



## INFORMATIONAL MEMORANDUM

**To:** Tukwila City Council

**From:** Jack Pace, Director Community Development

**By:** Moira Bradshaw and Lynn Miranda, Senior Planners

**Copy:** Mayor Ekberg

**Date:** June 5, 2018

**Subject:** Tukwila International Boulevard (TIB) Study Area Moratorium Renewal

### **Issue**

The existing six-month moratorium on development in the TIB study area is set to expire and should be renewed. Without a moratorium, development and redevelopment in the TIB study area may occur that is contrary to the Comprehensive Plan's goals and policies. The City is in the process of updating the development standards for the area.

### **Background**

The City kicked off its implementation of the TIB District Element of the Comprehensive Plan with the TIB Rising/Congress for New Urbanism (CNU) community workshop in February 2017. The workshop resulted in a CNU final report that recommends revisions to permitted uses, building placement and heights, and a revised cross-section for TIB.

To allow time for development of implementation documents and a community discussion on options, a six-month moratorium on the types of uses that are inconsistent with the adopted goals and policies for TIB was adopted on July 17, 2017. A public hearing was held on September 5, 2017 and the Council heard from one resident who asked questions about existing uses and property sales. The Council reaffirmed the finding of fact from the Ordinance.

Uses affected by the moratorium include hotels, motels, extend-stay facilities, and auto-oriented commercial uses including but not limited to gas stations; battery, tire, engine body repair shops; vehicular sales or rentals; and commercial parking.

After six months, the moratorium was set to expire and the land use planning effort was not yet completed. Tukwila City Council held a second public hearing on January 8, 2018 and renewed the moratorium on January 16, 2018.

### **Discussion**

To date, progress has been made on drafting revisions to development standards and analyzing potential impacts from retrofitting the Boulevard; however, the planning process, including solidifying the relationships between the built form and street design for TIB, is not complete. Efforts to move forward have been stymied by staff turnover and work priorities. Currently there is no schedule for the City Council analysis and community review of the retrofit of TIB.

DCD staff are evaluating Zoning Code options that could be implemented for the near term without benefit of the retrofit to TIB. A revised work program is Exhibit B of the Attachment A and reflects a schedule for updating development standards for the TIB neighborhood assuming

no change to TIB's design as well as DCD assumptions for cross sections for existing streets and the design for potential future streets.

The schedule for drafting the documents and public review and discussion is anticipated to take nine months (see Exhibit B of Attachment A.) Extending the moratorium allows the City time to develop regulations to carry out this new infrastructure scenario.

**Financial Impact**

Potential for delayed development, development that doesn't occur, and the loss of permitting fees and taxes.

**Recommendation**

Based on the above discussion, staff recommends holding a public hearing on the attached draft ordinance renewing the moratorium on June 25, 2018 and adoption of the ordinance on July 2, 2018.

**Attachment**

- A. Draft moratorium ordinance

**DRAFT**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, RENEWING A SIX-MONTH MORATORIUM WITHIN THE TUKWILA INTERNATIONAL BOULEVARD STUDY AREA IN THE CITY OF TUKWILA ON THE DEVELOPMENT OF CERTAIN USES SUCH AS HOTELS, MOTELS, EXTENDED-STAY FACILITIES, OR AUTO-ORIENTED USES; SETTING A DATE FOR A PUBLIC HEARING ON THE MORATORIUM RENEWAL; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Tukwila has adopted a Comprehensive Plan in compliance with the Growth Management Act; and

**WHEREAS**, the City of Tukwila is currently updating its Zoning Code to comply with its adopted Comprehensive Plan; and

**WHEREAS**, the Tukwila International Boulevard ("TIB") Study Area, shown on Exhibit A, is a neighborhood that orients towards TIB, and comprises goods and services as well as higher density housing; and the Study Area is generally bounded by 42nd Avenue South on the east; South 160th Street on the south; International Boulevard, Military Road, and a stepped edge that follows the boundary of the multi-family zoning districts up to the Mixed Use Office District at approximately South 133rd Street on the north; and

