

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

..title

AN ORDINANCE relating to land use and zoning; modifying the Design Review program; repealing and replacing Section 23.41.004 of the Seattle Municipal Code (SMC); amending Sections 3.51.030, 23.41.002, 23.41.008, 23.41.010, 23.41.012, 23.41.014, 23.41.016, 23.41.020, 23.57.013, 23.73.009, 23.73.010, 23.73.012, 23.73.014, 23.73.015, 23.73.024, 23.76.004, 23.76.006, 23.76.008, 23.76.011, 23.76.012, 23.76.026, 23.76.040, 25.11.070, and 25.11.080 of the SMC; adding new Sections 23.41.015 and 23.41.022 to the SMC; repealing Section 23.41.018 of the SMC; and making technical corrections.

..body

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

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

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

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

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

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

4 Section 1. Section 3.51.030 of the Seattle Municipal Code, last amended by Ordinance
5 121568, is amended as follows:

6 **3.51.030 Selection process and program assessment ((-))**

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

15 Each young adult selected shall be matched with a mentor who serves on the same board
16 or commission, and shall attend support groups and training tailored toward their duties as a
17 board or commission member. Program participants shall periodically help assess the
18 effectiveness of the program, and adjustments will be made based on this feedback. Written
19 materials shall be developed for use by the program participants and by other jurisdictions who
20 may want to establish or participate in a similar program. Participants in the Get Engaged
21 program shall provide feedback to assist the Get Engaged partners (Mayor's Office Boards and
22 Commissions, City Council, and YMCA Metrocenter Branch) in developing a plan to sustain
23 effective young adult involvement within City government.

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

3 ~~((Part I – Design Review))~~

4 Section 3. Section 23.41.002 of the Seattle Municipal Code, last amended by Ordinance
5 124389, is amended as follows:

6 **23.41.002 Purpose**

7 The purpose of Design Review is to:

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

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

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

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

19 ~~((23.41.004 Applicability~~

20 ~~A. Design review required~~

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

**Table A for 23.41.004
Thresholds for Design Review**

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

Footnotes to Table A for 23.41.004

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

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

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

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

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

Table B for 23.41.004 Thresholds for Downtown Design Review	
DOC1, DOC2, or DMC zones	
Use	Threshold
Non-residential	50,000 square feet of gross floor area
Residential	20 dwelling units
DRC, DMR, DH1 or DH2 zones, or PMM zone outside the Pike Place Market Historical District	
Use	Threshold
Non-residential	20,000 square feet of gross floor area
Residential	20 dwelling units

7 4. Design review is required for all new development proposals exceeding 120
8 feet in width on any single street frontage in the Stadium Transition Area Overlay District as
9 shown in Map A for 23.74.004, and all new development proposals exceeding 12,000 square feet
10 of nonresidential gross floor area and electing to add extra floor area above the base FAR that are
11 located in an IC 85-160 zone.

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

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

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

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

10 ~~B. Design review—optional~~

11 1. ~~Full design review is optional to any applicant for new multifamily,~~
12 ~~commercial or Major Institution development proposals not otherwise subject to this Chapter~~
13 ~~23.41, if the new development proposal not otherwise subject to this Chapter 23.41 is in the~~
14 ~~Stadium Transition Area Overlay District or if the new proposal is in any multifamily,~~
15 ~~commercial or downtown zone.~~

16 2. ~~Administrative design review is optional for any applicant for new multifamily~~
17 ~~or commercial development proposals if the new multifamily or commercial development~~
18 ~~proposal does not exceed the thresholds provided in Table A for 23.41.004 and is not otherwise~~
19 ~~subject to this Chapter 23.41 if the proposal is in the Stadium Transition Area Overlay District,~~
20 ~~or is in any multifamily, commercial, or downtown zone, according to the process described in~~
21 ~~Section 23.41.016. Projects that are not otherwise subject to this Chapter 23.41 and are in any~~
22 ~~multifamily zone not listed in Table A for 23.41.004 are eligible only for optional full design~~
23 ~~review under subsection 23.41.004.B.1 if the number of dwelling units exceeds 20. If the project~~

1 ~~contains 20 dwelling units or less, then the project applicant may pursue either full or~~
2 ~~administrative design review.~~

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

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

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

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

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

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

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

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

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

22 **23.41.004 Applicability**

23 A. Design review required

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

- 4 a. Multifamily;
- 5 b. Commercial;
- 6 c. Seattle Mixed;
- 7 d. Downtown; and
- 8 e. Stadium Transition Area Overlay District as shown in Map A for

9 23.74.004, when the width of the lot exceeds 120 feet on any street frontage.

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

- 13 a. Industrial Buffer; and
- 14 b. Industrial Commercial.

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

- 17 a. Religious facilities;
- 18 b. Elementary and secondary schools;
- 19 c. Uses associated with a Major Institution Master Plan (MIMP); or
- 20 d. Development of a major institution use within a Major Institution

21 Overlay (MIO) district.

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

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

13 6. Any development proposal that is located in a Master Planned Community
14 zone and that includes a request for departures, regardless of size or site characteristics, is subject
15 to full design review according to Section 23.41.014. If a development proposal in a Master
16 Planned Community zone does not include a request for departures, the applicable design review
17 procedures are in Section 23.41.020.

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

Table A for 23.41.004
Design review thresholds by size of development and specific site characteristics outside of downtown and industrial zones

If any of the site characteristics in part A of this table are present, the design review thresholds in part B apply. If none of the site characteristics in part A of this table are present, the design review thresholds in part C apply.

A.	Category	Site Characteristic
	A.1. Context	a. Lot is abutting or across an alley from a lot with single-family zoning. b. Lot is in a zone with a maximum height limit 20 feet or greater than the zone of an abutting lot or a lot across an alley.
	A.2. Scale	a. Lot is 43,000 square feet in area or greater. b. Lot has any street lot line greater than 200 feet in length.
	A.3. Special features	a. Development proposal includes a Type IV or V Council Land Use Decision. b. Lot contains a designated landmark structure. c. Lot contains a character structure in the Pike/Pine Overlay District.
B.	Development on a lot containing any of the specific site characteristics in part A of this table is subject to the thresholds below.	
	Amount of gross floor area of development	Design review type²
	B.1. Less than 10,000 square feet	No design review
	B.2. At least 10,000 but less than 20,000 square feet	Hybrid design review
	B.3. 20,000 square feet or greater	Full design review
C.	Development on a lot not containing any of the specific site characteristics in part A of this table is subject to the thresholds below.	
	Amount of gross floor area of development	Design review type²
	C.1. Less than 10,000 square feet	No design review
	C.2. At least 10,000 but less than 20,000 square feet	Administrative design review
	C.3. 20,000 square feet or greater	Hybrid design review

Table A for 23.41.004
Design review thresholds by size of development and specific site characteristics outside of downtown and industrial zones

Footnote to Table A for 23.41.004

¹ Applicants for any development proposal subject to hybrid design review may choose full design review instead, and applicants for any project subject to administrative design review may choose hybrid or full design review.

1

Table B for 23.41.004
Design review thresholds by size of development in downtown and industrial zones

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

2

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

3

1. Development located in special review districts established by Chapter 23.66;

4

2. Development in Landmark districts established by Title 25, Environmental

5

Protection and Historic Preservation;

6

3. Development within the historic character area of the Downtown Harborfront 1

7

zone,

8

4. Development that is subject to shoreline design review pursuant to Chapter

9

23.60A; and

10

5. New light rail transit facilities that are subject to review by the Seattle Design

11

Commission.

12

6. City facilities that are subject to review by the Seattle Design Commission.

13

7. Development within single-family or residential small lot zones.

1 C. Optional design review

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

4 a. The development proposal is in any zone or area identified in subsection
5 23.41.004.A.1 or 23.41.004.A.2 or in the Stadium Transition Area Overlay District, except
6 development that is within a Master Planned Community zone is not eligible for optional design
7 review; and

8 b. The development proposal does not include the uses listed in subsection
9 23.41.004.A.3.

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

15 Section 6. Section 23.41.008 of the Seattle Municipal Code, last amended by Ordinance
16 124843, is amended as follows:

17 **23.41.008 Design Review ((Board)) general provisions**

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

1 1. For developments subject to full design review or Master Planned Community-
2 highrise design review, ((Synthesize)) synthesize community input on design concerns, identify
3 guideline priorities, and provide early design guidance to the ~~((development team and~~
4 ~~community)) applicant;~~

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

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

10 ~~((2-))~~ 4. Recommend to the Director specific conditions of approval ((which))
11 that are consistent with the ((design guidelines applicable to the development)) guideline
12 priorities; and

13 ~~((3-))~~ 5. Ensure fair and consistent application of Citywide or neighborhood-
14 specific design guidelines.

15 B. Design Review Board membership criteria

16 1. Members shall reside in Seattle; ((and))

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

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

22 4. Consistent with ((the City's Code of Ethics,)) Section 4.16.070, no member of
23 the Design Review Board shall have a financial or other private interest, direct or indirect,

1 personally or through a ~~((member of his or her))~~ person in the member's immediate family, in a
 2 project under review by the Design Review Board on which that member sits.

3 C. Design Review Board composition

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

Table A for 23.41.008 Design Review Board ((Composition)) <u>composition</u>					
Representation	Development interests	Design professions	((General community interests)) <u>Get Engaged</u>	Local residential/ <u>community</u> interests	((Local)) <u>General business interests or landscape professions</u>
Number	7	7	((7)) <u>1 or more</u>	((7)) 14 ((1/district)) <u>(2/district)</u>	7 ((1/district))
Selection process	3 appointed by Mayor, 4 by Council	3 appointed by Mayor, 4 by Council	((3 appointed by Mayor, 4 by Council,)) <u>1 or more pursuant to Chapter 3.51¹</u>	((Nominated by community and business organizations, respectively;)) <u>3 appointed by Mayor, 4 appointed by Council, 7 jointly appointed by Mayor and Council</u>	<u>Jointly appointed by Mayor and Council</u>
((Confirmation process))	((Confirmed by Council))	((Confirmed by Council))	((Confirmed by Council))	((Confirmed by Council))	
<u>Confirmation process</u>	<u>All appointments made solely by the Mayor are subject to confirmation by Council</u>				
Footnotes to Table A for 23.41.008 ((:))					
¹ One <u>or more</u> designated young adult positions ((is)) <u>are</u> added to the Design Review Board pursuant to the Get Engaged Program, Chapter 3.51. The selection process and term of service related to ((this)) <u>these</u> young adult positions <u>are</u> set forth in Chapter 3.51.					

