Issuance of Limited Tax General Obligation Refunding Bonds. (IF NEEDED)

*(Finance)*

Presentation of the Six-Year Financial Forecast.

*(Finance)*

Discussion on Multifamily Tax Exemption for Town Square Parcel 4.

*(Community Development - Staff on 12/29/15)*

Discussion on Multifamily Tax Exemption for Town Square Parcel 5.

*(Community Development - Staff on 12/29/15)*

Review of Council Proposed Agenda Schedule.

*(City Manager)*

**July 4, Regular Meeting CANCELED – 4<sup>th</sup> of July Holiday**

**July 18, 7 pm Regular Meeting**

**Business Agenda**

Update on the Highline School District's Capital Plan and Levy.

*(City Manager)*

Discussion and Potential Action on Ordinance No. xxx, Adopting Highline School District School Impact Fee.

*(Community Development)*

Discussion and Potential Action Authorizing the Establishment of a Community Heroism Award Program.

*(City Manager)*

Motion to Adopt Multifamily Tax Exemption for Town Square Parcel 4.

*(Community Development - Staff on 12/29/15)*

Motion to Adopt Multifamily Tax Exemption for Town Square Parcel 5.

*(Community Development - Staff on 12/29/15)*

**Receive Recommendations on the Downtown Mobility Study.**

*(City Manager)*

Review of Council Proposed Agenda Schedule.

*(City Manager)*

**August 1, 7 pm Regular Meeting**

Presentation by the Environmental Science Center.

*(City Manager – Rescheduled from 6/6/16)*

Discussion on Amendments to BMC Regarding Airport Noise Reduction.

*(Community Development - Rescheduled from 5/16/16)*

**August 1 cont'd**

Discussion on Mandatory Garbage Services and Plastic Bag Ban.  
*(Public Works – Rescheduled from 5/23/16)*  
Review of Council Proposed Agenda Schedule.  
*(City Manager)*

**August, 15, 7 pm Regular Meeting**

Motion on Amendments to BMC Regarding Airport Noise Reduction.  
*(Community Development - Rescheduled from 6/6/16)*  
Presentation on the Financial Policies and General Budget Discussion.  
*(Finance)*  
First Public Hearing on the Revenue Sources/Expenditures.  
*(Finance)*

**Discussion on Proposed Ordinance No. 645, Amending the 2015-2016 Biennial Budget to Recognize Revenues and Expenditures Related to Refunding the 2006 LTGO Bonds.**

*(Finance)*  
Review of Council Proposed Agenda Schedule.  
*(City Manager)*

**September 5, Regular Meeting CANCELED – Labor Day Holiday**

**September 19, 7 pm Regular Meeting**

**Motion to Adopt Ordinance No. 645, Amending the 2015-2016 Biennial Budget to Recognize Revenues and Expenditures Related to Refunding the 2006 LTGO Bonds.**

*(Finance)*  
Presentation on the Preliminary Operating Budget.  
*(Finance)*  
Discussion on the Property Tax Levy.  
*(Finance)*  
Discussion on Proposed Surface Water Management (SWM) Rates.  
*(Finance)*  
Review of Council Proposed Agenda Schedule.  
*(City Manager)*

**September 26, 7 pm Study Session**

Review of Council Proposed Agenda Schedule.  
*(City Manager)*

**October 3, 7 pm Regular Meeting**

Presentation on Human Services Funding.  
*(Finance)*  
Presentation on the Preliminary Capital Improvement Program (CIP) Budget.  
*(Finance)*  
Review of Council Proposed Agenda Schedule.  
*(City Manager)*

**October 17, 7 pm Regular Meeting**

Second Public Hearing on Revenue Sources/Expenditures.  
*(Finance)*  
Discussion on the Preliminary Operating and Capital Improvement Program (CIP) Budget Follow-Up.  
*(Finance)*  
Discussion on the Financial Policies.  
*(Finance)*  
Review of Council Proposed Agenda Schedule.  
*(City Manager)*

**October 24, 7 pm Study Session**

Discussion on the Preliminary Operating and Capital Improvement Program (CIP) Budget Follow-Up. (IF NEEDED)  
*(Finance)*  
Review of Council Proposed Agenda Schedule.  
*(City Manager)*

**November 7, 7 pm Regular Meeting**

Discussion on the 2017-2018 Budget Ordinance.  
*(Finance)*  
Discussion on the Property Tax Levy.  
*(Finance)*  
Discussion on the Proposed Surface Water Management (SWM) Rates.  
*(Finance)*  
Review of Council Proposed Agenda Schedule.  
*(City Manager)*

**November 21, 7 pm Regular Meeting**

Motion to Adopt Ordinance No. xxx, Setting the 2017 Property Tax Levy.  
*(Finance)*  
Motion to Adopt the Financial Policies.  
*(Finance)*  
Motion to Approve Ordinance No. xxx, Adopting the 2017-2018 Biennial Budget.  
*(Finance)*  
Motion to Approve Ordinance No. xxx, Adopting the Surface Water Management (SWM) Rates.  
*(Finance)*  
Review of Council Proposed Agenda Schedule.  
*(City Manager)*

**November 28, 7 pm Study Session**

Review of Council Proposed Agenda Schedule.  
*(City Manager)*

**December 5, 7 pm Regular Meeting**

Review of Council Proposed Agenda Schedule.  
*(City Manager)*

**December 19, 7 pm Regular Meeting**

Review of Council Proposed Agenda Schedule.  
*(City Manager)*

**December 26, Study Session CANCELLED – Christmas Holiday**

## **FUTURE AGENDA ITEMS (identified by Council)**

### **Medium Priorities (1/24 Council Retreat)**

- a. Discussion on Managing Community Assets (White Center Library & Downtown Fire Station)  
(*Council direction on 7/25/15*)

### **Low Priorities (1/24 Council Retreat)**

- b. Discussion on Wi-Fi Service in Common Areas (*Council direction on 9/15/14*)
- c. Discussion on Establishing Multiple Rates Within the Business and Occupation (B&O) Tax According to Different Sizes or Types of Businesses (*Council direction on 11/17/14*)

