

|   |   |
|---|---|
| <b>Topics:</b>                            | Pre-Application & Consensus Building;<br>Equity |
| <b>Resource Type:</b>                     | Regulations                                     |
| <b>State:</b>                             | Washington                                      |
| <b>Jurisdiction Type:</b>                 | Municipal                                       |
| <b>Municipality:</b>                      | City of Seattle                                 |
| <b>Year (adopted, written, etc.):</b>     | 2017  |
| <b>Community Type – applicable to:</b>    | Urban; Suburban; Rural                          |
| <b>Title:</b>                             | Early Community Outreach for Design<br>Review   |
| <b>Document Last Updated in Database:</b> | July 16, 2018                                   |

### ***Abstract***

In October 2017, the City of Seattle enacted a new set of regulations related to Design Review, an official city process that has allowed community members as well as professional planners and designers to weigh in on new development projects in Seattle since 1994. Among the updates, is a measure that allows the Seattle Department of Construction and Inspections (SDCI) to make rules for community outreach and early design guidance for projects going through Design Review. Pursuant to this measure, SDCI created a new rule for Early Community Outreach for Design Review, effective July 1, 2018. The new rule ensures that applicants provide early notification to the local community that a project is being planned as well as opportunity for the local community to engage in a dialogue with the applicant about the project. (Under the old Design Review process, outreach from developers to communities happened informally.) With the new requirement, it will be part of the first stage of the development application process, where the applicant is submitting their initial paperwork.

SDCI's rule requires developers to submit Community Outreach Plans to the City at an early stage, before the later Design Review meetings. Each outreach plan must contain three types of outreach methods: printed, digital, and in-person (as further detailed by the rule). For each of the three types of outreach, an applicant must choose a minimum of one high-impact method or two different multi-pronged methods. (For example, for printed outreach, a high-impact method could be door-to-door distribution of a fact sheet or flyer to residences and businesses within an approximately 500-foot radius of the proposed site, while multi-pronged methods could be placing an ad or article in a local print newsletter or placing signs on site that are visible from the sidewalk.) Developers must follow standards specified in the rule for each of the three types of outreach methods.

The City's Department of Neighborhoods (DON) will post details about new applications on its [Early Outreach for Design Review Projects Blog](#) (available at

<http://designreviewoutreach.seattle.gov>), which helps residents find projects in their neighborhood, along with contact information for each project.

The rule also establishes “Equity Areas,” historically underrepresented census tracts that meet two out of three criteria, including having more people of color, low-income residents, or households with limited English proficiency than the city as a whole. Applicants for Design Review projects located in Equity Areas must work with DON to customize their Community Outreach Plan to the needs of the specific community. The plan must include outreach practices that are culturally sensitive, are responsive, and acknowledge and address barriers to participation. The aim is to connect developers to a wider cross-section of those communities, rather than just the usual self-selected participants.

DON created a webpage (available at <http://www.seattle.gov/neighborhoods/outreach-and-engagement/design-review-for-early-outreach>) with information on the new Early Community Outreach rule, guidance on the process, and resources to implement it (such as a review process comparative flow chart and sample outreach plans).

## ***Resources***

Below, you will find two resources:

- (1) SDCI’s rule creating the Early Community Outreach for Design Review requirement (approved 6/12/2018).
- (2) Seattle’s ordinance allowing the SCDI to make rules for projects going through Design Review (adopted 10/5/2017).

**SDCI****DON****Director's Rule 4-2018****Director's Rule 1-2018**

|   |   |                                       |
|---|---|---------------------------------------|
| <b>Applicant:</b><br><br>City of Seattle<br>Department of Construction & Inspections<br>Department of Neighborhoods | <b>Page</b><br><br>1 of 9   | <b>Supersedes:</b><br><br>n/a         |
|   | <b>Publication:</b><br><br>May 4, 2018                                      | <b>Effective:</b><br><br>July 1, 2018 |
| <b>Subject:</b><br><br>Early Community Outreach<br>for Design Review  | <b>Code and Section Reference:</b><br><br>Chapter 23.41 SMC                 |                                       |
|   | <b>Type of Rule:</b><br><br>Code Interpretation and Procedures              |                                       |
|   | <b>Ordinance Authority:</b><br><br>SMC 3.06.040 & 3.35.040                  |                                       |
| <b>Index:</b><br><br>City of Seattle Land Use Code  | <b>Approved</b>   | <b>Date</b>                           |
|   | (signature on file) _____ 6/12/18<br>Nathan Torgelson, Director, SDCI       |                                       |
|   | <b>Approved</b>   | <b>Date</b>                           |
|   | (Signature on file) _____ 6/12/18<br>Andrés Mantilla, Interim Director, DON |                                       |

**RULE AUTHORITY:**

Seattle Municipal Code subsections 23.41.014.B, 23.41.016.B, and 23.41.018.B.

**BACKGROUND:**

Seattle [Ordinance No. 125429](#) added requirements to [Chapter 23.41 SMC](#) that all projects going through Streamlined, Administrative, or Full Design Review shall conduct community outreach. Specifically, applicants shall prepare a community outreach plan and document compliance with the community outreach plan before the early design guidance (EDG) meeting can be scheduled.

The purpose of the community outreach plan (hereafter "plan") is to identify the outreach methods an applicant will use to establish a dialogue with nearby communities early in the development process in order to share information about the project, better understand the local context, and hear community interests and concerns related to the project. The plan shall include printed, electronic/digital, and in-person outreach methods.

The documentation of compliance with the outreach plan shall include a summary of the outreach completed, including a list and description of the outreach methods used, the dates associated with each outreach method, a summary of what the applicant heard from the community when conducting outreach, and materials to demonstrate that the outreach was conducted.

Subsections 23.41.014.B.4, 23.41.016.B.4, and 23.41.018.B.4 SMC authorize the Director of the Department of Construction and Inspections (SDCI) to adopt a rule establishing:

- 1) what constitutes a community outreach plan, and
- 2) how compliance shall be documented.

Applicants that are required to or elect to go through Streamlined, Administrative, or Full Design Review (Chapter 23.41 SMC) and who submit an application for Early Design Guidance (hereafter "EDG") on or after July 1, 2018 shall comply with this Rule. Applicants that have submitted an EDG application prior to July 1, 2018 are not required to comply with this Rule.

The procedures and requirements contained in this Rule will be evaluated after they have been in effect for one year, or as otherwise determined necessary or appropriate by SDCI and DON. The map in Appendix A will be evaluated and updated with new data every three years.

## **RULE:**

### I. General Standards for a Community Outreach Plan

- A. Overarching Goal. The purpose of these requirements is to ensure that applicants provide early notification to the local community that a project is being planned as well as opportunity for the local community to engage in a dialogue with the applicant about the project. While some outreach methods may serve both of these functions simultaneously, applicants should select a complementary set of outreach strategies so that a balanced approach to notification and opportunity for dialogue is achieved in all outreach plans. Further, the intent of this outreach is to be inclusive of interested parties to allow for a diversity of neighborhood perspectives to be heard.
- B. This early community outreach plan requirement is in addition to any requirements set out in Chapter 23.76 SMC, Chapter 23.60 SMC, and Chapter 25.05 SMC.

- C. Applicants shall submit their project address and contact information to DON before they begin their outreach. DON will post the project contact information in a publicly available location.
- D. Types of Outreach. Each outreach plan shall contain at least one of each of the three different types of outreach methods: printed, digital, and in-person, as detailed below in Section II.
- E. Equity Areas. Applicants for Design Review projects located in neighborhoods identified by this Rule as "Equity Areas" shall work with DON to customize their plan to the needs of historically underrepresented communities, as described below in Section V. Equity Areas are identified based on local demographic and socioeconomic characteristics from the US Census Bureau. Equity Areas are census tracts having a census-tract average greater than the city-as-a-whole average for at least two of the following characteristics:
  - 1. Limited English proficiency, identified as percentage of households that are linguistically isolated households.
  - 2. People of Color, identified as percentage of the population that is not non-Hispanic white; and
  - 3. Income, identified as percentage of population with income below 200% of poverty level.
- F. Conducting outreach. All outreach shall be conducted by the applicant or their representative no more than one year in advance of submitting their EDG application, unless otherwise approved by DON. The role of DON staff is to share information, provide feedback and guidance in developing culturally sensitive plans, and confirm completion of community outreach. DON and SDCI staff will not conduct any of the outreach activities. Applicants may conduct outreach at a City-sponsored event if approved by DON.
- G. Resources. DON and SDCI may provide resources to help applicants meet the overarching goals and requirements of this Rule, such as example outreach plans or tips for designing a survey. Any such resources are not intended to impose additional requirements beyond what is contained in this Rule.
- H. Definitions. For the purposes of this Rule, "community organizations" are defined as groups that have topical, geographic, or affinity relationship with the neighborhood, including business support organizations and cultural organizations. A community organization consists of more than a single individual and is committed to open engagement with community members.

