



City of Burien
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TYPE I LAND USE DECISION

FOR

American Property Management
Kinect at Burien Mixed Use Development

ADMINISTRATIVE DESIGN REVIEW

File No.:	PLA 20-2333
Project Name:	Kinect at Burien
Applicant:	American Property Management Project Contact, Sean Thorson
Location:	631 SW 150 th Street Burien, WA 98166 (see Attachment 2)
Parcel Nos.:	192304-9014, 192304-9297, 192304-9174, 192304-9301
Project Planner:	David Johanson, AICP Senior Planner
Date:	January 15, 2021
Decision:	Approval with conditions
Decision expires:	January 15, 2023

A. PROJECT SUMMARY

The Kinect at Burien mixed use development project consists of the demolition of an existing 1-story strip mall building and associated parking lot and the construction of a new, 6-story mixed use structure with 230 units and 8,000 square feet of commercial/office space. The building will also include 275 parking stalls located in the bottom two levels and adjacent to the commercial/office space on SW 151st Streets and the lobby/office space associated with the residential use fronting SW 150th Street. The site is currently zoned Downtown Commercial (DC) which allows mixed use developments.

The design of the building includes a two-level concrete podium containing parking, commercial space and multi-family supportive activities with 6 levels of multi-family units ringing an internal courtyard containing outdoor and indoor recreational space for the tenants.

The unit mix is proposed to be 33 studios, 84 One Bedroom units, and 113 two-bedroom apartment units. In addition, the building will include a 2,400 square foot fitness center within the common area on the 3rd floor podium deck. On the North side of the building and at the top floor, the design includes a rooftop kitchen, game room, and a rooftop view deck. Additional recreation features will be dispersed throughout the building and includes an open courtyard and garden space. A private move-in area with off street access is proposed to eliminate conflict with downtown traffic and provide a safe secure area to stage move in activities. The project will obtain access to the two levels of parking using an access point from SW 150th Street.

The following is a summary of the actions related to the processing of the design review application.

- November 23, 2020 - Application for design review was submitted.
- December 11, 2020 - Application was deemed incomplete
- December 13, 2020 - The applicant provided responses to the incomplete letter.
- December 18, 2020 – Additional information was requested.
- December 30, 2020 – The applicant provided responses to requests for more information
- January 4, 2021 - The application was deemed complete.

The application was processed in 11 calendar days, meeting the 120-day target for the Type I Administrative Design review. A Notice of Decision was issued on January 15, 2021.

B. DECISION

Based on the Findings of Facts, Conclusions and Attachments to this report, the Applicant's proposal for construction of a new 230-unit mixed use building that includes approximately 8,000 square feet of commercial space is conditionally approved.

The applicant is requesting **THREE** design departures. The conditional approval is also subject to the following conditions:

1. This application is subject to the applicable requirements contained in the Burien Municipal Code (including but not limited to the Zoning Code, Building Code and Fire Code). It is the responsibility of the applicant to ensure compliance with the various provisions contained in these documents (see Conclusion F.2 & J.2).
2. Pursuant to BMC 19.65.105.7, the applicant shall substantially complete construction consistent with the Administrative Design Review (ADR) approval and complete all conditions listed in the ADR approval within three (3) years after the final decision, or the decision becomes void (see Section N.3).
3. Any modification that does not meet the criteria in Section 19.65.105.6 must be decided upon as a new ADR approval (see Conclusion E.4).
4. Prior to the issuance of a building permit, the Applicant shall revise the plans, provide additional information and comply with the following conditions:

- a. The applicant shall apply for and obtain a lot line adjustment to remove the existing property lines (see Conclusion C.1.b).
- b. Painted walkways directing users to building entry points shall be delineated in the parking garage pursuant to BMC 19.47.030 2.F (see Conclusion E.2.b.1).
- c. Pedestrian access shall be indicated on the plans indicating how it conforms to applicable Federal, State and local codes pursuant to BMC 19.47.030 2.H (see Conclusion E.2.b.2).
- d. Pursuant to BMC 19.47.050 2.F, no large outside item display areas are permitted (e.g. kitchen appliances or other similarly large merchandise that is visible from the street). Sidewalks shall not be enclosed as building space for retailing. Small, temporary displays for items such as groceries, hardware, books, etc. may be allowed in the optional sidewalk finish area provided the display does not impede couples passing comfortably on the sidewalk (see Conclusion E.2.b.3).
- e. The applicant shall submit lighting plans that comply with the standards of BMC 19.47.080 2.A (see Conclusion E.2.b.4).
- f. The applicant shall provide details on how mechanical equipment and meters at ground level and attached to structures will be screened as required by BMC 19.47.090[2.E & H] (see Conclusion E.2.b.5).
- g. The building plans shall include a detail showing compliance with BMC 19.47.120[2.D] which requires installation of a permanent cast metal plaque attached to the building indicating the year of construction with numbers not less than six inches high (see Conclusion E.2.b.6).
- h. The plans shall be amended to show compliance with BMC 19.47.120[2.N.ii] requiring 200 square feet of landscaping at or near entry points to buildings. This provision applies to both SW 150th and SW 151st street building entries (see Conclusion E.2.b.7).
- i. The proposed new mixed use building and site developments shall include surfaces that will allow the infiltration of water into the ground to meet the impervious surface coverage requirement. Partial credit may be allowed for pervious paving systems or other similar surface treatments. The credit allotted will be determined at the time of building permit application and review (see Conclusion G.2.).
- j. When building permits are filed for tenant improvements for each commercial/office space a Fee-in-Lieu parking amount shall be determined and paid prior to issuance of a construction permit (see Conclusion I.2).
- k. The Applicant shall comply with the conditions and corrections stated in the Development Engineer Review memos (see Conclusions K.2 and L.2).
- l. The Applicant shall pay a Transportation Impact Fee as set forth in BMC 19.35.090 (as annually amended) related to the construction of the new residential units. The Transportation Impact Fee for the commercial/office space will be determined and paid at the time a permit is issued for the individual spaces (see Conclusion M.2).

FINDINGS OF FACT AND CONCLUSIONS

C. SITE and NEIGHBORHOOD DESCRIPTION

1. Site Development and Zoning:
 - a. Facts:
 - 1) Size: The project site consists of 4 parcels that have combined area of 70,402 square feet or 1.62 Acres.
 - 2) Land Use: Two of the subject parcels currently contain a 1 story strip mall style building containing a variety of commercial uses. The remaining two parcels are developed as a parking lot. A Lot Line adjustment will be needed prior to a building permit application to combine the four parcels (see Attachment 2).
 - 3) Zoning: DC, Downtown Commercial
 - 4) Terrain: The site is generally flat with a very gentle slope down and to the east.
 - 5) Vegetation: The site contains vegetation associated with the municipal parking lot.
 - b. Conclusions: The proposed use is defined as a "Mixed use" development and includes multi-family units and commercial space, which are all permitted uses in the "DC" zone. Size, land use, zoning, terrain and vegetation are not constraining factors in the consideration of this application. A Lot Line adjustment will be needed prior to a building permit application to combine the four parcels.
2. Neighboring Development and Zoning:
 - a. Facts:
 - 1) North: Property to the north across SW 150th Street is zoned DC and contains a mix of single-family homes (2) multi-family development and office uses.
 - 2) South: Property to the south across SW 151st Street is zoned Downtown Commercial (DC) and contains commercial uses including retail and restaurants.
 - 3) East: Property to the east is zoned DC and contains a United States Post office.
 - 4) West: Property to the west is a multi-story building containing telephone and internet infrastructure along with an associated parking lot.
 - b. Conclusion: The mixed use and general style of the proposed development is consistent with the vision found in Burien's Comprehensive Plan and is therefore compatible with existing and proposed development projects.
3. Comprehensive Plan designation:
 - a. Facts: The site is located in an area designated as Downtown Commercial.
 - b. Conclusions: The project as conditioned generally conforms to the goals and objectives of the comprehensive plan designation.

D. ENVIRONMENTAL REVIEW

1. **Facts:** The project is exempt from State Environmental Policy Act (SEPA) review pursuant to City of Burien Ordinance No. 505. Ordinance 505 Amended Burien Municipal Code Title 14 exempting development within Burien's Urban Center (including town square) from SEPA review.
2. **Conclusion:** The project is exempt from SEPA pursuant to Ordinance No. 505 and therefore SEPA review is not required for the development proposal.

