



City of Tukwila
**Planning & Economic
 Development Committee**

- ◆ Thomas McLeod, Chair
- ◆ Kathy Hougardy
- ◆ Zak Idan

<u>Distribution:</u>	
T. McLeod	Mayor Ekberg
K. Hougardy	D. Cline
Z. Idan	R. Bianchi
D. Quinn	C. O'Flaherty
	A. Youn
	L. Humphrey

AGENDA

MONDAY, NOVEMBER 16, 2020 – 5:30 PM

~~HAZELNUT CONFERENCE ROOM~~

~~(At east entrance of City Hall)~~

**THIS MEETING WILL NOT BE CONDUCTED AT CITY FACILITIES
 BASED ON THE GOVERNOR'S PROCLAMATION 20-28.**

**THE PHONE NUMBER FOR THE PUBLIC TO LISTEN TO THIS
 MEETING IS: 1-253-292-9750, Access Code 418532517#**

Item	Recommended Action	Page
1. BUSINESS AGENDA		
a. An ordinance amending Table 18-6, "Land Uses Allowed by District," as codified in Title 18, "Zoning," of the Tukwila Municipal Code, to clarify the types and form of development permitted in the Regional Commercial (RC) and Neighborhood Commercial Center (NCC) zones located in the Tukwila International Boulevard Study area <i>Lynn Miranda, Planning Supervisor</i>	a. Forward to 11/23 C.O.W. for Public Hearing and 12/7 Regular Meeting.	Pg.1
b. A resolution adopting a consolidated permit fee schedule. <i>Minnie Dhaliwal, Community Development Deputy Director</i>	b. Forward to 11/23 C.O.W. and 12/7 Regular Mtg.	Pg.85
c. Residential Rental Housing Licensing and Inspection Program: (1) An update on the Residential Rental Housing Licensing and Inspection Program. (2) A resolution adopting a Residential Rental Business License and Inspection Program fee schedule. <i>Kia Shagena, Code Enforcement Officer</i>	c. Forward to 11/23 C.O.W. and 12/7 Regular Mtg.	Pg.99
d. A briefing on a Tourism Promotion Area Interlocal Agreement for 2021. <i>Brandon Miles, Business Relations Manager</i>	d. Forward to 11/23 C.O.W. Meeting.	Pg.109
2. MISCELLANEOUS		

Next Scheduled Meeting: *December 7, 2020*



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INFORMATIONAL MEMORANDUM

TO: Planning and Economic Development Committee

FROM: Jack Pace, Department of Community Development Director

BY: Lynn Miranda, Planning Manager

CC: Mayor Ekberg

DATE: November 6, 2020

SUBJECT: An Ordinance adopting zoning code amendments to replace the current moratorium (Ordinance 2631) on certain auto-oriented and lodging uses in NCC and RC zoning districts in the Tukwila International Boulevard (TIB) study area

ISSUE

Should the Zoning Code be amended to update regulations related to certain auto-oriented and lodging land uses in the Neighborhood Commercial Center (NCC) and Regional Center (RC) zoning districts located in the TIB study area that are currently prohibited by the moratorium (Ordinance 2631)? These amendments would eliminate the need to renew the current moratorium when it expires in January 2021.

BACKGROUND

In 2015, the City Council adopted an updated Comprehensive Plan with new goals, policies, and vision for Tukwila International Boulevard. A key goal of the Plan's *Tukwila International Boulevard (TIB) Element* is to transition TIB from a highway serving regional traffic into more of a safer, walkable "main street" with businesses serving the residents located nearby. The long-term vision also called for new housing and commercial uses at more urban densities within walking distance of the light rail station. In February 2017, a three-day public workshop with the Congress for New Urbanism (CNU) was held to develop ideas for implementing the Comprehensive Plan. At the May 1, 2017 City Council meeting, CNU recommended two key actions: 1) revise the street design for TIB to add on-street parking for businesses, improve safety, and reduce speeding; and 2) update the zoning code with standards that would support and encourage the types and form of new development that create a walkable main street.

Shortly after the CNU workshop, Council adopted a 6-month moratorium prohibiting auto-oriented and lodging uses in the TIB study area to ensure that any future development or redevelopment occurring prior to adoption of the new standards would not conflict with the vision for a walkable "main street". The moratorium also was intended to prevent investment in uses that were likely not going to be allowed under the planned revisions to the zoning code.

Work on the new zoning code standards and TIB rechannelization options has been progressing but is not yet completed, most recently due to impacts from the pandemic on staffing and City revenues. The City Council has been continuing to renew the moratorium every six months since 2017 but indicated in December 2019 that they would not do so again when

the moratorium expired in July 2020. Instead, the City Council requested the Planning Commission to consider zoning code amendments regarding auto-oriented and lodging uses that would replace the provisions in the moratorium.

Planning Commission Public Hearings

The Planning Commission held a public hearing on the draft interim zoning code amendments related to certain auto-oriented and lodging uses in the TIB study area prohibited by the moratorium (Ordinance 2620) on April 23, 2020. The hearing was held online due to the Governor's Proclamation 20-28 which prohibited any public agency from conducting in-person meetings. After the virtual hearing, the City Council expressed concern about the difficulty of public outreach and participation, and the Planning Commission postponed the continuation of their hearing to a date in the future when it could be conducted in-person.

Since the adoption of the amendments was to be delayed, the Council moved forward with renewing the moratorium on July 6th (Ordinance 2631 – Attachment A) and directed that the interim zoning code amendments now be adopted prior to the new expiration date of January 2021. To accommodate this schedule, the Planning Commission continued their public hearing virtually on October 22, 2020, as restrictions on public gatherings had not yet been lifted.

For the October 22 public hearing, public notice was expanded to ensure the community was well-informed of the upcoming hearing. TMC 18.104.120 requires notice of a public hearing to be sent to residents, occupants, and owners of record of property within 500 feet of the site as well as any parties of record. Prior to the October 22 meeting:

- Emails were sent after the April 23 hearing to those who provided comment, inviting them to meet with staff to discuss any concerns or comments about the interim zoning code amendments prior to the continuation of the Planning Commission public hearing. Mr. Yusef of East Side for Hire responded and met with David Cline and Jack Pace. No other recipients requested to meet with staff.
- 11,300 postcards were mailed to all businesses, residents and property owners located in the City (excluding Southcenter, Tukwila South, and properties in the MIC zone) providing notice of the virtual public hearing and an open house on the proposed changes, and directions as to how to participate and provide comments. Included on the postcard in five different languages was "This information is very important to your community. Please ask someone to translate it for you".
- 337 emails with the postcards attached were sent to *TIB interested parties* on October 7, 2020 providing notice of the public hearing and the open house.
- Staff hand-delivered flyers on the public hearing and open house to all businesses in the RC and NCC zoning districts in the TIB study area. Included on the flyer in five different languages was "This information is very important to your community. Please ask someone to translate it for you".
- Notice of the hearing and open house was published in the Seattle Times on October 8, 2020.

The online Open House was held on October 20, 2020. The goal of the open house was to provide an opportunity for residents and business owners to get more information on the proposed amendments and ask questions of staff so that they could be well-prepared to provide comments at the upcoming public hearings. Five people attended the open house.

On November 5, 2020, the Planning Commission concluded their deliberations and forwarded their recommendations on the proposed modifications to Table 18-6 to the City Council for additional public review and discussion. Here are links to the three Planning Commission

[https://tukwilawa.sharepoint.com/sites/departmentofcommunitydevelopment/DCDPlanning/Code Updates/TIB District Interim LU Revisions/CC Meetings/L20-0015 COW info memo.docx](https://tukwilawa.sharepoint.com/sites/departmentofcommunitydevelopment/DCDPlanning/Code%20Updates/TIB%20District%20Interim%20LU%20Revisions/CC%20Meetings/L20-0015%20COW%20info%20memo.docx)

meeting agenda packets: [April 23, 2020 meeting](#), [October 22, 2020 meeting](#), [Nov 5, 2020 meeting](#). There were four planning commissioners present at the Nov 5, 2020 meeting when deliberations were finalized.

The minutes for the Planning Commission's April 23 and October 22 public hearings and November 5 meeting can be found in Attachment B (The Nov 5 meeting minutes are draft, but we anticipate they will be adopted at Nov 12th Planning Commission meeting). Attachment C contains copies of the written public comments and matrices of verbal public comments and Planning Commission questions received during the April and October public hearings.

DISCUSSION OF THE PROPOSED CHANGES

- *Moratorium (Ordinance 2631)*

Ordinance 2631 currently prohibits the development, expansion, intensification or establishment of any 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; battery, tire, engine body repair shops; vehicular sales or rentals; and hotels, motels, and extended-stay facilities in the *Neighborhood Center Commercial* (NCC) and *Regional Commercial* (RC) zoning districts in the TIB study area.

- *Affected Zones in the TIB Study Area* (see Attachment D)

The limits of the TIB study area and the affected zoning districts can be seen in Attachment A. The TIB study area is roughly bound by S. 139th Street in the north, S. 160th Street in the south, Military Road S./City limits to the west, and 42nd Avenue S. to the east.

The proposed zoning code amendments apply to these zoning districts:

- The *Neighborhood Commercial Center* (NCC) zone is found in a few locations throughout the City. However, the proposed amendments would be limited to those areas located within the TIB study area.
- The *Regional Commercial* (RC) zones are only located within the TIB study area.

Proposed TMC Table 18-6 Zoning Code Amendments

Several options were proposed by staff and considered by the Planning Commission over the course of their deliberations. The most restrictive option was to regulate the type of uses in the TIB area by prohibiting all auto-oriented and lodging uses, consistent with the moratorium. However, the final recommendations in Table 1 allow most of these uses and regulate the physical aspects of building form and site design to create a high quality, superior walking experience. The majority of these were based on CNU and staff's recommendations which were then refined by the Planning Commission after considering public comments.

There were four Planning Commissioners in attendance at the November 5, 2020 meeting to deliberate on the proposed amendments. Table 1 below summarizes land uses considered, any recommended changes, and the results of the Planning Commission's votes on Motions to forward the item to the City Council. The first six land uses listed in Table 1 were recommended unanimously by the Commissioners in attendance and are included in the draft ordinance. Voting on the remaining four land uses was mixed – they received a combination of votes in favor of, opposed to, or abstentions. They are presented in Table 1 for further discussion by the City Council.

Specifically, the first column in Table 1 identifies the land uses currently prohibited by the moratorium. Column 2 shows if the use is currently permitted (P) in NCC or RC zoning districts, and the associated footnote is a proposed change. Column 3 contains the footnote with the proposed change (the recommended changes are represented by underlining and strikeouts). The fourth column presents the reasons for making the proposed change, and the last column summarizes how the Planning Commissioners voted.

Note that:

- *Motels* is the only use currently allowed by code and is recommended to be prohibited in the TIB study area by the proposed amendments.
- For the other nine uses, new footnotes were proposed to regulate building or site design.
- Minor language clarifications are proposed to current footnotes for *Commercial Parking*.
- Application of regulations:
 - The regulations would apply to all new uses in the RC and NCC district.
 - Per the City's Nonconforming Regulations (TMC 18.70) pre-existing legal uses in the NCC and RC zones are grandfathered and can continue to operate. Only when some thresholds listed under TMC 18.70 (such as an expansion, structural alteration, vacant for more than 24 months) is triggered do they need to come into compliance with the code. Over time, it is intended that these uses and structures will be replaced with those that are more neighborhood-serving and contribute to a walkable streetscape.
 - Pre-existing legally established auto sales and vehicle rental uses in the RC zone in the TIB study area on the effective date of the ordinance are exempt from the enclosed showroom requirement, provided the use is limited to the existing parcel(s) currently occupied on the date of the ordinance.
- *Pawnbrokers*. There was a suggestion from the Planning Commission during the public hearing to prohibit pawnbrokers and payday lenders in the RC zone as they do not add value to the neighborhood. Pawnbrokers are currently a Conditional use (C) in RC and payday lender is not called out as a specific use in Table 18-6. Neither use is listed as a prohibited use in the moratorium. Pawnbrokers are permitted elsewhere in the City.

Staff is seeking input from Council if Pawnbrokers and payday lenders should be prohibited in the RC zone. The vote by the Planning Commissioner was 2 in favor, 1 opposed and 1 abstain on this item.

FINANCIAL IMPACT

None

STAFF'S RECOMMENDATION

Adopt the draft Ordinance (Attachment E) with proposed modifications to TMC Chapter 18 Table 18-6. If these interim zoning code changes for TIB are not adopted and the moratorium is not renewed, redevelopment could occur that does not support the community vision and the adopted Comprehensive Plan goals and policies for the TIB area.

NEXT STEPS

The Committee is being asked to provide input to staff on the items that did not have a consensus vote from the Planning Commission and forward this ordinance to the November 23, 2020 Committee of the Whole meeting for a public hearing and review. Forward a recommendation to approve, deny or modify the draft ordinance at the Regular Meeting on December 7, 2020.

ATTACHMENTS

[https://tukwilawa.sharepoint.com/sites/departmentofcommunitydevelopment/DCDPlanning/Code Updates/TIB District Interim LU Revisions/CC Meetings/L20-0015 COW info memo.docx](https://tukwilawa.sharepoint.com/sites/departmentofcommunitydevelopment/DCDPlanning/Code%20Updates/TIB%20District%20Interim%20LU%20Revisions/CC%20Meetings/L20-0015%20COW%20info%20memo.docx)

Table 1. Proposed Changes to Title 18 Table 18-6 Land Uses Allowed by District

Land Use Category	Proposed Changes (strikeouts/underlining)			Reason for the Proposed Change	Planning Commission Vote
	NCC	RC	Footnote		
Retail sales, e.g. health/beauty aids/prescription drugs/ food/hardware/notions/crafts/supplies/house wares/electronics/ Financial, banking, mortgage, other services	<u>P36</u>	<u>P36</u>	<u>Drive-through facilities are permitted when located behind a building. Queuing lanes are not permitted between buildings and public frontage sidewalks. Where the use is located on a corner or with access to an alley, drive-throughs must exit to a side street or an alley that connects to a side street, where feasible.</u>	These uses are currently permitted in both the NCC and RC zones, however the current code doesn't address drive-through facilities associated with these uses. Drive-through facilities, e.g. for pharmacies and banks, attract more vehicles to the business and increasing the likelihood of potential conflicts between cars and pedestrians. The recommended amendments address this by allowing new uses with drive-throughs but regulate the location of the drive-through window and queuing, as well as where vehicles exit on to adjacent streets, to limit vehicle/pedestrian interactions.	In Favor: 4
Commercial Parking (Commercial parking is a use of land or structure for the parking of motor vehicles as a commercial enterprise for which hourly, daily, or weekly fees are charged (TMC 18.06.613)		P7	7. <u>Provided it is either: a. a structured parking facility located within a structure having substantial ground floor retail or commercial activities and designed such that the pedestrian and commercial environments are not negatively impacted by the parking use; or b. a surface parking facility located at least 175 feet from adjacent arterial streets and behind a building that, combined with appropriate Type III landscaping, provides effective visual screening from adjacent streets.</u>	Minor language clarification.	In Favor: 4
Extended-stay hotel/motel		<u>P35</u>	<u>Extended-stay hotel/motel</u> <u>Allowed if the following are provided: a full-service restaurant and a Class A liquor license, 24-hour staffed reception, all rooms accessed off interior hallways or lobby, and a minimum 90 rooms</u>	These additional requirements were added to attract new, quality hotels and/or extended stay hotels to locate on TIB. A 24-hour staffed reception and all rooms accessed off interior hallways or lobbies allows for better observation of activities and visitors on-site. 90 rooms minimum was selected because it is consistent with the minimum room requirement used by the Seattle Southside Regional Promotion Authority Tourism Promotion Area (TPA) in determining application of lodging charges. If Motels are prohibited from the RC zoning district (see #4 below), then 'motel' should be deleted from Extended-stay hotel in Table 18-6.	In Favor: 4
Hotels		<u>P35</u>			
Motels		<u>P</u>		This is the only use currently allowed by code and recommended to be prohibited. Motels are currently allowed in the RC zoning district. The intent of the proposed amendment is to prohibit new motels along TIB, which, due to their condition and management, were the site for illegal activity and resulted in their closure and public seizure.	In Favor: 4
Automobile, recreational vehicles or travel trailer or used car sales lots ²		<u>P33</u>	<u>Automotive sales must have an enclosed showroom with no outdoor storage of vehicles. Pre-existing legally established uses in the RC zone in the TIB study area on the effective date of the ordinance are exempt from the enclosed showroom requirement, provided the use is limited to the existing parcel(s) currently occupied on the date of the ordinance. Pre-existing legally established automotive sales where existing parking lots about the public frontage must provide effective visual screening of the parking lot from sidewalks (or street if no sidewalk currently exists) using Type II landscaping when any of the following occurs: a proposed expansion or structural alteration, a change of ownership, or when the business is vacated or abandoned for more than 24 months and a new business is proposed.</u>	Auto sales lots are currently allowed in RC, provided there is no dismantling of vehicles or sales of used parts. This would continue to apply. The amendments would allow most of these uses and regulate the physical aspects of building form and site design to create a high quality, superior walking experience. For example, an auto sales business with a large parking lot for vehicles doesn't create a desirable area to walk past – but requiring auto sales to put a sample of their vehicles in a well-designed enclosed showroom with a transparent shopfront does.	In favor: 2 Opposed: 2
Automotive services, gas (outside pumps allowed), washing, body and engine repair shops (enclosed within a building), and	<u>P34</u>	<u>P34</u>	<u>34. Outdoor storage of vehicles, tires, or other materials used for service is not permitted. Gas stations are permitted if the pumps and parking are located behind the building and the pumps meet the setback requirements and comply</u>	The intention of the proposed regulations is to prohibit the types and forms of businesses that primarily serve cars and because they don't have active shopfronts they do not contribute to walkability. They are typically characterized by outdoor storage of supplies and vehicles and generate a lot	In favor: 2 Opposed: 1 Abstained: 1

alternate fueling station (not wholesale distribution facilities).			<p><u>with building and Fire codes. Queuing lanes are not permitted between buildings and back of sidewalk. Wholesale distribution and storage of fuel (e.g. natural gas, propane, gasoline) are not permitted in the TIB study area. Pre-existing legally established automotive service uses with outdoor storage or parking abutting the public frontage must provide effective visual screening of the parking and outdoor stored materials from sidewalks (or street if no sidewalk currently exists) using Type II landscaping when any of the following occurs: a proposed expansion or structural alteration, a change of ownership, or when the business is vacated or abandoned for more than 24 months and a new business is proposed.</u></p>	<p>of vehicular traffic. The recommended modifications would continue to allow new automotive services in both zones, provided there is no outdoor storage of vehicles, tires, or other materials used for service. New Gas stations would be permitted if the pumps and parking are located behind the building, and Queuing lanes for cars are not located between the buildings and back of sidewalks. Existing uses would not be able to expand or intensify without complying with the regulations.</p>	
Rental of vehicles not requiring a commercial driver's license	P37		<p>37. <u>Automotive rentals must have an enclosed showroom with no outdoor storage of vehicles. Pre-existing legally established uses in the RC zone in the TIB study area on the effective date of the ordinance are exempt from the enclosed showroom requirement, provided the use is limited to the existing parcel(s) currently occupied on the date of the ordinance.</u></p>	<p>The recommended amendments allow most of these uses and regulate the physical aspects of building form and site design to create a high quality, superior walking experience. For example, car rental business with a large parking lot for vehicles doesn't create a desirable area to walk past – but requiring car rentals to put a sample of their vehicles in a well-designed enclosed showroom with a transparent shopfront does.</p>	<p>In favor: 2 Opposed: 1 Abstained: 1</p>
Restaurants including drive through, sit down, cocktail lounges in conjunction with a restaurant	P36		<p>36. <u>Drive-through facilities are permitted when located behind a building. Queuing lanes are not permitted between buildings and public frontage sidewalks. Where the use is located on a corner or with access to an alley, drive-throughs must exit to a side street or an alley that connects to a side street, where feasible.</u></p>	<p>The City's current zoning has two different categories for restaurants. Restaurants <u>without</u> a drive-thru facility are currently permitted in the NCC zone. Restaurants <u>with</u> drive throughs are currently permitted in the RC zone. Staff continues to recommend not allowing the expansion of drive-through facilities into the NCC zone. This option would regulate the location of the drive-thru facility and queuing to behind the building in the RC zone in order to minimize conflicts between pedestrians and vehicles.</p>	<p>In favor: 2 Opposed: 1 Abstained: 1</p>
Pawnbroker	C		<p>There was a suggestion from the Planning Commission during the public hearing to prohibit pawnbrokers and payday lenders in the RC zone as they do not add value to the neighborhood. Pawnbrokers are currently a Conditional use (C) in RC and payday lender is not called out as a specific use in Table 18-6. Neither use is listed as a prohibited use in the moratorium. Pawnbrokers are permitted elsewhere in the City.</p>	<p>Pawnbrokers will remain a Conditional use in the RC zone and payday lenders will not be a specified use in Table 18-6 unless amendments are recommended by the City Council.</p>	<p>In favor: 2 Opposed: 1 Abstain: 1</p>

- A. Ordinance 2631 – Moratorium
- B. Planning Commission Minutes: April - Nov 2020
- C. Public Comments & Planning Commission Comments (April - Oct)
- D. Figure 18-60 – Map of TIB Study Area
- E. Draft Ordinance Amending the Zoning Code TMC Table 18-6



City of Tukwila

Washington

Ordinance No. 2631

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 6th day of July, 2020.

ATTEST/AUTHENTICATED:

eSigned via SeamsDocx.com

Key: 59a8d7c0734745b6acc569e02597dc8

Christy O'Flaherty, MMC, City Clerk



Allan Ekberg, Mayor

APPROVED AS TO FORM BY:

eSigned via SeamsDocx.com

Key: 5b6e043b94e355a7c243855560fc4414

Office of the City Attorney

Filed with the City Clerk: 7-1-20
Passed by the City Council: 7-6-20
Published: 7-9-20
Effective Date: 7-14-20
Ordinance Number: 2631

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)

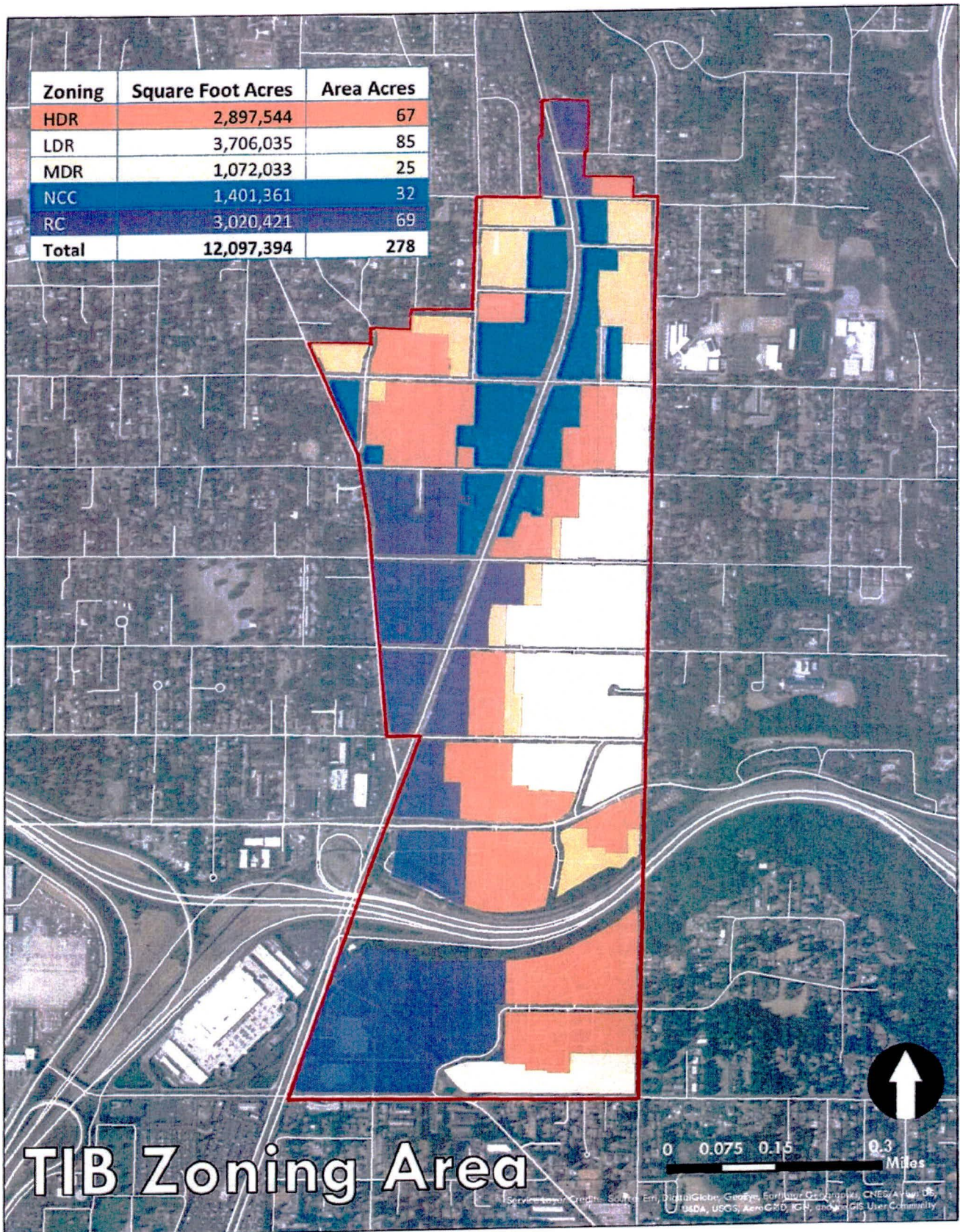


Exhibit B

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.

City of Tukwila Public Notice of Ordinance Adoption for Ordinance 2631.

On July 6, 2020 the City Council of the City of Tukwila, Washington, adopted the following ordinance, the main points of which are summarized by title as follows:

Ordinance 2631: 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.

The full text of this ordinance will be provided upon request.

Christy O'Flaherty, MMC, City Clerk

Published Seattle Times: July 9, 2020



**CITY OF TUKWILA
PLANNING COMMISSION PUBLIC HEARING
MINUTES**

- Date:** April 23, 2020
- Time:** 6:30 PM
- Location:** Virtual meeting via Microsoft Teams
- Present:** Chair Heidi Watters; Vice Chair Louise Strander; Commissioners Dennis Martinez, Sharon Mann, Karen Simmons, Dixie Stark, and Andrea Reay
- Staff:** Department of Community Development (DCD) Deputy Director Minnie Dhaliwal, Planning Supervisor Lynn Miranda and Planning Commission Secretary Wynetta Bivens
- Protocol:** Minnie Dhaliwal explained the protocol for the virtual meeting. She also introduced the Planning Commissioners.
- Agenda** Planning Commission (PC) will make a recommendation and forward it to the City.
- Item:** City Council (CC) will hold another hearing on the proposal. The public will be notified when this item goes to the CC for a public hearing and will have a second opportunity for comment.
- Adopt Minutes:** **Commissioner Mann** moved to adopt the February 27, 2020 minutes. Commissioner Simmons seconded the motion. Motion passed.

Chair Watters opened the public hearing for:

- CASE NUMBER: L20-0015
- PURPOSE: Consider zoning code amendments restricting or prohibiting certain auto-oriented and lodging uses currently prohibited by Ordinance 2620, to implement the Tukwila International Boulevard (TIB) element of the Comprehensive Plan.
- LOCATION: Neighborhood Commercial Center (NCC) and Regional Commercial (RC) zones in the TIB study area

Lynn Miranda, Planning Supervisor, DCD, gave the presentation for staff. She said the intent of the public hearing is to consider amendments to Table 18-6, Land Uses allowed by district. This will ensure that future development in the TIB area is consistent with and supports the form and type of uses that create a walkable TIB District.

She stated that public notification for the public hearing was published in the Seattle Times, and 387 businesses and interested parties were emailed. Information was included in the notice on how to submit public comments in writing or verbally during the meeting, and how to access the virtual meeting.

