

ORDINANCE No. 118 980

Council Bill No 118098

AN ORDINANCE relating to land use and zoning, amending SMC Sections 23.41.004, 23.41.006, and 23.41.008, 23.41.014, 23.76.011, 23.76.012, 23.76.026 and adding a new Section 23.41.016 to the Seattle Municipal Code to implement changes to the Early Project Implementation Design Review process. NOW THEREFORE,

OK

The City

Honorable President:

Your Committee on _____

to which was referred the within Council report that we have considered the same

COMPTROLLER FILE No. _____

Introduced: MAR 16 1998	By DRAGO
Referred: MAR 16 1998	To: Business, Economic & Community Development Committee
Referred:	To:
Referred:	To:
Reported: 4-27-98	Second Reading:
Third Reading: 4-27-98	Signed: 4-27-98
Presented to Mayor: 4-27-98	Approved:
Returned to City Clerk:	Published: Full Bpp
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained:

4-27-98 Full C



Law Department

The City of Seattle--Legislative Department

REPORT OF COMMITTEE

Date Reported
and Adopted

able President:

Committee on

ch was referred the within Council Bill No.

that we have considered the same and respectfully recommend that the same:

*REC'D. Approved 5/21/98
27-98 Full Council Action Passed 9-0*



Committee Chair

ORDINANCE 118980

1
2
3 AN ORDINANCE relating to land use and zoning, amending SMC Sections 23.41.004,
4 23.41.006, and 23.41.008, 23.41.014, 23.76.011, 23.76.012, 23.76.026 and adding a
5 new Section 23.41.016 to the Seattle Municipal Code to implement changes to the
6 Early Project Implementation Design Review process.

7
8 WHEREAS, the Seattle Design Commission conducted a review of the City's design
9 review program in 1997; and

10
11 WHEREAS, in response to the recommendations of the Commission the Department of
12 Construction and Land Use has recommended amendments to the design review
13 program; and

14
15 WHEREAS, the City Council's Business, Economic, and Community Development
16 Committee held a public hearing on the proposal on March 18, 1998 and
17 recommends adoption of the program changes as amended; and

18
19 WHEREAS, significant permit and development activity has occurred in the North
20 District (Lake City) planning area between 1994 and 1998, including
21 approximately 120 development permits, including 23 in multifamily and 7 in
22 commercial zones; and

23
24 WHEREAS, there are currently at least three significant projects under permit review in
25 C1 or C2 zones in the Lake City Area, including over 350 housing units and one
26 six story project; and

27
28 WHEREAS, participants in the North District neighborhood planning process have
29 indicated that they are currently considering the southern boundary of the Lake
30 City urban village and in what area it would be appropriate to require design
31 review and the aspects it promotes, such as greater site planning, compatibility of
32 new development with surroundings, pedestrian orientation and appropriate
33 landscaping; and

34
35 WHEREAS, the North District neighborhood plan is not expected to be acted upon by the
36 City Council until the first quarter of 1999; and

37
38 WHEREAS, if significant development projects are proposed in C1 or C2 zones in the
39 planning area prior to completion of the plan, the effectiveness of the planning
40 process may be reduced; and

41
42 WHEREAS, major projects that would be subject to design review under this
43 ordinance, may vest in C1 or C2 zones within urban villages prior to 30 days
44 from the passage of this ordinance without being subject to design review,

1 potentially detracting from City Comprehensive Plan goals and policies for the
2 character of development within urban villages;

3
4 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF SEATTLE AS**
5 **FOLLOWS:**

6
7
8 **Section 1.** That Section 23.41.004 of the Seattle Municipal Code, which
9 Section was last amended by Ordinance 118362, is amended as follows:

10
11 **23.41.004 Applicability. (~~and Phasing~~)**

12
13 **A. Design Review Required.**

14 ~~((1. Design review shall be required for all new multifamily and commercial structures~~
15 ~~which exceed the thresholds for environmental review established in the State~~
16 ~~Environmental Policy Act (SEPA) as adopted by the City of Seattle and codified in~~
17 ~~Chapter 25.05, SMC, in all Neighborhood Commercial 1, 2, 3 (NC1,2,3) zones and in the~~
18 ~~Seattle Cascade Mixed (SCM) zone.))~~

19 ~~((2. Design review shall also be required for all new multifamily and commercial~~
20 ~~structures which exceed the SEPA thresholds in Lowrise 3 (L3), Lowrise 4 (L4), Midrise~~
21 ~~(MR), and Highrise (HR) zones.))~~

22 ~~((3. Design review shall also be required for all new multifamily and commercial~~
23 ~~structures which exceed SEPA thresholds in Commercial 1 and 2 (C1, C2) zones, when~~
24 ~~that development abuts or is directly across a street or alley from any lot zoned single~~
25 ~~family.))~~

26 ~~((4. Design review shall also be required for all new structures containing more than~~
27 ~~fifty thousand (50,000) square feet of usable new office space in all downtown zones.))~~

28 ~~((5. Design review is optional for all new multifamily and commercial structures not~~
29 ~~otherwise subject to this chapter, in all multifamily, commercial, and downtown zones.))~~

30 ~~((6. Design review shall also be required for all new Major Institution structures which~~
31 ~~exceed ~~(the)~~ SEPA thresholds in NC1, NC2, NC3, L3, L4, MR, and HR zones, and in~~
32 ~~C1 and C2 zones when the new structure(s) abuts or is directly across a street or alley~~
33 ~~from any lot zoned single family; provided that design review shall not be required for~~
34 ~~any structure in a Major Institution Overlay (MIO) District. Design review is optional for~~
35 ~~new Major Institution structures not otherwise subject to this chapter in all multifamily,~~
36 ~~commercial, and downtown zones.))~~

37 1. Design review shall be required for any new multifamily or commercial
38 structure that exceeds SEPA thresholds if the structure:

- 39
40 a. is located in one of the following zones:
41 i. Lowrise (L3,L4);
42 ii. Midrise (MR);
43 iii. Highrise (HR);
44 iv. Neighborhood Commercial (NC1,2,3); or
45 v. Seattle Cascade Mixed (SCM); or

1 b. is located in a Commercial (C1, or C2) zone, and
2 i. the proposed structure is located within an urban village
3 area identified in the Seattle Comprehensive Plan,
4 ii. the site of the proposed structure abuts or is directly across
5 from a street or alley from any lot zoned single family, or
6 iii. the proposed structure is located in the area bounded by NE
7 95th street on the south, NE 120th Street on the north, 15th Ave NE on the west, and 30th
8 Ave NE on the east, but only until June 30, 1999.

9 2. Design review shall be required for all new major institution structures
10 which exceed SEPA thresholds in the zones listed in subsection A1, unless the structure
11 is located within a Major Institution Overlay (MIO) District.

12 3. Design Review shall be required for all new structures containing more
13 than fifty thousand (50,000) square feet of usable new office space in all downtown
14 zones.

15 4. New multifamily or commercial structures in the zones listed in subsection
16 A1, that are subject to SEPA solely as a result of the provisions of SMC 25.05.908B,
17 Environmentally Sensitive Areas, shall not be subject to design review.

18
19 ~~((B. Phasing. The following development shall be subject to the provisions of this~~
20 ~~chapter:~~

21 ~~1. All new structures described in subsections A1-3, that abut or are directly across a~~
22 ~~street or alley from any lot zoned single family;~~

23 ~~2. As of April 15, 1995 All new structures described in subsection A2 that abut or~~
24 ~~are directly across a street or alley from any lot zoned single family, and all new~~
25 ~~structures described in subsections A1 and A3;~~

26 ~~3. As of October 15, 1995 All new structures as described in subsection A1-3;~~

27 ~~4. Beginning April 1, 1996 all new structures as described in subsection A4.))~~

28
29 B. Design Review - Optional.

30
31 1 Design review is optional to any applicant for new multifamily, commercial or
32 major institution structures not otherwise subject to this Chapter, in all multifamily,
33 commercial or downtown zones.

34
35 2. An administrative design review process is an option to an applicant for new
36 multifamily or commercial structures, if the structure would not exceed SEPA thresholds,
37 in multifamily, commercial or downtown zones, according to the process described in
38 Section 23.41.016.

39
40 * * *

41
42
43 **Section 2.** That Section 23.41.006 and Exhibit 23.41.006A, of the Seattle
44 Municipal Code, which Section was last amended by Ordinance 118012, is amended as
45 follows:

1
2 **23.41.006 Design Review Map.**
3

4 For the purposes of design review, the city shall be divided into ~~((six (6)))~~ seven (7)
5 districts, ~~((geographic areas, five (5) of which shall be further divided into twelve (12)~~
6 ~~subareas;))~~ as depicted on the Design Review Map, Exhibit 23.41.006A.
7
8

9 **Section 3.** That Section 23.41.008 of the Seattle Municipal Code, which
10 Section was last amended by Ordinance 118672, is amended as follows:
11

12 **23.41.008 Design Review Board.**
13

14 **A. Role of the Design Review Board.**

15 The Design Review Board shall be convened for the purpose of reviewing all
16 development subject to design review. To accomplish this purpose, the Design Review
17 Board shall:

- 18 1. Synthesize community input on design concerns and provide ~~((predesign))~~ early
19 design guidance to the development team and community; and
20 2. Recommend to the Director specific conditions of approval which are consistent
21 with the design guidelines applicable to the development; and
22 3. Ensure fair and consistent application of Citywide or neighborhood-specific
23 design guidelines.

24 **B. Membership of the Design Review Board.**

- 25 1. Design Review Board Membership Criteria.
26 a. Members shall reside in Seattle; and
27 b. Members should possess experience in neighborhood land use issues and
28 demonstrate, by their experience, sensitivity in understanding the effect of design
29 decisions on neighborhoods and the development process; and
30 c. Members should possess a familiarity with land use processes and standards
31 as applied in Seattle; and
32 d. Consistent with the City's Code of Ethics, SMC Section 4.16.070, no member
33 of the Design Review Board shall have a financial or other private interest, direct or
34 indirect, personally or through a member of his or her immediate family, in a project
35 under review by the Design Review Board on which that member sits.

36 **A. ((2)) Design Review Board Composition.**

37 The Design Review Board shall consist of 38 members, composed as follows:
38

DESIGN REVIEW BOARD COMPOSITION

Representation	Development Interests	Design Professions	General Community Interests	Local Residential Interests	Local Business Interests
Number	8 at-large	8 at-large	8 at-large	7 (1/district)	7 (1/district)
Selection Process	4 appointed by Mayor, 4 by Council	4 appointed by Mayor, 4 by Council	4 appointed by Mayor, 4 by Council	Nominated by community & business organizations, respectively; Jointly appointed by Mayor and Council	
Confirmation Process	Confirmed by Council	Confirmed by Council	Confirmed by Council	Confirmed by Council	

~~((a. The Design Review Board shall be composed of seven (7) members representing development related fields, seven (7) members representing general residential community interests, and seven (7) members representing the design professions, of whom three (3) members of each group of seven (7) shall be appointed by the City Council and four (4) members by the Mayor, and all members to be confirmed by the City Council; and))~~

~~((b. The Design Review Board shall also include one (1) member representing local residential interests and one (1) member representing local business interests from areas six (6) and each of the twelve (12) subareas shown on the Design Review Map, Exhibit 23.41.006 A. These members shall be nominated by local community and business interest groups, respectively, of area six (6) and the subareas described in Section 23.41.006, and shall be jointly appointed by the Mayor and City Council.))~~

~~((c))~~ D. Design Review Board Assignment.

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

- a. One member representing development-related interests.
- b. One member representing general community interests.
- c. One member representing the design professions.
- d. Two members representing local residential-community and business interests, respectively, as described in Section 23.41.008C.

~~((Projects subject to design review should be reviewed by five (5) Design Review Board members to be determined on the basis of the project's location, as follows:))~~

~~((a. At large member representing development related fields, general residential community interests, and the design professions, will each be assigned to one of the six (6) geographic areas, such that one (1) member of each of the three (3) interest groups will review projects in each of the six (6) areas, and one member of each of the three (3) interest groups will remain unassigned; in addition,))~~

~~((b. Members representing local residential community interests and local business interests shall participate in review of projects subject to design review as they occur in their subarea, such that each project will be reviewed by one member~~

1 ~~representing local residential community interests and one member representing local~~
2 ~~business interests.)~~

3 2. Three at-large members shall remain unassigned, one each from the development-
4 related fields, general residential community interests and design professions.

5 3. ~~((e-))~~ Three Design Review Board members shall be a quorum.

6 4. The five (5) Design Review Board members assigned to each project as described
7 in subsection C1 shall be known collectively as the Design Review Board. All members
8 of the Design Review Board shall be voting members.

