



City of Tukwila  
***Planning and Community  
Development Committee***  
◆ Hannah Hedrick, Chair  
◆ Jovita McConnell

Distribution:  
J. McConnell  
H. Hedrick

Mayor McLeod  
M. Wine  
A. Youn  
L. Humphrey

# AGENDA

**MONDAY, MARCH 10, 2025 – 5:30 PM**

**ON-SITE PRESENCE:**

**TUKWILA CITY HALL  
CITY COUNCIL CONFERENCE ROOM  
6200 SOUTHCENTER BOULEVARD**

**REMOTE PARTICIPATION FOR THE PUBLIC:**

**1-253-292-9750, ACCESS CODE: 866559860#**  
**Click here to: [Join Microsoft Teams Meeting](#)**  
**For Technical Support: 1-206-433-7155**

Item	Recommended Action	Page
<b>1. BUSINESS AGENDA</b>		
a. Resolution authorizing allocation from South King Housing & Homelessness Partners (SKHHP) Housing Capital Fund <i>Laurel Humphrey, Legislative Analyst</i>	a. Forward to 3/17 Regular Meeting Consent Agenda	<b>Pg.1</b>
b. Lodging Tax Funding Request from the City of Tukwila for Juneteenth <i>Brandon Miles, Director of Strategic Initiatives and Government Relations</i>	b. Forward to 3/17 Regular Meeting Consent Agenda	<b>Pg. 37</b>
c. Ordinance amending regulations for Phased Binding Site Improvement Plans (BSIP) <i>Neil Tabor, Senior Planner</i>	c. Forward to 3/10 Regular Meeting Consent Agenda	<b>Pg.47</b>
d. Ordinance amending regulations for Emergency Shelters, Transitional Housing, Emergency Housing, and Permanent Supportive Housing (STEP) <i>Neil Tabor, Senior Planner</i>	d. Forward to 3/24 C.O.W. Meeting Agenda	<b>Pg.73</b>
<b>2. MISCELLANEOUS</b>		

**Next Scheduled Meeting: April 14, 2025**



The City of Tukwila strives to accommodate individuals with disabilities.  
Please contact the City Clerk's Office at **206-433-1800** ([TukwilaCityClerk@TukwilaWA.gov](mailto:TukwilaCityClerk@TukwilaWA.gov)) for assistance.





## **INFORMATIONAL MEMORANDUM**

**TO: Committee of the Whole**

**FROM: Claire Goodwin, Executive Manager, SKHHP**  
**Laurel Humphrey, Legislative Analyst**

**DATE: February 18, 2025**

**SUBJECT: Resolution authorizing allocation from SKHHP Housing Capital Fund**

### **ISSUE**

The proposed resolution authorizes the allocation of \$91,832.00 from the City's existing contributions to the South King Housing and Homelessness Partners (SKHHP) Housing Capital Fund to finance affordable housing projects.

### **SUMMARY**

SKHHP was created in 2019 through an interlocal agreement of several cities and King County to address housing needs in South King County. There are currently 12 member jurisdictions: Auburn, Burien, Covington, Des Moines, Federal Way, Kent, Maple Valley, Normandy Park, Renton, SeaTac, and Tukwila, and King County. SKHHP provides a meaningful opportunity to pool funds together with neighboring cities to collaboratively make an impact on the subregion's affordable housing shortage. To date, SKHHP has pooled over \$11.2 million to house our low-income neighbors or rehabilitate deteriorating multifamily buildings. Mayor McLeod serves as Tukwila's representative on the SKHHP Executive Board, with Councilmember Martinez serving as alternate.

#### *Housing Capital Fund*

In 2019, RCW 82.14.540 (SHB 1406) became law allowing jurisdictions to enact a local sales and use tax for the purpose of supporting affordable housing. In 2021, eight of the nine SKHHP member cities entered into a second interlocal agreement for purposes of pooling sales tax receipts authorized by RCW 82.14.540 with SKHHP to create the Housing Capital Fund (Pooling ILA – SHB 1406). In 2024, an additional member city entered into the Pooling ILA – HB 1590 and a new member city made a contribution from municipal general funds.

In 2023, two of the four SKHHP member cities who are able to collect RCW 82.14.530 (HB 1590) revenues desired to pool a portion of those funds with SKHHP for the 2023 funding round of the Housing Capital Fund to add to existing SHB 1406 pooled revenue and entered into an additional interlocal agreement (Pooling ILA – HB 1590).

The Establishing ILA and Pooling ILAs established the SKHHP Housing Capital Fund, set parameters for the process for the selection of awards involving pooled funds, and determined the approval process. Pursuant to the ILAs, the SKHHP Executive Board recommends allocations for funding affordable housing projects to the participating City Councils. Even though the Council has already contributed funds to the 2024 Housing Capital Fund funding round, Council approval is needed to authorize the allocation of funds to specific projects.

*Funding Recommendations*

The SKHHP Executive Board adopts annual funding guidelines and priorities for each funding round. The SKHHP Advisory Board subsequently reviewed applications and provided a funding recommendation based on adopted priorities to the SKHHP Executive Board. The SKHHP Executive Board concurred with the SKHHP Advisory Board's recommendation and recommends funding four projects \$4,100,000 as described in the 2024 SKHHP Housing Capital Fund Recommendation memo dated January 23, 2025 (attached).

The SKHHP Executive Board requests approval to use \$91,832 of the total \$89,289 contributed funds from 2024 and \$3,002 of the carry-over from 2023 from the City of Tukwila for the following recommended projects:

<b>Project Sponsor and Project Name</b>	<b>Location</b>	<b># of Units</b>	<b>Total Development Cost</b>	<b>2024 SKHHP Contribution</b>	<b>2024 City Contribution</b>
Mercy Housing NW – Burien Family Housing	Burien	91	\$58,048,463	\$2,000,000	\$0
TWG – Pandion at Star Lake	Kent	251	\$126,720,200	\$770,000	\$0
Multi-Service Center – White River Apartments	Auburn	24	\$975,939	\$775,000	\$69,097
Habitat for Humanity – Burien Miller Creek	Burien	40	\$26,193,686	\$555,000	\$22,735

As outlined in the attached memo, sales and use tax receipts from Tukwila have already been contributed to SKHHP's 2024 Housing Capital Fund, and with this Council approval, \$91,832 of those funds may be allocated to the projects recommended by the SKHHP Executive Board. Detailed descriptions of the projects, funding requests, rationale, and recommended conditions of funding for projects by the SKHHP Executive Board are included in the attached memo.

**RECOMMENDATION**

Staff is seeking Council approval of the proposed resolution with possible final action on March 17, 2025.

**ATTACHMENTS**

1. Draft Resolution

# **South King Housing and Homelessness Partners (SKHHP) Housing Capital Fund Recommendations**

Claire V. Goodwin, SKHHP Executive Manager





## SKHHP's Housing Capital Fund

- Meaningful opportunity to pool funds together with neighboring cities to collaboratively make an impact on the subregion's affordable housing shortage.
- Funds pooled from eleven member jurisdictions:
  - Auburn
  - Burien
  - Covington
  - Des Moines
  - Federal Way
  - Kent
  - Maple Valley
  - Normandy Park
  - Renton
  - SeaTac
  - Tukwila
- 2019: SHB 1406 (RCW 82.14.540) became law allowing jurisdictions to enact a local sales tax for the purpose of affordable housing; sales tax is a recapture of a portion of existing sales tax
- 2020: HB 1590 (RCW 82.14.530) became law allowing jurisdictions to impose a 0.1% local sales and use tax to support affordable housing; limited window to act before County collected revenue



## 2024 Housing Capital Fund

- The SKHHP Advisory Board reviewed and made recommendations to the SKHHP Executive Board to fund four of the six projects.
- City of Renton to directly support two projects with HB 1590 funds.
- The SKHHP Executive Board agreed with recommendation and is seeking concurrence from each jurisdiction.
- The recommendation totals \$4,100,000
  - \$1,030,000 from SHB 1406
  - \$2,770,000 from HB 1590
  - \$300,000 from GF



## Recommended Projects

1. **Mercy Housing NW – Burien Family Housing: Burien**
  - 91-unit multifamily rental development adjacent to Mary's Place emergency shelter
  - 30%-60% of area median income (AMI); 34 units set-aside for families exiting homelessness and 18 units set-aside for households with physical disability. Previously awarded project.
  - \$2,000,000
2. **TWG – Pandion at Star Lake: Kent**
  - 251-unit multifamily rental development adjacent to the future Kent/Star Lake Link light rail station
  - 30%-80% AMI; set-asides for families and families at-risk of homelessness. Previously awarded project.
  - \$770,000
3. **Multi-Service Center – White River Apartments: Auburn**
  - 24-unit rehabilitation and preservation project
  - 3 units up to 30% AMI; 16 units up to 45% AMI; 5 units up to 60% AMI
  - \$775,000
4. **Habitat for Humanity – Burien Miller Creek: Burien**
  - 40 units for affordable homeownership
  - 20 units at an average 50% AMI and 20 units up to 80% AMI. Previously awarded project.
  - \$555,000





## Proposed Funding Sources for Recommended Projects – HB 1590

Jurisdiction	1. Mercy Housing-Burien Family	2. TWG-Pandion	Total Contributed in 2024	Carry-Over from 2023	Unallocated
Covington	\$ 153,964	\$ 59,276	\$ 213,657	\$ 43	\$ 460
Kent	\$ 1,485,801	\$ 572,034	\$ 2,061,827	\$ 442	\$ 4,434
Maple Valley	\$ 360,235	\$ 138,690	\$ 500,000	\$ -	\$ 1,075
<b>Total</b>	<b>\$ 2,000,000</b>	<b>\$ 770,000</b>	<b>\$ 2,775,484</b>	<b>\$ 485</b>	<b>\$ 5,969</b>



## Proposed Funding Sources for Recommended Projects – SHB 1406

Jurisdiction	3. MSC-White River	4. Habitat-Miller Creek	Total Contributed in 2024	Carry-Over from 2023	Unallocated
Auburn	\$ 121,507	\$ 39,980	\$ 135,475	\$ 26,819	\$ 807
Burien	\$ 57,595	\$ 18,950	\$ 64,623	\$ 12,304	\$ 382
Des Moines	\$ 29,955	\$ 9,856	\$ 34,012	\$ 5,998	\$ 199
Federal Way	\$ 116,047	\$ 38,184	\$ 131,715	\$ 23,286	\$ 770
Kent	\$ 173,408	\$ 57,057	\$ 194,889	\$ 36,726	\$ 1,150
Normandy Park	\$ 4,930	\$ 1,622	\$ 5,426	\$ 1,158	\$ 32
Renton	\$ 202,461	\$ 66,616	\$ 228,107	\$ 42,313	\$ 1,343
Tukwila	\$ 69,097	\$ 22,735	\$ 89,289	\$ 3,002	\$ 459
<b>Total</b>	<b>\$ 775,000</b>	<b>\$ 255,000</b>	<b>\$ 883,536</b>	<b>\$ 151,606</b>	<b>\$ 5,142</b>



## Proposed Funding Sources for Recommended Projects – General Funds

Jurisdiction	4. Habitat-Miller Creek	Total Contributed in 2024	Unallocated
SeaTac	\$ 300,000	\$ 300,000	\$ -
Total	\$ 300,000	\$ 300,000	\$ -

# Thank you

Claire V. Goodwin, SKHHP Executive Manager  
[cvgoodwin@skhhp.org](mailto:cvgoodwin@skhhp.org)

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, AUTHORIZING THE DULY-APPOINTED ADMINISTERING AGENCY FOR SOUTH KING HOUSING AND HOMELESSNESS PARTNERS (SKHHP) TO EXECUTE ALL DOCUMENTS NECESSARY TO ENTER INTO AGREEMENTS FOR THE FUNDING OF AFFORDABLE HOUSING PROJECTS, AS RECOMMENDED BY THE SKHHP EXECUTIVE BOARD, UTILIZING FUNDS CONTRIBUTED BY THE CITY OF TUKWILA TO THE SKHHP HOUSING CAPITAL FUND.**

**WHEREAS**, on February 21, 2019, the City of Tukwila entered into an Interlocal Agreement to form South King Housing and Homelessness Partners (SKHHP) to help coordinate the efforts of South King County cities to provide affordable housing; and

**WHEREAS**, on May 17, 2021, the City of Tukwila entered into an Interlocal Agreement for the purposes of pooling sales tax receipts with SKHHP to administer funds through the SKHHP Housing Capital Fund; and

**WHEREAS**, the SKHHP Executive Board has recommended that the City of Tukwila participate in the funding of certain affordable housing projects and programs hereinafter described; and

**WHEREAS**, the SKHHP Executive Board has developed recommended conditions to ensure the City's affordable housing funds are used for their intended purpose and that projects maintain their affordability over time; and

**WHEREAS**, pursuant to the SKHHP formation Interlocal Agreement, each legislative body participating in funding a project or program through SKHHP's Housing Capital Fund must authorize the application of a specific amount of the City's funds contributed to the SKHHP Housing Capital Fund to a specific project or program; and

**WHEREAS**, the City Council desires to use \$91,832 from funds contributed to the SKHHP Housing Capital Fund as designated below to finance the projects recommended by the SKHHP Executive Board;

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

**Section 1.** Pursuant to the Interlocal Agreement, the City Council authorizes the duly-appointed administering agency of SKHHP to execute all documents and take all necessary actions to enter into agreements on behalf of the City and to utilize the City's SHB 1406 contribution of \$91,832 (the sum of the City's 2024 contribution in the amount of \$89,289 plus \$2,543 of carry-over funds from 2023) to fund the rehabilitation of the Multi-Service Center's White River Apartments in the amount of \$69,097 and to support the development of Habitat for Humanity's Burien Miller Creek in the amount of \$22,735, leaving \$459 of the City's contributions unallocated, as described below.

Jurisdiction	3. MSC-White River	4. Habitat-Miller Creek	Total Contributed in 2024	Carry-Over from 2023	Unallocated
Auburn	\$ 121,507	\$ 39,980	\$ 135,475	\$ 26,819	\$ 807
Burien	\$ 57,595	\$ 18,950	\$ 64,623	\$ 12,304	\$ 382
Des Moines	\$ 29,955	\$ 9,856	\$ 34,012	\$ 5,998	\$ 199
Federal Way	\$ 116,047	\$ 38,184	\$ 131,715	\$ 23,286	\$ 770
Kent	\$ 173,408	\$ 57,057	\$ 194,889	\$ 36,726	\$ 1,150
Normandy Park	\$ 4,930	\$ 1,622	\$ 5,426	\$ 1,158	\$ 32
Renton	\$ 202,461	\$ 66,616	\$ 228,107	\$ 42,313	\$ 1,343
Tukwila	\$ 69,097	\$ 22,735	\$ 89,289	\$ 3,002	\$ 459
<b>Total</b>	<b>\$ 775,000</b>	<b>\$ 255,000</b>	<b>\$ 883,536</b>	<b>\$ 151,606</b>	<b>\$ 5,142</b>

**Section 2.** The agreements entered into, pursuant to Section 1 of this resolution, shall include terms and conditions to ensure that the City's funds are used for their intended purpose and that the projects maintain affordability over time. In determining what conditions should be included in the agreements, the duly-appointed administering agency of SKHHP shall be guided by the recommendations set forth in the SKHHP Executive Board's memorandum dated January 23, 2025, a copy of which is attached hereto as Exhibit A.

**Section 3.** This resolution shall take effect and be in full force immediately upon passage and signatures.

PASSED BY THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, at a Regular Meeting thereof this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

ATTEST/AUTHENTICATED:

\_\_\_\_\_  
Andy Youn-Barnett, CMC, City Clerk

\_\_\_\_\_  
Tosh Sharp, Council President

APPROVED AS TO FORM BY:

Filed with the City Clerk: \_\_\_\_\_

Passed by the City Council: \_\_\_\_\_

Resolution Number: \_\_\_\_\_

\_\_\_\_\_  
Office of the City Attorney

Attachment: Exhibit A – SKHHP Executive Board memorandum dated January 23, 2025



## South King Housing and Homelessness Partners

## Memorandum

**TO:** City of Auburn City Council  
City of Burien City Council  
City of Covington City Council  
City of Des Moines City Council  
City of Federal Way City Council  
City of Kent City Council

City of Maple Valley City Council  
City of Normandy Park City Council  
City of Renton City Council  
City of SeaTac City Council  
City of Tukwila City Council

**FROM:** SKHHP Executive Board

**DATE:** January 23, 2025

**RE:** 2024 SKHHP Housing Capital Fund Recommendation

### OVERVIEW

2024 was the third annual funding round of the SKHHP Housing Capital Fund made possible by pooling resources among SKHHP member jurisdictions. 2024 was the first year every member city contributed pooled funds towards the Housing Capital Fund and contributions totaled \$3,959,020. With the remaining unused funds from the 2023 funding round, SKHHP made \$4,100,000 available in the 2024 funding round. SKHHP received six applications for funding representing over \$9.2 million in requests to develop or preserve 431 units of housing. The SKHHP Executive Board recommends funding four projects totaling \$4,100,000 (see Table 1). Of this total, the Executive Board recommends using \$1,030,000 of the total \$1,035,141 sourced from SHB 1406 revenue contributions for one homeownership and one preservation project; \$2,770,000 of the total \$2,775,969 sourced from HB 1590 revenue contributions for two new construction projects; and \$300,000 of the total \$300,000 sourced from general funds to be applied to the homeownership project. This recommendation leaves a balance of \$5,141 in SHB 1406 funds and \$5,969 in HB 1590 funds in the Housing Capital Fund that will rollover into the next funding round in 2025 (see Tables 2 and 3). A summary of the recommended projects, funding rationale, and the conditions for funding are described in this memo. Included as attachments are the economic summaries of the recommended projects, summary changes of previously awarded projects that reapplied and are recommended for funding, and standard conditions for funding.

Table 1: Recommended Projects and Recommended Funding Level

Project sponsor and name	Location	# of units	Project type	Amount Requested	Recommended Funding – HB 1590	Recommended Funding – SHB 1406 & GF
Mercy Housing NW – Burien Family Housing	Burien	91	New Construction Rental	\$2,000,000	\$2,000,000	--
TWG – Pandion at Star Lake	Kent	251	New Construction Rental	\$2,000,000	\$770,000	--
Multi-Service Center – White River Apts.	Auburn	24	Preservation Rental	\$975,939	--	\$775,000
Habitat for Humanity – Burien Miller Creek	Burien	40	New Construction Homeownership	\$1,300,000	--	\$300,000-GF \$255,000-SHB 1406
<b>TOTAL</b>	--	<b>406</b>	--	--	<b>\$2,770,000</b>	<b>\$1,330,000</b>



Table 2: Proposed HB 1590 Allocations by Jurisdiction for Recommended Projects

Jurisdiction	1. Mercy Housing-Burien Family	2. TWG-Pandion	Total Contributed in 2024	Carry-Over from 2023	Unallocated
Covington	\$ 153,964	\$ 59,276	\$ 213,657	\$ 43	\$ 460
Kent	\$ 1,485,801	\$ 572,034	\$ 2,061,827	\$ 442	\$ 4,434
Maple Valley	\$ 360,235	\$ 138,690	\$ 500,000	\$ -	\$ 1,075
<b>Total</b>	<b>\$ 2,000,000</b>	<b>\$ 770,000</b>	<b>\$ 2,775,484</b>	<b>\$ 485</b>	<b>\$ 5,969</b>

Table 3: Proposed SHB 1406 Allocations by Jurisdiction for Recommended Projects

Jurisdiction	3. MSC-White River	4. Habitat-Miller Creek	Total Contributed in 2024	Carry-Over from 2023	Unallocated
Auburn	\$ 121,507	\$ 39,980	\$ 135,475	\$ 26,819	\$ 807
Burien	\$ 57,595	\$ 18,950	\$ 64,623	\$ 12,304	\$ 382
Des Moines	\$ 29,955	\$ 9,856	\$ 34,012	\$ 5,998	\$ 199
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Renton	\$ 202,461	\$ 66,616	\$ 228,107	\$ 42,313	\$ 1,343
Tukwila	\$ 69,097	\$ 22,735	\$ 89,289	\$ 3,002	\$ 459
<b>Total</b>	<b>\$ 775,000</b>	<b>\$ 255,000</b>	<b>\$ 883,536</b>	<b>\$ 151,606</b>	<b>\$ 5,142</b>

Table 4: Proposed Unrestricted/General Fund Allocations by Jurisdiction for Recommended Projects

Jurisdiction	3. Habitat-Miller Creek	Total Contributed in 2024	Unallocated
SeaTac	\$ 300,000	\$ 300,000	\$ -
<b>Total</b>	<b>\$ 300,000</b>	<b>\$ 300,000</b>	<b>\$ -</b>

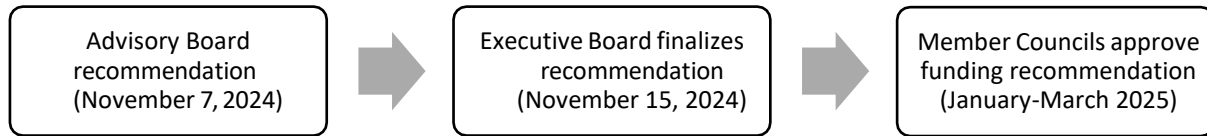
## BACKGROUND

The SKHHP Advisory Board met on October 3, 2024 and November 7, 2024 to review each project application and develop a funding recommendation for the SKHHP Executive Board's consideration. The SKHHP Executive Board met on October 18, 2024 and November 15, 2024 to review each project and consider the recommendations of the Advisory Board. The Advisory Board adopted its recommendation on November 7, 2024 and the Executive Board took final action on November 15, 2024.

