



INFORMATIONAL MEMORANDUM

TO: **Planning and Community Development**

FROM: **Nora Gierloff, DCD**

BY: **Max Baker, Development Supervisor**

CC: **Mayor Ekberg**

DATE: **April 4, 2022**

SUBJECT: **Ordinance to Extend Rezone, L16-0083**

ISSUE

Proposed ordinance for an extension of a rezone from Low Density Residential to High Density Residential in the Ryan Hill Neighborhood that expired June 26, 2021; proposed expiration date to be 36 months from effective date of ordinance.

BACKGROUND

On June 18, 2018, Ordinance 2577 was approved by the City to amend the Comprehensive Land Use and Zoning Map for a potential future project called Vintage@Tukwila. The proposal was for a 247-unit affordable senior housing apartment building. The site in the Ryan Hill neighborhood, which contains four parcels, was rezoned from Low Density Residential (LDR) to High Density Residential (HDR) with a set of conditions, two of which set an expiration date for the rezone:

5. *The applicant must apply for a development permit for the proposed project within 36 months of the effective date of this ordinance.*
6. *Failure to comply with the conditions set forth herein shall cause the change to the Comprehensive Plan Land Use Map to be null and void, and the subject property shall revert to the zoning immediately preceding passage of this ordinance.*

The effective date for Ordinance 2577 was June 26, 2018, meaning the applicant had until June 26, 2021 to apply for a development permit or the rezone would be considered null and void. To-date, the applicant has not applied for a development permit.

This rezone extension request was first discussed by the Planning and Community Development Committee at the February 2, 2022 Planning and Community Development. The Committee was in favor of seeing a draft ordinance summarizing the proposed extension.

DISCUSSION

The attached Ordinance 2577 details the full conditions of the rezone. The Committee is now being asked to review the proposed ordinance extending the rezone expiration date and send it to C.O.W. for a public hearing.

The applicant has recently had a pre-application meeting and proposed a different design for the project than was reviewed in 2018. The site is challenging to develop with steep slopes, a wetland, and a stream buffer. The proponents are now asking for additional height above the 4 stories permitted in the HDR Zone in order to shrink the footprint of the building and minimize site disturbance. This change would require them to apply to the City Council for a development agreement in addition to the rezone. The revised project would provide 170-units vs. the original

247-unit proposal but would reduce site impact because the applicant is proposing to minimize the footprint of the building.

FINANCIAL IMPACT

None.

RECOMMENDATION

Forward the proposed rezone to the Committee of the Whole for a public hearing.

ATTACHMENTS

- A. Draft Ordinance
- B. Ordinance 2577 – Comprehensive Plan Amendment, June 26, 2018
- C. Civil plan set from PRE21-0049

DRAFT

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, EXTENDING THE TIME TO APPLY FOR A DEVELOPMENT PERMIT, AS REQUIRED BY ORDINANCE NO. 2577, TO REZONE CERTAIN REAL PROPERTY ACROSS PARCELS 3348401800, 3348401810, 3348401820, AND 3348401860 FROM LOW DENSITY RESIDENTIAL (LDR) TO HIGH DENSITY RESIDENTIAL (HDR); RATIFYING PRIOR ACTS, PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, on June 18, 2018, the City Council of the City of Tukwila passed Ordinance No. 2577, approving the rezone of certain real property located across parcels 3348401800, 3348401810, 3348401820, and 3348401860 from Low Density Residential (LDR) to High Density Residential (HDR) provided certain conditions were met; and

WHEREAS, due in part to the COVID-19 pandemic, the applicant was unable to meet the requirements of the fifth condition established by Ordinance No. 2577, which required the application for a development permit for the proposed project within 36 months of the effective date of the ordinance (June 26, 2018); and

WHEREAS, the applicant now requests an extension of 36 months, starting from the previous expiration date of June 26, 2021; and

WHEREAS, the City held a duly noticed public hearing regarding this ordinance on April 11, 2022; and

WHEREAS, after due consideration and for good cause shown, the City Council agrees to grant an extension of the fifth condition established by Ordinance No. 2557, thereby requiring the application of a development permit by June 26, 2024;

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

Section 1. Extension Request Granted. By June 26, 2024, the applicant shall apply for a development permit for the proposed project as set forth in Ordinance No. 2577.

Section 2. Ratification. Any act consistent with the rezone approved by Ordinance No. 2577 and taken prior to the effective date of this ordinance is hereby ratified and affirmed.

Section 3. Corrections by City Clerk or Code Reviser Authorized. 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 4. 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 5. 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 public as provided by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, at a Regular Meeting thereof this _____ day of _____, 2022.

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: _____

Office of the City Attorney



City of Tukwila

Washington

Ordinance No. 2577

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, AMENDING THE COMPREHENSIVE PLAN AS PART OF THE ANNUAL DOCKET FOR 2018 BY MODIFYING THE COMPREHENSIVE PLAN LAND USE MAP FOR THE VINTAGE@TUKWILA REZONE; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Tukwila is required to plan under the Growth Management Act (RCW 36.70A.040); and

WHEREAS, the Growth Management Act requires that comprehensive plans and development regulations be subject to continuing evaluation and review and allows comprehensive plans to be amended on an annual basis, but no more than once a year, with certain exceptions; and

WHEREAS, the Growth Management Act provides that amendments to comprehensive plans shall be considered simultaneously with an evaluation of the cumulative effects of the requested amendments and for general consistency of each amendment with the Plan, while also allowing for separate review and adoption of each individual proposal; and

WHEREAS, the City received a request in December 2016 (File No. PL16-0062) from a property owner for rezone of their properties as part of the annual Comprehensive Plan amendment process; and

WHEREAS, the application for Vintage@Tukwila, which is an active senior living residential development, was postponed from consideration in 2017 pending additional review and analysis of area-wide impacts to the Ryan Hill neighborhood, which has been completed; and

WHEREAS, sanitary sewer service to the neighborhood is needed to ensure public health and neighborhood quality; the conditions analysis shows that the Vintage@Tukwila site is critical to extending sewer to the neighborhood; and property owners and residents do not oppose higher density development in this part of the neighborhood; and

WHEREAS, Vintage@Tukwila's rezone application is now being considered as part of the 2018 amendments to the Comprehensive Plan; and

WHEREAS, the City of Tukwila provided the required 60-day notification of the proposed Comprehensive Plan amendments to the Washington State Department of Commerce under RCW 36.70A.106; and

WHEREAS, on May 24, 2018, the City of Tukwila issued a Determination of Nonsignificance pursuant to the State Environmental Policy Act (SEPA) (Chapter 197-11 WAC) and Tukwila Municipal Code Title 21 for the proposed change to the Vintage@Tukwila site on the Comprehensive Plan Land Use Map; and

WHEREAS, on June 4, 2018, the City Council held a duly noticed public hearing to receive comments on the proposed changes to the Comprehensive Plan Land Use Map;

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

Section 1. Findings and Conclusions. The City Council hereby adopts the Findings and Conclusions, attached hereto as Exhibit B and incorporated by this reference as if fully set forth herein.

