

**CITY OF SEATTLE**

**ORDINANCE \_\_\_\_\_**

**COUNCIL BILL \_\_\_\_\_**

..title

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

..body

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

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

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

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

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

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

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

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

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

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

8           Section 1. Section 3.51.030 of the Seattle Municipal Code, last amended by Ordinance  
9           121568, is amended as follows:

10 **3.51.030 Selection process and program assessment ((=))**

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

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

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

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

7 ~~((Part I – Design Review))~~

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

10 **23.41.002 Purpose**

11 The purpose of Design Review is to:

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

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

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

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

23 ~~((23.41.004 Applicability~~

A. Design review required

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

<b>Table A for 23.41.004 Thresholds for Design Review</b>	
<b>Zone</b>	<b>Threshold</b>
a. Lowrise 2 (LR2) and Lowrise 3 (LR3)	8 dwelling units or 4,000 square feet of non-residential gross floor area
b. Midrise (MR)	20 dwelling units or 4,000 square feet of non-residential gross floor area
c. Highrise (HR)	20 dwelling units or 4,000 square feet of non-residential gross floor area
d. Neighborhood Commercial (NC1, NC2, NC3)	4 dwelling units or 4,000 square feet of non-residential gross floor area
e. Commercial (C1, C2)	4 dwelling units or 12,000 square feet of non-residential gross floor area, located on a lot in an urban center or urban village <sup>1</sup> , or on a lot that abuts or is across a street or alley from a lot zoned single family, or on a lot located in the area bounded by: NE 95 <sup>th</sup> St., NE 145 <sup>th</sup> St., 15 <sup>th</sup> Ave. NE, and Lake Washington
f. Seattle Mixed (SM)	20 dwelling units or 12,000 square feet of non-residential gross floor area
g. Industrial Commercial (IC) zone within all designated urban villages and urban centers	12,000 square feet of non-residential gross floor area
h. Master Planned Community (MPC) <sup>2</sup>	20 dwelling units or 12,000 square feet of non-residential gross floor area
i. All zones – congregate residences, and residential uses in which more than 50 percent of dwelling units are small efficiency dwelling units <sup>3</sup>	Developments containing at least 5,000 but less than 12,000 square feet of gross floor area are subject to Streamlined Design Review (SDR) pursuant to Section 23.41.018. Developments containing at least 12,000 but less than 20,000 square feet of gross floor area are subject to Administrative Design Review (ADR) pursuant to Section 23.41.016. Developments containing 20,000 square feet or more of gross floor area are subject to Design Review pursuant to Chapter 23.41.

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

Footnotes to Table A for 23.41.004

- <sup>1</sup>Urban centers and urban villages are identified in the Seattle Comprehensive Plan.
- <sup>2</sup>If an application in a Master Planned Community zone does not include a request for departures, the applicable design review procedures are in Section 23.41.020. If an application in a Master Planned Community zone includes a request for departures, then the applicable design review procedures are in Section 23.41.014.
- <sup>3</sup>When a congregate residence or development in which more than 50 percent of dwelling units are small efficiency dwelling units is subject to more than one design review threshold, the gross square footage threshold on line i shall apply.

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

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

**Table B for 23.41.004  
Thresholds for Downtown Design Review**

**DOC1, DOC2, or DMC zones**

<b>Use</b>	<b>Threshold</b>
Non-residential	50,000 square feet of gross floor area
Residential	20 dwelling units

**DRC, DMR, DH1 or DH2 zones, or PMM zone outside  
the Pike Place Market Historical District**

<b>Use</b>	<b>Threshold</b>
Non-residential	20,000 square feet of gross floor area
Residential	20 dwelling units

7                   4. Design review is required for all new development proposals exceeding 120  
8 feet in width on any single street frontage in the Stadium Transition Area Overlay District as  
9 shown in Map A for 23.74.004, and all new development proposals exceeding 12,000 square feet

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

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

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

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

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

17 ~~B. Design review—optional~~

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

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

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

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

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

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

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

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

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

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

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

7 **23.41.004 Applicability**

8           A. Design review required

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

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

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

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

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

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

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

7 Overlay (MIO) district.

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

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

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

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

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

<b>Table A for 23.41.004</b>	
<b>Design review thresholds by size of development and specific site characteristics outside of downtown and industrial zones</b>	
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.	
<b>A.</b>	<b>Category</b>
	<b>Site Characteristic</b>
	A.1. Context
	a. Lot is abutting or across an alley from a lot with single-family zoning. b. Lot is in a zone with a maximum height limit 20 feet or greater than the zone of an abutting lot or a lot across an alley.
	A.2. Scale
	a. Lot is 43,000 square feet in area or greater. b. Lot has any street lot line greater than 200 feet in length.
	A.3. Special features
	a. Development proposal includes a Type IV or V Council Land Use Decision. b. Lot contains a designated landmark structure. c. Lot contains a character structure in the Pike/Pine Overlay District.
<b>B.</b>	Development on a lot containing any of the specific site characteristics in part A of this table is subject to the thresholds below.
	<b>Amount of gross floor area of development</b>
	<b>Design review type<sup>1</sup></b>
	B.1. Less than 8,000 square feet
	No design review <sup>2</sup>
	B.2. At least 8,000 but less than 35,000 square feet
	Administrative design review
	B.3. 35,000 square feet or greater
	Full design review <sup>3</sup>

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

<b>C.</b>	Development on a lot not containing any of the specific site characteristics in part A of this table is subject to the thresholds below.	
	<b>Amount of gross floor area of development</b>	<b>Design review type<sup>1</sup></b>
	C.1. Less than 8,000 square feet	No design review <sup>2</sup>
	C.2. At least 8,000 but less than 15,000 square feet	Streamlined design review
	C.3. At least 15,000 but less than 35,000 square feet	Administrative design review
	C.4. 35,000 square feet or greater	Full Design Review

~~Footnote~~Footnotes to Table A for 23.41.004

<sup>1</sup> Applicants for any development proposal subject to administrative design review may choose full design review instead, and applicants for any project subject to streamlined design review may choose administrative or full design review.

