



INFORMATIONAL MEMORANDUM

To: Tukwila City Council
From: Jack Pace, Director Community Development
By: Lynn Miranda, Planning Supervisor
Copy: Mayor Ekberg
Date: May 12, 2020

Subject: Tukwila International Boulevard (TIB) Study Area Moratorium Renewal

Issue

The existing six-month moratorium on development in the TIB study area expires on July 9, 2020 and should be renewed to prevent development that is not in keeping with the City's 2015 adopted Comprehensive Plan vision while the City is in the process of updating the land use regulations for the TIB area and identifying potential on-street parking alternatives for TIB.

Background

The City's Comprehensive Plan was updated in 2015 with new goals, policies, and vision for TIB. A key goal of the Plan's *Tukwila International Boulevard (TIB) Element* is to transition TIB from a region-serving highway to a safer, walkable "main street" with housing and neighborhood-serving commercial services. In February 2017, a three-day public workshop with the Congress for New Urbanism (CNU) was held to develop, discuss, and review ideas for implementing the Comprehensive Plan.

CNU presented a summary of the workshop and results at the May 1, 2017 City Council meeting. Two major actions were recommended by CNU – 1) revise the street design for TIB to add on-street parking; and 2) update the zoning code with standards that would support and encourage the types and form of new development envisioned by the community.

In 2017, Council adopted a 6-month moratorium prohibiting auto-oriented and lodging uses in the TIB study area to allow staff time to draft new standards and alternative TIB roadway designs and discuss options with the community. The moratorium was also intended to ensure that any future development or redevelopment occurring prior to adoption of the new standards supported the vision and prevented investment in uses that were likely not going to be allowed under the planned revisions to the zoning code.

Discussion

Work on the new zoning code standards and TIB rechannelization options has been progressing but is not yet completed. Council has been continuing to renew the moratorium since 2017 but indicated a reluctance to do so again when the current moratorium (Ordinance 2620) expires on July 9, 2020. Instead, Council, at the Planning & Economic Development (PED) Committee meeting on March 2, 2020, requested the Planning Commission consider interim zoning code amendments that would eliminate the need to renew the moratorium.

As adoption of the amendments prior to the moratorium's expiration was deemed an essential action during coronavirus restrictions, the Planning Commission held a virtual public hearing on April 23, 2020. Public notice for the meeting was published in *The Seattle Times*, as required by code. Notice was not mailed to businesses along TIB, as many were closed due to the pandemic and Governor's orders. Instead, staff sent 387 emails to businesses and interested

parties using addresses collected by the Department of Community Development and Economic Development staff during outreach on different projects and planning efforts for TIB.

Notice included directions on how to access the meeting online or by phone, how to submit comments by email, and how to sign up to give comments verbally at the meeting. Five written comments were received and read out loud by staff during the meeting, and 8 people provided verbal comments.

Because of perceived outreach and notification challenges, the hearing was left open by the Planning Commission to be continued at another meeting. After the April Planning Commission hearing, the Tukwila City Council expressed concern about the difficulty of public outreach and participation and the Planning Commission's May hearing was postponed to a date in the future when the Planning Commission and public could meet in-person on the interim zoning code amendments. Subsequently, the City Council directed staff to move forward with renewing the moratorium by the July 9th expiration date, with the assumption that the moratorium will remain in effect until the time the interim zoning code amendments are adopted by Council. A date for the continuation of the Planning Commission hearing has not yet been set.

The 2017-2020 TIB Workprogram, included as an exhibit in the proposed ordinance, identifies the work done to date on this project and the more significant tasks that must still be completed.

Extending the moratorium allows the City time to provide more outreach for and public participation at a future Planning Commission hearing and deliberation on the interim zoning code revisions that will replace the moratorium. If the moratorium is not renewed, redevelopment could occur that does not support the community vision and Comprehensive Plan goals and policies for a main street and improved safety for all users.

Financial Impact

No direct costs. Some potential for delayed development.

Recommendation

Staff is requesting that the PED Committee forward the attached draft ordinance renewing the moratorium to COW for a public hearing on June 22nd and to the Regular meeting for adoption on July 6th. The current moratorium expires on July 9th.

NOTE: It is likely that the June 22nd date will require a virtual public hearing by the COW. Public outreach will include publishing the notice in the Seattle Times and emails to interested parties list.

