CITY COUNCIL REGULAR MEETING AGENDA

April 6, 2015

6:30 p.m. – Special Meeting to hold an executive session for the purpose of discussing potential litigation per RCW 42.30.110(1)(i)

7:00 p.m. – Regular Meeting

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL

4. AGENDA CONFIRMATION

5. PUBLIC COMMENT

Individuals will please limit their comments to two minutes on general issues not on the agenda. Concerns will be referred to staff for a response as appropriate and will be included in the next City Manager’s Report. The Council will take comments for a maximum of 20 minutes.

6. CORRESPONDENCE FOR THE RECORD

a. E-mail Dated March 17, 2015, from Katie Elias with Response from Development Review Engineer Ramesh Davad Regarding Safety on Military Road.

b. E-mail Dated March 18, 2015, from Emmett Hoyt with Response from Community Development Director Chip Davis Regarding Card Games.

c. E-mail Dated March 18, 2015, from Kathy Parker Regarding Future Expansion of Sea Tac Airport.

d. E-mail Dated March 18, 2015, from Douglas Wayne Sykes Regarding Bel-R Greenhouses and Property.

e. E-mail Dated March 21, 2015, from Marv Jahnke with Response from Paralegal Cynthia Schaff Regarding Vacant Foreclosed House Trash.


g. Letter Dated March 23, 2015, from C. Edgar Regarding Parks Advisory Board Letter.

h. E-mail Dated March 28, 2015, from Philip Chin Regarding Proposed Ad Photos for Homeless\Panhandlers – Too Controversial?

i. E-mail Dated March 26, 2015, from Rachel Levine Regarding Healthy Community.

j. E-mail Dated March 31, 2015, from Mark Pitzner Regarding Letter to Council.

7. CONSENT AGENDA

a. Approval of Check Register: Numbers 40160 - 40278 in the Amounts of $315,525.36 for Payment on April 6, 2015; and, Payroll Salaries and Benefits Numbers 6434 - 6442 for Direct Deposits and Wire Transfers in the Amount of $237,249.08 for March 1 – March 15, 2015, Paid on March 20, 2015.

COUNCILMEMBERS

Lucy Krakowiak, Mayor
Lauren Berkowitz

Nancy Tosta, Deputy Mayor
Bob Edgar

Stephen Armstrong
Gerald F. Robison
Debi Wagner

City Hall, 400 SW 152nd Street, 1st Floor
7. CONSENT AGENDA Cont’d.

8. BUSINESS AGENDA
   b. Discussion and Motion to Adopt Resolution No. 363, Establishing the 2015 Comprehensive Plan Amendment Docket.
   c. Discussion/Feedback from the Joint City Council/Planning Commission Meeting.

9. COUNCIL REPORTS

10. CITY MANAGER’S REPORT

11. ADJOURNMENT
From: Carol Allread  
Sent: Monday, March 30, 2015 2:41 PM  
To: Public Council Inbox  
Subject: FW: CFTR: Elias - Safety on Military Road  
Attachments: 12312 Military Road South.pdf

From: Ramesh Davad  
Sent: Monday, March 30, 2015 1:58 PM  
To: 'KElias@swyfs.org'  
Cc: Brian Roberts; Maiya Andrews; Carol Allread; Kamuron Gurol  
Subject: RE: CFTR: Elias - Safety on Military Road

Ms. Elias, 
This message is in response to the below email submitted to the City Council. I would like to personally thank you for your desire and commitment to children and pedestrian safety at 12312 Military Road South.

The attached PDF letter was sent to Ms. Carcamo on December 31, 2013 for this crosswalk. The City staff had a discussion with Scott Logan, Director of Transportation, Highline School District regarding placing crossing guard at this location; Mr. Logan approved this request.

The City of Burien has applied for Community Development Block Grant (CDBG) funding for Rectangular Rapid Flashing Beacons (RRFB) at this mid-block cross walk. We will know in November if a grant will be awarded. Funding should be available to start design and construction sometime in 2016.

If you have any questions, please contact me at 206-248-5527.

Thank you,  
Ramesh Davad, P.E.  
Development Review Engineer  
City of Burien  
Phone: (206) 248-5527  
Email: rameshd@burienwa.gov  
Web: www.burienwa.gov

From: Kate Elias [mailto:KElias@swyfs.org]  
Sent: Tuesday, March 17, 2015 2:41 PM  
To: Public Council Inbox  
Subject: Safety on Military Road

To the Burien City Council,
I am writing on behalf of the staff of New Futures programs at Woodridge Park to request that the City provide funds for higher visibility flashing lights for the Hilltop Elementary School zone at 12312 Military Road South. In late 2013, a group of parents from the Woodridge Park Apartments petitioned the City to improve safety at a busy school crossing at this location, a high traffic area with poor visibility, no sidewalks, and cars consistently driving well above the speed limit.

In response to the petition, the City collected traffic data, which showed during school hours the 85th percentile speed was almost twice the speed limit (36.75 mph when the limit is 20 mph). The City re-striped a crosswalk in the area, there is a school zone sign present, and the HSD Transportation Department has approved and installed a crossing guard during high pedestrian volume times. Unfortunately these improvements are not enough. There have been several recent close calls as cars continue to speed through the area while children and families are present.

Over 100 children and youth cross here to get to and from their school or bus stop. Almost all the children in Woodridge Park and the surrounding neighborhood attend Hilltop Elementary School, which also serves as a drop-off site for buses from Chinook Middle School and the Tyee High School campus. They should not have to dodge speeding cars every day to get to and from school.

We want to encourage children to walk to school for health and other reasons, but according to the Highline School District Safe Walk Routes, no child living east of Military Road in this area has a safe route to walk to or from Hilltop Elementary School[4]. Additionally, it can be difficult for many parents in this part of Burien to drive their children to school. Many are low-income, do not have reliable transportation, or are working.

Studies show that in collisions involving pedestrians and cars, a pedestrian is about three times more likely to be killed by a car going 35 mph than a car going 25 mph[2]. A small decrease in speed could make a big difference in safety outcomes, and other nearby municipalities have taken the issue of safety along this arterial route seriously. Attached are photos of the area in question here in Burien, and by contrast a newly improved stretch of Military Road in SeaTac. Please prioritize the safety and well-being of kids and families in your city and invest in flashing school zone beacons. The community is waiting for an effective response to their requests.

Thank you for your time and attention to this matter.

Sincerely,

Kate Elias
Kate Elias, MSW  
New Futures Site Manager  
Southwest Youth and Family Services  

Woodridge Park: 206.246.1980 or Arbor Heights: 206.244.0533  
Email:kellas@swyfs.org  
**Please note my email address has recently changed.**  

Learn more about New Futures, a branch of Southwest Youth and Family Services at www.swyfs.org!
December 31, 2013

Giselle Carcamo  
Intercommunity Peace & Justice Center  
1216 NE 65th St  
Seattle, WA 98115

RE: Mid-Block Crosswalk @ 12312 Military Road South

Dear Ms. Carcamo:

This letter is to respond to your request to restripe an existing crosswalk and install flashing LED lights at 12312 Military Road South. Parents are simultaneously requesting the Hilltop Elementary School to place a crossing guard at this location. The City has collected traffic data and researched pertinent City and national codes for this effort.

The traffic data collected demonstrates that the 85th percentile speed on Military Road South was 36.75 mph during school hours when the speed limit is 20 mph (7:00 am to 8:55 am and 3:00 pm to 3:55 pm). There is an existing street light adjacent to the crosswalk on the west side of Military Road South.

The City had a discussion with Scott Logan, Director of Transportation, Highline School District regarding placing crossing guard at this location; Mr. Logan approved this request.

The City will restripe the existing crosswalk, install two reflective markers in front of each ladder stripe on the approach side of the crosswalk, and install advanced warning signs per the Manual on Uniform Traffic Control Devices (MUTCD). It is possible that this location could be considered for Rectangular Rapid Flash Beacons (RRFB) when there is available grant funding in the future.

*Police enforcement is recommended during school hours (7:00 am to 8:55 am and 3:00 pm to 3:55 pm).*

If you have further questions, I may be contacted at 206-248-5527.

Sincerely,

[Signature]  
Reynesh Davad  
Development Review Engineer

Co:  
Sgt. Henry McLauchlan, BPD  
Scott Logan, Highline School District
Dear Mr. Hoyt,
The City Manager has requested that I respond to your email concerning gambling card games in Burien. As was communicated by a member of our planning staff and Economic Development Manager, Dan Trimble, at the end of January, social card games are specifically prohibited in all zones in Burien.

Social card games are defined as card games governed by the provisions of RCW 9.46 (1973 Gaming Act) and licensed by the Washington State Gambling Commission which serve as a commercial stimulant to a use where food and beverage are served on the premises. Social card games may include house-banked or player-funded games. The only location in Burien where social card games are permitted is the Wizards Casino, located at 15739 Ambaum Blvd SW, which was in operation prior to the incorporation of Burien.

The prohibition, as you have pointed out, has been in the Zoning Code since the incorporation of Burien and changing the provision is not something that the City staff could do administratively. Since social card games are specifically prohibited in all zones in Burien, legislative action by the Burien City Council would be required to recognize social card games as a legal use and designate in which zone or zones that they can be located. Other than your inquiry, I am not aware of any other requests we have received to permit social card games where food and beverages are consumed.

I hope this answers your questions regarding gambling card games and please let me know if you have further questions.

Charles W. "Chip" Davis, AICP
Community Development Director
City of Burien
(206) 248-5501
chipd@burienwa.gov
www.burienwa.gov

NOTICE OF PUBLIC DISCLOSURE: This e-mail account is public domain. Any correspondence from or to this e-mail account may be a public record. Accordingly, this e-mail, in whole or in part, may be subject to disclosure pursuant to RCW 42.56, regardless of any claim of confidentiality or privilege asserted by an external party.

From: Emmet Hoyt [mailto:woofy6445b@gmail.com]
Sent: Wednesday, March 18, 2015 9:51 AM
To: Public Council Inbox
Subject: Card Games
Since incorporating Burien has not allowed gambling card games played in commercial buildings. How can we request a change to this ban? We would like to play a friendly game in local Bar/restaurants that is for players only. The business does not make money off of the game, only on foods, drinks etc... This is a Class D state license used by our surrounding cities like SeaTac, Tukwilla, Desmoines etc. But we would like to play here in our own City of Burien.

Thank You,
Emmett Hoyt
Carol Allread

From: Public Council Inbox
Sent: Tuesday, March 24, 2015 12:44 PM
To: 'Kali Paris'
Subject: RE: Future Expansion of Sea Tac Airport

Dear Ms. Parker,

Thank you for writing to the City Council to express your concerns. Your email will be included in a future Council agenda packet as Correspondence for the Record.

Sincerely,

Carol Allread
Executive Assistant

From: Kali Paris [mailto:kaliparisgk@gmail.com]
Sent: Thursday, March 19, 2015 1:58 PM
To: Public Council Inbox
Subject: Future Expansion of Sea Tac Airport

March 18, 2015

Dear City Council,

Sadly, two days last week I was hardly able to breathe outside due to noxious fumes coming from the airport. With current discussion of doubling airport capacity, I would ask our Council to better understand the health risks to our citizens living within the airport envelope. Many studies already exist clearly documenting health risks to residents living near heavily used airports. When fighting the Third Runway, our local doctors testified that we had a higher incidence of brain and breast cancer from airport contaminants. My own mother died of brain cancer and I know of two other brain cancer deaths within a block of our home. So respectfully and in a timely manner, I would ask this Council to consider:

1. Guiding our city staff to compile current health studies
2. To use that information to speak out on our behalf to reduce future airport expansion
3. To join hands and work with other local affected communities to limit Sea Tac's growth

Our community has taken our fair share of the region's air transportation. It is time to spread the wealth and protect the health of Burien citizens.

Thank you for your work in this area.

Sincerely,

Kathy Parker
Seahurst

CFTR: 4/6/15
Dear Mr. Sykes,

Thank you for writing to the City Council to express your concerns. Your email will be included in a future Council agenda packet as Correspondence for the Record.

Sincerely,

Carol Allread
Executive Assistant

Greetings council members,

In regards to the Bel-R Greenhouse operations discussed at the Mar 16 City Council meeting, thank you for bringing this to public attention. This was the first I had heard that the business opportunity was going to become available beyond the current family owners. Now the question becomes how to most efficiently encourage the transfer and enhance the value of the business to our community.

