

**ANALYSIS AND DECISION OF THE DIRECTOR
OF THE SEATTLE DEPARTMENT OF CONSTRUCTION AND INSPECTIONS**

**SEPA Threshold Determination
for
Light Rail Essential Public Facilities Code Amendments Legislation**

Project Sponsor: City of Seattle

Lead Agency: City of Seattle Department of Construction and Inspections

Location of Proposal: Citywide

Proposal Description and Background

The legislation includes the following types of code amendments.

1. Create new development standards for light rail transit facilities 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 new development standards address the design quality of buildings, landscaping, accessibility, and other functional qualities like lighting, weather protection, signage, and street and sidewalk sizing.
 - This is intended to: 1) Create consistency in the minimum requirements for light rail station design within every zoning designation in the City; 2) Positively influence the quality of design outcomes for light rail transit facilities; 3) Provide minimum standards that are specific to the nature and use of light rail transit facility sites, and 4) better align with state law on what constitutes a light rail facility. The development standards are a complement to the City of Seattle Light Rail Design Guidelines already adopted by a prior action (see SDCI Director’s Rule 2-2024).

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
- Pedestrian lighting
- Signage and wayfinding

- Light/glare and odor control
 - Solid waste disposal.
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. This would clarify the process and scope of SDC reviews to inform the Master Use Permit review process. City departments, including Seattle Department of Construction and Inspections and Seattle Department of Transportation, would consider the SDC recommendations as they prepare future permit decisions on light rail developments.
 3. Clarify and improve permit processes for specificity and efficiency, including:
 - 3a. Permits for temporary uses to construct light rail transit facilities and permits to construct Essential Public Facility structures would be changed from a "Type II" to a "Type I" decision, which relates to the ability to appeal the decision to the Hearing Examiner. Master Use Permits will be required for numerous sites along the path of light rail development. Light rail transit facility permits defined as "Type I" Master Use Permit reviews are also proposed to maintain public notice and comment periods but specify permits can be appealed to Superior Court. Changes to temporary use and station permits will streamline the permitting and construction process and avoid procedural delays. Changes in permit decision type would not apply to proposals that are subject to shoreline or environmentally critical areas regulations which would remain Type II MUPs subject to appeal to the Hearing Examiner.
 - 3b. Permit decisions would be more focused and efficient to issue. 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. These include "proving" adequate funding for light rail and requiring an analysis of alternatives after confirmation of the proposed route by the Seattle City Council and requiring a siting justification analysis for light rail after Sound Transit Board actions that have or will confirm the siting for the system expansion. These amendments would 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.
 4. Clarify and streamline the content of reviews for Sound Transit projects to receive an Environmentally Critical Areas (ECA) light rail exception permit. This would allow the applicant to:
 - Omit requirements for alternative development and no-reasonable use analyses which are inapplicable to light rail facilities which streamlines the application materials so that they only contain relevant information for a light rail project; and

- Gain flexibility to achieve an outcome that is still environmentally protective but varies from fully meeting the exact specifications of all ECA code requirements.
 - Added flexibility for ECA mitigation outcomes to get more credit for environmental “restoration” and “compensation” values in their designs, rather than strictly prioritizing “impact-minimizing” values.
 - Defining critical area buffers in compliance with best available science published by Department of Ecology so that existing paved road edges can be boundaries to the buffer rather than the buffers extending across streets onto other nearby private properties unless that portion of the buffer provides significant biological or hydrological function.
5. Define a “tree and vegetation management plan” (TVMP) requirement for project segments of the light rail system development. The TVMP would 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. These amendments will allow one TVMP to be prepared for the West Seattle segment and one TVMP for the Ballard segment, which is preferable to reviewing regulations on a permit-by-permit basis. The City would review and approve each TVMP before construction would occur.
6. Clarify a one-year review step for a construction noise variance for light rail transit facilities construction. The proposal clarifies that construction noise variances are subject to an appeal to the Hearing Examiner when the initial permit decision is made but the 1-year review of this construction noise variance would not be subject to an appeal to the Hearing Examiner. The City would continue to be able to monitor performance per the variance terms, and could take enforcement actions or require adjustments of noise mitigation practices by ST, as needed.
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 based on different types of stations: terminus, local, mid-center, and center. Other details include:
- A minimum day-of-opening provision level of 54 bicycle parking spaces (36 long-term and 18 short-term) at any station, which must be provided if the minimum required amount calculation would fall below 54 spaces.
 - A new minimum parking provision for shared micromobility devices—120 square feet at most stations, and 240 square at terminus stations. This would serve users of scooters and similar devices.
 - Requires additional bicycle parking at a future date if future demand exceeds day-of-opening supply based on monitoring.

