

**CITY OF BURIEN  
AGENDA BILL**

<b>Agenda Subject:</b> Motion to Direct Staff to Send Letter to King County Council Regarding Proposed Sale of Puget Sound Park		<b>Meeting Date</b> April 13, 2009
<b>Department:</b> Parks, Recreation & Cultural Services	<b>Attachments:</b> 1. Public Notice 2. Proposed Ordinance 3. Puget Sound Park	<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> Michael Lafreniere, Parks, Recreation & Cultural Services		
<b>Telephone:</b> 206-988-3703		
<b>Adopted Work Plan Priority:</b> Yes <input type="checkbox"/> 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 provide Council an opportunity to further discuss the sale of Puget Sound Park which has been proposed to the King County Council by the King County Executive.</p> <p><b>BACKGROUND</b> <i>(Include prior Council action &amp; discussion):</i> The King County Executive and the King County Dept. of Development and Environmental Services (DDES) has invited comment on a proposed ordinance adopting provisions for five sustainable communities and housing demonstration projects (see Attachment 1). The purpose of the proposed ordinance (see Attachment 2) is to provide additional housing with affordable housing and workforce housing integrated into developments containing market rate housing, with the maximization of sustainable development. Goals include the promotion of livable communities, including bike/pedestrian connections to nearby retail and commercial areas, connected street network, mix of housing types and mix.</p> <p>If passed by the King County Council, this proposed ordinance would result in the sale of a public park in Burien's proposed annexation area, Puget Sound Park (see Attachment 3). This popular 5-acre park is located approximately at <u>1st Ave S and 126th St SW</u>, and contains a multi-purpose court, an open play field, parking lot, picnic area, play equipment area and running track.</p> <p>Staff are recommending that the Council discuss the proposed sale of this property and that the City respond to the request for comment by DDES.</p> <p><b>OPTIONS</b> <i>(Including fiscal impacts):</i> 1. N/A</p>		
<b>Administrative Recommendation:</b> Discuss the sale of Puget Sound Park which has been proposed to the King County Council by the King County Executive.		
<b>Committee Recommendation:</b> N/A		
<b>Advisory Board Recommendation:</b> N/A		
<b>Suggested Motion:</b> Move to direct staff to send letter to King County Council expressing the Council's opposition to the proposed sale of Puget Sound Park.		
Submitted by: Michael Lafreniere	Mike Martin	
<b>Administration</b> _____	<b>City Manager</b> _____	
<b>Today's Date:</b> April 9, 2009	<b>File Code:</b> \\file01\records\cc\agenda bill 2009\041309pk-3 puget sound park.doc	



## King County

**Department of Development  
and Environmental Services**  
900 Oakesdale Avenue SW  
Renton, WA 98055-1219

March 31, 2009

### **To Interested Parties:**

Enclosed for your review is a proposed ordinance and summary relating to the update of the King County land use code. This is a proposed ordinance adopting provisions for five sustainable communities and housing demonstration projects. The purpose is to provide additional housing with affordable housing and workforce housing integrated into developments containing market rate housing, with the maximization of sustainable development. Goals include the promotion of livable communities, including bike/pedestrian connections to nearby retail and commercial areas, connected street network, mix of housing types and mix of uses, as well as design elements to address potential climate impact changes and to ensure attractive, well designed developments that will assist in improving safety and preventing crime in the surrounding area

The enclosed draft represents the proposal of the Department of Development and Environmental Services (DDES) for the purpose of soliciting comments from the general public and all other interested parties. This information is also posted on the Department's Web site at <http://www.metrokc.gov/ddes/legnews/>.

You are invited to review and comment on the enclosed proposed ordinance. Written comments received by **Tuesday, April 28, 2009** will be considered in the Department's transmittal to King County Executive Ron Sims.

Please direct your comments, or any questions regarding developing a project under this ordinance, to Lisa Dinsmore, Program Manager, at (206) 296-7171, or by email at [lisa.dinsmore@kingcounty.gov](mailto:lisa.dinsmore@kingcounty.gov)

## **Summary**

### **Proposed ordinance relating to sustainable communities and affordable housing**

This is a proposed ordinance adopting provisions for five sustainable communities and housing demonstration projects.

The purpose is to provide additional housing with affordable housing and workforce housing integrated into developments containing market rate housing, with the maximization of sustainable development.