Of the six applications received, two are located in Renton and both project applications are eligible to receive HB 1590 funds. The City of Renton collects HB 1590 funds but does not currently pool those funds with SKHHP. SKHHP pools HB 1590 funds from three of the four South King County cities that collect it. Because of this, the City of Renton plans to directly financially support these two projects. These projects include Homestead Community Land Trust's Willowcrest II and St. Stephen Housing Association & Way Back Inn's Steele House.

These two projects were removed from SKHHP’s competitive list of projects under consideration prior to the Advisory Board and Executive Board making their funding recommendation.

#### PROCESS



#### ATTACHMENTS

1. Economic summaries of recommended projects
2. Summary changes of previously awarded projects that reapplied
3. Standard conditions for funding

## 1. Mercy Housing Northwest - Burien Family Housing

**Funding request:** \$2,000,000

**Executive Board recommendation:** \$2,000,000 (forgivable loan)

**Address:** 12845 Ambaum Blvd SW Burien, WA 98146

### PROJECT SUMMARY

Burien Family Housing is a new multifamily 91-unit rental project located near high frequency transit in Burien. The project will support households earning between 30% area median income (AMI) and 60% AMI with a focus on households with children, including 34 units set-aside for families with children exiting homelessness and 18 units set-aside for households with a physical disability.

The project includes the redevelopment of a 4.23 acre site currently owned by Mary's Place which operates an emergency shelter on-site. Mary's Place will be donating 2-acres of the project site to Mercy Housing Northwest for the development of new affordable housing, while retaining 1.31 acres of the site for the development of a new shelter to replace the existing one. The project will be four stories in size. The development is comprised of a mix of one-, two-, three-, and four-bedroom units. 52% of the units are family-sized two-, three-, and four-bedroom units.

This project received a financial award from SKHHP during the 2022 funding round and secured funding from King County, the Washington State Department of Commerce, the 9% Low Income Housing Tax Credit (LIHTC) program, and the Amazon Housing Equity Fund (HEF) program over the course of 2023 and 2024. The project is a combination 4% and 9% LIHTC project. The project also secured 34 project-based vouchers from the King County Housing Authority and a Resident Services award from King County to support the families exiting homelessness.

### PROJECT SCHEDULE

Activity	Date
Purchase and Sales Agreement	8/29/2022
Zoning Approval	2/1/2024
Site Plan Approval	8/18/2022
Building Permits Issued	2/25/2025
Begin Construction	4/1/2025
Begin Lease-up	6/1/2026
Issued Certificate of Occupancy	8/1/2026

### FUNDING RATIONALE

The Executive Board supports the intent of this application for the following reasons:

- The project has been awarded significant financial contributions from King County, State Department of Commerce (Housing Trust Fund), Amazon, and was awarded \$1,093,308 from SKHHP in the 2022 funding round. Additionally, the project received a 9% bond allocation in the 2024 funding round through the Washington State Housing Finance Commission.
- The project is ready to begin construction in the first half of 2025.

- The sponsor's partnership with Mary's Place demonstrates a commitment to serving households experiencing homelessness and will develop a pipeline of permanent housing for Mary's Place clients.
- Project-based vouchers have been secured which increases the financial stability of the project.
- 75% of the units will be constructed using advanced universal design principals.
- The project includes set-asides for four-bedroom units which are greatly needed to serve larger families.
- The project strongly aligns with SKHHP Housing Capital Fund adopted priorities including: collaboration with local community-based organizations, connections and direct experience with populations the project is proposing to serve, addressing the needs of populations most disproportionately impacted by housing costs, advancing economic opportunity due to its proximity to transit and other amenities, providing rental housing for individuals and families earning 0-30% AMI and incorporating supportive services, and the leverage of private and public investment.
- The site has convenient access to transit, shopping, and services.

## PROPOSED CONDITIONS

Standard conditions apply to all projects and are included as Attachment 3 at the end of this memo.

### Special Conditions

1. SKHHP will provide project funds to the Contractor in the form of a **deferred, contingent, forgivable loan**. Loan terms will account for various factors, including loan terms from other fund sources and available cash flow. Final loan terms shall be determined prior to release of funds and must be approved by SKHHP staff. The loan will be secured by a deed of trust recorded against the development property to ensure that Contractor maintains the project's affordability and target population. Contractor shall not be required to repay the loan so long as it maintains these project requirements.
2. Timeframe for funding commitment. The funding commitment continues for **thirty-six (36) months from the date of Council approval of original award** and shall expire thereafter if all conditions are not satisfied. An extension may be requested to SKHHP staff no later than sixty (60) days prior to the expiration date. At that time, the Contractor will provide a status report on progress to date and expected schedule for start of construction and project completion. The SKHHP Executive Board will consider a twelve-month extension only on the basis of documented, meaningful progress in bringing the project to readiness or completion. At a minimum, the Contractor will demonstrate that all capital funding has been secured or is likely to be secured within a reasonable period of time.
3. Project description of original award from 2022 funding round will be replaced by current description of the project. Previous funding award shall be combined with current recommended award but will retain eligibility of use under RCW. 82.14.540.
4. At least 34 of the housing units shall be set-aside for families with children exiting homelessness who earn no more than 60% AMI and 18 of the housing units shall be set-aside for households with a physical disability who earn no more than 60% AMI. Use of funds and population eligibility must be in-alignment with RCW 82.14.530 for 2024 award.

5. SKHHP funds shall be used solely for new construction, unless otherwise approved by SKHHP staff.
6. A covenant is recorded ensuring affordability for at least 50 years with size and affordability distribution per the following table. Changes may be considered based on reasonable justification as approved by SKHHP.

AMI	1-bedroom	2-bedroom	3-bedroom	4-bedroom	Total Units
30%	6	14	5	3	28
50%	30	11	7	--	48
60%	7	4	3	--	14
Manager Units	1	--	--	--	1
Total Units	44	29	15	3	91

## **2. TWG Development - Pandion at Star Lake**

**Funding request:** \$2,000,000

**Executive Board recommendation:** \$770,000 (loan)

**Address:** 2526 S 272nd St., Kent, WA 98032

### **PROJECT SUMMARY**

Pandion at Star Lake is a 251-unit multifamily, mixed-use rental project in Kent located adjacent to the Kent/Star Lake Link light rail station. The project will support households earning between 30% AMI and 80% AMI. 47 units will support households up to 80% AMI. The project has been proposed as a 4% Low Income Housing Tax Credit (LIHTC) development. The project secured an award from SKHHP in the 2023 Housing Capital Fund funding round totaling \$1,170,000, although the project was modified for the 2024 funding round. The project did not secure the needed public and private funds in 2024 to move forward towards beginning construction. The timeline for beginning construction has been moved out until funds can be secured to fill a \$30 million gap. SKHHP's awards will assist the project in future applications to funders.

This transit-oriented development (TOD) project will provide a mix of studio, one-, two-, and three-bedroom units. The project will include ground floor commercial space consisting of a K-12 learning center for low-income children operated by the Renton-based STEM Paths Innovation Network (SPIN). The property was purchased by the developer in December 2022. The project is a six-story building with five stories of affordable housing over one story of commercial space which also includes ten units of housing at the residential lobby level, plus basement level parking.

The 251 units includes 163 units for the general population, 59 units for families with children, and 29 units for families with children that require permanent supportive services and are at-risk of being homeless. 24 units would be accessible units. The project includes 92 studios, 71 1-bedrooms, 36 2-bedrooms, and 52 3-bedrooms.

29 units of the project are eligible for HB 1590 funds which includes those units for families with children at-risk of homelessness and require permanent supportive services who earn up to 30% AMI. Those units would be served by Vision House which would provide on-site supportive services. Of the 29-units, 20-units would be 2-bedroom units and 9-units would be 3-bedroom units to accommodate families.

### **FUNDING RATIONALE**

The Executive Board supports the intent of this application for the following reasons:

- The project secured a prior funding award from SKHHP and additional funds will assist the project to leverage other funding sources.
- The project is located adjacent to the future Kent/Star Lake Link light rail station and has convenient access to transit, schools, grocery stores, and services.
- The construction start date is anticipated farther out than other projects and the sponsor may have more time to secure the additional funds than other recommended projects prior to beginning construction.

- The project has strong partnerships with Vision House who will provide on-site supportive services for 29 families with children and SPIN who will operate a K-12 learning center in the commercial space.
- The project will support 29 families with children at-risk of homelessness.
- The project is large and will provide a high number of affordable units near areas with high displacement risk potential.
- The project sponsor has been in close communication with the City of Kent on project feasibility and zoning requirements since the property was purchased in December 2022.
- The project sponsor has agreed to voluntarily meet the design standards for properties zoned as 'Midway Transit Community,' which is a higher degree of development than what is required under general mixed-use commercial standards for the City of Kent.
- The project strongly aligns with SKHHP Housing Capital Fund adopted priorities including: being a transit-oriented development (TOD) project, collaboration with local community-based organizations, addressing the needs of populations most disproportionately impacted by housing costs, advancing economic opportunity due to its proximity to the future Link light rail station and other amenities, and providing rental housing for individuals and families earning 0-30% AMI and incorporating supportive services.

## PROPOSED CONDITIONS

Standard conditions apply to all projects and are included as Attachment 3 at the end of this memo.

### Special Conditions

1. SKHHP will provide project funds to the Contractor in the form of a **deferred, 1% interest, non-forgivable loan to the LIHTC partnership**. The form of the funds are subject to change, but shall be agreed upon prior to contract execution. Loan terms will account for various factors, including loan terms from other fund sources and available cash flow. Final loan terms shall be determined prior to release of funds and must be approved by SKHHP staff. The loan will be secured by a deed of trust recorded against the development property to ensure that Contractor maintains the project's affordability and target population.
2. Timeframe for funding commitment. The funding commitment continues for **thirty-six (36) months from the date of Council approval of original award** and shall expire thereafter if all conditions are not satisfied. An extension may be requested to SKHHP staff no later than sixty (60) days prior to the expiration date. At that time, the Contractor will provide a status report on progress to date and expected schedule for start of construction and project completion. The SKHHP Executive Board will consider a twelve-month extension only on the basis of documented, meaningful progress in bringing the project to readiness or completion. At a minimum, the Contractor will demonstrate that all capital funding has been secured or is likely to be secured within a reasonable period of time.

3. Project description of original award from 2023 funding round will be replaced by current description of the project. Previous funding award shall be combined with current recommended award.
4. At least 29 housing units of the total shall be set-aside for families with children at-risk of homelessness who earn no more than 30% AMI per the requirements of RCW 82.14.530 and the U.S. Department of Housing and Urban Development's definition of "at-risk of homelessness."
5. SKHHP funds shall be used solely for new construction, unless otherwise approved by SKHHP staff.
6. A covenant is recorded ensuring affordability for at least 50 years with size and affordability distribution per the following table. Changes may be considered based on reasonable justification as approved by SKHHP.

AMI	Studio	1-bedroom	2-bedroom	3-bedroom	Total Units
30%	--	--	20	9	29
50%	52	41	1	20	114
60%	23	17	8	13	61
80%	17	13	7	10	47
<b>Total Units</b>	92	71	36	52	251



### 3. Multi-Service Center - White River Apartments

**Funding request:** \$975,939

**Executive Board recommendation:** \$775,000 (grant)

**Address:** 1301 31st St SE, Auburn, WA

#### PROJECT SUMMARY

The White River Apartments is a multifamily, preservation and rehabilitation 24-unit rental project in Auburn. The building was constructed in 1978 and the nonprofit Multi-Service Center took over ownership in 2000. The project consists of 24 two-bedroom, one-bathroom units in active use which includes three units serving households earning up to 30% AMI, sixteen units at 45% AMI, and five units at 80% AMI. The 80% AMI units are currently occupied by households earning less than 60% AMI and those units would shift to income restricted up to 60% AMI once funding is awarded. The project would not displace current residents.

SKHHP funds are requested to support the rehabilitation of the 24 units including: siding replacement, site lighting, parking lot improvements including curbs and seal coating, replacing domestic hot water tanks in all units, re-grading areas adjacent to siding and replacement of exterior entry doors. This project previously applied to SKHHP's 2023 funding round.

The project is located within walking distance of a bus route that connects to the Auburn Transit Center and Sounder Commuter Rail Station. South Auburn Elementary School, Game Farm Park, and Ballard Park are within 0.5 mile of the project. A grocery store is located one mile from the project.

#### PROJECT SCHEDULE

Activity	Date
Site Control	1/1/1996
Building Permit Issued	End of 2025
Begin Rehabilitation and Renovation	End of 2025
End Rehabilitation and Renovation	End of 2025

#### FUNDING RATIONALE

The Executive Board supports the intent of this application for the following reasons:

- The property is in need of rehabilitation to support the health and safety of the residents.
- The project is made up of 2-bedroom units to support larger household sizes.
- 79% of the households at White River Apartments earn no more than 45% AMI.
- The property is close to parks, an elementary school, and transit access to the Auburn Transit Center and the Auburn Sounder train station.
- The project includes a fenced play area with an accessible ramp into the play yard with recently installed play equipment.
- Limited SKHHP funds available this funding round required a partial award which will still allow most of the residential building rehabilitation to move forward.

- There are limited funding sources available for preservation and rehabilitation – SKHHP is the only funder on this project. The focus for larger public funders has historically been on creating new units of affordable housing. Smaller preservation projects like this one are not as competitive against larger preservation projects competing for the same funds. The project applied for funding in early 2024 to the State Department of Commerce Housing Trust Fund and SKHHP provided a letter of support, but was not successful in securing funding at that time.
- The rehabilitation will not displace current residents.
- Preservation and rehabilitation of affordable housing is a high-priority for SKHHP.
- The project strongly aligns with SKHHP Housing Capital Fund adopted priorities including: the project sponsor's community connection and engagement with the populations they intend to serve, advancing racial equity, addressing the needs of populations most disproportionately impacted by housing costs, advancing geographic equity of the Housing Capital Fund, providing rental housing for extremely-low income households, and preservation.
- Multi-Service Center is a well-established South King County-based nonprofit that owns and operates over 650 units of affordable housing.
- Multi-Service Center's housing programs have a history of serving BIPOC community members with 45% of residents of Multi-Service Center properties identifying as BIPOC.

## PROPOSED CONDITIONS

Standard conditions apply to all projects and are included as Attachment 3 at the end of this memo.

### Special Conditions

1. SKHHP will provide project funds to the Contractor in the form of a **secured grant with no repayment**. Final Contract terms shall be determined prior to release of funds and must be approved by SKHHP staff. The grant will be secured by a deed of trust recorded against the property to ensure that Contractor maintains the project's affordability and target population. Contractor shall not be required to repay the grant so long as it maintains these project requirements.
2. Timeframe for funding commitment. The funding commitment continues for **thirty-six (36) months** from the date of Council approval and shall expire thereafter if all conditions are not satisfied. An extension may be requested to SKHHP staff no later than sixty (60) days prior to the expiration date. At that time, the Contractor will provide a status report on progress to date and expected schedule for start of construction and project completion. The SKHHP Executive Board will consider a twelve-month extension only on the basis of documented, meaningful progress in bringing the project to readiness or completion. At a minimum, the Contractor will demonstrate that all capital funding has been secured or is likely to be secured within a reasonable period of time.
3. SKHHP funds shall be used solely for the rehabilitation of the property and may include the following, unless otherwise approved by SKHHP staff:
  - a. Landscaping improvements
  - b. Seal coating and restriping the parking lot

- c. Site lighting improvements
  - d. Recoating breezeways and replacing railings
  - e. New siding
  - f. Exterior paint
  - g. Replacing gutters and downspouts
  - h. Replacing unit entry doors and install metal screen doors
  - i. Replace in-unit and laundry water heaters
4. SKHHP funds shall be prioritized to support building improvements - parking lot improvements shall not be funded in favor of residential building rehabilitation.
  5. SKHHP and Contractor shall agree to the specifics on what will be funded prior to executing a contract to ensure eligibility of expenses in alignment with RCW 82.14.540 and to mitigate cost-overruns.
  6. A covenant is recorded ensuring affordability for at least 50 years with size and affordability distribution per the following table. Changes may be considered based on reasonable justification as approved by SKHHP.

AMI	2-bedroom units	Total Units
30%	3	3
45%	16	16
60%	5	5
<b>Total Units</b>	24	24

7. Should cost overruns occur that require funds above SKHHP's contribution, sponsor will work towards filling the funding need through their capital budget process or seeking funds through other sources.

#### 4. Habitat for Humanity Seattle-King & Kittitas Counties - Burien Miller Creek

**Funding request:** \$1,300,000

**Executive Board recommendation:** \$555,000 (grant)

**Address:** 511 S 136<sup>th</sup> St Burien, WA 98168

##### PROJECT SUMMARY

Burien Miller Creek is a 40-unit homeownership project in Burien. The project is comprised of three- and four-bedroom homes for purchase: 20 units for households earning an average 50% AMI and 20 units for households earning up to 80% AMI. The project is currently under construction and SKHHP awarded the project \$300,000 in the 2022 funding round which has been requested to support the construction of five units for households earning an average of 50% AMI not to exceed 60% AMI. All homebuyers must have lived in King County for a least one year and 25% of the homes are reserved for households with a connection to the community – being defined as within two miles from the project.

The project will provide permanent affordability through the execution of a ground lease upon sale of the home. Habitat will have the Right of First Option to buy the home at an appreciated rate of 1.5% per year. When the home is resold, the price is set at the cost of acquisition and any rehab needed, allowing the home to be affordable to low- and moderate-income buyers in perpetuity. Habitat requires that the home must be the buyer's primary residence and must be owner occupied for the life of the home. The buyer's housing costs will be kept at or below 35% of gross household income.

The project has secured awards totaling \$23 million and reports a funding gap of \$3.3 million. The funding gap is due to increased construction costs, higher interest rates on construction loans, and lower mortgage revenue due to Habitat's commitment to serve families at lower AMIs in this development.

##### PROJECT SCHEDULE

Activity	Date
Site Control	3/26/2021
Building Permit Issued	3/24/2023
Begin Construction	11/08/2022
End Construction	2/1/2026
Full Occupancy	6/30/2026

##### FUNDING RATIONALE

The Executive Board supports the intent of this application for the following reasons:

- Homeownership is a high priority for SKHHP.
- Over \$7 million has been invested in the site and over \$23 million has been committed.
- Historically, out of the total number of households the sponsor has served, 65% identify as BIPOC families.
- Habitat has implemented a community preference policy to help guide homeowner selection. All applicants must have been residents of King County in the past year and 25% of the homes

are reserved for those with a connection to the community (being defined as within a 2-mile radius of the project site).

- The project began vertical construction in October 2024 and is fully permitted.
- Every homebuyer will have a sale price and mortgage set at no more than 35% of their household income based on household size.
- Limited funds available from SKHHP required a partial award to be made to balance the need of other priority projects with consideration of geographic equity.
- SKHHP awarded this project \$300,000 in the 2022 funding round. Habitat reports a funding gap due to construction cost overruns and interest rates impacting the mortgages at the AMI levels they wanted to serve. SKHHP funds will help the project close the gap and enable them to serve the lower AMI households they have committed to serve.
- The 32 3-bedrooms and 8 4-bedrooms spread across 10 buildings will provide badly needed larger, family sized homes.
- The project was approved for participation in the City of Burien affordable housing demonstration program.
- The project strongly aligns with SKHHP Housing Capital Fund adopted priorities including: the project sponsor's community connection and engagement with the populations they intend to serve, advancing racial equity, addressing the needs of populations most disproportionately impacted by housing costs, leverage of public and private funds, and homeownership.