**WHEREAS**, within the existing Neighborhood Commercial Center (NCC) and Regional Commercial (RC) zoning districts there are certain uses that in the future may not be allowed or may be allowed with conditions; and

**WHEREAS**, the owners and operators of three crime-infested motels pleaded guilty and were sentenced for conspiracy to maintain drug involved premises; and when the three adjacent hotel, motel and extended stay facilities within the Study Area were closed, the violent crime rate in the Study Area was cut nearly in half; and the City of Tukwila acquired those government surplus properties and razed the operations to better serve the public health and safety in the Study Area; and

**WHEREAS**, the City of Tukwila finds that hotels, motels, and extended-stay hotels and motels (hereafter, collectively referred to as "extended-stay facilities") in this Study Area generate higher than typical rates of crime and the City of Tukwila spent millions of dollars purchasing four motel sites and demolishing those developments; and

**WHEREAS**, in addition, the Comprehensive Plan goals and policies for the TIB Study Area are to create a pedestrian oriented, walkable destination, and auto-oriented services, uses and developments are not in keeping with those goals and policies; and

**WHEREAS**, the City of Tukwila is in the process of updating its land use regulations to comply with the goals and policies of its adopted Comprehensive Plan for the TIB Study Area and has budgeted for a Work Program, shown on Exhibit B, to address the changes that will bring consistency between the City's Comprehensive Plan and Zoning Code; and

**WHEREAS**, the City of Tukwila conducted a three-day workshop in February 2017 on the future improvements and land use regulations for the TIB Study Area and preliminarily determined hotels; motels; extended-stay facilities; and auto-oriented commercial uses, including, but not limited to, gas stations, car washes, vehicular repair or services, vehicular sales or rentals, vehicular storage, commercial parking, and drive-throughs, should be regulated differently than currently regulated; and

**WHEREAS**, the City desires to ensure the public has many opportunities to provide input on this matter; and

**WHEREAS**, on July 17, 2017, the Tukwila City Council adopted Ordinance No. 2543, which declared an emergency necessitating the immediate imposition of a 6-month moratorium prohibiting within the NCC and RC zoning districts of the TIB Study Area in the City of Tukwila the development, expansion, intensification or establishment of any new hotel, motel, extended-stay facility, and auto-oriented commercial uses including, but not limited to, gas stations, car washes, vehicular repair or services, vehicular sales or rentals, vehicular storage, commercial parking, and drive-throughs; and

**WHEREAS**, on September 5, 2017, the Tukwila City Council conducted a public hearing and heard testimony regarding the City's moratorium; and

**WHEREAS**, the moratorium on the development of certain types of new or expanded land uses was set to expire on January 16, 2018, and the neighborhood planning process was not yet completed; and

**WHEREAS**, on January 8, 2018, the Tukwila City Council held a public hearing on an ordinance renewing the six-month moratorium on certain types of new or expanded land uses and on January 16, 2018 adopted Ordinance No. 2565; and

**WHEREAS**, the moratorium on the development of certain types of new or expanded land uses is set to expire on July 15, 2018, and the neighborhood planning process is not yet completed; and

**WHEREAS**, a public hearing on this proposed ordinance was held on June 25, 2018; and

**WHEREAS**, the City desires to preserve the status quo for the protection of the health, safety or welfare of City residents, as it relates to development in Tukwila, until these matters are more fully considered;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, HEREBY ORDAINS AS FOLLOWS:**

**Section 1. Findings.** The recitals and findings set forth above are hereby adopted as the City Council's findings in support of the moratorium renewal imposed by this ordinance.

**Section 2. Moratorium Renewed.** Pursuant to the provisions of Article 11, Section 11 of the Washington State Constitution, RCW 35A.63.220, and RCW 36.70A.390, the City of Tukwila hereby renews a moratorium prohibiting within the NCC and RC zoning districts of the Tukwila International Boulevard ("TIB") Study Area in the City of Tukwila the development, expansion, intensification or establishment of any new hotel; motel; extended-stay facility; or auto-oriented commercial uses including, but not limited to, gas stations, car washes, vehicular repair or services, vehicular sales or rentals, vehicular storage, commercial parking, and drive-throughs. No land use approval, building permit, construction permit, occupancy permit, or other development permit or approval shall be issued for any of the uses listed above while this moratorium is in effect. Any land use approval, development permits or other permits for any of these operations that are issued as a result of error or by use of vague or deceptive descriptions during the moratorium are null and void and without legal force or effect.

