

**Amendments to the Redmond Municipal and Zoning Code for Conformance with State Legislation: Senate Bill 5290 and House Bill 1293 LAND-2024-00094/SEPA-2024-00100**

**Attachment 3b: City Council Issues Matrix - New for the October 1 Planning & Public Works Committee of the Whole meeting**

Updated Issues Matrix for October 1 Planning and Public Works Committee of the Whole		
<p>1. Ad hoc Design Review Board <i>(City Councilmember Anderson)</i></p>	<p><u>City Council Discussion</u> City Councilmember Anderson asked whether an ad hoc Design Review Board (DRB) could be created in lieu of the board’s elimination.</p> <p><u>Staff Response/Recommendation</u> A permit review component that includes an ad hoc DRB would be inconsistent with state law, which is aimed at creating certainty and predictability. Materials presented to Council provide a framework for staff to draw upon the expertise from the design community when needed, consistent with the state law intent.</p>	<p>Opened 9/10/2024</p> <p>Closed 10/1/2024</p>
<p>2. Code language allowing staff to secure consulting expertise on design. <i>(City Councilmembers Forsythe, Salahuddin, Anderson, and Kritzer)</i></p>	<p><u>City Council Discussion</u> City Council Vice President Forsythe asked staff to point to the code language that authorized third-party design consultation. Council President Kritzer and Councilmembers Salahuddin and Anderson joined in this request and asked staff to send a follow-up email to Council. That email was transmitted to Council on 9/16/2024 and no additional questions were received. The information provided to Council is restated below for ease of reference.</p> <p><u>Staff Response/Recommendation</u> The approach proposed by the Technical Committee for codification is located at RZC 21.76.020.E.3. Refer to Attachment 2.b.i: RZC 21.76 Review Procedures. An excerpt of the language is provided below for ease of reference:</p> <p>d. For projects reviewed by the Administrator that are not in compliance with the applicable design standards, the Administrator may refer the application to <del>the Design Review Board</del> <u>a third-party design consultant</u> for consultation.</p>	<p>Opened 9/10/2024</p> <p>Closed 10/1/2024</p>
<p>3. Rationale for Technical</p>	<p><u>Staff Recommendation</u> During the September 10 meeting, Director Helland summarized the Technical Committee rationale for repeal of the DRB process. That rationale is summarized below.</p>	<p>Discussed 9/10/2024</p>

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<p>Committee Recommendation <i>(Summary from September 10 Study Session)</i></p>	<ol style="list-style-type: none"> <li>1. <b>Consistency with HB 1293 and SB 5290</b> <ol style="list-style-type: none"> <li>a. One Public Meeting Mandate – under the terms of HB 1293, no design review process can include more than one public meeting. Both the DRB meetings and neighborhood meetings constitute public meetings under the state definition. As a result, if DRB meetings are retained, neighborhood meetings held to accommodate community feedback would not be allowed. As proposed, the approach retains the ability to hold neighborhood meetings and allows for design consultation with professionals in a manner consistent with state law.</li> <li>b. Timeline Mandates – SB 5290 mandates the city comply with new timeline requirements to streamline development review. The staff time needed to prepare for each DRB meeting, reduces the time available for staff to review permit applications. Repeal of the DRB process will reallocate staff time from board support to permit review.</li> </ol> </li> <li>2. <b>Diversity, Equity, and Inclusion (DEI)</b> <ol style="list-style-type: none"> <li>a. Community Strategic Plan – the proposal to eliminate the DRB is rooted in the DEI strategy of working “to identify and eliminate resolutions, policies, and procedures that have historical and current racist, prejudicial, biased, and discriminatory implications.” Design review boards and commissions were expressly created to police design as an exclusionary tactic. Just as we are eliminating zoning related systems that were created to exclude people, we are proposing to eliminate the DRB process consistent with the strategies contained within the DEI section of the Community Strategic Plan.</li> <li>b. Housing Action Plan – prioritizes process equity to support “inclusive, open, and fair access for all stakeholders to decision processes that impact community and operational outcomes. Process equity relies on all affected parties having access to and meaningful experience with civic and employee engagement and public participation.” By eliminating the DRB process, we will be able to retain neighborhood meetings with enhanced notification options aimed to optimized community feedback opportunities.</li> </ol> </li> <li>3. <b>Reduction in Development Costs</b> – the Housing Action Plan (HAP) calls for the City to “reduce the cost to develop housing through process improvements and increased regulatory predictability.” HAP Strategy 2. “Reducing the cost of construction can improve the financial feasibility to build housing with long-term affordability.” Since the pandemic, the DRB process has been a barrier to regulatory predictability. For instance, quorum has been difficult to secure, and vacancies are hard to fill. The tables below illustrate the DRB meeting schedule and associated cancelations since January 2023.</li> </ol>	
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2023		
January 5	Canceled	Lack of quorum
January 12	Special Meeting	
January 19	Canceled	No items
February 2	Meeting	
February 16	Cancelled	Lack of quorum
February 23	Special Meeting	
March 2	Canceled	Lack of quorum
March 16	Canceled	Lack of quorum
March 23	Special Meeting	
April 6	Canceled	Lack of quorum
April 13	Special Meeting	
April 20	Meeting	
May 4	Canceled	Lack of quorum
May 11	Special Meeting	
May 18	Meeting	
June 1	Canceled	No items
June 15	Canceled	Lack of quorum
July 5	Special Meeting	
July 20	Canceled	Lack of quorum
August 3	Canceled	Lack of quorum
August 17	Canceled	Lack of quorum
August 21	Canceled – Special Meeting	Lack of quorum
September 7	Meeting	
September 21	Meeting	
October 5	Canceled	Lack of quorum
October 19	Canceled	Lack of quorum
November 2	Canceled	Lack of quorum
November 16	Canceled	Lack of quorum
December 7	Meeting	
December 21	Canceled	Lack of quorum