II. Outreach Methods for the Plan

- A. For each of the three types of outreach set forth in I.D, above, an applicant shall choose a minimum of one high-impact method or two different multi-pronged methods, as set forth below. High-impact methods are those that are more likely to reach a large number of people directly and/or solicit more meaningful feedback on the project than multi-pronged methods.
  - 1. Printed outreach:

| High-Impact Methods   | Multi-Pronged Methods                      |
|---|--|
| a. Door-to-door fact sheet or flyer distributed to residences and | a. Ad or article in local print newsletter |

|  |  |
|--|--|
| <p>businesses within approximately 500 ft radius of the proposed site.</p> <p>b. Posters hung in a minimum of 10 local businesses, community centers, or other publicly-accessible venues, located within approximately a half mile from the proposed site. At least half of the posters must be visible from the sidewalk.</p> <p>c. Direct mailings to residences and businesses within approximately 500 ft radius of the proposed site</p> | <p>b. Sign(s) on site that are visible from the sidewalk</p> |
|--|--|

2. Electronic/digital outreach:

| High-Impact Methods   | Multi-Pronged Methods  |
|---|--|
| <p>a. Online survey</p> <p>b. Project hotline (information &amp; voicemail)</p> <p>c. Interactive project website (with public commenting function)</p> | <p>a. Basic project webpage</p> <p>b. Email to distribution list that includes community organizations identified by DON</p> <p>c. Post on local blog or in digital newsletter that includes information on how to submit comments directly to the project applicant</p> |

3. In-person outreach:

| High-Impact Methods   | Multi-Pronged Methods   |
|---|---|
| <p>a. Focus group open to representatives of community organizations identified by DON</p> <p>b. Guided tour or site walk</p> <p>c. Hosting or co-hosting a community meeting (at least one hour of presentation/discussion of project)</p> | <p>a. Drop-in hours at business, community center, or other venue near site</p> <p>b. Staffed "Pop-Up" event near site</p> <p>c. Table at community event or festival</p> <p>d. Presentation at an established community organization's meeting (at least 20 minutes on agenda)<sup>1</sup></p> <p>e. Door-to-door visits/canvassing to residences and businesses within approximately 500 ft radius of the proposed site</p> |

<sup>1</sup> Affordable housing projects funded through the Office of Housing may use this outreach method as a "high-impact" method because they are required to complete additional and on-going in-person community outreach as a component of their funding.

- B. Other methods of written, digital, or in-person outreach may be approved by DON where the other methods would achieve the goals associated with the plan.

### III. Requirements for Each Type of Outreach

All outreach conducted shall meet the following standards:

- A. All printed outreach materials shall:
  - 1. Include a brief summary of the proposal;
  - 2. Include the address of the project/property and the SDCI project number, if available;
  - 3. Identify a contact person for the project;
  - 4. Provide an email address, survey link, phone number, or alternate way of providing feedback on the project directly to the applicant;
  - 5. Include where any additional information about the project can be found (such as the Seattle Services Portal); and
  - 6. Include a statement informing the public that any information collected may be made public.
- B. All electronic/digital outreach materials shall:
  - 1. Include a brief summary of the proposal;
  - 2. Include the address of the project/property and the SDCI project number, if available;
  - 3. Identify a contact person for the project;
  - 4. Provide an email address, survey link, phone number, or alternate way of providing feedback on the project directly to the applicant;
  - 5. Include where any additional information about the project can be found (such as the Seattle Services Portal);
  - 6. Be publicized using at least one printed outreach method (except that emails to distribution lists do not need to be publicized);
  - 7. Be publicly available for a minimum of 21 days; and
  - 8. Include a statement informing the public that any information collected may be made public.
- C. All in-person outreach events, except door-to-door visits/canvassing, shall:
  - 1. Be open to:
    - a. The general public and publicized by the applicant using at least one electronic/digital outreach method and one printed outreach method listed in Section II, above, and submitted to DON's Early Outreach for Design Review Calendar at least seven days in advance; or
    - b. Representatives of community organizations.
  - 2. Be publicized at least 14 days in advance, if a high-impact method, and seven days in advance if a multi-pronged method
  - 3. Include materials indicating:

- a. The address of the project/property and the SDCI project number, if available;
  - b. A basic site plan or aerial image;
  - c. The general program/uses allowed or envisioned; and
  - d. The generalized zoning;
4. Inform the public that any information collected may be made public.

#### IV. City Feedback on Outreach Plans

- A. Required feedback from DON. Applicants for Design Review projects located in neighborhoods identified by this Rule as "Equity Areas" shall work with DON to customize their community outreach plan, as described below in Section V.
- B. Voluntary feedback from City. Applicants may, at their discretion, share their plans with DON and SDCI staff in advance of conducting outreach.
  1. SDCI staff may provide feedback on the relationship of the plan to the Design Review process at the pre-submittal conference.
  2. DON staff may provide up to one hour of consultation on:
    - a. Strategies projects located outside of an Equity Area may use to customize outreach to historically underrepresented communities;
    - b. Outreach methods not listed in Section II, above; or
    - c. Completeness of plan with respect to the requirements in this Rule.

#### V. Additional Requirements for Outreach Plans for Projects Located in "Equity Areas"

- A. Applicants for a project located in an Equity Area for Design Review shall work with DON staff to prepare an outreach plan that is customized to the needs of historically underrepresented communities within the local population and includes outreach practices that are culturally sensitive, responsive, and acknowledge and address barriers to participation. The type of outreach and the number of outreach methods required shall be as described above in Sections I, II, and III.
- B. Feedback required from DON
  1. Applicants in Equity Areas shall share their community outreach plans with DON staff. Staff will review the plan and may recommend modifications to proposed outreach methods or alternate outreach methods better suited to reach underrepresented groups near the project site. This may include translation of materials, contacting ethnic media, or other strategies to address barriers to participation.
  2. In some instances, staff may be able to connect applicants with formal/informal leaders of underrepresented communities, or other useful contacts or resources for conducting outreach.
  3. Timing of feedback. Applicants are encouraged, but not required, to submit plans to DON staff in advance of conducting any outreach. Applicants that begin outreach before obtaining DON feedback run the risk of having to duplicate outreach efforts or provide additional outreach methods in order to respond to feedback from DON staff.