**Section 3. Definitions.** As used in this ordinance, the following terms have the meanings set forth below:

A. "Hotel" means a building or buildings or portion thereof, the units of which are used, rented, or hired out as sleeping accommodations only for the purposes of transitory housing. Hotel rooms shall have their own private toilet facilities and may or may not have their own kitchen facilities. Hotels shall not include dwelling units for permanent occupancy. A central kitchen, dining room and accessory shops and services catering to the general public can be provided. No room may be used by the same person or persons for a period exceeding 30 calendar days per year. Not included are institutions housing persons under legal restraint or requiring medical attention or care.

B. "Motel" means a building or buildings or portion thereof, the units of which are used, rented, or hired out as sleeping accommodations only for the purposes of transitory housing. A motel includes tourist cabins, tourist court, motor lodge, auto court, cabin court, motor inn and similar names but does not include accommodations for travel trailers or recreation vehicles. Motel rooms shall have their own private toilet facilities and may or may not have their own kitchen facilities. Motels are distinguished from hotels primarily by reason of providing adjoining parking and direct independent access to each rental unit. Motels shall not include dwelling units for permanent occupancy. No room may be used by the same person or persons for a period exceeding 30 calendar days per year. Not included are institutions housing persons under legal restraint or requiring medical attention or care.

C. "Extended-stay hotel or motel" means a building or buildings or portion thereof, the units of which contain independent provisions for living, eating and sanitation including, but not limited to, a kitchen sink and permanent cooking facilities, a bathroom and a sleeping area in each unit, and are specifically constructed, kept, used, maintained, advertised and held out to the public to be a place where temporary residence is offered for pay to persons for a minimum stay of more than 30 days and a maximum stay of six months per year. Extended-stay hotels or motels shall not include dwelling units for permanent occupancy. The specified units for extended-stay must conform to the required features, building code, and fire code provisions for dwelling units as set forth in the Tukwila Municipal Code. Nothing in this definition prevents an extended-stay unit from being used as a hotel or motel unit. Extended-stay hotels or motels shall be required to meet the hotel/motel parking requirements. Not included are institutions housing persons under legal restraint or requiring medical attention or care.

D. "Auto-oriented commercial uses" means the use of a site for primarily the servicing, repair, rental, sales or storage of vehicles, or the servicing of people while in their vehicles such as restaurant drive-throughs. Typical uses include, but are not limited to, gas stations; battery, tire, engine body repair shops; vehicular sales or rentals lots; and commercial parking.

**Section 4. Effective Period for Moratorium Renewal.** The moratorium renewed herein shall be in effect for a period of 6 months from the date this ordinance is passed and shall automatically expire at the conclusion of that 6-month period unless the same is extended as provided in RCW 35A.63.220 and RCW 36.70A.390, or unless terminated sooner by the City Council.

**Section 5. Public Hearing.** Pursuant to RCW 35A.63.220 and RCW 36.70A.390, and following adequate public notice, a public hearing was held on June 25, 2018, to take public testimony regarding the City's moratorium.

**Section 6. Work Program.** The Director of Community Development is hereby authorized and directed to address issues related to appropriate zoning regulations within the TIB Study Area of hotels, motels, extended-stay facilities, and auto-oriented commercial uses in the Tukwila Municipal Code.

**Section 7. Corrections by City Clerk or Code Reviser.** Upon approval of the City Attorney, the City Clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; references to other local, state or federal laws, codes, rules, or regulations; or ordinance numbering and section/ subsection numbering.

**Section 8. Severability.** If any section, subsection, paragraph, sentence, clause or phrase of this ordinance or its application to any person or situation should be held to be invalid or unconstitutional for any reason by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this ordinance or its application to any other person or situation.

