

# **Data analysis of the Design Review Exemption proposal, SDCI**

**February/March 2024**

Analysis for this proposal included a review of most development proposals undergoing Design Review in the affected area for the past five years: Fall 2018 to Fall 2023. This entailed reviewing permitting records such as notes of design review proceedings and recommendations, development plan sets, design review proposal “packets” that were presented to design review boards, and permit decisions. The specific kinds of documents reviewed varied from project to project depending on where and how the information about design review departures was conveyed. The review included proposals with all combinations of uses, ranging from non-residential-only developments such as offices and research and development laboratories, to residential-only developments of varying sizes, hotels, and combinations of mixed-use developments. A second review was conducted for developments that included residential uses or hotel uses, to verify the allowed code departures for those development proposals in greater granularity.

The findings about departures were categorized into general types relating to different kinds of departures that affect building shape and size dimensions, versus those that do not affect overall shape and size but affect other details such as landscaping, open space dimensions, access feature characteristics, overhead weather protection features and other subjects.

Types of departure-related topics:

## **Bulk and siting of development**

- Upper level setback and modulation requirements
- Variation from ground-level zero setbacks (build-to-lot-edge) requirement and other minimum setback dimensions
- Variation from minimum building podium façade heights
- Rooftop coverage limits in relation to mechanical or energy features, mechanical penthouses and/or top-of-building form
- Site coverage limits (ground floor or upper)
- Building width limits

## **Uses and features not related to bulk and siting**

- Minimum required percent presence of street-level uses along building façade(s)
- Minimum required depth of street-level uses
- Required street-level use types
- Minimum percent transparency and maximum blank façade requirements, especially if hardships such as sloping site edges
- Slope, width, and location of garage/vehicle entry
- Overhead weather protection details

- Minimum amount of open space amenity and/or landscaping, ground level
- Maximum percent of outdoor open space amenity that is covered by overhead building segments
- Percent of amenity/open space area provided indoors vs. outdoors
- Alternate arrangements in providing features such as utility spaces such as solid waste storage, and/or access to them

### **Summary of Design Review Project Data in Affected Area (2018 - 2023)**

The following summarizes the findings of the recent Design Review development proposals in City records, with respect to the range of identified departures that were proposed and/or recommended for approval. The range of relevant development proposals was identified through queries of the City's permit system, with subsequent data review to verify site addresses and types of developments. Information about size of development and use components and types of departures reviewed was added based on SDCI staff (Gordon Clowers) reviewing records about each development proposal.

The cited data reflects a combined record that in some cases may include certain departures that were proposed but not ultimately approved, and departures that were ultimately recommended to be approved by Design Review boards. This reflects that proposed architectural designs can change during the process, either due to applicants' wishes or the proceedings of the design review board. The review of this data by SDCI sought to reasonably identify the departure outcomes using the latest available documentation, such as a permit decision, board recommendation memos, or final plan sets amended to include documentation about the departures. Therefore, there is a degree of error potential in these findings about departures, in part because the available information does not lend itself to automated forms of tallying precise final outcomes for each proposal or subarea.

Available data indicates approximately 46 development proposals with residential and/or hotel uses originated in the last 5 years (Fall 2018 – Fall 2023) and underwent or began Design Review in the affected area.<sup>1</sup> In addition, approximately 9 non-residential development proposals included research and development (R&D) laboratory components. Under the proposed legislation, for the interim period of 3 years going forward, maintaining this recent pace of proposals would translate to an estimated 25 to 35 residential and mixed-use developments that might occur. This estimate encompasses mixed-use developments that may include a combination of residential and hotel uses as well as stand-alone hotel developments, other hotel-dominated-with-nonresidential mixed use combinations, or developments including R&D laboratories.

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<sup>1</sup> The recent-projects data included 5 hotel-residential use development proposals among 44 developments tallied with residential uses. Two other stand-alone hotel development proposals are also noted, bringing the total evaluated here to 46 development proposals.

