



SEATTLE CITY COUNCIL

Legislative Summary

CB 119057

Record No.: CB 119057

Type: Ordinance (Ord)

Status: Passed

Version: 3

Ord. no: Ord 125429

In Control: City Clerk

File Created: 07/26/2017

Final Action: 10/05/2017

Title: AN ORDINANCE relating to land use and zoning; modifying the Design Review program; repealing and replacing Section 23.41.004 of the Seattle Municipal Code (SMC); amending Sections 3.51.030, 23.41.002, 23.41.008, 23.41.010, 23.41.012, 23.41.014, 23.41.016, 23.41.020, 23.57.013, 23.66.020, 23.66.030, 23.66.035, 23.73.009, 23.73.010, 23.73.012, 23.73.014, 23.73.015, 23.73.024, 23.76.004, 23.76.006, 23.76.008, 23.76.011, 23.76.012, 23.76.026, 23.76.040, 25.11.070, 25.11.080, 25.12.320, 25.12.680, 25.12.690 and 25.12.730 of the SMC; adding new Sections 23.41.015 and 23.41.022 to the SMC; repealing Section 23.41.018 of the SMC; making technical corrections; and adding new Sections 23.66.050 and 25.12.735 to modify the duties of Special Review District Boards and Landmark Preservation Boards by authorizing these Board to make recommendations to SDCI on design review development standard departures.

Date

Notes:

Filed with City Clerk:

Mayor's Signature:

Sponsors: Johnson

Vetoed by Mayor:

Veto Overridden:

Veto Sustained:

Attachments: Proposed Substitute (updated 10/2/17)

Drafter: bonita.chinn@seattle.gov

Filing Requirements/Dept Action:

History of Legislative File

Legal Notice Published:

☐ Yes

☐ No

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Mayor	08/01/2017	Mayor's leg transmitted to Council	City Clerk			
1	City Clerk	08/01/2017	sent for review	Council President's Office			
Action Text: The Council Bill (CB) was sent for review. to the Council President's Office							

Notes:

- 1 Council President's Office 08/04/2017 sent for review Planning, Land Use, and Zoning Committee

Action Text: The Council Bill (CB) was sent for review. to the Planning, Land Use, and Zoning Committee

Notes:

- 1 Full Council 08/14/2017 referred Planning, Land Use, and Zoning Committee

- 1 Planning, Land Use, and Zoning Committee 08/15/2017 discussed

Action Text: The Council Bill (CB) was discussed.

Notes:

- 1 Planning, Land Use, and Zoning Committee 09/08/2017 discussed

Action Text: The Council Bill (CB) was discussed in Committee.

Notes:

- 1 Planning, Land Use, and Zoning Committee 09/11/2017 discussed

Action Text: The Council Bill (CB) was discussed in Committee.

- 1 Planning, Land Use, and Zoning Committee 09/19/2017 pass as amended

Pass

Action Text: The Committee recommends that Full Council pass as amended the Council Bill (CB).
In Favor: 3 Chair Johnson, Vice Chair O'Brien, Alternate González
Opposed: 0

- 2 Full Council 10/02/2017 passed as amended

Pass

Action Text: The Motion carried, the Council Bill (CB) was passed as amended by the following vote, and the President signed the Bill:

Notes: ACTION 1:

Motion was made by Councilmember Johnson, duly seconded and carried, to amend Council Bill 119057, by substituting version 14a for version 13a.

ACTION 2:

Motion was made by Councilmember Johnson, duly seconded and carried, to amend Council Bill 119057, Section 5, Seattle Municipal Code 23.14.004, Table A, as shown in Attachment 1 to the Minutes.

ACTION 3:

Motion was made and duly seconded to pass Council Bill 119057 as amended.

In Favor: 7 Councilmember Bagshaw, Councilmember González, Councilmember Herbold, Councilmember Johnson, Councilmember Juárez, Councilmember O'Brien, Councilmember Sawant
Opposed: 0

Legislative Summary Continued (CB 119057)

3 City Clerk 10/04/2017 submitted for Mayor
Mayor's signature
Action Text: The Council Bill (CB) was submitted for Mayor's signature. to the Mayor
Notes:

3 Mayor 10/05/2017 Signed

3 Mayor 10/05/2017 returned City Clerk

3 City Clerk 10/05/2017 attested by City Clerk
Action Text: The Ordinance (Ord) was attested by City Clerk.
Notes:

CITY OF SEATTLE

ORDINANCE 125429

COUNCIL BILL 119057

AN ORDINANCE relating to land use and zoning; modifying the Design Review program; repealing and replacing Section 23.41.004 of the Seattle Municipal Code (SMC); amending Sections 3.51.030, 23.41.002, 23.41.008, 23.41.010, 23.41.012, 23.41.014, 23.41.016, 23.41.020, 23.57.013, 23.66.020, 23.66.030, 23.66.035, 23.73.009, 23.73.010, 23.73.012, 23.73.014, 23.73.015, 23.73.024, 23.76.004, 23.76.006, 23.76.008, 23.76.011, 23.76.012, 23.76.026, 23.76.040, 25.11.070, 25.11.080, 25.12.320, 25.12.680, 25.12.690 and 25.12.730 of the SMC; adding new Sections 23.41.015 and 23.41.022 to the SMC; repealing Section 23.41.018 of the SMC; making technical corrections; and adding new Sections 23.66.050 and 25.12.735 to modify the duties of Special Review District Boards and Landmark Preservation Boards by authorizing these Board to make recommendations to SDCI on design review development standard departures.

WHEREAS, in 2013, the City Council requested that the Seattle Department of Construction and Inspections (SDCI), previously known as the Department of Planning and Development, and the Office of Economic Development, work with the Seattle Metropolitan Chamber of Commerce (Chamber) and members of the planning and development community to identify options to improve the permit review process; and

WHEREAS, in 2014, the Seattle Metropolitan Chamber of Commerce submitted recommendations to SDCI on improving the design review process; and

WHEREAS, in September 2014, the City Council adopted Resolution 31546, in which the Council and Mayor proposed that a Seattle Housing Affordability and Livability Agenda (HALA) Advisory Committee be jointly convened by the Council and the Mayor to evaluate potential housing strategies; and

WHEREAS, in 2015, following recommendations identified by the Chamber's work, the City Council provided consultant resources for SDCI to conduct additional outreach with

1 community stakeholders and to develop recommendations to improve the design review
2 process and present a proposal for implementing those changes; and

3 WHEREAS, in 2015, SDCI convened a 16-member stakeholder advisory group comprised of
4 project applicants, design professionals and community members to recommend changes
5 to the design review process and conducted additional community outreach about design
6 review; and

7 WHEREAS, the design review stakeholder advisory group prepared recommendations to
8 cultivate the program's purpose of encouraging better design, improve the level of
9 consistency, efficiency, and predictability in how the City administers the program, set
10 clear expectations for the program, and support communication and dialogue in design
11 review; and

12 WHEREAS, the HALA Advisory Committee provided final recommendations to the Mayor and
13 City Council on July 13, 2015, including strategies to create efficiencies in housing
14 production; and

15 WHEREAS, the HALA Advisory Committee found that while the design review process may
16 provide benefits such as better collaboration between developers and community
17 members and improved design outcomes, it may also increase the timeline, cost, and
18 unpredictability of obtaining land use permits, which may then raise the cost of building
19 housing; and

20 WHEREAS, the HALA Advisory Committee recommended reforms to the design review
21 process to improve predictability and consistency, including procedural changes to
22 improve two-way dialogue at meetings, training to board members and staff to allow

1 them to consider the impacts of their decisions on housing costs, and limitations on the
2 extent of packet materials and number of meetings; and

3 WHEREAS, in March 2016, SDCI released a recommendation report to update the design
4 review program that was informed by the Design Review Advisory Group's
5 recommendations and the HALA Advisory Committee's recommendations and other
6 outreach efforts; NOW, THEREFORE,

7 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

8 Section 1. Section 3.51.030 of the Seattle Municipal Code, last amended by Ordinance
9 121568, is amended as follows:

10 **3.51.030 Selection process and program assessment ((:))**

11 In addition to the regular members, one designated young adult position may, by
12 ordinance, be added to City boards and commissions, except that the Design Review Board may
13 have more than one young adult position. To fill the designated young adult positions, young
14 adults shall be nominated by the Mayor and shall be subject to confirmation by the City Council
15 by majority vote. The young adults selected as part of this program are full voting members of
16 the boards and commissions on which they serve, unless specified otherwise for a particular
17 board or commission. Nothing in this program precludes appointment of a young adult to other
18 regular positions on any board or commission.

