



## CITY COUNCIL MEETING AGENDA

November 2, 2009

Council Meeting

7:00 p.m.

Burien City Hall, Council Chambers

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

Burien, Washington 98166

PAGE NO.

1. CALL TO ORDER

2. EXECUTIVE SESSION

3. PLEDGE OF ALLEGIANCE

4. ROLL CALL

5. AGENDA CONFIRMATION

6. PUBLIC COMMENT

To receive comments on *topics other than public hearing topics*. Individual will please limit their comments to three minutes, and groups to five minutes.

7. CORRESPONDENCE FOR THE RECORD

a. Email Dated October 16, 2009 from Jim Branson Regarding Transportation Benefit District No. 1 with Response from Larry R. Blanchard, Public Works Director. 3.

8. PRESENTATIONS

a. Presentation by Paul Keller, Managing Principal, Urban Partners and Frank Rimkus, President/CEO, Galaxy Theatres, on Town Square Theater.

9. CONSENT AGENDA

a. Approval of Vouchers: None.  
 b. Approval of Minutes: Council Meeting, October 26, 2009. 5.

### COUNCILMEMBERS

Joan McGilton, Mayor  
Kathy Keene

Sue Blazak, Deputy Mayor  
Lucy Krakowiak Sally Nelson

Rose Clark  
Gordon Shaw

## CITY COUNCIL MEETING AGENDA

November 2, 2009

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- |                            |  |     |
|----------------------------|--|-----|
| <b>10. BUSINESS AGENDA</b> | a. City Manager's Report.  | 9.  |
|                            | b. Discussion on Environmental Science Center Development and Construction Agreement Amendment.    | 21. |
|                            | c. Motion to Name Voting Delegate to the Suburban Cities Association 2009 Annual Business Meeting. | 23. |
|                            | d. Motion to Adopt Proposed Ordinance No. 523, Regarding 2009 Zoning Code Amendments.              | 29. |

### 11. COUNCIL REPORTS

### 12. ADJOURNMENT

**From:** Council  
**Sent:** Monday, October 19, 2009 3:22 PM  
**To:** 'Jim Branson'  
**Subject:** RE: Transportation Benefit District No. 1

Thank you for writing to the Burien City Council. Your message will be forwarded to the appropriate staff for response and included in the Correspondence for the Record for a future City Council meeting.

L. Clausen  
City Manager's Office

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

**From:** Jim Branson [mailto:james.branson.206@gmail.com]  
**Sent:** Friday, October 16, 2009 6:59 PM  
**To:** Council  
**Subject:** Transportation Benefit District No. 1

Mayor McGilton and Council Members,

136th Street is lined with mature trees, softening the street, combating global warming, and increasing the value of area homes.

Would the construction of new sidewalks or bike lanes result in the loss of these trees? On Des Moines Way, many large, graceful trees were cut down when the new bike path was put in, and in the year that it has been open, I have not seen a single pedestrian or cyclist use that path. Voters need to know: is a vote for TBD 1 a vote to cut down mature trees?

Jim Branson

*CC: Public Works Director 10-19-09  
RFTR: 11-02-09*

**Lisa Clausen**

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**From:** Larry Blanchard  
**Sent:** Tuesday, October 27, 2009 6:05 PM  
**To:** james.branson.206@gmail.com  
**Cc:** Council Members; Larry Blanchard; Lisa Clausen; Mike Martin  
**Subject:** Transportation Benefit District No. 1-Response to Branson

Dear Mr. Branson:

Your email of October 16<sup>th</sup>, 2009 regarding cutting of trees in the Burien right-of-way of 136<sup>th</sup> Street was referred to me for response. Thank you for your concern. As you know, most of the trees installed along 136<sup>th</sup> Street prior to Burien incorporating were of a species that intruded into the existing sidewalk and the roots heaved the sidewalk all along 136<sup>th</sup> Street. The City wants to provide as safe as possible sidewalks that have even surfaces to reduce trip or fall hazards. The Bike Lane and Sidewalk Improvement Project on 136<sup>th</sup> Street will be designed with this goal in mind; however, since the design of these facilities cannot start until after voter approval of TBD #1, we do not yet know how many trees will need to be removed and replaced with less intrusive trees.

The Des Moines Memorial Drive Bike Lane and Sidewalk Improvements by the City of SeaTac utilized the same goal, to provide sidewalks that are constructed according to set standards to reduce potential trip and fall hazards. Although we do not have statistics on the use of this facility by bicyclists and pedestrians, I have observed its use in the short time that I have been with the City of Burien. A vote for TBD # 1 is a vote for the installation of Bicycle Lanes and Sidewalks along 136<sup>th</sup> Street to Standards that will reduce trip and fall hazards for safe walking and biking facilities.

Sincerely,

*Larry R. Blanchard*  
**Public Works Director**  
**City of Burien**

## CITY COUNCIL MEETING MINUTES

October 26, 2009

SPECIAL MEETING, Miller Creek Conference Room, 3<sup>rd</sup> Floor

For the purpose of holding an Executive Session to discuss a personnel matter  
per RCW 42.30.110(1g)

6:45 p.m.

and

Council Meeting

7:00 p.m.

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

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

- Watch the video-stream available on the City website, [www.burienwa.gov](http://www.burienwa.gov)
- Check out a DVD of the Council Meeting from the Burien Library
- Order a DVD of the meeting from the City Clerk, (206) 241-4647

### **SPECIAL MEETING**

Mayor McGilton called the Special Meeting of the Burien City Council to order at 6:45 p.m. for the purpose of holding an Executive Session to discuss a personnel matter per RCW 42.30.110(1g).

Present: Mayor Joan McGilton, Deputy Mayor Sue Blazak, Councilmembers Rose Clark, Kathy Keene, Lucy Krakowiak, and Gordon Shaw. Councilmember Sally Nelson was excused.

Administrative staff present: Mike Martin, City Manager.

No action was taken.

### **CALL TO ORDER**

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

### **EXECUTIVE SESSION**

An Executive Session was held prior to the meeting as noted above.

### **PLEDGE OF ALLEGIANCE**

Mayor McGilton led the Pledge of Allegiance.

### **ROLL CALL**

Present: Mayor Joan McGilton, Deputy Mayor Sue Blazak, Councilmembers Rose Clark, Kathy Keene, Lucy Krakowiak, and Gordon Shaw. Councilmember Sally Nelson was excused.

Administrative staff present: Mike Martin, City Manager; David Planner, Senior Planner; Chip Davis, Planner; Elizabeth Ockwell, Assistant Planner; and Monica Lusk, City Clerk.

#### **AGENDA CONFIRMATION**

##### **Direction/Action**

**Motion** was made by Deputy Mayor Blazak, seconded by Councilmember Krakowiak, and passed unanimously to affirm the October 26, 2009, Agenda.

