



AGENDA

Planning Commission

Wednesday, April 22, 2026 at 5:30 p.m.

Join virtually via Zoom: <https://bit.ly/2UdTRmV>

Join at Burien City Hall: 400 SW 152nd St (1st Floor), Burien, WA

View-only options: Channel 21 or Livestream at <https://bit.ly/3LD9yxa>

Staff Liaison: Chaney Skadsen, Senior Planner & Michele Barrera, Administrative Operations Specialist | Email planningcommission@burienwa.gov

Community members may join Planning Commission Meetings virtually via Zoom or in-person at City Hall. Additionally, community members may participate remotely by viewing live Planning Commission Meeting proceedings on Channel 21 or by streaming online. The virtual meeting access link, physical meeting location address, and view-only options are provided in the header of this Agenda.

1. CALL TO ORDER

2. ROLL CALL

Commissioner Jessica Ivey
Commissioner Joshua Halpin
Commissioner Hayden Campbell
Commissioner Jimmy Matta, Jr.
Commissioner Sam Ostrander
Commissioner Alexander Hyman
Commissioner Michael Levkowitz

3. AGENDA CONFIRMATION

4. APPROVAL OF MINUTES

- a) **Minutes of the April 8, 2026 Planning Commission Meeting**
[20260408 Draft PC Minutes](#)

5 - 6

5. PUBLIC COMMENT

Because the Planning Commission values public input, there are a number of ways for members of the public to provide comments. The rules below are in accordance with the Planning Commission Guidelines and are in place to allow for meetings to run as smoothly as possible, and for the Commission to have enough time to address all the topics that staff bring forward.

According to Planning Commission bylaws, each speaker is allowed to speak for two (2) minutes during the Public Comment portion of the meeting. Staff will use a timer to limit public comments to these time limits.

Members of the public may provide public comment on matters that are not part of a public hearing in three ways:

1. In-person Comment.
2. Written Comment. You may send an email with your comments to planningcommission@burienwa.gov. A public comment that is received one week in advance of the commission meeting will be published with the agenda packet. A comment that is received within one week of the meeting by 3:00 p.m. on the day of the meeting will be forwarded to the Planning Commission. All public comments will be acknowledged in Planning Commission meeting minutes.
3. Online (Zoom) Comment. [Join via Zoom](#) and use the "Raise Your Hand" feature during the public comment portion of the agenda. Please email staff in advance at planningcommission@burienwa.gov if you require assistance in using this feature.

6. BUSINESS AGENDA

- a) North of NERA Rezoning Study Session - Chaney Skadsen, Senior Planner 7 - 23
[20260422 Staff Report North of NERA V2 \(Updated 4.17.26\)](#)
[1. March 20, 2026, Mailer No. 2](#)
[2. March 31, 2026, Local Business Focus Group Facilitation Guide](#)
[3. April 11, 2026, Community Conversations Event posters](#)
- b) Conversions of Existing Building Briefing - Natasha Kolostyak, Assistant Planner 25 - 40
[1. HB 1757](#)
[2. 20260422 Staff Report](#)
[3. 20260422 Ordinance 895 Draft Code](#)

7. NEW BUSINESS

8. PLANNING COMMISSION COMMUNICATIONS

9. DIRECTOR'S REPORT

10. FUTURE AGENDA ITEMS

- a) May 13, 2026
- Traffic Impact Fee Code Update
 - TDR/ LCLIP

b) **May 27, 2026**

- **2026 Annual Comprehensive Plan Amendment Study Session**
- **Conversions of Existing Buildings Public Hearing**
- **Title 17 Subdivision Overhaul Study Session #3**

11. ADJOURNMENT

City of Burien

THE BURIEN PLANNING COMMISSION

April 8, 2026, Regular Meeting

5:30 p.m.

Meeting held in-person and via Zoom Webinar

MINUTES

To hear the Planning Commission's full discussion of a specific topic, or the complete meeting, watch the video-stream available at <https://cloud.castus.tv/vod/burien>.

NOTE: This meeting was held in-person, virtually using Zoom Webinar software, and live streamed online and on Burien TV Channel 21. Members of the public were able to speak in-person at the meeting, submit their comments in writing, or attend the webinar and speak when called upon.

CALL TO ORDER

The meeting of the Burien Planning Commission was called to order by Jessica Ivey at 5:30 p.m.

ROLL CALL

Present: Michael Levkowitz, Alex Hyman, Jessica Ivey, Sam Ostrander, Hayden Campbell, Joshua Halpin, Jimmy Matta Jr.

Absent: None

Administrative staff present:

1. Liz Stead, Community Development Director
2. Chaney Skadsen, Senior Planner
3. Michele Barrera, Administrative Operations Specialist

AGENDA CONFIRMATION

The agenda was confirmed unanimously.

APPROVAL OF MINUTES

The minutes of the March 25, 2026, meeting were approved by unanimous consent.

PUBLIC COMMENT

In-Person Comment:

None

Written Comment:

A written comment response from Senior Planner, Chaney Skadsen, was shared in the agenda packet.

BUSINESS AGENDA

1. Parliamentary Procedure Training – Tisha Geiser, Jurassic Parliament
2. Election of Interim Chair

Nominations for Interim Chair were opened. Commissioner Matta Jr. nominated Commissioner Ivey. Commissioner Halpin seconded. Commissioner Ivey spoke to the nomination. Following a call for further nominations and hearing none, Commissioner Ivey was elected to the position of Interim Chair by acclamation.

Nominations for Interim Vice Chair were opened. Commissioner Matta Jr. nominated Commissioner Campbell. Commissioner Halpin seconded. Commissioner Campbell spoke to the nomination. Following a call for further nominations and hearing none, Chair Ivey declared Commissioner Campbell elected to the position of Interim Vice Chair by acclamation.

NEW BUSINESS

PLANNING COMMISSION COMMUNICATIONS

Commissioner Ivey shared that she attended the North of NERA Open House last week in Boulevard Park.

DIRECTOR'S REPORT

Liz Stead provided an overview of the 2026 Planning Division workplan.

FUTURE AGENDA ITEMS

ADJOURNMENT

The meeting was adjourned by unanimous consent at 7:08 p.m.

APPROVED: _____

Recorded by: Michele Barrera



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MEMORANDUM

To: Burien Planning Commission
From: Chaney Skadsen, Senior Planner
CC: Liz Stead, Community Development Director
Date: April 22, 2026
Subject: North of NERA Rezone Briefing

INTRODUCTION

Since the February 11, 2026, Planning Commission meeting where the *Case Study Report* and *Draft Existing Conditions and Zoning Limitations Report* were presented, staff has been focused on two main objectives:

1. Spread awareness and engage with residents, business owners, property owners, community organization and the community at large about the North of NERA Rezone project; and
2. Conduct an Airport Land Use Compatibility Analysis of the existing land use in the North of NERA project area.

TYPE OF ACTION

Informational Discussion Action Public Hearing

Goal: The goal of the meeting is to provide a status update to the Planning Commission on the North of NERA Rezone project process including preliminary community engagement results and land use compatibility findings to set a framework for developing a zoning proposal.

