



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

HEARING DATE: January 23, 2025

FILE NUMBERS: L25-0002  
E25-0003

APPLICANT: City of Tukwila

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

LOCATION: Policies apply throughout the City of Tukwila

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

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

STAFF: Neil Tabor, AICP, Senior Planner

### **BACKGROUND**

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

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

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

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

Other key provisions of the bill include:

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

## **ANALYSIS**

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

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

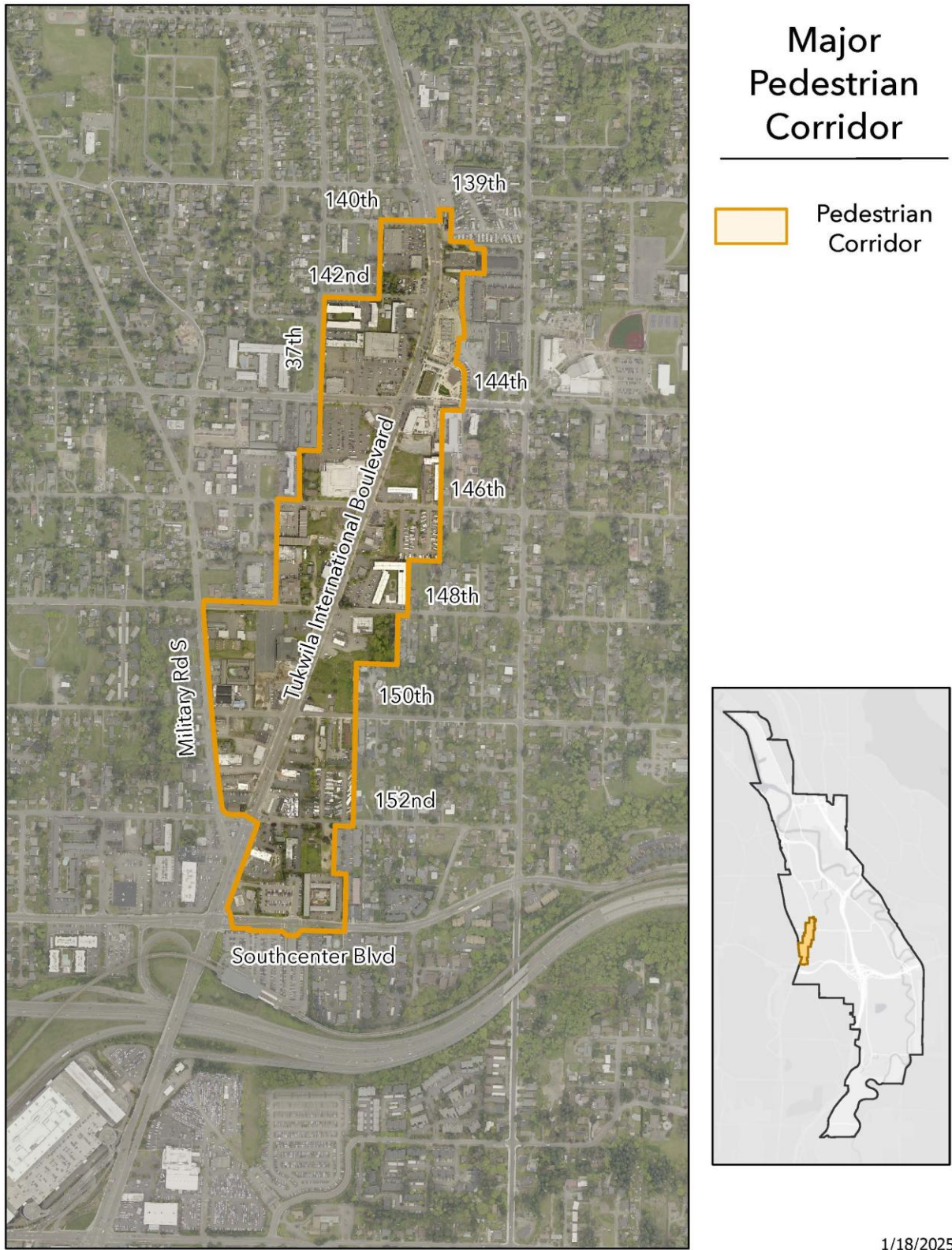


Figure 1

1/18/2025

## **SUMMARY OF PROPOSED CHANGES**

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

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

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

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

## **REQUESTED ACTION**

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

## **ATTACHMENTS**

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

# Attachment A

## CHAPTER 18.06 DEFINITIONS

### Sections:

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18.06.050	Area, Site
18.06.055	Areas of Potential Geologic Instability
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18.06.063	Bed-and-Breakfast Lodging
18.06.064	Best Available Science
18.06.065	Best Management Practices
18.06.066	Binding Site Improvement Plan
18.06.070	Bioengineering
18.06.072	Block
18.06.073	Boarding House
18.06.074	Brew Pub
18.06.075	Buffer
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18.06.085	Building, Accessory
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18.06.100	Building Height
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18.06.110	Building, Nonconforming
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18.06.119	Bulkhead
18.06.120	Bus Station
18.06.125	Caliper
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18.06.135	Canopy Cover
18.06.137	Cargo Container

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

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

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



18.06.588	No Net Loss
18.06.589	Nonconforming Use, Shoreline
18.06.590	Nonconforming Use
18.06.591	Non-Water-Oriented Uses
18.06.592	Office
18.06.593	Open Record Appeal
18.06.594	Open Record Hearing
18.06.595	Open Space
18.06.600	Open Space Tract
18.06.605	Ordinary High Water Mark
18.06.607	Overwater Structure
18.06.610	Parcel
18.06.611	Park and Ride
18.06.613	Parking, Commercial
18.06.615	Parking Space
18.06.617	Pawnbroker
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18.06.620	Performance Standards
18.06.625	Person
18.06.627	Pervious Hard Surface
18.06.630	Plan
18.06.632	Planned Residential Development (PRD)
18.06.633	Planning Commission
18.06.635	Plat
18.06.636	Preliminary Plat
18.06.637	Principal Building
18.06.638	Private Access Road
18.06.640	Property Owner
18.06.645	Protected Tree/Protected Vegetation
18.06.650	Protection Measure
18.06.651	Protective Fencing
18.06.652	Pruning
(001)	Topping
18.06.655	Public Access
18.06.656	Public Entity
18.06.657	Public Meeting
18.06.658	Public Right-of-Way
18.06.660	Rapid Charging Station
18.06.662	Reach
18.06.665	Recreation Space
18.06.670	Recreation Space, Covered
18.06.675	Recreation Space, Uncovered
18.06.676	Regional Detention Facility
18.06.677	Revetment
18.06.680	Research and Development Facility
18.06.682	Religious Facility
18.06.685	Residence
<u>18.06.686</u>	<u>Residential Conversion</u>
18.06.687	Restaurant
18.06.688	Restaurant, Fast Food
18.06.689	Right-of-Way

18.06.690	Riparian
18.06.691	River Channel
18.06.696	Riverbank Analysis and Report
18.06.697	Roadway
18.06.705	Screening
18.06.706	Secure Community Transitional Facility
18.06.707	Self Storage Facility
18.06.708	Senior Citizen Housing
18.06.735	Vehicle Service Station
18.06.740	Setbacks
18.06.745	Shelter Station
18.06.750	Shopping Center, Planned
18.06.756	Shorelands or Shoreland Areas
18.06.757	Shorelines or Shoreline Areas
18.06.758	Shoreline Jurisdiction
18.06.759	Shoreline Modifications
18.06.760	Shoreline Restoration or Ecological Restoration
18.06.761	Shoreline Stabilization
18.06.769	Short Subdivision Committee
18.06.770	Sign
18.06.775	Significant Tree
18.06.777	Significant Vegetation Removal
18.06.780	Site
18.06.781	Site Disturbance
18.06.790	Story
18.06.795	Street
18.06.800	Structure
(001)	Nonconforming Structure, Shoreline
18.06.805	Structural Alteration
18.06.810	Studios
18.06.813	Subdivision
(001)	Short Subdivision
(002)	Long Subdivision
18.06.815	Substantial Construction
18.06.817	Substantial Development
18.06.820	Surveyor
18.06.821	Theater
18.06.822	Tow Truck Operations
18.06.829	Townhouse
18.06.830	Tract
18.06.833	Trailer Court or Park
18.06.835	Trailer, Travel
18.06.840	Transit Center
18.06.843	Transit-Oriented Development (TOD) Housing
18.06.845	Tree
(001)	At-Risk Tree
(002)	Crown
(003)	Dead Tree
(004)	Dripline
(005)	Exceptional Tree
(006)	Heritage Tree or Heritage Grove

(007)	Invasive Tree
(008)	Nuisance Tree
(009)	Qualified Tree Professional
(010)	Risk
(011)	Street Tree
(012)	Target or Risk Target
(013)	Tree Risk Assessment
(014)	Tree Risk Assessor
(015)	Viable Tree
(016)	Windfirm
18.06.850	Tree Clearing Permit
18.06.852	Tree Removal
18.06.854	Truck Terminal
18.06.855	Turbidity
18.06.860	Understory Vegetation
18.06.863	Usable Floor Area
18.06.864	Useable Marijuana
18.06.865	Use
18.06.870	Use, Accessory
18.06.875	Use, Conditional
18.06.880	Use, Permitted
18.06.885	Use, Primary or Principal
18.06.890	Use, Unclassified
18.06.895	Unlisted Use
18.06.900	Utilities
18.06.905	Variance
18.06.910	Vegetation
18.06.915	Vehicles
18.06.916	Warehouse
18.06.917	Water Dependent
18.06.918	Water Enjoyment
18.06.919	Water Oriented
18.06.920	Watercourse
18.06.921	Water Related
18.06.922	Wetland
18.06.924	Wetland Edge
18.06.934	Wetland, Scrub-Shrub
18.06.944	WRIA
18.06.945	Yard
18.06.950	Yard, Front
18.06.955	Yard, Rear
18.06.960	Yard, Second Front
18.06.965	Yard, Side

#### **18.06.005 General Definitions**

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

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

**18.06.010 Abandoned Mine Areas**

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

**18.06.015 Access Road**

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

**18.06.016 Accessory Dwelling Unit**

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

**18.06.017 Adaptive Management**

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

**18.06.018 Adjacent**

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

**18.06.020 Adult Day Care**

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

**18.06.025 Adult Entertainment Establishments**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

B. "Specified anatomical areas" means:

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

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

C. "Specified sexual activities" means:

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

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

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

D. "Stock-in-trade" means:

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

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

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

**18.06.030 Airports**

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

**18.06.035 Alley**

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

**18.06.036 Alteration**

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

**18.06.037 Amusement Device**

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

**18.06.045 Applicant**

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

**18.06.048 Appurtenance**

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

**18.06.050 Area, Site**

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

**18.06.055 Areas of Potential Geologic Instability**

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

**18.06.056 Armoring**

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

**18.06.058 Assisted Living Facility**

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

**18.06.059 Bank**

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

**18.06.060 Basement**

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

**18.06.061 Battery Charging Station**

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

**18.06.062 Battery Exchange Station**

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

**18.06.063 Bed-and-Breakfast Lodging**

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

**18.06.064 Best Available Science**

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

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

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

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

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

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

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

#### **18.06.070 Bioengineering**

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

#### **18.06.072 Block**

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

#### **18.06.073 Boarding House**

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

#### **18.06.074 Brew Pub**

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

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



**18.06.075 Buffer**

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

**18.06.080 Building**

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

**18.06.085 Building, Accessory**

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

**18.06.090 Building Area**

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

**18.06.095 Building, Detached**

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

**18.06.097 Building Footprint**

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

**18.06.100 Building Height**

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

**18.06.105 Building Line**

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

**18.06.110 Building, Nonconforming**

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

**18.06.115 Building Permit**

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

**18.06.118 Bulk Retail**

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

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

**18.06.119 Bulkhead**

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

**18.06.120 Bus Station**

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

**18.06.125 Caliper**

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

**18.06.130 Canopy**

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

**18.06.135 Canopy Cover**

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

**18.06.137 Cargo Container**

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

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

**18.06.140 Certified Arborist**

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

**18.06.142 Charging Levels**

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

1. Level 1 is considered slow charging.

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

**18.06.143 Channel Migration Zone**

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

**18.06.145 Clearing**

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

**18.06.150 Clinic, Outpatient Medical**

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

**18.06.152 Closed Record Appeal**

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

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

**18.06.155 Club**

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

**18.06.160 Commercial Laundries**

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

**18.06.165 Comprehensive Plan**

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

**18.06.170 Continuing Care Retirement Community**

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

**18.06.172 Contractor Storage Yards**

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

**18.06.173 Convalescent/Nursing Home**

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

**18.06.175 Cooperative Parking Facility**

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

**18.06.178 Correctional Institution**

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

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

**18.06.180 Coverage**

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

**18.06.181 Critical Root Zone**

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

**18.06.182 Critical Areas**

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

**(001) Critical Area Buffer**

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

**(007) Critical Areas Ordinance**

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

**(010) Critical Area Regulated Activities**

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

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

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

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

**18.06.183 Cul-de-Sac**

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

**18.06.185 Curb-Cut**

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

**18.06.190 Dangerous Waste**

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

**18.06.195 Day Care Center**

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

**18.06.196 Daylighting**

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

**18.06.198 Dedication**

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

**18.06.199 Defective Tree**

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

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

**18.06.200 Density Transfer**

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

**18.06.202 Department**

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

**18.06.203 Design Criteria**

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

**18.06.204 Design Guidelines**

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

**18.06.205 Designated Facility Zone**

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

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

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

**18.06.210 Development**

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

**18.06.215 Development Area**

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

**18.06.216 Development Permit**

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

**18.06.217 Development, Shoreline**

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

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

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

**18.06.222 Dike**

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

**18.06.225 Director**

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

**18.06.230 District**

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

**18.06.232 District, Overlay**

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

**18.06.234 Diversion Facility**

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

**18.06.235 Diversion Interim Services Facility**

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

**18.06.237 Dormitory**

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

**18.06.240 Driveway**

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

**18.06.242 Durable Uniform Surface**

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

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



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

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

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

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

**18.06.246 Dwelling, Mobile Home**

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

**18.06.247 Dwelling, Multi-Family**

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

**18.06.248 Dwelling, Single-Family**

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

**18.06.249 Dwelling Unit**

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

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

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

**18.06.252 Ecosystem-Wide Processes**

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

**18.06.255 Emergency Housing**

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

**(001) Emergency Shelter**

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

**(002) Permanent Supportive Housing**

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

**(003) Transitional Housing**

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

**(004) Domestic Shelter**

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

**18.06.258 Electric vehicle**

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

**18.06.259 Electric Vehicle Charging Station**

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

**18.06.260 Electric Vehicle Charging Station-Restricted**

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

**18.06.261 Electric Vehicle Charging Station-Public**

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

**18.06.262 Electric Vehicle Infrastructure**

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

**18.06.263 Electric Vehicle Parking Space**

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

**18.06.264 Engineer, Geotechnical**

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

**18.06.266 Engineer, Professional**

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

**18.06.268 Engineering, Geotechnical**

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

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

**18.06.269 Environment Designation**

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

**18.06.270 Essential Public Facility**

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

**18.06.280 Essential Use**

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

**18.06.283 Essential Utility**

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

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

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

**18.06.287 Extended-Stay Hotel or Motel**

“Extended-stay hotel or motel” means a building or buildings or portion thereof, the units of which contain independent provisions for living, eating and sanitation including, but not limited to, a kitchen sink and permanent cooking facilities, a bathroom and a sleeping area in each unit, and are specifically constructed, kept, used, maintained, advertised and held out to the public to be a place where temporary residence is offered for pay to persons for a minimum stay of more than 30 days and a maximum stay of six months per year. Extended-stay hotels or motels shall not include dwelling units, as defined in this section, for permanent occupancy. The specified units for extended-stay must conform to the required features, building code, and fire code provisions for dwelling units as set forth in this code. Nothing in this definition prevents an extended-stay unit from being used as a hotel or motel unit. Extended-stay hotel or motels shall be required to meet the hotel/motel parking requirements. Not included are institutions housing persons under legal restraint or requiring medical attention or care.