5 2. Term. ~~((Upon appointment to the Design Review Board, a member shall serve~~
 6 ~~for a period of two years))~~ Members of the Design Review Board shall be appointed to two-year

1 terms. A member may be re-appointed to subsequent terms pursuant to the selection and
2 confirmation process in subsection 23.41.008.C.1. The Director may extend the existing term of
3 a serving member by up to one year in order to avoid more than two vacancies at any time. This
4 subsection 23.41.008.C.2 does not apply to Get Engaged members, whose terms are governed by
5 Chapter 3.51.

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

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

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

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

16 D. Design Review Board ~~((A))~~assignment ~~((:))~~

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

19 a. One ~~((4))~~ member representing development-related interests;

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

21 ~~((e-))~~ One ~~((4))~~ member representing the design professions;

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

1 ~~((e-))~~ d. One ~~((4))~~ member representing ~~((local))~~ general business
2 interests or landscape professions~~((-))~~ ; and

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

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

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

10 4. Substitutions ~~((-))~~

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

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

22 c. The Director may assign a Design Review Board to review a project
23 outside of its designated district in order to expedite review, provided that the local

1 residential/community representatives ~~((and local business representative))~~ shall review
2 development only within their district. In such a case, the Director shall appoint the local
3 residential/community representatives ~~((and the local business representative))~~ from the District
4 Board from which the project originated, or ~~((a))~~ the local residential/community representative
5 ~~((and a local business representative))~~ from the Substitute Design Review Board provided in
6 subsection 23.41.008.D.5, or any combination thereof, to review the project, so long as the local
7 residential/community representatives ~~((and the local business representative))~~ appointed are
8 from the same geographic district as the project to be reviewed.

9 5. Substitute Design Review Board ~~((M))~~membership ~~((:))~~

10 a. Membership criteria:

11 ~~((1))~~ 1) A person must have been a member of the Design
12 Review Board whose term has expired;

13 ~~((2))~~ 2) A person must indicate a willingness to continue
14 participation on the Board; and

15 ~~((3))~~ 3) A person must have, in the opinion of the Director,
16 demonstrated a commitment to Design Review through exemplary attendance and Board
17 participation.

18 b. The term of service for Substitute Design Review Board members is
19 indefinite.

20 E. Meetings of the Design Review Board ~~((:))~~

21 1. ~~((Project specific early design guidance public meetings shall be held as
22 required in Section 23.41.014 B-))~~ Notice of ~~((meetings of the))~~ Design Review Board meetings

1 shall be (~~provided~~) given as described in subsection 23.76.015.C (~~Chapter 23.76, Procedures~~
2 ~~for Master Use Permits and Council Land Use Decisions~~)).

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

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

<u>Table B for 23.41.008</u>		
<u>Maximum number of Design Review Board meetings for certain projects</u>		
<u>Type of design review</u>	<u>Early design guidance meetings</u>	<u>Recommendation meeting</u>
<u>Full design review</u>	<u>2^{1,2}</u>	<u>1^{1,2}</u>
<u>Hybrid design review</u>	<u>N/A</u>	<u>2^{1,2}</u>

Footnotes to Table B for 23.41.008
¹ There is no limit to the number of Board meetings when:
The project lot is abutting or across the street from a lot in a single family zone;
The development proposal includes a Type IV or Type V Master Use Permit
component as described in Chapter 23.76; or
Departures are requested.
² The Director may require additional Design Review Board meetings according to
subsection 23.41.008.E.4.

9 4. The Director may require additional Design Review Board meetings above the
10 maximum established in subsection 23.41.008.E.3 if the Director determines the Design Review
11 Board needs additional time for deliberation and evaluation of a project due to the size and
12 complexity of the site or proposed development, the amount and content of public comment, an
13 applicant's insufficient response to previous Board direction, or at the applicant's request. If the
14 Design Review Board cannot complete a recommendation, it shall identify reasons why another
15 recommendation meeting is necessary.

1 F. Design Review Board recommendation

2 1. The Design Review Board shall determine whether the proposed design
3 submitted by the applicant does or does not comply with the guideline priorities. The Board shall
4 recommend to the Director whether to approve or conditionally approve the proposed project
5 based on compliance with the guideline priorities, and whether to approve, condition, or deny
6 any requested departures from development standards.

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

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

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

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

19 4. Modifications to approved design

20 a. Minor revisions to an approved MUP that was subject to design review
21 may be approved by the Director as a Type I decision.

22 b. Major revisions to an approved MUP that was subject to design review
23 may be approved by the Director as a Type II decision.

1 ~~may be allowed if an applicant demonstrates that departures from Land Use Code requirements))~~

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

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

7 1. Procedures;

8 2. ~~((Permitted, prohibited, or conditional use provisions, except that departures~~
9 ~~may be granted from development standards for required street level uses))~~ Definitions;

10 3. ~~((Residential density limits))~~ Measurements;

11 4. ~~((In Downtown zones, provisions for exceeding the base FAR or achieving~~
12 ~~bonus development as provided in Chapter 23.49, Downtown Zoning))~~ Provisions of the
13 Shoreline District, Chapter 23.60A;

14 5. ~~((In Downtown zones, the minimum size for Planned Community~~
15 ~~Developments as provided in Section 23.49.036))~~ Lot configuration standards in subsections
16 23.22.100.C.3, 23.24.040.A.8, and 23.28.030.A.3;

17 6. ~~((In Downtown zones, the average floor area limit for stories in residential use~~
18 ~~in Table B for 23.49.058))~~ Permitted, prohibited, or conditional use provisions, except that
19 departures may be granted from development standards for required street-level uses;

20 7. ~~((In Downtown zones, the provisions for combined lot developments as~~
21 ~~provided in Section 23.49.041))~~ Maximum size of use;

22 8. ~~((In Downtown Mixed Commercial zones, tower spacing requirements as~~
23 ~~provided in subsection 23.49.058.D))~~ Residential density limits;

1 9. ~~((In the Downtown Mixed Commercial 170 zone, minimum floor-to-floor~~
2 ~~height for street level uses required as a condition of the additional height allowed by subsection~~
3 ~~23.49.008.D))~~ Noise and odor standards;

4 10. ~~((Downtown view corridor requirements, provided that departures may be~~
5 ~~granted to allow open railings on upper level roof decks or rooftop open space to project into the~~
6 ~~required view corridor, provided such railings are determined to have a minimal impact on views~~
7 ~~and meet the requirements of the Building Code))~~ Floor area ratios (FAR); except that in the
8 Pike/Pine Conservation Overlay District shown on Map A for 23.73.004, departures from the
9 development standards for floor area exemptions from FAR calculations in subsection
10 23.73.009.C and for retention of a character structure on a lot in Section 23.73.015 are allowed;

11 11. ~~((In SM-SLU zones, floor area limits for all uses provided in subsections~~
12 ~~23.48.245.A, 23.48.245.B.1, 23.48.245.B.2 and 23.48.245.B.3, except that departures of up to a~~
13 ~~five percent increase in floor area limit for each story may be granted for structures with~~
14 ~~nonresidential uses meeting the requirements of subsections 23.48.245.B.1.d.1 and~~
15 ~~23.48.245.B.1.d.2))~~ Structure height, except that:

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

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

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

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

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

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

16 12. ~~((The provisions of Chapter 23.58A, except that departures may be granted~~
17 ~~from the requirements of subsections 23.48.021.C.1.b.2, 23.48.021.C.1.b.3a, 23.48.021.C.1.b.4~~
18 ~~and 23.48.021.C.1.b.5, if the applicant demonstrates that the amenity to be provided according to~~
19 ~~Section 23.58A.040 better achieves the intent of the Downtown Amenity Standards for that~~
20 ~~amenity feature.)) Provisions of Chapter 23.52;~~

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

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

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

13 16. ~~((Maximum size of use))~~ Provisions of Chapter 23.58A, except that departures
14 may be granted from the requirements of subsections 23.48.021.C.1.b.2, 23.48.021.C.1.b.3.a,
15 23.48.021.C.1.b.4, and 23.48.021.C.1.b.5;

16 17. ~~((Structure height, except that:~~
17 a. ~~Within the Roosevelt Commercial Core building height departures up to~~
18 ~~an additional 3 feet may be granted for properties zoned NC3-65 (Map A for 23.41.012,~~
19 ~~Roosevelt Commercial Core);~~
20 b. ~~Within the Ballard Municipal Center Master Plan area building height~~
21 ~~departures may be granted for properties zoned NC3-65 (Map B for 23.41.012, Ballard~~
22 ~~Municipal Center Master Plan Area). The additional height may not exceed 9 feet, and may be~~

1 ~~granted only for townhouses that front a mid-block pedestrian connection or a park identified in~~
2 ~~the Ballard Municipal Center Master Plan;~~

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

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

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

12 ~~f. Within the PSM 85-120 zone in the area shown on Map A for~~
13 ~~23.49.180, departures may be granted from development standards that apply as conditions to~~
14 ~~additional height, except for floor area ratios and provisions for adding bonus floor area above~~
15 ~~the base FAR;~~

16 ~~g. Within the Pike/Pine Conservation Overlay District shown on Map A~~
17 ~~for 23.73.004, departures may be granted from development standards that apply as conditions to~~
18 ~~additional height in subsections 23.73.014.A and 23.73.014.B, and the provision for receiving~~
19 ~~sites for transfer of development potential in subsection 23.73.024.B.5)) Provisions of Chapter~~
20 ~~23.58B and Chapter 23.58C;~~

21 ~~18. ((Quantity of parking required, minimum and maximum parking limits, and~~
22 ~~minimum and maximum number of drive-in lanes, except that within the Ballard Municipal~~
23 ~~Center Master Plan area departures may be granted from the minimum parking requirement up to~~

1 a 30 percent maximum reduction for ground level retail uses that abut established mid-block
2 pedestrian connections through private property as identified in the “Ballard Municipal Center
3 Master Plan Design Guidelines, 2013”) In SM-SLU zones, floor area limits for all uses provided
4 in subsections 23.48.245.A, 23.48.245.B.1, 23.48.245.B.2, and 23.48.245.B.3, except that
5 departures of up to a five percent increase in floor area limit for each story may be granted for
6 structures with non-residential uses meeting the requirements of subsections 23.48.245.B.1.d.1
7 and 23.48.245.B.1.d.2;