Public Comment

The changes to the Land Use Code require City Council approval. Opportunity for public comment will occur during Council meetings and hearings. The ordinance and this environmental review and SEPA Determination will be available online for public comments.

ANALYSIS – OVERVIEW

Environmental review resulting in a Threshold Determination is required pursuant to the State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code (SMC) Chapter 25.05).

The following report describes the analysis conducted to determine that the non-project action is not likely to result in *probable significant adverse environmental impacts*. This threshold determination is based on:

- the language of the proposed amendments and related contents as described above;
- the information contained in the *SEPA checklist* (dated 2024), including annotations made by City staff;
- review of materials prepared as background information for the code amendments, prepared by City staff; and
- the experience of the analyst in reviewing similar documents and actions.

ELEMENTS OF THE ENVIRONMENT

Short-Term and Long-Term Impacts

A. Natural Environment

Earth, Water, Water Quality, Plants/Animals/Fisheries/Marine Life

The non-project proposal is not expected to generate significant adverse impacts on these natural environmental elements, directly, indirectly, or through cumulative impacts.

The area of the proposal is highly urbanized but it also contains some portions of greenbelts, hillsides, and shores on bay riparian management areas, wetlands and lake environments with diverse kinds of plant, animal, fish and marine habitats. This includes shoreline edges hosting birds, fish, and other marine life.

- Wildlife on land largely includes those species habituated to urban areas and fragmented vegetated areas in the city. Common types include squirrels, opossum, coyotes, and a variety of bird species including bald eagles. Threatened, protected, or endangered species that could be present near future development include heron. Wildlife in streams and wetlands include salmon and other fish species.
- Seattle has numerous soil types, including mineral soils dominated by clay, silt, or sand, as well as organic soils such as peats and mucks. No agricultural soils or prime farmland are located within the focus area. As a densely urbanized area, much of Seattle's native soils have been extensively altered by filling, grading, and other activity.
- The Seattle area is known to be in an active seismic area, as is the entire Puget Sound region. The City's geologically hazardous areas are defined by SDCI as environmentally

critical areas (ECAs). Unstable soils and surfaces occur primarily in two contexts: 1) steep slopes and landslide-prone areas, where a combination of shallow groundwater and glacial sediments deposited in layers with variable permeability increases the risk of landslides; and 2) areas of fill or alluvial soils where loose, less cohesive soil materials below the water table with potential for liquefaction during earthquakes.

- Most of Seattle is located within the Lake Washington/Cedar/Sammamish Watershed (Watershed Resource Inventory Area [WRIA] 8). The Duwamish Waterway and Elliott Bay are part of the Green/Duwamish and Central Puget Sound Watershed (WRIA 9). Seattle's surface waters include marine areas (Puget Sound), rivers, lakes, and creeks. Rivers and creeks include but are not limited to the Duwamish waterway, Longfellow, Fauntleroy, Taylors, Thornton, and Pipers Creek. Freshwater lakes include the Lake Union/Ship Canal, Green, Haller, and Bitter Lakes and numerous ponds and wetlands.

