

July 25, 1990
BIA-2 HK/rr

Introduced by: Paul Barden

Proposed No.: 90-682

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ORDINANCE NO. _____

AN ORDINANCE establishing a Burien Parking and Business Improvement Area to levy special assessments upon businesses within the area; and to deposit the revenues in a special fund.

FINDINGS OF FACT:

A. The Southwest King County Chamber of Commerce has worked for more than three years to identify solutions to problems that affect the viability of businesses in the Burien central business district, resulting in the recommendation to establish a Business Improvement Area (BIA). The purpose of the BIA is to further public benefit from the Burien Business District through improved management, promotion, and maintenance of common public areas.

B. The operators of businesses subject to sixty percent or more of the special assessments to be levied have signed a petition to establish a BIA pursuant to RCW 35.87A. The King County council initiates this action in response to demonstrated community support.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. District established. A. As authorized by RCW Chapter 35.87A, the county council held a public hearing on August 29, 1990 in Room 402 of the King County courthouse and voted to establish a Burien Parking and Business Improvement Area (BIA). Businesses listed on Attachment A within the BIA boundary described below and mapped on Attachment B shall be subject to special assessments authorized by RCW 35.87A.010.

Starting at a point at the intersection of 10th Avenue Southwest and the alley between Southwest 151st and Southwest 152nd; then east to Ambaum Boulevard Southwest; then north to the alley between Southwest 150th and Southwest 151st; then east to 8th Avenue Southwest; then south to the north side of the property on which is located the Burien office of the Southwest King County Chamber of Commerce which address is 15030 8th Avenue Southwest; then east to the east side of the property on which is located the Burien office of the Southwest King County Chamber of Commerce; then south to Southwest 151st;

1 then east to the east side of the property occupied by the
2 United States Post Office which address is 609 Southwest 150th;
3 then north to Southwest 150th; then east to 6th Avenue
4 Southwest; then north to Southwest 148th; then east to the
5 driveway immediately to the east of the property occupied by
6 USA Gasoline which address is 303 Southwest 148th; then south
7 to the north side of the property occupied by Puget Sound Bank
8 which address is 222 Southwest 150th; then east to 2nd Avenue
9 Southwest; then south to Southwest 150th; then east to 1st
10 Avenue South; then south to the south side of property occupied
11 by Burien Toyota which address is 15025 1st Avenue South; then
12 west, along the north side of property at 132 and 136-1/2
13 Southwest 152nd, to the east side of the buildings occupied by
14 Burien Special Foods, Family Clothing Store and Winchell's
15 Donut House, which addresses are 148, 144 and 140 Southwest
16 152nd; then south to the east side of the building occupied by
17 R K Import Parts which address is 147 Southwest 152nd,
18 continuing to the alley between Southwest 152nd and Southwest
19 153rd; then east to the east side of the building occupied by
20 Burien Escrow which address is 116 Southwest 153rd; then south
21 to Southwest 153rd; then east to 1st Avenue South; then south
22 to the alley between Southwest 153rd and Southwest 154th; then
23 west to Ambaum Boulevard Southwest; then north to the alley
24 between Southwest 152nd and Southwest 153rd; then west to 10th
25 Avenue Southwest; then north to the intersection of 10th Avenue
26 Southwest and the alley between Southwest 151st and Southwest
27 152nd.

28 B. The addresses listed in Attachment A have been
29 identified as existing within the designated boundaries of the
30 BIA at the time of the adoption of this ordinance. Other
31 addresses created at a later date within the boundaries shall
32 be considered a part of the BIA.

33 SECTION 2. Special assessments. To finance the activities
34 authorized in Section 3, there shall be levied and collected a
35 special assessment upon the businesses within the BIA. It is

1 anticipated that special assessments collected within the BIA
2 will total approximately \$86,500 annually.

