File #: CB 119057, **Version:** 2

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

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

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

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

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

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

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

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

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

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

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

WHEREAS, the HALA Advisory Committee recommended reforms to the design review process to improve predictability and consistency, including procedural changes to improve two-way dialogue at meetings, training to board members and staff to allow them to consider the impacts of their decisions on housing costs, and limitations on the extent of packet materials and number of meetings; and

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

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

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

((~~Part I - Design Review~~))

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

23.41.002 Purpose

The purpose of Design Review is to:

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

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

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

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

((~~**23.41.004 Applicability**~~

~~A. Design review required~~

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

~~**Table A for 23.41.004 Thresholds for Design Review**~~		
~~**Zone**~~		~~**Threshold**~~
~~a.~~	~~Lowrise 2 (LR2) and Lowrise 3 (LR3)~~	~~8 dwelling units or 4,000 square floor area~~
~~b.~~	~~Midrise (MR)~~	~~20 dwelling units or 4,000 squar floor area~~
~~c.~~	~~Highrise (HR)~~	~~20 dwelling units or 4,000 squar floor area~~
~~d.~~	~~Neighborhood Commercial (NC1, NC2, NC3)~~	~~4 dwelling units or 4,000 square floor area~~

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e.	Commercial (C1, C2)	4 dwelling units or 12,000 squar floor area, located on a lot in an or on a lot that abuts or is across zoned single-family, or on a lot NE 95th St., NE 145th St., 15th Av
f.	Seattle Mixed (SM)	20 dwelling units or 12,000 squ floor area
g.	Industrial Commercial (IC) zone within all designated urban villages and urban centers	12,000 square feet of non-reside
h.	Master Planned Community (MPC) [2]	20 dwelling units or 12,000 squ floor area
i.	All zones - congregate residences, and residential uses in which more than 50 percent of dwelling units are small efficiency dwelling units [3]	Developments containing at leas square feet of gross floor area ar Review (SDR) pursuant to Secti containing at least 12,000 but le gross floor area are subject to A (ADR) pursuant to Section 23.4 containing 20,000 square feet or subject to Design Review pursu

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~~Footnotes to Table A for 23.41.004~~ [1] ~~Urban centers and urban villages are identified in the Seattle Comprehensive Plan.~~ [2] ~~If an application in a Master Planned Community zone does not include a request for departures, the applicable design review procedures are in~~

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~~...~~
~~Section 23.41.020. If an application in a Master Planned Community zone includes a request for departures, then the applicable design review procedures are in Section 23.41.014.~~ [3] ~~When a congregate residence or development in which more than 50 percent of dwelling units~~

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~~g units are small efficien cy dwellin g units is subject to more than one design review threshol d, the gross square footage threshol d on line i shall apply.~~

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

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

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

Use	**Threshold**
Non-residential	20,000 square feet of gross floor area
Residential	20 dwelling units

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

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

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

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

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

B. Design review - optional

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

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

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

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

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

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

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

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

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

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

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~~Commission.~~))

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

23.41.004 Applicability

A. Design review required

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

a. Multifamily;

b. Commercial;

c. Seattle Mixed;

d. Downtown; and

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

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

a. Industrial Buffer; and

b. Industrial Commercial.

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

a. Religious facilities;

b. Elementary and secondary schools;

c. Uses associated with a Major Institution Master Plan (MIMP); or

d. Development of a major institution use within a Major Institution Overlay (MIO)

district.

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

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

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

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

Table A for 23.41.004 Design review thresholds by size of development and specific site characteristics outside of downtown and industrial zones		
If any of the site characteristics in part A of this table are present, the design review thresholds in part B apply. If none of the site characteristics in part A of this table are present, the design review thresholds in part C apply.		
A.	**Category**	**Site Characteristic**

	A.1. Context	a. Lot is abutting or across an al family zoning. b. Lot is in a zon limit 20 feet or greater than the z lot across an alley.
	A.2. Scale	a. Lot is 43,000 square feet in ar any street lot line greater than 2(
	A.3. Special features	a. Development proposal includ Land Use Decision. b. Lot conta structure. c. Lot contains a chara 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 type[1]**
	B.1. Less than 8,000 square feet	No design review[2]
	B.2. At least 8,000 but less than 35,000 square feet	Administrative design review
	B.3. 35,000 square feet or greater	Full design review[3]
C.	Development on a lot not containing any of the specific site characteristics in part A of this table is subject to the thresholds below.	
	Amount of gross floor area of development	**Design review type[1]**
	C.1. Less than 8,000 square feet	No design review[2]
	C.2. At least 8,000 but less than 15,000 square feet	Streamlined design review
	C.3. At least 15,000 but less than 35,000 square feet	Administrative design review
	C.4. 35,000 square feet or greater	Full Design Review