##### **Direction/Action**

Councilmembers agreed to allow dialogue with members from the Environmental Science Center (ESC) after they spoke under Public Comment.

#### **PUBLIC COMMENT**

John Leonard, 2687 SW 172<sup>nd</sup> Street, Burien

Mr. Leonard, spoke to ESC's programming and provided an update on the construction of ESC's new building located at Seahurst Park. He spoke to the funding for the construction.

Loren L. Tomlinson, 17385 Sylvester Road SW, Burien

Mr. Tomlinson, board member of the Environmental Science Center (ESC), asked that the City to be the guarantor of a \$200,000 bridge loan in order to complete Phase II of the new Center.

Joy Neubauer, 2649 SW 172<sup>nd</sup> Street, Burien

Ms. Neubauer spoke to the educational component of the ESC.

##### **Direction/Action**

Councilmembers agreed to schedule a discussion at the November 2 Council meeting to review ESC's proposal with possible action at the November 9 Council meeting.

##### **Follow-up**

Staff will report on whether the project can be deemed a public benefit; provide a written proposal from ESC; provide a summary of both the grants ESC has received since December 2007 and the remaining grants; and, offer recommendations if the Council favors moving forward with the agreement amendment.

#### **CORRESPONDENCE FOR THE RECORD**

- a. Email Dated August 17, 2009, from Jerry Althaus, WSDOT Maintenance/Operations Superintendent to Judith McDonald Responding to Median Plantings at the 148<sup>th</sup> Street/518 Exit.

#### **PRESENTATIONS**

No Presentations were made.

#### **CONSENT AGENDA**

- a. Approval of Vouchers: Numbers 23304 - 23428 in the Amount of \$576,425.40.
- b. Approval of Minutes: October 5, 2009, Council Meeting.

##### **Direction/Action**

**Motion** was made by Deputy Mayor Blazak, seconded by Councilmember Krakowiak, and passed unanimously to approve the October 26, 2009, Consent Agenda.

## **BUSINESS AGENDA**

### **City Manager's Report**

#### **Follow-up**

Staff will provide information regarding the Seattle City Light (SCL) billing for undergrounding on 1<sup>st</sup> Avenue South for the television viewers.

### **Review of Council Proposed Agenda Schedule**

#### **Follow-up**

Staff will provide current number of foreclosures in area and employment rates in South King County; schedule an update on the fire station; provide the King County Sheriff's contract for review during budget discussions, and schedule annexation discussions after the November 3 General Election.

### **Motion to Adopt Proposed Ordinance No. 525, Approving the Final Plat of the Des Moines Estates Subdivision (16223 Des Moines Memorial Drive)**

#### **Direction/Action**

**Motion** was made by Deputy Mayor Blazak, seconded by Councilmember Krakowiak, to Adopt Ordinance No. 525, Approving the Final Plat of the Des Moines Estates Subdivision, and Directing the Mayor to Sign the Final Plat Documents.

### **Discussion on Proposed Ordinance No. 523, Regarding 2009 Zoning Code Amendments**

#### **Direction/Action**

Councilmembers requested placing proposed Ordinance No. 523 on the November 2, 2009, Business Agenda for consideration.

#### **Follow-up**

Staff will provide provisions for allowing trailers on-site while constructing single family homes.

## **COUNCIL REPORTS**

Councilmember Krakowiak reported on both the Suburban Cities Association (SCA) Board and the SCA Public Issues Committee (PIC) meetings she attended.

Councilmember Shaw reported on the South County Area Transportation Board (SCATBd) meeting he attended.

Councilmember Keene reported on both the Infrastructure Assistance Coordinating Council Conference and the Association of Washington Cities (AWC) Legislative Workshop she attended.

Mayor McGilton reported on the Regional Transit meeting she attended.

#### **Follow-up**

Staff will place information regarding Metro's service routes during inclement weather on the City's website.

**ADJOURNMENT**

**Direction/Action**

**MOTION** was made by Deputy Mayor Blazak, seconded by Councilmember Krakowiak and passed unanimously to adjourn the meeting at 8:39 p.m.

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Joan McGilton, Mayor

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Monica Lusk, City Clerk



# Burien

*Washington, USA*

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Phone: (206) 241-4647 • FAX (206) 248-5539  
www.burienwa.gov

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## MEMORANDUM

**TO:** Honorable Mayor and Members of the City Council  
**FROM:** Mike Martin, City Manager  
**DATE:** November 2, 2009  
**SUBJECT:** City Manager's Report

### I. INTERNAL CITY INFORMATION

#### A. Highline School District Capital Improvement Bond

Superintendent Welch of the Highline School district has developed a recommendation on a capital improvement bond, which he presented to the school board at a work/study session October 21, 2009. This bond had included a Highline High School Replacement project.

The superintendent recommended that the district NOT put a bond measure on the ballot this spring, for the following reasons:

1. Given the current economic and unemployment situation, there is a reluctance among citizens to tax themselves at this time. We feel it is likely a bond would not pass.
2. There has been a significant drop (about 18%) in assessed valuation in our community. This limits the district's debt capacity, which in turn limits the amount the district can request from voters. If we use up all our debt capacity now, there could be a long wait before we could go out for another bond, which means it could be a long time before we are able to replace our next set of schools.
3. The superintendent and staff feel it is prudent to give full consideration to the pros and cons of a capital and/or technology levy in addition to a bond.

#### B. House Transportation Chair Visits Burien – October 27, 2009

The Chair of the Washington State House Transportation Committee, Representative Judy Clibborn, joined 33<sup>rd</sup> District Representative Dave Upthegrove (a Transportation Committee member) for a meeting and tour in Burien, related to a proposed interchange improvement at SR 518 and Des Moines Memorial Drive (DMMD). The City is working to improve access to the Northeast Redevelopment Area of the city (NERA), to encourage airport-compatible development in that area blighted by the third runway. The Mayor, City staff, and staff from the Washington State Department of Transportation (DOT) explained to Representative Clibborn that the current interchange at Des Moines Memorial Drive only provides access to and from SR 518 on the east side of the DMMD. The City wants to provide access to encourage businesses to move into the NERA. The State DOT has developed three options for improving access to the NERA and will

finalize a proposal this year. The City hopes the State's financial situation will improve so that in the future the State will be able to fund the project.

**C. Miller Creek Restoration: Volunteers Finish Third and Final Year of Planting**

Remember the torrential rain showers that occurred Saturday, October 17? While most of us were inside where it was dry, eight hardy souls planted 37 trees -- spruce, black cottonwood, western red cedar, and Oregon ash -- as well as 75 Sitka willow stakes along Miller Creek at the S. 144th St. restoration site. This planting completed the restoration begun here in October 2007. Planting also occurred here in 2008 and mulching and weeding has been done periodically throughout the last two years. Most councilmembers and many Burien residents have at one time or another helped steward this site. This sustained care is transforming a 300 foot stretch of stream dominated by invasive Himalayan blackberry (with some good salmonberry and mature cottonwood trees) into a reach containing only a healthy diversity of native trees and shrubs. Although it is located upstream of a fish passage barrier at S. 156th St., juvenile hatchery salmon are outplanted here each January and are observed rearing through much of the summer. This project was organized by the stream steward Dennis Clark, whose work is funded by Burien in cooperation with Normandy Park, SeaTac, the Port of Seattle, and King County.