9 5. In the event that, in one of the ~~((six (6)))~~ seven (7) geographic ~~((areas))~~ districts,
10 more projects are undergoing simultaneous design review than the Design Review Board
11 members assigned to that ~~((area))~~ district can review in a timely manner, the unassigned
12 at-large Design Review Board members described in subsection ~~((C1a))~~ D.2 may serve.
13 If an individual at-large member is unable to serve, the Director may appoint one of ~~((a~~
14 ~~member of))~~ the unassigned, at-large Design Review Board members to serve in his or
15 her absence, provided that each at-large interest group is represented by one (1) member.
16 In addition, a Design Review Board may review projects outside of its designated
17 ~~((geographic subarea))~~ district to expedite review, provided that the local community
18 representative and local business representative shall review development only within
19 their ~~((subarea))~~ district.

20 ~~((D))E~~ Meetings of the Design Review Board

21 1. Project-specific early ~~((pre-))~~ design guidance public meetings shall be held as
22 required in Section 23.41.014B. ~~((, at a location in the same general neighborhood as the~~
23 ~~proposed project.))~~ Notice of meetings of the Design Review Board shall be provided
24 ~~((A))~~ as described in Chapter 23.76, Procedures for Master Use Permits and Council Land
25 Use Decisions. ~~((, the Director shall provide mailed notice, and the applicant shall post~~
26 ~~one (1) land use sign visible to the public at each street frontage abutting the site except,~~
27 ~~when there is no street frontage or the site abuts an unimproved street, the Director shall~~
28 ~~require either more than one (1) sign and /or an alternative posting location so that notice~~
29 ~~is clearly visible to the public. The land use sign may be removed by the applicant the~~
30 ~~day after the public meeting.~~

31 2. ~~Regularly scheduled meetings of the design Review Board shall be held in the~~
32 ~~evening in a location which is accessible and conveniently located in the area of the city~~
33 ~~to which the Board is assigned. Public notice for the regularly scheduled Design Review~~
34 ~~Board meetings shall be posted in the Department and published in the General Mailed~~
35 ~~Release.))~~

36 ~~((3.))~~ 2. All meetings of the Design Review Board shall be held in the evening in a
37 location which is accessible and conveniently located in the same design review district
38 as the proposed project. Board meetings are open to the general public. ~~((, and t))~~ The
39 actions of the Board are not quasi-judicial in nature.
40

1 **Section 4.** That Section 23.41.014, Seattle Municipal Code, which Section
2 was adopted by Ordinance 116909, is amended as follows:
3

4 **23.41.014 Design review process.**
5

6 A. A pre-application conference is required for all projects subject to design review,
7 unless waived by the Director, as described at Section 23.76.008.

8 B. ~~((Pre-))~~ Early Design Guidance Public Meeting.

9 1. Following a pre-application conference, and site visits by Design Review Board
10 members assigned to review a proposed project, an ~~((pre-))~~ early design guidance public
11 meeting with the Design Review Board shall be held.

12 2. The purpose of the ~~((pre-))~~ early design guidance public meeting shall be to
13 identify concerns about the site and the proposed project ~~((development program))~~,
14 review the design guidelines applicable to the site, determine neighborhood priorities
15 among the design guidelines, and explore design concepts and/or options.

16 3. At the ~~((pre-))~~ early design guidance public meeting, the project proponents shall
17 present the following information:

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

20 d. A drawing of existing site conditions, indicating topography of the site and the
21 location of structures and prominent landscape elements on or abutting the site; and

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

24 f. A zoning envelope study which includes a perspective drawing; and

25 g. A description of the proponent's objectives with regard to site development.

26 4. The proponent is encouraged, but not required, to bring one (1) or more
27 development concepts or alternatives to indicate possible design options for the site.

28 C. Guideline Priorities.

29 1. Based on the concerns expressed at the ~~((pre-))~~ early design guidance public
30 meeting or in writing to the Design Review Board, the Board shall identify any guidelines
31 which may not be applicable to the site and identify those guidelines of highest priority to
32 the neighborhood. The Board shall incorporate any community consensus regarding
33 design, expressed at the meeting into its guideline priorities, to the extent the consensus is
34 consistent with the design guidelines and reasonable in light of the facts of the proposed
35 development.

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

40 3. The project proponent is encouraged to meet with the Board and the public for
41 early resolution of design issues, and may hold additional optional meetings with the
42 public or the Design Review Board prior to filing a Master Use Permit application.

43 A. Application for Master Use Permit.

44 4. Following the ~~((pre-))~~ early design guidance public meeting, distribution of the
45 guideline priorities, and any additional optional meetings that the project proponent

1 chooses to hold with the public and the Design Review Board, the proponent may apply
2 for a Master Use Permit.

3 5. The Master Use Permit (MUP) application submittal shall include a supporting
4 site analysis and an explanation of how the proposal addresses the applicable design
5 guidelines, in addition to standard MUP submittal requirements as provided in Chapter
6 23.76, Procedures for Master Use Permits and Council Land Use Decisions.

7 6. Notice of application for a development subject to design review shall be provided
8 according to Chapter 23.76, Procedures Master Use Permits and Council Land Use
9 Decisions.

10 A. Design Review Board Recommendation.

11 1 During a regularly scheduled evening meeting of the Design Review Board, other
12 than the early design guidance public meeting, the Board shall review the record of public
13 comments on the project's design, the project's (~~design's~~) conformance to the
14 guidelines priorities applicable to the proposed project, and the staff's review of the
15 project's design and its application of the design guidelines.

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

21 F. Director's Decision.

22 6. A decision on an application for a permit subject to design review shall be made
23 by the Director.

24 7. Projects subject to design review must meet all codes and regulatory requirements
25 applicable to the subject site, except as provided in Section 23.41.012.

26 8. The Director's design review decision shall be made as part of the overall Master
27 Use Permit decision for the project. The Director's decision shall consider the
28 recommendation of the Design Review Board, provided that, if four (4) or more members
29 of the Design Review Board are in agreement in their recommendation to the Director,
30 the Director shall issue a decision which (~~incorporates the full substance of the~~) makes
31 compliance with the recommendation of the Design Review Board a condition of permit
32 approval, unless the Director concludes that the recommendation of the Design Review
33 Board:

- 34 c. Reflects inconsistent application of the design review guidelines; or
- 35 d. Exceeds the authority of the Design Review Board; or
- 36 e. Conflicts with SEPA conditions or other regulatory requirements applicable to
37 the site; or
- 38 f. Conflicts with the requirements of state or federal law.

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

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

1 **Section 5.** That a new Section 23.41.016 is hereby added to the Seattle
2 Municipal Code, as follows:
3

4 **23.41.016 Administrative Design Review Process**
5

6 A. A preapplication conference is required for all projects electing administrative
7 design review, unless waived by the Director, as described at Section 23.76.008.

8 B. Early Design Guidance Process.

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

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

14 b. A drawing of existing site conditions, indicating topography of the site and the
15 location of structures and prominent landscape elements on or abutting the site, if any;
16 and

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

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

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

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

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

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

36 C. Application for Master Use Permit.

37 1. Upon completion of the early design guidance process, the proponent may apply
38 for a Master Use Permit (MUP).

39 2. The MUP application shall include a supporting site analysis and an explanation
40 of how the proposal addresses the applicable design guidelines, in addition to standard
41 MUP submittal requirements as provided in Chapter 23.76, Procedures for Master Use
42 Permits and Council Land Use Decisions.

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

D. Director's Decision

1. A decision on an application for administrative design review shall be made by the Director as part of the overall Master Use Permit decision for the project.
2. The Director's decision shall be based on the extent to which the proposed project meets applicable design guidelines and in consideration of public comments on the proposed project.
3. Projects subject to administrative design review must meet all codes and regulatory requirements applicable to the subject site, except as provided for in Section 23.41.012.

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

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

Section 6. That Section 23.76.011 of the Seattle Municipal Code, which Section was added by Ordinance 116909, is amended as follows:

23.76.011 Notice of early ((pre-)) design guidance process ((public meeting))

For design review projects (~~((subject to design review))~~), the Director shall provide notice of the required early ((pre-)) design guidance process ((public meeting)) by general mailed release. In addition, the Director shall provide mailed notice, and the applicant shall post one (1) land use sign visible to the public at each street frontage abutting the site except, when there is no street frontage or the site abuts an unimproved street, the Director shall require either more than one (1) sign and/or an alternative posting location so that notice is clearly visible to the public. If an early design guidance public meeting is required, the time, date, location and purpose of the meeting shall be included with the mailed notice. The land use sign may be removed by the applicant the day after the public meeting or after the Director distributes design guidelines priorities as part of the early design guidance process.

Section 7. That Section 23.76.012 of the Seattle Municipal Code, which Section was last amended by Ordinance 118672, is amended as follows:

23.76.012 Notice of application

* * *

B. Types of Notice Required.

1 For projects subject to (~~((design review or))~~) environmental review, or design review, except administrative design review, the applicant shall post an environmental review sign on the site, unless an exemption or alternative posting as set forth in this subsection is applicable. The environmental review sign shall be located so as to be

1 clearly visible from the adjacent street or sidewalk, and may be removed by the applicant
2 within fourteen (14) days after final City action on the application has been completed.

3 a. In the case of submerged land, the environmental review sign shall be posted
4 on adjacent dry land, if any, owned or controlled by the applicant. If there is no adjacent
5 dry land owned or controlled by the applicant, notice shall be provided according to
6 subsection B1c.

7 b. Projects limited to interior remodeling, or which are subject to environmental
8 review only because of location over water or location in an environmentally critical area,
9 are exempt from the environmental review sign requirement.

10 c. When use of an environmental review sign is neither feasible nor practicable
11 to assure that notice is clearly visible to the public, the Director shall post ten (10)
12 placards within three hundred (300) feet of the site and at the closest street intersections
13 when one (1) or more of the following conditions exist:

14 (1) The project site is over five (5) acres;

15 (2) The applicant is not the property owner, and the property owner does not
16 consent to the proposal;

17 (3) The site is subject to physical characteristics such as steep slopes or is
18 located such that the environmental review sign would not be highly visible to
19 neighboring residents and property owners or interested citizens.

20 a. The Director may require both an environmental review sign and the
21 alternative posting measures described in subsection B1c, or may require that more than
22 one (1) environmental review sign be posted, when necessary to assure that notice is
23 clearly visible to the public.

24 4. For projects which are categorically exempt from environmental review, the
25 applicant shall post one (1) land use sign visible to the public at each street frontage
26 abutting the site except, when there is no street frontage or the site abuts an unimproved
27 street, the Director shall require either more than one (1) sign and/or an alternative
28 posting location so that notice is clearly visible to the public. The land use sign may be
29 removed by the applicant within fourteen (14) days after final action on the application
30 has been completed.

31 5. For all projects requiring notice of application, the Director shall provide notice
32 by General Mailed Release. For projects subject to the environmental review and land
33 use sign requirements, notice in the General Mailed Release shall be published after
34 certification is received by the department that the environmental review and land use
35 signs have been installed and posted.

36 6. In addition, for variances, administrative conditional uses, temporary uses for
37 more than four (4) weeks, shoreline variances, shoreline conditional uses, short plats,
38 early ((pre-)) design guidance process ((review)), School Use Advisory Committee
39 (SUAC) formation and school development standard departure, the Director shall provide
40 mailed notice.

41 7. Mailed notice of application for a project subject to design review or
42 administrative design review shall be provided to all persons establishing themselves as
43 parties of record by attending ((the pre-)) an early design guidance public meeting for the
44 project or by corresponding with the Department about the proposed project before the
45 date of publication.

1 8. Additional notice for subdivisions shall include mailed notice and publication in
2 at least one (1) community newspaper in the area affected by the subdivision.
3

4 * * *

5
6
7 **Section 8.** That Section 23.76.026 of the Seattle Municipal Code, which Section was last
8 amended by Ordinance 118539, is amended as follows:
9

10 **23.76.026 Vesting of development rights.**

11 * * *

12
13
14 C. Design Review Component of Master Use Permits.