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

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

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

15 22. ((~~Noise and odor standards~~)) In Downtown zones, provisions in Section
16 23.49.036 for the minimum size for planned community developments;

17 23. ((~~Standards for the location of access to parking in Downtown zones~~)) In
18 Downtown zones, the average floor area limit for stories in residential use in Table B for
19 23.49.058;

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

1 25. ~~((Provisions of Chapter 23.53, Requirements for Streets, Alleys, and~~
2 ~~Easements, except that departures may be granted from the access easement standards in Section~~
3 ~~23.53.025)) In the Downtown Mixed Commercial 170 zone, minimum floor-to-floor height for
4 street-level uses required as a condition of the additional height allowed by subsection
5 23.49.008.E;~~

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

11 27. ~~((Limits on floor area for uses within the MPC-YT zone, as provided in~~
12 ~~Sections 23.75.085 and 23.75.090 or as applicable under Section 23.75.040)) In Downtown
13 zones, the quantity of open space required for major office projects as provided in subsection
14 23.49.016.B;~~

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

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

20 30. ~~((Measurements)) Within the Pike/Pine Conservation Overlay District shown
21 on Map A for 23.73.004, the requirement that all character structures on a lot be retained in order
22 to qualify as a TDP receiving site in subsection 23.73.024.B, the exception allowing additional
23 FAR for non-residential uses in subsection 23.73.009.B, the FAR exemption for residential uses~~

1 in subsection 23.73.009.C.3, the exception to floor area limits in subsections 23.73.010.B.1 and
2 23.73.010.B.2, the exception for width and depth measurements in subsection 23.73.012.B, or
3 the exception for an additional 10 feet in height in subsection 23.73.014.B.

4 a. However, departures from the development standards identified above
5 maybe granted under the following conditions:

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

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

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

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

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

21 c) Demolishing the character structure would allow for
22 more substantial retention of other, more significant character structures on the lot, such as a
23 structure listed in a rule promulgated by the Director according to Section 23.73.005; or would

1 allow for other key neighborhood development objectives to be achieved, such as improving
2 pedestrian circulation by providing through-block connections, developing arts and cultural
3 facilities, or siting publicly-accessible open space at key neighborhood locations.

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

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

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

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

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

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

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

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

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

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

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

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

8 33. (~~Within the Pike/Pine Conservation Overlay District shown on Map A for~~
9 ~~23.73.004, the requirement that all character structures on a lot be retained in order to qualify as~~
10 ~~a TDP receiving site in subsection 23.73.024.B, the exception allowing additional FAR for non-~~
11 ~~residential uses in subsection 23.73.009.B, the FAR exemption for residential uses in subsection~~
12 ~~23.73.009.C.3, the exception to floor area limits in subsections 23.73.010.B.1 and 23.73.010.B.2,~~
13 ~~the exception for width and depth measurements in subsection 23.73.012.B, or the exception for~~
14 ~~an additional 10 feet in height as provided for in subsection 23.73.014.B:~~

15 a. Departures may, however, be granted under the following
16 circumstances:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 36. In pedestrian-designated zones, provisions for height requirements for floor-
21 to-floor height, as provided in subsection 23.47A.008.B, except that departures to allow a
22 mezzanine with less than the minimum floor-to-floor height may be granted provided that the

1 outer edge of the mezzanine floor is at least 15 feet from the exterior wall facing a principal
2 pedestrian street;

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

4 ~~((38.))~~ 37. Area-specific development standards for Lake City, identified in
5 subsection 23.47A.009.E, except departures may be requested if the development provides at
6 least one of the following features:

7 a. A usable open space that:

- 8 1) abuts the street ~~((;))~~ ;
- 9 2) is no more than 4 feet above or 4 feet below the adjacent
10 sidewalk grade ~~((;))~~ ;
- 11 3) has a minimum width equal to 30 percent of the width of the
12 street-facing facade or 20 feet, whichever is greater ~~((;))~~ ; and
- 13 4) has a minimum depth of 20 feet measured from the abutting
14 street lot line.

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

- 16 1) has a minimum width of 20 feet and provides direct and
17 continuous passage between the north/south rights-of-way abutting the lot; and
- 18 2) is designed to provide safe pedestrian use, including signage
19 identifying the passageway; and

20 ~~((39.))~~ 38. For lots 40,000 square feet or greater in size, area-specific development
21 standards for Ballard identified in subsections 23.47A.009.F.2, 23.47A.009.F.3, and
22 23.47A.009.F.4.b, except that departures may be requested if the development provides at least
23 one of the following features:

1 a. A usable open space that:
2 1) abuts the street ((7)) ;
3 2) is no more than 4 feet above or 4 feet below the adjacent
4 sidewalk grade ((7)) ;
5 3) has a minimum width equal to 30 percent of the width of the
6 street-facing facade or 20 feet, whichever is greater ((7)) ; and
7 4) has a minimum depth of 20 feet measured from all street lot
8 lines.

9 b. A separation between structures that:
10 1) has a minimum east-west dimension width of 20 feet ((7)) ;
11 2) is no more than 4 feet above or below the adjacent sidewalk
12 grades ((7)) ; and
13 3) is either developed as:
14 a) a north-south through block pedestrian passageway;
15 b) a woonerf;
16 c) an amenity area that is available for public use and not
17 counting towards the minimum requirement of 23.47A.024; or
18 d) a combination thereof.

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

* * *

Section 9. Section 23.41.014 of the Seattle Municipal Code, last amended by Ordinance 125272, is amended as follows:

23.41.014 ((Design)) Full design review process

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

B. Community outreach

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

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

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

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

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

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

1 ~~((3.))~~ The purpose of the early design guidance public meeting ~~((shall be))~~ is to
2 identify concerns about the site and the proposed project, receive comments from the public,
3 review the design guidelines applicable to the site, ~~((determine neighborhood priorities among~~
4 ~~the design guidelines))~~ identify guideline priorities, and explore conceptual design ~~((concepts~~
5 ~~and/or options))~~ or siting alternatives.

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

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

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

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

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

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

20 f. ~~In the Pike/Pine Conservation Overlay District established in Section~~
21 ~~23.73.004, if a character structure is located on the same lot as a proposed project, the applicant~~
22 ~~shall:~~

1 consensus is consistent with the design guidelines and reasonable in light of the facts of the
2 proposed development)).

3 2. The Director shall ~~((distribute a copy of))~~ make the guideline priorities
4 ~~((applicable to the development))~~ available to all those who attended the early design guidance
5 public meeting, to those who sent in comments or otherwise requested notification, and to the
6 ~~((project proponent))~~ applicant.

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

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

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

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

1 MUP application such additional information related to design review as the Director may
2 require.

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

6 ((~~E~~)) F. Design Review Board ((~~Recommendation.~~) recommendation

7 1. During a regularly scheduled evening meeting of the Design Review Board,
8 ~~((other than the early design guidance public meetings,))~~ the Board shall review the ~~((record))~~
9 summary of public comments on the project's design, the project's ~~((conformance to))~~
10 consistency with the guideline priorities ~~((applicable to the proposed project)),~~ and the ~~((staff's))~~
11 Director's review of the project's design and ((its application of)) consistency with the ((design
12 guidelines)) guideline priorities, and make a recommendation pursuant to subsection
13 23.41.008.F.1.

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

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

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

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

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

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

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

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

1 Section 10. A new Section 23.41.015 is hereby added to the Seattle Municipal Code, as
2 follows:

3 **23.41.015 Hybrid design review process**

4 A. A preapplication conference is required for all projects subject to or for which an
5 applicant has elected hybrid design review.

6 B. Community outreach

7 1. Applicants shall prepare a community outreach plan and document compliance
8 with the community outreach plan prior to the scheduling of the early design guidance meeting.

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

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

15 C. Early design guidance process. The applicant must follow the early design guidance
16 process set forth in subsection 23.41.016.C, except that projects that are participating in the Pilot
17 Program for Hybrid Design Review authorized by Section 23.41.022 must follow the early
18 design guidance process set forth in subsection 23.41.014.C.

19 D. Guideline priorities. The guideline priorities shall be identified and made available as
20 set forth in 23.41.016.D except that, for projects participating in the Pilot Program for Hybrid
21 Design Review authorized by Section 23.41.022, the guideline priorities shall be identified and
22 made available as set forth in subsection 23.41.014.D.

1 E. Application for Master Use Permit

2 1. Once the guideline priorities are made available by the Director, the applicant
3 may apply for a Master Use Permit (MUP).

4 2. In addition to submitting information required in a standard MUP application,
5 as prescribed in Chapter 23.76, the applicant shall include in the MUP application such
6 additional information related to design review as the Director may require.

7 F. Design review recommendation. The design review recommendation shall occur as set
8 forth in subsection 23.41.014.F, except that for projects that are participating in the Pilot
9 Program for Hybrid Design Review authorized by Section 23.41.022, design review
10 recommendation shall occur as set forth in subsection 23.41.016.F.

11 G. Director's decision

12 1. A decision on an application for a permit subject to hybrid design review shall
13 be made by the Director. The Director may approve or deny the permit, or condition approval of
14 the permit, based on the ability of a proposed project to achieve compliance with the guideline
15 priorities and to achieve the purpose and intent of this Chapter 23.41.

16 2. The Director's design review decision shall be made as part of the overall MUP
17 decision for the project. The Director's decision shall consider the recommendations of the
18 Design Review Board, pursuant to subsection 23.41.008.F.