3 A. Any retail business operating within the BIA, as
4 determined by the King County planning and community
5 development division manager, shall pay a special assessment
6 equal to the net leasable square foot area of the business,
7 excluding any space devoted exclusively to storage, multiplied
8 by a factor of \$0.12. No retail businesses shall be assessed
9 more than \$3,000 nor less than \$180 per year. As determined by
10 the King County planning and community development division
11 manager, retail businesses include, but are not limited to,
12 those operating within the BIA which depend primarily on walk-
13 in traffic and which are engaged in the business of making
14 retail sales of services, articles, commodities, or merchandise
15 and includes those businesses rendering services incidental to
16 the sale of goods. Businesses included in this category are
17 those classified as retail under the most recent edition of the
18 U.S. Standard Industrial Classification Manual, SIC codes 52-
19 59. Also included in the \$0.12 per square foot rate are
20 financial institutions, including but not limited to, banks,
21 credit unions, finance companies, establishments providing
22 financial, insurance, and real estate services, hotels, and
23 lodging places generally classified under SIC codes 60-67.

24 B. Any wholesale business operating within the BIA which
25 does not depend on walk-in traffic or is not engaged in the
26 business of making retail sales of services, articles,
27 commodities or merchandise shall be assessed at the minimum
28 annual rate of \$180. As determined by the planning and
29 community development division manager, wholesale businesses
30 include, but are not limited to, manufacturing, warehousing,
31 exporting, freight forwarding, factory representatives, and
32 construction. These businesses are generally included in SIC
33 codes 15, 16, 17, 20-51.

34 C. All other businesses operating within the BIA, as
35 determined by the King County planning and community

1 development division manager, shall pay a special assessment
2 equal to the net leasable square foot area of the business,
3 excluding any space devoted exclusively to storage, multiplied
4 by a factor of \$0.10. No business shall be assessed more than
5 \$3,000 nor less than \$180 per year. This category includes
6 businesses operating in the BIA that do not meet the definition
7 of retail business or wholesale business and includes, but is
8 not limited to, attorneys, doctors, dentists, engineers,
9 management consultants, accountants, architects, veterinarians,
10 and other professional service providers, educational
11 institutions, and membership organizations.

12 D. Commercial parking lots which rent spaces within the BIA
13 shall be assessed at the annual rate of \$4.00 per parking
14 place. No commercial parking lot shall be assessed more than
15 \$3,000 nor less than \$180 per year.

16 E. No special assessments shall be levied upon and
17 collected from:

18 1. organizations to which a charitable contribution may
19 be made under the U.S. Internal Revenue Code, 26 USC 170(c);

20 2. sponsors of and concessionaires at public events and
21 vendors or entertainers in streets and parks who engage in
22 business within the BIA less than thirty days a year;

23 3. governmental agencies and offices; and

24 4. residential dwelling units.

25 F. A business which can demonstrate to the King County
26 planning and community development division manager that there
27 is approximately a fifty percent split, plus or minus ten
28 percent, between the square footage devoted to the \$0.12 per
29 square foot category of activities of that business versus the
30 \$0.10 per square foot category, shall be eligible for a special
31 assessment rate which will be the average of the two assessment
32 rates. A request for a special assessment rate must be filed
33 with the King County planning and community development
34 division manager at least thirty calendar days prior to the
35 date that the assessment is due to be paid to the county. The

1 request must be made each year that the business wishes to be
2 assessed at the average assessment rate. The business which is
3 determined by the King County planning and community
4 development division manager to qualify for the special
5 assessment rate shall pay an assessment equal to the net
6 leasable area of the business, excluding any storage space,
7 multiplied by the average assessment rate of \$0.11 per square
8 foot.

9 G. A new business which begins operating within the BIA
10 after establishment of the BIA may be exempted from the special
11 assessments pursuant to RCW 35.87A.170 for a period not
12 exceeding one year from the date of establishment of the
13 business in the BIA. Thereafter, the assessment shall be the
14 same as for other businesses in the BIA.

15 SECTION 3. Deposit and use of revenues. There shall be
16 established in the county treasury a separate fund, designated
17 the Burien Business Improvement Area Fund. All revenues from
18 the special assessments levied pursuant to this ordinance shall
19 be deposited in the Burien Business Improvement Area Fund.