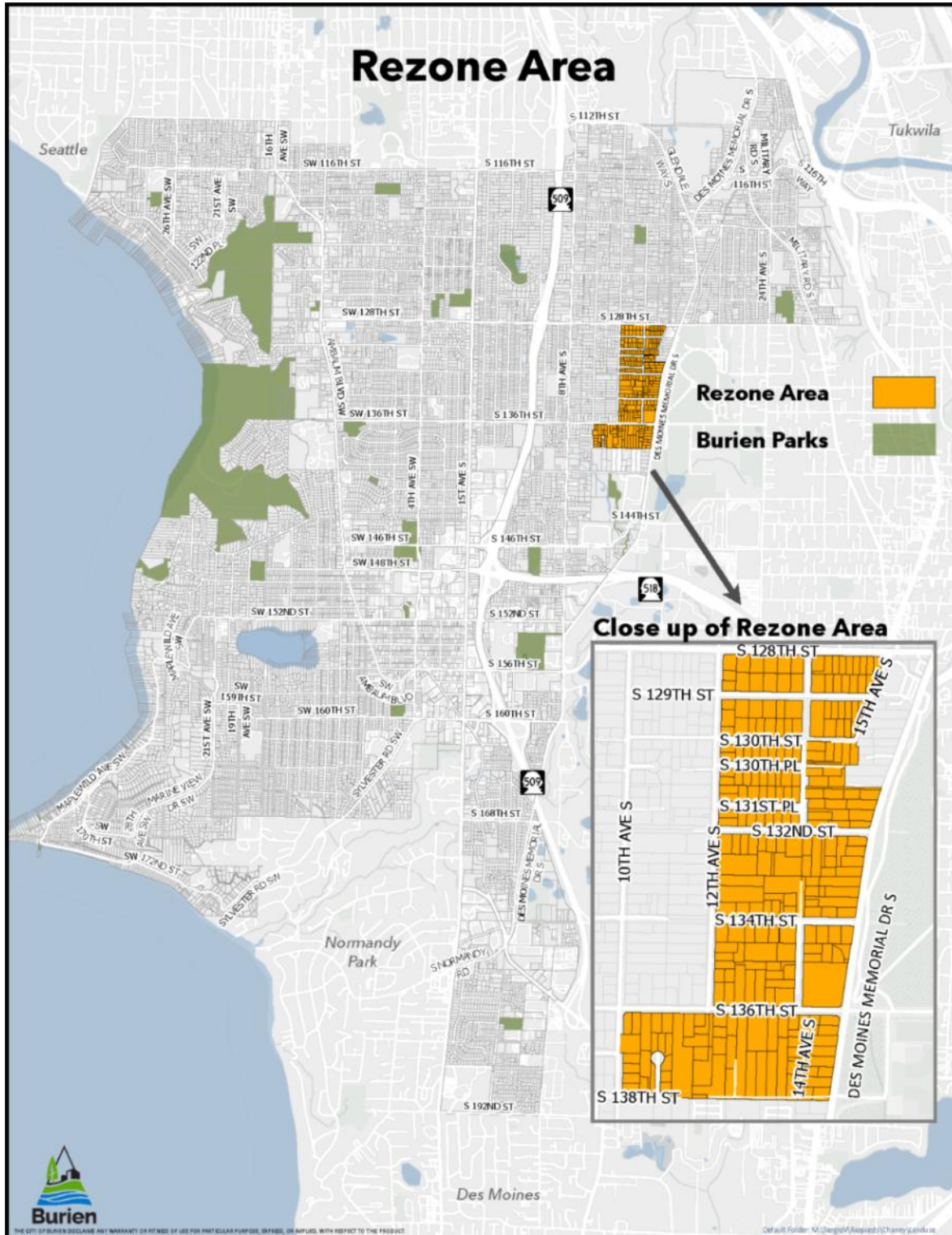
BACKGROUND

In 2024, the City of Burien adopted the Periodic Update to the [Comprehensive Plan](#), which is a 20-year vision for housing and job growth. A core objective with this update, is to adequately meet projected housing and job growth targets set forth in the King County Countywide Planning Policies. Burien was allocated 7,500 net new housing units and 4,770 net new jobs.

To meet the City’s job growth targets, additional economic development strategies and zoned capacity for jobs were needed and the North of NERA project area as reflected in Exhibit 1 was identified. The project area is bordered by Des Moines Memorial Drive to the east, South 138th Street to the south, and South 128th Street to the North. The western boundary of the area is 12th Ave South between South

128th Street and South 136th Street, and 10th Avenue South between South 136th Street and South 138th Street.

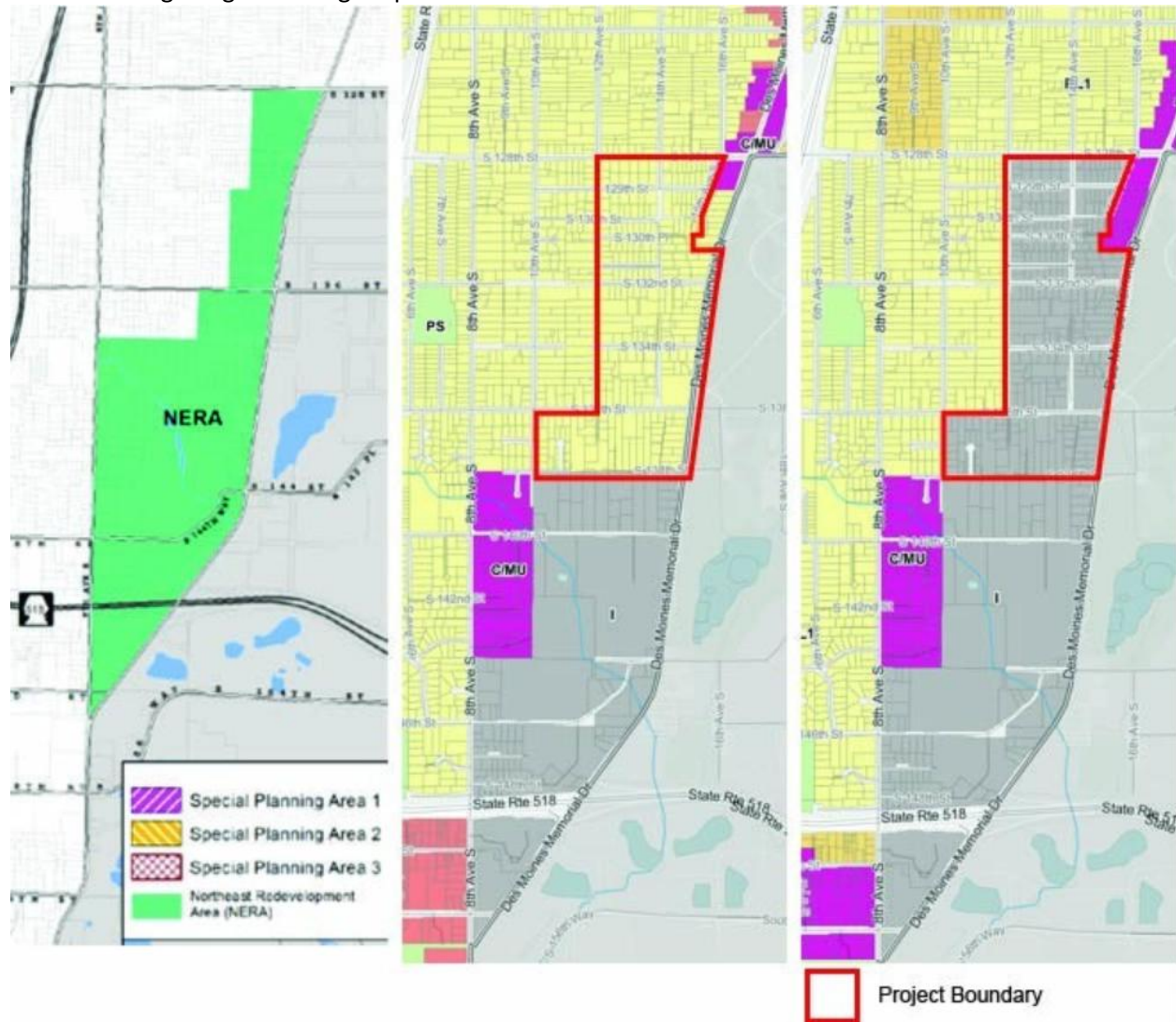
Exhibit 1: North of NERA Rezone Area



The project area is based on previous land use analyses from 1997 and the Redevelopment Plan and Implementation Strategy completed in 2010 for the Northeast Redevelopment Area (NERA) as well as the anticipated impacts from the Seattle-Tacoma Airport expansion.

The original study included portions of the project boundary (see Prior Comprehensive Plan NERA Special District Map in Exhibit 2). However, to meet the City’s job targets, the boundary was slightly expanded to accommodate more job growth.

Exhibit 2: Long Range Planning Maps over time



Prior Comprehensive Plan NERA Special District

Prior Comprehensive Plan (No Action)

Comprehensive Plan Update 2024 (adopted)

Through the adoption of the Comprehensive Plan in 2024, the land use designation on the Comprehensive Plan Land Use Map changed from yellow (residential) to grey (industrial) and a new vision for the area transitioned from increased residential density to a future employment-oriented uses. The land use designation in addition to applicable goals and policies from the Comprehensive Plan

establish a framework and provide direction for implementing new zoning consistent with the designation. A sample of related goals and policies are provided in Exhibit 3.