E. COMPLIANCE WITH DESIGN REVIEW REGULATIONS

Pursuant to BMC 19.47.020 the downtown design guidelines are intended to direct the design of buildings and sites within the Downtown Commercial (DC) zone, in compliance with the City's Zoning Code and Comprehensive Plan. The guidelines will promote quality development and reinforce the City's identity in the downtown area—a vision of an attractive, pedestrian-oriented urban downtown with a small town atmosphere. Buildings and sites should convey a sense of permanence, attention to detail, quality and investment. The guidelines are not intended to slow or restrict development, but rather to add consistency and predictability to the permit review process.

The process for design review shall follow those outlined in BMC 19.65.105. The Director shall review the application using criteria for a Type I review and the design objectives and standards of the downtown design standards.

1. Type I review criteria
 - a. **Facts:** Burien Municipal Code Section 19.65.065 sets forth the particular requirements for an application for a Type I decision. That section details principles of acceptability that must be met before a development proposal can be approved. The Director may approve the application only if:
 - 1) It is consistent with all applicable development regulations and, to the extent there is no applicable development regulation, the Comprehensive Plan; and
 - 2) It is consistent with the purpose and intent of the zone in which the site is located; and
 - 3) It is consistent with the public health, safety and welfare
 - b. **Conclusion:** As conditionally approved, the proposed development is consistent with the applicable development regulations, the Comprehensive plan, purpose and intent of the zone and the general public health, safety and welfare.

2. Design Review

Below is a brief description of the materials and studies as submitted by the applicant. All conclusions in this section are based on the information, plans and studies as submitted by the applicant are listed as attachments to this decision document.

- a. Facts: The application package included the following; design review checklist, site plans, building elevations, three dimensional building images, landscape plans, parking analysis and requests for design departures. The site plans included details pertaining to general site layout including building location, building materials, parking, landscaping and pedestrian walkways.

The application included a completed City of Burien design review checklist (see Attachment 4). The checklist includes statements detailing how the proposal complies with the design objectives and standards with references to other application materials. In addition to the checklist the applicant has submitted requests and justifications for multiple design departures (Attachments 5 and 6). The city reviewed the checklist along with supporting information and requested supplemental information in conjunction with the application. The applicant responded to those requests for additional information and clarification regarding the project plans.

- b. Conclusions: Except as noted below, the proposal complies with the design standards, their intent and objectives as found in BMC 19.47. Please see section E.3 for review of the design departure requests.
- i. *Building Scale and Mass* (BMC 19.47.110 [2.B.i]), upper story stepback. This section requires all new buildings over three stories in height to provide an upper story stepback of at least 10 feet. The applicant is requesting a design departure from this section for all facades.
 - ii. *Building Scale and Mass* (BMC 19.47.110 [2.B.ii]), horizontal building modulation. The design guidelines require that facades be modulated at least every 60 feet and at a depth of no less than 0.2 feet multiplied by the height of the structure. The applicant is requesting a design departure from both the 60 width and the depth requirements of this section.
 - iii. *Building Roofline Modulation* (BMC 19.47.110 [2.B.iii]). The code requires building rooflines to be modulated at 60-foot intervals along with vertical dimension requirements based on the height of the building.
 - iv. There are design features and code requirements that need to be incorporated in the final building permit application and construction plans. The following conditions of approval are based upon findings and analysis contained in the design review checklist. In general the deficiencies in plans related to the design requirements can be sufficiently addressed by conditioning the project. The project will comply with the design objective and code requirements with the following conditions of approval. The project should be conditioned as follows:

- Planning Dept. Comment 1.**
- 1) BMC 19.47.030[2.F] requires that walkways be painted and labeled appropriately directing users to building entry points. Painted walkways shall be installed in the parking garage. The building plans shall appropriately indicate compliance with this code requirement.
 - 2) BMC 19.47.030[2.H] requires that pedestrian access shall be indicated on the plans and how it conforms to applicable Federal, State and local codes.