Footnote to Table A for 23.41.004 [1] Applicants for any development proposal subject to administrative design review may choose full design review instead, and applicants for any project subject to streamlined design review may choose administrative or full design review. [2] The following development is subject to administrative design review: (1) development that is at least 5,000 square feet but less than 8,000 square feet and (2)

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feet and (2) is proposed on a lot that was rezoned from a Single-family zone to a Lowrise 3 (LR3) zone, any Commercial (C) zone, or a Neighborhood Commercial (NC) zone, within five years after the effective date of the Ordinance introduced as Council Bill 119057. This requirement shall only apply to applications for new development submitted on or before December 31, 2023. [3] Development proposals that would be subject to the full design

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review, may elect to be reviewed pursuant to the administrative design review process according to Section 23.41.016 if the applicant elects the MHA performance option according to Sections 23.58B.050 or 23.58C.050. If the applicant elects administrative design review process pursuant to this footnote 2 to Table A for 23.41.004, the applicant shall not be eligible to change its election between

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performance and payment pursuant to subsections 23.58B.025.B.2.c or 23.58C.030.B.2.c.

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

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

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

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

2. Development in Landmark districts established by Title 25, Environmental Protection and Historic Preservation;

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

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

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

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

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

C. Optional design review

1. Design review. Development proposals that are not subject to design review may elect to be

reviewed pursuant to the full, administrative, or streamlined design review process if:

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

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

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

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

23.41.008 Design Review ((~~Board~~)) general provisions

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

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

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

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

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

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

B. Design Review Board membership criteria

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

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

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

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

C. Design Review Board composition

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

Table A for 23.41.008 Design Review Board ((~~Composition~~)) composition					
Representation	**Development interests**	**Design professions**	**((~~General community interests~~)) Get Engaged**	**Local residenti / community interests**	**((~~Local~~)) General business interests or landscape professions**

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Number	7	7	((~~7~~)) 1 or more	((~~7~~)) 14 ((~~(1/district)~~))) (2/district)	7 (((~~(1/district)~~))
Selection process	3 appointed by Mayor, 4 by Council	3 appointed by Mayor, 4 by Council	((~~3 appointed by Mayor, 4 by Council,~~)) 1 or more pursuant to Chapter 3.51[1]	((~~Nominated by community and business organizations, respectively;~~)) 3 appointed by Mayor, 4 appointed by Council, 7 joint appointed by Mayor and Council	Jointly appointed by Mayor and Council
((~~Confirmation process~~))	((~~Confirmed by Council~~))	((~~Confirmed by Council~~))	((~~Confirmed by Council~~))	((~~Confirmed by Council~~))	
Confirmation process	All appointments made solely by the Mayor are subject to confirmation by Council				
Footnotes to Table A for 23.41.008((~~:~~)) [1] One or more designated young adult positions ((~~is~~)) are to the Design Review Board pursuant to the Get Engaged Program, Chapter 3.51. The selection and term of service related to ((~~this~~)) these young adult positions are set forth in Chapter 3.51.					

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

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

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

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

occurred in the term.

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

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

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

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

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

((~~c.~~)) One (((~~(1)~~))) member representing the design professions;

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

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

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

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

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

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

a. In the event that more projects are undergoing simultaneous design review than a District Design Review Board can review in a timely manner, the Director may assign such projects to a

geographically unassigned Substitute Design Review Board, whose five (((~~5~~))) members the Director may select from the Substitute Design Review Board membership described in subsection 23.41.008.D.5, so long as the five (((~~5~~))) members represent each of the five interests required by subsection 23.41.008.D.1.

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

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

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

a. Membership criteria:

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

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

(((~~3~~))) 3) A person must have, in the opinion of the Director, demonstrated a

commitment to Design Review through exemplary attendance and Board participation.

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

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

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

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

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

Table B for 23.41.008 Maximum number of Design Review Board meetings for certain projects		
Type of design review	**Early design guidance meeti**	**Recommendation meeting**
Full design review	2[1,2]	1[1,2]
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, unless the project applicant elects the MHA performance option according to Sections 23.58B.050 or 23.58C.050. [2] The Director may require additional Design Review Board meetings according to subsection 23.41.008.E.4.		

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

the applicant's request. If the Design Review Board cannot complete a recommendation, it shall identify reasons why another recommendation meeting is necessary.