Exhibit 3: Comprehensive Plan Guiding Policies

Chapter	Policy
2. Land Use	2.1-6 Expand Burien’s economic base by attracting the types of economic activities that best meet the needs and desires of the community, while considering compatibility between uses.
	2.8-5 Make best use of air and noise impacted land that is unhealthy for humans, especially in the Sea-Tac Airport flight path and near highways, by allowing employment uses where people can work in controlled environments or land uses that are not harmed by air and noise pollution.
	2.8-6 Promote light industrial makers spaces and supporting services in the industrial areas along Des Moines Memorial Drive facing North SeaTac Park.
	2.8-7 Monitor work-from-home and home-based business trends and allow and encourage jobs in neighborhoods when compatible with residential uses.
	2.10-4 Consider the appropriateness and compatibility of land uses and human activity. Facilitate a complementary mix of uses between industrial uses and residential and recreational use. Avoid conflicts between land uses through land use designations and separation, or mitigation measures such as vegetation buffer.
	2.11-3 Discourage the introduction of new land uses into areas where existing noise levels and air pollution are incompatible with such land uses.
3. Transportation	3.2-7 Work with the Port of Seattle and Sea-Tac Airport to plan for compatible uses near Sea-Tac Airport and to optimize the region’s aviation system in a manner that minimizes health, air quality, and noise.
	3.2-8 Review existing and planned uses near Seattle-Tacoma International Airport through development actions and review regulations periodically to continue to discourage incompatible uses near the airport.
	3.2-9 Insure that uses surrounding the Seattle-Tacoma Internation Airport are compatible with the operations of the Airport as development occurs.
7. Community Health and Wellbeing	7.7-15 Ensure new industrial or commercial development is designed for compatibility with abutting residential neighborhoods. Mitigate potential impacts to surrounding neighborhoods using thoughtful multimodal planning, landscaping, greenspace, and other urban design elements.

With the project area redesignated, the City’s Official Zoning Map needs to be amended to correct the existing zoning of Single Family Residential (RS 7,200) to a zone that implements the Industrial land use designation. Currently, there are three existing zones that implement this land use designation Industrial (I), Airport Industrial 1 (AI-1), and Airport Industrial 2 (AI-2), see [19.15.025 Industrial Zone](#) and [19.15.035 Airport Industrial Zones](#) for allowed uses and applicable development regulations. The existing zoning designations were found to allow levels of intensity that are incompatible with the established neighborhood pattern, necessitating the development of new zoning classification(s).

The new zoning classification(s) will be informed by community input and existing conditions, including development patterns, environmentally critical areas, air and noise impacts, and airport land use compatibility.

AIRPORT LAND USE COMPATIBILITY

The Seattle-Tacoma Airport is a major international airport with expanding operations planned over the next ten years. Ensuring compatible land use surrounding airports is a critical planning consideration and a requirement under state law. Pursuant to the Revised Code of Washington (RCW) [36.70.547](#) *General aviation airports—Siting of incompatible uses*, cities like Burien are required to discourage the siting of incompatible uses near airports through the comprehensive plan and development regulations.

WSDOT developed an [Airport and Compatible Land-Use Program Guidebook](#) to assist airports, local jurisdictions, elected officials, and aviation advocates in meeting planning requirements outlined in state law. The guidebook identifies “airport influence zones” that reflect varying levels of exposure to aircraft operations, including noise, safety risk, and overflight activity. These zones are used to evaluate whether existing land uses are compatible with airport operations. The North of NERA Project Area includes portions of Airport Zones 2, 4, and 6 as reflected in Exhibit 4.

A parcel-level compatibility analysis was conducted to assess existing land uses to identify existing land use conflicts. The guidebook will also be used as a source for recommendations and best practices of compatible land uses to inform proposed zoning for the project area.

Airport Zone 2 – Inner Approach/Departure Zone

Zone 2 reflected in orange extends along the runway centerline beyond the Runway Protection Zone (RPZ) and represents one of the highest-risk areas for aircraft operations. Aircraft are at low altitude during approach and at full power during initial climb, resulting in high exposure to noise, overflight, and safety risk. This zone has some of the most restrictive compatibility standards. Residential uses and uses that concentrate people are generally considered incompatible. Preferred uses include open space, industrial, and low-occupancy commercial uses.

Zone 2 comprises approximately 19.6% of parcels within the project area. Of these, 87% were identified as incompatible, primarily due to the prevalence of single-detached residential uses. Compatible uses are limited and include home occupations, easements, tracts, and rights-of-way.

Airport Zone 4 – Outer Approach/Departure Zone

Zone 4 reflected in green lies further from the runway but remains within active flight paths along the extended runway centerline. Aircraft continue to operate at relatively low altitudes, and noise and overflight impacts remain significant. Residential uses are generally considered incompatible, particularly low-density residential. Preferred uses include commercial and employment-oriented development, with limitations on high-density or high-occupancy uses.

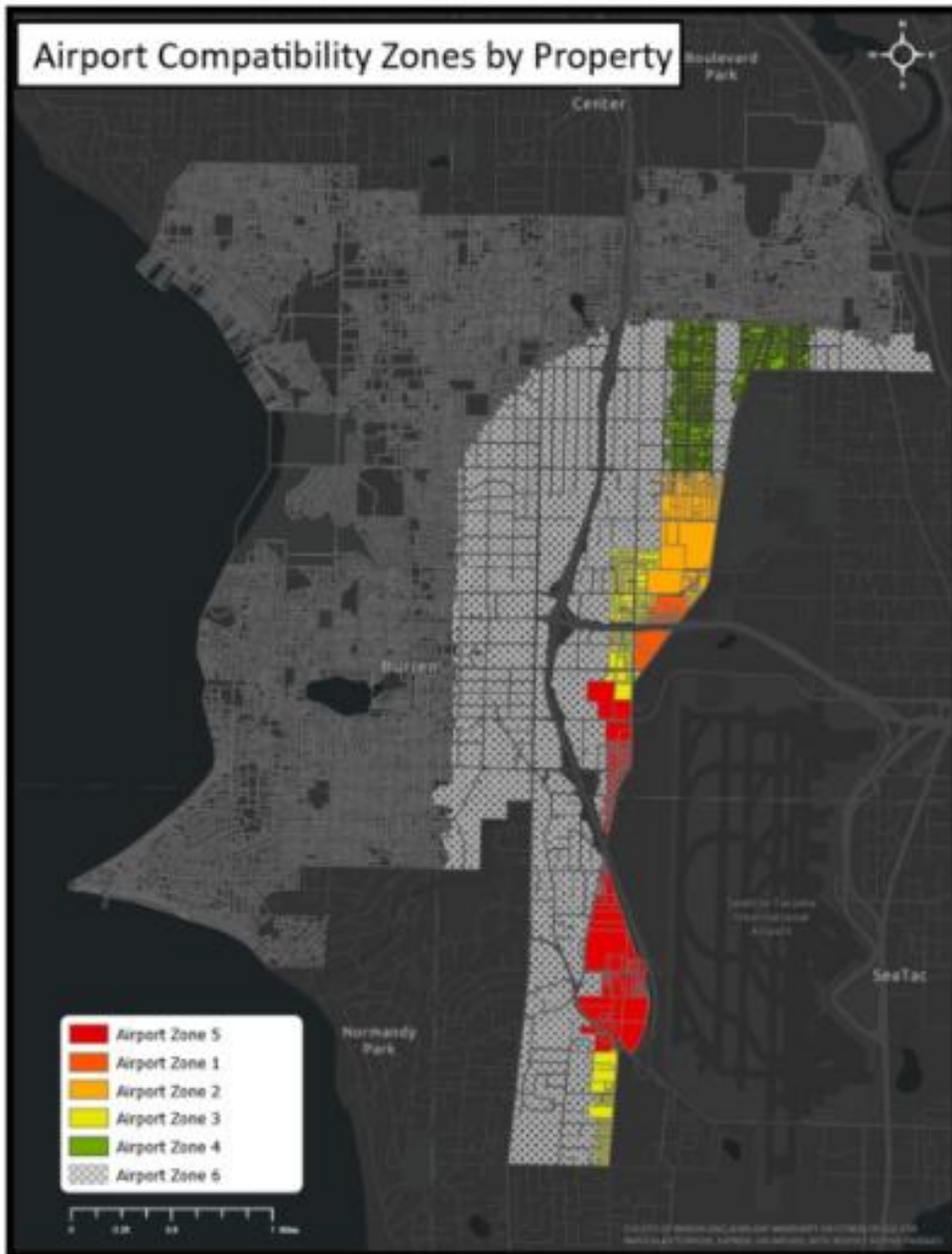
Zone 4 comprises approximately 46.7% of parcels within the project area. Of these, 93% were identified as incompatible, largely due to existing single-detached residential development and a licensed family daycare use. Compatible uses include home occupations, easements, tracts, and rights-of-way.

