

# Staff Report: Policy and Code Options for Middle Housing in Burien

June 2023

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## Introduction

The purpose of this document is to provide:

- Analysis of changes needed to support middle housing, including policies, regulations, fees, permitting processes and assistance programs; and
- Code amendments for interim middle housing adoption.

This document is based on an evaluation of historic inequities in residential zoning, the potential for displacement, and mitigation as presented to the Burien 2044 Advisory Committee:

- [Racially Disparate Impacts \(RDI\) Full Draft Report](#)
- [Racially Disparate Impacts Fact Sheet](#)

The evaluation includes policy recommendations to remove barriers to housing including middle housing.

## Policy Recommendations

This RDI evaluation noted above reviewed the Housing, Land Use, and Community Character elements of the Comprehensive Plan in relation to the following questions:

- Does this policy contribute to racially disparate impacts or exclusion in housing?
- Is the policy effective in accommodating more housing?
- Does the policy increase displacement risk?
- Does the policy provide protection to communities of interest from displacement?
- Does the policy language include vague terms that could be used to marginalize communities of color?

The results highlighted some overall adjustments that could increase inclusion and reduce disparate impacts, such as:

- Strengthening policy language to protect naturally occurring affordable housing. This type of housing is found throughout Burien, and particularly long-standing apartments along corridors well as with numerous multiplexes (fourplex in particular).
- Promoting single family areas as locations where affordable and varied housing choices are a focus, e.g., middle housing. This includes allowing townhouses (e.g., fee simple or otherwise), multiplexes (duplex, triplex, fourplex), and small apartments to meet HB 1220 provisions to address moderate density housing. This also means continuing to allow and refine accessory dwelling unit requirements. Additionally, HB 1110 and HB 1337 support and alter requirements for middle housing and ADUS.

- Consolidating some residential designations for flexibility in underlying zoning, densities, and housing styles. Consolidating some commercial and mixed use designations and adjusting restrictions on housing as part of mixed use only.
- Amending vague language around design and character. Without clarity this could impede allowing new forms of housing and create barriers in permitting. Clear standards for quality and healthy homes are important.
- Referencing newer housing targets by income band and special needs. This is now proposed in Countywide Planning Policies and differs from the shares expected in the HAP.

This paper focuses on implementing strategies for Middle Housing in particular as well as a land use and zoning approach that addresses residential, commercial, and mixed use zone consolidations. It also includes draft Housing Element policies following from the RDI evaluation.

## Middle Housing Concepts for Burien

Middle Housing refers to buildings that are compatible in scale, form, and character with single-family houses and contain two or more attached, stacked, or clustered homes including duplexes, triplexes, fourplexes, fiveplexes, sixplexes, townhouses, stacked flats, courtyard apartments, and cottage housing. See examples allowed today (accessory dwelling units) and those under consideration in single-family zones.

### Exhibit 1. Middle Housing



Source: *Makers*, 2023.

The Land Use Element includes a Comprehensive Plan Map<sup>1</sup>, and illustrates the planned intensities and major nodes including Downtown, Ambaum Boulevard, First Avenue, Des Moines Memorial Drive, and the Northeast Redevelopment Area (industrial).

Burien implements the Comprehensive Plan with a Zoning Map, similar in its level of detail to the Future Land Use Map, and similar number of districts that implement the plan. RS-7200 and RS-12000, single family districts, are the most prevalent. See Exhibit 2 and Exhibit 3.

