



PLANNING COMMISSION AGENDA
August 28, 2013, 7:00 p.m.
Multipurpose Room/Council Chamber
Burien City Hall, 400 SW 152nd Street
Burien, Washington 98166

**This meeting can be watched live on Burien Cable Channel 21 or
streaming live and archived video on www.burienmedia.org**

1. ROLL CALL

2. AGENDA CONFIRMATION

3. PUBLIC COMMENT Public comment will be accepted on topics not scheduled for a public hearing.

4. APPROVAL OF MINUTES August 14, 2013

5. OLD BUSINESS

- a. Discussion and Recommendation - Zoning Code Amendments-
Downtown Commercial Zone Multi-Family Recreation Space
Requirements

**6. PLANNING COMMISSION
COMMUNICATIONS**

7. DIRECTOR'S REPORT

8. ADJOURNMENT

Future Agendas September 11, 2013
(Tentative)

- Proposed Zoning Code Amendments

Greg Duff
Brooks Stanfield

Planning Commissioners
Jim Clingan (Chair)
Ray Helms
Nancy Tosta (Vice Chair)

Joey Martinez
Butch Henderson

City of Burien

BURIEN PLANNING COMMISSION
August 14, 2013
7:00 p.m.
Multipurpose Room/Council Chambers
MINUTES

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

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

CALL TO ORDER

Chair Jim Clingan called the August 14, 2013, meeting of the Burien Planning Commission to order at 7 p.m.

ROLL CALL

Present: Jim Clingan, Ray Helms, Butch Henderson, Joey Martinez and Nancy Tosta

Absent: Greg Duff and Brooks Stanfield

Administrative staff present: David Johanson, senior planner; Chip Davis, Community Development director

AGENDA CONFIRMATION

Direction/Action

Motion was made by Commissioner Tosta, seconded by Commissioner Martinez, to approve the agenda for the August 14, 2013, meeting. Motion passed 5-0.

PUBLIC COMMENT

None.

APPROVAL OF MINUTES

Direction/Action

Motion was made by Commissioner Tosta, seconded by Commissioner Martinez, and passed 5-0 to approve the minutes of the July 24, 2013, meeting.

PUBLIC HEARING

Zoning Code Amendments – Downtown Commercial Zone Multi-Family Recreation Space Requirements

Chair Clingan opened the hearing at 7:03 p.m. David Johanson gave a brief introduction on the proposed zoning code amendments and illustrated with portions of the zoning and comprehensive plan maps the areas that would be affected by the proposed changes.

The following people spoke against the proposed changes:

Chestine Edgar, 1811 SW 152nd St.

Linda Plein, 1600 SW 156th St.

Tanya Engeset, 1449 SW 152nd St.

Chuck Rangel, 15226 9th Ave SW

Robbie Howell, 15240 20th Ave SW

The following people spoke in favor of the proposed changes:

Kerry Nicholson, 2122 Alki Ave SW, #250, Seattle, representing Legacy Partners

Andrea Reay, 18427 2nd Ave S.

Maggie Larrick, 15007 24th Ave SW

Mr. Nicholson encouraged the commissioners to visit a Legacy project in West Seattle, Youngstown Flats, at 26th Avenue Southwest and Southwest Dakota. In response to a question by Commissioner Henderson, he noted that the size of the Burien units would be in the mid-700 sq. ft. on average, and the rents would be approximately \$1.85 per square foot.

In response to an earlier request by Commissioner Tosta, Mr. Johanson presented a summary of what five other cities have in their zoning codes regarding multi-family recreation space.

The commissioners asked for visual aids to help them and the public understand what's being proposed.

The commissioners decided they would like to work toward a compromise between what's currently required and what is being proposed while retaining the community's vision and value for downtown Burien.

Chair Clingan closed the hearing at 8:29 p.m.

NEW BUSINESS

None.

OLD BUSINESS

a. Discussion and possible recommendation – Zoning Code Amendments – Downtown Commercial Zone Mutli-family Recreation Space Requirements

Staff agreed to present several options to the commissioners at their next meeting for discussion and possible recommendation.

PLANNING COMMISSION COMMUNICATIONS

Commissioner Tosta said she will not be at the August 28th Planning Commission meeting. She also said she would like to drop the idea of asking local vendors for items for a gift basket to take to the Washington Chapter American Planning Association conference in October.

DIRECTOR'S REPORT

Chip Davis informed the commissioners about a free training opportunity for them; an overview of the Open Public Meetings Act will be presented on Tuesday, Oct. 1, 7-9 p.m., at the Normandy Park City Council chamber. The details will be provided to the commissioners.

ADJOURNMENT

Direction/Action

Commissioner Martinez moved for adjournment. Motion carried 5-0. The meeting was adjourned at 8:34 p.m.

APPROVED: _____

Jim Clingan, chair
Planning Commission

**CITY OF BURIEN, WASHINGTON
MEMORANDUM**

DATE: August 16, 2013

TO: Burien Planning Commission

FROM: David Johanson, AICP, Senior Planner

SUBJECT: Recommendation regarding Downtown Commercial zone multi-family recreation space zoning code amendments

PURPOSE

The purpose of this agenda item is for the Planning Commission to discuss and make a recommendation to City Council on proposed amendments to Burien Municipal Code section 19.17.010 regarding multi-family recreation space in the Downtown Commercial zone.

Two versions of the draft of the proposed zoning code amendments are attached. Attachment 1 is the strikeout/underline version and also includes staff comments. Attachment 2 is a clean version of the proposed zoning code changes and has been included to aid in your deliberations.

BACKGROUND

The proposed changes were presented to the Planning Commission on July 24, 2013 and on August 14, 2013 a public hearing was conducted. The staff memo provided for those meetings contains essential background information and addresses the relevant zoning code amendment criteria that must be addressed when considering an amendment to the zoning code. The analysis section begins on page 6 (see Attachment 3).

DISCUSSION

The Commission should continue the discussion of the proposed zoning code changes followed by a recommendation to the City Council. At your August 14th meeting there was interest in drafting an alternative that adjusts both the size of the private recreation space (decks) and the proportion of units that are required to have decks. Staff has included a number of options for the Planning Commission to consider in the proposed zoning code changes as set forth in attachments 1 and 2. The attached zoning code amendments include proposed adjustments that:

- 1) Increase the amount of units that must provide “full size” private recreation space, this is an increase of 10%. The original proposal required 30% and the new option requires 40% of the units to provide “full size” private recreation space.

