



STAFF REPORT

DATE: January 22, 2025

TO: Chair Goepple and Members of the Planning Commission

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Development Services Department

SUBJECT: Proposed Land Use Code Amendment (LUCA) to revise the Land Use Code (LUC) by implementing provisions of House Bill 1293 (HB 1293) to ensure the City's design regulations are clear and objective. File No. 24-120021-AD.

I. BACKGROUND

In 2023, the Washington State Legislature adopted 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.

Key HB 1293 Requirements for Land Use Code (LUC) Implementation

1. Clear and Objective Regulations

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 determining whether a given project design is permissible under the applicable development regulations.

2. Concurrent Review Process

The design 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, which is a process already adopted by the City's Development Services Department.

II. PROPOSED LUCA

Building and Site Design

There are many parts of the LUC that contain design regulations and guidelines applicable to the exterior of buildings, predominantly in the overlay districts. All code related to exterior building design has been reviewed and revised into the strike draft consistent with HB 1293 to ensure that only design requirements that are ascertainable are retained.

Although the bill does not explicitly apply to design requirements beyond those applicable to the exterior of buildings, staff determined that all design regulations should be consistent in format and style. As such, changes to site and frontage design are included in the strike draft.

Format

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

Because guidelines are not enforceable as requirements, the proposed LUCA only includes standards. These standards are provided with intent sections to give 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 a standard. Remaining language was removed. Staff worked diligently to ensure that proposed changes would not alter substantive components of the code so that the design outcomes in new projects resulting from the proposed code will not decline.

Vesting

In keeping with the intent of HB 1293, staff included changes to the vesting language for design review permits that would allow design review permit submittals to vest to the code in place at the time that a complete application is received and accepted for review. This is a change from the current requirement that design review permits vest at the time of approval. Although the passage of HB 1293 does not require this change in vesting language, this change aims to provide assurance to applicants that the design regulations applicable to their project will not change during the review process and is aligned with the intent of HB 1293.

III. REVIEW PROCESS

The City Council initiated this LUCA on July 16, 2024.

On October 23, the Planning Commission reviewed the strike draft for the Downtown District and the proposed methodology for addressing the full LUCA. On December 11, 2024, the Planning Commission reviewed the full strike draft, provided comment, and directed staff to schedule the public hearing for January 22, 2025. The proposed LUCA is included in this staff report as Attachment A. Following the public hearing, the Planning Commission will be asked to make a recommendation for transmittal to the City Council for final action.

IV. STATE ENVIRONMENTAL POLICY ACT (SEPA)

The Environmental Coordinator for the City of Bellevue has determined that this LUCA is Categorically Exempt from the Threshold Determination requirements of SEPA pursuant to the terms of WAC 197-11-800(19)(b).

V. PUBLIC ENGAGEMENT

Required Public Notice

The notice required for City Council Legislative Actions (Process IV) is governed by LUC 20.35.415 through 20.35.450. Public notice of the LUCA application and public hearing was published in the Weekly Permit Bulletin on January 2, 2025, and availability of the Weekly Permit Bulletin was noticed in the Seattle Times.

Department of Commerce Notice

Pursuant to the Washington State Growth Management Act, proposed amendments to the LUC must be sent to the Washington State Department of Commerce to review and comment on the proposed amendments to the LUC. The required notice to the Department of Commerce and the initial draft LUCA were transmitted on January 2, 2025 and a copy of both documents is available for review in the code amendment file. No comments have been received by Commerce as of the date of this report.

Public Comments

As of the date of this staff report, staff received two questions from the public asking clarifying information and three comment letters from the development and design community with feedback on the strike draft.

VI. DECISION CRITERIA

LUC 20.30J.135 establishes the decision criteria for an application to amend the text of the Land Use Code. Those criteria, and the relationship of these proposed amendments to them, are discussed below:

A. The amendment is consistent with the Comprehensive Plan; and

Finding: The proposed LUCA is consistent with the Comprehensive Plan. The City of Bellevue has adopted comprehensive plan policies HO-15 and ED-7 that speak to the objectivity, efficiency, consistency and predictability of the permitting process:

Comprehensive Plan Policy HO-15. Streamline permitting processes and create objective development regulations that encourage housing development throughout the city.

Comprehensive Plan Policy 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.

B. The amendment enhances the public health, safety or welfare; and

Finding: This LUCA will enhance public health, safety, and welfare by enacting clear and objective design regulations, and provide better assurance of what design regulations apply to a project. These updates will generally allow for a clearer and more streamlined review process.

C. The amendment is not contrary to the best interests of the citizens and property owners of the City of Bellevue.

Finding: The proposed LUCA is not contrary to the best interests of the citizens and property owners of the City of Bellevue. The LUCA serves the best interests of Bellevue's citizens and property owners by improving the clarity and applicability of design regulations for new projects. Clearer and more objective design regulations, as well as the update to allow projects to vest at the time of complete application, should provide for more straightforward and streamlined project review, benefiting both residents and developers.

VII. RECOMMENDATION

Staff has concluded that the Objective Design LUCA, as drafted in Attachment A, is consistent with the decision criteria required for adoption of amendments to the text of the LUC, pursuant to Part 20.30J LUC. Staff recommends that the Planning Commission recommend adoption of the proposed LUCA.

ATTACHMENT:

A. HB 1293 LUCA Strike-Draft