**18.06.290 Extremely Hazardous Waste**

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

**18.06.300 Family Child Care Home**

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

**18.06.305 Feasible**

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

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

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

**18.06.310 Fence**

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

**18.06.315 Filling**

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

**18.06.318 Final Plat**

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

**18.06.320 Fire Lane**

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

**18.06.325 Floor Area**

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

**18.06.330 Flood Plain**

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

**18.06.335 Flood Hazard Reduction**

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

**18.06.338 Floodway**

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

**18.06.340 Fraternal Organization**

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

**18.06.345 Garage, Private**

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

**18.06.353 General Retail**

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

**18.06.355 Geologist**

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

**18.06.365 Grade**

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

**18.06.370 Grading**

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

**18.06.380 Groundcover**

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

**18.06.385 Hazardous Substance**

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

**18.06.390 Hazardous Substance Processing or Handling**

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

**18.06.395 Hazardous Tree**

See “Defective Tree.”

**18.06.400 Hazardous Waste**

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

**18.06.405 Hazardous Waste Storage**

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

**18.06.410 Hazardous Waste Treatment**

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

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

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

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

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

**18.06.430 Home Occupation**

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

**18.06.435 Hospital**

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

**18.06.440 Hotel**

“Hotel” means a building, or buildings or portion thereof, the units of which are used, rented or hired out as sleeping accommodations only for the purpose of transitory housing. Hotel rooms shall have their own private toilet facilities, and may or may not have their own kitchen facilities. Hotels shall not include dwelling units, as defined in this section, for permanent occupancy. A central kitchen, dining room and accessory shops and services catering to the general public can be provided. No room may be used by the same person or persons for a period exceeding thirty (30) calendar days per year. Not included are institutions housing persons under legal restraint or requiring medical attention or care.

**18.06.445 Impervious Surface**

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

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

**18.06.450 Infrastructure**

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

**18.06.453 Integrated Site**

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

**18.06.454 Internet Data/Telecommunication Center**

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

**18.06.456 Invasive Plant and Tree List**

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

**18.06.460 Junk Yard**

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

**18.06.465 Kennel**

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

**18.06.470 Laboratory, Medical and Dental**

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

**18.06.472 Large Woody Debris (LWD)**

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



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

**18.06.473 Land Surveyor**

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

**18.06.475 Land-Altering Activity**

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

**18.06.480 Land-Altering Permit**

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

**18.06.486 Landscape Design Professional**

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

**18.06.490 Landscaping or Landscaped Areas**

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

**(001) Mulch**

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

**18.06.492 Lease**

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

**18.06.493 Levee**

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

**18.06.495 Loading Space**

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

**18.06.500 Lot**

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

**18.06.505 Lot Area**

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

**18.06.510 Lot, Corner**

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

**18.06.520 Lot Depth**

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

**18.06.525 Lot Frontage**

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

**18.06.530 Lot Lines**

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

**18.06.535 Lot, Interior**

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

**18.06.538 Lot, Parent**

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

**18.06.540 Lot, Through**

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

**18.06.543 Lot, Unit**

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

**18.06.545 Lot Width**

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

**18.06.551 Marijuana**

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

**18.06.552 Marijuana Processor**

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

**18.06.553 Marijuana Producer**

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

**18.06.554 Marijuana Retailer**

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

**18.06.555 Major Adjustment**

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

**18.06.556 Marijuana-infused Products**

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

**18.06.557 Marijuana Concentrates**

“Marijuana concentrates” is as defined under RCW 69.50.101.

**18.06.560 Mall**

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

**18.06.565 Manufactured/Mobile Home Park**

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

**18.06.567 Manufacturing**

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

**18.06.568 Mass Transit Facilities**

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

**18.06.570 Mean High Water Mark**

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

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

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

**18.06.575 Mining and Quarrying**

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

**18.06.580 Minor Adjustment**

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

**18.06.581 Mitigation**

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

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

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

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

**18.06.583      Modular Home**

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

**18.06.585      Motel**

“Motel” means a building or buildings or portion thereof, the units of which are used, rented, or hired out as sleeping accommodations only for the purposes of transitory housing. A motel includes tourist cabins, tourist court, motor lodge, auto court, cabin court, motor inn and similar names but does not include accommodations for travel trailers or recreation vehicles. Motel rooms shall have their own private toilet facilities and may or may not have their own kitchen facilities. Motels are distinguished from hotels primarily by reason of providing adjoining parking and direct independent access to each rental unit. Motels shall not include dwelling units, as defined in this section, for permanent occupancy. No room may be used by the same person or persons for a period exceeding 30 calendar days per year. Not included are institutions housing persons under legal restraint or requiring medical attention or care.

**18.06.586      Native Vegetation**

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

**18.06.587      New Manufactured Home**

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

**18.06.588      No Net Loss**

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

**18.06.589      Nonconforming Use, Shoreline**

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

**18.06.590      Nonconforming Use**

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

**18.06.591 Non-Water-Oriented Uses**

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

**18.06.592 Office**

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

**18.06.593 Open Record Appeal**

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

**18.06.594 Open Record Hearing**

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

**18.06.595 Open Space**

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

**18.06.600 Open Space Tract**

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

**18.06.605 Ordinary High Water Mark**

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

**18.06.607 Overwater Structure**

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

**18.06.610 Parcel**

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

**18.06.611 Park and Ride**

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

**18.06.613 Parking, Commercial**

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

**18.06.615 Parking Space**

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

**18.06.617 Pawnbroker**

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

**18.06.618 Performance Bond or Guarantee**

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

**18.06.620 Performance Standards**

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

**18.06.625 Person**

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

**18.06.627 Pervious Hard Surface**

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

**18.06.630 Plan**

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

**18.06.632 Planned Residential Development (PRD)**

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

**18.06.633 Planning Commission**

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

**18.06.635 Plat**

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

**18.06.636 Preliminary Plat**

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

**18.06.637 Principal Building**

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

**18.06.638 Private Access Road**

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

**18.06.640 Property Owner**

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

**18.06.645 Protected Tree/Protected Vegetation**

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

**18.06.650 Protection Measure**

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

**18.06.651 Protective Fencing**

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

**18.06.652 Pruning**



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

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

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

#### **18.06.655 Public Access**

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

#### **18.06.656 Public Entity**

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

#### **18.06.657 Public Meeting**

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

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

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

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

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

#### **18.06.662 Reach**

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

#### **18.06.665 Recreation Space**

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

**18.06.670 Recreation Space, Covered**

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

**18.06.675 Recreation Space, Uncovered**

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

**18.06.676 Regional Detention Facility**

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

**18.06.677 Revetment**

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

**18.06.680 Research and Development Facility**

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

**18.06.682 Religious Facility**

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

**18.06.685 Residence**

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

**18.06.686 Residential Conversion**

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

**18.06.687 Restaurant**

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

**18.06.688 Restaurant, Fast Food**

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

**18.06.689 Right-of-Way**

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

**18.06.690 Riparian**

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

**18.06.691 River Channel**

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

**18.06.696 Riverbank Analysis and Report**

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

**18.06.697 Roadway**

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

**18.06.705 Screening**

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

**18.06.706 Secure Community Transitional Facility**

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

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

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

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

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

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

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

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

#### **18.06.740 Setbacks**

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

#### **18.06.745 Shelter Station**

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

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

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

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

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

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

**18.06.757 Shorelines or Shoreline Areas**

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

**18.06.758 Shoreline Jurisdiction**

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

**18.06.759 Shoreline Modifications**

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

**18.06.760 Shoreline Restoration or Ecological Restoration**

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

**18.06.761 Shoreline Stabilization**

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

**18.06.769 Short Subdivision Committee**

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

**18.06.770 Sign**

“Sign” means any medium, including paint on walls, merchandise, or visual communication device, its structure and component parts, which is used or intended to be used to attract attention

to the subject matter for advertising or identification purposes. Bulletin boards and readerboards are considered to be signs.

**18.06.775 Significant Tree**

“Significant Tree” means a single-trunked tree that is six inches or more in diameter (DBH), or a multi-trunked tree with a diameter of two inches or more on any trunk (such as willows or vine maple).

**18.06.777 Significant Vegetation Removal**

“Significant vegetation removal” means the removal or alteration of trees, shrubs, and/or ground cover by clearing, grading, cutting, burning, chemical means, or other activity that causes significant ecological impacts to functions provided by such vegetation. The removal of invasive or noxious weeds does not constitute significant vegetation removal. Tree pruning, not including tree topping, where it does not affect ecological functions, does not constitute significant vegetation removal.

**18.06.780 Site**

“Site” means any lot or group of adjoining lots, as defined in TMC 18.06.500, which are proposed as the location for a development, as defined in TMC 18.06.210, or for some other activity which requires a permit or approval pursuant to TMC Titles 16, 17 or 18.

**18.06.781 Site Disturbance**

“Site disturbance” means any development, construction, or related operation that could alter the subject property, including, but not limited to, soil compaction including foot traffic; tree or stump removal; road, driveway or building construction; installation of utilities; or grading.

**18.06.790 Story**

“Story” means story as defined in the Washington State Building Code.

**18.06.795 Street**

“Street” means a public thoroughfare which affords the principal means of access to abutting properties. Limited access State routes such as I-5, I-405, or SR 518; subdivision tracts dedicated for access; private easements for access; and streets that provide no access to abutting properties shall be considered streets for the purposes of determining the type of lots such as corner or through lots and their setbacks and landscape requirements.

**18.06.800 Structure**

“Structure” means a combination of materials constructed and erected permanently on the ground or attached to something having a permanent location on the ground, but excluding all forms of vehicles even though immobilized. Not included are residential fences up to six feet in height, retaining walls or rockeries with up to four feet of exposed face, and similar improvements of minor character.

**(001) Nonconforming Structure, Shoreline**

“Nonconforming Structure, Shoreline” means a structure legally established prior to the effective date of the Shoreline Master Program, but which does not conform to present regulations or standards of the program.

**18.06.805 Structural Alteration**

“Structural alteration” means any change in load or stress of the loaded or stressed members of a building or structure.

**18.06.810 Studios**

“Studios” means a building or portion of a building used as a place of work by an artist, photographer, or artisan, or used for dance instruction.

**18.06.813 Subdivision**

“Subdivision” means the division or redivision of land into lots, unit lots, tracts, parcels, sites or divisions.

**(001) Short Subdivision**

“Short subdivision” means the division of land into nine or less lots, unit lots, tracts, parcels, sites or divisions.

**(002) Long Subdivision**

“Long subdivision” means the division or redivision of land into ten or more lots, unit lots, tracts, parcels, sites or divisions.

**18.06.815 Substantial Construction**

“Substantial construction” means completion of more than 50% of the cost of work described in specified and approved plans.

**18.06.817 Substantial Development**

“Substantial development” means any development of which the total cost or fair market value exceeds \$7,047.00 or any development that materially interferes with the normal public use of the water or shorelines of the state. The dollar threshold established in this definition must be adjusted for inflation by the Office of Financial Management every five years, beginning July 1, 2007, based upon changes in the Consumer Price Index during that time period. “Consumer Price Index” means, for any calendar year, that year’s annual average Consumer Price Index, Seattle, Washington area, for urban wage earners and clerical workers, all items, compiled by the Bureau of Labor and Statistics, United States Department of Labor. In accordance with WAC 173-27-040, as it now reads and as hereafter amended, the following shall not be considered developments which require a shoreline substantial development permit, although shall still comply with the substantive requirements of the Shoreline Master Program:

1. Normal maintenance or repair of existing structures or developments, including repair of damage caused by accident, fire, or elements.
2. Emergency construction necessary to protect property from damage by the elements.
3. Construction and practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities on shorelands, and the construction and maintenance of irrigation structures including but not limited to head gates, pumping facilities, and irrigation channels. A feedlot of any size, all processing plants, other activities of a commercial nature, and alteration of the contour of the shorelands by leveling or filling other than that which results from normal cultivation, shall not be considered normal or necessary farming or ranching activities. A feedlot shall be an enclosure or facility used or capable of being used for feeding

livestock hay, grain, silage, or other livestock feed, but shall not include land for growing crops or vegetation for livestock feeding and/or grazing, nor shall it include normal livestock wintering operations.

4. Construction or modification of navigational aids such as channel markers and anchor buoys.

5. Construction on shorelands by an owner, lessee, or contract purchaser of a single family residence for his own use or for the use of his or her family, which residence does not exceed a height of 35 feet above average grade level and which meets all requirements of the state agency or local government having jurisdiction thereof, other than requirements imposed pursuant to this chapter.

6. Construction of a dock, including a community dock, designed for pleasure craft only, for the private non-commercial use of the owner, lessee, or contract purchaser of single and multiple family residences. This exception applies if either:

(a) In salt waters, the fair market value of the dock does not exceed \$2,500; or

(b) in fresh waters, the fair market value of the dock does not exceed:

(1) \$20,000 for docks that are constructed to replace existing docks, and are of equal or lesser square footage than the existing dock being replaced; or

(2) \$10,000 for all other docks constructed on fresh waters.

(3) However, if subsequent construction occurs within five years of completion of the prior construction, and the combined fair market value of the subsequent and prior construction exceeds the amount specified above, the subsequent construction shall be considered a substantial development for the purpose of this chapter.

7. Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as a part of an irrigation system for the primary purpose of making use of system waters, including return flow and artificially stored groundwater for the irrigation of lands.

8. The marking of property lines or corners on state owned lands, when such marking does not significantly interfere with normal public use of the surface of the water.

9. Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on September 8, 1975, which were created, developed, or utilized primarily as a part of an agricultural drainage or diking system.

10. Site exploration and investigation activities that are prerequisite to preparation of an application for development authorization under this chapter, if:

a. The activity does not interfere with the normal public use of the surface waters;

b. The activity will have no significant adverse impact on the environment including, but not limited to, fish, wildlife, fish or wildlife habitat, water quality, and aesthetic values;

c. The activity does not involve the installation of a structure, and upon completion of the activity the vegetation and land configuration of the site are restored to conditions existing before the activity;

d. A private entity seeking development authorization under this section first posts a performance bond or provides other evidence of financial responsibility to the local jurisdiction to ensure the site is restored to preexisting conditions; and



e. The activity is not subject to the permit requirements of RCW 90.58.550 (Oil and Natural Gas exploration in marine waters).

11. The process of removing or controlling an aquatic noxious weed, as defined in RCW 17.26.020, through the use of an herbicide or other treatment methods applicable to weed control that are recommended by a final environmental impact statement published by the Department of Agriculture or the department jointly with other state agencies under RCW 43.21C.

12. Watershed restoration projects, which means a public or private project authorized by the sponsor of a watershed restoration plan that implements the plan or a part of the plan and consists of one or more of the following activities:

a. A project that involves less than 10 miles of stream reach, in which less than 25 cubic yards of sand, gravel, or soil is removed, imported, disturbed or discharged, and in which no existing vegetation is removed except as minimally necessary to facilitate additional plantings.

b. A project for the restoration of an eroded or unstable stream bank that employs the principles of bioengineering, including limited use of rock as a stabilization only at the toe of the bank, and with primary emphasis on using native vegetation to control the erosive forces of flowing water.

c. A project primarily designed to improve fish and wildlife habitat, remove or reduce impediments to migration of fish, or enhance the fishery resource available for use by all of the citizens of the state, provided that any structure, other than a bridge or culvert or instream habitat enhancement structure associated with the project, is less than 200 square feet in floor area and is located above the ordinary high water mark of the stream.

13. Watershed restoration plan, which means a plan, developed or sponsored by the Department of Fish and Wildlife, the Department of Ecology, the Department of Natural Resources, the Department of Transportation, a federally recognized Indian tribe acting within and pursuant to its authority, a city, a county or a conservation district that provides a general program and implementation measures or actions for the preservation, restoration, re-creation, or enhancement of the natural resources, character, and ecology of a stream, stream segment, drainage area or watershed for which agency and public review has been conducted pursuant to the State Environmental Policy Act.

14. A public or private project that is designed to improve fish or wildlife habitat or fish passage, when all of the following apply:

a. The project has been approved in writing by the Department of Fish and Wildlife;

b. The project has received hydraulic project approval by the Department of Fish and Wildlife pursuant to RCW 77.55; and

c. The local government has determined the project is substantially consistent with the local Shoreline Master Program. The local government shall make such determination in a timely manner and provide it by letter to the project proponent.

Additional criteria for determining eligibility of fish habitat projects are found in WAC 173-27-040 2 (p) and apply to this exemption.

15. The external or internal retrofitting of an existing structure for the exclusive purpose of compliance with the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.) or to otherwise provide physical access to the structure by individuals with disabilities.

**18.06.820 Surveyor**

“Surveyor” means a person licensed by the State of Washington to engage in the practice of land surveying, as defined by RCW 18.43.020.

**18.06.821 Theater**

“Theater” is a building or part of a building devoted to showing motion pictures or for dramatic, dance, musical or other live performances.