**D. Salmon Returning to Miller and Walker Creeks**

Accompanying the fall rains is the return of salmon to Burien streams. On October 10, the first adult salmon was spotted in Miller Creek down in Normandy Park. On October 15, a resident saw an adult salmon in Miller Creek in Burien between Ambaum Blvd. and SR509. On October 19, Port of Seattle staff reported seeing two adult fish just south of S. 160<sup>th</sup> St. west of the airport. While the return is exciting, it is dismaying that many fish appear to be succumbing to "pre-spawn mortality." This phenomenon has occurred for years in our creeks and is common throughout urban creeks in Puget Sound. Oddly, it affects only adult Coho salmon -- it doesn't appear to kill juvenile Coho or other species of salmon. It is thought to be caused by some particular combination of pollutants and research is on-going. We hope some of the adults that are returning are successfully spawning the next generation of fish. To see on-going reports of fish sightings as well as photos, visit the stream blog:  
<http://www.kingcounty.gov/environment/watersheds/central-puget-sound/miller-walker-creeks/stream-blog-2009.aspx>

**E. Environmental Science Center Update**

The Environmental Science Center has substantial framing completed and the building will be dried-in soon.

**F. Federal Emergency Management Association (FEMA) and National Marine Fisheries Services (NMFS) Endangered Species Act (ESA) Biological Opinion Implementation Update for National Flood Insurance Program (Pg. 13)**

Attached is an update regarding the release of documents that will be the basis for communities to demonstrate compliance with the Endangered Species Act. We have been waiting for this information to update City Code. It appears the information will be available in January 2010.

**II. COUNCIL UPDATES/REPORTS**

**A. South Correctional Entity (SCORE) Issues Bonds**

The South Correctional Entity (SCORE) Facility Public Development Authority issued \$78 million of Taxable Build America Bonds (BABs) and \$8.2 million in tax exempt bonds on October 21, 2009. The issuance of \$8.2 million in tax exempt bonds was a last minute change (from all BABs) in response to a lukewarm welcome from the bond market. The lukewarm response relates to: 1) the current overall treasury bond market conditions, 2) a saturation of BABs in the market, 3) unsustainably low interest rates and 4) a new issuer (SCORE) with a more complex structure. Despite a less than welcoming market, \$78 million of BABs sold with an overall issuance interest rate of 4.18%. This is a good rate and well below the 4.5% to 5% range that has been incorporated into much of the planning and early pro-forma financial documents.

**B. City of Burien Website Statistics (Pg. 15)**

Staff has provided Council with statistical information regarding usage of the City's website (attached).

**C. Major Projects Status Report (Pg. 17)**

Staff has provided Council with a Major Projects Status Report dated October 26, 2009 (attached.)

**D. Notices (Pg. 19)**

Attached are Notices published after the last City Manager Report:

- 2009-2010 Mid-Biennial Budget Review Public Hearing Notice – November 9



**From:** "Graves, John" <[john.graves1@dhs.gov](mailto:john.graves1@dhs.gov)>

**Date:** October 23, 2009 2:19:19 PM PDT

**Subject:** FEMA- NFIP ESA Biological Opinion Implementation Update

Dear Community Official:

As you know FEMA has been working to comply with the Endangered Species Act (ESA) and the Biological Opinion (BiOp) that was issued by the National Marine Fisheries Services (NMFS) regarding the implementation of the National Flood Insurance Program (NFIP).

This email is intended to provide you an update.

Over the past year, FEMA has worked to provide interim guidance to all 122 affected communities in the Puget Sound region. This guidance requires communities to do 3 things when issuing a floodplain development permit:

1. Track all floodplain development permits
2. Identify and mitigate for any adverse impacts
3. Report this information to FEMA

FEMA has also worked to produce a series of options for communities to choose in order to demonstrate compliance with the Endangered Species Act when permitting actions under the NFIP:

1. Model Ordinance
2. Programmatic Checklist
3. Permit by Permit Consultation

Adoption of the Model Ordinance or demonstration of compliance using the Programmatic Checklist will provide coverage for the community for implementing the NFIP within their community. If a community chooses not to adopt the Model Ordinance or use the Programmatic Checklist will be required to consult on each floodplain development permit issued with the services to ensure compliance with the ESA.

Supplemental Regional Guidance documents are also being developed for:

1. *Regional Guidance on Floodplain Habitat Assessment and Mitigation*
2. *Regional Guidance for NFIP-ESA Floodplain Mapping*
3. *CRS Credit for Habitat Protection*

A focus group consisting of 13 of the 122 affected communities was organized to review and provide comments to FEMA on the draft model ordinance, checklist and regional guidance documents.

FEMA is targeting the release of the model ordinance, programmatic checklist, and regional guidance documents in January of 2010.

Additionally, FEMA sent an ESA Reporting Tool on October 22, 2009 to each community's Floodplain Administrator that is listed in our database. The reporting tool is an excel spreadsheet that will help communities report information to FEMA that is required by the NMFS in the Biological Opinion. The responses to this reporting effort will be gathered and sent to NMFS as part of FEMA's reporting requirements.

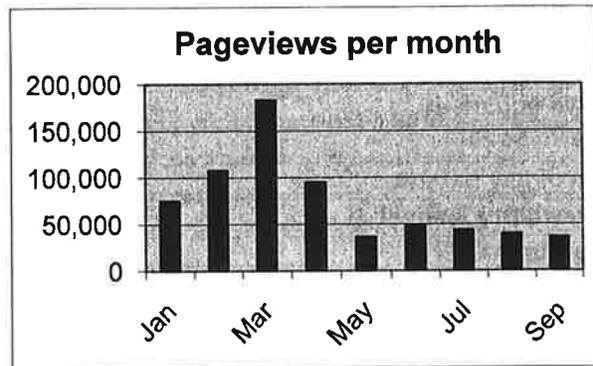
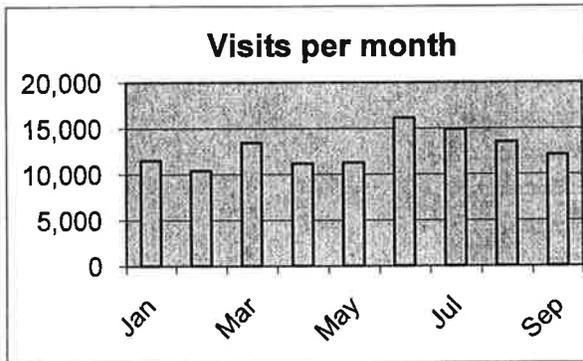
Please feel free to contact me at 425-487-4737 or via email at [john.graves1@dhs.gov](mailto:john.graves1@dhs.gov) if you have any further questions about FEMA's implementation of the Biological Opinion.

