

*City of Burien*

BURIEN PLANNING COMMISSION MEETING

May 22, 2007

7:00 p.m.

City Council Chambers

MINUTES

**Planning Commission Members Present:**

Robert Simpson-Clark, Jim Clingan, Stacie Grage, Janet Shull, Michael Sumner

**Absent:**

Rebecca McInteer, Jon Newton

**Others Present:**

Scott Greenberg, Community Development director; David Johanson, senior planner; Gerry Lindsay, minutes taker

**Roll Call**

Chair Simpson-Clark called the meeting to order at 7:07 p.m. Upon the call of the roll all commissioners were present with the exception of Commissioners McInteer and Newton.

**Agenda Confirmation**

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

**Public Comment** – None

**Approval of Minutes**

A. March 13, 2007

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

B. March 27, 2007

Motion to approve the minutes as submitted was made by Commissioner Shull. Second was by Commissioner Grage and the motion carried unanimously.

**Old Business** – None

**New Business**

A. 2007 Comprehensive Plan Amendments

Senior Planner David Johanson informed the commission that the deadline for submitting requests to amend the Comprehensive Plan is June 1. He noted that to date no applications have been received, though staff is aware of two or three that likely will be submitted.

Mr. Johanson said a placeholder has been created for downtown parking policy amendments. The focus will be on taking the recommendations of the parking study and folding them into the Comprehensive Plan. The City Council is slated to wrap up its discussion of the parking policies at its meeting on June 11.

Chair Simpson-Clark asked if there was anything in the study that would actually require a Comprehensive Plan amendment. Mr. Johanson said there were a number of policy recommendations identified, any of which could potentially become Comprehensive Plan policy; none of them are givens.

Commissioner Sumner asked if the parking study had any recommendations concerning disabled parking. He pointed out that in downtown Seattle the disabled do not have to put money in the parking meters. Mr. Johanson said there was discussion during the study about making sure there is a sufficient supply of disabled parking stalls on the streets in the downtown. The focus was not, however, on going above and beyond the ADA requirements. The group recognized that more disabled spaces may be needed along 152<sup>nd</sup>.

Chair Simpson-Clark pointed out that by statute the time restrictions on disabled parking are different than for non-disabled parking.

Mr. Johanson said another probable amendment for 2007 will involve Policy SE 1.2, the design guidelines for Old Burien. The cleanup item will simply remove the reference to adopting design guidelines because that has already been done. Any other housekeeping items that surface also will be addressed as part of the amendment package.

The City is required by state law to amend its Shoreline Master Program. Mr. Johanson said quite a bit of work will be required to rewrite all the applicable rules and regulations. The shoreline regulations apply to all areas within 200 feet of Puget Sound and to Lake Burien. All Comprehensive Plan goals and policies must be consistent with the requirements of the state. The City has put in for a state grant to hire a consultant to help with the technical and scientific work involved.

Community Development Director Scott Greenberg said a placeholder also has been created for the North Highline Potential Annexation Area (PAA). He called attention to the 111-acre Duwamish area of North Highline that is home to commercial and industrial uses. He noted that the area was designated as a PAA by the City of Tukwila in 1995; to date it has not chosen to annex the area. Seattle designated the area as a PAA in 1996, which was challenged by Tukwila before the Growth Management Hearings Board. The two jurisdictions agreed to have an overlapping PAA and work things out later.

Burien came along in 2006 and also designated the Duwamish area as a PAA, which was challenged by Seattle before the Growth Management Hearings Board. Just a few weeks ago, the Burien City Council, acting on the advice of the city attorney, told the Growth Management Hearings Board it would concede the Duwamish area to Seattle or Tukwila and withdraw its PAA for the area. That action will require amending the Comprehensive Plan.

Answering a question asked by Commissioner Sumner, Mr. Greenberg said Burien has argued with the Growth Management Hearings Board that its designation of North Highline as a PAA occurred prior to Seattle's designation of the area. The board has in the past accepted the first-in-time-first-in-right approach. The city attorney does not believe Burien can use that argument for the main area of the PAA

and then turn around and argue the other side regarding the Duwamish area for which Seattle clearly was in ahead of Burien.

Chair Simpson-Clark asked how the Duwamish area came into the discussions in the first place if the area had already been designated a PAA by two other jurisdictions. Mr. Greenberg said there was a feeling that if a single city were to seek to annex the entire North Highline area the other jurisdictions would back off. Chair Simpson-Clark suggested the information might have been pertinent for the commission to know during its deliberations. Mr. Greenberg said he had mentioned it to the commission, but Chair Simpson-Clark argued otherwise. Mr. Greenberg said the Duwamish area generates about three percent of the North Highline revenues and accounts for about three percent of the overall costs.

Commissioner Clingan said he remembered hearing about the Duwamish PAA situation and comments that the existing PAAs were so old they likely would not be an issue. He allowed that there was not a lot of discussion about it.

Commissioner Shull noted that the focus of the commission was primarily on the City Council's preferred approach.

Mr. Greenberg reported that Berk and Associates has completed its initial take on the model projecting the costs and revenues of different annexation scenarios out to the year 2025. If the City Council looks at the results of the model and concludes Burien should no longer have a PAA, or that they want to change a PAA boundary, a Comprehensive Plan amendment will be required. That is another reason a placeholder has been created on the 2007 docket.

Mr. Johanson said the fact that a new park is to be created in the downtown as part of the Town Square development brings with it the need to amend the Comprehensive Plan map to show the area as a public open space. The various lot lines will be firmly established soon, and then it will be time to recognize the park as a city amenity.

Mr. Johanson said the June 12 commission meeting will be open to considering requests for Comprehensive Plan amendments, which is the first step in establishing the docket. On June 26 the commission will be asked to make a recommendation regarding the docketed items.