**18.06.822 Tow Truck Operations**

“Tow Truck Operations” means any storage yard, building, or vehicle storage/impounding lot for a towing business, including tow vehicles with towed vehicles attached. Tow truck operations do not include central offices for phone dispatch if tow trucks, drivers, or impounded vehicles do not come to the office.

**18.06.829 Townhouse**

“Townhouse” means a form of ground-related housing in which individual dwelling units are attached along at least one common wall to at least one other dwelling unit. Each dwelling unit occupies space from the ground to the roof and has direct access to private open space. No portion of a unit may occupy space above or below another unit, except that townhouse units may be constructed over a common shared parking garage, provided the garage is underground.

**18.06.830 Tract**

“Tract” means a parcel of land proposed for subdivision or a distinct parcel designated for a specific use.

**18.06.833 Trailer Court or Park**

“Trailer court or park” means any area of land occupied or designed for the occupancy of two or more travel trailers or mobile homes.

**18.06.835 Trailer, Travel**

“Travel trailer” means a vehicular portable structure built on a chassis, designed to be used as a temporary dwelling for travel and recreational purposes.

**18.06.840 Transit Center**

“Transit center” means a location where groups of buses or other public transportation vehicles can be brought together at the same time, allowing patrons to transfer between the routes.

**18.06.843 Transit-Oriented Development (TOD) Housing**

“Transit-Oriented Development (TOD) Housing” means a multiple-unit housing or mixed-use project including multiple-unit housing that is located near transit services and thus encourages people to decrease their dependence on driving.

**18.06.845 Tree**

“Tree” means any self-supporting woody plant characterized by one main trunk or, for certain species, multiple trunks, typically reaching 12-15 feet in height at maturity, that is recognized as a Tree in the nursery and arboricultural industries.

**(001) At-Risk Tree**

“At-Risk Tree” means a tree that is exposed to potential damage but can be retained during construction by use of appropriate tree protection measures as prescribed by a Qualified Tree Professional or by TMC 18.54.

**(002) Crown**

“Crown” means the area of a tree containing leaf- or needle-bearing branches.

**(003) Dead Tree**

“Dead Tree” means a tree with no live crown and no functioning vascular tissue.

**(004) Dripline**

“Dripline” means the distance from the tree trunk that is equal to the furthest extent of the tree’s crown or six-foot radius from the trunk of the tree, whichever is greater.

**(005) Exceptional Tree**

“Exceptional Tree” means a tree that is at least 18 inches in diameter (DBH). For trees with two stems, if the stems have a combined total diameter of at least 18 inches, the tree shall be considered an Exceptional Tree. For trees with three or more stems, if the three largest stems have a combined total diameter of at least 18 inches, the tree shall be considered an Exceptional Tree.

**(006) Heritage Tree or Heritage Grove**

“Heritage Tree” means a tree, or group of trees comprising a grove, specifically designated by the City because of historical significance, special character, and/or community benefit.

**(007) Invasive Tree**

“Invasive Tree” means a non-native tree species, which is likely to spread and disrupt the balance of an eco-system.

**(008) Nuisance Tree**

“Nuisance Tree” means a tree that is causing obvious physical damage to structures including, but not limited to, sidewalks; curbs; the surfaces of streets, parking lots, and driveways; underground utilities; or building foundations. Nuisance Tree does not include trees that currently meet the definition of Hazardous or Defective Tree.

**(009) Qualified Tree Professional**

“Qualified Tree Professional” means an individual who is a certified professional with academic and/or field experience that makes them a recognized expert in urban forestry and tree protection. A Qualified Tree Professional shall be a member of the International Society of Arboriculture (ISA) and/or the Association of Consulting Arborists, and shall have specific experience with urban tree management in the state of Washington. A Qualified Tree Professional preparing tree valuations shall have the necessary training and experience to use and apply the appraisal methodology prescribed in the most recent edition of the ISA Plant Appraisal Guide.

**(010) Risk**

“Risk” means, in the context of urban forestry and trees, the likelihood of tree failure causing damage to a Target such as property or persons.

**(011) Street Tree**

“Street Tree” means a tree located within the public right-of-way, or easement for street use granted to the City, provided that, if the trunk of the tree straddles the boundary line of the public right-of-way and the abutting property, it shall be considered to be on the abutting property.

**(012) Target or Risk Target**

“Target or Risk Target” means, as used in the context of urban forestry or trees, people, property, or activities that could be injured, damaged, or disrupted by a tree.

**(013) Tree Risk Assessment**

“Tree risk assessment” means the systematic process to identify, analyze and evaluate tree risk prepared by a Qualified Tree Professional in accordance with the latest version of the International Society of Arboriculture (ISA) Best Management Practices Guide.

**(014) Tree Risk Assessor**

“Tree Risk Assessor” means a Qualified Tree Professional with a Tree Risk Assessment Qualification, who identifies subject tree(s) and site conditions, evaluates and classifies the likelihood of failure, estimates the consequences of tree(s) hitting a Target, and determines options for treatment or mitigation.

**(015) Viable Tree**

“Viable Tree” means a Significant Tree that a Qualified Tree Professional has determined to be in good health with a low risk of failure; is relatively Windfirm if isolated or exposed; and is a species that is suitable for its location and is therefore worthy of long-term retention.

**(016) Windfirm**

“Windfirm” means a tree that is healthy and well-rooted and that a Qualified Tree Professional has evaluated and determined can withstand normal winter storms or surrounding tree removal.

**18.06.852 Tree Removal**

“Tree Removal” means the direct or indirect removal of a tree through actions including, but not limited to: clearing, cutting, girdling, topping, or causing irreversible damage to roots or stems; destroying the structural integrity of trees through improper pruning, poisoning or filling; excavating, grading, or trenching within the dripline that results in the loss of more than 20 percent of the tree’s root system; or the removal through any of these processes of greater than 50 percent of the live crown of the tree.

**18.06.854 Truck Terminal**

“Truck terminal” means land and buildings used as a relay station for the transfer of a load from one vehicle to another or one party to another. The terminal cannot be used for permanent or long-term storage.

**18.06.855 Turbidity**

“Turbidity” means a cloudy condition in water due to the suspension of silt, finely divided organic matter, or other pollutants.

**18.06.860 Understory Vegetation**

“Understory vegetation” means small trees, shrubs, and groundcover plants, growing beneath and shaded by the canopy of a significant tree, which affect and are affected by the soil and hydrology of the area surrounding the significant tree roots.

**18.06.863 Usable Floor Area**

“Usable Floor area” means that part of the floor area of any structure which is actually used from time to time for any commercial purposes, such as a sales area, display area, walkways or storage area. Parking calculation shall not include common corridors designed for the circulation of people at non-retail establishments, restrooms, elevator shafts and stairwells at each floor, mechanical equipment rooms or attic spaces and exterior covered loading docks.

**18.06.864 Useable Marijuana**

"Useable marijuana" means dried marijuana flowers. The term "useable marijuana" does not include marijuana-infused products.

**18.06.865 Use**

"Use" means the nature of the activities taking place on private property or within structures thereon.

**18.06.870 Use, Accessory**

“Accessory use” means a use incidental and subordinate to the principal use and located on the same lot or in the same building as the principal use.

**18.06.875 Use, Conditional**

“Conditional use” means an unusual and/or unique type of land use which, due to its nature, requires special consideration of its impacts on the neighborhood and land uses in the vicinity.

**18.06.880 Use, Permitted**

“Permitted use” means any use authorized or permitted alone or in conjunction with any other use in a specified district and subject to the limitation of the regulations of such use district.

**18.06.885 Use, Primary or Principal**

“Primary or principal permitted use” means the use for which a lot, structure or building, or the major portion thereof, is designed or actually employed.

**18.06.890 Use, Unclassified**

“Unclassified use” means an unusual, large-scale, unique and/or special type of land use which, due to its nature, requires special review of its impacts on the community and land uses in the vicinity.

**18.06.895 Unlisted Use**

“Unlisted use” means uses which are not specifically named as permitted in any use classification contained within this title.

**18.06.900 Utilities**

“Utilities” means all lines and facilities related to the provision, distribution, collection, transmission or disposal of water, storm and sanitary sewage, oil, gas, power, information, telecommunication and telephone cable, or refuse, and includes facilities for the generation of electricity.

**18.06.905 Variance**

“Variance” means an adjustment in the specific regulation of this title regarding a particular piece of property. (See *TMC 18.72, Variances*)

**18.06.910 Vegetation**

“Vegetation” means living trees, shrubs or groundcover plants.

**18.06.915 Vehicles**

“Vehicles” means mechanical devices capable of movement by means of wheels, skids or runners of any kind, specifically including, but not limited to, all forms of trailers, recreational vehicles or mobile homes of any size whether capable of supplying their own motive power or not, without regard to whether the primary purpose of which device is or is not the conveyance of persons or objects, and specifically including all such automobiles, buses, trucks, cars, vans, recreational vehicles, trailers and mobile homes even though they may be at any time immobilized in any way and for any period of time of whatever duration.

**18.06.916 Warehouse**

“Warehouse” is a building or group of buildings that are primarily for the storage of goods.

**18.06.917 Water Dependent**

“Water dependent” means a use or portion of a use that cannot exist in a location that is not adjacent to the water and that is dependent on the water by reason of the intrinsic nature of its operations. Examples of water-dependent uses include ship cargo terminal loading areas, marinas, ship building and dry docking, float plane facilities, sewer outfalls, and shoreline ecological restoration projects.

**18.06.918 Water Enjoyment**

“Water enjoyment” means a recreational use or other use that facilitates public access to the shoreline as a primary characteristic of the use. The use must be open to the general public and the shoreline-oriented space within the project must be devoted to the specific aspects of the use that fosters shoreline enjoyment. Examples of water-enjoyment uses include parks, piers, museums, restaurants, educational/scientific reserves, resorts and mixed use projects.

**18.06.919 Water Oriented**

“Water oriented” means a use that is water-dependent, water-related or water-enjoyment or a combination of such uses.

**18.06.920 Watercourse**

“Watercourse” means a course or route formed by nature or modified by man, generally consisting of a channel with a bed and banks or sides substantially throughout its length along which surface water flows naturally, including the Green/Duwamish River. The channel or bed need not contain water year-round. Watercourses do not include irrigation ditches, stormwater runoff channels or devices, or other entirely artificial watercourses unless they are used by salmonids or to convey or pass through stream flows naturally occurring prior to construction of such devices.

#### **18.06.921 Water Related**

“Water related” means a use or portion of a use that is not intrinsically dependent on a waterfront location but whose economic viability is dependent upon a waterfront location because:

- a. The use has a functional requirement for a waterfront location such as the arrival or shipment of materials by water or the need for large quantities of water; or
- b. The use provides a necessary service supportive of the water-dependent uses and the proximity of the use to its customers makes its services less expensive and/or more convenient.

Examples of water-related uses are warehousing of goods transported by water, seafood processing plants, hydroelectric generating plants, gravel storage when transported by barge, and log storage or oil refineries where transport is by tanker.

#### **18.06.922 Wetland**

“Wetland” means those areas that are inundated or saturated by groundwater or surface water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include bogs, swamps, marshes, ponds, lakes and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including but not limited to irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, landscape amenities or those wetlands created after July 1, 1990 that were unintentionally created as a result of the construction of a road, street or highway. However, those artificial wetlands intentionally created from non-wetland areas to mitigate conversion of wetlands as permitted by the City shall be considered wetlands.

#### **18.06.924 Wetland Edge**

“Wetland edge” means the delineated boundary of a wetland performed in accordance with approved federal wetland delineation manual and current applicable regional supplements.

#### **18.06.934 Wetland, Scrub-Shrub**

“Scrub-shrub wetland” means a wetland with at least 30% of its surface area covered by woody vegetation less than 20 feet in height as the uppermost strata.

#### **18.06.944 WRIA**

“WRIA” means Water Resource Inventory Area — river basin planning and management areas formalized under Washington Administrative Code (WAC) 173-500-04 and authorized under the Water Resources Act of 1971, Revised Code of Washington (RCW) 90.54. WRIA 9 refers to the Green/Duwamish River Basin within which Tukwila is located.

#### **18.06.945 Yard**

“Yard” means a required open space unoccupied and unobstructed by any structure or portion of a structure from 30 inches above the general ground level of the graded lot upward.

**18.06.950 Yard, Front**

“Front yard” means a yard extending between side lot lines across the front of a lot. In MDR and HDR zones, this shall also include areas adjacent to ‘access roads’.

**18.06.955 Yard, Rear**

“Rear yard” means a yard extending across the rear of the lot between inner side yard lines.

**18.06.960 Yard, Second Front**

“Second front yard” means any yard adjacent to a public street that is not a front yard as defined in the Definitions chapter of this title. *(See also TMC 18.50, Supplemental Development Regulations, and Figure 18-4.)*

**18.06.965 Yard, Side**

“Side yard” means a yard extending from the rear line of the required front yard to the rear lot line, or in the absence of any clearly defined rear lot line to the point on the lot farthest from the intersection of the lot-line involved with the public street.



**CHAPTER 18.14  
HIGH DENSITY RESIDENTIAL  
(HDR) DISTRICT**

**Sections:**

18.14.010	Purpose
18.14.020	Land Uses Allowed
18.14.030	Recreation Space Requirements
18.14.060	Design Review
18.14.070	Basic Development Standards

**18.14.010 Purpose**

A. This district implements the High-Density Residential Comprehensive Plan designation, which allows up to 22.0 dwelling units per net acre. Senior citizen housing is allowed up to 60 dwelling units per acre, subject to additional restrictions. It is intended to provide a high-density, multiple-family district which is also compatible with commercial and office areas. Certain HDR properties are identified as Commercial Redevelopment Areas (*see Figures 18-9 or 18-10*) to encourage aggregation and redevelopment of properties that front on Tukwila International Boulevard. Aggregation and commercial redevelopment of these sites would implement the Pacific Highway Revitalization Plan and provide opportunities to redefine and create more uniform borders between the commercial corridor and adjacent residential neighborhoods.

B. Certain HDR properties are located in the Urban Renewal Overlay (*see Figure 18-15*). Existing zoning and development standards will remain in place. The overlay provides additional alternate development standards that may be applied to development within the Urban Renewal Overlay upon request of the property owner, and if the development meets certain qualifying criteria. Urban Renewal Overlay district standards would implement the Tukwila International Boulevard Revitalization Plan through more intensive development.

**18.14.020 Land Uses Allowed**

A. Refer to TMC 18.09, "Land Uses Allowed by District."

**18.14.030 Recreation Space Requirements**

A. In the HDR zoning district, any proposed multiple-family structure, complex or development shall provide, on the premises and for the use of the occupants, a minimum amount of recreation space according to the provisions of TMC 18.14.030, subparagraphs 1 through 4. In the TSO zone with underlying LDR zoning on land that adjoins the City of SeaTac, recreation space shall meet the provisions of TMC 18.14.030, subparagraphs 2 through 4, in addition to the minimum required area as specified in TMC 18.41.090.A.1.

**1. Required Area.**

a. For each proposed dwelling unit in the multiple-family development and detached zero-lot-line type of development, a minimum of 400 square feet (100 square feet for senior citizen housing) of recreation space shall be provided. Any multiple-family structure, complex or development shall provide a minimum of 1,000 square feet of total recreation space.

b. Townhouse units shall provide at least 250 square feet of the 400 square feet of recreation space as private, ground level open space measuring not less than 10 feet in any dimension.

c. The front, side and rear yard setback areas required by the applicable zoning district shall not qualify as recreation space. However, these setback areas can qualify as recreation space for townhouses if they are incorporated into private open space with a minimum dimension of 10 feet on all sides.

**2. Indoor or Covered Space.**

a. No more than 50% of the required recreation space may be indoor or covered space in standard multi-family developments. Senior citizen housing must have at least 20% indoor or covered space.

b. The Director may grant a maximum of two square feet of recreation space for each one square foot of extensively improved indoor recreation space provided. Interior facility improvements would include a full range of weight machines, sauna, hot tub, large screen television and the like.

**3. Uncovered Space.**

a. A minimum of 50% of the total required recreation space shall be open or uncovered; up to 100% of the total requirement may be in open or uncovered recreation space in standard multi-family developments. Senior citizen housing allows up to 80% of recreation space to be outdoors and has no minimum outdoor space requirement.

b. Recreation space shall not exceed a 4% slope in any direction unless it is determined that the proposed space design clearly facilitates and encourages the anticipated.

c. The Director may grant a maximum credit of two square feet of recreation space for each one square foot of outdoor pool and surrounding deck area.

