

HOUSE BILL REPORT

HB 1351

As Reported by House Committee On:
Local Government

Title: An act relating to encouraging transit-oriented development through a prohibition on the imposition of minimum parking requirements except under certain circumstances.

Brief Description: Prohibiting the imposition of minimum parking requirements except under certain circumstances.

Sponsors: Representatives Reed, Berry, Duerr, Fitzgibbon, Peterson, Ramel, Simmons, Bateman, Doglio, Tharinger, Alvarado, Macri and Berg.

Brief History:

Committee Activity:

Local Government: 1/25/23, 2/8/23 [DPS].

Brief Summary of Substitute Bill

- Removes existing minimum residential parking requirements for cities and counties planning under the Growth Management Act (GMA).
- Prohibits cities and counties planning under the GMA from imposing minimum parking requirements within certain distances of transit stops receiving various levels of transit services, with exceptions.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 4 members: Representatives Duerr, Chair; Alvarado, Vice Chair; Berg and Riccelli.

Minority Report: Do not pass. Signed by 1 member: Representative Goehner, Ranking Minority Member.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Minority Report: Without recommendation. Signed by 2 members: Representatives Jacobsen, Assistant Ranking Minority Member; Griffey.

Staff: Elizabeth Allison (786-7129).

Background:

Growth Management Act.

The Growth Management Act (GMA) is the comprehensive land use planning framework for counties and cities in Washington. Originally enacted in 1990 and 1991, the GMA establishes land use designation and environmental protection requirements for all Washington counties and cities. The GMA also establishes a significantly wider array of planning duties for 28 counties, and the cities within those counties, that are obligated to satisfy all planning requirements of the GMA.

Minimum Residential Parking Requirements.

Counties and cities that plan under the GMA may impose minimum residential parking requirements for housing units constructed after July 1, 2019.

For housing units that are affordable to very low-income or extremely low-income individuals, and that are located within 0.25 miles of a major transit stop that receives transit at least two times per hour for 12 or more hours a day, minimum residential parking requirements may be no greater than one parking space per bedroom or 0.75 spaces per unit.

A city may require a developer to sign a covenant prohibiting the rental of a unit subject to this parking minimum for any purpose other than housing for very low-income or extremely low-income individuals. The covenant must also address price restrictions and household income limits. A city may require additional parking if the city determines a particular housing unit is in an area with lack of access to street parking capacity, physical space impediments, or other reasons supported by evidence.

A city may not impose minimum residential parking requirements for housing units that are within 0.25 miles of a transit stop that receives transit service at least four times per hour for 12 or more hours, and are specifically for seniors or people with disabilities, subject to exceptions.

For market rate multifamily housing units located within 0.25 miles of a transit stop that receives transit service from at least one route, and that provides service at least four times per hour for 12 or more hours per day, minimum parking requirements may not be greater than one parking space per bedroom or 0.75 spaces per unit. A city may require additional parking if the city determines a particular housing unit is in an area with lack of access to street parking capacity, physical space impediments, or other reasons supported by evidence.

Summary of Substitute Bill:

Existing minimum residential parking requirements for counties and cities planning under the GMA are removed.

Counties and cities planning under the GMA may not impose minimum parking requirements for new residential or commercial developments within 0.25 miles, based on walking distance, of a major transit stop that receives current or planned level 1, 2, or 3 transit service. An exception is made for off-street parking that is permanently marked for the exclusive use of individuals with disabilities.

Planning counties and cities may impose minimum parking requirements on an individual project on such developments if the county or city makes written findings, within 30 days of the receipt of a completed application, that not imposing minimum parking requirements would have a substantially negative impact on existing residential or commercial parking within 0.5 miles of the development project. A city or county is not required to submit written findings that a new development is within 0.25 miles 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. if:

- the housing development dedicates a minimum of 20 percent of the total number of housing units to very low-income, low-income, or moderate-income households for a minimum of 12 years; students; the elderly; or people with disabilities; or
- the housing development contains fewer than 20 housing units.

The fact that a project permit application does not provide parking in compliance with the above requirements may not be treated as a basis for the issuance of a determination of significance under the State Environmental Policy Act.

"Planned transit" and transit service levels 1-6 are defined.

