



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.

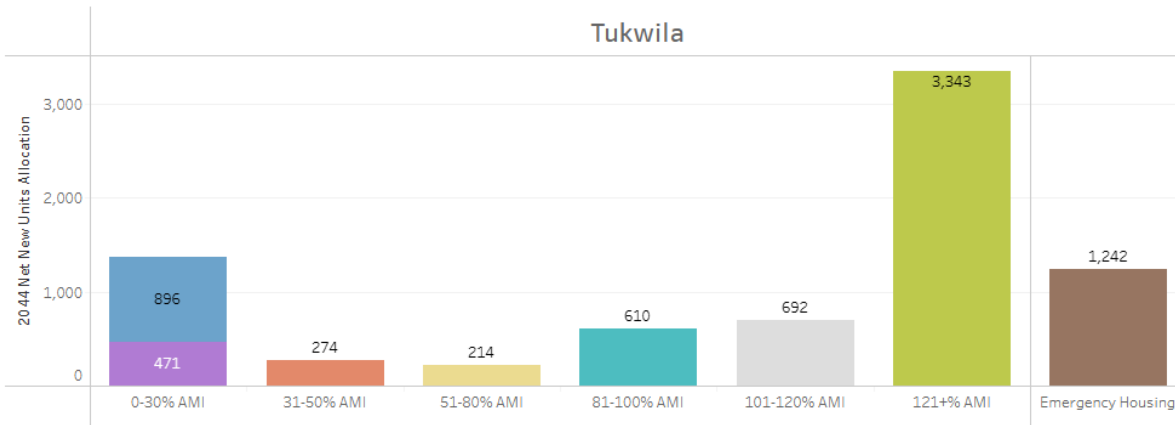


Figure 1: Tukwila Housing Targets

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

Review Agency	Comments regarding STEP Housing
Department of Commerce	<ul style="list-style-type: none"> 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

	<p>Chapter 7 for demonstrating sufficient land capacity for emergency housing targets.</p> <ul style="list-style-type: none"> • 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>
Puget Sound Regional Council (PSRC)	<ul style="list-style-type: none"> • The city should show capacity for housing affordable to all income levels, including emergency housing capacity. Commerce’s STEP guidance provides further information.
King County	<ul style="list-style-type: none"> • 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.

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.

