

EFFECT:

PSSB 6026  
Sen. Alvarado  
[C]

- Authorizes a city or county to allow mixed use or ground floor commercial or retail in an area zoned for commercial use or mixed use if the building or structure is listed in the state or national register of historic places as of the effective date of the bill or located in a business improvement area established under the statute.
- Clarifies that a city or county may not establish ground floor commercial requirements in areas zoned for mixed use that are within a station area if the project is publicly subsidized affordable housing.
- Authorizes a city or county to require up to 20 percent mixed use or ground floor commercial if the project is located in a zoned area that is outside of a station area unless the project is publicly subsidized.
- Requires, in areas where a city or county requires 20 percent mixed use or ground floor commercial, amenity space be considered ground floor commercial use if required by local development standards for residential use.
- Requires the city or county allow a height increase of at least 10 feet in at least 30 percent of the area where ground floor commercial or retail is required.
- Prohibits any height limit increase allowed from counting toward calculating the floor area ratio in order to meet density regulations under the local development standards.
- Exempts any portion of a lot that is adjacent to a shoreline environment, rather than located on a waterfront lot. Exempts any portion of a lot that is in a critical area buffer.

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 (2) of this section, any  
13 city or county that is required or chooses to plan under RCW  
14 36.70A.040 with a population of 30,000 or more, as determined by the  
15 office of financial management under RCW 43.62.030, is prohibited  
16 from excluding residential uses in areas zoned for commercial or  
17 mixed-use development.

18       (2) (a) Except as provided in (b) and (c) of this subsection, any  
19 city or county subject to the requirements of subsection (1) of this  
20 section may not require mixed use or ground floor commercial or

1 retail as a condition of permitting development of residential  
2 housing, or a conditional use permit, special use permit, or  
3 departure from development regulations or design guidelines related  
4 to the location, siting, orientation, or architectural design  
5 features of residential or mixed-use development in areas zoned for  
6 commercial use or mixed use, unless the building or structure is:

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

9 (ii) Located in business improvement areas established under  
10 chapter 35.87A RCW.

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

15 (c) A city or county may establish that up to 20 percent of its  
16 zoned area that is outside of a station area require mixed use or  
17 ground floor commercial, unless the project is publicly subsidized  
18 affordable housing. Any amenity space required by local development  
19 standards for residential use must be considered ground floor  
20 commercial use under this section. Amenity space may include, but is  
21 not limited to, common areas, gyms, leasing offices, or similar  
22 facilities.

23 (d) In any area where the city or county establishes mixed use or  
24 ground floor commercial requirements under (b) and (c) of this  
25 subsection, the city or county must allow a height increase of at  
26 least 10 feet in at least 30 percent of the area. Any height limit  
27 increase allowed under this subsection shall not count toward  
28 calculating the floor area ratio in order to meet density regulations  
29 under the local development standards.

30 (3) The limitations of subsection (1) of this section do not  
31 apply to any portion of a lot that:

32 (a) Is located in an industrial zone area where all residential  
33 uses, except caretaker's quarters, are prohibited;

34 (b) Is within 3,200 feet of an active oil or gas refinery;

35 (c) Requires the demolition of a structure designated as a  
36 historic landmark through a local preservation ordinance;

37 (d) Is located outside the urban growth area;

38 (e) Is in an area where residential uses are prohibited to  
39 implement RCW 36.70.547 or 36.70A.530;

1       (f) Is adjacent to a shoreline environment where all multifamily  
2 residential or mixed-use development is prohibited by a shoreline  
3 master program; or

4       (g) Is located in a critical area buffer or critical area  
5 governed by a critical area ordinance, except for critical aquifer  
6 recharge areas where a single-family detached house is an allowed use  
7 provided that any requirements to maintain aquifer recharge are met.

8       (4) Nothing in this section requires a city to issue a building  
9 permit if other federal, state, and local requirements for a building  
10 permit are not met.

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

17       (6) 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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