## **2016 FUTURE AGENDA ITEMS (identified by Staff)**

- a. Significant Tree Protection Ordinance revisions (*Staff on 11/25/15*)
- b. BMC Revisions Regarding Right-of-Way (*Staff on 10/14/14*)
- c. Public Works Fee Schedule Modifications (*Staff on 1/9/15*)
- d. Establishing Development Fee Implementation Dates (*Staff on 1/9/15*)
- e. Downtown Center Planning Effort (Consolidation of Downtown Vision, Policies and Actions with Outside Planning Assistance, incorporating issues such as Hotel/Entertainment/Arts District, Parking, Traffic Flow and Street Network, Pedestrian Way Finding, Sidewalk Art and Park Space with Participation by all City Departments, Downtown focused Organizations and Businesses)  
(*Staff on 1/9/15*)
- f. Valley View Sewer Easement (*Staff on 9/15/15*)
- g. Discussion on and Potential Action on Adopting Permit Technology Fees (*Staff on 3/8/16*)
- h. Discussion on Business License Code Update (*Staff on 3/8/16*)
- i. Discussion on City Council Meeting Guidelines (*Staff on 4/21/16*)

## **2017 FUTURE AGENDA ITEMS (identified by Staff)**

- a. 2016 Title 17 Subdivision Code Major Revision (*Staff on 1/9/15 – Rescheduled from 2016*)
- b. Uninhabitable Buildings (*Staff on 8/18/15 – Rescheduled from 2016*)
- c. Discussion Regarding Utility Franchises (*Staff on 11/23/15 – Rescheduled from 2016*)
- d. Discussion Regarding Permit Tracking System Modification/Replacement (*Staff on 1/9/15 – Rescheduled from 2016*)
- e. Discussion on and Potential Action on Adopting a Credit Card Convenience Fee (*Staff on 1/19/16 – Rescheduled from 2016*)
- f. Sign Code Update (*Staff on 3/22/16*)



# Burien

*Washington, USA*

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## MEMORANDUM

**TO:** Honorable Mayor and Members of the City Council  
**FROM:** Kamuron Gurol, City Manager  
**DATE:** June 6, 2016  
**SUBJECT:** City Manager's Report

### I. INTERNAL CITY INFORMATION

#### A. Athletic Field Scheduling

Throughout the year, Burien Parks, Recreation & Cultural Services (PaRCS) schedules the five Moshier Park sports fields and the one Chelsea Park field for 1000+ participants. The majority of users are youth that include Highline High School students, Pac West Little League, Highline Soccer Club, SW Lacrosse, Highline Premier Football Club, Boys and Girls Club, and Hope Christian Church. Additional baseball/softball groups are Washington Select Little League, Kennedy High School, Seattle Spice Fast Pitch, Emerald City Softball, and the South Suburban Christian Softball League. The Seattle Grizzlies Australian Rules Football are also scheduled.

#### B. Summer Recreation Guide Distributed

The new brochure came out on May 16, highlighting the many family special events and kids programs happening throughout the summer. Ongoing classes for adults and seniors continue to be popular, with Tai Chi moving outdoors during the summer session. Recreation Guides are directly mailed to approximately 4,600 individuals. Hard-copy brochures are available in the City Hall/Library lobby, and the guide is also available on the both the City's and individual Burien school websites. In 2014, the Highline School District changed their distribution of community flyers and documents to exclusively electronic listings, including the City's Recreation Guide.

#### C. Youth Soccer Classes Popular

During this past spring session, the "Kidz Love Soccer" classes that PaRCS offers for preschoolers and youth attracted 48 participants. Although the program has been offered for many years, this number represents a significant increase over previous sessions.

**D. Highline School District Speed Networking 'SNAP' Event at Burien City Hall**  
On Tuesday, May 17, the City of Burien helped to host the 'SNAP! Speed Networking to Achieve Professionalism' event for juniors and seniors from Highline Public Schools at Burien City Hall.

More than 100 students and 30 career professionals registered for the event, where students were able to try out their elevator speeches, practice interviewing, and build their networking skills. City Manager Kamuron Gurol and Representative Tina Orwall provided introductory welcomes to the students.

In a post event survey done by the Highline Public Schools Career Access staff, 94% of the students said the event helped them better understand their future interests and plans after high school, and 100% said that Highline Public Schools should offer this event again in the future.

City Staff enjoyed having the students around City Hall and working with Highline Public Schools on a very successful event.

**II. COUNCIL UPDATES/REPORTS**

**A. Citizen Action Report (CAR) (Page 375)**

Staff has provided Council with the attached May Citizen Action Report.

**III. Notices: (Page 383)**

The following (attached) Notices were published:

- Public Hearing Notice: The City of Burien will hold a public hearing on Monday, June 6, 2016, for the purpose of receiving public comments on the 2017 through 2022 Six-Year Transportation Improvement Plan (TIP). The hearing will be in the Council Chambers at approximately 7:00 pm.
- Notice of Application: PLA 16-0894; Ryan Roumonada, Property Owner; Applicant proposes to construct a new single family residence with an interior accessory dwelling unit (ADU) located in a landslide hazard area.
- Notice of Application: PLA 16-0828; Ekalo Teklehaimanot, Living Well Enterprises, LLC, Applicant; Type 1 Land Use Review for a State-Licensed Recreational Marijuana Retail Store to be located in the Intersection Commercial (CI) Zone.
- Notice of Application: PLA 16-0664; Kevin Rosenfield; Applicant proposes to construct a 70-foot floating pier on Lake Burien.

- Notice of Application: PLA 16-0788; Jeremy Rene, Rene Architecture; Applicant proposes to construct a single-family home with a 3 car garage and an interior Accessory Dwelling Unit (ADU).
- SEPA Determination of Nonsignificance (DNS) WAC 197-11-970; PLA 16-0159; Jeremy Rene, Rene Architecture; Construction of a 3-story, 23-unit apartment building with associated parking, landscaping and recreation area.
- Notice of Decision: PLA 16-0159; Jeremy Rene, Rene Architecture; Approval of Type 1 Land Use, subject to conditions; and Determination of Non-Significance (DNS) under the State Environmental Policy Act.
- SEPA Determination of Nonsignificance (DNS) WAC 197-11-970; PLA 16-0741; City of Burien Public Works Department; SEPA Checklist Review for stabilization and redesign of a culvert outlet on Lake Burien Creek.
- Notice of Decision: PLA 16-0741; City of Burien Public Works Department; Approval of Type 1 Critical Area Review and SEPA Checklist Review, subject to conditions.
- Notice of Decision: PLA 16-0109; David Sadis, Property Owner; Type 1 Land Use Review for a State-Licensed Recreational Marijuana Retail Store to be located in the Regional Commercial (CR) Zone.

