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BEFORE THE HEARING EXAMINER
FOR THE CITY OF SEATTLE

In the Matter of the Appeal of:

Livable Phinney, a Washington non-profit corporation

From a Department of Construction and Inspections decision.

No. MUP 17-009 (DR, W)

SDCI Reference: 3020114

DECLARATION OF KATIE KENDALL FOR
REPLY ON MOTION TO DISMISS

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I, KATIE KENDALL, under penalty of perjury under the laws of the State of Washington, declare as follows:

1. I am an attorney with McCullough Hill Leary, PS, attorneys for Applicant Johnson & Carr, Inc. I am competent to make this declaration based on my personal knowledge.

2. Attached as Exhibit A is a true and correct copy of a portion of the City of Seattle Department of Construction and Inspection's online permit file system for Project Number 3020114, last accessed April 14, 2017. The portion of the file list shown shows documents with a capture date of March 3, 2015 through October 20, 2015. The full list is accessible here: <http://www.seattle.gov/dpd/toolsresources/Map/detail/default.htm?lat=47.67852&dap=Y&lon=-122.35507&addr=6726%20GREENWOOD%20AVE%20N>.

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3. Attached as Exhibit B is a true and correct copy of the SDCI's online fee payment status page for Project Number 3020114, last accessed April 14, 2017.

4. Attached as Exhibit C is a true and correct copy of the City of Seattle's Department of Construction and Inspections Tip #238, updated February 11, 2016.

I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

DATED this 14th day of April, 2017, at Seattle, Washington.


KATIE KENDALL

EXHIBIT A

3020114	Public Comment Letter: Giacobbe 10/17/15	pdf	10/20/2015	30 KB
3020114	Public Comment Letter: Darnell 10/18/15	pdf	10/20/2015	32 KB
3020114	Public Comment Letter: Brandis 10/19/15	pdf	10/20/2015	39 KB
3020114	Public Comment Letter: Forster 10/14/15	pdf	10/14/2015	50 KB
3020114	Public Comment Letter: Cooke 10/14/15	pdf	10/14/2015	40 KB
3020114	Public Comment Letter: Boyd 10/12/15	pdf	10/12/2015	57 KB
3020114	Public Comment Letter: Wilson 10/12/15	pdf	10/12/2015	78 KB
3020114	Public Comment Letter: McVittie 10/11/15	pdf	10/12/2015	69 KB
3020114	Cover Sheet	jpg	10/09/2015	20 KB
3020114	Public Comment Letter: Armstrong 10/7/15	pdf	10/09/2015	33 KB
3020114	Public Comment Letter: Foti 10/6/15	pdf	10/07/2015	28 KB
3020114	Design Proposal Cover Page: Design Proposal Cover PageV2	jpg	10/06/2015	112 KB
3020114	Design Proposal: EDG Proposal	pdf	10/06/2015	48 MB
3020114	Notice: Notice of EDG	pdf	10/02/2015	340 KB
3020114	Public Comment Letter: O'Brien 9/25/15	pdf	09/30/2015	222 KB
3020114	Public Comment Letter: Unknown 9/22/15	pdf	09/22/2015	42 KB
3020114	Public Comment Letter: Hoover 9/21/15	pdf	09/22/2015	38 KB
3020114	Public Comment Letter: Riffell 9/21/15	pdf	09/22/2015	38 KB
3020114	Public Comment Letter: Miller 9/21/15	pdf	09/22/2015	44 KB
3020114	Public Comment Letter: Cooke 9/1/15	pdf	09/21/2015	111 KB
3020114	Design Proposal Cover Page	jpg	09/04/2015	125 KB
3020114	Design Proposal: Initial EDG Proposal	pdf	09/04/2015	47 MB
3020114	Other: EDG Application	pdf	09/04/2015	507 KB
3020114	Approved Presubmittal Minutes	pdf	08/31/2015	165 KB
3020114	Other: Appendix "A" Report	pdf	08/31/2015	1953 KB
3020114	Pre-Submittal Notes	pdf	08/31/2015	165 KB
3020114	Public Comment Letter: Cooke 8/13/15	pdf	08/20/2015	145 KB
3020114	Other: Pre-Submittal Conference Application	pdf	07/10/2015	1583 KB
3020114	Financial Responsibility Form: Statement of Financial Responsibility	pdf	06/20/2015	86 KB

EXHIBIT B

Project # 3020114

Address	6726 Greenwood Ave N	Permit Number	
Location		Permit Status	Decision Published
Records Filed At	6722 Greenwood Ave N	Application Date	Feb 22, 2016
Application Type	LAND USE	Issue Date	
Work Type	FULL REVIEW (COMPLEX)	Expiration Date	
Category	COMMERCIAL	Finaled Date	
King Co. Assessor's #		Owner	TYLER CARR JOHNSON & CARR 506 2ND AVE STE 1020 SEATTLE, WA 98104
Zone/Overlays and ECA	NC2-40, ARTERL, URBNV		
Legal Description	WEST 90' OF LOT 6 & NORTH 40' OF THE WEST 90' OF LOT 7, WINDELL'S DIV OF GREEN LAKE ADDITION; LESS ST	Contractor	
Description of Work	Land Use Application to allow a four-story structure containing 55 apartment units, 2 live-work units, and retail space totaling 2,900 sq. ft. on the first level. No parking is proposed. Existing structure is to be demolished.	Permit Remarks	
Related Permits		Related Bldg Permits	6463943 , 6560359
Related Cases			

Project # 3020114

Fees & Receipts

Go to **Not all fees are eligible for online payment*

Fees *All fees are subject to change until permit is ready to issue. Final fees are established at issuance.*

