



City of Tukwila  
**Community Development &  
 Neighborhoods Committee**

- ◆ Kate Kruller, Chair
- ◆ Kathy Hougardy
- ◆ Zak Idan

<u>Distribution:</u>	
K. Kruller	Mayor Ekberg
K. Hougardy	D. Cline
Z. Idan	R. Bianchi
V. Seal	C. O'Flaherty
D. Robertson	L. Humphrey

# AGENDA

**WEDNESDAY, NOVEMBER 14, 2018 – 5:30 PM**

**HAZELNUT CONFERENCE ROOM**

(At east entrance of City Hall)

Item	Recommended Action	Page
<b>1. PRESENTATION(S)</b>		
<b>2. BUSINESS AGENDA</b>		
a. Discussion of letter opposing the proposed federal "public charge" rule. <i>Rachel Bianchi, Deputy City Administrator</i>	a. Forward to 11/26 C.O.W. Mtg. for consensus.	<b>Pg.1</b>
b. An ordinance renewing a moratorium within the Tukwila International Boulevard study area. <i>Moira Bradshaw, Senior Planner; and Lynn Miranda, Senior Planner</i>	b. Forward to 11/26 C.O.W. for public hearing and 12/3 Regular Mtg.	<b>Pg.5</b>
<b>3. ANNOUNCEMENTS</b>		
<b>4. MISCELLANEOUS</b>		

**Next Scheduled Meeting:** *Tuesday, November 27, 2018*



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## INFORMATIONAL MEMORANDUM

TO: Community Development and Neighborhoods Committee

FROM: Mia Navarro, Community Engagement Manager

CC: Mayor Ekberg

DATE: 11/07/2018

SUBJECT: Public Comment on Proposed Federal Rule: "Inadmissibility on Public Charge Grounds"

### ISSUE

The Trump Administration is proposing a new immigration rule titled "Inadmissibility on Public Charge Grounds." This rule seeks to strengthen existing language ensuring that immigrants to the United States will be self-sufficient, and will not be dependent on public benefits such as health care, nutrition, or housing programs. The purpose of this agenda item is to discuss whether or not to submit formal comments. Staff will provide draft comments.

### BACKGROUND

Executive Summary of proposed rule "Inadmissibility on Public Charge Grounds"  
<https://www.federalregister.gov/documents/2018/10/10/2018-21106/inadmissibility-on-public-charge-grounds>

*DHS [Department of Homeland Security] seeks to better ensure that aliens subject to the public charge inadmissibility ground are self-sufficient, i.e., do not depend on public resources to meet their needs, but rather rely on their own capabilities, as well as the resources of family members, sponsors, and private organizations.[2] DHS proposes to define the term "public charge" in regulation and to identify the types, amount, and duration of receipt of public benefits that would be considered in public charge inadmissibility determinations. DHS proposes to amend its regulations to interpret the minimum statutory factors for determining whether an alien is inadmissible because he or she is likely to become a public charge. This proposed rule would provide a standard for determining whether an alien who seeks admission into the United States as a nonimmigrant or as an immigrant, or seeks adjustment of status, is likely at any time to become a public charge under section 212(a)(4) of the Act, 8 U.S.C. 1182(a)(4). DHS also provides a more comprehensive framework under which USCIS will consider public charge inadmissibility. DHS proposes that certain paper-based applications to USCIS would require additional evidence related to public charge considerations. Due to operational limitations, this additional evidence would not generally be required at ports of entry.*

*DHS also proposes amending the nonimmigrant extension of stay and change of status regulations by exercising its authority to set additional conditions on granting such benefits. Finally, DHS proposes to revise its regulations governing the discretion of the Secretary of Homeland Security (Secretary) to accept a public charge bond under section 213 of the Act, 8 U.S.C. 1183, for those seeking adjustment of status.*

If enacted, this rule would negatively impact immigrant families here in Tukwila and the region. While refugees and other special cases would be exempt from this rule, immigrants applying for entry to the United States, and non-immigrant visitors seeking to extend their stay or change their status to immigrant, would be evaluated as to whether or not they would have to rely on

public benefits in order to be successful in this country. If yes, they would be denied admission or denied extension.

**DISCUSSION**

With an estimated 41% of Tukwila residents being foreign born, this rule would have a significant impact on our neighbors and our community.

This rule would impact families that have been separated in the process of immigrating to the United States and are trying to reunite. It would also impact immigrant families that are here already by discouraging them from applying for needed benefits, stating:

*...the proposed rule would also result in a reduction in transfer payments from the federal government to individuals who may choose to disenroll from or forego enrollment in a public benefits program. Individuals may make such a choice due to concern about the consequences to that person receiving public benefits and being found to be likely to become a public charge for purposes outlined under section 212(a)(4) of the Act, even if such individuals are otherwise eligible to receive benefits. For the proposed rule, DHS estimates that the total reduction in transfer payments from the federal and state governments would be approximately \$2.27 billion annually due to disenrollment or foregone enrollment in public benefits programs by aliens who may be receiving public benefits. DHS estimates that the 10-year discounted transfer payments of this proposed rule would be approximately \$19.3 billion at a 3 percent discount rate and about \$15.9 billion at a 7 percent discount rate. (Section II.B. Costs and Benefits)*

**FINANCIAL IMPACT**

None.