- 2) Slightly decrease the amount of units that must provide alternative recreation space. In the original draft, a majority (51%) of the remaining units were required to provide “alternative” private recreation space. The amended proposal requires that at least 33% of the remaining units provide private recreation spaces at a size less than the “full” standard. This amendment is being proposed to somewhat offset the increase in the amount of units that must provide “full size” private recreation space. This change also

retains a similar amount of the total units that must provide some private recreation space (approximately 60%).

3) Increase the minimum size of the private recreation space from 24 to 32 square feet.

These options have been included in the proposed draft zoning code (see Attachment 1).

You will also find a summary of the common and private recreation space requirements that were verbally provided at your last meeting (Attachment 4). Please be reminded that this was a very high level comparison for the sole purpose to have some reference point on what other jurisdictions are requiring for private and common recreation spaces in zones similar to our Downtown Commercial zone.

RECOMMENDED MOTION

The following suggested motion may be used, however if one or more of the options are modified the motion may need to be amended:

I move the Planning Commission recommend to the City Council approval of the zoning code amendments as presented in attachment 1 and supported by the analysis contained in the staff memo presented here as attachment 3.

Attachments:

1. Proposed Zoning Code Amendments (BMC 19.17.010) – strikeout/underline version
2. Proposed Zoning Code Amendments (BMC 19.17.010) – clean version
3. Staff Memo to Planning Commission dated July 15, 2013
4. Private and Common Recreation Space Comparison

19.17.010 Multi-Family Recreation Space

1. New developments of 4 *multiple family dwelling units* or more shall provide a minimum of 200 square feet of required common recreation space per *dwelling unit*. The required common recreation space shall be in one or more areas on site that are available and accessible to all residents of the development.

A. Not more than 50% of the required common recreation space shall be indoors. Such areas must be located, designed and improved in a manner that provides recreational opportunities functionally equivalent to those recreational opportunities available outdoors.

B. At least 50% of the required common recreation space shall be designed and improved as play space for preadolescent children--environments that are designed to support and suggest activities that are an essential part of a child's learning and development (social, emotional, cognitive, and physical). Unless otherwise approved by the *Director*, required play space for children shall be accessible from all *dwelling units* by pedestrian paths separate from vehicular areas. The requirement for play space for children shall not apply to developments devoted exclusively to senior citizens.

C. An area designated as required common outdoor recreation space shall:

- i. Have a minimum size of 800 square feet and minimum width and depth of 25 feet.
- ii. Not be located in the following *critical areas* or their *buffers: wetlands, streams, and flood hazard areas*.
- iii. Be of a grade and surface suitable for recreation.
- iv. Be centrally located and accessible and convenient to all residents within the development.
- v. Be connected by path, walkway or separated walkway across a parking area to any adjacent existing or planned public park, open space or trail system.
- vi. Not be used for driveways, parking or other vehicular use. Adequate *fence* and/or plant screening, as approved by the *Director*, shall be provided to separate outdoor recreation areas from vehicular areas.
- vii. Not be located in the required front *setback* or in an *interior setback* abutting a *single-detached dwelling unit* or *single family residential zone*.

2. All new developments shall provide a minimum of 80 square feet of outdoor *private* recreation space if provided as a *patio* and 60 square feet of outdoor *private* recreation space if provided as a *deck* or *balcony*, for each *multiple family dwelling unit*.

A. An area designated as required private outdoor recreation space shall:

- i. Have a minimum width and depth of 8 feet for patios and 6 feet for decks or balconies.
- ii. Not be located in the following critical areas or their buffers: wetlands, streams, or flood hazard areas.
- iii. Be of a grade and surface suitable for recreation.
- iv. Be adjacent to and directly accessible from the corresponding dwelling unit.
- v. Not be used for driveways, parking or other vehicular use. Adequate fence and/or plant screening, as approved by the Director, shall be provided to separate outdoor recreation areas from vehicular areas.
- vi. Not be located in the required front setback or in an interior setback abutting a single-detached dwelling unit or RS zone. [Ord. 437 § 12, 2005, Ord. 273 § 1, 1999]

B. Private and common recreation space in the downtown commercial (DC) zone.

i. **Common Recreation Space:** In the downtown commercial zone the total amount of required ~~private and~~ common recreation space shall be provided at a rate of 10 percent of the total area devoted to residential use. ~~per dwelling unit shall be no less than~~ The amount of common recreation space required is calculated by multiplying the gross floor area devoted to residential use, excluding areas devoted to private residential and common recreation space, by 10 percent. At least 10 percent of the required common recreation space shall be provided as indoor space including but not limited to exercise, recreation, meeting and hospitality facilities. ~~260 square feet.~~

iii. 1) Design of common recreation space is subject to the minimum standards set forth in BMC Chapter 19.17.010.1 and/or the design standards set forth in BMC chapter 19.47. The Director may modify the required amount of recreation space as specified in BMC 19.17.010.1.B (play space for preadolescent children), if appropriately sized facilities are provided for the targeted housing market segment, as determined through the development review process. [Ord. 437 § 12, 2005, Ord. 273 § 1, 1999]

ii. **Private Recreation Space:** Private recreation space shall be provided as follows.

4) The total recreation space shall be provided on site unless otherwise approved subject to BMC 19.17.010.4.

Comment [d1]: The primary objective is to reduce barriers to development in the downtown zone. The percentage can equate to range of 130 square feet to 100 square feet per unit. Typically less space will be required for a larger sized building. Using a percentage is more equitable when applying the standard to buildings of vastly different scales and is more accommodating to variations in unit size.

21) A minimum of 50/40% of the total number of dwelling units shall have individual private recreation spaces (decks, balconies or patios) meeting the minimum dimensional standards of 19.17.010.2.B.iii.3. If the calculation results in a fraction the number shall be rounded to the nearest integer. No more than 30 percent of the required private recreation spaces may be in the form of patios. For those units that do not provide private recreation space the private recreation space area (decks, balconies or patios) shall be included in the total required amount of common outdoor recreation space.