F. Design Review Board recommendation

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

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

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

a. Reflects inconsistent application of the design review guidelines;

b. Exceeds the authority of the Design Review Board;

c. Conflicts with SEPA conditions or other regulatory requirements applicable to the project; or

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

G. Revisions to an issued and unexpired MUP

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

2. Major revisions to an issued and unexpired MUP that was subject to design review may be

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

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

Section 7. Subsection 23.41.010.A of the Seattle Municipal Code, which section was last amended by the ordinance introduced as Council Bill 118980, is amended as follows:

23.41.010 Design review guidelines

A. The "Seattle Design Guidelines, 2013" and the "Guidelines for Downtown Development, 1999" are approved. The "Seattle Design Guidelines, 2013", the neighborhood design guidelines identified in subsection 23.41.010.B, and Master Planned Community design guidelines identified in subsection 23.41.010.C provide the basis for Design Review Board recommendations and City design review decisions, except in Downtown zones, where the "Guidelines for Downtown Development, 1999" apply. Neighborhood design guidelines and Master Planned Community design guidelines are intended to augment and make more specific the "Seattle Design Guidelines, 2013" and the "Guidelines for Downtown Development, 1999." To the extent there are conflicts between neighborhood design guidelines or Master Planned Community design guidelines and the "Seattle Design Guidelines, 2013" or "Guidelines for Downtown Development, 1999," the neighborhood design guidelines or Master Planned Community design guidelines supersede.

* * *

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

23.41.012 Development standard departures

A. ((~~Departure from Land Use Code requirements may be permitted for new multifamily, commercial, and Major Institution development as part of a design review process. Departures may be allowed if an applicant demonstrates that departures from Land Use Code requirements~~)) The Director may waive or modify application of a development standard to a development proposal if the Director decides that waiver or modification would result in a development that better meets the intent of adopted design guidelines.

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

1. Procedures;

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

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

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

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

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

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

8. ((~~In Downtown Mixed Commercial zones, tower spacing requirements as provided in~~

~~subsection 23.49.058.D~~)) Residential density limits;

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

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

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

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

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

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

b. Within the Ballard Municipal Center Master Plan area building height departures may be granted for properties zoned NC3-65 (Map B for 23.41.012, Ballard Municipal Center Master Plan Area).

The additional height may not exceed 9 feet, and may be granted only for townhouses that front a mid-block pedestrian connection or a park identified in the Ballard Municipal Center Master Plan;

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

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

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

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

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

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

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

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

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

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

17. ((~~Structure height, except that:~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

b) The structure does not represent the Pike/Pine neighborhood's building typology that is characterized by the use of exterior materials and design elements such as masonry, brick, and

timber; multi-use loft spaces; very high and fully-glazed ground-floor storefront windows; and decorative details including cornices, emblems, and embossed building names; or

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

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

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

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

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

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

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

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

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

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

or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2) A departure may allow removal of character structures if the requirement for

~~retaining character structures is limited to the following:~~

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

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

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

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

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

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

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

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

a. A usable open space that:

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1) abuts the street ((,)) ;

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

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

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

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

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

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

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

a. A usable open space that:

1) abuts the street ((,)) ;

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

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

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

b. A separation between structures that:

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

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

3) is either developed as:

a) a north-south through block pedestrian passageway;

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b) a woonerf;

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

d) a combination thereof.

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

* * *

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

23.41.014 ((~~Design~~)) Full design review process

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

B. Community outreach

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~2) Evaluate the relationship of the character structure's key architectural and~~

~~structural elements to the developed context, and how the new project will respond to this relationship; and~~

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

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

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

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

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

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

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

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

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

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

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

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

((~~2. At the meeting of the Design Review Board, a determination shall be made by the Design Review Board that the proposed design submitted by the project proponent does or does not comply with applicable design guidelines. The Design Review Board shall recommend to the Director whether to approve or conditionally approve the proposed project based on the design guidelines, and whether to approve, condition~~

~~or deny any requested departures from development standards.~~))

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

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

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

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

~~a. Reflects inconsistent application of the design review guidelines; or~~

~~b. Exceeds the authority of the Design Review Board; or~~

~~c. Conflicts with SEPA conditions or other regulatory requirements applicable to the site; or~~

~~d. Conflicts with the requirements of state or federal law.~~

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

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

Section 10. Section 23.41.016 of the Seattle Municipal Code, last amended by Ordinance 120410, is amended as follows:

23.41.016 Administrative design review process ((~~.~~))

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

~~B. Early Design Guidance Process.~~

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

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

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

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

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

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

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

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

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

B. Community outreach

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

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

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

C. Early design guidance process

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

2. The purpose of the early design guidance process is to identify concerns about the site and proposed development, receive written comments from the public, review the design guidelines applicable to

the site, identify guideline priorities, and explore conceptual design or siting alternatives.