**Section 9. Effective Date.** This ordinance or a summary thereof shall be published in the official newspaper of the City, and shall take effect and be in full force five days after passage and publication as provided by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, at a Regular Meeting thereof this \_\_\_\_\_ day of \_\_\_\_\_, 2018

ATTEST/AUTHENTICATED:

\_\_\_\_\_  
Christy O'Flaherty, MMC, City Clerk

\_\_\_\_\_  
Allan Ekberg, Mayor

APPROVED AS TO FORM BY:  
  
\_\_\_\_\_  
Rachel B. Turpin, City Attorney

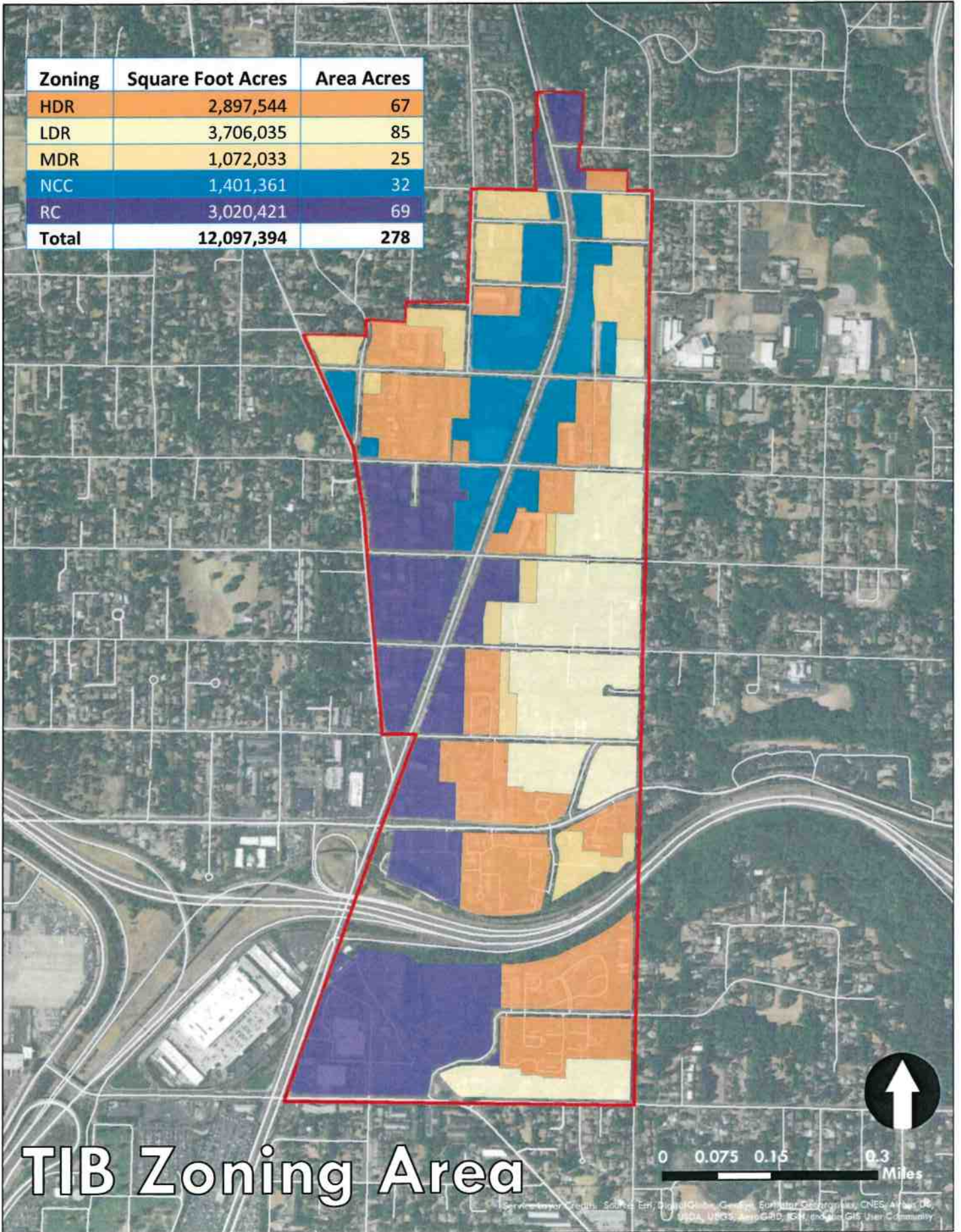
Filed with the City Clerk: \_\_\_\_\_  
Passed by the City Council: \_\_\_\_\_  
Published: \_\_\_\_\_  
Effective Date: \_\_\_\_\_  
Ordinance Number: \_\_\_\_\_