20 A. Expenditures from the Burien Business Improvement Area
21 Fund shall be made upon vouchers approved by the planning and
22 community development manager or his or her designee for the
23 purpose of improving business and the general economic climate
24 within the BIA and to support activities that benefit the
25 district. The expenditures shall be for uses within the scope
26 of activities listed in RCW 35.87A.010 or as it may be amended
27 and can include marketing to encourage people to use shops and
28 services in the BIA; promotion of public events which are to
29 take place in the BIA; security and maintenance for common
30 public areas within the BIA; professional management, planning,
31 and promotion for the BIA, including the management and
32 promotion of retail trade activities in the area; improving and
33 enhancing the aesthetic appearance of the BIA, including
34 capital expenditures and general maintenance; decoration of any
35 public place in the BIA; furnishing music in any public place

1 in the BIA; and advertising and promotion of business in the
2 BIA, including special events and program management.

3 B. King County shall retain five percent of the BIA special
4 assessments to partially recover the cost of billing and
5 administration.

6 SECTION 4. Advisory board established.

7 A. An advisory board of nine voting members shall be
8 established to develop the overall policy and program direction
9 for the BIA. The board shall represent the geographic and
10 business diversity of the BIA. Assessed operators, defined as
11 the operators of businesses within the BIA who pay special
12 assessments, shall elect eight board members from within the
13 BIA. The president of the Southwest King County Chamber of
14 Commerce shall appoint one chamber board member to the advisory
15 board. The representative appointed by the chamber president
16 must be an assessed operator. The advisory board shall be
17 established within ninety days of the effective date of the
18 ordinance which establishes the BIA.

19 B. The advisory board shall annually formulate the budget
20 and work program for its staff, committees and subcommittees.
21 The advisory board shall present the budget and work program to
22 the assessed operators at an annual meeting and submit the
23 budget to the King County council for approval as provided for
24 in RCW 35.87A.110 or as it may be amended.

25 C. The advisory board shall be responsible for carrying out
26 the activities financed through the BIA special assessments and
27 shall submit requests for the payment of bills for BIA
28 activities to the planning and community development division
29 manager.

30 D. A representative of the King County planning and
31 community development division as designated by the division's
32 manager shall serve as a nonvoting member of the advisory
33 board.

34 E. Responsibilities of the advisory board.

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- 1. Develop a work program for the BIA and ensure its implementation;
- 2. Represent the interests and opinions of the assessed operators in all policy decisions affecting the BIA;
- 3. Provide timely information to assessed operators about BIA projects;
- 4. Adopt bylaws consistent with this ordinance for conducting business and electing members;
- 5. Elect officers to the advisory board;
- 6. Investigate and respond to all the assessed operators' written complaints and grievances;
- 7. Pursue the collection of delinquent accounts; and
- 8. Maintain an up-to-date assessment roll and provide it to King County for billing purposes.

The advisory board shall incorporate or operate under the authority of an incorporated community organization in order to administer the projects and activities undertaken by the BIA.

SECTION 5. Administration.

A. After the election of the advisory board, the King County executive shall enter into a contract with the advisory board, if it is incorporated or operating under the authority of an incorporated community organization, to initially administer the operation of the BIA. If no organization is willing or available to administer the BIA, King County may be the initial administrator until an administrator is selected by the advisory board. The King County executive may initially contract with the Southwest King County Chamber of Commerce to implement and administer the projects and activities undertaken by the BIA. The contract shall be reviewed for renewal at least annually.

B. An annual report describing the projects and activities conducted during the previous year and an evaluation of the program successes and shortcomings shall be submitted by the advisory board to the King County planning and community development division manager on or before February 28 of each

1 calendar year. It shall also contain an evaluation of the
2 performance of the administrator/contractor during the previous
3 year. The report shall be transmitted by the King County
4 executive to the King County council for its information.

5 C. A proposed work program and budget shall be submitted to
6 the King County planning and community development division
7 manager in accordance with the county's normal budget process.
8 The annual report, budget, and work program shall be prepared
9 by the advisory board and/or its administrator.