2024		
January 4	Canceled	Lack of quorum
January 18	Meeting	
February 1	Meeting	
February 15	Canceled	No items
March 7	Meeting	
March 21	Meeting	
April 4	Canceled	Lack of quorum
April 18	Meeting	
May 2	Meeting	
May 16	Meeting	
June 6	Meeting	
June 13	Special Meeting	
June 20	Canceled	Lack of quorum
July 4	Canceled	Holiday
July 18	Canceled	No items
August 1	Meeting	
August 15	Canceled	Lack of quorum
September 5	Meeting	
September 19	Meeting	

The DRB is scheduled to meet 24 times per year. During 2023, 16 meetings were canceled due to lack of quorum, which creates cost and unpredictability for applicants. Seven special meetings were needed, which creates unpredictability for staff and the community in addition

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	<p>to applicants. Planning and Community Development staff are required to support the DRB. When Special Meetings need to be scheduled as replacements for canceled meetings, staff are called to work on evenings when the DRB does not traditionally meet. Staff do this to mitigate the cost of delay. However, this contributes to poor staff morale when they cannot predictably rely on DRB member attendance and are responsible for communicating schedule delays to applicants that were caused by factors out of their control. Last minute schedule changes also create problems for the community who try to attend the DRB meetings. In 2024, seven meetings have been canceled to-date, and one special meeting was required.</p> <p>The consequences of unpredictability are significant to the development community. The permit review process is delayed and costs for developers are increased when there are scheduling changes and meeting cancellations. Lack of a quorum in June caused the Plymouth Housing pre-application meeting with the DRB to be moved to a Special Meeting. Eliminating the DRB process was identified as an opportunity for increased efficiency. HAP Action 2.2. As required by SB 5290, the City is updating design standards as part of the regulatory response to Redmond 2050 to ensure they are objective. Objective standards create clarity for both developers and reviewers and will streamline development review while continuing to achieve superior design. HAP Action 2.3</p>	
<p>4. Cost associated with the DRB <i>(Comments received since September 10)</i></p>	<p><u>Council Discussion</u> During the September 10 Study Session, staff summarized the planning and administrative resource costs for the City to maintain the DRB and noted that if staff were relieved of the DRB support responsibilities, that capacity could be reallocated to permit review and compliance with new state timeline mandates. Since September 10, the City has received several emails documenting the cost of the DRB process on private development projects and what they have experienced during the process. Excerpts of those emails are provided below.</p> <p><u>Redmond Project One Comments:</u></p> <ul style="list-style-type: none"> <li>• Our architect calculated that his firm’s direct cost was \$88,742. This does not include the time of the Trammell Crow and Nelson Legacy Group staff that participated in preparations and attended the meetings. I think a \$100,000 overall cost is a fair estimate.</li> <li>• It took us four meetings to get through the DRB over a six-month period:</li> </ul>	<p>Opened 9/10/2024</p> <p>Closed 10/1/2024</p>

