



## Staff Report to the Planning Commission

Prepared May 9, 2024

HEARING DATE:	May 23 <sup>rd</sup> , 2024
FILE NUMBERS:	L24-0051
APPLICANT:	City of Tukwila
REQUEST:	Planning Commission Public Hearing regarding minor housekeeping amendments to TMC Title 18 regarding Accessory Dwelling Units
LOCATION:	The action would result in a change to the zoning code that would affect areas throughout the City of Tukwila.
NOTIFICATION:	Hearing notice was published in the Seattle Times and posted on the City of Tukwila website on May 9 <sup>th</sup> , 2024.
SEPA:	Staff will review the proposed changes for compliance with SEPA should the Planning Commission move to advance this topic to the City Council for review.
STAFF:	Isaac Gloor, Associate Planner

### **BACKGROUND**

In 2023, the Planning Commission recommended that the City Council consider zoning code amendments that would alter the development standards for Accessory Dwelling Units (ADUs). These changes were proposed by staff to bring Tukwila's code into compliance with a newly passed State Law that was known during development as HB 1337. The City Council approved those changes in November of last year.

Because of those changes, Tukwila's zoning code now allows all parcels that permit Single-Family Homes (SFH) to develop up to two ADUs, in either attached or detached form, without owner occupancy and, if near frequent transit, without additional parking. Parking standards for SFHs were not changed, and ADUs are still subject to most of the same development standards as single-family homes are, including setbacks and impervious surface limits. While most of the changes made were amendments to TMC 18.50 (the chapter containing 'Supplemental Development Standards'), additional non-compliant code sections were identified since Ordinance 2716 was ratified and must be addressed.

### **FINDINGS**

Below is a summary of the identified code sections and proposed changes:

- TMC Table 18-6: Land Uses Allowed by District
  - Issue: State law requires that Tukwila permit ADUs anywhere that the City permits SFHs. Most of Tukwila's SFHs are located within Tukwila's three residential zoning

districts: Low-Density Residential, Medium-Density Residential, and High-Density Residential. The land use table currently permits ADUs within those districts. However, Tukwila also permits single-family homes within several other districts, including the Mixed Use Office (MUO), Office (O), Residential Commercial Center (RCC), Neighborhood Commercial Center (NCC), Tukwila Valley South (TVS), and Tukwila South Overlay (TSO) districts. As Table 18-6 does not show that ADUs are permitted within those districts, Tukwila could not allow a new ADU to be established within them. This leaves Tukwila out of compliance with the requirements of State Law.

- Suggested Change: Staff proposes to amend TMC Table 18-6 to include ADUs as permitted accessory uses within the MUO, O, RCC, NCC, TVS, and TSO zoning districts. While this would permit ADUs within 6 additional zoning districts than what is currently permitted, this is expected to result in minor changes, as these districts do not currently contain many eligible properties and are unlikely to gain more in the future.
  
- TMC 18.50.220(B)(3): Accessory Dwelling Unit (ADU) Standards; General Standards
  - Issue: This code section establishes the maximum size of detached ADUs, which, as required by the State, is set at 1000 square feet. However, it also states that if an ADU is built over a detached garage, the department will not count the square footage of the detached garage toward the maximum size of an ADU. While this is accurate, it implies that in other scenarios, the department *would* count the square footage of a garage and use that to limit the size of ADUs. This implicit meaning is unintentional, and if enforced, would violate state requirements.
  - Suggested Change: Staff proposes to amend TMC 18.50.220(B)(3) to remove the sentence “*If built over a detached garage, the detached garage would not count toward the area limit for the ADU*”. This sentence is unnecessary, as garages are not habitable and would not count toward an ADUs floor area in any circumstance. This change would remove the implication that other types of garages may count toward ADU area limits.
  
- TMC 18.50.055(C): Single-Family Dwelling Design Standard Exceptions
  - Issue: Washington State allows cities to establish design standards for ADUs, provided that those standards are no more restrictive than the standards for single-family dwellings. The TMC does this by establishing design standards for all new single-family dwellings, as well as accessory dwelling units and other accessory structures that require a building permit. These standards, as they are equally applied, comply with State requirements. Prior to the November code update by Council, Tukwila’s Accessory Dwelling Unit standards contained design requirements that were more restrictive than those for single-family homes. While those requirements were removed from the code specifically referencing ADUs, Tukwila’s single-family design standards still contain a reference to that now defunct code section.