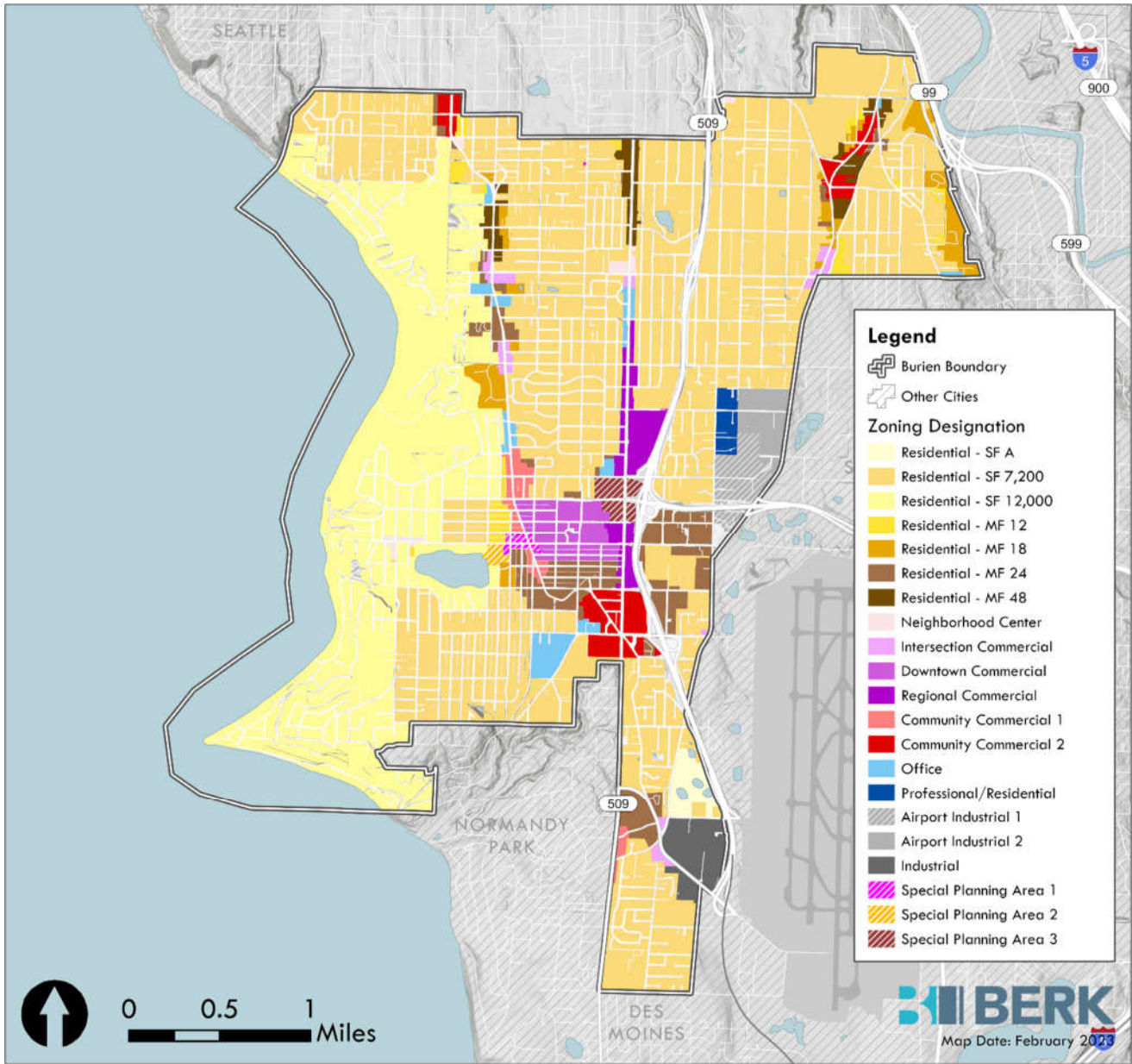
## Exhibit 2. Zoning Districts & Acres

Zone	Acres
AI-1	61
AI-2	56
CC-1	34
CC-2	98
CI	31
CN	16
CR	73
DC	75
I	74
O	62
PR	25
RM-12	50
RM-18	112
RM-24	211
RM-48	62
RS-12000	1,342
RS-7200	2,723
RS-A	42
SF 9600	1
SPA-1	8
SPA-2	10
SPA-3	26
<b>Total</b>	<b>5,191</b>

Source: City of Burien, 2020, BERK 2023.

<sup>1</sup> Published separately, here: [https://cdnsm5-hosted.civiclive.com/UserFiles/Servers/Server\\_11045935/Image/maps/CPLU\\_Address%2036x41\\_03122020\\_v2.pdf](https://cdnsm5-hosted.civiclive.com/UserFiles/Servers/Server_11045935/Image/maps/CPLU_Address%2036x41_03122020_v2.pdf).