Section 2. Comprehensive Plan Land Use Map Change Approved. The Vintage@Tukwila site is located in the block bounded by S. Ryan Way, 47th Avenue S., Seattle City Light right-of-way, and Martin Luther King Jr. Way S., located in Tukwila, Washington, King County. The site is further identified as tax parcels: 3348401800, 3348401810, 3348401820 and 3348401860, and as legally described and shown in the attached Exhibit C. The site, which contains Parcels A through D, is hereby rezoned from Low Density Residential (LDR) to High Density Residential (HDR), as shown in the attached Exhibit A, subject to the following conditions:

1. 47th Avenue S. between S. Ryan Way and S. 109th Street, and S. 109th Street between the site and 47th Avenue S., shall be improved with curbs, gutters, sidewalks, street illumination, and storm water facilities, in accordance with the City's Infrastructure Design and Construction Standards Manual in effect at the time of building permit application, prior to receiving a certificate of occupancy for the development on the site.
2. The sanitary sewer line that serves the development on the site shall be extended to 47 Avenue S. at the time of the development in accordance with the City's Infrastructure Design and Construction Standards manual in effect at the time of building permit application.
3. On S. Ryan Way, a westbound (WB) left-turn pocket, and on 47th Avenue S., a northbound (NB) left-turn pocket, shall be installed prior to receiving a certificate of occupancy for development on the site.
4. Within 60 days of passage of this ordinance, the applicant shall record against the subject property a covenant or other document approved by the City, listing the development conditions associated with the site.

5. The applicant must apply for a development permit for the proposed project within 36 months of the effective date of this ordinance.
6. Failure to comply with the conditions set forth herein shall cause the change to the Comprehensive Plan Land Use Map to be null and void, and the subject property shall revert to the zoning immediately preceding passage of this ordinance.

Section 3. Map Amendment Authorized. The Community Development Director, or his designee, is hereby authorized to amend the City's official Comprehensive Land Use Map to show the changes in designation from LDR to HDR for the Vintage@Tukwila site as authorized in Section 2 of this ordinance.

Section 4. 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 5. 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 6. 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 18TH day of JUNE, 2018.

ATTEST/AUTHENTICATED:

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

Allan Ekberg
Allan Ekberg, Mayor

APPROVED AS TO FORM BY:

Rachel B. Turpin
FOR Rachel B. Turpin, City Attorney

Filed with the City Clerk: 5-30-18
Passed by the City Council: 6-18-18
Published: 6-21-18
Effective Date: 6-26-18
Ordinance Number: 2577

- Exhibit A – Comprehensive Plan Map / Site Map
- Exhibit B – Findings and Conclusions Staff Report (File No. PL16-0062)
- Exhibit C – Legal Description



City of Tukwila

Department of Community Development

Allan Ekberg, Mayor

Jack Pace, Director

Exhibit B

Findings

Request

The applicant requests an amendment to the Comprehensive Plan's Land Use Map and a corresponding rezone from Low Density Residential (LDR) to High Density Residential (HDR) on four adjacent undeveloped lots totaling 10.5 acres.

If the Comprehensive Plan's Land Use and the Zoning map changes are approved, the contract purchaser proposes to construct 247 Senior Housing units in a four-story structure on the four southerly parcels A - D. (Figure 1). Changing the Comprehensive Plan and Zoning maps are no guarantee that the project would be built as initially proposed but is provided as an example of a potential future development. The Comprehensive Plan and Zoning Designations and the subject site are outlined in green. Existing LDR zoning is shaded in yellow, High Density Residential located along 51 Avenue S. in brown, Commercial Light Industrial in purple and Office in blue.

Comprehensive Plan Amendment and Rezone Decision Criteria (TMC 18.84.020):

The City Council's decision to grant a Comprehensive Plan map change and rezone shall be supported by written findings and conclusions showing specifically that all of the following conditions exist. Approval of the map changes requires the adoption of an ordinance.

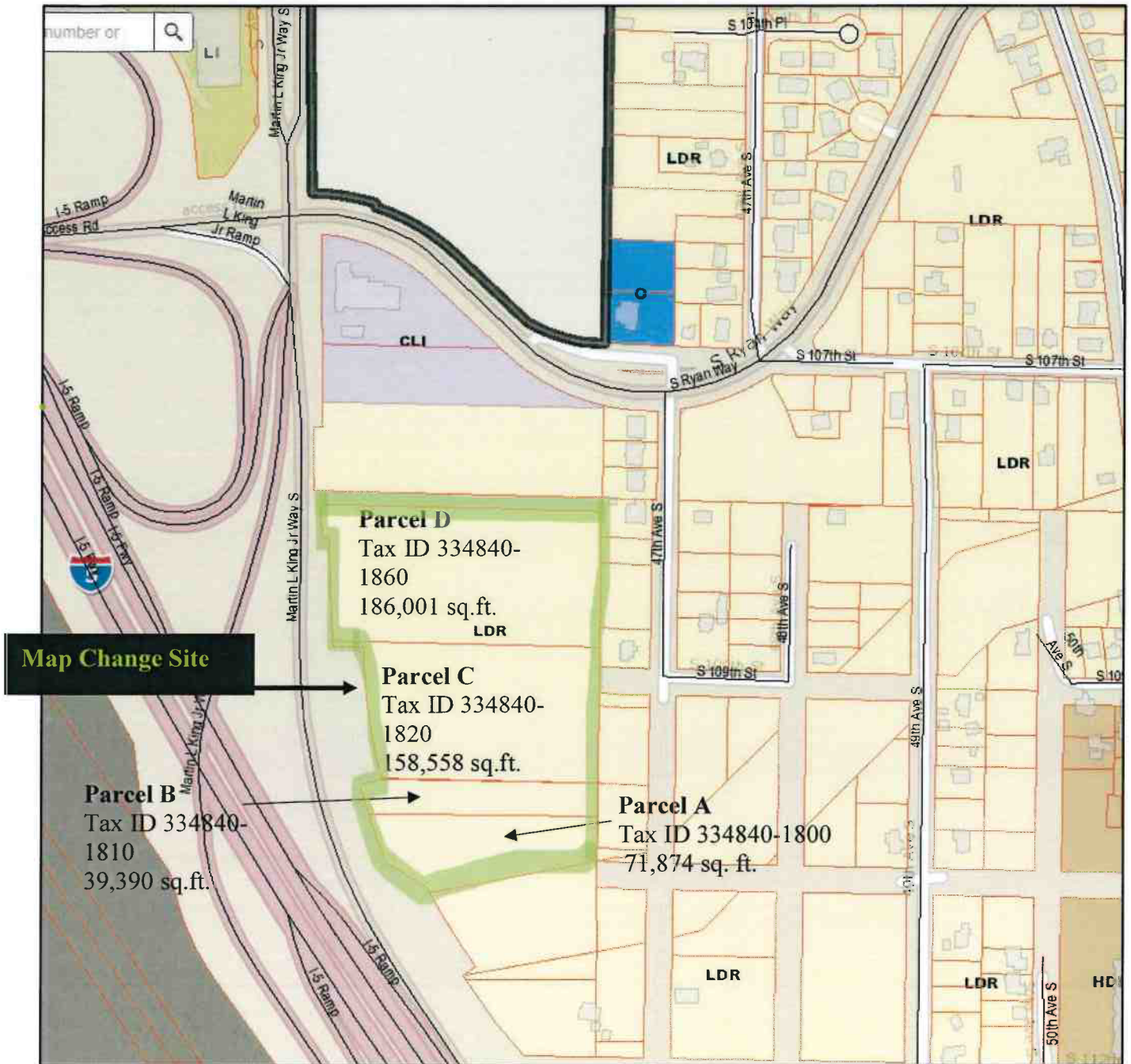


Figure 1 Comprehensive Plan and Zoning Maps

Background

Annexation History

The subject property became part of Tukwila in 1989 as part of the Fire District #1 annexation. At the time of annexation, the property was zoned to reflect the prior King County zoning. When the Comprehensive Plan and city-wide zoning were subsequently reviewed, no changes were proposed to the original King County designations.

