# Director's Report and Recommendation
# Light Rail Transit Facilities Code Amendments

## Introduction

The Seattle Department of Construction and Inspections (SDCI) is proposing legislation to amend the Land Use Code to support efficient permitting processes for light rail transit facilities, including projects that will extend the light rail system to West Seattle and Ballard. The package of amendments provides new specific standards for several topics related to the City's review of light rail facility design and clarifies other existing codes to improve the efficiency of the City's reviews. Key topics of the amendments include: new design standards; updating permit process details; a tree and vegetation management plan; environmentally critical areas permitting; construction noise; and bicycle parking.

The proposal will fulfill the permit process improvement goals that were identified by the City and Sound Transit (ST) in 2019. These prior discussions identified priority subjects to explore for process reforms, including identifying code and process barriers for faster permitting, clarifying development standards for light rail, refining the advisory process for review of facility design, and reducing the need for multiple rounds of plan review.

The amended code will support the timely construction of the West Seattle Link Extension (WSLE) and Ballard Link Extension (BLE) projects. In October 2024, the Sound Transit Board selected the route and station locations for the West Seattle Link Extension. This action authorizes the project to move forward into the final design phase. In 2025, Seattle City Council will approve the alignment, transit station locations, and maintenance base location of the light rail transit system by ordinance or resolution. Permitting for WSLE is expected to start in Q2 2025, construction is expected to begin in 2027, and service is anticipated to begin in 2032. Ballard Link Extension is still in the planning stages and opening of the extension is scheduled for 2039.

The areas most affected by the future light rail transit construction projects include Downtown (including the Chinatown International District), South Lake Union, Uptown Urban Centers, Greater Duwamish Manufacturing and Industrial Center; and the Delridge, West Seattle Junction, Ballard, and Interbay neighborhoods. The wide variety of zoning in these areas underscores the need to provide more tailored guidance for light rail transit facility projects.

## Proposal Description Summary

The legislation includes the following types of code amendments.

1. Create new development standards for light rail transit facilities. These address the design quality of buildings, landscaping, accessibility, and other functional qualities like lighting, weather protection, signage, and street and sidewalk sizing.

2. Establish an advisory review process by the Seattle Design Commission (SDC) to evaluate light rail transit facility design proposals and make recommendations to Sound Transit and City Departments about the proposals' aesthetic, urban design, and functional qualities.

3. Clarify and improve permit processes for specificity and efficiency, including:

    3a. Light rail transit facility permits defined as "Type I" Master Use Permit reviews will maintain public notice and comment periods. These permits can be appealed to Superior Court. Changes to temporary uses and station proposals will streamline permitting and construction and avoid procedural delays.

    3b. Permit decisions will be more focused and efficient to issue by eliminating unnecessary kinds of reviews and clarifying the City's authority to grant flexibility from codes and define conditions of approval. Edits in Chapter 23.80 of the Land Use Code will allow permit decisions to focus on the most relevant topics of design and access.

4. Clarify and streamline the content of reviews for Sound Transit projects to receive an Environmentally Critical Areas (ECA) light rail exception permit. ST would provide only the most relevant application information and analyses for the City to review permits and focus on how environmentally protective outcomes may occur even if exceptions to meeting details of the ECA codes are allowed.

5. Define a "tree and vegetation management plan" requirement for project segments of the light rail system development. Requiring a project-wide tree and vegetation management plan that will account for tree management before, during, and after construction.

6. Clarify a one-year review step for a construction noise variance for light rail transit facilities construction. This would maintain a single appeal opportunity for the initial decision on the construction noise variance.

7. Amend existing minimum bicycle parking requirements and add new shared micromobility device minimum parking requirements. This defines both opening day and future parking requirements, according to different types of stations: terminus, local, mid-center, and center types. A new provision would require a variety of parking spaces to account for various types of bicycles.

## Discussion and Analysis of the Proposed Amendments

The proposal is a non-project code amendment action proposed by the City of Seattle. Light rail transit facilities are "essential public facilities," (RCW 36.70A.200 and WAC 365-196-550). The RCW defines essential public facilities as facilities "*that are typically difficult to site, such as airports, state education facilities and state or regional transportation facilities as defined in RCW **47.06.140**, regional transit authority facilities as defined in RCW **81.112.020**, state and local correctional facilities, solid waste handling facilities…*" and other similar uses.

Light rail service is an important part of the City's growth strategy in its Comprehensive Plan. Continuing to implement light rail system expansion helps support centers-based growth patterns linked by high-capacity transit service and hosting transit-oriented development. These are the most

effective comprehensive growth strategies for the city and region, because they accomplish greater overall transportation mobility, and support affordable housing, efficient land use, and economic development objectives.