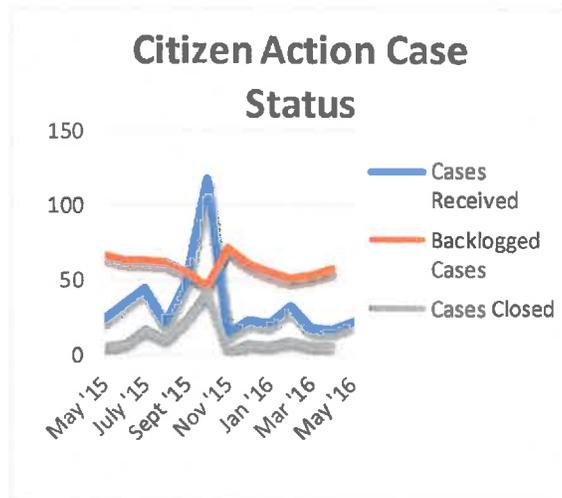




**CITY OF BURIEN MEMORANDUM**

**DATE:** May 31, 2016  
**TO:** Kamuron Gurol, City Manager  
**FROM:** Cynthia Schaff, Paralegal  
**RE:** 2016 Citizen Action Report

This report reflects the caseload for May and includes all backlog cases open as of May 31, 2016. As of that date, there were 77 open cases. 58 of the open cases are more than five weeks old and are considered backlog. There were 23 cases opened during the month of May, 2 case initiated by staff/police/fire, and 21 cases initiated by residents. 3 of the cases opened during the month of May were closed within the month.



	May '15	June '15	July '15	Aug '15	Sept '15	Oct '15	Nov '15	Dec '15	Jan '16	Feb '16	Mar '16	Apr '16	May '16
<b>Cases Closed</b>	6	8	17	11	24	43	2	8	7	10	7	7	3
<b>Cases Received</b>	25	35	45	22	49	117	15	24	21	33	18	17	23
<b>% Cases Closed/Received</b>	24%	23%	38%	50%	49%	37%	13%	33%	33%	30%	39%	41%	13%
<b>Backlogged Cases</b>	66	63	63	62	56	46	72	61	56	51	53	58	58
<b>Total Open Cases</b>	91	92	96	77	83	122	86	79	74	77	66	71	77
<b>% of Backlog</b>	73%	68%	66%	81%	67%	38%	84%	77%	76%	66%	80%	82%	75%

As usual, please let me know if you have any questions or suggestions for additional improvements to this report.

**Cc:** Chip Davis, Community Development Director  
 Jan Vogee, Building Official  
 Barb Canfield, Code Compliance Officer

Steve Roemer, Interim Parks Director  
 Maiya Andrews, Public Works Director  
 Soojin Kim, City Attorney





## Monthly Report to the City Manager

### Citizen Action Request Case Status

Report Date: 05/31/2016

Days Old	Department	CAR #	Date Received	Nature of Request	Complaint Information	Last Action	Date	Status
1664	Code Enforcement	CAR-11-0486	11/10/2011	Nuisance	16331 MAPLEWILD AV SW Nuisance-Golka-Zone 3	Email	04/27/2016	Open
1035	Code Enforcement	CAR-13-0301	07/31/2013	Housing Concerns	646 SW 152ND ST Housing, Illegal Dwelling-Phung-Zone 3	Site Investigation	05/20/2015	Open
819	Code Enforcement	CAR-14-0081	03/04/2014	Nuisance	12242 23RD AV S Nuisance, Trash,Vehicles-King-Zone 2	Enforcement Letter 2	11/17/2015	Open
714	Code Enforcement	CAR-14-0245	06/17/2014	Nuisance	12463 DES MOINES MEMORIAL DR S Bldg.-Shafa-Zone 2	Correction Notice	03/28/2016	Open
491	Code Enforcement	CAR-15-0026	01/26/2015	Parking	11803 GLENDALE WA S PARKING-BUTTLER-ZONE 2	Enforcement Letter 2	11/17/2015	Open
491	Code Enforcement	CAR-15-0029	01/26/2015	Nuisance	12663 16TH AV S NUISANCE-JOHNSON-ZONE 2	Other - See Notes	01/22/2016	Open
477	Code Enforcement	CAR-15-0039	02/09/2015	Vehicle	11833 12TH AV S Vehicles-Wilson-Zone 2	Site Investigation	04/01/2015	Open
453	Building	CAR-15-0054	03/05/2015	Building	615 SW 152ND ST Bldg. - Freggies-Zone 3	Other - See Notes	07/16/2015	Open
273	Code Enforcement	CAR-15-0243	09/01/2015	Nuisance	312 S 128TH ST NUISANCE-BASS-ZONE 2	Site Investigation	03/17/2016	Open
250	Code Enforcement	CAR-15-0283	09/24/2015	Nuisance	1034 SW 118TH ST NUISANCE-RUIZ-ZONE 1	Other - See Notes	04/19/2016	Open
243	Code Enforcement	CAR-15-0295	10/01/2015	Home Occupation	1208 S 140TH ST HOME OCC-A1 Education-Zone 2	Enforcement Letter 1	10/05/2015	Open

Days Old	Department	CAR #	Date Received	Nature of Request	Complaint Information	Last Action	Date	Status
237	Code Enforcement	CAR-15-0302	10/07/2015	Business License	450 SW 154TH ST B/L-One Stop Auto-Zone 3	Phone Call	12/16/2015	Open
237	Code Enforcement	CAR-15-0309	10/07/2015	Business License	14046 6TH AV S B/L-Joseph Garden Designer-Zone 4	NOV Issued	12/15/2015	Open
237	Code Enforcement	CAR-15-0316	10/07/2015	Business License	12321 15TH AV SW B/L-Active Solutions-Zone 1	NOV Issued	12/21/2015	Open
237	Code Enforcement	CAR-15-0329	10/07/2015	Business License	12428 23RD AV S B/L-Margies Daycare-Zone 2	NOV Issued	11/24/2015	Open
232	Code Enforcement	CAR-15-0346	10/12/2015	Home Occupation	11210 22ND AV SW Home Occ - Oxford House - Zone 1	Case Received	10/12/2015	Open
231	Code Enforcement	CAR-15-0368	10/13/2015	Business License	2225 S 112TH ST B/L-Lotus Roots Massage-Zone 2	NOV Issued	12/22/2015	Open
229	Code Enforcement	CAR-15-0380	10/15/2015	Business License	11923 1ST AV S BL-Slm Saveth Design&Sewing	NOV Issued	12/22/2015	Open
190	Code Enforcement	CAR-15-0418	11/23/2015	Nuisance	14640 20TH AV SW NUISANCE-HALL-ZONE 1	Phone Call	05/17/2016	Open
175	Code Enforcement	CAR-15-0426	12/08/2015	Nuisance	132 SW 152ND ST GARBAGE-TROUNG-ZONE 2	Enforcement Letter 1	12/14/2015	Open
155	Code Enforcement	CAR-15-0442	12/28/2015	Nuisance	NUISANCE-MCCALL-ZONE 2	Other - See Notes	03/17/2016	Open
148	Code Enforcement	CAR-16-0001	01/04/2016	Nuisance	15845 11TH AV SW Nuisance-Vert-Zone 3	Site Investigation	04/20/2016	Open
132	Code Enforcement	CAR-16-0010	01/20/2016	Nuisance	13115 12TH AV S Nuisance-Camacho-Zone 2	Phone Call	03/17/2016	Open
127	Code Enforcement	CAR-16-0014	01/25/2016	Vehicle	13825 DES MOINES MEMORIAL DR S VEHICLES-HABERZETT-ZONE 4	Other - See Notes	04/27/2016	Open