<sup>2</sup> The following development is subject to administrative design review: (1) development that is at least 5,000 square feet but less than 8,000 square feet and (2) is proposed on a lot that was rezoned from a Single-family zone to a Lowrise 3 (LR3) zone, any Midrise, Highrise, Commercial (C) zone, or a-Neighborhood Commercial (NC) zone, within five years after the effective date of the ~~Ordinance~~ordinance introduced as Council Bill 119057. This requirement shall only apply to applications for new development submitted on or before December 31, 2023.

<sup>3</sup> Development proposals that would be subject to the full design review, may elect to be reviewed pursuant to the administrative design review process according to Section 23.41.016 if the applicant elects the MHA performance option according to Sections 23.58B.050 or 23.58C.050. If the applicant elects administrative design review process pursuant to this footnote 2 to Table A for 23.41.004, the applicant shall not be eligible to change its election between performance and payment pursuant to subsections 23.58B.025.B.2.c or 23.58C.030.B.2.c.

1

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

<b>Zone</b>	<b>Amount of gross floor area of development</b>	<b>Design review type</b>
A. All DOC1, DOC2, or DMC zones	50,000 square feet or greater	Full design review

<b>Table B for 23.41.004</b>		
<b>Design review thresholds by size of development in downtown and industrial zones</b>		
<b>Zone</b>	<b>Amount of gross floor area of development</b>	<b>Design review type</b>
B. All DRC, DMR, DH1, DH2, PMM zones outside the Pike Place Market Historical District, IB, or IC zones	20,000 square feet or greater	Full design review

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

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

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

4 Protection and Historic Preservation;

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

6 zone,

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

8 23.60A; and

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

10 Commission.

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

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

13 C. Optional design review

14 1. Design review. Development proposals that are not subject to design review  
15 may elect to be reviewed pursuant to the full, administrative, or streamlined design review  
16 process if:

17 a. The development proposal is in any zone or area identified in subsection  
18 23.41.004.A.1 or 23.41.004.A.2 or in the Stadium Transition Area Overlay District, except

1 development that is within a Master Planned Community zone is not eligible for optional design  
2 review; and

3 b. The development proposal does not include the uses listed in subsection  
4 23.41.004.A.3.

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

10 Section 6. Section 23.41.008 of the Seattle Municipal Code, last amended by Ordinance  
11 124843, is amended as follows:

12 **23.41.008 Design Review ((Board)) general provisions**

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

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

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

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

5                    ~~((2-))~~ 4. Recommend to the Director specific conditions of approval ~~((which))~~  
6 that are consistent with the ~~((design guidelines applicable to the development))~~ guideline  
7 priorities; and

8                    ~~((3-))~~ 5. Ensure fair and consistent application of Citywide or neighborhood-  
9 specific design guidelines.

10                    B. Design Review Board membership criteria

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

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

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

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

21                    ~~C. Design Review Board composition~~

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



1 ~~subsection 23.41.008.C.2 does not apply to Get Engaged members, whose terms are governed by~~

2 ~~Chapter 3.51.~~

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

4 ~~to:~~

5 ~~a. Failing to attend the Design Review orientation session offered by SDCI~~

6 ~~and an onboarding session offered by the City; and~~

7 ~~b. Failing to attend at least 90 percent of all regularly scheduled meetings~~

8 ~~that have occurred in the term.~~

9 ~~4. Any vacancy in an unexpired term shall be filled in the same manner as the~~

10 ~~original appointment. A member whose term is ending may continue on an interim basis as a~~

11 ~~member with voting rights until such time as a successor for that position has been appointed by~~

12 ~~the City Council or confirmed by the City Council.~~

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

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

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

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

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

19 ~~((d.)) c. ((One (1))) Two members representing local~~

20 ~~residential/community interests; and~~

21 ~~((e.)) d. One ((1)) member representing ((local)) general business~~

22 ~~interests or landscape professions((.)) ; and~~

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

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

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

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

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

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

19 ~~c. The Director may assign a Design Review Board to review a project~~  
20 ~~outside of its designated district in order to expedite review, provided that the local~~  
21 ~~residential/community representatives ((and local business representative)) shall review~~  
22 ~~development only within their district. In such a case, the Director shall appoint the local~~  
23 ~~residential/community representatives ((and the local business representative)) from the District~~

1 ~~Board from which the project originated, or ((a)) the local residential/community representative~~  
2 ~~((and a local business representative)) from the Substitute Design Review Board provided in~~  
3 ~~subsection 23.41.008.D.5, or any combination thereof, to review the project, so long as the local~~  
4 ~~residential/community representatives ((and the local business representative)) appointed are~~  
5 ~~from the same geographic district as the project to be reviewed.~~

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

7 ~~a. Membership criteria:~~

8 ~~(((1))) 1) A person must have been a member of the Design~~  
9 ~~Review Board whose term has expired;~~

10 ~~(((2))) 2) A person must indicate a willingness to continue~~  
11 ~~participation on the Board; and~~

12 ~~(((3))) 3) A person must have, in the opinion of the Director,~~  
13 ~~demonstrated a commitment to Design Review through exemplary attendance and Board~~  
14 ~~participation.~~

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

17 ~~\* \* \*~~

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

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

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

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

<b>Table B for 23.41.008</b>		
<b>Maximum number of Design Review Board meetings for certain projects</b>		
<b><u>Type of design review</u></b>	<b><u>Early design guidance meetings</u></b>	<b><u>Recommendation meeting</u></b>
<u>Full design review</u>	<u>2<sup>1,2</sup></u>	<u>1<sup>1,2</sup></u>