## PROPOSED CONDITIONS

Standard conditions apply to all projects and are included as Attachment 3 at the end of this memo.

### Special Conditions

1. SKHHP will provide project funds to the Contractor in the form of a **secured grant with no repayment**. Final Contract terms shall be determined prior to release of funds and must be approved by SKHHP staff. The grant will be secured by a deed of trust recorded against the property to ensure that Contractor maintains the project's affordability and target population. Contractor shall not be required to repay the grant so long as it maintains these project requirements.
2. Timeframe for funding commitment. The funding commitment continues for **thirty-six (36) months from the date of Council approval of original award** and shall expire thereafter if all conditions are not satisfied. An extension may be requested to SKHHP staff no later than sixty (60) days prior to the expiration date. At that time, the Contractor will provide a status report on progress to date and expected schedule for start of construction and project completion. The SKHHP Executive Board will consider a twelve-month extension only on the basis of documented, meaningful progress in bringing the project to readiness or completion. At a minimum, the Contractor will demonstrate that all capital funding has been secured or is likely to be secured within a reasonable period of time.

3. Project description of original award from 2022 funding round will be replaced by current description of the project. Previous funding award shall be combined with current recommended award.
4. The recommended \$300,000 (2024) from general fund contributions shall support the development of five (5) housing units at an average 50% AMI on initial sale (among the 20 units with an average 50% AMI restriction) and be permanently restricted at 70% AMI upon resale.
5. The recommended \$255,000 (2024) and the previously awarded \$300,000 (2022) shall support the development of five (5) units at an average 50% AMI on initial sale (among the 20 units with an average 50% AMI restriction) and be permanently restricted not to exceed 60% AMI upon resale.
6. SKHHP funds shall be used solely for new construction, soft costs, or other development costs, unless otherwise approved by SKHHP staff.

## ATTACHMENT 1: Economic Summaires of Recommended Projects

### Project: Mercy Housing Northwest - Burien Family Housing

#### Proposed Funding Sources by Amounts and Status

Funding source	Proposed Amount	Status
SKHHP (2024)	\$2,000,000	Recommended
SKHHP (2022)	\$1,093,308	Committed
4% LIHTC Equity	\$9,405,093	Committed
9% LIHTC Equity	\$13,446,619	Committed
State HTF	\$4,000,000	Committed
King County (2023)	\$6,000,000	Committed
Permanent Amortizing Loan	\$5,892,060	Committed
Amazon HEF Loan	\$9,500,000	Committed
Mercy Loan Fund	\$999,999	Committed
Land Contribution	\$1,800,000	Committed
Deferred Developer Fee	\$1,011,384	Committed
National Housing Trust Fund	\$1,000,000	Committed
King County 2024/CHIP Pass Thru	\$1,900,000	Committed
<b>TOTAL</b>	<b>\$58,048,463</b>	

#### Proposed Use of Funds and Total Residential Cost Per Unit

Proposed use	Amount	Per Unit
Acquisition	\$1,820,000	--
Construction	\$42,217,570	--
Soft Costs	\$8,634,716	--
Other Development Costs	\$5,376,177	--
<b>TOTAL</b>	<b>\$58,048,463</b>	<b>\$637,895</b>

#### Residential Cost Per Square Foot

Item	Amount
Residential square footage	86,543
Residential development cost	\$58,048,463
Cost per square foot	\$670.75

#### Residential Cost Per Unit Based on Unit Size

Unit Size	Number of Units	Unit Square Footage	Cost per Unit
Average 1-bedroom	44	526	\$352,813
Average 2-bedroom	29	788	\$528,549
Average 3-bedroom	15	1062	\$712,333
Average 4-bedroom	3	1291	\$865,934
Common area and other residential spaces, including parking	--	20,380	\$13,669,825

**Project: TWG – Pandion at Star Lake**Proposed Use of Funds and Total Residential Cost Per Unit

Proposed use	Amount	Per Unit
Acquisition	\$6,207,361	--
Construction	\$87,306,025	--
Soft Costs	\$15,032,371	--
Construction Financing	\$9,298,009	--
Other Development Costs	\$8,876,434	--
<b>TOTAL</b>	<b>\$126,720,200</b>	<b>--</b>
<b>TOTAL NON-RESIDENTIAL</b>	<b>\$4,413,357</b>	<b>--</b>
<b>TOTAL RESIDENTIAL (includes common areas)</b>	<b>\$122,306,843</b>	<b>\$487,278</b>

Residential Cost Per Square Foot

Item	Amount
Residential square footage	278,255
Residential development cost	\$122,306,843
Cost per square foot	\$439.55

Residential Cost Per Unit Based on Unit Size

Unit Size	Number of Units	Unit Square Footage	Cost per Unit
Average Studio	92	415	\$182,413
Average 1-bedroom	71	650	\$285,707
Average 2-bedroom	36	926	\$407,023
Average 3-bedroom	52	1,139	\$500,647
Common area and other residential spaces, including parking	--	107,767	\$47,368,930

**Project: Multi-Service Center – White River Apartments**Proposed Funding Sources by Amounts and Status

Funding source	Proposed Amount	Status
SKHHP (2024)	\$975,939	Recommended
<b>TOTAL</b>		

Proposed Use of Funds and Total Residential Cost Per Unit

Proposed use	Amount	Per Unit
Rehabilitation	\$747,939	--
Rehabilitation Contingency	\$150,000	--
Soft Costs	\$50,000	--
Other Development Costs	\$28,000	--
<b>TOTAL</b>	<b>\$975,939</b>	<b>\$40,664</b>



**Project: Habitat for Humanity Seattle-King & Kittitas Counties - Burien Miller Creek**

Proposed Funding Sources by Amounts and Status

Funding source	Proposed Amount	Status
SKHHP (2022)	\$300,000	Committed
SKHHP (2024)	\$550,000	Recommended
King County	\$3,547,282	Committed
HTF	\$3,125,000	Committed
CHIP	\$1,934,500	Committed
HUD	\$850,000	Committed
HTF Unit Subsidy (2024)	\$1,000,000	Committed
Construction Financing	\$12,562,607	Committed
Habitat for Humanity	\$2,324,297	Committed
<b>TOTAL</b>	<b>\$26,193,686</b>	

Proposed Use of Funds and Total Residential Cost Per Unit

Proposed use	Amount	Per Unit
Acquisition	\$2,086,758	\$52,169
Construction	\$20,931,597	\$523,290
Soft Costs	\$1,906,163	\$47,654
Other Development Costs	\$1,269,168	\$31,729
<b>TOTAL</b>	<b>\$26,193,686</b>	<b>\$654,842</b>

Residential Cost Per Square Foot

Item	Amount
Residential square footage	54,662
Residential development cost	\$26,193,686
Cost per square foot	\$479.19

## ATTACHMENT 2: Summary Changes of SKHHP Awarded Projects that Reapplied

### **Project: Mercy Housing Northwest - Burien Family Housing**

Project changes between the awarded project from the 2022 SKHHP funding round and the 2024 application are as follows:

	<b>2024</b>	<b>2022</b>	<b>Changes</b>
Populations served	34 – families with children exiting homelessness 16 – families with children 18 – households with a physical disability 22 – general population	35 – families with children exiting homelessness 54 – families with children	<ul style="list-style-type: none"> <li>• Fewer units for families with children</li> <li>• Added units for households with a disability and general population</li> </ul>
Total units	91	89	<ul style="list-style-type: none"> <li>• One unit added for an on-site manager</li> <li>• One additional affordable unit</li> </ul>
AMI	0-60%	0-60%	<ul style="list-style-type: none"> <li>• No change</li> </ul>
AMI/unit count	0-30% - 28 30-50% - 48 50-60% - 14	0-30% - 35 30-50% - 28 50-60% - 26	<ul style="list-style-type: none"> <li>• More 50% units and fewer 30% and 60% units</li> </ul>
LIHTC	4%/9%	4%	<ul style="list-style-type: none"> <li>• Added 9% LIHTC</li> </ul>
Cost	\$59.7m	\$47.4m	<ul style="list-style-type: none"> <li>• Higher budget</li> </ul>

**Project: TWG – Pandion at Star Lake**

Project changes between the 2023 awarded project and the 2024 application are as follows:

	<b>2024</b>	<b>2023</b>	<b>Changes</b>
Number of buildings	1	2	<ul style="list-style-type: none"> <li>Modified from 2 buildings to 1</li> </ul>
Populations served	163 units - general population 59 units - families with children 29 units - families with children that require permanent supportive services and are at-risk of being homeless	Building 1: 109 units - general population 30 units - families with children 25 units - families with children that require permanent supportive services and who are transitioning out of homelessness or are at-risk of homelessness 4 units - households with I/DD Building 2: 173 units – seniors earning 80-100% AMI	<ul style="list-style-type: none"> <li>No seniors at 80-100% AMI</li> <li>No families that are transitioning out of homelessness</li> <li>No IDD units</li> <li>Larger number of general population units in lower income building</li> <li>More units for families with children</li> </ul>
Total units	251	341 (168 and 173)	<ul style="list-style-type: none"> <li>90 fewer units</li> </ul>
AMI	0-80%	0-100%	<ul style="list-style-type: none"> <li>No 80-100% AMI units</li> </ul>
AMI/unit count	0-30% - 29 30-50% - 114 50-60% - 61 60-80% - 47	0-30% - 29 30-50% - 97 50-60% - 42 80-100% - 173	<ul style="list-style-type: none"> <li>Number of 0-30% units unchanged</li> <li>More 30-60% units</li> <li>Added 80% units</li> <li>Removed 80-100% units</li> </ul>
LIHTC	4%	4%/9%	<ul style="list-style-type: none"> <li>Not applying for 9% LIHTC</li> </ul>

**Project: Habitat for Humanity Seattle-King & Kittitas Counties - Burien Miller Creek**

Project changes between the awarded project from the 2022 SKHHP funding round and the 2024 application are as follows:

	<b>2024</b>	<b>2022</b>	<b>Changes</b>
Number of buildings	10	10	<ul style="list-style-type: none"> <li>No change</li> </ul>
Populations served	Homebuyers with connection to the community	Homebuyers with connection to the community	<ul style="list-style-type: none"> <li>No change</li> </ul>
Total units	40	Phase 1 – 20 units Phase 2 – 20 units	<ul style="list-style-type: none"> <li>Removed Phase 1 and 2 and are considering the project a single project.</li> </ul>
AMI	20 units - average of 50% AMI 20 units - 80% AMI	Phase 1 (20 units) – up to 50% AMI Phase 2 (20 units) – 80% AMI	<ul style="list-style-type: none"> <li>Changed from 20 units at 50% AMI to an average 50% AMI</li> </ul>
Cost	\$26.2m	\$8.4m (First 20 units only)	<ul style="list-style-type: none"> <li>Higher development cost</li> </ul>
SKHHP funding request	Request: \$1.3m for 20 units at average 50% AMI.  Recommended: Partial award of \$300,000 (GF) for 5 units at average 50% AMI with resale up to 70% AMI & \$255,000 for 5 units at average 50% AMI with resale up to 60% AMI	\$300k applied to 20 units up to 50% AMI > \$300k applied to 20 units at average 50% AMI > \$300,000 applied to 5 units at average 50% AMI	<ul style="list-style-type: none"> <li>Request to fund fewer of the 20 total units. Total project units unchanged.</li> </ul>

### ATTACHMENT 3: Standard Conditions for Funding

1. Contractor shall provide SKHHP with development and operating budgets based upon actual funding commitments for approval by SKHHP staff. Contractor must notify SKHHP staff immediately if it is unable to adhere to these budgets and must submit new budget(s) to SKHHP staff for approval. SKHHP staff shall not unreasonably withhold its approval of these budget(s), so long as they do not materially or adversely change the Project. This shall be a continuing obligation of the Contractor, and shall survive the transfer or assignment of the Contract. Contractor's failure to adhere to budgets (either original or new/amended) may result in SKHHP's withdrawal of its funding commitment. Contractor must prepare and submit final budgets to SKHHP at the time it starts project construction and at the project's completion.
2. Contractor shall submit to SKHHP evidence of funding commitments from all proposed public and private funding sources. If Contractor cannot secure an identified commitment within an application's time frame, Contractor shall immediately notify SKHHP staff and describe its anticipated actions and time frame for securing alternative funding.
3. Contractor shall use SKHHP provided funds toward specific project costs as included in the Contract and consistent with RCW 82.14.540 and/or 82.14.530, as applicable. Contractor may not use SKHHP funds for any other purpose unless SKHHP staff authorizes such alternate use in writing. If budget line items with unexpended balances exist after completion of the project, SKHHP and other public funders shall approve adjustments to the project capital sources (including potential reductions in public fund loan balances).
4. Contractor shall evaluate and consider maximizing sustainability features for the Project (such as an efficient building envelope and heat pumps) and shall propose a plan to maximize the Project's sustainability.
5. Contractor shall use and document an open and competitive bidding process (consisting of at least three bids) for construction and related consultant services associated with the project, regardless of the source of funds used to pay their costs. Contractor shall pay RCW 39.12 prevailing wages in all projects funded by SKHHP that include construction activities, unless federal funds awarded to the project mandate use of federal prevailing wage rates.
6. If Contractor uses federal funds toward the Project, it must meet applicable federal guidelines, including but not limited to: contractor solicitation; bidding and selection; wage rates; and federal laws and regulations.
7. Contractor shall maintain documentation of any necessary land use approvals, permits, and licenses required by the jurisdiction in which the project is located.
8. Contractor shall submit to SKHHP project monitoring reports quarterly through its completion of the project, and annually thereafter. Contractor shall submit a final

budget to SKHHP upon project completion. If applicable, Contractor shall submit initial tenant information as required by SKHHP.

9. Contractor is required to provide SKHHP with quarterly status reports for projects funded through SKHHP's Housing Capital Fund during the project's development stage (from the time funds are awarded until the project's completion and occupancy). These quarterly reports must include at a minimum the status of funds expended and progress to date. SKHHP will rely on these quarterly reports to determine whether Contractor is making satisfactory progress on the project.
10. SKHHP may inspect the project site during the project's construction.
11. After occupancy, the Contractor will submit annual reports to SKHHP summarizing the number of project beneficiaries, housing expenses for the target population, and the proportion of those beneficiaries that are low- and/or moderate-income and that meet other eligibility criteria established in the Contract. In addition, the Annual Report shall include certifications to SKHHP that it is in compliance with the Covenant, which shall include the most current occupancy information, rent schedule (showing which Units are in each income class), a calculation justifying any increases in rents from the previous rent schedule, consistent with the Covenant and the Contract, and the actual rents being charged to each unit. SKHHP shall have the right to review rents for compliance and approve or disapprove them every year. In the event the Contractor submits annual certifications to satisfy the reporting requirements of multiple funders, Contractor will designate and report all units at the income class required by the most restrictive funder as well as the classification for purposes of the Covenant and this Contract. The Contractor shall also include with such certification any changes in the management policies for the Property and such other information covering the prior calendar year as SKHHP may request by notice at least ninety (90) days in advance of the due date, and with such accompanying documentation as SKHHP may request. The Annual Reports shall be submitted by June 30 of each year and will be required for the full duration of the Affordability Period. SKHHP will also periodically evaluate all projects for long term sustainability.
12. For rental projects, Contractor shall maintain the project in good and habitable condition for the duration of its affordability term.
13. SKHHP shall reimburse the Contractor for satisfactory completion of the requirements specified in the Contract and upon Contractor's submission to SKHHP of invoices and supporting documentation of eligible expenses.
14. SKHHP shall retain 5% of the funding award ("retention") and shall release the retention only after construction is complete and all other obligations outlined in the contract have been satisfied.
15. A covenant is recorded ensuring affordability for at least 50 years, with unit size, number of units, and affordability distribution established prior to executing Contract.



## INFORMATIONAL MEMORANDUM

TO: **Tukwila City Council**

FROM: **Brandon Miles, Director, Strategic Initiatives**

CC: **Mayor McLeod**

DATE: **March 4, 2025**

SUBJECT: **Lodging Tax Funding Request**

### **ISSUE**

Review of lodging tax funding requests from the City of Tukwila for the 2025 Juneteenth Celebration.

### **BACKGROUND**

The City collects a 1% lodging tax on certain qualifying overnight stays in paid accommodations (hotels/motels/Airbnb) in the City. State law limits the use of these funds to tourism promotion<sup>1</sup>. There is currently just over \$2.5 million in lodging tax funds available for use.

The City's Lodging Tax Advisory Committee (LTAC) reviews all requests for use of lodging tax funds. LTAC then forwards a list of recommended applications to the City Council for its review and consideration. If LTAC does not recommend an application be funded, that application is not forwarded to the City Council. The City Council may approve or deny any of the applications recommended by the LTAC. The City Council may also approve an application and increase or decrease the dollar amount awarded<sup>2</sup>.

The City accepts applications on a rolling basis, with the LTAC reviewing requests monthly.

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<sup>1</sup> RCW 67.28.080 (6) defines "tourism promotion" as "...activities, operations, and expenditures designed to increase tourism, including but not limited to advertising, publicizing, or otherwise distributing information for the purpose of attracting and welcoming tourists; developing strategies to expand tourism; operating tourism promotion agencies; and funding the marketing of or the operation of special events and festivals designed to attract tourists."

<sup>2</sup> On August 17, 2016, the Washington State Attorney General's Office issued an informal opinion regarding whether a municipality could change the dollar amounts recommended by the local lodging tax advisory committee. Specifically, the informal opinion states:

*"When awarding lodging tax revenues pursuant to RCW 67.28.1816(2)(b)(ii), a municipality may award amounts different from the local lodging tax advisory committee's recommended amounts, but only after satisfying the procedural requirements of RCW 67.28.1817(2), according to which the municipality must submit its proposed change to the advisory committee for review and comment at least forty-five days before final action on the proposal."*

Pending Applications

At its meeting on February 8, 2025, the LTAC recommended approval of the City's request for funding for the 2025 Juneteenth Celebration.

**1. City of Tukwila, Juneteenth (Not to Exceed \$10,000)**

The City of Tukwila is requesting lodging tax funds to support the City of Tukwila's 5<sup>th</sup> Annual Juneteenth Commemoration. Juneteenth is the oldest historical celebration in the United States remembering the end of enslavement of African American people and the continued fight against racism. In 2020 the City of Tukwila Council adopted Resolution 1992, declaring that Juneteenth will be recognized in our community every year. The City is committed to honoring the legacy of the Juneteenth Commemoration and Tukwila's African American community by supporting this signature event for residents, community members, businesses, and guests. This year's event will occur on June 19 at the Sullivan Center on Tukwila International Blvd.

LTAC Recommendation on Application: Approval.

Staff Recommendation on Application: Approval.

**FINANCIAL IMPACT**

The total request for the lodging tax application will not exceed \$10,000. No general funds dollars will be used for these funding allocations. The funding allocation is consistent with the six-year financial plan for the lodging tax fund and the City's adopted budget. Any unused funds will remain within the lodging tax fund.

**RECOMMENDATION**

Staff recommends that the City Council approve the three applications as presented.

**ATTACHMENTS**

1. Juneteenth Application LTAC Application
2. Staff report to the Lodging Tax Advisory Committee



**Staff Memorandum**

**Lodging Tax Advisory Committee Funding Request**

**Name of Applicant:**

City of Tukwila, Administrative Services

**Address:**

6200 Southcenter Blvd.  
Tukwila, WA 98188

**Total Funds Requested:**

\$10,000

**About the Applicant:**

The City of Tukwila is a non-charter City organized under the laws of the State of Washington. Founded in 1908, Tukwila is one of the oldest cities in King County. Since its founding, Tukwila has always been a community at the “crossroads.” Tukwila lies at one of the busiest freeway interchanges in Washington State. The City has a small bedtime population of just under 20,000. During the day the City’s population swells to over 150,000 people, with people coming to the City to work, shop, dine, stay in hotels, and to visit once in a life time experiences, such as the Museum of Flight or iFly.

**Funds Previously Awarded:**

In 2021 the City provided \$5,000 for a digital event and in 2022 \$10,000 for the event.

**Funding Request Narrative:**

The City of Tukwila is requesting lodging tax funds to support the City of Tukwila’s 5<sup>th</sup> Annual Juneteenth Commemoration. Juneteenth is the oldest historical celebration in the United States remembering the end of enslavement of African American people and the continued fight against racism. In 2020 the City of Tukwila Council adopted Resolution 1992, declaring that Juneteenth will be recognized in our community every year. The City is committed to honoring the legacy of the Juneteenth Commemoration and Tukwila’s African American community by supporting this signature event for residents, community members, businesses, and guests.

