PLANNING COMMISSION AGENDA
March 25, 2015, 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. APPROVAL OF MINUTES March 11, 2015

4. PUBLIC COMMENT

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

5. OLD BUSINESS

A. 2015 Comprehensive Plan Docket: Planning Commission Recommendation to City Council

6. NEW BUSINESS

A. None

7. PLANNING COMMISSION COMMUNICATIONS

8. DIRECTOR’S REPORT

9. ADJOURNMENT

Future Agendas (Tentative)

- To Be Determined

April 22, 2015

- Presentation on Amendments to BMC Chapter 19.40, Critical Areas

Planning Commissioners
Jim Clingan (Chair)
Joey Martinez (Vice Chair)
Curtis Olsen
Brooks Stanfield
Douglas Weber

Butch Henderson
Amy Rosenfield
City of Burien

BURIEN PLANNING COMMISSION
March 11, 2015
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 March 11, 2015, meeting of the Burien Planning Commission to order at 7:03 p.m.

ROLL CALL

Present: Jim Clingan, Butch Henderson, Curtis Olsen (arrived at 7:07 p.m.), Amy Rosenfield, Douglas Weber
Absent: Joey Martinez and Brooks Stanfield
Administrative staff present: Chip Davis, Community Development director; David Johanson, senior planner

AGENDA CONFIRMATION

Direction/Action
Motion was made by Commissioner Henderson, seconded by Commissioner Weber, to approve the agenda for the March 11, 2015, meeting. Motion passed 4-0.

APPROVAL OF MINUTES

Direction/Action
Motion was made by Commissioner Henderson, seconded by Commissioner Weber, and passed 4-0 to approve the minutes of the February 25, 2015, meeting.

PUBLIC COMMENT

None

OLD BUSINESS

None

NEW BUSINESS

A. Public Meeting: 2015 Comprehensive Plan Docket

David Johanson, senior planner, gave a brief presentation outlining the docketing process and introducing the preliminary docket for 2015. He noted that the Critical Areas Ordinance must be updated this year. He reported that the legal notice announcing the opportunity to apply for a Comprehensive Plan amendment was published on Dec. 28 in the Seattle Times. By code the deadline
to apply for an amendment was March 1st; since that date fell on a Sunday this year, the deadline was extended to 5 p.m. on Monday, March 2nd. The City received two amendment requests.

Mr. Johanson said this evening’s meeting is the required public meeting to receive comments on the proposed Comprehensive Plan amendment docket. The docket must be established by May 1st. The Planning Commission has its meetings on March 11th and 25th to formulate a recommendation to the City Council, and the Council will have its April 6 and 20 meetings to set the docket by resolution.

One request for an amendment included payment of the required fee; staff has provided a review of the docketing criteria for the request. The proposed amendment would reclassify three parcels from Office to High-Density Multi-Family Neighborhood and rezone from Office to Residential Multi-Family 48 (RM-48).

A second request was submitted without payment of the fee, he said. The request is to reclassify one parcel in northeast Burien from Moderate Density Residential Neighborhood to High Density Multi-Family Neighborhood and rezone from RS-7,200 to Residential Multi-family 18 (RM-18).

Mr. Johanson noted that work on the Economic Development element of the plan will be undertaken later this year. He said work also is needed on the downtown section of the plan, which will be started if time allows. If not, it will be done next year.

The commissioners discussed the proposed docket items. Melina Lin, representing the LLC owning the three parcels in one of the requests, provided some clarification about the surrounding land uses and about the density being requested.

Chair Clingan noted that the commissioners have the option of making a recommendation to the City Council at this meeting or to further consider the proposed docket and make a recommendation at the meeting on March 25th. Commissioner Henderson said he felt the recommendation should be made by the full commission on March 25th.

Mr. Johanson pointed out that the packet includes the original request submitted by Anna and Rick Friel but after the packet was mailed they submitted another copy that is slightly different, so that copy has been provided to the commissioners this evening and will be included in the next meeting packet.

Chip Davis, Community Development Department assistant, announced that the commissioners will have a joint meeting with the City Council on Monday, March 23rd, to begin work on the Critical Areas Ordinance (CAO) update. The regular commission meeting on March 25th is still on the schedule, although with advance notice the commissioners could convene following the joint meeting and to make a recommendation on the proposed 2015 Comprehensive Plan amendment docket.

PLANNING COMMISSION COMMUNICATIONS

None.

DIRECTOR’S REPORT

Mr. Davis said there will be a short meeting of the mayor, deputy mayor, commission chair, commission vice chair and staff on March 18th to set the framework for the joint meeting.

ADJOURNMENT

Direction/Action

Commissioner Henderson moved for adjournment. Motion carried 5-0. The meeting adjourned at 7:47 p.m.

APPROVED:______________________________________________________

Jim Clingan, chair
Planning Commission
DATE: March 18, 2015

TO: Burien Planning Commission

FROM: David Johanson, AICP, Senior Planner

SUBJECT: Planning Commission Recommendation to the City Council on the 2015 Comprehensive Plan Amendment Docket

PURPOSE
The purpose of this agenda item is for the Planning Commission to make a recommendation to the City Council on the 2015 Comprehensive Plan docket.

A draft version of Resolution No. 363 establishing the 2015 Comprehensive Plan docket is included as attachment 1.

Burien Municipal Code (BMC 19.65.095.2.A, B and C) describe this step in the plan amendment process:

A. By January 1, the City will issue notice of the annual Comprehensive Plan amendment request deadline. The amendment request deadline is March 1.

B. The Director will create a preliminary docket of amendment requests received by the March 1 deadline. The Planning Commission shall hold at least one public meeting on the preliminary docket to consider testimony and make recommendations to the City Council on which amendments to consider, and may recommend a priority be assigned to each proposed amendment.

