



**PLANNING COMMISSION AGENDA**  
December 15, 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** November 10, 2009

**V. PUBLIC HEARING** a. Fee-in-lieu of parking, zoning code amendments

**VI. OLD BUSINESS** a. Discussion and possible recommendation: Fee-in-lieu of parking, zoning code amendments.

**VII. NEW BUSINESS** a. Introduction to Shoreline Master Program Update

**VIII. PLANNING COMMISSION COMMUNICATIONS**

**IX. DIRECTOR’S REPORT**

**X. ADJOURNMENT**

**Future Agendas (Tentative)** January 12  
- Public Hearing: Shoreline Master Program update.  
- Discussion and recommendation: Fee-in-lieu of parking zoning code amendments (if needed)  
January 26  
- Discussion: Shoreline Master Program update

Planning Commissioners

Brian Bennett	Jim Clingan (Vice Chair)	Joe Fitzgibbon (Chair)
Stacie Grage	Rebecca McInteer	Rachel Pizarro Janet Shull

*City of Burien*

BURIEN PLANNING COMMISSION MEETING  
November 10, 2009  
7:00 p.m.  
Miller Creek Room, Burien City Hall  
MINUTES

**Planning Commission Members Present:**

Joe Fitzgibbon, Brian Bennett, Stacie Grage, Rachel Pizarro, Jim Clingan

**Absent:** Janet Shull, Rebecca McInteer

**Others Present:**

Scott Greenberg, Community Development Department director; Chip Davis, planner

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Chair Fitzgibbon called the meeting to order at 7: p.m. At the call of the roll all commissioners were present except Commissioners Shull and McInteer.

**Agenda Confirmation**

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

**Public Comment**

**Daryl Tapio, 16833 40<sup>th</sup> Lane S, Seatac**, owns property within the annexation area. He said under King County it is zoned R-48 and it appears Burien zoning also would be R-48; he does not want his property downzoned. He said he would be interested in finding out details about Burien's R-48 zone such as setbacks and building height limits. He noted that King County has density incentives and he would like to see Burien offer as equal incentives as possible to maintain the development potential of his property because several realtors have told him a "downzone" will significantly impact the value of it.

**Gerald Robison, 1228 SW 119<sup>th</sup> St, Burien**, said he wants to make sure Burien takes into account the special overlay zoning in the Salmon Creek area, added by King County to accommodate the established businesses that didn't fit into the zone designated in the King County Code when it was amended in the early '90s.

**Approval of Minutes**

None

**Old Business**

- a. *Discussion and recommendation on proposed NERA comprehensive plan and zoning code/map amendments.*

Scott Greenberg, Community Development director, introduced the agenda item, noting that the commissioners have all the public comment received by the City on the proposed NERA amendments. All of the comments will be responded to in the NERA Final Supplemental Environmental Impact Statement. He urged the commissioners to at least make a recommendation on the proposed comprehensive plan amendments, which would allow the amendments to meet the deadline for the annual

adoption of comprehensive plan amendments by the end of 2009. He told the commissioners that if they need more time to consider the comprehensive plan amendments it is possible to schedule special meetings before the end of the year so they can complete their work. He further explained that the zoning code amendments do not have an end-of-the-year deadline, so the commissioners can take more time considering them, if necessary, as long as they get the comprehensive plan amendments out of the way.

Mr. Greenberg pointed out that the only change made from the packet the commissioners saw at their Oct. 24<sup>th</sup> meeting is a proposed storm drainage impact fee in return for the zoning code up to 95 percent of impervious surface coverage. The fees would help fund regional storm drainage facilities in the NERA that would be more efficient and cost-effective than building full storm drainage control on a particular property. He characterized it as a win-win situation.

Commissioner Bennett asked what the response will be to a comment letter expressing an assumption that the writer's house will be demolished for an auto mall. Mr. Greenberg replied that the house in question is located to the west of where an auto mall would be constructed, in an area of privately owned properties. A developer would have to buy a large number of small properties in the area to be able to build a project, and the decision to sell would be the individual homeowner's. The Port and the City have no plans to buy properties in that area. Commissioner Pizarro asked if an auto mall would surround the writer's home; Mr. Greenberg replied that if the writer was the only person on the block that does not sell – should a developer buy up properties for an auto mall – then yes, potentially that one house could be surrounded by an auto mall.

Commissioner Bennett then asked what kind of buffers there would be between an auto mall and a “hold-out” house. Mr. Greenberg responded that there would be a 10-foot-wide screening landscape strip of evergreen and deciduous trees, shrubs and ground cover, all of which is part of current code. He added that from a policy standpoint, staff is recommending that the Planning Commission and City Council send a message to that part of the community that in the long term the City believes it's not a good location to be living in and in the long term the City envisions the NERA area to be business-oriented because of the impact from the airport. Requiring larger buffers would send a message to business owners that they are constrained in how much of their property they can use while protecting single family homes that in the long term probably shouldn't remain there.

Commissioner Bennett asked what the City's response will be to the e-mail comment asking that the PR zone be extended to South 136<sup>th</sup> Street. Mr. Greenberg replied that in the past, the people between 138<sup>th</sup> and 136<sup>th</sup> have wanted to remain as a neighborhood. Also, the idea has been to keep access to the area off of 136<sup>th</sup>, focusing it onto 140<sup>th</sup> Street; extending the PR zone would add considerable vehicle traffic to 136<sup>th</sup> Street. Mr. Greenberg pointed out that all of the land between 138<sup>th</sup> and 136<sup>th</sup> is privately owned, smaller parcels; he said at this time there is not an obvious benefit to the community to extend the NERA at this time.

Chair Fitzgibbon asked for a clarification of the environmental impacts of the proposed NERA comprehensive plan and zoning code/map amendments in general. Mr. Greenberg replied that it is hard to characterize quickly what the impacts would be and referred commissioners to a table beginning on page 1-18. The table lists each area of the environment that was analyzed and whether mitigating measures would be required. For most of the areas, except transportation, it was determined that no mitigating measures are required. He said that based on the study, the City is not expecting any “probable significant adverse” environmental impacts, terms defined in state SEPA law. For the most part, he added, there is no additional probable significant adverse environmental impact by the preferred alternative over the current land use regulations.

Commissioner Pizarro moved that the Planning Commission adopt the findings and conclusions contained in Attachment 1 recommending approval of Comprehensive Plan Text and Map Amendment and Rezone Alternative 1. Commissioner Grace seconded. The motion carried 5-0.

Commissioner Pizarro then moved that the Planning Commission adopt the findings and conclusions contained in Attachment 2 recommending approval of Zoning Code Text Amendments Alternative 1. Commissioner Grage seconded. The motion carried 5-0.

### **New Business**

- a. *Introduction on conversion of King County zoning classifications to Burien zoning classifications in the North Highline Annexation Area.*

Chip Davis, planner, introduced the agenda item, noting that in August 2009 56 percent of the registered voters in the North Highline Annexation Area voted to join the city of Burien. Since then, City staff has been working on the transition of the annexation area into the city; zoning is one of the issues that must be addressed. The City's zoning regulations for the area must be ready to go into effect upon the formal annexation of the area, currently planned for on or about March 2, 2010.

Mr. Davis noted that Comprehensive Plan Policy AN 1.2 states that if annexation is approved the City should adopt interim zoning and comprehensive plan land use designations comparable to existing King County designations. Within two years of annexation the City should complete a process to confirm or change the interim designations. Therefore, staff is recommending a simple conversion from the existing King County zoning designations to comparable City of Burien zoning designations, as outlined on a chart included in the commissioners' meeting packet.

He noted two exceptions. The first is the county's R-8 Urban Residential designation. There are few properties that have that designation, one is a nursery; staff is proposing incorporating those properties into the City's RS-7,200 zone. The other exception is the county's RM-48 Residential Multifamily designation; the highest multifamily density allowed in Burien's code is RM-24. Staff is proposing to create an RM-48 designation in the City's existing zoning code and apply that only in the North Highline area.

Mr. Davis then reviewed the tentative schedule; the Planning Commission will have a public hearing on the conversion on November 24<sup>th</sup>, with discussion and possible recommendation on December 8<sup>th</sup> or December 15<sup>th</sup>. The Planning Commission's recommendation would be presented to the City Council in January and they would work toward adoption sometime in February.

He reiterated that this is interim zoning. A second phase of the conversion will involve the City's regular annual Comprehensive Plan update cycle and a neighborhood planning and zoning effort, where further adjustments to the designations will be considered.