19 Each young adult selected shall be matched with a mentor who serves on the same board
20 or commission, and shall attend support groups and training tailored toward their duties as a
21 board or commission member. Program participants shall periodically help assess the
22 effectiveness of the program, and adjustments will be made based on this feedback. Written
23 materials shall be developed for use by the program participants and by other jurisdictions who

may want to establish or participate in a similar program. Participants in the Get Engaged program shall provide feedback to assist the Get Engaged partners (Mayor's Office Boards and Commissions, City Council, and YMCA Metrocenter Branch) in developing a plan to sustain effective young adult involvement within City government.

Section 2. The designation "Part I – Design Review" in Chapter 23.41 of the Seattle Municipal Code is repealed:

~~((Part I—Design Review))~~

Section 3. Section 23.41.002 of the Seattle Municipal Code, last amended by Ordinance 124389, is amended as follows:

23.41.002 Purpose

The purpose of Design Review is to:

A. Encourage better design and site planning to help ensure that new development enhances the character of the city and sensitively fits into neighborhoods, while allowing for diversity and creativity; and

B. Provide flexibility in the application of development standards to better meet the intent of the Land Use Code as established by City policy, to meet neighborhood objectives, and to provide for effective mitigation of a proposed project's impact and influence on a neighborhood; and

C. ~~((Improve))~~ Promote and support communication and mutual understanding among ~~((developers))~~ applicants, neighborhoods, and the City early and throughout the development review process.

Section 4. Section 23.41.004, last amended by Ordinance 125272, is repealed:

~~((23.41.004 Applicability~~

A. Design review required

1. Design review is required for any new multifamily, commercial, or industrial development proposal that exceeds one of the following thresholds in Table A for 23.41.004:

Table A for 23.41.004 Thresholds for Design Review		
	Zone	Threshold
a.	Lowrise 2 (LR2) and Lowrise 3 (LR3)	8 dwelling units or 4,000 square feet of non-residential gross floor area
b.	Midrise (MR)	20 dwelling units or 4,000 square feet of non-residential gross floor area
e.	Highrise (HR)	20 dwelling units or 4,000 square feet of non-residential gross floor area
d.	Neighborhood Commercial (NC1, NC2, NC3)	4 dwelling units or 4,000 square feet of non-residential gross floor area
e.	Commercial (C1, C2)	4 dwelling units or 12,000 square feet of non-residential gross floor area, located on a lot in an urban center or urban village ¹ ; or on a lot that abuts or is across a street or alley from a lot zoned single-family, or on a lot located in the area bounded by: NE 95 th St., NE 145 th St., 15 th Ave. NE, and Lake Washington
f.	Seattle Mixed (SM)	20 dwelling units or 12,000 square feet of non-residential gross floor area
g.	Industrial Commercial (IC) zone within all designated urban villages and urban centers	12,000 square feet of non-residential gross floor area
h.	Master Planned Community (MPC) ²	20 dwelling units or 12,000 square feet of non-residential gross floor area
i.	All zones—congregate residences, and residential uses in which more than 50 percent of dwelling units are small efficiency dwelling units ³	Developments containing at least 5,000 but less than 12,000 square feet of gross floor area are subject to Streamlined Design Review (SDR) pursuant to Section 23.41.018. Developments containing at least 12,000 but less than 20,000 square feet of gross floor area are subject to Administrative Design Review (ADR) pursuant to Section 23.41.016. Developments containing 20,000 square feet or more of gross floor area are subject to Design Review pursuant to Chapter 23.41.

Table A for 23.41.004
Thresholds for Design Review

Footnotes to Table A for 23.41.004

¹ Urban centers and urban villages are identified in the Seattle Comprehensive Plan.

² If an application in a Master Planned Community zone does not include a request for departures, the applicable design review procedures are in Section 23.41.020. If an application in a Master Planned Community zone includes a request for departures, then the applicable design review procedures are in Section 23.41.014.

³ When a congregate residence or development in which more than 50 percent of dwelling units are small efficiency dwelling units is subject to more than one design review threshold, the gross square footage threshold on line i shall apply.

2. Design review is required for all new Major Institution development proposals that exceed any applicable threshold listed in this subsection 23.41.004.A, unless the structure is located within a Major Institution Overlay (MIO) district.

3. Design review is required for all new development proposals located in the Downtown zones listed in Table B for 23.41.004 that exceed any of the following thresholds in Table B for 23.41.004:

Table B for 23.41.004
Thresholds for Downtown Design Review

DOC1, DOC2, or DMC zones	
Use	Threshold
Non-residential	50,000 square feet of gross floor area
Residential	20 dwelling units
DRC, DMR, DH1 or DH2 zones, or PMM zone outside the Pike Place Market Historical District	
Use	Threshold
Non-residential	20,000 square feet of gross floor area
Residential	20 dwelling units

4. Design review is required for all new development proposals exceeding 120 feet in width on any single street frontage in the Stadium Transition Area Overlay District as shown in Map A for 23.74.004, and all new development proposals exceeding 12,000 square feet

1 of nonresidential gross floor area and electing to add extra floor area above the base FAR that are
2 located in an IC-85-160 zone.

3 5. Streamlined administrative design review (SDR) to protect trees. As provided
4 in Sections 25.11.070 and 25.11.080, SDR pursuant to Section 23.41.018 is required for any new
5 development proposals in LR, MR, and commercial zones if an exceptional tree, as defined in
6 Section 25.11.020, is located on the lot and is not proposed to be preserved, if design review
7 would not otherwise be required by this subsection 23.41.004.A.

8 6. Design review pursuant to Section 23.41.014 is required for projects that are
9 eligible for design review under any provision of this Section 23.41.004 and that are participating
10 in the Living Building Pilot Program authorized by Section 23.40.060.

11 7. SDR pursuant to Section 23.41.018 is required for all new developments that
12 include at least three townhouse units, if design review is not otherwise required by this
13 subsection 23.41.004.A.

14 8. Design review pursuant to Section 23.41.014 is required for any project seeking
15 to participate in the Living Building Pilot Program, including a development proposal for an
16 existing structure.

17 B. Design review—optional

18 1. Full design review is optional to any applicant for a new multifamily,
19 commercial, or Major Institution development proposal not otherwise subject to this Chapter
20 23.41, if the new development proposal not otherwise subject to this Chapter 23.41 is in the
21 Stadium Transition Area Overlay District or if the new development proposal is in any
22 multifamily, commercial, or downtown zone.

1 2. ~~Administrative design review is optional for any applicant for new multifamily~~
2 ~~or commercial development proposals if the new multifamily or commercial development~~
3 ~~proposal does not exceed the thresholds provided in Table A for 23.41.004 and is not otherwise~~
4 ~~subject to this Chapter 23.41 if the proposal is in the Stadium Transition Area Overlay District,~~
5 ~~or is in any multifamily, commercial, or downtown zone, according to the process described in~~
6 ~~Section 23.41.016. Projects that are not otherwise subject to this Chapter 23.41 and are in any~~
7 ~~multifamily zone not listed in Table A for 23.41.004 are eligible only for optional full design~~
8 ~~review under subsection 23.41.004.B.1 if the number of dwelling units exceeds 20. If the project~~
9 ~~contains 20 dwelling units or fewer, then the project applicant may pursue either full or~~
10 ~~administrative design review.~~

11 3. ~~Streamlined administrative design review is an option for:~~

12 a. ~~An applicant for a multifamily residential use in an LR zone for which~~
13 ~~design review is not otherwise required by subsection 23.41.004.A; and~~

14 b. ~~An applicant for a new multifamily and commercial development~~
15 ~~proposals in a Lowrise, Midrise, and Commercial zone to protect a tree over 2 feet in diameter~~
16 ~~measured 4.5 feet above the ground, if design review would not otherwise be required by~~
17 ~~subsection 23.41.004.A.5.~~

18 C. ~~Exemptions. The following structures are exempt from design review:~~

19 1. ~~New structures located in special review districts, regulated by Chapter 23.66;~~
20 ~~design review is not available for an applicant applying for additional building height under the~~
21 ~~provisions of Section 23.49.180;~~

22 2. ~~New structures in Landmark districts regulated by Title 25, Environmental~~
23 ~~Protection and Historic Preservation;~~

1 ~~3. New structures that are within the historic character area of the Downtown~~
2 ~~Harborfront 1 zone, or that are otherwise required to undergo shoreline design review pursuant to~~
3 ~~Chapter 23.60A; and~~

4 ~~4. New light rail transit facilities that have been subject to review by the Seattle~~
5 ~~Design Commission.))~~

6 Section 5. A new Section 23.41.004 is added to the Seattle Municipal Code as follows:

7 **23.41.004 Applicability**

8 A. Design review required

9 1. Subject to the exemptions in subsection 23.41.004.B, design review is required
10 in the following areas or zones when development is proposed that exceeds a threshold in Table
11 A or Table B for 23.41.004:

12 a. Multifamily;

13 b. Commercial;

14 c. Seattle Mixed;

15 d. Downtown; and

16 e. Stadium Transition Area Overlay District as shown in Map A for
17 23.74.004, when the width of the lot exceeds 120 feet on any street frontage.