Days Old	Department	CAR #	Date Received	Nature of Request	Complaint Information	Last Action	Date	Status
124	Code Enforcement	CAR-16-0020	01/28/2016	Vehicle	11845 DES MOINES MEMORIAL DR S AUTO REPAIR-GILL-ZONE 2	Case Received	01/28/2016	Open
120	Code Enforcement	CAR-16-0024	02/01/2016	Nuisance	12025 DES MOINES MEMORIAL DR S AUTO REPAIR-CHAVEZ AUTO-ZONE 3	Phone Call	04/04/2016	Open
113	Code Enforcement	CAR-16-0029	02/08/2016	Nuisance	13936 4TH AV SW NUISANCE-KRIE-ZONE 1	Site Investigation	03/17/2016	Open
112	Code Enforcement	CAR-16-0035	02/09/2016	Nuisance	12441 DES MOINES MEMORIAL DR S AUTO REPAIR-SINGH-ZONE 2	Case Received	02/09/2016	Open
112	Code Enforcement	CAR-16-0038	02/09/2016	Nuisance	12621 12TH AV S NUISANCE-HAAG-ZONE 2	Case Received	02/09/2016	Open
92	Code Enforcement	CAR-16-0054	02/29/2016	Nuisance	14841 8TH AV S Garbage/Vacant-Wells Fargo-Zone 4	Site Investigation	04/20/2016	Open
91	Code Enforcement	CAR-16-0056	03/01/2016	Nuisance	VACANT LOT-CROMWELL-ZONE 4	Site Investigation	03/16/2016	Open
91	Code Enforcement	CAR-16-0057	03/01/2016	Nuisance	1008 SW 150TH ST NUISANCE-APTS-ZONE 3	Enforcement Letter 1	03/17/2016	Open
78	Code Enforcement	CAR-16-0061	03/14/2016	Nuisance	11415 12TH AV SW TIRES-CASTRO & ELGIN-ZONE 1	Case Received	03/14/2016	Open
77	Code Enforcement	CAR-16-0064	03/15/2016	Nuisance	1427 S 129TH ST GARBAGE-OSTIC-ZONE 1	Case Received	03/15/2016	Open
76	Code Enforcement	CAR-16-0065	03/16/2016	Nuisance	1208 S 124TH ST NUISANCE-SCHUKAR-ZONE 2	NOV Issued	05/18/2016	Open
76	Code Enforcement	CAR-16-0066	03/16/2016	Vehicle	212 SW 130TH ST VEHICLES-MEGALE-ZONE 1	Phone Call	05/16/2016	Open
64	Code Enforcement	CAR-16-0070	03/28/2016	Fire Department Issue	120 SW 148TH ST Sprinkler System-Auto Zone-Zone 1	NOV Issued	04/25/2016	Open

Days Old	Department	CAR #	Date Received	Nature of Request	Complaint Information	Last Action	Date	Status
62	Code Enforcement	CAR-16-0072	03/30/2016	Nuisance	11620 OCCIDENTAL AV S VEGETATION-HUYNH-ZONE 2	Enforcement Letter 2	05/17/2016	Open
40	Code Enforcement	CAR-16-0085	04/21/2016	Nuisance	1328 S 130TH PL NUISANCE-LEAPAI-ZONE 2	Other - See Notes	05/26/2016	Open
40	Code Enforcement	CAR-16-0086	04/21/2016	Building	12429 2ND AV SW PERMITS-MCKNIGHT-ZONE 1	Phone Call	05/02/2016	Open
36	Code Enforcement	CAR-16-0088	04/25/2016	Parking	16041 11TH AV SW Parking-Runbeck-Zone 4	Site Investigation	05/18/2016	Open
36	Code Enforcement	CAR-16-0089	04/25/2016	Nuisance	12101 7TH PL SW GARBAGE-OWNBEY-ZONE 1	Site Investigation	05/16/2016	Open
29	Code Enforcement	CAR-16-0093	05/02/2016	Housing Concerns	18231 5TH AV S LIVING IN RV-STOTTS-ZONE 4	Phone Call	05/23/2016	Open
22	Code Enforcement	CAR-16-0095	05/09/2016	Vehicle	12922 15TH AV S JUNK VEHICLES-GILMORE-ZONE 2	Other - See Notes	05/26/2016	Open
22	Code Enforcement	CAR-16-0098	05/09/2016	Nuisance	2311 S 116TH PL NUISANCE-Phuoc-Zone 2	Site Investigation	05/16/2016	Open
21	Code Enforcement	CAR-16-0096	05/10/2016	Nuisance	12212 2ND AV SW GARBAGE-BUI-ZONE 1	Enforcement Letter 1	05/10/2016	Open
21	Code Enforcement	CAR-16-0097	05/10/2016	Critical Area Concerns	137 S 169TH PL Filled Stream Buffer-Sutton-Zone 4	Site Investigation	05/10/2016	Open
21	Code Enforcement	CAR-16-0100	05/10/2016	Animals	12416 3RD AV SW ROOSTERS-BAHN-ZONE 1	Site Investigation	05/16/2016	Open
18	Code Enforcement	CAR-16-0103	05/13/2016	Nuisance	714 SW 158TH ST VEGETATION-SEIBERT-ZONE 3	Enforcement Letter 1	05/17/2016	Open
15	Code Enforcement	CAR-16-0099	05/16/2016	Vehicle	14230 8TH AV S Vehicles/Parking-Singh-Zone 4	Case Received	05/16/2016	Open

