

Appendix B: Adequate provisions checklists

This appendix provides checklists to use in documenting barriers and programs and actions to achieve housing availability (RCW 36.70A.070(2)(d)). These checklists include the following:

- Exhibit B1: Moderate Density housing barrier review checklist
- Exhibit B2: Low-Rise or Mid-Rise housing barrier review checklist
- Exhibit B3: Supplemental barrier review checklist for PSH and emergency housing
- Exhibit B4: Accessory dwelling unit barrier review checklist
- Exhibit B5: Checklist for local option tools for addressing affordable housing funding gaps

Documentation of the barriers to housing availability and the programs or actions needed to overcome these barriers must be in a public document and typically should be included as an appendix to the comprehensive plan housing element.

Barrier review checklists

Exhibit B1: Moderate Density housing barrier review checklist

Barrier	Is this barrier likely to affect housing production? (yes or no)	Why or why not? Provide evidence.	Actions needed to address barrier.
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"> ○ Duplexes ○ Triplexes ○ Four/five/six-plexes ○ Townhomes ○ Cottage housing ○ Live-work units ○ Manufactured home parks 	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. ¹ Mixed use and multifamily zone proposals are developed with Planning Commission recommendations. Middle housing planned by 2025.

¹ [June 2023 Middle Housing Staff Report](#)

[June 2023 Middle Housing Staff Report Attachments](#)

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Barrier	Is this barrier likely to affect housing production? (yes or no)	Why or why not? Provide evidence.	Actions needed to address barrier.
Low maximum densities or low maximum FAR	Partially	Densities do not reflect application of Middle Housing.	See approach in Burien Residential Zones Update, Attachment B. ² Mixed use and multifamily zone proposals are developed with Planning Commission recommendations. Middle housing planned by 2025.
Low maximum building heights	No	Building heights in current zones appear workable.	See approach in Burien Residential Zones Update, Attachment B. ³ Mixed use and multifamily zone proposals are developed with Planning Commission recommendations. Middle housing planned by 2025.
Large setback requirements	Modest	Minor adjustments in yards could support Middle Housing.	See approach in Burien Residential Zones Update, Attachment B. ⁴

² [June 2023 Middle Housing Staff Report](#)

[June 2023 Middle Housing Staff Report Attachments](#)

³ [June 2023 Middle Housing Staff Report](#)

[June 2023 Middle Housing Staff Report Attachments](#)

⁴ [June 2023 Middle Housing Staff Report](#)

Barrier	Is this barrier likely to affect housing production? (yes or no)	Why or why not? Provide evidence.	Actions needed to address barrier.
			<p>Mixed use and multifamily zone proposals are developed with Planning Commission recommendations.</p> <p>Middle housing planned by 2025.</p>
High off-street parking requirements	Yes	Parking standards could create a barrier in design and use.	<p>See approach in Burien Residential Zones Update, Attachment B.⁵</p> <p>Mixed use and multifamily zone proposals are developed with Planning Commission recommendations.</p> <p>Middle housing planned by 2025.</p>
High impervious coverage limits	Yes	Low impervious limits. could affect number and design of units.	<p>See approach in Burien Residential Zones Update, Attachment B.⁶</p> <p>Mixed use and multifamily zone proposals are developed with Planning Commission recommendations.</p>

[June 2023 Middle Housing Staff Report Attachments](#)

⁵ [June 2023 Middle Housing Staff Report](#)

[June 2023 Middle Housing Staff Report Attachments](#)

⁶ [June 2023 Middle Housing Staff Report](#)

[June 2023 Middle Housing Staff Report Attachments](#)