Naturally, we heard push back from both community and council concerned about issues including liability, loss of tax revenue, costs of potential obligation to the city, lack of information, lack of time to examine the issue. I would ask the council to continue to stay engaged in the process. There are several viable, if less conventional ways to approach retaining Bel-R property as an agricultural resource. For one, Washington State has a long history of agricultural co-ops dating from 1898 (http://wscfc.org/history/). Perhaps facilitating the transfer of property development rights (King County has programs for preserving “farmland”) and aiding current employees in purchasing and continuing in business would help preserve jobs, taxable land parcels, and the ability to provide locally sourced plants / vegetables. Simply being a "not-for-profit" does not mean a business does not pay appropriate taxes and wages. Maybe Discover Burien members could help find ways to replace the expertise that leaves when the current owners leave the business. We have local businesses such as “Eat Local” who are always looking for local suppliers.

I am certain that there are plenty of Burien citizens who have ideas that could be considered for the best ways to encourage Bel-R to continue as an agricultural entity and a valued asset to our local economy. I look forward to the discussion and hope that the council can entertain approaches that may not yet be as widely appreciated.

Douglas Wayne Sykes

CC: Dan Trimble, Economic Development Manager
    Chip Davis, Community Development Director
Mr. Jahnke,

I am the paralegal for the City of Burien and work with the City’s code enforcement officer on several cases. Thank you for providing us with an update on this property. We are happy to hear that the property preservation company, National Field Network, hired by the bank has now secured the house to prevent further unauthorized entry. As you are aware through our previous dialog, this is a rather complicated case. The property owner is deceased. The attorney that represents the estate has informed us that since the property has little to no value, they are in the process of giving the property back to the bank. We have also spoken to the bank, Champion Mortgage, and they are in the process of obtaining ownership through a judicial foreclosure in Superior Court. Unfortunately, as with any court proceeding, this can be a lengthy process. It has been our experience that banks are unable to remove miscellaneous debris/items from the property as it is considered personal property, especially given the circumstances of ownership status. Quite often, we receive alike responses from property preservation companies instructing us to issue a Notice to Violation without the bank taking any subsequent action. The property preservation companies may submit bids at the bank’s request, but the bank’s will have to approve the work. Nonetheless, after receiving your Citizen Action Request last Monday 3/23/15, we have sent Champion Mortgage a code enforcement letter (copy attached) requiring removal of all garbage and debris as part of the City’s routine code enforcement process. If Champion Mortgage does not respond, the City may proceed with further code enforcement action as may be allowed under Burien Municipal Code.

Thank you,

Cynthia Schaff
Paralegal
Direct Phone: (206) 248-5531
Fax (206) 248-5539
Email: cynthias@burienwa.gov
Website: www.burienwa.gov
City of Burien
400 SW 152nd Street, Ste. 300
Burien, WA 98166-3066

From: Barb Canfield
Sent: Wednesday, March 25, 2015 3:58 PM
To: Cynthia Schaff
Subject: FW: CFTR: Jahnke -Vacant Foreclosed house trash

From: Carol Allread
Sent: Wednesday, March 25, 2015 9:29 AM
To: Barb Canfield
Subject: FW: CFTR: Jahnke -Vacant Foreclosed house trash
Hi Barb,

Kamuron has assigned this Correspondence for the Record to you for follow-up. (I will also place a hard-copy in your inbox). The goal is to respond within two weeks, sooner if possible. When you respond, please cc the Public Council Inbox. Your reply will go with the original correspondence and be placed in the next Council packet. Let me know if you have any questions.

Carol

From: Public Council Inbox  
Sent: Wednesday, March 25, 2015 9:27 AM  
To: 'Marv'  
Subject: RE: Vacant Foreclosed house trash

Dear Mr. Jahnke,

Thank you for writing to the City Council to express your concerns. Your inquiry has been forwarded to staff for follow-up, and your email will be included in a future Council agenda packet as Correspondence for the Record.

Sincerely,

Carol Allread  
Executive Assistant

From: Marv [mailto:maryjahnke@comcast.net]  
Sent: Saturday, March 21, 2015 11:14 AM  
To: Public Council Inbox  
Subject: Vacant Foreclosed house trash

Dear Mayor Krakowiak and Council members,

As Block Watch Capt. on a portion of 26th Ave SW, my neighbors and I have been trying to work with Code Compliance and the Sheriff's office for Burien to get an abandoned house's yard cleaned up. So far the effort has prompted the mortgage company to send someone from 'National Field Network' to secure the house and post it with a small sign on one window. The property has garbage, trash and household furniture items strewn around outside and National Field's work order only asked that an estimate be made for cleanup. The inspector told me that if Burien would contact the mortgage company with a code violation report we would see quicker cleanup at the property.

Today I submitted a Burien Citizen Action Report detailing the above situation. I have been trying to talk to Sgt. McLauchlan about this for over a week without making contact with him. Code compliance is aware of the problem and has visited the site. At this time could someone please write up a violation against the property and send it to the mortgage company.

Thank You,  
Marv Jahnke
March 25, 2015

Joanne M. Bowman
PO Box 13040
Seattle, WA 98198

Champion Mortgage, aka
Nationstar Mortgage
350 Highland Dr.
Lewisville, TX 75067

Re: CAR # 14-0575
BMC 15.40.190 Vacant Structures and/or Land

Dear Sir or Madam:

The City of Burien is committed to maintaining quality neighborhoods and an excellent community environment. Our citizens expect us to do everything we can in this regard. We know this can only be achieved by the cooperation of all. The City of Burien has received citizen concerns about the property located at 12160 Marine View Dr., Burien, WA. King County records indicate that Joanne M. Bowman (deceased) is the record owner of this property and Nationstar/Champion Mortgage is the mortgagee and “a person responsible for the violation” as defined in Burien Municipal Code 1.15.020.

On December 10, 2014, January 8, 2015, February 12, 2015 and March 3, 2015, the City inspected this location and found the following violations of Burien Municipal Code:

**BMC 1.15.020 Definitions** – The definitions in this section apply throughout this Chapter unless the context clearly requires otherwise or they are more specifically defined in a sub-chapter or section. Terms not defined shall be given their usual meaning.

- “Owner” means any owner, part owner, joint owner, tenant in common, tenant in partnership, joint tenant, or tenant by the entirety, of the whole or of a part of a building or land.
- “Person” means any individual, firm, business, association, partnership, corporation, or other legal entity, public or private, however organized. Because “person” shall include both human beings and organizational entities any of the following pronouns may be used to describe a “person”: he, she, or it.
- “Person Responsible for the Violation” or “Violator” means any of the following:
  - A person who has titled ownership or legal control of the property or structure that is subject to the regulation
• An occupant or other person in control of the property or structure that is subject to the regulation
• A developer, a builder, business operator, or owner who is developing, building, or operating a business on the property or in a structure that is subject to the regulation
• A mortgagee that has filed an action in foreclosure on the property that is subject to the regulation, based on breach or default of the mortgage agreement, until title to the property is transferred to a third party
• Or any person, who created, caused, participated in or has allowed a violation to occur

BMC 1.15.040 Joint and Several Responsibility and Liability states: Responsibility for violations of the codes enforced under this Chapter is joint and several, both as to duty to correct and to payment of monetary penalties and costs, and the City is not prohibited from taking action against a party where other persons may also be potentially responsible for a violation, nor is the City required to take action against all persons potentially responsible for a violation.

1. BMC 8.45.020(5)(c)(i) Nuisance, Trash Covered Premises
   BMC 15.40.195(1) Exterior Property Areas, Sanitation
   BMC 15.40.240(1) Rubbish and Garbage Accumulation of Rubbish or Garbage —
   Violation(s): There is uncontained trash, debris, rubbish and abandoned materials on the property.
   • CORRECTION: All uncontained trash, debris, rubbish or abandoned materials shall be picked up and properly disposed of. Any remaining items shall be neatly and safely stacked or contained in approved containers with lids secured until such time for removal. Property shall remain free from any further nuisance violations.

The City requests your cooperation in correcting the violations before April 10, 2015. On or after this date the City will reinspect the property to confirm the above corrections have been made.

NOTE: I would recommend that you post the property with “NO TRESPASS” signage. The city offers a NO TRESPASSING letter with authorized parties to allow the police authority to cite and/or remove unauthorized individuals from the property. Please contact my office if you would like more information.

You are hereby notified that because of the above actions you are in violation of Burien Municipal Code. This letter has been sent via 1st Class Mail; no further correspondence from the City is required.

Please be aware that failure to voluntarily comply may result in further action that may include fines of $250 per day and/or further legal action.

We appreciate your voluntary efforts to help us enhance the quality of life in Burien. If you have any questions regarding this matter, please call me at (206) 248-5507.

Sincerely,

Barb Canfield
Code Compliance Officer
March 23, 2015
To the Burien City Council;

This letter is in reference to the work that is happening on the Critical Areas Ordinance (CAO). During the process of the development of the last CAO, there were numerous problems and deficiencies that occurred with the development of that CAO-2003. This correspondence is being sent in an effort to keep those kind of things from happening again. Our areas of concern are:

1. Notification by the city to those persons residing in areas impacted by the CAO. Many residents were missed for notification last time. Notice in just the Seattle Times is not adequate for this community. Many people do not use the Seattle Times for their news source. The city should put out a notice in the B-Town Blog and the Westside Weekly to reach the public as the city no longer has a newsletter of its own that is mailed to all residents.

2. A correct map of critical areas needs to be produced by the city. Last time the map was incorrect for the Lake Burien Area. In looking at the current one enclosed, there again appear to be some errors for Lake Burien. Also the map enclosed in the packet does not tell when it was developed. Many people don’t even know that they live in a critical area as they have never seen the map and as such do illegal work on their property because they don’t know about the map or the CAO.

3. Has an Environmental Impact Statement (EIS) been developed for this CAO process and when will citizens have a chance to comment on it? If an EIS has not been developed, then has a new SEPA statement been written, when will citizens get a notice about the comment time? Last time, most citizens were not notified of the SEPA statement issued for the CAO.

4. Education for the Council and the Planning Commission Members needs to be done on Best Available Science, no net loss and State Law. The last time the CAO-2003 was worked on, there was a consensus that the CAO didn’t need to follow the precepts of Best Available Science, they argued with the consultants and inserted items into the CAO that failed to comply with that section of the law. Specific attention needs to be given to the new wetland rating scale, how wetlands are defined and that they do exist in water and out into lakes, how BAS and no net loss work together to protect these areas, mitigation for them and where they can and cannot be removed. Wetlands are still being destroyed in Lake Burien. There are some wetlands in the city that are still not documented on the current map, specifically the 27 acres of wetlands in Seahurst on the north end. The new CAO update appears to have been a paper review of city, county and State records. There were errors on these points in the final adopted version of the SMP. Some of those errors appear to be in this new CAO document because it was done before the SMP was finalized and the information about Lake Burien was ignored, as it was assumed to be covered under the SMP.

5. Should the Intensity Map. 2LU-2 map be updated during this process to show some of the critical areas as Low Intensity? Should this kind of change be added to the Comp Plan docket also?

6. How does the SMP and the CAO work together for areas like Lake Burien and some sections of the marine shores lines?

7. There needs to be an active interface with Public Works(PW) on the development and actual application of this new CAO as it applies to storm water, impervious surface development and permitting. At times it appears that PW and planning are not following the same regulations for critical areas.
8. There needs to be a plan for re-tooling staff on the new scales, rules, laws, BAS and manuals relating to critical areas. Also there needs to be a plan to get the rules relating to critical areas out to the citizens that reside in them.

9. The inventories prepared for Lake Burien in the SMP process and voted on by the Council to be included with that document still appear not to have been added to that document on the city website and DOE claims not to have copies of them. These need to be added to the SMP and the CAO for Lake Burien.

This is not a complete list of all items to be considered in this CAO process, so please contact us if you want more in depth details.

Respectfully,

Robert Howell and the Lake Burien Neighborhood
P.O.Box 420
Seahurst, WA 98062

Please place a copy of this letter in the next Council packet for the public record.
March 23, 2015

To the Burien City Council;

Attached is a letter that was submitted to the Parks Advisory Board about a community activity center for the city. The request was that this information be forwarded on to the Council for their consideration of this as an agenda item. The rationale for why this center is needed is attached.

Respectfully,
C. Edgar

Please place these in the next Council packet.
March 18, 2015
To the Parks Board;

The citizens have been promised that a Community Activity Center would be worked on/built since 2004 by the Council. That promise has never completely filled. The Council briefly discusses it and then wanders off to other things.

A plan and design was put together at one point but it was far too expensive to follow through with at $37 million dollars. Since that time two very nice centers have been built at approximately $11 million dollars each—the Sea Tac YMCA and the Rainier Valley Boys and Girls Club.