Substitute Bill Compared to Original Bill:

The substitute bill changes the distance within which a county or city is prohibited from requiring parking minimums from 0.5 miles from a major transit stop to 0.25 miles, and specifies that the distance is measured based on walking distance. Off-street parking requirements are allowed for parking that is permanently marked for the exclusive use by individuals with disabilities. A city or county may impose minimum parking requirements despite the prohibition if the city or county demonstrates that not doing so would have a substantially negative impact on existing residential or commercial parking, and additional requirements for doing so are added. Planned transit is defined.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This bill provides flexibility to local rules that require every new building to require new parking no matter how much parking is already available. It does not prohibit parking, but it ensures that the prices of homes are not driven up by requiring unnecessary parking. If a developer determines that car travel is the prime mode of travel, the bill allows for parking to be included. The bill simply takes control of minimum parking requirements around transit stops where people may be using transit more and driving less, which would result in less need for parking. In Seattle parking spots can cost \$2,000 to \$4,000 per stall. The space required for parking spots will take up space needed for houses that will be built. The state is facing a housing shortage, not a parking shortage. People looking for homeownership without a car need lower-cost homes closer to transit. The bill is an opportunity to significantly reduce the amount of land that is devoted to parking. This doesn't mean that developers won't be able to have parking, but instead allows the market to decide if parking is needed. Parking is the least productive use of urban land. Minimum parking requirements must be removed to lower housing costs and prioritize transit.

Medical professionals want people to exercise more and be less dependent on cars. Parking at Harborview Hospital costs \$200 a month for employees, and many workers cannot afford to not take transit. Current policies are prioritizing cars over housing.

This bill provides a step to creating livable communities. Eliminating parking requirements can reduce development costs, and greater density around transit has the added benefit of encouraging transit use, thereby eliminating pollution and greenhouse gas emissions. Because most people own a car, most buildings will still include parking. Actual parking demand is regularly lower than what is required by codes. It is not possible for one standard to ensure there is always off-street parking for busy places without blocking new buildings from being built. Minimum parking requirements are particularly egregious around transit.

There also needs to be an increase in funding for transit. Planning professionals give advice to elected officials. The bill needs definitions or clarification around commercial developments. The cost and space taken up by parking is tremendous and encourages vehicle dependency. It is absurd that businesses that require fewer spaces would not take that into account. The bill is not particularly aggressive and could be better. The levels of transit in the bill are complicated. More parking means more driving, which clogs transit corridors and makes it dangerous for others using different modes of transit.

(Opposed) The biggest concern is the prescriptive nature of the bill. It directly impacts what are typically local land use decisions. Local elected officials have long had the

authority to make decisions after robust public participation with those close to their communities. The idea of not overbuilding when there is less demand for parking is appreciated, but a statewide standard that removes all minimums takes away needed flexibility for locally elected officials. The bill is very broad and applies to commercial development as well as residential, which is perplexing. The bill transfers the responsibility to manage the impact of vehicles from locally elected officials to a hodgepodge of folks that are not responsible to the people. Under the bill, a request for a variance requires a turnaround of 30 days. Usually something like this would take 120 days to turn around.

(Other) There are challenges in the distances required to walk and bike to work, and walking and biking are untenable in some places because of the distance. The bill is an awesome start but the prescriptive levels of transit in the bill would be challenging for implementation because of the transit frequency changes. Having the bill say something along the lines of "future planned transit" would be favored to allow more flexibility for local planners.

There needs to be clarification on whether the distance is walking distance, biking distance, or as the crow flies. Transit services and routes are subject to change and don't always keep up with the level of growth. There also needs to be consideration of seniors and families with kids that need car seats. There are parking shortages in some cities and some decisions will result in higher parking needs.

Persons Testifying: (In support) Representative Julia Reed, prime sponsor; Jennifer Gregerson, American Planning Association; Samantha Conley, SEIU Healthcare 1199NW; Dave Andersen, Washington Department of Commerce; Catie Gould, Sightline Institute; Cynthia Stewart, League of Women Voters of Washington; Greg Hanon, NAIOP; Tony Jordan, Parking Reform Network; and Mike Ennis, Association of Washington Business.

(Opposed) Carl Schroeder, Association of Washington Cities; and Paul Jewell, Washington State Association of Counties.

(Other) Veronica Jarvis, Thurston Regional Planning Council; and Regan Bolli, City of Covington.

Persons Signed In To Testify But Not Testifying: None.