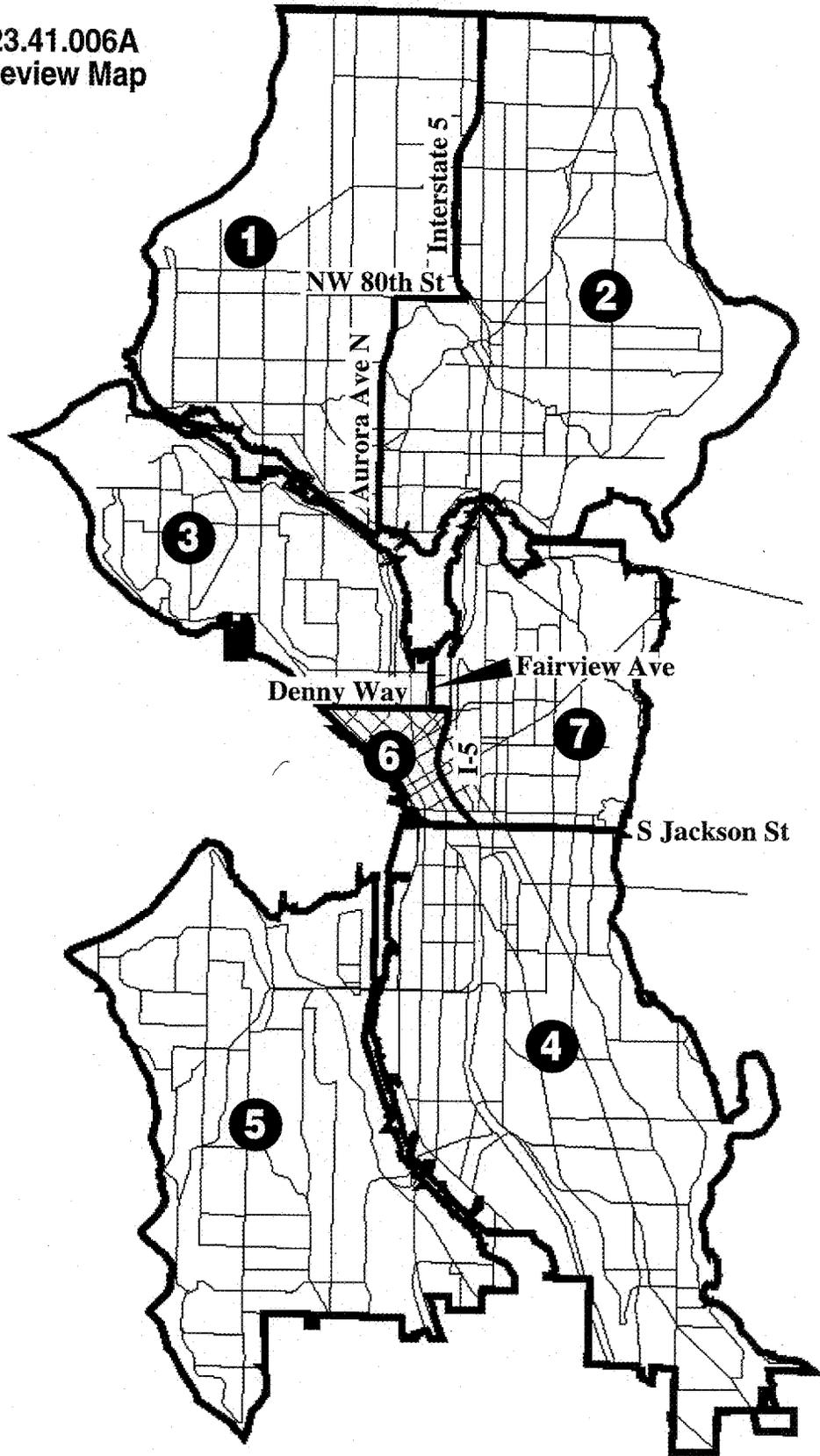
15 1. If a complete application for a Master Use Permit is filed prior to the date design
16 review becomes required for that type of project, ~~((as provided in Section 23.41.004B,))~~
17 no design review component shall be required.

18 2. A complete application for a Master Use Permit that includes a design review
19 component shall be considered under the Land Use Code and other land use control
20 ordinances in effect on the date a complete application for the design review early ~~((pre-))~~
21 design guidance process is submitted to the Director, provided that such Master Use
22 Permit application is filed within ninety (90) days of the date of the ~~((first))~~ early design
23 guidance ~~((review pre-design))~~ public meeting. This vested right shall terminate unless a
24 complete application for a building permit meeting the requirements of Section 106 of the
25 Seattle Building Code is submitted within one hundred twenty (120) days of the date the
26 Master Use Permit is approved for issuance.
27

28 * * *

29 **Section 9.** DCLU shall report to the City Council after 24 months, with the
30 next planned design review program evaluation, on the operation of the administrative
31 design review program. The report shall indicate the number of projects reviewed, the
32 public response to program results, the number and percentage of projects for which code
33 departures are granted, the nature of the departures granted, and other effects of the
34 process upon the design of projects.
35

**Exhibit 23.41.006A
Design Review Map**



Design Review Districts



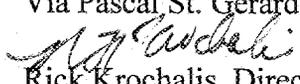
City of Seattle

Paul Schell, Mayor

Department of Construction and Land Use

R. F. Krochalis, Director

TO: Council President Sue Donaldson
Via Pascal St. Gerard, Budget Analyst, Executive Services Department

FROM: 
Rick Krochalis, Director

DATE: March 6, 1998

SUBJECT: Proposed Legislation Amending the Design Review Program

The attached legislation is proposed to amend the City's Design Review Program in accordance with an evaluation of the Design Review Program by the Seattle Design Commission in June, 1997. In September, 1997 the Department of Construction and Land Use (DCLU) prepared a workplan to implement the Commission's recommendations. The Council generally endorsed the recommendations of the Commission and department, and directed staff to pursue the necessary legislation.

The attached amendments would create a new administrative design review process intended to encourage applicants of smaller multifamily and commercial projects to opt for the design review process when it is not required. The amendments would also extend design review requirements to all new multifamily and commercial structures exceeding SEPA thresholds in Commercial 1 and 2 (C1, C2) zones in urban village areas. We believe that the overall vision for pedestrian-oriented, mixed use urban villages would be furthered by attention to design detail in new development to support these objectives. New developments in these zones in recent years have raised community concerns. (Examples include, Walgreen's in Lake City and a new Safeway store in Ballard at 15th NW and NW Market Streets.)

In addition, the legislation would eliminate subareas of the design review districts in the City. The amendments would also create one additional district to address the current heavy work load in the Queen Anne - Capitol Hill area and better distribute projects among design review districts. Eliminating subareas is one measure intended to streamline the operations of the board and generally reduce the size of the board. The overall number of board members would be reduced by nine, thereby lessening the time and cost of recruiting and maintaining board membership through the Council confirmation process.

Finally, the amendments would clarify Code provisions. Clarifying Code provisions is the first step in improving public perception and understanding of the Design Review Program. Clarifying Code requirements is key to several measures the department will

undertake to improve the program and better prepare the Board to fulfill its mission in 1998.

The Council's Business, Economic and Community Development Committee has scheduled a public hearing to take public testimony on the proposed amendments. The hearing will take place on March 18, 1998, at 6:00 p.m. in the Council's chamber.

Environmental review of the proposed legislation was conducted and a determination of non-significance (DNS - no Environmental Impact Statement required) was issued by the department. The appeal period for this determination concluded on February 26th and no appeals were received by the Hearing Examiner.

Fiscal Impacts of Proposed Amendments

The proposed changes have a potentially positive fiscal impact, as described below. The projected cost of the Design Review Program in 1998, with no program changes, is \$210,328. The administrative design review process is forecast to add 4 additional projects in 1998 (in addition to 8 already expected to do voluntary design review), and expansion to C1 and C2 zones is expected to add approximately 7 new projects. The incremental cost of these projects is estimated to be \$6,800, bringing to total annual cost to \$217,117.

Because of the public benefit it provides, the design review program receives support from the General Fund. The Council set the level of support, as part of the DCLU Program and Funding Study, at approximately 61%, or about \$130,000 in 1998.

The additional projects proposed to be added to the program will bring in revenue as well as raise costs. If fees are kept at the current level, the forecast number of additional projects would bring in \$14,300 in fees, or \$7,500 more than the projected cost increase. The reason for this additional amount of revenue is that the basic cost of running the design review program, such as selecting and training board members, would be spread out over a greater number of projects. In addition, administrative design review is expected to take less time than the regular process, and therefore has a lower cost.

Option A

If current fees are kept the same, we recommend that this excess \$7,500 (3% of program costs) be kept as a contingency which would be available in case project volumes are lower than projected and less revenue is brought in. Toward the end of the year, when actual project counts can be better compared to the forecast, if the reserve is available it would be used to fund work-program items from the Design Commission recommendations, such as greater public outreach or board and applicant training.

Option B

Another option is to reduce the fee for administrative design review. This would reflect the fact that such review will take about 25% less staff hours than the regular process. It would also encourage more applicants to use the process. Administrative design review will take more time, and add a potential for an appeal, when compared to applying only for a building permit. A lower fee would help keep the barriers to using the process as minimal as possible.

Recommendation

We recommend the second option, and propose that the fee for administrative design review be subsidized at a rate of 65%. This would result in a fee of \$1,120, which is \$310 less than the fee for the regular process. This would yield approximately \$4,100 in contingency (2% of program cost), to be used as described above. A reduction in fees for applicants of projects electing administrative design review may result in additional project workload. We will continue to monitor the costs and revenues of the program over the year and will reevaluate program fees and resources as the need warrants.

Costs for staff training, codifying the new amendments to the Land Use Code and incorporating changes to the Design Review Board's structure are nominal and will be able to be accomplished within existing resources.

Questions about the proposed changes to the Design Review Program should be directed to John Skelton, at 233-3883 or Patrick Doherty, 233-3852.



IntelesisTM
Engineering, Inc.

Corporate Headquarters
11750 33rd Place NE
Seattle, WA 98125-5612
Phone: (206) 367-3319
Fax: (206) 367-0144

March 18, 1998

Council President Sue Donaldson
Public Hearing Address
Seattle Municipal Building
600 Fourth Avenue
Seattle, WA 98104-1826

Statement before the Council:

My name is Kelly Meinig. I am the Chair of the Business and Residential Work Group of the North District Neighborhood's Planning Area and also a resident and business owner in Lake City.

As background, currently our community is not subject to the city's Design Review process, except in very limited areas adjacent to single family housing. This renders the whole Lake City area extremely vulnerable to unchecked development; and, that's exactly what we're seeing.

To make matters worse, we are experiencing a flood of new building applications. This is very understandable if you take a closer look at Lake City. Right now, much of our community is covered with parking lots and aging single-story, run down buildings which have been left unimproved since the 70's. Yet downtown zoning allows 65 and 85 foot height limits, many of the parcels are very large, and our average income is very high relative to Seattle's average. For developers, it's a golden opportunity.

As planners, though, it is *terrifying* to watch. Currently, we have absolutely no way to control or impact how this new development happens. Even one or two poorly executed large-scale developments could literally OBLITERATE our planning efforts.

While we wholeheartedly support your proposal to require design review for projects in C1 and C2 zones within HUB boundaries, this measure does not go *nearly* far enough to protect us for the following reason:

Very little of our Hub is specifically zoned C1 or C2 and our Hub does not have a distinct boundary. If design review is restricted to just these two zones within the Hub, it really won't protect or serve our community well because it's such a small percentage of our overall area.



With that in mind, we propose the following revisions:

First,

We are hemorrhaging out here. We desperately need to close the wound before any more poor or tacky development occurs. Help us by providing a stop-gap measure - require design review for *any* project in our planning area until our own Design Review Guidelines can be implemented through our Planning Effort. Otherwise, our efforts *will* be obliterated.

Second,

Lake City Way is a long and narrow development corridor that runs from the north end of our Planning Area to the south. Hub boundaries have been placed roughly around the core, but there is no clear line of demarkation; it's all city. Because of this, limiting design review to the Hub area in our case doesn't make any sense. It's like cutting off the legs of a person, saying only part of him is important. For this reason, it's imperative that design review be required for our *whole* planning area, not just the HUB.

And, third,

Also as a result of our community's unique layout and the likelihood of rapid redevelopment, we request that a specific overlay be created for the North District Neighborhood's Planning Area. As I stated earlier: C1 and C2 zoning occupies a *very* small percentage of our community. Mid Rise, L2, L3 and NC zones cover an equal, if not greater, portion, and will have an equal, if not greater impact on the look and feel of our community. To ensure continuity, we want *any* development within non-single family zones in our Planning Area to be subject to design review, not just the development in C1 and C2 zones.

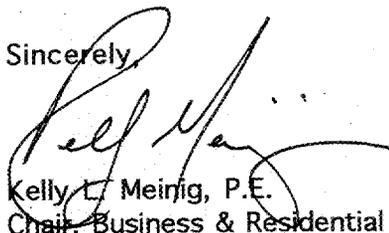
These issues are critical to the success of our planning effort.

Summarized:

- (1) Provide a stop-gap measure to stop the hemmoraging until our own Design Review guidelines are in place.
- (2) Revise the requirements for design review in Lake City to cover our entire Planning Area - not just the HUB village; and,
- (3) Create a North District Neighborhoods Overlay - requiring design review for all development in areas that are zoned other than single family housing.

I would be happy to provide further information on this issue upon your request.
Thank you.

Sincerely,



Kelly L. Meirig, P.E.
Chair, Business & Residential Development
North District Neighborhoods Planning

Comments prepared for the public hearing on March 18, 1998
before the Business, Economic and Community Development Committee
of
the Seattle City Council

Madam Chair, and Members of the Committee, thank you for this opportunity to comment on the proposed changes to the Design Review Program. I am A.J. Skurdal, Chair of the North District Neighborhoods' Planning Effort. We applaud you and DCLU for this effort to improve and strengthen the program.

As we meet here today, there are several multi-family projects in various stages of permitting and development in Lake City, none of which are subject to design review under current law. Without the changes proposed, our efforts to contribute to neighborhood-friendly design and construction are greatly handicapped. With the proposed changes, however, we will have a welcome opportunity to influence in a positive direction the development which is quickly coming to a community with much under-developed land.