Councilmember Kathy Keene, in the audience, asked whether the nursery parcel falls into the RS-7,200 zone will it change its tax liability or put pressure on it to leave. She noted that the nursery has been there a very long time. Mr. Davis replied that technically it is a downzone, so there would be less pressure for them to convert it to another use. Commissioner Bennett asked how the R-8 lots came into being; Gerald Robison, in the audience, explained that many of them are the result of individual applications for rezones to allow lots to be developed smaller than the County's minimum lot size under its former RS-7,200 zone (now R-6).

Commissioner Fitzgibbon asked what the County's special overlay entails. Mr. Robison explained that the special overlay is a Commercial/Industrial overlay the area was zoned general commercial, which under the old King County code allowed a wide range of businesses including machine shops, light manufacturing and others that required industrial zoning after the rezone. Instead of rezoning the area to industrial, the County put the overlay in place to allow the existing uses to become legal. Mr. Robison listed several of the existing businesses in the overlay area including a boat and RV storage, truck rental, construction contractor, a small manufacturing company and others. Commissioner Fitzgibbon expressed

concern that the City doesn't have a zone that closely fits the uses in that area. Mr. Greenberg said that if the commissioners would like staff to look into, staff can bring to the commission something that maintains that same idea. Mr. Robison noted that if Burien annexes the rest of North Highline there are a number of additional zoning overlays in that area.

Mr. Tapio, in the audience, said he is in favor of the building height limits that the county has in its RM-48 zone; Burien's height limit of 35 feet wouldn't allow builders to reach maximum density. Chair Fitzgibbon asked staff to find out about the height limits and density incentives in the county's RM-48 zone and whether the City can continue offering what the county offers.

Mr. Greenberg said staff can provide the information. He noted that any business use already established that is not allowed in the zone it is in by the City's code would be a "continuing use" as opposed to a "nonconforming use," the distinction being that continuing uses can be expanded whereas a nonconforming use can be expanded by only a small amount or only by special permission.

A woman in the audience asked if the City will enforce nuisance laws, such as cleaning up junk vehicle storage on vacant lots. Mr. Greenberg confirmed that the City will enforce its laws.

### **Planning Commission Communications**

None

### **Director's Report**

Mr. Greenberg announced that the City is winning an award from the state chapter of the American Planning Association for its Town Square project, to be presented at the annual chapter conference later in the week.

### **Adjournment**

Motion to adjourn was made by Commissioner Grage. Commissioner Pizarro seconded the motion. The meeting was adjourned at 8:01 p.m.

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

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

**CITY OF BURIEN, WASHINGTON**  
**MEMORANDUM**

**DATE:** December 15, 2009  
**TO:** Planning Commission  
**FROM:** Charles W. “Chip” Davis, Planner  
**SUBJECT:** Proposed Ordinance and Zoning Code Amendments Relating to Implementation of a Downtown Fee-in-Lieu of Parking Program – Public Hearing.

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**PURPOSE**

The purpose of this agenda item is for the Planning Commission to conduct a public hearing on a proposed ordinance and amendments to the Burien Zoning Code and Zoning Map concerning implementation of an optional Fee-in-Lieu of Parking Program for Downtown Burien.

**BACKGROUND**

In 2005, Burien began a study of downtown parking capacity and demand which culminated in a February 2007 Downtown Parking Stakeholder Group Report. That report included as one recommendation the use of a fee-in-lieu of parking program to eliminate a possible barrier to downtown development and provide another tool to encourage redevelopment of existing properties in downtown Burien.

On July 15, 2009, our project consultant, Steve Nolen with Transportation Solutions, Inc., completed a preliminary study of a fee-in-lieu of parking program or FILOP which would serve as an alternative to the minimum on-site parking requirements in the Zoning Code for non-residential development in Downtown Burien. This study served as the basis for the proposed ordinance and zoning code amendments which are proposed for consideration at this public hearing.

Burien Comprehensive Plan Goal TR 9 Parking provides specific policy guidance regarding the parking in Downtown Burien:

*Establish coordinated parking strategies that achieve the City’s overall goals for economic activity, transportation and circulation, existing and future land use, and downtown design.*

Objectives and policies under Goal TR 9 Parking, direct that the downtown area “evolve over time” from a sprawling, inefficient, auto-oriented, moderate quality suburban shopping area to a dense, distinct, pedestrian-friendly, transit supportive, high-quality multiple-use urban center.

Given that the majority of Burien’s downtown is already developed at a much lower density, it is often difficult to provide required parking, urban density and pedestrian friendly, transit supportive design for any given piece of property. Generally, it is recognized that constructing on-site parking improvements is preferred to payments in-lieu of construction of parking spaces,

but it may be in the best interest of our community to accept payments in-lieu of construction in order to provide parking improvements that assist in redevelopment of the downtown area.

The purpose for establishing an optional Fee-in-Lieu of Parking Program is to support redevelopment of downtown into a more vibrant, pedestrian friendly and transit supportive urban form, while avoiding those negative impacts associated with development of on-site parking. The proposed program would allow creation of a funding source for the provision of additional publically available parking by allowing mixed use and commercial development in the DC and SPA-1 zones to pay a fee for each parking space that otherwise would have been required, rather than requiring on-site construction of parking spaces.

At the December 8<sup>th</sup> Planning Commission, staff presented a preliminary draft of proposed ordinance and zoning code amendments which would result in implementation of a Fee-in-Lieu of Parking Program for Downtown Burien in line with the policy direction of Comprehensive Plan Goal TR 9 Parking. Planning Commissioners present at the meeting discussed the amendments and asked questions which have resulted in minor changes to the proposed documents.

### **ANALYSIS AND STAFF RECOMMENDATION**

Staff is recommending that the Fee-in-Lieu Program have a fixed fee per parking stall of approximately 70 percent of the cost of developing a downtown Burien parking stall, which is initially established in the ordinance as \$7,000 per stall. The proportional payment approach has proven successful in other cities and paying a portion of the cost would serve as an inducement for developer participation in the program. The fund into which the fee is paid would be reserved for the provision of publically accessible parking spaces in the DC and SPA-1 zones or for other uses determined by the City Council to reduce the demand for parking in downtown Burien.

Key components of the Fee-in-Lieu program include:

- A revision to BMC 19.10 the Definition chapter of the Zoning Code to include the Fee-in-Lieu program.
- Modifications to the BMC 19.15 the Zone Use Charts for the DC-Downtown and SPA-1-Old Burien zones to establish minimum parking requirements for commercial and mixed-use developments based on a new parking rate demand schedule.
- BMC Table 19.20-2 Parking Rate Demand Schedule has been established, taking into account the current Puget Sound economic environment and has been set at 90 percent of typical ITE parking rates to serve as an additional incentive for developers to utilize the fee-in-lieu program.
- Amendments to BMC 19.20 the Parking and Circulation chapter of the Zoning Code to: establish the optional fee-in-lieu program, establish the annual review and adjustment of the per parking space fee, establish payment of the fee-in-lieu at time of Building Permit issuance and establish a biennial review of the fee-in-lieu program with a report to the City Council.

- Applicants may meet all or a portion of their parking obligation through contributions to the fee-in-lieu program, but if they choose to perform a study of anticipated parking demand then fee-in-lieu of parking is not an option for their development.
- Staff will be responsible for tracking the number of parking spaces that have been purchased through the fee-in-lieu program for each property to ensure that future tenants are not charged again for those spaces.

With the attached proposed revisions to Ordinance No. 000 – Establishing an Optional Fee-in-Lieu of Parking Program, BMC 19.10 – Definitions, BMC 19.15.025 – Downtown Commercial (DC) Use Zone Chart, BMC 19.15.055 – Special Planning Area 1 (SPA-1) Old Burien Use Zone Chart and BMC 19.20 Parking and Circulation, staff is recommending implementation of an optional fee-in-lieu of parking program as a reasonable measure which would support the stated intent of the Comprehensive Plan to facilitate redevelopment of downtown Burien into a vibrant, pedestrian friendly, and transit supportive environment through the creation of a funding source for provision of additional publicly available parking.

### **PLANNING COMMISSION ACTION**

No action is required however, following your public hearing an agenda item has been scheduled to allow the Planning Commission to make a recommendation to the City Council if so inclined.