### Exhibit 3. Burien Zoning Map



Source: City of Burien, 2020. [Show City logo only]

Land use alternatives have been developed using the designations described in Exhibit 4 that include two options for an approach to middle housing:

- **Neighborhood Centers Alternative:** The future land use pattern would focus mixed uses and multifamily in neighborhood centers with primary nodes in Downtown and along transit corridors including Ambaum Boulevard, First Avenue, and Boulevard Park. Middle housing would be addressed in Residential Low with the widest range of middle housing in proximity to Neighborhood Centers or corridors, and a moderate range of middle housing the balance of single-family residential areas.
- **Greater Downtown Alternative:** The land use pattern would emphasize investment in the Urban Center and beyond along First Avenue. Future Land Use Map designations show primarily Residential Low, which allows a wide range of middle housing types. The Northeast Redevelopment Area would be expanded westward for mixed use and northwards with light industrial job opportunities.

**Exhibit 4. Alternatives Future Land Use Description**

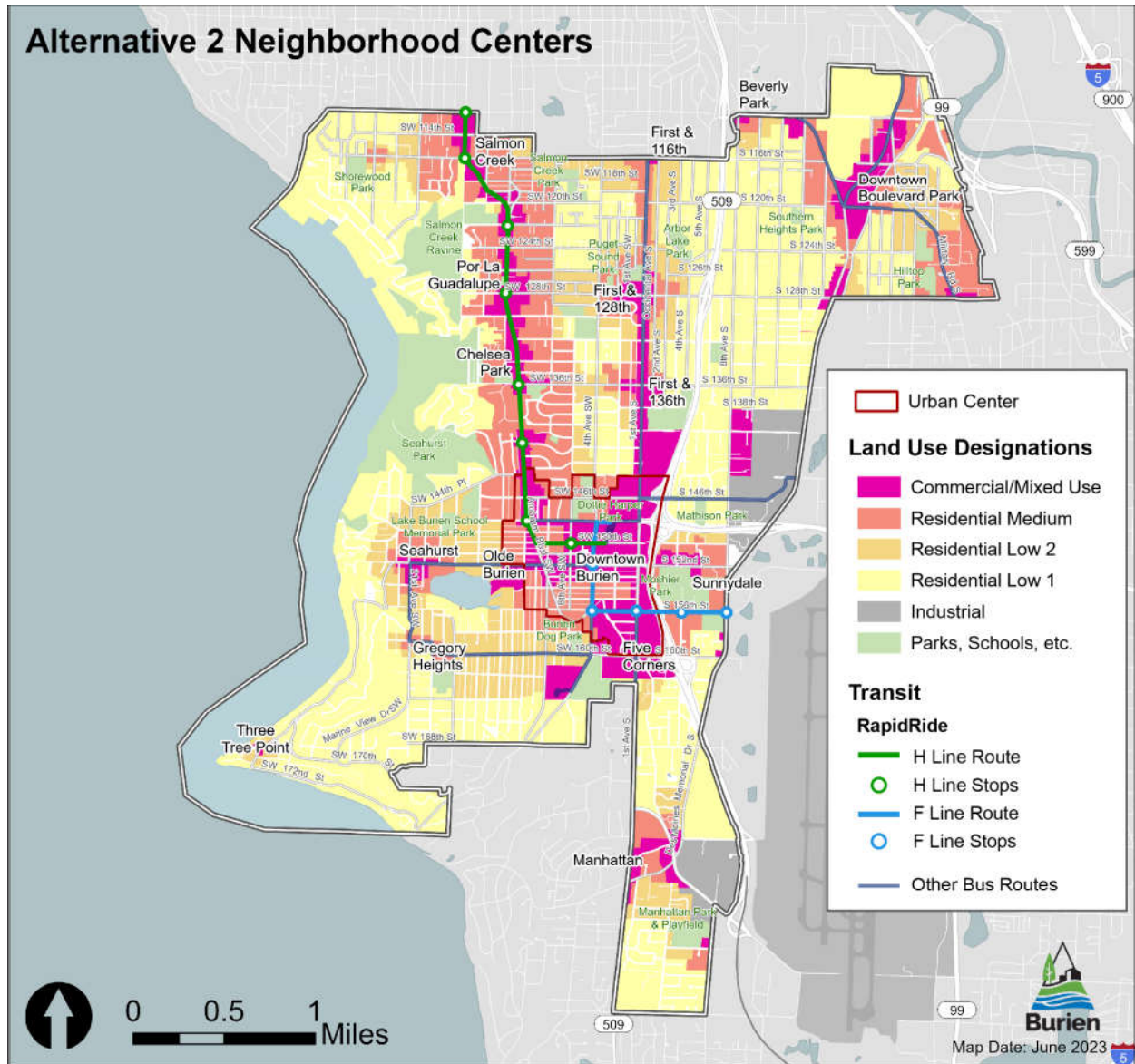
<b>Future Land Use Category</b>	<b>Description</b>
Downtown Urban Center	Burien's most intense mix of commercial and residential development with a focus on jobs, transit orientation, Burien's civic center, arts and culture, and entertainment. Buildings may be a mix of low, mid, and high rise development.
Commercial/Mixed Use	A mix of commercial, mixed-use, and residential buildings, ranging from single-story to midrise development that provides services, jobs, and housing to Burien's residents and are located near transit and/or amenities.
Residential Medium	Primarily multi-story residential buildings, including low-rise and midrise apartments/condominiums, townhouses, and other building types located near transit and/or amenities. Some buildings include small commercial ground floor uses.
Residential Low 2	Primarily moderate-scale middle housing types, including a mix of townhouses, multiplexes, courtyard apartments, and detached houses.
Residential Low 1	Primarily detached houses with some duplexes, cottage clusters, and other low-scale middle housing types.
Residential Low	Includes detached houses and criteria for siting in any location: duplexes, cottage clusters, townhouses, multiplexes, courtyard apartments.
Industrial	Primarily employment-oriented land uses like warehouses, workshops, manufacturing facilities, processing and distribution, business park and flex-tech, small office or flexible buildings, and auto sales.
Parks & schools	Parks, schools, community centers, trails, open spaces, and other public and quasi-public facilities and properties.

