

Ghan, Christina

From: Dan Bertolet <dan@sightline.org>
Sent: Monday, July 10, 2017 7:59 PM
To: Torgelson, Nathan
Cc: Mills, William; Ghan, Christina; Rutzick, Lisa; Maxana, Sara
Subject: Design Review Comment Letter
Attachments: Sightline Design Review Comment Letter 07-10-17.pdf

Please find attached Sightline's comment letter on the City's proposed Design Review Program improvements.

Thank you!

Dan Bertolet | Senior Researcher
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Sightline Institute is a think tank providing leading original analysis of energy, economic, and environmental policy in the Pacific Northwest.



July 10, 2017

Nathan Torgelson
Director, Department of Construction and Inspections
City of Seattle
700 Fifth Avenue, Suite 2000
Seattle, Washington 98104

Re: Proposed Revisions to Design Review

Dear Nathan:

We are writing to provide our comments on the proposed updates to the city's Design Review (DR) program. We applaud the city's intent to modify the DR program with the goal of increasing housing affordability, as articulated in the Mayor's Housing Affordability and Livability Agenda (HALA).

We strongly support the following proposed changes to the DR program:

- Change of the exemption threshold metric from housing units to total building square footage (particularly important for lowrise apartments because their units are smaller than for-sale units.)
- 10,000 sf threshold that exempts most townhouse projects, correcting current DR requirements that have quashed townhouse production in favor of single-family clusters ([link](#)).
- Requirement for only Administrative Design Review for 100% affordable projects.

However, we believe that numerous components of the proposal must be modified for the changes to yield significant progress toward the HALA's affordability goals. Overall, we believe that the proposal doesn't go far enough to reduce the negative impact of DR on the cost of homebuilding. Our concerns and suggestions follow.

Hybrid DR

In theory, the proposed Hybrid process is a good step for reducing the burden of DR. However, as proposed, Hybrid DR introduces the risk of a project getting the internal green light from city staffers at EDG, but then getting held back at the subsequent Recommendation Meeting by a Design Review Board (DRB) with conflicting opinions. In such cases, Hybrid DR could in fact prove more onerous than today's Full DR. We believe that the reverse order---conduct the EDG meeting with the DRB first, and then the Recommendation Meeting with city staff---is likely to be more productive. But we also recognize the risk that if the DRB meeting comes first, DRB members may object to the fact that their input could be

overridden in a subsequent meeting with staff. Allowing applicants to choose the meeting order would, overtime, reveal which order is more beneficial.

RECOMMENDATION #1: For Hybrid DR, make the meeting order an optional choice for the applicant.

Limit on DR Meetings

We support the proposed two-meeting limit on the number of DR meetings, but as proposed it will apply in few cases because it is void for projects that are pursuing departures. To a typical developer, one of the most valuable aspects of Seattle’s DR process is the opportunity it provides to pursue departures, and most projects do. The meeting limit is also voided if a project is located adjacent to a single-family zone, granting unjustified priority for public input to what is on average a relatively privileged portion of the city’s residents. Furthermore, additional meetings can be required by the SDCI Director if the DRB needs more time for deliberation. With all these exceptions, the meeting limit has no “teeth” in most cases, and therefore will not in practice achieve its intent to reduce development delay and uncertainty.

RECOMMENDATION #2: Remove all the exceptions to the two meeting limit, with a provision that if decisions cannot be made in two meetings, the case goes immediately to the SDCI Director for a final decision. Also allow applicants to request additional meetings if they so desire.

Complexity Designation

We oppose the proposal for two levels of project complexity according to “context” for the following reasons:

- First and foremost, any needs for special design considerations around zone transitions ought to be handled by design standards in the land use code, not by DR.
- It results in a capricious variation in the entitlement burden caused by DR. Why should projects outside an Urban Village/Center be subjected to more design scrutiny than those inside an Urban Village/Center?
- It grants inequitable preference to residents of certain areas and zones by providing more opportunity to give feedback on projects through more extensive DR. Why do people who live outside Urban Village/Centers deserve more say about the form of new development around them than those who live inside them? Why do people who live in single-family zones deserve what is in effect special treatment from the city in terms of the attention paid to the design of adjacent development?
- It is likely to disproportionately impact projects in lowrise zones because they are often either outside an Urban Center/Village or adjacent to single-family zones.
- It adds, well, complexity, to the DR process that is likely to create unintended consequences, such as development favoring sites not on zone boundaries.

RECOMMENDATION #3: Eliminate the non-complex/complex designation by “context,” and apply the thresholds as currently proposed for non-complex projects. Retain the non-complex/complex designation for “scale” and “special features.”

DR Thresholds

For lowrise ownership homes other than townhouses, the proposed 10,000 sf threshold is effectively lower than the current 8-unit threshold (8 units x 1500 sf/unit = 12,000 sf). So for example, a 7-unit rowhouse that would be exempt from DR today would trigger DR under the proposal. For typical lowrise *apartments*, the 10,000 sf threshold is higher than the current 8-unit threshold (8 units x 800 sf/unit = 6,400 sf), but that won't make much difference to DR exemptions in practice because most lowrise apartments are greater than 10,000 sf anyway.

On page 7 the June 2017 Director's Report states that the 10,000 sf threshold was chosen because it "approximates the size of development on two typical lots in a lowrise zone." That is incorrect. Typical lots in lowrise zones are 5,000 sf (former single-family lots), so on two of these lots any lowrise project will be greater than 10,000 sf, triggering a DR requirement. This represents a large share of potential "missing middle" housing projects in the city, as illustrated in the city's MHA Urban Design and Neighborhood Character Study ([link](#)).

Under the proposal, lowrise projects from 10,000 to 20,000 sf would be downgraded from Full DR to Administrative or Hybrid, depending on the complexity designation. Projects > 20,000 sf would be subject to Hybrid or Full DR, depending on complexity. In sum, the proposal would yield a beneficial reduction in DR encumbrance on townhouses and small apartments, but for other lowrise types the net benefits are likely to be marginal.

For congregate/SEDU, the proposal would exempt projects from 5,000 to 10,000 sf that are currently subject to Streamlined DR. But it would also subject projects from 10,000 – 12,000 sf to Administrative DR, which is more rigorous than Streamlined DR. For congregate/SEDU projects from 12,000 to 20,000 sf, the proposal would require either no change from the current Administrative DR, or a step up to the more rigorous Hybrid DR if the project was deemed complex. Congregate/SEDU projects > 20,000 sf would step down to Hybrid DR or would stay at Full DR, depending on complexity. All told, for congregate/SEDU the proposed threshold changes are a mixed bag, and would likely have only a marginal effect on reducing the encumbrance of DR.

For MR, HR, and SM zones, the proposed 10,000 sf threshold is lower than the existing 20-unit threshold (20 units x 800 sf/unit = 16,000 sf). For NC zones, the proposed 10,000 sf threshold is higher than the current threshold, but in practice the proposed threshold would exempt only a small fraction of NC projects from DR because most are larger than 10,000 sf anyway. Most projects in MR, HR, SM, and NC zones are > 20,000 sf, for which the proposal would require Hybrid or Full DR, depending on complexity. MR or SM projects smaller than 20 units but greater than 10,000 sf are currently exempt, but would become subject to DR under the proposal. Again, a bit of a mixed bag overall.

RECOMMENDATION #4: Increase the base threshold for DR to at least 15,000 sf. As described above, the proposed 10,000 sf threshold may be higher or lower than existing thresholds, depending on project specifics. We believe that a higher threshold is necessary for the policy change to achieve its desired effect. A higher threshold is also justified by the fact that DR places a proportionally larger burden on small projects because the cost of DR is a larger fraction of the total project cost.

Analysis of Proposal

The city's analysis on page 16 of the June 2017 Director's Report shows that 28% of projects that were subject to DR in 2014-2015 would be exempt under the proposal. Of those, the vast majority (26% of the

28%) are projects that were subject to Streamlined DR, currently the simplest form of DR, and most of these were townhouses (presumably a small fraction were congregate/SEDUs between 5,000 and 12,000 sf). So in terms of DR exemption, for the most part the proposed 10,000 sf threshold in effect only reverts the DR Program back to how it was before 2010 when the city singled out townhouses for a new DR requirement--that is, it barely moves the needle much past where it was pre-2010. **These results support Recommendation #5 (see above) to raise the base threshold.**

A little more than a third of the projects currently subject to Full DR would become subject to a less rigorous DR process: 26% would go to Hybrid, 8% to Administrative, and 2% to exempt. This outcome would support the intent of the proposed policy changes, however we believe that it doesn't go far enough to achieve the need for reducing the cost of homebuilding. Lastly, the impact of the proposal on the relatively small number of projects currently subject to Administrative DR is basically a wash.

