



# Memorandum

To: Burien City Council Members  
From: Susan McLain and David Johanson, Burien Community Development  
CC: Brian Wilson, Burien City Manager  
Date: January 29, 2020  
Re: Enhanced Services Facilities Zoning Code Amendments

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## **I. Introduction**

There currently are no proposals to permit an Enhanced Services Facility (ESF) in the City of Burien.

Cities are delegated the authority to enact ordinances to regulate the use of land within their jurisdiction. Currently, the Burien Zoning Code does not provide a definition or zoning standards for ESFs. Under the existing code, an ESF proposal could be permitted by applying standards and processes that apply to similar uses. This discussion is intended to proactively identify a specific zoning approach to permit ESF facilities in the future, should a proposal come forward.

## **II. Request for Council Direction**

The objective of Council discussion is to provide direction on a zoning approach to regulating ESFs that would amend the Burien Zoning Code and may include:

- A definition for ESFs
- Zones in which ESFs may locate
- Approval processes for ESF permits
- Any conditions or standards for ESF approval

This memorandum provides information and options for discussion as follows:

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| - Review Types (consistent with the comparison chart) |         |
| - All Zones in Burien                                 |         |
| - Zones and Points of Interest                        |         |
| - Schools, Child Care Centers and Transit Routes      |         |

### III. Background in Burien

In January 2019, Noble Healthcare proposed to locate an ESF in the city of Burien. Noble Healthcare held an open house on their proposal on January 11, 2019. Over 250 community members attended the open house and provided testimony. Many members of the community opposed the Noble Healthcare proposal.

In order to provide more time to “...evaluate and consider the appropriate siting of Enhanced Services Facilities...” the City Council established a moratorium on ESF permits in the City as follows:

- March 4, 2019 Ordinance 704 established a six month moratorium.
- August 27, 2019 Ordinance 713 renewed the moratorium for an additional six months.
- February 27, 2020 the moratorium established by Ordinance 704 and renewed by Ordinance 713 expires, unless renewed again.

#### Planning Commission Meetings and Testimony

The Burien Planning Commission discussed regulation of ESFs at their November 13 and December 11, 2019 and January 8, 2020 public meetings. A public hearing was held at the December 11, 2019 Planning Commission meeting. Commissioners heard from members of the community who held a diversity of opinions, summarized as follows:

- By definition (RCW 70.97.030), residents of ESFs may have a history of behavioral and security issues, and may have failed to successfully reside in other facilities.
- People with behavioral issues should not be located near schools and daycare centers.
- Facility Operators must be qualified and experienced.
- Community members also expressed concerns regarding the distribution of mental health facilities across the county, and noted potential needs of ESF residents, including access to transit.

Additional testimony provided to the Planning Commission provided the following:

- There is a great need for supportive housing to people experiencing mental disorders, brain injuries, chemical dependency recovery, or who need assistance with daily living.
- ESFs can provide supportive housing to people who have existing family and friend connections in the Burien community.
- We should not discriminate against people with mental difficulties by prohibiting ESF uses in the city.
- The State of Washington Department of Social and Health Services provides oversight to ESFs.

#### Planning Commission Recommendation

The Planning Commission voted on January 8, 2020 to recommend regulating ESFs as follows:

- Allow ESF uses in all zones where residential use is allowed.
- Establish a new definition for ESF uses in the Burien Zoning Code: *A facility licensed by the Washington State Department of Social Health Services and as defined by RCW 70.97.010 (11), as now enacted or as amended by the State legislature. RCW 70.97.010(11) defines "Enhanced*

*services facility" to mean a facility that provides treatment and services to persons for whom acute inpatient treatment is not medically necessary and who have been determined by the Department of Social Health Services to be inappropriate for placement in other licensed facilities due to the complex needs that result in behavioral and security issues.*

- Require a written management plan to be provided by the ESF provider.
- Limit the ESF to 16 residents.
- Permit ESF uses through a Type 2 process—a decision by the City’s hearing examiner following an open hearing.

