

21.58.020 Scope and Authority

- A. **Scope.** This chapter contains three sets of design standards: Citywide Design Standards, Downtown Design Standards, and Overlake Village Zones Supplemental Design Standards. Design standards for properties in Transition Overlay Areas are located in [RZC 21.50](#), *Transition Overlay Areas*.
1. [RZC 21.60](#), *Citywide Design Standards*, apply to developments requiring design review that are located throughout the City, including the Downtown and Overlake zones.
 2. The Urban Center Standards are divided into two sections. The RZC [21.62.020](#), *Downtown Design Standards*, provide additional design standards for the Downtown zones. Design standards specific to the Overlake Village zones are provided in RZC [21.62.030](#), *Overlake Village Zones Supplemental Design Standards*.
- B. **Authority.** See RZC [21.76.020](#).E, *Review Procedures*, for Design Review.
- C. **Compliance with Design Standards.** Decisions on applications requiring design review shall be made as follows:
1. The purpose statements for each design category in the Citywide design standards and for each zone in the Downtown design standards describe the goals of that particular part of the design standards.
 2. Each design element has intent statements followed by design standards. Intent statements describe the City's objectives for each design element and are the requirements that each project shall meet. The design criteria that follow the intent statements are ways to achieve the design intent. Each criterion is meant to indicate the preferred condition, and the criteria together provide a common theme that illustrates the intent statement. Graphics are also provided to clarify the concepts behind the intent statements and design criteria. If there is a discrepancy between the text and the illustrations, the text shall prevail.
 3. All applications that require design review shall comply with the intent statements for each applicable design standard element and design zone.
 4. If "shall" is used in the design criterion, all applications shall comply with that specific design criterion if it applies to the application unless the applicant demonstrates that an alternate design solution provides an equal or greater level of achieving the intent of the section and the purpose of the design category.
 5. The applicant has the burden of proof and persuasion to demonstrate that the application complies with the intent statements.
 6. The applicant shall demonstrate to the satisfaction of the decision maker that the application complies with the applicable intent statements and the design criteria that use the word "shall."
 7. If "should" is used in the design criterion, there is a general expectation that utilizing the criterion will assist in achieving the intent statement; however, there is a recognition that other solutions may be proposed that are equally effective in meeting the intent of the section.
 8. Where the decision maker concludes that the application does not comply with the intent statements or the design criteria that use the word "shall," the decision maker may condition

approval based on compliance with some or all of the design criteria, or the decision maker may deny the application.

- D. **Conflicts with Site Requirements.** These design standards supplement the development standards and site requirements of each zone. The design standards shall be implemented in a manner that allows developments of the type and scale set by the Comprehensive Plan and development regulations while achieving the design intents. Where the provisions of this section conflict with the provisions of the zone, the provisions of the zone shall control.
- E. **Administrative Design Flexibility.** *See RZC 21.76.070.C, Administrative Design Flexibility.*

Purpose: Allow flexibility in the application of Article III Design Standards in order to promote creativity in site and building design. Departures from the Design Standards shall still maintain the intent of the applicable standard.

Applicability: Applicability: Proposals subject to the Design Review Board's review authority can seek Administrative Design Flexibility from the Design Review Board. The Design Review Board's decision on an Administrative Design Flexibility Request from the Design Standards in Article III shall have the effect of a recommendation to the applicable decision-making authority on the underlying permit. The Design Review Board shall have the effect of a final decision for building permits with no underlying land use approval.

Criteria: If the Design Review Board makes a recommendation to vary the site requirements, it shall be based on the following:

1. The application of certain provisions of the Design Standards in Article III Zoning Code would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the underlying zone and of the design standards; and
2. Permitting a minor variation will not be materially detrimental to the public welfare or injurious to the property or improvements in the area; and
3. Permitting a minor variation will not be contrary to the objectives of the design standards; and
4. Permitting a minor variation in design better meets the goal and policies of the Comprehensive Plan and neighborhood goals and policies; and
5. Permitting a minor variation in design results in a superior design in terms of architecture, building materials, site design, landscaping, and open space; and
6. The minor variation protects the integrity of a historic landmark or the historic design subarea; and
7. Granting of the minor variation is consistent ~~Consistency~~ with the Shoreline Master Program, if applicable.

The applicant seeking Administrative Design Flexibility from the Design Standards in Article III must demonstrate, in writing, how the project meets the criteria outlined above by providing:

1. Measurable improvements, such as an increase in tree retention or installation of native vegetation, glazing, pedestrian and bicycle connectivity, and increase usable open space; and

2. Objective improvements such as screening of vehicle entrances and driveways or mechanical equipment, reduction in impervious surface area, and retention of historic features; and

3. Conceptual architectural sketches showing the project as code compliant and with the Administrative Design Flexibility, indicating the improvements gained by application of the Administrative Design Flexibility.