

February 1, 2023

Bellevue City Council
City of Bellevue
450 110th Avenue NE
Bellevue, WA 98004

Re: Recommended Amendments to House Bill 1110 and Senate Bill 5190

Dear Mayor Robinson, Deputy Mayor Nieuwenhuis and Members of City Council,

We, a coalition representing over 100 residents from over two dozen neighborhoods in Bellevue and surrounding communities, request the following amendments to House Bill 1110 and Senate Bill 5190 (Bill). As outlined below, we believe these changes support the mutual goals of expanding affordable housing while preserving property owners' rights, and neighborhood character while exempting cities that have already enacted land use code amendments that meet the intended goals of the Bill. It is our request you direct the Planning Department to update the proposed amendments that have been (or will be) presented to our legislators in Olympia, representing the views and concerns of the citizens of Bellevue.

We acknowledge the need to expand affordable housing for both renters and home buyers. But the Bill overlooks Bellevue's and other cities' efforts to create new housing typologies and increase affordability through up-zoning, developer incentives, non-profit and faith-based housing incentives, expanded Detached Accessory Dwelling Units, (DADUs), and potential to permit micro-apartments.

As stated in a recent Seattle Times editorial, (attached), the public has been misled. As drafted it appears the Bill includes only a token attempt to build affordable housing. The Bill, in its current form, appears to prioritize the interests of developers and fails to address the core issue of affordable housing, neglecting the impact on the community, public safety, infrastructure, and the environment. These four pillars are what have made Bellevue such a special place to live, work and play.

The bottom line is we believe this Bill is an overreach that will dramatically impact the quality of life for all neighborhoods in Bellevue. The Bill strips municipalities of their ability to manage land use codes. It impacts their management of the environment, utilities, traffic, and public safety. If this Bill is approved, it will set a dangerous precedent. There is nothing to prevent future Bills from being introduced, such as increasing the allowable heights and reducing setbacks in single-family neighborhoods under the guise of increasing affordable housing. As realized in similar legislation passed in other municipalities, such efforts typically boost market rate houses and rents. The exact opposite of what the sponsors of this Bill are trying to do.

We support Bellevue City Council's request for a "safe harbor" exemption, recognizing their work to address multiple housing typologies at a macro level. This Bill ignores these efforts and is too narrowly focused. A better approach would be to view a modified Bill as an incentive for cities to seek creative solutions and advance their land use codes to expand housing topographies for residents of all income levels and stages of their life.

The following is a partial list of recommended amendments that support the goals of the Bill while addressing unintended consequences, burdens and the overall impact on the community and environment.

Recommended Amendments

1. Displacement Of Renters & Decrease in Single-Homes: This Bill will likely increase demand for housing at higher prices, making it more difficult for low-income households to find affordable housing. Developers may tear down single-family homes in favor of multiple townhomes and sell them at a premium. Bellevue has already seen a decrease in families resulting from planned school closures. The Bill may also exacerbate this trend unless it requires 3-bedroom units. We recommend affordable housing requirements be required for all re-zoning above two units per parcel independent of the parcel's proximity to transit.
2. Impact On Infrastructure Capacity & Costs: The Bill could affect the availability, capacity, and quality of infrastructure like utilities, sidewalks, and roads. Increased demand in established neighborhoods may not be able to handle the rise in water, sewer, power requirements, as well as stormwater runoff. Required infrastructure upgrades should be paid for by developers, not the community. The Bill should provide funding to offset these costs and/or place this burden on developers.
3. Loss of City Authority: The Bill would prohibit or significantly limit cities from enacting their own affordability requirements or incentives. Conversely, the Bill states that Cities shall not permit any standards for middle housing which are more restrictive than those required for detached single-family residences, such as parking requirements, fire safety, sidewalks, water retention systems, etc. Cities like Bellevue should be exempt from the Bill, reflecting their comprehensive planning and revisions to their land use code supporting affordable housing and increased housing topographies.
4. Neighborhood Character & Risk of Inverse Condemnation: Single-family homes are an important part of the suburban landscape and are why many have moved to Bellevue over the past half-century. The Bill would negatively impact property rights and valuations and change the community's character, potentially leading to inverse condemnation. Property owners may be entitled to just compensation if their property value is damaged by this Bill. Residents have worked hard to buy homes within a neighborhood and this Bill could dramatically degrade the privacy, autonomy, and sense of community. The Bill should include conditions to address this risk and potential property devaluations.
5. Parking & Pedestrian Safety: This Bill will significantly reduce or eliminate off-street parking requirements, shifting vehicles to park on residential streets where parking is currently restricted. Further, in many neighborhoods, there is a lack of continuous sidewalks, which will force families to have to walk in the middle of the street to transit. The Bill should require developers to provide sidewalks and related improvements including street lighting.
6. Environmental Impact: This Bill ignores the need for environmental impact statements. While a single property conversion may have a negatable effect, we are suggesting a study be completed in advance of every property conversion including but not limited to require preservation of the tree canopy and water run-off.