## B. Legislative Update

Mr. Greenberg said the 2006 legislative session was very busy. It was the first year of the two-year cycle and there are always a number of bills introduced at the beginning of the cycle; technically, bills that were not approved in 2006 still will be hanging around for reintroduction during the 2007 session. Of course, 2007 will be an election year and that may stymie some work.

Burien received \$1.6 million in the final state capital budget for the city hall/library garage project. The allocation resulted from Burien shifting its request for infrastructure money for the Northeast Redevelopment Area to the garage.

Washington State Department of Transportation received \$3 million for the design of the SR-509/SR-518 interchange, which is a major step toward getting the project built.

The streamlined sales tax bill passed the state Legislature after several years of wrangling. Currently, when a Burien resident purchases an item in Tukwila and has it delivered a Burien address, the local sales tax gets paid to Tukwila. Under the new bill, the local sales tax piece would be paid to Burien. There also is some tie to purchases made on the Internet. Cities that are primarily bedroom communities will

see their sales tax revenues increase. For a certain period of time, cities that stand to lose money under the streamlining approach will receive state mitigation dollars. It is estimated that Burien will receive an additional \$293,000 in the first year of the program, which kicks in July 2008.

A bill dealing with local zoning authority over gambling operations within city limits failed to pass the Legislature. The bill has been floated a number of times in the past, always without success. The 2006 version of the bill was very complex.

Mr. Greenberg reminded the commissioners that in 2006 the Legislature approved a bill that gave cities that annex a 10-year credit on their state sales tax. As originally approved, the bill did not apply to cities with more than 400,000 residents. Seattle tried to get a new bill passed in 2007; it passed the House but not the Senate.

Burien played a part in crafting the language for the multifamily housing tax exemption bill. The bill changes the program for new tax exemption requests; it does not affect the Town Square project. The length of the exemption is reduced to eight years from 10 unless the developer provides at least 20 percent of the units as affordable housing under the state definition. If at least 20 percent of the units are provided as affordable, the bill allows that all of the units are allowed a 12-year exemption. The bill took several different forms throughout the session; the original bill would have mandated the affordable units in order to access the program at all, something Burien opposed. The idea of using an incentive came from Burien and the compromise was adopted into the final bill. Burien will not be affected by the fact that the 2007 bill allows cities with populations as low as 5,000 to access the tool.

Mr. Greenberg said the City Council packet for May 21 includes lobbyist Mike Doubleday's summary of the 2007 legislative session. All the information is available on the city website.

### C. Major Projects Status Update

Mr. Johanson said there are a lot of development-type projects under way in Burien that signify how the Comprehensive Plan policies are being implemented. Because Burien is mostly built out, it is exciting to see subdivision projects.

The Meritage subdivision has 20 lots. The site has a wetland and stream buffer and the developer is utilizing the clustering provisions to maximize the development potential. All of the lots are under construction, and 11 of the homes have been completed. The lot sizes average about 7,000 square feet.

In the northern part of the city the Shorewood View subdivision is being developed. The site is impacted by steep slopes and critical areas, so through the clustering provisions the lots are somewhat smaller. The road is in and construction has begun on the first two homes. Several of the homes will have spectacular views.

The Village at Miller Creek project just off of 1st Avenue South and Ambaum Boulevard also is a constrained site. Miller Creek runs through and has protective buffers. The project is being developed through binding site plan, a process that allows the developer to cluster units without formally establishing lots. All of the 37 single-family units will be offered for sale; the purchasers legally will own the land under their units, and the balance of the land will be held in common in the same way condominium developments are handled. There will be trails and some other amenities onsite as part of the development.

Turning to commercial developments, Mr. Johanson shared with the commission diagrams for the Burger King in Redwood Plaza that currently is under construction. He also showed the drawings for the Bartell

Drug store, noting that the loading area will be covered and screened from the road and that retail uses will wrap the building.

The new transit center project is in design review. Mr. Johanson used a site diagram to explain how the buses and automobiles entering and exiting the site will be separated. A glass-top canopy will be constructed over the transit center island; it will include an artistic treatment. Development on the transit center is slated to begin in three or four months.

Mr. Johanson also shared with the commission a possible site design for the transit-oriented development on the site, noting that it includes both retail and housing uses adjacent to the Town Square development. The transit-oriented development is included as part of the Sound Transit Phase II package. Of course, any project within the package still could be removed.

Construction on Parcel I of Town Square is under way. A tall crane is set to be installed by the end of May; the foundation for it already has been poured. Parcel I will have 124 dwelling units and some 20,000 square feet of retail space. The project already is permitted. The developer will open a sales center across the street from the development very soon at which time unit pricing will be available.

Construction of the city hall/library project is set to get underway in November 2007 and be completed in early 2009.

The commissioners were shown schematic drawings for the various parcels of the Town Square development as envisioned by the developer. He noted that the buildings will include various materials and rooflines to provide for visual interest.

Chair Simpson-Clark asked where the issue of balconies ended up. Mr. Johanson said the developer now has more balconies planned for the project but still had to pay some in-lieu fees.

#### D. Summer Schedule

Mr. Johanson suggested that no more than one meeting per month will be needed during the summer months, probably the fourth Tuesday of the month.

**Director's Report** – None

#### **Adjournment**

Motion to adjourn was made by Commissioner Clingan. Second was by Commissioner Shull and the motion carried unanimously.

Chair Simpson-Clark adjourned the meeting at 8:23 p.m.

Approved

/s/ Robert Simpson-Clark, chair  
Planning Commission

/s/ Scott Greenberg, director  
Community Development Department