C. The City Council shall consider the recommendations of the Planning Commission on the preliminary docket, and by May 1 adopt by resolution a final docket of Comprehensive Plan amendments for consideration. [Ord. 397 §4, 2003]

BACKGROUND
The GMA allows cities to annually amend plans to respond to local planning policy interests. A number of docket items on past dockets included topics of local interest that were not mandatory and therefore were delayed until the specific required updates were complete. This is an opportunity to evaluate the “desired” areas of interest and prioritize the docket list for this amendment cycle.

A public notice of the annual amendment process was issued on December 28, 2014. There were two applications for comprehensive plan and zoning map amendments submitted by the March 2, 2015 deadline (see Attachments 2 & 3). March 2nd was selected because March 1st (as stated in the zoning code) occurs on a Sunday.

At the March 11, 2015 Planning Commission meeting there was an opportunity for the public to provide comment on the proposed draft docket. Comments were solicited from those in attendance and the
Planning Commission deliberated on the proposed docket draft. There was consensus that the Commission should defer the recommendation to the City Council until the March 25, 2015 meeting.

DOCKETING CRITERIA
The Burien Municipal Code contains criteria that shall be used to determine if a proposed amendment should be placed on the docket. Those criteria are as follows;

BMC 19.65.095 Comprehensive Plan Amendments
4. Docketing Criteria. The City Council shall use the following criteria for deciding whether a proposed amendment is added to the docket in subsection 2.C of this section:
   A. The request has been filed in a timely manner, and either:
      B. State law requires, or a decision of a court or administrative agency has directed, such a change; or
   C. All of the following criteria are met:
      i. The proposed amendment presents a matter appropriately addressed through the Comprehensive Plan; and
      ii. The City has the resources, including staff and budget, necessary to review the proposal; and
      iii. The proposal does not raise policy or land use issues that are more appropriately addressed by an ongoing work program item approved by the City Council; and
      iv. The proposal will serve the public interest by implementing specifically identified goals of the Comprehensive Plan or a new approach supporting the City’s vision; and
      v. The proposal has not been considered by the City Council in the last three (3) years. This time limit may be waived by the City Council, if the proponent establishes that there exists a change in circumstances that justifies the need for the amendment.

The City received one formal application and has prepared a response to each of the applicable docketing criteria listed above and has included it as a part of Attachment 2. Staff recommends this request be included on the 2015 docket.

The city also received another application requesting the Planning Commission and/or City Council include a site specific rezone located in Northeast Burien (see Attachment 3) in which the applicant is requesting the request be place on the docket at no cost to her. The Planning Commission and/or City Council may choose to add this item to the docket if they are so inclined. The request has been included on the draft docket. Please note a revised application was received on March 19, 2015, this version differs from the previous two versions.

ACTION
Pursuant to BMC 19.65.095.2.B (see above), the Commission should make recommendations to the City Council on which amendments to consider, and may recommend a priority be assigned to each proposed amendment.

A number of work program items have been completed or substantially completed over the last three years however there are a number of items that may need to reviewed and/or amended. Pursuant to RCW 36.70A.130(5) comprehensive plans and development regulations shall be reviewed and updated to comply with the GMA on or before June 30, 2015. It should be noted that this deadline only applies to those items required by the GMA and not those items that the city would voluntarily update.

Staff has updated the docket from the past few years to show what items have been completed, these have been given a priority label of “C”. In addition the recommended priority rank is included in Attachment 1, Exhibit A, a simple high(H), medium(M) and low(L) ranking system was used, this too has been updated to reflect the anticipated resources available this year as we focus on updating our development regulations in the first part of the year. The items that have been completed will be removed in the final resolution and are only being shown to provide background and context for your discussion. For the
purposes of this docket the rank identifies in what order of priority they will be considered. Staff is anticipating that work in 2015 will primarily focus on those with the high “H” priority rank.

Action by the City Council is required by May 1, 2015. The Commission has two options, provided below. Staff recommends Option 1.

**Option 1: Recommend approval of the 2015 docket.** This option recommends approval of the 2015 docket as presented.

*Option 1 suggested motion:* I move to recommend the City Council adopt Resolution No. 363 establishing the 2015 Comprehensive Plan amendment docket.

**Option 2: Modify the proposed 2015 docket.** This option would alter the proposed docket by adding and/or removing item(s).

*Option 2 suggested motion:* I move to recommend the City Council adopt Resolution No. 363 establishing the 2015 Comprehensive Plan amendment docket.

(once the motion is made and seconded, another motion may be presented)

I move to modify the Comprehensive Plan amendment docket as presented in Resolution 363 by adding ______________ and/or removing ______________.

And/or

I move to modify the Comprehensive Plan amendment docket as presented in Resolution 363 by amending the priority of the items as follows: ________________.

**Attachments:**

1) DRAFT Resolution 363
2) Application for a Comprehensive Plan Map/Rezone request submitted by MS Property Management, received February 27, 2015
3) Application for a Comprehensive Plan Map/Rezone request submitted by Anna Friel, received March 19, 2015
A RESOLUTION OF THE CITY OF BURIEN, WASHINGTON, RELATING TO THE COMPREHENSIVE PLAN OF THE CITY OF BURIEN, AS REQUIRED AND ADOPTED PURSUANT TO THE GROWTH MANAGEMENT ACT OF 1990, AS AMENDED (RCW CHAPTER 36.70A), AND AS ADOPTED PURSUANT TO RCW CHAPTER 35A.63; ESTABLISHING THE CITY’S 2015 COMPREHENSIVE PLAN AMENDMENT DOCKET AND WORK PROGRAM.

