

# AB 6664

## Compliance with Objective Design Review Standards (HB 1293)

Community Planning & Development  
Adam Zack, Principal Planner  
April 15, 2025

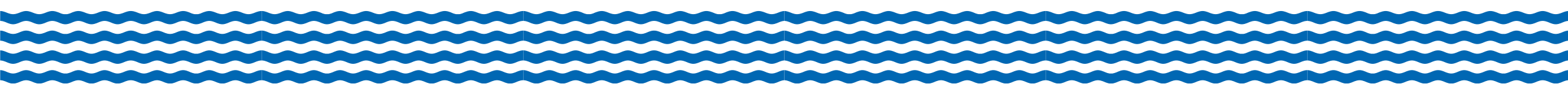


# Presentation Sections

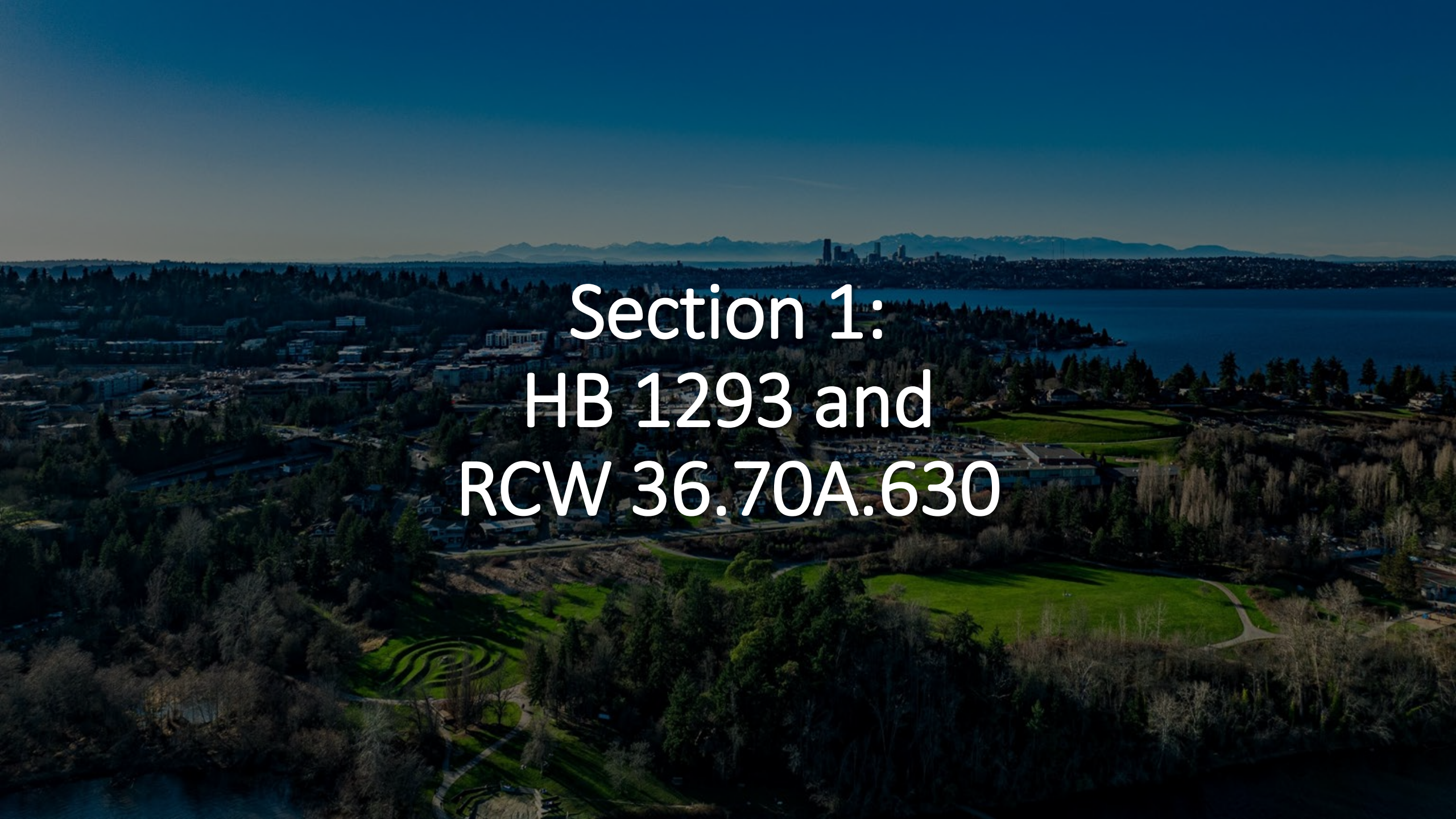
**Section 1:** House Bill (HB) 1293 and RCW 36.70A.630.