18 2. Subject to the exemptions in subsection 23.41.004.B, design review is required
19 in the following areas or zones when commercial or institution development is proposed that
20 exceeds a threshold in Table A or Table B for 23.41.004:

21 a. Industrial Buffer; and

22 b. Industrial Commercial.

1 3. The gross floor area of the following uses is not included in the total gross floor
2 area of a development for purposes of determining if a threshold is exceeded:

- 3 a. Religious facilities;
- 4 b. Elementary and secondary schools;
- 5 c. Uses associated with a Major Institution Master Plan (MIMP); or
- 6 d. Development of a major institution use within a Major Institution
7 Overlay (MIO) district.

8 4. Any development proposal participating in the Living Building Pilot Program
9 according to Section 23.40.060, regardless of size or site characteristics, is subject to full design
10 review according to Section 23.41.014.

11 5. Any development proposal, regardless of size or site characteristics, is subject
12 to the administrative design review process according to Section 23.41.016 if it receives public
13 funding or an allocation of federal low-income housing tax credits, and is subject to a regulatory
14 agreement, covenant or other legal instrument recorded on the property title and enforceable by
15 The City of Seattle, Washington State Housing Finance Commission, State of Washington, King
16 County, U.S. Department of Housing and Urban Development, or other similar entity as
17 approved by the Director of Housing, which restricts at least 40 percent of the units to occupancy
18 by households earning no greater than 60 percent of median income, and controls the rents that
19 may be charged, for a minimum period of 40 years.

20 6. Any development proposal that is located in a Master Planned Community
21 zone and that includes a request for departures, regardless of size or site characteristics, is subject
22 to full design review according to Section 23.41.014. If a development proposal in a Master

Planned Community zone does not include a request for departures, the applicable design review procedures are in Section 23.41.020.

7. Subject to the exemptions in subsection 23.41.004.B, design review is required for additions to existing structures when the size of the proposed addition or expansion exceeds a threshold in Table A or Table B for 23.41.004. Administrative design review, as described in Section 23.41.016, is required for certain other additions to existing structures according to rules promulgated by the Director.

Table A for 23.41.004		
Design review thresholds by size of development and specific site characteristics outside of downtown and industrial zones		
If any of the site characteristics in part A of this table are present, the design review thresholds in part B apply. If none of the site characteristics in part A of this table are present, the design review thresholds in part C apply.		
A.	Category	Site Characteristic
	A.1. Context	a. Lot is abutting or across an alley from a lot with single-family zoning. b. Lot is in a zone with a maximum height limit 20 feet or greater than the zone of an abutting lot or a lot across an alley.
	A.2. Scale	a. Lot is 43,000 square feet in area or greater. b. Lot has any street lot line greater than 200 feet in length.
	A.3. Special features	a. Development proposal includes a Type IV or V Council Land Use Decision. b. Lot contains a designated landmark structure. c. Lot contains a character structure in the Pike/Pine Overlay District.
B.	Development on a lot containing any of the specific site characteristics in part A of this table is subject to the thresholds below.	
	Amount of gross floor area of development	Design review type¹
	B.1. Less than 8,000 square feet	No design review ^{2, 3}
	B.2. At least 8,000 but less than 35,000 square feet	Administrative design review
	B.3. 35,000 square feet or greater	Full design review ⁴

Table A for 23.41.004 Design review thresholds by size of development and specific site characteristics outside of downtown and industrial zones		
C.	Development on a lot not containing any of the specific site characteristics in part A of this table is subject to the thresholds below.	
	Amount of gross floor area of development	Design review type¹
	C.1. Less than 8,000 square feet	No design review ^{2,3}
	C.2. At least 8,000 but less than 15,000 square feet	Streamlined design review
	C.3. At least 15,000 but less than 35,000 square feet	Administrative design review
	C.4. 35,000 square feet or greater	Full Design Review
<p>Footnotes to Table A for 23.41.004</p> <p>¹ Applicants for any development proposal subject to administrative design review may choose full design review instead, and applicants for any project subject to streamlined design review may choose administrative or full design review.</p> <p>² The following development is subject to streamlined design review: (1) development that is at least 5,000 square feet but less than 8,000 square feet and (2) is proposed on a lot that was rezoned from a Single-family zone to a Lowrise 1 (LR1) zone or Lowrise 2 (LR2) zone, within five years after the effective date of the ordinance introduced as Council Bill 119057. This requirement shall only apply to applications for new development submitted on or before December 31, 2023.</p> <p>³ The following development is subject to administrative design review: (1) development that is at least 5,000 square feet but less than 8,000 square feet and (2) is proposed on a lot that was rezoned from a Single-family zone to a Lowrise 3 (LR3) zone, any Midrise zone, Highrise zone, Commercial (C) zone, or Neighborhood Commercial (NC) zone, within five years after the effective date of the ordinance introduced as Council Bill 119057. This requirement shall only apply to applications for new development submitted on or before December 31, 2023.</p> <p>⁴ Development proposals that would be subject to the full design review, may elect to be reviewed pursuant to the administrative design review process according to Section 23.41.016 if the applicant elects the MHA performance option according to Sections 23.58B.050 or 23.58C.050. If the applicant elects administrative design review process pursuant to this footnote 2 to Table A for 23.41.004, the applicant shall not be eligible to change its election between performance and payment pursuant to subsections 23.58B.025.B.2.c or 23.58C.030.B.2.c.</p>		

Table B for 23.41.004		
Design review thresholds by size of development in downtown and industrial zones		
Zone	Amount of gross floor area of development	Design review type
A. All DOC1, DOC2, or DMC zones	50,000 square feet or greater	Full design review
B. All DRC, DMR, DH1, DH2, PMM zones outside the Pike Place Market Historical District, IB, or IC zones	20,000 square feet or greater	Full design review

B. Exemptions. The following are exempt from design review:

1. Development located in special review districts established by Chapter 23.66;
2. Development in Landmark districts established by Title 25, Environmental Protection and Historic Preservation;
3. Development within the historic character area of the Downtown Harborfront 1 zone,
4. Development that is subject to shoreline design review pursuant to Chapter 23.60A; and
5. New light rail transit facilities that are subject to review by the Seattle Design Commission.
6. City facilities that are subject to review by the Seattle Design Commission.
7. Development within single-family or residential small lot zones.

C. Optional design review

1. Design review. Development proposals that are not subject to design review may elect to be reviewed pursuant to the full, administrative, or streamlined design review process if:

a. The development proposal is in any zone or area identified in subsection 23.41.004.A.1 or 23.41.004.A.2 or in the Stadium Transition Area Overlay District, except development that is within a Master Planned Community zone is not eligible for optional design review; and

b. The development proposal does not include the uses listed in subsection 23.41.004.A.3.

2. Administrative design review. According to the applicable process described in Section 23.41.016, administrative design review is optional for a development proposal that is not otherwise subject to this Chapter 23.41 and is on a site that contains an exceptional tree, as defined in Section 25.11.020, when the ability to depart from development standards may result in protection of the tree as provided in Sections 25.11.070 and 25.11.080.

Section 6. Section 23.41.008 of the Seattle Municipal Code, last amended by Ordinance 124843, is amended as follows:

23.41.008 Design Review ((Board)) general provisions

A. Role of the Design Review Board. The Design Review Board shall be convened ~~((for the purpose of reviewing all development subject to design review, except development subject to administrative or streamlined design review))~~ to review development proposals that are subject to full design review, or Master Planned Community-highrise design review pursuant to this Chapter 23.41 ~~((Design Review))~~. To accomplish this purpose, the Design Review Board shall perform the following, as applicable:

1. For developments subject to full design review or Master Planned Community-highrise design review, ((Synthesize)) synthesize community input on design concerns, identify

1 guideline priorities, and provide early design guidance to the ~~((development team and~~
2 ~~community)) applicant~~;

3 2. Determine whether a proposed design submitted by an applicant does or does
4 not comply with the guideline priorities;

5 3. For development subject to full design review, recommend to the Director
6 whether to approve, condition, or deny any requested departures from development standards;

7 ~~((2:))~~ 4. Recommend to the Director specific conditions of approval ((which))
8 that are consistent with the ((design guidelines applicable to the development)) guideline
9 priorities; and

10 ~~((3:))~~ 5. Ensure fair and consistent application of Citywide or neighborhood-
11 specific design guidelines.

