



Bellevue Planning Commission

December 11, 2024

PLANNING COMMISSION STUDY SESSION ITEM

SUBJECT

Second 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

As detailed in the October 23 agenda memo, this LUCA is implementing requirements from House Bill (HB) 1293 as well as maintaining consistency with the adopted 2044 Comprehensive Plan. For additional detail on policy related issues please refer to the October 23 agenda memo [here](#).

DIRECTION NEEDED FROM THE PLANNING COMMISSION

ACTION

DIRECTION

INFORMATION ONLY

The aim of this study session is to allow Planning Commission to review the remainder of the strike draft for this LUCA, and provide any feedback and direction needed to finalize drafts. This memo also includes staff summaries and responses to comments received. After the study session, the Planning Commission will be asked to direct staff to schedule a public hearing on the proposed LUCA. This public hearing is tentatively scheduled in January.

BACKGROUND/ANALYSIS

Staff held an initial study session to introduce the Planning Commission to HB 1293, the scope of the LUCA, and the methodology and process utilized for the strike drafts for the Downtown District (Part 20.25A of the Land Use Code (LUC)). Staff received input from the Planning Commission on the proposed LUCA to Part 20.25A LUC, as well as public comments on the LUCA.

Remaining Sections for Review

The focus of this study session will be reviewing the remainder of the strike draft and an updated version of Part 20.25A LUC strike draft.

Included in the strike draft are edits made to citywide sections, which include:

- Chapter 20.10 Land Use Districts
- Chapter 20.20 General Development Requirements
- Chapter 20.30F Design Review
- Chapter 20.40 Administration

These edits predominantly include cleaning up items such as revising references to guidelines to standards, edits needed for consistency with the Comprehensive Plan and associated Racially Disparate Impacts report, and process changes to ensure objectivity and predictability in the approval process for Design Review, including proposed changes to the vesting of Design Review permits.

Edits to special and overlay districts that contain regulatory design language were also needed for consistency with HB 1293. Parts included in the strike draft are:

- Part 20.25A Downtown
- Part 20.25B Transition Area Design District
- Part 20.25C OLB and OLB 2 Districts
- Part 20.25D BelRed
- Part 20.25F Evergreen Highlands Design District
- Part 20.25F1 Factoria 1
- Part 20.25I Community Retail Design District
- Part 20.25J Medical Institution District
- Part 20.25L OLB-OS District
- Part 20.25M Light Rail Overlay District
- Part 20.25N Camp and Conference Center District
- Part 20.25P Eastgate Transit Oriented Development Land Use District
- Part 20.25Q East Main Transit Oriented Development Land Use District

Similar to the review for Downtown, staff worked with the Land Use staff to review the BelRed code and updated the language to be consistent with the formatting and content changes in Downtown. Staff utilized the strike drafts for those districts to guide revisions to the remaining special and overlay districts. A review by Community Development design staff was also completed for the Downtown District to ensure no potential conflicts with ongoing policy level work.

Planning Commission Comments

Comments received from Planning Commission include an ask to provide additional clarity and tightening of the language where possible. Commissioners also provided additional detailed comments regarding potential terminology to be utilized to help with providing more objectivity. Staff reviewed these suggestions and integrated language where beneficial. Further comments were provided regarding plazas and open spaces, which staff has noted as sections for further review at the substantive level during the next phase of Downtown Livability that is slated to begin towards the end of 2025. Planning Commissioners also asked for staff response to the public comments received which is provided below.

Public Comments

Public comments and inquiries received on this topic sought clarification on the requirements of HB 1293, and a question about noticing. These were clarifying comments and questions and were addressed at the October 23 study session.

Three overarching comments received from the Permitting, Land Use, Sustainability, and Housing (PLUSH) committee of the Bellevue Chamber, included a discussion of the relative subjectivity of the

Downtown standards. Staff noted at the October 23 study session that the goal of this revision was to revise the language to meet the standard of HB 1293 that the regulations be “ascertainable.” As the Planning Commission also commented, there is a spectrum of objectivity/subjectivity, and one of staff’s goals with these proposed changes is to make the standards as objective as possible, while still retaining the intent behind the regulations as developed during the 2017 Downtown Livability project, while not creating overly prescriptive standards.

A second comment related to one provision of HB 1293 that says height, bulk, and scale shall not be reduced beyond what is permitted by the applicable development regulations within a development’s land use district. Staff assessed the changes to the proposed standards in the strike draft and determined they do not result in a reduction in the density, height, bulk, or scale of a development given they align with current development regulations.

The third comment related to provisions applicable to the interior of buildings. HB 1293 states that design regulations governing the exterior design of a new development must be clear and objective. The bill does not comment on the requirements for design regulations that apply to the design of the interior of buildings. Existing regulations that refer to the interior of the building include transparency/visibility requirements for glazing between the street environment and interior environment of the building. These transparency requirements and other requirements relating to the building interior elsewhere in the LUC were determined to be consistent with the requirements of HB 1293 and the goals and intent of the Downtown District.

Additional public comments included suggestions for alternative wording that preserved the original intent of the regulations. These were reviewed for potential incorporation into the revised strike draft. However, more substantive comments and suggestions that would require further discussion because they would be removing a standard that is already clear and objective, or that would represent new, added, or significantly altered requirements were noted and set aside for future work on the Downtown District. Some suggestions, such as those striking the Americans with Disabilities Act (ADA) provisions language were not included, as these are ADA standards required in the LUC that wouldn’t otherwise be required by baseline ADA regulation implementation.

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, 2024	<u>Planning Commission Study Session #1:</u> <ul style="list-style-type: none"> • Introduction and direction on Downtown, Part 20.25A LUC strike draft
December 11, 2024	<u>Planning Commission Study Session #2:</u> <ul style="list-style-type: none"> • Study session on remaining strike draft sections
(To be Scheduled)	<u>Planning Commission Public Hearing and Recommendation:</u> <ul style="list-style-type: none"> • Planning Commission has the option to make recommendation any point after the public hearing
(To be Scheduled)	<u>City Council Study Session:</u> <ul style="list-style-type: none"> • Present Planning Commission recommendation to City Council
(To be Scheduled)	<u>City Council Action:</u> <ul style="list-style-type: none"> • Final ordinance for City Council action

ATTACHMENT(S)

- A. Objective Design LUCA Strike Draft
- B. HB 1293