At your December 15<sup>th</sup> meeting the Commission may:

- 1) Move to recommend the City Council approve the requests and adopt the staff recommendation as presented.
- 2) Make modifications to the recommendations and direct staff to prepare a Planning Commission recommendation. Staff will then bring back a final version for Planning Commission action at your next meeting.

Staff is suggesting that the Commission pass a motion, in the following format:

**Suggested Motion:** *I move the Planning Commission recommend to the City Council approval of proposed Ordinance and Burien Zoning Code Amendments related to implementation of a Downtown Fee-in-Lieu of Parking Program as outlined in the staff recommendation.*

### **NEXT STEPS**

If necessary, the Planning Commission is scheduled to make a recommendation on the proposed Fee-in-Lieu of Parking Program at your January 12, 2010 meeting.

### **ATTACHMENTS**

- 1) Proposed Ordinance and Zoning Code Amendments Relating to Fee-in-Lieu of Parking Program

# CITY OF BURIEN, WASHINGTON

ORDINANCE NO. \_\_\_\_

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**AN ORDINANCE OF THE CITY OF BURIEN, WASHINGTON, AMENDING TITLE 19 OF THE BURIEN MUNICIPAL CODE RELATED TO ZONING; ESTABLISHING AN OPTIONAL FEE-IN-LIEU OF PARKING PROGRAM FOR PARKING RELATED IMPROVEMENTS IN DOWNTOWN BURIEN; SETTING FORTH POLICIES AND PROVISIONS FOR ADMINISTRATION OF THE PROGRAM; ESTABLISHING A PARKING CAPITAL FUND; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.**

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WHEREAS, the Burien Comprehensive plan encourages sustainable development in the Downtown Commercial and Old Burien zones “by: ...enhancing the downtown area, including reusing existing structures, facilities, and infrastructure and modifying them according to our current needs and technology; and · balancing community needs for capital facilities and services with the ability to finance them...”; and

WHEREAS, The Comprehensive Plan policies “promote new commercial development and residential development in the downtown area and encourage the type of development that will make downtown an attractive and vibrant place to work, shop, live and recreate. The plan envisions a downtown with the types of activities and uses that will enhance the distinctiveness and vitality of downtown while preserving its small town character. Special attention will be given to the scale and design of buildings to achieve this vision. An important part of these policies is promoting economic development in the downtown by encouraging mixed-use development. Pedestrian activity and transit access is also encouraged and emphasized in these areas”; and

WHEREAS, the Burien Comprehensive Plan also contains Goal TR 9 Parking which outlines Objectives and Policies related to establishing coordinated parking strategies that achieve the City’s overall goals for economic activity, transportation and circulation, existing and future land use and downtown design; and

WHEREAS, the Burien Comprehensive Plan directs that the downtown area “evolve over time from a sprawling, inefficient, auto-oriented, moderate quality suburban shopping area to a dense, distinctive, pedestrian-friendly, transit supportive, high-quality multiple-use urban center”; and

WHEREAS, it is sometimes difficult in the downtown area to provide the required parking, urban density and pedestrian friendly, transit-supportive design on the same piece of property; and

WHEREAS, Burien Municipal Code Chapter 19.20.030.2 currently requires a parking plan based on parking demand for all new commercial development in the DC (Downtown

Commercial) and SPA-1 Old Burien Zones to establish the minimum number of on-site parking spaces for the development, in accordance with BMC 19.47 Downtown Design Standards; and

WHEREAS, in general, it is recognized that constructing on-site parking improvements is preferred to payments in lieu of construction, in certain instances, it may be in the best interest of the community to accept payments in lieu of construction to provide for parking improvements that will help maintain or assist in redevelopment of the DC and SPA-1 zones into a compact urban form; and

WHEREAS, the purpose for establishment of a Fee-in-Lieu of parking program is to support redevelopment of downtown Burien into a vibrant, pedestrian friendly, and transit supportive urban form, while supporting economic development through avoidance of negative impacts related to development of on-site parking and through creation of a funding source for provision of additional publicly available parking; and

WHEREAS, the Fee-in- Lieu Program would allow development in the DC and SPA-1 zones, under some circumstances, to pay a fee for each parking space that otherwise would have been required, rather than construct the parking space; and

WHEREAS, optional Fee-in-Lieu programs with a fixed fee per stall, indexed to approximately 70 percent of the cost of developing parking stalls has been found to be a successful approach in other cities; and

WHEREAS, the fund into which the fee is paid would be reserved for future provision of publicly accessible parking spaces in the DC and SPA-1 zones or for other uses determined by the City Council to reduce the demand for parking in the DC and SPA-1 zones; and

WHEREAS, the Burien Business and Economic Development Partnership (BEDP) discussed the proposed program and amendments at their August 14, 2009 and January \_\_, 2010, meetings; and

WHEREAS, the Planning Commission held three public meetings on July 28, 2009, August 25, 2009 and December 8, 2009, to discuss the proposed amendments; and

WHEREAS, the Planning Commission held a public hearing on December 15, 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 February \_\_, 2010 to review and discuss the proposed program and amendments.

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

Section 1. Fee-in-Lieu of Parking Program Established. The City Council of Burien hereby establishes a Fee-in-Lieu of Parking program with the objective of furthering implementation of the City of Burien Comprehensive Plan policies and amends Title 19, as shown on Exhibit A incorporated by reference as if fully set forth herein.

Section 2. Per Space Fee and Payment. The per-parking space fee for this program shall be uniform throughout the DC and SPA-1 zones and initially set to recover approximately 70 percent to 80 percent of the City's cost for developing a surface parking stall, based on City of Burien cost data. As the downtown develops into a more dense urban environment, the City may choose to increase the fee to more closely reflect the full cost of developing structured parking. The fee associated with this Fee-in-Lieu Program is established as of the effective date of this ordinance to be \$7,000 for each parking space the City grants the developer an option not to construct. The fee shall be adjusted annually, based on changes in the State of Washington Department of Transportation's Construction Cost Index. The actual in-lieu of parking fee amount to be paid shall be the current fee at the time of payment. The Fee-in-Lieu Parking Program fee shall be paid in full to the City, prior to the issuance of building permits for the building or the portion of the building thereof associated with the fees.

Section 3. Parking Capital Fund Established. A parking capital fund shall be established, and revenue from the Fee-in-Lieu payments shall be deposited into said fund. Fee-in-Lieu Parking Program fees and all the interest earnings on those fees shall be limited in use to provision of publicly accessible parking or other expenditures reasonably anticipated to reduce parking demand in the DC and SPA-1 zones. Other funds deemed by the City Council as appropriate for parking capital development, long term leasing, or for use in satisfying the terms of a public private partnership agreement to develop parking facilities or for other expenditures reasonably anticipated to reduce parking demand in the DC and SPA-1 zones may be deposited to said parking capital fund. The parking capital fund will be managed by the Finance Department.

Section 4. Project Implementation. City projects funded in association with the Fee-in-Lieu Parking Program may be implemented either by the construction of publicly accessible parking spaces or for other qualifying uses through the City's Capital Improvement Program or by disbursement of funds to a developer constructing publicly accessible parking improvements in accordance with a public-private partnership agreement. Parking capital funds may also be used to convert existing private parking spaces to publicly accessible parking spaces through the purchase or long term lease of underutilized private parking spaces, or for other activities to reduce the demand for parking in the DC and SPA-1 Zones. Planning for parking capital improvement projects funded by Fee-in-Lieu of Parking Program fees will be initiated at the discretion of the City Manager, contingent upon budget approval by the City Council. It should be recognized that to provide for a logical and cost effective construction of parking improvements, projects funded by Fee-in-Lieu Parking Program fees may be phased and may be constructed such that the parking spaces do not directly serve the parcels from which the fee was collected.

Section 5. Program Review. The fee-amount and performance of the Fee-in-Lieu program shall be reviewed biennially, with the initial report made to the City Council beginning in January of the second full calendar year following the effective date of this ordinance.

Section 6. Severability. Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 7. Effective Date. This ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

**ADOPTED** BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 2009, AND SIGNED IN AUTHENTICATION OF ITS PASSAGE THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2009.