**4. General Requirements.**

a. Multiple-family complexes (except senior citizen housing, detached zero-lot-line and townhouses with nine or fewer units), which provide dwelling units with two or more bedrooms, shall provide adequate recreation space for children with at least one space for the 5- to 12-year-old group. Such space shall be at least 25% but not more than 50% of the total recreation space required under TMC Section 18.14.030 (1), and shall be designated, located and maintained in a safe condition.

b. Adequate fencing, plant screening or other buffer shall separate the recreation space from parking areas, driveways or public streets.

c. The anticipated use of all required recreation areas shall be specified and designed to clearly accommodate that use.

**18.14.060 Design Review**

A. Design review is required for:

1. Multi-family structures.
2. Mobile or manufactured home parks.
3. Developments in a Commercial Redevelopment Area that propose the uses and standards of an adjacent commercial zone.
4. Developments located within the shoreline jurisdiction, if new building construction or exterior changes are involved and the cost of the exterior work equals or exceeds 10% of the building's assessed valuation.

(See TMC 18.60, Design Review)

**18.14.070 Basic Development Standards**

Development within the High-Density Residential District shall conform to the following listed and referenced standards:

**HDR BASIC DEVELOPMENT STANDARDS**

Lot area, minimum	9,600 sq. ft. (Applied to parent lot for townhouse subdivisions)
Lot area per unit (multi-family, except senior citizen housing)	2,000 sq. ft. (For townhouses the density shall be calculated based on one unit per 2000 sq. ft. of parent lot area. The "unit lot" area shall be allowed to include the common access easements.)
Average lot width (min. 20 ft. street frontage width), minimum	60 feet (Applied to parent lot for townhouse subdivisions)
Setbacks, minimum: parent lot for townhouse subdivisions	Applied to
• <i>Front - 1st floor</i>	15 feet
• <i>Front - 2nd floor</i>	20 feet
• <i>Front - 3rd floor</i>	30 feet (20 feet for townhouses)
• <i>Front - 4th floor</i>	45 feet (20 feet for townhouses)
• <i>Second front - 1st floor</i>	7.5 feet
• <i>Second front - 2nd floor</i>	10 feet
• <i>Second front - 3rd floor</i>	15 feet (10 feet for townhouses)
• <i>Second front - 4th floor</i>	22.5 feet (10 feet for townhouses)
• <i>Sides - 1st floor</i>	10 feet
• <i>Sides - 2nd floor</i>	20 feet (10 feet for townhouses unless adjacent to LDR)
• <i>Sides - 3rd floor</i>	20 feet (30 feet if adjacent to LDR) (10 feet for townhouses unless adjacent to LDR)
• <i>Sides - 4th floor</i>	30 feet (20 feet for townhouses unless adjacent to LDR)
• <i>Rear - 1st floor</i>	10 feet
• <i>Rear - 2nd floor</i>	20 feet (10 feet for townhouses unless adjacent to LDR)
• <i>Rear - 3rd floor</i>	20 feet (30 feet if adjacent to LDR; 10 feet for townhouses unless adjacent to LDR)
• <i>Rear - 4th floor</i>	30 feet (20 feet for townhouses unless adjacent to LDR)

Refer to TMC 18.52, "Landscape Requirements," Table A, for perimeter and parking lot landscaping requirements.	
Townhouse building separation, minimum	
• <i>1 and 2 story buildings</i>	10 feet
• <i>3 and 4 story buildings</i>	20 feet
Height, maximum	45 feet
Development area coverage	50% maximum (except senior citizen housing), (75% for townhouses)
Recreation space	400 sq. ft. per dwelling unit (1,000 sq. ft. min.)
Recreation space, senior citizen housing	100 sq. ft. per dwelling unit
Off-street parking:	
• <i>Residential (except senior citizen housing)</i>	See TMC 18.56, Off-street Parking & Loading Regulations.
• <i>Accessory dwelling unit</i>	See TMC 18.50.220
• <i>Other uses, including senior citizen housing</i>	See TMC 18.56, Off-street Parking & Loading Regulations
<u>Conversion to Residential</u>	<u>See TMC 18.50.230, Residential Conversions</u>
Performance Standards: Use, activity and operations within a structure or a site shall comply with (1) standards adopted by the Puget Sound Air Pollution Control Agency for odor, dust, smoke and other airborne pollutants, (2) TMC 8.22, "Noise", and, (3) adopted State and Federal standards for water quality and hazardous materials. In addition, all development subject to the requirements of the State Environmental Policy Act, RCW 43.21C, shall be evaluated to determine whether adverse environmental impacts have been adequately mitigated.	

**CHAPTER 18.16  
MIXED USE OFFICE  
(MUO) DISTRICT**

**Sections:**

18.16.010	Purpose
18.16.020	Land Uses Allowed
18.16.060	On-Site Hazardous Substances
18.16.070	Design Review
18.16.080	Basic Development Standards

**18.16.010 Purpose**

This district implements the Mixed-Use Office Comprehensive Plan designation which allows up to 14.5 dwelling units per net acre. Senior citizen housing is allowed up to 60 dwelling units per acre, subject to additional restrictions. It is intended to create and maintain areas characterized by professional and commercial office structures, mixed with certain complementary retail and residential uses.

**18.16.020 Land Uses Allowed**

Refer to TMC 18.09, "Land Uses Allowed by District."

**18.16.060 On-Site Hazardous Substances**

No on-site hazardous substance processing and handling, or hazardous waste treatment and storage facilities shall be permitted, unless clearly incidental and secondary to a permitted use. On-site hazardous waste treatment and storage facilities shall be subject to the State siting criteria (RCW 70.105). (See TMC 21.08.)

**18.16.070 Design Review**

Design review is required for:

1. Projects located within the shoreline jurisdiction that involve new building construction or exterior changes if the cost of the exterior changes equals or exceeds 10% of the building's assessed valuation.
2. Commercial structures 1,500 square feet or larger outside the shoreline jurisdiction.
3. Structures containing multi-family dwellings.
4. Structures in the Tukwila International Boulevard corridor. (See TMC Figure 18-9)
5. Certain exterior repairs, reconstructions, alterations or improvements to buildings over 10,000 square feet.

(See TMC 18.60, *Design Review*)

**18.16.080 Basic Development Standards**

Development within the Mixed Use Office District shall conform to the following listed and referenced standards. In the Tukwila International Boulevard corridor, there are circumstances under which these basic standards may be waived (see TMC 18.60.020).

**MUO BASIC DEVELOPMENT STANDARDS**

Lot area per unit, multi-family (except senior citizen housing), minimum	3,000 sq. ft.
Setbacks to yards, minimum:	
• <i>Front</i>	25 feet
• <i>Second front</i>	12.5 feet
• <i>Sides</i>	10 feet
• <i>Sides, if any portion of the yard is within 50 feet of LDR, MDR, HDR</i>	Ratio of 1.5:1 setback (for every 1.5 feet of bldg. height, setback 1 foot from property line) min. of 10 feet and a max. of 30 feet
• <i>Rear</i>	10 feet
• <i>Rear, if any portion of the yard is within 50 feet of LDR, MDR, HDR</i>	Ratio of 1.5:1 setback (for every 1.5 feet of bldg. height, setback 1 foot from property line) min. of 10 feet and a max. of 30 feet
Refer to TMC 18.52, "Landscape Requirements," Table A, for perimeter and parking lot landscaping requirements.	
Height, maximum	4 stories or 45 feet
Recreation space	200 sq. ft. per dwelling unit (1,000 sq. ft. min.)
Recreation space, senior citizen housing	100 sq. ft. per dwelling unit
Off-street parking:	

• <i>Residential (except senior citizen housing)</i>	See TMC 18.56, Off street Parking & Loading Regulations
• <i>Office, minimum</i>	3 per 1,000 sq. ft. usable floor area
• <i>Retail, minimum</i>	2.5 per 1,000 sq. ft. usable floor area
• <i>Other uses, including senior citizen housing</i>	See TMC 18.56, Off-street Parking & Loading Regulations
<u>Conversion to Residential</u>	<u>See TMC 18.50.230, Residential Conversions</u>
<p>Performance Standards: Use, activity and operations within a structure or a site shall comply with (1) standards adopted by the Puget Sound Air Pollution Control Agency for odor, dust, smoke and other airborne pollutants, (2) TMC 8.22, "Noise", and, (3) adopted State and Federal standards for water quality and hazardous materials. In addition, all development subject to the requirements of the State Environmental Policy Act, RCW 43.21C, shall be evaluated to determine whether adverse environmental impacts have been adequately mitigated.</p>	

**CHAPTER 18.20  
RESIDENTIAL COMMERCIAL CENTER  
(RCC) DISTRICT**

**Sections:**

18.20.010	Purpose
18.20.020	Land Uses Allowed
18.20.060	On-Site Hazardous Substances
18.20.070	Design Review
18.20.080	Basic Development Standards

**18.20.010 Purpose**

This district implements the Residential Commercial Center Comprehensive Plan designation which allows a maximum of 14.5 dwelling units per net acre. It is intended to create and maintain pedestrian-friendly commercial areas characterized and scaled to serve a local neighborhood, with a diverse mix of residential, retail, service, office, recreational and community facility uses.

**18.20.020 Land Uses Allowed**

Refer to TMC 18.09, "Land Uses Allowed by District."

**18.20.060 On-Site Hazardous Substances**

No on-site hazardous substance processing and handling, or hazardous waste treatment and storage facilities shall be permitted, unless clearly incidental and secondary to a permitted use. On-site hazardous waste treatment and storage facilities shall be subject to the State siting criteria (RCW 70.105).

*(See TMC 21.08.)*

**18.20.070 Design Review**

Design review is required for:

1. All new commercial and multifamily structures and
2. All projects located within the shoreline jurisdiction that involve new building construction or exterior changes if the cost of the exterior changes equals or exceeds 10% of the building's assessed valuation.
3. Certain exterior repairs, reconstructions, alterations or improvements to buildings over 10,000 square feet.

*(See TMC 18.60, Design Review)*

**18.20.080 Basic Development Standards**

Development within the Residential Commercial Center District shall conform to the following listed and referenced standards:

**RCC BASIC DEVELOPMENT STANDARDS**

Lot area, minimum	5,000 sq. ft.
Lot area per unit (multi-family), minimum	3,000 sq. ft.
Setbacks to yards, minimum:	



• <i>Front</i>	20 feet
• <i>Second front</i>	10 feet
• <i>Sides</i>	5 feet
• <i>Sides, if any portion of the yard is within 50 feet of LDR, MDR, HDR</i>	10 feet
• <i>Rear</i>	10 feet
Refer to TMC Chapter 18.52, "Landscape Requirements," Table A, for perimeter and parking lot landscaping requirements.	
Height, maximum	3 stories or 35 feet
Recreation space	200 sq. ft. per dwelling unit (1,000 sq. ft. min.)
Off-street parking:	
• <i>Residential</i>	See TMC Chapter 18.56, Off-street Parking & Loading Regulations
• <i>Office, minimum</i>	3 per 1,000 sq. ft. usable floor area
• <i>Retail, minimum</i>	2.5 per 1,000 sq. ft. usable floor area
• <i>Other uses</i>	See TMC Chapter 18.56, Off-street Parking & Loading Regulations
<u><a href="#">Conversion to Residential</a></u>	<u><a href="#">See TMC 18.50.230, Residential Conversions</a></u>
Performance Standards: Use, activity and operations within a structure or a site shall comply with (1) standards adopted by the Puget Sound Air Pollution Control Agency for odor, dust, smoke and other airborne pollutants, (2) TMC Chapter 8.22, "Noise", and (3) adopted State and Federal standards for water quality and hazardous materials. In addition, all development subject to the requirements of the State Environmental Policy Act, RCW 43.21C, shall be evaluated to determine whether adverse environmental impacts have been adequately mitigated.	

**CHAPTER 18.22  
NEIGHBORHOOD COMMERCIAL CENTER  
(NCC) DISTRICT**

**Sections:**

18.22.010	Purpose
18.22.020	Land Uses Allowed
18.22.060	On-Site Hazardous Substances
18.22.070	Design Review
18.22.080	Basic Development Standards

**18.22.010 Purpose**

A. This district implements the Neighborhood Commercial Center Comprehensive Plan designation. Senior citizen housing is allowed up to 60 dwelling units per acre, subject to additional restrictions. It is intended to provide for pedestrian-friendly areas characterized and scaled to serve multiple residential areas, with a diverse mix of uses. Uses include residential uses at second story or above when mixed with certain retail, service, office, recreational and community facilities, generally along a transportation corridor.

B. Certain NCC properties are located in the Urban Renewal Overlay (see Figure 18-15). Existing zoning and development standards will remain in place. The overlay provides additional alternate development standards that may be applied to development within the Urban Renewal Overlay upon request of the property owner, and if the development meets certain qualifying criteria. Urban Renewal Overlay district standards would implement the Tukwila International Boulevard Revitalization Plan through more intensive development.

**18.22.020 Land Uses Allowed**

Refer to TMC 18.09, "Land Uses Allowed by District."

**18.22.060 On-Site Hazardous Substances**

No on-site hazardous substance processing and handling, or hazardous waste treatment and storage facilities shall be permitted, unless clearly incidental and secondary to a permitted use. On-site hazardous waste treatment and storage facilities shall be subject to the State siting criteria (RCW 70.105).

(See *TMC 21.08.*)

**18.22.070 Design Review**

Design review is required for:

1. All commercial structures.
2. All multi-family structures.
3. All projects located within the shoreline jurisdiction that involve new building construction or exterior changes if the cost of the exterior changes equals or exceeds 10% of the building's assessed valuation.
4. Certain exterior repairs, reconstructions, alterations or improvements to buildings over 10,000 square feet or in the Tukwila International Boulevard corridor.

(See TMC 18.60, Design Review)

**18.22.080 Basic Development Standards**

Development within the Neighborhood Commercial Center District shall conform to the following listed and referenced standards: In the Tukwila International Boulevard corridor, there are circumstances under which these basic standards may be waived (see TMC 18.60.020).

**NCC BASIC DEVELOPMENT STANDARDS**

Lot area per unit for senior citizen housing, minimum	726 sq. ft. (senior housing)
Setbacks to yards, minimum:	
• <i>Front</i>	6 feet (12 feet if located along Tukwila International Blvd. S.)
• <i>Second front</i>	5 feet
• <i>Sides</i>	10 feet
• <i>Sides, if any portion of the yard is within 50 feet of LDR, MDR, HDR</i>	Ratio of 1.5:1 setback (for every 1.5 feet of bldg. height, setback 1 foot from property line) min. of 10 feet and a max. of 20 feet
• <i>Rear</i>	10 feet
• <i>Rear, if any portion of the yard is within 50 feet of LDR, MDR, HDR</i>	Ratio of 1.5:1 setback (for every 1.5 feet of bldg. height, setback 1 foot from property line) min. of 10 feet and a max. of 20 feet
Refer to TMC 18.52, "Landscape Requirements," Table A, for perimeter and parking lot landscaping requirements.	
Height, maximum	3 stories or 35 feet (4 stories or 45 feet in the NCC of the Tukwila International Boulevard, if a mixed use with a residential and commercial component)
Recreation space	200 sq. ft. per dwelling unit (1,000 sq. ft. min.)
Recreation space, senior citizen housing	100 sq. ft. per dwelling unit
Off-street parking:	
• <i>Residential (except senior citizen housing)</i>	See TMC 18.56, Off-street Parking/Loading Regulations
• <i>Office</i>	3 per 1,000 sq. ft. usable floor area
• <i>Retail</i>	2.5 per 1,000 sq. ft. usable floor area
• <i>Manufacturing</i>	1 per 1,000 sq. ft. usable floor area minimum
• <i>Warehousing</i>	1 per 2,000 sq. ft. usable floor area minimum
• <i>Other uses, including senior citizen housing</i>	See TMC 18.56, Off-street Parking & Loading Regulations
<b>Conversion to Residential</b>	<b>See TMC 18.50.230, Residential Conversions</b>
Performance Standards: Use, activity and operations within a structure or a site shall comply with (1) standards adopted by the Puget Sound Air Pollution Control Agency for odor, dust, smoke and other airborne pollutants, (2) TMC 8.22, "Noise", and, (3) adopted State and Federal standards for water quality and hazardous materials. In addition, all development subject to the requirements of the State	

Environmental Policy Act, RCW 43.21C, shall be evaluated to determine whether adverse environmental impacts have been adequately mitigated.