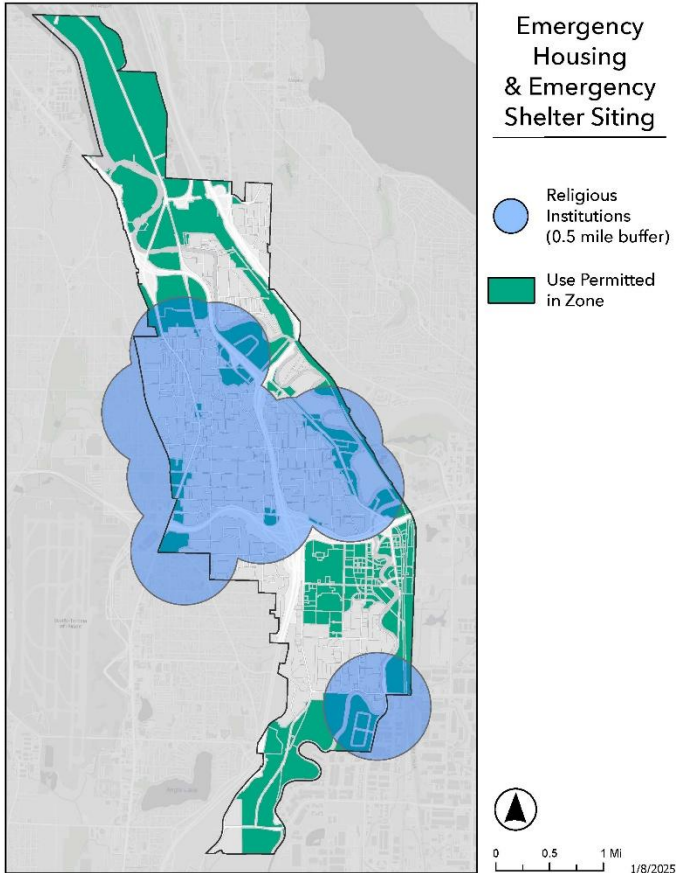


Figure 2. STEP Housing, 1/2 Mile Buffer From Religious Facilities

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

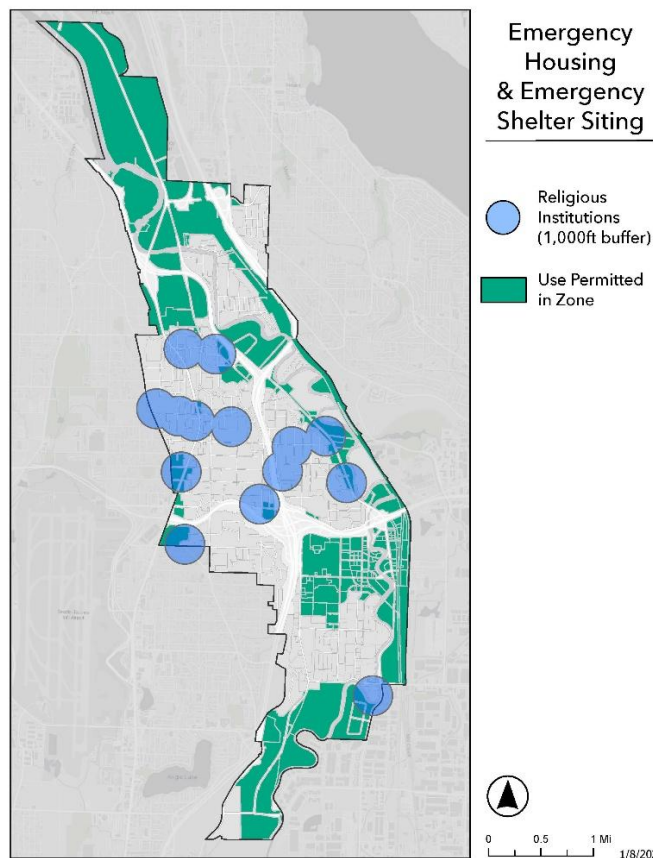


Figure 4. STEP Housing, 1,000 Foot Buffer From Religious Facilities

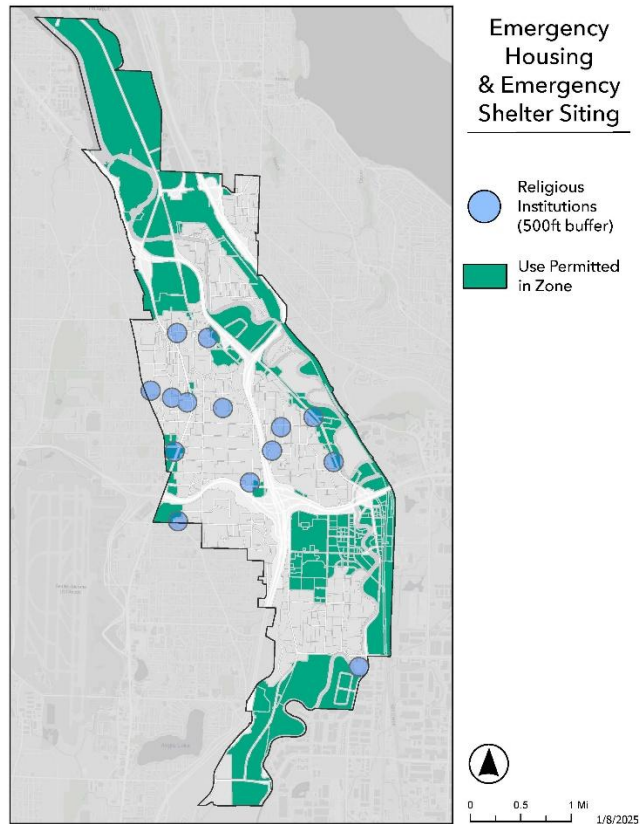


Figure 5. STEP Housing, 500 Foot Buffer From Religious Facilities

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	Emergency Housing & Emergency Shelters	½ Mile (2,640 feet), unless functional travel distance is at least ½ mile.	45 residents
	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
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 & 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		
	STEP Housing					
	<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