**Appendix Table 1 – Tally of Design Review Departures Included in Design-Reviewed Projects in Affected Area – Fall 2018 – Fall 2023**

	Bulk and Siting-Related Departures						Other Varieties of Departures								GRAND TOTAL
	Length/ width	Modul., setbks, ground, upper levels	Site coverage ground, upper levels	Roof coverage	Hgt limit, vary from	SUB- TOTAL	Amenity area, landscap., open space	Gr. floor use type, % presence	Gr. floor use, % façade presence	Gr. floor use, min. height, depth	Transp. and blank façade %	Parking and access features	Overhead weather protection	SUB- TOTAL	
<b><i>Resid. or hotel or mixed use</i></b>															
Downtown U.C. 17 sites	3	16	1	2	0	22	4	0	0	0	3	8	12	27	49
Uptown U.C. 10 sites	0	1	0	0	0	1	3	0	0	0	1	1	0	5	6
S. Lake Union U.C. 7 sites	0	4	0	0	1	5	0	0	1	0	0	2	0	3	8
1 <sup>st</sup> Hill U.C. village 12 sites	0	10	2	0	0	12	4	2	0	3	2	0	2	13	25
<b>TOTALS 46 sites</b>	3	31	3	2	1	40	11	2	1	3	6	11	14	48	88
<b><i>Non-resid., non-hotel only</i></b>															
Downtown U.C. 6 sites						16	0	0	1	0	2	2	1	6	22
Uptown U.C. 9 sites						24	4	0	2	1	4	4	0	15	39
S. Lake Union U.C. 10 sites						29	0	2	0	0	6	7	0	15	44
1 <sup>st</sup> Hill U.C. village 0 sites						0	0	0	0	0	0	0	0	0	0
<b>TOTALS 25 sites</b>						69	4	2	3	1	12	13	1	36	105
<b>GRAND TOTAL, ALL REVIEWED DEVS. 71 sites</b>						109	15	4	4	4	18	24	15	84	193

**Appendix Table 2 – Data on Reviewed Developments Undergoing Design Review: including residential, mixed use, hotel uses**

Project ID #	Address	DUs	Stories	Dev Use Types	Non Res Area (Sq. ft.)	Non Res Units	Parking #
<b>Downtown Urban Center</b>							
3032794-EG	1932 9TH AVE	90	25	Hotel/mixed	133,500	300	0
3039919-LU	110 CLAY ST	221	16	Apt/gr fl comm	13,300		200
3033606-EG	1101 WESTERN AVE	245	17	Apt/gr fl comm	6,300		159
3033057-EG	1409 5th AVE	100	15	Hotel/mixed	70,000	270	0
3034203-EG	1520 5TH AVE	35	17	Hotel/mixed	77,600	246	
3037328-LU	1915 3RD AVE	112	10	Apt/gr fl comm	3,400		0
3031152-LU	2010 TERRY AVE	435	45	Apt/gr fl comm			261
3038667-EG	2033 4TH AVE	224	45	Hotel/mixed	50,050	99	0
3033958-EG	2224 2nd AVE	170	8	Apt/gr fl comm	9,000		114
3035815-EG	2333 3RD AVE	226	14	Apt/gr fl comm	7,050		113
3039257-LU	2405 7TH AVE	442	44	Apt/gr fl comm	2,571		262
3036130-EG	2407 1ST AVE	180	11	Apt/gr fl comm	7,500		30
3034374-EG	2616 WESTERN AVE	186	18	Apt			130
3040645-LU	3000 WESTERN AVE	219	9	Apt	0		127
3025004-EG	55 BELL ST	68	9	Apt/gr fl comm	700		45
3032494-EG	75 MARION ST	106	15	Off/mixed	202,000		278
3034006-EG	800 STEWART ST	496	53	Off/mixed	40,400		100

