



Agenda Bill

City Council Special & Regular Business Meeting - 19 Aug 2019

Department

Community Development

Staff Contact

Thara Johnson, Senior Planner (206) 436-5574

Agenda Bill Title

Discussion and Potential Action on Ordinance No. 712 amending City's zoning map and adopting findings and conclusions regarding the Moore, Assefa and Wu Development Rezone Requests

Summary

The purpose of this agenda item is for the City Council to discuss and potentially take action on Ordinance No. 712 amending the City's zoning map and adopting findings and conclusions regarding rezoning requests from Robert Moore, Daniel Assefa, and George Wu. The Council must make a quasi-judicial decision on the rezoning requests. The decision must be supported by specific findings and conclusions based on evidence in the record that relates to rezoning criteria. A decision to approve a rezoning request would require amendments to the City's zoning map which would be accomplished by adopting Ordinance No. 712.

When making a quasi-judicial determination about whether the criteria for approving a site-specific rezoning request is met, the Council must look to whether the rezoning would be consistent with the Comprehensive Plan and the applicable criteria found in the Burien Municipal Code. The Council's legislative action on the Comprehensive Plan map amendments (Ord 701) preceded the quasi-judicial determination – and partially informs the review of whether the rezoning criteria is met. The Hearing Examiner Recommendations contain findings and conclusions regarding the applicable rezoning criteria found in the Burien Municipal Code (Please see Exhibits A.1, A.2 and A.3 of Ord. No. 712 attached).

On December 17, 2018 the City Council passed Ordinance No. 701 adopting amendments to Burien's Comprehensive Plan. Three of the amendments were to change the Comprehensive Land Use plan map for the Moore, Assefa and Wu properties.

In January, February and March of 2019 the applicants submitted applications to rezone the subject parcels. The three requests are as follows;

- Robert Moore is requesting a change from RS-7,200 (Residential single-family) to RM-12 (Low-Density Multi-Family).
- Daniel Assefa is requesting a change from Office (O) to RM-18 (Moderate-Density Multi-Family).

- George Wu is requesting a change from RS-7,200 (Residential single-family) to RM-18 (Moderate-Density Multi-Family).

Notices of applications were posted, published and mailed to surrounding property owners for the three rezone applications on March 5, 2015 for the Moore rezone request; March 21, 2019 for the Wu request and March 26, 2019 for the Assefa rezone request. Three comments were received regarding the Assefa rezone application and three comments were also received regarding the Wu rezone application. Responses to those comments are included in the staff recommendation to the Hearing Examiner.

On June 12, 2019 notices of public hearings were posted published and mailed to surrounding property owners.

On June 26, 2019 the Hearing Examiner conducted public hearings for each of the requests to establish the public record and on July 15, 2019 the Hearing Examiner issued recommendations to the City Council to approve each of the re-zone requests.

Ordinance No. 712 (see [Attachment 1](#)) contains the recommended amendments to the City's zoning map - along with findings and conclusions for the approval of the rezone requests.

Exhibits A.1, A.2 and A.3 contains the Hearing Examiner Recommendations, including findings and conclusions, staff recommendations to the Hearing Examiner and vicinity maps for each of the rezone applications. All other application materials that form the public record are available upon request.

Exhibit B consists of the proposed zoning map changing the zoning designations.

Options

1. Adopt Ordinance No. 712.
2. Delay a quasi-judicial decision-making on the rezone request so that staff can update findings and conclusions for Ordinance No. 712. [*Note: Decisions involving a rezone request need to be supported by findings and conclusions. Those findings and conclusions need to be consistent with the land use designations in the Comprehensive Plan map.*]

Advisory Board Recommendation

The Hearing Examiner recommends approval of the Moore, Assefa and Wu rezone requests.

Administrative Recommendation

Adopt Ordinance No. 712

Suggested Motion

1. Move to adopt Ordinance No. 712 amending the City's zoning map and adopting findings and conclusions regarding rezone requests.
2. Delay quasi-judicial decision-making on the rezone requests and direct staff to modify findings and conclusions for Ordinance No. 712.

Fiscal Impact

FUND: N/A

COST OF PROPOSAL: N/A

AMOUNT BUDGETED: N/A

ADDITIONAL REQUIRED: N/A

Attachments

[Attachment 1 Ordinance 712 2019 Zoning Map Amendments and Exhibits A.1, A.2, A.3 and B](#)

**CITY OF BURIEN, WASHINGTON
ORDINANCE NO. 712**

**AN ORDINANCE OF THE CITY OF BURIEN, WASHINGTON, AMENDING
THE CITY'S ZONING MAP TO CHANGE ZONING CLASSIFICATIONS OF
TAX PARCEL NO. 336140-0020 FROM RS-7,200 (RESIDENTIAL SINGLE
FAMILY) TO RM-12 (LOW DENSITY MULTI-FAMILY),
AND
PARCEL NO. 092304-9039 FROM OFFICE (O) TO RM-18 (MODERATE
DENSITY MULTI-FAMILY)
AND
PARCEL NO. 098500-1040 FROM RS-7,200 (RESIDENTIAL SINGLE FAMILY)
TO RM-18 (MODERATE DENSITY MULTI-FAMILY)
AND
ADOPTING FINDINGS AND CONCLUSIONS.**

WHEREAS, on January 24, 2019, Robert Moore made an application (File No. PLA 19-0168) to amend the City of Burien zoning map (rezone) to change the zoning classification of Tax Parcel No. 336140-0020 ("Moore Property") from RS-7,200 (Residential Single Family) to RM-12 (Low Density Multi-Family); and

WHEREAS, on February 12, 2019, Daniel Assefa made an application (File No. PLA 19-0285) to amend the City of Burien zoning map (rezone) to change the zoning classification of Tax Parcel No. 092304-9039 ("Assefa Property") from Office to RM-18 (Moderate Density Multi-Family); and

WHEREAS, on March 13, 2019, George Wu made an application (File No. PLA 19-0554) to amend the City of Burien zoning map (rezone) to change the zoning classification of Tax Parcel No. 098500-1040 ("Wu Property") from RS-7,200 (Residential Single Family) to RM-18 (Moderate Density Multi-Family); and

WHEREAS, the City Council adopted amendments to its Comprehensive Plan as set forth in Ordinance No. 701 on December 17, 2018, amending the Comprehensive Plan Map LU-1 changing the land use designation for the Moore Property from Moderate Density Residential Neighborhood to Low Density Multi-Family Neighborhood; and

WHEREAS, the City Council adopted amendments to its Comprehensive Plan as set forth in Ordinance No. 701 on December 17, 2018, amending the Comprehensive Plan Map LU-1 changing the land use designation for the Assefa Property from Office to Moderate Density Multi-Family Neighborhood; and

WHEREAS, the City Council adopted amendments to its Comprehensive Plan as set forth in Ordinance No. 701 on December 17, 2018, amending the Comprehensive Plan Map LU-1 changing the land use designation for the Wu Property from Moderate Density Residential Neighborhood to Moderate Density Multi-Family Neighborhood; and

WHEREAS, notices of application for the rezone requests was provided on March 5, 2015 for the Moore rezone request and March 21, 2019 for the Wu request and March 26, 2019 for the Assefa rezone request; and

and the City of Burien received three comments on File No. PLA 19-0285 (Assefa property) and File No. PLA 19-0554 (Wu property);

WHEREAS, notices of public hearings for each of the applications with the Hearing Examiner was provided on June 12, 2019 for the Moore, Assefa and Wu requests; and

WHEREAS, the City of Burien Hearing Examiner conducted three public hearings on June 26, 2019 pertaining to the rezone requests; and

WHEREAS, the Hearing Examiner recommended approval of a change to the zoning map designation of the Moore Property (File No. PLA 19-0168) from RS-7,200 to RM-12 (Low Density Multi-Family); and

WHEREAS, the Hearing Examiner recommended approval of a change to the zoning map designation of the Assefa Property (File No. PLA 19-0285) from Office to RM-18 (Moderate Density Multi-Family); and

WHEREAS, the Hearing Examiner recommended approval of a change to the zoning map designation of the Wu Property (File No. PLA 19-0554) from RS-7,200 to RM-18 (Moderate Density Multi-Family); and

WHEREAS, the City Council has received the Hearing Examiner's recommendations regarding proposed zoning map amendments; and

WHEREAS, the City Council held a public meeting on August 19, 2019 to discuss the proposed rezone request; and

WHEREAS, the City of Burien has complied with the requirements of the State Environmental Policy Act and the City Environmental Procedures Code; and

WHEREAS, the City Council has reviewed the record related to the Moore Property rezone request, including but not limited to application materials, staff reports, Hearing Examiner recommendation, public testimony and written comments; and

WHEREAS, the City Council has reviewed the record related to the Assefa Property rezone request, including but not limited to application materials, staff reports, Hearing Examiner recommendation, public testimony and written comments; and

WHEREAS, the City Council has reviewed the record related to the Wu Property rezone request, including but not limited to application materials, staff reports, Hearing Examiner recommendation, public testimony and written comments; and

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

Section 1. Hearing Examiner Findings and Conclusions. The City Council adopts the findings and conclusions attached hereto as Exhibits A.1, A.2, and A.3.

A.1 – Moore Site-Specific Rezone, Hearing Examiner Recommendation

A.2 – Assefa Site-Specific Rezone, Hearing Examiner Recommendation

A.3 – Wu Site-Specific Rezone, Hearing Examiner Recommendation

Section 2. Amendments to the Zoning Map. The official City of Burien Zoning Map is hereby amended as set forth in Exhibit B attached hereto.

Section 3. Severability. Should any section, subsection, 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 4. Effective Date. This ordinance, or a summary thereof, shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE _____ DAY OF _____, 2019, AND SIGNED IN AUTHENTICATION OF ITS PASSAGE THIS _____ DAY OF _____, 2019.

CITY OF BURIEN

James Matta, Mayor

ATTEST/AUTHENTICATED:

Monica Lusk, City Clerk

Approved as to form:

Lisa Marshall, City Attorney

Filed with the City Clerk: _____, 2019
Passed by the City Council: _____, 2019
Ordinance No.: 712
Date of Publication: _____, 2019

EXHIBIT A.1

**BEFORE THE HEARING EXAMINER
FOR THE CITY OF BURIEN**

In the Matter of the Application of	)	No. PLA 19-0168
)	
Robert Moore	)	Moore Rezone
)	
	)	FINDINGS, CONCLUSIONS,
<u>For a Site-Specific Rezone</u>	)	AND RECOMMENDATION

SUMMARY OF RECOMMENDATION

The Hearing Examiner recommends that the request to rezone a 0.88-acre parcel at 11246 8th Avenue South from the “Single-Family Residential” (RS-7,200) zoning district to the “Multi-Family Residential” zoning district (RM-12) be approved.

SUMMARY OF RECORD

Hearing:

The Hearing Examiner held an open record hearing on the request on June 26, 2019. At the open record hearing, the Hearing Examiner ruled that the record would be held open until close of business on June 28, 2019, to allow for the submission of additional documents.