10 SECTION 6. Collection of special assessments. The King
11 County finance division shall bill and receive the special
12 assessments due on a semiannual basis. The initial six-month
13 assessment shall be due on the first day of the first full
14 month which is at least ninety days after the effective date of
15 the ordinance which established the BIA. The second half of
16 the special assessment shall be due on the first day of the
17 month which is six months following the due date of the first-
18 half assessment. King County may annually bring an action to
19 collect any unpaid assessments in the appropriate district
20 court as a civil action or use the services of a licensed
21 collection agency. One delinquent notice per billing cycle for
22 delinquent accounts shall be issued. Additional notice or
23 collection efforts, not including civil action, shall be the
24 responsibility of the advisory board.

25 SECTION 7. Penalties on delinquent assessments. Special
26 assessments shall be considered delinquent on the day after the
27 due date. Delinquent special assessments shall be charged a
28 penalty of twelve percent on the amount billed. If the account
29 continues to be delinquent, an additional twelve percent
30 penalty for each subsequent billing cycle shall be charged for
31 a maximum penalty of twenty-four percent on each delinquent
32 assessment.

33 SECTION 8. Commencement of assessments. Assessments shall
34 commence as of the effective date of the ordinance which
35 establishes the BIA.

1 SECTION 9. Disestablishment of area. The BIA may be
2 disestablished by ordinance after a hearing before the
3 legislative authority. The hearing shall be scheduled after
4 receipt of a valid disestablishment petition containing the
5 signatures of the requisite percentage of people who operate
6 businesses in the area in accordance with RCW 35.87A.190 or as
7 it may be amended.

8 SECTION 10. Contract authorization. The King County
9 executive shall be authorized to execute an initial contract to
10 implement and administer the operation of the BIA and to
11 facilitate the election of the advisory board. The contract
12 shall outline the responsibilities of King County, the advisory
13 board, and the contractor in accordance with the terms of the
14 ordinance which establishes the BIA and RCW 35.87A.

15 SECTION 11. Implementation. The King County executive
16 shall be authorized to implement such administrative procedures
17 as may be necessary to carry out the provisions of this
18 ordinance in accordance with K.C.C. 2.98.

1 SECTION 12. Severability. Should any section, subsection,
2 paragraph, sentence, clause or phrase of this ordinance be
3 declared unconstitutional or invalid for any reason, such
4 decision shall not affect the validity of the remaining portion
5 of this ordinance.

6 INTRODUCED AND READ for the first time this 30th day
7 of May, 1990.

8 PASSED this 29th day of August, 1990.

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KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

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12

Lois North
Chair

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ATTEST:

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Gerald A. Peter
Clerk of the Council

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APPROVED this 10th day of September, 1990

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Jim Hill
King County Executive

1st Avenue South

15005 Sizzler Steak House
15025 Burien Toyota
15303 Crane Consultants
15309-15 AMS/Sounds on Wheels

Ambaum Boulevard SW

15020 Safelight Auto Glass
15020B Vacant
15020C American General Finance
15220 New Hunan Restaurant

4th Avenue SW

15025 SW Community Recovery Center
15223 Vince's Italian Restaurant

6th Avenue SW

15204 Burien Trophy
15207 Boehm's Chocolates
15212 The Lunch Box
15217 Accent Hair Design
15220 Hawthorne & Co. (CPAs)
15221 Nick's Hair Stylists
15223 Strom's Custom Cleaners

8th Avenue SW

15030 SW King County Chamber of Commerce
15100 King County Fire District No. 2
15111 Serv-Co Ins
15116 Da-Thao Restaurant

9th Avenue SW

15214 The Antlers

10th Avenue SW

15210 Seahurst Workshop Gallery

SW 148th

303 Evans Tire
USA Gasoline

401 Vacant
Vacant
403 Lover's Package
415 Frozen Yogurt & Pizza
417 3 Pigs Bar-B-Q
421 Bob-N-Deb's (Barberette)
427 Karen's Hair Nail & Make-up