**Staff Comments:**

As part of the City's branding strategy, it was identified that the City should work on creating events tied to the City's multicultural population. The City of Tukwila lacks an authentic large community event that could be a draw for people from around the region. Juneteenth could be that event that the City grows overtime.

Key metrics for the event will be total attendance, third party sponsorship participation, social media metrics, and web visits.

**Consistency with Six Year Financial Model:**

2025 Sponsorship Funds Provided in Six Year Financial Plan:	\$175,000
PAC NW Soccer (Approved)	(\$25,000)
Seawolves (Approved)	(\$90,000)
City of Tukwila, Juneteenth (Pending)	(\$10,000)
<b>Remaining Funds:</b>	<b>\$50,000</b>

For 2025, the Six Year Financial Plan shows the City spending \$175,000 for sponsorship, such as this. There will be sufficient funds remaining in the budget for other 2025 other sponsorships opportunities that might arise.

**City of Tukwila Staff  
Recommendation to LTAC:** Approval

**Notes:**  
None.

## Application to the City of Tukwila for Use of 2025 Lodging Tax Funds

Event or Activity Name (if applicable):	City of Tukwila's 5 <sup>th</sup> Annual Juneteenth Commemoration
Amount of Lodging Tax Requested:	\$10,000
Applicant Organization:	City of Tukwila
Federal Tax ID Number:	91-6001519
Mailing Address:	City of Tukwila ATTN: Jo Anderson – Inclusion & Engagement Manager Administrative Services and Community Engagement 6300 Southcenter Blvd, Suite 115 Tukwila, WA 98188
Primary Contact Name:	Jo Anderson
Primary Contact Phone:	206-658-7849
Primary Contact Email Address:	Jo.Anderson@TukwilaWA.gov

X	Check all the service categories that apply to this application:
X	Tourism promotion or marketing
X	Operation of a special event or festival designed to attract tourists
	Operation of a tourism-related facility owned or operated by a non-profit organization
	Operation and/or capital costs of a tourism-related facility owned by a municipality or a public facilities district

X	Check which one of the following applies to your agency:
	Non-Profit <i>(Note: Attach a copy of your current non-profit corporate registration from the Washington Secretary of State Office)</i>
X	Municipality
	For Profit Corporation

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*I am an authorized agent of the organization/agency applying for funding. I understand that:*

- *I am proposing a tourism-related service for 2025. If awarded, my organization intends to enter into a services contract with the City; provide liability insurance for the duration of the contract, naming the City as additional insured and in an amount determined by the City; and file for a permit for use of City property, if applicable.*
- *My agency will be required to submit a report documenting economic impact results in a format determined by the City.*

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Signature: Jo Anderson

Date: 12/5/24

**1. Describe your tourism-related activity or event.**

The City of Tukwila is requesting lodging tax funds to support the City of Tukwila's 5<sup>th</sup> Annual Juneteenth Commemoration. Juneteenth is the oldest historical celebration in the United States remembering the end of enslavement of African American people and the continued fight against racism. In 2020 the City of Tukwila Council adopted Resolution 1992, declaring that Juneteenth will be recognized in our community every year. The City is committed to honoring the legacy of the Juneteenth Commemoration and Tukwila's African American community by supporting this signature event for residents, community members, businesses, and guests.

To ensure a successful and collaborative event, the City will reach out to previous partners. This includes the Tukwila School District/Foster High School's Black Student Union, the King County Library System, King County Public Health, the Urban League of Metropolitan Seattle and Tukwila community members to plan the in-person event at the Tukwila Sullivan Center.

**If an event, list the event name, date(s), and projected overall attendance:**

- City of Tukwila's 5<sup>th</sup> Annual Juneteenth Commemoration
- Thursday, June 19, 2025, from 11:00 AM to 1:00 PM
- Tukwila Sullivan Center and Plaza, 14350 Tukwila International Blvd, Tukwila, WA 98168
- Attendance: 250+

**2. Is your event/activity/facility focusing on attracting overnight tourists, day tourists, or both?**

Primarily day tourists attending regional Juneteenth events and experiences.

**Describe why visitors will travel to Tukwila to attend your event/activity/facility:**

The City of Tukwila is centrally located in the transportation corridor that provides access to public light rail, King County's Metro bus system, and the Seattle-Tacoma International Airport. Tukwila is a destination for tourism, entertainment, shopping, and its diversity.

**Describe the geographic target of the visitors you hope to attract (locally, regionally, nationally and/or internationally):**

The geographic target of visitors is primarily a 50-mile radius, including summer month travelers staying in area hotels.

**3. Describe the prior success of your event/activity/facility in attracting tourists:**

The City of Tukwila's 1<sup>st</sup> Juneteenth Commemoration in 2021 was adapted to an online program featured on the Experience Tukwila website. The hour-long commemoration was available in six segments, allowing viewers to explore different elements. Beginning in 2022, the annual event moved to an in-person format at the Sullivan Center outdoor plaza. Each year, important traditions are upheld, including the singing of the Black National Anthem. Further, event participants learn the story of Juneteenth, visit community resource tables, and enjoy educational and musical presentations from a keynote speaker and local artists as well as food from Black-owned businesses.

Participation in the 2024 celebration exceeded expectations and drew well over 200 celebrants. This is attributed to moving the event to the actual holiday (as opposed to the following Saturday), gaining recognition as an annual celebration, and caliber of speakers and performers.

The intention is to develop a program that will draw a wide audience and provide an experience that is distinctly Tukwila. This will include a mix of speakers and artists that are regionally and locally known. The event location is a community-centered space for residents and guests to visit the Tukwila library, frequent the small business, and take advantage of the open space where families and friends gather. *See photos on page 6.*

**4. If this your first time holding the event/activity/facility, provide background on why you think it will be successful.**

N/A

**5. Describe the media strategy you employ to promote your event/activity/facility to attract overnight and/or day tourists? Please list any digital or print media (newsletters, e-blasts, social media, etc.) your agency uses or intends to use to promote your event/activity/facility.**

The commissioning of a commemorative poster featuring a local African American artist has become an integral part of the event. In addition to the poster, the City creates a more detailed flyer announcing the program schedule. City staff and partners will promote the Juneteenth Commemoration on the City of Tukwila's Experience Tukwila website, social media platforms, community contacts, and print materials – the Hazelnut newsletter and posters.

Additionally, the City will work with community-and faith-based organizations, the Tukwila School District, and the Southside Seattle Chamber of Commerce to assist in promoting the event on their social media platforms and through word-of-mouth. The program participants – speakers, artists, performers, educators, etc. will be asked to help spread the word to their networks as well.

**6. Describe how you will promote lodging establishments, restaurants, retailers and entertainment establishments in the City of Tukwila.**

City staff will promote this event through the Experience Tukwila website and social media, word-of-mouth, and free online and print calendars through ethnic media channels. Event posters will be disseminated to partners and lodging establishments, restaurants, retailers, and entertainment establishments.

**7. Is the City able to use your digital and print media for collaborative marketing?**

Yes.

**8. Describe how you will use the name “Tukwila” in publications, promotions, and for your event?**

The event will be promoted as being sponsored and held in Tukwila.

**9. Measurements and Metrics *(Note: You will be required to report these metrics as part of the close out of the agreement between your organization and the City.)***

<b>As a direct result of your proposed tourism-related service, provide an estimate of:</b>	
A. Overall attendance at your proposed event/activity/facility.	250+ in-person
B. Number of people who will travel fewer than 50 miles for your event/activity.	225
C. Number of people who will travel more than 50 miles for your event/activity.	10%
D. Of the people who travel more than 50 miles, the number of people who will travel from another country or state.	unknown
E. Of the people who travel more than 50 miles, the number of people who will stay overnight in Tukwila.	unknown
F. Of the people staying overnight, the number of people who will stay in PAID accommodations (hotel/motel/bed-breakfast) in Tukwila.	unknown
G. Number of paid lodging room nights resulting from your proposed event/ activity/facility (for example: 25 paid rooms on Friday and 50 paid rooms on Saturday = 75 paid lodging room nights)	unknown

- 10. What methodologies did you use to calculate the estimates and what methodologies will you use to track outcomes, such as total participants, estimated visitor spending, etc.?**

City staff will monitor, evaluate, and assess this event as part of planning the campaign to determine the 2026 Juneteenth Commemoration.

- 11. Are you applying for lodging tax funds from another community? If so, which communities and in what amounts?**

No.

- 12. Are you applying for funding from Seattle Southside Regional Tourism Authority (SSRTA)? If so, in what amount?**

No.

- 13. What is the overall budget for your event/activity/facility? What percent of the budget are you requesting from the City of Tukwila?**

50% of the budget. Total costs for the event are estimated to be \$20,000; \$10,000 of which from the City operations budget. The requested funds in the amount of \$10,000 will be used towards artist and performer honoraria, commissioned poster artwork, and food and beverage.

Food/Bev	\$5,000
Poster Artwork	\$3,000
Honoraria	\$2,000

- 1) What will you cut from your proposal or do differently if full funding for your request is not available or recommended?**

Adjust/scale program costs.

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Applications are considered on a rolling basis. Please contact staff to discuss the process for having the application reviewed by the City's Lodging Tax Advisory Committee.

Completed applications should be submitted to:

Lodging Tax Advisory Committee  
c/o Brandon Miles  
City of Tukwila  
6200 Southcenter Blvd



Tukwila, WA 98188

or

[Brandon.Miles@TukwilaWA.gov](mailto:Brandon.Miles@TukwilaWA.gov)

Questions?

LTAC Contact:

Brandon J. Miles

(206) 431-3684

[Brandon.Miles@TukwilaWA.gov](mailto:Brandon.Miles@TukwilaWA.gov)

## 2024 Juneteenth Commemoration







## **INFORMATIONAL MEMORANDUM**

TO: Planning and Community Development Committee

CC: Mayor Thomas McLeod

FROM: Nora Gierloff, AICP, DCD Director

BY: Neil Tabor, AICP, Senior Planner

DATE: March 4, 2025

SUBJECT: Proposal to amend regulations for phased binding site improvement plans

### **ISSUE**

The proposed code amendment would streamline the process for Binding Site Improvement Plans.

### **BACKGROUND**

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

The City's regulations currently require that phased BSIPs also execute a development agreement, or contract between the City and developer, in all proposed phased BSIPs. Staff has found that this requirement is redundant to other phased BSIP requirements, burdensome to both City and developer time and resources, and generally out of step with standards of other comparable jurisdictions.

Codified in TMC 17.16, BSIPs proposing to develop in phases are required to enter into a development agreement in addition to completing the BSIP. Development agreements add cost to a project by adding several months of process time for review, analysis, legal consultants, contracting, and scheduling of a public hearing before City Council.

This equates to months of unnecessary additional carrying costs for developers on what are generally large scale projects, in addition to permit fees. In addition to the staff and City Council time exhausted, this process also creates uncertainty for the developer by changing the review from being entirely administrative, based on municipal code standards, to a legislative process before the City Council on a generally, technically complex topic. While there may be instances in which a development agreement may be desired by the developer due to project complexity, a desire to vest certain permits, or other factors, this is unlikely to be the case with most proposed phased BSIPs.

### PLANNING COMMISSION RECOMMENDATION

A public hearing on the code amendment L25-0001 was held at the January 23<sup>rd</sup>, 2025, Planning Commission meeting. Commissioners passed a motion to recommend that the City Council adopt the code amendments without modifications.

### SUMMARY OF PROPOSED CHANGES

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

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

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

#### TMC 17.16.040(C)

- ~~13. *Additional Approval Criteria for Phased Development:* If the applicant chooses to develop the property in a phased development, the applicant must execute a development agreement with the City pursuant to RCW 36.70B.170 if one is not already in place. This agreement shall govern, at a minimum, the use and development of the property subject to the BSIP, including:~~
- ~~—— a). —— vesting applicable to subsequent permits; ——~~
  - ~~—— b). —— the manner in which each phase of the development will proceed to ensure that the roads and utilities necessary to serve each phase of the development are constructed prior to the development of each phase;~~
  - ~~—— c) expiration of the agreement and all provisions therein.~~

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

## **ANALYSIS**

### **Staff Report Criteria**

TMC 18.82.030 requires that staff reports for proposed amendments to development regulations address the five listed criteria in this section. As criteria pertain to both privately initiated code amendment applications and those proposed by staff, some criteria may not be as relevant for all code amendment proposals. Criteria and staff responses are listed below.

1. *An evaluation of the application materials;*

**Staff Response:** Not applicable.

2. *Impact upon the Tukwila Comprehensive Plan and Zoning Code;*

**Staff Response:** The proposed code amendment is consistent with the comprehensive plan and does not require an amendment to the comprehensive plan. The proposed amendment to the zoning code intends to streamline the phased binding site improvement plan process and remove unnecessary requirements.

3. *Impact upon surrounding properties, if applicable;*

**Staff Response:** Not applicable.

4. *Alternatives to the proposed amendment; and*

**Staff Response:** If the proposed amendment were not adopted, any development proposing a phased binding site improvement plan would still be required to execute a development agreement in addition to the phased binding site improvement plan. Staff discussed the possibility of introducing other additional requirements with the removal of the development agreement requirement, but found other code sections within Title 17 to be sufficient to ensure that phased BSIPs would meet the conditions required of later phases of development.

The concept of requiring a development agreement for phased BSIPs that surpass a specified threshold based on project size or other factors was discussed at Planning Commission. However, due to the variety of projects that may apply for a phased BSIP, the potential use of a relatively arbitrary threshold value, the overall lack of value to the City, and additional time, expense, and inconvenience for the developer to execute a development agreement, staff did not feel that requiring execution of a development agreement for projects meeting a specific threshold was of benefit to the City, the project, or the developer.

In the draft ordinance proposed, developers would retain the ability to pursue a development agreement in conjunction with a phased BSIP, if so desired.

5. *Appropriate code citations and other relevant documents.*

Staff Response: Existing code within TMC Chapter 17.16 *Detailed Procedures For Binding Site Improvement Plans (BSIPs)* provide staff with adequate ability to enforce phased binding site improvement plans and include additional relevant conditions and limitations without the need to do so through a development agreement. Relevant sections of code are copied below.

*TMC 17.16.060(C)*

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

*TMC 17.16.070(B)*

***Phasing of Improvements:*** *To satisfy improvement requirements, the Short Subdivision Committee is authorized to impose conditions and limitations on the BSIP. If the Short Subdivision Committee determines that any delay in satisfying requirements will not adversely impact the public health, safety or welfare, the Committee may allow requirements to be satisfied prior to:*

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

Decision Criteria

TMC 18.82.020, *Decision Criteria* provides criteria for the final City Council decision on proposed code amendments.

Decision criteria are as follows:

- 1. Is the amendment consistent with the Comprehensive Plan?*
- 2. Does the amendment meet at least one of the following criteria:*
  - a. Eliminates conflicts between TMC and the Comprehensive Plan; or*
  - b. Accomplishes policy directives of the Council or Administration; or*
  - c. Corrects an error or errors in the TMC.*

**FINANCIAL IMPACT**

No direct costs to the City are expected from this code amendment.

**RECOMMENDATION**

The Council is being asked to approve the ordinance and consider this item at the March 10, 2025 Committee of the Whole and subsequent March 17, 2025 Regular meeting.

**ATTACHMENTS**

- A. Ordinance
- B. TMC 17.16.040 Proposed Code Amendments (Redlined)
- C. Written public comment received ahead of 1/23/2025 Public Hearing
- D. Minutes from 1/23/2025 Planning Commission Public Hearing
- E. Staff Report from 1/23/2025 Public Hearing

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, AMENDING ORDINANCE NO. 2740 §3 (PART), AS CODIFIED AT TUKWILA MUNICIPAL CODE (TMC) SECTION 17.16.040, "PRELIMINARY APPLICATIONS," TO REMOVE LANGUAGE REQUIRING PHASED BINDING SITE IMPROVEMENT PLANS TO EXECUTE DEVELOPMENT AGREEMENTS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, Title 17 of the Tukwila Municipal Code establishes procedures for binding site improvement plans and the City desires these procedures to be consistent with the provisions of state law, as per RCW 58.17.035; and

**WHEREAS**, the City desires to eliminate unnecessary development regulations; and

**WHEREAS**, the requirement for all phased binding site improvement plans to execute a development agreement was identified as redundant to existing regulations within TMC Title 17; and

**WHEREAS**, on January 23, 2025, the Tukwila Planning Commission, following adequate public notice, held a public hearing to receive testimony concerning amending the Tukwila Municipal Code and at that meeting adopted a motion recommending the proposed changes as set forth herein; and

**WHEREAS**, on January 24, 2025, the City's State Environmental Policy Act (SEPA) Responsible Official issued a Determination of Non-Significance on the proposed amendments; and

**WHEREAS**, the Tukwila City Council finds that the amendments set forth herein in the best interest of the public's health, safety, and welfare.

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

**Section 1. Adoption of Findings of Fact.** The City Council finds as follows:

A. The above recitals, set forth as “WHEREAS” clauses, are hereby adopted as Findings of Fact in support of the adoption of this ordinance.

B. The amendments that are established below comply with the requirements of the Washington State Growth Management Act and the Tukwila Municipal Code.

**Section 2.** Ordinance No. 2740 §3 (part), as codified at TMC Section 17.16.040, “Preliminary Applications,” **subparagraph C**, is hereby amended to read as follows:

**17.16.040 Preliminary Applications**

**C. Approval Criteria:**

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

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

2. *Legal Lots:*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Section 3. Corrections by City Clerk or Code Reviser Authorized.** Upon approval of the City Attorney, the City Clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; references to other



local, state or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering.

**Section 4. Severability.** If any section, subsection, paragraph, sentence, clause or phrase of this ordinance or its application to any person or situation should be held to be invalid or unconstitutional for any reason by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this ordinance or its application to any other person or situation.

**Section 5. Effective Date.** This ordinance or a summary thereof shall be published in the official newspaper of the City, and shall take effect and be in full force five days after passage and publication as provided by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, at a Regular Meeting thereof this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

ATTEST/AUTHENTICATED:

\_\_\_\_\_  
Andy Youn-Barnett, CMC, City Clerk

\_\_\_\_\_  
Thomas McLeod, Mayor

APPROVED AS TO FORM BY:

Filed with the City Clerk: \_\_\_\_\_

Passed by the City Council: \_\_\_\_\_

Published: \_\_\_\_\_

Effective Date: \_\_\_\_\_

Ordinance Number: \_\_\_\_\_

\_\_\_\_\_  
Office of the City Attorney

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

**Sections:**

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

**17.16.010 Purpose**

A. This chapter is established to:

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

**17.16.020 Applicability**

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

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

**17.16.030 Decision Process**

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

**17.16.040 Preliminary Applications**

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

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

C. **Approval Criteria:**

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

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

2. *Legal Lots:*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### **17.16.060 Final Applications**

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

B. **Final Approval Review Procedures:**

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

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

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

#### **17.16.070 Improvements**

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

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

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

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

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

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

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

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

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

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

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



**DATE:** January 21, 2025

**TO:** Tukwila Planning Commission  
c/o Nora Gierloff, Director of Community Development  
Neil Tabor, AICP, Senior Planner

**DELIVERY:** email only to: [Nora.Gierloff@TukwilaWA.gov](mailto:Nora.Gierloff@TukwilaWA.gov)  
[Neil.Tabor@TukwilaWA.gov](mailto:Neil.Tabor@TukwilaWA.gov)  
[Planning@TukwilaWA.gov](mailto:Planning@TukwilaWA.gov)

**FROM:** Sam Pace, Housing Specialist  
Seattle King County REALTORS®  
[Sam@SamPace.com](mailto:Sam@SamPace.com)  
(253) 569-2663

**RE:** **Planning Commission Public Hearing re: File Numbers: L25-0001 & E25-0002;  
Proposal to Amend Regulations for Phased Binding Site Improvement Plans**

Dear Commissioners, Director Gierloff and Senior Planner Tabor,

I am writing to you on behalf of our 6,000+ members of Seattle King County REALTORS® to provide public hearing comments (of record) in connection with the Planning Commission's *Public Hearing* scheduled for January 23<sup>th</sup> regarding the City of Tukwila staff proposal to amend regulations for *Phased Binding Site Improvement Plans*.

