



## CITY OF TUKWILA PLANNING COMMISSION AGENDA JANUARY 23, 2025 - 6:30 PM

Join **in-person** at: 6200 Southcenter Blvd, Council Chambers, Tukwila, WA. 98188

To participate in the **virtual meeting** at 6:30 pm:

**By Phone:** Dial [+1 253-292-9750](tel:+12532929750), Access 779 253 241#

**Online:** To join this meeting virtually please click on Planning Commission on the 1/23/25 calendar date on the events page located at <https://www.tukwilawa.gov/events/>

**For Technical Support** during the meeting, you may call 1-206-433-7155

- I. Call to Order
- II. Roll Call
- III. Approval of Minutes – 12/12/24
- IV. Amendment of the Agenda, if necessary
- V. General Public Comments (acknowledge non-hearing-related written comments received)
- VI. New Business

### **Public Hearing**

#### 1. STEP Housing Changes

FILE NUMBER: L24-0026, E25-0001  
PURPOSE: Code amendment to comply with state law.  
LOCATION: Non-Project Action

#### 2. Phased Binding Site Improvement Plans

FILE NUMBER: L25-0001, E25-0002  
PURPOSE: Code amendment to remove development agreement requirement.  
LOCATION: Non-Project Action

#### 3. Townhouses in the Tukwila Urban Center

FILE NUMBER: L25-0003, E25-0004  
PURPOSE: Code amendment to update residential allowances.  
LOCATION: Non-Project Action

4. Residential Conversions

FILE NUMBER: L25-0002, E25-0003  
PURPOSE: Code amendment to comply with changes in state law.  
LOCATION: Non-Project Action

VII. Director's Report

VIII. Adjournment

**General Public Comments:** Persons wishing to provide general comments on any non-public hearing, planning-related topic may submit their written comment to [BoardsComms@TukwilaWA.gov](mailto:BoardsComms@TukwilaWA.gov). Comments **received before 5:00 p.m. the day before the PC meeting** will be forwarded to Commissioners prior to their meeting. Materials received after that time will be forwarded prior to the next meeting.

**Reminder:** Staff are available to address PC questions regarding packets. Please call or email PC Secretary Wynetta Bivens, at 206-431-3654 or [Wynetta.Bivens@TukwilaWA.gov](mailto:Wynetta.Bivens@TukwilaWA.gov) to be connected with a staff member. Thank you!



## CITY OF TUKWILA PLANNING COMMISSION (PC) MINUTES

Date: December 12, 2024  
Time: 6:30 p.m.  
Location: Hybrid Meeting - via Microsoft Teams / Public, In-Person Attendance, Council Chambers, 6200 Southcenter Blvd., Tukwila, WA 98188

### **Call to Order**

Vice Chair Durant called the Tukwila PC meeting to order at 6:37 p.m.

### **Roll Call**

The PC Secretary took roll call.

Present: Vice Chair Ann Durant; Commissioners Louise Strander, Jane Ho, Richard McLeland Wieser, and Jacob Halverson

Absent: Commissioner Martin Probst

Unexcused Absence: Alex Kaehler

Staff: Long Range Planning Manager Nancy Eklund, American Institute of Certified Planners (AICP), Department of Community Development (DCD); Senior Planner Neil Tabor, AICP, DCD; and PC Secretary Wynetta Bivens, DCD

### **Amendment of the Agenda**

No changes to the agenda were requested.

### **Approval of Minutes**

Commissioner Halverson moved to adopt the 6/27/24 Minutes. Commissioner Ho seconded the motion. Motion carried.

Commissioner Richard McLeland Wieser moved to adopt the 10/24/24 Minutes. Commissioner Halverson seconded the motion. Motion carried.

### **Written General Public Comments**

No submittals.

### **Old Business**

None.

### **New Business**

1. Legislative Changes and Future Housekeeping Items & Middle Housing Project Discussion

Senior Planner Neil Tabor, DCD, stated that the packet information memo noted this item as one housekeeping packet. He said that as a matter of process it will be broken into multiple ordinances because of the variety of items. Some items are more substantial and topic-based verses others.

An overview was provided on the following proposed code amendments that will go back to the PC for review. Staff also addressed questions for the PC.

#### Binding Site Improvement Plans (BSIPs)

Background was provided on BSIPs. They are processed like a traditional sub-division, where one large parcel is broken into multiple lots or pads that may be built out in phases, pieces or land. They may share common features such as utilities, trash collection sites, parking area, access points or one large traditional power center that has a large anchor tenant. The reason this came up is because staff identified a code provision that requires BSIPs when phase 1 is built. It requires certain features, and several other pads that may be developed later. In addition to the BSIPs process it also requires the developer to go through the Development Agreement (DA) process but is not required every time. Staff is proposing to amend Title 17 of the Municipal Code to remove the DA requirement for phased BSIPs.

Commissioner Durant said that it is important that the criteria are clear so developers know what to expect so they can plan for projects with certainty in the process.

#### Legislative Updates Required

Staff said after a very busy Comprehensive (Comp) Plan cycle the upcoming schedule will also be very busy. Requirement updates need to be put in place six to twelve months after the Comp Plan update. Updates due by the end of June are middle housing (HB 1110), objective design review (HB 1293), residential conversions (SB 1042), residential parking (SB 6015), ADU (HB 1337) as well as unit lot subdivision cleanup and proportionate impact fees (SB 5258). Updates for co-living housing (HB 1998) and critical areas are due by December.

#### Residential Conversions (SB 1042) Background and Implementation

An overview was provided on SB 1042, which provides developers flexibility in converting non-residential structures in commercial and mixed used zones into multifamily structures. Background was also provided on the six limitations jurisdictions cannot apply. Staff is proposing to move the SB 1042 compliant code package forward the beginning of 2025 to avoid conflicting with PC and City Council (CC) time. Staff will find a way to introduce compliance with these requirements in a combined code amendment package to leave space for middle housing, and design review with future PC meetings.

#### Tukwila Urban Center (TUC)

Tukwila has a Manufacturing and Industrial Center (north Tukwila) and an Urban Center (Southcenter) designated by the Puget Sound Regional Council (PRC). These centers are designated for growth and are intended to provide a high density of jobs and housing units near transit or cluster industrial use. Urban Centers must plan for at least 45 activity units (jobs plus housing units per acre). The TUC currently has about 22 activity units.

#### Townhomes in TUC

Townhomes are allowed in several zoning districts within the TUC as a permitted residential type. Townhomes are undesirable as they will not meet the density requirements of the TUC. They will be permitted across other residential zones with the middle housing code update. Staff is proposing to strike the allowance of townhomes in the TUC to align new development with desired density.

Commissioner Durant was in favor of encouraging higher density and incentivizing to drive natural development in the direction they want and encourage creativity.

Commissioner Halverson said he would like to see an approach different from removing townhomes.

#### Middle Housing

An overview was provided of several renderings of potential middle housing products and associated development standards, both with and without parking. Staff noted that a few of the setback numbers were incorrect. Staff has been working on concepts to create reductions to front setbacks and a porch bonus. This would allow porches to project into the front yard up to seven additional feet or provide an eight-foot setback for the porch opposed to a building façade.

Commissioner Durant said it feels unsafe when narrow duplexes are oriented with the back of the homes on the public right of way (ROW). She said if lots are going to be developed that way, she would like to see a code requiring that a certain amount of the homes face the ROW to prevent blocks having private roads that are cut off from the main ROW. She said that ideally, narrow triplexes and ADUs in residential areas are front facing to the sidewalk. She said maybe there should be a credit incentive for the front porch to face the ROW.

Commissioner Halverson said he is personally interested in height incentives.

Staff was open to feedback from the PC regarding the things they like, the things they do not like, or what would help with future meetings as they begin the review process.

- Commissioner Halverson requested information from the Puget Sound Regional Fire Administration (PSRFA) on what kind of trucks they plan to use, whether they can allow a 300 ft dead end without a turnaround, the maximum depth of the fire hydrant and if it aligns with the average lot line.
- Commissioner Durant said she is still trying to understand the sequence of events. She asked some clarifying questions and asked if there is a requirement to implement code reflecting the Comp Plan by a certain date. Staff said yes by individual items. Staff also said some items will come back as PC agenda items.
- Commissioner Durant requested a future update on the tree code.
- Commissioner Halverson requested information on stormwater and inquired about stormwater incentives.

#### Director's Report

- Staff said that PC terms were changed last year and will now expire in March instead of December.
- The City Attorney will be conducting annual training with the PC. The PC were asked if there were any training items that they would like to have beefed up.
- Staff agreed to look for literature for the PC at the request of Commissioner McLeland Wieser.
- Commissioner Halverson requested that the departments related to planning, such as fire and police, attend a PC meeting and talk to them about what they do and how they do it.
- Commissioner Strander thanked staff for providing the design review information and asked if it could be added to the Director's Report in the future when there are design review items. Staff said they could provide a month-by-month update.
- Staff said they will send out the development if they have it.
- Staff offered to introduce the PC to their web page.
- Staff said they are working on a fee calculator for impact fees, which they hope to have available soon.
- Staff informed the PC that the rotation of the PC Chair and Vice Chair happens in April.
- Staff will work with CC regarding how their workload will move forward.

Adjournment

Commissioner McLeland Wieser made a motion to adjourn. Commissioner Halverson seconded the motion.  
Motion carried

Adjourned 8:02 p.m.

Submitted by: Wynetta Bivens  
PC Secretary

DRAFT



# City of Tukwila

Thomas McLeod, Mayor

## STAFF REPORT TO THE PLANNING COMMISSION Prepared January 14, 2025

HEARING DATE: January 23, 2025

FILE NUMBERS: L24-0026  
E25-0001

APPLICANT: City of Tukwila

REQUEST: Code amendment proposal to amend regulations for STEP Housing to comply with state requirements

LOCATION: Policies apply throughout the City of Tukwila

NOTIFICATION: Hearing Notice was published in the Seattle Times on January 9, 2025, and posted on the City of Tukwila website on January 9, 2025.

SEPA DETERMINATION: An environmental determination will be issued prior to City Council consideration.

STAFF: Neil Tabor, AICP, Senior Planner

### **BACKGROUND**

In 2021 the Washington State Legislature passed HB 1220: Supporting emergency shelters and housing through local planning and development regulations. Amongst other provisions, the legislation narrowed restrictions jurisdictions could place on the siting of emergency shelters, transitional housing, emergency housing and permanent-supportive housing, subsequently termed "STEP Housing." STEP Housing types are defined as in RCW 36.70A.030 and RCW 84.36.043.

- "Emergency shelter" means a facility that provides a temporary shelter for individuals or families who are currently homeless. Emergency shelter may not require occupants to enter into a lease or an occupancy agreement. Emergency shelter facilities may include day and warming centers that do not provide overnight accommodations.
- "Transitional housing" means a project that provides housing and supportive services to homeless persons or families for up to two years and that has as its purpose facilitating the movement of homeless persons and families into independent living.
- "Emergency housing" means temporary indoor accommodations for individuals or families who are homeless or at imminent risk of becoming homeless that is

intended to address the basic health, food, clothing, and personal hygiene needs of individuals or families. Emergency housing may or may not require occupants to enter into a lease or an occupancy agreement.

- "Permanent supportive housing" is subsidized, leased housing with no limit on length of stay that prioritizes people who need comprehensive support services to retain tenancy and utilizes admissions practices designed to use lower barriers to entry than would be typical for other subsidized or unsubsidized rental housing, especially related to rental history, criminal history, and personal behaviors. Permanent supportive housing is paired with on-site or off-site voluntary services designed to support a person living with a complex and disabling behavioral health or physical health condition who was experiencing homelessness or was at imminent risk of homelessness prior to moving into housing to retain their housing and be a successful tenant in a housing arrangement, improve the resident's health status, and connect the resident of the housing with community-based health care, treatment, or employment services. Permanent supportive housing is subject to all of the rights and responsibilities defined in chapter [59.18](#) RCW.

While various STEP Housing types may be similar to other housing types, STEP Housing does not include:

- Temporary Encampments
- Tiny Home Villages
- Group Homes
- Oxford Homes/Recovery Residence
- Assisted Living Facility
- Adult Family Homes
- Senior Living
- Traditional Income-Restricted Housing

HB 1220 became effective on July 25, 2021. Accordingly, to ensure alignment with the statute, the City adopted regulations regarding STEP Housing via Ordinance No. 2658. At that time, the Department of Commerce had not yet published guidance regarding the implementation of HB 1220 nor had King County and the State Office of Financial Management published the allocation number of beds per STEP Housing typology that each jurisdiction was required to accommodate.

Commerce has since published STEP Housing guidance and the County has published the City's housing targets, which include STEP housing targets for permanent-supportive housing and emergency housing. Tukwila's Housing targets, established for the 2024-2044 planning period, include the need to demonstrate capacity for 471 persons requiring permanent-supportive housing and 1,242 persons requiring emergency housing. Housing targets can be see in Figure 1.



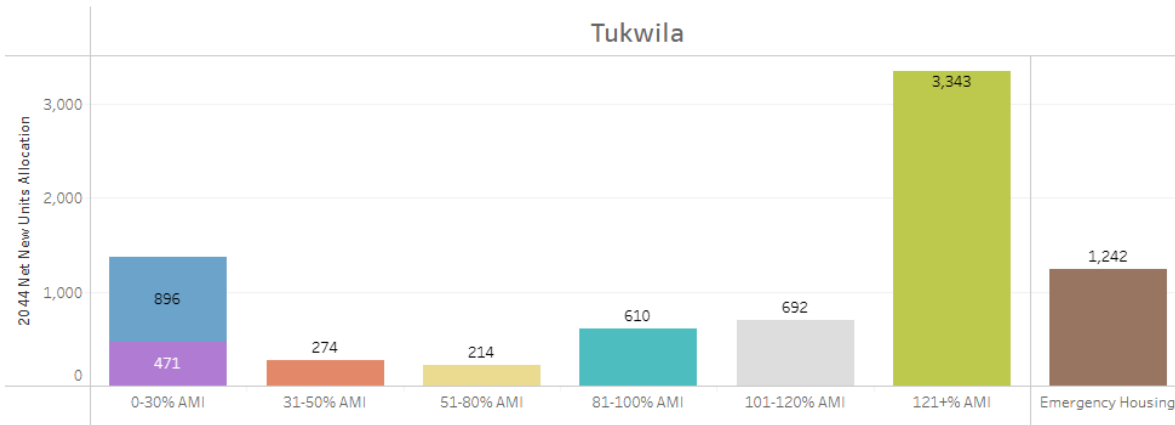


Figure 1: Tukwila Housing Targets

HB 1220 was codified as RCW 35A.21.430, which states that cities are required to allow (1) transitional housing and permanent supportive housing in all zones that allow for residential dwelling units and hotels, and (2) indoor emergency shelters and indoor emergency housing in any zones that allow for hotels. Compliance with these use allowances was integrated into the Tukwila Municipal Code in 2021 through Ordinance 2658, with the exception of select zoning districts within the Tukwila Urban Center. RCW 35A.21.430 also states that:

**“Reasonable occupancy, spacing, and intensity of use** requirements may be imposed by ordinance on permanent supportive housing, transitional housing, indoor emergency housing, and indoor emergency shelters to protect public health and safety. **Any such requirements** on occupancy, spacing, and intensity of use **may not prevent the siting of a sufficient number** of permanent supportive housing, transitional housing, indoor emergency housing, or indoor emergency shelters necessary to **accommodate each code city's projected** need for such housing and shelter under RCW [36.70A.070](#)(2)(a)(ii).”

Presently, TMC 18.50.250 and TMC 18.50.260 restrict STEP Housing through buffer distances between like facilities, and maximum residents per facility as shown in Table 1. Other provisions of TMC 18.50.250-270 also list site features and services required at STEP Housing types and operational plans and features required to ensure functional facilities providing for the resident’s needs and minimizing impacts on areas surrounding STEP Housing.

In addition to use allowances shown in Table 1, religious organizations are also permitted to host permitted Emergency Housing and Emergency Shelters within religious facilities, even if not within a zone which would be required to permit these housing types (RCW 35A.21.360).

Table 1: Current STEP Buffering and Occupancy Restrictions

STEP Housing Type	Buffer Distance between Uses	Maximum Occupants per Housing Facility	Permitted in Zoning Districts Which
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Emergency Housing & Emergency Shelters	½ Mile (2,640 feet), unless functional travel distance is at least ½ mile.	45 residents	Allow Hotels
Transitional Housing & Permanent-Supportive Housing	½ Mile (2,640 feet), unless functional travel distance is at least ½ mile.	15 residents in LDR zoning, 30 residents in MDR zoning, and 45 residents in all other permitted zoning districts	Allow Hotels or Residential Dwellings

**FINDINGS & DISCUSSION**

The present combination of buffer distance and maximum occupancy restrictions for STEP Housing types does not comply with the requirement in RCW 35A.21.430 that “occupancy, spacing, and intensity of use requirements” not “prevent the siting of a sufficient number of” STEP Housing capacity “to accommodate each code city's projected need.”

The recent update of the Comprehensive Plan also required that the housing element of the Comprehensive Plan “Identifies sufficient capacity of land for housing including” ... “emergency housing, emergency shelters, permanent supportive housing” (RCW 36.70A.070, RCW 35.21.915). While the housing element within the Comprehensive Plan adopted policies to comply with STEP Housing requirements in policies H2.4 and H2.5, development regulations causing lack of capacity for these housing types were identified as noncompliant by all review agencies, as shown in Table 2.

*Table 2. Comprehensive Plan review comments regarding STEP Housing*

<b>Review Agency</b>	<b>Comments regarding STEP Housing</b>
Department of Commerce	<ul style="list-style-type: none"> <li>The city identified that current zoning does not allow sufficient capacity to accommodate emergency housing needs. Updates to development regulations that create sufficient capacity for emergency housing should help the city achieve this requirement. We strongly recommend documenting any planned updates to create sufficient capacity for the allocated emergency housing target of 1,242 beds. Guidance on updating development regulations for emergency housing and shelter can be found in the STEP Model Ordinance and User Guide. See Chapter 6 for model ordinance language and</li> </ul>

	<p>Chapter 7 for demonstrating sufficient land capacity for emergency housing targets.</p> <ul style="list-style-type: none"> <li>• All limitations on supportive housing types such as emergency housing (EH), emergency shelters (ES), permanent supportive housing (PSH), and transitional housing (TH) must allow the siting of a sufficient number of units and beds necessary to meet project needs. Housing Element Book 2, see pages 41-48. Additionally, the zoning map must be consistent with and implement the land use map and land capacity findings. <i>RCW 36.70A.115(1), WAC 365-196-800.</i></li> </ul>
Puget Sound Regional Council (PSRC)	<ul style="list-style-type: none"> <li>• The city should show capacity for housing affordable to all income levels, including emergency housing capacity. Commerce’s <a href="#">STEP guidance</a> provides further information.</li> </ul>
King County	<ul style="list-style-type: none"> <li>• Recommendation 2: To align with CPPs H-1 and H-11, Tukwila should show sufficient land capacity for its allocated emergency housing needs. Tukwila should follow Washington State Department of Commerce’s guidance for completing an emergency housing land capacity analysis.</li> </ul>

Figure 2 below depicts all Tukwila zoning districts in which emergency shelters and emergency housing is permitted, consistent with allowances for hotels, in a green color overlay. To demonstrate the approximate scale of the current half mile buffer from STEP Housing types, religious institutions which would be permitted to offer certain types of STEP Housing are shown with the corresponding half mile buffer to demonstrate the potential buffer impact on siting a non-religiously affiliated STEP Housing facility.

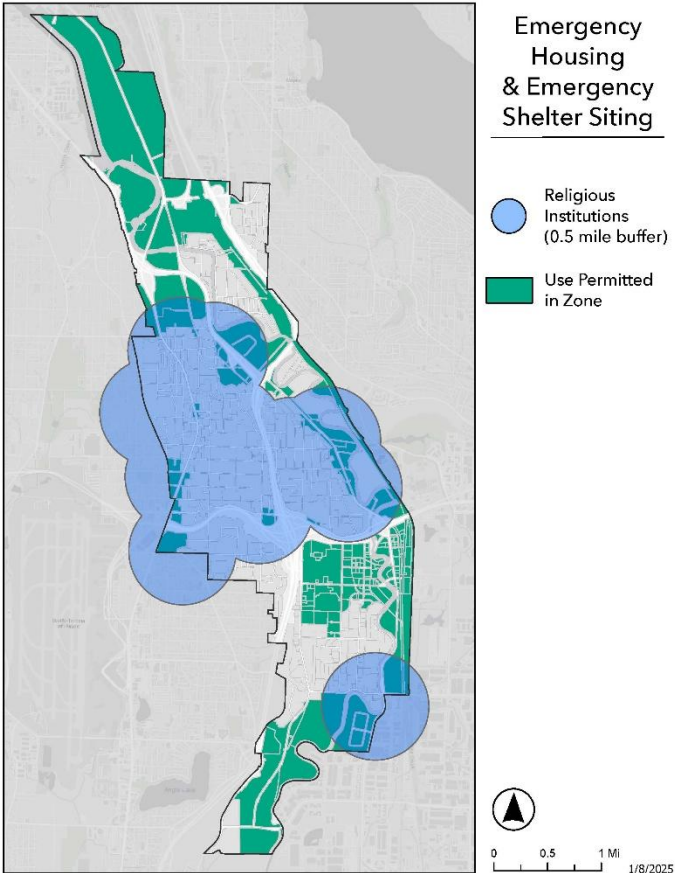


Figure 2. STEP Housing, 1/2 Mile Buffer From Religious Facilities

While not exact, it quickly becomes visually apparent that maintaining a half mile buffer, or any buffer distance near this length, would not allow capacity for 1,242 emergency housing beds or the 471 permanent-supportive housing beds when coupled with a low maximum occupancy per site of 45 or fewer. For reference, the City of Burien adopted an update of their STEP Housing regulations in the Fall of 2024 through Ordinance 850 (Figure 3, attached in whole) which placed no such separation buffers on permanent-supporting housing and transitional housing. Separation buffers were only required for emergency shelters and emergency housing facilities with a capacity for 200 residents or greater, from other like facilities with capacity for at least 200 residents. Buffer distances were established at 1,000 feet for emergency shelters at or exceeding that capacity, and 500 feet for emergency housing at or exceeding that capacity (see Figure 3). For greater perspective on what buffer distances may be viable if buffering between STEP Housing types were maintained, staff also created maps with buffer distances at religious facilities of 1,000 feet and 500 feet, depicted in Figure 3 and Figure 4 respectively.

Permanent Supportive Housing	P	P	P	P	P	P	P	P	
Transitional Housing	P	P	P	P	P	P	P	P	
Emergency Shelter	Type 1	Type 1	Type 1	Type 1	Type 1	Type 1	Type 1	Type 1	1. Burien may only permit an emergency shelter with a capacity of 200 people or more if the proposed location of the shelter is distanced at least 1,000 feet from another emergency shelter project with a capacity of 200 people or more.
Emergency Housing	P/Type 1	P/Type 1	P/Type 1	P/Type 1	P/Type 1	P/Type 1	P/Type 1	P/Type 1	1. Emergency Housing projects with 35 units or beds or more will require Type 1 review. 2. Burien may only permit an emergency housing project with 200 units or beds or more if the proposed location of the emergency housing project is distanced at least 500 feet from another emergency housing project with 200 units or beds or more.

Figure 3. City of Burien STEP spacing requirements

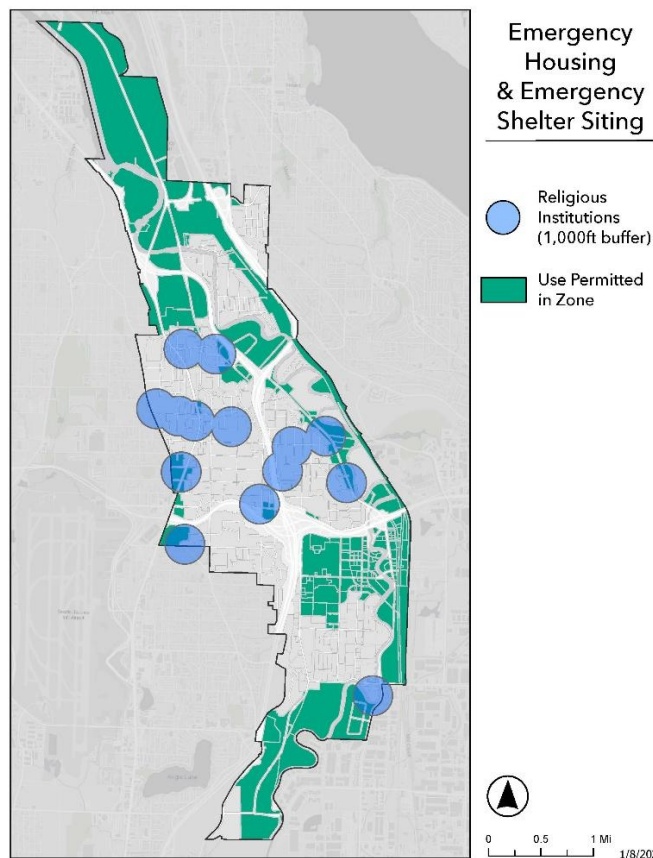


Figure 4. STEP Housing, 1,000 Foot Buffer From Religious Facilities

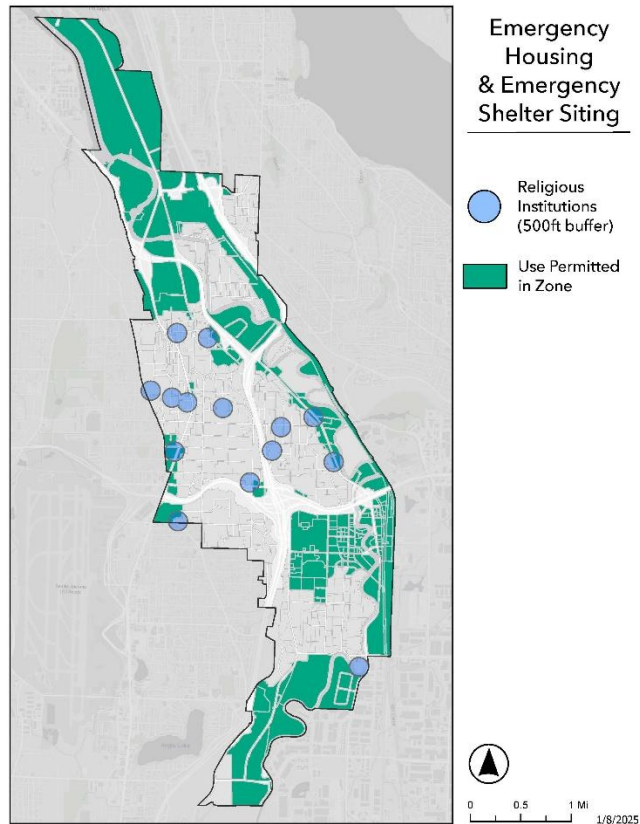


Figure 5. STEP Housing, 500 Foot Buffer From Religious Facilities

Beyond simply meeting the state law requirements for demonstrated capacity for STEP Housing, updating STEP Housing regulations creates opportunities for STEP Housing development to allow families and individuals requiring support beyond what other housing types typically offer, either on a temporary or permanent basis. As further detailed in the Department of Commerce STEP Housing 101 Fact Sheet (attached), the general scarcity of housing in the region and state, and associated high costs of housing further strains limited existing STEP Housing capacity. Building in state mandated flexibility for STEP Housing can help more broadly support overall community housing needs, reduce calls for service and ultimately reduce homelessness.

## Benefits of STEP









-  Reduces the number of people living and sleeping in unsafe conditions and public spaces
-  Helps various populations, including people who are currently homeless or housing insecure, formerly homeless aging adults, families with child welfare involvement, individuals with chronic patterns of homelessness, people involved with the justice system, and adults with intellectual and developmental disabilities.
-  Provides tenancy support services to help vulnerable people maintain stable housing
-  Connects participants to essential services such as health care, job opportunities and public benefit income
-  Improves participants' mental and physical health through timely medical care
-  Enhances participants' employment prospects and incomes and fosters social connections
-  Reduces the likelihood of residents being incarcerated
-  Decreases the public cost burden on other services, such as hospitals and emergency response, and therefore costs the same amount or less than its alternatives

Figure 6. Excerpt from STEP 101 Fact Sheet

## SUMMARY OF PROPOSED CHANGES

In the interest of meeting state law requirements to provide capacity to site the City's allotted amount of STEP Housing, while maintaining reasonable occupancy and spacing requirements, staff proposes to amend TMC 18.50.250, 18.50.260 and Table 18-2 *Tukwila Urban Center Land Uses Allowed by District* as summarized below. Complete redlines of proposed amendments can be found as attachments.

	STEP Housing Type	Buffer Distance between Uses	Maximum Occupants per Housing Facility
Existing Standards	<del>Emergency Housing &amp; Emergency Shelters</del>	<del>½ Mile (2,640 feet), unless functional travel distance is at least ½ mile.</del>	<del>45 residents</del>
	<del>Transitional Housing &amp; Permanent-Supportive Housing</del>	<del>½ Mile (2,640 feet), unless functional travel distance is at least ½ mile.</del>	<del>15 residents in LDR zoning, 30 residents in MDR zoning, and 45 residents in all other permitted zoning districts</del>
Proposed Standards	<u>Emergency Shelters</u>	<u>500 foot buffer from other like facilities if occupancy capacity is for 50 persons or greater</u>	<u>100 residents</u>

	<u>Emergency Housing</u>	<u>500 foot buffer from other like facilities if occupancy capacity is for 75 persons or greater</u>	<u>100 residents</u>
	<u>Transitional Housing &amp; Permanent-Supportive Housing</u>	<u>500 foot buffer from other like facilities if occupancy capacity is for 50 persons or greater</u>	<u>45 residents in LDR and MDR zoning, 75 residents in all other permitted zoning districts</u>

The following amendment of criteria in TMC 18.50.250(6) is also proposed:

6. ~~Buildings-Facilities~~ must have secure entrances, or a secure site, staffed 24/7, ~~with individual units only accessible through interior corridors.~~

The following amendment of criteria in TMC 18.50.260(5) is also proposed:

5. ~~Buildings-Facilities~~ must have secure entrances, or a secure site, staffed 24/7, ~~with individual units only accessible through interior corridors.~~

Table 18-2 Tukwila Urban Center Land Uses Allowed by District

P = Permitted, A = Accessory, C = Conditional, UUP = Unclassified Use Permit						
Business license	For parking requirements see Table 18-5 or Figure 18-7	Regional Center	TOD	Pond District	Commercial Center	Work-Place
Residential						
320	Dormitories		A	A		
Ref. above†	Dwelling: Multi-family, Mixed Use, Senior Citizen Housing	P	P	P		P4
510	Home Occupation	A	A	A		P4
270	Continuing Care Retirement Community		P	P		
	<b>STEP Housing</b>					
	<u>Emergency Housing</u>	<u>P8</u>	<u>P8</u>	<u>P8</u>		
	<u>Emergency Shelter</u>	<u>P8</u>	<u>P8</u>	<u>P8</u>		
	<u>Permanent Supportive Housing</u>	<u>P9</u>	<u>P9</u>	<u>P9</u>		<u>P4, 9</u>
	<u>Transitional Housing</u>	<u>P9</u>	<u>P9</u>	<u>P9</u>		<u>P4, 9-</u>

8. Subject to the criteria and conditions at TMC 18.50.250 and 18.50.270.

9. Subject to the criteria and conditions at TMC 18.50.260 and 18.50.270.



**REQUESTED ACTION**

Staff is requesting that the Planning Commission forward a recommendation for adoption of the draft code amendments to the City Council.

**ATTACHMENTS**

- A. TMC 18.50 Proposed Code Amendments (Redlined)
- B. Table 18-2: Tukwila Urban Center Land Uses Allowed by District Proposed Code Amendments (Redlined)
- C. RCW 35A.21.430
- D. Department of Commerce STEP 101 Fact Sheet
- E. City of Burien Ordinance 850



# Attachment A, L24-0026

## CHAPTER 18.50 SUPPLEMENTAL DEVELOPMENT STANDARDS

### Sections:

18.50.010	Purpose
18.50.020	Special Height Limitation Areas
18.50.030	Special Height Exception Areas
18.50.045	Height Regulations Around Major Airports
18.50.050	Single-Family Dwelling Design Standards
18.50.055	Single-Family Design Standard Exceptions
18.50.060	Cargo Containers as Accessory Structures
18.50.070	Yard Regulations
18.50.080	Exemption of Rooftop Appurtenances
18.50.083	Maximum Building Length
18.50.085	Maximum Percent Development Area Coverage
18.50.090	Height Limitation for Amusement Devices
18.50.110	Archaeological/Paleontological Information Preservation

### Requirements

18.50.130	Structures Over Public R-O-W
18.50.140	Charging Station Locations
18.50.150	Retaining Wall Setback Waiver
18.50.170	Lighting Standards
18.50.180	Recycling Storage Space for Residential Uses
18.50.185	Recycling Storage Space for Non-Residential Uses
18.50.190	Design of Collection Points for Garbage and Recycling Containers
18.50.200	Peer Review of Technical Studies
18.50.210	Marijuana Related Uses
18.50.220	Accessory Dwelling Unit (ADU) Standards
18.50.240	Home Occupations
18.50.250	Emergency Housing and Emergency Shelter Criteria
18.50.260	Permanent Supportive Housing and Transitional Housing Criteria
18.50.270	Memorandum of Agreement for Emergency Housing, Emergency Shelter, Permanent Supportive Housing or Transitional Housing

### **18.50.010 Purpose**

A. It is the purpose of this chapter to establish development standards that supplement those established within the various use districts. These supplemental standards are intended to address certain unique situations that may cross district boundaries, and to implement related policies of the Tukwila Comprehensive Plan.

### **18.50.020 Special Height Limitation Areas**

A. There are hereby established special height limitation areas, as depicted by **Figure 18-3**.

### **18.50.030 Special Height Exception Areas**

A. There are hereby established special height exception areas as depicted by Figure 18-3, within which building heights of up to four, six, or ten stories, as illustrated by the Figure, are allowed, notwithstanding the height standards for zoning districts within which the subject property may lie.

#### **18.50.045 Height Regulations Around Major Airports**

A. For the purposes of regulating heights within the vicinity of major airports, there are established and created certain height limitation zones which include all the land lying within the instrument approach zones, non-instrument approach zones, transition zones, horizontal zones and conical zones. Such areas may be shown and defined on an “airport height map” which shall become a part of the ordinance codified in this section by adoption of the Council and found on file in the office of the City Clerk. No building or structure shall be erected, altered or maintained, nor shall any tree be allowed to grow to a height in excess of the height limit herein established in any of the several zones created by this section; provided, however, that this provision shall not prohibit the construction of or alteration of a building or structure to a height of 35 feet above the average finish grade of the lot. Where an area is covered by more than one height limitation zone, the more restrictive limitations shall prevail. Under the provision of this section, the City adopts the following airport height map: Airport Height Map: King County International Airport (Boeing Field), August 1, 1986, and as the same may be amended.

#### **18.50.050 Single-Family Dwelling Design Standards**

A. 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.

#### **18.50.055 Single-Family Design Standard Exceptions**

A. The design standards required in TMC 18.50.050 (4), (5) and (6) may be modified by the 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 18.50.050 (5) and (6) may also be modified by the 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 18.50.220.A (4) may be modified by the 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.

#### **18.50.060 Cargo Containers as Accessory Structures**

A. Cargo containers are allowed outright in the LI, HI, MIC/L, MIC/H and TVS zones, subject to building setbacks.

B. New containers may be allowed as accessory structures in LDR, MDR, and HDR for institutional uses, and in RC, RCM, TUC, TSO and C/LI for any permitted or conditional use. All new containers are subject to a Type 2 special permission decision and the restrictions in the various zoning districts.

C. Criteria for approval are as follows:

1. Only two cargo containers will be allowed per lot, maximum length of 40 feet.
2. The container is located to minimize the visual impact to adjacent properties, parks, trails and rights-of-way as determined by the Director.
3. The cargo container is sufficiently screened from adjacent properties, parks, trails and rights-of-way, as determined by the Director. Screening may be a combination of solid fencing, landscaping, or the placement of the cargo containers behind, between or within buildings.
4. If located adjacent to a building, the cargo container must be painted to match the building's color.
5. Cargo containers may not occupy any required off-street parking spaces.
6. Cargo containers shall meet all setback requirements for the zone.
7. Outdoor cargo containers may not be refrigerated.
8. Outdoor cargo containers may not be stacked.

D. Licensed and bonded contractors may use cargo containers in any zone for temporary storage of equipment and/or materials at a construction site during construction that is authorized by a City building permit.

**18.50.070 Yard Regulations**

A. Fences, walls, poles, posts, and other customary yard accessories, ornaments, furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility to the detriment of public safety. The height of opaque fences along street frontages is limited to 4 feet, with lattice or other open material allowed up to 6 feet.

B. In the case of through lots, unless the prevailing front yard pattern on adjoining lots indicates otherwise, front yards shall be provided on all frontages.

C. Where the front yard that would normally be required on a lot is not in keeping with the prevailing yard pattern, the Department may waive the requirement for the normal front yard and substitute therefore a special yard requirement, which shall not exceed the average of the yards provided on adjacent lots.

D. In the case of corner lots, a front yard of the required depth shall be provided in accordance with the prevailing yard pattern, and a second front yard of half the depth required generally for front yards in the district shall be provided on the other frontage.

E. In the case of corner lots with more than two frontages, the Department shall determine the front yard requirements, subject to the following conditions:

1. At least one front yard shall be provided having the full depth required generally in the district;
2. The second front yard shall be the minimum set forth in the district;
3. In the case of through lots and corner lots, there will be no rear yards but only front and side yards;
4. In the case of through lots, side yards shall extend from the rear lines of front yards required. In the case of corner lots, yards remaining after full and half depth front yards have been established shall be considered side yards. (See Figure 18-4.)

**18.50.080 Exemption of Rooftop Appurtenances**

A. The height limitations specified in this chapter shall not apply to church spires, monuments, chimneys, water towers, elevator towers, mechanical equipment, and other similar rooftop appurtenances usually required to be placed above the roof level and not intended for human occupancy or the provision of additional floor area; provided, that mechanical equipment rooms or attic spaces are set back at least 10 feet from the edge of the roof and do not exceed 20 feet in height.

**18.50.083 Maximum Building Length**

A. In the MDR and HDR zone, the maximum building length shall be as follows:

For all buildings except as described below:	MDR.....50 ft. HDR.....50 ft.
<i>Maximum building length with bonus for modulating off-sets:</i>	
• For structures with a maximum building height of 2 stories or 25 feet, whichever is less, and having horizontal modulation or a minimum	MDR.....100 ft. HDR.....200 ft.

vertical change in roof profile of 4 feet at least every two units or 50 feet, whichever is less	
• For structures with a building height over 2 stories or 25 feet, whichever is less, with a horizontal & vertical modulation of 4 feet or an 8 foot modulation in either direction	MDR.....100 ft. HDR.....200 ft.
• For townhouse structures with horizontal modulation or a minimum vertical change in roof profile of 4 feet at least every two units or 50 feet, whichever is less	MDR.....80 ft. HDR.....125 ft.

Maximum building length with bonus for modulating off-sets: Modulation shall be required for every 2 units or 50 feet, whichever is less, as measured along the building’s length. Grouping of offsets in maximum four unit modules may be permitted as part of a design review approval (see *Figure 18-5*).

**18.50.085 Maximum Percent Development Area Coverage**

A. In the LDR zones the maximum percent development area coverage for a single-family development shall be as follows:

1. 75% on lots less than 13,000 square feet up to a maximum of 5,850 sq. ft.; and
2. 45% on lots greater than or equal to 13,000 square feet.

B. In the MDR and HDR zones the maximum percent development area coverage shall be 50%, less the following surfaces:

1. the footprint of an exclusive recreational facility;
2. a proportion of a recreational facility footprint when contained within a general use building as follows: the portion of the footprint area occupied by a recreational facility divided by the number of floors in that portion of the building;
3. vehicle circulation aisles between separate parking areas;
4. sidewalks;
5. paths; and
6. other pedestrian/recreation facilities clearly designed to enhance the pedestrian environment.

C. Senior citizen housing development in HDR is exempt from development area coverage maximum; however, if the senior citizen housing is converted to regular apartments, the 50% limit must be met.

D. The 50% maximum development area coverage for townhouse development may be increased up to a maximum of 75% development area coverage, if the applicant uses low-impact

development techniques that are technically feasible and in accordance with the Surface Water Design Manual (TMC 14.30).

#### **18.50.090 Height Limitation for Amusement Devices**

A. Amusement devices shall be allowed up to 115 feet in height in any commercial or industrial zones. Any devices that exceed the height limit of the zone in which they are located shall be subject to a conditional use permit.

#### **18.50.110 Archaeological/Paleontological Information Preservation Requirements**

A. The following provisions shall apply in all zones:

1. If there is reason to believe that archaeological resources will be disturbed, a cultural resources assessment shall be conducted and, if warranted, an archaeological response plan and provisions for excavation monitoring by a professional archaeologist shall be made prior to beginning construction. The assessment should address the existence and significance of archaeological remains, buildings and structures on the State or Federal historic registers, observable paleontological deposits and may include review by the State Archaeologist.

2. It is recommended that the applicant coordinate a predetermination study by a professional archaeologist during the geotechnical investigation phase, to determine site archaeological potential and the likelihood of disturbing archaeological resources.

3. Excavations into historically native soil, when in an area of archaeological potential, shall have a professional archaeologist on site to ensure that all State statutes regarding archaeological conservation/ preservation are implemented. The applicant shall provide a written commitment to stop work immediately upon discovery of archaeological remains and to consult with the State Office of Archaeology and Historic Preservation (OAHP) to assess the remains and develop appropriate treatment measures. These may include refilling the excavation with no further responsibility.

4. An applicant who encounters Indian burials shall not disturb them and shall consult with OAHP and affected tribal organizations pursuant to State statutes.

5. The Director is authorized to:

a. conduct studies to generally identify areas of archaeological/ paleontological potential;

b. make determinations to implement these provisions; and

c. waive any and all of the above requirements, except for TMC 18.50.110-4 (reporting of discovered Indian burials), if the proposed action will have no probable significant impact on archaeological or historical resources that are eligible for listing in the National Register of Historic Places, or on observable paleontological resources. Examples of such actions include excavation of fill materials, disturbance of less than 10,000 square feet of native soils to a depth of 12 inches, penetration of native soils with pilings over a maximum 8% of the building footprint, and paving over native soils in a manner that does not damage cultural resources. The above examples are illustrative and not determinative. A case-by-case evaluation of archaeological/paleontological potential value and proposed disturbance must be made.

#### **18.50.130 Structures Over Public R-O-W**

A. A developer who controls parcels on both sides of a public right-of-way may request approval to bridge the street with a structure as a Type 2 special permission decision. Only the width of the building that extends across the street is exempt from setbacks; the remainder of the



building must meet them. The developer must also obtain air rights and comply with all other relevant codes, including the Washington State Building Code.

#### **18.50.140 Charging Station Locations**

A. Level 1 and Level 2 charging stations are allowed as an accessory use in the predominantly residential zones LDR, MDR and HDR. Level 1 and Level 2 charging stations are allowed as a permitted use in all other zones. Level 3 charging stations, battery exchange stations, and rapid charging stations are allowed as a permitted use in all zones that allow other automotive services such as gas stations, and are allowed as an accessory use in all other zones.

#### **18.50.150 Retaining Wall Setback Waiver**

A. Retaining walls with an exposed height greater than four feet may be allowed in required front, side or rear yard setbacks as a Type 2 Special Permission decision to the Community Development Director under the following circumstances:

1. When the applicant's property is on the lower side of the retaining wall and it is not visible from adjacent properties or is screened by landscaping; or
2. When a wall built on a property line or perpendicular to it benefits the lots on both sides, and the owners of both properties agree to jointly maintain the wall; or
3. When a wall in a front yard is required due to roadway expansion or improvements.

#### **18.50.170 Lighting Standards**

A. Parking and loading areas shall include lighting capable of providing adequate illumination for security and safety. Lighting standards shall be in scale with the height and use of the associated structure. Any illumination, including security lighting, shall be directed away from adjoining properties and public rights-of-way.

B. In the MDR and HDR zones, porches, alcoves and pedestrian circulation walkways shall be provided with low level safety lighting. Pedestrian walkways and sidewalks may be lighted with lighting bollards.

C. **MIC/L and MIC/H.** The following site lighting standards shall apply to portions of developments within 100 feet of the Tukwila Manufacturing/Industrial Center boundary as defined in the 1995 Comprehensive Plan:

1. The minimum light levels in parking areas, paths between the building and street or parking areas shall be 1 foot candle;
2. The maximum ratio of average: minimum light level shall be 4:1 for illuminated grounds;
3. Maximum illumination at the property line shall be 2 foot candles;
4. Lights shall be shielded to eliminate direct off-site illumination; and
5. General grounds need not be lighted.

D. Variation from these standards may be granted by the Director of the Department of Community Development based on technical unfeasibility or safety considerations.

#### **18.50.180 Recycling Storage Space for Residential Uses**

A. Apartment and condominium developments over six units shall provide 1-1/2 square feet of recycling storage space per dwelling unit, which shall be located in collection points as follows:

1. No dwelling unit within the development shall be more than 200 feet from a collection point.
2. Collection points shall be located so that hauling trucks do not obstruct pedestrian or vehicle traffic on-site, or project into any public right-of-way.
3. Collection points shall not be located in any required setback or landscape area.