Days Old	Department	CAR #	Date Received	Nature of Request	Complaint Information	Last Action	Date	Status
14	Code Enforcement	CAR-16-0101	05/17/2016	Animals	11616 14TH AV SW CHICKENS-RUSS-ZONE 1	Case Received	05/16/2016	Open
14	Code Enforcement	CAR-16-0102	05/17/2016	Vehicle	12431 OCCIDENTAL AV S VEHICLE-DOLL-ZONE 2	Case Received	05/16/2016	Open
13	Code Enforcement	CAR-16-0104	05/18/2016	Nuisance	12607 10TH AV S Nuisance-Pedrisco-Zone 2	Enforcement Letter 1	05/18/2016	Open
12	Code Enforcement	CAR-16-0106	05/19/2016	Nuisance	12224 3RD AV S NUISANCE-KELLEY-ZONE 2	Enforcement Letter 1	05/23/2016	Open
8	Code Enforcement	CAR-16-0105	05/23/2016	Other	12259 ROSEBERG AV S VEGETATION-EAKMAN-ZONE 2	Enforcement Letter 1	05/23/2016	Open
8	Code Enforcement	CAR-16-0107	05/23/2016	Nuisance	11014 26TH AV S RATS-WALKER-ZONE 2	Enforcement Letter 1	05/24/2016	Open
7	Code Enforcement	CAR-16-0109	05/24/2016	Nuisance	12222 1ST AV S NUISANCE-NGUYEN-ZONE 2	Site Investigation	05/24/2016	Open
7	Code Enforcement	CAR-16-0111	05/24/2016	Parking	16520 4TH AV S Parking-Jorgenson-Zone 4	Enforcement Letter 1	05/26/2016	Open
7	Code Enforcement	CAR-16-0112	05/24/2016	Vehicle	2007 SW 119TH ST Parking-Chamberlain-Zone 1	Site Investigation	05/26/2016	Open
6	Code Enforcement	CAR-16-0110	05/25/2016	Drainage - Private	12610 14TH AV S DRAINAGE-BLAKELY-ZONE 2	Case Received	05/25/2016	Open





# Burien

*Washington, USA*

400 SW 152nd, Suite 300, Burien, WA 98166

Phone: (206) 241-4647 • FAX (206) 248-5539

[www.burienwa.gov](http://www.burienwa.gov)

**DATE:** May 20, 2016  
**FOR RELEASE:** May 26, 2016  
**CONTACT:** Public Works Department  
Telephone: (206) 248-5521

## CITY OF BURIEN PUBLIC HEARING NOTICE

The City of Burien will hold a public hearing on Monday, June 6, 2017, for the purpose of:

**Receiving public comments on the 2017 through 2022 Six-Year Transportation Improvement Program (TIP).**

The public is encouraged to participate by providing the Council with their comments on the 2017-2022 Transportation Improvement Program. The primary importance of the Six (6) Year Transportation Improvement Program is that, in most cases, local projects must be included in the TIP to be eligible for state and federal grant programs. The 2017-2022 TIP may be found on the City web site at <http://www.burienwa.gov>.

The hearing will be in the Council Chambers at Burien City Hall, 400 SW 152<sup>nd</sup> Street, at approximately 7:00 p.m.

**City Council meetings are accessible to people with disabilities. Please phone (206) 248-5517 at least 48 hours prior to the meeting to request assistance. American Sign Language (ASL) interpretation and assisted listening devices are available upon request.**

###

Published in The Seattle Times: May 26, 2016

The Highline Times: June 3, 2016

cc: Burien City Council  
Burien City Staff  
Burien Library

B-Town Blog  
Discover Burien  
Westside Weekly

Seahurst Post Office  
Web site: [www.burienwa.gov](http://www.burienwa.gov)  
White Center Now



# Notice of Application

City of Burien

400 SW 152<sup>nd</sup> Street (Suite 300)

Burien, Washington 98166-3066

Date May 24, 2016

Applicant Ryan Roumonada, Property Owner

Proposal Applicant proposes to construct a new single family residence with an interior accessory dwelling unit (ADU) located in a landslide hazard area.

File No. PLA 16-0894

File is available for viewing at Burien City Hall during regular business hours.

Location 14XX SW 128<sup>th</sup> Street, Burien WA

Tax Parcel No. 3744600995

Current Zoning RS-12,000 (Single Family Residential)

Application Submitted/Complete  
Submitted: April 22, 2014  
Complete: May 19, 2016

Other Permits Needed Building Permit

Review/Process and Public Comments  
The decision on this application will be made by the Community Development Director. Prior to the decision, there is an opportunity for the public to submit written comments. **Written comments must be received prior to 5:00 p.m. on Tuesday, June 7, 2016.** Send written comments to the project planner (see below). Please indicate your name and address and refer to the file indicated above. Only people who submit comments as indicated above may appeal the decision on this application.

Project Planner for written comments and more information)  
Niomi T. Zinn  
Department of Community Development  
City of Burien  
400 SW 152<sup>nd</sup> Street, Suite 300  
Burien, WA 98166-3066  
Phone: (206) 439-5539 E-Mail: [niomiz@burienwa.gov](mailto:niomiz@burienwa.gov)

Published in the Seattle Times

Date of Notice: May 24, 2016

cc: Burien City Council  
Burien City Staff  
Burien Library

Westside Weekly  
Seahurst Post Office  
Web site: [www.burienwa.gov](http://www.burienwa.gov)

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# Notice of Application

City of Burien 400 SW 152<sup>nd</sup> Street (Suite 300) Burien, Washington 98166-3066

Date: May 18, 2016

Applicant: Ekalo Teklehaimanot, Living Well Enterprises, LLC, Applicant

Proposal: Type 1 Land Use Review for a State-Licensed Recreational Marijuana Retail Store to be located in the Intersection Commercial (CI) Zone.

File No.: PLA 16-0828  
File is available for viewing at Burien City Hall during regular business hours.

Location: 17730 Ambaum Blvd. South, Suite D, Burien, WA

Tax Parcel No.: 322304-9008

Current Zoning: Intersection Commercial (CI)

Application Submitted/Complete: Submitted: April 14, 2016  
Complete: May 4, 2016

Other Permits Needed: Construction Permits

Review Process and Public Comment: The decision on this application will be made by the Community Development Director. Prior to the decision, there is an opportunity for the public to submit written comments. **Written comments must be received prior to 5:00 p.m. on June 8, 2016.** Send written comments to the project planner (see below). Please indicate your name and address and refer to the file indicated above. Only people who submitted comments as indicated above may appeal the decision on this application.