19 H. Notice of decision. Notice of the Director's decision shall be as provided in Chapter
20 23.76.

21 I. Appeals. Appeal procedures for design review decisions are as described in Chapter
22 23.76.

1 Section 11. Section 23.41.016 of the Seattle Municipal Code, last amended by Ordinance
2 120410, is amended as follows:

3 **23.41.016 Administrative design review process ((-))**

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

7 ~~B. Early Design Guidance Process.~~

8 ~~1. Following a preapplication conference, a proponent may apply to begin the~~
9 ~~early design guidance process. Application for the early design guidance process shall include~~
10 ~~the following:~~

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

13 ~~b. A drawing of existing site conditions, indicating topography of the site~~
14 ~~and the location of structures and prominent landscape elements on or abutting the site (including~~
15 ~~but not limited to all trees six (6) inches or greater in diameter measured four and one half (4½)~~
16 ~~feet above the ground, with species indicated) if any; and~~

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

19 ~~d. A zoning envelope study which includes a perspective drawing; and~~

20 ~~e. A description of the proponent's objectives with regard to site~~
21 ~~development, including any preliminary design concepts or options.~~

22 ~~2. Notice of application shall be provided pursuant to Chapter 23.76, Procedures~~
23 ~~for Master Use Permits and Council Land Use Decisions.~~

1 3. ~~The purpose of the early design guidance process shall be to identify concerns~~
2 ~~about the site and development program, receive comments from the public, identify those~~
3 ~~citywide design guidelines of highest priority to the site, and/or explore conceptual design or~~
4 ~~siting alternatives. As a result of this process, the Director shall identify and prepare a written~~
5 ~~summary of any guidelines which may not be applicable to the project and site and identify those~~
6 ~~guidelines of highest priority to the neighborhood. The Director shall incorporate any community~~
7 ~~consensus regarding the design, as expressed in written comments received, into the guideline~~
8 ~~priorities, to the extent the consensus is consistent with the design guidelines and reasonable in~~
9 ~~light of the facts of the proposed development.~~

10 4. ~~The Director shall distribute a copy of the priority guidelines summary to all~~
11 ~~who sent in comments or otherwise requested notification and to the project proponent.))~~

12 B. Community outreach

13 1. Applicants shall prepare a community outreach plan and document compliance
14 with the community outreach plan to the Director prior to the scheduling of the early design
15 guidance meeting.

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

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

22 C. Early design guidance process

1 1. Following a preapplication conference, an applicant may apply to begin the
2 early design guidance process.

3 2. The purpose of the early design guidance process is to identify concerns about
4 the site and proposed development, receive written comments from the public, review the design
5 guidelines applicable to the site, identify guideline priorities, and explore conceptual design or
6 siting alternatives.

7 3. The Director may establish, by rule, the information that the applicant shall
8 present at the early design guidance meeting.

9 D. Guideline priorities

10 1. Based on the concerns expressed during community outreach or in writing, the
11 Director shall identify the guidelines of highest priority, referred to as the “guideline priorities”.
12 The Director shall summarize and consider any community consensus regarding design, as
13 expressed in written comments received.

14 2. The Director shall make the guideline priorities available to those who sent in
15 comments or otherwise requested notification, and to the applicant.

16 ~~((C:))~~ E. Application for Master Use Permit~~((:))~~

17 ~~1. ((Upon completion of the early design guidance process))~~ Once the guideline
18 priorities are made available by the Director, the ((proponent)) applicant may apply for a Master
19 Use Permit (MUP).

20 ~~2. ((The MUP application shall include a supporting site analysis and an~~
21 ~~explanation of how the proposal addresses the applicable design guidelines, in))~~ In addition to
22 ~~((standard MUP submittal requirements as provided))~~ submitting information required in a
23 standard MUP application, as prescribed in Chapter 23.76, ((Procedures for Master Use Permits

1 ~~and Council Land Use Decisions))~~ the applicant shall include in the MUP application such
2 additional information related to design review as the Director may require.

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

6 F. Design review recommendation phase

7 1. The Director shall review the summary of public comments on the project's
8 design, the project's consistency with the guideline priorities, and make a recommendation
9 pursuant to subsection 23.41.008.F.1.

10 2. The Director shall make the recommendation available to those who sent in
11 comments or otherwise requested notification, and to the applicant.

12 ~~((D))~~ G. Director's ~~((D))~~ decision ~~((:))~~

13 1. A decision on an application for a permit subject to administrative design
14 review shall be made by the Director ~~((as part of the overall Master Use Permit decision for the~~
15 ~~project)).~~

16 2. The Director's design review decision shall be made as part of the overall
17 Master Use Permit decision for the project. The Director's decision shall be based on the extent
18 to which the proposed project meets ~~((applicable design guidelines))~~ the guideline priorities and
19 in consideration of public comments on the proposed project.

20 ~~((3. Projects subject to administrative design review must meet all codes and~~
21 ~~regulatory requirements applicable to the subject site, except as provided for in Section~~
22 ~~23.41.012:))~~

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

3 ~~((F))~~ I. Appeals. Appeal procedures for design review decisions are described in Chapter
4 23.76, Procedures for Master Use Permits and Council Land Use Decisions.

5 Section 12. Section 23.41.018 of the Seattle Municipal Code, last amended by Ordinance
6 124952, is repealed:

7 ~~**((23.41.018 Streamlined administrative design review (SDR) process**~~

8 ~~A. A presubmittal conference is required for all projects subject to this Section 23.41.018~~
9 ~~unless waived by the Director, pursuant to Section 23.76.008.~~

10 ~~B. Following a presubmittal conference, a proponent may apply to begin the SDR~~
11 ~~guidance process.~~

12 ~~1. The application for SDR guidance shall include the following:~~

13 ~~a. An initial site analysis addressing site opportunities and constraints,~~
14 ~~adjacent buildings, and the zoning of the site and adjacent properties;~~

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

19 ~~c. A preliminary site plan including structures, open spaces, vehicular and~~
20 ~~pedestrian access, and landscaping;~~

21 ~~d. A brief description of how the proposal meets the intent of the~~
22 ~~applicable citywide and neighborhood design review guidelines; and~~

1 ~~e. One or more color renderings adequate to depict the overall massing of~~
2 ~~structures and the design concept.~~

3 ~~2. Notice of application for SDR Guidance shall be provided pursuant to Chapter~~
4 ~~23.76.~~

5 ~~3. The purpose of SDR Guidance is to receive comments from the public, identify~~
6 ~~concerns about the site and design concept, identify applicable citywide and neighborhood~~
7 ~~design guidelines of highest priority to the site, explore conceptual design and siting alternatives,~~
8 ~~and identify and document proposed development standard adjustments, which may be approved~~
9 ~~as a Type I decision pursuant to Section 23.41.018.D, or departures, which may be approved as a~~
10 ~~Type II decision pursuant to Section 23.41.016. The intent of SDR Guidance is not to reduce the~~
11 ~~general development capacity of the lot.~~

12 ~~4. As a result of the SDR Guidance process, the Director shall prepare a report~~
13 ~~that identifies those guidelines of highest priority and applicability, documents any design~~
14 ~~changes needed to achieve consistency with the design guidelines, and identifies any desired~~
15 ~~development standard adjustments and/or departures.~~

16 ~~5. The Director shall distribute a copy of the report to the applicant, place it on~~
17 ~~file in the Department, and provide access to the report on the Department website.~~

18 ~~C. Application for Type I or Type II Master Use Permit.~~

19 ~~1. After issuance of the SDR Guidance report, the proponent may apply for a~~
20 ~~Type I or Type II Master Use Permit.~~

21 ~~2. The Master Use Permit application shall include a brief explanation of how the~~
22 ~~proposal addresses the SDR guidance report, in addition to standard Master Use Permit submittal~~
23 ~~information required by Section 23.76.010. Adjustments to certain development standards~~

1 ~~pursuant to subsection 23.41.018.D may be approved as a Type I decision. If the need for~~
2 ~~development standard departures, authorized under Section 23.41.012 and beyond the~~
3 ~~adjustments allowed under subsection 23.41.018.D, is identified, the applicant may either revise~~
4 ~~the application to eliminate the need for the further departures, and proceed under this Section~~
5 ~~23.41.018, or else apply for a Type II Master Use Permit for administrative design review~~
6 ~~pursuant to Section 23.41.016.~~

7 ~~3. Notice of application for a permit for a project subject to SDR shall be provided~~
8 ~~according to Chapter 23.76.~~

9 ~~D. SDR decision.~~

10 ~~1. The Director shall consider public comments on the proposed project, and the~~
11 ~~Director's decision shall be based on the extent to which the application meets applicable design~~
12 ~~guidelines and responds to the SDR guidance report.~~

13 ~~2. The Director's decision pursuant to the SDR process shall not reduce the~~
14 ~~number of units allowed per square foot of lot area when such a density limit is set in Table A for~~
15 ~~Section 23.45.512.~~

16 ~~3. The Director may allow the adjustments listed in subsection 23.41.018.D.4, if~~
17 ~~the adjustments are consistent with the SDR design guidance report and the adjustments would~~
18 ~~result in a development that:~~

19 ~~a. Better meets the intent of the adopted design guidelines and/or~~

20 ~~b. Provides a better response to environmental and/or site conditions,~~
21 ~~including but not limited to topography, the location of trees, or adjacent uses and structures.~~

22 ~~4. If the criteria listed in subsection 23.41.018.D.3 are met, the Director may~~
23 ~~allow adjustments to the following development standards to the extent listed for each standard:~~

1 ~~a. Setbacks and separation requirements may be reduced by a maximum of~~
2 ~~50 percent;~~

3 ~~b. Amenity areas may be reduced by a maximum of 10 percent;~~

4 ~~c. Landscaping and screening may be reduced by a maximum of 25~~
5 ~~percent;~~

6 ~~d. Structure width, structure depth, and façade length may be increased by~~
7 ~~a maximum of 10 percent; and~~

8 ~~e. Screening of parking may be reduced by a maximum of 25 percent.~~

9 ~~5. Limitations on adjustments through the SDR process established in this~~
10 ~~subsection 23.41.018.D do not limit adjustments expressly permitted by other provisions of this~~
11 ~~Title 23 or other titles of the Seattle Municipal Code.))~~

12 Section 13. Section 23.41.020 of the Seattle Municipal Code, enacted by Ordinance
13 123963, is amended as follows:

14 **23.41.020 Master Planned Community design review process**

15 A. Scope. This Section 23.41.020 applies only to development proposals in Master
16 Planned Community zones that do not include a request for departures. If an application in a
17 Master Planned Community zone includes a request for departures, then the applicable design
18 review procedures are in Section 23.41.014. For purposes of this Section 23.41.020, “highrise
19 structure” and “non-highrise structure” are as defined in Section 23.75.020.

20 B. A preapplication conference is required for any application subject to this Section
21 23.41.020 (~~unless waived by the Director, pursuant to Section 23.76.008~~)).

22 C. Early design guidance ((-))

1 1. An early design guidance process is required only if a proposal includes a
2 highrise structure.

3 2. Following a pre-application conference(~~(, if required,)~~) and site visits by
4 Design Review Board members assigned to review a proposed project, an early design guidance
5 public meeting with the Design Review Board shall be held for each proposal that includes a
6 highrise structure.

