

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

..title

AN ORDINANCE relating to land use and zoning; to modify 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 a new Section 23.41.015 to the SMC; repealing Section 23.41.018 of the SMC; and making technical corrections.

..body

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

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

3.51.030 Selection process and program assessment ((=))

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

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

1 developed for use by the program participants and by other jurisdictions who may want to
2 establish or participate in a similar program. Participants in the Get Engaged program shall
3 provide feedback to assist the Get Engaged partners (Mayor’s Office Boards and Commissions,
4 City Council, and YMCA Metrocenter Branch) in developing a plan to sustain effective young
5 adult involvement within City government.

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7 Municipal Code is repealed:

8 ~~((Part I – Design Review))~~

9 Section 3. Section 23.41.002 of the Seattle Municipal Code, last amended by Ordinance
10 124389, is amended as follows:

11 **23.41.002 Purpose**

12 The purpose of Design Review is to:

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

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

20 C. ~~((Improve))~~ Promote and support communication and mutual understanding among
21 ~~((developers))~~ project proponents, neighborhoods, and the City early and throughout the
22 development review process.

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

1 ~~((23.41.004 Applicability~~

2 ~~A. Design review required~~

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

Table A for 23.41.004 Thresholds for Design Review	
Zone	Threshold
a. Lowrise 2 (LR2) and Lowrise 3 (LR3)	8 dwelling units or 4,000 square feet of non-residential gross floor area
b. Midrise (MR)	20 dwelling units or 4,000 square feet of non-residential gross floor area
e. Highrise (HR)	20 dwelling units or 4,000 square feet of non-residential gross floor area
d. Neighborhood Commercial (NC1, NC2, NC3)	4 dwelling units or 4,000 square feet of non-residential gross floor area
e. Commercial (C1, C2)	4 dwelling units or 12,000 square feet of non-residential gross floor area, located on a lot in an urban center or urban village¹; 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 95th St., NE 145th St., 15th 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 units³	Developments containing at least 5,000 but less than 12,000 square feet of gross floor area are subject to Streamlined Design Review (SDR) pursuant to Section 23.41.018. Developments containing at least 12,000 but less than 20,000 square feet of gross floor area are subject to Administrative Design Review (ADR) pursuant to Section 23.41.016. Developments containing 20,000 square feet or more of gross floor area are subject to Design Review pursuant to Chapter 23.41.

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

Footnotes to Table A for 23.41.004

- 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

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

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

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

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

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

17 ~~B. Design review—optional~~

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

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

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

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

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

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

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

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

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

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

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

7 **23.41.004 Applicability**

8 A. Design review required

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

- 12 a. Multifamily;
- 13 b. Commercial;
- 14 c. Seattle Mixed;
- 15 d. Downtown; and
- 16 e. Stadium Transition Area Overlay District as shown in Map A for

17 23.74.004, when the width of the lot exceeds 120 feet on any street frontage.

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

- 21 a. Industrial Buffer; and
- 22 b. Industrial Commercial.

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

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

7 Overlay (MIO) district.

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

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

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

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

3 7. Design review is required for certain additions to existing structures according
 4 to Rules promulgated by the Director.

Table A for 23.41.004	
Design review thresholds by size of development and specific site characteristics outside of downtown and industrial zones	
If any of the site characteristics in part A of this table are present, the design review thresholds in part B apply. If none of the site characteristics in part A of this table are present, the design review thresholds in part C apply.	
A. Category	Site Characteristic
A.1. Context	a. Lot is located outside an Urban Center, Urban Village, or Manufacturing/Industrial Center ¹ . b. Lot is abutting or across an alley from a lot with single-family zoning. c. 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 250 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.

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

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

Footnotes to Table A for 23.41.004

¹ Urban centers, urban villages, and manufacturing/industrial centers are identified in the Seattle Comprehensive Plan.

² Project proponents for any development proposal subject to hybrid design review may choose full design review instead, and project proponents for any project subject to administrative design review may choose hybrid or full design review.

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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,

1 4. Development that is subject to shoreline design review pursuant to Chapter
2 23.60A; and

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

5 C. Optional design review

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

8 a. The development proposal is in any zone or area identified in subsection
9 23.41.004.A.1 or 23.41.004.A.2 or in the Stadium Transition Area Overlay District, except
10 development that is within a Master Planned Community zone is not eligible for optional design
11 review; and

12 b. The development proposal does not include the uses listed in subsection
13 23.41.004.A.3.

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

19 Section 6. Section 23.41.008 of the Seattle Municipal Code, last amended by Ordinance
20 124843, is amended as follows:

21 **23.41.008 Design Review ((Board)) general provisions**

22 A. Role of the Design Review Board. The Design Review Board shall be convened ((for
23 ~~the purpose of reviewing all development subject to design review, except development subject~~

1 ~~to administrative or streamlined design review~~) to review development proposals that are
2 subject to hybrid design review, full design review, or Master Planned Community-highrise
3 design review pursuant to this Chapter 23.41. To accomplish this purpose, the Design Review
4 Board shall perform the following, as applicable:

5 1. For developments subject to full design review or Master Planned Community-
6 highrise design review, ~~((Synthesize))~~ synthesize community input on design concerns, identify
7 guideline priorities, and provide early design guidance to the ~~((development team and~~
8 ~~community))~~ project proponent;

9 2. Determine whether a proposed design submitted by a project proponent does or
10 does not comply with the guideline priorities;

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

14 ~~((2-))~~ 4. Recommend to the Director specific conditions of approval ~~((which))~~
15 that are consistent with the ~~((design guidelines applicable to the development))~~ guideline
16 priorities; and

17 ~~((3-))~~ 5. Ensure fair and consistent application of Citywide or neighborhood-
18 specific design guidelines.