Airport Zone 6 – Traffic Pattern Zone

Zone 6 reflected in grey encompasses the broader airport environment where aircraft operate at higher altitudes relative to Zones 2 and 4. While overflight and noise impacts are still present, safety risks are comparatively lower.

Zone 6 comprises approximately 33.7% of parcels within the project area. Existing land uses, including single-detached residential and licensed home occupations, are generally considered compatible within this zone at their current density, though increasing the concentration of single-family residential is not recommended.

Exhibit 4: Airport Compatibility Zones



The analysis demonstrates that compatibility is highly dependent on proximity to airport operations. Zones 2 and 4 show a high concentration of incompatible residential uses, while Zone 6 exhibits a greater degree of compatibility. Across all zones, commercial uses are consistently identified as compatible, reinforcing the appropriateness of employment-oriented zoning within the North of NERA project area consistent with the comprehensive plan land use designation.

COMMUNITY ENGAGEMENT UPDATE

An important priority of this project is that the zoning proposal developed is informed by the community and residents of the area. The city has invested in providing notification and opportunities for engagement including but not limited to the following in recent weeks:

- March 17, 2026 - Presented to the Burien Airport Committee.
- March 20, 2026 - Sent the second mailer (enclosed) to all residents and property owners within the project area informing of the upcoming community engagement events and QR code for an [anonymous survey](#). The mailer and survey are available in English, Vietnamese, Spanish and Amharic. As of April 15th, the anonymous survey has received 54 responses.
- March 27, 2026 - Presented at the Burien Economic Development Partnership (BEDP).
- March 31, 2026 - Hosted a Local Business Focus Group event at the Boulevard Park Library with licensed home occupation business operators in the project area (facilitation guide enclosed).
- April 11, 2026 - Hosted a Community Conversations Event at the Boulevard Park Library on with engagement activities (enclosed).
- April 14, 2026, - Attended Townhall event at Boulevard Park Library hosted by the City Mayor and two Planning Commissioners.
- April 22, 2026 - Planned Open House scheduled before Planning Commission meeting

In addition to the in-person events and physical mailers project updates have been communicated through emails blasts, social media, direct phone calls to licensed business owners, and [project webpage](#) updates including a [Frequently Asked Questions](#) blog post.

Community feedback received to date reflects several consistent themes related to neighborhood compatibility, economic opportunity, and quality of life. A primary concern expressed by participants is the potential for physical displacement and inequitable outcomes for existing, particularly lower-income, residents. This concern is closely tied to uncertainty about changes in property values and the overall character and aesthetic of the neighborhood.

There is strong opposition to intensive industrial uses, including large warehouses, heavy industrial activities (smokestacks), and certain commercial uses perceived as incompatible with the neighborhood, such as pawn shops, payday lenders, gun stores, smoke shops, and marijuana-related businesses. Concerns about emerging uses such as data centers, particularly related to their environmental impacts have been echoed at recent in-person events and through survey responses.

Many have expressed concerns about impacts from new development, including noise, light, odors, traffic, and on-street parking. Maintaining a quiet, low-traffic neighborhood character was a recurring priority. In addition, concerns have been raised about whether existing infrastructure such as sewer or septic systems and stormwater capacity can adequately support additional employment uses.

At the same time, there is clear support for small-scale, locally oriented business opportunities that are compatible with the neighborhood context. and promote walkability. There is interest in encouraging uses that serve those that frequent the North SeaTac Park and provide opportunities for community gathering, including markets, entertainment, and recreational activities.

Businesses that combine on-site creation with either on-site sales or off-site services were viewed favorably, such as commissary kitchens or light food production, artisan manufacturing, plant nurseries, personal services such as nail salons or barber shops, and art-related activities. In contrast, uses such as dog daycare, car detailing, and small engine repair were among the least supported within this category.

The themes identified through community feedback so far have highlight the need to carefully balance economic opportunity with neighborhood compatibility. In response, staff has developed a proposal framework to guide the next phase of work. This framework is intended to translate community priorities, existing conditions, policy direction, and land use compatibility into a structured approach for developing zoning options.

PROPOSAL FRAMEWORK

The purpose of this framework is to guide development of an initial zoning proposal and identify key questions that will be addressed in the drafting regulations.

1. Policy Alignment: Align the zoning proposal with Comprehensive Plan goals and incorporate best practices, tools and lessons from case studies.
 - a. What is the future for residential uses in the project area? Retain existing homes but limit expansions or new ones, or allow some forms of new housing that are a fit with the businesses
2. Transition from Home Occupations to Small Businesses: Use existing home occupation regulations and permitted business as an opportunity to expand small-scale standalone businesses while maintaining compatibility with residential areas.
 - a. What level of business operations are appropriate in this neighborhood?
3. Community Input and Job Capacity: Incorporate community feedback and concerns regarding new allowed uses such as small-scale onsite sale uses while ensuring sufficient zoning capacity to support future job growth.
 - a. What impacts are most important to be mitigated through development regulations?
 - b. What concerns should most directly shape the zoning proposal?
4. Airport Compatibility and Zoning Structure: Use airport compatibility guidance to inform the intensity and typology of allowed uses.
 - a. Should airport compatibility considerations result in more than one set of zoning standards within the project area?

ATTACHED

1. March 20, 2026, Mailer No. 2
2. March 31, 2026, Local Business Focus Group Facilitation Guide
3. April 11, 2026, Community Conversations Event Posters

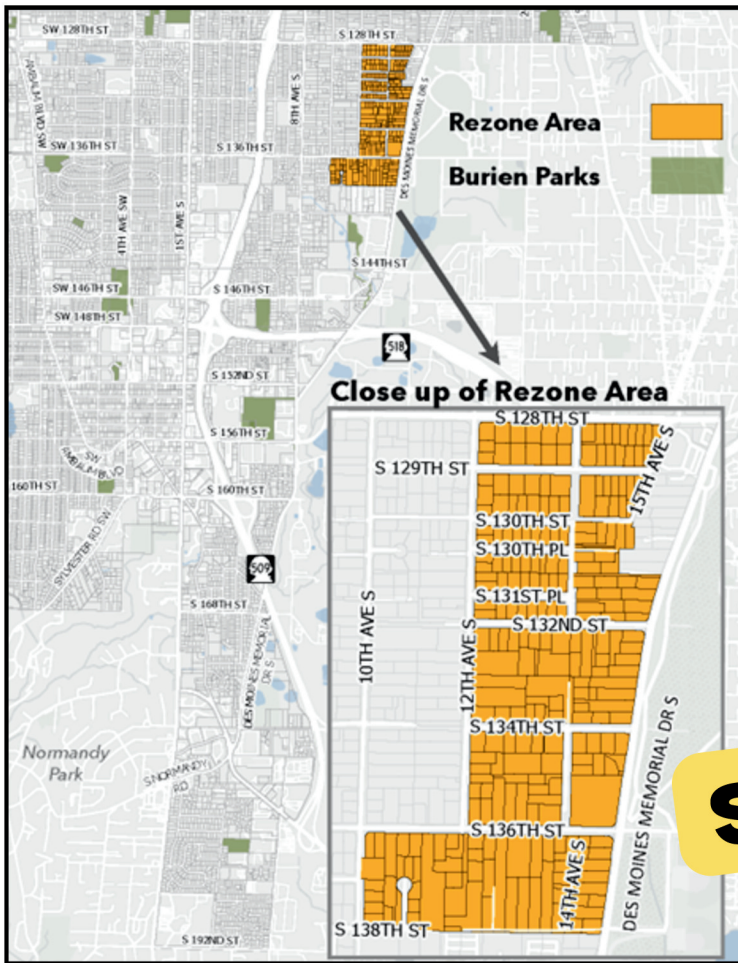


Local Jobs, Entrepreneurship, and Innovation for Burien's Future

Burien North of NERA Zoning Code and Map Amendments

The City of Burien is exploring new zoning for the area north of the Northeast Redevelopment Area (NERA) to support local jobs and small businesses.

