December 5, 2006

The Honorable Greg Nickels
Seattle City Councilmembers
City of Seattle
Seattle, Washington 98104

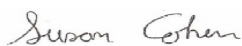Dear Mayor Nickels and City Councilmembers:

At the request of Councilmember Peter Steinbrueck, my staff examined Seattle's Design Review Program to determine the program's effectiveness in meeting its objectives and its impact on the quality of design in Seattle's built environment. We found overall the Design Review Program is successful and mitigates some of the negative impacts new developments may have on neighborhoods. However, opportunities exist to improve the Program, such as:

- Creating a dedicated team of planners to staff projects,

- Enhancing support and training for Board members,

- Allowing for more administrative review,

- Reducing the number of Boards throughout the City, and

- Creating a system that notifies planners to review projects before a building permit is issued and before a certificate of occupancy is granted.

The audit team assigned to this project included Mary Denzel, who has fourteen years experience as a policy analyst for the Seattle City Council focusing on land use issues and more than eight years with the Department of Construction and Land Use (now Department of Planning and Development); Megumi Sumitani, who has a B.A. in Environmental Design and a Master of Architecture degree from the University of Washington, has taught in UW's construction management program and has over five years construction auditing experience; and Jane Dunkel, who has over ten years of performance auditing experience.

The Department of Planning and Development (DPD) provided formal, written comments on a draft of this report. Those comments are found in appendix IX. We appreciate the expertise and cooperation of DPD's managers and staff throughout the audit. We applaud them for recognizing the importance of design review and remaining committed to the continual improvement of the Design Review Program. We also appreciate the assistance of local design professionals, developers, community members, Design Review Board Chairs, and the City of Portland, Oregon's Urban Design Land Use Department, all of whom provided us with valuable information and insights into the design review process.

Sincerely,

Susan Cohen

Susan Cohen

Attachment

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Introduction

Each decade, Seattle's landscape is dramatically altered with the addition of hundreds of small and larger buildings. Prior to 1994, many community members felt that these new buildings severely affected the livability of their neighborhoods and that the permitting process did not adequately address their concerns about this impact. Developers, faced by neighborhood opposition, in turn felt that their legitimate rights to develop according to the land use code were being hampered. This created conflict between the neighborhoods and developers. Consequently, many projects ended up as SEPA (State Environmental Protection Act) appeals before the City's Hearing Examiner, and then the City Council, and ultimately the courts. In 1994, to create a forum where developers and neighborhoods could discuss these issues in a less formal environment at an earlier stage of the project, the City established the Design Review Program.

The City's program goals included

- improving site planning and design;
- providing developers flexibility in adhering to specific code requirements; and
- improving communication and mutual understanding among developers, neighborhoods, and the City throughout the development review process.

Scope and Methodology

At the request of Councilmember Peter Steinbrueck, we conducted this audit to determine the program's effectiveness in meeting its objectives and its impact on the quality of design in Seattle's built environment.

To obtain information and perspectives on the Design Review Program, we researched and reviewed background information on design review in general and conducted more than 40 interviews with major stakeholders in the program. These included: three local architects, four developers, two land use attorneys, three outside experts, three Department of Planning and Development (DPD) managers, five DPD planners, all seven Design Review Board Chairs, four community members, and planning officials from nine other jurisdictions. In addition, we observed six Design Review Board meetings, and one meeting each of the Design Commission, Pioneer Square Preservation Board, and Historic Landmark Board.

We also obtained and reviewed program information from DPD, including, among others, Client Assistance Memos describing the program, data on the financial cost of the program, job descriptions for DPD planners, the Design Review Board training manual, two previous internal evaluations of the program (conducted in 1997 and 2002), and the Design Review Program Web page.

To obtain comparative information on another city's system of design review, we visited the City of Portland, Oregon, met with city officials in their Urban Design Land Use Review Department, and the Design Commission Chair, toured the city, and sat in on one of their Design Commission meetings. We conducted our work between November 2005 and June

2006, in accordance with generally accepted government auditing standards.

To summarize our results, we developed a matrix (See Exhibit I) that assesses the program against its legislative mandates and additional indicators of effectiveness. The criteria listed under Audit Objective 1, which assesses the extent to which the Design Review Program is meeting its legislative mandates, are taken directly from the program's authorizing legislation (Seattle Municipal Code (SMC) 23.41.002). We developed the criteria listed under Audit Objectives 2 and 3, which assess the extent to which the design review program is operating efficiently and effectively and promoting quality design in Seattle's built environment, based on independent standards[1] and professional judgment.

We based our assessments of each of these criteria on testimonial and observational evidence gathered in more than 40 interviews and observations of 11 Board and Commission meetings. We chose interviewees based on a judgmental sample so our observations cannot be generalized to the universe of stakeholders who participate in, and benefit from, the Design Review Program.

Background

The City of Seattle's design review process requires that new commercial and multifamily development exceeding a certain size threshold in certain land use zones undergo a review of their siting and design characteristics, based on a set of Citywide, and where applicable, neighborhood guidelines.[2] Design review is a component of a Master Use Permit application.

The City Council established the Design Review Program by city ordinance in October 1993, and the Department of Planning and Development administers it. Prior to the advent of the Design Review Program, public input on new project design occurred solely through the SEPA review process, and appeals of land use decisions to the Hearing Examiner, the City Council, and the courts. See Appendix IV for a more detailed program history.

Of the 774 Master Use Permits (MUPs) issued in 2005, 73 included design review. Although this represents only 9.4 percent of all the projects for which MUPs were issued, it represents a much larger percent of the overall construction dollars spent on all projects. This is because projects that undergo design review tend to be larger and more complex than other types of projects. DPD managers told us they could not easily calculate the percent of 2005 construction dollars that the 73 design review projects represented. However, summary data gathered for the Design Review Program's tenth anniversary in 2004 estimates that design review projects represented about 45 percent of the project dollar value of all permits issued during that period.

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[1] The independent standards were derived from the *Internal Control- Integrated Framework* by the Committee of Sponsoring Organizations (COSO) of the Treadway Commission.

[2] Development projects in single-family zones, public projects, designated landmarks, and projects in historic districts are not governed by the Design Review Program nor are they reviewed by its boards.

Design Review Program Description

The City Council's intent for the Design Review Program, as outlined in SMC 23.41.002, is to:

- Encourage better design and site planning to help ensure that new development enhances the character of the city and sensitively fits into neighborhoods, while allowing for diversity and creativity;

- Provide flexibility in the application of development standards to better meet the intent of the Land Use Code as established by City policy, to meet neighborhood objectives, and to provide for effective mitigation of a proposed project's impact and influence on a neighborhood; and

- Improve communication and mutual understanding among developers, neighborhoods, and the City early and throughout the development review process.

Design Review Process

Seattle's Design Review Program strives to achieve its objectives through a process that requires projects that meet certain thresholds to undergo at least two public design review meetings as part of the Master Use Permit process. (Projects under these thresholds may voluntarily submit to design review in exchange for consideration of development standard departures, however, these reviews are performed by DPD staff, not Design Review Boards.) The design review process requires a pre-submittal conference between the applicant and a DPD land use planner, an Early Design Guidance (EDG) meeting before a Design Review Board, development of the design based on guidance received at the EDG, application for a Master Use Permit, and a Design Review Board Recommendation Meeting. See Appendix V for a more detailed description of this process.

Design Review Boards

There are seven Design Review Boards in the City of Seattle. Each covers a specific geographic area. These areas are: Capitol Hill/First Hill/Central District, Downtown, Northeast, Northwest, Queen Anne/Magnolia, Southeast, and Southwest. Each Board has five members from a variety of backgrounds intended to represent the players in the development process. Design Review Boards consist of the following:

- Design professional (at-large)
- Developer (at-large)
- Community representative (at-large)
- Residential representative (local)
- Business representative (local)

At-large members can live anywhere in the City; local members must live within the board district. Board members are volunteers who serve two-year terms. They are appointed by the Mayor and City Council and may be reappointed for an additional two year term.

The Design Review Boards' duties include synthesizing community input on design concerns, providing early design guidance to the development team and

community, recommending specific conditions of approval that are consistent with the applicable design guidelines to the DPD Director, and ensuring fair and consistent application of Citywide or neighborhood-specific guidelines. (See Seattle Municipal Code 23.41.008.)

The DPD Design Review Program Manager responsible for the Design Review Program provides training for Board members three to four times a year. This training is voluntary.

Design Review Guidelines

DPD has developed, and the City Council has approved, two general sets of design review guidelines: "Guidelines for Multifamily and Commercial Buildings" and "Guidelines for Downtown Development." In addition, 16 neighborhoods have developed neighborhood-specific guidelines to supplement the Guidelines for Multifamily and Commercial Buildings, which have also been approved by the City Council. A complete list of these guidelines can be on DPD's Web site: www.seattle.gov/dpd/Planning. Click on "Permits," and then "Design Review."

Design review guidelines consider the following aspects of design: site planning, height, bulk and scale, architectural elements and materials, pedestrian environment, and landscaping. The Seattle Municipal Code (SMC 23.41.010) requires the Design Review Boards to use these guidelines as the basis for their recommendations and decisions. DPD lists the guidelines on the back of the boards' meeting agendas.

Development Standard Departures

The Seattle Municipal Code (SMC 23.41.012) authorizes the Design Review Boards to recommend departures from specific Land Use Code requirements, if doing so would result in a project better meeting the intent of the design guidelines. However, the code specifies a number of areas in which departures may *not* be granted (see Appendix VI). Many of the items that are most controversial with neighborhood residents such as residential density, amount of required parking, general structure height, and downtown view corridor standards, are on the list of items for which departures cannot be granted.

Program Assessment

Seattle's Design Review Program generally complies with its legislative mandates (see Exhibit I). It is particularly strong in some of the areas clearly emphasized in its enabling legislation: allowing public input into the design review process, making incremental design improvements to encourage *better* design (not necessarily "good" design), and allowing flexibility in the application of development standards in order to mitigate some of the negative impacts projects may have on neighborhoods. In other areas we found opportunities to strengthen the program, such as administrative support for Boards and improving direct communication between developers and neighborhoods.

It is important to note that Seattle's Design Review Program is discretionary. This means, instead of basing building design on prescriptive Land Use Code provisions, that a volunteer citizen board

considers public input and assesses a project's proposed design against established design guidelines. The City defines quality design through its design guidelines. Adherence to the guidelines is intended to result in buildings that "enhance the character of the City." However, because the design review process is discretionary—which by definition means that it leaves room for interpretation on how to best apply the guidelines in any given circumstance—opinions will vary about whether all the projects that go through Seattle's design review process are successful at achieving this goal.

