

BMC 20.25.020 B. "Applicability" and .040 B. "Decision Criteria" are proposed to be amended as follows. Proposed changes are shown in legislative format with additions underlined and omissions ~~struck out~~.

## **BMC 20.25 – Design Review**

### **20.25.010 - Purpose**

The purpose of this chapter is to establish an administrative design review process that will implement design standards and guidelines adopted for various districts and types of development as specified herein.

### **20.25.020 - Applicability**

The following areas and developments are subject to design review under this chapter. No building or sign permit shall be issued for projects regulated under this chapter until design review approval has been issued. The provisions of Chapter 20.14 regarding nonconformance establish which of the standards and criteria in this chapter apply to developed sites. In addition, some standards in this chapter specify the level of development that requires full compliance.

**A. Multi-Family Residential Projects.** The following developments shall obtain design review approval when located in any use district except within the City Center Design Review District, Institutional General Use Types that are governed by an adopted institutional master plan, the **Fairhaven Design Review District** or in an Urban Village Design District:

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**B. Development in the Fairhaven Design Review District.** ~~Developments of the type listed in Section 20.26.030 and located within the Fairhaven Design Review District as defined by Section 20.26.020 and shall obtain design review approval. All development activities requiring a City permit within the Fairhaven Design Review District (Map XX-X) shall obtain design review approval unless exempted by this subsection.~~

1. The following activities are exempt:

- (a) Single family detached dwelling units,
- (b) Interior work which does not alter the exterior of the structure,
- (c) Normal maintenance and repair,
- (d) Minor renovations, additions and alterations, including electrical and mechanical equipment and accessory buildings, which the Director determines do not affect the architectural character of the building and will have minimal detrimental impact on adjacent uses,
- (e) Signs,
- (f) Restoration of historic elements of a building as approved by the Director, and
- (g) Any activity requiring a Certificate of Alteration or Certificate of Demolition for any existing building, structure, or object on any property individually listed on the City of Bellingham's register of Historic Places, or listed on the Register as a contributing property to a historic district, shall be processed pursuant to BMC 17.90.060.

2. The following activities shall be reviewed either by staff or the Historic Preservation Commission as noted, unless exempted by B.1. above. The Commission shall provide a recommendation to the Director regarding a design review decision. The Director shall give substantial weight to the recommendation of the Commission.

a. Projects subject to review by the Historic Preservation Commission:

(1) Within the Historic District and Historic Influence Areas:

- (a) Any construction of a new building or structure, and
- (b) Any addition or exterior alteration to an existing building.

b. Projects subject to staff review and an "optional" review by the Historic Preservation Commission:

(1) Within the Industrial and Maritime Influence Areas:

- (a) Any construction of a new building or structure, and
- (b) Any addition or exterior alteration to an existing building.

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**20.25.030 – Procedure (No Changes To This Section)**

A. Design review applications shall follow the procedures in BMC 21.10 and the following:

1. **Design Review Board.** For projects requiring review by the Design Review Board, the following procedures shall apply:

a. **Pre-Application Design Guidance Meeting.** The applicant shall apply for a pre-application meeting with Design Review Board. The applicant shall provide conceptual level information regarding the proposed project, including any potential concept alternatives. The purpose of this meeting is to discuss which design standards are applicable; how the design standards, guidelines and regulations apply to the proposed project and provide guidance on information that should be provided with the design review application.

The Director may waive the pre-application meeting for complete design review applications received within 90 days of the effective date of this ordinance in order to facilitate design review projects already in advanced stages of design development on the effective date of this ordinance.

b. **Design Response Meeting.** Within 60 days after a complete design review application has been submitted, the application shall be scheduled for review by the Design Review Board at a public meeting. Notice of the meeting shall be mailed as provided in BMC 21.10.200 D. and shall also be published in a newspaper of general circulation at least 10 days prior to the meeting date. The applicant shall provide an analysis of the project's consistency with the design criteria. Staff shall provide a report responding to the applicant's analysis. Public comment relevant to the application of the design criteria shall be considered, but the Board may restrict the time allotted for comment in order to complete their meeting agenda. The DRB shall review the plans for consistency with the applicable design guidelines, standards and regulations and forward a recommendation to the Director by motion. The Board may recommend conditions of approval. If the Board does not recommend approval, the Board shall specify which criteria were not satisfied and the elements of the project that were not in compliance.