She provided background and gave an overview on the TIB planning process. Since the 1990 annexation of the area, revitalization has been a high priority for the City. In 2015, the City updated the Comprehensive Plan goals and policies for the TIB area to make it more walkable and transform TIB from a regional serving road to a “Main Street” serving the neighborhood. In 2017, the City, along with the Congress for New Urbanism (CNU), held a workshop to brainstorm how to implement the new vision for TIB. CNU made two recommendations: First, add on-street parking and bike lanes on TIB. Second, update the zoning code because the current code allows for the types of uses and development standards that do not fully support or incentivize the type and form of development that creates a walkable main street.

Also, in 2017 the CC adopted a six-month moratorium on auto-oriented commercial and lodging uses in the TIB study area that do not support the vision. The Council has been renewing the moratorium for the past two and one-half years. It prohibited new uses or the expansion of existing uses that do not support walkability and prevented the investment in uses that may not be allowed in the future. It also allowed staff time to establish new standards and TIB rechannelization designs and allowed time for public review and comment. The current moratorium will expire in July 2020. Therefore, it was necessary to have tonight’s public hearing in order to stay on track before the moratorium expires. The zoning code amendments would replace the moratorium. Uses in the Neighborhood Commercial Center (NCC) and the Regional Commercial (RC) zoning districts located within the TIB study area would be affected by the amendment.

Staff’s Recommendations

There are two options proposed for amending Table 18-6 in the zoning code. Option 1 would prohibit outright certain auto-oriented and lodging uses, which is consistent with the moratorium. Staff recommended Option 2, which modifies uses based on draft zoning code changes recommended by CNU to implement the vision. Under Option 1, most existing related uses would become a legal non-conforming use. Under Option 2, most existing related uses would remain a legal use with a potentially non-conforming structure. There are not any changes being proposed to allowable densities, heights, parking standards or other development standards affecting building size or lot design.

Staff noted that if the moratorium is not renewed and the proposed zoning code amendments are not adopted, redevelopment could occur that does not support the vision. Future uses and development would continue to be the type of auto-oriented, regional development that currently exists.

Staff noted they drafted and added Options 3 and 4 for recommendation for some of the land uses based on additional public comments.

Ms. Miranda answered clarifying questions for the Commission.

Commissioner Stark asked what would happen if the public hearing was continued to a later date. Staff said a meeting would need to be held in May to complete the zoning code adoption process prior to the moratorium expiration date of July 9, 2020.

Commissioner Reay inquired whether public outreach was sent out in different languages. Staff stated it was not. She also inquired as to the timeframe for completion of the design guidelines. Staff stated it was uncertain as it needed to follow Council's decision on adding on-street parking to TIB. Prior to the coronavirus, it was anticipated to occur before the end of the year.

Chair Watters inquired as to why the PC were asked to review this item for recommendation to the CC now. Staff said a moratorium may not be renewed indefinitely. Progress must be shown. Further, CC members were not interested in renewing the moratorium, so it is time to move forward and get the zoning code adopted. Chair Watters then asked how the transit-oriented development is affected by the decision being made and additionally the walkability. Staff stated they are not being proposed at this time.

Written Public Testimony

Lynn Miranda read the written public comments received prior to 5 PM, 4/23/2020, from the following individuals:

- **Georgina Kerr**, Citizen, - Expressed support as recommended by staff.
- **John McCullough**, McCullough Hill Leary, ps.
Expressed concerns with the impacts the proposed zoning changes would have on the Sterling Realty Organization (SRO) property and a potential future transit-oriented development in the RC district, and submitted two options to modify staff's proposals.
- **Rune Harkestad**, McCullough Hill Leary, ps.
He is considering purchasing a property north of the TIB Light Rail Station and expressed a desire for the City to move forward with zoning amendments that would allow transit-oriented development (TOD).
- **Traci Granbois**, property owner
Submitted two emails raising concerns regarding the necessity and timing of the public hearing and requested reconsideration to the proposed zoning changes in the RC district.

Minnie Dhaliwal, Deputy Director, facilitated virtual public testimony.

Virtual Public Testimony

Whit Hamlin, property owner, SRO, located east of the Rental Car Center said they have been working with DCD for a year on a potential TOD on their property. He shared what their organization has been working on in the interim. He said they are requesting modifications to the proposed zoning code language.

Adul Yusef, General Manager for Eastside for Hire, said COVID-19 has changed a lot of things and he wanted to emphasize that with the restrictions of the zoning changes, businesses may not make it after COVID-19. He said this might be the right time to renew the moratorium for six more months so discussions between the community and the PC can take place. He also requested the public

hearing be cancelled, he said voices are breaking up during the virtual meeting, and they are only able to comment on two of the zoning code changes as they have not heard about Options 3 and 4.

Traci Granbois, property owner, said her written public comments were read by staff, but she wanted to emphasize that the public hearing was being held in the middle of a global pandemic. She questioned how much public comment would be received tonight, and whether it was fair to Tukwila citizens. She said to the best of her knowledge she has never received a proposal on any of the changes and learned of them through other property owners. She commented on the duration of the moratorium and said the CC is warranted to not renew again because it will likely cause a lawsuit. She said part of the area recommended for rezone is across the street from the rental car facility, which will always have car usage, and suggested using a scalpel rather than a hatchet. She said there can be room for growth and new development and transit-oriented development while maintaining uses that are associated with the biggest uses in that industry.

Jack McCullough, McCullough Hill Leary, said that staff read the written comments that he submitted. He said SRO had concerns regarding the impacts on their property and its ability to pursue the TOD vision. He said in order to pursue the TOD they need to be able to maintain a viable economic use on the property. He said staff presented a new addendum to the staff report, which includes an Option 3 that addresses some of the issues they raised. He said that SRO endorses staff's recommendation for Option 3.

Harman Bual spoke on behalf of Dr. Sidhu who is considering building a hotel in the area. She asked if there would be legislation in the future that would allow modifications to the current height restriction so business owners would be allowed to construct a hotel in the area without requiring 100 rooms, a restaurant and a 24-hour reception if approved. She asked if amended later what would be the steps taken to modify the height restrictions and requirements. Staff said the PC will be considering development standards in the future, and height restrictions will be part of the consideration at that time.

Sunny Raj, property owner, said he is planning to construct a franchise hotel, and inquired on whether there are any other standards besides requiring a 100 rooms, a restaurant and a 24-hour reception that would apply to constructing a hotel in the future. Staff said development standards will be revised in the future.

There were no additional public comments.

Chair Watters gave the Commissioners the opportunity to ask clarifying questions.

Commissioner Stark asked Commissioner Watters if the PC would have an opportunity to keep the public hearing open.

Commissioner Reay said she was dropped from the virtual meeting and missed some of the public comments, and asked Mr. Hamlin to reiterate his comments. Mr. McCullough spoke on behalf of Mr. Hamlin, he said they were in constant communication with staff and they received an addendum to the staff report that he presumed the PC also received. He said SRO was supporting Option 3. Ms. Reay also called attention to Mr. Yusef noting in the Microsoft Teams chat bar that he never received the notice.

Ms. Miranda noted that she emailed the public notice to Mr. Yusef prior to the public hearing.

Chair Watters asked staff to clarify how to proceed since the addendum including Options 3 and 4 was not seen by everyone prior to the public hearing.

Staff suggested leaving the public hearing open until after staff walked through the 10 proposed land use changes and explained the options for each one. The PC deliberated and the public were given an opportunity to comment.

Ms. Miranda gave an overview of the following land use modifications:

1. Automobile, recreational vehicles or travel trailer or used car sales lots (no dismantling of cars or travel trailers or sale of used parts). Staff's recommendation in the PC packet was Option 2, but after receiving additional public comments they developed and **recommended Option 4** as listed in the PC packet addendum (exempts all uses on properties of south SR518 from an enclosed showroom).
2. Rental of vehicles not requiring a commercial driver's license. Staff's recommendation in the PC packet was Option 2, but after receiving additional public comments they developed and **recommended Option 3** as listed in the PC packet addendum (exempts enclosed showrooms on parcels larger than nine acres in the RC zone, such as the SRO property).
3. Automotive services, gas (outside pumps allowed), washing, body and engine repair shops (enclosed within a building), and alternate fueling station (not wholesale distribution facilities). Staff's recommendation in the PC packet was Option 2, but after receiving additional public comments they developed and **recommended Option 3** as listed in the PC packet addendum (allows outdoor storage of vehicles on parcels larger than nine acres in the RC zone south of SR518).
4. Commercial parking (a use of land or structure for the parking of motor vehicles as a commercial enterprise for which hourly, daily, or weekly fees are charged) (TMC 18.06.613). Staff **recommended Option 2** as listed in the PC packet.
5. Extended-stay hotel/motel - Staff **recommended Option 2** as listed in the PC packet. Commissioner Mann said she is uncomfortable with this change without more clarification on what qualifies as a restaurant.
6. Hotels - Staff **recommended Option 2** as listed in the PC packet.
7. Motels - Staff **recommended either Option 1 or 2** as listed in the PC packet.
8. Restaurants including drive through, sit down, cocktail lounges in conjunction with a restaurant. Staff **recommended Option 2** as listed in the PC packet.
9. Retail sales, e.g. health/beauty aids/prescription drugs/food/hardware/notions/crafts/supplies/housewares/electronics/photo-equip/film processing/ books/magazines/stationery/

clothing/shoes/flowers/plants/pets/jewelry/gifts/rec. equipment/sporting goods, and similar items. Staff **recommended Option 2** as listed in the PC packet.

10. Financial, banking, mortgage, other services. Staff **recommended Option 2** as listed in the PC packet.

Ms. Dhaliwal called names of the public that previously testified to allow them the opportunity to comment on new information.

Traci Granbois asked how someone would have known about Options 3 and 4 if they were not with SRO. She said the website only listed Options 1 and 2. She also asked if CC had reviewed Options 3 and 4.

Staff said Options 3 and 4 were exhibits added after receiving written public comments. This is typical procedure so that the PC is then able to address them during the public hearing process. The City Attorney will review all amendments prior to the ordinance.

Ricardo Frazer asked what will happen to the non-conforming hotel on the site, which Ms. Miranda addressed.

Abdul Yusef said there is a big disconnect, he said he heard about the public hearing two hours prior to it starting, and he reached out to minority businesses in his neighborhood who had not heard about the public hearing. He said they never received the notice and had no idea about the changes. He stated he is concerned that huge changes are being made to their businesses and they need time to communicate and gave their comments, he would like time to be given to the business owners.

There were no additional public comments.

Chair Watters closed the public hearing, then reopened the public hearing. The Commissioners were in consensus that the public hearing be continued to May 28th and understand there may need to be another virtual meeting. In addition to placing a notice in the Seattle Times and emailing businesses and interested parties, staff will provide post card notification to business owners, although businesses are closed.

Commissioner Simmons asked Mr. Yusef for the name of his business, as well as the name of the other businesses that would be impacted by the changes. Mr. Yusef said the name of his business is Eastside for Hire and noted three other auto-related businesses in the area.

Commissioner Strander said the addendum received prior to the public hearing was not published in the packet and so the public hearing should be continued so the public has a chance to respond. She asked for staff's response on the email regarding holding a virtual meeting. Staff said the City Attorney confirmed a virtual meeting is in compliance with the Governor's order.

Commissioner Mann said considering that people are saying they did not receive notice and four businesses are being impacted by a major decision, she thinks the meeting should be continued.

Commissioner Martinez said Mr. Yusef and staff are correct regarding the importance and impact of this meeting. He said there are language barriers and that the information needs to be conveyed to the community/businesses. He requested an email from the City Attorney indicating it is proper to hold the virtual meeting. He said the public hearing should be left open so the public may provide comments.

Commissioner Stark expressed concerns about holding this meeting and agreed the meeting needs to be continued. She requested that staff clean up the packet and reissue, and that proper steps be taken for the public to attend the hearing. She said given the circumstances she is proposing an additional meeting(s) in May.

Commissioner Reay had a follow up question for Ms. Granbois, who appeared to have left the call. She asked staff what the process would be if an in-person public hearing cannot be held in May, would there be another virtual meeting, and inquired about timeframe. Staff said in order to meet the deadline that a public hearing must be held in May. Commissioner Reay said she appreciates the effort that staff made to notify the businesses, but part of the outreach issue was compounded by some businesses being closed. She did not have any questions for staff regarding the recommendations. She thinks the public hearing should remain open because of the situation and for equity, with the understanding there would have to be another virtual meeting.

Commissioner Simmons suggested leaving the public hearing open because of the impacts already seen on small business and COVID-19. She noted that over communication may be necessary because there was such a large issue in the past where people did not feel like they were included in the public process.

Commissioner Watters said this is an important issue and it is impactful on the community. Further, the moratorium has been extended for a long time. She said it makes sense to continue the hearing because of challenges with language barriers and businesses being closed. She said she appreciates staff's efforts and requested that staff elaborate on outreach efforts and asked to hear more about targeted outreach considering the COVID-19 situation. She hopes to hold the continuation in May and mentioned that receiving addendums at the last minute is part of the public hearing processes. Although it does make it hard sometimes, she said they do review options with a scalpel instead of a hatchet, and it does require two meetings on occasion.

Commissioner Strander asked for clarifying questions on land use items 4 and 8.

Commissioner Mann asked clarifying questions and provided comments for staff on items 5, and 6. She was interested in a full-service hotel and suggested further definition as to what qualifies as a restaurant. She expressed interest in allowing drive-through food establishments in the NCC zone, such as a coffee shop for item 8.

Commissioner Martinez expressed concern with the recommendation in item 2 for Option 3 and would like for the City Attorney to review that as well as item 3.

Commissioner Simmons said several of her issues were addressed but expressed concern with the new drive-through restaurants being eliminated. She said to keep in mind it is important that TIB service everyone in Tukwila and that some people rely on cars.

Commissioner Stark inquired whether there is any economic development study or plan other than the CNU study? She also said she agrees with Commissioner Simmons regarding the drive-through.

Commissioner Reay commented that TOD is amazing for economic development and very important pre-COVID-19 and said it will be necessary to be nimble and flexible with economic development because things are going to change. She also inquired whether on-street parking will be possible.

Commissioner Watters reiterated the need for extra notification and to find some key help for outreach. She said she was glad Option 4 was added. She inquired whether the recommendation for item 2 should be another Option 4. She expressed concern with the six-month timeframe for non-conforming uses and recommended extending it due to COVID-19. She also suggested staff provide more history on the CNU workshop.

Director's Report

- Staff provided status on the Bellwether trees.
Action Item - Commissioner Martinez requested that staff send the plans they approved as part of the design review to the Commissioners.
- Staff provided status on how staff is working remotely and maintaining a virtual permit center.
- Staff provided information about Sound Transit's I-405 BRT project.

Adjourned - 9:45pm

Submitted by: Wynetta Bivens
Planning Commission Secretary

Adopted: 7/23/20



CITY OF TUKWILA PLANNING COMMISSION (PC) PUBLIC HEARING MINUTES

- Date:** October 22, 2020
Time: 6:30 PM
Location: Virtual meeting via Microsoft Teams
- Present:** Vice Chair Louise Strander; Commissioners Dennis Martinez, Sharon Mann, Karen Simmons, Dixie Stark, and Andrea Reay
- Absent:** Chair Heidi Watters
- Staff:** Department of Community Development (DCD) Deputy Director Minnie Dhaliwal, Planning Supervisor Lynn Miranda and Planning Commission Secretary Wynetta Bivens
- Protocol:** Minnie Dhaliwal explained the protocol for the virtual meeting. She also went over the purpose of the continuation.
- Agenda:** Continuance of the April 23, 2020 Public Hearing on Zoning Code Amendments.
- Adopt Minutes:** Commissioner Mann disclosed that she received an email from Greg and Vanessa Zaputil regarding corrections to two of the three motions in the 9/24/20 minutes. Commissioner Mann moved that the recorded minutes be reviewed, and the minutes be adopted at the next meeting. Commissioner Stark abstained due to absence on 9/24/20. Commissioner Martinez seconded the motion. Motion passed.
Upon review of the recording, the two motions were revised to verbatim motions.

Vice-Chair Strander opened the public hearing for:

- CASE NUMBER:** L20-0015
- PURPOSE:** Consider zoning code amendments restricting or prohibiting certain auto-oriented and lodging uses currently prohibited by Ordinance 2620, to implement the Tukwila International Boulevard (TIB) element of the Comprehensive Plan.
- LOCATION:** Neighborhood Commercial Center (NCC) and Regional Commercial (RC) zones in the TIB study area

Lynn Miranda, Planning Supervisor, DCD, gave the presentation for staff. She said the intent of the public hearing is for the PC to continue deliberations on the April 23 public hearing on the amendments to Table 18-6, Land Uses allowed in the NCC and RC zoning districts in the TIB study area to replace the need to renew the moratorium on auto-related services and lodging uses. This will ensure that future development in the TIB area is consistent with and supports a walkable TIB District as envisioned in the Comprehensive Plan.

She said in April there were some concerns about the difficulty regarding providing notice of the hearing to the public during the pandemic. She said for tonight's virtual hearing and virtual on-line open house held on October 20th staff put extra effort into notification. The code requires notification of occupants and property owners within 500 ft. and to publish notice in the newspaper, which was done. Additionally, 11,300 post cards were mailed to all existing businesses, residents, and property owners located in the City excluding Southcenter, Tukwila South and properties located in the Manufacturing Industrial Center (MIC) zone which is mainly Boeing. Emails were sent with post cards attached to a list of 337 interested parties with a sentence in five different languages that said, "this information is very important to your community please ask someone to translate for you." She noted that an earlier incorrect draft of the postcard was put in the staff report, but she assured the Commission that the correct postcard was mailed out. Staff also hand delivered notification flyers to all the business in the RC and NCC zoning district in the TIB study area on Thursday October 15th. She explained the intent of the open house was to answer questions on the interim proposed changes so that people could be well prepared for tonight's hearing and the upcoming City Council public hearing. Four people attended the open house and one person had difficulty joining but staff was able to help her successfully participate on-line.

She provided a brief overview of items covered in April. She talked about what planning efforts have been happening in the TIB area to date, the kinds of changes the City has been proposing to the City's zoning code and why. In 2015, the City Council adopted a 20-year vision for the area that called for transforming the TIB from a highway serving regional traffic to more of a walkable main street with businesses serving the residences located nearby. The long-term vision also called for new houses and commercial uses at more urban density within walking distance of the TIB Light Rail Station. In 2017, the City, in partnership with the Congress New Urbanism (CNU), held a 3-day community workshop on how to make the vision happen. There were two key actions recommended to the City Council after the workshop, 1) the rechannalization of TIB to add on-street parking and bike lanes to slow down traffic and improve safety for all uses and to provide parking for businesses by their front door, and 2) update the zoning standards code to attract and support the types of new development that create a walkable main street. In 2017, the Council adopted a moratorium that prohibited any new auto oriented and lodging uses or expansion of the existing uses so the type of development wouldn't occur that would conflict with the vision for TIB safe and walkable main street. Explanation was provided of other intents of the moratorium. Ordinance 2620 was renewed by Council in July, and the PC recommendations on the interim zoning code amendments are needed now for the Council to adopt them prior to expiration of the current moratorium in January 2021.

Staff's Recommendations

A walkthrough was provided of staff's recommended changes to the land use table, which are listed on page 17 of the October 17, 2020 staff report.

It was noted that no changes are being proposed for the allowable densities, heights, parking standards or other development standards affecting building size or lot design, which will be brought to PC and City Council at a later date.

The PC asked clarifying questions.

Written Public Testimony

Lynn Miranda read the written public comments received prior to 5 PM, on 10/22/20 from the following individuals:

- Jimmy K
- Brian Kennedy
- Rune Harkestad
- John McCullough, McCullough Hill Leary, ps., for Sterling Realty Organization (SRO)

Minnie Dhaliwal, Deputy Director, facilitated virtual public testimony.

Virtual Public Testimony

Adul Yusef, General Manager, Eastside for Hire, thanked the Commission for their service and staff for taking note and doing a good job with outreach for this hearing, and for the continuation of the April 23rd public hearing. He said in April they were in support of the TIB changes taking place and even though they were not aware of the moratorium they would have not opposed it. He said the COVID virus caused a lot of change to their business, and they are 90% down. Therefore, they rented out their shop for auto repair, and at the time were not aware of the moratorium. He said he met with David Cline the City Administrator and Jack Pace, and they tried to help but were unable to because of the moratorium. He said they told him about tonight's hearing, where he could address the issue. He requested temporary use of their property for auto repairs for a couple of years, which he said they cannot do under the current code. He asked for a chance to mitigate the problem while things are coming back from COVID. He asked the Commission to take that into consideration. He said that the City Administration have shown them tremendous respect and looked into every possible way that they could accommodate them. He said nobody could have anticipated that the world would change this much, and that they would need to use the property for auto repair. He asked the Commission to take note when making their recommendations to the City Council and to accommodate their needs because the moratorium was not designed to punish those businesses there but to make the community and TIB better.

Traci Granbois said she encourages the commission to support the alternative proposal and allow existing uses of the businesses to continue.

Chris Vandyke, Eastside for Hire, Assistant General Manager, said he wanted to echo Adul Yusef's comments and underscore that businesses have been entirely turned upside down as of the Governor's stay at home order on March 13 or 15. He said they have taken a body blow and they don't know how much time it will take to recover, to put them back in the position where the long range plans for the company are back in place. He said they are the largest minority

owned business on the west coast with about 600 drivers and they are completely shut down. He said they are scrambling for things to get better and they need time to get back on track. He said however the Commission decides to go forward they need flexibility in the grandfathering of existing uses. He said there is a legal dispute issue regarding whether the repair shop has been in use continually. He said they would like to continue in the use for a limited time period so the City can continue with its long use plan. And that COVID has upset their plans and makes it much less possible to not just accommodate the plan for the district improvements but to be a cooperative part of the plan.

There were no additional public comments.

Vice-Chair Strander gave the Commissioners the opportunity to ask clarifying questions.

PC Questions / Comments

See the attached table for a detailed list of comments, and questions the PC requested that staff return with answers.

Vice-Chair Strander closed the public hearing.

A meeting was scheduled for November 5th, and at that time staff will provide the Commission with answers to their questions. Then the PC will deliberate on the amendment proposals before them.

Director's Report

Adjourned 9:30 pm
Submitted by: Wynetta Bivens
 Planning Commission Secretary

Adopted: 11/5/20

Planning Commissioner	Land Use Item	PC Comments
Mann	1. Automobile, recreational vehicles or travel trailer or used car sales lots (no dismantling of cars or travel trailers or sale of used parts allowed).	For pre-existing uses, can we require screening of parking lots from public frontage?
Mann	3. Automotive services	For pre-existing uses, can we require screening of outdoor storage from public frontage?
Mann	3. Automotive services	Does not want wholesale distribution of fuel facilities in NCC or RC zones permitted in TIB study area.
Strander	3. Automotive services	Does Fire Dept have concerns about placing gas pumps behind the building, as required in the proposed footnote?
Mann & Martinez	3. Automotive services	Does not want stand-alone electric car charging stations on in NCC or RC zones in TIB study area. Should be an accessory use.
Mann	4. Commercial Parking	Clarify that b. in the footnote applies to surface parking lots.
Martinez	4. Commercial Parking	Why are surface-level commercial parking lots (<i>use of land or structure for the parking of motor vehicles as a commercial enterprise for which hourly, daily, or weekly fees are charged</i>) required to be 175' from street? How deep are the parcels on TIB? Should this required distance be less? Note: Commissioner Mann is in favor of keeping 175'.
Reay	5. Extended Stay Hotel/motel	The minimum of 100 rooms requirements seems arbitrary. Consider using the minimum room requirement used by the Seattle Southside Regional Promotion Authority Tourism Promotion Area (TPA) in determining application of lodging charges.
Reay	5. Hotel	The minimum of 100 rooms requirements seems arbitrary. Consider using the minimum room requirement used by the Seattle Southside Regional Promotion Authority Tourism Promotion Area (TPA) in determining application of lodging charges.

Mann	8. Restaurants including drive through, sit down, cocktail lounges in conjunction with a restaurant	Wants to allow drive-thru restaurant facilities in NCC
Simmons	8. Restaurants including drive through, sit down, cocktail lounges in conjunction with a restaurant	Consider a requirement for drive-thrus to exit on to side street instead of TIB to decrease opportunities for vehicular and pedestrian conflicts.
Simmons	9. Retail sales	Consider a requirement for drive-thrus to exit on to side street instead of TIB to decrease opportunities for vehicular and pedestrian conflicts.
Simmons	10. Financial, banking, mortgage, other services	Consider a requirement for drive-thrus to exit on to side street instead of TIB to decrease opportunities for vehicular and pedestrian conflicts.
Simmons	10. Financial, banking, mortgage, other services	Pawnbrokers and payday lenders do not add value to the neighborhood. Consider prohibiting these uses in the RC zone.



CITY OF TUKWILA PLANNING COMMISSION (PC) PUBLIC HEARING MINUTES

- Date:** November 5, 2020
Time: 6:30 PM
Location: Virtual meeting via Microsoft Teams
- Present:** Chair Heidi Watters; Vice Chair Louise Strander; Commissioners Dennis Martinez, Karen Simmons,
- Absent:** Commissioners Sharon Mann, Dixie Stark and Andrea Reay
- Staff:** Department of Community Development (DCD) Deputy Director Minnie Dhaliwal, Planning Supervisor Lynn Miranda and Planning Commission Secretary Wynetta Bivens
- Agenda:** Continuance of the October 22, 2020 Public Hearing on Zoning Code Amendments deliberations.
- Adopt:** Commissioner Watters moved to adopt the 9/24/20 minutes as amended
Minutes: Commissioner Martinez seconded the motion. Motion passed.
Commissioner Strander moved to adopt the 10-22-20 minutes. Commissioner Martinez seconded the motion. Commissioner Watters abstained; she did not attend the meeting. Motion passed.

Chair Watters opened the public hearing for:

CASE NUMBER: L20-0015

PURPOSE: Consider zoning code amendments restricting or prohibiting certain auto-oriented and lodging uses currently prohibited by Ordinance 2620, to implement the Tukwila International Boulevard (TIB) element of the Comprehensive Plan.

LOCATION: Neighborhood Commercial Center (NCC) and Regional Commercial (RC) zones in the TIB study area

Lynn Miranda, Planning Supervisor, DCD, explained the intent of the meeting and noted the following:

- In addendum #3 of the staff report are staff’s responses to the questions, comments and suggested modifications made at the October 22nd PC public hearing, in Attachment A.
- The latest proposed modifications are included in Attachment B.
- The staff recommendations in the October 22nd packet were revised based on the PC directions and suggestions. The PC will deliberate on those revisions.

Ms. Miranda gave a brief review on each of the following land uses, amendments and staff’s proposed recommendations, prior to PC deliberations. She also answered clarifying questions for the Commission.

DELIBERATIONS:

1. Automobile, recreational vehicles or travel trailer or used car sales lots (no dismantling of cars or travel trailers or sale of used parts allowed).

Commissioner Strander asked, how the requirement of an enclosed showroom for vehicles would work if someone wants to test drive a vehicle? And isn't it like a parking lot with a roof? Staff responded there would be a showroom, and one or two cars outside or stored in a different area for test driving. Commissioner Strander read language from the moratorium ordinance 2620 and said based on that language she does not support any of the recommendations, she supports leaving it like it is.

Commissioner Martinez asked, will pre-existing legal auto businesses be grandfathered in if ownership changes? He asked if the owner will be allowed to sell? Staff said nothing would change with the change of ownership, the use is not non-conforming and it can continue if sold. Commissioner Martinez said he does not feel comfortable with the showroom. He said it would be an additional financial burden on whoever buys the property; and small business owners will not be able to compete with high end markets. He said it should stay the same.

Commissioner Simmons asked whether there are currently dealerships on TIB north of SR-518? She said she is not opposed to the enclosed showroom, and from a visual perspective new lots would have a cleaner look.

Commissioner Watters said she is in favor of staff's recommendation #5; she feels staff did a good job striking a good balance between allowing mom and pop shops to continue to operate and to be able to sell their business. She said it could potentially increase the value of businesses. And that she appreciated Commissioners Martinez and Simmons comments.

