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**SUBSTITUTE HOUSE BILL 1351**

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

**By** House Local Government (originally sponsored by Representatives Reed, Berry, Duerr, Fitzgibbon, Peterson, Ramel, Simmons, Bateman, Doglio, Tharinger, Alvarado, Macri, and Berg)

AN ACT Relating to encouraging transit-oriented development through a prohibition on the imposition of minimum parking requirements except under certain circumstances; amending RCW 36.70A.620; adding a new section to chapter 47.80 RCW; and adding a new section to chapter 43.21C RCW.

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

**Sec.**  RCW 36.70A.620 and 2020 c 173 s 3 are each amended to read as follows:

((~~In counties and cities planning under RCW 36.70A.040, minimum residential parking requirements mandated by municipal zoning ordinances for housing units constructed after July 1, 2019, are subject to the following requirements:~~

~~(1) For housing units that are affordable to very low-income or extremely low-income individuals and that are located within one-quarter mile of a transit stop that receives transit service at least two times per hour for twelve or more hours per day, minimum residential parking requirements may be no greater than one parking space per bedroom or .75 space per unit. A city may require a developer to record a covenant that prohibits the rental of a unit subject to this parking restriction for any purpose other than providing for housing for very low-income or extremely low-income individuals. The covenant must address price restrictions and household income limits and policies if the property is converted to a use other than for low-income housing. A city may establish a requirement for the provision of more than one parking space per bedroom or .75 space per unit if the jurisdiction has determined a particular housing unit to be in an area with a lack of access to street parking capacity, physical space impediments, or other reasons supported by evidence that would make on-street parking infeasible for the unit.~~

~~(2) For housing units that are specifically for seniors or people with disabilities, that are located within one-quarter mile of a transit stop that receives transit service at least four times per hour for twelve or more hours per day, a city may not impose minimum residential parking requirements for the residents of such housing units, subject to the exceptions provided in this subsection. A city may establish parking requirements for staff and visitors of such housing units. A city may establish a requirement for the provision of one or more parking space per bedroom if the jurisdiction has determined a particular housing unit to be in an area with a lack of access to street parking capacity, physical space impediments, or other reasons supported by evidence that would make on-street parking infeasible for the unit. A city may require a developer to record a covenant that prohibits the rental of a unit subject to this parking restriction for any purpose other than providing for housing for seniors or people with disabilities.~~

~~(3) For market rate multifamily housing units that are located within one-quarter mile of a transit stop that receives transit service from at least one route that provides service at least four times per hour for twelve or more hours per day, minimum residential parking requirements may be no greater than one parking space per bedroom or .75 space per unit. A city or county may establish a requirement for the provision of more than one parking space per bedroom or .75 space per unit if the jurisdiction has determined a particular housing unit to be in an area with a lack of access to street parking capacity, physical space impediments, or other reasons supported by evidence that would make on-street parking infeasible for the unit.~~)) (1) Counties and cities planning under RCW 36.70A.040 may not impose minimum parking requirements for new residential or commercial developments, except for off-street parking that is permanently marked for the exclusive use of individuals with disabilities, within one-quarter mile based on walking distance, of a major transit stop that receives current or planned level 1, 2, or 3 transit service, as defined in section 2 of this act.

(2) A county or a city planning under RCW 36.70A.040 may impose minimum parking requirements on an individual project in the circumstances described in subsection (1) of this section, provided that the county or city makes written findings within 30 days of the receipt of a completed application that not imposing or enforcing minimum parking requirements on the development would have a substantially negative impact, supported by a preponderance of the evidence in the record, on existing residential or commercial parking within one-half mile of the development project.

(3) Subsection (2) of this section does not apply to a housing development that is within one-quarter mile of an existing or planned transit route that operates no less frequently than two times per hour between the hours of 9:00 a.m. and 5:00 p.m. and meets either of the following criteria:

(a) The housing development dedicates a minimum of 20 percent of the total number of the housing units to very low-income, low-income, or moderate-income households, students, the elderly, or persons with disabilities. Housing units dedicated to very low-income, low-income, or moderate-income households must remain dedicated to very low-income, low-income, or moderate-income households for a minimum of 12 years; or

(b) The housing development contains fewer than 20 housing units.

(4) The limitations in subsection (1) of this section are intended to encourage transit-oriented development. Therefore, if a project permit application, as defined in RCW 36.70B.020, does not provide parking in compliance with subsection (1) of this section, such fact may not be treated as a basis for the issuance of a determination of significance pursuant to chapter 43.21C RCW.

NEW SECTION. **Sec.**  A new section is added to chapter 47.80 RCW to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Level 1 transit service" means the level of transit service provided at a location that:

(a) Receives transit service no less frequently than every 12 minutes between the hours of 9:00 a.m. and 5:00 p.m. on weekdays;

(b) Receives transit service no less frequently than every 15 minutes between the hours of 6:00 a.m. and 9:00 a.m., and the hours of 5:00 p.m. and 10:00 p.m., on weekdays;

(c) Receives transit service no less frequently than every 15 minutes between the hours of 9:00 a.m. and 5:00 p.m. on weekends; and

(d) Receives transit service no fewer than seven days per week.

(2) "Level 2 transit service" means the level of transit service provided at a location that:

(a) Receives transit service no less frequently than every 15 minutes between the hours of 9:00 a.m. and 5:00 p.m. on weekdays;

(b) Receives transit service no less frequently than every 30 minutes between the hours of 6:00 a.m. and 9:00 a.m., and the hours of 5:00 p.m. and 10:00 p.m., on weekdays;

(c) Receives transit service no less frequently than every 30 minutes between the hours of 9:00 a.m. and 5:00 p.m. on weekends; and

(d) Receives transit service no fewer than seven days per week.

(3) "Level 3 transit service" means the level of transit service provided at a location that:

(a) Receives transit service no less frequently than every 30 minutes between the hours of 9:00 a.m. and 5:00 p.m. on weekdays;

(b) Receives transit service no less frequently than every 60 minutes between the hours of 6:00 a.m. and 9:00 a.m., and the hours of 5:00 p.m. and 10:00 p.m., on weekdays;

(c) Receives transit service no less frequently than every 60 minutes between the hours of 9:00 a.m. and 5:00 p.m. on weekends; and

(d) Receives transit service no fewer than seven days per week.

(4) "Level 4 transit service" means the level of transit service provided at a location that:

(a) Receives transit service no less frequently than every 60 minutes between the hours of 9:00 a.m. and 5:00 p.m. on weekdays; and

(b) Receives transit service no fewer than five days per week.

(5) "Level 5 transit service" means the level of transit service provided at a location that:

(a) Receives transit service no less frequently than six times per day; and

(b) Receives transit service no fewer than five days per week.

(6) "Level 6 transit service" means the level of transit service provided at a location that:

(a) Receives transit service no less frequently than two times per day; and

(b) Receives transit service no fewer than five days per week.

(7) "Planned transit" means transit development that is included in a transit development plan as required by the department of transportation or similar long range planning document of a public transportation system or public transportation authority.

NEW SECTION. **Sec.**  A new section is added to chapter 43.21C RCW to read as follows:

If a project permit application, as defined in RCW 36.70B.020, does not provide parking in compliance with RCW 36.70A.620(1), such fact may not be treated as a basis for the issuance of a determination of significance under this chapter.

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