Date Paid	Status	Description	Fee	Quantity	Amount	Paid
03/13/15	Paid	PASV - MINIMUM	\$190.00	0.75	\$142.50	\$142.50
02/22/16	Paid	NOTICE - LUIB	\$190.00	1	\$190.00	\$190.00
09/30/16	Paid	NOTICE - PUBLIC MTG ROOM RENTAL	\$119.00	1	\$119.00	\$119.00
09/30/16	Paid	LAND USE - ADDITIONAL HOURS	\$280.00	23.50	\$6,580.00	\$6,580.00
12/22/16	Paid	LAND USE - ADDITIONAL HOURS	\$280.00	12.75	\$3,570.00	\$3,570.00
07/02/15	Paid	PRE-SUBMITTAL CONFERENCE - MINIMUM	\$250.00	2	\$500.00	\$500.00
09/03/15	Paid	NOTICE - LUIB (EDG)	\$190.00	1	\$190.00	\$190.00
09/03/15	Paid	NOTICE - MAILED (EDG)	\$190.00	1	\$190.00	\$190.00
02/01/16	Paid	NOTICE - LUIB (EDG)	\$190.00	1	\$190.00	\$190.00
02/22/16	Paid	MANDATORY DESIGN REVIEW - MINIMUM	\$280.00	20	\$5,600.00	\$5,600.00
				Total Amount	\$55,815.00	\$49,042.50

Date Paid	Status	Description	Fee	Quantity	Amount	Paid
02/22/16	Paid	NOTICE - CITY NEWS DECISION PUBLICATION	\$184.00	1	\$184.00	\$184.00
02/22/16	Paid	NOTICE - PUBLIC MTG ROOM RENTAL (REC)	\$119.00	1	\$119.00	\$119.00
06/13/16	Paid	DON ENVIRONMENTAL (SEPA) REVIEW	\$250.00	1	\$250.00	\$250.00
06/13/16	Paid	LAND USE - ADDITIONAL HOURS	\$280.00	3.75	\$1,050.00	\$1,050.00
09/30/16	Paid	LAND USE - ADDITIONAL HOURS	\$280.00	9.25	\$2,590.00	\$2,590.00
09/30/16	Paid	NOTICE - LUIB	\$190.00	1	\$190.00	\$190.00
09/03/15	Paid	EARLY DESIGN GUIDANCE - MINIMUM	\$250.00	10	\$2,500.00	\$2,500.00
02/01/16	Paid	LAND USE - ADDITIONAL HOURS	\$250.00	6.75	\$1,687.50	\$1,687.50
08/11/16	Paid	LAND USE - ADDITIONAL HOURS	\$280.00	5.25	\$1,470.00	\$1,470.00
12/22/16	Paid	LAND USE - ADDITIONAL HOURS	\$280.00	24.50	\$6,860.00	\$6,860.00
12/22/16	Paid	LAND USE - ADDITIONAL HOURS	\$280.00	3	\$840.00	\$840.00
09/03/15	Paid	INTAKE APPOINTMENT FOR EDG REVIEW	\$190.00	1	\$190.00	\$190.00
09/03/15	Paid	NOTICE - PUBLIC MTG ROOM RENTAL (EDG)	\$119.00	1	\$119.00	\$119.00
02/01/16	Paid	LAND USE - ADDITIONAL HOURS	\$250.00	12	\$3,000.00	\$3,000.00
09/30/16	Paid	NOTICE - POSTING	\$118.00	1	\$118.00	\$118.00
09/03/15	Paid	NOTICE - POSTING (EDG)	\$118.00	1	\$118.00	\$118.00
02/01/16	Paid	NOTICE - PUBLIC MTG ROOM RENTAL (EDG)	\$119.00	1	\$119.00	\$119.00
02/22/16	Paid	NOTICE - LUIB (REC)	\$190.00	1	\$190.00	\$190.00
02/22/16	Paid	NOTICE - POSTING	\$118.00	1	\$118.00	\$118.00
02/22/16	Paid	NOTICE - POSTING (REC)	\$118.00	1	\$118.00	\$118.00
02/01/16	Paid	LAND USE - ADDITIONAL HOURS	\$250.00	0.25	\$62.50	\$62.50
02/19/16	Paid	LAND USE - ADDITIONAL HOURS	\$280.00	8	\$2,240.00	\$2,240.00
02/22/16	Paid	INTAKE APPOINTMENT FOR LAND USE REVIEWS	\$190.00	1	\$190.00	\$190.00
02/22/16	Paid	NOTICE - LUIB (DECISION)	\$190.00	1	\$190.00	\$190.00
09/30/16	Paid	LAND USE - ADDITIONAL HOURS	\$280.00	25.50	\$7,140.00	\$7,140.00
	Unpaid	LAND USE - ADDITIONAL HOURS	\$315.00	4.75	\$1,496.25	\$0.00
02/01/16	Paid	NOTICE - POSTING (EDG)	\$118.00	1	\$118.00	\$118.00
	Unpaid	LAND USE - ADDITIONAL HOURS	\$315.00	16.75	\$5,276.25	\$0.00
				Total Amount	\$55,815.00	\$49,042.50

EXHIBIT C

Seattle Permits

— part of a multi-departmental City of Seattle series on getting a permit

Design Review: General Information, Application Instructions, and Submittal Requirements

Updated February 11, 2016

The City of Seattle's design review process requires that certain new construction projects undergo a discretionary review of siting and design characteristics. This Tip 238 is intended to provide general information about design review and offer detailed instructions about the application, submittal and review process.

This Tip addresses the City of Seattle's full and administrative design reviews, which apply to most larger-scale commercial, multifamily and mixed-use projects. A separate Streamlined Design Review (SDR) process applies to certain smaller-scale multifamily projects, and is addressed in Tip 238B, *Streamlined Design Review: General Information, Application Instructions, and Submittal Requirements*.

What Is Design Review?