- Suggested Change: Staff proposes to correct this scrivener’s error and remove TMC 18.50.055(C).

**CONCLUSIONS**

Staff has determined that these changes are required to comply with Washington State law. The changes will correct errors in the TMC and represent a minor change to Tukwila’s development regulations.

**REQUESTED ACTION**

Staff requests that the Planning Commission forward a recommendation for adoption of these amendments to Title 18 – Zoning to the City Council for further consideration.

**ATTACHMENTS**

Exhibit A: Title 18 Housekeeping





# **Title 18 Housekeeping**

## **Exhibit A: Accessory Dwelling Units**

This document shows all relevant code sections with proposed changes.

Text in red and with a strikethrough is proposed for removal.

Text in green that is bolded and underlined is proposed for addition.



## CHAPTER 18.50 SUPPLEMENTAL DEVELOPMENT STANDARDS

### Sections:

- 18.50.050 Single-Family Dwelling Design Standards
- 18.50.055 Single-Family Design Standard Exceptions
- 18.50.220 Accessory Dwelling Unit (ADU) Standards

### 18.50.050 Single-Family Dwelling Design Standards

All new single-family dwellings, as well as accessory dwelling units and other accessory structures that require a building permit, must:

1. Be set upon a permanent concrete perimeter foundation, with the space from the bottom of the home to the ground enclosed by concrete or an approved concrete product that can be either load bearing or decorative.
2. If a manufactured home, be comprised of at least two fully-enclosed parallel sections, each of not less than 12 feet wide by 36 feet long.
3. Be thermally equivalent to the current edition of the Washington State Energy Code with amendments.
4. Have exterior siding that is residential in appearance including, but not limited to, wood clapboards, shingles or shakes, brick, conventional vinyl siding, fiber-cement siding, wood-composite panels, aluminum siding or similar materials. Materials such as smooth, ribbed or corrugated metal or plastic panels are not acceptable.
5. Have the front door facing the front or second front yard, if the lot is at least 40 feet wide. This requirement does not apply to ADUs or accessory structures.
6. Have a roofing material that is residential in appearance including, but not limited to, wood shakes or shingles, standing seam metal, asphalt composition shingles or tile.

*(Ord. 2678 §13, 2022; Ord. 2581 §9, 2018;  
Ord. 2500 §23, 2016; Ord. 2098 §2, 2005)*

### 18.50.055 Single-Family Design Standard Exceptions

A. The design standards required in TMC Section 18.50.050 (4), (5) and (6) may be modified by the Community Development Director as part of the building permit approval process.

1. The criteria for approval of use of unconventional exterior siding are as follows:
  - a. The structure exhibits a high degree of design quality, including a mix of exterior materials, detailing, articulation and modulation; and
  - b. The proposed siding material is durable with an expected life span similar to the structure; and
  - c. The siding material enhances a unique architectural design.
2. The criteria for approval of a house with a front door that faces the side or rear yard are as follows:

- a. The topography of the lot is such that pedestrian access is safer or more convenient from the side or rear yard;
- b. The entrance is oriented to take advantage of a site condition such as a significant view; or
- c. The entry feature is integral to a unique architectural design.

B. The design standards required in TMC Section 18.50.050 (5) and (6) may also be modified by the Community Development Director as part of the building permit approval process if the proposal includes a replacement of a single wide manufactured home with a double wide and newer manufactured home. The property owner can apply for this waiver only one time per property starting from the date of adoption of this ordinance. Additionally, the proposal should result in aesthetic improvement to the neighborhood.