It is our understanding that:

- Tukwila's city code currently provides:
  - Applicants proposing to develop a project as a Binding Site Improvement Plan, or BSIP, are required by section 17.16.030(C) of Tukwila's Municipal Code to:
    - (a) enter into a *Development Agreement*, and
    - (b) also complete the *Binding Site Improvement Plan*

City staff have identified (in our view, correctly) that these requirements are duplicative, and there are numerous reasons that correcting the situation would be well-advised.
- The proposal before the Planning Commission for public hearing on January 23rd:
  - Would remove the sole provision in the Tukwila Municipal Code (TMC) requiring the execution of a Development Agreement when there is a BSIP,

- Would not compromise, or dilute, existing development standards - because the substantive requirements of development agreements are already present, both in Chapter 17.16, and elsewhere in city code,
  - Would require that a Binding Site Improvement Plan be consistent with any City-approved master plans and development agreements; and
  - Would be applied city-wide if approved by the City Council.
- No Environmental Determination has yet been issued, but one is anticipated prior to City Council action on the proposal, if the Planning Commission supports moving forward.

We believe Neil Tabor has done a capable job of explaining that BSIPs can provide flexibility to accommodate a sale of property. We would add to his observation by noting that sometimes such sales are necessary to facilitate obtaining the financing that is required to make it possible to finish building-out a development.

As Mr. Tabor notes,

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

*(Bold emphasis was added by the REALTORS®)*

We want to focus-in on the fact that (even though the BSIPs are typically used for large commercial and industrial projects), the issue before the Planning Commission in this public hearing is also important for housing.

Over time, housing legislation passed in 2023 - including HB 1110 (Middle Housing) and HB 1337 (Accessory Dwelling Units) - will result in more dwelling units within cities. But most of that housing will be rentals, and will not likely provide many homeownership opportunities, absent additional changes to state law.

More homeownership opportunities not only benefit would-be homebuyers, they also help renters by reducing the competition for rental units (by getting would-be homebuyers out of the rental market), and they create additional opportunities for historically disadvantaged households to access the single most important opportunity to create inter-generational wealth, which is ownership of residential real estate.

One of the reasons those Middle Housing and Accessory Dwelling Units are likely to be mostly rentals is straightforward:



- The “*amount of housing that gets built – even if it’s Middle Housing or ADUs*” is a different issue than “*whether the housing is rentals or ownership units.*”
- For a builder to create an “home ownership opportunity,” the builder must be able to divide legal title to the property in a way that allows a buyer to “own” a unit, not just “rent” it. This is the case regardless what kind of dwelling unit gets built (single family, duplex, triplex, 4-plex, townhome, etc.).
- The two major ways for a developer to divide legal title to the land (in a way that has the potential to create homeownership opportunities, rather than just rentals) are:
  1. Platting of subdivisions (or short-subdivisions, aka short-plats), or
  2. Creation of a condominium, including a preparing and recording a Declaration of Condominium and Plan, state-mandated Public Offering Statements, etc.

Most folks tend to think of condominiums as a “product type.”

However, a condominium is really a “form of ownership” not a type of housing unit - which is why slips at marinas, aviation hangars, storage units, etc. can all be condominiums, even though they do not involve any housing.

Both platting and condominiums are expensive, time-consuming processes that make it difficult to increase home ownership opportunities in the city. We believe that Binding Site Improvement Plans/Agreements can serve two important purposes:

First, we believe they have the potential to evolve into an especially important alternative to traditional platting and condominiums.

Second, we believe they hold the promise of achieving more timely reviews, and at less cost, than platting or condominiums - importantly, without sacrificing substantive environmental, health and safety concerns.

But the potential and promise of Binding Site Improvement Plans/Agreements remains compromised if we unduly-burden the BSIP process with a requirement for an additional, duplicative, “Development Agreement.”

In our view, Tukwila city staff have correctly discerned that the additional requirement for a duplicative “Development Agreement” results in:

- several months of delay (for review, analysis, processing time, scheduling and completing a public hearing before the City Council, seeking and issuing required permits, etc.)
- unnecessary added costs to a project (for additional permit fees, legal consultants, interest “carrying costs” on project operating/construction debt, etc.)
- a lack of predictability for the applicant, which can translate into higher financing costs (especially if lenders charge a “risk premium” due to lack of certainty regarding when/if the lender will be repaid). In the worst case, it may result in a desirable project not getting

built because of concerns about whether the project can be completed in time for it “to pencil” for the developer, and the developer’s lender.

In our view, Mr. Tabor is correct that a major reason for concern about the lack of predictability results from the fact that the BSIP process involves an administrative review of complex topics based on municipal code standards. The application of those objective standards in a technical administrative review helps to provide predictability.

However, when the Development Agreement process is added to the mix, it changes the review from being entirely administrative, to a process before the City Council.

The costs and operational impacts of a duplicative and unnecessary Development Agreement requirement do not fall solely on project applicants. They also impact city staff (at a time when obtaining/retaining qualified planning, development and public works professionals is a significant challenge for cities). Stated simply: Having an additional requirement for a Development Agreement also impacts the time of staff and City Council, with little benefit, if any, for the city, or its stakeholders.

For these reasons:

- We support the staff recommendation to eliminate the duplicative and unnecessary requirement for a Development Agreement when there is a Binding Site Improvement Plan, and
- We want to express our appreciation for the City taking the initiative to bring this recommendation forward to the Planning Commission. There is no magic wand for wringing unnecessary and unproductive costs out of the development-review process. It is a long series of sometimes tedious small steps. But, cumulatively, over time, they can reform our permitting processes in ways that improve the likelihood cities will not only “accommodate” housing consistent with RCW 36.70A.020(4), but do so in a way that makes housing affordable for “all economic segments” of the population.

Thank you for the opportunity provide these public hearing comments of record.  
Please do not hesitate to let me know if you have any questions, comments, or concerns.

Sincerely,  
SEATTLE KING COUNTY REALTORS®

*Sam Pace*

Sam Pace, Housing Specialist

[Sam@SamPace.com](mailto:Sam@SamPace.com) ♦ (253) 569-2663

cc: Taylor Shanaman, Director of Governmental & Public Affairs



### CITY OF TUKWILA PLANNING COMMISSION (PC) MINUTES

Date: January 23, 2025  
Time: 6:30 p.m.  
Location: Hybrid Meeting - via Microsoft Teams / Public, In-Person Attendance,  
Council Chambers, 6200 Southcenter Blvd., Tukwila, WA 98188

I. **Call to Order**

Chair Probst called the Tukwila PC meeting to order at 6:35 p.m.

II. **Roll Call**

The PC Secretary took roll call.

Present: Chair Martin Probst; Vice Chair Ann Durant; Commissioners Louise Strander, Alex Kaehler, Richard McLeland Wieser, and Jacob Halverson

Excused Absence: Commissioner Jane Ho

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

III. **Amendment of the Agenda**

No changes to the agenda were requested.

IV. **Approval of Minutes**

Commissioner Halverson moved to adopt the 12/12/24 Minutes. Commissioner Durant seconded the motion. Commissioner Kaehler recused himself due to absence. Motion carried.

V. **Written General Public Comments**

No submittals.

VI. **Old Business**

None

## VII. New Business

### PUBLIC HEARING

#### 1. Shelter, Transitional, Emergency, Permanent (STEP) Housing Changes

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

Senior Planner Neil Tabor gave the presentation for staff. He provided background on STEP Housing and the purpose of the public hearing. He said that legislature narrowed restrictions for the STEP Housing types, which resulted in the allocation of certain housing targets. The City of Tukwila previously adopted code amendments to recognize the STEP Housing types. In 2021, the State legislature passed HB 1220 which sets requirements for STEP Housing. The following housing types are not included:

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

Staff noted that the State, Puget Sound Regional Council, and Countywide King County each commented that the city's current development regulations do not meet requirements. Staff went over the proposed standards and walked through the STEP housing requirements in which the City of Tukwila is not in compliance.

To meet state law requirements and provide capacity to site the city's allotted amount of STEP Housing, while maintaining reasonable occupancy and spacing requirements, staff propose to amend TMC 18.50.250, 18.50.260 and Table 18-2 *Tukwila Urban Center (TUC) Land Uses Allowed by District*

Staff addressed clarifying questions from the PC.

#### Recommendation

Staff are requesting that the Planning Commission forward a recommendation for adoption of the draft code amendments to the City Council (CC) for their review.

#### Public Hearing

Chair Probst opened the public hearing.

Staff noted that there were no public hearing comments letters received.

There was no public testimony.

Chair Probst closed the public hearing.

**Deliberations/Motion**

There was no deliberation.

Commissioner Halverson moved to adopt the staff's recommendation and forward them to the CC for their review. Commissioner Durant seconded the motion. Motion carried.

**PUBLIC HEARING**

**2. Phased Binding Site Improvement Plans (BSIP)**

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

Senior Planner Neil Tabor gave the presentation for staff. He provided background on the proposed. BSIPs are plans used to provide flexibility for sale of property within a larger development. These developments often rely on shared features within the larger site, such as: Parking; access points; landscaping; utilities; refuse collection areas; etc. Phased BSIPs improvement plans and proposals to develop in phases are required to enter into a development agreement in addition to completing the BSIP.

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

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

Staff addressed clarifying questions from the PC.

**Recommendation**

Staff are requesting that the Planning Commission forward a recommendation for the adoption of the draft code amendments to the CC for their review.

**Public Hearing**

A public hearing comment letter was received from Sam Pace, Housing Specialist. Seattle King County REALTORS, on January 22, 2025, which was distributed to the PC on January 22, 2025.

Chair Probst opened the public hearing.

There was no public testimony.

Chair Probst closed the public hearing.

**Deliberations/Motion**

There was no deliberation.

Commissioner Durant moved to adopt the staff's recommendations and forward it to the CC for their review. Commissioner McLeland Wieser seconded the motion. Motion carried.

## **PUBLIC HEARING**

### **3. Townhouses in the TUC**

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

Senior Planner Neil Tabor gave the presentation for staff. He provided background on the proposed. He stated this item is on townhouse allowances in the TUC, which is a regional center designated with the Puget Sound Regional Council for future growth, capitalizing on transit infrastructure to reduce car dependency. This center designation under the Regional Growth Strategy makes this area eligible for additional funding that helps them transition into denser, transit-oriented development over time. It covers Pierce, Snohomish, King, and Kitsap Counties. Within these counties, centers can be designated where high capacity transit exists, encouraging the greater use of public transportation.

Part of the requirement for a center is that it plans for a minimum of 45 "activity units" per acre.

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

Staff are requesting that the PC forward a recommendation for the adoption of the proposed redlined language to the CC for their further review and adoption.

Staff addressed clarifying questions from the PC.

Commissioner Halverson stated that he would propose an amendment, stating he is against removing townhomes from the use in the TUC.

Commissioner Durant stated it was mentioned in the staff background report that regional growth strategy designation makes the area eligible for additional funding. She asked if townhomes are not stricken and allow zoning that wouldn't meet the 45 activity units whether the City of Tukwila would be ineligible for the funding or would it be less accessible to the city. She said the change makes sense to her. Mr. Tabor stated individual use allowances would be unlikely to eliminate funding eligibility, but regulations should be consistent with goals for the center.

Commissioner Halverson inquired whether there is any concept to build small townhouse-style residential.

Staff said they identified this as something that is inconsistent with the overall goals, which is why they are proposing it.

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

There was extensive discussion around this subject.

### **Recommendation**

Staff are requesting that the Planning Commission forward a recommendation for the adoption of the draft code amendments to the CC for their review.

### **Public Hearing**

Chair Probst opened the public hearing

Staff noted that there were no public hearing comments letters received.

There was no public testimony

Chair Probst closed the public hearing

### **Deliberations/Motion**

There was no deliberation.

Commissioner Halverson moved to amend staff's recommendation, to change townhomes to an accessory use in the Tukwila Urban Center instead of striking them. Commissioner Strander seconded the motion. There was a split decision.

Commissioner Halverson moved to forward the split recommendation to the CC for their review. Commissioner Strander seconded the motion. Motion carried.

Staff asked for clarification on how the PC would like to format the suggested amendment to change Townhouses to an accessory use. The PC deferred the decision to staff.

## **PUBLIC HEARING**

### **4. Residential Conversions**

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

Senior Planner Neil Tabor gave the presentation for staff. He provided background on the proposed amendment. He stated that in the 2023 legislative session, HB 1042 passed and broadened allowances for conversions of non-residential to residential spaces. Per the Municipal Research and Services Center (MRSC) he went over several of the key provisions of the requirements. He said the intent with this code amendment is to provide consistency with the state law. Also, to provide future allowances that the city can still maintain ground floor commercial space that is required in new use development and identified areas.

In the interest in preserving the ability to maintain ground floor commercial space staff propose to adopt a major pedestrian corridor along Tukwila International Boulevard (TIB).

Staff proposed adopting a new code section within the Tukwila Municipal Code (TMC). TMC 18.50.230 for Residential Conversion.

Staff addressed clarifying questions from the PC.

**Recommendation**

Staff are requesting that the Planning Commission forward a recommendation for the adoption of the draft code amendments to the CC for their review.

**Public Hearing**

Chair Probst opened the public hearing.

Staff noted that there were no public hearing comments letters received.

There was no public testimony.

Chair Probst closed the public hearing.

**Deliberations/Motion**

There was no deliberation.

Commissioner McLeland Wieser moved to adopt staff's recommendations to adopt the draft code amendments and forward them to the PC for their review. Commissioner Durant seconded the motion. Commissioner Halverson abstained. Motion carried.

**VIII. Director's Report**

Coming up: (may meet more than once a month some months)

- February - Additional Middle Housing (MH) presentation and discussion. Review of mapping and density standards. Intro to design and road standards.
- March - Public Hearing #1 on MH, focusing on general development regulations and consistency.
- April - Public Hearing #2 on MH focusing on objective design standards and road standards.
- Move the full package to the City Council, aiming for adoption by the end of June.
- Quick Quack Carwash has received design review approval. Now they are working on some other issues.

**IX. Adjournment**

Commissioner McLeland Wieser moved to adjourn. Commissioner. Durant seconded the motion.

Adjourned at: 7:59 p.m.

Submitted by: Wynetta Bivens  
PC Secretary





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

HEARING DATE: January 23, 2025

FILE NUMBERS: L25-0001  
E25-0002

APPLICANT: City of Tukwila

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

LOCATION: Policies apply throughout the City of Tukwila

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

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

STAFF: Neil Tabor, AICP, Senior Planner

### **BACKGROUND**

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

### **FINDINGS**

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

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

## **SUMMARY OF PROPOSED CHANGES**

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

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

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

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

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

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

## **REQUESTED ACTION**

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

## **ATTACHMENTS**

- A. TMC 17.16 Proposed Code Amendments (Redlined)



## INFORMATIONAL MEMORANDUM

TO: Planning and Community Development Committee

CC: Mayor Thomas McLeod

FROM: Nora Gierloff, AICP, DCD Director

BY: Neil Tabor, AICP, Senior Planner

DATE: March 4, 2025

SUBJECT: Amend regulations for STEP Housing to comply with state requirements

### **ISSUE**

The proposed code amendments would modify Tukwila's regulations for emergency shelters, transitional housing, emergency housing and permanent supportive housing to comply with state requirements.

### **BACKGROUND**

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

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

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

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

- Group Homes
- Oxford Homes/Recovery Residence
- Assisted Living Facility
- Adult Family Homes
- Senior Living
- Traditional Income-Restricted Housing

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

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

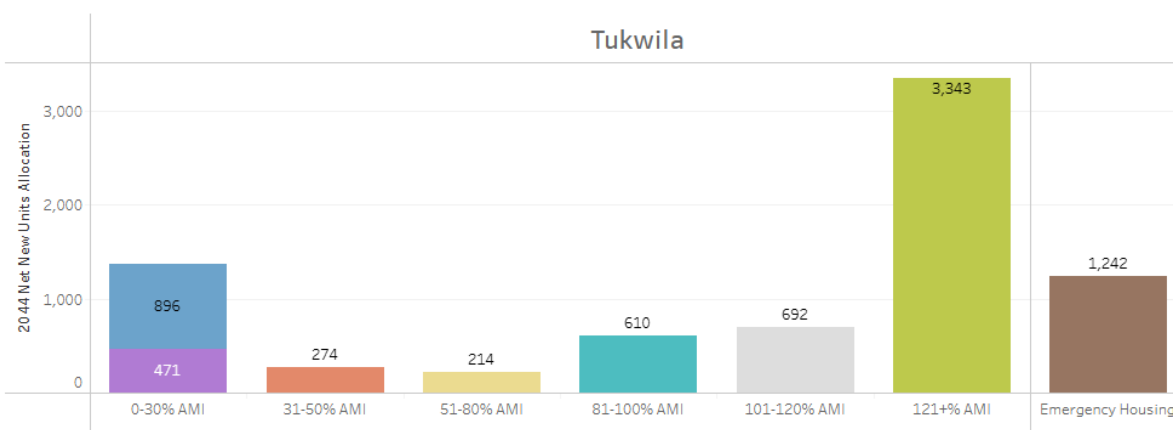


Figure 1: Tukwila Housing Targets

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

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

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

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

Table 1: Current STEP Buffering and Occupancy Restrictions in TMC

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

## **FINDINGS & DISCUSSION**

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

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

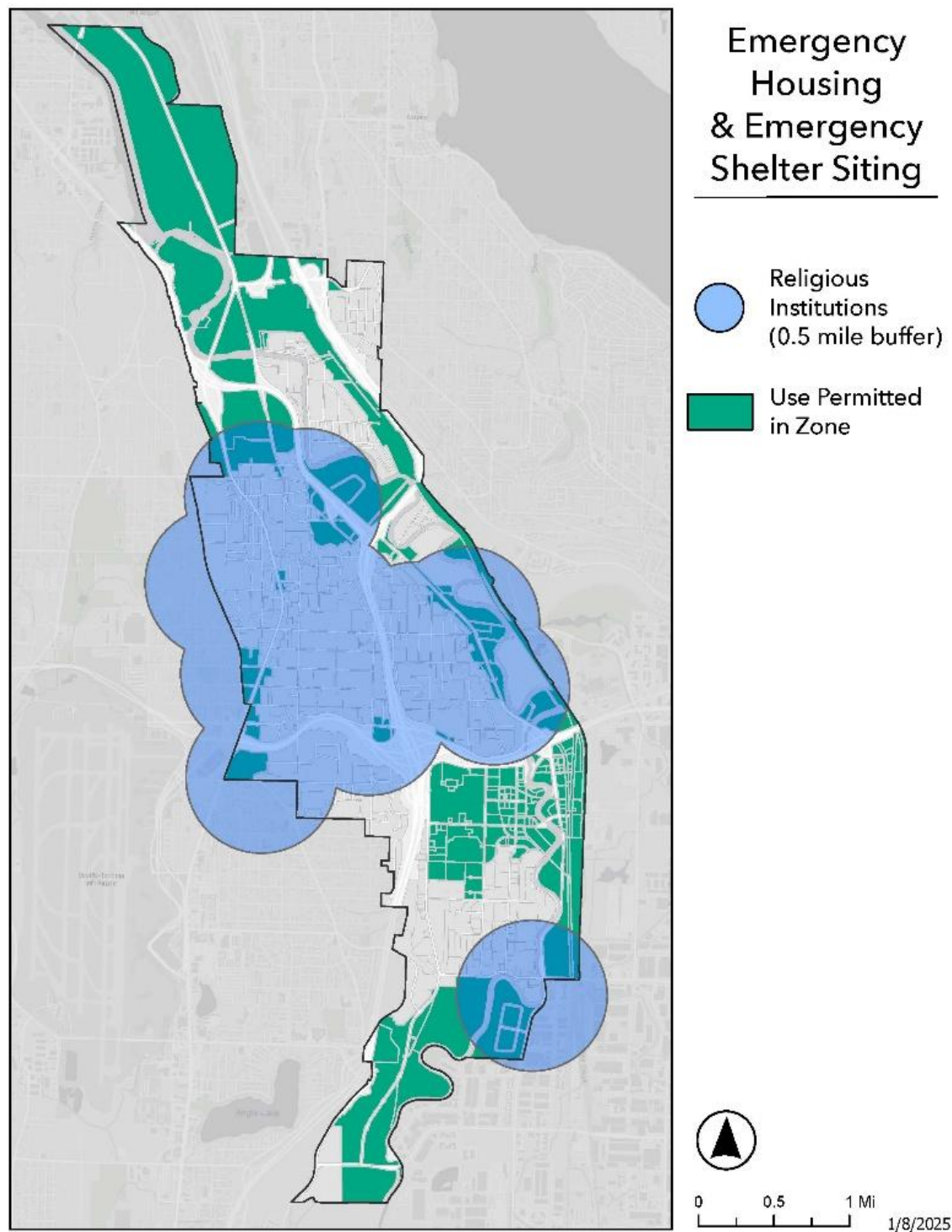
Table 2. Comprehensive Plan review comments regarding STEP Housing