19 B. Design Review Board membership criteria

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

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

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

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

7 C. Design Review Board composition

8 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</u> pursuant to Chapter 3.51 ¹	((Nominated by community and business organizations, respectively;)) <u>3 appointed by Mayor, 4 appointed by Council, 7 jointly appointed by Mayor and Council</u>	<u>Jointly appointed by Mayor and Council</u>
((Confirmation process))	((Confirmed by Council))	((Confirmed by Council))	((Confirmed by Council))	((Confirmed by Council))	
<u>Confirmation process</u>	<u>All appointments made solely by the Mayor are subject to confirmation by Council</u>				

Table A for 23.41.008
Design Review Board ((Composition)) composition

Footnotes to Table A for 23.41.008(⊖)

¹ One or more designated young adult positions ((is)) are 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)) these young adult positions are set forth in Chapter 3.51.

1 2. Term. ~~((Upon appointment to the Design Review Board, a member shall serve~~
2 ~~for a period of two years))~~ Members of the Design Review Board shall be appointed to two-year
3 terms. A member may be re-appointed to subsequent terms pursuant to the selection and
4 confirmation process in subsection 23.41.008.C.1. The Director may extend the existing term of
5 a serving member by up to one year in order to avoid more than two vacancies at any time. This
6 subsection 23.41.008.C.2 does not apply to Get Engaged members, whose terms are governed by
7 Chapter 3.51.

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

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

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

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

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

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

- 1 a. One ~~((4))~~ member representing development-related interests;
- 2 b. ~~((One (1) member representing general community interests;))~~
- 3 ~~((e.))~~ One ~~((4))~~ member representing the design professions;
- 4 ~~((d.))~~ c. ((One (1))) Two members representing local
- 5 residential/community interests; ~~and~~
- 6 ~~((e.))~~ d. One ((4)) member representing ((local)) general business
- 7 interests or landscape professions((-)) ; and
- 8 e. No more than one youth adult member from the Get Engaged program.
- 9 2. Three ~~((3))~~ Design Review Board members shall be a quorum of each District
- 10 Design Review Board.
- 11 3. The five ~~((5))~~ Design Review Board members assigned to each project as
- 12 described in subsection 23.41.008.D.1 ~~((of this section))~~ shall be known collectively as the
- 13 District Design Review Board. All members of the District Design Review Board shall be voting
- 14 members.
- 15 4. Substitutions ~~((-))~~
- 16 a. In the event that more projects are undergoing simultaneous design
- 17 review than a District Design Review Board can review in a timely manner, the Director may
- 18 assign such projects to a geographically unassigned Substitute Design Review Board, whose five
- 19 ~~((5))~~ members the Director may select from the Substitute Design Review Board membership
- 20 described in subsection 23.41.008.D.5, so long as the five ~~((5))~~ members represent each of the
- 21 five interests required by subsection 23.41.008.D.1.
- 22 b. If an individual District Design Review Board member is unable to
- 23 serve, the Director may either appoint an individual from another District Design Review Board

1 or may appoint a Substitute Design Review Board member from the Substitute Design Review
2 Board membership described in ~~((Subsection))~~ subsection 23.41.008.D.5 to serve in ~~((his or her))~~
3 the member's absence ~~((, provided that each interest group is represented by one (1) member))~~.

4 c. The Director may assign a Design Review Board to review a project
5 outside of its designated district in order to expedite review, provided that the local
6 residential/community representatives ~~((and local business representative))~~ shall review
7 development only within their district. In such a case, the Director shall appoint the local
8 residential/community representatives ~~((and the local business representative))~~ from the District
9 Board from which the project originated, or ~~((a))~~ the local residential/community representative
10 ~~((and a local business representative))~~ from the Substitute Design Review Board provided in
11 subsection 23.41.008.D.5, or any combination thereof, to review the project, so long as the local
12 residential/community representatives ~~((and the local business representative))~~ appointed are
13 from the same geographic district as the project to be reviewed.

14 5. Substitute Design Review Board ~~((M))~~membership ~~((-))~~

15 a. Membership criteria:

16 ~~((1))~~ 1) A person must have been a member of the Design
17 Review Board whose term has expired;

18 ~~((2))~~ 2) A person must indicate a willingness to continue
19 participation on the Board; and

20 ~~((3))~~ 3) A person must have, in the opinion of the Director,
21 demonstrated a commitment to Design Review through exemplary attendance and Board
22 participation.

1 b. The term of service for Substitute Design Review Board members is
2 indefinite.

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

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

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

12 3. Design Review Board meetings are limited to the maximum number described
13 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>

Table B for 23.41.008

Maximum number of Design Review Board meetings for certain projects

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.

1 4. The Director may require additional Design Review Board meetings above the
2 maximum established in subsection 23.41.008.E.3 if the Director determines the Design Review
3 Board needs additional time for deliberation and evaluation of a project due to the size and
4 complexity of the site or proposed development, the amount and content of public comment, a
5 project proponent’s insufficient response to previous Board direction, or at the project
6 proponent’s request. If the Design Review Board cannot complete a recommendation, it shall
7 identify reasons why another recommendation meeting is necessary.

8 F. Design Review Board recommendation

9 1. The Design Review Board shall determine whether the proposed design
10 submitted by the project proponent does or does not comply with guideline priorities. The Board
11 shall recommend to the Director whether to approve or conditionally approve the proposed
12 project based on compliance with the guideline priorities, and whether to approve, condition, or
13 deny any requested departures from development standards.

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

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

- 6 a. Reflects inconsistent application of the design review guidelines;
7 b. Exceeds the authority of the Design Review Board;
8 c. Conflicts with SEPA conditions or other regulatory requirements
9 applicable to the project; or
10 d. Conflicts with requirements of local, state, or federal law.

11 4. Modifications to approved design

- 12 a. Minor revisions to an approved MUP that was subject to design review
13 may be approved by the Director as a Type I decision.
14 b. Major revisions to an approved MUP that was subject to design review
15 may be approved by the Director as a Type II decision.
16 c. The Director shall establish, by rule, what constitutes a major and minor
17 modification to an approved design.