The proposed amendments update, clarify, and revise the codes that will be applied to future Light Rail Transit Facility permits. These will provide greater specificity in the codes, to aid streamlining, clarity, and efficiencies of permit reviews. The major elements of the proposal are described in more detail below.

1. **<u>Create new development standards and update the definition for light rail facilities.</u>**
   Proposed amendments in Chapter 23.80 and SMC 23.84 of the Land Use Code are intended to:
   - Create consistent minimum standards for light rail station design across the city;
   - Positively influence the quality of design outcomes for light rail transit facilities;
   - Provide minimum standards that are tailored for light rail transit facility sites; and
   - Update the definition of light rail transit facility to better align with the companion state law definition (RCW 81.112.020), thereby including structures necessary to support the development of a light rail transit system.

   The development standards are complemented by the City of Seattle Light Rail Design Guidelines already adopted by a prior action (see SDCI Director's Rule 2-2024). The proposed development standards are design-related guidance for light rail station facilities – such as size, shape, aesthetic qualities, details about streets and access, and signage. These will substitute for the general development standards of each zone's regulations, many of which are oriented to residential, commercial, and industrial uses and do not relate to a linear light rail transit facility.

   The standards include:

   ***Minimum development standards for aesthetic qualities***

   - Blank facade limits
   - Facade transparency and modulation
   - Landscaping and screening features
   - Entry features designed for visibility and wayfinding
   - Relationship to zoned height limits

   ***Minimum development standards for functional qualities***

   - Overhead weather protection
   - Access and street improvements (and provisions for transit-supporting features to be off-site, such as bus layover spaces)
   - Amend the minimum bicycle parking requirements and add new shared micromobility device parking requirements
   - Landscape and street tree requirements
   - Pedestrian lighting
   - Signage and wayfinding

- Light/glare and odor control
- Solid waste disposal.

***Why does this matter?***

The new development standards will ensure high-quality design and functionality of light rail transit facility developments across the City. This will help achieve facilities that are compatible with their adjacent surroundings and serve the needs of the public and their neighborhoods. The new definition will better align with state law ensuring all light rail transit facilities are reviewed under the appropriate code provisions.

2. **Establish an advisory review process by the Seattle Design Commission (SDC) to evaluate light rail transit facility design proposals and make recommendations to the Director.** Previous light rail transit facilities were reviewed by a Light Rail Review Panel which included members from several City departments and boards, including the SDC. More recently, the NE 130th Street station was reviewed by the SDC per authority granted in SMC 3.58.

   The code amendments proposed in SMC 3.58 and 23.80 clarify the SDC's role and define the scope of SDC's reviews for light rail transit facilities. The SDC will advise Seattle Department of Construction and Inspections (SDCI) and Seattle Department of Transportation (SDOT) and make recommendations to inform projects permitted through Master Use Permits and Street Improvement Permit processes. The SDC will conduct reviews of light rail development proposals utilizing Light Rail Facility Design Guidelines and make recommendations to City departments about the proposals' aesthetic, urban design, and functional qualities.

   The proposal limits the SDC's review to the following topics: architectural, aesthetic, and urban design qualities; transportation, pedestrian accessibility, and circulation sufficiency; quality and type of public amenity features and spaces; wayfinding legibility and signage; and public art. SDOT and SDCI will consider the SDC recommendations as they prepare future permit decisions on light rail developments. The SDC recommendations will be advisory, meaning they are not mandatory or required to be included in the final permit conditions.

***Why does this matter?***

The City and Sound Transit's review of the prior ST2 Light Rail Review Panel process identified a need to further refine the advisory review process. Specifically, who would lead it, the subjects of the review, and what role the advisory recommendations would have in future permitting. The proposed amendments achieve these process improvement objectives.

3. **<u>Clarify and improve permit processes, for specificity and efficiency</u>.** The City proposes to maintain a permit review and public notice process for Master Use Permits (MUPs) to allow construction of Light Rail Transit Facilities. The proposed MUP Type I permit process is appealable directly to Superior Court, unless they include review under chapter 23.60A or chapter 25.09. Other edits in Chapter 23.80 would clarify the code and simplify steps in permit review processes to better focus on pertinent topics and reduce the chances of unnecessary process-related delays.

   **3A. "Type I" Master Use Permit reviews:** The proposed change to Type I MUP permits would occur for two kinds of projects:

   1. Light rail essential public facilities, which include but are not limited to light rail stations, and traction power substations, which are permanent structures.
   2. Temporary use permits for construction staging sites that will be needed at several locations along the path of construction, for construction equipment and materials to be stored and staged, and other related activities.

