

SENATE BILL REPORT

SHB 2252

As Reported by Senate Committee On:
Local Government, Land Use & Tribal Affairs, February 20, 2024

Title: An act relating to allowing small business establishments in residential zones.

Brief Description: Allowing small business establishments in residential zones.

Sponsors: House Committee on Local Government (originally sponsored by Representatives Klicker, Leavitt, Sandlin, Reed, Fosse, Graham and Taylor).

Brief History: Passed House: 2/9/24, 97-0.

Committee Activity: Local Government, Land Use & Tribal Affairs: 2/15/24, 2/20/24 [DPA, DNP].

Brief Summary of Amended Bill

- Authorizes cities, towns, and code cities to allow neighborhood cafes and stores in any zone allowing residential uses if the café or store meets certain criteria.

SENATE COMMITTEE ON LOCAL GOVERNMENT, LAND USE & TRIBAL AFFAIRS

Majority Report: Do pass as amended.

Signed by Senators Lovelett, Chair; Torres, Ranking Member; Short.

Minority Report: Do not pass.

Signed by Senators Salomon, Vice Chair; Kauffman.

Staff: Maggie Douglas (786-7279)

Background: A city, town, or county may enact ordinances regulating the use of land and zoning certain development and activities within its jurisdiction. Such regulations generally

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include, among other things, the use of buildings, structures, and land for residence, commercial, industrial, or other purposes.

Summary of Amended Bill: A city, town, or code city may allow neighborhood cafés to be permitted in any zone allowing residential uses, provided the following conditions are met:

- the total gross floor area of the café or store must be at least 500 square feet and may not exceed a maximum gross floor area allowed by the city, town, or code city;
- there are no drive-through facilities;
- the caf or store does not offer or sell alcoholic beverages; and
- the café or store is located on a street where there is more than one means of egress for vehicle traffic.

Cities, towns, and code cities may limit the hours of operation, noise, signage, and freight traffic for neighborhood cafés or stores.

A neighborhood café is defined as an establishment that serves a limited menu of food items and has at least 500 square feet of gross floor area. A neighborhood store is defined as a convenience grocery store or mini-market that provides a variety of convenience items that may include, but is not limited to, food, beverages, and household items. A neighborhood store must be at least 500 square feet of gross floor area.

EFFECT OF LOCAL GOVERNMENT, LAND USE & TRIBAL AFFAIRS COMMITTEE AMENDMENT(S):

- Authorizes, rather than requires, a city, town, or code city to allow neighborhood cafés or stores to be permitted in any zone allowing residential uses if the café or store meets certain requirements.
- Provides that the café or store must be at least 500 square feet and may not exceed a maximum gross floor area allowed by the city, town, or code city.
- Prohibits a neighborhood café or store from offering or selling alcoholic beverages.
- Clarifies that the café or store must be located on a street, rather than in an area, where there is more than one means of egress for vehicle traffic.
- Authorizes a city, town, or code city to limit the noise, signage, and freight traffic in addition to the hours of operation for neighborhood cafés and stores.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Substitute House Bill: *The committee recommended a different version of the bill than what was heard.* PRO: These kinds of places has diminished over the last few decades. This bill brings back community, helps small businesses, and creates community. Local governments would have to allow this but there is some give and take within the bill to allow them to establish parameters like ingress and egress.

OTHER: This bill has a good intent but needs a few amendments to be workable for cities. This includes adding language that allows cities to establish a maximum gross floor area, and regulate noise, signage, and freight traffic. The bill should also include language to ensure that the minimum parking spaces included in the bill are in addition to what is required under the Americans with Disabilities Act. Small cities will have trouble providing enough staff to support establishing and facilitating a program like this, so the bill should be amended to apply to cities over 5000 in population. Cities would like flexibility to choose whether to implement the parking or drive through regulations, and have the flexibility to choose one or the other and not be required to implement both. Cities would also like to have the ability to regulate bike parking on the premises. Community members would like provisions that prohibit cities from limiting the hours of operation to something infeasible, such as a one hour window of operation. There should also be language that would allow small neighborhood grocers.

Persons Testifying: PRO: Representative Mark Klicker, Prime Sponsor; Kaiden Cook.

OTHER: Carl Schroeder, Association of Washington Cities; Briahna Murray, City of Bellevue.

Persons Signed In To Testify But Not Testifying: No one.