WHEREAS, the Burien City Council adopted the Comprehensive Plan of the City of Burien on November 17, 1997 as required by the Growth Management Act ("GMA") of 1990, as amended, and also adopted the Comprehensive Plan pursuant to RCW Chapter 35A.63; and

WHEREAS, the Growth Management Act authorizes the City to amend the Comprehensive Plan on an annual basis and requires cities to periodically conduct a thorough review of their plans and regulations to ensure they are consistent with changes in the Act; and

WHEREAS, in 2003 the City of Burien completed its last thorough Growth Management Act review and completed its last annual amendment process in December of 2011; and

WHEREAS, the City of Burien in 2011 conducted a Visioning process and desires to incorporate this vision into its Comprehensive Plan; and

WHEREAS, the City of Burien intends to update its Comprehensive Plan to comply with relevant State, regional and county planning documents; and

WHEREAS, the City of Burien followed public participation procedures as set forth by BMC 19.65.095; and

WHEREAS, on December 28, 2014 the City of Burien issued a Notice of Comprehensive Plan Review and Update, informing the general public of the update and how they may participate in establishing the scope of work; and

WHEREAS, on March 11, 2015, the City of Burien Planning Commission held a public meeting to allow for interested parties to comment on a draft docket and work program and at that meeting made a recommendation to the Burien City Council; and

WHEREAS, the City Council held a public meeting to consider requests for amending the Comprehensive Plan; and

WHEREAS, the City of Burien received two (2) private amendment requests, which is included in the Docket and Work Program attached hereto as Exhibit A.
NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON, DOES RESOLVE AS FOLLOWS:

Section 1. 2015 Comprehensive Plan Amendment Docket Adopted. The City Council directs City staff and the Planning Commission to analyze, study, and make recommendations to City Council on the items listed on the Docket and Work Program attached hereto as Exhibit A.

PASSED BY THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON, AT A REGULAR MEETING THEREOF THIS ___________DAY OF ____April____, 2015.

CITY OF BURIEN
/s/ Lucy Krakowiak, Mayor

Attest/Authenticated:
/s/ Monica Lusk, City Clerk

Approved as to form:
/s/

Filed with the City Clerk: April ___, 2015
Resolution Passed: April ___, 2015
Resolution No. 363
### RESOLUTION 363—EXHIBIT A
2015 COMPREHENSIVE PLAN AMENDMENTS
DOCKET AND WORK PROGRAM
April XX, 2015
DRAFT

<table>
<thead>
<tr>
<th>Item No.</th>
<th>Priority</th>
<th>Topic</th>
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<tbody>
<tr>
<td>1</td>
<td>L</td>
<td>Reformat document centered on updated vision.</td>
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<tr>
<td>2</td>
<td>LM</td>
<td>Streamline Plan, combine or eliminate goals and/or policies as needed or are no longer applicable.</td>
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<tr>
<td>3</td>
<td>M</td>
<td>Update maps throughout entire document to include North Burien and updated information.</td>
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<tr>
<td>4</td>
<td>M</td>
<td>Develop measurable action items implementing policies.</td>
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<td>5</td>
<td>M</td>
<td>Examine critical area designations and ensure they are consistently applied throughout the city.</td>
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<tr>
<td>6</td>
<td>C</td>
<td>Integrate policy direction of Transportation Master Plan.</td>
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<td>7</td>
<td>C</td>
<td>Integrate policy direction of Park Recreation and Open Space plan update.</td>
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<td>8</td>
<td>C</td>
<td>Integrate policy direction of Drainage Master Plan.</td>
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<tr>
<td>9</td>
<td>C</td>
<td>Integrate Shoreline Master Program into comprehensive plan. (Pending outcome of SMP adoption)</td>
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<td>10</td>
<td>C</td>
<td>Integrate required elements of Vision 2040.</td>
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<td>11</td>
<td>C</td>
<td>Integrate required elements of GMA and other State laws since 2003.</td>
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<tr>
<td>12</td>
<td>C</td>
<td>Integrate required elements of the King County Countywide Planning Policies.</td>
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<tr>
<td>13</td>
<td>C</td>
<td>Update growth targets as specified in the Countywide Planning Policies.</td>
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<td>14</td>
<td>HM</td>
<td>Incorporate North Burien into applicable policies and the Comprehensive Land Use Map.</td>
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<td>15</td>
<td>C</td>
<td>Ensure sufficient land to accommodate housing for all economic segments.</td>
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<tr>
<td>16</td>
<td>C</td>
<td>Update utility policy and supporting background information.</td>
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<tr>
<td>17</td>
<td>C</td>
<td>Ensure best available science is current and update if necessary.</td>
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<tr>
<td>18</td>
<td>L</td>
<td>Review and update policy to ensure minimal impacts to natural features, habitat and wildlife.</td>
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<td>19</td>
<td>L-M</td>
<td>Address climate change.</td>
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<tr>
<td>20</td>
<td>C</td>
<td>Ensure transportation connectivity is included.</td>
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<tr>
<td>21</td>
<td>C</td>
<td>Strengthen support for providing alternative transportation modes.</td>
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<tr>
<td>22</td>
<td>C</td>
<td>Include policies promoting healthy eating and active living.</td>
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<tr>
<td>23</td>
<td>M</td>
<td>Update essential public facilities policy as appropriate.</td>
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<tr>
<td>24</td>
<td>H</td>
<td>Update capital facility planning consistent with GMA.</td>
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<tr>
<td>25</td>
<td>L</td>
<td>Establish an approach to develop neighborhood plans.</td>
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<tr>
<td>26</td>
<td>M</td>
<td>Update existing conditions/background information.</td>
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<tr>
<td>27</td>
<td>H</td>
<td>Comply with applicable State Environmental Policy Act Review Requirements.</td>
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<tr>
<td>28</td>
<td>H</td>
<td>Update Economic Development Element pending outcome of economic development strategic plan.</td>
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<tr>
<td>29</td>
<td>M (NEW)</td>
<td>Update Downtown section in coordination with preparation of a City Center Plan (following TS completion in 2016).</td>
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<tr>
<td>30</td>
<td>H (NEW)</td>
<td>Update Figure TR 2.5, Primary Truck Routes, to coordinate with new map as adopted by Ordinance.</td>
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<td>Ref. No.</td>
<td>Proposed Amendments</td>
<td>Proposed By</td>
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<td>2015-1</td>
<td>Comprehensive Plan Map Amendment/Rezone Request</td>
<td>MS Property Management</td>
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<td></td>
<td>Parcel Nos. 019235000, 1923049318, 1923049334</td>
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<td>Addresses: 14421 8th Avenue Southwest</td>
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<td>File No. PLA 15-0391</td>
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<td>Request: Comprehensive Plan change from Office to High Density Multi-Family Neighborhood and Rezone from Office (O) to Residential Multi-Family 48 (RM-48).</td>
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</table>
2015-2 Comprehensive Plan Map Amendment/Rezone Request
Parcel No. 092304-9048
Addresses: 11232 26th Avenue South
File No. PLA 15-0430
Request: Comprehensive Plan change from Moderate Density Residential Neighborhood to High Density Multi-Family Neighborhood and Rezone from RS-7,200 to Residential Multi-Family 18 (RM-18).