#### **IV. Enhanced Services Facilities in Washington State**

Washington State established funding in the 2013-2015 state operating budget to develop a new category of licensed residential facility. The [Washington State Department of Social and Health Services describes an Enhanced Services Facility](#) as follows:

*The Washington State Legislature authorized DSHS to develop Enhanced Services Facilities (ESFs) under Chapter 70.97 RCW. This new category of licensed residential facility will provide a community placement option for individuals whose complicated personal care and behavioral challenges do not rise to a level that requires an institutional setting. Rather than extended and unnecessary stays in State Hospitals, patients who are no longer responding to active psychiatric treatment and who have been assessed as stable and ready for discharge can be referred to an ESF.*

*ESFs use high staffing ratios, behavioral and environmental interventions to serve individuals who are no longer receiving active treatment at a state psychiatric hospital. These facilities offer behavioral health, personal care services and nursing, a combination that is not generally provided in other licensed long-term care settings.*

RCW 70.97.030 outlines the admission criteria for ESFs: *A person, eighteen years old or older, may be admitted to an enhanced services facility if he or she meets the criteria in subsections (1) through (3) of this section:*

- (1) The person requires: (a) Daily care by or under the supervision of a mental health professional, chemical dependency professional, or nurse; or (b) assistance with three or more activities of daily living; and*
- (2) The person has: (a) A mental disorder, chemical dependency disorder, or both; (b) an organic or traumatic brain injury; or (c) a cognitive impairment that results in symptoms or behaviors requiring supervision and facility services; [and]*
- (3) The person has two or more of the following:*

- (a) *Self-endangering behaviors that are frequent or difficult to manage;*
- (b) *Aggressive, threatening, or assaultive behaviors that create a risk to the health or safety of other residents or staff, or a significant risk to property and these behaviors are frequent or difficult to manage;*
- (c) *Intrusive behaviors that put residents or staff at risk;*
- (d) *Complex medication needs and those needs include psychotropic medications;*
- (e) *A history of or likelihood of unsuccessful placements in either a licensed facility or other state facility or a history of rejected applications for admission to other licensed facilities based on the person's behaviors, history, or security needs;*
- (f) *A history of frequent or protracted mental health hospitalizations;*
- (g) *A history of offenses against a person or felony offenses that created substantial damage to property.*

*State Preemption Applies When Other Uses (e.g., nursing homes, assisted living facilities, or adult family homes) Convert to ESFs*

While the City of Burien has authority to implement zoning and land use regulations, a provision in RCW 70.97.060(4) preempts local authority to regulate ESF uses in the city when other uses identified in the provision convert to an ESF use:

*Nursing homes under chapter [18.51](#) RCW, assisted living facilities under chapter [18.20](#) RCW, or adult family homes under chapter [70.128](#) RCW, that become licensed as facilities under this chapter shall be deemed to meet the applicable state and local rules, regulations, permits, and code requirements. All other facilities are required to meet all applicable state and local rules, regulations, permits, and code requirements.*

*ESF Operation Requirements*

Washington State DSHS is responsible for licensing, contracting and monitoring ESF facilities. According to information from DSHS's webpage, *ESFs use high staffing ratios, with a strong focus on behavioral interventions, to offer effective services to their residents. These facilities offer behavioral health, personal care services and nursing, at a level of intensity that is not generally provided in other licensed long-term care settings.*

*ESF Licensing and Monitoring:*

According to information provided to the Planning Commission by DSHS staff, *Residential Care Services (RCS) conducts pre-licensing inspections in partnership with the Department Of Health Construction Review Services unit, and determines whether to issue an ESF license based on compliance with all initial licensing regulations. RCS conducts unannounced ongoing inspections of ESFs at least every 18 months with the state average interval between facility inspections of 15 months to determine continued compliance.*

*Complaints, facility and public reports, are investigated according to regulatory authority, and are also unannounced. Inspections and investigations may/may not result in citations for failed practice and will require a plan of correction for any failed practice. Enforcement remedies are available when needed depending on scope and severity of the outcomes of the failed practice.*

*After an ESF is licensed, HCS conducts contract monitoring on a monthly basis for the first 12 months, then on a quarterly or as-needed basis afterwards. These monitoring activities are also unannounced visits. ESF Administrators are encouraged to contact RCS or HCS for questions regarding regulatory or contractual requirements.*

### ESF Staffing Requirements

DSHS limits ESFs to 16 clients and maintains certain requirements for ESF facilities and operations. The facilities must maintain at least one staff for every four residents present in the facility. A registered nurse must be available in the facility at least twenty hours per week. A mental health professional must be available to meet the needs of residents. Additionally, each resident is assigned an HCS case manager and may receive mental health care or chemical dependency treatment at private or community-based clinics.