B. **Historic Preservation Commission.** For projects requiring review by the Historic Preservation Commission, a pre-application design guidance meeting as described in Section BMC 20.25.030 A.1.a. shall be conducted at the applicant's option. Review by the Commission shall be conducted in the same manner as the design response meeting in Section BMC 20.25.030 A.1.b. provided the timeline for scheduling the meeting may be extended for projects requiring a Certificate of Alteration under BMC 17.90 to allow consolidation of the reviews.

C. No building permits shall be issued until design approval has been obtained. Building and other construction permits shall be consistent with the design review approval. Minor adjustments may be made after review and approval by the Director. Adjustments shall be limited to minor changes in the dimensions or siting of improvements or to design details that do not change the scope or character of the proposal.

**20.25.040 - Decision Criteria**

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B. For projects listed in Section 20.25.020 B., the Fairhaven Design Review District, the Director shall base his or her decision on consistency with the ~~standards in Chapter 20.26~~ Fairhaven Design Standards as contained in Exhibit X. If the project is located in a Residential Transition Area, the standards of the Multi-Family Residential Design Handbook shall also apply. If there is any conflict between these standards, the Historic Preservation Commission and/or Director shall apply the

standard that would result in the best design, based on the context of the area in which the project is located and the policies in the applicable neighborhood plan.

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- D.** For projects listed in section [20.25.020.E.](#), Large Retail Establishments, the Director shall base his or her decision on consistency with the standards in Section [20.25.060](#) unless the proposal is located in the City Center Design Review District or the Fairhaven Design Review District, in which case the standards of those districts shall apply.

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BMC 20.26 is proposed to be repealed and replaced as outlined in the proposed changes to BMC 20.25.

## **~~BMC 20.26 – Design Review District~~**

### **~~20.26.010 – Purpose~~**

~~The design review district shall be utilized in conjunction with and in addition to the regulations of the underlying land use designation of the subject property. It is the purpose of the design review district to promote the economic health of the area by reducing unnecessary adverse aesthetic and other impacts which may arise from uncoordinated site development in historic or architectural districts and other adjacent influence areas having high visual impact and association with that district.~~

### **~~20.26.020 – District Boundaries~~**

- ~~A. The design review district shall include all property within the Fairhaven Neighborhood Plan which has a special condition entitled "design review".~~
- ~~B. The design review district shall be divided into three areas as depicted on the attached [Map 26-1](#). These areas shall be entitled "core," "influence" and "approach". Each area shall have its own procedural and regulatory requirements.~~

### **~~20.26.030 – Approval Required; Applicability~~**

- ~~A. No building or sign permit shall be issued within the design review district unless in conformance with the standards and procedures herein.~~
- ~~B. No building permit for the demolition of any portion of a primary or secondary structure within the Fairhaven Historic District shall be issued until a waiting period of 45 days has elapsed from the date of application.~~

~~Affected buildings shall be limited to those listed on [Map 26-2](#) attached.~~

~~Immediately following application, the Planning Department shall give notice of the pending action to the local newspaper and the Fairhaven Merchant Association.~~

~~During the review period, staff shall work with the applicant and other interested parties to investigate alternatives to demolition of the structure.~~

~~In no event shall this procedure be required when the building, in the opinion of the Building Official, is in eminent danger of collapse or would otherwise jeopardize the public safety.~~

- ~~C. Specific design review approval is required for the following permits located within the three areas:~~

#### ~~— "CORE AREA"~~

- ~~1. Any construction of a building or structure.~~
- ~~2. Any addition or exterior alteration to an existing building.~~
- ~~3. Installation of any exterior sign.~~

#### ~~"INFLUENCE AREA"~~

- ~~1. Any construction of a building or structure.~~
- ~~2. Any addition or exterior alteration to an existing building.~~
- ~~3. Installation of any exterior sign.~~

#### ~~"APPROACH AREA"~~

- ~~1. Any construction of a building or structure over 2,000 square feet in size.~~
- ~~2. Installation of any exterior sign.~~

- ~~D. All other permits shall be exempt from design review procedure.~~

### **~~20.26.040 – Procedure~~**

~~Applications shall be reviewed under the design review process in Chapter 20.25.~~

