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September 6, 2022

**RE: Director's Interpretation for SMC 17C.300.130.A.4 ADU Parking**

This Director's Interpretation concerns the application of ADU off-street parking requirements as codified in Spokane Municipal Code (SMC) 17C.300.130.A.4, adopted as part of Ordinance C36225, adopted by the City Council on June 27, 2022. The above section of the SMC was adopted as part of a suite of municipal code amendments to Title 17C, intending to amend various requirements for Accessory Dwelling Units (ADUs) in the City, as part of a multi-faceted response to the Spokane Housing Action Plan (HAP), Mayor Woodward's Housing Emergency Proclamation<sup>1</sup>, and the City Council HAP Implementation Plan<sup>2</sup>.

Legislation & State Code

Engrossed Substitute Senate Bill 6617, which took effect June 11, 2020, states that Cities in Washington are prohibited from requiring off-street parking for ADUs within a quarter mile of a "major transit stop." These requirements were codified as RCW 36.70A.698, which states:

Except as provided in subsection[s] (2) and (3) of this section, through ordinances, development regulations, zoning regulations, and other official controls as required under RCW 36.70A.697, cities may not require the provision of off-street parking for accessory dwelling units within one-quarter mile of a major transit stop. (*emphasis added*)

Pursuant to Revised Code of Washington (RCW) 36.70A.696, "major transit stop" means, among other things, the following:

(e) Stops for a bus or other transit mode providing actual fixed route service at intervals of at least fifteen minutes for at least five hours during the peak hours of operation on weekdays. (*emphasis added*)

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<sup>1</sup> Issued July 26, 2021

<sup>2</sup> Council Resolution 2021-0062, adopted July 26, 2021.

ESSB 6617 further requires Cities to adopt regulations that codify these requirements, codified in RCW 36.70A.697.

#### Code Citation

Following passage of ESSB 6617, the City of Spokane adopted amendments to SMC 17C.300.130.A.4, which now states:

As an exception to subsection (a), no additional off-street parking space is required for the ADU within one-quarter mile of stops for a bus or other transit mode providing actual fixed route service at intervals of no less frequently than fifteen minutes for at least five hours during the peak hours of operation on weekdays, defined as a major transit stop under RCW 36.70A.696. *(emphasis added)*

Both the RCW and the SMC utilize the same definition of a major transit stop. However, both are also silent as to the definition of "peak hours of operation." Since that definition has a direct relationship to the transit stops that may qualify as "major transit stops," and thus which areas in the City would be exempt from the requirement that ADUs provide off-street parking, this definition is important to future project proposals and their relationship to SMC requirements.

Both the SMC and the RCW are silent as to the definition of "peak hours of operation" for transit. RCW 43.21C.240, concerning the transfer of development rights, also uses the term but similarly does not define it.

#### Spokane Transit Authority (STA)

Following a discussion with Mike Tressider, STA's Associate Transit Planner, STA does not currently set a standard set of "peak hours." While their previous schedule listed times of 5:00 AM to 6:00 PM, Mr. Tressider made it clear that was a general rule of thumb, not a regulatory statement. On August 1, 2022 STA proposed a new set of schedules for their routes, set to take effect on August 28, 2022. Those new timetables do not include any statement of "peak hours" but would push many routes' frequent service out beyond 6:00 PM, resulting in an apparent peak service time of 5:00 AM to 7:00 PM. The fact remains, however, that STA does not codify or adopt specific "peak service hours" and thus the disposition of parking exemptions in SMC 17C.300.130 remains unclear.

#### Definition of "Peak Service Hours"

In the absence of state law or local ordinance defining the term "peak service hours," and because that definition has direct bearing on the portions of the City that would be subject to this aspect of the Municipal Code, an interpretation as to what constitutes peak transit service hours in the city is warranted. Upon analysis of the upcoming schedule updates by STA, the hours between 5:00 AM and 7:00 PM appear to have the smallest headways (times between stops). Before 5:00 AM and after 7:00 PM, the most frequent service routes step down to longer headways. As such, the City of Spokane will henceforth consider that "peak hours of operation" for STA is between 5:00 AM and 7:00 PM. The

application of SMC 17C.300.130.A.4 should therefore use these hours when determining which stops qualify as "major transit stops" when complying with State regulations and SMC requirements.

Sincerely,

A handwritten signature in blue ink, appearing to read "Spencer Gardner", with a stylized flourish at the end.

Spencer Gardner  
Planning Director  
City of Spokane  
[sgardner@spokanecity.org](mailto:sgardner@spokanecity.org)

SG:kf

# Interpretation of Transit Times - 20220906

Final Audit Report


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