

Seattle Design Review: Public Statement & Program Recommendations

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Summary

Seattle For Everyone, Share The Cities Action Fund, AIA Seattle, non-profit and private housing developers, land use attorneys, residents, and environmentalists have been meeting since November 2020 to discuss Seattle Design Review. This document is the result of these conversations. It is our hope that this document and our recommendations can start an earnest conversation about Design Review in Seattle.

Design Review is a locally controlled and mandated city process meant to improve the exterior design, height, bulk, and scale of most new mixed-use, multifamily, and commercial projects through the discretionary application of citywide and neighborhood specific guidelines by volunteer boards. Our analysis and conversations have revealed systemic patterns that merit the City of Seattle's attention and consideration. ***We believe it is time for the City of Seattle to meaningfully reform Design Review to be more efficient, consistent, and predictable.*** This is primarily because:

1. Design Review delays are growing. The delayed process adds direct costs to housing and future rents.
2. Discretionary processes are inconsistent and unpredictable and have a direct impact on project schedule and delivery of housing units. This includes well-documented instances when high quality projects are held up for subjective reasons and/or despite having broad community support.
3. Design Review is being misused as a tool to stop or slow development rather than encourage good design.
4. The boards themselves often lack diversity of perspectives, despite the stated intent of boards to represent a range of perspectives.

This document contains a list of our actionable legislative and administrative reform recommendations (see: pg. 8). We hope these recommendations, taken in full or in part, can connect Design Review to the City of Seattle's other housing policies, create real accountability for volunteer board decisions, increase representative access for *all* communities, balance the real costs and benefits of requirements, and discourage the misuse of the process by legacy residents fighting change. We believe it will be necessary to further engage communities and groups most impacted by the housing crisis as we identify and fully develop solutions.

Background

What is Seattle Design Review?

[Design Review](#) is a city process to review and approve the appearance and siting of most new mixed-use, multifamily, and commercial projects in Seattle. It is meant to increase civic participation and produce better built projects to match the human and physical context of Seattle neighborhoods. Design Review is in addition to other steps in the pre-application and Master Use Permit (“MUP”) process¹ that already include safety and environmental approvals. Unlike other permitting requirements mandated by the State or Federal government, Design Review is controlled and mandated locally by the City of Seattle. Design Review does not review common complaints such as traffic and parking impacts, but instead focuses on external, design-related features. Proposed buildings must be approved by a Design Review Board to proceed to permitting and for construction to begin.

Design Review considers:

- The overall appearance of the building
- The way the building relates to unusual aspects of the site, like views or slopes
- The way the building relates to adjacent sites, like shadows
- Pedestrian and vehicular access to the site
- Quality of materials, open space, and landscaping

There are eight neighborhood-based Design Review Boards, each comprised of five volunteer members who, after applying, are selected by the Seattle Department of Construction & Inspections (“SDCI”) and appointed to two-year terms by the Mayor and City Council. The five seats on each board are intended to represent the following interests: design, community/residential, development, and business/landscape design. These appointed volunteers apply [104 city-wide guidelines](#) and other sets of neighborhood specific guidelines to make discretionary decisions about projects. Boards can request design changes or approve the project to move forward. If a design does not pass a session it can be many months before a spot opens up for a project to be reviewed again since Neighborhood Design Review meetings only happen twice a month in the evenings.

Meetings are open to the public who can provide oral or written comments. Public comment influences volunteer board decisions. Often, community groups will hire lawyers to represent their interests before Design Review Boards.

¹ See **Appendix A** on page 12 for an outline of the Full Design Review process.

Other aspects of the Full Design Review process are overseen by City-employed planners. City-employed planners also review affordable housing projects, which are currently required to go through a separate Administrative Design Review (“ADR”) process that doesn’t involve the same public meetings with volunteer Design Review Boards. There is also a Streamlined Design Review (“SDR”) process that is required for most townhouse development projects.

Our recommendations do not cover [Seattle’s Design Review process for historic neighborhoods](#).

