

Ordinance No. 121475

Council Bill No. 114865

The City of Seattle
Council Bill/Ordinance

An ordinance relating to land use and zoning, amending Chapter 23.41 of the Seattle Municipal Code relating to the membership of the Design Review Board to provide for substitute members of the Board, to make permanent the appointments to the Board from the Get Engaged Program, and to update other provisions.

CF No. _____

5-12 Pass

5-17-04 Pa

Date Introduced:	APR 12 2004	
Date 1st Referred:	APR 12 2004	To: (committee) Urban Development & Planning
Date Re- Referred:		To: (committee)
Date Re - Referred:		To: (committee)
Date of Final Passage:	5-17-04	Full Council Vote: 7-0
Date Presented to Mayor:	5-18-04	Date Approved: 5/25/04
Date Returned to City Clerk:	5/25/04	Date Published: <i>[Signature]</i> 5/25/04
Date Vetted by Mayor:		T.O. <input checked="" type="checkbox"/> F.T. <input checked="" type="checkbox"/>
Date Passed Over Veto:		Date Veto Published:
		Veto Sustained:

This file is complete and ready

Law Department

Law Dept. Review

1 D. Design Review Board Assignment.

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

- 4 a. One (1) member representing development-related interests;
5 b. One (1) member representing general community interests;
6 c. One (1) member representing the design professions;
7 d. One (1) member representing local residential interests; and
8 e. One (1) member (~~Two (2) members~~) representing local (~~residential-~~
9 ~~community and~~) business interests (~~, respectively, as described in Section 23.41.008 C~~)).

10 2. (~~Three (3) at-large members shall remain unassigned, one (1) each from the~~
11 ~~development-related fields, general residential community interests and design professions.~~

12 3-)) Three (3) Design Review Board members shall be a quorum of each District
13 Design Review Board.

14 3. ((4.)) The five (5) Design Review Board members assigned to each project as
15 described in subsection ((C1)) D1 of this section shall be known collectively as the District
16 Design Review Board. All members of the District Design Review Board shall be voting
17 members.
18

19 4. ((5.)) Substitutions.

20 a. In the event that(~~, in one (1) of the seven (7) geographic districts,)~~
21 more projects are undergoing simultaneous design review than ((the)) a District Design Review
22 Board ((members assigned to that district)) can review in a timely manner, the Director may
23 assign such projects to a geographically unassigned Substitute Design Review Board, whose five
24 (5) members the Director may select from the Substitute ((unassigned-at-large)) Design Review
25

FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	DOF Analyst/Phone:
Planning and Development	John Skelton/ 233-3883	Barbara Gangwer/ 615-0768

Legislation Title:

An ordinance relating to land use and zoning, amending Chapter 23.41 of the Seattle Municipal Code relating to the membership of the Design Review Board to provide for substitute members of the Board, to make permanent the appointments to the Board from the Get Engaged Program, and to update other provisions.

• **Summary of the Legislation:**

This legislation amends the Land Use Code provisions for the Design Review Board to allow the creation of a pool of ex-Board members to serve as a substitute Board from which the Director may request members to serve when the Design Review Boards assigned to geographic areas of the city are operating at capacity or when individual members are unable to serve.

• **Background:**

The legislation was proposed in response to an evaluation of the Design Review program sponsored by the Seattle Design Commission. Difficulties in maintaining Board capacity to respond to high levels of development activity or the need to limit delay in the development review process when a Board quorum cannot be achieved was frequently cited as a problem that needed to be addressed. Many members of the Design Review Board whose terms were expiring expressed an interest in continuing to serve in some capacity.

X This legislation does not have any financial implications.

Attachment 1: Director's Report and Recommendation



DIRECTOR'S REPORT AND RECOMMENDATION

Allowing for Substitute Design Review Board Members

Introduction

The Department of Planning and Development (DPD) is proposing to amend the Land Use Code to improve the efficiency and effectiveness of the Design Review Board process. Concerns identified by stakeholders and staff include inefficiencies when demand exceeds Board capacity, or vacancies/absences result in lack of a quorum for a Board. Both situations cause delays, which add to the duration and cost of the process. This proposal, which would allow the formation of a "pool" of substitute Board members, would help streamline the process and improve the administration of the program. The pool would be composed of former Board members, making efficient use of already trained, experienced and committed Board members.