### Four ESFs in Operation Today

Today, four ESFs are licensed and operating in Washington state. According to DSHS information provided to the Planning Commission, *two new ESFs are planning to open in early 2020 and three more with grant funding are in the early stages of development. Additionally, the Department of Commerce is reviewing grant applications for additional ESF development.*

The four ESFs operating today include:

- Clark County / Greater Vancouver: *The Orchard Highlands*, 9505 NE 116<sup>th</sup> Avenue, Vancouver, WA
- Spokane Valley: *Unified Residential Care Systems*, 122 North University Road, Spokane Valley, WA
- Spokane County: *Upriver Place*, 9111 East Upriver Drive, Spokane, WA
- Everett: *Sunrise Services*, 6502 Evergreen Way, Everett, WA

Information about each provider, including results of inspections, can be found at the following web address: <https://fortress.wa.gov/dshs/adsaapps/lookup/ESFLookup.aspx>

**V. Permitting in Other Jurisdictions**

The State of Washington through DSHS is responsible for regulating and monitoring ESF operations, staffing, and facilities management. Local jurisdictions are responsible for permitting all development and land uses, including ESF facilities. This is accomplished through regulations in local zoning codes and other municipal codes and through local permitting processes.

Planners from Burien Community Development contacted staff from the four communities where ESFs have been permitted. In all cases, local jurisdictions used existing land use categories to regulate ESF uses. Following is a summary of how the ESF uses were permitted per local land use laws:

|  | <b>Clark County<br/>(Vancouver)</b>  | <b>Spokane Valley</b>  | <b>Spokane County</b>  | <b>City of Everett</b>   |
|--|--|--|--|--|
| <b>How was the use classified?</b>             | “Residential Care Facility”  | “Community Residential Facility” (greater than 6 and under 25 residents) | This was an 8-bed addition to an existing assisted living facility.                  | “Unlisted use” (Since their permitting decision, Everett has added a new ESF definition) |
| <b>Who is the decision-maker?</b>              | Director decision through a conditional use permit   | Director decision  | Building permit only   | Director decision  |
| <b>Where is the use allowed?</b>               | Depending on the zone; allowed as conditional use in mixed use zones.  | Mixed use and higher intensity residential zones                         | Generally, similar uses are permitted in medium- and high density residential areas. | In the downtown and higher intensity mixed and residential zones                         |
| <b>Public hearing required?</b>                | Yes  | No   | No   | No   |
| <b>Was notification of neighbors required?</b> | Yes— to properties within 500 feet of the proposed ESF   | No   | No   | Yes— to properties within 150 feet of the proposed ESF                                   |
| <b>Were permit conditions evaluated?</b>       | Conditional use evaluated certain criteria in the code. Facilities that house justice offenders require separation from day care centers or schools. | Typical development issues: traffic, noise, design, dust                 | No   | Typical development issues: traffic, noise, design, dust                                 |

**VI. Zoning and Permitting Options for the City of Burien**

The decision before the Burien City Council consists of deciding how the City should regulate Enhanced Services Facilities within the Burien City limits. Below is a decision agenda for Council discussion and deliberation on the topic:

**Issue #1: How should ESFs be defined in the zoning code?**

A Zoning Code definition is necessary in order to reference the defined “use” in different sections of the Code. The Planning Commission recommended the following definition, which is consistent with State law:

*A facility licensed by the Washington State Department of Social Health Services and as defined by RCW 70.97.010 (11) or as amended by the State legislature. RCW 70.97.010(11) defines "Enhanced services facility" to mean a facility that provides treatment and services to persons for whom acute inpatient treatment is not medically necessary and who have been determined by the Department of Social Health Services to be inappropriate for placement in other licensed facilities due to the complex needs that result in behavioral and security issues.*

**Issue #2: In which zones should ESFs be permitted in Burien?**

The following options would allow ESF uses, subject to underlying density limits and zone standards, except that any ESF use in a single family zone would exceed single family zoned densities.

