



*Burien*  
WASHINGTON

## PLANNING COMMISSION AGENDA

September 22, 2009, 7:00 p.m.

Burien City Hall, **Miller Creek Room**  
400 SW 152<sup>nd</sup> Street, **3<sup>rd</sup> Floor**  
Burien, Washington 98166

**I. ROLL CALL**

**II. AGENDA  
CONFIRMATION**

**III. PUBLIC COMMENT** Public comments allowed on items not scheduled for a public hearing on tonight's agenda.

**IV. APPROVAL OF  
MINUTES** September 8, 2009

**V. PUBLIC HEARING** a. Public hearing regarding proposed Zoning Code amendments.

**VI. OLD BUSINESS** a. Recommendation regarding proposed Zoning Code amendments.

**VII. NEW BUSINESS** a. Introduction to 2009 comprehensive plan policy amendments.

**VIII. PLANNING  
COMMISSION  
COMMUNICATIONS**

**IX. DIRECTOR'S REPORT**

**X. ADJOURNMENT**

- Future Agendas (Tentative)**
- October 13 – Recommendation regarding proposed Zoning Code amendments (if needed).
    - Public Hearing and possible recommendation on 2009 comprehensive plan map amendments and rezone requests.
    - Public Hearing and possible recommendation on 2009 comprehensive plan policy amendments.
    - Introduction of proposed NERA comprehensive plan amendments, zoning map and code amendments.
  - October 20 – Joint Hearing Examiner/Special Planning Commission Meeting
    - Public Hearing on Draft NERA SEIS and Comprehensive Plan and zoning code amendments
  - October 27 - Recommendation on 2009 comprehensive plan policy amendments (if needed).
    - Recommendation on 2009 comprehensive plan policy amendments (if needed).
    - Recommendation on 2009 comprehensive plan map amendments and rezone requests (if needed).
    - Discussion and possible recommendation regarding proposed NERA comprehensive plan amendments, zoning map and code amendments.

Planning Commissioners

Brian Bennett  
Stacie Grage

Jim Clingan (Vice Chair)  
Rebecca McInteer

Joe Fitzgibbon (Chair)  
Rachel Pizarro  
Janet Shull

*City of Burien*

BURIEN PLANNING COMMISSION MEETING

September 8, 2009

7:00 p.m.

Miller Creek Room, Burien City Hall

MINUTES

**Planning Commission Members Present:**

Janet Shull, Jim Clingan, Brian Bennett, Rachel Pizarro, Joe Fitzgibbon, Rebecca McInteer

**Absent:**

Stacie Grage

**Others Present:**

Elizabeth Ockwell, assistant planner; Scott Greenberg, Community Development Department director

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**Roll Call**

Chair Fitzgibbon called the meeting to order at 7:00 p.m. At the call of the roll all commissioners were present except Commissioner Grage.

**Agenda Confirmation**

Motion to approve the agenda as presented was made by Commissioner Shull. Second was by Commissioner Clingan and the motion carried unanimously.

**Public Comment**

None

**Approval of Minutes**

It was noted that Commissioner Shull's name was misspelled twice in the August 25, 2009, draft minutes. Motion to approve the minutes as corrected was made by Commissioner Clingan; second was by Commissioner Shull. The motion carried unanimously.

**Old Business**

Elizabeth Ockwell, assistant planner, said she was returning to the commission with additional information answering questions the commissioners had at their last meeting regarding two of the proposed zoning code amendments.

The first concerns the proposed removal of the 500-square-foot and one-story limitation on detached residential garages. She noted the commissioners' concerns about the possibility of a detached garage being built so large that it dominates the lot and the existing house in scale and/or square footage. Ms. Ockwell said that based on research into how other cities treat the issue – in particular, Kirkland and Marysville -- language has been added regulating the size of residential accessory structures to either 15 percent of the lot area or 80 percent of the footprint of the primary residence, whichever is less, and a height restriction of not more than 10 feet above the existing height of the main residence, or the maximum height for the zone.

Commissioner Bennett said he felt the new language might penalize owners of smaller houses and wondered if there isn't a way to be less restrictive; Ms. Ockwell noted that the current code, BMC 19.17.060, already states that the accessory structure be "subordinate and incidental to the residential use of the property." She explained that regardless of the new language, someone with a smaller house or smaller lot will not be allowed to build as big an accessory building as someone with a larger house or larger lot. She called the commissioners' attention to a handout she supplied of examples of lots in the city and the calculation of the maximum size accessory structure that can be built on each lot. In most cases the size of the single family residence limits the size of the accessory structure, but in one of the examples the lot area was the limiting factor. Commissioner Bennett said he was still disturbed that the owner of a small house would be "penalized" in the size of a garage that could be built.

Commissioner McInterer pointed out that the garage is an accessory use to the single family residence and "penalty" is probably not the word to describe a limit on the size of the accessory use. She asked why they are even considering an amendment to the size limitation; Ms. Ockwell explained that the current trend is larger houses, with three car garages, many with accessory dwelling units above, and the current limitation of 500 sq. ft. and one story just doesn't accommodate people's needs. Mr. Greenberg added that the intent is to add flexibility based on the current market while avoiding construction of accessory buildings that are out of scale with the residence on the property.

Commissioner Shull thanked staff for the additional research and the improved amendment language. She then asked if the "Eighty percent of the footprint of the primary residential structure" meant it would be comparing the footprint of an accessory structure to the footprint of the primary structure and that a second story could be added, making the total square footage greater than the eighty percent footprint. Both Ms. Ockwell and Mr. Greenberg answered in the affirmative.

Mr. Greenberg told the commissioners they will be conducting a public hearing on the proposed amendments at their Sept. 22<sup>nd</sup> meeting, so they still have time to hear from the public and to deliberate again.

As requested by the commissioners at their Aug. 25<sup>th</sup> meeting, Ms. Ockwell then presented additional information on nonconforming structure demolition thresholds. Ms. Ockwell reminded the commissioners that the proposed amendment is intended to clarify BMC 19.55.030.3.B, which currently states that a nonconforming structure loses its nonconforming status when it is damaged or destroyed, without giving a threshold, which means that simply removing siding could trigger the requirement that a building be brought into conformance with current codes. The proposed language sets a demolition or destruction threshold of greater than 50 percent. Ms. Ockwell then presented a comparison of how other similarly sized jurisdictions address the issue.

### **New Business**

Mr. Greenberg briefed the commissioners on the Northeast Redevelopment Area (NERA), why staff is bringing proposals to the commissioners and the schedule. The NERA is directly in the flight path of the third runway at SeaTac Airport and therefore is heavily impacted by aircraft operations.

The commissioners received handouts including a map of the natural features of the area, a map of property ownership in the area, a map of aviation-caused constraints on the land, and maps of NERA subareas and conceptual land uses. Mr. Greenberg then explained each map thoroughly.

Mr. Greenberg told the commissioners that beginning with their Oct. 13<sup>th</sup> meeting staff will be bringing proposed Comprehensive Plan policies and new Comprehensive Plan map and proposed Zoning Code provisions and new Zoning Code map before the commission for review. A joint Planning Commission/Hearing Examiner meeting on Oct. 20 will include a hearing on the NERA draft EIS and the proposed Zoning Code and Comprehensive Plan amendments for NERA. The Planning Commission then would make its recommendation to the City Council on either Oct. 27<sup>th</sup> or Nov. 10<sup>th</sup>.

The commissioners discussed the possibility of the local car dealerships moving to an “auto mall” arrangement in the NERA, which then opens the question of what to do on First Avenue South when the car dealerships move.

When asked if the Port of Seattle pays property tax on the parcels it owns, Mr. Greenberg stated no, it doesn’t, but it would pay a leasehold tax to the City on any parcels it leases.

In response to a question from Commissioner Bennett, Mr. Greenberg said he would try to get at least one auto dealer to attend the Oct. 20<sup>th</sup> hearing.