Concerns with Design Review as Currently Operated

Conversations with architects, housing developers, land use attorneys, residents, environmentalists, and others who engage in Seattle’s Design Review process have revealed systemic patterns that merit the City of Seattle’s attention and consideration. ***We believe it is time to substantially reform Design Review to be more efficient, consistent, and predictable.***

An [ECONorthwest analysis](#) is used to help us better understand how the Design Review program has performed in recent history. ECONorthwest data and interviews, in addition to other cited sources, support the propositions below:

1. **Design Review delays are growing. The delayed process adds direct costs to housing and future rents.**
 - a. The time to move through the Master Use Permit process has increased in the last decade. Projects in 2018 took *84% longer* to move through the process than similar ones in 2010.
 - b. From 2010 to 2020, the pre-application and Master Use Permit process with Full Design Review took 805 days, or 2.2 years, on average.
 - i. Other versions of Design Review that are intended to be more expedient are also time consuming.
 1. In the same time period, the permitting times with Administrative Design Review took an average of 551 days.
 2. In the same time period, the permitting times with Streamlined Design Review took an average of 489 days.
 - c. This doesn’t have to be the case; [other cities have much shorter process times for housing development](#). Seattle should look to other cities’ processes as a way to explore potential improvements and best practices.
 - i. The delays in Seattle also introduce uncertainty with projects. In terms of funding, it’s not possible to attract capital for a project until the costs are

clear. In Seattle, developers don't know the final design-- and the related costs-- until over a year or more into a project timeline.

d. Core Questions:

- i. How much do delays increase costs for the builders and for the future commercial or residential renters?
- ii. How do Seattle residents benefit from these delays? If residents do benefit, what are the tradeoffs of added delays and costs?
- iii. Does this process demonstrably make design better?

2. **Discretionary processes are inconsistent and unpredictable and have a direct impact on project schedule and delivery of housing units.**

- Based on ECONorthwest data, the schedule for similar projects may vary by months based on the assigned planner. **The data shows us that some City planners take more than twice as long on average compared to their peers.**
 - This can directly cause projects to be delayed, costs to increase, and projects to be cancelled altogether. We believe this has an overall impact on housing supply at all affordability levels in Seattle.
 - New multifamily construction permit applications and new starts have been trending downward since 2017. This is due to a variety of factors like increased construction costs (raw materials, labor, etc.), softening of demand, and increased time delays/cost for permits. *Discretionary processes like Design Review are among the only factors that the city can directly influence to encourage more homes.*
 - According to the April 20, 2021 [Seattle Economic and Revenue Forecast](#), **Construction accounted for 27.6% of sales tax revenue and 10.2% of B&O tax revenue in 2020; a significant portion of city revenue. Nonetheless, building permits issued by SDCI fell by 38.2% from 2019 to 2020.**
 - Design Review is self-funded by fees from projects. Slowdowns that drive away projects will result in a reduction in the financial viability of the program.
- Core Questions:
 - Should a public process like Design Review work predictably regardless of who is in charge?
 - Is the approval of a project affected by subjective opinions of design review board members and planners and their response times?
 - If there is no public comment and the project can demonstrate compliance with code and design guidelines, should the planner or

boards have the ability to significantly alter the design through the review process?

3. **Design Review is being misused as a tool to stop or slow development rather than encourage good design.** In worst case scenarios, the Design Review process has been misused to prevent projects or impose personal preferences that are not really about relevant exterior design at all, such as mandatory parking requirements or washers and dryers in the units. Some limited example are included below:
- In Greenwood in 2016, delays for a residential building included various concerns about lack of in-unit washers and dryers for renters, something not uncommon in our city. This design review saga was covered [here](#).
 - Also in 2016, in one of the densest Seattle neighborhoods near 5th & Virginia, design review presentations included testimony about a golden retriever that was going to lose his patch of sunlight. Read about it [here](#).
 - Dan Bertolet from Sightline told the story in 2017 of a passive house apartment at 13th and Pike -- the greenest apartment building in the city -- held back because some Design Review Board members thought the facade should be brick. To learn more check out [this article](#).
 - In 2017, the East Design Review Board [delayed 110 affordable homes and a daycare](#) proposed by Community Roots (then named Capitol Hill Housing) above Capitol Hill Station because they thought it was a “really good building” but not a “great” one. One review board member objected to the turquoise color scheme. Another wanted to re-site the daycare to another part of the building.
 - Madison Valley’s PCC is yet to be built, delaying 82 homes. Here’s [an article](#) from 2019. The most memorable moment at design review was a shadow study about an additional hour of afternoon shadows on tomato plants.
 - In 2020, a new project on Capital Hill was [sent back for additional design review](#) after being deemed “too historic.”
 - More recently, the Queen Anne Safeway project was asked to come back to one more meeting to have a hundred-page brick study presented. This project’s total delays added 6 months to the permitting timetable and \$750,000 in additional costs.
 - It is difficult to demonstrate how these required changes and delays benefit future residents. *Delays like these have the potential to push development pressures to other Seattle neighborhoods with higher risk of displacement.*
 - Problematic outcomes in Design Review are also influenced by public input which, in the case of hearings for proposed housing, has a documented history of being nonrepresentative of communities and dubiously motivated across the United States.