Tonight I am here to urge you to speak with the Council about again building this much needed center for Burien’s citizens. It will provide a place for healthy exercise and a gathering location for all of the citizens of Burien. Our youth need a place to meet at after school and to exercise—all of the youth and just not the Jocks that make the teams. This could give them a place to work off their youthful energies in a positive manner rather than constantly fighting in our downtown areas. It would give them a place to go and play on the weekends. Likewise our adult population needs an activity center for all. The opening of LA Fitness and the mob of people in the parking lot shows the desire and need for exercise areas in the city. We need a place to waterproof our children and adults who do not know how to swim or even know the basics of water safety. Our school system does not do this education. A place for exercise and wellness should not only belong to the wealthy. Additionally, the shower facilities in the building would help alleviate the problems with disadvantaged citizens who need a clean up location. All of Burien citizens need this kind of place and opportunity.

The community sponsored teams in the city need goods fields to play on all year long. They do not exist in adequate amounts in this city. Our fields are rundown, muddy and can’t be used during parts of the year.

I suggest that the city purchase the plans for a center from the YMCA in Sea Tac and fit it to the old community center land space for a cost of approximately $12 to $13 million dollars. And, that an approximately $1 million dollars be added to that amount to redevelop Moser Field.

These monies would have to be a bond for the work. However, the cost of just buying the building plans from the YMCA would greatly reduce the development costs to a Burien project.

I strongly urge the Parks Board to approach the Burien City Council with this idea.

Respectfully,
C. Edgar
Burien Citizen
Dear Mr. Chin,

Thank you for writing to the City Council to express your concerns. Your email will be included in a future Council agenda packet as Correspondence for the Record.

Sincerely,

Carol Allread
Executive Assistant

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Hello Manager Kamuron,

Read about you in the article, Homeless advocates march in Burien to protest new trespass ordinance | Q13 FOX News

This is one LEGAL solution that seems to be working and can pass First Amendment Challenges.

Curbing panhandling: A comprehensive approach | New Hampshire
http://www.unionleader.com/article/20150319/OPINION01/150318966

Lastly, what do you think of these proposals? Is it too controversial?

#1a - Proposed Ad Photo - Are You Feeding The Homeless? Or, Are you feeding the Addiction?
http://tinyurl.com/lajncb5

#1b - Did Jesussay, "Feed the Poor"? Or, did Jesus say, "Feed the Addiction"?
http://tinyurl.com/mk8s3vq

#2 - Tulane Ave and Broad St Revitalization Proposal - link: http://tinyurl.com/kv684yc
NOTE: Please see the follow up comments in regards to moving the Homeless Shelters, etc.

#3 - Long term plan to "Break the Addiction", Use Bread Crumbs
http://tinyurl.com/nrvnxfp9

#4 - You can't criminalize being Homeless (How can you get a job if you are criminal?)
http://tinyurl.com/mexjapx (same page in #1a above, but direct link to section)
#5 - WHERE ARE THE FAMILIES and FRIENDS of the HOMELESS?
If these "homeless" are just one (1) or two (2) paychecks from homelessness, why can't these homeless sleep on the couch of their family members or friend(s) for a few months?
http://tinyurl.com/n8t3nzu (same page in #1a above, but direct link to section)

#6 - Loopholes In The Rules Of Homeless Shelters Equals Addiction Relapse
http://tinyurl.com/kr74k2m - (same page in #1a above, but direct link to section)

#7 - Easy Conversion Of Basic Necessities To Cash(50%) or Drugs(50%)
http://tinyurl.com/kdpkew - (same page in #1a above, but direct link to section)

Sincerely,

Philip Chin
Cleanerama, Inc. - Main Plant - New Orleans
(504) 486-7044 main
(310) 776-0155 cell
Dear Ms. Levine,

Thank you for writing to the City Council to express your concerns. Your email will be included in a future Council agenda packet as Correspondence for the Record.

Sincerely,

Carol Allread
Executive Assistant

-----Original Message-----
From: Carol Allread
Sent: Thursday, March 26, 2015 9:44 AM
To: Public Council Inbox
Subject: FW: Healthy Community

-----Original Message-----
From: Rachael Levine [mailto:rachael.levine@comcast.net]
Sent: Wednesday, March 25, 2015 10:44 AM
To: Council Members
Cc: Kamuron Gurol
Subject: Healthy Community

Dear Burien City Council Members,

This past Monday, I attended a "Discover Burien" Health and Wellness Committee meeting. It was a very informative and energetic group of concerned residents who want to make a difference in supporting the broad definition of health as provided years ago by the World Health Organization. "Health is not just the absence of disease but total well-being, including physical, mental, social and emotional aspects of life". These words guide programs and services already underway in our community, with more to come. Exploration of our "food shed" and partnerships that could bring healthy food closer to home is a great opportunity. Many forms of recreation for all ages is another.

In my view, there is yet a very proactive move that could address the most basic reason, given by the King County Health Department for poor health, that of poverty. Although programs that address poor choices are important for everyone, not having a livable income severely limits choices and does not get at poverty. My recommendation for the Council is to support the Minimum wage for Burien as a first step toward a livable wage, and to determining that this community supports health for all.

Sincerely,

Rachael Levine
430 S. 124th St.
Burien, Wa 98168
Dear Mr. Pitzner,

Thank you for writing to the City Council to express your concerns. Your email will be included in a future Council agenda packet as Correspondence for the Record.

Sincerely,

Carol Allread
Executive Assistant
The city of Burien just passed the newly revised Ordinance 621. It was a badly needed attempt to curb the increasing lawlessness in the Burien. It was never designed to be a attack on the homeless, the city has many venues both private and public that aid and assist the disadvantaged. The residents of Burien simply want a city, especially the Burien Town Square and library area, where they feel safe and secure. The ordinance I believe is an attempt to restore the city's past ambiance and to encourage the healthy growth in the community. For I believe Burien is a beautiful city with lots of promise.

Mark Pitzner

Long time resident and former business owner
WE, THE MEMBERS OF THE CITY COUNCIL OF BURIEN, WASHINGTON, HAVING RECEIVED DEPARTMENT CERTIFICATION THAT MERCHANDISE AND/OR SERVICES HAVE BEEN RECEIVED OR RENDERED, DO HEREBY APPROVE FOR PAYMENT ON This 6th day of April 2015 THE FOLLOWING:

CHECK NOS. 40160-40278
IN THE AMOUNTS OF $315,525.36
WITH VOİDED CHECK NOS. 0

PAYROLL SALARIES AND BENEFITS APPROVAL

FOR March 1st – March 15th PAID ON March 20th 2015
CHECK NOS. 6434-6442
DIRECT DEPOSITS AND WIRE TRANSFERS IN THE AMOUNT OF: $237,249.08
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CITY COUNCIL REGULAR MEETING MINUTES
March 16, 2015

6:15 pm – Special Meeting: Executive Session – Evaluate Qualifications of Advisory Board Applicants per RCW 42.30.110(1g)
6:45 pm – Special Meeting: Discuss naming the 2015 Citizen of the Year Award Recipient
7:00 p.m. - Regular Meeting

400 SW 152nd Street, 1st Floor
Burien, Washington 98166

To hear Council’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

SPECIAL MEETINGS
Mayor Krakowiak called the Special Meeting of the Burien City Council to order at 6:15 p.m. on March 16, 2015, for the purpose of holding an executive session to evaluate qualifications of advisory board applicants per RCW 42.30.110(1)(g) followed by a Special Meeting at 6:45 p.m. for the purpose of holding a discussion on naming the 2015 Citizen of the Year Award Recipient.

Present: Mayor Lucy Krakowiak; Deputy Mayor Nancy Tosta; Councilmembers Stephen Armstrong; Lauren Berkowitz; Bob Edgar; Gerald F. Robison; and, Debi Wagner.

Administrative staff present: Interim City Attorney Robert Noe; City Manager Kamuron Gurol; Economic Development Manager Dan Trimble; and, Parks, Recreation and Cultural Services Director Michael Lafreniere.

No action was taken.

The Special Meetings adjourned to the Regular Meeting at 6:55 p.m.

CALL TO ORDER
Mayor Krakowiak called the Regular Meeting of the Burien City Council to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE
Mayor Krakowiak led the Pledge of Allegiance.

ROLL CALL
Present: Mayor Lucy Krakowiak; Deputy Mayor Nancy Tosta; Councilmembers Stephen Armstrong; Bob Edgar; Lauren Berkowitz; Gerald F. Robison; and, Debi Wagner.

Administrative staff present: City Manager Kamuron Gurol; Police Chief Scott Kimerer; Sergeant Henry McLauchlan; Interim City Attorney Robert Noe; Economic Development
Manager Dan Trimble; Parks, Recreation and Cultural Services Director Michael Lafreniere; and, City Clerk Monica Lusk.

AGENDA CONFIRMATION
Direction/Action
Motion was made by Deputy Mayor Tosta, seconded by Councilmember Robison, to affirm the March 16, 2015, Agenda.

Direction/Action
Motion was made by Deputy Mayor Tosta, seconded by Councilmember Berkowitz, to amend the agenda to add a discussion of the Bel-R Greenhouse Property and the opportunity with King Conservation District to the agenda after the Discover Burien Report as Business Agenda Item “b.” Motion passed 6-1. Opposed, Councilmember Edgar.

A vote was taken on the main motion as amended. Motion passed 6-1. Opposed, Councilmember Edgar.

PUBLIC COMMENT
Direction/Action
Motion was made by Councilmember Berkowitz, seconded by Deputy Mayor Tosta, to suspend the City Council Meeting Guidelines on the maximum time period allowed for public comment. Motion passed 6-1. Opposed, Councilmember Wagner.

Aaron Collin, 619 Southwest 152nd Street, Burien
Will Laudansk, Homeless Veteran
Rachel Levine, 430 South 124th Street, Burien
Chestine Edgar, 1811 Southwest 152nd Street, Burien
Joshua Farris, 2307 15th Avenue South, Seattle
Bryce Phillips, Homeless
Carlos Hernandez, 715 2nd Avenue North, Seattle
John Leonard, 2687 Southwest 172nd Street, Burien
Darla Green, 21st Avenue Southwest, Burien
Carrie Ester, 132nd Street, Burien
Bang Nguyen, 2755 South Washington Street, Seattle
Asa Yoe, 1010 Deerborn, Seattle
Steven Parks, 404 Southwest 138th Street, Burien
Merle, Downtown Seattle
Ed Dacy, 2016 Southwest 146th Street, Burien
Quinton Thompson, 179 South 182nd Street, Burien

CORRESPONDENCE FOR THE RECORD
a. E-mail Dated February 22, 2015, from Peter Fournier Regarding Ordinance 606.
b. E-mail Dated February 25, 2015, from Neil Piispanen with Response from Assistant Public Works Director Brian H. Roberts Regarding Sidewalks.
c. E-mail Dated February 26, 2015, from Robert Howell Regarding Meeting Conduct.
d. E-mails Dated February 27 and March 11, 2015, from Karen McMichael Regarding SCL Substation Property on Ambaum-Formal Intention.
e. Letter and E-mail Dated March 1, 2015, from Walt Bala Regarding Airport Noise & Reverse Thrust.
f. Letter Dated March 2, 2015, from Rachel Levine Regarding Resolution to the Burien City Council from the White Center Library Guild.
g. E-mail Dated March 3, 2015, from Tom Clymer Regarding the Hygiene Law.

h. E-mail Dated March 3, 2015, from Meg Van Wyk Regarding Rainier Prep Charter School.

CONSENT AGENDA

a. Approval of Check Register: Numbers 40030 - 40159 in the Amounts of $532,663.44 for Payment on March 16, 2015; and, Payroll Salaries and Benefits Numbers 6415 - 6433 for Direct Deposits and Wire Transfers in the Amount of $319,722.35 for February 16 – February 28, 2015, Paid on March 5, 2015.

b. Approval of Minutes: Study Session, February 23, 2015; Regular Meeting, March 2, 2015; Special Meeting, March 9, 2015.

c. Motion to Approve Submittal of the 2016 Community Development Block Grant (CDBG) Project Application for the Crosswalk Improvements at Military Road South/South 123rd Street, Near Hilltop Elementary School Project.

d. Motion to Adopt Resolution No. 361, Supporting the Let's Move! Cities, Towns and Counties (LMCTC) Initiative.

Direction/Action

Motion was made by Deputy Mayor Tosta, seconded by Councilmember Robison, and passed unanimously to approve the March 16, 2015, Consent Agenda.

BUSINESS AGENDA

Motion on Naming the 2015 Annual Citizen of the Year Award Recipient

Direction/Action

Motion was made by Deputy Mayor Tosta, seconded by Councilmember Robison, and passed unanimously to name Eric Mathison as the 2015 Citizen of the Year.

Motion to Approve Appointments to Arts Commission, Business & Economic Development Partnership (BEDP), and Parks & Recreation Board.

