Legislative Department
Seattle City Council
Memorandum

Date: May 10, 2010

To: Councilmember Sally J. Clark, Chair
Councilmember Tim Burgess, Vice Chair
Councilmember Sally Bagshaw, Member
Committee on the Built Environment (COBE)

From: Rebecca Herzfeld and Michael Jenkins, Council Central Staff

Subject: May 12, 2010 COBE Meeting: Design Standards and Administrative Design Review in Lowrise Multifamily Zones

To continue the review of regulations for Lowrise (LR) multifamily zones, we are requesting direction from the Committee on two related issues. The first is whether to require administrative design review for townhouses or other housing types. The second is whether to establish specific design standards for all multifamily housing types in LR zones. The Department of Planning and Development (DPD) recommended such design standards in the legislation that it submitted to the Council last March, and the Committee draft that is now out for public review also includes them.

Because these two issues are related, we first present background information on each one, and then provide a staff recommendation in Part 3 of this memo.

Part 1: Streamlined Administrative Design Review

Current Design Review Procedures

The Code currently provides two processes for design review. One is a mandatory process for projects over a certain size threshold. It requires that a volunteer Design Review Board review a project at a public meeting at least twice—once before an application is submitted to provide early design guidance (EDG), and once after an application is made, to determine whether the developer has followed the Board's guidance. The Board has the authority to make changes in the design of the project and to grant departures from most Code standards if a better building would result. In reviewing the project, the Board uses adopted citywide design guidelines, as well as specific neighborhood guidelines if they apply. The DPD decision about a design review project is appealable to the City's Hearing Examiner.

The second design review process in the current Code is administrative design review (ADR). Developers of smaller projects that do not meet the threshold for mandatory design review may volunteer for ADR in order to get development standards departures that result in better project design. The main differences between ADR and mandatory design review are that DPD staff does the review, rather than the Design Review Board, and that public meetings about the project are not required.

DPD Proposal for streamlined ADR

Last fall, then Mayor Nickels submitted legislation to the Council that proposed a streamlined administrative design review process (called SDR in this memo) in addition to the established design review procedures. While DPD staff are not proposing to amend the code provisions for the current design review processes, they are applying some of the streamlining improvements to the ADR process. For example, they will be reducing the cost and complexity of submittal documents, and simplifying the DPD design guidance report. These improvements are not discussed further in this memo, which is focused on the proposed new SDR process.

The Executive recommendation is that all townhouse projects with more than two units be subject to SDR. Many townhouses have been criticized in recent years for a perceived lack of good design and because they do not fit well into existing neighborhoods. The intent of the proposed SDR process is to encourage new townhouse development that contributes positively to neighborhood character.

Table 1 below compares the current threshold for mandatory design review and the proposed threshold for SDR, for both the current LR zones and the combined LR zone categories in the draft Committee proposal.

Table 1: Comparison of Current and DPD Proposed LR zone Design Review Thresholds

Current LR zone	Proposed LR zone	Current Threshold for Mandatory Design Review	DPD proposed Threshold for SDR
Lowrise Duplex/Triplex (LDT)	Lowrise 1 (LR1) and Lowrise 2 (LR2)	No requirement	3 or more townhouse units
Lowrise 1 (L1)			
Lowrise 2 (L2)			
Lowrise 3 (L3)	Lowrise 3 (LR3)	9 or more units	3 or more townhouse units (9 or more units of any type require full design review)
Lowrise 4 (L4)			

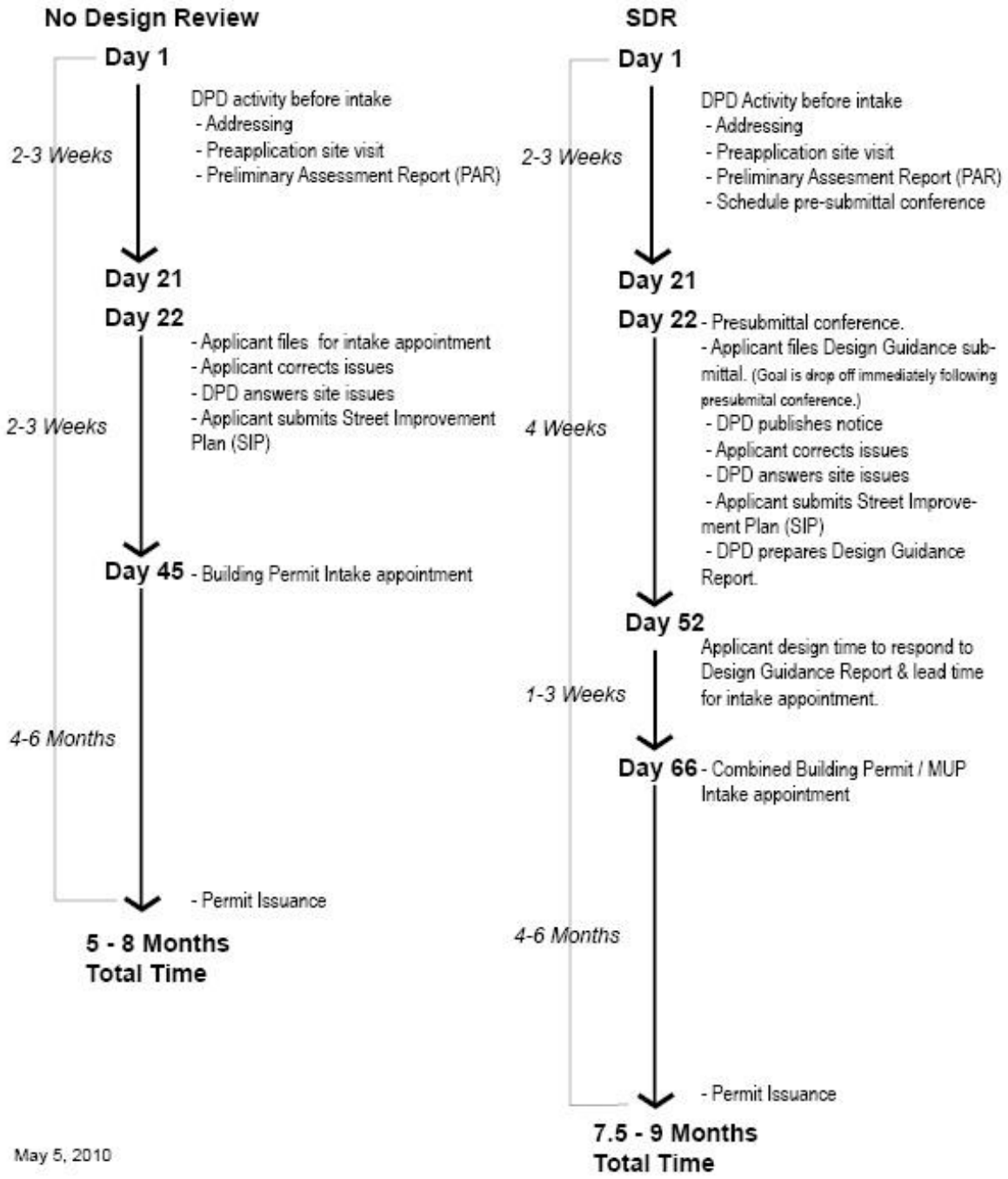
The SDR process proposed by DPD is intended to improve project design while reducing the costs of design review and preserving an opportunity for public comment. The key elements of the SDR process include:

