



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.

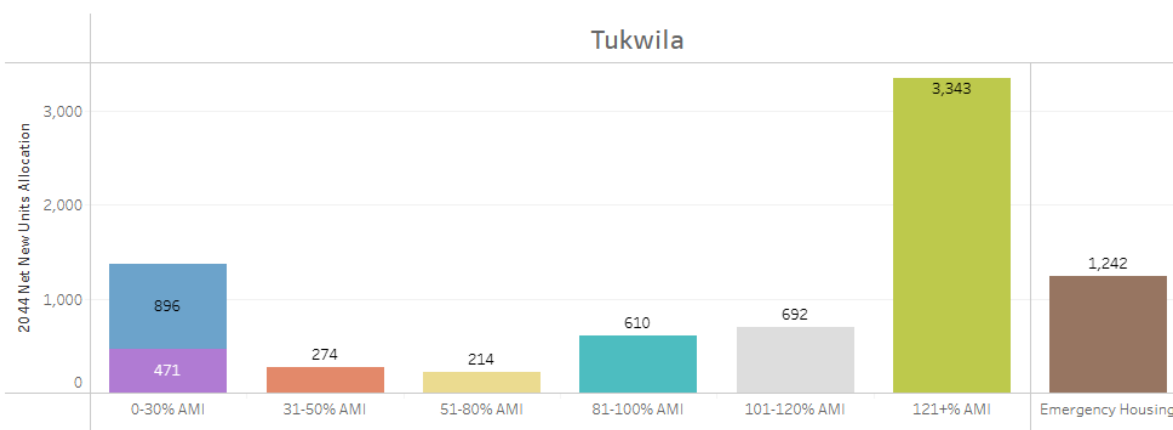


Figure 1: Tukwila Housing Targets

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"> 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

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

Figure 2 below depicts, 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.