Direction/Action

Motion was made by Deputy Mayor Tosta, seconded by Councilmember Robison, and passed unanimously to appoint to the Arts Commission Shelley Brittingham to Position 2, Alistair Christopherson to Position 4, Erik Christopherson to Position 5, Dane C. Johnson to Position 7 and Kathy Justin to Position 9 to full terms that will begin on April 1, 2015 and end on March 31, 2019, and Michael Salmon to Position 3 to an unexpired term that will begin on April 1, 2015 and end on March 31, 2017.

Direction/Action

Motion was made by Deputy Mayor Tosta, seconded by Councilmember Robison, to appoint to the Business & Economic Development Partnership Suzanne Greive, Robbie Howell, Daniel A. Poiree and Paul Smith to full terms that will begin on April 1, 2015 and end on March 31, 2019, and Andrea H. Reay to the Business Organization Standing Membership with no end date. Motion passed 5-2. Opposed, Deputy Mayor Tosta and Councilmember Berkowitz.

Direction/Action

Motion was made by Deputy Mayor Tosta, seconded by Councilmember Robison, and passed unanimously to appoint to the Parks & Recreation Board Aaron Hayden to Position 2, Eric Mathison to Position 3 and Angela Spears to Position 4 to full terms that will begin on April 1, 2015 and end on March 31, 2019.
Presentation of the 2015 Annual Report by Discover Burien.
Discover Burien Executive Director Andrea Reay spoke about the organization's mission, vision, values and commitment; the 2014 goals and progress; membership totals; revenue; and its 2015 goals and work plan.

Public Comment
Chestine Edgar, 1811 SW 152nd Street, Burien

Discussion of the Bel-R Greenhouse Property and the Opportunity with King Conservation District
This item was added under Agenda Confirmation.

Public Comment
Sara Hemphill, King Conservation District Director
Ed Dacy, 2016 Southwest 146th Street, Burien

Direction/Action
Motion was made by Deputy Mayor Tosta, seconded by Councilmember Robison to Authorize the City Manager to Work with the King Conservation District and Other Partners to Develop and Submit Grant Applications to the King County Conservation Futures Tax Program and Park Expansion Levy Program to Help Preserve the Bel-R Nursery Site in North Burien for Its Public Benefits in Urban Agriculture, and to Direct the City Manager to Bring for City Council Review and Decision Any Proposal for City of Burien Funds for this Purpose and Add Our Name as Cosponsors to Application that is Due This Week.

A vote was not taken on this motion.

Direction/Action
Councilmember Berkowitz called the vote on the motion.

Direction/Action
A vote was taken on calling for the vote. Failed. In Favor, Deputy Mayor Tosta, Councilmembers Armstrong, Berkowitz and Robison.

Mayor Krakowiak called a recess at 9:02 p.m. and reconvened the meeting at 9:11 p.m.

The following substitute motion was made.

Direction/Action
Motion by Deputy Mayor Tosta, seconded by Councilmember Robison, to Authorize the City Manager to Work with the King Conservation District to Develop, Co-Sponsor and Submit Grant Applications to Help Preserve the Bel-R Nursery Site in North Burien and to Direct the City Manager to Bring for City Council Review and Decision Any Proposal for City of Burien Funds for This Purpose. Motion passed 5-2. Opposed, Mayor Krakowiak and Councilmember Edgar.

Update on the Economic Development Priorities
Economic Development Manager Dan Trimble reviewed the timelines in the initial work plan for the priority actions noting that the staff's estimates were subject to change.
Discussion of City Council Meeting Guidelines.

**Direction/Action**
Councilmembers agreed to add “not” after “but” in Section 1.2, and approved the changes in Matrix Numbers 14-29 and 31-32.

**Follow-up**
Staff will clarify “predispositions” in Section 12.3.C, research if “sex” is duplicative of “gender” in Section 9.1.B, research public comment limits for quasi-judicial in Section 12.1, and provide information on other ways to process Correspondence for the Record.

**Direction/Action**
**MOTION** was made by Councilmember Robison, seconded by Deputy Mayor Tosta, to extend the meeting to 10:10 p.m. **Motion failed 3-4. Opposed, Mayor Krakowiak, Councilmembers Armstrong, Edgar and Wagner.**

Review of Council Proposed Agenda Schedule.
Due to time constraints, the schedule was not reviewed.

COUNCIL REPORTS
The following reports were provided in the Council Meeting packet.
**Report on Proposal for POS/Soundside Alliance study on Economic and Workforce Development** by Mayor Krakowiak.

**Reports on Social Service Recognition Luncheon and Navos Celebration** by Mayor Krakowiak.

**Reports on King Conservation District Executive Advisory Committee, Regional Food Policy Council Steering Committee- Puget Sound Regional Council, Seattle, Sound Cities Association Networking Dinner, Sound Cities Association Caucus Chair Training, Sound Cities Association Pre-PIC Meeting, and Bel-R Greenhouses for Future Consideration on Council Agenda on March 16, 2015 by Deputy Mayor Tosta.**

CITY MANAGER’S REPORT
Due to time constraints, the report was not presented.

ADJOURNMENT
**MOTION** was made by Deputy Mayor Tosta, seconded by Councilmember Robison, and passed unanimously to adjourn the meeting at 10:01 p.m.

__________________________
Lucy Krakowiak, Mayor

__________________________
Monica Lusk, City Clerk
CITY COUNCIL STUDY SESSION MINUTES
March 23, 2015
7:00 pm
400 SW 152nd Street, 1st Floor
Burien, Washington 98166

CALL TO ORDER
Mayor Krakowiak called the Study Session of the Burien City Council to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE
Mayor Krakowiak led the Pledge of Allegiance.

ROLL CALL
Present: Mayor Lucy Krakowiak, Deputy Mayor Nancy Tosta, Councilmembers Stephen Armstrong, Lauren Berkowitz Bob Edgar, Gerald F. Robison and Debi Wagner.

Planning Commissioners present: Chair Jim Clingan; Butch Henderson; Joey Martinez; Amy Rosenfield; Brooks Stanfield; and, Douglas Weber. Curtis Olsen was absent.

Administrative staff present: City Manager Kamuron Gurol; Police Chief Scott Kimerer; Interim City Attorney Robert Noe; Community Development Director Chip Davis; Senior Planner David Johanson; and, City Clerk Monica Lusk.

CORRESPONDENCE FOR THE RECORD
a. E-mail Dated March 11, 2015, from John Poitras Regarding Council Rules and an Individual Unfit to Serve Who Needs to be Removed from the Commission for Cause. (Due to the nature of content, this was not reproduced here but is available for review as a public record)
c. E-mail Dated March 13, 2015, from C. Edgar Regarding Inaccuracies That Have Been Put on the Public Record Relating to the City Council.

DISCUSSION ITEMS
Joint Meeting of the City Council and Planning Commission and Introduction to Critical Areas Ordinance Update (see attached detailed agenda)
Senior Planner David Johanson reviewed the Critical Areas Ordinance Update's scope and objectives, the benefits of critical areas, the percent of total land area for critical areas and buffers, the areas of focus, and the next steps.

Ecologist Nell Lund and Environmental Planner Tess Brandon from the Watershed Company spoke about the update process which includes the Growth Management Act overview, Best Available Science, gap analysis, and code revisions.
Public Comment
Robert Howell, 15240 20th Avenue Southwest
Marilyn Dunston, Burien
Chistine Edgar, 1811 Southwest 152nd Street, Burien.

Review of the Council Proposed Agenda Schedule
Direction/Action
Councilmembers requested a monthly update on the Economic Development process.

Follow-up
Staff will schedule the City Manager annual performance review and extend an invitation to the advisory boards to the April 20, 2015, parliamentary training to be conducted by Ann Macfarlane.

COUNCIL REPORTS
Councilmember Edgar noted that he attended the Soundside Alliance meeting with City Manager Gurol and Mayor Krakowiak.

Councilmember Edgar stated that he attended the King County Library's ground breaking for the new White Center Library.

Councilmember Robison noted that he attended Discover Burien's Awards Dinner and Auction event.

Deputy Mayor Tosta stated that she would provide a written report on the meetings she had attended.

Councilmember Wagner reported on the South County Area Transportation Board (SCATBd) meeting she attended.

ADJOURNMENT
Direction/Action
MOTION was made by Deputy Mayor Tosta, seconded by Councilmember Robison, and passed unanimously to adjourn the meeting at 8:26 p.m.

__________________________________________
Lucy Krakowiak, Mayor

__________________________________________
Monica Lusk, City Clerk
**Agenda Subject:** Discussion of Ordinance No. 622 Establishing Alternative Design Standards and a Stormwater Connection Fee in the Northeast Redevelopment Area (NERA) and Amending Chapter 13.10 of the Burien Municipal Code

**Meeting Date:** April 6, 2015

<table>
<thead>
<tr>
<th>Department: Public Works</th>
<th>Attachments: Draft Ordinance No. 622</th>
<th>Fund Source: N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contact: Maiya Andrews, Public Works Director</td>
<td></td>
<td>Activity Cost: N/A</td>
</tr>
<tr>
<td>Telephone: (206) 248-5521</td>
<td></td>
<td>Amount Budgeted: N/A</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Unencumbered Budget Authority: N/A</td>
</tr>
</tbody>
</table>

**PURPOSE/REQUIRED ACTION:**
The purpose of this agenda item is to discuss Draft Ordinance No. 622 which establishes alternative design standards and a stormwater connection fee in the NERA.

**BACKGROUND (Include prior Council action & discussion):**
In 2014, the City constructed several infrastructure improvements recommended in the 2010 NERA Redevelopment Plan and Implementation Strategy. These improvements included new regional stormwater facilities designed to accommodate stormwater from development in NERA, specifically those areas zoned as Airport Industrial. Prior to design of these improvements, the NERA Master Drainage Plan (MDP) was developed. The goal of the Master Drainage Plan is to restore natural hydrologic processes in the Miller Creek watershed within NERA by providing flow control and treatment for stormwater runoff from both existing surfaces and anticipated redevelopment. The NERA MDP provides the background, technical analysis, design decisions and standards to achieve this goal.

During the early development of the NERA MDP, it was determined that a connection fee could be established that would help the City recoup the costs of early maintenance, monitoring, and adaptive management of the new facilities. This concept was discussed with the Port, who was amenable, and the concept was incorporated into our Interlocal Agreement with them. Staff has also briefed potential developers of the sites, and they voiced no concerns. The fee would be paid at the time of development permit.

This ordinance requires developers who wish to utilize our regional stormwater system for water quality treatment and flow control to do two things; they must pay a connection fee, and they must design their project per the standards in the NERA MDP. Appendix I of the NERA MDP provides them a cookbook style menu of pre-engineered low impact development options for their onsite treatment. By selecting from this menu, they minimize the need for further engineering and satisfy their onsite treatment requirements. The developers receive the benefit of not having to provide flow control on site, saving valuable space for development, and reduced construction and engineering costs. The City is able to recover costs for early development of the system, and achieve the environmental goals of the NERA MDP.

**OPTIONS (Including fiscal impacts):**
- Approve Ordinance No. 622, establishing the design standards and a stormwater connection fee for properties zoned as Airport Industrial in NERA.
- Don’t approve Ordinance No. 622 and provide alternative direction to staff. Developers would comply with the existing stormwater standards, and a connection fee would not be collected.

**Administrative Recommendation:** Hold discussion on this ordinance, and consider placing it on the April 20, 2015 consent agenda for adoption.

**Advisory Board Recommendation:** N/A

**Suggested Motion:** None required.

Submitted by:

City Manager

Today’s Date: March 30, 2015

File Code: File\records\CC\Agenda_Bill_2015\040615pw-1 NERA Stormwater Connection Fee.docx
CITY OF BURIEN, WASHINGTON

ORDINANCE NO. 622

AN ORDINANCE OF THE CITY OF BURIEN, WASHINGTON, ESTABLISHING ALTERNATIVE DESIGN STANDARDS AND A STORMWATER CONNECTION FEE IN THE NORTHEAST REDEVELOPMENT AREA (NERA) AND AMENDING CHAPTER 13.10 OF THE BURIEN MUNICIPAL CODE

WHEREAS, the City has constructed several new regional stormwater facilities in the NERA;

WHEREAS, these facilities were constructed in accordance with the design parameters established in the NERA Master Drainage Plan;

WHEREAS, the City Council approved an Interlocal Agreement with the Port of Seattle which grants the Port the right to connect on-site stormwater collection systems to the new regional stormwater facilities upon paying of a connection fee;

WHEREAS, the connection fee is based on the City’s projected costs in excess of those covered by the City’s Surface Water Management Service Charge for the first twenty years of operation and maintenance of the new systems, including initial monitoring and adaptive management needs;

WHEREAS, the NERA Master Drainage Plan also establishes minimal on-site stormwater management requirements for users connecting to the regional stormwater facilities, and these requirements incorporate low impact development techniques;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Section 13.10.040, Administrative standards and procedures, Subsection (1) of the Burien Municipal Code, is hereby amended to read as follows:

(1) Procedures for the imposition and collection of service charges, connection fees, and/or for filing of liens and initiation of foreclosure on delinquent accounts and the collection of the debt service portion of the service charge;

Section 2. Section 13.10.130, Drainage review – When required – Type, of the Burien Municipal Code, is amended by inserting a new Subsection (4) as follows:

(4) Exceptions
(a) Development, including redevelopment, in the Airport Industrial Zone that is complying with the NERA Master Drainage Plan (NERA MDP) shall be subject to a modified small project drainage review, prepared in accordance with Appendix I of the NERA MDP.