Anna Friel, owner
February 03, 2015

Reinstate Prior Zoning Request

OWNERS: Anna and Rick Friel
ADDRESS: 11232 26th Ave S, Burien WA
SITE AREA: 1.65 Acres
CURRENT ZONE: RS-7200
REINSTATE PRIOR ZONE REQUESTED: RM-18

Comprehensive Plan Amendment Criteria
BMC 19.65.095.6 Criteria. The City Council may approve or approve with modifications a Comprehensive Plan amendment if all of the following criteria are met:

A. The proposed amendment is the best means for meeting an identified public benefit.
RESPONSE: Multi-family zoning is already an established and a successfully functioning use as seen with Veranda Green; a 150 unit apartment complex that sits on 11+ acre site across the street to the west. The public benefits by having RM-18 zoning available for added moderate to middle-income housing in already established multi-family neighborhoods, as is the case with this property.

B. The proposed amendment is consistent with the Growth Management Act, applicable Puget Sound Regional Council (PSRC) plans, King County Countywide Planning Policies and Burien Comprehensive Plan.
RESPONSE: The property had been zone multi-family for 20+ years previously. Yes the proposed amendment is consistent with the overall intent of the related goals and policies of Burien’s Comprehensive Plan, GMA, PSRC, and KCCPP, addition to, ensuring the availability of multi-family zoned land for housing for future growth.

C. The proposed amendment will result in a net benefit to the community
RESPONSE: RM-18 zoning would give the option to develop multi-family housing which will benefit both the people and the businesses in the Boulevard Park Commercial Centers (nodes) and the general Burien community.

D. The revised Comprehensive Plan will be internally consistent.
RESPONSE: As stated above, the revision request will be consistent with the multi-family apartment complex across the street west and property location near both the Boulevard Park Commercial Centers (nodes) and transit.
E. The capability of the land can support the projected land use
RESPONSE: Yes. The 1.65 acre property had been zoned for multi-family use over 20 years by King County.

F. Adequate public facility capacity to support the projected land use exists, or, can be provided by the property owner(s) requesting the amendment, or, can be cost-effectively provided by the City or other public agency
RESPONSE: Adequate public facility capacity does indeed exists to support the requested amendment. The property is located within ¼ mile of transit routes #132 with frequent stops about every 20 minutes. As well as, the businesses in the Boulevard Park Commercial Centers (nodes), Rainier Golf and Country Club, Boulevard Park Library, Hilltop Park and both the Green River Trail and Cecil Moses Memorial Park (in Tukwila).

G. The proposed amendment will be compatible with nearby uses.
RESPONSE: As discussed previously above, it would be identical in zoning use to the apartment complex that adjacent the length of the property, across the street west.

H. The proposed amendment would not prevent the City from achieving its Growth Management Act population and employment targets.
RESPONSE: Correct. It would not prevent. It would ensure there is sufficient land capacity zoned for multi-family to accommodate future growth as required by Growth Management Act. It meets the demands of a growing urban city.

I. For a Comprehensive Plan land use map change, the applicable designation criteria for the proposed land use designation are met and either of the following is met:
   i. Conditions have changed since the property was given its present Comprehensive Plan designation so that the current designation is no longer appropriate; or,
   ii. The map change will correct a Comprehensive Plan designation that was inappropriate when established.
RESPONSE: The property had been zoned multi-family since at least 1993. Given that the site is dominated by an 11+ acre apartment complex and SR-599, as well as its location near the Boulevard Park Commercial Centers and transit, the 1.65 acre property was inappropriately down-zoned in 2013 as single-family.
SITE SPECIFIC REZONES
BMC 19.65.090.3.C The City may grant a site-specific rezone only if all of the following criteria are met:

A. The rezone is consistent with the Comprehensive Plan.
RESPONSE: The proposed rezone to RM-18 multi-family would be consistent with the Comprehensive Plan.

B. The rezone will advance the public health, safety, or welfare
RESPONSE: The rezone would ensure the availability of multi-family zoned land to meet City’s goals and objectives for future growth. Private underutilized large lots have no benefit to the public in a growing urban city. The proposed rezone would correct its zoning use to be beneficial to the community.

C. The rezone will not have significant adverse environmental impacts that are materially detrimental to adjacent properties or other affected areas.
RESPONSE: No adverse environmental impacts. The stormwater that flows north on property line is not a fish/salmon run. Additionally, Burien has set-back construction restrictions when a site is near a stream, which would not alter the proposed property rezone.