Sincerely,

John Graves, CFM  
Senior NFIP Specialist  
FEMA Region X  
425-487-4737

City of Burien website statistics ~ January to September 2009

	Visits	Pageviews	Average # of Pageviews/Visit
<b>Jan</b>	11,510	74,826	7
<b>Feb</b>	10,388	107,712	10
<b>Mar</b>	13,444	182,780	14
<b>Apr</b>	11,175	94,881	9
<b>May</b>	11,252	36,057	3
<b>Jun</b>	16,138	47,792	3
<b>Jul</b>	14,878	43,405	3
<b>Aug</b>	13,506	39,127	3
<b>Sep</b>	12,115	35,876	3
<b>Total</b>	114,406	662,456	6.11



Observations	Possible meanings
Visits per month peaked in June	People were actively looking for information, possible events related (see most popular search terms below)
Visits per month are remaining fairly consistent	The site is being used as a resource by the public
Pageviews per month peaked in March	People were curious and checking out the new site
Average # of pageviews per visit seems to have settled down	People are starting to use the site more to get what they want and then get out. And as the weather starting improving in May people didn't want to spend a lot of time indoors "surfing"

Most popular search terms	
annexation	201
jobs	170
business license	126
employment	122
parade	107
Map	99
municipal code	94
nera	65
senior center	65
library	62
zoning	62
population	60
farmers market	56
mayor	54
seahurst park	54
burien municipal code	53
seahurst	48
Code	45
town square	44
rfp	43
4th of july parade	42
strawberry festival	42
restaurants	41
softball	38
Hotels	36

The results in most cases speak for themselves, however there are some surprises, i.e. “jobs” and “employment” together equal 292, making it the top searched topic. And the list does point out some things that we hadn’t thought of, and could do a better job of providing access to, i.e. the 4<sup>th</sup> of July parade (“parade” and “4<sup>th</sup> of july parade” equal 149).

Visitor Type	Visits	Pv/Visit
New Visitor	66524 (54%)	6.22
Returning Visitor	56482 (46%)	4.84

On average there were slightly more new than returning visitors. This trend will probably reverse itself as time goes by. And as you would expect, new visitors spent more time looking around, resulting in higher Pv/Visit (pageviews per visit).

## Major Projects Status

### Project

<b>Address</b>	<b>Highline Christian Church</b> 114 SW 150th Street	<b>Date</b>	<b>Status (BLD 05-0078 &amp; BLD 06-0676)</b>
<b>Zone</b>	CR	25-Oct	Education wing 1st floor final approved
<b>Site Size</b>	1.45 Acres	25-Nov	2nd floor finish work underway
<b>Project Lead</b>	KG	25-Dec	No Status Change
<b>Building Sq Ft</b>	63,000	25-Jan	No Status Change
<b>Building Stories</b>	2	25-Feb	Limited occupancy granted for Ed wing
		25-Mar	No Status Change
		25-Apr	No Status Change
		25-May	No Status Change
		25-Jun	No Status Change
		25-Jul	No Status Change
		25-Aug	Permit extension granted
		25-Sep	No Status Change
		25-Oct	Project Complete
<b>Address</b>	<b>Nugyen Townhomes</b> 10XX SW 130th Street	<b>Date</b>	<b>Status (BLD 05-1387-1391)</b>
<b>Zone</b>	RM-24	25-Oct	Building 1 (Units 7 & 8) final occupancy approved
<b>Site Size</b>	14,337 sq. ft. (0.33 Acres)	25-Nov	Buildings 2 & 3 foundation work complete
<b>Project Lead</b>	SB/CD	25-Dec	No Status Change
<b>Units</b>	8	25-Jan	No Status Change (Extensions granted for units 1-6)
<b>Building Stories</b>	3	25-Feb	No Status Change
		25-Mar	No Status Change
		25-Apr	No Status Change
		25-May	No Status Change
		25-Jun	No Status Change
		25-Jul	Extension granted
		25-Aug	No Status Change
		25-Sep	No Status Change
		25-Oct	No Status Change
<b>Address</b>	<b>Shorewood Subdivision (19-lots)</b> Vacant Lot 15XX SW 124th Street	<b>Date</b>	<b>Status (BLD 05-1683 &amp; PLA 04-0228)</b>
<b>Zone</b>	RS-12,000	25-Oct	12 permits issued, 6 finalized
<b>Site Size</b>	7.07 Acres	25-Nov	12 permits issued, 7 finalized
<b>Project Lead</b>	SB/CD	25-Dec	12 permits issued, 8 finalized
<b>Lots</b>	19	25-Jan	12 permits issued, 8 finalized
		25-Feb	No Status Change
		25-Mar	No Status Change
		25-Apr	No Status Change
		25-May	No Status Change
		25-Jun	No Status Change
		25-Jul	No Status Change
		25-Aug	No Status Change
		25-Sep	No Status Change
		25-Oct	No Status Change
<b>Address</b>	<b>Sunset Townhomes</b> 148 & S 152nd Street	<b>Date</b>	<b>Status (BLD 08-0362 &amp; 0363)</b>
<b>Zone</b>	RM-24	25-Oct	Interior work continuing
<b>Site Size</b>	15,077 sq. ft. (0.35 Acres)	25-Nov	No Status Change
<b>Project Lead</b>	KG/SJ	25-Dec	No Status Change
<b>Units</b>	6	25-Jan	SW 152nd Street sidewalks poured
		25-Feb	Interior finish work underway
		25-Mar	No Status Change
		25-Apr	Landscaping installed
		25-May	Interior work continuing
		25-Jun	No Status Change
		25-Jul	No Status Change
		25-Aug	No Status Change
		25-Sep	No Status Change
		25-Oct	No Status Change

**Address** 18  
**Zone**  
**Site Size**  
**Project Lead**  
**Units**  
**Building Stories**

**Moen Townhomes (Powell Homes)**  
 213 SW 154th Street  
 RM-24  
 15,000 sq. ft. (0.34 Acres)  
 KG/SJ  
 6  
 3

**Date Status (BLD 07-2328 & 2329)**  
 5-Mar Permit read to issue  
 25-Jun Permit extension granted  
 25-Nov Permit extension granted  
 25-Apr No activity to date  
 25-May No activity to date  
 25-Jun No activity to date  
 25-Jul No activity to date  
 25-Aug No activity to date  
 25-Sep No activity to date  
 25-Oct No activity to date

