



# Bellevue Planning Commission

October 23, 2024

## PLANNING COMMISSION STUDY SESSION ITEM

### **SUBJECT**

Study Session on the Objective Design Land Use Code Amendment (LUCA) to implement House Bill 1293.

### **STAFF CONTACT(S)**

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### **POLICY ISSUES**

In 2023, the Washington State Legislature adopted House Bill (HB) 1293 amending the Growth Management Act, Chapter 36.70A RCW (GMA), requiring many cities to amend their codes to only contain design regulations that are clear and objective, as well as restrictions on the design review process itself.

This project will include changes to the Land Use Code (LUC), and will apply citywide where design regulations exist, which will primarily impact design district overlays that contain site and building design regulations. The goal of HB 1293, as passed by the state, is to improve clarity of requirements and help to reduce permitting timelines for design review.

The draft Comprehensive Plan contains a number of policies that this LUCA will help to implement. A few of the policies around streamlining the permitting process and providing more objectivity in the development regulations include:

- HO-15: Streamline permitting processes and create objective development regulations that encourage housing development throughout the city.
- ED-7: Provide an efficient, streamlined, timely, predictable and customer-focused permit process, conducted in a manner that integrates multiple city departments into a coordinated entity.

The draft Comprehensive Plan, which City Council is considering adopting at their October 22 meeting, also includes an Urban Design & the Arts element that provides a design framework for guiding development within the city, recognizing the value of how the built environment works through both form and function to create spaces that are attractive and inviting for all people. The refinements provided in this LUCA make the design requirements in the code that provide the framework for the design of these spaces more explicit, which will ultimately help implement the goal of the element to enhance the city's diverse neighborhoods.

### **DIRECTION NEEDED FROM THE PLANNING COMMISSION**

**ACTION**

**DIRECTION**

**INFORMATION ONLY**

The aim of this study session is to introduce the Planning Commission to HB 1293, the scope, and the methodology utilized for the strike drafts within the context of the Downtown District strike draft. Staff felt it made sense to complete a review of and revisions to one of the more complex and design-heavy sections first to help inform revisions to other sections. Staff requests input from the Planning Commission on the proposed LUCA to the Downtown District. Staff will then return to discuss the remaining strike drafts, which will reflect discussions from this session at a second study session in December, and a public hearing in early Q1 of 2025 should no further study sessions be needed.

## **BACKGROUND/ANALYSIS**

### **Bill Overview**

#### *HB 1293*

Generally, HB 1293 requires that cities and counties which plan under RCW 36.70A.040 apply only clear and objective design regulations related to the exterior design of a new development. The bill further requires that these regulations only include language that is “ascertainable” in order to determine whether a given building design is permissible under the applicable development regulations. This review process must be conducted concurrently, or be otherwise logically integrated, within a consolidated review and decision process. No design review process may include more than one public meeting. The bill also encourages jurisdictions to adopt process changes that help to expedite the review and issuance of project approvals that include affordable units.

### **City Council Initiation**

This project was initiated by City Council at the July 16, 2024, City Council meeting, and staff was directed to proceed on work associated with this LUCA as proposed.

### **Baseline Required Components the Proposed LUCA Needs to Address**

#### *Where the LUC Already Complies*

Design review is already processed administratively, and the permitting and review process are integrated into the overall consolidated review permit process. Because the design review process is already administrative, we do not require public meetings for design review approval. Development Services has also already adopted an expedited permitting process for projects that are entirely affordable.

#### *Building and Site Design*

There are several areas where there are design regulations and guidelines applicable to the exterior of buildings, predominantly in overlay districts. These districts include 14 of the special and overlay districts in Chapter 20.25, which are distributed throughout the city, but primarily impact mixed-use and commercial centers. All code related to exterior building design has been reviewed and revised into preliminary strike drafts consistent with the intent of HB 1293.

Although the bill does not explicitly apply to design requirements beyond the exterior of buildings, staff determined through discussions with planning staff on the Land Use design team that it made logical sense for there to be consistency amongst all design regulations. As such, changes to site and frontage design were included in the strike drafts.

#### *Format*

The LUC currently has a significant amount of variation between overlays in how the design requirements are formatted. Some sections contain standards and guidelines, while others have only standards or only guidelines. To provide more consistency, which should help both applicants and staff in the review process, staff is proposing a few simple formatting changes.