There is one improvement to the proposed changes which we strongly urge. Under the current proposal, only that C1 and C2 property which lies within an Urban village area or abuts singly family zoning would be subject to design review. I refer to Paragraph A.1.f. of the Applicability Section (23.41.004). One of our primary operating assumptions for our planning effort has been that areas surrounding an urban village are directly and indirectly affected by changes within the village boundaries, and should have an equitable seat at the table for the planning process.

Conversely, changes and development outside the village boundaries will also directly and indirectly affect the success of the urban village concept. There is considerable land along Lake City Way which neither abuts single family nor lies within the proposed village boundaries. It is important that development of these parcels conform to the standards of, or offer smooth transition to, the property within the urban village.

One way to accomplish this would require a slight language change in the referenced paragraph to require design review for structures in Commercial zones within "a Planning Area" (as opposed to "an Urban village") identified in the Seattle Comprehensive Plan. We strongly recommend and urge this change.

Thank you.

A.J. Skurdal
3246 Northeast 104th Street
Seattle, Washington 98125
(206) 525-2524

LARGE PROJECTS WHICH DO NOT TRIGGER SEPA.



Cheryl Klinker
12036 35th Avenue NE
Seattle, WA 98125

March 17, 1998

Seattle City Council
600 4th Avenue, 11th Floor
Seattle, WA 98104

Dear Council Members,

I am active in the North District Planning effort, Thornton Creek Alliance, and the Thornton Creek Watershed Management Committee. Many of us living in the far north east corner of Seattle support your proposals of extending and requiring design review for C1 and C2 zones as well as NC1, NC2, NC3, LR3, LR 4 and MR zones above SEPA thresholds, irregardless of their proximity to single family zones. These changes alone however, may not be enough to give neighborhoods the influence they seek to direct growth and change, and to bring the positive attributes they desire. I bring to you our suggestions for further amendments.

- 1) Give communities two opportunities to meet with the developer and design review board members. The first meeting, should be a very early, informal meeting to discuss project goals and community goals, view preliminary plans, get an understanding of site characteristics, review them in context with neighborhood master plans, and brainstorm together. A DCLU technician should be present to advise which regulations come into effect and which exceptions can be made. The second meeting can be the formal gathering to ensure all design guidelines are met with review by the five member Design Review Board, just prior to the MUP process.
- 2). There should be a registry set up at DCLU for all organizations, by District Council areas, who wish to be contacted by a developer, and who desire to be included in both the informal and the formal design review meetings. Those organizations listed on the registry should receive briefing packets that include location and footprint maps, preliminary details about the construction, details about the two review meetings with the Developer, and a list of other related scheduled Board meetings that pertain to their area. Design review schedules should be posted in a highly visible area both at the appropriate library and community service center. A hard copy of the appropriate files and plans should also be made available at the community service centers for citizens to review who are interested in making comment at the design review meetings and the associated MUP process.

- 3) Design Review should be required automatically for any development site that is not zoned single family within an established neighborhood planning area . IF not, then the Lake City area should be designated as a special overlay district that requires design review for all zones except single family. Currently Lake City has many zones within and without its Hub Urban Village boundaries that do not require any design review, it is relatively low in density, has several 65 foot zone height limits, and property that is still relatively inexpensive; giving it the potential to be built out quickly in the very near future with little input from the community affected.
- 4) As incentive to meet with communities for design review, if two design meetings could be required for the community and developers to discuss projects together, the two week comment period for the MUP process should be retained. If a design review process is not used or is not required, the comment period should be returned to the longer four week period in order to provide ample notification to all community organizations and individuals within 600 feet of the project, and time for them to submit their comments.

Following are some other finer points for the Council's consideration:

23.41.004 Applicability, A. Design Review Required, #4

Environmentally sensitive areas should not be exempted from this section, and should not be exempted from design review. Culverted creeks can become enhancements to commercial landscapes when daylighted. Incentives that shorten and streamline the process should be awarded to developers who work with neighborhoods to incorporate such amenities through design review. For example, SEPA review process could be quicker if a natural feature is restored, thus eliminating some of the items needed on the checklist.

23.41.008 Design Review Board, A.

Design concerns should be broadened to include not just the appearance of the new construction, but associated infrastructure and other elements outlined in neighborhood plans such as natural landscape features, drainage, affordable housing, transportation connections, pollution control measures, etc.

23.41.008 Design Review Board, B.

There should be seven separate review boards; one for each design district.

23.41.016 Administrative Design Review Process, B, b.

add maps of current sewer and drainage to and from site, show culverts, pipes, catch basins, water features, critical area maps, and zoning around and adjacent to the site.



Page 8 C-2 Application for Master Use Permit, #2

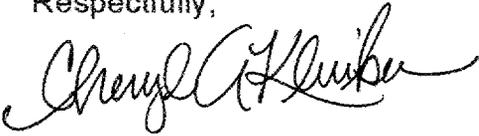
Add ...how the proposal addresses the applicable design guidelines and the needs as outlined in neighborhood plans, in addition to standard MUP submittal.....

23.76.011 Notice of Early Design Guidance Process

add...by general mail to addresses within a neighborhood planning area within a 600 foot radius of the site, to organizations listed on the registry at DCLU for the appropriate District Council area, posted in the neighborhood community service center, and posted in the public library located nearest to the site.

Thank you for this opportunity to give you our thoughts about amendments to the Design Review Process. We look forward to reviewing the revised guiding document.

Respectfully,



Cheryl Kilnker

cc: North District Planning Effort
Thornton Creek Alliance
Thornton Creek Watershed Management Committee



**Legislative Department
Seattle City Council
Memorandum**

Date: April 23, 1998
To: All Councilmembers
From: Jan Drago, Chair *Jan Drago*
BECD Committee
Subject: **Design Review Program Amendments** (Item # 12 on the Full Council agenda for April 27, CB 112098)

Item #12³ on the Council agenda (CB 112098) would make amendments to the City's design review program.

The amendments are based on the recommendations of DCLU in response to the evaluation of the program that was conducted by the Design Commission in 1997, and include some BECD Committee modifications.

In addition to minor language clarifications, the bill would make three noteworthy changes to the program as follows:

1. **New Voluntary Administrative Design Review Process:** A new voluntary administrative design review process would be established for multi-family or commercial projects that are at or below SEPA thresholds. These projects are currently exempt from the required design review process. The administrative review process would differ from the existing program in that the review would be conducted by DCLU staff instead of the Design Review Boards, and there would be no public meeting on the projects. Written Public input would be solicited, and permit decisions would be subject to appeal as with other Master Use Permits.

The administrative review process would make it more likely that a smaller project would volunteer for design review by offering the incentive of code departures while charging a lower fee and having a shorter process than the existing design review program.

The administrative program is intended to accomplish several ends including:



- a) reducing the workload of the design review boards by shifting some of the projects that volunteer for design review to the administrative review process;
- b) increasing the number of projects volunteering for design review by providing a shorter less costly process; and
- c) providing a means of allowing departures from code requirements (except height, density and quantity of parking) if a better design solution can be accomplished.

The BECD Committee added a requirement that DCLU report in 24 months on the administration of this program.

2. **Extension of Required Design Review to C1 and C2 zones in Urban Villages and the North District Planning Area.** Currently design review is required of projects meeting SEPA thresholds in C1 or C2 zones, but only if they are adjacent to single-family zones. This bill would extend required design review to projects in all C1 or C2 zones inside of urban villages and in the North District Planning Area.

The C1 and C2 zone use and development standards result in development that is characteristic of commercial strips, such as that on Aurora North. This character is generally inconsistent with the character the City intends for urban villages. Design review will help to promote development more in keeping with urban village areas.

The BECD Committee recommendation includes extending, on an interim basis through June of 1999, the application of design review to projects in all C1 and C2 zones along Lake City way south to the southern boundary of the North District Planning area, at 95th NE. All but a few of the C1 and C2 properties in this area are already subject to design review because they are adjacent to single-family zones.

The Committee recommends this interim addition so that the efforts of the North District planning group are not defeated by development that occurs prior to City action on the neighborhood plan, which is likely to happen sometime in the first quarter of 1999.

A number of participants in the North District planning effort have indicated that the group is in the process of considering where the southern boarder of the urban village should be located, and what the character of development should be along Lake City Way, south of the City's recommended urban village boundary. They have also noted that there has been a significant amount of recent development



and permit activity. If the current level of activity were to continue, their efforts may become ineffective.

While the BECD Committee believes that a recommendation should be received from the neighborhood planning process before finally determining the extent of design review coverage, we recommend including the few currently exempt C1 and C2 properties in this area as an interim measure.

3. **Consolidation of Design Review Board Subareas.** This bill would consolidate the design review board subareas, and divide one of the districts. The number of areas would be reduced from 13 to 7. This is intended to streamline the operations of the board consistent with Design Commission recommendations.

Currently there are 6 design review districts that are divided further into subareas totaling 13 areas. There are three at-large design review board members for each district. They serve for all subareas of their district as well. In addition, there is one local business representative and one local residential representative that are unique to each subarea.

Under the proposal the subareas would be eliminated, and the two local representatives would, like the at-large representatives, serve for the entire district. This would reduce the total number of Design Review Board members from 47 to 38 for all seven districts.

Also, the district that currently includes Magnolia, Queen Anne, and Capitol Hill would be divided at Fairview Ave to balance the workload of the boards.





City Neighborhood Council

c/o 700 Third Ave, Suite 400, Seattle, WA 98104-1848
Telephone: (206) 684-0719 Fax: (206) 233-5142

District Councils:

Ballard
Central
Delridge Neighborhoods
Downtown
East
Greater Duwamish
Lake Union
Magnolia/Queen Anne
North
Northeast
Northwest
Southeast
Southwest

March 18, 1998

Councilmember Jan Drago, Chair
Business, Economic and Community Develop Committee
11th Floor, Municipal Building
600 4th Avenue
Seattle, Washington 98104

Dear Councilmember Drago:

I am writing at the request of the City Neighborhood Council Executive Committee to ask that the boundaries of the Design Review Board be made more consistent with the boundaries of the neighborhood district councils. We understand that your committee is considering changes to the design review process. This boundary modification would permit citizens involved at a district council level a greater opportunity to monitor design review board proceedings.

A quick look at the maps suggests the biggest changes to design review boundaries would be in the Lake Union District, where Fremont is currently separated from the South Lake Union part of that district; the Greater Duwamish District where the industrial area is currently split in the process; and Montlake, which has been separated from the rest of the Northeast District.

Thank you for consideration of our request. Additional comments on Design Review Board changes may be forthcoming after discussion at the future CNC meetings. Please contact me at 684-1007 if you have any questions.

Sincerely,

Ron Posthuma, Chair
City Neighborhood Council

cc: City Councilmembers
Marcie Wagoner, Design Commission
Rick Krochalis, DCLU



Seattle City Council

PUBLIC HEARING SIGN-UP SHEET

Design Review Code Changes

INFORMATION ON THIS SIGN-UP SHEET IS PUBLIC RECORD

(PLEASE PRINT) NAME	ORGANIZATION	(OPTIONAL) ADDRESS	ZIP	(OPTIONAL) PHONE/FAX
ANNA NISSEN	UPTOWN COMMUNITY COUNCIL	206 HIGHLAND DR.	98109	283-6133 / 283-7910
Ron Posthuma	City Neighborhood Council			684-1007 (w) 725-0897 (H)
KELLY MEINIS	North District Neighborhood Planning	11750 33rd Pl. NE Seattle,	98125	367-3219
CHRIS MEINIS	North District Neighborhood Planning	" "	98125	367-3315
GREGORY HILL	CITIZEN.	1215 N 47th ST	98103	624-9270
Cheryl Klinker	No District Neighb. Plan. & TCA	12026 35th Ave NE Seattle	98125	296-7240
A.J. Skurdal	N Neighborhoods		98125	525-2524
John Barber	Open Spaces Advocates	3424 E Superior St	98122	324 1548

ORDINANCE _____

AN ORDINANCE relating to land use and zoning, amending SMC Sections 23.41.004, 23.41.006, and 23.41.008, 23.41.014, 23.76.011, 23.76.012, 23.76.026 and adding a new Section 23.41.016 to the Seattle Municipal Code to implement changes to the Early Project Implementation Design Review process. NOW THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. That Section 23.41.004 of the Seattle Municipal Code, which Section was last amended by Ordinance 118362, is amended as follows:

23.41.004 Applicability. ((and Phasing))

A. Design Review Required

~~((1. Design review shall be required for all new multifamily and commercial structures which exceed the thresholds for environmental review established in the State Environmental Policy Act (SEPA) as adopted by the City of Seattle and codified in Chapter 25.05, SMC, in all Neighborhood Commercial 1, 2, 3 (NC1,2,3) zones and in the Seattle Cascade Mixed (SCM) zone.))~~

~~((2. Design review shall also be required for all new multifamily and commercial structures which exceed the SEPA thresholds in Lowrise 3 (L3), Lowrise 4 (L4), Midrise (MR), and Highrise (HR) zones.))~~

