

**CITY OF BURIEN, WASHINGTON  
MEMORANDUM**

**DATE:** October 25, 2011  
**TO:** Planning Commission  
**FROM:** Art Pederson, Planner  
**SUBJECT:** Discussion and Recommendation on 2011 Comprehensive Plan, Zoning Map and Zoning Code Amendments, File # 2011-1

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**PURPOSE/REQUIRED ACTION**

This agenda item is for the Planning Commission to conclude discussion and make a recommendation to the City Council on the above docket item.

**BACKGROUND**

The Planning Commission recommended this item be on the 2011 docket to the City Council on June 14, 2011. The City Council subsequently adopted the 2011 Comprehensive Plan Docket.

On September 27<sup>th</sup> the Commission received a presentation from staff which included a summary of each proposed item accompanied by staff recommendations in favor of the Comprehensive Plan, Zoning Map and Zoning Code amendments. The Commission also received information for Amendment 2011-1 from the applicant.

On October 11<sup>th</sup> the Commission conducted a public hearing on this item and began its recommendation discussion. The Commission continued discussion until the October 25<sup>th</sup> meeting date and also continued the public hearing in order to hear further from residents residing adjacent to the Group Health site and from representatives of Group Health.

**COMPREHENSIVE PLAN AMENDMENTS**

Commission members received the staff report and recommendations for each of the proposed amendments in the September 27<sup>th</sup> and October 11<sup>th</sup> meeting packets. The recommendation reports include a description of the amendments and an analysis of the applicable review criteria. **Please bring your copies of the recommendation packet and attachments to the October 25<sup>th</sup> meeting.**

During the public notice and comment period for this hearing the City received one written public comment. One public comment letter was received at the September 27<sup>th</sup> meeting and two public comment letters were submitted at the October 11<sup>th</sup> hearing. Eight individuals testified at the October 11<sup>th</sup> public hearing.

**NEXT STEPS**

The Commission should conclude its inquiries to the public, ask if there is anyone who would like to submit final comments on this issue and then close the public hearing. Following this, the Commission should conclude its discussion on this docket item and make its recommendation to the City Council. The options for a recommendation are:

- 1) Recommend the City Council approve the requests; or
- 2) Recommend the City Council deny the requests; or
- 3) Make modifications to the recommendation and outline the findings and conclusions in support of the modifications; or
- 4) Take no action and pass the request to the City Council without a recommendation. This would occur if there are tie votes on separate motions for approval and denial.

If the Commission wants to discuss the proposed amendments staff recommends the Commission make a motion for each of the proposed amendment recommendations, discuss each amendment and then make a recommendation to the City Council.

***Suggested Motions for a Recommendation of Approval:***

- 1. I move the Planning Commission recommend to the City Council approval of the Comprehensive Plan amendment request from High Density Multi-Family Neighborhood to Office and zoning map amendment from RM to Office and adopt the findings and conclusions as presented in the staff report.*
- 2. I move the Planning Commission recommend to the City Council approval of the Zoning Code amendment to add a new sub-section to BMC 19.15.045.1, Special Regulations, and adopt the findings and conclusions as presented in the staff report.*

***Suggested Motions for a Recommendation of Denial (Note: Numbers 1 and 2 must be approved together; if the pair is denied, Number 3 must also be denied. Number 3 may be denied alone since it is not necessary for approval of Numbers 1 and 2.):***

- 1. I move the Planning Commission recommend to the City Council denial of the Comprehensive Plan amendment request from High Density Multi-Family Neighborhood to Office and zoning map amendment from RM to Office and outline your findings and conclusions in support of the denial.*
- 2. I move the Planning Commission recommend to the City Council denial of the Zoning Code amendment to add a new sub-section to BMC 19.15.045.1, Special Regulations and outline your findings and conclusions in support of the denial.*

If you have any questions before the meeting, please contact Art Pederson (206) 436-5576 or by e-mail at [artp@burienwa.gov](mailto:artp@burienwa.gov).