Attachment

- A. Draft ordinance

DRAFT

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, RENEWING A SIX-MONTH MORATORIUM WITHIN THE TUKWILA INTERNATIONAL BOULEVARD STUDY AREA IN THE CITY OF TUKWILA ON THE DEVELOPMENT OF CERTAIN USES SUCH AS HOTELS, MOTELS, EXTENDED-STAY FACILITIES, OR AUTO-ORIENTED USES; SETTING A DATE FOR A PUBLIC HEARING ON THE MORATORIUM RENEWAL; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Tukwila has adopted a Comprehensive Plan in compliance with the Growth Management Act; and

WHEREAS, the City of Tukwila is currently updating its Zoning Code to comply with its adopted Comprehensive Plan; and

WHEREAS, the Tukwila International Boulevard Study Area (“TIB Study Area”), shown on Exhibit A, is generally bounded by 42nd Avenue South on the east; South 160th Street on the south; International Boulevard and Military Road on the west, and South 133d Street to the north; and

WHEREAS the TIB Study Area consists of mixed zoning that includes commercial and residential zones with a stepped edge that follows the boundary of the multi-family zoning districts up to the Mixed Use Office District at approximately South 133rd Street; and

WHEREAS, within the TIB Study Area’s existing Neighborhood Commercial Center (NCC) and Regional Commercial (RC) zoning districts there are certain uses that in the future may not be allowed or may be allowed with conditions; and

WHEREAS, the owners and operators of three crime-infested motels pleaded guilty to conspiracy to maintain drug involved premises, and when the three motels and an adjacent motel within the TIB Study Area were closed, the violent crime rate in the Study Area was cut nearly in half; and

WHEREAS, the City of Tukwila finds that hotels, motels, and extended-stay hotels and motels (hereafter, collectively referred to as "extended-stay facilities") in the TIB Study Area generate higher than typical rates of crime; and

WHEREAS, the City of Tukwila spent millions of dollars acquiring the three government surplus motel properties and purchasing an adjacent fourth motel site and razed the buildings to better serve the public health and safety in the TIB Study Area; and

WHEREAS, the Comprehensive Plan goals and policies for the TIB Study Area are to create a pedestrian oriented, walkable destination, and auto-oriented services, uses and developments are not in keeping with those goals and policies; and

WHEREAS, the City of Tukwila is in the process of updating its land use regulations to comply with the goals and policies of its adopted Comprehensive Plan for the TIB Study Area and has budgeted for a Work Program, shown on Exhibit B, to address the changes that will bring consistency between the City's Comprehensive Plan and Zoning Code; and

WHEREAS, the City desires to ensure the public has many opportunities to provide input on this matter; and

WHEREAS, the City of Tukwila conducted a three-day workshop in February 2017 on the future improvements and land use regulations for the TIB Study Area and preliminarily determined hotels; motels; extended-stay facilities; and auto-oriented commercial uses, including, but not limited to, gas stations, car washes, vehicular repair or services, vehicular sales or rentals, vehicular storage, commercial parking, and drive-throughs, should be regulated differently than currently regulated; and

WHEREAS, on July 17, 2017, the Tukwila City Council adopted Ordinance No. 2543, which declared an emergency necessitating the immediate imposition of a six-month moratorium prohibiting within the TIB Study Area's NCC and RC zoning districts the development, expansion, intensification or establishment of any new hotel, motel, extended-stay facility, and auto-oriented commercial uses including, but not limited to, gas stations, car washes, vehicular repair or services, vehicular sales or rentals, vehicular storage, commercial parking, and drive-throughs; and

WHEREAS, on September 5, 2017, the Tukwila City Council conducted a public hearing, heard testimony regarding the City's moratorium, and declared findings; and

WHEREAS, Ordinance No. 2543 was set to expire on January 16, 2018, and the neighborhood input and planning process was not yet completed; and

WHEREAS, on January 8, 2018, the Tukwila City Council held a public hearing on an ordinance renewing the six-month moratorium on certain types of new or expanded land uses and on January 16, 2018 adopted Ordinance No. 2565; and

WHEREAS, Ordinance No. 2565 was set to expire on July 15, 2018; however, due to the significant level of the proposed rechannelization and zoning work needed, the code amendments were not yet completed; and

WHEREAS, on June 25, 2018, the Tukwila City Council held a public hearing on an ordinance renewing the six-month moratorium on certain types of new or expanded land uses and on July 2, 2018 adopted Ordinance No. 2579; and

WHEREAS, Ordinance No. 2579 was set to expire on January 10, 2019; however, additional analysis and review of the rechannelization options were needed; and