Testimony:

The following individuals testified under oath at the open record hearing:

Thara Johnson, Senior Planner
Robert Moore, Applicant

Exhibits:

The following exhibits were admitted into the record:

1. Staff Report, with the following attachments:
 1. Vicinity Map, undated
 2. Rezone/Zoning Map Amendment Request, received January 24, 2019; Application to Amend Zoning Map, dated January 17, 2019; City Ordinance No. 701, adopted December 17, 2018
 3. City Ordinance No. 701, adopted December 17, 2018
 4. Comprehensive Plan Map Amendment for Robert G. Moore, PLA 18-0433, with attachments
 5. SEPA Determination of Nonsignificance (DNS) and Adoption of Existing Environmental Documents, dated June 12, 2019
 6. Determination of Complete Application, dated March 5, 2019

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Moore Rezone, No. PLA 19-0168*

7. Notice of Application with confirmation of posting, mailing, and publication in *The Seattle Times*
8. Notice of Public Hearing with confirmation of posting, mailing, and publication in *The Seattle Times*
9. Environmental Checklist, dated March 5, 2019

The Hearing Examiner enters the following findings and conclusions based upon the testimony and exhibits admitted at the open record hearing:

FINDINGS

Application and Notice

1. Robert Moore (Applicant) requests a zoning map amendment to rezone a 0.88-acre parcel from the Single-Family Residential (RS-7,200) zoning district to the Multi-Family Residential (RM-12) zoning district. The property is located at 11246 8th Avenue South.¹ *Exhibit 1, Staff Report, page 1; Exhibit 1.2.*
2. The City of Burien (City) determined the application was complete on February 21, 2019. On March 5, 2019, the City mailed notice of the application to property owners within 500 feet of the property, posted notice on-site, and published notice in *The Seattle Times*. On June 12, 2019, the City mailed notice of the application to property owners within 500 feet of the property, posted notice on the site, and published notice in *The Seattle Times*. The City received no comments in response to its notice material. *Exhibit 1, Staff Report, pages 3 and 4; Exhibits 1.2; 1.6, 1.7, and 1.8.*

State Environmental Policy Act

3. The City acted as lead agency and analyzed the environmental impacts of the proposed rezone, as required by the State Environmental Protection Act (SEPA), Chapter 43.21C Revised Code of Washington (RCW). The City reviewed the existing environmental documents that served as the basis for changing the Comprehensive Plan designation of the parcel on December 17, 2018, including an addendum to a Final Environmental Impact Statement (FEIS), dated November 30, 2018. The City used the optional Determination of Nonsignificance (DNS) process under Washington Administrative Code (WAC) 197-11-355, and provided notice of the SEPA review process along with the notice of application. Following its review, the City determined that the proposal would not have a probable significant adverse impact on the environment and issued a DNS on June 12, 2019. The DNS was not appealed. *Exhibit 1, Staff Report, pages 3 and 4; Exhibits 1.5 and 1.7.*

¹ The property is identified by Tax Assessor Parcel No. 336140-0020. *Exhibit 1, Staff Report, page 1; Exhibit 1.2.*

Site-Specific Rezone

4. The property is designated “Low Density Multifamily Neighborhood” under the Comprehensive Plan, which allows multiple-family residential uses with a density range of 18 to 24 units per net acre. The Low Density Multifamily Neighborhood designation is implemented by the “Multi-Family Residential” (RM-12) zoning category. *Comprehensive Plan, Policy RE 1.8.* The property is currently zoned “Residential Single-Family (RS 7,200),” and the Applicant is requesting that the parcel be rezoned to “Multi-Family Residential” (RM-12). The property has very little elevation change, with a gentle slope to the east from the 8th Avenue South. A single-family residence with a detached garage is located on the western portion of the site adjacent to 8th Avenue South. The property is bordered by 8th Avenue South on the west side. An undeveloped property is located to the north and is designated and zoned “Neighborhood Center.” Some properties to the west are designated “Low Density Residential Neighborhood” and are zoned RS-7,200. Others are designated and zoned Neighborhood Center and include a small-scale retail building and a single-family residence. Single-family residences located to the east and south and are designated Low Density Residential Neighborhood and are zoned RS-7,200. City Senior Planner Thara Johnson testified that adequate public facilities and services are available for the property. *Exhibit 1, Staff Report, pages 2 and 3; Exhibit 1.1; Testimony of Ms. Johnson.*

5. The Growth Management Act (GMA), Chapter 36.70A RCW, requires cities and counties to engage in a planning process. *RCW 36.70A.040.* Thirteen exclusive goals guide that process; the goals concern urban growth, sprawl reduction, transportation, housing, economic development, property rights, permitting, natural resource industries, open space and recreation, the environment, citizen participation and coordination, public facilities and services, and historic preservation. *RCW 36.70A.020.* Any jurisdiction subject to the GMA’s planning requirement must balance these sometimes competing goals (*see Feil v. E. Wash. Growth Mgmt. Hrgs. Bd.*, 172 Wn.2d 367, 259 P.3d 227 (2011)) and produce a comprehensive plan that guides future growth and development. *RCW 36.70A.040 through .120.* The jurisdiction must then enact development regulations implementing the comprehensive plan and otherwise act in conformity with the comprehensive plan. *RCW 36.70A.120.*

6. In 2010, the City annexed this parcel and the surrounding neighborhood from King County. Interim zoning and Comprehensive Plan designations were assigned to the whole area during this process. In 2011, the City initiated a community-based process to analyze existing land use designations and proposed Comprehensive Plan and zoning designations for the recently annexed area. On December 17, 2018, the City adopted a Comprehensive Plan map change for the parcel from Single-Family Residential to Low Density Multifamily Neighborhood through Ordinance No. 701. *Exhibit 1 Staff Report, pages 2 and 3; Exhibit 1.1; Exhibit 1.3.*

7. The Applicant submitted a project narrative with its application materials. The project narrative argues that the site-specific rezone should be approved because:
- The Burien Comprehensive Plan has been amended. Rezoning the property would appropriately coordinate the City’s zoning map and Comprehensive Plan map.
 - The proposed zoning change would allow redevelopment with up to 10 apartment or townhouse units and would help the City fill the need for new housing units.
 - Redevelopment would eliminate an on-site septic tank and contribute to street frontage improvements.
 - The property is in an aquifer recharge area, but no other critical areas are located on the site. Redevelopment would include connection to the public sewer main and installation of a surface water management system.
 - The proposed rezone would have no significant adverse impact on adjacent properties.
 - The rezone is necessary to achieve consistency with the Burien Comprehensive Plan.

Exhibit 1.2.

Testimony

8. City Senior Planner Thara Johnson testified generally about the application and how it would meet the site-specific rezone requirements of Burien Municipal Code (BMC) 19.65.090.3.C. She noted that environmental impacts of changing the land use designation for the property were already analyzed during the Comprehensive Plan amendment process and that any future development would be subject to further environmental review. Ms. Johnson stated that conditions within the city have changed since the parcel was first designated as single-family residential and that rezoning this property would contribute toward achieving that goal. *Testimony of Ms. Johnson.*
9. Applicant Robert Moore testified that the Applicant concurs with the City’s analysis and recommendation for the proposal. *Testimony of Mr. Moore.*

Staff Recommendation

10. The City staff recommends the Hearing Examiner forward a recommendation of approval to the City Council. *Exhibit 1, Staff Report, page 1.*

CONCLUSIONS

Jurisdiction

The Hearing Examiner has jurisdiction to receive and examine information on a rezone; conduct a public hearing on the application; prepare a record of the hearing; enter findings of fact; and, based upon those facts, make a recommendation to the City Council. *RCW 35A.63.170.*

The recommendation may be to grant the application, grant the application with conditions, or deny the application. *BMC 2.15.070(4); BMC 2.15.080.* A recommendation to the City Council

is a Type 3 review process. *BMC 19.65.075*. A site-specific rezone application is processed as a Type 3 quasi-judicial decision. *BMC 19.65.090.3.A*.

Criteria for Review

The Hearing Examiner may recommend approval of a site-specific rezone request if the following criteria are satisfied:

- i. The rezone is consistent with the Comprehensive Plan; and
- ii. The rezone will advance the public health, safety, or welfare; and
- iii. The rezone will not have significant adverse environmental impacts that are materially detrimental to adjacent properties or other affected areas; and
- 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.

BMC 19.65.090.3.C.

The criteria for review adopted by the Burien City Council implements the requirement of Chapter 36.70B RCW to enact the Growth Management Act. In particular, RCW 36.70B.040 mandates that local jurisdictions review proposed developments to ensure consistency with City development regulations; considering the type of land use, the level of development, infrastructure, and the characteristics of development. *RCW 36.70B.040*.

Conclusions Based on Findings

The proposed rezone satisfies the criteria for approval found in BMC 19.65.090.3.C and should be approved. The proposed rezone would not require amendment of the City Comprehensive Plan and would be consistent with the 2018 Comprehensive Plan's Multi-Family Residential designation of the property: Multi-Family Residential (RM-12) zoning is allowed in property designated Low Density Multi-Family Residential under the Comprehensive Plan. Conditions placed on any future land development permits would ensure that the proposal would comply with the development regulations required by the Growth Management Act and Title 19 of the Burien Municipal Code. The proposed rezone would advance the public health, safety, and welfare by allowing for a broader range of development options providing needed housing opportunities. Development of the property would allow for removal of an on-site septic system.

Changed circumstances, specifically the City's recent Comprehensive Plan amendment, warrant the rezone. The property is suitable for Multi-Family Residential development that complies with the standards of the RM-12 zone. The City analyzed the environmental impacts of the proposal, as required by SEPA, and determined that the rezone would not have a probable significant adverse impact on the environment. The City's DNS was not appealed. In addition,

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Moore Rezoning, No. PLA 19-0168

specific development impacts would be reviewed at the time of building permit application. Adequate public facilities and services are available to the property. Reasonable notice of the application and associated open record hearing was provided in a manner that was “reasonably calculated” to inform interested parties of the proposal “and of the opportunity to object.” *State v. Dolson*, 138 Wn.2d 773, 777 (1999). *Findings 1 – 10.*

RECOMMENDATION

Based on the preceding findings and conclusions, the Hearing Examiner recommends that the City Council **APPROVE** the request to rezone a 0.88-acre parcel at 11246 8th Avenue South from the Single-Family Residential (RS-7,200) zoning district to the Multi-Family Residential (RM-12) zoning district.

RECOMMENDED this 15th day of July 2019.



LEE RAAEN
Hearing Examiner
Sound Law Center



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Rezoning Request For Moore Rezoning PLA 19-0168

APPLICANT: Robert Moore, Property Owner

LOCATION: 11246 8th Avenue South (see Attachment 1-Vicinity Map)

CURRENT LAND USE: Single-family Residential

TAX PARCEL #: 336140-0020

REQUEST: Change the Zoning Designation from RS 7,200 (Residential Single-Family) to RM-12 (Residential Multi-Family)

**STAFF
RECOMMENDATION:** Amend the zoning map to change the subject parcel from RS 7,200 (Residential Single-Family) to RM-12 (Residential Multi-Family)

FINDINGS & CONCLUSIONS

COMPREHENSIVE PLAN MAP HISTORY

- 1983 (before incorporation):** King County Highline Community Plan designated the subject property as Single-family (4-6 units per acre).
- 2013:** City of Burien Comprehensive Plan (Ordinance No. 573) designated the subject property as Moderate Density Single-Family Neighborhood.

ZONING MAP HISTORY

1981 (before incorporation/annexation): RS-7,200 with a potential zone designation of RM-2,400 (RM-18 equivalent)

2009 (before incorporation/annexation): The King County Zoning designation for the property was Urban Residential (R-6).

2010: City of Burien Ordinance No. 533 established interim zoning for the North Highline Area. The parcel was designated RS-7,200.

2013: The City of Burien Zoning Map (Ordinance 573) re-affirmed the RS-7,200 zoning designation.