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

D. Guideline priorities

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

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

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

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

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

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

F. Design review recommendation phase

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

2. The Director shall make the recommendation available to those who sent in comments or

otherwise requested notification, and to the applicant.

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

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

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

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

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

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

Section 11. Section 23.41.018 of the Seattle Municipal Code, last amended by Ordinance 124952, is repealed:

23.41.018 Streamlined administrative design review (SDR) process

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

B. Community outreach

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

2. The purpose of the community outreach plan is to identify the outreach methods an applicant will use to establish a dialogue with nearby communities early in the development process in order to share

information about the project, better understand the local context, and hear community interests and concerns related to the project.

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

C. Early design guidance process

1. Following a ((~~presubmittal~~)) preapplication conference, ((~~a proponent~~)) an applicant may apply to begin the ((~~SDR~~)) early design guidance process.

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

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

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

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

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

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

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

~~3~~))2. The purpose of ((~~SDR Guidance~~)) early design guidance process is to receive written comments from the public, identify concerns about the site and ((~~design concept~~)) proposed development, review the design guidelines applicable to the site, identify guideline priorities ((~~applicable citywide and neighborhood design guidelines of highest priority to the site~~)), explore conceptual design ((~~and~~)) or siting

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alternatives, and identify and document proposed development standard adjustments, which may be approved as a Type I decision pursuant to Section 23.41.018.D, or departures, which may be approved as a Type II decision pursuant to Section 23.41.016. ((~~The intent of SDR Guidance is not to reduce the general development capacity of the lot.~~))

3. The Director may establish, by rule, the information that the applicant shall include for the early design guidance process.

D. SDR Guidance report

1. ((~~4. As a result of the SDR Guidance process~~)) Based on the concerns expressed during community outreach or in writing, the Director shall identify the guidelines of highest priority, referred to as the "guideline priorities". The Director shall summarize and consider any community consensus regarding design, as expressed in written comments received.

2. ((~~the~~)) The Director shall prepare a report that identifies t((~~hose guidelines of highest priority and applicability~~)) guideline priorities, documents any design changes needed to achieve consistency with the design guidelines, and identifies any ((~~desired~~)) requested or required development standard adjustments and/or departures.

3. If the criteria listed in subsection 23.41.018.F.3 are met, the Director may consider adjustments to the following development standards to the extent listed for each standard:

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

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

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

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

((~~5~~))4. The Director shall ((~~distribute a copy of~~)) make the Guidance report available to those who sent in comments or otherwise requested notification, and to the applicant((~~, place it on file in the~~

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~~Department, and provide access to the report on the Department website~~)).

((~~C~~)) E. Application for ((~~Type I or Type II Master Use~~))Building Permit((~~.~~))

1. ((~~After issuance of~~)) Once the SDR Guidance report is made available by the Director, the ((~~proponent~~)) applicant may apply for a ((~~Type I or Type II Master Use~~)) Building Permit.

2. In addition to submitting information required in a standard Building Permit application, ((~~The Master Use~~)) the applicant shall include in the Building Permit application ((~~shall include a brief explanation of how the proposal addresses the SDR guidance report, in addition to standard Master Use Permit submittal information required by Section 23.76.010~~)) such additional information related to design review as the Director may require.

3. Adjustments to ((~~certain~~)) development standards listed in subsection 23.41.018.D.3 ((~~pursuant to subsection 23.41.018.D~~)) may be approved as a Type I decision. If ((~~the need for~~)) requested development standard departures, authorized under Section 23.41.012 ((~~and beyond~~)) exceed the adjustments allowed under subsection 23.41.018.D.3, ((~~is identified,~~)) the applicant may either revise the application to eliminate the need for ((~~the further~~)) departures((,)) and proceed under this Section 23.41.018, or else apply for a Type II Master Use Permit for administrative design review pursuant to Section 23.41.016.

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

~~D. SDR decision~~))

F. Director's Type I decision. A decision on an application for a permit subject to streamline design review shall be made by the Director.

((~~1.~~)) 2. The Director's design review decision shall be made as part of the overall Building Permit decision for the project. The ((~~Director shall consider public comments on the proposed project, and the~~)) Director's decision shall be based on the extent to which the ((~~application~~)) proposed project meets ((~~applicable design guidelines~~)) guideline priorities and responds to the SDR ((~~guidance~~)) Guidance report, and

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in consideration of public comments on the proposed project.

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

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

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

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

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

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

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

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

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

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

~~5~~)) E. Limitations on adjustments through the SDR process established in this ((~~subsection 23.41.018.D~~)) Section 23.41.018 do not limit ((~~adjustments~~)) modifications to standards expressly permitted by other provisions of this Title 23 or other titles of the Seattle Municipal Code.))

