



## STAFF REPORT TO THE PLANNING COMMISSION Prepared July 12, 2021

- FILE NUMBERS:** L21-0092 Comprehensive Plan/Zoning Code Amendment  
E21-0003 SEPA Checklist
- REQUEST:** Consider amendments to Tukwila’s Zoning Code to bring it into alignment with HB 1220 which requires cities to permit indoor emergency shelters and indoor emergency housing in any zones where hotels are allowed. Additionally, it requires permanent supportive housing and transitional housing to be permitted in all zones that allow residences or hotels. The Planning Commission will hold a public hearing on the proposed amendments and make recommendations to the City Council for review and adoption.
- PUBLIC HEARING:** Scheduled for July 22, 2021
- LOCATION:** Citywide
- STAFF:** Nora Gierloff, DCD Director  
Emily Miner, Assistant City Attorney
- ATTACHMENTS:**
- A. Excerpt of Zoning Code Use Table
  - B. Proposed Ordinance Language
  - C. List of King County Shelters and Transitional/Supportive Housing

### BACKGROUND

The State legislature has passed House Bill 1220, which goes into effect on July 25, 2021, and requires that as of September 30, 2021, cities may not prohibit:

- Indoor emergency shelters and indoor emergency housing from locating in any zones where hotels are allowed, or
- Transitional housing or permanent supportive housing from locating in any zone that allows hotels or dwellings.

The bill does allow cities to develop reasonable operation and location requirements for these uses to protect public health and safety. Here is the bill as passed by the legislature:

- <http://lawfilesexext.leg.wa.gov/biennium/2021-22/Pdf/Bills/House%20Passed%20Legislature/1220-S2.PL.pdf?q=20210510101723>

The Planning and Community Development (PCD) Council Committee was briefed on these changes and potential local regulatory requirements on June 7, 2021. They forwarded the issue on to the Planning Commission to develop a recommendation.

### Summary of HB 1220

Following is a summary of the bill's provisions and a brief discussion of how Tukwila would be affected.

#### **Sections 1. and 2. Comprehensive Plan Housing Element and Development Regulations**

The Growth Management Act (GMA), codified at Chapter 36.70A. RCW, requires periodic review and updates to Comprehensive Plans. In King County, our deadline for this update is June of 2024. The bill sets out some new requirements for the Housing Element that we will need to address including:

- Data analysis on the topic of adequate zoned land capacity for different levels of affordable housing, shelters, and supportive housing;
- Goals for inclusion of moderate density housing such as duplexes, triplexes and townhouses;
- Identify funding and regulatory barriers to housing availability for all economic segments of the community;
- Identify and implement policies and regulations to address and begin to undo racially disparate impacts, displacement, and exclusion in housing;
- Identify areas at higher risk of displacement from market forces and establish anti-displacement policies.

Tukwila will incorporate these new requirements into our Comprehensive Plan update which is targeted to begin in mid-2022.

#### **Sections 3. and 4. Shelters and Transitional and Permanent Supportive Housing**

This section prevents cities from prohibiting indoor emergency shelters and housing in any zones where hotels are allowed, and transitional housing or permanent supportive housing in any zones where residential dwelling units or hotels are allowed. This is nearly every zone in Tukwila, see use table in Attachment A.

Tukwila does not define or regulate transitional or permanent supportive housing. Currently shelters are allowed in the low, medium and high-density residential zones along with the mixed use office and office zones. However, we narrowly define the populations that may be served by these shelters:

**18.06.743 Shelter** "Shelter" means a building or use providing residential housing on a short-term basis for victims of abuse and their dependents, or a residential facility for runaway minors (children under the age of 18).

Tukwila would need to allow shelters serving all populations of individuals and families experiencing homelessness. Cities are allowed to impose reasonable occupancy, spacing, and intensity requirements on these uses for public health and safety purposes. However, such requirements may not prevent the siting of a sufficient number of these facilities to meet the city's need as determined by the Department of Commerce.

#### **Section 5. Moratoriums and Interim Ordinances**

Cities may not use moratoriums or interim ordinances to block implementation of the requirements of HB 1220.

### **Section 6. Definitions**

New definitions of emergency shelter, emergency housing, and moderate-income household are added to RCW 36.70A.030.