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

	<p>Guide. See Chapter 6 for model ordinance language and Chapter 7 for demonstrating sufficient land capacity for emergency housing targets.</p> <ul style="list-style-type: none"> <li>• All limitations on supportive housing types such as emergency housing (EH), emergency shelters (ES), permanent supportive housing (PSH), and transitional housing (TH) must allow the siting of a sufficient number of units and beds necessary to meet project needs. Housing Element Book 2, see pages 41-48. Additionally, the zoning map must be consistent with and implement the land use map and land capacity findings. <i>RCW 36.70A.115(1), WAC 365-196-800.</i></li> </ul>
Puget Sound Regional Council (PSRC)	<ul style="list-style-type: none"> <li>• The city should show capacity for housing affordable to all income levels, including emergency housing capacity. Commerce's <a href="#">STEP guidance</a> provides further information.</li> </ul>
King County	<ul style="list-style-type: none"> <li>• Recommendation 2: To align with CPPs H-1 and H-11, Tukwila should show sufficient land capacity for its allocated emergency housing needs. Tukwila should follow Washington State Department of Commerce's guidance for completing an emergency housing land capacity analysis.</li> </ul>

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



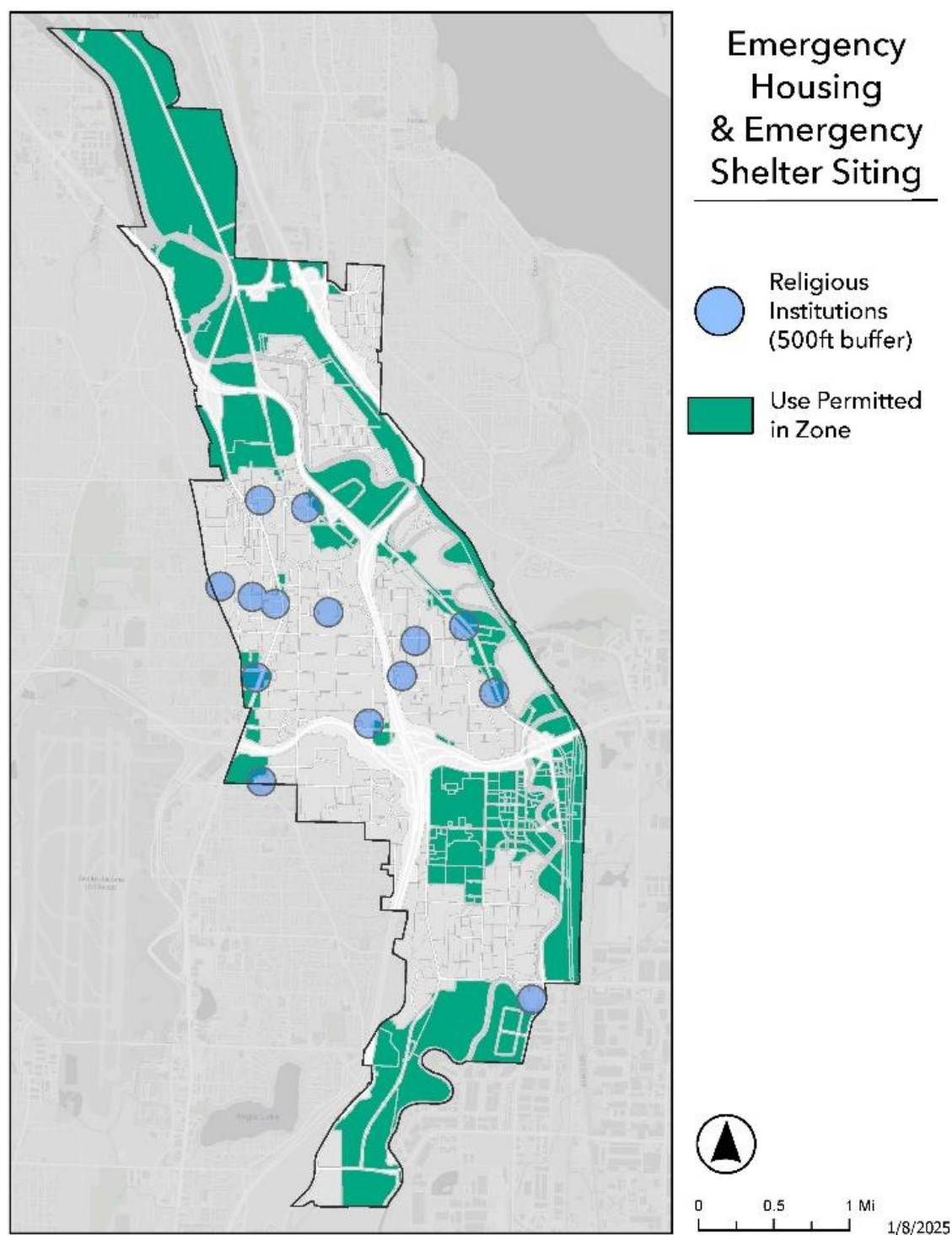


*Figure 2. STEP Housing, ½-Mile Buffer From Religious Facilities*

While not exact, it quickly becomes visually apparent that maintaining a half-mile buffer, or any buffer distance near this length, would not allow capacity for 1,242 emergency housing beds or the 471 permanent supportive housing beds when coupled with a low maximum occupancy per site of 45 or fewer.

For greater perspective on what buffer distances may be viable if buffering between STEP Housing types were maintained, staff also created a map with buffer distances of 500 feet at religious facilities (Figure 3).





*Figure 3. STEP Housing, 500-Foot Buffer from Religious Facilities*

To demonstrate the ability to meet emergency housing and permanent supportive housing capacity, staff selected vacant and underdeveloped parcels within zoning districts permitting these housing types, or on land owned or controlled by religious organizations. Reasonable capacity sizes, and the associated buffer distances based on occupancy were applied consistent with proposed standards. Figures 4 and 5 below

demonstrate adequate capacity for emergency housing and permanent supportive housing respectively.

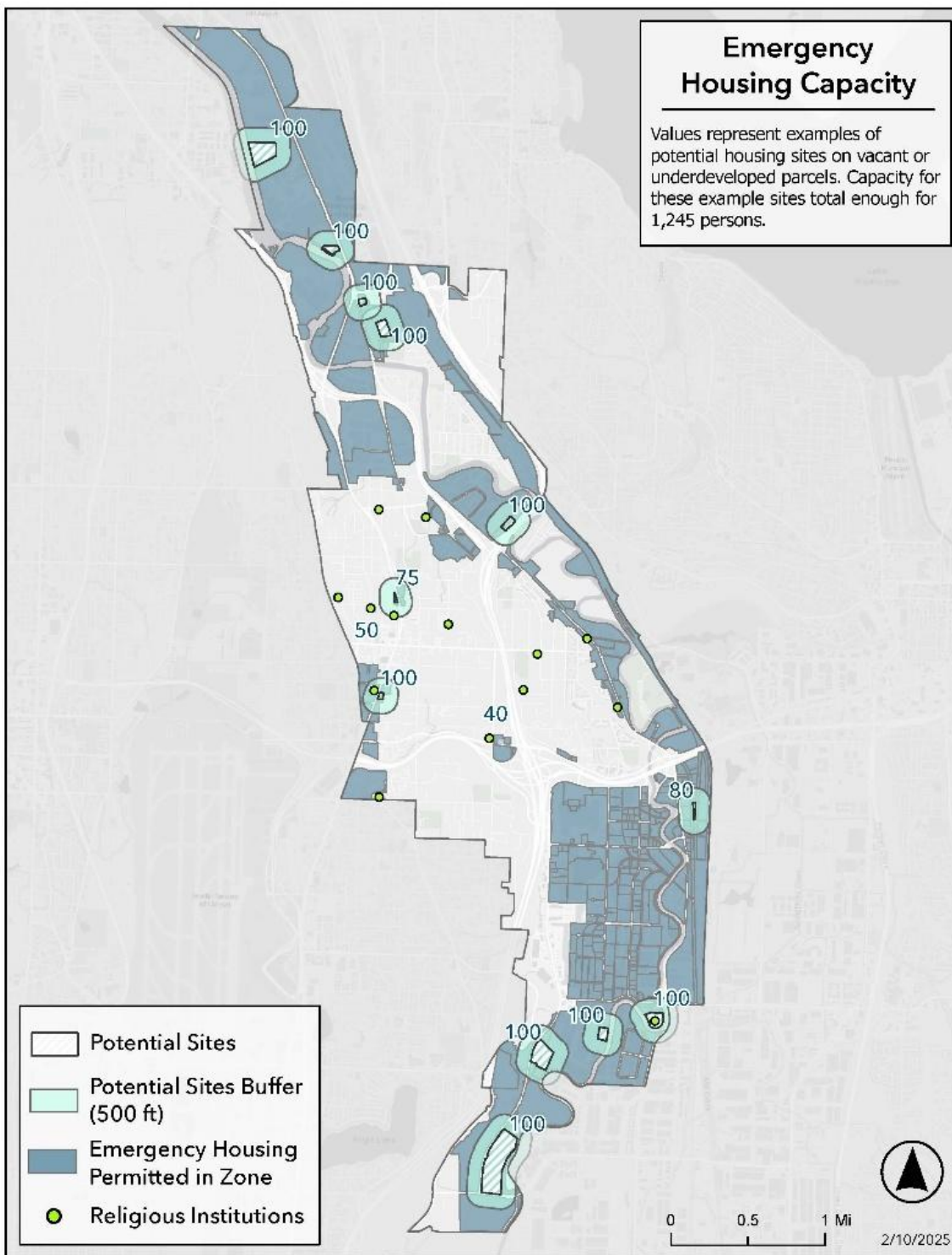


Figure 4. Emergency Housing Capacity Example Capacity

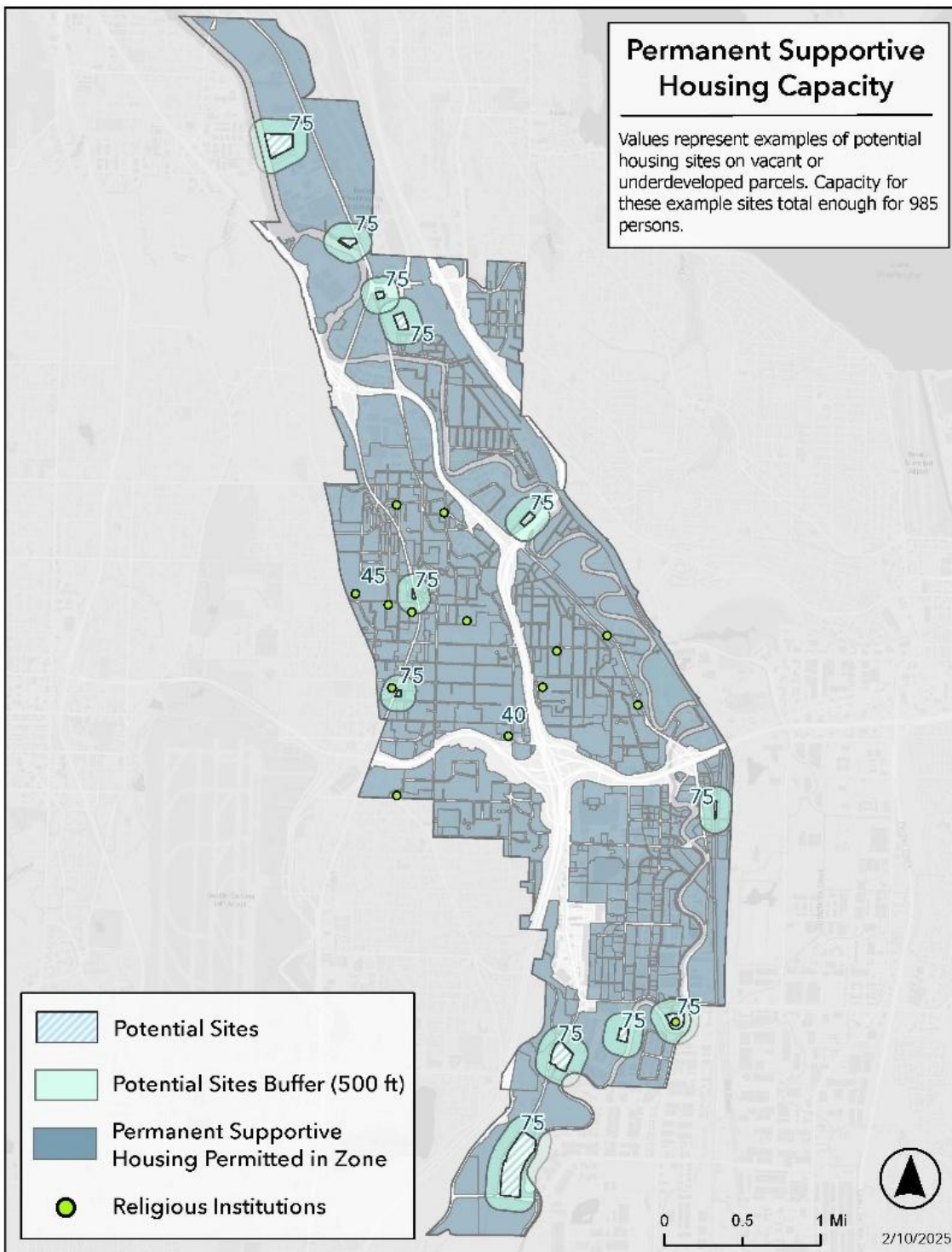


Figure 5. Permanent Supportive Housing Example Capacity

Beyond simply meeting the state law requirements for demonstrated capacity for STEP Housing, updating STEP Housing regulations creates opportunities for STEP Housing development to allow families and individuals that require support beyond what other housing types typically offer, either on a temporary or permanent basis. As further detailed in the Department of Commerce STEP Housing 101 Fact Sheet (attached), the general scarcity of housing in the region and state, and associated high costs of housing, further strains limited existing STEP Housing capacity. Building in state-



mandated flexibility for STEP Housing can help more broadly support overall community housing needs, reduce calls for service, and ultimately reduce homelessness.

## Benefits of STEP









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

Figure 6. Excerpt from STEP 101 Fact Sheet

## SUMMARY OF PROPOSED CHANGES

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

	STEP Housing Type	Buffer Distance between Uses	Maximum Occupants per Housing Facility
Existing Standards	Emergency Housing & Emergency Shelters	½ Mile (2,640 feet), unless functional travel distance is at least ½ mile.	45 residents
	Transitional Housing & Permanent Supportive Housing	½ Mile (2,640 feet), unless functional travel distance is at least ½ mile.	15 residents in LDR zoning, 30 residents in MDR zoning, and 45 residents in all other permitted zoning districts

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

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

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

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

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

Table 18-2 is proposed to be amended as follows:

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

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

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

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

### Staff Report Criteria

TMC 18.82.030 requires that staff reports for proposed amendments to development regulations address the five listed criteria in this section. As criteria pertain to both privately initiated code amendment applications and those proposed by staff, some criteria may not be as relevant for all code amendment proposals. Criteria and staff responses are listed below.

1. *An evaluation of the application materials;*

Staff Response: Not applicable.

2. *Impact upon the Tukwila Comprehensive Plan and Zoning Code;*

Staff Response: The proposed code amendment is consistent with the comprehensive plan and does not require an amendment to the comprehensive plan. The proposed amendment to the zoning code intends to bring the City into compliance with requirements for capacity of STEP housing.

3. *Impact upon surrounding properties, if applicable;*

Staff Response: Proposed code amendments seek to balance requirements for providing adequate STEP housing capacity with preventing significant clustering of STEP housing in one area of the City. RCW 35A.21.430 notes that spacing, occupancy and intensity requirements must be based on protecting public health and safety.

4. *Alternatives to the proposed amendment; and*

Staff Response: Different variations of buffer distances and capacities were considered in drafting proposed code amendments. As demonstrated in Figures 4 and 5, the 500-foot buffer distance for facilities of a certain occupancy size is a middle ground between the existing standards, which do not meet capacity requirements, and eliminating buffer distance and occupancy maximums entirely.

5. *Appropriate code citations and other relevant documents.*

Staff Response: Text of RCW 35A.21.430 and a Department of Commerce STEP 101 fact sheet are included as attachments for further background on state requirements and STEP housing.

Decision Criteria

TMC 18.82.020 “Decisions Criteria” provides criteria for the final City Council decision on proposed code amendments.

Decision criteria are as follows:

1. *Is the amendment consistent with the Comprehensive Plan?*
2. *Does the amendment meet at least one of the following criteria:*
  - a. *Eliminates conflicts between TMC and the Comprehensive Plan; or*
  - b. *Accomplishes policy directives of the Council or Administration; or*
  - c. *Corrects an error or errors in the TMC.*

**FINANCIAL IMPACT**

No direct costs to the City are expected from this code amendment.

**RECOMMENDATION**

The Council is being asked to approve the ordinance and consider this item at the March 24, 2025 Committee of the Whole and subsequent April 7, 2025 Regular meeting

**ATTACHMENTS**

- A. Ordinance
- B. Minutes from 1/23/2025 Planning Commission Public Hearing
- C. Staff Report from 1/23/2025 Planning Commission Public Hearing
- D. TMC 18.50 Proposed Code Amendments
- E. Table 18-2: Tukwila Urban Center Land Uses Allowed by District Proposed Code Amendments (Redlined)
- F. RCW 35A.21.430, Transitional housing, permanent supportive housing, indoor emergency housing, and indoor emergency shelters
- G. Department of Commerce STEP 101 Fact Sheet

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, AMENDING ORDINANCE NO. 2741 §3 (PART), AS CODIFIED AT TUKWILA MUNICIPAL CODE (TMC) SECTIONS 18.50.250 AND 18.50.260; AMENDING ORDINANCE NO. 2500 §13, AS CODIFIED AT TABLE 18-2; TO UPDATE STEP HOUSING DEVELOPMENT REGULATIONS IN COMPLIANCE WITH STATE LAW; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, regulations which can be applied to emergency shelters, transitional housing, emergency housing and permanent supportive housing (STEP Housing) are dictated in RCW 35.21.683; and

**WHEREAS**, RCW 35.21.683 permits reasonable occupancy, spacing, and intensity of use requirements to be applied to STEP Housing to protect public health and safety; and

**WHEREAS**, occupancy, spacing and intensity of use requirements may not prevent the siting of a sufficient amount of STEP Housing; and

**WHEREAS**, requirements for the City to plan for capacity for 471 persons requiring permanent supportive housing and 1,242 persons requiring emergency housing are established in the King County Countywide Planning Policies; and

**WHEREAS**, there is a public benefit for the City to avoid clustering of larger STEP Housing concentrations around a few areas of the City; and

**WHEREAS**, current buffer distance requirements and maximum occupancy for STEP Housing types limits the City's capacity far below capacity totals required in the King County Countywide Planning Policies; and

**WHEREAS**, STEP Housing uses are not currently listed as allowed in several zoning districts within the Tukwila Urban Centers, as required by RCW 35.21.683; and

**WHEREAS**, on January 23, 2025, the Tukwila Planning Commission, following adequate public notice, held a public hearing to receive testimony concerning amending the



Tukwila Municipal Code (TMC), and at that meeting adopted a motion recommending the proposed changes; and

**WHEREAS**, on January 24, 2025, the City's State Environmental Policy Act (SEPA) Responsible Official issued a Determination of Non-Significance on the proposed amendments;

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

**Section 1. Adoption of Findings of Fact.** The City Council finds as follows:

A. The above recitals, set forth as "WHEREAS" clauses, are hereby adopted as Findings of Fact in support of the adoption of this ordinance.

B. The amendments that are established below comply with the requirements of the Washington State Growth Management Act and the Tukwila Municipal Code.