One of the challenges inherent in discretionary design review is to maintain consistency and predictability in the design guidance given to applicants. This is particularly true in Seattle, which uses multiple review boards and does not have a dedicated team of planners to staff them. Since consistency and predictability in the design review process are two qualities generally valued by developers and architects because they can anticipate the basis upon which their projects will be judged, discretionary design review can be a frustrating process for these professionals. Part of this frustration could be mitigated by ensuring that all staff and volunteers involved in the design review process are qualified, well-trained and supported, given a significant role in the process, and assigned to the same project, from its initial design to its final construction. We recommend DPD

consider its options for strengthening the Design Review Program, particularly in the following areas:

Providing more consistent design guidance to applicants. This could be accomplished by:
- Creating a dedicated team of planners with an enhanced role in the design review process;
- Providing sufficient administrative staff and equipment to facilitate the meetings;
- Enhancing training for Board members through annual or biannual retreats;
- Allowing for more administrative review; and/or
- Reducing the number of Design Review Boards throughout the City.

Providing oversight during and after construction to ensure that DPD approved Design Review Board recommendations are incorporated into the project's final design. This could be accomplished by developing a system that notifies design review planners to review projects before a building permit is issued or a certificate of occupancy is granted.

In addition to the items listed above, on August 28, 2006, we sent the Department of Planning and Development (DPD) a memorandum that offered further suggestions for how they might strengthen the program. See Appendix X.

Exhibit I: DESIGN REVIEW PROGRAM MATRIX

Key:
Green: The program fully meets its legislative mandate or performance criteria.
Yellow: There may be opportunities to strengthen the program.
Red: There may be significant opportunities to strengthen the program.

CRITERION		COMMENTS
AUDIT OBJECTIVE 1: TO DETERMINE THE EXTENT TO WHICH THE DESIGN REVIEW PROGRAM IS MEETING ITS LEGISLATIVE MANDATES.		
Program Objective 1: Encourage better design and site planning to help ensure that new development enhances the character of the City and sensitively fits into neighborhoods, while allowing for diversity and creativity.		
Design modifications made to projects based on Design Review Board recommendations generally result in a better neighborhood fit.	**Green**	We obtained many examples of projects in which design features were altered based on neighborhood input. In some cases, the Design Review Boards' recommended design changes were not seen as improving the overall quality of the building's design, but this did not generally affect neighborhood fit.
Design modifications made to projects based on Design Review Board recommendations generally enhance the character of the City.	**Yellow**	The City has defined enhanced character through its design guidelines. Opinions vary about whether individual boards' interpretations of the guidelines accomplish this goal.
The design review process allows architects and developers the latitude to find creative solutions to the design problems they are trying to solve on a particular site.	**Yellow**	Program objectives, as outlined in the enabling legislation SMC 23.41, strongly emphasize design compatibility with the current character of the neighborhood. Board discussions and recommended design changes focused on achieving a neighborhood fit, enhancing the streetscape, or creating a pedestrian environment, but did not always take into account the overall integrity of the design or the design concept the architect was trying to achieve.

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CRITERION		COMMENTS
Program Objective 2: Provide flexibility in the application of development standards to better meet the intent of the Land Use Code as established by City policy, to meet neighborhood objectives, and to provide for effective mitigation of a proposed project's impact and influence on a neighborhood.		
The design review process allows for flexibility in the application of development standards to better meet the intent of the Land Use Code.	**Yellow**	Per DPD's own analysis, approximately 2.1 departures are granted per project. DPD most frequently grants departures in the areas of lot coverage, driveway/parking and access to parking, and open space. In discussing departures, the boards and applicants at the meetings we observed did not convincingly link departures to better meeting the intent of the Land Use Code.
The design review process allows for flexibility in the application of development standards to better meet neighborhood objectives and provide for effective mitigation of a proposed project's impact and influence on a neighborhood.	**Green**	Many neighborhoods have adopted specific guidelines. Our observations of Design Review Board meetings confirmed that design changes are made to better meet neighborhood objectives and mitigate neighborhood impact. We did not track whether departures were required to make these design changes.
Program Objective 3: Improve communication and mutual understanding among developers, neighborhoods, and the City early and throughout the development review process.		
The Design Review Program improves communication between **developers and the neighborhoods** early and throughout the development review process.	**Yellow**	The program does allow for this opportunity; however, Design Review Board meetings follow a prescribed format that does not always encourage dialogue between the developers and neighborhoods—i.e., often it is more a formal recording of public input. This was not sufficient for three large and controversial projects we observed.
The Design Review Program improves communication between **developers and the City early** in the development review process.	**Green**	Pre-submittal conference and follow-ups with a planner provide an opportunity for the developer to receive early guidance and feedback from a DPD planner.

CRITERION		COMMENTS
The Design Review Program improves communication between **neighborhoods and the City** <u>early</u> in the development review process.	Yellow	The first public interaction between the neighborhoods and the City is the first review meeting, the Early Design Guidance (EDG) meeting. The high volume of projects the program has reviewed in the last two years has created scheduling delays. As a result, this meeting does not always occur early enough in the process for the City to obtain timely public input that influences the final design without undue burden to the applicant.
AUDIT OBJECTIVE #2: TO DETERMINE THE EXTENT TO WHICH THE DESIGN REVIEW PROGRAM IS OPERATING EFFICIENTLY AND EFFECTIVELY		
Program Objective 1: Qualified individuals are recruited and trained for their role as Design Review Board members.		
Design Review Board members have the design background needed to discuss architectural concepts within their purview. Program objectives, as outlined in its enabling legislation SMC 23.41, stipulate that boards must be composed of the following: Design professional (1) Developer (1) Community representative (1) Residential representative (1) Business representative (1)	Yellow	Most current board members have some design background. However, it is not required of all members. Not all board members have experience working on the same types and scales of projects as those they review. This lack of knowledge can be frustrating to applicants and can result in inappropriate design guidance. As of November 2006, all Design Review Boards were composed of members who met the qualifications listed in column 1, and therefore were in compliance with SMC 23.41.
New board members are offered comprehensive orientation, the basic principles of urban design, and standards for design review professionals, the extent and limits of their authority, and guidelines for addressing comments in meetings.	Green	New board members are given a training manual that includes program overview, copies of design guidelines, background on planning and development in Seattle, guidance on how to run and participate in meetings, and background on the administrative structure of the program.

CRITERION		COMMENTS
All new board members participate in comprehensive orientation.	**Yellow**	The DPD Design Review Program Manager offers quarterly training meetings, which received good marks from members who participated. However, training is not mandatory and is not offered in the evenings, which prevents some board members from attending.
On-going training for board members is offered on a regular basis.	**Green**	The DPD Design Review Program Manager offers training three to four times per year. Participants generally report satisfaction with the quality of the training.
All board members participate in on-going training.	**Yellow**	Training is not mandatory; not all board members participate in all sessions.
Board members are given criteria upon which to base their design review recommendations.	**Green**	The City Council approved Citywide, downtown and neighborhood-specific design guidelines that provide the basis for board recommendations. These must be adhered to in the EDG priorities the board sets for the project, as well as any final recommendations.
Program Objective 2: Administrative support for Design Review Boards enables them to conduct meetings efficiently and effectively.		
Projects are assigned to planners with design education, expertise, and experience.	**Yellow**	There is a core group of planners who staff design review projects; however, DPD has stopped short of formally making this a dedicated group. Consequently, it is possible that planners without the requisite expertise or experience could be assigned to design review projects.
Planners have the time and resources to fully support the applicant and the board, and represent the City.	**Red**	Planners could use more time and resources to review projects, and to ensure that applicant packets are mailed to board members and meeting reports are produced and distributed

CRITERION		COMMENTS
	Red	in a timely manner. In addition, methods for recording board meetings vary widely, from written notes to use of laptop computers to the use of recording equipment.
Project assignments take into account the need for continuity in the design review process.	**Red**	The planner assigned to the EDG pre-submittal conference is often not the same as the one subsequently assigned to the project for the rest of the design review and MUP process.
Design Review Board Chairs and planners clearly understand their relative roles and how they are to work together.	**Yellow**	Most work together well, but there is some confusion about the roles, and the roles vary by planner and board.
Logistics of meetings are adequately handled.	**Green**	Rooms are reserved, notices are sent, and applicants are scheduled.
Boards and planners have access to the space and equipment they need to conduct meetings efficiently and effectively.	**Red**	We found that at some of the board meetings we attended, the public could not see or hear the applicant's presentation or board deliberation. The quality of settings for board meetings varies widely.
Boards have sufficient time at each meeting to fully explore issues with the applicant and the public, and to deliberate.	**Yellow**	Varies by project.
Planners assigned to design review receive specific, on-going training to enable them to support boards and applicants proactively.	**Yellow**	Initial training is on-the-job training. On-going training is provided through weekly group meetings, but is voluntary.
Systems are in place to ensure that board recommended guidance, approved by the DPD Director, is incorporated into the final construction of the project.	**Red**	No such system exists. Follow up varies by individual project and planner.

CRITERION		COMMENTS
Program Objective 3. Public input is obtained in a manner that promotes participation by all interested stakeholders and allows issues to emerge before significant design work is accomplished.		
Public input occurs early enough in the process to be incorporated into project design changes without significant burden to the applicant.	**Yellow**	Often significant design work has gone into a project by the time it is brought to the EDG meeting. Opportunities for public input at the earliest stages of design would have a greater chance of being incorporated into the final design. Currently, public input may be incorporated into a project's final design after the EDG meeting or via a board recommendation, but often it is at significant cost to the applicant because the input was not received early enough in the design process.
Public input is obtained in a manner that promotes open dialogue between the project sponsors and interested parties, and increases the likelihood that all important issues will surface and be responded to.	**Yellow**	The formal nature of board meetings and tight agendas constricts open discussion between the public, the applicant, and the board. Open discussions earlier in the process could address concerns before they become problems.
Efforts are made to ensure that public participation in the design review process does not vary significantly between geographic areas of the City.	**Yellow**	DPD should consider implementing additional outreach efforts, possibly involving the Department of Neighborhoods. For example, we were told that public participation rates were lower in the Southeast sector. Additional efforts could include translating meeting notices into the major languages spoken in the neighborhood and using informal community networks to advertise meetings.
AUDIT OBJECTIVE #3: TO DETERMINE THE EXTENT TO WHICH THE DESIGN REVIEW PROGRAM IS PROMOTING QUALITY DESIGN IN SEATTLE'S BUILT ENVIRONMENT.		
The Design Review Program has developed clear policy guidance on the basic principles of urban design that Design Review Board members can use when evaluating projects.	**Yellow**	The design guidelines are based on principles of urban design. Clear written guidance on what constitutes design "excellence" does not exist; however, the Design Review Program Web site shows six "great examples of projects that have met the City's design

CRITERION		COMMENTS
	Yellow	guidelines especially well."
The Design Review Program actively promotes design excellence in the City of Seattle; for example, through publications, sponsoring speakers/events, and design competitions, etc.	Yellow	Active efforts by the City to promote design excellence have decreased since 1999, when CityDesign[3] was established. Most recent entries on the program's Web site pertain to activities of the Seattle Design Commission[4], which deals only with public spaces.