Public Comment

On May 2, 2017, staff held the required public information meeting for residents and property owners within 500 feet of the site. Several property owners attended the meeting to ask

questions. One written comment was received that stated opposition to additional traffic on 47 Avenue S. because of safety concerns for local children and provided the opinion that 47 Avenue S. is not capable of handling the additional traffic volume. They requested that access to the proposed multi-family development site be from Martin Luther King Junior Way South (MLKJWS). The City Engineer responded that MLKJWS is designated by Washington State Department of Transportation as limited access and therefore not available for ingress/egress. The City Engineer has requested that at the time of a future development proposal that additional traffic analysis be provided.

Because of the lapse in time since the required public meeting in May of 2017, and the initiation of neighborhood-wide meeting in November of 2017 (see "Ryan Hill Neighborhood Study" section below), staff held a second public meeting using an expanded mailing. There were no citizens or comments received at the May 9, 2018 public meeting.

Ryan Hill Neighborhood Study

Staff initiated a neighborhood-wide study that looked at existing conditions, potential development scenarios and surveyed property owners and residents. The study revealed a number of things that were unknown.

The residents and property owners have differing opinions about the future of the neighborhood. Opinions generally depend on where they live or own property within the neighborhood. Higher residential density and housing options are more desirable to property owners north of the Seattle City Light right of way than south of the right of way.

Additionally, there was overall support for a neighborhood retail node that would provide additional neighborhood services. Neighborhood input also indicated that the neighborhood's existing characteristics were an asset as it was described as a "rural oasis in the city."

Except for the approximate 15-acre Raisbeck property located along the west side of the neighborhood and bordering MLKJRWS, which is the subject of this rezone request, future development is likely to be small scale (short plats) and developed incrementally. Development of less than 4 lots does not require frontal improvements nor would a through connection be financially feasible for most short plat developers.

The lack of regional stormwater facilities and the difficulties associated with on-site storm infiltration and/or detention on steep slopes impacts the near term developability of many properties. In areas where redevelopment is more feasible, the needed water and sewer infrastructure improvements identified in the study can be incrementally installed. The incrementally added infrastructure will be able to support the long-term service objectives outlined within the study.

Enhancing and improving the circulation system is feasible from an engineering standpoint but not likely from a financial standpoint. The 1,200-foot-long dead end road (twice the length of the City's maximum standard) can be eliminated by connecting between the 109th/48th and

110th/49th Avenue S intersections. The City, however, has many street projects, and this new connection is unlikely in the near future as a public project.

Finally, the Raisbeck property, which is the Vintage@Tukwila site, is a linchpin for extending sewer service to properties north of the Seattle City Light right of way and south of S. 107th Street.

Vicinity/Site Information

The subject site is in the Ryan Hill neighborhood and is primarily characterized by environmentally sensitive features located on or in its vicinity. The topographic survey provided by the applicant gives details on vegetation, watercourse and wetlands as well as topographic lines.

Landslide

Class 2 – Moderate and Class 3 - High landslide areas with topographic slopes that range from 15 – 40%.

Wetlands and Stream

The wetland and watercourse delineation report that was prepared for this application identified the following:

Type 3 watercourse – Ryan Hill Stream. (Stream A) is located to the north of the site and bisects the northeast corner of Parcel D.

Most of the wetlands are located around the periphery of the site but whose buffers extend onto the site. The exception is Wetland B. Wetland B is a type IV located in the center of the project site and requires 50 foot buffers. From the Tukwila Municipal Code: “Category IV wetlands have the lowest levels of functions (scores less than 30 points) and are often heavily disturbed. While these are wetlands that should be able to be replaced or improved, they still need protection because they may provide some important functions. Any disturbance of these wetlands will be considered on a case by case basis.” (TMC 18.45.080 Wetlands Designations, Ratings and Buffers)

Any future development will need to be setback from the wetlands and their buffers. Wetlands A and AA are category II and are located along Ryan Hill Stream and are required to have 100 foot buffers. Wetland C, a category III wetland, which has an 80 foot regulatory buffer, is located on the south of the site and extends onto the Seattle City Light property.

There are two other category III wetlands, on the parcel north of the site. (Wetlands E & F – Topographic Survey)



This is not a survey. Features depicted are approximate only and may not be to scale.

Figure 2 Wetlands and Watercourse Map

Access

The local circulation map, Figure 3, shows the street system that exists in the Ryan Hill neighborhood. Sidewalks exist along S. Ryan Way and intermittently on 51 Avenue S. Bicycle facilities are also in place on 51 Avenue S.

King County Metro Route 107 is between ¼ and ½ mile to the east and runs along 51 Avenue S. and Route 124 on E. Marginal Way S. is about a mile to the west. The Rainier Beach Link Station is 1.3 miles to the north.



Figure 3 Ryan Hill Neighborhood Access Map

Land Use/Development History

There are 26 lots adjacent to 47th/109th/48th onto which the subject properties will access, 8 of which are developed with a single family home. The lots range in size from 3,500 square feet to 41,765 square feet. All but three homes, addressed as 10709, 10719, and 10729 47th Avenue S., were built pre-1964. The three addresses listed were built in 2003 and 2001 and are hooked up to the City's sewer system. The remaining five homes are on septic systems. A review of King County Assessor's property reports shows that they have designated that area as having moderate to high traffic noise. In this area, the assessed value of the developed single family homes range from \$200,000 to \$373,000.

Also within this specific 26 lot area, four lots were acquired by King County for property owner failure to pay property tax, two of which have since been sold at auction, which is evidence of the instability in ownership in this area.

City Council Decision (TMC 18.84.030)

The City Council has the authority to deny, approve, or approve with conditions and safeguards as it deems necessary to protect or enhance the health, safety, and welfare of the surrounding area, and to ensure that the rezone fully meets the findings set forth in the Decision Criteria (TMC 18.84.020,) which are outlined below.

1. *The proposed amendment to the Zoning Map is consistent with the goals, objectives, and policies of the Comprehensive Plan. (TMC18.84.020 - Criteria)*

During the 2015 Comprehensive Plan update process, there was considerable interest in the need to maintain and enhance residential neighborhoods, while providing housing choices.