Commissioners Fitzgibbon, Pizarro and Bennett will not be attending the Sept. 22<sup>nd</sup> meeting; the remaining four commissioners must attend to comprise the quorum necessary to conduct the scheduled public hearing on proposed Zoning Code amendments.

**Planning Commission Communications**

None

**Director’s Report**

Mr. Greenberg announced that there is now a “How Are We Doing?” form available at the front counter and from the building and electrical inspectors and the City is getting great feedback through the use of the form. Commissioner Pizarro said she just had a central air conditioning unit installed and she was very pleased with her experience with the electrical inspector.

**Adjournment**

Motion to adjourn was made by Commissioner Schull; meeting adjourned at 8:18 p.m.

Approved: \_\_\_\_\_

\_\_\_\_\_  
Joe Fitzgibbon, chair  
Planning Commission

**CITY OF BURIEN, WASHINGTON  
MEMORANDUM**

**DATE:** September 22, 2009  
**TO:** Planning Commission  
**FROM:** Liz Ockwell, Assistant Planner  
**SUBJECT:** Proposed Zoning Code Amendments—Public Hearing

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**PURPOSE/REQUIRED ACTION:**

This purpose of this agenda item is for the Planning Commission to hold a public hearing regarding proposed Zoning Code amendments. No action is required, however the Planning Commission may make a recommendation to the City Council if so inclined. We are suggesting that the Commission pass a separate motion for each item, or pass a motion for all of attachment 1, in the following format:

*I move that the Planning Commission recommend to the City Council approval of Zoning Code amendment number(s) \_\_\_\_\_, based on attachment 1 of the staff memo dated September 22, 2008 and the testimony from the public hearing on September 22, 2009.*

**BACKGROUND**

Planning staff is proposing a number of Zoning Code amendments for your review and consideration. The amendments to Burien Zoning Code will revise and add new definitions relating to use, garages, and slope; correct errors in the Zoning Code relating to parking, landscaping, and interim zoning code reference. Clarification of the master sign plan process, nonconforming structures and residential accessory structures. Correct typographical errors in the sign code.

The proposed amendments were sent on August 17<sup>th</sup> to the State Dept. of Community, Trade and Economic Development for review as required by State law. A SEPA Determination of Non-Significance was issued on September 14, 2009.

**PROPOSED REVIEW SCHEDULE**

The Commission reviewed the amendments at your August 25<sup>th</sup> meeting and discussed revised language on September 8th. Planning staff is proposing the following tentative schedule for Planning Commission review and recommendation to City Council on this issue:

- September 22, 2009: Public Hearing and possible recommendation to City Council on Proposed Amendments
- October 13, 2009: Recommendation to City Council on Proposed Amendments (if needed)

**SUMMARY OF PROPOSED AMENDMENTS**

The attached sheets provide the background and specific changes proposed for each amendment. The following list is a brief summary of the topics covered by the proposed amendments.

1. **BMC 19.10.185 (Definition of Garage, detached single-family):** Revises detached single-family garage definition to remove the one story and 500 square foot maximum area.
2. **BMC 19.10.505 (Definition of Slope):** Corrects a typographical error in the formula for calculating a slope.

3. **BMC 19.10.550 (Definition of Use):** Corrects a code reference typographical error in the definition of use.
4. **BMC 19.10.400 (Definition of Primary Use):** Corrects a code reference typographical error in the definition of primary use.
5. **BMC 19.10.400.5 (Definition of Primary Structure):** Adds new definition of Primary Structure to the definitions section.
6. **BMC 19.15.010.7 (Mixed use special regulation):** Corrects a typographical error regarding landscaping requirements relating to increased building height and landscaping.
7. **BMC 19.15.005.2 & 3 (Minimum parking spaces required reference in SPA-1):** Corrects a typographical error for minimum parking spaces required for retail, office, recreational facility, and eating and drinking establishment.
8. **BMC 19.15.050 (Interim zoning code references):** Corrects code reference for interim zoning code to BMC 19.25, the landscaping chapter.
9. **BMC 19.17.090.5.K (Home occupation signage):** Corrects typographical error for old code reference in Chapter 18 that has been repealed to the current sign code BMC 19.30.
10. **BMC 19.30.130.4.D and E (Master Sign Plan Criteria):** Adds clarification of intent to master sign plan criteria.
11. **BMC 19.30.130.2 (Master Sign Plan option, required review process):** Corrects typographical error regarding the appeal process for a master sign plan decision.
12. **BMC 19.30.100 (Sign permit required):** Corrects a typographical error regarding the appeal process regarding a sign permit decision.
13. **BMC 19.40.290.3.E (Geologically hazardous areas – Development standards and permitted alterations):** Corrects a misspelling of the word ‘trees’.
14. **BMC 19.55.030.3.B (Nonconforming structure demolition):** Adds clarification to the extent of voluntary demolition to a nonconforming structure.
15. **BMC 19.17.060 (Residential Accessory Uses):** Adds language to provide limits to the size of residential accessory structures.

Please see Attachment 1 which includes staff proposed language for each of the zoning code amendments.

### **Attachments**

1. Draft zoning code changes

## 2009 PROPOSED ZONING CODE AMENDMENTS

### 1. BMC 19.10.185, Definition of ‘Garage, detached single-family’

*Background:* The current definition of single-family detached garage limits the size of a garage to 500 square feet and one story. This language should be removed due to the changing needs in the community for larger garages and garages with storage or living space above. Due to its restrictive nature, staff feels the definition should be revised to allow for more flexibility.

*Proposed Amendment:* Revise the definition of ‘detached single-family garage’; to remove the 500 square foot and one story maximum.

19.10.185 Garage, detached single-family – A detached structure ~~not to exceed 500 square feet and one story~~, which is *accessory* to a *single detached dwelling unit* and to which there is legal vehicular access from a public *right-of-way*, designed for the storage of motor vehicles or boats of the residents of the *single detached dwelling unit*.

### 2. BMC 19.10.505, Definition of ‘Slope’

*Background:* There is a need to correct a typographical error in the definition of ‘slope’. The calculation in the current definition is incorrect and should be revised.

*Proposed Amendment:* Revise incorrect calculation in definition.

19.10.505 Slope – An inclined surface, the inclination of which is expressed as a ratio or percentage of vertical distance to horizontal distance by the following formula:

$$\frac{\text{vertical distance}}{\text{horizontal distance}} \times 100 = \% \text{ Slope}$$

### 3. BMC 19.10.550, Definition of ‘Use’

*Background:* There is a need to correct a typographical error and reflect the correct chapter reference in the definition of ‘use’. The current definition references BMC 19.10 in the definitions chapter, and should reference BMC 19.15, the Use Zone Chart.

*Proposed Amendment:* Revise the incorrect code reference in the ‘use’ definition.

19.10.550 Use – The nature of the activities taking place on public or private property. Each separate listing under the “Use” column in Chapter ~~19.10~~ 19.15 of this Code is a separate use.

**4. BMC 19.10.400, Definition of ‘Primary use’**

*Background:* There is a need to correct a typographical error and reflect the correct chapter reference in the definition of ‘primary use’. The current definition references BMC 19.10 in the definitions chapter, and should reference BMC 19.15, the Use Zone Charts.

*Proposed Amendment:* Revise incorrect code reference in the ‘primary use’ definition.

BMC 19.10.400 Primary use – The *use* listed under the use column in Chapter ~~19.10~~ 19.15 of this code for which the majority of the total square footage of a *site* is designed, arranged, occupied, dedicated or maintained.

**5. BMC 19.10.399.5, Definition of ‘Primary structure’**

*Background:* There is a need to add the definition of ‘primary structure’ to help specify the general definition of ‘structure’ to differentiate between a primary and an accessory structure. This definition would allow flexibility in the code and provide for opportunity to regulate primary and accessory structures differently. This is important in both interpreting existing regulations, and the creation of new regulations and standards.

*Proposed Amendment:* Add a new definition of ‘primary structure’ to Chapter 19.10 Definitions.