Because the city's analysis is based on number of projects rather than number of unit, it overstates the impact of the proposal on housing production (the city did not publish data on units). Nearly all of the projects that would be exempted under the 10,000 sf threshold are small projects with low unit counts. In terms of the number of *units*, the percentage exempted would be far less than 28% of *projects* that were exempted. Likewise, most of the projects that would be downgraded from Full DR would move because they are relatively small, and therefore have fewer units compared the average Full DR project. In terms of *units*, the fraction that would become subject to a DR process less rigorous than Full DR is lower than the 36% of *projects* that would.

RECOMMENDATION #5: To get a more accurate assessment of the proposal's impact on housing production, analyze it in terms of the number of units, not just the number of projects.

Optimum Design Review Scheme

In short, for changes to DR to yield significant movement toward achieving the goals of HALA and a sustainable city overall, we believe the proposal must be more aggressive.

RECOMMENDATION #6: We encourage the city to consider a DR framework that looks something like this:

- 0 – 15,000 sf: no DR**
- 15,000 – 25,000 sf: Streamlined DR**
- 25,000 – 50,000 sf: Administrative DR**
- > 50,000 sf: Full DR**

Some explanation: Streamlined DR has proven to be an effective process for smaller projects, and we believe it makes sense for it to apply to the first tier of projects above the DR exemption threshold. Hybrid DR as proposed is rife with the risk of failure due to the inherent disconnect between the DRB meeting and the city staff meeting, regardless of the order in which it occurs. Administrative DR is appropriate for small-to-medium scale projects that need deeper assessment but because of their smaller scale are more severely impacted financially by the cost and uncertainty caused by a DR process that puts the project in front of multiple public meetings. Full DR is best suited for large-scale projects. Threshold adjustments for complexity could be added as desired (but not for "context," as discussed above).

Early Community Outreach

We strongly oppose the proposal for additional early-stage community outreach. Such a requirement is diametrically opposed to the policy goals to reduce the encumbrance of DR in order to promote affordability. It would also disproportionately hurt small-scale projects, because the cost would take a bigger bite out of the budget. Larger projects are already required to provide community outreach through public DR meetings.

RECOMMENDATION #7: Eliminate the proposed requirement for additional early community outreach.

Miscellaneous additional suggestions

- The official goals of Design Review could be appended to emphasize recognition of its impact on homebuilding cost and supply, not only by the process itself, but through added costs imposed by changes mandated through the DR process, such as setbacks or more expensive materials. For example, reviewers could be instructed to consider strategies that make housing more plentiful, more affordable, or better serve communities at risk of displacement.
- Make height and floorplate departable through DR (though this would likely require changes to the land use code). Such flexibility--likely involving a trade-off the two parameters--would allow for much more creative design, and much less of a monotonous city skyline.

Thank you for the opportunity to provide comments. We look forward to further involvement in crafting the best possible set of improvements for Design Review.

Sincerely,



Dan Bertolet
Senior Researcher
Sightline Institute

Ghan, Christina

From: Jeffrey Floor <jsffloor@gmail.com>
Sent: Monday, July 10, 2017 8:13 AM
To: Mills, William
Cc: Rutzick, Lisa; Ghan, Christina
Subject: Review Comments for Design Review Program Improvements
Attachments: DRB Letter 2017-07-10.pdf

Attached please find review comments from the Central Area Land Use Review Committee regarding proposed revisions to the Design Review Program.

CENTRAL AREA LAND USE REVIEW COMMITTEE

Date: July 10, 2017

To: William Mills, Land Use Planner Supervisor (william.mills@seattle.gov)

From: Central Area Land Use Review Committee

Re: Comments on proposed changes to Design Review Program

The Central Area Land Use Review Committee (LURC) is pleased to be given an opportunity to participate in the public process for the proposed changes to the City's Design Review Process.

LURC is a volunteer committee composed of residents, business owners and property owners in the Central Area, many of whom work in the building industry. The mission of LURC is to advocate for and support development that contributes to the vitality of our neighborhood. Our group facilitates community conversations around land use issues to constructively shape land use and development in the neighborhood.

LURC has reviewed the Director's Report and Recommendation dated June 2017, as well as the document presented in 2016 by the City's Advisory Board for the proposed changes to the Design Review Program. Further, members have attended public meetings that the city has hosted on the topic and one of our member's serves on the Southeast Design Review Board. LURC applauds the city for undertaking this important task, and submits the following comments for your review and consideration.

General Comments.

In their 2016 document, the Advisory Board stated the following goals: 1) encourage better design, 2) improve consistency, efficiency, and predictability, 3) provide more training and outreach for board members and clearer expectations, and 4) support communication and dialogue, are laudable, and many of the specific suggestions are worthwhile improvements. While we support the goals laid out, LURC has concerns about the apparent reduction in depth and breadth of the program, in that fewer projects will be reviewed. It is clear that the design of many large and impactful projects will escape public and Design Review Board (DRB) scrutiny under the proposed revisions to the Design Review

program. We feel that this is not the correct approach. While we understand the desire to speed up the process and reduce the amount of time it takes to build in Seattle, speeding things up by exempting big projects that formerly were subject to Design Review could be costly to the livability of our neighborhoods now and into the future. The city built on our watch will be around for a long time. The following are our thoughts on specific aspects of the recommendations that have been presented.

Early and ongoing engagement.

We strongly support the idea of facilitating early communication between project proponents (developers and architects) at a very early stage. This effort will accomplish two things: first, allow members of the community to buy into the design process and take ownership of ideas, and with hope, later be supporters of the joint efforts of the public and the project proponents; and second, put the architect on a more efficient track to a solution palatable to the community and saving them from having to explore dead-end ideas.

As described in the Director's Report, the implementation of this strategy seems thoughtful and promising, with the exception of the statement that "the proposal would not require the applicant to incorporate any specific community feedback into the project." While we recognize that many comments from the public can come from outlying, individual quarters not necessarily in the community interest, the proposers should be required to respond with why concerns will not be incorporated.

Design Review Thresholds

We support, on a purely conceptual level, the idea to use project characteristics, such as location and sensitivity, to determine or inform the threshold for whether a project should go through the Design Review process. It's not clear however, whether the proposed changes do what is claimed. For example, in a project that was recently proposed in the Central Area (on 14th Avenue just north of East Spring St.) for twenty-two new townhouses on a site of around 24,000 S.F, the developer has apparently divided the site into four different parts each of which has fewer than eight units and each of which has less than 10,000 S.F. This example of 22 new units, in a Lowrise (LR2) zone which has historically been single family and duplex houses, is an instance where the scope involved would warrant the involvement of Design Review.

The description of the Design Review program changes states that one of the motivating factors is to support HALA. In the above example, the site and the zoning could easily allow one or more apartment buildings. However, such a development would have to submit to the time and expense of design review but the less-favored 22-unit townhouse development would not. This result appears to be contrary to the goals of HALA.

We are pleased to see that some institutions would be subject to design review in the future, but question the remaining exemption for schools. The impact of schools on neighborhoods is greater than the impact of social service institutions. The nature of the use, one that attracts large numbers of people coming and going at least twice a day, is greater than most institution uses. We should use the Design

Review process to moderate between neighbors and schools when new facilities are proposed, thereby producing development that better serves the needs of all. We would also argue that religious facilities should be included as well, but assume there may be constitutional issues with that.

Thresholds and Project Characteristics

Specific to the threshold matrix, should something like it be used in the final revisions to the Design Review Program, we feel there are a few additional criteria that should be added that would push additional projects into the "more complex" category. They are: adjacent to an institution, adjacent to a public open space, projects or sites with steep slopes, corner sites, project includes a contract rezone.

Policy Priority Projects

We don't support giving any special treatment for Arts, Green or low-income housing projects other than allowing them to be prioritized for City staff review and DRB meeting scheduling. These types of projects, while deserving of public and City support, need to be especially well-designed. For example, Green projects in particular are not at all inherently well-designed, and low-income housing projects inspire much in the way of strong public opinion.

Newly Revised Tools and Techniques

We support the proposal to put new tools and techniques to use in Design Review. We especially like the idea of facilitated discussion being introduced. So often the applicant feels handcuffed in being unable to respond to comments. We'd propose taking it a step further and allow the applicant to respond to public comments as well. We also agree that the requirement for three alternative schemes can sometimes be an exercise in perfunctory busy work that does not add value to the process. We feel, the inclusion of early community outreach will help the applicant hone in on the best alternative before the EDG meeting. Other ideas, such as providing more training for the board, and improved board documentation methods, will be helpful.

We have some additional ideas for tools and techniques to propose: 1) Projects located adjacent to a boundary between two DRB districts should require some sort of cross-communication or representation between the two boards; 2) create a requirement for second and subsequent meetings that the board to present a summary of key concerns from public comments from earlier meetings.

We do not wholeheartedly support a formal program to reward and publicize design excellence. We feel this could drain precious resources from a program already beyond its capacity.

Changes to Board Composition and Structure

We are encouraged to see that the original proposal to reduce the number of districts has been removed. Further, as you may be aware, the unique history of the Central Area has led us and many other community groups to conclude that a Central Area specific board be created. The current boundary between the Southeast and East board has highlighted the issue, with the heart of the district bifurcated along Jackson Street. A newly-created, eighth design review board, with boundaries corresponding to the traditional bounds of the Central Area, would ameliorate this, and respond to the decades-long desire for a local voice in determining the direction of development here. More than a symbolic gesture, this would be consistent with the City's Race and Social Justice Initiative.