WHEREAS, on November 26, 2018, the Tukwila City Council held a public hearing on an ordinance renewing the six-month moratorium on certain types of new or expanded land uses, and added a clarification regarding the ability for businesses to continue renewing their business licenses, and on December 3, 2018 the Council adopted Ordinance No. 2595; and

WHEREAS, Ordinance No. 2595 was set to expire on July 9, 2019; however, the City still needed additional work on the TIB rechannelization and mitigation options as well as revisions to the Zoning Code and the proposed TIB Design Manual; and

WHEREAS, on May 28, 2019, the Tukwila City Council held a public hearing on an ordinance renewing the six-month moratorium on certain types of new or expanded land uses and on June 3, 2019 adopted Ordinance No. 2606; and

WHEREAS, Ordinance No. 2606 was set to expire on January 9, 2020; however, additional review of the final TIB rechannelization evaluation report and the associated zoning code amendments was needed; and

WHEREAS, on November 25, 2019, the Tukwila City Council held a public hearing on an ordinance renewing the six-month moratorium on certain types of new or expanded land uses in the TIB Study Area, and on December 2, 2019 adopted Ordinance No. 2620, renewing the six-month moratorium on certain types of new or expanded land uses in the TIB Study Area; and

WHEREAS, on March 2, 2020, the Planning and Economic Development Committee recommended the Planning Commission consider zoning code amendments that would eliminate the need to renew the moratorium; and

WHEREAS, due to the COVID-19 pandemic, Governor Inslee issued several proclamations, including Proclamation 20-25, "Stay Home – Stay Healthy," on March 23, 2020, which prohibited in-person public gatherings; and

WHEREAS, because adoption of the zoning code amendments prior to the moratorium's expiration was deemed an essential action during the COVID-19 pandemic restrictions, the Planning Commission held a virtual public hearing on April 23, 2020, to consider zoning code amendments for the TIB Study Area, and decided to continue the hearing to a future date so that additional notification of the proposed code amendments could be published and to ensure the public could meaningfully participate; and

WHEREAS, on April 27, 2020, the Tukwila City Council discussed concerns regarding public accessibility and participation related to the restrictions on public gatherings during the COVID-19 pandemic; and

WHEREAS, Ordinance No. 2620 is set to expire on July 9, 2020, and the Tukwila City Council desires to renew the TIB Study Area moratorium for another six months in order to provide for the time needed for the COVID-19 pandemic-related restrictions to be eased so the public can meaningfully participate in the TIB Study Area zoning code amendment process; and

WHEREAS, a public hearing regarding this proposed ordinance was held on June 22, 2020; and

WHEREAS, the City desires to preserve the status quo for the protection of the health, safety and welfare of City residents, as it relates to development in Tukwila, until these matters are more fully considered;

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

Section 1. Findings. The recitals and findings set forth above are hereby adopted as the City Council's findings in support of the moratorium renewal imposed by this ordinance.

Section 2. Moratorium Renewed. Pursuant to the provisions of Article 11, Section 11 of the Washington State Constitution, RCW 35A.63.220, and RCW 36.70A.390, the City of Tukwila hereby renews a moratorium prohibiting within the NCC and RC zoning districts of the Tukwila International Boulevard ("TIB") Study Area in the City of Tukwila the development, expansion, intensification or establishment of any new hotel; motel; extended-stay facility; or auto-oriented commercial uses including, but not limited to, gas stations, car washes, vehicular repair or services, vehicular sales or rentals, vehicular storage, commercial parking, and drive-throughs. No land use approval, building permit, construction permit, or other development permit or approval shall be issued for any of the uses listed above while this moratorium is in effect. Nothing in this moratorium shall prevent an existing business from renewing their business license. Any land use approval, development permits or other permits for any of these operations that are issued as a result of error or by use of vague or deceptive descriptions during the moratorium are null and void and without legal force or effect.

Section 3. Definitions. As used in this ordinance, the following terms have the meanings set forth below:

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

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

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

D. "Auto-oriented commercial uses" means the use of a site for primarily the servicing, repair, rental, sales or storage of vehicles, or the servicing of people while in their vehicles such as restaurant drive-throughs. Typical uses include, but are not limited to, gas stations; battery, tire, engine body repair shops; vehicular sales or rentals lots; and commercial parking.

Section 4. Effective Period for Moratorium Renewal. The moratorium renewed herein shall be in effect for a period of six (6) months from the effective date specified within this ordinance and shall automatically expire at the conclusion of that six (6)-month period unless the same is extended as provided in RCW 35A.63.220 and RCW 36.70A.390, or unless terminated sooner by the City Council.