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

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

14                   F. Design Review Board recommendation

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

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

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

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

18                   G. Revisions to an issued and unexpired MUP

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

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

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

11                    Section 7. Section 23.41.007 of the Seattle Municipal Code, last amended by Ordinance  
 12 124843, is amended as follows:

13 **23.41.008 Design Review ((Board)) general provisions**

14                    \* \* \*

15                    C. Design Review Board composition

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

<b><u>Table A for 23.41.008</u></b>					
<b><u>Design Review Board ((Composition)) composition</u></b>					
<b><u>Representation</u></b>	<b><u>Development interests</u></b>	<b><u>Design professions</u></b>	<b><u>((General community interests)) Get Engaged</u></b>	<b><u>Local residential/ community interests</u></b>	<b><u>((Local)) General business interests or landscape professions</u></b>
<b><u>Number</u></b>	<b><u>7</u></b>	<b><u>7</u></b>	<b><u>((7)) 1 or more</u></b>	<b><u>((7)) 14 ((1/district)) (2/district)</u></b>	<b><u>7 ((1/district))</u></b>

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

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

8                                    3. Members may be removed by the Director for cause, including but not limited  
 9 to:  
 10                                    a. Failing to attend the Design Review orientation session offered by SDCI  
 11 and an onboarding session offered by the City; and

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

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

7 D. Design Review Board ((A))assignment ((:))

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

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

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

12 ((e:)) One ((4)) member representing the design professions;

13 ((e:)) c. ((One (1))) Two members representing local  
14 residential/community interests; and

15 ((e:)) d. One ((4)) member representing ((local)) general business  
16 interests or landscape professions((:)) ; and

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

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

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

1                   4. Substitutions ((-))

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

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

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



1 To the extent there are conflicts between neighborhood design guidelines or Master Planned  
2 Community design guidelines and the "Seattle Design Guidelines, 2013" or "Guidelines for  
3 Downtown Development, 1999," the neighborhood design guidelines or Master Planned  
4 Community design guidelines supersede.

5 \* \* \*

6 Section ~~89~~. Subsections 23.41.012.A, 23.41.012.B, and 23.41.012.C of the Seattle  
7 Municipal Code, which section was last amended by Ordinance 125291, are amended as follows:

8 **23.41.012 Development standard departures**

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

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

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

17 1. Procedures;

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

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

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

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

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

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

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

11                   9. (~~In the Downtown Mixed Commercial 170 zone, minimum floor-to-floor~~  
12 ~~height for street-level uses required as a condition of the additional height allowed by subsection~~  
13 ~~23.49.008.D~~) Noise and odor standards;

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

18                   a. ~~in~~ In the Pike/Pine Conservation Overlay District shown on Map A for  
19 23.73.004, departures from the development standards for floor area exemptions from FAR  
20 calculations in subsection 23.73.009.C and for retention of a character structure on a lot in  
21 Section 23.73.015 are allowed;

22                   b. Departures of up to an additional 0.5 FAR may be granted if the  
23 applicant demonstrates that (1) the departure is needed to protect ~~a tree that is located on the lot~~

1 that is either an exceptional tree, as defined in Section 25.11.020, or a tree greater than 2 feet in  
2 diameter measured 4.5 feet above the ground, ~~that is located on the lot,~~ and (2) avoiding  
3 development in the tree protection area will reduce the total development capacity of the site.

4 11. ~~((In SM-SLU zones, floor area limits for all uses provided in subsections~~  
5 ~~23.48.245.A, 23.48.245.B.1, 23.48.245.B.2 and 23.48.245.B.3, except that departures of up to a~~  
6 ~~five percent increase in floor area limit for each story may be granted for structures with~~  
7 ~~nonresidential uses meeting the requirements of subsections 23.48.245.B.1.d.1 and~~  
8 ~~23.48.245.B.1.d.2)) Structure height, except that:~~

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

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

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

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

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

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

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

14                                    ~~12. ((The provisions of Chapter 23.58A, except that departures may be granted~~  
15 ~~from the requirements of subsections 23.48.021.C.1.b.2, 23.48.021.C.1.b.3a3.a,~~  
16 ~~23.48.021.C.1.b.4 and 23.48.021.C.1.b.5, if the applicant demonstrates that the amenity to be~~  
17 ~~provided according to Section 23.58A.040 better achieves the intent of the Downtown Amenity~~  
18 ~~Standards for that amenity feature.))~~ Provisions of Chapter 23.52;

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

22                                    ~~14. ((In SM-SLU zones, provisions for upper-level setbacks provided for in~~  
23 ~~Section 23.48.245))~~ Quantity of parking required, minimum and maximum parking limits, and

1 minimum and maximum number of drive-in lanes, except that within the Ballard Municipal  
2 Center Master Plan area departures may be granted from the minimum parking requirement up to  
3 a 30 percent maximum reduction for ground-level retail uses that abut established mid-block  
4 pedestrian connections through private property as identified in the “Ballard Municipal Center  
5 Master Plan Design Guidelines, 2013”;

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

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

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

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

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

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

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

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

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

19 ~~18. ((Quantity of parking required, minimum and maximum parking limits, and~~  
20 ~~minimum and maximum number of drive in lanes, except that within the Ballard Municipal~~  
21 ~~Center Master Plan area departures may be granted from the minimum parking requirement up to~~  
22 ~~a 30 percent maximum reduction for ground-level retail uses that abut established mid-block~~  
23 ~~pedestrian connections through private property as identified in the “Ballard Municipal Center~~

1 ~~Master Plan Design Guidelines, 2013~~) In SM-SLU zones, floor area limits for all uses provided  
2 in subsections 23.48.245.A, 23.48.245.B.1, 23.48.245.B.2, and 23.48.245.B.3, except that  
3 departures of up to a five percent increase in floor area limit for each story may be granted for  
4 structures with non-residential uses meeting the requirements of subsections 23.48.245.B.1.d.1  
5 and 23.48.245.B.1.d.2;