**Attachments:**

***Public comment letters received to date, Exhibits B, C, D, and E***

Burien Planning Commission  
October 11, 2011

To the Burien Planning Commission:

Tonight I am here to speak on behalf of the 137<sup>+</sup> citizens that signed the petition for the change to the Comprehensive Land Use Map and Rezone for Lake Burien-the Lake Burien Neighborhood. My testimony at this hearing as the spokesperson for this group establishes this group and its petitioners as persons of standing at this Public Hearing on this issue at hand.

During the last update of the Comprehensive Plan, the Lake Burien Neighborhood was told that if even one potential housing unit-even though no units housing units were currently constructed on the vacant land-was lost in a request for a change to the Comprehensive Plan or a rezone request, the request for the change to the Comprehensive Plan or the rezone request would not meet the City's Amendment criteria. The Group Health request involves the loss of 63 to 100 units from the Growth Management numbers.

Furthermore, the Lake Burien Neighborhood was told that another neighborhood had to agree to accept those units before any request could be considered. We see no documentation or commitments from other neighborhoods to take up these lost units from this Group Health Project.

Additionally, the Lake Burien Neighborhood was told that with the loss of residential housing units and a rezone, as citizens we would have to wait until there was a major revision to the Comprehensive Plan to have such a request considered. City Staff is recommending in their findings that the Group Health Request be allowed without having to wait until a major revision to the land use component of the Comprehensive Plan has occurred.

The Lake Burien Neighborhood Amendment request met the criteria set out by the Growth Management Act as well as the PSRC 2040 Vision for why the change to the Plan Map and a rezone should be granted due to critical areas protection and water quality protection. Since last year, the Growth Management Numbers have not changed nor has the number of excess building units identified in the City's Buildable Lands Report.

Therefore we are requesting to know why the Group Health Project is not being held to the same standard as the Lake Burien Neighborhood was held to in their request regarding the loss of these units-63 to 100 units-in the City's findings. The process and criteria that the Lake Burien Neighborhood had to meet appears to be different and prejudicial as compared to the criteria that the Group Health request has to meet. The Group Health request is not being held to the same rules and rigid standard the Lake Burien Neighborhood was required to meet.

For that reason, the Lake Burien Neighborhood is requesting that the Group Health request be denied.

Sincerely,  
Chestine Edgar and the Lake Burien Neighborhood

EXHIBIT "C"

FILE

**Art Pederson**

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**From:** Carol Lumb [lumbcarol@hotmail.com]  
**Sent:** Tuesday, October 11, 2011 12:10 AM  
**To:** Art Pederson  
**Subject:** Group Health Comprehensive Plan and Zoning Map Amendments

PLA 11-0883  
CP 2011-1

Dear Art:

I am unable to attend the October 11, 2011 public hearing on PLA 11-0883 and am writing to support Group Health's request to change the Comprehensive Plan designation on its property and five single family parcels from High Density Multi-family Neighborhood to Office and to change the zoning designation from multi-family to office.

I believe the proposed request is consistent with the City's comprehensive plan, compatible with surrounding land uses and will allow Group Health to continue providing needed health services to residents in the area by allowing expansion of the facility. It is a great benefit to Burien residents that this health care facility is located in the City.

Thank you for the opportunity to provide comments.

Sincerely,

Carol Lumb  
1958 SW 164th Street  
Burien, WA 98166

Burien Planning Commission  
October 11, 2011

To the Burien Planning Commission:

In the City of Burien's application to amend the Comprehensive Plan, criteria J requires that:

*"The proposed amendment would not result in the loss of capacity to meet other needed land uses, such as housing."*

### Example 1

City Staff findings concluded:

*"The proposed amendment would result in the loss of capacity to meet other needed land uses such as housing, as the applicant acknowledges in the application. Measures cited by the applicant, such as transfer of development rights, are not currently included in the Comprehensive Plan and could not be used to mitigate this impact. The shifting of responsibility for meeting housing capacity requirements cannot be accomplished through the proposed amendment."*

### Example 2

City Staff findings concluded:

*"Therefore, whether one uses zoned density or achieved density, the City would still have adequate capacity to achieve its residential growth target and*

would still have surplus multi-family capacity. Hence, no loss of capacity to meet our planned housing target would result from the proposed amendment.”