CITY OF BURIEN

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Joan McGilton, Mayor

ATTEST/AUTHENTICATED:

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Monica Lusk, City Clerk

Approved as to form:

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Christopher Bacha, Interim, City Attorney  
Kenyon Disend, PLLC

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

**EXHIBIT A**  
**AMENDED SECTIONS OF TITLE 19**  
**RELATING TO FEE-IN-LIEU OF PARKING PROGRAM**  
**IMPLEMENTATION**

## 19.10 Definitions

19.10.005	User Guide.	19.10.084	Critical aquifer recharge areas
19.10.010	Accessory	19.10.085	Critical areas
19.10.012	Accessory living quarters	19.10.090	Critical facility
19.10.015	Adjoining	19.10.095	Cultural facility
19.10.017	Adult entertainment facilities	19.10.100	Day care center
19.10.018	Airplane unit load device	19.10.105	Day care operation
19.10.019	Alley	19.10.107	Deciduous
19.10.020	Alteration	19.10.108	Deck
19.10.025	Amusement arcade	19.10.110	Director
19.10.026	Animal, small	19.10.111	Ditches
19.10.027	Antenna	19.10.112	Domestic fowl
19.10.030	Applicant	19.10.115	Dwelling unit
19.10.031	Aquifer	19.10.120	Dwelling unit, accessory
19.10.032	Architectural scale	19.10.123	Dwelling unit, apartment
19.10.035	Arterial street	19.10.124	Dwelling unit, primary
19.10.036	Articulation	19.10.125	Dwelling unit, townhouse
19.10.037	Artwork	19.10.130	Dwelling unit, senior citizen assisted
19.10.038	Balcony		
19.10.038.2	Base flood	19.10.135	Dwelling unit, single detached
19.10.038.3	Base flood elevation		
19.10.038.5	Bed and breakfast establishment	19.10.140	Eating and drinking establishment
19.10.038.6	Beehive	19.10.141	Endangered Species Act
19.10.038.7	Best available science	19.10.142	Enhancement
19.10.038.8	Best management practices (BMPs)	19.10.143	Equipment enclosure
19.10.039	Blank walls	19.10.144	Equipment, heavy
19.10.040	Buffer	19.10.145	Erosion
19.10.045	Building	19.10.150	Erosion hazard areas
19.10.050	Building coverage	19.10.155	Essential public facility
19.10.051	Building Modulation	19.10.157	Evergreen
19.10.052	Camouflaged	19.10.158	FAA
19.10.054	Cargo container	19.10.159	Facade
19.10.055	Cemetery	19.10.160	Family
19.10.056	Class A pedestrian-oriented street	19.10.165	Family day care home I
19.10.057	Class B pedestrian-oriented street	19.10.170	Family day care home II
19.10.058	Collocation	19.10.173	FCC
19.10.060	Community facility	19.10.174	Federal Emergency Management Agency (FEMA) floodway
19.10.065	Community residential facility	19.10.174.2	<b>Fee-In-Lieu</b>
19.10.067	Compensatory mitigation	19.10.175	Fence
19.10.068	Confinement area	19.10.177	Fish Habitat
19.10.070	Construction code	19.10.179.1	Flood fringe
19.10.073	Continuing use	19.10.179.2	Flood hazard areas
19.10.075	Convenience auto service	19.10.179.3	Flood Insurance Rate Map
19.10.080	Convenience retail	19.10.179.4	Flood Insurance Study for King County
19.10.081	Cornice	19.10.179.5	Flood protection elevation
19.10.083	Courtyard	19.10.179.6	Floodplain
		19.10.179.7	Floodproofing

19.10.174.2 Fee-In-Lieu – The *Fee-in-Lieu* program allows commercial development in certain zones, under some circumstances, to pay a fee for each parking space that otherwise would have been required, rather than construct the parking space.

19.10.175 Fence - A barrier for the purpose of enclosing space or separating *lots*, composed of:

1. Masonry or concrete walls, excluding retaining walls; or
2. Wood, metal or concrete posts connected by boards, rails, panels, wire or mesh.

19.10.177 Fish Habitat -- Habitat that is used by fish at any life stage at any time of the year, including potential habitat likely to be used by fish that could be recovered by restoration or management and includes off-channel habitat. [Ord. 394 § 1, 2003]

19.10.179.1 Flood fringe -- That portion of the *floodplain* outside of the *zero-rise floodway* which is covered by floodwaters during the *base flood*, generally associated with standing water rather than rapidly flowing water. [Ord. 394 § 1, 2003]

19.10.179.2 Flood hazard areas -- Those areas subject to inundation by the *base flood* including, but not limited to, *streams*, lakes, *wetlands* and closed depressions. [Ord. 394 § 1, 2003]

19.10.179.3 Flood Insurance Rate Map -- The official map on which the Federal Insurance Administration has delineated some areas of flood hazard. [Ord. 394 § 1, 2003]

19.10.179.4 Flood Insurance Study for King County -- The official report provided by the Federal Insurance Administration which includes flood profiles and the *Flood Insurance Rate Map*. [Ord. 394 § 1, 2003]

19.10.179.5 Flood protection elevation -- An elevation which is one foot above the *base flood elevation*. [Ord. 394 § 1, 2003]

19.10.179.6 Floodplain -- The total area subject to inundation by the *base flood*. [Ord. 394 § 1, 2003]

19.10.179.7 Floodproofing -- Adaptations which will make a *structure* that is below the *flood protection elevation* substantially impermeable to the passage of water and resistant to hydrostatic and hydrodynamic loads including the impacts of buoyancy. [Ord. 394 § 1, 2003]

19.10.179.8 Floodway, zero-rise -- The channel of a *stream* and that portion of the adjoining *floodplain* which is necessary to contain and discharge the *base flood* flow without any measurable increase in flood height. A measurable increase in *base flood* height means a calculated upward rise in the *base flood elevation*, equal to or greater than .01 foot, resulting from a comparison of existing conditions and changed conditions directly attributable to development in the *floodplain*. This definition is broader than that of the *FEMA floodway*, but always includes the *FEMA floodway*. The boundaries of the 100-year *floodplain*, as shown on the *Flood Insurance Study for King County*, are considered the boundaries of the zero-rise floodway unless otherwise delineated by a *critical area* study. [Ord. 394 § 1, 2003]

19.10.180 Footprint -- The exterior outline of a *structure* where it meets the earth.

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

<div style="border: 1px solid black; padding: 5px; text-align: center;"> <b>DC Zone</b> </div> USE ↓	↑ REGULATIONS		MINIMUMS				MAXIMUMS		Special Review Process (See Ch. 19.65)	Landscape Category (See Ch. 19.25)	Minimum Required Parking Spaces (See Ch. 19.20)	Special Regulations (See also Section 19.15.025.1 and Miscellaneous Use, Development and Performance Standards Ch. 19.17)
	Lot Area	SETBACKS		Lot Coverage	Impervious Surface Coverage	Building Coverage	Building Height					
		Front Setback	Interior Setback									
19.15.025.2 <i>Mixed Use</i>	None	0'	0'	85%	95%	See Sec. 19.15.025 .1.F	E	See Sec. 19.20.030-2 (Ord. 292 § 6, 2000) See Sec. 19.20.040, 3.B	1. Must have at least two uses listed in Sec. 19.15.025. 2. At least 75% of the gross floor area located at street level must be devoted to non-residential uses. 3. The following are not permitted: motor vehicle sales and rental; boat sales and rental; recycling center; pawn shops and self-service storage facility.			
19.15.025.3 <i>Retail</i>	None	0'	0'	85%	95%	See Sec. 19.15.025 .1.F	E	See Sec. 19.20.030-2 (Ord. 292 § 6, 2000) See Sec. 19.20.040, 3.B	1. The following are not permitted: motor vehicle sales and rental; boat sales and rental; recycling center; pawn shops and self-service storage facility. 2. Repair uses are permitted subject to the following conditions: a) All activities shall be conducted indoors; and b) Patrons wishing services must be able to carry item(s) in by hand (examples include watch, shoe, jewelry and small hand tool repair); and c) The Director has the final determination on what constitutes small-scale repair uses consistent with the purpose and intent of the zone and all applicable comprehensive plan policies. [Ord. 484 § 1, 2008]			
19.15.025.4 <i>Dwelling Units</i>	None	0'	0'	85%	95%	See Sec. 19.15.025 .1.F	E	See Sec. 19.20.030-2 (Ord. 292 § 6, 2000)	1. Not permitted at street level abutting a Class A Pedestrian-Oriented Street. 2. All resident parking must be in structured parking (such as garages or under-building or underground parking). Carpools are not considered structured parking. 3. Exterior hallways and corridors are not allowed.			

