

# 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.

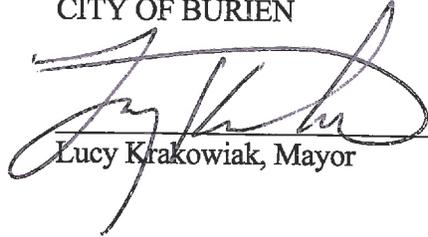
Section 3:     Severability. Should any section, subsection, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal 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 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.

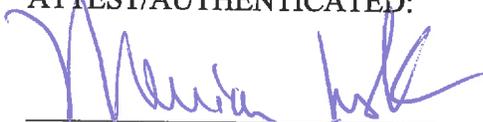
**ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 6<sup>th</sup> DAY OF JUNE, 2016, AND SIGNED IN AUTHENTICATION OF ITS PASSAGE THIS 6<sup>th</sup> DAY OF JUNE, 2016.**

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: June 6, 2016  
Passed by the City Council: June 6, 2016  
Ordinance No. 643  
Date of Publication: June 9, 2016

BEFORE THE HEARING EXAMINER  
FOR THE CITY OF BURIEN

In the Matter of the Application of	)	No. PLA 12-2131
	)	
Troy Schneil, on behalf of	)	Boulevard Landing Subdivision
Callidus Development, Inc.	)	
	)	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 Schneil, 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.*

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

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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

would be used as a tot lot or whether a fee-in-lieu would be paid. Mr. Schneil 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. Schneil.*

#### 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

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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

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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;

- 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

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Boulevard Landing Preliminary Plat, No. PLA12-2131*

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.

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- 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:

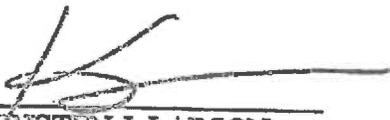
- i. Remove landscaping that encroaches into the right-of-way within the line of sight.
- ii. Pave the shoulder from the edge of the existing roadway to the right-of-way line from the site access to South 125<sup>th</sup> Street to constrain future growth of obstructing landscaping.
- iii. Install storm 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 H.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 08 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

**EXHIBIT 1**

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 ERS, 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 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 3,500 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 Averaging</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 Averaging</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 Work's 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.