|  |   |  |
|--|---|--|
| <b>Option A</b><br><i>Planning Commission Recommendation</i> | Allow ESFs in all zones where residential uses are allowed through Type 2 Hearing Examiner decision-making process. | Inclusive of office zones (limited residential), mixed use commercial zones, multifamily zones, single family zones. |
| <b>Option B</b>  | Allow ESFs in all zones where—by definition—access to transit and services are planned to exist.                    | Inclusive of office zones, mixed use commercial zones, multifamily zones, but <i>not in single family zones.</i>     |
| <b>Option C</b>  | Allow ESFs only in more intensive zones.  | This would include downtown and office zones, but not lower density commercial and residential zones.                |

**Issue #3: Which permitting process should be required for ESFs?**

Consistent with RCW 36.70B.060, the Burien Zoning Code outlines several different permitting procedures, each requiring varying levels of analysis, input, and decision-making. According to BMC 19.65.015, “[t]he procedures are designed to promote timely and informed public participation, eliminate redundancy in the application, permit review, and appeal processes, minimize delay and expense, and result in development approvals that further City goals and policies as set forth in the Comprehensive Plan.”

Following are the different types of review processes and notification requirements:

|  |   |   |
|--|---|---|
| <i>Administrative Review</i>                   | No public notice is required. The permit is reviewed as part of the building permit.  | Appeal:<br>Hearing Examiner   |
| <i>Type 1 Review Director Decision</i>         | After the notice of application and 21-day public comment period:<br>- Director makes a decision. Director may require a public meeting to provide information to the public.   | Appeal:<br>Hearing Examiner   |
| <i>Type 2 Review Hearing Examiner decision</i> | After the notice of application and 21-day public comment period:<br>- Director makes a recommendation to the Hearing Examiner.<br>- An open hearing is held by the Hearing Examiner, considering written comments by parties of record.<br>- Hearing Examiner issues a decision          | Appeal:<br>City Council   |
| <i>Type 3 Review City Council decision</i>     | After notice of application and 21-day public comment period:<br>- Director makes a recommendation to the Hearing Examiner.<br>- An open hearing is held by the Hearing Examiner.<br>- Hearing Examiner makes a recommendation to City Council.<br>- City Council issues a final decision | Appeal:<br>None<br><br>(All State appeals for all review types heard by the Superior Court) |

*ESF Procedure Options:*

|  |   |
|--|---|
| <b>Option A</b><br><i>Planning Commission Recommendation</i>                           | - Require a Type 2 process in all zones + allow in all zones  |
| <b>Option B</b><br><i>Require more review + public notice in lower intensity zones</i> | Generally, this option would require the following processes, as presented beginning on page 10:<br>- Higher intensity commercial and mixed use zones: <i>Administrative Review</i><br>- Mixed use zones: <i>Type 1 Review</i><br>- Lower intensity zones: <i>Type 2 Review</i> |

**Issue #4: Should other conditions be required as part of a Type 1, 2, or 3 decision-making process?**

The Planning Commission recommended a new section of Code be developed to establish other conditions of any Type 2 application process. The following new section was drafted by staff and reviewed by the Planning Commission. The City Council may have interest in discussing the following draft provisions for a proposed, new section BMC 17.17.310, located within the “Miscellaneous Use” section of the Zoning Code:

*Draft Section BMC 19.17.310—Enhanced Services Facilities.*

1. *A written management plan shall be provided for the review and approval of the planning director. At a minimum, a management plan shall address the following components:*
  - A. *Specify the nature of the Enhanced Services Facilities project and its intended occupants;*
  - B. *Identify the project management or agency to whom support staff are responsible and who will be available to resolve concerns pertaining to the facility;*
  - C. *Specify procedures for updating any changes in contact information;*
  - D. *Identify staffing, supervision and security arrangements appropriate to the facility. A twenty-four-hour on-site manager is required;*
  - E. *Include requirements for updating all contact information to the city when changes occur.*
2. *On-site services shall be for residents of the facility only.*
3. *No more than 16 residents shall be allowed for each facility.*

Additionally, the Council may consider requiring conditions such as:

- Require separation from day care centers or existing schools in certain zones;
- Require separation from other ESFs;
- Allow within 500 feet of transit stop in certain zones;
- Require parking spaces to accommodate the number of vehicles located at the facility or operated on a daily basis in connection with the facility;
- Ensure that vehicle trips generated are consistent with the planned density for the zone in which the use is contemplated;
- Require site design and screening to minimize impacts to surrounding properties.