Earth, Water, Water Quality

The proposed non-project action would not generate direct adverse or significant adverse impacts to earth or water environmental elements because it does not directly propose development of new buildings. With respect to the earth element of the environment, the proposed content of amendments have little to no potential to directly or indirectly generate significant adverse impacts or cumulative impacts because they would not change the location of allowed development or the protective regulations that would apply to future development. This would be reasonably ensured by compliance of future projects with applicable code requirements. The environmental checklist for this proposal provides additional information about the limited potential for such indirect or cumulative impacts.

The SEPA checklist provides analysis about the potential for indirect earth and water-related impacts, which relate to future possible projects using codes amended by this non-project proposal, include but are not limited to (paraphrased in some cases):

- The span of areas that might be indirectly affected by amended code includes many areas that are flat or modestly sloping, and limited portions of areas that are hilly, or in local valleys, all within Seattle's context of predominantly urban developed land uses and landforms.
- Seattle consists of slopes that generally range from flat to greater than 20 percent.
- Types of soils in the relevant affected areas include a broad range of native soils that comprise Seattle's hilly and lowlands landforms, soils amended by past development activities, and also fill soils that were placed more than 100 years ago such as in the SODO area, for example. Also, no soils of agricultural or of long-term commercial significance.
- Future light rail transit facilities proposals within or near unstable soils designated as environmentally critical areas must comply with SMC 25.09 (Environmentally Critical Areas Code).
- Any future proposals with ground disturbance activities will be required to comply with all applicable laws, regulations, and standards including SMC 22.170 (Grading Code), City of Seattle standard plans on acceptable fill sources, and SMC Title 22, Subtitle VIII (Stormwater Code).

- Any future proposals for light rail transit facility will be required to comply with all applicable federal, state, and local laws, regulations, and standards for construction, operation, and maintenance of a facility near surface water bodies.
- Any future proposals for light rail transit facility will be required to comply with all applicable federal, state, and local standards for development within a floodplain zone. This includes SMC 25.06 (Floodplain Development Code).
- Future relevant proposals may need to apply for and receive a National Pollutant Discharge Elimination System (NPDES) permit and permits from other regulatory agencies depending on the type and volume of waste and the receiving water body.

For additional discussion of the potential for direct, indirect and cumulative impacts on earth and water-related elements of the environment, see the following portions of the environmental checklist for this proposal, which are incorporated by reference into this SEPA threshold determination:

- The responses to Questions D.1, D.2, D.3 and D.4 in Section D of the checklist; and
- The responses to Questions B.1 through B.7 in Section B of the checklist.

Plants/Animals/Fisheries/Marine Life

The proposal would not generate significant adverse impacts on plant, animal, fish and marine life habitats in the affected area. The proposal is to allow for tree and vegetation management practices to be consolidated to a single document rather than individual analysis of tree and vegetation management on a permit-by-permit basis. The proposal will maintain the existing tree and vegetation policy requirements for the replacement of impacted vegetation in designated sensitive locations with animals, fish and marine life. Trees and vegetation in Environmentally Critical Areas will be required to follow the existing requirements of SMC 25.09. Similarly, trees and vegetation in the Shoreline will be required to meet all existing requirements in SMC 23.60A. Outside of Environmentally Critical Areas and Shoreline locations trees will need to be replaced according to existing regulations and policies which generally requires replacement of lost tree canopy on private property and a replacement rate of 3 trees for every tree removed on City property. Further, the proposal includes site restoration requirements that prioritize the installation of wood vegetation where light rail construction occurs. By maintaining existing City regulations and policies for tree and vegetation replacement and with priority for installation of woody vegetation where light rail construction occurs there is the potential for the tree and vegetation management plan requirements to improve plant, animal and fish habitat surrounding the development of light rail transit facilities. For a lengthier evaluation of the potential for direct, indirect and cumulative impacts on plant, animal, fish and marine life related elements of the environment, see the following portions of the environmental checklist for this proposal, which are incorporated by reference into this SEPA threshold determination:

- The responses to Questions D.1, D.2, D.3 and D.4 in Section D of the checklist; and
- The responses to Questions B.1 through B.7 in Section B of the checklist.