## VI. Documentation

### A. Forms of Documentation

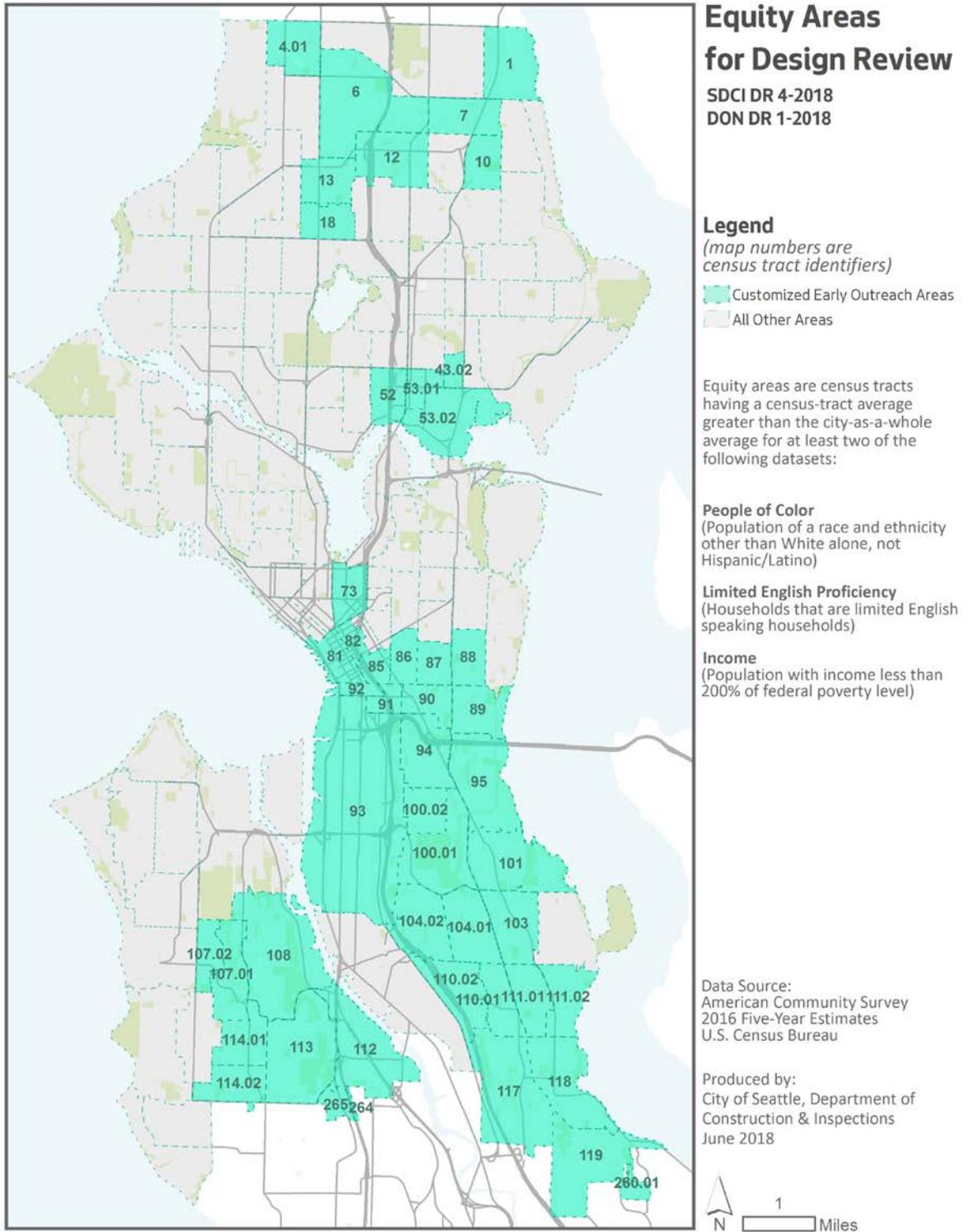
1. Applicants shall submit documentation to DON to demonstrate that they carried out a community outreach plan. The documentation shall include:
    - a. A brief summary of the community outreach plan, including a list and brief description of the outreach types and methods used and the dates that each outreach method was conducted;
    - b. A brief summary of what the applicant heard from the community when conducting outreach; and
    - c. Sufficient materials to demonstrate that each outreach method was conducted.
  2. For printed outreach methods, documentation materials shall include:
    - a. Copy of mailed document(s) and address list;
    - b. Copy of newsletter or flyer and distribution area or route; or
    - c. Photos of signs or posters and locations of postings.
  3. For electronic/digital outreach, documentation materials shall include:
    - a. Copy of (and hyperlink to) blog post, digital newsletter, online survey, or project webpage and how people were informed or directed to these resources; or
    - b. Copy of email(s) sent and distribution list for email(s).
  4. For in-person outreach, documentation materials shall include:
    - a. Copy of sign-in sheet, agenda, or applicant notes from meeting/event; or
    - b. Copy of door-to-door visits/canvassing area or route.
  5. DON staff may request any other materials necessary to demonstrate that the applicant conducted the required outreach.
- B. Submittal. Applicants shall submit the required documentation to DON staff. In order to avoid unnecessary delays, applicants are encouraged, but not required, to submit their documentation to DON before submitting their EDG application to SDCI. Submissions may be made by email, in person, or by mail and should clearly indicate the SDCI project number, if available, and the address of the project/property. Applicants are encouraged, but not required, to keep project webpages and other types of digital outreach available through the Design Review process. Any online resources that remain available after the documentation is submitted should direct the public to submit any additional comments to SDCI.
- C. Confirmation. DON staff will review documentation and provide SDCI and the applicant with final confirmation that outreach has been completed. In limited instances where DON staff finds that the outreach conducted fulfills the overarching goal of the Rule, as stated in Section I.A, failure to provide individual notification to any particular person or business shall not, on its own, constitute noncompliance with the plan. Once compliance with the plan has been confirmed by DON staff and documentation has been provided to SDCI, SDCI staff may proceed to scheduling the EDG meeting or, for projects going through Streamlined or Administrative Design Review, begin the EDG review.

All documentation will be posted under the application number in a publicly available location.

- D. Enforcement. Any documentation that is identified by DON staff as having misrepresented the types or dates of outreach that occurred shall be corrected and resubmitted to DON by the applicant and reconfirmed by DON. In instances where DON has already provided SDCI with final confirmation that outreach has been completed, DON will notify SDCI in writing, the review of the EDG application will stop, and any scheduled EDG meeting will be canceled. The review of the EDG application and scheduling of an EDG meeting will continue after sufficient documentation has been resubmitted to DON by the applicant and verified by DON, and SDCI has received confirmation of that from DON.
- E. Early Design Guidance. Applicants shall include a summary of the design-related feedback they heard during their community outreach as part of their final EDG packet. While a collaborative approach is encouraged between the applicant and the community, the applicant is not required to incorporate any specific community feedback into the project's design. Comments and discussion presented at the Design Review meetings should focus on compliance with the established design guidelines. Applicants may, at their discretion, respond directly to the community about any feedback that is not related to Design Review.
- F. Retention of Public Records. All outreach materials and information sent or gathered as part of this Rule are public records subject to the Washington Public Records Act, and may be subject to disclosure to a third-party requestor. Applicants should follow best practices for managing the data collected during public engagement, as provided by the City of Seattle. All relevant records should be retained and must be provided to City of Seattle if requested to fulfill a records request.

### Map of Equity Areas for Design Review

This map is intended to identify the census tracts where the additional requirements for customized early outreach, described above, apply.





# SEATTLE CITY COUNCIL

## Legislative Summary

CB 119057

Record No.: CB 119057

Type: Ordinance (Ord)

Status: Passed

Version: 3

Ord. no: Ord 125429

In Control: City Clerk

File Created: 07/26/2017

Final Action: 10/05/2017

**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.

Date

Notes:

Filed with City Clerk:

Mayor's Signature:

Sponsors: Johnson

Vetoed by Mayor:

Veto Overridden:

Veto Sustained:

Attachments: Proposed Substitute (updated 10/2/17)

Drafter: bonita.chinn@seattle.gov

Filing Requirements/Dept Action:

### History of Legislative File

Legal Notice Published:

Yes

No

| Ver-<br>sion:  | Acting Body: | Date:      | Action:                            | Sent To:                      | Due Date: | Return<br>Date: | Result: |
|--|--------------|------------|------------------------------------|-------------------------------|-----------|-----------------|---------|
| 1  | Mayor        | 08/01/2017 | Mayor's leg transmitted to Council | City Clerk                    |           |                 |         |
| 1  | City Clerk   | 08/01/2017 | sent for review                    | Council<br>President's Office |           |                 |         |
| <b>Action Text:</b> The Council Bill (CB) was sent for review. to the Council President's Office |              |            |                                    |                               |           |                 |         |

- Notes:**
- 1 Council President's Office 08/04/2017 sent for review Planning, Land Use, and Zoning Committee  
**Action Text:** The Council Bill (CB) was sent for review. to the Planning, Land Use, and Zoning Committee  
**Notes:**
- 1 Full Council 08/14/2017 referred Planning, Land Use, and Zoning Committee
- 1 Planning, Land Use, and Zoning Committee 08/15/2017 discussed  
**Action Text:** The Council Bill (CB) was discussed.  
**Notes:**
- 1 Planning, Land Use, and Zoning Committee 09/08/2017 discussed  
**Action Text:** The Council Bill (CB) was discussed in Committee.  
**Notes:**
- 1 Planning, Land Use, and Zoning Committee 09/11/2017 discussed  
**Action Text:** The Council Bill (CB) was discussed in Committee.
- 1 Planning, Land Use, and Zoning Committee 09/19/2017 pass as amended Pass  
**Action Text:** The Committee recommends that Full Council pass as amended the Council Bill (CB).  
In Favor: 3 Chair Johnson, Vice Chair O'Brien, Alternate González  
Opposed: 0
- 2 Full Council 10/02/2017 passed as amended Pass  
**Action Text:** The Motion carried, the Council Bill (CB) was passed as amended by the following vote, and the President signed the Bill:  
**Notes:** ACTION 1:

Motion was made by Councilmember Johnson, duly seconded and carried, to amend Council Bill 119057, by substituting version 14a for version 13a.

