

Director's Report and Recommendation Flexibility in the Land Use Code for Public Meetings

Background

This proposal arises due to the anticipated end of the civil emergency declared by the Mayor on March 3, 2020, as part of COVID-19 related public health protection measures. Ordinance 126188 followed in 2020 with temporary modifications of procedures, including authorization for certain public meetings to be conducted virtually. Sixty days after the termination of the civil emergency, the ability established by Ordinance 126188, including the authorization of certain public meetings to be conducted virtually, will be automatically repealed without subsequent action by the City Council.

Summary of Proposal

The proposal would update the Land Use Code to support the continued ability to host certain types of public meetings electronically (“virtually”), in-person, or a combination of both, after the interim provisions of Ordinance 126188 expire. Participants, including SDCI staff, Design Review Board Members, permit applicants, and neighborhood representatives have had positive experiences in terms of convenience and ability to participate in virtual meetings. The proposal would allow SDCI and Office of Housing to hold meetings in a modern, convenient manner, with an option for the public to attend a virtual meeting at a physical meeting venue for people who don’t have access to a computer or prefer an in-person meeting. When a public meeting related to the contents of this bill would be held virtually, the City anticipates fulfilling the intent of the Open Public Meetings Act by providing staffed physical meeting venues to support viewing of, and give assistance in participating in, virtual meetings.

The table below summarizes which sections would be amended, the subjects of those sections, and the nature of the amendment. Most of the affected sections are in Chapter 23.76 of the Land Use Code, Procedures for Master Use Permits and Council Land Use Decisions.

Summary of Amendments and Affected Land Use Code Sections

Code section	Subject of section	Nature of code change
23.41.008	Design Review program, location, and time of meetings	Clarify that a virtual meeting is allowed, and that a physical meeting venue would be hosted at a centralized location rather than a location in the Design Review District, and at any time of day. The amendments would also add an option for only virtual meetings if an emergency makes physical meeting venues impracticable.

Code section	Subject of section	Nature of code change
23.42.057	Permanent supportive housing, community engagement and relations, location of meetings	Clarify that virtual meetings are allowed; physical meeting venues would be hosted; and add an option for only virtual meetings if an emergency makes physical meeting venues impracticable.
23.76.011	Planned community development process, notice for meetings held	Clarify notice to identify how to connect to a virtual meeting and the location of the physical meeting venue.
23.76.012	Contents of a public notice of application	Clarify notice to identify how to connect to a virtual meeting and the location of the physical meeting venue.
23.76.015	Public meetings for Type II (Director's) or III (Hearing Examiner's) decisions	Edit clarifies and accommodates the possibility of virtual meetings
23.76.016	Public hearings for Draft EISs, location of meeting	Edit clarifies and accommodates the possibility of virtual meetings
23.76.024	Hearing examiner hearing for subdivisions	Edit clarifies and accommodates the possibility of virtual meetings
23.76.046	Public meetings for Draft EISs and other public hearings, for Type IV (quasi-judicial) or Type V (legislative) decisions	Edit clarifies and accommodates the possibility of virtual meetings
23.76.052	Hearing examiner hearing for Type IV (quasi-judicial) Council land use decisions	Edit clarifies and accommodates the possibility of virtual meetings
23.84A.025	Definitions – "M"	Add definitions of in-person meeting and virtual meeting

Analysis

The proposal is intended to preserve the ability to hold public meetings in an electronic, virtual fashion. Since 2020, the City has made strides in how it conducts virtual public meetings, by necessity due to the need generated by the continued public health emergency. Even though no longer necessitated by health concerns solely, this approach has been popular due to its convenience, accessibility, and efficiency.

Advances in electronic access to meetings have helped make such virtual public meetings more feasible and beneficial. For some, the possibility of attending public meetings from home electronically may be more convenient than traveling to physical meeting venues usually during evening hours. A hosted physical meeting venue would also allow for people who have limited or no access to a computer, and for others who may find it more difficult to communicate their thoughts using technology without the help of a meeting host.

For Design Review Board (DRB) meetings, the proposal would allow physical meeting venues to be hosted in a centralized location rather than the current requirement that DRB meetings be held in the same neighborhood where the development is proposed. SDCI is proposing these changes for the following reasons:

1. Many people who will participate in these meetings are now relatively comfortable using electronic interfaces to attend, due to their experiences in the last two years;
2. The total expense of arranging room rentals, transportation to meetings, and provision of meeting-related services in multiple venues across the city are higher than will occur for a centralized in-person public participation venue;
3. A centralized physical meeting venue will establish a new norm – interested parties will know where their meeting will be hosted, regardless of the proposal's exact address.
4. Locations in neighborhoods (such as religious facilities, schools, and community centers) are not equipped in their ability to accommodate electronic virtual-meeting connections, which may lead to technical issues impairing availability of virtual meeting options to the public;
5. Other methods in the City's processes continue to foster local participation and orientation of design review toward neighborhood interests, including use of early neighborhood outreach and neighborhood design guidelines; these and similar elements addressing a development's context will continue to be addressed during virtual Design Review Board meetings combined with physical locations for meetings that are centrally located.
6. Presenting applicants and board members, who may be traveling for work, will be able to participate in meetings without being physically present in Seattle.

The proposal is intended to follow Council's original goal of having Design Review be neighborhood-specific while allowing for recognition of the heavy use in Seattle of technology and virtual communication and participation. Unintended consequences can be avoided or minimized by computer access at local libraries and good transit connections and other ways to access the proposed centralized physical meeting venues. The proposed location for these venues is on the 20th floor of the SDCI offices in the Seattle Municipal Tower, where two venues have been set up to handle two possible Design Review Board (DRB) meetings per evening.

In addition, taking this action now to update the code would avoid a potential future need to re-establish emergency or temporary allowances. The legislation notes the City's intent to comply with the Open Public Meetings Act (OPMA). Consistency with the OPMA would be fulfilled in non-emergency times by maintaining City open public meeting practices, such as by offering a physical meeting venue for people to attend the virtual meeting and electronically participate in it if they choose.

This proposal does not pertain to certain other code sections with language referring to public meetings. Most notably, this proposal does not apply to certain chapters in Title 25 within the Department of Neighborhoods' (DON) purview. Additional legislation addressing DON meetings may be forthcoming.

The proposal is exempt from SEPA review because it relates only to governmental procedures with no substantive changes relating to use or modification of the environment (see SEPA 25.05.800.T).

Recommendation

The SDCI Director recommends the proposed legislation to allow the ability to host public meetings in an electronic, virtual setting as an alternative to physical meeting venues.