

SEATTLE CITY COUNCIL

600 Fourth Ave. 2nd Floor
Seattle, WA 98104



Journal of the Proceedings of the Seattle City Council

Monday, April 27, 2020

2:00 PM

Remote Meeting. Call listen line at 206-684-8566 or access Seattle Channel online.

City Council

M. Lorena González, President

Lisa Herbold, Member

Debora Juarez, Member

Andrew J. Lewis, Member

Tammy J. Morales, Member

Teresa Mosqueda, Member

Alex Pedersen, Member

Kshama Sawant, Member

Dan Strauss, Member

Chair Info: 206-684-8809; Lorena.González@seattle.gov

In-person attendance is currently prohibited per the Washington Governor's Proclamation No. 20-28.1 until May 4, 2020. Meeting participation is limited to access by telephone conference line and Seattle Channel online.

A. CALL TO ORDER

The City Council of The City of Seattle met remotely pursuant to Washington State Governor's Proclamation 20-28.1 and guidance provided by the Attorney General's Office, on April 27, 2020, pursuant to the provisions of the City Charter. The meeting was called to order at 2:05 p.m., with Council President González presiding.

B. ROLL CALL

The following Councilmembers were present and participating by electronically:

Present: 9 - González , Herbold, Juarez, Lewis, Morales, Mosqueda, Pedersen, Sawant, Strauss

C. PRESENTATIONS

Councilmember Herbold presented a Proclamation recognizing April 2020 as Sexual Assault Awareness Month. By unanimous consent, the Council Rules were suspended to allow Councilmember Herbold to present the Proclamation, and to allow Idabelle Fossier, Seattle Women's Commission, Alicia Glenwell, Coalition Ending Gender-Based Violence, and Kalayo Pestano, API Chaya, to address the Council.

D. APPROVAL OF THE JOURNAL

There were no Minutes presented for approval.

E. ADOPTION OF INTRODUCTION AND REFERRAL CALENDAR

[IRC 252](#)**April 27, 2020**ACTION 1:

Motion was made and duly seconded to adopt the proposed Introduction and Referral Calendar.

ACTION 2:

Motion was made by Councilmember González, duly seconded and carried, to amend the proposed Introduction and Referral Calendar by introducing Resolution 31945, and by referring it to the City Council for consideration at today's City Council meeting.

Resolution 31945, A RESOLUTION ratifying and confirming the April 24, 2020, emergency order relating to capping restaurant delivery and pick-up commission fees.

ACTION 3:

Motion was made and duly seconded to adopt the proposed Introduction and Referral Calendar as amended.

The Motion carried, and the Introduction & Referral Calendar (IRC) was adopted as amended by the following vote:

In Favor: 9 - González , Herbold, Juarez, Lewis, Morales, Mosqueda, Pedersen, Sawant, Strauss

Opposed: None

F. APPROVAL OF THE AGENDA

Motion was made, duly seconded and carried, to adopt the proposed Agenda.

G. PUBLIC COMMENT

Ryan DiRaimo addressed the Council regarding Agenda item 1, Council Bill 119769.

Jessa Timmer addressed the Council regarding Agenda item 1, Council Bill 119769.

Cory Crocker addressed the Council regarding Introduction and Referral Calendar item 12, Council Bill 119779.

Derek Lum addressed the Council regarding Agenda item 1, Council Bill 119769.

Megan Kruse addressed the Council regarding Agenda item 1, Council Bill 119769.

Justin Allegro addressed the Council regarding Agenda item 1, Council Bill 119769.

Rick McLaughlin addressed the Council regarding Agenda item 1, Council Bill 119769.

Suzanne addressed the Council regarding Agenda item 1, Council Bill 119769.

Marty Kooistra addressed the Council regarding Agenda item 1, Council Bill 119769.

June BlueSpruce addressed the Council regarding Agenda item 1, Council Bill 119769.

Christine Vaughan addressed the Council regarding Agenda item 1, Council Bill 119769.

Bradley Khouri addressed the Council regarding Agenda item 1, Council Bill 119769.

By unanimous consent, the Council Rules were suspended to extend the Public Comment period for an additional 20 minutes.

Colleen McAleer addressed the Council regarding Agenda item 1, Council Bill 119769.

Betty Lau addressed the Council regarding Agenda item 1, Council Bill

119769.