Motion #1: Commissioner Watters made a motion to forward to the City Council Option 5 for category #1 auto sales as noted in the 11/5/20 staff report. Commissioner Simmons seconded the motion. Commissioners Strander and Martinez opposed. Commissioners Watters and Simmons were in favor.

2. Rental of vehicles not requiring a commercial driver's license.

Commissioner Strander asked how an enclosed showroom would work with rental vehicles? Staff responded that people would get transported to a car or it is brought to them. Commissioner Strander said she does not support any of the options and will vote no.

Commissioner Simmons gave an example of places that do not have the cars on-site but instead bring them from another location to the counter. She said she likes the language, and she agrees with the enclosed showroom.

Commissioner Watters said the proposed language strikes a good balance, and it brings value to the community and the neighborhood, so she is in support.

Commissioner Martinez said he believes the area is over saturated with car rentals businesses. He expressed concern with the motion for auto sales for small business car sale owners. He said a walkable community will provide a valuable service to new residents and immigrants. He said he does not see car rentals as a big deal, and he does not see small businesses wanting to spend millions of dollars to build a showroom in that area. He said they could have something else there. Commissioner Simmons said she agrees with Commissioner Martinez regarding small businesses having access to an alternative auto market, but she thinks they are moving in the right direction by requiring showrooms.

Motion #2: Commissioner Watters made a motion to forward to the City Council Option 5 for category #2-rental vehicles as noted in the 11/5/20 staff report. Commissioner Simmons seconded the motion. Commissioner Strander opposed. Commissioner Martinez abstained from voting. Commissioner Watters and Simmons were in favor.

3. Automotive services, gas (outside pumps allowed), washing, body and engine repair shops(enclosed within a building), and alternative fueling station (not wholesale distribution facilities) Note: the Fire Marshall approved language added regarding “must comply with fire code” language in the 11/5 staff report.

Commissioner Strander asked if the TIB is designated a principle arterial, and as a principle arterial does it need to be a certain size? She said they are being asked to look at zoning codes based on walkability and a principal arterial means something else. She said she is not comfortable putting the gas pumps in the back based on walkability. She also asked when is the rechannelization going to happen? She said she does not support any of the options and likes it the way it is. Staff responded that the vision and Comprehensive Plan is a long term, 20-year vision and we’re trying to make the changes incrementally.

Note: Commissioner Stander later stated that she read in the code it was considered a principle arterial. Commissioner Watters said whatever classification is in the code that it was taken into account during the comprehensive planning process and the PC were given direction.

Commissioner Martinez said he is frustrated with the elected officials not moving forward with this. He said they are building a bridge and do not have the foundation, and he has mixed feelings. He said he wishes they could figure out what they need to do, the big piece has not been addressed and he is not comfortable voting on this when the major stuff has not been taken care of.

Commissioner Watters said she can appreciate that this is a big change and it may take a while to get through the processes and that’s why it is important to keep the ball moving so they can be part of the change. She feels good moving it forward and thinks they have done so much with the public who complimented staff’s outreach efforts last time. She feels like it is a success in the community and the Comprehensive Plan focuses on the wellbeing of the community. The Comprehensive Plan is already adopted and calls for a walkable area. She is in support of this and thinks the City has given them a mandate to do this and thinks it is good to do gradually over time.

Motion: #3 Commissioner Watters made a motion to forward to the City Council for category #3- Automotive services, gas (outside pumps allowed), etc. as amended in the 11/5/20 staff report. Commissioner Simmons seconded the motion. Commissioner Strander opposed. Commissioner Martinez abstained from voting. Commissioners Watters and Simmons were in favor.

4. Commercial parking (Commercial parking is a use of land or structure for the parking of motor vehicles as a commercial enterprise for which hourly, daily, or weekly fees are charged (TMC 18.06.613))

Commissioner Strander asked staff about the question raised at the last meeting regarding the 175 ft. parcel depth along TIB. Staff said the parcel depth ranges from 80 ft. to 465 ft. in depth along the corridor. The policy choice of 175 ft. was to discourage airport parking along TIB, staff recommended no change.

Commissioner Martinez asked for a breakdown of the 80 ft. to 465 ft. lots, how many are there and where are they located? He requested to see a map of how many lots are 175 ft. in depth, he said he is not comfortable approving it without the info. He said he asked for this information at the last meeting and this info should have been easy to provide. Staff pulled up a map during the meeting to show that the lot pattern and depth varied up and down the corridor. Commissioner Martinez wanted to know the average lot size, and the number of lots that currently exist in the high traffic area that are a minimum of 175 ft.

Commissioner Watters said since the Comprehensive Plan has already been established it makes sense, and other options are provided to offer some flexibility.

Commissioner Strander said for the record the Light Rail Station parking is permitted and if there were to be another parking lot across the street would it be permitted? Commissioner Martinez asked if Sound Transit parking lots were considered commercial parking or non-profit parking? Staff said they are an accessory to an existing permitted use. Commissioner Strander asked if they were expanded in any way would it be acceptable. Staff said additional parking for light rail is subject to the Unclassified Use permit for the station.

Motion: #4 Commissioner Watters made a motion to forward to the City Council for category #4- Commercial parking, etc. as amended and recommended in the 11/5/20 staff report. Commissioner Simmons seconded the motion. The motion passed unanimously.

5. Extended-stay hotel/motel

Motion: #5 Commissioner Watters made a motion to forward to the City Council for category #5- Extended-stay hotel/motel option #3 amended from a 100 unit minimum to a 90 unit minimum and to strike the word motel from the land use table recommended in the 11/5/20 staff report. Commissioner Martinez seconded the motion. The motion passed unanimously.

6. Hotels

Motion: #6 Commissioner Watters made a motion to forward to the City Council for category #6-Hotel as amended from a 100 unit minimum to a 90 unit minimum as recommended in the 11/5/20 staff report. Commissioner Strander seconded the motion. The motion passed unanimously.

7. Motels

Motion: #7 Commissioner Strander made a motion to forward to the City Council for category #7-Motels option 1 and 2 as recommended in the 11/5/20 staff report. Commissioner Martinez seconded the motion. The motion passed unanimously.

8. Restaurants including drive through, sit down, cocktail lounges in conjunction with a restaurant.

Commissioner Strander asked how many drive through restaurants are currently in the NCC? What would happen with the existing restaurants under staff's recommendation? What would happen if the restaurant were not open for six months? She also asked if any kind of restaurants with drive throughs would be permitted in the NCC? (Staff said there are 2 drive throughs in the NCC; restaurants without drive-throughs would be permitted; staff said the existing restaurants would stay as is unless they wanted to expand; and if the restaurant is not open for six month it would not change. Commissioner Strander said she supports leaving the drive throughs as permitted, and she also thinks drive throughs in the NCC should be permitted.

Commissioner Martinez said at the last meeting he had concerns regarding the lack of drive throughs in the NCC. He said having a drive through restaurant would help the small minority businesses. He said we should have drive throughs to give small minority owned businesses an opportunity to succeed in an area that is going to be developed (Wadajir development). He said he cannot support it without modifying the NCC drive through requirements.

Commissioner Simmons thanked staff for adding the language on the drive through to direct the traffic away from TIB onto a side street. She said from a walkability perspective it really adds value to the flow of the traffic on the sidewalk.

Commissioner Watters is in support. She said there are other locations in the City where those uses can happen and in order to fulfill the Comprehensive Plan it makes sense to prohibit drive throughs in this manner.

Staff noted that they wanted to clarify that in the RC drive throughs are allowed but they must be behind the building. Currently drive throughs are not allowed in the NCC, which will stay as is with staff's recommendation.

Commissioner Strander asked what if a drive through restaurant does not have the option to exit to another street, but only have access from TIB? Staff said the language states they will only have to exit to another street if it is feasible, such as being located on a corner.

Motion: #8 Commissioner Watters made a motion to forward to the City Council staff's recommendation for category #8 for restaurants including drive through, sit down, cocktail lounges in conjunction with a restaurant. as noted in the 11/5/20 staff report. Commissioner Simmons seconded the motion. Commissioners Watters and Simmons were in favor, Commissioners Strander and Martinez were opposed.

9. Retail sales, e.g. health/beauty aids/prescription drugs/food/hardware/notions/crafts/supplies/housewares/electronics/photo-equip/film processing/books/magazines/stationery/clothing/shoes/flowers/plants/pets/jewelry/gifts/rec.equip/sporting goods, and similar items.

Commissioner Strander asked how many businesses currently in the TIB area are affected by this category? Staff said approximately eight businesses are affected, but they do not need to comply at this point, it is the new businesses that need to comply (**Staff correction** – there is only one retail business with a drive-through – Walgreen's Pharmacy).

Motion: #9 Commissioner Simmons made a motion to forward to the City Council for use category #9 for retail sales, e.g. health/beauty aids/prescription drugs/food/hardware/notions/crafts/supplies/housewares/electronics/photo-equip/film processing/books/magazines/stationery/clothing/shoes/flowers/plants/pets/jewelry/gifts/rec.equip/sporting goods, and similar items, as recommended by staff in the 11/5/20 staff report. Commissioner Watters seconded the motion. Motion passed unanimously.

10. Financial, banking, mortgage, other services.

Commissioner Strander asked how many businesses currently in the TIB area are affected by this category? Staff said four businesses are affected (**Staff correction** – there is only one business with a drive-through – Key Bank).

Motion: #10 Commissioner Simmons made a motion to forward to the City Council for category #10 financial, banking, mortgage, other services as recommended by staff in the 11/5/20 staff report. Commissioner Watters seconded the motion. Motion passed unanimously.

11. Pawnbroker and payday lenders. (There was extensive discussion on this added item)

Staff said these land uses are not listed as prohibited uses in the moratorium but were specifically added to the list of proposed land uses modifications based on the PC recommendation at the 10/22/20 public hearing. The Commissioners felt that these uses do not add value to the neighborhood and that they should be prohibited.
(See the land use table in the 11/5/20 staff report for additional detailed information.)

Commissioner Strander said she supports this category; she asked since it was added after the public hearing and the public did not get a chance to weigh in on this, is it appropriate to add now? Staff said they believe it is okay to add it now, and that the public would still have an opportunity to comment on it at the Committee of the Whole (COW) public hearing in a few

weeks. Commissioner Strander reiterated that she is in support, but she would have liked for the public to weigh in on this the same as they did on the other 10 categories discussed. She said she is not comfortable approving this because it was not part of the originally packet, and it was added after the public hearing was closed.

Commissioner Martinez said he was also in favor of this, but as Commissioner Strander said it was added after the public hearing was closed. He asked staff when they notified all the parties involved in the meeting last month if they notified them about this proposed change? Staff said they did not specify that in the notice that was sent out but there was a link to the staff report included with all the details including the other amendments PC directed be made. He said he supports one hundred percent what they are trying to do, but that he had some concerns, and he is not in favor of the process tonight.

Staff provided additional information on the process. Staff said the discussion took place on this topic during deliberations in a public format and those in attendance heard the PC discussion and concerns about this issue. Staff said in terms of getting public input when the public is notified, they are not notified of every single detail and code change. They are told about what is being considered and if they participate in the meeting then they can learn about the changes. Staff said the PC add value through their discussion and deliberation and may want to add to changes being considered, which has always been the case with all code amendments. Staff starts with a recommendation and the PC builds off that. Public outreach is done given on the topic, not every detail. And it is to be expected through that process that things can evolve and change from what staff brings forth to the PC.

Commissioner Strander said she understands but this is an additional item that the public did not get to discuss. She said she may be in favor of this, but she will not approve it because it was not part of the original public hearing where someone may have participated because of this item.

Commissioner Simmons said she could understand the apprehension on including this item, but personally she feels strongly about including this because it is so predatory upon the community. And if this is an item that will be reviewed further at the COW public hearing where feedback can be provided, she does not have an issue including the pawnbrokers and payday lenders.

Commissioner Watters said she appreciated the discussion on how to go about topics, processes, staff's perspective, and them adding additional information. She said if every single minutiae of topic had to be preconceived and sent on a flyer then government would grind to a halt and it would not be possible to get anything done. She said the fact the public were able to hear about it, and when Council hears about it that will be the third time and they can take action to discuss it further if they wish. She said because they are all in favor, she would encourage them to support it because that way the Council will talk about it. If they do not forward a recommendation, then it will not be on the list and Council probably will not talk about this. She said she thinks this is a great way to move the process forward and give the community a chance to discuss it, so she is in favor.

Commissioner Strander said she does agree that this change should happen, but she has an issue with the process and because of that she will not approve.

Motion: #11 Commissioner Watters made a motion to forward to the City Council the additional category #11, pawnbrokers and payday loans as amended in the 11/5/20 staff report with staff's recommendation. Commissioner Simmons seconded the motion. Commissioners Watters and Simmons were in favor. Commissioner Strander opposed. Commissioner Martinez abstained from voting.

Staff noted that tonight's meeting was to consider all the public testimony received, and the PC has concluded deliberations on each one.

Staff said they appreciate everyone's hard work and participation, the community's input and the Planning Commission's thoughts and process, and it will be a better product because they have deliberated and thought through each item. They also said they valued everyone's input.

Next steps:

- Staff will forward the PC recommendations to City Council for final decision.
- If everything precedes as planned the COW will hold a public hearing on November 23rd, at 7:00 p.m.
- There will be a City Council public hearing on December 7th, at 7:00 p.m. and they will adopt their recommendations.

Adjourned 8:45 p.m.
Submitted by: Wynetta Bivens
 Planning Commission Secretary

Attachment C - Public Comments Received

From: [georgina- on-the-Duwamish](#)
To: [Lynn Miranda](#)
Subject: Re: NOTICE: Planning Commission Public Hearing on land use changes in NCC & RC zoning in Tukwila International Blvd area
Date: Thursday, April 16, 2020 6:08:20 PM

I have read the document and agree with the staff recommendations, all of which support/enhance a walkable TIB district. Good work.

Georgina Kerr
3836 S 116th St
Tukwila WA 98168
206 444 9695

On April 16, 2020 at 3:29 PM Lynn Miranda <Lynn.Miranda@TukwilaWA.gov> wrote:

Hello,

You are receiving this Notice of a Planning Commission Public Hearing because you previously indicated an interest in receiving information related to a project or community planning effort in the Tukwila International Boulevard area. Please let me know if you no longer wish to be on our list of interested parties and I will remove you from this list.

The Tukwila Planning Commission will be holding a **virtual public hearing** on Thursday April 23 at 6:30 p.m. to consider zoning code amendments restricting or prohibiting certain auto-oriented and lodging uses currently prohibited by Ordinance 2620, for the purpose of implementing the Tukwila International Boulevard (TIB) Element of the Comprehensive Plan. Land uses currently permitted in the Neighborhood Commercial Center (NCC) and Regional Commercial (RC) zoning districts

may be affected.

Please see the Notice below for directions on how to learn more about the zoning code amendments, access the virtual meeting online or via telephone, and provide public comment on the project via email or verbally.

City of Tukwila

PUBLIC HEARING NOTICE

April 23, 2020

VIA ELECTRONIC MAIL

Planning Commission
City of Tukwila
6200 Southcenter Boulevard
Tukwila, Washington 98188

Re: Comments on Item L20-0015
Zoning code amendments restricting or prohibiting certain auto-oriented and lodging uses
Under the Tukwila International Boulevard (TIB) Element of the Comprehensive Plan

Dear Commission Members:

We are writing on behalf of Sterling Realty Organization (“SRO”), which is the owner of the property located at the southeast quadrant of the intersection of Tukwila International Boulevard (TIB) and SR-518 (the “Property”), to provide comments on the above-referenced draft ordinance (the “Proposed Ordinance”). The Property is the home to the Avis Car Rental service facility and Shuttlepark airport parking.

SRO has been working cooperatively with the City and Sound Transit on a vision for a transit-oriented development on the Property, linked to the nearby light rail and future BRT station with a pedestrian bridge over SR-518. With such a pedestrian connection in place, the Property becomes an ideal location for a high-density, mixed-use development, which would anchor the southern end of the City’s TIB subarea.

But the ability of SRO to pursue this TOD vision depends critically on the continuation of productive economic uses on the Property. The cost of planning and development of a future TOD project on the Property will run into the millions of dollars and will need to be phased over a period of years. If productive uses cannot continue on the Property, then the viability of the TOD vision will be severely jeopardized.

The current uses on the Property – automotive services, automobile sales and car rental for Avis, and commercial parking for Shuttlepark – would be rendered nonconforming by the Proposed Ordinance. Under the City’s Code, a mere six-month lapse in use of these nonconforming uses could terminate them. We do not know what the post-COVID world will look like, but airport car rental-related activities and airport parking are certainly two uses that are most at risk. SRO is highly concerned that if COVID effects cause such a lapse in use, the Proposed Ordinance will have the unintended effect of terminating the economic use of the Property. If that happens, then the TOD vision for the Property may be a disappearing dream.

The Property is unique in the TIB subarea, in its size and location. It is geographically isolated from the rest of the subarea, it is the largest parcel in the subarea, and it is adjacent to high-impact transportation corridors on two sides. Unlike other sites in the TIB subarea, the continuation of auto-oriented uses on the Property does not pose a land use risk to the redevelopment vision for the corridor. To the contrary, continuation of current uses on the Property is critical to keeping the TOD vision for this site alive.

Therefore, we are suggesting options for amendment of the Proposed Ordinance to address this issue. Each of these options recognizes that the Property is a unique asset with unique conditions in the TIB subarea, and allows for continuation of existing uses to help support the implementation of the TIB vision for the Property. SRO believes that Option 1 should be the preferred option: it is simpler to administer.

But in either case, SRO will continue to work closely with the City on the long-term TOD vision for the Property. This TOD process will lead to future zoning amendments for the Property and the subarea, as indicated in the Planning Commission work program. If other steps need to be taken to address existing uses on the Property, they should occur in that process, in the context of the long-term vision for the site. In the meantime, it would be a mistake to let area-wide use restrictions in the Proposed Ordinance to create an obstacle to future TOD development of the Property.

We urge you to recommend one of the options set forth in Attachment A, in order to keep this TOD vision alive.

Sincerely,

McCULLOUGH HILL LEARY, PS



John C. McCullough

cc: Sterling Realty Organization

Attachment A

SRO TOD Site/Tukwila

Proposed amendments to TIB Code

OPTION 1:

- Add notes to the use tables to provide that (i) commercial parking uses, (ii) rental of vehicles not requiring a commercial driver's license uses, (iii) automotive services, and (iv) automobile and used car sales lots, existing on the effective date of the ordinance on parcels larger than 9 acres in the RC zone in the TIB subarea, are permitted uses.

OPTION 2:

NEW SUBSECTION

TMC 18.70.040 Nonconforming Uses

* * * * *

7. Notwithstanding any provision in this Chapter to the contrary, on a lot in the RC zone of nine (9) acres or greater, a nonconforming commercial parking use, nonconforming rental of vehicles not requiring a commercial driver's license use, nonconforming automotive services use or nonconforming automobile and used car sales lot may be intensified or relocated on the site, or an existing structure devoted to such a use may be structurally altered or reconstructed at another location on the site, as long as the land area occupied by such nonconforming use is not increased. If any such nonconforming use ceases or is diminished, then the time periods for resumption of use set forth in subsection 18.70.040(3) shall be three (3) years.

PUBLIC COMMENTS TO THE PLANNING COMMISSION MEETING APRIL 23RD, 2020

My comments relate to the proposed changes to the RC zoning. I represent an entity which currently is under contract to purchase approx.. 1.6 acre of mostly vacant land located at 14816 TIB (the Steinberg Property) which is approx.. 1/3 of a mile North of the Light Rail Station. While I do not know the demand for the uses subject to the zoning changes in general, I can state with 100% certainty that none of the uses (automobile services, gas, car wash, drive thru, motel, etc.) to be discussed at the Planning Commission Meeting on 4/23 are contemplated uses for a redevelopment of the Steinberg Property.

As evidenced by the regional shortage of housing units (I have read estimated at 160,000 units for the Puget Sound Region), by far the highest and best use for the Steinberg Property is housing, and lots of it. The proximity to Light Rail makes all of the parcels between the Light Rail Station and Tukwila Village (identified on the City's web page as within walking distance to Light Rail) of even greater importance for housing.

Unfortunately, the current RC zoning falls far short of allowing the potential for housing units typically seen in close proximity to Light Rail Station. I.e. the Steinberg Property only allows for approx.. 35 units while we have received site plan approval from the City of SeaTac for 117 units on a similar size site, directly across the Tukwila Justice Center currently under construction.

I strongly urge the City, and the Planning Commission to move as quickly as possible on to the most important phase, which is to adapt zoning similar to what other jurisdictions have enacted around the Light Rail Stations, i.e. Spring District in Bellevue, Northgate in Seattle, or SeaTac for that matter (although they still have some zoning issues to work out which I understand will be addressed this year).

Thank you.

Rune Harkestad

Riverton Housing, LLC

845 NE 106th Ave. #100, Bellevue, WA 98004

From: [Traci](#)
To: [Lynn Miranda](#)
Cc: [Rachel Turpin](#)
Subject: NOTICE: Planning Commission Public Hearing on land use changes in NCC & RC zoning in Tukwila International Blvd area
Date: Wednesday, April 22, 2020 3:58:26 PM

Good afternoon Ms. Miranda,

I hope you are healthy and strong during these unprecedented times.

As you are likely aware, Governor Jay Inslee has suspended certain in-person requirements under the OPMA. But there are restrictions on when action can be taken.

Pursuant to the order, agencies may only conduct meetings that can be attended remotely (both by the public and the governing body) and may only take “action,” as defined in [RCW 42.30.020](#), on matters that are either (1) necessary and routine, or (2) necessary to respond to the COVID-19 outbreak and the current public health emergency. All other matters must be postponed until regular meetings may resume that are in full compliance with the OPMA.

Remote/virtual meetings may take place as long as they are regular meetings dealing with **routine** items only.

More information can be found here: http://mrsc.org/Home/Stay-Informed/MRSC-Insight/March-2020/Governor-Issues-Proclamation_20-28.aspx

I was hoping that you would provide information on how the content of Tukwila’s 4.23.20 Planning Commission meeting is:

1. Necessary and routine and/or
2. Necessary to respond to the COVID-19 outbreak and the current public health emergency.

You likely are aware that the vast majority of cities have canceled all commission meetings until at least May. *Please see* Cities of SeaTac, Burien, Issaquah, Bellevue, Mercer Island.

I look forward to hearing from you.

Thank you,
Traci Granbois

From: Lynn Miranda [<mailto:Lynn.Miranda@TukwilaWA.gov>]
Sent: Thursday, April 16, 2020 3:29 PM
To: Lynn Miranda <Lynn.Miranda@TukwilaWA.gov>
Subject: NOTICE: Planning Commission Public Hearing on land use changes in NCC & RC zoning in Tukwila International Blvd area

Hello,

You are receiving this Notice of a Planning Commission Public Hearing because you previously indicated an interest in receiving information related to a project or community planning

From: [Traci](#)
To: [Lynn Miranda](#)
Cc: [Doris Cassan](#)
Subject: comments for 4.23.20 Planning Commission Meeting
Date: Thursday, April 23, 2020 3:53:39 PM

Hello Ms. Miranda,

I signed up to speak but also wanted to include written comments to the Commission. Please find them below.

Thank you,
Traci Granbois

Traci Granbois
15858 International Boulevard, Tukwila, WA

The City of Tukwila is holding a public hearing during the first global pandemic in the past 100+ years.

Please allow the gravity of that statement to sink in.

You are holding a meeting which has the potential to negatively affect private property rights during the middle of an unprecedented public health emergency. You have had a moratorium on property in this zone for over 4 years. **FOUR YEARS!** This in itself is another unprecedented phenomenon. Would you describe “four years” as “reasonable” and “for a limited period of time”? The timing of this meeting is unfortunate and gives the impression that the City of Tukwila is attempting to slip a fast one past citizens who have served your community for 25+ years.

In regards to the substance of your meeting...the southern portion of the TIB study area is located directly across the street from our region’s Rental Car facility which services the Seattle-Tacoma Airport – the powerhouse money/jobs generator in this area. The Port built this facility at much expense for the benefit of all citizens. It is obvious that uses around this Rental Car facility will be related to...cars! It is unreasonable to disallow outdoor storage of automobiles – this will have an extremely negative effect on businesses affiliated with the main industry on IB, namely the airport & rental car facility.

Spot zoning. This potential zoning change appears to be an illegal spot zone – with only one car sales location noted on Attachment A, it appears that one specific business is being targeted.

In summary, I ask this committee to slow down and truly consider whether holding a public hearing during the middle of the Corona pandemic is truly in the best interest of the citizens. I then ask this committee to reconsider banning outdoor storage of automobiles on properties located on International Boulevard.

Thank you for your consideration,
Traci Granbois

Staff Response to Public Comments

10/12/2020

Item	Commentator	Comment (language changes in strikethrough/underline, recommendation in bold)	Date/Source	Staff comment/analysis/options	PC Direction
1	Commissioner Watters	Consider extending the time allowed for businesses potentially affected by the proposed changes to the land use code to be vacant, given the impact of the pandemic on businesses. Currently, <i>TMC 18.70.040.4 Non-Conforming</i> section states that:	PC hearing 4.23.20	Staff Response: Per TMC 18.70.040.4 Non-Conforming Uses states if any such nonconforming use ceases for any reason for a period of more than six consecutive months, or a total of 365 days in a three-year time period, any subsequent use shall conform to the regulations specified by this title for the district in which such use is located. To date, no one has reached out to staff with such a request. One option to address this comment would be to revise the non-conforming use section by adding the following: <u>The DCD Director may grant a commercial use an extension of an additional six consecutive months, for a time period not exceeding one year, provided the following criteria are met:</u> 1. <u>The extension is needed because of the impacts to the business because of COVID; and</u> 2. <u>The business was in existence and operating prior to pre-COVID restrictions; and</u> 2. <u>The use is a permitted use within the zoning district.</u>	
2	Commissioner Stark	Are any economic development studies or plans that have been prepared related to TIB?	PC hearing 4.23.20	Staff Response: There are some general studies and articles written about "Main Streets" but a specific economic analysis for TIB, other than a retail and housing market analysis as part of the CNU study, has not been done at this time. Attachment D to this Staff Report Addendum 2 is a memo (dated 3.9.2020) from the City's Economic Development Administrator providing an estimated range of the potential economic development benefits associated with adding on-street parking along TIB to support a pedestrian friendly, "main street" type of neighborhood.	No response required.
3	Abdul Yusef	There was concern expressed about existing uses along TIB experiencing a potential cessation of operations for 6 months due to the impact of the pandemic, and their ability to continue their business in the future if this happens.	PC hearing 4.23.20	Staff Response: See the response to Commissioner Watters' comment above regarding businesses that cease to exist for 6 months or more.	