In the first example, the City finding was based on the potential loss of 40 housing units.

In the second example, the City finding is based on the potential loss 63 to 100 housing units.

In both examples, the City of Burien reported to the State that their Buildable Lands Report documented an excess of 600 housing units above their required Growth Management

Numbers.

1st ex: loss < 40 units → denied  
2nd ex: loss 60-100 units → approved

Questions:

Why is the City not consistently applying their publically documented criteria?

Is there another set of criteria hidden from the public that the City chooses to use at their convenience?

How should Burien citizens to respond to apparent capricious decisions by the city?

Because of the City of Burien’s inconsistency in the application of documented criteria, I am requesting that the Group Health request be denied.

Bob Edgar  
12674 Shorewood Dr SW  
Burien, 98146

EXHIBIT "E"

RECEIVED 9/27/11  
#2011-1

To the Burien Planning Commission  
September 27, 2011


To the Burien Planning Commission;

During the last update of the Comprehensive Plan the Lake Burien Neighborhood was told that if even one housing was lost in a request for a change to the Comprehensive Plan or a rezone request, the request for the change to the Comprehensive Plan or the rezone request would not meet the criteria. The Group Health request involves the loss of 63 to 99 units from the Growth Management numbers.

Furthermore, the Lake Burien Neighborhood was told that another neighborhood had to agree to accept those units before any request could be considered. We see no documentation or commitments from other neighborhoods to take up these lost units from this Group Health Project.

The Lake Burien Neighborhood request met the criteria set out by the Growth Management Act as well as the PSRC 2040 Vision for why the change to the Plan Map and a rezone should be granted-critical areas protection and water quality protection. Since last year the Growth Management Numbers have not changed nor the number of extra units the City has for its Buildable Lands Report.

Therefore we are requesting to know why the Group Health Project is not being held to the same standard as the Lake Burien Neighborhood was held to in their request regarding the loss of these units-63 to 99 units- in the City's findings.

Sincerely,  
Chestine Edgar   
The Lake Burien Neighborhood

*H. Adequate public facility capacity to support the projected land use exists, or, can be provided by the property owner(s) requesting the amendment, or, can be cost-effectively provided by the City or other public agency.*

Adequate public facility capacity exists to support the existing comprehensive plan map designation as well as the requested amendment.

*I. The proposed amendment will be compatible with nearby uses.*

The proposed amendment will be compatible with the properties located on a small portion of the north boundary and a small portion of the west boundary of the subject area. The proposed amendment will not necessarily be compatible with properties located on a portion of the west boundary that are designated Multi-Family and Neighborhood Commercial and on a portion on the east boundary that are designated Special Planning Area 2 and Multi-Family.

*J. The proposed amendment would not result in the loss of capacity to meet other needed land uses, such as housing.*

The proposed amendment would result in the loss of capacity to meet other needed land uses such as housing, as the applicant acknowledges in the application. Measures cited by the applicant, such as transfer of development rights, are not currently included in the Comprehensive Plan and could not be used to mitigate this impact. The shifting of responsibility for meeting housing capacity requirements cannot be accomplished through the proposed amendment.

*K. For a Comprehensive Plan map change, the applicable designation criteria are met and either of the following is met:*

- i. Conditions have so markedly changed since the property was given its present Comprehensive Plan designation that the current designation is no longer appropriate; or,*
- ii. The map change will correct a Comprehensive Plan designation that was inappropriate when established.*

The applicant has not demonstrated that conditions have so markedly changed since the previous designation that the current designation is no longer appropriate or that the map change is required to correct a designation that was inappropriate when established. The existing designation as Moderate Density Residential Neighborhood was established as a result of a public planning process and has been in place since Burien's incorporation in 1993 (except for a short time in 1997).

#### REVIEW OF CRITERIA FOR REZONE

Zoning Code section 19.65.090.3 contains the criteria for review of a proposed rezone. To be approved, the proposed amendment **must meet all of the following criteria** (shown in bold italics, followed by staff response):

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