ACTION 2:

Motion was made by Councilmember Johnson, duly seconded and carried, to amend Council Bill 119057, Section 5, Seattle Municipal Code 23.14.004, Table A, as shown in Attachment 1 to the Minutes.

ACTION 3:

Motion was made and duly seconded to pass Council Bill 119057 as amended.

In Favor: 7 Councilmember Bagshaw, Councilmember González, Councilmember Herbold, Councilmember Johnson, Councilmember Juarez, Councilmember O'Brien, Councilmember Sawant  
Opposed: 0

Legislative Summary Continued (CB 119057)

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- 3 City Clerk 10/04/2017 submitted for Mayor  
Mayor's signature  
Action Text: The Council Bill (CB) was submitted for Mayor's signature. to the Mayor  
Notes:
- 3 Mayor 10/05/2017 Signed
- 3 Mayor 10/05/2017 returned City Clerk
- 3 City Clerk 10/05/2017 attested by City Clerk  
Action Text: The Ordinance (Ord) was attested by City Clerk.  
Notes:
-

CITY OF SEATTLE

ORDINANCE 125429

COUNCIL BILL 119057

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

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

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

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

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

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<br/>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   |
| e. Highrise (HR)  | 20 dwelling units or 4,000 square feet of non-residential gross floor area   |
| d. Neighborhood Commercial (NC1, NC2, NC3)  | 4 dwelling units or 4,000 square feet of non-residential gross floor area  |
| e. Commercial (C1, C2)  | 4 dwelling units or 12,000 square feet of non-residential gross floor area, located on a lot in an urban center or urban 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.<br>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.<br>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**

| <b>DOC1, DOC2, or DMC zones</b>   |  |
|---|--|
| <b>Use</b>  | <b>Threshold</b>                       |
| Non-residential   | 50,000 square feet of gross floor area |
| Residential   | 20 dwelling units                      |
| <b>DRC, DMR, DH1 or DH2 zones, or PMM zone outside<br/>           the Pike Place Market Historical District</b> |  |
| <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 proposal not otherwise subject to this Chapter~~  
20 ~~23.41, if the new development proposal not otherwise subject to this Chapter 23.41 is in the~~  
21 ~~Stadium Transition Area Overlay District or if the new 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 fewer, 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 zone to protect a tree over 2 feet in diameter~~  
16 ~~measured 4.5 feet above the ground, if design review would not otherwise be required by~~  
17 ~~subsection 23.41.004.A.5.~~

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

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

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

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

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

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

7 **23.41.004 Applicability**

8                   A. Design review required

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

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

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

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

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

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

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

7 Overlay (MIO) district.

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

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

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

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

3 7. 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. Category</b>   | <b>Site Characteristic</b>   |
| A.1. Context   | a. Lot is abutting or across an alley from a lot with single-family zoning.<br>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.<br>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.<br>b. Lot contains a designated landmark structure.<br>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, 3</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>4</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>2,3</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                    |

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 streamlined 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 1 (LR1) zone or Lowrise 2 (LR2) zone, within five years after the effective date of the ordinance introduced as Council Bill 119057. This requirement shall only apply to applications for new development submitted on or before December 31, 2023.

<sup>3</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 zone, Highrise zone, Commercial (C) zone, or Neighborhood Commercial (NC) zone, within five years after the effective date of the ordinance introduced as Council Bill 119057. This requirement shall only apply to applications for new development submitted on or before December 31, 2023.

<sup>4</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.

| <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> |
| A. All DOC1, DOC2, or DMC zones   | 50,000 square feet or greater                    | Full design review        |
| B. All DRC, DMR, DH1, DH2, PMM zones outside the Pike Place Market Historical District, IB, or IC zones | 20,000 square feet or greater                    | Full design review        |

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

1. Development located in special review districts established by Chapter 23.66;
2. Development in Landmark districts established by Title 25, Environmental Protection and Historic Preservation;
3. Development within the historic character area of the Downtown Harborfront 1 zone,
4. Development that is subject to shoreline design review pursuant to Chapter 23.60A; and
5. New light rail transit facilities that are subject to review by the Seattle Design Commission.
6. City facilities that are subject to review by the Seattle Design Commission.
7. Development within single-family or residential small lot zones.

C. Optional design review

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

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

5 b. The development proposal does not include the uses listed in subsection  
6 23.41.004.A.3.

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

12 Section 6. Section 23.41.008 of the Seattle Municipal Code, last amended by Ordinance  
13 124843, is amended as follows:

14 **23.41.008 Design Review ((Board)) general provisions**

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

21 1. For developments subject to full design review or Master Planned Community-  
22 highrise design review, ((Synthesize)) synthesize community input on design concerns, identify

1 guideline priorities, and provide early design guidance to the ((development team and  
2 community)) applicant;

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

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

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

10 ~~((3-))~~ 5. Ensure fair and consistent application of Citywide or neighborhood-  
11 specific design guidelines.

12 B. Design Review Board membership criteria

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

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

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

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

23 \* \* \*

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

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

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

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

| <b>Table B for 23.41.008</b>   |                                       |                               |
|--|---------------------------------------|-------------------------------|
| <b>Maximum number of Design Review Board meetings for certain projects</b>   |                                       |                               |
| <b>Type of design review</b>   | <b>Early design guidance meetings</b> | <b>Recommendation meeting</b> |
| Full design review   | <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:<br><u>The project lot is abutting or across the street from a lot in a single-family zone;</u><br><u>The development proposal includes a Type IV or Type V Master Use Permit component as described in Chapter 23.76; or</u><br><u>Departures are requested, unless the project applicant elects the MHA performance option according to Sections 23.58B.050 or 23.58C.050.</u> |                                       |                               |
| <sup>2</sup> <u>The Director may require additional Design Review Board meetings according to subsection 23.41.008.E.4.</u>  |                                       |                               |

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

1 applicant's insufficient response to previous Board direction, or at the applicant's request. If the  
2 Design Review Board cannot complete a recommendation, it shall identify reasons why another  
3 recommendation meeting is necessary.

4 F. Design Review Board recommendation

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

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

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

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

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

22 G. Revisions to an issued and unexpired MUP





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 ~~((e.))~~ 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 ~~((r))~~

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 Section 8. Subsection 23.41.010.A of the Seattle Municipal Code, which section was last  
19 amended by the ordinance introduced as Council Bill 118980, is amended as follows:

20 **23.41.010 Design review guidelines**

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

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

10 \* \* \*

11 Section 9. Subsections 23.41.012.A, 23.41.012.B, and 23.41.012.C of the Seattle  
12 Municipal Code, which section was last amended by Ordinance 125291, are amended as follows:

13 **23.41.012 Development standard departures**

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

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

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

22 1. Procedures;

