



SEATTLE CITY COUNCIL

Land Use and Neighborhoods Committee

Agenda

Wednesday, March 10, 2021

9:30 AM

Remote Meeting. Call 253-215-8782; Meeting ID: 586 416 9164; or
Seattle Channel online.

Dan Strauss, Chair
Teresa Mosqueda, Vice-Chair
Debora Juarez, Member
Andrew J. Lewis, Member
Alex Pedersen, Member
M. Lorena González, Alternate

Chair Info: 206-684-8806; Dan.Strauss@seattle.gov

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Committee Website:

<http://www.seattle.gov/council/committees/land-use-and-neighborhoods>

This meeting also constitutes a meeting of the City Council, provided that the meeting shall be conducted as a committee meeting under the Council Rules and Procedures, and Council action shall be limited to committee business.

In-person attendance is currently prohibited per Washington State Governor's Proclamation 20-28.15, until the COVID-19 State of Emergency is terminated or Proclamation 20-28 is rescinded by the Governor or State legislature. Meeting participation is limited to access by telephone conference line and online by the Seattle Channel.

Register online to speak during the Public Comment period at the 9:30 a.m. Land Use and Neighborhoods Committee meeting at <http://www.seattle.gov/council/committees/public-comment>.

Online registration to speak at the Land Use and Neighborhoods Committee meeting will begin two hours before the 9:30 a.m. meeting start time, and registration will end at the conclusion of the Public Comment period during the meeting. Speakers must be registered in order to be recognized by the Chair.

Submit written comments to Councilmember Strauss at Dan.Strauss@seattle.gov

Sign-up to provide Public Comment at the meeting at <http://www.seattle.gov/council/committees/public-comment>

Watch live streaming video of the meeting at <http://www.seattle.gov/council/watch-council-live>

Listen to the meeting by calling the Council Chamber Listen Line at 253-215-8782 Meeting ID: 586 416 9164
One Tap Mobile No. US: +12532158782,,5864169164#

Please Note: Times listed are estimated

A. Call To Order

B. Approval of the Agenda

C. Public Comment

(10 minutes)

D. Items of Business

1. [CB 120001](#) **AN ORDINANCE relating to land use regulation of home occupations; adopting interim regulations to allow home occupation businesses to operate with fewer limitations during the COVID-19 civil emergency, amending Seattle Municipal Code Section 23.42.050, and adopting a work plan.**

Supporting Documents: [Summary and Fiscal Note](#)
[Amendment 1 \(added; 3/15/21\)](#)

Discussion and Possible Vote (30 minutes)

Presenter: Ketil Freeman, Council Central Staff

2. **Office of Planning and Community Development (OPCD) Annual Report**

Attachments: [Presentation](#)

Briefing and Discussion (30 minutes)

Presenter: Sam Assefa, Director, Office of Planning and Community Development

3. **Seattle Department of Construction and Inspections (SDCI)
Annual Report**

Supporting
Documents: [Presentation](#)

Briefing and Discussion (30 minutes)

Presenter: Nathan Torgelson, Director, Seattle Department of
Construction and Inspections

E. Adjournment



Legislation Text

File #: CB 120001, **Version:** 3

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE relating to land use regulation of home occupations; adopting interim regulations to allow home occupation businesses to operate with fewer limitations during the COVID-19 civil emergency, amending Seattle Municipal Code Section 23.42.050, and adopting a work plan.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The City Council finds and declares that:

A. On February 29, 2020, Governor Inslee proclaimed a State of Emergency for all counties throughout the State of Washington as a result of the confirmed person-to-person spread of COVID-19 in Washington State.

B. The COVID-19 disease, caused by a coronavirus that spreads easily from person to person and which may cause serious injury and death, has spread throughout King County and the City of Seattle.

C. On March 3, 2020, Mayor Durkan issued a Proclamation of Civil Emergency declaring a civil emergency within the City of Seattle based on the confirmed spread of COVID-19 in King County and resulting deaths.

D. In recognition of the danger that hospitals may become overwhelmed with COVID-19 patients unless the spread of the disease is slowed, on March 23, 2020, Governor Inslee imposed a stay-home order throughout Washington State prohibiting all people in the State from leaving their homes or participating in gatherings with only limited exceptions for participating in essential activities or essential business services. While the order initially was for a term of two weeks, the Governor has issued subsequent orders limiting business and economic activity to prevent the further spread of the coronavirus and maintain hospital capacity

for people with severe cases of COVID-19.