**18.50.185 Recycling Storage Space for Non-Residential Uses**

- A. Recycling storage space for non-residential uses shall be provided at the rate of at least:
  1. Two square feet per every 1,000 square feet of building gross floor area in office, medical, professional, public facility, school and institutional developments.
  2. Three square feet per every 1,000 square feet of building gross floor area in manufacturing, industrial and other non-residential uses not specifically mentioned in these requirements.
  3. Five square feet per every 1,000 square feet of building gross floor area in retail developments.
- B. Outdoor collection points shall not be located in any required setback or landscape area.
- C. Collection points shall be located in a manner so that hauling trucks do not obstruct pedestrian or vehicle traffic on-site, or project into any public right-of-way.

**18.50.190 Design of Collection Points for Garbage and Recycling Containers**

- A. Residential and non-residential collection points shall be designed as follows:
  1. An opaque wall or fence of sufficient size and height to provide complete screening shall enclose any outside collection point. Architectural design shall be consistent with the design of the primary structure(s) on the site.
  2. Collection points shall be identified by signs not to exceed two square feet.
  3. Weather protection of recyclables and garbage shall be ensured by using weather-proof containers or by providing a roof over the storage area.

**18.50.200 Peer Review of Technical Studies**

- A. The Department will review all technical information submitted as part of any application to verify it meets all requirements of the Tukwila Municipal Code. At the discretion of the Director, any technical studies required as part of the application including, but not limited to, noise reports, lighting plans, and parking demand studies, may undergo peer review at the expense of the applicant.

**18.50.210 Marijuana Related Uses**

- A. The production, processing and retailing of marijuana is and remains illegal under federal law. Nothing herein or as provided elsewhere in the ordinances of the City of Tukwila is an authorization to circumvent federal law or provide permission to any person or entity to violate federal law. Only state-licensed marijuana producers, marijuana processors, and marijuana retailers may locate in the City of Tukwila and then only pursuant to a license issued by the State of Washington. The purposes of these provisions is solely to acknowledge the enactment by the state Liquor and Cannabis Board of a state licensing procedure and to permit, but only to the

extent required by state law, marijuana producers, processors, and retailers to operate in designated zones of the City.

**B. Marijuana production, processing, selling or delivery.**

1. The production, processing, selling, or delivery of marijuana, marijuana-infused products, or useable marijuana may not be conducted in association with any business establishment, dwelling unit, or home occupation located in any of the following areas:

- Low Density Residential
- Medium Density Residential
- High Density Residential
- Mixed Use Office
- Office
- Residential Commercial Center
- Neighborhood Commercial Center
- Regional Commercial
- Regional Commercial Mixed Use
- Tukwila Urban Center
- Commercial/Light Industrial
- Light Industrial
- Manufacturing Industrial Center/Light
- Manufacturing Industrial Center/Heavy

**2. Violations.**

a. Any person violating or failing to comply with the provisions of this section of the Tukwila Municipal Code shall be subject to enforcement as prescribed in TMC 8.45 and the issuance of a Notice of Violation and Order, in accordance with TMC 8.45.070, that shall carry with it a cumulative monetary penalty of \$1,000.00 per day for each violation from the date set for compliance until compliance with the Notice of Violation and Order is achieved.

b. In addition to any penalty that may be imposed by the City, any person violating or failing to comply with this section shall be liable for all damage to public or private property arising from such violation, including the cost of restoring the affected area to its condition prior to the violation.

c. Any penalties imposed under this section may be doubled should the violation(s) occur within 1,000 feet of the perimeter of the grounds of any elementary or secondary school, playground, recreation center or facility, child care center, public park, public transit center, or library, or any game arcade to which admission is not restricted to persons aged 21 years or older, as such terms are defined in WAC 314-55-010 as now enacted or hereafter amended.

C. Growth of medical marijuana for the personal medical use of an individual qualifying patient as defined in RCW 69.51A.010 is subject to strict compliance with all state regulations, procedures and restrictions as set forth or hereafter adopted at RCW 69.51A.

D. The establishment, location, operation, licensing, maintenance or continuation of a cooperative, as described in RCW 69.51, or medical cannabis collective gardens or dispensaries as described in RCW 69.51A.085, is prohibited in all zones of the City. Any person who violates this subsection (TMC 18.50.210.D) shall be guilty of a gross misdemeanor and shall be punished by a fine not to exceed \$5,000.00, or by imprisonment in jail for a term not exceeding one year, or by both such fine and imprisonment.

E. Any violation of this section is declared to be a public nuisance per se, and, in addition to any other remedy provided by law or equity, may be abated by the City under the applicable provisions of this code or state law. Such violations shall be enforced and appealed with the procedures set forth in TMC 8.45. Each day any violation of this section occurs or continues shall constitute a separate offense.

F. **Additional Relief.** The City may seek legal or equitable relief to enjoin any acts or practices and abate any condition which constitutes or will constitute a violation of this section of the TMC. The remedies and penalties provided herein are cumulative and shall be in addition to any other remedy provided by law.

#### **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 RCW 81.104, 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.

#### **18.50.240 Home Occupations**

A. Home occupations shall meet the following standards:

1. There shall be no change in the outside appearance of the surrounding residential development;

2. No home occupation shall be conducted in any accessory building. This provision shall not apply to adult family homes as defined in RCW 70.128.010 or community facilities as defined in RCW 72.05.020;

3. Traffic generated by a home occupation shall not exceed two (2) visitors at any given time, and no more than eight (8) total two-way visitor and non-resident employee trips per day;

4. The number of vehicles associated with a home-occupation shall not exceed two (2) vehicles and must be parked on-site. Vehicles associated with the business shall not exceed:

- a. A gross vehicle weight of 10,000 pounds;
- b. A height of ten (10) feet; or
- c. A length of 22 feet;

5. An off-street parking space shall be made available for any non-resident employee. All parking spaces shall meet all development standards;

6. The business shall not involve more than one person who is not a resident of the dwelling. This provision shall not apply to adult family homes as defined in RCW 70.128.010 or community facilities as defined in RCW 72.05.020; and

7. Outdoor storage of materials associated with a home occupation is prohibited.

#### **18.50.250 Emergency Housing and Emergency Shelter Criteria**

A. Emergency housing and emergency shelter facilities are allowed subject to the following criteria:

1. It must be a 24-hour-a-day facility where beds or rooms are assigned to specific residents for the duration of their stay.

2. On-site services such as laundry, hygiene, meals, case management, and social programs are limited to the residents of the facility and not available for drop-in use by non-residents.

3. The facility must be located within a half mile walking distance of a bus or rail transit stop.

4. ~~Facilities~~ Emergency shelters with a capacity for 50 persons or greater, and emergency housing facilities with a capacity for 75 persons or greater must be at least ~~a half mile~~ 500 feet from any other emergency housing or emergency shelter, calculated as a radius from the property lines of the site. This distance may be reduced upon the applicant submitting documentation that there is a barrier such as a river or freeway preventing access between the facilities, and the path of travel between them on public roads or trails is at ~~least half a mile~~ 500 feet.

5. The maximum number of residents in a facility is limited to the general capacity of the building but in no case more than ~~45~~ 100.

6. ~~Buildings~~ Facilities must have secure entrances, or a secure site, staffed 24/7, ~~with individual units only accessible through interior corridors~~.

#### **18.50.260 Permanent Supportive Housing and Transitional Housing Criteria**

A. Permanent supportive housing and transitional housing facilities are allowed subject to the following criteria:

1. On-site services such as laundry, hygiene, meals, case management, and social programs are limited to the residents of the facility and not available for drop-in use by non-residents.

2. The facility must be located within a half mile walking distance of a bus or rail transit stop.
3. Facilities with a capacity of 50 persons or greater must be at least ~~a half mile~~500 feet from any other permanent supportive housing or transitional housing, calculated as a radius from the property lines of the site. This distance may be reduced upon the applicant submitting documentation that there is a barrier such as a river or freeway preventing access between the facilities, and the path of travel between them on public roads or trails is at ~~least half a mile~~500 feet.
4. The maximum number of residents in a facility is limited to the general capacity of the building but in no case more than ~~445~~ in LDR ~~and, 30 in~~ MDR, and ~~45-75~~ in HDR or other zones.
5. ~~Buildings-Facilities~~ must have secure entrances, or a secure site, staffed 24/7, ~~with individual units only accessible through interior corridors.~~

**18.50.270 Memorandum of Agreement for Emergency Housing, Emergency Shelter, Permanent Supportive Housing or Transitional Housing**

A. Prior to the start of operation, the City and facility operator shall develop and execute a Memorandum of Agreement containing, at a minimum, the following items:

1. A Good Neighbor Agreement addressing the following items:
  - a. Quiet hours,
  - b. Smoking areas,
  - c. Security procedures,
  - d. Litter, and
  - e. Adequacy of landscaping and screening.
2. A Code of Conduct establishing a set of standards and expectations that residents must agree to follow.
3. A parking plan approved by the City showing that the facility has adequate parking to meet the expected demand from residents, staff, service providers and visitors. Residents may not park off-site and all vehicles must be operational.
4. A coordination plan with both the Police and Fire Departments, including protocols for response to the facility and to facility residents throughout the City and a maximum number of responses threshold for law enforcement services as established by calls for services in TMC 5.60.040 through 5.60.060. If calls for law enforcement services exceed the agreed upon threshold in any given quarter, the facility operator will work with the City to reduce calls below the threshold level.
5. A requirement to provide regular reports to the City's Human Services Program Coordinator on how facilities are meeting performance metrics such as placement of residents into permanent housing or addiction treatment programs.

# Attachment B, L24-0026

<b>P = Permitted, A = Accessory, C = Conditional, UUP = Unclassified Use Permit</b> Business license <i>For parking requirements see Table 18-5 or Figure 18-7</i> Regional Center TOD Pond District Commercial Center Work-Place <b>Retail 1</b>						
60	Animal Kennels and Shelters, including doggy daycare				C	C
810A	Athletic or Health Clubs	P	P	P	P	P
90	Automotive Service and Repair	P2				P
400	Banks, Financial, Insurance, and Real Estate Services	P	P	P		
1030	Bar & Nightclubs	P	P3	P	P	
Ref. above†	Brew Pubs, On-Site Brewing, Cocktail Lounges, & Pool Halls	P	P	P	P	
	Bulk Retail	P			P	P
	Business Services (e.g. copying, fax and mailing centers)	P	P	P		P
Ref. above†	Drive Through Facilities or Services	P	P3		P	P
360A	Electric Vehicle Charging Station L1&2	P	P	P	P	P
360B	Electric Vehicle Charging State L3	A	P3	A	A	A
90	Gas Stations, including Car Wash		P3		P	P
	General Retail	P	P	P	P	P
Ref. above†	Laundries, Tailors, and Dry Cleaners	P	P	P	P	P
Ref. above†	Personal Services (e.g. beauty & barber shops, nail salons, spa, travel agencies)	P	P	P	P	
Ref. above†	Recreation Facilities (commercial indoor)	P	P	P		P

810C	Recreation Facilities (commercial outdoor)					P
Ref. above†	Repair Shops (small scale goods: bicycle, appliance, shoe, computer)	P	P	P		P
Ref. above†	Restaurants with associated cocktail lounges and sidewalk cafes	P	P	P	P	P6
Ref. above†	Theaters except adult entertainment	P		P	P	
840	Vehicle Rental and Sales (not requiring a commercial DL)	P	P3	P5		P
70	Veterinary Clinic with temporary indoor boarding and grooming	P	P	P	P	P
<b>Office</b>						
	Professional, Outpatient Medical, Dental, Governmental Services, and Research	P	P	P	P	P
630	Medical and Dental Laboratories	P	P	P		P
<b>Lodging</b>						
Ref. above*	Hotel, Motel, Extended Stay, Bed and Breakfasts	P	P	P		
<b>Civic &amp; Institutional</b>						
290	Convention & Exhibition Facilities, including multipurpose arena facilities	P	P3	P		
Ref. above†	Cultural Facilities, including: libraries, museums, art galleries, performing arts centers	P	P	P		
Ref. above†	Daycare Centers	P	P	P	P	P
Ref. above†	Education and Instructional Facilities, public and private including college and universities	P	P	P		



Ref. above†	Parks, Trails, Picnic Areas, Playgrounds, and Public Community Centers	P	P	P	P	P
410	Police and Fire Stations	C	C	C	P	P
<b>P = Permitted, A = Accessory, C = Conditional, UUP = Unclassified Use Permit</b>						
<b>Business license</b>	<b><i>For parking requirements see Table 18-5 or Figure 18-7</i></b>	<b>Regional Center</b>	<b>TOD</b>	<b>Pond District</b>	<b>Commercial Center</b>	<b>Work-Place</b>
	Post Office	P	P	P		
820B	Religious Institutions, greater than 750 sf assembly area	C	C	C	C	C
820A	Religious Institutions, less than 750 sf assembly area	P	P	P	P	P
<b>Industrial, Manufacturing &amp; Warehouse</b>						
190	Cargo Containers subject to TMC 18.50.060					A
550	Industrial Commercial Services (e.g. etching, film processing, lithography, printing & publishing)					P

Ref. above†	Light Industrial: Manufacturing, Processing and Assembling uses that have little potential for creating off-site noise, smoke, dust, vibration or other external impacts or pollution. Manufacturing and processing of food and beverages including fermenting and distilling; with or without a tasting room, provided the tasting room occupies less than 50% of the total area of the building occupied by the tenant but no more than 3500 square feet; and the manufacturing process does not cause off-site impacts to neighboring properties or create a public nuisance.					P
990A/B	Outdoor storage of materials to be manufactured or handled as part of a permitted use within the Zone, screened pursuant TMC 18.52					A
960	Self-Storage Facilities					P
1110	Warehouse Storage and Wholesale Distribution Facilities					P
<b>Transportation, Communication &amp; Infrastructure</b>						
240	Commercial Parking , day use only	P	P	P	P	P
370	Essential Public Facilities, except those listed separately	UUP	UUP	UUP	UUP	UUP
	Intermodal Transit Stations, Rail transit facilities	UUP	UUP	UUP	UUP	UUP
Ref. above†	Internet Data Centers & Telephone Exchanges					P

7100	Park and Ride Lots	UUP	UUP	UUP		UUP
720	Parking Areas	A	A	A	A	A
	Public Transit Facilities and Stations (Bus)	P	P	P	P	P
780	Radio, Television, Microwave, or Observation Stations and Towers	C	C	C	C	C
Ref. above†	Utility Facilities, above ground/ not in ROW	C	C	C	C	P
Ref. above†	Utility Facilities, underground/in ROW	P	P	P	P	P
1140	Wireless Communication Facilities	P7	P7	P7	P7	P7
<b>Residential</b>						
320	Dormitories		A	A		
Ref. above†	Dwelling: Multi-family, Townhouses, Mixed Use, Senior Citizen Housing	P	P	P		P4
510	Home Occupation	A	A	A		P4
270	Continuing Care Retirement Community		P	P		
	<b>STEP Housing</b>					
	<u>Emergency Housing</u>	<u>P8</u>	<u>P8</u>	<u>P8</u>		
	<u>Emergency Shelter</u>	<u>P8</u>	<u>P8</u>	<u>P8</u>		
	<u>Permanent Supportive Housing</u>	<u>P9</u>	<u>P9</u>	<u>P9</u>		<u>P4, 9</u>
	<u>Transitional Housing</u>	<u>P9</u>	<u>P9</u>	<u>P9</u>		<u>P4, 9</u>

† Reference the above general zoning code use matrix for specific business license code.

\*\* See TMC 18.28.260 for District specific parking standards.

1. Minimum interior height for ground level retail of all types is 18 feet from floor to floor plate. Use conversions in existing buildings are not required to meet this standard.

2. New businesses are limited to locations within the Freeway Frontage Corridor. See additional design standards in the Southcenter Design Manual.

3. East of the Green River only.
4. Only on properties fronting the Green River or Minkler Pond.
5. Excludes vehicle storage or maintenance.
6. 3,500 sf max per use.
7. Subject to TMC 18.58.
8. Subject to the criteria and conditions at TMC 18.50.250 and 18.50.270.
9. Subject to the criteria and conditions at TMC 18.50.260 and 18.50.270.

**RCW 35A.21.430**      **Attachment C, L24-0026****Transitional housing, permanent supportive housing, indoor emergency housing, and indoor emergency shelters.**

A code city shall not prohibit transitional housing or permanent supportive housing in any zones in which residential dwelling units or hotels are allowed. Effective September 30, 2021, a code city shall not prohibit indoor emergency shelters and indoor emergency housing in any zones in which hotels are allowed, except in such cities that have adopted an ordinance authorizing indoor emergency shelters and indoor emergency housing in a majority of zones within a one-mile proximity to transit. Reasonable occupancy, spacing, and intensity of use requirements may be imposed by ordinance on permanent supportive housing, transitional housing, indoor emergency housing, and indoor emergency shelters to protect public health and safety. Any such requirements on occupancy, spacing, and intensity of use may not prevent the siting of a sufficient number of permanent supportive housing, transitional housing, indoor emergency housing, or indoor emergency shelters necessary to accommodate each code city's projected need for such housing and shelter under RCW **36.70A.070(2)(a)(ii)**.

[ **2021 c 254 s 3.** ]



# Attachment D, L24-0026

## Planning for STEP Housing Types

There is a **critical demand for 1.1 million homes** in Washington over the next two decades, according to projections from the Washington State Department of Commerce. Of that 1.1 million, more than 600,000 homes need to be affordable for individuals at the lowest income levels (i.e., less than or equal to 80 percent of the area median income). In addition, if we do not build more affordable housing, we will need about 91,000 emergency housing beds in 20 years. Some of the housing for very low-income segments can collectively be called “STEP.”

### Future housing needs by area median income (AMI) groups



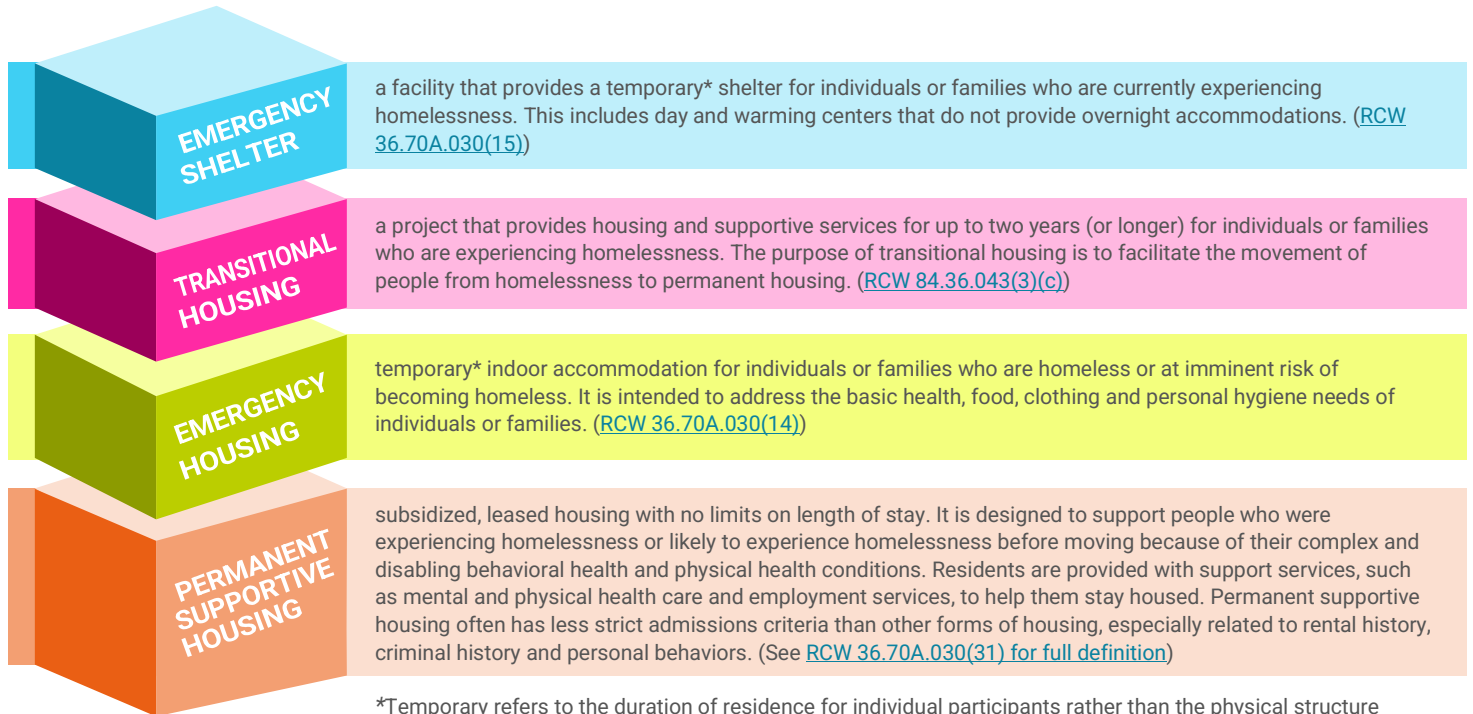
**1.1 Million** new homes will be needed in the next 20 years

In addition, there will also need to be:

**91,357** Emergency housing beds (temporary housing)

## What is STEP?

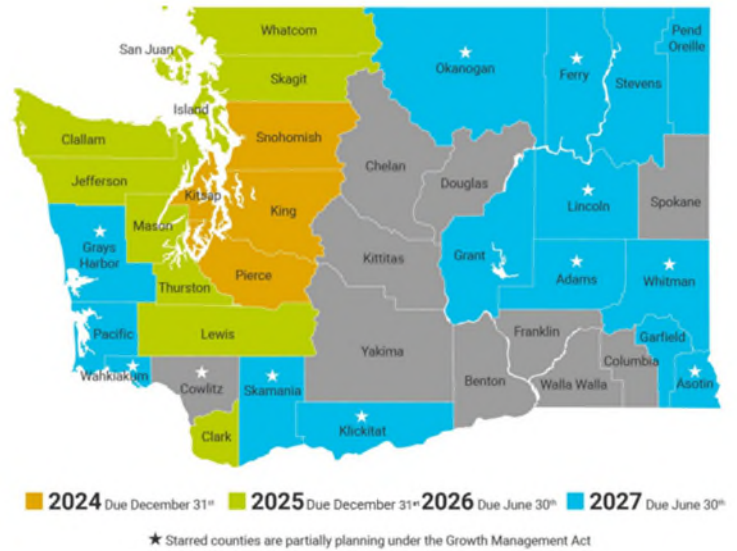
Indoor emergency **S**helter, **T**ransitional housing, **E**mergency housing and **P**ermanent supportive housing



# How should my jurisdiction plan for STEP?

Cities and counties must plan for and accommodate housing affordable to all incomes in their 20-year comprehensive plans and development regulations. These housing needs are determined through a countywide process where each jurisdiction receives a share of the total countywide housing need. By their comprehensive periodic update deadline (see map), cities and counties must:

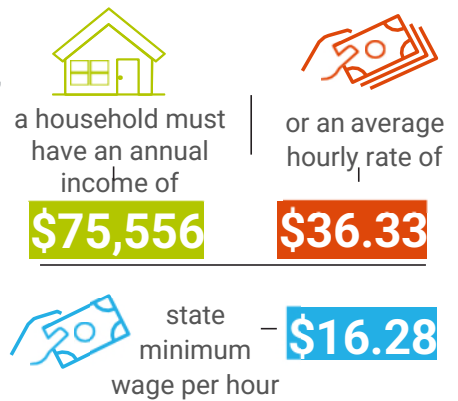
- Develop policies to plan for and accommodate housing affordable to all economic segments,
- Allow sufficient zoning capacity for these housing needs, including permanent supportive housing (PSH) and emergency housing,
- Identify barriers to the development of affordable housing and an action plan to remove these barriers, and
- Based on new state laws adopted in 2021, cities must not prohibit emergency housing and emergency shelters in all zones that allow hotels, and cities must allow permanent supportive housing and transitional housing in all zones that allow hotels and residential development.



## Why Is STEP Such a Big Issue?

From 2007 to 2013, as rent prices surged and vacancy rates decreased, Washington experienced a dramatic increase in people experiencing homelessness. In 2021, Washington made changes to its state planning framework to address the need for more housing, including STEP. Local jurisdictions are currently working to implement these changes in their local regulations and comprehensive plans.

According to federal estimates, to afford rent for a two-bedroom home in Washington:



Rent prices soared and housing vacancy rates dropped. However, at the same time, workforce participation grew, Gross Domestic Product grew and wages increased.











**RISING RENTS AND A LACK OF HOUSING SUPPLY**  
 ARE THE CORE CAUSES OF  
**INCREASED**

HOMELESSNESS IN THE STATE

Additional investments and system improvements at both state and local levels are needed to address this issue. Tackling the root causes of rent increases is crucial for effectively reducing homelessness.



# Benefits of STEP

-  Reduces the number of people living and sleeping in unsafe conditions and public spaces
-  Helps various populations, including people who are currently homeless or housing insecure, formerly homeless aging adults, families with child welfare involvement, individuals with chronic patterns of homelessness, people involved with the justice system, and adults with intellectual and developmental disabilities.
-  Provides tenancy support services to help vulnerable people maintain stable housing
-  Connects participants to essential services such as health care, job opportunities and public benefit income
-  Improves participants' mental and physical health through timely medical care
-  Enhances participants' employment prospects and incomes and fosters social connections
-  Reduces the likelihood of residents being incarcerated
-  Decreases the public cost burden on other services, such as hospitals and emergency response, and therefore costs the same amount or less than its alternatives

# Relevant Laws for Siting and Permitting STEP

Law	Relevance to STEP
<a href="#">Growth Management Act: RCW 36.70A.070(2)</a>	Local governments fully planning under the Growth Management Act (GMA) must plan for and accommodate housing that is affordable to all income levels. Each jurisdiction is required to allow sufficient capacity for STEP in accordance with their share of countywide housing needs and make adequate provisions for these needs.
<a href="#">RCW 35.21.683</a> and <a href="#">RCW 35A.21.430</a>	Cities must not prohibit indoor emergency shelters and indoor emergency housing in any zones in which hotels are allowed, and must allow permanent supportive and transitional housing in zones where residential dwelling units or hotels are allowed. The laws also limit the application of occupancy, spacing and intensity of use requirements for STEP.
<a href="#">RCW 36.130.020</a>	Local governments may not impose requirements on an affordable housing development that are different from the requirements imposed on housing developments generally. Affordable housing includes permanent supportive housing and other types of subsidized and leased housing.
<a href="#">RCW 36.70A.545</a>	Local governments fully planning under the GMA must provide density bonuses for any affordable housing, including STEP types with leases, on real property owned or controlled by a religious organization.
<a href="#">RCW 35.21.915</a> , <a href="#">RCW 35A.21.360</a> , and <a href="#">RCW 36.01.290</a>	Local governments may not impose overly restrictive regulatory limits on encampments, safe parking, overnight shelters and temporary small houses on property owned or controlled by a religious organization.
<a href="#">RCW 36.70A.540</a>	Local governments fully planning under the Growth Management Act (GMA) have the authority to offer incentives in exchange for providing development for low-income households.

# Promising Practices for Planning for STEP

**Allow STEP outright as a permitted use in designated zones.** In some areas of Washington state, STEP is still listed as a conditional use. This means STEP projects face additional regulations that typically involve a longer local government review process and may also include a public input process that could delay permitting. The purpose of this process is to more carefully assess the development's potential impacts on traffic, noise, safety and community character before granting approval. To increase STEP, communities can allow these projects in certain zones without this additional process.

- ✓ Streamlines permitting
- ✓ Encourages STEP development
- ✓ Reduces work for local government staff

**Reduce and clarify requirements to streamline permitting steps and reduce barriers for STEP development.** Many local ordinances and regulations are not consistent with state law since they include occupancy, spacing and intensity of use<sup>2</sup> requirements for STEP that are not explicitly linked to public health and safety. Additionally, many communities impose potentially burdensome development, operating, facility, reporting, service and other requirements for STEP that differ from those for other similar residential dwelling types. When developing local ordinances and regulations, jurisdictions can limit additional requirements for STEP to speed up permitting, limit discretionary approval processes, reduce work for local government staff, support developers and help increase affordable housing and STEP production.

- ✓ Speeds up local processes
- ✓ Encourages STEP development
- ✓ Limits discretionary approval processes
- ✓ Reduces work for local government staff

**Expedite permitting processes for STEP projects, thereby providing quicker, more predictable timelines that help prevent cost increases caused by project delays.** Expedited permitting processes require sufficient staff, so jurisdictions interested in this strategy can start by assessing whether they need to hire additional employees to expedite reviews more efficiently.

- ✓ Provides quicker and more predictable development timelines
- ✓ Prevents cost increases caused by project delays

**Provide land use and financial incentives to encourage more STEP production.** Affordable housing and STEP developments face numerous challenges before they can reach the construction phase, and a lack of project financing is often one of the most significant barriers. To help STEP projects overcome this challenge, jurisdictions can play an important role by providing support through density bonuses, reduced or waived fees, regulatory exemptions, free or discounted land, grants or loans, tax exemptions, or other support.

- ✓ Keeps rents affordable for low-income households
- ✓ Increases STEP production

**Encourage STEP development in locations close to healthcare services, transportation, jobs and other amenities to promote economic mobility and access to services.** STEP housing is best suited for urban growth areas and cities, but may be appropriate in select Limited Areas of More Intense Rural Development (LAMIRDs) if enough support services, transportation and infrastructure services are available.

- ✓ Furthers sustainability
- ✓ Promotes inclusivity and accessible services
- ✓ Provides access to transportation
- ✓ Increases employment opportunities
- ✓ Enhances overall wellbeing

<sup>2</sup> Intensity with respect to STEP can refer to the density of people or services needed by participants in a single location or facility.

# Attachment E, 24-0026

## CITY OF BURIEN, WASHINGTON

### ORDINANCE NO. 850

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**AN ORDINANCE OF THE CITY OF BURIEN, WASHINGTON, REGULATING THE SITING AND DEVELOPMENT OF EMERGENCY SHELTERS, TRANSITIONAL HOUSING, EMERGENCY HOUSING, AND PERMANENT SUPPORTIVE (STEP) HOUSING PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.**

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**WHEREAS**, in 2021, the Washington State Legislature passed Engrossed Second Substitute House Bill 1220 (ESSHB 1220), as codified in RCW Chapters 35.21 (Cities and Towns, Miscellaneous provisions), 35A.21 (Provisions Affecting All Code Cities), and 36.70A (Growth Management – Planning by Selected Counties and Cities), governing emergency shelters and housing;

**WHEREAS**, RCW 35A.21.430, which applies to code cities such as Burien, prohibits municipal prohibitions on “transitional housing or permanent supportive housing in any zones in which residential dwelling units or hotels are allowed,” as well as municipal prohibitions on “indoor emergency shelters and indoor emergency housing in any zones in which hotels are allowed;”

**WHEREAS**, RCW 35A.21.430 allows “reasonable occupancy, spacing, and intensity of use requirements ... on permanent supportive housing, transitional housing, indoor emergency housing, and indoor emergency shelters to protect public health and safety” if they do “not prevent the siting of a sufficient number of permanent supportive housing, transitional housing, indoor emergency housing, or indoor emergency shelters necessary to accommodate each code city’s projected need for such housing and shelter under RCW 36.70A.070(2)(a)(ii)” (Comprehensive plans – Mandatory elements);

**WHEREAS**, all fully planning jurisdictions must document sufficient land capacity for emergency housing, emergency shelters, and permanent supportive housing. (RCW 36.70A.070(2)(c));

**WHEREAS**, any restrictions and requirements imposed on the siting and operations of emergency housing, emergency shelters, permanent supportive housing, and transitional housing must not violate civil rights protections provided by the federal Fair Housing Act, the Americans with Disabilities Act, and the Washington Law Against Discrimination, and laws related to each of them;

**WHEREAS**, the Washington Growth Management Act requires fully planning local governments to plan for and accommodate housing affordable to all income levels. All cities and counties planning under the Growth Management Act must update their comprehensive plans and development regulations according to the schedule in RCW 36.70A.130;

**WHEREAS**, the Burien City Council adopted the Burien 2044 Comprehensive Plan on October 28, 2024;

**WHEREAS**, Burien has the allocated housing need of 1,433 Emergency Housing beds and 759 Permanent Supportive Housing units serving incomes between 0-30 percent Area Median Income (AMI) net new housing units between 2019-2044 under the Burien 2044 Comprehensive Plan;

**WHEREAS**, Burien issued a Draft Comprehensive Plan and Draft Environmental Impact Statement (DEIS) on January 10, 2024, with a 60-day comment period that concluded on March 11, 2024;

**WHEREAS**, Burien hosted a STEP Housing community open house on September 25, 2024;

**WHEREAS**, the Burien Planning Commission hosted a panel discussion with local STEP Housing providers and experts on September 25, 2024;

**WHEREAS**, Burien shared the draft STEP Housing code amendments with the Washington State Department of Commerce for the required 60-day review period;

**WHEREAS**, Burien's allocated housing need for Emergency Housing and Permanent Supportive Housing is evaluated in a Final Environmental Impact Statement (FEIS) published on October 18, 2024;

**WHEREAS**, the Burien Planning Commission hosted a noticed public hearing on October 23, 2024;

**WHEREAS**, the Burien Planning Commission reviewed the public comments and developed a recommendation for the STEP Housing code amendments on October 23, 2024;

**WHEREAS**, the Burien City Council received the Planning Commission's recommendation on November 4, 2024; and

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON, DO ORDAIN AS FOLLOWS:**

**Section One.** Section 19.10.067.5, entitled **Confidential shelter**, of the Burien Municipal Code, is created.

– A confidential shelter is for victims of domestic violence as defined and regulated in RCW Chapter 70.123 and WAC Chapter 388-61A. Such facilities require confidentiality and are a subset of emergency shelters.

**Section Two.** Section 19.10.140.6, entitled **Emergency housing**, of the Burien Municipal

Code, is created.

- A temporary, indoor accommodation for individuals or families who are homeless or at imminent risk of becoming homeless to address the basic health, food, clothing, and personal hygiene needs of individuals or families. Emergency housing may require occupants to enter into a lease or an occupancy agreement under RCW 36.70A.030(14) or as amended.

**Section Three.** Section 19.10.140.7, entitled **Emergency shelter**, of the Burien Municipal Code, is created.

- A facility that provides a temporary shelter for individuals or families who are currently homeless. Emergency shelter shall not require occupants to enter into a lease or an occupancy agreement. Emergency shelter facilities may include day and warming centers that do not provide overnight accommodations under RCW 36.70A.030(15) or as amended.

**Section Four.** Section 19.10.396.05, entitled **Permanent supportive housing**, of the Burien Municipal Code, is created.

- Subsidized, leased housing with no limit on length of stay that prioritizes people who need comprehensive support services to retain tenancy and utilizes admission practices designed to use lower barriers to entry than would be typical for other subsidized or unsubsidized rental housing, especially related to rental history, criminal history, and personal behaviors. Permanent supportive housing is paired with on- or off-site voluntary services designed to support a person living with a complex and disabling behavioral health or physical health condition who was experiencing homelessness or was at imminent risk of homelessness before moving into housing to retain their housing and be a successful tenant in a housing arrangement, improve the resident's health status, and connect the housing resident with community-based health care, treatment, or employment services. Permanent supportive housing is subject to all rights and responsibilities defined in RCW Chapter 59.18 under RCW 36.70A.030(31) or as amended.

**Section Five.** Section 19.10.515.5, entitled **STEP Housing**, of the Burien Municipal Code, is created.

- STEP Housing is "emergency housing," "emergency shelter," "permanent supportive housing," and "transitional housing," as defined in this chapter.

**Section Six.** Section 19.10.515.6, entitled **Transitional housing**, of the Burien Municipal Code, is created.

- A project that provides housing and supportive services to homeless persons or families to facilitate the movement of homeless persons and families into independent living, generally in less than two years.

**Section Seven.** Section 19.65.025, entitled **Pre-application meeting**, of the Burien Municipal Code, is amended as follows.

1. A pre-application meeting is required ~~[prior to]~~ before ~~[submitting an application]~~ applying for Type 1, 2, and 3 decisions or as otherwise required by code and is strongly encouraged for other decisions. The ~~[purpose of a]~~ pre-application meeting is ~~[to discuss]~~ is for a discussion of the nature of the proposed development, application and permit requirements, fees, review process and schedule, and applicable plans, policies, and regulations. Upon written request from the applicant, the Director may waive the pre-application meeting for a minor project or if the applicant is familiar with ~~[City]~~ Burien's requirements and procedures.

2. The request for a pre-application meeting shall be submitted to the Department of Community Development on an application form provided by the Department of Community Development. The information requested on the form must be completed and all information submitted prior to the Department scheduling the meeting.

**Section Eight.** Chapter 19.19, entitled **STEP Housing**, of the Burien Municipal Code, is created.

19.19.010 Purpose.

STEP Housing supports housing stability and individual safety for those experiencing or who are close to experiencing homelessness by ensuring that housing is accessible to all economic segments of the population and protects the health, peace, safety, and welfare of the individuals served by these use types and the broader community.

19.19.020 Applicability.

1. When a site includes more than one (1) type of STEP Housing use, the more restrictive requirements shall apply to the entire project.

2. All new STEP Housing uses and expansions of existing STEP Housing uses shall apply for a pre-application meeting per BMC 19.65.040.

3. The following requirements apply to STEP Housing uses permitted in RS-7,200, RS-12,000, and RS-A zones.

a. External alterations that make the property appear less residential are prohibited. Examples of such changes may include paving of setbacks, constructing large parking areas visible from the street or neighboring properties, and commercial-type lighting.

b. Any supportive services administered on-site shall only be available to residents of the use.

4. A City of Burien business license shall be obtained for all services that are

provided in a STEP Housing use, as required in BMC 05.05.060.

19.19.030 Registration.

1. Every applicant for STEP Housing uses is required to register with Burien.

2. The STEP Housing registration shall be submitted to and on a form provided or approved by the Community Development Department. The registration shall include the following information:

a. Name and contact information of property manager(s) and owner(s) who may be contacted in case of emergency or code violations;

b. Name and contact information for on-site or local staff;

c. Standard Operating Procedures for the use shall include but are not limited to:

i. The number of residents intended to be housed in the STEP Housing use or the number of individuals intended to be served daily; and

ii. A description of the supportive services provided on- and off-site, including names and contact information of service providers;

d. A safety and security plan describing measures that the operator will employ to promote the safety of STEP Housing occupants and the surrounding neighborhood;

e. Rules or a code of conduct that applies to all individuals granted access to the STEP Housing use; and

f. Training program and/or training requirements for on-site and supervisory staff providing direct services at STEP Housing projects.

3. The applicant shall register the STEP Housing use with the Community Development Department no less than 14 calendar days before establishing a new STEP Housing use or expansion exceeding the threshold per BMC 19.19.040.1.

4. The registration information described in subsection 2 shall be kept up to date with the Community Development Department. Any change to this required information shall be submitted to the Community Development Department on a revised registration form within 14 calendar days. No additional notice shall be required upon submitting a revised registration form.

19.19.040 Notice of registration.

1. All new STEP Housing projects and expansions of existing projects greater than 50% increase in gross floor area or 50% increase in the number of units or beds are required to provide notice of registration for the STEP Housing use unless otherwise exempt in this section.

2. The following projects are exempt from section 19.19.040 requirements.

a. Permanent Supportive Housing and Transitional Housing projects in

any residential zone with less than 4 units.

b. Confidential shelters in any zone.

3. Distribution. A notice of registration shall be distributed as follows:

a. Mailed via first class mail to agencies with jurisdiction and property owners of record within 500 feet of the subject property and the notice shall include information for how to access the registration submittal documents per BMC 19.19.030.2.

b. Posted on one or more notice boards on or near the subject property. The Director shall establish standards for the size, color, layout, design, wording, and placement of the signs and notice boards.

4. Time Frame for Notice of Registration.

a. When notice of application is required per BMC 19.65.040, the notice of application distribution shall include a notice of registration for the STEP Housing use.

b. When a notice of application is not required per BMC 19.65.040, and the STEP Housing use requires a building permit for any alterations to the structure intended for a STEP Housing use, the mailed notice of registration shall be distributed 14 days before issuance of a certificate of occupancy.

c. When a notice of application is not required per BMC 19.65.040, and the proposed STEP Housing use does not require a building permit, the notice of registration shall be mailed following submittal of the required registration under subsection BMC 19.19.030 and 14 calendar days before the STEP Housing use begins operations.

19.19.050 Required neighborhood meeting.

1. General Requirements.

All new STEP Housing uses must host at least one neighborhood meeting before beginning operations, unless otherwise exempted under this section to present the project, share information with the community, and address their questions.

2. Exemptions.

The following projects are exempt from section 19.19.50 requirements.

a. Permanent Supportive Housing and Transitional Housing projects in any residential zone with less than 4 units.

b. Confidential shelters in any zone.

3. Distribution of Meeting Notice.

An invitation to the neighborhood meeting, including the date, time, and location, shall be included in the notice of registration and distributed with the notice of registration under BMC 19.19.040.



4. Timing of Neighborhood Meeting.

The required neighborhood meeting shall occur after the pre-application meeting and no less than 14 days before the STEP Housing use begins operations.

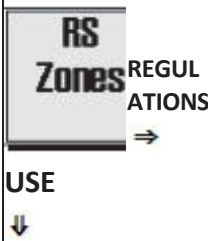
5. Additional Requirement for Emergency Shelters:

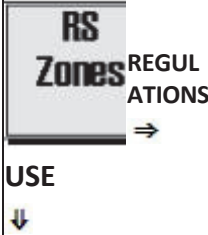
Applicants for an emergency shelter with a capacity for 35 individuals or more shall host two neighborhood meetings.

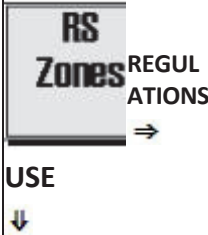
a. The first neighborhood meeting shall occur within four weeks of the notice of application.

b. The second neighborhood meeting shall occur no less than 14 days before the STEP Housing use begins operations. Notice for the second meeting shall be provided at least 14 days before the meeting consistent with BMC 19.19.040.

**Section Nine.** Section 19.15.005, entitled **Single-Family Residential Zones**, of the Burien Municipal Code, is amended as follows.

	DIRECTIONS: FIRST, read down to find use... THEN, across for REGULATIONS									
	Special Review Process (See Ch. 19.65)	MINIMUMS			MAXIMUMS			Landscape Category (See Ch. 19.25)	Minimum Required Parking Spaces (See Ch. 19.20)	Special Regulations (See also Section 19.15.005.1 and Chapter 19.17, Miscellaneous Use, Development and Performance Standards)
		Lot Area	SETBACKS		Lot Coverage		Height			
			Front Setback	Interior Setback	Building Coverage	Impervious Surface Coverage				
19.15.005.2 Single Detached Dwelling Unit <sup>(2)</sup>	None	See Spec. Regs. 1, 2 & 3	20'	5'	RS-A zone: 20% All other RS zones: 35%	RS-A zone: 20% RS-12,000 zone: 45% RS-7,200 zone: 70%	35'	[A]	Two (2) spaces per unit	1. Minimum lot area per dwelling unit is: a. 1 acre in the RS-A zone. b. 12,000 s.f. in the RS-12,000 zone. c. 7,200 s.f. in the RS-7,200 zone. 2. One single detached dwelling unit may be built on a lot <del>that has</del> with less than the stated minimum lot area. 3. No lot shall be created less than the minimum lot area except through <del>the application of</del> lot averaging. Lot averaging is permitted through a short plat, subdivision, or lot line adjustment. However, no lot shall be created with an area less than 90 percent of the stated minimum lot area. 4. Chapter 19.17 contains regulations regarding home occupations, and other accessory uses, facilities, and activities associated with this use.

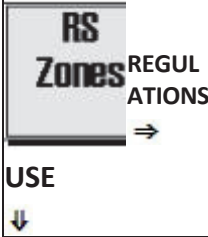
DIRECTIONS: FIRST, read down to find use... THEN, across for REGULATIONS											
	Special Review Process (See Ch. 19.65)	MINIMUMS			MAXIMUMS			Landscape Category (See Ch. 19.25)	Minimum Required Parking Spaces (See Ch. 19.20)	Special Regulations (See also Section 19.15.005.1 and Chapter 19.17, Miscellaneous Use, Development and Performance Standards)	
		Lot Area	SETBACKS		Lot Coverage		Height				
			Front Setback	Interior Setback	Building Coverage	Impervious Surface Coverage					
19.15.005.3 Family Day Care Home I and II Day Care Center	None	See Special Regulation 1									1. Must comply with requirements of the primary use. 2. Family Day Care Home II and Day Care Center: Must provide State certification of the safe passenger loading area. 3. Day Care Center: Allowed only within a religious facility or school.
19.15.005.4 Public Park and Recreation Facilities	None. See Spec. Reg. 4	None. See Spec. Reg. 1	30' See Spec. Reg. 3	30' See Spec. Reg. 3	35%	RS-A zone: 20% RS-12,000 zone: 45% RS-7,200 zone: 70%	35'	[€]	See Sec. 19.20.030.2	1. Marinas <u>are</u> only allowed on public property <del>(in excess of more than</del> two acres. 2. Lighting for structures and fields shall be directed away from dwelling units. 3. Structures shall maintain a 50-foot setback from adjoining lots containing single detached dwelling units. The Director may allow structures such as playground equipment, ball field backstops, and tennis court fences closer than 50 feet if compatible with the surrounding neighborhood and traffic safety considerations. 4. No special review process if <u>the City Council approves the project design</u> <del>(is approved by the City Council)</del> through a public review process that includes posting a notice board at the site and notification to neighbors; otherwise, a Type 2 review process is required.	
19.15.005.5 Cemetery	Type 2	None	30'	30'	35%	RS-A zone: 20% RS-12,000 zone: 45% RS-7,200 zone: 70%	35'	[€]	See Sec. 19.20.030.2	1. Columbarium or mausoleum structures must be setback 100 feet minimum from property lines adjoining residential zones.	
19.15.005.6 Community Residential Facility – I <sup>(2)</sup>	Type 2	See Spec. Reg. 1	20'	5'	35%	RS-A zone: 20% RS-	35'	[€]	One (1) space for every 2 bedrooms	1. Minimum lot area per dwelling unit is: a. 1 acre in the RS-A zone. b. 12,000 <del>(sq.)</del> sq ft in the RS-	

	DIRECTIONS: FIRST, read down to find use... THEN, across for REGULATIONS									
	Special Review Process (See Ch. 19.65)	MINIMUMS			MAXIMUMS			Landscape Category (See Ch. 19.25)	Minimum Required Parking Spaces (See Ch. 19.20)	Special Regulations (See also Section 19.15.005.1 and Chapter 19.17, Miscellaneous Use, Development and Performance Standards)
		Lot Area	SETBACKS		Lot Coverage		Height			
USE ↓		Front Setback	Interior Setback	Building Coverage	Impervious Surface Coverage					

						12,000 zone: 45% RS-7,200 zone: 70%				12,000 zone. c. 7,200 [s.f.] sq ft in the RS-7,200 zone.
19.15.005.7 Golf Course	Type 2	None	30' See Spec. Reg. 1	30' See Spec. Reg. 1	35%	RS-A zone: 20% RS-12,000 zone: 45% RS-7,200 zone: 70%	35'	[€]	Three (3) spaces per hole, plus 3 spaces per 1,000 [s.f.] sq ft of clubhouse facilities	Structures, driving ranges, and lighted areas shall maintain a minimum distance of 50 feet from property lines adjoining residential zones.