- 3) BMC 19.47.050[2.F.ii] states that no large outside item display areas are permitted (e.g. kitchen appliances or other similarly large merchandise that is visible from the street). Sidewalks shall not be enclosed as building space for retailing. Small, temporary displays for items such as groceries, hardware, books, etc. may be allowed in the optional sidewalk finish area provided the display does not impede couples passing comfortably on the sidewalk.
- 4) BMC 19.47.080 requires that the applicant to submit a complete and detailed lighting plan showing compliance with the standards of BMC 19.47.080. No lighting plans have been provided.
- 5) BMC 19.47.090[2.E & H] requires mechanical equipment and meters at ground level and attached to structures to be screened.
- 6) BMC 19.47.120[2.D] requires that at some location on the building exterior the year of construction shall be noted by the installation of a permanent cast metal plaque attached to the building. Stone or masonry set integral with other masonry on the front building elevation facing the principal street may be used in lieu of a cast metal plaque. The year of construction is to be noted by numbers not less than six inches high.
- 7) BMC 19.47.120[2.N.ii] requires 200 square feet of landscaping at or near entry points to buildings. This provision applies to both SW 150th and SW 151st street building entries.

3. Design Departures

- a. Facts: The application requires design departures from three (3) sections of the downtown design standards and they are BMC 19.47.110 [2.B.i] (*upper story building step backs*), BMC 19.47.110 [2.B.ii] (*horizontal building modulation*) and BMC 19.47.110 [2.B.iii] (*Building Roofline Modulation*).

BMC 19.65.105(5) sets forth criteria and procedures for design departures if “there is a compelling reason to deviate from the specific standards or the intent of the standards can be met, and that:

- i. All of the following requirements are met:
 - a. The request is consistent with and fulfills the policy basis for the applicable design standards, and
 - b. The departure will not have any substantial detrimental effect on nearby properties and the City as a whole, and
 - c. The departure manifests high quality design and/or innovative and appropriate use of materials that will create a high quality development, and
 - d. The departure will result in increased pedestrian activity and visual interest along the *street*; **or**
- ii. All of the following requirements are met:
 - a. The size, configuration, topography, or location of the *site* is unusual and was not contemplated in the design standards, and

- b. Because of these unusual circumstances, application of the design standards to the *site* would not result in a project that fulfills the policy basis for the design standard, and
- c. The proposed departure will result in a development which fulfills the policy basis for the design regulations and will result in high quality development sensitive to its surroundings.

Departure Request 1: BMC 19.47.110 [2.B.i] requires upper story building step backs of at least 10-feet measured from the façade of the third floor facing the street, public park or open space. The design objectives for this section are as follows:

- a) Encourage the use of *building* components that are *human scale*.
- b) Reduce bulk and mass of *buildings*.
- c) Encourage *architectural scale* of development that is compatible with desired existing adjacent development or commercial areas within 100 feet.

The applicant requests the upper story step back requirement be waived because of the costly loss of units thereby making the project infeasible (see Attachment 5). The applicant has also proposed a justification for the design departure based of the use of different colors and textures at the bottom, middle, and top floors that provides the illusion of an upper story stepback. These design features contribute to reducing the bulk and mass of the building while adding components that improve human scale at the street level. Additionally, it was stated that the building has “extensive horizontal and vertical articulation that contribute to reducing the bulk and mass of the building while continuing the Main Street character. The north façade includes an outdoor recreation space at the top floor that does meet the upper story setback depth requirement for width of approximately 30 feet. Alternating cornice treatments and varying intervals along the roofline add interest to the upper floor that further softens the bulk and mass of the building (see Attachment 16, sheets A 5.10 and A 5.11).

The pedestrian weather protection canopies shown along almost the entirety of both street frontages reduces the perception of the building “looming” over the street as perceived by the pedestrian at street level

Removing the upper story stepback requirement will not result in a substantial detrimental effect on nearby properties and the City as a whole. Because the project includes pedestrian weather protection along almost the entire building frontages on both SW 150th and SW 151st Streets the requested departure should result in increased pedestrian activity and visual interest along the *street*. The use of color at the top story does aid in reducing the perceived bulk. It should also be noted that the site design sets back the building approximately 5 feet on SW 150th Street and up to 5 feet along SW 151st street at the street level allowing for additional pedestrian-oriented space.

Departure Request 2: BMC 19.47.110 [2.B.ii] requires horizontal building modulation at 60-foot minimum intervals, with a minimum depth of 0.2 feet multiplied by the height of the

building and a minimum modulation width of at least 15-feet. The design objectives for this section are as follows:

- a) Encourage the use of *building* components that are *human scale*.
- b) Reduce bulk and mass of *buildings*.
- c) Encourage *architectural scale* of development that is compatible with desired existing adjacent development or commercial areas within 100 feet.

