

**CITY OF BURIEN, WASHINGTON**  
**MEMORANDUM**

**DATE:** January 19, 2010  
**TO:** City Council  
**FROM:** Charles W. “Chip” Davis, Planner  
**SUBJECT:** Proposed Ordinance and Burien Zoning Code Amendments Relating to Interim Zoning Designations for the North Highline South Annexation Area – Discussion and Direction.

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**PURPOSE**

The purpose of this agenda item is for the City Council to receive a staff presentation and the Planning Commission recommendation regarding proposed amendments to the Burien Zoning Code and Zoning Map to establish interim zoning designations for the North Highline South Annexation Area. The zoning code and map designations must be in effect prior to annexation of the area prior to April 1, 2010 in order for the staff to answer zoning questions and begin work on development applications which may be submitted prior to that date.

**BACKGROUND**

In the August 18, 2009 General Election, 56% of residents in the proposed North Highline Annexation Area voted to join the City of Burien. Since the General Election, staff has been working on issues associated with the transition of the area into the City of Burien. To conform to the Revised Code of Washington (RCW) it will be necessary to prepare zoning regulations to become effective upon the formal annexation of the area into the City of Burien.

Burien Comprehensive Plan Policy AN 1.2 provides policy guidance regarding the determination of zoning for the annexation area:

*If annexation is approved, the City should adopt interim zoning and comprehensive plan land use designations comparable to existing King County designations. A planning process to confirm or change these interim designations should be completed within two years of annexation.*

At the November 10<sup>th</sup> Planning Commission, staff presented a preliminary draft of interim zoning designations for the North Highline South Annexation Area which would convert existing King County zoning designations (Attachment A) to comparable City of Burien zoning designations in line with the policy direction of Comprehensive Plan Policy AN 1.2. Planning Commissioners and public present at the meeting raised several issues concerning the King County R-48 Multi-Family Residential and the CB-Special District Overlay designations which resulted in further refinements to the interim zoning designation. The Planning Commission and staff recommendations are summarized on the Recommended Zoning Conversion Chart (Attachment B) to this staff report.

## **ANALYSIS AND PLANNING COMMISSION RECOMMENDATION**

In regard to the King County R-48 Multi-Family Residential designation, Planning Commission and staff are recommending the creation of an RM-48 interim zoning designation in the Burien Zoning Code with modified density and development standards which will apply to the North Highline Annexation Area. The proposal has been revised to reflect concerns that application of Burien development standards to the 48 units/acre designation would make achieving even the 48 unit density impossible. A review of the Multi-Family Development Regulations Comparison Chart (Attachment C) shows that a significant majority of the development standards are the same.

Planning Commission and staff are proposing modifications to the base density, base height, maximum height and maximum impervious surface standards which should facilitate developing properties to the 48 unit/acre density and are more reflective of the current King County zoning designation. A comparison of King County R-48 Maximum Height Increase Standards and City of Burien RM-48 Maximum Height Proposal (Attachment D) is attached. The proposed 60' base height mirrors a height increase that is already allowed in use in the Multi-Family Residential Zone Use Chart for mixed use developments that meet certain special regulations. The proposed language allowing a height increase in return for increased setback mirrors language already in place in the King County zoning code.

Planning Commission and staff are not able to recommend adoption of the density incentive and transfer of development rights components at the present time. This is primarily because the public benefits to be exchanged for increased density are not currently outlined in policy form in the Burien Comprehensive Plan, none of the public benefit programs used by King County to award density bonuses are currently in place in Burien and Burien does not participate in the King County Transfer of Development Rights program. A King County R-48 Density Incentive Program Summary (Attachment E) explains the basis for King County's density incentive program. The density increase issue should be revisited as part of the larger community-wide planning update effort which will culminate in 2011.

