



STAFF REPORT TO THE PLANNING COMMISSION

Prepared March 17, 2016

FILE NUMBERS: L16-0010 Code Amendments
E16-0002 SEPA Checklist

REQUEST: Public Hearing regarding the proposed housekeeping code changes to the Zoning, Subdivision/Plats, State Environmental Policy Act (SEPA), and Sign Codes. Based on direction from the Planning Commission staff will revise the ordinances and then the Planning Commission's final recommendations will then be forwarded to the City Council for review and adoption.

LOCATION: City wide

STAFF: Minnie Dhaliwal, Planning Supervisor

ATTACHMENTS: A: List of definitions zones associated with an assisted living facility.
B. List of uses in different zones that are proposed to be replaced with a matrix
C. Title 18 Ordinance along with Exhibit A and B
D. Title 17 Ordinance
E. Title 21 Ordinance
F. Title 19 Ordinance

BACKGROUND

Staff has grouped amendments to the Zoning, Subdivision, SEPA and Sign Codes together for your consideration. Staff briefed the Community Affairs and Parks Committee on February 22, 2016 and the Committee has sent these to the Planning Commission for review and recommendation. The Council will hold a hearing on the Planning Commission recommended changes and adopt final ordinances.

DISCUSSION OF PROPOSED CHANGES

A. Proposed Title 18 Zoning Code Changes

1. The housekeeping code amendments adopted in 2009 addressed the recommendations by Washington Cities Insurance Authority (WCIA) to use a hearing examiner to the maximum extent allowed by law for quasi-judicial land use decisions.

As a result of WCIA's recommendation the land use decision tables listed under TMC 18.104 were amended. However the procedures section of the code still references the old process and in places is inconsistent with the amended procedures listed under TMC 18.104. The proposed amendments at this time would make the different sections of the Zoning Code consistent with the procedures listed under TMC 18.104. The sections of the code that are proposed to be updated include:

- a. TMC18.70.040 (Non-conforming uses);
 - b. 18.56.040 (parking deviations are reviewed by the hearing examiner instead of the Board of Architectural Review));
 - c. 18.100.050 (Preliminary Plats are reviewed by the hearing examiner/Board of Architectural Review instead of City Council);
 - d. 18.64 (Conditional Use permits are reviewed by the hearing examiner instead of the Planning Commission).
2. Add an Assisted Living Facility definition and list it as a permitted/conditional use where convalescent center use is allowed and consider assisted living facility for seniors similar to a senior citizen housing. See Attachment A for the proposed and existing definitions and the list of zones where these are permitted. The zoning map can be found online at http://www.tukwilawa.gov/wp-content/uploads/Comp-Plan_Zoning-Map.pdf
 3. Delete the list of permitted uses in each separate zoning district chapter and create a new chapter with Zoning Code Use Matrix. See Exhibit A to Title 18 Ordinance for the matrix and the existing list of uses that the matrix would replace are attached as Attachment B.
 4. Incorporate code interpretations in Tukwila Municipal Code: Alternate Fuel Stations are treated similarly to other automotive services; Arenas are a permitted use in TUC-TOD; Brewery/Taprooms are permitted in TUC-WP; Townhouses are not limited to four-plexes in HDR.
 5. Amend the zoning code variance criteria to include a criterion that variances are not permitted when the undue hardship is created by the actions of the applicant. This is standard in other municipal codes but is only listed under the purpose section of the Tukwila Municipal Code and not as a separate criterion.
 6. With the adoption of the new Tukwila Urban Center Zoning height limits a few existing buildings that are taller than 45 feet became non-conforming. This results in some unintended consequences for the owners for insurance purposes. Amend the code to "grandfather" in pre-existing buildings that are taller than 45 feet.

7. Clarify that single family dwelling design standards such as the minimum roof pitch of 5:12 apply to accessory structures such as detached garages that require a building permit.
8. Housing Options Program that included regulations for cottage and compact single family development expired in 2008. The proposed ordinance would delete Chapter 18.120 from the Tukwila Municipal Code.

B. Proposed Title 17 Subdivision and Plat Changes

1. State Law was amended to allow seven years for a preliminary subdivision to get final approval. However Tukwila Municipal Code states five years. Amend Tukwila Municipal Code to make it consistent with the State Law.

C. Proposed Title 21 SEPA Changes

1. Update TMC 21.04.110 and 21.04.152 to be consistent with the updated State Law provisions related to SEPA rules. The Department of Ecology has updated the SEPA rules resulting in some incorrect references in Tukwila Municipal Code.
2. Update the plans listed under TMC 21.04.270. The list references old plans such as 1995 Comprehensive Plan; Parks and Open Space Plan adopted by Ordinance 1315 etc.
3. Revise the SEPA ordinance to track development proposals in the Tukwila Urban Center. A Supplemental EIS (SEIS) prepared in 2014 focused on potential impacts associated with increased intensity of development proposed for Tukwila's Urban Center, as established in the Southcenter Subarea Plan. Future project-specific development proposals that are consistent with the Southcenter Subarea Plan, new Tukwila Urban Center (TUC) development regulations, and the SEIS do not require individual SEPA review and cannot be challenged administratively or judicially pursuant to SEPA. This provides certainty and predictability for urban development proposals by streamlining the environmental review process within the subarea and encouraging the goals of SEPA and the State's Growth Management Act. The City's SEPA ordinance must be revised to include a process for tracking projects that meet the criteria and are exempt from SEPA.

D. Proposed Title 19 Sign Code Changes

1. Remove references to political signs and any other content based language in light of Supreme Court's ruling on Reed v. Town of Gilbert where the court ruled that content based regulations such as different regulations for political signs are unconstitutional.

2. Update TMC 19.20.050 to clarify that the allowable area for incentive signage is 50% of the maximum otherwise allowed.
3. Add language to provide the Director flexibility to provide permit extensions longer than 30 days.
4. Allow one additional building mounted sign for multi-tenant complexes which do not qualify for the master sign program.
5. Revise maximum size requirements for fuel canopy signs from a maximum of 5 sq. ft. to 10 sq. ft. or one third of the area of the canopy whichever is less.

REQUESTED ACTION

Review each proposed change, hold the public hearing on the proposed changes and make a recommendation to the City Council.