**CHAPTER 18.24  
REGIONAL COMMERCIAL  
(RC) DISTRICT**

**Sections:**

18.24.010	Purpose
18.24.020	Land Uses Allowed
18.24.060	On-Site Hazardous Substances
18.24.070	Design Review
18.24.080	Basic Development Standards

**18.24.010 Purpose**

This district implements the Regional Commercial Comprehensive Plan designation. It is intended to provide for areas characterized by commercial services, offices, lodging, entertainment, and retail activities with associated warehousing, and accessory light industrial uses, along a transportation corridor and intended for high-intensity regional uses. Where the area and streetscape is more residential than commercial in character, residential or mixed use residential is also allowed in order to provide redevelopment options and additional households, which would support the surrounding commercial district. In areas where residential uses are permitted, senior citizen housing is allowed up to 60 dwelling units per acre, subject to additional restrictions. The zone's standards are intended to promote attractive development, an open and pleasant street appearance, and compatibility with adjacent residential areas.

**18.24.020 Land Uses Allowed**

Refer to TMC 18.09, "Land Uses Allowed by District."

**18.24.060 On-Site Hazardous Substances**

No on-site hazardous substance processing and handling, or hazardous waste treatment and storage facilities shall be permitted, unless clearly incidental and secondary to a permitted use. On-site hazardous waste treatment and storage facilities shall be subject to the State siting criteria (RCW 70.105). (See TMC 21.08.)

**18.24.070 Design Review**

Design review is required for:

1. All projects located within the shoreline jurisdiction that involve new building construction or exterior changes if the cost of the exterior changes equals or exceeds 10% of the building's assessed valuation.
2. All hotels and motels.
3. All other commercial structures 1,500 square feet or larger outside the shoreline jurisdiction.
4. Within the Tukwila International Boulevard corridor (see TMC Figure 18-9), design review is required for all new development as well as certain exterior repairs, reconstructions, alterations or improvements.

(See TMC 18.60, Design Review)

**18.24.080 Basic Development Standards**

Development within the Regional Commercial district shall conform to the following listed and referenced standards. In the Tukwila International Boulevard corridor, there are circumstances under which these basic standards may be waived (see TMC 18.60.020).

**RC BASIC DEVELOPMENT STANDARDS**

Lot area per unit (multifamily, except senior citizen housing), minimum	2,000 sq. ft. Where height limit is 6 stories: 622 sq. ft. Where height limit is 10 stories: 512 sq. ft.
Setbacks to yards, minimum:	
• <i>Front</i>	20 feet
• <i>Second front</i>	10 feet
• <i>Sides</i>	10 feet
• <i>Sides, if any portion of the yard is within 50 feet of LDR, MDR, HDR</i>	Ratio of 1.5:1 setback (for every 1.5 feet of bldg. height, setback 1 foot from property line) min. of 10 feet and a max. of 30 feet
When 3 or more stories	30 feet
• <i>Rear</i>	10 feet
• <i>Rear, if any portion of the yard is within 50 feet of LDR, MDR, HDR</i>	Ratio of 1.5:1 setback (for every 1.5 feet of bldg. height, setback 1 foot from property line) min. of 10 feet and a max. of 30 feet
When 3 or more stories	30 feet
Refer to TMC 18.52, "Landscape Requirements," Table A, for perimeter and parking lot landscaping requirements.	
Height, maximum	3 stories or 35 feet
Recreation space	200 sq. ft. per dwelling unit (1,000 sq. ft. min.)
Recreation space, senior citizen housing	100 sq. ft. per dwelling unit
Off-street parking:	
• <i>Residential (except senior citizen housing)</i>	See TMC 18.56, Off street Parking/Loading Regulations
• <i>Office</i>	3 per 1,000 sq. ft. usable floor area minimum
• <i>Retail</i>	2.5 per 1,000 sq. ft. usable floor area minimum
• <i>Manufacturing</i>	1 per 1,000 sq. ft. usable floor area minimum
• <i>Warehousing</i>	1 per 2,000 sq. ft. usable floor area minimum
• <i>Other uses, including senior citizen housing</i>	See TMC 18.56, Off-street Parking & Loading Regulations
<b>Conversion to Residential</b>	<b>See TMC 18.50.230, Residential Conversions</b>
Performance Standards: Use, activity and operations within a structure or a site shall comply with (1) standards adopted by the Puget Sound Air Pollution Control Agency for odor, dust, smoke and other airborne pollutants, (2) TMC 8.22, "Noise", and, (3) adopted State and Federal standards for water quality and hazardous materials. In addition, all development subject to the requirements of the State Environmental Policy Act, RCW 43.21C, shall be evaluated to determine whether adverse environmental impacts have been adequately mitigated.	

**CHAPTER 18.26  
REGIONAL COMMERCIAL MIXED-USE  
(RCM) DISTRICT**

**Sections:**

18.26.010	Purpose
18.26.020	Land Uses Allowed
18.26.060	On-Site Hazardous Substances
18.26.070	Design Review
18.26.080	Basic Development Standards

**18.26.010 Purpose**

This district implements the Regional Commercial Mixed Use Comprehensive Plan designation, which allows up to 14.5 dwelling units per net acre. Senior citizen housing is allowed up to 60 dwelling units per acre, subject to additional restrictions. It is intended to provide for areas characterized by commercial services, offices, lodging, entertainment, and retail activities with associated warehousing, and accessory light industrial uses, along a transportation corridor and intended for high-intensity regional uses. Residential uses mixed with certain commercial uses are allowed at second story or above. The zone's standards are intended to promote attractive development, an open and pleasant street appearance, and compatibility with adjacent residential areas.

**18.26.020 Land Uses Allowed**

Refer to TMC 18.09, "Land Uses Allowed by District."

**18.26.060 On-Site Hazardous Substances**

No on-site hazardous substance processing and handling, or hazardous waste treatment and storage facilities shall be permitted, unless clearly incidental and secondary to a permitted use. On-site hazardous waste treatment and storage facilities shall be subject to the State siting criteria (RCW 70.105).

(See TMC 21.08.)

**18.26.070 Design Review**

Design review is required for:

1. All projects located within the shoreline jurisdiction that involve new building construction or exterior changes if the cost of the exterior changes equals or exceeds 10% of the building's assessed valuation.
2. Commercial structures 1,500 square feet or larger.
3. All structures containing multi-family dwellings outside the shoreline jurisdiction.
4. Certain exterior repairs, reconstructions, alterations or improvements to buildings over 10,000 square feet.

(See TMC 18.60, Design Review)

**18.26.080 Basic Development Standards**

Development within the Regional Commercial Mixed Use District shall conform to the following listed and referenced standards:

**RCM BASIC DEVELOPMENT STANDARDS**

Lot area per unit (multifamily, except senior citizen housing), minimum	3,000 ft
Setbacks to yards, minimum:	
• <i>Front</i>	20 feet
• <i>Second front</i>	10 feet
• <i>Sides</i>	10 feet
• <i>Sides, if any portion of the yard is within 50 feet of LDR, MDR, HDR</i>	
<i>1st Floor</i>	10 feet
<i>2nd Floor</i>	20 feet
<i>3rd Floor</i>	30 feet
• <i>Rear</i>	10 feet
• <i>Rear, if any portion of the yard is within 50 feet of LDR, MDR, HDR</i>	
<i>1st Floor</i>	10 feet
<i>2nd Floor</i>	20 feet
<i>3rd Floor</i>	30 feet
Refer to TMC Chapter 18.52, "Landscape Requirements," Table A, for perimeter and parking lot landscaping requirements.	
Height, maximum	3 stories or 35 feet
Recreation space	200 sq. ft. per dwelling unit (1,000 sq. ft. min.)
Recreation space, senior citizen housing	100 sq. ft. per dwelling unit
Off-street parking:	
• <i>Residential (except senior citizen housing)</i>	See TMC 18.56, Off street Parking/Loading Regulations
• <i>Office</i>	3 per 1,000 sq. ft. usable floor area minimum
• <i>Retail</i>	2.5 per 1,000 sq. ft. usable floor area minimum
• <i>Manufacturing</i>	1 per 1,000 sq. ft. usable floor area minimum
• <i>Warehousing</i>	1 per 2,000 sq. ft. usable floor area minimum
• <i>Other uses, including senior citizen housing</i>	See TMC 18.56, Off-street Parking & Loading Regulations
<u>Conversion to Residential</u>	<u>See TMC 18.50.230, Residential Conversions</u>
Performance Standards: Use, activity and operations within a structure or a site shall comply with (1) standards adopted by the Puget Sound Air Pollution Control Agency for odor, dust, smoke and other airborne pollutants, (2) TMC 8.22, "Noise", and, (3) adopted State and Federal standards for water quality and hazardous materials. In addition, all development subject to the requirements of the State Environmental Policy Act, RCW 43.21C, shall be evaluated to determine whether adverse environmental impacts have been adequately mitigated.	



**CHAPTER 18.30  
COMMERCIAL/LIGHT INDUSTRIAL  
(C/LI) DISTRICT**

**Sections:**

18.30.010	Purpose
18.30.020	Land Uses Allowed
18.30.060	On-Site Hazardous Substances
18.30.070	Design Review
18.30.080	Basic Development Standards

**18.30.010 Purpose**

This district implements the Commercial/Light Industrial Comprehensive Plan designation. It is intended to provide for areas characterized by a mix of commercial, office, or light industrial uses. The standards are intended to promote viable and attractive commercial and industrial areas.

**18.30.020 Land Uses Allowed**

Refer to TMC 18.09, "Land Uses Allowed by District."

**18.30.060 On-Site Hazardous Substances**

No on-site hazardous substance processing and handling, or hazardous waste treatment and storage facilities shall be permitted, unless clearly incidental and secondary to a permitted use. On-site hazardous waste treatment and storage facilities shall be subject to the State siting criteria (RCW 70.105). (See TMC 21.08.)

**18.30.070 Design Review**

Design review is required for:

1. New developments within 300 feet of residential districts.
2. All projects located within the shoreline jurisdiction that involve new building construction or exterior changes if the cost of the exterior changes equals or exceeds 10% of the building's assessed valuation.
3. Developments larger than 1,500 square feet outside the shoreline jurisdiction.
4. Certain exterior repairs, reconstructions, alterations or improvements to buildings over 10,000 square feet.

(See TMC 18.60, Design Review)

**18.30.080 Basic Development Standards**

Development within the Commercial Light Industrial District shall conform to the following listed and referenced standards:

**C/LI BASIC DEVELOPMENT STANDARDS**

Setbacks to yards, minimum:	
• <i>Front</i>	25 feet
• <i>Second front</i>	12.5 feet

• <i>Second front, if any portion of the yard is within 50 feet of LDR, MDR, HDR</i>	15 feet
• <i>Sides</i>	10 feet
• <i>Sides, if any portion of the yard is within 50 feet of LDR, MDR, HDR</i>	
<i>1st Floor</i>	15 feet
<i>2nd Floor</i>	20 feet
<i>3rd Floor</i>	30 feet
• <i>Rear</i>	5 feet
• <i>Rear, if any portion of the yard is within 50 feet of LDR, MDR, HDR</i>	
<i>1st Floor</i>	15 feet
<i>2nd Floor</i>	20 feet
<i>3rd Floor</i>	30 feet
Refer to TMC 18.52, "Landscape Requirements," Table A, for perimeter and parking lot landscaping requirements.	
Height, maximum	4 stories or 45 feet
Off-street parking:	
• <i>Warehousing</i>	1 per 2,000 sq. ft. usable floor area min.
• <i>Office</i>	3 per 1,000 sq. ft. usable floor area min.
• <i>Retail</i>	2.5 per 1,000 sq. ft. usable floor area min.
• <i>Manufacturing</i>	1 per 1,000 sq. ft. usable floor area min.
• <i>Other Uses</i>	See TMC 18.56, Off-street Parking & Loading Regulations
<u>Conversion to Residential</u>	<u>See TMC 18.50.230, Residential Conversions</u>
Performance Standards: Use, activity and operations within a structure or a site shall comply with (1) standards adopted by the Puget Sound Air Pollution Control Agency for odor, dust, smoke and other airborne pollutants, (2) TMC 8.22, "Noise", and, (3) adopted State and Federal standards for water quality and hazardous materials. In addition, all development subject to the requirements of the State Environmental Policy Act, RCW 43.21C, shall be evaluated to determine whether adverse environmental impacts have been adequately mitigated.	



**CHAPTER 18.40  
TUKWILA VALLEY SOUTH  
(TVS) DISTRICT**

**Sections:**

18.40.010	Purpose
18.40.020	Land Uses Allowed
18.40.060	On-Site Hazardous Substances
18.40.070	Design Review
18.40.080	Basic Development Standards

**18.40.010 Purpose**

This district implements the Tukwila Valley South Comprehensive Plan designation. It is intended to provide an area of high-intensity regional uses that include commercial services, offices, light industry, warehousing and retail uses, with heavy industrial uses subject to a Conditional Use Permit.

**18.40.020 Land Uses Allowed**

Refer to TMC 18.09, "Land Uses Allowed by District."

**18.40.060 On-Site Hazardous Substances**

No on-site hazardous substance processing and handling, or hazardous waste treatment and storage facilities shall be permitted, unless clearly incidental and secondary to a permitted use. On-site hazardous waste treatment and storage facilities shall be subject to the State siting criteria (RCW 70.105). (See TMC 21.08.)

**18.40.070 Design Review**

Design review is required for:

1. New development within 300 feet of residential districts.
2. All projects located within the shoreline jurisdiction that involve new building construction or exterior changes if the cost of the exterior changes equals or exceeds 10% of the building's assessed valuation.
3. Developments larger than 1,500 square feet.
4. All multi-family developments outside the shoreline jurisdiction.

(See TMC 18.60, Design Review)

**18.40.080 Basic Development Standards**

Development within the Tukwila Valley South District shall conform to the following listed and referenced standards:

**TVS BASIC DEVELOPMENT STANDARDS**

Lot area per unit (multifamily, except senior citizen housing), minimum	2,000 sq. ft.
Setbacks to yards, minimum:	
• <i>Front</i>	25 feet
• <i>Second front</i>	12.5 feet
• <i>Sides</i>	5 feet
• <i>Sides, if any portion of the yard is within 50 feet of LDR, MDR, HDR</i>	
<i>1st Floor</i>	10 feet
<i>2nd Floor</i>	20 feet
<i>3rd Floor</i>	30 feet
• <i>Rear</i>	5 feet
• <i>Rear, if any portion of the yard is within 50 feet of LDR, MDR, HDR</i>	
<i>1st Floor</i>	10 feet
<i>2nd Floor</i>	20 feet
<i>3rd Floor</i>	30 feet
Refer to TMC 18.52, "Landscape Requirements," Table A, for perimeter and parking lot landscaping requirements.	
Height, maximum	115 feet
Recreation space	200 sq. ft. per dwelling unit (1,000 sq. ft. min.)
Recreation space, senior citizen housing	100 sq. ft. per dwelling unit
Off-street parking:	
• <i>Residential (except senior citizen housing)</i>	See TMC 18.56, Off street Parking/Loading Regulations
• <i>Office</i>	3 per 1,000 sq. ft. usable floor area minimum
• <i>Retail</i>	4 per 1,000 sq. ft. usable floor area minimum
• <i>Manufacturing</i>	1 per 1,000 sq. ft. usable floor area minimum
• <i>Warehousing</i>	1 per 2,000 sq. ft. usable floor area minimum
• <i>Other uses, including senior citizen housing</i>	See TMC 18.56, Off-street Parking & Loading Regulations
<u>Conversion to Residential</u>	<u>See TMC 18.50.230, Residential Conversions</u>
Performance Standards: Use, activity and operations within a structure or a site shall comply with (1) standards adopted by the Puget Sound Air Pollution Control Agency for odor, dust, smoke and other airborne pollutants, (2) TMC 8.22, "Noise", and, (3) adopted State and Federal standards for water quality and hazardous materials. In addition, all development subject to the requirements of the State Environmental Policy Act, RCW 43.21C, shall be evaluated to determine whether adverse environmental impacts have been adequately mitigated.	



**CHAPTER 18.41  
TUKWILA SOUTH OVERLAY (TSO) DISTRICT**

**Sections:**

18.41.010	Purpose
18.41.020	Land Uses Allowed
18.41.070	On-Site Hazardous Substances
18.41.080	Design Review
18.41.090	Basic Development Standards
18.41.100	Modifications to Development Standards through Design Review
18.41.110	Final Site Plan
18.41.120	Performance Guarantee

**18.41.010 Purpose**

A. This district implements the Tukwila South Master Plan designation and related policies and provisions of the Tukwila Comprehensive Plan. As an overlay district, the Tukwila South Overlay (TSO) district may be applied by the City Council to any property lying within the Comprehensive Plan's Tukwila South Master Plan Area. Within the Tukwila South Overlay, the provisions of this chapter shall supersede the provisions of the underlying zoning district.