Barrier	Is this barrier likely to affect housing production? (yes or no)	Why or why not? Provide evidence.	Actions needed to address barrier.
			Middle housing planned by 2025.
Lack of alignment between building codes and development codes	No	Developers have anecdotally noted some barriers related to zoning and utility standards.	Consider Middle Housing Code Concept Memo: The ability to build two units per structure before the commercial building code applies at three-or-more units is an incentive for developers to create smaller buildings, even on a lot that allows higher unit densities. For example, where the maximum unit density is four units on a lot, it may be more economical to build two duplex buildings than a single fourplex building. ⁷
Other (for example: complex design standards, tree retention regulations, historic preservation requirements)	Yes	Work with Public Works to allow primary alley access for low-scale housing types Create a unit-lot subdivision process to simplify lot splitting (required by SB 5258). Allow ADUs and multiplex units to be sold as condominiums. Update tree code requirements that are based on building coverage, which this	See Attachment C regarding alley access. Other code amendments pending.

⁷ See: <https://deptofcommerce.app.box.com/s/3lcxfj28lrw9hugu8cwax8mp9o00g2xo>.

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Barrier	Is this barrier likely to affect housing production? (yes or no)	Why or why not? Provide evidence.	Actions needed to address barrier.
		approach would phase out	
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 fees⁸	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	Impact fees for transportation are based on new dwelling units. Boulevard Park area septic and cost for sewer.	Address HB 1337 and transportation impact fee for ADUs at no more than 50% of primary unit fee. Consider recommendations for utilities in the Ambaum Corridor and Boulevard Park Community Plan.
Processing times and staffing challenges	No	City recently updated permit system.	None.
SEPA process	No	SEPA exemption levels allow up to 20	City could consider more flexibility if desired through an

⁸ For example: guidance resources are unclear or difficult to find, no digital permit tracking system, staff do not provide fee estimates or permitting time estimates are unavailable or inaccurate.

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Barrier	Is this barrier likely to affect housing production? (yes or no)	Why or why not? Provide evidence.	Actions needed to address barrier.
		units, likely to cover Middle Housing that has 5-20 units.	infill exemption with the Comprehensive Plan EIS per RCW 43.21c.229.
LIMITED LAND AVAILABILITY AND ENVIRONMENTAL CONSTRAINTS	Yes	Limitations with proper zoning allowances.	See Row 2.
Lack of large parcels for infill development	No	Range of lot sizes in City. See RDI report. ⁹	No.
Environmental constraints	Partial	There are critical areas (landslides, some wetlands) but City has critical area regulations that can address impacts and mitigation for any development type. Noise regulations affect all of Burien. The City may want to consider criteria for the range of Middle Housing in areas most affected.	EIS includes evaluation of natural environment and noise and air quality for all sensitive uses and best practices may evolve where appropriate. See Draft EIS. ¹⁰

⁹ [Burien Housing Policy Evaluation: Racially Disparate Impacts, Displacement, and Exclusion in Housing.](#)

¹⁰ See: [Burien 2044 Draft Environmental Impact Statement \(EIS\)](#)

Exhibit B2: Low-Rise or Mid-Rise housing barrier review checklist

Barrier	Is this barrier likely to affect housing production? (yes or no)	Why or why not? Provide evidence.	Actions needed to address barrier. ¹¹
DEVELOPMENT REGULATIONS			
Unclear development regulations	No		
High minimum lot sizes	Yes	Govern by height, setbacks, and landscaping.	Remove lot sizes except for fee simple townhomes.
Low maximum densities or low maximum FAR	Yes	Emphasize form over density.	In multifamily zones allow unlimited densities. Ambaum Boulevard Park Community Plan completion and implementing code.
Low maximum building heights	Yes	Downtown Urban Center and First Avenue could support greater height and encourage more housing.	See Developer Interviews in Economic Development Strategies 2023. ¹² Developer interviews indicated increased height limits would benefit development, potentially eliminating the need for

¹¹ Zoning developed for Ambaum Boulevard Park Community Plan reflective of Comprehensive Plan designations of Residential Medium, Residential High, and Commercial Mixed Use. See Draft before Planning Commission in May and June 2023: <https://burienwa.civicweb.net/filepro/documents/84593/?preview=84594> and <https://burienwa.civicweb.net/filepro/documents/85274/?preview=85275>.