Background

Since its inception in 1994, the Design Review Program has been subject to periodic evaluation and amendment. Because the program is regarded by many as one of the important innovations in land use review in Seattle in the past 10 years, it was important to the Mayor, City Council and DPD that the program be regularly evaluated to understand what is working and what could be done to make it better. The intent remains to achieve objectives set out originally for the program to ensure that Design Review is cost effective to both applicants and the City; is a forum for a neighborhood and developer to work towards achieving a better community through attention to simple design principles; and to offer a flexible tool, an alternative to prescriptive zoning requirements, that allows new development to respond better to the distinctive character of its surroundings.

In early 2001, DPD participated in a Developer's Forum in which design and development professionals were convened to discuss issues of common interest and concern with the Design Review program and process. One such area of common interest was how to improve upon the design review process after gaining experience in the administration of the process and guidelines. In the ensuing months additional sessions were held with interested individuals and through this process ways to improve the program began to emerge.

Participants in the evaluation process, in addition to the design and development community, included members of the Design Commission, DPD staff planners and urban designers, Design Review Board members, community members at the Department of Neighborhoods Leadership Conference, Community Councils, and Chambers of Commerce.



The findings of the evaluation were published in April, 2002 in the Design Review Evaluation Report. The report was the culmination of an eight month review and evaluation of the Design Review program that was undertaken with the objective of continuing to improve the program, which has been successfully administered for 9 years.

Recommendations from the report fall into three categories:

1. changes that will not require legislative actions, such as program management and staffing, training staff and board members, improving board recruitment, and revising program materials;
2. changes to board make-up and distribution; and
3. improved public outreach, establishing a design review database, and evaluating the success of the program in improving the quality of design.

Further analysis remains to be done to determine whether design review thresholds can be altered while maintaining the cost effectiveness of the program, and analyzing the costs and benefits of Land Use Code development standard departures commonly associated with the design review process. Taken together, these areas of interest are intended to maintain, strengthen, and improve the program in the coming years.

This report addresses a proposal to amend the program to accomplish one improvement that could streamline the process and help to realize efficiencies in administration of the program. The proposal would alter the composition and recruitment of Design Review Board members.

Since its inception, over 90 people have served on the Design Review Board. Currently, the Design Review Board is made up of 38 members. There are seven Boards covering seven geographic regions of the city. Each region is represented by one designer/architect, one developer, and one community resident. In addition, these three members are joined by two local community and business interests from the specific geographic region in which the Board serves. The seven regions all share an eighth Board composed of just three members serving the three at-large interests of development, design and residents. This at-large Board is available to work in any sub-area if the work load on a Board demands it or if someone is not able to serve in the capacity of Board member at any time.

Analysis

Board recruitment, confirmation and training is time consuming. Added to this is the need to ensure a quorum and replace members of the Board who for a variety of reasons may not be able to serve, thereby potentially delaying a project and adding substantially to

its cost. This is a breach of the City's commitment that the process not add significantly to the cost or the time necessary to receive a development decision.

As a result of the Board's size and representation, finding qualified and appropriate new members is a challenging task. New members must be recruited and must be interviewed by staff, Council and the Mayor, depending on which body is making the appointment. Half the Board's members are appointed by the Mayor and the other half are appointed by the Council. In the process, it is possible that a Board may experience delay in meeting its obligations if it is not possible to find and replace members who, because of personal or professional reasons may not be able to continue service for one or more meetings of the Board. This is a critical issue, as the Board in many sub-areas may be operating at capacity, and any delay in meetings places applicants at risk of incurring additional costs due to delays in processing their permits. These delays and costs result in more costly development reflected in higher housing costs to residents, and results in eroding support for the program, which on the whole has enjoyed a successful record in promoting a higher caliber of design in Seattle's neighborhoods.

