

**CITY OF BURIEN
AGENDA BILL**

Agenda Subject: Motion to Direct Staff to Send Letter to King County Council Regarding Proposed Sale of Puget Sound Park		Meeting Date: April 13, 2009
Department: Parks, Recreation & Cultural Services	Attachments: 1. Public Notice 2. Proposed Ordinance 3. Puget Sound Park	Fund Source: N/A Activity Cost: N/A Amount Budgeted: N/A Unencumbered Budget Authority: N/A
Contact: Michael Lafreniere, Parks, Recreation & Cultural Services		
Telephone: 206-988-3703		
Adopted Work Plan Priority: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Work Plan Item Description: N/A	
<p>PURPOSE/REQUIRED ACTION: The purpose of this agenda item is to provide Council an opportunity to further discuss the sale of Puget Sound Park which has been proposed to the King County Council by the King County Executive.</p> <p>BACKGROUND <i>(Include prior Council action & discussion):</i> The King County Executive and the King County Dept. of Development and Environmental Services (DDES) has invited comment on a proposed ordinance adopting provisions for five sustainable communities and housing demonstration projects (see Attachment 1). The purpose of the proposed ordinance (see Attachment 2) is to provide additional housing with affordable housing and workforce housing integrated into developments containing market rate housing, with the maximization of sustainable development. Goals include the promotion of livable communities, including bike/pedestrian connections to nearby retail and commercial areas, connected street network, mix of housing types and mix.</p> <p>If passed by the King County Council, this proposed ordinance would result in the sale of a public park in Burien's proposed annexation area, Puget Sound Park (see Attachment 3). This popular 5-acre park is located approximately at <u>1st Ave S and 126th St SW</u>, and contains a multi-purpose court, an open play field, parking lot, picnic area, play equipment area and running track.</p> <p>Staff are recommending that the Council discuss the proposed sale of this property and that the City respond to the request for comment by DDES.</p> <p>OPTIONS <i>(Including fiscal impacts):</i> 1. N/A</p>		
Administrative Recommendation: Discuss the sale of Puget Sound Park which has been proposed to the King County Council by the King County Executive.		
Committee Recommendation: N/A		
Advisory Board Recommendation: N/A		
Suggested Motion: Move to direct staff to send letter to King County Council expressing the Council's opposition to the proposed sale of Puget Sound Park.		
Submitted by: Michael Lafreniere	Mike Martin	
Administration _____	City Manager _____	
Today's Date: April 9, 2009	File Code: \\file01\records\lcc\agenda bill 2009\041309pk-3 puget sound park.doc	



King County

**Department of Development
and Environmental Services**
900 Oakesdale Avenue SW
Renton, WA 98055-1219

March 31, 2009

To Interested Parties:

Enclosed for your review is a proposed ordinance and summary relating to the update of the King County land use code. This is a proposed ordinance adopting provisions for five sustainable communities and housing demonstration projects. The purpose is to provide additional housing with affordable housing and workforce housing integrated into developments containing market rate housing, with the maximization of sustainable development. Goals include the promotion of livable communities, including bike/pedestrian connections to nearby retail and commercial areas, connected street network, mix of housing types and mix of uses, as well as design elements to address potential climate impact changes and to ensure attractive, well designed developments that will assist in improving safety and preventing crime in the surrounding area

The enclosed draft represents the proposal of the Department of Development and Environmental Services (DDES) for the purpose of soliciting comments from the general public and all other interested parties. This information is also posted on the Department's Web site at <http://www.metrokc.gov/ddes/legnews/>.

You are invited to review and comment on the enclosed proposed ordinance. Written comments received by **Tuesday, April 28, 2009** will be considered in the Department's transmittal to King County Executive Ron Sims.

Please direct your comments, or any questions regarding developing a project under this ordinance, to Lisa Dinsmore, Program Manager, at (206) 296-7171, or by email at lisa.dinsmore@kingcounty.gov

Summary

Proposed ordinance relating to sustainable communities and affordable housing

This is a proposed ordinance adopting provisions for five sustainable communities and housing demonstration projects.

The purpose is to provide additional housing with affordable housing and workforce housing integrated into developments containing market rate housing, with the maximization of sustainable development.

Goals include the promotion of livable communities, including bike/pedestrian connections to nearby retail and commercial areas, connected street network, mix of housing types and mix of uses, as well as design elements to address potential climate impact changes and to ensure attractive, well designed developments that will assist in improving safety and preventing crime in the surrounding area.