Urban Center zoning to be developed to implement the Urban Center Plan: Plan:

https://www.burienwa.gov/business/community_development/planning_initiatives/urban_center_plan and Burien 2044 Draft EIS which addresses new building heights: [Burien 2044 Draft Environmental Impact Statement \(EIS\) | EIS Appendices](#)

¹² See: <https://connect.burienwa.gov/wp-content/uploads/2023/08/Burien-Economic-Development-Analysis.pdf>.

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Barrier	Is this barrier likely to affect housing production? (yes or no)	Why or why not? Provide evidence.	Actions needed to address barrier. ¹¹
			expensive below-grade parking. Urban Center heights proposed in Draft EIS.
Large setback requirements	Yes	Allow for more efficient building types.	Reduce front yard setback.
High off-street parking requirements	Yes		
High impervious coverage limits	Yes, low impervious coverage	Less building efficiency. Use height and setbacks and landscaping to focus on form.	Set no maximum.
Lack of alignment between building and development codes	Unknown		
Other (for example: ground floor retail requirements, open space requirements, complex design standards, tree retention regulations, historic preservation requirements)	Yes	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 policies and zones per RDI evaluation and Comprehensive Plan Alternatives.
PROCESS OBSTACLES			
Conditional use permit process	No	Multifamily allowed in residential and mixed use zones with Type 1 permit.	
Design review	No	Administrative	

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Barrier	Is this barrier likely to affect housing production? (yes or no)	Why or why not? Provide evidence.	Actions needed to address barrier. ¹¹
Lack of clear and accessible information about process and fees	No		
Permit fees, impact fees and utility connection fees	No regarding permit fees and impact fees. Yes, utility connection fees.	Limited impact fees (transportation). Boulevard Park area septic and cost for sewer.	See policies in Draft Burien 2044 Comprehensive Plan ¹³ and mitigation measures in utilities in Draft EIS. ¹⁴
Process times and staffing challenges	No		
SEPA process	No		
LIMITED LAND AVAILABILITY AND ENVIRONMENTAL CONSTRAINTS			
Lack of large parcels for infill development	No	Most land for development is redevelopable as a mature city.	
Environmental constraints	Limited.	Most multifamily land in highly developed areas.	

¹³ See: https://connect.burienwa.gov/wp-content/uploads/2024/01/Draft-Burien-Comp-Plan-2044-January_2024.pdf.

¹⁴ See: [Burien 2044 Draft Environmental Impact Statement \(EIS\)](#).

Exhibit B3: Supplementary barrier review checklist for PSH and emergency housing¹⁵

Barrier	Is this barrier likely to affect housing production? (yes or no)	Why or why not? Provide evidence.	Actions needed to address barriers.
DEVELOPMENT REGULATIONS			
Spacing requirements (for example, minimum distance from parks, schools or other emergency/PSH housing facilities) ¹⁶	No	No distances.	
Parking requirements	No		
On-site recreation and open space requirements	Partial.	PSH: Similar to multifamily.	Consider demonstration projects and whether regulations should be adjusted. DESC reduced onsite open space.
Restrictions on support spaces, such as office space, within a transitional or PSH building in a residential zone	Allowed, Type 2.	Community Residential Facility is similar use and is a Type 2 permit before Hearing Examiner.	Consider reviewing permit decisions per State laws and guidance.
Arbitrary limits on number of occupants (in conflict with RCW 35A.21.314)	Yes	Definition of family includes a number of unrelated individuals.	Amend definition.
Requirements for PSH or emergency housing that are different than the requirements imposed on housing developments generally (in conflict with RCW 36.130.020)	Yes	Allow PSH and emergency housing to meet targets by 2044.	Review PSH and Community Facility definitions and permits.

