



September 18, 2017

MEMORANDUM

To: Members of the Planning, Land Use and Zoning Committee
From: Aly Pennucci, Legislative Analyst
Subject: CB 119057: Design Review Program Improvements

On Tuesday, September 19, the PLUZ Committee will discuss and may vote on [Council Bill 119057](#), the Mayor's proposal that would make changes to the City's [Design Review program](#). The Committee will consider several of the amendments discussed at the September 8 PLUZ Committee meeting. Additional amendments identified following the public hearing held on Monday, September 11, will also be considered.

This memo (1) sets out options for potential amendments for the committee's consideration, and (2) discusses amendment options to modify the proposed Design Review thresholds.

Potential amendments

Councilmembers have identified several amendments, which are listed in Attachment A. Specific language for those amendments are included in Attachments B-L.

In addition to the amendments described in Attachment A, Councilmembers may want to provide direction to the Seattle Department of Construction and Inspections on the draft Director's Rule that outlines the process for preparing and documenting the proposed requirement for early community outreach.

Design Review Thresholds – Discussion of Options

This section outlines two amendment options for the Committee's consideration related to thresholds that determine whether and what type of design review would be required. Generally, the Mayor's proposed revisions would require the Council make trade-offs between the objective of faster and more predictable permit review and Design Review program objectives, such as early public involvement and improved design quality. Both amendment options (see table 1 below for details) seek to balance these trade-offs by modifying the Mayor's proposal as follows:

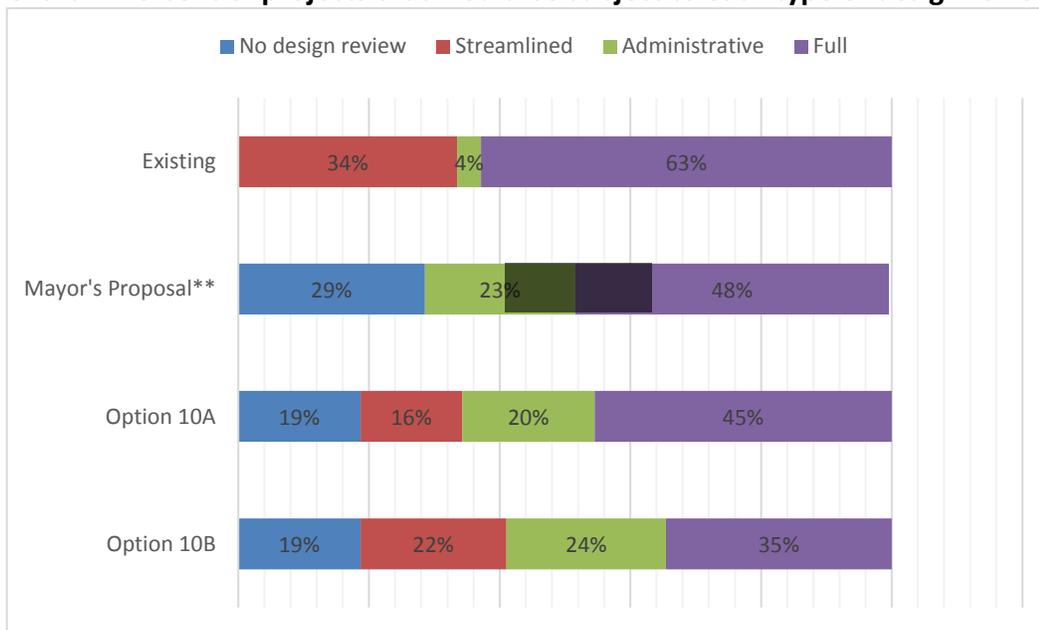
- eliminate the proposed hybrid process;
- retain the existing streamlined design review (SDR);
- update SDR requirements to be consistent with other changes proposed in CB 119057 and additional changes to accommodate applying SDR to a broader range of project types;
- reduce the minimum threshold that determines if design review is required; and
- adjust the thresholds that determine the type of design review required.

This approach would increase the number of projects subject to some type of design review, increasing opportunities for public input, while still achieving generally equivalent or increased reductions in the estimated review times, compared to the Mayor's proposal. In addition, both options eliminate the potential confusion that may result from the proposed hybrid review process. Table 1 on the next page, outlines the Mayor's proposed thresholds and two amendment options to modify the proposal, and includes the estimated reduction in review times compared to the existing program. Following that, Chart 1 provides a comparison of the options based on the percent of projects that would be subject to each type of design review.

Table 1: Threshold Options

Threshold Amendment Option		Size Thresholds	Site Characteristics	Type of Design Review	Potential Reduction in Review Time compared to existing program
-	- Mayor's Proposal	10,000 - 20,000 sf	Not Complex	Administrative	24%
			Complex	Hybrid	
		20,000 sf or more	Not Complex	Hybrid	
			Complex	Full	
10A	- Lower minimum threshold - Eliminate hybrid - Retain SDR - Modify complexity	8,000 - 15,000 sf	Not Complex	Streamlined	28%
		15,000 – 35,000	Complex	Administrative	
		35,000 sf or more	n/a	Full	
10B	- Lower minimum threshold - Raise threshold for ADR and Full - Eliminate hybrid - Retain SDR	8,000 - 30,000 sf	Not Complex	Streamlined	45%
			Complex	Administrative	
		30,000 sf or more	Not Complex	Administrative	
			Complex	Full	

Chart 1: Percent of projects that would be subject to each type of design review*



*Based on projects subject to design review 2014-2015 (385 projects)

**For purposes of this comparison, projects under the Mayor’s proposal that would be subject to the hybrid design review process are split equally between administrative and full design review; the shaded area under the Mayor’s proposal highlights the projects that would be subject to the hybrid process.