Comment [d2]: Reducing the percentage further reduces development barriers, however note that this applies to full size rec. spaces, there are other provisions that require other private recreation space, just not at "full" size.

Comment [d3]: Ensures that full size decks are included in the project. This requirement is for building design and other related purposes.

Planning Commission OPTION 1 – Increase the minimum number of units that must provide "full size" private recreation space from 30% to 40%.

2) A 33% of the units that do not provide private recreation space as prescribed above shall provide alternative private recreation space. For the purposes of this section alternative private recreation space includes: Juliette balconies, decks, balconies or patios that are less than the minimum dimensional standards.

Comment [d4]: This requirement works in conjunction with, and complimentary to the standard above. In essence, it requires more private spaces, albeit less in overall size per space. The adjustment is to reduce costs of larger decks yet provide more of them to achieve the desired public benefit of private space, openings to the outdoors, building design and eyes on the street.

Comment [d5]: Clarifies/defines what is considered to be "alternative private recreation space".

Planning Commission OPTION 2 – Decrease the amount of units that are required to provide alternative space to offset the increase in "full size" balconies or decks. The total amount of units that will provide private recreation space will be approximately 60% but more private spaces will be provided at a larger size.

ii.3) Dimensions of private recreation space shall be no less than 32 square feet in area with a minimum width or depth of 4 feet are subject to the minimum standards set forth in BMC Chapter 19.17.010.2.

Comment [d6]: Adjusts the dimensions to a contemporary standard and reduces costs. Common recreation space will still be required.

Planning Commission OPTION 3 – Increase the minimum area standard for private recreation space from 24 to 32 square feet.

~~iii. Design of common recreation space is subject to the minimum standards set forth in BMC Chapter 19.17.010.1 and/or the design standards set forth in BMC chapter 19.47. The Director may modify the required amount of recreation space as specified in BMC 19.17.010.1.B (play space for preadolescent children), if appropriately sized facilities are provided for the targeted housing market segment, as determined through the development review process. [Ord. 437 § 12, 2005, Ord. 273 § 1, 1999]~~

~~1) The total recreation space shall be provided on-site unless otherwise approved subject to BMC 19.17.010.4.~~

3. Maintenance of recreation space shall be the responsibility of the owner or other separate entity (such as a homeowners association) capable of long-term maintenance and operation in a manner acceptable to the Director.

~~4. Mixed-use developments in a Downtown-Commercial (DC) zone containing more than 20 dwelling units may be exempted from the requirements of BMC 19.17.010.1 in whole or in part. The Director may accept a fee in lieu of on-site recreation space for no more than 50% of the space required by this code is to be spent on designated park, recreational or open space resources within the DC zones. [Ord. 437 § 12, 2005, Ord. 273 § 1, 1999]~~

~~5. The fee in lieu of recreation space shall be determined within one month from the adoption of this Code and each year thereafter during January by the following methods:~~

~~A. The Director shall divide the acreage of land in public neighborhood and community parks (including only the playground areas for schools) within the City as defined in the Comprehensive Plan, by the number of dwelling units estimated for the City in the preceding year population estimate by the State of Washington Office of Financial Management. This produces a ratio (denoted P) of needed park acres per dwelling unit.~~

~~B. The applicable fee shall be the number of proposed dwelling units times the average land value per acre as determined by the most recent tax statement on the property, times P times 150%. [~~

Comment [d7]: The section was removed to further reduce development barriers and places emphasis on meeting the minimum requirements as set forth above. The approach was to set minimum standards for recreation space that meet the desired objectives and that more in line with current building and market trends. The recreation space objectives will be met through different approaches. In addition, the fee-in-lieu may not have been in alignment with State law and could have been problematic to manage the collection and proper expenditure of funds received. The City has yet to collect the fee since its inception.

19.17.013 Residential Recreation Space

1. Except when fees-in-lieu of commonly owned recreation space are provided pursuant to this section, residential developments shall provide recreation space as follows:

A. Residential subdivision developed at a density of eight units or less per acre – 390 square feet per unit; and

B. Mobile home park – 260 square feet per unit.

2. Any recreation space located outdoors shall:

A. Be of a grade and surface suitable for recreation;

B. Be on the site of the proposed development;

C. Contain at least 5,000 square feet in area; provided, that when more than one recreation space is proposed, only one of the proposed recreation spaces is required to meet the area requirement;

D. Have no dimensions less than 30 feet (except trail segments);

E. In single detached or townhouse subdivision development, have a street roadway or parking area frontage along 10 to 50 percent of the recreation space perimeter (except trail segments);

F. Be centrally located and accessible and convenient to all residents within the development; and

G. Be connected by trail or walkway to any existing or planned community park, public open space or trail system, which may be located on adjoining property.

3. Indoor recreation areas may be credited towards the total recreation space requirement when the city determines that such areas are located, designed and improved in a manner which provides recreational opportunities functionally equivalent to those recreational opportunities available outdoors. [Ord. 269 § 4, 1999; Ord. 252 § 3, 1999; Ord. 28 § 1(374), 1993]

4. All single detached subdivisions shall provide tot/children play areas within the recreation space on-site, except when facilities are available within one-fourth mile that are developed as public parks or playgrounds and are accessible without the crossing of arterial streets.

5. If any play apparatus is provided in the play area, the apparatus shall meet Consumer Product Safety Standards for equipment, soft surfacing and spacing, and shall be located in an area that is:

A. At least 400 square feet in size with no dimension less than 20 feet; and

B. Adjacent to main pedestrian paths or near building entrances. [Ord. 28 § 1(375), 1993]

6. Unless the recreation space is dedicated to the city of Burien pursuant to subsection 7, maintenance of any recreation space retained in private ownership shall be the responsibility of the owner or other separate entity capable of long-term maintenance and operation in a manner acceptable to the city of Burien.