ADJACENT COMPREHENSIVE PLAN, ZONING DESIGNATIONS AND USES:

Direction	Comprehensive Plan Designation	Zone	Current Uses
North	Neighborhood Center	CN (Neighborhood Center)	Single-family residence (not yet redeveloped)
South	Moderate Density Residential Neighborhood	RS-7,200 (Residential Single-Family)	Single-Family
West	Moderate Density Residential Neighborhood & Neighborhood Center	RS-7,200 (Residential Single-Family) & CN (Neighborhood Center)	Single-Family & Single-Family
East	Moderate Density Residential Neighborhood	RS-7,200 (Residential Single-Family)	Single-Family

BACKGROUND

The applicant requests to change the zoning for one parcel that totals 0.88 acres (38,400 square feet). According to the King County Assessor the site contains a single-family residence that was originally constructed in 1910. The existing single-family home is located at the western portion of the site adjacent to 8th Avenue South (See Attachment 1, site vicinity map). The parcel also contains a detached garage adjacent to the existing residence. The property slopes gently down to the east from the street.

The parcel is bordered by 8th Avenue South on the west side. To the north there is a recently rezoned property that was RS 7,200 and now has a Neighborhood Center zone, but has not been redeveloped as yet. The Neighborhood center zone extends further north and includes a small scale strip mall containing gas pumps with an associated food mart, nail salon, two restaurants, and a retail store. To the west is located a small scale retail building that sells seasonal garden and food items. To the west there is also a small single-family home that is located on a parcel designated as Neighborhood Center. Adjacent uses to the east and south consist of single-family residential homes.

In 2010 the City of Burien annexed this parcel and the surrounding neighborhood from King County. As a part of that process interim zoning designations were assigned the whole area with the commitment by the City to revisit land use designations in the near future. In 2011 the City initiated community based process to analyze existing land use designations and propose comprehensive plan and zoning designations for the recently annexed area. The subject parcel was designated residential single-family with King County and the City's land use designation actions in 2013 maintained a comparable single-family designation (RS-7,200).

The applicant has stated that if the rezoning is approved, then the subject property could be redeveloped with ten additional homes.

In December of 2018 the City of Burien approved a Comprehensive Plan Map change for the subject parcel changing the land use designation from Single-Family Residential to Moderate Density Multi-family Residential. This action was accomplished through the adoption of ordinance no. 701 (see Attachment 3).

The rezone application was received on January 24, 2019 and deemed complete for processing on February 21, 2019. Notice of application was mailed on March 5, 2019. The site was posted and notice was published on March 5, 2019. The City did not receive comments during the notice of application comment period.

State Environmental Policy Act (SEPA)

In conjunction with the 2018 comprehensive plan map designation change land use review process a SEPA addendum was issued on November 30, 2018. A SEPA determination of non-significance was issued for this proposal on June 12, 2019. The determination for this rezone

application adopted the existing environmental documents from the previous and associated comprehensive plan amendment process. Because the previous legislative approval analyzed the request based on the applicable goals and policies in the Comprehensive Plan and that if a future project is constructed on the site it may be required to conduct a separate SEPA review, adoption of existing environmental documents pursuant to WAC 197-11-630 satisfies the SEPA requirement.

PUBLIC COMMENT

No comments were received during the public comment period.

REVIEW CRITERIA FOR A REZONE

The City of Burien Zoning Code (BMC 19.65.090.3.C) contains the criteria for review of a proposed rezone. To be approved, the proposed rezone must meet *all* of the following criteria.

1. *The rezone is consistent with the Comprehensive Plan.*

A change of the current Office zoning designation to RM-18 is consistent with the Comprehensive Plan re-designation that occurred in December of 2018 as a part of adoption of Ordinance No. 701.

2. *The rezone will advance the public health, safety or welfare.*

Staff is in general agreement with the responses provided by the applicant (see Attachment 2, page 1), but more specifically the proposed rezone will advance the public health, safety and welfare by allowing a broader range of development options that will provide needed housing opportunities. Compatible development in this instance entails an allowed use that would not overly impact the adjacent single-family residential neighborhood.

The requested change is also consistent with many of the goals and policies of the Comprehensive Plan including but not limited to providing housing, encouraging transit supportive development, and services within walking distance to the immediate neighborhood.

3. *The rezone will not have significant adverse environmental impacts that are materially detrimental to adjacent properties or other affected areas.*

Specific impacts of the project will be identified and reviewed as part of the formal land use and building permit application process once details of a possible development proposal are known. No significant adverse environmental impacts were identified.

- 4. 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.**

The proposed zoning map change will result in making the Comprehensive Plan consistent with the zoning map. The change will be consistent with the City Council's decision on Ordinance No. 701 as adopted on December 17, 2018. The following is the response contained in the Comprehensive Plan land use Designation recommendation report. This response is applicable for inclusion here.

The original land use designation was applied by King County and has been in place at least since 1983. In 2010 the City of Burien annexed the parcel and subsequently proceeded with nearly a year long public process to evaluate land used designations for the entire North Burien annexation area. The process was initiated to align the land use designations with Burien and determine if incremental adjustments were appropriate. In general, the focus of land use designation review efforts were on the more developed corridors such as Ambaum Boulevard SW, 1st Avenue South and the Boulevard Park area.

The conditions for Burien and King County have changed since the parcel was given its single-family designation. The region is anticipated to grow significantly in the next planning horizon and the result is that there will be a need for both housing and employment opportunities. The change for this parcel will provide more opportunity for housing located along a transit oriented corridor.

Zoning Plan Map Land Use Designation Change Conclusions

Following a review of the applicable zoning designation change criteria the requested zoning change has demonstrated that the applicable criteria have been met, therefore the requested rezone should be granted.

ATTACHMENTS

- 1 - Vicinity Map
- 2 - Submitted Application Materials
- 3 - Ordinance No. 701
- 4 - Moore Comprehensive Plan Map Change Staff Recommendation (PLA 18-0433) to the Planning Commission (with Attachments)
- 5 - SEPA Determination of Non-Significance and Adoption of Existing Environmental Documents

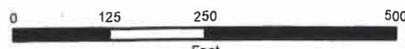
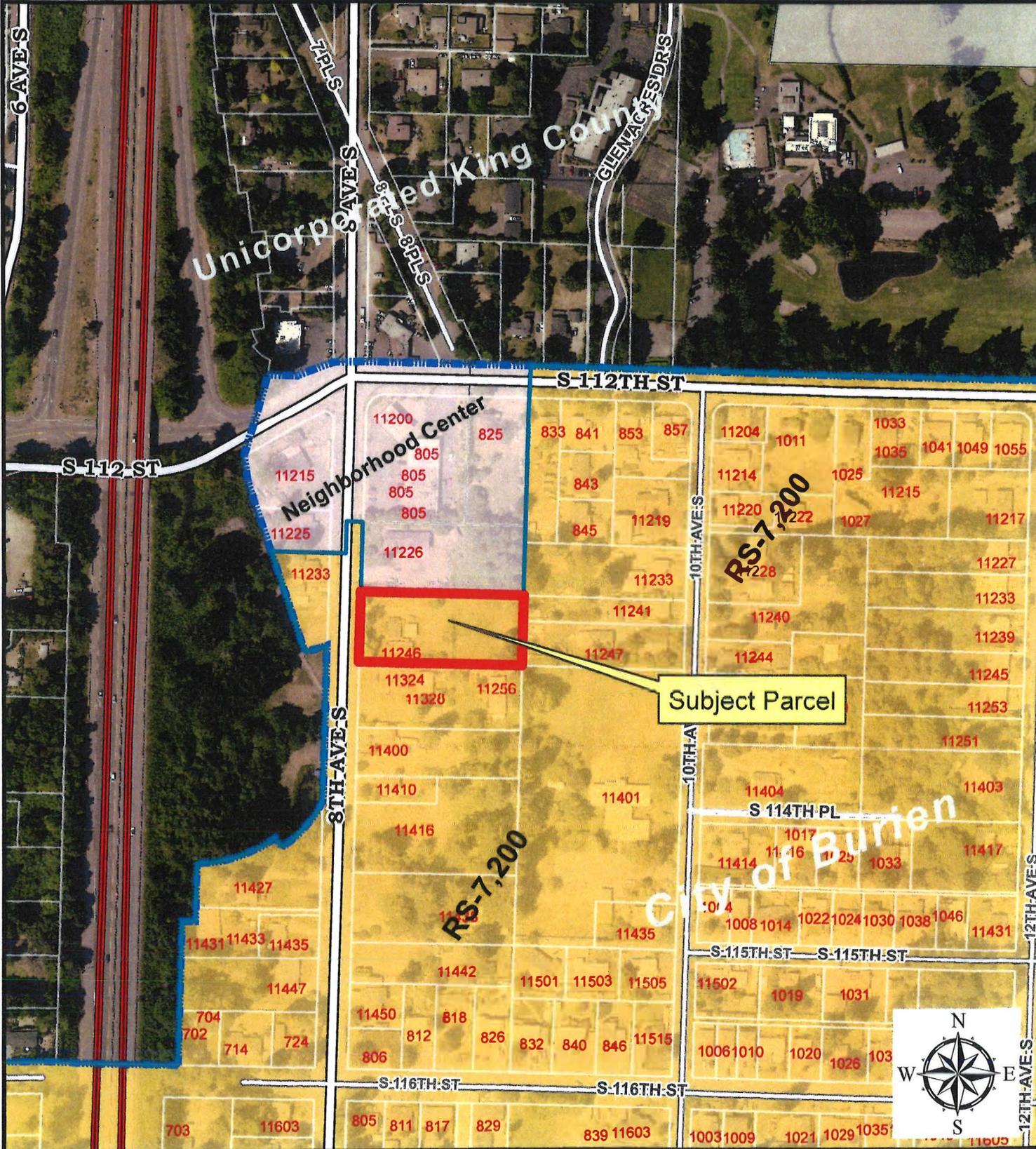
Vicinity Map

Moore Re-Zone Request

RS-7,200 Single-Family to RM-12 Multi-Family

File No. PLA 19-0168

ATTACHMENT 1



THE CITY OF BURIEN DISCLAIMS ANY WARRANTY OF FITNESS FOR USE FOR PARTICULAR PURPOSES EXPRESS OR IMPLIED WITH

**BEFORE THE HEARING EXAMINER
FOR THE CITY OF BURIEN**

In the Matter of the Application of	)	No. PLA 19-0285
)	
Daniel Assefa	)	Assefa Rezone
)	
	)	FINDINGS, CONCLUSIONS,
<u>For a Site-Specific Rezone</u>	)	AND RECOMMENDATION

SUMMARY OF RECOMMENDATION

The Hearing Examiner recommends that the request to rezone a 0.87-acre parcel at 2806 South 128th Street from the Office zoning district to the Multi-Family Residential (RM-18) zoning district be approved.

SUMMARY OF RECORD

Hearing:

The Hearing Examiner held an open record hearing on the request on June 26, 2019.

Testimony:

The following individuals testified under oath at the open record hearing:

- Thara Johnson, Senior Planner
- Michael Aippersbach, Applicant Representative
- Lisa White de Calderon

Exhibits:

The following exhibits were admitted into the record:

1. Staff Report, with the following attachments:
 1. Vicinity Map, undated
 2. Rezone/Zoning Map Amendment Request, received February 12, 2019; letter from Michael Aippersbach & Associates to Thara Johnson, dated February 8, 2019; City Ordinance No. 701, adopted December 17, 2018; Comprehensive Plan Amendment Request, received February 28, 2018
 3. City Ordinance No. 701, adopted December 17, 2018
 4. Comprehensive Plan Map Amendment for Miles-Assefa PLA 18-0528, dated November 29, 2018, with attachments
 5. SEPA Determination of Nonsignificance (DNS) and Adoption of Existing Environmental Document, dated June 12, 2019
 6. Letter from Lisa White de Calderon, undated; email from hmwrk4venesa@comcast.net to Thara Johnson, dated May 6, 2019; letter from

Amelia Petersen, Northwest Regional Office, Department of Ecology, to Thara Johnson, dated April 16, 2019; written comment by Lisa White de Calderon and Prudencio Calderon, undated.