The average building height is approximately 69 feet 9 inches as measured from average grade to the top of the roof plate (see Attachment 16, sheets A 5.10 and A 5.11). The minimum required building façade modulation depth is 13.95 feet.

The Applicant states that “extensive modulation would not allow residents or patrons of the commercial space to access the building directly from the sidewalk and that a 15 foot building modulation would cost a great deal in the design of this building and in the number of units, both market rate and affordable that we could provide in the development. Any further reduction would be detrimental to the feasibility of this project.” (see Attachment 6).

Because of the height of the building, the required minimum façade modulation depth of 15 feet would necessitate deep notches in the building and as the applicant has stated, the minimum modulation depth presents challenges in designing a floor plan that is efficient. The design objectives of the code section are met because in the building form uses balconies and indentations as a façade modulation feature that assists in reducing the perceived mass of the building on the north, south and west facing facades. The building modulation in addition to the proposed decks result in a maximum modulation of 6 feet. Although the depth of façade modulation is approximately 2 feet the frequency of the modulation is approximately every 30 feet as opposed to the minimum interval of 60 feet. These features along with the use of varying colors, accent details and vertical architectural elements improve the human scale and compliment the mixed-use buildings in the town square development located to the east (see Attachment 16, sheets A 5.10 and A 5.11).

Design Departure 3: BMC 19.47.110 [2.B.iii] requires building rooflines to be modulated at 60-foot intervals along with vertical dimension requirements of 0.1 multiplied by the building height. The design objectives for this section are as follows:

- a) Encourage the use of *building* components that are *human scale*.
- b) Reduce bulk and mass of *buildings*.
- c) Encourage *architectural scale* of development that is compatible with desired existing adjacent development or commercial areas within 100 feet.

The departure was not requested however it is necessary because the proposal does not meet the minimum vertical dimension at the required 60-foot interval. The average building height is approximately 69 feet 9 inches as measured from average grade to the top of the roof plate. The resulting vertical dimension requirement is six feet nine inches. The building elevations indicate that vertical modulation will be as high as 7 feet. The primary locations of the 7-foot vertical modulation occur at each of the building corners. Shorter vertical modulation of approximately occurs and regular intervals along each roofline at a height of three (3) feet nine (9) inches. These smaller roof line modulation elements also include

enhanced cornice treatment and occur at a more frequent interval than the minimum 60-foot interval as stated in the design standards.

b. Conclusions: The applicant has satisfactorily addressed the criteria for departure requests for the three design standards (horizontal building modulation, modulation of rooflines). Therefore, the following requests for design departures from the requirements of the BMC should be granted.

- BMC 19.47.110 [2.B.i], *Upper Story Step Backs*
- BMC 19.47.110 [2.B.ii], *Horizontal Building Modulation* – minimum depth and width
- BMC 19.47.110 [2.B.iii], *Building Roofline Modulation*

4. Modifications

a. Facts: Zoning Code Section 19.65.105.6 states that the Director may approve a modification to the A.D.R. approval for the proposed development if...

- i. The need for the modification was not known and could not reasonably have been known before the A.D.R. approval was granted; and
- ii. The modification is minor and will not, in any substantial way, change the proposed development; and
- iii. The development that will result from the modification will be consistent with the design standards.

b. Conclusion: Any modification that does not meet the criteria in Section 19.65.105(6) must be decided upon with a new A.D.R. approval.

COMPLIANCE WITH OTHER CITY REQUIREMENTS

F. GENERAL COMPLIANCE

1. Fact: Development is subject to the applicable requirements contained in the Burien Municipal Code, Zoning Code, Building and Fire Code.
2. Conclusion: It is the responsibility of the applicant to ensure compliance with the various provisions contained in these regulations. Attachment 1, Development Standards, is provided as an attachment to this report to familiarize the applicant with some of these current development regulations. This attachment does not include all of the additional regulations and these regulations are subject to change. If a condition of approval conflicts with a development regulation in Attachment 1, the condition of approval shall be followed.

G. ZONING CODE USE ZONE CHART (BMC 19.15.025)

1. **Facts:** The site is zoned Downtown Commercial and BMC 19.15.025 sets forth requirements for development in the zone.

