



Public Hearing Notice

City of Burien

400 SW 152nd Street, Suite 300

Burien, Washington 98166-3066

Hearing Information

The City of Burien Hearing Examiner will hold a public hearing on October 8, at 10 am at Burien City Hall in the Miller Creek Conference Room, 3rd Floor, 400 SW 152nd Street, Burien WA to receive public comments on the following application: The Reserve at Sunnydale Subdivision.

Applicant

Todd McKittrick
Millennial Builders
17837 1st Ave S, PMB 2
Normandy Park, WA 98148

Proposal

Subdivide one residential lot into eight (8) lots for zero lot line Townhomes

File No.

PLA-17-2738

File is available for viewing at Burien City Hall during regular business hours.

Location

634 South 150th Street

Tax Parcel No.

1760600158

Current Zoning

Residential Multi-Family 24

How to Comment

Any person may submit written or oral comments or testimony at the public hearing, or may submit written comments prior to the hearing. Written comments may be submitted in person, via mail, e-mail or by facsimile. Only persons who submit written or oral comments prior to the close of the hearing may appeal the decision. All documents submitted or requested as part of this application, including the City staff report are available for review at City Hall during regular business hours.

Project Planner (for submittal of written comments or for more information)

Niomi T. Zinn
Department of Community Development
City of Burien
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Burien, WA 98166
Phone: (206) 439-3152 E-Mail: niomiz@burienwa.gov

Date of Notice: September 24, 2018



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EXHIBIT 1

TYPE 3 LAND USE REVIEW PRELIMINARY SUBDIVISION FOR TOWNHOMES STAFF RECOMMENDATION TO THE HEARING EXAMINER

FILE NUMBER:	PLA 17-2738
APPLICANT:	Todd McKittrick
REQUEST:	Subdivide 0.69 acre residential lot into eight (8) lots for attached Townhomes in an RM-24 zone
LOCATION:	634 South 150 th Street
PARCEL:	1760600158
APPLICATION SUBMITTED:	November 30, 2017
APPLICATION COMPLETE:	January 16, 2018
RECOMMENDATION:	Approval with Conditions
DECISION MAKER:	City Council
HEARING EXAMINER DATE:	October 8, 2018 at 10am, City Hall, Miller Creek Room
PROJECT PLANNER:	Niomi T. Zinn
DATE:	September 20, 2018

FINDINGS & CONCLUSIONS

I. INTRODUCTION

A. PROJECT SUMMARY

The address of the parcel under consideration for this application is 634 S. 150th Street and is located on the north side of South 150th Street, between State Route 509 and 8th Ave South with State Route 518 directly to the north (Attachment 2). The site has a zoning designation of RM-24, Multi-Family Residential. The applicant is proposing an 8-lot subdivision followed by the construction of eight zero lot line townhome dwelling units with one 3-plex and one 5-plex building. Each townhome will be on its own separate lot totaling 0.69 acres (30,008 square feet). Access for the newly constructed homes and new lots will be via private access tract off of South 150th Street (Attachment 4). The construction of townhouse dwelling units in the RM-24 zone requires a Type 1 Review. The development of a subdivision requires a Type III Review. Therefore the Type 1 Review will be conducted concurrent with the Subdivision Review for the proposed development.

The application was filed on November 30, 2017 (Attachment 15) and was determined to be incomplete on December 4, 2017. A resubmittal was provided on December 6, 2017 and the application was deemed complete on January 16, 2018, complying with the 28-day target for completeness determination. The 30-day public comment period began on January 19, 2018 and ended on February 19, 2018 (Attachment 16). The review process was placed on hold due to a need for more information on May 3rd, 2018 with 73 days remaining. The applicant provided additional information on June 19, 2018 and the review process recommenced. The review process was again placed on hold due to a need for more information on August 16, 2018 with 15 days remaining. The applicant provided additional information on September 10, 2018 and the review process recommenced. The application was processed in **176 non-consecutive days**, meeting the 180-day target established for a preliminary subdivision plat approval.

B. DECISION

Based on the Findings of Fact and Conclusions (Section II) and Attachments to this report, the application should be approved subject to the following conditions:

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 2016 King County Surface Water Design Manual, as amended, the 2016 Stormwater Pollution Prevention Manual, as adopted, Burien Municipal Code, Chapter 13.10 and the 2016 Burien Road Standards. It is the responsibility of the applicant to ensure compliance with the various provisions contained in these documents. Attachment 3, Development Regulations, is provided in this report to familiarize the applicant with some of the additional requirements that may apply to the project. This Attachment does not include all of the additional requirements (see Conclusion II.E.1.b). **Preliminary approval does not guarantee that the number of units proposed can be accommodated on the subject parcel.**

2. Prior to applying for review and recording of the Final Subdivision Plat, the Applicant shall:

- a. Modify the final plat map according to the Development Engineer's eighteen (18) conditions as outlined in the Memorandum dated May 2, 2018 (See Attachment 5, Conclusion II.E.3.b).
- b. Complete the installation of all approved utilities for the appropriate Utility Districts (See Attachment 5, Conclusion II.E.4.b)
- c. Pay a fee in lieu of providing 390 square feet of recreation space on the property for seven (7) new lots. The fee shall be 390 multiplied by the current assessed value per square foot of the property. The fee shall be paid at time of final plat submittal (See Conclusion II.E.7b).