First, because guidelines are not enforceable as requirements, staff decided to revise the code to only include standards with intent sections to help provide context for the associated standard. Sections that contained both guidelines and standards were reviewed and any language desired for retention that was considered subjective but important was retained in the intent section. Language that was either objective already or could be revised to be made objective was retained as standards. Remaining language was removed. Staff worked diligently to ensure that proposed changes would not alter substantive components of the code to retain quality design outcomes in new projects.

The Downtown Overlay contains design regulations related to buildings, site design, landscaping, and other site and public environment design features. Below is an example taken from the strike draft section governing the streetscape and public realm that shows how we modified both the text as well as the formatting to align with the requirements of HB 1293 for objectivity, and adjusting the format to better align with design sections elsewhere in the LUC:

## **20.25A.170 Streetscape and public realm.**

### **A. Streetscapes**

1. ~~Define t~~The Pedestrian Environment
  - a. Intent. A building should provide a continuous, visually rich pedestrian experience along its ground-floor or second-floor street front where active uses are present. The most important part of a building to a pedestrian is its ground floor, which a person experiences walking past or entering the building. This “pedestrian experience zone” shall provide a sense of enclosure, and a continuous and comfortable street edge for the pedestrian. Ground-floor building transparency should foster interaction between the public and private realms.
  - b. ~~Guidelines~~Standards.
    - i. ~~The most important part of a building to a pedestrian is its ground floor, which a person experiences walking past or entering the building. This “pedestrian experience zone” shall provide a sense of enclosure, and a continuous and comfortable street edge for the pedestrian. Ground floor building transparency should foster interaction between the public and private realms;~~
    - ii. Provide wWindows ~~that are~~ shall be transparent at the street level;
    - iii. ~~Create visual interest on w~~Walls ~~by using~~ shall utilize a variety of ~~forms~~, colors, and compatible cladding materials;
    - iiiv. ~~Façades should provide a varied pedestrian experience by using~~ shall include bays, columns, pilasters, or other articulation at the street level;
    - iv. Weather protection, where required, should ~~shall help to~~ define the upper edge of the pedestrian realm experience zone. A change in materials and scale will further define this zone;
    - vi. ~~Signs and lighting at the ground level should complement the pedestrian scale; and~~
    - vii. ~~Provide building edges that maintain strong visual and physical connections to the sidewalk.~~

In the above subsection, some of the language in the guidelines was retained within the intent statement to help provide context for the standards and what they are aiming to achieve for the pedestrian environment. A few other minor changes were made to make the guidelines read as required standards, such as exchanging “should” language for “shall” language. Terminology that is subjective such as “visual interest” was removed, and the required standards retained the physical elements that provide this visual interest.

*Process*

The design review permitting and decision process sections were reviewed and also revised to ensure that the requirements are clear and objective. Sections of code that do not represent baseline requirements for permit approval, such as exemption and departure requests, and amenity bonus requests were not considered to be within scope of the LUCA and were not reviewed and revised.

**Public Engagement**

1. Process IV Requirements. Process consistent with Chapter 20.35 LUC procedural requirements to provide opportunities for public comment, including:
  - Notice of Application
  - Public hearing on the proposed LUCA
2. Direct Engagement and Feedback.
  - Presentation to the Bellevue Development Community at in-person meetings.
  - Development Services newsletter write-up with link to City webpage
3. Online Presence. City webpage to provide opportunities for the public to stay informed and to request additional information, including:
  - Staff contact
  - Information on the LUCA and LUCA schedule

**LUCA Schedule**

Date	Topic Areas
October 23	<b><u>Planning Commission Study Session #1:</u></b> <ul style="list-style-type: none"> <li>• Introduction and direction on Downtown, Part 20.25A LUC strike draft</li> </ul>
December 11	<b><u>Planning Commission Study Session #2:</u></b> <ul style="list-style-type: none"> <li>• Study session on remaining strike draft sections</li> </ul>
To Be Scheduled	<b><u>Planning Commission Public Hearing and Recommendation:</u></b> <ul style="list-style-type: none"> <li>• Planning Commission has the option to make recommendation any point after the public hearing</li> </ul>
To Be Scheduled	<b><u>Planning Commission Recommendation:</u></b> <ul style="list-style-type: none"> <li>• Planning Commission recommendation to City Council</li> </ul>
To Be Scheduled	<b><u>City Council Study Session:</u></b> <ul style="list-style-type: none"> <li>• Present Planning Commission recommendation to City Council</li> </ul>
To Be Scheduled	<b><u>City Council Action:</u></b> <ul style="list-style-type: none"> <li>• Final ordinance for City Council action</li> </ul>

**ATTACHMENT(S)**

- A. HB 1293
- B. Downtown, Part 20.25A strike draft