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[3] DPD's CityDesign supports urban design excellence throughout Seattle through various activities, such as: project review, public outreach, development facilitation and education.
[4] The Seattle Design Commission advises the Mayor, City Council, and City departments on the design of capital improvement projects as well as projects on City land, in the City right-of-way, or constructed with City dollars.

APPENDIX I: Observations

Over the course of forty interviews we conducted and nine design review board meetings we attended, a number of consistent themes emerged.

The Design Review Program rates high against its original intent, but opinions vary on whether it promotes design excellence.

- *Opinions vary on what constitutes quality design*

- *Seattle's process achieves a better neighborhood fit; other variables affect design quality*

- *Many stakeholders think the program works well; architects and developers were most likely to express frustration*

- *Design Review Boards frequently recommend granting departures from Land Use Code development standards; the impact of these departures on overall design quality is unclear*

Design Review Boards and planners work together to make project review a success; multiple Boards and planners and heavy workload present challenges to overall program effectiveness.

- *Boards and planners are critical to the process, but are not consistent from one project to another*

- *Heavy demand puts pressure on boards and planners*

The Design Review Program provides an important forum for public participation.

- *Large and controversial projects may benefit from early, informal public meetings*

- *The public needs guidance on where to go with specific concerns about proposed developments in their neighborhoods*

DPD lacks a system for follow-up on Design Review Board recommendations after a Master Use Permit has been issued.

Detailed description of observations

Design Review Program rates high against its original intent, but opinions vary on whether it promotes design excellence.

Opinions vary on what constitutes quality design

As noted in the program description, the first goal of the Design Review Program is to encourage better design and site planning to help ensure that new development enhances the character of the City and sensitively fits into neighborhoods, while allowing for diversity and creativity. We were also asked by the City Council to assess whether the program was truly resulting in better—even good quality—design. This inquiry led us to the question: What is good design?

We found that opinions on what constitutes good design varied among the people we interviewed. One local expert told us that good design is: 1) true to its time; 2) uses materials appropriately (in ways that are true to the nature of the material); 3) does not incorporate false historicism; and 4) has clean architectural details. He also noted that well-designed buildings do not "make a statement in a cultural void." Another expert explained to us the difference between signature buildings (those that stand out and make a statement) and background buildings (those that fit well into the existing natural or built environment). This expert noted that good design can mean design which fits in well with the background, and that this concept seems to be a lost art of design.

At least three of the DPD planners we talked with—who staff a large number of design review projects—mirrored this opinion. One told us that good urban design is collaborative: it is what works in the neighborhood, provides continuity and context, makes people comfortable and delights them, and stands the test of time. A second planner told us that good design considers how a building looks from many perspectives (far away, immediate proximity, up close), incorporates distinctive elements, is creative, and is compatible with its surrounding neighborhood *or* very distinct from it. A third reminded us of the assertions of Marcus Vitruvius Pollio, a Roman writer, architect and engineer active in the first century B.C., and author of *De architectura* (*The Ten Books of Architecture*), the first complete work about the discipline. Vitruvius asserts that a well-designed structure must be durable, useful, and beautiful.

Seattle's process achieves a better neighborhood fit; other variables affect design quality

We found that most of the stakeholders we interviewed could identify cases where they thought the program had improved the design of specific buildings; however, few, if any, thought that the program had produced excellent design. In fact, many questioned the ability of any design review process to achieve design excellence, citing the other factors that affect design quality, including individual talent, client motivation, and market conditions. Others suggested that the real question is not "has the program improved the quality of design?" but "What would you be getting without design review?" Finally, there were those who pointed out that Seattle's Design Review Program is effective at making small-and mid-scale urban

design changes (to better respond to neighborhood guidelines), and is less effective at positively impacting what a building looks like (surface materials, roof lines, window types, etc.), and not effective at solving intractable problems of scale, bulk, open space, and similar big urban design issues. Typically, the most significant neighborhood opposition occurs in the areas of bulk and traffic impacts.

All the Design Review Board Chairs and DPD land use planners we interviewed believed that the design review process has improved the quality of design in Seattle's built environment. Comments ranged from "definitely" and "absolutely" to "has had a significant impact on 10 percent or less of the projects and tweaks the rest" and "has enhanced the quality of design but has not gone far enough." All seven of the Design Review Board Chairs were able to offer examples of buildings they believed had been improved by the process.

The community members we interviewed also agreed that the program has improved the quality of design, but two of the four were guarded in their responses. One community member noted that while the Design Review Program has upped the starting point for architects and developers, raised awareness of design in the community, and had a positive impact on aesthetics and site planning, it has not affected a main concern: building size. Another noted that it is hard to distinguish between the influence of the Design Review Program and general trends in architecture and marketplace demands.

Finally, the architects and developers we interviewed were less enthusiastic about the Design Review Program's impact on design quality. About half believed that the program still allows bad design to "get through" the system. One architect pointed out that good design is about more than style, and noted that "mimicry" is only one way to achieve a good neighborhood fit. Another asserted that avoiding departure requests—which is what some applicants do to expedite the review process—will never result in excellent design. Finally, we were told by one developer that the culture and values of the developer and the market for good design, affect whether quality design will occur. *The Architects' Handbook of Professional Practice* also recognizes the influence of multiple variables on design quality and identifies the following ten key factors that affect project design: the client, the program, community concerns, codes and regulations, context and climate, the site, building technology, sustainability, cost, and schedule. Individual design talent is another variable that can significantly affect design outcomes.

Many stakeholders think the program can work well; architects and developers were the most likely to express frustration
We found that overall satisfaction with the Design Review Program varied among the stakeholders we interviewed. Board Chairs and DPD land use planners were most satisfied with the Design Review Program. Community members were somewhat satisfied. Architects and developers were the most likely to express frustration with the process.

We found that all seven Board Chairs generally agreed that the program is working well. Some of their comments included:
- Process has improved over time.
- Overall good job; not perfect. Boards are constrained by what's in the guidelines.

- Boards do a good job but so does the community. It's a partnership.
- In general very effective, but it depends on the ability of the Board Chair.
- Process involves compromise—not all stakeholders will obtain their desired outcomes. Need to have realistic expectations of the program.

Land use planners also expressed overall satisfaction with the process, citing its importance to the neighborhoods and the public and its generally positive impact on most projects. One land use planner told us that the process "works as smoothly as possible given all the variables involved."

The community members we talked to generally agreed that the program was serving the public well, but could do better. One stated that the critical variable that determines how well the program works is whether the applicant believes in the process. This community member also thought that the overall effectiveness of the program is hampered by the boards' leniency in recommending departures. Another told us that design review is not a guarantee of quality design, but provides a check on the worst offenses. This community member pointed out that design guidelines can be "trumped too easily by entitlements in the code."

Architects were the most likely to express frustration with the program. One architect told us that architects walk a fine line between the needs of their clients (developers) and their desire for a great city. Another stated that Seattle's Design Review Program can work well with a good designer, but overall, a performance based system of regulation, such as the one used in Vancouver, B.C.[5], is preferable. This viewpoint was corroborated by other architects we interviewed, who described the following challenges: 1) the length of time it takes to get projects approved (too long); 2) the lack of time allowed to thoroughly present and discuss their projects at Board meetings (too short); 3) inconsistency between boards and among board members, 4) lack of clarity regarding the role of the planner in board meetings, and 5) the lack of follow-up during the construction phase of a project.

The developers we spoke with expressed the same frustrations but agreed that the program was worth continuing. One developer told us that with a well-trained and focused board, it can be a good process. Two others confirmed this statement, emphasizing the extent to which individual Boards and land use planners influence the efficiency and effectiveness of the process for a given project. Another told us that the design review process is inherently frustrating for developers because it exerts a level of control over their projects that can increase costs. This developer pointed out that developers must respond to market conditions as well as government regulations and neighborhood priorities. One land use planner confirmed this viewpoint, saying that "developers must balance expense and utility," and that "where they draw the line on these two priorities may differ from where the City or the public would draw it."

Design Review Boards frequently recommend granting departures from Land Use Code development standards; the impact of these departures on overall design quality is unclear
A major objective of the Design Review Program is to provide flexibility in the application of

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[5] In Vancouver, B.C., builders can earn bonuses, allowing them more FSR (floor space ratio, similar to what DPD calls FAR, floor area ratio), in exchange for design changes.

development standards to meet the intent of the City's Land Use Code, to meet neighborhood objectives, and to provide for effective mitigation of a proposed project's impact and influence on a neighborhood. We found that applicants request, boards recommend, and DPD authorizes, on average, 2.1 departures per project. This figure is based on DPD's own analysis of a sample of 101 projects which underwent design review from 1994-2002. DPD granted the most departures in the areas of lot coverage, driveway/parking and access to parking, and open space. Most granted departures occurred in the Neighborhood Commercial-2 and Neighborhood Commercial-3 zones—nearly 36 percent of the 101 projects reviewed and 36 percent of the total departures granted. (See Appendix VII for a copy of DPD's analysis.)

With the various stakeholders we interviewed, we discussed in depth how the departure process works in practice. Opinions varied as to whether the departures granted through the Design Review Program truly result in improved design for a given project. Some stakeholders called the board's ability to grant departures the backbone of the program. Others said that boards grant departures too leniently, without fully assessing whether the departures resulted in projects with improved designs.

Some stakeholders perceived that the Design Review Boards demand "additional design enhancements" in exchange for granting departures. This process is inconsistent with the enabling legislation for the program, which states that "Departures may be allowed if an applicant demonstrates that departures from Land Use Code standards would result in a *development which better meets the intent of the adopted design guidelines*." Departure requests should be judged only on the basis of this criterion. To the extent that the design review process *appears* to be one in which trade-offs between Land Use Code regulations and project enhancements are negotiated between the Design Review Board and an applicant, the City risks being accused of over-reaching—abusing its zoning power to exact public benefits.