Project ID #	Address	DUs	Stories	Dev Use Types	Non Res Area (Sq. ft.)	Non Res Units	Parking #
<b>Uptown Urban Center</b>							
Project ID #	Address	DUs	Stories	Dev Use Types	Non Res Area (Sq. ft.)	Non Res Units	Parking #
3033395-EG	412 QUEEN ANNE AVE N	114	7	Apt/gr fl comm	7,500		99
3030925-LU	100 ROY ST	167	7	Apt/gr fl comm	6,370		164
3036111-LU	101 W ROY ST	132	8	Apt/hotel	21,100	36	95
3030512-LU	110 1ST AVE W	77	8	Apt/gr fl comm	3,500		8
3036517-LU	118 W MERCER ST	113	8	Apt/gr fl comm	0		66
3028452-LU	223 TAYLOR AVE N	220	8	Apt/off/ret	35,770		232
3033505-EG	501 JOHN ST		11	Hotel	106,140		0
3037318-LU	605 THOMAS ST	48	7	Apt	0		0
3033545-LU	610 2ND AVE N	93	7	Apt/arts instit	4,042		0
3032534-EG	1400 MADISON ST	368	17	Apt/ret	5,000		0
<b>South Lake Union Urban Center</b>							
3033059-EG	1370 STEWART ST	456	46	Apt/gr fl comm	13,300		
3035333-LU	210 MINOR AVE N	118	8	Apt	0		13
3040876-EG	222 MINOR AVE N	151	8	Apt	0		0
3033777-EG	222 Dexter AVE N	340	29	Apt/gr fl comm	5,000		140
3040230-LU	415 WESTLAKE AVE N	342	29	Apt/gr fl comm/inst	13,551		230
3032489-EG	508 DENNY WAY	154	18	Apt/gr fl comm	3,430		60
3033544-EG	610 2ND AVE N	93	7	Apt	0		0

Project ID #	Address	DUs	Stories	Dev Use Types	Non Res Area (Sq. ft.)	Non Res Units	Parking #
<b>First Hill Urban Center Village</b>							
3039974-EG	900 UNIVERSITY ST	202	33	Apt			182
3034785-LU	901 MADISON ST	178	21	Apt/gr fl comm	1,500		18
3039601-LU	907 TERRY AVE	373	41	Apt/gr fl comm			129
3030904-LU	815 9TH AVE	96	8	Apt			8
3038868-LU	718 YESLER WAY		11	Hotel	148,139	244	32
3036543-LU	225 BROADWAY	345	9	Apt			174
3034443-LU	1422 SENECA ST	135	18	Apt			0
3032298-LU	1400 MADISON ST	365	17	Apt/gr fl comm	5,130		5
3031313-LU	1000 E YESLER WAY	261	9	Apt			130
3034422-LU	101 8TH AVE	113	7	Apt			48
3033203-LU	1140 BOYLSTON AVE	227	8	Apt			129
3032178-EG	714 7TH AVE	43	6	Apt			0

Appendix Table 3 – Data on Reviewed Developments Undergoing Design Review: Non-Residential Use Development (non-hotel)<sup>2</sup>

Project ID #	Address	DUs	Stories	Dev Use Types	Non Res Area (Sq. ft.)	Non Res Units	Parking #
<b>Downtown Urban Center</b>							
3038768-EG	1815 6TH AVE		30	Off	547,500		230
3038764-EG	1818 6TH AVE		18	Off	363,900		185
3038257-LU	1916 BOREN AVE		11	Off	330,035		226
3039757-LU	2300 7TH AVE		10	lab/off	218,400		157
3039734-LU	2320 7TH AVE		17	lab/off	400,800		398
3039979-LU	901 LENORA ST		11	Off	220,000		179
<b>Uptown Urban Center</b>							
3040199-LU	112 5TH AVE N		9	off/lab	189,040		86
3038247-LU	200 TAYLOR AVE N		8	Off	238,700		151
3038240-LU	205 6TH AVE N		9	Off	263,077		288
3034929-LU	222 5TH AVE N		9	off/ret	178,300		93
3033913-EG	401 Queen Anne AVE N		6	off/ret	156,360		195
3039269-LU	550 MERCER ST		9	off/ret	202,000		179
3035337-LU	570 MERCER ST		9	Off	192,132		169
3038245-LU	611 THOMAS ST		9	off/ret	321,627		204
3033894-EG	760 ALOHA ST		4	off/ret	41,490		0
<b>South Lake Union Urban Center</b>							
3034759-LU	1305 STEWART ST		15	off/lab	304,873		262
3037322-LU	235 9TH AVE N		7	Off	116,075		59
3035742-EG	312 9TH AVE N		11	Off	230,400		250
3039262-EG	530 DEXTER AVE N		11	Lab	374,109		200
3039270-LU	535 8TH AVE N		11	Lab	377,830		226
3035375-EG	601 DEXTER AVE N		13	off/lab	232,830		233
3039130-LU	605 TERRY AVE N		6	off/ret	477,559		315
3033099-EG	701 DEXTER AVE N		10	off/lab/ret	230,000		230
3034660-LU	760 ALOHA ST		6	Off	41,500		0
3035865-LU	816 MERCER ST		13	off/lab	868,870		630