3. Prior to beginning any work in the public right-of-way the applicant shall:

- a. Apply for and obtain Right-Of-Way Use and/or Right-Of-Way Construction permits for all work to be completed in public rights-of-way. (See Attachment 5, Conclusion II.E.3).

4. Prior to the issuance of any permits for any construction on the plat the applicant shall:

- a. Address the two (2) conditions identified by the City of Burien Surface Water management Engineer in the memorandum dated July 16, 2018 (See Attachment 6, Conclusion II.E.5.b).
- b. Pay a Transportation Impact Fee of \$493.00 each unit for a total of \$3,451.00 as set forth in Table 19.35-2. (See Conclusion II.E.8.b).
- c. Protect any significant trees on the site with protective measures in conformance with BMC 19.25 (Attachments 2, 3, 11 and Conclusion II.E.6).
- d. Complete installation of mitigating trees, install irrigation, request inspection and acquire maintenance bond. (Attachments 2, 3, 11 and Conclusion II.E.6).

II. FINDINGS OF FACT AND CONCLUSIONS

A. SITE DESCRIPTION

1. Site Development and Zoning

a. Facts:

- Size: 30,008 square feet (0.69 acres)
- Land Use: Medium Density Multi-Family Residential
- Zoning: RM-24, Multi-Family Residential, 1,800 square foot minimum lot area per Townhouse Dwelling Unit. Per BMC 19.15.010.4 no lot may be created less than the minimum lot area except through the application of lot averaging. No lots shall

be created which are less than 90 percent of the minimum lot area or 1,620 square feet in the RM-24 zone. New lots proposed for the development range in area from 1,650 square feet to 3,341 square feet, complying with the minimum lot area for the RM-24 zone.

- Terrain: The entire subject parcel slopes moderately down from the northwest (elevation 322) to the southeast (elevation 304) for an elevation change of 18 feet across the site.
- Vegetation: Vegetation on the site consists mainly of scattered trees, grass and shrubs. The Applicant has submitted a survey of the site showing that there are 23 significant trees located on the site (see Attachment 4 and Section II.E.6 for further analysis of vegetation located on site).
- Bulk regulations: The Burien Municipal Code (BMC) 19.15.005.2 outlines dimensional requirements pertaining to building coverage, impervious surface coverage, setbacks building height and lot area for Townhouse Dwelling Unit development to be located on proposed lots in the RM-24 zone. The eight lots proposed for the development will require attention to lot size and lot shape to ensure they provide sufficient space for construction of dwellings. The number of proposed lots may be reduced to reflect constraints imposed by development standards or to reflect the dedication of sufficient areas for access and storm water detention facilities for the development.

b. Conclusions: Size, land use, zoning, and bulk regulations are not constraining factors in the consideration of this application. Site specific requirements including, but not limited to, building height, setback, impervious surface coverage and building coverage will be reviewed when building permits are filed for each new lot.

2. Neighboring Development and Zoning:

a. Facts:

- North: State Route 518.
- East: The properties located immediately to the east are zoned Multi-Family Residential-24(RM-24), and contain single-family dwellings.
- South: The property located immediately to the south is zoned Multi-Family Residential-24(RM-24), and contain single-family dwellings.
- West: The property located immediately to the west is zoned Multi-Family Residential-24(RM-24), and contain single-family dwellings.

b. Conclusion: This application is consistent with neighboring residential development and zoning located in the surrounding area.

B. PUBLIC AND AGENCY COMMENTS

1. Public Comments

a. Facts: Public notice of this application was posted on the site, published in the newspaper and mailed to all property owners within 500 feet of the site on January 18, 2018. The following are public comments received and the staff's response to each comment.

Sharon Taylor Comment Letter (Attachment 10)

639 South 150th Street

Raised awareness regarding the parking availability in the neighborhood. She also expressed concerns regarding street signage and sidewalks due to the large number of children that walk to school and or bus stops without sidewalks.

City Response: The applicant has demonstrated that each townhome will have two (2) private parking spaces. In addition, eight (8) guest parking spaces are designated on the eastern boundary of the property. Attachment number four (4), page "PP1" shows a site plan with these parking designations. When there are violations of Burien Municipal Code as it related to parking violations, both law enforcement or code enforcement should be notified. It has been strongly recommended to the applicant that signage that slows traffic also be installed. The development engineer has required that sidewalks as well as other frontage improvements be installed. Additional details regarding the installation requirements can be found in Attachment number five (5), conditions of approval numbers two (2) and three (3). Finally, Attachment number five (5), condition number seven (7) and Attachment number fourteen (14) both address concerns regarding safe routes to schools.

b. Conclusions: The public comment requirement has been addressed for this proposal.