   *Public notice and comment opportunities retained*
   The proposal would create a new form of Type I permit that includes public notice, comment, sign-posting, and possible public meeting requirements, like a Type II permit. This would maintain these best practices for informing the public and inviting their comments during the permitting process. The Type I permit would also maintain the ability to require conditions of approval on the permit decision.

   *ECA and shoreline permits are still Type II decisions*
   This proposal does not impact permits with environmentally critical areas or within shoreline designated areas. These will continue to be permitted through Type II appealable decisions, and subject to the ECA code (SMC Chapter 25.09) and Shoreline Master Program (SMC 23.60A).

   *Other*
   The proposal also updates provisions related to when light rail transit facilities permits may be applied for, details about vesting, and extends the duration of an issued permit. These will allow for time efficiencies in how the design, permitting, and construction steps proceed for this essential public facility, and minimize the chances of delay due to unintended code barriers.

***Why does this matter?***

This proposal is made to appropriately classify the permit decisions, especially for temporary uses, to streamline the permitting and construction process by simplifying the appeal procedures. If not addressed, allowing appeals for dozens of construction-related permits would substantially increase the risks of unpredictable time delays and significant cost increases for the completion of this essential public facility.

The proposal's retention of public notice, signage, and commenting opportunities, along with the publication of a land use decision, would continue to afford the public notice and input into the permit process. This would continue to be the most effective way for the public to engage in permitting decisions and make a difference at the time when the City will be reviewing individual

permits. This public process is in addition to years of public outreach by the City and Sound Transit on the light rail extension proposal, the Environmental Impact Statement process, and the aforementioned Seattle Design Commission process and related public meetings.

**3B. Permit reviews will be easier to write and more focused:** The proposal's code amendments in Chapter 23.80 (essential public facilities) would streamline the writing of permit decisions and would clarify the City's authority. Examples include:

- Eliminating analyses that are unnecessary to include in each permit decision, such as "proving" adequate funding for light rail and requiring alternatives analysis after Seattle City Council has confirmed the siting of the Essential Public Facility. These amendments will allow written permit decisions to be briefer and more focused in how they discuss future light rail projects consistency with code requirements.
- Clarifying and confirming the City's authority to require conditions of approval, as well as to grant flexibility in certain code provisions. For example, the amendments clarify the relationship to specific new light rail facility design guidelines that will be used in upcoming project permit reviews.

***Why does this matter?***

These amendments would directly improve the permit process by eliminating the need for individual permit decisions to write something about topics that are no longer relevant or specifically related to the permit being decided. Past City permits show that unnecessary time was spent to write about certain code requirements that request "proving" adequate funding for light rail and justifying its siting. This may pertain to other essential public facility projects, like regional jails, but it is not a factor that pertains to light rail projects. This is particularly true given that Sound Transit project funding is well-established and Sound Transit Board actions consider funding sources when they confirm the siting for the system's expansion, begin final design, and authorize construction. This kind of analysis is completely unnecessary to analyze in an individual permit decision for a light rail facility project, and thus is a candidate for streamlining of the permit process.

Clarifying and confirming the City's authority for conditions of approval and allowing flexibility in future light rail transit facility permitting will help to eliminate uncertainties about how the City will use its authority. This could aid in determining which permits are pursued by an agency, the kinds of information that is needed to support a permit, and how permits are reviewed by the City. These factors could lead to improved efficiencies and cost savings for all agencies as the design and permitting processes proceed.

**4. <u>Clarify and streamline the content of review for an Environmentally Critical Area (ECA) exception permit.</u>**

This would allow the applicant to:

- Provide application materials that contains the most relevant information for a light rail project; and
- Gain flexibility to achieve an outcome that is still environmentally protective but prioritizes the maximum ecological restoration for impacted Environmentally Critical Areas.

Most "ECA exception" permits relate to situations on single properties where there are certain challenges to siting one or more small structures. For this, the typical application materials ask for alternative designs for where else a structure could be placed on a single site and analysis that proves there is no other reasonable use of a property. This sort of analysis geared to a single site is not a good fit in relation to a linear essential public facility.

The proposal clarifies requirements for a light-rail specific "ECA exception" permit. This omits the kind of hypothetical analyses described above, but would require submittal of information that would be most helpful to evaluate an ECA exception for a light rail project with the goal of defining site improvements that minimize impacts to the environmentally critical areas.

