

Senate Bill 5466

"Revenge Legislation."
No kidding.

I started reading the text of this bill right after I caught wind of it this evening. Four hours later, I think I've grown roots into the seat of my chair, because I haven't moved from my seat.

The wall is nothing compared to what this would do to our city.

And this explains quite a few of the specific push-backs and side-steps from ST that seemed illogical, the ones where they waved hands, looked uncomfortable and never could quite explain. I guess the joke's on us.

These are my first-pass impressions I can't promise that I got everything right. And I did not filter my emotional reactions. I can't separate decades of passion around salmon and trees from what this decree does to them. I wish I wasn't cynical about money, and what it can achieve legislatively, but I am.

If I have misunderstood or misrepresented, help me understand. (We all know that things said in passion can be regretted later.) I apologize in advance if I offend. It is most certainly not my aim.

I'm not an expert, but I have been to this rodeo before.

Senate Bill 5466

Sec. 1. The legislature finds that the state has made groundbreaking investments in state-of-the-art mass transit and intermodal infrastructure. The legislature finds that to maximize the state's return on these investments, land use policies and practices must keep pace with progress being implemented in transportation infrastructure development.

Would I have voted for ST3 if I knew the price tag included state extraction of maximal return on investment? When their "return on investment" siphons away everything I value about living here? Not in a million years. I believed in the environmental benefit. My vote, so liberally used against me at ST's first public event in LFP a week ago, would have been a resounding "No," even if I could put aside my outrage of ST's bad faith on public notice and flat out deception on public engagement.

So now that Sound Transit's wretched debacle of a 1.2 mile bus lane is being shoved down our throats (and as we chew on the 500 dead trees and figure out how to pay for maintenance on the "gift" stormwater system necessitated by added acres of pavement), Guess what?

We now qualify to lose the right to regulate land use along the transit corridor.

We are expressly forbidden to enforce any development standards that make it "impracticable" to build a structure at the newly defined "Transit-oriented density."

Any residential lot must be allowed to become multi-story, multifamily residential, or residential over retail.

That is, if this bill passes, which we were told, it is expected to do.

Cities planning under RCW 36.70A.040 may not enact or enforce any development regulation within a station area that would prohibit the siting of multifamily residential housing on parcels where any other residential use is permissible.

cities planning under RCW 36.70A.040 may not enforce upon any parcel in station area any development standard that renders it impracticable on that parcel to build a usable structure for the permitted uses at the applicable transit-oriented density

"Transit-oriented density" means a floor area ratio of at least 4.0 for all uses that are permitted in the station area, and floor area of at least 6.0 for all uses that are permitted in the station hub.

"Floor area ratio" means a measure of development intensity equal to building square footage divided by property square footage.

How, you may ask, does the building get 4 or 6 times bigger than the lot? Why, by being 4 or 5 or 6 or 8 stories tall (since of course you need a little room for setbacks, and maybe 2 or 3 parking spaces. Assuming you put the yard on the roof. Oh wait, no parking can be required.) And remember- that's the MOST restrictive a city's code can be. No prob if the code allows 10 or 12 stories.
(Are you seeing the Town Center revenge leaking in?)

But wait, there's more! Floor area ratios must go up 50% if it is affordable housing (if all of it is affordable housing? Do you get the extra 50% square footage for the whole building if you throw in some low rent places on the bottom floor?)

Within any station area or station hub, any maximum floor area ratio otherwise enacted or enforceable under this section must include an increased density bonus of 50 percent for affordable housing for households with incomes at or below 60 percent area median income, for permanent supportive housing, or for long-term inpatient care as defined in RCW 71.24.025.

and then, the "Bonuses."

Any floor area within a station area that is reserved for use by (a) a child care facility as or (b) a small business and residential units in multifamily housing that includes at least three bedrooms, must not be counted toward applicable floor area ratio limits.

So wait, day care facilities and residential over retail are freebies? They don't count toward the 4.0 or 6.0 ratios? How tall will these buildings be?

A "station area" gets 4 or more stories for a 3/4 mi swath

"Station area" means all parcels that are (a) fully within an urban growth area and (b) fully or partially within a three-quarter mile walking distance of a major transit stop.

What's a "major transit stop?"

"Major transit stop" means a site within an urban growth area that is, or has been funded for development as:

- (a) A major transit station characterized by fostering the interconnection of multiple transit routes, including at least one of the following modes: High capacity transit, light rail, or commuter rail;
- (b) A stop on a high capacity transit route or **a route that runs on high occupancy vehicle lanes**; or
- (c) A fixed route transit stop providing frequent transit service that operates seven days per week with a minimum of three buses per hour for a span of at least 10 hours a day during weekdays.

