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**SECOND SUBSTITUTE SENATE BILL 6026**

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**State of Washington**

**69th Legislature**

**2026 Regular Session**

**By** Senate Ways & Means (originally sponsored by Senators Alvarado, Bateman, Conway, Frame, Lias, Nobles, and Shewmake; by request of Governor Ferguson)

READ FIRST TIME 02/09/26.

1 AN ACT Relating to residential development in commercial and  
2 mixed-use zones; adding a new section to chapter 36.70A RCW; and  
3 creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that Washington  
6 continues to experience a shortage of homes affordable to its  
7 residents at all income levels. The legislature further finds that  
8 zoning reforms can support an environment that expands opportunities  
9 for housing development.

10 NEW SECTION. **Sec. 2.** A new section is added to chapter 36.70A  
11 RCW to read as follows:

12 (1) Except as provided in subsection (4) of this section, any  
13 city that is required or chooses to plan under RCW 36.70A.040 with a  
14 population of 30,000 or more, as determined by the office of  
15 financial management under RCW 43.62.030, or any county that is  
16 required or chooses to plan under RCW 36.70A.040 that is not defined  
17 as a rural county under RCW 43.160.020, is prohibited from excluding  
18 residential uses in areas zoned for commercial or mixed-use  
19 development.

1 (2) (a) Except as provided in (b) through (d) of this subsection,  
2 any city or county subject to the requirements of subsection (1) of  
3 this section may not require mixed use or ground floor commercial or  
4 retail as a condition of permitting development of residential  
5 housing, or a conditional use permit, special use permit, or  
6 departure from development regulations or design guidelines related  
7 to the location, siting, orientation, or architectural design  
8 features of residential or mixed-use development in areas zoned for  
9 commercial use or mixed use, unless the building or structure is:

10 (i) Listed in the state or national register of historic places  
11 as of the effective date of this section;

12 (ii) Located in business improvement areas established under  
13 chapter 35.87A RCW; or

14 (iii) Located in a commercial area designated as a main street  
15 area by the department of archaeology and historic preservation under  
16 chapter 43.360 RCW.

17 (b) A city or county may establish mixed use or ground floor  
18 commercial requirements in areas zoned for mixed use that are within  
19 a station area, unless the project is publicly subsidized affordable  
20 housing.

21 (c) A city or county may require mixed use or ground floor  
22 commercial in up to 20 percent of the total area within its  
23 jurisdiction, unless the project is publicly subsidized affordable  
24 housing. For this subsection, total area is calculated by excluding  
25 all station areas within the city or county's jurisdiction.

26 (d) A city or county may establish more than 20 percent of its  
27 zoned area that is outside of a station area require mixed use or  
28 ground floor commercial, unless the project is publicly subsidized  
29 affordable housing, if the city or county provides a height incentive  
30 to allow development up to 85 feet.

31 (3) The provisions of subsection (2) of this section do not apply  
32 if the city or county:

33 (a) Adopts or amends by ordinance, and incorporates into their  
34 development regulations, zoning regulations, and other official  
35 controls to take effect no later than one year after the  
36 jurisdiction's next periodic comprehensive plan update required under  
37 RCW 36.70A.130 or implementation progress report required by RCW  
38 36.70A.130, whichever is earlier, to balance the need for housing  
39 with ground floor commercial use based on the empirical study  
40 conducted under (b) of this subsection by either:

1 (i) Incentivizing ground floor commercial uses within mixed-use  
2 and commercial development; or  
3 (ii) Reducing the requirements for ground floor commercial use;  
4 and  
5 (b) Submits to the department an empirical study prepared by a  
6 credentialed expert in real estate economics that demonstrates the  
7 balance of housing and ground floor commercial use requirements. The  
8 empirical study shall, at minimum:  
9 (i) Review ground floor commercial use policies in all zones that  
10 authorize mixed-use development to balance the need for housing with  
11 the ground floor commercial needs, including but not limited to  
12 grocery stores, pharmacies, retail, restaurant, and child care or  
13 other service uses;  
14 (ii) Identify mixed-use and commercial zones where sufficient  
15 ground floor commercial space is available; and  
16 (iii) Identify incentives for mixed-use developments that require  
17 ground floor commercial use.  
18 (4) The limitations of subsection (1) of this section do not  
19 apply to any portion of a lot that:  
20 (a) Is located in an industrial zone area;  
21 (b) Is within 3,200 feet of an active oil or gas refinery;  
22 (c) Requires the demolition of a structure designated as a  
23 historic landmark through a local preservation ordinance;  
24 (d) Is located outside the urban growth area or within any urban  
25 growth area that is not contiguous with a city subject to the  
26 limitations of subsection (1) of this section;  
27 (e) Is in an area where residential uses are prohibited to  
28 implement RCW 36.70.547 or 36.70A.530;  
29 (f) Is located in a tax increment financing area under chapter  
30 39.114 RCW;  
31 (g) Is adjacent to a shoreline environment where all multifamily  
32 residential or mixed-use development is prohibited by a shoreline  
33 master program; or  
34 (h) Is located in a critical area buffer or critical area  
35 governed by a critical area ordinance, except for critical aquifer  
36 recharge areas where a single-family detached house is an allowed use  
37 provided that any requirements to maintain aquifer recharge are met.  
38 (5) Nothing in this section requires a city to issue a building  
39 permit if other federal, state, and local requirements for a building  
40 permit are not met.

1 (6) Nothing in this section requires a city to update their  
2 growth and development assumptions required under this chapter until  
3 their next comprehensive plan update required after January 1, 2031,  
4 under RCW 36.70A.130.

5 (7) Nothing in this section shall limit or otherwise impede a  
6 local government's ability to work with developers, businesses,  
7 community groups, and building owners to ensure adequate access to  
8 grocery stores in a community including, but not limited to, allowing  
9 commercial use of ground floor building spaces for this purpose.

10 (8) Except as provided in subsections (3) and (4) of this  
11 section, the requirements of subsections (1) and (2) of this section  
12 apply and take effect in any city or county that has not adopted or  
13 amended ordinances, regulations, or other official controls as  
14 required under this section by one year after the effective date of  
15 this section and supersede, preempt, and invalidate any conflicting  
16 local regulations.

17 (9) For the purpose of this section, "publicly subsidized  
18 affordable housing" means any housing that receives or otherwise  
19 qualifies for an exemption from real and personal property taxes  
20 under RCW 84.36.560.

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