Section 3. Section 13.10.140, Drainage Review - Requirements, Subsection (5) of the Burien Municipal Code, is hereby amended to read as follows:

(5) Applications of low impact development ("LID") techniques as a flow control or water quality control design are encouraged where the LID techniques are feasible. LID techniques used in accordance with the NERA MDP for qualifying projects in the Airport Industrial Zone do not require an adjustment. LID techniques for other projects may be granted as an adjustment by the director; provided, that the applicant establishes that the proposed LID techniques will meet or exceed the standards set forth in the Clean Water Act, the current Phase II Western Washington NPDES permit applicable to the city of Burien, and this title, including the SWDM and the SPPM. The city may allow the Western Washington Hydrology Model ("WWHM"), MGS Flood Model, System for Urban Stormwater Treatment and Analysis Integration ("SUSTAIN") Model or other hydrologic/hydraulic models that have been approved by the city, King County, DOE, the Washington State Department of Transportation, or the Environmental Protection Agency to be used as a tool for determining flow control or water quality requirements. The drainage review requirements in this section and in the Surface Water Design Manual may be modified or waived by the director if the director determines that such modification or waiver is in the best interests of the public and will comply with the current Phase II Western Washington NPDES permit applicable to the city of Burien and other applicable laws.

Section 4. New section added. Amend the Burien Municipal Code to add the following Section 13.10.280, Stormwater connection fee:

13.10.280, Stormwater connection fee.

(1) There is established a connection fee for properties in the Airport Industrial Zone complying with the NERA MDP and connecting to the regional stormwater facilities described in the NERA MDP.

(2) The connection fee shall be charged on development and redevelopment sites submitting land use applications. A development site shall be subject to the connection fee for the initial connection to the regional stormwater system; the site shall not be subject to the connection fee upon subsequent redevelopment.

(3) The connection fee shall be calculated on the entire development site as:
developable area in acres x $23,327.

where the developable area is defined as all portions of the subject parcel(s) not covered by critical areas.

(4) The connection fee shall be payable by the applicant upon application for a development permit.

Section 5. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 6. Effective Date. This Ordinance shall take effect five days after publication.


CITY OF BURIEN

__________________________
Lucy Krakowiak, Mayor

ATTEST/AUTHENTICATED:

__________________________
Monica Lusk, City Clerk

Approved as to form:

__________________________
Robert F. Noe, Kenyon Disend, PLLC
Interim City Attorney

Filed with the City Clerk:
Passed by the City Council:
CITY OF BURIEN
AGENDA BILL

Agenda Subject: Discussion and Motion to Adopt Resolution No. 363, Establishing the 2015 Comprehensive Plan Amendment Docket.

Meeting Date: April 6, 2015

Department: Community Development

Contact: David Johanson, AICP, Senior Planner

Telephone: (206) 248-5522

Attachments:
1. Resolution 363
2. Staff Memo to Planning Commission
5. Private applications and staff criteria response.

Fund Source: N/A
Activity Cost: N/A
Amount Budgeted: N/A
Unencumbered Budget Authority: N/A

Adopted Work Plan Priority: Yes _X_ No

Work Plan Item Description: Comprehensive Plan Amendments

PURPOSE/REQUIRED ACTION:
The purpose of this agenda item is for the City Council to consider and adopt Resolution No. 363 establishing the 2015 Comprehensive Plan Docket. We are requesting action on April 6th or if additional discussion or modification is needed action at your April 20th meeting. Action is required by May 1, 2015.

BACKGROUND (Include prior Council action & discussion):
Under State law, the Comprehensive Plan can be amended no more than once per year (with certain exceptions). The process for amending the Comprehensive Plan is contained in Zoning Code section 19.65.095. The amendment process has several distinct steps. The first step was to solicit requests for amendments. A notice was published in The Seattle Times, placed on the City’s Web site and posted at City Hall, notifying citizens that the City would accept requests until March 1, 2015 (see Attachment 4). In addition, our Comprehensive Plan Update and Planning Commission Agenda online subscriber lists were notified.

The Commission’s required public meeting to receive public testimony was held on March 11, 2015. The Planning Commission also discussed the docket on March 11th and March 25th. The staff memo to the Planning Commission provides additional information and background regarding the proposed 2015 docket (see Attachment 2). The meeting minutes from that meeting are attached (see Attachment 3).

On March 25, 2015 the Planning Commission recommended the City Council approve resolution No. 363 as attached.

OPTIONS (Including fiscal impacts):
1. Do not adopt Resolution No. 363.

Administrative Recommendation: Discuss and Adopt Resolution 363 establishing the 2015 Comprehensive Plan docket.

Committee Recommendation: N/A

Advisory Board Recommendation: Include those items listed in Resolution 363 in the 2015 Comprehensive Plan Docket.

Suggested Motion: Move Approval of Resolution No. 363, establishing the 2015 Comprehensive Plan docket.

Submitted by: David Johanson, AICP, Senior Planner

Administration City Manager

Today’s Date: March 31, 2015 File Code:
CITY OF BURIEN, WASHINGTON
RESOLUTION NO. 363
DRAFT

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 2014; 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 their March 25, 2015 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.


CITY OF BURIEN
/s/ Lucy Krakowiak, Mayor

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

Approved as to form:
/s/ Bob Noe, Interim City Attorney

Filed with the City Clerk: April ___, 2015
Resolution Passed: April ___, 2015
Resolution No. 363
<table>
<thead>
<tr>
<th>Item No.</th>
<th>Priority</th>
<th>Topic</th>
</tr>
</thead>
<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>L M</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. (Includes Map 2 LU-2)</td>
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<tr>
<td>4</td>
<td>M</td>
<td>Develop measurable action items implementing policies.</td>
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<tr>
<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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<tr>
<td>7</td>
<td>C</td>
<td>Integrate policy direction of Park Recreation and Open Space plan update.</td>
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<tr>
<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>H</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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<tr>
<td>14</td>
<td>H M</td>
<td>Incorporate North Burien into applicable policies and the Comprehensive Land Use Map.</td>
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<tr>
<td>15</td>
<td>C</td>
<td>Ensure sufficient land to accommodate housing for all economic segments</td>
</tr>
<tr>
<td>16</td>
<td>C</td>
<td>Update utility policy and supporting background information.</td>
</tr>
<tr>
<td>17</td>
<td>C</td>
<td>Ensure best available science is current and update if necessary.</td>
</tr>
<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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<tr>
<td>19</td>
<td>L M</td>
<td>Address climate change.</td>
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<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>H (NEW)</td>
<td>Update Downtown section in coordination with preparation of a City Center Plan (following TS completion in 2016).</td>
</tr>
<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>
</tr>
<tr>
<td>Ref. No.</td>
<td>INDIVIDUAL PROPOSED AMENDMENTS</td>
<td>Proposed By</td>
</tr>
<tr>
<td>---------</td>
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</tbody>
</table>
| 2015-1 | Comprehensive Plan Map Amendment/Rezone Request  
Parcel Nos. 019235000, 1923049318, 1923049334  
Addresses: 14421 8th Avenue Southwest  
File No. PLA 15-0391  
Request: Comprehensive Plan change from Office to High Density Multi-Family Neighborhood and Rezone from Office (O) to Residential Multi-Family 48 (RM-48). | MS Property Management |
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
CITY OF BURIEN, WASHINGTON
MEMORANDUM

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
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: March 25, 2015

Jim Clingan, chair
Planning Commission
City of Burien

BURIEN PLANNING COMMISSION
March 25, 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 25, 2015, meeting of the Burien Planning Commission to order at 7:03 p.m.

ROLL CALL

Present: Jim Clingan, Butch Henderson, Joey Martinez, Amy Rosenfield, Brooks Stanfield and Douglas Weber

Absent: Curtis Olsen

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

AGENDA CONFIRMATION

Direction/Action

Motion was made by Vice Chair Martinez, seconded by Commissioner Henderson, to approve the agenda for the March 25, 2015, meeting. Motion passed 6-0.

APPROVAL OF MINUTES

Direction/Action

Motion was made by Vice Chair Martinez, seconded by Commissioner Henderson, and passed 6-0 to approve the minutes of the March 11, 2015, meeting.

PUBLIC COMMENT

Anna Friel, 11232 26th Ave. S., asked the commissioners to add her rezone request to this year's Comprehensive Plan amendment docket. She said she bought her property under the assumption it was zoned multi-family and when properties are rezoned people lose money and the county tax base is affected.

OLD BUSINESS

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

David Johanson reviewed the commission's discussion at its March 11th meeting about the proposed 2015 docket. He said the goal this evening is for the commission to determine its recommendation to the City Council regarding the docket.

Mr. Johanson responded to a question asked by Commissioner Henderson at the last meeting about the difference in the height requirement between the Office zone and the RM-48 or RM-24 zone. He said
the building height limit in the Office zone is 45 feet; currently apartment uses in the RM-48 zone can be anywhere from 60 to 75 feet tall, depending upon design elements, and in the RM-24 zone the height limit is 35 feet.

Commissioner Weber recommended that Item 29 on the proposed docket – “Update Downtown section in coordination with preparation of a City Center Plan (following TS completion in 2016) – should be moved from a medium to a high priority. Mr. Johanson said staff intends to do that work in 2016, but put it on the 2015 docket in case there is an opportunity to get started this year.

Mr. Johanson said he believes the Puget Sound Regional Council will be providing comments on the recently updated Comprehensive Plan requiring adjustments to the plan, so he would like Item 10, currently a strike-out item, to remain on the docket as a high priority.

Referring to Item 3 on the docket and a comment received at the March 23 City Council meeting, Mr. Johanson noted that Map 2LU-2 will be updated from not only a boundary perspective but what the map represents, as well.

Vice Chair Martinez moved to recommend the City Council adopt Resolution No. 363 establishing the 2015 Comprehensive Plan amendment docket. Commissioner Henderson seconded the motion.

Commissioner Weber moved to amend the motion to modify the Comprehensive Plan amendment docket as presented in Resolution 363 by adding Item 10 back into the docket and making it a high priority and changing the priority of Item 29 from medium to high. Vice Chair Martinez seconded the motion. The amendment passed unanimously.

Chair Clingan moved to amend the amended motion by deleting Item 32; Commissioner Stanfield seconded. Chair Clingan said his reason for deleting Item 32 is that the filing fee wasn’t paid; accepting it at the Planning Commission level would set a precedent. He said he believes that the decision to accept an unpaid request rests at the City Council’s level. He said at this point he is not in favor or opposed to the proposed amendment, he is just concerned about the fee not being paid.

Commissioner Martinez asked what the fee is; Mr. Johanson responded that it is a flat fee of approximately $5,000 to cover estimated staff time involved, based on an hourly rate.

Commissioner Rosenfield asked why the fee hasn’t been paid, as opposed to times in the past when fee has been paid. Mr. Davis responded that the applicants requested that their application be placed on the docket for them by either the Planning Commission or the City Council at no cost to them; in that case, the application would be sponsored by the City.

Vice Chair Martinez asked what the applicant could do if the commission voted to recommend deletion of Item 32 from the docket. Mr. Davis responded that the City Council could accept the recommended docket as whole or in part and could choose to add Item 32 back in. Mr. Davis noted that the application met the docketing criteria, but detailed analysis of the merits of the request is not done until the docket has been established by the City Council.

Commissioner Rosenfield suggested that in the future there be a little bit of training about whether or not, or how much, the commission should take into consideration payment or non-payment of the filing fee when making a docket recommendation to the City Council.

Chair Clingan called for the vote on the motion to recommend deletion of Item 32 from the docket; the motion failed by a vote of 2-4.

Chair Clingan called for the vote on the motion to recommend adoption of the 2015 Comprehensive Plan docket as amended; the motion carried 6-0.

Mr. Davis noted that the commissioners’ recommended docket will go before the City Council for the first time on April 6th.