E. Limitations on business and economic activity disproportionately impact small businesses, which are less likely to have financial reserves to withstand extended periods of closure or limited operations.

F. The changes in this ordinance are designed to allow small businesses, which may at one-time have operated out of a storefront or other commercially-leased location, to operate more easily out of a home. This is especially important given the length of time that the State shutdown order has been in place, because much in-person business activity continues to be limited.

G. Providing regulatory flexibility for home-based businesses, while maintaining some performance standards to mitigate neighborhood impacts associated with auto-oriented businesses, will keep more small businesses operating and speed the economic recovery once COVID-19 restrictions are lifted.

H. The City Council determines that the foregoing creates a basis for adopting interim regulations under RCW 36.70A.390 which authorizes adoption of the ordinance without a required pre-adoption public hearing and a SEPA threshold determination. Following the standard process would delay the proposed changes for several months. During that period, for the reasons discussed above, more small businesses may fail leading to increased unemployment. This would stymie the City's and region's recovery from the COVID-19 emergency.

I. The City has legal authority to establish interim measures pursuant to the authority granted by Article 11, Section 11 of the Washington Constitution, the Growth Management Act, RCW 36.70A.390, and *Matson v. Clark County*, 79 Wn. App. 641 (1995).

Section 2. Section 23.42.050 of the Seattle Municipal Code, last amended by Ordinance 126131, is amended as follows:

23.42.050 Home occupations

A home occupation of a person residing in a dwelling unit is permitted outright in all zones as an accessory use to any residential use permitted outright or to a permitted residential conditional use, subject to the following

requirements:

A. The occupation is clearly incidental to the use of the dwelling unit as a dwelling.

B. Commercial deliveries and pickups to the dwelling unit are limited to one per day Monday through Friday. No commercial deliveries or pickups are permitted on Saturday, Sunday or federal holidays.

[C. Reserved.] (~~Customer visits are by appointment only.~~)

D. The occupation may be conducted within any legal principal or accessory dwelling unit or structure. Home occupations may be conducted by residents of a principal dwelling unit and/or an accessory dwelling unit. The presence of one home occupation does not preclude a resident of another legally established dwelling unit on the property from also conducting a home occupation.

E. Parking of vehicles associated with the home occupation is permitted anywhere that parking is permitted on the lot.

[F. Reserved.] (~~To preserve the residential appearance of the dwelling unit, there shall be no evidence of the home occupation visible from the exterior of the structure, provided that:~~

~~1. Outdoor play areas for child care programs and outdoor activities customarily incidental to the residential use are permitted;~~

~~2. Interior and exterior alterations and additions that comply with the development standards of the zone are permitted;~~

~~3. Alterations and additions that are required by licensing or construction codes for child care programs are permitted; and~~

~~4. Signs identifying the home occupation are permitted subject to compliance with Chapter 23.55, Signs.)~~

G. No outdoor storage is permitted in connection with a home occupation.

[H. Reserved.] (~~Except for child care programs, no more than two persons who are not residents of a~~

~~dwelling unit on the lot may work in a home occupation, regardless of whether the persons work full or part-time or are compensated.))~~

~~[I. Reserved.] ((The home occupation shall not cause a substantial increase in on-street parking congestion or a substantial increase in traffic within the immediate vicinity.))~~

J. A maximum of two passenger vehicles, vans and similar vehicles each not exceeding a gross vehicle weight of 10,000 pounds are permitted to operate in connection with the home occupation, independent of commercial deliveries and pickups as provided for in subsection 23.42.050.B.

K. The home occupation shall be conducted so that noise, odor, smoke, dust, light and glare, and electrical interference and other similar impacts are not detectable by sensory perception at or beyond the property line of the lot where the home occupation is located.

L. Notwithstanding the requirements of Table B of Section 23.54.015, while this ordinance is in effect, a home occupation may occupy a required parking space for home occupation business activity.

M. Notwithstanding the requirements of Chapter 23.55, Signs, while this ordinance is in effect, home occupations may have one nonilluminated sign, not exceeding 720 square inches, bearing the name of the home occupation.