(2) Amended, Ord. 269, 1999

19.15.005.8 Hatchery/Fish Preserve	Type 2	None	30'	30'	35%	RS-A zone: 20% RS-12,000 zone: 45% RS-7,200 zone: 70%	35'	[€]	See Sec. 19.20.030.2	This use may be further subject to the provisions of KCC Title 25, Shoreline Management Program.
19.15.005.9 Religious Facility	Type 2	None	30'	30'	35%	RS-A zone: 20% RS-12,000 zone: 45% RS-7,200 zone: 70%	35'	[€]	See Sec. 19.20.030.2	Accessory use shall comply with the requirements for that use listed in this use zone chart (BMC 19.15.005).
19.15.005.10 School	Type 2	None	30'	30'	35%	RS-A zone: 20% RS-12,000 zone: 45% RS-7,200 zone: 70%	35'	[€]	See Sec. 19.20.030.2	,
19.15.005.11 Senior Citizen Assisted	Type 2	See Spec.	20'	5'	35%	RS-A zone:	35'	[B]	0.5 spaces per unit	1. Minimum lot area per dwelling unit is:


DIRECTIONS: FIRST, read down to find use... THEN, across for REGULATIONS										
	Special Review Process (See Ch. 19.65)	MINIMUMS			MAXIMUMS			Landscape Category (See Ch. 19.25)	Minimum Required Parking Spaces (See Ch. 19.20)	Special Regulations (See also Section 19.15.005.1 and Chapter 19.17, Miscellaneous Use, Development and Performance Standards)
		Lot Area	SETBACKS		Lot Coverage		Height			
			Front Setback	Interior Setback	Building Coverage	Impervious Surface Coverage				
Dwelling Unit <sup>(2)</sup>		Reg. 1				20% RS-12,000 zone: 45% RS-7,200 zone: 70%				a. 1 acre in the RS-A zone. b. 12,000 <del>[s.f.]</del> <u>sq ft</u> in the RS-12,000 zone. c. 7,200 <del>[s.f.]</del> <u>sq ft</u> in the RS-7,200 zone. 2. Conversion to another use is allowed, provided <del>[that]</del> all <u>new use</u> requirements <del>[for the new use]</del> are met, including density limitations.
19.15.005.12 Essential Public Facility	Type 2	Development standards shall be determined <del>[on a]</del> case-by-case <del>[basis]</del> through the Type 3 review process.								1. Shall be designed, located, constructed, and buffered to blend <u>into</u> <del>[with]</del> their surroundings and minimize adverse impacts on adjacent properties. Special attention shall be given to minimizing noise, light, and glare impacts. 2. Shall comply with criteria for siting found in the Burien Comprehensive Plan.
19.15.005.13 Community, Cultural, or Government Facility	Type 2	See Spec. Reg. 1	30'	30'	35%	RS-A zone: 20% RS-12,000 zone: 45% RS-7,200 zone: 70%	35'	[C]	See Sec. 19.20.030.2	The <del>[A]</del> minimum lot area for a public agency training facility is 35 acres.
19.15.005.14 Public Utility	Type 2	None	30'	30'	35%	RS-A zone: 20% RS-12,000 zone: 45% RS-7,200 zone: 70%	20' See Spec. Reg. 1	[D]	See Sec. 19.20.030.2	1. The City Council may approve a height <del>[no greater]</del> less than 35 feet if the applicant shows that no feasible alternative is available. 2. Shall be designed, located, constructed, and buffered to blend <u>into</u> <del>[with]</del> their surroundings and minimize adverse impacts on adjacent properties. Special attention shall be given to minimizing noise, light, and glare impacts.
19.15.005.15 Personal Wireless Service Facility <sup>(1)</sup>	See Chapter 19.50									
19.15.005.16 Community Garden <sup>(2)</sup>	None	None	20'	5'	15%	25%	12'	[A]	See Sec. 19.20.030.2	1. A <u>Director-approved</u> land use agreement <del>[approved by]</del>

DIRECTIONS: FIRST, read down to find use... THEN, across for REGULATIONS										
	Special Review Process (See Ch. 19.65)	MINIMUMS			MAXIMUMS			Landscape Category (See Ch. 19.25)	Minimum Required Parking Spaces (See Ch. 19.20)	Special Regulations (See also Section 19.15.005.1 and Chapter 19.17, Miscellaneous Use, Development and Performance Standards)
		Lot Area	SETBACKS		Lot Coverage		Height			
			Front Setback	Interior Setback	Building Coverage	Impervious Surface Coverage				
										the Director] shall be executed between the landowner and those who are interested in gardening on private land. The agreement shall include Community Garden Rules to maintain the property safely and prevent disturbances to neighboring property owners and residents.
19.15.005.17 Enhanced Services Facilities <sup>(3)(4)</sup>	Type 2	See Spec. Reg. 1	20'	5'	35%	RS-A zone: 20% RS-12,000 zone: 45% RS-7,200 zone: 70%	35'	[B]	See Sec. 19.20.030.2	1. Minimum lot area per ESF is: a. 12,000 <del>sq</del> sq ft in the RS-A and RS-12,000 zones. b. 7,200 <del>sq</del> sq ft in the RS-7,200 zone. 2. See Section 19.17.310 – Enhanced Services Facilities
19.15.005.18 Permanent Supportive Housing	None	None	20'	5'	RS-A zone: 20% All other RS zones: 35%	RS-A zone: 20% RS-12,000 zone: 45% RS-7,200 zone: 70%	35'		One (1) space per unit	Three (3) units of Permanent Supportive Housing are permitted per lot when the lot meets the minimum lot size of the underlying zoning district.
19.15.005.19 Transitional Housing Congregate Housing	None	None	20'	5'	RS-A zone: 20% All other RS zones: 35%	RS-A zone: 20% RS-12,000 zone: 45% RS-7,200 zone: 70%	35'		One (1) space per unit	Three (3) Transitional Housing dwelling units or nine (9) beds total are permitted per lot when the lot meets the minimum lot size of the underlying zoning district.


**Section Ten.** Section 19.15.010, entitled **Multi-Family Residential Zones**, of the Burien Municipal Code, is amended as follows.

 USE ↓	REGULATIONS ⇒	DIRECTIONS: FIRST, read down to find use... THEN, across for REGULATIONS									
		Special Review Process (See Ch. 19.65)	MINIMUMS			MAXIMUMS			[Landscape Category (See Ch. 19.25)]	Minimum Required Parking Spaces (See Ch. 19.20)	Special Regulations (See also Section 19.15.010.1 and Chapter 19.17, Miscellaneous Use, Development and Performance Standards)
			Lot Area	SETBACKS		Lot Coverage		Height			
Front Setback	Interior Setback	Building Coverage		Impervious Surface Coverage							

19.15.010.2 Townhouse Dwelling Unit	Type 1	See Spec. Reg. 1	10'	See Spec. Reg. 3	RM-12 & RM-18 zones: 60% RM-24 & RM-48 zone: 70%	85% RM-48 zone: 90%	35' RM-48 zone: 60' See Spec. Reg. 6	[B]	2.0 spaces per unit	<ol style="list-style-type: none"> <li>1. Minimum lot area per dwelling unit is:             <ol style="list-style-type: none"> <li>a. 3,600 [square feet] sq ft in the RM-12 zone.</li> <li>b. 2,400 [square feet] sq ft in the RM-18 zone.</li> <li>c. 1,800 [square feet] sq ft in the RM-24 zone.</li> <li>d. 900 [square feet] sq ft in the RM-48 zone. [Ord. 533 § 1, 2010]</li> </ol> </li> <li>2. Each dwelling unit must be located on its own lot.</li> <li>3. Minimum interior setback is 5 feet, except interior setback between townhouses may be reduced to zero feet.</li> <li>4. Chapter 19.17 contains regulations regarding home occupations, and other accessory uses, facilities, and activities associated with this use.</li> <li>5. No lot shall be created less than the minimum lot area except through [the application of] lot averaging. Lot averaging is permitted through a short plat, subdivision, or lot line adjustment. However, no lot shall be created with an area less than 90 percent of the stated minimum lot area.</li> <li>6. In the RM-48 zone, this height limit may be increased if portions of the structure that exceed the base height limit provide one additional foot of front and interior setback for each foot above the base height limit, but the maximum height may not exceed 75'.</li> </ol>
19.15.010.3 Apartment Dwelling Unit	Type 1	5,000 [s.f.]	10'	5'	RM-12 & RM-18	85% RM-48	35' RM-48	[B]	1.8 spaces per unit	<ol style="list-style-type: none"> <li>1. Maximum density per dwelling unit is:</li> </ol>


 USE ↓	REGULATIONS ⇒	DIRECTIONS: FIRST, read down to find use... THEN, across for REGULATIONS									
		Special Review Process (See Ch. 19.65)	MINIMUMS			MAXIMUMS			[Landscape Category (See Ch. 19.25)]	Minimum Required Parking Spaces (See Ch. 19.20)	Special Regulations (See also Section 19.15.010.1 and Chapter 19.17, Miscellaneous Use, Development and Performance Standards)
			Lot Area	SETBACKS		Lot Coverage		Height			
Front Setback	Interior Setback	Building Coverage		Impervious Surface Coverage							

		sq ft See Spec. Reg. 1			zones: 60% RM-24 & RM-48 zone: 70%	zone: 90%	zone: 60' See Spec Reg. 3				a. 12 units per acre in the RM-12 zone. b. 18 units per acre in the RM-18 zone. c. 24 units per acre in the RM-24 zone. d. 48 units per acre in the RM-48 zone. 2. Chapter 19.17 contains regulations regarding home occupations[,] and other accessory uses, facilities, and activities associated with this use. 3. In the RM-48 zone, this height limit may be increased if portions of the structure that exceed the base height limit provide one additional foot of front and interior setback for each foot above the base height limit, but the maximum height may not exceed 75 feet.
19.15.010.4 <sup>(3)</sup>											
19.15.010.5 Family Day Care Home I and II	None	See Special Regulation 1									1. Must comply with requirements of the primary use. 2. Family Day Care Home II: Must provide State certification of the safe passenger loading area.
19.15.010.6 Day Care Center	None	5,000 [s.f.] sq ft	10'	5'	RM-12 & RM-18 zones: 60% RM-24 & RM-48 zone: 70%	85% RM-48 zone: 90%	35'	[B]	See Sec. 19.20.030 .2	1. Must provide State certification of safe passenger loading area.	
19.15.010.7 Mixed Use	Type 1	5,000 [s.f.] sq ft	10'	5'	RM-12 & RM-18 zones: 60% RM-24 & RM-48 zone: 70%	85% RM-48 zone: 90%	35' See Spec. Reg. 5 RM-48 zone: 60' See Spec	[C]	See Sec. 19.20.030 .2	1. Mixed use is allowed only in RM-24 and RM-48 zones. 2. The proposed development must fit in with the character of the surrounding residential neighborhood. 3. No more than 50% of	


 USE ↓	REGULATIONS ⇒	DIRECTIONS: FIRST, read down to find use... THEN, across for REGULATIONS									
		Special Review Process (See Ch. 19.65)	MINIMUMS			MAXIMUMS			[Landscape Category (See Ch. 19.25)]	Minimum Required Parking Spaces (See Ch. 19.20)	Special Regulations (See also Section 19.15.010.1 and Chapter 19.17, Miscellaneous Use, Development and Performance Standards)
			Lot Area	SETBACKS		Lot Coverage		Height			
Front Setback	Interior Setback	Building Coverage		Impervious Surface Coverage							

							Reg. 6			<p>the gross floor area of the structure shall be devoted to office uses. Retail uses, banks, loan companies, and similar financial institutions are <del>prohibited</del> [not permitted].</p> <p>4. Maximum residential density is 24 dwelling units per acre in the RM-24 zone and 48 dwelling units per acre in the RM-48 zone.</p> <p>5. Height may be increased to 60 feet, if:</p> <p>a. At least 25% of the required parking is under or within a building and is fully screened from public view; and</p> <p>b. The landscape type in the prescribed category is increased by one type (for example, Type III is increased to Type II).</p> <p>6. In the RM-48 zone, this height limit may be increased if portions of the structure that exceed the base height limit provide one additional foot of front and interior setback for each foot above the base height limit, but the maximum height may not exceed 75 feet.</p>
19.15.010.8 Public Park and Recreation Facilities	None. See Spec. Reg. 3	None	30' See Spec. Reg. 2	30' See Spec. Reg. 2	60%	85%	35'	[€]	See Sec. 19.20.030.2	<p>1. Lighting for structures and fields shall be directed away from dwelling units.</p> <p>2. Structures shall maintain a 50-foot setback from adjoining lots containing single detached dwelling units. The Director may allow structures such as playground equipment, ball field backstops, and tennis court fences closer than 50' if</p>





 USE ↓	REGULATIONS ⇒	DIRECTIONS: FIRST, read down to find use... THEN, across for REGULATIONS									
		Special Review Process (See Ch. 19.65)	MINIMUMS			MAXIMUMS			[Landscape Category (See Ch. 19.25)]	Minimum Required Parking Spaces (See Ch. 19.20)	Special Regulations (See also Section 19.15.010.1 and Chapter 19.17, Miscellaneous Use, Development and Performance Standards)
			Lot Area	SETBACKS		Lot Coverage		Height			
Front Setback	Interior Setback	Building Coverage		Impervious Surface Coverage							

										compatible with the surrounding neighborhood and traffic safety considerations. 3. No special review process if the project design is approved by the City Council through a public review process that includes posting a notice board at the site and notification to neighbors; otherwise, a Type 2 review process is required.
19.15.010.9 Community Residential Facility	Type 2	5,000 <del>sq ft</del> sq ft	10'	5'	RM-12 & RM-18 zones: 60% RM-24 & RM-48 zones: 70%	85% RM-48 zone: 90%	35' RM-48 zone: 60' See Spec. Reg.1	[B]	One (1) space for every two (2) bedrooms	1. In the RM-48 zone, this height limit may be increased if portions of the structure that exceed the base height limit provide one additional foot of front and interior setback for each foot above the base height limit, but the maximum height may not exceed 75 feet.
19.15.010.10 Nursing Home	Type 2	5,000 <del>sq ft</del> sq ft	10'	5'	RM-12 & RM-18 zones: 60% RM-24 & RM-48 zones: 70%	85% RM-48 zone: 90%	35' RM-48 zone: 60' See Spec. Reg.1	[B]	One (1) space for every four (4) beds	1. In the RM-48 zone, this height limit may be increased if portions of the structure that exceed the base height limit provide one additional foot of front and interior setback for each foot above the base height limit, but the maximum height may not exceed 75 feet.
19.15.010.11 Religious Facility	Type 2	5,000 <del>sq ft</del> sq ft	30'	30'	60%	85%	35'	[C]	See Sec. 19.20.030.2	
19.15.010.12 School	Type 2	5,000 <del>sq ft</del> sq ft	30'	30'	60%	85%	35'	[C]	See Sec. 19.20.030.2	
19.15.010.13 Senior Citizen Assisted Dwelling Unit	Type 2	5,000 <del>sq ft</del> sq ft. See Spec. Reg.	10'	5'	RM-12 & RM-18 zones: 60% RM-24 & RM-48	85% RM-48 zone: 90%	35' RM-48 zone: 60' See Spec.	[B]	0.5 spaces per unit	1. Maximum density per dwelling unit is: a. 12 units per acre in the RM-12 zone. b. 18 units per acre in the RM-18 zone.

 USE ↓	REGULATIONS ⇒	DIRECTIONS: FIRST, read down to find use... THEN, across for REGULATIONS									
		Special Review Process (See Ch. 19.65)	MINIMUMS			MAXIMUMS			[Landscape Category (See Ch. 19.25)]	Minimum Required Parking Spaces (See Ch. 19.20)	Special Regulations (See also Section 19.15.010.1 and Chapter 19.17, Miscellaneous Use, Development and Performance Standards)
			Lot Area	SETBACKS		Lot Coverage		Height			
		Front Setback	Interior Setback	Building Coverage	Impervious Surface Coverage						

		1			zones: 70%		Reg. 3			<p>c. 24 units per acre in the RM-24 zone.</p> <p>d. 48 units per acre in the RM-48 zone.</p> <p>Additional density may be allowed in the RM-24 and RM-48 zones if appropriate for the site and if zoning code requirements are met without <del>the need for</del> variances or administrative adjustments.</p> <p>2. Chapter 19.17 contains regulations regarding home occupations, and other accessory uses, facilities, and activities associated with this use.</p> <p>3. In the RM-48 zone, this height limit may be increased if portions of the structure that exceed the base height limit provide one additional foot of front and interior setback for each foot above the base height limit, but the maximum height may not exceed 75 feet.</p>	
19.15.010.14 Essential Public Facility	Type 2	Development standards shall be determined <del>on a</del> case-by-case <del>basis</del> through the Type 3 review process.									<p>1. Shall be designed, located, constructed, and buffered to blend into <del>with</del> their surroundings and minimize adverse impacts on adjacent properties. Special attention shall be given to minimizing noise, light, and glare impacts.</p> <p>2. Shall comply with criteria for siting found in the Burien Comprehensive Plan.</p>
19.15.010.15 Community, Cultural, or Government Facility	Type 2	5,000 s.f.	30'	30'	60%	85%	35'	[€]	See Sec. 19.20.030 .2		
19.15.010.16 Public Utility	Type 2	None	30'	30'	60%	85%	35'	[Ø]	See Sec. 19.20.030	Shall be designed, located, constructed,	

 USE ↓	REGULATIONS ⇒	DIRECTIONS: FIRST, read down to find use... THEN, across for REGULATIONS									
		Special Review Process (See Ch. 19.65)	MINIMUMS			MAXIMUMS			[Landscape Category (See Ch. 19.25)]	Minimum Required Parking Spaces (See Ch. 19.20)	Special Regulations (See also Section 19.15.010.1 and Chapter 19.17, Miscellaneous Use, Development and Performance Standards)
			Lot Area	SETBACKS		Lot Coverage		Height			
		Front Setback	Interior Setback	Building Coverage	Impervious Surface Coverage						
									.2	and buffered to blend into <del>[with]</del> their surroundings and minimize adverse impacts on adjacent properties. Special attention shall be given to minimizing noise, light, and glare impacts.	
19.15.010.17 Personal Wireless Service Facility <sup>(1)</sup>	See Chapter 19.50										
19.15.010.18 Community Garden <sup>(2)</sup>	None	None	10'	5'	15%	25%	12'	[A]	See Sec. 19.20.030 .2	A <u>Director-approved</u> land use agreement <del>[approved by the Director]</del> shall be executed between the landowner and those who are interested in gardening on private land. The agreement shall include Community Garden Rules to maintain the property safely and prevent disturbances to neighboring property owners and residents.	
19.15.010.19 Enhanced Services Facilities <sup>(4)</sup>	Type 1	5,000 s.f.	10'	5'	RM-12 & RM-18 zones: 60% RM-24 & RM-48 zones: 70%	85% RM-48 zone: 90%	35' RM-48 zone: 60' See Spec. Reg. 3	[B]	See Sec. 19.20.030 .2	See Section 19.17.310 – Enhanced Services Facilities	
<u>19.15.005.20</u> <u>Permanent Supportive Housing</u>	<u>None</u>	<u>None</u>	<u>10'</u>	<u>5'</u>	<u>RM-12 &amp; RM-18 zones: 60%</u> <u>RM-24 &amp; RM-48 zone: 70%</u>	<u>85%</u> <u>RM-48 zone: 90%</u>	<u>35'</u> <u>RM-48 zone: 60'</u> <u>See Spec Reg. 6</u>		<u>See Table 19.20.04 0.1</u> <u>Uses permitted in Residential zones.</u>		
<u>19.15.005.21</u> <u>Transitional Housing</u>  <u>Congregate Housing</u>	<u>None</u>	<u>None</u>	<u>10'</u>	<u>5'</u>	<u>RM-12 &amp; RM-18 zones: 60%</u>	<u>85%</u> <u>RM-48 zone: 90%</u>	<u>35'</u> <u>RM-48 zone: 60'</u> <u>See</u>		<u>See Table 19.20.04 0.1</u> <u>Uses permitted in</u>		

 USE ↓	REGULATIONS ⇒ Special Review Process (See Ch. 19.65)	DIRECTIONS: FIRST, read down to find use... THEN, across for REGULATIONS									
		MINIMUMS				MAXIMUMS			[Landscape Category (See Ch. 19.25)]	Minimum Required Parking Spaces (See Ch. 19.20)	Special Regulations (See also Section 19.15.010.1 and Chapter 19.17, Miscellaneous Use, Development and Performance Standards)
		Lot Area	SETBACKS		Lot Coverage		Height				
Front Setback	Interior Setback		Building Coverage	Impervious Surface Coverage							
				RM-24 & RM-48 zone: 70%		Spec Reg. 6		Residential zones.			

**Section Eleven.** Section 19.15.015, entitled **Residential Zones**, of the Burien Municipal Code, is amended as follows.

1. Residential zones use permissions.

Table 19.15.015.1 determines whether a use is allowed in a zone.

Table 19.15.015.1 Uses permitted in Residential zones.						
Use				R-4	R-5	Special Regulations
<b>RESIDENTIAL</b>						
Single Detached Dwelling Unit				P		1. Convenience retail, office, and eating and drinking establishment uses are permitted as a ground floor use of a corner lot if residential uses occupy at least 50% of the building's gross floor area. 2. Businesses operating may not be open for business between 10 pm and 6 am daily, except for daycares.
<u>Permanent Supportive Housing</u>				<u>P</u>	<u>P</u>	
<u>Transitional Housing</u>				<u>P</u>	<u>P</u>	
<u>Congregate Housing</u>				<u>P</u>	<u>P</u>	
Townhouse Dwelling Unit				P	P	
Apartment Dwelling Unit				P	P	Convenience retail, office, and eating and drinking establishment uses are permitted as ground floor uses and are limited to 2,000 sq ft (gross floor area). Businesses operating on apartment dwelling units building ground floors may not be open for business between 10 pm and 6 am daily, except for daycares.
Live/work unit				P	P	Use is only allowed as part of an apartment dwelling unit use.
Family Day Care Home I and II				P	P	1. Accessory use. Must comply with requirements of the primary use. 2. New family day care home uses are prohibited in Air and Noise Impact Overlay. See BMC 19.17.145.
Community Residential Facility				Type 1	Type 1	
Senior Citizen-Assisted Dwelling Unit				Type 1	Type 1	1. New senior citizen-assisted dwelling units are prohibited in Air and Noise Impact Overlay. See BMC 19.17.145. 2. No parking is required per unit if within one-quarter mile of a transit stop that receives transit service at least four times per hour for twelve or more hours per day. Guest parking rules still apply.
<b>NON-RESIDENTIAL USES</b>						

Bed and Breakfast Establishment				P	P	See 19.17.080
Community, Cultural, or Government Facility				Type 2	Type 2	
Community Garden				P	P	A Director-approved land use agreement shall be executed between the landowner and those interested in gardening on private land. The agreement shall include Community Garden Rules to maintain the property safely and prevent disturbances to neighboring property owners and residents.
Day Care Centers				P	P	New daycare centers are not permitted in Air and Noise Impact Overlay. See BMC 19.17.145.
Eating and Drinking Establishment				P	P	Must be integrated as the ground floor of a mixed-use project.
Enhanced Services Facility				Type 2	Type 2	See BMC 19.17.310 – Enhanced Services Facilities.
Essential Public Facility				Type 2	Type 2	1. Shall be designed, located, constructed, and buffered to blend into their surroundings and minimize adverse impacts on adjacent properties. Special attention shall be given to minimizing noise, light, and glare impacts. 2. Shall comply with criteria for siting found in the Burien Comprehensive Plan.
Nursing Home				Type 1	Type 1	New nursing homes are not permitted in Air and Noise Impact Overlay. See BMC 19.17.145.
Office				P	P	Only permitted as a ground floor use to an apartment dwelling unit use.
Personal Wireless Service Facility				P	P	See BMC Chapter 19.50 [BMC].
Public Park and Recreational Facilities				P	P	Lighting for structures and fields shall be directed away from residential areas. No special review process if the City Council approves the project design through a public review process, including posting a notice board at the site and notice to neighbors; otherwise, a Type 2 review process is required.
Public Utility				Type 2	Type 2	Shall be designed, located, constructed, and buffered to blend in with their surroundings and minimize adverse impacts on adjacent properties. Special attention shall be given to minimizing noise, light, and glare impacts.
Religious Facility				Type 1	Type 1	Up to 2,000 sq ft requires no special review.
Convenience retail				P	P	Only permitted as a ground floor use to an apartment dwelling unit use.
School				Type 2	Type 2	New schools are not permitted in Air and Noise Impact Overlay. See BMC 19.17.145.

1. Residential zones dimensional standards.

A. Minimum lot size

- i. The minimum lot size in the R-4 zone is 5,000 sq ft.
- ii. There are no minimum lot area or minimum lot dimensions for the R-5 zone. New lots must be sized to accommodate permitted uses and development.

B. Setbacks.

- i. Front setback. The minimum front setback is 10 feet. Exception: Mixed-use buildings complying with the Class B Pedestrian-Oriented Street block frontage provisions of BMC 19.47.240 may be built up to the sidewalk's edge.
- ii. See BMC 19.17.015 for transition standards that may apply.

iii. Interior setback. Table 19.15.015.2.B addresses interior setbacks specific to the R-4 and R-5 zones.

Table 19.15.015.2.B Minimum interior setbacks in R-4 and R-5 zones.		
Use Category	Interior Setbacks	Special Regulations
<b>RESIDENTIAL</b>		
Single Detached Dwelling Unit, Apartment Dwelling Unit, Senior Citizen Assisted Dwelling Unit, Enhanced Services Facility, Nursing Home, Community Residential Facility, <u>Permanent Supportive Housing</u> , <u>Transitional Housing</u> , <u>Congregate Housing</u>	5'	
Townhouse Dwelling Unit	5'/0'	The minimum interior setback is 5 feet, except the interior setback between townhouses may be reduced to zero feet as part of a zero-lot line development.
<b>NON-RESIDENTIAL USES</b>		
Community, Cultural, or Government Facility, Religious Facility	30'	
Eating and Drinking Establishment, Office, Convenience retail, Day Care Center, Community Gardens	5'	
Essential Public Facility		Development standards shall be determined case-by-case through the Type 3 review process.
Personal Wireless Service Facility		See Chapter 19.50
Public Park and Recreational Facility School	30'/50'	Structures must maintain a 50-foot setback from adjoining lots containing single detached dwelling units. The Director may allow structures such as playground equipment, ball field backstops, and tennis court fences closer than 50 feet if compatible with the surrounding neighborhood and traffic safety considerations.
Public Utility	30'	Shall be designed, located, constructed, and buffered to blend into their surroundings and minimize adverse impacts on adjacent properties. Special attention shall be given to minimizing noise, light, and glare impacts.

**Section Twelve.** Section 19.15.020, entitled **Mixed-Use Zones**, of the Burien Municipal Code, is amended as follows.

- Mixed-Use zones use permissions.

Table 19.15.020.1 determines whether a use is allowed in a zone.

Table 19.15.020.1 Mixed-Use zones use table.									
Use	Special Review Process (See Ch. 19.65)								Special Regulations
	MU-1	MU-1 BP	MU-2	MU-2 E	MU-2 CD	MU-C	MU-A	MU-DT	
<b>RESIDENTIAL</b>									
Single Detached Dwelling Unit	P	P							1. Use is prohibited on lots fronting Pedestrian-Oriented Streets, as shown in Figure 19.47.220.
Townhouse Dwelling Unit	P	P			P	P			1. Use is prohibited on lots fronting Pedestrian-Oriented Streets, as

									shown in Figure 19.47.220.
Apartment Dwelling Unit	P	P	P	P(A)	P	P	P	P	1. Use is not allowed on the ground-level block-frontages designated as Pedestrian-Oriented Streets, as shown in Figure 19.47.220.
Permanent Supportive Housing	P	P	P	P	P	P	P	P	
Transitional Housing	P	P	P	P	P	P	P	P	
Emergency Shelter	Type 1	Type 1	Type 1	Type 1	Type 1	Type 1	Type 1	Type 1	1. Burien may only permit an emergency shelter with a capacity of 200 people or more if the proposed location of the shelter is distanced at least 1,000 feet from another emergency shelter project with a capacity of 200 people or more.
Emergency Housing	P/Type 1	P/Type 1	P/Type 1	P/Type 1	P/Type 1	P/Type 1	P/Type 1	P/Type 1	1. Emergency Housing projects with 35 units or beds or more will require Type 1 review. 2. Burien may only permit an emergency housing project with 200 units or beds or more if the proposed location of the emergency housing project is distanced at least 500 feet from another emergency housing project with 200 units or beds or more.
Artists' Studio/dwelling		P	P	P(A)	P	P		P	1. See BMC 19.17.330
Family Day Care Home I and II	P								1. Must comply with requirements of the primary use. 2. New family day care homes are prohibited in the Air and Noise Impact Overlay. See BMC 19.17.145.
Community Residential Facility	Type 1	P	P	P	P	P	P	P	
Senior Citizen-Assisted Dwelling Unit	Type 1		P	P(A)	P	P	P	P	1. New senior citizen-assisted dwelling units are prohibited in the Air and Noise Impact Overlay. See BMC 19.17.145.
<b>COMMERCIAL</b>									
Artisan manufacturing	P	P	P	P	P(B)	P	P	P	
Bulk Retail	Type 1	P					P		1. Distribution, wholesaling, repair, or manufacturing that support the primary use are allowed as an accessory use.
Convenience auto service	Type 1	P	P		P		P		1. Vehicle repair activities must occur inside a building and are limited to 10,000 sq ft of net floor area.
Convenience Retail	P	P	P	P	P	P	P	P	1. Distribution, wholesaling, repair, or manufacturing that support the primary use are allowed as an accessory use.
Day Care Center	P		P	P	P	P	P	P	1. Use is not allowed on the ground-level block- frontages designated as Pedestrian-Oriented Streets, as provided in Figure 19.47.220. 2. New daycare centers are prohibited in the Air and Noise Impact Overlay. See BMC 19.17.145.
Eating and Drinking Establishment	P	P	P	P	P	P	P	P	1. Distribution, wholesaling, or manufacturing that support the primary use are allowed as an

									2. accessory use. An amusement arcade is allowed as an accessory use.
Funeral Home	Type 1	Type 1	Type 1	Type 1	Type 1	Type 1	Type 1		
Hospital			Type 2	Type 2	Type 2	Type 2	Type 2		
Lodging Facility	P	P	P	P	P	P	P	P	
Marijuana Retailers	Type 1	Type 1	Type 1	Type 1	Type 1	Type 1	Type 1	Type 1	1. The facility shall be designed, located, constructed, and buffered to blend into its surroundings and mitigate significant adverse impacts on adjoining properties and the community. Special attention shall be given to minimizing odor, noise, light, glare, and traffic impacts. 2. Must comply with all state law requirements and Washington State Liquor Control Board regulations. 3. Marijuana retailers shall not operate as an accessory to a primary use or as a home occupation. 4. Marijuana retailers shall not locate within 1,000 feet as measured by the shortest straight-line distance from the property line of the licensed premises to the property line of an elementary, secondary school, playground, recreational center or facility, childcare center, public park, public transit center, library or arcade where admission is not restricted to those age 21 and older.
Nursing Home	Type 1		P	P	P	P	P	P	1. Use is not allowed for lots fronting on Pedestrian-Oriented Street in Figure 19.47.220. 2. New nursing homes are prohibited in the Air and Noise Impact Overlay. See BMC 19.17.145.
Office	P	P	P	P	P	P	P	P	
Recreational Facility	P	P	P	P	P	P	P	P	
Motor Vehicle Sales and Rental		Type 1					Type 1		1. May include boat sales and rental.
Theater	P	P	P		P	P	P	P	
<b>INDUSTRIAL</b>									
Light Industry		Type I							1. Operations must be conducted entirely indoors; outdoor storage is prohibited.
High Technology Industry		Type 1(c)							
Auto, boat, or heavy equipment repair, services, or washing		Type 1(c)					Type 1		
Kennel		Type 2					Type 1		1. Outside runs and other outside facilities must be setback at least 25 feet from each property line (50 feet from a residential zone) and surrounded by a fence or wall sufficient to enclose the animals. 2. Must provide suitable shelter and a clean, healthful environment for the animals.



Self-Service Storage Facility		Type 1(c)							1. May include one (1) accessory dwelling unit for the resident security manager. 2. Self-service storage facility use is permitted only in a mixed-use form. Self-service storage facilities and accessory uses shall only occupy a maximum of 50% of the ground floor area and must be used for convenience retail, eating and drinking establishments, and other pedestrian-oriented uses.
Warehousing and Wholesale Trade		Type 1(c)							
<b>PUBLIC, INSTITUTIONAL, &amp; MISCELLANEOUS</b>									
Artist studio	P	P	P	P	P	P	P	P	1. See 19.17.330
Community/Cultural Facility or Private Club	P <sub>(D)</sub>	P <sub>(D)</sub>	P <sub>(D)</sub>	P <sub>(D)</sub>	P	P <sub>(D)</sub>	P <sub>(D)</sub>	P	
Community Garden	P	P	P	P	P		P	P	1. A land use agreement approved by the Director shall be executed between the landowner and those interested in gardening on private land. The agreement shall include Community Garden Rules to maintain the property safely and prevent disturbances to neighboring property owners and residents.
Enhanced Services Facility	Type 1	Type 1	P	P	Type 1	Type 1	P	P	1. See BMC 19.17.310 – Enhanced Services Facility.
Essential Public Facility	Type 2	Type 2	Type 2	Type 2	Type 2	Type 2	Type 2	Type 2	1. Shall be designed, located, constructed, and buffered to blend into their surroundings and minimize adverse impacts on adjacent properties. Special attention shall be given to minimizing noise, light, and glare impacts. 2. Shall comply with criteria for siting found in the Burien Comprehensive Plan.
Personal Wireless Service Facility	See Chapter 19.50 BMC								
Government Facility	Type 2	Type 2	P <sub>(E)</sub>	P <sub>(E)</sub>	P <sub>(E)</sub>	P <sub>(E)</sub>	P <sub>(E)</sub>	P	
Public Park and Recreational Facility	P	P	P	P	P	P	P	P	Lighting for structures and fields shall be directed away from residential areas.
Public Utility	Type 1	Type 1	Type 1	Type 1	Type 1	Type 1	Type 1	Type 1	Shall be designed, located, constructed, and buffered to blend into their surroundings and minimize adverse impacts on adjacent properties. Special attention shall be given to minimizing noise, light, and glare impacts.
Religious Facility	P <sub>(D)</sub>	P <sub>(D)</sub>	P <sub>(D)</sub>	P <sub>(D)</sub>	P <sub>(D)</sub>	P <sub>(D)</sub>	P <sub>(D)</sub>	P <sub>(D)</sub>	
School	Type 1		Type 1	Type 1	Type 1	Type 1	Type 1	Type 1	New schools are prohibited in the Air and Noise Impact Overlay. See BMC.

Special use conditions:

- A. In the MU-2-E zone, at least 20% of the gross floor area of all (combined) buildings on a site must be designed for non-residential uses. Applicable nonresidential floor area must include minimum floor-to-floor heights of 12 feet.

- B. Up to 5,000 sq ft of net floor area except in MU-2 CD.
  - C. Fifty-foot interior setback required if adjoining a residential zone. The outer 25 feet of the setback must be landscaped with Type I landscaping (as prescribed in BMC 19.25.050.1).
  - D. Up to 2,000 sq ft requires no special review process. Type 1 review process for up to 10,000 sq ft. Type 2 review process for greater than 10,000 sq ft.
  - E. Up to 5,000 square feet requires no special review process. Type 1 review process for up to 10,000 sq ft. Type 2 review process for greater than 10,000 sq ft. Up to 2,000 sq ft requires no special review process. Type 1 review process for up to 10,000 sq ft. Type 2 review process for greater than 10,000 sq ft.
  - F. Up to 5,000 sq ft requires no special review process. Type 1 review process for up to up to 10,000 sq ft. Type 2 review process for greater than 10,000 sq ft.
2. Mixed-Use zones dimensional standards.
- A. Minimum lot size. There are no minimum lot area or minimum lot dimensions for Mixed-Use zones. New lots must be sized to accommodate permitted uses and development.
  - B. Setbacks.
    - i. Front setback. The minimum front setbacks range from 0-10 feet depending upon the block frontage designation and standards provided in BMC 19.47.220 -.260.
    - ii. See BMC 19.17.015 for transition standards that may apply.
    - iii. Interior setback. Table 19.15.020.2.B addresses interior setbacks specific to the mixed-use zones.

<b>Table 19.15.020.2.B Minimum interior setbacks in Mixed-Use Zones.</b>		
<b>Use Category</b>	<b>Interior Setbacks</b>	<b>Special Regulations</b>
Single Detached Dwelling Unit, Townhouse Dwelling Unit	5'/0'	1. The minimum interior setback is 5 feet, except the interior setback between townhouses may be reduced to zero feet.
Apartment Dwelling Unit, Senior Citizen Assisted Dwelling Unit, <u>Permanent Supportive Housing</u> , <u>Transitional Housing</u> , <u>Congregate Housing</u> , <u>Emergency Housing</u> , <u>Emergency Shelter</u> , Nursing Home, Artists' Studio/dwelling, Eating and Drinking Establishment, Office, Lodging Facility, Convenience retail, Artist studio, Community facility, Cultural Facility or Funeral Home, Marijuana Retailer, Theater, Government Facility, Private Club, Religious Facility, Indoor Shooting Range, Enhanced Services Facility, Day Care Center, Artisan manufacturing, High Technology Industry	0-15'	1. Window-less firewalls up to 6 stories in height of interior setbacks may be placed on the interior property line. 2. Buildings or portions thereof containing multifamily dwelling units whose only solar access (windows) is from the applicable side or rear of the building (facing towards the interior property lines) must be set back from the applicable property lines at least 15 feet as stated in BMC 19.47.310.3. 3. The minimum setback for all other buildings not described in Special Regulations (1) and (2) above is 5 feet.
Public Park and Recreational Facility, School	10'/50'	1. Structures shall maintain a 50-foot setback from adjoining lots containing single detached dwelling units. The Director may allow structures such as playground equipment, ball field backstops, and tennis court fences closer than 50 feet if compatible with the surrounding

		neighborhood and traffic safety considerations.
Auto, boat or heavy equipment repair, services or washing, Kennel, Self Service Storage Facility, Warehousing and Wholesale Trade, Motor Vehicle Sales and Rental, Convenience Auto Service, Bulk Retail, Hospital	0'-50'	<ol style="list-style-type: none"> <li>No minimum setback except when prescribed in Special Regulations (2) or (3) below.</li> <li>Fifty feet if adjoining a residential zone, otherwise, none. The outer 25 feet of the setback must be landscaped with Type II landscaping (as prescribed in BMC 19.25.050.1).</li> <li>For Kennel uses, outside runs and other outside facilities must be setback at least 25 feet from each property line (50 feet from a residential zone) and surrounded by a fence or wall sufficient to enclose the animals.</li> </ol>
Essential Public Facility, Public Utility		<ol style="list-style-type: none"> <li>Shall be designed, located, constructed, and buffered to blend into their surroundings and minimize adverse impacts on adjacent properties. Special attention shall be given to minimizing noise, light, and glare impacts.</li> </ol>
Personal Wireless Service Facility		<ol style="list-style-type: none"> <li>See Chapter 19.50</li> </ol>

**Section Thirteen.** Section 19.20.040, entitled **Computation of required off-street parking spaces**, of the Burien Municipal Code, is amended as follows.

1. Number of Parking Spaces. Off-street parking areas shall contain, at a minimum, the number of parking spaces as stipulated in Table 19.20.040.1. If the formula for determining the number of off-street parking spaces results in a fraction, the number of off-street parking spaces shall be rounded to the nearest whole number with fractions of .50 or greater rounding up and fractions below .50 rounding down. In the case of two or more uses on the same site, the total requirements for off-street parking shall be the sum of the requirements for each use computed separately, except as permitted in BMC 19.20.050 pertaining to shared parking. For all uses not listed, see BMC 19.20.030.2.

Table 19.20.040.1 Required Parking		
Use	Parking Requirement	
<b>RESIDENTIAL USES</b>		
Single Detached Dwelling Unit	1 space per unit	
Townhouse Dwelling Unit	1 space per unit	
Apartment Dwelling Unit	1 space per unit	
Studio Dwelling Unit	0.5 spaces per unit	
Community Residential Facility	1 space for every 2 bedrooms	
Senior Citizen Assisted Dwelling Unit	0.5 spaces per unit	See 19.20.040.2 for parking exemption requirements near frequent transit.
Permanent Supportive Housing	1 space per 2 employees plus 1 per 20 units	See 19.15.005 for parking requirements in RS zones
Transitional Housing	1 space per 2 employees plus 1 per 20 dwelling units or beds, whichever is less	See 19.15.005 for parking requirements in RS zones
Emergency Shelter or Emergency Housing	1 space per 2 employees plus 1 per 20 dwelling units or beds, whichever is less	
Congregate Housing	0.25 spaces per unit	
<b>NON-RESIDENTIAL USES</b>		

Eating and Drinking Establishment	2 spaces per 1,000 sq ft of net floor area	
Nursing Home	1 space for every 4 beds	
Lodging Facility	1 space per unit or suite	
Marijuana Retailers	2 spaces per 1,000 sq ft of net floor area	
Nursing Home	1 space for every 4 beds	
Office	2 spaces per 1,000 sq ft of net non-residential floor area	
Convenience retail	2 spaces per 1,000 sq ft of net floor area	Buildings with less than 3,000 sq ft of net floor area are exempt
Bulk Retail	2 spaces per 1,000 sq ft of net floor area	
Convenience Auto Service	2 spaces per 1,000 sq ft of net floor area	
Motor Vehicle Sales and Rental	2 spaces per 1,000 sq ft of net floor area	
Light Industry	1 space per 1,000 sq ft of net floor area	
High Technology Industry	2 spaces per 1,000 sq ft of net floor area	
Auto, boat, or heavy equipment repair, services, or washing	1 space per 1,000 sq ft of net floor area	
Self Service Storage Facility	1 space per 3,500 sq ft of storage area	
Warehousing and Wholesale Trade	space per 5,000 sq ft	

2. Exemptions for Parking Requirements Near Frequent Transit. Within a one-quarter mile straight-line distance of transit stops that are served by transit at least four times an hour for twelve or more hours a day, no parking is required for dwelling units that are specifically for seniors or people with mental or physical challenges (disabilities). Guest parking rules in 19.20.040.3 remain in effect.

3. Guest Parking. For townhouse or apartment dwelling units, the Director may require additional parking spaces for guests if there is inadequate guest parking proposed on the site, and

- A. Adequate, safe on-street parking is not available, or
- B. The on-street parking is ~~located~~ in or adjacent to an RS zone.

4. Modification of the Number of Required Parking Spaces.

A. Development within one-quarter mile straight line distance of transit stops served by a transit route that runs at least four times an hour for twelve or more hours each weekday may request a waiver from minimum required parking spaces subject to a parking study under BMC 19.20.030.2.

B. An applicant may request a modification of the minimum required number of parking spaces by submitting a study of anticipated parking demand complying with BMC 19.20.030.2, proving that parking demand can be met with a reduced parking requirement. In such cases, the Director may approve a reduction of the minimum required number of parking spaces on a case-by-case basis.

C. In the MU-DT zone and the Old Burien Overlay, the applicant may meet their parking obligation by:

i. Providing the required number of parking spaces in accordance with the Fee-in-Lieu of Parking Demand Rate Schedule for Downtown Burien Zones as shown in Table 19.20-2, and in accordance with the most recent parking occupancy supply of Downtown Burien Zones.

ii. Performing a study of anticipated parking demand in accordance with BMC 19.20.030.2. Fee-in-Lieu of parking is not available if required parking is determined through a parking demand study.

iii. In accordance with BMC 19.20.030.3, the applicant may meet a portion of their parking obligation through contribution to a parking Fee-in-Lieu program. The City Council shall establish the cost per parking space for the parking Fee-in-Lieu program.