NEW BUSINESS

None
PLANNING COMMISSION COMMUNICATIONS

None.

DIRECTOR'S REPORT

Mr. Davis thanked the commissioners for attending the joint City Council / Planning Commission meeting on Monday night.

ADJOURNMENT

Direction/Action

Commissioner Stanfield moved for adjournment; Vice Chair Martinez seconded the motion. Motion carried 6-0. The meeting adjourned at 7:40 p.m.

APPROVED: ____________________________________________

_____________________________________________
Jim Clingan, chair
Planning Commission
The City of Burien is initiating its annual Comprehensive Plan amendment process for 2015. The City is accepting new individual requests to be considered during the 2015 Comprehensive Plan docketing process.

The final Comprehensive Plan Docket will be determined by the City Council in April following a recommendation by the Planning Commission.

Individuals and organizations may propose amendments to the Comprehensive Plan. The deadline for submittal of these Comprehensive Plan Amendment requests is 5:00 pm, March 2, 2015. Please note that an amendment to the Comprehensive Plan land use map also may require a Rezone. Application packets are available at City Hall and on the city website www.burienwa.gov. A filing fee is required for amendment requests. We also recommend meeting with Planning staff (see contact information below) prior to filing.

The Burien Planning Commission will hold a public meeting for interested parties to learn about and comment on the preliminary docket of amendment requests on March 11, 2015, at 7:00 pm at the Burien Library/City Hall Multi-Purpose Room. This meeting will be televised live on BCTV Channel 21, and streamed live and archived at www.burienmedia.org.

The 2015 Comprehensive Plan Amendment file is available for viewing at Burien City Hall during regular business hours. All Planning Commission and City Council packets also are available online at www.burienwa.gov. To be notified of future meetings related to the Comprehensive Plan, please sign up for our comprehensive plan e-mail list at http://www.burienwa.gov/list.aspx.

Written comments regarding the Comprehensive Plan preliminary docket may be submitted in person, via mail, e-mail or by facsimile. Oral comments can be provided at the preliminary docket meeting or during the public comment portions of Planning Commission and City Council meetings, at the discretion of the Chair. Additional notice of public hearings on specific amendments will be provided.

David Johanson, AICP
Department of Community Development
City of Burien
400 SW 152nd Street, Suite 300
Burien, WA 98166
Phone: (206) 248-5522  E-Mail: davidj@burienwa.gov

Date of Notice: December 28, 2014
**Comprehensive Plan Amendment Request (Includes rezones)**

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<th><strong>AGGREGATE INFORMATION</strong></th>
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<tr>
<td><strong>Amendment Type</strong></td>
<td>Map amendment</td>
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<tr>
<td><strong>Reference Number</strong></td>
<td>RE 2 15-0391</td>
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<thead>
<tr>
<th><strong>APPLICANT INFORMATION</strong></th>
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<tr>
<td>Name: Melina Lin</td>
<td>Company: MS Property Management</td>
</tr>
<tr>
<td>Mailing Address: 555 116th Ave NE #112 Bellevue WA 98004</td>
<td>Daytime Phone: 425 748 4608</td>
</tr>
<tr>
<td>Contact person: JEREMY KANE</td>
<td>E-Mail: <a href="mailto:melina.lin@comcast.net">melina.lin@comcast.net</a></td>
</tr>
<tr>
<td>Property owner: Melina Lin for MGRE 144218, LLC.</td>
<td>Daytime Phone: 425 748 4608</td>
</tr>
<tr>
<td>Mailing Address: 555 116th Ave NE #112 Bellevue WA 98004</td>
<td>E-Mail: <a href="mailto:melina.lin@comcast.net">melina.lin@comcast.net</a></td>
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<table>
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<tr>
<th><strong>SITE INFORMATION (if applicable)</strong></th>
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<td>Site Address: 14421 8th Ave SW</td>
<td>Parcel Number: 19230 4931B, 19230 4933A, 19230 4935</td>
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<td>Existing Zoning District: Commercial</td>
<td>Existing Comprehensive Plan designation: NA</td>
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<tr>
<td>Requested Zoning: RM-48</td>
<td>Requested Plan designation: NA</td>
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<tr>
<td>Number of Acres: 15</td>
<td>Current Land Use: Vacant</td>
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<tr>
<td>Critical areas present:</td>
<td>Wetlands Streams Critical Aquifer Landslide Hazard Area Fish &amp; Wildlife</td>
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**Brief description of proposal (attach additional sheets if necessary):**

This application is to rezone three parcels from Commercial designation to Residential Multi Family 48. One parcel (0192350000) already has a 23 unit apartment building on it, built in 1962. The other two parcels (19230 4931B & 19230 4933A) are vacant.

**SIGNATURE**

I, Melina Lin, declare that I am the owner of the property involved in this application and that the foregoing statements and answers herein contained and the information herewith submitted are in all respects true and correct to the best of my knowledge and belief. I designate______________ to act as my agent with respect to this application. I agree to reimburse the City of Burien for the costs of professional engineers and other consultants hired by the City to review and inspect this proposal when the City is unable to do so with existing in house staff.

Dated: 2/27/2015.

Signature: [Signature]

**ATTACHMENT 5.1**
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.

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<th>Address (Burien)</th>
<th>Parcel #</th>
<th>Lot Size (SF)</th>
<th>Units (#)</th>
<th>Density</th>
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<tbody>
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<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>#1923049318</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Subject vacant lots</td>
<td>#1923049334</td>
<td>22490</td>
<td>Vacant now Proposed 21</td>
<td>1070 SF/U</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 deemed 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 Ambaul 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 ½ 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.
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 the 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.
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 exist 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” <ddeerecords@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:

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 Ambau 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>Item</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>B.24</td>
<td>Changes zoning of one office-zoned parcel to Intersection Commercial, which is similar to other adjacent parcels along Des Moines Memorial Drive South. The change to CI ensures that development scale and use compliment and support the surrounding residential neighborhood near this more prominent intersection.</td>
</tr>
<tr>
<td>B.25</td>
<td>RM-12 to RM-18 (or CI)</td>
</tr>
<tr>
<td>B.26</td>
<td>RM-12 to CI</td>
</tr>
<tr>
<td><strong>B.27</strong></td>
<td><strong>RM-12 to RS-7,200</strong></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 28TH 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.

12345 67th Ave 8
Seattle, WA 98103
Status Active
$750,000
Price
2 Bed
1 Bath
1,240 Sq. Ft.
1,450 $/Sq. Ft.
Built: 1958
Lot Size: 1.07 Acres
Days on Market: 231 days
On Market: 72 days

Want all the details? Sign in or Join Redfin.
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By joining you agree to Redfin's Terms of Use. Privacy Policy.

This home is also listed on Zillow.com.

Lori Reardon
Redfin Agent
971 active reviews

$3,500 commission refund

Go Tour This Home
Ask Lori a Question or Start an Offer

1 of 2 Redfin Agents in this area

(253) 656-6862

Questions? Call Lori's Team

Listing courtesy of Keller Williams Seattle Mateo

BUILDING/LOT 10 ACRE LOT currently zoned Rental RM-12. Front lot with existing 2 br/1 ba home rented MTF for $1150. Combined lots provide a total of 13,111 sq. ft. (1.07 acre) of property. Keep the current tenants until your plans permits are approved. Preliminary plat design for a community of 16 homes, filed with King Co. in 2008. Review the plat or create your own vision, similar to the apartment complex across the street. Buyer to verify all information.

Property Type: Residential
Style: 1 Story with Basement

3 of 5

Facebook
Twitter
Google+
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.

<table>
<thead>
<tr>
<th>B.5</th>
<th>RM-18 to RS-7,200</th>
<th>Matches zoning to existing uses (SFR) on land that is partially constrained by steep slopes.</th>
</tr>
</thead>
<tbody>
<tr>
<td>B.6</td>
<td>RM-12 to RS-7,200</td>
<td>The parcel contains a SFR.</td>
</tr>
<tr>
<td>B.7</td>
<td>RM-12 to RM-24</td>
<td>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.</td>
</tr>
<tr>
<td>B.8</td>
<td>RM-18 to CC-2</td>
<td>Aligns the zoning boundary with the existing parcel lines.</td>
</tr>
<tr>
<td>B.9</td>
<td>RM-18 to RM-24 and RM-48 to RM-24</td>
<td>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.</td>
</tr>
<tr>
<td>B.10</td>
<td>RM-12 to RM-24</td>
<td>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).</td>
</tr>
<tr>
<td>B.11</td>
<td>RM-24 to RM-48</td>
<td>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.</td>
</tr>
<tr>
<td>B.12</td>
<td>RM-12 to RM-48</td>
<td>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.</td>
</tr>
<tr>
<td>B.13</td>
<td>RM-12 to RS-7,200</td>
<td>Adjusts zoning boundary lines to match parcel lines.</td>
</tr>
<tr>
<td>B.14</td>
<td>RM-12 to RM-18</td>
<td>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.</td>
</tr>
<tr>
<td>B.15</td>
<td>RM-12 to RM-24</td>
<td>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.</td>
</tr>
<tr>
<td>B.16</td>
<td>RM-12 to RS-7,200</td>
<td>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.</td>
</tr>
<tr>
<td>B.17</td>
<td>RM-12 to CC-2</td>
<td>Eliminates spot zone for existing library. Implements logical zoning boundaries for the entire block.</td>
</tr>
<tr>
<td>B.18</td>
<td>RM-18 to CC-2</td>
<td>Current zoning boundary splits a parcel.</td>
</tr>
<tr>
<td>B.19</td>
<td>RM-12 to RM-18</td>
<td>Proposed change matches adjacent zoning designation while also increasing density taking into consideration the proximity to the commercial center.</td>
</tr>
<tr>
<td>B.20</td>
<td>RM-12 to RM-48</td>
<td>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.</td>
</tr>
<tr>
<td>B.21</td>
<td>RM-12 to RM-18</td>
<td>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.</td>
</tr>
<tr>
<td>B.22</td>
<td>RM-12 to RM-18</td>
<td>Change implements a zone transition from a high traffic corridor to the established residential neighborhoods.</td>
</tr>
<tr>
<td>B.23</td>
<td>RM-12 to RM-18</td>
<td>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.</td>
</tr>
</tbody>
</table>
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
**Agenda Subject:** Review of Council Proposed Agenda Schedule  
**Meeting Date:** April 6, 2015

<table>
<thead>
<tr>
<th>Department:</th>
<th>Attachments:</th>
</tr>
</thead>
<tbody>
<tr>
<td>City Manager</td>
<td>Proposed Meeting Schedule</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Contact:</th>
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</thead>
<tbody>
<tr>
<td>Monica Lusk, City Clerk</td>
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<table>
<thead>
<tr>
<th>Telephone:</th>
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<tr>
<td>(206) 248-5517</td>
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<thead>
<tr>
<th>Adopted Initiative:</th>
<th>Initiative Description:</th>
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<tbody>
<tr>
<td>Yes</td>
<td>N/A</td>
</tr>
</tbody>
</table>

**Purpose/Required Action:**

The purpose of this agenda item is for Council to review the proposed City Council meeting schedule. New items or items that have been rescheduled are in bold.

**Background (Include prior Council action & discussion):**

Per the City Council Meeting Guidelines, the proposed meeting schedule is reviewed at each meeting.

Please note that the Staff-identified Future Agenda Items are in the process of being scheduled.