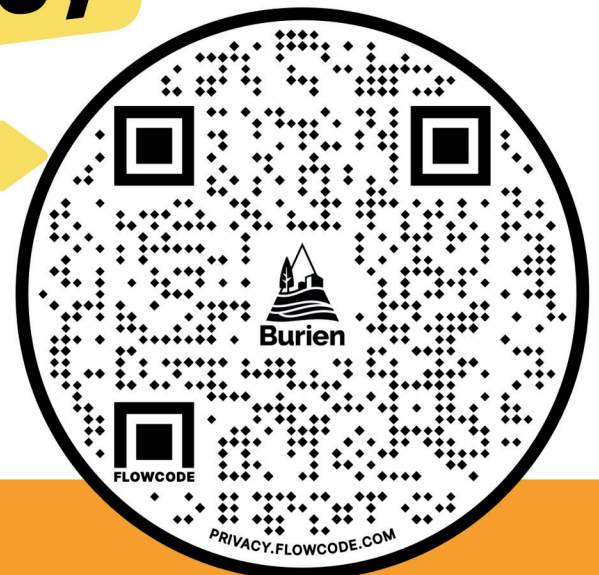
- This project explores small-scale business and employment uses.
- Existing homes can remain, and property owners are not required to make changes.
- *Large warehouses and heavy industrial uses are not being proposed.*



HOW CAN I GET INVOLVED?

- We want to hear from you! Take the 10-minute survey: burienwa.gov/nnz
- Email us! Share questions and comments: chaneys@burienwa.gov
- Learn more at a Community Open House on April 22 at 3:30 p.m. on the first floor of Burien City Hall (400 SW 152nd St) followed by a presentation to the Burien Planning Commission at 5:30 p.m.
- Learn more at a Community Open House on April 11 from 1-3 p.m. at Boulevard Park Library.
- Visit our website! Learn more and find participation opportunities:

Survey



burienwa.gov/nnz

Puestos de trabajo locales, emprendimiento e innovación para el futuro de Burien

Enmiendas al código de zonificación y mapa al norte del NERA

La ciudad de Burien está explorando nuevas normas de zonificación para el sector al norte del Área de Reurbanización Noreste (Northeast Redevelopment Area, NERA) para apoyar los empleos locales y las pequeñas empresas.

- Este proyecto explora usos para pequeñas empresas y empleo local.
- Las viviendas existentes pueden permanecer, y los propietarios no están obligados a hacer cambios.
- **No se están proponiendo grandes almacenes ni usos a nivel industrial.**

¿Cómo puedo participar?

- Queremos saber su opinión: Responda la encuesta de 10 minutos en burienwa.gov/nnz.
- Envíenos un correo electrónico. Envíe preguntas y comentarios a: chaneys@burienwa.gov
- Obtenga más información en la Jornada de Puertas Abiertas Comunitaria el 22 de abril a las 3:30 p. m. en el primer piso del Burien City Hall (400 SW 152nd St), seguida de una presentación ante la Burien Planning Commission a las 5:30 p. m.
- Obtenga más información en la Jornada de Puertas Abiertas Comunitaria el 11 de abril, de 1:00 a 3:00 p. m., en la Biblioteca Boulevard Park.
- Visite nuestro sitio web. Obtenga más información y encuentre oportunidades de participación en: burienwa.gov/nnz

Việc làm, tinh thần khởi nghiệp và đổi mới sáng tạo để xây dựng tương lai cho Burien

Các sửa đổi đối với Quy hoạch và Bản đồ khu vực phía Bắc của NERA

City of Burien đang xem xét kế hoạch phân khu mới cho vùng phía bắc của Khu vực Tái phát triển Đông Bắc (Northeast Redevelopment Area, NERA) nhằm hỗ trợ việc làm tại địa phương và các doanh nghiệp nhỏ.

- Dự án này xem xét việc phát triển các hoạt động kinh doanh và việc làm quy mô nhỏ.
- Các nhà hiện có vẫn có thể tiếp tục giữ nguyên và chủ sở hữu bất động sản không phải thực hiện bất kỳ thay đổi nào.
- Các kho bãi lớn và hoạt động công nghiệp nặng không nằm trong đề xuất lần này.

Làm thế nào để tham gia?

- Chúng tôi muốn lắng nghe ý kiến của quý vị! Hãy hành 10 phút để tham gia khảo sát tại burienwa.gov/nnz.
- Gửi email cho chúng tôi! Mọi thắc mắc và đóng góp, xin gửi về địa chỉ: chaneys@burienwa.gov
- Tìm hiểu thêm tại Buổi gặp gỡ cộng đồng (Community Open House) vào ngày 22 tháng 4 năm lúc 3:30 chiều tại tầng một của Burien City Hall (400 SW 152nd St), sau đó sẽ có phần thuyết trình trước Burien Planning Commission lúc 5:30 chiều.
- Tìm hiểu thêm tại Buổi gặp gỡ cộng đồng (Community Open House) vào ngày 11 tháng 4, từ 1 giờ đến 3 giờ chiều, tại Thư viện Boulevard Park.
- Truy cập trang web của chúng tôi! Tìm hiểu thêm và tìm cơ hội tham gia tại: burienwa.gov/nnz

ለBurien የወደፊት ጊዜ የአካባቢው የሥራ ዕድሎች፣ ሥራ ፈጣሪነት እና ፈጠራ

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- **ትላልቅ መጋዘኖች እና ከባድ የኢንዱስትሪ አጠቃቀሞች አልተዘጋጁም።**

እንዴት መሳተፍ እችላለሁ?

- ከእርስዎ መስማት እንፈልጋለን! በ burienwa.gov/nnz የ10 ደቂቃ ዳሰሳ ይሙሉ።
- በኢሜል ያግኙን! ጥያቄዎችዎን እና አስተያየቶችዎን በዚህ አድራሻ ይላኩ: chaneys@burienwa.gov
- ሚያዝያ 22 3:30 ከሰዓት አንደኛ ፎቅ ላይ በሚገኘው የBurien መሰብሰቢያ አዳራሽ (400 SW 152nd St) የህብረተሰብ መገልገያ ቤት (Community Open House) ላይ የበለጠ ይወቁ፤ በመቀጠልም 5:30 ከሰዓት ላይ የBurien ፕላን ኮሚሽን ይቀርባል።
- ሚያዝያ 11 1-3 ከሰዓት Boulevard Park Library የህብረተሰብ መገልገያ ቤት (Community Open House) ላይ የበለጠ ይወቁ።
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3.31.2026

Local Business Focus Group – Facilitation Guide North of NERA Rezone Project

Goal: Understand the needs, challenges, and opportunities for local businesses (while also acknowledging participants as residents) to inform a zoning proposal that supports business growth *and* a livable neighborhood.

1. Welcome attendees (6:00-6:10pm)

2. Meeting Kick off (6:10-6:15)

Staff Introductions

Thanks for being here tonight. We really appreciate you taking the time.

We're working on the collecting input, ideas, and information from entrepreneurs and business owners in this area to inform the next phase of the North of NERA zoning project. The goal tonight is simple: to hear directly from business owners about what's working, what's not, and what you'd want to see change to be able to sustain and grow your business.

We know many of you are not just business owners you also live here. That dual perspective is really important. We're trying to understand how to support local businesses *without losing what makes this neighborhood a place people want to live.*

This isn't about presenting a finished proposal. We're still shaping options, and your input will directly inform what that looks like.