1 ..title

2 AN ORDINANCE relating to five development projects;
3 adopting provisions for approval of five sustainable
4 communities and housing demonstration projects, in
5 accordance with K.C.C. 21A.55.010; and adding a new
6 section to K.C.C. chapter 21A.55.

7 ..body

8 PREAMBLE:

9 The availability of affordable housing is a regional vision as expressed in
10 the Growth Management Act, Vision 2040 multicounty planning policies,
11 the King County countywide planning policies and the King County
12 Comprehensive Plan. Ideally, affordable housing would be located in
13 communities that are safe, healthy, accessible to facilities and services and
14 part of diverse communities.

15 Comprehensive Plan Policy U-108 calls on the county to promote public
16 health by concentrating growth within the Urban Growth Area, allowing
17 mixed-use developments and adding pedestrian linkages. Further,
18 Comprehensive Plan Policy U-132 encourages innovative, quality infill
19 development and redevelopment in existing urban areas. More
20 specifically, this policy directs the county to consider a strategy employing
21 techniques for assembly and resale of sites to providers of affordable
22 housing. With an understanding of the cost of providing parking
23 combined with the decreasing need for parking within urban areas due to

24 increased transit options, Policy U-329 suggests a reduction in parking
25 requirements for affordable housing projects that utilize any of a variety of
26 affordable housing incentive programs, subsidies, tax abatement or credits.
27 Further, in accordance with Policy U-337, King County understands the
28 importance of incorporating the principles of healthy communities and
29 homes, sustainability, and greenhouse gas emissions mitigation in
30 affordable housing developments.

31 The King County Initiative, HealthScape, told us that people who live in
32 more compact urban communities actually drive, on average, twenty-six
33 percent less than people who live in more-sprawling communities.

34 Furthermore, communities that are designed to increase biking and
35 walking also serve as ideal for transit. Communities that have integrated
36 street networks, a mix of uses and residential densities supportive of
37 public transportation can reduce vehicle miles traveled because auto trips
38 are being replaced with more walking, biking and transit.

39 King County wishes to foster affordable housing developments that will
40 demonstrate that fewer than expected parking spaces are required, that a
41 mix of uses will increase opportunities for walking, biking and transit, and
42 that higher densities on infill properties will foster more vibrant urban
43 communities.

44 The Housing Stimulus Plan, as called for in King County Motion 12901,
45 approved by the King County Council on December 15, 2008, identifies
46 increased density bonuses for sustainable development projects, greater

47 development flexibility, and the use of King County surplus properties for
48 housing developments as elements to support and enhance the economic
49 vitality of the housing market.

50 King County is planning to convey certain properties it currently owns
51 under the Sustainable Communities and Housing Pilot Project subject to
52 restrictions that will require any purchaser to develop the properties
53 consistent with the County's goals.

54

55

56 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

57 NEW SECTION. SECTION 1. There is hereby added to K.C.C. chapter 21A.55

58 a new section to read as follows:

59 A. The purpose of the sustainable communities and housing demonstration
60 projects is to provide additional housing with affordable housing and workforce housing
61 integrated into developments containing market rate housing, with the maximization of
62 sustainable development, which includes bike/pedestrian connections, mix of housing
63 types, use of recycleable materials and similar approaches. The demonstration projects
64 will provide information on application of these techniques to urban infill redevelopment
65 projects, and urban single family residential projects, some of which may include mixed
66 use. The demonstration projects will also provide information to assist in the county
67 refinement of regulations such as zoning, subdivision, roads and stormwater regulations.
68 Expected benefits from the demonstration projects include: use of innovative design and
69 development techniques that promote livable communities, reduced impervious surface

70 areas for new site infrastructure; greater use of recycled-content building materials and
71 more efficient use of energy and natural resources; and the opportunity to identify and
72 evaluate potential substantive changes to land use development regulations that support
73 the development of sustainable and affordable housing. The demonstration projects will
74 also evaluate whether consolidated administrative approval of zoning and subdivision
75 related modifications or waivers and any subsequent hearings, if required, effectively
76 speeds the development review process while maintaining land use coordination and
77 environmental protection, and whether that leads to administrative costs savings for
78 project applicants and King County.

