

Department of Construction and Inspection  
Department of Neighborhoods  
City of Seattle  
Seattle, WA 98124

Re: Proposed Joint Director's Rule on Early Community Outreach

AIA Seattle

May 21, 2018

Center for Architecture  
& Design  
1010 Western Ave  
Seattle, WA 98104

Dear Seattle Department of Construction and Inspection and Department of  
Neighborhoods,

T (206) 448 4938

[aiaseattle.org](http://aiaseattle.org)

Thank you for the opportunity to respond to SDCI's and DON's proposed Joint Director's Rule on Early Community Outreach ("Rule"). AIA Seattle's members – around 2,500 architects and professionals working on the design of our city – care passionately about making better buildings and neighborhoods. Our members possess a deep body of experience with Seattle's current Design Review and community outreach processes, encompassing the full range of project types and scales and a diversity of perspectives.

**While AIA Seattle deeply shares the City's goal of improving the quality of public engagement in the development of our communities, we have serious concerns about the new Early Community Outreach Rule as currently proposed.** When originally recommended as part of the HALA report, Design Review reform was intended to simplify and improve the Design Review process in order to encourage the development of much-needed housing at all income levels. The new Rule as proposed will make Design Review slower, more expensive, riskier to applicants, weighted toward larger developers and at cross purposes to the program's stated goals. We fear the end result will be an increase in housing costs and a slow-down in housing supply, the exact opposite of the intended outcomes.

### Concerns

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The new Rule will not facilitate meaningful public input.

Since 2014, AIA Seattle has consistently expressed the need for greater clarity and consistency in the design review process. We have noted that the public engagement process, rather than providing genuine opportunity for engagement with neighbors and communities, is often dominated by special

interest groups opposed to the project for reasons independent of design, causing delays and creating frustration on all sides. We are disappointed to see these concerns still unaddressed in the City's proposals.

New requirements will add to project timelines and increase housing costs.

Part of the rationale for revising Design Review was to make it less burdensome so we can build more housing across the city. We would like to reiterate what we said a year ago: the Early Community Outreach requirement makes this goal harder to accomplish, not easier. The proposal's meeting requirements in particular seem designed to slow down the process.

The City's approval process won't keep up with this increased demand. The Rule lacks a requirement for SDCI to respond to a proposal within a specific timeframe, while adding a required approval from a new city department – the Department of Neighborhoods – that has not been set up to have regulatory authority before. In addition, the Rule requires applicants to get approval for their outreach plan as currently required, but then requires applicants to spend additional time proving they have completed the plan – and then waiting still further for that approval.

The new Rule makes Design Review more complicated, not less so.

Our previous comments to the City specific to community outreach (June 2017, attached) expressed concerns about making Early Community Outreach a formal requirement as it places the burden on the applicant to navigate the outreach process alone, increases project costs and delays projects including badly needed new housing across our city. We feel strongly that these and other requirements will push small applicants out of the process, as they will not have the staff or the knowledge to navigate the process cost effectively.

Early Community Outreach duplicates work that is already part of Full Design Review.

Projects that undergo Full Design Review already conduct public outreach through EDG and Recommendation meetings and should not be required to also perform Early Community Outreach. Applying the requirements to Streamlined and Administrative Review projects, regardless of scale, siting, and other factors, fails to recognize that there is considerable variety in the public impact of projects, and therefore the public interest in them. A one-size-fits-all approach burdens all projects with processes that are most appropriate to a few.

The Rule opens the door for litigation, frustration and delay.

Finally, we are wary of the implications for the new requirement to be weaponized as a tool to halt development, leading to spurious lawsuits over the outreach process. There remains a real potential for onerous legal claims and crippling delays for every project. We have seen these fears borne out

again and again with lawsuits against City-led efforts to develop programs to increase housing options in single family neighborhoods. We suspect it will be easy to target any applicant a litigant wishes simply by claiming the outreach was insufficient.

The new Rule specifically states that the applicant is not required to act on any of the feedback received. The purpose of this expanded and burdensome process, therefore, is unclear, and the process itself may lead to additional community frustration if it is perceived simply as a bureaucratic requirement without meaningful impact.

## **Recommendations**

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### Delay implementation of the Rule until its impacts can be fully analyzed and addressed.

The City plans to implement the new Rule before its full impacts are well understood and addressed. The Rule is currently scheduled to go into effect before the City has even implemented its new Administrative Design Review process. The City should delay implementation until all aspects of the new design review process have been fully defined, and the negative impacts of the Rule have been examined and addressed.

### Centralize the public comment process, and manage it through the City.

To make the program simpler to administrate, less burdensome for the applicant, and easier for the public to use, the city should host the project websites, and facilitate the public notices and comment collection. It is not reasonable to ask hundreds of individual applicants each year to work out these processes on an individual basis. The public would also be far better served by a single centralized website where projects can be viewed and comments can be submitted.

### Remove or minimize Early Community Outreach requirement for projects that already solicit extensive public engagement.

Projects in Full Design Review which have EDG as well as a minimum of two public meetings should be exempt from Early Community Outreach, which duplicates effort. Projects in Administrative Review with EDG and one public meeting should have minimized requirements. Projects in Streamlined Review with EDG but no public meetings should have requirements commensurate with the type and size of these projects, which are typically smaller housing projects.

### Commit to predictable, quick approval times for outreach plans.

DON must be given a strict time limit to review and approve the outreach plan. If there is no response by the deadline, the plan is considered approved. The responsibility should be on DON to be timely, rather than upon the applicant to be patient.

Allow submittal of the outreach report to DON at the same time as EDG submittal.

Delaying EDG submittal until after the outreach report has been reviewed and approved by DON may add significant delay to projects going through Design Review. Allowing concurrent submittal of the report and EDG would allow DON to review the report while the project is waiting for its EDG meeting, avoiding any additional delay.

Use DON as a resource, not a required approval process.

DON is well situated to provide support and guidance as needed on community outreach, particularly in areas the city has identified as “equity areas.” DON can readily provide access to translators, community meeting lists, and lists of neighborhood groups as needed. DON, however, is not currently staffed to respond to the volume of reports it will receive as a required part of the Design Review process, and requiring DON approval will add significant and costly delays.

Recognize the challenges of public meetings as a vehicle for meaningful public engagement.

The inherent shortcomings of open public meetings are well understood. In our experience, they are one of the least effective formats for performing early outreach. They do not facilitate candid conversation, they are intimidating for all but the most extroverted, they enable bullies, and they can become a forum for venting of frustration about issues that are entirely outside the control of the design process.

**We share the City’s goals – to develop a process that is responsive to all parties and one which allows us to build more housing quickly. We feel that this proposal is a step backward from those aims.**

Respectfully,



Lisa Richmond  
Executive Director



Sidney Scarboro, AIA  
President