Source: *Makers*, 2023.

Maps illustrating two alternatives that vary Residential Low designations where Middle Housing would be emphasized are included in Exhibit 5 and Exhibit 6.

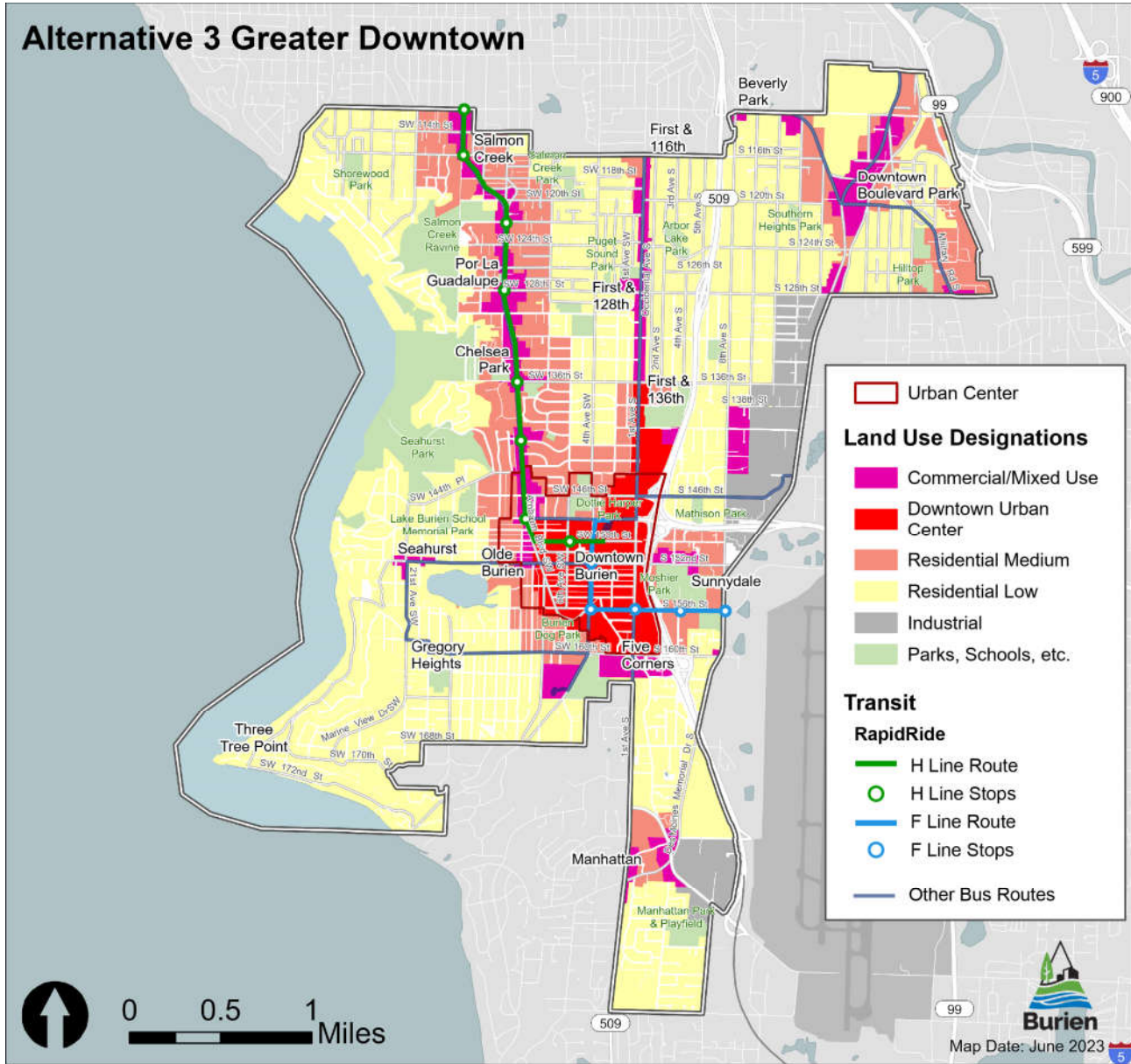


**Exhibit 5. Neighborhood Centers**



Source: Makers, BERK, 2023

**Exhibit 6. Alternative 3 Greater Downtown**



Source: Makers, BERK, 2023

## New Zones

A range of zones would be created from R-1 to R-5 per Attachment B. This work benefits from Ambaum Boulevard Park Community Plan and zoning efforts.

As part of Burien’s efforts to integrate new middle housing options, staff has created a new “Residential 4” zone to apply to single family-zoned areas within close proximity to frequent and reliable transit service. The Residential 4 (R4) zone would allow unlimited density of all middle housing types, subject to certain development standards and objective design standards.

Staff and consultants have been working with an advisory group for the Ambaum and Boulevard Park