5. Parking for Shell Building Permits. When Burien has received a shell building permit application, off-street parking requirements shall be based on the possible tenant improvements or uses authorized by the zone designation and compatible with the limitations of the shell permit. When the range of possible uses results in different parking requirements, the Director will establish the amount of parking based on a likely range of uses. The Director may deny a certificate of occupancy for ~~an~~ individual use if the number of parking spaces required by BMC Chapter 19.15 and this chapter is not provided.

6. Bicycle Parking.

A. Applicability. Bicycle parking is required for development exceeding the following thresholds:

i. Residential development: Eight or more dwelling units

ii. Convenience retail and eating and drinking establishment:  
4,000 sq ft.

iii. Office: 5,000 sq ft

iv. Other commercial and industrial uses: 10,000 sq ft.

v. Non-dwelling unit STEP Housing Types: 10 beds or 2,000 sf  
whichever is less.

B. Bicycles parking type.

i. Long-term bicycle parking spaces include the following types:

a. Racks in an indoor, lockable bike room

b. Racks in a covered, lockable bike enclosure.

c. Bike lockers

ii. Short-term bicycle parking spaces consist of outdoor bicycle racks.

C. Required bicycle parking. Table 19.20.040.4 states the required number of parking spaces for specific uses. Standards are cumulative for each use

in mixed-use buildings. Bicycle parking facilities shared by more than one use are encouraged.

Table 19.20.040.4 Required bicycle parking table						
Use	Residential uses	<u>STEP Housing Dwelling Units</u>	<u>Non-Dwelling Unit STEP Housing Types</u>	Convenience retail and eating and drinking establishment	Office	Other commercial and industrial uses
Long-term spaces	1 per 4 dwelling units	1 per 2 dwelling units	<u>1 per 3 beds</u>	-	1 per 5,000 sq ft	-
Short-term spaces	1 per 10 dwelling units	1 per 5 dwelling units	<u>1 per 25% of the structure occupancy load of the STEP Housing use</u>	1 per 2,000 sq ft	-	1 per 5,000 sq ft

D. The Director may reduce bicycle parking facilities for patrons when it is demonstrated that bicycle activity will not occur at that location;

E. Short-term ~~[B]~~ bicycle parking facilities for patrons shall be located within 100 feet of and visible from the building entrance and shall be designed to allow either a bicycle frame or wheels to be locked to a structure attached to the pavement or building. Short-term bicycle parking located in the public right-of-way within 100 ft of the building entrance can be counted towards the short-term parking requirement.;

F. All bicycle parking and storage shall be located in safe, visible areas that do not impede pedestrian or vehicle traffic flow[,] and shall be well-lit for nighttime use.

G. Indoor long-term bicycle storage must be located on the ground floor or on a floor with elevator access.

7. Handicapped Parking Requirements. Off-street parking and access for physically handicapped persons shall be provided in accordance with BMC Title 15, Buildings and Construction.

8. Table 19.20-2 is used based on the results of the most recent occupancy study of publicly available parking supplies in Downtown Burien Zones to determine the required number of parking spaces for an applicant. A parking occupancy study should be completed every two years to determine the column on Table 19.20-2 that reflects the current occupancy.

**Section Fourteen. Severability.** Should a court of competent jurisdiction find any section,

— —

paragraph, sentence, clause, or phrase of this ordinance, or its application to any person or circumstance, unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining parts of this ordinance or its application to other persons or circumstances.

**Section Fifteen.** Edits. For purposes of this ordinance, additions are underlined, and deletions are stricken with brackets around the deleted language.

**Section Sixteen.** Corrections. The City Clerk and codifiers of the ordinance are authorized to make necessary corrections to this ordinance, including, but not limited to, the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers, and any references thereto.

**Section Seventeen.** Effective Date. This ordinance shall be published in Burien’s official newspaper and take effect more than five (5) calendar days after publication on the 1<sup>st</sup> day of January 2025, at 12:01 am.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON, AT A REGULAR BUSINESS MEETING THEREOF THIS 9<sup>th</sup> DAY OF DECEMBER 2024.

CITY OF BURIEN

  
\_\_\_\_\_  
Kevin J. Schilling, Mayor

ATTEST/AUTHENTICATED:

  
\_\_\_\_\_  
Heather Dumlao, City Clerk, CMC

Approved as to form:

  
\_\_\_\_\_  
Garmon Newsom II, City Attorney

Filed with the City Clerk: November 8, 2024  
Passed by the City Council: December 9, 2024  
Ordinance No.: 850  
Date of Publication: December 16, 2024







## STAFF REPORT TO THE PLANNING COMMISSION Prepared January 14, 2025

HEARING DATE: January 23, 2025

FILE NUMBERS: L25-0001  
E25-0002

APPLICANT: City of Tukwila

REQUEST: Code amendment proposal to amend regulations for phased binding site improvement plans

LOCATION: Policies apply throughout the City of Tukwila

NOTIFICATION: Hearing Notice was published in the Seattle Times on January 9, 2025, and posted on the City of Tukwila website on January 9, 2025.

SEPA DETERMINATION: An environmental determination will be issued prior to City Council consideration.

STAFF: Neil Tabor, AICP, Senior Planner

### **BACKGROUND**

Binding Site Improvement Plans (BSIPs) are plans used to provide flexibility for sale of property within a larger development. These developments often rely on shared features within the larger site, such as parking, access points, landscaping, utilities, refuse collection areas, etc. As an alternative to the traditional subdivision process, these plans are typically used for commercial or industrial sites, however, they can also be used for residential and mixed use developments, which may desire to sell individual portions of land for building sites, while retaining shared common areas. BSIPs can also provide flexibility when combined with creating condominium ownership or phased development.

### **FINDINGS**

Codified in TMC 17.16, BSIPs proposing to develop in phases are required to enter into a development agreement in addition to completing the BSIP. Staff believes this requirement is redundant to the BSIP process and existing requirements. Development agreements add cost to a project by adding several months of process time for review, analysis, legal consultants, contracting, and scheduling of a public hearing before City Council. This equates to months of unnecessary additional carrying costs for developers on what are generally large scale projects, in addition to permit fees. In addition to the

staff and City Council time exhausted, this process also creates uncertainty for the developer by changing the review from being entirely administrative, based on municipal code standards, to a legislative process before the City Council on a generally, technically complex topic. While there may be instances in which a development agreement may be desired by the developer due to project complexity, desire to vest certain permits, or other factors, this is unlikely to be the case with most proposed phased BSIPs.

## **SUMMARY OF PROPOSED CHANGES**

The requirement for phased BSIPs to execute a development agreement is located in the Tukwila Municipal Code (TMC) 17.16.030(C) *Preliminary Binding Site Improvement Plan (BSIP) approval, Approval Criteria*.

Staff proposes removing the sole provision requiring the execution of a development agreement. References requiring consistency with approvals and options to apply conditions and limitations for phased BSIPs are already present in other sections of TMC 17.16 and throughout the TMC.

### **Language proposed for removal:**

~~*Additional Approval Criteria for Phased Development:* If the applicant chooses to develop the property in a phased development, the applicant must execute a development agreement with the City pursuant to RCW 36.70B.170 if one is not already in place. This agreement shall govern, at a minimum, the use and development of the property subject to the BSIP, including:~~

- ~~\_\_\_\_\_ a. \_\_\_\_\_ vesting applicable to subsequent permits; \_\_\_\_\_~~
- ~~\_\_\_\_\_ b. \_\_\_\_\_ the manner in which each phase of the development will proceed to ensure that the roads and utilities necessary to serve each phase of the development are constructed prior to the development of each phase;~~
- ~~\_\_\_\_\_ c. \_\_\_\_\_ expiration of the agreement and all provisions therein.~~

Structure, formatting and other minor headings have also been edited in this section for consistency.

## **REQUESTED ACTION**

Staff is requesting that the Planning Commission forward a recommendation for adoption of the draft code amendments to the City Council.

## **ATTACHMENTS**

- A. TMC 17.16 Proposed Code Amendments (Redlined)

# Attachment A

## CHAPTER 17.16 DETAILED PROCEDURES FOR BINDING SITE IMPROVEMENT PLANS (BSIPS)

### Sections:

17.16.010	Purpose
17.16.020	Applicability
17.16.030	Decision Process
17.16.040	Preliminary Applications
17.16.050	Expiration of Preliminary Approval
17.16.060	Final Applications
17.16.070	Improvements
17.16.080	Alterations and Vacations

### 17.16.010 Purpose

A. This chapter is established to:

1. Provide an optional process for land under single ownership to be divided for the purpose of sale or lease;
2. Accommodate the division of land for the purpose of sale or lease of property within an integrated commercial or industrial center, which allows certain zoning standards (minimum parking, setbacks, landscaping, lot area and lot dimension) on the individual lots to be modified provided the standards for the entire center are met;
3. Facilitate alternative ownership options by allowing BSIPs in conjunction with a condominium process for residential, commercial, or industrial purposes (RCW 64.34);
4. Allow phased infrastructure improvements for large tracts of land.

### 17.16.020 Applicability

A. **Eligibility:** A BSIP application may be submitted for a project located on any land zoned multi-family, commercial, or industrial, consistent with the terms of this chapter.

B. **Construction Authorization Through Other Permits:** A BSIP creates or alters existing lot lines. A BSIP does not authorize construction. Construction is permitted upon approval of construction and building permits that implement the BSIP.

### 17.16.030 Decision Process

A. Applications for BSIPs shall be processed as Type 2 decisions subject to the provisions of TMC 18.104.

### 17.16.040 Preliminary Applications

A. **Application Requirements:** Applications for preliminary BSIPs shall meet the permit submittal requirements found at TMC 18.104.060.

B. **Review Procedures:** Applications for preliminary BSIPs shall be reviewed in the same manner prescribed in TMC 17.12.030(B) for preliminary short subdivisions.

C. **Approval Criteria:**

1. Prior to approval of any BSIP, the Short Subdivision Committee shall ensure that the following improvements are provided to sufficiently service the anticipated uses throughout the proposed plan and the decision criteria that follow are met:

- a. Adequate water supply.
- b. Adequate sewage disposal.
- c. Appropriate storm drainage improvements.
- d. Adequate fire hydrants.
- e. Appropriate access to all anticipated uses within the plan.
- f. Provision for all appropriate deed, dedication, and/or easements.
- g. Monumentation of all exterior tract corners.

2. *Legal Lots:*

a. Residential BSIPs shall consist of one or more contiguous legally-created lots and each lot shall meet the minimum dimensional requirements of the applicable zone or overlay district.

b. If the site will contain commercial or industrial uses, or mixed-use commercial and residential uses, the lots shall meet the minimum dimensional requirements of the zoning district or meet the definition of "integrated site" in TMC 18.06, such that when taken as a whole and not considering interior lot lines, the integrated site meets all applicable zoning and subdivision requirements.

3. Appropriate easements and maintenance agreements for shared facilities, including but not limited to, circulation, parking, utilities and landscaping, have been provided.

4. Modifications to the minimum zoning standards for individual lots located within the integrated site -- including setbacks, parking, landscaping, lot area and lot dimension -- are not detrimental to the public health, safety and welfare, do not adversely affect the rest of the integrated site or other properties in the vicinity, and do not impede planned street, trail or pedestrian networks for the neighborhood or district.

5. Common improvements necessary to serve any particular phase of development must be sufficient for meeting the zoning and subdivision requirements for that phase.

6. Access to the integrated site meets the subdivision ordinance standards. Access within the site provides for safe and efficient circulation and meets Fire Department access requirements.

7. The circulation system incorporates appropriate provisions for safe pedestrian activity to the site from the street and from building to building within the site.

8. The sign regulations shall be applied to the integrated site as a whole. For example, the number of freestanding signs allowed is based on one (1) site within the BSIP. Individual ownerships within the integrated site are not considered to be separate sites in determining the number of freestanding signs allowed.

9. The requirements of the Washington State Building Code are met.

10. ~~Future Development:~~The BSIP shall contain a provision requiring that any subsequent development of the site shall be in conformance with the approved and recorded BSIP.

11. ~~Dedication Statement:~~Where lands are required or proposed for dedication, the applicant shall provide a dedication statement and acknowledgement on the BSIP.

12. The BSIP shall be consistent with any City approved master plans and development agreements.

~~C. 12. Additional Approval Criteria for BSIPs Proposing Condominium Ownership:~~ Condominium developments are eligible for BSIP approval when the purpose of such approval is to divide the property so a portion of the parcel or tract can be subjected to either RCW Chapter 64.32 or 64.34. A BSIP can only be approved when the development has already been constructed or when the approval has been obtained and a building permit for an entire development or a portion of a development is issued.

~~13. Additional Approval Criteria for Phased Development: If the applicant chooses to develop the property in a phased development, the applicant must execute a development agreement with the City pursuant to RCW 36.70B.170 if one is not already in place. This agreement shall govern, at a minimum, the use and development of the property subject to the BSIP, including:~~

~~a. vesting applicable to subsequent permits;~~

~~b. the manner in which each phase of the development will proceed to ensure that the roads and utilities necessary to serve each phase of the development are constructed prior to the development of each phase;~~

~~c. expiration of the agreement and all provisions therein.~~

~~14. Consistency: The BSIP shall be consistent with any City approved master plans and development agreements.~~

#### **17.16.050 Expiration of Preliminary Approval**

A. If the BSIP is not recorded within three (3) years of the date of the preliminary BSIP, the BSIP shall become null and void. Upon written request by the applicant prior to the expiration date, the Short Subdivision Committee may grant one (1) extension of not more than one (1) year.

B. Where all conditions of approval of the BSIP have been satisfied, and all required documents have been submitted within the three (3) year filing period, the Director may grant a single extension of up to one hundred eighty (180) days for the processing and recording of the final BSIP.

### **17.16.060 Final Applications**

A. **Application Requirements:** Applications for final BSIPs shall meet the permit requirements found at TMC 18.104.060.

B. **Final Approval Review Procedures:**

1. The Short Subdivision Committee may grant final approval of the BSIP when they find that the survey, plan and other documents for recording are consistent with the preliminary approval. No formal meeting of the Committee is required so long as the Chair obtains the recommendations and consent of the other members of the Committee before issuing a decision.

2. Upon final approval of the BSIP, the applicant shall record the plat and all other relevant documents with the King County Department of Executive Services. The applicant is responsible for paying the recording fee(s). Upon completion of recording, the applicant shall provide the Department with a copy of the recorded documents. The BSIP shall not be considered final until these documents have been provided to the Department.

C. **Binding Effect:** Approved BSIPs shall be binding and shall be enforceable by the City. All provisions, conditions and requirements of the BSIP shall be legally enforceable on the purchaser or on any person acquiring a lease or other ownership interest of any lot, tract, or parcel created pursuant to the BSIP.

### **17.16.070 Improvements**

A. **Improvements:** The following requirements shall be met for each BSIP prior to the issuance of a building permit for construction within a BSIP.

1. *Improvements Required:* Consistent with TMC 17.20, and subject to any applicable development agreement, the following tangible improvements shall be provided, either by actual construction or a construction schedule approved by the City and bonded by the applicant, before a BSIP may be recorded:

- a. grading and paving of streets and alleys;
- b. installation of curbs, gutters, sidewalks, monuments, sanitary and storm sewers, street lights, water mains and street name signs; together with all related appurtenances to the specifications and standards of this code, approved by the Short Subdivision Committee, and in accordance with other standards of the City.

A separate construction permit will be required for any such improvements, along with associated engineering plans prepared per the City Drafting Standards.

2. *Modifications:* Proposals that contain commercial uses, industrial uses, or mixed-uses (commercial and residential), and that meet the definition of “integrated site” in TMC 18.06, are not required to submit a modification request.

B. **Phasing of Improvements:** To satisfy improvement requirements, the Short Subdivision Committee is authorized to impose conditions and limitations on the BSIP. If the Short Subdivision Committee determines that any delay in satisfying requirements will

not adversely impact the public health, safety or welfare, the Committee may allow requirements to be satisfied prior to:

1. Issuing the first building permit for the site; or
2. Prior to issuing the first building permit for any phase; or
3. Prior to issuing a specific building's certificate of occupancy; or
4. In accordance with an approved phasing plan; or
5. In accordance with plans established by a development agreement or as otherwise permitted or required by the TMC.

#### **17.16.070 Alterations and Vacations**

A. **Alteration:** Alteration of an approved BSIP, excluding standard easements for utilities and lot line adjustments, shall be accomplished following the same procedures required for a new BSIP application as set forth in this chapter; provided, that only owners of lots within the BSIP that are directly affected by the proposed alteration shall be required to authorize application for the alteration. If a property subject to a BSIP approval is the subject of a development agreement, the alteration of the approved BSIP shall not require an amendment to the development agreement or approval by the City Council and, after approval and recording, shall automatically be incorporated within the development agreement unless otherwise provided in the development agreement.

B. **Vacation:** Vacation of a recorded BSIP shall be accomplished by following the same procedures required for a new BSIP application as set forth in this chapter. If a portion of a BSIP is vacated, the property subject to the vacation shall constitute one lot, and the balance of the approved BSIP shall remain as approved. Any non-conformities created by such a vacation must be remedied prior to final approval of the vacation. If a BSIP property subject to a BSIP approval is the subject of a development agreement, the vacation of the approved BSIP, whether total or partial, shall not require an amendment to the development agreement or approval by the City Council and, after approval and recording shall automatically be incorporated within the development agreement unless otherwise provided in the development agreement.







## STAFF REPORT TO THE PLANNING COMMISSION Prepared January 14, 2025

HEARING DATE: January 23, 2025

FILE NUMBERS: L25-0003  
E24-0004

APPLICANT: City of Tukwila

REQUEST: Code amendment proposal to remove townhouses as an allowed use in three zoning districts

LOCATION: Policies apply throughout the City of Tukwila

NOTIFICATION: Hearing Notice was published in the Seattle Times on January 9, 2025, and posted on the City of Tukwila website on January 9, 2025.

SEPA DETERMINATION: An environmental determination will be issued prior to City Council consideration.

STAFF: Neil Tabor, AICP, Senior Planner

### **BACKGROUND**

The Tukwila Urban Center is a regional center designated with the Puget Sound Regional Council for future growth, capitalizing on transit infrastructure to reduce car dependency. This Center designation under the Regional Growth Strategy, makes this area eligible for additional funding that can improve these areas and help them transition into denser transit-oriented development over time. Part of the requirement for a Center is that it plan for a minimum of 45 “activity units” per acre. This metric is a summation of jobs and housing units per acre.

Currently, the Tukwila Urban Center contains approximately 22 activity units per acre, about half of the density for which the area is planned. This total is supported largely through area jobs,



Figure 10-1: Tukwila's Urban Center (Southcenter) Boundaries

with recent housing growth in the last ten years beginning to help support the targeted activity unit total.

**FINDINGS**

As the City plans for additional growth in the Urban Center, redevelopment should be encouraged to meet or exceed the minimum activity unit density planned for the area. While this naturally occurs, in part, from market demand and property values, development allowances should encourage uses which align with this density and not permit uses which are not expected to support this density. Townhouses are one such use currently permitted in the TUC – Regional Center, TUC – Pond, TUC – TOD and partially within the TUC – Work Place zoning districts, that would likely not meet the minimum density of 45 activity units per acre if developed. Generally, townhouses, even when constructed in an especially dense manner, would not be expected to reach 30 units per acre. As townhouses will likely be permitted throughout other residential zones within the City after the adoption of middle housing updates, staff believes townhouses should be removed from the Tukwila Urban Center zones.

**SUMMARY OF PROPOSED CHANGES**

Staff proposes removing townhouses from the list of allowed dwelling types in table 18-2, affecting the Tukwila Urban Center Regional Center, Transit Oriented Development and Pond Zoning Districts.

P = Permitted, A = Accessory, C = Conditional, UUP = Unclassified Use Permit						
Business license	For parking requirements see Table 18-5 or Figure 18-7 Residential	Regional Center	TOD	Pond District	Commercial Center	Work-Place
320	Dormitories		A	A		
Ref. above†	Dwelling: Multi-family, <del>Townhouses</del> , Mixed Use, Senior Citizen Housing	P	P	P		P4
510	Home Occupation	A	A	A		P4
270	Continuing Care Retirement Community		P	P		

**REQUESTED ACTION**

Staff is requesting that the Planning Commission forward a recommendation for adoption of the proposed redlined language to the City Council for their further review and adoption.

**ATTACHMENTS**

- A. Proposed Code Amendment (Redlined)

Attachment A, L25-0003

<b>P = Permitted, A = Accessory, C = Conditional, UUP = Unclassified Use Permit</b> Business license <i>For parking requirements see Table 18-5 or Figure 18-7</i> Regional Center      TOD      Pond District      Commercial Center      Work-Place <b>Retail 1</b>						
60	Animal Kennels and Shelters, including doggy daycare				C	C
810A	Athletic or Health Clubs	P	P	P	P	P
90	Automotive Service and Repair	P2				P
400	Banks, Financial, Insurance, and Real Estate Services	P	P	P		
1030	Bar & Nightclubs	P	P3	P	P	
Ref. above†	Brew Pubs, On-Site Brewing, Cocktail Lounges, & Pool Halls	P	P	P	P	
	Bulk Retail	P			P	P
	Business Services (e.g. copying, fax and mailing centers)	P	P	P		P
Ref. above†	Drive Through Facilities or Services	P	P3		P	P
360A	Electric Vehicle Charging Station L1&2	P	P	P	P	P
360B	Electric Vehicle Charging State L3	A	P3	A	A	A
90	Gas Stations, including Car Wash		P3		P	P
	General Retail	P	P	P	P	P
Ref. above†	Laundries, Tailors, and Dry Cleaners	P	P	P	P	P
Ref. above†	Personal Services (e.g. beauty & barber shops, nail salons, spa, travel agencies)	P	P	P	P	
Ref. above†	Recreation Facilities (commercial indoor)	P	P	P		P

810C	Recreation Facilities (commercial outdoor)					P
Ref. above†	Repair Shops (small scale goods: bicycle, appliance, shoe, computer)	P	P	P		P
Ref. above†	Restaurants with associated cocktail lounges and sidewalk cafes	P	P	P	P	P6
Ref. above†	Theaters except adult entertainment	P		P	P	
840	Vehicle Rental and Sales (not requiring a commercial DL)	P	P3	P5		P
70	Veterinary Clinic with temporary indoor boarding and grooming	P	P	P	P	P
<b>Office</b>						
	Professional, Outpatient Medical, Dental, Governmental Services, and Research	P	P	P	P	P
630	Medical and Dental Laboratories	P	P	P		P
<b>Lodging</b>						
Ref. above*	Hotel, Motel, Extended Stay, Bed and Breakfasts	P	P	P		
<b>Civic &amp; Institutional</b>						
290	Convention & Exhibition Facilities, including multipurpose arena facilities	P	P3	P		
Ref. above†	Cultural Facilities, including: libraries, museums, art galleries, performing arts centers	P	P	P		
Ref. above†	Daycare Centers	P	P	P	P	P
Ref. above†	Education and Instructional Facilities, public and private including college and universities	P	P	P		

Ref. above†	Parks, Trails, Picnic Areas, Playgrounds, and Public Community Centers	P	P	P	P	P
410	Police and Fire Stations	C	C	C	P	P
<b>P = Permitted, A = Accessory, C = Conditional, UUP = Unclassified Use Permit</b>						
<b>Business license</b>	<b><i>For parking requirements see Table 18-5 or Figure 18-7</i></b>	<b>Regional Center</b>	<b>TOD</b>	<b>Pond District</b>	<b>Commercial Center</b>	<b>Work-Place</b>
	Post Office	P	P	P		
820B	Religious Institutions, greater than 750 sf assembly area	C	C	C	C	C
820A	Religious Institutions, less than 750 sf assembly area	P	P	P	P	P
<b>Industrial, Manufacturing &amp; Warehouse</b>						
190	Cargo Containers subject to TMC 18.50.060					A
550	Industrial Commercial Services (e.g. etching, film processing, lithography, printing & publishing)					P

Ref. above†	Light Industrial: Manufacturing, Processing and Assembling uses that have little potential for creating off-site noise, smoke, dust, vibration or other external impacts or pollution. Manufacturing and processing of food and beverages including fermenting and distilling; with or without a tasting room, provided the tasting room occupies less than 50% of the total area of the building occupied by the tenant but no more than 3500 square feet; and the manufacturing process does not cause off-site impacts to neighboring properties or create a public nuisance.					P
990A/B	Outdoor storage of materials to be manufactured or handled as part of a permitted use within the Zone, screened pursuant TMC 18.52					A
960	Self-Storage Facilities					P
1110	Warehouse Storage and Wholesale Distribution Facilities					P
<b>Transportation, Communication &amp; Infrastructure</b>						
240	Commercial Parking , day use only	P	P	P	P	P
370	Essential Public Facilities, except those listed separately	UUP	UUP	UUP	UUP	UUP
	Intermodal Transit Stations, Rail transit facilities	UUP	UUP	UUP	UUP	UUP
Ref. above†	Internet Data Centers & Telephone Exchanges					P

7100	Park and Ride Lots	UUP	UUP	UUP		UUP
720	Parking Areas	A	A	A	A	A
	Public Transit Facilities and Stations (Bus)	P	P	P	P	P
780	Radio, Television, Microwave, or Observation Stations and Towers	C	C	C	C	C
Ref. above†	Utility Facilities, above ground/ not in ROW	C	C	C	C	P
Ref. above†	Utility Facilities, underground/in ROW	P	P	P	P	P
1140	Wireless Communication Facilities	P7	P7	P7	P7	P7
<b>Residential</b>						
320	Dormitories		A	A		
Ref. above†	Dwelling: Multi-family, <del>Townhouses</del> , Mixed Use, Senior Citizen Housing	P	P	P		P4
510	Home Occupation	A	A	A		P4
270	Continuing Care Retirement Community		P	P		

† Reference the above general zoning code use matrix for specific business license code.

\*\* See TMC 18.28.260 for District specific parking standards.

1. Minimum interior height for ground level retail of all types is 18 feet from floor to floor plate. Use conversions in existing buildings are not required to meet this standard.
2. New businesses are limited to locations within the Freeway Frontage Corridor. See additional design standards in the Southcenter Design Manual.
3. East of the Green River only.
4. Only on properties fronting the Green River or Minkler Pond.
5. Excludes vehicle storage or maintenance.

6. 3,500 sf max per use.

7. Subject to TMC 18.58.





## STAFF REPORT TO THE PLANNING COMMISSION Prepared January 14, 2025

HEARING DATE: January 23, 2025

FILE NUMBERS: L25-0002  
E25-0003

APPLICANT: City of Tukwila

REQUEST: Code amendment proposal to adopt provisions regarding conversion of non-residential uses into residential

LOCATION: Policies apply throughout the City of Tukwila

NOTIFICATION: Hearing Notice was published in the Seattle Times on January 9, 2025, and posted on the City of Tukwila website on January 9, 2025.

SEPA DETERMINATION: An environmental determination will be issued prior to City Council consideration.

STAFF: Neil Tabor, AICP, Senior Planner

### **BACKGROUND**

In the 2023 legislative session the state legislature passed HB 1042, a bill broadening the required allowances for conversion of non-residential buildings, or non-residential portions of buildings, into residential spaces. This bill intends to encourage conversion of underutilized office and commercial space into much needed residential units. Viability of individual buildings for conversion may differ based on building characteristics. The City is required to adopt code compliant with the bill by six months after the adoption of the comprehensive plan, or June 30, 2025.

Per the Municipal Research and Services Center (MRSC) some of the key provisions of the requirements include:

- Allowing a 50% density increase above what is permitted in the underlying zone if the housing is constructed entirely within the envelope of an existing building, provided that generally applicable health and safety standards can be met;
- Prohibiting the imposition of parking standards on the additional dwelling units (however, cities may require retention of existing parking required to satisfy existing residential parking requirements under local law and for any nonresidential uses that remain after new units are added);

- Prohibiting imposing additional permitting requirements on use of existing buildings beyond those applicable to all residential development in the zone, with the exception of emergency and transitional housing;
- Prohibiting the imposition of additional design standards beyond those generally applicable to all residential development in the zone;
- Prohibiting requiring that unchanged portions of an existing building used for residential purposes meet the current energy code (however, if any portion of an existing building is converted to new dwelling units, the new units must meet the current energy code); and
- Prohibiting denial of a building permit based on certain existing nonconformities unless a city official with decision-making authority makes findings that the nonconformity is causing a significant detriment to the surrounding area.

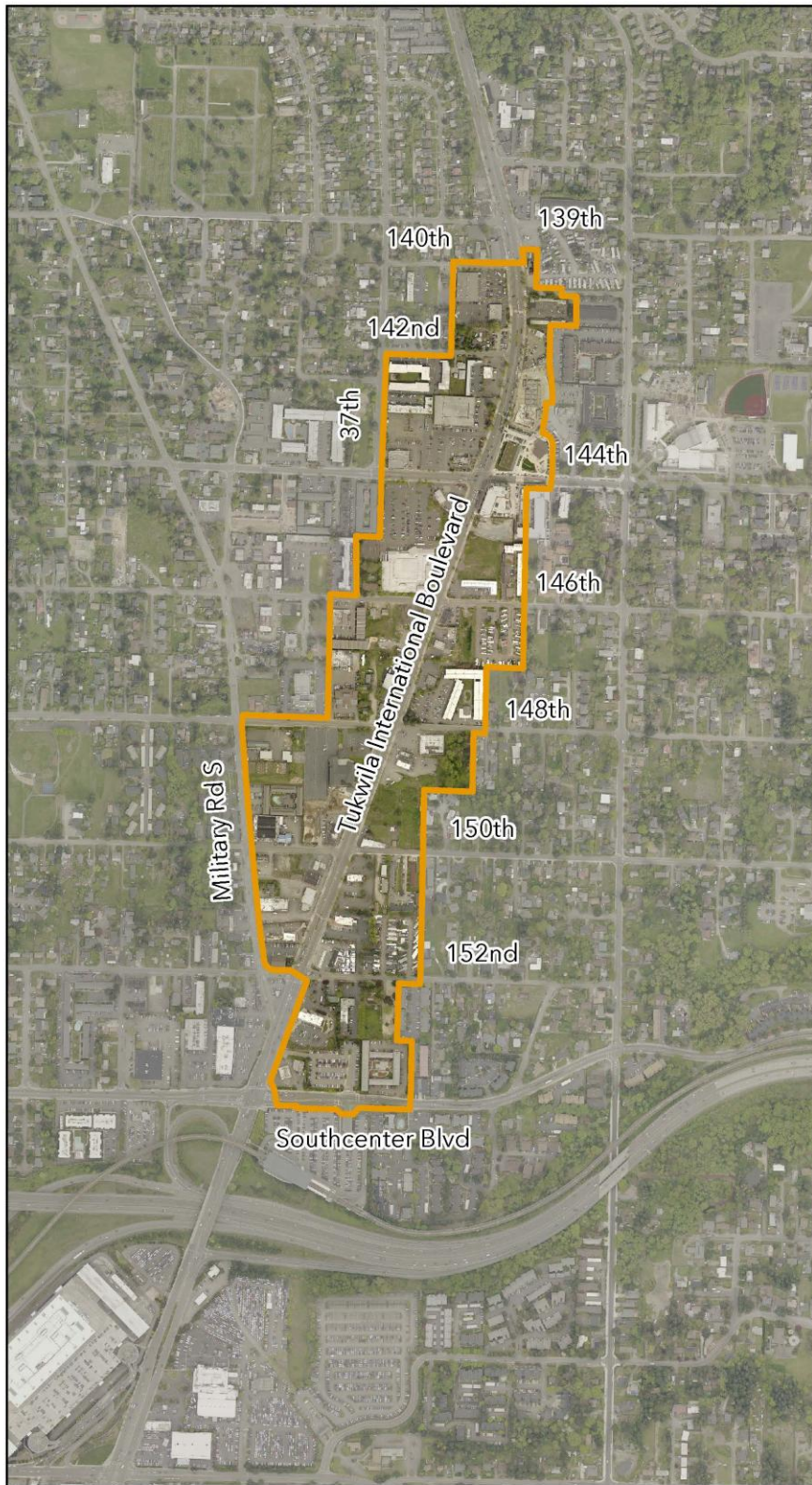
Other key provisions of the bill include:

- Provisions apply to all zones permitting multifamily development, and all structures that have received a certificate of occupancy at least three years prior.
- Developments along designated “Major Pedestrian Corridors”, as defined by the individual jurisdiction, may restrict conversion of otherwise qualifying ground floor building space if there is a code requirement for non-residential ground floor space.

## **ANALYSIS**

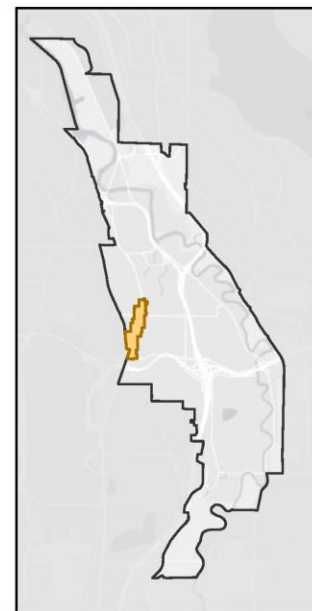
Preserving ground floor uses and requiring ground floor commercial uses in select residential development circumstances can provide a variety of public benefits and support fulfillment of comprehensive plan goals and policies. Ground floor commercial spaces can help foster placemaking, support denser transit-oriented development, provide spaces for local businesses and options for local shoppers, amongst other benefits. Many of the comprehensive plan policies to achieve these goals are focused along the TIB corridor, which is transit rich, but currently lacks significant walkable commercial opportunities outside of a select few nodes. Staff anticipates revisiting zoning and development regulations in the future, which will likely include evaluating ground floor commercial requirements in mixed use developments.

In the interest of preserving the ability to maintain ground floor commercial spaces, staff proposes to adopt a Major Pedestrian Corridor along Tukwila International Boulevard as depicted in Figure 1 below.



### Major Pedestrian Corridor

 Pedestrian Corridor



1/18/2025

Figure 1

## **SUMMARY OF PROPOSED CHANGES**

Staff proposes adopting a new code section as TMC 18.50.230 “Residential Conversions”, clarifying residential conversion allowances and standards, and adopting a map designating parcels within a Major Pedestrian Corridor. Language regarding residential conversions in zones affected by these provisions are also noted in individual chapters.

Detailed redlines of proposed code amendments can be found as an attachment.

A new definition of “Residential Conversion” is also proposed in TMC 18.06 for clarity, as copied below.

“Residential Conversion” means the conversion of a building, or portion of a building, that is vacant, or occupied by a nonresidential use, to a residential use.

## **REQUESTED ACTION**

Staff is requesting that the Planning Commission forward a recommendation for adoption of the proposed redlined language, with any suggested modifications, to the City Council for their further review and adoption.

## **ATTACHMENTS**

- A. Proposed Code Amendments (Redlined)
- B. HB 1042

# Attachment A

## CHAPTER 18.06 DEFINITIONS

### Sections:

18.06.005	General Definitions
18.06.010	Abandoned Mine Areas
18.06.015	Access Road
18.06.016	Accessory Dwelling Unit
18.06.017	Adaptive Management
18.06.018	Adjacent
18.06.020	Adult Day Care
18.06.025	Adult Entertainment Establishments
18.06.030	Airports
18.06.035	Alley
18.06.036	Alteration
18.06.037	Amusement Device
18.06.045	Applicant
18.06.048	Appurtenance
18.06.050	Area, Site
18.06.055	Areas of Potential Geologic Instability
18.06.056	Armoring
18.06.058	Assisted Living Facility
18.06.059	Bank
18.06.060	Basement
18.06.061	Battery Charging Station
18.06.062	Battery Exchange Station
18.06.063	Bed-and-Breakfast Lodging
18.06.064	Best Available Science
18.06.065	Best Management Practices
18.06.066	Binding Site Improvement Plan
18.06.070	Bioengineering
18.06.072	Block
18.06.073	Boarding House
18.06.074	Brew Pub
18.06.075	Buffer
18.06.080	Building
18.06.085	Building, Accessory
18.06.090	Building Area
18.06.095	Building, Detached
18.06.097	Building Footprint
18.06.100	Building Height
18.06.105	Building Line
18.06.110	Building, Nonconforming
18.06.115	Building Permit
18.06.118	Bulk Retail
18.06.119	Bulkhead
18.06.120	Bus Station
18.06.125	Caliper
18.06.130	Canopy
18.06.135	Canopy Cover
18.06.137	Cargo Container

18.06.140	Certified Arborist
18.06.142	Charging Levels
18.06.143	Channel Migration Zone
18.06.145	Clearing
18.06.150	Clinic, Outpatient Medical
18.06.152	Closed Record Appeal
18.06.155	Club
18.06.160	Commercial Laundries
18.06.165	Comprehensive Plan
18.06.170	Continuing Care Retirement Community
18.06.172	Contractor Storage Yards
18.06.173	Convalescent/Nursing Home
18.06.175	Cooperative Parking Facility
18.06.178	Correctional Institution
18.06.180	Coverage
18.06.181	Critical Root Zone
18.06.182	Critical Areas
(001)	Critical Area Buffer
(007)	Critical Areas Ordinance
(010)	Critical Area Regulated Activities
(013)	Critical Area Tract or Easement
18.06.183	Cul-de-Sac
18.06.185	Curb-Cut
18.06.190	Dangerous Waste
18.06.195	Day Care Center
18.06.196	Daylighting
18.06.198	Dedication
18.06.199	Defective Tree
18.06.200	Density Transfer
18.06.202	Department
18.06.203	Design Criteria
18.06.204	Design Guidelines
18.06.205	Designated Facility Zone
18.06.208	Detached Zero-Lot-Line Units
18.06.210	Development
18.06.215	Development Area
18.06.216	Development Permit
18.06.217	Development, Shoreline
18.06.220	Diameter at Breast Height (DBH)
18.06.222	Dike
18.06.225	Director
18.06.230	District
18.06.232	District, Overlay
18.06.234	Diversion Facility
18.06.235	Diversion Interim Services Facility
18.06.237	Dormitory
18.06.240	Driveway
18.06.242	Durable Uniform Surface
18.06.245	Dwelling, Manufactured or Mobile Home
18.06.246	Dwelling, Mobile Home
18.06.247	Dwelling, Multi-Family

18.06.248	Dwelling, Single-Family
18.06.249	Dwelling Unit
18.06.250	Ecological/Ecosystem Functions (or Shoreline Functions)
18.06.252	Ecosystem-Wide Processes
18.06.255	Emergency Housing
(001)	Emergency Shelter
(002)	Permanent Supportive Housing
(003)	Transitional Housing
(004)	Domestic Shelter
18.06.258	Electric Vehicle
18.06.259	Electric Vehicle Charging Station
18.06.260	Electric Vehicle Charging Station-Restricted
18.06.261	Electric Vehicle Charging Station-Public
18.06.262	Electric Vehicle Infrastructure
18.06.263	Electric Vehicle Parking Space
18.06.264	Engineer, Geotechnical
18.06.266	Engineer, Professional
18.06.268	Engineering, Geotechnical
18.06.269	Environment Designation
18.06.270	Essential Public Facility
18.06.280	Essential Use
18.06.283	Essential Utility
18.06.285	Essential Street, Road, or Right-of-Way
18.06.287	Extended-Stay Hotel or Motel
18.06.290	Extremely Hazardous Waste
18.06.300	Family Child Care Home
18.06.305	Feasible
18.06.310	Fence
18.06.315	Filling
18.06.318	Final Plat
18.06.320	Fire Lane
18.06.325	Floor Area
18.06.330	Flood Plain
18.06.335	Flood Hazard Reduction
18.06.338	Floodway
18.06.340	Fraternal Organization
18.06.345	Garage, Private
18.06.353	General Retail
18.06.355	Geologist
18.06.365	Grade
18.06.370	Grading
18.06.380	Groundcover
18.06.385	Hazardous Substance
18.06.390	Hazardous Substance Processing or Handling
18.06.395	Hazardous Tree
18.06.400	Hazardous Waste
18.06.405	Hazardous Waste Storage
18.06.410	Hazardous Waste Treatment
18.06.415	Hazardous Waste Treatment and Storage Facility, Off-Site
18.06.420	Hazardous Waste Treatment and Storage Facility, On-Site
18.06.430	Home Occupation

18.06.435	Hospital
18.06.440	Hotel
18.06.445	Impervious Surface
18.06.450	Infrastructure
18.06.453	Integrated Site
18.06.454	Internet Data/Telecommunication Center
18.06.456	Invasive Plant and Tree List
18.06.460	Junk Yard
18.06.465	kennel
18.06.470	Laboratory, Medical and Dental
18.06.472	Large Woody Debris (LWD)
18.06.473	Land Surveyor
18.06.475	Land-Altering Activity
18.06.480	Land-Altering Permit
18.06.486	Landscape Design Professional
18.06.490	Landscaping or Landscaped Areas
(001)	Mulch
18.06.492	Lease
18.06.493	Levee
18.06.495	Loading Space
18.06.500	Lot
18.06.505	Lot Area
18.06.510	Lot, Corner
18.06.520	Lot Depth
18.06.525	Lot Frontage
18.06.530	Lot Lines
18.06.535	Lot, Interior
18.06.538	Lot, Parent
18.06.540	Lot, Through
18.06.543	Lot, Unit
18.06.545	Lot Width
18.06.551	Marijuana
18.06.552	Marijuana Processor
18.06.553	Marijuana Producer
18.06.554	Marijuana Retailer
18.06.555	Major Adjustment
18.06.556	Marijuana-infused Products
18.06.557	Marijuana Concentrates
18.06.560	Mall
18.06.565	Manufactured/Mobile Home Park
18.06.567	Manufacturing
18.06.568	Mass Transit Facilities
18.06.570	Mean High Water Mark
18.06.571	Mean Higher High Water (MHHW)
18.06.575	Mining and Quarrying
18.06.580	Minor Adjustment
18.06.581	Mitigation
18.06.583	Modular Home
18.06.585	Motel
18.06.586	Native Vegetation
18.06.587	New Manufactured Home



18.06.588	No Net Loss
18.06.589	Nonconforming Use, Shoreline
18.06.590	Nonconforming Use
18.06.591	Non-Water-Oriented Uses
18.06.592	Office
18.06.593	Open Record Appeal
18.06.594	Open Record Hearing
18.06.595	Open Space
18.06.600	Open Space Tract
18.06.605	Ordinary High Water Mark
18.06.607	Overwater Structure
18.06.610	Parcel
18.06.611	Park and Ride
18.06.613	Parking, Commercial
18.06.615	Parking Space
18.06.617	Pawnbroker
18.06.618	Performance Bond or Guarantee
18.06.620	Performance Standards
18.06.625	Person
18.06.627	Pervious Hard Surface
18.06.630	Plan
18.06.632	Planned Residential Development (PRD)
18.06.633	Planning Commission
18.06.635	Plat
18.06.636	Preliminary Plat
18.06.637	Principal Building
18.06.638	Private Access Road
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#### **18.06.005 General Definitions**

Except where specifically defined in this Chapter, all words used in this title shall carry their customary meanings. Words used in the present tense include the future, and the plural includes the singular; the word “he” or “his” shall also refer to “she” or “her,” the word “shall” is always mandatory, the word “may” denotes a use of discretion in making a decision; the words “used” or

“occupied” shall be considered as though followed by the words “or intended, arranged or designed to be used or occupied.”

**18.06.010 Abandoned Mine Areas**

“Abandoned mine areas” means those areas directly underlain by, adjacent to, or affected by mine workings such as adits, tunnels, drifts, or air shafts.

**18.06.015 Access Road**

“Access road” means that portion of a driveway which provides access to one or more parking lot or area, provides access to more than one property or lot, or may provide internal access from one street to another. This shall not include that portion of driveways whose primary function is to provide direct access to adjacent parking spaces and which, as a secondary function, also provides circulation within parking areas.

**18.06.016 Accessory Dwelling Unit**

“Accessory dwelling unit (ADU)” means a dwelling unit located on the same lot as a single-family housing unit, duplex, triplex, townhome, or other housing unit.

**18.06.017 Adaptive Management**

“Adaptive management” means the use of scientific methods to evaluate how well regulatory and non-regulatory actions protect a critical area.

**18.06.018 Adjacent**

“Adjacent” means lying near or close to; sometimes, contiguous; neighboring. Adjacent implies that the two objects are not widely separated, though they may not actually touch.

**18.06.020 Adult Day Care**

“Adult day care” means a facility which provides supervised daytime programs where up to six frail and/or disabled adults can participate in social, educational, and recreational activities led by paid staff and volunteers.

**18.06.025 Adult Entertainment Establishments**

A. “Adult entertainment establishments” means adult motion picture theaters, adult drive-in theaters, adult bookstores, adult cabarets, adult video stores, adult retail stores, adult massage parlors, adult sauna parlors or adult bathhouses, which are defined as follows:

1. “Adult bathhouse” means a commercial bathhouse which excludes any person by virtue of age from all or any portion of the premises or which provides to its patrons an opportunity for engaging in “Specified Sexual Activities,” with or without a membership fee.”

2. “Adult bookstore” means a retail establishment in which:

a. 30% or more of the “stock-in-trade” consists of books, magazines, posters, pictures, periodicals or other printed materials distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas”; and/or

b. Any person is excluded by virtue of age from all or part of the premises generally held open to the public where such material is displayed or sold.

3. "Adult cabaret" means a commercial establishment which presents go-go dancers, strippers, male or female impersonators, or similar types of entertainment and which excludes any person by virtue of age from all or any portion of the premises.