Lastly, as mentioned above, for projects that are abutting or adjacent to district borders, we'd like to see some cross-fertilization of the two DRBs to create, perhaps, a hybrid board that represents the perspectives of the people of both districts.

In Summary

Going back to its inception in 1994, the Design Review program has been valuable in raising the discussion of the subjective but nonetheless important issue of design quality in the development of our city. Many of the proposed changes to the program appear to be more about reducing costs of program by reducing number of qualifying projects than about improving the quality of design in our neighborhoods. By the count in the matrix on page 16 of the Director's Report, it would appear the estimate is 28% fewer projects are likely to qualify for design review under the proposal. We feel that this would be the wrong approach to take during a construction boom, with people feeling overwhelmed by the pace of change all around them. LURC suggests that the City should find a way to add more money to the Design Review Program, budget, perhaps through increased fees (for larger projects at least) to maintain or even improve the program's broad and deep coverage.

Thank you again for the opportunity to comment on the proposal. LURC looks forward to working together to constructively shape land use and development in the Central Area.

Sincerely,

Central Area Land Use Review Committee

Ghan, Christina

From: Rick Hooper <rick.hooper2@gmail.com>
Sent: Thursday, June 22, 2017 11:24 AM
To: Ghan, Christina; Rutzick, Lisa
Subject: Comments: Des Rev Program Changes

Lisa / Christina, I am hereby emailing comments on SDCI's proposed changes to the Design Review Program. I am a co-president of the Uptown Alliance and member of the Queen Anne Land Use Review Committee. I have been anxious to see the March 2016 draft recommendations turn into an adopted ordinance. Overall I think you have done a great job responding to concerns and are recommending badly needed and welcome changes to an important program. Here are several comments on specific recommendations:

EARLY COMMUNITY OUTREACH (23.41.014, 23.41.015, 23.41.016)

Your proposed community outreach feature is great; making it a requirement is critically important. I think verifying that the outreach has occurred before the applicant can schedule their EDG meeting is a good way to help ensure outreach happens in a timely way.

I do have a concern about having DON support this activity; I think SDCI could involve DON but should remain lead in verifying outreach is done in a timely way. DON knows the groups that should be contacted, but beyond that SDCI knows how the outreach effort connects to the rest of the process.

I also have a concern regarding the key program principle that there is no requirement for the applicant to incorporate any specific community feedback into the project. I can appreciate why you take that position; but I think it is important for a developer to provide feedback to the community re concerns they want to raise. If that can happen at the one meeting that occurs, great. But sometimes the developer needs to go back and think about how best to respond --- then that response needs to be shared. It could be done through a call to the community lead; or a letter; or a second meeting with the community. One way or another, more is needed than no responses from the developer. Again, having involvement of SDCI staff during the process could help facilitate the communication process.

BOARD COMPOSITION (23.41.008)

I support the recommendation to replace the general community interest seat with an additional local community seat. The more the Boards can understand local community interests the better.

BOARD MEETING FORMAT

Recommendations are very good --- creating more opportunity for 2-way dialogue is needed. I also suggest being more clear about when opportunity for community comments will happen at the meetings. Maybe set aside specific amount of time (15 minutes maybe) at beginning of meetings?

BOARD MEMBER TRAINING

I suggest providing time for community folks to present guidelines that have been developed for neighborhoods; for example: Urban Design Framework principles and goals, local Design Review Guidelines that augment the City-wide Guidelines. Periodically update Board members when changes occur.

Again, very much appreciate your work on all this --- please let us know if we can be helpful supporting your work moving forward.

Rick Hooper
Co-president Uptown Alliance

Ghan, Christina

From: Torgelson, Nathan
Sent: Monday, July 10, 2017 4:10 PM
To: Podowski, Mike; Larsen, Shauna; Ghan, Christina
Subject: FW: Comments on Design Review Proposal
Attachments: Comment Letter on Design Review (7-10-17).pdf



Nathan Torgelson
Director

City of Seattle [Department of Construction and Inspections](#)

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"As stewards and regulators of land and buildings, we preserve and enhance the equity, livability, safety and health in our communities."



From: Jack McCullough [mailto:jack@mhseattle.com]

Sent: Monday, July 10, 2017 3:50 PM

To: Torgelson, Nathan <Nathan.Torgelson@seattle.gov>; Mills, William <William.Mills@seattle.gov>; Baker, Roberta <Roberta.Baker@seattle.gov>

Cc: Majeski, Quinn <Quinn.Majeski@seattle.gov>; Williams, Spencer <Spencer.Williams@seattle.gov>; Johnson, Rob <Rob.Johnson@seattle.gov>

Subject: Comments on Design Review Proposal

Here are the assembled comments of The Housing Roundtable, the Chamber, NAIOP, DSA, Coalition for Housing Solutions and BOMA on the pending proposal for revisions to the design review program. We look forward to working with you on this project.

Jack

John C. McCullough

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Building Owners & Managers Association, Seattle Chapter The Housing Roundtable

July 10, 2017

Nathan Torgelson
Director, Department of Construction & Inspections
City of Seattle
700 Fifth Avenue, Suite 2000
Seattle, Washington 98104

Re: Proposed Revisions to Design Review

Dear Nathan:

We are writing to provide our comments on the proposed revisions to the City's Design Review (DR) program. Several of the proposed revisions will be helpful to the program, while others are ill-considered. And there are critical shortcomings of the program that remain unaddressed in this proposal.

Most important, the proposed revisions – and the entire DR program – need to be examined more closely under the lens of housing affordability in Seattle. If the basic obligation of any process change is to “do no harm” to housing production and affordability, the proposed DR revisions fail this test.

1. Project Thresholds.

The exemption of projects under 10,000 s.f. from DR is a very helpful step. We suggest increasing this threshold in Urban Villages and Urban Centers. In addition, as a separate

exercise, some effort should be made to coordinate the exemption thresholds with State Environmental Policy Act (SEPA) categorical exemption levels where possible.

2. Hybrid DR Process.

Outside Downtown, the DR proposal suggests the creation of a new “hybrid” DR process, involving less review by the design review boards (DRB). We applaud the concept of streamlining this review, but the current structure of the proposed revision will do significant harm to the process and to housing production and affordability.

- The proposal would have Seattle Department of Constructions & Inspection (SDCI) staff conduct early design guidance (EDG) for a hybrid project, with the DRB only being engaged at the very end of the process, at the DR recommendation meeting. This means that the first time a DRB will see a hybrid project is after it has been fully designed, with final massing, articulation, colors, materials and landscaping all in place. All structural and schematic design will be complete. Departures will have to be assumed or avoided.

What is a DRB to do with this package? Any significant change in design is likely to send the project team back to the drawing board, a punitive result resulting in magnified cost and delay. But will a DRB be content to make only minor changes around the edges? If that’s the case, why involve the DRB at all? We expect that if DRB involvement is restricted to the recommendation meeting, the results for a project will be disastrous or irrelevant, but seldom anywhere in-between. And whichever way it turns out, neither the DRB, nor the applicant, nor the community is likely to be happy with the process or the result.

This is the opposite of “doing no harm.” If the DRB role is to be limited in the hybrid process – a good idea in concept – the only logical result is to restrict that role to EDG. The DRB can provide guidance on architectural massing and other design elements, which SDCI staff can then implement through the recommendation process.

Thus, we suggest the following revisions to the proposal:

- In the hybrid process, be sure that the applicant has the option to limit DRB involvement to the EDG portion of the process.
- If an applicant elects this option, give the applicant the further choice to return to DRB for a recommendation meeting. There are circumstances in which applicants will prefer DRB review to staff review at the recommendation stage.
- Create a “DRB Consultation” process as an option for applicants, whereby the SDCI staff reviewer consults with a designated member of the DRB in conducting the staff review.
- If staff is performing recommendation review, then staff must have the authority to approve departures.

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- We note the applicability of DR to non-industrial development in the IC and IB zones, but it is totally counter-intuitive that such projects would warrant full DR. We would like to understand the policy basis for this recommendation, since this step appears to add process where it is not necessary.
- The exemption of publicly-assisted low-income housing projects from DRB review is a valuable improvement to the production of affordable housing in the City. This component should not be diluted in the legislative adoption process. However, the DRB Consultation process (described above) should be optionally available to applicants in these cases.

3. Community Outreach.

The DR proposal would impose mandatory community outreach as a precondition to any engagement in the DR process, and would designate a second City department – Department of Neighborhoods (DON) – to supervise this process.

This is a solution in search of a problem. Worse, the “solution” will only add delay and cost to the process, without any clear sense of what success looks like. It is process for process’ sake.