- **Fewer Steps.** Reduce the design review process from two major steps – Early Design Guidance and Design Review Recommendation – to one major design guidance step.
- **Pre-Submittal Guidance.** Provide a more substantial conference between DPD staff and the applicant before permit application. The conference would include a full range of reviewers, including other department representatives as needed.
- **Simplified Application and Submittal Requirements.** Reduce the complexity and cost of the documents required to be submitted to DPD for the SDR process, and simplify the design guidance report that the DPD planner sends back to the applicant.

- **Staffing.** Assign a sub-group of three to five DPD planners to SDR, to help provide consistent plan review. These planners would conduct both design review and the zoning check, which are currently performed by two or more staff.
- **Public Comment Opportunity.** Require public notice and comment for all SDR projects early in the design guidance process, before permit application is made. Make all SDR application information available to the public on the DPD website.
- **Integration of Permits.** Make it easier for SDR applicants to combine Master Use Permit (MUP) and Building Permit submittals for townhouse projects.
- **Design Flexibility.** Provide flexibility in applying development standards in order to improve project design, by permitting DPD staff to approve limited adjustments (capped at a fixed percentage) to certain standards without triggering an additional notice requirement or appeal opportunity.
- **No appeal.** Unlike the other design review processes, SDR permit decisions would not be appealable.

The flow chart on the following page compares the timing for a permit that is not subject to design review and one the goes through the proposed SDR process.

Permit Processing Timeline Comparison
No Design Review & Proposed Streamlined Design Review (SDR)



May 5, 2010

Design Flexibility under SDR process

Current design review procedures recognize that providing some flexibility in meeting code requirements can help projects meet the intent of the design guidelines and provide options for better responding to environmental or site conditions, such as topography, the location of trees, or neighboring development. Providing this flexibility could also lead to a greater variety of townhouse designs in multifamily neighborhoods. The proposed SDR process would authorize the DPD Director to adjust specified code requirements, up to a fixed percentage, to accomplish these goals. Adjustments to the floor area ratio and density limits, parking requirements, and height limits would not be permitted. In order to earn a larger departure, a developer could instead volunteer to go through ADR, which is a more involved process that provides an appeal opportunity. The proposed amounts of authorized adjustment are as follows:

1) Setbacks: 50 percent;
2) Residential amenity areas: 10 percent;
3) Landscaping and screening: 25 percent;
4) Structure width and structure depth limits: 10 percent;
5) Screening of parking: 25 percent; and
6) Parking garage entrance requirements (subsection 23.45.536.F): 25 percent.

Processing Time and Permit Fees for Proposed SDR

During the Council's review of the multifamily code amendments, some people have commented that adding a requirement for SDR will increase the cost of housing because of: 1) increased fees; and 2) higher holding costs for land due to longer permit processing times. Both of these cost factors are addressed below, and Table 2 on the following page compares the fees and holding costs for the current process for a 4-unit townhouse, the proposed SDR process, and the existing voluntary ADR process.

In the 2009 Director's report, DPD estimates that an average of 50 additional projects per year would be subject to the proposed SDR process. Between three to five specialized SDR planners would be trained to do both the zoning and design review for these projects. Currently, small townhouse projects require only a zoning review, which takes approximately three hours. DPD estimates that the new SDR process would require approximately 25 hours of review per project, or 22 additional hours. DPD charges $250 per hour for land use review, so land use permit fees for a typical townhouse for which SDR is required would increase from $750 to $5,500, an increase of $4,750. In addition, we estimate that design fees for architects hired by developers to respond to DPD design guidance would cost an additional $4,000 (40 hours at $100 per hour). Together, these two fees would add about $8,750 to total project costs.

