



Legislation Details (With Text)

File #: CB 120400 **Version:** 2 **Name:** CB 120400
Type: Ordinance (Ord) **Status:** Passed
In control: City Clerk

On agenda: 9/27/2022

Final Action: 10/5/2022 **Ord. No.** Ord 126684

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.

Sponsors: Dan Strauss

Indexes:

Attachments: 1. Summary and Fiscal Note, 2. Director's Report, 3. Central Staff Memo, 4. Amendment 1, 5. Signed Ordinance 126684, 6. Affidavit of Publication

Date	Ver.	Action By	Action	Result
10/5/2022	2	City Clerk	attested by City Clerk	
10/4/2022	2	Mayor	returned	
10/4/2022	2	Mayor	Signed	
9/30/2022	2	City Clerk	submitted for Mayor's signature	
9/27/2022	2	City Council	passed	Pass
9/22/2022	1	Land Use Committee	pass as amended	Pass
9/14/2022	1	Land Use Committee	discussed	
8/16/2022	1	City Council	referred	
8/1/2022	1	Council President's Office	sent for review	
7/13/2022	1	City Clerk	sent for review	
7/13/2022	1	Mayor	Mayor's leg transmitted to Council	

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

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.

WHEREAS, a civil emergency related to public health proclaimed on March 3, 2020, affected the ability to hold in-person public meetings; and

WHEREAS, Ordinance 126188 enacted temporary modifications of procedures including those relating to holding public meetings using electronic communication methods; and

WHEREAS, those temporary code modifications will be repealed in 2022 and removed from the code; and

WHEREAS, the Seattle Department of Construction and Inspections determines that retaining the ability to hold certain kinds of public meetings using electronic communication tools as an option increases public participation, removes barriers to access, and increases collaboration; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Intent. To allow ongoing review of permit applications during the COVID-19 civil emergency, the City passed Ordinance 126188 temporarily suspending or modifying certain procedures related to permit decisions in Seattle Municipal Code Titles 23 and 25, including those for public meetings. Temporary modifications and suspensions to certain procedures in Seattle Municipal Code Titles 23 and 25 made by Ordinance 126188 will be automatically repealed 60 days after the termination of the civil emergency without City Council action, according to Section 24 of Ordinance 126188. This ordinance is intended to allow electronic and virtual meeting attendance methods prospectively. The City intends to comply with the Open Public Meetings Act, chapter 42.30 RCW, for all applicable meetings required pursuant to Seattle Municipal Code Title 23.

Section 2. Section 23.41.008 of the Seattle Municipal Code, last amended by Ordinance 126509, is amended as follows:

23.41.008 Design Review general provisions

* * *

E. Meetings of the Design Review Board

1. Notice of Design Review Board meetings shall be given as described in subsection

23.76.015.C.

2. All meetings of the Design Review Board shall be held ~~((in the evening in a location that is accessible and conveniently located in the same design review district as the proposed project, except that the East Board may meet in either the East or Central Area district. Board meetings are open to the general public.~~

)) virtually, in-person, or a combination of both as follows:

a. A physical meeting venue option shall be provided for attendance of virtual meetings;

b. Virtual meetings may be offered to supplement in-person meetings;

c. If an emergency makes in-person meetings impracticable as declared by the Mayor, meetings shall be held virtually;

d. In-person meetings shall be accessible; and

e. All in-person or virtual meetings shall be open to the general public.

The actions of the Board are not quasi-judicial in nature.

3. Design Review Board meetings are limited to the maximum number described in Table B for 23.41.008.

Table B for 23.41.008 Maximum		
Type of design	Early design	Recommended
Full design	2 ^{1,2}	1 ^{1,2}

Footnotes to Table B for 23.41.008 ¹ There is no limit to the number of Board meetings when: The project is from a lot in a neighborhood residential zone; The development proposal includes a Type IV or Type V described in Chapter 23.76; or Departures are requested, unless the project applicant elects the MHA per Sections 23.58B.050 or 23.58C.050. ² The Director may require additional Design Review Board meetings 23.41.008.E.4.

4. The Director may require additional Design Review Board meetings above the maximum established in subsection 23.41.008.E.3 if the Director determines the Design Review Board needs additional time for deliberation and evaluation of a project due to the size and complexity of the site or proposed development, the amount and content of public comment, an applicant’s insufficient response to previous Board direction, or at the applicant’s request. If the Design Review Board cannot complete a recommendation, it shall identify

reasons why another recommendation meeting is necessary.