~~C. The design standards required in TMC Section 18.50.220.A (4) may be modified by the Community Development Director as part of the building permit approval process. The design of an attached ADU that does not reflect the design vocabulary of the existing primary residence may be approved if the new portion of the structure exhibits a high degree of design quality, including a mix of durable exterior materials, detailing, articulation and modulation.~~

*(Ord. 2678 §14, 2022; Ord. 2581 §10, 2018;  
Ord. 2368 §52, 2012; Ord. 2098 §3, 2005)*

### 18.50.220 Accessory Dwelling Unit (ADU) Standards

A. For the purposes of this section, terms shall be defined as follows:

1. "Major transit stop" means a stop on a high-capacity transportation system funded or expanded under the provisions of chapter 81.104 RCW, including but not limited to: commuter rail stops, stops on rail or fixed guideway systems, including transitways, stops on bus rapid transit routes, or routes that run on high-occupancy vehicle lanes, stops for a bus or other transit mode providing actual fixed route service at intervals of at least fifteen minutes for at least five hours during the peak hours of operation on weekdays.
2. "Principal Unit" means the single-family housing unit, duplex, triplex, townhome, or other housing unit located on the same lot as an accessory dwelling unit.

B. **General Standards.**

1. Two (2) ADUs may be created per lot. The lot shall contain one (1) principal unit and a maximum of two (2) ADUs. These ADUs may be either attached or detached.
2. Attached ADUs may occupy a maximum of 40% of the square footage of the principal unit (excluding the area of any attached garage) or up to 1,000 square feet, whichever is greater.
3. Detached ADUs may be a maximum of 1,000 square feet. ~~If built over a detached garage, the detached garage would not count toward the area limit for the ADU.~~
4. Detached ADUs may be up to 25 feet in height.
5. ADUs are subject to the development standards of the zoning district they are located within. Development standards relating to setbacks and development coverage do not apply to

conversions of existing non-conforming structures that are proposed for ADU conversion. New ADUs are not subject to rear yard setbacks on parcels where the rear yard abuts an alley.

6. ADUs may not be rented for periods of less than 30 days.

C. **Parking.**

1. See Figure 18-7 for parking requirements.
2. Tandem spaces are permitted.

*(Ord. 2716 §5, 2023; Ord. 2581 §11, 2018)*



## ADU Housekeeping Amendments: TMC Title 18-6 Land Uses Allowed by District

P = Permitted outright; A = Accessory (customarily appurtenant and incidental to a permitted use) ; C = Conditional (subject to TMC 18.64); U = Unclassified (subject to TMC 18.66); S = Special Permission (Administrative approval by the Director)	LDR	MDR	HDR	MUO	O	RCC	NCC	RC	RCM	C/LI	LI	HI	MIC/L	MIC/H	TVS	TSO	PRO
Contractor storage yards										P	P	P	P	P	P		
Continuing care retirement facility				C	C		C	C	C	C					C	P	
Convalescent & nursing homes & assisted living facility for not more than twelve patients		C	P	P	P	C	P	P	P	P					P	P	
Convalescent & nursing homes & assisted living facility for more than twelve patients				C	C		C	C	C	C					C	P	
Convention facilities								P	P	P	P	P			P	P	
Correctional institutes					U11						U	U		U			
Daycare Centers (not home-based)		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Daycare Family Home (Family Child Care Home) <sup>12</sup>	A	A	A	A	A	A	A	A	A						A	A	
Diversion facilities and diversion interim services facilities south of Strander Blvd										U							
Domestic Shelter	P	P	P	P	P												
Dormitory	C	C	C	A13	A13	A13	A13	A13	A13	A13	A13	A13			A13	A13	
Drive-in theatres								C	C	C	C	C			C		
Dwelling – Detached single family (Includes site built, modular home or new manufactured home). One detached single family dwelling per existing lot permitted in MUO, O, RCC, NCC, TVS.	P	P	P	P	P	P	P								P	P	
Dwelling- Detached Zero-Lot Line Units		P															
Dwelling- Duplex, triplex or fourplex or townhouse up to four attached		P														P	
Dwelling- Townhouses			P													P	
Dwelling –Multi-family			P					P14								P	
Dwelling – Multi-family units above office and retail uses				P		P	P		P						C15 22/ ac	P	
Dwelling – Senior citizen housing, including assisted living facility for seniors *see purpose section of chapter, uses sections, and development standards		P meeting density and all other MDR standards	P 60/ac	P 60/ac			P 60/ ac	P 60/ac	P 60/ac						C15 100/ ac	P	
Dwelling unit – Accessory <sup>16</sup>	A	A	A	A	A	A	A								A	A	