50	Abdul Yusef	A desire was expressed to allow new uses that are currently prohibited by the moratorium so that property owners affected by COVID can generate income - perhaps allow on a temporary basis.	PC hearing 4.23.20	<p>The moratorium was adopted by the City Council to limit the types and forms of new development that conflict with the community's vision for creating a walkable main street on TIB. Even if allowed on a temporary basis, significant private investment will be required for uses that do not support the community vision and adopted Comprehensive Plan goals and policies. Once these use are in place, it will be very difficult to regulate them for a limited amount of time.</p> <p>Staff Recommendation: Do not allow new uses currently prohibited by the moratorium and proposed interim zoning revisions on a temporary basis.</p>	
5	Commissioner Mann	To ensure a quality hotel, revise the conditions for hotels and extended stays to include a full service restaurant with Class A liquor license and more than 100 rooms. Red Lion further south on International Blvd has 140 rooms.	PC hearing 4.23.20	<p>The requirements for a full service restaurant with Class A liquor license were added to the Options. Research on new hotels in the Southcenter area show that the number of rooms range from 75 to 139, with the average being 101.</p> <p>Staff Recommendation: Keep the minimum number of rooms required at 100.</p>	
6	Commissioners Mann, Martinez, Watters	Allow drive-through coffee houses in NCC zone. These could be accessed through an alley.	PC hearing 4.23.20	<p>The current zoning code has two different categories for restaurants. Drive-through restaurants (including a business like Starbucks) are currently allowed in RC zone. Restaurants <u>without</u> a drive-through facility are currently permitted in the NCC zone. Allowing drive-thru coffee houses would expand auto-oriented uses into the NCC zone. Putting a minimum size requirement on coffee shops would restrict most drive-through coffee stands from locating in the NCC zoning district, but the type or brand of coffee shops that could locate in the NCC zone cannot be regulated. . In addition, the code does not define "coffee house" so trying to interpret the different forms it could take and regulate that would be difficult - does it sell food? How to differentiate between a coffee house and a fast-food restaurant that also sells coffee?</p> <p>Staff Recommendation: Do not allow drive-throughs in NCC.</p>	

7	Commissioner Simmons	Need to consider that people living in other areas of the City drive to this area and still use drive-throughs.	PC hearing 4.23.20	Drive-through restaurants, services and retail are still permitted in the RC zone. The proposed zoning revisions would apply to new businesses, and have locational requirements that support walkability for the drive-thru facility and queuing lanes.	No response required. PC must make a decision on which alternative to recommend.
8	SRO representatives	Requested 2 other alternative options for Items 1-3 regarding exemptions for parcels larger than 9 acres in RC zoning from enclosed showrooms.	Email 4.23.20	These suggested options were added to Items 1-3 in the Addendum.	No response required.
9	Rune Harkestad	Urged Commissioners to move forward with adopting zoning similar to what other jurisdictions have enacted around light rail stations.	Email 4.22.20	A full set of zoning code revisions is anticipated to come before the PC in 2021, once a decision on TIB rechannelization is made by the Council.	No response required.
10	Georgina Kerr	Agrees with staff recommendations that support/enhance a walkable TIB district.	Email 4.16.20	No response required.	No response required.
11	Traci Granbois Dollar Car	Concerned about holding a virtual meeting during the pandemic	Email 4.22.20	The City Attorney reviewed the Governor's proclamation regarding public meetings and approved holding the virtual public hearing.	No response required.
12	Traci Granbois Dollar Car	Concerned about holding a virtual meeting during the pandemic. Requested PC to consider banning outdoor storage of automobiles on properties located on International Blvd.	Email 4.23.20	The area south of SR 518 is very different in character than the area north of the SR. International Blvd, which fronts these parcels and is within the City of Seatac, does not have the same potential for adding on-street parking and "main street" character as does TIB north of SR 518. Staff Response: Added another option to Items 1&2 that exempts all parcels south of SR 518 from the enclosed showroom requirements.	No response required. PC must make a decision on which alternative to recommend.

Lynn Miranda

From: BRIAN KENNEDY <graften@comcast.net>
Sent: Tuesday, October 20, 2020 12:42 PM
To: Lynn Miranda; graften@comcast.net
Subject: TIB Zoning Revisions

Dear Council,

I have lived two blocks from TIB for over 42 years. In the '70's and 80's, when I was younger, I loved to dance at King's and Montana's. My friends and I would go to The Derby, Trudy's and The White Shutters for an occasional drink and maybe a game of pool. Then, things got tougher... hookers, guns etc. The bars and dance clubs all left. Larry's Market was a nice place to go. The new Justice Center / City Hall and Library have spruced up the area. Many of the motels were drug and prostitution ridden; they don't deserve a second chance. We should have nice hotels like at the airport. The Marriot has a nice brunch, Red Lion had a nice place to dance, Gregory's, 13 Coins and other hotel restaurant's are fun to visit once in awhile.

Tukwila has a chance to clean up and create more classy and inviting businesses on 99. I realize that here are some lower income business owners, but that doesn't mean that the boulevard has to exist in dereliction and crime. These businesses can be considered when revitalizing Tukwila. Maybe an international products or restaurant area, but with new buildings with great design.

My own thoughts are to zone/plan for upbeat hotels with restaurants and entertainment to draw visitors from SeaTac and to give the citizens of the area fun places to go. We don't need more nail salons, tax services, fast food (except delicious Dick's Drive-in), gas stations, used car lots, pawn shops. Let's have something nice and unique; we don't have to look like everybody else.

Thank You, Brian Kennedy

Lynn Miranda

From: Jimmy K <jarkerne@gmail.com>
Sent: Monday, October 19, 2020 10:14 PM
To: Lynn Miranda
Subject: Comment on City of Tukwila Notice of Planning Commission Public Hearing on Tukwila International Blvd.

International Boulevard should remain car-friendly and pro-business. International Boulevard is a vital roadway that's an important thoroughfare to the SeaTac airport. I don't have a problem with the businesses that are currently on International Blvd. I would be very much opposed to low income government housing or more upzone apartments along International Blvd. Lot of people make a living driving Ubers and Cabs in this area. I-5 is often blocked by protesters, stopped by traffic, or in terrible disrepair after years of neglect. The calm drive along International Blvd. to the City is the alternative many business travelers, drivers, and residents prefer. I've read articles in the Tukwila Reporter where high level Microsoft executives living in Bellevue have thrown a lot of money at giving preference to foreigners to start businesses and live along International Blvd in Tukwila. Let Bellevue residents take that project up in their own City. The building of the new Justice Center to replace struggling immigrant businesses was an admission that this project failed. This practice of our local government giving immigrant businesses taxpayer money, incentives, or preference over American businesses w/ a history of success needs to end. To the extent these businesses are over-leveraged, poorly managed, or a haven for crime they should be allowed to fail or cited. Any brand name restaurant would thrive in this area just as Wendy's or Taco Time have. Tukwila needs to allow more free market competition in this area. Many of the restaurants leaving Seattle due to their high tax anti-business initiatives would happily relocate to International Blvd. Tukwila is already the most diverse city in the country. We don't need to keep focusing on bringing more people in illegally from abroad. The focus should be on strengthening the International community we've already been blessed with and helping them to assimilate with the Americans already here. Tukwila creates wealth for all people w/ single family homes and the opportunity for land ownership. The upzoning of Seattle only enriched the politicians' pockets as they priced out the Community already living there. Boeing leaving Everett should be a wake up call. Tukwila needs to be family-friendly, low tax, and pro-business.

Jimmy K

CAUTION: This email originated from outside the City of Tukwila network. Please **DO NOT** open attachments or click links from an unknown or suspicious origin.

McCULLOUGH HILL LEARY, PS

October 22, 2020

VIA ELECTRONIC MAIL

Planning Commission
City of Tukwila
6200 Southcenter Boulevard
Tukwila, Washington 98188

Re: Comments on Item L20-0015
Zoning code amendments restricting or prohibiting certain auto-oriented and lodging uses
Under the Tukwila International Boulevard (TIB) Element of the Comprehensive Plan

Dear Commission Members:

We are writing on behalf of Sterling Realty Organization (“SRO”), which is the owner of the property located at the southeast quadrant of the intersection of Tukwila International Boulevard (TIB) and SR-518 (the “Property”), to provide comments on the above-referenced draft ordinance (the “Proposed Ordinance”). The Property is the home to the Avis Car Rental service facility and Shuttlepark airport parking.

SRO has been working cooperatively with the City and Sound Transit on a vision for a transit-oriented development on the Property, linked to the nearby light rail and future BRT station with a pedestrian bridge over SR-518. With such a pedestrian connection in place, the Property becomes an ideal location for a high-density, mixed-use development, which would anchor the southern end of the City’s TIB subarea.


As we have previously noted, the ability of SRO to pursue this TOD vision depends critically on the continuation of productive economic uses on the Property. The cost of planning and development of a future TOD project on the Property will run into the millions of dollars and will need to be phased over a period of years. If productive uses cannot continue on the Property, then the viability of the TOD vision will be severely jeopardized.

Earlier this year, we expressed the concern that the current uses on the Property – automotive services, automobile sales and maintenance/repair for Avis, and commercial parking for Shuttlepark – would be rendered nonconforming by the April 2020 Proposed Ordinance considered by the Planning Commission. Therefore, we suggested options for amendment of the April 2020 Proposed Ordinance to address this issue.

We appreciate that the City has returned with several options that respond to the concern we expressed in April. We are pleased to endorse the preferred alternative proposed by City staff, as it allows the continuation of the existing uses on the Property in a way that will help to support the future TOD redevelopment that is our common goal.

We encourage you to recommend adoption of the preferred options that are before you tonight.

Sincerely,



John C. McCullough

cc: Sterling Realty Organization

PUBLIC COMMENT TO FILE NUMBERS: L20-0015 Code Amendments, PL20-0021

I would strongly encourage Staff and the Planning Commission to also consider changes to the code section governing perhaps the use that is in most demand, namely multi family housing. With the proximity to Light Rail and other modes of public transportation, many of the parcels within the zones under consideration for code changes are perfectly suited for multi family development. The RC zoning unfortunately is extraordinary restrictive in this regard. I believe it would be simple to make a couple of meaningful changes to the code which would strongly encourage the development of multi family zoning within the RC zone. For instance, it would be very simple to change the max density limitation, currently at 22 units/acre for multi family to something more reasonable, i.e. 60 units/acre, which is what is currently allowed for senior citizen developments (if I read the code correctly). I would also suggest to reduce the required amount of recreational space (currently 200 sf/unit) to i.e. 60 sf/unit which is consistent with the requirement in the City of SeaTac.

I believe the restrictions on multi family in the RC zone is excessively restrictive given the lack of housing in general and the options of public transportation specifically. This code review process appears to be an excellent opportunity to make relatively simple changes which will go a long way towards encouraging additional housing in the area.

Sincerely,

Rune Harkestad

SEG 56th LLC

Tukwila International Blvd (TIB) Interim Zoning Code Revisions
 Staff Response to Planning Commission Questions from Oct. 22, 2020 Hearing
 10/27/2020

Item	Planning Commissioner	Land Use Item	PC Comment (language changes in strikout/underline, recommendation in bold)	Staff comment/recommended changes (language changes in strikout/underline, recommendation in bold)
1	Mann	1. Automobile, recreational vehicles or travel trailer or used car sales lots (no dismantling of cars or travel trailers or sale of used parts allowed).	For pre-existing uses, can we require screening of parking lots from public frontage?	Revise the staff-recommended footnote as follows: Automotive sales must have an enclosed showroom with no outdoor storage of vehicles. Existing uses in the RC zone in the TIB study area on the effective date of the ordinance are exempt from the enclosed showroom requirement, provided the use is limited to the existing parcel(s) currently occupied on the date of the ordinance. <u>Pre-existing legally established automotive sales where existing parking lots about the public frontage must provide effective visual screening of the parking lot from sidewalks (or street if no sidewalk currently exists) using Type II landscaping when any of the following occurs: a proposed expansion or structural alteration, a change of ownership, or when the business is vacated or abandoned for more than 24 months and a new business is proposed.</u>
2		2. Vehicle Rentals	NO COMMENTS	
3	Mann	3. Automotive services	For pre-existing uses, can we require screening of outdoor storage from public frontage?	Revise the staff-recommended footnote as follows: Outdoor storage of vehicles, tires, or other materials used for service is not permitted. Gas stations are permitted if the pumps and parking are located behind the building and the pumps meet the setback requirements and comply with building and fire codes. Queuing
4	Mann	3. Automotive services	Don't want wholesale distribution of fuel facilities in NCC or RC zones permitted in TIB study area.	

Item	Planning Commissioner	Land Use Item	PC Comment (language changes in strikout/underline, recommendation in bold)	Staff comment/recommended changes (language changes in strikout/underline, recommendation in bold)
5	Strander	3. Automotive services	Does Fire Dept have concerns about placing gas pumps behind the building, as required in the proposed footnote?	lanes are not permitted between buildings and back of sidewalk. Wholesale distribution and storage of fuel (e.g. natural gas, propane, gasoline) are not permitted in the TIB study area. <u>Pre-existing legally established automotive service uses with outdoor storage or parking abutting the public frontage must provide effective visual screening of the parking and outdoor stored materials from sidewalks (or street if no sidewalk currently exists) using Type II landscaping when any of the following occurs: a proposed expansion or structural alteration, a change of ownership, or when the business is vacated or abandoned for more than 24 months and a new business is proposed.</u>
6	Mann & Martinez	3. Automotive services	Don't want stand-along electric car charging stations on in NCC or RC zones in TIB study area. Should be an accessory use.	Currently, electrical vehicle charging stations (Level 1-3) are Permitted (P) in NCC and RC zones and most other commercial/mixed use zones in the City (see graphic below for images of each type of station). Level 3 stations will need to meet the same requirement as a gas station with the building along the streetfront. Staff recommends making no changes to Table 18-6 for electrical vehicle charging stations.
7	Mann	4. Commercial Parking	Clarify that b. in the footnote applies to surface parking lots.	Revise the existing footnote #7 in Table 18-6 as follows: provided it is either : a. a structured parking facility located within a structure having substantial ground floor retail or commercial activities and designed such that the pedestrian and commercial environments are not negatively impacted by the parking use; or b. a surface parking facility located at least 175 feet from adjacent arterial streets and behind a building that, combined with appropriate Type III landscaping, provides effective visual screening from adjacent streets.

Item	Planning Commissioner	Land Use Item	PC Comment (language changes in strikout/underline, recommendation in bold)	Staff comment/recommended changes (language changes in strikout/underline, recommendation in bold)
8	Martinez	4. Commercial Parking	Why is surface-level commercial parking lots (use of land or structure for the parking of motor vehicles as a commercial enterprise for which hourly, daily, or weekly fees are charged) required to be 175' from street? How deep are the parcels on TIB? Should this required distance be less? Note: Commissioner Mann is in favor of keeping	The policy choice to require surface-level commercial parking lots to be located 175' from adjacent streets was to discourage airport commercial parking from locating along TIB, as this was not seen as a positive contribution to the neighborhood. Parcel depth ranges from approximately 80' to 465'. Staff recommends no change to the existing footnote requiring surface-level commercial parking lots to be located a minimum of 175' from adjacent streets.
9	Reay	5. Extended Stay Hotel/motel	The minimum of 100 rooms requirements seems arbitrary. Consider using the minimum room requirement used by the Seattle Southside Regional Promotion Authority Tourism Promotion Area (TPA) in determining application of lodging charges.	The TPA charges an assessed rate of \$2.00 per unit per night of stay in establishments with 90 or more rooms. Revise the staff-recommended footnote for Extended Stay Hotel as follows: Allow extended-stay/hotel with if the following are provided: a full-service restaurant and a Class A liquor license, 24-hour staffed reception, all rooms accessed off interior hallways or lobby, and a minimum 100-90 rooms.
10	Staff	5. Extended Stay Hotel/motel	Motels will not be a permitted use in RC zone.	Revise as follows: Extended Stay Hotel/AMotel
11	Reay	5. Hotel	The minimum of 100 rooms requirements seems arbitrary. Consider using the minimum room requirement used by the Seattle Southside Regional Promotion Authority Tourism Promotion Area (TPA) in determining application of lodging charges.	The TPA charges an assessed rate of \$2.00 per unit per night of stay in establishments with 90 or more rooms. Revise the staff-recommended footnote for Hotels as follows: Allow hotels-with if the following are provided: a full-service restaurant and a Class A liquor license, 24-hour staffed reception, all rooms accessed off interior hallways or lobby, and a minimum 100-90 rooms.
12		7. Motels	NO COMMENTS	
13	Mann	8. Restaurants including drive through, sit down, cocktail lounges in conjunction with a restaurant	Wants to allow drive-thru restaurant facilities in NCC	Staff continues to recommend no drive-thru restaurant facilities in NCC. Restaurant drive-thru facilities continue to be allowed in RC zone.

Item	Planning Commissioner	Land Use Item	PC Comment (language changes in strikout/underline, recommendation in bold)	Staff comment/recommended changes (language changes in strikout/underline, recommendation in bold)
14	Simmons	8. Restaurants including drive through, sit down, cocktail lounges in conjunction with a restaurant	Consider a requirement for drive-thrus to exit on to side street instead of TIB to decrease opportunities for vehicular and pedestrian conflicts.	Revise the staff-recommended footnote as follows for restaurant drive-thrus in RC zone: Drive-thru facilities are permitted when located behind a building. Queuing lanes are not permitted between buildings and public frontage sidewalks. <u>Where the use is located on a corner or with access to an alley, drive-thrus must exit to a side street or an alley that connects to a side street, where feasible.</u>
15	Simmons	9. Retail sales	Consider a requirement for drive-thrus to exit on to side street instead of TIB to decrease opportunities for vehicular and pedestrian conflicts.	Retail uses with drive-thrus are currently allowed in both NCC and RC zones. Revise the staff-recommended footnote as follows: Drive-thru facilities are permitted when located behind a building. Queuing lanes are not permitted between buildings and public frontage sidewalks. <u>Where the use is located on a corner or with access to an alley, drive-thrus must exit to a side street or an alley that connects to a side street, where feasible.</u>
16	Simmons	10. Financial, banking, mortgage, other services	Consider a requirement for drive-thrus to exit on to side street instead of TIB to decrease opportunities for vehicular and pedestrian conflicts.	These uses with drive-thrus are currently allowed in both NCC and RC zones. Revise the staff-recommended footnote as follows: Drive-thru facilities are permitted when located behind a building. Queuing lanes are not permitted between buildings and public frontage sidewalks. <u>Where the use is located on a corner or with access to an alley, drive-thrus must exit to a side street or an alley that connects to a side street, where feasible.</u>

Item	Planning Commissioner	Land Use Item	PC Comment (language changes in strikout/underline, recommendation in bold)	Staff comment/recommended changes (language changes in strikout/underline, recommendation in bold)
17	Simmons	10. Financial, banking, mortgage, other services	Pawnbrokers and payday lenders do not add value to the neighborhood. Consider prohibiting these use in the RC zone.	In Table 18-6, pawnbrokers are currently listed as a Conditional Use (C) in the RC zone. They are currently not permitted in the NCC zone. The existing pawnbroker at 3920 S. 146th St. is in the NCC zone and was established prior to adoption of the current zoning and therefore may continue subject to the regulations on non-conforming uses, see TMC 18.70. Payday lenders are not currently called out as a specific use in Table 18-6. Staff recommends revising Table 18-6 to address comments from the Planning Commission to not allow pawnbrokers and payday lenders in the RC zone in the TIB study area.

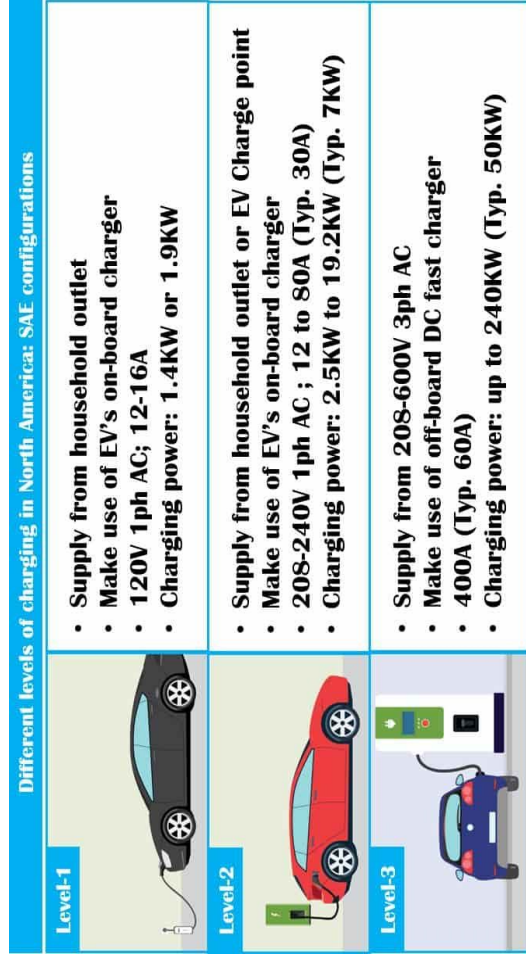
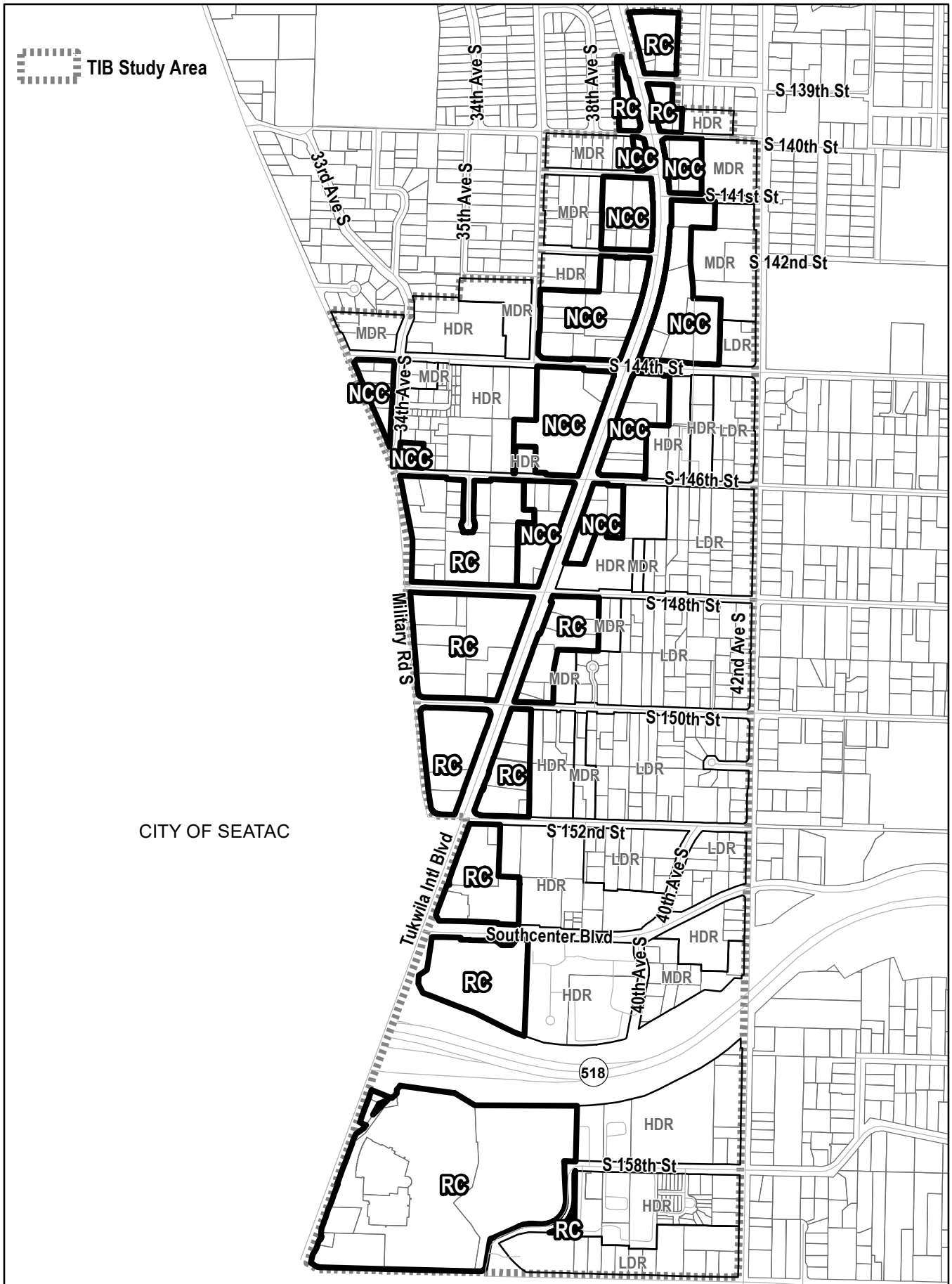


Diagram of Electrical Vehicle Charging Stations

Figure 18-60: Tukwila International Boulevard (TIB) Study Area



AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TUKWILA, WASHINGTON, AMENDING TABLE 18-6, "LAND USES ALLOWED BY DISTRICT," AS CODIFIED IN TITLE 18, "ZONING," OF THE TUKWILA MUNICIPAL CODE, TO CLARIFY THE TYPES AND FORM OF DEVELOPMENT PERMITTED IN THE REGIONAL COMMERCIAL (RC) AND NEIGHBORHOOD COMMERCIAL CENTER (NCC) ZONES LOCATED IN THE TUKWILA INTERNATIONAL BOULEVARD STUDY AREA; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Tukwila has adopted a Comprehensive Plan ("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 B, 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 133rd 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 Comprehensive Plan goals and policies for the TIB Study Area are to create a pedestrian oriented, walkable destination, with services for the neighborhood, and uses and developments consistent with those goals and policies; and

WHEREAS, the City of Tukwila is in the process of updating its land use regulations to comply with said goals and policies of the Comprehensive Plan for the TIB Study Area; and

WHEREAS, prior to updating its land use regulations for the TIB Study Area, the City provided the public 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, following the adoption of Ordinance No. 2543, the City of Tukwila adopted several subsequent ordinances (Ordinance Nos. 2565, 2579, 2595, 2606, and 2620) renewing said six-month moratorium, following public hearing, testimony regarding the City's moratorium, and declared findings prior to each renewal; and

WHEREAS, renewals of said six-month moratorium were necessary to ensure the thoughtful and careful drafting of interim Zoning Code revisions that will replace the moratorium; and

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

WHEREAS, due to Governor Inslee's Proclamation 20-25, "Stay Home Stay Healthy," in response to the COVID-19 pandemic, the Planning Commission held a virtual public hearing on April 23, 2020 to consider code amendments for the TIB Study Area, but the full consideration of the Zoning Code was delayed until October 22, 2020 when the Planning Commission, following adequate public notice, continued their virtual public hearing to consider code amendments for the TIB Study Area; and

WHEREAS, Ordinance No. 2620 was set to expire on July 9, 2020 but the Tukwila City Council desired 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 lifted so the public could meaningfully participate in the TIB Study Area code amendment process; and

WHEREAS, on June 22, 2020, 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 July 6, 2020 adopted Ordinance No. 2631 renewing the six-month moratorium; and

WHEREAS, the Planning Commission held a meeting on November 5, 2020 to consider staff-recommended modifications to the Zoning Code and forwarded their recommendations to the City Council; and

WHEREAS, on November 16, 2020, the Planning and Economic Development Committee forwarded the Planning Commission recommendations on the TIB Zoning Code revisions that would eliminate the need to renew the moratorium to the Tukwila City Council for a public hearing; and on November 23, 2020, following adequate public notice, the City Council held a public hearing to receive testimony concerning the recommendations of the Planning Commission;

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. Table 18-6, “Land Uses Allowed by District,” Amended. Table 18-6: “Land Uses Allowed by District,” as codified in Tukwila Municipal Code Title 18, is hereby amended in the Neighborhood Commercial Center (NCC) and Regional Commercial (RC) columns (within the TIB Study Area) for the uses as set forth below. The amended Table 18-6 is attached as Exhibit A. The map showing the Tukwila International Boulevard Study Area is attached as Exhibit B.

P = Permitted outright; A = Accessory (customarily appurtenant and incidental to a permitted use) ; C = Conditional (subject to TMC 18.64); U = Unclassified (subject to TMC 18.66); S = Special Permission (Administrative approval by the Director)	NCC	RC
Commercial Parking (Commercial parking is a use of land or structure for the parking of motor vehicles as a commercial enterprise for which hourly, daily, or weekly fees are charged. TMC Section 18.06.613)		P7
Extended-stay hotel/ motel		P35
Financial, banking, mortgage, other services	P36	P36
Hotels		P35
Motels		P
Retail sales, e.g. health/beauty aids/prescription drugs/ food/hardware/notions/crafts/supplies/housewares/electronics/ photo-equip/film processing/ books/magazines/stationery/ clothing/shoes/flowers/plants/pets/jewelry/gifts/rec. equip/ sporting goods, and similar items	P36	P36

7. Commercial parking; provided it is [either](#):
 - a. [a structured parking facility](#) located within a structure having substantial ground floor retail or commercial activities and designed such that the pedestrian and commercial environments are not negatively impacted by the parking use; or
 - b. [a surface parking facility](#) located at least 175 feet from adjacent arterial streets and behind a

building that, combined with appropriate Type III landscaping, provides effective visual screening from adjacent streets.