2. Agency Comments

a. Facts: On January 19, 2018, notice of this application was distributed to the King County Fire District #2, King County Water District #49, Seattle City Light, Southwest Suburban Sewer District, and Burien Police Services. No public agency comments were received during the public comment period. Notice of this application was distributed to the City of Burien Public Works Department on January 19, 2018. See comments pertaining to the proposed development from the Development Review Engineer and Surface Water Management Engineer as outlined in Attachments 4 and 5.

b. Conclusions: There were no agency comments during the comment period. The respective water, fire and sewer districts have completed availability forms with comments (Attachments 6, 7 & 8). See Section II.E.4 below for further discussion of those certificates. The Development Engineer submitted comments on May 2, 2018 related to access and frontage improvement requirements for the proposed subdivision and the Surface Water Management Engineer submitted final comments on July 16, 2018

deeming the information complete and provided comments related to erosion and sediment control standards and surface water runoff (Attachments 4 and 5).

3. **State Environmental Policy Act (SEPA)**

a. Facts: The City's adopted regulations related to the State Environmental Policy Act (SEPA), requires a SEPA Checklist and SEPA determination for all proposed subdivisions of more than twenty (20) dwelling units (BMC 14.10.040 (1)). Therefore, the proposed subdivision of eight residential lots is exempt from SEPA.

b. Conclusions: The proposed eight lot subdivision is exempt from SEPA requirements.

C. APPROVAL CRITERIA FOR SUBDIVISIONS

1. Subdivision Code Compliance

a. Facts: The Burien Subdivision Code outlines various standards which are to be met when creating a subdivision. The purpose of the City of Burien's subdivision regulations is to:

- (1) Set forth the rules and regulations for the division of real property into subdivisions;
- (2) Provide for the proper location and width of streets, building lines; open spaces, safety and recreation facilities, utilities, and drainage;
- (3) Provide for the avoidance of congestion of population through requirements of minimum lot area and compatibility of design;
- (4) Require and fix the extent to which and the manner in which streets shall be graded and improved, and water, sewer, drainage, and other utility mains and piping or connections of other physical improvements shall be installed; and
- (5) Provide for and secure the actual construction of such physical improvements.

b. Conclusions: The application, as conditioned, meets the subdivision standards (see Section II.E).

2. Revised Code of Washington Section 58.17.110

a. Facts: RCW 58.17.110, as amended, states that "A proposed subdivision shall not be approved unless the city... makes written findings that:

- (1) Appropriate provisions are made for the public health, safety, and general welfare and for such open spaces, drainage ways, streets or roads, alleys,

other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds and all other relevant facts...; and

- (2) The public use and interest will be served by the platting of such subdivision and dedication."
 - (3) Pursuant to BMC 17.40.120.2 the preliminary subdivision decision shall be based on conformance to adopted city rules and regulations and RCW 58.17.110 states that prior to approval of the subdivision the city must find that the public use and interest must be served by the platting of such subdivision.
- b. Conclusions: The proposal, as conditioned, complies with RCW 58.17.110. As conditioned, it will serve the public use and interest and is consistent with the public health, safety, and general welfare because it will contribute to the community's ability to provide additional residential opportunities within the community. The property will develop in accordance with the Comprehensive Plan for this area (see Section E).

D. APPROVAL CRITERIA FOR TYPE 1 DECISIONS

1. Burien Municipal Code Section 19.65.065 (4.a)

- a. Facts: Burien Municipal Code Section 19.65.065(4.a) sets forth the decision criteria for a Type I decision. The Director may only approve the application if all the following criteria (*in italics*) are met:

- (1) *It is consistent with all applicable development regulations and, to the extent there is no applicable development regulation, the Comprehensive Plan; and*

See section E of this report for a detailed review of applicable regulations.

- (2) *It is consistent with the purpose and intent of the zone in which the site is located; and*

The Multi-Family Residential zones implement the Moderate and High Density Multi-Family Neighborhood Comprehensive Plan designations. The purpose of these zones is to establish areas in which a wide range of single-family and multi-family housing opportunities can be provided. The intent is to provide a variety of stable and attractive, well-designed housing choices that are located near transit, employment, shopping and recreational facilities, and meets the needs of existing and future City residents. Redevelopment of existing housing complexes is encouraged.

The use zone chart for the RM zones (BMC 19.15.010) lists those uses which are considered to be consistent with the purpose and intent of the RM zone. BMC 19.15.010.2 lists Townhouse Dwelling Units as a permitted use following a Type I land use review. The proposed development addresses all of the required development standards outlined in the zoning code and addresses the purpose and intent of the RM Multi-Family Residential zone.

(3) *It is consistent with the public health, safety and welfare.*

By complying with the City’s development regulations and adequately mitigating proposed project impacts, the application is consistent with the public health, safety and welfare.

b. Conclusions: The development proposal, as conditioned is consistent with all applicable development regulations and complies with Zoning Code section 19.65.065 (4.a)

E. DEVELOPMENT REGULATIONS

1. General Compliance

Proposed Use: Townhouse Dwelling Units (section BMC 19.15.010.2 in zone chart)

Regulation	Requirement	Proposal	Complies?
Lot Area	1,800 square feet but no less than 1,620 square feet	1,650 to 3,341	Yes
Density	(.69 acres) x (24) = 16 units maximum allowed.	8 units proposed	Yes
Front Setback	10 feet	11 feet	Yes
Interior Setback	5 feet except setback between townhouses may be reduced to zero feet	5 feet for all interior lot lines and 0 feet between townhouse units	Yes
Height	35 feet Maximum	34.25 & 34.42 feet. Per BMC 19.17.120(d), when the structure is within two feet of the height limit, certification by a licensed surveyor is required	Yes
Building Coverage	70 % Maximum 21,006 square feet	59% 17,628 square feet	Yes
Impervious Surface Coverage	85 % Maximum 25,506 square feet	72% 21,490 square feet	Yes

- a. Fact: 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 2016 King County Surface Water Design Manual, as amended, the 2016 Stormwater Pollution Prevention Manual, as adopted, Burien Municipal Code, Chapter 13.10 and the 2016 Burien Road Standards. Except as noted in following sections, the proposal complies with the applicable requirements contained in the documents referenced above.