~~((3. Design review shall also be required for all new multifamily and commercial structures which exceed SEPA thresholds in Commercial 1 and 2 (C1, C2) zones, when that development abuts or is directly across a street or alley from any lot zoned single family.))~~

~~((4. Design review shall also be required for all new structures containing more than fifty thousand (50,000) square feet of usable new office space in all downtown zones.))~~

~~((5. Design review is optional for all new multifamily and commercial structures not otherwise subject to this chapter, in all multifamily, commercial, and downtown zones.))~~

~~((6. Design review shall also be required for all new Major Institution structures which exceed ((the)) SEPA thresholds in NC1, NC2, NC3, L3, L4, MR, and HR zones, and in C1 and C2 zones when the new structure(s) abuts or is directly across a street or alley from any lot zoned single family; provided that design review shall not be required for any structure in a Major Institution Overlay (MIO) District. Design review is optional for new Major Institution structures not otherwise subject to this chapter in all multifamily, commercial, and downtown zones.))~~

1. Design review shall be required for all new multifamily and commercial structures which exceed SEPA thresholds, in the following zones:

- a. Lowrise (L3,L4)
- b. Midrise (MR)
- c. Highrise (HR)

1 **23.41.006 Design Review Map.**

2
3 For the purposes of design review, the city shall be divided into ~~((six (6)))~~ seven (7)
4 districts. ~~((geographic areas, five (5) of which shall be further divided into twelve (12)~~
5 ~~subareas,))~~ as depicted on the Design Review Map, Exhibit 23.41.006A.
6

7
8 **Section 3.** That Section 23.41.008 of the Seattle Municipal Code, which
9 Section was last amended by Ordinance 118672, is amended as follows:
10

11 **23.41.008 Design Review Board.**

12
13 **A. Role of the Design Review Board.**

14 The Design Review Board shall be convened for the purpose of reviewing all
15 development subject to design review. To accomplish this purpose, the Design Review
16 Board shall:

17 1. Synthesize community input on design concerns and provide ~~((pre-design))~~ early
18 design guidance to the development team and community; and

19 2. Recommend to the Director specific conditions of approval which are consistent
20 with the design guidelines applicable to the development; and

21 3. Ensure fair and consistent application of Citywide or neighborhood-specific
22 design guidelines.

23 **B. Membership of the Design Review Board.**

24 1. Design Review Board Membership Criteria

25 a. Members shall reside in Seattle; and

26 b. Members should possess experience in neighborhood land use issues and
27 demonstrate, by their experience, sensitivity in understanding the effect of design
28 decisions on neighborhoods and the development process; and

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

31 d. Consistent with the City's Code of Ethics, SMC Section 4.16.070, no member
32 of the Design Review Board shall have a financial or other private interest, direct or
33 indirect, personally or through a member of his or her immediate family, in a project
34 under review by the Design Review Board on which that member sits.

35 **C. ~~((2))~~ Design Review Board Composition.**

36 The Design Review Board shall consist of 38 members, composed as follows:
37

DESIGN REVIEW BOARD COMPOSITION

Representation	Development Interests	Design Professions	General Community Interests	Local Residential Interests	Local Business Interests
Number	8 at-large	8 at-large	8 at-large	7 (1/district)	7 (1/district)
Selection Process	4 appointed by Mayor, 4 by Council	4 appointed by Mayor, 4 by Council	4 appointed by Mayor, 4 by Council	Nominated by community & business organizations, respectively; Jointly appointed by Mayor and Council	
Confirmation Process	Confirmed by Council	Confirmed by Council	Confirmed by Council	Confirmed by Council	

~~((a.— The Design Review Board shall be composed of seven (7) members representing development-related fields, seven (7) members representing general residential community interests, and seven (7) members representing the design professions, of whom three (3) members of each group of seven (7) shall be appointed by the City Council and four (4) members by the Mayor, and all members to be confirmed by the City Council; and))~~

~~((b.— The Design Review Board shall also include one (1) member representing local residential interests and one (1) member representing local business interests from areas six (6) and each of the twelve (12) subareas shown on the Design Review Map, Exhibit 23.41.006 A. These members shall be nominated by local community and business interest groups, respectively, of area six (6) and the subareas described in Section 23.41.006, and shall be jointly appointed by the Mayor and City Council.))~~

~~((C))~~ D. Design Review Board Assignment.

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

- a. One member representing development-related interests,
- b. One member representing general community interests,
- c. One member representing the design professions,
- d. Two members representing local residential-community and business interests, respectively, as described in Section 23.41.008C.

~~((Projects subject to design review should be reviewed by five (5) Design Review Board members to be determined on the basis of the project's location, as follows:))~~

~~((a.— At large member representing development-related fields, general residential community interests, and the design professions, will each be assigned to one of the six (6) geographic areas, such that one (1) member of each of the three (3) interest groups will review projects in each of the six (6) areas, and one member of each of the three (3) interest groups will remain unassigned; in addition,))~~

~~((b.— Members representing local residential community interests and local business interests shall participate in review of projects subject to design review as they occur in their subarea, such that each project will be reviewed by one member~~

1 ~~representing local residential community interests and one member representing local~~
2 ~~business interests.)~~

3 2. Three at-large members shall remain unassigned, one each from the development-
4 related fields, general residential community interests and design professions.

5 3. ~~((e-))~~ Three Design Review Board members shall be a quorum.

6 4. The five ~~(5)~~ Design Review Board members assigned to each project as described
7 in subsection C1 shall be known collectively as the Design Review Board. All members
8 of the Design Review Board shall be voting members.

9 5. In the event that, in one of the ~~((six (6)))~~ seven (7) geographic ~~((areas))~~ districts,
10 more projects are undergoing simultaneous design review than the Design Review Board
11 members assigned to that ~~((area))~~ district can review in a timely manner, the unassigned
12 at-large Design Review Board members described in subsection ~~((C1a))~~ D.2 may serve.
13 If an individual at-large member is unable to serve, the Director may appoint one of ((a
14 member of)) the unassigned, at-large Design Review Board members to serve in his or
15 her absence, provided that each at-large interest group is represented by one (1) member.
16 In addition, a Design Review Board may review projects outside of its designated
17 ~~((geographic subarea))~~ district to expedite review, provided that the local community
18 representative and local business representative shall review development only within
19 their ~~((subarea))~~ district.

20 ~~((D))E~~ Meetings of the Design Review Board

21 1. Project-specific early ((pre-))design guidance public meetings shall be held as
22 required in Section 23.41.014B. ~~((; at a location in the same general neighborhood as the~~
23 ~~proposed project.))~~ Notice of meetings of the Design Review Board shall be provided
24 ~~((A))~~ as described in Chapter 23.76, Procedures for Master Use Permits and Council Land
25 Use Decisions. ~~((; the Director shall provide mailed notice, and the applicant shall post~~
26 ~~one (1) land use sign visible to the public at each street frontage abutting the site except,~~
27 ~~when there is no street frontage or the site abuts an unimproved street, the Director shall~~
28 ~~require either more than one (1) sign and /or an alternative posting location so that notice~~
29 ~~is clearly visible to the public. The land use sign may be removed by the applicant the~~
30 ~~day after the public meeting.~~

31 2. ~~Regularly scheduled meetings of the design Review Board shall be held in the~~
32 ~~evening in a location which is accessible and conveniently located in the area of the city~~
33 ~~to which the Board is assigned. Public notice for the regularly scheduled Design Review~~
34 ~~Board meetings shall be posted in the Department and published in the General Mailed~~
35 ~~Release.))~~

36 ~~((3.))~~ 2. All meetings of the Design Review Board shall be held in the evening in a
37 location which is accessible and conveniently located in the same design review district
38 as the proposed project. Board meetings are open to the general public. ((; and 1)) The
39 actions of the Board are not quasi-judicial in nature.
40

1 **Section 4.** That Section 23.41.014, Seattle Municipal Code, which Section
2 was adopted by Ordinance 116909, is amended as follows:
3

4 **23.41.014 Design review process.**
5

6 A. A pre-application conference is required for all projects subject to design review,
7 unless waived by the Director, as described at Section 23.76.008.

8 B. ~~((Pre-))~~ Early Design Guidance Public Meeting.

9 1. Following a pre-application conference, and site visits by Design Review Board
10 members assigned to review a proposed project, an ~~((pre-))~~ early design guidance public
11 meeting with the Design Review Board shall be held.

12 2. The purpose of the ~~((pre-))~~ early design guidance public meeting shall be to
13 identify concerns about the site and the proposed project ~~((development program))~~,
14 review the design guidelines applicable to the site, determine neighborhood priorities
15 among the design guidelines, and explore design concepts and/or options.

16 3. At the ~~((pre-))~~ early design guidance public meeting, the project proponents shall
17 present the following information:

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

20 b. A drawing of existing site conditions, indicating topography of the site and the
21 location of structures and prominent landscape elements on or abutting the site; and

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

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

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

26 4. The proponent is encouraged, but not required, to bring one (1) or more
27 development concepts or alternatives to indicate possible design options for the site.

28 C. Guideline Priorities.

29 1. Based on the concerns expressed at the ~~((pre-))~~ early design guidance public
30 meeting or in writing to the Design Review Board, the Board shall identify any guidelines
31 which may not be applicable to the site and identify those guidelines of highest priority to
32 the neighborhood. The Board shall incorporate any community consensus regarding
33 design, expressed at the meeting into its guideline priorities, to the extent the consensus is
34 consistent with the design guidelines and reasonable in light of the facts of the proposed
35 development.

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

40 3. The project proponent is encouraged to meet with the Board and the public for
41 early resolution of design issues, and may hold additional optional meetings with the
42 public or the Design Review Board prior to filing a Master Use Permit application.

43 D. Application for Master Use Permit.

44 1. Following the ~~((pre-))~~ early design guidance public meeting, distribution of the
45 guideline priorities, and any additional optional meetings that the project proponent

1 chooses to hold with the public and the Design Review Board, the proponent may apply
2 for a Master Use Permit.

3 2. The Master Use Permit (MUP) application submittal shall include a supporting
4 site analysis and an explanation of how the proposal addresses the applicable design
5 guidelines, in addition to standard MUP submittal requirements as provided in Chapter
6 23.76, Procedures for Master Use Permits and Council Land Use Decisions.

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

10 E. Design Review Board Recommendation.

11 1 During a regularly scheduled evening meeting of the Design Review Board, other
12 than the early design guidance public meeting, the Board shall review the record of public
13 comments on the project's design, the project's ((design's)) conformance to the
14 guidelines priorities applicable to the proposed project, and the staff's review of the
15 project's design and its application of the design guidelines.

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

21 F. Director's Decision.

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

24 2. Projects subject to design review must meet all codes and regulatory requirements
25 applicable to the subject site, except as provided in Section 23.41.012.

26 3. The Director's design review decision shall be made as part of the overall Master
27 Use Permit decision for the project. The Director's decision shall consider the
28 recommendation of the Design Review Board, provided that, if four (4) or more members
29 of the Design Review Board are in agreement in their recommendation to the Director,
30 the Director shall issue a decision which ~~((incorporates the full substance of the))~~ makes
31 compliance with the recommendation of the Design Review Board a condition of permit
32 approval, unless the Director concludes that the recommendation of the Design Review
33 Board:

- 34 a. Reflects inconsistent application of the design review guidelines; or
35 b. Exceeds the authority of the Design Review Board; or
36 c. Conflicts with SEPA conditions or other regulatory requirements applicable to
37 the site; or
38 d. Conflicts with the requirements of state or federal law.

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

41 H. Appeals. Appeal procedures for design review decisions are as described in
42 Chapter 23.76, Procedures for Master Use Permits and Council Land Use Decisions.
43
44

1 **Section 5.** That a new Section 23.41.016 is hereby added to the Seattle
2 Municipal Code, as follows:

3
4 **23.41.016 Administrative Design Review Process**

5
6 A. A preapplication conference is required for all projects electing administrative
7 design review, unless waived by the Director, as described at Section 23.76.008.

8 B. Early Design Guidance Process.

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

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

14 b. A drawing of existing site conditions, indicating topography of the site and the
15 location of structures and prominent landscape elements on or abutting the site, if any;
16 and

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

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

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

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

24 3. The purpose of the early design guidance process shall be to identify concerns
25 about the site and development program, receive comments from the public, identify
26 those citywide design guidelines of highest priority to the site, and/or explore conceptual
27 design or siting alternatives. As a result of this process, the Director shall prepare a
28 written summary of those citywide design guidelines deemed to be of highest priority to
29 the proposed project and site.

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

32 C. Application for Master Use Permit.

33 1. Upon completion of the early design guidance process, the proponent may apply
34 for a Master Use Permit (MUP).

35 2. The MUP application shall include a supporting site analysis and an explanation
36 of how the proposal addresses the applicable design guidelines, in addition to standard
37 MUP submittal requirements as provided in Chapter 23.76, Procedures for Master Use
38 Permits and Council Land Use Decisions.

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

42 D. Director's Decision

43 1. A decision on an application for administrative design review shall be made by
44 the Director as part of the overall Master Use Permit decision for the project.