- Exhibit A – Map of Tukwila International Boulevard (TIB) Study Area
- Exhibit B – Tukwila International Boulevard (TIB) Neighborhood Plan  
2017 - 2019 Work Program





Zoning	Square Foot Acres	Area Acres
HDR	2,897,544	67
LDR	3,706,035	85
MDR	1,072,033	25
NCC	1,401,361	32
RC	3,020,421	69
<b>Total</b>	<b>12,097,394</b>	<b>278</b>



**TIB Zoning Area**

0 0.075 0.15 0.3 Miles





## Tukwila International Boulevard (TIB) Neighborhood Plan 2017 – 2019 Work Program

### Work completed - 1st and 2nd Quarters 2017

- CNU Legacy Workshop in Tukwila – February
- CNU Final Report Presentation to City Council Meeting - May
- Refined household and employment Yr. 2031 forecasts for TIB neighborhood for traffic analysis on the street modification
- Selected a consultant for the SEPA analysis of the proposed TIB Plan
- Contracted for additional transportation professional services on design standards for TIB neighborhood street standards d

### Work Completed –3<sup>rd</sup> and 4<sup>th</sup> Quarters 2017

- Reviewed draft Land Use Chart and Zoning Map amendments with Planning Commission - August 24, 2017
- Briefed TIBAC on above draft amendments – October 10, 2017
- Briefed Transportation and Infrastructure Committee (11/14/17) on traffic analysis and associated capital improvement costs and obtained direction for additional analysis
- Reviewed consultant’s draft street circulation improvements
- Contracted for an update to the Tukwila International Boulevard Design Manual

### Work Program – 1- 2<sup>nd</sup> Quarter 2018

- Contracted for additional engineering services analyzing TIB rechannelization impacts and cost
- Began creation and modification of alternative Zoning District boundaries and zoning standards based upon Planning Commission land use discussion, street designations and designs
- Drafted new street cross-sections for TIB streets and a new circulation network based on CNU engineering consultant recommendations and anticipated land uses
- On Hold – pending work program/schedule from Public Works Department on:
  - Engineering options and costs for TIB rechannelization and impacts to the community vision for TIB, Transportation Committee review, and community outreach and involvement
  - Interdepartmental collaboration on new street cross-sections and new TIB circulation network map
  - Review of CIP changes for TIB and obtain Council direction on TIB retrofit

### Work Program – 3 -4<sup>th</sup> quarter 2018

- Refocus zoning efforts on Transit Oriented Development (TOD) area<sup>1</sup> and refine standards for Urban Renewal Overlay (URO)
- Revise and update the TIB Design Manual
- Circulate draft Zoning revisions for internal review
- Draft Environmental Checklist (SEPA)

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<sup>1</sup> TOD is typically defined as a ½ mile walking distance from frequent transit service.

- Brief Planning Commission on Draft alternatives
- Conduct community outreach to property owners, businesses, and residents
- Issue SEPA Determination
- Planning Commission public hearing & review of TIB/TOD and URO zoning code & development standard revisions
- On Hold – pending work program/schedule from Public Works Department on
  - Street Network alternatives

Work program - 1<sup>st</sup> quarter 2019

- City Council work sessions; public hearing, adoption of TIB/TOD and URO zoning code & development standard revisions

Products:

- Comprehensive Plan Map Amendment
- Zoning Code and Map Amendments
- Environmental Checklist and Determination
- On Hold – pending work program/schedule from Public Works Department on:
  - Infrastructure Design and Construction Standards amendments
  - Capital Improvement Program for neighborhood