<sup>2</sup> No non-residential, non-hotel developments identified in the First Hill neighborhood. One hotel development at 718 Yesler Way is listed in Appendix Table 2.





### **Interpretation of Potential SEPA Cumulative Impacts**

Due to the combination of several recent or possible future legislative and regulatory actions, this analysis is evaluated for the potential implications for cumulative SEPA impacts that could be generated by the following:

- Proposal to exempt from Design Review developments including residential uses in selected Urban Centers, for an interim three-year period (the proposal under review in this SEPA Determination)
- Seattle’s Design Review reforms prompted by State HB 1293;
- SEPA review reforms prompted by State HB 5412 (revised SDCI Director’s Rule 9-2023);
- SEPA review reforms, Downtown residential development threshold for review (Ord. 126843);
- Master Use Permit (MUP) lifespan extension legislation (Ord. 126979);
- Downtown retail core, Third Avenue rezone (Ord. 126917);
- Belltown hotel use amendments (Ord. 126914)
- Possible legislation addressing “office to residential use” conversion.

**Appendix Table 4 - Land use topic identification for cumulative impacts**

	<b>Reduced amount, frequency of reviews</b>	<b>Affects use variety and designs interior to buildings</b>	<b>Affects building size and shaping, exterior design</b>	<b>Affects street-level use requirements</b>
Design Review exemption for development with residential, hotel, and R&D laboratory uses, in selected urban centers (the proposal)	No design review process for development with residential uses, through 2026	A range of possible effects, from requiring full compliance to code standards, OR waivers and modifications could allow variations in interior uses and their floor layouts	A range of possible effects, from requiring full code conformance (no departures), OR waivers and modifications could allow shaping of new buildings bulk and shape, although, no differences in total permissible floor area	A range of possible effects, from requiring full code conformance (no departures), OR waivers and modifications could allow shaping of new buildings at street level uses, similar to current practices
Design Review reforms prompted by State HB 1293 (under City review)	Limit D.R. to one public meeting; for the affected area, the exemption would supersede this	Differences in use, shaping, design still possible via departures or code waivers or modifications	Differences in shaping, design would still be possible via departures or code waivers or modifications	Differences in shaping, design would still be possible via departures or code waivers or modifications
SEPA review interim reforms for residential uses, ESSHB 5412 (see Director’s Rule 9-2023)	No SEPA review for residential uses until 10/1/2025	Foregone design review could lead to full compliance with land use codes, or could allow waivers/modifications from code. A lack of SEPA review not likely to add to impacts, because SEPA not very relevant to use variety or interior.	Foregone design review could lead to full compliance with land use codes, or could allow waivers/modifications from code. This removes one mitigation tool. However, permit reviews by staff would evaluate compatibility within the site’s setting.	Same as response to the left, with respect to proposed street-level development outcomes