35. Allowed if the following are provided: a full-service restaurant and a Class A liquor license, 24-hour staffed reception, all rooms accessed off interior hallways or lobby, and a minimum 90 rooms.

36. Allowed; however, if in the TIB Study area, as set forth in Figure 18-60, the following conditions apply: Drive-through facilities are permitted when located behind a building. Queuing lanes are not permitted between buildings and public frontage sidewalks. Where the use is located on a corner or with access to an alley, drive-throughs must exit to a side street or an alley that connects to a side street, where feasible.

Section 3: A map showing the boundaries of the Tukwila International Boulevard (TIB) Study Area, attached hereto as Exhibit B, shall be codified as Figure 18-60 in Title 18 of the Tukwila Municipal Code.

Section 4. 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 5. 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 6. 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 _____, 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

Attachments: Exhibit A – Table 18-6: Land Uses Allowed by District
Exhibit B – Map of Tukwila International Boulevard Study Area

Exhibit A – Table 18-6: Land Uses Allowed by District

See Table 18-2 for uses allowed in TUC and Figure 18-1 for uses allowed in Shoreline.

For properties zoned LDR, MDR and HDR that are designated as Commercial Redevelopment Areas (see figure 18-9 or 18-10), the uses and development standards of the adjacent commercial zone are permitted and shall apply, subject to the specific criteria and procedures defined in TMC 18.60.060

	LDR	MDR	HDR	MUO	O	RCC	NCC	RC	RCM	C/LI	LI	HI	MIC/L	MIC/H	TVS	TSO	PRO
P = Permitted outright; A = Accessory (customarily appurtenant and incidental to a permitted use) ; C = Conditional (subject to TMC 18.64); U = Unclassified (subject to TMC 18.66); S = Special Permission (Administrative approval by the Director)	A	A	A	A	A			A	A								
Adult day care																	
Adult entertainment (subject to location restrictions ¹)																	
Airports, landing fields and heliports (except emergency sites)																	
Amusement Parks																	
Animal rendering																	
Animal shelters and kennels, subject to additional State and local regulations (less than 4 cats/dogs = no permit)																	
Animal Veterinary, including associated temporary indoor boarding, access to an arterial required	P	P	P	P				P	P								
Automobile, recreational vehicles or travel trailer or used car sales lots ²																	
Automotive services, gas (outside pumps allowed), washing, body and engine repair shops (enclosed within a building), and alternate fueling station (not wholesale distribution facilities).																	
Beauty or barber shops																	
Bed and breakfast lodging for not more than twelve guests ⁵	C	C	C														
Bed and breakfast lodging (no size limit specified)																	
Bicycle repair shops																	
Billiard or pool rooms																	
Boarding Homes																	
Brew Pubs																	
Bus stations																	
Cabinet shops or carpenter shops employing less than five people																	
Cargo containers (*see also TMC 18.50.060)	A&S	A&S	A&S														
Cement manufacturing																	
Cemeteries and crematories	C	C	C	C	C			C	C	C	C	C	C	C	C	C	C

ATTACHMENT A – TABLE 18-6: LAND USES ALLOWED BY DISTRICT

	LDR	MDR	HDR	MUO	O	RCC	NCC	RC	RCM	C/LI	LI	HI	MIC/L	MIC/H	TVS	TSO	PRO
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Colleges and universities				C	C		C	C	C	C	C	C	C6	C6	C6	P	
Commercial laundries								P	P	P	P	P	P		P		
Commercial Parking				P7	P7			P7	P7	P7	P8	P8			P8		
Computer software development and similar uses				P	P	P	P	P	P	P	P	P	P9 C10	P	P	P	
Contractor storage yards										P	P	P	P	P	P		
Continuing care retirement facility				C	C		C	C	C	C					C	P	
Convalescent & nursing homes & assisted living facility for not more than twelve patients		C	P	P	P	C	P	P	P	P					P	P	
Convalescent & nursing homes & assisted living facility for more than twelve patients				C	C		C	C	C	C					C	P	
Convention facilities								P	P	P	P	P			P	P	
Correctional institutes					U11						U	U					
Daycare Centers (not home-based)		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Daycare Family Home (Family Child Care Home) ¹²	A	A	A	A	A	A	A	A	A						A	A	
Diversion facilities and diversion interim services facilities south of Strander Blvd										U							
Dormitory	C	C	C	A13	A13	A13	A13	A13	A13	A13	A13	A13			A13	A13	
Drive-in theatres								C	C	C	C	C			C		
Dwelling – Detached single family (Includes site built, modular home or new manufactured home). One detached single family dwelling per existing lot permitted in MUO, O, RCC, NCC, P14, TVS.	P	P	P	P	P	P	P								P	P14	
Dwelling- Detached Zero-Lot Line Units		P															
Dwelling- Duplex, triplex or fourplex or townhouse up to four attached units		P														P14	
Dwelling- Townhouses																P14	
Dwelling –Multi-family			P					P15								P14	
Dwelling – Multi-family units above office and retail uses				P					P						C16 22/ ac	P14	
Dwelling – Senior citizen housing, including assisted living facility for seniors *see purpose section of chapter, uses sections, and development standards		P meeting density and all other MDR standard	P 60/ac	P 60/ac			P 60/ac	P 60/ac	P 60/ac						C16 100 /ac	P14	
Dwelling unit – Accessory ¹⁷	A	A	A														

ATTACHMENT A – TABLE 18-6: LAND USES ALLOWED BY DISTRICT

	LDR	MDR	HDR	MUO	O	RCC	NCC	RC	RCM	C/LI	LI	HI	MIC/L	MIC/H	TVS	TSO	PRO
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Electrical Substation – Distribution	C	C	C	C	C		C	C	C	C	C	C	C	C	C	C	P
Electrical Substation – Transmission/Switching												U		U	U	U	
Electric Vehicle Charging Station – Level 1 and Level 2	A	A	A	P	P	P	P	P	P	P	P	P	P	P	P	P	
Electric Vehicle Charging Station – Level 3, battery exchange stations, and rapid charging stations. (TMC 18.50.140)	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	P
Essential public facilities, except those uses listed separately in any of the other zones								U	U	U	U	U	U	U	U	U	
Extended-stay hotel/motel								P35	P	P	P	P				P	P
Farming and farm-related activities																	P
Financial, banking, mortgage, other services							P36	P36	P	P	P	P	P9/ C3	C4	P	P	P
Fire & Police Stations	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P
Fix-it, radio or television repair shops/rental shops																	P
Fraternal organizations																	P
Frozen food lockers for individual or family use																	P
Garage or carport (private) not exceeding 1,500 sq.ft. on same lot as residence and is subject to the regulations affecting the main building.	A	A															
Greenhouses (noncommercial) and storage sheds not exceeding 1,000	A	A	A	A													
Greenhouses or nurseries (commercial)																	P
Hazardous waste treatment and storage facilities (off-site) subject to compliance with state siting criteria (RCW Chapter 70.105) (See TMC 21.08)												C		C			
Heavy equipment repair and salvage											P	P	P	P	P	P	
Helipads, accessory																	C
Home Occupation *see definition and accessory use	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Hospitals																	P
Hospitals, sanitariums, or similar institutes																	P
Hotels								P35	P	P	P	P	C	C	C	P	P
Hydroelectric and private utility power generating plants								U	U	U	U	U	U	U	U	U	
Industries involved with etching, film processing, lithography, printing and publishing																	P
Internet Data/Telecommunication Centers																	P
Landfills and excavations which the responsible official, acting pursuant to the State Environmental Policy Act, determines are significant environmental actions	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	
Laundries; self-serve, dry cleaning, tailor, dyeing																	P
Libraries, museums, or art galleries (public)	C	C	P	P	P	C	P	P	P	P	P	P	P	P	P	P	P
Manuf./Mobile home park ¹⁸		C	P														

ATTACHMENT A – TABLE 18-6: LAND USES ALLOWED BY DISTRICT

	LDR	MDR	HDR	MUO	O	RCC	NCC	RC	RCM	C/LI	LI	HI	MIC/L	MIC/H	TVS	TSO	PRO
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<i>Manufacturing and industrial uses that have little potential for creating off-site noise, smoke, dust, vibration or other external environmental impacts or pollution:</i>																	
A) Manufacturing, processing and/or packaging pharmaceuticals and related products, such as cosmetics and drugs							P19	P	P	P	P	P	P	P	P	P	
B) Manufacturing, processing and/or packaging previously prepared materials including, but not limited to, bags, brooms, brushes, canvas, clay, clothing, fur, furniture, glass, ink, paint, paper, plastics, rubber, tile, and wood							P19	P	P	P	P	P	P	P	P	P	
C) Manufacturing, processing, assembling, packaging and/or repairing electronic, mechanical or precision instruments such as medical and dental equipment, photographic goods, measurement and control devices, and recording equipment							P19	P	P	P	P	P	P	P	P	P	
D) Manufacturing, processing, packaging of foods, such as baked goods, beverages, candy, canned or preserved foods, dairy products and byproducts, frozen foods, instant foods, and meats (no slaughtering) i) Fermenting and distilling included ii) No fermenting and distilling							P19	P	P	P	P	P	P	P	P	P	
<i>Manufacturing and industrial uses that have moderate to substantial potential for creating off-site noise, smoke, dust, vibration or other external environmental impacts:</i>																	
A) Manufacturing, processing and/or assembling chemicals, light metals, plastics, solvents, soaps, wood, coal, glass, enamels, textiles, fabrics, plaster, agricultural products or animal products (no rendering or slaughtering)										C	C	C	C	C	C	C	
B) Manufacturing, processing and/or assembling of previously manufactured metals, such as iron and steel fabrication; steel production by electric arc melting, argon oxygen refining, and consumable electrode melting; and similar heavy industrial uses										C	C	C	C	C	C	C	
C) Manufacturing, processing and/or assembling of previously prepared metals including, but not limited to, stamping, dyeing, shearing or punching of metal, engraving, galvanizing and hand forging								C	C	C	C	C	C	C	C	C	

ATTACHMENT A – TABLE 18-6: LAND USES ALLOWED BY DISTRICT

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D) Manufacturing, processing, assembling and/or packaging of electrical or mechanical equipment, vehicles and machines including, but not limited to, heavy and light machinery, tools, airplanes, boats or other transportation vehicles and equipment										P	P	P	P	P	C		
E) Heavy metal processes such as smelting, blast furnaces, drop forging or drop hammering													C	P			
<i>Manufacturing, refining or storing highly volatile noxious or explosive products (less than tank car lots) such as acids, petroleum products, oil or gas, matches, fertilizer or insecticides; except for accessory storage of such materials</i>												U	U	U	U	U	
Marijuana producers, processors, or retailers (with state issued license)												P			P	P20	
Mass transit facilities	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	U	
Medical and dental laboratories				P	P										P	P	
Minor expansion of an existing warehouse																	S
Mortician and funeral homes								P	P	P	P	P			P	C	
Motels								P	P	P	P	P	C	C	P	P	
Movie theaters with three or fewer screens																	P
Movie theaters with more than 3 screens																	S
Offices including: medical, dental, government (excluding fire & police stations), professional, administrative, business, e.g. travel, real estate & commercial				P23	P	P23	P24	P	P	P	P	P	P9 C10	P25 C26	P	P	
Office or sample room for wholesale or retail sales, with less than 50% storage or warehousing							P										
Outpatient and emergency medical and dental services													C3	C4			
Park & ride lots				C	C		C	C	C	C	C	C	C	C	C	C	
Parking areas	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
Parking areas, for municipal uses and police stations	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Parks, trails, picnic areas and playgrounds (public), but not including amusement parks, golf courses, or commercial recreation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Pawnbroker								C	C	C	C	C			P	P	
Planned Shopping Center (mall)								P	P	P	P	P			P	P27	
Plumbing shops (no tin work or outside storage)							P	P	P	P	P	P			P	P	
Radio, television, microwave, or observation stations and towers	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Railroad freight or classification yards												U	U	U	U	U	
Railroad tracks (including lead, spur, loading or storage)												P	P	P	P	P	
Recreation facilities (commercial – indoor) – athletic or health clubs				P	P		P	P	P	P	P	P	C3	P	P	P	

ATTACHMENT A – TABLE 18-6: LAND USES ALLOWED BY DISTRICT

	LDR	MDR	HDR	MUO	O	RCC	NCC	RC	RCM	C/LI	LI	HI	MIC/L	MIC/H	TVS	TSO	PRO
P = Permitted outright; A = Accessory (customarily appurtenant and incidental to a permitted use); C = Conditional (subject to TMC 18.64); U = Unclassified (subject to TMC 18.66); S = Special Permission (Administrative approval by the Director)																	
Recreation facilities (commercial – outdoor), including golf courses, golf driving ranges, fairgrounds, animal race tracks, sports fields										C	C	C			C		
Recreation facilities (public), including, but not limited to sports fields, community centers and golf courses	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		P
Recreational area and facilities for employees				A	A	A	A	A	A	A	A	A	A	A	A	A	
Religious facilities with an assembly area less than 750 sq.ft.				P	P	P	P	P	P	P	P	P			P	P	
Religious facilities with an assembly area greater than 750 sq.ft. and community center buildings				C	C	C	C	C	C	C	C	C			C	C	
Religious facility and community center buildings	C	C	C														
Removal and processing of sand, gravel, rock, peat, black soil and other natural deposits together with associated structures										U	U	U	U	U	U		
Rental of vehicles not requiring a commercial driver's license								P	P	P	P	P	P	P	P	P	
Rental of commercial trucks and fleet rentals requiring a commercial driver's license										P	P	P	P	P	P	P	
Research and development facilities																	
Residences for security or maintenance personnel				A	A	A	A	A	A	A	A	A	A	A	A	A	
Restaurants including drive through, sit down, cocktail lounges in conjunction with a restaurant								P	P	P	P	P	P	P	P	P	
Restaurants including cocktail lounges in conjunction with a restaurant				P	P	C	P										
Retail sales of furniture appliances, automobile parts and accessories, liquor, lumber/bldg. materials, lawn & garden supplies, farm supplies							P	P	P	P	P	P			P	P	
Retail sales, e.g. health/beauty aids/prescription drugs/food/hardware/notions/crafts/supplies/housewares/electronics/photo-equip/film processing/ books/magazines/stationery/clothing/shoes/flowers/plants/pets/jewelry/gifts/rec. equip/sporting goods, and similar items				P		P	P36	P36	P	P	P	P	C3	C4	P	P	
Retail sales as part of a planned mixed-use development where at least 50% of gross leasable floor area development is for office use; no auto-oriented retail sales (e.g. drive-ins, service stations)				P													
Rock crushing, asphalt or concrete batching or mixing, stone cutting, brick manufacture, marble works, and the assembly of products from the above materials										C	C	P	C	P	C	C	
Sales and rental of heavy machinery and equipment subject to landscaping requirements of TMC Chapter 18.52*										P	P	P	P	P	P	P	
Salvage and wrecking operations												P		P	C		
Salvage and wrecking operations which are entirely enclosed within a building										P	P		P		P		
Schools and studios for education or self-improvement				P	P	P	P	P	P	P	P	P	P9	P28	P	P	

ATTACHMENT A – TABLE 18-6: LAND USES ALLOWED BY DISTRICT

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Schools, preschool, elementary, junior & senior high schools (public), and equivalent private schools	C	C	C	C	C	C	C	C	C						C	C	P
Secure community transition facility																	
Self-storage facilities	U	U	U	U	U	U	U	P	P	P	P	P	P	P	P	P	
Sewage lift station	P	P	P	P	P	P	P										
Shelter																	
Stable (private)	A30	A30	A30														
Storage (outdoor) of materials allowed to be manufactured or handled within facilities conforming to uses under this chapter; and screened pursuant to TMC Chapter 18.52								P	P	P	P	P	P	P	P	P	
Storage (outdoor) of materials is permitted up to a height of 20 feet with a front yard setback of 25 feet, and to a height of 50 feet with a front yard setback of 100 feet; security required																	
Storm water - neighborhood detention + treatment facilities	U	U	U	U	U	U	U										
Storm water pump station	U	U	U	U	U	U	U										
Studios – Art, photography, music, voice and dance								P	P	P	P	P	P31	P31	P	P	
Taverns, nightclubs																	
Telephone exchanges																	
Theaters, except those theaters which constitute “adult entertainment establishments” as defined by this Zoning Code																	
Tow-truck operations, subject to all additional State and local regulations																	
Transfer stations (refuse and garbage) when operated by a public agency																	
Truck terminals																	
Utilities, regional																	
Vehicle storage (no customers onsite, does not include park-and-fly operations)																	
Warehouse storage and/or wholesale distribution facilities																	
Water pump station	U	U	U	U	U	U	U										
Water utility reservoir and related facilities	U	U	U	U	U	U	U										
Wireless Telecommunications Facilities (*see TMC Ch. 18.58)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

Note: The Director of Community Development will make a determination for uses not specifically listed in the Zoning Code. The Director will consider whether the proposed use is:

- Similar in nature to and compatible with other uses permitted out right within a similar zone; and
- Consistent with the stated purpose of the zone; and
- Consistent with the policies of the Tukwila Comprehensive Plan.

ATTACHMENT A – TABLE 18-6: LAND USES ALLOWED BY DISTRICT

1. Adult entertainment establishments are permitted, subject to the following location restrictions:
 - a. No adult entertainment establishment shall be allowed within the following distances from the following specified uses, areas or zones, whether such uses, areas or zones are located within or outside the City limits:
 - (1) In or within 1,000 feet of any LDR, MDR, HDR, MUO, O, NCC, RC, RCM or TUC zone districts or any other residentially-zoned property;
 - (2) In or within one-half mile of:
 - (a) Public or private school with curricula equivalent to elementary, junior or senior high schools, or any facility owned or operated by such schools; and
 - (b) Care centers, preschools, nursery schools or other child care facilities;
 - (3) In or within 1,000 feet of:
 - (a) public park, trail or public recreational facility; or
 - (b) church, temple, synagogue or chapel; or
 - (c) public library.
 - b. The distances specified in TMC Section 18.30.020.1.a shall be measured by following a straight line from the nearest point of the property parcel upon which the proposed use is to be located, to the nearest point of the parcel of property or land use district boundary line from which the proposed land use is to be separated.
 - c. No adult entertainment establishment shall be allowed to locate within 1,000 feet of an existing adult entertainment establishment. The distance specified in this section shall be measured by following a straight line between the nearest points of public entry into each establishment.
2. No dismantling of cars or travel trailers or sale of used parts allowed.
3. Retail sales of health and beauty aids, prescription drugs, food, hardware, notions, crafts and craft supplies, housewares, consumer electronics, photo equipment, and film processing, books, magazines, stationery, clothing, shoes, flowers, plants, pets, jewelry, gifts, recreation equipment and sporting goods, and similar items; retail services such as beauty and barber shops, outpatient and emergency medical/dental services, and recreation/health clubs. Retail sales and services are limited to uses of a type and size that clearly intend to serve other permitted uses and/or the employees of those uses.
4. Retail sales of health and beauty aids, prescription drugs, food, hardware, notions, crafts and craft supplies, housewares, consumer electronics, photo equipment, and film processing, books, magazines, stationery, clothing, shoes, flowers, plants, pets, jewelry, gifts, recreation equipment and sporting goods, and similar items; retail services such as beauty and barber shops, financial services, outpatient and emergency medical/dental services, and recreation/health clubs. Retail sales and services are limited to uses of a type and size that clearly intend to serve other permitted uses and/or the employees of those uses.
5. Bed and breakfast facilities, provided:
 - a. the manager/owner must live on-site,
 - b. the maximum number of residents, either permanent or temporary, at any one time is twelve,
 - c. two on-site parking spaces for the owner and permanent residents and one additional on-site parking space is provided for each bedroom rented to customers,
 - d. the maximum length of continuous stay by a guest is 14 days,
 - e. breakfast must be offered on-site to customers, and
 - f. all necessary permits or approvals are obtained from the Health Department.
6. Colleges and universities with primarily vocational curriculum if associated with an established aviation, manufacturing or industrial use.
7. Commercial parking; provided it is either:
 - a. a structured parking facility located within a structure having substantial ground floor retail or commercial activities and designed such that the pedestrian and commercial environments are not negatively impacted by the parking use; or
 - b. a surface parking facility located at least 175 feet from adjacent arterial streets and behind a building that, combined with appropriate Type III landscaping, provides effective visual screening from adjacent streets.
8. Commercial parking subject to TMC Chapter 18.56, Off-Street Parking and Loading Regulations.
9. Offices including, but not limited to, software development and similar uses, financial services, schools for professional and vocational education if associated with an established aviation, manufacturing or industrial use, less than 20,000 square feet. This category does not include outpatient medical and dental clinics.

ATTACHMENT A – TABLE 18-6: LAND USES ALLOWED BY DISTRICT

10. Offices including, but not limited to, software development and similar uses, financial services, schools for professional and vocational education if associated with an established aviation, manufacturing or industrial use, 20,000 square feet and over.
11. Correctional institution operated by the City of Tukwila.
12. Family child care homes, provided the facility shall be licensed by the Department of Early Learning or its successor agency and shall provide a safe passenger loading zone.
13. Dormitory as an accessory use to other uses that are otherwise permitted or approved conditional uses such as churches, universities, colleges or schools.
14. Allowed on those lands located in the TSO with underlying zoning of LDR, which immediately adjoin lands located in the City of SeaTac to the east of Interstate 5. Allowed on all other lands in the TSO after a residential design manual with criteria for approval is adopted by ordinance.
15. Dwelling - multi-family units on a lot that does not front on Tukwila International Boulevard South, subject to the HDR requirements of TMC Section 18.50.083, Maximum Building Length, and TMC Section 18.52.060, 2-4, Recreation Space Requirements.
16. Dwelling - Multi-family units (Max. 22.0 units/acre except senior citizen housing which is allowed to 100 units/acre, as a mixed-use development that is non-industrial in nature); must be located on property adjacent to and not greater than 500 feet from the Green River, Tukwila Pond, or Minkler Pond.
17. See TMC Section 18.50.220 for accessory dwelling unit standards.
18. Manufactured/mobile home park, meeting the following requirements:
 - a. the development site shall comprise not less than two contiguous acres;
 - b. overall development density shall not exceed eight dwelling units per acre;
 - c. vehicular access to individual dwelling units shall be from the interior of the park; and
 - d. emergency access shall be subject to the approval of the Tukwila Fire Department.
19. NCC allows businesses that include a retail component in conjunction with their manufacturing operation and meeting other performance standards of Chapter 18.22. These businesses may manufacture, process, assemble and/or package the following:
 - a. foods, including but not limited to baked goods, beverages, candy, canned or preserved foods, dairy products and by products, frozen foods, instant foods and meats (no slaughtering);
 - b. pharmaceuticals and related products such as cosmetics and drugs;
 - c. bags, brooms, brushes, canvas, clay, clothing, fur, furniture, glass, ink, paints, paper, plastics, rubber, tile and wood;
 - d. electronic, mechanical, or precision instruments;
 - e. other manufacturing and assembly of a similar light industrial character;
 - f. industries involved with etching, lithography, printing, and publishing, meeting the City's performance standards and offering their services to the local populace on a walk-in basis;
 - g. businesses that service and repair the above products, that are entirely enclosed within a building, offering their services to the local populace on a walk-in basis and meeting the City's performance standards.
20. Where the underlying zoning is HI or TVS.

ATTACHMENT A – TABLE 18-6: LAND USES ALLOWED BY DISTRICT

21. Minor expansion of an existing warehouse if the following criteria are met:
 - a. The area of the proposed expansion may not exceed 5% of the floor area of the existing warehouse;
 - b. The proposed expansion will not increase any building dimension that is legally non-conforming;
 - c. Only one minor expansion may be permitted per warehouse in existence as of the date of adoption of the Tukwila South Project Development Agreement;
 - d. The proposed expansion must be constructed within two years of the date of approval;
 - e. The proposed development shall be compatible generally with the surrounding land uses in terms of traffic and pedestrian circulation, building and site design;
 - f. All measures have been taken to minimize the possible adverse impacts the proposed expansion may have on the area in which it is located.

22. Movie theaters with more than three screens if the following criteria are met:
 - a. The applicant must demonstrate through an economic analysis that the theater will not have a significant financial impact on any other theater in Tukwila;
 - b. The proposed development shall be compatible generally with the surrounding land uses in terms of traffic and pedestrian circulation, building and site design;
 - c. The proposed theater must demonstrate substantial conformance with the goals and policies of the Comprehensive Land Use Policy Plan and the Tukwila South Master Plan;
 - d. All measures have been taken to minimize the possible adverse impacts the proposed theater may have on the area in which it is located.

23. Offices, when such offices occupy no more than the first two stories of the building or basement and floor above.

24. Offices, when such offices occupy no more than the first two stories of the building, or basement and floor above, or three stories, in the Urban Redevelopment Area along Tukwila International Boulevard.

25. Offices; must be associated with another permitted use (e.g., administrative offices for a manufacturing company present within the MIC).

26. Offices not associated with other permitted uses and excluding medical/dental clinics, subject to the following location and size restrictions:
 - a. New Office Developments:
 - (1) New office developments shall not exceed 100,000 square feet of gross floor area per lot that was legally established prior to 09/20/2003.
 - (2) No new offices shall be allowed on lots that abut the Duwamish River and are north of the turning basin. The parcels that are ineligible for stand-alone office uses are shown in Figure 18-12.
 - b. An existing office development established prior to 12/11/1995 (the effective date of the Comprehensive Plan) that exceeds the maximum size limitations may be recognized as a conforming Conditional Use under the provisions of this code. An existing office development established prior to 12/11/1995 (the effective date of the Comprehensive Plan) may convert to a stand-alone office use subject to the provisions of this code.

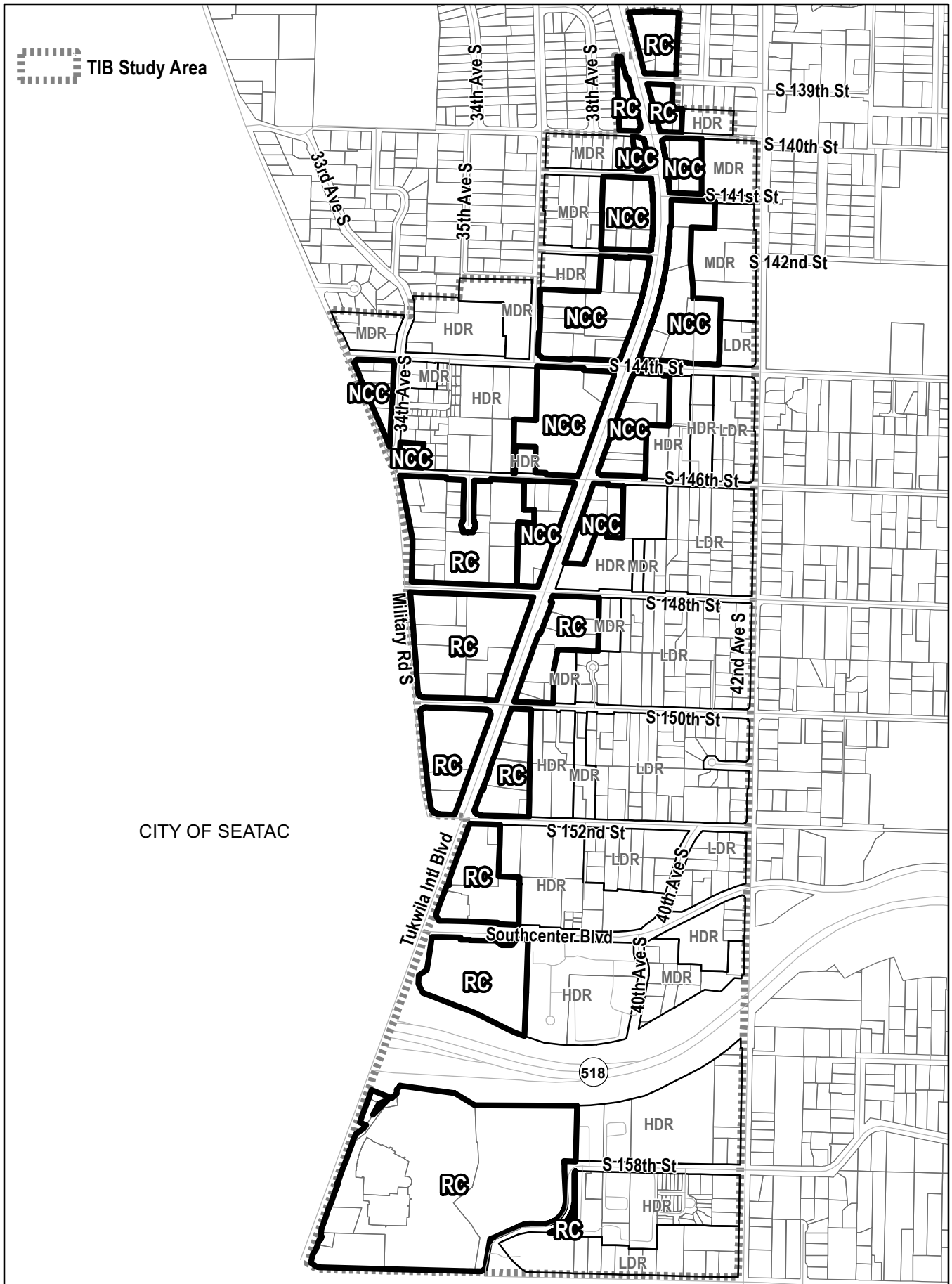
27. Planned shopping center (mall) up to 500,000 square feet.

