

SENATE BILL REPORT

SB 5456

As of February 2, 2023

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: Senators Frame, Lias, Kuderer, Lovelett, Nguyen, Pedersen, Saldaña, Salomon, Stanford and Valdez.

Brief History:

Committee Activity: Local Government, Land Use & Tribal Affairs: 2/02/23.

Brief Summary of Bill

- Prohibits counties and cities planning under the Growth Management Act from imposing minimum parking requirements for new residential or commercial developments under certain conditions.
- Defines transit levels of service for purposes of this act.

SENATE COMMITTEE ON LOCAL GOVERNMENT, LAND USE & TRIBAL AFFAIRS

Staff: Maggie Douglas (786-7279)

Background: Growth Management Act. The Growth Management Act (GMA) is the comprehensive land use planning framework for counties and cities in Washington. 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. These jurisdictions are sometimes said to be

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.

fully planning under the GMA.

The GMA also directs fully planning jurisdictions to adopt internally consistent comprehensive land use plans. Comprehensive plans are implemented through locally adopted development regulations, and both the plans and the local regulations are subject to review and revision requirements prescribed in the GMA. Comprehensive plans must be reviewed and, if necessary, revised every ten years to ensure that it complies with the GMA. When developing their comprehensive plans, counties and cities must consider various goals set forth in statute.

State Environmental Policy Act. The State Environmental Policy Act (SEPA) establishes a review process for state and local governments to identify environmental impacts that may result from governmental decisions, such as the issuance of permits or the adoption of land-use plans. The SEPA environmental review process involves a project proponent or the lead agency completing an environmental checklist to identify and evaluate probable environmental impacts. Government decisions identified as having significant adverse environmental impacts must then undergo a more comprehensive environmental analysis in the form of an Environmental Impact Statement.

Limits on Minimum Residential Parking Requirements. For affordable housing units that are affordable to very low-income or extremely low-income individuals and located within 0.25 miles of a transit stop receiving transit service at least two times per hour for twelve or more hours a day, minimum residential parking requirements may be no greater than one parking space per bedroom or 0.75 space per unit.

For housing units that are specifically for seniors or people with disabilities and located within 0.25 miles of a transit stop receiving transit service at least four times per hour for twelve or more hours a day, a city may not impose minimum residential parking requirements for the residents of such housing units. 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 housing for seniors or people with disabilities.

For market rate multifamily housing units that are located within 0.25 miles 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 0.75 space per unit.

A city may establish a requirement for the provision of additional parking space per bedroom or per unit if the jurisdiction has determined 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.

Summary of Bill: Minimum Residential Parking Requirements. Counties and cities planning under the GMA may not impose minimum parking requirements for new

residential or commercial developments in the following circumstances:

- within 0.5 miles of a transit stop that receives level 1 or 2 transit service; or
- within 0.25 miles of a transit stop that receives level 3 service.

Cities and counties planning under the GMA may impose minimum parking requirements on an individual project described above provided that the jurisdiction makes written findings that not imposing or enforcing minimum parking requirements on the development would have a substantially negative impact on existing on-site residential or commercial parking within 0.5 miles of the development project. The findings must be provided within 30 days of the receipt of a completed application and must be supported by a preponderance of the evidence in the record.

A housing development that meets either of the following criteria is exempt from minimum parking requirements established by this act:

- 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 these populations for a minimum of 12 years; or
- the housing development contains fewer than 20 housing units.

The provisions prohibiting cities and counties from imposing minimum parking requirements under certain conditions are intended to encourage transit-oriented development. Therefore, if a project permit application does not provide parking in compliance with the conditions described above, such a fact may not be treated as a basis for the issuance of a determination of significance under SEPA.

Definitions. Levels of transit service are defined for purposes of this act. Level 1 transit service means the level of transit service provided at a location that 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;
- 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;
- every 15 minutes between the hours of 9:00 a.m. and 5:00 p.m. on weekends; and
- seven days per week.

Level 2 transit service means the level of transit service provided at a location that 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;
- 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;
- every 30 minutes between the hours of 9:00 a.m. and 5:00 p.m. on weekends; and
- seven days per week.

Level 3 transit service means the level of transit service provided at a location that 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;
- 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;
- every 60 minutes between the hours of 9:00 a.m. and 5:00 p.m. on weekends; and
- seven days per week.

Level 4 transit service means the level of transit service provided at a location that 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
- five days per week.

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

- receives transit service no less frequently than six times per day; and
- receives transit service no fewer than five days per week.

Level 6 transit service means the level of transit service provided at a location that receives transit service no less frequently than:

- two times per day; and
- five days per week.

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: PRO: This bill is part of the package trying to address the housing crisis. There is a massive shortage of housing, and this bill encourages transit-oriented development, allowing more units to be built near rapid transit. Minimum parking requirements can raise the cost of housing and limit the amount of units that can be built. Many people prefer to not have a car and live near transit to get to their jobs, medical appointments, and kid's schools. They may utilize zip cars or buses. Housing should be built in those corridors. The bill is focused on areas with hyper-rapid transit and is restricted to the areas that have the capacity to offer this kind of transit. Many jurisdictions have more parking than what is being utilized. Every single city has stories of housing that was blocked because of parking requirements on the development. Often, parking requirements can stop projects altogether because costs are so expensive, and in Seattle, the cost to add one additional parking spot can exceed \$60,000. This bill allows for more flexibility with parking requirements and eliminates costs that would otherwise be on the homeowner.

CON: This bill does not only apply to Seattle. Only 19 percent of families in Washington do not have a car. Many residents are dependent on their car for their livelihood. A parking restriction will have an inequitable impact on them and their families. Refugee and immigrant families often depend on multiple members working to support their families, and they need cars to get to their jobs, which are often not located along major transit corridors. The argument that developers will provide parking on their own volition undermines the argument that this will reduce the cost of development. This bill transfers responsibility for managing these impacts away from local communities to private developers, depending on their interests. That is not appropriate. This approach is broad and applies to commercial and residential parking requirements. This will impact communities without a robust transit network. The opportunity to vary from the standard needs some work. Thirty days in the middle of the permit process is infeasible. That cannot be turned around, especially with site-by-site assessment. This bill is too broad.

OTHER: Walking and biking are not real options without density in communities. Density to support other modes of transportation are needed. Planned transit should be included in this bill. Some of the definitions in the frequency of transit would be challenging for local jurisdictions to implement. Language in this bill should be more generalized so it would be easier for some jurisdictions to implement. This would give them more flexibility over their own parking standards and let regions choose for themselves.

Persons Testifying: PRO: Senator Noel Frame, Prime Sponsor; Josie Cummings, Building Industry Association of Washington; Kevin Maas, Walter Street Cottages LLC; Angela Rozmyn, Natural and Built Environments; Scott Bonjukian, APA Washington; Mike Ennis, AWB; Jennifer Gregerson; Bryce Yadon, Futurewise; Catie Gould, Sightline Institute; Brock Howell, Bicycle Security Advisors; Matt Hutchins, cast architecture.

CON: Mary Lou Pauly, Mayor, City of Issaquah; Kyle Moore, City of SeaTac; Carl Schroeder, Association of Washington Cities.

OTHER: Veronica Jarvis, Thurston Regional Planning Council.

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