Design review is a component of a Master Use Permit (MUP) application and is required for most new commercial, mixed-use and multifamily developments.

The City also administers other types of design review, such as the review of public capital improvements projects, landmarks, or development in historic districts. Those types of reviews are not covered as part of this Tip, which is dedicated to describing the Seattle DCI Design Review process only. They are explained in other materials and consultation with the Department of Neighborhoods and the Design Commission.

Design review provides a forum through which neighborhoods, developers, architects, and City staff can work together to ensure that new developments contribute positively to Seattle's neighborhoods.

Design review has three principal objectives:

1. To encourage excellence in site planning and design of projects such that they enhance the character of the City.
2. To provide flexibility in the application of development standards.
3. To improve communication and participation among developers, neighbors and the City early in the design and siting of new development.

Design review is administered by the Seattle Department of Construction and Inspections, as are other MUP components like environmental review (SEPA), variances, rezones, etc.

Like these other components, design review applications involve public notice and opportunity for comment. Unlike other components, most projects subject to design review are brought before a Design Review Board for its guidance and recommendations, or, alternatively, to Seattle DCI staff in what is referred to as "administrative design review" (ADR).

The final decision on the design review component is made by the director of Seattle DCI, along with decisions on any other MUP components. This decision may be appealed to the Seattle hearing examiner.

What are Design Review Guidelines?

In order to provide greater predictability to designers, developers, and community members, and ensure greater consistency in design review decision-making, the City has published siting and design guidelines. One set of guidelines applies throughout the city's neighborhoods and is entitled [Design Review: Guidelines for Multifamily & Commercial Buildings](#); the other applies to downtown Seattle and is entitled [Design Review: Guidelines for Downtown Development](#).

In addition, many neighborhoods have adopted and published neighborhood-specific extensions of the multifamily and commercial guidelines.

***NOTE:** *Neighborhood-specific guidelines augment the Seattle Design Guidelines and the Guidelines for*



Chart A: Design Review Thresholds for new multifamily, commercial or industrial development that exceeds the following thresholds	
ZONE	THRESHOLD
Lowrise 2 (LR2) & Lowrise 3 (LR3)	More than 8 dwelling units or 4,000 sq. ft. of non-residential space
Midrise (MR) & Highrise (HR)	More than 20 dwelling units or 4,000 sq. ft. of non-residential space
Neighborhood Commercial 1, 2 & 3 (NC1, NC2 & NC3)	More than 4 dwelling units or 4,000 sq. ft. of non-residential space
Commercial 1 & 2 (C1 and C2)	More than 4 dwelling units or 12,000 sq. ft. of non-residential space, located in an urban center or urban village, 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
Seattle Mixed (SM)	More than 20 dwelling units or 12,000 sq. ft. non-residential space
Industrial Commercial (IC) zone within all designated urban villages and urban centers	More than 12,000 sq. ft. of non-residential space
Master Planned Community (MPC)	More than 20 dwelling units or 12,000 sq. ft. of non-residential space.
All zones - congregate residences, and residential uses in which more than 50 percent of dwelling units are small efficiency dwelling units	Developments containing more than 5,000 sq. ft. but less than 12,000 sq. ft. of gross floor area subject to Streamlined Design Review (SDR) pursuant to Section 23.41.018. Developments containing more than 12,000 sq. ft. but less than 20,000 sq. ft. of gross floor area subject to Administrative Design Review (ADR) pursuant to Section 23.41.016. Developments containing more than 20,000 sq. ft. or more of gross floor area subject to Design Review pursuant to Chapter 23.41.
Downtown Office Core 1 & 2 (DOC1 and DOC2) and Downtown Mixed Commercial (DMC)	More than 20 dwelling units or 50,000 sq. ft. of non-residential space
Downtown Retail Core (DRC), Downtown Mixed Residential (DMR), Downtown Harborfront 1 & 2 (DH1 & DH2), Pike Market Mixed (PMM) zone outside the Pike Place Market Historical District	More than 20 dwelling units or 20,000 sq. ft. of non-residential space

Downtown Development by addressing more specific design concerns that have historical, cultural or architectural significance to a particular neighborhood. Applicants should check with Seattle DCI to determine whether the proposed project lies within an area which is covered by neighborhood specific guidelines. All of the adopted neighborhood specific design guidelines are also listed and available on our Design Review website at www.seattle.gov/DPD/aboutus/whoware/designreview/designguidelines/

What are Design Review Guidelines?

Applicants of all proposals over the thresholds (see Chart A on page 2) are required to go through the design review process.

What are the Different Types of Design Review?

There are three types of Design Review including full, administrative and streamlined. This Tip addresses the full and administrative reviews; a separate Streamlined Design Review (SDR) process applies to certain smaller-scale multifamily projects, and is addressed in Tip 238B.

Full Design Review includes presentations to the Design Review Board. The board holds at least one Early Design Guidance (EDG) meeting, followed by at least one recommendation meeting after submittal of a MUP application. The code allows either the applicant or the department to require additional meetings.

Administrative Design Review is administered by an assigned Seattle DCI land use planner. All of the application materials and process steps for ADR are the same as Full Design Review, except that these projects are not reviewed by the Design Review Board and therefore do not require a public design review meeting.

In most cases design review is mandatory by exceeding the size threshold outlined in the chart above. In some cases, an applicant may elect to go through design review on a voluntary basis. There are two types of voluntary review:

1. Applicants of projects under the mandatory design review thresholds (see Chart A) who seek development standard departures may voluntarily submit their project to the ADR process. Projects in Lowrise 1 zones are eligible only for optional full design review under if the number of dwelling units exceeds 20. If the project contains 20 dwelling units or less, then the project applicant may pursue either full or ADR.

2. Applicants of multifamily, commercial or major institution development projects located in any multifamily, commercial or downtown zone who seek development standard departures may voluntarily submit their project for review by the Design Review Board, including presentation of design proposals at a minimum of two public meetings.