7. Notice of Application dated March 26, 2019
8. Determination of Completeness and confirmation of posting and mailing of Notice of Application dated March 26, 2019
9. Confirmation of publication of Notice of Application in *The Seattle Times* on March 26, 2019.
10. Notice of Public Hearing dated June 12, 2019
11. Confirmation of posting and mailing of Notice of Public Hearing dated June 11, 2019
12. Confirmation of publication of Notice of Public Hearing in *The Seattle Times* on June 12, 2019
13. Environmental Checklist dated March 4, 2019

The Hearing Examiner enters the following findings and conclusions based upon the testimony and exhibits admitted at the open record hearing:

FINDINGS

Application and Notice

1. Daniel Assefa (Applicant) requests a zoning map amendment to rezone a vacant 0.87-acre parcel from the “Office” zoning district to the “Multi-Family Residential” (RM-18) zoning district. The property is located at 2806 South 128th Street.¹ *Exhibit 1, Staff Report, page 1; Exhibit 1.2.*
2. The City of Burien (City) determined the application was complete on March 12, 2019. On March 19, 2019, the City mailed notice of the application to property owners within 500 feet of the property and, on March 26, 2019, posted notice on the site and published notice in the local newspaper of record, *The Seattle Times*. On June 11, 2019, the City mailed notice of the open record hearing associated with the application to property owners within 500 of the property, posted notice on-site, and published notice in the local newspaper of record, *The Seattle Times*. The City received two comment letters from neighboring residents about existing crime rate and public safety, additional multi-family buildings, sight-distance concerns along Military Road, and impacts to any natural critical aquifer recharge areas. *Exhibit 1, Staff Report, pages 3 and 4; Exhibit 1.2; Exhibit 1.7; Exhibit 1.8; Exhibit 1.9; Exhibit 1.10; Exhibit 1.11; Exhibit 1.12.*

¹ The property is identified by Tax Assessor Parcel No. 092304-9039. *Exhibit 1, Staff Report, page 1; Exhibit 1.2.*

State Environmental Policy Act

3. The City acted as lead agency and analyzed the environmental impacts of the proposed rezone, as required by the State Environmental Protection Act (SEPA), Chapter 43.21C Revised Code of Washington (RCW). The City reviewed the existing environmental documents that served as the basis for changing the Comprehensive Plan designation of the parcel on December 17, 2018, including an addendum to a Final Environmental Impact Statement (FEIS), dated November 30, 2018. The City used the optional Determination of Nonsignificance (DNS) process under Washington Administrative Code (WAC) 197-11-355, and provided notice of the SEPA review process along with the notice of application. Following its review, the City determined that the proposal would not have a probable significant adverse impact on the environment and issued a DNS on June 12, 2019. The Department of Ecology commented that sampling and analyzing the soil for arsenic and lead prior to land clearing and grading should take place. The City received no other SEPA-specific comments and the DNS was not appealed. *Exhibit 1, Staff Report, page 3; Exhibit 1.7.*

Site-Specific Rezone

4. The subject parcel is bordered by Military Road South and South 128th Street to the south. South 128th Street is the city limit, and the City of Tukwila zoning exists on the southeast side of South 128th Street. The southwest corner of South 128th Street and Military Road South is within the City of SeaTac. The parcel is designated “Moderate Density Multi-Family Neighborhood” under the Comprehensive Plan and is currently zoned “Office.” The Applicant is requesting that the parcel be rezoned to “Multi-Family Residential” (RM-18). To the north and west, single-family uses are designated “Moderate Density Residential Neighborhood” and are zoned “RS-7,200.” To the east, a Union Gospel group home is within a Moderate Density Multi-Family Residential Neighborhood designation and a Multi-Family Residential (RM-18) zone. To the south, within the City of Tukwila, property is designated and zoned Office. The property has very little elevation change, with a slight slope from east to west and a number of dispersed mature trees. City Senior Planner Thara Johnson testified that adequate public facilities and services are available to the property. *Exhibit 1, Staff Report, pages 2 and 3; Testimony of Ms. Johnson.*
5. The Growth Management Act (GMA), Chapter 36.70A RCW, requires cities and counties to engage in a planning process. *RCW 36.70A.040.* Thirteen exclusive goals guide that process; the goals concern urban growth, sprawl reduction, transportation, housing, economic development, property rights, permitting, natural resource industries, open space and recreation, the environment, citizen participation and coordination, public facilities and services, and historic preservation. *RCW 36.70A.020.* Any jurisdiction subject to the GMA’s planning requirement must balance these sometimes competing goals (*see Feil v. E. Wash. Growth Mgmt. Hrgs. Bd.*, 172 Wn.2d 367, 259 P.3d 227 (2011)) and produce a comprehensive plan that guides future growth and development.

RCW 36.70A.040 through .120. The jurisdiction must then enact development regulations implementing the comprehensive plan and otherwise act in conformity with the comprehensive plan. *RCW 36.70A.120.*

6. In 2010, the City annexed this parcel and the surrounding neighborhood from King County. Interim zoning and Comprehensive Plan designations were assigned to the whole area. In 2011, the City initiated a community-based process to analyze existing land use designations and proposed Comprehensive Plan and zoning designations for the recently annexed area. On December 17, 2018, the City adopted a Comprehensive Plan map change for the parcel from Office to Moderate Density Multi-Family Neighborhood through Ordinance No. 701. The Moderate Density Multi-Family Neighborhood designation allows multiple-family residential uses with a density range of 18 to 24 units per net acre. This designation is implemented by the RM18 and RM-24 zoning categories. *Comprehensive Plan, Policy RE 1.8. Exhibit 1 Staff Report, pages 2 and 3; Exhibit 1.3; Exhibit 1.4.*
7. The City has designated adjacent properties to the north and west as Moderate Density Residential. Property to the east carries a Moderate Density Multi-Family Residential Neighborhood designation. Property to the south in the City of Tukwila is designated Office. City staff also determined that the proposed change would be consistent with many of the goals and policies of the Comprehensive Plan, including providing housing, encouraging transit supportive development, and providing services within walking distance to the immediate neighborhood. *Exhibit 1, Staff Report, pages 2 and 4.*
8. The property is currently zoned Office. If approved, the rezone request would change the zoning to Multi-Family Residential (RM-18). Under Burien Municipal Code (BMC) 19.15.010, the RM zones implement the Low 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 that are compatible with adjacent lower-density single-family housing and that protect environmentally sensitive areas. The intent is to provide a variety of stable and attractive, well-designed housing choices that are located near transit, employment, shopping, and recreational facilities and that meet the needs of existing and future city residents. Redevelopment of existing housing complexes is encouraged. As stated above, property to the east is zoned RM-18, with properties to the north and west zoned RS-7,200. Property to the south within the City of Tukwila is zone Office. *Exhibit 1, Staff Report, pages 2 and 3; Exhibit 1.1.*
9. The Applicant submitted a project narrative with its application materials. The project narrative argues that the site-specific rezone should be approved because:
 - The Burien Comprehensive Plan was amended in 2018 so that the subject property is now designated as Moderate Density Multi-Family Neighborhood.

Rezoning the property would appropriately coordinate the City's zoning map and Comprehensive Plan map.

- The parcel is undeveloped, and all approved development would comply with the City's zoning and building codes.
- The proposed zoning would be a non-commercial zone and protect the single-family development to the north.
- No critical areas were identified on-site.
- The rezone is necessary to achieve consistency with the Burien Comprehensive Plan.

Exhibit 1.2.

Testimony

10. City Senior Planner Thara Johnson testified generally about the application and how it would meet the site-specific rezone requirements of BMC 19.65.090.3.C. She noted that environmental impacts of changing the land use designation for the property were already analyzed during the Comprehensive Plan amendment process and that any future development would be subject to further environmental review. Conditions within the City have changed since the parcel was first designated as Office and, with anticipated growth, there is need for additional, higher-density housing opportunities, as well as more commercial land that can support the needs of adjacent residential development, and rezoning this property would contribute toward achieving that goal. *Testimony of Ms. Johnson.*
11. Applicant Representative Michael Aippersbach testified that he filed the application to change the zoning to be consistent with the new Comprehensive Plan. He and the Applicant support the recommendations of the City. Currently the land is vacant. *Testimony of Mr. Aippersbach.*
12. Lisa White de Calderon, a neighbor to the site, asked what "adequate services" to the site constituted. She would like to see development that would be purchased by residents: the neighborhood needs attention; there are problems with drugs, crime and fire; and unauthorized people are living on some areas, so owner-occupancy would be best for the community. There are also dangerous traffic conditions in the area, with multiple accidents; the area has been developed with apartments, with few occupied houses; vacant houses are being occupied unlawfully; and, because the area is on the edge of other jurisdictions, it is difficult to know who is responsible to respond to these local problems. *Testimony of Ms. White de Calderon.*
13. In response to the public comment, Ms. Johnson testified that the City is concerned about issues in the area. There is a sub-area plan looking at zoning changes in terms of future growth. She encouraged Ms. White de Calderon and other neighbors to get involved in the future planning process. Traffic, safety, parking, and other issues regarding

development will be reviewed when the applicant comes in with a specific proposal.
Testimony of Ms. Johnson.

Staff Recommendation

14. The City staff recommends the Hearing Examiner forward a recommendation of approval to the City Council. *Exhibit 1, Staff Report, page 1.*

CONCLUSIONS

Jurisdiction

The Hearing Examiner has jurisdiction to receive and examine information on a rezone; conduct a public hearing on the application; prepare a record of the hearing; enter findings of fact; and, based upon those facts, make a recommendation to the City Council. *RCW 35A.63.170.*

The recommendation may be to grant the application, grant the application with conditions, or deny the application. *BMC 2.15.070(4); BMC 2.15.080.* A recommendation to the City Council is a Type 3 review process. *BMC 19.65.075.* A site-specific rezone application is processed as a Type 3 quasi-judicial decision. *BMC 19.65.090.3.A.*

Criteria for Review

The Hearing Examiner may recommend approval of a site-specific rezone request if the following criteria are satisfied:

- i. The rezone is consistent with the Comprehensive Plan; and
- ii. The rezone will advance the public health, safety, or welfare; and
- iii. The rezone will not have significant adverse environmental impacts that are materially detrimental to adjacent properties or other affected areas; and
- 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.

BMC 19.65.090.3.C.

The criteria for review adopted by the Burien City Council implements the requirement of Chapter 36.70B RCW to enact the Growth Management Act. In particular, RCW 36.70B.040 mandates that local jurisdictions review proposed developments to ensure consistency with City development regulations, considering the type of land use, the level of development, infrastructure, and the characteristics of development. *RCW 36.70B.040.*

Conclusions Based on Findings

The proposed rezone satisfies the criteria for approval found in BMC 19.65.090.3.C and should be approved. The proposed rezone would not require amendment of the City

Comprehensive Plan and would be consistent with the 2018 Comprehensive Plan's Moderate Density Multi-Family Residential designation of the property: Multi-Family Residential (RM-18) zoning is allowed in property designated Moderate Density Multi-Family Residential under the Comprehensive Plan. Conditions placed on any future land development permits would ensure that the proposal would comply with the development regulations required by the Growth Management Act and Title 19 of the Burien Municipal Code. The proposed rezone would advance the public health, safety, and welfare by allowing for a broader range of development options providing needed housing opportunities.