Ground Rules

- Everyone's perspective is valid
- One person at a time
- We're here to listen, not debate
- Staff is here to learn (not defend a proposal)

Guest Introductions

- Please introduce yourself and briefly share your business and how long you've been in the area?
- What made you choose this location?

3. Background Information (6:15-6:25)

Short PowerPoint (5-7 minutes)

Q&A

4. Focus Group Discussion Questions (6:25-7:25)

Understanding Current Conditions

What are the biggest challenges you face operating your business here today?

- Physical space? (size, layout, parking, storage)
- Zoning or permitting issues?
- Customer access
- Compatibility with surrounding uses?
- Cost pressures (rent, property, etc.)

3.31.2026

If you could expand or improve your business here, what would that look like?

- More space? Different type of space?
- Ability to add services or products?
- Outdoor space?
- Shared working spaces?
- Hiring more employees?

What's stopping you from doing that today?

Zoning Development

What types of changes would help businesses succeed here?

What types of businesses or activities do you think are missing from this area?

Resident Perspective - Since many of you live here too, we need to talk about balance

What do you value most about living in this neighborhood today?

What kinds of business growth or changes would feel compatible—or incompatible—with that?

If we had to prioritize, what's more important expanding opportunities for local businesses, or limiting impacts on residential areas?

What would a good balance look like to you?

Is there anything we didn't ask that you think is important for us to understand?

5. Closing (7:25-7:30)

Thank you

. We're taking this input and using it to shape zoning options, which will come back to the community for more discussion.

There will be additional opportunities to stay involved as this moves forward.

- April 11, 2026, North of NERA Community Conversation from 1pm-3pm
- April 22, 2026, North of NERA Open House Event 3:30-5 p.m. at first floor of Burien City Hall (400 SW 152nd St)
- April 22, 2026, Planning Commission Briefing

North of NERA Rezone Project

Why This Project is Important

This project will **update the City's zoning map and development regulations** (Burien Municipal Code).



Existing homes and businesses can remain and be maintained

These rules guide:

- ✓ What can be built
- ✓ What types of activities can occur
- ✓ How development looks and functions



New development must follow the rules in place at that time

This project will:

- ✓ Plan for growth in Burien by implementing the Comprehensive Plan
- ✓ Reduce land use conflicts near the airport
- ✓ Respect existing residents and neighborhoods with future opportunities

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North of NERA Rezone Project

What Shapes What's Possible Here?



These factors **shape what is appropriate here** and limit some types of development:



- WSDOT Airport Land Use Compatibility Manual recommendations on appropriate land uses for area near the expanding airport
- 20-year growth projections and employment allocation from the Comprehensive Plan
- Environmental constraints, including the existing critical aquifer recharge area
- Existing land use pattern of 265 lots made up of 247 housing units and 31 licensed businesses



How we'll build **a plan that works**:



- Use community input to shape future zoning options
- Identify tools to reduce impacts on existing residents, such as:
 - Limits on certain uses and their operations
 - Development standards (limits on scale, size, location, screening)
 - Environmental protections

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North of NERA Rezone Project

What We've Heard So Far

Support for allowing small-scale, local businesses

Strong opposition to large-scale industrial uses

Desire to keep neighborhood quiet

Interest in protecting trees and environmentally critical areas

Concerns about increased traffic



Did we get this right?
What would you add or change?

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North of NERA Rezone Project

What We're Hearing Tonight

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North of NERA Rezone Project

Which Business Types?

Business Operation Type	Example	Comfortable	Unsure	Uncomfortable
Onsite creation and offsite sales:				
Commissary kitchen or light food production				
Artisan Manufacturing like jewelry production				
Plant nursery				
Onsite services				
Barber or nail salon				
Doggy daycare or training				
Art-related services/activities/sales like musical instruction, pottery classes, etc.				
Small engine repair, auto body repair, car detailing				
Onsite sales and restaurants				
Wine tasting/ microbrewery/ tasting room				
Coffee roaster, café, ice cream parlor				
Home-based business with offsite services				
Trades like landscaping, electrician, plumber, janitorial services, junk hauling				
Construction and other uses which store materials and equipment on site				

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CERTIFICATION OF ENROLLMENT

HOUSE BILL 1757

Chapter 203, Laws of 2025

69th Legislature
2025 Regular Session

EXISTING BUILDINGS USED FOR RESIDENTIAL PURPOSES—VARIOUS PROVISIONS

EFFECTIVE DATE: July 27, 2025

Passed by the House April 18, 2025
Yeas 94 Nays 1

LAURIE JINKINS

**Speaker of the House of
Representatives**

Passed by the Senate April 2, 2025
Yeas 48 Nays 1

DENNY HECK

President of the Senate

Approved May 7, 2025 1:20 PM

BOB FERGUSON

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1757** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

Chief Clerk

FILED

May 12, 2025

**Secretary of State
State of Washington**

HOUSE BILL 1757

AS AMENDED BY THE SENATE

Passed Legislature - 2025 Regular Session

State of Washington 69th Legislature 2025 Regular Session

By Representatives Walen, Fitzgibbon, Parshley, Paul, Ramel, and Reed

Read first time 01/31/25. Referred to Committee on Housing.

1 AN ACT Relating to modifying regulations for existing buildings
 2 used for residential purposes; and amending RCW 35A.21.440 and
 3 35.21.990.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 35A.21.440 and 2023 c 285 s 1 are each amended to
 6 read as follows:

7 (1)(a) Code cities must adopt or amend by ordinance, and
 8 incorporate into their development regulations, zoning regulations,
 9 and other official controls the requirements of subsection (2) of
 10 this section for buildings (~~(that are zoned for commercial or mixed~~
 11 ~~use no later than six months after its next periodic comprehensive~~
 12 ~~plan update required under RCW 36.70A.130)) in commercial, mixed-use,
 13 or residential zones no later than June 30, 2026.~~

14 (b) The requirements of subsection (2) of this section apply and
 15 take effect in any code city that has not adopted or amended
 16 ordinances, regulations, or other official controls as required under
 17 this section by the timeline in (a) of this subsection and supersede,
 18 preempt, and invalidate any conflicting local development
 19 regulations.

1 (2) Through ordinances, development regulations, zoning
2 regulations, or other official controls as required under subsection
3 (1) of this section, code cities may not:

4 (a) Impose a restriction on housing unit density that prevents
5 the addition of housing units at a density up to 50 percent more than
6 what is allowed in the underlying zone if constructed entirely within
7 an existing building envelope in a building located within a zone
8 that permits multifamily housing, provided that generally applicable
9 health and safety standards, including but not limited to building
10 code standards and fire and life safety standards, can be met within
11 the building;

12 (b) Impose parking requirements on the addition of dwelling units
13 or living units added within an existing building, however, cities
14 may require the retention of existing parking that is required to
15 satisfy existing residential parking requirements under local laws
16 and for nonresidential uses that remain after the new units are
17 added;

18 (c) With the exception of emergency housing and transitional
19 housing uses, impose permitting requirements on the use of an
20 existing building for residential purposes beyond those requirements
21 generally applicable to all residential development within the
22 building's zone, including requiring a change of use permit;

23 (d) Impose design standard requirements, including setbacks, lot
24 coverage, and floor area ratio requirements, on the use of an
25 existing building for residential purposes beyond those requirements
26 generally applicable to all residential development within the
27 building's zone;

28 (e) Impose exterior design or architectural requirements on the
29 residential use of an existing building beyond those necessary for
30 health and safety of the use of the interior of the building or to
31 preserve character-defining streetscapes, unless the building is a
32 designated landmark or is within a historic district established
33 through a local preservation ordinance;

34 (f) Prohibit the addition of housing units in any specific part
35 of a building except ground floor commercial or retail that is along
36 a major pedestrian corridor as defined by the code city, unless the
37 addition of the units would violate applicable building codes or
38 health and safety standards;

39 (g) Require unchanged portions of an existing building that have
40 been used for residential or previously permit-approved conditioned

1 space purposes to meet the current energy code solely because of the
 2 addition of new dwelling units within the building (~~(, however, if any~~
 3 ~~portion of an~~)). When any other existing building is converted to new
 4 dwelling units, changed portions of each of those new units must meet
 5 the requirements of the current energy code (~~(+)~~), except if:

6 (i) The square footage of new dwelling units does not exceed
 7 2,500 square feet or 50 percent of the total building square footage,
 8 whichever is greater;

9 (ii) The building owner submits documentation, in a form
 10 acceptable to the code city, showing the building's residential
 11 units' projected energy use intensity is less than or equal to the
 12 energy use intensity target in accordance with the clean buildings
 13 performance standard in RCW 19.27A.210; or

14 (iii) In all areas zoned for residential housing, an additional
 15 housing unit is created within an existing home;

16 (h) Deny a building permit application for the addition of
 17 housing units within an existing building due to nonconformity
 18 regarding parking, height, setbacks, elevator size for gurney
 19 transport, or modulation, unless the code city official with
 20 decision-making authority makes written findings that the
 21 nonconformity is causing a significant detriment to the surrounding
 22 area; or

23 (i) Require a transportation concurrency study under RCW
 24 36.70A.070 or an environmental study under chapter 43.21C RCW based
 25 on the addition of residential units within an existing building.