Developers and architects, in particular, pointed out the trade-off between flexibility and security inherent in the design review process, noting that the decision to request departures carries with it the risk that doing so will significantly lengthen a project's review time. For this reason, developers intent on moving their projects through the system often tailor their designs to meet the prescriptive code and avoid departures altogether. One group of architects emphasized that this method of avoiding departures is *not* the way to achieve excellent design. Instead, it penalizes applicants who use departure requests to enhance the quality of their projects by forcing them to go through "more extensive review." In contrast, one community member told us that most of the departure requests are simply attempts on the applicant's behalf to achieve greater bulk and more square footage. Clearly, viewpoints on this issue differ depending on who the stakeholder is and what the individual's particular experience has been with the process.

Design Review Boards and planners work together to make project review a success; multiple Boards and planners and heavy workload present challenges to overall program effectiveness.
Boards and planners are critical to process but are not consistent from one project to another

Many of the stakeholders we spoke with emphasized the critical role that DPD planners play in determining the effectiveness of the design review process. Developers told us that how well a project progresses depends on the land use planner and his/her ability to facilitate the project. DPD managers cited staff experience as a key driver of program quality. However, developers and architects told us that planners vary in the way they manage meetings, the extent to which they guide and direct the board, and the degree of support they provide to applicants. One meeting participant told us that planners lack confidence and support. Another said that if the planner took a more prominent role in supporting and directing the Board, the process would be stronger. Still others told us they found Design Review Programs in other jurisdictions—where planners are more empowered and have more time to work with individual applicants—more efficient and effective.

Similarly, developers and architects told us that boards played a key role in determining the quality of their experience with the design review process. We were told that this experience differed depending on the individual board responsible for reviewing their project. Some also noted inconsistency among board members on the same board, and inconsistent guidance given at different board meetings. (This latter case was sometimes attributed to different board members being present at one meeting, but not the next.) While one would expect individual board members to have different opinions on a given design (indeed, the process was created to solicit such varied input), applicants seemed most frustrated when the guidance was unclear at the end of the meeting or differed substantially between the Early Design Guidance meeting and the Recommendation meeting. Some developers, who regularly take projects before multiple boards, expressed frustration with the different guidance they receive from each board.

The large number of boards and board members also makes it difficult for DPD to ensure that all board members receive adequate training. While Design Review Board Chairs told us that they are generally satisfied with the training and support they have received from DPD, developers, architects, and community members noted that not all board members understand their role or what is within their legal purview. We were also told that board members are not always familiar with the neighborhood plans and design guidelines that pertain to the projects they are reviewing. To address this, several developers and one attorney suggested that board members receive more training.

One issue that could be clarified by training would be the board's authority over a proposed project's height, bulk, and scale. One community member told us that not all board members understand their role and authority relative to SEPA review and mitigating the impacts of height, bulk and scale. Although boards have only limited authority to increase or decrease the height of a project, they do have *some* authority as well as purview over a number of design variables that affect the impact of a building on its surroundings, for example, lot coverage, street-level treatment, and setbacks. SMC 25.05.675(G)(2)(c) states that if the design review process approves the height, bulk and scale of a proposed project, SEPA review must defer to that decision "*except where there is clear and convincing evidence that height, bulk and scale impacts documented through environmental review have not been adequately mitigated.*" Therefore, it is very important that board members clearly understand the extent

as well as limits of their authority and responsibility with respect to a project's height, bulk, and scale.

If one of the City's goals is consistency in the design guidance provided to applicants, DPD may want to consider restructuring the program so there are fewer boards. However, if this is done in the absence of other efficiencies—such as an enhanced role for the planner—it will only create further challenges for the boards in meeting the demand for their services (see below).

Heavy demand puts pressure on boards and planners
As the rate of development increases in the City of Seattle, there is also increased demand for the services of the Design Review Boards and the land use planners who staff them. The fact that Design Review Board members are volunteers, and that land use planners have many duties in addition to design review, challenges the boards' abilities to meet this increased demand.

As volunteers, Design Review Board members prepare for, and attend, two evening board meetings per month, as well as quarterly training sessions. In addition, in the spring of 2006, due to the high volume of projects that needed to be reviewed, one board scheduled two additional meetings. Despite this, developers told us that one of their biggest frustrations with the program is the fact that their projects are often delayed because they are unable to get their project on a board's meeting schedule in a timely manner.

This heavy workload also puts pressure on DPD land use planners. Part of this is due to the fact that all DPD planners who staff design review projects have other duties related to land use planning. The exact composition of these duties varies by planner. Duties may include, among other things: reviewing, analyzing and writing reports regarding a wide variety of land use decisions and defending the decisions on appeal if necessary; working with SDOT on traffic, parking, and street improvements related to projects; and reviewing project plans for compliance with zoning regulations. Planners also staff the Applicant Services Center one day every three weeks, where they screen the incoming MUP applications and working on Review and Inspection Center projects. DPD management told us that this staffing pattern is intentional and that it is important to them to maintain flexibility when assigning land use planners to design review projects.

If achieving top-quality design is a City priority, DPD may want to consider creating a dedicated team of land use planners devoted to design review. This would allow the team members to follow a project through from pre-application to final inspection, continually increase their knowledge of architectural design and design review, provide a higher level of service to all the players in the process (board members, applicants, and community members), and expedite the rate at which projects flow through the process.

The Design Review Program provides an important forum for public participation.
Another goal of the program is to improve communication and mutual understanding among developers, neighborhoods, and the City, early and throughout the development review process. This goal recognizes that the design review process, as it currently exists, is a

compromise process that requires all interested parties to listen and respond to each other's views and concerns. Because of this, any evaluation of the program must take into account the perspectives of the different stakeholders. Accordingly, we asked the Design Review Board Chairs and community members we interviewed to identify who among the various stakeholders are its primary constituents. We then asked them how effective they thought the program was at serving these constituents.

Board Chairs generally agreed that the primary program constituents are the neighborhoods. Three of the seven Board Chairs named neighborhoods and local communities as the primary constituents. The remaining four agreed, but added that the program also serves applicants, designers, and the City. Two of the four community members we interviewed believed the program primarily serves the public, while a third community member said it serves both the community and the developer, and a fourth stated that it probably serves good design—architects and developers—the most.

Many of the stakeholders we interviewed attested to the importance of public input into design review, saying that it is "the strength of Seattle's process," "a good tool for coping with increasing density," and "a relief valve for controversy." They cited that "responsiveness to neighborhoods" was the ultimate purpose of the program. One community member told us that participating in Design Review Board meetings teaches people that as citizens, we can make a reasonable request and it will be responded to. The Design Review Program manager summarized his opinion on the matter as follows:

> "The Design Review team is the City's ambassadors to the neighborhoods. There is simply no City program where more City staff visit more neighborhoods and meet more citizens (on average 2,000 citizens per year), and spend more hours on a regular basis dealing with concerns that deeply affect the local citizenry—the character and quality of development in the City's neighborhoods."

Although Design Review Board meetings can be an important forum for obtaining public input, Board Chairs also told us that public participation in the Design Review Program varies by geographic area. At least one land use planner confirmed this, saying that public comment varies radically between areas and projects. This planner added that public involvement during board meetings can be a motivating force for the boards. Because of the importance of public input to the integrity of the process and the impact it may have on boards, DPD may want to consider additional outreach efforts, especially in areas where public participation has been low historically. Such efforts may include changes in the content and format of the meeting notices, additional information that further clarifies the purpose and structure of design review meetings, or on-line tutorials, accessed through DPD's Web site, that guide participants through a typical meeting. One community member suggested that DPD planners bring zoning maps to each meeting and give a brief introduction that explains property values and development trends in the neighborhood.

Large and controversial projects may benefit from early, informal public meetings
Finally, two developers told us that, with controversial projects or issues, they had more success in resolving neighborhood concerns when they met with concerned individuals and

groups in smaller, less formal forums than Design Review Board meetings. Based on our discussions with both developers and DPD program management, we recommend that all applicants consider taking additional measures to obtain public input rather than relying solely on Design Review Board meetings. For example, applicants could meet with the local Community Council or other neighborhood organizations, owners of abutting properties, and/or individuals or groups who have expressed interest in the project. DPD management told us that this is already a common practice among experienced developers.

The public needs guidance on where to go with specific concerns about proposed developments in their neighborhoods
One City of Seattle Neighborhood Service Center coordinator told us that the public is often most disappointed with the design review process because of confusion about which issues boards can address. Often, citizens show up expecting a Town Hall environment where they can discuss such things as parking and SEPA and they leave feeling frustrated. In this official's view, DPD could do a better job when meetings are publicized by explaining which design issues can be addressed by the board, and offering alternatives for addressing concerns that are outside the board's legal purview. This viewpoint was corroborated by community members.

We observed the public comment portions of six Design Review Board meetings. During these meetings, it was difficult to assess whether the expressed public dissatisfaction was with the specific project or simply about the City's increasing density. Understandably, it may be difficult for long-term neighborhood residents to experience significant changes in the character and composition of their neighborhoods. Because of this, the Design Review Program can provide an important forum for members of the public to gain an understanding of the changes occurring in their neighborhoods, and express input during the process. However, the Design Review Program was *never* intended to address all the issues that neighbors and community members may have about a proposed project. For example, Design Review Boards do not have the legal authority to change a building's use because this is prescribed by the zoning code. Similarly, traffic impacts and the amount of parking spaces required for a given project are not within the purview of Design Review Boards; instead, these elements are addressed in the MUP process, when compliance with Land Use Code standards (zoning) is determined; and during the SEPA review when traffic and overflow parking impacts are addressed[6]. The following exhibit provides a quick "rule of thumb" reference chart for citizens that outlines departments to contact and meetings to attend regarding neighborhood concerns:

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[6] There are also other codes, pertaining to environmentally critical areas, shoreline, tree ordinances, grading and drainage and Seattle Department of Transportation public right-of-way improvements that need to be coordinated with DPD's design review decision.