BMC.19.010.400.5 Primary structure – The structure that contains the primary use.

Note: The definitions of ‘structure’ and ‘use’ are below for reference

19.10.550 Use – The nature of the activities taking place on public or private property. Each separate listing under the “Use” column in Chapter ~~19.10~~ 19.15 of this Code is a separate use.

19.10.525 Structure -- Anything permanently constructed in or on the ground, or over the water; excluding *fences* less than six feet in height, decks less than 18 inches above grade, and paved areas.

6. **BMC 19.15.010.7, Mixed Use special regulation relating to increased building height landscaping requirements.**

*Background:* There is need to correct a typographical error for the landscaping requirements in BMC 19.15.010.7 Special regulation 5.b. The current code references increasing a category of landscaping, but should reference an increase in the type of landscaping. A landscaping category has regulations which specify how wide landscaping areas should be, and what type of landscaping should be installed (BMC 19.25.040). While landscaping types specify the density and composition of the landscape vegetation (BMC 19.25.050), the intent of special regulation 5.b is to allow increased building height. To offset the visual impact of an increase in building height, the building and the parking should be screened with increased landscaping. Correcting the incorrect code reference will ensure the impacts of the increased building height will be mitigated.

*Proposed Amendment:* Revise BMC 19.15.010.7 Special Regulation 5.b regarding landscaping types in the RM use zone chart.

BMC 19.15.010.7 Special Regulation 5.b – The ~~landscaping~~ landscape type in the prescribed category is increased by one ~~category type~~ (for example, ~~Category Type 3 III~~ is increased to ~~Category Type 2 II~~).

| <br>USE ↓ |  | ↑ REGULATIONS                          |                         | DIRECTIONS: FIRST, read down to find use... THEN, across for REGULATIONS |   |        |                         |                                    |   |   |
|--|--|--|-------------------------|--|---|--------|-------------------------|------------------------------------|---|---|
|  |  | Special Review Process (See Ch. 19.65) | MINIMUMS                |  | MAXIMUMS                                    |        |                         | Landscape Category (See Ch. 19.25) | Minimum Required Parking Spaces (See Ch. 19.20) | Special Regulations (See also Section 19.15.010.1 and Chapter 19.17, Miscellaneous Use, Development and Performance Standards)  |
| Lot Area   | Front Setback                                    |  | Interior Setback        | Building Coverage  | Impervious Surface Coverage                 | Height |                         |                                    |   |   |
| 19.15.010.7<br>Mixed Use   | Type 1   | 5,000 s.f.                             | 10'                     | 5'   | RM-12 & RM-18 zones: 60%<br>RM-24 zone: 70% | 85%    | 35'<br>See Spec. Reg. 5 | C                                  | See Sec. 19.20.030.2 [Ord. 292 § 6, 2000]       | <ol style="list-style-type: none"> <li>Mixed use is allowed only in RM-24 zones.</li> <li>The proposed development must fit in with the character of the surrounding residential neighborhood.</li> <li>No more than 50% of the gross floor area of the structure shall be devoted to office uses. Retail uses, banks, loan companies and similar financial institutions are not permitted.</li> <li>Maximum residential density is 24 dwelling units per acre.</li> <li>Height may be increased to 60 feet, if:               <ol style="list-style-type: none"> <li>At least 25% of the required parking is under or within a building and is fully screened from public view; and</li> <li>The landscaping landscape type in the prescribed category is increased by one category type (for example, Category Type 3 III is increased to Category Type 2 II).</li> </ol> </li> </ol> |
| 19.15.010.8<br>Public Park and Recreation Facilities   | Type 1, if less than 1 acre<br>Otherwise, Type 2 | None.                                  | 30'<br>See Spec. Reg. 2 | 30'<br>See Spec. Reg. 2  | 60%   | 85%    | 35'                     | C                                  | See Sec. 19.20.030.2 [Ord. 292 § 6, 2000]       | <ol style="list-style-type: none"> <li>Lighting for structures and fields shall be directed away from dwelling units.</li> <li>Structures shall maintain a 50-foot setback from adjoining lots containing single detached dwelling units. The Director may allow structures such as playground equipment, ball field backstops and tennis court fences closer than 50' if compatible with the surrounding neighborhood and traffic safety considerations.</li> </ol>  |

7. **BMC 19.15.055, Minimum parking spaces required reference in the SPA-1 zone**

*Background:* There is need to correct a typographical error in the parking requirements for BMC 19.15.055 subsections 2 and 3 of the SPA-1 use zone chart. All other uses in the SPA-1 use zone chart reference parking regulations in BMC 19.20.030.2 which does not specify parking requirements, but requires a parking study for anticipated parking demand for the specific use proposed. BMC 19.15.55.2 and 3 should also reference BMC 19.20.030.2 and therefore should be corrected.

*Proposed Amendment:* Revise parking references under BMC 19.15.055 subsections 2 and 3 of the SPA-1 use zone chart.

BMC 19.15.055.2 Minimum Parking Spaces Required- ~~3 spaces per 1,000 s.f. of net floor area. [Ord. 313 § 1, 2000]~~ See Sec. 19.20.030.2

BMC 19.15.055.3 Minimum Parking Spaces Required - ~~13 spaces per 1,000 s.f. of dining or lounge area.~~ See Sec. 19.20.030.2

**DIRECTIONS: FIRST, read down to find use... THEN, across for REGULATIONS**

| <div style="border: 1px solid black; padding: 5px; text-align: center;"> <b>SPA-1:</b><br/> <b>Old</b><br/> <b>Burien</b><br/>                     USE<br/>                     ↓                 </div> | ↑ REGULATIONS |                          | MINIMUMS         |                   |              |                             | MAXIMUMS        |  |  | Special Review Process<br>(See Ch. 19.65) | Landscape Category<br>(See Ch. 19.25) | Minimum Required Parking Spaces<br>(See Ch. 19.20) | Special Regulations<br>(See also Section 19.15.055.1 and Miscellaneous Use, Development and Performance Standards Ch. 19.17) |  |
|--|---------------|--------------------------|------------------|-------------------|--------------|-----------------------------|-----------------|--|--|---|---------------------------------------|--|--|--|
|  | Lot Area      | Front Setback            | Interior Setback | Building Coverage | Lot Coverage | ImperVIOUS Surface Coverage | Building Height |  |  |   |                                       |  |  |  |
|  |               |                          |                  |                   |              |                             |                 |  |  |   |                                       |  |  |  |
| 19.15.055.2<br>Retail<br>Office<br>Recreational Facility   | None          | 0'                       | 0'               | 85%               | 85%          | 3 stories                   | E               | 3 spaces per 4,000 s.f. of net floor area. (Ord. 2000) 313 s.f. See Sec. 19.20.030.2 | 1. The following are not permitted: motor vehicle sales and rental; boat sales and rental; recycling center, and self-service storage facility.<br>2. For retail use, maximum gross floor area per building is 25,000 s.f. Up to 30,000 s.f. may be approved through a Type 1 review process.<br>3. Distribution, wholesaling, repair or manufacturing that support the primary use are allowed as an accessory use.<br>4. An amusement arcade is allowed as an accessory use. |   |                                       |  |  |  |
| 19.15.055.3<br>Eating and Drinking Establishment   | None          | 0'                       | 0'               | 85%               | 85%          | 2 stories                   | E               | 13 spaces per 1,000 s.f. of dining or lounge area. See Sec. 19.20.030.2              | 1. Distribution, wholesaling or manufacturing that support the primary use are allowed as an accessory use.<br>2. An amusement arcade is allowed as an accessory use.  |   |                                       |  |  |  |
| 19.15.055.4<br>Lodging Facility<br>Cultural Facility<br>Community Facility<br>School   | Type 1        | 0'                       | 0'               | 85%               | 85%          | 4 stories                   | E               | See Sec. 19.20.030.2 [Ord. 292 § 6, 2000]  |  |   |                                       |  |  |  |
| 19.15.055.5<br>Family Day Care Home I and II   | None          | See Special Regulation 1 |                  |                   |              |                             |                 |  | 1. Must comply with requirements of the primary use.<br>2. Family Day Care Home II: Must provide State certification of safe passenger loading area.   |   |                                       |  |  |  |
| 19.15.055.6<br>Day Care Center   | None          | 0'                       | 0'               | 85%               | 85%          | 2 stories                   | E               | See Sec. 19.20.030.2 [Ord. 292 § 6, 2000]  | 1. Must provide State certification of safe passenger loading area.  |   |                                       |  |  |  |

Section 19.15.055--USE ZONE CHART—Special Planning Area 1 (SPA-1): Old Burien (Revised 12-05)

**8. BMC 19.15.050 Interim zoning code references in Industrial zone**

*Background:* There is need to correct the code reference regarding landscaping requirements in the Industrial zone. Currently, the code references the Interim Zoning Code which has been repealed and should reference BMC 19.25.050.1, Type I landscaping requirements.