In regards to the King County CB-Special District Overlay designation, Planning Commission and staff are recommending that a special regulation be placed on the Community Commercial Zone Use Chart to allow those uses which are currently allowed as part of the CB-Special District Overlay designation. An overview of the King County CB-Special District Overlay Zone (Attachment F) is provided for the Planning Commission's information. Planning Commission and staff are proposing to recognize the land uses that are currently permitted by King County to provide incentives for the redevelopment of underutilized commercial lands by permitting a wide range of appropriate uses consistent with maintaining the quality of nearby residential areas. For the interim zoning designation, the continuing uses provisions found in BMC 19.55.025 will govern the continuation or expansion of those commercial/industrial land uses which are currently in place as a result of the CB-Special District Overlay designation.

Planning Commission and staff are not able to recommend adoption of other provisions of the CB-Special Overlay designation relating to waiving of development standards pertaining to parking, landscaping, setbacks, building height limits, street improvements, pedestrian circulation and impervious surface coverage at the present time. This is primarily because the

recognition of appropriate uses to be located in the redevelopment is the driving factor for the CB-Special District Overlay designation and writing development standards appropriate for each of the proposed uses would require significant time and effort that is not possible before the zoning must be adopted. The development standards issue should be revisited as part of the larger community-wide planning update effort which will culminate in 2011.

The proposed Ordinance and revisions to the Burien Zoning Code and Zoning Map are reflective of the above analysis and conclusions. In line with Comprehensive Plan Policy AN 1.2, the Planning Commission and staff are recommending the conversion from existing King County zoning designations to comparable City of Burien zoning designations as a reasonable measure which can be implemented in order to have a framework in place for review and approval of development requests in the North Highline South Annexation Area prior to April 1, 2010.

### **ACTION REQUESTED**

No action by the City Council is required at this meeting. Staff would appreciate direction from the City Council regarding the substance of the proposed ordinance and zoning code amendments. With the City Council's concurrence, staff requests that this item be placed on the February 1, 2010 consent agenda for adoption.

### **ATTACHMENTS**

- A. North Highline Annexation Area – Existing King County Zoning
- B. Recommended North Highline Annexation Area / City of Burien Zoning Conversion Chart
- C. Multi-Family Residential Development Regulations Comparison Chart
- D. King County R-48 Maximum Height Increase Standards
- E. King County R-48 Density incentive Program Summary
- F. King County CB-Special District Overlay Zone Summary



# Recommended North Highline Annexation Area / City of Burien Zoning Conversion Chart

## KING COUNTY

## CITY OF BURIEN

R-4 Urban Residential (10,890 sf.)	→	RS-12,000 Single-Family Residential
R-6 Urban Residential (7,260 sf.)	→	RS-7,200 Single-Family Residential
R-8 Urban Residential (5,445 sf.)		<b>Recommend Combination with RS-7,200 Single-Family Residential</b>
R-12 Urban Residential (3,630 sf.)	→	RM-12 Residential Multi-Family
R-18 Urban Residential (2,420 sf.)	→	RM-18 Residential Multi-Family
R-24 Urban Residential (1,815 sf.)	→	RM-24 Residential Multi-Family
R-48 Urban Residential (907.5 sf.)		<b>Recommend Creation of RM-48 Residential Multi-Family with Modified Density and Development Standards</b>
NB – Neighborhood Business	→	CN – Neighborhood Center
CB – Community Business	→	CC – Community Commercial
CB-SO – Com/Ind. Special Overlay		<b>Recommend Listing Allowed Uses in KCC 21A.38.100 on CC Zone Use Chart with BMC Development Standards</b>
RB – Regional Business	→	CR – Regional Commercial
O – Office	→	O – Office

