



**Legislative Department
Seattle City Council
Memorandum**

Date: May 20, 2013

To: Richard Conlin, Chair
Tim Burgess, Vice Chair
Mike O'Brien, Member
Planning, Land Use and Sustainability (PLUS) Committee

From: Michael Jenkins, Council Central Staff

Subject: Council Bill (CB) 117619 – update and clarifications to the City's Design Review guidelines and program

1. Overview

CB 117619 proposes an update to the City's Design Review program. As introduced, this CB would amend Seattle Municipal Code (SMC) Sections 23.41.002 and 23.41.008, which sections 1) provide the purpose and intent sections for the City's Design Review program; and 2) set the roles and responsibilities of the City's design review boards.

The bill also includes updates to the City-wide design guidelines¹ and to the 18 neighborhood guidelines that were adopted to interpret and implement the City-wide guidelines outside of downtown. The Department of Planning and Development's (DPD) intent with this update is to refine and clarify guidelines applicable to all development outside of downtown Seattle that is subject to design review.

This memo:

- Provides a brief overview of the current and proposed City-wide design guidelines (pages 2-3);
- Describes two issues related to the proposed code amendments (Section A, pages 3-5);
- Outlines four issues with the proposed City-wide guidelines (Section B, pages 5-9);
- Outlines two issues with the proposed neighborhood guidelines (Section C, p. 9-10);
- Describes the need for a variety of technical corrections (Section D, p. 10); and
- Summarizes the public comments that were received at the April 29 public hearing (Section E, p. 11)

The current City-wide guidelines were adopted in 1993, with some modifications in 1998, and focus on five design elements, with guidelines that inform and implement each element:

¹ These do not include the 1999 Downtown Design Guidelines

Design Elements (5)	Guidelines (31)
Site Planning	<ul style="list-style-type: none"> ● Responding to Site Characteristics ● Streetscape Compatibility ● Entrances Visible to the Street ● Human Activity ● Respect for Adjacent Sites ● Transition Between Residence and Street ● Residential Open Space ● Parking and Vehicle Access ● Location of Parking on Commercial Street Fronts ● Corner Lots
Height Bulk and Scale	Height Bulk and Scale compatibility
Architectural Elements and Materials	<ul style="list-style-type: none"> ● Architectural Context ● Architectural Concept and Consistency ● Human Scale ● Exterior Finish Material ● Structured Parking Entrances
Pedestrian Environment	<ul style="list-style-type: none"> ● Pedestrian Open Spaces and Entrances ● Blank Walls ● Retaining Walls ● Design of Parking Lots Near Sidewalks ● Visual Impacts of Parking Structures ● Screening of Dumpsters, Utilities, and Service Areas ● Personal Safety and Security ● Treatment of Alleys ● Commercial Signage ● Commercial Lighting ● Commercial Transparency ● Residential Entries and Transitions
Landscaping	<ul style="list-style-type: none"> ● Landscaping to Reinforce Design Continuity with Adjacent Sites ● Landscaping to Enhance the Building and/or Site ● Landscape Design to Address Special Site Conditions

In 2008, DPD undertook a multi-year process to update and simplify the guidelines, based on 17 years of experience in implementing the guidelines in a variety of residential and commercial projects. DPD is recommending the adoption a new set of guidelines that focus on three areas of interest with a reduced number of guidelines:

Areas of interest (3)	Guidelines (11)
Natural Systems and Site Features	<ul style="list-style-type: none"> • Energy Use • Sunlight and Natural Ventilation • Topography • Plants and Habitat • Water
Urban Pattern and Form	<ul style="list-style-type: none"> • Location in the City and Neighborhood • Adjacent Sites, Streets, and Open Spaces • Relationship to the Block • Height, Bulk, and Scale
Architectural concept and character	<ul style="list-style-type: none"> • Emphasizing Positive Neighborhood Attributes • Local History and Culture

While the updated City-wide guidelines generally address the relationship of a structure to a site and to the built environment, they also expand into new areas including:

- an early evaluation of how a structure’s design influences energy use;
- improvements to the right-of-way to support proposed development;
- how a site can accommodate alternatives to single occupancy vehicles; and
- enhanced guidelines that address the role of on and off-site open space in new development.