Proposed Use: Mixed Use Development; Section in use zone chart (BMC 19.15.025.2)

Regulation	Requirement	Proposal	Complies?
Lot area	None	70,402 sq. ft. (70,562 KC) (1.62 Acres)	Yes
		9297 - 10,452	
		9014 – 24,470	
		9174 – 17,495	
		9301 – 18,145	
Front setback	Min. 0 Feet	5 feet	Yes
Interior setback	Min. 0 Feet	13.5 ft West 5 ft East	Yes
Building coverage	Max. 85% (59,842 s.f.)	84.92%	Yes
Impervious surface Coverage	Max. 95% (66,882 s.f.)	(see “a” below)	(see “a” below)
Height	Max. 8 Stories	6 stories	Yes (b)
Parking	Based on anticipated demand	275 Structured Parking Stalls 4 on-site surface stalls	See analysis in section I below
Maximum Gross FAR	Base 3.5 : 1 or 246,407 sf	223,102 sq. ft. FAR of 1.18 : 1 (note: per the BMC GFA excludes area devoted to parking)	Yes
Special regulations • Outdoor Storage	Limited	N/A	Yes

a) The plans state that there will be 6.25% of the lot area containing pervious surfaces however sheet A1.10 and sheet LS-01 did not include specific details on coverage calculations. The proposal looks to include a paver system to increase area allowing water to infiltrate into the soil however the amount of pervious surface coverage credit has not been determined.

b) The proposal exceeds the base height as shown in figure 19.15.025-1 however the proposal includes sufficient public benefits (BMC 19.15.025.1) to receive additional building height. This is achieved by the project incorporating 59,795 square feet of under structure parking.

2. Conclusions: With the conditions of approval and based on the application materials and analysis provided, the project complies with the basic requirements of the use zone chart

with the exception of impervious surface coverage. The proposed new mixed-use building and site developments shall include surfaces that will allow the infiltration of water into the ground to meet the impervious surface coverage requirement. Partial credit may be allowed for pervious paving systems or other similar surface treatments. The credit allotted will be determined at the time of building permit application and review.

H. MISCELLANEOUS USE, DEVELOPMENT AND PERFORMANCE STANDARDS

1. Facts:

a. **Play space for preadolescent children** - Pursuant to BMC 19.17.010[1.B], at least 50% of the required common recreation space shall be designed and improved as play space for preadolescent children--environments that are designed to support and suggest activities that are an essential part of a child's learning and development (social, emotional, cognitive, and physical). BMC 19.17.010[2.B.iii] allows the Director to modify this requirement if the target market for the project is not for families with preadolescent children. The applicant has provided marketing information that states the project is not targeting its marketing efforts to persons with children (see Attachment 9).

b. **Common Recreation Space** - Pursuant to BMC 19.17.010 the project must provide common recreation space. In the downtown commercial zone the total amount of required common recreational space shall be based on the unit mix using the following ratios.

-170 square feet per three or more bedrooms unit;	x none	= 0 s.f.
-130 square feet per two bedrooms unit; and	x 113(38)	= 14,690 s.f.
-100 square feet per one bedroom unit; and	x 84(180)	= 8,400 s.f.
- 85 square feet per studio unit;	x 33(10)	= 2,805 s.f.

A total of 25,895 square feet of common recreation space is proposed. At least 10 percent of the required common recreation space shall be provided as indoor space including but not limited to exercise, recreation, meeting and hospitality facilities.

A total of 230 units of various configurations are proposed (see above) which requires 25,895 square feet of total common recreation space. The plans indicate a total 26,471 square feet square feet will be provided with 8,900 square feet located indoors, both amounts comply with the common recreation space standards.

c. **Private Recreation Space** - BMC 19.17.010[2.B.ii] requires 30% of the total number of dwelling units, or 69 units, shall have individual *private* recreation spaces. 132 units are providing private recreational space meeting the minimum dimensional criteria. Pursuant to BMC 19.17.010[2.B.ii.2] a majority of the remaining 98 units shall provide "alternate" spaces as defined in BMC 19.17.010[2.B.ii.2] or 49 units. According to the plans and responses by the applicant 132 units contain private recreation space along with 50 Juliet balconies.

Private recreation space shall be no less than 48 square feet in area with a minimum width or depth of 5 feet. Because the development exceeds a calculated density of greater than 50 dwelling units per acre, the project qualifies to be able to reduce the size of private recreation space to 24 square feet in area with a minimum width or depth of 4 feet.

The plans include a mixture of private recreation space types, and they are as follows.