**Address**  
**Zone**  
**Site Size**  
**Project Lead**  
**Building Sq Ft**  
**Building Stories**

**Highline Medical Center (Birch Wing)**  
 16251 Sylvester Rd SW  
 O  
 5.62 Acres  
 KG/DJ  
 79,607 sq. ft.  
 3

**Date Status (BLD 08-0690 & 0695)**  
 25-Oct Foundation work continuing  
 25-Nov No Status Change  
 25-Dec Floor construction underway  
 25-Jan Pouring 3rd story floor  
 25-Feb Roof framed, interior framing underway  
 25-Mar Interior framing continuing  
 25-Apr Interior work underway  
 25-May No Status Change  
 25-Jun Exterior finishes nearing completion, interior work cont.  
 25-Jul Interior work continuing  
 25-Aug No Status Change  
 25-Sep No Status Change  
 25-Oct No Status Change

**Address**  
**Zone**  
**Site Size**  
**Project Lead**  
**Building Sq Ft**  
**Building Stories**

**Environmental Learning Center**  
 1600 SW Seahurst Park Road  
 RS-12,000  
 75.82 Acres  
 KG/SJ  
 2,105 sq. ft.  
 2

**Date Status (BLD 08-1969)**  
 25-May Permit ready to issue on 5/20/09  
 25-Jun Permit issued 6/2/09  
 25-Jul Installing foundation forms  
 25-Aug Framing underway  
 25-Sep No Status Change  
 25-Oct Framing and exterior work underway

**Address**  
**Zone**  
**Site Size**  
**Project Lead**  
**Units/Commercial**  
**Building Stories**

**Miller Creek Junction**  
 215 S 160th Street  
 CC-2  
 3.16 Acres  
 SB/CD  
 46 units & 16,651 s.f. commercial  
 2

**Date Status (BLD 08-0857 - 0871)**  
 25-May Site grading underway  
 25-Jun Foundation & framing work underway on 27 of 46 units  
 25-Jul Foundation work complete on 39 of 46 units, framing continuing  
 25-Aug Framing continuing on all units  
 25-Sep No Status Change  
 25-Oct Framing and exterior work continuing on all units



# Burien

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**DATE:** October 21, 2009  
**FOR RELEASE:** October 26 and November 1, 2009  
**CONTACT:** Finance Department  
Telephone: (206) 439-3150

## 2009-2010 MID-BIENNIAL BUDGET REVIEW PUBLIC HEARING NOTICE

The City of Burien will hold a public hearing on Monday, November 9, 2009, for the purpose of:

**Receiving the publics' comments on revenue sources, including a possible up to a 1% increase in property tax revenue, and expenditures for the 2009-2010 Mid-Biennial Budget review and amendments.**

The hearing will be in the Burien Council Chambers at 400 SW 152<sup>nd</sup> St., at approximately 7:00 p.m. Copies of the 2009-2010 Mid-Biennial Budget Review are available and can be obtained by calling the Finance Department at (206) 439-3150.

*Sign language and communication in alternate format can be arranged given sufficient notice. Please contact the City Clerk's office at (206) 248-5517.*

###

Published in The Seattle Times: October 26, 2009 and November 1, 2009  
The Highline Times: October 30, 2009

cc: Burien City Council                      King County/Burien Public Library  
Burien Staff                                      Web Site: [www.ci.burien.wa.us](http://www.ci.burien.wa.us)  
Discover Burien                                  B-Town Blog  
Seahurst Post Office                          White Center Now



**CITY OF BURIEN  
AGENDA BILL**

<b>Agenda Subject:</b> Discussion on Environmental Science Center Development and Construction Agreement Amendment		<b>Meeting Date:</b> November 2, 2009
<b>Department:</b> City Manager	<b>Attachments:</b>	<b>Fund Source:</b> N/A <b>Activity Cost:</b> N/A <b>Amount Budgeted:</b> N/A <b>Unencumbered Budget Authority:</b> N/A
<b>Contact:</b> Jenn Ramirez Robson, Management Analyst		
<b>Telephone:</b> (206) 439-3165		
<b>Adopted Work Plan</b> Priority: Yes    No <input checked="" type="checkbox"/>	<b>Work Plan Item Description:</b> N/A	
<p><b>PURPOSE/REQUIRED ACTION:</b> The purpose of this agenda item is to discuss a proposed amendment to the Development and Construction Agreement between the City of Burien and the Environmental Science Center (ESC).</p> <p><b>BACKGROUND (Include prior Council action &amp; discussion):</b> Representatives from the ESC came before the Council on October 25, 2009 to explore the possibility of the City acting as a guarantor of a bridge loan in order to complete Phase II of the ESC Learning Center at Seahurst Park. The Council agreed to hold a further discussion in order to review ESC's proposal at the November 2<sup>nd</sup> council meeting. The Council also asked that staff report back on the whether or not this project can be deemed a public benefit.</p> <p>Staff recommends that the proposed amendment should include ESC's plan to pay back the City in the event it defaults on the loan. Staff also offers the following recommendations if the Council favors moving forward with this amendment.</p> <ol style="list-style-type: none"> <li>1) The city's participation is contingent upon the success of the Murdock grant.</li> <li>2) The ESC agrees in writing that all grants received in the future be used to pay down the bank loan. This means that paying off the loan will have priority over aggregating additional funds (with the exception of the Murdock grant).</li> <li>3) The city formally identifies its contingency fund as the source of money to pay off the loan, should fundraising efforts fall short.</li> </ol> <p><b>OPTIONS (Including fiscal impacts):</b></p> <ol style="list-style-type: none"> <li>1. Authorize the City Manager to accept the bridge loan guarantee amendment to the Design and Construction Agreement with the ESC.</li> <li>2. Do not authorize the Agreement amendment.</li> </ol>		
<b>Administrative Recommendation:</b> Discuss ESC's proposed amendment and consider placement on the November 9 <sup>th</sup> Consent Agenda for approval.		
<b>Committee Recommendation:</b> N/A		
<b>Advisory Board Recommendation:</b> N/A		
<b>Suggested Motion:</b> None required at this time.		
Submitted by: Jenn Ramirez Robson <b>Administration</b> 		<b>City Manager</b> 
<b>Today's Date:</b> October 28, 2009		<b>File Code:</b> R:\CC\Agenda Bill 2009\110209cm-1 ESC amendment.doc