DPD estimates that SDR would increase the permit review times by one to two months compared to a project that only requires a building permit. Assuming a carrying cost for a typical four unit townhouse project of $1,800 per month (land cost of $340,000 at 6.5% annual interest), the carrying cost of holding a site during the permit process would increase by $1,800 to $3,600. DPD staff note that the applicant has a lot of influence over the time it takes to process a permit. For example, if application materials are complete, and if the applicant responds quickly to correction requests, the permit process will move forward much more quickly than if the applicant is not responsive to requests from DPD staff. The one to two month estimate of additional time required assumes a responsive applicant.

Table 2: Administrative Design Review (ADR) for Townhouses Permit Cost Comparison

	Construction Value (1)	Land Use Permit Estimated Cost (2)	Building Permit Cost (3)	Additional Design Fees	Additional Land Carrying Cost (4)	Total Cost (5)
Typical 4-Unit Townhouse No Design Review	**$490,000**	**$750** No Master Use Permit (MUP) Fee. Zoning review only, typically 3 hours.	**$6,110** Based on Construction Value and the Development Fee Index.			**$6,860**
Percentage of Construction Value		**0.15%**	**1.25%**			**1.4%**
Current ADR for Townhouse Project	**$490,000**	**$9,250** Includes EDG, MUP fees and average hourly design review planner hours.	**$6,110** Same as above.	**$6,700** 67 hours at $100 per hour.	**$7,360 to $9,210 + 4 to 5 months** Based on land price.	**$29,420 to $31,270**
Percentage of Construction Value		**1.89%**	**1.25%**	**1.4%**	**1.5% to 1.9%**	**6.0% to 6.4%**
Proposed Streamlined ADR (SDR) for Townhouse Project	**$490,000**	**$5,500** Includes design guidance and planner design review hours.	**$6,110** Same as above.	**$4,000** 40 hours at $100 per hour.	**$1,840 to $3,680 + 1 to 2 months** Based on land price.	**$17,450 to $19,290**
Percentage of Construction Value		**1.1%**	**1.25%**	**.8%**	**.4% to .8%**	**3.6% to 3.9%**

(1) Average construction value reported to DPD for permitting purposes on 4 unit townhouse projects without ADR during 2007 – 2008 period.
(2) Land use permit costs derived from 2009 Fee Subtitle rates and average and projected review hours as determined by DPD.
(3) Building permit costs derived from 2009 Fee Subtitle Development Fee Index, and construction value in column 1. Assumes a non-standard plan scenario. If already established standard plan were used, the $6,110 fee would be reduced to $4,277, and 1.25% reduced to .87%.
(4) Carrying cost assumed at investment in land of $340,000 ($85 per square foot for 4,000 square foot lot) for 1 or 2 months at 6.5% annual interest, and 4 to 5 months for the existing ADR process.
(5) The total costs for design review would be 147% to 174% more than the cost for a project that is not subject to design review.

As shown in Table 2, while the proposed SDR process is substantially less expensive than the current ADR process, it would add about $10,600 to $12,400 to total project costs. Costs related to permit processing would increase from approximately 1.4% of construction value to 3.6% to 3.9% of construction value.

According to Greg Easton, the Council's real estate economic consultant, a townhouse developer would not be able to absorb the expected cost increase from the SDR process and still make a profit. The developer would therefore have to increase the sale price of the townhouse units. For the example in Table 2, the price of each unit would be increased by $2,650 to $3,100, or about one percent or less. However, Mr. Easton also points out that the SDR process could add value to the project by increasing the desirability of the units. This marketing benefit could potentially make up for the increased permitting costs.

DPD staffing for SDR

Creating a new SDR process would generate about 1,100 new billable hours of DPD staff time annually, or approximately one full time equivalent (FTE), according to DPD estimates. At the current hourly rate of $250, the revenue generated would be $275,000, which would be adequate to cover the cost of an additional position. Given the current economic climate, the fiscal note that accompanied the DPD legislation states that "DPD will absorb the workload with existing staff". As permit volumes increase, a new staff person would need to be added and trained.

Councilmember Clark has raised a concern about the availability of qualified staff to administer the SDR process over time. Currently permit volumes are low, but in the past DPD has been subject to very high permit application volumes, due to the cyclical nature of the construction industry. The question is whether during such peak periods DPD would be able to maintain fast turnaround times for SDR projects, or whether such projects (or other land use applications) would be delayed. The Director's Report says that there is a potential "under peak volumes, to add some minor delay to DPD's overall flow of land use permits".

Unlike other departments, DPD does have contingent budget authority, granted in 2001 by the Council in Resolution 30357. When revenues exceed the adopted forecast due to high permit volume, DPD may use the contingent budget authority for additional overtime, contracts, temporary employees, regular personnel, or non-personnel services as needed, without further Council approval. The Budget Office has to agree to the addition of permanent employees, and must respond to DPD's request within two weeks. Three vacant land use planner positions are available in DPD's current contingent budget.

Micro-permitting

A common practice of townhouse developers is to divide a project into smaller parts and apply for individual permits for each part, in order to avoid going through design and/or environmental (SEPA) review. This practice is sometimes referred to as "micro-permitting". Requiring SDR could provide an incentive not to follow this practice, because each smaller townhouse project would be required to go through design review in any case. However, it would probably not end micro-permitting, as the mandatory design and SEPA review processes are appealable, and the SDR process does not provide an appeal opportunity. Developers might still divide projects into separate permits in order to avoid the possibility of an appeal.