Section 5. Public Hearing. Pursuant to RCW 35A.63.220 and RCW 36.70A.390, and following adequate public notice, a public hearing was held on June 22, 2020, to take public testimony regarding the City's moratorium.

Section 6. Work Program. The Director of Community Development is hereby authorized and directed to address issues related to appropriate zoning regulations within the TIB Study Area of hotels, motels, extended-stay facilities, and auto-oriented commercial uses in the Tukwila Municipal Code, including that work which is outlined in Exhibit B which is attached and incorporated herein by this reference.

Section 7. Corrections by City Clerk or Code Reviser. 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 8. 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 of constitutionality of the remaining portion of this ordinance or its application to any other person or situation.

Section 9. 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 July 9, 2020.

PASSED BY THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, at a Regular Meeting thereof this _____ day of _____, 2020.

ATTEST/AUTHENTICATED:

Christy O'Flaherty, MMC, City Clerk

Allan Ekberg, 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 – Map of Tukwila International Boulevard (TIB) Study Area

Exhibit B – Tukwila International Boulevard (TIB) Neighborhood Plan Work Program (as of May 12, 2020)

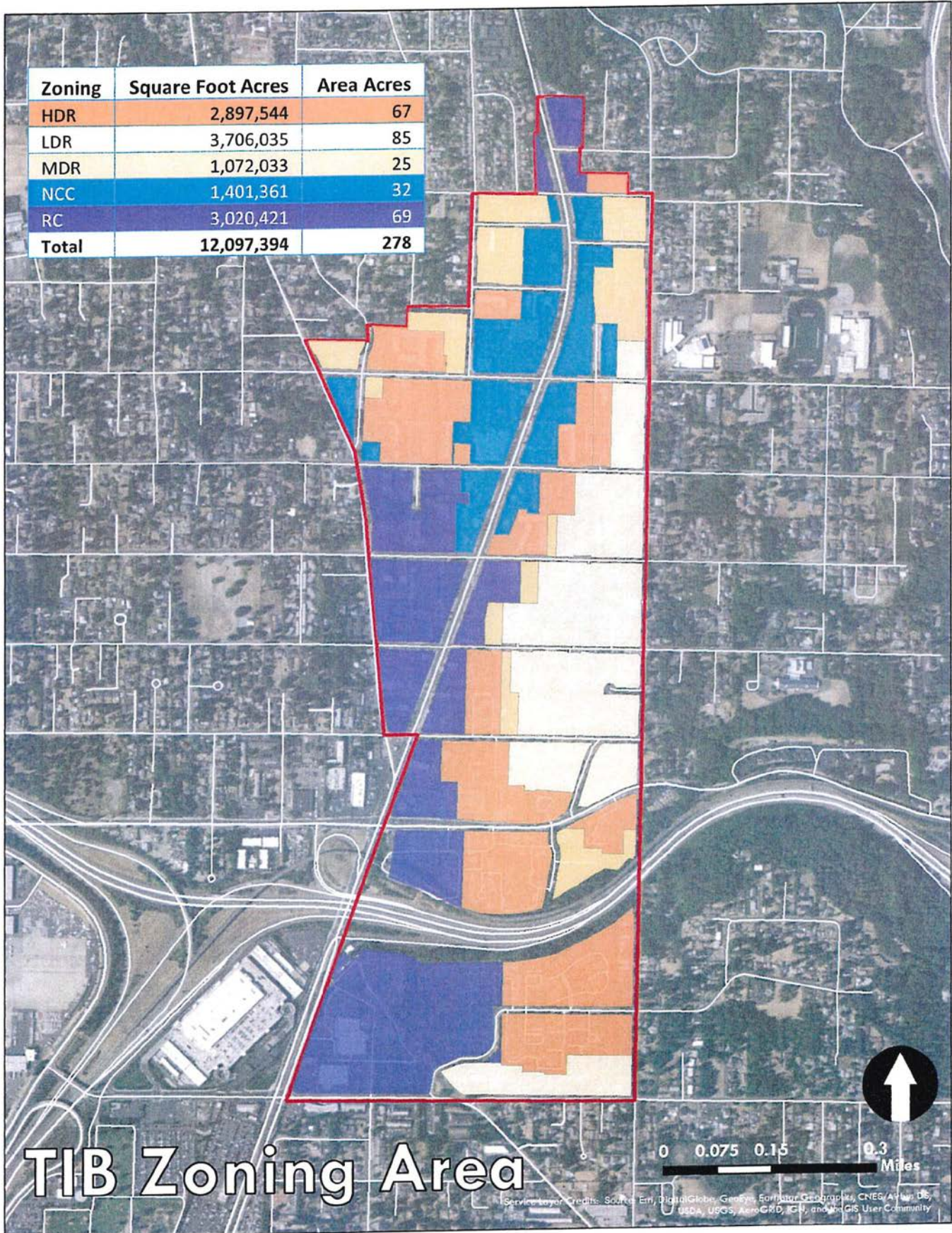


Exhibit B

Tukwila International Boulevard (TIB) Neighborhood Plan Work Program

(As of May 12, 2020 – dates may change due to Coronavirus impacts)