**Options (Including fiscal impacts):**

1. Review the schedule and add, delete, or move items.
2. Review the schedule and make no modifications.

**Administrative Recommendation:** Review the schedule and provide direction to staff.

**Advisory Board Recommendation:** N/A

**Suggested Motion:** None required.

**Submitted by:** Administration  
**City Manager**

**Today's Date:** March 30, 2015  
**File Code:** R:/CC/Agenda Bills 2015/040615cm-1 Rev  
**Agenda Schedule**
CITY OF BURIEN
COUNCIL PROPOSED AGENDA SCHEDULE
2015

April 13, 6:30 p.m.–7:30 p.m.–Reception Honoring Citizen of the Year, Outgoing Advisory Board Members and Volunteers at the Community Center, Shorewood Room

April 20, 7 pm Regular Meeting
Motion to Adopt Resolution No. XXX, Relating to NERA Surface Water Maintenance, Operation and Hook-Up Fees.
(Public Works)
Discussion and Possible Action on the 2015 Comprehensive Plan Docket.
(Community Development – Rescheduled from 5/4)
(City Manager)
Discussion on City Council Meeting Guidelines.
(City Manager)
Review of Council Proposed Agenda Schedule.
(City Manager)

April 27, 6 pm Special Meeting: Executive Session (real estate)
7 pm Study Session
Report on Significant Tree Retention Policies.
(Community Development - Council direction on 4/28/14)
(Community Development)
Discussion of Animal Service Issues.
(City Manager)
Review of Council Proposed Agenda Schedule.
(City Manager)

May 4, 7 pm Regular Meeting
Presentation of the 2014 Annual Police Report Summary.
(Police – Rescheduled from 6/1)
Presentation of the Sustainable Airport Master Plan (SAMP).
(City Manager – Rescheduled from 4/6)
Discussion on the City’s Advisory Boards and Commissions to Actively Engage Them in Helping to Advance the Council’s Priorities.
(City Manager – High Priority from Council Retreat on 1/24)
Review of Council Proposed Agenda Schedule.
(City Manager)

May 18, 6 pm Executive Session - Discuss the performance of a public employee per RCW 42.30.110(1)(g)
7 pm Regular Meeting
Presentation on WRIA 9 Interlocal Agreement.
(Public Works – Rescheduled from 5/4)
Presentation on Adopt-a-Park Program Update.
(Parks – Rescheduled from 4/20)
Review of Council Proposed Agenda Schedule.
(City Manager)

May 25, Study Session–CANCELED (Memorial Day Holiday)
SUMMER SCHEDULE (June–August)

June 1, 6:30 pm Executive Session - discuss the performance of a public employee per RCW 42.30.110(1)(g)
Tentative - Special Meeting—BEDP Interviews
7 pm Regular Meeting
Public Hearing and Discussion on the 2016 through 2021 Six-Year Transportation Improvement Program.
(Public Works)
Appoint Voting Delegate to the 2015 Association of Washington Cities (AWC) Annual Business Meeting.
(City Manager)
Tentative - Motion to Approve Appointments to the Business & Economic Development Partnership.
(City Manager)
Update on “Roadmap to Address Homelessness in Burien” Project.
(City Manager – Rescheduled from 5/4)
(Community Development – Rescheduled from 5/18)
Review of Council Proposed Agenda Schedule.
(City Manager)

June 15, 7 pm Regular Meeting
Motion to Approve Resolution No. xxx, Adopting the 2016 through 2021 Six-Year Transportation Improvement Program.
(Public Works)
Discussion and Possible Approval of Memorandum Regarding City Manager’s One-Year Performance Review.
(Human Resources)
Discussion and Possible Adoption of the Critical Areas Ordinance Update.
(Community Development – Rescheduled from 6/1)
Review of Council Proposed Agenda Schedule. (City Manager)

July 6, 7 pm Regular Meeting
Discussion on Imposing Term Limits for the City Council.
(Legal and City Manager – Council High Priorities (1/24 Council Retreat))
Review of Council Proposed Agenda Schedule.
(City Manager)

July 20, 7 pm Regular Meeting
7:05 pm Recess to Transportation Benefit District (TBD No. 1) Board Meeting
Council Update on Off-leash Dog Park Project.
(Parks)
Review of Council Proposed Agenda Schedule.
(City Manager)

August 3, 7 pm Regular Meeting
Review of Council Proposed Agenda Schedule.
(City Manager)

August 17, 7 pm Regular Meeting
Review of Council Proposed Agenda Schedule.
(City Manager)

September 7, Regular Meeting—CANCELED (Labor Day Holiday)

September 21, 7 pm Regular Meeting
Public Hearing and Update on Revenue Sources and Expenditures for the 2015-2016 Mid-biennial Budget Review.
(Finance)
Review of Council Proposed Agenda Schedule.
(City Manager)
September 28, 7 pm Study Session
Review of Council Proposed Agenda Schedule. (City Manager)

October 5, 7 pm Regular Meeting
Discussion on 2016 Federal and State Legislative Priorities.
(City Manager)
Revisions to BMC Concerning Low Impact Development.
(Public Works)
Review of Council Proposed Agenda Schedule.
(City Manager)

October 19, 7 pm Regular Meeting
Motion to Adopt the 2016 State and Federal Legislative Priorities.
(City Manager)
Review of Council Proposed Agenda Schedule.
(City Manager)

October 28, 7 pm Study Session
Review of Council Proposed Agenda Schedule.
(City Manager)

November 2, 7 pm Regular Meeting
Discussion of Ordinance No. XXX, Increasing the City’s Surface Water Management Service Charges and Amending Chapter 13.10 of the Burien Municipal Code.
(Finance)
Discussion of Ordinance No. XXX, Adopting the City’s 2016 Property Tax Levy.
(Finance)
Presentation of the 2015-2016 Mid-biennial Budget Modification.
(Finance)
Presentation of the 2016 Financial Policies.
(Finance)
Public Hearing and Update on Revenue Sources and Expenditures for the 2015-2016 Mid-biennial Budget Review.
(Finance)
Review of Council Proposed Agenda Schedule.
(City Manager)

November 16, 7 pm Regular Meeting
Motion to Approve Ordinance No. XXX, Adopting the City’s 2016 Property Tax Levy.
(Finance)
Motion to Approve Ordinance No. XXX, Increasing the City’s Surface Water Management Service Charges and Amending Chapter 13.10 of the Burien Municipal Code.
(Finance)
Discussion of Ordinance No. XXX, Amending the 2015-2016 Biennial Budget.
(Finance)
Review of Council Proposed Agenda Schedule.
(City Manager)

November 23, 7 pm Study Session
Review of Council Proposed Agenda Schedule.
(City Manager)

December 7, 7 pm Regular Meeting
Arts Commission Recommendations on 1%-for-Art Fund.
(Parks)
Motion to Adopt Ordinance No. XXX, Amending the 2015-2016 Biennial Budget.
(Finance)
Motion to Adopt the 2016 Financial Policies.
(Finance)
Review of Council Proposed Agenda Schedule.
(City Manager)
December 21, 7 pm Regular Meeting
Review of Council Proposed Agenda Schedule.
(City Manager)

December 28, 7 pm Study Session

FUTURE AGENDA ITEMS (identified by Council)
Medium Priorities (1/24 Council Retreat)
  a. Discussion on Community Recreation Center (Council direction on 12/1/14)
  b. Discussion on Garbage Service for Businesses (Council direction on 4/28/14)
  c. Discussion on Developing a Youth Council (Council direction on 9/22/14)
  d. Discussion on Banning Plastic Bags (Council direction on 11/17/14)

Low Priorities (1/24 Council Retreat)
  e. Discussion on Wi-Fi Service in Common Areas (Council direction on 9/15/14)
  f. Discussion on Requesting the State to Conduct an In-Depth Study of the Effects of Toxic Materials from the SeaTac Airport and the Aircraft that Arrive and Depart from it (Council direction on 9/22/14)
  g. Discussion on Establishing Multiple Rates Within the Business and Occupation (B&O) Tax According to Different Sizes or Types of Businesses (Council direction on 11/17/14)

FUTURE AGENDA ITEMS (identified by Staff)
  1. BMC Revisions Regarding Right-of-Way (Staff on 10/14/14)
  2. Presentation and Discussion of Ordinance No. xxx, Adopting the 2014 National Electrical Code (Staff on 12/16/14)
  3. Public Works Fee Schedule Modifications (Staff on 1/9/15)
  4. Addressing Impediments to Development (Staff on 1/9/15)
  5. Establishing Development Fee Implementation Dates and Credit Card Limits (Staff on 1/9/15)
  6. Development Permit Technology Fee In Anticipation of Permit Tracking Software Acquisition and Maintenance (Staff on 1/9/15)
  7. BMC Airport Sound Code Update to Reflect Completion of Part 150 Noise Study (Staff on 1/9/15)
  8. Sign Code Amendment Relating to Temporary Signs (Pending SCOTUS City of Gilbert Ruling) (Staff on 1/9/15)
  9. Council Adoption of Criteria for Use of Capital Partnership Fund (Public Works/Finance on 1/10/15)
  10. Sound Transit Long Range Plan (Mid-year) (Staff on 1/15/15)
  11. Update Water and Sewer Franchises (Staff on 1/15/15)
  12. New Seattle Public Utilities Franchise (Staff on 1/15/15)
  13. New Telecom Franchise (Staff on 1/15/15)

2016 FUTURE AGENDA ITEMS (identified by Staff)
  1. 2015 – 2016 Permit Tracking System Modification/Replacement (Including Electronic Permit Integration) (Staff on 1/9/15)
  2. Late 2015 – 2016 Title 17 Subdivision Code Major Revision (Staff on 1/9/15)
  3. Late 2015 – 2016 Adoption of 2015 International Building Code and Property Maintenance Code Amendments (Staff on 1/9/15)
  4. Late 2015 – 2016 Downtown Center Planning Effort (Consolidation of Downtown Vision, Policies and Actions with Outside Planning Assistance, incorporating issues such as Hotel/Entertainment/Arts District, Parking, Traffic Flow and Street Network, Pedestrian Way Finding, Sidewalk Art and Park Space with Participation by all City Departments, Downtown focused Organizations and Businesses) (Staff on 1/9/15)
MEMORANDUM

TO: Honorable Mayor and Members of the City Council
FROM: Kamuron Gurol, City Manager
DATE: April 6, 2015
SUBJECT: City Manager’s Report

I. INTERNAL CITY INFORMATION

A. Personnel Policy Regarding Payout of Accrued Vacation
Per the City of Burien Personnel Policies, employees are entitled to accrue two times their annual accrual rate of vacation. Upon separation, employees are paid for accrued but unused vacation time as part of their final paycheck. For Department of Retirement System Public Employee Retirement System-covered individuals who established membership in PERS prior to October 1, 1977 (PERS 1 members), the vacation cashout is counted as compensation and is included in the formula for determining the individual’s retirement benefit. If a PERS 1 employee cashes out more than 240 hours of vacation time, the City is responsible for the estimated cost of the excess compensation benefit. Per RCW 41.50.152, the City must provide notice when this situation occurs. In October, 2014, a City of Burien employee retired after 29.5 years of public service and cashed out 319 hours of vacation resulting in an estimated lifetime excess compensation benefit of $12,363.36. The City of Burien has not been subject to the excess compensation benefit prior to this time nor is it anticipated to be subject to it again as we do not have any employees who established membership in PERS prior to October 1, 1977. As a precautionary measure however, the City of Burien Personnel Policies will be revised to cap the vacation accrual of PERS 1-covered individuals to 240 hours.

B. Update on FY2014 Community Development Block Grant (CDBG) - South 132nd Street Pedestrian Trail Project
The City was awarded $195,000 in FY2014 CDBG funds for the South 132nd Street Pedestrian Trail project. This trail is heavily used by walkers/bikers to Cedarhurst Elementary School and the project will improve the dirt pathway to a pervious pavement path. Construction was planned for this summer; however, due mainly to the delay in receiving the federal grant funds, there is not enough time to procure a consultant, design the project, and advertise, to meet this time frame. Design is now scheduled to occur this summer with construction in the summer of 2016. Construction is necessary during summer months so it does not interfere with the children walking to school via the path.

R:\CM\CM Reports 2015\CM04062015.doc
C. Planning Assistance at the Permit Counter
Planner Elizabeth Olmstead is separating service with the City of Burien on April 3rd. During the recruitment and training of her replacement, staff will be implementing planning service changes at the permit counter in order to better meet customer needs. In-person planning assistance will be available Monday through Wednesday and on Friday. On Thursdays, planning staff will focus on attending scheduled pre-application meetings and working on submitted permit reviews. No walk-in or in-person planning staff will be available on Thursdays. All inquiries received on a Thursday will be responded to within 2 business days.

II. COUNCIL UPDATES/REPORTS

A. Proclamation for Arbor Day (Page 113)
Burien Parks, Recreation & Cultural Services (PaRCS) hosted an event marking Arbor Day on Friday, April 3 at Lakeview Park. This event was also related to a project PaRCS is participating in, partnering with students at Sylvester Middle School who have been raising funds to plant trees. PaRCS Department staff, students, and community members gathered to plant a native tree in honor of the day. Arbor Day is celebrated annually in the state of Washington on the second Wednesday in April. This year marks the 143rd anniversary of Arbor Day and the City’s 14th year of recognition as a Tree City through the national Tree City USA program. An Arbor Day Proclamation will be issued which marks the occasion (see attached), thereby fulfilling one of the requirements of the Tree City USA program.

B. Letter of Support for Tech Sector Tax Incentive Programs (Page 115)
Mayor Krakowiak and 17 other mayors signed a letter (attached) from the Washington Tech Cities Coalition to legislators in support of Senate Bill 5665 and House Bill 1769. These bills would reinstate, and extend until January 1, 2025, a state B&O tax credit for qualified research and development (R&D), as well as a state and local sales tax deferral program for high-technology R&D manufacturing facilities.