- b. Conclusion: It is the responsibility of the applicant to ensure compliance with the various provisions contained in the Burien Municipal Code (including but not limited to the Zoning Code, Building Code and Fire Code), the 2016 King County Surface Water Design Manual, as amended, the 2016 Stormwater Pollution Prevention Manual, as adopted, Burien Municipal Code, Chapter 13.10 and the 2016 Burien Road Standards. Attachment 3, Development Regulations, is provided to familiarize the applicant with some of the additional requirements that may apply to the project. The Burien Municipal Code (BMC) requires that all new homes meet noise mitigation standards regulating the design and construction of buildings in the vicinity of Seattle-Tacoma International Airport. **Preliminary approval does not guarantee that the number of units proposed can be accommodated on the subject parcel.**

2. Lot Size and Layout

- a. Facts: Zoning for the subject parcel is RM-24 Multi-Family Residential, which has a minimum lot size requirement of 1,800 square feet for townhouse dwelling units. No lot may be created less than the minimum lot area except through the application of lot averaging (BMC 19.15.005.2). Lot averaging allows for lots to be created that are 90 percent of the minimum lot area, or 1,620 square feet in the R-24 zone, as long as the overall average lot size of the development remains at or greater than 1,800 square feet. The proposal for 8 lots meets the minimum lot size requirement. Proposed lot sizes and overall lot average are as follows:

Lot No.	Lot Size	Front Setback	Interior Setbacks	Building Coverage	Impervious Surface Coverage
1	3,341	20	5/25/0	27%	42%
2	2,210	20	0/25/0	47%	54%
3	2,211	20	0/25/0	47%	54%
4	2,211	20	0/25/0	47%	54%
5	2,321	20	0/25/5	39%	56%
6	1,827	11	5/5/0	58%	68%

7	1,650	11	0/5/0	64%	75%
8	1,857	11	0/5/5	57%	66%
Lot Size Average					
17,628 / 8 = 2,203					

b. Conclusion: The proposal satisfies the minimum lot size requirements, building coverage requirements, impervious surface coverage requirements and setback requirements for Townhouse Dwelling Unit development in the RM-24 Multi-Family Residential zone. Compliance with these requirements for future development will be addressed at the time of building permit application submittal.

3. Street Improvements, Access and Parking

a. Facts: City of Burien Municipal Code section 17.35.120 requires that access and street improvements comply with the 2016 Burien Road Standards. The Applicant submitted a road standards variance approved by the City’s Public Works Director (Attachment 11) “to allow of a 5 foot sidewalk along one side of the private road instead of both; to allow hammerhead for turnaround with reduced radii; and to allow depressed curbs to accommodate driveways on the narrow lots”. The City of Burien Development Review Engineer reviewed the proposed development for compliance with the 2016 Burien Road Standards and provided revised comments in a memorandum dated May 2, 2018 (Attachment 5) which include the following:

- i. The applicant shall obtain a Right-of-Way use permit from City of Burien regarding drainage connection and any work with the right-of-way
- ii. Applicant or design engineer shall coordinate with Seattle City Light regarding underground power and any other requirements prior to right of way use permit or construction.
- iii. The applicant shall submit approved utility plans for the various underground utilities serving or proposed to serve the site.
- iv. Access to the proposed site shall be as specified in Section 3.01 B and C of the 2016 Burien Road Standards.
- v. Frontage improvements shall consist of curb, gutter, 5 feet sidewalk, and storm drainage along S 150th Street per 2016 Burien Road Standards.
- vi. If the proposed access will be used for eight units, then it should be designed as a private access including curb, gutter, sidewalk, and storm

drainage system in accordance with 2016 BRS. Applicant should coordinate with Fire Department for width of access road for fire truck.