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

23.41.020 Master Planned Community design review process

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

zones that do not include a request for departures. 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. For purposes of this Section 23.41.020, "highrise structure" and "non-highrise structure" are as defined in Section 23.75.020.

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

C. Early design guidance ((~~.~~))

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

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

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

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

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

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

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

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

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

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

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

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

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

1. Timing ((~~.~~))

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

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

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

E. Design review process and decision ((~~.~~))

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

2. Design Review Board recommendation for highrise development proposals ((~~.~~))

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

b. At a recommendation meeting for a development proposal that includes a highrise structure, the Design Review Board shall determine whether the proposed design submitted by the applicant is consistent with ((~~applicable design guidelines~~)) the guideline priorities. The ((~~Design Review~~)) Board may recommend to the Director whether to approve or conditionally approve the proposed project based on the ((~~design guidelines~~)) guideline priorities. The Design Review Board shall hold no more than two

recommendation meetings on the proposed project, following the required early design guidance meeting and any optional meetings that the ((~~project proponent~~)) applicant may hold with the public or the Design Review Board. If the Design Review Board does not issue a recommendation that a proposed project be approved, conditionally approved, or denied by the end of the second recommendation meeting, the remaining design review process shall proceed through design review pursuant to subsection 23.41.020.E.1.

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

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

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

~~1) Reflects inconsistent application of the design review guidelines; or~~

~~2) Exceeds the authority of the Design Review Board; or~~

~~3) Conflicts with SEPA conditions or other regulatory requirements applicable to the site; or~~

~~4) Conflicts with the requirements of state or federal law.~~))

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

23.57.013 Downtown zones

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

height limits, and subsection 23.57.013.B.

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

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

2. Height ((~~.~~))

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

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

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

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

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

* * *

Section 14. Section 23.66.020 of the Seattle Municipal Code, last amended by Ordinance 124843, is amended as follows:

23.66.020 - Special review boards

* * *

D. The special review board shall review applications for certificates of approval, including departures from land use code requirements, and all petitions or applications for amendments to the Official Land Use Map, conditional uses, special exceptions, variances, and planned unit developments or planned community developments and shall make a recommendation on any such application or petition to the Department of Neighborhoods Director.

E. The special review board may, in its discretion, make recommendations to the Mayor, the Council, and any public or private agency concerning land use and development in the district.

* * *

Section 15. A new Section 23.66.060 is added to the Seattle Municipal Code as follows:

23.66.060 Departure from Land Use Code Requirements

A. An applicant seeking a certificate of approval for new multifamily, commercial and major institution development may also seek land use code departures from the Special Review Board. A Special Review Board may recommend that a departure is granted where an applicant demonstrates that the departure would result in a development that better meets the requirements of Chapter 23.66, the district use and development standards, and the purpose for creating the district.

B. Departures may be requested from any Land Use Code standard or requirement, except for the standards or requirements set forth in subsection 23.41.012.B and provisions in chapter 23.66 SMC.

C. A Special Review Board shall recommend, in writing, to the Director of the Seattle Department of Construction and Inspections whether to approve, or deny, any departure.

D. Departures authorized by this Section 23.66.060 do not limit the approval of waivers or modifications of development standards permitted by other provisions of Chapter 23.66 or other titles of the Seattle Municipal Code.

E. The Director of the Department of Neighborhoods, in coordination with the Director of the Seattle Department of Construction and Inspections, may establish, by rule, procedures for a Special Review Board to review and prepare a recommend whether to approve or deny any requested departure.

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

23.73.009 Floor Area Ratio

* * *

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

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

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

C. In addition to the floor area exempt under the provisions of the underlying zone, the following floor

area is exempt from the calculation of gross floor area subject to an FAR limit:

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

a. General sales and services;

b. Major durables retail sales;

c. Eating and drinking establishments;

d. Museums;

e. Religious facilities;

f. Libraries; and

g. Automotive retail sales and service uses located within an existing structure or within a structure that retains a character structure as provided in Section 23.73.015.

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

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

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

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

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

23.73.010 Floor area limits outside the Conservation Core

* * *

B. Exceptions to floor area limit

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

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

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

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

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

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

2) A through-block pedestrian corridor that connects parallel streets bounding the

project, consistent with the neighborhood design guidelines; or

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

2. Retaining character structures on a lot. A 25 percent increase in the floor area limit established in subsection 23.73.010.A is permitted for a project that retains all the character structures on the same lot according to the provisions in Section 23.73.015, unless a departure is approved through the design review process to allow the removal of a character structure based on the provisions of subsection ((~~23.41.012.B.32~~)) 23.41.012.B. Any increase in floor area permitted according to this subsection 23.73.010.B.2 shall not be combined with any other increase in floor area permitted according to subsection 23.73.010.B.1 or 23.73.010.B.3.