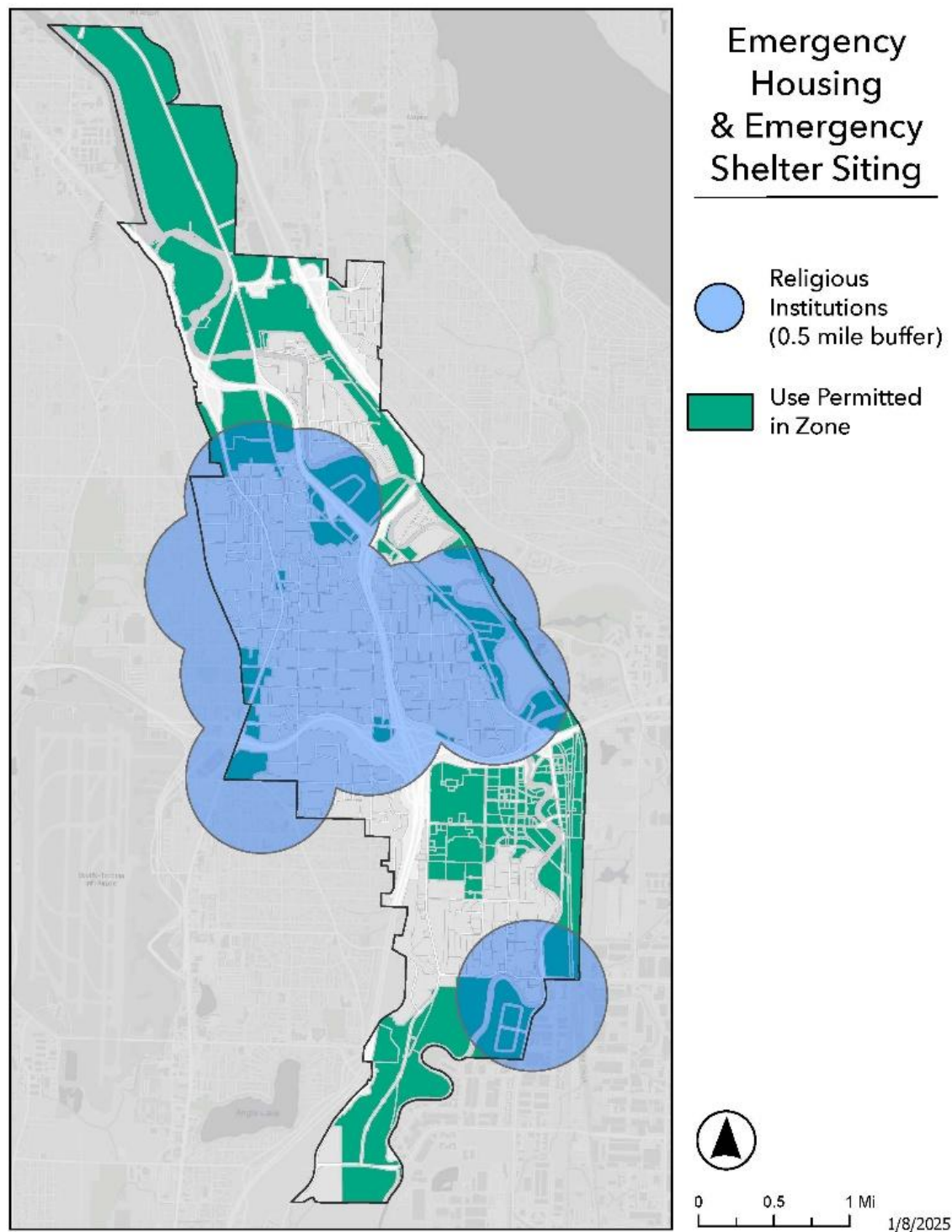


Figure 2. STEP Housing, ½-Mile Buffer From Religious Facilities

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).

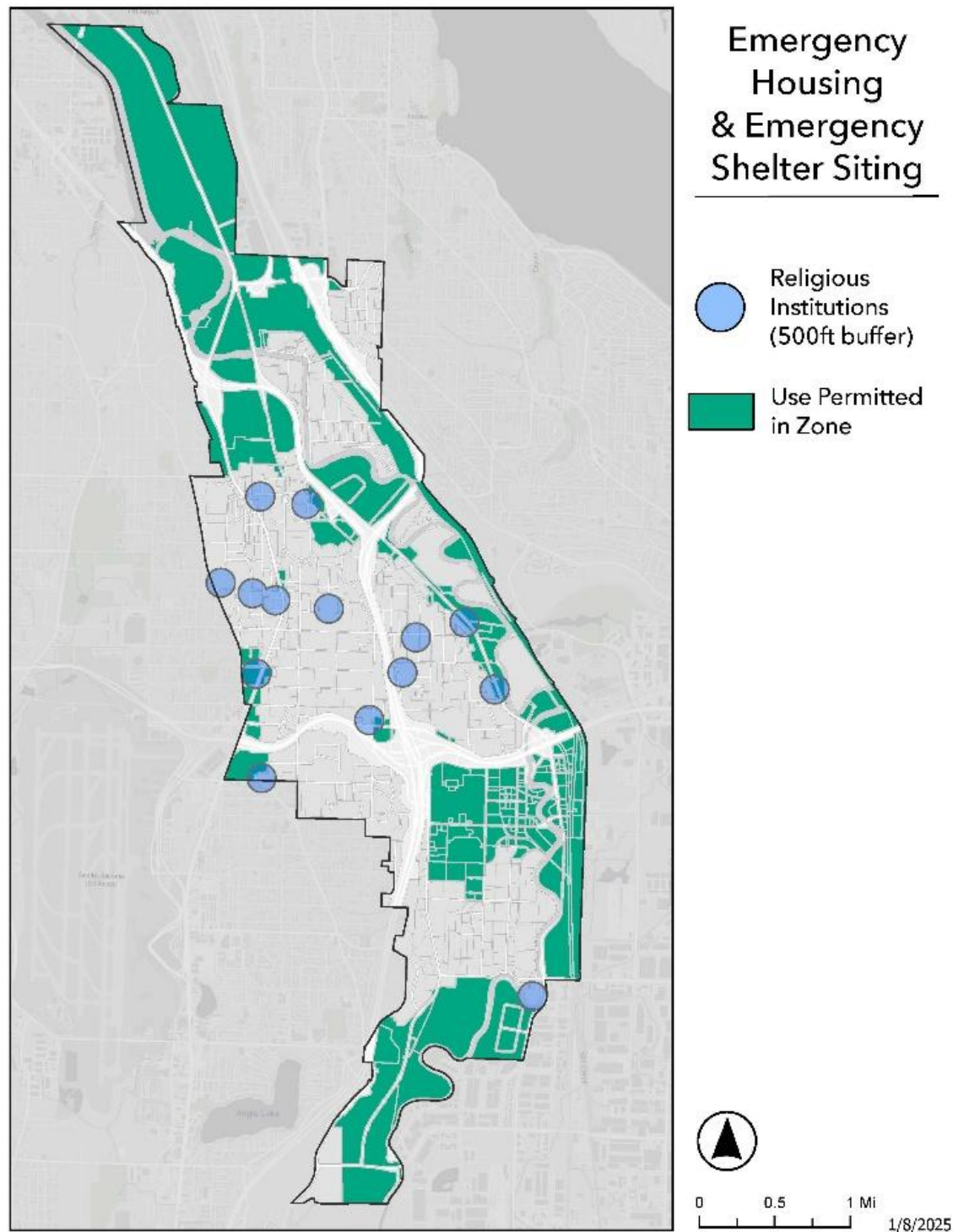


Figure 3. STEP Housing, 500-Foot Buffer from Religious Facilities

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.