7. Inadequate Transit Definition: The Bill needs to define the distance from a parcel to a transit stop as the walking distance, while also specifying a maximum grade and the requirement of continuous sidewalks and street lighting. This is important for the aging population as well as those who may have some mobility limitations. In its current form, the Bill's definition of transit is inadequate and does not support the Bill's goals. Currently, the definition of qualifying transit stops is overly broad and it is unknown how it supports the goal of expanding affordable housing.
8. Prevention of Short-Term Rentals: The current Bill is silent on the prevention of new units from being turned into Airbnb's or other short-term rentals, which would be counter to the objective of increasing housing options for families and renters. The Bill should prevent this or empower local land use codes to enforce this restriction.

As residents of Bellevue and surrounding communities, our goal is to collaborate with the City Council, our State Legislators, and others to develop reasonable plans and amendments to the Bill. The focus should prioritize affordable housing, offering options that also benefit families, professionals, and seniors alike. We believe this and related Bills should focus on serving the needs and interests of residents and voters, rather than the financial pursuits of special interest groups.

Respectfully,



Craig Spiegle
On Behalf of Concerned Residents of Bellevue & Adjacent Communities
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Cc: City of Bellevue Planning Commission
City of Bellevue Planning Department
Cities of Medina, Kirkland, Yarrow Point, Hunts Point & Mercer Island

Signatories Opposing Washington State House Bill 1110 / Senate Bill 5190

City of Bellevue Residents

- Pat Amador, Lochleven
- Elif Arkan, Lochleven
- Caglayan Arkan, Lochleven
- Julie Beffa, NW Bellevue
- Jim Beach, Lochleven
- Kimberly Beach, Lochleven
- Renay Bennett, Bellecrest
- Ruth Benson, Lake Hills
- Alicia Berend, Lochmoor
- Dani Bond, Bellevue
- Simon Boothroyd, Lochleven
- Louise Boothroyd, Lochleven
- Sarah Burns, Lochleven
- Pei-Chun Chen, Lochleven
- Alice Coday, Somerset
- Shelley Carlson, Lochleven
- Rita Cao, Somerset West
- Rick Davis, South Bellevue
- Don Dickson, Lochleven
- Liz Dickson, Lochleven
- Don Edmonds, Somerset
- Susann Edmonds, Somerset
- Mike Eggenberger, Lochleven
- Brian Ferris, Lochleven
- Karen Ferris, Lochleven
- Irina Gracheva, Lochleven
- Artem Gracheva, Lochleven
- Kristina Granath, Lochleven
- Bonnie Grant, Lochleven
- Mike Hatmaker, Lochleven
- Tim Hay, Wilburton
- Ehab Henein, Lochleven
- Sherie Henein, Lochleven
- Natasha Hobanski, Ardmore
- Betsi Hummer, Lake Hills
- Larry James, Lochleven
- Robin Root James, Lochleven
- Shannon Jensen, Enatai
- Pamela Johnston, Bridle Trails
- Paul Jones, Vuecrest
- Alycia Jorgenson, Lochleven
- Jeff Jorgenson, Lochleven
- Don Kirshner, Lochleven
- Jean Kirshner, Lochleven
- Tiffany Koenig, Enatai
- Fay Kraft, Lochleven
- Evelyn Loh, Enatai
- Laurence Loh, Enatai
- John Loman, Woodridge
- Marianne Marlow, Rockwood
- Autumn Meadows, North Town
- Venkat Mohan, Bridle Trails
- Ruby Okada, Lochleven
- AnnMarie Perdichizzi, NE Phantom Lake
- David F. Plummer, Crossroads
- Barbara Powell, Devonshire
- Paresh Rajwat, Lochleven
- Lauren Rajwat, Lochleven
- Michelle Reeves, Lochleven
- Alexa Rehr, Downtown
- Morgan Reichman, Apple Valley
- Tracy Powell Samuel, Bellevue
- Jim Samuel, Bellevue
- Jo Sentell, Valley Greene
- Mike Song, Lochleven
- JL Song, Lochleven
- K. Turner, Lochleven
- A. Turner, Lochleven
- Craig Spiezle, Lochleven
- Helen Spiezle, Lochleven
- Robin Stefan, Beaux Arts Village
- Barbara Umphenour, Lochleven
- Al Umphenour, Lochleven
- Ruth Vaughan, Lochmoor
- Ellen Weiss, Robinswood
- Lee White, Wilburton
- Phyllis White, Wilburton
- Hu Wenjie Lochleven
- Al Young, Somerset
- Mike Young, South Bellevue
- Saijing Zheng, Lochleven
- Philemon Yen, Lochleven

