

CITY COUNCIL AGENDA TOPIC

Council Initiation of Objective Design Standards Land Use Code Amendment

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Development Services Department

EXECUTIVE SUMMARY

DIRECTION Initiate work on Objective Design Standards Land Use Code Amendment to comply with House Bill 1293.

RECOMMENDATION

Initiate work on Objective Design Standards Land Use Code Amendments to comply with House Bill 1293.

BACKGROUND/ANALYSIS**Legislative History**

First introduced on January 13, 2023, and signed into law on May 8, 2023, House Bill (HB) 1293 was developed to help streamline development regulations and the development review process. HB 1293 requires that a fully planning county or city apply only clear and objective design regulations to the exterior of new developments. Designated landmarks and historic districts as established under local ordinance(s) are exempt from this requirement. Per the bill, clear and objective regulations:

- Must include one or more ascertainable guideline, standard, or criterion by which an applicant can determine whether a given building design is permissible under that development regulation; and
- May not result in a reduction in density, height, bulk, or scale below the generally applicable development regulations for a development proposal in the applicable zone.

The law also requires that the design review process be conducted either concurrently, or otherwise logically integrated into a consolidated review and decision process for project permits, and no more than one public meeting can be required. Preapplication conferences and/or public meetings may only be required if already required by state law. The law also encourages additional project review provisions that can expedite permit review for projects that include dwelling units affordable to low-income and moderate-income households¹.

¹ HB 1293 defines low-income as a single person, family, or unrelated persons living together whose adjusted income is less than 80% of the medium family income, adjusted for household size for the county where the household is located. Moderate-income is defined using an adjusted income of at or below 120%.

Background

Bellevue's design standards and guidelines are currently reviewed administratively by staff, which can occur as part of the codified design review process in LUC Part 20.30F, or through any permit review process where there are applicable design regulations. Where a Design Review Permit is required, that review can occur concurrently with other permits required for a given project. No changes to this approach are necessary for compliance with HB 1293.

Bellevue's Land Use Code (LUC) contains both design standards and guidelines. A standard should only be a regulation that is required, and a guideline should provide direction without a requirement. An existing example of an objective standard is LUC 20.25C.040.A.2, which reads, "Rooftop equipment shall be visually screened pursuant to LUC 20.20.525. The design and color of rooftop mechanical screening should be integrated with the building architectural style." The applicable regulation provides clear direction as to how mechanical screening shall look and points the reader to the specific requirements in the citywide LUC for mechanical equipment.

An example of a guideline that is not objective is LUC 20.25C.050A.2.c.ii, which reads, "The design of buildings should incorporate elements such as special architectural details, distinctive colors schemes, special art and other features, which are sensitive to and enhance the surrounding area and serve to differentiate the development from other developments in the City." Some of the words used in that guideline which are subjective include "special" and "distinctive" since they can mean something different to different readers.

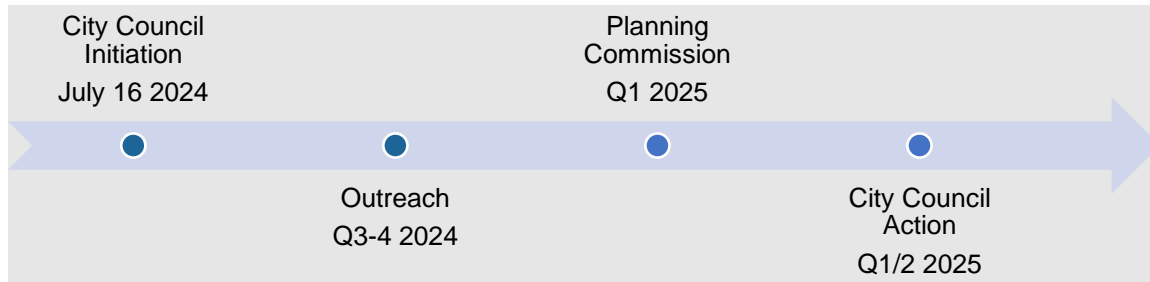
Proposed Scope of Code Amendments

The LUC contains design standards and design guidelines in multiple sections, all of which will be included in the scope of this LUCA for potential revision. The LUCA will not develop new design standards or guidelines. Staff will address needed changes to the code as follows:

- Review existing code, and confirm which standards to retain as requirements;
- Revise existing standards as needed for objectivity;
- Identify any non-required guidelines that are desired for retention and ensure it is clear they are not required; and
- Identify and remove any unenforceable guidelines that are not desired to be retained.

The design review process itself will need to be reviewed and updated for consistency with HB 1293, however staff does not anticipate significant changes to these code sections as Bellevue does not have design review boards or additional public meeting requirements for the standard design review process. Staff are also working on changes to the permitting process to help expedite project review for affordable housing projects.

Project Timeline



Public Engagement

Staff has developed a public engagement plan with three modes of outreach to ensure the public, stakeholders, and interested parties have the opportunity to be informed and to provide comments.

- Process IV Requirements. Consistent with Chapter 20.35 LUC procedural requirements, public input will be solicited by a notice of application, notice of public hearing and the required public hearing.
- Direct Engagement and Feedback. Direct engagement with the development community and residents, including through Bellevue Development Committee (BDC) meetings.
- Online Presence. City webpage to provide the public information about the project, who to direct questions to, and how to submit comments.

POLICY & FISCAL IMPACTS

Policy Impact

The LUCA is required for consistency with HB 1293, which restricts cities from enforcing subjective design standards and establishes additional limits to the design review process.

Further, the Objective Design Code Amendments will support existing affordable housing policy by streamlining and clarifying the development review process, which can help reduce development costs.

Fiscal Impact

There is no fiscal impact associated with implementing these changes.

OPTIONS

1. Move to direct staff to initiate work on Objective Design Standards Code Amendments to comply with House Bill 1293.
2. Provide alternative direction to staff

ATTACHMENTS

N/A

AVAILABLE IN COUNCIL LIBRARY

N/A