N. While this ordinance is in effect, no portion of a home occupation shall be a drive-in business.

O. While this ordinance is in effect, an automotive retail sales and services home occupation shall not cause a substantial increase in on-street parking congestion or a substantial increase in traffic within the immediate vicinity.

P. Changes or modifications to a use, property, or structure made under the interim provisions of this ordinance do not establish an existing non-conformity to development standards or uses. After this ordinance is no longer in effect:

1. A property, use, or structure modified under this ordinance must be returned to conforming status; or

2. If a property, use, or structure was legally non-conforming prior to passage of this ordinance, the property, use or structure may be returned to its prior non-conforming status.

Section 3. Pursuant to RCW 36.70A.390, the Council will hold a public hearing within 60 days of adoption of this ordinance to take public testimony and consider adopting further findings.

Section 4. Under RCW 36.70A.390, the Council approves the following work plan for the development of permanent regulations to address the issues in this ordinance and directs the Seattle Department of Construction and Inspections, in consultation with the Office of Economic Development, to transmit proposed legislation to the Council by July 2021. Interim regulations can be authorized up to one year if accompanied by a work plan. The work plan is set forth below:

WORK PLAN:

Analyze Current Land Uses, Draft Legislation, and Conduct State Environmental Policy Act (SEPA) Review on Interim Regulations	March - May 2021
Publish SEPA Threshold Determination	June 2021
Outreach on proposed permanent legislation	July 2021
Draft permanent legislation and conduct SEPA review on draft permanent legislation	September 2021
Mayor Transmits Legislation to Council	November 2021
Council Deliberations and Public Hearing on Proposed Legislation	December 2021
Legislation Effective	January 2022

Section 5. This ordinance shall automatically expire after the 12-month period unless the same is extended as provided by statute, or unless terminated sooner by the City Council.

Section 6. The provisions of this ordinance are declared to be separate and severable. If any clause, sentence, paragraph, subdivision, section, subsection, or portion of this ordinance is held to be invalid, it shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or

circumstances.

Section 7. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the _____ day of _____, 2021, and signed by me in open session in authentication of its passage this _____ day of _____, 2021.

President _____ of the City Council

Approved / returned unsigned / vetoed this _____ day of _____, 2021.

Jenny A. Durkan, Mayor

Filed by me this _____ day of _____, 2021.

Monica Martinez Simmons, City Clerk

(Seal)

SUMMARY and FISCAL NOTE*

Department:	Dept. Contact/Phone:	CBO Contact/Phone:
LEG	Ketil Freeman / 48178	n/a

** Note that the Summary and Fiscal Note describes the version of the bill or resolution as introduced; final legislation including amendments may not be fully described.*

1. BILL SUMMARY

Legislation Title: AN ORDINANCE relating to land use regulation of home occupations; adopting interim regulations to allow home occupation businesses to operate with fewer limitations during the COVID-19 civil emergency, amending Seattle Municipal Code Section 23.42.050, and adopting a work plan.

Summary and background of the Legislation: This legislation will allow home occupation businesses accessory to a residential use to operate with fewer limitations during the COVID-19 civil emergency. Specifically, during the COVID-19 civil emergency, the bill would remove the following requirements that currently apply to home occupations:

- Customer visits are by appointment only
- There shall be no evidence of the home occupation visible from the exterior of the structure
- No more than two persons who are not residents of a dwelling unit on the lot may work in a home occupation, regardless of whether the persons work full or part-time or are compensated.
- The home occupation shall not cause a substantial increase in on-street parking congestion or a substantial increase in traffic within the immediate vicinity

In addition, the legislation would (1) allow a home business to operate in a required parking space provided that no changes are made that would prevent the space from being used for parking in the future and (2) allow home businesses to install a nonilluminated sign up to 720 square inches bearing the name of the home occupation.

2. CAPITAL IMPROVEMENT PROGRAM

Does this legislation create, fund, or amend a CIP Project? ___ Yes x No

3. SUMMARY OF FINANCIAL IMPLICATIONS

Does this legislation amend the Adopted Budget? ___ Yes x No

Does the legislation have other financial impacts to the City of Seattle that are not reflected in the above, including direct or indirect, short-term or long-term costs?
No

Is there financial cost or other impacts of *not* implementing the legislation?