D. The rezone is necessary because at least one of the following is met:
   1. Conditions in the immediate vicinity or neighborhood have changed so that it is in the public interest to approve the rezone, or
   2. The rezone will correct a zone classification or zone boundary that was inappropriate when established, or
   3. The rezone is necessary to achieve consistency with the Comprehensive Plan land use map.
RESPONSE: As previously stated above in Comprehensive Plan Amendment Criteria (I.), The rezone will correct a zone classification and zone boundary that was inappropriate when down-zoned in 2013. Property had been zoned multi-family for over 20 years. Given that the site is dominated by an 11+ acre apartment complex and SR-599, as well as its location near the Boulevard Park Commercial Centers and transit, the 1.65 acre property is inappropriately zoned as single-family.
BACKGROUND

In August of 2014, property owners Anna and Rick Friel of 11232 26th Ave S Burien 98168, discovered that in 2013, the City of Burien designated an unrequested downzone on their 1.65 acre site from RM-18 (Multi-Family) to RS-7200 (Residential Single-Family).

Prior to the downzone in 2013, the 1.65 acre site had been zoned RM-18 since 1995 (under King County’s Proposed Ordinance 94-737, which adopted new zoning to implement the 1994 Comprehensive Plan and Title 21A). Addition to, the property also had a previous zoning of RM-2400 since 1993. King County has no previous zoning records dating past 1993 for this site.

Email from King County Records Department regarding zoning history on the site:

From: "DPER, Records Mailbox" <ddesrecords@kingcounty.gov>
Subject: DPER Research Request
Date: August 22, 2014 at 2:58:00 PM PDT
To: Anna Friel <mrsannafriel@gmail.com>

Good afternoon:
I received the following information regarding zoning history for parcel no. 092304-9048, and for further historical research please visit
http://www.kingcounty.gov/operations/archives/environmentalhistory/zoning.aspx#1BF55BBF852D487F925F4E6A302A5A91:

In 1993 the parcel was zoned RM-2400. In February 1995, as part of the Title 21 A zoning conversion the parcel was zoned R-18. This is considered a direct conversion that did not involve substantive change.
Thank you.
Erika

Records
Department of Permitting and Environmental Review
35030 SE Douglas St., Suite 210
Snoqualmie, WA 98065-9266
DPERrecords@kingcounty.gov
The site is adjacent to SR 599 (10ft from property line east), a 150+ unit apartment complex that sits on 11+ acres (across the street west), single-family residence (1+ acre north) and a single-family residence (1+ acre south). **Only these four lots characterize the 1/3 mile span (equal to about 3 city blocks) from where 26th Ave S begins from 116th Way to the greenbelt / neighborhood area on 26th Ave S.**
REINSTATE REZONE REQUEST

According to the Growth Management Act (GMA), during the time the plan is open, citizens are allowed to request changes/amendments to the Plan, if there is reasonable cause for their request. Also, if a Planning Commission member or City Council member sponsors a request for a change/amendment to the Plan, the amendment can be brought forth without the citizen(s) having to pay a filing fee for the amendment to be put on the docket.

We (Anna and Rick Friel) are requesting a change/amendment to the Land Use Map for the reinstatement of our property’s prior zoning RM-18 and to be placed on the docket by the Council for 2015 in consideration as “special planning area”.

On the basis that;

1. We were never sent any notice prior to the zoning change to dispute before the amendment was passed.
2. Conflicting Land Use Map between our property and a similar property zoned for multi-family.
3. Our property resides next to an 11+ acre multi-family apartment complex and the freeway.
4. We haven’t obtained a plausible reason from the City for the downzone to our site.

   A. “Property hasn’t been used as multi-family for 20+ years”

   RESPONSE:
   The property had one owner during the 20 years, until the property was sold to us in 2012.

   B. “Property is not walking distance to the Neighborhood Commercial Center areas.”

   RESPONSE:
   This is conflicting on three parts; one being, the property is walking distance (I know this because I walk there during the summer months). Secondly, a different SFR property located at 12010 26th Ave S* is zoned RM-12 (multi-family) and is not walking distance to the Neighborhood Commercial Center areas. Thirdly, according to Goal BU.1 / Pol. BU.1.7, which refers to the Boulevard Park Commercial Center, states that customers would likely access these establishments by automobile or by transit (not by walking). See below/next page:

Business

Goal BU.1

Provide a broad range of attractive and strategically located business activity centers/nodes that serve as focal points for employment, commerce and culture for their adjacent residential
neighborhoods and the greater Burien area. The scale and intensity of uses at these locations shall be compatible with Burien’s vision.

**Pol. BU 1.7** The Community Commercial designation recognizes the business orientation of some of the principal arterials, including Ambaum Boulevard Southwest, Boulevard Park and the Five Corners area. The designation allows moderate intensity commercial uses that serve the community. **Customers would likely access these establishments by automobile or by transit.** The range of allowed uses includes moderate intensity retail activities, professional offices, restaurants, entertainment, and services. Multifamily development in these areas may only be approved as part of a mixed use development with the appropriate unit density being based on the intensity of adjacent comprehensive plan land use designations. Business uses should be located on the ground floor.

**Pol. BU 1.4** The Intersection Commercial designation allows for a variety of commercial uses of low to moderate density or intensity, located at major roadway intersections in close proximity to higher density uses, such as multifamily developments. Multifamily development in these areas may only be approved as part of a mixed use development with the appropriate unit density being based on the adjacent comprehensive plan land use designations. **Customers are anticipated to either drive or walk to these establishments.**

Additionally, in the most recent 2014 Comprehensive Plan Policy it states that the City should encourage multi-family residential uses not only within, but **near** designated commercial nodes. Which defines our property’s location to the Boulevard Park commercial nodes.

### 2.4 HOUSING ELEMENT

**Goal HS.1**

Encourage the provision of a variety of attractive, well-designed housing types and densities that reinforce and retain the character of the neighborhoods and meet the needs of existing and future City residents, while recognizing the need for a range of affordable housing.

**Pol. HS 1.3** The City should encourage multi-family residential uses **near** and within designated commercial nodes and within its urban center, subject to development standards and design guidelines.