Although, Board vacancies are highly disruptive to the program, the latitude granted to address Board vacancies is limited by the Land Use Code. Board vacancies occur for many reasons including, illness, vacations, duration of a project, or an individual's recusal from Board proceedings due to conflicts of interest. It is necessary to address situations in which either Board members are unable to serve on any given date or when development activity may require that additional Board members be assigned to increase review capacity in any given region.

Current Land Use Code provisions for the use of at-large Board members have not worked well. When required to review a project, the at-large Board members would report, representing only the three primary interests of development, design, and residents. This has resulted in an awkward situation for at-large Board members when the local representatives of the Board assigned to the sub-area do not show up or cannot attend the Design Review Board meeting because now they must support two boards, the assigned Board and the at-large Board, thereby substantially increasing their voluntary time commitment. When local representatives are unable to participate, a community may feel betrayed by the process, because no one representing local business community or area residential interests are represented among at-large Board members.

During evaluation of the program, ideas for improving the Board's effectiveness were considered. One idea that merited consideration would be to establish a pool of substitute Board members from the rolls of past members of the Design Review Board. Not infrequently, these members are often disappointed when their term of service concludes wishing otherwise to continue their involvement on the Design Review Board. Continuing involvement of these interested former Board members would retain the wealth of experience gained over the years of service to the Design Review Program. Substitute members would be selected for their on-going willingness to continue their



commitment to the program, for their record of timely and consistent service on the Board, and for their outstanding representation of their respective constituency or field of interest.

The Director would select substitute members from the roll of previously confirmed Board members to serve to fill vacancies or as to be constituted as a substitute Board. Currently, at-large Board members consisting of just the three primary interests of development, design, and residential interests, must be joined by the local community and business interests of the sub-area within which they are asked to review a project. Under the proposal, the substitute Board would consist of five members. Each member would represent his or her respective disciplines or interests. However, those substitute members asked to represent local business and community interests would not necessarily be representative of a specific neighborhood.

The roll of substitute members would also be a resource from which to select an individual to represent a respective interest on a Board where a member is unable to serve due to unforeseen absence or conflict.

Retaining substitute Board members would greatly benefit the program by ensuring that expertise and experience gained over time through participation in the process and application of design guidelines would not be lost. Such experience and ability comes at substantial cost to both the volunteer Board member who generously gives of their time, and to the City who shares the expense of convening and organizing the Board and supporting the program. Furthermore, retaining experienced members greatly enhances the program's prospects for success.

Conclusion and Recommendation

There are inherent difficulties in maintaining at-large membership on the Design Review Board as currently established or in filling unanticipated vacancies on existing geographically assigned Boards. At-large Board members are expected to review projects throughout the city only when demands on existing Boards exceeds capacity, or when other Board members are unable to serve. At-large Board members are either used so infrequently as to question their necessity or commitment to the program or are unprepared to step into an existing sub-area where a designated Board may be overextended.

The City is losing a wealth of experience in not employing substitute Board members as a back up resource for over extended Boards, and filling in for existing Board members who are unable to complete their service or are absent and unavailable due to unforeseen circumstances.

The proposed amendments to the Land Use Code would modify how at-large, unassigned Design Review Board members are appointed. The proposal would change the process

from one whose members are currently appointed by the Mayor and Council to one whose members are selected by DPD from existing Board members whose terms have expired. Likewise, unanticipated absences on any Board may be filled by the Director from the rolls of substitute Board members to ensure that the process may proceed without unnecessary delay or hindrance raising cost for both the applicant and the City.

The Director will identify members whose experience and commitment would be a valuable asset to the long-term credibility and viability of the program and appoint them to a "pool" of substitute Design Review Board members. From these rolls, the Director may select a member or members to participate in constituting a substitute Board to provide additional Board capacity or to fill a vacancy on a specific Board created by unforeseen absence. Thus, experience gained by members during their tenure on the Design Review Board would continue to be available to support the program and add value.