What is a Development Standard Departure?

A development standard departure allows a project design to achieve flexibility in the application of most of the land use code standards or requirements. In order to allow a departure from a land use code standard, an applicant must demonstrate that it would result in a development that better meets the intent of the adopted design guidelines.

Departures may be granted from any multifamily and commercial or downtown land use code standard or requirement, except the following (see [SMC 23.41.012](#) for a complete list):

- Procedures
- Permitted, prohibited or conditional use provisions, except street level uses
- Residential density limits
- Certain development standards in Downtown, SM, MPC-YT and Pike/Pine Conservation Overlay zones
- Floor area ratios (FARs), except for certain cases in the Pike/Pine Conservation Overlay District
- Maximum size of use
- Structure height, except in certain cases
- Quantity of parking, except in certain cases
- Shoreline District provisions in SMC 23.60
- Standards for storage of solid-waste containers
- Noise and odor standards
- Provisions of Transportation Concurrency Project Review Systems
- Provisions of SMC 23.53 Requirements for Streets, Alleys, and Easements, except for access easement standards in SMC 23.53.025
- Measurement techniques in SMC 23.86 and Definitions in SMC 23.84
- Structural Building Overhangs
- Certain provisions in pedestrian-designated zones

What Is the Design Review Board?

Projects subject to Full Design Review are brought before a Design Review Board, both before and after the MUP application.

The city is divided into seven districts (boundaries are indicated on the map on page 5), each with its own five-member board*. The five volunteer members represent the following interests:

- Design profession
- Development
- Community
- Local residential
- Local business

Board members are appointed by the Mayor and Council and confirmed by City Council.

The manager of the design review program may appoint former board members to serve as substitutes for current members who are periodically absent.

* The Design Review Board participates in the city's Get Engaged program, which places young adults (18-29) on the city's boards for one-year appointments. These members have full voting rights. Each year, a Get Engaged member serves on one of the seven Design Review Boards, bringing the total number of members for that board to six.

Who is the Design Review Planner?

Seattle DCI assigns a land use planner to each design review project. The planner explains the Seattle DCI permitting process, specifically the steps to navigate design review and associated reviews. The planner works closely with the applicant to achieve a design that best responds to the design guidelines and helps prepare them for board meetings. The planner attends

and helps facilitate the meetings of the Design Review Board and documents the board's deliberations. Following the board meeting, the planner prepares and distributes a report summarizing the guidance, which the applicant uses to guide the design response.

What Is the Design Review Process?

The following steps outline the design review process:

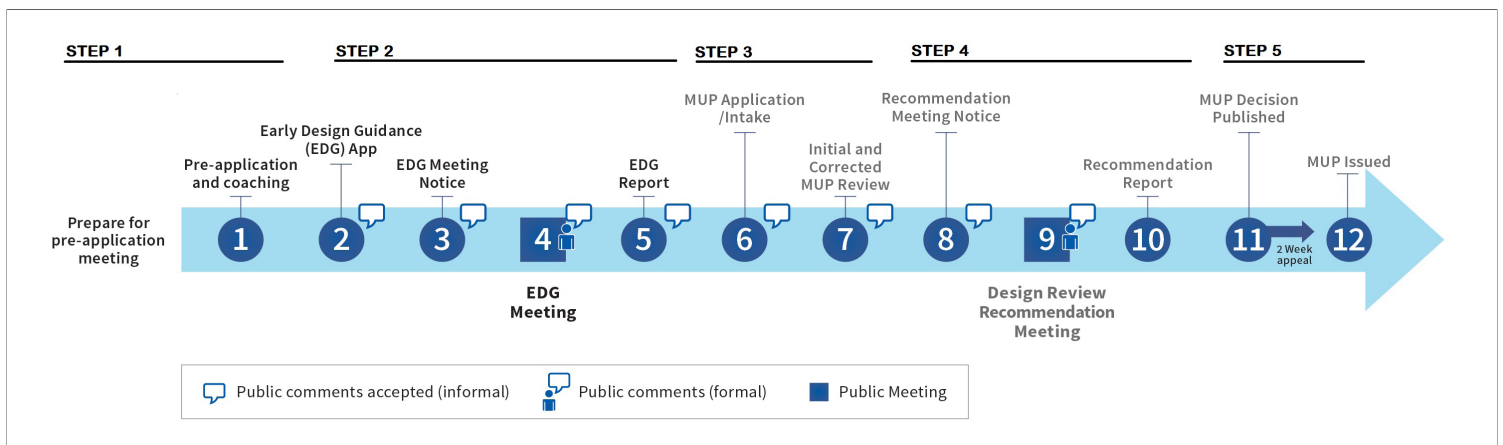
STEP 1 PRE-SUBMITTAL APPLICATION AND CONFERENCE

Pre-Submittal Application:

In order to schedule a pre-submittal conference, the following completed application forms may be dropped off, mailed or faxed (206) 233-7866 to the Applicant Services Center (ASC). These forms and instructions are available online at www.seattle.gov/dpd/permits/forms, or from the 20th floor ASC, Seattle Municipal Tower, 700 Fifth Ave.:

1. [Pre-Application Site Visit Request \(PASV\) Note:](#) This form may be submitted electronically via your project portal.
2. [Preliminary Application Form \(PAF\) Note:](#) This form may be submitted electronically via your project portal.
3. [Pre-Submittal Conference Application](#)
4. [Statement of Financial Responsibility / Agent Authorization](#)
5. [Basic Site Plan per Tip 103, Site Plan Requirements](#)