The Comprehensive Plan describes LDR as follows:

Low-Density Residential: Areas primarily characterized by detached single-family residential structures and their accessory uses, along with educational, institutional, and recreational uses. Density may vary by neighborhood and for projects proposing innovative housing types such as cottage housing. These uses and densities are modified where covered by the Commercial Redevelopment, Urban Renewal, Tukwila South, and Public Recreation Overlays.

The Comprehensive Plan describes HDR as follows:

High-Density Residential: Areas characterized by larger and higher density multi-family buildings and their accessory uses, along with educational, institutional, and recreational uses.

Although not stated, high density neighborhoods have typically been located adjacent to and along major transportation corridors. They have been used to separate noisier uses and areas from the single family areas and to provide housing in neighborhood and regional centers of the City.

The Comprehensive Plan's highest priority objective is the following:

Objective. *"To improve and sustain residential neighborhood quality and livability."*

Numerous goals and policies clarify and support this objective. Some representative examples from the Housing and Residential Neighborhoods elements follow:

Housing Goal 3.1 *The City of Tukwila provides the City's fair share of regional housing.*

Housing Policy 3.6.1 *Encourage long-term residency by improving neighborhood quality, health and safety.*

Residential Neighborhoods Goal 7.1 Residential Land Use Pattern: *A land use pattern that encourages a strong sense of community by grouping compatible and mutually supportive uses and separating incompatible uses.*

Residential Neighborhoods Goal 7.4 Neighborhood Sustainability: *Continuing enhancement and revitalization of residential neighborhoods to encourage long-term residency and environmental sustainability.*

Residential Neighborhoods Implementation strategies support retaining LDR zoning and encourage infrastructure improvements as follows:

- Continued emphasis on existing land use patterns to protect and preserve residential uses.
- Investment in public works and infrastructure improvements.
- Continue to develop and implement the Residential Street Program in the CIP.
- Development of a variety of new housing, including single-family homes.

Residential Neighborhood and Sub-Area Vitality

City-planned utility improvements and extensions place priority on improving and sustaining residential neighborhood quality and livability. Utility investments affect neighborhood quality of life and the ability to realize established visions for specific sub-areas. (City of Tukwila Comprehensive Plan, 2015)

Tukwila functional plans

Tukwila parks and open space do not exist in this neighborhood. The Parks Recreation and Open Space (PROS) Plan has identified the need for a neighborhood park but implementation is shown beyond 2023. A "Ryan Hill Park" is planned "following the upgrade of the local sewer service in the area, which would drive additional housing demand." (Tukwila Parks, Recreation, and Open Space Plan; 2013)

Sanitary sewer service. The Ryan Hill neighborhood encompasses 116 acres with less than a mile of sewer. The capital plan for Sanitary Sewer identifies a \$1.9 million sewer revitalization for the area but the timeline is beyond 2022. The justification for the project are the existing septic systems that are failing and creating public health hazards.

Comprehensive Plan policy 12.1.22

Serve all existing and potential residences and businesses with a sewer utility.

The Capital Facilities Plan identifies a \$1.9 million sewer project for the neighborhood with the justification that septic systems are failing in the area.

The proposed project would extend sanitary sewer from MLKJWS on the site and then per the City's Infrastructure Design and Construction Standards Manual extend it to the east property line. Bringing the sewer an additional 100 feet to the adjacent right of way would provide an opportunity for future extensions and hook-ups to the sanitary system.

Tukwila water service is available to serve the higher intensity land use; however, because the system is not looped the pressure is not adequate for larger buildings. Construction will likely require modifications to structure size to accommodate the lower pressure.

Access in the neighborhood is via two neighborhood arterials – Ryan Way and 51st Avenue S., which have adequate capacity but are not complete streets. Ryan Way does not have bicycle facilities and 51st Avenue S. has sporadic pedestrian facilities. The local access street, 47th Avenue S., meets the minimum street right of way width standard of 50-60 feet, is over 1,000 feet in length and does not contain a turn-around. 600 feet is the City standard for cul-de-sacs the City standard for neighborhood block size is no more than 1,000 feet on one side and double loaded lots on the width.

On the other lots along 47th Avenue S., future single family development is likely to be through individual single family home construction permits and short plats that do not typically result in sidewalks or public street improvements.

The condition of the street however is not adequate for a higher density project. For example, the pavement width and shoulders are uneven.

Financial Planning Model Policy

FP-6 – The financing of limited benefit capital improvements (i.e. private development) should be borne by the primary beneficiaries of the improvement. The principle underlying limited benefit is that the property is peculiarly benefited and therefore the owners do not in fact pay anything in excess of what they receive by reason of such improvement.

Policy FP-7 – Each Enterprise Fund shall be reviewed annually and it must have a rate structure adequate to meet its operations & maintenance and long-term capital requirements.

The program manager for the Sewer Comprehensive Plan stated that developers must bear the burden of extending sewer into this area.

2. The proposed amendment to the Zoning Map is consistent with the scope and purpose of TMC Title 18, "Zoning Code," and the description and purpose of the zone classification applied for. (TMC 18.84.020 Criteria)

If approved, the requested map change would rezone approximately 10.5 acres from Tukwila's Low Density Residential to the High Density Residential designation/zone. The Comprehensive Plan states that high-density residential areas are characterized by larger and higher density multi-family buildings and their accessory uses, along with education, institutional and recreational uses. The HDR District (TMC 18.14.010) implements the Comprehensive Plan designation of high density residential. The Zone is used to designate areas that allow up to

22.0 dwelling units per net acre. Senior citizen housing is allowed up to 60 dwelling units per acre, subject to additional restrictions. It is intended to provide a high-density, multiple-family district that is also compatible with commercial and office areas.

Consideration was given to the land uses and development standards in the two different zones. The difference between the two zones in terms of land use are that in HDR the following uses are permitted and are not allowed in LDR: boarding homes; convalescent, assisted living and nursing homes for up to 12 patients; townhouses and multifamily (22 units per acre;) and senior housing (at 60/units per acre;) libraries, museums, and public art galleries; and manufactured home parks. If the property were rezoned as HDR, and did not redevelop as currently proposed by the applicant, the range of other uses listed above could be developed as permitted uses.

3. *There are changed conditions since the previous zoning became effective to warrant the proposed amendment to the Zoning Map; (TMC 18.84.020(3)) and*

In November of 2016, central Puget Sound voters approved a funding package that includes the construction of a new light rail station within a mile of the site. The Station is scheduled for completion in the 2030s and provides access to a high capacity transit system. One half mile is the usual walk shed for rail systems but bus routes are rerouted to provide feeder service to the stations. Boeing Access Road and S. Ryan Way will be a major route to serve the station. The opportunity to have high quality transit access was not funded until 2016.

The current economic impact on the regional housing market was not expected. The price of homes is rising faster in the Seattle area than anywhere else in the nation. Since the downturn in 2007, home prices are up 23.9%. Seattle leads the nation in year over year and month over month home price growth. The applicant proposes an affordable senior housing project.