*I’ve also attached the Proposed Land Use/ Zoning Map of Boulevard Park from 2013. These documents show that the property located at 12010 26th Ave S (B.27) was designated to be zoned RS-7200 (single-family) to maintain its single-family residential neighborhood character in addition to the walking distance to the commercial centers.*
<table>
<thead>
<tr>
<th>Reference</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>B.24</td>
<td>O to CI</td>
</tr>
<tr>
<td>B.25</td>
<td>RM-12 to RM-18 (or Cl)</td>
</tr>
<tr>
<td>B.26</td>
<td>RM-12 to Cl</td>
</tr>
<tr>
<td>B.27</td>
<td>RM-12 to RS-7,200</td>
</tr>
<tr>
<td>B.28</td>
<td>Comprehensive Plan Map Change</td>
</tr>
<tr>
<td>B.29</td>
<td>CR to RM-18</td>
</tr>
<tr>
<td>B.30</td>
<td>RM-12 to RS-7,200</td>
</tr>
<tr>
<td>B.31</td>
<td>RS-7,200 to RM-18</td>
</tr>
<tr>
<td>B.32</td>
<td>Comprehensive Plan Map Change</td>
</tr>
<tr>
<td>B.33</td>
<td>RM-12 to O</td>
</tr>
<tr>
<td>B.34</td>
<td>RM-48 to O</td>
</tr>
<tr>
<td>B.35</td>
<td>RM-12 to RM-18</td>
</tr>
<tr>
<td>B.36</td>
<td>RM-24 to RM-18</td>
</tr>
</tbody>
</table>
Proposed Land Use/Zoning

This is the proposed land use/zoning map of Boulevard Park from 2013 before amendment.

Circled in black (B27) is the property located at 12010 26th Ave S, showing as RS-7200 which was the proposed zoning for this area due to character of residential neighborhood and walking distance to commercial centers.
Example of SFR with Multi-Family Zoning located at 12010 26th Ave S.
A continued example of the SFR property.
Current High Intensity Commercial Centers in Boulevard Park (red circles)
Additionally, the Proposed Land Use/ Zoning Map document states “parcel contains SFR” as the sole reason for our property (B.6) downzone. Which is inconsistent with the original reasons we were given by the City. Furthermore, the document had misrepresented our zoning to the Council when it was voted on by claiming RM-12 when in fact our zoning was RM-18.

| B.5 | RM-18 to RS-7,200 | Matches zoning to existing uses (SFR) on land that is partially constrained by steep slopes. |
| B.6 | RM-12 to RS-7,200 | The parcel contains a SFR. |
| B.7 | RM-12 to RM-24 | Match zoning to existing MFR uses and increase the RM-24 zone south to the geographic break (road). Adjust lines of the existing RM-24 zone to match property lines. |
| B.8 | RM-18 to CC-2 | Aligns the zoning boundary with the existing parcel lines. |
| B.9 | RM-18 to RM-24 and RM-48 to RM-24 | The properties on the north and south of South 116th Street will now be more closely matched to existing MFR developments. Density and zoning designations on both sides of the street will now match. Existing RM-18 parcel to the south is vacant and will now match adjacent SFR zoning. |
| B.10 | RM-12 to RM-24 | Aligns the zoning designation with the parcel to the north (RM-24) and serves as a transition from the RM-48 zone to the south. Parcels are currently single-family or vacant (farm). |
| B.11 | RM-24 to RM-48 | The change places higher densities within a very comfortable walking distance of the commercial areas and the primary intersection of the neighborhood. A significant majority of the parcels are either vacant or contain single-family residences. |
| B.12 | RM-12 to RM-48 | The change places higher densities within a very comfortable walking distance of the commercial areas and the primary intersection of the neighborhood. A significant majority of the parcels are either vacant or contain single-family residences. |
| B.13 | RM-12 to RS-7,200 | Adjusts zoning boundary lines to match parcel lines. |
| B.14 | RM-12 to RM-18 | Aligns zoning boundary with existing parcel lines and slight increase in the size of the zone due to its proximity to the primary commercial intersection. |
| B.15 | RM-12 to RM-24 | The proposed change matches adjacent zoning and places higher densities near the commercial core. Topography should not be an issue if a development is designed to use hillside. Access could be difficult. |
| B.16 | RM-12 to RS-7,200 | Zoning change will now match existing development. All parcels are developed as single-family except one is a duplex. The duplex could possibly qualify as an ADU. |
| B.17 | RM-12 to CC-2 | Eliminates spot zone for existing library. Implements logical zoning boundaries for the entire block. |
| B.18 | RM-18 to CC-2 | Current zoning boundary splits a parcel. |
| B.19 | RM-12 to RM-18 | Proposed change matches adjacent zoning designation while also increasing density taking into consideration the proximity to the commercial center. |
| B.20 | RM-12 to RM-48 | The change places more units within a very comfortable walking distance of the commercial areas and the primary intersection of the neighborhood. A significant majority of the parcels are either vacant or contain single-family residences. Parcel sizes considered in zone change as well. |
| B.21 | RM-12 to RM-18 | The area serves as a transition from the higher density (RM-48) to the north. Parcels in this area are generally smaller, which is generally compatible to lower-intensity development from a site design perspective. |
| B.22 | RM-12 to RM-18 | Change implements a zone transition from a high traffic corridor to the established residential neighborhoods. |
| B.23 | RM-12 to RM-18 | A slight increase in density of four parcels and that would now match adjacent zoning designations on the same side of the street and across DMD. |
We ask the City to not take away our property rights and please reinstate our zoning back to RM-18. The City’s RS-7200 zoning has greatly devalued our 1.65 site. Which is a sizable amount of (now) underutilized land near the High Intensity Commercial Areas in Boulevard Park, and to mention, the City of Seattle.