### **Section 7. Accessory Dwelling Units**

The bill states that cities and counties should consider policies encouraging the construction of accessory dwelling units (ADU) as a way to meet affordable housing goals. The bill suggests that policies could include:

- Prohibiting owner-occupancy requirements;
- Prohibiting use of the ADU for short-term rentals;
- Exempting ADU residents from the number of unrelated residents allowed on the lot;
- Removing minimum and maximum floor area requirements;
- Allowing setback encroachments for ADUs similar to the principal unit for roof decks, balconies, and porches;
- Developing an amnesty program for owners with unpermitted ADUs to obtain permits;
- Authorizing detached ADUs, ADUs on lots meeting minimum lot size, and ADUs on lots with nonconforming principal units, if the ADU would not increase the nonconformity;
- Authorizing ADUs to be converted from existing structures even if in violation of current setback or lot coverage requirements;
- Prohibiting public street improvements as a requisite to permitting ADUs; and
- Authorizing new or separate utility connection requirements between the ADU and utility when necessary to be consistent with certain requirements, plans, or policies.

Tukwila had been reviewing its ADU regulations prior to the COVID disruptions. When we have the staffing capacity to restart the project, we can incorporate an evaluation of the proposed policies as part of the ADU regulations update.

## **DISCUSSION**

In addition to adding the new uses to our Zoning Code definitions and use table, we may also want to consider developing specific operational criteria to proactively address potential concerns and conflicts with these uses. See Attachment B for the proposed regulatory language.

### **Shelter Type**

The PCD Committee supported the requirement for shelters to use a residential model where clients are screened, admitted and assigned a space for the duration of their stay rather than a day or night shelter model where people must leave with their belongings each day. On-site services would be limited to residents and not offered for drop in use. The stability offered by this model has better outcomes for the clients and fewer impacts on the surrounding neighborhood.

### **Transit Access**

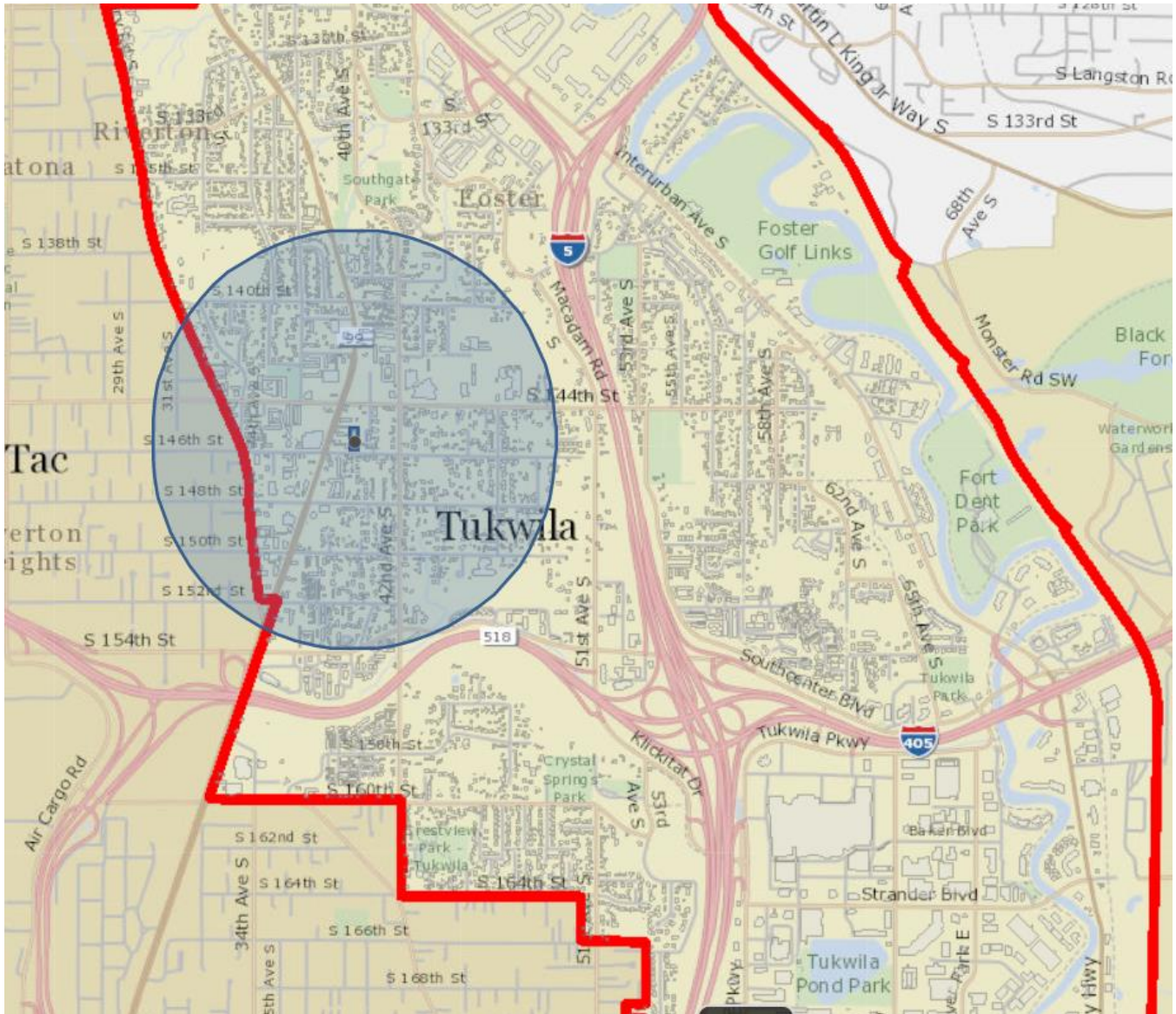
The PCD Committee supported the requirement that shelters and housing be located within a half mile walking distance of a bus or rail transit stop so that these transit dependent populations can reach services and employment.