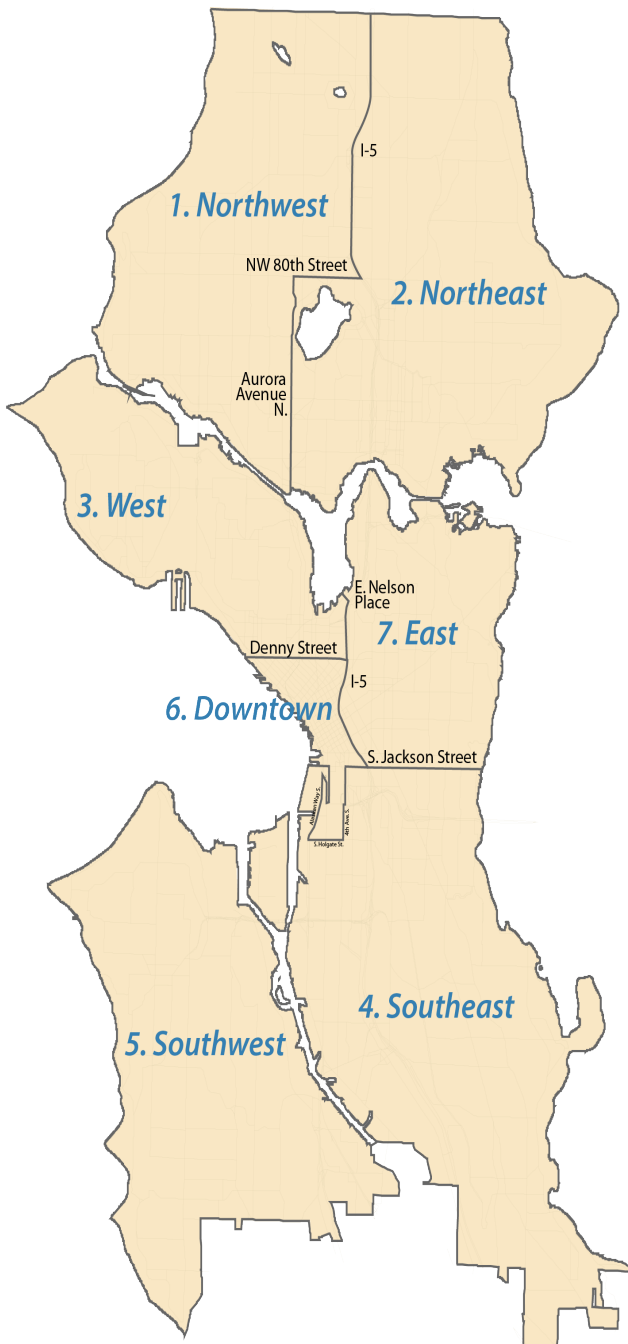
Design Review Process Chart



LEGAL DISCLAIMER: This Tip should not be used as a substitute for codes and regulations. The applicant is responsible for compliance with all code and rule requirements, whether or not described in this Tip.

City of Seattle

Design Review Board Districts



ASC support staff will review the request, note pertinent information, and call back with available appointment times and an assigned project number. Please note that the pre-submittal date is scheduled several weeks from the application date to allow time for the completion of the Preliminary Assessment Report. Fees for pre-submittal conferences and additional hours of review are listed in the current version of the Fee Subtitle and are summarized in the Land Use Application and Fee Requirements document available online on Seattle DCI's "Fees" page at http://www.seattle.gov/dpd/cs/groups/pan/@pan/documents/web_informational/dpdd017022.pdf, or at the Public Resource Center on the 20th Floor of Seattle Municipal Tower at 700 Fifth Ave., (206) 684-8467.

Pre-Submittal Conference:

Design review requires a pre-submittal conference with the assigned Seattle DCI land use planner. At the pre-submittal conference, various city staff will be in attendance to discuss your project.

Due to room size constraints, please limit the number of people attending on behalf of your project to six. If there is a desire to have more in attendance, please contact the number above to make this request. Please note that a need to reserve a larger room may result in the delay of your appointment.

During the conference, please be prepared to present the project site, context and general development program. This is an opportunity for all parties to discuss the following:

- Review draft design packet and design thinking
- Process steps
- Neighborhood outreach plan
- Nearby projects and/or initiatives in the planning or construction phases
- Possible development standard departures
- Other important preliminary issues

A designated member of your team should take minutes during the pre-submittal meeting and prepare the written notes of the meeting and email the draft (in Word format) to the City staff in attendance ideally within two weeks of the pre-submittal meeting. Staff will review and approve the final notes and add them to the project file.

STEP 2 EARLY DESIGN GUIDANCE APPLICATION, MEETING PREPERATION AND PRESENTATION

EDG Application:

Immediately following the approval of the pre-submittal conference notes by staff, the Early Design Guidance (EDG) application may be dropped off at the ASC, (no land use intake appointment is required for EDG applications) following the procedures outlined under Step 2 Early Design Guidance on the Design Review website at www.seattle.gov/DPD/permits/permittypes/designreviewfull/. You may check online to see if the approved pre-submittal conference notes have been uploaded.

The following are the required items that must be included for a successful complete EDG Drop-off Packet:

1. 2 hard copies of the 11" x 17" Draft EDG packet developed using the [EDG Packet Checklist](#). The 11 x 17 inch packet enables the applicant to describe the conditions influencing the design and graphically demonstrate the design proposal for the project. This packet is what the planner will evaluate in the design review.
2. One original [Statement of Financial Responsibility Form / Agent Authorization](#) signed by the property owner (this form is only required when the financially responsible party or agent has changed for the project since the pre-submittal).
3. Payment of fees per the [Land Use Application Fee Requirements](#) – see the Land Use Fee Table on the last page.

All of these forms and instructions are all available online at www.seattle.gov/dpd/permits/forms, or from the 20th floor ASC, Seattle Municipal Tower, 700 Fifth Ave.