¹⁵ See description of current regulations and needed changes, Burien 2044 Draft EIS pages 3-108 and 3-109: https://connect.burienwa.gov/wp-content/uploads/2024/01/1_Burien-2044-DEIS_2024_0110_Text.pdf.

¹⁶ Note that RCW 35A.21.430 expressly states requirements on occupancy, spacing, and intensity of use may not prevent the siting of a sufficient number of permanent supportive housing, transitional housing, indoor emergency housing or indoor emergency shelters necessary to accommodate each code city's projected need for such housing and shelter under RCW 36.70A.070(2)(a)(ii). The restrictions on these uses must be to protect public health and safety.

Barrier	Is this barrier likely to affect housing production? (yes or no)	Why or why not? Provide evidence.	Actions needed to address barriers.
			<p>Evaluate and update its zoning code, for existing or new zones that implement alternatives, to allow for emergency and permanent supportive housing in all zones allowing residential development and hotels.</p> <p>Staff anticipates completing this code effort by end of 2024.</p>
Other restrictions specific to emergency shelters, emergency housing, transitional housing and permanent supportive housing	Yes	More housing opportunities on religious properties likely to address emergency and transitional housing.	Add density bonus for affordable housing on religious properties. (RCW 36.70A.545) Also address emergency and PSH per above row.

Exhibit B4: Accessory dwelling unit barrier review checklist

Barrier	Is this barrier likely to affect housing production? (yes or no)	Why or why not? Provide evidence.	Actions needed to address barriers.
DEVELOPMENT REGULATIONS			
<p>Consistent with HB 1337 (2023)</p> <ul style="list-style-type: none"> ○ Must allow two ADUs on each lot in urban growth areas; ○ May not require the owner to occupy the property, and may not prohibit sale as independent units, but may restrict the use of ADUs as short term rentals; ○ Must allow an ADU of at least 1,000 square feet; ○ Must set parking requirements based on distance from transit and lot size; ○ May not charge more than 50% of the impact fees charged for the principal unit; ○ Must permit ADUs in structures detached from the principal unit; ○ May not restrict roof heights of ADUs to less than 24 feet, unless that limitation applies to the principal unit; ○ May not impose setback requirements, yard coverage limits, tree retention mandates, restrictions on entry door locations, aesthetic requirements, or requirements for design review for ADUs that are more restrictive than those for principal units; ○ Must allow an ADUs on any lot that meets the minimum lot size required for the principal unit; ○ Must allow detached ADUs to be sited at a lot line if the lot line abuts a public alley, unless the city or county routinely plows snow on the public alley; ○ Must allow conversions from existing structures, even if they violate current code requirements for setbacks or lot coverage; and ○ May not require public street improvements as a condition of permitting ADUs. 	Partial.	<p>City code allows two ADUs per lot.</p> <p>Size of 1,000 SF allowed for attached but not detached units.</p> <p>Public works standards may limit.</p>	Address full list of parameters in Code.
Unclear development regulations	No	Current regulations well implemented with 7% of new residential permits being ADUs.	

Barrier	Is this barrier likely to affect housing production? (yes or no)	Why or why not? Provide evidence.	Actions needed to address barriers.
Large setback requirements	Partial	Some zones larger than needed.	<p>See approach in Burien Residential Zones Update, Attachment B.¹⁷</p> <p>Mixed use and multifamily zone proposals are developed with Planning Commission recommendations.</p> <p>Middle housing planned by 2025.</p>
Off-street parking requirements	Yes		<p>See approach in Burien Residential Zones Update, Attachment B.¹⁸</p> <p>Mixed use and multifamily zone proposals are developed with Planning Commission recommendations.</p> <p>Middle housing planned by 2025.</p>

¹⁷ [June 2023 Middle Housing Staff Report](#)

[June 2023 Middle Housing Staff Report Attachments](#)

¹⁸ [June 2023 Middle Housing Staff Report](#)