Goals include the promotion of livable communities, including bike/pedestrian connections to nearby retail and commercial areas, connected street network, mix of housing types and mix of uses, as well as design elements to address potential climate impact changes and to ensure attractive, well designed developments that will assist in improving safety and preventing crime in the surrounding area.

1 ..title

2 AN ORDINANCE relating to five development projects;  
3 adopting provisions for approval of five sustainable  
4 communities and housing demonstration projects, in  
5 accordance with K.C.C. 21A.55.010; and adding a new  
6 section to K.C.C. chapter 21A.55.

7 ..body

8 PREAMBLE:

9 The availability of affordable housing is a regional vision as expressed in  
10 the Growth Management Act, Vision 2040 multicounty planning policies,  
11 the King County countywide planning policies and the King County  
12 Comprehensive Plan. Ideally, affordable housing would be located in  
13 communities that are safe, healthy, accessible to facilities and services and  
14 part of diverse communities.

15 Comprehensive Plan Policy U-108 calls on the county to promote public  
16 health by concentrating growth within the Urban Growth Area, allowing  
17 mixed-use developments and adding pedestrian linkages. Further,  
18 Comprehensive Plan Policy U-132 encourages innovative, quality infill  
19 development and redevelopment in existing urban areas. More  
20 specifically, this policy directs the county to consider a strategy employing  
21 techniques for assembly and resale of sites to providers of affordable  
22 housing. With an understanding of the cost of providing parking  
23 combined with the decreasing need for parking within urban areas due to

24 increased transit options, Policy U-329 suggests a reduction in parking  
25 requirements for affordable housing projects that utilize any of a variety of  
26 affordable housing incentive programs, subsidies, tax abatement or credits.  
27 Further, in accordance with Policy U-337, King County understands the  
28 importance of incorporating the principles of healthy communities and  
29 homes, sustainability, and greenhouse gas emissions mitigation in  
30 affordable housing developments.

31 The King County Initiative, HealthScape, told us that people who live in  
32 more compact urban communities actually drive, on average, twenty-six  
33 percent less than people who live in more-sprawling communities.

34 Furthermore, communities that are designed to increase biking and  
35 walking also serve as ideal for transit. Communities that have integrated  
36 street networks, a mix of uses and residential densities supportive of  
37 public transportation can reduce vehicle miles traveled because auto trips  
38 are being replaced with more walking, biking and transit.

39 King County wishes to foster affordable housing developments that will  
40 demonstrate that fewer than expected parking spaces are required, that a  
41 mix of uses will increase opportunities for walking, biking and transit, and  
42 that higher densities on infill properties will foster more vibrant urban  
43 communities.

44 The Housing Stimulus Plan, as called for in King County Motion 12901,  
45 approved by the King County Council on December 15, 2008, identifies  
46 increased density bonuses for sustainable development projects, greater

47 development flexibility, and the use of King County surplus properties for  
48 housing developments as elements to support and enhance the economic  
49 vitality of the housing market.

50 King County is planning to convey certain properties it currently owns  
51 under the Sustainable Communities and Housing Pilot Project subject to  
52 restrictions that will require any purchaser to develop the properties  
53 consistent with the County's goals.

54

55

56 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

57 NEW SECTION. SECTION 1. There is hereby added to K.C.C. chapter 21A.55

58 a new section to read as follows:

59 A. The purpose of the sustainable communities and housing demonstration  
60 projects is to provide additional housing with affordable housing and workforce housing  
61 integrated into developments containing market rate housing, with the maximization of  
62 sustainable development, which includes bike/pedestrian connections, mix of housing  
63 types, use of recycleable materials and similar approaches. The demonstration projects  
64 will provide information on application of these techniques to urban infill redevelopment  
65 projects, and urban single family residential projects, some of which may include mixed  
66 use. The demonstration projects will also provide information to assist in the county  
67 refinement of regulations such as zoning, subdivision, roads and stormwater regulations.  
68 Expected benefits from the demonstration projects include: use of innovative design and  
69 development techniques that promote livable communities, reduced impervious surface

70 areas for new site infrastructure; greater use of recycled-content building materials and  
71 more efficient use of energy and natural resources; and the opportunity to identify and  
72 evaluate potential substantive changes to land use development regulations that support  
73 the development of sustainable and affordable housing. The demonstration projects will  
74 also evaluate whether consolidated administrative approval of zoning and subdivision  
75 related modifications or waivers and any subsequent hearings, if required, effectively  
76 speeds the development review process while maintaining land use coordination and  
77 environmental protection, and whether that leads to administrative costs savings for  
78 project applicants and King County.

