



Date: August 3, 2020
To: Councilmember Dan Strauss, Chair, Land Use and Neighborhoods Committee
From: Mike Podowski, Manager (SDCI); Sara Belz, Manager (DON)
Subject: Proposal to extend Ordinance 126072

Proposal Summary

This proposal would extend temporary process changes that are set to expire on October 25, 2020, in Title 23 and Title 25 SMC, to be in effect until 180 days after the termination of the civil emergency proclaimed by the Mayor on March 3, 2020. Extending these provisions in response to the ongoing pandemic will avoid potential public health risks from in-person contact, allow development to continue to minimize economic impacts, address urgent housing needs, and allow the City time to resolve technical issues that arise as it begins holding virtual meetings.

Background

In April 2020, the Seattle City Council adopted, and the Mayor signed, Ordinance 126072 to facilitate virtual meetings and virtual public outreach, allow projects to elect to be processed through administrative design review while SDCI set up a system for virtual public meetings, and allow various processes related to historic preservation and public school departures to be handled administratively in recognition of the reduced capacity of the relevant boards when holding virtual meetings.

Ordinance 126072 will expire on October 25, 2020. In light of the continuing COVID-19 pandemic and the ongoing need for virtual meetings of the City's regulatory boards, several of the provisions included in Ordinance 126072 require extension beyond October 25.

Proposed Amendments

The proposal would extend the provisions of Ordinance 126072 with minimal changes to clarify application and interpretation consistent with the City Council's original intent in adopting the ordinance. The proposal includes the following:

Design Review

- Allows virtual meetings to continue.
- Allow applicants meeting certain milestones to elect administrative review until December 31, 2020. (explained in more detail in the table below).
- Exempts affordable housing projects from Design Review and allows the SDCI Director to permit modifications to certain development standards.
- Allows electronic and other methods to substitute for in-person early community outreach.
- Allow administrative review of certain permit applications at SHA's Yesler Terrace Community.

Historic Preservation

Allow administrative review of certain applications within the Pioneer Square, Ballard Avenue, Columbia City, Ft. Lawton, Harvard-Belmont, Pike Place Market, Sand Pt. Naval Air Station, and International Special Review Districts.

Public School Departures

Allow administrative review of applications for development standard departures for public school structures.

Planned Community Developments

Allow developers of proposals for Planned Community Developments (a downtown master planning process that allows development potential to be move across blocks when public benefits are provided) to conduct other types of public outreach instead of having in-person public meetings.

Major differences between the original ordinance and the proposal are summarized below:

Summary Comparison of Ordinance 126072 and the Proposal	
Ordinance sections in Ordinance 126072 that are changed in the proposal	Intent of the Proposal
Section 2 (Section 1 of the new ordinance) related to a permit applicant’s option to be reviewed through Administrative Design Review	<p>The original emergency ordinance temporarily allowed applicants to elect to be reviewed through Administrative Design Review (ADR) rather than by the Design Review Board for the duration of the six-month legislation.</p> <p>The proposal would allow projects that previously elected to be reviewed through ADR to continue to be reviewed through ADR through December 31, 2020 if:</p> <p>(1) SDCI could not provide a virtual meeting for the project prior to this ordinance taking effect; or</p> <p>(2) the project completed the early design guidance process before SDCI could make a virtual early design guidance meeting available.</p> <p>It would also clarify that public notice is required for an election to be reviewed through ADR, if such notice has not already been given.</p>
Effective time period of the proposal (Section 23 of the new ordinance)	<p>The original emergency legislation is effective for six months; the new proposed bill would be effective until six months after the termination of the civil emergency proclaimed by the Mayor on March 3, 2020.</p> <p>The pandemic is likely to continue for some time. This approach would allow the City Council to attend to other matters while permit review processes continue via virtual meetings, or in-person meetings when they become possible, and administrative review of certain matters in recognition of the difficulties created by the pandemic.</p>
Ordinance sections in Ordinance 126072 that are omitted in the proposal	These provisions largely related to the historic preservation program are no longer needed.
Sections 15-18, 29, 30	No longer applicable – These sections were written to address immediate administrative and procedural challenges posed by the COVID-19 outbreak that can now be addressed via virtual meetings.

Closing

SDCI and DON recommend that the City Council adopt legislation to extend Ordinance 126072. Thank you for considering this legislation. We are available to answer any questions you may have.