In addition, the proposal would give a degree of added flexibility for the mitigation outcomes to give more credit for environmental "restoration" and "compensation" values in its designs, rather than strictly prioritizing "impact-minimizing" values. It would also allow critical area buffers to be defined so that existing paved road edges, for example, can be boundaries to the buffer rather than the buffers unnecessarily extending across streets onto other nearby private properties. These are all amendments that would reasonably adjust ECA requirements while at the same time promoting outcomes that will have superior benefits to the environment for certain substantial mitigation efforts that would benefit the Longfellow Creek in Delridge.

***Why does this matter?***

Development of a light rail transit facilities will require construction within Environmentally Critical Areas. The Sound Transit Board and the Seattle City Council confirm the location of light rail transit facilities once the environmental review for the project is complete. The guideway and station locations are located based on a variety of considerations including the anticipated impacts to environmentally sensitive areas. Once the location light rail is determined it is not appropriate to request alternative locations to site the facility at the time of permitting. The proposed code amendments focus permitting review criteria on the application mitigation sequencing criteria, specifically minimizing impacts of light rail design and construction on critical areas and maximizing the restoration of sensitive areas once construction is complete.

5. **Define a "tree and vegetation management plan" requirement for project segments of the light rail system development.** The proposal defines a new requirement for Light Rail Transit Facility construction to create a project-wide tree and vegetation management plan (TVMP) that accounts for tree management before, during, and after construction. This anticipates one plan will be prepared for the West Seattle Link Extension and one plan for the Ballard Link Extension. This is preferable to reviewing these impacts and mitigations on a permit-by-permit basis. The City would review and approve each plan before permits are approved and before construction would occur.

   The plan will describe the light rail segment's overall construction impacts to trees in affected properties and streets, and explain the proposed approaches to mitigating tree impacts, tree

protection, best management practices to be used during and after construction, and the standards for tree and vegetation management once construction is complete.

The tree and vegetation management plan would maintain existing City policies for tree replacement. It will also use an approach informed by the guidance by the Executive Order 2023-03: One Seattle Tree Plan: Growing and Fostering an Equitable Tree Canopy on Public Land. The plan would also require compliance with Title 15, chapter 23.60A, and chapter 25.09 where applicable.

A project-level tree and vegetation management plan will allow for stakeholder involvement during plan development, including Tribes and other community and environmental organizations, in advance of permit submittals.

***Why does this matter?***

The City's permit-by-permit tree regulations are not a good fit for this lengthy linear light rail project. The proposed TVMP will simplify permitting by putting the analyses of tree and vegetation impacts and the proposed mitigation strategies into a single document for each light rail segment.

Also, the tree-related effects of the project will occur partly on parks property and public rights-of-way, which will lead to tree losses that should be remedied according to City policies. The TVMP provides for the discussion of these impacts as well, providing an overall perspective on construction-related tree losses and replacement strategies that will enable a more holistic approach.

The holistic approach to evaluating the overall impacts and solutions will provide more transparency on tree management for the public on the linear project and streamlines review and issuance of permits. In addition, by reviewing tree impacts and mitigation approaches in advance of permitting trees can be incorporated more effectively into the final design and construction plans, allowing for more trees to be incorporated into the overall design. Finally, early coordination on tree mitigation could allow for tree replacement earlier before construction is completed.

6. **Clarify a one-year review step for a construction noise variance for light rail transit facilities construction.** The light rail system's construction will occur over several years. Sound Transit anticipates work that will be noisy at different levels through the day, with some possible night-time activities. When construction activities exceed the noise allowed per the Noise Ordinance (SMC 25.08), a major public project construction noise variance is required. This noise variance process includes detailed review of project proposals and allows the Director to condition the construction activity to ensure that construction noise protections are well-designed and will not affect public health and safety, particularly at night.

   The proposal clarifies that construction noise variances are subject to an appeal to the Hearing Examiner when the initial permit decision is made; but that, at the 1-year mark, a review of this construction noise variance would not be subject to an appeal to the Hearing Examiner. During the variance's effective period, the City's noise enforcement program would continue to evaluate performance according to the terms of the variance and could take enforcement actions or require adjustments of noise mitigation practices by ST, as needed.

***Why does this matter?***

Once an initial decision is published for a major public project construction noise variance, it is subject to appeal to the Hearing Examiner on grounds of merit related to mitigation of the nighttime noise. Once this appeals process has been exhausted and variance approved, construction of the project will begin while utilizing the construction hours and mitigation requirements of the noise variance. At the required one-year check-in of the noise variance decision, City staff will evaluate whether the conditions of the variance should be adjusted to address public health and safety. Allowing an additional appeals process after construction has been occurring on a large public project would present a tremendous risk to the project, extended road closures, and uncertainties in construction schedules and costs.