* * *

Section 3. Section 23.42.057 of the Seattle Municipal Code, enacted by Ordinance 126287, is amended as follows:

23.42.057 Permanent supportive housing

Permanent supportive housing must meet the development standards for the zone in which it is located except as follows:

* * *

C. Community engagement and relations. The applicant shall submit a draft community relations plan in a form acceptable to the Director and the Director of the Office of Housing. The draft community relations plan shall describe the overall community engagement and communication strategy throughout the project's pre-development, design, construction, and operation phases. In addition to compliance with the draft community relations plan, the applicant must hold at least one community meeting in-person, or virtually in the event of an emergency that makes in-person meetings impracticable as declared by the Mayor. Virtual meetings may be offered to supplement in-person meetings. This meeting shall be exclusively about the project and the applicant must send notice of the meeting to neighbors at least within 500 feet of the site.

Section 4. Section 23.76.011 of the Seattle Municipal Code, last amended by Ordinance 125429, is amended as follows:

23.76.011 Notice of design guidance and planned community development process

* * *

C. For the required meeting for the preparation of priorities for a planned community development, and for a public meeting required for early design guidance, the time, date, location, virtual location if applicable, and purpose of the meeting shall be included with the mailed notice.

* * *

Section 5. Section 23.76.012 of the Seattle Municipal Code, last amended by Ordinance 125603, is amended as follows:

23.76.012 Notice of application

* * *

C. Contents of ~~((Notice.))~~ notice

1. The City's official notice of application is the notice placed in the Land Use Information Bulletin, which shall include the following required elements as specified in RCW 36.70B.110:
 - a. Date of application, date of notice of completion for the application, and the date of the notice of application;
 - b. A description of the proposed project action and a list of the project permits included in the application, including if applicable:
 - 1) ~~((a))~~ A list of any studies requested by the Director;
 - 2) ~~((a))~~ A statement that the project relies on the adoption of a Type V Council land use decision to amend the text of Title 23;
 - c. The identification of other permits not included in the application to the extent known by the Director;
 - d. The identification of existing environmental documents that evaluate the proposed project, and the location where the application and any studies can be reviewed;
 - e. A statement of the public comment period and the right of any person to comment on the application, request an extension of the comment period, receive notice of and participate in any hearings, and request a copy of the decision once made, and a statement of any administrative appeal rights;
 - f. The date, time, ~~((place))~~ location, virtual location if applicable, and type of hearing, if applicable and if scheduled at the date of notice of the application;
 - g. A statement of the preliminary determination, if one has been made at the time of

notice, of those development regulations that will be used for project mitigation and the proposed project's consistency with development regulations;

h. A statement that an advisory committee is to be formed as provided in Section 23.69.032, for notices of intent to file a Major Institution master plan application;

i. Any other information determined appropriate by the Director; and

j. The following additional information if the early review DNS process is used:

1) A statement that the early review DNS process is being used and the Director expects to issue a DNS for the proposal;

2) A statement that this is the only opportunity to comment on the environment impacts of the proposal;

3) A statement that the proposal may include mitigation measures under applicable codes, and the project review process may incorporate or require mitigation measures regardless of whether an EIS is prepared; and

4) A statement that a copy of the subsequent threshold determination for the proposal may be obtained upon written request.

2. All other forms of notice, including but not limited to large notice and land use signs, placards, and mailed notice, shall include the following information: the project description, location of the project, date of application, location where the complete application file may be reviewed, and a statement that persons who desire to submit comments on the application or who request notification of the decision may so inform the Director in writing within the comment period specified in subsection 23.76.012.D. ~~((of this Section 23.76.012.))~~ The Director may, but need not, include other information to the extent known at the time of notice of application. Except for the large notice sign, each notice shall also include a list of the land use decisions sought. The Director shall specify detailed requirements for large notice and land use signs.

* * *

Section 6. Section 23.76.015 of the Seattle Municipal Code, last amended by Ordinance 123913, is amended as follows:

23.76.015 Public Meetings for Type II and Type III Master Use Permits

* * *

B. The Director may combine a public meeting on a project application with any other public meetings that may be held on the project by another local, state, regional, federal or other agency, and shall do so if requested by the applicant, provided that:

1. The meeting ~~((is))~~ if convened in-person shall be held within the city of Seattle; and
2. The joint meeting can be held within the time periods specified in Section 23.76.005, or the applicant agrees in writing to additional time, if needed, to combine the meetings.