79 B. The department of development and environmental services shall implement  
80 the sustainable communities and affordable housing demonstration projects in all or a  
81 portion of each of the following demonstration project sites: the White Center  
82 neighborhood of the White Center Workshop as described in Attachment A to this  
83 ordinance; the White Center neighborhood of the Puget Sound Park as described in  
84 Attachment B to this ordinance; the Skyway neighborhood of Brooks Village as  
85 described in Attachment C to this ordinance; the Federal Way neighborhood of Kit's  
86 Corner as described in Attachment D to this ordinance; the unincorporated Urban Area  
87 north of Kent known as Meridian North at approximately 122nd Avenue Southeast and  
88 Southeast 225th Street as described in Attachment E to this ordinance and if the County  
89 includes expanded geographic boundaries for Meridian North in the Sustainable  
90 Communities and Housing Pilot Project, the portion of Meridian North described in  
91 attachment F to this ordinance.,

92 C. A request by the applicant to modify or waive development standards for the  
93 development proposals shall be evaluated by the department of development and  
94 environmental services based on the criteria in subsection K. of this section. A request  
95 shall first be either approved or denied administratively and may be further reviewed as  
96 described in subsection I.3. of this section. Approval or denial of the proposed  
97 modification or waiver shall not be construed as applying to any other development  
98 application either within the demonstration project area or elsewhere in the county.

99 D. A modification or waiver approved by the department of development and  
100 environmental services in accordance with the sustainable communities and housing  
101 demonstration projects shall be in addition to those modifications or waivers that are  
102 currently allowed by this title. The proposed modifications or waivers to development  
103 regulations that may be considered regarding sustainable communities and housing  
104 demonstration projects shall include only the following chapters and related public rules:

- 105 1. Drainage review requirements: K.C.C. chapter 9.04 and the Surface Water  
106 Design Manual;
- 107 2. King County road standards: K.C.C. chapter 14.42 and the county road  
108 standards, 2007 update;
- 109 3. Density and dimensions: K.C.C. chapter 21A.12;
- 110 4. Design requirements: K.C.C. chapter 21A.14;
- 111 5. Landscaping and water use: K.C.C. chapter 21A.16;
- 112 6. Parking and circulation: K.C.C. chapter 21A.18;
- 113 7. Signs: K.C.C. chapter 21A.20;

114 8. Critical areas: K.C.C. chapter 21A.24, if the modification results in a net  
115 improvement to the functions of the critical area; and

116 9. Landscape installation timing: K.C.C. chapters 27A.30 and 27A.40.

117 E. A demonstration project authorized by this section may contain residential and  
118 limited nonresidential uses subject to the following:

119 1. The demonstration project may include any residential uses as allowed as a  
120 permitted use in the R12 - 48 zones, subject to any development conditions in K.C.C.  
121 21A.08.030, without the need to request a modification or waiver as described in  
122 subsection H. of this section. The applicant may request a modification or waiver of any  
123 of the development conditions for residential uses contained in K.C.C. 21A.08.030,  
124 subject to the review process described in subsection H. of this section and the criteria  
125 described in subsection J. of this section;

126 2. The demonstration project may include, as part of a residential project, any  
127 nonresidential use allowed as a permitted use in the NB zone under K.C.C. 21A.08.030,  
128 21A.08.040, 21A.08.050, 21A.08.060 and 21A.08.070, subject to any development  
129 conditions contained in those sections without the need to request a modification or  
130 waiver as described in subsection H. of this section, except the following uses are not  
131 allowed: K.C.C.21A.08.030 – Community Residential Facility I, Community Residential  
132 Facility II; K.C.C. 21A.08.050 – automotive repair and automotive service; K.C. C.  
133 21A.08.060 – commuter parking lot, private stormwater management facility, vector  
134 waste receiving facility, self-service storage, automotive parking, off-street required  
135 parking lot commercial/industrial accessory uses; and K.C.C. 21A.08.070 – gasoline  
136 service stations. The nonresidential uses shall be no greater than three thousand square

137 feet per use, with a total maximum of all non-residential uses not to exceed ten percent of  
138 the area of the demonstration project site or twenty thousand square feet, whichever is  
139 smaller. The applicant may request a modification or waiver of the development  
140 conditions for non-residential uses in K.C.C. 21A.08.030, 21A.08.040, 21A.08.050,  
141 21A.08.060 and 21A.08.070, subject to the review process described in subsection H. of  
142 this section and the criteria described criteria in subsection J. of this section.

