

- a. Streamlining Design Review Briefing, File No. CAM24-00881
Purpose: Receive a briefing and hold a study session to discuss staff's recommended approach to amend City codes, including design guidelines, to comply with State-mandated requirements of Washington State House Bill 1293 (HB 1293) related to the design review process and regulations.
Staff Contact:

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE HOUSE BILL 1293

Chapter 333, Laws of 2023

68th Legislature
2023 Regular Session

GROWTH MANAGEMENT ACT—DESIGN REVIEW

EFFECTIVE DATE: July 23, 2023

Passed by the House April 14, 2023
Yeas 95 Nays 1

LAURIE JINKINS
**Speaker of the House of
Representatives**

Passed by the Senate April 11, 2023
Yeas 49 Nays 0

DENNY HECK
President of the Senate

Approved May 8, 2023 1:12 PM

JAY INSLEE
Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 1293** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

Chief Clerk

FILED

May 10, 2023

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE HOUSE BILL 1293

AS AMENDED BY THE SENATE

Passed Legislature - 2023 Regular Session

State of Washington

68th Legislature

2023 Regular Session

By House Housing (originally sponsored by Representatives Klicker, Leavitt, Barkis, Jacobsen, Waters, Chapman, Reed, and Graham)

READ FIRST TIME 02/09/23.

1 AN ACT Relating to streamlining development regulations; amending
2 RCW 36.70B.160; and adding a new section to chapter 36.70A RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 36.70A
5 RCW to read as follows:

6 (1) For purposes of this section, "design review" means a
7 formally adopted local government process by which projects are
8 reviewed for compliance with design standards for the type of use
9 adopted through local ordinance.

10 (2) Except as provided in subsection (3) of this section,
11 counties and cities planning under RCW 36.70A.040 may apply in any
12 design review process only clear and objective development
13 regulations governing the exterior design of new development. For
14 purposes of this section, a clear and objective development
15 regulation:

16 (a) Must include one or more ascertainable guideline, standard,
17 or criterion by which an applicant can determine whether a given
18 building design is permissible under that development regulation; and

19 (b) May not result in a reduction in density, height, bulk, or
20 scale below the generally applicable development regulations for a
21 development proposal in the applicable zone.

1 (3) The provisions of subsection (2) of this section do not apply
2 to development regulations that apply only to designated landmarks or
3 historic districts established under a local preservation ordinance.

4 (4) Any design review process must be conducted concurrently, or
5 otherwise logically integrated, with the consolidated review and
6 decision process for project permits set forth in RCW 36.70B.120(3),
7 and no design review process may include more than one public
8 meeting.

9 (5) A county or city must comply with the requirements of this
10 section beginning six months after its next periodic comprehensive
11 plan update required under RCW 36.70A.130.

12 **Sec. 2.** RCW 36.70B.160 and 1995 c 347 s 420 are each amended to
13 read as follows:

14 (1) Each local government is encouraged to adopt further project
15 review provisions to provide prompt, coordinated, and objective
16 review and ensure accountability to applicants and the public,
17 including expedited review for project permit applications for
18 projects that are consistent with adopted development regulations or
19 that include dwelling units that are affordable to low-income or
20 moderate-income households and within the capacity of systemwide
21 infrastructure improvements.

22 (2) Nothing in this chapter is intended or shall be construed to
23 prevent a local government from requiring a preapplication conference
24 or a public meeting by rule, ordinance, or resolution, where
25 otherwise required by applicable state law.

26 (3) Each local government shall adopt procedures to monitor and
27 enforce permit decisions and conditions.

28 (4) Nothing in this chapter modifies any independent statutory
29 authority for a government agency to appeal a project permit issued
30 by a local government.

31 (5) For the purposes of this section:

32 (a) A dwelling unit is affordable if it requires payment of
33 monthly housing costs, including utilities other than telephone, of
34 no more than 30 percent of the family's income.

35 (b) "Dwelling unit" means a residential living unit that provides
36 complete independent living facilities for one or more persons and
37 that includes permanent provisions for living, sleeping, eating,
38 cooking, and sanitation, and that is sold or rented separately from
39 other dwelling units.

1 (c) "Low-income household" means a single person, family, or
2 unrelated persons living together whose adjusted income is less than
3 80 percent of the median family income, adjusted for household size,
4 for the county where the household is located, as reported by the
5 United States department of housing and urban development, or less
6 than 80 percent of the city's median income if the project is located
7 in the city, the city has median income of more than 20 percent above
8 the county median income, and the city has adopted an alternative
9 local median income.

10 (d) "Moderate-income household" means a single person, family, or
11 unrelated persons living together whose adjusted income is at or
12 below 120 percent of the median household income, adjusted for
13 household size, for the county where the household is located, as
14 reported by the United States department of housing and urban
15 development, or less than 120 percent of the city's median income if
16 the project is located in the city, the city has median income of
17 more than 20 percent above the county median income, and the city has
18 adopted an alternative local median income.

Passed by the House April 14, 2023.
Passed by the Senate April 11, 2023.
Approved by the Governor May 8, 2023.
Filed in Office of Secretary of State May 10, 2023.

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DESIGN REVIEW PROCESS

DESIGN REVIEW BOARD REVIEW

The Design Board Review process is a three step process:

- Pre-design Conference. A pre-design conference with staff and the applicant is held (typically combined with the inter-department pre-submittal meeting) to discuss the relevant design guidelines that apply to the development proposal in a particular district.
- Conceptual Design Conference. After a D.B.R. application is submitted to the Planning and Community Development Department, the project planner schedules (within 30 days upon submittal of a complete application) a Conceptual Design Conference with the D.R.B. to discuss the site context and project objectives prior to more detailed project design work.
- Design Response Conference. Once the applicant has designed the project in more detail in response to the D.R.B. comments, a Design Response Conference application with required materials and fees is submitted. A Design Response Conference is scheduled by the project planner (within 60 days upon submittal of a complete application). Often this step requires more than one meeting with the Design Review Board before final approval is granted. See Design Board Review application form or Chapter 142.35, KZC for more information.