12 B. Design Review Board membership criteria

13 1. Members shall reside in Seattle; ~~((and))~~

14 2. Members should possess experience in neighborhood land use issues and
15 demonstrate, by their experience, sensitivity in understanding the effect of design decisions on
16 neighborhoods and the development process; ~~((and))~~

17 3. Members should possess a familiarity with land use processes and standards as
18 applied in Seattle; and

19 4. Consistent with ~~((the City's Code of Ethics,))~~ Section 4.16.070, no member of
20 the Design Review Board shall have a financial or other private interest, direct or indirect,
21 personally or through a ~~((member of his or her))~~ person in the member's immediate family, in a
22 project under review by the Design Review Board on which that member sits.

23 * * *

E. Meetings of the Design Review Board ((-))

1. ~~((Project specific early design guidance public meetings shall be held as required in Section 23.41.014 B.))~~ Notice of ~~((meetings of the))~~ Design Review Board meetings shall be ~~((provided))~~ given as described in subsection 23.76.015.C ~~((Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions))~~.

2. All meetings of the Design Review Board shall be held in the evening in a location which is accessible and conveniently located in the same design review district as the proposed project. Board meetings are open to the general public. The actions of the Board are not quasi-judicial in nature.

3. Design Review Board meetings are limited to the maximum number described in Table A for 23.41.008.

Table B for 23.41.008		
<u>Maximum number of Design Review Board meetings for certain projects</u>		
<u>Type of design review</u>	<u>Early design guidance meetings</u>	<u>Recommendation meeting</u>
Full design review	<u>2^{1,2}</u>	<u>1^{1,2}</u>
Footnotes to Table B for 23.41.008		
¹ There is no limit to the number of Board meetings when: <u>The project lot is abutting or across the street from a lot in a single-family zone;</u> <u>The development proposal includes a Type IV or Type V Master Use Permit component as described in Chapter 23.76; or</u> <u>Departures are requested, unless the project applicant elects the MHA performance option according to Sections 23.58B.050 or 23.58C.050.</u>		
² <u>The Director may require additional Design Review Board meetings according to subsection 23.41.008.E.4.</u>		

4. The Director may require additional Design Review Board meetings above the maximum established in subsection 23.41.008.E.3 if the Director determines the Design Review Board needs additional time for deliberation and evaluation of a project due to the size and complexity of the site or proposed development, the amount and content of public comment, an

1 applicant's insufficient response to previous Board direction, or at the applicant's request. If the
2 Design Review Board cannot complete a recommendation, it shall identify reasons why another
3 recommendation meeting is necessary.

4 F. Design Review Board recommendation

5 1. The Design Review Board shall determine whether the proposed design
6 submitted by the applicant complies with the guideline priorities. The Board shall recommend to
7 the Director whether to approve or conditionally approve the proposed project based on
8 compliance with the guideline priorities, and whether to approve, condition, or deny any
9 requested departures from development standards.

10 2. The Director shall consider the recommendations of the Design Review Board
11 when deciding whether to approve an application for a Master Use Permit.

12 3. If four or more members of the Design Review Board agree in their
13 recommendation to the Director, and if the Director otherwise approves a Master Use Permit
14 application, the Director shall make compliance with the recommendation of the Design Review
15 Board a condition of permit approval, unless the Director concludes that the recommendation of
16 the Design Review Board:

17 a. Reflects inconsistent application of the design review guidelines;
18 b. Exceeds the authority of the Design Review Board;
19 c. Conflicts with SEPA conditions or other regulatory requirements
20 applicable to the project; or

21 d. Conflicts with requirements of local, state, or federal law.

22 G. Revisions to an issued and unexpired MUP

1. Minor revisions to an issued and unexpired MUP that was subject to design review may be approved by the Director as a Type I decision. A minor revision is defined as any proposed change to an issued and unexpired MUP that has little or no effect on the overall appearance of the design or environmental impact of the issued MUP.

2. Major revisions to an issued and unexpired MUP that was subject to design review may be approved by the Director as a Type II decision. A Major Revision is defined as any proposed change to an issued MUP that is not a Minor Revision that is consistent with the building massing, site plan, and guidance received at Early Design Guidance (EDG), where the current context of the project (e.g. adjacent structures or uses) is comparable to the context at the time of the EDG. In instances when citywide or neighborhood guidelines have been adopted, amended, or updated since the EDG, the Board or SDCI staff may identify additional guideline priorities as part of the major revision process.

3. The Director shall establish, by rule, what constitutes a major and minor revision
and the review process for major and minor revisions.

Section 7. Section 23.41.007 of the Seattle Municipal Code, last amended by Ordinance 124843, is amended as follows:

23.41.008 Design Review ((Board)) general provisions

* * *

C. Design Review Board composition

1. The Design Review Board shall be composed as follows:

Table A for 23.41.008 Design Review Board ((Composition)) <u>composition</u>					
Representation	Development interests	Design professions	((General community interests)) <u>Get Engaged</u>	Local residential/ <u>community</u> interests	((Local)) <u>General business interests or landscape professions</u>
Number	7	7	((7)) <u>1 or more</u>	((7)) 14 ((1/district)) (2/district)	7 ((1/district))
Selection process	3 appointed by Mayor, 4 by Council	3 appointed by Mayor, 4 by Council	((3 appointed by Mayor, 4 by Council,)) <u>1 or more</u> pursuant to Chapter 3.51 ¹	((Nominated by community and business organizations, respectively;)) <u>3 appointed by Mayor, 4 appointed by Council, 7 jointly appointed by Mayor and Council</u>	<u>Jointly appointed by Mayor and Council</u>
((Confirmation process))	((Confirmed by Council))	((Confirmed by Council))	((Confirmed by Council))	((Confirmed by Council))	
<u>Confirmation process</u>	<u>All appointments made solely by the Mayor are subject to confirmation by Council</u>				
Footnotes to Table A for 23.41.008((:)) ¹ One <u>or more</u> designated young adult positions ((is)) <u>are</u> added to the Design Review Board pursuant to the Get Engaged Program, Chapter 3.51. The selection process and term of service related to ((this)) <u>these</u> young adult positions are set forth in Chapter 3.51.					

2. Term. ~~((Upon appointment to the Design Review Board, a member shall serve for a period of two years))~~ Members of the Design Review Board shall be appointed to two-year terms. A member may be re-appointed to subsequent terms pursuant to the selection and confirmation process in subsection 23.41.008.C.1. The Director may extend the existing term of a serving member by up to one year in order to avoid more than two vacancies at any time. This

subsection 23.41.008.C.2 does not apply to Get Engaged members, whose terms are governed by Chapter 3.51.

3. Members may be removed by the Director for cause, including but not limited to:

a. Failing to attend the Design Review orientation session offered by SDCI and an onboarding session offered by the City; and

b. Failing to attend at least 90 percent of all regularly scheduled meetings that have occurred in the term.

4. Any vacancy in an unexpired term shall be filled in the same manner as the original appointment. A member whose term is ending may continue on an interim basis as a member with voting rights until such time as a successor for that position has been appointed by the City Council or confirmed by the City Council.

D. Design Review Board ((A))assignment ((-))

1. Each design review district shall be assigned a Design Review Board consisting of ~~((five (5)))~~ members ~~((-))~~ as follows:

a. One ~~((1))~~ member representing development-related interests;

b. ~~((One (1) member representing general community interests;))~~

~~((e-))~~ One ~~((1))~~ member representing the design professions;

~~((d-))~~ c. ~~((One (1)))~~ Two members representing local residential/community interests; and

~~((e-))~~ d. One ~~((1))~~ member representing ~~((local))~~ general business interests or landscape professions~~((-))~~ ; and

e. No more than one young adult member from the Get Engaged program.

2. Three (~~((3))~~) Design Review Board members shall be a quorum of each District Design Review Board.

3. The (~~((five (5)))~~) Design Review Board members assigned to each project as described in subsection 23.41.008.D.1 (~~((of this section))~~) shall be known collectively as the District Design Review Board. All members of the District Design Review Board shall be voting members.