Adjacent Neighborhoods & Communities

- Abhi Arora, Medina
- Pawni Arora, Medina
- Marilyn Ann Adams, Clyde Hill
- Ray Akers, Mercer Island
- Dan Becker, Medina
- Olga Bey, Clyde Hill
- Michael Bey, Clyde Hill
- Peter Braman, Seattle
- Laura Bustamante, Medina
- David Bustamante, Medina
- Gloria Cheng, Rose Hill, Kirkland
- Sharon Cox, Moss Bay, Kirkland
- Sue Gilbert, Yarrow Point
- Ryle Goodrich, Bridle Trails, Kirkland
- Stephen Hall, Seattle
- Robert Harper, Mercer Island
- Deirdre Johnson, S. Rose Hill
- Connie Rattet, Juanita, Kirkland
- Liz Usarzewicz, Newcastle
- Lou Usarzewicz, Newcastle
- Josh van Hulst, Downtown Kirkland
- Bobbi Wallace, W. Cascadia, Redmond
- Leslie Ritter, Seattle

The Seattle Times

Serve the people, not developers: Amend WA ‘middle housing’ Bill

By The Seattle Times Editorial Board January 27, 2022

<https://www.seattletimes.com/opinion/editorials/serve-the-people-not-developers-amend-middle-housing-Bill/>

State lawmakers are in the throes of determining whether Olympia should override local zoning regulations that impact almost every home in Washington.

To hear boosters tell it, such legislation is necessary to build more affordable housing and meet the tremendous demand for places to live.

Trouble is, the way the Bill is written, there is only a token attempt to build any actual affordable housing. It is really intended to boost market-rate housing — the highest price developers can get someone to pay. And that could make property taxes go up for everyone else in the neighborhood, a county assessor confirms.

What’s more, the proposed legislation would prohibit cities like Seattle from enacting their own affordability requirements. At a time when governments are looking for every revenue stream, that means more than \$75 million now devoted to affordable housing in Seattle disappears.

To be clear, the state should press for, and help, cities to allow greater density. But if a public asset is given up — in this case, zoning regulations — lawmakers should exact something in return. History shows that when zoning changes occurred in Seattle, developers cater to the richest buyers by building town houses and other such “middle housing” in wealthier neighborhoods.

House Bill 1110 is basically a repeat of a measure that failed last year. It says all cities over 6,000 population must authorize development of at least four units per lot on all lots zoned for residential use. It also calls for six units per lot in all residential zones within one half-mile of a major transit stop.

The Bill’s only nod to affordability is this caveat: It allows six units per lot in all residential zones if at least two of the units are affordable. Why would residents with lower incomes be discouraged from living near bus and rail?