Andrew Grant Houston addressed the Council regarding Agenda item 1, Council Bill 119769.

Ana Bonilla addressed the Council regarding Agenda item 1, Council Bill 119769.

Martin Westerman addressed the Council regarding Agenda item 1, Council Bill 119769.

Mary Schlater addressed the Council regarding Agenda item 1, Council Bill 119769.

Naomi See addressed the Council regarding Agenda item 1, Council Bill 119769.

Brandon Pettit addressed the Council regarding Agenda item 14, Resolution 31945.

Ruth Danner addressed the Council regarding Agenda item 1, Council Bill 119769.

H. PAYMENT OF BILLS

[CB 119778](#) **AN ORDINANCE appropriating money to pay certain audited claims for the week of April 13, 2020 through April 17, 2020 and ordering the payment thereof.**

Motion was made and duly seconded to pass Council Bill 119778.

The Motion carried, the Council Bill (CB) was passed by the following vote, and the President signed the Bill:

In Favor: 9 - González , Herbold, Juarez, Lewis, Morales, Mosqueda, Pedersen, Sawant, Strauss

Opposed: None

I. COMMITTEE REPORTS

CITY COUNCIL:

1. [CB 119769](#) **AN ORDINANCE relating to land use review decision and meeting procedures; temporarily modifying and suspending procedures in Titles 23 and 25 of the Seattle Municipal Code and amending Chapters 23.41, 23.49, 23.66, 23.79, 25.12, 25.16, 25.20, 25.21, 25.22, 25.24, and 25.30 of the Seattle Municipal Code, consistent with the Governor's proclamations and the Mayor's proclamation of civil emergency on March 3, 2020; declaring an emergency; and establishing an immediate effective date; all by a 3/4 vote of the City Council.**

ACTION 1:

The Motion to reconsider passage of Council Bill 119769 was called up.

The Motion to reconsider passage of Council Bill 119769 was adopted by the following vote:

In Favor: 7 - González, Juarez, Lewis, Morales, Mosqueda, Sawant
Strauss

Opposed: 2 - Herbold, Pedersen

ACTION 2:

Motion was made by Councilmember Morales, duly seconded and carried, to amend Council Bill 119769, as shown in Attachment 1 to the Minutes.

ACTION 3:

Motion was made by Councilmember Lewis and duly seconded, to amend Council Bill 119769, Section 2, by amending Seattle Municipal Code Section 23.41.004, as shown in Attachment 2 to the Minutes.

The Motion failed by the following vote:

In Favor: 3 - Herbold, Lewis, Pedersen

Opposed: 6 - González, Juarez, Morales, Mosqueda, Sawant, Strauss

ACTION 4:

Motion was made and duly seconded to pass Council Bill 119769 as amended.

The Motion carried, the Council Bill (CB) was passed as amended by the following vote, and the President signed the Bill:

In Favor: 7 - González , Juarez, Lewis, Morales, Mosqueda, Sawant, Strauss

Opposed: 2 - Herbold, Pedersen

2. [Appt 01575](#) **Appointment of Scott Haskins as member, City Light Review Panel, for a term to April 11, 2023.**

Motion was made and duly seconded to confirm Appointment 01575.

The Motion carried, and the Appointment (Appt) was confirmed by the following vote:

In Favor: 9 - González , Herbold, Juarez, Lewis, Morales, Mosqueda, Pedersen, Sawant, Strauss

Opposed: None

3. [Appt 01577](#) **Appointment of Estela Ortega as member, Working Group for Performance Auditing.**

Motion was made and duly seconded to confirm Appointment 01577.

The Motion carried, and the Appointment (Appt) was confirmed by the following vote:

In Favor: 9 - González , Herbold, Juarez, Lewis, Morales, Mosqueda, Pedersen, Sawant, Strauss

Opposed: None

4. [Appt 01578](#) **Appointment of Cheryle A. Broom as member, the Working Group for Performance Auditing.**

Motion was made and duly seconded to confirm Appointment 01578.