Changed circumstances, specifically the City's recent Comprehensive Plan amendment, warrants the rezone. The property is suitable for multi-family residential development that complies with the standards of the RM-18 zone. The City analyzed the environmental impacts of the proposal, as required by SEPA, and determined that the rezone would not have a probable significant adverse impact on the environment. The City's DNS was not appealed. Specific development impacts would be reviewed at the time of building permit application. Adequate public facilities and services are available to the property. Reasonable notice of the application and associated open record hearing was provided in a manner that was "reasonably calculated" to inform interested parties of the proposal "and of the opportunity to object." *State v. Dolson*, 138 Wn.2d 773, 777 (1999). *Findings 1 – 14.*

RECOMMENDATION

Based on the preceding findings and conclusions, the Hearing Examiner recommends that the City Council **APPROVE** the request to rezone a 0.87-acre parcel at 2806 South 128th Street from the Office zoning district to the Multi-Family Residential (RM-18) zoning district.

RECOMMENDED this 15th day of July 2019.



LEE RAAEN
Hearing Examiner
Sound Law Center



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Rezone Request For Assefa Rezone PLA 19-0285

APPLICANT: Daniel Assefa, Property Owner

LOCATION: 2806 South 128th Street (see Attachment 1-Vicinity Map)

CURRENT LAND USE: Single-family Residential

TAX PARCEL #: 092304-9039

REQUEST: Change the Zoning Designation from Office (Office) to RM-18 (Residential Multi-Family)

**STAFF
RECOMMENDATION:** Amend the zoning map to change the subject parcel from Office (Office) to RM-18 (Residential Multi-Family)

FINDINGS & CONCLUSIONS

COMPREHENSIVE PLAN MAP HISTORY

- 1983 (before incorporation):** King County Highline Community Plan designated the subject property as Office (O).
- 2013:** City of Burien Comprehensive Plan (Ordinance No. 573) designated the subject property as Office.

ZONING MAP HISTORY

2009 (before incorporation/annexation): The King County Zoning designation for four of the west parcels was Office (O) and for the easternmost parcel (Miles) Residential Multi-Family (RM-48).

2010: City of Burien Ordinance No. 533 established interim zoning for the North Highline Area. The parcel was designated Office.

2013: The City of Burien Zoning Map (Ordinance 573) re-affirmed the Office zoning designation.

ADJACENT COMPREHENSIVE PLAN, ZONING DESIGNATIONS AND USES:

Direction	Comprehensive Plan Designation	Zone	Current Uses
North	Moderate Density Residential Neighborhood	RS-7,200 (Residential Single-Family)	Single-Family
South (City of Tukwila)	Office	O (Office)	Office
West	Moderate Density Residential Neighborhood	RS-7,200 (Residential Single-Family)	Single-Family
East	Moderate Density Multi-Family Residential Neighborhood	RM-18 (Residential Multi-Family)	Multi-Family

BACKGROUND

The applicant requests to change the zoning for one parcel that totals 0.87 acres (37,900 square feet). According to the King County Assessor the parcel is vacant. There is very little elevation change on the lot, consisting only of a slight slope from east to west. There are a number of mature trees dispersed around the subject property.

The parcel is bordered by Military Road South and South 128th Street to the south. South 128th Street is also the limit of the City’s boundary, and City of Tukwila zoning exists on the south east side of South 128th Street. The southwest corner of South 128th Street and Military

Road South falls under the City of SeaTac's jurisdiction. To the north and west of the subject parcels, there are moderate density single-family residential zones (RS-7,200) and to east is Moderate Density Multi-family Residential (RM-18), which is developed with the Union Gospel group home.

In 2010 the City of Burien annexed this parcel and the surrounding neighborhood from King County. As a part of that process interim zoning designations were assigned the whole area with the commitment by the City to revisit land use designations in the near future. In 2011 the City initiated community based process to analyze existing land use designations and propose comprehensive plan and zoning designations for the recently annexed area. The subject parcels were designated Office with King County and the City's land use designation actions in 2013 maintained a comparable zoning designation of Office.

The applicant has stated that if the requested rezoning is approved, then the subject property would be redeveloped with multi-family residential.

In December of 2018 the City of Burien approved a Comprehensive Plan Map change for the subject parcel changing the land use designation from Office to Moderate Density Multi-family Neighborhood. This action was accomplished through the adoption of ordinance no. 701 (see Attachment 3).

The rezone application was received on February 12, 2019 and deemed complete for processing on March 12, 2019. Notice of application was mailed on March 19, 2018. The site was posted and notice was published on March 26, 2019. The City received two letters during the notice of application comment period.

State Environmental Policy Act (SEPA)

In conjunction with the 2018 comprehensive plan map designation change land use review process a SEPA addendum was issued on November 30, 2018. A SEPA determination of non-significance was issued for this proposal on June 12, 2019. The determination for this rezone application adopted the existing environmental documents from the previous and associated comprehensive plan amendment process. Because the previous legislative approval analyzed the request based on the applicable goals and policies in the Comprehensive Plan and that if a future project is constructed on the site it may be required to conduct a separate SEPA review, adoption of existing environmental documents pursuant to WAC 197-11-630 satisfies the SEPA requirement.

PUBLIC COMMENT

The City received three letters during the public comment period. Two letters of comment were received from neighboring property owners with concerns relating to impacts on public safety associated with the proposed rezone, as well as access and visibility of the property.

One additional letter of comment was received from the Department of Ecology requesting that the applicant conduct soil testing to assist with data collection relating to arsenic levels for Ecology's Voluntary Clean-up Program. Staff has provided the information to the applicant and requested that the applicant coordinate with the Department of Ecology during the land use entitlement phase of the project.

REVIEW CRITERIA FOR A REZONE

The City of Burien Zoning Code (BMC 19.65.090.3.C) contains the criteria for review of a proposed rezone. To be approved, the proposed rezone must meet **all** of the following criteria.

1. *The rezone is consistent with the Comprehensive Plan.*

A change of the current Office zoning designation to RM-18 is consistent with the Comprehensive Plan re-designation that occurred in December of 2018 as a part of adoption of Ordinance No. 701.

2. *The rezone will advance the public health, safety or welfare.*

Staff is in general agreement with the responses provided by the applicant (see Attachment 2, page 1), but more specifically the proposed rezone will advance the public health, safety and welfare by allowing a broader range of development options that will provide needed housing opportunities. Compatible development in this instance entails an allowed use that would not overly impact the adjacent single-family residential neighborhood.

The requested change is also consistent with many of the goals and polices of the Comprehensive Plan including but not limited to providing housing, encouraging transit supportive development, and services within walking distance to the immediate neighborhood.

3. *The rezone will not have significant adverse environmental impacts that are materially detrimental to adjacent properties or other affected areas.*

Specific impacts of the project will be identified and reviewed as part of the formal land use and building permit application process once details of a possible development proposal are known. No significant adverse environmental impacts were identified.

4. *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.*

The proposed zoning map change will result in making the Comprehensive Plan consistent with the zoning map. The change will be consistent with the City Council’s decision on Ordinance No. 701 as adopted on December 17, 2018. The following is the response contained in the Comprehensive Plan land use Designation recommendation report. This response is applicable for inclusion here.

The original land use designation was applied by King County and has been in place at least since 1983. In 2010 the City of Burien annexed the parcels and subsequently proceeded with nearly a year long public process to evaluate land used designations for the entire North Burien annexation area. The process was initiated to align the land use designations with Burien and determine if incremental adjustments were appropriate. The Office land use and zoning designation which was applied through the annexation process, occurred due to the King County’s land use and zoning designation, and a comparable zone was applied, as well as the presence of commercial uses to the south of South 128th Street, which are within the City of Tukwila and the City of SeaTac’s jurisdictions. The region is anticipated to grow significantly in the next planning horizon and the result is that there will be a need for both housing and employment opportunities.

The change for these parcels will provide more opportunity for housing located along a transit oriented corridor. The conditions for Burien and King County have changed since the parcel was given its Office designation. The region is anticipated to grow significantly in the next planning horizon and the result is that there will be a need for both housing and employment opportunities.

Zoning Plan Map Land Use Designation Change Conclusions

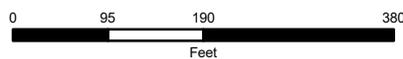
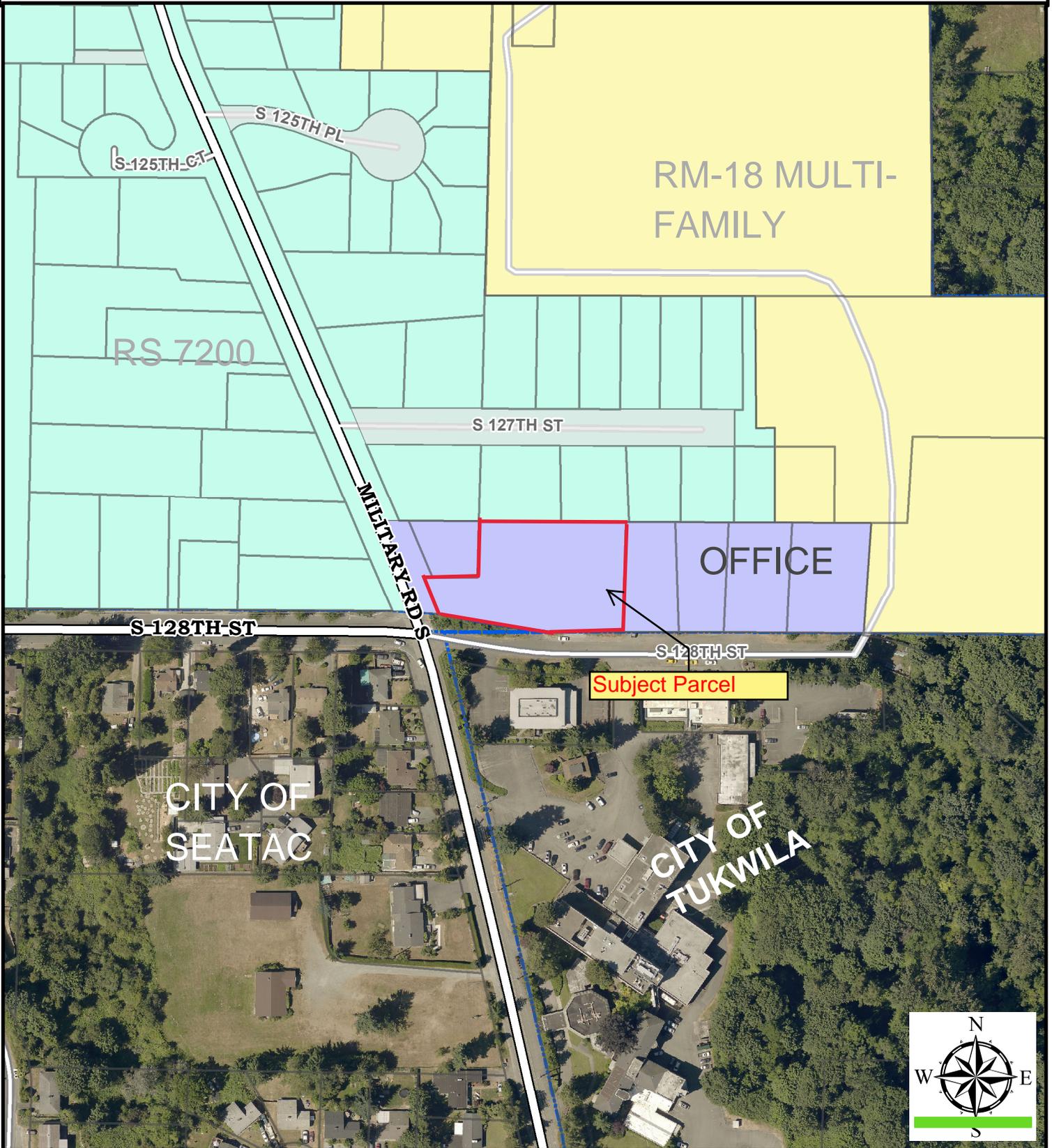
Following a review of the applicable zoning designation change criteria the requested zoning change has demonstrated that the applicable criteria have been met, therefore the requested rezone should be granted.