P = Permitted, A = Accessory, C = Conditional, UUP = Unclassified Use Permit Business license <i>For parking requirements see Table 18-5 or Figure 18-7</i> Regional Center TOD Pond District Commercial Center Work-Place Retail 1						
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
Office						
	Professional, Outpatient Medical, Dental, Governmental Services, and Research	P	P	P	P	P
630	Medical and Dental Laboratories	P	P	P		P
Lodging						
Ref. above*	Hotel, Motel, Extended Stay, Bed and Breakfasts	P	P	P		
Civic & Institutional						
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
P = Permitted, A = Accessory, C = Conditional, UUP = Unclassified Use Permit						
Business license	<i>For parking requirements see Table 18-5 or Figure 18-7</i>	Regional Center	TOD	Pond District	Commercial Center	Work-Place
	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
Industrial, Manufacturing & Warehouse						
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
Transportation, Communication & Infrastructure						
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
Residential						
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		
	STEP Housing					
	<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



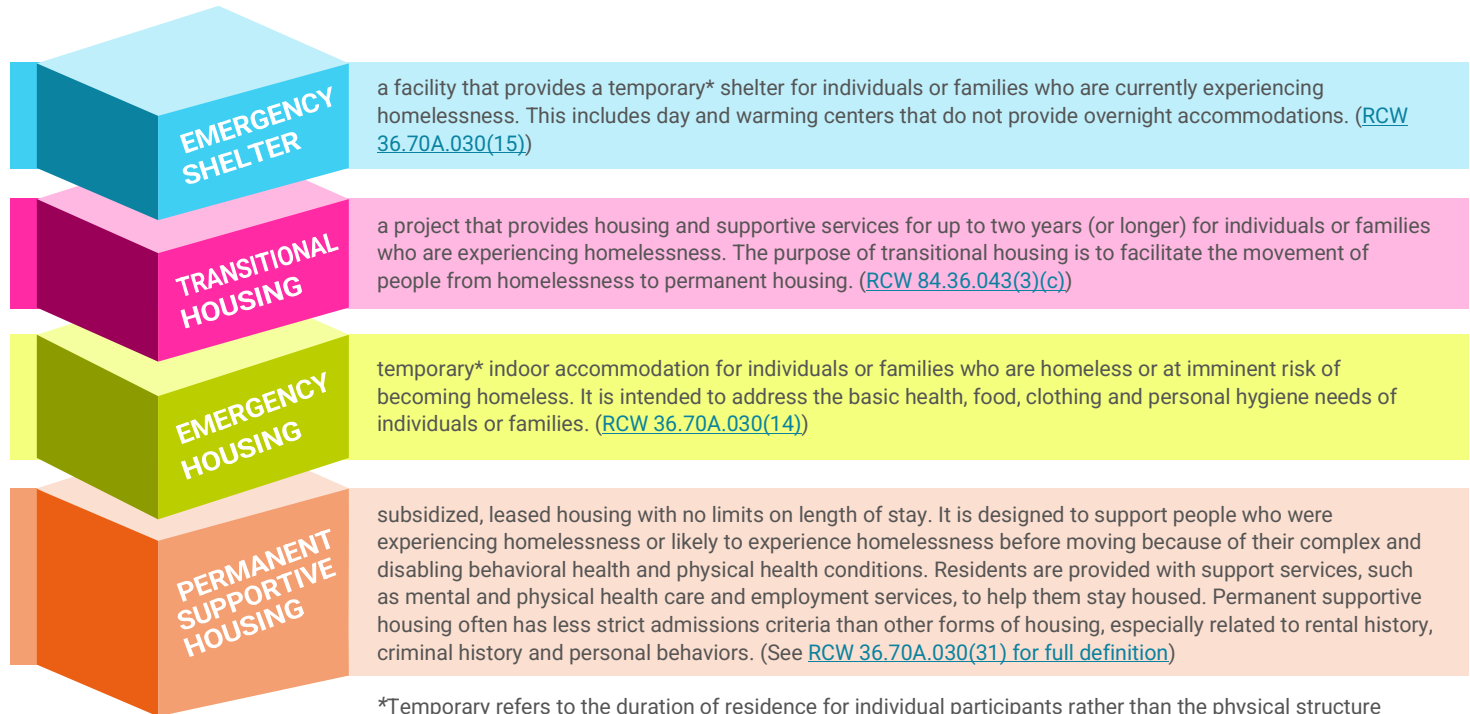
1.1 Million new homes will be needed in the next 20 years

In addition, there will also need to be:

91,357 Emergency housing beds (temporary housing)

What is STEP?