7 3. The purpose of the early design guidance public meeting is to identify concerns
8 about the site and the proposed project, receive comments from the public, review the design
9 guidelines applicable to the site, (~~(determine neighborhood priorities among the design~~
10 ~~guidelines)) identify guideline priorities, and explore conceptual design (~~(concepts and/or~~
11 ~~options)) or siting alternatives.~~~~

12 4. ~~((A*))~~ The Director may establish, by rule, the information that the applicant
13 shall present at the early design guidance public meeting. (~~(, the project proponents shall present~~
14 ~~the following information:~~

15 a. ~~An initial site analysis addressing site opportunities and constraints, the~~
16 ~~uses of all adjacent buildings, and the zoning of the site and adjacent properties;~~

17 b. ~~A drawing of existing site conditions, indicating topography of the site~~
18 ~~and the location of structures and prominent landscape elements on or abutting the site (including~~
19 ~~but not limited to all trees 6 inches or greater in diameter measured 4½ feet above the ground,~~
20 ~~with species indicated);~~

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

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

1 e. ~~A description of the proponent’s objectives with regard to site~~
2 ~~development; and~~

3 f. ~~A development proposal, which may include possible design options if~~
4 ~~so elected by the applicant.))~~

5 5. Guideline priorities. Based on the concerns expressed at the early design
6 guidance public meeting or in writing to the Design Review Board, the Board shall identify ~~((any~~
7 ~~guidelines that may not be applicable to the site and identify))~~ those guidelines of highest priority
8 to the ~~((neighborhood))~~ Board, referred to as “guideline priorities”. The Board shall make
9 preliminary design recommendations, ~~((incorporating))~~ summarizing and considering any
10 community consensus regarding design expressed at the meeting ~~((, to the extent the consensus is~~
11 ~~consistent with the design guidelines and reasonable in light of the facts of the proposed~~
12 ~~development))~~.

13 6. The Director shall ~~((distribute))~~ make available a summary of the public
14 comments and the Board’s preliminary design recommendations from the early design guidance
15 meeting to the applicant and to all persons who provided an address for notice at the meeting,
16 submitted written comments, or made a written request for notice.

17 D. Application for Master Use Permit ~~((:))~~

18 1. Timing ~~((:))~~

19 a. If a proposal does not include a highrise structure, then following the
20 pre-application conference ~~((or the Director’s waiver of a pre-application conference pursuant to~~
21 ~~Section 23.76.008))~~, the applicant may apply for a Master Use Permit.

22 b. If a proposal includes a highrise structure, then following the early
23 design guidance public meeting, distribution of the meeting summary, and any additional

1 optional meetings that the applicant chooses to hold with the public and the Design Review
2 Board, the applicant may apply for a Master Use Permit.

3 2. ~~((The Master Use Permit application shall include a supporting site analysis
4 and an explanation of how the proposal addresses the applicable design guidelines, in)) In
5 addition to ~~((standard MUP submittal requirements as provided))~~ submitting information
6 required in a standard MUP application, as prescribed in Chapter 23.76, ~~((and in the case of a~~
7 ~~highrise structure, the application shall also include a response to the Board's preliminary design~~
8 ~~recommendations from the early design guidance meeting))~~ the applicant shall include in the
9 MUP application such additional information related to design review as the Director may
10 require.~~

11 E. Design review process and decision ((-))

12 1. Director's decision for non-highrise proposals. For a development proposal that
13 does not include a highrise structure, the Director shall make a Type I design review decision.
14 The Director's decision shall be based on the extent to which the proposed project meets
15 applicable design guidelines, with consideration of public comments on the proposed project.
16 The Director may condition a proposed project to achieve greater consistency with design
17 guidelines and to achieve the purpose and intent of this Chapter 23.41.

18 2. Design Review Board recommendation for highrise development
19 proposals ((-))

20 a. If the proposal includes a highrise structure, then during a
21 recommendation meeting, the Board shall review the ~~((record))~~ summary of public comments on
22 the project's design, the project's ~~((conformance to))~~ consistency with the guideline priorities.

1 ~~((applicable to the proposed project,))~~ and the ~~((staff's))~~ Director's review of the project's design
2 and its ~~((application of))~~ consistency with the ~~((design guidelines))~~ guideline priorities.

3 b. At a recommendation meeting for a development proposal that includes
4 a highrise structure, the Design Review Board shall determine whether the proposed design
5 submitted by the applicant is consistent with ~~((applicable design guidelines))~~ the guideline
6 priorities. The ~~((Design Review))~~ Board may recommend to the Director whether to approve or
7 conditionally approve the proposed project based on the ~~((design guidelines))~~ guideline
8 priorities. The Design Review Board shall hold no more than two recommendation meetings on
9 the proposed project, following the required early design guidance meeting and any optional
10 meetings that the ~~((project proponent))~~ applicant may hold with the public or the Design Review
11 Board. If the Design Review Board does not issue a recommendation that a proposed project be
12 approved, conditionally approved, or denied by the end of the second recommendation meeting,
13 the remaining design review process shall proceed through design review pursuant to subsection
14 23.41.020.E.1.

15 ~~((3. Director's decision for development proposals including a highrise structure.~~

16 a)) c. For a development proposal including a highrise structure, the
17 Director shall make a Type I design review decision. The Director may condition approval of a
18 development proposal to achieve greater consistency with design guidelines and to achieve the
19 purpose and intent of this Chapter 23.41.

20 **~~((b))~~** d. The Director shall consider public comments on the proposed
21 project and the recommendations of the Design Review Board, pursuant to subsection
22 23.41.008.F. ~~((If four or more members of the Design Review Board agree in their~~
23 ~~recommendation to the Director, the Director shall issue a decision consistent with the~~

- 1 ~~recommendation of the Design Review Board, unless the Director concludes that the~~
2 ~~recommendation of the Design Review Board:~~
- 3 ~~1) Reflects inconsistent application of the design review~~
 - 4 ~~guidelines; or~~
 - 5 ~~2) Exceeds the authority of the Design Review Board; or~~
 - 6 ~~3) Conflicts with SEPA conditions or other regulatory~~
 - 7 ~~requirements applicable to the site; or~~
 - 8 ~~4) Conflicts with the requirements of state or federal law.))~~

9 Section 14. A new Section 23.41.022 is hereby added to the Seattle Municipal Code, as
10 follows:

11 **23.41.022 Pilot Program for Hybrid Design Review**

12 A. Applications

13 1. Enrollment period. The enrollment period for the Pilot Program for Hybrid
14 Design Review expires on the earlier of July 1, 2019, or when applications for the first 25
15 projects have been submitted after the effective date of the ordinance introduced as Council Bill
16 **XXXXXX** that meet the requirements of subsection 23.41.022.A.2.

17 2. Application requirements. In order to qualify for the Hybrid Design Review
18 Pilot Program, an applicant shall submit a complete application for the early design guidance
19 process to the Director that clearly indicates interest in participation in the Pilot Program for

1 Hybrid Design Review. Applications shall be accepted according to the date that the complete
2 application is submitted.

3 B. Minimum standards. A project shall qualify for the Pilot Program for Hybrid Design
4 Review if the project meets the applicability standards for hybrid design review in Section
5 23.41.004.

6 C. Hybrid design review process. Projects participating in the Pilot Program for Hybrid
7 Design Review shall meet all requirements for the hybrid design review process in Section
8 23.41.015.

9 D. Completion of program. Projects that have enrolled in the Pilot Program for Hybrid
10 Design Review are required to remain in the program through the completion of the hybrid
11 design review process in Section 23.41.015, except that any projects subject to hybrid design
12 review may choose to be reviewed through full design review pursuant to Section 23.41.014.

13 Section 15. Section 23.57.013 of the Seattle Municipal Code, last amended by Ordinance
14 123668, is amended as follows:

15 **23.57.013 Downtown zones**

16 A. Permitted (~~(Uses)~~) uses. Minor communication utilities and accessory
17 communication devices are permitted outright when meeting development standards of the
18 zone in which the site is located, except for height limits, and subsection 23.57.013.B.

19 B. Development (~~(Standards)~~) standards

20 1. Access to transmitting minor communication utilities and accessory
21 communication devices shall be restricted to authorized personnel when located on rooftops or
22 other common areas. Warning signs at every point of access to the rooftop or common area
23 shall be posted with information on the existence of radiofrequency radiation.

1 Section 16. Subsections 23.73.009.B and 23.73.009.C of the Seattle Municipal Code,
2 which section was last amended by Ordinance 125272, are amended as follows:

3 **23.73.009 Floor Area Ratio**

4 * * *

5 B. Non-residential uses are limited to a maximum of 2 FAR, except that for development
6 on a lot that meets one of the following conditions, the FAR limits for non-residential uses in
7 Section 23.47A.013 for the underlying zone applies:

- 8 1. A character structure has not existed on the lot since January 18, 2012; or
- 9 2. For lots that include a character structure, all character structures on the lot are
10 retained according to Section 23.73.015, unless a departure is approved through the design
11 review process to allow the removal of a character structure based on the provisions of
12 subsection ((~~23.41.012.B.33~~)) 23.41.012.B. If the lot includes a character structure that has been
13 occupied by residential uses since January 18, 2012, the same amount of floor area in residential
14 uses shall be retained in that structure, unless a departure is approved through the design review
15 process to allow the removal of the character structure based on the provisions of subsection
16 ((~~23.41.012.B.33~~)) 23.41.012.B. The owner of the lot shall execute and record in the King
17 County real property records an agreement to provide for the maintenance of the required
18 residential uses for the life of the project.

19 C. In addition to the floor area exempt under the provisions of the underlying zone, the
20 following floor area is exempt from the calculation of gross floor area subject to an FAR limit:

- 21 1. The following street-level uses complying with the standards of Section
22 23.47A.008 and subsection 23.73.008.B:

- 23 a. General sales and services;

- 1 b. Major durables retail sales;
2 c. Eating and drinking establishments;
3 d. Museums;
4 e. Religious facilities;
5 f. Libraries; and
6 g. Automotive retail sales and service uses located within an existing
7 structure or within a structure that retains a character structure as provided in Section 23.73.015.

8 2. Floor area used for theaters or arts facilities, which for the purposes of this
9 Section 23.73.009 only, may be operated either by for-profit or not-for-profit organizations.

10 3. All floor area in residential use in a development that retains all character
11 structures on the lot as provided in Section 23.73.015, or that uses the transfer of development
12 potential (TDP) on a lot that is a TDP receiving site according to Section 23.73.024, unless a
13 departure is approved through the design review process to allow the removal of a character
14 structure based on the provisions of subsection (~~(23.41.012.B.33)~~) 23.41.012.B.