28. Schools for professional and vocational education if associated with an established aviation, manufacturing or industrial use.

ATTACHMENT A – TABLE 18-6: LAND USES ALLOWED BY DISTRICT

- 29. Secure community transition facility, subject to the following location restrictions:
 - a. No secure community transition facility shall be allowed within the specified distances from the following uses, areas or zones, whether such uses, areas or zones are located within or outside the City limits:
 - (1) In or within 1,000 feet of any residential zone.
 - (2) Adjacent to, immediately across a street or parking lot from, or within the line of sight of a "risk potential activity/facility" as defined in RCW 71.09.020 as amended, that include:
 - (a) Public and private schools;
 - (b) School bus stops;
 - (c) Licensed day care and licensed preschool facilities;
 - (d) Public parks, publicly dedicated trails, and sports fields;
 - (e) Recreational and community centers;
 - (f) Churches, synagogues, temples and mosques; and
 - (g) Public libraries.
 - (3) One mile from any existing secure community transitional facility or correctional institution.
 - b. No secure community transition facility shall be allowed on any isolated parcel which is otherwise considered eligible by applying the criteria listed under TMC 18.38.050-12.a, but is completely surrounded by parcels ineligible for the location of such facilities.
 - c. The distances specified in TMC 18.38.050-12.a shall be measured as specified under Department of Social and Health Services guidelines established pursuant to RCW 71.09.285, which is by following a straight line from the nearest point of the property parcel upon which the secure community transitional facility is to be located, to the nearest point of the parcel of property or land use district boundary line from which the proposed land use is to be separated.
 - d. The parcels eligible for the location of secure community transition facilities by applying the siting criteria listed above and information available as of August 19, 2002, are shown in Figure 18-11, "Eligible Parcels for Location of Secure Community Transition Facilities." Any changes in the development pattern and the location of risk sites/facilities over time shall be taken into consideration to determine if the proposed site meets the siting criteria at the time of the permit application.
- 30. Private stable, if located not less than 60 feet from front lot line nor less than 30 feet from a side or rear lot line. It shall provide capacity for not more than one horse, mule or pony for each 20,000 square feet of stable and pasture area, but not more than a total of two of the above mentioned animals shall be allowed on the same lot.
- 31. No night clubs.
- 32. Theaters for live performances only, not including adult entertainment establishments.
- 35. Allow if the following are provided: a full-service restaurant and a Class A liquor license, 24-hour staffed reception, all rooms accessed off interior hallways or lobby, and a minimum 90 rooms.
- 36. Allowed, however if in the TIB Study area, as set forth in Figure 18-60, the following conditions apply: Drive-through facilities are permitted when located behind a building. Queuing lanes are not permitted between buildings and public frontage sidewalks. Where the use is located on a corner or with access to an alley, drive-throughs must exit to a side street or an alley that connects to a side street, where feasible.

Figure 18-60: Tukwila International Boulevard (TIB) Study Area





INFORMATIONAL MEMORANDUM

TO: Planning and Economic Development Committee

FROM: Jack Pace, DCD Director

BY: Minnie Dhaliwal, Deputy DCD Director

CC: Mayor Ekberg

DATE: November 10, 2020

SUBJECT: Updated DCD and PW Permit Fees

ISSUE

Should Tukwila increase its land use, Public Works and Building permit fees and hourly inspection rates to reflect increased costs to provide development review services?

BACKGROUND

The City has previously adopted development permit fees on a two-year cycle. Additionally, since 2017, to offset the city's costs for processing credit card payments for permit applications the City began charging a 3% convenience fee on permit fees paid by credit card. Technology fee of 5% is collected to provide for online permitting software upgrade/maintenance and converting paper records to digital records. Further the City contracts for the hearing examiner services and these are pass through costs collected with the land use applications. Also, some permits incur additional costs for the Fire Department review (Resolution 1967 adopted fees charged by the Fire Department and those fees are in addition to the fees listed in the attached resolution).

DISCUSSION

Staff is suggesting that the fees increase at 1.5% to reflect the City's labor and benefit costs. Salaries for represented employees will likely increase in 2021 and 2022 by 90% of the Seattle Consumer Price Index (CPI-W). The CPI-W was 1% for the June 2020 period and additional cost increases are anticipated with the employee benefit costs.

Additionally, staff is suggesting that hourly inspection fees and after hour inspections should be increased from approximately \$70 to \$105 per hour to recover costs associated with inspections. Also, the rate for credit card fees and technology fees should be maintained the same as the past year. The pass-through costs associated with the hearing examiner fees should also be maintained.

FINANCIAL IMPACT

The proposed fee increases will keep pace with the City's costs to provide these necessary services.

RECOMMENDATION

The Council is being asked to approve the fee resolution and consider this item at the November 23, 2020 Committee of the Whole meeting and subsequent December 7, 2020 Regular Meeting.

ATTACHMENTS

Draft Public Works, Land Use and Building/Electrical/Plumbing/Mechanical Permit Fee Resolution

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
TUKWILA, WASHINGTON, REPEALING RESOLUTION NO. 1947,
AND ADOPTING A CONSOLIDATED PERMIT FEE SCHEDULE.**

WHEREAS, the City Council adopted Resolution No. 1947 in 2018, establishing the City's current consolidated construction fee schedule; and

WHEREAS, the City intends to update permit fees on an annual basis, with any increases tied to growth in City expenses for providing permit services; and

WHEREAS, the City Council wishes to recover a portion of the City's costs for review and processing of permit applications; and

WHEREAS, the City has adopted a biennial budget process; and

WHEREAS, the City's primary cost for permit processing is employee salaries and benefits; and

WHEREAS, the Seattle Consumer Price Index (CPI-W) was 1% for the June 2020 period; and

WHEREAS, the cost for employee benefits has risen by an even larger percentage; and

WHEREAS, increasing flat fee permits by 1.5% will enable revenues to track with City labor costs; and

WHEREAS, as more permit applicants are paying by credit card, and there is a surcharge on the fees paid by credit card, the City intends to pass this convenience fee through to the permit applicants;

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

Section 1. Repealer. Resolution No. 1947 is hereby repealed, effective January 1, 2021.

Section 2. For 2021 and 2022, the Technology Fee shall be set at 5% of the applicable permit fee.

Section 3. Public Works fees will be charged according to the following schedule:

PUBLIC WORKS FEE SCHEDULE

PERMIT DESCRIPTION	CURRENT FEE
Type A (Short-Term Non-profit)	\$50.00 <u>\$51.00</u> + Technology Fee
Type B (Short-Term Profit)	\$100.00 <u>\$102.00</u> + Technology Fee
Type C (Infrastructure and Grading on Private Property and City Right-of-Way and Disturbance of City Right-of-Way)	\$250.00 <u>\$254.00</u> application base fee, Technology Fee, plus four components based on construction value: 1) Plan Review 2) Construction Inspection 3) Pavement Mitigation 4) Grading Plan Review <i>See Public Works Bulletin A1 for fee schedule.</i>
Type D (Long-Term)	\$100.00 <u>\$102.00</u> + Technology Fee
Type E (Potential Disturbance of City Right-of-Way)	\$100.00 <u>\$102.00</u> + Technology Fee
Type F (Blanket Permits)	\$250.00 <u>\$254.00</u> processing fee, plus \$5,000.00 <u>\$5,075.00</u> cash deposit, withdraw \$100.00 <u>\$102.00</u> per instance for inspection
Franchise – Telecommunications	\$5,000.00 <u>\$5,075.00</u> administrative fee
Franchise – Cable	\$5,000.00 <u>\$5,075.00</u> plus 5% of total revenue
Street Vacation	\$1,200.00 <u>\$1,218.00</u>
Latecomer's Agreements	\$500.00 <u>\$507.50</u> processing fee, plus 17% administrative fee, plus \$500.00 <u>\$507.50</u> segregation fee
Flood Zone Control Permit	\$50.00 <u>\$51.00</u> + Technology Fee
Public Works Inspector Safety, Investigation or Re-inspection Fee	\$70.00 <u>\$71.00</u> per hour
Public Works inspection outside of normal business hours (three <u>four</u> -hour minimum charge)	\$105.00 <u>\$106.50</u> per hour

Section 4. Land use permit and processing fees will be charged according to the following schedule:

LAND USE FEE SCHEDULE

All peer review fees will be passed through to the applicant per TMC Section 18.50.200.

Decision Type	2019 Fees	2020 Fees	2021 Fee	2022 Fee	Plus Hearing Examiner Fee	Plus Technology Fee (TF)
APPEALS						
Appeal of Type 1, 2 and 4 Decisions	\$645	\$665	\$675	\$685		
SEPA MDNS Appeal	\$645	\$665	\$675	\$685		
Appeal of Sign Code Decision	\$645	\$665	\$675	\$685		
Impact Fee Appeals:						
Appeal of Fire Impact Fees	\$645	\$665	\$675	\$685		
Appeal of Parks Impact Fees	\$645	\$665	\$675	\$685		
Appeal of Transportation Impact Fees	\$645	\$665	\$675	\$685		
SIGNS Permit (TMC Chapter 19)						
Permanent	\$265	\$275	\$279	\$283		+ TF
Temporary	\$45	\$45	\$46	\$46		+ TF
Pole/Banner Initial Application	\$265	\$275	\$279	\$283		+ TF
Special Event	\$115	\$120	\$122	\$123		+ TF
Pole/Banner Annual Renewal	\$60	\$60	\$61	\$62		+ TF
New Billboard	\$645	\$665	\$675	\$685		+ TF
Master Sign Program—Admin	\$2,380	\$2,455	\$2,492	\$2,529		+ TF
Master Sign Program—BAR	\$3,800	\$3,930	\$3,989	\$4,049		+ TF
TUC ZONE MODIFICATIONS						
Modification to TUC Corridor Standards (TMC Section 18.28.130.C)	\$645	\$665	\$675	\$685		+ TF
Modification to TUC Open Space Regulations (TMC Section 18.28.250.D.4.d)	\$645	\$665	\$675	\$685		+ TF
Transit Reduction to Parking Requirements (TMC Section 18.28.260.B.5.b)	\$645	\$665	\$675	\$685		+ TF
DESIGN REVIEW (TMC Section 18.60.030)						
Administrative	\$2,450	\$2,525	\$2,563	\$2,601		+ TF
Public Hearing	\$4,390	\$4,525	\$4,593	\$4,662		+ TF
Major Modification	\$1,500	\$1,550	\$1,573	\$1,597		+ TF
Minor Modification	\$680	\$705	\$716	\$726		+ TF

Decision Type	2019 Fees	2020 Fees	2021 Fee	2022 Fee	Plus Hearing Examiner Fee	Plus Technology Fee (TF)
PARKING VARIANCES AND SPECIAL PERMISSIONS						
Administrative Parking Variance (Type 2—TMC Section 18.56.140)	\$645	\$665	\$675	\$685		+ TF
Parking Variance (Type 3—TMC Section 18.56.140)	\$1,060	\$1,095	\$1,111	\$1,128	+ HE	+ TF
Parking Standard for use not specified (TMC Section 18.28.250.D.4.d.1 and TMC Section 18.56.100)	\$635	\$655	\$665	\$675		+ TF
Residential Parking Reduction (TMC Section 18.56.065)	\$645	\$665	\$675	\$685		+ TF
Shared, covenant, Complementary Parking Reduction (TMC Section 18.56.070)	\$645	\$665	\$675	\$685		+ TF
Parking Lot Restriping (TMC Section 18.56.120)	\$645	\$665	\$675	\$685		+ TF
VARIANCES, SPECIAL PERMISSIONS AND SITE PLAN REVIEW						
Variances (TMC Section 18.72)	\$3,100	\$3,195	\$3,243	\$3,291	+ HE	+ TF
Environmentally Sensitive Areas Deviation, Buffer Reduction (TMC Chapter 18.45)	\$1,640	\$1,690	\$1,715	\$1,741		+ TF
Reduced fee for LDR homeowners, no associated short plat	\$645	\$665	\$675	\$685		
Reasonable Use Exception (TMC Section 18.45.180)	\$3,275	\$3,380	\$3,431	\$3,482	+ HE	+ TF
Exception from Single Family Design Standard (TMC Section 18.50.055)	\$645	\$665	\$675	\$685		+ TF
Special Permission Cargo Container (TMC Section 18.50.060)	\$645	\$665	\$675	\$685		+ TF
Residential Tree Permit <u>for single family residential properties</u> (TMC Chapters 18.44, 18.45 and 18.54, <u>including shoreline and critical areas tree permits</u>)	\$115	\$120	\$121	\$124		
Tree Permit and Commercial Landscape Modification Permit and Exceptions <u>for non-single family residential properties</u> (TMC Chapter Section 18.52.100, <u>and Chapters 18.44, 18.45 and 18.54, including shoreline and critical areas tree permits</u>)	\$645	\$665	\$675	\$685		+ TF

Decision Type	2019 Fees	2020 Fees	2021 Fee	2022 Fee	Plus Hearing Examiner Fee	Plus Technology Fee (TF)
LOT CREATION AND CONSOLIDATION						
Boundary Line Adjustment (TMC Chapter 17.08)	\$1,835	\$1,895	\$1,923	\$1,952		+ TF
Lot Consolidation (TMC Chapter 17.08)	\$680	\$705	\$716	\$726		+ TF
Short Plat (2-4 lots) (TMC Chapter 17.12)	\$4,180	\$4,315	\$4,380	\$4,445		+ TF
Short Plat (5-9 lots) (TMC Chapter 17.12)	\$4,760	\$4,910	\$4,984	\$5,058		+ TF
Subdivision:						
Subdivision Preliminary Plat (10+ lots) (TMC Section 17.14.020)	\$5,460	\$5,635	\$5,719	\$5,805	+ HE	+ TF
Subdivision Final Plat (10+ lots) (TMC Section 17.12.030)	\$3,275	\$3,380	\$3,431	\$3,482		+ TF
Binding Site Improvement Plan (TMC Chapter 17.16)						
	\$4,180	\$4,315	\$4,380	\$4,445		+ TF
Planned Residential Development:						
Planned Residential Development— Administrative (TMC Section 18.46.110)	\$2,380	\$2,455	\$2,492	\$2,529		+ TF
Planned Residential Development— Public Hearing (TMC Section 18.46.110)	\$5,460	\$5,635	\$5,719	\$5,805		+ TF
Planned Residential Development— Minor Modification (TMC Section 18.46.130)	\$645	\$665	\$675	\$685		+ TF
Planned Residential Development— Major Modification (TMC Section 18.46.130)	\$2,655	\$2,740	\$2,781	\$2,823		+ TF
WIRELESS COMMUNICATION FACILITY (TMC Chapter 18.58.050)						
Minor (Type 1)	\$645	\$665	\$675	\$685		+ TF
Administrative (Type 2)	\$1,835	\$1,895	\$1,923	\$1,952		+ TF
Major or Height Waiver (Type 3)	\$3,670	\$3,790	\$3,847	\$3,905	+ HE	+ TF
SEPA AND ENVIRONMENTAL						
Checklist	\$1,870	\$1,930	\$1,959	\$1,988		+ TF
SEPA EIS	\$3,275	\$3,380	\$3,431	\$3,482		+ TF
SEPA Planned Action	\$645	\$665	\$675	\$685		+ TF
SEPA Addendum	\$645	\$665	\$675	\$685		+ TF
SEPA Exemption Letter	\$380	\$395	\$401	\$407		+ TF
Sensitive Area Master Plan Overlay (TMC Section 18.45.160)	\$5,460	\$5,635	\$5,719	\$5,805		+ TF

Decision Type	2019 Fees	2020 Fees	2021 Fee	2022 Fee	Plus Hearing Examiner Fee	Plus Technology Fee (TF)
SHORELINE PERMITS						
Substantial Development Permit: <i>(TMC Chapter 18.44)</i>						
Project value: \$5,000 - \$10,000	\$1,295	\$1,335	\$1,355	\$1,375		+ TF
\$10,001 - \$50,000	\$3,025	\$3,125	\$3,172	\$3,219		+ TF
\$50,001 - \$500,000	\$4,825	\$4,980	\$5,055	\$5,130		+ TF
More than \$500,000	\$6,120	\$6,315	\$6,410	\$6,506		+ TF
Permit Exemption Letter, Shoreline	\$265	\$275	\$279	\$283		+ TF
Shoreline Permit Revision	\$670	\$690	\$700	\$711		+ TF
Conditional Use Permit, Shoreline <i>(TMC Section 18.44.050)</i>	\$4,250	\$4,385	\$4,451	\$4,517	+ HE	+ TF
Shoreline Tree Permit <i>(TMC Chapter 18.44)</i>	\$115	\$120				+ TF
Shoreline Environment Redesignation	\$3,275	\$3,380	\$3,431	\$3,482		+ TF
NOISE VARIANCES <u>S</u> <i>(TMC Section 8.22.120)</i>						
Type I	\$530	\$545	\$553	\$561		+ TF
Type II	\$715	\$740	\$751	\$762		+ TF
Type III	\$1,595	\$1,645	\$1,670	\$1,695	+ HE	+ TF
USE PERMITS						
Conditional Use Permit <i>(TMC Section 18.64.020)</i>	\$4,250	\$4,385	\$4,451	\$4,517	+ HE	+ TF
Unclassified Use Permit <i>(TMC Chapter 18.66)</i>	\$5,460	\$5,635	\$5,719	\$5,805		+ TF
TSO Special Permission Use <i>(TMC Section 18.41.060)</i>	\$1,060	\$1,095	\$1,111	\$1,128	+ HE	+ TF
COMPREHENSIVE PLAN CHANGES <i>(TMC Chapter 18.84)</i>						
Rezone (Map Change— separate Comprehensive Plan amendment fees also apply)	\$3,820	\$3,945	\$4,004	\$4,064		+ TF
Comprehensive Plan Amendment	\$4,370	\$4,505	\$4,572	\$4,641		+ TF
Zoning Code Text Amendment	\$4,965	\$5,125	\$5,202	\$5,280		+ TF
MISCELLANEOUS SERVICES AND CHARGES						
Development Agreement	\$2,185	\$2,255	\$2,289	\$2,323		+ TF
Code Interpretation <i>(TMC Section 18.90.010)</i>	\$380	\$395	\$401	\$407		+ TF
Zoning Verification Letter	\$380	\$395	\$401	\$407		+ TF
Legal Lot Verification	\$615	\$630	\$639	\$649		+ TF

Decision Type	2019 Fees	2020 Fees	2021 Fee	2022 Fee	Plus Hearing Examiner Fee	Plus Technology Fee (TF)
Preapplication Meeting	<u>\$530</u>	<u>\$545</u>	<u>\$553</u>	<u>\$561</u>		+ TF
In-lieu Tree Replacement Fee	<u>\$400</u>	<u>\$410</u>	<u>\$416</u>	<u>\$422</u>		
Mailing Fee to Generate Labels, per project	<u>\$500</u>	<u>\$515</u>	<u>\$523</u>	<u>\$530</u>		
Public Notice Mailing Fee per address for each mailing	<u>\$1</u>	<u>\$1</u>	<u>\$1</u>	<u>\$1</u>		

Section 5. Building permit fees will be charged according to the following schedule:

BUILDING PERMIT FEE SCHEDULE

Total Valuation	Building Permit Fees
\$1 to \$500	\$66.30 <u>\$67.29</u> + Technology Fee
\$501 to \$2,000	\$66.30 <u>\$67.29</u> for the first \$500, plus \$4.39 <u>\$4.45</u> for each additional \$100, or fraction thereof, to and including \$2,000, + Technology Fee
\$2,001 to \$25,000	\$132.09 <u>\$134.07</u> for the first \$2,000, plus \$19.99 <u>\$20.29</u> for each additional \$1,000, or fraction thereof, to and including \$25,000, + Technology Fee
\$25,001 to \$50,000	\$612.41 <u>\$621.60</u> for the first \$25,000, plus \$15.61 <u>\$15.84</u> for each additional \$1,000, or fraction thereof, to and including \$50,000, + Technology Fee
\$50,001 to \$100,000	\$1,002.92 <u>\$1,017.96</u> for the first \$50,000, plus \$10.81 <u>\$10.97</u> for each additional \$1,000, or fraction thereof, to and including \$100,000, + Technology Fee
\$100,001 to \$500,000	\$1,541.83 <u>\$1,564.95</u> for the first \$100,000, plus \$8.67 <u>\$8.80</u> for each additional \$1,000, or fraction thereof, to and including \$500,000, + Technology Fee
\$500,001 to \$1,000,000	\$5,004.43 <u>\$5,079.49</u> for the first \$500,000, plus \$7.14 <u>\$7.24</u> for each additional \$1,000, or fraction thereof, to and including \$1,000,000, + Technology Fee
\$1,000,001 to \$5,000,000	\$8,612.12 <u>\$8,741.30</u> for the first \$1,000,000, plus \$4.79 <u>\$4.86</u> for each additional \$1,000, or fraction thereof, to and including \$5,000,000, + Technology Fee
\$5,000,001 and up	\$27,788.12 <u>\$28,204.94</u> for the first \$5,000,000, plus \$4.59 <u>\$4.65</u> for each \$1,000 or fraction thereof, + Technology Fee

A. Non-Structural Plan Review Fee. A non-structural plan review fee shall be paid at the time of submitting plans and specifications for review. The non-structural plan review fee shall be 65% of the calculated permit fee as set forth in the permit fee schedule. The non-structural plan review fee specified herein is a separate fee from the permit fee and is in addition to the permit fee.

B. Structural Plan Review Fee. Where a structural plan review is deemed necessary, a structural plan review fee shall be charged. The structural plan review fee shall be 35% of the calculated non-structural plan review fee.

C. Total Value of All Construction Work. The latest Building Data Valuation that is updated twice a year by the International Code Council shall be used for the purposes of calculating value of the construction work.

Section 6. Mechanical permit fees will be charged according to the following schedule:

MECHANICAL PERMIT FEE SCHEDULE

Valuation of Work (Total Contract Amount)	Mechanical Permit Fee
	\$33.15 - \$33.64 for issuance of each permit (base fee) + Technology Fee
\$250 or less	\$66.30 - \$67.29 + Technology Fee
\$251 to \$500	\$66.30 - \$67.29 for first \$250, plus \$7.99 - \$8.10 for each \$100 or fraction thereof, to and including \$500, + Technology Fee
\$501 to \$1,000	\$86.29 - \$87.58 for the first \$500, plus \$8.87 - \$9.00 for each \$100 or fraction thereof, to and including \$1,000, + Technology Fee
\$1,001 to \$5,000	\$130.66 - \$132.61 for the first \$1,000, plus \$9.84 - \$9.98 for each \$1,000 or fraction thereof, to and including \$5,000, + Technology Fee
\$5,001 to \$50,000	\$170.03 - \$172.58 for the first \$5,000, plus \$10.25 - \$10.40 for each \$1,000 or fraction thereof, to and including \$50,000, + Technology Fee
\$50,001 to \$250,000	\$651.98 - \$661.75 for the first \$50,000, plus \$8.57 - \$8.69 for each \$1,000 or fraction thereof, to and including \$250,000, + Technology Fee
\$250,001 to \$1,000,000	\$2,365.58 - \$2,401.06 for the first \$250,000, plus \$7.55 - \$7.66 for each \$1,000 or fraction thereof, to and including \$1,000,000, + Technology Fee
\$1,000,001 and up	\$8,026.58 - \$8,146.97 for the first \$1,000,000, plus \$6.83 - \$6.93 for each \$1,000 or fraction thereof, + Technology Fee

Section 7. Plumbing permit fees will be charged according to the following schedule:

PLUMBING PERMIT FEE SCHEDULE

Permit Issuance—Issuance of each permit (base fee)	\$35.00 <u>\$35.52</u> + Technology Fee
Unit Fee Schedule (in addition to base fee above:	
For one plumbing fixture (a fixture is a sink, toilet, bathtub, etc.)	\$68.00 <u>\$69.02</u> + Technology Fee
For each additional fixture	\$15.00 <u>\$15.22</u> + Technology Fee
For each building sewer and each trailer park sewer	\$25.00 <u>\$25.37</u> + Technology Fee
Rain water system – per drain (inside building)	\$15.00 <u>\$15.22</u> + Technology Fee
For each water heater and/or vent	\$15.00 <u>\$15.22</u> + Technology Fee
For each industrial waste pretreatment interceptor, including its trap and vent, except for kitchen type grease interceptors	\$30.00 <u>\$30.45</u> + Technology Fee
For each grease interceptor for commercial kitchens	\$30.00 <u>\$30.45</u> + Technology Fee
For each repair or alteration of water piping and/or water treating equipment, each occurrence	\$15.00 <u>\$15.22</u> + Technology Fee
For each repair or alteration of drainage or vent piping, each fixture	\$15.00 <u>\$15.22</u> + Technology Fee
For each medical gas piping system serving one to five inlets/outlets for a specific gas	\$85.00 <u>\$86.27</u> + Technology Fee
For each additional medical gas inlets/outlets	\$17.00 <u>\$17.22</u> + Technology Fee
For each lawn sprinkler system on any one (1) meter including backflow protection devices therefor.	\$30.00 <u>\$30.45</u> + Technology Fee
For atmospheric-type vacuum breakers not included in lawn sprinkler backflow protection: 1 to 5 \$15.00 <u>\$15.22</u> + Technology Fee Over 5 \$15.00 <u>\$15.22</u> for first 5 plus \$3.25 <u>\$3.29</u> for each additional + Technology Fee	
For each backflow protective device other than atmospheric type vacuum breakers: 2-inch diameter and smaller \$30.00 <u>\$30.45</u> + Technology Fee Over 2-inch diameter: \$33.00 <u>\$33.49</u> + Technology Fee	

Section 8. Fuel Gas Piping permit fees will be charged according to the following schedule:

FUEL GAS PIPING PERMIT FEE SCHEDULE

Permit Issuance	
For issuing each permit (base fee): (\$0 if permit is in conjunction with a plumbing permit for an appliance with both plumbing and gas connection.)	\$35.00 <u>\$35.52</u> + Technology Fee
Unit Fee Schedule	
For each gas piping system of one to five outlets	\$68.00 <u>\$69.02</u> + Technology Fee
For each additional gas piping system outlet, per outlet	\$15.00 <u>\$15.22</u> + Technology Fee

Section 9. Electrical permit fees will be charged according to the following schedule:

ELECTRICAL PERMIT FEE SCHEDULE

1. NEW SINGLE-FAMILY DWELLINGS

New single-family dwellings (including a garage)	\$180.00 <u>\$180.70</u> + Technology Fee
Garages, pools, spas and outbuildings	\$120.00 <u>\$121.80</u> + Technology Fee
Low voltage systems	\$60.00 <u>\$60.90</u> + Technology Fee