The Motion carried, and the Appointment (Appt) was confirmed by the following vote:

In Favor: 9 - González , Herbold, Juarez, Lewis, Morales, Mosqueda, Pedersen, Sawant, Strauss

Opposed: None

5. [Appt 01579](#) **Appointment of LaVonne Griffin-Valade as member, Working Group for Performance Auditing.**

Motion was made and duly seconded to confirm Appointment 01579

The Motion carried, and the Appointment (Appt) was confirmed by the following vote:

In Favor: 9 - González , Herbold, Juarez, Lewis, Morales, Mosqueda, Pedersen, Sawant, Strauss

Opposed: None

6. [Appt 01580](#) **Appointment of Shaun Van Eyk as member, Working Group for Performance Auditing.**

Motion was made and duly seconded to confirm Appointment 01580.

The Motion carried, and the Appointment (Appt) was confirmed by the following vote:

In Favor: 9 - González , Herbold, Juarez, Lewis, Morales, Mosqueda, Pedersen, Sawant, Strauss

Opposed: None

7. [Appt 01581](#) **Appointment of Justin Marlowe as member, Working Group for Performance Auditing.**

Motion was made and duly seconded to confirm Appointment 01581.

The Motion carried, and the Appointment (Appt) was confirmed by the following vote:

In Favor: 9 - González , Herbold, Juarez, Lewis, Morales, Mosqueda, Pedersen, Sawant, Strauss

Opposed: None

8. [Appt 01582](#) **Appointment of Bob Thomas as member, Working Group for Performance Auditing.**

Motion was made and duly seconded to confirm Appointment 01582.

The Motion carried, and the Appointment (Appt) was confirmed by the following vote:

In Favor: 9 - González , Herbold, Juarez, Lewis, Morales, Mosqueda, Pedersen, Sawant, Strauss

Opposed: None

9. [Appt 01583](#) **Appointment of Andrew J. Lewis as Chair, Working Group for Performance Auditing.**

Motion was made and duly seconded to confirm Appointment 01583.

The Motion carried, and the Appointment (Appt) was confirmed by the following vote:

In Favor: 9 - González , Herbold, Juarez, Lewis, Morales, Mosqueda, Pedersen, Sawant, Strauss

Opposed: None

10. [Appt 01568](#) **Appointment of Rebecca Finkel as member, Sweetened Beverage Tax Community Advisory Board, for a term to August 31, 2023.**

Motion was made and duly seconded to confirm Appointment 01568.

The Motion carried, and the Appointment (Appt) was confirmed by the following vote:

In Favor: 9 - González , Herbold, Juarez, Lewis, Morales, Mosqueda, Pedersen, Sawant, Strauss

Opposed: None

11. [Appt 01558](#) **Appointment of Barbara Baquero as member, Sweetened Beverage Tax Community Advisory Board, for a term to August 31, 2023.**

Motion was made and duly seconded to confirm Appointment 01558.

The Motion carried, and the Appointment (Appt) was confirmed by the following vote:

In Favor: 9 - González , Herbold, Juarez, Lewis, Morales, Mosqueda, Pedersen, Sawant, Strauss

Opposed: None

J. ADOPTION OF OTHER RESOLUTIONS

12. [Res 31943](#) **A RESOLUTION to initiate a University District Business Improvement Area.**

Motion was made and duly seconded to adopt Resolution 31943.

The Motion carried, the Resolution (Res) was adopted by the following vote, and the President signed the Resolution:

In Favor: 9 - González , Herbold, Juarez, Lewis, Morales, Mosqueda, Pedersen, Sawant, Strauss

Opposed: None

13. [Res 31944](#) **A RESOLUTION of intention to establish a University District Parking and Business Improvement Area and fix a date and place for a hearing thereon.**

Motion was made and duly seconded to adopt Resolution 31944.

The Motion carried, the Resolution (Res) was adopted by the following vote, and the President signed the Resolution:

In Favor: 9 - González , Herbold, Juarez, Lewis, Morales, Mosqueda, Pedersen, Sawant, Strauss

Opposed: None

14. [Res 31945](#) **A RESOLUTION modifying the April 24, 2020, emergency order relating to capping restaurant delivery and pick-up commission fees.**

ACTION 1:

Motion was made and duly seconded to adopt Resolution 31945.

ACTION 2:

By unanimous consent, Council Rule III.A.7, relating to amendments presented to the City Council at least two hours before the meeting, was suspended to allow consideration of an amendment to Resolution 31945.

ACTION 3:

Motion was made by Councilmember Morales, duly seconded and carried, to amend Resolution 31945, by substituting version 2 for version 1b, which includes a new Exhibit B.