- 1                   2. (~~Permitted, prohibited, or conditional use provisions, except that departures~~  
2 ~~may be granted from development standards for required street level uses~~) Definitions;
- 3                   3. (~~Residential density limits~~) Measurements;
- 4                   4. (~~In Downtown zones, provisions for exceeding the base FAR or achieving~~  
5 ~~bonus development as provided in Chapter 23.49, Downtown Zoning~~) Provisions of the  
6 Shoreline District, Chapter 23.60A;
- 7                   5. (~~In Downtown zones, the minimum size for Planned Community~~  
8 ~~Developments as provided in Section 23.49.036~~) Lot configuration standards in subsections  
9 23.22.100.C.3, 23.24.040.A.8, and 23.28.030.A.3;
- 10                  6. (~~In Downtown zones, the average floor area limit for stories in residential use~~  
11 ~~in Table B for 23.49.058~~) Permitted, prohibited, or conditional use provisions, except that  
12 departures may be granted from development standards for required street-level uses;
- 13                  7. (~~In Downtown zones, the provisions for combined lot developments as~~  
14 ~~provided in Section 23.49.041~~) Maximum size of use;
- 15                  8. (~~In Downtown Mixed Commercial zones, tower spacing requirements as~~  
16 ~~provided in subsection 23.49.058.D~~) Residential density limits;
- 17                  9. (~~In the Downtown Mixed Commercial 170 zone, minimum floor-to-floor~~  
18 ~~height for street level uses required as a condition of the additional height allowed by subsection~~  
19 ~~23.49.008.D~~) Noise and odor standards;
- 20                  10. (~~Downtown view corridor requirements, provided that departures may be~~  
21 ~~granted to allow open railings on upper level roof decks or rooftop open space to project into the~~  
22 ~~required view corridor, provided such railings are determined to have a minimal impact on views~~  
23 ~~and meet the requirements of the Building Code~~) Floor area ratios (FAR), except that:

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

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

10                    11. ~~((In SM-SLU zones, floor area limits for all uses provided in subsections~~  
11 ~~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~~  
12 ~~five percent increase in floor area limit for each story may be granted for structures with~~  
13 ~~nonresidential uses meeting the requirements of subsections 23.48.245.B.1.d.1 and~~  
14 ~~23.48.245.B.1.d.2)) 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                   c. Within the Uptown Urban Center building height departures up to 3 feet  
2 of additional height may be granted if the top floor of the structure is set back at least 6 feet from  
3 all lot lines abutting streets;

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

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

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

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

21                   12. ~~((The provisions of Chapter 23.58A, except that departures may be granted~~  
22 ~~from the requirements of subsections 23.48.021.C.1.b.2, 23.48.021.C.1.b.3.a, 23.48.021.C.1.b.4~~  
23 ~~and 23.48.021.C.1.b.5, if the applicant demonstrates that the amenity to be provided according to~~

1 ~~Section 23.58A.040 better achieves the intent of the Downtown Amenity Standards for that~~  
2 ~~amenity feature.))~~ Provisions of Chapter 23.52;

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

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

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

18 16. ~~((Maximum size of use))~~ Provisions of Chapter 23.58A, except that departures  
19 may be granted from the requirements of subsections 23.48.021.C.1.b.2, 23.48.021.C.1.b.3.a,  
20 23.48.021.C.1.b.4, and 23.48.021.C.1.b.5;

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

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

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

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

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

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

19                                  f. ~~Within the PSM 85-120 zone in the area shown on Map A for~~  
20 ~~23.49.180, departures may be granted from development standards that apply as conditions to~~  
21 ~~additional height, except for floor area ratios and provisions for adding bonus floor area above~~  
22 ~~the base FAR;~~



1                   22. ~~((Noise and odor standards))~~ In Downtown zones, provisions in Section  
2 23.49.036 for the minimum size for planned community developments;

3                   23. ~~((Standards for the location of access to parking in Downtown zones))~~ In  
4 Downtown zones, the average floor area limit for stories in residential use in Table B for  
5 23.49.058;

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

9                   25. ~~((Provisions of Chapter 23.53, Requirements for Streets, Alleys, and~~  
10 ~~Easements, except that departures may be granted from the access easement standards in Section~~  
11 ~~23.53.025))~~ In the Downtown Mixed Commercial 170 zone, minimum floor-to-floor height for  
12 street-level uses required as a condition of the additional height allowed by subsection  
13 23.49.008.E;

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

19                   27. ~~((Limits on floor area for uses within the MPC-YT zone, as provided in~~  
20 ~~Sections 23.75.085 and 23.75.090 or as applicable under Section 23.75.040))~~ In Downtown  
21 zones, the quantity of open space required for major office projects as provided in subsection  
22 23.49.016.B;

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

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

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

13                   a. However, departures from the development standards identified above  
14 may be granted under the following conditions:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 ~~33. ((Within the Pike/Pine Conservation Overlay District shown on Map A for~~  
19 ~~23.73.004, the requirement that all character structures on a lot be retained in order to qualify as~~  
20 ~~a TDP receiving site in subsection 23.73.024.B, the exception allowing additional FAR for non-~~  
21 ~~residential uses in subsection 23.73.009.B, the FAR exemption for residential uses in subsection~~  
22 ~~23.73.009.C.3, the exception to floor area limits in subsections 23.73.010.B.1 and 23.73.010.B.2,~~

1 ~~the exception for width and depth measurements in subsection 23.73.012.B, or the exception for~~  
2 ~~an additional 10 feet in height as provided for in subsection 23.73.014.B:~~

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

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

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

9 ~~3) The departure is for demolishing a character structure that is~~  
10 ~~determined to have insufficient value to warrant retention when the following 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 ~~e) 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                   34. In pedestrian-designated zones, provisions for residential uses at street level,  
2 as provided in subsection 23.47A.005.C.1, except that a departure may be granted to allow  
3 residential uses at street level to occupy, in the aggregate, no more than 50 percent of the street-  
4 level, street-facing facade;

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

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

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

14                   (~~38.~~) 37. Area-specific development standards for Lake City, identified in  
15 subsection 23.47A.009.E, except departures may be requested if the development provides at  
16 least one of the following features:

17                   a. A usable open space that:

- 18                                   1) abuts the street (~~(5)~~) ;
- 19                                   2) is no more than 4 feet above or 4 feet below the adjacent  
20 sidewalk grade (~~(5)~~) ;
- 21                                   3) has a minimum width equal to 30 percent of the width of the  
22 street-facing facade or 20 feet, whichever is greater (~~(5)~~) ; and

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

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

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

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

8 ((39.)) 38. For lots 40,000 square feet or greater in size, area-specific development  
9 standards for Ballard identified in subsections 23.47A.009.F.2, 23.47A.009.F.3, and  
10 23.47A.009.F.4.b, except that departures may be requested if the development provides at least  
11 one of the following features:

12 a. A usable open space that:

13 1) abuts the street ((5)) ;

14 2) is no more than 4 feet above or 4 feet below the adjacent  
15 sidewalk grade ((5)) ;

16 3) has a minimum width equal to 30 percent of the width of the  
17 street-facing facade or 20 feet, whichever is greater ((5)) ; and

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

20 b. A separation between structures that:

21 1) has a minimum east-west dimension width of 20 feet ((5)) ;

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

1 3) is either developed as:

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

3 b) a woonerf;

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

6 d) a combination thereof.

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

12 \* \* \*

13 Section 10. Section 23.41.014 of the Seattle Municipal Code, last amended by Ordinance  
14 125272, is amended as follows:

15 **23.41.014 ((Design)) Full design review process**

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

19 **B. Community outreach**

20 **1. Applicants shall prepare a community outreach plan**~~The outreach plan shall~~  
21 ~~include, at minimum, the following outreach methods: printed, electronic or digital, and in-~~  
22 ~~person.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 Section 11. Section 23.41.016 of the Seattle Municipal Code, last amended by Ordinance  
21 120410, is amended as follows:

22 **23.41.016 Administrative design review process ((-))**

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

4           B. ~~Early Design Guidance Process.~~

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

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

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

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

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

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

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

21                   3. ~~The purpose of the early design guidance process shall be to identify concerns~~  
22 ~~about the site and development program, receive comments from the public, identify those~~  
23 ~~citywide design guidelines of highest priority to the site, and/or explore conceptual design or~~

1 ~~siting alternatives. As a result of this process, the Director shall identify and prepare a written~~  
2 ~~summary of any guidelines which may not be applicable to the project and site and identify those~~  
3 ~~guidelines of highest priority to the neighborhood. The Director shall incorporate any community~~  
4 ~~consensus regarding the design, as expressed in written comments received, into the guideline~~  
5 ~~priorities, to the extent the consensus is consistent with the design guidelines and reasonable in~~  
6 ~~light of the facts of the proposed development.~~

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

9 B. Community outreach

10 1. Applicants shall prepare a community outreach. The outreach plan shall  
11 include, at minimum, the following outreach methods: printed, electronic or digital, and in-  
12 person.