A major initiative to fund, build and replace City buildings (Public Facilities Plan, Tukwila 2016) will impact the overall Capital Improvement Program and likely delay any identified neighborhood infrastructure improvements thereby delaying upgrades and public infrastructure in this neighborhood. Development is and will be expected to continue to pay for itself.

4. *The proposed amendment to the Zoning Map will be in the interest of furtherance of the public health, safety, comfort, convenience, and general welfare, and will not adversely affect the surrounding neighborhood, nor be injurious to other properties in the vicinity in which the subject property is located. (TMC 18.84.040(4))*

The City's Capital Facilities Plan shows the need for urban infrastructure improvements in this neighborhood for a neighborhood park and a sewer system to serve the area. Timing and funding for these facilities, however, has not been identified. The lots that are south of S. 107th Street and west of 50th Avenue S. are dependent on access to the sanitary sewer line in MLKJWS.

The rezone will allow a project that will provide affordable housing, provide new construction that could serve to anchor the area and create a higher standard of design quality as required by the City's rigorous design review process. Development of the site would improve the infrastructure for the neighborhood and make sanitary sewers possible in the near term for property owners.

CONCLUSIONS

Below are the four decision criteria in bold and the conclusions drawn from the findings above.

1. The proposal is consistent with the goals, objectives and policies of the Comprehensive Plan.

The 2015 Comprehensive Plan update reaffirmed Tukwila's highest priority objective, "To improve and sustain residential neighborhood quality and livability." This neighborhood is a challenging area because of the lack of public facilities and environmentally challenging land of slopes and water. The subject site, although it borders the interstate and MLKJWS on the west, has no access except through a local access street that is bordered by single family homes. The public facilities identified to support and serve this area are not funded in the near or mid-term. The proposal would be able to pay for urban services and amenities that would support the overall livability and quality of this residential neighborhood. Specifically, access to the site is via 47th Avenue S. and S. 109 Street west of 47th Avenue S, which are not adequate for higher density travel, would need to be improved. Their improvement would improve overall neighborhood quality; therefore, the City Council concludes that as part of the future project and as a condition of this rezone, the applicant should make street improvements that meet the City's infrastructure standards including sidewalks.

Sanitary sewer would be extended as part of the future project from MLKWJS onto the site and to the east property line. To benefit the neighborhood, the extension of the sewer to the adjacent public right of way would also fulfill the Comprehensive Plan's goal of improving neighborhood quality and livability and fulfilling the policy of serving all residences with sewer service. The City Council concludes that conditioning the rezone to require the extension of the sewer line to the right of way to the east will increase the access and the feasibility and decrease the total system cost for sanitary sewers in the neighborhood and therefore meet the criteria.

2. The proposal is consistent with the scope and purpose of the Zoning Code and the description and purpose of the HDR zone.

High density development lends itself to clustering and thereby preserving sensitive areas and open space. The entire property would be under one owner and manager thereby limiting the incremental impacts typical of individual homeowners on trees, wetlands and streams.

3. There are changed conditions since the previous zoning became effective to warrant the amendment to the Map.

Residents of the City have stated that they are struggling and being displaced due to the impact of rising rents and the high cost of homeownership. The unprecedented economic impact caused by the regional demand for housing is hurting members of the community who are economically challenged. The proposal could provide affordable housing for seniors as well as basic public facilities that would support the surrounding property owners.

4. ***The proposal shall be in the interest of furthering the public health, safety, comfort, convenience and general welfare and will not adversely affect the neighborhood or be injurious to the properties in the vicinity.***

Of benefit to the neighborhood with the project would be the opportunity to connect to sanitary sewer and a reduced overall cost because of the approximate 800 linear feet that would be built by the project developers. Development of the subject site requires the applicant to bring the sewer line onto the property and to the east property line. The City Council concludes that in order to meet the criteria the rezone should be conditioned with the requirement to bring the sewer line an additional 100 feet to 47th Avenue S. to assist with the availability of the system for expanded neighborhood use.

Comment from emergency service providers and the results of the traffic analysis indicate that left turning movements are difficult onto S. Ryan Way and would be a concern with increase in trips associated with the rezone. In order to further the interests of public safety, comfort and convenience, the City Council concludes that the rezone should be conditioned to require left turn pockets to facilitate and assist in maintaining adequate level of service and safety in entering and exiting 47th Avenue S. from S. Ryan Way.

The City Council concludes that redesignating the site to HDR would be in the best interest of the neighborhood subject to specific conditions that would support the Comprehensive Plan's priority of creating high quality residential neighborhoods and further the public's health, safety and comfort.

05-24-18
VINTAGE @ TUKWILA

EXHIBIT C

LEGAL DESCRIPTION:

PARCEL A:

LOT 165, BLOCK 18, C.D. HILLMAN'S MEADOW GARDENS ADDITION TO THE CITY OF SEATTLE, DIVISION NO. 2, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 12 OF PLATS, PAGE 82, RECORDS OF KING COUNTY, WASHINGTON;

EXCEPT PORTIONS CONDEMNED BY THE CITY OF SEATTLE FOR TRANSMISSION LINE PURPOSES IN SUPERIOR COURT CAUSE NO. 469557 AS CONTEMPLATED BY ORDINANCE NO. 82986;

AND EXCEPT THAT PORTION THEREOF CONVEYED TO THE STATE OF WASHINGTON FOR PRIMARY STATE HIGHWAY NO. 1, BY DEED RECORDED MARCH 07, 1963 UNDER RECORDING NO. 5552941, RECORDS OF KING COUNTY;

AND EXCEPT THAT PORTION THEREOF CONVEYED TO THE STATE OF WASHINGTON FOR PRIMARY STATE HIGHWAY NO. 1 BY RECORDING NO. 5695665;

AND EXCEPT THAT PORTION THEREOF IF ANY LYING WITHIN STREET.

TAX ACCOUNT NO.: 334840-1800-07

PARCEL B:

LOT 166, BLOCK 18, C.D. HILLMAN'S MEADOW GARDENS ADDITION TO THE CITY OF SEATTLE, DIVISION NO. 2, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 12 OF PLATS, PAGE 82, RECORDS OF KING COUNTY, WASHINGTON;

EXCEPT THAT PORTION THEREOF CONVEYED TO STATE OF WASHINGTON FOR PRIMARY STATE HIGHWAY NO. 1 BY RECORDING NO. 5552940.

TAX ACCOUNT NO.: 334840-1810-05

PARCEL C:

LOTS 167 TO 170, INCLUSIVE, BLOCK 18, C. D. HILLMAN'S MEADOW GARDENS ADDITION TO THE CITY OF SEATTLE DIVISION NO. 2, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 12 OF PLATS, PAGE 82, RECORDS OF KING COUNTY, WASHINGTON;

EXCEPT THAT PORTION THEREOF LYING WESTERLY OF THE EASTERLY MARGIN OF PRIMARY STATE HIGHWAY NUMBER 1 AS CONDEMNED IN KING COUNTY SUPERIOR COURT CAUSE NUMBER 597316.