The proposed code language that would implement SDR is shown below in Attachment A.

Part 2: Design Standards for LR zones in the Land Use Code

The proposed legislation that was submitted to the Council last March established specific design standards for all multifamily housing in LR zones. Since then, staff have revised the standards to reflect your direction to regulate according to four housing types (cottage housing, townhouses, rowhouses, and apartments). The revised standards are contained in Section 23.45.529 of the draft LR zone bill that is out now for public review. You have not yet discussed the standards, which are shown in Attachment B to this memo.

Intent of the design standards

As stated in the draft code language, the intent of the new design standards is to:

- Enhance street-facing facades to provide visual interest, promote new development that contributes to an attractive streetscape, and avoid the appearance of blank walls along a street;
- Foster a sense of community by integrating new pedestrian-oriented multifamily development with the neighborhood street environment and promoting designs that allow easy surveillance of the street by area residents;
- Promote livability in multifamily environments by providing a sense of openness and access to light and air; and
- Encourage the compatibility of a variety of housing types with the scale and character of neighborhoods where new multifamily development occurs.

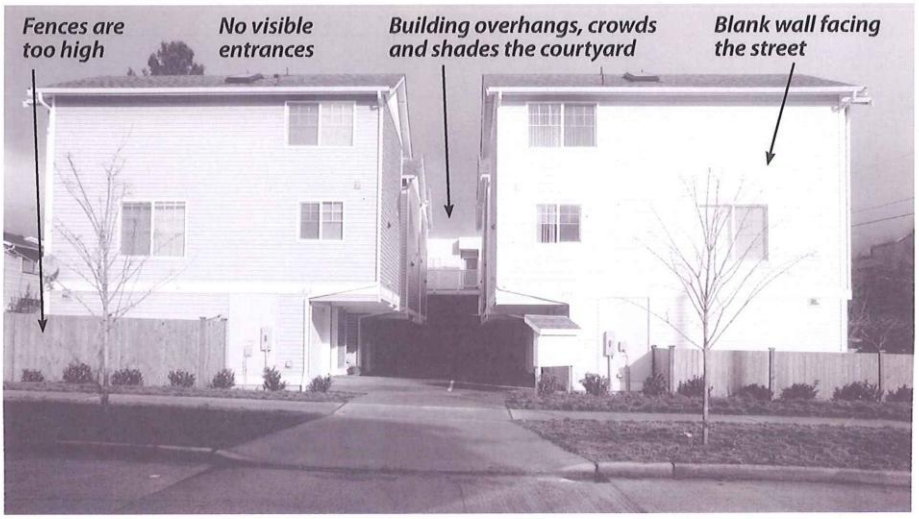
Overview of proposed design standards

The proposed standards focus on how a project looks from the street. The first set of standards would apply to all housing types, and would require that at least 20 percent of the street-facing façade be comprised of windows and doors, and that the façade be articulated so that it is not just a flat plane. Trim is also required to mark roof lines, porches, windows and doors on all street-facing facades. The proposal gives the DPD Director the authority to vary these façade standards if the applicant can demonstrate that the intent of the standards is met in a different way.

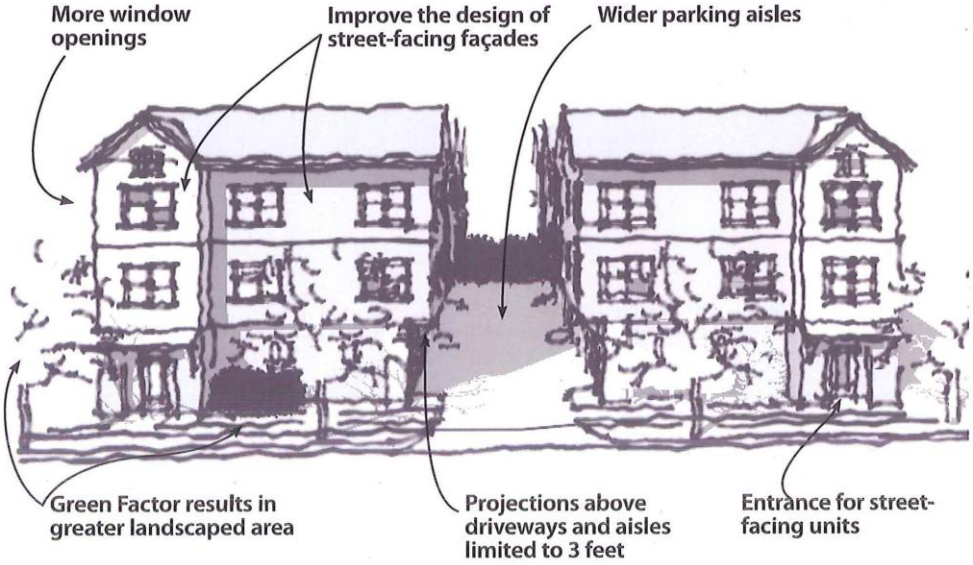
In addition to the general standards, the proposal includes a second set of design standards specific to each housing type. These standards generally require a visually prominent pedestrian entry facing the street. Cottage housing must use design methods, such as bay windows or variation in siding texture and materials, to reduce the visual scale of the individual units. Townhouses and rowhouses are required to provide architectural detailing or a composition that helps to visually identify each individual unit as seen from the street.