## VII. Burien Zoning Comparison

Like other cities and counties, the Burien Zoning Code identifies “zones” where different uses are allowed. Through zoning, the Code provides standards for certain aspects of development in order to minimize conflicts between uses and to conform to the planned character and function of different areas of the city.

Zoning for uses per zone may address:

- “Uses” or activities that are allowed in each zone;
- Residential density limits consistent with the purpose of the zone;
- Permit processes intended to address potential impacts of the use and its consistency with the underlying zone and to provide opportunities for public information or commentary; and
- Standards relating to parking and access, building design (height, setbacks, required street-level uses, etc.).

For comparison, the table on the following page is intended to illustrate the variety of approaches in zones that allow residential uses in the city. The table highlights how two particular uses—“Community Residential Facility” and “Senior Citizen Assisted Dwelling”—are regulated by zone. These are defined in the Burien Zoning Code as follows:

*Community Residential Facility:* Living quarters meeting applicable federal and state standards that function as a single housekeeping unit and provide supportive services, including but not limited to counseling, rehabilitee and medical supervision, excluding drug and alcohol detoxification; if staffed by nonresident staff, each 24 staff hours per day equals one full-time residing staff member for subclassifying community residential facilities as follows:

1. Community residential facility-1: Nine to ten residents and staff
2. Community residential facility-2: Eleven or more residents and staff

*Senior Citizen Assisted Dwelling Unit:* A building containing two or more dwelling units restricted to occupancy by senior citizens, and including, but not limited to the following support services, as deemed necessary: 1) Food preparation and dining areas; 2) Group activity areas; 3) Medical supervision; and 4) Similar activities

Note that *adult family homes* are considered a “single detached dwelling unit” with “eight or fewer non-related residents” in the Burien Zoning Code. Such uses receive supportive services such as counseling, foster care, or medical supervision by resident or non-resident staff. This arrangement is a permitted use in all single-family and multi-family residential zones.

*Nursing Homes* provide 24-hour supervised nursing care, personal care, therapy, supervised nutrition, social services, room and board. These uses are allowed through a Type 2 review process in all multi-family residential zones.

The following table outlines zones within the City of Burien that allow residential uses. The column on the far right presents a zoning approach that is consistent with the concept presented to the Planning Commission in January 2020, except that the review type varies by zone. The geographic distribution of the review type by zone is depicted on page 16. The presented approach would allow ESF uses in all zones that allow residential uses. Zoning could also require evaluation of certain conditions to ensure consistency with the purpose of the underlying zone, to minimize traffic or parking impacts, and to ensure public notification and commentary.

**Burien Zoning Comparison Table**

| Zone                            | Zone Purpose   | Typical Residential Density  | Examples of Other Comparable Residential Uses  | Possible Approach to Zoning for ESFs in Burien in BMC 19.15                         |
|---------------------------------|--|--|--|---|
| RS<br>Single Family Residential | The purpose of these zones is to establish areas in which a wide range of single-family housing opportunities can be provided, while preserving the character of the surrounding neighborhood and protecting environmentally sensitive areas. The intent is to provide a variety of attractive, well-designed housing choices that meet the needs of existing and future City residents.   | 1 unit per:<br>-7,000 sf or<br>-12,000<br><br>Limit applies to Senior Citizen Assisted Dwelling ( <i>Type 2 review</i> )   | -Community Residential Facility I ( <i>Type 2 review</i> : up to 10 residents + staff)                       | Type 2 process<br><br>Limit density consistent with underlying zoning               |
| RM<br>Multi-Family Residential  | The purpose of these zones is to establish areas in which a wide range of single-family and multi-family housing opportunities can be provided, which are compatible with adjacent lower density single-family housing and which protect environmentally sensitive areas. The intent is to provide a variety of stable and attractive, well-designed housing choices that are located near transit, employment, shopping and recreational facilities, and meet the needs of existing and future City residents. Redevelopment of existing housing complexes is encouraged. | Apartments Per Acre:<br>-12 units (RM 12)<br>-18 (RM 18)<br>-24 (RM 24)<br>-48 (RM 48)<br><br>Limit applies to Senior Citizen Assisted Dwelling ( <i>Type 2 review</i> ) | - Community Residential Facility ( <i>Type 2 review</i> : 11 or more residents + staff)<br><br>-Nursing Home | Type 2 Process<br><br>Design and density standards consistent with “apartment” uses |