Exhibit II: Avenues for Addressing Concerns about Proposed Developments

Concern	Applicable Regulation	Avenue for Public Input
Height and zoning designation	Height and Zoning designation as specified in the Land Use Code	Contact Department of Planning and Development; public notification is required if developer proposes very large changes or a text amendment that would change the code
Uses	Zoning and SEPA (State Environmental Protection Act)	Contact Department of Planning and Development; public notification is required if developer proposes a project size over stated thresholds
Design	Design review guidelines, including: ▪ Site planning ▪ Height, bulk, and scale for design purposes ▪ Architectural elements and materials ▪ Pedestrian environment ▪ Landscaping	Attend Design Review Board meeting; contact Department of Planning and Development; send in comments; or contact the developer directly
Traffic or amount of required parking spaces	Zoning requirements as specified in the Land Use Code; SEPA ordinance	Contact Department of Planning and Development; 50 signatures required to force a public meeting
Public Right-of-Way Improvements	Right-of-Way Improvement Manual	Contact Seattle Department of Transportation or the Department of Planning and Development

DPD lacks a system for follow-up on Design Review Board recommendations after a Master Use Permit has been issued.

A final and significant weakness in the Design Review Program is the lack of follow-up that occurs once a MUP has been issued for a project, a building permit application has been filed, reviewed, and issued, and construction has begun. The land use planners who staff design review projects told us that there is no system to ensure that planners also check the design review aspects of building permit applications or that they are notified when a building permit is issued, construction begins, or a certificate of occupancy is granted on a project they have reviewed. According to one DPD manager, one-quarter of the projects undergoing design review are "re-dos" projects that have been changed after the Master Use Permit issuance. However, there is no system in place to guarantee that post-MUP design changes are caught.

The design review planner should review final plans before a building permit is issued to ensure that the plan complies with the approved design. There should be another inspection before the certificate of occupancy is granted. We found that planners varied as to whether they conducted these reviews and inspections, and even those who performed them did not do so consistently. This may be due to the lack of a timely and seamless notification system.

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APPENDIX II: Case Study: Lessons Learned from Portland, Oregon

We chose to examine the Design Review Program in Portland, Oregon after conducting preliminary research on the Design Review Programs in ten other jurisdictions.[7] See Appendix VIII for a brief overview of these jurisdictions' programs. We chose to examine the City of Portland's system because of its geographical proximity and the reputation it has gained for producing quality design outcomes.

To learn about Portland's system of design review and how it compares to Seattle's program, we spent two days talking with the manager of Portland's Design Review Land Use Services Division and a City senior urban design planner. We also toured the Pearl District, attended a Design Commission meeting, talked with the Chair of the Design Commission and met with two local architects whose projects have come before the commission.

Based on these discussions, we identified the following five distinguishing features of Portland's system of design review, which contribute to Portland's more uniform design vision. It would be difficult for Seattle to achieve such a uniform vision, given its decentralization and emphasis on neighborhood fit and public participation.

1. Portland's system reviews all projects in specific design overlay districts. Project review includes buildings of all sizes. For example, in addition to new construction, Portland's system reviews remodels, additions, enhancements, bridges, signs, and even sidewalk vendors. In contrast, Seattle's system reviews only new construction over certain size thresholds.

2. Portland uses one board—The Design Commission—to review all projects. In 2005, Seattle's seven boards reviewed 137 Early Design Guidance projects and made recommendations on 53 projects. In contrast, Portland's Design Commission reviewed approximately 50 projects in 2005. This lower number is partially attributable to the fact that Portland subjects a much higher number of their projects to administrative review.

3. Portland had large tracts of land to work with that were essentially undeveloped. In land use terms, they had a "clean slate." For example, the Pearl District is built on land that used to be an abandoned railroad yard. Seattle has no comparable undeveloped area.

4. **Portland receives a much lower rate of public participation in their meetings than Seattle does.** We did not determine whether this lower rate was due to disinterest,

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[7] These jurisdictions included Austin, TX, Boston, MA, Cleveland, OH, Des Moines, IA, Kansas City, MO, Minneapolis, MN, Phoenix, AZ, Portland, OR, San Francisco, CA, and Vancouver, B.C.

lack of opposition, or barriers to participation. For example, one thing that might prevent some citizens in Portland from attending Design Commission meetings is that they are held in the afternoon, often a difficult time for working people to get away. Alternatively, Seattle's meetings are held in the evening from 6:30–9:30 p.m., in neighborhood locations.

5. <u>Firm political support for a strong Citywide design vision was critical to the program's early success.</u> Portland City officials told us that its Design Review Program received strong support from key political leaders in its early years, and that this support empowered planners and Design Commission members to demand higher quality design from applicants.

Lessons learned from Portland
Portland's Design Review Program offers important insights which contribute to their ability to provide applicants with consistent and predictable design guidance.

1. *Portland provides greater support to the people who run the Design Review Program (planners and board members).*
Portland's Design Commissioners attend annual retreats and new members are given basic quasi-judicial and land use training. In addition, Design Commissioners are offered training on a need-to-know basis. There is only one commission, and the manager of Portland's Design Review Program is able to attend all Design Commission meetings, which provides an additional level of support to the commissioners and planners and more assurance of consistency to applicants. If DPD's Design Review Program manager were to attend all Design Review Board meetings in Seattle, the manager would be at meetings a minimum of seven nights a month, in addition to his or her other duties. In Portland, (as well as in Seattle), training for planners, is less structured; much of it is on the job.

2. *An enhanced role for the planner is critical to the efficiency and effectiveness of the process.*
In Portland, the planner assigned to a project has a more significant role than a planner in Seattle. For example, planners are responsible for preparing a report to the board for each project they staff. These reports include background on the project, a summary of previous commission comments (if applicable), and a description of the design changes made by the applicant since the last meeting (often in response to the commission's comments). This information helps Design Commission members recall the specifics of the project and any outstanding issues.

In addition, Portland planners are responsible for working closely with the applicant between meetings, in order to come to a consensus and make recommendations to the commission regarding project approval. Involving Portland planners in this way provides a higher level of support to commission members than members of Seattle's Design Review Boards receive.

3. *One board and less public participation results in more consistent design expectations, but this is at the expense of soliciting a broader range of opinions.*

We found that it was easier for Portland's Design Commission to give more consistent feedback Citywide than is possible in Seattle, because one small group reviews all projects in the City. Portland City officials described the commission's process as "raising the bar of design expectations over time." In addition—possibly due to the fact that their commission meets during the day, when many people are working—Portland experiences a much lower rate of public participation in their design review process than occurs in Seattle. While both these factors may mean that there is more consistency in the design advice given to applicants in Portland than in Seattle, we believe that this comes at the expense of soliciting a broader range of opinions.

4. *The environment, format, and structure of the meetings establish credibility and legitimacy to the design review process.*

Portland's Design Commission meets in the same location each month, in a meeting room that is well equipped with microphones, audio visual equipment, and administrative staff to ensure that the meetings are recorded accurately. We found that this environment, combined with the formal roles followed by the participants, establishes more credibility and legitimacy to the process than occurs in the more informal settings used by Seattle's Design Review Boards.

5. *Optional early design feedback from the board helps applicants identify and respond to salient issues early in the development process.*

Two years ago, Portland instituted a new mechanism that allows applicants to request informal advice of the Design Commission before their formal review takes place. The meeting at which this advice is offered is called a Design Advice Request (DAR). Anyone who wants to pay a fee can get on the Design Commission's agenda for a DAR. The questions asked at DARs can be simple or complex, depending on the project. This voluntary early meeting has become very popular with developers and is now almost standard for most projects. Before this meeting was offered, there was no mechanism for applicants to "test the waters" with their design. Projects tended to come in late and the commission and applicant often haggled over the details. At the DAR meeting, applicants raise substantive questions about design, allowing them to "push the envelope" (i.e., take more risks by going beyond the standard design currently in vogue). One Portland architect told us that the DAR was a huge improvement to the program. While Seattle's Early Design Guidance meeting may be a DAR equivalent, in practice the EDG sometimes takes place after the applicant has invested a significant, and costly, level of design effort into the project.

6. *A discretionary design review process may be preferable to a more prescriptive process, but poses inherent challenges for applicants.*

Both Portland's and Seattle's design review processes are discretionary. One alternative is a more prescriptive system, such as "Form-Based Zoning," which uses land use code to govern design review. However, one Portland City official told us that discretionary design review (i.e., the use of boards or commissions to give input and guidance into a building's design) is preferable to prescriptive systems (which outline design requirements in Land Use Code). Although Form-Based Zoning is more easily administered than discretionary review, the official said it "doesn't have the deliverables" because it is not

flexible over time. That is, it can only represent community values in the slice of time in which the code was written. Design guidelines, because they are inherently more general than Land Use Code, and can be revised more easily, provide more flexibility over time.

The downside to discretionary design review is that it is more difficult to maintain consistency and predictability in the design guidance given to applicants because individual professional judgment is part of the equation. Because consistency and predictability in the design review process are two qualities generally valued by developers and architects (because they can anticipate the basis on which their projects will be judged), discretionary design review is inherently more challenging for them. Some of these challenges can be mitigated by ensuring that the staff and volunteers involved in the design review process are qualified, well trained and supported, given a significant role in the process, and available to staff projects throughout the process.

APPENDIX III: City Auditor's Responses to Seattle City Council Questions about the Design Review Program

Is the Design Review Process (DRP) improving the quality of building design in Seattle? Has it added value?

A range of opinions exists regarding quality design improvements. Part of the challenge lies in defining "quality" design. Is it design that fits well with the neighborhood—i.e., creates pedestrian-friendly environments, and is appropriately massed and scaled and visually appealing? Or does quality design strive to do more than this? The Seattle Municipal Code asks only that the program "encourages better design." Several people we interviewed pointed out that good quality design depends on a combination of variables, including the developer, the architect, the budget, and the quality of review.

While some of the stakeholders we interviewed thought that the design review process "easily knocks out the garbage," and that "good design can be design that fits in well with the background," others believed that "the Design Review Program is *not* preventing poor design from occurring," "avoiding departures will not result in excellent design," and "more often than not, what emerges from Seattle's system is not quality design." While one stakeholder thought that overall, design had been improved, the current process only perpetuates one style. Others noted the risk of "design by committee," which can result in a weakening of the overall integrity of the design. Still another stakeholder pointed out that better design is about creating pedestrian-friendly environments that foster community and thought, and the current process focuses too much on other aspects of design (e.g., building materials or the façade above the third-floor level). Finally, one stakeholder pointed out that design outcomes vary by board and project, and that "good outcomes can be achieved when boards are composed of capable designers and cooperative developers." This was confirmed by another stakeholder, who noted that "quality review results in quality design," but thought that Seattle's system did not always provide quality review.

See *Seattle's process achieves a better neighborhood fit; other variables affect design quality* in Appendix I for more information.

Do the Design Review Boards have enough authority and influence? Are the Boards' recommendations followed? Does the DPD Director ever override them? Is the DPD Director using her authority to the fullest?