ACTION 4:

Motion was made and duly seconded to adopt Resolution 31945 as amended.

The Motion carried, the Resolution (Res) was adopted as amended by the following vote, and the President signed the Resolution:

In Favor: 9 - González , Herbold, Juarez, Lewis, Morales, Mosqueda,
Pedersen, Sawant, Strauss

Opposed: None

K. OTHER BUSINESS

There was none.

L. ADJOURNMENT

There being no further business to come before the Council, the meeting
was adjourned at 4:36 p.m.

Jodee Schwinn, Deputy City Clerk

Signed by me in Open Session, upon approval of the Council, on May 4, 2020.

M. Lorena González, Council President of the City Council

Monica Martinez Simmons, City Clerk

Att 1 - Action 2 of Council Bill 119769

Att 2 - Action 3 of Council Bill 119769

Att 1 - Action 2 of CB 119769

Amend Sections 9, 27, 28, 29, 30, 36, 5 and 6, as follows:

* * *

Section 9. Section 23.66.030 of the Seattle Municipal Code, last amended by Ordinance 125603, is amended as follows:

23.66.030 Certificates of approval-Application, review and appeals

* * *

D. Review

1. Review when no special review board is established

a. When there is no special review board, the Department of Neighborhoods Director shall, within 30 days of a determination that an application for a certificate of approval is complete, determine whether the proposed action is consistent with the use and development standards for the district and shall, within 15 additional days, issue, issue with conditions, or deny the requested certificate of approval.

b. A copy of the Department of Neighborhoods Director's decision shall be sent to the Director and mailed to the owner and the applicant at the addresses provided in the application. Notice of the Director's decision also shall be provided to any person who, prior to

the rendering of the decision, made a written request to receive notice of the decision or submitted written substantive comments on the application.

2. Review when special review board is established

a. When a special review board has been established, the board shall hold a public meeting to receive comments on certificate of approval applications.

b. Notice of the board's public meeting shall be posted in two prominent locations in the district at least three days prior to the meeting.

c. The board, after reviewing the application and considering the information received at the public meeting, shall make a written recommendation to the Department of Neighborhoods Director to grant, grant with conditions, or deny the certificate of approval application based upon the consistency of the proposed action with the requirements of this Chapter 23.66, the district use and development standards, and the purposes for creating the district. The board shall make its recommendation within 30 days of the receipt of a completed application by the board staff, except that the applicant may waive the deadlines in writing for the special review board to make a recommendation or the Director of the Department of Neighborhoods to make a decision, if the applicant also waives any deadlines on the review or issuance of related permits that are under review by the Seattle Department of Construction and Inspections.

d. The Department of Neighborhoods Director shall, within 15 days of receiving the board's recommendation, issue or deny a certificate of approval or issue an approval with conditions.

e. A copy of the decision shall be sent to the Director and mailed to the owner and the applicant at the addresses provided in the application. Notice of the decision shall

be provided to any person who, prior to the rendering of the decision, made a written request for notice of the decision, or submitted substantive written comments on the application.

3. Notwithstanding any contrary provision of Section 23.66.020 or Title 23, while this ordinance is in effect, applications for certificates of approval, ~~in the Pioneer Square Preservation District,~~ whether pending or filed during the foregoing period, for the following items shall be subject to the process in subsection 23.66.030.D.1 rather than the process in subsection 23.66.030.D.2:

a. The installation, removal, or alteration of: fire escapes, ducts, conduits, HVAC vents, grilles, pipes, panels, weatherheads, wiring, meters, utility connections, downspouts and gutters, or other similar mechanical, electrical, or telecommunication elements necessary for the normal operation of the site, building, or structure.

b. Installation, removal, or alteration of exterior light fixtures, exterior security lighting, and security system equipment.

c. Installation, removal, or alteration of exterior or interior signage.

d. Installation, removal, or alteration of awnings or canopies.

e. Alterations to storefront systems, if the proposed alterations are sympathetic to and do not destroy historic building materials.

f. Alteration to interior or exterior paint colors and other finishes when painting a previously painted or otherwise finished material.

g. Installation, removal, or alteration of the following landscape elements: shrubs; perennials; annuals; and similar low-lying plantings.

h. Installation, removal, or alteration of the following site furnishings: benches; movable tables and seating; movable planters; movable water features; trash/recycling receptacles; and bike racks.

i. Right-of-way alterations, including but not limited to alterations to sidewalks, curbs, and the roadway.

j. Installation of improvements for accessibility compliance.