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

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

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

13 22. ~~((Noise and odor standards))~~ In Downtown zones, provisions in Section  
14 23.49.036 for the minimum size for planned community developments;

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

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

21 25. ~~((Provisions of Chapter 23.53, Requirements for Streets, Alleys, and~~  
22 ~~Easements, except that departures may be granted from the access easement standards in Section~~  
23 ~~23.53.025))~~ In the Downtown Mixed Commercial 170 zone, minimum floor-to-floor height for

1 street-level uses required as a condition of the additional height allowed by subsection

2 23.49.008.E;

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

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

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

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

17           30. ~~((Measurements)) Within the Pike/Pine Conservation Overlay District shown~~  
18 ~~on Map A for 23.73.004, the requirement that all character structures on a lot be retained in order~~  
19 ~~to qualify as a TDP receiving site in subsection 23.73.024.B, the exception allowing additional~~  
20 ~~FAR for non-residential uses in subsection 23.73.009.B, the FAR exemption for residential uses~~  
21 ~~in subsection 23.73.009.C.3, the exception to floor area limits in subsections 23.73.010.B.1 and~~  
22 ~~23.73.010.B.2, the exception for width and depth measurements in subsection 23.73.012.B, or~~  
23 ~~the exception for an additional 10 feet in height in subsection 23.73.014.B.~~

1                                    a. However, departures from the development standards identified above

2 maybemay be granted under the following conditions:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5                    33. ~~((Within the Pike/Pine Conservation Overlay District shown on Map A for~~  
6 ~~23.73.004, the requirement that all character structures on a lot be retained in order to qualify as~~  
7 ~~a TDP receiving site in subsection 23.73.024.B, the exception allowing additional FAR for non-~~  
8 ~~residential uses in subsection 23.73.009.B, the FAR exemption for residential uses in subsection~~  
9 ~~23.73.009.C.3, the exception to floor area limits in subsections 23.73.010.B.1 and 23.73.010.B.2,~~  
10 ~~the exception for width and depth measurements in subsection 23.73.012.B, or the exception for~~  
11 ~~an additional 10 feet in height as provided for in subsection 23.73.014.B:~~

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

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

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

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

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

22                    b) ~~The structure does not represent the Pike/Pine~~  
23 ~~neighborhood's building typology that is characterized by the use of exterior materials and~~

1 ~~design elements such as masonry, brick, and timber; multi-use loft spaces; very high and fully-~~  
2 ~~glazed ground floor storefront windows; and decorative details including cornices, emblems, and~~  
3 ~~embossed building names; or~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1                    ~~((38-))~~ 37. Area-specific development standards for Lake City, identified in  
2 subsection 23.47A.009.E, except departures may be requested if the development provides at  
3 least one of the following features:

4                                a. A usable open space that:

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

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

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

17                    ~~((39-))~~ 38. For lots 40,000 square feet or greater in size, area-specific development  
18 standards for Ballard identified in subsections 23.47A.009.F.2, 23.47A.009.F.3, and  
19 23.47A.009.F.4.b, except that departures may be requested if the development provides at least  
20 one of the following features:

21                                a. A usable open space that:

- 22    1) abuts the street ~~((;))~~ ;

1 2) is no more than 4 feet above or 4 feet below the adjacent  
2 sidewalk grade ((~~7~~)) ;

3 3) has a minimum width equal to 30 percent of the width of the  
4 street-facing facade or 20 feet, whichever is greater ((~~7~~)) ; and

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

7 b. A separation between structures that:

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

9 2) is no more than 4 feet above or below the adjacent sidewalk  
10 grades ((~~7~~)) ; and

11 3) is either developed as:

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

13 b) a woonerf;

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

16 d) a combination thereof.

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

22 \* \* \*

1 Section ~~9~~10. Section 23.41.014 of the Seattle Municipal Code, last amended by  
2 Ordinance 125272, is amended as follows:

3 **23.41.014 ((~~Design~~) Full design review process**

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

7 B. Community outreach

8 1. Applicants shall prepare a community outreach plan ~~and document compliance~~  
9 ~~with the community outreach plan to the Director prior to the scheduling of the early design~~  
10 ~~guidance meeting.~~ The outreach plan shall include, at minimum, the following outreach methods:  
11 ~~printed, electronic or digital, and in-person.~~

12 2. Applicants shall document compliance with the community outreach plan and  
13 submit documentation demonstrating compliance to the Director prior to the scheduling of the  
14 early design guidance meeting. The Director shall make the documentation available to the  
15 public. The documentation shall include:

16 a. A summary of the outreach completed to comply with the outreach plan,  
17 including a list and description of the outreach methods used, dates associated with each method,  
18 and a summary of what the applicant heard from the community when conducting the outreach;  
19 and

20 b. Materials to demonstrate that each outreach method was conducted.

21 23. The purpose of the community outreach plan is to identify the outreach  
22 methods an applicant will use to establish a dialogue with nearby communities early in the

1 development process in order to share information about the project, better understand the local  
2 context, and hear community interests and concerns related to the project.

3 3.4. The Director may establish, by rule, what constitutes the community outreach  
4 plan, and how compliance with the community outreach plan must be documented.