B. The Tukwila South Overlay district is intended to create a multi-use regional employment center containing high technology, office, commercial, and residential uses. National and international employers specializing in emerging technologies (bio-tech/life sciences) are featured in campus settings. Retail activities range from individual large-scale national retailers to gateway and village retail and shopping centers that support office and high-tech campuses and residential neighborhoods. A mix of single-family and multi-family dwellings at low, medium, and high densities provide a variety of housing opportunities. Tukwila South will create a memorable and regionally identifiable place by building upon the Northwest tradition of quality outdoor environments and quality building materials, combined with traditional Puget Sound building elements.

**18.41.020 Land Uses Allowed**

Refer to TMC 18.09, "Land Uses Allowed by District."

**18.41.070 On-Site Hazardous Substances**

No on-site hazardous substance processing and handling or hazardous waste treatment and storage facilities shall be permitted, unless clearly incidental and secondary to a permitted use. On-site hazardous waste treatment and storage facilities shall be subject to the State siting criteria (RCW 70.105).

(See *TMC 21.08*.)

**18.41.080 Design Review**

A. The Director shall require that all development within the Tukwila South Overlay district is consistent with the policies of the Tukwila Comprehensive Land Use Plan and the Tukwila South Master Plan, and conforms to the requirements of this title and any applicable development agreement.

B. Design review is required for all non-exempt development within the Tukwila South Overlay district. The applicant may submit a site plan for review for all or a portion of the area covered by the Tukwila South Master Plan. Prospective applicants are encouraged to schedule

a pre-application conference as provided by TMC 18.104.050 prior to submitting a design review application.

C. The following development activities are exempt from design review:

1. Interior remodeling of existing buildings or structures.
2. Underground utility projects.
3. Detached single-family subdivisions subject to TMC Title 17 – Subdivisions and Plats.
4. Exterior repair, reconstruction, cosmetic alterations or improvements if the cost of that work is less than 10% of the building's assessed valuation.
5. Development that is categorically exempt under the State Environmental Policy Act (SEPA) (RCW 43.21C).

D. Design review includes an examination of the following elements: placement and scale of structures, design, height, form, parking, access, signage, vehicular and pedestrian connections and circulation, environmental considerations, open space, landscaping, and infrastructure needs as described in the Tukwila South Master Plan or any applicable development agreement.

The purposes of the review process include:

1. Allowing City staff to review the detailed arrangement of the proposed development to ensure it is consistent with the intent and scope of the Tukwila South Master Plan, as well as any applicable development regulations, zoning district provisions, design review standards, and any approved development agreement provisions.
2. Assure the proposed development is compatible with both the physical characteristics of the site, and the existing and potential uses of the surrounding area as described in an approved Master Plan.
3. Ensure compliance with the requirements of the State Environmental Policy Act (SEPA - RCW 43.21C) and other applicable regulations and standards.

E. All design review applications for development within the Tukwila South Overlay district shall be reviewed in accordance with the following criteria. When two or more of the criteria listed below conflict, the Director shall evaluate the applicability and importance of each based on the intent of the Tukwila South Master Plan and reasonably balance any conflicting criteria in reaching a design review decision.

1. Substantial conformance with the Tukwila South Master Plan, including but not limited to, fostering the vision and guiding principles of the Master Plan.
2. Compliance with the applicable district standards in this title, and other applicable City regulations. Modifications to the development standards may be requested as part of design review per TMC 18.41.100.
3. Substantial consistency with Tukwila Comprehensive Land Use Plan goals and policies.
4. Substantial conformance with the provisions of any applicable development agreement.
5. Substantial conformance with all applicable mitigation measures identified in the associated EIS or other SEPA documents.
6. Adequate public services and facilities necessary to accommodate the proposed use and density are or will be made available.



7. The site is physically suitable for the type of development and for the intensity of development proposed.

8. Approval of the application will not be significantly detrimental to the public health, safety or welfare, or be injurious to the property or improvements of adjacent properties and public facilities.

9. Substantial conformance with the criteria contained in the Tukwila South Design Manual for commercial development, the Tukwila South Residential Design Guidelines, or other Design Manual as stipulated by TMC 18.60.

10. Substantial conformance with the Master Open Space and Trails Plan, if applicable.

F. Upon completion of the City's review, the Director shall approve, approve with conditions or deny the application, as follows:

1. If the Director finds the application meets the applicable criteria and is consistent with the approved Master Plan for that area of the Tukwila South Overlay district, the Director shall approve the proposal.

2. Approve with Conditions: If the Director finds the application does not adequately address one or more of the applicable criteria, but is consistent with the approved Master Plan for the Tukwila South Overlay district, and there is a reasonable basis for conditions, the Director may approve the application with conditions. The intent of such conditions is that they mitigate an impact consistent with the intent of the applicable criterion. Conditions of approval may include, but are not necessarily limited to, the relocation or modification of the proposed structures, additional landscaping, buffering, screening, relocation of access, or other measures necessary to mitigate any impact or reduce hazards. The Director shall specify when the conditions shall be met.

3. Denial: If the Director finds the application does not meet applicable criteria and reasonable conditions cannot be found to mitigate the impact or reduce hazards, the Director shall deny the application as proposed. The Director's decision must specify the reasons for the denial based upon the review criteria.

#### **18.41.090 Basic Development Standards**

##### **A. Residential Uses.**

1. Residential use development on all lands within the TSO shall conform to the development standards set forth in TMC 18.41.090.A and the Tukwila South Residential Design Guidelines. Modifications to these standards are available pursuant to TMC 18.41.100, "Modifications to Development Standards through Design Review."

2. The development standards herein are based on the height of new residential buildings. Specifically:

a. Buildings three stories or less are subject to townhouse and low-rise standards.

b. Buildings between four to seven stories are subject to mid-rise standards.

c. Buildings eight stories or taller are subject to high-rise standards.

d. For buildings with a varying number of stories, the tallest number of stories shall determine which set of standards apply.

<b>Standard</b>	<b>TSO Townhouses &amp; Low-rise (3 stories or less)</b>	<b>TSO Mid-rise (4-7 stories)</b>	<b>TSO High-rise (8 or more stories)</b>
<b>Setbacks/yards, minimum (feet)</b>			
Front <sup>1</sup>			
Arterial streets	15	15	15
All other streets	10	10	10
Side <sup>2</sup>			
Up to 3 <sup>rd</sup> story	5	5 <sup>3</sup>	5 <sup>3</sup>
4 <sup>th</sup> story and above	n/a	15 <sup>4</sup>	15 <sup>4</sup>
Rear <sup>3</sup>			
Up to 3 <sup>rd</sup> story	5	5 <sup>3</sup>	5 <sup>3</sup>
4 <sup>th</sup> story and above	n/a	15 <sup>4</sup>	15 <sup>4</sup>
<sup>1</sup> In the event modification is pursued under TMC 18.41.100, front setbacks may be reduced to no less than 5 feet. <sup>2</sup> Structures or portions of structures containing multi-family dwelling units that have solar access only from a side or rear setback-facing window(s) must be set back at least 15 feet from side and rear property lines. Structures must also maintain at least 15 feet of separation from adjacent structure elevations that provide the only solar access for a multi-family dwelling unit. See the Tukwila South Residential Guidelines for a graphic example. <sup>3</sup> When adjacent to a townhouse, the minimum setback is 15 feet. <sup>4</sup> When adjacent to a townhouse, the setback for portions of a structure taller than 35 feet must increase by 1 foot for each additional 1 foot in building height.			
<b>Building height, maximum (feet)</b>			
Building Height	45	85	125

<b>Standard</b>	<b>TSO Townhouses &amp; Low-rise (3 stories or less)</b>	<b>TSO Mid-rise (4-7 stories)</b>	<b>TSO High-rise (8 or more stories)</b>
<b>Outdoor lighting height, maximum (feet)</b>			
Light poles in parking areas	20	20	20
Light poles along pedestrian walkways, trails, plazas, building entries, and other pedestrian-oriented areas	12	12	12
Building wall-mounted lighting	15	15	15
Building mounted lights fully recessed into the underside of a ceiling, soffit, or overhang	No limit	No limit	No limit
<b>Building length, maximum (feet)</b>			
Maximum building length	200	200	200
<b>Recreation space per unit, minimum square footage (see TMC 18.41.090.3 for more information)<sup>7,8</sup></b>			
Recreation space	Residential development must provide on-site <sup>9</sup> and off-site <sup>10</sup> recreation space at the following standard: <ul style="list-style-type: none"> <li>• 200 square feet total. <ul style="list-style-type: none"> <li>○ 75 square feet per unit, on-site.</li> <li>○ 125 square feet per unit, off-site.</li> </ul> </li> </ul>		

7	Senior citizen housing must provide 100 square feet of recreation space per unit.		
8	Developments with 10 or more dwelling units must provide a children's play area in the on-site recreation space. A children's play area is not required for senior citizen housing or if the proposed structure or related development project is within 1/4 mile, measured along constructed sidewalks and/or trails of the perimeter, of a recreation facility for children that is open to residents of the proposed structure.		
9	Recreation area provided on-site must be functional space for active and passive recreation purposes and located within the same parcel or tract as the proposed development.		
10	The Director may approve the required off-site recreation area to be located on-site provided that the recreation space meets the design guidelines set forth in this chapter. If off-site recreation space is approved to be located on-site, that space must be active outdoor recreation space.		
<b>Parking spaces per dwelling unit, minimum</b>			
Studio	1	1	1
1-bedroom	1	1	1
2-bedroom	1.5	1.5	1.5
3-bedroom	2	2	2
<u>Conversion to Residential</u>	<u>See TMC 18.50.230, Residential Conversions</u>		

3. **Off-Site Recreational Area Requirements.** The following requirements would apply to Off-Site Recreational Areas within the TSO district:

a. *Off-Site Recreational Area Conditions:*

(1) Off-site recreation areas must be accessible within 1/4 mile for a children's play area up to 1/2 mile for all other offsite recreation areas as measured from the closest structure containing residential units; accessory buildings such as fitness centers, parking garages, utility structures, etc. will not qualify. Off-site recreation space located up to 1 mile from a structure containing residential units as measured along existing or future sidewalks and trails shall be credited toward meeting the offsite recreation space requirement.

(2) A recreation area constructed in fulfillment of this requirement should be designed to serve the neighborhood in which it is located. The space may be privately-owned, provided residents living in the area have access. New improvements must be located adjacent to, and highly visible from, a street (public or private) or public trail. The facilities to be located will be approved by the Director during the design review and/or subdivision process.

b. *Minimum Off-Site Recreational Area Design:* Minimum size requirements apply: 1/ 4 acre of usable off-site recreation space must be provided to meet the standard. This qualifies as the minimum size for an off-site recreation area. Off-site recreational areas must be designed and sized to accommodate a combination of active and passive recreational facilities.

Examples of qualifying facilities:

- (1) Children's play equipment
- (2) Picnic areas and/or tables
- (3) Benches
- (4) Pea patch/other specialized community garden
- (5) Grass fields/areas of suitable size for active recreation
- (6) Sport courts

- (7) Trails and associated landscaped corridors on private property
- (8) Other amenities the Director determines meet the goal of providing active or passive recreation opportunities

c. *Larger Off-Site Recreational Areas:*

(1) Any offsite recreation area developed in excess of the offsite recreation area requirement for a given development, regardless of their size and subject to the 1/4-acre size minimum, may be banked toward future development for an indefinite period.

(2) Should a larger, consolidated recreation area of 2.0 acres or more be provided, the improvements can be used to fulfill current development proposal requirements. See "Timing of Recreation Space Provision" below for more information.

(3) If a project constructs a recreation area of less than 2.0 acres but greater than a development's required offsite recreation amount, the area developed in excess may be banked only if the offsite recreation area is constructed at the same time as the residential project.

(4) To qualify, the proposed recreation area must be located adjacent to, and highly visible from, a street (public or private) or trail and provide a range of active and passive recreational opportunities (as outlined in this Chapter) for multiple ages and physical abilities. Only those areas that are usable may count towards the off-site recreation space requirement. The following areas are excluded: parking lots, utility sheds, inaccessible natural/planted areas, any landscaped area required by code, and unimproved steep slopes as defined in TMC 18.45.120.

(5) Larger off-site recreational areas are typically characterized by recreational activities that serve a range of individuals and groups, such as field games, court games, craft areas, playground apparatus, picnicking, and space for quiet/passive activities. Neighborhood recreation areas may contain active recreational facilities such as softball, basketball, volleyball, handball, tennis, children's play structures, trails, and grass areas for activities and/or picnic facilities.

d. *Timing of Recreation Space Provision:* Construction of off-site recreation space must meet the following timelines.

(1) For sites under 2.0 acres in area, the off-site recreation space must be constructed and receive final construction permit approval prior to the issuance of certificate of occupancies for any project receiving credit for the off-site recreation space.

(2) For sites equal to or in excess of 2.0 acres, the City will permit delayed construction of the off-site recreation space as follows:

(a) Construction permits must be applied for within two years of the associated residential project(s) using such off-site recreation space to satisfy their recreation space requirement and receiving certificate(s) of occupancy. Provided:

i. A financial guarantee (bond, assignment of account, irrevocable standby letter of credit, or cash), acceptable to the Director, in an amount necessary to complete the off-site recreation improvements is provided to the City.

ii. The owner of the property for the off-site recreation area has provided an appropriate legal mechanism acceptable to the City to access the identified off-site recreation area, such as an easement, at no cost, and to construct the off-site recreation space improvements in the event that the applicant and/or property owner have not completed the improvements within the prescribed timelines.

iii. The requirements in TMC 18.41.090.A.3.d.(a).i and ii are not required if the permits for off-site recreation space have received final approval by the City.

(3) No additional residential projects within the 1/2 mile radius of the deferred off-site recreation area will be allowed to move forward with construction until such off-site recreation space construction has been completed.

(4) Construction of the off-site recreation improvements must be completed within a timely manner from permit approvals. If adequate provisions, as determined by the Director, cannot be put in place to ensure the future construction of the off-site recreation space, then the space shall be constructed prior to the issuance of any certificate of occupancy for any developments using the off-site area to meet recreational space requirements.

e. *Sensitive Area Tracts*: Off-site recreation space credit can be given for any trails, lookouts, or other passive recreation activities constructed within sensitive area tracts, subject to compliance with the City's Sensitive Area Master Plan for Tukwila South and the City's Environmental Areas Ordinance. The sensitive areas tracts would need to meet the locational requirements outlined in this Chapter (1/2 mile from closest perimeter of a residential project). Only the areas of improvement within a sensitive area tract would count towards the recreation space requirement, not the entire tract.

4. **Performance Standards**: Use, activity, and operations within a structure or a site shall comply with: (1) standards adopted by the Puget Sound Air Pollution Control Agency for odor, dust, smoke and other airborne pollutants; (2) TMC 8.22, "Noise"; and (3) adopted State and Federal standards for water quality and hazardous materials. In addition, all development subject to the requirements of the State Environmental Policy Act, RCW 43.21C, shall be evaluated to determine whether adverse environmental impacts have been adequately mitigated.

## **B. Connectivity and Circulation Guidelines.**

1. Any development with a residential component shall front a roadway that meets City approved public or private street standards.

2. Access to development sites needs to include provisions for non-motorized circulation, including dedicated pedestrian access that separates pedestrians from motorized traffic via curb and/or landscaped planter strip. Development along public rights-of-way should not preclude bus stops and bike infrastructure. Private street development, contained within tracts or easements, may be required to include shared and/or dedicated bike lanes, on-street parking, and/or drop-off/loading zones.

3. Existing curb cuts from Southcenter Parkway and South 200th Street are to be used for access to the adjacent development sites and to extend private streets, contained within tracts or easements. If no curb cut exists along an existing road fronting a development site, City of Tukwila Public Works may review and approve new curb cut location(s) along such street frontage, subject to intersection spacing and site distance standards.