DPD has also proposed updating the 18 neighborhood design guidelines that apply outside of downtown and have been adopted since 1999. Neighborhood design guidelines were intended to clarify and in some cases expand on the existing City-wide guidelines, based on specific neighborhood character, conditions within the neighborhood’s built environment, and neighborhood aspirations and concerns. DPD’s intent was to re-align the current wording of the existing neighborhood guidelines to match the new City-wide framework without making substantive changes.

A. Code amendments

As currently drafted, the legislation would amend SMC 23.41.008 and restate the purpose and intent of the design review program:

23.41.002 Purpose and intent((τ))

~~((The purpose of this chapter is to implement the policies contained in Council Resolution 28757, establishing design review as the first element of the Early Project Implementation Program. Design review is intended to:))~~The purpose and intent of Design Review is to:

~~A. ((Encourage better design and site planning to help ensure that new development enhances the character of the city and sensitively fits into neighborhoods, while allowing for diversity and creativity; and))~~Foster site planning and project design that enhances the character of the city, and is complementary to the natural, built, and planned context for new development; and

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:))~~Authority and Scope of the Design Review Board. The Design Review Board shall have the authority to review all new development subject to design review. The scope of the Board's review includes all aspects of the siting and design of new development including:

1. Location of all structures on the site and their relationship to natural features or systems;
2. Compatibility with existing or planned development, project massing and scale, and materials;
3. Quality and features of proposed open spaces;
4. Architectural and open space concepts of the project as a whole and their relationship to one another; and
5. Minimize development impacts over the life of the project.

B. Responsibility of the Design Review Board. In reviewing development subject to Design Review, the Board shall:

1. Synthesize community input on design concerns and provide 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.

There are two issues with these amendments:

1. The Design Review Board (Board) does not have the authority to review all projects subject to design review. The City also has an Administrative Design Review program (SMC 23.41.016) and a Streamlined Design Review program (SMC 23.41.018), both of which are implemented by staff without Board involvement.

2. The proposed code amendments change the nature and scope of the Board's authority in ways that appear to conflict with the stated purpose of the legislation. While the Board will still retain their existing mission (synthesize community input, provide early design guidance, etc.) the scope of their review would be now defined to focus on five specific interest areas:

- Location of all structures on the site and their relationship to natural features or systems;
- Compatibility with existing or planned development, project massing and scale, and materials;
- Quality and features of proposed open spaces;
- Architectural and open space concepts of the project as a whole and their relationship to one another; and
- Minimize development impacts over the life of the project.

Under this new framework there may be some conflict with the legal basis of the design review program. This is most evidenced in statements like "minimize development impacts over the life of the project" which could be interpreted as addressing impacts that are evaluated in other land use code development standards (setbacks, yards, parking) or under the City's environmental review (SEPA) ordinance in SMC 25.05.

Public comment at the April 29, 2013 public hearing, and from individuals who provided written comment, also expressed concern about these amendments. Several citizens testified that the amendments to SMC 23.41.002 would reduce the ability of the Board to consider existing conditions in the built environment, in favor of planned contexts that may not be consistent with neighborhood desires. In addition, members of the land use legal community also expressed concern that the amendments would extend the Board's authority into areas that are not addressed by design review.

These issues were also identified in Rebecca Herzfeld's February 11, 2013 staff memo.

Options:

1. Adopt the proposed amendments with no changes
2. Do not adopt proposed amendments
3. Amend the code to provide greater specificity as to the authority of the Board without modifying the issues or concerns they evaluate in the design review process.

If you chose options 2 or 3, it would not cause a conflict with the City's ability to implement the proposed City-wide or neighborhood design guidelines.