	<b>Reduced amount, frequency of reviews</b>	<b>Affects use variety and designs interior to buildings</b>	<b>Affects building size and shaping, exterior design</b>	<b>Affects street-level use requirements</b>
SEPA review reforms, Downtown residential threshold (City), Ord. 126843	Given other SEPA interim reforms, this does not now have additional real effects on what is SEPA-reviewed	--	--	--
MUP lifespan extension (Ord. 126979)	Yes; one fewer review to renew an issued MUP at the 3-year mark. This eliminates a chance to require new conditions to meet newer requirements.	--	For affected topics that could be departed from, there is little or no chance that code requirements would get more stringent in the next three years. Thus, no cumulative effect is expected.	Same as response to the left.
Third Avenue rezone (Ord. 126917)	--	Rezone has changed total development potential at affected sites. If future developmt. includes hotel or residential use, design review exemption could apply.	Same as finding to the left.	Same as finding to the left.
Belltown hotel amendments (Ord. 126914)	--	Yes. Foregone design review might be relevant to a hotel-related project, with or without residential use, in Belltown. Findings are similar to those for	Yes. Foregone design review might be relevant to a hotel-related project that includes residential use, in Belltown. Findings are	Similar to findings to the left. If street-level use flexibility matters, flexibility could be available, or potentially

	<b>Reduced amount, frequency of reviews</b>	<b>Affects use variety and designs interior to buildings</b>	<b>Affects building size and shaping, exterior design</b>	<b>Affects street-level use requirements</b>
		SEPA review reforms re: ESSHB 5412, above.	similar to those for SEPA review reforms re: ESSHB 5412, above.	hewing closer to minimum code requirements
Possible “office to residential conversion” legislation (under City review)	There is a degree of overlap with the intent of design review, for remodels of existing buildings. However, City building permit reviews and land use review if applicable would still occur.	Yes. Most conversion reviews may relate to building code topics, re; interior use layouts, and details such as window and ventilation system building code compliance	Minor potential effect of this conversion legislation on glazing (may or may not lead to window upgrades), facades (may or may not lead to façade renovations). Other observations same as findings to left	Same as findings to the left
Street Activation proposal (under City review)	Waiver or modification of code standards for design review exemption overlaps with the ability for use flexibility at street level; for existing buildings.	Same as findings to the left	Similar to findings to the left. Because this activation regulation is mostly for existing buildings, there is relatively limited potential for added value of design flexibility.	Same as findings to the left.

The information in the table suggests the following observations, none of which indicate probable implications for significant adverse cumulative impacts:

- Overall, future new developments’ permit reviews will be subject to a lesser amount of review steps (no SEPA review for residential developments, fewer Design Review public meetings citywide, and no required Design Review for residential or hotel developments or mixed-use

developments dominated by residential or hotel uses, in Downtown, Uptown, S. Lake Union, and First Hill).

- Two factors suggest that the cumulative effects of these legislative efforts would not generate significant adverse impacts:
  - 1) If the ability to obtain code waivers or modifications are moderately or highly limited, then development outcomes would hew more closely to meeting existing code minimum requirements. Which itself would lead to compatible, more compliant development outcomes that are consistent with City plans and policies; and
  - 2) Given that City permit reviews would continue to occur, including SDCI's staffs' assessments about whether or not to grant code waivers or modifications for certain building features, the permit process would still evaluate the relative merits of granting a waiver or modification, along with the justifications and proposed design modifications offered by an applicant. This is likely to retain a substantive review value that is comparable to departure evaluations currently provided by a design review board, for the sake of accommodating flexibility from strictly meeting code requirements, and seeking improved overall qualities (or at least comparable alternative design qualities) in building designs. This has value especially because any given development site's characteristics may face constraints that affect ability to comply with minimum provisions of the Land Use Code.
- Based on the above discussion, the cumulative effects of the proposals do not appear to create significant adverse City policy conflicts or unintended cumulative adverse consequences related to land use. This is due to the proposed processes continuing to be able to evaluate the merits of developments' designs and their relative degree of adherence to City requirements, and a relatively narrow spectrum of difference in development outcomes: either closely resembling current outcomes under Design Review practices or hewing more closely to meeting requirements of land use and building codes.