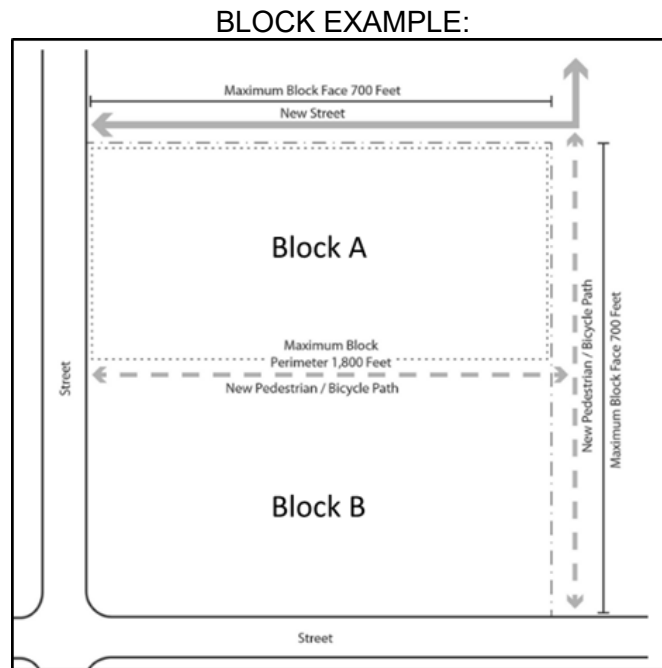
4. New streets are encouraged to connect to adjacent parcels at an interval no greater than 700 feet. Where nearby parcels and associated private streets have already been developed, proposed private streets, whether in tracts or easements, shall align and connect.

5. Future block development is encouraged to create a maximum block perimeter 2,000 linear feet. The block will be defined with a minimum of two vehicle through connections. The remaining two sides of the block may be pedestrian/bicycle connections only or could accommodate vehicle traffic; see example below.

6. Permanent dead-end streets should be avoided, if possible.

7. All developments must meet minimum Fire Department and Public Works Department access and grade requirements including, but not limited to, minimum street clearance, turning radii, and turnaround design.

8. The Director may provide exceptions to these guidelines in the event they are unable to be adhered to due to physical/topographical constraints, the creation of an unusable parcel(s) of land, or an inability to fulfill the requirements without significantly interfering with the proposed function(s) of the development given that the overall intent of the guidelines is still fulfilled.



**C. Non-Residential Uses.** All non-residential use development on all lands within the TSO shall conform to the development standards set forth in TMC 18.41.090.C. Modifications to these standards are available pursuant to TMC 18.41.100, "Modifications to Development Standards through Design Review."

Lot	N/A
Setbacks:	
Front – adjacent to a public street	15 feet*
Second Front – adjacent to a public street	15 feet*
Sides	None*; increased to 10 feet if adjacent to residential use or non-TSO zoned property
Rear	None*; increased to 10 feet if adjacent to residential use or non-TSO zoned property
Height	125 feet
Landscaping:	
Fronts – adjacent to a public street	15 feet
Side	None; increased to 10 feet if adjacent to residential use or non-TSO zoned property

Rear	None; increased to 10 feet if adjacent to residential use or non-TSO zoned property
Landscape requirements (minimum): See Landscape, Recreation, Recycling/Solid Waste Space requirements chapter for requirements	
Off-street parking:	See TMC Chapter 18.56
*Subject to modification to meet Fire Department Access Requirements	

**18.41.100 Modifications to Development Standards through Design Review**

A. An applicant may request a modification to the Basic Development Standards established by TMC 18.41.090 as part of a design review application. The applicant shall submit a written description of the proposed modification and address the decision criteria stated in TMC 18.41.100.B; the Director may condition the approval of a modification request when such conditions are necessary to achieve conformity with these decision criteria.

B. The Director may grant modifications to the Basic Development Standards established by TMC 18.41.090 for individual cases provided that, for development of a residential use, the Director shall find that either the modification is allowed because it results in a more thoughtful urban design for the project consistent with the Tukwila South Residential Design Guidelines, or that all five criteria below are met and, for development of a non-residential use, the Director shall find that all five criteria below are met:

1. The modification is required due to unique circumstances related to the subject property that create significant practical difficulties for development and use otherwise allowed by this code;
2. The modification conforms to the intent and purpose of the Tukwila South Master Plan, any applicable development agreements, and this code;
3. The modification will not be injurious to other property(s) in the vicinity;
4. The modification will not compromise the current or reasonably anticipated provision of circulation, access, utility service or any other public service; and
5. An approved modification shall be the minimum necessary to ameliorate the identified practical difficulties giving rise to the request.

**18.41.110 Final Site Plan**

A. Within 90 days of the approval by the Director, final plans shall be prepared and filed with the City. These plans shall include all required modifications and applicable conditions contained in the Director’s Notice of Decision.

B. The final plans are not required to be recorded unless there is an associated land division application, such as a binding site plan or subdivision.

**18.41.120 Performance Guarantee**

The Building Official may not issue a Certificate of Occupancy until all improvements included in the approved plans have been installed and approved, with the following exceptions:

1. A performance guarantee has been posted for the improvements not yet completed.
2. The phasing of improvements has been accounted for in an associated Binding Site Plan, infrastructure phasing agreement, a condition of approval, or a development agreement.

**CHAPTER 18.50  
SUPPLEMENTAL DEVELOPMENT STANDARDS**

**Sections:**

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

**Requirements**

18.50.130	Structures Over Public R-O-W
18.50.140	Charging Station Locations
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
<u>18.50.230</u>	<u>Residential Conversions</u>
18.50.240	Home Occupations
18.50.250	Emergency Housing and Emergency Shelter Criteria
18.50.260	Permanent Supportive Housing and Transitional Housing Criteria
18.50.270	Memorandum of Agreement for Emergency Housing, Emergency Shelter, Permanent Supportive Housing or Transitional Housing

**18.50.010 Purpose**

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

**18.50.020 Special Height Limitation Areas**

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

**18.50.030 Special Height Exception Areas**

A. There are hereby established special height exception areas as depicted by Figure 18-3, within which building heights of up to four, six, or ten stories, as illustrated by the Figure, are



allowed, notwithstanding the height standards for zoning districts within which the subject property may lie.

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

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

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

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

1. Be set upon a permanent concrete perimeter foundation, with the space from the bottom of the home to the ground enclosed by concrete or an approved concrete product that can be either load bearing or decorative.

2. If a manufactured home, be comprised of at least two fully-enclosed parallel sections, each of not less than 12 feet wide by 36 feet long.

3. Be thermally equivalent to the current edition of the Washington State Energy Code with amendments.

4. Have exterior siding that is residential in appearance including, but not limited to, wood clapboards, shingles or shakes, brick, conventional vinyl siding, fiber-cement siding, wood-composite panels, aluminum siding or similar materials. Materials such as smooth, ribbed or corrugated metal or plastic panels are not acceptable.

5. Have the front door facing the front or second front yard, if the lot is at least 40 feet wide. This requirement does not apply to ADUs or accessory structures.

6. Have a roofing material that is residential in appearance including, but not limited to, wood shakes or shingles, standing seam metal, asphalt composition shingles or tile.

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

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

1. The criteria for approval of use of unconventional exterior siding are as follows:

a. The structure exhibits a high degree of design quality, including a mix of exterior materials, detailing, articulation and modulation; and

b. The proposed siding material is durable with an expected life span similar to the structure; and

- c. The siding material enhances a unique architectural design.
  2. The criteria for approval of a house with a front door that faces the side or rear yard are as follows:
    - a. The topography of the lot is such that pedestrian access is safer or more convenient from the side or rear yard;
    - b. The entrance is oriented to take advantage of a site condition such as a significant view; or
    - c. The entry feature is integral to a unique architectural design.
- B. The design standards required in TMC 18.50.050 (5) and (6) may also be modified by the Director as part of the building permit approval process if the proposal includes a replacement of a single wide manufactured home with a double wide and newer manufactured home. The property owner can apply for this waiver only one time per property starting from the date of adoption of this ordinance. Additionally, the proposal should result in aesthetic improvement to the neighborhood.
- C. The design standards required in TMC 18.50.220.A (4) may be modified by the Director as part of the building permit approval process. The design of an attached ADU that does not reflect the design vocabulary of the existing primary residence may be approved if the new portion of the structure exhibits a high degree of design quality, including a mix of durable exterior materials, detailing, articulation and modulation.

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

- A. Cargo containers are allowed outright in the LI, HI, MIC/L, MIC/H and TVS zones, subject to building setbacks.
- B. New containers may be allowed as accessory structures in LDR, MDR, and HDR for institutional uses, and in RC, RCM, TUC, TSO and C/LI for any permitted or conditional use. All new containers are subject to a Type 2 special permission decision and the restrictions in the various zoning districts.
- C. Criteria for approval are as follows:
  1. Only two cargo containers will be allowed per lot, maximum length of 40 feet.
  2. The container is located to minimize the visual impact to adjacent properties, parks, trails and rights-of-way as determined by the Director.
  3. The cargo container is sufficiently screened from adjacent properties, parks, trails and rights-of-way, as determined by the Director. Screening may be a combination of solid fencing, landscaping, or the placement of the cargo containers behind, between or within buildings.
  4. If located adjacent to a building, the cargo container must be painted to match the building's color.
  5. Cargo containers may not occupy any required off-street parking spaces.
  6. Cargo containers shall meet all setback requirements for the zone.
  7. Outdoor cargo containers may not be refrigerated.
  8. Outdoor cargo containers may not be stacked.

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

**18.50.070 Yard Regulations**

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

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

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

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

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

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

**18.50.080 Exemption of Rooftop Appurtenances**

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

**18.50.083 Maximum Building Length**

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

For all buildings except as described below:	MDR.....50 ft.
	HDR.....50 ft.
<i>Maximum building length with bonus for modulating off-sets:</i>	
• For structures with a maximum building height	MDR.....100 ft.

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

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

**18.50.085 Maximum Percent Development Area Coverage**

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

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

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

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

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

D. The 50% maximum development area coverage for townhouse development may be increased up to a maximum of 75% development area coverage, if the applicant uses low-impact development techniques that are technically feasible and in accordance with the Surface Water Design Manual (TMC 14.30).

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

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

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

A. The following provisions shall apply in all zones:

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

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

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

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

5. The Director is authorized to:

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

b. make determinations to implement these provisions; and

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

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

A. A developer who controls parcels on both sides of a public right-of-way may request approval to bridge the street with a structure as a Type 2 special permission decision. Only the width of the building that extends across the street is exempt from setbacks; the remainder of the building must meet them. The developer must also obtain air rights and comply with all other relevant codes, including the Washington State Building Code.

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

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

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

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

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

#### **18.50.170 Lighting Standards**

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

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

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

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

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

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

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

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

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

A. Recycling storage space for non-residential uses shall be provided at the rate of at least:

1. Two square feet per every 1,000 square feet of building gross floor area in office, medical, professional, public facility, school and institutional developments.
2. Three square feet per every 1,000 square feet of building gross floor area in manufacturing, industrial and other non-residential uses not specifically mentioned in these requirements.
3. Five square feet per every 1,000 square feet of building gross floor area in retail developments.

B. Outdoor collection points shall not be located in any required setback or landscape area.

C. Collection points shall be located in a manner so that hauling trucks do not obstruct pedestrian or vehicle traffic on-site, or project into any public right-of-way.

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

A. Residential and non-residential collection points shall be designed as follows:

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

#### **18.50.200 Peer Review of Technical Studies**

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

#### **18.50.210 Marijuana Related Uses**

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

state Liquor and Cannabis Board of a state licensing procedure and to permit, but only to the extent required by state law, marijuana producers, processors, and retailers to operate in designated zones of the City.

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

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

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

**2. Violations.**

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

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

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

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

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



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

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

### **18.50.220 Accessory Dwelling Unit (ADU) Standards**

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

1. "Major transit stop" means a stop on a high-capacity transportation system funded or expanded under the provisions of RCW 81.104, including but not limited to: commuter rail stops, stops on rail or fixed guideway systems, including transitways, stops on bus rapid transit routes, or routes that run on high-occupancy vehicle lanes, stops for a bus or other transit mode providing actual fixed route service at intervals of at least fifteen minutes for at least five hours during the peak hours of operation on weekdays.

2. "Principal Unit" means the single-family housing unit, duplex, triplex, townhome, or other housing unit located on the same lot as an accessory dwelling unit.

B. **General Standards.**

1. Two (2) ADUs may be created per lot. The lot shall contain one (1) principal unit and a maximum of two (2) ADUs. These ADUs may be either attached or detached.

2. Attached ADUs may occupy a maximum of 40% of the square footage of the principal unit (excluding the area of any attached garage) or up to 1,000 square feet, whichever is greater.

3. Detached ADUs may be a maximum of 1,000 square feet. If built over a detached garage, the detached garage would not count toward the area limit for the ADU.

4. Detached ADUs may be up to 25 feet in height.

5. ADUs are subject to the development standards of the zoning district they are located within. Development standards relating to setbacks and development coverage do not apply to conversions of existing non-conforming structures that are proposed for ADU conversion. New ADUs are not subject to rear yard setbacks on parcels where the rear yard abuts an alley.

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

C. **Parking.**

1. See Figure 18-7 for parking requirements.

2. Tandem spaces are permitted.

### **18.50.230 Residential Conversions**

**A) Applicability**

**1) Any building may convert to residential in conformance with this section if the building is: (1) located in a residentially zoned area and (2) has a certificate of occupancy that is three (3) or more years old as of the date of the permit application to add residential unit(s).**

**2) Residential conversions are subject to all applicable development standards.**

3) Additional standards that apply to residential conversions are listed in TMC 18.50.230(C).

B) Exceptions

1) The standards in TMC 18.50.230(C) do not apply to:

a) Residential conversions to emergency or transitional housing; and

b) Residential conversions of ground floor space required as part of a mixed-use development adjacent to designated major pedestrian corridors.

C) Additional Standards

1) Density: Converted buildings may not exceed the density limit beyond 50% of the maximum unit density standard of the underlying zone, if such density standards exist in the underlying zone.

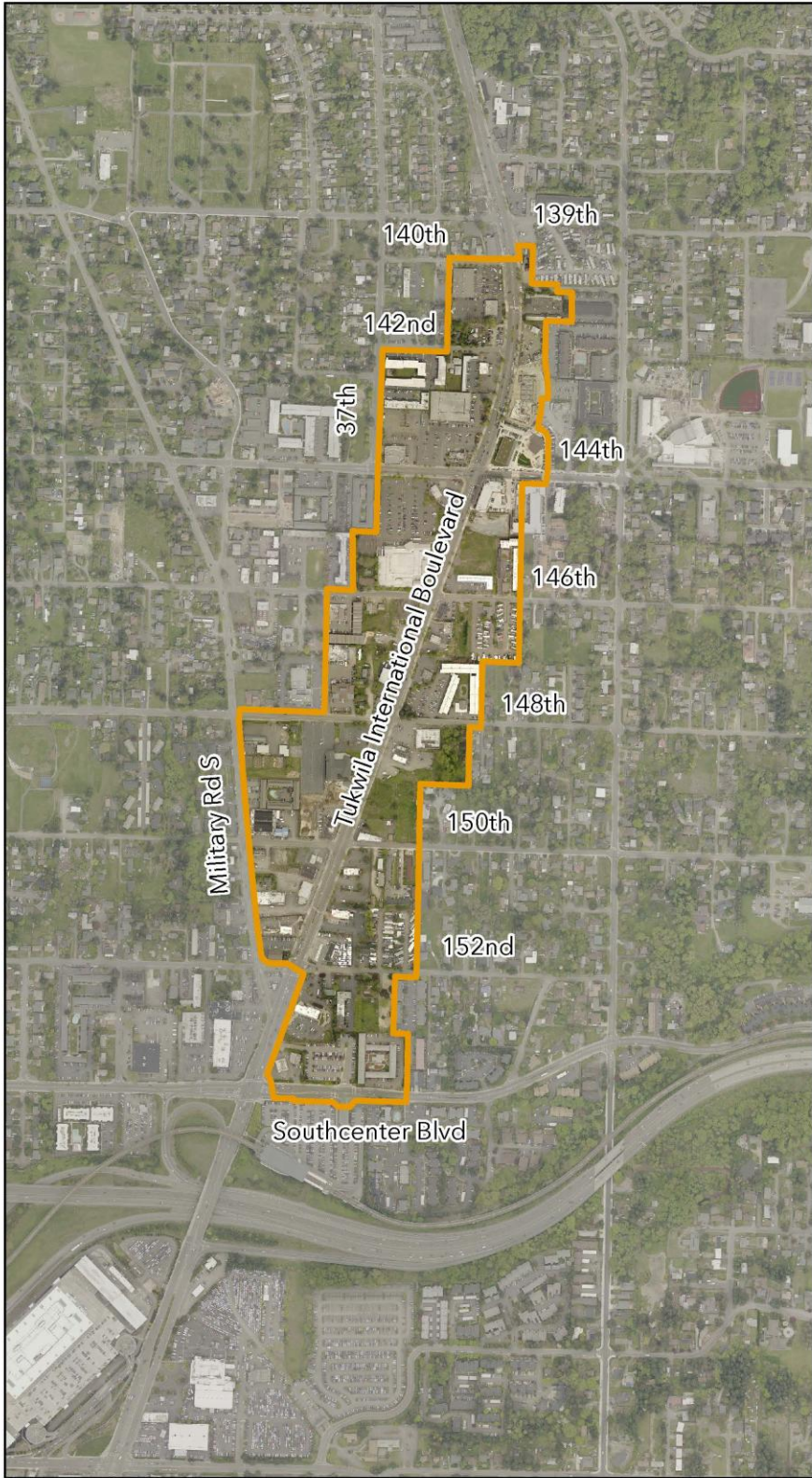
2) Parking: No additional parking is required for residential conversions.