- The book [*Neighborhood Defenders: Participatory Politics and America's Housing Crisis*](#) identifies patterns in public participation at hearings for proposed new housing with >1 unit. Compared to the general voting population, commenters at such meetings are +22.4% over 50 years old, +27.8% homeowners, +8.2% white, and -8.0% women. An overwhelming 63% of these commenters opposed the construction of all types of new housing.
- A [national survey of 3,019 adults](#), published in 2017 by Harvard's Joint Center for Housing Studies, found a clear trend as well. The closer a proposed apartment building is to the place a homeowner lives, the likelier they are to oppose its existence (Quoted from Sightline article "[Portland's New Design Review Rules Could Kill Housing-- But They Don't Have to](#)")
- Core Questions:
 - Do these patterns raise equity, access, or fairness concerns for the city?
 - Are the stated goals of Design Review addressing our current societal needs?
 - Is Design Review a meaningful forum for *whole* communities to express good faith concerns about projects related to pressing challenges like climate change, affordability, gentrification, etc.?
 - Who is advocating for future residents in housing which is not yet built?

4. **The boards themselves often lack diversity of perspectives, despite the stated intent of boards to represent a range of perspectives** (ex: design, community/residential, development, and business/landscape design). A significant majority of board members come from a similar background in architecture/design; even the positions related to community and business. Beyond professional diversity, we believe that the Design Review process should also reflect the broader diversity of our city across planners, board members, and public participants. We call on the city to ensure that Design Review is inclusive and welcoming to those from diverse racial, gender, socioeconomic, and housing backgrounds (i.e. renters & homeowners).

- Based on an analysis of the current composition of boards, it was found that 33 of 42 positions were filled by architects. That's almost 80%, or all but 9, of the total positions.
 - In actuality, only 16 positions are specifically reserved for architects (for design & landscape design). The three "developer" positions were filled by architects.

- *This pattern provides less valuable context about the implications of extra meetings, delays, and expensive external material requirements on project feasibility or future per unit costs.*
 - Board members do not reflect those most impacted by the housing crisis.
 - Core Questions:
 - Is the training for board members sufficient for them to understand multiple valid perspectives?
 - Has this process become an academic design critique exercise based on the high percentage of architects on boards, despite its real world implications?
 - Is the city not getting qualified applicants or is the city mostly choosing architects?
 - How can the City interest more community voices, more BIPOC voices, and more renters to serve on the Boards?

Additional References:

1. City of Seattle’s Design Review Page
<http://www.seattle.gov/sdci/about-us/who-we-are/design-review>
2. 2006 Study of Seattle Design Reivew
<https://mrsc.org/getmedia/953E4014-3DCF-444C-A2AC-AB30C85E70BF/S42DesRevRpt.aspx>

Our Working Group

Seattle For Everyone, Share The Cities Action Fund, AIA Seattle, architects, developers, and their representatives have been meeting since November 2020. It is our hope that this document and our recommendations will start an earnest conversation to meaningfully improve Design Review. We recognize that our working group does not represent those most impacted by exclusionary housing policies or the housing affordability crisis. Likewise, most residents who engage in the Design Review process tend to have deep privilege in that they have time and/or expertise to engage in what can be a specialized, opaque, and intimidating process. We welcome more organizations and Seattle residents to engage in these discussions. We also encourage the City of Seattle to seek representative input from diverse groups when crafting and proposing solutions. This process, after all, is a required step for most housing in our city and can impact much more than the appearance of buildings.

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Suggested Opportunities for Improvement

Legislative (roughly in order of priority)

1. **Revise thresholds for Full Design Review process** to match with the infill SEPA thresholds. These thresholds are typically up to 250 units in Downtown/South Lake Union and up to 200 units in urban centers and urban villages. Or make all housing projects exempt from Design Review.
2. **Make online Design Review meetings permanent**, continuing post-pandemic.
 - Require SDCI to provide more online meeting slots to increase capacity and eliminate long wait times.
 - **Establish by Director's Rule a maximum** time (45-60 days) allowed between the Applicant's submittal of a package and online meeting.
 - **Improve public access through increased technology**, including Design Review Board members on video. Allow conversation between the Applicant and the review board members.
3. **Establish a public-facing hybrid Administrative Design Review (ADR) option** that allows for applicants to present virtually to the planner in an online public meeting and provides an opportunity for public comment.
 - Addresses "black box" complaints that are emerging out of COVID-19 ADR process and impose clear time limits for review.
4. **Allow the SDCI Director to approve a MUP revision-- that does not otherwise trigger SEPA review-- as a Type I decision** if the Director determines that the revision is consistent with adopted design guidelines, even if the revision affects Design Review departures or conditions.