In Seattle, however, this is a moot point. Basically, all housing is within close proximity to transit, in which case, the requirement for affordable units disappears.

In House testimony, Bill sponsor state Rep. Jessica Bateman, D-Olympia, said: “We need to act with a concerted effort now to ensure we create a future where all Washingtonians have access to an affordable home.”

Again: HB 1110 includes no authentic proscription to create affordable housing. Instead, it creates market-rate housing. In King County, that is not where the need lies. According to the state Department of Commerce, King County will need to add 282,132 new units by 2044. Of those, the vast majority — about 172,000 — are needed for those with the lowest incomes.

In 2019, Seattle adopted changes in urban villages that impacted 6% of the area once known as single-family zoning. (Seattle now calls it Neighborhood Residential zoning because it allows for three units.)

Through the city’s Mandatory Housing Affordability program, developers were allowed to build apartments and town houses in upzoned areas — often three to four homes on a lot roughly 5,000 square feet — if they included affordable housing or paid into a fund to build affordable housing elsewhere. MHA generated \$75 million in 2021 as the vast majority of developers opted to pay the fee instead of building affordable housing.

Seattle Times, Serve the people, not developers - Jan 27, 2022 (cont.)

Did the development occur evenly throughout Seattle? Not at all. According to the Office of Planning and Community Development, 571 units have been permitted in the popular and more affluent Ballard and Crown Hill neighborhoods. By comparison, development in lower income areas was almost nonexistent. One unit was permitted in Bitter Lake near Aurora Avenue North; six were permitted in Rainier Beach, in South Seattle.

If HB 1110 passes as currently written, expect even more growth in Ballard, Crown Hill and Wallingford — but the city would not be allowed to require developers to include affordable units or pay into an affordable housing fund. This would directly undermine Seattle's affordable housing effort.

State Rep. Gerry Pollet, D-Seattle, an advocate for increasing affordable housing without giving carte blanche to developers, said he co-sponsored HB 1110 after receiving assurance from Bateman that cities would be able to impose affordability requirements on their own. Recent legal analyses by the Association of Washington Cities (AWC) and others shows this is false. Pollet now says he was misled.

"I signed on to this Bill based on assurances from the sponsor that the Bill would not be preempting affordable housing and anti-displacement requirements, and it does," said Pollet. "My hope is that will change. They weren't honest about what they were proposing in the Bill when you look at the details of it."

There is also a clear potential impact on property taxes. Even if a homeowner does not sell and has no interest in developing multiplexes, when the neighborhood starts to change, property taxes will eventually rise.

"If it happened to be that all your neighbors went to fourplexes because you were upzoned, that would then be proof to us that we can adjust your value to something higher because it's clear that your property is going to be redeveloped, it's just a matter of time," said Al Dams, Chief Deputy Assessor at the King County Assessor's Office.

HB 1110 pays only scant attention to people forced out of their homes due to rising costs. "I feel it's kind of unfair for this Bill to claim that it has anti-displacement provisions when it's really just pointing to existing law and doesn't actually give you any capacity to do anything about it," said Carl Schroeder of the AWC, which represents cities and towns.

Well played, developers.

This is a serious issue. As Seattle Times columnist Gene Balk noted, federal data shows 4 out of 5 Seattle area homeowners in 2021 said their home value was at least three times higher than their income. For the house rich and cash poor — including many seniors and those on fixed incomes — adding more market-rate housing with no affordability requirements could have very serious impacts indeed.

Supporters of this middle housing legislation say market forces and supply-side economics will one day lower housing prices for everyone. But history makes clear development does not occur evenly, and without government intervention, those who need housing the most are often left out in the cold.

Yes, state lawmakers should spur cities to build more housing. But unless more work is done, legislators should reject HB 1110 and get a better deal that is less of a giveaway and more of a public benefit. **Serve the people, not moneyed developers.**

The Seattle Times editorial board members are editorial page editor Kate Riley, Frank A. Blethen, Alex Fryer, Mark Higgins, Claudia Rowe, Carlton Winfrey and William K. Blethen (emeritus).