**Section 2:** Mercer Island design standards and review process.

**Section 3:** Compliance and Potential Issues.





An aerial photograph of a golf course with green fairways and sand traps, surrounded by dense trees. In the background, a city skyline is visible across a body of water, with mountains in the distance under a clear blue sky.

# Section 1: HB 1293 and RCW 36.70A.630

# Background: HB 1293

- WA Legislature amended the Growth Management Act (GMA) to change how cities planning under the act may regulate building design.
- Mercer Island must adopt regulations to comply by June 30 (RCW 36.70A.630(5)).
- Cities can only have “clear and objective” design standards (RCW 36.70A.630(2)).



# RCW 36.70A.630: Clear and Objective Standards

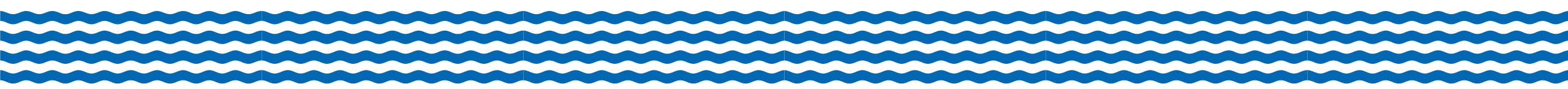
Clear and objective design standards **must include one or more ascertainable guideline, standard, or criterion** by which an applicant can determine whether a given building design is permissible under that development regulation [emphasis added] (RCW 36.70A.630(2)(a)).



# RCW 36.70A.630: Clear and Objective Standards

Clear and objective design standards **may not result in a reduction in density, height, bulk, or scale below the generally applicable development regulations** for a development proposal in the applicable zone.

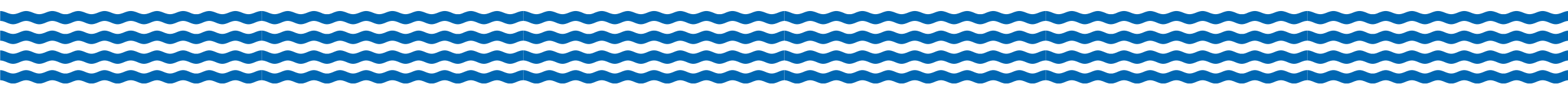
[emphasis added] (RCW 36.70A.630(2)(a))





# RCW 36.70A.630: Review and Public Meetings

Any design review process must be conducted concurrently, [ ... ] and **no design review process may include more than one public meeting.** [emphasis added](RCW 36.70A.630(4)).



An aerial photograph of Mercer Island, Washington, featuring a lush green golf course in the foreground, dense residential and commercial buildings in the middle ground, and the Seattle city skyline and Puget Sound in the background under a clear blue sky.