Project Planner (for written comments and more information): Charles W. "Chip" Davis, AICP  
Department of Community Development  
City of Burien  
400 SW 152<sup>nd</sup> Street (Suite 300)  
Burien, WA 98166-3066  
Phone: (206) 248-5501 E-Mail: [chipd@burienwa.gov](mailto:chipd@burienwa.gov)

Published in the Seattle Times: Date of Notice: May 18, 2016

cc: Burien City Council  
Burien City Staff  
Burien Library  
B-Town Blog  
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Westside Weekly  
Seahurst Post Office  
Web site: [www.burienwa.gov](http://www.burienwa.gov)  
White Center Now



# Notice of Application

City of Burien 400 SW 152<sup>nd</sup> Street (Suite 300) Burien, Washington 98166-3066

Date May 20, 2016

Applicant Kevin Rosenfield

Proposal Applicant proposes to construct a 70-foot floating pier on Lake Burien. The pier will be constructed off-site and floated into place, secured with 3 galvanized steel piles.

File No. PLA 16--0664  
File is available for viewing at Burien City Hall during regular business hours.

Location 1216 SW 157<sup>th</sup> Street, Burien WA

Tax Parcel No. 192304-9164

Current Zoning Residential Single-Family – 12,000 (RS-12,000)

Application Submitted/Complete Submitted: April 19, 2016  
Complete: May 10, 2016

Other Permits Needed U.S. Army Corps of Engineers WA State Joint Aquatic Resources Permit (JARPA)  
WA State Fish & Wildlife Agency Hydraulic Permit Approval (HPA)  
City of Burien Building Permit  
Existing Environmental Info. April 19, 2016 SEPA Checklist  
March 29, 2016 Critical Areas Determination Report prepared by Wetland Resources, Inc. Everett WA.

**Environmental Review** For this proposal, the City of Burien is using the “optional Determination of Non Significance (DNS) process” under the State Environmental Policy Act (WAC 197-11-355). The City expects to issue a DNS for the proposal. Individuals who submit timely written comments to the City (as indicated below) will become parties of record and will be notified of any decision and environmental determination made on this project. A copy of any decision and environmental determination made on this project may also be obtained upon request. The decision on the proposal and environmental determination, once made, may be appealed. All documents submitted or requested as part of this application are available for review at City Hall during regular business hours.

**Review Process and Public Comment** The decision on this application will be made by the Community Development Director. Prior to the decision, there is an opportunity for the public to submit written comments. **Written comments must be received prior to 5:00 p.m. on Friday, June 10, 2016.** Send written comments to the project planner (see below). Please indicate your name and address and refer to the file indicated above. Only people who submit comments as indicated above may appeal the decision on this application.

**Project Planner (for written comments and more information)** Brandi Eyerly, AICP  
Department of Community Development  
City of Burien  
400 SW 152<sup>nd</sup> Street, Suite 300  
Burien, WA 98166-3066  
Phone: (206) 248-5519 E-Mail: [brandie@burienwa.gov](mailto:brandie@burienwa.gov)

**Published in the Seattle Times** Date of Notice: May 20, 2016

cc: Burien City Council  
Burien City Staff  
Burien Library

Westside Weekly  
Seahurst Post Office  
Web site: [www.burienwa.gov](http://www.burienwa.gov)

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# Notice of Application

City of Burien 400 SW 152<sup>nd</sup> Street (Suite 300)

Burien, Washington 98166-3066

Date May 16, 2016

Applicant Jeremy Rene, Rene Architecture

Proposal Applicant proposes to construct a single-family home with a 3 car garage and an interior Accessory Dwelling Unit (ADU).

File No. PLA 16--0788  
File is available for viewing at Burien City Hall during regular business hours.

Location 140X SW 126<sup>th</sup> Street, Burien WA

Tax Parcel No. 374460-0778

Current Zoning Residential Single-Family – 12,000 (RS-12,000)

Application Submitted/Complete  
Submitted: April 19, 2016  
Complete: May 10, 2016

Other Permits Needed City of Burien Building Permit

Existing Environmental Info. SEPA Environmental Checklist prepared by Jeremy Rene Architecture  
December 28, 2015 Preliminary Geotechnical Report prepared by Ages Engineering, LLC, Seattle WA  
April 8, 2016 Technical Information Report (TIR) prepared by AP Consulting Engineers PLLC, Auburn WA

Environmental Review For this proposal, the City of Burien is using the “optional Determination of Non Significance (DNS) process” under the State Environmental Policy Act (WAC 197-11-355). The City expects to issue a DNS for the proposal. Individuals who submit timely written comments to the City (as indicated below) will become parties of record and will be notified of any decision and environmental determination made on this project. A copy of any decision and environmental determination made on this project may also be obtained upon request. The decision on the proposal and environmental determination, once made, may be appealed. All documents submitted or requested as part of this application are available for review at City Hall during regular business hours.

Review Process and Public Comment The decision on this application will be made by the Community Development Director. Prior to the decision, there is an opportunity for the public to submit written comments. **Written comments must be received prior to 5:00 p.m. on Friday, June 6, 2016.** Send written comments to the project planner (see below). Please indicate your name and address and refer to the file indicated above. Only people who submit comments as indicated above may appeal the decision on this application.

Project Planner (for written comments and more information) Brandi Eyerly, AICP  
Department of Community Development  
City of Burien  
400 SW 152<sup>nd</sup> Street, Suite 300  
Burien, WA 98166-3066  
Phone: (206) 248-5519 E-Mail: [BrandiE@burienwa.gov](mailto:BrandiE@burienwa.gov)

Published in the Seattle Times Date of Notice: May 16, 2016

cc: Burien City Council  
Burien City Staff  
Burien Library

Westside Weekly  
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# SEPA Determination of Nonsignificance (DNS) WAC 197-11-970

City of Burien    400 SW 152<sup>nd</sup> Street (Suite 300)    Burien, Washington 98166

Date    May 19, 2016

Applicant    Jeremy Rene, Rene Architecture

Proposal    Construction of a 3-story, 23-unit apartment building with associated parking, landscaping and recreation area.

File No.    PLA 16-0159  
File is available for viewing at Burien City Hall during regular business hours.

Location    1055 SW 122<sup>nd</sup> Street, Burien WA

Lead Agency    City of Burien WA

Environmental Determination    The lead agency for this proposal has determined that the proposal does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030 (2) (c). This decision was made after a review of a completed environmental checklist and other information on file with the lead agency.