15 4. In areas where the underlying zoning is NC3P-65, all floor area in any use if
16 the lot that is to be developed is 8,000 square feet or less in area and has been either vacant or in
17 parking use since February 27, 1995.

18 5. Floor area in non-residential use within a character structure that meets the
19 minimum requirements for retaining a character structure in 23.73.024.C.4, provided that the
20 non-residential use does not displace a residential use existing in the structure since January 18,
21 2012.

22 Section 17. Subsection 23.73.010.B of the Seattle Municipal Code, which section was
23 last amended by Ordinance 124503, is amended as follows:

1 **23.73.010 Floor area limits outside the Conservation Core**

2 * * *

3 B. Exceptions to floor area limit

4 1. A 15 percent increase in the floor area limit is permitted for projects that meet
5 the following conditions:

6 a. The project retains all the character structures existing on the lot, unless
7 a departure is approved through the design review process to allow the removal of a character
8 structure based on the provisions of subsection ((~~23.41.012.B.32~~) 23.41.012.B); and

9 b. The project includes uses that contribute to the area's recognized
10 character as an arts district, including performing arts space or artist-studio dwellings that
11 typically have design requirements such as nonstandard floor-to-ceiling heights that reduce the
12 total amount of usable floor area in a structure; or

13 c. A minimum of 50 percent of the total gross floor area of the project is
14 housing that is affordable to and occupied by "income-eligible households," as defined in Section
15 23.58A.004, and is subject to recorded covenants approved by the Director that ensure that the
16 housing remains available to these households for a minimum of 50 years; or

17 d. Through the design review process a determination is made that
18 including one or more of the following features offsets the increase in the bulk of the project and
19 allows for a design treatment that achieves the intent of the neighborhood design guidelines
20 better than adhering to the floor area limit that would apply without the exception:

21 1) A landscaped courtyard that is visible from the sidewalk and
22 located primarily at street level on a street that is not a principal pedestrian street;

1 B. Structure width and depth limits inside the Conservation Core. The structure width and
2 depth limits in this subsection 23.73.012.B apply to lots that are located inside the Conservation
3 Core identified on Map A for 23.73.010, except that there are no limits on width and depth for
4 lots that did not contain a character structure on January 18, 2012.

5 1. 128 feet shall be the width and the depth limit for portions of new structures on
6 lots that contained a character structure on January 18, 2012. The width limit is measured as the
7 combined width of all portions of new structures located on the lot and the depth limit is
8 measured as the combined depth of all portions of new structures located on the lot, except as
9 provided in subsection 23.73.012.B.2 and subsection 23.73.012.B.3.

10 2. Portions of a new structure that are separated from the street lot line by a
11 character structure that is retained according to Section 23.73.015 are excluded from structure
12 width and depth measurements, provided that:

13 a. All character structures on the lot are retained according to the
14 provisions of Section 23.73.015, unless a departure is approved through the design review
15 process to allow the removal of a character structure based on the provisions of subsection
16 ~~((23.41.012.B.32))~~ 23.41.012.B; and

17 b. This exclusion from width and depth measurement in subsection
18 23.73.012.B.2 is only allowed for one retained character structure on the lot.

19 3. For the narrow block bounded by Broadway, East Union Street, Broadway
20 Court, and East Madison Street, the depth limit does not apply to structures on through lots
21 extending from Broadway to Broadway Court, and the width limit only applies to frontages on
22 Broadway and Broadway Court.

1 Section 19. Subsection 23.73.014.B of the Seattle Municipal Code, which section was
2 last amended by Ordinance 125272, is amended as follows:

3 **23.73.014 Height exceptions**

4 * * *

5 B. Height exception for lots that include a character structure. In zones with a 65-foot
6 mapped height limit, or with a 40-foot mapped height limit with provisions allowing for
7 additional height up to 65 feet according to subsection 23.47A.012.A, 10 feet of additional height
8 is allowed above the 65-foot height limit if the following requirements are met:

9 1. The lot includes a character structure and all character structures on the lot are
10 retained according to the provisions of Section 23.73.015, unless a departure is approved through
11 the design review process to allow removal of a character structure based on the provisions of
12 subsection (~~(23.41.012.B.32)~~) 23.41.012.B ((-)) ;

13 2. The additional floor area above the 65-foot height limit is occupied solely by
14 residential use, except as otherwise permitted by subsection 23.73.014.B.3;

15 3. A project that is permitted the FAR of the underlying zone for non-residential
16 uses under subsection 23.73.009.B may be allowed to occupy the floor area permitted above the
17 65-foot height limit under this subsection 23.73.014.B if a departure is approved through the
18 design review process, provided that there is no additional increase in the FAR for non-
19 residential uses beyond what is otherwise allowed by Section 23.73.009. The decision to allow a
20 departure shall be based on a determination that the additional height will result in a better design
21 treatment and accommodate features that promote the development objectives of the Pike/Pine
22 Conservation Overlay District by:

1 a. Maintaining greater portions of existing character structures on the lot
2 through design treatments that exceed the minimum standards of subsection 23.73.015.A,
3 retaining an entire character structure, or retaining a large number of character structures if the
4 number and siting of the structures pose severe limitations on the amount of floor area that can
5 be achieved in the new project within the applicable height limit; or

6 b. Providing space for features that enhance pedestrian circulation and
7 walkability in the area, such as though-block pedestrian corridors, or open spaces at locations
8 that support the gateway and open space concepts promoted in the neighborhood design
9 guidelines; or

10 c. Accommodating uses, such as theater space or arts facilities that support
11 the area's arts and culture function but that may have special spatial needs that require additional
12 design flexibility to incorporate them into the project, provided the uses are maintained for the
13 life of the project as provided for in a recorded covenant approved by the Director.

14 * * *

15 Section 20. Subsection 23.73.015.G of the Seattle Municipal Code, which section was
16 last amended by Ordinance 125272, is amended as follows:

17 **23.73.015 Retention and demolition of character structures**

18 * * *

19 G. Demolition of character structures. If a project is required to retain all the character
20 structures on a lot under the provisions of this Chapter 23.73, a character structure may
21 nevertheless be demolished through a departure approved by the design review process
22 according to the provisions of subsection (~~(23.41.012.B.32)~~) 23.41.012.B.

1 Section 21. Subsection 23.73.024.B of the Seattle Municipal Code, which section was
2 last amended by Ordinance 124503, is amended as follows:

3 **23.73.024 Transfer of development potential**

4 * * *

5 B. Standards for character structure TDP receiving sites. A lot must meet the following
6 conditions in order to be eligible to achieve extra residential floor area through TDP:

7 1. TDP receiving sites shall be located in an NC3P-65 zone within the Pike/Pine
8 Conservation Overlay District, provided that:

9 a. Development of the receiving site shall not result in the demolition of a
10 structure designated as a landmark according to Chapter 25.12 or its alteration in a manner that is
11 inconsistent with Chapter 25.12 or an ordinance imposing controls on the landmark structure.

12 b. Development on the lot that is the receiving site shall not result in the
13 demolition or significant alteration of a character structure that is not a designated landmark and
14 that has existed on the site since January 18, 2012, unless a departure is approved through the
15 design review process to allow the removal of a character structure based on the provisions of
16 subsection ((~~23.41.012.B.32~~)) 23.41.012.B. For the purposes of this subsection 23.73.024.B.1.b,
17 significant alterations to a character structure would result in conditions that would preclude
18 compliance with the minimum requirements of subsection 23.73.024.C.4.

19 2. An additional 10 feet in height above the height limit of the zone is permitted
20 on a lot that is an eligible TDP receiving site.

21 3. Any residential and live-work floor area that is exempt from the FAR limit as
22 allowed by subsection 23.73.009.C.3, or any floor area that exceeds the maximum floor area

1 limit as allowed under subsection 23.73.010.B.3, or that is located above 65 feet in height shall
2 be achieved through the use of TDP.

3 4. Floor area gained through the use of TDP shall be for residential and live-work
4 unit use only.

5 5. For a structure that achieves an increase in height through the use of TDP, the
6 minimum street level floor-to-ceiling height is 13 feet.

7 6. TDP required before construction. No permit after the first building permit, and
8 in any event no permit for construction activity other than excavating or shoring, and no permit
9 for occupying existing floor area by any use based on TDP; will be issued for development that
10 includes TDP until the applicant has demonstrated possession of TDP to the Director's
11 satisfaction.

12 * * *

13 Section 22. Section 23.76.004 of the Seattle Municipal Code, last amended by Ordinance
14 125291, is amended as follows:

15 **23.76.004 Land use decision framework**

16 * * *

Table A for 23.76.004 LAND USE DECISION FRAMEWORK¹	
Director's and Hearing Examiner's Decisions Requiring Master Use Permits TYPE I Director's Decision (Administrative review through land use interpretation as allowed by Section 23.88.020 ²)	
*	Application of development standards for decisions not otherwise designated Type II, III, IV, or V
*	Uses permitted outright
*	Temporary uses, four weeks or less
*	Renewals of temporary uses, except for temporary uses and facilities for light rail transit facility construction and transitional encampments

**Table A for 23.76.004
LAND USE DECISION FRAMEWORK¹**

*	Intermittent uses
*	Interim use parking authorized under subsection 23.42.040.G
*	Uses on vacant or underused lots pursuant to Section 23.42.038
*	Transitional encampment interim use
*	Certain street uses
*	Lot boundary adjustments
*	Modifications of features bonused under Title 24
*	Determinations of significance (EIS required) except for determinations of significance based solely on historic and cultural preservation
*	Temporary uses for relocation of police and fire stations
*	Exemptions from right-of-way improvement requirements
*	Special accommodation
*	Reasonable accommodation
*	Minor amendment to a Major Phased Development permit
*	Determination of whether an amendment to a property use and development agreement is major or minor
*	((Streamlined design review decisions pursuant to Section 23.41.018; if no development standard departures are requested, and design)) Design review decisions in an MPC zone pursuant to Section 23.41.020 if no development standard departures are requested
*	Shoreline special use approvals that are not part of a shoreline substantial development permit
*	Adjustments to major institution boundaries pursuant to subsection 23.69.023.B
*	Determination that a project is consistent with a planned action ordinance
*	Decision to approve, condition, or deny, based on SEPA policies, a permit for a project determined to be consistent with a planned action ordinance
—	<u>Minor revisions to an approved MUP that was subject to design review</u>
—	<u>Building height increase for minor communication utilities in downtown zones</u>
*	Other Type I decisions that are identified as such in the Land Use Code