The diagram below illustrates an existing townhouse structure that does not meet the proposed standards, and what such a development might look like if the design standards are met (note that a townhouse development of this size would be required to go through the SDR process).

Existing Conditions



Proposed Improvements



In addition to the design standards described above, the proposed LR zoning also contains other requirements intended to improve building design. For example, the provisions for parking and access require that garage doors to individual townhouse units be set back at least 15 feet from the street, and limit the size of garage doors to 75 square feet per unit.

Part 3: Staff recommendations on design review procedures and standards

Should SDR be adopted?

The question before the Committee is whether the proposed SDR process would provide benefits that outweigh the additional costs, or whether the proposed new design standards in the Code would be adequate to address concerns about poor townhouse design without the need for a new administrative procedure. Because of the importance of improving the design of townhouses, we recommend that the proposed SDR process be required for townhouses with three or more units, as proposed by DPD.

Since the SDR process is intended to encourage better design, we recommend that it be allowed as an option for other housing types in LR zones (cottage housing, rowhouses, and apartments), if a developer elects to use it and the project is below the threshold for mandatory design review.

We also recommend that the specific design standards in Section 23.45.529 apply *only* to projects that are not going through design review. If a project is subject to SDR or another design review process, the citywide design guidelines provide adequate guidance and the specific LR zone standards are not needed.

Design adjustments for landscaping and screening allowed through SDR

The proposal for SDR states that a DPD planner could grant adjustments up to certain limits in several specified code requirements. Up to a 25 percent adjustment could be made to the screening and landscaping standards. The landscaping standards, which are located in Section 23.45.524, have three parts: 1) setting the Green Factor score in LR zones at 0.6; 2) establishing street tree requirements; and 3) requiring that parking be screened from street view.

We recommend that DPD be allowed to adjust only standard for the screening of parking. The Green Factor landscaping standard has built in flexibility, because there are numerous ways to meet the requirement. The street tree requirement already includes an exception that applies when the Director of the Seattle Department of Transportation finds that planting the trees in the right-of-way is not feasible. However, for the screening of parking, the developer could propose alternatives that would work better for the site, and it makes sense to allow some flexibility to do so.

Reporting back to the City Council

In order to address the concerns that have been raised about the SDR process and its possible effect on permit processing times, we recommend that DPD set a specific target for SDR permit review, and report back to the Council on a regular basis on whether the target is being met. In addition, we recommend that DPD evaluate the SDR program after permits for twenty projects have been issued, and report back to the Council on permit costs, DPD staffing levels, the amount and purpose of the adjustments granted by DPD, the effects on project design, and potential program improvements.

Should specific design standards be adopted?
We recommend that the design standards proposed in Section 23.45.529 be approved for projects that are not subject to design review, with one amendment. The standards require that in order to help articulate the side of the building that faces the street, trim be provided that is a minimum of 0.75 inches deep and 3.5 inches wide to mark roof lines, porches, windows and doors. While such trim can be effective in improving building design, it is associated with the Craftsman style. It would be very difficult to build a structure with a contemporary design that meets the proposed requirement for trim. We recommend that in addition to the trim requirement, the code provide an option that allows other methods for highlighting doors, windows and rooflines.

Committee Direction on design review procedures and standards:

Next Steps
The public hearing on the draft LR zone amendments is scheduled for May 25 at 5:30 p.m. in City Council Chambers. Time is set aside during the next COBE meeting on May 26 to continue Committee discussion of LR zone issues.

Attachments:
A: Proposed Land Use Code Amendments to add SDR Process
B: Proposed wording of Section 23.45.529 - Design standards [in LR zones]

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Attachment A: Proposed Land Use Code Amendments to add SDR Process

The proposed amendments to the Land Use Code to add the SDR process would read as follows, with new wording shown underlined and deleted text ~~crossed out~~. Sections that are completely new to the code are not shown with underlines.

Section 23.41.004 Applicability((.)) [of design review procedures]

A. Design Review Required((.))

* * *

7. Streamlined administrative design review (SDR) pursuant to Section 23.41.018 is required for all new development proposals that include at least three dwelling units, at least one of which is a townhouse, and for which design review is not otherwise required by this subsection 23.41.004.A. If the applicant for such a development proposal requests a development standard departure pursuant to Section 23.41.012, the proposal shall use the administrative design review process pursuant to Section 23.41.016 instead of the streamlined design review process.

B. Design Review -- Optional((.))

1. Design review is optional to any applicant for new multifamily, commercial or Major Institution development proposals not otherwise subject to this ((~~c~~))Chapter 23.41, in the Stadium Transition Area Overlay District, and in all multifamily, commercial, ((~~or~~))and downtown zones.

2. ((~~An a~~))Administrative design review ((~~process~~)) is an option in multifamily, commercial, and downtown zones, and in the Stadium Transition Area Overlay District, according to the process described in Section 23.41.016, to an applicant for:

a. new multifamily or commercial development proposals; and

b. to protect trees((~~, or~~)) as provided in ((~~subsection B3 below~~)) subsection 23.41.004.B.4 below((~~; in the Stadium Transition Area Overlay District, and in multifamily, commercial or downtown zones, according to the process described in Section 23.41.016~~)).

3. Streamlined design review is an option in LR zones for applicants for multifamily residential uses, for which design review is not otherwise required by subsection 23.41.004.A and for which no development standard departure pursuant to Section 23.41.012 is requested.