This Determination of Nonsignificance (DNS) is issued after using the optional DNS process WAC 197-11-355. There is no further comment period on the DNS. This DNS is specifically conditioned on compliance with the applicable regulations set forth in the Burien Municipal Code.

All information relating to this proposal is available to the public upon request.

Public Comment and Appeal Process    This DNS is issued under 197-11-355. There is a 14-day appeal period on this agency decision. An appeal of the decision requires that a Notice of Appeal form and a \$314 fee be submitted by **June 2, 2016**. Appeal forms are available at the Department of Community Development or the city's website [www.burienwa.gov](http://www.burienwa.gov). Questions regarding procedures for appealing this agency decision may be directed to Brandi Eyerly, Planner at (206) 248-5519 or [brandie@burienwa.gov](mailto:brandie@burienwa.gov).

SEPA Responsible Official    Charles W. "Chip" Davis, AICP  
Community Development Director  
City of Burien  
400 SW 152<sup>nd</sup> Street, Suite 300  
Burien, WA 98166

Signature: 



# Notice of Decision

City of Burien 400 SW 152<sup>nd</sup> Street, Suite 300 Burien, Washington 98166-2209

Date	May 19, 2016
Applicant	Jeremy Rene, Rene Architecture
Proposal	The construction of a 3-story, 23-unit apartment building with associated parking, landscaping and recreation area.
File No.	PLA 16-0159
Location	1055 SW 122nd Street, Burien WA
Tax Parcel No.	374460-0334
Decision	Approval of Type 1 Land Use, subject to conditions; and Determination of Non-Significance (DNS) under the State Environmental Policy Act.
Appeals	The City of Burien has issued the decision described above. Parties of record may appeal this decision to the Hearing Examiner pursuant to Burien Municipal Code Section 19.65.065.5. The deadline for filing a written Notice of Appeal with the City Clerk is prior to 5:00 p.m. on <b>June 2, 2016</b> . Copies of the "Notice of Appeal" document may be obtained at the Department of Community Development. There is a non-refundable filing fee of \$314 for the submittal of an appeal. For more information please contact the project planner (see below).
Property Tax Revaluation	Affected property owners may request a change in valuation for property tax purposes notwithstanding any program of revaluation. For more information, please contact the King County Assessor's Office at (206) 296-7300.
Project Planner	Brandi Eyerly, AICP Department of Community Development City of Burien 400 SW 152 <sup>nd</sup> Street (Suite 300) Burien, WA 98166-3066 Phone: (206) 248-5519 E-Mail: BrandiE@burienwa.gov
Attachments	Conditions of approval

CONDITIONS OF APPROVAL  
Shoreline Apartments  
PLA 16-0159

Based on the Findings of Fact and Conclusions (Section II) and Attachments to this report, the application is approved subject to the following conditions:

1. This application is subject to the applicable requirements contained in the Burien Municipal Code (including but not limited to the Zoning Code, Building Code and Fire Code), the 2009 King County Surface Water Design Manual and the 2009 Stormwater Pollution Prevention manual as adopted by the City of Burien (ref. BMC § 13.10.020) and the 2008 Burien Road Standards. It is the responsibility of the applicant to ensure compliance with the various provisions contained in these documents. See Attachment 2, Development Requirements, for a summary of the City's Development Standards. **Land use approval does not guarantee that the number of dwelling units proposed can be accommodated on the subject parcel.**
  
2. Prior to the issuance of development permits, the Applicant shall:
  - a. Address the comments presented in the Development Review Engineer's memorandum dated May 5, 2016.
  
  - b. Address the comments presented in the Surface Management Engineer's memorandum dated March 3, 2016.
  
  - c. Provide guest parking at a rate of .25 parking spaces per dwelling unit for a total of five (5) spaces. Recommend formal shared parking agreement for guest parking stalls with the abutting south property which lost five parking stalls to provide ingress/egress to subject property. This agreement shall be submitted for review and approval by the Director of Community Development.
  
  - d. Show on site plan an easement filed with the King County Recorder that grants use of the driveway access for ingress/egress to both properties.
  
  - e. Submit revised plans detailing the functional layout of the required 4,600 square foot common recreational space proposed for the development. Show the dimensions and size of each area separately i.e. interior and exterior. The required play space and equipment for children shall be clearly defined on the final development plans. Maintenance of recreation space shall be the responsibility of the owner or other separate entity capable of long-term maintenance and operation in a manner acceptable to the City. **The provision of required common recreational space may result in revisions to the proposed building layout or the number of residential units that can be provided on the site.** The common recreation space shall comply with the minimum standards of BMC 19.17.010.1 B and C.

f. Submit a tree retention plan indicating how the requirement for the retention of two (2) significant tree and their protection during construction will be met. If this required number of significant trees cannot be retained, the required number of significant trees that are removed shall be replaced with:

- 1) Transplanted significant trees; or
- 2) New trees measuring three-inch caliper or more, at a replacement rate of one and one-half (1.5) inches diameter for every one inch diameter of the removed significant tree; or
- 3) New trees measuring less than three-inch caliper at a replacement rate of two inches diameter for every one inch diameter of the removed significant tree.

Submit detailed landscape and irrigation plans prepared by a Washington State Certified Landscape Architect, nurseryman or designer for review by the City that meet BMC 19.15.010.

g. Submit an exterior lighting plan that will provide safe traffic and pedestrian circulation on the site, and minimize direct illumination of abutting properties and adjacent streets.

h. Submit plans that demonstrate compliance to the Title 19 Zoning Code provisions for pedestrian circulation, storage space and collection points for recyclables, and the sight distance triangle for the intersection of Ambaum Boulevard and the driveway access.

i. Pay a Transportation Impact Fee of \$8,510.00.

3. Prior to beginning any work in the public right-of-way, the Applicant shall apply for and obtain a Right-of-Way Construction Permit for all work to be completed in the public right-of-way.

4. Restoration, Performance and maintenance security, in forms acceptable to the City, must be posted for required site and right-of-way improvements.

5. Prior to final occupancy, the applicant shall:

- a. Install the required landscaping and irrigation system consistent with the approved plans.
- b. Demonstrate compliance with all of the requirements of the Fire Marshal relating to access and fire safety.
- c. Submit a security for a period of two years after planting of the required landscaping to insure proper establishment and maintenance.