**Section 2.** Ordinance No. 2741 §3 (part), as codified at TMC Section 18.50.250, "Emergency Housing and Emergency Shelter Criteria," is hereby amended to read as follows:

**18.50.250 Emergency Housing and Emergency Shelter Criteria**

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

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

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

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

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

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

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

**Section 3.** Ordinance No. 2741 §3 (part), as codified at TMC Section 18.50.260, “Permanent Supportive Housing and Transitional Housing Criteria,” is hereby amended to read as follows:

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

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

1. On-site services such as laundry, hygiene, meals, case management, and social programs are limited to the residents of the facility and not available for drop-in use by non-residents.
2. The facility must be located within a half mile walking distance of a bus or rail transit stop.
3. Facilities with a capacity of 50 persons or greater must be at least a half mile 500 feet from any other permanent supportive housing or transitional housing, calculated as a radius from the property lines of the site. This distance may be reduced upon the applicant submitting documentation that there is a barrier such as a river or freeway preventing access between the facilities, and the path of travel between them on public roads or trails is at least half a mile 500 feet.
4. The maximum number of residents in a facility is limited to the general capacity of the building but in no case more than 15-45 in LDR and, 30 in MDR, and 45-75 in HDR or other zones.
5. ~~Buildings~~ Facilities must have secure entrances, or a secure site, staffed 24/7, ~~with individual units only accessible through interior corridors.~~

**Section 4.** Ordinance No. 2500 §13, as codified at Table 18-2, “Tukwila Urban Center Land Uses Allowed By District,” is hereby amended to read as referenced in Exhibit A.

**Section 5. Corrections by City Clerk or Code Reviser Authorized.** Upon approval of the City Attorney, the City Clerk and the code reviser are authorized to make necessary corrections to this ordinance, including the correction of clerical errors; references to other local, state or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering.

**Section 6. Severability.** If any section, subsection, paragraph, sentence, clause or phrase of this ordinance or its application to any person or situation should be held to be invalid or unconstitutional for any reason by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this ordinance or its application to any other person or situation.

**Section 7. Effective Date.** This ordinance or a summary thereof shall be published in the official newspaper of the City, and shall take effect and be in full force five days after passage and publication as provided by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, at a Regular Meeting thereof this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

ATTEST/AUTHENTICATED:

\_\_\_\_\_  
Andy Youn-Barnett, CMC, City Clerk

\_\_\_\_\_  
Thomas McLeod, Mayor

APPROVED AS TO FORM BY:

Filed with the City Clerk: \_\_\_\_\_

Passed by the City Council: \_\_\_\_\_

Published: \_\_\_\_\_

Effective Date: \_\_\_\_\_

Ordinance Number: \_\_\_\_\_

\_\_\_\_\_  
Office of the City Attorney

Exhibit A: Table 18-2, "Tukwila Urban Center Land Uses Allowed by District"

DRAFT

# Table 18-2: Tukwila Urban Center Land Uses Allowed By District\*\*

Business license	P = Permitted, A = Accessory, C = Conditional, UUP = Unclassified Use Permit For parking requirements see Table 18-5 or Figure 18-7	Regional Center	TOD	Pond District	Commercial Corridor	Work-Place
	<b>Retail<sup>†</sup></b>					
60	Animal Kennels and Shelters, including doggy daycare				C	C
810A	Athletic or Health Clubs	P	P	P	P	P
90	Automotive Service and Repair	P <sup>2</sup>				P
400	Banks, Financial, Insurance, and Real Estate Services	P	P	P		
1030	Bar & Nightclubs	P	P <sup>3</sup>	P	P	
Ref. above <sup>†</sup>	Brew Pubs, On-Site Brewing, Cocktail Lounges, & Pool Halls	P	P	P	P	
	Bulk Retail	P			P	P
	Business Services (e.g. copying, fax and mailing centers)	P	P	P		P
Ref. above <sup>†</sup>	Drive Through Facilities or Services	P	P <sup>3</sup>		P	P
360A	Electric Vehicle Charging Station L1&2		P	P	P	P
360B	Electric Vehicle Charging State L3	A	P <sup>3</sup>	A	A	A
90	Gas Stations, including Car Wash		P <sup>3</sup>		P	P
	General Retail	P	P	P	P	P
Ref. above <sup>†</sup>	Laundries, Tailors, and Dry Cleaners	P	P	P	P	P
Ref. above <sup>†</sup>	Personal Services (e.g. beauty & barber shops, nail salons, spa, travel agencies)	P	P	P	P	
Ref. above <sup>†</sup>	Recreation Facilities (commercial indoor)	P	P	P		P
810C	Recreation Facilities (commercial outdoor)					P
Ref. above <sup>†</sup>	Repair Shops (small scale goods: bicycle, appliance, shoe, computer)	P	P	P		P
Ref. above <sup>†</sup>	Restaurants with associated cocktail lounges and sidewalk cafes	P	P	P	P	P <sup>6</sup>
Ref. above <sup>†</sup>	Theaters except adult entertainment	P		P	P	
840	Vehicle Rental and Sales (not requiring a commercial DL)	P	P <sup>3</sup>	P <sup>5</sup>		P
70	Veterinary Clinic with temporary indoor boarding and grooming	P	P	P	P	P
	<b>Office</b>					
	Professional, Outpatient Medical, Dental, Governmental Services, and Research	P	P	P	P	P
630	Medical and Dental Laboratories	P	P	P		P
	<b>Lodging</b>					
Ref. above <sup>†</sup>	Hotel, Motel, Extended Stay, Bed and Breakfasts	P	P	P		
	<b>Civic &amp; Institutional</b>					
290	Convention & Exhibition Facilities, including multipurpose arena facilities					
Ref. above <sup>†</sup>	Cultural Facilities, including: libraries, museums, art galleries, performing arts centers	P	P <sup>3</sup>	P		
Ref. above <sup>†</sup>	Daycare Centers	P	P	P	P	P
Ref. above <sup>†</sup>	Education and Instructional Facilities, public and private including college and universities	P	P	P		
Ref. above <sup>†</sup>	Parks, Trails, Picnic Areas, Playgrounds, and Public Community Centers	P	P	P	P	P
410	Police and Fire Stations	C	C	C	P	P

Adopted 2016 - Ordinance No. 2500

Business license	P = Permitted, A = Accessory, C = Conditional, UUP = Unclassified Use Permit For parking requirements see Table 18-5 or Figure 18-7	Regional Center	TOD	Pond District	Commercial Corridor	Work-Place
	Post Office	P	P	P		
820B	Religious Institutions, greater than 750 sf assembly area	C	C	C	C	C
820A	Religious Institutions, less than 750 sf assembly area	P	P	P	P	P
190	<b>Industrial, Manufacturing, &amp; Warehouse</b> Cargo Containers subject to TMC 18.50.060					A
550	Industrial Commercial Services (e.g. etching, film processing, lithography, printing & publishing)					P
Ref. above <sup>†</sup>	Light Industrial: Manufacturing, Processing and Assembling uses that have little potential for creating off-site noise, smoke, dust, vibration or other external impacts or pollution. Manufacturing and processing of food and beverages including fermenting and distilling; with or without a tasting room, provided the tasting room occupies less than 50% of the total area of the building occupied by the tenant but no more than 3500 square feet; and the manufacturing process does not cause off-site impacts to neighboring properties or create a public nuisance.					P
990A/B	Outdoor storage of materials to be manufactured or handled as part of a permitted use within the Zone, screened pursuant TMC 18.52					A
960	Self-Storage Facilities					P
1110	Warehouse Storage and Wholesale Distribution Facilities					P
	<b>Transportation, Communication, &amp; Infrastructure</b>					
240	Commercial Parking, day use only	P	P	P	P	P
370	Essential Public Facilities, except those listed separately	UUP	UUP	UUP	UUP	UUP
	Intermodal Transit Stations, Rail transit facilities	UUP	UUP	UUP	UUP	UUP
Ref. above <sup>†</sup>	Internet Data Centers & Telephone Exchanges					P
7100	Park and Ride Lots	UUP	UUP	UUP		UUP
720	Parking Areas	A	A	A	A	A
	Public Transit Facilities and Stations (Bus)	P	P	P	P	P
780	Radio, Television, Microwave, or Observation Stations and Towers	C	C	C	C	C
Ref. above <sup>†</sup>	Utility Facilities, above ground/ not in ROW	C	C	C	C	P
Ref. above <sup>†</sup>	Utility Facilities, underground/in ROW	P	P	P	P	P
1140	Wireless Communication Facilities	p <sup>7</sup>	p <sup>7</sup>	p <sup>7</sup>	p <sup>7</sup>	p <sup>7</sup>
	<b>Residential</b>					
320	Dormitories		A	A		
Ref. above <sup>†</sup>	Dwelling: Multi-family, Townhouses, Mixed Use, Senior Citizen Housing	P	P	P		P <sup>4</sup>
510	Home Occupation	A	A	A		P <sup>4</sup>
270	Continuing Care Retirement Community		P	P		
	<u>Emergency Housing</u>	p <sup>8</sup>	p <sup>8</sup>	p <sup>8</sup>		
	<u>Emergency Shelter</u>	p <sup>8</sup>	p <sup>8</sup>	p <sup>8</sup>		
	<u>Permanent Supportive Housing</u>	p <sup>9</sup>	p <sup>9</sup>	p <sup>9</sup>		p <sup>4,9</sup>
	<u>Transitional Housing</u>	p <sup>9</sup>	p <sup>9</sup>	p <sup>9</sup>		p <sup>4,9</sup>

<sup>†</sup> Reference the above general zoning code use matrix for specific business license code.

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

1. Minimum interior height for ground level retail of all types is 18 feet from floor to floor plate. Use conversions in existing buildings are not required to meet this standard.
2. New businesses are limited to locations within the Freeway Frontage Corridor. See additional design standards in the Southcenter Design Manual.
3. East of the Green River only.
4. Only on properties fronting the Green River or Minkler Pond.
5. Excludes vehicle storage or maintenance.
6. 3,500 sf max per use.
7. [Subject to TMC 18.58.](#)
8. [Subject to the criteria and conditions at TMC 18.50.250 and TMC 18.50.270.](#)
9. [Subject to the criteria and conditions at TMC 18.50.260 and TMC 18.50.270.](#)
- 7.

DRAFT



# City of Tukwila

Thomas McLeod, Mayor

Department of Community Development – Nora Gierloff, AICP, Director

## CITY OF TUKWILA PLANNING COMMISSION (PC) MINUTES

Date: January 23, 2025  
Time: 6:30 p.m.  
Location: Hybrid Meeting - via Microsoft Teams / Public, In-Person Attendance,  
Council Chambers, 6200 Southcenter Blvd., Tukwila, WA 98188

### I. Call to Order

Chair Probst called the Tukwila PC meeting to order at 6:35 p.m.

### II. Roll Call

The PC Secretary took roll call.

Present: Chair Martin Probst; Vice Chair Ann Durant; Commissioners Louise Strander, Alex Kaehler, Richard McLeland Wieser, and Jacob Halverson

Excused Absence: Commissioner Jane Ho

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

### III. Amendment of the Agenda

No changes to the agenda were requested.

### IV. Approval of Minutes

Commissioner Halverson moved to adopt the 12/12/24 Minutes. Commissioner Durant seconded the motion. Commissioner Kaehler recused himself due to absence. Motion carried.

### V. Written General Public Comments

No submittals.

### VI. Old Business

None

## VII. New Business

### PUBLIC HEARING

#### 1. Shelter, Transitional, Emergency, Permanent (STEP) Housing Changes

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

Senior Planner Neil Tabor gave the presentation for staff. He provided background on STEP Housing and the purpose of the public hearing. He said that legislature narrowed restrictions for the STEP Housing types, which resulted in the allocation of certain housing targets. The City of Tukwila previously adopted code amendments to recognize the STEP Housing types. In 2021, the State legislature passed HB 1220 which sets requirements for STEP Housing. The following housing types are not included:

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

Staff noted that the State, Puget Sound Regional Council, and Countywide King County each commented that the city's current development regulations do not meet requirements. Staff went over the proposed standards and walked through the STEP housing requirements in which the City of Tukwila is not in compliance.

To meet state law requirements and provide capacity to site the city's allotted amount of STEP Housing, while maintaining reasonable occupancy and spacing requirements, staff propose to amend TMC 18.50.250, 18.50.260 and Table 18-2 *Tukwila Urban Center (TUC) Land Uses Allowed by District*

Staff addressed clarifying questions from the PC.

#### Recommendation

Staff are requesting that the Planning Commission forward a recommendation for adoption of the draft code amendments to the City Council (CC) for their review.

#### Public Hearing

Chair Probst opened the public hearing.

Staff noted that there were no public hearing comments letters received.

There was no public testimony.

Chair Probst closed the public hearing.



**Deliberations/Motion**

There was no deliberation.

Commissioner Halverson moved to adopt the staff's recommendation and forward them to the CC for their review. Commissioner Durant seconded the motion. Motion carried.

**PUBLIC HEARING**

**2. Phased Binding Site Improvement Plans (BSIP)**

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

Senior Planner Neil Tabor gave the presentation for staff. He provided background on the proposed. BSIPs are plans used to provide flexibility for sale of property within a larger development. These developments often rely on shared features within the larger site, such as: Parking; access points; landscaping; utilities; refuse collection areas; etc. Phased BSIPs improvement plans and proposals to develop in phases are required to enter into a development agreement in addition to completing the BSIP.

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

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

Staff addressed clarifying questions from the PC.

**Recommendation**

Staff are requesting that the Planning Commission forward a recommendation for the adoption of the draft code amendments to the CC for their review.

**Public Hearing**

A public hearing comment letter was received from Sam Pace, Housing Specialist. Seattle King County REALTORS, on January 22, 2025, which was distributed to the PC on January 22, 2025.

Chair Probst opened the public hearing.

There was no public testimony.

Chair Probst closed the public hearing.

**Deliberations/Motion**

There was no deliberation.

Commissioner Durant moved to adopt the staff's recommendations and forward it to the CC for their review. Commissioner McLeland Wieser seconded the motion. Motion carried.

## **PUBLIC HEARING**

### **3. Townhouses in the TUC**

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

Senior Planner Neil Tabor gave the presentation for staff. He provided background on the proposed. He stated this item is on townhouse allowances in the TUC, which is a regional center designated with the Puget Sound Regional Council for future growth, capitalizing on transit infrastructure to reduce car dependency. This center designation under the Regional Growth Strategy makes this area eligible for additional funding that helps them transition into denser, transit-oriented development over time. It covers Pierce, Snohomish, King, and Kitsap Counties. Within these counties, centers can be designated where high capacity transit exists, encouraging the greater use of public transportation.

Part of the requirement for a center is that it plans for a minimum of 45 "activity units" per acre.

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

Staff are requesting that the PC forward a recommendation for the adoption of the proposed redlined language to the CC for their further review and adoption.

Staff addressed clarifying questions from the PC.

Commissioner Halverson stated that he would propose an amendment, stating he is against removing townhomes from the use in the TUC.

Commissioner Durant stated it was mentioned in the staff background report that regional growth strategy designation makes the area eligible for additional funding. She asked if townhomes are not stricken and allow zoning that wouldn't meet the 45 activity units whether the City of Tukwila would be ineligible for the funding or would it be less accessible to the city. She said the change makes sense to her. Mr. Tabor stated individual use allowances would be unlikely to eliminate funding eligibility, but regulations should be consistent with goals for the center.

Commissioner Halverson inquired whether there is any concept to build small townhouse-style residential.

Staff said they identified this as something that is inconsistent with the overall goals, which is why they are proposing it.

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

There was extensive discussion around this subject.

### **Recommendation**

Staff are requesting that the Planning Commission forward a recommendation for the adoption of the draft code amendments to the CC for their review.

### **Public Hearing**

Chair Probst opened the public hearing

Staff noted that there were no public hearing comments letters received.

There was no public testimony

Chair Probst closed the public hearing

### **Deliberations/Motion**

There was no deliberation.

Commissioner Halverson moved to amend staff's recommendation, to change townhomes to an accessory use in the Tukwila Urban Center instead of striking them. Commissioner Strander seconded the motion. There was a split decision.

Commissioner Halverson moved to forward the split recommendation to the CC for their review. Commissioner Strander seconded the motion. Motion carried.

Staff asked for clarification on how the PC would like to format the suggested amendment to change Townhouses to an accessory use. The PC deferred the decision to staff.

## **PUBLIC HEARING**

### **4. Residential Conversions**

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

Senior Planner Neil Tabor gave the presentation for staff. He provided background on the proposed amendment. He stated that in the 2023 legislative session, HB 1042 passed and broadened allowances for conversions of non-residential to residential spaces. Per the Municipal Research and Services Center (MRSC) he went over several of the key provisions of the requirements. He said the intent with this code amendment is to provide consistency with the state law. Also, to provide future allowances that the city can still maintain ground floor commercial space that is required in new use development and identified areas.

In the interest in preserving the ability to maintain ground floor commercial space staff propose to adopt a major pedestrian corridor along Tukwila International Boulevard (TIB).

Staff proposed adopting a new code section within the Tukwila Municipal Code (TMC). TMC 18.50.230 for Residential Conversion.

Staff addressed clarifying questions from the PC.

**Recommendation**

Staff are requesting that the Planning Commission forward a recommendation for the adoption of the draft code amendments to the CC for their review.

**Public Hearing**

Chair Probst opened the public hearing.

Staff noted that there were no public hearing comments letters received.

There was no public testimony.

Chair Probst closed the public hearing.

**Deliberations/Motion**

There was no deliberation.

Commissioner McLeland Wieser moved to adopt staff's recommendations to adopt the draft code amendments and forward them to the PC for their review. Commissioner Durant seconded the motion. Commissioner Halverson abstained. Motion carried.

**VIII. Director's Report**

Coming up: (may meet more than once a month some months)

- February - Additional Middle Housing (MH) presentation and discussion. Review of mapping and density standards. Intro to design and road standards.
- March - Public Hearing #1 on MH, focusing on general development regulations and consistency.
- April - Public Hearing #2 on MH focusing on objective design standards and road standards.
- Move the full package to the City Council, aiming for adoption by the end of June.
- Quick Quack Carwash has received design review approval. Now they are working on some other issues.

**IX. Adjournment**

Commissioner McLeland Wieser moved to adjourn. Commissioner. Durant seconded the motion.

Adjourned at: 7:59 p.m.