- vii. Since the site abuts a state highway, the Washington Department of Transportation will have to be notified of the proposed project. BMC 17.55.060 (2) (c).
- viii. The City of Burien recommends that applicant should provide on-site mail box services.
- ix. 3.01 Driveways, the City of Burien uses the 2016 BRS for driveway design. The proposed access driveway shall be as specified in the BRS with 25 foot minimum width and 35 foot maximum width in accordance with BRS figures 3.5 to 3.8.
- x. Per RCW 58.17.110 for proposed subdivision: Applicant shall provide school route to ensure safe walking conditions for students who only walk to and from school.
- xi. A full width overlay of the existing pavement is required for all street widening projects including paved shoulder (BRS 4.03.(1)). The limits of the overlay will be based on the conditions of the existing pavement at the time of construction as determined by Right-of-Way inspector.
- xii. All required utilities, drainage and street improvement plans shall be designed by a Washington State Licensed Engineer in accordance with City of Burien standards, 2016 BRS and 2016 KCSWDM.
- xiii. All utilities serving the property shall be placed underground unless exempt per BMC § 12.40. All new electrical, phone, water, sewer and cable services to the site must be underground. Construction of these facilities must be inspected and approved by the City of Burien Public Works Inspector.
- xiv. The applicant shall coordinate with various underground utilities serving or proposed to serve the site. Prior to issue clear & grade permit, the applicant shall submit approved utility plans for the various underground utilities serving or proposed to serve the site.
- xv. A Right of Way Use Permit will be required for any construction or utility work within the street right of way or proposed ROW street (ref. BMC § 12.17 and 12.18).
- xvi. Restoration, performance, and maintenance security bonds, in forms

acceptable to the City, must be posted for required site and right of way improvements. (ref. BMC § 17.35.130(1)(e), and per Section 1.2.7 KCSWDM, KCC Title 9, KCC.

- xvii. As-Built drawings shall be prepared by professional surveyor in accordance with City of Burien checklist or 2016 BRS and 2016 KCSWDM.
- xviii. Final Corrected Plans/As-Built Drawings: Final corrected plans for archiving shall be original documents on mylar and are produced in a manner that ensures durability, resistance to damage from use or exposure to water or light and allows for the detection of any alternation. The plans shall be of suitable quality for producing legible prints through reductions, scanning, microfilming or other standard copying procedure. Electronic copies of the final corrected plans shall be submitted in PDF and Auto CADD format. As-built drawings shall be signed and stamped by the responsible professional engineer and surveyor prior to submittal to the Review Agency.

- b. Conclusions: With the above conditions the proposal complies with the requirement to provide adequate vehicular, pedestrian and utility access. Prior to issuance of any development permits, the Applicant shall submit detailed on-site and off-site access and street improvement plans for Public Works Department's review designed in accordance with the requirements of the City of Burien standards, 2016 BRS and 2016 KCSWDM and addressing the eighteen (18) conditions identified by the City of Burien Development Review Engineer in the memorandum dated May 2, 2018 (Attachment 5, Memorandum).

4. Utilities & Services

- a. Facts:

- i. King County Water District #20 provides water service for the subject parcel. According to the Certificate of Water Availability (see Attachment 7), water will be provided by a service connection to an existing 8" ductile iron water main located 10 feet from the property. Water District #49 has also stated that a fire hydrant is located 85 feet from the property which has a fire flow calculation of 1,000 gallons per minute or more for duration of 2 hours or more.
- ii. King County Fire District 2 provides fire protection to the area. According to the Hydrant Availability Certificates (see Attachment 8), fire department access is conditionally approved for the proposed development. A new fire hydrant will be required to serve the

subdivision. Water flow are approved for the proposed development.

- iii. Southwest Suburban Sewer District provides sanitary sewer service to the area and service to the subject parcel. The sewer district indicates that service to the site will be provided by an existing 8" main located zero feet from the site and the sewer system has the capacity to serve the proposed use. SW Suburban Sewer District approved the development for public sewer service based on satisfactory completion of a required developer extension. An easement may be required. Charges are to be determined at the time of sewer connection (see Attachment 9).

- b. Conclusion: Adequate water, fire and sewer services are or will be available for the proposed development. Prior to the issuance of development permits, the applicant shall ensure that approval is obtained from all affected utility districts and that the Fire Marshal's condition has been satisfied. Prior to recording the subdivision, the applicant shall install all utilities approved by the appropriate utility districts.

5. Surface Water Management

- a. Facts: BMC 13.10.020 adopts the 2016 King County Surface Water Design Manual, as amended, as the City of Burien's drainage control regulation. The Applicant submitted a Roadway/Drainage/Utility Plan and a TIR for the proposed development. The Surface Water Management Engineer provided final comments in a July 16, 2018 memorandum regarding required surface water improvements. These revisions must be made and provided before any development and or/permit applications is performed (Attachment 6).

Conditions for future permits (Building or Clearing, Grading Permit, and ROW:

- i. Storm water facilities and the drainage site plan for the project shall be in accordance with the 2016 King County Surface Water Design Manual (KCSWDM), the 2016 the Stormwater Pollution Prevention Manual (SPPM) as adopted by the City of Burien (ref. BMC § 13.10.020), and the Burien Municipal Code (BMC), Chapter 13.10.
 - ii. Storm site plan, ESC plan, and TIR shall be updated.
- b. Conclusion: The applicant shall address the two (2) conditions identified by the City of Burien Development Review Engineer in the memorandum dated July 16, 2018 (Attachment 6, Memorandum). This will ensure adequate improvements are provided for the proposed development.

6. Tree Retention & Landscaping Requirements

- a. Facts: A significant tree retention plan is required for the proposed application. This plan shall include the location of all significant trees (evergreen and deciduous: 6" diameter measured 4 feet above grade) and indicate which trees will be retained. Ten (10) percent of significant trees shall be retained (BMC 19.25.120.3). The applicant has provided a survey map of the property and an associated arborist report which delineates all significant trees located on the subject parcel. The survey and subsequent arborist report prepared by Katy Bigelow (Attachments 12 & 4) lists 18 significant trees. The applicant is proposing to retain 1 significant tree(s).