Installation, removal, or alteration of fire and life safety equipment.

k. Installation, removal, or alteration of fire and life safety equipment.

l. Emergency repairs that are not already considered in-kind repair, if the proposed replacement material used for the repair is compatible with the historic building fabric.

m. Change of use, establishment of a new use, or expansion of use, if use is a preferred use per Chapter 23.66 or applicable district rules.

n. The alteration of existing doors and windows, including changing a door to a window or a window to a door, as long as the proposed alterations are sympathetic to and do not destroy historic building materials.

o. Revisions to a previously approved Certificate of Approval, where the design revisions are sympathetic to and do not destroy historic building materials.

p. In the Pioneer Square Special Review District, installation of a penthouse, where the penthouse complies with the applicable Secretary of Interior Standard for Rehabilitation and National Parks Service Preservation Brief 14.

4. A decision denying a certificate of approval shall state the specific reasons for the denial and explain why the proposed changes are inconsistent with the requirements of this Subchapter I and adopted use and development standards for the district.

* * *

Section 27. All public meetings of the Landmarks Preservation Board provided for in Sections 25.12.380, 25.12.390, 25.12.420, 25.12.500, 25.12.520, and 25.12.720 of the Seattle Municipal Code are suspended until the earlier of (a) 60 days after the effective date of this ordinance; (b) the date the Department places in operation a system, consistent with applicable statutory requirements, for holding meetings of the Landmarks Preservation Board, ~~Landmark District Boards, Special Review District Boards and Historical Commissions~~ that do not involve in-person contact but that do provide access to all interested parties in languages commonly spoken in the area; or (c) the date when the Landmarks Preservation Board resumes meetings involving in-person contact consistent with applicable statutory and public health requirements.

Section 28. All public meetings provided for in Sections and subsections 23.66.030.D.2, 23.69.032, 23.76.015, 23.78.010, 23.79.008, 25.16.100, 25.20.090.A, 25.21.110.A, 25.22.110.A, 25.24.070.A, and 25.30.090.A of the Seattle Municipal Code are suspended until the earlier of (a) 60 days after the effective date of this ordinance; (b) the date the City places in operation a system, consistent with applicable statutory requirements, for holding meetings of the Landmarks Preservation Board, Landmark District Boards, ~~Special Review District Boards~~ Pioneer Square Preservation Board, Historical Commissions, and ~~other review bodies~~ Development Standard Advisory Committees without in-person contact but that do provide access to all interested parties in languages commonly spoken in the area; or (c) the date when the meetings can resume with in-person contact consistent with applicable statutory and public health requirements.

Section 29. The time periods provided for in Sections and subsections 23.66.030.D.2, 23.79.008.D, 25.12.730, 25.16.100.A, 25.20.090.A, 25.20.100.A, 25.21.110.A, 25.21.120, 25.22.110.A, 25.22.120, 25.24.070.A, 25.30.090.A, and 25.30.100 of the Seattle Municipal

Code, to the extent those periods are linked to public meetings suspended according to sections 25 and 26 of this ordinance or to actions that depend on the occurrence of such public meetings, are suspended and tolled for the period of time during which those meetings are suspended according to sections ~~25-27~~ and ~~26-28~~ of this ordinance.

Section 30. The requirements of Sections and subsections 25.12.770, 25.12.850.B, and 25.30.070 of the Seattle Municipal Code wherein approval is deemed to be granted or work may proceed if a decision is not issued in a given time, or a proceeding terminates upon the failure of an event to occur, are suspended for the period of time during which any meeting relevant to the matter in question is suspended according to sections 25 and 26 of this ordinance and any time limit leading to automatic approval or termination under those provisions is tolled for the period of time during which such a meeting is suspended according to sections ~~25-27~~ and ~~26-28~~ of this ordinance.

* * *

Section 36. When meetings of the International Special Review District Board, Landmarks Preservation Board and other Historic, Landmarks, and Special Review District Boards and Commissions resume, the Council requests that those boards and commissions apply an equity lens and prioritize projects ~~with-without~~ strong community ~~support~~ opposition in scheduling their agendas, to the extent possible taking into account existing rules and regulations.

