

**SUMMARY and FISCAL NOTE\***

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*\* 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 and zoning; updating regulations to allow virtual meetings for the Design Review program and other land use permit processes following the termination of the civil emergency proclaimed by the Mayor on March 3, 2020, and discontinuation of temporary modifications of procedures enacted in Ordinance 126188; amending Sections 23.41.008, 23.42.057, 23.76.011, 23.76.012, 23.76.015, 23.76.016, 23.76.024, 23.76.046, 23.76.052, and 23.84A.025 of the Seattle Municipal Code; and ratifying and confirming certain prior acts.

**Summary and Background of the Legislation:** The legislation updates the Land Use Code to allow public meetings to be held either in person or electronically, or both, after the Mayor’s Proclamation of Civil Emergency related to COVID-19 terminates. The intent is to accommodate multiple possibilities to meet the needs of a wide range of process participants rather than City code indicating or assuming only an in-person meeting is allowed. Experience gained using virtual meetings during the emergency has shown that electronic meetings are an option that allows for an efficient process and meets the needs of the community that were not previously addressed by in-person meetings.

The proposal:

- Allows the option to hold virtual public meetings in addition to physical meeting venues required by the state’s Open Public Meetings Act (OPMA), which would allow flexibility and convenient online access to public meetings;<sup>1</sup>
- Allows hosted physical meeting venues related to Design Review to be provided in a central location;
- Allows Design Review meetings to be held at any time of day;
- Clarifies code text to avoid specifying any particular method of holding City Council and Hearing Examiner meetings on a full range of land use decisions, including subdivisions, to quasi-judicial and legislative decisions;
- Eliminates the need for future interim legislative actions if unforeseen events would again preclude in-person public meetings for an extended period.

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<sup>1</sup> When a public meeting during non-emergency times is held virtually, the City anticipates fulfilling the intent of the Open Public Meetings Act by providing staffed physical meeting venues to support in-person viewing and participation in virtual meetings. This would follow existing City policies and practices for which no revisions are necessitated by this legislation.

## 2. CAPITAL IMPROVEMENT PROGRAM

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

## 3. SUMMARY OF FINANCIAL IMPLICATIONS

Does this legislation amend the Adopted Budget?       Yes  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?**

Yes. The proposal to clarify and accommodate virtual meetings as an option could generate additional costs upon SDCI, most notably related to meetings of Design Review Boards. This relates to arrangements for a physical meeting venue to provide an option for viewing and interacting with virtual meetings. The physical meeting venue is for people who do not have access to virtual meetings, or would prefer this option. This facilitates the City's compliance with the state's OPMA.

SDCI examined the possibility of hosting single or multiple physical meeting venue options where people could attend and interact with virtual public meetings. Multiple venues would accommodate the possible time overlap of two separate Design Review Board meetings that can occur on the same evening. SDCI developed estimates of added staffing costs, room rentals, and equipment, compared to a baseline of pre-COVID-19 in-person meetings. The estimate was based on Design Review Board (DRB) meetings as these are the most common meetings held by SDCI.<sup>2</sup>

The baseline (pre-COVID-19) scenario assumes a little less than 200 in-person DRB meetings throughout the per year, leading to total room rental costs of approximately \$50,000 per year. These DRB meeting costs are partially paid for by applicant fees. Staffing costs for the baseline scenario and the existing virtual meetings scenario are included in the existing Land Use budget.

There are new costs associated with providing physical meeting venues for the public to view virtual meetings in the Seattle Municipal Tower (SMT); these costs include security, and after-hours HVAC, electricity, and janitorial services.

- For the physical meeting venues, SDCI will have 1 to 2 staff alone in the meetings after business hours, when the SMT is vacant. With the potential for upset members of the public to join them in the room, SDCI must provide security in order to create and maintain a safe working environment for staff. The cost estimate for providing security is \$25,800/year, which assumes the 4-hour minimum charge for security staff.
- Building management company CBRE is now charging SDCI to have custodian services, and to operate the HVAC and lights after hours. They are billing SDCI approximately \$21,900/year for this service.