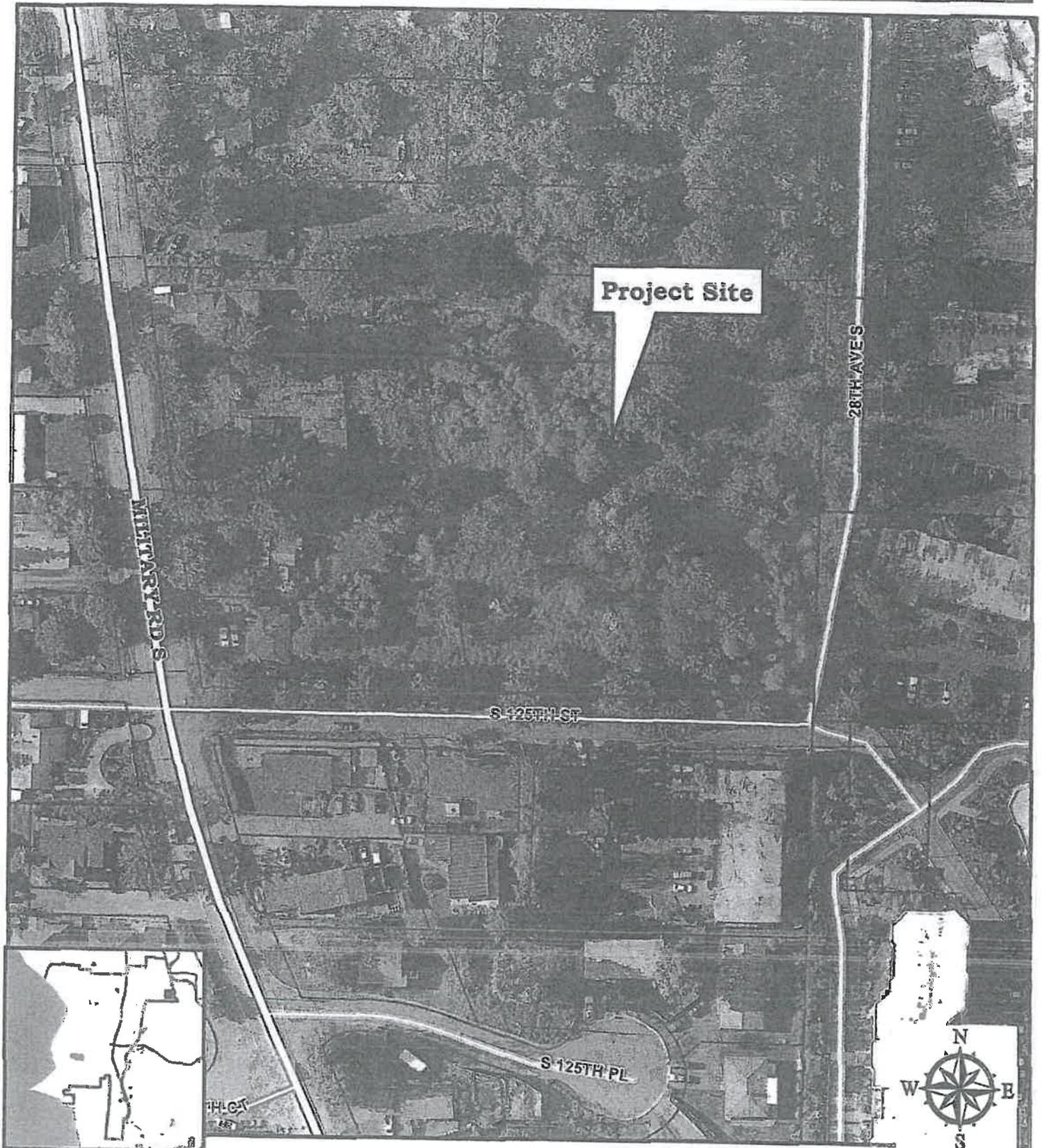
## V. ATTACHMENTS

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 5<sup>th</sup> 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 platlor may deposit a performance bond with the city in an amount equal to the cost as a guarantee that the platlor 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.