1 dry land owned or controlled by the applicant, notice shall be provided according to
2 subsection B1c.

3 b. Projects limited to interior remodeling, or which are subject to environmental
4 review only because of location over water or location in an environmentally critical area,
5 are exempt from the environmental review sign requirement.

6 c. When use of an environmental review sign is neither feasible nor practicable
7 to assure that notice is clearly visible to the public, the Director shall post ten (10)
8 placards within three hundred (300) feet of the site and at the closest street intersections
9 when one (1) or more of the following conditions exist:

10 (1) The project site is over five (5) acres;

11 (2) The applicant is not the property owner, and the property owner does not
12 consent to the proposal;

13 (3) The site is subject to physical characteristics such as steep slopes or is
14 located such that the environmental review sign would not be highly visible to
15 neighboring residents and property owners or interested citizens.

16 d. The Director may require both an environmental review sign and the
17 alternative posting measures described in subsection B1c, or may require that more than
18 one (1) environmental review sign be posted, when necessary to assure that notice is
19 clearly visible to the public.

20 2. For projects which are categorically exempt from environmental review, the
21 applicant shall post one (1) land use sign visible to the public at each street frontage
22 abutting the site except, when there is no street frontage or the site abuts an unimproved
23 street, the Director shall require either more than one (1) sign and/or an alternative
24 posting location so that notice is clearly visible to the public. The land use sign may be
25 removed by the applicant within fourteen (14) days after final action on the application
26 has been completed.

27 3. For all projects requiring notice of application, the Director shall provide notice
28 by General Mailed Release. For projects subject to the environmental review and land
29 use sign requirements, notice in the General Mailed Release shall be published after
30 certification is received by the department that the environmental review and land use
31 signs have been installed and posted.

32 4. In addition, for variances, administrative conditional uses, temporary uses for
33 more than four (4) weeks, shoreline variances, shoreline conditional uses, short plats,
34 early ((pre-)) design guidance process ((review)), School Use Advisory Committee
35 (SUAC) formation and school development standard departure, the Director shall provide
36 mailed notice.

37 5. Mailed notice of application for a project subject to design review or
38 administrative design review shall be provided to all persons establishing themselves as
39 parties of record by attending ((the pre-)) an early design guidance public meeting for the
40 project or by corresponding with the Department about the proposed project before the
41 date of publication.

42 6. Additional notice for subdivisions shall include mailed notice and publication in
43 at least one (1) community newspaper in the area affected by the subdivision.
44
45

* * *

1
2
3 **Section 8.** That Section 23.76.026 of the Seattle Municipal Code, which Section was last
4 amended by Ordinance 118539, is amended as follows:
5

6 **23.76.026 Vesting of development rights.**
7

8 * * *

9
10 C. Design Review Component of Master Use Permits.

11 1. If a complete application for a Master Use Permit is filed prior to the date design
12 review becomes required for that type of project, ~~((as provided in Section 23.41.004B,))~~
13 no design review component shall be required.

14 2. A complete application for a Master Use Permit that includes a design review
15 component shall be considered under the Land Use Code and other land use control
16 ordinances in effect on the date a complete application for the design review early ~~((pre-))~~
17 design guidance process is submitted to the Director, provided that such Master Use
18 Permit application is filed within ninety (90) days of the date of the ~~((first))~~ early design
19 guidance ~~((review pre design))~~ public meeting. This vested right shall terminate unless a
20 complete application for a building permit meeting the requirements of Section 106 of the
21 Seattle Building Code is submitted within one hundred twenty (120) days of the date the
22 Master Use Permit is approved for issuance.
23

24 * * *
25
26

1 **Section 9.** The provisions of this ordinance are declared to be separate and
2 severable. The invalidity of any particular provision shall not affect the validity of any
3 other provision.
4

5 **Section 10.** This ordinance shall take effect and be in force thirty (30) days
6 from and after its approval by the Mayor, but if not approved and returned by the
7 Mayor within ten (10) days after presentation, it shall take effect as provided by
8 Municipal Code Section 1.04.020.
9

10 Passed by the City Council the _____ day of _____, 1998, and signed
11 by me in open session in authentication of its passage this _____ day of
12 _____, 1998.

13 _____
14 President of the City Council

15
16
17 Approved by me this _____ day of _____, 1998.

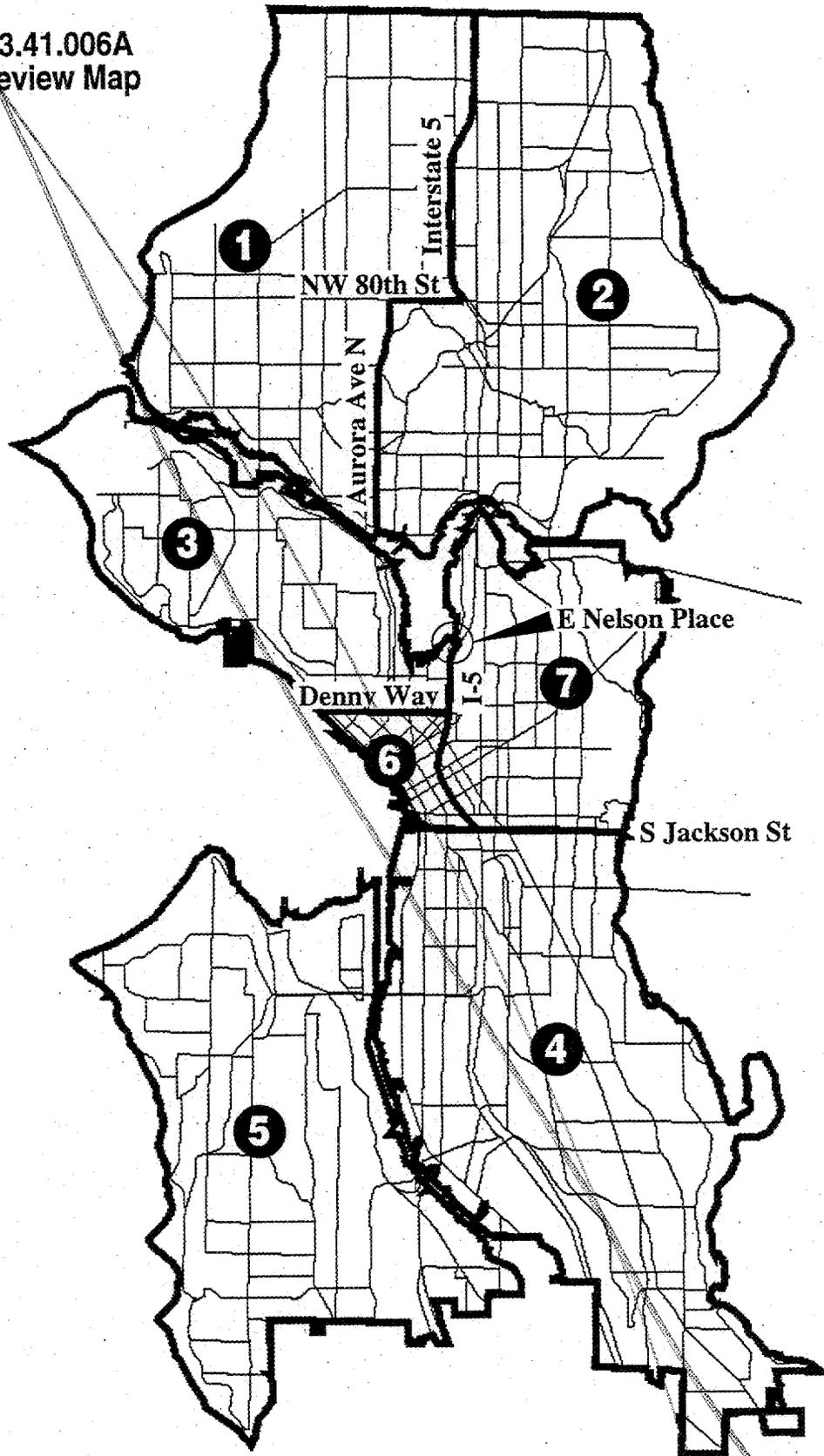
18 _____
19 Paul Schell, Mayor

20
21
22 Filed by me this _____ day of _____, 1998.

23 _____
24 City Clerk

25
26
27
28 (SEAL)
29

**Exhibit 23.41.006A
Design Review Map**



Design Review Districts

ORDINANCE _____

1
2
3 AN ORDINANCE relating to land use and zoning, amending SMC Sections 23.41.004,
4 23.41.006, and 23.41.008, 23.41.014, 23.76.011, 23.76.012, 23.76.026 and adding a
5 new Section 23.41.016 to the Seattle Municipal Code to implement changes to the
6 Early Project Implementation Design Review process.

7
8 WHEREAS, the Seattle Design Commission conducted a review of the City's design
9 review program in 1997; and

10
11 WHEREAS, in response to the recommendations of the Commission the Department of
12 Construction and Land Use has recommended amendments to the design review
13 program; and

14
15 WHEREAS, the City Council's Business, Economic, and Community Development
16 Committee held a public hearing on the proposal on March 18, 1998 and
17 recommends adoption of the program changes as amended; and

18
19 WHEREAS, significant permit and development activity has occurred in the North
20 District (Lake City) planning area between 1994 and 1998, including
21 approximately 120 development permits, including 23 in multifamily and 7 in
22 commercial zones; and

23
24 WHEREAS, there are currently at least three significant projects under permit review in
25 C1 or C2 zones in the Lake City Area, including over 350 housing units and one
26 six story project; and

27
28 WHEREAS, participants in the North District neighborhood planning process have
29 indicated that they are currently considering the southern boundary of the Lake
30 City urban village and in what area it would be appropriate to require design
31 review and the aspects it promotes, such as greater site planning, compatibility of
32 new development with surroundings, pedestrian orientation and appropriate
33 landscaping; and

34
35 WHEREAS, the North District neighborhood plan is not expected to be acted upon by the
36 City Council until the first quarter of 1999; and

37
38 WHEREAS, if significant development projects are proposed in C1 or C2 zones in the
39 planning area prior to completion of the plan, the effectiveness of the planning
40 process may be reduced;

41
42 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF SEATTLE AS**
43 **FOLLOWS:**
44
45

1 **Section 1.** That Section 23.41.004 of the Seattle Municipal Code, which
2 Section was last amended by Ordinance 118362, is amended as follows:

3
4 **23.41.004 Applicability. ((and Phasing))**

5
6 A. Design Review Required.

7 ~~((1. Design review shall be required for all new multifamily and commercial structures
8 which exceed the thresholds for environmental review established in the State
9 Environmental Policy Act (SEPA) as adopted by the City of Seattle and codified in
10 Chapter 25.05, SMC, in all Neighborhood Commercial 1, 2, 3 (NC1,2,3) zones and in the
11 Seattle Cascade Mixed (SCM) zone.))~~

12 ~~((2. Design review shall also be required for all new multifamily and commercial
13 structures which exceed the SEPA thresholds in Lowrise 3 (L3), Lowrise 4 (L4), Midrise
14 (MR), and Highrise (HR) zones.))~~

15 ~~((3. Design review shall also be required for all new multifamily and commercial
16 structures which exceed SEPA thresholds in Commercial 1 and 2 (C1, C2) zones, when
17 that development abuts or is directly across a street or alley from any lot zoned single
18 family.))~~

19 ~~((4. Design review shall also be required for all new structures containing more than
20 fifty thousand (50,000) square feet of usable new office space in all downtown zones.))~~

21 ~~((5. Design review is optional for all new multifamily and commercial structures not
22 otherwise subject to this chapter, in all multifamily, commercial, and downtown zones.))~~

23 ~~((6. Design review shall also be required for all new Major Institution structures which
24 exceed ((the)) SEPA thresholds in NC1, NC2, NC3, L3, L4, MR, and HR zones, and in
25 C1 and C2 zones when the new structure(s) abuts or is directly across a street or alley
26 from any lot zoned single family; provided that design review shall not be required for
27 any structure in a Major Institution Overlay (MIO) District. Design review is optional for
28 new Major Institution structures not otherwise subject to this chapter in all multifamily,
29 commercial, and downtown zones.))~~

30 1. Design review shall be required for any new multifamily or commercial
31 structure that exceeds SEPA thresholds if the structure:

32
33 a. is located in one of the following zones:

34 i. Lowrise (L3,L4);

35 ii. Midrise (MR);

36 iii. Highrise (HR);

37 iv. Neighborhood Commercial (NC1,2,3); or

38 v. Seattle Cascade Mixed (SCM); or

39 b. is located in a Commercial (C1, or C2) zone, and

40 i. the proposed structure is located within an urban village
41 area identified in the Seattle Comprehensive Plan,

42 ii. the site of the proposed structure abuts or is directly across
43 from a street or alley from any lot zoned single family, or

1 iii. the proposed structure is located in the area bounded by NE
2 95th street on the south, NE 120th Street on the north, 15th Ave NE on the west, and 30th
3 Ave NE on the east, but only until June 30, 1999.