4. Substitutions (~~((:))~~)

a. In the event that more projects are undergoing simultaneous design review than a District Design Review Board can review in a timely manner, the Director may assign such projects to a geographically unassigned Substitute Design Review Board, whose five (~~((5)))~~ members the Director may select from the Substitute Design Review Board membership described in subsection 23.41.008.D.5, so long as the five (~~((5)))~~ members represent each of the five interests required by subsection 23.41.008.D.1.

b. If an individual District Design Review Board member is unable to serve, the Director may either appoint an individual from another District Design Review Board or may appoint a Substitute Design Review Board member from the Substitute Design Review Board membership described in (~~((Subsection))~~) subsection 23.41.008.D.5 to serve in (~~((his or her))~~) the member's absence (~~((, provided that each interest group is represented by one (1) member))~~).

c. The Director may assign a Design Review Board to review a project outside of its designated district in order to expedite review, provided that the local residential/community representatives (~~((and local business representative))~~) shall review development only within their district. In such a case, the Director shall appoint the local residential/community representatives (~~((and the local business representative))~~) from the District

1 Board from which the project originated, or ((a)) the local residential/community representative
2 ~~((and a local business representative))~~ from the Substitute Design Review Board provided in
3 subsection 23.41.008.D.5, or any combination thereof, to review the project, so long as the local
4 residential/community representatives ~~((and the local business representative))~~ appointed are
5 from the same geographic district as the project to be reviewed.

6 5. Substitute Design Review Board ((M))membership ((-))

7 a. Membership criteria:

8 (((1))) 1) A person must have been a member of the Design
9 Review Board whose term has expired;

10 (((2))) 2) A person must indicate a willingness to continue
11 participation on the Board; and

12 (((3))) 3) A person must have, in the opinion of the Director,
13 demonstrated a commitment to Design Review through exemplary attendance and Board
14 participation.

15 b. The term of service for Substitute Design Review Board members is
16 indefinite.

17 * * *

18 Section 8. Subsection 23.41.010.A of the Seattle Municipal Code, which section was last
19 amended by the ordinance introduced as Council Bill 118980, is amended as follows:

20 **23.41.010 Design review guidelines**

21 A. The "Seattle Design Guidelines, 2013" and the "Guidelines for Downtown
22 Development, 1999" are approved. The "Seattle Design Guidelines, 2013", the neighborhood
23 design guidelines identified in subsection 23.41.010.B, and Master Planned Community design

1 guidelines identified in subsection 23.41.010.C provide the basis for Design Review Board
2 recommendations and City design review decisions, except in Downtown zones, where the
3 "Guidelines for Downtown Development, 1999" apply. Neighborhood design guidelines and
4 Master Planned Community design guidelines are intended to augment and make more specific
5 the "Seattle Design Guidelines, 2013" and the "Guidelines for Downtown Development, 1999."
6 To the extent there are conflicts between neighborhood design guidelines or Master Planned
7 Community design guidelines and the "Seattle Design Guidelines, 2013" or "Guidelines for
8 Downtown Development, 1999," the neighborhood design guidelines or Master Planned
9 Community design guidelines supersede.

10 * * *

11 Section 9. Subsections 23.41.012.A, 23.41.012.B, and 23.41.012.C of the Seattle
12 Municipal Code, which section was last amended by Ordinance 125291, are amended as follows:

13 **23.41.012 Development standard departures**

14 A. ~~((Departure from Land Use Code requirements may be permitted for new multifamily,~~
15 ~~commercial, and Major Institution development as part of a design review process. Departures~~
16 ~~may be allowed if an applicant demonstrates that departures from Land Use Code requirements))~~

17 The Director may waive or modify application of a development standard to a development
18 proposal if the Director decides that waiver or modification would result in a development that
19 better meets the intent of adopted design guidelines.

20 B. Departures may be granted from any Land Use Code standard or requirement, except
21 for the following:

22 1. Procedures;

2. ~~((Permitted, prohibited, or conditional use provisions, except that departures may be granted from development standards for required street-level uses))~~ Definitions;
3. ~~((Residential density limits))~~ Measurements;
4. ~~((In Downtown zones, provisions for exceeding the base FAR or achieving bonus development as provided in Chapter 23.49, Downtown Zoning))~~ Provisions of the Shoreline District, Chapter 23.60A;
5. ~~((In Downtown zones, the minimum size for Planned Community Developments as provided in Section 23.49.036))~~ Lot configuration standards in subsections 23.22.100.C.3, 23.24.040.A.8, and 23.28.030.A.3;
6. ~~((In Downtown zones, the average floor area limit for stories in residential use in Table B for 23.49.058))~~ Permitted, prohibited, or conditional use provisions, except that departures may be granted from development standards for required street-level uses;
7. ~~((In Downtown zones, the provisions for combined lot developments as provided in Section 23.49.041))~~ Maximum size of use;
8. ~~((In Downtown Mixed Commercial zones, tower spacing requirements as provided in subsection 23.49.058.D))~~ Residential density limits;
9. ~~((In the Downtown Mixed Commercial 170 zone, minimum floor-to-floor height for street level uses required as a condition of the additional height allowed by subsection 23.49.008.D))~~ Noise and odor standards;
10. ~~((Downtown view corridor requirements, provided that departures may be granted to allow open railings on upper level roof decks or rooftop open space to project into the required view corridor, provided such railings are determined to have a minimal impact on views and meet the requirements of the Building Code))~~ Floor area ratios (FAR), except that:

1 a. In the Pike/Pine Conservation Overlay District shown on Map A for
2 23.73.004, departures from the development standards for floor area exemptions from FAR
3 calculations in subsection 23.73.009.C and for retention of a character structure on a lot in
4 Section 23.73.015 are allowed;

5 b. Departures of up to an additional 0.5 FAR may be granted if the
6 applicant demonstrates that (1) the departure is needed to protect a tree that is located on the lot
7 that is either an exceptional tree, as defined in Section 25.11.020, or a tree greater than 2 feet in
8 diameter measured 4.5 feet above the ground, and (2) avoiding development in the tree
9 protection area will reduce the total development capacity of the site.

10 11. ~~((In SM-SLU zones, floor area limits for all uses provided in subsections~~
11 ~~23.48.245.A, 23.48.245.B.1, 23.48.245.B.2 and 23.48.245.B.3, except that departures of up to a~~
12 ~~five percent increase in floor area limit for each story may be granted for structures with~~
13 ~~nonresidential uses meeting the requirements of subsections 23.48.245.B.1.d.1 and~~
14 ~~23.48.245.B.1.d.2))~~ Structure height, except that:

15 a. Within the Roosevelt Commercial Core building height departures up to
16 an additional 3 feet may be granted for properties zoned NC3-65 (Map A for 23.41.012,
17 Roosevelt Commercial Core);

18 b. Within the Ballard Municipal Center Master Plan area building height
19 departures may be granted for properties zoned NC3-65 (Map B for 23.41.012, Ballard
20 Municipal Center Master Plan Area). The additional height may not exceed 9 feet, and may be
21 granted only for townhouses that front a mid-block pedestrian connection or a park identified in
22 the Ballard Municipal Center Master Plan;

1 c. Within the Uptown Urban Center building height departures up to 3 feet
2 of additional height may be granted if the top floor of the structure is set back at least 6 feet from
3 all lot lines abutting streets;

4 d. Within the Queen Anne Residential Urban Village and Neighborhood
5 Commercial zones as shown on Map C for 23.41.012, Upper Queen Anne Commercial Areas,
6 building height departures up to 3 feet of additional height may be granted if the top floor of the
7 structure is set back at least 6 feet from all lot lines abutting streets;

8 e. Within the PSM 85-120 zone in the area shown on Map A for
9 23.49.180, departures may be granted from development standards that apply as conditions to
10 additional height, except for floor area ratios and provisions for adding bonus floor area above
11 the base FAR;

12 f. Within the Pike/Pine Conservation Overlay District shown on Map A
13 for 23.73.004, departures may be granted from 1) development standards that apply as conditions
14 to additional height in subsections 23.73.014.A and 23.73.014.B, and 2) the provision for
15 receiving sites for transfer of development potential in subsection 23.73.024.B.5;

16 g. Departures of up to 10 feet of additional height may be granted if the
17 applicant demonstrates that (1) the departure is needed to protect a tree that is located on the lot
18 that is either an exceptional tree, as defined in Section 25.11.020, or a tree greater than 2 feet in
19 diameter measured 4.5 feet above the ground, and (2) avoiding development in the tree
20 protection area will reduce the total development capacity of the site.