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

* * *

Section 18. Subsection 23.73.012.B of the Seattle Municipal Code, which section was last amended by Ordinance 124503, is amended as follows:

23.73.012 Structure width and depth limits

* * *

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

structure on January 18, 2012.

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

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

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

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

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

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

23.73.014 Height exceptions

* * *

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

the following requirements are met:

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

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

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

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

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

c. Accommodating uses, such as theater space or arts facilities that support the area's arts and culture function but that may have special spatial needs that require additional design flexibility to

incorporate them into the project, provided the uses are maintained for the life of the project as provided for in a recorded covenant approved by the Director.

* * *

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

23.73.015 Retention and demolition of character structures

* * *

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

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

23.73.024 Transfer of development potential

* * *

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

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

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

b. Development on the lot that is the receiving site shall not result in the demolition or significant alteration of a character structure that is not a designated landmark and that has existed on the site

since January 18, 2012, unless a departure is approved through the design review process to allow the removal of a character structure based on the provisions of subsection ((~~23.41.012.B.32~~)) 23.41.012.B. For the purposes of this subsection 23.73.024.B.1.b, significant alterations to a character structure would result in conditions that would preclude compliance with the minimum requirements of subsection 23.73.024.C.4.

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

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

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

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

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

* * *

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

23.76.004 Land use decision framework

* * *

Table A for 23.76.004 LAND USE DECISION FRAMEWORK[1]	
Director's and Hearing Examiner's Decisions Requiring Master Use Permits	
TYPE I Director's Decision (Administrative review through land use interpretation as allowed by Section 23.88.020[2])	
*	Application of development standards for decisi IV, or V
*	Uses permitted outright
*	Temporary uses, four weeks or less
*	Renewals of temporary uses, except for tempora facility construction and transitional encampmer
*	Intermittent uses
*	Interim use parking authorized under subsection
*	Uses on vacant or underused lots pursuant to Se
*	Transitional encampment interim use
*	Certain street uses

*	Lot boundary adjustments
*	Modifications of features bonused under Title 24
*	Determinations of significance (EIS required) ex based solely on historic and cultural preservation
*	Temporary uses for relocation of police and fire
*	Exemptions from right-of-way improvement req
*	Special accommodation
*	Reasonable accommodation
*	Minor amendment to a Major Phased Developm
*	Determination of whether an amendment to a pr major or minor
*	Streamlined design review decisions pursuant to standard departures are requested, and design re to Section 23.41.020 if no development standard
*	Shoreline special use approvals that are not part permit
*	Adjustments to major institution boundaries pur
*	Determination that a project is consistent with a
*	Decision to approve, condition, or deny, based o determined to be consistent with a planned actio
*	Minor revisions to an issued and unexpired MU
*	Building height increase for minor communicati
*	Other Type I decisions that are identified as suc
TYPE II Director's Decision (Appealable to Hearing Examiner or Shorelines Hearing Board[3])	
*	Temporary uses, more than four weeks, except f stations
*	Variances

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*	Administrative conditional uses
*	Shoreline decisions, except shoreline special use substantial development permit[3]
*	Short subdivisions
*	Special exceptions
*	Design review decisions, except for streamlined 23.41.018 if no development standard departure approved MUP that was subject to design review communication utilities in downtown zones, and an MPC zone pursuant to Section 23.41.020 if n requested
*	Light rail transit facilities
*	The following environmental determinations: 1. not required) 2. Determination of final EIS adeq based solely on historic and cultural preservation permit for a project based on SEPA policies, exc consistent with a planned action ordinance
*	Major Phased Developments
*	Downtown Planned Community Developments
*	Determination of public benefit for combined lo
*	Major revisions to an issued and unexpired MU
*	Other Type II decisions that are identified as suc
* * *	

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

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

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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;

d. Shopping arcades;

e. Voluntary building setbacks;

6. Determinations of Significance (determination that an environmental impact statement is required) for Master Use Permits and for building, demolition, grading, and other construction permits (supplemental procedures for environmental review are established in Chapter 25.05, Environmental Policies and Procedures), except for Determinations of Significance based solely on historic and cultural preservation;

7. Discretionary exceptions for certain business signs authorized by subsection 23.55.042.D;

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8. Waiver or modification of required right-of-way improvements;

9. Special accommodation pursuant to Section 23.44.015;

10. Reasonable accommodation;

11. Minor amendment to Major Phased Development Permit;

12. Streamlined design review decisions pursuant to Section 23.41.018 if no development standard departures are requested pursuant to Section 23.41.012, and design review decisions in an MPC zone if no development standard departures are requested pursuant to Section 23.41.012;