**RECOMMENDATION**

The Council is being asked to review the DRAFT comments prepared by staff in opposition to this proposed rule, and provide consensus to staff to submit formal comments on this proposed rule on behalf of the City. The public comment period ends December 10<sup>th</sup>.

**ATTACHMENTS**

DRAFT Comments on proposed "Public Charge" rule.

## **DRAFT Comments on proposed “Public Charge” rule**

The City of Tukwila opposes the Department of Homeland Security’s proposed rule, “Inadmissibility on Public Charge Grounds.”

If enacted, this rule would negatively impact immigrant families here in Tukwila and the region. With an estimated 41% (7,790) of Tukwila residents being foreign born, this rule would have a significant impact on our neighbors and our community.

This rule would impact families that have been separated in the process of immigrating to the United States and are trying to reunite. It would also impact immigrant families that are here already by discouraging them from applying for needed benefits. This proposal would prevent immigrants from using the programs their tax dollars help support, preventing access to healthy, nutritious food and secure housing.

The City of Tukwila asks that the Trump Administration withdraw this proposal.





## **INFORMATIONAL MEMORANDUM**

**To:** Tukwila City Council

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

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

**Copy:** Mayor Ekberg

**Date:** 7 November 2018

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

### **Issue**

Without renewal of the existing moratorium, development, and redevelopment in the TIB study area can proceed during the process of updating the planning area's regulations and could be contrary to the Comprehensive Plan's vision and preliminary recommendations from the Congress for New Urbanism's (CNU) TIB Rising workshop. The current moratorium is scheduled to expire on January 10, 2019.

### **Background**

The City kicked off its update of the Tukwila International Boulevard (TIB) sub-area plan with the TIB Rising/CNU community workshop in 2017. That workshop resulted in a CNU final report that recommends revisions to permitted uses, building placement and heights, and a future cross-section for TIB. Those preliminary recommendations are being analyzed and incorporated into draft public review documents.

Development or redevelopment per currently adopted standards could potentially be inconsistent with the community's vision for a denser and more walkable neighborhood. Current Zoning Code standards were adopted prior to the 2015 update of the Comprehensive Plan. The moratorium has been in effect since July 17, 2017.

### **Discussion**

The work schedule for staff analysis, drafting and public discussion of the draft zoning changes is Exhibit B of the Draft Ordinance. Renewal of the moratorium for another six months allows maintenance of the land use status quo until the community completes their review and adoption of the zoning code changes.

### **Financial Impact**

Potential for delayed or foregone development and loss of resulting fees and taxes.

**Recommendation**

To prevent development that is not in keeping with the City's 2015 adopted Comprehensive Plan and allow full discussion of regulations appropriate to the goals and policies for the TIB planning area, staff recommends a public hearing on November 26, 2018 and adoption of the attached draft moratorium at the December 3, 2018 regular meeting. The effective date of the ordinance will be January 9, 2019, the day before the current moratorium expires.

**Attachments**

- A. Draft moratorium



# 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 contains retailers of 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 only be allowed with conditions; and

**WHEREAS**, the owners and operators of three crime-infested motels pleaded guilty to conspiracy to maintain drug involved premises; and when the three adjacent hotel, motel and extended stay facilities within the TIB Study Area were closed, the violent crime rate in the TIB 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 TIB 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 the TIB Study Area generate higher than typical rates of crime; and

**WHEREAS**, the City of Tukwila spent millions of dollars purchasing four motel sites and demolishing those developments; and

**WHEREAS**, 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**, on June 25, 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 July 2, 2018 adopted Ordinance No. 2579; and

**WHEREAS**, the moratorium on the development of certain types of new or expanded land uses is set to expire on January 10, 2019, and the neighborhood planning process is not yet completed; and

**WHEREAS**, clarification has been added regarding business license renewals; and

**WHEREAS**, a public hearing on this proposed ordinance was held on November 26, 2018; and

**WHEREAS**, the City desires to preserve the status quo for the protection of the health, safety and 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. Nothing in this moratorium shall prevent an existing business from renewing their business license. 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 effective date specified within this ordinance 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 November 26, 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 January 9, 2019.

