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SENATE BILL 5456

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State of Washington

68th Legislature

2023 Regular Session

By Senators Frame and Lias

1 AN ACT Relating to encouraging transit-oriented development  
2 through a prohibition on the imposition of minimum parking  
3 requirements except under certain circumstances; amending RCW  
4 36.70A.620; adding a new section to chapter 47.80 RCW; and adding a  
5 new section to chapter 43.21C RCW.

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

7 **Sec. 1.** RCW 36.70A.620 and 2020 c 173 s 3 are each amended to  
8 read as follows:

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

13 ~~(1) For housing units that are affordable to very low-income or  
14 extremely low-income individuals and that are located within one-  
15 quarter mile of a transit stop that receives transit service at least  
16 two times per hour for twelve or more hours per day, minimum  
17 residential parking requirements may be no greater than one parking  
18 space per bedroom or .75 space per unit. A city may require a  
19 developer to record a covenant that prohibits the rental of a unit  
20 subject to this parking restriction for any purpose other than  
21 providing for housing for very low-income or extremely low-income~~

1 individuals. The covenant must address price restrictions and  
2 household income limits and policies if the property is converted to  
3 a use other than for low-income housing. A city may establish a  
4 requirement for the provision of more than one parking space per  
5 bedroom or .75 space per unit if the jurisdiction has determined a  
6 particular housing unit to be in an area with a lack of access to  
7 street parking capacity, physical space impediments, or other reasons  
8 supported by evidence that would make on-street parking infeasible  
9 for the unit.

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

26 (3) For market rate multifamily housing units that are located  
27 within one-quarter mile of a transit stop that receives transit  
28 service from at least one route that provides service at least four  
29 times per hour for twelve or more hours per day, minimum residential  
30 parking requirements may be no greater than one parking space per  
31 bedroom or .75 space per unit. A city or county may establish a  
32 requirement for the provision of more than one parking space per  
33 bedroom or .75 space per unit if the jurisdiction has determined a  
34 particular housing unit to be in an area with a lack of access to  
35 street parking capacity, physical space impediments, or other reasons  
36 supported by evidence that would make on-street parking infeasible  
37 for the unit.)

38 (1) Counties and cities planning under RCW 36.70A.040  
39 may not impose minimum parking requirements for new residential or  
commercial developments in the following circumstances:

1 (a) Within one-half mile of a transit stop that receives level 1  
2 or 2 transit service, as defined in section 2 of this act; and

3 (b) Within one-quarter mile of a transit stop that receives level  
4 3 transit service, as defined in section 2 of this act.

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

14 (3) Subsection (2) of this section does not apply to a housing  
15 development that meets either of the following criteria:

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

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

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

30 NEW SECTION. Sec. 2. A new section is added to chapter 47.80  
31 RCW to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.21C  
3 RCW to read as follows:

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

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