One doesn’t need much of a crystal ball to see what this program would look like a year from now:

- Formal involvement of DON would add yet another level of bureaucracy to the already overburdened MUP process.
- In short order, the allegedly “flexible” outreach process would become rule-bound, with new TIPS and Director’s Rules mandating even more elaborate steps for application, review, monitoring, proof-of-work, compliance and – unavoidably – penalties.
- The application process will be delayed for more months at the front end, resulting in higher housing costs. The outreach process would create more “standing-around-time” in the MUP process, since other steps in the MUP process would be on-hold in the meantime.
- Applicants who already engage in meaningful outreach would be penalized, now unable to move forward until they had “checked-the-box” on this new mandatory process.
- Outreach compliance would become new fodder for Hearing Examiner appeals.
- And all of this new process would produce few if any benefits. Most applicants with large or controversial projects already engage in outreach. But under this new program, hundreds of new housing projects will be swept into a morass of new bureaucracy and delay, without perceptible benefit.

The truth is: the City has not taken steps to describe, define or characterize the problem it is trying to solve here. Thus, there is no way a year from now to evaluate whether this program actually produces benefits beyond the status quo, unless one sees more process as a benefit in itself. As we said, process for process’ sake.

Before the City embarks on a mandatory outreach program that will undeniably increase delay and cost for housing production, the City must demonstrate there is a problem in the current

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system that only a mandatory new process can solve, and then it must create metrics for evaluation of this program. There is no justification for imposing new burdens on housing production and affordability without taking these steps.

We suggest a pilot program that would be far more effective and would avoid the costs of the City's concept. This pilot program would be implemented without new legislation:

- Create a voluntary community outreach program, in consultation with DON. Adopt administrative incentives for applicants to engage in this process, such as preferential scheduling in the DR process.
- Ask all applicants to detail their community outreach efforts, so that a set of baseline data can be developed. SDCI and DON can use this data to evaluate the extent to which outreach affects the DR process and which outreach strategies may be most effective.
- Do not impose any mandatory programs or new bureaucratic obstacles in the DR process.
- Revisit these efforts in 12 or 18 months and then evaluate whether an outreach program is warranted, and if so, how it might be developed in a way that does not burden housing production and affordability.

To be clear, additional community outreach could be beneficial in some cases in the DR process, but the current City proposal for a new mandatory program is not well-conceived. Much additional work is required on this topic, particularly when we know that the mandatory program would have unfortunate impacts on the cost and timing of housing production and affordability in the City.

4. Board Composition & Structure.

We endorse most all of the recommended changes in this area, with the following notes:

- Increasing the number of Get Engaged seats on the DRBs will not improve the process. Increasing Board size will only prolong meetings, and while the Get Engaged process is a laudable one, those members are, by definition, the least qualified members of the DRB. If the goal is to reduce the administrative hassle of procuring stand-in members when a quorum may be lacking, there are far more effective strategies to achieve this result short of expanding the Boards with more Get Engaged members.
- While we applaud the effort to limit the number of DRB meetings for a project, it is counter-productive to abandon those limits for projects that seek departures. Many departures are necessary simply to deal with challenging site conditions, and most – probably 75% of all departures sought – are uncontroversial. In addition, the point of the departure process is to achieve superior design. Why penalize an applicant who wants to improve the design of a project through the departure process? The meeting limits should apply regardless of whether departures are sought. SDCI has reserved to itself the authority to require additional meetings, which can be done in the appropriate circumstances.

5. Other Issues.

Most of the process changes incorporated in the City DR proposal are modest and may help to make the DR process more timely and efficient. But no one should think for a moment that the proposal is likely to do much to benefit overall housing production in the City, and in some cases, the proposal will clearly impose unnecessary new costs and burdens on that production.

If the City is serious about taking steps in the DR process to benefit housing production, then in addition to the recommendations above, the City should consider the following:

- **Departures.** SDCI staff should have the authority to grant departures. This will be necessary to implement our suggested change to the hybrid DR process, but there are other reasons for this as well. Zoning review can miss necessary departures, and unanticipated departures can arise in the building permit and construction process. Forcing additional DRB meetings to occur merely for the purpose of ratifying a departure is unnecessary and wasteful of time.
- **MUP Revisions.** What for years was a relatively flexible process of MUP revision approval has become a torturous, rule-bound exercise. SDCI staff often feels it lacks the authority to approve even small and insignificant items appearing on project renderings endorsed by the DRB. This results in a time-consuming, unpredictable and ultimately arbitrary process of MUP revision. We endorse broadening the authority of SDCI staff to approve design revisions to approved projects. After all, the DRB only has authority to make *recommendations* on design. The current process has elevated those recommendations to the force of law. Injecting more flexibility in the process of MUP revision will provide great benefits for housing production.
- **Design Guidelines.** The recently-adopted City-wide Design Guidelines are long and unwieldy, and as a result, DRB review of the guidelines often becomes perfunctory. The guidelines should be simplified.
- **DRB Chairs.** There is no more important single individual in the DR process than the chair of the DRB. A good chair will keep the Board deliberations focused, will entertain a variety of positions while still moving toward resolution with the allotted meeting time, will engage the public in a meaningful way, and will appropriately discard the crazier ideas that occasionally surface in deliberations. A poor chair can allow a meeting to descend into near-anarchy. SDCI should undertake a program to identify and appoint DRB chair candidates with the qualification and demeanor to serve well, and then support them with training.
- **Consistency.** Depending upon the SDCI planner, the Board and the circumstance, there is a wide variety of interpretations of the scope of Board authority offered at DRB meetings. For example, the Boards lack authority to require changes in use or zoning or to engage in SEPA issues, but these limits are not consistently observed in Board meetings. The City would do well to institute more training to achieve a higher level of consistency on these issues.
- **Decisionmaking.** The City DR proposal focuses mostly on revisions to the DRB process, but in practice it is often the decisions made by SDCI staff that have the largest

July 10, 2017

impact on the cost and timing of a project. As revisions are made to the DR process, staff will play an even more important role. Improvement of the DR process should therefore also focus on improvements in the decisionmaking process at the staff level. For example:

- Additional training on design, but also on construction, costs and materials – the variables that affect affordable housing production.
- Empowerment of staff to make design judgments, where necessary, after the conclusion of the DRB process.
- Accountability process, in cases where project advancement or approval is held hostage by staff design dictates.
- **Parallel Processing.** The MUP process, including DR, is increasingly afflicted by a “gating” syndrome, where no new sub-process can commence until sign-off is obtained on the prior sub-process. While this can assist internal workflow management, the syndrome also tends to increase delay in the process, creating more “standing-around-time” in the process. Finding ways to undertake review tasks in parallel would produce measurable increases in permitting speed.

Most of all, design review at all levels should operate under two key principles: first, that the City’s involvement should provide guidance, without being prescriptive, and second, that the DR process should not interfere with – or add cost or delay to – the production and affordability of housing in the City.

We appreciate the opportunity to provide these comments and we look forward to participating in the process of improving the DR process in Seattle.

Sincerely,

The Housing Roundtable

Downtown Seattle Association

NAIOP, Washington State Chapter

Coalition for Housing Solutions

Greater Seattle Chamber of Commerce

Building Owners & Managers Association, Seattle Chapter

cc: CM Rob Johnson
William Mills (SDCI)

Ghan, Christina

From: Melody McCutcheon <melody.mccutcheon@hcmp.com>
Sent: Friday, July 07, 2017 10:34 AM
To: Mills, William; Ghan, Christina; Rutzick, Lisa
Subject: HCMP comments on proposed Design Review Program Amendments
Attachments: 90000.002.PDF

Bill, Christina, and Lisa,

The attorneys in our Land Use Group have reviewed the proposed Design Review changes. Our comments are in the attached letter.

If you'd like to follow up on some specifics, we'd be happy to meet with you.

Thanks,
Melody

Melody B. McCutcheon

Hillis Clark Martin & Peterson P.S.

999 Third Avenue | Suite 4600 | Seattle, WA 98104

d: **206.470.7633** | 206.623.1745 | f: 206.623.7789

melody.mccutcheon@hcmp.com | www.hcmp.com | vCard

July 7, 2017

Via Email

City of Seattle, SDCI
Attn: William Mills, Christina Ghan, and
Lisa Rutzick
P.O. Box 94788
Seattle, WA 98124

Re: *Public Comment on Proposed Design Review Program Amendments*

Dear Bill, Christina and Lisa:

Thank you for this opportunity to comment on SDCI's proposed changes to the Design Review Program. As land use practitioners, we are very familiar with the current Program, and its strengths and weaknesses. Overall, we applaud your work to improve design review to make it better for all participants. However, we have some serious concerns with aspects of the proposed Program changes, which are addressed below. Please do not hesitate to contact us if you would like to discuss our concerns further.