7. The city of Burien may accept dedication of required recreation space as a public park when the following criteria are met:

A. The dedicated area is at least 20 acres in size, except when adjacent to an existing or planned park; and

B. The dedicated land provides one or more of the following:

- i. Shoreline access,
- ii. Regional trail linkages,
- iii. Habitat linkages,
- iv. Recreation facilities, or
- v. Heritage sites. [Ord. 28 § 1(376), 1993]

8. If on-site recreation space is not provided, the applicant shall pay a fee in lieu of actual recreation space. [Ord. 28 § 1(377), 1993]

The city of Burien acceptance of this payment is discretionary and may be permitted if:

- A. The proposed on-site recreation space does not meet the criteria of BMC [19.17.013.2](#); or
- B. The recreation space provided within a park in the vicinity will be of greater benefit to the prospective residents of the development. [Ord. 28 § 1(378), 1993]

9. Fees provided in lieu of on-site recreation space shall be determined annually by the city of Burien on the basis of the typical market value of the recreation space prior to development.

10. Any recreational space provided by the applicant shall be credited towards the land area upon which the required fees are calculated. [Ord. 28 § 1(379), 1993]

11. The fee in lieu of recreation space shall be:

- A. Paid to the city of Burien at the time of:
 - i. Subdivision or short subdivision recording of single detached and townhouse developments, or
 - ii. Prior to issuance of building permits for all other residential or [mixed use](#) development;
- B. Used by the city of Burien for the acquisition and improvement of parks or public recreational facilities to serve the development; and
- C. Expended through council capital budget and program appropriations. [Ord. 545 § 1, 2010, Ord. 28 § 1(380), 1993]

NEW DEFINITION

BMC 19.10.059 **Common recreation space** - Recreation space within a development or building that is accessible to and available for common use by all residents or groups of residents and their invitees. Examples of common recreation space include but are not limited to the following; courtyards, children's play areas, exercise rooms, gardens, lounges, hospitality rooms and media rooms.

19.17.010 Multi-Family Recreation Space

1. New developments of 4 *multiple family dwelling units* or more shall provide a minimum of 200 square feet of required common recreation space per *dwelling unit*. The required common recreation space shall be in one or more areas on site that are available and accessible to all residents of the development.

A. Not more than 50% of the required common recreation space shall be indoors. Such areas must be located, designed and improved in a manner that provides recreational opportunities functionally equivalent to those recreational opportunities available outdoors.

B. At least 50% of the required common recreation space shall be designed and improved as play space for preadolescent children--environments that are designed to support and suggest activities that are an essential part of a child's learning and development (social, emotional, cognitive, and physical). Unless otherwise approved by the *Director*, required play space for children shall be accessible from all *dwelling units* by pedestrian paths separate from vehicular areas. The requirement for play space for children shall not apply to developments devoted exclusively to senior citizens.

C. An area designated as required common outdoor recreation space shall:

- i. Have a minimum size of 800 square feet and minimum width and depth of 25 feet.
- ii. Not be located in the following *critical areas* or their *buffers: wetlands, streams, and flood hazard areas*.
- iii. Be of a grade and surface suitable for recreation.
- iv. Be centrally located and accessible and convenient to all residents within the development.
- v. Be connected by path, walkway or separated walkway across a parking area to any adjacent existing or planned public park, open space or trail system.
- vi. Not be used for driveways, parking or other vehicular use. Adequate *fence* and/or plant screening, as approved by the *Director*, shall be provided to separate outdoor recreation areas from vehicular areas.
- vii. Not be located in the required front *setback* or in an *interior setback* abutting a *single-detached dwelling unit* or *single family residential zone*.

2. All new developments shall provide a minimum of 80 square feet of outdoor *private* recreation space if provided as a *patio* and 60 square feet of outdoor *private* recreation space if provided as a *deck* or *balcony*, for each *multiple family dwelling unit*.

A. An area designated as required private outdoor recreation space shall:

- i. Have a minimum width and depth of 8 feet for patios and 6 feet for decks or balconies.
- ii. Not be located in the following critical areas or their buffers: wetlands, streams, or flood hazard areas.
- iii. Be of a grade and surface suitable for recreation.
- iv. Be adjacent to and directly accessible from the corresponding dwelling unit.
- v. Not be used for driveways, parking or other vehicular use. Adequate fence and/or plant screening, as approved by the Director, shall be provided to separate outdoor recreation areas from vehicular areas.
- vi. Not be located in the required front setback or in an interior setback abutting a single-detached dwelling unit or RS zone. [Ord. 437 § 12, 2005, Ord. 273 § 1, 1999]

B. Private and common recreation space in the downtown commercial (DC) zone.

i. **Common Recreation Space:** In the downtown commercial zone the total amount of required common recreation space shall be provided at a rate of 10 percent of the total area devoted to residential use. The amount of common recreation space required is calculated by multiplying the gross floor area devoted to residential use, excluding areas devoted to private residential and common recreation space, by 10 percent. At least 10 percent of the required common recreation space shall be provided as indoor space including but not limited to exercise, recreation, meeting and hospitality facilities. .

1) Design of common recreation space is subject to the minimum standards set forth in BMC Chapter 19.17.010.1 and/or the design standards set forth in BMC chapter 19.47. The Director may modify the required amount of recreation space as specified in BMC 19.17.010.1.B (play space for preadolescent children), if appropriately sized facilities are provided for the targeted housing market segment, as determined through the development review process. [Ord. 437 § 12, 2005, Ord. 273 § 1, 1999]

ii. **Private Recreation Space:** Private recreation space shall be provided as follows.

1) A minimum of **40%** of the total number of dwelling units shall have individual private recreation spaces (decks, balconies or patios) meeting the minimum dimensional standards of 19.17.010.2.B.ii.3. If the calculation results in a fraction the number shall be rounded to the nearest integer. No more than 30 percent of the required private recreation spaces may be in the form of patios.

Planning Commission OPTION 1 – Increase the minimum number of units that must provide “full size” private recreation space from 30% to 40%.

2) A 33% of the units that do not provide private recreation space as prescribed above shall provide alternative private recreation space. For the purposes of this section alternative, private recreation space includes; Juliette balconies, decks, balconies or patios that are less than the minimum dimensional standards.

Planning Commission OPTION 2 – Decrease the amount of units that are required to provide alternative space to offset the increase in “full size” balconies or decks. The total amount of units that will provide private recreation space will be approximately 60% but more private spaces will be provided at a larger size.

3) Dimensions of private recreation space shall be no less than 32 square feet in area with a minimum width or depth of 4 feet.

Planning Commission OPTION 3 – Increase the minimum area standard for private recreation space from 24 to 32 square feet.