No

4. OTHER IMPLICATIONS

a. Does this legislation affect any departments besides the originating department?

Yes, the Seattle Department of Construction and Inspections and the Office of Economic Development.

b. Is a public hearing required for this legislation?

A public hearing is required to be held within 60 days after passage of the bill.

c. Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?

Yes, hearing notice is required in the Daily Journal of Commerce.

d. Does this legislation affect a piece of property?

This legislation affects home occupations on properties in many areas of the city.

e. Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities? What is the Language Access plan for any communications to the public?

This legislation will allow home occupation businesses to operate with fewer limitations during the COVID-19 civil emergency. Limitations on business and economic activity disproportionately impact small businesses, which are less likely to have financial reserves to withstand extended periods of closure or limited operations and likely disproportionately impacts small business owned by black, indigenous, and people of color. As an example, Seattle has over 4,000 active business licenses for restaurants, caterers, and other businesses in the food industry; the 2016 Annual Survey of Entrepreneurs estimates that nearly 48 percent of the firms in the accommodation and food services industry in the Seattle metropolitan area are owned by black, indigenous, and people of color.

f. Climate Change Implications

1. Emissions: Is this legislation likely to increase or decrease carbon emissions in a material way?

No.

2. Resiliency: Will the action(s) proposed by this legislation increase or decrease Seattle's resiliency (or ability to adapt) to climate change in a material way? If so, explain. If it is likely to decrease resiliency in a material way, describe what will or could be done to mitigate the effects.

No.

g. If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program's desired goal(s).

Not applicable.

List attachments/exhibits below:

This amendment would require that: (1) a home occupation not have a drive-in business component and (2) home occupations related to automotive sales and service not cause a substantial increase in on-street parking or vehicle traffic. Changes are shown in track changes.

Section 1. The City Council finds and declares that:

G. Providing regulatory flexibility for home-based businesses, while maintaining some performance standards to mitigate neighborhood impacts associated with auto-oriented businesses, will keep more small businesses operating and speed the economic recovery once COVID-19 restrictions are lifted.

Section 2. Section 23.42.050 of the Seattle Municipal Code, last amended by Ordinance 126131, is amended as follows:

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A home occupation of a person residing in a dwelling unit is permitted outright in all zones as an accessory use to any residential use permitted outright or to a permitted residential conditional use, subject to the following requirements:

N. While this ordinance is in effect, no portion of a home occupation shall be a drive-in business.

O. While this ordinance is in effect, an automotive retail sales and services home occupation shall not cause a substantial increase in on-street parking congestion or a substantial increase in traffic within the immediate vicinity.

Amendment 1 to CB 120001 – Auto-oriented Home Occupations

Sponsor: Herbold

This amendment would require that: (1) a home occupation not have a drive-in business component and (2) home occupations related to automotive sales and service not cause a substantial increase in on-street parking or vehicle traffic. Changes are shown in [track changes](#).

PN. Changes or modifications to a use, property, or structure made under the interim provisions of this ordinance do not establish an existing non-conformity to development standards or uses. After this ordinance is no longer in effect:

1. A property, use, or structure modified under this ordinance must be returned to conforming status; or

2. If a property, use, or structure was legally non-conforming prior to passage of this ordinance, the property, use or structure may be returned to its prior non-conforming status.



Legislation Text

File #: Inf 1766, **Version:** 1

Office of Planning and Community Development (OPCD) Annual Report



Legislation Text

File #: Inf 1767, **Version:** 1

Seattle Department of Construction and Inspections (SDCI) Annual Report



2021 SDCI Departmental Priorities

Photo by John Skelton



Seattle Department of
Construction & Inspections

Land Use and Neighborhoods Committee
Nathan Torgelson, SDCI Director | March 10, 2021

SDCI PURPOSE AND VALUES

Our Purpose

Helping people build a safe, livable, and inclusive Seattle.

Our Values

- Equity
- Respect
- Quality
- Integrity
- Service

SDCI 2021 PRIORITIES

1. Develop outreach plan to prepare tenants for expiration of eviction moratorium and continue to focus tenant services grants on assisting tenants facing eviction.
2. Carryforward best practices adopted during COVID, such as components of a virtual Applicant Services Center and in-person services at non-downtown locations, and develop process for resuming all standard services, including in-home inspections.
3. Streamline permit processes and make demonstrable reductions in permitting times.
4. Create a cross-departmental Permit System governance model with Seattle IT to improve customer experience and functionality of permitting systems.
5. Continue working with OIR and other partners to modify the State SEPA rules that apply to homeless facilities.