* * *

Section 5. Subsection 23.41.016.B of the Seattle Municipal Code, which section was last amended by Ordinance 125429, is amended as follows:

23.41.016 Administrative design review process

* * *

B. Community outreach

1. Applicants shall prepare a community outreach. The outreach plan shall include, at minimum, the following outreach methods: printed, electronic or digital, and in-person; except that, while this ordinance is in effect, a high impact electronic or digital outreach method from Seattle Department of Construction and Inspections Director's Rule 4-2018, or its successor rule, that is not already being used to meet the electronic or digital outreach requirement, shall satisfy the requirement for in-person outreach methods regardless of the contents of an outreach plan, and a project may ~~proceed to the early design guidance process be scheduled for an early design guidance meeting, to the extent such a meeting may be held according to subsection 23.41.004.D,~~ notwithstanding a lack of in-person outreach.

* * *

Section 6. Subsection 23.41.018.B of the Seattle Municipal Code, which section was last amended by Ordinance 125429, is amended as follows:

23.41.018 Streamlined administrative design review (SDR) process

* * *

B. Community outreach

1. Applicants shall prepare a community outreach. The outreach plan shall include, at minimum, the following outreach methods: printed, electronic or digital, and in-person; except that, while this ordinance is in effect, a high impact electronic or digital outreach method from Seattle Department of Construction and Inspections Director's Rule 4-2018, or its successor rule, that is not already being used to meet the electronic or digital outreach

requirement, shall satisfy the requirement for in-person outreach methods regardless of the contents of an outreach plan, and a project may proceed to the early design guidance process be scheduled for an early design guidance meeting, to the extent such a meeting may be held according to subsection 23.41.004.D, notwithstanding a lack of in-person outreach.

Att 2 - Action 3 of CB 119769

Amend Section 2, as follows:

Section 2. Subsection 23.41.004 of the Seattle Municipal Code, last amended by Ordinance 125603, is amended as follows:

23.41.004 Applicability

A. Design review required

1. Subject to the exemptions in subsection 23.41.004.B, design review is required in the following areas or zones when development is proposed that exceeds a threshold in Table A or Table B for 23.41.004:

- a. Multifamily;
- b. Commercial;
- c. Seattle Mixed;
- d. Downtown; and
- e. Stadium Transition Area Overlay District as shown in Map A for

23.74.004, when the width of the lot exceeds 120 feet on any street frontage.

2. Subject to the exemptions in subsection 23.41.004.B, design review is required in the following areas or zones when commercial or institution development is proposed that exceeds a threshold in Table A or Table B for 23.41.004:

- a. Industrial Buffer; and
- b. Industrial Commercial.

Amendment 2 to CB 119769 – Continue Full Design Review for Living Building Pilot Projects that have completed early design guidance.

Sponsor: Lewis

This amendment would exclude projects in the Living Building Pilot from the option to elect administrative design review, if the project has (1) completed early design guidance under a design review board and (2) filed a Master Use Permit application. Changes are shown in [track changes](#).

3. The gross floor area of the following uses is not included in the total gross floor area of a development for purposes of determining if a threshold is exceeded:

- a. Religious facilities;
- b. Elementary and secondary schools;
- c. Uses associated with a Major Institution Master Plan (MIMP); or
- d. Development of a major institution use within a Major Institution

Overlay (MIO) district.

4. Any development proposal participating in the Living Building Pilot Program according to Section 23.40.060, regardless of size or site characteristics, is subject to full design review according to Section 23.41.014.

5. Any development proposal, regardless of size or site characteristics, is subject to the administrative design review process according to Section 23.41.016 if it receives public funding or an allocation of federal low-income housing tax credits, and is subject to a regulatory agreement, covenant or other legal instrument recorded on the property title and enforceable by The City of Seattle, Washington State Housing Finance Commission, State of Washington, King County, U.S. Department of Housing and Urban Development, or other similar entity as approved by the Director of Housing, which restricts at least 40 percent of the units to occupancy by households earning no greater than 60 percent of median income, and controls the rents that may be charged, for a minimum period of 40 years.

6. Any development proposal that is located in a Master Planned Community zone and that includes a request for departures, regardless of size or site characteristics, is subject

Amendment 2 to CB 119769 – Continue Full Design Review for Living Building Pilot Projects that have completed early design guidance.