B. Issues with City-wide Design Guidelines

1. Expanding the reach of design guidelines

The current City-wide design guidelines focus on siting of a structure on a site, the design and features of the structure, as well as how the site can be arranged and improved through the use of landscape features. The proposed guidelines extend the review of these elements in much more specific ways, including:

- Examine how energy choices influence building form (Proposed guideline CS1-A1)
- Use local wind patterns and solar gain as a means of reducing the need for mechanical ventilation (Proposed guideline CS1-B1)
- Consider ways that design can enhance the features and activities of existing off-site open spaces. Open space may include sidewalks, street and alleys, circulation routes...(Proposed guideline PL1-A1)
- Consider features such as widened sidewalks...curb bulbs...Provide interactive media and or/free wifi services (Proposed guideline PL-A2)

While expanding the City-wide guidelines to address building operation and right-of-way improvements may be desirable to improve a development's identity or function, it may also conflict with other code requirements outside the authority of the Land Use Code. For example, any development must comply with the City's Energy Code, regardless of design principles that implement the City-wide design guidelines. Use of local wind patterns and solar gain may be desirable to help reduce reliance of heating and cooling systems, but in some cases (in particular with taller buildings) wind studies to meet requirements under the City's environmental review (SEPA) ordinance may dictate building form in ways that may conflict with desired design guidelines outcomes. Finally, off-site improvements in the right-of-way are approved by the Seattle Department of Transportation, based on an evaluation of their impacts to the right-of-way.

Options:

1. Retain proposed existing language.
2. Assess all proposed City-wide design guidelines to determine how other City codes may impact design outcomes or choices, and provide greater detail on coordination with other departments during the design review process.
3. Assess all proposed City-wide guidelines to determine the extent to which they require other City approvals, and modify the guidelines to change the extent to which design review can address these issues.

2. Exclusion of introduction and overview statements that are currently included in the existing City-wide design guidelines

When the existing design guidelines were adopted (Ordinance 116909) they included 1) a four-page introductory statement that explains who will use the guidelines (developers, building designers, neighbors, etc.) and how they will be used, and 2) a two-page summary providing both a policy context for the guidelines and the rationale for each of the elements (site planning, height bulk and scale, etc) (Attachment A).

The proposed guidelines do not carry these previously adopted policy and context statements forward into the updated document. These statements provide an important policy basis for the City-wide guidelines and can be a useful tool to anyone who uses the City-wide guidelines.

Options:

1. Retain proposed guidelines
2. Re-incorporate the introductory and policy statements.

3. The updated City-wide design guidelines lack graphic examples of desired design features

One of the stated goals of the updated City-wide design guidelines is to improve both their clarity and ease of use. The existing guidelines provided numerous, and sometimes repetitive, graphics and drawings that highlight desired building design features. In an effort to consolidate and streamline the guidelines, there may have been some unintended consequences resulting in a partial *loss* of the desired outcome.

Example 1:

The current City-wide guideline A-5 – Respect for adjacent sites – provides a clear and concise statement of what guideline is to achieve:

“Buildings should respect adjacent properties by being located on their sites to minimize disruption of the privacy and outdoor activities of residents in adjacent buildings”. This guideline is currently supported by directed statements on how the guideline can be implemented through:

- reducing windows on facing properties,
- stepping back upper floors,
- site design to reduce impacts

This guideline is supported by a variety of graphics. While this concept is carried through to the proposed City-wide guidelines, the concept becomes interspersed in a variety of guidelines, assigning it to be reviewed under height bulk and scale on zone transitions, or under massing choices (Guideline CS2, sections C2, D3 and D4); many of the graphics in the existing City-wide guideline A-5 that help explain and clarify this design issue are not carried forward. Attachment B is copies of the existing and proposed guidelines.

Example 2 – Guideline B1 – Height bulk and scale

The existing City-wide guidelines provide important direction to designers and developers, as well as the community, as to the importance of how building design responds to sites that are adjacent to, or abut, less intense zones. The existing guidelines provide numerous graphics of how development on zone edges should respond to differences in the scale and intensity of

development. While the updated City-wide guidelines provide similar direction, they do not provide the variety of graphics in the current guidelines. Attachment C includes both the existing and proposed guidelines.

Example 3 - Guideline C-1 Architectural context

This guideline directs the designer to employ architectural features to respond to a specific or unique context provided by adjacent structures or the larger neighborhood context. This is implemented through evaluating building size, scale, and proportion, and includes specifics such as rooflines, window placement, and materials. The existing guideline includes five pages of examples showing clear examples of the desired outcomes.