501 PayLess

Attachment A
Page TwoSW 150th

139	Advance Auto Leasing
207	Highline Times
222	Puget Sound Bank
243	Burien Collision Center
414	Burger King
415	Security Pacific Bank
431	Meal Makers Restaurant
500	Sears
601	Pay 'N Save

SW 151st

804	Bicycles West
810	Vacant

SW 152nd

140	Winchell's Donut House
144	Family Clothing Store
146	Vacant
147	R K Import Parts
148	Burien Special Foods
149	Insty-Prints
151	Vacant
152	C & C Paints
153	Clipper Northwest
155	FJB Realty
156	Genesis Book & Music Center
160	HFC
202	Garden Grill Restaurant
205	Sweet Lips Yogurt
206	La Costa Restaurant
207	P-I-P Printing
209	Body Shapers
210	Music West
211	Seattle Sun
212	Pizza Hut Carryout
213	Whaler Bookstore
215	Jaffe's Jewelry & Loans
216	West Seattle Eng. Math. Class
218	H & R Block
220	Taekwondo
221	Gehl Flowers & Gifts
223	American Shareware
223-1/2	M J's Hair Designers
224	Puget Sound Bank
225	Treasure House Travel
227	Danielson Jewelers
229	Ty-Con Plastercraft
230	Seattle First Bank
231	Golden Fashion
233	Jeans Express
235	Tim Brennan Optical
236	Burien Market Place
237	Lorene's Queen Size Fashions
239-1/2	Vacant

SW 152nd (continued)

241 Paul's Burger Joint
243 Vacant
245 Attorneys (Linn, et al)
250 Bartell Drug
255 Miller Beauty Supply

400 Burien 400 Building
Pacific First Federal
401 Windermere Real Estate
409 Sea-Tac Escrow
413-15 Linsey Sewell, OD
417 Moreland and Weiner, Attorneys
421 Dr. Odd Valle
Elmer's Appliance
425 Ducz's Viennese Pastry
431 Perry West
435 Silver Swan Restaurant
441 Vacant
443 Rental News
445 Elegante Formal Wear
445-1/2 Brandy's Boutique
447 Merle Norman Cosmetics
447-1/2 Burien Studio
455 Wonderworld Books and Gifts
457 Competitive Edge Athletics
460 Lamonts

601 Merryman & Associates
Highline Securities
604 Burien Pet Center
605 King Wha Restaurant
610 Heather's Hallmark Shop
611 Jorstad Jewelers
612 Vacant
616 Empire Electronics
617-19 Vacant
623 Veracruz Restaurant
625 Vacant
626 Goodyear Tire
627 Times Printshop
629 Todd's Shoe Repair
629A Christian Science Reading Room
631 Burien Books & Highline Frame
633 Seoul Boutique
635 Ding How Restaurant
636 Standard Brands Paints
639 Sun Jewel
641 Discount Computer Software
643A A & O Office Services
643B Bode Titus & Faxon Fine Gifts
646 Burien Flower Shop
648 Glass Expressions
650 American Ballet Academy
655 Key Bank
660 Frame & Save

800 InterWest Savings Bank
816 Carpet World
819 Pacific Fabrics
822 Burien Fish Market
823 Decorator Antiques
824 Murillo's Tailor Shop
825 Danish Bakery
826 Farmer's Insurance
827 Remember When Antiques

SW 152nd (continued)

828 His & Her Hair Center
830 The Aura of Washington

901 PVA (Paralyzed Veterans of America)
902 Boulevard Cleaners
903 Thompson's Ceramics
904 Burien Food Center/Burien Meats
905 Barts School of Cake Decorating
905-1/2 Auntie Shrew's Antiques
907 Luv N' Stuff Antiques
908 Kirk's Feed Store
909 Wallach's
913 Classic Radio
914 Jim Moore's Restaurant
915 The Sport Shop
917 Geri's Antiques
919 Burien Beauty Salon
920 Vintage Treasures - Suite 101
Jay Lauris Jewelry - Suite 102
Becker-Mandt Rebar - Suite 202