79 B. The department of development and environmental services shall implement
80 the sustainable communities and affordable housing demonstration projects in all or a
81 portion of each of the following demonstration project sites: the White Center
82 neighborhood of the White Center Workshop as described in Attachment A to this
83 ordinance; the White Center neighborhood of the Puget Sound Park as described in
84 Attachment B to this ordinance; the Skyway neighborhood of Brooks Village as
85 described in Attachment C to this ordinance; the Federal Way neighborhood of Kit's
86 Corner as described in Attachment D to this ordinance; the unincorporated Urban Area
87 north of Kent known as Meridian North at approximately 122nd Avenue Southeast and
88 Southeast 225th Street as described in Attachment E to this ordinance and if the County
89 includes expanded geographic boundaries for Meridian North in the Sustainable
90 Communities and Housing Pilot Project, the portion of Meridian North described in
91 attachment F to this ordinance.,

92 C. A request by the applicant to modify or waive development standards for the
93 development proposals shall be evaluated by the department of development and
94 environmental services based on the criteria in subsection K. of this section. A request
95 shall first be either approved or denied administratively and may be further reviewed as
96 described in subsection I.3. of this section. Approval or denial of the proposed
97 modification or waiver shall not be construed as applying to any other development
98 application either within the demonstration project area or elsewhere in the county.

99 D. A modification or waiver approved by the department of development and
100 environmental services in accordance with the sustainable communities and housing
101 demonstration projects shall be in addition to those modifications or waivers that are
102 currently allowed by this title. The proposed modifications or waivers to development
103 regulations that may be considered regarding sustainable communities and housing
104 demonstration projects shall include only the following chapters and related public rules:

- 105 1. Drainage review requirements: K.C.C. chapter 9.04 and the Surface Water
106 Design Manual;
- 107 2. King County road standards: K.C.C. chapter 14.42 and the county road
108 standards, 2007 update;
- 109 3. Density and dimensions: K.C.C. chapter 21A.12;
- 110 4. Design requirements: K.C.C. chapter 21A.14;
- 111 5. Landscaping and water use: K.C.C. chapter 21A.16;
- 112 6. Parking and circulation: K.C.C. chapter 21A.18;
- 113 7. Signs: K.C.C. chapter 21A.20;

114 8. Critical areas: K.C.C. chapter 21A.24, if the modification results in a net
115 improvement to the functions of the critical area; and

116 9. Landscape installation timing: K.C.C. chapters 27A.30 and 27A.40.

117 E. A demonstration project authorized by this section may contain residential and
118 limited nonresidential uses subject to the following:

119 1. The demonstration project may include any residential uses as allowed as a
120 permitted use in the R12 - 48 zones, subject to any development conditions in K.C.C.
121 21A.08.030, without the need to request a modification or waiver as described in
122 subsection H. of this section. The applicant may request a modification or waiver of any
123 of the development conditions for residential uses contained in K.C.C. 21A.08.030,
124 subject to the review process described in subsection H. of this section and the criteria
125 described in subsection J. of this section;

126 2. The demonstration project may include, as part of a residential project, any
127 nonresidential use allowed as a permitted use in the NB zone under K.C.C. 21A.08.030,
128 21A.08.040, 21A.08.050, 21A.08.060 and 21A.08.070, subject to any development
129 conditions contained in those sections without the need to request a modification or
130 waiver as described in subsection H. of this section, except the following uses are not
131 allowed: K.C.C.21A.08.030 – Community Residential Facility I, Community Residential
132 Facility II; K.C.C. 21A.08.050 – automotive repair and automotive service; K.C. C.
133 21A.08.060 – commuter parking lot, private stormwater management facility, vector
134 waste receiving facility, self-service storage, automotive parking, off-street required
135 parking lot commercial/industrial accessory uses; and K.C.C. 21A.08.070 – gasoline
136 service stations. The nonresidential uses shall be no greater than three thousand square

137 feet per use, with a total maximum of all non-residential uses not to exceed ten percent of
138 the area of the demonstration project site or twenty thousand square feet, whichever is
139 smaller. The applicant may request a modification or waiver of the development
140 conditions for non-residential uses in K.C.C. 21A.08.030, 21A.08.040, 21A.08.050,
141 21A.08.060 and 21A.08.070, subject to the review process described in subsection H. of
142 this section and the criteria described criteria in subsection J. of this section.

143 F. A demonstration project authorized by this section allows a residential basics
144 program for townhouse and apartment building types, consistent with the department of
145 development and environmental services public rules chapter 16-04: residential basics
146 program.