SHIFTING RESOURCES TO ADDRESS COVID

- Redirected workforce to virtual
- Paused and then resumed most in-person inspections. RRIO inspections on hold
- Provided comprehensive assistance to tenants and landlords
- Worked with Mayor's Office, OEM, and SDOT to prioritize COVID response efforts (hospital worker parking, permitting for COVID related facilities)
- Maintained high level of customer service (online Q&A, paid coaching, electronic plan review and permit issuance)



TENANT OUTREACH AND ENGAGEMENT

Develop outreach plan to prepare tenants for expiration of eviction moratorium and continue to focus tenant services grants on assisting tenants facing eviction

- \$1.3M in tenant services grants awarded at beginning of 2021 with an emphasis on COVID response and recovery.
- Additional staff for POTA group & outreach material
- Training and technical assistance to grantees and community partners on moratoria, recovery period, and resources
- Collaboration with SOCR, OIRA, and DON



MAINTAIN INNOVATIVE PRACTICES

Carry forward best practices adopted during COVID and develop process for resuming all standard services, including in-home inspections.

- Continue building on the success of virtual public meetings, including design review
- Two virtual SDCI home fairs drew over 500 people
- Keep using and improving virtual inspection and plan review tools
- Work with the SPL about the possibility of having staff at a north and south Seattle location on selected days to assist the public.



PERMITTING CHANGES

Streamline permit processes and make demonstrable reductions in permitting times, including:

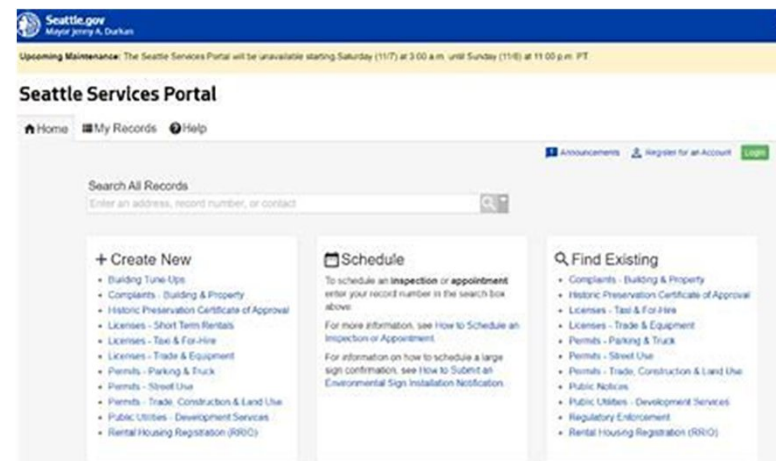
- Implement AMIHAC recommendations to better coordinate permitting across City departments and reduce review times for affordable housing projects
- Partner with OED to prepare for more changes to small business spaces and reduce permitting time
- Identify efficiencies in reviews of "pre-approved" plans for ADUs/DADUs
 - ADUniverse resource:
<https://aduniverse-seattlecitygis.hub.arcgis.com/>



CROSS-DEPARTMENTAL PERMITTING

Create a cross-departmental Permit System governance model with Seattle IT to improve customer experience and functionality of permitting systems.

- User experience improvements to the Seattle Services Portal, including new navigation from the home page and a custom My Records page.
- Accela enhancement in progress to allow for seamless customer experience and allow public to submit comments via the Seattle Services Portal
- A new complaints map will be added to [Shaping Seattle](#) web application
- SDOT and DON migration to Accela



MODIFICATION OF STATE SEPA RULES

Continue working with OIR and other partners to modify the State SEPA rules that apply to homeless facilities

- Legislation authored by SDCI and sponsored by State Senator Nguyen (D-34th LD) would allow communities who have declared a state of emergency to more easily site homeless facilities by bypassing the SEPA requirement, provided the shelter meets certain criteria.



QUESTIONS?

Nathan Torgelson

Nathan.Torgelson@Seattle.gov