1. Director's Rules

There are a number of sections where the ordinance proposes new procedures or requirements for projects undergoing design review, but only in very general terms, then delegates authority to the Director to establish the applicable criteria by rule. Yet, despite the reliance on new Director's Rules to carry out the intent of the ordinance, no draft Director's Rules have been provided along with the proposal. Without draft Director's Rules, your customers and the public cannot meaningfully assess or comment on the ordinance's potential impacts, whether positive and negative. As a global comment, we strongly urge SDCI to modify the ordinance to provide more specific criteria with respect to the proposed changes, or in the alternative, provide drafts of the Director's Rules for feedback prior to moving forward with the proposed ordinance.

One clear example of the information vacuum created by not providing draft Director's Rules is with regard to major and minor Master Use Permit (MUP) revisions. The ordinance proposes to amend SMC 23.41.008 by adding a new section (F), which states that minor revisions to an approved MUP that was subject to design review may be approved by the Director as a Type I decision, and major revisions may be approved as a Type II decision. The criteria for which of these very different permit processes applies is left to be developed in a Director's Rule, with no indication of what those criteria might be. Will the criteria in existing CAM 224B still apply? (If so, we would like to talk to you about the practical challenges posed by the criteria in that CAM.) Or, will new criteria be established? SDCI should not move forward with the ordinance, until this information, and other basic

information pertinent to the functioning of the ordinance, is supplied to the public and your customers.

2. Increased Role of Administrative Approval and Changes to Required Meetings

The proposed ordinance is designed to streamline the Design Review process for some applicants by reducing the required number of meetings before the Design Review Board. We appreciate and are generally supportive of this goal. However, we are concerned that the increased focus on administrative approvals and a less formalized review process will actually result in more unpredictability unless improvements are made in SDCI's internal procedures. There are existing problems with current practices that need to be corrected before more administrative review can be supported. We would be happy to discuss our observations with you.

Also, in the proposed "hybrid" review process, the early design guidance process is facilitated by administrative staff, followed by a recommendation meeting before the Design Review Board. We are concerned that under this process, project applicants may expend considerable time and resources responding to design guidelines prior to any feedback or input by the Board, and the Board may have a differing view from administrative staff. We believe that it would be more efficient and constructive for this process to be reversed. The Design Review Board is better situated to identify the design guidelines and concerns of highest priority at the outset. After the Board has identified and evaluated these priorities, staff can work with project applicants in an administrative recommendation process with reference to the Board's guidelines and prior feedback.

3. Institutions

The ordinance would require that certain institutional uses participate in Design Review, excluding religious facilities and elementary and secondary schools. We are not supportive of this proposed change. Design review is a costly and lengthy process that is ill-suited to the limited resources of most institutions, many of which are nonprofits with limited resources. Most institutions are already connected to local communities and engage community members throughout the development process as a matter of course. We urge SDCI to modify the proposed ordinance to continue to exempt all institutional uses from Design Review thresholds, or at the very least impose reduced requirements for non-exempt institutions.

4. Community Engagement Process

The ordinance proposes a new community engagement process in which applicants are required to prepare a community outreach plan and establish a dialogue with community members prior to the early design guidance meeting. While we are supportive of the overall goal, we are concerned that the ordinance does not specify the required contents of a plan, what members of the community shall be consulted, or applicable approval criteria. It states

only that “the Director will establish, by rule, what constitutes the plan and how compliance with the plan will be documented.”

As noted in Comment No. 1, without information about the required contents and approval criteria for community outreach plans, informed comments about the merits of this proposal cannot be provided. Given the considerable difficulty in determining who “speaks for a neighborhood,” not to mention the vast differences between various neighborhoods, the workability of this proposal is doubtful. Again, we urge SDCI to provide a draft of the applicable Director’s Rule prior to finalizing the ordinance so that this proposal can be fully evaluated.

Additionally, significantly increasing community engagement requirements in this manner improperly places the responsibility of public notification on project applicants. We do not believe this should be the applicant’s role. If SDCI feels that its current public notice procedures are inadequate, it should amend the applicable sections of the Land Use Code to improve its procedures, rather than shifting this burden to applicants.

5. Recording Meetings

Lastly, as part of the changes proposed in this ordinance, we urge SDCI to require audio recordings of Design Review Recommendation meetings. Not infrequently, there are inconsistencies between notes taken by staff and the applicant, and there is no way to verify what the Board said or concluded. An audio recording can serve as an aid to resolving disagreements. In our experience, on more than one occasion, the Director has imposed or attempted to impose a design recommendation not actually discussed or voted upon by the Design Review Board. For these reasons, requiring audio recordings of Board meetings would increase transparency, reliability, and efficiency for applicants and the Design Review Program.

Thank you for considering our comments and let us know if you would like to follow up with us.

Very truly yours,

HILLIS CLARK MARTIN & PETERSON P.S.



Melody B. McCutcheon

Ghan, Christina

From: Mills, William
Sent: Thursday, June 22, 2017 4:37 PM
To: Rutzick, Lisa; Ghan, Christina
Subject: FW: Design Review proposal - AIA Seattle comments
Attachments: AIA Seattle Design Review comments.pdf

From: Kirsten Smith [mailto:kirstens@aiaseattle.org]
Sent: Thursday, June 22, 2017 4:25 PM
To: Mills, William <William.Mills@seattle.gov>
Cc: Kirsten Smith <kirstens@aiaseattle.org>; Lisa Richmond <lisar@aiaseattle.org>
Subject: Design Review proposal - AIA Seattle comments

Mr. Mills,

Please find attached AIA Seattle's comments on SDCI's proposed Design Review amendments.

Regards,

Kirsten Smith

Kirsten Smith

Manager of Advocacy for the Built Environment

AIA Seattle + AIA Washington Council

206.448.4938 x401 office | 206-708-3199 cell

kirstens@aiaseattle.org

Center for Architecture & Design

1010 Western Ave. | Seattle, WA 98104

Join us for the **2017 Materials Matter** series kicking off on June 2
The **Center will be closed** for construction June 12-28 – but we will be working remotely!



Mr. William Mills
Department of Construction and Inspection
City of Seattle
P.O. Box 94788
Seattle, WA 98124-4019

Re: Proposed Design Review Amendments

June 19, 2017

Dear Mr. Mills,

AIA Seattle

Center for Architecture
& Design
1010 Western Ave
Seattle, WA 98104

T (206) 448 4938

aiaseattle.org

Thank you for the opportunity to respond to SDCI's proposal to amend the Land Use Code to modify the Design Review process. AIA Seattle's members – around 2,000 architects and professionals working on the design of our city – care passionately about making better buildings and neighborhoods. Our members possess a deep body of experience with Seattle's current Design Review process, encompassing the full range of project types and scales and a diversity of perspectives. We appreciate the City's long-term focus on making positive changes to the Design Review process to develop a better system for all involved. AIA Seattle's previous comments to the City on this topic called for improvements to make Design Review more consistently rigorous, equitable and effective in fostering good design. Specifically, we advocated for better design, greater consistency and better communication. We recognize SDCI's work to address our concerns. While we support many of the changes outlined in the proposal, we would like to highlight our concern that the proposed changes be applied rigorously, provide greater definition and clarity and result in greater consistency and transparency for the process.

The following are our comments regarding each of the recommendations for improvements in the Design Review process.

Project Thresholds

Size

AIA Seattle supports the proposed amendments to modify project thresholds based on square footage rather than both size and the number of dwelling units. Clarifying and simplifying which projects meet the Design Review threshold reduces confusion about which projects need Design Review, reduces the project load on Boards and frees up available slots for applicants. We also support the proposed changes to reduce Design Review thresholds for projects less than 10,000 sf in size. This reserves the Design Review process for larger projects where it can have more impact and, in particular, removes a large number of townhouse projects that currently go through the Streamlined Design Review process. That said, we would like to ensure that the new thresholds are high enough to meet the HALA goal of increasing affordable

housing units in a meaningful way. We encourage SDCI to monitor the outcomes that result from the new thresholds to make sure they do not hinder the growth of affordable housing. If the HALA goals are not being met, we suggest considering higher thresholds.

Project Complexity

AIA Seattle supports the proposed amendments intended to refine Design Review thresholds by considering the complexity of a site related to the context, scale and special features of the proposal. This change would continue to require more complicated projects to fall within Design Review while freeing up Board member capacity to review the most important projects. We suggest lowering the street lot line to 200 feet from 250 feet as the threshold for “complex” development in the scale category – 200 feet is long enough to require major modulation moves in massing to break down the scale for the pedestrian experience and avoid monolithic development.

Hybrid Design Review

AIA Seattle also supports the proposed new Hybrid Process for smaller and less complex projects that would allow those projects to be reviewed administratively by staff at the Early Design Guidance meeting. This step will significantly reduce the review burden for smaller projects. Many of these are housing projects that need to move forward faster than is currently possible to help address Seattle’s affordable housing shortage. In addition, measures to reduce the number of projects that fall under Design Review will focus the City’s efforts on those projects of the highest priority. While we support this change, we are concerned that the new Hybrid Process be implemented consistently and executed appropriately. We encourage SDCI to implement this process with the goals of the process revisions in mind: to make Design Review more consistent, efficient and predictable.