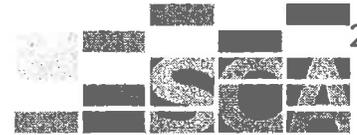
**CITY OF BURIEN  
AGENDA BILL**

<b>Agenda Subject:</b> Motion to Name Voting Delegate to the Suburban Cities Association 2009 Annual Business Meeting		<b>Meeting Date:</b> November 2, 2009
<b>Department:</b> City Manager	<b>Attachments:</b>  <u>2009 SCA Annual Meeting Materials</u>	<b>Fund Source:</b> N/A <b>Activity Cost:</b> N/A <b>Amount Budgeted:</b> N/A <b>Unencumbered Budget Authority:</b> N/A
<b>Contact:</b> Lisa Clausen, Government Relations Specialist		
<b>Telephone:</b> (206) 248-5515		
<b>Adopted Work Plan Priority:</b> Yes    No <input checked="" type="checkbox"/>	<b>Work Plan Item Description:</b>	
<b>PURPOSE/REQUIRED ACTION:</b>		
<p>The purpose of this agenda item is to name the City's voting delegate for the Suburban Cities Association (SCA) annual business meeting on November 18, 2009.</p>		
<b>BACKGROUND (Include prior Council action &amp; discussion):</b>		
<p>The SCA has sent a request that each suburban city notify SCA of its voting representative for the 2009 Annual Meeting. The representative will vote on the proposed 2010 budget and assessments as well as a proposed change in the SCA Values Statement.</p> <p>The meeting notice indicates that the SCA By-laws state that each city shall name a voting representative, who will vote on the proposed SCA budget and assessment for the next year. The proposed SCA budget, assessment and values statement materials were sent to Councilmembers by email in October and are included here as attachments.</p> <p>Cities should notify SCA of their designated representative no less than one week before the meeting, but if a city needs to change their voting representative they may do so by sending written notice to the SCA Executive Director before the meeting.</p> <p>As of this writing, Councilmembers Kathy Keene and Lucy Krakowiak are registered for the 2009 SCA Annual Meeting.</p>		
<b>OPTIONS (Including fiscal impacts):</b>		
<ol style="list-style-type: none"> <li>1. Name a voting delegate for the 2009 SCA Annual Meeting.</li> <li>2. Do not name a voting delegate.</li> </ol>		
<b>Administrative Recommendation:</b> Name a voting delegate for the 2009 SCA Annual Meeting.		
<b>Committee Recommendation:</b> N/A		
<b>Advisory Board Recommendation:</b> N/A		
<b>Suggested Motion:</b> Move to Name _____ as the City's Voting Delegate for the SCA Annual Business Meeting on November 18, 2009.		
Submitted by: Lisa Clausen		
<b>Administration</b> 	<b>City Manager</b> 	
<b>Today's Date:</b> October 28, 2009	<b>File Code:</b> R:\CC\Agenda Bill 2009\110209cm-1 scavotingdelegate.docx	



Board approval: October 14, 2009

Submit for Membership approval: November 18, 2009



Suburban Cities Association

6300 Southcenter Blvd Suite 206

Tukwila Washington 98188

Phone 206 433 7168

Fax 206 242 8031

Email sca@suburbancities.org

## Background for the SCA Proposed 2010 Budget

One of the goals in building the SCA budget for 2010 was to maintain the per capita assessment for 2010 for SCA member cities at the 2009 level. We are proud to inform you that we have been able to do so, largely because we were able to secure another grant from the Dept of Commerce (CTED) for the King County Buildable Lands Program staffed by Michael Hubner.

## Proposed 2010 SCA Budget

	2009 Budget	2010 Recommended Budget
<b>Revenue</b>		
1 Annual Dues	469,150	443,149
2 Program Revenue	47,300	62,738
3 From Cash Reserves		
4 Miscellaneous Income	21,160	2,500
	<b>537,610</b>	<b>508,387</b>
<b>Expense</b>		
1 Office Related	21,690	22,333
2 Personnel	418,386	400,476
3 Misc. Business	67,850	31,600
4 Hospitality/Professional Fees	14,384	38,328
5 Technology	15,300	15,650
	<b>537,610</b>	<b>508,387</b>
	<b>Assessment</b>	<b>.5598 per capita</b>
		<b>.5598 per capita</b>

Key:

### Revenue:

1. Assessment: Budget less anticipated income, includes Regional Associate Membership
2. Anticipated Commerce grant, Dinner meeting revenue, etc.
3. from SCA cash reserves
4. Anticipated revenue from seminars, networking dinners and Regional Associate Memberships

### Expenses:

1. Office related: Rent, insurance, phones, postage, printing, supplies
2. Personnel: Wages, taxes, benefits, payroll processing, professional development
3. Misc. Business: Bank charges, licenses, subscriptions, water, contingency
4. Hospitality/Professional Fees: Dinner meeting expense, professional fees, travel, accountant, legal, audit, awards, business meals etc.
5. Technology; Server/PC and laptop related expenses, technicians, software, web hosting

(Expense groupings have been adjusted to reflect the SCA financial statements.)

**2009 Approved Assessment**

<u>Municipality</u>	2008 OFM Pop	2008 OFM Pop w/70K cap	438486 0.5598
Skykomish	210	210	117.55
Beaux Arts Village	310	310	173.53
Hunts Point	475	475	265.89
Milton (part)	825	825	461.81
Camation	1,905	1,905	1,066.37
Algona	2,740	2,740	1,533.78
Clyde Hill	2,805	2,805	1,570.17
Black Diamond	4,155	4,155	2,325.87
North Bend	4,710	4,710	2,636.54
Duvall	5,925	5,925	3,316.67
Pacific (part)	6,120	6,120	3,425.82
Normandy Park	6,425	6,425	3,596.56
Snoqualmie	9,360	9,360	5,239.50
Newcastle	9,720	9,720	5,441.02
Woodinville	10,560	10,560	5,911.23
Enumclaw (part)	11,470	11,470	6,420.62
Lake Forest Park	12,810	12,810	7,170.72
Bothell (part)	17,130	17,130	9,588.95
Covington	17,360	17,360	9,717.70
Tukwila	18,080	18,080	10,120.74
Kenmore	20,220	20,220	11,318.66
Maple Valley	20,480	20,480	11,464.20
Mercer Island	22,650	22,650	12,678.91
SeaTac	25,720	25,720	14,397.42
Issaquah	26,320	26,320	14,733.29
Des Moines	29,180	29,180	16,334.24
Burien	31,540	31,540	17,655.31
Sammamish	40,550	40,550	22,698.89
Kirkland	48,410	48,410	27,098.72
Redmond	51,320	51,320	28,727.67
Shoreline	53,440	53,440	29,914.39
Auburn (part)	60,400	60,400	33,810.43
Renton	78,780	70,000	39,184.27
Kent	86,980	70,000	39,184.27
Federal Way	88,040	70,000	39,184.27
<b>TOTAL</b>	<b>827,125</b>	<b>783,325</b>	<b>\$438,486</b>