147 G.1. If an applicant provides fifty percent or more of all residential units
148 proposed for a demonstration site affordable to households at eighty percent of average
149 median income as defined by Housing and Urban Development Income Guidelines for
150 King County and below, all related review processes, such as subdivision, building
151 permit, inspection and similar processes, shall be expedited; or

152 2. If an applicant provides seventy percent or more of all residential units for a
153 demonstration project site affordable to households at eighty to one hundred fifteen
154 percent of average median income as defined by Housing and Urban Development
155 Income Guidelines for King County, all related review processes will be expedited.

156 H.1. Requests for a modification or waiver made in accordance with this section
157 may only be submitted in writing in relation to the following types of applications:

- 158 a. a site development permit;
- 159 b. a binding site plan;

- 160 c. a building permit;
- 161 d. a short subdivision; or
- 162 e. a subdivision.

163 2. Requests shall be submitted to the department in writing before or in
164 conjunction with an application for one or more of the permits listed in subsection H.1. of
165 this section, together with any supporting documentation. The supporting documentation
166 must illustrate how the proposed modification meets the criteria of subsection J. of this
167 section.

168 3. Except for an applicant's request for a modification or waiver submitted in
169 conjunction with an application for a subdivision, the notice of application, review and
170 approval of a proposed modification or waiver shall be treated as a Type 2 land use
171 decision in accordance with K.C.C. 20.20.020. The request for a modification or waiver
172 submitted in conjunction with an application for a subdivision shall be treated as a Type 3
173 land use decision in accordance with K.C.C. 20.20.020.

174 4. A preapplication meeting with the applicant and the department of
175 development and environmental services to determine the need for and the likely scope of
176 a proposed modification or waiver is required before submittal of such a request. If the
177 department of natural resources and parks or the department of transportation will review
178 a proposed modification or waiver, that department shall be invited to participate in the
179 preapplication meeting.

180 5. If the applicant requests an adjustment from the county drainage standards,
181 the director of the department of development and environmental services shall refer the
182 request to the department of natural resources and parks for decision under K.C.C.

183 chapter 9.04, with the right to appeal within the department of natural resources and parks
184 as provided in K.C.C. 9.04.050.C.6. The purposes of this demonstration ordinance are
185 intended as a factor to be considered relative to the public interest requirement for
186 drainage adjustments described in K.C.C.9.04.050.C.

187 6. If the applicant requests a variance from the county road standards, the
188 director shall refer the request to the county road engineer for decision under K.C.C.
189 14.42.060, with the right to appeal within the department of transportation as provided in
190 K.C.C. 14.42.060 and the associated public rule. The purposes of this demonstration
191 ordinance are intended as a factor to be considered relative to the public interest
192 requirement for road variances described in K.C.C. 14.42.060.

193 7. Administrative appeals of modifications or waivers approved by the director
194 shall be combined with any appeal of the underlying permit decision, if the underlying
195 permit is subject to appeal.

196 I. An approved development proposal for any of the applications listed in
197 subsection H.1. of this section, including site plan elements or conditions of approval
198 may be amended or modified at the request of the applicant or the applicant's successor in
199 interest designated by the applicant in writing. The director may administratively
200 approve minor modifications to an approved development proposal. Modifications that
201 result in major changes as determined by the department or as defined by the approval
202 conditions shall be treated as a new application for purposes of vesting and shall be
203 reviewed as applicable to the underlying application pursuant to K.C.C. 20.20.020. Any
204 increase in the total number of dwelling units above the maximum number set forth in the
205 development proposal permit or approval shall be deemed a major modification. The

206 county, through the applicable development proposal permit or approval conditions, may
207 specify additional criteria for determining whether proposed modifications are major or
208 minor. The modifications allowed under this section supersede other modification or
209 revision provisions of K.C.C. Title 16, Title 19A and this title.

210 J.1. To be eligible to utilize the provisions of this section, a demonstration project
211 must be located on a demonstration project site identified in subsection B. of this
212 ordinance, and development of the demonstration project site under this provisions of this
213 ordinance shall be conditioned on the County having conveyed the site under the King
214 County Sustainable Communities and Housing Pilot Project.

215 2. Proposals to modify or waive development regulations for a development
216 application must be consistent with general health, safety and public welfare standards,
217 and must not violate state or federal law.

218 3.a. Applications must demonstrate how the proposed project, when considered
219 as a whole with the proposed modifications or waivers to the code, will meet all of the
220 criteria listed in this subsection, as compared to development without the modification or
221 waiver, and:

- 222 (1) achieves higher quality urban development;
- 223 (2) provides quality infill development;
- 224 (3) optimizes site utilization; and
- 225 (4) enhances pedestrian experiences and sense of place and community.