Other thresholds

We believe that the proposal requiring commercial and institutional projects in Industrial Buffer and Industrial Commercial zones to be reviewed under Design Review is a positive change to ensure these projects maintain the appropriate scale for these neighborhoods. Adding institutional uses to the design review process is also welcomed to maintain consistency of neighborhood design standards. AIA Seattle also supports the proposed change to allow affordable housing projects to be reviewed administratively. This will reduce the burden on these projects, which already have an internal review process tied to public funding, and help accelerate the construction of badly needed affordable housing units. That said, we would like to see the Design Review process further incentivize efforts to build affordable housing in our city. Using Administrative Review as an incentive for projects to provide on-site affordable housing through the new MHA zoning – rather than making payments in-lieu – would be an example that would support the HALA goals of making affordable housing more equitable and geographically spread throughout the city.

Earlier proposals discussed the possibility of eliminating Design Review for projects participating in the Living Building Pilot Program. We are disappointed to see this idea missing from the current proposal. We believe that allowing such projects to go through Administrative Review would encourage others to participate in the program and help Seattle achieve its commitments toward a more sustainable future.

Early Community Outreach

AIA Seattle does not support Early Community Outreach as it is currently described in the proposed amendments. While we are supportive of more effective public outreach, we believe community engagement must be structured to focus on the things Design Review can address. A stated goal of this process is to reduce confusion among members of the public about Design Review, but the Early Community Outreach recommendation does not address the real possibility of contentious debate regarding project aspects beyond the control of the applicant (e.g., parking requirements, zoning height, allowable floor area ratio). The burden is placed on the applicant to navigate this outreach alone. We do appreciate the changes to the “How it would work” section from earlier proposals; the current version is better defined and clear, with one written, electronic and in-person outreach required. However, how the Department of Neighborhoods will verify that outreach requirements have been met is less defined and badly needs clarity. We also remain wary of the implications of protests by the public, including claims that the community outreach "requirement" was not met. There remains a real potential for onerous legal claims and crippling delays for every project.

Part of the rationale for revising the Design Review process is to make it less burdensome so we can build more housing in the city. This requirement makes this goal harder to accomplish, not easier. We suggest amending this recommendation to require applicant participation in a more clearly defined, city-led early public outreach effort. Moreover, the community engagement process as outlined by SDCI does not define how Boards will manage public objections that do not fall under Design Review purview – a major problem in slowing down reviews as often Design Review is the only outlet for the public to comment on issues (related to design or no). Applicants and Board members need a clear place to direct these comments as well as a well-defined process for letting the public know what can and cannot be accomplished via the Design Review process.

Board Structure

Board Composition

AIA Seattle supports the proposed modification of the composition of seats on each Board. We agree that additional review slots will be opened up by other proposed changes commented on above.

Board Meeting Format

We applaud the proposed change to allow for two-way dialogue between the Board and applicants to provide time for clarifying questions – this is badly needed and will be welcomed by applicants. We encourage even more opportunities for applicant-Board dialogue, including during the deliberation process, to ensure that all assumptions are correct and to allow the applicant to respond to public comment.

Board Meeting Training

AIA Seattle also welcomes the proposed expansion of the types of training made available to Board Members. We suggest that additional training be focused on how to address Design Review issues specific to complex projects. Also helpful would be a very clear

definition the Design Review Board's purview and increased opportunities for Board Members to engage in dialogue with other city commissions such as the Landmarks Board or the Design Commission.

Board Meeting Limits

We support the proposed changes to limit the number of Board meetings for certain projects, particularly those that are not seeking departures from standards or are less complex. This change will provide more opportunity for complex projects to be heard and help limit the Design Review Board's ability to overreach its authority. That said, we would like to see additional clarity on the procedures related to decision-making over departures from the stated limits.

Other Changes

Program to Reward and Publicize Design Excellence

AIA Seattle is deeply disappointed by SDCI's election to disregard the 2016 Recommendation Report recommendation to develop a program to reward and publicize design excellence. We believe a yearly awards program to honor design excellence is an outstanding way to recognize and promote well-designed projects, and we encourage you to reconsider this decision. AIA Seattle has experience designing our own awards programs and would consider collaborating with the City on this initiative.

Dedicated Note Taker at Meetings

AIA Seattle previously advocated for dedicated note takers at Design Review meetings and we continue to recommend this change as necessary to maintain predictability and a timely review process.

Design Review is a tool that can improve our city for everyone. We believe that the proposed amendments to the Design Review process would create a more nimble, functional and efficient Design Review process. However, these proposals badly need clarification on what is to be expected for each new step in the process to ensure that applicants and the public are well-informed and the process is both timely and predictable. While we support many of the proposed changes, we have concerns about the application of the changes. Our goal as frequent applicants is to have the most consistent and transparent process possible.

We encourage SDCI to take another look at specific areas where we feel the final process can be improved: eliminating Design Review requirements for Living Building Pilot Program projects and MHA affordable housing units; reviewing the unintended consequences of making Early Community Outreach a requirement for applicants; developing a program to reward and publicize design excellence; and adding a note taker to Design Review meetings.

We appreciate the thoughtful work that has gone into the recommended changes to the Design Review process and sincerely hope you will consider our comments in an effort to further improve on this effort. We look forward to working with the City to develop a final Design Review process that focuses on the highest priorities while ensuring consistency, providing transparency for all and elevating the level of design in our city

Respectfully,

A handwritten signature in black ink, appearing to be 'LR', with a small dot at the end of the final stroke.

Lisa Richmond
Executive Director

A handwritten signature in black ink, appearing to be 'RR', with a large loop and a horizontal line crossing through it.

Ron Rochon, AIA
President

Ghan, Christina

From: rogval@gmail.com on behalf of Roger Valdez <roger@smartgrowthseattle.org>
Sent: Monday, June 12, 2017 7:57 PM
To: Podowski, Mike; Rutzick, Lisa; Mills, William; Ghan, Christina
Cc: Johnson, Rob; Gore, Amy
Subject: Re: SDCI- Design Review DRAFT proposal
Attachments: Comments June 2017.pdf

Hello Mr. Mills and Mr. Podowski,

Attached you will find our comments on the proposed changes to the City's design review program.

Please let us know if you have any questions.

Thank you!

Roger--

On Thu, Jun 8, 2017 at 1:31 PM, Podowski, Mike <Mike.Podowski@seattle.gov> wrote:

Hello,

I am writing because you expressed interest in proposed changes to the City's Design Review program.

This is an informal update to let you know that draft legislation is available for public review and comment on our [Design Review Program Improvements](#) webpage and in the Land Use Information Bulletin <http://web6.seattle.gov/dpd/luib/Notice.aspx?BID=1248&NID=25398>. Comments will be open through Thursday, June 22.

Our proposed amendments to the Land Use Code (Title 23) are intended to improve the overall function of the program to enhance the efficiency and predictability of project reviews, improve dialogue amongst project stakeholders, and make the program more transparent and accessible to the public and project applicants. In addition, the changes would focus Design Review on the development projects most likely to influence the character of a neighborhood, and reduce the costs of building housing. They build upon the recommendations in a report we released in March 2016. This update is also a recommendation from the Mayor's Housing Affordability and Livability Agenda.

Key proposals in the legislation include:

1. Simplify and raise the thresholds for projects subject to design review, switching from a variety of thresholds based on use, units, and zoning to simple square footage thresholds that respond to the complexity of a site and type of project.
2. Create a new "hybrid" process that allows one phase of design review to be handled administratively and the remainder by the design review board.
3. Require that all applicants for projects going through design review conduct outreach to the communities near their projects before they begin design review.

The legislation would also modify the composition of design review boards, eliminate the streamlined administrative design review process, modify the review process for exceptional trees in Title 25, and update and clarify other provisions related to design review.



June 12, 2017

Dear Mr. Podowski,

We appreciate the opportunity to share our thoughts on the [proposed changes to the City's design review process](#). It's important to state up front that we feel that overall, the design review process has ceased to become, as stated on the City's website, "one of the tools we use to create a better city," but rather a costly and onerous process that raises the price of housing for consumers. Design review should add value to a project, but too often it adds time and costs while reducing the number of housing units created. We think the proposal needs significant changes to promote more housing production, not less.

Director
Roger Valdez

PO Box 2912
Seattle, WA 98111
206.427.7707

The best part of the proposal is using square footage as the threshold for requiring design review. This will put all townhouse and row house projects on equal footing. But, it is critical to note, that while the thresholds for design review change to square footage, SEPA thresholds are still based on unit count, so the overlay of complexity and perverse incentive to reduce housing production and supply will continue.

There are a myriad of problems with the rest of the proposal.

The proposal creates a threshold for "project complexity" which would include those projects outside the Urban Centers or Urban Villages, zone edge conditions, or adjacent to single-family zones. This complexity threshold would serve to increase the level of design review process required. Why would the City endeavor to enshrine single-family zones by making the process of building near them more expensive and complicated? This favors wealthier single-family homeowners over new people who need more affordable multifamily housing.