All projects that meet certain thresholds[8] require at least two public Design Review Board meetings. The boards have authority to allow "departures" from Land Use Code standards (see Appendix VI for a list of exceptions to this authority). Examples of code

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[8] Projects must first exceed SEPA thresholds (SMC 25.05.800) and then meet the criteria of SMC 23.41.004.

for which development standard departures may be granted include structure width and depth limits, setback requirements, modulation requirements, and open space or common recreation requirements. Standards that *cannot* be modified through the design review process include residential density, amount of required parking, general structure height, and downtown view corridor standards, to name a few.

Although Design Review Boards only have the authority to *make recommendations to the applicant* for design changes and *to the DPD Director* for development departures and/or project approval, in practice, the DPD Director has very rarely overruled board recommendations. This is appropriate, given that by the time a project reaches the DPD Director's desk for approval, thousands of dollars and countless hours have been expended developing, discussing and reviewing the design. From the inception of Seattle's Design Review Program in 1994 through August 2005, approximately 956 projects have undergone design review. Of these, DPD management told us that the DPD Director has overruled only a handful of the boards' recommendations. We were told that more typically, the DPD Director's decision varies from a Board's recommendation when the board omitted an issue or evaluation assessment and failed to make a recommendation.

According to the DPD Design Review Program manager, boards rarely, if ever, throw out a project or demand that it be completely redesigned. This is because the design review process itself, if working properly, is intended to prevent such a scenario from occurring. The sequence of events required to get a project through the design review process is clearly spelled out in SMC 23.41.014, and includes: 1) a pre-submittal conference with a DPD planner; 2) an Early Design Guidance (EDG) public meeting; 3) a full Master Use Permit application, and design review, zoning, and SEPA reviews; 4) a Design Review Board Recommendation Public Meeting and 4) the DPD Director's decision. Guidelines for what the applicant must bring to the EDG meeting are delineated in the Land Use Code, in DPD's Client Assistance Memo 238, and on the DPD website. At either the applicant's or the board's request, additional meetings may be scheduled after the first EDG meeting. Applicants may not apply for a Master Use Permit until after the distribution of the priority guidelines established at the first EDG meeting. From a developer's point of view, most of the board's authority comes from their ability to prolong the development process by requesting major redesigns and/or additional meetings before recommending the project for approval. Because the carrying costs for most projects are significant, this, in effect, gives the Board a lot of authority. Boards do, however, have limits to their authority: they cannot deviate from the zoning code and they must base their design guidance on one or more sets of City Council approved design guidelines.

Are there criteria for them to apply? Are the criteria strong enough to be implemented closely? Are the requirements too prescriptive?

The criteria for the Design Review Program are found in SMC 23.41.010, the "Guidelines for Multifamily and Commercial Buildings" and neighborhood design guidelines approved by the City Council. These guidelines ". . . provide the basis for Design Review Board recommendations and CityDesign review decisions, except in downtown, where the

'1999 Guidelines for Downtown Development' apply." Board decisions must be based on these criteria.

We found that opinions on the quality of the guidelines varied. While one stakeholder told us the guidelines are "fairly broad and consistent with the state of the art," and another thought that they are "good at describing the intent of the neighborhood" and "clear and comparable to Portland's guidelines," others thought that "the guideline standards are not clear enough." Other comments spoke to the fact that Seattle's design review process is very prescriptive compared to more performance-based systems like Vancouver, B.C.'s.

Is the design review process cooperative? Do the boards have enough judgment and expertise to offer advice? Are their decisions fair and objective? Do they stray from the criteria?

Most stakeholders we interviewed agreed that the quality of the applicant's experience varied by board and DPD planner. One stated that the challenge of Seattle's model is to guarantee quality and consistency between boards. While one stakeholder thought that "the boards are doing a good job and getting better all the time," others criticized some boards for not knowing their charters, not sticking to the rules, and basing their guidance on subjective opinions. We also heard about the need for Board members to receive more training and relevant experience. For example, some stakeholders thought that board members should have commercial design experience if they are going to review commercial buildings.

While one stakeholder thought that the varied composition of the boards, which includes architects, developers, and community members, was a strong model, others thought that in order to achieve high-quality design, boards should be made up of the best design professionals in their fields.

Finally, we heard some frustration with the board process: lack of adequate time for applicants to present their projects, leading to miscommunication of intent or misguided board directives; boards dictating specific design changes (instead of imposing guidelines and leaving it to the applicant to find the solution); lack of continuity in the guidance received at the two meetings (resulting in increased project costs); no clear summary of guidance at the end of meetings; and long delays before EDG minutes are published.

What are the best practices for design review? Are there ways to strengthen our program?

See Appendices II and VIII, which cover practices in other cities and jurisdictions.

Additional observations we thought were important:

Granting of Development Standard Departures

The practice of allowing boards to grant development departures was seen as a trade-off by most of the stakeholders we interviewed. While having the flexibility to deviate from code was seen as a plus, the "enhancements" that boards often require of applicants in exchange for granting departures were seen as risky and not always logical from a design perspective. The risk to applicants is that asking for departures may open the door to lengthy discussions about whether they should be granted and what the applicant is going to do in return. The code [SMC 23.41.002] says departures can be granted if they "better meet the intent of the Land Use Code" and "provide for effective mitigation of a proposed project's impact and influence on a neighborhood." Boards need to be particularly careful that they don't abuse their power by being perceived as over reaching—using the regulatory process via the granting of departures to get what they want from landowners.

Role of Planner

Stakeholders also commented on the importance of the role of the land use planner in keeping the boards on track. Again, this varied widely. It was generally agreed that the process works best if the planner has relevant training and design experience, and is empowered to take a prominent and defining role in the process. One stakeholder thought that it was more important for planners to have drawing and urban design backgrounds than backgrounds in land use or urban planning.

Importance of public comment

Almost everyone we interviewed agreed that providing a venue for public comment was one of the strengths of the Design Review Program. What is less clear is whether the public comments made at the meetings are actually incorporated in the guidance given to the applicant. One stakeholder estimated that this was true approximately 90 percent of the time. Another thought that "public input generally does not impact Design Review Board decisions."

APPENDIX IV: Program History

According to one senior DPD official, the Design Review Program evolved because of community dissatisfaction with new developments that surfaced in the 1980s under new regulations governing multifamily development. According to this official, citizens would bring their general concerns about a project to the SEPA meetings, but leave upset because it was the wrong forum for airing their "non-environmental impact" concerns. Before the Design Review Program was established, the only available venues for public input on new projects were SEPA review meetings (for eligible projects) and appeals of SEPA determinations to the City Hearing Examiner and City Council. The review process was contentious and cumbersome. Due to this multi-stage process, projects were often delayed. Developers wanted more flexibility than the Land Use Code allowed and citizens needed a forum where they could have a dialogue about something that really mattered to them—the impact of the development on their neighborhood.

To address these issues, in August 1990, the City Council adopted Resolution 28228, requesting staff of the Department of Construction and Land Use (DCLU, now DPD) to develop a Design Review Program. Two citizens' committees were formed to assist with this effort, one to work on design review guidelines and the other on the design review process. In 1993, the City Council adopted Resolution 28757, creating the Design Review Element of the "Early Project Implementation Program" and adopting the accompanying "Design Review: Guidelines for Multifamily and Commercial Buildings." On October 18, 1993, the City Council passed Ordinance 116909 which established the Design Review Program. Since that time, there have been only two legally mandated changes to the program: one in 1998, which expanded the Design Review Program thresholds for downtown, adopted new Downtown Design Review Guidelines, eliminated sub-areas, and reduced total board members from 49 to 38; and another in 2004, which reduced total board members from 38 to 35 and provided a mechanism for appointing substitute members to Design Review Boards.

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APPENDIX V: Design Review Process

Step One: Pre-Submittal Conference
Applicants (developers and architects) whose projects meet the thresholds are required to attend a pre-submittal conference with a DPD land use planner. The purpose of the pre-submittal conference is to discuss the project site, context, and general development program. In addition, at this meeting, the applicant receives a copy of the applicable design guidelines and has an opportunity to discuss possible development standard departures. The applicant may also choose to drop off an Early Design Guidance (EDG) submittal packet at this time. The required contents of this packet are listed under SMC 23.41.014 and can also be found in DPD's Client Assistance Memo 238. If the EDG packet is not submitted at this time, it may be dropped off later or must be submitted in person during a scheduled appointment at the DPD Applicant Services Center.

Step Two: Early Design Guidance
Once an EDG packet has been received, it is reviewed by a DPD land use planner for completeness. If it is deemed complete, the project will be entered into DPD's permit system and an Early Design Guidance meeting will be scheduled. This is an evening public meeting before a Design Review Board. Notice of the meeting is mailed to residents within 300 feet of the proposed site and a yellow placard is posted at the site notifying the public of the meeting. At the EDG meeting, the applicant presents information about the project and how it relates to the surrounding area. Citizens are invited to offer their comments and concerns about the proposed siting and design of the development. Board members then identify the design guidelines that are the highest priority for the site and give site-specific guidance to the applicant. After the meeting, these are summarized by the DPD land use planner and sent to all parties in attendance at the meeting, or those who have written to DPD expressing interest in the project.

Step Three: Project Design/Responding to the Priority Guidelines
The applicant and architect continue to develop the project design, taking into account the guidance received from the board at the EDG meeting and recorded in the EDG report by the DPD planner. During this time, the applicant can schedule additional meetings with the DPD land use planner, if needed.[9] Either the applicant or the board may request an additional EDG meeting, if needed.

Step Four: Applicant Applies for Master Use Permit
After the EDG meeting, applicants may submit a schematic level design as part of their Master Use Permit application. All MUP applications for projects subject to design review include a design review component, along with other necessary components, such as zoning, SEPA review, administrative conditional use, etc. Once the MUP application has been accepted, a formal, two-week public comment period begins, signaled by the posting of a sign

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[9] Six hours of a DPD land use planner's time is included in the minimum land use review fee, after which applicants are charged at a rate of $250 per hour.

on the site and the mailing of notices to surrounding residents and businesses within 300 feet of the site.

Step Five: Design Review Board Recommendation Meeting
Once a project design has been sufficiently developed in response to the early design guidance and the initial zoning review has occurred, the Design Review Board reconvenes to consider the proposed design at an evening meeting open to the public. This is commonly referred to as the Recommendation meeting. At this meeting, the applicant presents the more fully developed design, and then the board asks clarifying questions, takes public comments, and deliberates. Board members review the design in light of the concerns and recommendations expressed at the meeting, as well as the previously identified early design guidance. The board then decides on its official recommendation to DPD on the design, including whether they recommend granting any development standard departures. After the meeting, a written summary of the board's recommendations (a Recommendation Report) is sent to all parties of record.