TAX ACCOUNT NO.: 334840-1820-03

PARCEL D:

LOTS 171 TO 173, INCLUSIVE, BLOCK 18, C. D. HILLMAN'S MEADOW GARDENS ADDITION TO THE CITY OF SEATTLE DIVISION NO. 2, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 12 OF PLATS, PAGE 82, IN KING COUNTY, WASHINGTON;

EXCEPT THAT PORTION THEREOF LYING WESTERLY OF THE EASTERLY MARGIN OF PRIMARY STATE HIGHWAY NUMBER 1 AS CONDEMNED IN KING COUNTY SUPERIOR COURT CAUSE NUMBER 601962.

TAX ACCOUNT NO.: 334840-1860-04

City of Tukwila Public Notice of Ordinance Adoption for Ordinances 2577-2578.

On June 18, 2018 the City Council of the City of Tukwila, Washington, adopted the following ordinances, the main points of which are summarized by title as follows:

Ordinance 2577: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, AMENDING THE COMPREHENSIVE PLAN AS PART OF THE ANNUAL DOCKET FOR 2018 BY MODIFYING THE COMPREHENSIVE PLAN LAND USE MAP FOR THE VINTAGE@TUKWILA REZONE; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

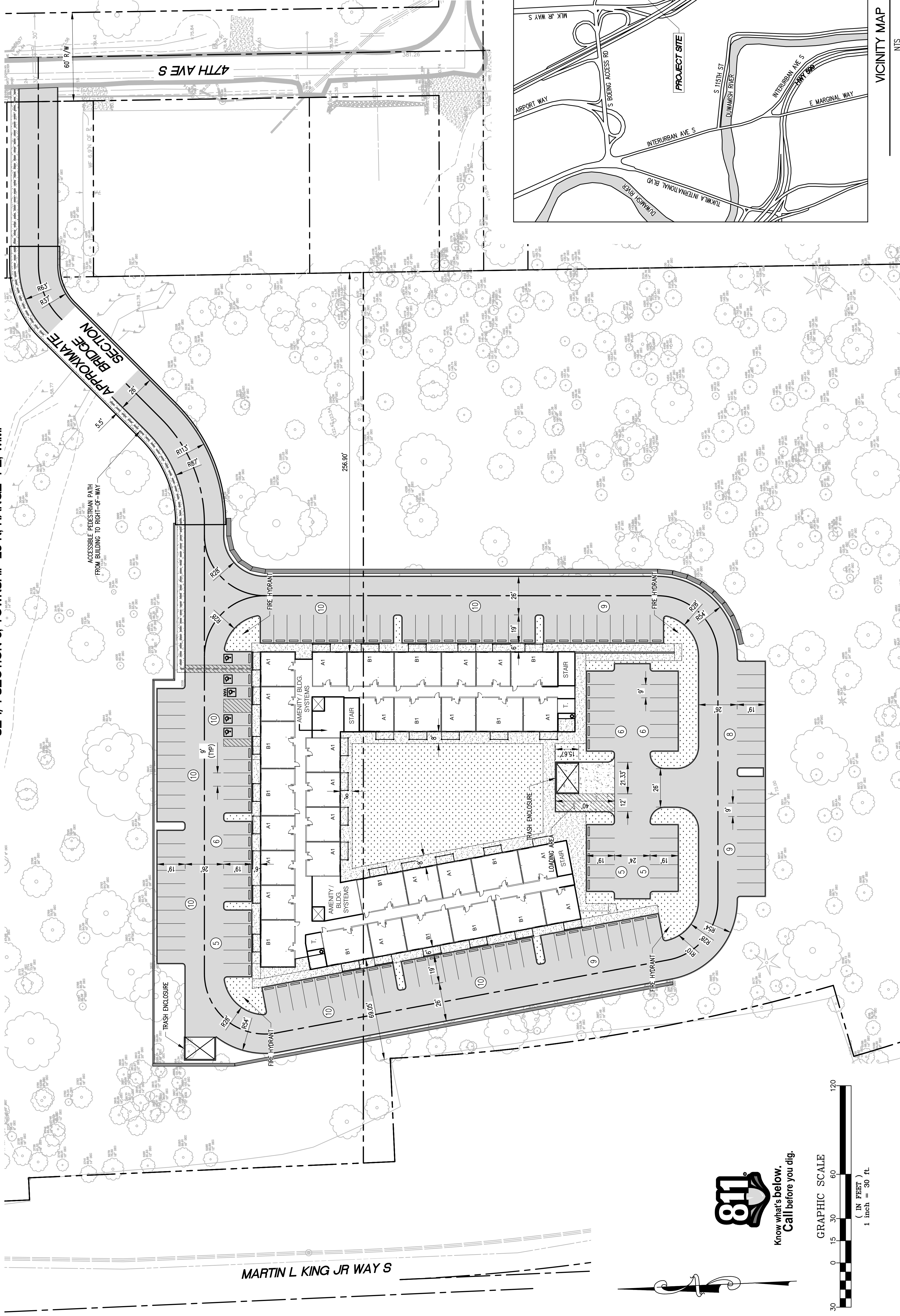
Ordinance 2578: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, REZONING CERTAIN REAL PROPERTY LOCATED IN THE RYAN HILL NEIGHBORHOOD AND KNOWN AS VINTAGE@TUKWILA FROM LOW DENSITY RESIDENTIAL (LDR) TO HIGH DENSITY RESIDENTIAL (HDR); PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

The full text of this ordinance will be provided upon request.