21 12. ~~((The provisions of Chapter 23.58A, except that departures may be granted~~
22 ~~from the requirements of subsections 23.48.021.C.1.b.2, 23.48.021.C.1.b.3.a, 23.48.021.C.1.b.4~~
23 ~~and 23.48.021.C.1.b.5, if the applicant demonstrates that the amenity to be provided according to~~

1 ~~Section 23.58A.040 better achieves the intent of the Downtown Amenity Standards for that~~
2 ~~amenity feature.))~~ Provisions of Chapter 23.52;

3 13. ~~((In SM-SLU zones, provisions limiting the number of towers permitted per~~
4 ~~block provided for in Section 23.48.245))~~ Provisions of Chapter 23.53, except that departures
5 may be granted from the access easement standards in Section 23.53.025;

6 14. ~~((In SM-SLU zones, provisions for upper level setbacks provided for in~~
7 ~~Section 23.48.245))~~ Quantity of parking required, minimum and maximum parking limits, and
8 minimum and maximum number of drive-in lanes, except that within the Ballard Municipal
9 Center Master Plan area departures may be granted from the minimum parking requirement up to
10 a 30 percent maximum reduction for ground-level retail uses that abut established mid-block
11 pedestrian connections through private property as identified in the “Ballard Municipal Center
12 Master Plan Design Guidelines, 2013”;

13 15. ~~((Floor area ratios (FAR); except that in the Pike/Pine Conservation Overlay~~
14 ~~District shown on Map A for 23.73.004, departures from the development standards for allowing~~
15 ~~floor area exemptions from FAR calculations in subsection 23.73.009.C and for retaining a~~
16 ~~character structure on a lot in Section 23.73.015 are not considered departures from FAR limits))~~
17 Standards for solid-waste and recyclable materials storage and access in Section 23.54.040;

18 16. ~~((Maximum size of use))~~ Provisions of Chapter 23.58A, except that departures
19 may be granted from the requirements of subsections 23.48.021.C.1.b.2, 23.48.021.C.1.b.3.a,
20 23.48.021.C.1.b.4, and 23.48.021.C.1.b.5;

17. ((Structure height, except that:

a. Within the Roosevelt Commercial Core building height departures up to an additional 3 feet may be granted for properties zoned NC3-65 (Map A for 23.41.012, Roosevelt Commercial Core);

b. Within the Ballard Municipal Center Master Plan area building height departures may be granted for properties zoned NC3-65 (Map B for 23.41.012, Ballard Municipal Center Master Plan Area). The additional height may not exceed 9 feet, and may be granted only for townhouses that front a mid-block pedestrian connection or a park identified in the Ballard Municipal Center Master Plan;

c. In Downtown zones building height departures may be granted for minor communication utilities as set forth in subsection 23.57.013.B;

d. Within the Uptown Urban Center building height departures up to 3 feet of additional height may be granted if the top floor of the structure is set back at least 6 feet from all lot lines abutting streets;

e. Within the Queen Anne Residential Urban Village and Neighborhood Commercial zones as shown on Map C for 23.41.012, Upper Queen Anne Commercial Areas, building height departures up to 3 feet of additional height may be granted if the top floor of the structure is set back at least 6 feet from all lot lines abutting streets;

f. Within the PSM 85-120 zone in the area shown on Map A for 23.49.180, departures may be granted from development standards that apply as conditions to additional height, except for floor area ratios and provisions for adding bonus floor area above the base FAR;

1 g. ~~Within the Pike/Pine Conservation Overlay District shown on Map A~~
2 ~~for 23.73.004, departures may be granted from development standards that apply as conditions to~~
3 ~~additional height in subsections 23.73.014.A and 23.73.014.B, and the provision for receiving~~
4 ~~sites for transfer of development potential in subsection 23.73.024.B.5))~~ Provisions of Chapter
5 23.58B and Chapter 23.58C;

6 18. ~~((Quantity of parking required, minimum and maximum parking limits, and~~
7 ~~minimum and maximum number of drive-in lanes, except that within the Ballard Municipal~~
8 ~~Center Master Plan area departures may be granted from the minimum parking requirement up to~~
9 ~~a 30 percent maximum reduction for ground-level retail uses that abut established mid-block~~
10 ~~pedestrian connections through private property as identified in the “Ballard Municipal Center~~
11 ~~Master Plan Design Guidelines, 2013”))~~ In SM-SLU zones, floor area limits for all uses provided
12 in subsections 23.48.245.A, 23.48.245.B.1, 23.48.245.B.2, and 23.48.245.B.3, except that
13 departures of up to a five percent increase in floor area limit for each story may be granted for
14 structures with non-residential uses meeting the requirements of subsections 23.48.245.B.1.d.1
15 and 23.48.245.B.1.d.2;

16 19. ~~((Provisions of the Shoreline District, Chapter 23.60A))~~ In SM-SLU zones,
17 provisions in Section 23.48.245 for upper-level setbacks;

18 20. ~~((Standards for storage of solid waste containers))~~ In SM-SLU zones,
19 provisions in Section 23.48.245 limiting the number of towers permitted per block;

20 21. ~~((The quantity of open space required for major office projects in Downtown~~
21 ~~zones as provided in subsection 23.49.016.B))~~ In Downtown zones, provisions in Chapter 23.49
22 for exceeding the base FAR or achieving bonus development;

22. ~~((Noise and odor standards))~~ In Downtown zones, provisions in Section 23.49.036 for the minimum size for planned community developments;

23. ~~((Standards for the location of access to parking in Downtown zones))~~ In Downtown zones, the average floor area limit for stories in residential use in Table B for 23.49.058;

24. ~~((Provisions of Chapter 23.52, Transportation Concurrence and Transportation Impact Mitigation))~~ In Downtown zones, provisions in Section 23.49.041 for combined lot developments;

25. ~~((Provisions of Chapter 23.53, Requirements for Streets, Alleys, and Easements, except that departures may be granted from the access easement standards in Section 23.53.025))~~ In the Downtown Mixed Commercial 170 zone, minimum floor-to-floor height for street-level uses required as a condition of the additional height allowed by subsection 23.49.008.E;

26. ~~((Affordable housing production conditions within the MPC-YT zone, pursuant to Section 23.75.085))~~ In Downtown zones, Downtown view corridor requirements, except that departures may be granted to allow open railings on upper level roof decks or on rooftop open space to project into the required view corridor, if the railings are determined to have a minimal impact on views;

27. ~~((Limits on floor area for uses within the MPC-YT zone, as provided in Sections 23.75.085 and 23.75.090 or as applicable under Section 23.75.040))~~ In Downtown zones, the quantity of open space required for major office projects as provided in subsection 23.49.016.B;

28. ~~((Limits on number, distribution, and gross floor area per story for highrise structures within the MPC-YT zone, as provided in Section 23.75.120 or as applicable under Section 23.75.040))~~ In Downtown zones, standards for the location of access to parking;

29. ~~((Definitions))~~ In Downtown Mixed Commercial zones, tower spacing requirements contained in subsection 23.49.058.D;

30. ~~((Measurements))~~ Within the Pike/Pine Conservation Overlay District shown on Map A for 23.73.004, the requirement that all character structures on a lot be retained in order to qualify as a TDP receiving site in subsection 23.73.024.B, the exception allowing additional FAR for non-residential uses in subsection 23.73.009.B, the FAR exemption for residential uses in subsection 23.73.009.C.3, the exception to floor area limits in subsections 23.73.010.B.1 and 23.73.010.B.2, the exception for width and depth measurements in subsection 23.73.012.B, or the exception for an additional 10 feet in height in subsection 23.73.014.B.

a. However, departures from the development standards identified above may be granted under the following conditions:

1) The character structure is neither a designated Seattle Landmark nor identified in a rule promulgated by the Director according to Section 23.73.005; and

2) The proposed development entails the demolition of a wood-frame character structure originally built as a single-family residence or single-family accessory structure; or

3) The proposed development entails the demolition of a character structure that is determined to have insufficient value to warrant retention when the following applies:

1 a) The structure lacks a high degree of architectural
2 integrity as evidenced by extensive irreversible exterior remodeling; or

3 b) The structure does not represent the Pike/Pine
4 neighborhood's building typology that is characterized by the use of exterior materials and
5 design elements such as masonry, brick, and timber; multi-use loft spaces; very high and fully-
6 glazed ground-floor storefront windows; and decorative details including cornices, emblems, and
7 embossed building names; or

8 c) Demolishing the character structure would allow for
9 more substantial retention of other, more significant character structures on the lot, such as a
10 structure listed in a rule promulgated by the Director according to Section 23.73.005; or would
11 allow for other key neighborhood development objectives to be achieved, such as improving
12 pedestrian circulation by providing through-block connections, developing arts and cultural
13 facilities, or siting publicly-accessible open space at key neighborhood locations.