921 C & W Tax
923 Hi-Line Tin Shop
929 City Heat Magazine
929-1/2 Jan Noorda, Architect
930 Prestige Properties

SW 153rd

113 J B Burien Floorcraft
116 Burien Escrow/Mortgage
119 Joseph Chiropractic
120 Sudden Printing
121 Vacant
122 Speedy Auto Glass
124 Powell Construction
128 Video Encounters
129 Burien/Highline Travel
131 Snelling & Snelling
133 Vacant
134 The Reagan Agency/Harbor Insurance
Ron Calkins Construction
Mark I Detailers

135 Account Services
136 Strauss Uniforms & Equipment
137 Paul Bonnell, Attorney
139 Sound Escrow
140 Robert McAdams, Attorney
Stephen Thomas, Attorney
142 William Christie, Attorney
Brian Russell, Attorney
Washington First Insurance

143 Sound Mortgage
143B WRG Corporation
144 Community Home Health Care
Northwest Systems - Suite E
Edward D. Jones & Co. - Suite B

146A Mailbox America
148 Allstate Insurance
148A Defensive Driving School
148C Malcolm Bell, Attorney
W. L. Delbridge, Attorney
150 Agency Rent-A-Car
152 Action Sales

SW 153rd (continued)

153 AVCO Financial
155 Barber Electric
156 Farmer Music
Spano Accordion
157 Lester A. Dotson/HALT
159 Bolster-Devitte/Sav-On Insurance

201 Glendale-Hiline Insurance
202 K's Teriyaki Restaurant
203 Drs. Hamburger and Evans
204 Charles Branson, Attorney
206 Vacant
207 First Regency Mortgage
Inland Empire Mortgage
208 Howard Gylling, CPA
212 Vacant
213 Evergreen Escrow
215 Inland Empire Mortgage/Administration
216 J R's Lock Stock & Barrel
218 Efex Electronics/Right Track Studio
221 The Mailbox
222 Purvis Drum Shop
224 The Proud Peacock
227 Burien Foot Clinic
228 Architects of Travel
230 Silhouette Hair Design
232 Vacant
234 Vacant
235 Gambriell Construction
236 Vacant
237 Carol Kemp, Attorney
Richard Cohan, Attorney
239 New Home Specialists
243 Office Center
Donald Allen, Attorney
245 Vacant
247 Snider Draperies
249 Borden Office Supply
250A Burien Dance Theatre
250B Dancewear Etc.
250C The Sun Place
251 Phil Fleming, State Farm Insurance
255 Century 21 Real Estate
255-1/2 Vacant
266 Pyramid Tire

401 Binyon Vision Center
Hawthorne Insurance
International Services
Working Solutions
(A subsidiary of Professional Services for the Injured;
see 410 SW 153rd)

408 Elan
410 Professional Services for the Injured
415 Water District No. 49
424 Vacant
425 R & D Plumbing
426 Foster Office Equipment
430 "40" Rentals
444 Highline Lock & Key
446 Brim Press
447 Hobnobber Tavern
450 Vacant

Attachment A
Page Six

SW 153rd (continued)

452	Vacant
	B & B Bakery
453	Nielsen Brothers Carpet
455	The Company
457	U-Frame-It
601	Angelo's Italian Restaurant
607	AIT Freight Services
	Vortac Transportation, Inc.
611	Sal's Deli
615	Copier Systems
619	Burien Knit & Yarn Shop
623	Vacant
623A	Highline Fitness & Swim
625	Eyecare Center (Booth, Thome)
627	Red Wing Shoe Store
	Highline Tutoring Loft
629	Norman Singer, DC
630	Bison Creek Pizza
	Rosher Salon
	Soundwaves
	Medi-Rent
633	Interiors by Jayme
637	V-I-P Alteration & Tailor
	National Collection Systems
641	Dean Parkins & Associates
653	Vacant

BURIEN BIA

