



INTRODUCTION

The following is a draft summary memo discussing race and social justice (RSJ) topics, written about a Land Use Code amendment proposal. It relates to a mutual effort by the City of Seattle and Sound Transit (ST) to support efficiency in the upcoming permitting and development of ST's Link light rail expansion projects to serve West Seattle Link Extension and Ballard Link Extension. The need for amendments was identified in discussions between the City about how better coordination in permitting could lead to overall benefits in light rail system development to all parties, including the public.

ST is also collaborating with the City in public engagement and facilitation to gather public input about the entire range of the City's work with ST to develop the Link light rail expansion. These efforts include seeking input from a broad and diverse range of community stakeholders. This RSJ summary is a stand-alone evaluation of the code and process reform concepts based on a Racial Equity Toolkit (RET) approach.

CODE AMENDMENT PROPOSAL

The proposal consists of several targeted amendments to the City's Land Use Code and environmental codes. These will provide more specific regulations for the light rail system, and update or clarify how codes for topics like bicycle parking and tree protection should relate to light rail system development.

The major elements of the code and process reform proposal are:

1. **Create new development standards for light rail systems.** Proposed new development standards in Chapter 23.80 of the Land Use Code would set minimum performance levels and influence the quality of design outcomes for light rail transit facilities. This will help in the City's permit review process by addressing design details related to size, shape, aesthetic qualities and details about access, parking, and signs. These new standards will substitute for the general development standards of each zone's regulations, many of which do not relate to a light rail transit facility use.

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)
- Bicycle parking and shared micromobility device parking requirements
- Pedestrian lighting
- Signage and wayfinding
- Light/glare and odor control
- Solid waste disposal

2. **Establish a review process by the Seattle Design Commission (SDC) to evaluate system design proposals and make recommendations.** The SDC will conduct a review of light rail development proposals and make recommendations to Sound Transit and City departments about their aesthetic and urban design qualities. City departments will consider the SDC recommendations as they prepare permit decisions on light rail developments.
3. **Clarify and improve permit processes, for specificity and efficiency.** The City proposes to make certain permits more time-efficient to obtain, by changing the “decision type” to Type I, for permits including: temporary use (where construction equipment and materials will be stored, and related activities will occur), and station design approvals. The City’s Type I permit reviews could include requiring conditions of approval.
 - A Type I decision could not be appealed to the Hearing Examiner, but could still be appealed to Superior Court.
 - Permits would be evaluated more efficiently, by eliminating unnecessary analyses in each permit decision, such as proving adequate funding for light rail.
 - Updates to procedural details such as the contents of public notices, expectations for public meetings, and the duration and timing of permits, applications, and permit reviews.
4. **Clarify and streamline the content of review for an ECA exception permit.** The proposal clarifies requirements for an environmentally critical areas “ECA exception” permit, for light rail facilities. This would streamline application materials to not require showing irrelevant scenarios about what other land uses might be possible on an affected site. Also, it would give more flexibility to approve environmental impact mitigation designs even if they are not the “minimized impact” alternative. The objective is to maximize the overall positive qualities of impact mitigation outcomes by giving more flexibility to weigh and balance “restoration” and “compensation” values along with impact “minimizing” values.
5. **Define and clarify tree requirements for light rail transit system development.** The proposal defines a new requirement for Sound Transit to create a project-wide tree protection plan. The plan would describe the system construction impacts to trees in affected properties and streets, and define how mitigation strategies will be used to protect trees and replace trees lost. The City would review and approve the plan before permit approval and construction of light rail facilities.
6. **Clarify a one-year review step for a construction noise variance for light rail transit facilities construction.** A major public project construction noise variance is likely needed to allow for certain night-time construction activities. The proposal clarifies that: a permit decision for this noise variance can be appealed to the Hearing Examiner just one time, at the permit’s time of approval. The City noise enforcement program would continue to evaluate performance and could require adjustments by ST to meet the terms of the construction noise variance.

SUMMARY ANALYSIS

The following discussion summarizes the results of SDCI’s inquiry into race and social justice subjects using the Racial Equity Toolkit as a basis. This is organized to specifically address the potential RSJ implications for the current code amendment proposal under consideration. It does not address the entire light rail system development project’s implications, for which public outreach efforts have been and continue to be conducted jointly by City of Seattle and ST.

This summary is the best expression of the draft findings of the analysis. To the extent that additional public discussion could inform a need to discuss other related subjects that have RSJ implications, this analysis should be considered a draft.

Overall Desired RSJ Outcomes for ST3 Light Rail Project Developments in Seattle

At the broad system-wide level for development of the light rail system to West Seattle and Ballard, a variety of past discussion efforts led to the following expressions of desired racial equity outcomes:

- Enhance mobility and access for communities of color and low-income populations;
- Create opportunities for equitable development that benefit communities of color;
- Avoid disproportionate impacts on communities of color and low-income populations;
- Meaningfully involve communities of color and low-income populations in the project.

Regarding desirable outcomes for station design, the priorities were identified as:

- Ensure a sense of belonging for communities of color at all stations, making sure that stations are not “white spaces,” but spaces where everyone sees themselves as belonging, feeling safe, and welcome.
- Create opportunities for community identity at each station, in ways that authentically represent community involvement in the project, such as community-driven station programming, community-driven station design, and community-driven housing options.

These cover a broad cross-section of interests related to equitable provision of service and mobility improvements that are accessible to communities of color. The desired outcomes are to avoid disproportionate impacts, and result in system facility designs that express and support community identity, are culturally sensitive, and lead to overall benefits to the people and communities served.