((~~3~~))4. Administrative Design Review to Protect Trees. As provided in Sections 25.11.070 and 25.11.080, an administrative design review process (Section 23.41.016) is an option to an applicant for new multifamily and commercial development proposals in Lowrise, Midrise, and Commercial zones to protect a tree over ((~~two (2)~~)) 2 feet in diameter measured ((~~four and one-half (4 1/2)~~)) 4.5 feet above the ground, even when design review would not otherwise be required by subsection 23.41.004.A((~~, above~~)).

* * *

A new Section 23.41.018 about SDR would read as follows:

Section 23.41.018 Streamlined administrative design review (SDR) process

A. A preapplication conference is required for all projects subject to this Section 23.41.018 unless waived by the Director, pursuant to Section 23.76.008.

B. Following a preapplication conference, a proponent may apply to begin the design guidance process.

1. An application for design guidance shall include the following:

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

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

c. A preliminary site plan including structures, open spaces, vehicular and pedestrian access, and landscaping, and responses to applicable citywide and neighborhood design review guidelines; and

d. One or more color renderings adequate to depict the overall massing of structures and the design concept.

2. Notice of application for design guidance shall be provided pursuant to Chapter 23.76.

3. The purpose of design guidance shall be to receive comments from the public, identify concerns about the site and design concept, identify citywide design guidelines of highest priority to the site, explore conceptual design and siting alternatives, and identify and document proposed development standard adjustments. As a result of the design guidance

process, the Director shall prepare a report, which may take the form of notes marked on the design guidance application documents or a brief written document. The report shall identify those guidelines of highest priority and applicability, document any design features needed to achieve consistency with the design guidelines, and any development standard adjustments.

4. The Director shall distribute a copy of the report to the proponent.

C. Application for Master Use Permit

1. After issuance of the design guidance report, the proponent may apply for a MUP.

2. The MUP application shall include a brief explanation of how the proposal addresses the design guidance report, in addition to standard MUP submittal information required by Section 23.76.010. The MUP application may request development standard adjustments that were identified in the design guidance report.

3. Notice of application for a project subject to design review shall be provided according to Chapter 23.76.

D. Director's Decision

1. The Director shall make the SDR decision as part of the Master Use Permit decision for the project.

2. The Director shall consider public comments on the proposed project, and the Director's decision shall be based on the extent to which the application meets applicable design guidelines and responds to the design guidance report.

3. Except as provided in this subsection 23.41.018.D.3, projects shall meet all codes and regulatory requirements applicable to the subject site.

a. The Director may allow development standard adjustments that were identified in the design guidance report and that are otherwise authorized pursuant to Section 23.41.012.

b. The Director may allow the adjustments listed in this subsection 23.41.018.D.3 if the adjustments are consistent with the design guidance report and the adjustments:

1) would result in a development that better meets the intent of adopted design guidelines; or

2) are necessary to respond to environmental or site configuration conditions, including but not limited to topography, the location of trees, or adjacent uses and structures.

c. If the criteria listed in subsection 23.41.018.D.3.b are met, the Director may allow adjustments to the following development standards to the extent listed for each standard:

1) Setbacks: 50 percent;

2) Residential amenity areas: 10 percent;

3) Landscaping and screening: 25 percent;

4) Structure width and structure depth limits: 10 percent;

5) Screening of parking: 25 percent; and

6) Parking garage entrance requirements in subsection 23.45.536.F: 25 percent.

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

Section 23.76.004 Land use decision framework((.))

A. Land use decisions are classified into five ((~~(5)~~)) categories based on the amount of discretion and level of impact associated with each decision. Procedures for the five ((~~(5)~~)) different categories are distinguished according to who makes the decision, the type and amount of public notice required, and whether appeal opportunities are provided. Land use decisions are categorized by type in ((~~Exhibit A~~)) Table A for 23.76.004.

((~~Exhibit 23.76.004 A~~))Table A for 23.76.004
LAND USE DECISION FRAMEWORK
DIRECTOR'S AND HEARING EXAMINER'S
DECISIONS REQUIRING MASTER USE PERMITS

TYPE I Director's Decision (No Administrative Appeal)	TYPE II Director's Decision (Appealable to Hearing Examiner*)	TYPE III HEARING Examiner's Decision (No Administrative Appeal)
• Compliance with development standards • Uses permitted outright	• Temporary uses, more than four weeks, except for temporary relocation of police and fire	Subdivisions (preliminary plats)

TYPE I Director's Decision (No Administrative Appeal)	TYPE II Director's Decision (Appealable to Hearing Examiner*)	TYPE III HEARING Examiner's Decision (No Administrative Appeal)
• Temporary uses, four weeks or less • Intermittent uses • Certain street uses. • Lot boundary adjustments • Modifications of features bonused under Title 24 • Determinations of significance (EIS required) except for determinations of • significance based solely on historic and cultural preservation • Temporary uses for relocation of police and fire stations • Exemptions from right-of-way improvement requirements • Special accommodation • Reasonable accommodation • Minor amendment to a Major Phased Development Permit • Determination of public benefit for combined lot FAR • Determination of whether an amendment to a Property Use and Development Agreement is major or minor	stations • Variances • Administrative conditional uses • Shoreline decisions (*Appealable to Shorelines Hearings Board along with all related environmental appeals) • Short subdivisions • Special Exceptions • Design review, <u>except for streamlined design review pursuant to Section 23.41.018</u> • Light rail transit facilities • The following environmental determinations: 1. Determination of nonsignificance (EIS not required) 2. Determination of final EIS adequacy 3. Determination of significance based solely on historic and cultural preservation 4. A decision by the Director to approve, condition or deny a project based on SEPA Policies 5. A decision by the Director that a project is consistent with a Planned Action Ordinance	

TYPE I Director's Decision (No Administrative Appeal)	TYPE II Director's Decision (Appealable to Hearing Examiner*)	TYPE III HEARING Examiner's Decision (No Administrative Appeal)
• Projects subject to streamlined design review, pursuant to Section 23.41.018 • Other Type I decisions that are identified as such in the Land Use Code	and EIS (no threshold determination or EIS required) • Major Phased Development • Downtown Planned Community Developments	

* * *

(Note—the list of Type I and Type II decisions in Section 23.76.006 would also be amended.)