subareas to identify goals and objectives for the neighborhoods and for proposed zoning. In the spring of 2023, staff introduced information about the R4 zone to the Burien Planning Commission at two meetings. Following are materials from those meetings, including draft code, draft design standards, and analysis to support the draft zoning amendments.

#### **May 24 Burien Planning Commission Meeting**

[Staff Memo-ABP Zoning](#)

[Attachment A-Zoning Draft May 2023 Attachment B-Design Standards Draft May 2023](#)

#### **June 14 Burien Planning Commission Meeting**

[Attachment 1-Design Standards](#)

[Attachment 2-Draft Proposed Zoning Map](#)

[Attachment 3-Draft Zone Summary](#)

[Staff Memo-ABP Zoning](#)

## Expanded Middle Housing and Code Changes

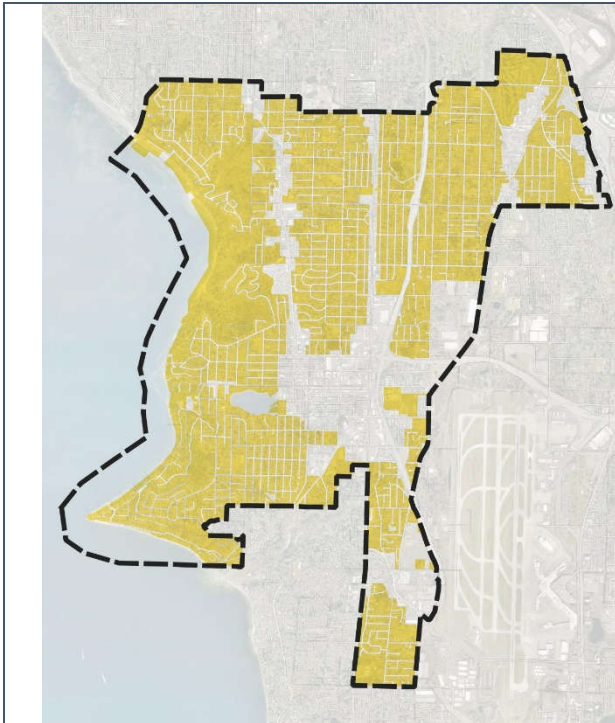
About 78% of the city's zoned acres are in Residential Single Family zoning. In 2019, the City allowed two accessory dwelling units (ADUs) per lot in Residential Single Family (RSF) residential zones.