Time and experience lost in the process of Board management and recruitment, and the exercise of the Boards' review responsibilities would be minimized. The full spectrum of interests and disciplines would be represented, including all appropriate constituencies, when existing Board members are substituted or when a full Board must be assembled to assume responsibilities in times when development activity may warrant constitution of an additional Board.

DPD recommends approval of the proposed amendments.





City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
Diane M. Sugimura, Director

MEMORANDUM

DATE: May 6, 2004
TO: Councilmember Peter Steinbrueck, Chair
Urban Development and Planning Committee
FROM: Vince Lyons, Design Review Program Manager
RE: Council Bill 114865, Design Review Amendments – Substitute Board

The proposed Council Bill amends the Land Use Code to improve the management of the Design Review Boards. In an effort to streamline the process, it will eliminate an ineffective “At-Large” Board” arrangement and, in its place, provide for the continued participation of former board members as substitutes to fill unanticipated vacancies and to provide capacity when other boards cannot take on additional reviews. The pool would be composed of former board members, making efficient use of already trained, experienced and committed board members.

Depending upon the overall level of development activity during the year and where development is occurring, one or more of the 7 District Boards may operate at or near capacity. This results in delays in the process. Furthermore, experience has demonstrated that under the current substitution method, where an “at-large” board is assembled often without the requisite participation of local interests, there is a perceived lack of credibility, and difficulties in finding existing board members to fill specific positions for vacancies and absences that occur. The result is often additional meetings, a less effective design review process and disgruntled applicants, community members and Board members whose support is critical to success of the program. Design Review, by statute, must be timely and not add significantly to the cost of the development review process.

Participation of a young professional on the Design Review Board, under the auspices of the Get Engaged Program would be made permanent by this Council Bill. The Get Engaged Program helps young professionals between 22 and 29 years of age participate in civic activities including serving as a Design Review Board member. Two young architects have successfully served already.

Thank you for your consideration of this proposal. The continued participation of experienced Design Review Board members would add immeasurable value to the program.





City of Seattle

Gregory J. Nickels, Mayor

Office of the Mayor

March 8, 2004

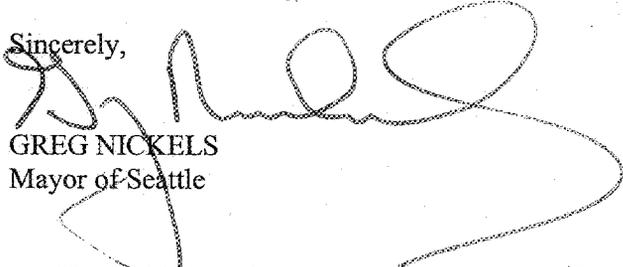
Honorable Jan Drago
President
Seattle City Council
City Hall, 2nd Floor

Dear Council President Drago:

The attached Council Bill amends the Land Use Code to improve the efficiency and effectiveness of the Design Review Board process. Concerns identified by stakeholders and staff include inefficiencies when demand exceeds Board capacity, or vacancies/absences result in lack of a quorum for a Board. Both situations cause delays, which add to the time and cost of the process. This proposal, which would allow the formation of a "pool" of substitute Board members, would help streamline the process and improve the administration of the program. The pool would be composed of former Board members, making efficient use of already trained, experienced and committed Board members.

Thank you for your consideration of this legislation. The continued participation of experienced Design Review Board members would add immeasurable value to the program. Should you have questions, please contact John Skelton at 233-3883.

Sincerely,



GREG NICKELS
Mayor of Seattle

cc: Honorable Members of the Seattle City Council

600 Fourth Avenue, 7th Floor, P.O. Box 94749, Seattle, WA 98124-4747

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STATE OF WASHINGTON – KING COUNTY

--SS.