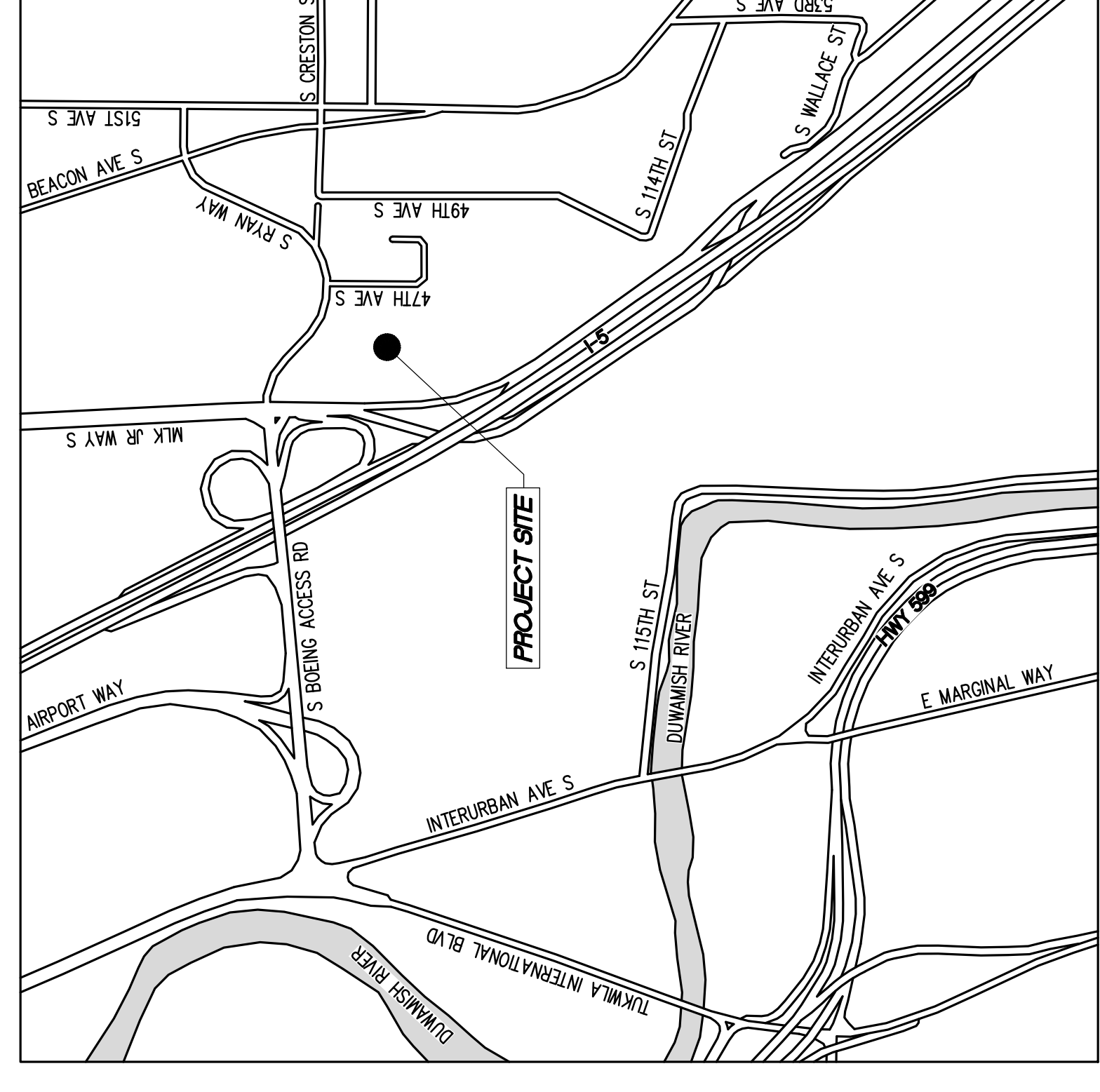
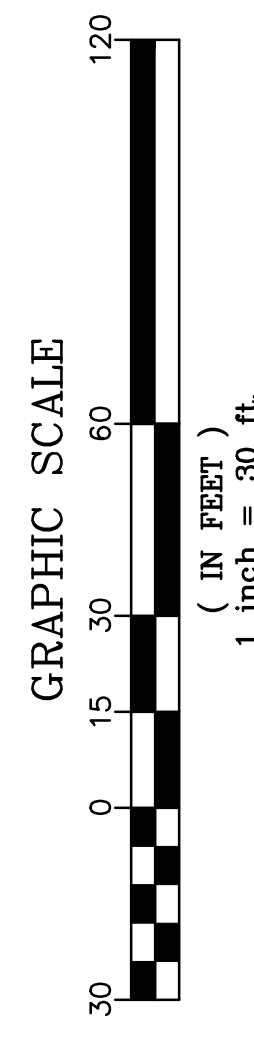
Christy O'Flaherty, MMC, City Clerk

Published Seattle Times: June 21, 2018

SE 1/4 SECTION 3, TOWNSHIP 23 N, RANGE 4 E, W.M.



Know what's below.
Call before you dig.



VICINITY MAP
NTS

No.	Date	By	Revision Description

Designed By:	LRR	Issue Date:	10/19/2021
Drawn By:	LRR	Project No.:	10760004
Checked By:	SMM		

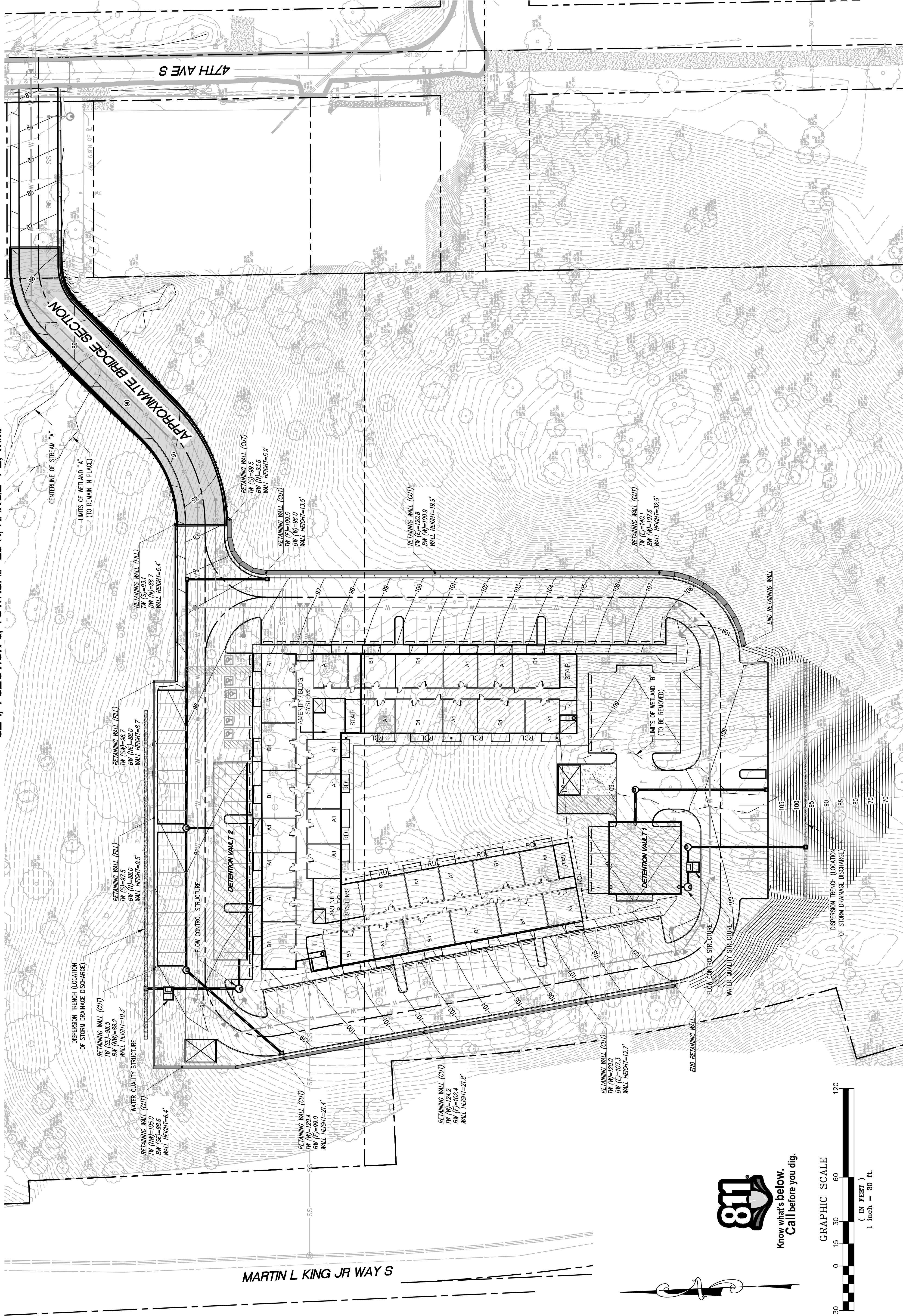
PACLAND
 6814 Greenwood Ave. N
 Seattle, WA 98103
 T (206) 522-9510
 www.PacLand.com