3. Maintenance of recreation space shall be the responsibility of the owner or other separate entity (such as a homeowners association) capable of long-term maintenance and operation in a manner acceptable to the Director.

19.17.013 Residential Recreation Space

1. Except when fees-in-lieu of commonly owned recreation space are provided pursuant to this section, residential developments shall provide recreation space as follows:

A. Residential subdivision developed at a density of eight units or less per acre – 390 square feet per unit; and

B. Mobile home park – 260 square feet per unit.

2. Any recreation space located outdoors shall:

A. Be of a grade and surface suitable for recreation;

B. Be on the site of the proposed development;

C. Contain at least 5,000 square feet in area; provided, that when more than one recreation space is proposed, only one of the proposed recreation spaces is required to meet the area requirement;

D. Have no dimensions less than 30 feet (except trail segments);

E. In single detached or townhouse subdivision development, have a street roadway or parking area frontage along 10 to 50 percent of the recreation space perimeter (except trail segments);

F. Be centrally located and accessible and convenient to all residents within the development; and

G. Be connected by trail or walkway to any existing or planned community park, public open space or trail system, which may be located on adjoining property.

3. Indoor recreation areas may be credited towards the total recreation space requirement when the city determines that such areas are located, designed and improved in a manner which provides recreational opportunities functionally equivalent to those recreational opportunities available outdoors. [Ord. 269 § 4, 1999; Ord. 252 § 3, 1999; Ord. 28 § 1(374), 1993]

4. All single detached subdivisions shall provide tot/children play areas within the recreation space on-site, except when facilities are available within one-fourth mile that are developed as public parks or playgrounds and are accessible without the crossing of arterial streets.

5. If any play apparatus is provided in the play area, the apparatus shall meet Consumer Product Safety Standards for equipment, soft surfacing and spacing, and shall be located in an area that is:

A. At least 400 square feet in size with no dimension less than 20 feet; and

B. Adjacent to main pedestrian paths or near building entrances. [Ord. 28 § 1(375), 1993]

6. Unless the recreation space is dedicated to the city of Burien pursuant to subsection 7, maintenance of any recreation space retained in private ownership shall be the responsibility of the owner or other separate entity capable of long-term maintenance and operation in a manner acceptable to the city of Burien.

7. The city of Burien may accept dedication of required recreation space as a public park when the following criteria are met:

A. The dedicated area is at least 20 acres in size, except when adjacent to an existing or planned park; and

B. The dedicated land provides one or more of the following:

- i. Shoreline access,
- ii. Regional trail linkages,
- iii. Habitat linkages,
- iv. Recreation facilities, or
- v. Heritage sites. [Ord. 28 § 1(376), 1993]

8. If on-site recreation space is not provided, the applicant shall pay a fee in lieu of actual recreation space. [Ord. 28 § 1(377), 1993]

The city of Burien acceptance of this payment is discretionary and may be permitted if:

- A. The proposed on-site recreation space does not meet the criteria of BMC [19.17.013.2](#); or
- B. The recreation space provided within a park in the vicinity will be of greater benefit to the prospective residents of the development. [Ord. 28 § 1(378), 1993]

9. Fees provided in lieu of on-site recreation space shall be determined annually by the city of Burien on the basis of the typical market value of the recreation space prior to development.

10. Any recreational space provided by the applicant shall be credited towards the land area upon which the required fees are calculated. [Ord. 28 § 1(379), 1993]

11. The fee in lieu of recreation space shall be:

- A. Paid to the city of Burien at the time of:
 - i. Subdivision or short subdivision recording of single detached and townhouse developments, or
 - ii. Prior to issuance of building permits for all other residential or [mixed use](#) development;
- B. Used by the city of Burien for the acquisition and improvement of parks or public recreational facilities to serve the development; and
- C. Expended through council capital budget and program appropriations. [Ord. 545 § 1, 2010, Ord. 28 § 1(380), 1993]

NEW DEFINITION

BMC 19.10.059 **Common recreation space** - Recreation space within a development or building that is accessible to and available for common use by all residents or groups of residents and their invitees. Examples of common recreation space include but are not limited to the following; courtyards, children's play areas, exercise rooms, gardens, lounges, hospitality rooms and media rooms.

**CITY OF BURIEN, WASHINGTON
MEMORANDUM**

DATE: July 15, 2013

TO: Planning Commission

FROM: David Johanson, AICP, Senior Planner

SUBJECT: Introduction and discussion pertaining to Downtown Commercial zone multi-family recreation space zoning code amendments (BMC 19.17.010).

PURPOSE

The purpose of this agenda item is to present zoning code changes to BMC section 19.17.010 regarding multi-family recreation space in the Downtown Commercial zone.

Issue: The City has continually heard that our regulations regarding multi-family recreation space are not comparable with other jurisdictions and that the requirements are negatively affecting financial viability of constructing a building. Currently the City requires developments to provide a specific amount of private and common recreation space for each unit as well as comply with standards for the minimum dimensions of private recreation space (decks or patios). The proposed zoning code amendments will effectively reduce the amount of recreation space that is required primarily by reducing the minimum dimensions for private recreation space. To partially offset the reduction in the recreation space required the proposed amendments require that “alternate” private recreation space be incorporated into the design.

Since the last amendment to this section of the zoning code (in 2005), there have been significant adjustments in the financial markets that play a large role in determining what projects are built and where. The City has recently completed a report (Transit Corridor Redevelopment Gap Analysis) that explores the financial feasibility for three transportation/housing corridors that provides insight and clarity to the status of the housing market. While the study focused on three corridors the market trends can be also applied to other multi-family and mixed use zones. The City is continuing its commitment to facilitating new developments in Town Square and throughout the downtown core. The proposed adjustments to the Downtown Commercial zone reinforce these commitments and increase our competitiveness in potentially attracting new development.

BACKGROUND

The original recreation space requirements were adopted in 1999. In December 2005 Ordinance 437 was adopted and amended a portion of the recreation space requirements. Those changes reduced the standards in response from a request from the developer of phase 1 of the Town Square project.