17	Patios (8x10)
115	Private balconies (4x10)
50	Alternative spaces (patios/balconies less than 4 feet wide) Note: Alternative private recreation spaces are less than 24 square feet in area and/or less than 4 feet in width or depth.
182	TOTAL private spaces provided (or 65% of the units) 44-units short

Based on plan submitted and responses from the applicant the project is providing sufficient private and alternative private recreation space.

2. Conclusion: The project complies with the requirements to provide private recreation space as specified in BMC 19.17.010[2.B].

The applicant has satisfactory stated that the target market is not for families with preadolescent children (see Attachment 9), therefore the Director waives the requirement to provide play space for pre-adolescent children.

I. PARKING (Burien Municipal Code, Chapter 19.20)

1. Facts: Pursuant to BMC 19.20.030.2 the Director shall establish the minimum parking requirement based on a study of anticipated parking demand.

The applicant has provided a parking demand study prepared by a professional engineer with expertise in traffic and parking demand analysis (Attachment 8). The parking demand study evaluated the parking demand for the proposed 230 apartment units. The development proposes to provide 275 spaces located within a two-level parking area. The parking demand study calculated that 207 stalls would be required to meet parking demand based on the Institute of Transportation Engineers Parking Generation 5th Edition document. Additionally, the traffic engineer evaluated the project using King County Metro Transit’s Right Sized Parking Project approach and concluded that using this method 237 parking stalls would be needed to sufficiently supply parking for the residential portion of the project. Based on the King County Metro Transit method the project is providing a surplus of 38 residential stalls.

Evaluation of the parking demand for the 8,000 gross square feet of commercial/office space will occur when tenant improvement permits are submitted for the spaces. This

will ensure the parking demand will align with the proposed use once it has been determined. The project proposes to provide four (4) on-site stalls for the use of the commercial tenants and patrons. The applicant has stated that they intend to participate in the Fee-in-lieu parking program as set forth in BMC 19.20.040(3). The required number of stalls and associated fees should be determined when building permit applications are filed and subsequently reviewed for each new tenant.

2. **Conclusion:** Based on the parking demand study as supplied to the City by a qualified parking professional, sufficient parking for the residential portion of the project is being provided. The director establishes a minimum parking requirement of 237 residential stalls for this project.

When building permits are filed for tenant improvements for each commercial/office space a Fee-in-Lieu parking amount shall be determined and paid prior to issuance of a construction permit.

J. LANDSCAPING

1. **Facts:** Zoning Code Section 19.15.025.1 requires the project to comply with landscape category "E". As set forth in BMC chapter 19.25, tree retention and landscaping, Table 19.25.040-1 states that Category "E" landscaping must comply with 19.25.080(General Requirements), 19.25.100(Irrigation), 19.25.110(Installation), 19.25.170(Maintenance) and 19.25.180(Bonding).

The proposal did not include specific details on how the project would be irrigated however this level of detail can be provided at the time of building permit application.

Sheet LS-01 (see Attachment 16) indicates that the landscaping material size and spacing comply with the minimum standards of BMC 19.25.080.

2. **Conclusion:** The project shall comply with all the applicable landscaping requirements as set forth in BMC 19.25. Attachment 1 lists the some of the specific development regulations listed in section 1 above. The building plans shall comply with all applicable landscaping requirements and the building permit shall be conditioned to comply with BMC 19.25.110, 19.25.170 and BMC 19.25.180.

K. STREET FRONTAGE IMPROVEMENTS

1. **Facts:** All work in the City right-of-way requires a right-of-way construction permit. A licensed professional engineer is required to prepare the plans. The city has prepared a street design manual specifying street design including guidelines on sidewalk width, street tree species selection and placement. At the time of building permit application and right-of-way construction permit is required and shall include details to ensure there is proper connection of the driveways, sidewalks, and streets.

The City Development Review Engineer has prepared a memo containing comments and conditions of approval related to right-of-way and on-site improvements not related to stormwater (see Attachment 8).

2. Conclusion: The applicant shall address or comply with the conditions and corrections stated in the Development Engineer Review memo dated January 8, 2021 (see Attachment 8).

L. ENGINEERING REVIEW COMMENTS, STORM WATER

1. Facts: City of Burien Municipal Code requires that development projects comply with adopted storm water and road standards. Following submittal of the land use review application and other supporting materials, the City Development Review Engineer's provided comments in two memos, one specific to storm water requirements and the other specific to road and development standards (see Attachments 7 and 8).