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 19.15.025.1 and Miscellaneous Use, Development and Performance Standards Ch. 19.17)	
	Lot Area	SETBACKS		Lot Coverage	Impervious Surface Coverage				Building Height
		Front Setback	Interior Setback						

19.15.025.5 Community Facility Cultural Facility Eating and Drinking Establishment Government Facility Lodging Facility Office Private Club Public Park and Recreation Facilities Recreational Facility School Theater	None	0'	0'	85%	95%	See Sec. 19.15.025 .1.F	See Sec. 19.20.030-2-10rd-292 \$-6-,2000 See Sec. 19.20.040.3.B	1. Auto rental is permitted as an accessory use to a lodging facility. The maximum number of cars allowed is the lesser of 30 cars or 5% of the total number of parking spaces on the site. The rental desk must be inside the lodging facility building. 2. Repair uses are permitted subject to the following conditions: a) All activities shall be conducted indoors; and b) Patrons wishing services must be able to carry item(s) in by hand (examples include watch, shoe, jewelry and small hand tool repair); and c) The Director has the final determination on what constitutes small-scale repair uses consistent with the purpose and intent of the zone and all applicable comprehensive plan policies. [Ord. 484 § 1, 2008]
19.15.025.6 Family Day Care Home I and II	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. 3. Use of the Fee-In-Lieu of Parking Program in BMC 19.20.040.3.B is an option for this use.	
19.15.025.7 Day Care Center	None	0'	0'	85%	95%	See Sec. 19.15.025 .1.F	See Sec. 19.20.030-2-10rd-292 \$-6-,2000 See Sec. 19.20.040.3.B	1. Must provide State certification of safe passenger loading area.

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

 ↑REGULATIONS USE ↓	MINIMUMS		MAXIMUMS			Special Review Process (See Ch. 19.65)	Minimum Required Parking Spaces (See Ch. 19.20)	Landscape Category (See Ch. 19.25)	Special Regulations (See also Section 19.15.025.1 and Miscellaneous Use, Development and Performance Standards Ch. 19.17)	
	Lot Area	SETBACKS		Lot Coverage	Impervious Surface Coverage					Building Height
		Front Setback	Interior Setback							
19.15.025.8 <i>Religious Facility</i> (Ord. 479 § 1, 2007)	None.	0'	0'	85%	95%	See Sec. 19.15.025 .1.F	E	See See- 19.20.030, 2-10rd-292 §-6-2000) See Sec. 19.20.040, 3.B		
19.15.025.9 <i>Public Utility</i>	None	0'	0'	85%	95%	35 feet	E	See See- 19.20.030, 2-10rd-292 §-6-2000) See Sec. 19.20.040, 3.B	1. Shall be designed, located, constructed and buffered to blend in with their surroundings and minimize adverse impacts on adjacent properties. Special attention shall be given to minimizing noise, light and glare impacts.	
19.15.025.10 <i>Essential Public Facility</i>	Type 1								1. Shall be designed, located, constructed and buffered to blend in with their surroundings and minimize adverse impacts on adjacent properties. Special attention shall be given to minimizing noise, light and glare impacts.	
19.15.025.11 <i>Personal Wireless Service Facility</i>	Type 3								1. Shall be designed, located, constructed and buffered to blend in with their surroundings and minimize adverse impacts on adjacent properties. Special attention shall be given to minimizing noise, light and glare impacts. 2. Shall comply with criteria for siting found in the Burien Comprehensive Plan.	
See Chapter 19.50										

Note: All landscape categories added by Ord. 293, 2000

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



↑ 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)	
		SETBACKS		Lot Coverage		Building Height	Impervious Surface Coverage	Building Coverage				Interior Setback
		Front Setback	Interior Setback	Lot Area	Building Coverage							

19.15.055.2 <i>Retail Office Recreational Facility</i>	None	0'	0'	85%	85%	3 stories	E	See See: 19.20.030-2 (Ord. 523 4-7-2009); See Sec. 19.20.040.3.B	<ol style="list-style-type: none"> <li>The following are not permitted: motor vehicle sales and rental; boat sales and rental; recycling center; and self-service storage facility.</li> <li>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.</li> <li>Distribution, wholesaling, repair or manufacturing that support the primary use are allowed as an accessory use.</li> <li>An amusement arcade is allowed as an accessory use.</li> </ol>	
19.15.055.3 <i>Eating and Drinking Establishment</i>	None	0'	0'	85%	85%	2 stories	E	See See: 19.20.030-2 (Ord. 523 4-7-2009); See Sec. 19.20.040.3.B	<ol style="list-style-type: none"> <li>Distribution, wholesaling or manufacturing that support the primary use are allowed as an accessory use.</li> <li>An amusement arcade is allowed as an accessory use.</li> </ol>	
19.15.055.4 <i>Lodging Facility Cultural Facility Community Facility School</i>	Type 1	0'	0'	85%	85%	4 stories	E	See See: 19.20.030-2 (Ord. 292 4-6-2000); See Sec. 19.20.040.3.B		
19.15.055.5 <i>Family Day Care Home I and II</i>	None	See Special Regulation 1								<ol style="list-style-type: none"> <li>Must comply with requirements of the primary use.</li> <li>Family Day Care Home II: Must provide State certification of safe passenger loading area.</li> <li>Use of the Fee-In-Lieu of Parking Program in BMC 19.20.040.3.B is an option for this use.</li> </ol>

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 19.15.055.1 and Miscellaneous Use, Development and Performance Standards Ch. 19.17)
	Special Review Process (See Ch. 19.65)	Lot Area	SETBACKS		Lot Coverage	Impervious Surface Coverage	Building Height	Building Coverage	Interior Setback			
			Front Setback	Interior Setback								
19.15.055.6 <i>Day Care Center</i>	None	None	0'	0'	85%	85%	2 stories	E	See-See- 19.20.030- 2-10+d-292 §-6-2000† See Sec. 19.20.040. 3.B	1. Must provide State certification of safe passenger loading area.		
19.15.055.7 <i>Mixed Use</i>	Type 1	None	0'	0'	85%	85%	3 stories	E	See-See- 19.20.030- 2-10+d-292 §-6-2000† See Sec. 19.20.040. 3.B	1. Maximum residential density is 24 dwelling units per acre.  2. Shall provide retail and/or eating and drinking establishment uses on the floor adjacent to a street, or if the site does not abut a street, on floor adjacent to parking lot.  3. At least 25% of the gross floor area must be designed and used for retail, office and/or eating and drinking establishment uses.		
19.15.055.8 <i>Public Park and Recreation Facilities</i>	Type 1	None. See Spec. Reg. 1	0'	0'	80%	85%	3 stories	E	See-See- 19.20.030- 2-10+d-292 §-6-2000† See Sec. 19.20.040. 3.B	1. Lighting for structures and fields shall be directed away from residential areas.		
19.15.055.9 <i>Government Facility Private Club Religious Facility</i>	Type 1	None	0'	0'	80%	85%	3 stories	E	See-See- 19.20.030- 2-10+d-292 §-6-2000† See Sec. 19.20.040. 3.B			

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



↑ REGULATIONS

MINIMUMS

MAXIMUMS

Special Review Process (See Ch. 19.65)

Landscaping 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

Front Setback

Interior Setback

Building Coverage

Impervious Surface Coverage

Building Height

19.15.055.10 <i>Public Utility</i>	Type 1	None	20'	30'	80%	85%	3 stories	E	See See: 19.20.030; 2-10-14-292 4-6-2000; See Sec. 19.20.040. 3.B	1. Shall be designed, located, constructed and buffered to blend in with their surroundings and minimize adverse impacts on adjacent properties. Special attention shall be given to minimizing noise, light and glare impacts.
19.15.055.11 <i>Essential / Public Facility</i>	Type 3	Development standards shall be determined on a case-by-case basis through the review process.							See See: 19.20.030; 2-10-14-292 4-6-2000; See Sec. 19.20.040. 3.B	1. Shall be designed, located, constructed and buffered to blend in with their surroundings and minimize adverse impacts on adjacent properties. Special attention shall be given to minimizing noise, light and glare impacts. 2. Shall comply with criteria for siting found in the Burien Comprehensive Plan.
19.15.055.12 <i>Personal / Wireless Service Facility</i>									See Chapter 19.50	