Work program – 2020

1st Quarter

- Planning and Economic Development (PED) Committee forwards zoning code changes prohibiting auto-oriented and hotel/motel uses to the Planning Commission for review and public hearing
- PED 1st meeting to consider final TIB rechannelization evaluation report

2nd Quarter

- Transportation and Infrastructure Committee (TIC) meeting to consider final TIB rechannelization evaluation report
- Planning Commission (PC) held a virtual public hearing on zoning code changes restricting auto-oriented and hotel/motel uses on April 23rd, 2020. PC hearing was continued.
- City Council directs staff to postpone May PC hearing and instead move forward with renewing the moratorium before it expires in July and schedule the PC hearing on interim zoning code changes when in-person hearing is possible.
- City Council adopts an ordinance renewing the TIB moratorium.

3rd/4th Quarter (may shift due to coronavirus impacts on City operations and schedules)

Interim Zoning Code Changes pertaining to auto-oriented and hotel/motel uses:

- Planning Commission continues public hearing on zoning code changes restricting auto-oriented and hotel/motel uses and forwards to PED.
- PED considers Planning Commission recommendations re: zoning code revisions restricting auto-oriented and hotel/motel uses and forwards to COW
- Council hearing and decision on zoning code changes restricting auto-oriented and hotel/motel uses

Comprehensive Set of Zoning Code Changes and TIB Rechannelization:

- Council conducts public outreach and selects preliminary TIB rechannelization alternative
- Staff finalizes draft comprehensive set of TIB zoning code revisions (incorporating rechannelization alternative) and Design Manual guidelines for public review
- Outreach to TIB area property owners, residents, businesses and development community regarding TIB zoning code revisions & design manual
- Prepare Draft Environmental Checklist (SEPA)
- Issue SEPA Determination
- Possible City Council/Planning Commission joint work sessions on comprehensive set of TIB zoning code revisions and design manual guidelines.
- Planning Commission and City Council public hearings, deliberation, and decision on TIB zoning code revisions and design manual.

Products:

- Comprehensive Plan Map Amendment
- Zoning Code and Map Amendments
- TIB Design Manual
- Environmental Checklist and Determination

Work completed

2017

- CNU Legacy Workshop in Tukwila – February
- CNU Final Report Presentation to City Council Meeting - May
- Refined household and employment Yr. 2031 forecasts for TIB neighborhood for traffic analysis on the street modification
- Selected a consultant for the SEPA analysis of the proposed TIB Plan
- Contracted for additional transportation professional services on design standards for TIB neighborhood street standards
- Reviewed draft Land Use Chart and Zoning Map amendments with Planning Commission - August 24, 2017
- Council adopted a moratorium on certain uses in the TIB study area in September
- Briefed TIBAC on above draft amendments – October 10, 2017
- Briefed Transportation and Infrastructure Committee (11/14/17) on traffic analysis and associated capital improvement costs and obtained direction for additional analysis
- Reviewed consultant's draft street circulation improvements
- Contracted for an update to the Tukwila International Boulevard Design Manual

2018

- Contracted for additional engineering services analyzing TIB on-street parking impacts and cost
- Began creation and modification of alternative Zoning District boundaries and zoning standards based upon Planning Commission land use discussion, street designations and designs
- Drafted new street cross-sections for TIB streets and a new circulation network based on CNU engineering consultant recommendations and anticipated land uses
- Council extended moratorium on certain uses in the TIB study area in July and December.
- Updated Council on current direction and schedule for implementing TIB zoning changes and possible TIB on-street parking options. Recommended further analysis of TIB on-street parking options.
- Consultants delivered draft TIB zoning code revisions and draft of updated TIB Design Manual to staff
- Circulated draft Zoning revisions for internal review

2019

- Contracted for additional TIB rechannelization and mitigation options.
- Worked on revisions to the TIB Design Manual
- Council renewed moratorium on certain uses in the TIB study area in May and December.
- Planning Commission and City Council Field Trip to view on-street parking options.