To submit the EDG drop-off application, first sign in at the ASC to speak with staff from the Addressing/Land Use Intake team. Your application materials will be reviewed and once the determination is made that the application is complete, payment will be due to the cashier. The fees due are outlined on the last page of the Land Use Application Fee Requirements document located online at http://www.seattle.gov/dpd/cs/groups/pan/@pan/documents/web_informational/dpdd017022.pdf. The fees for additional land use hours will also be collected at this time. Drop off applications are not accepted after 3:30 p.m. The information in this application will be used to give public notice of the project.

The EDG Analytic Design Proposal Packet

The 11"x17" packet enables the applicant to describe the parameters affecting the design and graphically demonstrate the project proposal. For a full checklist of EDG packet contents, please consult this link: http://www.seattle.gov/DPD/cs/groups/pan/@pan/documents/web_informational/dpds021441.pdf

In general, the EDG packet should include:

1. **Follow packet standards.** Please see full EDG checklist.
2. **Project Info:** Project number, address, meeting type and date.
3. **Development Objectives:** Approximate number of residential units, amount of commercial square footage and number of parking stalls and aerial photo of site and context.
4. **Site Plan:** Clear site plan showing property lines, dimensions, spot elevations, topography, structure footprint, adjacent structures, trees, access, right-of-way dimensions and landscaping, as well as a legal description.
5. **Urban Design Analysis:** Vicinity map, graphics and photos, indicating surrounding uses, structures, zoning and notable features, axonometric or other three-dimensional drawing, photos or models of the nine block area surrounding the project site. Include information showing shadow impacts. Map and photos including call-out notes on drawings and captions stating what design cues can be gleaned to inform the design alternatives and contextual conditions.
6. **Zoning Data:** Brief summary of applicable standards and how proposed development will meet these standards.
7. **Design Guidelines:** Briefly list those guidelines that are most pertinent to the site and design of the project. Explain why these guidelines are relevant and how the proposed design responds. Include conceptual response to guidelines with conceptual images or graphics.
8. **Architectural Massing Concepts:** Show 3 viable alternative architectural massing concepts showing your design thinking process. Include at least one scheme that does not need any

departures so that the board and staff may better understand the impact of any departure requests. Graphics for all options should be comparable and generally show the same development objectives. For each concept, list opportunities and constraints explaining the reasoning for a preferred option. Include conceptual floor plans so ground level uses and functions are understood. Show siting, massing, open space, possible façade treatments, and access in the same graphic context. Three dimensional studies and sketches at the street level are helpful in processing this information, particularly the thinking in the design evolution.

- 9. Departures:** Summary table for all potential development standard departures, including the following code citation and code requirement, proposed design departure, and rationale explaining how the departure results in a project which better meets the intent of the design guidelines. Graphics should accompany the table, as needed, to clearly explain the departure(s) showing code compliant and requested departure with dimensions.

EDG Meeting Preparation

Once the EDG application has been submitted, Seattle DCI staff will contact the applicant and set up an evening public meeting in the Design Review Board area where the project site is located. The Design Review Board members, the general public and the project applicants are invited. A calendar of all scheduled, upcoming meetings is maintained at: www.seattle.gov/dpd/aboutus/news/events/DesignReview/upcomingreviews/.

Notice of the meetings is also provided in Seattle DCI's weekly Land Use Information Bulletin, available online at <http://web6.seattle.gov/dpd/luib/>, through mailed notice to residents and property owners within 300 feet of the site, and with a yellow placard posted at the project site.

The land use planner will work with the applicant to revise the draft 11"x17" EDG design proposal packet originally submitted at intake so that it better meets the criteria outlined in the [Design Review: Early Design Guidance Proposal Packet Requirements](#).

Once the planner indicates that the applicant's proposal packet is sufficient and ready to be reviewed by the board, the applicant is expected to submit eight (8) hard copies and one digital copy (saved as a pdf file) of the 11"x17" packet to Seattle DCI ten

(10) calendar days in advance of the meeting. The hard copies should be addressed to the land use planner; the digital copies should be sent to design review administrative staff. Instructions for creating and sending the pdf file are online at [Submit Your Packet](#) section of the [Design Review website](#). Seattle DCI distributes the hard copies to board members and posts the digital copy to Seattle DCI's database and online in advance of the meeting.

EDG Presentation

At the board meeting, applicants will present information about the surrounding context and the site, as well as describe their development objectives and share early design concepts for massing, open space, and facade treatments, and show examples of other projects they have completed. The applicant's presentation to the board should be concise and clearly related to the design guidelines.

Tips for an Effective Presentation:

- If the design review process is new or your project is in an area you are less acquainted with, it is recommended that you take the time to attend board meetings for other projects to familiarize yourself with that board and nearby projects.*
- Your project presentation is limited to 20 minutes so using this time wisely and efficiently is critical! For this reason, avoid having an owner/developer presentation so that the time can focus on the project design.*
- You should assume that the board and public following the project are familiar with the site and surrounding area, so please restrict your presentation overview of the context and site analysis to no more than 5 minutes.*
- Focus on those specific conditions, architectural cues and site cues that inform your early design concepts.*
- Remember to clearly convey and orient the site to your audience.*
- Your presentation should not mimic your proposal packet; instead 'curate' from your packet and pull out the most relevant graphics and information from the packet. The bulk of your presentation should focus on your design concept/evolution and massing options. You should also plan to spend a few minutes addressing any specific or major issues raised by the planner or public, as these will likely be issues of focus for the board and*

public. Clearly express your design concept and highlight key design guidelines that apply to the site and design proposal.