18 Section 7. Subsection 23.41.010.A of the Seattle Municipal Code, which section was last
19 amended by Ordinance 124869, is amended as follows:

20 **23.41.010 - Design review guidelines**

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

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

10 ***

11 Section 8. Subsections 23.41.012.A, 23.41.012.B, and 23.41.012.C of the Seattle
12 Municipal Code, which section was last amended by Ordinance 125291, are amended as follows:

13 **23.41.012 Development standard departures**

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

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

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

- 22 1. Procedures;

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

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

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

7 5. (~~In Downtown zones, the minimum size for Planned Community~~
8 ~~Developments as provided in Section 23.49.036~~) Lot configuration standards in subsections
9 23.22.100.C.3, 23.24.040.A.8, and 23.28.030.A.3;

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

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

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

17 9. (~~In the Downtown Mixed Commercial 170 zone, minimum floor to floor~~
18 ~~height for street level uses required as a condition of the additional height allowed by subsection~~
19 ~~23.49.008.D~~) Noise and odor standards;

20 10. (~~Downtown view corridor requirements, provided that departures may be~~
21 ~~granted to allow open railings on upper level roof decks or rooftop open space to project into the~~
22 ~~required view corridor, provided such railings are determined to have a minimal impact on views~~
23 ~~and meet the requirements of the Building Code~~) Floor area ratios (FAR); except that in the

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

4 ~~11. ((In SM SLU zones, floor area limits for all uses provided in subsections~~
5 ~~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~~
6 ~~five percent increase in floor area limit for each story may be granted for structures with~~
7 ~~nonresidential uses meeting the requirements of subsections 23.48.245.B.1.d.1 and~~
8 ~~23.48.245.B.1.d.2)) Structure height, except that:~~

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

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

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

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

1 e. Within the PSM 85-120 zone in the area shown on Map A for
2 23.49.180, departures may be granted from development standards that apply as conditions to
3 additional height, except for floor area ratios and provisions for adding bonus floor area above
4 the base FAR;

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

9 12. ~~((The provisions of Chapter 23.58A, except that departures may be granted~~
10 ~~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~~
11 ~~and 23.48.021.C.1.b.5, if the applicant demonstrates that the amenity to be provided according to~~
12 ~~Section 23.58A.040 better achieves the intent of the Downtown Amenity Standards for that~~
13 ~~amenity feature.)) Provisions of Chapter 23.52;~~

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

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

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

6 16. ~~((Maximum size of use))~~ Provisions of Chapter 23.58A, except that departures
7 may be granted from the requirements of subsections 23.48.021.C.1.b.2, 23.48.021.C.1.b.3.a,
8 23.48.021.C.1.b.4, and 23.48.021.C.1.b.5;

9 17. ~~((Structure height, except that:~~
10 a. ~~Within the Roosevelt Commercial Core building height departures up to~~
11 ~~an additional 3 feet may be granted for properties zoned NC3-65 (Map A for 23.41.012,~~
12 ~~Roosevelt Commercial Core);~~

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

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

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

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

5 ~~f. Within the PSM 85-120 zone in the area shown on Map A for~~
6 ~~23.49.180, departures may be granted from development standards that apply as conditions to~~
7 ~~additional height, except for floor area ratios and provisions for adding bonus floor area above~~
8 ~~the base FAR;~~

9 ~~g. Within the Pike/Pine Conservation Overlay District shown on Map A~~
10 ~~for 23.73.004, departures may be granted from development standards that apply as conditions to~~
11 ~~additional height in subsections 23.73.014.A and 23.73.014.B, and the provision for receiving~~
12 ~~sites for transfer of development potential in subsection 23.73.024.B.5)) Provisions of Chapter~~
13 ~~23.58B and Chapter 23.58C;~~

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

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

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

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

8 22. (~~Noise and odor standards~~) In Downtown zones, provisions in Section
9 23.49.036 for the minimum size for planned community developments;

10 23. (~~Standards for the location of access to parking in Downtown zones~~) In
11 Downtown zones, the average floor area limit for stories in residential use in Table B for
12 23.49.058;

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

16 25. (~~Provisions of Chapter 23.53, Requirements for Streets, Alleys, and~~
17 ~~Easements, except that departures may be granted from the access easement standards in Section~~
18 ~~23.53.025~~) In the Downtown Mixed Commercial 170 zone, minimum floor-to-floor height for
19 street-level uses required as a condition of the additional height allowed by subsection
20 23.49.008.E;

21 26. (~~Affordable housing production conditions within the MPC YT zone,~~
22 ~~pursuant to Section 23.75.085~~) In Downtown zones, Downtown view corridor requirements,
23 except that departures may be granted to allow open railings on upper level roof decks or on

1 rooftop open space to project into the required view corridor, if the railings are determined to
2 have a minimal impact on views;

3 27. ~~((Limits on floor area for uses within the MPC YT zone, as provided in~~
4 ~~Sections 23.75.085 and 23.75.090 or as applicable under Section 23.75.040)) In Downtown~~
5 zones, the quantity of open space required for major office projects as provided in subsection
6 23.49.016.B;

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

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

12 30. ~~((Measurements))~~ Within the Pike/Pine Conservation Overlay District shown
13 on Map A for 23.73.004, the requirement that all character structures on a lot be retained in order
14 to qualify as a TDP receiving site in subsection 23.73.024.B, the exception allowing additional
15 FAR for non-residential uses in subsection 23.73.009.B, the FAR exemption for residential uses
16 in subsection 23.73.009.C.3, the exception to floor area limits in subsections 23.73.010.B.1 and
17 23.73.010.B.2, the exception for width and depth measurements in subsection 23.73.012.B, or
18 the exception for an additional 10 feet in height in subsection 23.73.014.B.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 33. ~~((Within the Pike/Pine Conservation Overlay District shown on Map A for~~
2 ~~23.73.004, the requirement that all character structures on a lot be retained in order to qualify as~~
3 ~~a TDP receiving site in subsection 23.73.024.B, the exception allowing additional FAR for non-~~
4 ~~residential uses in subsection 23.73.009.B, the FAR exemption for residential uses in subsection~~
5 ~~23.73.009.C.3, the exception to floor area limits in subsections 23.73.010.B.1 and 23.73.010.B.2,~~
6 ~~the exception for width and depth measurements in subsection 23.73.012.B, or the exception for~~
7 ~~an additional 10 feet in height as provided for in subsection 23.73.014.B:~~

8 a. ~~Departures may, however, be granted under the following~~
9 ~~circumstances:~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 ~~((38.))~~ 37. Area-specific development standards for Lake City, identified in
21 subsection 23.47A.009.E, except departures may be requested if the development provides at
22 least one of the following features:

23 a. A usable open space that:

- 1) abuts the street ((7)) ;
- 2) is no more than 4 feet above or 4 feet below the adjacent sidewalk grade ((7)) ;
- 3) has a minimum width equal to 30 percent of the width of the street-facing facade or 20 feet, whichever is greater ((7)) ; and
- 4) has a minimum depth of 20 feet measured from the abutting street lot line.