The existing zoning code (BMC 19.17.010) requires that 260 total square feet be provided for each unit in the form of two (2) types of recreation space in the Downtown Commercial zone. The first type is “Common recreation space” and shall be available to all tenants. The second type is “Private recreation space” and must be a minimum of 80 square feet for patios and 60 square feet for decks. The zoning code changes adopted in 2005 reduced the minimum size of balconies down from 80 square feet to a minimum size of 60 square feet. Private recreation space is currently required for only 50 percent of the units as opposed to all units as was required prior to 2005. The total amount of private and common recreation space (260 sq. ft.) is still required to be provided on site. If a deck or patio is not provided, the square feet would be added to the common areas. The applicant may choose, and the City must agree, to pay a fee-in-lieu if the space is not provided on site. The director can accept a fee for no more than 50 percent of the required recreation space.

Generally, developers are resistant to providing private recreations space because they feel that this building feature is not appropriate for the following reasons:

- 1) Costs involved with building private decks and patios.
- 2) Decks tend to collect junk and are a management challenge.
- 3) If not designed appropriately can cause weathering issues.
- 4) Market may not support the additional costs associated with construction of private decks. The sales and rental amounts currently do not equate to the added value of a private deck.

The following list includes reasons to provide decks in multiple-family developments:

- 1) Private outdoor space for each unit is a desirable private amenity.
- 2) Supports the desirable idea of having high quality units.
- 3) Allows for “eyes on the street” to increase public safety.
- 4) Minimum size standards (60 and 80 square feet) for private space are to allow for meaningful use of space, for furniture (patios, tables etc.)
- 5) Decks contribute to building modulation and the overall design and appearance by adding visual interest to the building design.

DISCUSSION

To assist in the discussion an examination of the existing Comprehensive Plan policy associated with recreation space is appropriate. The Comprehensive Plan is the most appropriate tool to assist in the discussion. The following are excerpts from the plan that discuss the issue of recreation space in the downtown.

Pol. RE 1.7 The *Low and High Density Multifamily Neighborhood* designations should provide for the location of stable and attractive multifamily development near transit, employment, shopping and recreation facilities.

Compatibility between these uses and adjacent single family development is provided through the City’s design guidelines. Recreation facilities, including a park or open space, is required as an integral part of any multifamily development. Public facilities, especially pedestrian access to activity centers, are a requirement for development. In addition, adequate services and facilities

(such as sewer, water and roadway capacity) must be provided concurrent with development before the upper density limit is reached. Developments within these designations include existing multi-family dwellings at an average of 8 to 48 units per acre.

- Pol. NQ 1.8 Multifamily housing shall be designed to high quality standards so that it contributes to the neighborhood character and is compatible with adjacent single family developments through:
- a. Site planning focused on neighborhood design integration;
 - b. Building design architecturally linked with the surrounding neighborhood and style;
 - c. Streetscapes with trees and landscaping that encourage pedestrian use and safe transition to private spaces, and that reduces the visual effects of large paved areas;
 - d. **On-site recreational space and facilities; and**
 - e. Creative project design that provides a diversity of housing types within adopted design criteria, standards and guidelines. (page 2-54)

Comment: On-site recreational space is specifically listed as a desired component of “high quality” multi-family housing.

DESIGN in 2020

Strong design guidelines adopted 20 years ago have assured that as development occurs it is in keeping with the overall vision for the downtown. All of the streets are fully landscaped, lighted and pedestrian-friendly. Landscaping is evident throughout the area, from boulevard medians and street trees to rooftop gardens **and balconies**. Pedestrian and bike corridors link all areas of the downtown and the downtown to the rest of the community. (page 2-47)

Comment: Note the specific reference to balconies. While it is not specific as to the form a “balcony” should take, whether it is private or common, the policy is clear that “balconies” are a desired feature of buildings in the downtown.

- Pol. HS 1.3 The City should encourage multi-family residential uses in appropriate commercial land use districts, subject to development standards and design guidelines.

Discussion: Mixed-use development provides a residential lifestyle that many people find desirable. Residents can minimize transportation costs and travel time by residing in commercial areas close to employment, shopping, and leisure activities. Mixed-use development also provides businesses with consumers in the immediate vicinity. **Mixed use can increase the perception of safety in commercial areas by providing “eyes on the street” at all times of the day.** Allowing some of the new residential growth to locate in commercial areas will also help to protect the character of existing single family neighborhoods. (page 2-64)

Comment: Note the specific reference to “eyes on the street.” This can be achieved either by private space or common areas. Logic would tend to lean toward developments providing private space because private recreation space is most likely to be easily and most readily accessible to each unit. There are, however, other design options that can achieve the same effect and would allow a resident to open doors or windows and look down to the street.

- Pol. PRO 2.4 In conjunction with the approval of any higher density development project involving more than 20 new dwelling units, the City shall require the on-site (or nearby off-site) development of recreation facilities or appropriate and usable park land. (page 2-99)

Comment: This is the specific policy statement that states recreation space is important; however, it also supports the notion that it is acceptable to provide recreation space nearby. This policy is implemented in the Zoning Code and allows for flexibility in how recreation space may be provided.

Goal PRO.2 *Ensure that new park and recreational services to support growth are provided concurrent with new development.* (page 2-102)

Goal PRO.5 *Cooperate with other jurisdictions, public agencies, and the private sector to provide park, open space and recreation facilities.*

Pol. PRO 5.1 The City should develop partnerships with other public agencies and the private sector to meet the demand for cultural and recreational facilities in the City.

Pol. LU 1.11 The City of Burien designates downtown Burien and its surrounding residential and employment areas as an urban center in accordance with the King County Countywide Planning Policies. The boundaries of the urban center are shown on Figure 2-LU1.11

Discussion: The Countywide Planning Policies support development of Urban Centers **to meet the region's needs for housing**, jobs services, culture and recreation. An Urban Center is characterized by defined boundaries; a broad array of daytime and nighttime land uses that are transit-supportive; pedestrian emphasis, superior urban design, limitations on single-occupancy vehicles, public open space and recreational opportunities. The Burien Urban Center has these characteristics. The Urban Center designation recognizes existing city policy supportive of compact mixed-use development. The designation will assist the city to obtain funding for transportation improvements necessary to support the planned level of redevelopment.

While the Comprehensive Plan does discuss the issues in general terms, the following factors and related information were considered.