Apart from ADUs, Middle Housing types are only allowed in multifamily zones, representing about 8% of zoned land.

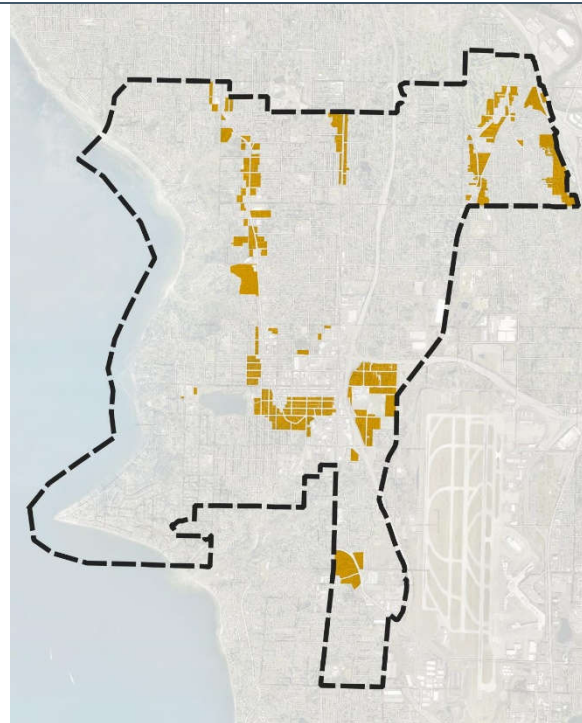


## Exhibit 7. Current Middle Housing Zoning Allowances

Areas in Burien where new detached single-family homes and ADUs are allowed:



Areas in Burien where new middle housing is currently allowed:



Source: City of Burien, 2020, Makers 2023

With Comprehensive Plan Future Land Use Map and implementing zoning amendments there would be 87% of land available to Middle Housing, rather than 87% for ADUs alone and 8% for all other Middle Housing Types.

Details of the recommendations are as follows:

- Attachment A provides a Middle Housing Code Evaluation.
- Attachment B provides a Middle Housing Code Approach, Text, and Information sheets/draft Fact Sheet.
- Attachment C provides considerations for addressing stormwater quality and alley access.
- Attachment D provides draft Housing Element policies that implement the RDI recommendations.

# Attachment A. Code Evaluation

Barrier	Is this barrier likely to affect production? (yes or no)	Why or why not? Provide evidence.	Actions needed to address barriers.
Development Regulations			
Unclear development regulations	No	Code is clear in unit types allowed.	See second row for other limitations.
Prohibiting some moderate density housing types, such as: <ul style="list-style-type: none"> <li>▪ Duplexes</li> <li>▪ Triplexes</li> <li>▪ Four/five/six-plexes</li> <li>▪ Townhomes</li> <li>▪ Cottage housing</li> <li>▪ Live-work units</li> <li>▪ Stacked flats</li> <li>▪ Manufactured home parks</li> </ul>	Yes	Single-family zones (78%) limit the listed housing forms. Only multifamily zones (8%) allow these.	Add allowances for middle housing types in residential single family zones. Evaluate land use concepts and zoning framework (R-1 to R-5) as shown in Attachment B in EIS and Periodic Update.
High minimum lot sizes	Partially	To allow middle housing types, lot size should be reconsidered. The RDI analysis showed a wide variation in small and large lots in the RS 7200 and RS 12000 zones.	See approach in Burien Residential Zones Update, Attachment B.
Low maximum densities	Partially	Densities do not reflect application of Middle Housing.	See approach in Burien Residential Zones Update, Attachment B.
Low maximum building heights	No	Building heights in current zones appear workable.	See approach in Burien Residential Zones Update, Attachment B.
Large setback requirements	Modest	Minor adjustments in yards could support Middle Housing.	See approach in Burien Residential Zones Update, Attachment B.
Large off-street parking requirements	Yes	Parking standards could create a barrier in design and use.	See approach in Burien Residential Zones Update, Attachment B.