The Development Review Engineer has identified conditions and/or comments based on the plans and submittal package received in attachment 12.

2. Conclusions: The applicant shall address and/or comply with the conditions and corrections stated in the Development Engineer Review memos (See Attachments 7 and 8).

M. TRANSPORTATION IMPACT FEES

1. Facts: All development activity is subject to a Transportation Impact Fee as set forth in BMC 19.35. The fee will be collected upon the issuance of a construction permit. As presented in the Applicant's submitted analysis (Attachment 8), the proposed redevelopment will result in 230 net new units. The traffic impact fee for the 8,000 square foot commercial/office space will be determined based on the use that is proposed. The fee for the commercial space will be collected at the time of issuance of a building permit.
2. Conclusions: Prior to issuance of a construction permit, the Applicant shall pay a Transportation Impact Fee as set forth in BMC 19.35.090 (as annually amended) related to the construction of the new residential units. The Transportation Impact Fee for the commercial/office space will be determined and paid at the time a permit is issued for the individual spaces.

N. APPEALS AND JUDICIAL REVIEW

The following is a summary of the deadlines and procedures for appeals and judicial review. Any person wishing to file or respond to an appeal should contact the Department of Community Development for further procedural information.

1. Appeals

Parties of record may appeal this decision to the Hearing Examiner (BMC 19.65.065(5)). The Decision of the Director is final and conclusive unless within **14 days** of issuance of the Notice of Decision, which shall be before 5 PM on **January 22, 2021**, a party of record files a written statement of appeal with the City Clerk. The requirements for filing an appeal may be obtained at the Department of Community Development in City Hall. There is a filing fee of \$369 for the submittal of an appeal. For more information please contact the Department of Community Development at 248-5520.

2. Judicial Review

BMC 19.65.065.12 allows the hearing examiner's final decision to be appealed by a party of record with standing to file a land use petition in King County superior court. Such petition must be filed within 21 days after issuance of the decision, as provided in RCW 36.70C.040.

3. Expiration of Approvals

BMC 19.65.105.7 states that unless otherwise specified in the ADR decision, the applicant must submit a complete building permit application to the City (or if no building permit is required, begin the activity approved in the ADR decision) within one (1) year after the final ADR decision, or that decision becomes void. The applicant shall substantially complete construction consistent with the ADR approval and complete all conditions listed in the ADR approval within three (3) years after the final ADR decision, or the decision becomes void. "Final decision" means the final decision of the City on the ADR application, including any appeals.

The applicant may apply to the Director for a one-time extension of up to one year, of each of the time limits under paragraph A of this section. The applicant shall submit a letter demonstrating that substantial progress is being made toward developing the *site* consistent with the ADR decision, and that circumstances beyond his/her control prevent compliance with the applicable time limit under paragraph A of this section.

O. ATTACHMENTS (*- denotes documents are available upon request)

1. Development Requirements
2. Vicinity Map
3. Project Narrative, received November 23, 2020
4. Administrative Design Review Checklist, received December 11, 2020
5. Design Departure request justification, upper story stepback, received December 11, 2020
6. Design Departure request justification, upper horizontal building modulation, received December 30, 2020
7. Applicant response to incomplete application letter, received December 11, 2020
8. Parking Demand Analysis letter prepared by Gibson Traffic Consultants Inc. received December 30, 2020
9. Target Demographic statement, received December 30, 2020
10. Stormwater Review Engineer review memo dated December 14, 2020
11. Development Review Engineer memo, dated January 8, 2021
12. Sewer Availability Certificate, dated November 23, 2020
13. Water Availability Certificate, dated November 23, 2020
14. Hydrant Availability Certificate, received December 11, 2020

- 15. *Technical Information Report, prepared by SCJ Alliance, received November 23, 2020
- 16. *Administrative Design Review Plans received November 23, 2020, December 18, 2020, and December 30, 2020.

P. PARTIES OF RECORD

David Sinnett American Property Management 15 Lake Bellevue Drive, Suite 200 Bellevue, WA 98005	Sean Thorson American Property Management 15 Lake Bellevue Drive, Suite 200 Bellevue, WA 98005
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Dated this 15th day of January 2021.



Susan McLain
Community Development Director