The final decision on the design review component of a MUP application is made by the DPD Director. However, if a "supermajority" of the board (four out of five members) supports a recommendation, it is considered a consensus recommendation and the DPD Director must adopt it.[10]   After the final design review decision is made, a MUP decision is published. Design review decisions are appeal able by any interested party to the Seattle Hearing Examiner.

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[10] The DPD Director has the authority to override these supermajority recommendations only if the board has made a clear error in the application of the guidelines, exceeded its authority, or required design changes that contravene other, nonwaiverable local, state, or federal requirements.

APPENDIX VI:

SMC 23.41.012 Development Standard Departures

A. Departure from Land Use Code requirements may be permitted for new multifamily, commercial, and major institution development as part of the design review process. Departures may be allowed if an applicant demonstrates that departures from Land Use Code requirements would result in a development that better meets the intent of adopted design guidelines.

B. Departures may be granted from any Land Use Code standard or requirement, except for the following:

   1. Procedures;

   2. Permitted, prohibited or conditional use provisions, except that departures may be granted from development standards for required Downtown street level uses;

   3. Residential density limits;

   4. In Downtown zones, provisions for exceeding the base FAR or achieving bonus development as provided in Chapter 23.49;

   5. In Downtown zones, the minimum size for Planned Community Developments as provided in Section 23.49.036;

   6. In Downtown zones, the average floor area limit for stories in residential use in Chart 23.49.058D1;

   7. In Downtown zones, the provisions for combined lot developments as provided in Section 23.49.041;

   8. In Downtown Mixed Commercial zones, tower spacing requirements as provided in 23.49.058E;

   9. Downtown view corridor requirements, provided that departures may be granted to allow open railings on upper level roof decks or rooftop open space to project into the required view corridor, provided such railings are determined to have a minimal impact on views and meet the requirements of the Building Code;

   10. Floor Area Ratios;

11. Maximum size of use;

12. Structure height, except that:

  a. Within the Roosevelt Commercial Core building height departures may be granted (up to an additional three (3) feet) for properties zoned NC3-65', (Exhibit 23.41.012 A, Roosevelt Commercial Core);

  b. Within the Ballard Municipal Center Master Plan area building height departures may be granted for properties zoned NC3-65', (Exhibit 23.41.012 B, Ballard Municipal Center Master Plan Area). The additional height may not exceed nine (9) feet, and may be granted only for townhouses that front a mid-block pedestrian connection or a park identified in the Ballard Municipal Center Master Plan;

  c. In Downtown zones building height departures may be granted for minor communication utilities as set forth in Section 23.57.013B;

13. Quantity of parking required, maximum parking limit in Downtown zones, and maximum number of drive-in lanes, except that within the Ballard Municipal Center Master Plan area required parking for ground level retail uses that abut established mid-block pedestrian connections through private property as identified in the "Ballard Municipal Center Master Plan Design Guidelines, 2000" may be reduced. The parking requirement shall not be less than the required parking for Pedestrian designated areas shown in Section 23.54.015 Chart D;

14. Provisions of the Shoreline District, Chapter 23.60;

15. Standards for storage of solid-waste containers;

16. The quantity of open space required for major office projects in Downtown zones as provided in Section 23.49.016B;

17. Noise and odor standards.

APPENDIX VII:

Summary of Development Standard Departures Granted for 101 Constructed Design Review Projects

Type of departure	Number of departures granted
Non residential frontage	15
Lot coverage	**31**
Front setback	16
Side setback	14
Rear setback	15
DT upper level coverage	2
Maximum wall dimensions	1
DT street level	1
Rooftop coverage	0
Width	7
Depth	16
Driveway/Parking	**31**
Landscaping	13
Open Space	**25**
Modulation	20
Other	7
Total:	214

Note: The three categories in which the most development standard departures were granted, lot coverage, driveway/parking, and open space, are in bold.

Source: Design Review: Data on Design Departures, DPD

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APPENDIX VIII: Design review programs in other jurisdictions

City	Design review applies to:	Brief description of process	Allowance for public input	Comparable to Seattle
Austin	Only out-of-the ordinary, high profile projects required by law or volunteered.	Applicants who volunteer generally seeking increased Floor Area Ratio (FAR) or height; City Council can refer projects for review.	Informal, voluntary channels (community advisory groups, etc.); up to developer to seek input.	No
Boston	Historic Districts, Neighborhood Design Overlay Districts, Projects over 20,000 SF (square feet).	20/50,000 square feet (SF): Small Project Review –Boston Redevelopment Authority (BRA) administrative approval; 50/100,000 SF: more rigorous review; 100,000+ SF: Boston Architectural Design Commission.	Depends on project type: community meetings required for commercial projects; Impact Advisory Groups formed for large projects; Zoning & BRA meetings advertised.	Yes
Cleveland	New construction, demolition, anything that changes the appearance of the project if located in a Design Review District.	Reviews conducted by either the Citywide Design Review Committee or a Business Revitalization District Committee, depending on location. A majority of the members must be design professionals. District Committees must follow Citywide as well as local design guidelines when conducting reviews.	Public can voice their opinions at meetings. Meeting agendas go out a week in advance of the meeting. Notification left to project sponsors and council members.	No
Des Moines	Projects with city financial participation.	Reviews conducted by Urban Design Review Board (UDRB), appointed by City Council. UDRB makes recommendations for project approval to City Council; does not have authority to grant departures from code.	Unknown; meetings may be public.	No

City	Design review applies to:	Brief description of process	Allowance for public input	Comparable to Seattle
Kansas City	Administrative review for rezones or projects in Urban Renewal District.	City Plan Commission (CPC) conducts public hearings on various development-related applications; planners review plans and projects for conformance to urban design guidelines.	No formal method. CPC and City Council Committee meetings public.	No
Minneapolis	Nearly all new construction subject to site plan review, which includes building placement and design.	Design review based on quantitative measures, not qualitative (e.g., limit on blank walls, durable materials compatible on all sides, form and pitch of rooflines similar to nearby buildings).	Projects over a certain threshold require a public hearing; abutters and neighborhood association notified.	Yes
Phoenix	Administrative review unless rezone or requesting variances.	Planner with urban planning or architectural background is part of administrative review team.	Public can impact design guidelines through the Design Review Standards Committee (DRSC); DRSC and Rezoning hearings public.	No
Portland	Areas zoned high-density or designated critical.	Minor reviews – low dollar value – administrative; Major reviews – significant investment - administrative review then administrative recommendation to Design Commission (DC).	DC meetings public; DC members appointed by Mayor.	Yes

City	Design review applies to:	Brief description of process	Allowance for public input	Comparable to Seattle
San Francisco	All projects undergo staff review; criteria for referring some projects for further review is stipulated in the Land Use Code.	Architectural review may be done administratively by professional staff; can be referred to the Planning Commission for discretionary review by staff, applicant, or community member. [11] City instituted a streamlined process in July 2004 to reduce costs of discretionary review.	All major construction projects require public hearings; neighbors must be notified and have appeal rights.	Yes
Vancouver, B.C.	Sizable projects go to Design Panel; Smaller, neighborhood projects go to Design Review Boards.	Incentive-based system where developers can earn additional "rights-to-use" or Floor Space Ratio (FSR) based on performance criteria. Large projects: Staff route project through multiple reviews, including preliminary design review for use, density, and set back. Second review by Urban Design Panel is much more detailed and thorough. The Urban Design Panel is an advisory group to the Development Permit Board (DPB), which has final authority. DPB is also assisted by an advisory panel.	Development Permit Board meetings are public and include a public comment period.	No

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[11] Staff can require modifications including, but not limited to: changes in siting, building envelope, scale texture and detailing, openings and landscaping.

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APPENDIX IX:

Department of Planning and Development's Response to Audit Report

M E M O R A N D U M

TO: Jane Dunkel, Assistant City Auditor

FROM: Diane M. Sugimura, Director

DATE: November 7, 2006

SUBJECT: Auditor's Report – *Seattle's Design Review Program, September, 2006*

I appreciate the opportunity to comment on your report based on your review of Seattle's Design Review Program. Thank you and to Susan Cohen, Megumi Sumitani, and Mary Denzel, for the time spent meeting with Department of Planning and Development staff, as well as applicants and participants in the design review process. Yours was an ambitious and challenging assignment. This memo is intended to summarize our overall observations about the report. A separate memo has been prepared to respond specifically to the *Items for Consideration*, as requested.

Design Review in Seattle, is a complex, program that is maturing and evolving. I believe that it is a program that has served the community, as well as developers/designers, well. Staff and I are in agreement with a number of your observations. This is, of course, a dynamic process … we continually look for ways to strengthen the program.

Overall, the report's focus on the need to improve staffing and resources dedicated to the program is a welcome conclusion. Your suggestion that we consider more administrative review is also a concept that we've been considering. It is noteworthy that the audit was conducted during the two busiest years in the history of the program. The program had averaged about 80 new projects per year; however, in the past two years, we've averaged over 135 new projects per year. It is also important to recognize that Audit Objective #3, determining the extent to which the program is promoting good design is a conclusion difficult for design professionals to agree upon, let alone asking auditors to make such a determination.

Understanding the Original Intent of the Program
It is important to reiterate the original purpose of design review … to allow for early dialogue between the City, applicants, and the public about how new development can better fit into an existing neighborhood. Council added two other important conditions that are not referenced in

the report: "The process should not result in substantial additional costs to the project or add significantly to the time necessary to obtain a permit from the City."

Neighborhood involvement in the Design Review process has been a hallmark of Seattle's process. When introduced in 1994, we knew of no other program nationally that aspired to such a comprehensive, neighborhood approach to encouraging quality design, particularly in terms of neighborhood-based review boards. As noted in the report, and not surprisingly, neighbors often use Design Review Board meetings to express concern with any and all aspects of a project, whether within the purview and authority of the Design Review process or not. This can be a significant challenge for the Board and the staff during a Design Review meeting.

Ultimately, the success of design review hinges on many uncertain variables, including the quality of initial design proposals; an applicant's degree of motivation to work with the neighborhood and City, and their willingness to modify proposed project design; the neighborhood in which the project is proposed; the capacity of the design review board to which a specific project is assigned and their ability to effectively address the issues raised; and the experience and skills of staff assigned to a project. All of these elements must be considered in efforts to improve the program, and in turn, improve the design quality of Seattle's built environment.