### **~~20.26.050 – Standards~~**

- ~~A. Generally.~~

- (1) A development plan shall be approved if it satisfies the standards herein and
- (a) Will substantially preserve the historical or architectural outward appearance when development involves modifications to existing buildings, or
  - (b) Results in harmony of scale, architectural style, sidewalk level use and materials consistent with the existing architectural and historical character of the area when development involves construction of a new building.
- (2) The design review decision shall address all development aspects necessary to further the purpose, intent and standards of the design review district including but not limited to the following:
- (a) Height and bulk of structures;
  - (b) Orientation of the structure on the lot;
  - (c) Materials utilized;
  - (d) Architectural elements including roof shape and pitch, window treatment, entry treatment, cornices, and other details.
  - (e) Parking location and design.
  - (f) Signage, lighting and landscaping.

**B. Design Elements.**

	AREAS		
	Core	Influence	Approach
1. <b>Building Height.</b> Buildings within the core area should be at least 2 stories.	Yes	N/A	N/A
2. <b>Building Bulk.</b> Buildings within the core area should be narrow and deep on interior lots, or square for corner lots.	Yes	N/A	N/A
3. <b>Parking.</b> On-site parking should be located in the rear of the building (or to the side) never between the street and building.	Yes	Yes	N/A
4. <b>Material.</b> Building material should be compatible with the material used in the existing buildings of primary significance in the core area. (See Map 26-2)	Yes	Yes	N/A
5. <b>Architectural Features.</b> Development should mimic or achieve compatibility with the architectural features of existing buildings of significance in regard to such things as roof slope and pitch, window and entry treatment, cornices and other detailing, and lighting fixtures.	Yes	Yes	If practical
6. <b>Mechanical Equipment and Landscaping.</b> All areas should locate mechanical equipment in the rear of new building and screen the equipment to minimize noise and visual intrusion. Coordinated street tree planting and period landscaping should be installed.	Yes	Yes	Yes
7. <b>Signs.</b> Generally signs which are single faced, flat surface with messages painted on in relief shall be preferred. Aluminum or plastic signs are not appropriate. Projecting, double faced or three dimensional signs may be allowed if integrated into the building design. Symbolic, three dimensional signs illustrating a product or service sold on the premise (barber poles, etc.) shall be acceptable. Signs should be subdued, incandescent and front lit from the exterior rather than back lit of the fluorescent type. Neon signs may be acceptable where appropriate. Signs should not flash, blink, or otherwise appear to be in motion.	Yes	Yes	Yes

BMC 21.10.100 "Type I Process" and .110 "Type II Process" are proposed to be amended as follows, and would establish the design review process for the Fairhaven Design Review District. Proposed changes are shown in legislative format with additions underlined and omissions ~~struck out~~.

### **21.10.100 - Type I Process: Minor Administrative Decisions**

- A. Pre-Application Conference.** A pre-application conference is required for certain projects as provided in [BMC 21.10.170](#).
- B. Application.** An application shall be reviewed to determine whether it is complete under the procedures of [Section 20.10.190](#).
- C. Fairhaven Design Review.** Applications for projects in the Fairhaven Design Review District shall have an optional review and recommendation by the Historic Preservation Commission. The procedure in [Section 21.10.110 C-D.4](#), shall be used to determine whether the Commission will review the application.
- D. Decision.** A written record of the decision shall be prepared. The record may be in the form of a staff report, letter, permit, or other written document and shall indicate whether the application has been approved, approved with conditions or denied. With the exception of Critical Area permits, a decision shall be effective on the date the written decision is issued and is presumed valid unless overturned by an appeal decision. Critical Area permits shall be effective after the close of the appeal period, or if an appeal is filed, until the withdrawal of, or final decision on an administrative appeal. Project activity not requiring a Critical Area permit that is commenced prior to the end of any appeal period, or withdrawal of, or final decision on, an appeal, may continue at the sole risk of the applicant.
- E. Shoreline Statement of Exemption.** Whenever a development is determined by the City to be exempt from the requirement to obtain a shoreline substantial development permit and a letter of exemption is required under the provisions of WAC 173-27-050, the City shall issue a letter of exemption in compliance with WAC 173-27-050.
- F. Appeal of Type I Decisions.** Type I decisions may be appealed to the Hearing Examiner unless otherwise specified by state statutes or City ordinance. The Hearing Examiner shall conduct an open record hearing.

