

Legal Alerts

City of Seattle Revises its Design Review Program

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- Last month the City of Seattle revised its Design Review Program. The revisions are significant because most multi-family development is subject to some form of design review, and many projects vest to the land use code through the design review process. Some aspects of the revised program will go into effect starting January 1, 2018 with the majority of the revised program coming into effect July 1, 2018.
- **NEW DESIGN REVIEW THRESHOLDS**
- The updated design review program establishes new thresholds for projects that are subject to design review. The revised design review thresholds vary depending on the proposed project's location, "site characteristics," and size.
- Location: Outside of downtown and industrial zones.
- For projects located outside of downtown and industrial zones, the design review thresholds vary depending upon whether three broad "site characteristics" are present: context, scale, and special features, as described in greater detail in the following chart.
- If the development possesses any of the site characteristics listed above, the following thresholds will apply and determine the manner of design review:
- If the development possesses none of the site characteristics listed above, the following thresholds will apply and determine the manner of design review:
- Location: Within downtown and industrial zones.
- If the development is situated in a downtown or industrial zone, the following thresholds will apply:
- **FULL DESIGN REVIEW OPT-OUT FOR PROVIDING ON-SITE AFFORDABLE HOUSING**
- Under the new program, if a qualifying project elects the MHA3 performance option to provide on-site affordable housing, it will be subject to Administrative Design Review, not the prescribed Full Design Review. Such a development must exceed 35,000 square feet, possess an identified "Site Characteristics," and be situated outside of downtown and industrial zones. City Staff have stated that this option should be available for the "easier" sites that do not contain a "site characteristic," although this authorization was not included in the adopted code. City Staff are preparing a "clean up" code amendment to address this oversight. Once an applicant elects Administrative Design Review, the

applicant cannot change from the MHA performance option to the payment option.

- **NEW OUTREACH REQUIREMENTS**

- Under the new changes, all three processes will incorporate a robust community outreach component, requiring, at minimum, outreach through printed, electronic or digital, and in-person methods. Applicants must document their compliance with the community outreach plan, and submit the documentation to the Seattle Department of Construction & Inspections Director, prior to scheduling an early design guidance meeting. The Director will make the compliance documentation available to the public.

- **LIMIT ON DESIGN REVIEW BOARD MEETINGS UNLESS ...**

- Other changes include a cap on Early Design Guidance meetings. Under the new program, the maximum number of Early Design Guidance meetings for a project in Full Design Review is two. However, there will be no limit on the number of Early Design Guidance meetings when the project meets certain specifications, or if the Director determines the Design Review Board needs more time for deliberation and evaluation of a project. The specifications that may trigger additional Early Design Guidance meetings include: when the project is abutting or across the street from a lot in a single-family zone, when the development proposal includes a Type IV or V Master Use Permit component (e.g. a contract rezone project), or when departures are requested (unless the applicant elects the MHA performance option described above). Thus, there are numerous opportunities for a project to exceed two Early Design Guidance meetings.

- **BOARD COMPOSITION**

- Additionally, the composition of the Design Review Board has changed. The Design Review Board may now have more than one young adult position, pursuant to the City of Seattle Get Engaged program. The number of young adult positions is not capped, though each design review district may not have more than one young adult member.
- 1 The following development is subject to streamlined design review: (1) development that is at least 5,000 square feet but less than 8,000 square feet and (2) is proposed on a lot that was rezoned from a Single-family zone to a Lowrise 1 (LR1) zone or Lowrise 2 (LR2) zone, within five years after the effective date of the ordinance introduced as Council Bill 119057. This requirement shall only apply to applications for new development submitted on or before December 31, 2023.
2 The following development is subject to administrative design review: (1) development that is at least 5,000 square feet but less than 8,000 square feet and (2) is proposed on a lot that was rezoned from a Single-family zone to a Lowrise 3 (LR3) zone, any Midrise zone, Highrise zone, Commercial (C) zone, or Neighborhood Commercial (NC) zone, within five years after the effective date of the ordinance introduced as Council Bill 119057. This requirement shall only apply to applications for new development submitted on or before December 31, 2023.
3 Additional information regarding Mandatory Housing Affordability is available [here](#).

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- [City of Seattle Releases its "Preferred Alternative" for the Remaining Mandatory Housing Affordability Rezones](#)

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