Barrier	Is this barrier likely to affect production? (yes or no)	Why or why not? Provide evidence.	Actions needed to address barriers.
Lack of alignment between building and development codes	Under review	Developers have anecdotally noted some barriers based on Economic Development Element interviews.	Approach is pending the completion of the interviews.
Other (for example: complex design standards, tree retention regulations, historic preservation requirements)	Yes	<ul style="list-style-type: none"> <li>▪ Work with Public Works to allow primary alley access for low-scale housing types</li> <li>▪ Create a unit-lot subdivision process to simplify lot splitting (required by SB 5258).</li> <li>▪ Allow ADUs and multiplex units to be sold as condominiums.</li> <li>▪ Update tree code requirements that are based on building coverage, which this approach would phase out</li> </ul>	See Attachment C regarding alley access. Other code amendments pending.
Process Obstacles			
Conditional use permit process	See Row2	See Row 2	See Row 2
Design review	No	Administrative	
Lack of clear and accessible information about process and fees	Partial	ADUs are addressed. Other Middle Housing is not allowed beyond multifamily zones and the City has not prepared material to date.	See Attachment B for information materials.
Permit fees, impact fees and utility connection fees	Yes	<p>Impact fees for transportation are based on new dwelling units.</p> <p>Boulevard Park area septic and cost for sewer.</p> <p>In Economic Development strategy interviews, delays caused by utilities, particularly Seattle City Light (SCL), are a common</p>	<p>Address HB 1337 and transportation impact fee for ADUs at no more than 50% of primary unit fee.</p> <p>Consider recommendations for utilities in the Ambaum Corridor and Boulevard Park Community Plan.</p>

Barrier	Is this barrier likely to affect production? (yes or no)	Why or why not? Provide evidence.	Actions needed to address barriers.
		issue for developers. Developers suggest that the city could help expedite utility processes.	See Ambaum Boulevard Park Final EIS (April 2023) regarding utility coordination. If needed, develop additional utility coordination strategies with Draft Plan and EIS.
SEPA process	No	SEPA exemption levels allow up to 20 units, likely to cover Middle Housing that has 5-20 units.	City could consider more flexibility if desired through an infill exemption with the Comprehensive Plan EIS per RCW 43.21c.229.
Limited Land Availability and Environmental Constraints			
Limited Land Availability	Yes	Limitations with proper zoning allowances.	See Row 2.
Environmental constraints	Partial	<p>There are critical areas (landslides, some wetlands) but City has critical area regulations that can address impacts and mitigation for any development type.</p> <p>Noise regulations affect all of Burien. The City may want to consider criteria for the range of Middle Housing in areas most affected.</p>	EIS will include evaluation of natural environment and noise and air quality for all sensitive uses and best practices may evolve where appropriate.



# Attachment B. Middle Housing Code Approach and Zoning Text

# Attachment C. Additional Code Update Topics

- Stormwater
- Alleys

# Stormwater Review

The project team desires to clarify the application of the City's stormwater manual to Middle Housing as part of future information materials or the EIS evaluation. Below are some general considerations on how drainage review applies based on unit type, impervious or pervious surfaces, and land disturbance.

- SFR = Single Family Residential
  - PGIS = Pollutant Generating Impervious Surfaces
  - PGPS = Pollutant Generating Pervious Surfaces
  - CR = Core Requirements
  - sq ft = square feet
1. Determination of Type of Drainage Review (refer to Figure 1.1.2.A and Table 1.1.2.A in the manual, shared roughly below)
    - a. SFR >2000 sq ft of new PLUS replace impervious OR
    - b. >7000 sq ft land disturbing, but resulting less than 5000 new+ replaced PGIS, less than  $\frac{3}{4}$  acres PGIS AND one of the other listed criteria
  2. CR#8 Water Quality
    - a.  $\geq 5000$  sq ft of new + replaced of PGIS? AND
    - b. Greater than  $\frac{3}{4}$  acre of PGPS
    - c. There is also a "Parcel Redevelopment Cost Exemption" that should be considered (page 1-69 in the manual)
  3. CR#9 Flow Control
    - a. >than 2000 sq ft of new + replaced?
    - b. <7000 sq ft of land disturbing activity

There are other exemptions in the code depending on the site that should be evaluated for future information materials.

## Alley Access Example

- Seattle: See Slides on following pages
- Small City Example, City of Sumner:
  - Design Guidelines: Duplex, Townhomes, and Mixed Use Development Use Alley Access where Available: <https://sumnerwa.gov/wp-content/uploads/2019/01/Design-Guidelines.pdf>.
  - Standards and Specifications: <https://sumnerwa.gov/wp-content/uploads/2019/11/Final-Development-Specs-Standard-Details.pdf>.



# Attachment D: Policy Changes