14 b. In addition to the provisions of subsection 23.41.012.B.30.a, the
15 following provisions apply:

16 1) At least one character structure shall be retained on the lot if any
17 of the following are to be used by the development proposal:

18 a) Subsection 23.73.009.C.3 regarding the FAR exemption
19 for residential uses;

20 b) Subsection 23.73.010.B.2 regarding increases in the
21 floor area limits;

22 c) Subsection 23.73.012.B regarding the exception from
23 width and depth measurements; or

1 d) Subsection 23.73.014.B regarding the exception
2 allowing for an additional 10 feet in height.

3 2) A departure may allow removal of character structures if the
4 requirement for retaining structures is limited to the following:

5 a) Subsection 23.73.009.B regarding the exception to allow
6 additional FAR for non-residential uses;

7 b) Subsection 23.73.010.B.1 regarding increases in the
8 floor area limits; or

9 c) Section 23.73.024 for the use of TDP on a lot that is an
10 eligible TDP receiving site under the provisions of subsection 23.73.024.B;

11 ~~31. ((Lot configuration standards in subsections 23.22.100.C.3, 23.24.040.A.8,~~
12 ~~and 23.28.030.A.3, which may be modified as authorized in those provisions))~~ In the MPC-YT
13 zone, affordable housing production requirements in Section 23.75.085;

14 ~~32. ((Standards for structural building overhangs in Section 23.53.035 and~~
15 ~~structural encroachments permitted in setbacks provided in lieu of dedication of right-of-way~~
16 ~~under subsection 23.53.015.D.1.b))~~ In the MPC-YT zone, limits on floor area for uses in
17 Sections 23.75.040, 23.75.085, or 23.75.090;

18 ~~33. ((Within the Pike/Pine Conservation Overlay District shown on Map A for~~
19 ~~23.73.004, the requirement that all character structures on a lot be retained in order to qualify as~~
20 ~~a TDP receiving site in subsection 23.73.024.B, the exception allowing additional FAR for non-~~
21 ~~residential uses in subsection 23.73.009.B, the FAR exemption for residential uses in subsection~~
22 ~~23.73.009.C.3, the exception to floor area limits in subsections 23.73.010.B.1 and 23.73.010.B.2,~~

1 ~~the exception for width and depth measurements in subsection 23.73.012.B, or the exception for~~
2 ~~an additional 10 feet in height as provided for in subsection 23.73.014.B:~~

3 ~~a. Departures may, however, be granted under the following~~
4 ~~circumstances:~~

5 ~~1) The character structure is neither a designated Seattle landmark~~
6 ~~nor listed in a rule promulgated by the Director according to Section 23.73.005; and~~

7 ~~2) The departure is for demolishing a wood-frame character~~
8 ~~structure originally built as a single-family residence or single-family accessory structure; or~~

9 ~~3) The departure is for demolishing a character structure that is~~
10 ~~determined to have insufficient value to warrant retention when the following applies:~~

11 ~~a) The structure lacks a high degree of architectural~~
12 ~~integrity as evidenced by extensive irreversible exterior remodeling; or~~

13 ~~b) The structure does not represent the Pike/Pine~~
14 ~~neighborhood's building typology that is characterized by the use of exterior materials and~~
15 ~~design elements such as masonry, brick, and timber; multi-use loft spaces; very high and fully-~~
16 ~~glazed ground-floor storefront windows; and decorative details including cornices, emblems, and~~
17 ~~embossed building names; or~~

18 ~~e) Demolishing the character structure would allow for~~
19 ~~more substantial retention of other, more significant character structures on the lot, such as a~~
20 ~~structure listed in a rule promulgated by the Director according to Section 23.73.005; or would~~
21 ~~allow for other key neighborhood development objectives to be achieved, such as improving~~
22 ~~pedestrian circulation by providing through-block connections, developing arts and cultural~~
23 ~~facilities, or siting publicly accessible open space at key neighborhood locations.~~

b. In addition to the provisions of subsection 23.41.012.B.33.a, the following provisions apply:

1) At least one character structure shall be retained on the lot if any of the following are to be used by the development proposal:

a) Subsection 23.73.009.C.3 regarding the FAR exemption for residential uses;

b) Subsection 23.73.010.B.2 regarding increases in the floor area limits;

c) Subsection 23.73.012.B regarding the exception from width and depth measurements; or

d) Subsection 23.73.014.B regarding the exception allowing for an additional 10 feet in height.

2) A departure may allow removal of character structures if the requirement for retaining character structures is limited to the following:

a) Subsection 23.73.009.B regarding the exception to allow additional FAR for non-residential uses;

b) Subsection 23.73.010.B.1 regarding increases in the floor area limits; or

c) Section 23.73.024 for the use of TDP on a lot that is an eligible TDP receiving site under the provisions of subsection 23.73.024.B)) In the MPC-YT zone, limits on the number of highrise structures, distribution of highrise structures, and gross floor area per story for highrise structures in Section 23.75.040 or Section 23.75.120;

34. In pedestrian-designated zones, provisions for residential uses at street level, as provided in subsection 23.47A.005.C.1, except that a departure may be granted to allow residential uses at street level to occupy, in the aggregate, no more than 50 percent of the street-level, street-facing facade;

35. In pedestrian-designated zones, provisions for transparency requirements, as provided in subsection 23.47A.008.B, except that departures may be granted to reduce the required transparency from 60 percent to no less than 40 percent of the street-facing facade;

36. In pedestrian-designated zones, provisions for height requirements for floor-to-floor height, as provided in subsection 23.47A.008.B, except that departures to allow a mezzanine with less than the minimum floor-to-floor height may be granted provided that the outer edge of the mezzanine floor is at least 15 feet from the exterior wall facing a principal pedestrian street;

~~((37. The provisions of Chapter 23.58B and Chapter 23.58C.))~~

~~((38.))~~ 37. Area-specific development standards for Lake City, identified in subsection 23.47A.009.E, except departures may be requested if the development provides at least one of the following features:

a. A usable open space that:

- 1) abuts the street ~~((;))~~ ;
- 2) is no more than 4 feet above or 4 feet below the adjacent sidewalk grade ~~((;))~~ ;
- 3) has a minimum width equal to 30 percent of the width of the street-facing facade or 20 feet, whichever is greater ~~((;))~~ ; and

4) has a minimum depth of 20 feet measured from the abutting street lot line.

b. An east-west through-block pedestrian passageway that:

1) has a minimum width of 20 feet and provides direct and continuous passage between the north/south rights-of-way abutting the lot; and

2) is designed to provide safe pedestrian use, including signage identifying the passageway; and

~~((39.))~~ 38. For lots 40,000 square feet or greater in size, area-specific development standards for Ballard identified in subsections 23.47A.009.F.2, 23.47A.009.F.3, and 23.47A.009.F.4.b, except that departures may be requested if the development provides at least one of the following features:

a. A usable open space that:

1) abuts the street ~~((5))~~ ;

2) is no more than 4 feet above or 4 feet below the adjacent sidewalk grade ~~((5))~~ ;

3) has a minimum width equal to 30 percent of the width of the street-facing facade or 20 feet, whichever is greater ~~((5))~~ ; and

4) has a minimum depth of 20 feet measured from all street lot lines.

b. A separation between structures that:

1) has a minimum east-west dimension width of 20 feet ~~((5))~~ ;

2) is no more than 4 feet above or below the adjacent sidewalk grades ~~((5))~~ ; and

3) is either developed as:

a) a north-south through block pedestrian passageway;

b) a woonerf;

c) an amenity area that is available for public use and not counting towards the minimum requirement of 23.47A.024; or

d) a combination thereof.

C. ~~((Limitations upon departures through the design review process established in subsections 23.41.012.B and 23.41.012.D))~~ Departures authorized by this Section 23.41.012 do not limit ((departures)) the approval of waivers or modifications of development standards ((expressly)) permitted by other provisions of this Title 23 or other titles of the Seattle Municipal Code.