### **Facility Spacing**

Staff recommends that, to avoid a concentration of uses, we require that shelters be at least a half mile from any other shelters, and supportive or transitional housing be at least a half mile from any other supportive or

transitional housing. At PCD we discussed a one mile spacing but that would likely not allow an adequate number of sites in Tukwila.

The map below shows a ½ mile radius from Pacific Court, Tukwila’s only permanent supportive housing. Tukwila does not currently have any emergency shelters or emergency housing. There are four Way Back Inn units (two single family homes and one duplex) that serve as domestic shelters but under the draft language they would not be subject to the proposed spacing requirements. The Conquest Center transitional housing has moved out of Tukwila. Group homes and adult family homes are regulated differently and would not be subject to the proposed regulations.



**Maximum Size**

The number of residents in a facility would be required to comply with life safety regulations in the building and fire codes. In addition, staff is recommending a maximum facility size of 75 residents. Most shelters and transitional/supportive housing developments are under this size, see list of King County facilities in Attachment C. Pacific Court has 32 units with a maximum number of 50 residents.

**Good Neighbor Agreement**

The PCD Committee supported the requirement that operators of shelters and supportive or transitional housing be required to work with the City and adjacent residents and businesses to develop a set of standards covering quiet hours, smoking areas, security procedures, litter, landscaping, and screening.

**Code of Conduct**

The PCD Committee supported the requirement that operators of shelters and supportive or transitional housing work with the City to develop a set of standards and expectations that residents must agree to follow.

**Parking Plan**

Staff recommends that operators of shelters and supportive or transitional housing work with the City to develop a parking plan showing that the facility has adequate parking to meet the expected demand from residents, staff, service providers, and visitors. There are no parking requirements for these uses in the Zoning Code and as facility types and operations may vary it would be more accurate to set individualized requirements. Residents will not be allowed to park off site and all vehicles would have to be operational.

**Emergency Services**

The PCD Committee supported the requirement that operators of shelters and supportive or transitional housing develop coordination plans with both the Police and Fire Departments including protocols for response to the facility and to facility residents throughout the City. Together they would also develop a threshold for the maximum number of quarterly responses for law enforcement services. If calls for law enforcement services exceed the agreed upon threshold in any given quarter, the facility operator would work with the City to reduce calls below the threshold level.

**Communication**

The PCD Committee supported the requirement that operators of shelters and supportive or transitional housing provide regular reports to the Human Services Program Coordinator on how facilities are meeting performance metrics such as placement of residents into permanent housing or addiction treatment programs. The content and frequency of these reports would be specified in a Memorandum of Agreement between the City and operator.

**REQUESTED ACTION**

Hold the public hearing on the proposed code amendments, review the amendments, and forward the ordinance language as proposed or amended to the City Council.