Section 23.76.011 Notice of ((~~early~~)) design guidance and planned community development process((~~.~~))

A. The Director shall provide the following notice for the required early design guidance process or design guidance process for design review projects subject to Sections 23.41.014, 23.41.016, or 23.41.018, and for the preparation of priorities for planned community developments:

1. Publication of notice in the Land Use Information Bulletin; and

2. Mailed notice((~~; and~~)).

B. The applicant shall post one 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 sign and/or an alternative posting location so that notice is clearly visible to the public.

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

D. The land use sign may be removed by the applicant the day after the public meeting, or, if no public meeting is required, the day after MUP application is made.

Attachment B: Proposed wording of new Section 23.45.529 - Design standards [in LR zones]

A. Intent. The intent of the design standards in this Section 23.45.529 is to:

1. Enhance street-facing facades to provide visual interest, promote new development that contributes to an attractive streetscape, and avoid the appearance of blank walls along a street;

2. Foster a sense of community by integrating new pedestrian-oriented multifamily development with the neighborhood street environment and promoting designs that allow easy surveillance of the street by area residents;

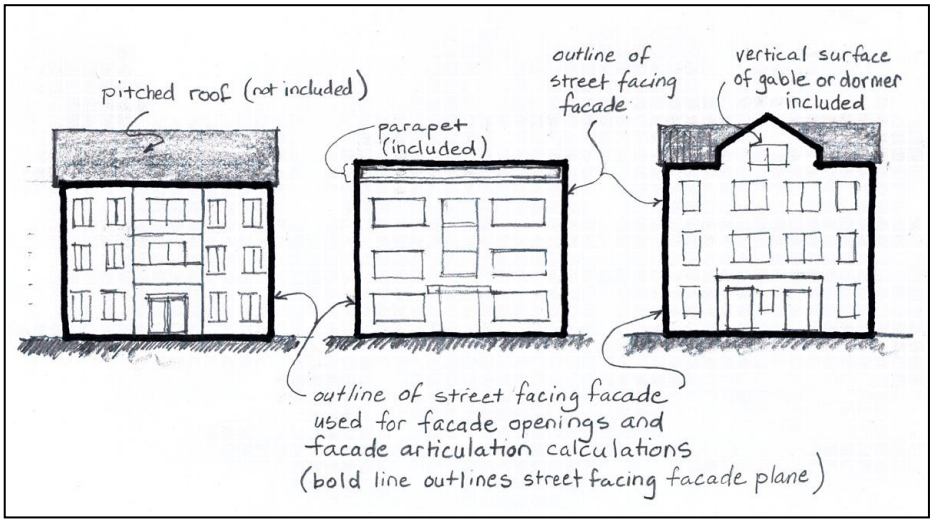
3. Promote livability in multifamily environments by providing a sense of openness and access to light and air; and

4. Encourage the compatibility of a variety of housing types with the scale and character of neighborhoods where new multifamily development occurs.

B. Application of Provisions. The provisions of this Section 23.45.529 apply to all multifamily residential uses in LR zones, and all multifamily residential uses with 20 or fewer units in MR and HR zones, that are not subject to any of the design review procedures of Chapter 23.41.

C. Treatment of Street-Facing Facades. For the purposes of this subsection 23.45.529.C, a street-facing facade includes all vertical surfaces enclosing interior space on pitched roofs, such as gables and dormers, as shown in Exhibit A for 23.45.529.

Exhibit A for 23.45.529: Measurement of street-facing facades



1. Façade Openings

a. At least 20 percent of each street-facing façade shall consist of windows and/or doors.

b. In order to count toward the requirement for façade openings, windows shall be transparent. Windows composed of glass blocks, and doors to garages and utility and service areas, do not count toward meeting the requirement in this subsection 23.45.529.C.1.

2. Façade Articulation

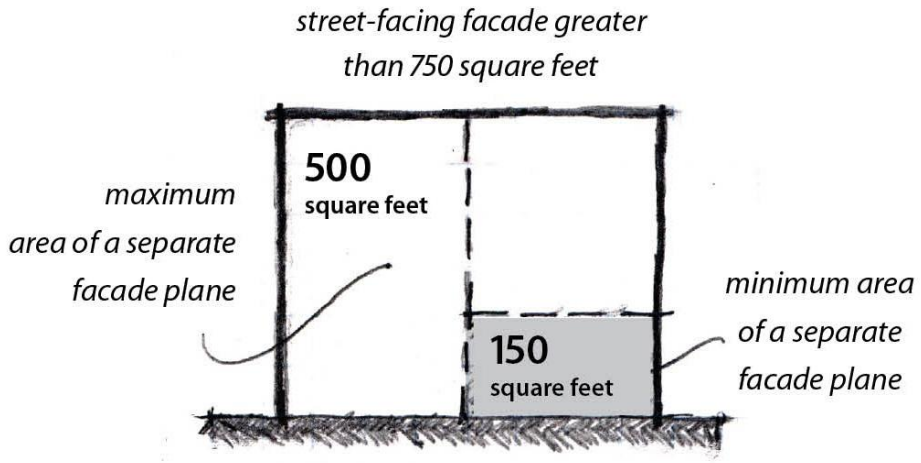
a. If a street-facing facade or portion of a street-facing façade is not vertical, the Director shall determine whether the façade is substantially vertical and required to comply with this subsection 23.45.529.C.