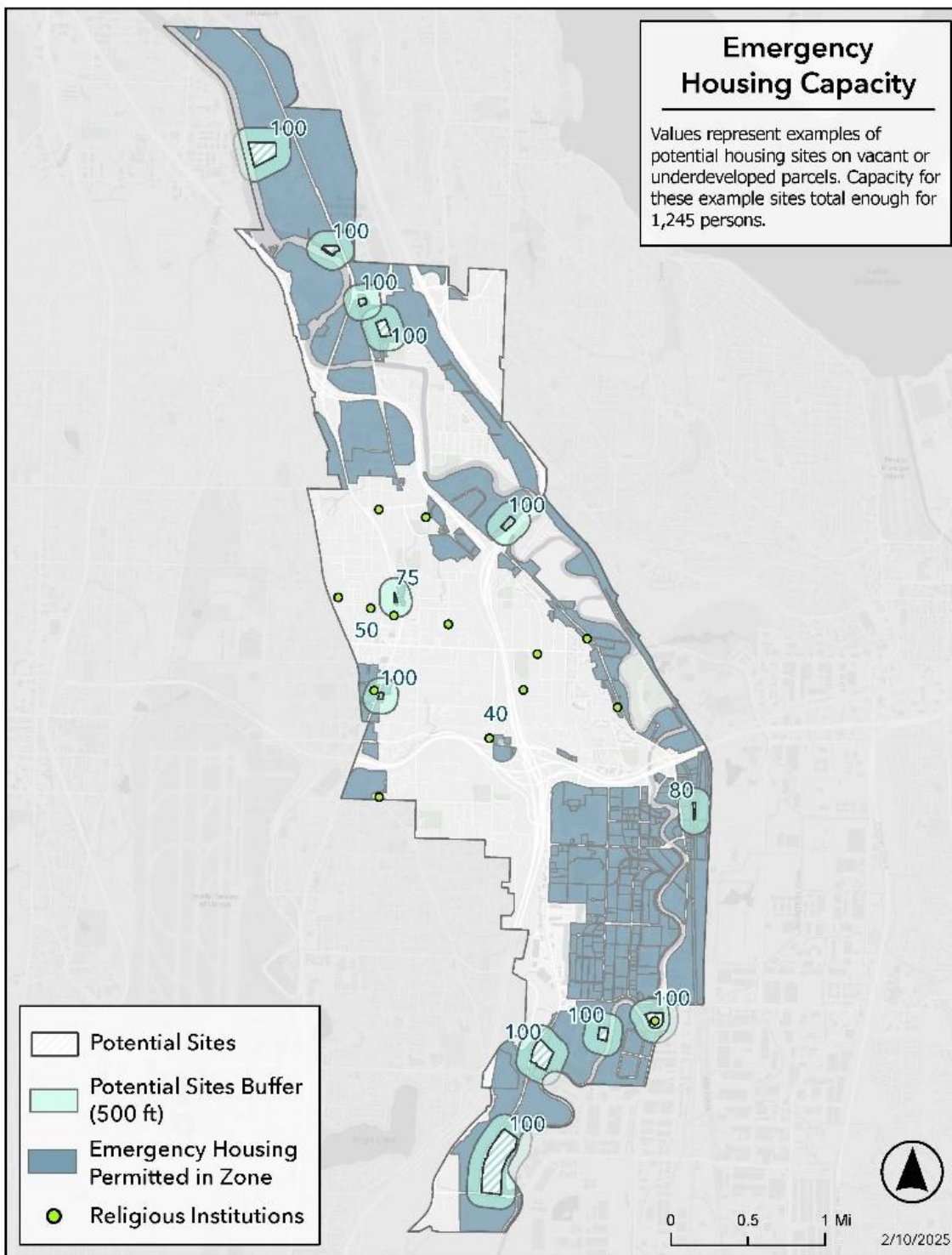


Figure 4. Emergency Housing Capacity Example Capacity

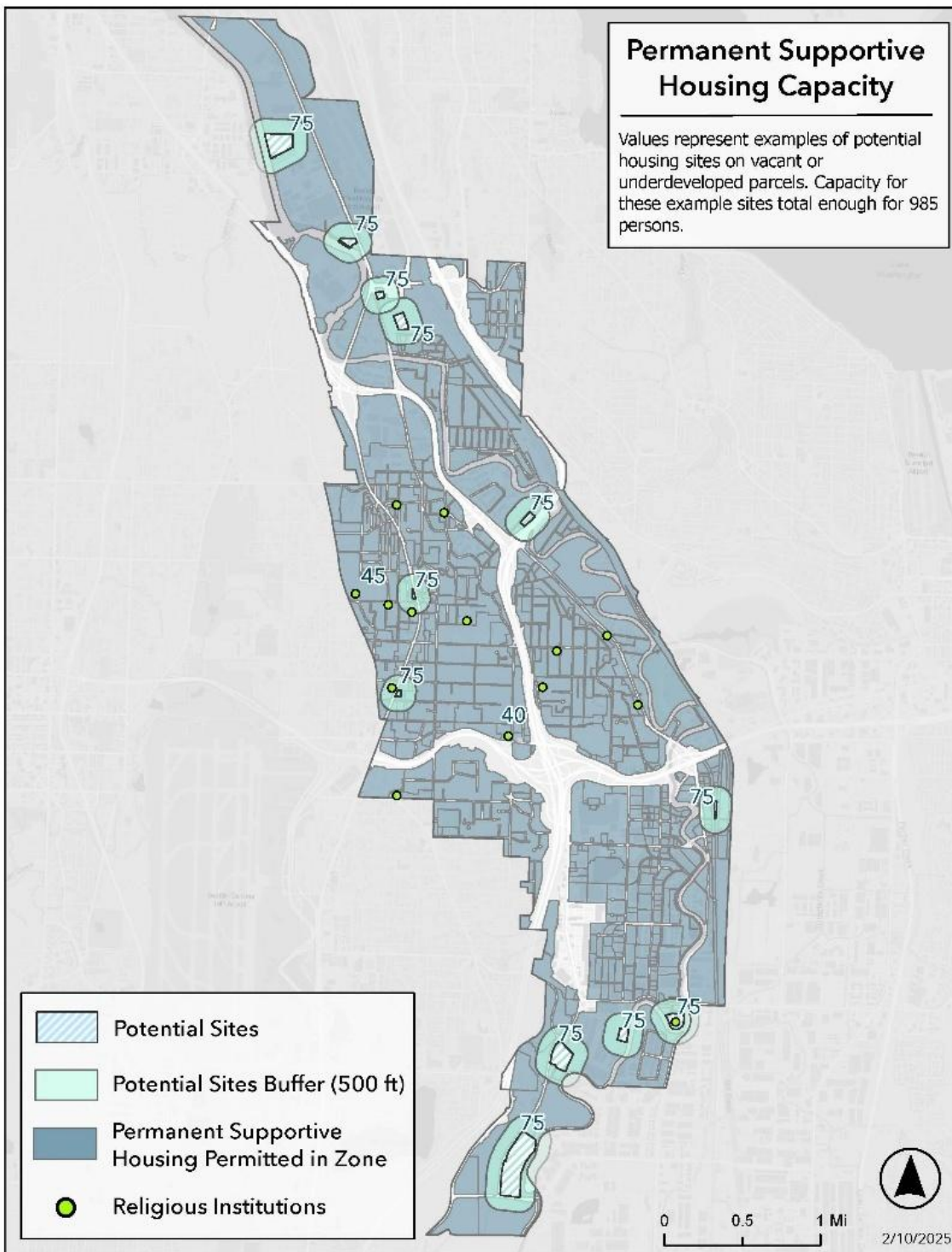


Figure 5. Permanent Supportive Housing Example Capacity

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

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

The following amendment of criteria in TMC 18.50.250(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*

P = Permitted, A = Accessory, C = Conditional, UUP = Unclassified Use Permit For parking requirements see Table 18-5 or Figure 18-7 Residential						
Business license		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		
	STEP Housing					
	Emergency Housing	P8	P8	P8		
	Emergency Shelter	P8	P8	P8		
	Permanent Supportive Housing	P9	P9	P9		P4, 9
	Transitional Housing	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
	Retail[†]					
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 ²				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
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	P ⁶
Ref. above [†]	Theaters except adult entertainment	P		P	P	
840	Vehicle Rental and Sales (not requiring a commercial DL)	P	P ³	P ⁵		P
70	Veterinary Clinic with temporary indoor boarding and grooming	P	P	P	P	P
	Office					
	Professional, Outpatient Medical, Dental, Governmental Services, and Research	P	P	P	P	P
630	Medical and Dental Laboratories	P	P	P		P
	Lodging					
Ref. above [†]	Hotel, Motel, Extended Stay, Bed and Breakfasts	P	P	P		
	Civic & Institutional					
290	Convention & Exhibition Facilities, including multipurpose arena facilities					
Ref. above [†]	Cultural Facilities, including: libraries, museums, art galleries, performing arts centers	P	P ³	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