26 (3) Nothing in this section requires a code city to approve a
 27 building permit application for the addition of housing units
 28 constructed entirely within an existing building envelope in a
 29 building located within a zone that permits multifamily housing in
 30 cases in which the building cannot satisfy life safety standards.

31 (4) For the purpose of this section, "existing building" means a
 32 building that received a certificate of occupancy at least three
 33 years prior to the permit application to add housing units.

34 **Sec. 2.** RCW 35.21.990 and 2023 c 285 s 2 are each amended to
 35 read as follows:

36 (1)(a) Cities must adopt or amend by ordinance, and incorporate
 37 into their development regulations, zoning regulations, and other
 38 official controls the requirements of subsection (2) of this section
 39 for buildings (~~(that are zoned for commercial or mixed use no later~~

1 ~~than six months after its next periodic comprehensive plan update~~
2 ~~required under RCW 36.70A.130))~~ in commercial, mixed-use, or
3 residential zones no later than June 30, 2026.

4 (b) The requirements of subsection (2) of this section apply and
5 take effect in any city that has not adopted or amended ordinances,
6 regulations, or other official controls as required under this
7 section by the timeline in (a) of this subsection and supersede,
8 preempt, and invalidate any conflicting local development
9 regulations.

10 (2) Through ordinances, development regulations, zoning
11 regulations, or other official controls as required under subsection
12 (1) of this section, cities may not:

13 (a) Impose a restriction on housing unit density that prevents
14 the addition of housing units at a density up to 50 percent more than
15 what is allowed in the underlying zone if constructed entirely within
16 an existing building envelope in a building located within a zone
17 that permits multifamily housing, provided that generally applicable
18 health and safety standards, including but not limited to building
19 code standards and fire and life safety standards, can be met within
20 the building;

21 (b) Impose parking requirements on the addition of dwelling units
22 or living units added within an existing building, however, cities
23 may require the retention of existing parking that is required to
24 satisfy existing residential parking requirements under local laws
25 and for nonresidential uses that remain after the new units are
26 added;

27 (c) With the exception of emergency housing and transitional
28 housing uses, impose permitting requirements on the use of an
29 existing building for residential purposes beyond those requirements
30 generally applicable to all residential development within the
31 building's zone, including requiring a change of use permit;

32 (d) Impose design standard requirements, including setbacks, lot
33 coverage, and floor area ratio requirements, on the use of an
34 existing building for residential purposes beyond those requirements
35 generally applicable to all residential development within the
36 building's zone;

37 (e) Impose exterior design or architectural requirements on the
38 residential use of an existing building beyond those necessary for
39 health and safety of the use of the interior of the building or to
40 preserve character-defining streetscapes, unless the building is a

1 designated landmark or is within a historic district established
2 through a local preservation ordinance;

3 (f) Prohibit the addition of housing units in any specific part
4 of a building except ground floor commercial or retail that is along
5 a major pedestrian corridor as defined by each city, unless the
6 addition of the units would violate applicable building codes or
7 health and safety standards;

8 (g) Require unchanged portions of an existing building that have
9 been used for residential or previously permit-approved conditioned
10 space purposes to meet the current energy code solely because of the
11 addition of new dwelling units within the building(~~(, however, if any~~
12 portion of an)). When any other existing building is converted to new
13 dwelling units, changed portions of each of those new units must meet
14 the requirements of the current energy code(~~(+)~~), except if:

15 (i) The square footage of new dwelling units does not exceed
16 2,500 square feet or 50 percent of the total building square footage,
17 whichever is greater;

18 (ii) The building owner submits documentation, in a form
19 acceptable to the city, showing the building's residential units'
20 projected energy use intensity is less than or equal to the energy
21 use intensity target in accordance with the clean buildings
22 performance standard in RCW 19.27A.210; or

23 (iii) In all areas zoned for residential housing, an additional
24 housing unit is created within an existing home;

25 (h) Deny a building permit application for the addition of
26 housing units within an existing building due to nonconformity
27 regarding parking, height, setbacks, elevator size for gurney
28 transport, or modulation, unless the city official with decision-
29 making authority makes written findings that the nonconformity is
30 causing a significant detriment to the surrounding area; or

31 (i) Require a transportation concurrency study under RCW
32 36.70A.070 or an environmental study under chapter 43.21C RCW based
33 on the addition of residential units within an existing building.

34 (3) Nothing in this section requires a city to approve a building
35 permit application for the addition of housing units constructed
36 entirely within an existing building envelope in a building located
37 within a zone that permits multifamily housing in cases in which the
38 building cannot satisfy life safety standards.

1 (4) For the purpose of this section, "existing building" means a
2 building that received a certificate of occupancy at least three
3 years prior to the permit application to add housing units.

Passed by the House April 18, 2025.

Passed by the Senate April 2, 2025.

Approved by the Governor May 7, 2025.

Filed in Office of Secretary of State May 12, 2025.

--- **END** ---



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burienwa.gov

MEMORANDUM

To: Burien Planning Commission
From: Natasha Kolostyak, Assistant Planner
CC: Liz Stead, Community Development Director
Date: April 22, 2026
Subject: Residential Conversions of Existing Buildings Zoning Code Text Amendment Briefing

INTRODUCTION

In 2025, the Washington State Legislature adopted Engrossed Substitute House Bill ([HB 1757](#)), requiring cities to ease permitting requirements for the addition of residential units within an existing building. HB 1757 amends RCW 35A.21.440 and RCW 35.21.990 and prohibits local development regulations from imposing some design, unit density, parking, permitting, and energy code requirements on existing building area being converted into residential units. All life and safety requirements must still be met. This bill applies to existing buildings in a residential, mixed-use, or commercial zone. This legislation was enacted in response to the state’s ongoing housing crisis, seeking to remove barriers for the creation of new residential units within existing underutilized or vacant buildings. The City of Burien is required to allow the residential conversion projects under HB 1757 by June 30, 2026. We are currently on target to adopt these changes by July 27, 2026, just slightly behind the state’s mandated adoption date. During the interim period between June 30th and July 27th the RCW provisions will apply in Burien without benefit of the local code amendments.

TYPE OF ACTION

Informational Discussion Action Public Hearing

Goal: To provide background information, present examples and proposed code amendments in preparation of a Public Hearing scheduled for May 27, 2026.

BACKGROUND

HB 1757 builds upon recent legislation, RCW 35A.21.440 and RCW 35.21.990, to expand the allowance of residential unit conversion within an existing building. Residential conversions may be allowed within any existing building in a mixed use, commercial, or residential zone, if contained within the existing building area. For the sake of this bill, “existing building” means any building that has received a certificate of occupancy at least three years prior to a permit application to add residential units within the existing building area.

The Legislature found that allowing the productive “re-use” of existing buildings creates a cost-effective way to add new residential units to the housing stock without the burden and cost of new construction. Removing the need for design review and site improvements in most instances, residential conversion projects can be streamlined through the permitting process and reach a habitable state more quickly.

This legislation establishes new exemptions to development standards, permitting, and energy code requirements to which the city must comply.

The following sections of this memo walk through the code amendment topics and include proposed recommendations. In addition, attached is the *Draft Residential Conversions of Existing Buildings Zoning Code Text Amendments*.