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

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

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

a. A usable open space that:

- 1) abuts the street ((7)) ;
- 2) is no more than 4 feet above or 4 feet below the adjacent sidewalk grade ((7)) ;
- 3) has a minimum width equal to 30 percent of the width of the street-facing facade or 20 feet, whichever is greater ((7)) ; and

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

3 b. A separation between structures that:

4 1) has a minimum east-west dimension width of 20 feet ((7)) ;

5 2) is no more than 4 feet above or below the adjacent sidewalk
6 grades ((7)) ; and

7 3) is either developed as:

8 a) a north-south through block pedestrian passageway;

9 b) a woonerf;

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

12 d) a combination thereof.

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

18 * * *

19 Section 9. Section 23.41.014 of the Seattle Municipal Code, last amended by Ordinance
20 125272, is amended as follows:

21 **23.41.014 ((Design)) Full design review process**

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

4 B. Community outreach

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

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

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

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

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

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

20 ~~((3-))~~ The purpose of the early design guidance public meeting ~~((shall be))~~ is to
21 identify concerns about the site and the proposed project, receive comments from the public,
22 review the design guidelines applicable to the site, ~~((determine neighborhood priorities among~~

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

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

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

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

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

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

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

17 f. ~~In the Pike/Pine Conservation Overlay District established in Section~~
18 ~~23.73.004, if a character structure is located on the same lot as a proposed project, the applicant~~
19 ~~shall:~~

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

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

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

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

14 ~~((€))~~ D. ~~Guideline((s)) priorities~~

15 1. Based on the concerns expressed at the early design guidance public meeting or
16 in writing to the Design Review Board, the Board shall identify the applicable guidelines of
17 ~~highest priority to the ((neighborhood))~~ Board, referred to as the “guideline priorities,” ~~((shall be~~
18 ~~identified))~~. The Board shall ~~((incorporate))~~ summarize and consider any community consensus
19 regarding design expressed at the meeting ~~((into its guideline priorities, to the extent the~~
20 ~~consensus is consistent with the design guidelines and reasonable in light of the facts of the~~
21 ~~proposed development))~~.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 **23.41.015 Hybrid design review process**

1 A. A preapplication conference is required for all projects subject to or for which a
2 project proponent has elected hybrid design review.

3 B. Community outreach

4 1. Project proponents shall prepare a community outreach plan and document
5 compliance with the community outreach plan prior to the scheduling of the early design
6 guidance meeting.

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

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

13 C. Early design guidance process

14 1. Following a preapplication conference, a project proponent may apply to begin
15 the early design guidance process.

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

20 4. The Director may establish, by rule, the information that the project proponent
21 shall present at the early design guidance meeting.

22 D. Guideline priorities

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

5 2. The Director shall make the guideline priorities available to those who sent in
6 comments or otherwise requested notification, and to the project proponent.

7 E. Application for Master Use Permit

8 1. Once the guideline priorities are made available by the Director, the project
9 proponent may apply for a Master Use Permit (MUP).

10 2. In addition to submitting information required in a standard MUP application,
11 as prescribed in Chapter 23.76, the project proponent shall include in the MUP application such
12 additional information related to design review as the Director may require.

13 F. Design Review Board recommendation

14 1. During a regularly scheduled evening meeting of the Design Review Board, the
15 Board shall review the summary of public comments on the project’s design, the project’s
16 consistency with the guideline priorities, and the Director’s review of the project’s design and
17 consistency with the guideline priorities, and make a recommendation pursuant to subsection
18 23.41.008.F.1.

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

22 G. Director’s decision

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

5 2. The Director’s design review decision shall be made as part of the overall MUP
6 decision for the project. The Director’s decision shall consider the recommendations of the
7 Design Review Board, pursuant to subsection 23.41.008.F.

8 H. Notice of decision. Notice of the Director’s decision shall be as provided in Chapter
9 23.76.

10 I. Appeals. Appeal procedures for design review decisions are as described in Chapter
11 23.76.

12 Section 11. Section 23.41.016 of the Seattle Municipal Code, last amended by Ordinance
13 120410, is amended as follows:

14 **23.41.016 Administrative design review process ((-))**

15 A. A preapplication conference is required for all projects ~~((electing))~~ subject to or for
16 which a project proponent has elected administrative design review. ~~((, unless waived by the~~
17 ~~Director, as described at Section 23.76.008.~~

18 ~~B. Early Design Guidance Process.~~

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

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

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

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

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

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

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

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

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

23 B. Community outreach

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

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

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

10 C. Early design guidance process. The project proponent must follow the early design
11 guidance process set forth in subsections 23.41.015.C.

12 D. Guideline priorities. The guideline priorities shall be identified and made available as
13 set forth in 23.41.015.D.

14 ~~((C.))~~ E. Application for Master Use Permit~~((.))~~

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

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

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

4 F. Design review recommendation phase

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

8 2. The Director shall make the recommendation available to those who sent in
9 comments or otherwise requested notification, and to the project proponent.

10 ~~((D))~~ G. Director's ~~((D))~~ decision~~((F))~~

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

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

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

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

1 ((F)) I. Appeals. Appeal procedures for design review decisions are described in Chapter
2 23.76, Procedures for Master Use Permits and Council Land Use Decisions.