Printed 9/25/2009

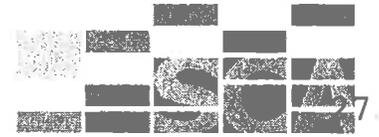
Resources Needed

\$478,513

**Draft SCA 2010 Assessment**

<u>Municipality</u>	2009 OFM Pop	2009 OFM Pop w/70K cap	441649 0.5598	Increase over 08 In dollars	Population Change 08-09
Skykomish	210	210	117.55	0.00	0
Beaux Arts Village	315	315	176.33	2.80	5
Hunts Point	465	465	260.30	-5.60	-10
Milton (part)	830	830	464.61	2.80	5
Camation	1,910	1,910	1,069.17	2.80	5
Algona	2,760	2,760	1,544.98	11.20	20
Clyde Hill	2,815	2,815	1,575.77	5.60	10
Black Diamond	4,180	4,180	2,339.86	14.00	25
North Bend	4,760	4,760	2,664.53	27.99	50
Duvall	5,980	5,980	3,347.46	30.79	55
Pacific (part)	6,200	6,200	3,470.61	44.79	80
Normandy Park	6,485	6,485	3,630.15	33.59	60
Snoqualmie	9,730	9,730	5,446.62	207.12	370
Newcastle	9,925	9,925	5,555.78	114.76	205
Woodinville	10,670	10,670	5,972.81	61.58	110
Enumclaw (part)	11,460	11,460	6,415.03	-5.59	-10
Lake Forest Park	12,820	12,820	7,176.33	5.61	10
Bothell (part)	17,260	17,260	9,661.73	72.78	130
Covington	17,530	17,530	9,812.87	95.17	170
Tukwila	18,170	18,170	10,171.13	50.39	90
Kenmore	20,450	20,450	11,447.42	128.76	230
Maple Valley	20,840	20,840	11,665.73	201.53	360
Mercer Island	22,720	22,720	12,718.11	39.20	70
SeaTac	25,730	25,730	14,403.04	5.62	10
Issaquah	26,890	26,890	15,052.38	319.09	570
Des Moines	29,270	29,270	16,384.64	50.40	90
Burien	31,890	31,890	17,851.26	195.94	350
Sammamish	40,670	40,670	22,766.09	67.20	120
Kirkland	49,010	49,010	27,434.62	335.90	600
Redmond	51,890	51,890	29,046.78	319.11	570
Shoreline	54,320	54,320	30,407.03	492.64	880
Auburn (part)	60,820	60,820	34,045.58	235.15	420
Renton	83,650	70,000	39,184.27	0.00	4,870
Kent	88,380	70,000	39,184.27	0.00	1,400
Federal Way	88,580	70,000	39,184.27	0.00	540
<b>TOTAL</b>	<b>839,585</b>	<b>788,975</b>	<b>\$441,649</b>	<b>3,163.12</b>	

Resources Needed \$441,649



**Suburban Cities Association**

6300 Southcenter Blvd Suite 206

Tukwila Washington 98188

Phone 206 433 7168

Fax 206 242 8031

Email sca@suburbancities.org

## **Vision ~ Values ~ Mission**

### **Vision**

To be the most dynamic, respected, influential, and effective organization representing the interest of the suburban cities of King County.

### **Values**

SCA aspires to create an environment that fosters mutual support, respect, trust, fairness and integrity for the greater good of the association and its membership.

SCA operates in a consistent, inclusive, and transparent manner that respects the diversity of our members and encourages open discussion and risk-taking.

### **Mission**

To provide leadership through advocacy, education, mutual support and networking to suburban cities in King County as they act locally and partner regionally to create livable vital communities.



**CITY OF BURIEN  
AGENDA BILL**

<b>Agenda Subject:</b> Motion to adopt proposed Ordinance No. 523, approving the 2009 Zoning Code Amendments.		<b>Meeting Date:</b> November 2, 2009 <b>29</b>
<b>Department:</b> Community Development	<b>Attachments:</b> 1. <u>Response Memo</u> 2. <u>Proposed Ordinance No. 523</u> 3. <u>Exhibit A to Ordinance No. 523</u>	<b>Fund Source:</b> N/A <b>Activity Cost:</b> N/A <b>Amount Budgeted:</b> N/A <b>Unencumbered Budget Authority:</b> N/A
<b>Contact:</b> Liz Ockwell, Assistant Planner		
<b>Telephone:</b> (206) 812-7575		
<b>Adopted Work Plan Priority:</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	<b>Work Plan Item Description:</b> Amend various sections of the zoning code as needed.	
<p><b>PURPOSE/REQUIRED ACTION:</b> The purpose of this agenda item is for the City Council to consider Ordinance No. 523, amending the Zoning Code.</p> <p><b>BACKGROUND (Include prior Council action &amp; discussion):</b> The fifteen (15) proposed zoning code amendments will revise and add new definitions relating to use, garages, and slope, and correct errors in the Zoning Code relating to parking, landscaping, and interim zoning code references. The proposed amendments will also clarify the master sign plan process, thresholds for nonconforming structures and sizes of residential accessory structures. Finally, the proposed amendments will correct typographical errors in the sign and critical areas code.</p> <p>The Planning Commission discussed the proposed amendments at two public meetings on August 25 and September 8, 2009, and unanimously recommended approval of the proposed amendments following their public hearing on September 22, 2009.</p> <p>At the October 5<sup>th</sup> meeting, Council requested more information regarding the proposed language for the proposed zoning code amendments.</p> <p>At the October 26<sup>th</sup> meeting, Council requested information regarding provisions for allowing temporary construction buildings and construction sequence on a single-family zoned lot. Responses have been provided in a response memo (see attachment 1).</p> <p><b>OPTIONS (Including fiscal impacts):</b>  N/A</p>		
<b>Administrative Recommendation:</b> Adopt proposed Ordinance No. 523		
<b>Committee Recommendation:</b> N/A		
<b>Advisory Board Recommendation:</b> The Planning Commission unanimously recommended approval of all amendments on September 22, 2009.		
<b>Suggested Motion:</b> Move to adopt Ordinance No. 523, approving the 2009 proposed zoning code amendments.		
<b>Submitted by:</b> Liz Ockwell, Assistant Planner <b>Administration</b> 	<b>Mike Martin</b> <b>City Manager</b> 	
<b>Today's Date:</b> October 28, 2009	<b>File Code:</b> R:\CC\Agenda Bill 2009\110209cd-4 ZonCode Amend	



**CITY OF BURIEN, WASHINGTON  
MEMORANDUM**

**DATE:** October 28, 2009  
**TO:** Mayor McGilton and City Council  
**FROM:** Liz Ockwell, Assistant Planner  
**SUBJECT:** Ordinance No. 523 – 2009 Proposed Zoning Code Amendment Discussion Responses

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At your October 26<sup>th</sup> City Council meeting, a continued discussion was held regarding the proposed 2009 Zoning Code Amendments. During discussion of the proposed amendments, questions were raised regarding provisions for temporary construction residences and construction sequence on a single-family zoned parcel. The code sections referred to below are not part of the amendments included in Ordinance No. 523.

Question:

Can someone live in a mobile home or trailer while they are constructing a new single-family home?