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

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

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

22 3. The purpose of the community outreach plan is to identify the outreach  
23 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 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 C. Early design guidance process

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

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

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

14 D. Guideline priorities

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

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

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

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

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

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

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

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

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

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

5                   ~~((3. Projects subject to administrative design review must meet all codes and~~  
6 ~~regulatory requirements applicable to the subject site, except as provided for in Section~~  
7 ~~23.41.012.))~~

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

10                   ~~((F))~~ I. Appeals. Appeal procedures for design review decisions are described in Chapter  
11 23.76, Procedures for Master Use Permits and Council Land Use Decisions.

12                   Section 12. Section 23.41.018 of the Seattle Municipal Code, last amended by Ordinance  
13 124952, is amended as follows:

14 **23.41.018 Streamlined administrative design review (SDR) process**

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

18                   B. Community outreach

19                   1. Applicants shall prepare a community outreach. The outreach plan shall  
20 include, at minimum, the following outreach methods: printed, electronic or digital, and in-  
21 person.

22                   2. Applicants shall document compliance with the community outreach plan and  
23 submit documentation demonstrating compliance to the Director prior to the scheduling of the

1 early design guidance meeting. The Director shall make the documentation available to the  
2 public. The documentation shall include:

3 a. A summary of the outreach completed to comply with the outreach plan,  
4 including a list and description of the outreach methods used, dates associated with each method,  
5 and a summary of what the applicant heard from the community when conducting the outreach;  
6 and

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

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

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

14 C. Early design guidance process

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

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

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

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

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

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

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

7 2. ~~Notice of application for SDR Guidance shall be provided pursuant to Chapter~~  
8 ~~23.76.~~

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

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

20 D. SDR Guidance report

21 1. ~~((4. As a result of the SDR Guidance process,))~~ The Director shall identify the  
22 guidelines of highest priority, referred to as the “guideline priorities”. The Director shall

1 summarize and consider any community consensus regarding design resulting from community  
2 outreach, or as expressed in written comments received.

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

7 3. If the criteria listed in subsection 23.41.018.F.3 are met, the Director may  
8 consider 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 ten percent;

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

13 and

14 d. Structure width, structure depth, and facade length may be increased by  
15 a maximum of ten percent.

16 ((5))4. The Director shall ((distribute a copy of)) make the Guidance report  
17 available to those who sent in comments or otherwise requested notification, and to the  
18 applicant((, place it on file in the Department, and provide access to the report on the Department  
19 website)).

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

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

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

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

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

15                   ~~D. SDR decision))~~

16                   F. Director's Type I decision

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

19                   ~~((4.))~~ 2. The Director's design review decision shall be made as part of the overall  
20 Building Permit decision for the project. ~~The ((Director shall consider public comments on the~~  
21 ~~proposed project, and the))~~ Director's decision shall be based on the extent to which the  
22 ~~((application))~~ proposed project meets ~~((applicable design guidelines))~~ guideline priorities and

1 responds to the SDR (~~(guidancee)~~) Guidance report, and in consideration of public comments on  
2 the proposed project.

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

6 3. The Director may (~~(allow)~~) approve the adjustments listed in subsection  
7 (~~(23.41.018.D.4)~~) 23.41.018.D.3, if the adjustments are consistent with the SDR (~~(design~~  
8 ~~guidancee)~~) Guidance report and the adjustments would result in a development that:

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

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

14 a. ~~Setbacks and separation requirements may be reduced by a maximum of~~  
15 ~~50 percent;~~

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

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

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

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

22 5)) E. Limitations on adjustments through the SDR process established in this  
23 ~~((subsection 23.41.018.D))~~ Section 23.41.018 do not limit (~~(adjustments)~~) modifications to

1 ~~standards expressly permitted by other provisions of ((this Title 23 or other titles of))~~ the Seattle  
2 Municipal Code.

3 Section 13. Section 23.41.020 of the Seattle Municipal Code, enacted by Ordinance  
4 123963, is amended as follows:

5 **23.41.020 Master Planned Community design review process**

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

11 B. A preapplication conference is required for any application subject to this Section  
12 23.41.020 (~~(unless waived by the Director, pursuant to Section 23.76.008)).~~)

13 C. Early design guidance ((:))

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

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

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

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

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

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

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

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

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

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

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

19 5. Guideline priorities. (~~(Based on the concerns expressed at the early design~~  
20 ~~guidance public meeting or in writing to the Design Review Board, the))~~ The Board shall  
21 identify (~~(any guidelines that may not be applicable to the site and identify))~~) those guidelines of  
22 highest priority to the (~~(neighborhood))~~ Board, referred to as "guideline priorities". The Board  
23 shall make preliminary design recommendations, (~~(incorporating))~~ summarizing and considering

1 any community consensus regarding design expressed at the meeting (~~(, to the extent the~~  
2 ~~consensus is consistent with the design guidelines and reasonable in light of the facts of the~~  
3 ~~proposed development))~~).

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

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

9 1. Timing ((:))

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

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

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

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

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

4 1. Director's decision for non-highrise proposals. For a development proposal that  
5 does not include a highrise structure, the Director shall make a Type I design review decision.

6 The Director's decision shall be based on the extent to which the proposed project meets  
7 applicable design guidelines, with consideration of public comments on the proposed project.

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

10 2. Design Review Board recommendation for highrise development  
11 proposals ((-))

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

17 b. At a recommendation meeting for a development proposal that includes  
18 a highrise structure, the Design Review Board shall determine whether the proposed design  
19 submitted by the applicant is consistent with ~~((applicable design guidelines))~~ the guideline  
20 priorities. The ~~((Design Review))~~ Board may recommend to the Director whether to approve or  
21 conditionally approve the proposed project based on the ~~((design guidelines))~~ guideline  
22 priorities. The Design Review Board shall hold no more than two recommendation meetings on  
23 the proposed project, following the required early design guidance meeting and any optional

1 meetings that the ~~((project proponent))~~ applicant may hold with the public or the Design Review  
2 Board. If the Design Review Board does not issue a recommendation that a proposed project be  
3 approved, conditionally approved, or denied by the end of the second recommendation meeting,  
4 the remaining design review process shall proceed through design review pursuant to subsection  
5 23.41.020.E.1.

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

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

11 ~~((b))~~ d. The Director shall consider public comments on the proposed  
12 project and the recommendations of the Design Review Board, pursuant to subsection  
13 23.41.008.F. ~~((If four or more members of the Design Review Board agree in their~~  
14 ~~recommendation to the Director, the Director shall issue a decision consistent with the~~  
15 ~~recommendation of the Design Review Board, unless the Director concludes that the~~  
16 ~~recommendation of the Design Review Board:~~

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

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

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

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

1 Section 14. Section 23.57.013 of the Seattle Municipal Code, last amended by Ordinance  
2 123668, is amended as follows:

3 **23.57.013 Downtown zones**

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

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

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

12 2. Height (~~(-)~~)

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

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

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



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

4 \* \* \*

5 Section 16. A new Section 23.66.050 is added to the Seattle Municipal Code as follows:

6 **23.66.050 Departure from Land Use Code requirements**

7 A. An applicant seeking a certificate of approval for new multifamily, commercial 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 Special Review Board. A Special  
10 Review Board may recommend granting a departure where an applicant demonstrates that  
11 departure would result in a development that better meets the requirements of this Chapter 23.66,  
12 the district use and development standards, and the purpose for creating the district.

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

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

18 D. Departures authorized by this Section 23.66.050 do not limit the approval of waivers  
19 or modifications of development standards permitted by other provisions of the Seattle  
20 Municipal Code.

21 E. The Director of the Department of Neighborhoods, in coordination with the Director  
22 of the Seattle Department of Construction and Inspections, may establish, by rule, procedures for

1 a Special Review Board to review and prepare a recommendation whether to approve or deny  
2 any requested departure.

3 Section 17. Subsections 23.73.009.B and 23.73.009.C of the Seattle Municipal Code,  
4 which section was last amended by Ordinance 125272, are amended as follows:

5 **23.73.009 Floor Area Ratio**

6 \* \* \*

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

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

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

1                   1. The following street-level uses complying with the standards of Section  
2 23.47A.008 and subsection 23.73.008.B:  
3                   a. General sales and services;  
4                   b. Major durables retail sales;  
5                   c. Eating and drinking establishments;  
6                   d. Museums;  
7                   e. Religious facilities;  
8                   f. Libraries; and  
9                   g. Automotive retail sales and service uses located within an existing  
10 structure or within a structure that retains a character structure as provided in Section 23.73.015.