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<sup>2</sup> The Land Use Services Division anticipates the same costs for hosting and staffing an additional 10 virtual public meetings and hearings a year. Since this number is nominal, it was not included in the cost calculations.

Hosting and setting up physical meeting venues to watch and interact with virtual public meetings will result in additional staffing costs. SDCI has determined that two additional staff will be required, due to the two concurrent DRB meetings that are scheduled Mondays through Thursdays each week.

SDCI has concluded that two additional Administrative Specialist III positions will be sufficient to staff the physical meeting venues described above. Each Administrative Specialist III position requires \$105,000. Two positions would require \$210,000 in ongoing budget authority. These positions (and associated costs) will be funded with permit fees. Position authority will be needed beginning in 2022, but budget authority is not needed until 2023. SDCI can absorb the costs associated with these positions in 2022 due to vacancy savings in the department.

Additional equipment costs for these physical meeting venues include two sets of laptops, projectors, screens, and cell phones to provide public comment during the virtual meetings. These scenarios will add approximately \$10,000, compared with a pre-COVID-19 baseline. These costs will be paid for with permit fees.

For the scenarios analyzed by SDCI, providing an option for two physical meeting venues will add approximately \$217,700 in costs compared to the pre-COVID-19 baseline. See summary table below.

**Summary of Estimated Added Costs for Added Venues for  
 Design Review Board Meetings, Annually**

	<b>Pre-COVID-19 Baseline: Multiple venues throughout the city, in-person meetings only</b>	<b>Current Condition: Virtual meetings only</b>	<b>Future Condition: Virtual DRB meetings with one or two physical meeting venues (i.e., watching rooms with public comment ability during virtual DRB meeting)</b>
<b>Room rental</b>	\$50,000	\$0	\$47,700
<b>Staffing</b>	Costs included in Land Use budget (including additional time and cost for transportation to/from DRB meetings)	Costs included in Land Use budget (no additional time/cost for transportation to and from DRB meetings)	+\$210,000 for two additional staff (Admin Spec IIIs)
<b>Equipment</b>	--	--	+ \$10,000
<b>TOTAL COST</b>	\$50,000 + Existing staffing costs	Existing staffing costs	Existing staffing costs + \$267,700
<b>Cost compared to Pre-COVID-19 Baseline</b>	--	(\$50,000)	+\$217,700

Notes: Estimates assume almost 200 DRB meetings per year. Staffing and equipment needs will be reviewed in future years to assure appropriate venue and staffing levels.

**Are there financial costs or other impacts of *not* implementing the legislation?**

Once the public emergency order terminates, SDCI anticipates a need to have a physical meeting venue available even though we expect all or most participants to attend a virtual

meeting. This allows us to meet open public meetings requirements. If the legislation is not implemented, this could mean resuming room rental costs for in-person meetings at the full estimate of \$50,000 per year listed above.

Not implementing this legislation could also cause future delays in development permitting, if a future public emergency would preclude virtual meetings and then necessitate new interim emergency legislation.

#### **4. OTHER IMPLICATIONS**

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

The proposal relates to public meetings arising from SDCI's review of proposals in relation to Title 23 of the Seattle Municipal Code. The most common type of these meetings would be a Design Review Board on a given development proposal. It could also affect other SDCI meetings held in relation to development projects, such as those held for public comment on Draft Environmental Impact Statements. Other departments and parties indirectly affected by the proposal include:

- Office of Planning and Community Development (OPCD) meetings for planned community development processes;
- Hearing Examiner meetings on subdivisions;
- City Council meetings on quasi-judicial decisions such as land use map amendments, public projects, major institution master plans, and Council conditional use decisions;
- City Council meetings on legislative decisions such as area rezones and changes to the Land Use Code; and
- Community meetings held by applicants for permanent supportive housing.