143 F. A demonstration project authorized by this section allows a residential basics  
144 program for townhouse and apartment building types, consistent with the department of  
145 development and environmental services public rules chapter 16-04: residential basics  
146 program.

147 G.1. If an applicant provides fifty percent or more of all residential units  
148 proposed for a demonstration site affordable to households at eighty percent of average  
149 median income as defined by Housing and Urban Development Income Guidelines for  
150 King County and below, all related review processes, such as subdivision, building  
151 permit, inspection and similar processes, shall be expedited; or

152 2. If an applicant provides seventy percent or more of all residential units for a  
153 demonstration project site affordable to households at eighty to one hundred fifteen  
154 percent of average median income as defined by Housing and Urban Development  
155 Income Guidelines for King County, all related review processes will be expedited.

156 H.1. Requests for a modification or waiver made in accordance with this section  
157 may only be submitted in writing in relation to the following types of applications:

- 158 a. a site development permit;
- 159 b. a binding site plan;

- 160 c. a building permit;
- 161 d. a short subdivision; or
- 162 e. a subdivision.

163 2. Requests shall be submitted to the department in writing before or in  
164 conjunction with an application for one or more of the permits listed in subsection H.1. of  
165 this section, together with any supporting documentation. The supporting documentation  
166 must illustrate how the proposed modification meets the criteria of subsection J. of this  
167 section.

168 3. Except for an applicant's request for a modification or waiver submitted in  
169 conjunction with an application for a subdivision, the notice of application, review and  
170 approval of a proposed modification or waiver shall be treated as a Type 2 land use  
171 decision in accordance with K.C.C. 20.20.020. The request for a modification or waiver  
172 submitted in conjunction with an application for a subdivision shall be treated as a Type 3  
173 land use decision in accordance with K.C.C. 20.20.020.

174 4. A preapplication meeting with the applicant and the department of  
175 development and environmental services to determine the need for and the likely scope of  
176 a proposed modification or waiver is required before submittal of such a request. If the  
177 department of natural resources and parks or the department of transportation will review  
178 a proposed modification or waiver, that department shall be invited to participate in the  
179 preapplication meeting.

180 5. If the applicant requests an adjustment from the county drainage standards,  
181 the director of the department of development and environmental services shall refer the  
182 request to the department of natural resources and parks for decision under K.C.C.

183 chapter 9.04, with the right to appeal within the department of natural resources and parks  
184 as provided in K.C.C. 9.04.050.C.6. The purposes of this demonstration ordinance are  
185 intended as a factor to be considered relative to the public interest requirement for  
186 drainage adjustments described in K.C.C.9.04.050.C.

187 6. If the applicant requests a variance from the county road standards, the  
188 director shall refer the request to the county road engineer for decision under K.C.C.  
189 14.42.060, with the right to appeal within the department of transportation as provided in  
190 K.C.C. 14.42.060 and the associated public rule. The purposes of this demonstration  
191 ordinance are intended as a factor to be considered relative to the public interest  
192 requirement for road variances described in K.C.C. 14.42.060.

193 7. Administrative appeals of modifications or waivers approved by the director  
194 shall be combined with any appeal of the underlying permit decision, if the underlying  
195 permit is subject to appeal.

196 I. An approved development proposal for any of the applications listed in  
197 subsection H.1. of this section, including site plan elements or conditions of approval  
198 may be amended or modified at the request of the applicant or the applicant's successor in  
199 interest designated by the applicant in writing. The director may administratively  
200 approve minor modifications to an approved development proposal. Modifications that  
201 result in major changes as determined by the department or as defined by the approval  
202 conditions shall be treated as a new application for purposes of vesting and shall be  
203 reviewed as applicable to the underlying application pursuant to K.C.C. 20.20.020. Any  
204 increase in the total number of dwelling units above the maximum number set forth in the  
205 development proposal permit or approval shall be deemed a major modification. The

206 county, through the applicable development proposal permit or approval conditions, may  
207 specify additional criteria for determining whether proposed modifications are major or  
208 minor. The modifications allowed under this section supersede other modification or  
209 revision provisions of K.C.C. Title 16, Title 19A and this title.

210 J.1. To be eligible to utilize the provisions of this section, a demonstration project  
211 must be located on a demonstration project site identified in subsection B. of this  
212 ordinance, and development of the demonstration project site under this provisions of this  
213 ordinance shall be conditioned on the County having conveyed the site under the King  
214 County Sustainable Communities and Housing Pilot Project.