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

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

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

21                   5. Floor area in non-residential use within a character structure that meets the  
22 minimum requirements for retaining a character structure in 23.73.024.C.4, provided that the

1 non-residential use does not displace a residential use existing in the structure since January 18,  
2 2012.

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

5 **23.73.010 Floor area limits outside the Conservation Core**

6 \* \* \*

7 B. Exceptions to floor area limit

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

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

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

17 c. A minimum of 50 percent of the total gross floor area of the project is  
18 housing that is affordable to and occupied by "income-eligible households," as defined in Section  
19 23.58A.004, and is subject to recorded covenants approved by the Director that ensure that the  
20 housing remains available to these households for a minimum of 50 years; or

21 d. Through the design review process a determination is made that  
22 including one or more of the following features offsets the increase in the bulk of the project and

1 allows for a design treatment that achieves the intent of the neighborhood design guidelines  
2 better than adhering to the floor area limit that would apply without the exception:

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

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

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

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

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

22 \* \* \*

1 Section 19. Subsection 23.73.012.B of the Seattle Municipal Code, which section was  
2 last amended by Ordinance 124503, is amended as follows:

3 **23.73.012 Structure width and depth limits**

4 \* \* \*

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

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

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

17 a. All character structures on the lot are retained according to the  
18 provisions of Section 23.73.015, unless a departure is approved through the design review  
19 process to allow the removal of a character structure based on the provisions of subsection  
20 ((23.41.012.B.32)) 23.41.012.B; and

21 b. This exclusion from width and depth measurement in subsection  
22 23.73.012.B.2 is only allowed for one retained character structure on the lot.



1 departure shall be based on a determination that the additional height will result in a better design  
2 treatment and accommodate features that promote the development objectives of the Pike/Pine  
3 Conservation Overlay District by:

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

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

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

17 \* \* \*

18 Section 21. Subsection 23.73.015.G of the Seattle Municipal Code, which section was  
19 last amended by Ordinance 125272, is amended as follows:

20 **23.73.015 Retention and demolition of character structures**

21 \* \* \*

22 G. Demolition of character structures. If a project is required to retain all the character  
23 structures on a lot under the provisions of this Chapter 23.73, a character structure may

1 nevertheless be demolished through a departure approved by the design review process  
2 according to the provisions of subsection ((23.41.012.B.32)) 23.41.012.B.

3 Section 22. Subsection 23.73.024.B of the Seattle Municipal Code, which section was  
4 last amended by Ordinance 124503, is amended as follows:

5 **23.73.024 Transfer of development potential**

6 \* \* \*

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

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

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

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

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



| <b>Table A for 23.76.004<br/>LAND USE DECISION FRAMEWORK<sup>1</sup></b> |  |
|--|--|
| *  | Temporary uses, four weeks or less   |
| *  | Renewals of temporary uses, except for temporary uses and facilities for light rail transit facility construction and transitional encampments   |
| *  | Intermittent uses  |
| *  | Interim use parking authorized under subsection 23.42.040.G  |
| *  | Uses on vacant or underused lots pursuant to Section 23.42.038   |
| *  | Transitional encampment interim use  |
| *  | Certain street uses  |
| *  | Lot boundary adjustments   |
| *  | Modifications of features bonused under Title 24   |
| *  | Determinations of significance (EIS required) except for determinations of significance based solely on historic and cultural preservation   |
| *  | Temporary uses for relocation of police and fire stations  |
| *  | Exemptions from right-of-way improvement requirements  |
| *  | Special accommodation  |
| *  | Reasonable accommodation   |
| *  | Minor amendment to a Major Phased Development permit   |
| *  | Determination of whether an amendment to a property use and development agreement is major or minor  |
| *  | Streamlined design review decisions pursuant to Section 23.41.018; if no development standard departures are requested, and design 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  |

| <b>Table A for 23.76.004<br/>LAND USE DECISION FRAMEWORK<sup>1</sup></b>   |  |
|--|--|
| *  | 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<br/>Director's Decision</b><br>(Appealable to Hearing Examiner or Shorelines Hearing Board <sup>3</sup> ) |  |
| *  | Temporary uses, more than four weeks, except for temporary relocation of police and fire stations  |
| *  | Variances  |
| *  | Administrative conditional uses  |
| *  | Shoreline decisions, except shoreline special use approvals that are not part of a shoreline substantial development permit <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, and ((except for)) design review decisions in an MPC zone pursuant to Section 23.41.020 if no development standard departures are requested</u> |
| *  | Light rail transit facilities  |
| *  | The following environmental determinations:<br>1. Determination of non-significance (EIS not required)<br>2. Determination of final EIS adequacy<br>3. Determinations of significance based solely on historic and cultural preservation<br>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>  |

| <b>Table A for 23.76.004<br/>LAND USE DECISION FRAMEWORK<sup>1</sup></b> |  |
|--|--|
| *  | Other Type II decisions that are identified as such in the Land Use Code |
| * * *  |  |

1 Section 24. Section 23.76.006 of the Seattle Municipal Code, last amended by Ordinance  
2 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;
- 7 2. Establishment or change of use for uses permitted outright, interim use  
8 parking under subsection 23.42.040.G, uses allowed under Section 23.42.038, temporary  
9 relocation of police and fire stations for 24 months or less, transitional encampment interim  
10 use, temporary uses for four weeks or less not otherwise permitted in the zone, and renewals  
11 of temporary uses for up to six months, except temporary uses and facilities for light rail  
12 transit facility construction and transitional encampments;

13 3. The following street use approvals:

- 14 a. Curb cut for access to parking whether associated with a development  
15 proposal or not;
- 16 b. Concept approval of street improvements associated with a  
17 development proposal, such as additional on-street parking, street landscaping, curbs and  
18 gutters, street drainage, sidewalks, and paving;
- 19 c. Structural building overhangs associated with a development  
20 proposal;

- 1 d. Areaways associated with a development proposal;
- 2 4. Lot boundary adjustments;
- 3 5. Modification of the following features bonused under Title 24:
- 4 a. Plazas;
- 5 b. Shopping plazas;
- 6 c. Arcades;
- 7 d. Shopping arcades;
- 8 e. Voluntary building setbacks;
- 9 6. Determinations of Significance (determination that an environmental impact
- 10 statement is required) for Master Use Permits and for building, demolition, grading, and other
- 11 construction permits (supplemental procedures for environmental review are established in
- 12 Chapter 25.05, Environmental Policies and Procedures), except for Determinations of
- 13 Significance based solely on historic and cultural preservation;
- 14 7. Discretionary exceptions for certain business signs authorized by subsection
- 15 23.55.042.D;
- 16 8. Waiver or modification of required right-of-way improvements;
- 17 9. Special accommodation pursuant to Section 23.44.015;
- 18 10. Reasonable accommodation;
- 19 11. Minor amendment to Major Phased Development Permit;
- 20 12. Streamlined design review decisions pursuant to Section 23.41.018 if no
- 21 development standard departures are requested pursuant to Section 23.41.012, and design
- 22 review decisions in an MPC zone if no development standard departures are requested
- 23 pursuant to Section 23.41.012;

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

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

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

7                   16. Determination of requirements according to subsections 23.58B.025.A.3.a,  
8 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;

9                   17. Decision to increase the maximum height of a structure in the DOC2  
10 500/300-550 zone according to subsection 23.49.008.F;

11                   18. Decision to increase the maximum FAR of a structure in the DOC2  
12 500/300-550 zone according to subsection 23.49.011.A.2.n; ((and))

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

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

17                   ((17)) 21. Other Type I decisions.

18                   C. The following are Type II decisions:

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

- 1 a. Determination of Non-significance (DNS), including mitigated DNS;
- 2 b. Determination that a final Environmental Impact Statement (EIS) is
- 3 adequate; and
- 4 c. Determination of Significance based solely on historic and cultural
- 5 preservation.