Sponsor: Lewis

This amendment would exclude projects in the Living Building Pilot from the option to elect administrative design review, if the project has (1) completed early design guidance under a design review board and (2) filed a Master Use Permit application. Changes are shown in [track changes](#).

to full design review according to Section 23.41.014. If a development proposal in a Master Planned Community zone does not include a request for departures, the applicable design review procedures are in Section 23.41.020.

7. Subject to the exemptions in subsection 23.41.004.B, design review is required for additions to existing structures when the size of the proposed addition or expansion exceeds a threshold in Table A or Table B for 23.41.004. Administrative design review, as described in Section 23.41.016, is required for certain other additions to existing structures according to rules promulgated by the Director.

* * *

C. Optional design review

1. Design review. Development proposals that are not subject to design review may elect to be reviewed pursuant to the full, administrative, or streamlined design review process if:

a. The development proposal is in any zone or area identified in subsection 23.41.004.A.1 or 23.41.004.A.2 or in the Stadium Transition Area Overlay District, except development that is within a Master Planned Community zone is not eligible for optional design review; and

b. The development proposal does not include the uses listed in subsection 23.41.004.A.3.

2. Administrative design review. According to the applicable process described in Section 23.41.016, administrative design review is optional for a development proposal that is

Amendment 2 to CB 119769 – Continue Full Design Review for Living Building Pilot Projects that have completed early design guidance.

Sponsor: Lewis

This amendment would exclude projects in the Living Building Pilot from the option to elect administrative design review, if the project has (1) completed early design guidance under a design review board and (2) filed a Master Use Permit application. Changes are shown in [track changes](#).

not otherwise subject to this Chapter 23.41 and is on a site that contains an exceptional tree, as defined in Section 25.11.020, when the ability to depart from development standards may result in protection of the tree as provided in Sections 25.11.070 and 25.11.080.

D. Temporary provisions for shifting projects to administrative design review

1. The provisions of this subsection 23.41.004.D apply notwithstanding any contrary provision of this Title 23.

2. The provisions of this subsection 23.41.004.D apply from the effective date of this ordinance until the earlier of: (a) 180 days after the effective date of this ordinance; (b) the date when the Department places in operation a system, consistent with applicable statutory requirements, for holding meetings of the Design Review Board that do not involve in-person contact; or (c) the date when the Design Review Board resumes meetings involving in-person contact consistent with applicable statutory and public health requirements.

3. While the provisions of this subsection 23.41.004.D apply according to subsection 23.41.004.D.2,

a. [Except for projects subject to the full design review process according to subsection 23.41.004.A.4 that have \(i\) completed early design guidance and \(ii\) applied for a Master Use Permit, All projects that are subject to the full design review process according to Section 23.41.014 shall, if the applicant elects, be processed through the administrative design review process according to Section 23.41.016 if \(i\) a Design Review Board meeting for the project has been cancelled due to the need to avoid in-person contact, or \(ii\) the project is otherwise ready to be scheduled for a Design Review Board meeting but such a meeting cannot](#)

Amendment 2 to CB 119769 – Continue Full Design Review for Living Building Pilot Projects that have completed early design guidance.

Sponsor: Lewis

This amendment would exclude projects in the Living Building Pilot from the option to elect administrative design review, if the project has (1) completed early design guidance under a design review board and (2) filed a Master Use Permit application. Changes are shown in [track changes](#).

be scheduled due to the need to avoid in-person contact and the lack of an operational system for holding meetings of the Design Review Board that do not involve in-person contact.

b. If an applicant makes the election described in subsection 23.41.004.D.3.a, all early design guidance and recommendation processes, to the extent not completed under administrative design review, shall be shifted back to the full design review process at the time set forth in subsection 23.41.004.D.2, except that an applicant may elect to have its project continue in administrative design review through the entire period this ordinance is effective, notwithstanding that the Design Review Board has started holding meetings as described in subsections 23.41.004.D.2.b or 23.41.004.D.2.c, if:

i. The project has completed early design guidance under administrative design review prior to the Design Review Board starting to hold meetings as described in subsections 23.41.004.D.2.b or 23.41.004.D.2.c, or

ii. The Director determines that a return to full design review would preclude review from being completed in the time required by Section 23.76.005.

c. An applicant may make the election described in subsection 23.41.004.D.3.a notwithstanding that this subsection 23.41.004.D became effective after the applicant's application vested according to Section 23.76.026.