4 2. Design review shall be required for all new major institution structures
5 which exceed SEPA thresholds in the zones listed in subsection A1, unless the structure
6 is located within a Major Institution Overlay (MIO) District.

7 3. Design Review shall be required for all new structures containing more
8 than fifty thousand (50,000) square feet of usable new office space in all downtown
9 zones.

10 4. New multifamily or commercial structures in the zones listed in subsection
11 A1, that are subject to SEPA solely as a result of the provisions of SMC 25.05.908B,
12 Environmentally Sensitive Areas, shall not be subject to design review.

13
14 ~~((B. Phasing. The following development shall be subject to the provisions of this~~
15 ~~chapter:~~

16 ~~1. All new structures described in subsections A1-3, that abut or are directly across a~~
17 ~~street or alley from any lot zoned single family;~~

18 ~~2. As of April 15, 1995 All new structures described in subsection A2 that abut or~~
19 ~~are directly across a street or alley from any lot zoned single family, and all new~~
20 ~~structures described in subsections A1 and A3;~~

21 ~~3. As of October 15, 1995 All new structures as described in subsection A1-3;~~

22 ~~4. Beginning April 1, 1996 all new structures as described in subsection A4.))~~

23
24 B. Design Review - Optional.

25
26 1 Design review is optional to any applicant for new multifamily, commercial or
27 major institution structures not otherwise subject to this Chapter, in all multifamily,
28 commercial or downtown zones.

29
30 2. An administrative design review process is an option to an applicant for new
31 multifamily or commercial structures, if the structure would not exceed SEPA thresholds,
32 in multifamily, commercial or downtown zones, according to the process described in
33 Section 23.41.016.

34
35 * * *

36
37
38 **Section 2.** That Section 23.41.006 and Exhibit 23.41.006A, of the Seattle
39 Municipal Code, which Section was last amended by Ordinance 118012, is amended as
40 follows:
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23.41.006 Design Review Map.

For the purposes of design review, the city shall be divided into ~~((six (6)))~~ seven (7) districts, ~~((geographic areas, five (5) of which shall be further divided into twelve (12) subareas,))~~ as depicted on the Design Review Map, Exhibit 23.41.006A.

Section 3. That Section 23.41.008 of the Seattle Municipal Code, which Section was last amended by Ordinance 118672, is amended as follows:

23.41.008 Design Review Board.

A. Role of the Design Review Board.

The Design Review Board shall be convened for the purpose of reviewing all development subject to design review. To accomplish this purpose, the Design Review Board shall:

1. Synthesize community input on design concerns and provide ~~((pre-design))~~ early design guidance to the development team and community; and
2. Recommend to the Director specific conditions of approval which are consistent with the design guidelines applicable to the development; and
3. Ensure fair and consistent application of Citywide or neighborhood-specific design guidelines.

B. Membership of the Design Review Board.

1. Design Review Board Membership Criteria
 - a. Members shall reside in Seattle; and
 - b. Members should possess experience in neighborhood land use issues and demonstrate, by their experience, sensitivity in understanding the effect of design decisions on neighborhoods and the development process; and
 - c. Members should possess a familiarity with land use processes and standards as applied in Seattle; and
 - d. Consistent with the City's Code of Ethics, SMC Section 4.16.070, no member of the Design Review Board shall have a financial or other private interest, direct or indirect, personally or through a member of his or her immediate family, in a project under review by the Design Review Board on which that member sits.

A. ((2)) Design Review Board Composition.

The Design Review Board shall consist of 38 members, composed as follows:

DESIGN REVIEW BOARD COMPOSITION

Representation	Development Interests	Design Professions	General Community Interests	Local Residential Interests	Local Business Interests
Number	8 at-large	8 at-large	8 at-large	7 (1/district)	7 (1/district)
Selection Process	4 appointed by Mayor, 4 by Council	4 appointed by Mayor, 4 by Council	4 appointed by Mayor, 4 by Council	Nominated by community & business organizations, respectively; Jointly appointed by Mayor and Council	
Confirmation Process	Confirmed by Council	Confirmed by Council	Confirmed by Council	Confirmed by Council	

~~((a.— The Design Review Board shall be composed of seven (7) members representing development related fields, seven (7) members representing general residential community interests, and seven (7) members representing the design professions, of whom three (3) members of each group of seven (7) shall be appointed by the City Council and four (4) members by the Mayor, and all members to be confirmed by the City Council; and))~~

~~((b.— The Design Review Board shall also include one (1) member representing local residential interests and one (1) member representing local business interests from areas six (6) and each of the twelve (12) subareas shown on the Design Review Map, Exhibit 23.41.006 A. These members shall be nominated by local community and business interest groups, respectively, of area six (6) and the subareas described in Section 23.41.006, and shall be jointly appointed by the Mayor and City Council.))~~

~~((C))~~ D. Design Review Board Assignment.

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

- a. One member representing development-related interests,
- b. One member representing general community interests,
- c. One member representing the design professions,
- d. Two members representing local residential-community and business interests, respectively, as described in Section 23.41.008C.

~~((Projects subject to design review should be reviewed by five (5) Design Review Board members to be determined on the basis of the project's location, as follows:))~~

~~((a.— At large member representing development related fields, general residential community interests, and the design professions, will each be assigned to one of the six (6) geographic areas, such that one (1) member of each of the three (3) interest groups will review projects in each of the six (6) areas, and one member of each of the three (3) interest groups will remain unassigned; in addition,))~~

~~((b.— Members representing local residential community interests and local business interests shall participate in review of projects subject to design review as they occur in their subarea, such that each project will be reviewed by one member~~

1 ~~representing local residential community interests and one member representing local~~
2 ~~business interests.)~~

3 2. Three at-large members shall remain unassigned, one each from the development,
4 related fields, general residential community interests and design professions.

5 3. ~~((e-))~~ Three Design Review Board members shall be a quorum.

6 4. The five (5) Design Review Board members assigned to each project as described
7 in subsection C1 shall be known collectively as the Design Review Board. All members
8 of the Design Review Board shall be voting members.

9 5. In the event that, in one of the ~~((six (6)))~~ seven (7) geographic ~~((areas))~~ districts,
10 more projects are undergoing simultaneous design review than the Design Review Board
11 members assigned to that ~~((area))~~ district can review in a timely manner, the unassigned
12 at-large Design Review Board members described in subsection ~~((C1e))~~ D.2 may serve.
13 If an individual at-large member is unable to serve, the Director may appoint one of ~~((a~~
14 ~~member of))~~ the unassigned, at-large Design Review Board members to serve in his or
15 her absence, provided that each at-large interest group is represented by one (1) member.
16 In addition, a Design Review Board may review projects outside of its designated
17 ~~((geographic subarea))~~ district to expedite review, provided that the local community
18 representative and local business representative shall review development only within
19 their ~~((subarea))~~ district.

20 ~~((D))~~E Meetings of the Design Review Board

21 1. Project-specific early ~~((pre-))~~ design guidance public meetings shall be held as
22 required in Section 23.41.014B. ~~((; at a location in the same general neighborhood as the~~
23 ~~proposed project.))~~ Notice of meetings of the Design Review Board shall be provided
24 ~~((A))~~ as described in Chapter 23.76, Procedures for Master Use Permits and Council Land
25 Use Decisions. ~~((; the Director shall provide mailed notice, and the applicant shall post~~
26 ~~one (1) land use sign visible to the public at each street frontage abutting the site except,~~
27 ~~when there is no street frontage or the site abuts an unimproved street, the Director shall~~
28 ~~require either more than one (1) sign and /or an alternative posting location so that notice~~
29 ~~is clearly visible to the public. The land use sign may be removed by the applicant the~~
30 ~~day after the public meeting.~~

31 2. ~~Regularly scheduled meetings of the design Review Board shall be held in the~~
32 ~~evening in a location which is accessible and conveniently located in the area of the city~~
33 ~~to which the Board is assigned. Public notice for the regularly scheduled Design Review~~
34 ~~Board meetings shall be posted in the Department and published in the General Mailed~~
35 ~~Release.))~~

36 ~~((3.))~~ 2. All meetings of the Design Review Board shall be held in the evening in a
37 location which is accessible and conveniently located in the same design review district
38 as the proposed project. Board meetings are open to the general public. ~~((; and t))~~
39 The
40 actions of the Board are not quasi-judicial in nature.

1 **Section 4.** That Section 23.41.014, Seattle Municipal Code, which Section
2 was adopted by Ordinance 116909, is amended as follows:

3
4 **23.41.014 Design review process.**

5
6 A. A pre-application conference is required for all projects subject to design review,
7 unless waived by the Director, as described at Section 23.76.008.

8 B. ~~((pre-))~~ Early Design Guidance Public Meeting.

9 1. Following a pre-application conference, and site visits by Design Review Board
10 members assigned to review a proposed project, an ~~((pre-))~~ early design guidance public
11 meeting with the Design Review Board shall be held.

12 2. The purpose of the ~~((pre-))~~ early design guidance public meeting shall be to
13 identify concerns about the site and the proposed project ~~((development program))~~,
14 review the design guidelines applicable to the site, determine neighborhood priorities
15 among the design guidelines, and explore design concepts and/or options.

16 3. At the ~~((pre-))~~ early design guidance public meeting, the project proponents shall
17 present the following information:

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

20 d. A drawing of existing site conditions, indicating topography of the site and the
21 location of structures and prominent landscape elements on or abutting the site; and

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

24 f. A zoning envelope study which includes a perspective drawing; and

25 g. A description of the proponent's objectives with regard to site development.

26 4. The proponent is encouraged, but not required, to bring one (1) or more
27 development concepts or alternatives to indicate possible design options for the site.

28 C. Guideline Priorities.

29 1. Based on the concerns expressed at the ~~((pre-))~~ early design guidance public
30 meeting or in writing to the Design Review Board, the Board shall identify any guidelines
31 which may not be applicable to the site and identify those guidelines of highest priority to
32 the neighborhood. The Board shall incorporate any community consensus regarding
33 design, expressed at the meeting into its guideline priorities, to the extent the consensus is
34 consistent with the design guidelines and reasonable in light of the facts of the proposed
35 development.

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

40 3. The project proponent is encouraged to meet with the Board and the public for
41 early resolution of design issues, and may hold additional optional meetings with the
42 public or the Design Review Board prior to filing a Master Use Permit application.

43 A. Application for Master Use Permit.

44 4. Following the ~~((pre-))~~ early design guidance public meeting, distribution of the
45 guideline priorities, and any additional optional meetings that the project proponent

1 chooses to hold with the public and the Design Review Board, the proponent may apply
2 for a Master Use Permit.

3 5. The Master Use Permit (MUP) application submittal shall include a supporting
4 site analysis and an explanation of how the proposal addresses the applicable design
5 guidelines, in addition to standard MUP submittal requirements as provided in Chapter
6 23.76, Procedures for Master Use Permits and Council Land Use Decisions.

7 6. Notice of application for a development subject to design review shall be provided
8 according to Chapter 23.76, Procedures Master Use Permits and Council Land Use
9 Decisions.

10 A. Design Review Board Recommendation.

11 1 During a regularly scheduled evening meeting of the Design Review Board, other
12 than the early design guidance public meeting, the Board shall review the record of public
13 comments on the project's design, the project's (~~design's~~) conformance to the
14 guidelines priorities applicable to the proposed project, and the staff's review of the
15 project's design and its application of the design guidelines.

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

21 F. Director's Decision.

22 6. A decision on an application for a permit subject to design review shall be made
23 by the Director.

24 7. Projects subject to design review must meet all codes and regulatory requirements
25 applicable to the subject site, except as provided in Section 23.41.012.

26 8. The Director's design review decision shall be made as part of the overall Master
27 Use Permit decision for the project. The Director's decision shall consider the
28 recommendation of the Design Review Board, provided that, if four (4) or more members
29 of the Design Review Board are in agreement in their recommendation to the Director,
30 the Director shall issue a decision which (~~incorporates the full substance of the~~) makes
31 compliance with the recommendation of the Design Review Board a condition of permit
32 approval, unless the Director concludes that the recommendation of the Design Review
33 Board:

- 34 c. Reflects inconsistent application of the design review guidelines; or
- 35 d. Exceeds the authority of the Design Review Board; or
- 36 e. Conflicts with SEPA conditions or other regulatory requirements applicable to
37 the site; or
- 38 f. Conflicts with the requirements of state or federal law.

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

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

1 **Section 5.** That a new Section 23.41.016 is hereby added to the Seattle
2 Municipal Code, as follows:

3
4 **23.41.016 Administrative Design Review Process**

5
6 A. A preapplication conference is required for all projects electing administrative
7 design review, unless waived by the Director, as described at Section 23.76.008.

8 B. Early Design Guidance Process.

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

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

14 b. A drawing of existing site conditions, indicating topography of the site and the
15 location of structures and prominent landscape elements on or abutting the site, if any;
16 and

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

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

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

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

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

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

36 C. Application for Master Use Permit.

37 1. Upon completion of the early design guidance process, the proponent may apply
38 for a Master Use Permit (MUP).