4. "Adult massage parlor" means a commercial establishment in which massage or other touching of the human body is provided for a fee and which excludes any person by virtue of age from all or any portion of the premises in which such service is provided.

5. "Adult motion picture theater" means a building, enclosure, or portion thereof, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

6. "Adult retail store" means retail establishment in which:

a. 30% or more of the "stock-in-trade" consists of items, products or equipment distinguished or characterized by an emphasis on or simulation of "specified sexual activities" or "specified anatomical areas"; and/or

b. Any person is excluded by virtue of age from all or part of the premises generally held open to the public where such items, products or equipment are displayed or sold.

7. "Adult sauna parlor" means a commercial sauna establishment which excludes any person by virtue of age from all or any portion of the premises.

8. "Adult video store" means a retail establishment in which:

a. 30% or more of the "stock-in-trade" consists of prerecorded video tapes, disks, or similar material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas"; and/or

b. Any person is excluded by virtue of age from all or any part of the premises generally held open to the public where such prerecorded video tapes, disks or similar material are displayed or sold.

B. "Specified anatomical areas" means:

1. Less than completely and/or opaquely covered human genitals, pubic region, buttock, or female breast below a point immediately above the top of the areola;

2. Human male genitals in a discernibly turgid state even if completely or opaquely covered.

C. "Specified sexual activities" means:

1. Acts of human masturbation, sexual intercourse or sodomy; or

2. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast; or

3. Human genitals in a state of sexual stimulation or arousal.

D. "Stock-in-trade" means:

1. The dollar value of all products, equipment, books, magazines, posters, pictures, periodicals, prerecorded video tapes, discs, or similar material readily available for purchase, rental, viewing or use by patrons of the establishment, excluding material located in any storeroom or other portion of the premises not regularly open to patrons; or

2. The number of titles of all products, equipment, books, magazines, posters, pictures, periodicals, other printed materials, prerecorded video tapes, discs, or similar material

readily available for purchase, rental, viewing or use by patrons of the establishment, excluding material located in any storeroom or other portion of the premises not regularly open to patrons.

**18.06.030 Airports**

“Airports” means any area of land that is used or intended for the landing and takeoff of aircraft, any appurtenant areas that are used or intended for airport buildings or other airport facilities or rights-of-way, and all airport buildings and facilities.

**18.06.035 Alley**

“Alley” means a public thoroughfare or way usually having a width of not more than 20 feet which affords only a secondary means of access to abutting property and is not intended for general traffic circulation.

**18.06.036 Alteration**

“Alteration” means any human-induced change in an existing condition of a critical area or its buffer. Alterations include, but are not limited to, grading, filling, channelizing, dredging, clearing of vegetation, construction, compaction, excavation, or any other activity that changes the character of the critical area.

**18.06.037 Amusement Device**

“Amusement device” means a structure such as a ferris wheel, roller coaster or climbing wall.

**18.06.045 Applicant**

“Applicant” means a property owner or a public agency or public or private utility which owns a right-of-way or other easement, or has been adjudicated the right to an easement pursuant to RCW 8.12.090, or any person or entity designated in writing by the property or easement owner to be the applicant for a project permit, and who requests approval for a project permit.

**18.06.048 Appurtenance**

“Appurtenance” means a structure that is necessarily connected to the use and enjoyment of a single family residence, including a garage, deck, driveway, utilities, fences, installation of a septic tank and drain field and grading that does not exceed 250 cubic yards and which does not involve placement of fill in any wetland or waterward of the ordinary high water mark (WAC 173-27-040 (2) (g)).

**18.06.050 Area, Site**

“Site area” means the total two-dimensional horizontal area within the property lines excluding external streets.

**18.06.055 Areas of Potential Geologic Instability**

“Areas of potential geologic instability” means those areas subject to potential landslides and/or potential seismic instabilities.

**18.06.056 Armoring**

“Armoring” means the control of shoreline erosion with hardened structures, such as bulkheads, sea walls, and riprap.

**18.06.058 Assisted Living Facility**

“Assisted Living Facility” means a facility that is licensed by the Department of Social and Health Services pursuant to RCW 18.20 as currently defined or as may be thereafter amended. This definition does not include “diversion facility” or “diversion interim services facility.”

**18.06.059 Bank**

“Bank” means the rising ground bordering a water body and forming an edge or slope.

**18.06.060 Basement**

“Basement” means that portion of a building between floor and ceiling which is all or partly below grade. If the finished floor level directly above a basement is more than two feet above grade for more than 20% of the total perimeter or is twelve feet above grade as defined at any point, such basement shall be considered as a story.

**18.06.061 Battery Charging Station**

“Battery charging station” means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles and that meets or exceeds any standards, codes, and regulations set forth by RCW 19.28 and is consistent with rules adopted under RCW 19.27.540.

**18.06.062 Battery Exchange Station**

“Battery exchange station” means a fully automated facility that will enable an electric vehicle with a swap-able battery to enter a drive lane and exchange the depleted battery for a fully charged battery through a fully automated process that meets or exceeds any standards, codes, and regulations set forth by RCW 19.27 and is consistent with rules adopted under RCW 19.27.540.

**18.06.063 Bed-and-Breakfast Lodging**

“Bed-and-breakfast” means an owner-occupied dwelling unit that contains guest rooms where lodging is provided for compensation.

**18.06.064 Best Available Science**

“Best Available Science” means that scientific information applicable to the critical area prepared by appropriate local, state or federal agencies, a qualified scientist or team of qualified scientists, which will be consistent with the criteria established in WAC 365-195-900 through WAC 365-195-925. Characteristics of a valid scientific process will be considered to determine whether information received during the permit review process is reliable scientific information. A valid scientific process includes some or all of the following characteristics:

1. Peer reviewed research or background information.
2. Study methods clearly stated.
3. Conclusions based on logical assumptions.
4. Quantitative analysis.
5. Proper context is established.
6. References are included that cite relevant, credible literature and other pertinent information.

#### **18.06.065 Best Management Practices**

“Best management practices (BMPs)” means conservation practices and management measures which serve to protect trees, including the following practices:

1. Avoiding physical damage to tree trunk, branches, foliage and roots;
2. Restricting the movement, operation, and location of construction materials and equipment to avoid the area under a tree canopy;
3. Minimizing adverse changes in drainage conditions around tree roots;
4. Minimizing adverse changes to the chemical, physical, structural, and organic characteristics of soil around tree roots;
5. Those conservation practices defined by the State of Washington Department of Agriculture, Washington State Department of Ecology, and International Society of Arborists as intended to protect trees.

#### **18.06.066 Binding Site Improvement Plan**

“Binding Site Improvement Plan” means an improvement plan processed in accordance with TMC 17.16, which is legally binding on the land owner, his heirs, successors and assigns.

#### **18.06.070 Bioengineering**

“Bioengineering” means integrating living woody and herbaceous materials with organic (plants, wood, jute mats, coir logs, etc) and inorganic materials (rocks, soils) to increase the strength and structure of the soil along a riverbank, accomplished by a dense matrix of roots that hold the soil together. The above-ground vegetation increases the resistance to flow and reduces flow velocities by dissipating energy.

#### **18.06.072 Block**

“Block” means a group of lots, tracts or parcels, which have been subdivided, and are entirely surrounded by highways or streets or in part by a well-defined or fixed boundary.

#### **18.06.073 Boarding House**

“Boarding house” means a residential building or use which provides housing on a short term commercial basis for tenants. The following uses are excluded: Bed and breakfast facilities, hotels and motels, extended-stay hotels or motels, shelters, and facilities which provide short- or long-term care for tenants suffering from physical, mental or other disabilities.

#### **18.06.074 Brew Pub**

“Brew pub” means a restaurant-type establishment that meets the following criteria:

1. Sells beer for consumption on site and sale in sealed containers;
2. Restaurant portion can be no larger than 8,000 square feet;
3. Produces beer in batch sizes not less than seven U.S. barrels (thirty one gallons);
4. Produces no more than 2,000 barrels of beer per year;
5. The brew house is enclosed with an air treatment system;
6. Revenue from food sales must comprise at least 60% of total business revenues



**18.06.075 Buffer**

“Buffer” means an area separating two different types of uses or environments for the purpose of reducing incompatibilities between them, or reducing the potential adverse impacts of one use or environment upon the other.

**18.06.080 Building**

“Building” means a structure as defined in this definitions chapter. When a total structure is separated by division walls without openings, each portion so separate shall be considered a separate building.

**18.06.085 Building, Accessory**

“Accessory building” means a subordinate building, the use of which is incident to the use of the main building on the same lot.

**18.06.090 Building Area**

“Building area” means the total ground coverage of a building or structure which provides shelter, measured from the outside of its external walls or supporting members or from a point four feet in from the outside edge of a cantilevered roof.

**18.06.095 Building, Detached**

“Detached building” means a building surrounded on all sides by open space.

**18.06.097 Building Footprint**

“Building footprint” means the square footage contained within the foundation perimeter of all structures located on a lot, plus overhangs projecting in excess of 18 inches, but excluding decks less than 18 inches above grade.

**18.06.100 Building Height**

“Building height” means the height of a building as calculated by the method in the Washington State Building Code.

**18.06.105 Building Line**

“Building line” means the line of face or corner of part of a building nearest the property line.

**18.06.110 Building, Nonconforming**

“Nonconforming building” means a building or structure which does not conform in its construction, area, yard requirements or height to the regulations of the district in which it is located.

**18.06.115 Building Permit**

“Building permit” means a permit for construction in accordance with specific approved plans that are on file with the Department.

**18.06.118 Bulk Retail**

“Bulk retail” is a business or store that specializes in the sale of large goods, requiring large on-site storage. Bulk retail is further distinguished by a lower trip generation rate than other retail

stores, as evidenced by a traffic study or other appropriate analysis. Examples include furniture stores, appliance stores and other uses as approved by the Director.

**18.06.119 Bulkhead**

“Bulkhead” means vertical structures erected parallel to and near the ordinary high water mark for the purpose of protecting adjacent uplands from erosion from the action of waves or currents.

**18.06.120 Bus Station**

“Bus station” means a facility providing connections between buses serving different inter-city routes.

**18.06.125 Caliper**

“Caliper” means the AmericanHort accepted standard for measurement of trunk size of nursery stock. Caliper of the trunk for new trees shall be taken six inches above the ground for up to and including four-inch caliper size trees, and 12 inches above ground for larger size trees.

**18.06.130 Canopy**

“Canopy” means an area encircling the base of a tree, the minimum extent of which is delineated by a vertical line extending from the outer limit of a tree's branch tips down to the ground.

**18.06.135 Canopy Cover**

“Canopy Cover” means the extent of the canopy for an individual tree, or the cumulative areal extent of the canopy of all trees on a site. When a tree trunk straddles a property line, 50% of the canopy shall be counted towards each property. The canopy coverage of immature trees and newly planted trees is determined using the projected canopy areas in the City of Tukwila's Recommended Tree List.

**18.06.137 Cargo Container**

“Cargo container” means a standardized, reusable vessel that was:

1. Originally, specifically or formerly designed for or used in the packing, shipping, movement or transportation of freight, articles, goods or commodities; and/or,
2. Designed for or capable of being mounted or moved on a rail car; and/or
3. Designed for or capable of being mounted on a chassis or bogie for movement by truck trailer or loaded on a ship.

**18.06.140 Certified Arborist**

See “Qualified Tree Professional”<sup>1</sup>.

**18.06.142 Charging Levels**

“Charging levels” means the standardized indicators of electrical force, or voltage, at which an electric vehicle's battery is recharged. The terms “Level 1, 2, and 3” are the most common EV charging levels and include the following specifications:

1. Level 1 is considered slow charging.

2. Level 2 is considered medium charging.
3. Level 3 is considered fast or rapid charging.

**18.06.143 Channel Migration Zone**

“Channel migration zone” means the area along a river within which the channel(s) can be reasonably predicted to migrate over time as a result of natural and normally occurring hydrological and related processes when considered with the characteristics of the river and its surroundings.

**18.06.145 Clearing**

“Clearing” means removal or causing to be removed, through either direct or indirect actions, any vegetation from a site. Actions considered to be clearing include, but are not limited to, causing irreversible damage to roots or trunks; poisoning; destroying the structural integrity; and/or any filling, excavation, grading, or trenching in the root area of a tree which has the potential to cause irreversible damage to the tree.

**18.06.150 Clinic, Outpatient Medical**

“Clinic, Outpatient Medical” means a building designed and used for the medical, dental and surgical diagnosis and treatment of patients under the care of doctors and nurses and/or practitioners and does not include overnight care facilities. This category does not include diversion facility or diversion interim services facility.

**18.06.152 Closed Record Appeal**

“Closed record appeal” means a quasi-judicial appeal to a hearing body designated by this chapter from a decision regarding a project permit application that was made after an open record hearing. Testimony and submission of relevant evidence and information shall not be permitted at a hearing on such an appeal.

The hearing on such an appeal shall be limited to argument based on the testimony, evidence and documents submitted at the open record hearing conducted on the project permit application.

**18.06.155 Club**

“Club” means an incorporated or unincorporated association of persons organized for a social, education, literary or charitable purpose.

**18.06.160 Commercial Laundries**

“Commercial laundries” means an establishment where textiles are washed for commercial, industrial, and institutional entities not located on the same site.

**18.06.165 Comprehensive Plan**

“Comprehensive Plan” means the adopted City of Tukwila Comprehensive Plan.

**18.06.170 Continuing Care Retirement Community**

“Continuing care retirement community” means housing planned and operated to provide a continuum of accommodations and services for seniors including, but not limited to, at least two of the following housing types: independent living, congregate housing, assisted living, and skilled nursing care.

**18.06.172 Contractor Storage Yards**

“Contractor storage yards” means storage yards operated by, or on behalf of, a contractor for storage of large equipment, vehicles, or other materials commonly used in the individual contractor’s type of business; storage of scrap materials used for repair and maintenance of contractor’s own equipment; and buildings or structures for uses such as offices and repair facilities.

**18.06.173 Convalescent/Nursing Home**

“Convalescent/nursing home” means a residential facility, such as a hospice, offering 24-hour skilled nursing care for patients suffering from an illness, or receiving care for chronic conditions, mental or physical disabilities or alcohol or drug detoxification, excluding correctional facilities. Care may include in-patient administration of special diets, bedside nursing care and treatment by a physician or psychiatrist. The stay in a convalescent/nursing home is in excess of 24 consecutive hours. This category does not include diversion facility or diversion interim services facility.

**18.06.175 Cooperative Parking Facility**

“Cooperative parking facility” means an off-street parking facility shared by two or more buildings or uses.

**18.06.178 Correctional Institution**

“Correctional institution” means public and private facilities providing for:

1. the confinement of adult offenders; or
2. the incarceration, confinement or detention of individuals arrested for or convicted of crimes whose freedom is partially or completely restricted other than a jail owned and operated by the City of Tukwila; or
3. the confinement of persons undergoing treatment for drug or alcohol addictions whose freedom is partially or completely restricted; or
4. transitional housing, such as halfway houses, for offenders who are required to live in such facilities as a condition of sentence or release from a correctional facility, except secure community transitional facilities as defined under RCW 71.09.020.

**18.06.180 Coverage**

“Coverage” means the percentage of the area of a lot which is built upon or used for business or commercial purposes.

**18.06.181 Critical Root Zone**

“Critical Root Zone (CRZ)” means the area surrounding a tree at a distance from the trunk that is equal to one foot for every inch of trunk diameter measured at four and one-half feet from grade (DBH) or otherwise determined by a Qualified Tree Professional. *Example: A 24-inch diameter tree would have a CRZ of 24 feet. The total protection zone, including trunk, would be 48 feet in diameter.*

**18.06.182 Critical Areas**

“Critical areas” means wetlands, watercourses, areas of potential geologic instability (other than Class I areas), abandoned coal mine areas, fish and wildlife habitat conservation areas, and special hazard flood areas.

**(001) Critical Area Buffer**

“Critical area buffer” means an area lying adjacent to but outside a critical area as defined by this Title, whose function is to protect critical areas from the potential adverse impacts of development, land use, or other activities. A wetland or watercourse critical area buffer also provides critical habitat value, bank stabilization, or water overflow area functions.

**(007) Critical Areas Ordinance**

“Critical Areas Ordinance” means the Environmentally Critical Areas chapter of this title or as amended hereafter which establishes standards for land development on lots with critical areas (e.g. steep slopes, wetlands, watercourses, etc.).

**(010) Critical Area Regulated Activities**

“Critical area regulated activities” means any of the following activities that are directly undertaken or originate in a regulated wetland or watercourse or their buffers:

1. Removal, excavation, grading or dredging of soil, sand, gravel, minerals, organic matter or material of any kind;
2. Dumping, discharging or filling with any material;
3. Draining, flooding or disturbing the water level or water table;
4. Driving of pilings;
5. Placing of obstructions;
6. Construction, reconstruction, demolition or expansion of any structure;
7. Destruction or alteration of wetlands, watercourses or their buffers through clearing, harvesting, shading, intentional burning or planting of vegetation that would alter the character of a regulated wetland, watercourse or buffer, provided that these activities are not part of a forest practice governed under RCW 76.09 and its rules; or
8. Activities that result in a significant change to the water sources of wetlands or watercourses. These alterations include a significant change in water temperature; physical or chemical characteristics, including quantity; and the introduction of pollutants.

**(013) Critical Area Tract or Easement**

“Critical area tract or easement” means a tract or portion of a parcel that is created to protect the critical area and its buffer, whose maintenance is assured, and which is recorded on all documents of title of record for all affected lots and subsequent owners.

**18.06.183 Cul-de-Sac**

“Cul-de-sac” means a street having one end open to traffic and being terminated at the other end by a circular vehicular turn-around.

**18.06.185 Curb-Cut**

“Curb-cut” means a depression in the roadside curb for driveway purposes which provides access to a parking space on private premises from a public street.

**18.06.190 Dangerous Waste**

“Dangerous waste” means those solid wastes designated in WAC 173-303-070 through 173-303-103 as dangerous waste.

**18.06.195 Day Care Center**

“Day care center” means a state licensed agency which regularly provides care for a group of children during part of the 24-hour day.

**18.06.196 Daylighting**

“Daylighting” means removing piped sections of a watercourse to create open channels for watercourse conveyance.

**18.06.198 Dedication**

“Dedication” means a deliberate appropriation of land by its owner for any general and public uses, reserving to himself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted.

**18.06.199 Defective Tree**

“Defective Tree” means a tree that meets all of the following criteria:

1. A tree with a combination of structural defects and/or disease that makes it subject to a high probability of failure; and
2. A tree in proximity to moderate to high frequency targets (persons or property that can be damaged by tree failure); and
3. The hazard condition of the tree cannot be lessened with reasonable and proper arboricultural practices nor can the target be removed.

**18.06.200 Density Transfer**

“Density transfer” means a percentage number which represents a credit for housing units which are not allowed to be built in wetlands, watercourses or their buffers. The density transfer is used in a formula for determining the number of residential units allowed on the buildable portion of a lot containing wetlands, watercourses and their buffers.

**18.06.202 Department**

“Department” means the Department of Community Development, unless otherwise stated

**18.06.203 Design Criteria**

“Design criteria” explains mandatory design requirements for development proposals subject to design review. They are the decision criteria by which the Director decides whether to approve, condition or deny a project.

**18.06.204 Design Guidelines**

“Design guidelines” consist of advisory or recommended descriptions and illustrations that augment each design criteria, and provide guidance to the project applicant developing the project, to City staff in reviewing a project proposal, and to the Director in determining whether the project meets the design criteria.

**18.06.205 Designated Facility Zone**

“Designated facility zone” means a zoning district in which hazardous waste treatment and storage facilities are allowed uses, subject to the State siting criteria designated in RCW 70.105.

**18.06.208 Detached Zero-Lot-Line Units**

“Detached zero-lot-line units” means a development pattern of detached dwelling units constructed immediately adjacent to one side lot line (i.e., no side yard setback), coupled with an easement on the adjacent lot in order to maintain separation between structures. The easement will provide access rights for maintenance purposes, and help preserve privacy and usable yard space.

**18.06.210 Development**

“Development” means the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure that requires a building permit.

**18.06.215 Development Area**

“Development area” means the impervious surface area plus 75% of any area of pervious hard surface.

**18.06.216 Development Permit**

“Development permit” means a permit for development in accordance with specific approved plans that are on file with the Department.

**18.06.217 Development, Shoreline**

“Development, shoreline” means, when conducted within the Shoreline Jurisdiction on shorelands or shoreland areas as defined herein, a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; construction of bulkheads; driving of piling; placing of obstructions; or any project of a permanent or temporary nature that interferes with the normal public use of the waters overlying lands subject to the Shoreline Management Act at any stage of water level. “Development, Shoreline” does not include dismantling or removing structures if there is no other associated development or re-development.

**18.06.220 Diameter at Breast Height (DBH)**

“Diameter at Breast Height (DBH)” means the diameter of existing trees measured four and one-half feet above the ground.

**18.06.222 Dike**

“Dike” means an embankment or structure built in the river channel to contain or redirect flow within the channel and prevent shoreline destabilization.

**18.06.225 Director**

“Director” means the Director of the Department of Community Development, unless otherwise stated.

**18.06.230 District**

“District” means an area or district accurately defined as to boundaries and location on the official zoning map (*Figure 18-10*) and within which district only certain types of land uses are permitted.

**18.06.232 District, Overlay**

“District, overlay” means a set of zoning requirements that is described in the title text, mapped, and is imposed in addition to those of the underlying district

**18.06.234 Diversion Facility**

“Diversion facility” is a facility that provides community crisis services, which diverts people from jails, hospitals or other treatment options due to mental illness or chemical dependency, including those facilities that are considered “Triage facilities” under RCW 71.05.020 (43) and those facilities licensed as crisis stabilization units by the State of Washington.

**18.06.235 Diversion Interim Services Facility**

“Diversion interim services facility” is a facility that provides interim or respite services, such as temporary shelter, medical mental health treatment, case management or other support options such as transportation arrangements for patients who are referred to such a facility from a diversion facility.

**18.06.237 Dormitory**

“Dormitory” means a residential building or use which provides housing for students attending an affiliated school or housing for members of a religious order. Dormitories may include kitchens, cafeterias, meeting rooms, laundry rooms and other accessory facilities to serve the residents of the facility.

**18.06.240 Driveway**

“Driveway” means a private road giving access from a public way to a building or abutting grounds.

**18.06.242 Durable Uniform Surface**

“Durable uniform surface” means a durable uniform surface approved for the storage of vehicles by the City and consists of:

1. Permeable pavement, such as grasscrete, porous pavers, permeable asphalt; or
2. Three inches of 3/8” to 1-1/4” crushed porous aggregate consisting of open-graded top course, base course, or similar material with 35-40% porosity. Mud or other fine materials should be prevented from working their way to the surface by the installation of a geotextile fabric, quarry spalls, or other approved materials below the porous aggregate; or
3. Concrete (4” minimum Portland cement concrete) over gravel section as described above and sloped to drain to prevent drainage impacts; or



4. Blacktop (2" minimum asphalt concrete pavement) over gravel section as described above and sloped to drain to prevent drainage impacts; or

5. Any other configuration of materials approved by the City that maintains a durable uniform surface and prevents drainage impacts.

**18.06.245 Dwelling, Manufactured Home or Mobile Home**

"Manufactured home dwelling" means a single-family dwelling required to be built in accordance with the regulations adopted under the National Manufactured Housing Construction and Safety Standards Act of 1974

**18.06.246 Dwelling, Mobile Home**

"Dwelling, mobile home" means a factory-built dwelling constructed before June 15, 1976, to standards other than the National Manufactured Housing Construction and Safety Standards Act of 1974 and acceptable under applicable State codes in effect at the time of construction or introduction of the home into this state.

**18.06.247 Dwelling, Multi-Family**

"Multi-family dwelling" means a building designed to contain two or more dwelling units. Duration of tenancy in multi-family dwellings is not less than one month.

**18.06.248 Dwelling, Single-Family**

"Single-family dwelling" means a building, modular home or new manufactured home, designed to contain no more than one dwelling unit plus two accessory dwelling units.

**18.06.249 Dwelling Unit**

"Dwelling unit" means the whole of a building or a portion thereof providing complete housekeeping facilities for a group of individuals living together as a single residential community, with common cooking, eating and bathroom facilities, other than transitory housing or correctional facilities as defined in this code, which is physically separated from any other dwelling units which may be in the same structure.

**18.06.250 Ecological/Ecosystem Functions (or Shoreline Functions)**

"Ecological/ecosystem functions (or shoreline functions)" means the work performed or role played by the physical, chemical, and biological processes that contribute to the maintenance of the aquatic and terrestrial environments that constitute the shoreline's natural ecosystem. See WAC 173-26-200 (2)(c).

**18.06.252 Ecosystem-Wide Processes**

"Ecosystem-wide processes" means the suite of naturally occurring physical and geologic processes of erosion, transport, and deposition; and specific chemical processes that shape landforms within a specific shoreline ecosystem and determine both the types of habitat and the associated ecological functions.

**18.06.255 Emergency Housing**

"Emergency housing" shall have the meaning listed in RCW 36.70A.030.

**(001) Emergency Shelter**

“Emergency shelter” shall have the meaning listed in RCW 36.70A.030.

**(002) Permanent Supportive Housing**

“Permanent supportive housing” shall have the meaning listed in RCW 36.70A.030.

**(003) Transitional Housing**

“Transitional housing” means a facility that provides housing, case management, and supportive services to homeless persons or families and that has as its purpose facilitating the movement of homeless persons and families into independent living.

**(004) Domestic Shelter**

“Domestic Shelter” means a one- or two-unit residential building providing housing on a short-term basis for victims of abuse and their dependents (children under the age of 18).

**18.06.258 Electric vehicle**

“Electric vehicle” means any vehicle that operates, either partially or exclusively, on electrical energy from the grid, or an off-board source, that is stored on-board for motive purpose. “Electric vehicle” includes: (1) a battery electric vehicle; (2) a plug-in hybrid electric vehicle; (3) a neighborhood electric vehicle; and (4) a medium-speed electric vehicle.

**18.06.259 Electric Vehicle Charging Station**

“Electric vehicle charging station” means a public or private parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle.

**18.06.260 Electric Vehicle Charging Station-Restricted**

“Electric vehicle charging station—restricted” means an electric vehicle charging station that is (1) privately owned and has restricted access (e.g., single-family home, executive parking, designated employee parking) or (2) publicly owned and restricted (e.g., fleet parking with no access to the general public).

**18.06.261 Electric Vehicle Charging Station-Public**

“Electric vehicle charging station—public” means an electric vehicle charging station that is (1) publicly owned and publicly available (e.g., Park & Ride parking, public library parking lot, on-street parking) or (2) privately owned and publicly available (e.g., shopping center parking, non-reserved parking in multi-family parking lots).

**18.06.262 Electric Vehicle Infrastructure**

“Electric vehicle infrastructure” means structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations, rapid charging stations, and battery exchange stations.

**18.06.263 Electric Vehicle Parking Space**

“Electric vehicle parking space” means any marked parking space that identifies the use to be exclusively for the parking of an electric vehicle.

**18.06.264 Engineer, Geotechnical**

“Geotechnical engineer” means a professional engineer who can document at least four years of employment as a professional engineer in the field of geotechnical engineering.

**18.06.266 Engineer, Professional**

“Professional engineer” means an engineer licensed in the State of Washington.

**18.06.268 Engineering, Geotechnical**

“Geotechnical engineering” means the application of civil engineering technology that combines the basic physical sciences, geology and pedology, with hydraulic, structural, transportation, construction, and mining engineering as each relates to the natural materials found at or near the earth's surface (soils and rock). Geotechnical engineering includes:

1. Soils mechanics: kinematics, dynamics, fluid mechanics, and mechanics of material applied to soils in order to build with or on soils.
2. Foundation engineering: applied geology, soil mechanics, rock mechanics, structural engineering to design, and construction of civil engineering and other structures. Evaluate foundation performance (static and dynamic loading), stability of natural and excavated slopes, stability of permanent and temporary earth-retaining structures, construction problems, control of water movement and soil pressures, maintenance and rehabilitation of old buildings.
3. Rock engineering: buildings, dams, deep excavations, tunnels.

**18.06.269 Environment Designation**

“Environment designation” means the term used to describe the character of the shoreline in Tukwila based upon the recommended classification system established by WAC 173-26-211 and as further refined by Tukwila’s Shoreline Master Program (SMP).

**18.06.270 Essential Public Facility**

“Essential public facility” means a facility which provides a basic public service, provided in one of the following manners: directly by a government agency, by a private entity substantially funded or contracted for by a government agency, or provided by a private entity subject to public service obligations (i.e., private utility companies which have a franchise or other legal obligation to provide service within a defined service area). This does not include facilities that are operated by a private entity in which persons are detained in custody under process of law pending the outcome of legal proceedings.

**18.06.280 Essential Use**

“Essential use” means that use for the preservation or promotion of which the use district was created and to which all other permitted uses are subordinate.

**18.06.283 Essential Utility**

“Essential utility” means a utility facility or utility system where no feasible alternative location exists based on an analysis of technology and system efficiency.

**18.06.285 Essential Street, Road, or Right-of-Way**

“Essential street, road, or right-of-way” means a street, road or right-of-way where no feasible alternative location exists based on an analysis of technology and system efficiency.

**18.06.287 Extended-Stay Hotel or Motel**

“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, as defined in this section, 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 this code. Nothing in this definition prevents an extended-stay unit from being used as a hotel or motel unit. Extended-stay hotel 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.

**18.06.290 Extremely Hazardous Waste**

“Extremely hazardous waste” means those solid wastes designated in WAC 173-303-070 through 173-303-103 as extremely hazardous waste.

**18.06.300 Family Child Care Home**

“Family child care home” means a “family day-care provider” as defined in RCW 74.15.020: a state-licensed facility in the family residence of the licensee providing regularly scheduled care for 12 or fewer children, including children who reside at the home, within an age range of birth through 11 years, exclusively for periods less than 24 hours per day. An off-street parking space shall be made available for any non-resident employee.

**18.06.305 Feasible**

“Feasible” means, for the purpose of the Shoreline Master Program, that an action such as a development project, mitigation, or preservation requirement, meets all of the following conditions:

1. The action can be accomplished with technologies and methods that have been used in the past in similar circumstances, or studies or tests have demonstrated in similar circumstances that such approaches are currently available and likely to achieve the intended results;
2. The action provides a reasonable likelihood of achieving its intended purpose; and
3. The action does not physically preclude achieving the project's primary intended legal use.

In cases where these guidelines require certain actions unless they are infeasible, the burden of proving infeasibility is on the applicant. In determining an action's infeasibility, the reviewing agency may weigh the action's relative public costs and public benefits, considered in the short- and long-term time frames.

**18.06.310 Fence**

“Fence” means a wall or barrier for the purpose of enclosing space, separating parcels of land or acting as a screen or protective barrier.

**18.06.315 Filling**

“Filling” means the act of transporting or placing (by any manner or mechanism) fill material from, to, or on any soil surface, natural vegetative covering of soil surface, or fill material (including temporary stockpiling of fill material).

**18.06.318 Final Plat**

“Final plat” means the final drawing of the subdivision and dedication prepared for filing for record with the King County Department of Executive Services, and containing all elements and requirements set forth in the subdivision code.

**18.06.320 Fire Lane**

“Fire lane” means an aisle, lane or roadway on an improved site which is designed, constructed and required for emergency access of fire and aid unit vehicles.

**18.06.325 Floor Area**

“Floor area” means the sum of the gross horizontal areas of the floors of a building or buildings, measured from the exterior walls and from the centerline of divisions walls. Floor area includes basement space, elevator shafts and stairwells at each floor, mechanical equipment rooms or attic spaces with headroom of 7 feet 6 inches or more, penthouse floors, interior balconies and mezzanines, enclosed porches, and malls. Floor area shall not include accessory water tanks and cooling towers, mechanical equipment or attic spaces with headroom of less than 7 feet 6 inches, exterior steps or stairs, terraces, breezeways and open spaces.

**18.06.330 Flood Plain**

“Flood plain” means that land area susceptible to inundation with a one percent chance of being equaled or exceeded in any given year (synonymous with 100-year flood plain). The limit of this area shall be based upon flood ordinance regulation maps or a reasonable method that meets the objectives of the Shoreline Management Act.

**18.06.335 Flood Hazard Reduction**

“Flood hazard reduction” means actions taken to reduce flood damage or hazards. Flood hazard reduction measures may consist of nonstructural or indirect measures, such as setbacks, land use controls, wetland restoration, dike removal, use relocation, bioengineering measures, and storm water management programs; and of structural measures such as dikes and levees intended to contain flow within the channel, channel realignment, and elevation of structures consistent with the National Flood Insurance Program.

**18.06.338 Floodway**

“Floodway” means the area that has been established in effective federal emergency management agency flood insurance rate maps or floodway maps. The floodway does not include lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state.

**18.06.340 Fraternal Organization**

“Fraternal organization” means a group of people formally organized for a common interest, usually cultural, religious or entertainment, with regular meetings, rituals and formal written membership requirements.

**18.06.345 Garage, Private**

“Private garage” means sheltered or enclosed space designed and used for the storage of motor vehicles or boats of the residents of the premises.

**18.06.353 General Retail**

“General retail” is a business or a store which engages in the sale of goods and/or services to the general public. Examples include department stores and personal service shops.

**18.06.355 Geologist**

“Geologist” means a person licensed to practice as a geologist in the State of Washington who has earned a degree in geology, engineering geology, hydrogeology or one of the related geological sciences from an accredited college or university, or a person who has equivalent educational training and has experience as a practicing geologist.

**18.06.365 Grade**

“Grade” (adjacent ground elevation) means the lowest point of elevation of the finished surface of the ground between the exterior wall of a building and a point five feet distant from said wall, or the lowest point of elevation of the finished surface of the ground between the exterior wall of a building and the property line, if it is less than five feet distant from said wall. In case walls are parallel to and within five feet of a public sidewalk, alley, or other public way, the grade shall be the elevation of the sidewalk, alley or public way.

**18.06.370 Grading**

“Grading” means activity that results in change of the cover or topography of the earth, or any activity that may cause erosion, including clearing, excavation, filling and stockpiling.

**18.06.380 Groundcover**

“Groundcover” means trees, shrubs and any other plants or natural vegetation which covers or shades in whole or in part the earth’s surface.

**18.06.385 Hazardous Substance**

“Hazardous substance” means any liquid, solid, gas or sludge, including any material, substance, product, commodity or waste, regardless of quantity, that exhibits any of the characteristics or criteria of hazardous waste as defined by WAC 173-303.

**18.06.390 Hazardous Substance Processing or Handling**

“Hazardous substance processing or handling” means the use, storage, manufacture, production, or other land use activity involving hazardous substances. Hazardous substances processing and handling activities do not include individually packaged household consumer products or quantities of hazardous substances of less than five gallons in volume per container.

**18.06.395 Hazardous Tree**

See “Defective Tree.”

**18.06.400 Hazardous Waste**

“Hazardous waste” means and includes all waste as defined in this definitions chapter and all extremely hazardous waste as defined in this definitions chapter.

**18.06.405 Hazardous Waste Storage**

“Hazardous waste storage” means the holding of hazardous waste for a temporary period. Accumulation of waste on the site of generation is not storage as long as the storage complies with applicable requirements of WAC 173-303.

**18.06.410 Hazardous Waste Treatment**

“Hazardous waste treatment” means the physical, chemical, or biological processing of dangerous waste to make such wastes non-dangerous or less dangerous, safer for transport, or amenable for energy or material resource recovery.

**18.06.415 Hazardous Waste Treatment and Storage Facility, Off-Site**

“Off-site hazardous waste treatment and storage facility” means the treatment and storage of hazardous wastes from generators on properties other than that on which the off-site facility is located.

**18.06.420 Hazardous Waste Treatment and Storage Facility, On-Site**

“On-site hazardous waste treatment and storage facility” means the treatment and storage of hazardous wastes generated on the same site.

**18.06.430 Home Occupation**

“Home occupation” means an occupation or profession which is customarily incident to or carried on in a dwelling place, and not one in which the use of the premises as a dwelling place is largely incidental to the occupation carried on by a resident of the dwelling place.

**18.06.435 Hospital**

“Hospital” means a building requiring a license pursuant to RCW 70.41 and used for the medical and surgical diagnosis, treatment and housing of persons under the care of doctors and nurses. Rest homes, nursing homes, convalescent homes, diversion facility/diversion interim services facility and outpatient medical clinics are not included.

**18.06.440 Hotel**

“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 purpose 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, as defined in this section, 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 thirty (30) calendar days per year. Not included are institutions housing persons under legal restraint or requiring medical attention or care.

**18.06.445 Impervious Surface**

“Impervious surface” means those hard surfaces which prevent or retard the entry of water into the soil in the manner that such water entered the soils under natural conditions prior to development; or a hard surface area which causes water to run off the surface in greater quantities

or at an increased rate of flow from the flow present under natural conditions prior to development. Such surfaces include, but are not limited to, rooftops, asphalt or concrete paving, compacted surfaces or other surfaces which similarly affect the natural infiltration or runoff patterns existing prior to development.

**18.06.450 Infrastructure**

“Infrastructure” means the basic installations and facilities on which the continuance and growth of a community depend, such as roads, public buildings, schools, parks, transportation, water, sewer, surface water and communication systems.

**18.06.453 Integrated Site**

“Integrated site” means a commercial or industrial zoned property for which a Binding Site Improvement Plan is being or has been approved and recorded. The site typically contains within it multiple tracts of land under separate leasehold or ownership, but functions as a single center. Characteristics of an integrated site includes commonly shared access, parking, utilities, signage and landscaping; the site is not bisected by a public or private street; and zoning and sign regulations are applied to the entire site, as if there were no interior property lines.

**18.06.454 Internet Data/Telecommunication Center**

“Internet data/telecommunication center” means a secure, climate-controlled facility with emergency backup power that contains internet data transmission and switching equipment and/or telecommunication transmission and switching equipment. This equipment may include computer network routers, switches and servers for one or more companies.

**18.06.456 Invasive Plant and Tree List**

“Invasive Plant and Tree List” means the City of Tukwila’s list of plants and trees that are prohibited from being planted in landscaped areas subject to an approved landscape plan, and City properties and rights-of-way.

**18.06.460 Junk Yard**

“Junk yard” means a lot, land or structure, or part thereof, used for the collection, storage and sale of waste paper, rags, scrap metal or discarded material; or for the collecting, dismantling, storage, salvaging and sale of parts of machinery or vehicles not in running condition.

**18.06.465 Kennel**

“Kennel” means a place where four or more dogs or cats or any combination thereof are kept.

**18.06.470 Laboratory, Medical and Dental**

“Medical or dental laboratory” means premises devoted to sample testing or product development in any branch of medicine or dentistry, including the application of scientific principles in testing, analysis, or preparation of drugs, chemicals or other products or substances but specifically excluding the commercial manufacturing or storage and distribution operations in excess of 20,000 square feet of floor area.

**18.06.472 Large Woody Debris (LWD)**

“Large Woody Debris (LWD)” means whole trees with root wads and limbs attached, cut logs at least 4 inches in diameter along most of their length, root wads at least 6.5 feet long and 8



inches in diameter. Large woody debris is installed to address a deficiency of habitat and natural channel forming processes.

**18.06.473 Land Surveyor**

“Land surveyor” means an individual registered in accordance with the provisions of RCW 18.43 and licensed to perform land surveys in the State of Washington.

**18.06.475 Land-Altering Activity**

“Land-altering activity” means any activity that results in change of the natural cover or topography, as defined in TMC 16.54, Land Altering.

**18.06.480 Land-Altering Permit**

“Land-altering permit” means a permit for land-altering activity issued by the City of Tukwila pursuant to TMC 16.54, Land Altering.

**18.06.486 Landscape Design Professional**

“Landscape Design Professional” means a landscape architect licensed by the State of Washington or an individual who has graduated from an accredited landscape design program.

**18.06.490 Landscaping or Landscaped Areas**

“Landscaping or landscaped areas” means natural vegetation such as trees, shrubs, groundcover, and other landscape materials arranged in a manner to produce an aesthetic effect appropriate for the use to which the land is put. In addition, landscaping or landscaped areas may serve as bioswales to reduce storm water runoff, subject to the standards of this chapter and TMC 14.30.

**(001) Mulch**

“Mulch” means wood chips, bark or other organic material that covers the ground for weed control and water retention purposes.

**18.06.492 Lease**

“Lease” means a contract or agreement whereby one party grants to another party general or limited rights, title or interest in real property. This definition is intended to apply to those agreements which are ordinarily considered “ground leases”, and shall not apply to those which are ordinarily considered “space leases.”

**18.06.493 Levee**

“Levee” means a broad embankment of earth built parallel with the river channel to contain flow within the channel and prevent flooding from a designated design storm.

**18.06.495 Loading Space**

“Loading space” means a space which is on the same site with the principal use served and which provides for the temporary parking of a vehicle while loading or unloading merchandise, materials or passengers.

**18.06.500 Lot**

- A. "Lot" means a physically separate and distinct parcel of property which:
1. was created by subdivision or binding site plan; or
  2. was bought or sold as a separately-owned parcel of property prior to the requirement that lots be created by subdivision or binding site plan; or
  3. was created by a transaction which was exempt from the requirement that lots be created by subdivision or binding site plan.
- B. "Lots" may be bought or sold as separate parcels of property, but the fact that a parcel of property is defined as a "lot" does not necessarily mean that it may be developed as a separate building site.

**18.06.505 Lot Area**

"Lot area" means the total horizontal area within the boundary lines of a lot and exclusive of street right-of-way, street easement, fire access roads or private access roads except, where the private road serves four or fewer lots.

**18.06.510 Lot, Corner**

"Corner lot" means a lot abutting two or more streets or parts of the same street forming an interior angle of less than 135 degrees within the lot lines.

**18.06.520 Lot Depth**

"Lot depth" means the mean dimension of the lot from the front street line to the rear line.

**18.06.525 Lot Frontage**

"Lot frontage" means that front portion of a lot nearest the street, except on a corner lot in which case the front yard shall be considered the narrowest part of the lot that abuts a street.

**18.06.530 Lot Lines**

"Lot lines" means the property lines bounding the lot; except that in MDR and HDR zones, lot lines shall also include the curblineline or edge or easement, whichever provides a greater width, of any adjacent 'access roads'.

**18.06.535 Lot, Interior**

"Interior lot" means a lot other than a corner lot with only one frontage on a street.

**18.06.538 Lot, Parent**

"Parent lot" means the initial lot from which unit lots are subdivided for the exclusive use of townhouses, cottage housing, compact single-family, zero-lot-line units, or any combination of the above types of residential development.

**18.06.540 Lot, Through**

"Through lot" means a lot fronting on two streets that do not intersect on the parcel's lot lines.

**18.06.543 Lot, Unit**

“Unit lot” means one of the individual lots created from the subdivision of a parent lot for the exclusive use of townhouses, cottage housing, compact single-family, zero-lot-line units, or any combination of the above types of residential development.

**18.06.545 Lot Width**

“Lot width” means the mean horizontal distance between lot side lines.

**18.06.551 Marijuana**

"Marijuana" means all parts of the plant Cannabis, whether growing or not, with a THC concentration greater than 0.3 percent on a dry weight basis; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. The term does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

**18.06.552 Marijuana Processor**

"Marijuana processor" means a person licensed by the state Liquor and Cannabis Board to process marijuana, whether medical or recreational, into marijuana concentrates, useable marijuana and marijuana-infused products; package and label marijuana concentrates, useable marijuana and marijuana-infused products for sale in retail outlets; and sell marijuana concentrates, useable marijuana and marijuana-infused products at wholesale to marijuana retailers.

**18.06.553 Marijuana Producer**

"Marijuana producer" means a person licensed by the state Liquor and Cannabis Board to produce and sell marijuana, whether medical or recreational, at wholesale to marijuana processors and other marijuana producers.

**18.06.554 Marijuana Retailer**

"Marijuana retailer" means a person licensed by the state Liquor and Cannabis Board to sell marijuana concentrates, useable marijuana, and marijuana-infused products in a retail outlet, for either recreational or medical use.

**18.06.555 Major Adjustment**

“Major adjustment” means an adjustment determined by the Director as a major change in a final development plan which changes the basic design, density, open space or other substantive requirements or provisions.

**18.06.556 Marijuana-infused Products**

"Marijuana-infused products" means products that contain marijuana or marijuana extracts; are intended for human use, whether medical or recreational; and have a THC concentration within the limits set forth in RCW 69.50.101. The term "marijuana-infused products" does not include either useable marijuana or marijuana concentrates.

**18.06.557 Marijuana Concentrates**

“Marijuana concentrates” is as defined under RCW 69.50.101.

**18.06.560 Mall**

“Mall” means an enclosed public area, typically a concourse, designed as a pedestrian walkway along rows of shops and often set with landscaping and/or seating.

**18.06.565 Manufactured/Mobile Home Park**

“Manufactured/mobile home park” means a master planned development consisting of a grouping of manufactured or mobile home dwellings, and may include park management offices and accessory community facilities for the exclusive use of park residents, such as recreation, laundry or storage facilities.

**18.06.567 Manufacturing**

“Manufacturing” is a building or group of buildings which specializes in the manufacturing of products or in the research and testing of products. Examples include factories, testing laboratories, creameries, bottling establishments, bakeries, canneries, printing and engraving shops.

**18.06.568 Mass Transit Facilities**

“Mass transit facilities” shall include structures and infrastructure for public or private transportation systems having established routes and schedules such as transit centers, commuter and light rail facilities, both rail lines and stations, monorails, people movers and other similar mass transit facilities but not including incidental improvements such as bus stops.