7. **Amend existing minimum bicycle parking requirements and add new shared micromobility device minimum parking requirements**.
   The proposal adjusts minimum bicycle parking requirements for light rail transit station facilities, to better account for several factors that will influence demand for bicycle parking at stations. This clarifies the existing code's one-size-fits-all approach for bicycle parking that lacks key definitions and has never been used since its adoption in 2018.

   The proposal accounts for probable differences in bicycle parking demand that will occur at different stations based on a typology of stations (terminus, local, mid-center and central types)

   It also is based on interpretations about:

   - how many people will take their bicycles on-board with them;
   - peak hours of ridership;
   - subtraction of train-to-train rider transfers; and
   - allocation of parking for short-term and long-term types of bicycle parking.

   The proposal also prescribes a minimum day-of-opening provision level of 54 bicycle parking spaces (36 long-term and 18 short-term) at any station that applies even if the minimum requirement calculation for a given station would fall below 54 spaces.

   The proposal also includes a new minimum parking provision for shared micromobility devices - 120 square feet at most stations, with an additional 120 square feet (240 square feet total) at terminus stations. This would serve users of scooters and similar devices that prefer to travel the "first and last mile" on shared micromobility devices rather than parking their own bicycles or scooters at stations.

   The proposal also accounts for future possible increases in bicycle usage (as projected by Seattle transportation plans) by requiring the provision of additional bicycle parking at a later date if future demand exceeds day-of-opening supply. If future monitoring identifies high parking levels, additional supply would be provided. The bicycle parking facilities would be designed in ways that accommodate possible future increases and that would accommodate a range of different types of bicycles such as cargo bicycles and motorized bicycles.

***Why does this matter?***

The proposal tailors the amount of bicycle parking to better match the parking supply to probable demand in the near-term and long-term. Bicycles and shared micromobility are an important part of the city's overall transportation and mobility strategies, and their usage should increase over time. The current requirements need to be revised because they lack sufficient detail to define a reasonable minimum requirement. For example, if no changes to this code are made, Downtown stations could be required to provide several hundred bicycle parking spaces which would be unnecessary based on anticipated demand, as well as physically challenging and prohibitively expensive to incorporate into the planned light rail station footprints.

# Relationship to Comprehensive Plan

The legislation supports streamlined permitting to develop light rail transit facilities. Development of light rail transit facilities align with Comprehensive Plan goals and principles, such as:

**Transportation Element**

**Goal TG 3** *Meet people's mobility needs by providing equitable access to, and encouraging use of, multiple transportation options.*

***Policy T3.1.*** *Develop and maintain high-quality, affordable, and connected bicycle, pedestrian, and transit facilities.*

***Policy T3.2.*** *Improve transportation options to and within the urban centers and urban villages, where most of Seattle's jobs and population growth will occur.*

***Policy T3.4.*** *Develop a citywide transit system that includes a variety of transit modes to meet passenger capacity needs with frequent, reliable, accessible, and safe service to a wide variety of destinations throughout the day and week.*

***Policy T3.9.*** *Expand light rail capacity and bus reliability in corridors where travel capacity is constrained, such as crossing the Lake Washington Ship Canal or the Duwamish River, or through the Center City.*

***Policy T3.10.*** *Provide high-quality pedestrian, bicycle, and bus transit access to high-capacity transit stations, in order to support transit ridership and reduce single-occupant vehicle trips.*

***Policy T3.14.*** *Develop facilities and programs, such as bike sharing, that encourage short trips to be made by walking or biking.*

***Policy T3.16.*** *Support and plan for innovation in transportation options and shared mobility, including car sharing, biking sharing, and transportation network companies, that can increase travel options, enhance mobility, and provide first- and last-mile connections for people.*

***Policy T.3.17.*** *Implement new technologies that will enhance access to transportation and parking options.*

***Goal TG 7*** *Engage with other agencies to ensure that regional projects and programs affecting Seattle are consistent with City plans, policies, and priorities.*

***Policy TG7.1.*** *Coordinate with regional, state, and federal agencies; other local governments; and transit providers when planning and operating transportation facilities and services that reach beyond the city's borders.*

***Policy TG7.6.*** *Work with regional transit agency partners to expand and optimize cross-jurisdictional regional light rail and bus transit service investments that function as a single, coordinated system to encourage more trips to, from, and within Seattle on transit.*

***Policy TG7.7.*** *Work with regional transit agencies to encourage them to provide service that is consistent with this Plan's growth goals and strategy.*

# Recommendation

The Director recommends adoption of the proposal to amend the Land Use Code to support efficient permitting processes for light rail transit facilities.