The case study below shows how damaging incorrect zoning can be to city growth when not taking in consideration the surrounding areas and proximities;… airport… freeway… etc. Due to our proximity to SR 599, our property will never be used as a single family housing development. Simply because there would be no interest to develop the land as such that borders a freeway (whereas, that’s not the case with multi-family development). I would think this is not in compliance with the Growth Management Act or the King County Countywide Policies for an efficient use of urban land since this is an inappropriate conversion to low-density development.

4.1.4 Planning Areas and Patterns of Growth:
As in the case of the Highline study area, multifamily housing complexes have dominated new housing growth over the last 15 years. Within Burien, multifamily housing is primarily located near the city center and the area south of Highway 518 and east of Highway 509. The lack of growth of single family development has not been due to the lack of opportunity, since substantial infill opportunity exists under county zoning. Instead, this lack of growth is due more to the adverse impact of the heavy air shadow from the airport. For example, the northeastern area of the City could accommodate several times its current number of single family units. However, because of its close proximity to the airport runways and flight path, this development potential has not been achieved.

In closure of this rezone request, I want to ask the City:
How does our RS-7200 downzone bear a reasonable and substantial relation to the public health, safety, comfort, and general welfare? How does it advance? How is it a net benefit to the community? To the 20 year or 40 year vision? To growth?

Thank you
Anna Friel
Comprehensive Plan Amendment and Rezone Application

Re: Vacant Lot Parcel Numbers #1923049318 & #1923049334
Property with existing building #192350000

Best Classification based on surrounding buildings:

The subject properties are two vacant lots (two parcels) and an adjacent parcel which houses an existing 23 unit Residential Condo building (Alpha I). They are all currently zoned as Office.

Our main purpose is to change the zone for the two vacant lots, but the City of Burien Planner suggested that it is best to rezone all three of them including the existing residential building Alpha I (an “Office” zoning does not match the current usage of the existing residential building.) So here in this application, we have included all three tax parcels – two are for vacant lots and one for the existing residential building.

The subject properties are surrounded by several multifamily / apartment buildings. They are all accessed from the 8th Ave SW, which is a quiet residential street. There is no access from Ambaum Blvd into the two vacant lots, or Alpha I.

The current zoning on the subject properties is Office, while surrounding buildings are apartment buildings accessed from the 8th Ave SW. Should an office building is built on the subject two vacant lots, it will not match the neighborhood characteristic which are residential buildings; and the access to the office will be from a residential street. If the zoning stays with Office, most likely the vacant lots will stay vacant as it does not make any economical sense to build an office there.

Based on this, the best use for the subject properties shall be multifamily.
Density

We propose the subject zoning is changed to Residential Multifamily 48. This designation allows 48 units in one acre land which is 900SF per unit. This Density matches the existing density of the neighbor multifamily properties.

The neighbor properties are listed as followings and also shown on the attached lot plan.

<table>
<thead>
<tr>
<th></th>
<th>Address (Burien)</th>
<th>Parcel #</th>
<th>Lot Size (SF)</th>
<th>Units (#)</th>
<th>Density</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>14405 8th Ave SW</td>
<td>#1923049283</td>
<td>66390</td>
<td>52</td>
<td>1276 SF/U</td>
</tr>
<tr>
<td>2</td>
<td>14429 8th Ave SW</td>
<td>#1923049317</td>
<td>24120</td>
<td>21</td>
<td>1148 SF/U</td>
</tr>
<tr>
<td>3</td>
<td>Condo Alpha I</td>
<td>#192350000</td>
<td>24950</td>
<td>23</td>
<td>1085 SF/U</td>
</tr>
<tr>
<td></td>
<td>14421 8th Ave SW</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Subject vacant lots</td>
<td>#1923049318</td>
<td>22490</td>
<td>Vacant now Proposed 21</td>
<td>1070 SF/U</td>
</tr>
<tr>
<td></td>
<td>#1923049334</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Even though the zoning allows for 900SF per unit, we will most likely propose 21 units in the subject lot, which means 1070SF per unit density. From the above chart, this number matches very well with the existing neighbor properties, which deems reasonable.
Answers to the Comprehensive Plan Amendment Criteria and Re-zone Criteria

Item by item:

BMC 19.65.095.6 Criteria. The City Council may approve or approve with modifications a Comprehensive Plan amendment if all of the following criteria are met:

A. The proposed amendment is the best means for meeting an identified public benefit; and

ANSWER: The access street 8th Ave SW is a residential street. The lot has no access from the busy arterial street Ambaum Blvd. It is not a good design to have an Office building crowded by all residential properties nearby. If an office is built, there will be the only office in the block. It will bring noise, pollution, and traffic in and out during the day. It will disturb the residents a quiet enjoyment of their homes.

B. The proposed amendment is consistent with the Growth Management Act, applicable Puget Sound Regional Council (PSRC) plans, King County Countywide Planning Policies and Burien Comprehensive Plan;

ANSWER: Yes. It matches. The GMT, PSRC and KCCPP, BCP are about the consistency of environmental sustainability, housing, economic development, transportation and siting of public service. The change of zoning to R48 does not impact environment adversely, and it provides additional housing to satisfy the urban population growth.

C. The proposed amendment will result in a net benefit to the community; and

ANSWER: Once it is changed to multifamily zoning, we will build on the vacant lots a new apartment building, which share the same characteristics as neighboring properties. It will appear much nicer to the neighborhood instead of an empty lot with weeds. Otherwise, the lots will remain vacant and empty. Also see answer in item A.

D. The revised Comprehensive Plan will be internally consistent; and

ANSWER: yes. Upon approval of this zoning change, the Comprehensive Plan and Zoning Plan are consistent. The area is already primarily characterized by multifamily residential uses at 18 or more units per acre. The area is within 1/8 mile of moderate and high commercial service nodes as measured along an arterial. The designation is also appropriate within the urban center boundary or within 1/8 mile of the urban center boundary as measured along an arterial.