ATTACHMENTS

- 1 - Vicinity Map
- 2 - Submitted Application Materials
- 3 - Ordinance No. 701
- 4 - Assefa Comprehensive Plan Map Change Staff Recommendation (PLA 18-0528) to the Planning Commission (with Attachments)
- 5 - SEPA Determination of Non-Significance and Adoption of Existing Environmental Documents
- 6 – Public Comment Letters (3)

VicinityMap
Assefa Rezone Request
Office to RM-18 Multi-Family
File No. PLA 19-0285

ATTACHMENT 1



**BEFORE THE HEARING EXAMINER
FOR THE CITY OF BURIEN**

In the Matter of the Application of	)	No. PLA 19-0554
)	
Mark Wierenga, on behalf of	)	Wu Rezone
George Wu)	
	)	FINDINGS, CONCLUSIONS,
<u>For a Site-Specific Rezone</u>	)	AND RECOMMENDATION

SUMMARY OF RECOMMENDATION

The Hearing Examiner recommends that the request to rezone a 0.24-acre parcel at 12419 Des Moines Memorial Drive South from the Single-Family Residential (RS-7,200) zoning district to the Multi-Family Residential (RM-18) zoning district be approved.

SUMMARY OF RECORD

Hearing:

The Hearing Examiner held an open record hearing on the request on June 26, 2019.

Testimony:

The following individuals testified under oath at the open record hearing:

- David Johanson, Senior Planner
- Debbie Anderson, Applicant Representative
- Michael Grauberger, Neighbor

Exhibits:

The following exhibits were admitted into the record:

1. Staff Report, with the following attachments:
 1. Vicinity Map, undated
 2. Rezone/Zoning Map Amendment Request, received January 24, 2019; Rezone Application Narrative, dated March 13, 2019
 3. City Ordinance No. 701, adopted December 17, 2018, with attachments
 4. SEPA Determination of Nonsignificance (DNS) and Adoption of Existing Environmental Documents, dated June 12, 2019
 5. Email from Mike Grauberger to David Johanson, dated April 10, 2019; Email from Sabrina Souffront to David Johanson, dated April 11, 2019; Email from Sabrina Souffront to David Johanson, dated April 11, 2019; Letter from Amelia

*Findings, Conclusions, and Recommendation
City of Burien Hearing Examiner
Wu Rezone, No. PLA 19-0554*

- Petersen, Northwest Regional Office, Department of Ecology, to Thara Johnson, dated April 11, 2019
6. Notice of Application, dated March 21, 2019
 7. Determination of Completeness and confirmation of posting and mailing of Notice of Application, dated March 21, 2019
 8. Confirmation of publication of Notice of Application in *The Seattle Times* on March 21, 2019.
 9. Notice of Public Hearing, dated June 12, 2019
 10. Confirmation of posting and mailing of Notice of Public Hearing, dated June 11, 2019
 11. Confirmation of publication of Notice of Public Hearing in *The Seattle Times* on June 12, 2019
 12. Environmental Checklist, dated March 14, 2019

The Hearing Examiner enters the following findings and conclusions based upon the testimony and exhibits admitted at the open record hearing:

FINDINGS

Application and Notice

1. Mark Wierenga, on behalf of George Wu (Applicant), requests a zoning map amendment to rezone a 0.24-acre parcel from the Single Family Residential (RS-7,200) zoning district to the Multi-Family Residential (RM-18) zoning district. The parcel would be combined with two lots to the east for an expanded multi-family housing development. The property is located at 12419 Des Moines Memorial Drive South.¹ *Exhibit 1, Staff Report, pages 1 and 3; Exhibit 1.2.*
2. The City of Burien (City) determined the application was complete on March 19, 2019. On March 21, 2019, the City mailed notice of the application to property owners within 500 feet of the property, posted the site, and published notice of the application in *The Seattle Times*. On June 11, 2019, the City mailed notice of the open record hearing associated with the application to property owners within 500 of the property and posted notice on-site. Notice was published in the local newspaper of record, *The Seattle Times*, on June 12, 2019. The City received two comment letters from neighboring residents about the existing crime rate and public safety, additional multi-family buildings, and an access easement. The City staff provided responses to these concerns. *Exhibit 1, Staff Report, pages 3, 4, and 5; Exhibit 1.2; Exhibit 1.5; Exhibit 1.7; Exhibit 1.8; Exhibit 1.9; Exhibit 1.10; Exhibit 1.11.*

State Environmental Policy Act

3. The City acted as lead agency and analyzed the environmental impacts of the proposed rezone, as required by the State Environmental Protection Act (SEPA), Chapter 43.21C

¹ The property is identified by Tax Assessor Parcel No. 098500-1040. *Exhibit 1.2.*

Revised Code of Washington (RCW). The City reviewed the existing environmental documents that served as the basis for changing the Comprehensive Plan designation of the parcel on December 17, 2018, including an addendum to a Final Environmental Impact Statement (FEIS), dated November 30, 2018. The City used the optional Determination of Nonsignificance (DNS) process under Washington Administrative Code (WAC) 197-11-355, and provided notice of the SEPA review process along with the notice of application. Following its review, the City determined that the proposal would not have a probable significant adverse impact on the environment and issued a DNS on June 12, 2019. The Department of Ecology commented that sampling and analyzing the soil for arsenic and lead prior to land clearing and grading should take place. No other SEPA-specific comments were received and the DNS was not appealed. *Exhibit 1, Staff Report, page 4; Exhibit 1.4; Exhibit 1.5; Exhibit 1.6.*

Site-Specific Rezone

4. The subject parcel is accessed from Des Moines Memorial Drive South via a driveway for the property immediately to the east. The subject property is designated “Moderate Density Multi-Family Neighborhood” under the Comprehensive Plan, which allows multiple-family residential uses with a density range of 18 to 24 units per net acre. The Moderate Density Multi-Family Neighborhood designation is implemented by the “Multi-Family Residential” (RM-18 and RM-24) zoning categories. *Comprehensive Plan, Policy RE 1.8.* The property is currently zoned “Single-Family Residential” (RS 7,200), and the Applicant is requesting that the parcel be rezoned to Multi-Family Residential (RM-18). The property has very little elevation change, with a gentle slope from west to east. A single-family residence, with a number of mature deciduous trees, is located on the property. Properties to the north and west are designated Moderate Density Residential Neighborhood under the Comprehensive Plan and are zoned Single-Family Residential (RS-7,200), with single-family residences. Properties to the south and east are designated Moderate Density Multi-Family Neighborhood and are zoned RM-18, with a single-family residence to the east. Applicant Representative Debbie Anders testified that there is a vacant parcel to the south. City Senior Planner David Johanson testified that adequate public facilities and services are available to the property. *Exhibit 1, Staff Report, pages 2, 3, and 4; Exhibit 1.1; Testimony of Mr. Johanson and Ms. Debbie Anderson.*
5. The Growth Management Act (GMA), Chapter 36.70A RCW, requires cities and counties to engage in a planning process. *RCW 36.70A.040.* Thirteen exclusive goals guide that process; the goals concern urban growth, sprawl reduction, transportation, housing, economic development, property rights, permitting, natural resource industries, open space and recreation, the environment, citizen participation and coordination, public facilities and services, and historic preservation. *RCW 36.70A.020.* Any jurisdiction subject to the GMA’s planning requirement must balance these sometimes competing goals (*see Feil v. E. Wash. Growth Mgmt. Hrgs. Bd.*, 172 Wn.2d 367, 259 P.3d 227 (2011)) and produce a comprehensive plan that guides future growth and development.

RCW 36.70A.040 through .120. The jurisdiction must then enact development regulations implementing the comprehensive plan and otherwise act in conformity with the comprehensive plan. *RCW 36.70A.120.*

6. In 2010, the City annexed this parcel and the surrounding neighborhood from King County. Interim zoning and Comprehensive Plan designations were assigned to the whole area during this process and, at that time, the parcel was designated and zoned Office. In 2011, the City initiated a community-based process to analyze existing land use designations and proposed Comprehensive Plan and zoning designations for the recently annexed area. As a component of this process, the City amended the Burien Comprehensive Plan to establish a hierarchy of commercial nodes throughout the city, designed to maintain the character of residential neighborhoods by focusing commerce and multi-family growth at specific locations dispersed throughout the city. The parcel is located within a low-intensity commercial node. On December 17, 2018, the City adopted a Comprehensive Plan map change for the parcel from Moderate Density Residential Neighborhood to Moderate Density Multi-Family Neighborhood through Ordinance No. 701. As stated above, the Moderate Density Multi-Family Neighborhood designation allows multiple-family residential uses with a density range of 18 to 24 units per net acre and is implemented by the RM-18 and RM-24 zoning categories. *Comprehensive Plan, Policy RE 1.8. Exhibit 1 Staff Report, pages 2 through 4; Exhibit 1.1; Exhibit 1.3.*

7. The Applicant submitted a project narrative with its application materials. The project narrative argues that the site-specific rezone should be approved because:
 - The Burien Comprehensive Plan was amended so that the subject property is now designated as Moderate Density Multi-Family Neighborhood. Rezoning the property to Multi-Family Residential (RM-18) would appropriately coordinate the City's zoning map and Comprehensive Plan map.
 - Incorporating the parcel into a larger multi-family project would provide a new access road, rather than the existing parcel access located in the middle of a curved portion of Des Moines Memorial Drive South.
 - Impacts from the proposed multi-family development would be mitigated.
 - The area is transitioning to multi-family development with all sites on the block face zoned RM-18 or higher.
 - The parcel does not have direct frontage on either Des Moines Memorial Drive South or South 124th Street.
 - The proposed rezone to RM-18 is more consistent with the Comprehensive Plan designation than the current RS-7,200 zone.

Exhibit 1.2.

Testimony

8. City Senior Planner David Johanson testified generally about the staff report, as well as the application and how it would meet the site-specific rezone requirements of Burien

Municipal Code (BMC) 19.65.090.3.C. He noted that environmental impacts of changing the land use designation for the property were already analyzed during the Comprehensive Plan amendment process and that any future development would be subject to further environmental review, including review of impacts to the critical aquifer recharge area. Mr. Johanson stated that conditions within the city have changed since the parcel was first designated as single-family residential and that, with anticipated growth, there is need for additional, higher-density housing opportunities, as well as more commercial land that can support the needs of adjacent residential development, and that rezoning this property would contribute toward achieving that goal. Neighboring properties are zoned RM-18. *Testimony of Mr. Johanson.*

9. Ms. Anderson testified that the Applicant concurs with the City's analysis of the proposal. *Testimony of Ms. Anderson.*
10. Michael Grauberger, a neighbor, testified that building apartments on the site would reduce property values of neighboring properties. He is against the proposal. There are problems with people occupying vacant building on the property. Mr. Grauberger testified that he is concerned that the proposal would devalue his property. He is not sure what the proposal is going to be. In response, Ms. Anderson testified that the intent is to build apartments on the site. Mr. Johanson testified that this application is only to rezone the site. There will be public notices given when there are specific proposals in the permit process. *Testimony of Mr. Grauberger, Ms. Anderson, and Mr. Johanson.*

Staff Recommendation

11. The City staff recommends the Hearing Examiner forward a recommendation of approval to the City Council. *Exhibit 1, Staff Report, page 1.*

CONCLUSIONS

Jurisdiction

The Hearing Examiner has jurisdiction to receive and examine information on a rezone; conduct a public hearing on the application; prepare a record of the hearing; enter findings of fact; and, based upon those facts, make a recommendation to the City Council. *RCW 35A.63.170.*

The recommendation may be to grant the application, grant the application with conditions, or deny the application. *BMC 2.15.070(4); BMC 2.15.080.* A recommendation to the City Council is a Type 3 review process. *BMC 19.65.075.* A site-specific rezone application is processed as a Type 3 quasi-judicial decision. *BMC 19.65.090.3.A.*

Criteria for Review

The Hearing Examiner may recommend approval of a site-specific rezone request if the following criteria are satisfied:

- i. The rezone is consistent with the Comprehensive Plan; and
- ii. The rezone will advance the public health, safety, or welfare; and

- iii. The rezone will not have significant adverse environmental impacts that are materially detrimental to adjacent properties or other affected areas; and
- 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.