Table A for 23.76.004 LAND USE DECISION FRAMEWORK¹	
TYPE II Director's Decision (Appealable to Hearing Examiner or Shorelines Hearing Board³)	
*	Temporary uses, more than four weeks, except for temporary relocation of police and fire stations
*	Variances
*	Administrative conditional uses
*	Shoreline decisions, except shoreline special use approvals that are not part of a shoreline substantial development permit ³
*	Short subdivisions
*	Special exceptions
*	Design review decisions, except for (streamlined design review pursuant to Section 23.41.018 if no development standard departures are requested, and) <u>minor revisions to an approved MUP that was subject to design review, building height increases for minor communication utilities in downtown zones, and</u> (except for) design review decisions in an MPC zone pursuant to Section 23.41.020 if no development standard departures are requested
*	Light rail transit facilities
*	The following environmental determinations: 1. Determination of non-significance (EIS not required) 2. Determination of final EIS adequacy 3. Determinations of significance based solely on historic and cultural preservation 4. A decision to condition or deny a permit for a project based on SEPA policies, except for a project determined to be consistent with a planned action ordinance
*	Major Phased Developments
*	Downtown Planned Community Developments
*	Determination of public benefit for combined lot development
*	<u>Major revisions to an approved MUP that was subject to design review</u>
*	Other Type II decisions that are identified as such in the Land Use Code
* * *	

1 Section 23. Section 23.76.006 of the Seattle Municipal Code, last amended by the
2 ordinance introduced as Council Bill 118963, is amended as follows:

1 **23.76.006 Master Use Permits required**

2 ***

3 B. The following decisions are Type I:

4 1. Determination that a proposal complies with development standards;

5 2. Establishment or change of use for uses permitted outright, interim use
6 parking under subsection 23.42.040.G, uses allowed under Section 23.42.038, temporary
7 relocation of police and fire stations for 24 months or less, transitional encampment interim
8 use, temporary uses for four weeks or less not otherwise permitted in the zone, and renewals
9 of temporary uses for up to six months, except temporary uses and facilities for light rail
10 transit facility construction and transitional encampments;

11 3. The following street use approvals:

12 a. Curb cut for access to parking whether associated with a development
13 proposal or not;

14 b. Concept approval of street improvements associated with a
15 development proposal, such as additional on-street parking, street landscaping, curbs and
16 gutters, street drainage, sidewalks, and paving;

17 c. Structural building overhangs associated with a development
18 proposal;

19 d. Areaways associated with a development proposal;

20 4. Lot boundary adjustments;

21 5. Modification of the following features bonused under Title 24:

22 a. Plazas;

23 b. Shopping plazas;

- 1 c. Arcades;
- 2 d. Shopping arcades;
- 3 e. Voluntary building setbacks;
- 4 6. Determinations of Significance (determination that an environmental impact
5 statement is required) for Master Use Permits and for building, demolition, grading, and other
6 construction permits (supplemental procedures for environmental review are established in
7 Chapter 25.05, Environmental Policies and Procedures), except for Determinations of
8 Significance based solely on historic and cultural preservation;
- 9 7. Discretionary exceptions for certain business signs authorized by subsection
10 23.55.042.D;
- 11 8. Waiver or modification of required right-of-way improvements;
- 12 9. Special accommodation pursuant to Section 23.44.015;
- 13 10. Reasonable accommodation;
- 14 11. Minor amendment to Major Phased Development Permit;
- 15 12. ~~((Streamlined design review decisions pursuant to Section 23.41.018 if no
16 development standard departures are requested pursuant to Section 23.41.012, and design))~~
17 Design review decisions in an MPC zone if no development standard departures are requested
18 pursuant to Section 23.41.012;
- 19 13. Shoreline special use approvals that are not part of a shoreline substantial
20 development permit;
- 21 14. Determination that a project is consistent with a planned action ordinance,
22 except as provided in subsection 23.76.006.C;

1 15. Decision to approve, condition, or deny, based on SEPA policies, a permit
2 for a project determined to be consistent with a planned action ordinance;

3 16. Determination of requirements according to subsections 23.58B.025.A.3.a,
4 23.58B.025.A.3.b, 23.58B.025.A.3.c, 23.58C.030.A.2.a and 23.58C.030.A.2.b; (~~and~~)

5 17. Minor revisions to an approved MUP that was subject to design review,
6 pursuant to subsection 23.41.008.G;

7 18. Building height departures for minor communication facilities in downtown
8 zones, pursuant to Section 23.57.013; and

9 ((17)) 19. Other Type I decisions.

10 C. The following are Type II decisions:

11 1. The following procedural environmental decisions for Master Use Permits and
12 for building, demolition, grading, and other construction permits are subject to appeal to the
13 Hearing Examiner and are not subject to further appeal to the City Council (supplemental
14 procedures for environmental review are established in Chapter 25.05, Environmental Policies
15 and Procedures):

16 a. Determination of Non-significance (DNS), including mitigated DNS;

17 b. Determination that a final Environmental Impact Statement (EIS) is
18 adequate; and

19 c. Determination of Significance based solely on historic and cultural
20 preservation.

21 2. The following decisions are subject to appeal to the Hearing Examiner (except
22 shoreline decisions and related environmental determinations that are appealable to the
23 Shorelines Hearings Board):

1 a. Establishment or change of use for temporary uses more than four
2 weeks not otherwise permitted in the zone or not meeting development standards, including the
3 establishment of temporary uses and facilities to construct a light rail transit system for so long
4 as is necessary to construct the system as provided in subsection 23.42.040.F, but excepting
5 temporary relocation of police and fire stations for 24 months or less;

6 b. Short subdivisions;

7 c. Variances, provided that the decision on variances sought as part of a
8 Council land use decision shall be made by the Council pursuant to Section 23.76.036;

9 d. Special exceptions; provided that the decision on special exceptions
10 sought as part of a Council land use decision shall be made by the Council pursuant to Section
11 23.76.036;

12 e. Design review decisions, except for (~~streamlined design review~~
13 ~~decisions pursuant to Section 23.41.018 if no development standard departures are requested~~
14 ~~pursuant to Section 23.41.012, and~~) minor revisions to an approved MUP that was subject to
15 design review, building height increases for minor communication utilities in downtown zones,
16 and (~~except for~~) design review decisions in an MPC zone pursuant to Section 23.41.020 if no
17 development standard departures are requested pursuant to Section 23.41.012;

18 f. Administrative conditional uses, provided that the decision on
19 administrative conditional uses sought as part of a Council land use decision shall be made by
20 the Council pursuant to Section 23.76.036;

21 g. The following shoreline decisions; provided that these decisions shall
22 be made by the Council pursuant to Section 23.76.036 when they are sought as part of a Council

1 land use decision (supplemental procedures for shoreline decisions are established in Chapter
2 23.60A):

3 1) Shoreline substantial development permits;

4 2) Shoreline variances; and

5 3) Shoreline conditional uses;

6 h. Major Phased Developments;

7 i. Determination of project consistency with a planned action ordinance,
8 only if the project requires another Type II decision;

9 j. Establishment of light rail transit facilities necessary to operate and
10 maintain a light rail transit system, in accordance with the provisions of Section 23.80.004;

11 k. Downtown planned community developments;

12 l. Establishment of temporary uses for transitional encampments, except
13 transitional encampment interim uses provided for in subsection 23.76.006.B.2;

14 m. Decision to waive or modify development standards relating to
15 structure width or setbacks for a youth service center pursuant to subsection 23.51A.004.B.6;

16 n. Determination of requirements according to subsections
17 23.58B.025.A.4 and 23.58C.030.A.3; (~~and~~)

18 o. Except for projects determined to be consistent with a planned action
19 ordinance, decisions to approve, condition, or deny based on SEPA policies if such decisions are
20 integrated with the decisions listed in subsections 23.76.006.C.2.a ((-)) through 23.76.006.C.2.m;
21 provided that, for decisions listed in subsections 23.76.006.C.2.c, 23.76.006.C.2.d,
22 23.76.006.C.2.f, and 23.76.006.C.2.g that are made by the Council, integrated decisions to

1 approve, condition, or deny based on SEPA policies are made by the Council pursuant to Section
2 23.76.036; ~~((and))~~

3 p. Determination of public benefit for combined lot development; and ~~((:))~~

4 q. Major revisions to an approved MUP that was subject to design review,
5 pursuant to subsection 23.41.008.G.

6 * * *

7 Section 24. Section 23.76.008 of the Seattle Municipal Code, last amended by Ordinance
8 123913, is amended as follows:

9 **23.76.008 Preapplication conferences for Type II and Type III decisions**

10 A. Prior to official filing with the Director of an application for a Master Use Permit
11 requiring a Type II or III decision, the applicant may request or the Director may require a
12 preapplication conference. The conference shall be held in a timely manner between a
13 Department representative(s) and the applicant to determine the appropriate procedures and
14 review criteria for the proposed project. Preapplication conferences may be subject to fees as
15 established in Subtitle IX of Title 22.

16 B. Design Review. A preapplication conference between Department representative(s)
17 and an applicant for a structure subject to design review, as provided in Chapter 23.41, ~~((shall
18 be))~~ is required. ~~((The Director may waive this preapplication conference requirement if an
19 applicant demonstrates, to the Director's satisfaction, experience with Seattle's design review
20 process which would render a preapplication conference unnecessary.))~~

21 Section 25. Section 23.76.011 of the Seattle Municipal Code, last amended by Ordinance
22 123495, is amended as follows:

23 **23.76.011 Notice of design guidance and planned community development process**

1 be clearly visible from the adjacent street or sidewalk, and shall be removed by the applicant at
2 the direction of the Department after final City action on the application is completed.

3 a. In the case of submerged land, the large notice sign shall be posted on
4 adjacent dry land, if any, owned or controlled by the applicant. If there is no adjacent dry land
5 owned or controlled by the applicant, notice shall be provided according to subsection
6 23.76.012.B.1.c.

7 b. Projects limited to interior remodeling, or that are subject to a Type II
8 environmental determination pursuant to Section 23.76.006 only because of location over water
9 or location in an environmentally critical area, are exempt from the large notice sign
10 requirement.

11 c. If use of a large notice sign is neither feasible nor practicable to assure
12 that notice is clearly visible to the public, the Department shall post ten placards within 300 feet
13 of the site.