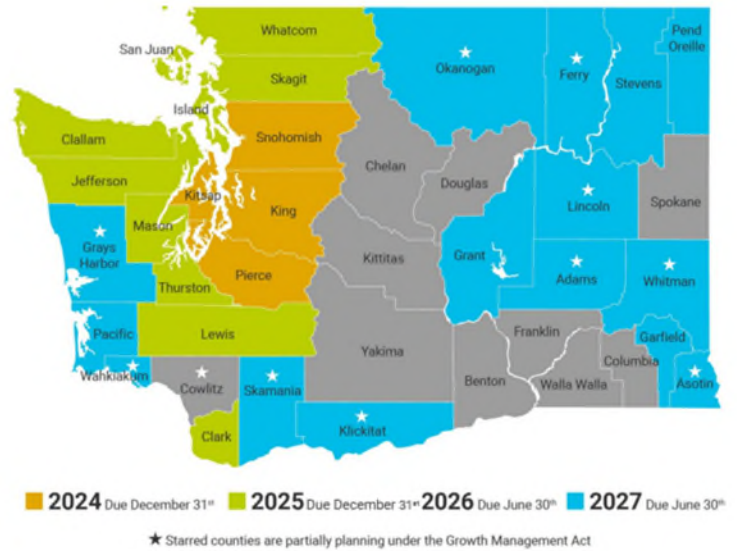
Indoor emergency **S**helter, **T**ransitional housing, **E**mergency housing and **P**ermanent supportive housing



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:

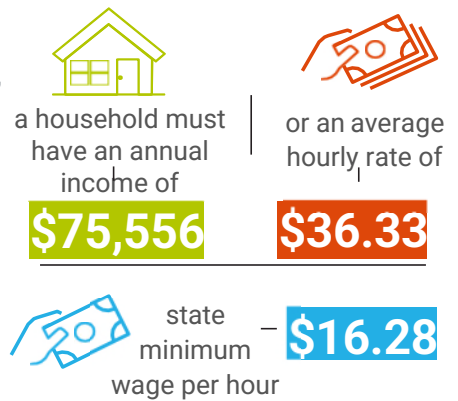
- Develop policies to plan for and accommodate housing affordable to all economic segments,
- Allow sufficient zoning capacity for these housing needs, including permanent supportive housing (PSH) and emergency housing,
- Identify barriers to the development of affordable housing and an action plan to 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:



FROM 2007-2023,
 WASHINGTON EXPERIENCED A
19.9%
RISE IN HOMELESSNESS

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
Growth Management Act: RCW 36.70A.070(2)	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.
RCW 35.21.683 and RCW 35A.21.430	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.
RCW 36.130.020	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.
RCW 36.70A.545	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.
RCW 35.21.915 , RCW 35A.21.360 , and RCW 36.01.290	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.
RCW 36.70A.540	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 use² 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

² 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

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.

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.

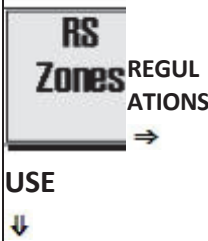
5. Additional Requirement for Emergency Shelters:

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	Front Setback	Interior or Setback	Building Coverage	Impervious Surface Coverage	Height			
19.15.005.2 Single Detached Dwelling Unit ⁽²⁾	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 that has with less than the stated minimum lot area. 3. 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. 4. Chapter 19.17 contains regulations regarding home occupations, and other accessory uses, facilities, and activities associated with this use.

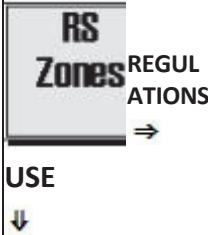
	DIRECTIONS: FIRST, read down to find use... THEN, across for REGULATIONS									
	Special Review Process (See Ch. 19.65)	MINIMUMS			MAXIMUMS			Landscape Category (See Ch. 19.25)	Minimum Required Parking Spaces (See Ch. 19.20)	Special Regulations (See also Section 19.15.005.1 and Chapter 19.17, Miscellaneous Use, Development and Performance Standards)
		Lot Area	SETBACKS		Lot Coverage		Height			
USE ↓		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 (in excess of more than 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> (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.
19.15.005.5 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 ⁽²⁾	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 (sq. ft.) <u>sq ft</u> 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			
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 ⁽²⁾		Reg. 1				20% RS-12,000 zone: 45% RS-7,200 zone: 70%				a. 1 acre in the RS-A zone. b. 12,000 [s.f.] <u>sq ft</u> in the RS-12,000 zone. c. 7,200 [s.f.] <u>sq ft</u> in the RS-7,200 zone. 2. Conversion to another use is allowed, provided [that] all <u>new use</u> requirements [for the new use] are met, including density limitations.
19.15.005.12 Essential Public Facility	Type 2	Development standards shall be determined [on a] case-by-case [basis] through the Type 3 review process.								1. Shall be designed, located, constructed, and buffered to blend <u>into</u> [with] 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 [A] 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 [no greater] 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> [with] 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 ⁽¹⁾	See Chapter 19.50									
19.15.005.16 Community Garden ⁽²⁾	None	None	20'	5'	15%	25%	12'	[A]	See Sec. 19.20.030.2	1. A <u>Director-approved</u> land use agreement [approved by]