39 2. The MUP application shall include a supporting site analysis and an explanation
40 of how the proposal addresses the applicable design guidelines, in addition to standard
41 MUP submittal requirements as provided in Chapter 23.76, Procedures for Master Use
42 Permits and Council Land Use Decisions.

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

D. Director's Decision

1. A decision on an application for administrative design review shall be made by the Director as part of the overall Master Use Permit decision for the project.
2. The Director's decision shall be based on the extent to which the proposed project meets applicable design guidelines and in consideration of public comments on the proposed project.
3. Projects subject to administrative design review must meet all codes and regulatory requirements applicable to the subject site, except as provided for in Section 23.41.012.

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

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

Section 6. That Section 23.76.011 of the Seattle Municipal Code, which Section was added by Ordinance 116909, is amended as follows:

23.76.011 Notice of early ((pre-)) design guidance process ((public meeting))

For design review projects (~~((subject to design review))~~), the Director shall provide notice of the required early ((pre-)) design guidance process ((public meeting)) by general mailed release. In addition, the Director shall provide mailed notice, and the applicant shall post one (1) land use sign visible to the public at each street frontage abutting the site except, when there is no street frontage or the site abuts an unimproved street, the Director shall require either more than one (1) sign and/or an alternative posting location so that notice is clearly visible to the public. If an early design guidance public meeting is required, the time, date, location and purpose of the meeting shall be included with the mailed notice. The land use sign may be removed by the applicant the day after the public meeting or after the Director distributes design guidelines priorities as part of the early design guidance process.

Section 7. That Section 23.76.012 of the Seattle Municipal Code, which Section was last amended by Ordinance 118672, is amended as follows:

23.76.012 Notice of application

* * *

B. Types of Notice Required.

1 For projects subject to ~~((design review or))~~ environmental review, or design review, except administrative design review, the applicant shall post an environmental review sign on the site, unless an exemption or alternative posting as set forth in this subsection is applicable. The environmental review sign shall be located so as to be

1 clearly visible from the adjacent street or sidewalk, and may be removed by the applicant
2 within fourteen (14) days after final City action on the application has been completed.

3 a. In the case of submerged land, the environmental review sign shall be posted
4 on adjacent dry land, if any, owned or controlled by the applicant. If there is no adjacent
5 dry land owned or controlled by the applicant, notice shall be provided according to
6 subsection B1c.

7 b. Projects limited to interior remodeling, or which are subject to environmental
8 review only because of location over water or location in an environmentally critical area,
9 are exempt from the environmental review sign requirement.

10 c. When use of an environmental review sign is neither feasible nor practicable
11 to assure that notice is clearly visible to the public, the Director shall post ten (10)
12 placards within three hundred (300) feet of the site and at the closest street intersections
13 when one (1) or more of the following conditions exist:

14 (1) The project site is over five (5) acres;

15 (2) The applicant is not the property owner, and the property owner does not
16 consent to the proposal;

17 (3) The site is subject to physical characteristics such as steep slopes or is
18 located such that the environmental review sign would not be highly visible to
19 neighboring residents and property owners or interested citizens.

20 a. The Director may require both an environmental review sign and the
21 alternative posting measures described in subsection B1c, or may require that more than
22 one (1) environmental review sign be posted, when necessary to assure that notice is
23 clearly visible to the public.

24 4. For projects which are categorically exempt from environmental review, the
25 applicant shall post one (1) land use sign visible to the public at each street frontage
26 abutting the site except, when there is no street frontage or the site abuts an unimproved
27 street, the Director shall require either more than one (1) sign and/or an alternative
28 posting location so that notice is clearly visible to the public. The land use sign may be
29 removed by the applicant within fourteen (14) days after final action on the application
30 has been completed.

31 5. For all projects requiring notice of application, the Director shall provide notice
32 by General Mailed Release. For projects subject to the environmental review and land
33 use sign requirements, notice in the General Mailed Release shall be published after
34 certification is received by the department that the environmental review and land use
35 signs have been installed and posted.

36 6. In addition, for variances, administrative conditional uses, temporary uses for
37 more than four (4) weeks, shoreline variances, shoreline conditional uses, short plats,
38 early ((pre-)) design guidance process ((review)), School Use Advisory Committee
39 (SUAC) formation and school development standard departure, the Director shall provide
40 mailed notice.

41 7. Mailed notice of application for a project subject to design review or
42 administrative design review shall be provided to all persons establishing themselves as
43 parties of record by attending ((the pre-)) an early design guidance public meeting for the
44 project or by corresponding with the Department about the proposed project before the
45 date of publication.

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Section 10. The provisions of this ordinance are declared to be separate and severable. The invalidity of any particular provision shall not affect the validity of any other provision.

Section 11. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the 27th day of April, 1998, and signed by me in open session in authentication of its passage this 27th day of April, 1998.

President of the City Council

Approved by me this _____ day of _____, 1998.

Paul Schell, Mayor

Filed by me this _____ day of _____, 1998.

City Clerk

(SEAL)

1 d. Neighborhood Commercial (NC1,2,3)
2 e. Seattle Cascade Mixed (SCM)
3 f. Commercial (C1, C2), if the proposed structure is either located within an
4 Urban village area identified in the Seattle Comprehensive Plan, or abuts or is directly
5 across from a street or alley from any lot zoned single family.

6 2. Design review shall be required for all new major institution structures which
7 exceed SEPA thresholds in the zones listed in subsection A1, unless the structure is
8 located within a Major Institution Overlay (MIO) District.

9 3. Design Review shall be required for all new structures containing more than fifty
10 thousand (50,000) square feet of usable new office space in all downtown zones.

11 4. New multifamily or commercial structures in the zones listed in subsection A1,
12 that are subject to SEPA solely as a result of the provisions of SMC 25.05.908B,
13 Environmentally Sensitive Areas, shall not be subject to design review.

14
15 ((B. ~~Phasing. The following development shall be subject to the provisions of this~~
16 ~~chapter:~~

17 ~~1. All new structures described in subsections A1-3, that abut or are directly across a~~
18 ~~street or alley from any lot zoned single family;~~

19 ~~2. As of April 15, 1995 All new structures described in subsection A2 that abut or~~
20 ~~are directly across a street or alley from any lot zoned single family, and all new~~
21 ~~structures described in subsections A1 and A3;~~

22 ~~3. As of October 15, 1995 All new structures as described in subsection A1-3;~~

23 ~~4. Beginning April 1, 1996 all new structures as described in subsection A4.))~~

24
25 B. Design Review - Optional.

26
27 1. Design review is optional to any applicant for new multifamily, commercial or
28 major institution structures not otherwise subject to this Chapter, in all multifamily,
29 commercial or downtown zones.

30
31 2. An administrative design review process is an option to an applicant for new
32 multifamily or commercial structures, if the structure would not exceed SEPA thresholds,
33 in multifamily, commercial or downtown zones, according to the process described in
34 Section 23.41.016.

35
36 * * *

37
38
39 **Section 2.** That Section 23.41.006 and Exhibit 23.41.006A, of the Seattle
40 Municipal Code, which Section was last amended by Ordinance 118012, is amended as
41 follows:
42

City of Seattle
Executive Services Department
City Budget Office

Anne Fiske Zuniga, Budget Director
Dwight Dively, Director, Executive Services
Paul Schell, Mayor

98 MAR -9 AM 8:56
SEATTLE CITY ATTORNEY



48-051

March 6, 1998

The Honorable Mark Sidran
City Attorney
City of Seattle

Dear Mr. Sidran:

The Mayor is proposing to the City Council that the enclosed legislation be adopted.

REQUESTING
DEPARTMENT: Department of Construction and Land Use

SUBJECT AN ORDINANCE relating to land use and zoning, amending SMC Sections 23.41.004, 23.41.006, and 23.41.008, 23.41.014, 23.76.011, 23.76.012, 23.76.026 and adding a new Section 23.41.016 to the Seattle Municipal Code to implement changes to the Early Project Implementation Design Review process. NOW THEREFORE,

Pursuant to the City Council's S.O.P. 100-014, the Executive Department is forwarding this request for legislation to your office for review and drafting.

After reviewing this request and any necessary redrafting of the enclosed legislation, return the legislation to OMP. Any specific questions regarding the legislation can be directed to Pascal St. Gerard at 684-8085.

Sincerely,

Paul Schell
Mayor

by

ANNE FISKE-ZUNIGA
Director

h:\legisl\law\tr\gerard1

Enclosure

OK, RDT, 3-9-98

TIME AND DATE STAMP

SPONSORSHIP

THE ATTACHED DOCUMENT IS SPONSORED FOR FILING WITH THE CITY COUNCIL BY THE MEMBER(S) OF THE CITY COUNCIL WHOSE SIGNATURE(S) ARE SHOWN BELOW:

Lex Qu...

FOR CITY COUNCIL PRESIDENT USE ONLY

COMMITTEE(S) REFERRED TO: _____

PRESIDENT'S SIGNATURE

STATE OF WASHINGTON - KING COUNTY

93135
City of Seattle, City Clerk

—ss.

No. **ORD IN FULL**

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:ORD 118980

was published on
05/14/98

The amount of the fee charged for the foregoing publication is the sum of \$ _____, which amount has been paid in full.

H. Patterson

05/14/98 Subscribed and sworn to before me on

M. O'Leary

Notary Public for the State of Washington,
residing in Seattle

COMMERCIAL USES: CHART A
Section 23.47.004 (Continued)

Case No.	Description	ZONES				
		NC1	NC2	NC3	C1	C2
98-2-11137-2	Wiediger v Seattle Police Officers Guild					
98-2-11137-2	Collection Richard A Nick Inc Wm B Knowles					
98-2-11136-4	Wimmer Michelle Forth Judith Card v Bill Shdo II v					
98-2-11135-6	Mauritzen v Brandon Wm Hunter					
98-2-11134-8	Jenkins v Michael Herbert Gaines					
98-2-11134-8	Robt D Leimbach					
98-2-11133-0	Funding Inc v Medical Asset Mgmt Inc					
98-2-11133-0	Hughes Jr Co Inc W H Riza De Jesus					
98-2-11132-1	Home Improvements v Jennings Mtg Pro					
98-2-11131-3	Rea Schwern					
98-2-11130-5	Montana v United Airlines Inc Lawrence					
98-2-11129-1	M Litz Judith A Ong					
98-2-11127-5	Bain Inc Zachary Alan Kimmelman					
98-2-11125-9	Justin L Bloch Wm Jolley Goldwell Banker					
98-2-11124-1	Butner Jonathan Lew Bowman					
98-2-11124-1	Sundance Rehabilitation Corp Colleen					
98-2-11124-1	Inc v NW Homeworx Inc Bruce Selkoff					
98-2-11124-1	Johnson					
98-2-11114-3	Bostwick v Lisa Smith					
98-2-11113-5	Milber v David Emil Iverson					
98-2-11113-5	Linda S Kranitz					
98-2-11112-7	Special Situations Fund Daystar Cornac					
98-2-11112-7	Robert Monarch Mgmt Group Baker Nye					
98-2-11105-4	Mgmt Monarch Capital Turnberry Capital					
98-2-11104-6	son v Gary Washington Nelson					
98-2-11103-8	Floyd					
98-2-11102-0	Do v Thanh H Nguyen Jeffrey Spencer					
98-2-11099-6	Walter					
98-2-11098-0	Inc v Susan D Bledsoe Allan Raymond					
98-2-11080-5	Prose					
98-2-10378-7	Gregory Francis Aram					
98-2-10377-9	Vendor Svcs Corp v Finesser Fine Foods					
98-2-10376-1	Juhan C Wojciechowitz Jas Robt Hawes					
98-2-10375-2	Syed Hassan Ayesha Hassan Jas Robt					
98-2-10374-4	Inc v Lydie Const Inc Douglas R Hook-					
98-2-10373-4	Inc Rube G Jones Jas B King					
98-2-10372-4	dba Adcock Air Drilling Svcs v Kammer					

homes in C2 zones are subject to an administrative conditional use approval. Nursing homes are permitted outright in all commercial zones, whether in a mixed use structure or as a single-purpose residential use, except in Pedestrian-Designated Zones (see Section 23.47.040).

12. An accessory dwelling unit added to a single-family residence shall be allowed outright and shall not require a separate conditional use permit. The unit shall be considered accessory to the single-family residence, shall meet the standards listed for accessory dwelling units in Section 23.44.041 and shall not be considered a separate dwelling unit for all development standard purposes in commercial zones.

13. Permitted only as an accessory use.

14. Subject to criteria in Section 23.47.004.

Section 5. The provisions of this ordinance are declared to be separate and severable. The invalidity of any particular provision shall not affect the validity of any other provision.

Section 6. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the 27th day of April, 1998, and signed in open session in authentication of its passage this 27th day of April, 1998.

SUSIE DONALDSON,
President of the City Council.
Approved by me this 29th day of April, 1998.

PAUL SCHELL,
Mayor.
Filed by me this 29th day of April, 1998.
(Seal) JUDITH E. PIPPIN,
City Clerk.
Publication ordered by JUDITH PIPPIN.

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