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

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

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

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

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

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

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

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

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

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

6 ~~f. In the Pike/Pine Conservation Overlay District established in Section~~  
7 ~~23.73.004, if a character structure is located on the same lot as a proposed project, the applicant~~  
8 ~~shall:~~

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

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

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

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

1 ~~the character structure's key architectural and structural elements and the integrity of the~~  
2 ~~character structure.-))~~

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

4 1. ~~((Based on the concerns expressed at the early design guidance public meeting~~  
5 ~~or in writing to the Design Review Board, the,)) The Board shall identify the applicable  
6 guidelines of highest priority to the ((neighborhood)) Board, referred to as the "guideline  
7 priorities,???" ((shall be identified)). The Board shall ((incorporate)) summarize and consider any  
8 community consensus regarding design resulting from community outreach, or as expressed at  
9 the meeting or in written comments received ((into its guideline priorities, to the extent the  
10 consensus is consistent with the design guidelines and reasonable in light of the facts of the  
11 proposed development)).~~

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

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

21 ((~~Ð~~)) E. Application for Master Use Permit ((-))

22 1. ~~((Following the early design guidance public meeting, distribution of the~~  
23 ~~guideline priorities, and any additional optional meetings that the project proponent chooses to~~

1 ~~hold with the public and the Design Review Board,))~~ Once the guideline priorities are made  
2 available by the Director, the ((project proponent)) applicant may apply for a Master Use Permit  
3 (MUP).

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

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

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

15 1. During a regularly scheduled evening meeting of the Design Review Board,  
16 ~~((other than the early design guidance public meetings,))~~ the Board shall review the ~~((record))~~  
17 summary of public comments on the project's design, the project's ~~((conformance to))~~  
18 consistency with the guideline priorities ((applicable to the proposed project)), and the ((staff's)  
19 Director's review of the project's design and ((its application of)) consistency with the ((design  
20 guidelines)) guideline priorities, and make a recommendation pursuant to subsection  
21 23.41.008.F.1.

22 ~~((2. At the meeting of the Design Review Board, a determination shall be made by~~  
23 ~~the Design Review Board that the proposed design submitted by the project proponent does or~~

1 ~~does not comply with applicable design guidelines. The Design Review Board shall recommend~~  
2 ~~to the Director whether to approve or conditionally approve the proposed project based on the~~  
3 ~~design guidelines, and whether to approve, condition or deny any requested departures from~~  
4 ~~development standards.))~~

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

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

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

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

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

- ~~b. Exceeds the authority of the Design Review Board; or~~
- ~~c. Conflicts with SEPA conditions or other regulatory requirements applicable to the site; or~~
- ~~d. Conflicts with the requirements of state or federal law.~~

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

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

Section ~~10~~1. Section 23.41.016 of the Seattle Municipal Code, last amended by Ordinance 120410, is amended as follows:

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

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

~~B. Early Design Guidance Process.~~

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

- ~~a. An initial site analysis addressing site opportunities and constraints, the use of all adjacent buildings, and the zoning of the site and adjacent properties; and~~
- ~~b. A drawing of existing site conditions, indicating topography of the site and the location of structures and prominent landscape elements on or abutting the site (including~~

1 ~~but not limited to all trees six (6) inches or greater in diameter measured four and one-half (4½)~~  
2 ~~feet above the ground, with species indicated) if any; and~~

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

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

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

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

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

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

21 B. Community outreach

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

1 guidance meeting. The outreach plan shall include, at minimum, the following outreach methods:  
2 printed, electronic or digital, and in-person.

3 2. Applicants shall document compliance with the community outreach plan and  
4 submit documentation demonstrating compliance to the Director prior to the scheduling of the  
5 early design guidance meeting. The Director shall make the documentation available to the  
6 public. The documentation shall include:

7 a. A summary of the outreach completed to comply with the outreach plan,  
8 including a list and description of the outreach methods used, dates associated with each method,  
9 and a summary of what the applicant heard from the community when conducting the outreach;  
10 and

11 b. Materials to demonstrate that each outreach method was conducted.

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

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

18 C. Early design guidance process

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

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

1 guidelines applicable to the site, identify guideline priorities, and explore conceptual design or  
2 siting alternatives.

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

5 D. Guideline priorities

6 1. ~~((Based on the concerns expressed during community outreach or in writing;~~  
7 ~~the,)) The Director shall identify the guidelines of highest priority, referred to as the “guideline~~  
8 ~~priorities”. The Director shall summarize and consider any community consensus regarding~~  
9 ~~design resulting from community outreach, or resulting from community outreach, or as~~  
10 ~~expressed in written comments received.~~

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

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

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

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

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

4                   F. Design review recommendation phase

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

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

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

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

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

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

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

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

3 Section ~~11~~12. Section 23.41.018 of the Seattle Municipal Code, last amended by  
4 Ordinance 124952, is ~~repealed~~amended as follows:

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

6 A. A ((~~presubmittal~~)) preapplication conference is required for all projects subject to or  
7 for which an applicant has elected this Section 23.41.018 ((~~unless waived by the Director,~~  
8 ~~pursuant to Section 23.76.008~~)).

9 B. Community outreach

10 1. Applicants shall prepare a community outreach ~~plan and document compliance~~  
11 ~~with the community outreach plan to the Director prior to the early design guidance. The~~  
12 ~~outreach plan shall include, at minimum, the following outreach methods: printed, electronic or~~  
13 ~~digital, and in-person.~~

14 2. Applicants shall document compliance with the community outreach plan and  
15 submit documentation demonstrating compliance to the Director prior to the scheduling of the  
16 early design guidance meeting. The Director shall make the documentation available to the  
17 public. The documentation shall include:

18 a. A summary of the outreach completed to comply with the outreach plan,  
19 including a list and description of the outreach methods used, dates associated with each method,  
20 and a summary of what the applicant heard from the community when conducting the outreach;  
21 and

22 b. Materials to demonstrate that each outreach method was conducted.

1                    3.3. The purpose of the community outreach plan is to identify the outreach methods  
2 an applicant will use to establish a dialogue with nearby communities early in the development  
3 process in order to share information about the project, better understand the local context, and  
4 hear community interests and concerns related to the project.