13. Shoreline special use approvals that are not part of a shoreline substantial development permit;

14. Determination that a project is consistent with a planned action ordinance, except as provided in subsection 23.76.006.C;

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

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

17. Minor revisions to an issued and unexpired MUP that was subject to design review, pursuant to subsection 23.41.008.G;

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

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

C. The following are Type II decisions:

1. The following procedural environmental decisions for Master Use Permits and for building, demolition, grading, and other construction permits are subject to appeal to the Hearing Examiner and are not subject to further appeal to the City Council (supplemental procedures for environmental review are established

in Chapter 25.05, Environmental Policies and Procedures):

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

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

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

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

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

b. Short subdivisions;

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

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

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

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

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

1) Shoreline substantial development permits;

2) Shoreline variances; and

3) Shoreline conditional uses;

h. Major Phased Developments;

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

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

k. Downtown planned community developments;

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

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

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

o. Except for projects determined to be consistent with a planned action ordinance, decisions to approve, condition, or deny based on SEPA policies if such decisions are integrated with the decisions listed in subsections 23.76.006.C.2.a ((~~,~~)) through 23.76.006.C.2.m; provided that, for decisions listed in subsections 23.76.006.C.2.c, 23.76.006.C.2.d, 23.76.006.C.2.f, and 23.76.006.C.2.g that are made by the Council, integrated decisions to approve, condition, or deny based on SEPA policies are made by the Council pursuant to Section 23.76.036; ((~~and~~))

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

q. Major revisions to an issued and unexpired MUP that was subject to design review, pursuant to subsection 23.41.008.G.

* * *

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

23.76.008 Preapplication conferences for Type II and Type III decisions

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

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

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

23.76.011 Notice of design guidance and planned community development process

A. The Director shall provide the following notice for the required early design guidance process or streamlined administrative design review (SDR) guidance process for design review projects subject to ((~~any of~~)) Sections 23.41.014, 23.41.016, ((~~and~~)) or 23.41.018, and for the preparation of priorities for planned community developments:

1. Publication of notice in the Land Use Information Bulletin; and

2. Mailed notice; and

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

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

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

Section 26. Subsection 23.76.012.B of the Seattle Municipal Code, which section was last amended by Ordinance 124843, is amended as follows:

23.76.012 Notice of application

* * *

B. Types of notice required

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

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

b. Projects limited to interior remodeling, or that are subject to a Type II environmental

determination pursuant to Section 23.76.006 only because of location over water or location in an environmentally critical area, are exempt from the large notice sign requirement.

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

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

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

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

4. The Director shall provide mailed notice of:

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

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

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

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

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

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

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

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

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

* * *

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

23.76.026 Vesting

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

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

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

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

* * *

C. Design review component of Master Use Permits

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

2. ((~~A~~)) Except as otherwise provided by law, a complete application for a Master Use Permit that includes a design review component other than an application described in subsection 23.76.026.C.3 shall be considered under the Land Use Code and other land use control ordinances in effect on:

a. The ((~~the~~)) date a complete application for the early design guidance process or streamlined design review guidance process is submitted to the Director, provided that such Master Use Permit application is filed within 90 days of the date of the early design guidance public meeting if an early design

guidance public meeting is required, or within 90 days of the date the Director provided guidance if no early design guidance public meeting is required. If more than one early design guidance public meeting is held, then a complete application for a Master Use Permit that includes a design review component shall be considered under the Land Use Code and other land use control ordinances in effect on the date a complete application for the early design guidance process is submitted to the Director, provided that such Master Use Permit application is filed within 150 days of the first meeting. If a complete application for a Master Use Permit that includes a design review component is filed more than 150 days after the first early design guidance public meeting, then such Master Use Permit application shall be considered under the Land Use Code and other land use control ordinances in effect at the time of the early design guidance public meeting that occurred most recently before the date on which a complete Master Use Permit application was filed, provided that such Master Use Permit application is filed within 90 days of the most recent meeting((.));

b. A date elected by the applicant that is later than the date established in subsection 23.76.026.C.2.a and not later than the dates established in subsections 23.76.026.A.1 through 23.76.026.A.3.

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

* * *

E. ((~~{RESERVED}~~)) Where an applicant elects a date for consideration of an application for Master Use Permit components pursuant to subsection 23.76.026.C.2.b after notice of the application required by section 23.76.012 has been given, notice of the application and an opportunity to comment shall be repeated according to section 23.76.012.

* * *

G. Notwithstanding any other provision of this ((~~section~~)) Section 23.76.026 or this ((~~chapter~~)) Chapter

23.76, an applicant may elect, at such time and in such manner as the Director may permit, that specific Land Use Code provisions that became effective after the applicant's application vested ((,)) may nonetheless be applied to the application, pursuant to authorization for such election set forth elsewhere in this Title 23.