Attachments:

- A. Potential Amendments
- B. Amendment 1: Recitals
- C. Amendment 2: Effective Date
- D. Amendment 3: Height and FAR Departure for saving an exceptional tree.
- E. Amendment 4: Special Review District boards and Landmark Preservation boards authority to grant land use code departures.
- F. Amendment 5: Removal of exceptional tress with a Major Institution Overlay Zone
- G. Amendment 6: Revisions to a master use permit
- H. Amendment 7: Type of Design Review for projects electing MHA performance option.
- I. Amendment 8: Meeting caps for projects selecting the MHA performance option.
- J. Amendment 9: Threshold for areas that will be rezoned from SF to a multifamily or commercial zone
- K. Amendment 10A: Modify thresholds – Option 1
- L. Amendment 10B: Modify thresholds – Option 2

cc: Kirstan Arestad, Central Staff Director
Ketil Freeman, Supervising Analyst

Attachment 1: Potential Amendments to Design Review bill

Amendment	Options	Discussion
1. Recitals in Mayor's proposed bill do not reflect the full legislative history.	Add recitals to reflect the legislative history. <i>Sponsor: Councilmember O'Brien</i> (see Attachment B for specific amendment language)	The recitals in the proposed ordinance only reflect the HALA recommendations and do not acknowledge the work completed by the stakeholder advisory group, the Chamber or the work requested by the Council prior to the initiation of the HALA work.
	Accept the Mayor's recommendation.	
2. Providing adequate time for the department to prepare for implementation	Extend the effective date for the legislation. <i>Sponsor: Councilmember Johnson</i> (see Attachment C for specific amendment language)	The Mayor proposed an effective date for the legislation of three months. The technology changes necessary to successfully implement the proposed changes, and the materials that SDCI will need to prepare for staff, applicants and the public, will require additional time. This amendment will extend the effective date for implementing most of the changes to July 1, 2018. The proposed change described under Amendment 4 would be effective on January 1, 2018, to align with other recent changes made to the international special review district boundaries.
	Accept the Mayor's recommendation.	
3. Height and FAR incentive for saving an exceptional tree.	Allow a departure of up to 10 feet in additional height and an increase of 0.5 FAR if the additional height or FAR will facilitate retention of an exceptional tree on the development site. <i>Sponsor: Councilmember Johnson</i> (see Attachment D for specific amendment language)	This amendment would allow applicants to request additional height or FAR if the departure is needed to project an exceptional tree and the additional height or FAR would, at least in part, account for any reduced development capacity
	Accept the Mayor's recommendation.	
4. Special Review District (SRD) boards and Landmark Preservation Boards authority to grant	Modify the duties of SRD Boards and Landmark Preservation Boards to give the boards authority to review and make recommendations to SDCI on departures from Land Use Code development standards. <i>Sponsor: Councilmember Johnson</i>	Development located in a SRD, or in a historic district, is exempt from design review unless the project is seeking a departure from Land Use Code development standards. This requires that these projects are reviewed by two separate boards that may add time and costs to the review process for the applicants. This amendment would eliminate review by two separate boards for projects in

Amendment	Options	Discussion
land use code departures.	(see Attachment E for specific amendment language)	these areas by granting SRD and Preservation boards authority to review and make recommendations to the SDCI Director about whether to approve or deny a requested departure. The SRD or Preservation board's recommendation would inform SDCI's decision on a Master Use Permit.
	Accept the Mayor's to recommendation.	
5. Removal of exceptional tress within a Major Institution Overlay (MIO) Zone	Add language to outline the process for the removal of exceptional tress within a MIO Zone. <i>Sponsor: Councilmember Johnson</i> (see Attachment F for specific amendment language)	Following transmittal of the Mayor's proposal, SDCI identified changes needed to address the removal exceptional trees within a MIO Zone.
	Accept the Mayor's to recommendation.	
6. Revisions to a master use permit	Add clarifying language to define a major or minor revision to a master use permit. <i>Sponsor: Councilmember Johnson</i> (see Attachment G for specific amendment language)	The Mayor's proposal authorizes the SDCI Director to determine, by rule, what constitutes a major or minor revision to an approved MUP. SDCI has suggested language to provide more specificity about the definition of a minor versus major revision. Additional details would be determined by rule.
	Accept the Mayor's to recommendation.	
7. Allow projects that elect the MHA performance option to be reviewed through a faster design review process.	Include an option for projects that would otherwise be subject to full design review to go through hybrid design review (or administrative design review if amendment 10A or 10B is adopted). <i>Sponsor: Councilmember Johnson</i> (see Attachment H for specific amendment language)	Under the MHA program, applicants are required to either make a payment to contribute to affordable housing or include affordable units in the development (the performance option). To incentivize the performance option, this amendment would allow projects that would be subject to full design review that commit to the performance option in areas outside of downtown to elect to be reviewed through a more administrative design review process.
	Accept the Mayor's recommendation.	