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	Industrial, Manufacturing, & Warehouse Cargo Containers subject to TMC 18.50.060					A
550	Industrial Commercial Services (e.g. etching, film processing, lithography, printing & publishing)					P
Ref. above [†]	Light Industrial: Manufacturing, Processing and Assembling uses that have little potential for creating off-site noise, smoke, dust, vibration or other external impacts or pollution. Manufacturing and processing of food and beverages including fermenting and distilling; with or without a tasting room, provided the tasting room occupies less than 50% of the total area of the building occupied by the tenant but no more than 3500 square feet; and the manufacturing process does not cause off-site impacts to neighboring properties or create a public nuisance.					P
990A/B	Outdoor storage of materials to be manufactured or handled as part of a permitted use within the Zone, screened pursuant TMC 18.52					A
960	Self-Storage Facilities					P
1110	Warehouse Storage and Wholesale Distribution Facilities					P
	Transportation, Communication, & Infrastructure					
240	Commercial Parking, day use only	P	P	P	P	P
370	Essential Public Facilities, except those listed separately	UUP	UUP	UUP	UUP	UUP
	Intermodal Transit Stations, Rail transit facilities	UUP	UUP	UUP	UUP	UUP
Ref. above [†]	Internet Data Centers & Telephone Exchanges					P
7100	Park and Ride Lots	UUP	UUP	UUP		UUP
720	Parking Areas	A	A	A	A	A
	Public Transit Facilities and Stations (Bus)	P	P	P	P	P
780	Radio, Television, Microwave, or Observation Stations and Towers	C	C	C	C	C
Ref. above [†]	Utility Facilities, above ground/ not in ROW	C	C	C	C	P
Ref. above [†]	Utility Facilities, underground/in ROW	P	P	P	P	P
1140	Wireless Communication Facilities	p ⁷	p ⁷	p ⁷	p ⁷	p ⁷
	Residential					
320	Dormitories		A	A		
Ref. above [†]	Dwelling: Multi-family, Townhouses, Mixed Use, Senior Citizen Housing	P	P	P		P ⁴
510	Home Occupation	A	A	A		P ⁴
270	Continuing Care Retirement Community		P	P		
	<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>p^{4,9}</u>
	<u>Transitional Housing</u>	<u>p⁹</u>	<u>p⁹</u>	<u>p⁹</u>		<u>p^{4,9}</u>