Note: All landscape categories added by Ord. 293, 2000

## 19.20 Parking and Circulation

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

### 19.20.010 User Guide

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

### 19.20.020 Purpose

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

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

19.20.030 General requirements

1. Parking Plan Required. Prior to issuance of any permits for a new *building, structure* or *use*, or for the enlargement of an existing *building, structure* or *use* that requires off-street parking, the *applicant* shall submit a parking plan for approval by the *Director*. This plan shall contain all design features and elements necessary to show compliance with this Chapter.
2. Parking Requirement Not Specified. If this Code does not specify a parking requirement for a *use*, the *Director* shall establish the minimum requirement based on a study of anticipated parking demand. In the study the *applicant* shall provide sufficient information to demonstrate that the parking demand for a specific *use* will be satisfied. Parking studies shall be prepared by a professional engineer with expertise in traffic and parking analyses, unless an equally qualified individual is authorized by the *Director*.
3. Fee-in-Lieu Option. The minimum number of stalls to be provided through payment of a *Fee-in-Lieu* of parking as allowed by this Chapter shall be based on a schedule derived from Institute of Transportation Engineers (ITE) standard parking rates for Land Uses, as adjusted periodically to reflect Downtown Burien parking usage. This schedule may be amended as needed by the City Council.
  - A. The decision to allow or require payment in lieu of construction will be made by the decision maker of the underlying land use review or by the Director if a land use review is not required.
  - B. Provision of required parking through the *Fee-in-Lieu* program shall be optional on the part of the applicant and City, except that *Fee-in-Lieu* payment shall be required for existing buildings with a change of use that requires parking in excess of that available on-site or through a shared parking agreement.
  - C. Per Space Fee. The per space parking fee for this program shall be uniform throughout the DC and SPA-1 zones. The fee shall be adjusted annually, based on changes in the State of Washington Department of Transportation's Construction cost Index.
  - D. Fee Payment. All applicants shall pay the *Fee-in-Lieu* Parking Program fee in accordance with provisions of this chapter at the time that the applicable building permit or certificate of occupancy when a building permit is not required is ready for issuance. The actual *Fee-in-Lieu* payment shall be based upon the schedule in effect at the time of permit issuance.
  - E. Accounting. The City shall maintain a record of all of the properties that have met their required parking space obligation by paying the appropriate fee for the spaces.
  - F. Future Obligation. Payment of the *Fee-in-Lieu* of parking shall not relieve the development or property owner from any future obligation to participate financially in construction of publically accessible parking spaces through additional funding mechanisms (e.g. a local improvement district, business improvement district). Payment of the *Fee-in-Lieu* of parking does not guarantee the developer or property owner that parking spaces will be constructed for the sole use of or in the immediate proximity of that development.
  - G. Program Review. The fee-amount and performance of the *Fee-in-Lieu* program shall be reviewed biennially, with the initial report made to the City Council beginning in January of the second full calendar year following the effective date of the implementing ordinance.

34. If the *site* is in the DC zone, the requirements contained in BMC 19.47 supersede any conflicting provisions of this Chapter. The provisions of this Chapter that do not conflict with BMC 19.47 apply to DC-zoned properties.
45. Except as permitted with a temporary use permit pursuant to BMC 18.80, required *parking spaces* shall be available for the parking of operable passenger motor vehicles of customers, patrons, employees and residents only and shall not be used for any other purpose. [Ord. 292 § 1, 2000]

#### 19.20.040 Computation of required off-street parking spaces

1. Number of Parking Spaces. Off-*street* parking areas shall contain at a minimum the number of *parking spaces* as stipulated in BMC 19.15. If the formula for determining the number of off-*street parking spaces* results in a fraction, the number of off-*street parking spaces* shall be rounded to the nearest whole number with fractions of .50 or greater rounding up and fractions below .50 rounding down. In the case of two or more *uses* on the same *site*, the total requirements for off-*street* parking shall be the sum of the requirements for each *use* computed separately, except as permitted in BMC 19.20.050 pertaining to shared parking. [Ord. 313 §1, 2000]
2. Guest Parking. For *townhouse* or *apartment dwelling units*, the *Director* may require additional *parking spaces* for guests if there is inadequate guest parking proposed on the *site*, and
  - A. Adequate, safe on-*street* parking is not available, or
  - B. The on-*street* parking is located in or adjacent to an RS zone.
3. Modification of Number of Required Parking Spaces.
  - A. An *applicant* may request a modification of the minimum required number of *parking spaces* by submitting a study of anticipated parking demand complying with BMC 19.20.030.2, proving that parking demand can be met with a reduced parking requirement. In such cases, the *Director* may approve a reduction of the minimum required number of *parking spaces* on a case-by-case basis.
  - B. In the DC and SPA-1 zone, the *applicant* may meet his/her parking obligation, ~~computed using BMC 19.15, in either one~~ of the following ways, ~~or a combination thereof~~:
    - i. By providing the required number of *parking spaces* in accordance with ~~this Chapter~~ the *Fee-in-Lieu* of Parking Demand Rate Schedule for Downtown Burien Zones as shown on Table 19.20-2.
    - ~~ii. With the consent of the *Director*, the *applicant* may provide, or pay the per space cost of providing the additional *parking spaces* in a municipal parking facility within the DC, SPA-3 or CR zones. The cost per *parking space* shall be established by the City Council.~~
    - ii. By performing a study of anticipated parking demand in accordance with BMC 19.20.030.2. *Fee-in-Lieu* of parking is not available if required parking is determined through a parking demand study.
    - iii. In accordance with BMC 19.20.030.3, the *applicant* may meet a portion of his/her parking obligation through contribution to a parking *Fee-in-Lieu* program. The cost per

parking space for the parking *Fee-in-Lieu* program shall be established by the City Council.

4. Parking for Shell Building Permits. When the city has received a shell building permit application, off-*street* parking requirements shall be based on the possible tenant improvements or *uses* authorized by the zone designation and compatible with the limitations of the shell permit. When the range of possible *uses* result in different parking requirements, the *Director* will establish the amount of parking based on a likely range of *uses*. The *Director* may deny a certificate of occupancy for an individual *use* if the number of *parking spaces* required by BMC 19.15 and this chapter are not provided.
5. Bicycle Parking. At least one bicycle parking slot for every 12 required motor vehicle *parking spaces* shall be provided in all non-residential developments. Bicycle parking shall be bike rack or locker-type parking facilities unless otherwise specified.
  - A. The *Director* may reduce bicycle parking facilities for patrons when it is demonstrated that bicycle activity will not occur at that location;
  - B. Bicycle parking facilities for patrons shall be located within 100 feet of the *building* entrance and shall be designed to allow either a bicycle frame or wheels to be locked to a *structure* attached to the pavement or building.
  - C. All bicycle parking and storage shall be located in safe, visible areas that do not impede pedestrian or vehicle traffic flow, and shall be well lit for nighttime use.
6. Handicapped Parking Requirements. Off-*street* parking and access for physically handicapped persons shall be provided in accordance with the Uniform Building Code, Vol. 1, Chapter 11 Accessibility, also known as the Washington State Regulations for Barrier Free Facilities. [Ord. 292 § 1, 2000]

#### 19.20.050 Shared parking and access requirements.

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

#### 19.20.060 Loading space requirements.

1. *Loading spaces* shall be located so that trucks shall not obstruct pedestrian or vehicle traffic movement or project into any public *right-of-way*. All *loading space* areas shall be separated from required parking areas and shall be designated as truck *loading spaces*.
2. Any *loading space* located within 100 feet of an RS or RM zone shall be *screened* and operated to reduce noise and visual impacts. Noise mitigation measures may include architectural or structural barriers, berms, walls, or restrictions on the hours of operation. [Ord. 292 § 1, 2000]