14 d. The Director may require both a large notice sign and the alternative
15 posting measures described in subsection 23.76.012.B.1.c, or may require that more than one
16 large notice sign be posted, if necessary to assure that notice is clearly visible to the public.

17 2. For projects that are categorically exempt from environmental review, the
18 Director shall post one land use sign visible to the public at each street frontage abutting the site
19 except that if there is no street frontage or the site abuts an unimproved street, the Director shall
20 post more than one sign and/or use an alternative posting location so that notice is clearly visible
21 to the public. The land use sign shall be removed by the applicant after final action on the
22 application is completed.

1 3. For all projects requiring notice of application, the Director shall provide notice
2 in the Land Use Information Bulletin. For projects requiring installation of a large notice sign or
3 subject to design review pursuant to Section 23.41.014 or 23.41.015, notice in the Land Use
4 Information Bulletin shall be published after installation of the large notice sign required in
5 subsection 23.76.012.B.1.

6 4. The Director shall provide mailed notice of:

7 a. ~~((applications))~~ Applications for variances, administrative conditional
8 uses, special exceptions, temporary uses for more than four weeks, shoreline variances, shoreline
9 conditional uses, short plats, early design guidance process for administrative design review and
10 ~~((streamlined administrative))~~ hybrid design review, subdivisions, Type IV Council land use
11 decisions, amendments to property use and development agreements, Major Institution
12 designations and revocation of Major Institution designations, concept approvals for the location
13 or expansion of City facilities requiring Council land use approval, and waivers or modification
14 of development standards for City facilities; and

15 b. ~~((the))~~ The first early design guidance meeting for a project subject to
16 design review pursuant to Section 23.76.014.

17 5. For a project subject to design review, ~~((except streamlined design review~~
18 ~~pursuant to Section 23.41.018 for which no development standard departure pursuant to Section~~
19 ~~23.41.012 is requested,))~~ notice of application shall be provided to all persons who provided an
20 address for notice and either attended an early design guidance public meeting for the project or
21 wrote to the Department about the proposed project before the date that the notice of application
22 is distributed in the Land Use Information Bulletin.

1 Section 27. Section 23.76.026 of the Seattle Municipal Code, last amended by Ordinance
2 124843, is amended as follows:

3 **23.76.026 Vesting**

4 A. Master Use Permit components other than subdivisions and short subdivisions. Except
5 as otherwise provided in this Section 23.76.026 or otherwise required by law, applications for
6 Master Use Permit components other than subdivisions and short subdivisions shall be
7 considered vested under the Land Use Code and other land use control ordinances in effect on
8 the date:

9 1. That notice of the Director's decision on the application is published, if the
10 decision is appealable to the Hearing Examiner;

11 2. Of the Director's decision, if the decision is not appealable to the Hearing
12 Examiner; or

13 3. A valid and fully complete building permit application is filed, as determined
14 under Section 106 of the Seattle Building Code or Section R105 of the Seattle Residential Code,
15 if it is filed prior to the date established in subsections 23.76.026.A.1 or 23.76.026.A.2.

16 * * *

17 C. Design review component of Master Use Permits

18 1. If a complete application for a Master Use Permit is filed prior to the date
19 design review becomes required for that type of project, design review is not required.

20 2. A complete application for a Master Use Permit that includes a design review
21 component other than an application described in subsection 23.76.026.C.3 shall be considered
22 under the Land Use Code and other land use control ordinances in effect on the date a complete
23 application for the early design guidance process (~~or streamlined design review guidance~~

1 process)) is submitted to the Director, provided that such Master Use Permit application is filed
2 within 90 days of the date of the early design guidance public meeting if an early design
3 guidance public meeting is required, or within 90 days of the date the Director provided guidance
4 if no early design guidance public meeting is required. If more than one early design guidance
5 public meeting is held, then a complete application for a Master Use Permit that includes a
6 design review component shall be considered under the Land Use Code and other land use
7 control ordinances in effect on the date a complete application for the early design guidance
8 process is submitted to the Director, provided that such Master Use Permit application is filed
9 within 150 days of the first meeting. If a complete application for a Master Use Permit that
10 includes a design review component is filed more than 150 days after the first early design
11 guidance public meeting, then such Master Use Permit application shall be considered under the
12 Land Use Code and other land use control ordinances in effect at the time of the early design
13 guidance public meeting that occurred most recently before the date on which a complete Master
14 Use Permit application was filed, provided that such Master Use Permit application is filed
15 within 90 days of the most recent meeting.

16 3. A complete application for a Master Use Permit that includes a Master Planned
17 Community design review component, but that pursuant to subsection 23.41.020.C does not
18 include an early design guidance process, shall be considered under the Land Use Code and other
19 land use control ordinances in effect on the date the complete application is submitted.

20 * * *

21 G. Notwithstanding any other provision of this ((~~section~~)) Section 23.76.026 or this
22 ((~~chapter~~)) Chapter 23.76, an applicant may elect, at such time and in such manner as the
23 Director may permit, that specific Land Use Code provisions that became effective after the

1 applicant's application vested ((;)) may nonetheless be applied to the application, pursuant to
2 authorization for such election set forth elsewhere in this Title 23.

3 Section 28. Section 23.76.040 of the Seattle Municipal Code, last amended by Ordinance
4 123913, is amended as follows:

5 **23.76.040 Applications and requests for Council land use decisions**

6 * * *

7 G. Notice to the City Clerk ((-))

8 1. For Type IV Council land use decisions that do not include a design review
9 component and are not notices of intent to prepare Major Institution master plans, and for
10 applications for quasi-judicial Council land use decisions that are not Type IV decisions, the
11 Director shall provide notice of the application to the City Clerk promptly after the application is
12 submitted.

13 2. For Type IV Council land use decisions that include a design review
14 component, the Director shall provide notice of the application to the City Clerk promptly after
15 the applicant submits a complete application to begin the early design guidance ((~~or the~~
16 ~~streamlined design review design guidance~~)) process.

17 3. For notices of intent to prepare Major Institution master plans, the Director
18 shall provide the notice of intent to prepare a master plan to the City Clerk promptly after the
19 notice of intent is received.

20 4. For Type V Council land use decisions, the Director shall provide notice of the
21 application or request to the City Clerk promptly after the application or request is submitted.

22 * * *

1 Section 29. Section 25.11.070 of the Seattle Municipal Code, last amended by Ordinance
2 125272, is amended as follows:

3 **25.11.070 Tree protection on sites undergoing development in Lowrise zones**

4 The provisions in this Section 25.11.070 apply in Lowrise zones.

5 A. Exceptional trees

6 1. If the Director determines that ~~((there is))~~ an exceptional tree is located on the
7 lot of a proposed development and the tree is not proposed to be preserved, the ~~((development~~
8 ~~shall go through streamlined design review as provided in Section 23.41.018 if the project falls~~
9 ~~below the thresholds for design review established in Section 23.41.004.~~

10 ~~2. The~~) Director may permit the exceptional tree to be removed only if the total
11 floor area that could be achieved within the maximum permitted FAR and height limits of the
12 applicable Lowrise zone according to Title 23 cannot be achieved while avoiding the tree
13 protection area through the following:

14 a. Development standard ~~((adjustments permitted in Section 23.41.018 or~~
15 ~~the))~~ departures permitted in Section 23.41.012.

16 b. An increase in the permitted height or reduction in required parking as
17 follows under subsection ~~((25.11.070.A.3))~~ 25.11.070.A.2.

18 ~~((3))~~ 2. In order to preserve an exceptional tree, the following code modifications
19 ~~((exceptions))~~ are allowed:

20 a. Permitted height. For a principal structure with a base height limit of 40
21 feet that is subject to the pitched roof provisions of subsection 23.45.514.D, the Director may
22 permit the ridge of a pitched roof with a minimum slope of 6:12 to extend up to a height of 50
23 feet if the increase is needed to accommodate, on an additional story, the amount of floor area

1 lost by avoiding development within the tree protection area and the amount of floor area on the
2 additional story is limited to the amount of floor area lost by avoiding development within the
3 tree protection area.

4 b. Parking reduction. A reduction in the parking quantity required by
5 Section 23.54.015 and the standards of Section 23.54.030 may be permitted in order to protect an
6 exceptional tree if the reduction would result in a project that would avoid the tree protection
7 area.

8 B. Trees over 2 feet in diameter ((-))

9 1. Trees over 2 feet in diameter, measured 4.5 feet above the ground, shall be
10 identified on site plans.

11 2. In order to protect trees over 2 feet in diameter, an applicant may request and
12 the Director may allow modification of development standards in the same manner and to the
13 same extent as provided for exceptional trees in subsection 25.11.070.A.

14 Section 30. Section 25.11.080 of the Seattle Municipal Code, last amended by Ordinance
15 123495, is amended as follows:

16 **25.11.080 Tree protection on sites undergoing development in Midrise and Commercial**
17 **Zones**

18 The ~~((standards))~~ provisions in this Section 25.11.080 apply in Midrise and Commercial zones.

19 A. Exceptional trees ((-))

20 1. If the Director determines that ~~((there is))~~ an exceptional tree is located on the
21 lot of a proposed ~~((project))~~ development and the tree is not proposed to be preserved, the
22 ~~((project shall go through streamlined design review as provided in Section 23.41.018 if the~~
23 ~~project falls below the thresholds for design review established in Section 23.41.004.~~

1 2. ~~The~~) Director may permit an exceptional tree to be removed only if the
2 applicant demonstrates that protecting the tree by avoiding development in the tree protection
3 area could not be achieved through the ~~((development standard adjustments permitted in Section~~
4 ~~23.41.018 or the~~) departures permitted in Section 23.41.012, the modifications allowed by this
5 Section 25.11.080, a reduction in the parking requirements of Section 23.54.015, ~~((and/or))~~ or a
6 reduction in the standards of Section 23.54.030.

7 B. Trees over 2 feet in diameter measured ((-))

8 1. Trees over 2 feet in diameter, measured 4.5 feet above the ground, shall be
9 identified on site plans.

10 2. In order to protect trees over 2 feet in diameter, an applicant may request and
11 the Director may ~~((permit))~~ allow modification of development standards in the same manner
12 and to the same extent as provided for exceptional trees in subsection 25.11.080.A ~~((, above))~~.

13 Section 31. The City Council requests that the Seattle Department of Construction
14 and Inspections (SDCI) review the outcomes of the Pilot Program for Hybrid Design Review
15 after the pilot expires, and make recommendations to the Chair of the Planning Land Use and
16 Zoning Committee by December 31, 2019.