*Proposed Amendment:* Revise Interim Zoning Code references throughout 19.15.050.

BMC 15.15.050.1: SPECIAL REGULATIONS C. The outer 15 feet of the *front setback* must be landscaped with Type 1 landscaping (as ~~described~~ prescribed in ~~the Interim Zoning Code~~ BMC 19.25.050.1)

BMC 19.15.050.2, 3, 6, 9, 12, 15 Special Regulation 1 – Fifty (50) feet if *adjoining a residential zone*, otherwise, none. The outer 25 feet of the setback must be landscaped with Type 1 landscaping (as ~~described~~ prescribed in ~~the Interim Zoning Code~~ BMC 19.25.050.1)

BMC 15.15.050.18 Special Regulation 1 - The outer 25 feet of the *setback* must be landscaped with Type 1 landscaping (as ~~described~~ prescribed in ~~the Interim Zoning Code~~ BMC 19.25.050.1)

**9. BMC 19.17.090.5.K, Home occupation signage**

*Background:* BMC 19.17.090.5.K references the standards in BMC 18.50 for signage regulations relating to home occupations. BMC 18.50 Development Standards – Signs, has been repealed and replaced with BMC 19.30 Signs, and therefore should be updated.

*Proposed Amendment:* Revise code reference in BMC 19.17.090.5.K to reflect the current sign code regulations in BMC 19.30.050.

BMC 19.17.090.5.K – Signs. Signage for home occupations is subject to the standards in ~~BMC Chapter 18.50 Signs~~ BMC 19.30.050, as now in effect, and as may be subsequently amended.

**10. BMC 19.30.130.4, Master Sign Plan**

*Background:* The purpose of the master sign plan option is to provide “a mechanism under which special consideration can be given to signs which use a Master Sign Plan to integrate signs into the framework of a building or buildings, landscape, topography and other design features of the property, using an overall design theme”. Signs approved through the master sign plan process however, should still comply with the general purpose and intent of the sign code and should not be a way to retain existing non-conforming signs. There is need to add clarification of the intent of the review criteria found in BMC 19.30.130.4.D and E. Included in the intentions of the sign regulations is the provision for the timely elimination of legal, non-conforming signs. In addition, existence of other non-conforming signs should not be allowed as a reason for approval of a master sign plan application. If this loophole is not corrected, non-conforming signs might never convert to conforming signs.

There is also need to be more inclusive as to who is subject to the regulations of the master sign plan section. Staff recommends not only the applicant should be subject to the regulations, but also the property owner and/or tenant. In many instances, the applicant may be a different person than the

property owner or tenant, but the use and/or subject site shall still comply with the master sign plan requirements. This correction adds a level of specificity that is needed when enforcing and reviewing the criteria for the master sign plan, as well as adding a higher level of accountability.

*Proposed Amendments:* Add a statement to subsection D of BMC 19.30.130.4 that existing non-conforming signs shall not be used as a measure of compatibility. Also, add applicant to BMC 19.30.130.4.F

D. The proposal is compatible with the scale, character, design and lighting of the adjacent neighborhood or business district. Existing non-conforming signs shall not be used as a measure of compatibility.

F. The proposal is not for the convenience of:

i. the *applicant, property owner, or tenant*, or

ii. ~~for the convenience of~~ regional or national businesses that wish to use a standard *sign*.

#### 11. **BMC 19.30.130.2, Master Sign Plan option, required review process**

*Background:* There is need to correct a typographical error in the Master Sign Plan option, required review process of the code. The code references BMC 19.65.070 Type 2 Appeal process, but states the Type 1 appeal should be used for sign permit appeals. The chapter reference should read BMC 19.65.065, which is the Type 1 appeal process.

*Proposed Amendment:* Revise BMC 19.30.130.2 to reference the Type 1 land use review appeal process, rather than the Type 2 land use review appeal process.

BMC 19.30.130.2 – Required Review Process. An application for a Master Sign Plan will be reviewed and decided upon by the *Director*. The *Director's* written decision may be appealed using the appeal process for a Type 1 land use review (BMC ~~19.65.070~~ 19.65.065).

#### 12. **BMC 19.30.100, Sign permit required**

*Background:* There is need to correct a typographical error in the Sign permit - required section of the code. The code references BMC 19.65.070, which is the section for a Type 2 appeal process, but states the Type 1 appeal should be used for sign permit appeals. The chapter reference should read BMC 19.65.065, Type 1 appeal process.

*Proposed Amendment:* Revise incorrect chapter reference in BMC 19.30.100 to reflect correct code reference for a Type 1 land use review appeal process, which is BMC 19.65.065.

19.30.100 Sign permit --required. For *signs* requiring a sign permit in Table 19.30-1 or in BMC 19.30.120, no *sign* shall be *erected*, *re-erected*, attached, structurally altered, relocated, or the sign face changed by any person, firm or corporation from and after July 23, 2002 without a sign permit issued by the *Director*. If the sign permit is denied, the *Director* shall send the *applicant* a brief written statement of the reasons for denial, along with the deadline for filing an appeal of the denial. A sign permit decision may be appealed by the *applicant*, *sign* owner or property owner, using the process for appealing a Type 1 land use review found in BMC ~~19.65.070~~ 19.65.065. [Ord. 358 § 1, 2002].

13. **BMC 19.40.290.3.E Geologically hazardous areas – Development standards and permitted alterations**

*Background:* There is a need to correct a typographical error in BMC 19.40.290.3.E regarding landscaping in geologically hazardous areas. The word ‘trees’ has been misspelled and should be corrected.

*Proposed Amendment:* Correct misspelled word ‘trees’.

BMC 19.40.290.3.E Landscaping. The disturbed area of a site shall be landscaped to provide *erosion* control and to enhance *wildlife habitat*. Landscape plantings should include ~~tress~~ trees and shrubs with a mix of shade, flowering, and coniferous and broad-leaf *evergreens* that are either native to the Puget Sound area or are valuable to western Washington birds and wildlife as listed by the Department of Fish and Wildlife.

14. **BMC 19.55.030.3.B Nonconforming structures**

*Background:* BMC 19.55.030.3 states that if a nonconforming structure is damage or destroyed, it may be rebuilt provided that.... the damage or destruction was not due to abatement of voluntary demolition of the nonconforming structure;.... The code does not assign a value to the amount of voluntary demolition that is allowed before the structure shall be made to conform to the code. This could be interpreted that if even 1% of the structure was demolished such as a portion of siding removed, the entire structure would need to be replaced to conform to the code. It is our opinion that a value should be assigned to the amount of voluntary demolition that triggers a nonconforming structure brought into conformance. Staff believes that BMC 19.55.030.3.B does not give sufficient flexibility when non-conforming structures are voluntarily altered. The proposed change is a balanced mechanism to allow improvements to non-conforming structures to be improved. If those improvements exceed the threshold, the structure must be brought into conformance.

*Proposed Amendment:* Assign a value to voluntary demolition in BMC 19.55.030.3.B that triggers a nonconforming structure to be brought into conformance with the zoning code.

