



## INFORMATIONAL MEMORANDUM

**To:** Tukwila City Council

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

**By:** Lynn Miranda and Max Baker, Senior Planners

**Copy:** Mayor Ekberg

**Date:** November 5, 2019

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

### Issue

The existing six-month moratorium on development in the TIB study area expires on January 9, 2020 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 vision and preliminary recommendations from the Congress for New Urbanism (CNU) TIB Rising workshop. The City is in the process of updating the land use regulations for the TIB area and identifying potential on-street parking alternatives for TIB.

### 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. Those preliminary recommendations are currently being analyzed by staff and incorporated into draft public review and implementation documents.

### Discussion

1. Current Zoning Code regulations were adopted prior to the 2015 update of the Comprehensive Plan and prior to a regional location decision to place a transit facility within the neighborhood. Development or redevelopment pursuant to currently adopted standards could potentially be inconsistent with the community's vision for a denser and more walkable neighborhood and for streetscapes with active building facades.
2. Part of the reconfiguration of the neighborhood includes making complementary changes to street design, which means reconfiguring Tukwila International Boulevard with on-street parking and bicycle facilities. Understanding the vehicular traffic impacts and costs of the changes are critical, and the land use decisions are dependent on those choices. This work is currently underway.
3. Due to serious crime within the TIB area, the Federal Government seized three motels in the study area and the City subsequently purchased and demolished them to reduce crime and improve public safety.

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 findings 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.

The planning process for the TIB neighborhood is not yet complete, although progress has been made on drafting revisions to development standards and analyzing potential impacts from retrofitting the Boulevard.

A complete chronology and work accomplished to date is presented in the 2017-2020 TIB Workprogram attached to the draft TIB moratorium ordinance following this memo. The more significant tasks that must still be completed include the following:

- Public Works' analysis of the cost of on-street parking on TIB and potential mitigation measures
- Council decision on implementing on-street parking on TIB
- Revisions to the zoning code
- Preparation of a new Design Manual for the TIB area
- Preparing an Environmental Checklist (SEPA)
- Community Outreach
- Planning Commission hearing and recommendation on zoning code changes
- Council hearing and recommendation on zoning code changes

Extending the moratorium allows the City time to develop the regulations to carry out the vision for the TIB study area, including making a decision on implementing on-street parking and bicycle facilities on TIB.

### **Financial Impact**

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

### **Recommendation**

To prevent development that is not in keeping with the City's 2015 adopted Comprehensive Plan vision and CNU recommendations, to protect public safety, and to allow full discussion of the relationship between street design and land use regulations appropriate to the goals and policies for the TIB study area, staff recommends holding a public hearing on the attached draft moratorium at the COW meeting on November 25, 2019 with a decision on adopting the moratorium at the Regular Council meeting on December 2, 2019.

### **Attachment**

- 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 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 to conspiracy to maintain drug involved premises, and when the three motels and an adjacent motel within the TIB Study Area were closed, the violent crime rate in the Study Area was cut nearly in half; 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 acquiring the three government surplus motel properties and purchasing an adjacent fourth motel site and razed the operations to better serve the public health and safety in the TIB Study Area; 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**, the moratorium on the development of certain types of new or expanded land uses was set to expire on July 15, 2018, and the neighborhood planning process was not yet completed; 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 was set to expire on January 10, 2019, and the neighborhood planning process was not yet completed; and

**WHEREAS**, clarification was added regarding business license renewals; and

**WHEREAS**, on November 26, 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 clarification regarding business license renewals was added, and on December 3, 2018 the Council adopted Ordinance No. 2595; and

**WHEREAS**, the moratorium on the development of certain types of new or expanded land uses was set to expire on July 9, 2019, and the neighborhood planning process is not yet completed; and

**WHEREAS**, on May 28, 2019, 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 June 3, 2019 adopted Ordinance No. 2606; and

**WHEREAS**, the moratorium on the development of certain types of new or expanded land uses is set to expire on January 9, 2020, and the neighborhood planning process is not yet completed; and

**WHEREAS**, a public hearing on this proposed ordinance was held on November 25, 2019; 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, 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 25, 2019, 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, 2020.

PASSED BY THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, at a Regular Meeting thereof this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

ATTEST/AUTHENTICATED:

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

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

APPROVED AS TO FORM BY:

Filed with the City Clerk: \_\_\_\_\_

Passed by the City Council: \_\_\_\_\_

Published: \_\_\_\_\_

Effective Date: \_\_\_\_\_

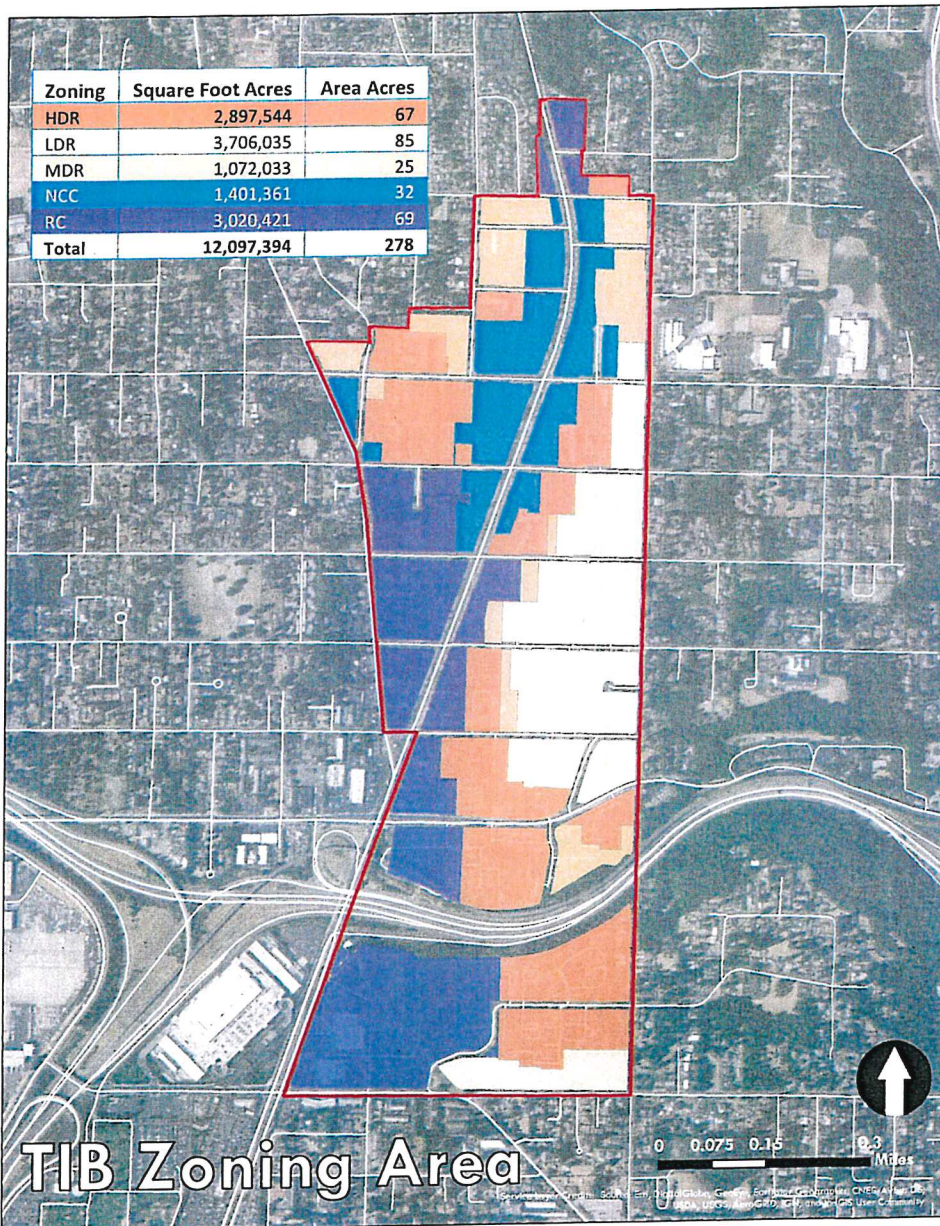
Ordinance Number: \_\_\_\_\_

\_\_\_\_\_  
Rachel B. Turpin, City Attorney

Exhibit A – Map of Tukwila International Boulevard (TIB) Study Area

Exhibit B – Tukwila International Boulevard (TIB) Neighborhood Plan 2017-2020 Work Program

Exhibit A  
Tukwila International Boulevard (TIB) study area





**Tukwila International Boulevard (TIB) Neighborhood Plan**  
**2017 - 2020 Work Program**

Work completed – 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.
- 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 completed – 2018

- Contracted for additional engineering services analyzing TIB on-street parking 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.
- Updated Council on current direction and schedule for implementing TIB zoning changes and possible TIB on-street parking options. Recommended further analysis of TIB on-street parking options.
- Consultants delivered draft TIB zoning code revisions to staff.
- Circulate draft zoning revisions for internal review.

## **Tukwila International Boulevard (TIB) Neighborhood Plan 2017 – 2020 Work Program**

### Work program – 2019

- Contracted for additional TIB on-street parking analysis and mitigation options.
- Consultants delivered a draft update of the TIB Design Manual to staff.
- Council renewed moratorium on certain uses in the TIB study area in July.
- Planning Commission and City Council Field Trip to view on-street parking options – July 10th.
- Consultants delivered draft analysis of on-street parking options and mitigation, including costs, to DCD and PW staff. Staff completed review and suggested edits.
- DCD and PW staff prepare memo for City Council summarizing TIB on-street parking options, mitigation, cost, and an evaluation of how well each alternative achieves community goals for TIB.
- Council considers additional 6-month extension of moratorium on certain uses in the TIB study area.

### Work program – 2020

- Bring additional TIB analysis memo back to Transportation and Infrastructure Committee and Community Development and Neighborhoods Committee.
- Council decision on TIB on-street parking and bike lane.
- Draft Environmental Checklist (SEPA).
- Issue SEPA Determination.
- Finalize draft TIB review Zoning Code and Design Manual changes for public review.
- Outreach to property owners, residents and development community.
- City Council/Planning Commission joint work sessions.
- Planning Commission and City Council public hearings and deliberation on TIB zoning changes and map amendments.

### Products

- Comprehensive Plan Map Amendment.
- Zoning Code and Map Amendments.
- TIB Design Manual.
- Environmental Checklist and Determination