Air Quality, Noise, Energy, Natural Resources Depletion, Environmental Health

The proposal would not generate outcomes with significant adverse impacts to these environmental elements because it does not directly propose development. Similarly, this

analysis identifies no probable significant adverse indirect or cumulative environmental impacts of these kinds.

Air Quality, Toxic/Hazardous Substances, Noise

The proposal would not generate significant adverse impacts on air quality, toxic/hazardous substances, or noise because it does not directly propose development and does not change any regulatory standards related to these elements of the environment. For additional discussion of the potential for direct, indirect and cumulative impacts on air quality, toxic/hazardous substances, and noise elements of the environment, see the following portions of the environmental checklist for this proposal, which are incorporated by reference into this SEPA threshold determination:

- The responses to Questions D.1, D.2, D.3 and D.4 in Section D of the checklist; and
- The responses to Questions B.1 through B.7 in Section B of the checklist.

Energy and Natural Resource Depletion

The proposal would not generate significant adverse impacts on energy and natural resources because it does not directly propose development and does not change any regulatory standards related to these elements of the environment. For additional discussion of the potential for direct, indirect and cumulative impacts on energy and natural resource depletion elements of the environment, see the following portions of the environmental checklist for this proposal, which are incorporated by reference into this SEPA threshold determination:

- The responses to Questions D.1, D.2, D.3 and D.4 in Section D of the checklist (with the response to Question D.3 specifically related to these topics); and
- The responses to Questions B.1 through B.8 in Section B of the checklist, of which the responses to Questions B.6 and B.8 have content specifically related to these topics.

B. Built Environment

Land and Shoreline Use, Height/Bulk/Scale, Housing, Relationship to Plans and Policies

The proposal would not generate significant adverse impacts on land and shoreline use, housing, or similar built environmental elements in the affected area. The proposal will not directly or indirectly impact housing, land or shoreline use since the proposed non-project action does not include development.

The proposal does include standards for light rail buildings, station site design and functional standards like trash and recycling requirements. The proposed development standards for light rail transit facilities would be used in lieu of underlying zoning development standards. Many of the proposed development standards are similar to existing zoning development standards but tailored to application for light rail transit facilities. For example, the proposal includes street improvement requirements, landscaping, and façade design standards, light and glare, odor and trash and recycling requirements. Some standards are new, including pedestrian lighting, access drive, pedestrian and bicycle pathway, and micromobility spaces requirements. In addition to the light rail development standards, the project will be subject to the City of Seattle Light Rail Design Guidelines (Director's Rule 2-2024) and an advisory review by the Seattle Design

Commission. The City of Seattle Light Rail Design Guidelines and the Seattle Design Commission Review will guide aesthetic and urban design qualities of light rail design in specific neighborhood contexts. The proposal's minimum defined standards, application of Design Guidelines, and advisory review focused on aesthetic and urban design qualities would have potentially positive impacts on the compatibility of light rail design with adjacent land uses and would help to avoid or minimize the potential for adverse or significant adverse impacts on their surrounding vicinity.

For additional evaluation of the potential for direct, indirect and cumulative impacts on land use-related elements of the environment, see the following portions of the environmental checklist for this proposal, which are incorporated by reference into this SEPA threshold determination:

- The responses to Questions D.5 in Section D of the checklist; and
- The responses to Questions B.8 through B.11 in Section B of the checklist.

Relationship to Plans and Policies

The non-project action would streamline permit review processes applicable to light rail transit facilities which supports development of integrated mass transit systems a key element of the Comprehensive Plan. The code amendments would be consistent with Comprehensive Plan goals and policies, such as:

Transportation Element of the Comprehensive Plan

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.*

Historic Preservation and Cultural Resources

The proposal would not generate significant adverse impacts on historic preservation and cultural resources because it does not directly propose development and does not change any regulatory standards related to these elements of the environment. Seattle contains numerous landmarks, properties, and districts that are listed on, or proposed for, national, state, and local preservation registers. In addition, while Seattle today comprises a highly urbanized and developed area, it is also an area with potential for the presence of cultural artifacts from indigenous peoples that could be detected during development within a broad cross-section of properties in the city.