Additionally, the proposal adds more public process prior to the Early Design Guidance (EDG) meeting. This step is ill defined in the legislation and the design review process is *already* an extensive and staff intensive, facilitated community process; this is why there is little incentive now to go through all that process. It is unclear what this additional process would add other than costs, more documentation, and staff work from both the City and the producer. We suggest dispensing with it.

Here are our more specific concerns:

- We question the wisdom of eliminating Streamlined Design Review (SDR) as an option since it is the one form of design review that actually works reasonably well with regard to housing production. We should retain SDR and use it for the lowest category of review, and the threshold for that should be raised to 12,000 to 20,000 square feet. Opting in to SDR to get a little bit of design flexibility is a great option for many small projects. The step up from

“no process” to “administrative design review” is punitive and would push good and innovative ideas to the back of the line, something SDR was created to avoid. Encouraging innovation is something that the Housing Affordability and Livability Agenda (HALA) Committee encouraged.

- The thresholds haven’t been raised and in many cases they have been lowered. The so-called, “hybrid” design review could in fact end up being worse than full design review. With this proposal, anything larger than 10,000 square feet will require a Type II designation that exposes projects to an appeals process, a big disincentive.
- As mentioned above, the complexity measure seems designed to protect the residents of single-family homes by enshrining that zone with special considerations, triggering more extensive reviews and an unlimited number of public meetings for projects adjacent or across the street from single-family. Again, the City is favoring stasis on behalf of people who already live here at the expense of new people who are trying to find housing.
- Projects with 8 units that avoided design review under the old system will now likely be over 10,000 square feet, a threshold that will lead either to Administrative Design Review (ADR) or to the Hybrid system and at least \$50,000 in additional expense, up to a year of timeline, and exposure to appeal under the Type II designation. Obviously, and when taken together with the complexity factor added by adjacency to single-family zones, this creates an incentive to create fewer numbers of units on a site.
- For small apartment producers, those projects less than 20,000 square feet with a significant percentage of Small Efficiency Dwelling Units (SEDUs), would have typically been in ADR or SDR. Now SDR is unavailable, and they may end up in Hybrid design review that is not a benefit for housing production as we pointed out above.
- The misalignment of SEPA and design review thresholds creates more potential for a Type II process, and that creates an incentive to under-build a site to avoid triggering more expense through a longer process, exactly the opposite of what the City should want.

We suggest thresholds for design review that will be beneficial and encourage more housing production.

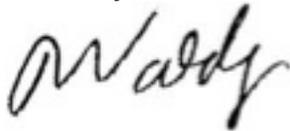
- Less than 12,000 square feet – no design review
- 12,000 -20,000 – SDR
- 20,000 – 40,000 – ADR
- Greater than 40,000sf - Full design review; we don’t see the benefit in process improvement or costs savings with the Hybrid review over full design review.

This approach to thresholds would mean a 12,000 square foot project, most 8-unit townhouse and row house projects, out of the design review process completely. The 20,000 square foot threshold will keep most small infill apartment projects in SDR, a process that has, as we pointed out, been working pretty well. And, finally, the

40,000 square foot threshold will keep most mid-scale apartment project in an administrative path, out of the public process.

What we're suggesting is consistent with what people who build and finance housing know will improve overall housing production and provide more supply for burgeoning demand in our city. As city, together, we can make housing production a priority, consistent with the broader recommendations from the HALA Committee, especially Section IV of their recommendations, or we can continue to allow design review to slow and limit production that will contribute to increases in housing prices.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Valdez". The signature is fluid and cursive, with the first letter of the first name being a large, stylized 'R'.

Roger Valdez
Director

Ghan, Christina

From: Irene Wall <iwall@serv.net>
Sent: Tuesday, July 11, 2017 10:59 AM
To: Ghan, Christina
Cc: Jeffrey Cook; L Ross; Weatbrook, Catherine; Barker, Cindi
Subject: Comments on Design Review Recommendations from City Neighborhood Council
Neighborhood Planning and Land Use Committee
Attachments: CNC NPLUC Comment Letter on Design Review Process Changes.pdf

Christina,

Please accept our comment letter on the Design Review Program Improvements SEPA Draft and Director's Report. If you would like clarification on any comments in our letter, please contact Jeffrey Cook or Cindi Barker who are cc'd on this email. I will not be available until July 29th.

We appreciate the importance of the design review and would like to see the program strengthened and focused on the Comprehensive Plan policies that are at its foundation.

Irene Wall for CNC NPLUC

CITY NEIGHBORHOOD COUNCIL

Neighborhood Planning and Land Use Committee (CNC NPLUC)

July 11, 2017

To: Christina Ghan, Seattle Dept. of Construction and Inspection

Re: SDCI Design Review Program Improvements

The City Neighborhood Council Planning and Land Use Committee has monitored the progress of updating Seattle's Design Review Program (DRP). We have been regularly briefed by Jeffrey Cook, a member of CNC NPLUC, who was on the advisory panel. We have reviewed the Director's Report and proposed ordinance changes, dated June 2017 and delegated a committee to prepare comments in response. We support the intent of improving the design review program but are concerned that some of the recommended changes would weaken the program and reduce the public benefits design review is meant to produce.

The purpose of Design Review. The Director's Report points out the underlying purposes of design review per the Comprehensive Plan: "enhance the character of the city" and "allow for variety and creativity in building design and site planning" and in GS G3 "maintain and enhance Seattle's unique character, and sense of place, including its natural setting, history, human-scaled development, and community identity, as the city grows and changes. "

Few of the recommended changes directly advance any of these fundamental goals. The most recent waves of development in neighborhood mixed use areas have been disappointingly devoid of variety, unique character or human-scale. The recommendations seem mostly focused on moving faster through the steps and reducing the "cost" to the developer. The Director's Report does not provide evidence of how the cost of design review actually affects rents or housing purchase prices. Shaving 4-8 weeks off the average timeline for project review is not significant when compared to the 50 years or more lifespan of a new structure and its potential impact on the community and adjacent properties. Design review should be methodical and meaningful.

While the current process is seen by some developers as a bottleneck, we suspect that projects "mired" in the Design Review process are often resisting or cherry-picking neighborhood guidelines, and overreaching for a high level of departures, increased unit counts and reduced setbacks from adjacent neighboring buildings. The Director's Report does not provide much information about the most common types of concerns raised by DRB members and the public that should be addressed by reforms to the design review process. Such an analysis might reveal potential pathways for developers and architects to follow to reduce the number of DR meetings.

The following comments are organized around the Directors Report, SEPA drafts and the Ordinance as currently proposed.

1. Simplify and raise the project thresholds

Setting a 10,000 SF threshold will create the incentive for manipulation to avoid design review by merely reducing the structure by a few square feet. Additionally, a 20,000 SF project can move through an administrative review if the site is deemed “non complex.” Mere location within an urban village should not preclude design review. It is these areas of the city which will need special attention owing to the intensity of redevelopment activity and erosion of “unique character.” The list of complex site characteristics should include any lot adjacent to a current landmark or potential landmark structure. The criteria identifying a 20-foot height difference between adjacent lots should be reduced to a 10-foot difference. HALA pending height changes will exaggerate the height gap between new buildings and existing structures built to current height limits.

A 10,000 SF development has the potential to house well over a dozen apartments and have a major impact on a neighborhood. We believe that the current guideline of 8 dwelling units for low rise and NC, and current standards for higher and mid-rise structures, would be more effective than a SF standard. All non-industrial buildings over 20,000 SF should receive full design review, unless they are created as 100% affordable units.

Affordable Housing. Even then we are concerned that the recommendations imply that good design is less a priority for “affordable housing” buildings. Instead we suggest that these bona fide affordable housing projects get priority in the wait list. As such, the Design Review standards still apply to these projects but the timeline is expedited for them. As currently written, it appears that any affordable projects (those receiving “public funds” or “an allocation of federal low-income housing tax credits”) would not require any design review, including community outreach. We sought clarification on this but have not receive a reply yet. Projects that produce “affordable housing” under the MHA on site production or that use MFTE credits should not be exempt from design review on that basis.

Hybrid Process. We think that the first EDG meeting should be with the community to help shape the massing of the structure since that will most affect neighbors. Since the EDG will be preceded by the new community outreach approach, the EDG can become the opportunity to show 3 massing schemes that reflect the developer’s response to community input. This approach also allows community members to focus on the neighborhood guidelines and suggest which should have priority for that particular development.

2. Early Community Outreach

Notification. We concur with the recommendation that “early and ongoing” engagement is a priority, and that more needs to be done to both inform and involve neighbors regarding the construction of all new buildings within 300 feet of all current land owners and

residents Residents will be impacted by new construction, regardless of Design Review). In addition to any posted notifications at the development site, residents and property owners should receive written, mailed notice of a proposed project as well as guidance on how to comment and access upcoming Design Review meetings, with contact information on the developer for the applicant and assigned city planner. Notification to the public about a pending project subject to Design Review should occur about the time that the developer first meets with the city to begin the process. The community should know about pending projects at the same time the city does.