# Section 2: Mercer Island Design Standards and Review Process

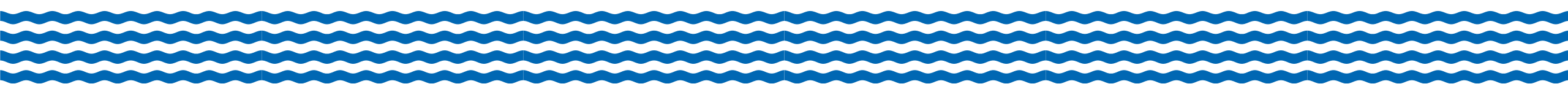


# Mercer Island Design Standards

Design standards are established in two chapters of the Mercer Island City Code (MICC):

**Chapter 19.11 MICC** – Town Center Development and Design Standards. Chapter 19.11 has 15 sections.

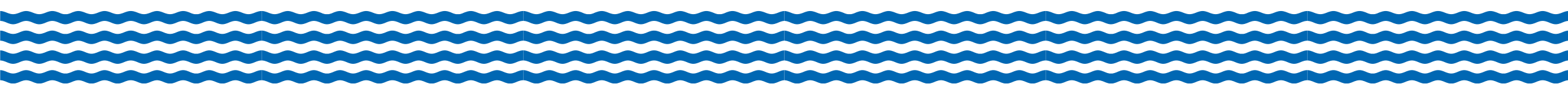
**Chapter 19.12 MICC** – Design Standards for Zones Outside Town Center. Chapter 19.12 has eight sections.



# Design Standards: Applicability

**Inside Town Center:** Any development that is not exempt from design review under MICC 19.15.220(C)(1)(c)(iii). The exempted developments are:

- (a) Any activity which does not require a building permit;
- (b) Interior work that does not alter the exterior of the structure; or
- (c) Normal building and site maintenance including repair and replacement that involves no material expansion or material change in design.

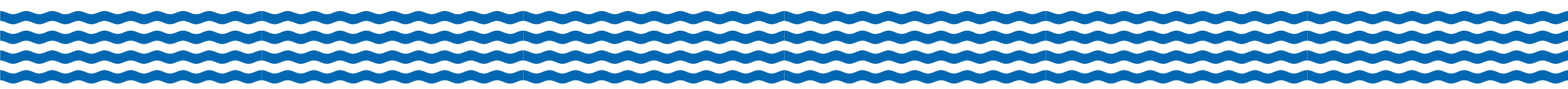


# Design Standards: Applicability

**Outside Town Center:** All “regulated improvements” are subject to design review. Regulated improvements are defined in MICC 19.16.010 as:

Any development of any property within the city, except:

1. Property owned or controlled by the city; or
2. Single-family dwellings and the buildings, structures and uses accessory thereto;
3. Wireless communications structures, including associated support structures and equipment cabinets; or
4. Small wireless facilities or small wireless facility networks.

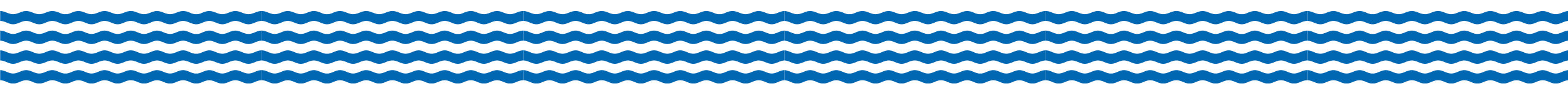




# Design Commission Review: Applicability

The following development requires Design Commission (DC) design review unless they are exempt:

- (a) New buildings;
- (b) Any additions of gross floor area to an existing building(s);
- (c) Any alterations to an existing building that will result in a change of 50 percent, or more, of the exterior surface area;
- (d) Any alterations to a site, where the alteration will result in a change to the site design that affects more than 50 percent of the development proposal site; and
- (e) Any alterations to existing facades, where the building is identified by the city as an historic structure (MICC 19.15.220(C)(1)(c)(i)).