**18.06.570 Mean High Water Mark**

“Mean high water mark” means the elevation of the surface of Green River and Duwamish River waters when the discharge rate at the U. S. Geological Survey Stream Gauging Station, Green River near Auburn (121130), is 9,000 cfs and as determined by maps on file with the City Clerk.

**18.06.571 Mean Higher High Water (MHHW)**

“Mean Higher High Water (MHHW)” means the average of the higher high water height of each tidal day, and used in determining the ordinary high water mark for the tidally influenced portions of the river.

**18.06.575 Mining and Quarrying**

“Mining and quarrying” means removal and processing of sand, gravel, rock, peat, black soil, and other natural deposits, greater than 50,000 cubic yards cumulative.

**18.06.580 Minor Adjustment**

“Minor adjustment” means any change which is not determined by the Director to be a major change.

**18.06.581 Mitigation**

“Mitigation” means replacing project induced critical area and buffer losses or impacts, and includes but is not limited to the following:

1. Restoration: Actions performed to reestablish critical area and its buffer functional characteristics and processes that have been lost by alterations, activities or catastrophic events within an area that no longer meets the definition of a critical area;

2. Creation: Actions performed to intentionally establish a critical area and its buffer at a site where it did not formerly exist;

3. Enhancement: Actions performed to improve the condition of an existing degraded critical area or its buffer so that the functions it provides are of higher quality.

**18.06.583      Modular Home**

“Modular home” means a factory-built residential structure, transportable in one or more sections, which meets the requirements of the Uniform Building Code.

**18.06.585      Motel**

“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, as defined in this section, 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.

**18.06.586      Native Vegetation**

“Native vegetation” means plant species, other than noxious weeds, that are indigenous to the coastal region of the Pacific Northwest and that reasonably could be expected to have occurred naturally on the site.

**18.06.587      New Manufactured Home**

“New manufactured home” means any manufactured home required to be titled under Title 46 RCW, which has not been previously titled to a retail purchaser, and is not a “used mobile home” as defined in RCW 82.45.032(2).

**18.06.588      No Net Loss**

“No net loss” means a standard intended to ensure that shoreline development or uses, whether permitted or exempt, are located and designed to avoid loss or degradation of shoreline ecological functions that are necessary to sustain shoreline natural resources.

**18.06.589      Nonconforming Use, Shoreline**

“Nonconforming use, shoreline” means a use or development that was lawfully constructed or established prior to the effective date of the Shoreline Management Act or the Shoreline Master Program or amendments thereto, but which does not conform to present regulations or standards of the program.

**18.06.590      Nonconforming Use**

“Nonconforming use” means the use of land which does not conform to the use regulations of the district in which the use exists.

**18.06.591 Non-Water-Oriented Uses**

“Non-water-oriented uses” means those uses that are not water-dependent, water-related, or water-enjoyment.

**18.06.592 Office**

“Office” is a building or a group of buildings dedicated to non-manufacturing types of work that are for the use of employees but may or may not be for use by the general public. Examples include services such as accounting, advertising, architectural/engineering, consulting, information processing, legal, medical and/or dental.

**18.06.593 Open Record Appeal**

“Open record appeal” means a quasi-judicial appeal to a hearing body designated by this chapter from a decision regarding a project permit application that was made without an open record hearing. Testimony and submission of relevant evidence and information shall be permitted at the hearing on such an appeal.

**18.06.594 Open Record Hearing**

“Open record hearing” means a quasi-judicial hearing conducted by a hearing body which creates the official record regarding a permit application. Oral testimony and submission of relevant evidence and documents shall be permitted at such a hearing.

**18.06.595 Open Space**

“Open space” means that area of a site which is free and clear of building and structures and is open and unobstructed from the ground to the sky.

**18.06.600 Open Space Tract**

“Open space tract” means a tract that is established to preserve open space, and which is recorded on all documents of title of record for all affected lots and subsequent owners.

**18.06.605 Ordinary High Water Mark**

“Ordinary High Water Mark” means the mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters (all lakes, streams, and tidal water) are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by a local government or the Department of Ecology. In any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining salt water shall be the line of mean higher high tide and the ordinary high water mark adjoining fresh water shall be the line of mean high water.

**18.06.607 Overwater Structure**

“Overwater structure” means any device or structure projecting over the ordinary high water mark, including, but not limited to bridges, boat lifts, wharves, piers, docks, ramps, floats or buoys.

**18.06.610 Parcel**

“Parcel” means a tract or plat of land of any size which may or may not be subdivided or improved.

**18.06.611 Park and Ride**

“Park and Ride” means a facility for temporarily parking automobiles, the occupants of which transfer to public transit to continue their trips.

**18.06.613 Parking, Commercial**

“Commercial parking” is a use of land or structure for the parking of motor vehicles as a commercial enterprise for which hourly, daily or weekly fees are charged.

**18.06.615 Parking Space**

“Parking space” means an off-street parking space which is maintained and used for the sole purpose of accommodating a temporarily parked motor vehicle and which has access to a street or alley.

**18.06.617 Pawnbroker**

“Pawnbroker” is an establishment engaged in the buying or selling of new or secondhand merchandise and offering loans in exchange for personal property.

**18.06.618 Performance Bond or Guarantee**

“Performance bond or guarantee” means that security to ensure installation of certain required improvements which may be accepted to defer those improvements when such a deferment is warranted and acceptable to the City.

**18.06.620 Performance Standards**

“Performance standards” means specific criteria for fulfilling environmental goals, and for beginning remedial action, mitigation or contingency measures, which may include water quality standards or other hydrological, geological or ecological criteria.

**18.06.625 Person**

“Person” means any legal entity recognized by the State of Washington for the purpose of assigning legal responsibility, to include - but not limited to - individuals, partnerships, corporations, associations, commissions, boards, utilities, institutions, and estates.

**18.06.627 Pervious Hard Surface**

“Pervious hard surface” means permeable pavement or a green roof.

**18.06.630 Plan**

“Plan” means a sketch, survey or other drawing, photograph or similar document which may be a part of the set of permit drawings or construction documents, sufficient for the Director to make a final permit decision.

**18.06.632 Planned Residential Development (PRD)**

“Planned residential development (PRD)” means a form of residential development characterized by a unified site design for a number of dwelling units, clustered buildings, common open space, and a mix of building types. The PRD is an overlay district which is superimposed over the underlying district as an exception to such district regulations, as processed through procedures specified in the Planned Residential Development District chapter of this title. (See *TMC 18.46, Planned Residential Development*)

**18.06.633 Planning Commission**

“Planning Commission” means that body as defined at TMC 2.36.

**18.06.635 Plat**

“Plat” means a map or representation of a subdivision, showing thereon the division of a tract or parcel of land into lots, blocks, streets, and alleys or other divisions and dedications.

**18.06.636 Preliminary Plat**

“Preliminary plat” means a neat and approximate drawing of a proposed subdivision showing the general layout of streets and alleys, lots, blocks, utilities, and restrictive covenants to be applicable to the proposal, and other elements of a plat which shall furnish a basis for the approval or disapproval of the application.

**18.06.637 Principal Building**

“Principal building” means the principal structure on a lot or building site designed or used to accommodate the primary use to which the premises are devoted.

**18.06.638 Private Access Road**

“Private access road” means a minor, privately owned and maintained road which serves to provide access to lots as authorized pursuant to TMC 17.24.030 and 17.28.050.

**18.06.640 Property Owner**

“Property owner” means the owner of record for a site, or his or her authorized representative.

**18.06.645 Protected Tree/Protected Vegetation**

“Protected tree/protected vegetation” means tree or area of understory vegetation identified on an approved landscape plan to be retained and protected during construction.

**18.06.650 Protection Measure**

“Protection measure” means the practice or combination of practices (e.g. construction barriers, protective fencing, tree wells, etc.) used to control construction or development activity, where such activity may impact vegetation which is approved for retention in a Tree Permit.

**18.06.651 Protective Fencing**

“Protective fencing” means a non-flexible, temporary fence or other structural barrier installed to prevent permitted clearing or construction activity from adversely affecting vegetation, which is required by a Tree Permit or approved landscaping plan.

**18.06.652 Pruning**



“Pruning” means the cutting or limbing of tree or shrub branches as specified in the American National Standards Institute (ANSI) A300 Pruning standards, and the companion “Best Management Practices – Tree Pruning” published by the International Society of Arboriculture. Pruning does not include the removal of any portion of the top of the tree, sometimes referred to as “topping”.

#### **(001) Topping**

“Topping” means the inappropriate pruning practice used to reduce tree height by cutting to a predetermined crown limit without regard to tree health or structural integrity. Topping does not use acceptable pruning practices as described in the American National Standards Institute (ANSI) A300 Pruning standards, and the companion "Best Management Practices – Tree Pruning" published by the International Society of Arboriculture, such as crown reduction, utility pruning, or crown cleaning to remove a safety hazard, dead or diseased material.

#### **18.06.655 Public Access**

“Public access” means the ability of the general public to reach, touch or enjoy the water’s edge, to travel on the waters of the state, and to view the water and the shoreline from adjacent locations. Public access may be provided by an owner by easement, covenant, or similar legal agreement of substantial walkways, corridors, parks, or other areas serving as a means of view and/or physical approach to public waters.

#### **18.06.656 Public Entity**

“Public entity” mean any Federal, State, or local government body or agency.

#### **18.06.657 Public Meeting**

“Public meeting” means an informal meeting or workshop to provide public information regarding a project permit application and to obtain comments about the application from the public. The information gathered at such a meeting does not constitute part of the official record regarding a project permit application.

#### **18.06.658 Public Right-of-Way**

“Public right-of-way” means all public streets, alleys and property granted, reserved for, or dedicated to public use for streets and alleys, together with all public property granted, reserved for, or dedicated to public use, including but not limited to walkways, sidewalks, trails, shoulders, drainage facilities, bikeways and horse trails, whether improved or unimproved, including the air rights, subsurface rights, and easements related thereto.

#### **18.06.660 Rapid Charging Station**

“Rapid charging station” means an industrial grade electrical outlet that allows for faster recharging of electric vehicle batteries through higher power levels and that meets or exceeds any standards, codes, and regulations set forth by RCW 19.28 and is consistent with rules adopted under RCW 19.27.540.

#### **18.06.662 Reach**

“Reach” means a segment of a watercourse with uniform characteristics.

#### **18.06.665 Recreation Space**

“Recreation space” means covered and uncovered space designed and intended for active and/or passive recreational activity including but not limited to tennis courts, swimming pools, cabanas, playgrounds, playfields, or wooded areas, and specifically excluding any parking area, driveway, or rockery.

**18.06.670 Recreation Space, Covered**

“Covered recreation space” means an area of ground covered or overlaid by an artificial or manmade surface, such as rooftops or pavement.

**18.06.675 Recreation Space, Uncovered**

“Uncovered recreation space” means an area of ground characterized by a natural surface, such as lawn, forests, or sandboxes (for children’s play).

**18.06.676 Regional Detention Facility**

“Regional detention facility” means a stormwater detention and/or retention facility that accepts flow from multiple parcels and/or public right-of-way. The facility may be public or private.

**18.06.677 Revetment**

“Revetment” means a sloping structure built to increase bank strength and protect an embankment or shore against erosion by waves or river currents. A revetment is usually built of rock rip-rap, wood, or poured concrete. One or more filter layers of smaller rock or filter cloth and “toe” protection are included. A revetment typically slopes and has a rough or jagged face. The slope differentiates it from a bulkhead, which is a vertical structure.

**18.06.680 Research and Development Facility**

“Research and development facility” means a use in which research and experiments leading to the development of new products or technology are conducted. This definition includes, but is not limited to, facilities engaged in all aspects of bio-medical research and development. This use may be associated with, or accessory to, institutional and commercial uses such as business or administrative offices and medical facilities.

**18.06.682 Religious Facility**

“Religious facility” means a facility operated for worship, prayer, meditation or similar activity by an organization granted tax exempt status by the Federal Internal Revenue Service.

**18.06.685 Residence**

“Residence” means a building or structure, or portion thereof, which is designed for and used to provide a place of abode for human beings.

**18.06.686 Residential Conversion**

“Residential Conversion” means the conversion of a building, or portion of a building, that is vacant, or occupied by a nonresidential use, to a residential use.

**18.06.687 Restaurant**

“Restaurant” is an establishment whose principal business is the sale of foods to be eaten on the premises, including either indoor or outdoor seating, which may also include an area reserved for the sale of alcoholic beverages.

**18.06.688 Restaurant, Fast Food**

“Restaurant, fast food” means an establishment whose principal business is the sale of foods, frozen desserts, or beverages served in or on disposable containers for consumption while seated within the building or in a vehicle or incidentally within a designated outdoor area, or for takeout with consumption off the premises.

**18.06.689 Right-of-Way**

“Right-of-way” means a right belonging to a party to pass over land of another.

**18.06.690 Riparian**

“Riparian” means the land along the margins of rivers and streams.

**18.06.691 River Channel**

“River Channel” means that area of the river lying riverward of the mean high water mark.

**18.06.696 Riverbank Analysis and Report**

“Riverbank analysis and report” means a scientific study or evaluation conducted by qualified experts and the resulting report to evaluate the ground and/or surface hydrology and geology, the geomorphology and hydraulic characteristics of the river, the affected land form and its susceptibility to mass wasting, erosion, scouring and other geologic hazards or fluvial processes. The report shall include conclusions and recommendations regarding the effect of the proposed development on geologic and/or hydraulic conditions, the adequacy of the site to be developed, the impacts of the proposed development, alternative approaches to the proposed development, and measures to mitigate potential site-specific and cumulative geological, hydrological and hydraulic impacts of the proposed development, including the potential adverse impacts to adjacent and down-current properties. Geotechnical/hydrological/hydraulic reports shall conform to accepted technical standards and must be prepared by qualified professional engineers or geologists who have professional expertise about the regional and local shoreline geology and processes.

**18.06.697 Roadway**

“Roadway” means that improved portion of a street intended for the accommodation of vehicular traffic, generally within curb lines.

**18.06.705 Screening**

“Screening” means a continuous fence and/or evergreen landscaped planting that effectively conceals the property it encloses.

**18.06.706 Secure Community Transitional Facility**

“Secure community transitional facility” means a secure community transitional facility as defined under RCW 71.09.020, which defines it as "a residential facility for persons civilly committed and conditionally released to a less restrictive alternative under this chapter. A secure community transition facility has supervision and security, and either provides or ensures the

provision of sex offender treatment services. Secure community transition facilities include but are not limited to the facilities established pursuant to RCW 71.09.250 and any community-based facilities established under this chapter and operated by the DSHS secretary or under contract with the secretary."

#### **18.06.707 Self-Storage Facility**

"Self-Storage facility" means a building designed and used for the purpose of renting or leasing individual indoor storage space to customers who are to have access to the space for the purpose of storing or removing personal property on a self-service basis.

#### **18.06.708 Senior Citizen Housing**

"Senior citizen housing" is housing in a building or group of buildings with two or more dwelling and/or sleeping units, restricted to occupancy by at least one senior citizen per unit, and may include Food Preparation and Dining activities, Group Activity areas, Medical Supervision or other similar activities. Such housing is further distinguished by the use of funding restrictions, covenants between the developer, tenants, operators and/or the City or other agreements that restrict the development to those individuals over 60 years of age. Senior Citizen Housing strategies may include provisions for units dedicated to persons under 60 years of age that have medical conditions consistent with definitions in the Americans with Disabilities Act; however, the percentage of such units may not exceed 20% of the total units. These facilities may not include populations requiring convalescent or chronic care, as defined under RCW 18.51.

#### **18.06.735 Vehicle Service Station**

"Vehicle service station" means any area of land, including structures thereon, that is used for the sale of gasoline or other motor fuels, oils, lubricants, and auto accessories which may or may not include washing, lubricating, tune-ups, enclosed engine repair, and other minor servicing incidental to this use, but no painting or major repair operations.

#### **18.06.740 Setbacks**

"Setbacks" means the distances that buildings or uses must be removed from their lot lines except that roof eaves may intrude a maximum of 24 inches into this area. A maximum 24-inch overhang may also be allowed for portions of a building (such as a bay window) if approved as part of design review approval where the overhang provides modulation of the façade.

#### **18.06.745 Shelter Station**

"Shelter station" means a shelter for protection from the elements for the waiting customers of a public transportation system.

#### **18.06.750 Shopping Center, Planned**

"Planned shopping center" means a group of architecturally unified commercial establishments built on a site which is planned, developed, owned, and managed as an operating unit related in its location, size, and type of shops to the trade area that the unit serves. The unit provides on-site parking in definite relationship to the types and total size of the stores.

#### **18.06.756 Shorelands or Shoreland Areas**

"Shorelands or shoreland areas" means those lands extending landward for 200 feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous flood plain areas landward 200 feet from such floodways; and all wetlands and river

deltas associated with the streams, lakes and tidal waters that are subject to the provisions of the Shoreline Management Act.

**18.06.757 Shorelines or Shoreline Areas**

“Shorelines” or “Shoreline areas” means all "shorelines of the state" and "shorelands" as defined in RCW 90.58.030.

**18.06.758 Shoreline Jurisdiction**

“Shoreline jurisdiction” means the channel of the Green/Duwamish River, its banks, the upland area which extends from the ordinary high water mark landward for 200 horizontal feet on each side of the river, floodways and all associated wetlands within its 100-year flood plain. For the purpose of determining shoreline jurisdiction only, the floodway shall not include those lands that have historically been protected by flood control devices and therefore have not been subject to flooding with reasonable regularity.

**18.06.759 Shoreline Modifications**

“Shoreline modifications” means those actions that modify the physical configuration or qualities of the shoreline area, through the construction or alteration of a physical element such as a dike, breakwater, pier, weir, dredged basin, fill, bulkhead, or other shoreline structure. “Shoreline modifications” may also include other actions, such as clearing, grading, or application of chemicals.

**18.06.760 Shoreline Restoration or Ecological Restoration**

“Shoreline restoration or ecological restoration” means the re-establishment or upgrading of impaired ecological shoreline processes, functions or habitats, including any project that is approved by the Federal, State, King County, or City government or the WRIA 9 Steering Committee, is intended to provide habitat restoration and where the future use of the site is restricted through a deed restriction to prohibit non-habitat uses. This may be accomplished through measures including, but not limited to, re-vegetation, removal of intrusive shoreline structures and removal or treatment of toxic materials. Restoration does not imply a requirement for returning the shoreline area to aboriginal or pre-European settlement conditions.

**18.06.761 Shoreline Stabilization**

“Shoreline stabilization” means actions taken to protect riverbanks or adjacent uplands from erosion resulting from the action of waves or river currents. “Hard” structural stabilization includes levees, bulkheads and revetments. “Soft” shoreline stabilization includes use of bioengineering measures where vegetation, logs, and/or certain types of rock is used to address erosion control and/or slope stability.

**18.06.769 Short Subdivision Committee**

The Short Subdivision Committee (SSC) shall consist of the Director of the Department of Community Development who shall be the chair, the Public Works Director, and the Fire Chief, or their designated representatives.

**18.06.770 Sign**

“Sign” means any medium, including paint on walls, merchandise, or visual communication device, its structure and component parts, which is used or intended to be used to attract attention

to the subject matter for advertising or identification purposes. Bulletin boards and readerboards are considered to be signs.

**18.06.775 Significant Tree**

“Significant Tree” means a single-trunked tree that is six inches or more in diameter (DBH), or a multi-trunked tree with a diameter of two inches or more on any trunk (such as willows or vine maple).

**18.06.777 Significant Vegetation Removal**

“Significant vegetation removal” means the removal or alteration of trees, shrubs, and/or ground cover by clearing, grading, cutting, burning, chemical means, or other activity that causes significant ecological impacts to functions provided by such vegetation. The removal of invasive or noxious weeds does not constitute significant vegetation removal. Tree pruning, not including tree topping, where it does not affect ecological functions, does not constitute significant vegetation removal.

**18.06.780 Site**

“Site” means any lot or group of adjoining lots, as defined in TMC 18.06.500, which are proposed as the location for a development, as defined in TMC 18.06.210, or for some other activity which requires a permit or approval pursuant to TMC Titles 16, 17 or 18.

**18.06.781 Site Disturbance**

“Site disturbance” means any development, construction, or related operation that could alter the subject property, including, but not limited to, soil compaction including foot traffic; tree or stump removal; road, driveway or building construction; installation of utilities; or grading.

**18.06.790 Story**

“Story” means story as defined in the Washington State Building Code.

**18.06.795 Street**

“Street” means a public thoroughfare which affords the principal means of access to abutting properties. Limited access State routes such as I-5, I-405, or SR 518; subdivision tracts dedicated for access; private easements for access; and streets that provide no access to abutting properties shall be considered streets for the purposes of determining the type of lots such as corner or through lots and their setbacks and landscape requirements.

**18.06.800 Structure**

“Structure” means a combination of materials constructed and erected permanently on the ground or attached to something having a permanent location on the ground, but excluding all forms of vehicles even though immobilized. Not included are residential fences up to six feet in height, retaining walls or rockeries with up to four feet of exposed face, and similar improvements of minor character.

**(001) Nonconforming Structure, Shoreline**

“Nonconforming Structure, Shoreline” means a structure legally established prior to the effective date of the Shoreline Master Program, but which does not conform to present regulations or standards of the program.

**18.06.805 Structural Alteration**

“Structural alteration” means any change in load or stress of the loaded or stressed members of a building or structure.

**18.06.810 Studios**

“Studios” means a building or portion of a building used as a place of work by an artist, photographer, or artisan, or used for dance instruction.

**18.06.813 Subdivision**

“Subdivision” means the division or redivision of land into lots, unit lots, tracts, parcels, sites or divisions.

**(001) Short Subdivision**

“Short subdivision” means the division of land into nine or less lots, unit lots, tracts, parcels, sites or divisions.

**(002) Long Subdivision**

“Long subdivision” means the division or redivision of land into ten or more lots, unit lots, tracts, parcels, sites or divisions.

**18.06.815 Substantial Construction**

“Substantial construction” means completion of more than 50% of the cost of work described in specified and approved plans.

**18.06.817 Substantial Development**

“Substantial development” means any development of which the total cost or fair market value exceeds \$7,047.00 or any development that materially interferes with the normal public use of the water or shorelines of the state. The dollar threshold established in this definition must be adjusted for inflation by the Office of Financial Management every five years, beginning July 1, 2007, based upon changes in the Consumer Price Index during that time period. “Consumer Price Index” means, for any calendar year, that year’s annual average Consumer Price Index, Seattle, Washington area, for urban wage earners and clerical workers, all items, compiled by the Bureau of Labor and Statistics, United States Department of Labor. In accordance with WAC 173-27-040, as it now reads and as hereafter amended, the following shall not be considered developments which require a shoreline substantial development permit, although shall still comply with the substantive requirements of the Shoreline Master Program:

1. Normal maintenance or repair of existing structures or developments, including repair of damage caused by accident, fire, or elements.
2. Emergency construction necessary to protect property from damage by the elements.
3. Construction and practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities on shorelands, and the construction and maintenance of irrigation structures including but not limited to head gates, pumping facilities, and irrigation channels. A feedlot of any size, all processing plants, other activities of a commercial nature, and alteration of the contour of the shorelands by leveling or filling other than that which results from normal cultivation, shall not be considered normal or necessary farming or ranching activities. A feedlot shall be an enclosure or facility used or capable of being used for feeding

livestock hay, grain, silage, or other livestock feed, but shall not include land for growing crops or vegetation for livestock feeding and/or grazing, nor shall it include normal livestock wintering operations.

4. Construction or modification of navigational aids such as channel markers and anchor buoys.

5. Construction on shorelands by an owner, lessee, or contract purchaser of a single family residence for his own use or for the use of his or her family, which residence does not exceed a height of 35 feet above average grade level and which meets all requirements of the state agency or local government having jurisdiction thereof, other than requirements imposed pursuant to this chapter.

6. Construction of a dock, including a community dock, designed for pleasure craft only, for the private non-commercial use of the owner, lessee, or contract purchaser of single and multiple family residences. This exception applies if either:

(a) In salt waters, the fair market value of the dock does not exceed \$2,500; or

(b) in fresh waters, the fair market value of the dock does not exceed:

(1) \$20,000 for docks that are constructed to replace existing docks, and are of equal or lesser square footage than the existing dock being replaced; or

(2) \$10,000 for all other docks constructed on fresh waters.

(3) However, if subsequent construction occurs within five years of completion of the prior construction, and the combined fair market value of the subsequent and prior construction exceeds the amount specified above, the subsequent construction shall be considered a substantial development for the purpose of this chapter.

7. Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as a part of an irrigation system for the primary purpose of making use of system waters, including return flow and artificially stored groundwater for the irrigation of lands.

8. The marking of property lines or corners on state owned lands, when such marking does not significantly interfere with normal public use of the surface of the water.

9. Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on September 8, 1975, which were created, developed, or utilized primarily as a part of an agricultural drainage or diking system.

10. Site exploration and investigation activities that are prerequisite to preparation of an application for development authorization under this chapter, if:

a. The activity does not interfere with the normal public use of the surface waters;

b. The activity will have no significant adverse impact on the environment including, but not limited to, fish, wildlife, fish or wildlife habitat, water quality, and aesthetic values;

c. The activity does not involve the installation of a structure, and upon completion of the activity the vegetation and land configuration of the site are restored to conditions existing before the activity;

d. A private entity seeking development authorization under this section first posts a performance bond or provides other evidence of financial responsibility to the local jurisdiction to ensure the site is restored to preexisting conditions; and



e. The activity is not subject to the permit requirements of RCW 90.58.550 (Oil and Natural Gas exploration in marine waters).

11. The process of removing or controlling an aquatic noxious weed, as defined in RCW 17.26.020, through the use of an herbicide or other treatment methods applicable to weed control that are recommended by a final environmental impact statement published by the Department of Agriculture or the department jointly with other state agencies under RCW 43.21C.

12. Watershed restoration projects, which means a public or private project authorized by the sponsor of a watershed restoration plan that implements the plan or a part of the plan and consists of one or more of the following activities:

a. A project that involves less than 10 miles of stream reach, in which less than 25 cubic yards of sand, gravel, or soil is removed, imported, disturbed or discharged, and in which no existing vegetation is removed except as minimally necessary to facilitate additional plantings.

b. A project for the restoration of an eroded or unstable stream bank that employs the principles of bioengineering, including limited use of rock as a stabilization only at the toe of the bank, and with primary emphasis on using native vegetation to control the erosive forces of flowing water.

c. A project primarily designed to improve fish and wildlife habitat, remove or reduce impediments to migration of fish, or enhance the fishery resource available for use by all of the citizens of the state, provided that any structure, other than a bridge or culvert or instream habitat enhancement structure associated with the project, is less than 200 square feet in floor area and is located above the ordinary high water mark of the stream.

13. Watershed restoration plan, which means a plan, developed or sponsored by the Department of Fish and Wildlife, the Department of Ecology, the Department of Natural Resources, the Department of Transportation, a federally recognized Indian tribe acting within and pursuant to its authority, a city, a county or a conservation district that provides a general program and implementation measures or actions for the preservation, restoration, re-creation, or enhancement of the natural resources, character, and ecology of a stream, stream segment, drainage area or watershed for which agency and public review has been conducted pursuant to the State Environmental Policy Act.

14. A public or private project that is designed to improve fish or wildlife habitat or fish passage, when all of the following apply:

a. The project has been approved in writing by the Department of Fish and Wildlife;

b. The project has received hydraulic project approval by the Department of Fish and Wildlife pursuant to RCW 77.55; and

c. The local government has determined the project is substantially consistent with the local Shoreline Master Program. The local government shall make such determination in a timely manner and provide it by letter to the project proponent.

Additional criteria for determining eligibility of fish habitat projects are found in WAC 173-27-040 2 (p) and apply to this exemption.

15. The external or internal retrofitting of an existing structure for the exclusive purpose of compliance with the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.) or to otherwise provide physical access to the structure by individuals with disabilities.

**18.06.820 Surveyor**

“Surveyor” means a person licensed by the State of Washington to engage in the practice of land surveying, as defined by RCW 18.43.020.

**18.06.821 Theater**

“Theater” is a building or part of a building devoted to showing motion pictures or for dramatic, dance, musical or other live performances.

**18.06.822 Tow Truck Operations**

“Tow Truck Operations” means any storage yard, building, or vehicle storage/impounding lot for a towing business, including tow vehicles with towed vehicles attached. Tow truck operations do not include central offices for phone dispatch if tow trucks, drivers, or impounded vehicles do not come to the office.

**18.06.829 Townhouse**

“Townhouse” means a form of ground-related housing in which individual dwelling units are attached along at least one common wall to at least one other dwelling unit. Each dwelling unit occupies space from the ground to the roof and has direct access to private open space. No portion of a unit may occupy space above or below another unit, except that townhouse units may be constructed over a common shared parking garage, provided the garage is underground.

**18.06.830 Tract**

“Tract” means a parcel of land proposed for subdivision or a distinct parcel designated for a specific use.

**18.06.833 Trailer Court or Park**

“Trailer court or park” means any area of land occupied or designed for the occupancy of two or more travel trailers or mobile homes.

**18.06.835 Trailer, Travel**

“Travel trailer” means a vehicular portable structure built on a chassis, designed to be used as a temporary dwelling for travel and recreational purposes.

**18.06.840 Transit Center**

“Transit center” means a location where groups of buses or other public transportation vehicles can be brought together at the same time, allowing patrons to transfer between the routes.

**18.06.843 Transit-Oriented Development (TOD) Housing**

“Transit-Oriented Development (TOD) Housing” means a multiple-unit housing or mixed-use project including multiple-unit housing that is located near transit services and thus encourages people to decrease their dependence on driving.

**18.06.845 Tree**

“Tree” means any self-supporting woody plant characterized by one main trunk or, for certain species, multiple trunks, typically reaching 12-15 feet in height at maturity, that is recognized as a Tree in the nursery and arboricultural industries.

**(001) At-Risk Tree**

“At-Risk Tree” means a tree that is exposed to potential damage but can be retained during construction by use of appropriate tree protection measures as prescribed by a Qualified Tree Professional or by TMC 18.54.

**(002) Crown**

“Crown” means the area of a tree containing leaf- or needle-bearing branches.

**(003) Dead Tree**

“Dead Tree” means a tree with no live crown and no functioning vascular tissue.

**(004) Dripline**

“Dripline” means the distance from the tree trunk that is equal to the furthest extent of the tree’s crown or six-foot radius from the trunk of the tree, whichever is greater.

**(005) Exceptional Tree**

“Exceptional Tree” means a tree that is at least 18 inches in diameter (DBH). For trees with two stems, if the stems have a combined total diameter of at least 18 inches, the tree shall be considered an Exceptional Tree. For trees with three or more stems, if the three largest stems have a combined total diameter of at least 18 inches, the tree shall be considered an Exceptional Tree.

**(006) Heritage Tree or Heritage Grove**

“Heritage Tree” means a tree, or group of trees comprising a grove, specifically designated by the City because of historical significance, special character, and/or community benefit.

**(007) Invasive Tree**

“Invasive Tree” means a non-native tree species, which is likely to spread and disrupt the balance of an eco-system.

**(008) Nuisance Tree**

“Nuisance Tree” means a tree that is causing obvious physical damage to structures including, but not limited to, sidewalks; curbs; the surfaces of streets, parking lots, and driveways; underground utilities; or building foundations. Nuisance Tree does not include trees that currently meet the definition of Hazardous or Defective Tree.

**(009) Qualified Tree Professional**

“Qualified Tree Professional” means an individual who is a certified professional with academic and/or field experience that makes them a recognized expert in urban forestry and tree protection. A Qualified Tree Professional shall be a member of the International Society of Arboriculture (ISA) and/or the Association of Consulting Arborists, and shall have specific experience with urban tree management in the state of Washington. A Qualified Tree Professional preparing tree valuations shall have the necessary training and experience to use and apply the appraisal methodology prescribed in the most recent edition of the ISA Plant Appraisal Guide.

**(010) Risk**

“Risk” means, in the context of urban forestry and trees, the likelihood of tree failure causing damage to a Target such as property or persons.

**(011) Street Tree**

“Street Tree” means a tree located within the public right-of-way, or easement for street use granted to the City, provided that, if the trunk of the tree straddles the boundary line of the public right-of-way and the abutting property, it shall be considered to be on the abutting property.

**(012) Target or Risk Target**

“Target or Risk Target” means, as used in the context of urban forestry or trees, people, property, or activities that could be injured, damaged, or disrupted by a tree.

**(013) Tree Risk Assessment**

“Tree risk assessment” means the systematic process to identify, analyze and evaluate tree risk prepared by a Qualified Tree Professional in accordance with the latest version of the International Society of Arboriculture (ISA) Best Management Practices Guide.

**(014) Tree Risk Assessor**

“Tree Risk Assessor” means a Qualified Tree Professional with a Tree Risk Assessment Qualification, who identifies subject tree(s) and site conditions, evaluates and classifies the likelihood of failure, estimates the consequences of tree(s) hitting a Target, and determines options for treatment or mitigation.

**(015) Viable Tree**

“Viable Tree” means a Significant Tree that a Qualified Tree Professional has determined to be in good health with a low risk of failure; is relatively Windfirm if isolated or exposed; and is a species that is suitable for its location and is therefore worthy of long-term retention.

**(016) Windfirm**

“Windfirm” means a tree that is healthy and well-rooted and that a Qualified Tree Professional has evaluated and determined can withstand normal winter storms or surrounding tree removal.

**18.06.852 Tree Removal**

“Tree Removal” means the direct or indirect removal of a tree through actions including, but not limited to: clearing, cutting, girdling, topping, or causing irreversible damage to roots or stems; destroying the structural integrity of trees through improper pruning, poisoning or filling; excavating, grading, or trenching within the dripline that results in the loss of more than 20 percent of the tree’s root system; or the removal through any of these processes of greater than 50 percent of the live crown of the tree.

**18.06.854 Truck Terminal**

“Truck terminal” means land and buildings used as a relay station for the transfer of a load from one vehicle to another or one party to another. The terminal cannot be used for permanent or long-term storage.

**18.06.855 Turbidity**

“Turbidity” means a cloudy condition in water due to the suspension of silt, finely divided organic matter, or other pollutants.

**18.06.860 Understory Vegetation**

“Understory vegetation” means small trees, shrubs, and groundcover plants, growing beneath and shaded by the canopy of a significant tree, which affect and are affected by the soil and hydrology of the area surrounding the significant tree roots.

**18.06.863 Usable Floor Area**

“Usable Floor area” means that part of the floor area of any structure which is actually used from time to time for any commercial purposes, such as a sales area, display area, walkways or storage area. Parking calculation shall not include common corridors designed for the circulation of people at non-retail establishments, restrooms, elevator shafts and stairwells at each floor, mechanical equipment rooms or attic spaces and exterior covered loading docks.

**18.06.864 Useable Marijuana**

"Useable marijuana" means dried marijuana flowers. The term "useable marijuana" does not include marijuana-infused products.

**18.06.865 Use**

"Use" means the nature of the activities taking place on private property or within structures thereon.

**18.06.870 Use, Accessory**

“Accessory use” means a use incidental and subordinate to the principal use and located on the same lot or in the same building as the principal use.

**18.06.875 Use, Conditional**

“Conditional use” means an unusual and/or unique type of land use which, due to its nature, requires special consideration of its impacts on the neighborhood and land uses in the vicinity.

**18.06.880 Use, Permitted**

“Permitted use” means any use authorized or permitted alone or in conjunction with any other use in a specified district and subject to the limitation of the regulations of such use district.

**18.06.885 Use, Primary or Principal**

“Primary or principal permitted use” means the use for which a lot, structure or building, or the major portion thereof, is designed or actually employed.

**18.06.890 Use, Unclassified**

“Unclassified use” means an unusual, large-scale, unique and/or special type of land use which, due to its nature, requires special review of its impacts on the community and land uses in the vicinity.

**18.06.895 Unlisted Use**

“Unlisted use” means uses which are not specifically named as permitted in any use classification contained within this title.

**18.06.900 Utilities**

“Utilities” means all lines and facilities related to the provision, distribution, collection, transmission or disposal of water, storm and sanitary sewage, oil, gas, power, information, telecommunication and telephone cable, or refuse, and includes facilities for the generation of electricity.

**18.06.905 Variance**

“Variance” means an adjustment in the specific regulation of this title regarding a particular piece of property. (See *TMC 18.72, Variances*)

**18.06.910 Vegetation**

“Vegetation” means living trees, shrubs or groundcover plants.

**18.06.915 Vehicles**

“Vehicles” means mechanical devices capable of movement by means of wheels, skids or runners of any kind, specifically including, but not limited to, all forms of trailers, recreational vehicles or mobile homes of any size whether capable of supplying their own motive power or not, without regard to whether the primary purpose of which device is or is not the conveyance of persons or objects, and specifically including all such automobiles, buses, trucks, cars, vans, recreational vehicles, trailers and mobile homes even though they may be at any time immobilized in any way and for any period of time of whatever duration.

**18.06.916 Warehouse**

“Warehouse” is a building or group of buildings that are primarily for the storage of goods.

**18.06.917 Water Dependent**

“Water dependent” means a use or portion of a use that cannot exist in a location that is not adjacent to the water and that is dependent on the water by reason of the intrinsic nature of its operations. Examples of water-dependent uses include ship cargo terminal loading areas, marinas, ship building and dry docking, float plane facilities, sewer outfalls, and shoreline ecological restoration projects.

**18.06.918 Water Enjoyment**

“Water enjoyment” means a recreational use or other use that facilitates public access to the shoreline as a primary characteristic of the use. The use must be open to the general public and the shoreline-oriented space within the project must be devoted to the specific aspects of the use that fosters shoreline enjoyment. Examples of water-enjoyment uses include parks, piers, museums, restaurants, educational/scientific reserves, resorts and mixed use projects.

**18.06.919 Water Oriented**

“Water oriented” means a use that is water-dependent, water-related or water-enjoyment or a combination of such uses.

**18.06.920 Watercourse**

“Watercourse” means a course or route formed by nature or modified by man, generally consisting of a channel with a bed and banks or sides substantially throughout its length along which surface water flows naturally, including the Green/Duwamish River. The channel or bed need not contain water year-round. Watercourses do not include irrigation ditches, stormwater runoff channels or devices, or other entirely artificial watercourses unless they are used by salmonids or to convey or pass through stream flows naturally occurring prior to construction of such devices.

#### **18.06.921 Water Related**

“Water related” means a use or portion of a use that is not intrinsically dependent on a waterfront location but whose economic viability is dependent upon a waterfront location because:

- a. The use has a functional requirement for a waterfront location such as the arrival or shipment of materials by water or the need for large quantities of water; or
- b. The use provides a necessary service supportive of the water-dependent uses and the proximity of the use to its customers makes its services less expensive and/or more convenient.

Examples of water-related uses are warehousing of goods transported by water, seafood processing plants, hydroelectric generating plants, gravel storage when transported by barge, and log storage or oil refineries where transport is by tanker.

#### **18.06.922 Wetland**

“Wetland” means those areas that are inundated or saturated by groundwater or surface water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include bogs, swamps, marshes, ponds, lakes and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including but not limited to irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, landscape amenities or those wetlands created after July 1, 1990 that were unintentionally created as a result of the construction of a road, street or highway. However, those artificial wetlands intentionally created from non-wetland areas to mitigate conversion of wetlands as permitted by the City shall be considered wetlands.

#### **18.06.924 Wetland Edge**

“Wetland edge” means the delineated boundary of a wetland performed in accordance with approved federal wetland delineation manual and current applicable regional supplements.

#### **18.06.934 Wetland, Scrub-Shrub**

“Scrub-shrub wetland” means a wetland with at least 30% of its surface area covered by woody vegetation less than 20 feet in height as the uppermost strata.

#### **18.06.944 WRIA**

“WRIA” means Water Resource Inventory Area — river basin planning and management areas formalized under Washington Administrative Code (WAC) 173-500-04 and authorized under the Water Resources Act of 1971, Revised Code of Washington (RCW) 90.54. WRIA 9 refers to the Green/Duwamish River Basin within which Tukwila is located.

#### **18.06.945 Yard**

“Yard” means a required open space unoccupied and unobstructed by any structure or portion of a structure from 30 inches above the general ground level of the graded lot upward.

**18.06.950 Yard, Front**

“Front yard” means a yard extending between side lot lines across the front of a lot. In MDR and HDR zones, this shall also include areas adjacent to ‘access roads’.

**18.06.955 Yard, Rear**

“Rear yard” means a yard extending across the rear of the lot between inner side yard lines.

**18.06.960 Yard, Second Front**

“Second front yard” means any yard adjacent to a public street that is not a front yard as defined in the Definitions chapter of this title. *(See also TMC 18.50, Supplemental Development Regulations, and Figure 18-4.)*

**18.06.965 Yard, Side**

“Side yard” means a yard extending from the rear line of the required front yard to the rear lot line, or in the absence of any clearly defined rear lot line to the point on the lot farthest from the intersection of the lot-line involved with the public street.



**CHAPTER 18.14  
HIGH DENSITY RESIDENTIAL  
(HDR) DISTRICT**

**Sections:**

18.14.010	Purpose
18.14.020	Land Uses Allowed
18.14.030	Recreation Space Requirements
18.14.060	Design Review
18.14.070	Basic Development Standards

**18.14.010 Purpose**

A. This district implements the High-Density Residential Comprehensive Plan designation, which allows 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 which is also compatible with commercial and office areas. Certain HDR properties are identified as Commercial Redevelopment Areas (*see Figures 18-9 or 18-10*) to encourage aggregation and redevelopment of properties that front on Tukwila International Boulevard. Aggregation and commercial redevelopment of these sites would implement the Pacific Highway Revitalization Plan and provide opportunities to redefine and create more uniform borders between the commercial corridor and adjacent residential neighborhoods.

B. Certain HDR properties are located in the Urban Renewal Overlay (*see Figure 18-15*). Existing zoning and development standards will remain in place. The overlay provides additional alternate development standards that may be applied to development within the Urban Renewal Overlay upon request of the property owner, and if the development meets certain qualifying criteria. Urban Renewal Overlay district standards would implement the Tukwila International Boulevard Revitalization Plan through more intensive development.

**18.14.020 Land Uses Allowed**

A. Refer to TMC 18.09, "Land Uses Allowed by District."

**18.14.030 Recreation Space Requirements**

A. In the HDR zoning district, any proposed multiple-family structure, complex or development shall provide, on the premises and for the use of the occupants, a minimum amount of recreation space according to the provisions of TMC 18.14.030, subparagraphs 1 through 4. In the TSO zone with underlying LDR zoning on land that adjoins the City of SeaTac, recreation space shall meet the provisions of TMC 18.14.030, subparagraphs 2 through 4, in addition to the minimum required area as specified in TMC 18.41.090.A.1.

**1. Required Area.**

a. For each proposed dwelling unit in the multiple-family development and detached zero-lot-line type of development, a minimum of 400 square feet (100 square feet for senior citizen housing) of recreation space shall be provided. Any multiple-family structure, complex or development shall provide a minimum of 1,000 square feet of total recreation space.

b. Townhouse units shall provide at least 250 square feet of the 400 square feet of recreation space as private, ground level open space measuring not less than 10 feet in any dimension.

c. The front, side and rear yard setback areas required by the applicable zoning district shall not qualify as recreation space. However, these setback areas can qualify as recreation space for townhouses if they are incorporated into private open space with a minimum dimension of 10 feet on all sides.

**2. *Indoor or Covered Space.***

a. No more than 50% of the required recreation space may be indoor or covered space in standard multi-family developments. Senior citizen housing must have at least 20% indoor or covered space.

b. The Director may grant a maximum of two square feet of recreation space for each one square foot of extensively improved indoor recreation space provided. Interior facility improvements would include a full range of weight machines, sauna, hot tub, large screen television and the like.

**3. *Uncovered Space.***

a. A minimum of 50% of the total required recreation space shall be open or uncovered; up to 100% of the total requirement may be in open or uncovered recreation space in standard multi-family developments. Senior citizen housing allows up to 80% of recreation space to be outdoors and has no minimum outdoor space requirement.

b. Recreation space shall not exceed a 4% slope in any direction unless it is determined that the proposed space design clearly facilitates and encourages the anticipated.

c. The Director may grant a maximum credit of two square feet of recreation space for each one square foot of outdoor pool and surrounding deck area.

**4. *General Requirements.***

a. Multiple-family complexes (except senior citizen housing, detached zero-lot-line and townhouses with nine or fewer units), which provide dwelling units with two or more bedrooms, shall provide adequate recreation space for children with at least one space for the 5- to 12-year-old group. Such space shall be at least 25% but not more than 50% of the total recreation space required under TMC Section 18.14.030 (1), and shall be designated, located and maintained in a safe condition.

b. Adequate fencing, plant screening or other buffer shall separate the recreation space from parking areas, driveways or public streets.

c. The anticipated use of all required recreation areas shall be specified and designed to clearly accommodate that use.

**18.14.060 Design Review**

A. Design review is required for:

1. Multi-family structures.
2. Mobile or manufactured home parks.
3. Developments in a Commercial Redevelopment Area that propose the uses and standards of an adjacent commercial zone.
4. Developments located within the shoreline jurisdiction, if new building construction or exterior changes are involved and the cost of the exterior work equals or exceeds 10% of the building's assessed valuation.