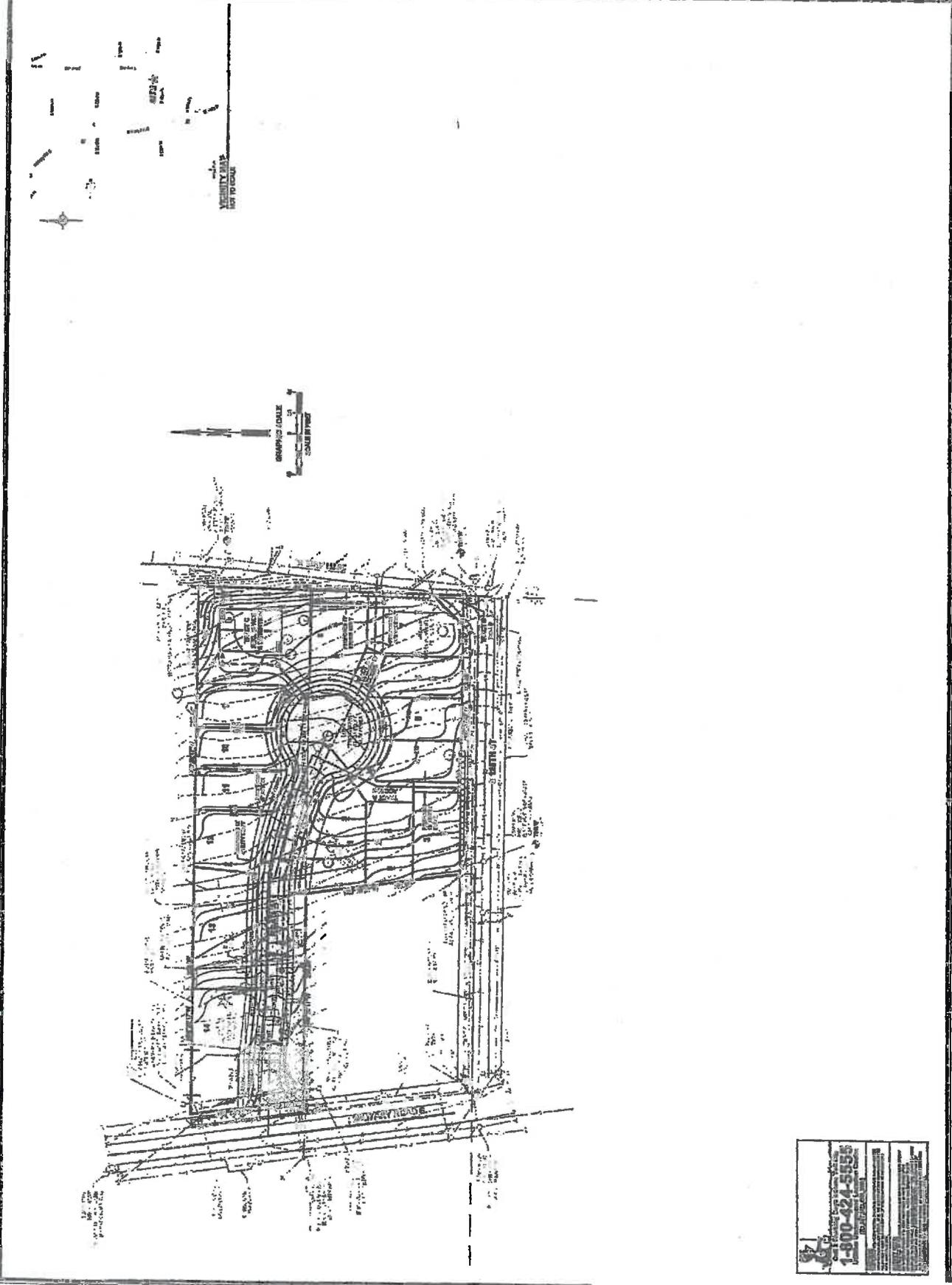


CALX-003  
C2 of 2

DA  
DA Development, LLC  
1400 1st Ave  
Seattle, WA 98101  
206-461-0000

CITY OF SEATTLE  
WASHINGTON  
PRELIMINARY GRADING, DRAINAGE  
& UTILITY PLAN  
CALLIUS DEVELOPMENT, INC.  
BOULEVARD LANDING

DATE	2/14/2012
PROJECT	BOULEVARD LANDING
CLIENT	CALLIUS DEVELOPMENT, INC.
DESIGNER	DA DEVELOPMENT, LLC
CHECKER	DA DEVELOPMENT, LLC
APPROVER	DA DEVELOPMENT, LLC
SCALE	AS SHOWN
PROJECT NO.	12-0001
DRAWING NO.	12-0001-01
SHEET NO.	1 OF 2



**1-800-424-5856**
  
 Call today for more information

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.

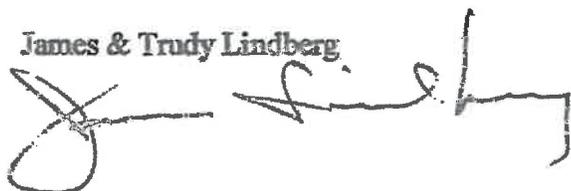
Ms Jewett

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 8 3 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

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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 1983 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**





# 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.:** FLA 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)