- This will increase predictability and decrease the time and cost required to go through the Revision process.
5. **Establish an SDCI ombudsperson** outside of Design Review internal team management to address issues of applicant/staff dispute (excessive/additional design comments from staff, compliance with conditions, items not reflected in Board deliberation, late minutes, etc.). This position could also address interdepartmental issues with SDOT/SCL.
 - This is related to all/most of the issues.
 6. **Streamline the number of Design Review Guidelines** to remove redundancy and reestablish priorities about **design outcomes** rather than those co-opted by single family homeowners about “scale” and “adjacencies.”
 - Ex: Establish guidelines to evaluate and incentivize deeply sustainable projects that are Net Zero, Living Building Challenge, LEED Gold, and Passive House.
 - Use a race and social justice framework (re: outcomes aligned with city housing policies)
 - Could also be prioritized as an administrative change recommendation
 - Related: make Design Review Board decisions un-appealable since the guidelines may not be substantive in the first place.
 7. **Limit the number of meetings a project is required to go before a Design Review Board**, particularly in the Early Design Guidance phase.
 8. **Examine the fees charged through Design Review by City Planner** to consider accountability and tracking for the time spent. This is exacerbated by the high hourly rates.

Administrative (roughly in order of priority)

1. **Establish weekly “office” hours for all planners for applicants** to schedule first-come, first-serve meetings. This would be a requirement for all planners who are engaged in land use reviews.
2. **Require additional Design Review Board/Chair training** on Design Review Board meeting management and facilitation, with specific focus on allowing for meaningful applicant engagement during board deliberation.

- Ex: “Provide planners and Design Review Board members training about green building practices and how sustainability shapes buildings in ways conventional design guidelines penalize.”
 - Ex: how to handle “proxy fights” (re: parking, alleys, etc. outside DR purview)
 - Ex: “Provide planners and Design Review Board members training about the time frame and cost of delays in getting housing to market to help them understand the degree of impact.”
 - Align review times and practices to reflect city housing policies; have Design Review Board members focus on Design Guidelines alone.
 - Continue to allow and encourage applicants to correct factual issues or errors during the deliberation. Consider a “response” opportunity near the end of the deliberation period for applicants to provide feedback and clarifications regarding design intent, feasibility, etc.
3. **Remove the redundant MHA and IZ zoning reviews on all correction rounds of the MUP.** Require an MHA/IZ review during the first round of reviews and then defer all reviews until building permit.
 4. **Extend DRB timelines to allow architects to present up to 30 minutes** for “complex” projects while not increasing deliberation timelines.
 - Complexity is a function of size, unique site characteristics, or community interests.
 5. **Add more staffing for complex projects:** Require “complex” projects to be staffed by a senior and junior land use planner and zoning reviewer to improve responsiveness and give junior staffers opportunity to learn “on the job” faster. The goal is more consistent reviews and faster processing for complex projects.
 6. **Establish, by Director’s Rule, a requirement that all Design Review Board meeting minutes are published by the planner within two weeks** or the Applicant can prepare minutes for City review (within one week), similar to what is conducted in the current SDCI pre-submittal conference process.
 - The Director’s Rule requirement can include other administrative change recommendations
 7. **Slim down design review package requirements** and dial back the cost. Consider a maximum page limit or eliminating the “3 options” rule for preferred alternatives.

8. **Support and build on SDCI's ideas presented at the Council quarterly check-in (3/24/21).**
 - This includes moving to Bluebeam to allow real-time changes to plans, eliminating correction cycles, strategic additional staffing, etc.
9. **Require annual evaluation and publication of review times for Design Review applications/projects and establish performance targets.**
10. **Remove/streamline the pre-MUP issuance QA/QC correction round to address the long delays.**
11. **Streamline the MUP Final review/SEPA Decision Issuance review round to address the long delays.**
12. **Clearly identify the purview of Planners in Streamlined Design Review.** What was supposed to add 30 days to Project Reviews has resulted in a "mini" Design Review and long delays with no consistency from planner to planner.
13. **Reduce the number of projects that are required to go through EDG design review and have the planner review the proposed height, bulk, scale of the project.**

Note: some of these recommendations are also mentioned in the [Seattle Affordable Middle-Income Housing Advisory Council](#) ("AMIHAC") report. See Section 5 starting on pg. 48. This includes recommendations for faster design review for smaller projects, a neutral Ombudsman position, improving the correction process, improving the transportation and utility related processes, monitoring increased SEPA thresholds, etc.

Appendix A. Overview of the Full Design Review Process