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

** See TMC 18.28.260 for District specific parking standards.

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

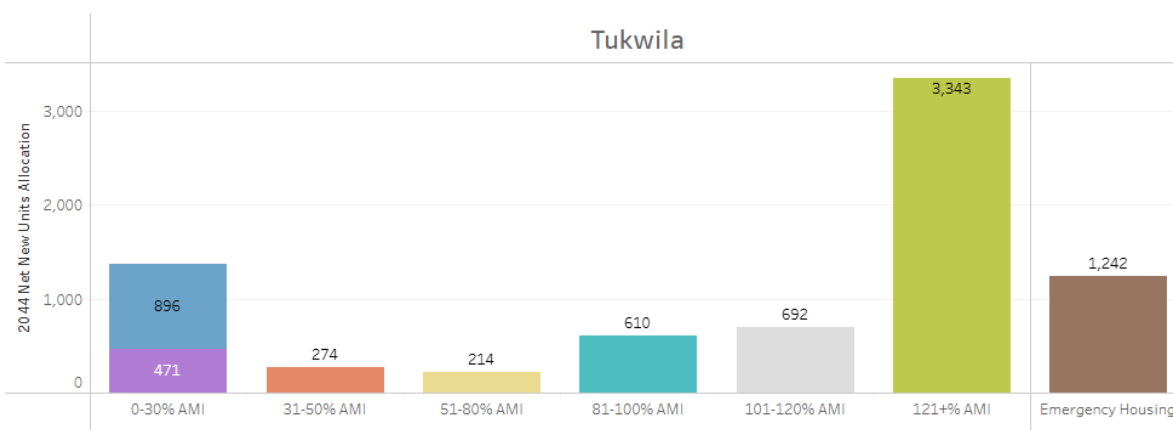


Figure 1: Tukwila Housing Targets

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

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

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

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

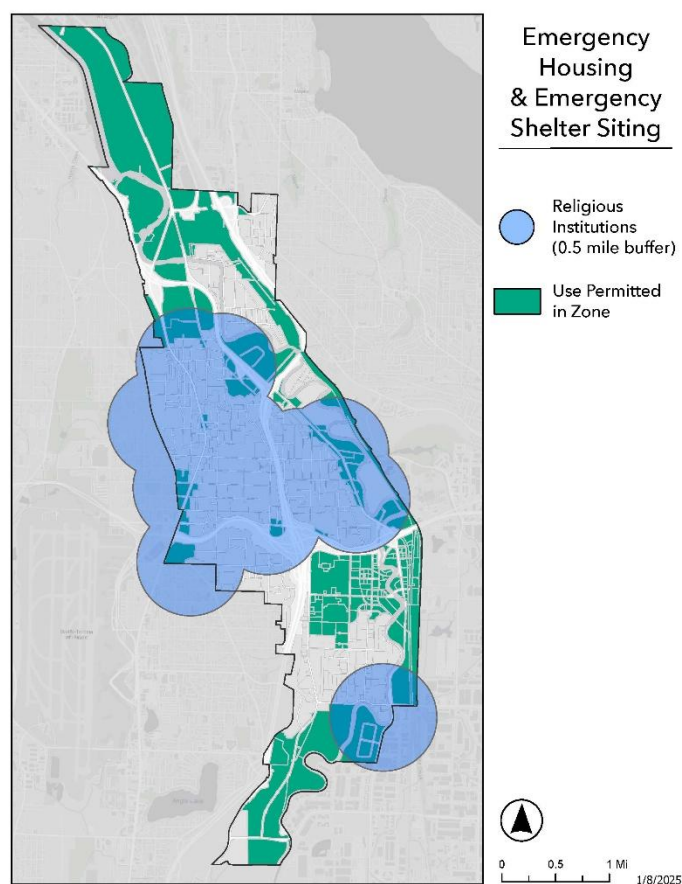


Figure 2. STEP Housing, 1/2 Mile Buffer From Religious Facilities

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

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

Figure 3. City of Burien STEP spacing requirements

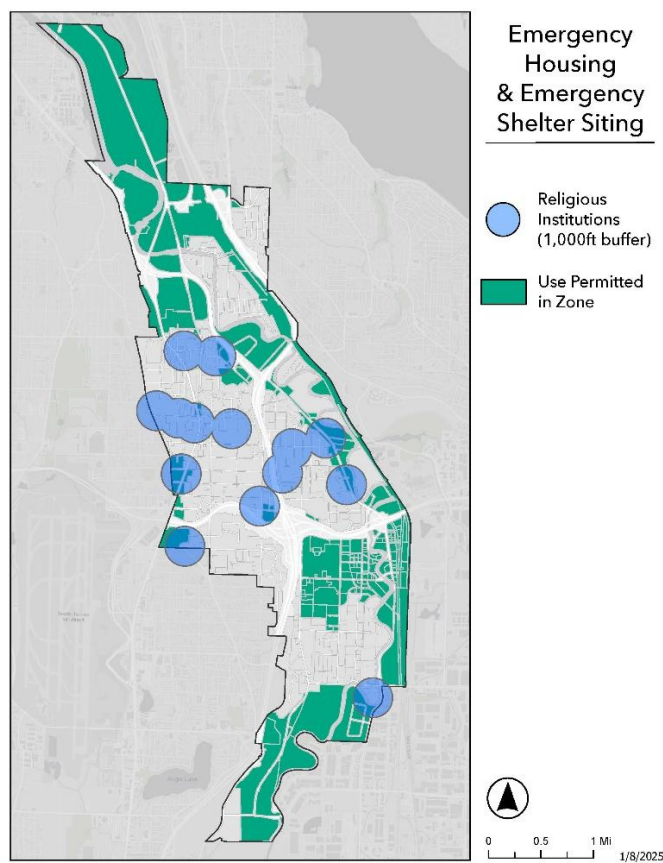


Figure 4. STEP Housing, 1,000 Foot Buffer From Religious Facilities

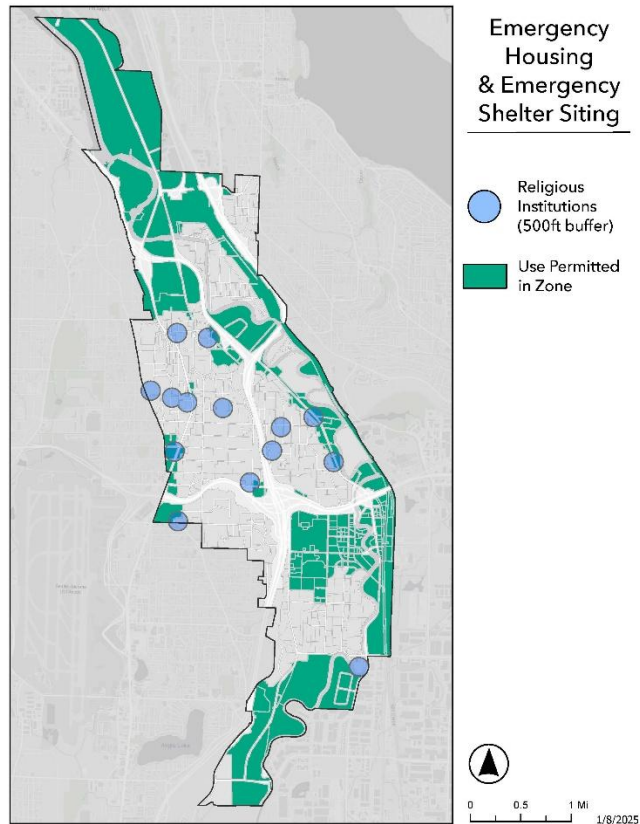


Figure 5. STEP Housing, 500 Foot Buffer From Religious Facilities

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

Benefits of STEP









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

Figure 6. Excerpt from STEP 101 Fact Sheet

SUMMARY OF PROPOSED CHANGES

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

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

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

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

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

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

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

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

P = Permitted, A = Accessory, C = Conditional, UUP = Unclassified Use Permit Business license For parking requirements see Table 18-5 or Figure 18-7 Residential						
		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		
	STEP Housing					