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	<ul style="list-style-type: none"> <li>○ 10-02-20</li> <li>○ 11-12-20</li> <li>○ 02-11-21</li> <li>○ 03-25-21</li> <li>● The six months was a consequence of full agendas, holidays, and cancelled meetings due to lack of quorum.</li> <li>● The primary work of the DRB was completed at the first meeting. The following meetings all involved minor design tweaks to address the aesthetic sensibilities of individual members. For example: A primary discussion item at each of the three subsequent meetings was for the DRB to decide how far up the face of the rooftop parapet to extend the siding– stop at the base, in the middle, or at the top. Each DRB meeting required a digital flythrough video and several renderings.</li> <li>● The DRB process became the critical path item which determined the completion date of our entitlement process.</li> <li>● The DRB process always results in a cost overrun for the project budget. For the design team, it is always difficult to estimate the number of design review meetings that may be needed, and cost. Typically, the minimum number of meetings are estimated, which means any additional meetings are either born by the design-team or the owner.</li> <li>● The DRB process inhibits creativity in design and results in look alike buildings. If additional meetings are required, it suggests that the design-team’s work may have been inadequate and creates stress between the owner and architect. This is especially the case when owners have not been through the process before. Architects find it awkward to explain why a competent and experienced design-team has been required to present again to the design review board. Therefore, this has the knock-on effect of inhibiting creativity and design excellence. The design review process does not encourage the design-team to explore and propose anything other than what can be approved with the minimum number of meetings with the DRB.</li> <li>● I think there are legitimate concerns regarding the preparation, commitment, and competency of most DRBs. Boards have had to cancel meetings at the last minute due to a lack of a quorum, are not fully versed in the various requirements that projects must respond to, do not appreciate the needed coordination with other agencies such as traffic and utilities, and may not be sufficiently qualified and trained to objectively evaluate complex applications.</li> </ul>	
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	<p><u>Dairy Queen Remodel Comments:</u> My family and our company GEM own and manage the “big box” sections of Redmond Town Center and other commercial properties along Redmond Way: Creekside Crossing, Bank of America, Dairy Queen, etc. The DRB process is incredibly cumbersome and time consuming.</p> <p>What’s happened with the Dairy Queen building on Redmond Way is simply inexcusable. Our longtime tenant wishes to retire from this business he’s built over decades. The owner found a buyer that wishes to make changes to the paint and finish of the exterior, but no changes to the footprint or layout. His sale is contingent on the approval of these simple non-structural changes and has drug on for more than a year with DRB and other Planning Commission delays. His sale is already jeopardized and his retirement delayed as this process drags on and on. The planning department capriciously decided that these minor planned change of business name and signage, paint color, and minor changes to the exterior finish required full DRB review. This has already dragged on more than 10 months and the business owner is now being advised this process may well stretch into next year!</p> <p>This has been an awful experience for a longtime business owner and contributor to the City trying to move on with his life.</p> <p><u>Main Street Property Group Comments:</u> I wanted to reach out and provide back up for why our experience lends itself to not having a Design Review Board. We have dealt with DRBs in Kirkland, Redmond and other jurisdictions. We have also gone through Administrative Design Review in Citys like Woodinville and Issaquah. Our experience has been that Administrative Design Review results in objective feedback that generally aligns with City design guidelines or standards vs subjective comments on which color of grey is better. Most developers have very sophisticated design teams that have good taste and a plan for the aesthetic of a building. A DRB is simply of an opinion of what someone might think looks better. A couple examples:</p> <ol style="list-style-type: none"> <li>1. Moment Townhomes in Redmond. For our final DRB meeting (delay of 45 days from when we could have gotten approval) the Board wanted to see 3 different shades of grey paint so they could select which one they liked best).</li> <li>2. Spark Redmond. Due to lack of quorum at 2 meetings our DRB approval was delayed by 45 days and that was only after we got special permission to get added to a very full agenda. The building we initially submitted was changed minimally by the DRB and not necessarily for the better. The DRB was hung up on a trellis on a private courtyard and design of murals that are art</li> </ol>	
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	<p>and had not been fully designed. These were immaterial but required an additional meeting cost and delay.</p> <p>In today’s market a 45 day delay could equate easily to \$100k on a 250 unit project. Additionally, often times the Board’s comments result in adding higher cost material, adding design details on locations that are not (and will not ever be) visible. We believe that City Staff with an objective set of standards is well equipped to work through design issues with the Applicant team.</p>	
<p>5. Legislative Bills and Recommendation to Omit the Design Review Board <i>(City Council Vice President Forsythe)</i></p>	<p><u>City Council Discussion</u> City Council Vice President Forsythe requested clarification whether the omission of the Design Review Board (DRB) was required by the state legislation and if the City had any liability in this regard. They noted neighboring cities such as Kirkland were maintaining their DRB and asked if the City could apply for grant funding that would allow the continued use of the DRB along with required streamlining.</p> <p><u>Staff Response/Recommendation</u></p> <p>Repeal of the Design Review Board process is not required by recent legislation. Rationale for the Technical Committee recommendation to repeal the process is provided in Issue #3 above. In addition, the Design Review Board chair has noted that a design review process is only truly effective when review and design of a project is conducted over multiple meetings as an iterative exercise. Refer to Attachment 9 of the Council packet. This multi-meeting approach does not align with the one meeting rule and mandated timelines. Design Review Board feedback is also subjective in nature and not aligned with HB 1293 requirements that the process relate only to “clear and objective development regulations.” The Technical Committee concluded that implementation of clear and objective development regulations will be most predictable through an administrative process that relies on professional staff to apply the code requirements to a specific project as a component of staff review. The amendments maintain the ability of staff to draw on architectural expertise to support their review when a project fails to comply with the objective standards.</p> <p>Regarding grant programs, Commerce must administer two grant programs and provide technical assistance to cities and counties for actions related to streamlining residential building permit review and modernizing permitting processes.</p>	<p>Opened 10/1/2024</p>