BMC 19.65.090.3.C.

The criteria for review adopted by the Burien City Council implements the requirement of Chapter 36.70B RCW to enact the Growth Management Act. In particular, RCW 36.70B.040 mandates that local jurisdictions review proposed developments to ensure consistency with City development regulations, considering the type of land use, the level of development, infrastructure, and the characteristics of development. *RCW 36.70B.040.*

Conclusions Based on Findings

The proposed rezone satisfies the criteria for approval found in BMC 19.65.090.3.C and should be approved. The proposed rezone would not require amendment of the City Comprehensive Plan and would be consistent with the 2018 Comprehensive Plan’s Moderate Density Multi-Family Residential designation of the property: Multi-Family Residential (RM-18) zoning is allowed for property designated Moderate Density Multi-Family Residential under the Comprehensive Plan. Conditions placed on any future land development permits would ensure that the proposal would comply with the development regulations required by the Growth Management Act and Title 19 of the Burien Municipal Code. The proposed rezone would advance the public health, safety, and welfare by allowing for a broader range of development options providing needed housing opportunities. City staff responded to public comments through its review process and at the public hearing.

Changed circumstances, specifically the City’s recent Comprehensive Plan amendment, warrant the rezone. The property is suitable for multi-family residential development that complies with the standards of the RM-18 zone. The City analyzed the environmental impacts of the proposal, as required by SEPA, and determined that the rezone would not have a probable significant adverse impact on the environment. The City’s DNS was not appealed. In addition, specific development impacts would be reviewed at the time of building permit application. Adequate public facilities and services are available to the property. Reasonable notice of the application and associated open record hearing was provided in a manner that was “reasonably calculated” to inform interested parties of the proposal “and of the opportunity to object.” *State v. Dolson*, 138 Wn.2d 773, 777 (1999). *Findings 1 – 11.*

*Findings, Conclusions, and Recommendation
City of Burien Hearing Examiner
Wu Rezone, No. PLA 19-0554*

RECOMMENDATION

Based on the preceding findings and conclusions, the Hearing Examiner recommends that the City Council **APPROVE** the request to rezone a 0.24-acre parcel at 12419 Des Moines Memorial Drive South from the Single-Family Residential (RS-7,200) zoning district to the Multi-Family Residential (RM-18) zoning district.

RECOMMENDED this 15th day of July 2019.



LEE RAAEN
Hearing Examiner
Sound Law Center



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Rezone Request For George Wu PLA 19-0554

APPLICANT: Mark Wierenga for George Wu, Property Owner

LOCATION: 12419 Des Moines Memorial Drive S. (see Attachment 1-Vicinity Map)

CURRENT LAND USE: Single-family Residential

TAX PARCEL #: 098500-1040

REQUEST: Change the Zoning Designation from RS-7,200 (Single-family residential) to RM-18 (Residential Multi-Family)

STAFF

RECOMMENDATION: Amend the zoning map to change the subject parcel from RS-7,200 (Single-family residential) to RM-18 (Residential Multi-Family)

FINDINGS & CONCLUSIONS

COMPREHENSIVE PLAN MAP HISTORY

- 1983 (before incorporation):** King County Highline Community Plan designated the subject property as Single-family (4-6 units per acre).
- 2013:** City of Burien Comprehensive Plan (Ordinance No. 573) designated the subject property as Moderate Density Single-Family Neighborhood.

ZONING MAP HISTORY

- 1981 (before incorporation/annexation):** RS-7,200 with an RM-2,400 potential zone designation
- 2009 (before incorporation/annexation):** The King County Zoning designation for the properties was Urban Residential (R-6).
- 2010:** City of Burien Ordinance No. 533 established interim zoning for the North Highline Area. The parcels were designated RS-7,200.
- 2013:** The City of Burien Zoning Map (Ordinance 573) maintained the RS-7,200 zoning designation.

ADJACENT COMPREHENSIVE PLAN, ZONING DESIGNATIONS AND USES:

Direction	Comprehensive Plan Designation	Zone	Current Uses
North	Moderate Density Residential Neighborhood	RS-7,200 (Residential Single-Family)	Single-Family (3)
South	Moderate Density Multi-family Neighborhood	RM-18 (Max 18 DU's per acre)	Vacant
West	Moderate Density Residential Neighborhood	RS-7,200 (Residential Single-Family)	Single-Family (2)
East	Moderate Density Multi-family Neighborhood	RM-18 (Max 18 DU's per acre)	Single-Family

BACKGROUND

The applicant requests to change land use the designation for one parcel that totals 0.24 acres (10,608 square feet). According to the King County Assessor the parcel contains a single family residence that was constructed in 1940. The structure has a total finished area of 1,350 square feet (See Attachment 1, site vicinity map). There is very little elevation change on the lot, consisting only of a slight slope from west to east with a total elevation change of

approximately 6-8 feet for the 160-foot length of the lot. There are a number of mature deciduous trees dispersed around the subject property.

The parcel obtains access from Des Moines Memorial Drive South via an access driveway for the property immediately to the east with an address of 12421 Des Moines Memorial Drive South. Adjacent uses to the east, west, north, and south consist of single-family residential homes. East of the property is zoned multi-family and has submitted and completed a pre-application meeting for a proposed land use review anticipating construction of 20 multi-family units (PLA 17-2295). The applicant has stated that this lot will be combined with the 2 lots to the east and if successful with the comprehensive land use designation and zoning change process the lots will be combined to allow sufficient lot area for an expanded multi-family housing development. The additional parcel will provide flexibility in the site design, allowing for better building placement and improved internal circulation resulting in a greatly improved development.

In 2010, the City of Burien annexed this parcel and the surrounding neighborhood from King County. As a part of that process interim zoning designations were assigned the whole area with the commitment by the City to revisit land use designations in the near future. In 2011 the City initiated a community-based process to analyze existing land use designations and propose comprehensive plan and zoning designations for the recently annexed area. The subject parcel was designated residential single-family with King County and the City's land use designation actions in 2013 maintained a comparable single-family designation (RS-7,200).

A component of amending the land use designations also included the establishment of a hierarchy of commercial nodes. The nodes were established as another land use designation criteria to maintain the character of residential neighborhoods by focusing commerce and multi-family growth at specific locations dispersed throughout the city. Comprehensive plan Figure 2LU-3 illustrates locations of the commercial nodes (see Attachment 3). The subject parcel is not located within a commercial node.

In December 2018, the City of Burien approved a Comprehensive Plan Map change for the subject parcel, changing the land use designation from Moderate Density Residential to Moderate Density Multi-Family Neighborhood. This action was accomplished through the adoption of Ordinance No. 701 (see Attachment 3).

The rezone application was received on March 13, 2019, and deemed complete for processing on March 19, 2019. Notice of application was mailed on March 21, 2019. The site was posted and notice was published on March 21, 2019. Three comments were received during the notice of application period.

State Environmental Policy Act (SEPA)

In conjunction with the 2018 comprehensive plan map designation change land use review process a SEPA addendum was issued on November 28, 2018 (see Attachment 4). A SEPA determination of non-significance was issued for this proposal on June 12, 2019. The determination for this rezone application adopted the existing environmental documents from the previous and associated comprehensive plan amendment process. Because the previous legislative approval analyzed the request based on the applicable goals and policies in the Comprehensive Plan and that if a future project is constructed on the site it may be required to conduct a separate SEPA review, adoption of existing environmental documents pursuant to WAC 197-11-630 satisfies the SEPA requirement.

PUBLIC COMMENT

Three comment letters were received during the public comment period (see Attachment 6). The comments are summarized below followed by a staff response.

Comment: Putting multi-family in a residential area will result in an increase in theft, robberies, drug use, shootings and garbage being thrown on to adjacent properties.

Response: In December 2019 the City Council approved a change to the long range land use map (Comprehensive Plan Map LU-1) changing the designation from Moderate Density Residential Neighborhood to Moderate Density Multi-family Neighborhood. The three parcels to the east are currently zoned RM-18 and the owner had previous plans to develop the property as multi-family. The requested zoning change will add one parcel to the initial development site, and according to the owner and his architect, it will greatly improve the site layout. Management of a possible multi-family development, while vital to maintaining a quality residential environment, is not currently at issue here.

Comment: The complex will be hidden toward the back of the property which will lead to theft on adjacent properties.

Response: Design of a future multi-family development is considered when a land use application or building permits are filed with the City. There are standards governing placement of buildings and how far they must be setback and buffered from adjoining residential zones. The City also has transition standards that are intended to soften potential impacts from higher intensity uses on lower intensity uses.

Comment: I can guarantee that the people that will live here will be low income and on welfare; how will the adjacent property owners be compensated for the loss of property value?

Response: The request is for zoning designation change to allow for multi-family development. The region is in need of additional housing supply to provide a range of housing opportunities for all income levels.

Comment: Concern was expressed that when development occurs the access driveway on the adjacent property will be negatively affected.

Response: The specific property in question where there is reported to be an access easement was not identified; however, based on researching ownership in the assessor records the comment appears to be referencing the apartment complex to the north and an existing driveway serving the four-unit multi-family building. When a development proposal application is filed encumbrances such as access easements are required to be shown on the plans. Unless negotiated amongst the two private property owners, generally the easement will remain as originally recorded onto the respective properties. This rezone action does not affect existing legally established agreements between private parties.

Comment: Washington State Department of Ecology stated that the area may have been contaminated with heavy metals due to the air emissions originating from the old Asarco smelter in Tacoma. They recommended that conditions be placed on future development prior to the issuance of any development permits or the initiation of grading, filling, or clearing.

Response: The applicant should strongly consider complying with the recommendations to complete soil testing to determine if soil remediation is warranted prior to the initiation of grading, filling, or clearing.

REVIEW CRITERIA FOR A REZONE

The City of Burien Zoning Code (BMC 19.65.090.3.C) contains the criteria for review of a proposed rezone. To be approved, the proposed rezone must meet **all** of the following criteria.

1. The rezone is consistent with the Comprehensive Plan.

A change of the current RS-7,200 zoning designation to RM-18 is consistent with the Comprehensive Plan redesignation that occurred in December 2018 as a part of the adoption of Ordinance No. 701.

2. The rezone will advance the public health, safety or welfare.

Staff is in general agreement with the responses provided by the applicant (see Attachment 2, page 1), but more specifically the proposed rezone will advance the public health, safety and welfare by allowing a broader range of development options providing needed housing opportunities. Compatible development in this instance entails an allowed use that would not overly impact the adjacent single-family residential neighborhood.

The requested change is also consistent with many of the goals and polices of the Comprehensive Plan including, but not limited to, providing housing, and encouraging transit supportive development.