Amendment	Options	Discussion
8. Meeting caps for projects selecting the MHA performance option.	<p>Apply meeting caps to projects that elect the MHA performance option, that would otherwise not apply if the project is seeking a departure. <i>Sponsor: Councilmember Johnson</i></p> <p>(see Attachment I for specific amendment language)</p> <hr/> <p>Accept the Mayor's recommendation</p>	<p>The Mayor's proposal would introduce meeting caps, setting a maximum number of design review board meetings a project would be subject to. This would only be available to projects not seeking departures, that are abutting a single-family zone, or include a Type IV or V MUP component. This amendment would incentivize the MHA performance options by applying the proposed meeting caps to those projects even if the project is seeking departures.</p>
9. Areas transitioning from SF to multifamily or commercial zone	<p>Establish a lower threshold for determining if a project is subject to design review. The lower threshold would only apply to development located in an area that that was rezoned from a single-family zone to a LR3 or higher zone within the last five years. <i>Sponsor: Councilmembers Johnson and Herbold</i></p> <p>(see Attachment J for specific amendment language)</p> <hr/> <p>Accept the Mayor's recommendation.</p>	<p>This amendment recognizes that areas that will be rezoned from a single-family zone to a multi-family may benefit from additional review.</p>
10A. Modify proposed thresholds – option A <i>Note: options 10A and 10B are mutually exclusive</i>	<p>Modify the proposed thresholds as follows:</p> <ul style="list-style-type: none"> → Lower minimum threshold → Eliminate hybrid → Retain SDR and update SDR requirements → Modify complexity <p><i>Sponsor: Councilmember Herbold</i></p> <p>(see Attachment K for specific amendment language)</p>	<p>This amendment increases the number of projects subject to design review compared to the Mayor's proposal, providing more opportunity for public input on a larger number of projects and opportunities to improve the projects design and its contribution to the built environment, while maintaining potential reductions in review times. In addition, in addition to retaining the existing SDR program, changes are proposed to update SDR requirements to be consistent with other changes made to the design review program in CB 119057, such as adding in the requirement for early community outreach, and changes need to apply SDR to a broader range of project types.</p>

Amendment	Options	Discussion
<p>10B. Modify proposed thresholds – option B</p> <p><i>Note: options 10A and 10B are mutually exclusive</i></p>	<p>Modify the proposed thresholds as follows:</p> <ul style="list-style-type: none"> → Lower minimum threshold → Raise threshold for ADR and Full → Eliminate hybrid → Retain SDR <p>(see Attachment L for specific amendment language)</p>	<p>This amendment has similar benefits as option 10A, however, this option would reduce the number of projects subject to full design review and increase the number of projects subject to an administrative review process.</p>

Attachment B – Amendment 1

Amendment 1: Recitals Sponsor: Councilmember O'Brien

This amendment would add recitals to better reflect the legislative history.

Note:

- Language proposed to be added by this amendment is shown with a double underline.
- Language proposed to be deleted by this amendment is shown with a ~~((double strikeout))~~.

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;

Attachment B – Amendment 1

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; ~~((NOW, THEREFORE,))~~ 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,

Amendment 2: Effective Date
Sponsor: Councilmember Johnson

This amendment would modify the effective date for the majority of the Sections from 3 months to July 1, 2018, to allow adequate time for the department to prepare for implementation. The Sections added in amendment 4 (attachment e) would be effective on January 1, 2018, to align with implementation of changes to the International Special Review District.

Note:

- Language proposed to be added by this amendment is shown with a double underline.
- Language proposed to be deleted by this amendment is shown with ~~double strikeout~~.
- Note: The Section numbers referenced in the amendment will be updated to reflect changes made by other amendments.

Section ~~32-33~~. Sections 3 through 15 and Sections 17 through 31 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 34. Section 16 and Section 32 of this ordinance shall take effect and be in force on January 1, 2018.

Section ~~33-35~~. 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.

Attachment D – Amendment 3

Amendment 3: Height and FAR Departure for saving an exceptional tree *Sponsor: Councilmember Johnson*

This amendment would allow a departure of up to 10 feet in additional height and an increase of 0.5 FAR if the additional height or FAR will facilitate retention of an exceptional tree on the development site.

Note:

*Language proposed to be added by this amendment is shown with a double underline.
Language proposed to be deleted by this amendment is shown with ~~double-strikeout~~.*

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

* * *

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

* * *

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),³ 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.

* * *

Attachment E – Amendment 4

Amendment 4: Special Review District & Preservation Board – Land Use Code Departures
Sponsor: Councilmember Johnson

This amendment would modify the duties of Special Review District Boards and Landmark Preservation Boards by authorizing these Board to make recommendations to SDCI on waivers or modifications of Land Use Code development standards.

Note:

- *Language proposed to be added by this amendment is shown with a double underline.*
- *Language proposed to be deleted by this amendment is shown with ~~((double-strikeout))~~.*
- *This amendment will require renumbering Sections 2 through 33 in CB 119057*

Section 16. 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 17. 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 #. 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.

**Amendment 5: Removal of exceptional tress within a Major Institution Overlay
Zone Sponsor: Councilmember Johnson**

Note:

Language proposed to be added by this amendment is shown with a double underline.
Language proposed to be deleted by this amendment is shown with ~~double strikeout~~.

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

Attachment G – Amendment 6

Amendment 6: Revisions to a master use permit Sponsor: Councilmember Johnson

Note:

- Language proposed to be added by this amendment is shown with a double underline.
- Language proposed to be deleted by this amendment is shown with ~~double-strikeout~~.

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

F. Design Review Board recommendation

1. The Design Review Board shall determine whether the proposed design submitted by the applicant ~~does or does not comply~~ 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:

- Reflects inconsistent application of the design review guidelines;
- 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.