- 1) Requiring the construction of decks adds cost to a project thereby possibly affecting unit affordability. In addition, the market may not support the additional costs associated with construction of private decks. Conversely, a deck could add to the desirability of a unit, which could increase the value.
- 2) Decks contribute to building modulation and the overall design and appearance by adding visual interest to the building design. They also provide “eyes on the street” to increase public safety.
- 3) Decks may tend to be supplemental storage and can detract from the appearance of a building and result in property management issues.
- 4) Is private outdoor space for each unit a desirable feature contributing to the overall health, safety and welfare to the Downtown Burien neighborhood? If so, what is the appropriate percentage of units in a development that should provide private recreation space?

- 5) Reducing the standards to some degree was a recommendation of the multi-family corridor grant report. Reducing costs of the project while also maximizing use of the available building envelope makes projects more financially feasible.
- 6) The general issue of providing recreation space was raised in the impediments to development focus groups.
- 7) The city and the region are growing and with growth there is an increasing demand for housing. The City should stay the course of encouraging growth into the downtown and use our available zoning tools to facilitate that growth in locations where it is planned to occur.
- 8) We want housing in our downtown town/urban center. Housing equates to people living and possibly working downtown, which in turn contribute to community vibrancy and economic support of local businesses. The City is in the process of crafting a unique living experience with many desirable urban amenities.

RECOMMENDATION

Staff is recommending a simplified and less burdensome set of requirements for private and common recreation space that are more in alignment with current markets and support building design objectives.

Proposed Code Amendment Summary

The proposed amount of common area recreation space required is calculated as a percentage of the total square footage devoted to residential uses. Private recreation space is required for a percentage of the number of units in the development. A minimum amount of units must meet minimum dimensional private space requirements and other units may provide private space using an alternate size.

Common Recreation Space: Common recreation space is required to be provided at a rate of 10 percent of the area devoted to residential use. This percentage was derived by comparing multiple building design scenarios that have been explored for downtown. A minimum of 10 percent of the common space shall be provided indoors; it could be in the form of exercise, media or hospitality rooms. The percentage-based system does not overbuild common residential recreation facilities. Once a certain recreation space threshold is reached there can be a significant diminishing return on the investment by providing more onsite recreational space than is needed. In other words, only so many residents will use an exercise room or common recreation room of a given size. Staff has confirmed with an architect that the percentage system is applicable to, and will scale down to, smaller-sized projects.

Private Recreation Space: The minimum area of private recreation space has been reduced down from 80 square feet for patios and 60 square feet for decks to 24 square feet for either a patio or a deck. Private recreation space below the minimum dimensional standard of 4 feet wide and 24 square feet in area may be provided through the use of “Juliette” balconies or other smaller balcony designs. Alternative designs such as these provide the desirable features of traditional

decks (see above) but are more affordable to build. The City has heard from multiple developers that the trend for providing recreation space for the residents has been moving toward providing common recreation space where more people can gather and be social. An example would be cabanas or community BBQ areas.

Private recreation space is still required and must be provided. The first 30 percent must provide “full size” private recreation space and a majority (51 percent) of the remaining units shall provide private recreation space but the size of the space is more flexible and can be provided at a size less than the stated minimum standard.

Fee-in-lieu: The proposed code amendments eliminate the option for a developer to pay a fee-in-lieu of providing on-site recreation space. This fee is problematic in that it can be very challenging and risky for a city to implement the fee consistent with state law. There are specific requirements that must be met. Most important is the “nexus” issue that requires the fees to be used in such a manner so that they directly mitigate a specific impact, in this case the developer providing recreation space. The City does not currently have detailed parks and recreation amenities proposed for the downtown commercial area that could be considered a strong connection. The Puget Sound Regional Council (PSRC) also recommends eliminating development fees whenever possible to encourage redevelopment, especially in urban centers where growth is most desirable. It may not be possible to eliminate all fees; however, given the current set of circumstances, it is appropriate to eliminate this fee at this time.

ANALYSIS:

Consideration and approval of Zoning Code amendments is addressed in BMC 19.65.100 and BMC 19.65.080 (Type 4 Decisions). The following analyzes compliance with applicable portions of these code sections.

1. **BMC 19.65.080(2) State Environmental Policy Act (SEPA):** Procedural amendments are categorically exempt from SEPA under WAC 197-11-800 (19). Since the proposed amendments also contain nonprocedural elements, the City completed a SEPA Environmental Checklist and issued a Determination of Non-Significance on July 18, 2013.
2. **BMC 19.65.080.3.a and 19.65.080.4 Public Hearing:** This section requires a public hearing prior to the Planning Commission recommending the amendments to the City Council. A public hearing will be held on August 14, 2013. Notice of the hearing was distributed 14 days in advance of the hearing to the City’s Planning Commission interest list, Zoning Code amendment interest list, published in the Seattle Times and posted on the City’s website and in City Hall.
3. **BMC 19.65.080.3.b and 19.65.100.4 Decision Criteria:** The Planning Commission must use following criteria in making a recommendation to the City Council:
 - A. *The amendment is consistent with the Comprehensive Plan.*

Analysis: The proposed Zoning Code amendments relate to encouraging redevelopment in Burien’s urban center. This is supported by the following Comprehensive Plan policies:

Pol. LU 1.4 Encourage a mix of residential, office and commercial uses within Burien's Urban Center to create a vibrant city center that reduces reliance on the automobile and provides a range of housing opportunities.

Pol. BU 1.5 The *Downtown Commercial* designation fosters a vibrant, compact, pedestrian oriented area by allowing high density residential development, office, retail and commercial uses, government activities, and restaurants, entertainment and cultural uses. Mixed use developments are encouraged, including well-designed townhouses and condominiums, providing a convenient living environment and making the downtown a community focal point and center, as well as a lively place in the evening and on weekends. Residential densities are limited only by physical constraints such as height, bulk, parking and infrastructure capacities. Moderate to high rise buildings, pedestrian amenities and facilities that help define downtown Burien's distinctive qualities are encouraged.....

LAND USE in 2020

While 20 years ago there were few residences in the downtown, they now are a significant component in the mix of downtown uses. Among the options available are the upper levels of the three-story buildings along Southwest 152nd Street, immersed in the daily hum of activity, or the higher structures to the north, taking advantage of the spectacular views. Restaurants flourish in the downtown, many with regional reputations.