172736
CITY OF SEATTLE, CLERKS OFFICE

No. ORDINANCE IN FULL

Affidavit of Publication

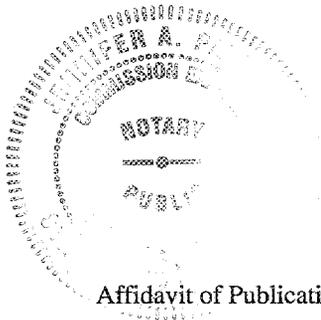
The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published 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:121475 ORD IN FULL

was published on

5/28/2004



Paul Dand

Subscribed and sworn to before me on

5/28/2004

James A. [Signature]

Notary public for the State of Washington,
residing in Seattle

Affidavit of Publication

State of Washington, King County

City of Seattle

ORDINANCE 121475

AN ORDINANCE relating to land use and zoning, amending Chapter 23.41 of the Seattle Municipal Code relating to the membership of the Design Review Board to provide for substitute members of the Board, to make permanent the appointments to the Board from the Get Engaged Program, and to update other provisions.

BE IT ORDAINED BY THE CITY OF SEATTLE, AS FOLLOWS:

Section 1. Subsections B, C, and D of Section 23.41.008 of the Seattle Municipal Code, which Section was last amended by Ordinance 120914, is amended as follows:

23.41.008 Design Review Board.

B. (~~Membership of the Design Review Board~~)

~~(b)~~ Design Review Board Membership Criteria.

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

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

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

~~(4)~~ 4. 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.

Design Review Board Composition

Representation	Development Interests	Design Professions	General Community Interests	Local Residential Interests	Local Business Interests
Number	((8-at-large)) 7	((8-at-large)) 7	((8-at-large)) 7	7 (1/district)	7 (1/district)
Selection Process	((4)) 4 appointed by Mayor, 4 by Council	((4)) 4 appointed by Mayor, 4 by Council	((4)) 4 appointed by Mayor, 4 by Council, 1 pursuant to SMC 3.31	Nominating by community and business organizations, respectively, jointly appointed by Mayor and Council	
Confirmation Process	Confirmed by Council	Confirmed by Council	Confirmed by Council	Confirmed by Council	

~~(In addition to the members set forth above, one (1) designated senior adult position shall temporarily be added to the Design Review Board (Capital Hill Board) pursuant to the Get Engaged Program, SMC Chapter 2.51. The terms of office related to this young adult membership on the Commission are set forth in SMC Chapter 2.51. The Get Engaged Program and all provisions related to this young adult position will terminate on August 31, 2003.)~~

~~2. Term. Upon appointment to the Design Review Board, a member shall serve for a period of two years. A member may be re-appointed to subsequent terms pursuant to the selection and confirmation process in subsection C1 of this Section.~~

D. Design Review Board Assignment.

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

- One (1) member representing development-related interests;
- One (1) member representing general community interests;
- One (1) member representing the design professions;
- One (1) member representing local residential interests; and

~~a. One (1) member (~~Two (2) members~~) representing local (~~residential community and~~) business interests (~~respectively, as described in Section 23.41.008 (2)~~).~~

2. ~~(~~Three (3) at large members shall remain unassigned, one (1) each from the development-related field, general residential community interests and design professions.~~)~~

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

3. ~~(~~4~~)~~ The five (5) Design Review Board members assigned to each project as described in subsection ~~(~~C4~~)~~ D1 of this section shall be known collectively as the District Design Review Board. All members of the District Design Review Board shall be voting members.

4. ~~(~~5~~)~~ Substitutions.

a. In the event that ~~(in one (1) of the seven (7) geographic districts)~~ more projects are undergoing simultaneous design review than ~~(~~two (2)~~)~~ a District Design Review Board ~~(~~one (1) member assigned to that district~~)~~ can review in a timely manner, the Director may assign such projects to a geographically unassigned Substitute Design Review Board, whose five (5) members the Director may select from the Substitute ~~(~~unassigned at large~~)~~ Design Review Board ~~(~~members~~)~~ membership described in subsection D6 ~~(~~of this section~~)~~, so long as the five (5) ~~(~~members~~)~~ membership of the five interests required by subsection D1.