E. The capability of the land can support the projected land use; and

ANSWER: We have drawn a site plan for the subject vacant lots. We plan to design and build a 3-story building with 21 units, 29 parking spaces, and sufficient open space. The area does not have critical areas. The proposed zoning R48 would mathematically allow for 24 units since the property is almost exactly ¼ an acre. But once all the zoning requirements (i.e. parking, on-site recreation, unit decks, etc.) are met the actual unit count will probably be between 18 and 20.
F. Adequate public facility capacity to support the projected land use exists, or, can be provided by the property owner(s) requesting the amendment, or, can be cost-effectively provided by the City or other public agency; and

ANSWER: This project is a relatively very small project. It has negligible impact on public facility. The area is also located within ¼ mile of a transit route with peak transit frequency of at least every 10-20 minutes. Metro Bus #120 runs along Ambaum Blvd SW, a primary arterial which is approximately ¼ mile to the West of the property and meets this frequency criteria.

In addition, the area is served by adequate and/or planned recreational facilities such as Dottie Harper Park, the Burien Community Center, and Annex Park. All of these are located approximately a ¼ to the East of the property. These parks include but are not limited to picnicking, basketball, skatepark and play structures. So, yes, the public facility is sufficient.

G. The proposed amendment will be compatible with nearby uses; and

ANSWER: Yes, the neighborhood properties are multifamily properties at a density of ranging from 1085 SF to 1276SF per unit. See table on page 2 for details and Exhibit A (Neighborhood Plan).

H. The proposed amendment would not prevent the City from achieving its Growth Management Act population and employment targets; and

ANSWER: No. It would not prevent. The two vacant lots are within 1 mile of the downtown Burien. The city of Burien is growing. More jobs and more people are moving here. This project will add more housing to the city. It meets the housing demand of a growing City. It is consistent with GMA population and employment targets.

I. For a Comprehensive Plan land use map change, the applicable designation criteria for the proposed land use designation are met and either of the following is met:
   i. Conditions have changed since the property was given its present Comprehensive Plan designation so that the current designation is no longer appropriate; or,
   ii. The map change will correct a Comprehensive Plan designation that was inappropriate when established.

ANSWER: The item ii designation criteria is met. The zoning for this lot was multifamily residential under King County in the past. When it was annexed into City of Burien, it may be incorrectly coded as Office in the comprehensive plan.
SITE SPECIFIC REZONES
BMC 19.65.090.3.C The City may grant a site-specific rezone only if all of the following criteria are met:

i. The rezone is consistent with the Comprehensive Plan; and
ANSWER: Yes. We will request to change in both Comprehensive Plan and Zoning Plan.

ii. The rezone will advance the public health, safety, or welfare; and
ANSWER: Yes. This is residential zoning neighborhood. It is beneficial to all the neighbors to have a residential building, instead of an office building.

iii. The rezone will not have significant adverse environmental impacts that are materially detrimental to adjacent properties or other affected areas; and
ANSWER: No. The two vacant lots are almost flat. It is an easy to build lot. Once the building is built, it will improve the neighborhood as it will not be a vacant lot; left empty and growing weeds.

iv. The rezone is necessary because at least one of the following is met:
   a. Conditions in the immediate vicinity or neighborhood have changed so that it is in the public interest to approve the rezone, or
   b. The rezone will correct a zone classification or zone boundary that was inappropriate when established, or
   c. The rezone is necessary to achieve consistency with the Comprehensive Plan land use map.
ANSWER: The conditions b & c are met. See answer to item i above.

Notes:
The above narratives are mostly focused for the two vacant lots; but it also applies to the parcel which has an existing 23 unit Condo building. The change of the zone for the Tax Parcel #192350000 is to make the current use Residential consistent with the zoning designation in Comprehensive Plan and Zoning Plan.
MS Property Management Comprehensive Plan Map and Rezone Request

Comprehensive Plan Docketing Criteria Review

The following is a review of the docketing criteria for the MS Property Management comprehensive plan map and rezone request (file No. PLA 15-0391). Each of the criteria is followed by a staff response.

BMC 19.65.095 Comprehensive Plan Amendments.

4. Docketing Criteria. The City Council shall use the following criteria for deciding whether a proposed amendment is added to the docket in subsection 2.C of this section:

   A. The request has been filed in a timely manner, and either:

      Response: The applicant submitted an application and all associated filing fees on February 27, 2015, which is prior to the March 2, 2015 submittal deadline. This criteria has been satisfied.

   B. State law requires, or a decision of a court or administrative agency has directed, such a change; or

      Response: Not applicable.

   C. All of the following criteria are met:

      i. The proposed amendment presents a matter appropriately addressed through the Comprehensive Plan; and

      Response: The requested change of the comprehensive plan map and corresponding property specific rezone is a matter that is directly related to the comprehensive plan including but not limited to a change on the long range planning map and evaluating the change using applicable land use designation criteria.

      ii. The City has the resources, including staff and budget, necessary to review the proposal; and

      Response: The City has the resources to review this request.
iii. The proposal does not raise policy or land use issues that are more appropriately addressed by an ongoing work program item approved by the City Council; and

Response: There is no other work program item that will more appropriately address the request.

iv. The proposal will serve the public interest by implementing specifically identified goals of the Comprehensive Plan or a new approach supporting the City’s vision; and

Response: The request will match the land use designation to the existing uses on the property (high density multi-family development). Two of the properties are vacant and one parcel contains a high density multi-family building constructed in 1962. Multi-family developments on adjacent properties were constructed in 1962 and 1968 respectively.

The request will be reviewed in greater detail to determine if the proposed land use designation change will be consistent with the goals and policies of the comprehensive plan.

v. The proposal has not been considered by the City Council in the last three (3) years. This time limit may be waived by the City Council, if the proponent establishes that there exists a change in circumstances that justifies the need for the amendment.

Response: The requested land use designation change has not been considered by the City Council in the last three years.