The non-project proposal is unlikely to affect whether known historic sites or structures might be redeveloped. Existing designated/protected historic sites or structures are effectively protected by current regulations and so they may only be demolished in rare circumstances that occur with consent of the City. Also, the intent of current codes and practices is to have as-yet-undesignated properties with features that may be historic go through a landmark nomination and review process. Such processes can and do lead to designation of new historic sites and structures according to the decisions of the landmark board(s).

With or without the proposal, these practices would continue to occur. The proposal does not make any changes to such processes and requirements.

Most cultural resources at risk from future development in Seattle are in unknown locations due to their being buried under soils, although certain vicinities such as near-shore areas are known

to have greater potential for presence of such resources given past activities of indigenous peoples.¹

Also, implementation of the proposal would not affect the strength of the City's regulatory protection of cultural sites or resources if they are discovered during future development, which is also addressed by other State and local regulations, policies, and practices. With or without the action, such processes are mandated to stop construction, assess the resources, and take appropriate next steps for the cultural resources' protection or preservation.

For additional discussion of this environmental element, see the following portions of the environmental checklist for this proposal, which are incorporated by reference into this SEPA threshold determination:

- The response to Question D.4 in Section D of the checklist; and
- The response to Question B.13 in Section B of the checklist.

Transportation, Public Services and Utilities

The proposal would not generate outcomes with significant adverse impacts on transportation, public services, or public utilities in the affected area.

The proposal includes minimum required improvements in the right-of-way and related property frontages—including locations and treatments of access points, transit-related and pedestrian-related improvements and other qualities. The proposal also has standards that prescribe minimum requirements for on-site streets, driveways, sidewalks and bicycle pathways. These standards would ensure that future light rail facilities would be properly designed to provide accessible, safe, and adequate levels of improvements for vehicles, pedestrians, and bicyclists.

This proposal also includes amendments to minimum bicycle parking requirements for light rail facilities. The minimum requirements relate to probable levels of bicycle parking demand, based on factors like typology of rail stations, ridership levels, proportion of bicycle riders bringing bicycles with them onto trains, amount of riders transferring at stations, and prospective future bicycle parking needs based on Seattle's transportation functional plans. Should bicycle parking exceed anticipated demand the proposal includes a provision for additional "in-reserve" bike parking to be provided. The proposal also includes a recommended minimum provision of space for micro-mobility devices.

The proposal which includes standards for access on and off a light rail transit facility site, in addition to requirements for bicycles and other mobility devices will likely have a positive impact on transportation in the vicinity of future light rail station locations.

Future light rail development will be reviewed with existing regulations to ensure adequate public services and utilities are available to service the project.

For additional discussion of the potential for direct, indirect and cumulative impacts on these elements of the environment, see the following portions of the environmental checklist for this

¹ This analysis acknowledges, however, that many areas in Seattle are categorized as having a high risk of finding archaeological/cultural resources compared to other parts of Seattle based on pre-contact peoples' occupation patterns and the State's probability models for archaeological resources. (Seattle Industrial and Maritime Strategy Final EIS, pages 3-512, 3-514, Berk).

proposal, which are incorporated by reference into this SEPA threshold determination:

- The responses to Questions D.6 in Section D of the checklist; and
- The responses to Questions B.14 through B.16 in Section B of the checklist.

DECISION – SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21C), including the requirement to inform the public of agency decisions pursuant to SEPA.

[X] Determination of Non-Significance. This action has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(c).

[] Determination of Significance. This action has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(c).

Signature: _____/s/_____ Date: _____, 2025
Gordon Clowers
Seattle Department of Construction and Inspections