215 2. Proposals to modify or waive development regulations for a development  
216 application must be consistent with general health, safety and public welfare standards,  
217 and must not violate state or federal law.

218 3.a. Applications must demonstrate how the proposed project, when considered  
219 as a whole with the proposed modifications or waivers to the code, will meet all of the  
220 criteria listed in this subsection, as compared to development without the modification or  
221 waiver, and:

- 222 (1) achieves higher quality urban development;
- 223 (2) provides quality infill development;
- 224 (3) optimizes site utilization; and
- 225 (4) enhances pedestrian experiences and sense of place and community.

226 b. Any individual request for a modification or waiver must meet two or more  
227 of the following criteria:

228 (1) contributes to the creation of a livable community, which includes  
229 features such as a connected street network, a mix of housing types, pedestrian/bike  
230 routes throughout the development, direct bus connections, no front garages, front  
231 porches and similar attributes;

232 (2) uses the natural site characteristics to protect the natural systems;

233 (3)(a) contributes to achievement of a three-star rating for the project site  
234 under the Built Green Green Communities program administered by the Master Builders  
235 Association of King and Snohomish Counties;

236 (b) contributes to achievement of a four-star or higher rating for the single  
237 family units under the Built Green program administered by the Master Builders  
238 Association of King and Snohomish Counties or achieve a gold certification under the  
239 U.S. Green Building Council, LEED program or equivalent program: or

240 (c) contributes to achievement of a four-star or higher rating for the  
241 multifamily units under the Built Green program administered by the Master Builders  
242 Association of King and Snohomish Counties or achieve a gold certification under the  
243 U.S. Green Building Council, LEED program or other equivalent program; and

244 (4) provides attractive, well-designed development that will assist in  
245 improving safety and preventing crime in the development and surrounding area.

246 4. The criteria of subsection H. of this section supersede other variance,  
247 modification or waiver criteria and provisions of K.C.C. Title 21A.

248 K. Regulatory modification and waiver applications, or both, authorized by this  
249 section shall be filed with the department of development and environmental services  
250 within three years of the approval of the development proposal, which includes issuance

251 of a building permit or site development permit, recording of a plat, short plat or binding  
252 site plan,, or by such a later date as may be specified in the conditions of any  
253 development approval for any type of modification or waiver for which the opportunity  
254 for future application is expressly granted in those conditions. Modifications or waivers  
255 contained within an approved development proposal are valid as long as the underlying  
256 permit or development application approval is valid. Modifications or waivers that are  
257 approved as separate applications must be incorporated into a valid permit or  
258 development application that must be filed within three years of approval of the  
259 development proposal. The director may extend the date for filing the demonstration  
260 project permit and development applications for a maximum of twelve months. Any  
261 deadline in this subsection shall be adjusted to include the time for appeal of all or any  
262 portion of the project approval.

263 L.1. By December 31, 2013, the director shall prepare and file eleven copies with  
264 the clerk of the council, for distribution to all councilmembers, of a report on the pilot  
265 programs that:

266 a. describes and evaluates the pertinent preliminary results from the  
267 demonstration projects; and

268 b. recommends changes, based on the evaluation, that should be made to the  
269 county processes and ordinances. The executive shall then transmit any proposed  
270 ordinances to the council within six months of the report.

271 2. If only insufficient or inconclusive data are available when the report required  
272 under subsection L.1. of this section is due, the director of the department of development  
273 and environmental services shall prepare and file eleven copies with the clerk of the

274 council, for distribution to all councilmembers, of a report on the pilot program that  
275 indicates the date a subsequent report or reports will be transmitted to fully evaluate  
276 outcomes of the demonstration projects.