* * *

Section 10. Section 23.41.014 of the Seattle Municipal Code, last amended by Ordinance 125272, is amended as follows:

23.41.014 ((Design)) Full design review process

A. A preapplication conference is required for all projects subject to or for which an applicant has elected full design review. ~~((, unless waived by the Director, as described at Section 23.76.008.))~~

B. Community outreach

1. Applicants shall prepare a community outreach plan~~The outreach plan shall include, at minimum, the following outreach methods: printed, electronic or digital, and in-person.~~

2. Applicants shall document compliance with the community outreach plan and submit documentation demonstrating compliance to the Director prior to the scheduling of the early design guidance meeting. The Director shall make the documentation available to the public. The documentation shall include:

a. A summary of the outreach completed to comply with the outreach plan, including a list and description of the outreach methods used, dates associated with each method, and a summary of what the applicant heard from the community when conducting the outreach; and

b. Materials to demonstrate that each outreach method was conducted.

3. The purpose of the community outreach plan is to identify the outreach methods an applicant will use to establish a dialogue with nearby communities early in the development process in order to share information about the project, better understand the local context, and hear community interests and concerns related to the project.

4. The Director may establish, by rule, what constitutes the community outreach plan, and how compliance with the community outreach plan must be documented.

~~((B))~~ C. ~~Early~~ ~~((D))~~ design ~~((G))~~ guidance ~~((P))~~ public ~~((M))~~ meeting ~~((;))~~

1. ~~Following a preapplication conference, ((and site visits by Design Review Board members assigned to review a proposed project, an))~~ an applicant may apply to begin the early design guidance process and a public meeting with the Design Review Board shall be held.

2. ~~((Notice of application shall be provided pursuant to Chapter 23.76.))~~

~~((3.))~~ The purpose of the early design guidance public meeting ~~((shall be))~~ is to identify concerns about the site and the proposed project, receive comments from the public, review the design guidelines applicable to the site, ((determine neighborhood priorities among

the design guidelines)) identify guideline priorities, and explore conceptual design ((concepts and/or options)) or siting alternatives.

3. The Director may establish, by rule, the information that the applicant shall present ((At)) at the early design guidance public meeting. ((the project proponents shall present the following information:

a. An initial site analysis addressing site opportunities and constraints, the use of all adjacent buildings, and the zoning of the site and adjacent properties; and

b. A drawing of existing site conditions, indicating topography of the site and the location of structures and prominent landscape elements on or abutting the site (including but not limited to all trees 6 inches or greater in diameter measured 4.5 feet above the ground, with species indicated); and

c. Photos showing the facades of adjacent development, trees on the site, general streetscape character and territorial or other views from the site, if any; and

d. A zoning envelope study that includes a perspective drawing; and

e. A description of the proponent's objectives with regard to site development.

f. In the Pike/Pine Conservation Overlay District established in Section 23.73.004, if a character structure is located on the same lot as a proposed project, the applicant shall:

1) Analyze the features that define the developed context of the structures located on the block front where the project is proposed, and on all block fronts facing the project;

2) Evaluate the relationship of the character structure's key architectural and structural elements to the developed context, and how the new project will respond to this relationship; and

3) Evaluate the character structure's key architectural and structural elements and how the new project will maintain those elements by retaining the character structure or reflecting those elements in the new structure, or both.

4. Except as provided in this subsection 23.41.014.B.4, the proponent is encouraged, but not required, to bring one or more development concepts or alternatives to indicate possible design options for the site. In the Pike/Pine Conservation Overlay District established in Section 23.73.004, if a character structure is located on the same lot as a proposed project, the applicant shall provide at least one alternative development concept that maintains the character structure's key architectural and structural elements and the integrity of the character structure.))

((C)) D. Guideline((s)) priorities

1. ((Based on the concerns expressed at the early design guidance public meeting or in writing to the Design Review Board,)) The Board shall identify the applicable guidelines of highest priority to the ((neighborhood)) Board, referred to as the "guideline priorities" ((shall be identified)). The Board shall ((incorporate)) summarize and consider any community consensus regarding design resulting from community outreach, or as expressed at the meeting or in written comments received ((into its guideline priorities, to the extent the consensus is consistent with the design guidelines and reasonable in light of the facts of the proposed development)).

2. The Director shall ((distribute a copy of)) make the guideline priorities ((applicable to the development)) available to all those who attended the early design guidance

1 public meeting, to those who sent in comments or otherwise requested notification, and to the
2 ~~((project proponent))~~ applicant.

3 3. The ~~((project proponent))~~ applicant is encouraged to meet with the Board and
4 the public for early resolution of design issues, and may hold additional optional meetings with
5 the public or the Board. The Director may require the ~~((project proponent))~~ applicant to meet
6 with the Board, in accordance with subsection 23.41.008.E.4, if the Director believes that such a
7 meeting may help to resolve design issues.

8 ~~((D))~~ E. Application for Master Use Permit ((-))

9 1. ~~((Following the early design guidance public meeting, distribution of the~~
10 ~~guideline priorities, and any additional optional meetings that the project proponent chooses to~~
11 ~~hold with the public and the Design Review Board,))~~ Once the guideline priorities are made
12 available by the Director, the ~~((project proponent))~~ applicant may apply for a Master Use Permit
13 (MUP).

14 2. ~~((The Master Use Permit (MUP) application submittal shall include a~~
15 ~~supporting site analysis and an explanation of how the proposal addresses the applicable design~~
16 ~~guidelines, in))~~ In addition to submitting information required in a standard MUP application, as
17 prescribed ((standard MUP submittal requirements as provided)) in Chapter 23.76, ((Procedures
18 for Master Use Permits and Council Land Use Decisions)) the applicant shall include in the
19 MUP application such additional information related to design review as the Director may
20 require.

21 ~~((3. Notice of application for a development subject to design review shall be~~
22 ~~provided according to Chapter 23.76, Procedures for Master Use Permits and Council Land Use~~
23 ~~Decisions))~~.

1 ~~((E))~~ F. Design Review Board (~~(Recommendation-))~~ recommendation

2 1. During a regularly scheduled evening meeting of the Design Review Board,
3 ~~((other than the early design guidance public meetings,))~~ the Board shall review the ~~((record))~~
4 summary of public comments on the project's design, the project's ~~((conformance to))~~
5 consistency with the guideline priorities ~~((applicable to the proposed project))~~, and the ~~((staff's))~~
6 Director's review of the project's design and ~~((its application of))~~ consistency with the ~~((design~~
7 ~~guidelines))~~ guideline priorities, and make a recommendation pursuant to subsection

8 23.41.008.F.1.

9 ~~((2. At the meeting of the Design Review Board, a determination shall be made by~~
10 ~~the Design Review Board that the proposed design submitted by the project proponent does or~~
11 ~~does not comply with applicable design guidelines. The Design Review Board shall recommend~~
12 ~~to the Director whether to approve or conditionally approve the proposed project based on the~~
13 ~~design guidelines, and whether to approve, condition or deny any requested departures from~~
14 ~~development standards.))~~

15 2. The Director shall make the recommendation available to all those who
16 attended Design Review Board public meetings, to those who sent in comments or otherwise
17 requested notification, and to the applicant.

18 ~~((F))~~ G. Director's decision

19 1. A decision on an application for a permit subject to design review shall be
20 made by the Director. The Director may condition a proposed project to achieve compliance with
21 design guidelines and to achieve the purpose and intent of this Chapter 23.41. For applications
22 accepted into the Living Building Pilot Program established under Section 23.40.060, the

Director may also condition a proposed project to achieve the purpose and intent of the Living Building Pilot Program.

2. The Director's design review decision shall be made as part of the overall ~~((Master Use Permit))~~ MUP decision for the project. The Director's decision shall consider the recommendation of the Design Review Board, pursuant to subsection 23.41.008.F. ~~((Except for projects accepted in the Living Building Pilot Program established in Section 23.40.060, if four or more members of the Design Review Board are in agreement in their recommendation to the Director, the Director shall issue a decision that makes compliance with the recommendation of the Design Review Board a condition of permit approval, unless the Director concludes that the recommendation of the Design Review Board:~~

- ~~a. Reflects inconsistent application of the design review guidelines; or~~
- ~~b. Exceeds the authority of the Design Review Board; or~~
- ~~c. Conflicts with SEPA conditions or other regulatory requirements applicable to the site; or~~
- ~~d. Conflicts with the requirements of state or federal law.~~

~~G))~~ H. Notice of Decision. Notice of the Director's decision shall be as provided in Chapter 23.76~~((, Procedures for Master Use Permits and Council Land Use Decisions))~~.

~~((H))~~ I. Appeals. Appeal procedures for design review decisions are as described in Chapter 23.76~~((, Procedures for Master Use Permits and Council Land Use Decisions))~~.

Section 11. Section 23.41.016 of the Seattle Municipal Code, last amended by Ordinance 120410, is amended as follows:

23.41.016 Administrative design review process ((.))