BMC 19.55.030.3 - If the *structure* is damaged or destroyed, it may be reconstructed or repaired provided that:

B. The damage or destruction was not due to abatement, or voluntary demolition beyond 50% of the assessed value of the nonconforming structure as established by the most current county assessor’s tax roll.

## 15. BMC 19.17.060 Residential Accessory Structures

*Background:* BMC 19.17.060 states that residential accessory structures shall be subordinate and incidental to the residential use of the property. Subordinate and incidental are not defined terms in the code, and therefore do not provide clear guidance as to the allowed size or mass of a residential accessory structure. In order to provide clarification on the size of residential accessory structures, new language has been written into BMC 19.17.060 to provide more specificity for the size and height of residential accessory structures.

*Proposed Amendment:* Assign value to the allowable size and height of residential accessory structures.

### 19.17.060 Residential Accessory Uses —General.

1. General. *Uses, structures* and activities that are customarily associated with residential *uses* are allowed in all *residential zones* and in any zone in which residential *uses* are allowed. The residential *accessory use* shall be subordinate and incidental to the residential *use* of the property. Such *uses* include but are not limited to: *accessory living quarters*; storage of yard maintenance equipment; storage of private vehicles and recreational equipment; pools, private docks and piers; antennae for private telecommunications services; on-site rental *office* for apartment complexes; and fallout/bomb shelters. Other residential *accessory uses*, such as *accessory dwelling units, home occupations, bed and breakfast establishments* and keeping of animals, are allowed subject to special regulations in Chapter 19.17. [Ord. 355 §1, 2002]
2. Residential Accessory Structures.
  - A. Accessory structures to a single detached dwelling unit shall not exceed the lesser of:
    - i. Fifteen percent of the total lot area; or
    - ii. Eighty percent of the footprint of the primary residential structure;
  - B. The maximum height of a residential accessory structure may not exceed 10 feet above the existing height of the primary residential structure or the maximum height allowed in the zone, whichever is less;
  - C. The Director may allow minor deviations to these dimensional requirements in order to accommodate industry standards for building dimensions.

**CITY OF BURIEN, WASHINGTON  
MEMORANDUM**

**DATE:** September 15, 2009

**TO:** Planning Commission

**FROM:** David Johanson, AICP, Senior Planner

**SUBJECT:** Introduction to Comprehensive Plan Docket Item No. 2009-1, Economic Development Element policy amendments.

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**PURPOSE**

The purpose of the agenda item is to present proposed amendments to the Economic Development Element of the Comprehensive Plan. This agenda item will include a brief presentation followed by a discussion with the Planning Commission regarding Comprehensive Plan Docket Item No. 2009-1.

| Ref. No. | PROPOSED AMENDMENT  | PROPOSED BY |
|----------|---|-------------|
| 2009-1   | <b>Economic Development Element Goal and/or Policy Amendments</b> | <b>BEDP</b> |

**BACKGROUND**

The City Council has established long-term economic growth and development as high priority within the City and its surrounding areas. In 1995, the council created a citizen advisory board, the Burien Business and Economic Development Partnership (BEDP), consisting of 14 appointed members and one ex-officio, non-voting member, the city manager. The BEDP was tasked to provide advice to the City Council on Burien's economic development through review of the City's Comprehensive Plan, and to make recommendations to the City Council on other economic development programs and priorities.

What follows is an update to the Economic Element to the City's Comprehensive Plan, recommended by the BEDP after several weeks of study and outreach to the general community.

**PROPOSED POLICY LANGUAGE**

The existing policy language and the proposed text amendments are attached (See Attachment 1).

## **RATIONALE**

The Burien Municipal Code (BMC) states that the Business and Economic Development Partnership (BEDP) should annually review the economic development element of the Comprehensive Plan to ensure it is consistent with the economic development vision of the City. This is consistent with BMC 2.50.040(1), Business and Economic Development Partnership, Duties and Responsibilities. It reads as follows:

*“Make recommendations annually for changes to the Burien comprehensive plan that promote and enhance economic development.”*

## **ACTION**

The proposed agenda item is an opportunity for members of the BEDP and staff to present a recommendation regarding the proposed text amendment to Burien’s Comprehensive Plan. There is no formal action necessary at this time.

## **RECOMENDATION**

The BEDP is recommending that the Comprehensive Plan text be amended as shown in attachment 1.

## **NEXT STEPS**

Staff will schedule a public hearing to receive citizen comment on the proposed amendments.

October 13, 2009 Public Hearing

October 27, 2009 Recommendation to City Council

## **Attachments**

1. BEDP proposed Economic Development Element Amendments

## 2.11 ECONOMIC DEVELOPMENT ELEMENT

Overall Mission Statement: *Ensure Burien is the best place to work, live, learn, shop and visit.*”

**Discussion:** Burien City government has focused on the need to attract business and economic growth since incorporation in 1993. Working closely with the private sector, other public agencies and Burien residents, the City has participated in developing the Town Square complex, refurbishing 152<sup>nd</sup> Street, 4<sup>th</sup> Avenue SW and 1<sup>st</sup> Avenue South, and expanding the Transit Center. This leadership role must continue and expand to other parts of the city. Important considerations are to capitalize on the proximity to Sea-Tac airport, see the Northeast Redevelopment Area develop, support redevelopment along the Ambaum corridor and 153<sup>rd</sup> Street, and promote wellness cluster investments centered on Highline Medical Center and other institutions. Most importantly, the City must continue to manage growth in a special way—celebrating diversity, protecting the natural environment, encouraging sustainable practices, recognizing partnerships and furthering Burien’s “unique livability.”

### Goal ED. 1

*Adopt and maintain a forward looking economic development strategy.*

Pol. ED 1.1 Sponsor an ongoing community dialogue that focuses on the future of Burien’s economic and business vitality.

Pol. ED 1.2 Adopt an ambitious and courageous vision and pursue it to completion.

Pol. ED 1.3 Establish a capital fund to stimulate and match private investment in key economic development projects. Explore use of a real estate excise tax as a financing mechanism for the fund.

Pol. ED 1.4 Set a goal to become a ‘transformational city’.

A transformational city maintains on-going dialogue with its citizens to ensure a shared responsibility for attaining the city’s vision and the city’s place in the broader region.

### Goal ED. 2

*Embrace Burien’s unique “livability”.*

Pol. ED 2.1 Favor development projects that build and sustain a livable community with plenty of amenities.

Pol. ED 2.2 Support a transportation system making it convenient to travel from, to and through the City of Burien pursuant to objectives TR 1.1 – TR 9.2, MM 3.1 – MM 3.13 and TL 3.1 – TL 3.3.

Pol. ED 2.3 Engage, and plan for, a diverse ethnic, generational and lifestyle mix of people and activities.

**Goal ED. 3**

*Diversify the economy and promote economic vitality and employment throughout the city*

Pol. ED 3.1 Continue to promote the development of downtown Burien as a dynamic commercial core for the Highline area pursuant to policies DB 1.1 – DB 2.11 and other downtown related policies.

Pol. ED 3.2 Develop the Northwest Redevelopment Area project as an industrial and retail area. Prioritize relocation of car dealerships, airport-related industries and other uses.

Pol. ED. 3.3 Make business retention and new business recruitment City priorities.

Pol. ED 3.4 Promote Mercado/plaza development zones.

Pol. ED 3.5 Encourage and support locally-owned, right-sized businesses.

Pol. ED 3.6 Support tourism, hotel and bed and breakfast businesses, and cultural events to attract visitors to all parts of Burien.

**Goal ED. 4**

*Use Economic Clusters as a strategy for focused economic growth.*

Pol. ED 4.1 Continue to promote Burien as a medical service and [wellness](#) center.

Pol. ED 4.2 Work with the private sector and educational system to identify the educational skills needed to fill locally created well paying jobs in health care.

Pol. ED 4.3 Identify and work with other economic clusters to attract well paying jobs to Burien.