[June 2023 Middle Housing Staff Report Attachments](#)

Barrier	Is this barrier likely to affect housing production? (yes or no)	Why or why not? Provide evidence.	Actions needed to address barriers.
Other (for example: burdensome design standards, tree retention regulations, historic preservation requirements, open space requirements, etc.)	No	Design Standards similar to residential use in zone.	
PROCESS OBSTACLES			
Lack of clear and accessible information about process and fees	No	Current regulations well implemented with 7% of new residential permits being ADUs.	
Permit fees, impact fees and utility connection fees that are not proportionate to impact	Partial	See transportation and sewer fees under Exhibit B1.	
Processing times and staffing challenges	No	Current regulations well implemented with 7% of new residential permits being ADUs.	

Exhibit B5: Checklist for local option tools for addressing affordable housing funding gaps

Local option tools for addressing affordable housing funding gaps*	Implementation status	Plans for implementation
Housing and related services sales tax (RCW 82.14.530)	Not implemented.	Referenced in Housing Action Plan ¹⁹ (2021).
Affordable housing property tax levy (RCW 84.52.105)	Not implemented.	Referenced in Housing Action Plan (2021).
REET 2 (RCW 82.46.035) – GMA jurisdictions only and only available through 2025	REET2 fund in use. Projects associated with affordable housing not addressed.	Referenced in Housing Action Plan (2021).

¹⁹ See: https://www.burienwa.gov/business/community_development/planning_initiatives/burien_housing_action_plan.

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Local option tools for addressing affordable housing funding gaps*	Implementation status	Plans for implementation
Affordable Housing Sales Tax Credit (RCW 82.14.540) – was only available to jurisdictions through July 2020	BMC Chapter 3.10, Article III. Credit against State's Share of Tax – Sales Use Tax for Affordable Housing	
Lodging Tax (RCW 67.28.150 and RCW 67.28.160) to repay general obligation bonds or revenue bonds	Not implemented.	
Mental Illness and Drug Dependency Tax (RCW 82.14.460) – jurisdictions with a population over 30,000	Not implemented.	
Donating surplus public lands for affordable housing projects (RCW 39.33.015)	Not implemented.	Strategy B4 in Housing Action Plan (2021).
Impact fee waivers for affordable housing projects (RCW 82.02.060)	Not included in Traffic Impact Fee.	Referenced in Housing Action Plan (2021).
Application fee waivers or other benefits for affordable housing projects (RCW 36.70A.540)	BMC Chapter 19.18 Affordable Housing Demonstration Program ²⁰	
Multifamily Tax Exemption (MFTE) with affordable housing requirement (RCW 84.14)	Chapter 19.45 Urban Center Development	Per Economic Development Strategies 2023 ²¹ , the MFTE program is viewed as essential and should be extended. The City should maintain the affordability at 20% of units at 80% AMI. Under consideration to add two more areas in Ambaum Corridor and Boulevard Park as well as citywide in all mixed use and multifamily zones. See proposed code.
General funds (including levy lid lifts to increase funds available)	Not implemented.	City is considering several choices to stabilize City revenues, not for housing. ²²

²⁰ See: <https://www.codepublishing.com/WA/Burien/#!/Burien19/Burien1918.html#19.18>.

²¹ See: <https://connect.burienwa.gov/wp-content/uploads/2023/08/Burien-Economic-Development-Analysis.pdf>.

²² See: https://www.burienwa.gov/city_hall/city_council/council_roundups/council_roundup_april_17_2023.

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* Some tools may be unavailable for certain jurisdictions. For example, only GMA jurisdictions can use REET 2, or the surrounding county may have already implemented the housing and related services sales tax. See MRSC's summary of [Affordable Housing Funding Sources](#) for more details and the Association of Washington Cities (AWC)/MRSC booklet on [Homelessness & housing toolkit for cities](#) (2022).