	<u>Emergency Housing</u>	<u>P8</u>	<u>P8</u>	<u>P8</u>		
	<u>Emergency Shelter</u>	<u>P8</u>	<u>P8</u>	<u>P8</u>		
	<u>Permanent Supportive Housing</u>	<u>P9</u>	<u>P9</u>	<u>P9</u>		<u>P4, 9</u>
	<u>Transitional Housing</u>	<u>P9</u>	<u>P9</u>	<u>P9</u>		<u>P4, 9-</u>

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

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

REQUESTED ACTION

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

ATTACHMENTS

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

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.

P = Permitted, A = Accessory, C = Conditional, UUP = Unclassified Use Permit Retail 1 <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
Office						
	Professional, Outpatient Medical, Dental, Governmental Services, and Research	P	P	P	P	P
630	Medical and Dental Laboratories	P	P	P		P
Lodging						
Ref. above*	Hotel, Motel, Extended Stay, Bed and Breakfasts	P	P	P		
Civic & Institutional						
290	Convention & Exhibition Facilities, including multipurpose arena facilities	P	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
P = Permitted, A = Accessory, C = Conditional, UUP = Unclassified Use Permit For parking requirements see Table 18-5 or Figure 18-7						
Business license		Regional Center	TOD	Pond District	Commercial Center	Work-Place
	Post Office	P	P	P		
820B	Religious Institutions, greater than 750 sf assembly area	C	C	C	C	C
820A	Religious Institutions, less than 750 sf assembly area	P	P	P	P	P
Industrial, Manufacturing & Warehouse						
190	Cargo Containers subject to TMC 18.50.060					A
550	Industrial Commercial Services (e.g. etching, film processing, lithography, printing & publishing)					P

	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
Transportation, Communication & Infrastructure							
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