So is every stop on the bus lanes in a “station area,” since the bus lanes are a high occupancy vehicle lanes? No wonder they won’t loosen their grip on the sacred bus lanes.
ST will never go for jump lanes if they don’t qualify, if, as it seems, this was the real agenda. It doesn’t matter one iota how much sense they make for our little mile.

A “Hub” gets 6 or more stories for 1/4 mi walking distance.

"Station hub" means all parcels that are (a) fully within an urban growth area and (b) fully or partially within a one-quarter mile walking distance of a major transit station.

What’s a “major transit station?”

"Major transit station" means a site within an urban growth area that is, or has been funded for development as:

- (a) A stop on a high capacity transportation system funded or expanded under chapter 81.104 RCW;
- (b) A commuter rail stop; or
- (c) A stop on rail or fixed guideway systems, including transitways.

So a hub is defined to have a station. And a station area has a stop, but not a station? Was this purposely written to be confusing?

RCW 81.104.010 says:

The state should assist by working with local agencies on issues involving rights-of-way, partially financing projects meeting established state criteria including development and completion of the high occupancy vehicle lane system, ...

So, the new bus lane was funded under RCW 81.104.010, and has high occupancy vehicle lanes, so we get both? Us and everyone else?

Remember when we all puzzled about why the bus stops were so, so big? and they weirdly said they had to be that big because others were and there was no changing them? And we said, “Why would you take extra land, when you keep saying that *not* taking land is a prime directive? Besides, that’s a ridiculously big slab of concrete- 2 full bus lengths? and it’s completely out of character for the neighborhood.”

All makes sense if the goal is to change the character of the neighborhood.

The legislature recognizes that cities planning under chapter 36.70A RCW require direction and technical assistance to ensure the benefits of state transportation investments are maximized and shared equitably

I’m so glad that we here in LFP are sharing the benefits equally.
Yes, I almost forgot. ST and our legislators are all about equity.
Wasn’t it equity week that we went to the ST Board meeting?
Yes, they made a proclamation.

while avoiding unnecessary programmatic and cost burdens to local governments in their comprehensive planning, code enactment, and permit processing workloads.

Followed by this little toss of a bone:

chapter to satisfy requirements of other state programs.

But, in order to qualify for a grant or a loan, the city SHALL :

- Demonstrate that it will prepare an environmental analysis that is integrated with comp plan, etc
- (b) Address environmental impacts and consequences, alternatives, and mitigation measures in sufficient detail to allow the analysis to be adopted in whole or in part by applicants for development permits within the geographic area analyzed in the plan;
- (c) Demonstrate that procedures for review of development permit applications will be based on the integrated plans and environmental analysis;
- monitor the consequences of growth
- demonstrate progress toward compliance with all of this
- provide local funding, which may include private sector funding.

So wait, the city partners with the private sector to prepare an environmental analysis and integrated plan that spells out all the environmental impacts, alternatives and appropriate mitigation- and all in sufficient detail that developers can use them off the shelf? Wow. That'll save the builders a lot of time and money, kind of like being "pre-approved" for a credit card.

And further, the city must show that they base their permit review on those "integrated plans and environmental analysis," and do it in some streamlined process.

So we save the developer time and money, with something like a "prior authorization" from your medical insurance? The city just tells them what alternatives they have to consider, and what mitigation they'll have to do, like paint-by-numbers? Well, that will streamline things.

For these loans, (excerpted) preference is given to:

- Identification and monitoring of system capacities for elements of the built environment, and to the extent appropriate, of the natural environment

(Achieving "system capacity" and building first. Then the Dept of Commerce decides to what extent the environment is appropriate.)

- Furtherance of important state objectives related to economic development.

(Got it. Money gets priority.)

- Programs to improve the efficiency and effectiveness of the permitting process by greater reliance on integrated plans and prospective environmental analysis
- and
- the department may use such grants to pay for the costs associated with the preparation of state environmental policy act environmental impact statements
- but
- Grant awards under this subsection (7) may only fund efforts that address environmental impacts and consequences, alternatives, and mitigation measures in sufficient detail to allow the analysis to be adopted in whole or in part by applicants for development permits within the geographic area analyzed in the plan.

Oh, so my tax dollars can also pay for the SEPA, but only to pre-approve development proposals? Guess that's just my little bit, to help DOT achieve their manifest destiny.

I want to move to Alaska.