* * *

Section 7. Section 23.76.016 of the Seattle Municipal Code, last amended by Ordinance 123913, is amended as follows:

23.76.016 Public hearings for draft EISs

A. Draft Environmental Impact Statements (EISs). As required by Section 25.05.535, the Director shall hold a public hearing on all draft EISs for Master Use Permit applications for which the Department is the Lead Agency. ~~((The))~~ If convened in-person, the Director may hold the hearing near the site of the proposed project.

B. The Director may combine the public hearing on the draft EIS with any other public hearings that may be held on the project by another local, state, regional, federal, or other agency, and shall do so if requested by the applicant, provided that:

1. The joint hearing ~~((is))~~ if convened in-person shall be held within the city of Seattle; and
2. The joint hearing can be held within the time periods specified in Section 23.76.005, or the applicant agrees in writing to additional time, if needed, to combine the hearings.

Section 8. Section 23.76.024 of the Seattle Municipal Code, last amended by Ordinance 124378, is

amended as follows:

23.76.024 Hearing Examiner open record hearing and decision for subdivisions

* * *

B. The Hearing Examiner may combine a public hearing on a subdivision application with any other public hearings that may be held on the project by another local, state, regional, federal, or other agency, and shall do so if requested by the applicant, provided that:

1. The joint hearing ((is)) if convened in-person shall be held within the city of Seattle; and
2. The joint hearing can be held within the time periods specified in Section 23.76.005, or the

applicant agrees in writing to additional time, if needed, to combine the hearings.

* * *

Section 9. Section 23.76.046 of the Seattle Municipal Code, last amended by Ordinance 124378, is amended as follows:

23.76.046 Public meetings and hearings for draft EISs

* * *

B. Draft EISs on Type IV and V decisions. The Director shall hold a public hearing on all draft EISs for Type IV and Type V Council land use decisions for which the Department is the lead agency, pursuant to Section 25.05.535. ((The)) if convened in-person, the Director may hold the hearing near the site of the proposed project. For Major Institution master plans, the draft EIS hearing shall be combined with a hearing on the draft master plan as required by Section 23.69.032.

C. The Director may combine the public hearing on the draft EIS with any other public hearings that may be held on the project by another local, state, regional, federal, or other agency, and shall do so if requested by the applicant, provided that:

1. The joint hearing ((is)) if convened in-person shall be held within the city of Seattle; and
2. The joint hearing can be held within the time periods specified in Section 23.76.005, or the

applicant agrees in writing to additional time, if needed, to combine the hearings.

Section 10. Section 23.76.052 of the Seattle Municipal Code, last amended by Ordinance 123913, is amended as follows:

23.76.052 Hearing Examiner open record predecision hearing and recommendation for Type IV Council land use decisions

* * *

B. The Hearing Examiner may combine a public hearing on a Type IV application with any other public hearings that may be held on the project by another local, state, regional, federal, or other agency, and shall do so if requested by the applicant, provided that:

1. The joint hearing ((is)) if convened in-person shall be held within the city of Seattle; and
2. The joint hearing can be held within the time periods specified in Section 23.76.005, or the

applicant agrees in writing to additional time, if needed, to combine the hearings.

* * *

Section 11. Section 23.84A.025 of the Seattle Municipal Code, last amended by Ordinance 125792, is amended as follows:

23.84A.025 “M”

* * *

“Meeting, in-person” means a public meeting that includes a venue for in-person attendance.

“Meeting, public.” See RCW 36.70B.020.

“Meeting, virtual” means a public meeting that includes the use of electronic attendance methods allowing the public to view and participate in real time.

* * *

Section 12. Sections 1 through 11 of this ordinance shall take effect 60 days after the termination of the

civil emergency proclaimed by the Mayor on March 3, 2020.

Section 13. Any act consistent with the authority of this ordinance taken after its passage and prior to its effective date is ratified and confirmed.

Section 14. 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 _____, 2022, and signed by me in open session in authentication of its passage this _____ day of _____, 2022.

President _____ of the City Council

Approved / returned unsigned / vetoed this _____ day of _____, 2022.

Bruce A. Harrell, Mayor

Filed by me this _____ day of _____, 2022.

Elizabeth M. Adkisson, Interim City Clerk (Seal)