~~4. G. Modifications Revisions to approved an issued and unexpired design MUP~~

~~a. 1. Minor revisions to an approved 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.~~

~~b. 2. Major revisions to an approved 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.~~

~~c. 3. The Director shall establish, by rule, what constitutes a major and minor modification revision to an approved design and the review process for major and minor revisions.~~

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 FRAMEWORK¹	
Director's and Hearing Examiner's Decisions Requiring Master Use Permits TYPE I	
Director's Decision (Administrative review through land use interpretation as allowed by Section 23.88.020 ²)	
*	Application of development standards for decisions not otherwise designated Type II, III, IV, or V
*	Uses permitted outright
*	Temporary uses, four weeks or less
*	Renewals of temporary uses, except for temporary uses and facilities for light rail transit facility construction and transitional encampments
*	Intermittent uses
*	Interim use parking authorized under subsection 23.42.040.G
*	Uses on vacant or underused lots pursuant to Section 23.42.038
*	Transitional encampment interim use
*	Certain street uses
*	Lot boundary adjustments
*	Modifications of features bonused under Title 24
*	Determinations of significance (EIS required) except for determinations of significance based solely on historic and cultural preservation
*	Temporary uses for relocation of police and fire stations
*	Exemptions from right-of-way improvement requirements
*	Special accommodation
*	Reasonable accommodation
*	Minor amendment to a Major Phased Development permit
*	Determination of whether an amendment to a property use and development agreement is major or minor
*	Streamlined design review decisions pursuant to Section 23.41.018; if no development standard departures are requested, and design <u>Design</u> review decisions in an MPC zone pursuant to Section 23.41.020 if no development standard departures are requested
*	Shoreline special use approvals that are not part of a shoreline substantial development permit
*	Adjustments to major institution boundaries pursuant to subsection 23.69.023.B
*	Determination that a project is consistent with a planned action ordinance
*	Decision to approve, condition, or deny, based on SEPA policies, a permit for a project determined to be consistent with a planned action ordinance
* _	Minor revisions to an approved issued and unexpired MUP that was subject to design review
* _	Building height increase for minor communication utilities in downtown zones
*	Other Type I decisions that are identified as such in the Land Use Code
TYPE II Director's Decision (Appealable to Hearing Examiner or Shorelines Hearing Board ³)	
*	Temporary uses, more than four weeks, except for temporary relocation of police and fire stations

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

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 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;
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~~ 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 ~~approved~~ 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

47 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 ~~approved~~ issued and unexpired MUP that was subject to design review, pursuant to subsection 23.41.008.G.

* * *

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

23.76.026 Vesting

* * *

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. Except as otherwise provided by law, ~~A~~ 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= ; or

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.

* * *

Attachment H – Amendment 7

**Amendment 7: Type of Design Review for projects electing MHA performance option
Sponsor: Councilmember Johnson**

This amendment would incentivize projects that choose the performance option for the MHA program.

Note:

- Language proposed to be added by this amendment is shown with a double underline.
- Language proposed to be deleted by this amendment is shown with ~~double strikeout~~.
- If Amendments 9, 10A or 10B are adopted, the footnotes Table A for 23.41.004 will be renumbered and updated to reflect those changes.

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

23.41.004 Applicability

* * *

Table A for 23.41.004		
Design review thresholds by size of development and specific site characteristics outside of downtown and industrial zones		
If any of the site characteristics in part A of this table are present, the design review thresholds in part B apply. If none of the site characteristics in part A of this table are present, the design review thresholds in part C apply.		
A.	Category	Site Characteristic
	A.1. Context	a. Lot is abutting or across an alley from a lot with single-family zoning. b. Lot is in a zone with a maximum height limit 20 feet or greater than the zone of an abutting lot or a lot across an alley.
	A.2. Scale	a. Lot is 43,000 square feet in area or greater. b. Lot has any street lot line greater than 200 feet in length.

Table A for 23.41.004

Design review thresholds by size of development and specific site characteristics outside of downtown and industrial zones

	A.3. Special features	<p>a. Development proposal includes a Type IV or V Council Land Use Decision.</p> <p>b. Lot contains a designated landmark structure.</p> <p>c. Lot contains a character structure in the Pike/Pine Overlay District.</p>
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^{2 1}
	B.1. Less than 10,000 square feet	No design review
	B.2. At least 10,000 but less than 20,000 square feet	Hybrid design review
	B.3. 20,000 square feet or greater	Full design review ²
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^{2 1}
	C.1. Less than 10,000 square feet	No design review
	C.2. At least 10,000 but less than 20,000 square feet	Administrative design review
	C.3. 20,000 square feet or greater	Hybrid design review

Table A for 23.41.004

Design review thresholds by size of development and specific site characteristics outside of downtown and industrial zones

Footnote to Table A for 23.41.004

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

² Development proposals that would be subject to the full design review, may elect to be reviewed pursuant to the hybrid 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 hybrid 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 performance and payment pursuant to subsections 23.58B.025.B.2.c or 23.58C.030.B.2.c.

NOTE: If the committee adopts Amendment 10A or Amendment 10B, the amendment language would be modified as shown in blue below:

² Development proposals that would be subject to the full design review, may elect to be reviewed pursuant to the hybrid 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 hybrid 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 performance and payment pursuant to subsections 23.58B.025.B.2.c or 23.58C.030.B.2.c.

Attachment I – Amendment 8

**Amendment 8: Meeting Caps for MHA Performance Projects
Sponsor: Councilmember Johnson**

This amendment would incentivize projects that choose the performance option for the MHA program by applying meeting caps to those projects, even if the project is seeking a departure.

Note:

- Language proposed to be added by this amendment is shown with a double underline.
- Language proposed to be deleted by this amendment is shown with ~~double strikeout~~.
- If Amendments 10A or 10B are adopted, the footnotes in Table B for 23.41.008 will be updated to reflect those changes.