By comparison, the Proposed Guideline CS3 – Architectural Context and Character - creates two areas of interest – 1) Emphasizing positive neighborhood attributes and 2) local history and culture. These areas provide some specific measures including 1) fitting old and new together, addressing evolving neighborhoods, etc. Attachment D includes both the existing and proposed guidelines.

Options:

1. Adopt guidelines and illustrative examples as introduced
2. Assess whether or not all existing City-wide graphics or examples can be transferred to the Proposed Guidelines
3. Develop new graphics, drawings or other examples that provide more specific examples of desired outcomes based on the proposed guidelines.

4. The updated City-wide guidelines can be vague and confusing

One of the purposes of the City-wide guideline update is to improve the clarity of the guidelines, thereby making the guidelines easier to interpret and implement. In many cases, the proposed City-wide guidelines provide clear and focused direction:

- Express the natural topography and/or other desirable land forms or features in project design. These features can lend character and a clear sense of place to the advantage of the site and project. (Proposed Guideline CS1-C1)
- If the site includes any natural water features, consider ways to incorporate them into project design as elements of authentic placemaking and project identity. (Proposed Guideline CS1-E1)
- Reinforce interesting characteristics of sites, especially where the street grid and topography create unusually shaped lots that can add drama or distinction to the building massing. (Proposed Guideline CS2-B1)
- Design the entry as an ensemble of a variety of elements including the door(s) itself, overhead features, ground surface, landscaping, lighting, and other features. Consider a range of elements such as:
 - a. Overhead shelter: canopies, porches, building extensions;
 - b. Transitional spaces: stoops, courtyards, stairways, portals, arcades, pocket gardens, decks;
 - c. Ground surface: seating walls; special paving, landscaping, trees, lighting; and

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- d. Building surface/interface: privacy screens, upward-operating shades on windows, signage, lighting.
(Proposed Guideline PL3-A2)

However, in other cases the proposed guidelines can be vague or awkwardly written without clear direction on how to successfully implement the guideline. Some examples include:

- Avoid fragmenting habitat and increase interconnected corridors of urban forest and habitat, where possible (Proposed Guideline CS1-D2).
- Identify opportunities for the project to make a strong connection to the street and carefully consider how the building will define the perimeter of the street (Proposed Guideline CS2-B2).
- Design long facades of full-block buildings so as to avoid a monolithic presence (Proposed Guideline CS2-D3).
- Provide pedestrian amenities where necessary to enliven the area and attract interest and interaction with the site and the building (Proposed Guideline PL1-B3).
- Use design features as a means of wayfinding wherever possible and provide clear directional signage where needed (Proposed Guideline PL2-D1).
- Engage passersby with a “porous edge” between the building and street as appropriate to building uses (Proposed Guideline PL3-C1)
- Select access points that easily and conveniently accommodate arrival by all modes of travel, while also reducing conflicts between modes as needed (Proposed Guideline PL4-A1)

Options:

1. Retain guidelines as drafted
2. Assess which guidelines can be redrafted using clearer and more concise language, including directive statements that promote or highlight desired outcomes

C. Issues with Neighborhood guidelines:

1. Updated neighborhood guidelines do not carry over policy or context statements adopted by DPD

In the existing neighborhood guidelines, policy or context statements were included after the guidelines were adopted by Council. These statements provide important insight for stakeholders as to the intent of these guidelines and how they can be effectively implemented. As these policy and intent statements were not adopted by Ordinance, DPD did not carry these over into the updated neighborhood guidelines; in a few cases (Capitol Hill, University, Roosevelt, North District/Lake City) these statements were included in the adopting ordinance but inadvertently excluded from the update. Attachment E includes examples of the policy and context statements from the existing North Beacon Hill, Greenwood/Phinney and West Seattle Junction neighborhood design guidelines included after their adoption.

Council now has an opportunity to adopt all of the policy and context statements related to each neighborhood design guidelines. Council should be aware though that if the community is interested in updating or revising these statements, it would require a new ordinance.