Outreach. While we feel that community meetings initiated by the developer (Project Proponent) are a reasonable and worthwhile request, we have some concerns as to the details of how they will actually be structured and monitored. This aspect would be an ideal focus for a year-long pilot project conducted by the city. Early engagement should be a firm requirement, with defined expectations. It would be helpful to have a more concrete definition of whom the Proponents outreach should encompass from the outset. A Design Review Program Board member or a representative from the DON should officially observe and document the Proponent's outreach efforts. It appears that there is no clear plan for presented material to be catalogued and recorded for future reference.

Reading the Ordinance as currently written, the "Outreach Plan" seems vague and undefined for something that is supposed to increase the predictability of the DR program. Under "Full Administrative Review" for example, it states that

"Project proponents shall prepare a community outreach plan and document compliance with the community outreach plan to the Director prior to the scheduling of the early design guidance meeting."

and

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

The ordinance should spell out the minimum requirements for an outreach plan. A draft Director's Rule should be prepared for review concurrently with any ordinance changing the DR code sections.

The unfortunate problem with the concept of community outreach is spelled out on page 11 of the Director's Report " ... **the outreach process... would not require the applicant to incorporate any specific community feedback into the project.**"

This philosophy will undermine the goal of collaboration and certainly reduce any community enthusiasm for such engagement.

3. DR Board Structure

The current documents indicate that we will be retaining the 7 DR districts as currently drawn. We concur with maintaining the number of boards and districts at this point.

In addition to the recommended topics for DR Board member training, we suggest that Board members have training in all land use regulations affecting height, shadow impacts, view protection, rooftop coverage, the Green Factor, and “Green” building related departures, drainage codes and other environmental or building codes that can affect the overall height, bulk and scale of a building. When review of code compliance occurs after design review, opportunities are missed for improving the design and code compliance at the same time.

Maintain Public Access. We have no objection to allowing more “open dialogue” between the Applicant and the Board as long as that dialogue occurs during design review sessions to which the public has access to attend. Aspects of the design review are subject to appeal so the public should be able to witness the dialogue as well as any written minutes and decisions.

In the Draft Ordinance, Table A for 23.41.008 states that “1 or more” get engaged youth can be on the board. Later in that same section, line 8 page 15, says that “no more than 1 youth member from Get Engaged” can participate. We prefer that no more than 1 Get Engaged member participate at a time.

On the DRB composition, we support replacing the general community interest position with a local community seat however we do not support replacement of the local business interest position with a citywide position.

Additional DRB meeting. Under the proposed limits on total number of DRB sessions for a project, we ask that additional meetings requested by SDCI Director be open to the public and not be “administrative” review only sessions. Adherence to the design review code is a matter for project appeal so all deliberations of the DRB should be in public.

We also recommend that a DRB panel have the authority to require additional siting or design alternatives be presented or additional meetings be required if the majority of the panel finds it necessary to bring a project into compliance with the intent of the program.

A DRB chairperson should be alerted to any significant change or proposed changes by the applicant following a final recommendation meeting, and retain the authority over the project if warranted to ensure compliance with their recommendations.

4. Other Changes

Exceptional Trees. We agree that removal of exceptional trees mandates Design Review process. We would like to see additional detail regarding this aspect of the DR Improvements project and what departures would be associated with preserving exceptional trees. Penalties should be added if an applicant or their agent asks a property owner to remove an exceptional tree as a condition of purchasing any property.

July 11, 2017

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Changes to applications following MHA zoning changes. Projects that have been approved should require additional DRB review if the applicant seeks to modify an approved project to take advantage of additional MHA height and bulk code changes.

Thank you for your review of our comments and the inclusion of them into the public record.

Sincerely,

A handwritten signature in black ink that reads "Irene Wall". The signature is written in a cursive, flowing style.

Irene Wall, CNC NPLUC Co-Chair
Jeffrey Cook, CNC NPLUC Member

C: Laine Ross and Catherine Weatbrook, CNC Co Chairs

Ghan, Christina

From: Eugenia Woo <eugeniaw@historicseattle.org>
Sent: Tuesday, July 18, 2017 2:32 PM
To: Ghan, Christina; Rutzick, Lisa; Mills, William
Cc: Kji Kelly; Brooke Best
Subject: Historic Seattle Design Review Comments

Hi William, Christina, and Lisa,

I was not able to get my comments to you by July 10. I got called in to be an expert witness for an important advocacy issue in Issaquah so I had to prepare for my testimony and was at the Hearing Examiner around the same time the comments were due, followed by a previously scheduled vacation out of town.

I realize my comments are over a week overdue but hope you can at least read my comments and consider including them in the record.

Thank you!

Here are my comments:

Historic Seattle supports a review of the Seattle Design Review Program. It's an important program for Seattle citizens and for those who develop properties. What gets built in our city has an impact on all of us. But we all know that no program or process is perfect. We do not feel that the City's Design Review program should be viewed as a scapegoat for developers' project delays or for the lack of affordable housing.

It is important to improve and streamline programs and processes so that we all benefit—the City, the applicant, and the community in which a project is proposed.

As the owner of eight historic properties in Seattle, we understand what process means (Certificates of Approval and DCI/SDOT/etc. permits). Although we do not use the Design Review process ourselves because we own existing buildings, we do follow what happens with design review processes (and sometimes offer public comments) in various neighborhoods because they often impact potentially historic resources or landmark properties. We are not opposed to new construction. We applaud new, good design, yet we do not see much of it. And we are afraid we'll see even less with some of the proposed changes to Design Review.

Our main concern about the proposed changes to the Design Review program is focused on the increased thresholds for review. We believe this will have a significant impact on the character of neighborhoods. Seattle is losing its pedestrian-friendly environment in many neighborhoods. Less review and less public input may benefit some sectors of society but not all.

One other thing I would like to bring up that was not actually addressed is the disconnect between Design Review and landmark nomination applications that go before the Landmarks Preservation Board for the same parcel. I've seen projects go before a Design Review Board that are focused only on the new construction and dismiss the existing building(s) on the site. The DRB is told (sometimes) that the LPB is reviewing the property for potential landmark nomination or designation. The LPB cannot take into account proposed plans for the same site/parcel.

Sometimes, the Design Review process and the Landmarks process occur simultaneously. Sometimes the LPB will designate the existing historic resource while the DRB is approving the new project (which involves demolishing the existing historic building). As an example, 1001 Westlake Ave N (project number 3026386) in South Lake Union went to EDG on March 1, 2017 (the project was recommended to continue to the MUP application phase). On March 15, the LPB nominated the existing the building as a landmark and on May 2, the LPB designated the building as a landmark. Historic Seattle supported the designation and provided public comments.

This disconnect in City processes is not helpful to any party involved—the applicant, the LPB, City staff at DCI and DON, and preservation advocates. Why not have sequential processes rather than concurrent ones? We realize if the existing building did not get nominated or designated then the process through DCI would have continued for permitting. We realize it's a gamble that the developer takes to go ahead to Design Review before the issue of landmark nomination/designation is resolved. More developers should do their due diligence and not assume a building will not qualify as a landmark and can be torn down.

Thanks for reviewing our comments. We appreciate the work you do and know it is not easy!

Sincerely,

Eugenia Woo

Director of Preservation Services

Historic Seattle

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From: Ghan, Christina [mailto:Christina.Ghan@seattle.gov]

Sent: Thursday, June 22, 2017 1:00 PM

To: Eugenia Woo <eugeniaw@historicseattle.org>; Rutzick, Lisa <Lisa.Rutzick@seattle.gov>

Cc: Mills, William <William.Mills@seattle.gov>

Subject: RE: question re comment deadline for design review

Hi Eugenia,

Thank you for reaching out and for your interest in our proposal.

Our standard comment period for draft legislation (and the accompanying SEPA decision) is two weeks, with a three week deadline for an appeal of our SEPA decision to the Hearing Examiner. In order to allow more time for public review of the draft legislation, we have recently decided to accept comments a bit longer than usual, hence the July 10th date.

I hope that helps clarify. Please let us know if you have any other questions.

Best,

Christina



Christina Ghan
Senior Planner

City of Seattle [Department of Construction and Inspections](#)

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As stewards and regulators of land and buildings, we preserve and enhance the equity, livability, safety and health in our communities.

From: Eugenia Woo [<mailto:eugeniaw@historicseattle.org>]

Sent: Thursday, June 22, 2017 12:53 PM

To: Rutzick, Lisa <Lisa.Rutzick@seattle.gov>; Ghan, Christina <Christina.Ghan@seattle.gov>

Subject: question re comment deadline for design review

Hi Lisa and Christina,

Can you confirm if the deadline for comments on the Design Review program is today, June 22, or July 10? And why would the appeal deadline (June 29) for SEPA come before the July 10 comment deadline?

Am confused on the dates, or are they different deadlines for different decisions/documents?

Thanks,
Eugenia

Eugenia Woo

Director of Preservation Services

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