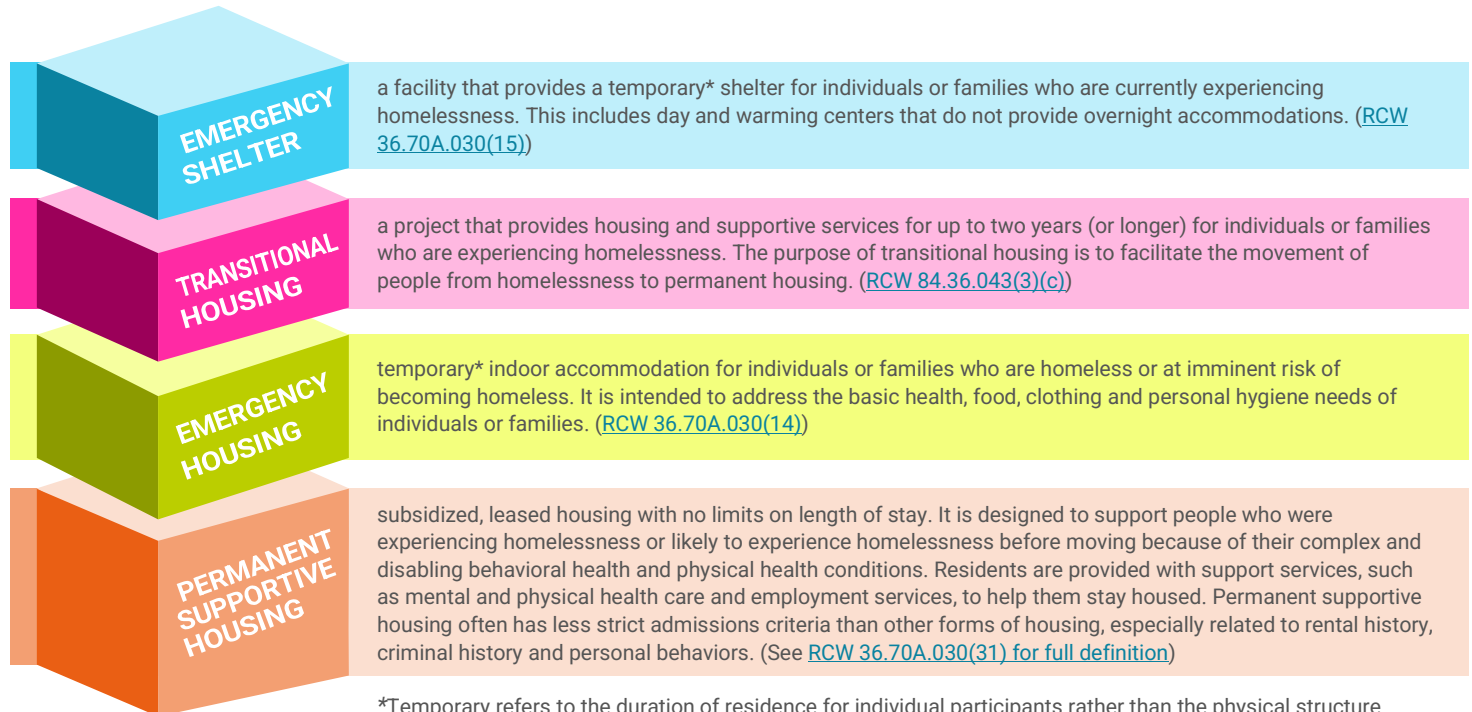
1.1 Million new homes will be needed in the next 20 years

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

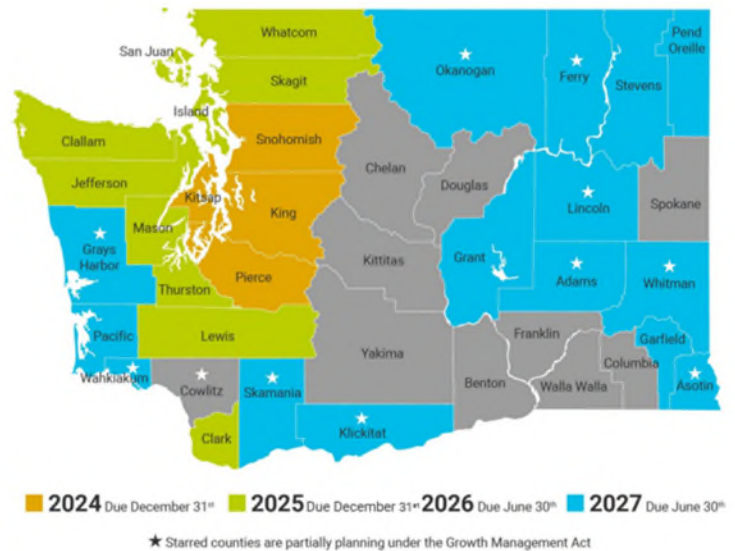


*Temporary refers to the duration of residence for individual participants rather than the physical structure itself or the duration of land use.

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:

a household must have an annual income of **\$75,556**

or an average hourly rate of **\$36.33**

state minimum wage per hour **\$16.28**

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.



RIISING RENTS AND A LACK OF HOUSING SUPPLY ARE THE CORE CAUSES OF INCREASED HOMELESSNESS IN THE STATE

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

Benefits of STEP

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

Relevant Laws for Siting and Permitting STEP

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

Promising Practices for Planning for STEP

Allow STEP outright as a permitted use in designated zones.

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

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

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

Many local ordinances and regulations are not consistent with state law since they include occupancy, spacing and intensity of use² requirements for STEP that are not explicitly linked to public health and safety. Additionally, many communities impose potentially burdensome development, operating, facility, reporting, service and other requirements for STEP that differ from those for other similar residential dwelling types. When developing local ordinances and regulations, jurisdictions can limit additional requirements for STEP to speed up permitting, limit discretionary approval processes, reduce work for local government staff, support developers and help increase affordable housing and STEP production.

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

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

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

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

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

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

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

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

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

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