3) Design: No additional exterior design requirements shall be required for residential conversions unless deemed necessary by the Director for public health and safety.

4) Nonconformity: Nonconforming aspects of an existing building shall not prevent a residential conversion, unless the Director determines the nonconformity is causing a public health or safety problem.

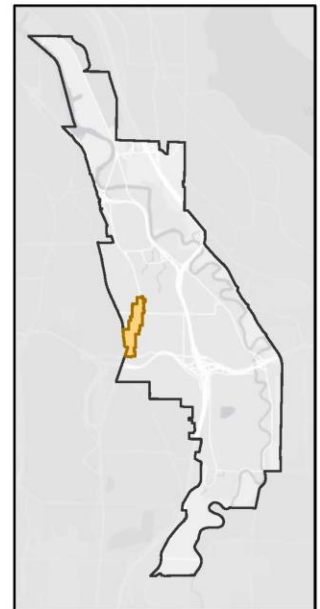
5) Traffic and Environment: no traffic concurrency study or environmental study is required for residential conversions.

Figure 61 (Major Pedestrian Corridor)



## Major Pedestrian Corridor

 Pedestrian Corridor



1/18/2025

### **18.50.240 Home Occupations**

A. Home occupations shall meet the following standards:

1. There shall be no change in the outside appearance of the surrounding residential development;
2. No home occupation shall be conducted in any accessory building. This provision shall not apply to adult family homes as defined in RCW 70.128.010 or community facilities as defined in RCW 72.05.020;
3. Traffic generated by a home occupation shall not exceed two (2) visitors at any given time, and no more than eight (8) total two-way visitor and non-resident employee trips per day;
4. The number of vehicles associated with a home-occupation shall not exceed two (2) vehicles and must be parked on-site. Vehicles associated with the business shall not exceed:
  - a. A gross vehicle weight of 10,000 pounds;
  - b. A height of ten (10) feet; or
  - c. A length of 22 feet;
5. An off-street parking space shall be made available for any non-resident employee. All parking spaces shall meet all development standards;
6. The business shall not involve more than one person who is not a resident of the dwelling. This provision shall not apply to adult family homes as defined in RCW 70.128.010 or community facilities as defined in RCW 72.05.020; and
7. Outdoor storage of materials associated with a home occupation is prohibited.

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

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

1. It must be a 24-hour-a-day facility where beds or rooms are assigned to specific residents for the duration of their stay.
2. On-site services such as laundry, hygiene, meals, case management, and social programs are limited to the residents of the facility and not available for drop-in use by non-residents.
3. The facility must be located within a half mile walking distance of a bus or rail transit stop.
4. Facilities must be at least a half mile from any other emergency housing or emergency shelter, calculated as a radius from the property lines of the site. This distance may be reduced upon the applicant submitting documentation that there is a barrier such as a river or freeway preventing access between the facilities, and the path of travel between them on public roads or trails is at least half a mile.
5. The maximum number of residents in a facility is limited to the general capacity of the building but in no case more than 45.
6. Buildings must have secure entrances staffed 24/7, with individual units only accessible through interior corridors.

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

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

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

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

3. Facilities must be at least a half mile from any other permanent supportive housing or transitional housing, calculated as a radius from the property lines of the site. This distance may be reduced upon the applicant submitting documentation that there is a barrier such as a river or freeway preventing access between the facilities, and the path of travel between them on public roads or trails is at least half a mile.

4. The maximum number of residents in a facility is limited to the general capacity of the building but in no case more than 15 in LDR, 30 in MDR, and 45 in HDR or other zones.

5. Buildings must have secure entrances staffed 24/7, with individual units only accessible through interior corridors.

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

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

1. A Good Neighbor Agreement addressing the following items:

- a. Quiet hours,
- b. Smoking areas,
- c. Security procedures,
- d. Litter, and
- e. Adequacy of landscaping and screening.

2. A Code of Conduct establishing a set of standards and expectations that residents must agree to follow.

3. A parking plan approved by the City showing that the facility has adequate parking to meet the expected demand from residents, staff, service providers and visitors. Residents may not park off-site and all vehicles must be operational.

4. A coordination plan with both the Police and Fire Departments, including protocols for response to the facility and to facility residents throughout the City and a maximum number of responses threshold for law enforcement services as established by calls for services in TMC 5.60.040 through 5.60.060. If calls for law enforcement services exceed the agreed upon threshold in any given quarter, the facility operator will work with the City to reduce calls below the threshold level.

5. A requirement to provide regular reports to the City's Human Services Program Coordinator on how facilities are meeting performance metrics such as placement of residents into permanent housing or addiction treatment programs.



# Attachment B

## CERTIFICATION OF ENROLLMENT

### ENGROSSED SUBSTITUTE HOUSE BILL 1042

Chapter 285, Laws of 2023

68th Legislature  
2023 Regular Session

USE OF EXISTING BUILDINGS FOR RESIDENTIAL PURPOSES

EFFECTIVE DATE: July 23, 2023

Passed by the House April 14, 2023  
Yeas 96 Nays 0

LAURIE JINKINS

**Speaker of the House of  
Representatives**

Passed by the Senate April 5, 2023  
Yeas 45 Nays 3

DENNY HECK

**President of the Senate**

Approved May 4, 2023 3:07 PM

JAY INSLEE

**Governor of the State of Washington**

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 1042** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

**Chief Clerk**

FILED

May 5, 2023

**Secretary of State  
State of Washington**

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**ENGROSSED SUBSTITUTE HOUSE BILL 1042**

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AS AMENDED BY THE SENATE

Passed Legislature - 2023 Regular Session

**State of Washington                      68th Legislature                      2023 Regular Session**

**By** House Housing (originally sponsored by Representatives Walen, Ryu, Barkis, Simmons, Duerr, Goodman, Bateman, Reed, Ramel, Peterson, Pollet, Doglio, Macri, Reeves, Mena, Tharinger, Wylie, Gregerson, Springer, Bergquist, Thai, Kloba, Santos, and Ormsby)

READ FIRST TIME 01/23/23.

1            AN ACT Relating to the creation of additional housing units in  
2 existing buildings; amending RCW 43.21C.450; adding a new section to  
3 chapter 35A.21 RCW; adding a new section to chapter 35.21 RCW; and  
4 adding a new section to chapter 19.27A RCW.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6            NEW SECTION.    **Sec. 1.** A new section is added to chapter 35A.21  
7 RCW to read as follows:

8            (1)(a) Code cities must adopt or amend by ordinance, and  
9 incorporate into their development regulations, zoning regulations,  
10 and other official controls the requirements of subsection (2) of  
11 this section for buildings that are zoned for commercial or mixed use  
12 no later than six months after its next periodic comprehensive plan  
13 update required under RCW 36.70A.130.

14            (b) The requirements of subsection (2) of this section apply and  
15 take effect in any code city that has not adopted or amended  
16 ordinances, regulations, or other official controls as required under  
17 this section by the timeline in (a) of this subsection and supersede,  
18 preempt, and invalidate any conflicting local development  
19 regulations.



1 (2) Through ordinances, development regulations, zoning  
2 regulations, or other official controls as required under subsection  
3 (1) of this section, code cities may not:

4 (a) Impose a restriction on housing unit density that prevents  
5 the addition of housing units at a density up to 50 percent more than  
6 what is allowed in the underlying zone if constructed entirely within  
7 an existing building envelope in a building located within a zone  
8 that permits multifamily housing, provided that generally applicable  
9 health and safety standards, including but not limited to building  
10 code standards and fire and life safety standards, can be met within  
11 the building;

12 (b) Impose parking requirements on the addition of dwelling units  
13 or living units added within an existing building, however, cities  
14 may require the retention of existing parking that is required to  
15 satisfy existing residential parking requirements under local laws  
16 and for nonresidential uses that remain after the new units are  
17 added;

18 (c) With the exception of emergency housing and transitional  
19 housing uses, impose permitting requirements on the use of an  
20 existing building for residential purposes beyond those requirements  
21 generally applicable to all residential development within the  
22 building's zone;

23 (d) Impose design standard requirements, including setbacks, lot  
24 coverage, and floor area ratio requirements, on the use of an  
25 existing building for residential purposes beyond those requirements  
26 generally applicable to all residential development within the  
27 building's zone;

28 (e) Impose exterior design or architectural requirements on the  
29 residential use of an existing building beyond those necessary for  
30 health and safety of the use of the interior of the building or to  
31 preserve character-defining streetscapes, unless the building is a  
32 designated landmark or is within a historic district established  
33 through a local preservation ordinance;

34 (f) Prohibit the addition of housing units in any specific part  
35 of a building except ground floor commercial or retail that is along  
36 a major pedestrian corridor as defined by the code city, unless the  
37 addition of the units would violate applicable building codes or  
38 health and safety standards;

39 (g) Require unchanged portions of an existing building used for  
40 residential purposes to meet the current energy code solely because

1 of the addition of new dwelling units within the building, however,  
2 if any portion of an existing building is converted to new dwelling  
3 units, each of those new units must meet the requirements of the  
4 current energy code;

5 (h) Deny a building permit application for the addition of  
6 housing units within an existing building due to nonconformity  
7 regarding parking, height, setbacks, elevator size for gurney  
8 transport, or modulation, unless the code city official with  
9 decision-making authority makes written findings that the  
10 nonconformity is causing a significant detriment to the surrounding  
11 area; or

12 (i) Require a transportation concurrency study under RCW  
13 36.70A.070 or an environmental study under chapter 43.21C RCW based  
14 on the addition of residential units within an existing building.

15 (3) Nothing in this section requires a code city to approve a  
16 building permit application for the addition of housing units  
17 constructed entirely within an existing building envelope in a  
18 building located within a zone that permits multifamily housing in  
19 cases in which the building cannot satisfy life safety standards.

20 (4) For the purpose of this section, "existing building" means a  
21 building that received a certificate of occupancy at least three  
22 years prior to the permit application to add housing units.

23 NEW SECTION. **Sec. 2.** A new section is added to chapter 35.21  
24 RCW to read as follows:

25 (1)(a) Cities must adopt or amend by ordinance, and incorporate  
26 into their development regulations, zoning regulations, and other  
27 official controls the requirements of subsection (2) of this section  
28 for buildings that are zoned for commercial or mixed use no later  
29 than six months after its next periodic comprehensive plan update  
30 required under RCW 36.70A.130.

31 (b) The requirements of subsection (2) of this section apply and  
32 take effect in any city that has not adopted or amended ordinances,  
33 regulations, or other official controls as required under this  
34 section by the timeline in (a) of this subsection and supersede,  
35 preempt, and invalidate any conflicting local development  
36 regulations.

37 (2) Through ordinances, development regulations, zoning  
38 regulations, or other official controls as required under subsection  
39 (1) of this section, cities may not:

1 (a) Impose a restriction on housing unit density that prevents  
2 the addition of housing units at a density up to 50 percent more than  
3 what is allowed in the underlying zone if constructed entirely within  
4 an existing building envelope in a building located within a zone  
5 that permits multifamily housing, provided that generally applicable  
6 health and safety standards, including but not limited to building  
7 code standards and fire and life safety standards, can be met within  
8 the building;

9 (b) Impose parking requirements on the addition of dwelling units  
10 or living units added within an existing building, however, cities  
11 may require the retention of existing parking that is required to  
12 satisfy existing residential parking requirements under local laws  
13 and for nonresidential uses that remain after the new units are  
14 added;

15 (c) With the exception of emergency housing and transitional  
16 housing uses, impose permitting requirements on the use of an  
17 existing building for residential purposes beyond those requirements  
18 generally applicable to all residential development within the  
19 building's zone;

20 (d) Impose design standard requirements, including setbacks, lot  
21 coverage, and floor area ratio requirements, on the use of an  
22 existing building for residential purposes beyond those requirements  
23 generally applicable to all residential development within the  
24 building's zone;

25 (e) Impose exterior design or architectural requirements on the  
26 residential use of an existing building beyond those necessary for  
27 health and safety of the use of the interior of the building or to  
28 preserve character-defining streetscapes, unless the building is a  
29 designated landmark or is within a historic district established  
30 through a local preservation ordinance;

31 (f) Prohibit the addition of housing units in any specific part  
32 of a building except ground floor commercial or retail that is along  
33 a major pedestrian corridor as defined by each city, unless the  
34 addition of the units would violate applicable building codes or  
35 health and safety standards;

36 (g) Require unchanged portions of an existing building used for  
37 residential purposes to meet the current energy code solely because  
38 of the addition of new dwelling units within the building, however,  
39 if any portion of an existing building is converted to new dwelling

1 units, each of those new units must meet the requirements of the  
2 current energy code;

3 (h) Deny a building permit application for the addition of  
4 housing units within an existing building due to nonconformity  
5 regarding parking, height, setbacks, elevator size for gurney  
6 transport, or modulation, unless the city official with decision-  
7 making authority makes written findings that the nonconformity is  
8 causing a significant detriment to the surrounding area; or

9 (i) Require a transportation concurrency study under RCW  
10 36.70A.070 or an environmental study under chapter 43.21C RCW based  
11 on the addition of residential units within an existing building.

12 (3) Nothing in this section requires a city to approve a building  
13 permit application for the addition of housing units constructed  
14 entirely within an existing building envelope in a building located  
15 within a zone that permits multifamily housing in cases in which the  
16 building cannot satisfy life safety standards.

17 (4) For the purpose of this section, "existing building" means a  
18 building that received a certificate of occupancy at least three  
19 years prior to the permit application to add housing units.

20 NEW SECTION. **Sec. 3.** A new section is added to chapter 19.27A  
21 RCW to read as follows:

22 By January 1, 2024, the state building code council shall adopt  
23 by rule an amendment to the current energy code that waives the  
24 requirement for unchanged portions of an existing building used for  
25 residential purposes to meet the current energy code solely because  
26 of the addition of new dwelling units within the building. New  
27 dwelling units created within the existing building must meet the  
28 requirements of the current energy code.

29 **Sec. 4.** RCW 43.21C.450 and 2012 1st sp.s. c 1 s 307 are each  
30 amended to read as follows:

31 The following nonproject actions are categorically exempt from  
32 the requirements of this chapter:

33 (1) Amendments to development regulations that are required to  
34 ensure consistency with an adopted comprehensive plan pursuant to RCW  
35 36.70A.040, where the comprehensive plan was previously subjected to  
36 environmental review pursuant to this chapter and the impacts  
37 associated with the proposed regulation were specifically addressed  
38 in the prior environmental review;

1 (2) Amendments to development regulations that are required to  
2 ensure consistency with a shoreline master program approved pursuant  
3 to RCW 90.58.090, where the shoreline master program was previously  
4 subjected to environmental review pursuant to this chapter and the  
5 impacts associated with the proposed regulation were specifically  
6 addressed in the prior environmental review;

7 (3) Amendments to development regulations that, upon  
8 implementation of a project action, will provide increased  
9 environmental protection, limited to the following:

10 (a) Increased protections for critical areas, such as enhanced  
11 buffers or setbacks;

12 (b) Increased vegetation retention or decreased impervious  
13 surface areas in shoreline jurisdiction; and

14 (c) Increased vegetation retention or decreased impervious  
15 surface areas in critical areas;

16 (4) Amendments to technical codes adopted by a county, city, or  
17 town to ensure consistency with minimum standards contained in state  
18 law, including the following:

19 (a) Building codes required by chapter 19.27 RCW;

20 (b) Energy codes required by chapter 19.27A RCW; and

21 (c) Electrical codes required by chapter 19.28 RCW.

22 (5) Adoption or amendment of ordinances, development regulations,  
23 zoning regulations, and other official controls necessary to comply  
24 with sections 1 and 2 of this act.

Passed by the House April 14, 2023.

Passed by the Senate April 5, 2023.

Approved by the Governor May 4, 2023.

Filed in Office of Secretary of State May 5, 2023.

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