3. *The rezone will not have significant adverse environmental impacts that are materially detrimental to adjacent properties or other affected areas.*

Specific impacts of the project will be identified and reviewed as part of the formal land use and building permit application process once details of a possible development proposal are known. No significant adverse environmental impacts were identified.

4. *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.*

The proposed zoning map change will result in making the Comprehensive Plan consistent with the zoning map. The change will be consistent with the City Council’s decision on Ordinance No. 701 as adopted on December 17, 2018. The following is the response contained in the Comprehensive Plan land use Designation recommendation report. This response is applicable for inclusion here.

The original land use designation was applied by King County and has been in place at least since 1983. In 2010 the City of Burien annexed the parcel and subsequently proceeded with nearly a year long public process to evaluate land used designations for the entire North Burien annexation area. The process was initiated to align the land use designations with Burien and determine if incremental adjustments were appropriate. In general, the focus of land use designation review efforts were on the more developed corridors such as Ambaum Boulevard SW, 1st Avenue South and the Boulevard Park area.

The conditions for Burien and King County have changed since the parcel was given its single-family designation. The region is anticipated to grow significantly in the next planning horizon and the result is that there will be a need for both housing and employment opportunities. The change for this parcel will provide more opportunity for redevelopment but more importantly will offer more supply of commercial land that can support the needs of adjacent residential development. Because this particular node is somewhat distant from others it can provide more opportunity for commercial goods and services within a shorter distance

Zoning Plan Map Land Use Designation Change Conclusions

Following a review of the applicable zoning designation change criteria the requested zoning change has demonstrated that the applicable criteria have been met, therefore the requested rezone should be granted.

ATTACHMENTS

1 - Vicinity Map

2 - Submitted Application Materials

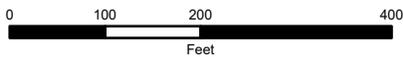
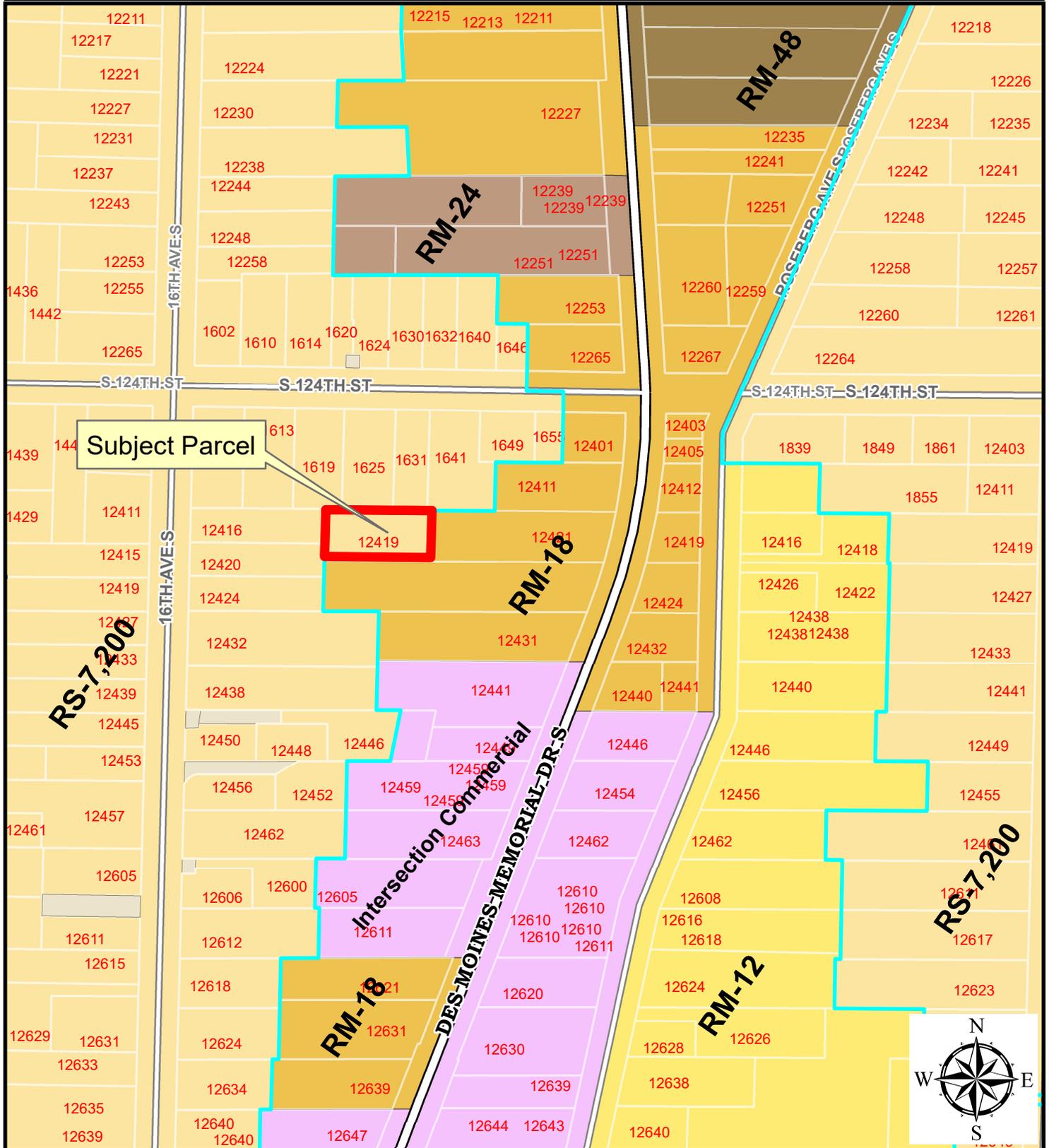
3 - Ordinance No. 701 (Includes Wu Comprehensive Plan Map Change Staff Recommendation (PLA 18-0510) with Attachments)

4 - SEPA Determination of Non-Significance and Adoption of Existing Environmental Document

5 – Public Comments

Vicinity Map Wu Re-Zone Request

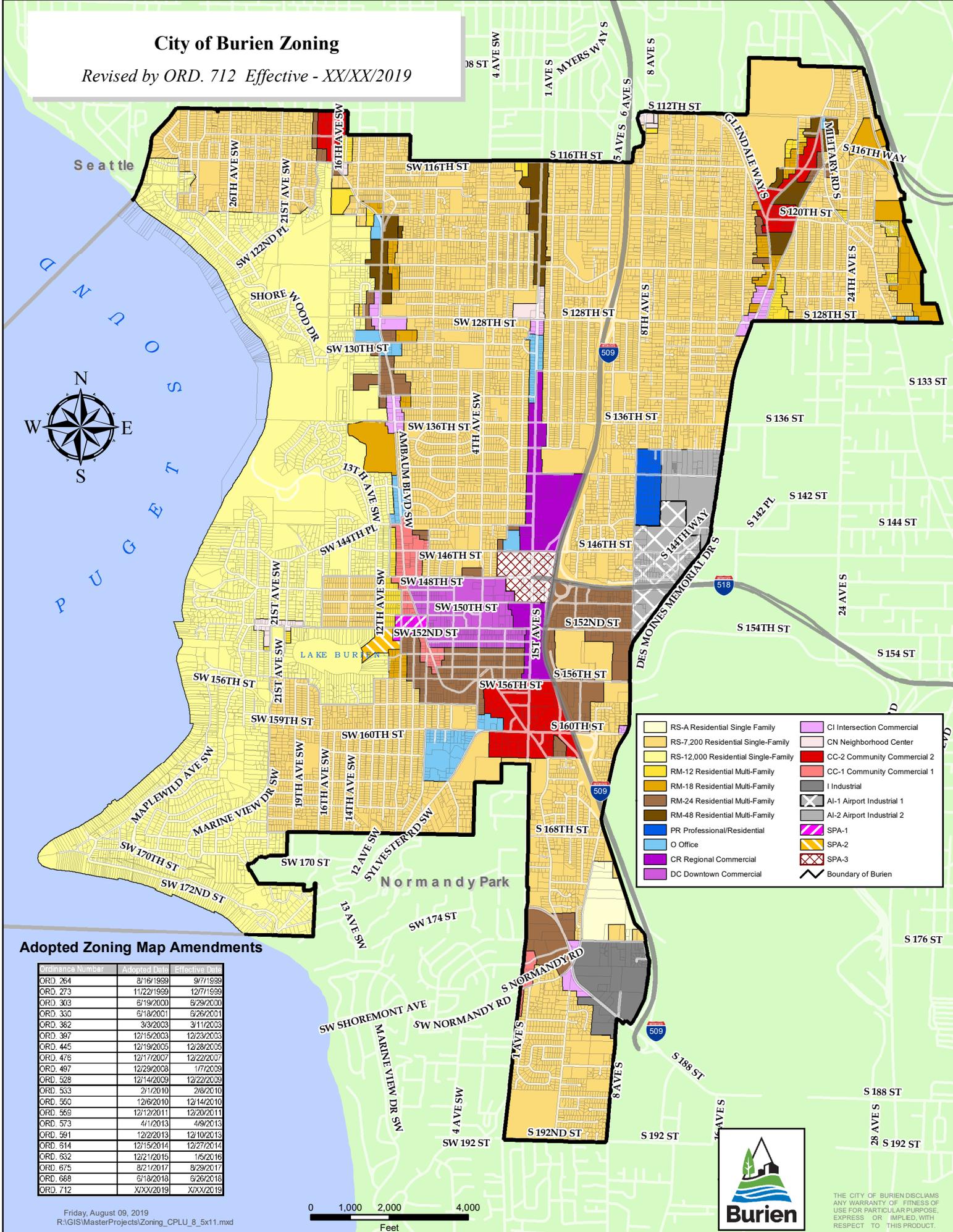
File No. PLA 19-0554



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City of Burien Zoning

Revised by ORD. 712 Effective - XX/XX/2019



- RS-A Residential Single Family
- RS-7,200 Residential Single-Family
- RS-12,000 Residential Single-Family
- RM-12 Residential Multi-Family
- RM-18 Residential Multi-Family
- RM-24 Residential Multi-Family
- RM-48 Residential Multi-Family
- O Office
- PR Professional/Residential
- CR Regional Commercial
- DC Downtown Commercial
- CI Intersection Commercial
- CN Neighborhood Center
- CC-2 Community Commercial 2
- CC-1 Community Commercial 1
- I Industrial
- AI-1 Airport Industrial 1
- AI-2 Airport Industrial 2
- SPA-1
- SPA-2
- SPA-3
- Boundary of Burien

Adopted Zoning Map Amendments

Ordinance Number	Adopted Date	Effective Date
ORD. 264	8/16/1999	9/7/1999
ORD. 273	11/22/1999	12/7/1999
ORD. 303	6/19/2000	6/29/2000
ORD. 330	6/18/2001	6/26/2001
ORD. 362	3/3/2003	3/11/2003
ORD. 397	12/15/2003	12/23/2003
ORD. 445	12/19/2005	12/28/2005
ORD. 476	12/17/2007	12/22/2007
ORD. 497	12/29/2008	1/7/2009
ORD. 528	12/14/2009	12/22/2009
ORD. 533	2/1/2010	2/8/2010
ORD. 560	12/6/2010	12/14/2010
ORD. 569	12/12/2011	12/20/2011
ORD. 573	4/1/2013	4/9/2013
ORD. 591	12/2/2013	12/10/2013
ORD. 614	12/15/2014	12/27/2014
ORD. 632	12/21/2015	1/5/2016
ORD. 675	8/21/2017	9/29/2017
ORD. 668	6/18/2018	6/26/2018
ORD. 712	XX/XX/2019	XX/XX/2019



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