23.41.008 Design Review Board ~~general provisions~~

* * *

E. Meetings of the Design Review Board -

* * *

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		
<u>Type of design review</u>	<u>Early design guidance meetings</u>	<u>Recommendation meeting</u>
<u>Full design review</u>	<u>2^{1,2}</u>	<u>1^{1,2}</u>
<u>Hybrid design review</u>	<u>N/A</u>	<u>2^{1,2}</u>
<p>Footnotes to Table B for 23.41.008</p> <p>¹There is no limit to the number of Board meetings when: <u>The project lot is abutting or across the street from a lot in a single family zone;</u> <u>The development proposal includes a Type IV or Type V Master Use Permit component as described in Chapter 23.76; or</u> <u>Departures are requested, unless the project applicant elects the MHA performance option according to Sections 23.58B.050 or 23.58C.050.</u></p> <p>²The Director may require additional Design Review Board meetings according to subsection 23.41.008.E.4.</p>		

* * *

Attachment I – Amendment 8

Attachment J – Amendment 9

Amendment 9: Thresholds for projects in rezone areas
Sponsors: Councilmember Johnson, Councilmember Herbold

This amendment would establish a lower threshold for determining if a project is subject to design review. The lower threshold would only apply to development located in an area that that was rezoned from a single-family zone to a LR2 or higher zone within five years after the effective date of the Ordinance.

Note:

- *Language proposed to be added by this amendment is shown with a double underline.*
- *Language proposed to be deleted by this amendment is shown with ~~double-strikeout~~.*
- *If Amendment 10A or 10B are approved, the proposed amendment language would be modified to replace “10,000 square feet” with “8,000 square feet”*
- *If Amendments 7, 10A or 10B are adopted, the footnotes for Table A for 23.41.004 will be renumbered and updated to reflect those changes.*

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

23.41.004 Applicability

* * *

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			
	<table border="1" style="width: 100%;"> <thead> <tr> <th style="text-align: center;">Site Characteristic</th> </tr> </thead> <tbody> <tr> <td>a. Lot is abutting or across an alley from a lot with single-family zoning.</td> </tr> <tr> <td>b. Lot is in a zone with a maximum height limit 20 feet or greater than the zone of an abutting lot or a lot across an alley.</td> </tr> </tbody> </table>	Site Characteristic	a. Lot is abutting or across an alley from a lot with single-family zoning.	b. Lot is in a zone with a maximum height limit 20 feet or greater than the zone of an abutting lot or a lot across an alley.
Site Characteristic				
a. Lot is abutting or across an alley from a lot with single-family zoning.				
b. Lot is in a zone with a maximum height limit 20 feet or greater than the zone of an abutting lot or a lot across an alley.				

Table A for 23.41.004

Design review thresholds by size of development and specific site characteristics outside of downtown and industrial zones

	A.2. Scale	<p>a. Lot is 43,000 square feet in area or greater.</p> <p>b. Lot has any street lot line greater than 200 feet in length.</p>
	A.3. Special features	<p>a. Development proposal includes a Type IV or V Council Land Use Decision.</p> <p>b. Lot contains a designated landmark structure.</p> <p>c. Lot contains a character structure in the Pike/Pine Overlay District.</p>
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 type²¹
	B.1. Less than 10,000 square feet	No design review ²
	B.2. At least 10,000 but less than 20,000 square feet	Hybrid design review
	B.3. 20,000 square feet or greater	Full design review
C.	Development on a lot not containing any of the specific site characteristics in part A of this table is subject to the thresholds below.	
	Amount of gross floor area of development	Design review type²¹
	C.1. Less than 10,000 square feet	No design review ²

Table A for 23.41.004

Design review thresholds by size of development and specific site characteristics outside of downtown and industrial zones

C.2. At least 10,000 but less than 20,000 square feet	Administrative design review
C.3. 20,000 square feet or greater	Hybrid design review

Footnote to Table A for 23.41.004

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

² The following development is subject to administrative design review: (1) development that is at least 5,000 square feet but less than 10,000 square 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.

NOTE: If the committee adopts Amendment 10A or Amendment 10B, the amendment language would be modified as shown in blue below:

² The following development is subject to administrative design review: (1) development that is at least 5,000 square feet but less than ~~10,000~~ 8,000 square 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.

Attachment K– Amendment 10A

Amendment 10A: Modify Thresholds

Sponsor: Councilmember Herbold

This amendment would:

- Lower the minimum threshold that determines if design review is required from 10,000 square feet (SF) to 8,000 SF.
- Eliminates the proposed hybrid design review process
- Retains the existing streamlined design review process (SDR) and updates SDR requirements to be consistent with other changes proposed in CB 119057 and additional changes to accommodate applying SDR to a broader range of project types;
- Modifies the complexity characteristics to only apply to projects between 8,000 and 15,000 SF.

Note:

- *Language proposed to be added by this amendment is shown with a double underline.*
- *Language proposed to be deleted by this amendment is shown with ~~double-strikeout~~.*
- *Language proposed to be deleted by the Mayor’s proposal but retained by this amendment is shown with a dashed underline.*
- *If Amendments 7, 8, or 9 are adopted, the footnotes in Table A for 23.41.004 and Table B for 23.41.008, will be renumbered and/or updated to reflect those changes.*
- *If this amendment is adopted Sections will be renumbered to reflect those changes.*
- *If amendment 10B is adopted, amendment 10A cannot be adopted.*

