

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](#).

**Amend Section 2, as follows:**

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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.

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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

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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.

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### 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

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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](#)

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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.