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

23.76.040 Applications and requests for Council land use decisions

* * *

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

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

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

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

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

* * *

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

25.11.070 Tree protection on sites undergoing development in Lowrise zones

The provisions in this Section 25.11.070 apply in Lowrise zones.

A. Exceptional trees

1. If the Director determines that ((~~there is~~)) an exceptional tree is located on the lot of a proposed development, which is not a major institution use within a Major Institution Overlay zone, and the tree is not proposed to be preserved, the ((~~development shall go through streamlined design review as provided in Section 23.41.018 if the project falls below the thresholds for design review established in Section 23.41.004.~~

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

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

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

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

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

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

3. If the Director determines that an exceptional tree is located within a Major Institution Overlay zone, and the tree is not proposed to be preserved, the Director may allow removal of an exceptional tree only if:

a. The proposed development is for a major institution use identified in an adopted Major Institution Master Plan; and

b. The location of an exceptional tree is such that planned future physical development identified in an adopted Major Institution Master Plan cannot be sited while avoiding the tree protection area; and

c. Mitigation for exceptional trees and trees over 2 feet in diameter, measured 4.5 feet above the ground, is provided pursuant to Section 25.11.090 for trees that are removed in association with development.

B. Trees over 2 feet in diameter ((~~.~~))

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

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

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

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

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

A. Exceptional trees ((~~.~~))

1. If the Director determines that ((~~there is~~)) an exceptional tree is located on the lot of a proposed ((~~project~~)) development, which is not a major institution use within a Major Institution Overlay zone,

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and the tree is not proposed to be preserved, the ((~~project shall go through streamlined design review as provided in Section 23.41.018 if the project falls below the thresholds for design review established in Section 23.41.004.~~

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

2. If the Director determines that an exceptional tree is located within a Major Institution Overlay zone, and the tree is not proposed to be preserved, the Director may allow removal of an exceptional tree only if:

a. The proposed development is for a major institution use identified in an adopted Major Institution Master Plan; and

b. The location of an exceptional tree is such that a planned future physical development identified in an adopted Major Institution Master Plan cannot be sited while avoiding the tree protection area; and

c. Mitigation for exceptional trees and trees over 2 feet in diameter, measured 4.5 feet above the ground, is provided pursuant to Section 25.11.090 for trees that are removed in association with development.

B. Trees over 2 feet in diameter measured ((~~.~~))

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

2. In order to protect trees over 2 feet in diameter, an applicant may request and the Director may ((~~permit~~)) allow modification of development standards in the same manner and to the same extent as

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provided for exceptional trees in subsection 25.11.080.A ((~~, above~~)).

Section 31. A new Section 25.12.735 is added to the Seattle Municipal Code as follows:

25.12.735 Development standards departures

A. An applicant seeking a certificate of approval for new multifamily, commercial and major institution development may also seek land use code departures from the Landmarks Preservation Board, or the applicable Landmark District Board or Historical Commission. A Landmarks Preservation Board, or the applicable Landmark District Board or Historical Commission, may recommend approval of a departure where an applicant demonstrates that the departure would result in a development that better meets the use and development standards for the district.

B. Departures may be granted from any Land Use Code standard or requirement, except for the standards or requirements described in subsection 23.41.012.B.

C. The Landmarks Preservation Board, or the applicable Landmark District Board or Historical Commission, shall recommend, in writing, to the Director of the Seattle Department of Construction and Inspections whether to approve, or deny any departure.

D. Departures authorized by this Section 25.12.735 do not limit the approval of waivers or modifications of development standards permitted by other provisions of Title 25 or other titles of the Seattle Municipal Code.

E. The Director of the Department of Neighborhoods, in coordination with the Director of the Seattle Department of Construction and Inspections, may establish, by rule, procedures for a Landmarks Preservation Board, or the applicable Landmark District Board or Historical Commission, to review and prepare a recommendation on whether to approve or deny any requested departure.

Section 32. Sections 3 through 14 and Sections 16 through 30 of this ordinance shall take effect and be in force 60 days after the effective date of this ordinance on July 1, 2018, to ensure there is adequate time for rule-making and any adjustments in business practices.

Section 33. Section 16 and Section 32 of this ordinance shall take effect and be in force on January 1, 2018.

Section 37. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

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

_____

President _____ of the City Council

Approved by me this _____ day of _____, 2017.

_____

Tim Burgess, Mayor

Filed by me this _____ day of _____, 2017.

_____

Monica Martinez Simmons, City Clerk

(Seal)

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