(See TMC 18.60, Design Review)

**18.14.070 Basic Development Standards**

Development within the High-Density Residential District shall conform to the following listed and referenced standards:

**HDR BASIC DEVELOPMENT STANDARDS**

Lot area, minimum	9,600 sq. ft. (Applied to parent lot for townhouse subdivisions)
Lot area per unit (multi-family, except senior citizen housing)	2,000 sq. ft. (For townhouses the density shall be calculated based on one unit per 2000 sq. ft. of parent lot area. The "unit lot" area shall be allowed to include the common access easements.)
Average lot width (min. 20 ft. street frontage width), minimum	60 feet (Applied to parent lot for townhouse subdivisions)
Setbacks, minimum: parent lot for townhouse subdivisions	Applied to
• <i>Front - 1st floor</i>	15 feet
• <i>Front - 2nd floor</i>	20 feet
• <i>Front - 3rd floor</i>	30 feet (20 feet for townhouses)
• <i>Front - 4th floor</i>	45 feet (20 feet for townhouses)
• <i>Second front - 1st floor</i>	7.5 feet
• <i>Second front - 2nd floor</i>	10 feet
• <i>Second front - 3rd floor</i>	15 feet (10 feet for townhouses)
• <i>Second front - 4th floor</i>	22.5 feet (10 feet for townhouses)
• <i>Sides - 1st floor</i>	10 feet
• <i>Sides - 2nd floor</i>	20 feet (10 feet for townhouses unless adjacent to LDR)
• <i>Sides - 3rd floor</i>	20 feet (30 feet if adjacent to LDR) (10 feet for townhouses unless adjacent to LDR)
• <i>Sides - 4th floor</i>	30 feet (20 feet for townhouses unless adjacent to LDR)
• <i>Rear - 1st floor</i>	10 feet
• <i>Rear - 2nd floor</i>	20 feet (10 feet for townhouses unless adjacent to LDR)
• <i>Rear - 3rd floor</i>	20 feet (30 feet if adjacent to LDR; 10 feet for townhouses unless adjacent to LDR)
• <i>Rear - 4th floor</i>	30 feet (20 feet for townhouses unless adjacent to LDR)

Refer to TMC 18.52, "Landscape Requirements," Table A, for perimeter and parking lot landscaping requirements.	
Townhouse building separation, minimum	
• 1 and 2 story buildings	10 feet
• 3 and 4 story buildings	20 feet
Height, maximum	45 feet
Development area coverage	50% maximum (except senior citizen housing), (75% for townhouses)
Recreation space	400 sq. ft. per dwelling unit (1,000 sq. ft. min.)
Recreation space, senior citizen housing	100 sq. ft. per dwelling unit
Off-street parking:	
• Residential (except senior citizen housing)	See TMC 18.56, Off-street Parking & Loading Regulations.
• Accessory dwelling unit	See TMC 18.50.220
• Other uses, including senior citizen housing	See TMC 18.56, Off-street Parking & Loading Regulations
<u>Conversion to Residential</u>	<u>See TMC 18.50.230, Residential Conversions</u>
Performance Standards: Use, activity and operations within a structure or a site shall comply with (1) standards adopted by the Puget Sound Air Pollution Control Agency for odor, dust, smoke and other airborne pollutants, (2) TMC 8.22, "Noise", and, (3) adopted State and Federal standards for water quality and hazardous materials. In addition, all development subject to the requirements of the State Environmental Policy Act, RCW 43.21C, shall be evaluated to determine whether adverse environmental impacts have been adequately mitigated.	

**CHAPTER 18.16  
MIXED USE OFFICE  
(MUO) DISTRICT**

**Sections:**

18.16.010	Purpose
18.16.020	Land Uses Allowed
18.16.060	On-Site Hazardous Substances
18.16.070	Design Review
18.16.080	Basic Development Standards

**18.16.010 Purpose**

This district implements the Mixed-Use Office Comprehensive Plan designation which allows up to 14.5 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 create and maintain areas characterized by professional and commercial office structures, mixed with certain complementary retail and residential uses.

**18.16.020 Land Uses Allowed**

Refer to TMC 18.09, "Land Uses Allowed by District."

**18.16.060 On-Site Hazardous Substances**

No on-site hazardous substance processing and handling, or hazardous waste treatment and storage facilities shall be permitted, unless clearly incidental and secondary to a permitted use. On-site hazardous waste treatment and storage facilities shall be subject to the State siting criteria (RCW 70.105). (See TMC 21.08.)

**18.16.070 Design Review**

Design review is required for:

1. Projects located within the shoreline jurisdiction that involve new building construction or exterior changes if the cost of the exterior changes equals or exceeds 10% of the building's assessed valuation.
2. Commercial structures 1,500 square feet or larger outside the shoreline jurisdiction.
3. Structures containing multi-family dwellings.
4. Structures in the Tukwila International Boulevard corridor. (See TMC Figure 18-9)
5. Certain exterior repairs, reconstructions, alterations or improvements to buildings over 10,000 square feet.

(See TMC 18.60, *Design Review*)

**18.16.080 Basic Development Standards**

Development within the Mixed Use Office District shall conform to the following listed and referenced standards. In the Tukwila International Boulevard corridor, there are circumstances under which these basic standards may be waived (see TMC 18.60.020).

**MUO BASIC DEVELOPMENT STANDARDS**

Lot area per unit, multi-family (except senior citizen housing), minimum	3,000 sq. ft.
Setbacks to yards, minimum:	
• <i>Front</i>	25 feet
• <i>Second front</i>	12.5 feet
• <i>Sides</i>	10 feet
• <i>Sides, if any portion of the yard is within 50 feet of LDR, MDR, HDR</i>	Ratio of 1.5:1 setback (for every 1.5 feet of bldg. height, setback 1 foot from property line) min. of 10 feet and a max. of 30 feet
• <i>Rear</i>	10 feet
• <i>Rear, if any portion of the yard is within 50 feet of LDR, MDR, HDR</i>	Ratio of 1.5:1 setback (for every 1.5 feet of bldg. height, setback 1 foot from property line) min. of 10 feet and a max. of 30 feet
Refer to TMC 18.52, "Landscape Requirements," Table A, for perimeter and parking lot landscaping requirements.	
Height, maximum	4 stories or 45 feet
Recreation space	200 sq. ft. per dwelling unit (1,000 sq. ft. min.)
Recreation space, senior citizen housing	100 sq. ft. per dwelling unit
Off-street parking:	

• <i>Residential (except senior citizen housing)</i>	See TMC 18.56, Off street Parking & Loading Regulations
• <i>Office, minimum</i>	3 per 1,000 sq. ft. usable floor area
• <i>Retail, minimum</i>	2.5 per 1,000 sq. ft. usable floor area
• <i>Other uses, including senior citizen housing</i>	See TMC 18.56, Off-street Parking & Loading Regulations
<u>Conversion to Residential</u>	<u>See TMC 18.50.230, Residential Conversions</u>
<p>Performance Standards: Use, activity and operations within a structure or a site shall comply with (1) standards adopted by the Puget Sound Air Pollution Control Agency for odor, dust, smoke and other airborne pollutants, (2) TMC 8.22, "Noise", and, (3) adopted State and Federal standards for water quality and hazardous materials. In addition, all development subject to the requirements of the State Environmental Policy Act, RCW 43.21C, shall be evaluated to determine whether adverse environmental impacts have been adequately mitigated.</p>	

**CHAPTER 18.20  
RESIDENTIAL COMMERCIAL CENTER  
(RCC) DISTRICT**

**Sections:**

18.20.010	Purpose
18.20.020	Land Uses Allowed
18.20.060	On-Site Hazardous Substances
18.20.070	Design Review
18.20.080	Basic Development Standards

**18.20.010 Purpose**

This district implements the Residential Commercial Center Comprehensive Plan designation which allows a maximum of 14.5 dwelling units per net acre. It is intended to create and maintain pedestrian-friendly commercial areas characterized and scaled to serve a local neighborhood, with a diverse mix of residential, retail, service, office, recreational and community facility uses.

**18.20.020 Land Uses Allowed**

Refer to TMC 18.09, "Land Uses Allowed by District."

**18.20.060 On-Site Hazardous Substances**

No on-site hazardous substance processing and handling, or hazardous waste treatment and storage facilities shall be permitted, unless clearly incidental and secondary to a permitted use. On-site hazardous waste treatment and storage facilities shall be subject to the State siting criteria (RCW 70.105).

*(See TMC 21.08.)*

**18.20.070 Design Review**

Design review is required for:

1. All new commercial and multifamily structures and
2. All projects located within the shoreline jurisdiction that involve new building construction or exterior changes if the cost of the exterior changes equals or exceeds 10% of the building's assessed valuation.
3. Certain exterior repairs, reconstructions, alterations or improvements to buildings over 10,000 square feet.

*(See TMC 18.60, Design Review)*

**18.20.080 Basic Development Standards**

Development within the Residential Commercial Center District shall conform to the following listed and referenced standards:

**RCC BASIC DEVELOPMENT STANDARDS**

Lot area, minimum	5,000 sq. ft.
Lot area per unit (multi-family), minimum	3,000 sq. ft.
Setbacks to yards, minimum:	



• <i>Front</i>	20 feet
• <i>Second front</i>	10 feet
• <i>Sides</i>	5 feet
• <i>Sides, if any portion of the yard is within 50 feet of LDR, MDR, HDR</i>	10 feet
• <i>Rear</i>	10 feet
Refer to TMC Chapter 18.52, "Landscape Requirements," Table A, for perimeter and parking lot landscaping requirements.	
Height, maximum	3 stories or 35 feet
Recreation space	200 sq. ft. per dwelling unit (1,000 sq. ft. min.)
Off-street parking:	
• <i>Residential</i>	See TMC Chapter 18.56, Off-street Parking & Loading Regulations
• <i>Office, minimum</i>	3 per 1,000 sq. ft. usable floor area
• <i>Retail, minimum</i>	2.5 per 1,000 sq. ft. usable floor area
• <i>Other uses</i>	See TMC Chapter 18.56, Off-street Parking & Loading Regulations
<u>Conversion to Residential</u>	<u>See TMC 18.50.230, Residential Conversions</u>
Performance Standards: Use, activity and operations within a structure or a site shall comply with (1) standards adopted by the Puget Sound Air Pollution Control Agency for odor, dust, smoke and other airborne pollutants, (2) TMC Chapter 8.22, "Noise", and (3) adopted State and Federal standards for water quality and hazardous materials. In addition, all development subject to the requirements of the State Environmental Policy Act, RCW 43.21C, shall be evaluated to determine whether adverse environmental impacts have been adequately mitigated.	

**CHAPTER 18.22  
NEIGHBORHOOD COMMERCIAL CENTER  
(NCC) DISTRICT**

**Sections:**

18.22.010	Purpose
18.22.020	Land Uses Allowed
18.22.060	On-Site Hazardous Substances
18.22.070	Design Review
18.22.080	Basic Development Standards

**18.22.010 Purpose**

A. This district implements the Neighborhood Commercial Center Comprehensive Plan designation. Senior citizen housing is allowed up to 60 dwelling units per acre, subject to additional restrictions. It is intended to provide for pedestrian-friendly areas characterized and scaled to serve multiple residential areas, with a diverse mix of uses. Uses include residential uses at second story or above when mixed with certain retail, service, office, recreational and community facilities, generally along a transportation corridor.

B. Certain NCC properties are located in the Urban Renewal Overlay (see Figure 18-15). Existing zoning and development standards will remain in place. The overlay provides additional alternate development standards that may be applied to development within the Urban Renewal Overlay upon request of the property owner, and if the development meets certain qualifying criteria. Urban Renewal Overlay district standards would implement the Tukwila International Boulevard Revitalization Plan through more intensive development.

**18.22.020 Land Uses Allowed**

Refer to TMC 18.09, "Land Uses Allowed by District."

**18.22.060 On-Site Hazardous Substances**

No on-site hazardous substance processing and handling, or hazardous waste treatment and storage facilities shall be permitted, unless clearly incidental and secondary to a permitted use. On-site hazardous waste treatment and storage facilities shall be subject to the State siting criteria (RCW 70.105).

(See *TMC 21.08.*)

**18.22.070 Design Review**

Design review is required for:

1. All commercial structures.
2. All multi-family structures.
3. All projects located within the shoreline jurisdiction that involve new building construction or exterior changes if the cost of the exterior changes equals or exceeds 10% of the building's assessed valuation.
4. Certain exterior repairs, reconstructions, alterations or improvements to buildings over 10,000 square feet or in the Tukwila International Boulevard corridor.

(See TMC 18.60, Design Review)

**18.22.080 Basic Development Standards**

Development within the Neighborhood Commercial Center District shall conform to the following listed and referenced standards: In the Tukwila International Boulevard corridor, there are circumstances under which these basic standards may be waived (see TMC 18.60.020).

**NCC BASIC DEVELOPMENT STANDARDS**

Lot area per unit for senior citizen housing, minimum	726 sq. ft. (senior housing)
Setbacks to yards, minimum:	
• <i>Front</i>	6 feet (12 feet if located along Tukwila International Blvd. S.)
• <i>Second front</i>	5 feet
• <i>Sides</i>	10 feet
• <i>Sides, if any portion of the yard is within 50 feet of LDR, MDR, HDR</i>	Ratio of 1.5:1 setback (for every 1.5 feet of bldg. height, setback 1 foot from property line) min. of 10 feet and a max. of 20 feet
• <i>Rear</i>	10 feet
• <i>Rear, if any portion of the yard is within 50 feet of LDR, MDR, HDR</i>	Ratio of 1.5:1 setback (for every 1.5 feet of bldg. height, setback 1 foot from property line) min. of 10 feet and a max. of 20 feet
Refer to TMC 18.52, "Landscape Requirements," Table A, for perimeter and parking lot landscaping requirements.	
Height, maximum	3 stories or 35 feet (4 stories or 45 feet in the NCC of the Tukwila International Boulevard, if a mixed use with a residential and commercial component)
Recreation space	200 sq. ft. per dwelling unit (1,000 sq. ft. min.)
Recreation space, senior citizen housing	100 sq. ft. per dwelling unit
Off-street parking:	
• <i>Residential (except senior citizen housing)</i>	See TMC 18.56, Off-street Parking/Loading Regulations
• <i>Office</i>	3 per 1,000 sq. ft. usable floor area
• <i>Retail</i>	2.5 per 1,000 sq. ft. usable floor area
• <i>Manufacturing</i>	1 per 1,000 sq. ft. usable floor area minimum
• <i>Warehousing</i>	1 per 2,000 sq. ft. usable floor area minimum
• <i>Other uses, including senior citizen housing</i>	See TMC 18.56, Off-street Parking & Loading Regulations
<b>Conversion to Residential</b>	<b>See TMC 18.50.230, Residential Conversions</b>
Performance Standards: Use, activity and operations within a structure or a site shall comply with (1) standards adopted by the Puget Sound Air Pollution Control Agency for odor, dust, smoke and other airborne pollutants, (2) TMC 8.22, "Noise", and, (3) adopted State and Federal standards for water quality and hazardous materials. In addition, all development subject to the requirements of the State	

Environmental Policy Act, RCW 43.21C, shall be evaluated to determine whether adverse environmental impacts have been adequately mitigated.

**CHAPTER 18.24  
REGIONAL COMMERCIAL  
(RC) DISTRICT**

**Sections:**

18.24.010	Purpose
18.24.020	Land Uses Allowed
18.24.060	On-Site Hazardous Substances
18.24.070	Design Review
18.24.080	Basic Development Standards

**18.24.010 Purpose**

This district implements the Regional Commercial Comprehensive Plan designation. It is intended to provide for areas characterized by commercial services, offices, lodging, entertainment, and retail activities with associated warehousing, and accessory light industrial uses, along a transportation corridor and intended for high-intensity regional uses. Where the area and streetscape is more residential than commercial in character, residential or mixed use residential is also allowed in order to provide redevelopment options and additional households, which would support the surrounding commercial district. In areas where residential uses are permitted, senior citizen housing is allowed up to 60 dwelling units per acre, subject to additional restrictions. The zone's standards are intended to promote attractive development, an open and pleasant street appearance, and compatibility with adjacent residential areas.

**18.24.020 Land Uses Allowed**

Refer to TMC 18.09, "Land Uses Allowed by District."

**18.24.060 On-Site Hazardous Substances**

No on-site hazardous substance processing and handling, or hazardous waste treatment and storage facilities shall be permitted, unless clearly incidental and secondary to a permitted use. On-site hazardous waste treatment and storage facilities shall be subject to the State siting criteria (RCW 70.105). (See TMC 21.08.)

**18.24.070 Design Review**

Design review is required for:

1. All projects located within the shoreline jurisdiction that involve new building construction or exterior changes if the cost of the exterior changes equals or exceeds 10% of the building's assessed valuation.
2. All hotels and motels.
3. All other commercial structures 1,500 square feet or larger outside the shoreline jurisdiction.
4. Within the Tukwila International Boulevard corridor (see TMC Figure 18-9), design review is required for all new development as well as certain exterior repairs, reconstructions, alterations or improvements.

(See TMC 18.60, Design Review)

## 18.24.080 Basic Development Standards

Development within the Regional Commercial district shall conform to the following listed and referenced standards. In the Tukwila International Boulevard corridor, there are circumstances under which these basic standards may be waived (see TMC 18.60.020).

### RC BASIC DEVELOPMENT STANDARDS

Lot area per unit (multifamily, except senior citizen housing), minimum	2,000 sq. ft. Where height limit is 6 stories: 622 sq. ft. Where height limit is 10 stories: 512 sq. ft.
Setbacks to yards, minimum:	
• <i>Front</i>	20 feet
• <i>Second front</i>	10 feet
• <i>Sides</i>	10 feet
• <i>Sides, if any portion of the yard is within 50 feet of LDR, MDR, HDR</i>	Ratio of 1.5:1 setback (for every 1.5 feet of bldg. height, setback 1 foot from property line) min. of 10 feet and a max. of 30 feet
When 3 or more stories	30 feet
• <i>Rear</i>	10 feet
• <i>Rear, if any portion of the yard is within 50 feet of LDR, MDR, HDR</i>	Ratio of 1.5:1 setback (for every 1.5 feet of bldg. height, setback 1 foot from property line) min. of 10 feet and a max. of 30 feet
When 3 or more stories	30 feet
Refer to TMC 18.52, "Landscape Requirements," Table A, for perimeter and parking lot landscaping requirements.	
Height, maximum	3 stories or 35 feet
Recreation space	200 sq. ft. per dwelling unit (1,000 sq. ft. min.)
Recreation space, senior citizen housing	100 sq. ft. per dwelling unit
Off-street parking:	
• <i>Residential (except senior citizen housing)</i>	See TMC 18.56, Off street Parking/Loading Regulations
• <i>Office</i>	3 per 1,000 sq. ft. usable floor area minimum
• <i>Retail</i>	2.5 per 1,000 sq. ft. usable floor area minimum
• <i>Manufacturing</i>	1 per 1,000 sq. ft. usable floor area minimum
• <i>Warehousing</i>	1 per 2,000 sq. ft. usable floor area minimum
• <i>Other uses, including senior citizen housing</i>	See TMC 18.56, Off-street Parking & Loading Regulations
<b>Conversion to Residential</b>	<b>See TMC 18.50.230, Residential Conversions</b>
Performance Standards: Use, activity and operations within a structure or a site shall comply with (1) standards adopted by the Puget Sound Air Pollution Control Agency for odor, dust, smoke and other airborne pollutants, (2) TMC 8.22, "Noise", and, (3) adopted State and Federal standards for water quality and hazardous materials. In addition, all development subject to the requirements of the State Environmental Policy Act, RCW 43.21C, shall be evaluated to determine whether adverse environmental impacts have been adequately mitigated.	

**CHAPTER 18.26  
REGIONAL COMMERCIAL MIXED-USE  
(RCM) DISTRICT**

**Sections:**

18.26.010	Purpose
18.26.020	Land Uses Allowed
18.26.060	On-Site Hazardous Substances
18.26.070	Design Review
18.26.080	Basic Development Standards

**18.26.010 Purpose**

This district implements the Regional Commercial Mixed Use Comprehensive Plan designation, which allows up to 14.5 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 for areas characterized by commercial services, offices, lodging, entertainment, and retail activities with associated warehousing, and accessory light industrial uses, along a transportation corridor and intended for high-intensity regional uses. Residential uses mixed with certain commercial uses are allowed at second story or above. The zone's standards are intended to promote attractive development, an open and pleasant street appearance, and compatibility with adjacent residential areas.

**18.26.020 Land Uses Allowed**

Refer to TMC 18.09, "Land Uses Allowed by District."

**18.26.060 On-Site Hazardous Substances**

No on-site hazardous substance processing and handling, or hazardous waste treatment and storage facilities shall be permitted, unless clearly incidental and secondary to a permitted use. On-site hazardous waste treatment and storage facilities shall be subject to the State siting criteria (RCW 70.105).

(See TMC 21.08.)

**18.26.070 Design Review**

Design review is required for:

1. All projects located within the shoreline jurisdiction that involve new building construction or exterior changes if the cost of the exterior changes equals or exceeds 10% of the building's assessed valuation.
2. Commercial structures 1,500 square feet or larger.
3. All structures containing multi-family dwellings outside the shoreline jurisdiction.
4. Certain exterior repairs, reconstructions, alterations or improvements to buildings over 10,000 square feet.

(See TMC 18.60, Design Review)

**18.26.080 Basic Development Standards**

Development within the Regional Commercial Mixed Use District shall conform to the following listed and referenced standards:

**RCM BASIC DEVELOPMENT STANDARDS**

Lot area per unit (multifamily, except senior citizen housing), minimum	3,000 ft
Setbacks to yards, minimum:	
• <i>Front</i>	20 feet
• <i>Second front</i>	10 feet
• <i>Sides</i>	10 feet
• <i>Sides, if any portion of the yard is within 50 feet of LDR, MDR, HDR</i>	
1st Floor	10 feet
2nd Floor	20 feet
3rd Floor	30 feet
• <i>Rear</i>	10 feet
• <i>Rear, if any portion of the yard is within 50 feet of LDR, MDR, HDR</i>	
1st Floor	10 feet
2nd Floor	20 feet
3rd Floor	30 feet
Refer to TMC Chapter 18.52, "Landscape Requirements," Table A, for perimeter and parking lot landscaping requirements.	
Height, maximum	3 stories or 35 feet
Recreation space	200 sq. ft. per dwelling unit (1,000 sq. ft. min.)
Recreation space, senior citizen housing	100 sq. ft. per dwelling unit
Off-street parking:	
• <i>Residential (except senior citizen housing)</i>	See TMC 18.56, Off street Parking/Loading Regulations
• <i>Office</i>	3 per 1,000 sq. ft. usable floor area minimum
• <i>Retail</i>	2.5 per 1,000 sq. ft. usable floor area minimum
• <i>Manufacturing</i>	1 per 1,000 sq. ft. usable floor area minimum
• <i>Warehousing</i>	1 per 2,000 sq. ft. usable floor area minimum
• <i>Other uses, including senior citizen housing</i>	See TMC 18.56, Off-street Parking & Loading Regulations
<u>Conversion to Residential</u>	<u>See TMC 18.50.230, Residential Conversions</u>
Performance Standards: Use, activity and operations within a structure or a site shall comply with (1) standards adopted by the Puget Sound Air Pollution Control Agency for odor, dust, smoke and other airborne pollutants, (2) TMC 8.22, "Noise", and, (3) adopted State and Federal standards for water quality and hazardous materials. In addition, all development subject to the requirements of the State Environmental Policy Act, RCW 43.21C, shall be evaluated to determine whether adverse environmental impacts have been adequately mitigated.	



**CHAPTER 18.30  
COMMERCIAL/LIGHT INDUSTRIAL  
(C/LI) DISTRICT**

**Sections:**

18.30.010	Purpose
18.30.020	Land Uses Allowed
18.30.060	On-Site Hazardous Substances
18.30.070	Design Review
18.30.080	Basic Development Standards

**18.30.010 Purpose**

This district implements the Commercial/Light Industrial Comprehensive Plan designation. It is intended to provide for areas characterized by a mix of commercial, office, or light industrial uses. The standards are intended to promote viable and attractive commercial and industrial areas.

**18.30.020 Land Uses Allowed**

Refer to TMC 18.09, "Land Uses Allowed by District."

**18.30.060 On-Site Hazardous Substances**

No on-site hazardous substance processing and handling, or hazardous waste treatment and storage facilities shall be permitted, unless clearly incidental and secondary to a permitted use. On-site hazardous waste treatment and storage facilities shall be subject to the State siting criteria (RCW 70.105). (See TMC 21.08.)

**18.30.070 Design Review**

Design review is required for:

1. New developments within 300 feet of residential districts.
2. All projects located within the shoreline jurisdiction that involve new building construction or exterior changes if the cost of the exterior changes equals or exceeds 10% of the building's assessed valuation.
3. Developments larger than 1,500 square feet outside the shoreline jurisdiction.
4. Certain exterior repairs, reconstructions, alterations or improvements to buildings over 10,000 square feet.

(See TMC 18.60, Design Review)

**18.30.080 Basic Development Standards**

Development within the Commercial Light Industrial District shall conform to the following listed and referenced standards:

**C/LI BASIC DEVELOPMENT STANDARDS**

Setbacks to yards, minimum:	
• <i>Front</i>	25 feet
• <i>Second front</i>	12.5 feet

• <i>Second front, if any portion of the yard is within 50 feet of LDR, MDR, HDR</i>	15 feet
• <i>Sides</i>	10 feet
• <i>Sides, if any portion of the yard is within 50 feet of LDR, MDR, HDR</i>	
<i>1st Floor</i>	15 feet
<i>2nd Floor</i>	20 feet
<i>3rd Floor</i>	30 feet
• <i>Rear</i>	5 feet
• <i>Rear, if any portion of the yard is within 50 feet of LDR, MDR, HDR</i>	
<i>1st Floor</i>	15 feet
<i>2nd Floor</i>	20 feet
<i>3rd Floor</i>	30 feet
Refer to TMC 18.52, "Landscape Requirements," Table A, for perimeter and parking lot landscaping requirements.	
Height, maximum	4 stories or 45 feet
Off-street parking:	
• <i>Warehousing</i>	1 per 2,000 sq. ft. usable floor area min.
• <i>Office</i>	3 per 1,000 sq. ft. usable floor area min.
• <i>Retail</i>	2.5 per 1,000 sq. ft. usable floor area min.
• <i>Manufacturing</i>	1 per 1,000 sq. ft. usable floor area min.
• <i>Other Uses</i>	See TMC 18.56, Off-street Parking & Loading Regulations
<u>Conversion to Residential</u>	<u>See TMC 18.50.230, Residential Conversions</u>
Performance Standards: Use, activity and operations within a structure or a site shall comply with (1) standards adopted by the Puget Sound Air Pollution Control Agency for odor, dust, smoke and other airborne pollutants, (2) TMC 8.22, "Noise", and, (3) adopted State and Federal standards for water quality and hazardous materials. In addition, all development subject to the requirements of the State Environmental Policy Act, RCW 43.21C, shall be evaluated to determine whether adverse environmental impacts have been adequately mitigated.	



**CHAPTER 18.40  
TUKWILA VALLEY SOUTH  
(TVS) DISTRICT**

**Sections:**

18.40.010	Purpose
18.40.020	Land Uses Allowed
18.40.060	On-Site Hazardous Substances
18.40.070	Design Review
18.40.080	Basic Development Standards

**18.40.010 Purpose**

This district implements the Tukwila Valley South Comprehensive Plan designation. It is intended to provide an area of high-intensity regional uses that include commercial services, offices, light industry, warehousing and retail uses, with heavy industrial uses subject to a Conditional Use Permit.

**18.40.020 Land Uses Allowed**

Refer to TMC 18.09, "Land Uses Allowed by District."

**18.40.060 On-Site Hazardous Substances**

No on-site hazardous substance processing and handling, or hazardous waste treatment and storage facilities shall be permitted, unless clearly incidental and secondary to a permitted use. On-site hazardous waste treatment and storage facilities shall be subject to the State siting criteria (RCW 70.105). (See TMC 21.08.)

**18.40.070 Design Review**

Design review is required for:

1. New development within 300 feet of residential districts.
2. All projects located within the shoreline jurisdiction that involve new building construction or exterior changes if the cost of the exterior changes equals or exceeds 10% of the building's assessed valuation.
3. Developments larger than 1,500 square feet.
4. All multi-family developments outside the shoreline jurisdiction.

(See TMC 18.60, Design Review)

**18.40.080 Basic Development Standards**

Development within the Tukwila Valley South District shall conform to the following listed and referenced standards:

**TVS BASIC DEVELOPMENT STANDARDS**

Lot area per unit (multifamily, except senior citizen housing), minimum	2,000 sq. ft.
Setbacks to yards, minimum:	
• <i>Front</i>	25 feet
• <i>Second front</i>	12.5 feet
• <i>Sides</i>	5 feet
• <i>Sides, if any portion of the yard is within 50 feet of LDR, MDR, HDR</i>	
<i>1st Floor</i>	10 feet
<i>2nd Floor</i>	20 feet
<i>3rd Floor</i>	30 feet
• <i>Rear</i>	5 feet
• <i>Rear, if any portion of the yard is within 50 feet of LDR, MDR, HDR</i>	
<i>1st Floor</i>	10 feet
<i>2nd Floor</i>	20 feet
<i>3rd Floor</i>	30 feet
Refer to TMC 18.52, "Landscape Requirements," Table A, for perimeter and parking lot landscaping requirements.	
Height, maximum	115 feet
Recreation space	200 sq. ft. per dwelling unit (1,000 sq. ft. min.)
Recreation space, senior citizen housing	100 sq. ft. per dwelling unit
Off-street parking:	
• <i>Residential (except senior citizen housing)</i>	See TMC 18.56, Off street Parking/Loading Regulations
• <i>Office</i>	3 per 1,000 sq. ft. usable floor area minimum
• <i>Retail</i>	4 per 1,000 sq. ft. usable floor area minimum
• <i>Manufacturing</i>	1 per 1,000 sq. ft. usable floor area minimum
• <i>Warehousing</i>	1 per 2,000 sq. ft. usable floor area minimum
• <i>Other uses, including senior citizen housing</i>	See TMC 18.56, Off-street Parking & Loading Regulations
<u>Conversion to Residential</u>	<u>See TMC 18.50.230, Residential Conversions</u>
Performance Standards: Use, activity and operations within a structure or a site shall comply with (1) standards adopted by the Puget Sound Air Pollution Control Agency for odor, dust, smoke and other airborne pollutants, (2) TMC 8.22, "Noise", and, (3) adopted State and Federal standards for water quality and hazardous materials. In addition, all development subject to the requirements of the State Environmental Policy Act, RCW 43.21C, shall be evaluated to determine whether adverse environmental impacts have been adequately mitigated.	



**CHAPTER 18.41  
TUKWILA SOUTH OVERLAY (TSO) DISTRICT**

**Sections:**

18.41.010	Purpose
18.41.020	Land Uses Allowed
18.41.070	On-Site Hazardous Substances
18.41.080	Design Review
18.41.090	Basic Development Standards
18.41.100	Modifications to Development Standards through Design Review
18.41.110	Final Site Plan
18.41.120	Performance Guarantee

**18.41.010 Purpose**

A. This district implements the Tukwila South Master Plan designation and related policies and provisions of the Tukwila Comprehensive Plan. As an overlay district, the Tukwila South Overlay (TSO) district may be applied by the City Council to any property lying within the Comprehensive Plan's Tukwila South Master Plan Area. Within the Tukwila South Overlay, the provisions of this chapter shall supersede the provisions of the underlying zoning district.

B. The Tukwila South Overlay district is intended to create a multi-use regional employment center containing high technology, office, commercial, and residential uses. National and international employers specializing in emerging technologies (bio-tech/life sciences) are featured in campus settings. Retail activities range from individual large-scale national retailers to gateway and village retail and shopping centers that support office and high-tech campuses and residential neighborhoods. A mix of single-family and multi-family dwellings at low, medium, and high densities provide a variety of housing opportunities. Tukwila South will create a memorable and regionally identifiable place by building upon the Northwest tradition of quality outdoor environments and quality building materials, combined with traditional Puget Sound building elements.

**18.41.020 Land Uses Allowed**

Refer to TMC 18.09, "Land Uses Allowed by District."

**18.41.070 On-Site Hazardous Substances**

No on-site hazardous substance processing and handling or hazardous waste treatment and storage facilities shall be permitted, unless clearly incidental and secondary to a permitted use. On-site hazardous waste treatment and storage facilities shall be subject to the State siting criteria (RCW 70.105).

(See *TMC 21.08*.)

**18.41.080 Design Review**

A. The Director shall require that all development within the Tukwila South Overlay district is consistent with the policies of the Tukwila Comprehensive Land Use Plan and the Tukwila South Master Plan, and conforms to the requirements of this title and any applicable development agreement.

B. Design review is required for all non-exempt development within the Tukwila South Overlay district. The applicant may submit a site plan for review for all or a portion of the area covered by the Tukwila South Master Plan. Prospective applicants are encouraged to schedule

a pre-application conference as provided by TMC 18.104.050 prior to submitting a design review application.

C. The following development activities are exempt from design review:

1. Interior remodeling of existing buildings or structures.
2. Underground utility projects.
3. Detached single-family subdivisions subject to TMC Title 17 – Subdivisions and Plats.
4. Exterior repair, reconstruction, cosmetic alterations or improvements if the cost of that work is less than 10% of the building's assessed valuation.
5. Development that is categorically exempt under the State Environmental Policy Act (SEPA) (RCW 43.21C).

D. Design review includes an examination of the following elements: placement and scale of structures, design, height, form, parking, access, signage, vehicular and pedestrian connections and circulation, environmental considerations, open space, landscaping, and infrastructure needs as described in the Tukwila South Master Plan or any applicable development agreement.

The purposes of the review process include:

1. Allowing City staff to review the detailed arrangement of the proposed development to ensure it is consistent with the intent and scope of the Tukwila South Master Plan, as well as any applicable development regulations, zoning district provisions, design review standards, and any approved development agreement provisions.
2. Assure the proposed development is compatible with both the physical characteristics of the site, and the existing and potential uses of the surrounding area as described in an approved Master Plan.
3. Ensure compliance with the requirements of the State Environmental Policy Act (SEPA - RCW 43.21C) and other applicable regulations and standards.

E. All design review applications for development within the Tukwila South Overlay district shall be reviewed in accordance with the following criteria. When two or more of the criteria listed below conflict, the Director shall evaluate the applicability and importance of each based on the intent of the Tukwila South Master Plan and reasonably balance any conflicting criteria in reaching a design review decision.

1. Substantial conformance with the Tukwila South Master Plan, including but not limited to, fostering the vision and guiding principles of the Master Plan.
2. Compliance with the applicable district standards in this title, and other applicable City regulations. Modifications to the development standards may be requested as part of design review per TMC 18.41.100.
3. Substantial consistency with Tukwila Comprehensive Land Use Plan goals and policies.
4. Substantial conformance with the provisions of any applicable development agreement.
5. Substantial conformance with all applicable mitigation measures identified in the associated EIS or other SEPA documents.
6. Adequate public services and facilities necessary to accommodate the proposed use and density are or will be made available.



7. The site is physically suitable for the type of development and for the intensity of development proposed.

8. Approval of the application will not be significantly detrimental to the public health, safety or welfare, or be injurious to the property or improvements of adjacent properties and public facilities.

9. Substantial conformance with the criteria contained in the Tukwila South Design Manual for commercial development, the Tukwila South Residential Design Guidelines, or other Design Manual as stipulated by TMC 18.60.

10. Substantial conformance with the Master Open Space and Trails Plan, if applicable.

F. Upon completion of the City's review, the Director shall approve, approve with conditions or deny the application, as follows:

1. If the Director finds the application meets the applicable criteria and is consistent with the approved Master Plan for that area of the Tukwila South Overlay district, the Director shall approve the proposal.

2. Approve with Conditions: If the Director finds the application does not adequately address one or more of the applicable criteria, but is consistent with the approved Master Plan for the Tukwila South Overlay district, and there is a reasonable basis for conditions, the Director may approve the application with conditions. The intent of such conditions is that they mitigate an impact consistent with the intent of the applicable criterion. Conditions of approval may include, but are not necessarily limited to, the relocation or modification of the proposed structures, additional landscaping, buffering, screening, relocation of access, or other measures necessary to mitigate any impact or reduce hazards. The Director shall specify when the conditions shall be met.

3. Denial: If the Director finds the application does not meet applicable criteria and reasonable conditions cannot be found to mitigate the impact or reduce hazards, the Director shall deny the application as proposed. The Director's decision must specify the reasons for the denial based upon the review criteria.

#### **18.41.090 Basic Development Standards**

##### **A. Residential Uses.**

1. Residential use development on all lands within the TSO shall conform to the development standards set forth in TMC 18.41.090.A and the Tukwila South Residential Design Guidelines. Modifications to these standards are available pursuant to TMC 18.41.100, "Modifications to Development Standards through Design Review."

2. The development standards herein are based on the height of new residential buildings. Specifically:

a. Buildings three stories or less are subject to townhouse and low-rise standards.

b. Buildings between four to seven stories are subject to mid-rise standards.

c. Buildings eight stories or taller are subject to high-rise standards.

d. For buildings with a varying number of stories, the tallest number of stories shall determine which set of standards apply.

<b>Table 18.41.090 Tukwila South Overlay Residential Development Standards</b>			
<b>Standard</b>	<b>TSO Townhouses &amp; Low-rise (3 stories or less)</b>	<b>TSO Mid-rise (4-7 stories)</b>	<b>TSO High-rise (8 or more stories)</b>
<b>Setbacks/yards, minimum (feet)</b>			
Front <sup>1</sup>			
Arterial streets	15	15	15
All other streets	10	10	10
Side <sup>2</sup>			
Up to 3 <sup>rd</sup> story	5	5 <sup>3</sup>	5 <sup>3</sup>
4 <sup>th</sup> story and above	n/a	15 <sup>4</sup>	15 <sup>4</sup>
Rear <sup>3</sup>			
Up to 3 <sup>rd</sup> story	5	5 <sup>3</sup>	5 <sup>3</sup>
4 <sup>th</sup> story and above	n/a	15 <sup>4</sup>	15 <sup>4</sup>
<sup>1</sup> In the event modification is pursued under TMC 18.41.100, front setbacks may be reduced to no less than 5 feet. <sup>2</sup> Structures or portions of structures containing multi-family dwelling units that have solar access only from a side or rear setback-facing window(s) must be set back at least 15 feet from side and rear property lines. Structures must also maintain at least 15 feet of separation from adjacent structure elevations that provide the only solar access for a multi-family dwelling unit. See the Tukwila South Residential Guidelines for a graphic example. <sup>3</sup> When adjacent to a townhouse, the minimum setback is 15 feet. <sup>4</sup> When adjacent to a townhouse, the setback for portions of a structure taller than 35 feet must increase by 1 foot for each additional 1 foot in building height.			
<b>Building height, maximum (feet)</b>			
Building Height	45	85	125

<b>Standard</b>	<b>TSO Townhouses &amp; Low-rise (3 stories or less)</b>	<b>TSO Mid-rise (4-7 stories)</b>	<b>TSO High-rise (8 or more stories)</b>
<b>Outdoor lighting height, maximum (feet)</b>			
Light poles in parking areas	20	20	20
Light poles along pedestrian walkways, trails, plazas, building entries, and other pedestrian-oriented areas	12	12	12
Building wall-mounted lighting	15	15	15
Building mounted lights fully recessed into the underside of a ceiling, soffit, or overhang	No limit	No limit	No limit
<b>Building length, maximum (feet)</b>			
Maximum building length	200	200	200
<b>Recreation space per unit, minimum square footage (see TMC 18.41.090.3 for more information)<sup>7,8</sup></b>			
Recreation space	Residential development must provide on-site <sup>9</sup> and off-site <sup>10</sup> recreation space at the following standard: <ul style="list-style-type: none"> <li>• 200 square feet total. <ul style="list-style-type: none"> <li>○ 75 square feet per unit, on-site.</li> <li>○ 125 square feet per unit, off-site.</li> </ul> </li> </ul>		

7	Senior citizen housing must provide 100 square feet of recreation space per unit.		
8	Developments with 10 or more dwelling units must provide a children's play area in the on-site recreation space. A children's play area is not required for senior citizen housing or if the proposed structure or related development project is within 1/4 mile, measured along constructed sidewalks and/or trails of the perimeter, of a recreation facility for children that is open to residents of the proposed structure.		
9	Recreation area provided on-site must be functional space for active and passive recreation purposes and located within the same parcel or tract as the proposed development.		
10	The Director may approve the required off-site recreation area to be located on-site provided that the recreation space meets the design guidelines set forth in this chapter. If off-site recreation space is approved to be located on-site, that space must be active outdoor recreation space.		
<b>Parking spaces per dwelling unit, minimum</b>			
Studio	1	1	1
1-bedroom	1	1	1
2-bedroom	1.5	1.5	1.5
3-bedroom	2	2	2
<u>Conversion to Residential</u>	<u>See TMC 18.50.230, Residential Conversions</u>		

3. **Off-Site Recreational Area Requirements.** The following requirements would apply to Off-Site Recreational Areas within the TSO district:

a. *Off-Site Recreational Area Conditions:*

(1) Off-site recreation areas must be accessible within 1/4 mile for a children's play area up to 1/2 mile for all other offsite recreation areas as measured from the closest structure containing residential units; accessory buildings such as fitness centers, parking garages, utility structures, etc. will not qualify. Off-site recreation space located up to 1 mile from a structure containing residential units as measured along existing or future sidewalks and trails shall be credited toward meeting the offsite recreation space requirement.

(2) A recreation area constructed in fulfillment of this requirement should be designed to serve the neighborhood in which it is located. The space may be privately-owned, provided residents living in the area have access. New improvements must be located adjacent to, and highly visible from, a street (public or private) or public trail. The facilities to be located will be approved by the Director during the design review and/or subdivision process.

b. *Minimum Off-Site Recreational Area Design:* Minimum size requirements apply: 1/ 4 acre of usable off-site recreation space must be provided to meet the standard. This qualifies as the minimum size for an off-site recreation area. Off-site recreational areas must be designed and sized to accommodate a combination of active and passive recreational facilities.

Examples of qualifying facilities:

- (1) Children's play equipment
- (2) Picnic areas and/or tables
- (3) Benches
- (4) Pea patch/other specialized community garden
- (5) Grass fields/areas of suitable size for active recreation
- (6) Sport courts

- (7) Trails and associated landscaped corridors on private property
- (8) Other amenities the Director determines meet the goal of providing active or passive recreation opportunities

c. *Larger Off-Site Recreational Areas:*

(1) Any offsite recreation area developed in excess of the offsite recreation area requirement for a given development, regardless of their size and subject to the 1/4-acre size minimum, may be banked toward future development for an indefinite period.

(2) Should a larger, consolidated recreation area of 2.0 acres or more be provided, the improvements can be used to fulfill current development proposal requirements. See "Timing of Recreation Space Provision" below for more information.

(3) If a project constructs a recreation area of less than 2.0 acres but greater than a development's required offsite recreation amount, the area developed in excess may be banked only if the offsite recreation area is constructed at the same time as the residential project.

(4) To qualify, the proposed recreation area must be located adjacent to, and highly visible from, a street (public or private) or trail and provide a range of active and passive recreational opportunities (as outlined in this Chapter) for multiple ages and physical abilities. Only those areas that are usable may count towards the off-site recreation space requirement. The following areas are excluded: parking lots, utility sheds, inaccessible natural/planted areas, any landscaped area required by code, and unimproved steep slopes as defined in TMC 18.45.120.

(5) Larger off-site recreational areas are typically characterized by recreational activities that serve a range of individuals and groups, such as field games, court games, craft areas, playground apparatus, picnicking, and space for quiet/passive activities. Neighborhood recreation areas may contain active recreational facilities such as softball, basketball, volleyball, handball, tennis, children's play structures, trails, and grass areas for activities and/or picnic facilities.

d. *Timing of Recreation Space Provision:* Construction of off-site recreation space must meet the following timelines.

(1) For sites under 2.0 acres in area, the off-site recreation space must be constructed and receive final construction permit approval prior to the issuance of certificate of occupancies for any project receiving credit for the off-site recreation space.

(2) For sites equal to or in excess of 2.0 acres, the City will permit delayed construction of the off-site recreation space as follows:

(a) Construction permits must be applied for within two years of the associated residential project(s) using such off-site recreation space to satisfy their recreation space requirement and receiving certificate(s) of occupancy. Provided:

i. A financial guarantee (bond, assignment of account, irrevocable standby letter of credit, or cash), acceptable to the Director, in an amount necessary to complete the off-site recreation improvements is provided to the City.

ii. The owner of the property for the off-site recreation area has provided an appropriate legal mechanism acceptable to the City to access the identified off-site recreation area, such as an easement, at no cost, and to construct the off-site recreation space improvements in the event that the applicant and/or property owner have not completed the improvements within the prescribed timelines.

iii. The requirements in TMC 18.41.090.A.3.d.(a).i and ii are not required if the permits for off-site recreation space have received final approval by the City.

(3) No additional residential projects within the 1/2 mile radius of the deferred off-site recreation area will be allowed to move forward with construction until such off-site recreation space construction has been completed.

(4) Construction of the off-site recreation improvements must be completed within a timely manner from permit approvals. If adequate provisions, as determined by the Director, cannot be put in place to ensure the future construction of the off-site recreation space, then the space shall be constructed prior to the issuance of any certificate of occupancy for any developments using the off-site area to meet recreational space requirements.

e. *Sensitive Area Tracts*: Off-site recreation space credit can be given for any trails, lookouts, or other passive recreation activities constructed within sensitive area tracts, subject to compliance with the City's Sensitive Area Master Plan for Tukwila South and the City's Environmental Areas Ordinance. The sensitive areas tracts would need to meet the locational requirements outlined in this Chapter (1/2 mile from closest perimeter of a residential project). Only the areas of improvement within a sensitive area tract would count towards the recreation space requirement, not the entire tract.