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

23.41.004 Applicability

* * *

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

Table A for 23.41.004	
Design review thresholds by size of development and specific site characteristics outside of downtown and industrial zones	
A.1. Context	<p>a. Lot is abutting or across an alley from a lot with single-family zoning.</p> <p>b. Lot is in a zone with a maximum height limit 20 feet or greater than the zone of an abutting lot or a lot across an alley.</p>
A.2. Scale	<p>a. Lot is 43,000 square feet in area or greater.</p> <p>b. Lot has any street lot line greater than 200 feet in length.</p>
A.3. Special features	<p>a. Development proposal includes a Type IV or V Council Land Use Decision.</p> <p>b. Lot contains a designated landmark structure.</p> <p>c. Lot contains a character structure in the Pike/Pine Overlay District.</p>
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 type²¹
B.1. Less than 10,000 <u>8,000</u> square feet	No design review
B.2. At least 10,000 <u>8,000</u> but less than 20,000 <u>35,000</u> square feet	Hybrid <u>Administrative</u> design review
B.3. 20,000 <u>35,000</u> square feet or greater	Full design review
C.	Development on a lot not containing any of the specific site characteristics in part A of this table is subject to the thresholds below.
Amount of gross floor area of development	Design review type
C.1. Less than 10,000 <u>8,000</u> square feet	No design review

Table A for 23.41.004	
Design review thresholds by size of development and specific site characteristics outside of downtown and industrial zones	
C.2. At least 10,000 <u>8,000</u> but less than 20,000 <u>15,000</u> square feet	Administrative <u>Streamlined</u> design review
C.3. 20,000 square feet or greater At least 10,000 <u>15,000</u> but less than 20,000 <u>35,000</u> square feet	Hybrid <u>Administrative</u> design review
C.4. <u>35,000 square feet or greater</u>	<u>Full Design Review</u>
Footnote to Table A for 23.41.004	
<p>¹ Applicants for any development proposal subject to hybrid <u>administrative</u> design review may choose full design review instead, and applicants for any project subject to administrative <u>streamlined</u> design review may choose hybrid <u>administrative</u> or full design review.</p>	

* * *

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, ~~hybrid, or~~ 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

* * *

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 ~~hybrid design review~~, 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;

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

* * *

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		
<u>Type of design review</u>	<u>Early design guidance meetings</u>	<u>Recommendation meeting</u>
<u>Full design review</u>	<u>2^{1,2}</u>	<u>1^{1,2}</u>
Hybrid design review	N/A	2^{1,2}
Footnotes to Table B for 23.41.008 ¹ <u>There is no limit to the number of Board meetings when:</u> <u>The project lot is abutting or across the street from a lot in a single-family zone;</u> <u>The development proposal includes a Type IV or Type V Master Use Permit component as described in Chapter 23.76; or</u> <u>Departures are requested.</u> ² <u>The Director may require additional Design Review Board meetings according to subsection 23.41.008.E.4.</u>		

* * *

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

~~**23.41.015 Hybrid design review process**~~

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

~~B. Community outreach~~

~~1. Applicants shall prepare a community outreach plan and document compliance with the community outreach plan 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. The applicant must follow the early design guidance process set forth in subsection 23.41.016.C, except that projects that are participating in the Pilot Program for Hybrid Design Review authorized by Section 23.41.022 must follow the early design guidance process set forth in subsection 23.41.014.C.~~

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

~~E. Application for Master Use Permit~~

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

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

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

~~G. Director's decision~~

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

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

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

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

~~* * *~~

Section 12. Section 23.41.018 of the Seattle Municipal Code, last amended by Ordinance 124952, ~~is repealed~~ is amended as follows:

23.41.018 Streamlined administrative design review (SDR) process

A. A ((presubmittal)) preapplication conference is required for all projects subject to or for which an applicant has elected 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 shall be provided pursuant to Chapter 23.76.~~

3.) The purpose of ((SDR Guidance)) the 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 ((applicable citywide and neighborhood design guidelines of highest priority to the site)) guideline priorities, explore conceptual design ((and)) or siting 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. ((4. As a result of the SDR Guidance process, the)) SDR Guidance report

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 prepare a report that identifies ((those 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 Department, and provide access to the report on the Department website.~~

~~6.))~~ 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~~((s))~~ 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 decision1. A decision on an application for a permit subject to streamline design review shall be made by the Director.

~~((4.))~~ 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))~~ the guideline priorities and responds to the SDR ~~((guidance))~~ Guidance report, and 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 14. A new Section 23.41.022 is hereby added to the Seattle Municipal Code, as follows:~~

~~23.41.022 Pilot Program for Hybrid Design Review~~

~~A. Applications~~

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

~~2. Application requirements. In order to qualify for the Hybrid Design Review Pilot Program, an applicant shall submit a complete application for the early design guidance process to the Director that clearly indicates interest in participation in the Pilot Program for Hybrid Design Review. Applications shall be accepted according to the date that the complete application is submitted.~~

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

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

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

~~* * *~~

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 FRAMEWORK¹	
Director’s and Hearing Examiner’s Decisions Requiring Master Use Permits TYPE I Director’s Decision (Administrative review through land use interpretation as allowed by Section 23.88.020 ²)	
*	Application of development standards for decisions not otherwise designated Type II, III, IV, or V
*	Uses permitted outright
*	Temporary uses, four weeks or less
*	Renewals of temporary uses, except for temporary uses and facilities for light rail transit facility construction and transitional encampments
*	Intermittent uses
*	Interim use parking authorized under subsection 23.42.040.G
*	Uses on vacant or underused lots pursuant to Section 23.42.038
*	Transitional encampment interim use
*	Certain street uses
*	Lot boundary adjustments
*	Modifications of features bonused under Title 24