Pol. HS 1.3 The City should encourage multi-family residential uses in appropriate commercial land use districts, subject to development standards and design guidelines.

Discussion: Mixed-use development provides a residential lifestyle that many people find desirable. Residents can minimize transportation costs and travel time by residing in commercial areas close to employment, shopping, and leisure activities. Mixed-use development also provides businesses with consumers in the immediate vicinity. Mixed use can increase the perception of safety in commercial areas by providing “eyes on the street” at all times of the day. Allowing some of the new residential growth to locate in commercial areas will also help to protect the character of existing single family neighborhoods.

Pol. LU 1.11 The City of Burien designates downtown Burien and its surrounding residential and employment areas as an urban center in accordance with the King County Countywide Planning Policies. The boundaries of the urban center are shown on Figure 2-LU1.11

Discussion: The Countywide Planning Policies support development of Urban Centers to meet the region's needs for housing, jobs services, culture and recreation. An Urban Center is characterized by defined boundaries; a broad array of daytime and nighttime land uses that are transit-supportive; pedestrian emphasis, superior urban design, limitations on single-occupancy vehicles, public open space and recreational opportunities. The Burien Urban Center has these characteristics.

The Urban Center designation recognizes existing city policy supportive of compact mixed-use development. The designation will assist the city to obtain funding for transportation improvements necessary to support the planned level of redevelopment.

Pol. HS 1.16 The City should evaluate its development standards and regulations for effects on housing costs, and, where appropriate, modify development regulations which unnecessarily add to housing costs.

B. The amendment bears a substantial relation to the public health, safety, or welfare.

Analysis: All of the amendments are intended to relate to the public health, safety and welfare by being consistent with the Comprehensive Plan.

It is in the best interest of the community's welfare that the City takes proactive steps to further encourage multi-family development where it is desired. By relaxing a development standard that can reduce potential barriers to re-development it will make the downtown zone more appealing area to develop. This zoning designation has been identified as a desirable location for mixed use and higher density multi-family developments because of the availability to transit services and the symbiotic relationship with local businesses, which are related to public health, safety and welfare.

C. The amendment is in the best interest of the community as a whole.

Analysis: The proposed amendments will reduce barriers associated with developing multi-family residential buildings in the Downtown Commercial zone. The City is continually working to improve the Zoning Code to guide and encourage development in desired locations. Market forces that affect financial viability of projects have experienced a significant shift and the proposed amendments will allow the City to be more competitive when comparing costs to develop multi-family projects. The downtown area and zone is an area that has been selected as the location for a majority of Burien's housing growth into the future. The downtown area was selected because it has very important traits and fulfills the interests of the community in the following ways: It will be pedestrian friendly and walkable. Most parcels are located within one-quarter mile distance from the transit station or bus route. This encourages use of mass transit and reduces parking demand throughout the downtown and region. More residents in the downtown equate to more economic activity for local businesses.

SCHEDULE

August 14 Planning Commission Public Hearing
August 28 Planning Commission Recommendation

September 16 City Council Introduction
September 23 City Council Action

ATTACHMENTS

1. Proposed zoning code amendments

Private and Common Recreation Space Comparison

Please note this is a high level comparison for the sole purpose to have some reference point on what other jurisdictions are requiring for private and common recreation spaces in zones similar to our Downtown Commercial zone.

Redmond

Common Recreation Space - 100 square feet per each unit (Maximum 20% of the total area of the site).

Projects with 21 or more units shall provide at least one on-site amenity such as: a recreation room of 300 or more square feet, furnished with recreational facilities; a swimming pool; or other recreational amenities such as playground equipment. The facilities shall be appropriate for the target housing market segment, as judged through site plan review.

Private Open Space – Patio

Min. width and depth 8 feet.

Min. area 80 square feet.

Balcony¹

Min. width and depth 5 feet.

Min. area 50 square feet.

¹ Balconies may be reduced to 12 square feet in area for up to 50 percent of the units when double doors are provided to the balcony.

Redmond has a fee in lieu option. It is limited to a maximum of 50% of the units shall have private open spaces.

Source: **Redmond Municipal Code, 20C.40.60 Residential Usable Open Space.**

Renton

Common Recreation Space:

All mixed use residential and attached housing developments of ten (10) or more dwelling units shall provide common open space and/or recreation areas.

50 square feet per unit.

Private Recreation Space:

Not mentioned for Center, Downtown or Urban Center zones. It may be a building feature that satisfies a related design standard?

Traditional multi-family zones require 150 square feet per unit.

Source: **Renton Municipal Code, 4-3-100 URBAN DESIGN REGULATIONS:**

Des Moines

Common Recreation Space:

200 square feet per unit, no more than 50% can be located indoors.

Private Open Space:

60 square feet per unit with a minimum width of 6 feet, however, (mixed use buildings are exempt from this standard).

Source: Des Moines Municipal Code, 18.45.020 Minimum area required. And 18.27.030 Environmental performance standards, use restrictions, and general limitations.

Kirkland

Common Recreation Space:

200 square feet per unit may be reduced to 150 square feet.

Private Open Space:

Not mentioned, there may be related design standards?

Source: Kirkland Municipal Code, 115.23 Common Recreational Space Requirements for Certain Residential Uses

Shoreline

Common Recreation Space:

Minimum 170 square feet per three or more bedrooms unit;
Minimum 130 square feet per two bedrooms unit; and
Minimum 100 square feet per studio or one bedroom unit.

Private Open Space:

Exception 20.50.160(A)(2): Private yards, patios, balconies or roof decks may be credited towards the total recreation space requirement, when the City determines that such areas are located, designed and improved in a manner which provides suitable recreational opportunities.

Patios - min. area of 100 square, min. dimension of 10 feet.

Balconies and roof decks - min. area of 50 square, min. dimension of six feet.

Source: Shoreline Municipal Code, 20.50.160 Open space – Standards. And 20.50.240 Site design, G. Multifamily Open Space.

Susan Coles

From: Dan Trimble
Sent: Thursday, August 22, 2013 12:53 PM
To: Susan Coles
Cc: Chip Davis; David Johanson
Subject: Contact Information

Here is the contact information for the developer that spoke at the last Planning Commission meeting:

Kerry L Nicholson
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Thank you,

Dan Trimble
Economic Development Manager