### **21.10.110 - Type II Process: Administrative Decisions**

- A. Pre-Application Conference.** A pre-application conference is required for certain projects as provided in [BMC 21.10.170](#).
- B. Pre-Application Neighborhood Meeting.** A pre-application neighborhood meeting as described in [Section 21.10.180](#) shall be conducted for:
  - 1. Planned developments,
  - 2. Institutional site plans,
  - 3. General binding site plans, and
  - 4. Design review for projects in Residential zones involving over 1,000 square feet of new gross floor area and for projects in other zones involving over 5,000 square feet of new gross floor area.

Upon request of the applicant, the Planning Director may waive this requirement for minor amendments and for industrial and commercial projects which do not abut or have significant impacts on residential areas, provided that such amendments and industrial and commercial projects do not, in the discretion of the Planning Director, involve significant land use issues.

- C. Application.** An application shall be reviewed to determine whether it is complete under the procedures of [Section 20.10.190](#).
- D. Public Meeting.**
  - 1. The Planning Commission Shoreline Committee shall hold a public meeting and make recommendations to the Director on shoreline permits.

2. An optional public meeting and review by the Planning Commission shall be available for planned development, general binding site plan and institutional site plan applications.
  3. The Historic Preservation Commission shall hold a public meeting and make recommendations to the Director for projects requiring design approval in the Fairhaven Design Review District 'Historic District'. An optional public meeting and review by the Historic Preservation Commission shall be available for projects requiring design approval in ~~the Fairhaven Core Area and for new buildings or structures in other areas of the Fairhaven Design Review District.~~
  4. If an application provides for an optional public meeting, staff shall send a notice of optional meeting together with the project plan to members of the applicable board or commission. The notice shall be sent no later than the date of the notice of application. For projects in the Fairhaven Design Review District Influence and Approach areas, only the Planning Director may require review by the Historic Preservation Commission. For all other applications that provide for an optional review meeting, the Planning Director or the board or commission chair may require a meeting of the board or commission for review and recommendation on the application if they believe the proposal is likely to raise substantial planning issues or is a matter of public interest. A decision to conduct a public meeting must be made within 10 days from the mailing of the notice of optional meeting. If a public meeting is required, the proposal shall be scheduled for a meeting date. The Board or Commission shall transmit its recommendations to the Planning Director following the public meeting.
  5. If a public meeting has been required, notice of the meeting shall be mailed at least 10 days prior to the hearing in the same manner as provided in BMC 21.10.200.D and shall also be published in a newspaper of general circulation at least 10 days prior to the meeting date.
- E. Notice of Application.** The procedures in Section 21.10.200 apply to a Type II process.
- F. Minimum comment period.** The procedures in Section 21.10.210 apply to a Type II process.
- G. Environmental review.** When a threshold decision is required under BMC 16.20, the procedures in Section 21.10.220 apply to a Type II process.
- H. Decision.** The City shall not make a decision or recommendation on a permit application until the expiration of the minimum comment period stated in the notice of application. A written record of the decision shall be prepared. The record may be in the form of a staff report, letter, permit, or other written document and shall indicate whether the application has been approved, approved with conditions or denied.
- I. Notice of Decision.** The procedures in Section 21.10.230 apply to a Type II process.
- J. Appeal of Type II Decision.** A Type II decision may be appealed to the Hearing Examiner with the exception of a shoreline permit and/or shoreline variance. The Hearing Examiner shall conduct an open record appeal.
- K. Appeal of a Shoreline Permit or Shoreline Variance.**
1. A shoreline permit decision may be appealed to the State Shoreline Hearings Board. Any appeal shall be filed within 21 days of the "date of filing" the City's decision with the Dept. of Ecology as provided in RCW 90.58.180 and defined in RCW 90.58.140 (6).
  2. A shoreline variance must also be approved by the Dept. of Ecology. A shoreline variance decision by the Dept. of Ecology may be appealed to the State Shoreline Hearings Board. Any appeal shall be filed within 21 days of the "date of filing" the Dept. of Ecology decision with the City, as set forth in RCW 90.58.180 and defined in RCW 90.58.140 (6).