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

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

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

**TYPE II
Director's Decision**
(Appealable to Hearing Examiner or Shorelines Hearing Board³)

*	Temporary uses, more than four weeks, except for temporary relocation of police and fire stations
*	Variances
*	Administrative conditional uses
*	Shoreline decisions, except shoreline special use approvals that are not part of a shoreline substantial development permit ³
*	Short subdivisions
*	Special exceptions
*	Design review decisions, except for streamlined design review pursuant to Section 23.41.018 if no development standard departures are requested, and 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
*	Light rail transit facilities
*	The following environmental determinations: <ol style="list-style-type: none"> 1. Determination of non-significance (EIS not required) 2. Determination of final EIS adequacy 3. Determinations of significance based solely on historic and cultural preservation 4. A decision to condition or deny a permit for a project based on SEPA policies, except for a project determined to be consistent with a planned action ordinance

Table A for 23.76.004 LAND USE DECISION FRAMEWORK¹	
*	Major Phased Developments
*	Downtown Planned Community Developments
*	Determination of public benefit for combined lot development
*	<u>Major revisions to an approved MUP that was subject to design review</u>
*	Other Type II decisions that are identified as such in the Land Use Code
* * *	

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 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;

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~~ ~~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 approved 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;

* * *

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, ~~(23.41.015, or)~~ 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.

* * *

23.76.012 Notice of application

* * *

B. Types of notice required

* * *

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 (~~or 23.41.015~~), 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 (~~hybrid~~) 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.

* * *

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

* * *

* * *

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 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 the date a complete application for the early design guidance process ~~for 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.

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.

* * *

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

Attachment L – Amendment 10B

Amendment 10B: Modify Thresholds

This amendment would:

- Lower the minimum threshold that determines if design review is required from 10,000 square feet (SF) to 8,000 SF.
- Eliminates the proposed hybrid design review process
- Retains the existing streamlined design review process (SDR) and updates SDR requirements to be consistent with other changes proposed in CB 119057 and additional changes to accommodate applying SDR to a broader range of project types;
- Modifies how the complexity characteristics to apply to projects between 10,000 and 30,000 square feet, and 30,000 SF or above, rather than setting the threshold ranges for projects between 10,000 and 20,000 SF, and 20,000 SF or above.

Note:

- Language proposed to be added by this amendment is shown with a double underline.
- Language proposed to be deleted by this amendment is shown with ~~double-strikeout~~.
- Language proposed to be deleted by the Mayor’s proposal but retained by this amendment is shown with a dashed underline.
- If Amendments 7, 8, or 9 are adopted, the footnotes in Table A for 23.41.004 and Table B for 23.41.008, will be renumbered and/or updated to reflect those changes.
- If this amendment is adopted Sections will be renumbered to reflect those changes.
- If amendment 10A is adopted, amendment 10B cannot be adopted.

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

23.41.004 Applicability

* * *

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.	Site Characteristic

Table A for 23.41.004	
Design review thresholds by size of development and specific site characteristics outside of downtown and industrial zones	
A.1. Context	<p>a. Lot is abutting or across an alley from a lot with single-family zoning.</p> <p>b. Lot is in a zone with a maximum height limit 20 feet or greater than the zone of an abutting lot or a lot across an alley.</p>
A.2. Scale	<p>a. Lot is 43,000 square feet in area or greater.</p> <p>b. Lot has any street lot line greater than 200 feet in length.</p>
A.3. Special features	<p>a. Development proposal includes a Type IV or V Council Land Use Decision.</p> <p>b. Lot contains a designated landmark structure.</p> <p>c. Lot contains a character structure in the Pike/Pine Overlay District.</p>
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 type²¹
B.1. Less than 10,000 <u>8,000</u> square feet	No design review
B.2. At least 10,000 <u>8,000</u> but less than 20,000 <u>30,000</u> square feet	Hybrid <u>Administrative</u> design review
B.3. 20,000 <u>30,000</u> square feet or greater	Full design review
C.	Development on a lot not containing any of the specific site characteristics in part A of this table is subject to the thresholds below.
Amount of gross floor area of development	Design review type
C.1. Less than 10,000 <u>8,000</u> square feet	No design review

Table A for 23.41.004	
Design review thresholds by size of development and specific site characteristics outside of downtown and industrial zones	
C.2. At least 10,000 <u>8,000</u> but less than 20,000 <u>30,000</u> square feet	Administrative <u>Streamlined</u> design review
C.3. 20,000 <u>30,000</u> square feet or greater	Hybrid <u>Administrative</u> design review
Footnote to Table A for 23.41.004	
<p>¹ Applicants for any development proposal subject to hybrid administrative design review may choose full design review instead, and applicants for any project subject to administrative streamlined design review may choose hybrid administrative or full design review.</p>	

* * *

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, ~~hybrid, or~~ 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

* * *

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 ~~hybrid design review~~, 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;

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

* * *

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		
<u>Type of design review</u>	<u>Early design guidance meetings</u>	<u>Recommendation meeting</u>
<u>Full design review</u>	<u>2^{1,2}</u>	<u>1^{1,2}</u>
Hybrid design review	N/A	2^{1,2}
<p><u>Footnotes to Table B for 23.41.008</u></p> <p>¹<u>There is no limit to the number of Board meetings when:</u> <u>The project lot is abutting or across the street from a lot in a single-family zone;</u> <u>The development proposal includes a Type IV or Type V Master Use Permit component as described in Chapter 23.76; or</u> <u>Departures are requested.</u></p> <p>²<u>The Director may require additional Design Review Board meetings according to subsection 23.41.008.E.4.</u></p>		

* * *

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

~~**23.41.015 Hybrid design review process**~~

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

~~**B. Community outreach**~~

~~1. Applicants shall prepare a community outreach plan and document compliance with the community outreach plan 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. The applicant must follow the early design guidance process set forth in subsection 23.41.016.C, except that projects that are participating in the Pilot Program for Hybrid Design Review authorized by Section 23.41.022 must follow the early design guidance process set forth in subsection 23.41.014.C.~~