226 b. Any individual request for a modification or waiver must meet two or more
227 of the following criteria:

228 (1) contributes to the creation of a livable community, which includes
229 features such as a connected street network, a mix of housing types, pedestrian/bike
230 routes throughout the development, direct bus connections, no front garages, front
231 porches and similar attributes;

232 (2) uses the natural site characteristics to protect the natural systems;

233 (3)(a) contributes to achievement of a three-star rating for the project site
234 under the Built Green Green Communities program administered by the Master Builders
235 Association of King and Snohomish Counties;

236 (b) contributes to achievement of a four-star or higher rating for the single
237 family units under the Built Green program administered by the Master Builders
238 Association of King and Snohomish Counties or achieve a gold certification under the
239 U.S. Green Building Council, LEED program or equivalent program: or

240 (c) contributes to achievement of a four-star or higher rating for the
241 multifamily units under the Built Green program administered by the Master Builders
242 Association of King and Snohomish Counties or achieve a gold certification under the
243 U.S. Green Building Council, LEED program or other equivalent program; and

244 (4) provides attractive, well-designed development that will assist in
245 improving safety and preventing crime in the development and surrounding area.

246 4. The criteria of subsection H. of this section supersede other variance,
247 modification or waiver criteria and provisions of K.C.C. Title 21A.

248 K. Regulatory modification and waiver applications, or both, authorized by this
249 section shall be filed with the department of development and environmental services
250 within three years of the approval of the development proposal, which includes issuance

251 of a building permit or site development permit, recording of a plat, short plat or binding
252 site plan,, or by such a later date as may be specified in the conditions of any
253 development approval for any type of modification or waiver for which the opportunity
254 for future application is expressly granted in those conditions. Modifications or waivers
255 contained within an approved development proposal are valid as long as the underlying
256 permit or development application approval is valid. Modifications or waivers that are
257 approved as separate applications must be incorporated into a valid permit or
258 development application that must be filed within three years of approval of the
259 development proposal. The director may extend the date for filing the demonstration
260 project permit and development applications for a maximum of twelve months. Any
261 deadline in this subsection shall be adjusted to include the time for appeal of all or any
262 portion of the project approval.

263 L.1. By December 31, 2013, the director shall prepare and file eleven copies with
264 the clerk of the council, for distribution to all councilmembers, of a report on the pilot
265 programs that:

266 a. describes and evaluates the pertinent preliminary results from the
267 demonstration projects; and

268 b. recommends changes, based on the evaluation, that should be made to the
269 county processes and ordinances. The executive shall then transmit any proposed
270 ordinances to the council within six months of the report.

271 2. If only insufficient or inconclusive data are available when the report required
272 under subsection L.1. of this section is due, the director of the department of development
273 and environmental services shall prepare and file eleven copies with the clerk of the

274 council, for distribution to all councilmembers, of a report on the pilot program that
275 indicates the date a subsequent report or reports will be transmitted to fully evaluate
276 outcomes of the demonstration projects.