Reviewing the Program in 2007
In 2007, we anticipate embarking upon a comprehensive review of the Design Review Program and your report will help us to focus our efforts on an appropriate scope of issues. The five bulleted recommendations on the bottom of page 6 will be incorporated into our review of the program. With regard to the recommendations contained in the report, it would be helpful to unite all of the recommendations of the report under one heading. The current organization of the report leads to some confusion as some recommendations are referenced, as at the bottom of page 6, while others are included in Table I, and yet others are incorporated into the appendices of the report. Combining the recommendations in one place would promote ease of reference to this important aspect of your report.

As we evaluate the Design Review Program next year, we will take into consideration proposals to expand the program, so that more and different projects would benefit from design review. This is something that we had already anticipated considering. We are mindful, however, that the volunteer Boards are currently at capacity. We need to consider other options, including as you suggest, more administrative reviews. We also believe it is important to evaluate how Design Review relates to ongoing amendments to the Land Use Code. We will address the items you have called attention to, including what it will take to develop a more effective inspection and enforcement system.

As noted above, this is a challenging program to implement. The program has evolved over time. We are learning from the experience of reviewing more than a thousand projects, and participating in hundreds of meetings with communities, and with developers and their designers. For example, we have revised how projects are assigned to DPD's Design Review team, and we

have revised the board system to help us meet the needs of the applicants and the community during this significant development boom.

Assuming our budget proposal is approved and armed with your report, we believe 2007 will be a good time to reflect on the original goals for the program, our success in achieving those goals, and how we can improve the program to further advance quality design in Seattle.

Thank you for your review and suggestions for consideration.

cc. Susan Cohen, Megumi Sumitani, and Mary Denzel, Office of City Auditor
     Bob Laird, Cliff Portman, Vince Lyons and John Skelton, DP

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APPENDIX X:

Office of City Auditor's Memorandum to Department of Planning and Development regarding Improving Seattle's Design Review Program: Items for Consideration

City of Seattle
Office of City Auditor

MEMORANDUM

Date: August 28, 2006

To: Diane Sugimura, Director, Department of Planning and Development

From: Jane Dunkel, Assistant City Auditor

Subject: Improving Seattle's Design Review Program: Items for Consideration

As you know, we recently published an audit on Seattle's Design Review Program. In this audit, we recommended DPD consider its options for strengthening the design review program, particularly in the areas of:

- Administrative support and training for board members;
- Allowing for more administrative review;
- Reducing the number of Boards throughout the City;
- Better identifying and responding consistently to potentially controversial projects; and
- Enhancing informal discussion between the developer and the affected community in the early stages of project planning.

Considering the rate of significant development that is expected to occur in Seattle in the next ten years, and the long term impact such development will have on the City, we believe that investing in the Design Review Program now will pay off in the long run in a higher quality built environment and a more livable city. While it is management's responsibility to decide how to improve the Design Review Program, we offer some suggestions based on our research.

Facilitate more consistent and timely design guidance

> *Create a dedicated team of planners with an enhanced role in the design review process*
> We believe that Design Review Program would run more smoothly and result in higher quality design outcomes if Boards were staffed by a dedicated team of planners. With a dedicated team, each planner could see a project through the review process from its inception at the pre-application meeting to ensuring that follow up inspections occur after construction is completed. An expanded role for the planner would enhance the Board members' abilities to conduct quality, focused reviews that adhere to neighborhood plans and design review guidelines while still allowing architects and developers an appropriate degree of design latitude.

> *Consider raising the threshold for projects undergoing review and allowing a greater percentage of projects to undergo administrative review*
> Currently all projects--regardless of size, impact, or interest by design board or community--get the same amount of review time at the meetings. In addition, the heavy volume of reviews creates significant time lags for projects getting on the schedule. If thresholds were raised and a dedicated team of land use planners created, this team would have the expertise to conduct a higher volume of administrative reviews. Early, informal community meetings could still provide an avenue for public input for projects undergoing administrative review.

> *Reduce the number of Boards throughout the City*
> To allow DPD management and staff to better support and train the Boards and create greater consistency in the quality of the reviews and feedback given applicants, DPD may want to consider reducing the number of Boards in the City by consolidating Boards with smaller workloads. This would reduce the amount of staff time needed to recruit, train and support Board members, and would allow the DPD Program Manager and his staff to focus their efforts on supporting the remaining Boards.

> *Provide sufficient administrative staff and equipment to facilitate the meetings*
> To facilitate more efficient meetings, better support the Design Review Board volunteer members, and elevate the stature of design review in the City, it is important that design review meetings be adequately staffed and equipped. One way of achieving this would be to hold the meetings in one central location that has all the necessary equipment and is easily located. The risk inherent in using one central location is that it might inhibit neighborhood participation in meetings. This risk must be balanced with the ease of identifying and finding one central location and the efficiencies gained from a better equipped meeting space.

> *Consolidate design review guidelines into one reference book*
> To ensure that Board members have access to all the guidelines that may pertain to a particular project under review, all the guidelines, including citywide, downtown and neighborhood, should be incorporated into one book. This would enable planners to

identify all the guidelines and neighborhood plans relevant to a given project and direct Board members to this guidance in advance of Board meetings.

Hold annual or biannual Board retreats
Seattle Design Review Board members told us that they especially appreciated the training sessions in which they were allowed to meet with one another and discuss common issues that arise in their Board meetings. In addition, Portland city officials told us that annual Board retreats are one of the main mechanisms they use to ensure consistency and predictability in their design review process. Conducting annual Board retreats for Seattle Design Review Board members and planners would create a significant venue for professional development and collaboration.

Enhance efforts at public outreach:

Use existing community organizations and networks; translation where needed
Evaluate using Department of Neighborhoods staff to assist with community outreach, informal community networks to advertise meetings (in addition to the more formal notification mechanisms), and, where needed, translate meeting notices into the major languages spoken in the neighborhood. Provide translators at the meetings if requested.

Revise policies and procedures for identifying and responding to potentially controversial projects
Consider revising policies and procedures for identifying which projects may be highly controversial so that all large, complex, and/or highly controversial projects are identified before the first EDG meeting, if possible. This would allow DPD managers and staff to create a plan for how to best address the community's concerns. Many of the mechanisms DPD has used successfully in the past could be applied more broadly, for example the use of special committees; informal outreach to the community to explain the process and their opportunities for input; providing for a large, well-equipped meeting space; and/or scheduling SEPA meetings prior to the Design Review meeting.

Encourage or require applicants to conduct early, informal discussions with the affected community before significant investment in project design
These meetings could:
• Allow applicants to identify the issues of major importance to the community before becoming invested in a particular design;

• Create the opportunity for informal dialogue between the developer, architect and community members—a critical component in assuring that both parties needs and interests are heard, clarified and understood; and

• Provide an important venue in which to clarify the legal rights of the property owners and explain which issues are "on the table" (and which aren't) and how to work most effectively within the design review process to ensure that each person's issues are addressed.

Communicate a clear message throughout the City—to architects, developers, Board and community members--about the need for a high quality, well designed built environment to encourage a design literate society which demands quality in its buildings and spaces:

Consider developing activities and programs to:

- Inspire and challenge designers and developers in the private sector to raise the quality of design projects

- Elevate the profile of design issues related to building and development throughout the City

- Articulate and communicate the intent, role and goals of the design review program to the applicant, Board members, planners and public

Examples of activities and programs that could accomplish these ends include: design competitions, sponsoring high-profile speakers/events, press notices, publications, regional/international events (e.g. Seattle Biennale (Venice), Stirling Prize (RIBA), Architecture Week (RIBA), etc.) and/or an exchange program with other cities' urban design departments.

Please feel free to contact me at 206-684-7892 if you have any questions or comments on the above items for consideration.

We appreciate the cooperation and assistance we received from DPD managers and staff in completing our work. Special thanks go to Vince Lyons, DPD Design Review Program Manager, and the DPD land use planners who took the time to share with us their views on the program.

cc: Bob Laird, Director of Operations
         Cliff Portman, Principal Land Use Planner
         Vince Lyons, Design Review Program Manager

APPENDIX XI:

Department of Planning and Development's Response to Memorandum Regarding Items for Consideration

City of Seattle

Gregory J. Nickels, Mayor

Department of Planning and Development

Diane M. Sugimura, Director

M E M O R A N D U M

TO: Jane Dunkel, Assistant City Auditor

FROM: Diane M. Sugimura

DATE: November 7, 2006

SUBJECT: DPD Response to the Design Review Program, *Items for Consideration*

Once again, thank you very much for your review of Seattle's Design Review Program. This memo responds to *Improving Seattle's Design Review Program: Items for Consideration,* a separate memo dated August 28, 2006.

We agree with your statement regarding the significant development that is expected to occur in Seattle in the next ten years, and the long term impact such development will have on the city. We too believe that investing in the Design Review Program now will pay off in the long run in a higher quality built environment and a more livable city. We are challenged by the on-going resources necessary to make this a stronger program.

As noted in our response to the Report, overall we find that your observations and findings are generally consistent with many of our observations over the dozen years since the Design Review Program has been in effect. There are, of course, other ramifications of making some of the changes suggested in the Report and the *Items for Consideration.* We will be evaluating these more thoroughly in the coming year. These will definitely be important considerations as we embark on our review of the Program in 2007. We will be reviewing the original objectives for establishing the program, how the City's priorities have changed since the program was adopted, and how the program can help us achieve quality design in the future.

We thank you for your insightful suggestions.

cc. Susan Cohen, Megumi Sumitani, and Mary Denzel, Office of City Auditor
     Bob Laird, Cliff Portman, Vince Lyons and John Skelton, DPD

FAX...MAIL...CALL…
HELP US SERVE THE CITY BETTER

   Our mission at the Office of City Auditor is to help assist the City in achieving honest, efficient management and full accountability throughout the City government. We service the public interest by providing the Mayor, the City Council and City managers with accurate information, unbiased analysis, and objective recommendations on how best to use public resources in support of the well-being of the citizens of Seattle.

Your feedback helps us do a better job. If you could please take a few minutes to fill out the following information for us, it will help us assess and improve our work.

* *

Report: *Successes and Opportunities: Seattle's Design Review Program*

Release Date: *November 29, 2006*

Please rate the following elements of this report by checking the appropriate box:

	Too Little	**Just Right**	**Too Much**
Background Information			
Details			
Length of Report			
Clarity of Writing			
Potential Impact			

Suggestions for our report format: _____

_____

_____

Suggestions for future studies: _____

_____

Other comments, thoughts, ideas: _____

_____

_____

Name (Optional):

_____

Thanks for taking the time to help us.

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www.seattle.gov/audit/