5                    3.4. The Director may establish, by rule, what constitutes the community outreach  
6 plan, and how compliance with the community outreach plan must be documented.

7                    C. Early design guidance process

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

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

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

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

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

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

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

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

3                   3))2. The purpose of ~~((SDR Guidance))~~ the early design guidance process is to  
4 receive written comments from the public, identify concerns about the site and ~~((design concept))~~  
5 proposed development, review the design guidelines applicable to the site, identify guideline  
6 priorities ~~((applicable citywide and neighborhood design guidelines of highest priority to the~~  
7 ~~site)), explore conceptual design ((and)) or siting alternatives, and identify and document~~  
8 proposed development standard adjustments, which may be approved as a Type I decision  
9 pursuant to ~~((Section))~~ subsection 23.41.018.D, or departures, which may be approved as a Type  
10 II decision pursuant to Section 23.41.016. ~~((The intent of SDR Guidance is not to reduce the~~  
11 ~~general development capacity of the lot.)))~~

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

14                   D. SDR Guidance report

15                   1. ~~((4. As a result of the SDR Guidance process))~~ Based on the concerns  
16 expressed during community outreach or in writing, the,)) The Director shall identify the  
17 guidelines of highest priority, referred to as the “guideline priorities”. The Director shall  
18 summarize and consider any community consensus regarding design resulting from community  
19 outreach, or as expressed in written comments received.

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

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

3                   a. Setbacks and separation requirements may be reduced by a maximum of  
4 50 percent;

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

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

7 and

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

10                   ~~((5))~~4. The Director shall ~~((distribute a copy of))~~ make the Guidance report  
11 available to those who sent in comments or otherwise requested notification, and to the  
12 applicant~~((, place it on file in the Department, and provide access to the report on the Department~~  
13 website)).

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

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

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

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

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

10                    ~~D. SDR decision))~~

11                    F. Director's Type I decision:

12                    1. A decision on an application for a permit subject to streamline design review  
13 shall be made by the Director.

14                    ~~((1.))~~ 2. The Director's design review decision shall be made as part of the overall  
15 Building Permit decision for the project. The ~~((Director shall consider public comments on the~~  
16 proposed project, and the)) Director's decision shall be based on the extent to which the  
17 ~~((application))~~ proposed project meets ~~((applicable design guidelines))~~ guideline priorities and  
18 responds to the SDR ~~((guidance))~~ Guidance report, and in consideration of public comments on  
19 the proposed project.

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

1                   3. The Director may ~~((allow))~~ approve the adjustments listed in subsection  
2 ~~((23.41.018.D.4))~~ 23.41.018.D.3, if the adjustments are consistent with the SDR ~~((design~~  
3 ~~guidance))~~ Guidance report and the adjustments would result in a development that:

- 4                   a. Better meets the intent of the adopted design guidelines and/or
- 5                   b. Provides a better response to environmental and/or site conditions,
- 6 including but not limited to topography, the location of trees, or adjacent uses and structures.

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

- 9                   a. ~~Setbacks and separation requirements may be reduced by a maximum of~~  
10 ~~50 percent;~~
- 11                   b. ~~Amenity areas may be reduced by a maximum of 10 percent;~~
- 12                   c. ~~Landscaping and screening may be reduced by a maximum of 25~~  
13 ~~percent;~~
- 14                   d. ~~Structure width, structure depth, and façade length may be increased by~~  
15 ~~a maximum of 10 percent; and~~
- 16                   e. ~~Screening of parking may be reduced by a maximum of 25 percent.~~

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

21                   Section ~~1213~~. Section 23.41.020 of the Seattle Municipal Code, enacted by Ordinance  
22 123963, is amended as follows:

1 **23.41.020 Master Planned Community design review process**

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

7 B. A preapplication conference is required for any application subject to this Section  
8 23.41.020 (~~unless waived by the Director, pursuant to Section 23.76.008~~).

9 C. Early design guidance ((-))

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

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

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

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

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

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

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

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

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

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

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

22 6. The Director shall ~~((distribute))~~ make available a summary of the public  
23 comments and the Board’s preliminary design recommendations from the early design guidance

1 meeting to the applicant and to all persons who provided an address for notice at the meeting,  
2 submitted written comments, or made a written request for notice.

3 D. Application for Master Use Permit ((-))

4 1. Timing ((-))

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

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

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

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

21 1. Director's decision for non-highrise proposals. For a development proposal that  
22 does not include a highrise structure, the Director shall make a Type I design review decision.  
23 The Director's decision shall be based on the extent to which the proposed project meets

1 applicable design guidelines, with consideration of public comments on the proposed project.

2 The Director may condition a proposed project to achieve greater consistency with design  
3 guidelines and to achieve the purpose and intent of this Chapter 23.41.

4 2. Design Review Board recommendation for highrise development  
5 proposals ((-))

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

11 b. At a recommendation meeting for a development proposal that includes  
12 a highrise structure, the Design Review Board shall determine whether the proposed design  
13 submitted by the applicant is consistent with ((~~applicable design guidelines~~)) the guideline  
14 priorities. The ((~~Design Review~~)) Board may recommend to the Director whether to approve or  
15 conditionally approve the proposed project based on the ((~~design guidelines~~)) guideline  
16 priorities. The Design Review Board shall hold no more than two recommendation meetings on  
17 the proposed project, following the required early design guidance meeting and any optional  
18 meetings that the ((~~project proponent~~)) applicant may hold with the public or the Design Review  
19 Board. If the Design Review Board does not issue a recommendation that a proposed project be  
20 approved, conditionally approved, or denied by the end of the second recommendation meeting,  
21 the remaining design review process shall proceed through design review pursuant to subsection  
22 23.41.020.E.1.