277 Attachments: A. White Center Workshop project

278 B. Puget Sound Park project

279 C. Brooks Village project

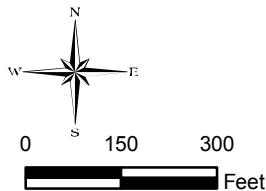
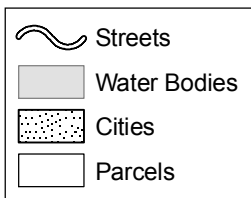
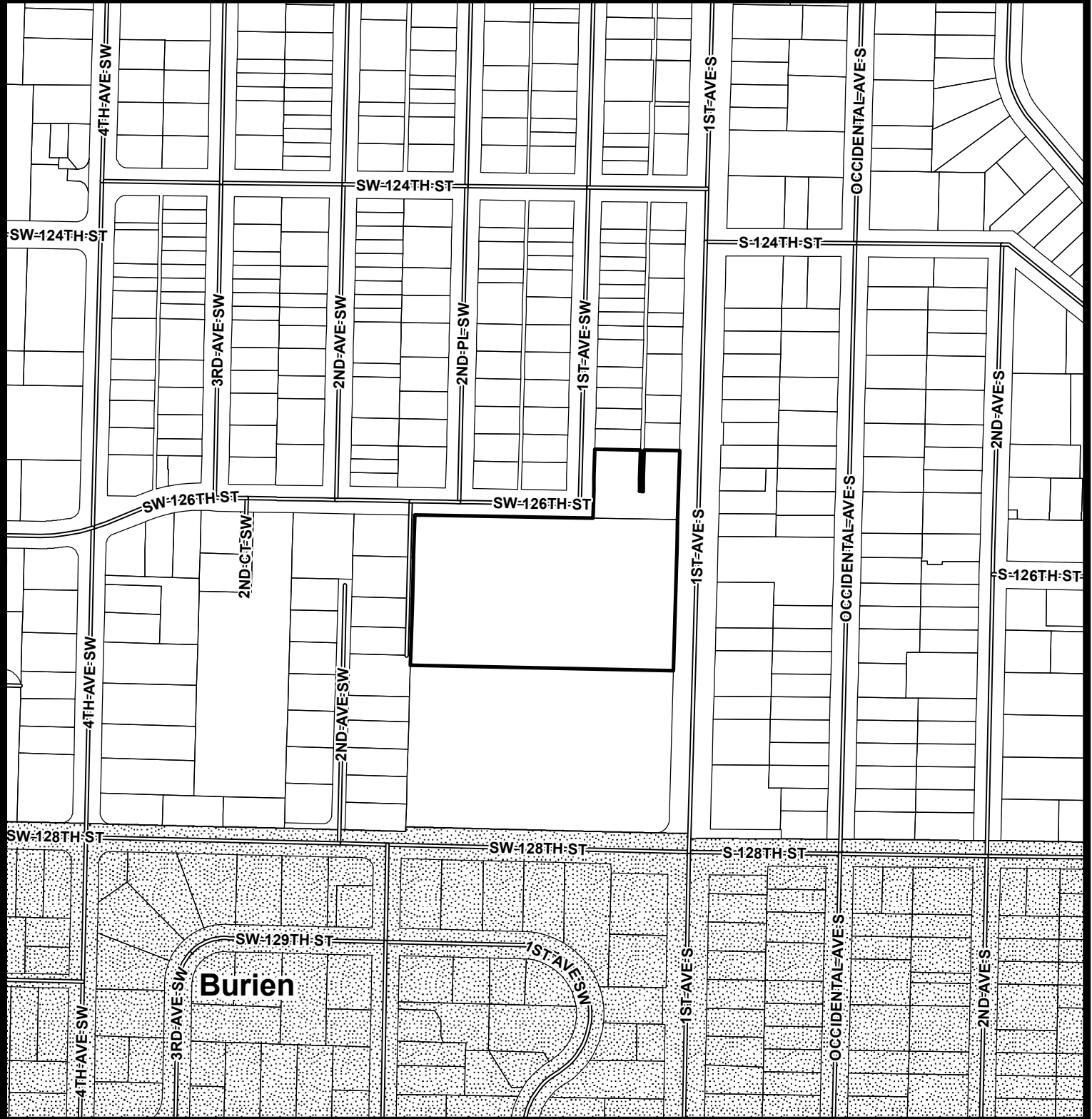
280 D. Kit's Corner project

281 E. Meridian North project

282

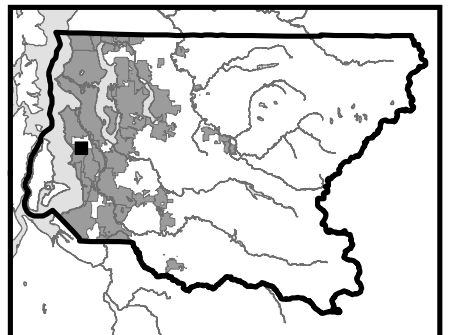
283

Puget Sound Park



King County
Department of Development
and Environmental Services

The information included on this map has been compiled by King County staff from a variety of sources and is subject to change without notice. King County makes no representations or warranties, express or implied, as to accuracy, completeness, timeliness, or rights to the use of such information. King County shall not be liable for any general, special, indirect, incidental, or consequential damages including, but not limited to, lost revenues or lost profits resulting from the use or misuse of the information contained on this map. Any sale of this map or information on this map is prohibited except by written permission of King County.



DATE: WEDNESDAY, MARCH 11, 2009 5:17:08 PM
M:\PAUL\ARCMAPS\20090311_LD_PUGETSOUNDPARK.MXD
M:\MAPS\20093\MCCOMBSP_20090311_LD_PUGETSOUNDPARK.PDF
MCCOMBSP