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

- 9 a. Establishment or change of use for temporary uses more than four
- 10 weeks not otherwise permitted in the zone or not meeting development standards, including the
- 11 establishment of temporary uses and facilities to construct a light rail transit system for so long
- 12 as is necessary to construct the system as provided in subsection 23.42.040.F, but excepting
- 13 temporary relocation of police and fire stations for 24 months or less;
- 14 b. Short subdivisions;
- 15 c. Variances, provided that the decision on variances sought as part of a
- 16 Council land use decision shall be made by the Council pursuant to Section 23.76.036;
- 17 d. Special exceptions; provided that the decision on special exceptions
- 18 sought as part of a Council land use decision shall be made by the Council pursuant to Section
- 19 23.76.036;
- 20 e. Design review decisions, except for streamlined design review decisions
- 21 pursuant to Section 23.41.018 if no development standard departures are requested pursuant to
- 22 Section 23.41.012, and minor revisions to an issued and unexpired MUP that was subject to
- 23 design review, building height increases for minor communication utilities in downtown zones,

1 and (~~except for~~) design review decisions in an MPC zone pursuant to Section 23.41.020 if no  
2 development standard departures are requested pursuant to Section 23.41.012;

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

6 g. The following shoreline decisions; provided that these decisions shall  
7 be made by the Council pursuant to Section 23.76.036 when they are sought as part of a Council  
8 land use decision (supplemental procedures for shoreline decisions are established in Chapter  
9 23.60A):

10 1) Shoreline substantial development permits;

11 2) Shoreline variances; and

12 3) Shoreline conditional uses;

13 h. Major Phased Developments;

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

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

18 k. Downtown planned community developments;

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

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

1 n. Determination of requirements according to subsections

2 23.58B.025.A.4 and 23.58C.030.A.3; ~~((and))~~

3 o. Except for projects determined to be consistent with a planned action  
4 ordinance, decisions to approve, condition, or deny based on SEPA policies if such decisions are  
5 integrated with the decisions listed in subsections 23.76.006.C.2.a ~~((:))~~ through 23.76.006.C.2.m;  
6 provided that, for decisions listed in subsections 23.76.006.C.2.c, 23.76.006.C.2.d,  
7 23.76.006.C.2.f, and 23.76.006.C.2.g that are made by the Council, integrated decisions to  
8 approve, condition, or deny based on SEPA policies are made by the Council pursuant to Section  
9 23.76.036; ~~((and))~~

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

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

13 \* \* \*

14 Section 25. Section 23.76.008 of the Seattle Municipal Code, last amended by Ordinance  
15 123913, is amended as follows:

16 **23.76.008 Preapplication conferences for Type II and Type III decisions**

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

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

6 Section 26. Section 23.76.011 of the Seattle Municipal Code, last amended by Ordinance  
7 123495, is amended as follows:

8 **23.76.011 Notice of design guidance and planned community development process**

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

- 13 1. Publication of notice in the Land Use Information Bulletin; and
- 14 2. Mailed notice. ~~((; and))~~.

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

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

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

1 Section 27. Subsection 23.76.012.B of the Seattle Municipal Code, which section was  
2 last amended by Ordinance 124843, is amended as follows:

3 **23.76.012 Notice of application**

4 \* \* \*

5 B. Types of notice required

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

12 a. In the case of submerged land, the large notice sign shall be posted on  
13 adjacent dry land, if any, owned or controlled by the applicant. If there is no adjacent dry land  
14 owned or controlled by the applicant, notice shall be provided according to subsection  
15 23.76.012.B.1.c.

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

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

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

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

10                  3. For all projects requiring notice of application, the Director shall provide notice  
11 in the Land Use Information Bulletin. For projects requiring installation of a large notice sign or  
12 subject to design review pursuant to Section 23.41.014, notice in the Land Use Information  
13 Bulletin shall be published after installation of the large notice sign required in subsection  
14 23.76.012.B.1.

15                  4. The Director shall provide mailed notice of:

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

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

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

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

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

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

19                                   c. For a project that includes a highrise structure as defined in Section  
20 23.75.020, the Director shall also post ten placards within the right-of-way within 300 feet of the  
21 site. The land use placards shall be posted prior to publication of notice of application in the  
22 Land Use Information Bulletin, and shall be removed by the applicant after final action on the  
23 Master Use Permit application is completed.

1 d. Mailed notice shall be provided consistent with subsection  
2 23.76.012.B.5.

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

7 \* \* \*

8 Section 28. Section 23.76.026 of the Seattle Municipal Code, last amended by Ordinance  
9 124843, is amended as follows:

10 **23.76.026 Vesting**

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

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

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

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

23 \* \* \*

1 C. Design review component of Master Use Permits

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

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

8 a. The ~~((the))~~ date a complete application for the early design guidance  
9 process or streamlined design review guidance process is submitted to the Director, provided that  
10 such Master Use Permit application is filed within 90 days of the date of the early design  
11 guidance public meeting if an early design guidance public meeting is required, or within 90  
12 days of the date the Director provided guidance if no early design guidance public meeting is  
13 required. If more than one early design guidance public meeting is held, then a complete  
14 application for a Master Use Permit that includes a design review component shall be considered  
15 under the Land Use Code and other land use control ordinances in effect on the date a complete  
16 application for the early design guidance process is submitted to the Director, provided that such  
17 Master Use Permit application is filed within 150 days of the first meeting. If a complete  
18 application for a Master Use Permit that includes a design review component is filed more than  
19 150 days after the first early design guidance public meeting, then such Master Use Permit  
20 application shall be considered under the Land Use Code and other land use control ordinances  
21 in effect at the time of the early design guidance public meeting that occurred most recently  
22 before the date on which a complete Master Use Permit application was filed, provided that such  
23 Master Use Permit application is filed within 90 days of the most recent meeting~~((,))~~; or

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

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

8                                    \* \* \*

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

13                                    \* \* \*

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

19                                    Section 29. Section 23.76.040 of the Seattle Municipal Code, last amended by Ordinance  
20 123913, is amended as follows:

21 **23.76.040 Applications and requests for Council land use decisions**

22                                    \* \* \*

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



1 ~~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 the exceptional tree to be removed only if the total  
4 floor area that could be achieved within the maximum permitted FAR and height limits of the  
5 applicable Lowrise zone according to Title 23 cannot be achieved while avoiding the tree  
6 protection area through the following:

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

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

11           ((3)) 2. In order to preserve an exceptional tree, the following code modifications  
12 ((exceptions)) are allowed:

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

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

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

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

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

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

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

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

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

18           Section 31. Section 25.11.080 of the Seattle Municipal Code, last amended by Ordinance  
19 123495, is amended as follows:

20 **25.11.080 Tree protection on sites undergoing development in Midrise and Commercial**  
21 **Zones**

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

23           A. Exceptional trees ((-))

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

6                   2. ~~The))~~ Director may permit an exceptional tree to be removed only if the  
7 applicant demonstrates that protecting the tree by avoiding development in the tree protection  
8 area could not be achieved through the ~~((development standard adjustments permitted in Section~~  
9 ~~23.41.018 or the))~~ departures permitted in Section 23.41.012, the modifications allowed by this  
10 Section 25.11.080, a reduction in the parking requirements of Section 23.54.015, ~~((and/or))~~ or a  
11 reduction in the standards of Section 23.54.030.

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

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

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

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

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

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

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

7 Section 32. A new Section 25.12.735 is added to the Seattle Municipal Code as follows:

8 **25.12.735 Development standards departures**

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

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

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

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

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

9           Section 33. Sections 3 through 6, Sections 8 through 15, and Sections 17 through 31 of  
10 this ordinance shall take effect and be in force 60 days after the effective date of this ordinance  
11 on July 1, 2018, to ensure there is adequate time for rule-making and any adjustments in business  
12 practices.

13           Section 34. Section 7, Section 16, and Section 32 of this ordinance shall take effect and  
14 be in force on January 1, 2018.

15

1 Section 35. This ordinance shall take effect and be in force 30 days after its approval by  
2 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it  
3 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

4 Passed by the City Council the 2<sup>nd</sup> day of October, 2017,  
5 and signed by me in open session in authentication of its passage this 2<sup>nd</sup> day of  
6 October, 2017.

7 ROB JOHNSON  
8 President Pro Tem of the City Council

9 Approved by me this 5<sup>th</sup> day of October, 2017.

10 Tim Burgess  
11 Tim Burgess, Mayor

12 Filed by me this 5<sup>th</sup> day of OCTOBER, 2017.

13 Monica P. Simmons  
14 Monica Martinez Simmons, City Clerk

15 (Seal)