|                                       |  |  |  |  |
|---------------------------------------|--|--|--|--|
| <p>CN<br/>Neighborhood Center</p>     | <p>The purpose of this zone is to establish relatively small areas to provide convenience goods and services to meet the everyday needs of the surrounding residential neighborhoods, while protecting neighborhood character. The intent is to provide for limited retail stores, services, offices and mixed use buildings that serve the immediate neighborhood (as well as other markets or service areas), located in neighborhood focal points which are designed to encourage pedestrian and transit access, be compatible with adjacent residential neighborhoods, and be consistent with road and utility capacity.</p>   | <p>Maximum residential density per acre:<br/><br/>- 12</p>   | <p>Following uses allowed as part of a mixed use project through<br/><i>Type 1 review:</i><br/><br/>- Senior Citizen Assisted Dwelling<br/><br/>- Community Residential Facility</p>                 | <p>Type 2 Process<br/><br/>Allow only as part of a mixed use project that includes retail at the street level<br/><br/>Other design and density standards consistent with Senior Citizen Assisted Dwelling</p> |
| <p>CI<br/>Intersection Commercial</p> | <p>The purpose of this zone is to establish areas (in otherwise residential areas) for low to moderate intensity convenience commercial uses to serve customers travelling to and from their nearby homes. The intent is to provide a diverse mix of uses which serve multiple residential areas, designed to encourage pedestrian and transit access, be compatible with adjacent residential neighborhoods, and be consistent with road and utility capacity.</p>  | <p>Maximum residential density shall not exceed the highest density allowed by zoning on an adjacent residentially zoned lot</p> | <p>Following uses allowed as part of a mixed use project through<br/><i>Type 1 review:</i><br/><br/>- Senior Citizen Assisted Dwelling<br/><br/>- Community Residential Facility</p>                 | <p>Type 1 process<br/><br/>Design and density standards consistent with Senior Citizen Assisted Dwelling</p>   |
| <p>DC<br/>Downtown Commercial</p>     | <p>The purpose of the DC zone is to foster a vibrant, compact, pedestrian oriented area by allowing high density residential development in combination with 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 downtown a community focal point and center, as well as a lively place in the evening and on the weekends. Residential densities re 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.</p> | <p>Unlimited density subject to FAR and height limits.</p>   | <p>Not identified as an allowable use:<br/><br/>- Senior Citizen Assisted Dwelling<br/><br/>- Community Residential Facility<br/><br/>Note: Merrill Gardens was permitted as a mixed-use project</p> | <p>Type 1 process<br/><br/>Allow in a mixed use project that includes retail or other services at the street level.<br/><br/>Density and design standards consistent with “apartment” uses.</p>                |