2. SINGLE-FAMILY REMODEL AND SERVICE CHANGES

Service change or alteration—no added/altered circuits	\$120.00 <u>\$121.80</u> + Technology Fee
Service change \$100.00 <u>\$100.50</u> with added/altered circuits, plus \$40.00 <u>\$10.15</u> for each added circuit (maximum permit fee \$160.00 <u>\$162.40</u>)	\$100.00 <u>\$100.50</u> + Technology Fee
Circuits added/altered without service change (includes up to 5 circuits)	\$60.00 <u>\$60.90</u> + Technology Fee
Circuits \$60.00 <u>\$60.90</u> added/altered without service change (more than 5 circuits); \$40.00 <u>\$10.15</u> for each added circuit (maximum permit fee \$100.00 <u>\$100.50</u> + Technology Fee)	\$60.00 <u>\$60.90</u> + Technology Fee
Meter/mast repair	\$80.00 <u>\$81.20</u> + Technology Fee
Low voltage systems	\$60.00 <u>\$60.90</u> + Technology Fee

3. MULTI-FAMILY AND COMMERCIAL (including low voltage)

Valuation of Work (Total Contract Amount)	Permit Fee
\$250 or less	\$66.30 <u>\$67.29</u> + Technology Fee
\$251 - \$1,000	\$66.30 <u>\$67.29</u> for the first \$250 plus \$4.39 <u>\$4.45</u> for each \$100 or fraction thereof, to and including \$1,000, + Technology Fee
\$1,001 - \$5,000	\$98.94 <u>\$100.42</u> for the first \$1,000 plus \$22.03 <u>\$22.36</u> for each \$1,000 or fraction thereof, to and including \$5,000, + Technology Fee
\$5,001 - \$50,000	\$186.97 <u>\$189.77</u> for the first \$5,000 plus \$18.05 <u>\$18.32</u> for each \$1,000 or fraction thereof, to and including \$50,000, + Technology Fee
\$50,001 - \$250,000	\$998.73 <u>\$1,013.71</u> for the first \$50,000 plus \$13.16 <u>\$13.35</u> for each \$1,000 or fraction thereof, to and including \$250,000, + Technology Fee
\$250,001 - \$1,000,000	\$3,638.54 <u>\$3,693.11</u> for the first \$250,000 plus \$9.33 <u>\$9.46</u> for each \$1,000 or fraction thereof, to and including \$1,000,000, + Technology Fee
Over \$1,000,000	\$10,649.51 <u>\$10,809.25</u> plus 0.5% of cost over \$1,000,000, + Technology Fee

4. MISCELLANEOUS ELECTRICAL PERMIT FEES

Temporary service (residential)	\$60.00 <u>\$105.00</u> + Technology Fee
Temporary service/generators	\$90.00 <u>\$105.00</u> + Technology Fee
Manufactured/mobile home parks and RV park sites, each service and feeder	\$100.00 <u>\$105.00</u> + Technology Fee
Carnivals:	
• Base fee	\$100.00 <u>\$105.00</u> + Technology Fee
• Each concession fee	\$11.00 <u>\$11.16</u> + Technology Fee
• Each ride and generator truck	\$11.00 <u>\$11.16</u> + Technology Fee
Inspections or plan review not specified elsewhere (one hour minimum).	\$60.00 <u>\$105.00</u> per hour
Safety inspections, plan revisions	\$60.00 <u>\$105.00</u> per hour
Adult family home inspection (paid at the time of scheduling the inspection)	\$60.00 <u>\$105.00</u> for each inspection
Disaster recovery emergency repair permit (residential structures only)	\$20.00 <u>\$20.30</u>

Section 10. Other inspections and fees will be charged according to the following schedule:

OTHER INSPECTIONS AND FEES

Inspections outside of normal business hours (three <u>four</u> hour minimum charge)	\$105.00 <u>\$106.57</u> per hour
Re-inspection fee (<u>minimum charge one hour</u>)	\$70.00 <u>\$105.00</u> per hour
Inspection for which no fee is specifically indicated—investigations or safety inspections	\$70.00 <u>\$105.00</u> per hour
Additional plan review required by changes, additions, or revisions to approved plans	\$70.00 <u>\$105.00</u> per hour
Work commencing before permit issuance shall be subject to an investigation fee equal to 100% of the permit fee.	100% of the permit fee
Plan review fee—Mechanical, Plumbing, Fuel Gas Piping and Electrical: The fee for review shall be 25% of the total calculated permit fee. The plan review fee is a separate fee from the permit fee and is required when plans are required in order to document compliance with the code.	
Work covered prior to inspection or work not ready at the time of inspection may be charged a re-inspection fee of \$105.00 <u>\$106.57</u> .	
Expired permit final – includes two inspections	\$140.00 <u>\$142.10</u>
Expired permit final – each additional inspection	\$70.00 <u>\$71.05</u>
Minor residential remodel plan review and permit (projects up to \$20,000)	\$20.00 <u>\$20.30</u>
<u>Certificate of Occupancy replacement</u>	<u>\$105.00</u>

Section 11. Credit Card Surcharge. If payment is made by credit card, a processing fee of 3% will be added to the total order.

Section 12. Effective Date. This resolution and the fee schedules contained herein shall be effective January 1, 2021.

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

De'Sean Quinn, Council President

APPROVED AS TO FORM BY:

Filed with the City Clerk: _____

Passed by the City Council: _____

Resolution Number: _____

Office of the City Attorney



INFORMATIONAL MEMORANDUM

TO: Planning and Economic Development Committee

FROM: Minnie Dhaliwal, Community Development

BY: Kia Shagena, Code Enforcement Officer

CC: Mayor Ekberg

DATE: November 16, 2020

SUBJECT: Updated Rental Housing Licensing Fees and Program Update

ISSUE

Should Tukwila increase its rental housing licensing fees and inspection rate to adjust for inflation in staff costs?

BACKGROUND

The City established the Residential Rental Business License and Inspection Program in 2010. This program was established for rental units to protect the public health, safety and welfare by ensuring the proper maintenance of such housing, by identifying and requiring correction of substandard housing conditions, and by preventing conditions of deterioration and blight that could adversely impact the quality of life in the City of Tukwila.

At the Council meeting on June 15, 2020, that adopted the resolution waiving late fees due to COVID, the Council had asked for a briefing on the program. Additionally, the licensing and inspection fees for 2021 and 2022 need to be adopted at this time.

DISCUSSION

Briefing on the Rental Housing Licensing and Inspection Program:

Tukwila Municipal Code Chapter 5.06 establishes regulations pertaining to rental housing license and inspection. Residential rental properties are required to obtain an annual rental business license. In addition to annual licensing, all rental housing units in the City must pass an inspection every 4 years. As of November 4, 2020, The Rental Housing Program has 4357 registered rental units and 604 active rental licenses (one license per property). Properties with up to 4 units may use a City inspector while all larger properties must use a private inspector who meets specific qualifications. The City may also inspect units in response to complaints and audit inspections submitted by private inspectors when inspection reports are in question. A total of 86% of all registered units have up to date passing inspections, while 14% are due for their next inspection (See Attachment B). Inspections ensure compliance with minimum health safety standards (See Attachment C).

Fee Update for 2021-2022

All program late fees for 2020 were waived in response to the ongoing COVID-19 pandemic. As of November 4, 2020, 73 properties have yet to renew their 2020 rental license. Not including new rental licenses, 572 units were due for inspection in 2020. Due to social distancing measures nearly all property owners have postponed their 2020 inspections. 1175 units are due for inspection in 2021. In response to the ongoing pandemic and social distancing requirements, staff has developed a virtual rental inspection beta program to address inspection needs.

Staff has found monthly late fees for overdue license renewals to be an effective tool. Staff proposes to reinstate late fees for both overdue licenses and overdue inspections.

Additionally, staff is recommending that the residential rental business license and inspection fees for 2021-2022 be increased by 1.5% to keep up with the costs of the program. This is based on the fact that the salaries for represented employees will likely increase in 2021 and 2022 by 90% of the Seattle Consumer Price Index (CPI-W). The CPI-W was 1% for the June 2020 period and additional cost increases are anticipated with the employee benefit costs.

FINANCIAL IMPACT

The proposed fee increases will keep pace with the City's costs to provide these necessary services.

RECOMMENDATION

The Committee is being asked to approve the resolution for 2021-2022 fees and consider this item at the November 23, 2020 Committee of the Whole and December 7, 2020 Regular Meeting.

ATTACHMENTS

- Attachment A. Draft Residential Rental Licensing Fee Resolution
- Attachment B. Rental Housing Program Dashboard – 11/9/2020
- Attachment C. Rental Housing - Inspection Checklist

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
TUKWILA, WASHINGTON, ADOPTING A RESIDENTIAL
RENTAL BUSINESS LICENSE AND INSPECTION PROGRAM
FEE SCHEDULE; AND REPEALING RESOLUTION NO. 1946.**

WHEREAS, the City has adopted a Residential Rental Business License and Inspection Program, pursuant to Tukwila Municipal Code Chapter 5.06; and

WHEREAS, the program has significantly improved the condition of the City's rental housing stock over the past 10 years; and

WHEREAS, the City is authorized to impose fees for services rendered; and

WHEREAS, the fees for this program are intended to offset most of the cost of providing this service; and

WHEREAS, the costs to administer the program have increased since the last fee review in 2018; and

WHEREAS, the cost to administer the licensing program increases in proportion to the number of units per site; and

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

Section 1. Residential Rental Business License and Inspection Program fees will be charged according to the following schedule:

RESIDENTIAL RENTAL BUSINESS LICENSE AND INSPECTION FEES

DESCRIPTION	2020 LICENSE	2021 LICENSE	2022 LICENSE
Annual Residential Rental Business License:			
Property with one, two, three or four units	\$ 75.00	\$ 76.00	\$ 77.00
Property with 5 to 20 units	\$195.00	\$198.00	\$201.00

DESCRIPTION	2020 LICENSE	2021 LICENSE	2022 LICENSE
Property with 21 to 50 units	\$245.00	\$249.00	\$252.00
Property with 51 or more units	\$305.00	\$310.00	\$314.00
<i>License fees for units rented for the first time on or after July 1st of each year are reduced by 50%.</i>			
Late fee per month if existing license is not renewed before March 1	Waived effective 6/16/20	\$10.00	\$10.00
Penalty fee if a new unit is leased before a license and inspection is obtained	\$ 50.00	\$50.00	\$50.00
Inspection fee per unit (City inspector)	\$ 60.00	\$ 61.00	\$ 62.00
Re-inspection fee per unit (City inspector)	\$ 60.00	\$ 61.00	\$ 62.00
Late fee per unit, per month, if Inspection Checklist is not submitted by September 30 of the year it is due	Waived effective 6/16/20	\$10.00	\$10.00
Hearing Examiner appeal fee	\$340.00	\$340.00	\$340.00

Section 2. Repealer. Resolution No. 1946 is hereby repealed in its entirety as of 11:59 PM on December 7, 2020.

Section 3. Effective Date. This resolution and the fee schedule contained herein shall be effective as of 12:00 AM on December 8, 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


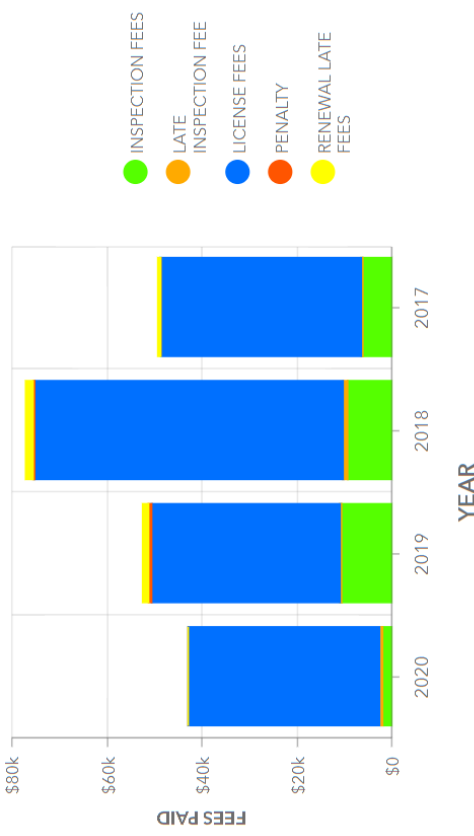
De'Sean Quinn, Council President

APPROVED AS TO FORM BY:

Filed with the City Clerk: _____
Passed by the City Council: _____
Resolution Number: _____

Office of the City Attorney

ATTACHMENT B.
RENTAL HOUSING PROGRAM DASHBOARD - 11/9/2020

<p>604 RENTAL LICENSES 4,357 Rental Units</p>	<p>RENTAL LICENSES BY STATUS</p>  <p>LICENSE STATUS</p>	<p>2020 (YTD) \$44,947 FEES PAID</p>	<p>2019 \$52,313 FEES PAID</p>	<p>2018 \$77,055 FEES PAID</p>	<p>2017 \$49,388 FEES PAID</p>
<p>102 LICENSES W/BALANCE DUE</p>	<p>Rental Fees Owed \$9,780</p>	<p>PROGRAM REVENUE BY YEAR</p>  <p>FEES PAID</p> <p>YEAR</p> <ul style="list-style-type: none"> INSPECTION FEES LATE INSPECTION FEE LICENSE FEES PENALTY RENEWAL LATE FEES 			



Rental Housing Program - Inspection Report and Checklist

UNIT DOES NOT PASS IF INSPECTION RESULTS EQUAL 25 POINTS OR MORE

Property Owner: _____ **FILE #** _____

Rental Address: _____ **Unit #:** _____ **Inspection Results** _____

Property Name: _____ **Bedrooms:** _____ **Bathrooms:** _____ **Final Inspection Score** _____

Dwelling Type
 Single-family Fourplex
 Condominium Apartment w/5+ units
 Duplex Accessory Dwelling Unit
 Triplex Studio/Efficiency Unit

CITY OF TUKWILA OFFICIAL RENTAL INSPECTION REPORT

DATE OF INSPECTION: _____ INSPECTOR NAME (PRINTED): _____ INSPECTOR SIGNATURE: _____

REINSPECTION REQUIRED? Y / N REINSPECTION DUE DATE: _____

POST INSPECTION COMMENTS / REQUIRED CORRECTIVE ACTIONS

HAZARDS - Check all hazards that apply.	NC-PTS	COMMENTS
Plumbing system hazards found - IPMC 504.3	25	
Mechanical equipment improperly installed and maintained. - IPMC 603.1	25	
Combustion air supply is inadequate for fuel burning equipment - IPMC 603.5	25	
Unit does NOT have electrical service provided by utility - IPMC 604.1	25	
Electrical system hazards found - IPMC 604.3	25	
Other hazards found - IPMC 108	25	
Describe hazard:		
Fire doors are blocked, obstructed, or inoperable - IPMC 703.2	25	
Inadequate emergency egress from one or more habitable spaces - IPMC 702.4	25	
Doors, bars, grilles, grates over emergency escape openings are NOT readily operable from inside, without keys or special knowledge - IPMC 702.3 & 702.4	25	
Missing/inoperable Smoke detector(s): Detectors required for each story; each bedroom; immediately outside each sleeping area - IPMC 704	25	
Missing or inoperable Carbon monoxide detector(s): Detectors required for each story; immediately outside each sleeping area - RCW 19.27.530	25	
One or more bedroom under 70 sq ft - IPMC 404.4.1	25	

For each hazard present add 25 points to Final Inspection Score

RENTAL HOUSING INSPECTION CHECKLIST



DIRECTIONS: If code standard is not met the inspector will mark the applicable section with the appropriate point value based on the severity of the violation. Severity levels are defined as minor, moderate, or severe (except where only a single score option is provided). The inspector will mark NA if not applicable and will add inspection notes to support ratings. Sections left blank indicate compliance with the referenced standards. Total score shall be calculated based on assigned non-compliance point values assigned to each violation and severity level. **An inspection does not pass if there is a total of 25 or more non-compliance points (NC-PTS).**

INTERNATIONAL PROPERTY MAINTENANCE CODE (IPMC) STANDARD	INTERIOR CONDITIONS												NC-PTS			SCORE		
	entry	living rm	dining rm	kitchen	utility	bathroom (1)	bathroom (2)	bathroom (3)	bedroom (1)	bedroom (2)	bedroom (3)	bedroom (4)	other	minor	moderate		severe	
Windows and frames in good repair - IPMC 305.3															1	2	3	
Floor surface in good repair - IPMC 305.4															1	2	3	
Wall surface in good repair - IPMC 305.3															1	2	3	
No visible mold, mildew, or signs of moisture of leaks - IPMC 504.1															1	5	25	
Adequate source of heat - IPMC 602.3 & 602.5																	25	
No evidence of insect or rodent infestation/harborage - IPMC 302.5 & 309															3	10	25	
Functional lighting fixtures - IPMC 402.2 & 402.3															1	2	3	
Two separate & remote electrical outlets per room - IPMC 605.2															2			
Minimum of 1 operable, approved-size window facing directly to the outdoors - IPMC 402.1 & 403.1															1	5	25	
Stove vent properly connected and functional - IPMC 302.6 & 403.4															1			
Has a clear path of not less than 3' clearance between counterfronts and appliances or walls - IPMC 404.2															1	5	25	
Has kitchen sink, cooking stove, refrigerator, and counter space - IPMC 404.7 & 502.1																	25	
1 grounded-type receptacle or GFCI: laundry, kitchen, garage, basement - IPMC 605.2															1			
Hot and cold water to all plumbed fixtures - IPMC 505.1																	25	
Clothes dryer exhaust vented properly to exterior - IPMC 403.5																		
Water heater correctly installed - IPMC 505.4															2	10	25	
Door for privacy, in good repair, securely attached - IPMC 503.1															3	10	25	
Separate bathroom with toilet, sink, & tub/shower - IPMC 404.4,3															1	2	3	
Bathroom/toilet room properly ventilated (operable screened window or functional mechanical fan) - IPMC 403.2																	25	
Has at least one electrical receptacle - IPMC 605.2															2			

INSPECTION NOTES:

EXTERIOR STRUCTURE / EXTERIOR PROPERTY

INTERNATIONAL PROPERTY MAINTENANCE CODE (IPMC) STANDARD

	ext. structure			ext. property			NC PTS			SCORE		
	ext. structure	ext. property	NC PTS	ext. structure	ext. property	NC PTS	minor	moderate	severe	minor	moderate	severe
Surfaces in good repair - IPMC 304.2			1			1	1			1	2	3
Address numbers 4" tall & visible from the street - IPMC 304.3			1			1						
Structural members in good repair - IPMC 304.4			3			10	25					
Foundation walls in good repair - IPMC 304.5			3			10	25					
Exterior walls in good repair - IPMC 304.6			3			10	25					
Roof and drainage in good repair - IPMC 304.7			2			10	25					
Decorative features in good repair - IPMC 304.8			1									
Overhang extensions in good repair - IPMC 304.9			2			10	25					
Stairways, decks, porches, balconies in good repair - IPMC 304.10			3			10	25					
Handrails and guardrails firmly fastened - IPMC 304.12			2			10	25					
Chimneys and towers in good repair - IPMC 304.11			3			10	25					
Exterior doors in good repair; deadbolt locks operable by knob; deadbolt throw not less than 1 inch - IPMC 304.15			2			10	25					
Clean, safe & sanitary/no uncontained debris - IPMC 302.1			1			5	10					
Approved waste containers w/tight fitting lids - IPMC 308			1			5	10					
Sidewalks/driveways free of hazards - IPMC 302.3			1			3	5					
No weeds in excess of 12 inches - IPMC 302.4			1			3	10					
No evidence of insect or rodent infestation/harborage - IPMC 302.5 & 309			3			10	25					
Accessory structures in good repair - IPMC 302.7			3			10	25					
No junk vehicles/repair outside garage - IPMC 302.8			3			10	25					
Free from graffiti - IPMC 302.9			1			5	10					
No standing water or erosion - IPMC 302.2			1			3	5					
Swimming Pools, Spas & Hot Tubs - Clean, sanitary, in good repair - IPMC 303.1			2									
Swimming Pools, Spas & Hot Tubs - Enclosure 60" high, w/self-closing latch - IPMC 303.2			1			5	10					
			3			10	25					

INSPECTION NOTES

space for additional inspection notes on back



INFORMATIONAL MEMORANDUM

TO: Planning and Economic Development Committee

FROM: Brandon Miles, Business Relations Manager

CC: Mayor Ekberg

DATE: November 10, 2020

SUBJECT: 2021 Tourism Promotion Area Interlocal Agreement Review

ISSUE

On October 5 Planning and Economic Development Committee asked staff to create a workplan item to conduct a review of the Tourism Promotion Area (TPA) Interlocal Agreement in 2021. Staff is following up on this request with additional detail and background.

BACKGROUND

Tourism Promotion Area Interlocal Agreement

In 2014 the Cities of Tukwila, Des Moines, and SeaTac executed an interlocal agreement (“TPA ILA”) to form a Tourism Promotion Area (TPA) to cover the combined boundaries of the three cities. Under Washington State law most municipalities in King County cannot form their own TPAs and must partner with at least one other jurisdiction¹. Through the TPA ILA the cities agreed that the City of SeaTac would serve as the legislative authority for the TPA area.

In 2014, after receiving a petition from hoteliers, the City of SeaTac formally adopted a resolution setting out a TPA fee in the three-city area. The total fee was \$2 per night per eligible hotel stay in a hotel or motel with at least 90 rooms². The \$2 rate was the maximum permitted under the current State law. State law was recently amended to allow the rate to go up to \$5 per night, provided 60% of the businesses that would pay the increase petition for the increase and it is approved by the legislative authority.

Per the TPA ILA, 100% of the TPA fee, less a one percent administrative charge by the Department of Revenue, goes to Seattle Southside Regional Tourism Authority (SSRTA) for tourism promotion efforts in the three city area under the “Seattle Southside” brand. In 2019, SSRTA received just over \$3.96 million from the TPA fee.

The agreement provides a 20-year term; however, any member City can withdraw from the TPA ILA by providing one year’s notice to the other members. In addition, like any agreement, the signatories to the TPA ILA can mutually agree to amend the agreement at any time.

¹ The City of Federal Way was able to carve an exemption to allow it to form its own TPA without the need to partner with another jurisdiction.

² The TPA fee is a flat fee, while the lodging tax is a percentage. This allows the TPA to collect higher revenue than the lodging tax when rates are low. For example, a room at a hotel going for \$100 a night would only provide \$1 in lodging tax funds, while the TPA gets the full \$2.

Allowable Use of Tourism Promotion Area Fee

Revised Code of Washington 35.101.130 states that the Legislative Authority, "...shall have sole discretion as to how the revenue derived from this charge is to be used to promote tourism promotion that increases the number of tourists to the area."

'Tourism Promotion' is defined as, "...activities and expenditures designed to increase tourism and convention businesses, including but not limited to advertising, publicizing, or otherwise distributing information for the purpose of attracting tourists, and operating tourism designation marketing organizations."

Unlike lodging tax provisions of State Law, the TPA RCW provides a definition of tourist³.

A 'tourist' means a person who travels for business or pleasure on a trip:

- (a) Away from the person's place of residence or business and stays overnight in paid accommodations;*
- (b) To a place at least fifty miles away one way by driving distance from the person's place of residence or business for the day or stays overnight. However, island communities without land access are exempt from the mileage requirement under this subsection (5)(b); or*
- (c) To another country or state outside of the person's place of residence or business.*

In addition to the RCWs outlined above, the TPA ILA also provides requirements on how the TPA funds must be used, the following outlines those provisions.

- a. The general promotion of tourism within the Seattle Southside TPA as specified in the businesses plan of the SSRTA;
- b. The marketing of convention and trade shows that benefit local tourism and the Lodging Businesses in the Seattle Southside TPA;
- c. The marketing of the Seattle Southside TPA region to the travel industry in order to benefit local tourism and the lodging businesses in the Seattle Southside TPA;
- d. The marketing of the Seattle Southside TPA region to recruit sporting events in order to promote local tourism and to benefit the Lodging Businesses and tourism industry within the Seattle Southside TPA; and
- e. Direct administration, operation, formation, and start-up costs associated with Seattle Southside TPA and the ongoing management and maintenance of the Seattle Southside TPA program, including but not limited to staff costs, public notice advertising, legal costs, accounting and auditing (including audits of the Parties and the SSRTA as they relate to this Agreement), as approved by SSRTA Board of Directors, provided no funds will be used for costs not directly related to operation of the Seattle Southside TPA, this Agreement, or the SSRTA.

³ This definition goes into effect on July 1, 2020.

<https://tukwilawa.sharepoint.com/sites/mayorsoffice/cc/CC Docs/Old W/2020 Info Memos/Info Memo, Tourism Promotion ILA Review.doc>

DISCUSSION

From a good administrative and oversight standpoint, staff believes it is prudent to conduct regular reviews of agreements that the City is part of. The TPA ILA has now been in place for six years and staff would like to conduct a review of the agreement.

The following are the key areas staff believes should be examined in the TPA ILA review:

- Transparency and Accountability
- Check in with Tukwila Hotels and other Stakeholders
- Administration and Operation of the Tourism Promotion Area
- Review of Changes in State Law Impacting Tourism Promotion Areas
- Return on Investment for the Tourism Promotion Area Fee
- Housekeeping of the Interlocal Agreement

Staff anticipates that this review would take most of 2021. Ideally, this review would occur in partnership with the Cities of Des Moines and SeaTac and staff has already begun to have conversations with those cities staff about the review. However, should those cities not be able to participate, staff still believes it would be prudent for the City to conduct its own review.

FINANCIAL IMPACT

None

RECOMMENDATION

Forward to the November 23 Committee of the Whole meeting for discussion.

ATTACHMENTS

- Tourism Promotion Interlocal Agreement

**INTERLOCAL AGREEMENT
FOR THE JOINT ESTABLISHMENT OF A
TOURISM PROMOTION AREA**

THIS INTERLOCAL AGREEMENT FOR THE JOINT ESTABLISHMENT OF A TOURISM PROMOTION AREA (this "Agreement") dated this 6th day of May, 2014, is made and entered into by and among the CITY OF SEATAC ("SeaTac"), the CITY OF TUKWILA ("Tukwila"), and the CITY OF DES MOINES ("Des Moines"), each being a municipal corporation organized under the laws and statues of the State of Washington, for the purpose of establishing a joint tourism promotion area pursuant to chapter 35.101 of the Revised Code of Washington ("RCW").