**Goal ED. 5**

*Promote clean, sustainable, environmentally-friendly businesses and jobs*

Pol. ED 5.1 Adopt a sustainability standard to guide development policy.

Pol. ED 5.2 Utilize the City’s support for sustainability and the environment as a branding, marketing and communication value.

**Goal ED. 6**

*View art, aesthetic design and cultural events as central to businesses and jobs*

Pol. ED 6.1 Recognize the economic benefit of embracing arts and culture as a signature Burien identity

Pol. ED 6.2 Establish a “culture/art district” near the City’s downtown core and pursue establishment of a small performing arts venue.

**Goal ED. 7**

*Balance regulatory and service programs to ensure economic growth and quality of life*

Pol. ED 7.1 Provide high quality customer service and an equitable and efficient development review/land use permitting process.

**Goal ED. 8**

*Maintain a strong partnership with the business community*

Pol. ED 8.1 Maintain an open dialogue with the business community.

Pol. ED 8.2 Maintain the Burien Business and Economic Development Partnership.

**Goal ED. 9**

*Communicate openly and often with the public on economic issues*

Pol. ED 9.1 Provide periodic reports to Council on economic development progress.

Pol. ED 9.2 Make timely press releases, newsletters and posting on City television channel.

Pol. ED 9.3 Keep economic development information current on City website.

**Goal ED. 10**

*Monitor and report business and economic performance*

Pol. ED 10.1 Annually report to the Council on key economic development indicators

- Unemployment
- retail sales
- new business license
- graduation rates
- infrastructure investments

**CITY OF BURIEN, WASHINGTON  
MEMORANDUM**

**DATE:** September 22, 2009

**TO:** Planning Commission

**FROM:** Jeremy Hammar, Planning Intern

**SUBJECT:** Introduction to Comprehensive Plan Docket Item No. 2009-2, Amend Sustainability Policies.

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**PURPOSE**

This agenda item will include a brief presentation followed by a discussion with the Planning Commission regarding Comprehensive Plan Docket Item No. 2009-2.

| Ref. No. | PROPOSED AMENDMENT   | PROPOSED BY |
|----------|--|-------------|
| 2009-2   | <b>Comprehensive Plan Text Amendment</b><br>Sustainability policies. | Staff       |

**BACKGROUND**

The U.S. National Environmental Policy Act of 1969 declared as its goal a national policy to "create and maintain conditions under which [humans] and nature can exist in productive harmony, and fulfill the social, economic and other requirements of present and future generations of Americans." Sustainability is listed as a key objective in the introduction of Burien's Comprehensive plan, but gets no mention elsewhere in the document.

Over the past 7 months the Planning Commission and staff worked alongside one another to identify five areas of focus of sustainability and goals relating to each area. Of the five areas of focus, two are currently addressed and referenced in existing Comprehensive Plan policy. The two existing areas of focus are as follows:

1. Protection of Ecosystems
2. Improved Quality of Life and Sustainable Development

To provide additional background information to the commission the applicable policies related to the two areas of focus above have been included in Attachment 1.

## **PROPOSED POLICY LANGUAGE**

In addition to the existing language referenced above, we propose the addition of three additional policies to the comprehensive plan to fully address each of the five areas of focus. The intention of these amendments is to improve the quality of life for those in the city, recognize the current policies which relate to sustainability, and provide direction and structure to future sustainability efforts.

Below is the recommended language which consists of the three areas of focus identified by the planning commission and staff over the past 7 months which are not referenced in existing Comprehensive Plan policy.

Pol. **XX** Sustainability and decision making

Leadership of the city has the influence to create the largest impact in creating a more sustainable city. Decision makers will have the knowledge and tools necessary to assess sustainability in their plans and decisions. Consideration for sustainability should be incorporated by the city and community members in their everyday practices and decision making processes. Sustainability is the responsibility of everyone in the city, however, because of the influence which they possess; decision makers should set an example for the rest of the city in its sustainability efforts.

Pol. **XX** Community participation

The city should promote community awareness, responsibility and participation in its sustainability efforts. The community and community groups should assist in both the creation and implementation of the City's sustainability strategy. This involvement will create a supportive culture for sustainability that can be incorporated into everyday life.

Pol. **XX** Reduce carbon emissions

The city and community should reduce the amount of energy used and become more efficient, with the intent of reducing carbon emissions. The City should evaluate energy use and carbon emissions and develop targets for conservation. Attention towards energy usage will necessitate a commitment to measuring, tracking, and evaluating resource use in City departments as well as the community. Conservation of resources can play a major role in sustainability, changes in the built environment, use of new technologies, and changes in everyday activities can not only reduce the need for resources today, but in the future as well.

Staff is considering two options for how the language will be included into the comprehensive plan and seek commission's input on the matter.

- The language can either be placed in existing chapters deemed most appropriate.

or

- A sustainability chapter can be created.

### **RATIONALE**

- 1) The issue of sustainability is on the City adopted 2009 work program.
- 2) The Planning Commission has been diligently working on sustainability issues and may be ready to adopt goals and/or policies into the comprehensive plan.

### **ACTION**

The discussion is an opportunity for staff to present a recommendation regarding the proposed text amendment to Burien's Comprehensive Plan. There is no formal action necessary at this time but would like input on how to best incorporate the proposed new language in the Comprehensive Plan.

### **NEXT STEPS**

Staff will schedule a public hearing to receive citizen comment on the proposed amendments.

October 13, 2009 Public Hearing

October 27, 2009 Recommendation to City Council

### **Attachments**

- 1) **Existing Sustainability Related Comprehensive Plan Policies**

# **Attachment 1**

## **Existing Sustainability Related Comprehensive Plan Policies (summarized by area of focus)**

### **1. Protection of Ecosystems**

#### **Streams and Wetlands**

**ST 1.5** A watershed approach should be taken to surface water management, with responsibility shared among the City and other contributing jurisdictions.

This approach should emphasize:

- a. Prevention of water quality degradation through implementation of Best Management Practices and educational programs to reduce pollution entering surface waters;
- b. Reduction of volumes and duration of urban flows to prevent flooding and erosion;
- c. Cost sharing;
- d. Consistency with the City's risk management practices; and
- e. Maintenance and restoration of stream habitat for habitat preservation and enhancement.
- f. Coordinated, knowledge based management decisions.

**ST.1.6** Development shall be designed and constructed to minimize disruption and/or degradation of natural drainage systems and the habitat they provide, both during and after construction. Development design which minimizes impervious surfaces through the use of appropriate low-impact development techniques, such as by limiting site coverage and maximizing the exposure of natural surfaces for the infiltration of water shall be required.

#### **Stormwater**

**ST 1.1** The City shall separately adopt a detailed Storm Drainage Master Plan to implement these stormwater policies based on this comprehensive plan.

This plan shall:

- a. Provide a plan of drainage improvements and regulatory actions that will reduce or eliminate local erosion, landslide and flooding problems in Burien, thereby protecting existing and future development and property values;
- b. Provide protection from erosion, landslides and flooding in the Puget Sound basins where perennial and seasonal streams exist, and also protect these streams from the impacts of urban runoff;
- c. Provide for the long-term protection and restoration of Miller Creek Basin as a viable fish habitat and a natural amenity for the urban area. Require higher detention and water quality standards for development within this basin because it supports a federally listed species.
- d. Provide long-term protection and restoration of Salmon Creek Basin, as a viable fish habitat and a natural amenity for the urban area. Require higher detention and water quality standards for development within this basin because it supports a federally listed species.

- e. Encourage developers to incorporate into site planning various environmentally sensitive approaches to stormwater management, including low-impact development techniques, and preservation and restoration of natural landforms.