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

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

5                                    ((b)) d. The Director shall consider public comments on the proposed  
6 project and the recommendations of the Design Review Board, pursuant to subsection  
7 23.41.008.F. ~~((If four or more members of the Design Review Board agree in their~~  
8 ~~recommendation to the Director, the Director shall issue a decision consistent with the~~  
9 ~~recommendation of the Design Review Board, unless the Director concludes that the~~  
10 ~~recommendation of the Design Review Board:~~

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

17                                    Section ~~1314~~. Section 23.57.013 of the Seattle Municipal Code, last amended by  
18 Ordinance 123668, is amended as follows:

19 **23.57.013 Downtown zones**

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

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

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

6 2. Height (~~(-)~~)

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

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

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

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

22 b. The height of minor communications utilities and accompanying  
23 screening may be further increased (~~(through the design review process)~~) as a Type I decision,

1 not to exceed 10 percent of the applicable height limit for the structure. ((For new buildings this  
2 increase in height may be granted through the design review process provided for in Section  
3 23.41.014. For minor communication utilities on existing buildings this increase in height may  
4 be granted through administrative design review provided for in Section 23.41.016.))

5 \* \* \*

6 Section ~~14~~15. Section 23.66.020 of the Seattle Municipal Code, last amended by  
7 Ordinance 124843, is amended as follows:

8 **~~23.66.020~~ Special review boards**

9 \* \* \*

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

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

19 \* \* \*

20 Section ~~15~~16. A new Section 23.66.~~060050~~ is added to the Seattle Municipal Code as follows:

21 **~~23.66.060050~~ Departure from Land Use Code Requirements**

22 A. An applicant seeking a certificate of approval for new multifamily, commercial and or  
23 major institution development, that is not otherwise subject to design review pursuant to Section

1 23.41.004, may also seek land use code departures from the Special Review Board. A Special  
2 Review Board may recommend ~~that granting~~ a departure ~~is granted~~ where an applicant  
3 demonstrates that ~~the~~ departure would result in a development that better meets the requirements  
4 of this Chapter 23.66, the district use and development standards, and the purpose for creating  
5 the district.

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

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

11 D. Departures authorized by this Section 23.66.~~060050~~ do not limit the approval of  
12 waivers or modifications of development standards permitted by other provisions of ~~Chapter~~  
13 ~~23.66 or other titles of~~ the Seattle Municipal Code.

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

18 Section ~~4617~~. Subsections 23.73.009.B and 23.73.009.C of the Seattle Municipal Code,  
19 which section was last amended by Ordinance 125272, are amended as follows:

20 **23.73.009 Floor Area Ratio**

21 \* \* \*

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

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

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

17 1. The following street-level uses complying with the standards of Section  
18 23.47A.008 and subsection 23.73.008.B:  
19 a. General sales and services;  
20 b. Major durables retail sales;  
21 c. Eating and drinking establishments;  
22 d. Museums;  
23 e. Religious facilities;

1 f. Libraries; and

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

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

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

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

14 5. Floor area in non-residential use within a character structure that meets the  
15 minimum requirements for retaining a character structure in 23.73.024.C.4, provided that the  
16 non-residential use does not displace a residential use existing in the structure since January 18,  
17 2012.

18 Section ~~4718~~. Subsection 23.73.010.B of the Seattle Municipal Code, which section was  
19 last amended by Ordinance 124503, is amended as follows:

20 **23.73.010 Floor area limits outside the Conservation Core**

21 \* \* \*

22 B. Exceptions to floor area limit

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

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

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

10                  c. A minimum of 50 percent of the total gross floor area of the project is  
11 housing that is affordable to and occupied by "income-eligible households," as defined in Section  
12 23.58A.004, and is subject to recorded covenants approved by the Director that ensure that the  
13 housing remains available to these households for a minimum of 50 years; or

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

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

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

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





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

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

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

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

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



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

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

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

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

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

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

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



<b>Table A for 23.76.004 LAND USE DECISION FRAMEWORK<sup>1</sup></b>	
*	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 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
*	Decision to increase the maximum height for residential uses in the DOC2 zone according to subsection 23.49.008.F
*	Decision to increase the maximum allowable FAR in the DOC2 zone according to subsection 23.49.011.A.2.n
_	<u>Minor revisions to an issued and unexpired 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
<b>TYPE II Director's Decision (Appealable to Hearing Examiner or Shorelines Hearing Board<sup>3</sup>)</b>	
*	Temporary uses, more than four weeks, except for temporary relocation of police and fire stations
*	Variances
*	Administrative conditional uses

<b>Table A for 23.76.004 LAND USE DECISION FRAMEWORK<sup>1</sup></b>	
*	Shoreline decisions, except shoreline special use approvals that are not part of a shoreline substantial development permit <sup>3</sup>
*	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, <u>and minor revisions to an approved MUP that was subject to design review, building height increases for minor communication utilities in downtown zones,</u> and <del>((except for))</del> 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 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
* * *	

1 Section ~~2324~~. Section 23.76.006 of the Seattle Municipal Code, last amended by ~~the~~  
 2 ~~ordinance introduced as Council Bill 118963~~Ordinance 125374, is amended as follows:

3 **23.76.006 Master Use Permits required**

4 \*\*\*

5 B. The following decisions are Type I:

- 6 1. Determination that a proposal complies with development standards;

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

7                   3. The following street use approvals:

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

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

13                  c. Structural building overhangs associated with a development  
14 proposal;

15                  d. Areaways associated with a development proposal;

16                  4. Lot boundary adjustments;

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

18                  a. Plazas;

19                  b. Shopping plazas;

20                  c. Arcades;

21                  d. Shopping arcades;

22                  e. Voluntary building setbacks;

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

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

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

9                   9. Special accommodation pursuant to Section 23.44.015;

10                  10. Reasonable accommodation;

11                  11. Minor amendment to Major Phased Development Permit;

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

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

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

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

22                  16. Determination of requirements according to subsections 23.58B.025.A.3.a,  
23 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))~~

1 17.17. Decision to increase the maximum height of a structure in the DOC2

2 500/300-550 zone according to subsection 23.49.008.F;

3 18. Decision to increase the maximum FAR of a structure in the DOC2

4 500/300-550 zone according to subsection 23.49.011.A.2.n; ((and))

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

7 1820. Building height departures for minor communication facilities in  
8 downtown zones, pursuant to Section 23.57.013; and

9 ((17)) 1921. Other Type I decisions.