Per Burien Municipal Code 19.15.010.2 Landscape Category B is required as a part of the townhome subdivision. Category B includes requirements for property lines that abut a freeway and call for 10' foot wide, Type II landscaping. Because the northern boundary of the site abuts State Route 518, 10' foot wide Type II landscaping will be required. The purpose of chapter 19.25 is to provide minimum standards for tree retention and landscaping to foster a healthy and attractive community; to maintain a positive community image; to improve the aesthetic quality of the built environment; to enhance quality of life; to protect and enhance property values; to promote retention and protection of existing vegetation; to reduce the impacts of development on drainage systems and natural habitats; to absorb wind and noise; to enhance air quality; to increase compatibility between different land uses; and to increase privacy for and within residential zones. The requirements for a townhome subdivision include a landscape plan, an irrigation plan and a tree retention/replacement plan. Not all requirements within the landscape were met. However, mitigation has been proposed according to BMC 19.25.040(1) which states the following: *"Landscaping abutting a freeway shall be installed within the freeway right-of-way, if permitted by the Washington State Department of Transportation (WSDOT). If such approval is not granted, the landscaping shall be installed on the site."* The applicant has provided plans from work being planned by WSDOT. (See Attachment 18). The staff concurs with this mitigation.

- b. Conclusions: The tree retention plan meets the City of Burien standards for significant tree preservation pursuant to BMC 19.25.120. The applicant has proposed the planting of 25 new trees to be included in the landscaping plan as well as retention of 10% of the existing trees on the site which exceeds the tree retention requirements. Prior to or in conjunction with any development activity the applicant shall protect any significant trees located on the site. Protective measures shall comply with the requirements of the BMC Chapter 19.25 (See Development Regulations, Attachment 3).

Landscaping shall be installed prior to issuance of a certificate of occupancy for the project or project phase. Per BMC 19.25.170 1, all landscaping and significant trees shall be maintained for the life of the project. All landscape materials and significant trees shall be pruned and trimmed as necessary to maintain a healthy growing condition or to prevent primary limb failure. Dead, diseased, damaged or stolen plantings shall be replaced within three months or during the next planting season if the loss does not occur in a planting season. Per BMC 19.25.180, performance bonds or other appropriate security (including letters of credit and set-aside letters) shall be required for a period of two years after the planting or transplanting of vegetation to insure proper installation, establishment and maintenance.

7. Fee-In-Lieu of Recreation Space

- a. Facts: The Burien Zoning Code requires residential developments to provide onsite recreational areas. When this area is not provided on site the applicant shall pay fees-in-lieu of actual recreational space (BMC 19.17.013). The Burien Municipal Code Chapter 19.17.013 sets the criteria for the payment of fees-in-lieu of recreation space. The applicant shall pay for 390 square feet of recreation space for each additional lot being created and for the proposed subdivision; seven (7) new lots are being created. This fee shall be based on 390 multiplied by the assessed value per square foot of the land at the time of recording.
- b. Conclusions: To comply with the requirements of BMC Chapter 19.17.013, the applicant shall pay a fee in lieu of providing 390 square feet of recreation space on the property for seven (7) new lots. The fee shall be 390 multiplied by the current assessed value per square foot of the property at the time of final plat submittal. The fee shall be paid prior to recording the final short plat (see Development Regulations, Attachment 3).

8. Transportation Impact Fee

- a. Facts: Any person who receives a building permit or any other construction permit for any development activity or who undertakes any development activity within the City's corporate limits for which a building permit or other construction permit if a building permit is not required, shall pay a transportation impact fees as set forth in Table 19.35-2 at the time of issuance of the permit (BMC 19.35.060).
- b. Conclusions: Prior to issuance of a building permit for townhouse development on Lots 1, 2, 3, 4, 5, 6 and 7, the Applicant shall pay a Transportation Impact Fee of \$493.00 each unit for a total of \$3,451.00 as set forth in Table 19.35-2.

9. School Walkway Conditions

- a. Facts: According to the Highline School District bus schedule information (Attachment 14), the following indicates the school bus stop and walkway conditions to schools serving the site:

School	Description	Distance	Attachment
Cedarhurst Elementary	The assigned morning bus stop for Cedarhurst students is on S 150 th Street at 6 th Ave South. Students would leave the subdivision and travel west on a gravel shoulder until they arrive at 6 th Ave South. The assigned afternoon bus stop is on 4 th Avenue South, 0.5 blocks north of South 152 nd Street. The students would be left at 4 th Ave South and would continue north on 4 th Ave South and then turn to go east on South 150 th street for three blocks until they arrive at the subdivision.	0.02 miles in the morning and 0.28 miles in the afternoon	14.a
Sylvester Middle School	The assigned morning and afternoon bus stop for Sylvester students is at 8 th Avenue South and South 148 th Street. Students would leave the subdivision and travel east on the gravel shoulder until they reach 8 th Ave South, at which point they would travel north on a gravel shoulder on 8 th Ave South until they arrive at South 148 th Street. The reverse would be true in the afternoons.	0.23 miles	14.b
Highline High School	The closest high school is highline at a distance of 0.42 miles. Because of this, students are ineligible for bus transportation. Per the school's "Safe Walking Map," a student would leave the subdivision and walk east on a gravel shoulder, turn south at 8 th Ave South and then turn west at South 152 nd street until they arrive at the school.	0.42 miles	14.c

- b. Conclusions: Students attending schools in the surrounding area are provided transportation via a school bus or have a safe walking route. The proposal is consistent with the standards set forth in BMC Title 17 and RCW 58.17.110.