	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	Front Setback	Interior Setback	Building Coverage	Impervious Surface Coverage	Height			
										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 ⁽³⁾⁽⁴⁾	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 sq <u>sq</u> ft in the RS-A and RS-12,000 zones. b. 7,200 sq <u>sq</u> ft in the RS-7,200 zone. 2. See Section 19.17.310 – Enhanced Services Facilities
19.15.005.18 <u>Permanent Supportive Housing</u>	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 <u>Transitional Housing Congregate Housing</u>	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.

 REGULATIONS ⇒ 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 19.15.010.1 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	1. Minimum lot area per dwelling unit is: a. 3,600 [square feet] sq ft in the RM-12 zone. b. 2,400 [square feet] sq ft in the RM-18 zone. c. 1,800 [square feet] sq ft in the RM-24 zone. d. 900 [square feet] sq ft in the RM-48 zone. [Ord. 533 § 1, 2010] 2. Each dwelling unit must be located on its own lot. 3. Minimum interior setback is 5 feet, except interior setback between townhouses may be reduced to zero feet. 4. Chapter 19.17 contains regulations regarding home occupations, and other accessory uses, facilities, and activities associated with this use. 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. 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'.
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	1. Maximum density per dwelling unit is:

 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 ⁽³⁾											
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 <u>prohibited</u> [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 ⇒ Special Review Process (See Ch. 19.65)	DIRECTIONS: FIRST, read down to find use... THEN, across for REGULATIONS							[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)
		MINIMUMS			MAXIMUMS			Height			
		Lot Area	SETBACKS		Lot Coverage		Building Coverage				
Front Setback	Interior Setback										

										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 [s.f.] 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 [s.f.] 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 [s.f.] sq ft	30'	30'	60%	85%	35'	[C]	See Sec. 19.20.030.2	
19.15.010.12 School	Type 2	5,000 [s.f.] 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 [s.f.] 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 the need for 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 on a case-by-case basis through the Type 3 review process.									<p>1. Shall be designed, located, constructed, and buffered to blend into with 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 [with] 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 ⁽¹⁾	See Chapter 19.50											
19.15.010.18 Community Garden ⁽²⁾	None	None	10'	5'	15%	25%	12'	[A]	See Sec. 19.20.030.2	A <u>Director-approved</u> land use agreement [approved by 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.		
19.15.010.19 Enhanced Services Facilities ⁽⁴⁾	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 & RM-18 zones: 60%</u> <u>RM-24 & 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 & 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	
RESIDENTIAL						
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.	
NON-RESIDENTIAL USES						

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
RESIDENTIAL		
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.
NON-RESIDENTIAL USES		
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	
RESIDENTIAL									
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.
COMMERCIAL									
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	
INDUSTRIAL									
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)							
PUBLIC, INSTITUTIONAL, & MISCELLANEOUS									
Artist studio	P	P	P	P	P	P	P	P	1. See 19.17.330
Community/Cultural Facility or Private Club	P _(D)	P _(D)	P _(D)	P _(D)	P	P _(D)	P _(D)	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 _(E)	P _(E)	P _(E)	P _(E)	P _(E)	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 _(D)	P _(D)	P _(D)	P _(D)	P _(D)	P _(D)	P _(D)	P _(D)	
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.

Table 19.15.020.2.B Minimum interior setbacks in Mixed-Use Zones.		
Use Category	Interior Setbacks	Special Regulations
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"> No minimum setback except when prescribed in Special Regulations (2) or (3) below. 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). 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.
Essential Public Facility, Public Utility		<ol style="list-style-type: none"> 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.
Personal Wireless Service Facility		<ol style="list-style-type: none"> See Chapter 19.50

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	
RESIDENTIAL USES		
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	
NON-RESIDENTIAL USES		

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,

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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 1st 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 9th 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
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