4. **Performance Standards**: Use, activity, and operations within a structure or a site shall comply with: (1) standards adopted by the Puget Sound Air Pollution Control Agency for odor, dust, smoke and other airborne pollutants; (2) TMC 8.22, "Noise"; and (3) adopted State and Federal standards for water quality and hazardous materials. In addition, all development subject to the requirements of the State Environmental Policy Act, RCW 43.21C, shall be evaluated to determine whether adverse environmental impacts have been adequately mitigated.

## **B. Connectivity and Circulation Guidelines.**

1. Any development with a residential component shall front a roadway that meets City approved public or private street standards.

2. Access to development sites needs to include provisions for non-motorized circulation, including dedicated pedestrian access that separates pedestrians from motorized traffic via curb and/or landscaped planter strip. Development along public rights-of-way should not preclude bus stops and bike infrastructure. Private street development, contained within tracts or easements, may be required to include shared and/or dedicated bike lanes, on-street parking, and/or drop-off/loading zones.

3. Existing curb cuts from Southcenter Parkway and South 200th Street are to be used for access to the adjacent development sites and to extend private streets, contained within tracts or easements. If no curb cut exists along an existing road fronting a development site, City of Tukwila Public Works may review and approve new curb cut location(s) along such street frontage, subject to intersection spacing and site distance standards.

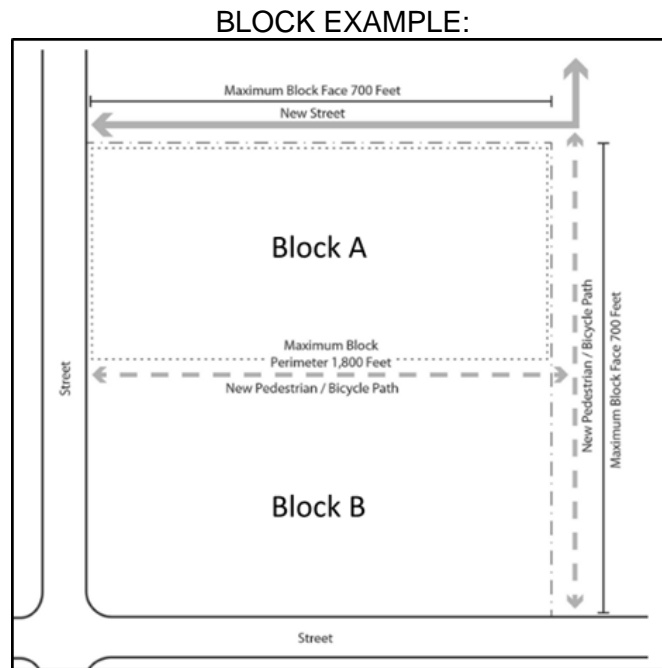
4. New streets are encouraged to connect to adjacent parcels at an interval no greater than 700 feet. Where nearby parcels and associated private streets have already been developed, proposed private streets, whether in tracts or easements, shall align and connect.

5. Future block development is encouraged to create a maximum block perimeter 2,000 linear feet. The block will be defined with a minimum of two vehicle through connections. The remaining two sides of the block may be pedestrian/bicycle connections only or could accommodate vehicle traffic; see example below.

6. Permanent dead-end streets should be avoided, if possible.

7. All developments must meet minimum Fire Department and Public Works Department access and grade requirements including, but not limited to, minimum street clearance, turning radii, and turnaround design.

8. The Director may provide exceptions to these guidelines in the event they are unable to be adhered to due to physical/topographical constraints, the creation of an unusable parcel(s) of land, or an inability to fulfill the requirements without significantly interfering with the proposed function(s) of the development given that the overall intent of the guidelines is still fulfilled.



**C. Non-Residential Uses.** All non-residential use development on all lands within the TSO shall conform to the development standards set forth in TMC 18.41.090.C. Modifications to these standards are available pursuant to TMC 18.41.100, "Modifications to Development Standards through Design Review."

Lot	N/A
Setbacks:	
Front – adjacent to a public street	15 feet*
Second Front – adjacent to a public street	15 feet*
Sides	None*; increased to 10 feet if adjacent to residential use or non-TSO zoned property
Rear	None*; increased to 10 feet if adjacent to residential use or non-TSO zoned property
Height	125 feet
Landscaping:	
Fronts – adjacent to a public street	15 feet
Side	None; increased to 10 feet if adjacent to residential use or non-TSO zoned property

Rear	None; increased to 10 feet if adjacent to residential use or non-TSO zoned property
Landscape requirements (minimum): See Landscape, Recreation, Recycling/Solid Waste Space requirements chapter for requirements	
Off-street parking:	See TMC Chapter 18.56
*Subject to modification to meet Fire Department Access Requirements	

**18.41.100 Modifications to Development Standards through Design Review**

A. An applicant may request a modification to the Basic Development Standards established by TMC 18.41.090 as part of a design review application. The applicant shall submit a written description of the proposed modification and address the decision criteria stated in TMC 18.41.100.B; the Director may condition the approval of a modification request when such conditions are necessary to achieve conformity with these decision criteria.

B. The Director may grant modifications to the Basic Development Standards established by TMC 18.41.090 for individual cases provided that, for development of a residential use, the Director shall find that either the modification is allowed because it results in a more thoughtful urban design for the project consistent with the Tukwila South Residential Design Guidelines, or that all five criteria below are met and, for development of a non-residential use, the Director shall find that all five criteria below are met:

1. The modification is required due to unique circumstances related to the subject property that create significant practical difficulties for development and use otherwise allowed by this code;
2. The modification conforms to the intent and purpose of the Tukwila South Master Plan, any applicable development agreements, and this code;
3. The modification will not be injurious to other property(s) in the vicinity;
4. The modification will not compromise the current or reasonably anticipated provision of circulation, access, utility service or any other public service; and
5. An approved modification shall be the minimum necessary to ameliorate the identified practical difficulties giving rise to the request.

**18.41.110 Final Site Plan**

A. Within 90 days of the approval by the Director, final plans shall be prepared and filed with the City. These plans shall include all required modifications and applicable conditions contained in the Director’s Notice of Decision.

B. The final plans are not required to be recorded unless there is an associated land division application, such as a binding site plan or subdivision.

**18.41.120 Performance Guarantee**

The Building Official may not issue a Certificate of Occupancy until all improvements included in the approved plans have been installed and approved, with the following exceptions:

1. A performance guarantee has been posted for the improvements not yet completed.
2. The phasing of improvements has been accounted for in an associated Binding Site Plan, infrastructure phasing agreement, a condition of approval, or a development agreement.

**CHAPTER 18.50  
SUPPLEMENTAL DEVELOPMENT STANDARDS**

**Sections:**

18.50.010	Purpose
18.50.020	Special Height Limitation Areas
18.50.030	Special Height Exception Areas
18.50.045	Height Regulations Around Major Airports
18.50.050	Single-Family Dwelling Design Standards
18.50.055	Single-Family Design Standard Exceptions
18.50.060	Cargo Containers as Accessory Structures
18.50.070	Yard Regulations
18.50.080	Exemption of Rooftop Appurtenances
18.50.083	Maximum Building Length
18.50.085	Maximum Percent Development Area Coverage
18.50.090	Height Limitation for Amusement Devices
18.50.110	Archaeological/Paleontological Information Preservation

Requirements

18.50.130	Structures Over Public R-O-W
18.50.140	Charging Station Locations
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18.50.185	Recycling Storage Space for Non-Residential Uses
18.50.190	Design of Collection Points for Garbage and Recycling Containers
18.50.200	Peer Review of Technical Studies
18.50.210	Marijuana Related Uses
18.50.220	Accessory Dwelling Unit (ADU) Standards
<u>18.50.230</u>	<u>Residential Conversions</u>
18.50.240	Home Occupations
18.50.250	Emergency Housing and Emergency Shelter Criteria
18.50.260	Permanent Supportive Housing and Transitional Housing Criteria
18.50.270	Memorandum of Agreement for Emergency Housing, Emergency Shelter, Permanent Supportive Housing or Transitional Housing

**18.50.010 Purpose**

A. It is the purpose of this chapter to establish development standards that supplement those established within the various use districts. These supplemental standards are intended to address certain unique situations that may cross district boundaries, and to implement related policies of the Tukwila Comprehensive Plan.

**18.50.020 Special Height Limitation Areas**

A. There are hereby established special height limitation areas, as depicted by **Figure 18-3**.

**18.50.030 Special Height Exception Areas**

A. There are hereby established special height exception areas as depicted by Figure 18-3, within which building heights of up to four, six, or ten stories, as illustrated by the Figure, are



allowed, notwithstanding the height standards for zoning districts within which the subject property may lie.

#### **18.50.045 Height Regulations Around Major Airports**

A. For the purposes of regulating heights within the vicinity of major airports, there are established and created certain height limitation zones which include all the land lying within the instrument approach zones, non-instrument approach zones, transition zones, horizontal zones and conical zones. Such areas may be shown and defined on an “airport height map” which shall become a part of the ordinance codified in this section by adoption of the Council and found on file in the office of the City Clerk. No building or structure shall be erected, altered or maintained, nor shall any tree be allowed to grow to a height in excess of the height limit herein established in any of the several zones created by this section; provided, however, that this provision shall not prohibit the construction of or alteration of a building or structure to a height of 35 feet above the average finish grade of the lot. Where an area is covered by more than one height limitation zone, the more restrictive limitations shall prevail. Under the provision of this section, the City adopts the following airport height map: Airport Height Map: King County International Airport (Boeing Field), August 1, 1986, and as the same may be amended.

#### **18.50.050 Single-Family Dwelling Design Standards**

A. 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.

#### **18.50.055 Single-Family Design Standard Exceptions**

A. The design standards required in TMC 18.50.050 (4), (5) and (6) may be modified by the 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 18.50.050 (5) and (6) may also be modified by the 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 18.50.220.A (4) may be modified by the 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.

#### **18.50.060 Cargo Containers as Accessory Structures**

- A. Cargo containers are allowed outright in the LI, HI, MIC/L, MIC/H and TVS zones, subject to building setbacks.
- B. New containers may be allowed as accessory structures in LDR, MDR, and HDR for institutional uses, and in RC, RCM, TUC, TSO and C/LI for any permitted or conditional use. All new containers are subject to a Type 2 special permission decision and the restrictions in the various zoning districts.
- C. Criteria for approval are as follows:
  1. Only two cargo containers will be allowed per lot, maximum length of 40 feet.
  2. The container is located to minimize the visual impact to adjacent properties, parks, trails and rights-of-way as determined by the Director.
  3. The cargo container is sufficiently screened from adjacent properties, parks, trails and rights-of-way, as determined by the Director. Screening may be a combination of solid fencing, landscaping, or the placement of the cargo containers behind, between or within buildings.
  4. If located adjacent to a building, the cargo container must be painted to match the building's color.
  5. Cargo containers may not occupy any required off-street parking spaces.
  6. Cargo containers shall meet all setback requirements for the zone.
  7. Outdoor cargo containers may not be refrigerated.
  8. Outdoor cargo containers may not be stacked.

D. Licensed and bonded contractors may use cargo containers in any zone for temporary storage of equipment and/or materials at a construction site during construction that is authorized by a City building permit.

**18.50.070 Yard Regulations**

A. Fences, walls, poles, posts, and other customary yard accessories, ornaments, furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility to the detriment of public safety. The height of opaque fences along street frontages is limited to 4 feet, with lattice or other open material allowed up to 6 feet.

B. In the case of through lots, unless the prevailing front yard pattern on adjoining lots indicates otherwise, front yards shall be provided on all frontages.

C. Where the front yard that would normally be required on a lot is not in keeping with the prevailing yard pattern, the Department may waive the requirement for the normal front yard and substitute therefore a special yard requirement, which shall not exceed the average of the yards provided on adjacent lots.

D. In the case of corner lots, a front yard of the required depth shall be provided in accordance with the prevailing yard pattern, and a second front yard of half the depth required generally for front yards in the district shall be provided on the other frontage.

E. In the case of corner lots with more than two frontages, the Department shall determine the front yard requirements, subject to the following conditions:

1. At least one front yard shall be provided having the full depth required generally in the district;
2. The second front yard shall be the minimum set forth in the district;
3. In the case of through lots and corner lots, there will be no rear yards but only front and side yards;
4. In the case of through lots, side yards shall extend from the rear lines of front yards required. In the case of corner lots, yards remaining after full and half depth front yards have been established shall be considered side yards. (See Figure 18-4.)

**18.50.080 Exemption of Rooftop Appurtenances**

A. The height limitations specified in this chapter shall not apply to church spires, monuments, chimneys, water towers, elevator towers, mechanical equipment, and other similar rooftop appurtenances usually required to be placed above the roof level and not intended for human occupancy or the provision of additional floor area; provided, that mechanical equipment rooms or attic spaces are set back at least 10 feet from the edge of the roof and do not exceed 20 feet in height.

**18.50.083 Maximum Building Length**

A. In the MDR and HDR zone, the maximum building length shall be as follows:

For all buildings except as described below:	MDR.....50 ft.
	HDR.....50 ft.
<i>Maximum building length with bonus for modulating off-sets:</i>	
• For structures with a maximum building height	MDR.....100 ft.

of 2 stories or 25 feet, whichever is less, and having horizontal modulation or a minimum vertical change in roof profile of 4 feet at least every two units or 50 feet, whichever is less	HDR.....200 ft.
• For structures with a building height over 2 stories or 25 feet, whichever is less, with a horizontal & vertical modulation of 4 feet or an 8 foot modulation in either direction	MDR.....100 ft. HDR.....200 ft.
• For townhouse structures with horizontal modulation or a minimum vertical change in roof profile of 4 feet at least every two units or 50 feet, whichever is less	MDR.....80 ft. HDR.....125 ft.

Maximum building length with bonus for modulating off-sets: Modulation shall be required for every 2 units or 50 feet, whichever is less, as measured along the building's length. Grouping of offsets in maximum four unit modules may be permitted as part of a design review approval (see *Figure 18-5*).

**18.50.085 Maximum Percent Development Area Coverage**

A. In the LDR zones the maximum percent development area coverage for a single-family development shall be as follows:

1. 75% on lots less than 13,000 square feet up to a maximum of 5,850 sq. ft.; and
2. 45% on lots greater than or equal to 13,000 square feet.

B. In the MDR and HDR zones the maximum percent development area coverage shall be 50%, less the following surfaces:

1. the footprint of an exclusive recreational facility;
2. a proportion of a recreational facility footprint when contained within a general use building as follows: the portion of the footprint area occupied by a recreational facility divided by the number of floors in that portion of the building;
3. vehicle circulation aisles between separate parking areas;
4. sidewalks;
5. paths; and
6. other pedestrian/recreation facilities clearly designed to enhance the pedestrian environment.

C. Senior citizen housing development in HDR is exempt from development area coverage maximum; however, if the senior citizen housing is converted to regular apartments, the 50% limit must be met.

D. The 50% maximum development area coverage for townhouse development may be increased up to a maximum of 75% development area coverage, if the applicant uses low-impact development techniques that are technically feasible and in accordance with the Surface Water Design Manual (TMC 14.30).

#### **18.50.090 Height Limitation for Amusement Devices**

A. Amusement devices shall be allowed up to 115 feet in height in any commercial or industrial zones. Any devices that exceed the height limit of the zone in which they are located shall be subject to a conditional use permit.

#### **18.50.110 Archaeological/Paleontological Information Preservation Requirements**

A. The following provisions shall apply in all zones:

1. If there is reason to believe that archaeological resources will be disturbed, a cultural resources assessment shall be conducted and, if warranted, an archaeological response plan and provisions for excavation monitoring by a professional archaeologist shall be made prior to beginning construction. The assessment should address the existence and significance of archaeological remains, buildings and structures on the State or Federal historic registers, observable paleontological deposits and may include review by the State Archaeologist.

2. It is recommended that the applicant coordinate a predetermination study by a professional archaeologist during the geotechnical investigation phase, to determine site archaeological potential and the likelihood of disturbing archaeological resources.

3. Excavations into historically native soil, when in an area of archaeological potential, shall have a professional archaeologist on site to ensure that all State statutes regarding archaeological conservation/ preservation are implemented. The applicant shall provide a written commitment to stop work immediately upon discovery of archaeological remains and to consult with the State Office of Archaeology and Historic Preservation (OAHP) to assess the remains and develop appropriate treatment measures. These may include refilling the excavation with no further responsibility.

4. An applicant who encounters Indian burials shall not disturb them and shall consult with OAHP and affected tribal organizations pursuant to State statutes.

5. The Director is authorized to:

a. conduct studies to generally identify areas of archaeological/ paleontological potential;

b. make determinations to implement these provisions; and

c. waive any and all of the above requirements, except for TMC 18.50.110-4 (reporting of discovered Indian burials), if the proposed action will have no probable significant impact on archaeological or historical resources that are eligible for listing in the National Register of Historic Places, or on observable paleontological resources. Examples of such actions include excavation of fill materials, disturbance of less than 10,000 square feet of native soils to a depth of 12 inches, penetration of native soils with pilings over a maximum 8% of the building footprint, and paving over native soils in a manner that does not damage cultural resources. The above examples are illustrative and not determinative. A case-by-case evaluation of archaeological/paleontological potential value and proposed disturbance must be made.

#### **18.50.130 Structures Over Public R-O-W**

A. A developer who controls parcels on both sides of a public right-of-way may request approval to bridge the street with a structure as a Type 2 special permission decision. Only the width of the building that extends across the street is exempt from setbacks; the remainder of the building must meet them. The developer must also obtain air rights and comply with all other relevant codes, including the Washington State Building Code.

#### **18.50.140 Charging Station Locations**

A. Level 1 and Level 2 charging stations are allowed as an accessory use in the predominantly residential zones LDR, MDR and HDR. Level 1 and Level 2 charging stations are allowed as a permitted use in all other zones. Level 3 charging stations, battery exchange stations, and rapid charging stations are allowed as a permitted use in all zones that allow other automotive services such as gas stations, and are allowed as an accessory use in all other zones.

#### **18.50.150 Retaining Wall Setback Waiver**

A. Retaining walls with an exposed height greater than four feet may be allowed in required front, side or rear yard setbacks as a Type 2 Special Permission decision to the Community Development Director under the following circumstances:

1. When the applicant's property is on the lower side of the retaining wall and it is not visible from adjacent properties or is screened by landscaping; or
2. When a wall built on a property line or perpendicular to it benefits the lots on both sides, and the owners of both properties agree to jointly maintain the wall; or
3. When a wall in a front yard is required due to roadway expansion or improvements.

#### **18.50.170 Lighting Standards**

A. Parking and loading areas shall include lighting capable of providing adequate illumination for security and safety. Lighting standards shall be in scale with the height and use of the associated structure. Any illumination, including security lighting, shall be directed away from adjoining properties and public rights-of-way.

B. In the MDR and HDR zones, porches, alcoves and pedestrian circulation walkways shall be provided with low level safety lighting. Pedestrian walkways and sidewalks may be lighted with lighting bollards.

C. **MIC/L and MIC/H.** The following site lighting standards shall apply to portions of developments within 100 feet of the Tukwila Manufacturing/Industrial Center boundary as defined in the 1995 Comprehensive Plan:

1. The minimum light levels in parking areas, paths between the building and street or parking areas shall be 1 foot candle;
2. The maximum ratio of average: minimum light level shall be 4:1 for illuminated grounds;
3. Maximum illumination at the property line shall be 2 foot candles;
4. Lights shall be shielded to eliminate direct off-site illumination; and
5. General grounds need not be lighted.

D. Variation from these standards may be granted by the Director of the Department of Community Development based on technical unfeasibility or safety considerations.

#### **18.50.180 Recycling Storage Space for Residential Uses**

A. Apartment and condominium developments over six units shall provide 1-1/2 square feet of recycling storage space per dwelling unit, which shall be located in collection points as follows:

1. No dwelling unit within the development shall be more than 200 feet from a collection point.
2. Collection points shall be located so that hauling trucks do not obstruct pedestrian or vehicle traffic on-site, or project into any public right-of-way.
3. Collection points shall not be located in any required setback or landscape area.

**18.50.185 Recycling Storage Space for Non-Residential Uses**

A. Recycling storage space for non-residential uses shall be provided at the rate of at least:

1. Two square feet per every 1,000 square feet of building gross floor area in office, medical, professional, public facility, school and institutional developments.
2. Three square feet per every 1,000 square feet of building gross floor area in manufacturing, industrial and other non-residential uses not specifically mentioned in these requirements.
3. Five square feet per every 1,000 square feet of building gross floor area in retail developments.

B. Outdoor collection points shall not be located in any required setback or landscape area.

C. Collection points shall be located in a manner so that hauling trucks do not obstruct pedestrian or vehicle traffic on-site, or project into any public right-of-way.

**18.50.190 Design of Collection Points for Garbage and Recycling Containers**

A. Residential and non-residential collection points shall be designed as follows:

1. An opaque wall or fence of sufficient size and height to provide complete screening shall enclose any outside collection point. Architectural design shall be consistent with the design of the primary structure(s) on the site.
2. Collection points shall be identified by signs not to exceed two square feet.
3. Weather protection of recyclables and garbage shall be ensured by using weather-proof containers or by providing a roof over the storage area.

**18.50.200 Peer Review of Technical Studies**

A. The Department will review all technical information submitted as part of any application to verify it meets all requirements of the Tukwila Municipal Code. At the discretion of the Director, any technical studies required as part of the application including, but not limited to, noise reports, lighting plans, and parking demand studies, may undergo peer review at the expense of the applicant.

**18.50.210 Marijuana Related Uses**

A. The production, processing and retailing of marijuana is and remains illegal under federal law. Nothing herein or as provided elsewhere in the ordinances of the City of Tukwila is an authorization to circumvent federal law or provide permission to any person or entity to violate federal law. Only state-licensed marijuana producers, marijuana processors, and marijuana retailers may locate in the City of Tukwila and then only pursuant to a license issued by the State of Washington. The purposes of these provisions is solely to acknowledge the enactment by the

state Liquor and Cannabis Board of a state licensing procedure and to permit, but only to the extent required by state law, marijuana producers, processors, and retailers to operate in designated zones of the City.

**B. Marijuana production, processing, selling or delivery.**

1. The production, processing, selling, or delivery of marijuana, marijuana-infused products, or useable marijuana may not be conducted in association with any business establishment, dwelling unit, or home occupation located in any of the following areas:

- Low Density Residential
- Medium Density Residential
- High Density Residential
- Mixed Use Office
- Office
- Residential Commercial Center
- Neighborhood Commercial Center
- Regional Commercial
- Regional Commercial Mixed Use
- Tukwila Urban Center
- Commercial/Light Industrial
- Light Industrial
- Manufacturing Industrial Center/Light
- Manufacturing Industrial Center/Heavy

**2. Violations.**

a. Any person violating or failing to comply with the provisions of this section of the Tukwila Municipal Code shall be subject to enforcement as prescribed in TMC 8.45 and the issuance of a Notice of Violation and Order, in accordance with TMC 8.45.070, that shall carry with it a cumulative monetary penalty of \$1,000.00 per day for each violation from the date set for compliance until compliance with the Notice of Violation and Order is achieved.

b. In addition to any penalty that may be imposed by the City, any person violating or failing to comply with this section shall be liable for all damage to public or private property arising from such violation, including the cost of restoring the affected area to its condition prior to the violation.

c. Any penalties imposed under this section may be doubled should the violation(s) occur within 1,000 feet of the perimeter of the grounds of any elementary or secondary school, playground, recreation center or facility, child care center, public park, public transit center, or library, or any game arcade to which admission is not restricted to persons aged 21 years or older, as such terms are defined in WAC 314-55-010 as now enacted or hereafter amended.

C. Growth of medical marijuana for the personal medical use of an individual qualifying patient as defined in RCW 69.51A.010 is subject to strict compliance with all state regulations, procedures and restrictions as set forth or hereafter adopted at RCW 69.51A.

D. The establishment, location, operation, licensing, maintenance or continuation of a cooperative, as described in RCW 69.51, or medical cannabis collective gardens or dispensaries as described in RCW 69.51A.085, is prohibited in all zones of the City. Any person who violates this subsection (TMC 18.50.210.D) shall be guilty of a gross misdemeanor and shall be punished by a fine not to exceed \$5,000.00, or by imprisonment in jail for a term not exceeding one year, or by both such fine and imprisonment.



E. Any violation of this section is declared to be a public nuisance per se, and, in addition to any other remedy provided by law or equity, may be abated by the City under the applicable provisions of this code or state law. Such violations shall be enforced and appealed with the procedures set forth in TMC 8.45. Each day any violation of this section occurs or continues shall constitute a separate offense.

F. **Additional Relief.** The City may seek legal or equitable relief to enjoin any acts or practices and abate any condition which constitutes or will constitute a violation of this section of the TMC. The remedies and penalties provided herein are cumulative and shall be in addition to any other remedy provided by law.

### **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 RCW 81.104, 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.

### **18.50.230 Residential Conversions**

**A) Applicability**

**1) Any building may convert to residential in conformance with this section if the building is: (1) located in a residentially zoned area and (2) has a certificate of occupancy that is three (3) or more years old as of the date of the permit application to add residential unit(s).**

**2) Residential conversions are subject to all applicable development standards.**

3) Additional standards that apply to residential conversions are listed in TMC 18.50.230(C).

B) Exceptions

1) The standards in TMC 18.50.230(C) do not apply to:

a) Residential conversions to emergency or transitional housing; and

b) Residential conversions of ground floor space required as part of a mixed-use development adjacent to designated major pedestrian corridors.

C) Additional Standards

1) Density: Converted buildings may not exceed the density limit beyond 50% of the maximum unit density standard of the underlying zone, if such density standards exist in the underlying zone.

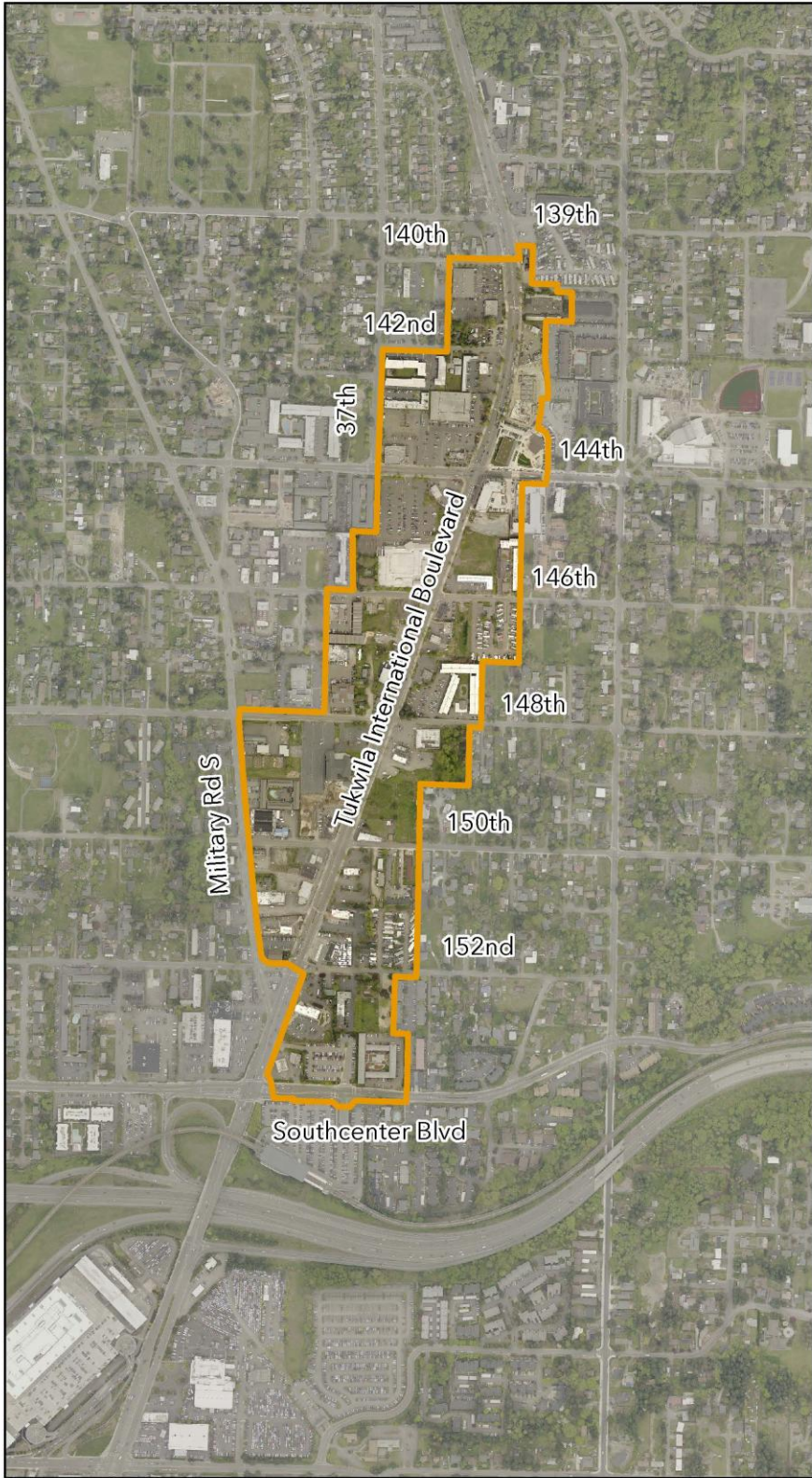
2) Parking: No additional parking is required for residential conversions.

3) Design: No additional exterior design requirements shall be required for residential conversions unless deemed necessary by the Director for public health and safety.

4) Nonconformity: Nonconforming aspects of an existing building shall not prevent a residential conversion, unless the Director determines the nonconformity is causing a public health or safety problem.

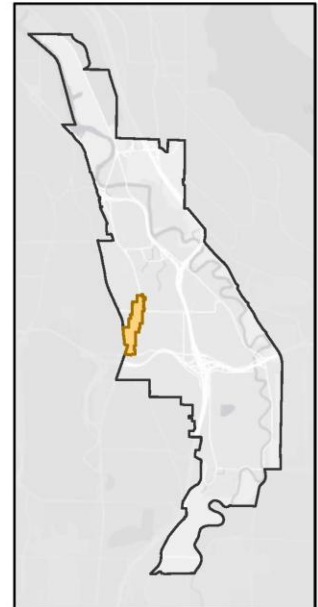
5) Traffic and Environment: no traffic concurrency study or environmental study is required for residential conversions.

Figure 61 (Major Pedestrian Corridor)



## Major Pedestrian Corridor

 Pedestrian Corridor



1/18/2025

### **18.50.240 Home Occupations**

A. Home occupations shall meet the following standards:

1. There shall be no change in the outside appearance of the surrounding residential development;
2. No home occupation shall be conducted in any accessory building. This provision shall not apply to adult family homes as defined in RCW 70.128.010 or community facilities as defined in RCW 72.05.020;
3. Traffic generated by a home occupation shall not exceed two (2) visitors at any given time, and no more than eight (8) total two-way visitor and non-resident employee trips per day;
4. The number of vehicles associated with a home-occupation shall not exceed two (2) vehicles and must be parked on-site. Vehicles associated with the business shall not exceed:
  - a. A gross vehicle weight of 10,000 pounds;
  - b. A height of ten (10) feet; or
  - c. A length of 22 feet;
5. An off-street parking space shall be made available for any non-resident employee. All parking spaces shall meet all development standards;
6. The business shall not involve more than one person who is not a resident of the dwelling. This provision shall not apply to adult family homes as defined in RCW 70.128.010 or community facilities as defined in RCW 72.05.020; and
7. Outdoor storage of materials associated with a home occupation is prohibited.

### **18.50.250 Emergency Housing and Emergency Shelter Criteria**

A. Emergency housing and emergency shelter facilities are allowed subject to the following criteria:

1. It must be a 24-hour-a-day facility where beds or rooms are assigned to specific residents for the duration of their stay.
2. On-site services such as laundry, hygiene, meals, case management, and social programs are limited to the residents of the facility and not available for drop-in use by non-residents.
3. The facility must be located within a half mile walking distance of a bus or rail transit stop.
4. Facilities must be at least a half mile from any other emergency housing or emergency shelter, calculated as a radius from the property lines of the site. This distance may be reduced upon the applicant submitting documentation that there is a barrier such as a river or freeway preventing access between the facilities, and the path of travel between them on public roads or trails is at least half a mile.
5. The maximum number of residents in a facility is limited to the general capacity of the building but in no case more than 45.
6. Buildings must have secure entrances staffed 24/7, with individual units only accessible through interior corridors.

### **18.50.260 Permanent Supportive Housing and Transitional Housing Criteria**

A. Permanent supportive housing and transitional housing facilities are allowed subject to the following criteria:

1. On-site services such as laundry, hygiene, meals, case management, and social programs are limited to the residents of the facility and not available for drop-in use by non-residents.

2. The facility must be located within a half mile walking distance of a bus or rail transit stop.

3. Facilities must be at least a half mile from any other permanent supportive housing or transitional housing, calculated as a radius from the property lines of the site. This distance may be reduced upon the applicant submitting documentation that there is a barrier such as a river or freeway preventing access between the facilities, and the path of travel between them on public roads or trails is at least half a mile.

4. The maximum number of residents in a facility is limited to the general capacity of the building but in no case more than 15 in LDR, 30 in MDR, and 45 in HDR or other zones.

5. Buildings must have secure entrances staffed 24/7, with individual units only accessible through interior corridors.

**18.50.270 Memorandum of Agreement for Emergency Housing, Emergency Shelter, Permanent Supportive Housing or Transitional Housing**

A. Prior to the start of operation, the City and facility operator shall develop and execute a Memorandum of Agreement containing, at a minimum, the following items:

1. A Good Neighbor Agreement addressing the following items:

- a. Quiet hours,
- b. Smoking areas,
- c. Security procedures,
- d. Litter, and
- e. Adequacy of landscaping and screening.

2. A Code of Conduct establishing a set of standards and expectations that residents must agree to follow.

3. A parking plan approved by the City showing that the facility has adequate parking to meet the expected demand from residents, staff, service providers and visitors. Residents may not park off-site and all vehicles must be operational.

4. A coordination plan with both the Police and Fire Departments, including protocols for response to the facility and to facility residents throughout the City and a maximum number of responses threshold for law enforcement services as established by calls for services in TMC 5.60.040 through 5.60.060. If calls for law enforcement services exceed the agreed upon threshold in any given quarter, the facility operator will work with the City to reduce calls below the threshold level.

5. A requirement to provide regular reports to the City's Human Services Program Coordinator on how facilities are meeting performance metrics such as placement of residents into permanent housing or addiction treatment programs.



# Attachment B

## CERTIFICATION OF ENROLLMENT

### ENGROSSED SUBSTITUTE HOUSE BILL 1042

Chapter 285, Laws of 2023

68th Legislature  
2023 Regular Session

USE OF EXISTING BUILDINGS FOR RESIDENTIAL PURPOSES

EFFECTIVE DATE: July 23, 2023

Passed by the House April 14, 2023  
Yeas 96 Nays 0

LAURIE JINKINS

**Speaker of the House of  
Representatives**

Passed by the Senate April 5, 2023  
Yeas 45 Nays 3

DENNY HECK

**President of the Senate**

Approved May 4, 2023 3:07 PM

JAY INSLEE

**Governor of the State of Washington**

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 1042** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

**Chief Clerk**

FILED

May 5, 2023

**Secretary of State  
State of Washington**

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**ENGROSSED SUBSTITUTE HOUSE BILL 1042**

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AS AMENDED BY THE SENATE

Passed Legislature - 2023 Regular Session

**State of Washington                      68th Legislature                      2023 Regular Session**

**By** House Housing (originally sponsored by Representatives Walen, Ryu, Barkis, Simmons, Duerr, Goodman, Bateman, Reed, Ramel, Peterson, Pollet, Doglio, Macri, Reeves, Mena, Tharinger, Wylie, Gregerson, Springer, Bergquist, Thai, Kloba, Santos, and Ormsby)

READ FIRST TIME 01/23/23.

1            AN ACT Relating to the creation of additional housing units in  
2 existing buildings; amending RCW 43.21C.450; adding a new section to  
3 chapter 35A.21 RCW; adding a new section to chapter 35.21 RCW; and  
4 adding a new section to chapter 19.27A RCW.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6            NEW SECTION.    **Sec. 1.**    A new section is added to chapter 35A.21  
7 RCW to read as follows:

8            (1)(a) Code cities must adopt or amend by ordinance, and  
9 incorporate into their development regulations, zoning regulations,  
10 and other official controls the requirements of subsection (2) of  
11 this section for buildings that are zoned for commercial or mixed use  
12 no later than six months after its next periodic comprehensive plan  
13 update required under RCW 36.70A.130.

14            (b) The requirements of subsection (2) of this section apply and  
15 take effect in any code city that has not adopted or amended  
16 ordinances, regulations, or other official controls as required under  
17 this section by the timeline in (a) of this subsection and supersede,  
18 preempt, and invalidate any conflicting local development  
19 regulations.



1 (2) Through ordinances, development regulations, zoning  
2 regulations, or other official controls as required under subsection  
3 (1) of this section, code cities may not:

4 (a) Impose a restriction on housing unit density that prevents  
5 the addition of housing units at a density up to 50 percent more than  
6 what is allowed in the underlying zone if constructed entirely within  
7 an existing building envelope in a building located within a zone  
8 that permits multifamily housing, provided that generally applicable  
9 health and safety standards, including but not limited to building  
10 code standards and fire and life safety standards, can be met within  
11 the building;

12 (b) Impose parking requirements on the addition of dwelling units  
13 or living units added within an existing building, however, cities  
14 may require the retention of existing parking that is required to  
15 satisfy existing residential parking requirements under local laws  
16 and for nonresidential uses that remain after the new units are  
17 added;

18 (c) With the exception of emergency housing and transitional  
19 housing uses, impose permitting requirements on the use of an  
20 existing building for residential purposes beyond those requirements  
21 generally applicable to all residential development within the  
22 building's zone;

23 (d) Impose design standard requirements, including setbacks, lot  
24 coverage, and floor area ratio requirements, on the use of an  
25 existing building for residential purposes beyond those requirements  
26 generally applicable to all residential development within the  
27 building's zone;

28 (e) Impose exterior design or architectural requirements on the  
29 residential use of an existing building beyond those necessary for  
30 health and safety of the use of the interior of the building or to  
31 preserve character-defining streetscapes, unless the building is a  
32 designated landmark or is within a historic district established  
33 through a local preservation ordinance;

34 (f) Prohibit the addition of housing units in any specific part  
35 of a building except ground floor commercial or retail that is along  
36 a major pedestrian corridor as defined by the code city, unless the  
37 addition of the units would violate applicable building codes or  
38 health and safety standards;

39 (g) Require unchanged portions of an existing building used for  
40 residential purposes to meet the current energy code solely because

1 of the addition of new dwelling units within the building, however,  
2 if any portion of an existing building is converted to new dwelling  
3 units, each of those new units must meet the requirements of the  
4 current energy code;

5 (h) Deny a building permit application for the addition of  
6 housing units within an existing building due to nonconformity  
7 regarding parking, height, setbacks, elevator size for gurney  
8 transport, or modulation, unless the code city official with  
9 decision-making authority makes written findings that the  
10 nonconformity is causing a significant detriment to the surrounding  
11 area; or

12 (i) Require a transportation concurrency study under RCW  
13 36.70A.070 or an environmental study under chapter 43.21C RCW based  
14 on the addition of residential units within an existing building.

15 (3) Nothing in this section requires a code city to approve a  
16 building permit application for the addition of housing units  
17 constructed entirely within an existing building envelope in a  
18 building located within a zone that permits multifamily housing in  
19 cases in which the building cannot satisfy life safety standards.

20 (4) For the purpose of this section, "existing building" means a  
21 building that received a certificate of occupancy at least three  
22 years prior to the permit application to add housing units.

23 NEW SECTION. **Sec. 2.** A new section is added to chapter 35.21  
24 RCW to read as follows:

25 (1)(a) Cities must adopt or amend by ordinance, and incorporate  
26 into their development regulations, zoning regulations, and other  
27 official controls the requirements of subsection (2) of this section  
28 for buildings that are zoned for commercial or mixed use no later  
29 than six months after its next periodic comprehensive plan update  
30 required under RCW 36.70A.130.

31 (b) The requirements of subsection (2) of this section apply and  
32 take effect in any city that has not adopted or amended ordinances,  
33 regulations, or other official controls as required under this  
34 section by the timeline in (a) of this subsection and supersede,  
35 preempt, and invalidate any conflicting local development  
36 regulations.

37 (2) Through ordinances, development regulations, zoning  
38 regulations, or other official controls as required under subsection  
39 (1) of this section, cities may not:

1 (a) Impose a restriction on housing unit density that prevents  
2 the addition of housing units at a density up to 50 percent more than  
3 what is allowed in the underlying zone if constructed entirely within  
4 an existing building envelope in a building located within a zone  
5 that permits multifamily housing, provided that generally applicable  
6 health and safety standards, including but not limited to building  
7 code standards and fire and life safety standards, can be met within  
8 the building;

9 (b) Impose parking requirements on the addition of dwelling units  
10 or living units added within an existing building, however, cities  
11 may require the retention of existing parking that is required to  
12 satisfy existing residential parking requirements under local laws  
13 and for nonresidential uses that remain after the new units are  
14 added;

15 (c) With the exception of emergency housing and transitional  
16 housing uses, impose permitting requirements on the use of an  
17 existing building for residential purposes beyond those requirements  
18 generally applicable to all residential development within the  
19 building's zone;

20 (d) Impose design standard requirements, including setbacks, lot  
21 coverage, and floor area ratio requirements, on the use of an  
22 existing building for residential purposes beyond those requirements  
23 generally applicable to all residential development within the  
24 building's zone;

25 (e) Impose exterior design or architectural requirements on the  
26 residential use of an existing building beyond those necessary for  
27 health and safety of the use of the interior of the building or to  
28 preserve character-defining streetscapes, unless the building is a  
29 designated landmark or is within a historic district established  
30 through a local preservation ordinance;

31 (f) Prohibit the addition of housing units in any specific part  
32 of a building except ground floor commercial or retail that is along  
33 a major pedestrian corridor as defined by each city, unless the  
34 addition of the units would violate applicable building codes or  
35 health and safety standards;

36 (g) Require unchanged portions of an existing building used for  
37 residential purposes to meet the current energy code solely because  
38 of the addition of new dwelling units within the building, however,  
39 if any portion of an existing building is converted to new dwelling

1 units, each of those new units must meet the requirements of the  
2 current energy code;

3 (h) Deny a building permit application for the addition of  
4 housing units within an existing building due to nonconformity  
5 regarding parking, height, setbacks, elevator size for gurney  
6 transport, or modulation, unless the city official with decision-  
7 making authority makes written findings that the nonconformity is  
8 causing a significant detriment to the surrounding area; or

9 (i) Require a transportation concurrency study under RCW  
10 36.70A.070 or an environmental study under chapter 43.21C RCW based  
11 on the addition of residential units within an existing building.

12 (3) Nothing in this section requires a city to approve a building  
13 permit application for the addition of housing units constructed  
14 entirely within an existing building envelope in a building located  
15 within a zone that permits multifamily housing in cases in which the  
16 building cannot satisfy life safety standards.

17 (4) For the purpose of this section, "existing building" means a  
18 building that received a certificate of occupancy at least three  
19 years prior to the permit application to add housing units.

20 NEW SECTION. **Sec. 3.** A new section is added to chapter 19.27A  
21 RCW to read as follows:

22 By January 1, 2024, the state building code council shall adopt  
23 by rule an amendment to the current energy code that waives the  
24 requirement for unchanged portions of an existing building used for  
25 residential purposes to meet the current energy code solely because  
26 of the addition of new dwelling units within the building. New  
27 dwelling units created within the existing building must meet the  
28 requirements of the current energy code.

29 **Sec. 4.** RCW 43.21C.450 and 2012 1st sp.s. c 1 s 307 are each  
30 amended to read as follows:

31 The following nonproject actions are categorically exempt from  
32 the requirements of this chapter:

33 (1) Amendments to development regulations that are required to  
34 ensure consistency with an adopted comprehensive plan pursuant to RCW  
35 36.70A.040, where the comprehensive plan was previously subjected to  
36 environmental review pursuant to this chapter and the impacts  
37 associated with the proposed regulation were specifically addressed  
38 in the prior environmental review;

1 (2) Amendments to development regulations that are required to  
2 ensure consistency with a shoreline master program approved pursuant  
3 to RCW 90.58.090, where the shoreline master program was previously  
4 subjected to environmental review pursuant to this chapter and the  
5 impacts associated with the proposed regulation were specifically  
6 addressed in the prior environmental review;

7 (3) Amendments to development regulations that, upon  
8 implementation of a project action, will provide increased  
9 environmental protection, limited to the following:

10 (a) Increased protections for critical areas, such as enhanced  
11 buffers or setbacks;

12 (b) Increased vegetation retention or decreased impervious  
13 surface areas in shoreline jurisdiction; and

14 (c) Increased vegetation retention or decreased impervious  
15 surface areas in critical areas;

16 (4) Amendments to technical codes adopted by a county, city, or  
17 town to ensure consistency with minimum standards contained in state  
18 law, including the following:

19 (a) Building codes required by chapter 19.27 RCW;

20 (b) Energy codes required by chapter 19.27A RCW; and

21 (c) Electrical codes required by chapter 19.28 RCW.

22 (5) Adoption or amendment of ordinances, development regulations,  
23 zoning regulations, and other official controls necessary to comply  
24 with sections 1 and 2 of this act.

Passed by the House April 14, 2023.

Passed by the Senate April 5, 2023.

Approved by the Governor May 4, 2023.

Filed in Office of Secretary of State May 5, 2023.

--- END ---