**ST. 2.1** Appropriate stormwater management practices shall be employed to prevent stormwater problems from urban runoff, which may include flooding, erosion, or stream channel scouring in natural drainage systems. These practices at a minimum should include the collection, control and treatment of storm water runoff at a rate and quantity that will prevent damage to both man-made and natural drainage systems. One or a combination of the following three approaches can be used to manage excessive storm water runoff:

- a. Collect, control, and treat stormwater runoff to a level that will prevent damage to the natural drainage system and restore the ability of the natural drainage system to function as a productive biosystem; and/or
- b. Remove excessive stormwater runoff from the natural drainage system by artificial means such as bypass systems in accordance with SEPA or other adopted plans, regulations or regional programs.
- c. Repair/retrofit private storm drainage lines that route City stormwater to prevent damage to both man-made and natural drainage systems.

## **2. Improved Quality of Life and Sustainable Development**

### **Jobs**

**ED 2.1** Welcome new businesses by promoting opportunities for a variety of retail, office and manufacturing uses to locate in the community.

**ED 2.3** Explore opportunities to attract tourists and tourism development.

**ED 2.4** Expand use of festivals, events, attractions and other techniques to create a positive image.

**ED 2.6** Promote the advantages of Burien's location proximate to downtown Seattle, an international airport, and two regional highways.

**ED 8.6** Protect the beauty and function of the natural environment to maintain a community where workers want to live and work.

### **Walkability**

**MM 3.1** Implement the Pedestrian and Bicycle Facilities Plan as adopted by the City Council via ordinance 409. This plan, or as amended, is hereby adopted by reference. A complete copy of the Pedestrian and Bicycle Facilities Plan can be found in its entirety in Chapter 6.0. (Amended, Ord. 445, 2005)

**MM 3.2** The adequate provision of pedestrian and bicycle facilities shall be as important a consideration as adequate streets in the City's review of development projects for transportation system impacts

**MM 3.3** Provide pedestrians and bicyclists with a system of facilities, incentives, and services that fully support trip-making connections between residential areas, employment centers, shopping, recreational facilities, schools, public transit and other public services within the City. The City should develop a safe and convenient environment for walking and bicycling by:

- a. Physically separating pedestrian and vehicle (including bicycles) traffic (this separation can include using traditional sidewalks);

- b. Encouraging separated internal pedestrian circulation systems in new or redeveloping commercial-retail districts;
- c. Providing Americans with Disabilities Act (ADA) approved wheelchair ramps and other aids to enhance safe mobility of the handicapped; and
- d. Giving special considerations to pedestrian and bicyclist opportunities in school, park, sports and commercial areas.

**MM 3.4** Encourage pedestrian walk lights and bicycle activated signal detection at traffic control signals.

**MM 3.5** Implement the “safest routes to school” map, found in the Pedestrian a Bicycle Facilities Plan, to assure that safety and accident prevention for pedestrian and bicycle travel to school receives the highest consideration. The City, community groups with knowledge of local conditions (such as the PTA), and the Highline School District should work together in the design and construction of transportation facilities in and adjacent to school zones. The safest routes to school should include transportation facilities that:

- a. Provide pedestrian pathways on streets connecting to, or within, the school zone, and pedestrian facilities that are physically separated from vehicle and bicycle traffic;
- b. Locate appropriate signs to alert motorists entering school zones;
- c. Install adequate lighting along roadways and pathways;
- d. Use appropriate traffic-calming devices in school zones;
- e. Establish crosswalks in areas of good sign visibility, lighting and proximity to connecting modes; and
- f. Promote safe and convenient pedestrian and non-motorized access to bus transportation.

(Amended, Ord. 445, 2005)

**MM 3.6** Bicycle and pedestrian travel should be encourages within the City by:

- a. Providing and promoting the development of pedestrian and bicycle paths between neighborhoods and other activity centers, such as schools, parks, transit and downtown;
- b. Encouraging the location of bicycle racks at appropriate destination points, such as outside of commercial businesses, City Hall, parks, schools, and transit facilities;
- c. Minimizing potential conflicts between pedestrian, bicycle and automobile traffic by providing signage at intersections of trails and paths with roadways; and
- d. Accommodating bicycles and pedestrians safely in the management and design of the City street network.

**MM 3.7** New development and redevelopment shall be required to incorporate pedestrian supportive measures such as:

- a. Providing secure and attractive pedestrian spaces;
- b. Providing adequate sidewalks, bikeways, pathways and crosswalks;
- c. Minimizing walking distances between buildings and street, sidewalks and transit stops;
- d. Clustering building near each other, near streets, sidewalks and transit stops;
- e. Preserving the connectivity of the pedestrian, bicycle and street system;
- f. Reducing vehicle speeds, walkway crossing distances and improving visual character of neighborhood streets (through measures such as reduced street widths); and
- g. Designing transit access into large developments, considering bus lanes, stops and shelters as part of the project.

Where the pedestrian facilities are required and additional facilities are needed to complete a system of facilities, actual construction of the required pedestrian facilities may be delayed through agreement that they would be constructed along with adjacent facilities at a later date.

**MM 3.9** The development and maintenance of a pedestrian oriented commercial area corresponding to Old Burien and the downtown area should have priority. The goals and policies of the land use and community character elements establish the character of development in these areas.

(Amended, Ord. 272, 1999, Ord. 445, 2005)

**MM 3.11** The design and management of the street network shall seek to improve the attractiveness of existing street corridors to pedestrians, and shall incorporate high standards of design when developing new streets, including sidewalk construction where appropriate. Landscaping measures should be implemented to enhance the walking experience. To the extent feasible without impairing street capacity, safety, or structural integrity, existing trees along street rights-of-way should be preserved.

**MM 3.12** The City should optimize the ability of pedestrians to travel on arterial and non-arterial roadways in residential areas and emphasizes personal safety and connectivity to other activity areas. Pedestrian facilities should be:

- a. Required along principal and minor arterials, where there is a need for enhanced pedestrian safety because of the larger traffic volumes and higher densities of development;
- b. Encouraged along neighborhood arterials, where appropriate and feasible;
- c. Required along roadways serving multifamily areas, and encouraged to link these areas to other activity centers and pedestrian oriented areas within the City;
- d. Encouraged along roadways within a one-half mile radius of schools, to provide safe pedestrian connections to residential areas for children; and
- e. Encouraged along collector streets in higher density single family neighborhoods.

**MM 3.13** Whenever the City contemplates reconstruction or major maintenance work on a City street not having sidewalks, the ability to provide sidewalks at that time should be fully explored, and implemented if consistent with the plan. This may include the identification of potential funding sources; aggressive promotion of a LID to finance the sidewalk portion of the work; and the consideration of sidewalks as an “alternate” in construction bid documents. Sidewalks shall be installed on both sides abutting multifamily and commercial development and where planned single-family residential densities are greater than five units per acre.

### **Diversity**

**ED 10.1** Champion cultural and ethnic diversity in City-planned events and activities.

**ED 10.2** Encourage ethnic business leaders to become actively involved in City affairs.

**ED 10.4** Increase communication and outreach to all citizens so that they are informed and can participate in City activities.

### **Accessibility**

**HS 3.1** Equal access to housing should be ensured for all people, without regard to special need, race, color, national origin, religion, sex, family status, or disability.

**HS 3.2** The City should implement non-discriminatory zoning regulations for group homes that is consistent with the Federal Fair Housing Act, enabling different classes of group homes to be permitted in appropriate residential neighborhoods.

**HS 3.3** The City should encourage the dispersal of special needs and senior housing throughout the City. However, special needs and senior housing must still meet the development requirements of the underlying zone. Some clustering of special needs and senior housing may

be appropriate if proximity to public transportation, medical facilities or other essential services is necessary.

**HS 3.4** In coordination with other local and regional agencies, the City should support and plan for assisted housing opportunities using available federal, state, and county resources.

### **Land Use**

**LU 1.4** The City should encourage a mix of residential, office and commercial uses within Burien's downtown area to create a vibrant city center that, reduces reliance on the automobile, and provides a range of housing opportunities.

**LU 1.5** Burien should strive to expand its economic base by attracting the types of economic activities which best meet the needs and desires of the community, while protecting well-established residential areas from encroachment by non-residential uses.