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	<ul style="list-style-type: none"> <li>• Permit Review for Residential Building Permits (RCW 36.70B.240) - consolidated permit review for acceleration of residential building permits (Closed)</li> <li>• Permit Review Process Update (RCW 36.70B.241) - permitting systems updates from paper to digital platforms (Coming Soon)</li> </ul> <p>Commerce grants would apply to revamping Design Review Board administration, and implementation of SB-5290 permit streamlining is due by Jan. 1, 2025.</p>	
6. Design Review Board's Comments on the Recommended Omission (City Councilmember Fields)	<p><u>City Council Discussion</u> City Councilmember Fields asked if the Design Review Board produced a report or other feedback concerning the recommended omission. Would it be possible for members of the DRB to provide their comments in writing directly to the City Council, providing an in-depth assessment of the change.</p> <p><u>Staff Response/Recommendation</u> Staff received two written responses from members of the Design Review Board. These are included in the City Council's meeting packet for the October 15, 2024, Regular Business meeting.</p>	Opened 10/1/2024
7. Legislation's Limitation on Public Meetings (City Council President Kritzer)	<p><u>City Council Discussion</u> City Council President Kritzer asked whether the legislation allows single meeting to be a neighborhood meeting or a public meeting, creating opportunities for staff to directly engage design professionals.</p> <p><u>Staff Response/Recommendation</u> Staff will evaluate the use of neighborhood/public meetings as part of the second phase of this amendment package which could include making the neighborhood or a public meetings more common.</p>	Opened 10/1/2024
8. Future Reconsideration	<p><u>City Council Discussion</u> City Councilmember Anderson asked what the condition and timing would be for the Design Review Board (DRB) to be reinstated. She asked for confirmation that the primary issue for</p>	Opened 10/1/2024



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<p>of the Design Review Board or Retention by Permit Type <i>(City Councilmember Anderson)</i></p>	<p>the DRB process appeal is quorum versus content and whether the DRB could be retained for specific permit types such as Type IV and V permits for the benefit of the Council.</p> <p><u>Staff Response/Recommendation</u></p> <p>Quorum, described in additional detail in issue #3 above, is a significant issue that has created delays, cost increases, and lack of predictability for applicants. The iterative approach of the DRB process is no longer possible based on the single-meeting limitation and the establishment of clear and objective design review requirements (RCW 36.70A.630). The single-meeting limitation required the Technical Committee to weigh the merits of a neighborhood meeting that allowed for feedback on all aspects of a development application versus a DRB meeting that involves only the design aspects of a proposal and identified the community feedback as more consistent with Council adopted plans and policies.</p> <p>The City Council is authorized to reestablish a Design Review Board in the future provided that it meets the requirements of the Local Project Review Act (Chapter 36.70B RCW).</p>	
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