3 Section 12. Section 23.41.018 of the Seattle Municipal Code, last amended by Ordinance
4 124952, is repealed:

5 ~~((23.41.018 Streamlined administrative design review (SDR) process~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 ~~2. The Master Use Permit application shall include a brief explanation of how the~~
20 ~~proposal addresses the SDR guidance report, in addition to standard Master Use Permit submittal~~
21 ~~information required by Section 23.76.010. Adjustments to certain development standards~~
22 ~~pursuant to subsection 23.41.018.D may be approved as a Type I decision. If the need for~~
23 ~~development standard departures, authorized under Section 23.41.012 and beyond the~~

1 ~~adjustments allowed under subsection 23.41.018.D, is identified, the applicant may either revise~~
2 ~~the application to eliminate the need for the further departures, and proceed under this Section~~
3 ~~23.41.018, or else apply for a Type II Master Use Permit for administrative design review~~
4 ~~pursuant to Section 23.41.016.~~

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

7 ~~D. SDR decision.~~

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

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

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

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

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

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

22 ~~a. Setbacks and separation requirements may be reduced by a maximum of~~
23 ~~50 percent;~~

- 1 ~~b. Amenity areas may be reduced by a maximum of 10 percent;~~
- 2 ~~c. Landscaping and screening may be reduced by a maximum of 25~~
- 3 ~~percent;~~
- 4 ~~d. Structure width, structure depth, and façade length may be increased by~~
- 5 ~~a maximum of 10 percent; and~~
- 6 ~~e. Screening of parking may be reduced by a maximum of 25 percent.~~
- 7 ~~5. Limitations on adjustments through the SDR process established in this~~
- 8 ~~subsection 23.41.018.D do not limit adjustments expressly permitted by other provisions of this~~
- 9 ~~Title 23 or other titles of the Seattle Municipal Code.))~~

10 Section 13. Section 23.41.020 of the Seattle Municipal Code, enacted by Ordinance

11 123963, is amended as follows:

12 **23.41.020 Master Planned Community design review process**

13 A. Scope. This Section 23.41.020 applies only to development proposals in Master

14 Planned Community zones that do not include a request for departures. If an application in a

15 Master Planned Community zone includes a request for departures, then the applicable design

16 review procedures are in Section 23.41.014. For purposes of this Section 23.41.020, “highrise

17 structure” and “non-highrise structure” are as defined in Section 23.75.020.

18 B. A preapplication conference is required for any application subject to this Section

19 23.41.020 (~~unless waived by the Director, pursuant to Section 23.76.008~~)).

20 C. Early design guidance ((-))

21 1. An early design guidance process is required only if a proposal includes a

22 highrise structure.

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

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

10 4. The Director may establish, by rule, the information that the project proponent
11 shall present ~~((At))~~ at the early design guidance public meeting. ~~((, the project proponents shall~~
12 ~~present the following information:~~

13 a. ~~An initial site analysis addressing site opportunities and constraints, the~~
14 ~~uses of all 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 the location of structures and prominent landscape elements on or abutting the site (including~~
17 ~~but not limited to all trees 6 inches or greater in diameter measured 4½ feet above the ground,~~
18 ~~with species indicated);~~

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

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

22 e. ~~A description of the proponent's objectives with regard to site~~
23 ~~development; and~~

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

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

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

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

16 1. Timing ~~((:))~~

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

20 b. If a proposal includes a highrise structure, then following the early
21 design guidance public meeting, distribution of the meeting summary, and any additional
22 optional meetings that the ~~((applicant))~~ project proponent chooses to hold with the public and the
23 Design Review Board, the ~~((applicant))~~ project proponent may apply for a Master Use Permit.

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

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

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

16 2. Design Review Board recommendation for highrise development
17 proposals ((-))

18 a. If the proposal includes a highrise structure, then during a
19 recommendation meeting, the Board shall review the ~~((record))~~ summary of public comments on
20 the project’s design, the project’s ~~((conformance to))~~ consistency with the guideline priorities,
21 ~~((applicable to the proposed project,))~~ and the ~~((staff’s))~~ Director’s review of the project’s design
22 and its ~~((application of))~~ consistency with the ((design)) guideline priorities.

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

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

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

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

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

7 Section 14. Section 23.57.013 of the Seattle Municipal Code, last amended by Ordinance
8 123668, is amended as follows:

9 **23.57.013 Downtown zones**

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

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

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

18 2. Height ~~((:))~~

19 a. Except for special review, historic₂ and landmark districts (see
20 Section 23.57.014), minor communication utilities and accessory communication devices may
21 be located on rooftops of buildings, including sides of parapets and equipment penthouses
22 above the roofline, as follows:

1 1) Those utilities and devices located on a rooftop of a building
2 nonconforming as to height may extend up to 15 feet above the height of the building existing
3 as of November 1, 2002;

4 2) Those utilities and devices located on a rooftop may extend
5 up to 15 feet above the applicable height limit or above the highest portion of the building,
6 whichever is less.

7 The additional height permitted in ~~((23.57.013.B.2.a.(1) and (2)))~~
8 subsections 23.57.013.B.2.a.1 and 23.57.013.B.2.a.2 is permitted if the combined total of
9 communication utilities and accessory communication devices in addition to the roof area
10 occupied by rooftop features listed in ~~((Section))~~ subsection 23.49.008.D.2, does not exceed 35
11 percent of the total rooftop area.