**19.20.070 Stacking spaces for drive-through facilities.**

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

**19.20.080 Commute trip reduction.**

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

**19.20.090 Pedestrian circulation and access.**

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

**19.20.100 Off-street parking plan design standards.**

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

- A. The *applicant* provides an acceptable alternative plan in the event that the off-*site* parking does not work, and
  - B. Appropriate legal documents establishing the off-*site* parking area are submitted for *Director* approval pursuant to BMC 19.20.050, and
  - C. Off-*street* parking for a *use* must be located in a zone that allows that *use*. For example, off-*street* parking for a *retail use* is not allowed in an RS zone.
2. Driveway Location, Design and Construction. Access between off-*street* parking areas and abutting public *streets* shall be designed, located and constructed in accordance with City of Burien development standards.
  3. Dead End Alley Access to Parking. No dead-end alley may provide access to more than eight required off-*street parking spaces*.
  4. Driveways and Parking Areas in *Setbacks*.
    - A. Driveways and parking areas for *single detached dwelling units* and *townhouse* or *apartment dwelling units* with individual garages or carports shall not exceed 20 feet in width in any required *setback*, except if:
      - i. The driveway/parking area serves a 3-car or larger garage; and
      - ii. No more than 15 percent of the required *setback* area is displaced by the driveway.
    - B. Driveways for all other developments may cross required *setbacks* or landscaped areas abutting a public *right-of-way* in order to provide access between the off-*street* parking areas and the *street*. Maximum width within the *setback* or landscaped area is 12 feet for one-way traffic and 24 feet for two-way traffic. A wider encroachment may be allowed, provided no more than 20 percent of the required *landscaping* or *setback* area is displaced by the driveway.
  5. Minimum Parking Space and Parking Lot Aisle Dimensions. The minimum *parking space* and *parking lot aisle* dimensions for the most common parking angles are shown on Table 19.20-1. For parking angles other than those shown on the chart, the minimum *parking space* and *parking lot aisle* dimensions shall be determined by the *Director*.
  6. Compact Parking Spaces. In any development containing more than 20 *parking spaces*, up to 50 percent of the total number of required *parking spaces* may be sized to accommodate compact cars. Each space shall be clearly identified as a compact car space by painting the word "COMPACT" in capital letters, a minimum of eight inches high, on the pavement at the base of the *parking space* and centered between the striping.
  7. Landscaping Requirements. Parking lots shall be landscaped in accordance with BMC 19.25.070.
  8. Additional Width Abutting Landscaped Area. Any *parking spaces* abutting a landscaped area on the driver or passenger side of the vehicle shall provide an additional 18 inches above the minimum space width requirement to provide a place to step other than in the landscaped area.

9. Reduction of Parking Space Depth. The *parking space* depth may be reduced up to 18 inches when vehicles overhang a walkway if the remaining walkway provides a minimum of 60 inches of unimpeded passageway for pedestrians.
10. Parking for Single Detached Dwelling Units.
  - A. *Dwelling units* may have tandem or end to end *parking spaces* for each *dwelling unit* but shall not combine parking for separate *dwelling units* in tandem parking areas.
  - B. All vehicle parking and storage must be in a garage, carport or on an approved *imperious surface*. Any *imperious surface* used for vehicle parking or storage must have direct and unobstructed driveway access. *Parking spaces* for a *single detached dwelling unit* shall be adequately sized and located to accommodate a standard-sized vehicle without the vehicle extending into the public *right-of-way* or *vehicular access easement or tract*.
11. Vanpool and Carpool Parking Design Standards. Vanpool/carpool parking areas shall meet the following minimum design standards:
  - A. A minimum vertical clearance of 7 feet 3 inches shall be provided to accommodate van vehicles if designated vanpool/carpool *parking spaces* are located in a parking structure; and
  - B. A minimum turning radius of 26 feet 4 inches with a minimum turning diameter (curb to curb) of 52 feet 5 inches shall be provided from *parking lot aisles* to adjacent carpool/vanpool *parking spaces*.
12. Parking Area Lighting. Lighting shall be provided for safety of traffic and pedestrian circulation on the *site*, as required by the Uniform Building Code. It shall be designed to minimize direct illumination of abutting properties and adjacent *streets*. The *Director* shall have the authority to waive the requirement to provide lighting. [Ord. 292 § 1, 2000]

**19.20.110 Off-street parking construction standards.**

1. Surfacing. *Off-street* parking areas shall have dust-free, all-weather surfacing. *Off-street* parking areas shall conform to City of Burien development standards.
2. Grading. *Grading* work for access and parking areas shall comply with City of Burien development standards.
3. Drainage. Drainage and erosion/sedimentation control facilities shall be provided in accordance with City of Burien development standards.
4. Parking Space Markings. Asphalt or concrete surfaced parking areas shall have *parking spaces* marked by surface paint lines or suitable substitute traffic marking material in accordance with the Washington State Department of Transportation Standards. Wheel stops or curbing are required where a parked vehicle would encroach on adjacent property, pedestrian access or circulation areas, *right-of-way* or landscaped areas.
5. Curbing. All access and parking areas shall be enclosed with cast in place vertical curbs or functionally equivalent structural barriers. [Ord. 479 § 1, 2007, Ord. 292 § 1, 2000]

**19.20.120 Internal circulation road standards.**

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

**19.20.130 Maintenance.**

The property owner shall maintain all off-*street* access and parking areas. Maintenance shall include removal and replacement of dead and dying trees, grass and shrubs, removal of trash and weeds, and repair and maintenance of traffic control devices, *parking space* striping, signs, light standards, *fences*, walls, surfacing materials, curbs, railings and *landscaping*. [Ord. 292 § 1, 2000]

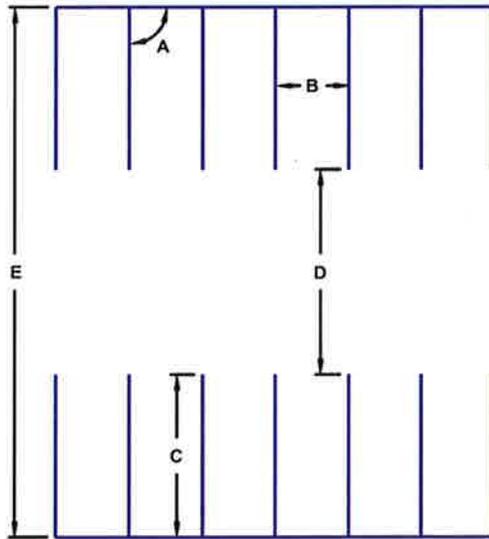
**TABLE 19.20-1  
MINIMUM PARKING SPACE DIMENSIONS**

A Parking Space Angle	B Minimum Parking Space Width	C Minimum Parking Space Length	D Minimum Parking Lot Aisle Width		E Minimum Unit Width	
			1-Way	2-Way	1-Way	2-Way
0	Compact 7.5	18.0	10.0	20.0	25.0	35.0
	Standard 8.5	24.0	12.0	20.0	29.0	37.0
30	Compact 7.5	15.0	10.0	20.0	38.0	48.0
	Standard 8.5	16.5	10.0	20.0	42.0	52.0
45	Compact 7.5	15.0	11.0	20.0	42.82	51.82
	Standard 8.5	19.0	13.0	20.0	51.88	58.88
60	Compact 7.5	15.0	13.0	20.0	46.48	53.48
	Standard 8.5	19.0	17.5	20.0	58.9	61.4
75	Compact 7.5	15.0	16.5	20.0	49.36	52.86
	Standard 8.5	19.0	20.0	20.0	61.1	61.1
90	Compact 7.5	15.0	20.0	20.0	50.0	50.0
	Standard 8.5	19.0	24.0	24.0	62.0	62.0

[Ord. 292 § 1, 2000]

Also see Fig. 19.20-1

**Figure 19.20-1**



[Ord. 292 § 1, 2000]