# Multi-Family Residential Development Regulations Comparison Chart

<u>Standard</u>	<u>King County R-48</u>	<u>City of Burien RM-48</u>
Base Density (Unit/Ac)	48 Units/Acre	<b>48 Units/Acre</b>
Maximum Density	72-96 Units/Acre	<b>No Bonus/Transfer Program</b>
Minimum Density	65% Net Buildable Area	None
Minimum Lot Width	30 Feet	None
Minimum Street Setback	10 Feet	10 Feet
Minimum Interior Setback	0 Feet - 5 Feet	0 Feet – 5 Feet
Base Height	60 Feet	<b>60 Feet</b>
Maximum Height	80 Feet	<b>75 Feet</b>
Max. Impervious Surface	90%	<b>90%</b>
Landscaping		
Street Frontage	10 Feet Type III	10 Feet Type III
Adjacent to Freeways	20 Feet Type I	10 Feet Type II
Interior Lot Lines	5 Feet or 10 Feet Type II	0 Feet or 20 Feet Type I
Surface Parking Areas	20 Square Feet/Space	5 Feet Type IV + 20 sf. /space
Facades >35'h & >50'w	None	5 Feet Type IV
Parking	1.2 – 2.0 Spaces/Unit	1.8 – 2.0 Spaces/Unit
Signage	2 sf. Minimum / 32 sf. Max.	2 sf. Minimum / 32 sf. Max.
On-Site Recreational Space	Required	Required
Recycling Space	Required	Required

# King County R-48 Maximum Height Increase Standards

KCC 21A.12.030 provides for a base height for buildings in the R-48 zone of 60 feet. This base number is consistent with the base designation for all other King County multi-family residential zones (R-12, R-18 and R-24).

KCC 21A.12.030.4 provides that height limits may be increased if portions of the structure that exceed the base height limit provide one additional foot of street and interior setback for each foot above the base height limit, but the maximum height may not exceed seventy-five feet.

KCC 21A.12.030.14 provides that in the R-48 zone the base height only can be used for those projects which use residential density incentives and transfer of density credits. In other words, developers may either increase the height of structures or increase the density of the development, but may not use both in the same project.

## City of Burien RM-48 Maximum Height Proposal

The Burien Zoning code allows mixed use developments in the RM-24 zone to extend the building height to 60 feet with the provision of within building parking and an increase of required landscaping by one category. In recognition of this and to preserve essentially the same development standards that property owners currently have in the R-48 King County zone in regards to height, staff proposes the following standard:

In the RM-48 zone the base height for all developments shall be **60 feet**. This height limit may be increased if portions of the structure that exceed the base height limit provide one additional foot of front and interior setback for each foot above the base height limit, but the maximum height may not exceed **75 feet**.

# King County R-48 Density Incentive Program Summary

KCC 21A.34.010 Purpose. The purpose of this chapter is to provide density incentives to developers of residential lands in urban areas and rural activity centers, in exchange for public benefits to help achieve Comprehensive Plan goals of affordable housing, open space protection, historic preservation and energy conservation...

The following are public benefits eligible to earn density incentives through the King County residential density incentive (RDI) review process:

**Affordable Housing** – Benefit units are awarded for provision of rental housing in the following categories: non-senior citizen low-income housing, low-income senior housing, senior citizen assisted housing, moderate income housing or mobile home park space based on King County income standards.

**Open Space, Trails and Parks** – Benefit units are awarded for the dedication of park sites or trail right-of-way, improvements to dedicated King County parks, improvements to dedicated King County trail segments and dedication of open space to King County or the Nature Conservancy.

**Historic Preservation** – Benefit units are awarded for dedication or restoration of a site or structure designated as an historic landmark by King County.

**Energy Conservation** – Benefit units are awarded for the incorporation of conservation features in the construction of on-site dwelling units that are heated by electricity, heated by natural gas, or other non-electric heat source or are located within ½ mile of transit routes or light rail or commuter rail transit service.

**Public Art** – Benefit units are awarded for devoting 1% of the project budget to public art on the site or contributing 1% of the project budget to the King County public art fund for the development of art projects.

**Cottage Housing** – Benefit units are awarded for the provision of three to sixteen detached cottage units clustered around at least one common open space.

**Compact Housing** – Benefit units are awarded in the R and UR zones, for the construction of single-family homes 1,500 square feet or smaller.

**Walkable Communities** – Benefit units are awarded in commercial centers located inside the urban growth area, as part of a development proposal that includes elements of walkable design and transit oriented development.

The maximum density permitted through the RDI review shall be one-hundred fifty percent of the base density of the underlying zone or two hundred percent of the base density of the underlying zone for proposals where one-hundred percent of the units are affordable units or for cottage housing proposals.