12 b. The height of minor communications utilities and accompanying
13 screening may be further increased ~~((through the design review process))~~ as a Type I decision,
14 not to exceed 10 percent of the applicable height limit for the structure. ~~((For new buildings this
15 increase in height may be granted through the design review process provided for in Section
16 23.41.014. For minor communication utilities on existing buildings this increase in height may
17 be granted through administrative design review provided for in Section 23.41.016.))~~

18 * * *

19 Section 15. Subsections 23.73.009.B and 23.73.009.C of the Seattle Municipal Code,
20 which section was last amended by Ordinance 125272, are amended as follows:

21 **23.73.009 Floor Area Ratio**

22 * * *

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

4 1. A character structure has not existed on the lot since January 18, 2012; or

5 2. For lots that include a character structure, all character structures on the lot are
6 retained according to Section 23.73.015, unless a departure is approved through the design review
7 process to allow the removal of a character structure based on the provisions of subsection
8 ~~((23.41.012.B.33))~~ 23.41.012.B. If the lot includes a character structure that has been occupied by
9 residential uses since January 18, 2012, the same amount of floor area in residential uses shall be
10 retained in that structure, unless a departure is approved through the design review process to allow
11 the removal of the character structure based on the provisions of subsection ~~((23.41.012.B.33))~~
12 23.41.012.B. The owner of the lot shall execute and record in the King County real property
13 records an agreement to provide for the maintenance of the required residential uses for the life of
14 the project.

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

17 1. The following street-level uses complying with the standards of Section
18 23.47A.008 and subsection 23.73.008.B:

19 a. General sales and services;

20 b. Major durables retail sales;

21 c. Eating and drinking establishments;

22 d. Museums;

23 e. Religious facilities;

1 f. Libraries; and
2 g. Automotive retail sales and service uses located within an existing
3 structure or within a structure that retains a character structure as provided in Section 23.73.015.

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

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

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

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

17 Section 16. Subsection 23.73.010.B of the Seattle Municipal Code, which section was
18 last amended by Ordinance 124503, is amended as follows:

19 **23.73.010 Floor area limits outside the Conservation Core**

20 * * *

21 B. Exceptions to floor area limit

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

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

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

8 c. A minimum of 50 percent of the total gross floor area of the project is
9 housing that is affordable to and occupied by "income-eligible households," as defined in Section
10 23.58A.004, and is subject to recorded covenants approved by the Director that ensure that the
11 housing remains available to these households for a minimum of 50 years; or

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

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

18 2) A through-block pedestrian corridor that connects parallel
19 streets bounding the project, consistent with the neighborhood design guidelines; or

20 3) Open space at locations that support the gateway and open space
21 concepts promoted in the neighborhood design guidelines.

22 2. Retaining character structures on a lot. A 25 percent increase in the floor area
23 limit established in subsection 23.73.010.A is permitted for a project that retains all the character

1 structures on the same lot according to the provisions in Section 23.73.015, unless a departure is
2 approved through the design review process to allow the removal of a character structure based
3 on the provisions of subsection (~~(23.41.012.B.32)~~) 23.41.012.B. Any increase in floor area
4 permitted according to this subsection 23.73.010.B.2 shall not be combined with any other
5 increase in floor area permitted according to subsection 23.73.010.B.1 or 23.73.010.B.3.

6 3. A 25 percent increase in the floor area limit is permitted on a lot that qualifies
7 as a receiving site for a project that adds floor area through the use of TDP as permitted by
8 Section 23.73.024, provided that the amount of floor area added through the use of TDP is
9 equivalent to at least 0.25 FAR, as calculated for the receiving site. Any increase in floor area
10 permitted according to this subsection 23.73.010.B.3 shall not be combined with any other
11 increase in floor area permitted according to subsection 23.73.010.B.1 or 23.73.010.B.2.

12 * * *

13 Section 17. Subsection 23.73.012.B of the Seattle Municipal Code, which section was
14 last amended by Ordinance 124503, is amended as follows:

15 **23.73.012 Structure width and depth limits**

16 * * *

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

21 1. 128 feet shall be the width and the depth limit for portions of new structures on
22 lots that contained a character structure on January 18, 2012. The width limit is measured as the
23 combined width of all portions of new structures located on the lot and the depth limit is

1 measured as the combined depth of all portions of new structures located on the lot, except as
2 provided in subsection 23.73.012.B.2 and subsection 23.73.012.B.3.

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

6 a. All character structures on the lot are retained according to the
7 provisions of Section 23.73.015, unless a departure is approved through the design review
8 process to allow the removal of a character structure based on the provisions of subsection
9 ~~((23.41.012.B.32))~~ 23.41.012.B; and

10 b. This exclusion from width and depth measurement in subsection
11 23.73.012.B.2 is only allowed for one retained character structure on the lot.

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

16 Section 18. Subsection 23.73.014.B of the Seattle Municipal Code, which section was
17 last amended by Ordinance 125272, is amended as follows:

18 **23.73.014 Height exceptions**

19 * * *

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

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

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

7 3. A project that is permitted the FAR of the underlying zone for non-residential
8 uses under subsection 23.73.009.B may be allowed to occupy the floor area permitted above the
9 65 foot height limit under this subsection 23.73.014.B if a departure is approved through the
10 design review process, provided that there is no additional increase in the FAR for non-
11 residential uses beyond what is otherwise allowed by Section 23.73.009. The decision to allow a
12 departure shall be based on a determination that the additional height will result in a better design
13 treatment and accommodate features that promote the development objectives of the Pike/Pine
14 Conservation Overlay District by:

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

20 b. Providing space for features that enhance pedestrian circulation and
21 walkability in the area, such as through-block pedestrian corridors, or open spaces at locations
22 that support the gateway and open space concepts promoted in the neighborhood design
23 guidelines; or

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

5 * * *

6 Section 19. Subsection 23.73.015.G of the Seattle Municipal Code, which section was
7 last amended by Ordinance 125272, is amended as follows:

8 **23.73.015 Retention and demolition of character structures**

9 * * *

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

14 Section 20. Subsection 23.73.024.B of the Seattle Municipal Code, which section was
15 last amended by Ordinance 124503, is amended as follows:

16 **23.73.024 Transfer of development potential**

17 * * *

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

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

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

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

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

13 3. Any residential and live-work floor area that is exempt from the FAR limit as
14 allowed by subsection 23.73.009.C.3, or any floor area that exceeds the maximum floor area
15 limit as allowed under subsection 23.73.010.B.3, or that is located above 65 feet in height shall
16 be achieved through the use of TDP.