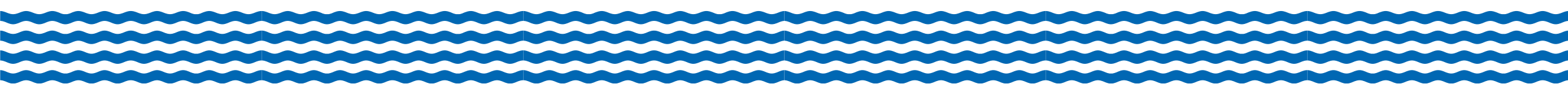


# Design Review Process

The review authority for design review is divided in two categories:

**Code Official:** Type II land use review process for any review that does not require DC review.

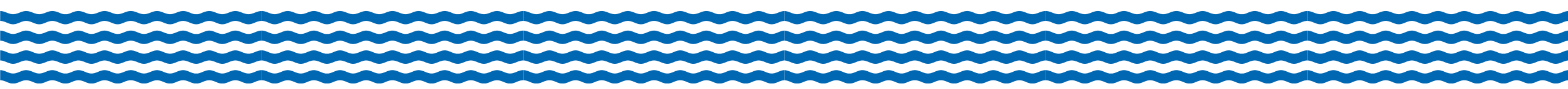
**Design Commission:** Type IV land use review process which requires a public review process with the DC prior issuing a decision.



# Design Commission Review Process

DC review requires four general steps:

1. Preapplication meeting
2. DC study session at a public meeting
3. DC public hearing
4. DC decision





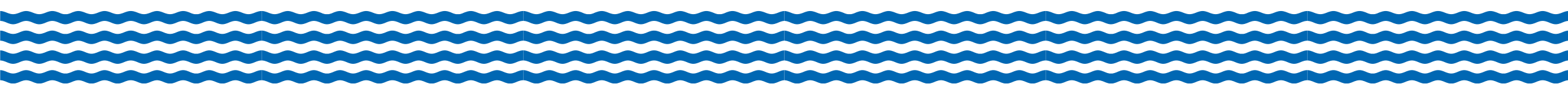
An aerial photograph of a golf course with several green fairways and a clubhouse, surrounded by dense trees. In the background, a city skyline is visible across a body of water, with mountains in the distance under a clear blue sky. The text 'Section 3: Compliance and Potential Issues' is overlaid in white on the center of the image.

# Section 3: Compliance and Potential Issues

# Compliance with RCW 36.70A.630

Staff has identified three categories of issues that need to be addressed to comply with RCW 36.70A.630:

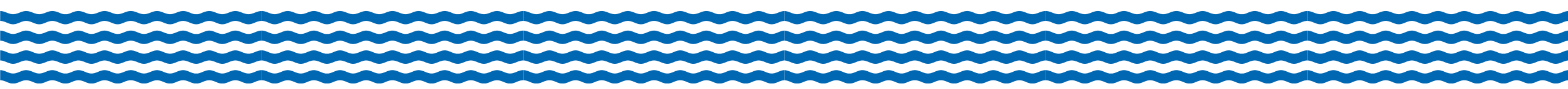
1. Compliance by June 30, 2025
2. Clear and Objective Standards
3. Design Review Process



# Issue 1 – Compliance by June 30

Two Phased Approach:

1. Interim ordinance to comply by the deadline.
2. Develop permanent amendments to replace interim regulations.

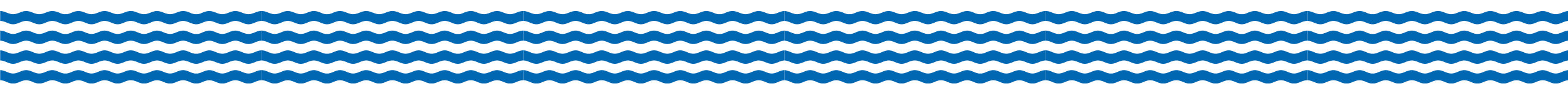




## Issue 2 – Clear and Objective Standards

Many sections of Chapters 19.11 and 19.12 of the MICC will need to be amended to meet the clear and objective standard. Such standards can be divided into three categories:

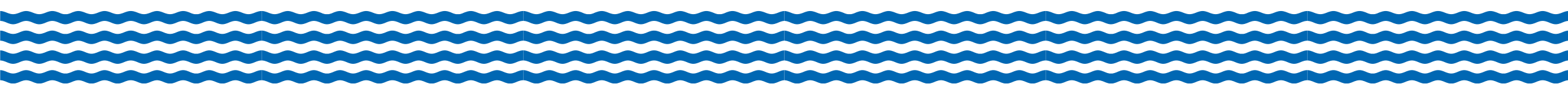
- A. “Should” standards;
- B. Flexible standards; and
- C. Combination of “should” and flexible standards.



## Issue 2.A – “Should” Standards

The design standards use the term “should” throughout to indicate a flexible standard. Interpretation of the term “should” is explained in MICC 19.11.150(A)(3):

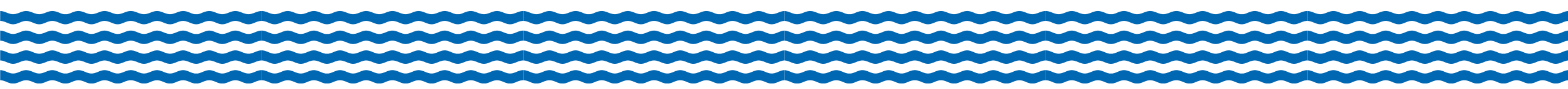
When a standard uses the word "shall," the standard is mandatory. When a standard uses the word "should," the standard is mandatory unless the applicant can demonstrate, to the satisfaction of the design commission, an equal or better means of satisfying the standard and objective.



## Issue 2.A – “Should” Standards

Some “should” standards can be clear and objective because an applicant can either meet the standard or request the DC to review an alternative. MICC 19.11.080(B)(1) is an example:

*On-site service areas.* All on-site service areas, loading zones, outdoor storage areas, garbage collection and recycling areas and similar activities **should** be located in an area not visible from public streets. [ ... ] [emphasis added]



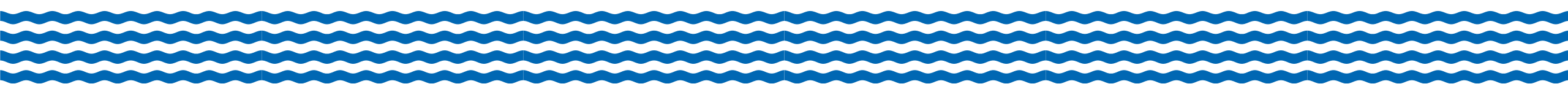


## Issue 2.A – “Should” Standards

Some “should” standards do not have a defined requirement.

MICC 19.12.030(B)(1)(a) is an example:

*Scale.* Building scale **should be proportional to other adjacent buildings, the street edge and, as to commercial, regulated residential and regulated public facilities, to the pedestrian environment.** [emphasis added]

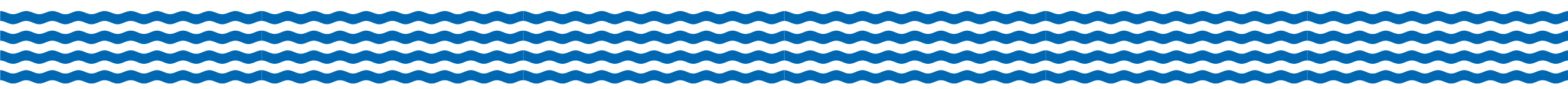


## Issue 2.B – Flexible Standards

Many of the design standards include flexible provisions that do not specify how the standard might be satisfied.

