

Recent Changes to When Design Review Is Required

Lowrise Ordinance 124803
<http://bit.ly/1PQ9WnP>

Omnibus Ordinance 124843
<http://bit.ly/1PQa5rm>

City Council recently developed and approved two separate Land Use Code amendments that will trigger Design Review for some development proposals that were previously exempt from Design Review or Streamlined Design Review.

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The legislation will be effective on September 21, 2015.

The first amendment was added as part of the Lowrise Multifamily code update. This amendment modifies Table A of SMC 23.41.004, and requires multifamily developments of more than 8 units in the Lowrise 2 zone to go through the Design Review process. This change became effective on August 9, 2015 (Ordinance 124803).

The second amendment affects new developments containing 3 or more dwelling units and/or at least 2,000 square feet of nonresidential space. Developments that meet those criteria may be subject to full Design Review if they abut a “qualifying lot” or lots. A qualifying lot is: (1) an abutting lot(s) for which a concurrent MUP or building permit application is submitted to DPD for review, or is subject of an issued permit, or has a project under construction but does not yet have the Certificate of Occupancy or final inspection and approval; and (2) the number of units or nonresidential space on the qualifying lot, when added together with the three or more units or 2,000 or more square feet of nonresidential space for the new development proposal, would exceed the Design Review thresholds in Table A or B to Section 23.41.004. Projects on the abutting lots that are currently under review or have an issued permit are not subject to Design Review if they were accepted as a complete application, and don’t, on their own, exceed the Design Review threshold. Design Review would apply only to the subject lot, which is the later application that brings the combined total of units and/or square footage over the design review threshold.



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Know the Code

Seattle Municipal Code section 23.41.004.A.8

Except for development with the boundaries of a Master Planned Community, design review pursuant to Section 23.41.014 is required for a development proposal if the proposal is (a) for three or more attached or detached dwelling units or 2,000 square feet or more of non-residential gross floor area; and (b) on a lot that is abutting one or more qualifying lots and the combined size of development proposals on the subject lot and abutting qualifying lot or lots exceeds thresholds in Table A or Table B to Section 23.41.004. For purposes of the preceding sentence, a “qualifying lot” is a lot for which, on the day a complete application is submitted for a development proposal on the subject lot: (a) a complete Master Use Permit or building permit application for a development proposal that does not exceed thresholds in Table A or B to Section 23.41.004 is or has been submitted; and (b) a certificate of occupancy for the development has not been issued or, for a project where no certificate of occupancy is required, the final inspection pursuant to any issued building permit has not been completed. If complete applications for development proposals are submitted for the subject lot and qualifying lot on the same day, design review is required for both development proposals.

Research Your Property

DPD recommends that permit applicants with development proposals in multifamily and commercial zones should review this new rule to determine whether it will affect their project. DPD also advises applicants to be aware of new or planned development proposals on properties that abut their future development. Applicants may learn the status of potential development on abutting parcels by using the “Find Status and Activity” tool on the DPD webpage at www.seattle.gov/dpd/. However, given the complexity of DPD’s intake and application process for development, DPD cannot guarantee that this information will not evolve. Applicants are advised that the information on DPD’s webpage represents a snapshot in time, and they cannot completely rely on the accuracy of this information since we cannot predict whether applications will be accepted on the day of a scheduled intake appointment. Standard reasons such as an incomplete application, delay in payment of application fees, appointment cancellations, etc. all can effect whether applications are accepted by DPD.

DPD will determine whether design review is potentially required when a new permit application is screened. DPD will try to advise applicants, but will not be able to guarantee whether design review is required until a permit application is screened at the intake appointment.

