

**CITY COUNCIL AGENDA TOPIC**

Recommended Land Use Code Amendment revising the City's design regulations and design review process in response to the passage of House Bill 1293, a 2023 state law restricting cities to only implement design regulations and review processes that are clear and objective.

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**EXECUTIVE SUMMARY****DIRECTION**

Staff will introduce the recommended Objective Design Land Use Code Amendment (LUCA). Planning Commission Chair Goeppele will present the Planning Commission recommendation approving the LUCA without modification. The Resolution documenting this recommendation is included as Attachment A.

Following discussion, staff is seeking Council direction to prepare the Ordinance for final action as part of the consent agenda at a future meeting.

**RECOMMENDATION**

Direct staff to finalize the LUCA Ordinance for final action as part of the consent agenda at a future meeting.

**BACKGROUND/ANALYSIS****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 requirements for the design review process.

This project includes proposed changes to the Land Use Code (LUC) where there are design regulations, which primarily impacts 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 project design requirements and help to reduce permitting timelines for design review.

By June 30, 2025, the City must amend the LUC to comply with the following key requirements of HB 1293:

1. Clear and Objective Regulations  
Generally, HB 1293 requires that cities and counties which plan under the GMA 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 for projects that include all affordable units.

On July 16, 2024, the City Council initiated work on the LUCA to respond to HB 1293. At the meeting, Council expressed interest in ensuring the retention of design requirements that have produced good results so far, that staff would be able to provide input on the LUCA, and that the importance of ensuring consistency in interpretation by staff was considered.

Input for the LUCA was gathered through working closely with land use review staff, particularly those with an urban design background and review focus, and the Planning Commission. The overarching goal of this LUCA was to conform with HB 1293 while minimizing substantive changes that would require further policy discussion.

A strike-draft of the recommended LUCA is provided as Attachment B. Attachment C outlines amendments aimed at removing sign-related language from the LUC. The effective date of these sign-related changes will be delayed until the City's Sign Code, Bellevue City Code, Chapter 22B.10 is amended. The City Council initiated the Sign Code update in August 2024, and it is anticipated to be ready for Council action by the end of 2025. The purpose of this strike draft is to consolidate all sign-related requirements within the City's Sign Code while ensuring they are appropriately referenced in the LUC.

### **Components of the Recommended LUCA**

The recommended LUCA provides direct compliance with HB 1293 and incorporates recommendations from public comment and the Planning Commission to ensure the regulatory and process amendments meet the "ascertainable" requirement of the bill. Provisions of the LUC related to design regulations are located throughout the code, primarily in the various design districts and overlays in LUC Chapter 20.25 (Special and Overlay Districts), as well as in the process requirements in LUC Part 20.30F (Design Review). Components of the LUCA include the following.

#### Building and Site Design

There are several areas where there are design regulations and guidelines applicable to the exterior of buildings, predominantly in the special and overlay districts. 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 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 overlay districts 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 and improve the review process for both applicants and staff, a few straightforward formatting changes are recommended.

First, because guidelines are not enforceable as requirements, the LUCA revises 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.

Efforts were made to ensure that proposed changes do not alter substantive components of the LUC so that the intended design outcomes for new projects resulting from the recommended LUCA will not decline.

### Process

The design review permitting and decision process sections were reviewed and 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, were not considered to be within scope of the LUCA and were not reviewed and revised.

### Vesting

The LUCA also proposing amendments to the vesting language for Administrative Design Review (ADR) permits so that those permits will vest to the LUC in place at the time that a complete application is received by the Development Services Department. This is a departure from the prior process where the permit vests at the time of decision, potentially leading to uncertainty if regulations changed during the review period. Allowing ADR permits to vest to the regulations in place at the time of complete application assures the applicant that the design regulations applicable to their project will not change during the course of the project's review. This change is not required by HB 1293, but it aligns with the intent of the bill by offering applicants more certainty and predictability regarding applicable regulations throughout the review process.

### **Planning Commission Process**

The LUCA was reviewed by the Planning Commission during two study sessions, one on October 23, 2024 and one on December 11, 2024. Following the second study session, the Planning Commission directed staff to prepare the LUCA for public hearing consistent with the City's Process IV land use process on January 22, 2025. A staff report describing the background, review process, and this LUCA's compliance with the decision criteria was provided to the Planning Commission, made available for the public hearing, and is included as Attachment D.

During the LUCA review process the Planning Commission received public comments with both general and specific suggestions for increasing the objectivity of the draft code. Staff also received feedback from the Planning Commission on language and areas to review for potential revisions to improve objectivity.

During the public hearing, some Commissioners asked for additional information on the vesting of Master Development Permits (MDPs) versus Administrative Design Review (ADR) Permits in response to public comment raised at the hearing. Staff clarified that MDPs currently vest at the time of decision,

whereas, under the recommended LUCA, ADRs would vest at the time of a complete application. MDPs primarily address site design requirements, while ADRs cover both site design and building requirements for specific phases of an MDP.

Since the public hearing, staff has further evaluated the public comment relating to MDP and ADR vesting. Upon review, staff determined that where a MDP application is submitted concurrently with an associated ADR, it is reasonable for the MDP application to also vest at the time that a complete ADR application is submitted—similar to the proposal the Planning Commission reviewed for ADRs that are not submitted concurrently with an MDP. Following the public hearing, staff incorporated the change into the strike-draft and this change is highlighted in yellow on Attachment B for ease of reference.

After deliberation the Planning Commission voted 7-0 to recommend that the City Council adopt the LUCA without modification.

### Project Timeline



### Public Engagement

Staff followed a public engagement plan with three modes of outreach and engagement to ensure the public, stakeholders, and interested parties had access to up-to-date project information and the opportunity to provide comments.

1. Process IV Requirements. Process consistent with Chapter 20.35 LUC procedural requirements to provide opportunities for public comment, including:
  - Notice of Application and Public Hearing for the proposed LUCA
  - Public hearing on the proposed LUCA
2. Community Outreach:
  - Bellevue Development Committee engagement on September 11, 2024
  - Direct engagement with stakeholders in the design community
3. Online Presence. City webpage to provide opportunities for the public to stay informed and to request additional information, including:
  - Staff contact information
  - Information regarding the LUCA

## **POLICY & FISCAL IMPACTS**

### **Policy Impact**

The proposed LUCA is consistent with the Comprehensive Plan, including both the Housing and Urban Design Elements.

### **Fiscal Impact**

The LUCA may have a small positive fiscal impact by reducing some of the regulatory and process requirements associated with projects that are required to conform to design regulations and that are subject to the administrative design review permit process.

## **OPTIONS**

1. Direct staff to finalize the LUCA Ordinance for final action as part of the consent agenda at a future meeting.
2. Provide alternative direction to staff.

## **ATTACHMENTS**

- A. Planning Commission Resolution
- B. HB 1293 LUCA Strike-draft
- C. HB 1293 Sign-Related LUCA Strike-draft
- D. Staff Report

## **AVAILABLE IN COUNCIL LIBRARY**

N/A