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

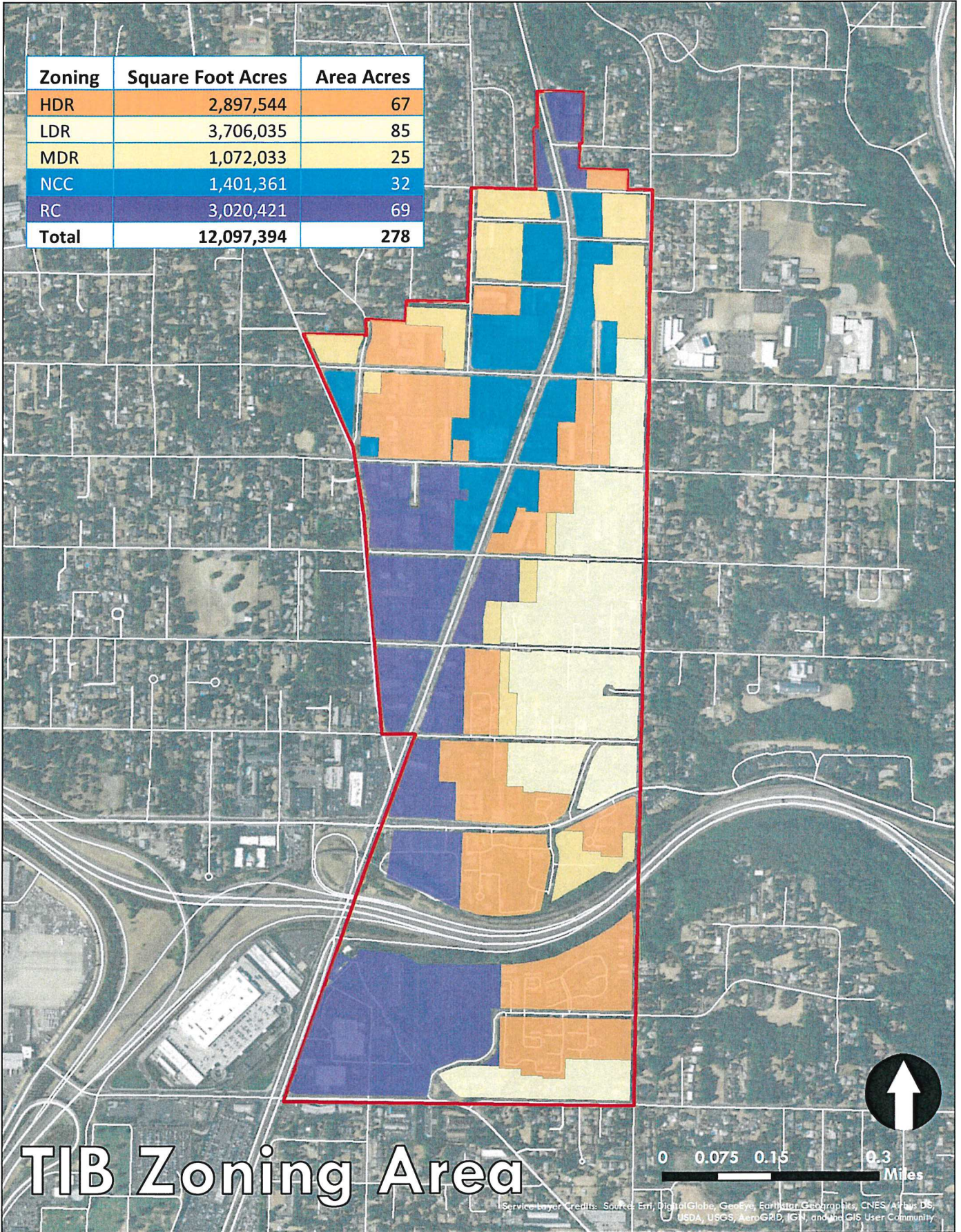
APPROVED AS TO FORM BY:  
  
\_\_\_\_\_  
Rachel B. Turpin, City Attorney

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













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

### Work Completed - 1st and 2nd Quarter 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

### Work Completed –3rd and 4th Quarter 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 – 1st and 2nd 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
- Council extended moratorium on certain uses in the TIB study area.
- On Hold – pending work program/schedule from Public Works Department on:
  - o Engineering options and costs for TIB rechannelization and impacts to the community vision for TIB, Transportation Committee review, and community outreach and involvement
  - o Interdepartmental collaboration on new street cross-sections and new TIB circulation network map

### Work Program – 3rd and 4th Quarter 2018

- TIC and CDN reviewed TIB retrofit analysis
- Updated Council on current direction and schedule for implementing TIB zoning changes and possible TIB rechannelization options. Recommended further analysis of TIB rechannelization options.
- DRAFT TIB zoning code revisions circulated to staff for internal review
- Contract for additional TIB rechannelization analysis and mitigation options.
- Revise and update the TIB Design Manual

### Work Program - 1st Quarter 2019

- Council decision on renewing moratorium on certain uses in the TIB study area
- TIC and CDN review of additional TIB rechannelization analysis
- Council direction on TIB rechannelization
- Draft Environmental Checklist (SEPA)
- Issue SEPA Determination
- Outreach to property owner, resident and development community

### Work Program – 2nd and 3rd Quarter 2019

- Planning Commission and City Council joint work session on proposed Zoning Code changes
- Planning Commission public hearing and deliberation on TIB zoning changes and map amendments
- Transmittal of Planning Commission recommendation to City Council
- C.O.W. Public Hearing, review, and discussion of Planning Commission recommendation