Response:

Yes. BMC 18.80.160 provides regulations for allowing a mobile home on a lot as a temporary dwelling for the property owner who is building a new single-family home. The code states:

- “(1) A mobile home may be permitted on a lot as a temporary dwelling for the property owner, provided a building permit for a permanent dwelling on site has been obtained.  
(2) The temporary mobile home permit shall be effective for a period of 12 months. The permit may be extended for one additional period of 12 months if the permanent dwelling is constructed with a finished exterior by the end of the initial approval period.  
(3) The mobile home shall be removed within 90 days of:  
(a) The expiration of the temporary mobile home permit; or  
(b) The issuance of a certificate of occupancy for the permanent residence, whichever occurs first.”*

A property owner is also allowed to live in an RV or travel trailer while constructing a home. It must be on wheels and able to be driven on and off the property. The RV or travel trailer would also be required to comply with sewer and water requirements.

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Question:

Can a person build a garage on a single-family zoned lot prior to construction of a residence and live in the garage while building the residence?

Response:

If a garage is constructed prior to the main single-family residence, it must contain a 'dwelling unit' and must meet the building and energy code requirements for livable space. This means the garage would be required to meet the insulation requirements for livable space as well as contain a bathing area, cooking, and sleeping areas. Once the single-family home has been completed, the area contained within the garage may qualify to be an Accessory Dwelling Unit (ADU), or the owner can also remove the cooking area and the space can be used for reasons other than a livable space such as storage, office, or bonus room, etc.

**CITY OF BURIEN, WASHINGTON****ORDINANCE NO. 523**

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**AN ORDINANCE OF THE CITY OF BURIEN, WASHINGTON,  
AMENDING TITLE 19 OF THE BURIEN MUNICIPAL CODE  
RELATED TO ZONING, PROVIDING FOR SEVERABILITY, AND  
ESTABLISHING AN EFFECTIVE DATE.**

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WHEREAS, in June, 1999, the City of Burien adopted a new zoning code establishing zoning regulations for the City of Burien; and

WHEREAS, the need to correct typographical errors, add new definitions, and clarify sections of the code have led to the proposed amendments; and

WHEREAS, the Planning Commission held two public meetings on August 25, 2009 and September 8, 2009, to discuss amendments to the zoning code; and

WHEREAS, the Planning Commission held a public hearing on September 22, 2008 to receive citizens' comments on the proposed amendments; and

WHEREAS, the City Council has received recommendations from the Planning Commission regarding the proposed amendments; and

WHEREAS, the City Council held a public meeting on October 5, 2009 to review and discuss the proposed amendments.

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

Section 1: Amendments to BMC Title 19. The City Council of the City of Burien hereby amends BMC Title 19 as shown on Exhibit A incorporated by reference as if fully set forth herein.

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

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

Section 4: Effective Date. This ordinance shall 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 THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2009, AND SIGNED IN AUTHENTICATION OF ITS PASSAGE THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2009.**

CITY OF BURIEN

\_\_\_\_\_  
Joan McGilton, Mayor

ATTEST/AUTHENTICATED:

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

Approved as to form:

\_\_\_\_\_  
Chris Bacha, Interim City Attorney

Filed with the City Clerk:  
Passed by the City Council:  
Ordinance No. 523  
Date of Publication:

**ORDINANCE 523**  
**EXHIBIT A**

**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.

10.10.505 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~~).

DIRECTIONS: FIRST, read down to find use... THEN, across for REGULATIONS											
 USE ↓	REGULATIONS	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)	
		Special Review Process (See Ch. 19.65)	Lot Area	SETBACKS		Lot Coverage					Height
				Front Setback	Interior Setback	Building Coverage	Impervious Surface Coverage				
19.15.010.7 <i>Mixed Use</i>	Type 1	5,000 s.f.	10'	5'	RM-12 & RM-18 zones: 60%  RM-24 zone: 70%	85%	35' See Spec. Reg. 5	C	See Sec. 19.20.030.2 [Ord. 292 § 6, 2000]	1. <i>Mixed use</i> is allowed only in RM-24 zones. 2. The proposed development must fit in with the character of the surrounding residential neighborhood. 3. No more that 50% of the <i>gross floor area</i> of the <i>structure</i> shall be devoted to <i>office uses</i> . <i>Retail uses</i> , banks, loan companies and similar financial institutions are not permitted. 4. Maximum residential density is 24 <i>dwelling units</i> per acre. 5. <i>Height</i> may be increased to 60 feet, if: a. At least 25% of the required parking is under or within a <i>building</i> and is fully screened from public view; and b. The <i>landscaping landscape type</i> in the prescribed category is increased by one <i>category type</i> (for example, <i>Category Type 3 III</i> is increased to <i>Category Type 2 II</i> ).	
19.15.010.8 <i>Public Park and Recreation Facilities</i>	Type 1, if less than 1 acre  Otherwise, Type 2	None.	30' See Spec. Reg. 2	30' See Spec. Reg. 2	60%	85%	35'	C	See Sec. 19.20.030.2 [Ord. 292 § 6, 2000]	1. Lighting for <i>structures</i> and fields shall be directed away from <i>dwelling units</i> . 2. <i>Structures</i> shall maintain a 50-foot <i>setback</i> from <i>adjoining lots</i> containing <i>single detached dwelling units</i> . The <i>Director</i> may allow <i>structures</i> such as playground equipment, ball field backstops and tennis court <i>fences</i> closer than 50' if compatible with the surrounding neighborhood and traffic safety considerations.	

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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; display: inline-block;"> <b>SPA-1</b>  <b>Old</b>  <b>Burien</b> </div> USE ↓	↓ 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 19.15.055.1 and Miscellaneous Use, Development and Performance Standards Ch. 19.17)	
			Lot Area	SETBACKS		Lot Coverage					Building Height
				Front Setback	Interior Setback	Building Coverage	Impervious Surface Coverage				
19.15.055.2 <i>Retail</i>  <i>Office</i>  <i>Recreational Facility</i>	None	None	0'	0'	85%	85%	3 stories	E	3 spaces per 1,000 s.f. of net floor area. [Ord. 343 § 4, 2000] 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. 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. 3. Distribution, wholesaling, repair or manufacturing that support the primary use are allowed as an accessory use. 4. An amusement arcade is allowed as an accessory use.	
19.15.055.3 <i>Eating and Drinking Establishment</i>	None	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. 2. An amusement arcade is allowed as an accessory use.	
19.15.055.4 <i>Lodging Facility</i>  <i>Cultural Facility</i>  <i>Community Facility</i>  <i>School</i>	Type 1	None	0'	0'	85%	85%	4 stories	E	See Sec. 19.20.030.2 [Ord. 292 § 6, 2000]		
19.15.055.5 <i>Family Day Care Home I and II</i>	None	See Special Regulation 1								1. Must comply with requirements of the primary use. 2. Family Day Care Home II: Must provide State certification of safe passenger loading area.	
19.15.055.6 <i>Day Care Center</i>	None	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.