BEACON HILL VINTAGE HOUSING
PARCEL 3348041820 AND 3348401860
TUKWILA, WA 98178

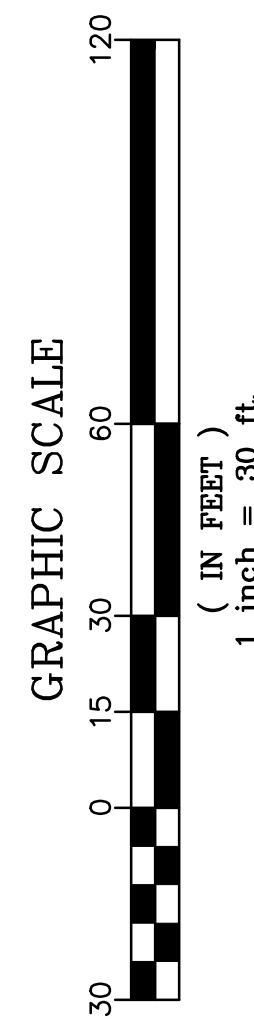
SITE PLAN

C-10

SE 1/4 SECTION 3, TOWNSHIP 23 N, RANGE 4 E, W.M.



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No.	Date	By	Revision Description

Designed By:	LRR	Issue Date:	10/19/2021
Drawn By:	LRR	Project No.:	10760004
Checked By:	SMM		

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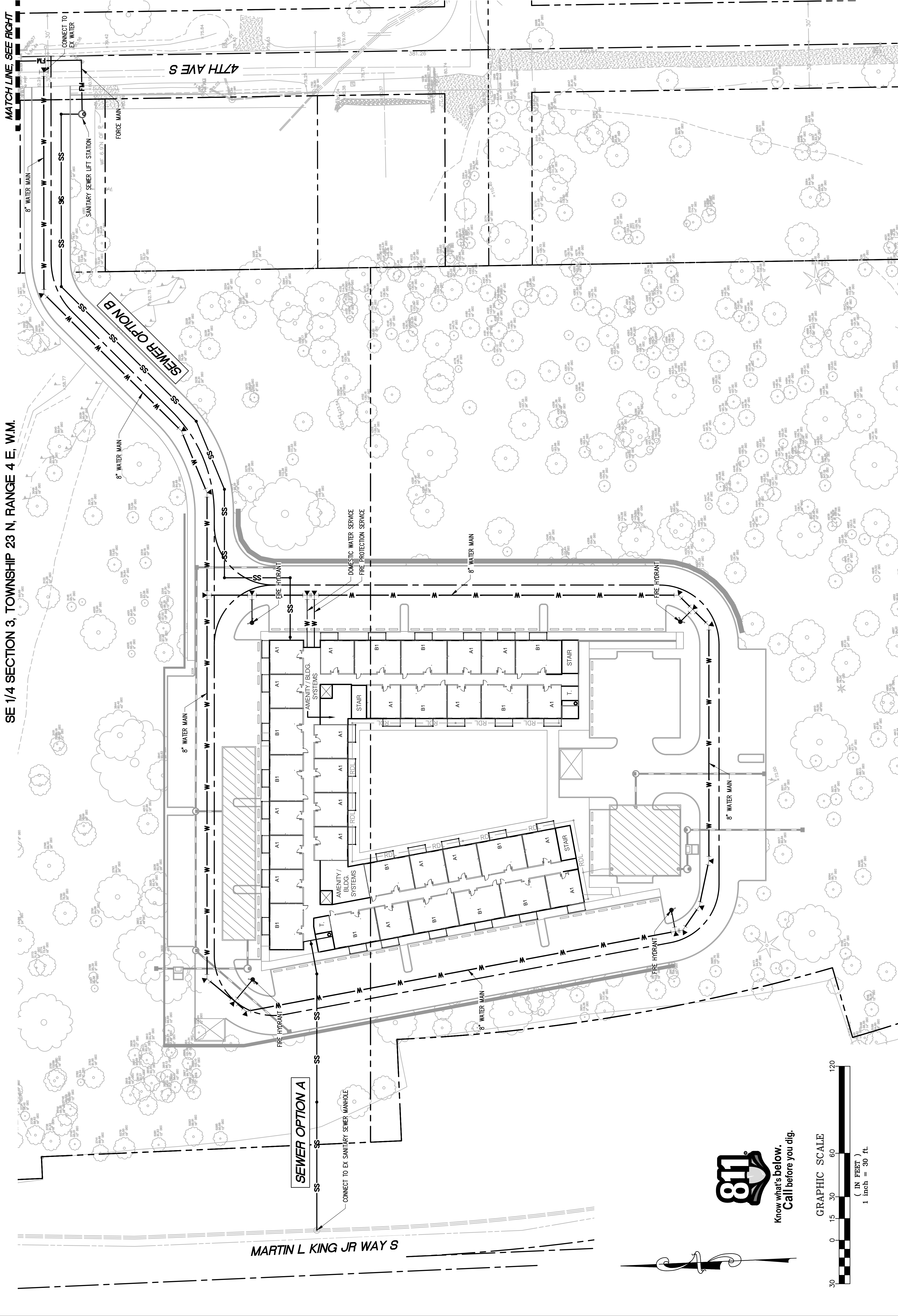
GRADING AND DRAINAGE PLAN

C-2.0

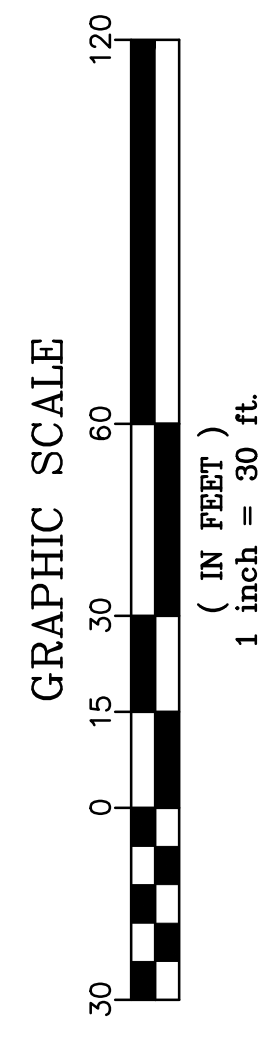
SE 1/4 SECTION 3, TOWNSHIP 23 N, RANGE 4 E, W.M.

MATCH LINE SEE RIGHT

MATCH LINE SEE LEFT



Know what's below.
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No.	Date	By	Revision Description

Designed By:	LRR	Issue Date:	10/19/2021
Drawn By:	LRR	Project No.:	10760004
Checked By:	SMM		

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PARCEL 3348041820 AND 3348401860
TUKWILA, WA 98178

UTILITY PLAN

C-3.0