# SEPA Determination of Nonsignificance (DNS) WAC 197-11-970

City of Burien 400 SW 152<sup>nd</sup> Street (Suite 300) Burien, Washington 98166

Date May 17, 2016

Applicant City of Burien Public Works Department

Proposal SEPA Checklist Review for stabilization and redesign of a culvert outlet on Lake Burien Creek. The proposed design will extend the existing culvert approximately 65 feet, installing two catch basin drop structures and re-grade the existing scour hole.

File No. PLA 16-0741  
File is available for viewing at Burien City Hall during regular business hours.

Location 15815 4<sup>th</sup> Avenue SW, Burien, WA

Lead Agency City of Burien

Environmental Determination The lead agency for this proposal has determined that the proposal does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030 (2) (c). This decision was made after a review of a completed environmental checklist and other information on file with the lead agency.

This Determination of Nonsignificance (DNS) is issued after using the optional DNS process WAC 197-11-355. There is no further comment period on the DNS. This DNS is specifically conditioned on compliance with the applicable regulations set forth in the Burien Municipal Code.

All information relating to this proposal is available to the public upon request.

Public Comment and Appeal Process This DNS is issued under 197-11-355. There is a 14-day appeal period on this agency decision. An appeal of the decision requires that a Notice of Appeal form and a \$314 fee be submitted by May 31, 2016. Appeal forms are available at the Department of Community Development or the city's website [www.burienwa.gov](http://www.burienwa.gov). Questions regarding procedures for appealing this agency decision may be directed to Niomi T. Zinn, Planner at (206) 439-3152 or [niomiz@burienwa.gov](mailto:niomiz@burienwa.gov).

SEPA Responsible Official Charles W. "Chip" Davis, AICP  
Community Development Director  
City of Burien  
400 SW 152<sup>nd</sup> Street, Suite 300  
Burien, WA 98166

Signature: \_\_\_\_\_



# Notice of Decision

City of Burien 400 SW 152<sup>nd</sup> Street, Suite 300

Burien, Washington 98166

Date	May 17, 2016
Applicant	City of Burien Public Works Department
Proposal	Type 1 Critical Area Review and SEPA Checklist Review for stabilization and redesign of a culvert outlet on Lake Burien Creek. The proposed design will extend the existing culvert approximately 65 feet, installing two catch basin drop structures and re-grade the existing scour hole.
File No.	PLA 16-0741
Location	15815 4 <sup>th</sup> Avenue SW, Burien, WA
Tax Parcel No.	1219000472, 1219000473, 1219000466
Decision	Approval of Type 1 Critical Area Review and SEPA Checklist Review, subject to conditions.
Appeals	The City of Burien has issued the decision described above. Parties of record may appeal this decision to the Hearing Examiner pursuant to Burien Municipal Code Section 19.65.065.5. The deadline for filing a written Notice of Appeal for the Type 1 Critical Area Review with the City Clerk is prior to 5:00 p.m. on <b>May 31, 2016</b> . Copies of the "Notice of Appeal" document may be obtained at the Department of Community Development. There is a non-refundable filing fee of \$314 for the submittal of an appeal. For more information please contact the project planner (see below).
Property Tax Revaluation	Affected property owners may request a change in valuation for property tax purposes notwithstanding any program of revaluation. For more information, please contact the King County Assessor's Office at (206) 296-7300.
Project Planner	Niomi T. Zinn Department of Community Development City of Burien 400 SW 152 <sup>nd</sup> Street (Suite 300) Burien, WA 98166-3066 Phone: (206) 439-3152 E-Mail: <a href="mailto:niomiz@burienwa.gov">niomiz@burienwa.gov</a>
Attachments	Conditions of approval

**PLA 16-0741**

**Critical Area Conditions of Approval**

Conditions of Approval:

Prior to construction permit issuance, the Applicant shall:

1. Submit a signed and notarized Critical Areas Notice and a check for \$73 payable to King County Department of Records (Attachment 8).
2. Obtain an HPA (Hydraulic Project Approval) from Washington State Department of Fish and Wildlife and submit a copy to the City of Burien.

Prior to final inspection the Applicant shall:

1. Provide written confirmation from Otak, Inc. that they have monitored the execution of the project and that it has been performed in accordance with the recommendations in the submitted Critical Areas Evaluation dated October 13, 2015 (Attachment 7).





# Notice of Decision

City of Burien

400 SW 152<sup>nd</sup> Street (Suite 300)

Burien, Washington 98166

Date	May 20, 2016
Applicant	David Sadis, Property Owner
Proposal	Type 1 Land Use Review for a State-Licensed Recreational Marijuana Retail Store to be located in the Regional Commercial (CR) Zone.
File No.	PLA 16-0109
Location	14325 1 <sup>st</sup> Avenue South, Burien, WA
Tax Parcel No.	433060-0205
Decision	Approval of Type 1 Land Use Review, subject to conditions
SEPA Determination	Determination of Nonsignificance
Appeals	The City of Burien has issued the decision described above. Parties of record may appeal this decision to the Hearing Examiner pursuant to Burien Municipal Code Section 19.65.065.5. The deadline for filing a written Notice of Appeal with the City Clerk is prior to 5:00 p.m. on <b>June 3, 2016</b> . Copies of the "Notice of Appeal" document may be obtained at the Department of Community Development. There is a non-refundable filing fee of \$314 for the submittal of an appeal. For more information please contact the project planner (see below).
Property Tax Revaluation	Affected property owners may request a change in valuation for property tax purposes notwithstanding any program of revaluation. For more information, please contact the King County Assessor's Office at (206) 296-7300.
Project Planner	Charles W. "Chip" Davis, AICP Department of Community Development City of Burien 400 SW 152 <sup>nd</sup> Street (Suite 300) Burien, WA 98166 Phone: (206) 439-3152 E-Mail: <a href="mailto:chipd@burienwa.gov">chipd@burienwa.gov</a>
Attachments	Conditions of Approval

**The Joint, State-Licensed Recreational Marijuana Retail Store  
Type 1 Land Use Conditions of Approval  
File No. PLA 16-0109**

1. This application is subject to the applicable requirements contained in the Burien Municipal Code (including but not limited to the Zoning Code, Building Code and Fire Code), the 2009 King County Surface Water Design Manual and the 2008 Burien Road Standards. It is the responsibility of the applicant to ensure compliance with the various provisions contained in these documents.
2. The applicant shall at all times possess a State of Washington Marijuana Retailer License and Operating Permit.
3. All parking lot and building lighting on the property shall be installed and maintained to minimize the impacts of exterior night lighting on adjacent properties.