10 C. The following are Type II decisions:

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

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

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

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

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

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

6 b. Short subdivisions;

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

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

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

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

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

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

3 1) Shoreline substantial development permits;

4 2) Shoreline variances; and

5 3) Shoreline conditional uses;

6 h. Major Phased Developments;

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

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

11 k. Downtown planned community developments;

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

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

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

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

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

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

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

6 \* \* \*

7 Section ~~2425~~. Section 23.76.008 of the Seattle Municipal Code, last amended by  
8 Ordinance 123913, is amended as follows:

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

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

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

21 Section ~~2526~~. Section 23.76.011 of the Seattle Municipal Code, last amended by  
22 Ordinance 123495, is amended as follows:

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

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

- 5 1. Publication of notice in the Land Use Information Bulletin; and
- 6 2. Mailed notice: ~~((; and))~~.

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

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

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

15 Section ~~2627~~. Subsection 23.76.012.B of the Seattle Municipal Code, which section was  
16 last amended by Ordinance 124843, is amended as follows:

17 **23.76.012 Notice of application**

18 \* \* \*

19 B. Types of notice required

20 1. For projects subject to a Type II environmental determination pursuant to  
21 Section 23.76.006 or design review pursuant to Section 23.41.004, the Department shall direct  
22 the installation of a large notice sign on the site, unless an exemption or alternative posting as set  
23 forth in this subsection 23.76.012.B is applicable. The large notice sign shall be located so as to

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

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

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

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

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

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

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

6                   4. The Director shall provide mailed notice of:

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

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

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



1 Section ~~2728~~. Section 23.76.026 of the Seattle Municipal Code, last amended by  
2 Ordinance 124843, is amended as follows:

3 **23.76.026 Vesting**

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

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

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

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

16 \* \* \*

17 C. Design review component of Master Use Permits

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

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

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

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

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

1 \* \* \*

2 E. ~~((RESERVED))~~ WhereIf an applicant elects a date for consideration of an  
3 application for Master Use Permit components pursuant to subsection 23.76.026.C.2.b after  
4 notice of the application required by ~~section~~Section 23.76.012 has been given, notice of the  
5 application and an opportunity to comment shall be repeated according to ~~section~~Section  
6 23.76.012.

7 \* \* \*

8 G. Notwithstanding any other provision of this ~~((section))~~ Section 23.76.026 or this  
9 ~~((chapter))~~ Chapter 23.76, an applicant may elect, at such time and in such manner as the  
10 Director may permit, that specific Land Use Code provisions that became effective after the  
11 applicant's application vested ~~((;))~~ may nonetheless be applied to the application, pursuant to  
12 authorization for such election set forth elsewhere in this Title 23.

13 Section ~~2829~~. Section 23.76.040 of the Seattle Municipal Code, last amended by  
14 Ordinance 123913, is amended as follows:

15 **23.76.040 Applications and requests for Council land use decisions**

16 \* \* \*

17 G. Notice to the City Clerk ~~((;))~~

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



1 applicable Lowrise zone according to Title 23 cannot be achieved while avoiding the tree  
2 protection area through the following:

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

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

7 ~~((3))~~ 2. In order to preserve an exceptional tree, the following code modifications  
8 ~~((exceptions))~~ are allowed:

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

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

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

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

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

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

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

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

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

15                    Section ~~3031~~. Section 25.11.080 of the Seattle Municipal Code, last amended by  
16 Ordinance 123495, is amended as follows:

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

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

20                    A. Exceptional trees ((-))

21                            1. If the Director determines that ~~((there is))~~ an exceptional tree is located on the  
22 lot of a proposed ~~((project))~~ development, which is not a major institution use within a Major  
23 Institution Overlay zone, and the tree is not proposed to be preserved, the ~~((project shall go~~

1 ~~through streamlined design review as provided in Section 23.41.018 if the project falls below the~~  
2 ~~thresholds for design review established in Section 23.41.004.~~

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

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

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

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

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

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

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

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

4                   Section ~~31~~32. A new Section 25.12.735 is added to the Seattle Municipal Code as  
5 follows:

6 **25.12.735 Development standards departures**

7                   A. An applicant seeking a certificate of approval for new multifamily, commercial ~~and~~or  
8 major institution development, that is not otherwise subject to design review pursuant to Section  
9 23.41.004, may also seek land use code departures from the Landmarks Preservation Board, or  
10 the applicable Landmark District Board or Historical Commission. A Landmarks Preservation  
11 Board, or the applicable Landmark District Board or Historical Commission, may recommend  
12 approval of granting a departure where an applicant demonstrates ~~that~~ the departure would result  
13 in a development that better meets the requirements of Chapter 25.12, the use and development  
14 standards for the district, and the purpose for creating the district.

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

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

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

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

6 Section ~~3233~~. Sections 3 through ~~14-6, and~~ Sections ~~16-8~~ through ~~30-15, and Sections 17~~  
7 ~~through 31~~ of this ordinance shall take effect and be in force 60 days after the effective date of  
8 this ordinance on July 1, 2018, to ensure there is adequate time for rule-making and any  
9 adjustments in business practices.

10 Section ~~3334~~. ~~Section 7~~, Section 16, and Section 32 of this ordinance shall take effect and  
11 be in force on January 1, 2018.