III. Notices: (Page 119)
The following (attached) Notices were published:
- Notice of Decision: File No. PLA 14-2290; Han Phan, PBG, LLC, for John Babarovich, Property Owner; Preliminary Approval with Conditions of Short Plat Two Existing Residential Lots into Three Residential Lots.
- Notice of Decision: File No. PLA 14-2845; John Elswick, Franciscan Health Systems; Approval of Type 1 Land Use Review: Transition Standards Administrative Adjustment and SEPA Environmental Review, subject to conditions.
A PROCLAMATION OF THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON, PROCLAIMING APRIL 8, 2015 AS

CITY OF BURIEN ARBOR DAY

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

WHEREAS, 2015 is the 143rd anniversary of the holiday and Arbor Day is now observed throughout the nation and the world; and

WHEREAS, Arbor Day is officially celebrated in the State of Washington on the 2nd Wednesday of April each year; and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife; and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires, and beauty for our community; and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON, DOES HEREBY ASK ALL BURIEN CITIZENS TO JOIN TOGETHER TO PROCLAIM

APRIL 8, 2015 as ARBOR DAY

in the City of Burien and urges all citizens to support efforts to protect our trees and woodlands and to plant trees to gladden the heart and promote the well-being of this and future generations.

Dated this 6th day of April, 2015

Mayor Lucy Krakowiak
Deputy Mayor Nancy Tosta
Councilmember Lauren Berkowitz
Councilmember Bob Edgar
Councilmember Stephen Armstrong
Councilmember Gerald Robison
Councilmember Debi Wagner

City of Burien

______________________________
Mayor
March 25, 2015

The Honorable Andy Hill, Chairman, Senate Ways & Means Committee
The Honorable Jim Hargrove, Ranking Member, Senate Ways & Means Committee
The Honorable Reuven Carlyle, Chair, House Finance Committee
The Honorable Terry Nealey, Ranking Member, House Finance Committee

RE: Support from the Washington Tech Cities Coalition (WTC²) for SB 5665/HB 1769

Dear Chairman Hill, Sen. Hargrove and Ways & Means Members:
Dear Chairman Carlyle, Rep. Nealey, and Finance Members:

With this letter, the Washington Tech Cities Coalition (WTC²) expresses our strong support for Senate Bill 5665 sponsored by Sens. Hill (R-45th Dist.) and Marko Liias (D-21st Dist.), as well as companion House Bill 1769 sponsored by Reps. Eric Pettigrew (D-37th Dist.) and J.T. Wilcox (R-2nd Dist.). These bills would reinstate, and extend until Jan. 1, 2025, a state B&O tax credit for qualified research and development (R&D), as well as a state and local sales tax deferral program for high-technology R&D manufacturing facilities.

We understand that the Legislature must scrutinize the value of tax incentive programs to ensure they are resulting in tangible benefits for the State of Washington. In the case of the R&D sales tax deferral for construction and B&O tax credits, we believe the legislation before you is crafted responsibly and with important limits, such as a $1 million per eligible project per person cap on the sales tax deferral, as well as a $500,000 cap in the B&O tax credit (compared to a $2 million cap under the previous R&D program). Additionally, these incentives carry a sunset date and are subject to a performance review before they can be extended further.

We believe the R&D incentives are particularly important for start-up companies that are evaluating a presence in Washington vs. other states. And when you invest in R&D, we believe you are getting a significant return on investment. Consider the following:

- Recent reports show the tech sector supporting over 8,600 companies, employing nearly 239,000 people, and paying $22 billion a year in wages;
- As the Legislature debates the minimum wage, it is interesting that recent salary surveys show the tech sector paying some of the highest average salaries in the state and nation. Current data shows the average annual salary for a software developer at $85,569 a year, and for a software engineer it is $93,236 a year. Moreover, the Seattle Metro Area ranked second nationally in tech salaries with an average of $99,423;
- We’ve seen more than 15,000 R&D projects launched in the State of Washington, as well as a four-fold growth in the number of patents being generated.

We recognize your decision on the R&D incentives is an important one with significant budget implications for the State of Washington. We would suggest that maintaining and growing a vibrant tech sector is well worth the investment. To make Washington one of only a handful of states that does not incentivize its tech sector, and to potentially drive jobs and high-growth innovation elsewhere, does not make sense to us.

Thank you for your consideration.
Sincerely,

Barbara Tolbert
Mayor
City of Arlington

Scott Higgins
Mayor
City of Camas

John Marchione
Mayor
City of Redmond

Claudia Balducci
Mayor
City of Bellevue

Amy Walen
Mayor
City of Kirkland

Denis Law
Mayor
City of Renton

Kelli Linville
Mayor
City of Bellingham

Andy D. Ryder
Mayor
City of Lacey

David W. Rose
Mayor
City of Richland

Robert S. Stowe
City Manager
City of Bothell

Jennifer Gregerson
Mayor
City of Mukilteo

Ed Murray
Mayor
City of Seattle

Patty Lent
Mayor
City of Bremerton

Rebecca (Becky) Erickson
Mayor
City of Poulsbo

Matt Larson
Mayor
City of Snoqualmie

Tim Leavitt
Mayor
City of Vancouver

Lucy Krakowiak
Mayor
City of Burien

Jim Hemberry
Mayor
City of Quincy

Tom Vance
Mayor
City of Sammamish
Suzanne Dale Estey
President & CEO
Economic Development
Council of Seattle and King
County

John Powers
Executive Director
Kitsap Economic Development
Alliance

Josh Brown
Executive Director
Puget Sound Regional Council
Notice of Decision

City of Burien 400 SW 152nd Street (Suite 300) Burien, Washington 98166

Date March 12, 2015
Applicant Han Phan, PBG, LLC, for John Babarovich, Property owner
Proposal Short Plat Two Existing Residential Lots into Three Residential Lots
File No. PLA 14-2290
Location 213 & 217 SW 154th Street, Burien, WA
Tax Parcel No. 1221000465 & 1221000470
Decision Preliminary Approval with Conditions

Appeals The City of Burien has issued the decision described above. Parties of record may appeal this decision to the Hearing Examiner pursuant to Burien Municipal Code Section 2.20.020. The deadline for filing a written Notice of Appeal with the City Clerk is prior to 5:00 p.m. on March 22, 2015. Copies of the "Notice of Appeal" document may be obtained at the Department of Community Development. There is a non-refundable filing fee of $309 for the submittal of an appeal. For more information please contact the project planner (see below).

Property Tax Revaluation Affected property owners may request a change in valuation for property tax purposes notwithstanding any program of revaluation. For more information, please contact the King County Assessor’s Office at (206) 296-7300.

Project Planner Stephanie Jewett, AICP, Project Planner
Department of Community Development
City of Burien
400 SW 152nd Street, Suite 300
Burien, WA 98166
Phone: (206) 439-3152 E-Mail: stephaniej@burienwa.gov

Attachments Conditions of Approval
CONDITIONS OF PRELIMINARY SHORT PLAT APPROVAL
Phan 3 lot Short Plat, PLA 14-2290

1. This application is subject to the applicable requirements contained in the Burien Municipal Code (including but not limited to the Zoning Code, Building Code and Fire Code), the 2009 King County Surface Water Design Manual, as amended, the 2009 Stormwater Pollution Prevention Manual, as adopted, Burien Municipal Code, Chapter 13.10 and the 2008 Burien Road Standards. It is the responsibility of the applicant to ensure compliance with the various provisions contained in these documents.

2. Prior to applying for the Final Short Plat, the Applicant shall:
   
a. Apply for and obtain a Right-of-Way Use Permit prior to any construction of driveway, drainage, utility or road improvements within the public right-of-ways.

   b. Install road frontage improvements consisting of pavement widening, curb, gutter, storm drainage system and sidewalk along SW 154th Street.

   c. Install all utilities serving the site underground as required by BMC 12.40.070 including electrical, phone, water, sewer and cable services.

   d. Provide an approved performance bond or other security method for street and storm drainage improvements in public rights-of-way as required by the Development Review Engineer.

   e. Pay a fee-in-lieu of providing 390 square feet of recreation space on the property for one new lot. The fee shall be 1 new lot multiplied by 390 square feet multiplied by the current assessed value per square foot for the property.

3. Prior to the issuance of building permits for future development of single-family homes on the three lots, the Applicant shall:

   a. Pay a Transportation Impact Fee as set forth in BMC 19.35.

   b. Record a Declaration of Covenant for the maintenance and operation of all drainage facilities located on site. The form and the instruction of the covenant will be provided during the building permit process.

   c. Protect the significant trees proposed for retention located on the site.
# Notice of Decision

**City of Burien**  
400 SW 152nd Street, Suite 300  
Burien, Washington 98166-2209

<table>
<thead>
<tr>
<th>Date</th>
<th>March 23, 2015</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant</td>
<td>John Elswick, Franciscan Health Systems</td>
</tr>
<tr>
<td>Proposal</td>
<td>Type 1 Land Use Review: Transition Standards Administrative Adjustment, and SEPA Checklist Review for a proposed medical office building.</td>
</tr>
<tr>
<td>File No.</td>
<td>PLA 14-2845</td>
</tr>
<tr>
<td></td>
<td>File is available for viewing at Burien City Hall during regular business hours.</td>
</tr>
<tr>
<td>Location</td>
<td>16033 1st Avenue South, Burien, WA</td>
</tr>
<tr>
<td>Tax Parcel No.</td>
<td>302304-9302</td>
</tr>
<tr>
<td>Decision</td>
<td>Approval of Type 1 Land Use Review: Transition Standards Administrative Adjustment and SEPA Environmental Review, subject to conditions.</td>
</tr>
<tr>
<td>Appeals</td>
<td>The City of Burien has issued the decision described above. Parties of record may appeal this decision to the Hearing Examiner pursuant to Burien Municipal Code Section 19.65.065.5. The deadline for filing a written Notice of Appeal with the City Clerk is prior to 5:00 p.m. on <strong>April 6, 2015</strong>. Copies of the “Notice of Appeal” document may be obtained at the Department of Community Development. There is a non-refundable filing fee of $309 for the submittal of an appeal. For more information please contact the project planner (see below).</td>
</tr>
<tr>
<td>Property Tax Revaluation</td>
<td>Affected property owners may request a change in valuation for property tax purposes notwithstanding any program of revaluation. For more information, please contact the King County Assessor’s Office at (206) 296-7300.</td>
</tr>
</tbody>
</table>
| Project Planner | Liz Olmstead  
Department of Community Development  
City of Burien  
400 SW 152nd Street, Suite 300  
Burien, WA 98166  
Phone: (206) 812-7575  
E-Mail: elizabetho@burienwa.gov |
| Attachments | Conditions of approval |
Conditions of Approval

Franciscan Health Systems Medical Office Building
Type 1 Land-Use Review: Transition Standards Administrative Adjustment and SEPA Review
File No. PLA 14-2845

This application is subject to the applicable requirements contained in the Burien Municipal Code (including but not limited to the Zoning Code, Building Code and Fire Code), the 2009 King County Surface Water Design Manual, 2009 King County Pollution Prevention Manual, and the 2008 Burien Road Standards.

1. Prior to the issuance of any development permits, the Applicant shall:
   
a. Submit approved utility plans for the various underground utilities serving or proposed to serve the site.

b. Remove all abandoned driveway areas on 1st Avenue South, and restore curbing and sidewalk to meeting the 2008 Burien Road Standards. The two new driveways along 1st Ave S shall also meet the 2008 BRS.

c. Install yellow “c” curb, left turn striping, and merger lane striping at the two-way turning lane. It shall be extended from the Ambaum Cutoff Blvd SW intersection past the proposed driveway to prevent left turnouts along SW 160th Street. No left turn signs shall also be installed at the shared access with CVS Pharmacy.

d. Coordinate with Water District #49 regarding the location of the existing water line and easement and the location of the propose building.

e. Submit for review and record a Declaration of Covenant and grant of easement per Section 5.2.1 of the KCSWDM.

f. Refine the design of the flow control and conveyance system.

g. Submit an irrigation plan for the new landscaping.

h. Submit for review, approval, and recording, a lot line adjustment to consolidate four lots into one.

2. Prior to beginning any work in the public right-of-way, the applicant shall apply for and obtain a Right-of-Way Use Permit for all construction activity in the public right-of-way.
3. Prior to final occupancy, the applicant shall:

a. Install and underground all utilities as required by the appropriate Districts.

b. Submit as-built drawings prepared by a professional surveyor or Washington State Licensed Civil Engineer in accordance with the City of Burien requirements.

c. Demonstrate compliance with all of the requirements of the Fire Marshal relating to access and fire safety.

d. Install the required landscaping and irrigation system consistent with the approved plans.

e. Submit a maintenance security that shows all new landscaping will be maintained for a period of at least two years following installation.