Options:

1. Retain proposed guidelines
2. Carry forward all introductory policy statements developed by DPD that were not previously adopted by Ordinance and include them in each neighborhood guideline

2. Changes to improve the connection between the proposed City-wide guidelines and the realigned neighborhood guidelines

As noted earlier, DPD intended to update the existing guidelines and have them align to the neighborhood guidelines. However, in some cases the changes to the City-wide guidelines may have caused a break with their relationship to the neighborhood guidelines. Rebecca Herzfeld's February 11, 2013 memo pointed out an example that occurred with the current University neighborhood guidelines, where supplemental guidance on the existing City-wide guideline A-5 – respect for adjacent sites - relies on text that no longer exists under the new City-wide guidelines. Attachment F includes two other neighborhood design guidelines – Northgate and North District/Lake City - where the realigned neighborhood design guidelines continue to refer to City-wide guidelines that would be replaced with this proposed update:

- North District/Lake City design guideline DC1 continues to reference City-wide guidance for screening of highly visible parking lots (City-wide Guideline D-4) which guideline is no longer specifically identified
- Northgate has references to height bulk and scale, architectural concept and consistency guidelines and those intended to “foster a human scale”, all of which are no longer included as specific guidelines in the updated City-wide guidelines

Options:

1. Retain proposed guidelines
2. Ask DPD to conduct a review of the neighborhood guidelines in order to find and correct these issues and retain the original neighborhood intent.

D. Technical errors and corrections

There are several technical amendments or corrections that need to occur to various sections of the guidelines. These amendments would correct either long-standing problems with the existing guidelines or make corrections based on other adopted legislation.

This includes:

- Eliminating zoning designations on maps
- Restoring the deleted cross-references to maps in the guidelines that provide policy direction (transition areas, gateways, and subareas with specific guidelines)
- Correcting maps that incorrectly drew design review boundaries

In addition, it appears that none of the current neighborhood guidelines have a numbering system, and this practice was carried forward in the proposed neighborhood guidelines, except for parts of the proposed guidelines for South Lake Union. Lack of numbering can make it difficult for the public, applicants, and design review board members to discuss what guidelines should apply, and could be addressed when DPD is making other corrections.

E. Input on guidelines

At your April 29, 2013 public hearing, you heard comments from specific neighborhood and interest groups. While the majority of comments were very supportive of the City-wide guideline update and the reorganized guidelines, the following summarizes the concerns or issues raised at the hearing:

- Some of the guidelines can be overly prescriptive and too focused on building form and modulation at the expense of detail, craft, and materials (John Feit – Pike Pine Urban Neighborhood Council)
- Bike Share stations should be included as an option in the City-wide guidelines - City-wide guideline PL-4 (Holly Houser – Puget Sound Bike Share)
- Additional time should be provided to evaluate relationship between the proposed City-wide guidelines and how they relate to the neighborhood guidelines; all existing city-wide guidelines should be referenced in neighborhood guidelines (Greg Hill, Wallingford)
- Some of the City-wide guidelines proposed features that are not appropriate for guidelines, specifically guidelines calling for blinds, sheer curtains and “wifi”; the policy and context statements should be restored (Cindy Barker, Morgan Junction).
- The amendments proposed to Seattle Municipal Code Section 23.41.002 and 23.41.008 generally strip away the current approach for evaluating design, which is the existing built environment and context, in favor of a planned context, which is not necessarily consistent with neighborhood goals or desires (Dennis Saxman, Erie Jones, and Andrew Kirsch)

Interest has also been expressed to expand the locations and zones where design review is required of new development, in particular in Commercial (C) or Industrial zones that are in planning areas but outside urban villages; currently design review is required when a C zone is in an urban village. The rationale for this request is that when these areas are in a defined neighborhood planning area, they should be subject to design review. However, this bill does not consider design review thresholds; a new bill addressing that issue would be needed.

2. Next steps

After the February 11, 2013 committee briefing, you provided a comment period to allow neighborhood groups to review the proposed City-wide and neighborhood guideline updates, Council staff will work with DPD to review the Council directed changes in this staff report. Once these changes have been made, we will return to committee; you may also want to have an additional community review period prior to final committee review.