|  |   |   |   |   |
|--|---|---|---|---|
| <p>PR<br/>Professional Residential</p> | <p>The purpose and intent of this zone is to provide land use flexibility by allowing both single-family homes and small businesses in an area near but not directly under Sea-Tac International Airport's third runway.</p>  | <p>Single detached dwelling units are allowed similar to single family</p>  | <p><i>Type 2 review:</i><br/>- Community Residential Facility 11 or more residents + staff)<br/>- Senior Citizen Assisted Dwelling Unit</p>                   | <p>Type 2 process<br/>Allow within 500 feet of a transit stop.<br/>Other design and density standards consistent with Senior Citizen Assisted Dwelling.</p> |
| <p>CC<br/>Community Commercial</p>     | <p>The purpose of these zones is to establish areas for moderate intensity commercial uses that serve the community. The intent is to provide for a variety of goods and services in areas which are designed to encourage pedestrian and transit access, be compatible with adjacent residential neighborhoods, and be consistent with road and utility capacity.</p>  | <p>Maximum residential density per acre:<br/>- 18 (CC-1)<br/>- 24 (CC-2)<br/>In a mixed use structure</p>                                       | <p>Following uses allowed as part of a mixed use project:<br/>- Senior Citizen Assisted Dwelling<br/>- Community Residential Facility</p>                     | <p>Type 1 process as part of a mixed use project<br/>Other design and density standards consistent with Senior Citizen Assisted Dwelling</p>                |
| <p>CR<br/>Regional Commercial</p>      | <p>The purpose of this zone is to establish areas for commercial uses that serve the community, the region and the travelling public. The intent is to provide for larger scaled commercial uses that are typically land intensive and are not well-suited to being located downtown, which are designed to encourage pedestrian and transit access, be compatible with adjacent residential neighborhoods, and be consistent with road and utility capacity.</p> | <p>Maximum residential density:<br/>- 24<br/>As part of a mixed use structure</p>   | <p>Not identified as an allowable use:<br/>- Senior Citizen Assisted Dwelling<br/>- Community Residential Facility</p>  | <p>Allow as part of a mixed use project<br/>Other design and density standards consistent with "Nursing Home"</p>   |
| <p>O<br/>Office</p>                    | <p>The purpose of this zone is to establish and preserve areas for professional service related offices and mixed-use developments. The intent is to provide areas where low to moderate intensity office development and small scale support services can be concentrated, and where impacts of this use on the surrounding residential neighborhoods can be minimized.</p>  | <p>Maximum residential density:<br/>- 24 As part of a mixed use structure that includes office<br/>- 48 near 160<sup>th</sup> and Sylvester</p> | <p>Following uses allowed as part of a mixed use project that includes office:<br/>- Senior Citizen Assisted Dwelling-<br/>Community Residential Facility</p> | <p>Type 1 process as part of a mixed use project<br/>Other design and density standards consistent with "Nursing Home"</p>                                  |

|   |  |   |   |  |
|---|--|---|---|--|
| <p>SPA-1</p> <p>Special Planning Area</p> | <p>The purpose of this zone is to establish areas for retail, restaurants, commercial, and office uses that serve the community. The intent is to enhance and expand the pedestrian-oriented character of Old Burien, and develop a gateway both to and from the downtown at the intersection of Ambaum Boulevard and SW 152nd Street. The SPA-1 zone is immediately adjacent to the DC Zone</p>   | <p>Maximum residential density:</p> <p>- 24</p> <p>As part of a mixed use structure that includes ground floor retail</p> | <p>Not identified as an allowable use:</p> <ul style="list-style-type: none"> <li>- Senior Citizen Assisted Dwelling</li> <li>- Community Residential Facility</li> </ul> | <p>Type 2 process as part of a mixed use project.</p>                                |
| <p>SPA-2</p> <p>Special Planning Area</p> | <p>The purpose of this zone is to establish and preserve areas for the Ruth Dykeman Children’s Center and the special uses associated with the Center’s activities. The intent is to provide for continued residential, home-based and community-based programs and services to families and children of the community through the activities of the Ruth Dykeman Children’s Center. Due to the unique nature and location of the Ruth Dykeman property, all use and development must be consistent with a City-approved Master Plan for the property.</p> | <p>Any development must be consistent with a City-approved master plan</p>  |   | <p>Type 2 process, if allowed</p>  |
| <p>SPA-3</p> <p>Special Planning Area</p> | <p>The purpose of this zone is to establish an area that will develop a quality environment that identifies a primary entrance to the City from major transportation corridors. The intent of the zone is to encourage well-designed, quality development that reinforces a positive image as one enters adjacent downtown Burien and promotes economic development. Site design, building design and landscaping is also intended to encourage pedestrian activity and connectivity to downtown.</p>  | <p>Maximum residential density:</p> <p>- 24</p>   | <p>Residential allowed as part of the mixed use project that include retail at the street level</p>   | <p>Allow as part of the mixed use project consistent with other residential uses</p> |

**VIII. Next Steps**

Today, the City Council may choose to:

- 1) Approve a motion to direct staff to further develop Zoning Code amendment language consistent with selected options presented today along with any additional amendments.
- 2) Approve a motion to direct staff to research additional options relating to Zoning Code amendments for ESFs in Burien, and report back to Council with more information and a proposal.
- 3) Hold a public hearing on February 24<sup>th</sup> and adopt findings of fact to renew the existing moratorium for up to an additional six months consistent with RCW 36.70A.390. The moratorium renewal ordinance cannot be voted on at the February 3, 2020 meeting because a public hearing must be held and notice of the hearing must be provided at least two weeks in advance of the hearing date.
- 4) Let the current moratorium expire.