7. *Allot time (1-2 minutes per departure) to walk through each of your departures, using graphics to clearly and quickly explain each request.*
8. *All of your graphics should be clear (with brief text) and can be easily read from a distance. Avoid using a 3D model if it has not been introduced and shown in your packet. Avoid bringing in supplemental sheets for your packet (and remember any additional graphics will need to be integrated into your electronic packet submission and resubmitted).*
9. *Rehearse your presentation ahead of time! Remember to project your voice and face the audience.*
10. *The applicant is responsible for bringing all equipment and materials needed for the presentation, such as easels, screens, laptops, extension cords or projectors.*

After the applicant's presentation, attendees are invited to offer their comments and concerns regarding the siting and design of development on the site. Board members deliberate and identify the design guidelines that are of the highest priority for the site, as well as incorporate any relevant comments from the public in their early design guidance.

A Seattle DCI land use planner will summarize the board's early design guidance in a report that will be sent to all parties that attended this meeting or who have written to Seattle DCI regarding the project. These reports, as well as the 11"x17" design proposals, are also available under the [Search Project Reviews](http://www.seattle.gov/designreview) link at www.seattle.gov/designreview.

STEP 3 MASTER USE PERMIT (MUP) APPLICATION

The applicant develops the schematic design response to the guidelines, consulting with the assigned Seattle DCI planner and the applicant then schedules a MUP intake appointment. Upon application, the applicant must fill out and submit an Application for Design Review (see Attachment 1 on page 12). All outstanding fees must be paid upon application for the MUP.

When the applicant applies for a MUP which includes a design review component, other necessary

components such as zoning, SEPA (if required), administrative conditional use, etc., must be included.

The design review plans should include at least four colored and shadowed elevations on a single sheet at minimum and a colored site/landscape drawing embedded on design review sheets of the MUP plan sets showing applicant's initial design response. In addition, the MUP level plans and drawings showed include such details as exterior materials and/or colors, departure documentation, and justifying in narrative form any requested development standard departures.

Once the application has been accepted, a large sign will be placed on the site by the applicant, mailed notice will be sent, and a public comment period will be provided, allowing attendees to comment on any and all aspects of the project, including siting and design issues.

STEP 4 DESIGN REVIEW BOARD RECOMMENDATION MEETING: PREPARATION AND PRESENTATION

The Recommendation Design Proposal Packet

The 11"x17" packet enables the applicant to describe the parameters affecting the design and graphically demonstrate the project proposal. For a full checklist of recommendation packet contents, please consult this link: http://www.seattle.gov/dpd/cs/groups/pan/@pan/documents/web_informational/dpds021442.pdf

In general, the recommendation packet should include:

1. **Follow packet standards.** Please see full checklist.
2. **Project Info:** Project number, address, meeting type and date.
3. **Proposal Info:** Approximate number of residential units, amount of commercial square footage and number of parking stalls and aerial photo of site and context.
4. **Summary of Context Analysis:** Vicinity map and photos, indicating surrounding uses, structures, zoning and notable features, axonometric or other three-dimensional drawing, photos or models of the nine block area surrounding the project site.
5. **Summary of Existing Site Conditions:** Map, graphics and photos showing existing site conditions, such as topography, trees, natural features, structures and access.

- 6. Zoning Data:** Brief summary of applicable standards and how proposed development will meet these standards.
- 7. Composite Site Plan:** Clear composite site plan showing proposed structure footprint, including all dimensions and spot elevations, adjacent structures, open spaces, access, and landscaping.
- 8. Response to EDG:** Provide itemized brief description of how the proposal responds to the priority design guidelines and guidance provided previously.
- 9. Floor Plans:** Indicate property lines, uses, entries, access, setbacks, dimensions and adjacent building locations.
- 10. Composite Landscape/Hardscape Plan**
- 11. Elevations:** Call out materials, colors, fenestration details, venting locations.
- 12. Materials/Color Palette**
- 13. Renderings**
- 14. Exterior Lighting Plan**
- 15. Signage Concept Plan**
- 16. Building Sections**
- 17. Departures:** Summary table for all potential development standard departures, including the following code citation and code requirement, proposed design departure, and rationale explaining how the departure results in a project which better meets the intent of the design guidelines. Graphics should accompany the table, as needed, to clearly explain the departure(s) showing code compliant and requested departure with dimensions.

Recommendation Meeting Preparation

Once the project design has been sufficiently developed in response to the Early Design Guidance and after initial zoning review has occurred, the Design Review Board will reconvene to consider the proposed design at an evening meeting open to the public. The Design Review Board members, the general public and the project applicants are invited. A calendar of all scheduled, upcoming meetings is maintained at: www.seattle.gov/dpd/aboutus/news/events/DesignReview/upcomingreviews/.

Notice of the meeting will be provided in Seattle DCI's weekly Land Use Information Bulletin (available online at <http://web6.seattle.gov/dpd/luib/>), through mailed notice to residents and property owners within 300 feet of the site, and with a yellow placard posted at the project site.

The planner will review, in advance of the meeting, the applicant's draft 11"x17" design recommendation proposal and work with the applicant to revise draft so that it better meets the criteria outlined in [Design Review: Recommendation Proposal Packet Requirements](#).

Once the planner indicates that the applicant's proposal packet is sufficient and ready to be reviewed by the board, the applicant is expected to submit eight (8) hard copies and one digital copy (saved as a pdf file) of the 11"x17" packet to Seattle DCI ten (10) calendar days in advance of the meeting. The hard copies should be addressed to the land use planner; the digital copies should be sent to design review administrative staff.

Instructions for creating and sending the pdf file are online at [Submit Your Packet](#) section of the [Design Review website](#). Seattle DCI distributes the hard copies to board members and posts the digital copy to Seattle DCI's database and online in advance of the meeting.

Recommendation Meeting Presentation

In the presentation to the Design Review Board at the Recommendation phase, the applicant should highlight their response to the EDG design guidelines and clearly describe the departures requested. The applicant should prepare a table of departure requests that compares the proposed design in quantitative terms to the code requirements. The applicant's presentation to the board should be concise. It should include large graphics that can be easily read from a distance. The applicant should bring any materials needed for the presentation, such as easels, laptops, extension cords or projectors.