These meetings have been hosted virtually since 2020 when they were a necessity due to the COVID-19 related public health emergency orders. The proposal would update code text to avoid phrasing that could inadvertently restrict future meeting venue options for the parties identified above. The proposal does not specifically address public meetings hosted by other departments for other purposes.

**b. Is a public hearing required for this legislation?**

Yes. The hearing will occur during the City Council's deliberations on the proposal in Summer 2022.

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

Yes. Notices will be published in the DJC and the City's Land Use Information Bulletin.

**d. Does this legislation affect a piece of property?**

No.

**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 relates to giving choices to SDCI to host public meetings either virtually (electronically and online), in person, or both. In addition to the flexibility afforded to the community in general, the availability of virtual meetings would benefit individuals that may have challenges with in-person meetings but are able to attend meetings virtually. These challenges may include limited transportation options, cost of transportation, people experiencing disabilities that may not be easily accommodated at in-person meeting facilities, people who have caregiving commitments, people with health risks and challenges related to meeting in person, and others. The legislation would expand the convenience of viewing and participating in Design Review meetings.

Holding public meetings only in electronic fashion could make it more difficult (through technological barriers such as lack of reliable access to online service or lack of knowledge to make such access work correctly) for certain people to attend public meetings and/or participate fully in them. This has a potential to affect types of households such as those with older people, the visually impaired, those with less technological capabilities or those lacking reliable or affordable online connections. Such characteristics potentially could lead to differences in opportunities to participate in public meetings for BIPOC and other communities that are vulnerable or historically disadvantaged.

To mitigate potential impact to vulnerable and disadvantaged communities and address open public meeting requirements, the City's practices will continue to include access to SDCI-hosted virtual meetings by hosting physical meeting venues in at least one physical location. This would be available to those interested in going to a venue without worrying about electronic access, and provide the public with the ability to participate in the virtual meeting as it happens. This would maintain traditionally available physical meeting venues that were temporarily suspended due to the COVID-19 health emergency.

The proposal to host a physical meeting venue assumes SDCI will use locations in City buildings, likely Seattle Municipal Tower. Logistical planning for these meetings includes providing access, security, and equipment to display the virtual meeting, and equipment to allow interactions of the audience with the virtual meeting attendees such as Design Review Board members. During the COVID-19 health emergency, other arrangements for meeting spaces, such as reservations in buildings located in the Design Review districts, have lapsed. Also, such in-neighborhood venues have little or no capabilities in their ability to provide electronic meeting hosting features. These kinds of logistical complications would take considerable effort to examine and determine remedies for each Design Review district across the city.

One consequence is that people interested in attending a physical meeting venue would likely need to travel longer distances to the venue than previously, when these meetings were required to be held in places within the Design Review districts. This could place a comparatively higher burden upon these prospective physical venue attendees to travel to Downtown meeting venues hosted by City staff. This is a potentially adverse effect on

vulnerable and historically disadvantaged communities that is acknowledged here. It is partially mitigated by the intent to continue offering virtual meetings. As SDCI continues implementing the Design Review programs, its Racial Equity Toolkit analysis prescribes gathering more information about how these meeting arrangements are working or not working for these communities, and diagnosing what other possible arrangements could be implemented to overcome these difficulties or provide supplemental offerings.

However, the overall conclusion for this proposal regarding meeting accessibility and ability to be informed by and participate in meetings is: offering multiple methods for people to attend meetings virtually or at a physical venue will help to maintain multiple equitable access options to meetings for the greatest number of interested households.

**f. Climate Change Implications**

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

No. However, the ability for interested parties to choose to virtually attend a meeting could encourage fewer overall trips by automobiles to/from public meetings. This could slightly contribute to reductions in carbon emissions overall, even if the difference would not be measurable in the context of overall city carbon emissions performance.

**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.**

The proposed actions could increase resiliency by giving flexibility to continue accommodating public meetings virtually even if scenarios such as storms or other natural events temporarily impaired ease of access to physical meeting venues.

**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)?**

This proposal does not introduce a new program or initiative.

**Summary Attachments:**

None