Submitted by: Wynetta Bivens  
PC Secretary



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

HEARING DATE: January 23, 2025

FILE NUMBERS: L24-0026  
E25-0001

APPLICANT: City of Tukwila

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

LOCATION: Policies apply throughout the City of Tukwila

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

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

STAFF: Neil Tabor, AICP, Senior Planner

### **BACKGROUND**

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

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

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

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

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

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

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

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

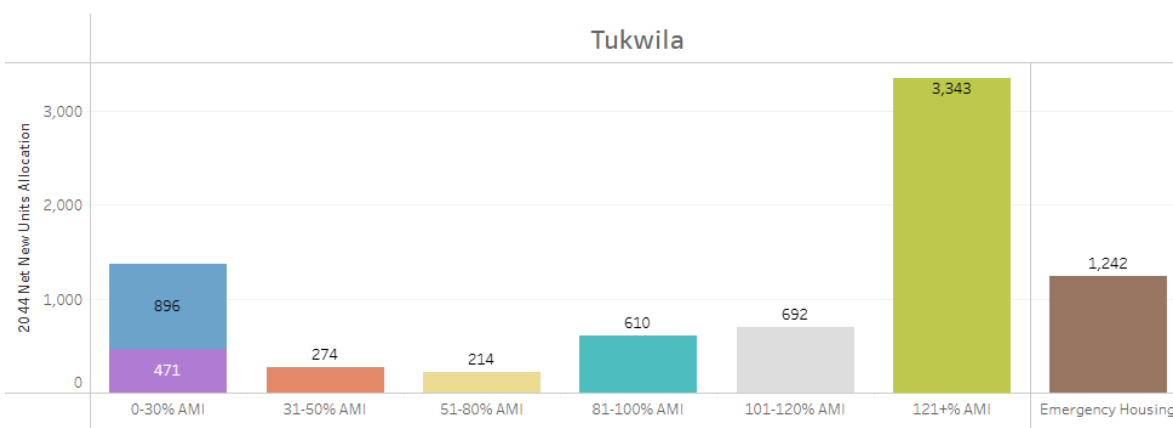


Figure 1: Tukwila Housing Targets

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

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

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

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

Table 1: Current STEP Buffering and Occupancy Restrictions

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

## **FINDINGS & DISCUSSION**

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

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

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

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



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

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

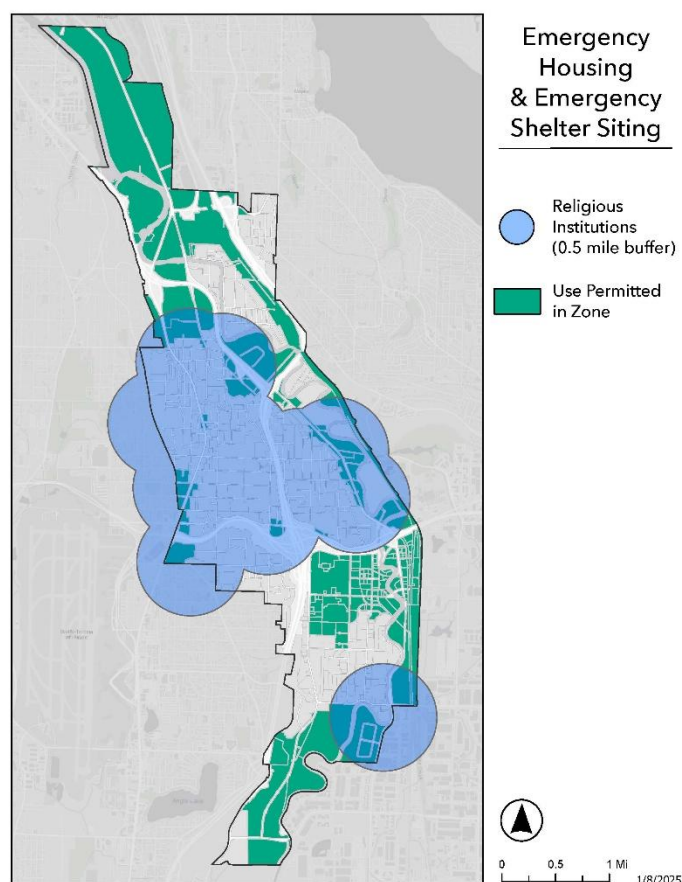


Figure 2. STEP Housing, 1/2 Mile Buffer From Religious Facilities

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

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

Figure 3. City of Burien STEP spacing requirements

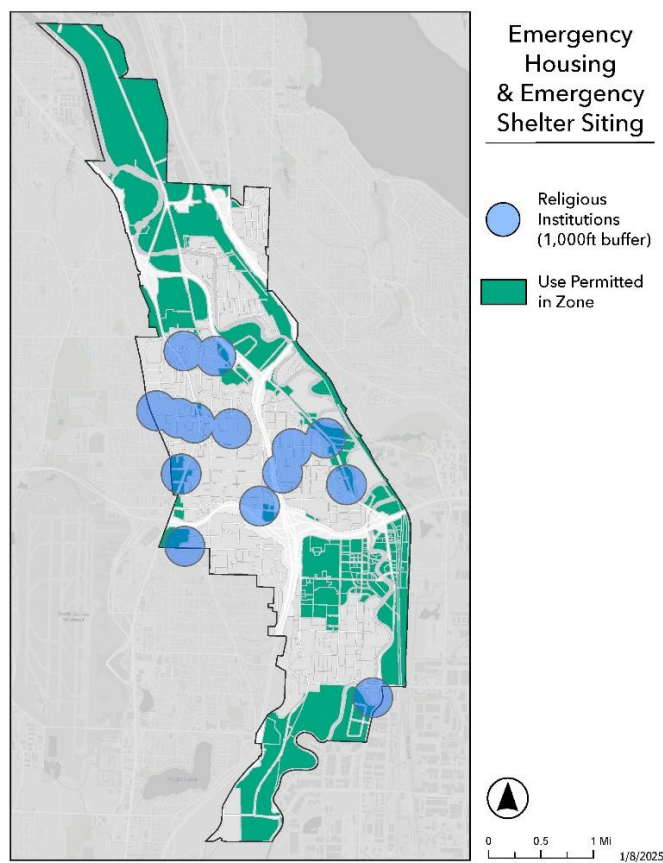


Figure 4. STEP Housing, 1,000 Foot Buffer From Religious Facilities

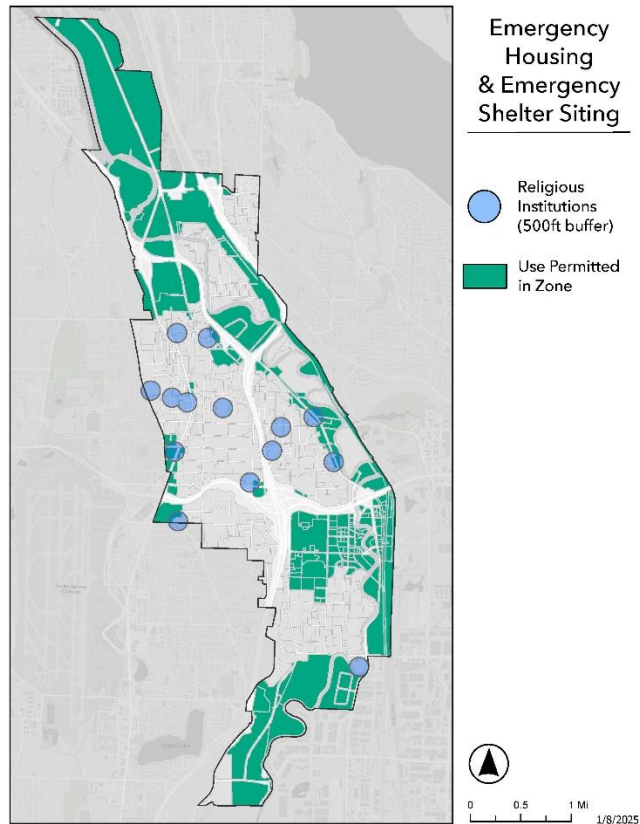


Figure 5. STEP Housing, 500 Foot Buffer From Religious Facilities

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

## Benefits of STEP









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

Figure 6. Excerpt from STEP 101 Fact Sheet

## SUMMARY OF PROPOSED CHANGES

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

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

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

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

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

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

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

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

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

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

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

**REQUESTED ACTION**

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

**ATTACHMENTS**

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



## CHAPTER 18.50 SUPPLEMENTAL DEVELOPMENT STANDARDS

### Sections:

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

### Requirements

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

### **18.50.010 Purpose**

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

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

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

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

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



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

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

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

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

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

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

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

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

2. The criteria for approval of a house with a front door that faces the side or rear yard are as follows:

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

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

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

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

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

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

C. Criteria for approval are as follows:

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

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

### 18.50.070 Yard Regulations

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

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

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

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

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

1. At least one front yard shall be provided having the full depth required generally in the district;

2. The second front yard shall be the minimum set forth in the district;

3. In the case of through lots and corner lots, there will be no rear yards but only front and side yards;

4. In the case of through lots, side yards shall extend from the rear lines of front yards required. In the case of corner lots, yards remaining after full and half depth front yards have been established shall be considered side yards. (See Figure 18-4.)

### 18.50.080 Exemption of Rooftop Appurtenances

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

### 18.50.083 Maximum Building Length

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

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

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

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

#### **18.50.085 Maximum Percent Development Area Coverage**

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

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

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

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

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

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

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

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

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

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

A. The following provisions shall apply in all zones:

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

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

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

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

5. The Director is authorized to:

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

b. make determinations to implement these provisions; and

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

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

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

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

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

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

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

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

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

#### **18.50.170 Lighting Standards**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**2. Violations.**

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

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

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

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

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



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

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

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

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

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

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

B. **General Standards.**

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

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

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

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

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

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

C. **Parking.**

1. See Figure 18-7 for parking requirements.

2. Tandem spaces are permitted.

#### **18.50.240 Home Occupations**

A. Home occupations shall meet the following standards:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. The facility must be located within a half mile walking distance of a bus or rail transit stop.
3. Facilities with a capacity of 50 persons or greater must be at least a half mile~~500 feet~~ from any other permanent supportive housing or transitional housing, calculated as a radius from the property lines of the site. This distance may be reduced upon the applicant submitting documentation that there is a barrier such as a river or freeway preventing access between the facilities, and the path of travel between them on public roads or trails is at least half a mile~~500 feet~~.
4. The maximum number of residents in a facility is limited to the general capacity of the building but in no case more than ~~41~~5 in LDR and, 30 in MDR, and ~~45-75~~ in HDR or other zones.
5. ~~Buildings-Facilities~~ must have secure entrances, or a secure site, staffed 24/7, ~~with individual units only accessible through interior corridors~~.

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

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

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

<b>P = Permitted, A = Accessory, C = Conditional, UUP = Unclassified Use Permit</b> <b>Retail 1</b> <i>For parking requirements see Table 18-5 or Figure 18-7</i>							
Business License		Regional Center	TOD	Pond District	Commercial Center	Work-Place	
60	Animal Kennels and Shelters, including doggy daycare				C	C	
810A	Athletic or Health Clubs	P	P	P	P	P	
90	Automotive Service and Repair	P2				P	
400	Banks, Financial, Insurance, and Real Estate Services	P	P	P			
1030	Bar & Nightclubs	P	P 3	P	P		
Ref. above†	Brew Pubs, On-Site Brewing, Cocktail Lounges, & Pool Halls	P	P	P	P		
	Bulk Retail	P			P	P	
	Business Services (e.g. copying, fax and mailing centers)	P	P	P		P	
Ref. above†	Drive Through Facilities or Services	P	P 3		P	P	
360A	Electric Vehicle Charging Station L1&2	P	P	P	P	P	
360B	Electric Vehicle Charging State L3	A	P 3	A	A	A	
90	Gas Stations, including Car Wash		P 3		P	P	
	General Retail	P	P	P	P	P	
Ref. above†	Laundries, Tailors, and Dry Cleaners	P	P	P	P	P	
Ref. above†	Personal Services (e.g. beauty & barber shops, nail salons, spa, travel agencies)	P	P	P	P		
Ref. above†	Recreation Facilities (commercial indoor)	P	P	P		P	
810C	Recreation Facilities (commercial outdoor)					P	
Ref. above†	Repair Shops (small scale goods: bicycle, appliance, shoe, computer)	P	P	P		P	
Ref. above†	Restaurants with associated cocktail lounges and sidewalk cafes	P	P	P	P	P6	
Ref. above†	Theaters except adult entertainment	P		P	P		
840	Vehicle Rental and Sales (not requiring a commercial DL)	P	P 3	P5		P	

70	Veterinary Clinic with temporary indoor boarding and grooming	P	P	P	P	P
<b>Office</b>						
	Professional, Outpatient Medical, Dental, Governmental Services, and Research	P	P	P	P	P
630	Medical and Dental Laboratories	P	P	P		P
<b>Lodging</b>						
Ref. above*	Hotel, Motel, Extended Stay, Bed and Breakfasts	P	P	P		
<b>Civic &amp; Institutional</b>						
290	Convention & Exhibition Facilities, including multipurpose arena facilities	P	P 3	P		
Ref. above†	Cultural Facilities, including: libraries, museums, art galleries, performing arts centers	P	P	P		
Ref. above†	Daycare Centers	P	P	P	P	P
Ref. above†	Education and Instructional Facilities, public and private including college and universities	P	P	P		
Ref. above†	Parks, Trails, Picnic Areas, Playgrounds, and Public Community Centers	P	P	P	P	P
410	Police and Fire Stations	C	C	C	P	P
<b>P = Permitted, A = Accessory, C = Conditional, UUP = Unclassified Use Permit</b> <b>For parking requirements see Table 18-5 or Figure 18-7</b>						
<b>Business license</b>		<b>Regional Center</b>	<b>TOD</b>	<b>Pond District</b>	<b>Commercial Center</b>	<b>Work-Place</b>
	Post Office	P	P	P		
820B	Religious Institutions, greater than 750 sf assembly area	C	C	C	C	C
820A	Religious Institutions, less than 750 sf assembly area	P	P	P	P	P
<b>Industrial, Manufacturing &amp; Warehouse</b>						
190	Cargo Containers subject to TMC 18.50.060					A
550	Industrial Commercial Services (e.g. etching, film processing, lithography, printing & publishing)					P

	Light Industrial: Manufacturing, Processing and Assembling uses that have little potential for creating off-site noise, smoke, dust, vibration or other external impacts or pollution. Manufacturing and processing of food and beverages including fermenting and distilling; with or without a tasting room, provided the tasting room occupies less than 50% of the total area of the building occupied by the tenant but no more than 3500 square feet; and the manufacturing process does not cause off-site impacts to neighboring properties or create a public nuisance.						P
Ref. above†							
990A/B	Outdoor storage of materials to be manufactured or handled as part of a permitted use within the Zone, screened pursuant TMC 18.52						A
960	Self-Storage Facilities						P
1110	Warehouse Storage and Wholesale Distribution Facilities						P
<b>Transportation, Communication &amp; Infrastructure</b>							
240	Commercial Parking , day use only	P	P	P	P	P	P
370	Essential Public Facilities, except those listed separately	UUP	U UP	UUP	UUP	UUP	UUP
	Intermodal Transit Stations, Rail transit facilities	UUP	U UP	UUP	UUP	UUP	UUP
Ref. above†	Internet Data Centers & Telephone Exchanges						P
7100	Park and Ride Lots	UUP	U UP	UUP			UUP
720	Parking Areas	A	A	A	A	A	A
	Public Transit Facilities and Stations (Bus)	P	P	P	P	P	P
780	Radio, Television, Microwave, or Observation Stations and Towers	C	C	C	C	C	C
Ref. above†	Utility Facilities, above ground/ not in ROW	C	C	C	C	C	P
Ref. above†	Utility Facilities, underground/in ROW	P	P	P	P	P	P
1140	Wireless Communication Facilities	P7	P 7	P7	P7	P7	P7

Residential							
320	Dormitories			A	A		
Ref. above†	Dwelling: Multi-family, Townhouses, Mixed Use, Senior Citizen Housing	P	P	P	P		P4
510	Home Occupation	A	A	A	A		P4
270	Continuing Care Retirement Community		P	P	P		
	STEP Housing						
	Emergency Housing	P8	<u>P</u> 8	P8	P8		
	Emergency Shelter	P8	<u>P</u> 8	P8	P8		
	Permanent Supportive Housing	P9	<u>P</u> 9	P9	P9		P4, 9
	Transitional Housing	P9	<u>P</u> 9	P9	P9		P4, 9

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

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

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

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

3. East of the Green River only.

4. Only on properties fronting the Green River or Minkler Pond.

5. Excludes vehicle storage or maintenance.

6. 3,500 sf max per use.

7. Subject to TMC 18.58.

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

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

**RCW 35A.21.430****Transitional housing, permanent supportive housing, indoor emergency housing, and indoor emergency shelters.**

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

[ 2021 c 254 s 3.]



## Attachment G

# Planning for STEP Housing Types

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

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



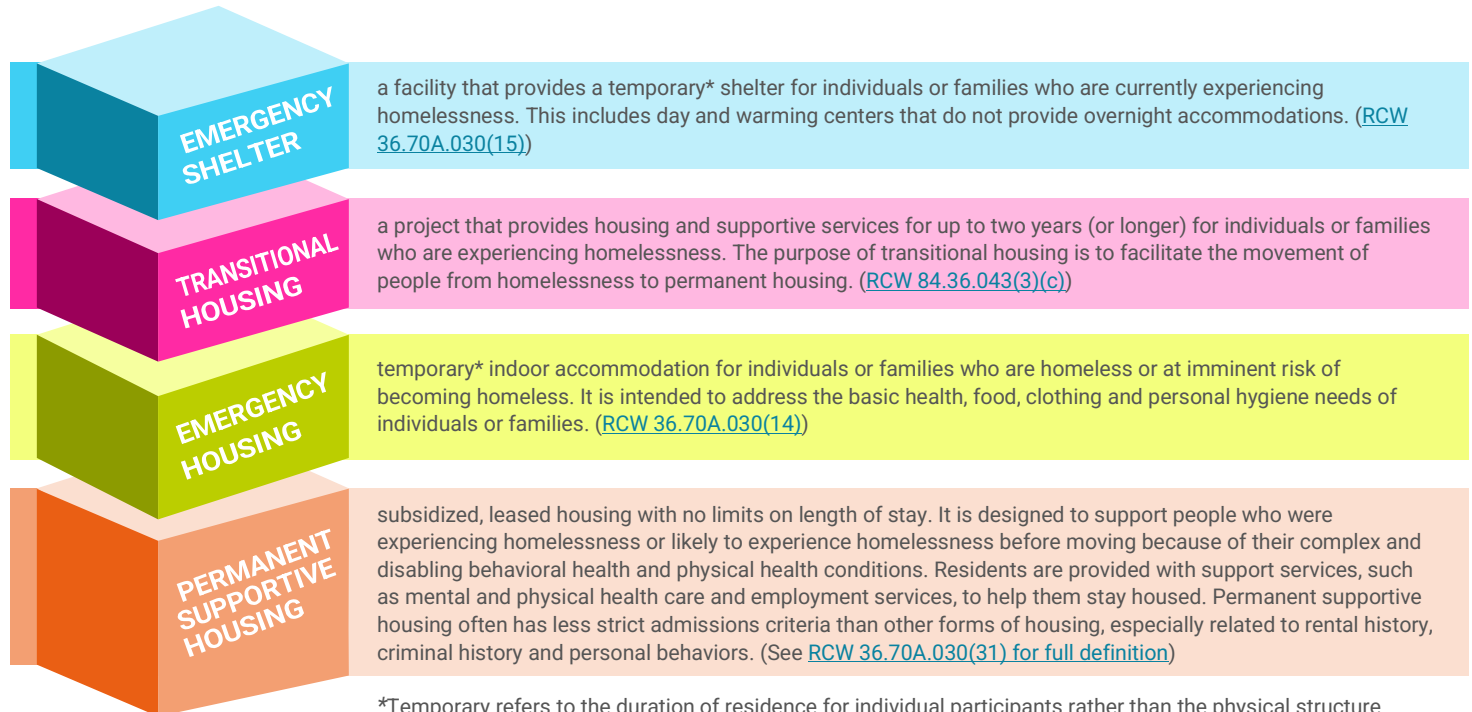
**1.1 Million** new homes will be needed in the next 20 years

In addition, there will also need to be:

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

## What is STEP?

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

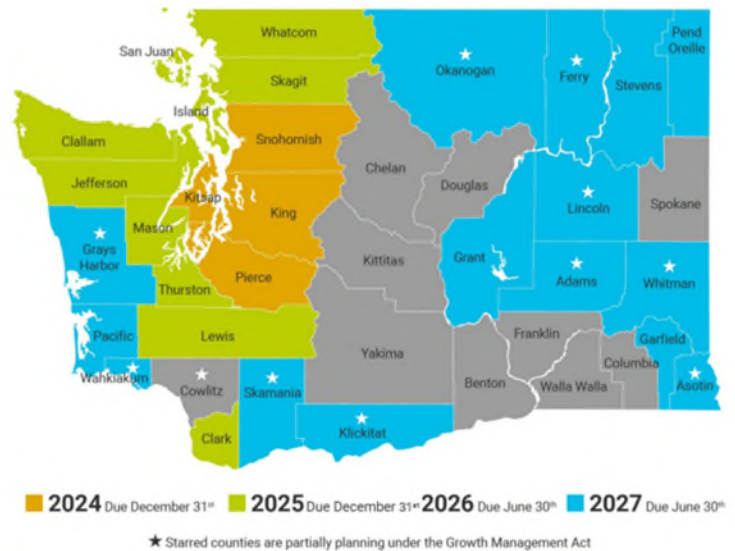


\*Temporary refers to the duration of residence for individual participants rather than the physical structure itself or the duration of land use.

# How should my jurisdiction plan for STEP?

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

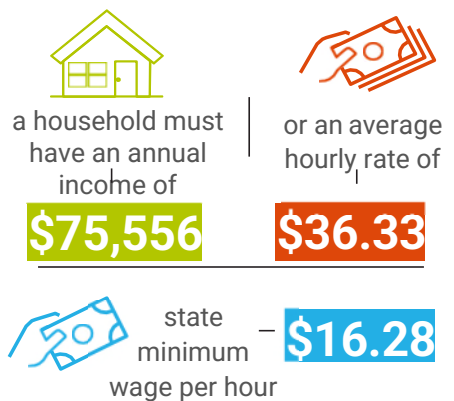
- Develop policies to plan for and accommodate housing affordable to all economic segments,
- Allow sufficient zoning capacity for these housing needs, including permanent supportive housing (PSH) and emergency housing,
- Identify barriers to the development of affordable housing and an action plan to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



## Why Is STEP Such a Big Issue?

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

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



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

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











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

HOMELESSNESS IN THE STATE

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

# Benefits of STEP

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

# Relevant Laws for Siting and Permitting STEP

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

# Promising Practices for Planning for STEP

## **Allow STEP outright as a permitted use in designated zones.**

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

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

## **Reduce and clarify requirements to streamline permitting steps and reduce barriers for STEP development.**

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

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

## **Expedite permitting processes for STEP projects, thereby providing quicker, more predictable timelines that help prevent cost increases caused by project delays.**

Expedited permitting processes require sufficient staff, so jurisdictions interested in this strategy can start by assessing whether they need to hire additional employees to expedite reviews more efficiently.

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

## **Provide land use and financial incentives to encourage more STEP production.**

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

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

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

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

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