In many cases, applicants may also be required to submit 3D models, photo montages, computer-assisted graphic images, or other graphic material to aid Design Review decision-making. These details will be arranged with the assigned land use planner, who will indicate when best to submit such additional information.

The board will review the design in light of the concerns, public comments and the previously

identified early design guidance. The board will deliberate and offer its official recommendations on the design and the appropriateness of any requested development standard departures. Seattle DCI will send a written summary of the board's recommendations to all parties of records.

Please also see Tips for an Effective Presentation on pages 7 and 8 above.

STEP 5 DIRECTOR'S DECISION

Seattle DCI's Director makes the final decision on the design review component of a MUP application. However, if the Design Review Board's recommendation was offered by at least four members, it will be considered a consensus recommendation that the director must adopt in most cases.

The Director may override the board's recommendation only if he/she believes the board has made a clear error in the application of the guidelines, has exceeded its authority, or has required design changes that contravene other non-waivable local, state or federal requirements. Conversely, when the board's recommendation is supported by less than four members, the Director will give due consideration to the board's recommendation in reaching his/her decision, along with any minority opinions, staff recommendations and public comment.

The Director's design review decision will be published together with the decisions on other MUP components related to the project, with written notice to all parties of record, as well as notice in the weekly Land Use Information Bulletin (available online at <http://web6.seattle.gov/dpd/luib/>). Final issuance of the permit often requires updates to the MUP plans to comply with design review conditions.

STEP 6 APPEALS AND CONTRACT REZONES

As with other discretionary MUP-component decisions, the design review decision may be appealed by any interested party. Appeals may be made during the 14-day appeal period by letter and an \$85 filing fee to the Seattle Hearing Examiner. The Hearing Examiner must afford substantial weight to the Director's decision, basing any decision to the contrary on a finding of clear error or omission, not simply of differing opinion or conclusion. There is no appeal of a design review decision to the Seattle City Council.

In the case of a contract re-zone proposal, the Seattle DCI Director makes a recommendation to the Hearing Examiner. The Hearing Examiner then provides a recommendation to the City Council, where the final decision is made.

STEP 7 BUILDING PERMIT

Following submittal of a complete Master Use Permit (MUP) application to Seattle DCI, a building permit may be submitted. Submit colored elevations with the building permit plans and include material and color call outs. Building permit applications for design review projects are reviewed by the land use planner, who compare this set of plans against the MUP plans to confirm consistency with the approved MUP. The MUP must be issued before any demolition or building permit can be issued.

For projects that require street or alley improvements, the right-of-way (ROW) plans will need to be submitted to Seattle Department of Transportation (SDOT), and accepted for review, prior to submitting your construction permit plans to Seattle DCI. The applicant should initiate coordination with SDOT and submit initial Street Improvement Plans (SIP) at this time to ensure full coordination and to avoid potential delays. Construction permit applications for new buildings will not be accepted by Seattle DCI until the SDOT plan has been accepted.

STEP 8 POST PERMIT REVIEW AND REVISIONS

Any revisions an applicant wishes to make must be presented to the land use planner for review. Projects that have undergone design review have less flexibility for future revisions than other projects. Proposed changes to a MUP that have little or no effect on the design or environmental impact of the originally approved permit may be considered minor revisions.

Proposed substantive changes and/or changes that require additional impact analysis or approvals may be considered major revisions. On some occasions, the Design Review Board may be asked to consider a revision, but only after additional public notice has been given and only at an already-scheduled Design Review Board meeting. Please see Tip 224B, *Master Use Permit Revisions for more information*.

The land use planner will inspect constructed projects prior to occupancy to ensure compliance with design review approval. All additional administrative costs will be borne by the applicant.

Additional Information on Design Review

Visit www.seattle.gov/designreview for more information about Seattle's Design Review program.

In addition to basic program information, the site features:

- Links to the Preliminary Application Form (PAF), Statement of Financial Responsibility/Agent Authorization Form and Fee Worksheet and other required application materials
- Checklists of the packet requirements for both Early Design Guidance and Recommendation phases
- A calendar of upcoming design review meetings
- Design proposal packets
- Visual gallery of design guideline examples
- Visual gallery of successful projects

Visit our [Shaping Seattle map](#) to see all of the design review projects currently under review, along with their design proposals.

Printed design review resources are available at the Public Resource Center, 20th floor, Seattle Municipal Tower, 700 Fifth Ave. Available materials include:

- Seattle Design Guidelines, December 2013
- Design Review: Guidelines for Downtown Development
- Neighborhood-Specific Design Review Guidelines

Access to Information

Links to electronic versions of Seattle DCI **Tips**, **Director's Rules**, and the **Seattle Municipal Code** are available on our website at www.seattle.gov/sdci. Paper copies of these documents, as well as additional regulations mentioned in this Tip, are available from our Public Resource Center, located on the 20th floor of Seattle Municipal Tower at 700 Fifth Ave. in Downtown Seattle, (206) 684-8467.

Attachment 1

Project No. _____

City of Seattle

**Response to Guidelines: MUP Application for
Design Review****(Attach additional sheets as needed)**

1. Please describe the proposal in detail, including types of uses; size of structure(s), location of structure(s), amount, location and access to parking; special design treatment of any particular physical site features (e.g., vegetation, watercourses, slopes), etc
2. Please describe in narrative text and on plans any specific requests for development standard departures, including specific rationale(s) and a quantitative comparison to a code-complying scheme. Include in the MUP plan set initial design response drawings with at least four (4) colored and shadowed elevation drawings and site/landscape plan.
3. Please describe how the proposed design responds to the Early Design Guidance.