Desired RSJ Outcomes and Themes for the Code Amendment Proposal

The code amendment proposal has been written with an intent to achieve equitable facility and service outcomes across the city as the light rail system is expanded. This includes:

- Defining fair development standards that will be applied consistently across the city for light rail facilities during permit reviews, to support equitable design outcomes.
- Considering and avoiding the potential for regulatory approaches to be biased in treating certain parts of the city (and their resident communities) differently than others.
- Weighing the regulations and public processes about their value in giving opportunities for public comment and input during the permitting process.

- Ensuring that public values continue to be represented for topics like environmental protection and equitable provision of public amenities and transportation service.
- Identifying opportunities for permit review processes to proceed in efficient ways, and focus on the right tasks, to deliver light rail service as soon as possible with efficient use of public funds.
- Seeking to achieve community outcomes that will fully and equitably support the community’s objectives and be a net benefit to the community.

Relationship to Potential RSJ Burdens and Benefits of the Code Amendment Proposal

Benefits

The code amendment proposal is intended to provide overall benefits to the public while avoiding creating disproportionate burdens of negative impacts on any given community or individual.

This includes:

- Defining development standards that are more responsive than existing codes to design quality of light rail facilities. This should aid equity in design outcomes.
- Right-sizing bike parking requirements to ensure equitable bike parking amenities at all stations and geographies.
- Defining a continuing public forum (the Seattle Design Commission’s public meetings) to comment on and influence project design. This is where expression of community identity and values should be discussed and evaluated, to help directly influence outcomes through participation in this public advisory body.
- Maintaining public processes for notice and public comment, even where permit types may be streamlined to occur more efficiently.
- Maintaining City policy and approaches to tree protection and allocation of tree mitigation outcomes, while achieving a tree plan approach that will be better coordinated. The proposed tree and vegetation management plan requirement would offer more public access to information on broader tree management through a project-wide plan that will account for tree management before, during, and after construction
- Giving modest additional flexibility to environmental protection requirements to allow future mitigation designs that will achieve a higher amount of total public and environmental benefits while overcoming the impacts of the light rail system development (such as at Longfellow Creek crossing).
- Narrowly targeting adjustments and clarifications to permit reviews to focus on addressing the project details that matter and reducing the need to write about unnecessary topics in permit decisions.
- Defining abilities for permit processes to be concluded faster so that unnecessary delay does not contribute to longer timeframes and mounting public cost burdens as a result.

Burdens

Our review of the proposal did not identify particular likelihoods of inequities or systemic problems (“burdens”) that would be created by the contents of the code amendments. This finding is related to our interpretations of the benefits of the effort to define development standards applying across the city, with preservation of public notice and comment opportunities and venues to influence the

future light permit reviews, and preserving City policies and values for environmental protection that are shared by the public.

Examples of the questions we asked ourselves included:

- *Are there other development standards that would be more inclusive or reflective of community, or address systemic disparities?*
- *Will applicants and City reviewers fairly consider input about equity in design? How will they consciously make recommendations that reflect a diversity of perspectives and preferences, about aesthetics, equity, and community identity?*
- *Would the code proposal systemically result in “less” to certain communities in design quality, amenity, functionality, or cause more impacts?*
- *Will there be any tradeoffs or “winners and losers” caused by this proposal?*

Avoiding Bias, Disproportionate Harms, and Unintended Consequences

Our review of the code amendment proposal did not identify particular likelihoods of inequities or systemic problems related to race and social biases, disproportionate harms, or unintended consequences. The objectives of the amendments are to provide development standards that apply throughout the city equitably, with preserved opportunities for public notice and comment and have input into the City’s evaluation of design proposals as they happen. They also intend to preserve shared public values and priorities for environmental protection and enhancement. The proposal also investigates how permitting processes can be reasonably streamlined and clarified so that they focus on the most relevant topics and be completed in a time-efficient manner.

One of the most relevant subjects to disclose here is the proposal to define several permit decisions for light rail development as not appealable to the Hearing Examiner, but instead directly appealable to the Superior Court-level. The Superior Court is currently the second layer of appeal, after a Hearing Examiner process has occurred. This proposal comes along with code amendments that would preserve the public notice and comment opportunities despite the change in the public appeal opportunities. This is a unique element of this code amendment proposal.

The change in appealability is prompted for City decision-making in light of a public interest in the light rail system being buildable in a timely manner. This topic essentially asks whether a permit process with two layers of legal appeals for all permits (of which approximately 89 are anticipated for just the West Seattle Link Extension) is economically worthwhile in terms of use of public funds if the result could be a substantial extension of system development time and escalation of system development costs. Such delays are foreseeable if multiple permits for the system’s construction are challenged over time.

This proposal means that an appellant would need to go directly to Superior Court, which suggests a possible need for more legal preparation to present a case. This could dissuade some people from appealing a specific permit decision, which could be interpreted as disproportionately affecting people with lesser economic resources to make an appeal.

It should also be noted, however, that the entirety of the code amendment proposal seeks to retain public comment and participation opportunities in the permitting process. It would be preferable and

free for interested parties to attend venues such as future Seattle Design Commission public advisory review meetings (in-person or virtual) and state their specific interests in system design details. This would be the most direct and potentially successful manner for an interested party to influence future system facility designs and achieve community-specific outcomes.

This leads to a final point about the entire process that is to come regarding the light rail system design and permitting. The process for actual design of the light rail facilities is just beginning, and there will be many opportunities to participate and influence design of light rail system facilities going forward. The code amendment proposal in review here is aiming to support an equitable and consistent future permit process with suitable processes and code standards. Therefore, the code amendment proposal as a whole is written to align with and support the “Overall Desired RSJ Outcomes for ST3 Light Rail Project Developments in Seattle” as summarized earlier in this memorandum.