ADMINISTRATIVE DESIGN REVIEW

For Administrative Design Review, the Planning Official will review the applicant's proposal to determine the level of compliance that will be necessary and make a final decision concurrently with review of a building permit or other zoning

permit application. A pre-design conference is encouraged prior to submitting an application and may be combined with an interdepartmental pre-submittal meeting when appropriate.

As part of any application for a development permit requiring A.D.R., the applicant must show compliance with the design regulations in Chapter 92, KZC or design guidelines when applicable by submitting an A.D.R. supplemental worksheet. For additions or remodels to existing buildings the applicant must show compliance to the design regulations to the extent feasible depending on the scope of the project. For information regarding the ADR review process see Chapter 142.25, KZC.

For more information regarding Kirkland's Design Guidelines for each design review district, Zoning Code and the Comprehensive Plan go to <http://www.kirklandwa.gov/depart/planning.htm>. Land use application forms are available at www.kirklandwa.gov/depart/planning/Applications_and_Forms.htm.



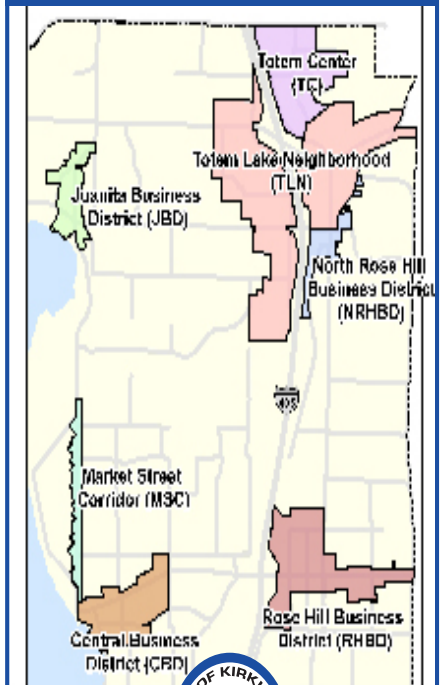
revised 2/6/14

CITY OF KIRKLAND DEVELOPMENT SERVICES

DESIGN REVIEW PROCESS IN KIRKLAND

This brochure describes the architectural design review process for evaluating development projects in Kirkland.

DESIGN REVIEW DISTRICTS



DESIGN REVIEW IN KIRKLAND

Eight zoning districts are subject to design review:

- Central Business District (CBD)
- Juanita Business District (JBD)
- North Rose Hill Business District (NRHBD)
- Rose Hill Business District (RHBD)
- Totem Lake Neighborhood (TLN) and Totem Center (TC)
- Market Street Corridor (MSC)
- Neighborhood Business zones (BN/BNA)
- Yarrow Bay Business District (YBD)

If a development proposal is located within one of the above districts, architectural design review may be required. To determine if the proposal will be reviewed by the Design Review Board or by the Planning Official see the design review threshold criteria below, and the Use Zone Charts in the zoning district. Even if the proposal is exempt from design review, compliance with the design regulations related to prohibited materials is required (see prohibited materials section below).

Design regulations are contained in Chapter 92 of the Kirkland Zoning Code. Other chapters contain additional development standards applicable to a development proposal. For example, refer to Chapter 105 for parking and pedestrian access requirements, Chapter 95 for landscaping or Chapter 110 for sidewalk standards unique to a particular design district. Refer to the Design Guidelines for each design district to review the overall urban design policies for each area (adopted by reference in the Kirkland Municipal Code).

DETERMINING WHICH REVIEW PROCESS IS REQUIRED

Design Review is either reviewed by staff through the Administrative Design Review (A.D.R.) process or by the Design Review Board through the D.B.R. process. Zoning Code Chapter 142 describes the two review processes:

I DESIGN BOARD REVIEW

The following development activities will be reviewed by the Design Review Board (D.R.B.) pursuant to Chapter 142.35, unless otherwise noted in Chapter 142 or Use Zone Charts:

1. New buildings greater than one story in height or greater than 10,000 square feet of gross floor area.
2. Additions to existing buildings where:
 - a. The new gross floor area is greater than 10% of the existing building's gross floor area; and
 - b. The addition is greater than 2,000 square feet of gross floor area; and
 - c. Either:
 - 1) The existing building and addition total more than 10,000 square feet of gross floor area; or
 - 2) The addition adds another story.
3. Renovations to existing facades, where the building is identified by the City as an historic structure.

II ADMINISTRATIVE DESIGN REVIEW

All other development activities will be reviewed by staff through the Administrative Design Review

process pursuant to Chapter 142.25. A.D.R. is conducted concurrently with a building permit application or with another zoning permit application. For larger projects, early A.D.R. prior to building permit application may be requested.

EXEMPTIONS FROM DESIGN REVIEW

The following development activities are exempt from design review and compliance with the design regulations of Chapter 92, KZC:

- Any activity which does not require a building permit; or
- Interior work that does not alter the exterior of the structure; or
- Normal building maintenance including the repair or maintenance of structural members; or
- Any development listed as exempt in the applicable Use Zone Chart.

PROHIBITED BUILDING MATERIALS IN DESIGN DISTRICTS

The following building materials or signs are prohibited in Design Districts including use on projects that are exempt from Design Review:

- Mirrored glass
- Corrugated fiberglass
- Chain link fences
- Translucent awnings
- Cabinet signs (CBD, JBD, MSC only; see Chapter 100, KZC)