F. COMPREHENSIVE PLAN

- a. Fact: The subject property is designated High Density Multi-family Residential Neighborhood. Burien Comprehensive Plan Policy RE 1.7 states that development in these areas may be characterized by single-family homes, duplexes, garden style apartments, townhouses, condominiums or apartment buildings.
- b. Conclusion: The proposed subdivision and subsequent townhome construction is consistent with the High Density Multi-family Residential Neighborhood land use designation. As conditioned, the proposal complies with the Comprehensive Plan.

III. APPEALS AND JUDICIAL REVIEW

State law allows the city’s final decision to be appealed by a party of record with standing by filing a land use petition in King County superior court. Such petition must be filed within 21 days after issuance of the decision, as provided in RCW 36.70.C.

IV. LAPSE OF APPROVAL

Under BMC 17.40.040(4), subdivision preliminary approvals shall be valid for five (5) years. If any condition is not satisfied and the final plat is not recorded within the 5-year period the preliminary subdivision approval shall be null and void. If all conditions have been satisfied and all required documents have been submitted within the 5-year period, the city may grant a single extension of up to 90 days to obtain additional information or for the processing and recording of final plat documents. Applicants will have a maximum of 30 days to comply with requests for additional information made within the extension period.

V. PARTIES OF RECORD

Name	Address
Todd McKittrick	17837 1 st Ave South, Burien WA 98148
Harold Duncanson, PE	145 SW 155 th Street, #102, Burien WA 98166
Sharon Taylor	639 S 150 th Street, Burien WA 98148

EXHIBITS

The following Exhibits with exception of the first exhibit are incorporated by reference:

1. Staff Recommendation to the Hearing Examiner (Presented Herein)
2. Vicinity Map
3. Residential Development Subdivision Regulations and Consequent Building Permits
4. Preliminary Plat, Lot Analysis, Tree Retention Plan, Existing Site Survey, Landscape Plan, Building Elevations, Civil Plan, TESC Plan, Road, and Grading and Storm Drain Plan
5. Public Works Recommended Conditions of Land Use Approval, dated May 2, 2018, Ramesh Davad, Development Review Engineer
6. Public Works Recommended Conditions of Land Use Approval, dated July 16, 2018, Heungkook Lim, Surface Water Management Engineer
7. Certificate of Water Availability – KC Water District #20, December 5, 2017
8. Certificate of Fire Hydrant Availability – King County Fire District 2, December 6, 2017
9. Certificate of Sewer Availability – SWSSD, December 8, 2017
10. Public Comment Letter, Sharon Taylor, January 29, 2018
11. Road Standards Variance, granted December 19, 2017
12. Arborist Report, Katy Bigelow, prepared May 24, 2018
13. Technical Information Report (TIR) prepared by Duncanson Co. on June 19, 2018
14. School Walkway and Travel Routes
15. Preliminary Subdivision Application
16. Notice of Application
17. Notice of Public Hearing
18. Washington State Department of Transportation SR 518 EB Off-Ramp to Des Moines Memorial Drive Interchange Improvements Plan, Sheet 64 of 208, T.23N.R.4E.W.M.SEC.20, Plan reference number LS-3.

Dated this 20th day of September 2018



Charles W. "Chip" Davis, AICP
Community Development Director



City of Burien
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Suite 300
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Conditions for Approval

PLA-17-2738

Sunnydale Subdivision

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 2016 King County Surface Water Design Manual, as amended, the 2016 Stormwater Pollution Prevention Manual, as adopted, Burien Municipal Code, Chapter 13.10 and the 2016 Burien Road Standards. It is the responsibility of the applicant to ensure compliance with the various provisions contained in these documents. Attachment 3, Development Regulations, is provided in this report to familiarize the applicant with some of the additional requirements that may apply to the project. This Attachment does not include all of the additional requirements. **Preliminary approval does not guarantee that the number of units proposed can be accommodated on the subject parcel.**

2. **Prior to applying for review and recording of the Final Subdivision Plat, the Applicant shall:**

- a. Modify the final plat map according to the Development Engineer's eighteen (18) conditions as outlined in the Memorandum dated May 2, 2018.
- b. Complete the installation of all approved utilities for the appropriate Utility Districts.
- c. Pay a fee in lieu of providing 390 square feet of recreation space on the property for seven (7) new lots. The fee shall be 390 multiplied by the current assessed value per square foot of the property. The fee shall be paid at time of final plat submittal.

3. **Prior to beginning any work in the public right-of-way the applicant shall:**

- a. Apply for and obtain Right-Of-Way Use and/or Right-Of-Way Construction permits for all work to be completed in public rights-of-way.