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

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

21 6. TDP required before construction. No permit after the first building permit, and
22 in any event no permit for construction activity other than excavating or shoring, and no permit
23 for occupying existing floor area by any use based on TDP; will be issued for development that

1 includes TDP until the applicant has demonstrated possession of TDP to the Director's
 2 satisfaction.

3 * * *

4 Section 21. Section 23.76.004 of the Seattle Municipal Code, last amended by Ordinance
 5 125291, is amended as follows:

6 **23.76.004 Land use decision framework**

7 * * *

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 23.88.020²)	
*	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
*	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

Table A for 23.76.004 LAND USE DECISION FRAMEWORK¹	
*	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)) <u>Design</u> 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
TYPE II	
Director's Decision	
(Appealable to Hearing Examiner or Shorelines Hearing Board ³)	
*	Temporary uses, more than four weeks, except for temporary relocation of police and fire stations
*	Variances
*	Administrative conditional uses

Table A for 23.76.004 LAND USE DECISION FRAMEWORK¹	
*	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 22. Section 23.76.006 of the Seattle Municipal Code, last amended by the
2 ordinance introduced as Council Bill 118963, is amended as follows:
3 **23.76.006 Master Use Permits required**

B. The following decisions are Type I:

1. Determination that a proposal complies with development standards;

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

3. The following street use approvals:

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

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

c. Structural building overhangs associated with a development proposal;

d. Areaways associated with a development proposal;

4. Lot boundary adjustments;

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

a. Plazas;

b. Shopping plazas;

c. Arcades;

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

1 16. Determination of requirements according to subsections 23.58B.025.A.3.a,
2 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~~)

3 18. Minor revisions to an approved MUP that was subject to design review,
4 pursuant to subsection 23.41.008.G;

5 19. Building height departures for minor communication facilities in downtown
6 zones, pursuant to Section 23.57.013; and

7 ~~((17))~~ 20. Other Type I decisions.

8 C. The following are Type II decisions:

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

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

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

17 c. Determination of Significance based solely on historic and cultural
18 preservation.

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

22 a. Establishment or change of use for temporary uses more than four
23 weeks not otherwise permitted in the zone or not meeting development standards, including the

1 establishment of temporary uses and facilities to construct a light rail transit system for so long
2 as is necessary to construct the system as provided in subsection 23.42.040.F, but excepting
3 temporary relocation of police and fire stations for 24 months or less;

4 b. Short subdivisions;

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

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

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

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

19 g. The following shoreline decisions; provided that these decisions shall
20 be made by the Council pursuant to Section 23.76.036 when they are sought as part of a Council
21 land use decision (supplemental procedures for shoreline decisions are established in Chapter
22 23.60A):

23 1) Shoreline substantial development permits;

- 1 2) Shoreline variances; and
- 2 3) Shoreline conditional uses;
- 3 h. Major Phased Developments;
- 4 i. Determination of project consistency with a planned action ordinance,
5 only if the project requires another Type II decision;
- 6 j. Establishment of light rail transit facilities necessary to operate and
7 maintain a light rail transit system, in accordance with the provisions of Section 23.80.004;
- 8 k. Downtown planned community developments;
- 9 l. Establishment of temporary uses for transitional encampments, except
10 transitional encampment interim uses provided for in subsection 23.76.006.B.2;
- 11 m. Decision to waive or modify development standards relating to
12 structure width or setbacks for a youth service center pursuant to subsection 23.51A.004.B.6;
- 13 n. Determination of requirements according to subsections
14 23.58B.025.A.4 and 23.58C.030.A.3; (~~and~~)
- 15 o. Except for projects determined to be consistent with a planned action
16 ordinance, decisions to approve, condition, or deny based on SEPA policies if such decisions are
17 integrated with the decisions listed in subsections 23.76.006.C.2.a ((-)) through 23.76.006.C.2.i;
18 provided that, for decisions listed in subsections 23.76.006.C.2.c, 23.76.006.C.2.d,
19 23.76.006.C.2.f, and 23.76.006.C.2.g that are made by the Council, integrated decisions to
20 approve, condition, or deny based on SEPA policies are made by the Council pursuant to Section
21 23.76.036; (~~and~~)
- 22 p. Determination of public benefit for combined lot development; and ((-))

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

3 * * *

4 Section 23. Section 23.76.008 of the Seattle Municipal Code, last amended by Ordinance
5 123913, is amended as follows:

6 **23.76.008 Preapplication conferences for Type II and Type III decisions**

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

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

18 Section 24. Section 23.76.011 of the Seattle Municipal Code, last amended by Ordinance
19 123495, is amended as follows:

20 **23.76.011 Notice of design guidance and planned community development process**

21 A. The Director shall provide the following notice for the required early design guidance
22 process (~~or streamlined administrative design review (SDR) guidance process~~) for design

1 review projects subject to ~~((any of))~~ Sections 23.41.014, 23.41.015, or 23.41.016, ~~((and~~
2 ~~23.41.018,))~~ and for the preparation of priorities for planned community developments:

- 3 1. Publication of notice in the Land Use Information Bulletin; and
- 4 2. Mailed notice; and

5 B. The applicant shall post one land use sign visible to the public at each street frontage
6 abutting the site, except that if there is no street frontage or the site abuts an unimproved street,
7 the Director shall require either more than one sign and/or an alternative posting location so that
8 notice is clearly visible to the public.

9 C. For the required meeting for the preparation of priorities for a planned community
10 development, and for a public meeting required for early design guidance, the time, date,
11 location, and purpose of the meeting shall be included with the mailed notice.

12 D. The land use sign may be removed by the applicant the day after the public meeting.

13 Section 25. Subsection 23.76.012.B of the Seattle Municipal Code, which section was
14 last amended by Ordinance 124843, is amended as follows:

15 **23.76.012 Notice of application**

16 * * *

17 B. Types of notice required

18 1. For projects subject to a Type II environmental determination pursuant to
19 Section 23.76.006 or design review pursuant to Section 23.41.004, the Department shall direct
20 the installation of a large notice sign on the site, unless an exemption or alternative posting as set
21 forth in this subsection 23.76.012.B is applicable. The large notice sign shall be located so as to
22 be clearly visible from the adjacent street or sidewalk, and shall be removed by the applicant at
23 the direction of the Department after final City action on the application is completed.