# King County CB-Special District Overlay Zone Summary

KCC 21A.38.100 Special District Overlay – Commercial/Industrial. The purpose of the commercial/industrial special district overlay (CB-SO) is to accommodate and support existing commercial/industrial areas outside of activity centers by providing incentives for the redevelopment of underutilized commercial or industrial lands and by permitting a wide range of appropriate uses consistent with maintaining the quality of nearby residential areas.

The King County CB zoning requirements are applicable to development within the CB-SO with the following exceptions:

1. Legally established commercial and industrial uses that exist within the area as of the effective date of the legislation applying the commercial/industrial special district overlay, but that are not otherwise permitted by the zoning, shall be considered permitted uses upon only the lots that they occupied as of that date.
2. Permitted uses within the commercial/industrial special district overlay shall include those uses permitted in the CB zone as well as permitted uses as set forth in the Industrial zone with a list of exceptions.
3. Uses permitted both by the CB zone and through the application of the commercial/industrial special district overlay except for commercial/industrial accessory uses.
4. Minimum parking requirements can be reduced provided that the reductions do not apply to new construction on vacant property or the vacant portions of partially developed property where that construction is not an enlargement or replacement of an existing building.
5. The landscaping requirements shall be waived provided that: street trees, installed and maintained by the adjacent property owner, shall be substituted in lieu of landscaping; and any portion of the overlay district that directly abuts properties outside of the district shall provide, along said portions, a landscape buffer area no less than 50 percent of required landscaping.
6. The setback requirements shall be waived provided that: setback widths along any street forming a boundary of the overlay district shall comply with the code; and any portion of the overlay district that directly abuts properties outside of the district shall provide, along such portions, a setback no less than 50 percent of that required by the code.
7. The building height limits of the code shall be waived, provided that the height limit within 50 feet of the perimeter of the overlay district shall be 30 feet.
8. Signage shall be limited to that allowed in the CB zone.
9. The roadway improvements of the King County code shall be waived, provided a no-protest agreement to participate in future road improvement districts (RID) is signed by the applicant and recorded with the county.
10. The pedestrian circulation requirements of the code shall be waived.
11. The impervious surface and lot coverage requirements of the code shall be waived.

The following specific land uses are allowed in either the overlay zone or as part of King County CB zoning designation, but are not permitted uses in the Burien CC zoning Designation:

<b>Park/Recreation Uses:</b>	Automotive Rental and Leasing	Aircraft, Ship and Boat Building*
Campgrounds	Automotive Parking	Movie Production/Distribution
<b>Amusement/Entertainment Uses:</b>	Research, Development and Testing	
Adult Entertainment	Heavy Equipment and Truck Repair	<b>Agriculture Uses:</b>
Business	Commercial/Industrial Accessory Uses	Growing and Harvesting Crops
Theatre		
Shooting Range		<b>Forestry Uses:</b>
	<b>Retail Uses:</b>	Growing and Harvesting Forest Production
<b>Personal Services:</b>	Fuel Dealers	Forest Research
Drycleaning Plants		
Industrial Launderers	<b>Manufacturing Uses:</b>	
Kennel or Cattery	Food and Kindred Products*	<b>Fish and Wildlife Management:</b>
Interim Recycling Center	Winery/Brewery	Hatchery/Fish Preserve
	Materials Processing Facility	Aquaculture
<b>Business Services:</b>	Apparel and Other Textile Products	
Construction and Trade*	Furniture and Fixtures	<b>Regional Land Uses:</b>
Individual Transportation and Taxi	Printing and Publishing	Public Agency Animal Control Facility
Trucking or Courier Service	Leather and Leather Goods*	Non-hydroelectric Generation Facility
Warehousing and Wholesale Trade	Fabricated Metal Products	Earth Station
Self-service Storage	Industrial and Commercial Machinery	Transfer Station
Farm Product Warehousing, Refrigeration and Storage	Computer and Office Equipment	Transit Bus Base
Log Storage	Electronic and Other Electric Equipment	School Bus Base
Transportation service	Measuring and Controlling Instruments	
Freight and Cargo Service	Misc. Light Manufacturing*	
Outdoor Advertising Service*		

\* Limitations Apply to Use