4. **Prior to the issuance of any permits for any construction on the plat the applicant shall:**

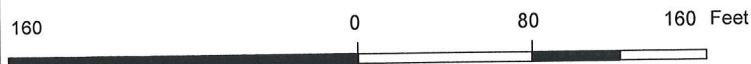
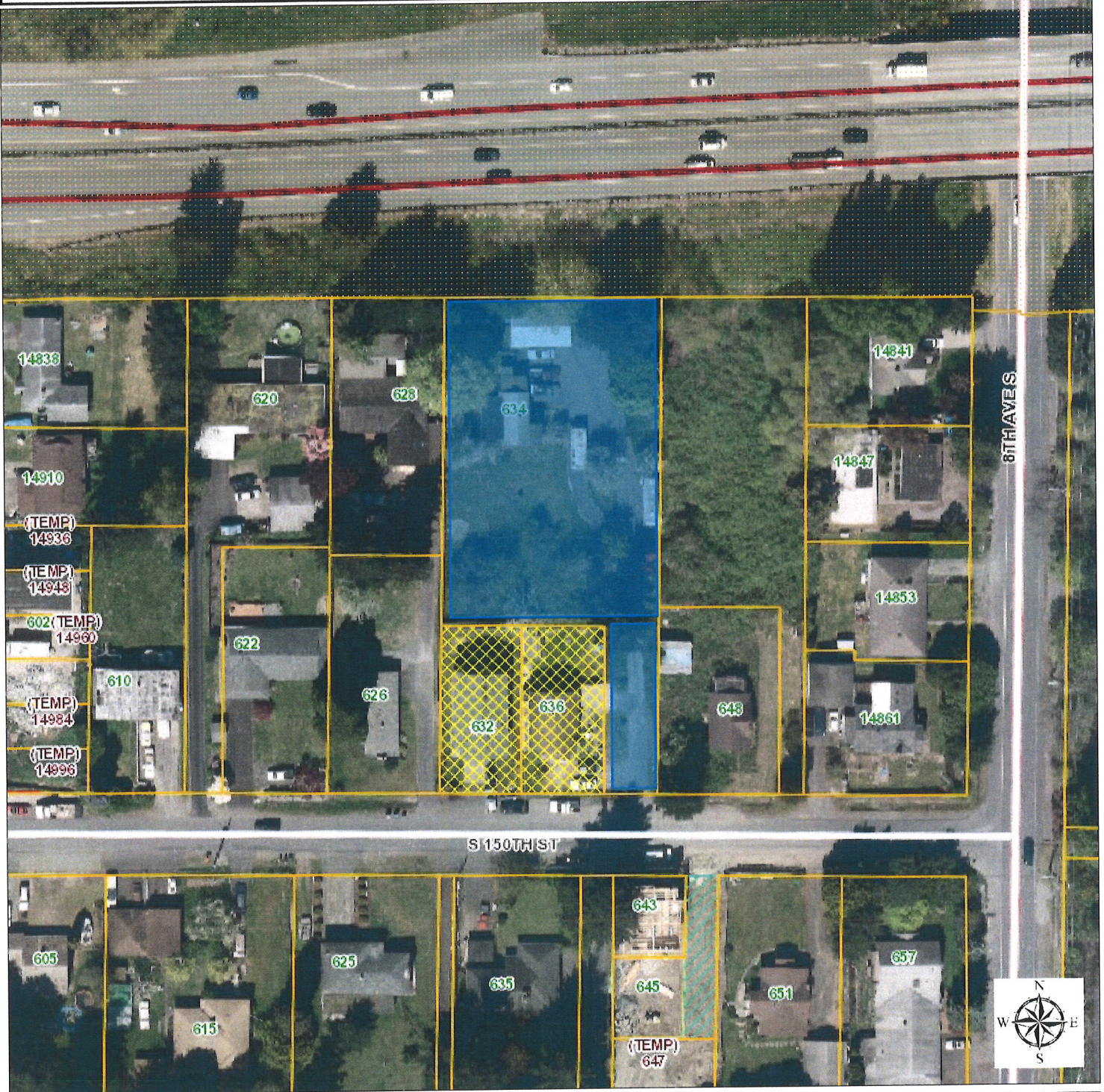
- a. Address the two (2) conditions identified by the City of Burien Surface Water management Engineer in the memorandum dated July 16, 2018.

- b. Pay a Transportation Impact Fee of \$493.00 each unit for a total of \$3,451.00 as set forth in Table 19.35-2. Install signs indicating the presence of a critical area and that disturbance is not allowed.
- c. Protect any significant trees on the site with protective measures in conformance with BMC 19.25.
- d. Complete installation of mitigating trees, install irrigation, request inspection and acquire maintenance bond.

File: PLA-17-2738

The Reserve at Sunnydale - Pre-Subdivision

Vicinity Map



THE CITY OF BURIEN DISCLAIMS ANY WARRANTY OF FITNESS OF USE FOR PARTICULAR PURPOSE, EXPRESS OR IMPLIED, WITH RESPECT TO THIS PRODUCT.

Attachments 3 – 18
available on request
at City Hall