RECITALS:

WHEREAS, Tukwila currently administers Seattle Southside Visitors Services ("SSVS"), a tourism promotion program funded by lodging taxes imposed and collected within Tukwila, SeaTac, and Des Moines, and remitted to SSVS in exchange for tourism promotion services; and

WHEREAS, the tourism industry is a vital and substantial component of the region's economy and tourism promotion increases the number of visitors to the region which in turn increases regional sales supporting the local economy; and

WHEREAS, the Legislature of the State of Washington has recognized the importance of tourism promotion in the State of Washington and in 2003 passed Engrossed Substitute Senate Bill No. 6026, codified as chapter 35.101 RCW (the "TPA Act"), authorizing counties with a population greater than forty thousand but less than one million, and any city or town within such a county, to establish a tourism promotion area for the purpose of imposing special assessments on the furnishing of lodging to be expended exclusively on tourism promotion; and

WHEREAS, in 2009 the Legislature amended the TPA Act to allow two or more cities located in a county with a population of one million or more acting jointly under chapter 39.34 RCW (the "Interlocal Cooperation Act") to form a tourism promotion area for such purpose; and

WHEREAS, other Washington counties and cities, including Pierce County, the Tri-Cities, Spokane County, and Clark County, have established tourism promotion areas and have dedicated such funds for tourism promotion; and

WHEREAS, the operators of lodging businesses located in southwest King County are preparing to initiate the formation of a tourism promotion area pursuant to the TPA Act within the jurisdictional boundaries of Tukwila, SeaTac and Des Moines (the "Seattle Southside TPA"); and

3rd of 3 originals

WHEREAS, depending on the rates of the assessments, the proposed Seattle Southside TPA is projected to provide approximately \$2.5 million of additional revenue for tourism promotion each year; and

WHEREAS, the additional revenue stream is expected to help the tourism promotion program currently administered by SSVS remain competitive with other destination marketing organizations in the State of Washington, bring more visitors to the area, bolster hotel occupancy, protect current jobs, create new jobs, increase business at restaurants and retail stores, and increase patronage at arts, cultural and sporting venues in an ever increasingly competitive marketplace; and

WHEREAS, assessments received from the proposed Seattle Southside TPA will be remitted to a public development authority chartered by SeaTac pursuant to chapter 35.21 RCW; and

WHEREAS, if formed, the Seattle Southside TPA is expected to provide needed resources to increase tourism, which will increase hotel occupancy among participating hotels within the defined area; and

WHEREAS, the promotion of the region to increase tourism will also provide economic benefit to retail, restaurant, entertainment and cultural industries that are closely connected to the hotel industry and critical to the health of the local economy; and

WHEREAS, SeaTac, Tukwila, and Des Moines (referred to herein as the "Parties") currently fund certain basic operations and media expenses of SSVS with lodging tax revenues and desire to have that work continue. As set forth herein, the Parties intend to commit certain lodging tax revenues to fund regional tourism marketing by contracting with the public development authority, or successor entity, for such services; and

WHEREAS, it is paramount that SeaTac and Tukwila continue to operate SSVS in its current form until such time that the public development authority can assume all duties and obligations of SSVS; and

WHEREAS, to form a tourism promotion area an initiation petition satisfying the terms of the TPA Act must first be presented to the legislative authority having jurisdiction of the area in which the proposed tourism promotion area is to be located and a public hearing must be held after providing proper notice; and

WHEREAS, the Parties now desire to enter into this Agreement for the purpose of appointing a legislative authority to receive the initiation petition and otherwise carry out the terms of the TPA Act in order to help facilitate the formation and operation of the Seattle Southside TPA;

NOW THEREFORE, it is hereby agreed and covenanted among the undersigned as follows:

Section 1. Definitions. In addition to the terms defined in the Recitals above, the following terms shall have the meanings set forth below:

“Agreement” means this Interlocal Agreement for the Joint Establishment of a Tourism Promotion Area by and among SeaTac, Tukwila and Des Moines, entered into pursuant to the TPA Act and the Interlocal Cooperation Act, as it may be amended from time to time.

“Annual Budget” means the budget approved pursuant to Section 7 of this Agreement.

“Des Moines” means the City of Des Moines, a municipal corporation organized under the laws and statutes of the State.

“Interlocal Cooperation Act” means chapter 39.34 RCW as the same may be amended from time to time.

“Legislative Authority” means the legislative authority of the Seattle Southside TPA appointed pursuant to Section 2 of this Agreement, as the same shall be duly and regularly constituted from time to time.

“Lodging Business” means a business located within the Seattle Southside TPA that furnishes lodging taxable by the State under chapter 82.08 RCW that has 40 or more lodging units. Lodging facilities with fewer than 40 rooms are not considered “Lodging Businesses” for the purpose of this Agreement and are exempt from any fees imposed under chapter 35.101 RCW.

“Operating Agreement” means the agreement(s) for the operation and management of the Seattle Southside TPA.

“Operator” or “Operator of a Lodging Business” means an operator of a Lodging Business, whether in the capacity of owner, general manager, lessee, sublessee, mortgagee in possession, license or any other similar capacity.

“Petition” means the initiation petition delivered to the Legislative Authority pursuant to the TPA Act.

“SeaTac” means the City of SeaTac, a municipal corporation organized under the laws and statutes of the State.

“SeaTac City Council” means the City Council of SeaTac as the general legislative authority of SeaTac, as the same shall be duly and regularly constituted from time to time.

“Seattle Southside Tourism Promotion Area” means the geographic area identified in the Petition.

“Seattle Southside TPA” means the Seattle Southside Tourism Promotion Area.

“Special Assessment” means the levy (charge) imposed by the Legislative Authority on the Operators of Lodging Businesses within the Seattle Southside TPA and subsequently passed on to the guests of the Lodging Business, under the authority of the TPA Act, for the purpose of providing funding of tourism promotion in the boundaries of the Seattle Southside TPA.

“SSRTA” or “Seattle Southside Regional Tourism Authority” means the public development authority chartered by SeaTac pursuant to chapter 35.21 RCW.

“SSRTA Board of Directors” means the Board of Directors of SSRTA, as the general legislative authority of SSRTA, as the same shall be duly and regularly constituted from time to time.

“SSVS” means Seattle Southside Visitors Services, a tourism promotion program currently administered by Tukwila.

“State” means the State of Washington.

“Tourism Promotion” means domestic and international tourism promotion, advertising, sales and marketing activities intended to encourage tourism in the Seattle Southside TPA in order to increase area hotel occupancies. “Promotion, advertising, sales and marketing activities” include, but are not limited to, strategic planning, market research, creative development, media placement, sales activities, hosting tourism industry events relating to promotion and marketing, and administrative and management support for such services, and creating and maintaining a standing limited reserve, as such reserve may be specified in the Annual Budget, to fund any such activities.

“Transient Basis” means the rental of a room or rooms for dwelling, lodging, or sleeping purposes by the Operator of a Lodging Business for a period of 30 consecutive calendar days or less, counting a portion of a day as a full calendar day.

“Tukwila” means the City of Tukwila, a municipal corporation organized under the laws and statutes of the State.

“Zone” or “Zones” means the distinct geographic subarea or subareas within the Seattle Southside TPA as established by resolution of the Legislative Authority.

Section 2. Purpose of this Agreement; Appointment of Legislative Authority.

(a) *Purpose of this Agreement.* The purpose of this Agreement is (1) to promote tourism in the boundaries of the Seattle Southside TPA by appointing a legislative authority for the purpose of accepting an initiation Petition for the formation of the Seattle Southside TPA pursuant to the TPA Act in the jurisdictional boundaries of SeaTac, Tukwila and Des Moines, which when and if created, will permit collection of Special Assessments from Lodging Businesses to fund Tourism Promotion, and (2) to memorialize the agreement among the Parties hereto relating to the Seattle Southside TPA.

The Petition must describe the boundaries of the proposed tourism promotion area, the proposed uses and projects to which the proposed revenue from the charges shall be used and the total estimated costs, the estimated rate for the charge with a proposed breakdown by class of Lodging Businesses (if such classification is to be used), and the signatures of the persons who Operate Lodging Business in the proposed area who would pay sixty percent or more of the proposed charges.

(b) *Appointment of Legislative Authority.* The SeaTac City Council is hereby appointed as the Legislative Authority of the Seattle Southside TPA for purposes of this Agreement and the TPA Act. References to the "Legislative Authority" herein shall mean the SeaTac City Council serving in its capacity as the Legislative Authority of the Seattle Southside TPA.

(c) *Understanding of the Parties.* It is hereby understood and agreed by the Parties that the SeaTac City Council, serving in its capacity as the Legislative Authority, shall, after receiving the Petition, proceed with adopting a resolution of intent to establish the "Seattle Southside Tourism Promotion Area" designated to include the jurisdictional boundaries of SeaTac, Tukwila and Des Moines, and hold a public hearing after providing proper notice under the terms of the TPA Act.

It is understood and agreed to by the Parties hereto that the purpose of forming the Seattle Southside TPA is to provide an additional source of revenue to be used exclusively to fund Tourism Promotion within the boundaries of the Seattle Southside TPA which will benefit the tourism industry and the Operators of Lodging Businesses located in the boundaries of the Seattle Southside TPA and the Parties hereto.

(d) *Termination of Proceedings.* Notwithstanding anything herein to the contrary, if the Seattle Southside TPA is not formed by March 31, 2015, this Agreement shall terminate and shall no longer be in force and effect.

Section 3. Legislative Authority; Meetings; Powers.

(a) *Officers of the Legislative Authority.* The Chair of the SeaTac Lodging Tax Advisory Committee, or his or her designee, shall serve as Chair of the Legislative Authority. On matters decided by the Legislative Authority, the signature of the Chair alone is sufficient to bind the Legislative Authority.

(b) *Meetings of the Legislative Authority.* Regular meetings of the Legislative Authority shall be held at the times and locations set forth in a meeting schedule approved by the Legislative Body. There shall be at least one meeting of the Legislative Authority each year, and not less than fifteen days' notice shall be given to all members of the Legislative Authority and the Parties hereto prior to any such meeting. Other meetings (including special meetings) may be held upon request of the Chair or any other members. All meetings shall be open to the public to the extent required by chapter 42.30 RCW. Each member of the Legislative Authority shall have an equal vote and voice in all decisions of the Legislative Authority. Unless otherwise provided, the City of SeaTac City Council Administrative Procedures and Robert's Revised

Rules of Order (newly revised) shall govern all procedural matters relating to the business of the Legislative Authority.

(c) *Powers of the Legislative Authority.* The Parties hereto acknowledge and agree that the SeaTac City Council is being appointed solely to serve as the “legislative authority” for purposes of the TPA Act. The day to day operations of the Seattle Southside TPA, including but not limited to the management and expenditure of Special Assessments, shall be managed by SSRTA as manager and operator of the Seattle Southside TPA. The SeaTac City Council, when acting in its capacity as Legislative Authority, shall have the authority to:

1. Receive the Petition, adopt a resolution of intent to form the Seattle Southside TPA, hold a public hearing as required by the TPA Act, and otherwise carry out the terms of the TPA Act;
 2. Form the Seattle Southside TPA, establish rates of Special Assessments and levy Special Assessments pursuant to the terms of this Agreement, the Petition, and the TPA Act;
 3. Adopt an Annual Budget;
 4. Conduct regular and special meetings as may be designated by the Legislative Authority;
 5. Enter into agreements with third parties as necessary to fully implement the purposes of this Agreement;
 6. Enter into Operating Agreements with SSRTA for the operation of the Seattle Southside TPA, the management and expenditure of Special Assessments and other revenues, and other services as determined to be necessary from time to time;
 7. Enter into agreements with and receive funds from any federal, state or local agencies and to distribute such funds to SSRTA;
 8. Receive and account for all funds allocated to the Seattle Southside TPA;
- and
9. Engage in any and all other acts necessary to further the goals of this Agreement.

Section 4. Levy of Assessments on Lodging Businesses within the Seattle Southside TPA.

(a) The Legislative Authority will levy Special Assessments on the Operators of Lodging Businesses within the Seattle Southside TPA in accordance with the Zones and levels of Special Assessments as set forth in the Petition and resolution of the Legislative Authority. The Parties acknowledge that, unless otherwise provided for in the Petition, Special Assessments shall not be imposed on rooms (1) where the occupant has stayed 30 or more days and are not otherwise on a Transient Basis, (2) that are provided by an Operator of a Lodging Business to

guests without charge for promotional purposes, (3) available exclusively to members or guests of members of a private member-owned clubs or its reciprocal clubs, or (4) contracted with airline crews.

(b) The Legislative Authority shall contract with the State Department of Revenue for the administration and collection of the Special Assessments pursuant to RCW 35.101.090. Special Assessments shall be deposited into the local tourism promotion account created in the custody of the State Treasurer under RCW 35.101.100. It is understood and agreed that in accordance with RCW 35.101.100, the State Treasurer has the authority to distribute the revenue from the tourism promotion account allocable to the Seattle Southside TPA to the Legislative Authority, or directly to the SSRTA, on a monthly basis. SeaTac shall act as fiscal agent to the Seattle Southside TPA and shall be responsible for receiving Special Assessments from the State Treasurer and holding such funds in a segregated account(s) until remitted to SSRTA pursuant to Section 7 of this Agreement.

(c) Any change in the Special Assessment rates for any Zone as set in the resolution of the Legislative Authority shall be made only by amendment of the resolution by the Legislative Authority and only upon written request by the persons who Operate Lodging Business in the proposed area who would pay sixty percent or more of the proposed charges and with the approval and consent of the SSRTA Board of Directors. No increase in the Special Assessment rates for any Zone or the boundaries of any Zone shall be made by the Legislative Authority except after receipt of the written request of persons who Operating Lodging Businesses as identified in the preceding sentence and upon the affirmative approval of the SSRTA Board of Directors.

(d) It is understood and agreed by the Parties hereto that the Special Assessments imposed in the Seattle Southside TPA are not a tax on the "sale of lodging" for the purposes of chapter 82.14 RCW and are not applicable to temporary medical housing exempt under chapter 82.08 RCW.

(e) It is understood and agreed by the Parties that the Special Assessments imposed under this Agreement are in addition to the special assessments that may be levied under chapter 35.87A RCW.

Section 5. Use of Special Assessment Revenue. All of the revenues from Special Assessments collected by the State Department of Revenue from Lodging Businesses within the Seattle Southside TPA shall be remitted by the Legislative Authority to SSRTA and shall be used exclusively for Tourism Promotion as defined herein, and for no other purpose, in accordance with the Annual Budget. The revenue derived from the Special Assessments shall be used only for the following purposes:

(a) The general promotion of tourism within the Seattle Southside TPA as specified in the business plan of the SSRTA;

(b) The marketing of convention and trade shows that benefit local tourism and the Lodging Businesses in the Seattle Southside TPA;

(c) The marketing of the Seattle Southside TPA region to the travel industry in order to benefit local tourism and the lodging businesses in the Seattle Southside TPA;

(d) The marketing of the Seattle Southside TPA region to recruit sporting events in order to promote local tourism and to benefit the Lodging Businesses and tourism industry within the Seattle Southside TPA; and

(e) Direct administration, operation, formation, and start-up costs associated with the Seattle Southside TPA and the ongoing management and maintenance of the Seattle Southside TPA program, including but not limited to staff costs, public notice advertising, legal costs, accounting and auditing (including audits of the Parties and the SSRTA as they relate to this Agreement), as approved by the SSRTA Board of Directors, provided no funds will be used for costs not directly related to operation of the Seattle Southside TPA, this Agreement, or the SSRTA.

Section 6. Lodging Taxes. The Parties intend to commit lodging tax revenues to fund regional tourism marketing by contracting with the SSRTA, or successor entity. The Parties intend the minimum annual funding levels to be set according to the following table:

Annual Commitment of Lodging Tax to the SSRTA*			
Year	SeaTac	Tukwila	Des Moines
2014	\$835,000	\$712,000	100% of monthly lodging tax receipts
2015	\$460,000	\$405,000	100% of monthly lodging tax receipts
2016	\$383,333	\$337,500	100% of monthly lodging tax receipts
2017	\$306,666	\$270,000	100% of monthly lodging tax receipts
2018 and beyond	\$230,000	\$202,500	100% of monthly lodging tax receipts

* The exact amount of funding for 2014 will be pro-rated based upon the actual date of establishment of the SSRTA.

Notwithstanding the foregoing, the Parties acknowledge and agree that the final allocation, uses, and level of lodging tax revenue is subject to the provisions of chapter 67.28 RCW. Recognizing that RCW 67.28.1816 requires that the annual expenditures of the respective City's lodging tax be approved by the respective city council (based on a recommendation from its respective lodging tax advisory committee) this Agreement provides no guarantee that future city councils will approve future funding.

The Parties further recognize that Tukwila has financial obligations in place to operate SSVS. Tukwila may, at its sole discretion and absolute authority, reduce the annual payment to the SSRTA in order to meet obligations and liabilities associated with the operation of SSVS, including, but not limited to, labor, lease costs, payment of utilities, and other contracts executed in support of SSVS by Tukwila.

Section 7. Management of Seattle Southside TPA; Annual Budget; Reporting Requirements.

(a) The Legislative Authority shall contract with the SSRTA pursuant to one or more Operating Agreements for the management and operation of the Seattle Southside TPA.

(b) The Parties hereto acknowledge and agree that SeaTac is chartering the SSRTA for the purpose of serving as a separate legal entity formed to advise and make recommendations to the Legislative Authority on all matters related to the Seattle Southside TPA and to carry out its purposes as set forth in its formation documents. The Parties agree to execute agreements with the SSRTA for tourism promotion services and for the transfer of assets, equipment, and intellectual property (including the SSVS "brand") used by SSVS to accomplish the purposes of the SSRTA, as determined to be necessary by the SSRTA to accomplish its purposes. The Parties hereto agree to use best efforts to assist in the transition of such services, assets, equipment, and property at no cost to the SSRTA.

(c) SSRTA shall be responsible for administering the activities and programs of the Seattle Southside TPA and preparing an Annual Budget for the Seattle Southside TPA.

(d) The Legislative Authority shall approve an Annual Budget for the use of Special Assessments and shall provide a copy of the Annual Budget to the Parties hereto. The Annual Budget shall consist of:

1. A list of the Lodging Businesses subject to Special Assessments and an estimate of the revenue to be received from all such Lodging Businesses; and

2. A statement of the proposed budget for all Seattle Southside TPA activities and programs to be funded from Special Assessments during the ensuing fiscal year.

(e) SSRTA, as manager of the Seattle Southside TPA, shall agree to comply with all applicable provisions of state and federal law, including but not limited to, the TPA Act, and with all applicable county or city resolutions and ordinances, and with all regulations lawfully imposed by the State Auditor or other state agencies, and the applicable provisions of this Agreement.

(f) All Special Assessments received by SeaTac, as fiscal agent for the Seattle Southside TPA, from the State Department of Revenue and any interest thereon shall be deposited by SeaTac in a special account and thereafter transferred to SSRTA within thirty days following receipt. Provided, however, no Special Assessment shall be transferred in any fiscal year until after the adoption of that year's fiscal Annual Budget.

(g) Legislative Authority shall submit a statement of actual revenues and expenditures to the SSRTA Board of Directors and the Parties hereto.

(h) The Parties acknowledge and agree that revenue derived from the Special Assessments is intended to enhance, supplement, and extend existing tourism marketing efforts of the Parties.

Section 8. Initial Duration; Withdrawal and Termination.

(a) *Initial Term.* The initial duration of this Agreement shall be for a period of twenty years from its effective date.

(b) *Withdrawal from Agreement; Termination by the Parties.* Any Party to this Agreement may withdraw its participation in this Agreement and in the Seattle Southside TPA by providing written notice and serving that notice to the Legislative Authority as provided herein. No Party is permitted to withdraw until this Agreement has been in force at least four years from the effective date. Once this Agreement has been in force for four years, any Party may withdraw by providing at least one year notice of its intent to withdraw.

The Party giving notice of intent to withdraw may revoke its notice by giving written notice of revocation to the Legislative Authority. Within 90 days after receiving proper notice as provided in this section, the Legislative Authority shall adopt a resolution of intention (i) identifying the Party that has given notice of withdrawal, (ii) stating that Seattle Southside TPA may be modified or terminated, as applicable, (iii) describing the change or changes proposed, or indicate that it is the intention to revise the boundaries or disestablish the Seattle Southside TPA, and (iv) providing the time and place of a public hearing to be held by the Legislative Authority on the proposed action; provided, the public hearing shall be at least 15 days prior to consideration of the proposed action. The Legislative Authority may, by ordinance, revise the boundaries or disestablish the Seattle Southside TPA after conducting a hearing to receive public comment regarding the boundary revision or disestablishment of the Seattle Southside TPA. Unless the written notice of withdrawal has been revoked by the withdrawing Party and accepted by the Legislative Authority, the revision or disestablishment shall become effective on the date specified by the Legislative Authority.

(c) For the sake of clarity, it is the intention of the Parties hereto that this Section 8 provides for a method of withdrawal and/or termination of this Agreement that is initiated solely by a Party to this Agreement. This Section 8 is intended to be in addition to the method of modification and/or disestablishment of the Seattle Southside TPA as provided in Section 9 below.

Section 9. Modification or Disestablishment of the Seattle Southside TPA.

(a) The Legislative Authority may modify the provisions of the resolution or ordinance establishing the Seattle Southside TPA, revise the boundaries of the Seattle Southside TPA, or provide for the disestablishment of the Seattle Southside TPA, after adopting a resolution of intention to such effect. Such resolution of intention shall describe the change or changes proposed, or indicate that it is the intention to revise the boundaries or disestablish the Seattle Southside TPA, and shall state the time and place of a public hearing to be held by the

Legislative Authority to consider the proposed action; provided, the public hearing shall be at least 15 days prior to consideration of the proposed action.

(b) Additionally, upon receipt of a petition indicating a desire to revise the boundaries or disestablish the Seattle Southside TPA, with the signatures of the persons who Operate Lodging Businesses in the Seattle Southside TPA who pay 50% or more of the total Special Assessments, the Legislative Authority shall adopt a resolution of intention to revise the boundaries or disestablish the Seattle Southside TPA, and shall state the time and place of a public hearing to be held by the Legislative Authority to consider the proposed action; provided, the public hearing shall be at least 15 days prior to consideration of the proposed action.

(c) After conducting the public hearing to take public comment on the proposed action as required under Section 9(a) or (b), the Legislative Authority may, by ordinance, revise the boundaries or disestablish the Seattle Southside TPA. Notwithstanding the foregoing, if at a hearing held pursuant to Section 9(a) or (b) a petition objecting to the boundary revision or disestablishment is presented, with the signatures of the persons who Operate Lodging Businesses in the Seattle Southside TPA who pay 50% or more of the total Special Assessments, the Seattle Southside TPA shall not be altered or disestablished. If such petition objecting to the boundary revision or disestablishment is not presented at the hearing, the Legislative Authority shall proceed to revise the boundaries or disestablish the Seattle Southside TPA.

(d) Notwithstanding anything to the contrary in this Agreement, in no case shall the Parties hereto be obligated to satisfy the outstanding obligations of the Seattle Southside TPA or the SSRTA from such Party's moneys, funds, or other sources of revenue unless it otherwise agrees to in writing.

Section 10. Miscellaneous Provisions.

(a) *Waiver.* No officer, employee, or agent of SeaTac, Tukwila or Des Moines has the power, right, or authority to waive any of the conditions or provisions of this Agreement. No waiver of any breach of this Agreement by SeaTac, Tukwila or Des Moines shall be held to be a waiver of any other or subsequent breach. Failure of SeaTac, Tukwila or Des Moines to enforce any of the provisions of this Agreement or to require performance of any of the provisions herein, shall in no way be construed to be a waiver of such conditions, nor in any way effect the validity of this Agreement or any part hereof, or the right of SeaTac, Tukwila or Des Moines to hereafter enforce each and every such provision.

(b) *Records.* All records prepared, owned, used or retained by SSRTA in conjunction with operating or administering the activities and programs of the Seattle Southside TPA as provided for under the terms of this Agreement shall be made available by the SSRTA upon request to SeaTac, Tukwila or Des Moines.

(c) *Property and Equipment.* The SSRTA shall be the owner of all property and equipment purchased in furtherance of this Agreement from Special Assessment revenue. Provided, however, in the event of the termination of the Operating Agreement with the SSRTA, the SSRTA shall agree to make the property and/or equipment available to the successor

manager for its use in conjunction with providing similar services. Provided further, in the event of disestablishment of the Seattle Southside TPA, all property and equipment purchased by the SSRTA from Special Assessment revenue shall be retained by SeaTac and used for any lawful purpose.

(d) *Integration.* This Agreement contains all of the terms and conditions agreed upon by SeaTac, Tukwila or Des Moines concerning the establishment of the Seattle Southside TPA and the collection of Special Assessments from Operators of Lodging Businesses. No other understandings, oral or otherwise, regarding the subject matter of this Agreement shall be deemed to exist or to bind any of the Parties hereto. The Parties have read and understand all of this Agreement, and now state that no representation, promise, or agreement not expressed in this Agreement has been made to induce the officials of SeaTac, Tukwila or Des Moines to execute this Agreement.

(e) *Severability.* In the event any provision of this Agreement shall be declared by a Court of competent jurisdiction to be invalid, illegal, or unenforceable, the validity, legality and enforceability of the remaining provisions shall not, in any way, be effected or impaired thereby.

(f) *Hold Harmless; No Liability.* SeaTac shall indemnify and hold harmless Tukwila and Des Moines and their agents, employees, and/or officers, from any and all costs, claims, judgments, or awards of damages arising out of the acts or omissions of SeaTac, its officers, employees or agents and shall process and defend at its own expense any and all claims, demands, suits, at law or equity, actions, penalties, losses, damages, or costs, of whatsoever kind or nature, brought against Tukwila or Des Moines arising out of, in connection with, or incident to this Agreement and/or SeaTac's performance or failure to perform any aspect of this Agreement.

Tukwila shall indemnify and hold harmless SeaTac and Des Moines and their agents, employees, and/or officers, from any and all costs, claims, judgments, or awards of damages arising out of the acts or omissions of Tukwila, its officers, employees or agents and shall process and defend at its own expense any and all claims, demands, suits, at law or equity, actions, penalties, losses, damages, or costs, of whatsoever kind or nature, brought against SeaTac or Des Moines arising out of, in connection with, or incident to this Agreement and/or Tukwila's performance or failure to perform any aspect of this Agreement.

Des Moines shall indemnify and hold harmless Tukwila and SeaTac and their agents, employees, and/or officers, from any and all costs, claims, judgments, or awards of damages arising out of the acts or omissions of Des Moines, its officers, employees or agents and shall process and defend at its own expense any and all claims, demands, suits, at law or equity, actions, penalties, losses, damages, or costs, of whatsoever kind or nature, brought against Tukwila or SeaTac arising out of, in connection with, or incident to this Agreement and/or Des Moines' performance or failure to perform any aspect of this Agreement.

The SSRTA shall be an independent legal entity exclusively responsible for its own debts, obligations and liabilities. All liabilities incurred by the SSRTA shall be satisfied exclusively from the assets and credit of the SSRTA. No creditor or other person shall have any

recourse to the assets, credit, or services of the Parties hereto on account of any debts, obligations, liabilities, acts, or omissions of the SSRTA, unless otherwise agreed in writing by such Party.

(g) *Filing of Agreement.* This Agreement shall become effective immediately after it is duly adopted and executed by the City Council of SeaTac, the City Council of Tukwila, and the City Council of Des Moines and shall be filed and/or posted as required in the Interlocal Cooperation Act.

(h) *Notice.* Any formal notice or communication to be given among the Parties to this Agreement shall be deemed properly given, if delivered either in physical or electronic means, or if mailed postage prepaid and addressed to:

City of SeaTac
4800 S. 188th Street
SeaTac, WA 98188
Phone: 206.973.4800
Attn: City Manager

City of Tukwila
6200 Southcenter Blvd.
Tukwila, WA 98188
Phone: 206.433.1800
Attn: City Mayor

City of Des Moines
21630 11th Ave. S., Suite A
Des Moines, WA 98198
Phone: 206.878.4595
Attn: City Manager


(i) *Amendment.* This Agreement may be amended by the mutual consent of the Parties hereto. No additions to or alterations of the terms of this Agreement shall be valid unless made in writing, formally approved and executed by duly authorized agents of all Parties.

(j) *Operation of SSRTA.* Each Party hereto further authorizes SeaTac to operate the SSRTA within the corporate limits of such city to accomplish the purposes of and pursuant to the terms of this Agreement.

(k) *Counterparts.* This Agreement may be executed in any number of counterparts, each of whom shall be an original, but those counterparts will constitute one and the same instrument.

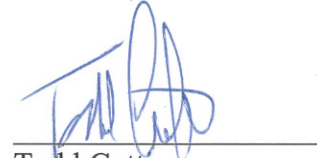
IN WITNESS WHEREOF, the Parties have executed this Agreement as of the day and year first written above.

City of Tukwila

*epn
BM*


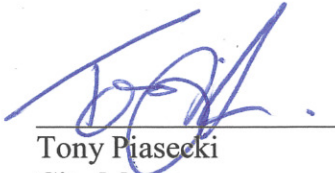
Jim Haggerton
Mayor
City of Tukwila
6200 Southcenter Blvd
Tukwila, WA 98188

City of SeaTac



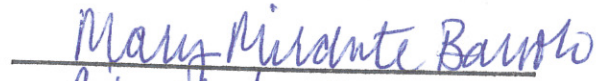
Todd Cutts
City Manager
City of SeaTac
4800 S. 188th St
SeaTac, WA 98188

City of Des Moines



Tony Piasecki
City Manager
City of Des Moines
21630 11th Ave S, Ste 98198
Des Moines, WA 98198

Approved as to Form:



Mary Mirante Barbo
City of SeaTac