DEVELOPMENT STANDARDS

HB 1757 prohibits cities from imposing more restrictive development standards on residential conversion projects and requires exemptions to certain design and parking requirements. Cities are also prohibited from requiring change of use permits for applicable projects. Instead, only the building permit process shall be required.

Cities may not apply any design standards requirements, including setbacks, lot coverage, or floor area ratio requirements on the residential conversion that are more restrictive than those generally applicable to all residential development within that building’s zone.

Furthermore, cities may not apply recreation and open space requirements – such as those contained within [BMC 19.17.013](#) and [BMC 19.47.320](#) – for residential conversion projects as these requirements are not necessary for the health and safety of the use of the interior of the building.

Proposed recommendation: Amend [BMC 19.17 Miscellaneous Use, Development and Performance Standards](#) to better align with HB 1757. This will include the creation of a new section in [BMC 19.17](#) containing exemptions to development standards for applicable residential conversion projects.

MIXED USE AND OLD BURIEN STANDARDS

Under HB 1757, cities may not prohibit the addition of housing units in any specific part of an existing building except for ground floor commercial or retail that is along a major pedestrian corridor. Therefore, except as allowed in [BMC Table 19.47.240\(3\)](#), the addition of residential units in an existing building shall be prohibited on the ground floor along a designated pedestrian-oriented street.

Additionally, HB 1757 prohibits cities from imposing exterior design or architectural requirements on the residential use of an existing building beyond those necessary for the health and safety of the use of the interior of the building. However, this does not apply to buildings that are a designated landmark. Design standards contained within [BMC 19.47](#) and [BMC 19.49](#) may not be applied to residential conversion projects. While HB 1757 specifically provides an exemption to this standard for buildings within a historic district established through a local preservation ordinance, the Old Burien Overlay does not meet these criteria.

Proposed recommendation: No amendments shall be required to [BMC 19.47 Commercial and Multifamily Design Standards](#) or [BMC 19.49 Old Burien Design Standards](#). All exemptions to

development standards shall be captured within the proposed new section in [BMC 19.17 Miscellaneous Use, Development and Performance Standards](#) noted above.

PARKING

HB 1757 prohibits cities from requiring off-street parking for residential units added within an existing building. However, cities may require that any existing off-street parking be maintained.

Proposed recommendation: Amend [BMC Chapter 19.20 Parking and Circulation](#) to include language regarding the preservation of existing off-street parking for projects meeting the criteria of HB 1757.

NONCONFORMANCE

HB 1757 prohibits cities from denying projects for the addition of residential units within an existing building for nonconformances related to parking, setbacks, elevator size, or building modulation; with some exceptions regarding life safety and impact to the surrounding areas.

Proposed recommendation: Amend [BMC Chapter 19.55 Nonconformance](#) to create a new subsection with specific nonconformance exemptions for residential conversion projects meeting the criteria of HB 1757.

SUMMARY AND NEXT STEPS

Amend various sections of the Burien Municipal Code to ensure development regulations align with the requirements of HB 1757.

A Public Hearing shall be scheduled for **Wednesday May 27, 2026**. At this meeting the Planning Commission will be asked to provide a recommendation to the City Council on the Residential Conversions of Existing Buildings Zoning Code Text Amendments to be considered at the July 13, 2026, City Council meeting and action on July 27, 2026.

ATTACHED

1. Draft Residential Conversions of Existing Buildings Zoning Code Text Amendments

Ordinance 895

Draft Code

19.17 Miscellaneous Use, Development and Performance Standards

19.17.013 Residential Open and Recreation Space Requirements.

1. Applicability. All residential developments not subject to Chapter 19.47 BMC shall provide open and recreation space as outlined in this section with the exception of residential units incorporated within an existing building envelope pursuant to BMC 19.17.350.

19.17.350 Existing buildings – Internal conversions to residential units

1. Applicability. The following provisions apply to the addition of dwelling units in an existing building in any mixed-use or residential zone if constructed entirely within the existing building envelope. For the purpose of this section, “existing building” shall mean a building that received a certificate of occupancy at least three years prior to the permit application to add housing units.

2. Purpose. This section allows for the greater utilization of an existing building for residential purposes by reducing requirements typically applicable to the development of residential units in that zone.

3. Nothing in this code section requires approval of a building permit application in cases in which the proposed building modification cannot satisfy life safety standards.

4. The addition of dwelling units into an existing building shall be exempt from the following:

A. Change of use permits. Emergency housing and Transitional housing uses are excluded from this exemption.

B. Exterior building design, including open spaces and architectural requirements, except for:

i. Those standards that are necessary for the health and safety of the use of the interior of the building as determined by the building official; or

ii. The building is a designated landmark or within a historic district.

C. Parking requirements. Parking shall not be required for dwelling units added within an existing building pursuant to BMC 19.20.045(1)(B). However, existing off-street parking on the site shall be retained;

D. Transportation concurrency studies under Chapter 19.70 BMC; and

E. Environmental studies required under SEPA (Chapter 14.10 BMC and Chapter 43.21C RCW).

5. Except as allowed in BMC Table 19.47.240(3), the addition of dwelling units in an existing building shall be prohibited on the ground floor in commercial or retail spaces along a designated pedestrian-oriented street.

19.20 Parking and Circulation

19.20.045 Exemptions to parking requirements.

1. General Exemptions to Parking Requirements.

A. On sites within a one-quarter mile straight-line distance of transit stops that are served by transit at least four times an hour for 12 or more hours a day, no parking is required for dwelling units that are specifically for seniors or people with mental or physical challenges (disabilities). Guest parking rules in BMC 19.20.040(3) remain in effect.

B. No parking is required for additional dwelling units or sleeping units provided within an existing building however, existing off-street parking shall be retained as provided in BMC 19.17.350.

C. No parking is required for ADUs.

D. The following parking requirement exemptions only apply to sites that are partially or entirely located outside a 1-mile radius of the SeaTac International Airport:

i. No parking is required for middle housing development in the R1, R2, or R3 zones when the site is partially or entirely located within a one-half mile radius of a qualified public transit stop.

ii. No parking is required for residential development if compliance with Chapter 19.26 BMC would make the proposed residential development or redevelopment infeasible.

iii. No parking is required for co-living housing developments when the site is partially or entirely located within a one-half mile radius of a qualified public transit stop.

19.55 Nonconformance

19.55.015 General

1. This chapter applies to any use, structure or site improvement that does not conform to this Code as adopted or as amended.
2. If a use, structure or site improvement conformed to the applicable Zoning Code in effect at the time the use, structure or site improvement was constructed or initiated, that use, structure or site improvement may continue and need not be brought into conformance with this Code unless a provision of this Chapter requires conformance.
3. No nonconformance may in any way be enlarged, expanded, increased, intensified, compounded or made greater, except as permitted in this chapter. If a use, structure or site improvement is on or within 100 feet of any critical area, the provisions of BMC Chapter 19.40 apply.
4. The provisions of this chapter do not supersede or relieve a property owner from compliance with:
 - A. The requirements of the City of Burien Construction Code; or
 - B. The provisions of this Code beyond the specific nonconformance addressed by this chapter.
5. Any valid conditional use, variance, or permit approved under BMC Chapter 19.65 prior to the date that the use, structure or site improvement became non-conforming shall be permitted to continue in accordance with such approval.
6. If this Code requires that a use or structure be reviewed by any of the processes described in BMC Chapter 19.65, a proposal for expansion or modification of an existing use, structure or site improvement shall also be reviewed pursuant to such process if:
 - A. The area devoted to the use and/or structure is expanded by more than 10 percent; or
 - B. The Director determines that the change or alteration will have significantly more or different impact on the surrounding area than does the present development.

In determining impact, the Director shall consider the scale of the proposed expansion or modification, and expected changes to traffic, noise, hours of operation, and parking.
[Ord. 268 § 4, 1999]

7. The addition of residential units within an existing building per BMC 19.17.350 shall be allowed even when there is nonconformity regarding parking, height, setbacks, elevator size for gurney transport, or building modulation, unless the director or their designee makes a written finding that the nonconformity causes a specific detriment to the surrounding area.

DRAFT