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

~~E. Application for Master Use Permit~~

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

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

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

~~G. Director's decision~~

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

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

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

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

* * *

Section 12. Section 23.41.018 of the Seattle Municipal Code, last amended by Ordinance 124952, ~~is repealed~~ is amended as follows:

23.41.018 Streamlined administrative design review (SDR) process

A. A ((presubmittal)) preapplication conference is required for all projects subject to or for which an applicant has elected 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 shall be provided pursuant to Chapter 23.76.~~

~~3.)) The purpose of ((SDR Guidance)) the 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 ~~((applicable citywide and neighborhood design guidelines of highest priority to the site))~~ guideline priorities, explore conceptual design ~~((and))~~ or siting 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. ~~((4. As a result of the SDR Guidance process, the))~~ SDR Guidance report

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 prepare a report that identifies ~~((those 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 Department, and provide access to the report on the Department website.~~

~~E.))~~ 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, as prescribed in Chapter 23.76, ~~((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~~((5))~~ 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

1. 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))~~ the guideline priorities and responds to the SDR ~~((guidance))~~ Guidance report, and 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 14. A new Section 23.41.022 is hereby added to the Seattle Municipal Code, as follows:~~

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

~~**A. Applications**~~

~~**1. Enrollment period.** The enrollment period for the Pilot Program for Hybrid Design Review expires on the earlier of July 1, 2019, or when applications for the first 25~~

~~projects have been submitted after the effective date of the ordinance introduced as Council Bill
XXXXXX that meet the requirements of subsection 23.41.022.A.2.~~

~~2. Application requirements. In order to qualify for the Hybrid Design Review Pilot Program, an applicant shall submit a complete application for the early design guidance process to the Director that clearly indicates interest in participation in the Pilot Program for Hybrid Design Review. Applications shall be accepted according to the date that the complete application is submitted.~~

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

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

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

* * *

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 FRAMEWORK¹**

**Director's and Hearing Examiner's Decisions Requiring Master Use Permits
TYPE I**

Director's Decision

(Administrative review through land use interpretation as allowed by Section 23.88.020²)

*	Application of development standards for decisions not otherwise designated Type II, III, IV, or V
*	Uses permitted outright
*	Temporary uses, four weeks or less
*	Renewals of temporary uses, except for temporary uses and facilities for light rail transit facility construction and transitional encampments
*	Intermittent uses
*	Interim use parking authorized under subsection 23.42.040.G
*	Uses on vacant or underused lots pursuant to Section 23.42.038
*	Transitional encampment interim use
*	Certain street uses
*	Lot boundary adjustments
*	Modifications of features bonused under Title 24
*	Determinations of significance (EIS required) except for determinations of significance based solely on historic and cultural preservation
*	Temporary uses for relocation of police and fire stations
*	Exemptions from right-of-way improvement requirements

Table A for 23.76.004 LAND USE DECISION FRAMEWORK¹	
*	Special accommodation
*	Reasonable accommodation
*	Minor amendment to a Major Phased Development permit
*	Determination of whether an amendment to a property use and development agreement is major or minor
*	Streamlined design review decisions pursuant to Section 23.41.018; if no development standard departures are requested, and design Design review decisions in an MPC zone pursuant to Section 23.41.020 if no development standard departures are requested
*	Shoreline special use approvals that are not part of a shoreline substantial development permit
*	Adjustments to major institution boundaries pursuant to subsection 23.69.023.B
*	Determination that a project is consistent with a planned action ordinance
*	Decision to approve, condition, or deny, based on SEPA policies, a permit for a project determined to be consistent with a planned action ordinance
*	<u>Minor revisions to an approved MUP that was subject to design review</u>
*	<u>Building height increase for minor communication utilities in downtown zones</u>
*	Other Type I decisions that are identified as such in the Land Use Code
TYPE II Director's Decision (Appealable to Hearing Examiner or Shorelines Hearing Board ³)	
*	Temporary uses, more than four weeks, except for temporary relocation of police and fire stations

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

*	Variances
*	Administrative conditional uses
*	Shoreline decisions, except shoreline special use approvals that are not part of a shoreline substantial development permit ³
*	Short subdivisions
*	Special exceptions
*	Design review decisions, except for streamlined design review pursuant to Section 23.41.018 if no development standard departures are requested, and <u>minor revisions to an approved MUP that was subject to design review, building height increases for minor communication utilities in downtown zones, and</u> (except for) design review decisions in an MPC zone pursuant to Section 23.41.020 if no development standard departures are requested
*	Light rail transit facilities
*	The following environmental determinations: <ol style="list-style-type: none"> 1. Determination of non-significance (EIS not required) 2. Determination of final EIS adequacy 3. Determinations of significance based solely on historic and cultural preservation 4. A decision to condition or deny a permit for a project based on SEPA policies, except for a project determined to be consistent with a planned action ordinance
*	Major Phased Developments
*	Downtown Planned Community Developments
*	Determination of public benefit for combined lot development

Table A for 23.76.004 LAND USE DECISION FRAMEWORK¹	
*	<u>Major revisions to an approved MUP that was subject to design review</u>
*	Other Type II decisions that are identified as such in the Land Use Code
* * *	

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 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;
- 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~~

~~((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 approved 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;

* * *

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, ~~((23.41.015, or))~~ 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.

* * *

23.76.012 Notice of application

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B. Types of notice required

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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 (~~(or 23.41.015)~~), 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 (~~(hybrid)~~) 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.

* * *

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

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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 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 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.

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.

* * *

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