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

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

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

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

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

21 3. For all projects requiring notice of application, the Director shall provide notice
22 in the Land Use Information Bulletin. For projects requiring installation of a large notice sign or
23 subject to design review pursuant to Section 23.41.014 or 23.41.015, notice in the Land Use

1 Information Bulletin shall be published after installation of the large notice sign required in
2 subsection 23.76.012.B.1.

3 4. The Director shall provide mailed notice of:

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

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

14 5. For a project subject to design review, ~~((except streamlined design review~~
15 ~~pursuant to Section 23.41.018 for which no development standard departure pursuant to Section~~
16 ~~23.41.012 is requested,))~~ notice of application shall be provided to all persons who provided an
17 address for notice and either attended an early design guidance public meeting for the project or
18 wrote to the Department about the proposed project before the date that the notice of application
19 is distributed in the Land Use Information Bulletin.

20 6. For a project that is subject to both Type I decisions and Master Planned
21 Community design review under Section 23.41.020, notice shall be provided as follows:

22 a. The Director shall provide notice of application in the Land Use
23 Information Bulletin.

1 b. The Director shall post one land use sign visible to the public at each
2 street frontage abutting the site, except that if there is no street frontage or the site abuts an
3 unimproved street, the Director shall post more than one sign and/or use an alternative posting
4 location so that notice is clearly visible to the public. The land use sign(s) shall be posted prior to
5 publication of notice of application in the Land Use Information Bulletin, and shall be removed
6 by the applicant after final action on the Master Use Permit application is completed.

7 c. For a project that includes a highrise structure as defined in Section
8 23.75.020, the Director shall also post ten placards within the right-of-way within 300 feet of the
9 site. The land use placards shall be posted prior to publication of notice of application in the
10 Land Use Information Bulletin, and shall be removed by the applicant after final action on the
11 Master Use Permit application is completed.

12 d. Mailed notice shall be provided consistent with subsection
13 23.76.012.B.5.

14 7. No notice is required of a Type I determination whether a project is consistent
15 with a planned action ordinance, except that if that determination has been made when notice of
16 application is otherwise required for the project, then the notice shall include notice of the
17 planned action consistency determination.

18 * * *

19 Section 26. Section 23.76.026 of the Seattle Municipal Code, last amended by Ordinance
20 124843, is amended as follows:

21 **23.76.026 Vesting**

22 A. Master Use Permit components other than subdivisions and short subdivisions. Except
23 as otherwise provided in this Section 23.76.026 or otherwise required by law, applications for

1 Master Use Permit components other than subdivisions and short subdivisions shall be
2 considered vested under the Land Use Code and other land use control ordinances in effect on
3 the date:

4 1. That notice of the Director’s decision on the application is published, if the
5 decision is appealable to the Hearing Examiner;

6 2. Of the Director’s decision, if the decision is not appealable to the Hearing
7 Examiner; or

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

11 * * *

12 C. Design review component of Master Use Permits

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

15 2. A complete application for a Master Use Permit that includes a design review
16 component other than an application described in subsection 23.76.026.C.3 shall be considered
17 under the Land Use Code and other land use control ordinances in effect on the date a complete
18 application for the early design guidance process (~~or streamlined design review guidance~~
19 ~~process~~) is submitted to the Director, provided that such Master Use Permit application is filed
20 within 90 days of the date of the early design guidance public meeting if an early design
21 guidance public meeting is required, or within 90 days of the date the Director provided guidance
22 if no early design guidance public meeting is required. If more than one early design guidance
23 public meeting is held, then a complete application for a Master Use Permit that includes a

1 **23.76.040 Applications and requests for Council land use decisions**

2 * * *

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

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

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

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

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

18 * * *

19 Section 28. Section 25.11.070 of the Seattle Municipal Code, last amended by Ordinance
20 125272, is amended as follows:

21 **25.11.070 Tree protection on sites undergoing development in Lowrise zones**

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

1 A. Exceptional trees

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

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

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

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

14 ~~((3))~~ 2. In order to preserve an exceptional tree, the following code modifications
15 ~~((exceptions))~~ are allowed:

16 a. Permitted height. For a principal structure with a base height limit of 40
17 feet that is subject to the pitched roof provisions of subsection 23.45.514.D, the Director may
18 permit the ridge of a pitched roof with a minimum slope of 6:12 to extend up to a height of 50
19 feet if the increase is needed to accommodate, on an additional story, the amount of floor area
20 lost by avoiding development within the tree protection area and the amount of floor area on the
21 additional story is limited to the amount of floor area lost by avoiding development within the
22 tree protection area.

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

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

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

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

11 Section 29. Section 25.11.080 of the Seattle Municipal Code, last amended by Ordinance
12 123495, is amended as follows:

13 **25.11.080 Tree protection on sites undergoing development in Midrise and Commercial**
14 **Zones**

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

16 A. Exceptional trees ((-))

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

21 ~~2. The))~~ Director may permit an exceptional tree to be removed only if the
22 applicant demonstrates that protecting the tree by avoiding development in the tree protection
23 area could not be achieved through the ~~((development standard adjustments permitted in Section~~

1 ~~23.41.018 or the~~) departures permitted in Section 23.41.012, the modifications allowed by this
2 Section 25.11.080, a reduction in the parking requirements of Section 23.54.015, ~~((and/or))~~ or a
3 reduction in the standards of Section 23.54.030.

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

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

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

1 Section 30. This ordinance shall take effect and be in force 90 days after its approval by
2 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it
3 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

4 Passed by the City Council the _____ day of _____, 2017,
5 and signed by me in open session in authentication of its passage this _____ day of
6 _____, 2017.

7 _____
8 President _____ of the City Council

9 Approved by me this _____ day of _____, 2017.

10 _____
11 Edward B. Murray, Mayor

12 Filed by me this _____ day of _____, 2017.

13 _____
14 Monica Martinez Simmons, City Clerk

15 (Seal)