b. If the street-facing façade of a structure exceeds 750 square feet in area, division of the façade into separate projecting or recessed facade planes is required (see Exhibit B for 23.45.529).

c. In order to be considered a separate projecting or recessed façade plane for the purposes of this subsection 23.45.529.C.2, a portion of the street-facing façade shall have a minimum area of 150 square feet and a maximum area of 500 square feet, and shall be separated from abutting façade planes by a minimum depth of 18 inches.

d. Trim that is a minimum of 0.75 inches deep and 3.5 inches wide is required to mark roof lines, porches, windows and doors on all street-facing facades.

Exhibit B for 23.45.529: Street-facing Facades



e. The Director may allow exceptions to the façade articulation requirements in this subsection 23.45.029.C.2 as a Type I decision, if the Director determines that the street-facing façade will meet the intent of subsection 23.45.030.A.1, and the intent of subsections 23.45.029.D.2, E.4, and F.2 for cottage housing developments, rowhouses, and other townhouses, respectively, through one or more of the following street-facing façade treatments:

1) variations in building materials and/or color, or both, that reflect the stacking of stories or reinforce the articulation of the façade;

2) incorporation of architectural features that add interest and dimension to the façade, such as porches, bay windows, chimneys, pilasters, columns, cornices, and/or balconies;

3) special landscaping elements in addition to those provided to meet Green Factor requirements pursuant to Section 23.45.524, such as trellises, that accommodate vegetated walls covering a minimum of 25 percent of the façade surface;

4) special fenestration treatment, including an increase in the percentage of windows and doors to at least 25 percent of the street-facing façade(s).

D. Design standards for cottage housing developments

1. Pedestrian entry. Each cottage housing unit with a street-facing façade that is located within 10 feet of the street lot line shall have a visually prominent pedestrian entry. Access to these entrances may be through a required private amenity area that abuts the street.

2. Architectural expression. Cottage housing developments shall include architectural details that reduce the visual scale of the units. Each cottage unit must employ one or more of the following design techniques to reduce visual scale of the units:

a. Attached covered porch

b. Roofline features such as dormers or clerestories

c. Bay windows

d. Variation in siding texture and materials

e. Other appropriate architectural techniques demonstrated by the applicant to reduce the visual scale of cottage housing units.

E. Design standards for rowhouses

1. Pedestrian entry. Each rowhouse unit shall have a pedestrian entry on the street-facing facade that is designed to be visually prominent through the use of covered stoops, porches, or other architectural entry features.

2. Front setback. Design elements to provide a transition between the street and the rowhouse structure, such as landscaping, trees, fences, or other similar features, are required in the front setback.

3. Architectural expression. The street-facing façade of a rowhouse structure shall provide architectural detail or composition to visually identify each individual rowhouse unit as seen from the street. Design elements such as trim or molding, modulation, massing, color and material variation, or other similar features may be used to achieve visual identification of individual units. Rooftop features such as dormers or clerestories, or roofline variation may be used to visually identify individual rowhouse units.

F. Design Standards for townhouses other than rowhouses

1. Building orientation. Townhouses other than rowhouses shall maximize the orientation of individual units to the street as follows:

a. A minimum of 50 percent of the units in a townhouse development shall be located so that there is no principal structure separating the unit from the street; or

b. All townhouse units shall have direct access to the street or to a common amenity area that either abuts the street or is directly accessible from the street.

2. For townhouse units without street frontage, a clear pedestrian pathway from the street to the entrance of the townhouse unit shall be provided, either by a separate pathway, or co-location of a pathway and a driveway, if the driveway is differentiated by pavement color, texture, or similar technique. Signage identifying the unit addresses and the direction to the unit entrance(s) from the street shall be provided.

3. Each townhouse unit, other than in rowhouse development, with a street-facing façade shall have a pedestrian entry on the street-facing facade that is designed to be visually prominent feature through the use of covered stoops, porches, or other architectural entry features.

4. Architectural expression. Architectural detail or composition shall be provided to visually identify each individual townhouse unit, other than in rowhouse development, as seen from the public street. Design elements such as trim or molding, modulation, massing, color and

material variation or other similar features may be used to achieve visual identification of individual units. Rooftop features such as dormers or clerestories, or roofline variation may be used to visually identify individual townhouse units.

G. Building entry orientation standards for apartments

1. For each apartment structure, a principal shared pedestrian entrance is required that faces either a street or a common residential amenity area, such as a landscaped courtyard, that abuts and has direct access to the street.

2. If more than one apartment structure is located on a lot, each apartment structure separated from the street by another principal structure shall have a principal entrance that is accessible from a common residential amenity area with access to the street.

3. The shared entrance of each apartment structure shall have a pedestrian entry that is designed to be visually prominent, through the use of covered stoops, overhead weather protection, a recessed entry, or other architectural entry features.