277 Attachments: A. White Center Workshop project

278 B. Puget Sound Park project

279 C. Brooks Village project

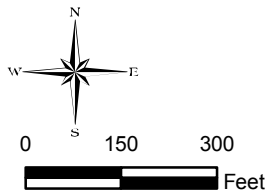
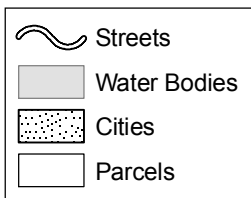
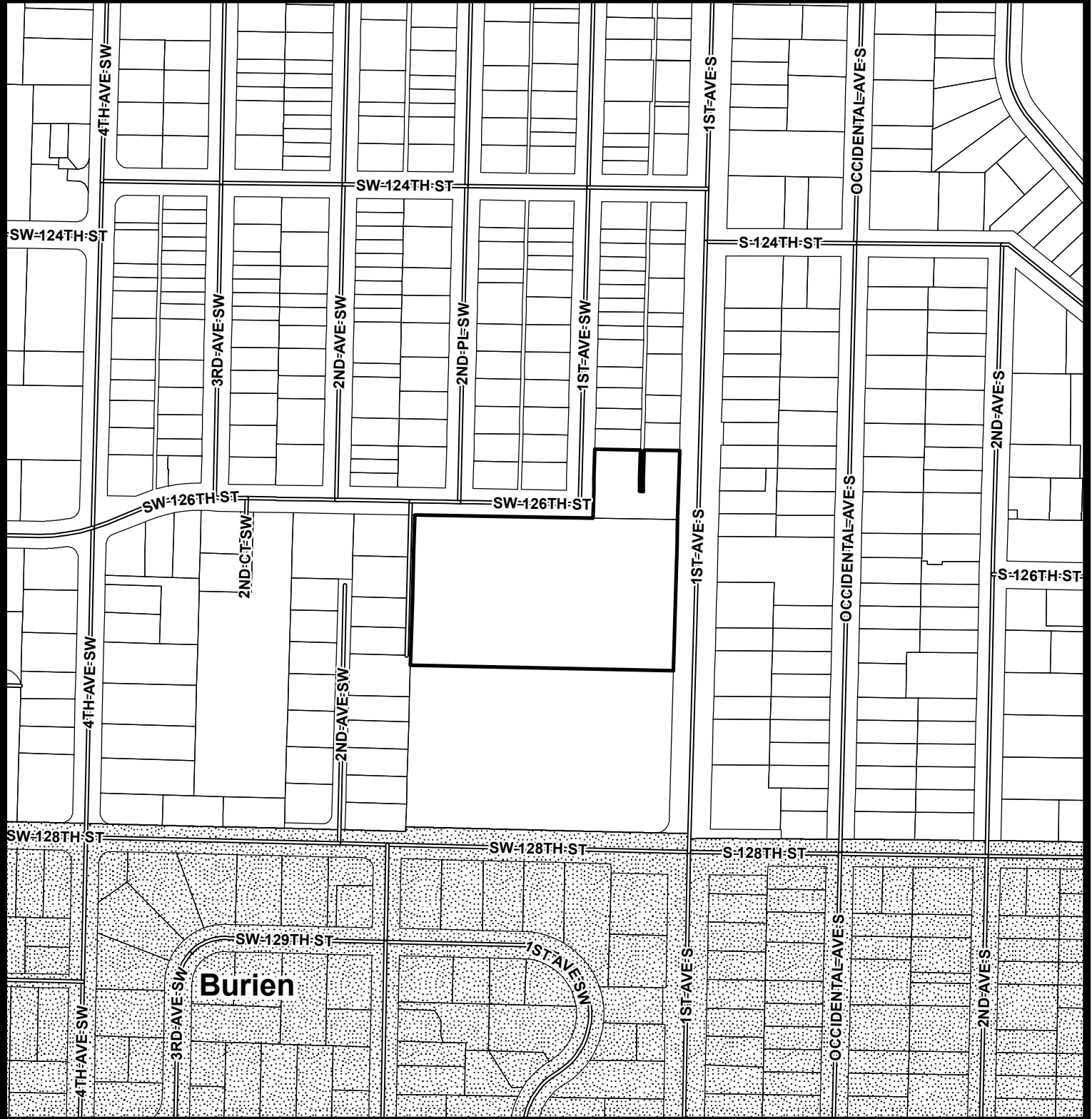
280 D. Kit's Corner project

281 E. Meridian North project

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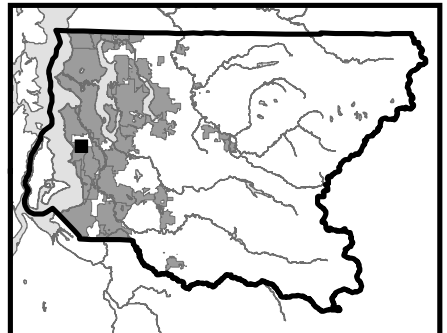
283

# Puget Sound Park



**King County**  
Department of Development  
and Environmental Services

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