**LU 1.9** The City is aware that under the Growth Management Act the City may not preclude the siting of the third runway if the runway is determined by the courts to be an "essential public facility." The City also notes that the Growth Management Act, the Central Puget Sound Growth Management Hearings Board, the Countywide Planning Policies, the State Environmental Policy Act and other policies, laws and regulations authorize that there be appropriate and reasonable mitigation for communities and elements of the environment adversely impacted by the siting of an essential public facility. Under certain circumstances, permit applications can be conditioned or denied if significant adverse environmental impacts are not mitigated. If the third runway is constructed, significant adverse impacts should be mitigated to the maximum extent allowed by law.

**LU 1.11** The City of Burien designates downtown Burien and its surrounding residential and employment areas as an urban center in accordance with the King County Countywide Planning Policies.

**ED.3** Promote the revitalization of downtown Burien to create a dynamic commercial core for the Highline area pursuant to policies DB 1.1 – DB 2.11 and other downtown related policies.

### **Transportation**

**TR 1.1.4** The City should consider multimodal transportation alternatives and land use coordination when feasible.

**TR 1.1.5** The City should consider mobility options (transit use, high occupancy vehicles, demand management actions, access to transit and non-motorized transportation modes, consistent with Commute Trip Reduction Act requirements) in relation to level of service standards and to relieve congestion.

**TR 1.2.2** The City shall require that new development shall be allowed only if (1) all transportation facilities are adequate at the time of development and transportation impacts will not negatively impact or reduce LOS elsewhere or (2) a financial commitment is in place to complete the necessary improvements or strategies to accommodate transportation impacts within six years, in order to protect investment in and the efficiency of existing transportation facilities and services and promote compact growth.

**TR 1.2.3** The City should require developers to conduct traffic studies or analyses to determine development impacts on the transportation system.

**TR 1.2.4** The City should require developers to mitigate development impacts through improvements or strategies such as non-motorized transportation modes, transit, ridesharing or transportation demand management.

**TR 3.2.1** The City should consider the impacts of land use decisions on adjacent roadways, as well as the impacts of roadway improvements on proposed land uses.

**TR 4.1.1** The City shall coordinate with transit service providers during development of transit plan updates, to ensure that local transit routes provide convenient and efficient service to public services, community centers, parks, medical facilities, schools, day care and after school programs and commercial centers.

**TR 4.1.4** The City shall promote the expansion of convenient fixed-route and dial-a-ride transit service, specifically east-west routes connecting Burien with east side cities and routes to central locations.

**TR 7.1.1** The City should promote transit, bicycle and pedestrian travel.

**TR 7.1.2** The City should support current federal, state and regional policies aimed at reducing vehicle-related air pollution, including transportation demand strategies.

**TR 7.1.3** The City should coordinate with the Puget Sound Regional Council, Puget Sound Clean Air Agency, Washington State Department of Transportation, transit agencies and other jurisdictions to develop transportation control measures and air quality programs when warranted.

**CITY OF BURIEN, WASHINGTON  
MEMORANDUM**

**DATE:** September 15, 2009

**TO:** Planning Commission

**FROM:** David Johanson, AICP, Senior Planner

**SUBJECT:** Introduction to Comprehensive Plan Docket Item No. 2009-4, Amend Capital Improvement Program policies.

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**PURPOSE**

This agenda item will include a brief presentation followed by a discussion with the Planning Commission regarding Comprehensive Plan Docket Item No. 2009-4.

| Ref. No. | PROPOSED AMENDMENT   | PROPOSED BY |
|----------|--|-------------|
| 2009-4   | <b>Comprehensive Plan Text Amendment</b><br>Capital improvement program polices. | Staff       |

**BACKGROUND**

The capital improvement program is integrated within the Comprehensive Plan. The City recently adopted a two-year budget cycle (Ord. 485, June 16, 2008) and this action should be reflected in the City's Comprehensive Plan policies. To ensure the Comprehensive Plan is consistent with the capital improvement program and the polices reflect Burien's current budget process, amendments to the Comprehensive Plan are warranted.

Initially the proposed amendments focused on updating the project lists contained in Chapter 3, the Capital Facilities Plan; however, upon further review by city staff it was determined that those updates should be postponed until the major Comprehensive Plan update occurs. The postponement will allow for a more thorough update of Chapter 3, Capital Facilities Plan. The update of this chapter will be coordinated with the Finance Department to ensure the new biennial budget procedures and financial forecasts are accurately incorporated into the document.

It also should be noted that the existing policy language along with language in Chapter 3 of the Comprehensive Plan states that revisions to the six-year project list occur during the budget process. This process is unchanged and should comply with the capital planning requirements. The applicable language is as follows.

Pol. CF 3.5 The entire CIP list shall be updated annually along with anticipated funding capacities as part of the annual budget process. While the first six-year Capital Improvements Program list is adopted by reference in this plan, future revisions to the six-year list shall be made as part of the annual budget process. New additions

to the six year project list, which are not identified as part of the long range Capital Improvement Program list, shall be evaluated for their consistency with the comprehensive plan prior to their incorporation into the six year project list. (Chapter 2, page 2-136)

*The Six-Year CIP is amended and re-adopted annually as a part of the City's annual budget review and adoption process. It is also adopted by reference annually as a component of the Comprehensive Plan. (Chapter 3, page 3-24)*

### **PROPOSED POLICY LANGUAGE**

The following is the existing policy language along with the proposed text amendments shown in strikethrough and underline format. As a reminder the focus of this update is on the policy language contained in Chapter 2 and will be followed by updates to Chapter 3 when the major update occurs in 2010-2011.

- Pol. CF 3.2 The city shall maintain a Capital Improvement Program list that includes all projects needed to implement the comprehensive plan during the planning period. This list shall include a six-year CIP list, which should include projects that can be planned, financed and implemented during the next six years. The ~~annual~~ biennial budget should include a CIP list of those projects authorized for funding during the next fiscal year.
- Pol. CF 3.4 Projects shall be considered funded only when incorporated into the ~~annual~~ biennial City budget, as adopted by the City Council.
- Pol. CF 3.5 The entire CIP list shall be updated ~~annually~~ biennially along with anticipated funding capacities as part of the ~~annual~~ biennial budget process. While the first six-year Capital Improvements Program list is adopted by reference in this plan, future revisions to the six-year list shall be made as part of the ~~annual~~ biennial budget process. New additions to the six year project list, which are not identified as part of the long range Capital Improvement Program list, shall be evaluated for their consistency with the comprehensive plan prior to their incorporation into the ~~six~~ six-year project list.
- Pol. CF 3.6 Capital projects that are not included in the six-year Capital Facilities Plan shall be evaluated for consistency with the comprehensive plan prior to their inclusion into the City's ~~annual~~ biennial budget.
- Pol. CF 3.7 City shall ~~annually~~ biennially review the capital facility project list to ensure that the proposed capital program reflects an equitable geographic distribution of projects and that the needs of the city's neighborhoods are addressed along with city wide needs.

## **RATIONALE**

- 1) In June 2008 the City Council adopted Ordinance 485 formally establishing the two-year biennial budget beginning January 1, 2009, and requires thereafter that a two-year biennial budget be prepared.
- 2) This amendment ensures that the budget cycle and Comprehensive Plan are in harmony.

## **ACTION**

The discussion is an opportunity for staff to present a recommendation regarding the proposed text amendment to Burien's Comprehensive Plan. There is no formal action necessary at this time.

## **RECOMENDATION**

Staff is recommending that the Comprehensive Plan text be amended to reflect Burien's biennial budget process. The proposed text amendments focus on the policy section (Chapter 2) to be followed by a more thorough update of Chapter 3, Capital Improvement Program, as a part of the major plan updated in 2011.

Please see recommended text amendments above.

## **NEXT STEPS**

Staff will schedule a public hearing to receive citizen comment on the proposed amendments.

October 13, 2009 Public Hearing

October 27, 2009 Recommendation to City Council