MICC 19.11.060(B) is an example:

*Major site features.* Any major new construction in the TC-5, TC-4, TC-4 Plus or TC-3 subarea which exceeds the two-story base height and that includes or abuts a preferred through-block connection location shown on Figure 7 **shall include a through-block connection subject to design commission determination that such connection is feasible and achievable.** [ ... ][emphasis added]



## Issue 2.C – Combination of “Should” and Flexible Standards

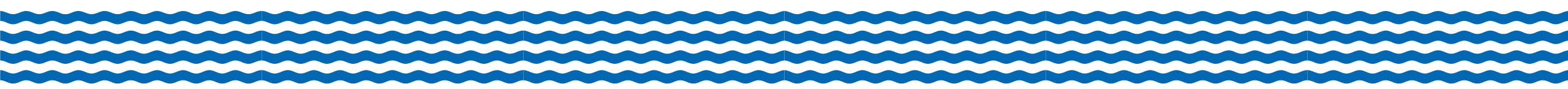
- Many of the design standards combine “should” and flexible standards in a way that is not clear and objective.
- Standards in this category pair variable requirements and DC discretion.
- The result is that an applicant would be challenged to determine whether a building design meets the standard prior to DC review.



# Issue 2.C – Example

MICC 19.12.030(B)(1) is an example of Issue 2.C:

1. *Scale, form and mass.* Scale, form, massing, building proportions, spacing of windows and doorways, roof silhouette, facade orientations, and style of architecture **shall have a unified character and**, as to commercial, regulated residential and regulated public facilities, **recognize pedestrian needs**.
  - a. *Scale.* Building scale **should be proportional to other adjacent buildings, the street edge and, as to commercial, regulated residential and regulated public facilities, to the pedestrian environment.**
  - b. *Form and mass.* **Building forms should not present visual mass or bulk impacts that are out of proportion to adjacent structures, or that appear from the public way or surrounding properties as having unmodulated visual bulk.** [emphasis added]





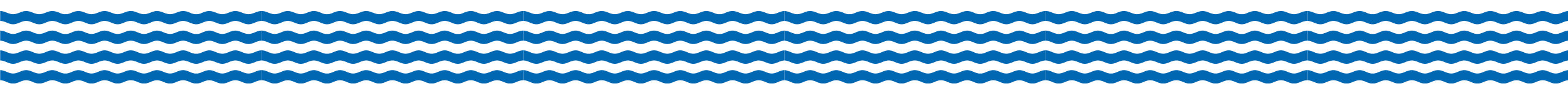
# Addressing Issue 2 – Approaches and Challenges

**Approach:** Define terms to make standards clear and objective.

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**Challenge:** Some terms are difficult to define and many variable terms were left open-ended to allow for interpretation, but now that open-endedness does not meet the requirement for clear and objective standards.

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# Addressing Issue 2 – Approaches and Challenges

**Approach:** Remove the flexibility but keep the standards.

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**Challenge:** Unintended consequences. Inflexible standards could require design features that do not make sense in context.

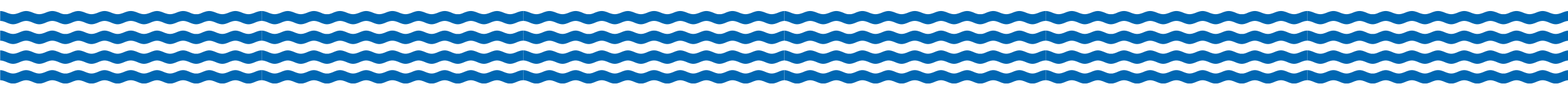
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**Approach:** Strike the standard entirely.

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**Challenge:** Removal of some requirements for the provision of amenities and design features.

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# Issue 3 – Design Review Process

- Design review can only require review at one pre-decision public meeting (RCW 36.70A.630(4))
- The existing DC design review process in Chapter 19.15 MICC requires design review at two public meetings:
  - DC study session prior to application, and
  - DC public hearing prior to the decision.



# Next Steps

Staff will prepare an interim ordinance and make it publicly available for review in May.

**June 3** – A public hearing and first reading of the interim ordinance

**June 17** – Second reading and adoption

**June 30** – Interim ordinance effective date