**TABLE 19.20-2  
FEE-IN-LIEU OF PARKING  
PARKING RATE DEMAND SCHEDULE FOR DOWNTOWN BURIEN ZONES**

<b>LAND USE DESCRIPTION</b>	<b>ITE LAND USE CODE</b>	<b>UNIT VARIABLE</b>	<b>PARKING SUPPLY RATE</b>
Hotel	310	Room	0.80
Business Hotel	312	Room	0.60
Motel	320	Room	0.80
Bowling Alley	437	Lane	2.70
Movie Theater with Matinee	444	Seats	0.20
Health/Fitness Club	492	1,000 sf. GFA	4.50
Athletic Club	493	1,000 sf. GFA	3.30
Church	560	1,000 sf. GFA	0.90
Day Care Center	565	1,000 sf. GFA	2.70
Museum	580	1,000 sf. GFA	0.70
Library	590	1,000 sf. GFA	2.40
Convention Center	595	Attendee	0.30
Office Building	701	1,000 sf. GFA	2.70
Medical-Dental Office Building	720	1,000 sf. GFA	3.10
Government Office Building	730	1,000 sf. GFA	3.20
US Post Office	732	1,000 sf. GFA	2.70
Judicial Complex	735	1,000 sf. GFA	2.70
Free-Standing Discount Store	815	1,000 sf. GFA	3.60
Hardware/Paint Store	816	1,000 sf. GFA	1.80
Shopping Center	820	1,000 sf. GFA	3.50
Tire Store	848	1,000 sf. GFA	2.60
Supermarket	850	1,000 sf. GFA	2.00
Apparel Store	870	1,000 sf. GFA	1.10
Pharmacy/Drugstore without Drive-Through Window	880	1,000 sf. GFA	1.70
Pharmacy/Drugstore with Drive-Through Window	881	1,000 sf. GFA	1.80
Furniture Store	890	1,000 sf. GFA	1.10
Carpet Store	892	1,000 sf. GFA	1.20
Video Rental Store	896	1,000 sf. GFA	2.30
Walk-In Bank	911	1,000 sf. GFA	2.20
Drive-In Bank	912	1,000 sf. GFA	2.30
Fast-Food Restaurant with Drive-Through Window	934	1,000 sf. GFA	9.00
Dry Cleaners	960	1,000 sf. GFA	1.10
Auto Sales/Service	1000	1,000 sf. GFA	3.60
Bar	1001	1,000 sf. GFA	12.40
Convenience/Gas	1002	Pump	1.80
Pool/Billiards, Martial Arts	1003	1,000 sf. GFA	12.40
General Retail	1004	1,000 sf. GFA	2.70
Strip Mall - Commercial	1005	1,000 sf. GFA	2.30
Retail-Associated Night Use	1010	1,000 sf. GFA	2.30
High-Turnover (Sit-Down) Restaurant (No bar or Lounge)	9321	1,000 sf. GFA	5.20
High-Turnover (Sit-Down) Restaurant (Bar or Lounge)	9322	1,000 sf. GFA	12.40
Fast-Food Restaurant without Drive-Through Window (Hamburger)	9331	1,000 sf. GFA	11.60
Fast-Food Restaurant without Drive-Through Window (non-Hamburger)	9332	1,000 sf. GFA	7.70

**CITY OF BURIEN, WASHINGTON  
MEMORANDUM**

**DATE:** December 8, 2009

**TO:** Planning Commission

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

**SUBJECT:** Introduction and presentation regarding Shoreline Master Program update.

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**PURPOSE/ACTION**

The purpose of this agenda item is for staff, the Department of Ecology and our consultants to present an introduction to the shoreline master program update process. The presentation will include a summary of the Shoreline Advisory Committee recommendation to the Planning Commission in preparation for a public hearing scheduled for January 12, 2010. In addition, we are interested in what information or questions the Planning Commission may have on the proposed shoreline master program. This will help us prepare for future meetings and ensure the Commission has all the information that is needed.

No action is requested nor required at this time.

**BACKGROUND**

Under the Shoreline Management Act (SMA) each city and county with "shorelines of the state" must adopt a Shoreline Master Program (SMP) that is based on state laws and rules but tailored to the specific geographic, economic and environmental needs of the community. The SMP is essentially a shoreline comprehensive plan and zoning ordinance with a distinct environmental orientation applicable to shoreline areas and customized to local circumstances.

The shoreline management act (SMA) was adopted by the public in a 1972 referendum *"to prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines."* The SMA has three broad policies:

- 1) **Encourage water-dependent uses:** "uses shall be preferred which are consistent with control of pollution and prevention of damage to the natural environment, or are unique to or dependent upon use of the states' shorelines..."
- 2) **Protect shoreline natural resources,** including "...the land and its vegetation and wildlife, and the water of the state and their aquatic life..."
- 3) **Promote public access:** "the public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the state shall be preserved to the greatest extent feasible consistent with the overall best interest of the state and the people generally."

Shoreline master programs are important because there is a need to restore and protect shoreline areas but at the same time allow appropriate new development. Whenever construction occurs in shoreline areas, that area is transformed resulting in a loss of unique and precious aspects of our natural environment. Native vegetation is cleared, driveways installed, roads constructed, roofs and other impervious surfaces are also added and this development often has negative effects on our environment. Shoreline master programs are critical because they establish each community's goals for its shoreline areas and implement policies and regulations to:

- Help protect water quality for our marine waters, lakes and stream systems.
- Increase protection of lives and property from flood and landslide damage.
- Protect critical habitat as well as fish and wildlife.
- Promote recreational opportunities in shoreline areas.

The presentation at your meeting will include more information regarding the shoreline planning process and will highlight portions of the proposed shoreline master program.

### **PUBLIC PROCESS SUMMARY**

The following is a summary of the more significant activities associated with the SMP update.

- October 15, 2007 The City applied for and was awarded an \$117,600 grant from the Department of Ecology to assist with the required SMP update. The grant fully covers the cost of the proposed consultant contract.
- December 10, 2007 The City Council was provided an opportunity to comment on a draft public participation plan associated with updating of Burien's shoreline master program. The plan envisions a mix of both citizens and technical persons to serve on the shoreline advisory committee.
- December 18, 2007 A notice was released soliciting volunteers to serve on the committee. The intent was that the committee membership include a broad representation of all geographic areas of the city.
- January 28, 2008 At a study session the City Council reviewed applications for volunteers to serve on Burien's Shoreline Advisory Committee and reached consensus on appointments to the Shoreline Advisory Committee.
- February 4, 2008 The shoreline advisory committee membership was approved by the City Council. The end result is that the City Council took an inclusive approach and accepted all applications that were received. The list contains 10 Burien residents, 4 at large citizens, and 6 technical positions.
- March 12, 2008 Shoreline Advisory Committee Meeting #1, Shoreline Management introduction, reviews of shoreline inventory and issue identification.
- May 14, 2008 OPEN HOUSE - More than 70 citizens listened to presentations on the Shoreline Master Program update process and an overview of the existing conditions of our shorelines. Following the presentations the meeting was broken into smaller, facilitated groups, enabling citizens to engage in detailed discussions and share concerns and desires regarding our shorelines. The meeting then reconvened and representatives of the individual groups shared their lists with the entire audience. It was a well-attended meeting providing a great opportunity for the City to hear from its citizens and provide information to the public on the shoreline master program update process.
- June 11, 2008 Shoreline Advisory Committee Meeting #2, review and discussion of the open house meeting summary, discussion and formulation of shoreline goals and policies.
- July 9, 2008 Shoreline Advisory Committee Meeting #3, continued discussion and formulation of shoreline goals and policies.
- September 10, 2008 Shoreline Advisory Committee Meeting #4, continued discussion and formulation of shoreline goals and policies.
- February 11, 2009 Shoreline Advisory Committee Meeting #5, discussion and review of restoration plan, cumulative impacts analysis, shoreline environment designations and use regulations.
- September 23, 2009 Shoreline Advisory Committee Meeting #6, discussion and review of use and modification policies and regulations.
- October 7, 2009 Shoreline Advisory Committee Meeting #7, continued discussion and review of use and modification policies and regulations.
- October 21, 2009 Shoreline Advisory Committee Meeting #8, continued discussion and review of use and modification policies and regulations.

October 28, 2009 Shoreline Advisory Committee Meeting #9, Discussion and review of Administration and Shoreline Permit Procedures.

November 30, 2009 OPEN HOUSE – Approximately 70 community members circulated between stations that offered information about a variety of shoreline-related topics, picking up handouts and asking individualized questions of the staff and consultant team.

### **SUPPORTING INFORMATION**

We have compiled a notebook for the Planning Commission which includes a significant amount of information including the draft Shoreline Master Program. The notebook contains the following:

- Shoreline Master Program Chapter's I-VI
- Appendices 1- 4 (Inventory, Analysis & Characterization, Restoration Plan, Cumulative Impacts Analysis)
- Meeting Summaries
  - Open House, May 2008
  - Shoreline Advisory Committee Meetings (nine)
- Goal/Policy to Regulation Matrix (September 23, 2009)

### **PLANNING COMMISSION NEXT STEPS**

The following is the anticipated schedule for the Planning Commission.

**January 12, 2010 – Public Hearing on proposed shoreline master program**

**January 26, 2010 – Discussion on proposed shoreline master program**

**February 9, 2010 – Discussion and possible recommendation to City Council on proposed shoreline master program**

**February 23, 2010 – Continued discussion and recommendation on proposed shoreline master program (if needed)**

### **Attachments**

Provided in a notebook for Planning Commissioners on December 8, 2009.

Note: Notebook is available for viewing at City Hall and the King County Library