

Amendment 1 Version #1 to CB 120975 - Light Rail Essential Public Facility Permitting

Sponsor: Councilmember Rivera

Amend CB 120975 to increase public outreach requirements related to light rail transit facility permitting

Effect: This amendment would require:

1. A pre-submittal Community Outreach Plan (COP) for permit applications involving light rail stations, maintenance bases, and temporary uses for light rail transit facility construction;
2. That the permit decision from the Seattle Department of Construction and Inspection (SDCI) document and explain how public comment from the COP was incorporated into the decision, as applicable;
3. That temporary uses for light rail transit facilities include a construction management plan informed by the COP; and
4. That notice of the SDCI decision include information about the possibility for judicial appeal.

Council Bill (CB) 120975 would modify notice requirements and public comment opportunities from what is currently required for land use decisions that are non-discretionary and have no opportunity for administrative appeal. Specifically, the bill would require that SDCI post a large sign and provide mailed notice to near neighbors for applications for light rail transit facilities that require a Master Use Permit, authorize the SDCI Director to hold a public hearing on light rail transit facility applications, and establish the Design Commission as the review body, which would deliberate publicly and make recommendations to the SDCI and Seattle Department of Transportation Directors on light rail transit facility permit applications.

Amend Section 5 of CB 120975, as follows:

Section 5. Section 23.42.040 of the Seattle Municipal Code, last amended by Ordinance 126685, is amended as follows:

23.42.040 Intermittent, temporary, and interim uses

The Director may grant, deny, or condition applications for the following intermittent, temporary, or interim uses not otherwise permitted or not meeting development standards in the zone:

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F. (~~(Light Rail Transit Facility Construction)~~) Temporary use for light rail transit facility construction. A temporary structure or use that supports the construction of a light rail transit facility may be authorized by the Director pursuant to a Master Use Permit subject to the requirements of this subsection 23.42.040.F and subsection 23.60A.209.E if the structure or use is within the Shoreline District.

1. The alignment, station locations, and maintenance base location of the light rail transit system must first be approved by the City Council by ordinance or resolution.

2. The temporary use or structure may be authorized for only so long as is necessary to support construction of the related light rail transit facility and must be terminated or removed when construction of the related light rail transit facility is completed or in accordance with the (~~(MUP)~~) Master Use Permit.

3. The applicant must submit plans for the establishment of temporary construction uses and facilities to the Director for approval. When reviewing the application, the Director shall consider the duration and severity of impacts, and the number and special needs of people and businesses exposed, such as frail, elderly, and special needs residents. Following review of proposed plans and measures to mitigate impacts of light rail transit facility construction, and prior to the issuance of any permits granting permission to establish construction facilities and uses, the Director may impose reasonable conditions to reduce construction impacts on surrounding uses and area, including but not limited to the following:

a. Noise and ~~((Grading and Drainage))~~ grading and drainage. Noise impacts will be governed by ~~((the Noise Control Ordinance-))~~ Chapter 25.08 ~~(())~~ and off-site impacts associated with grading and drainage will be governed by ~~((the Grading Code-))~~ Chapter 22.170~~(())~~ and ~~((the Stormwater Code-))~~ Chapters 22.800 through 22.808~~(())~~.

b. Light. To the extent feasible, light should be shielded and directed away from adjoining properties.

c. Best ~~((Management Practices))~~ management practices. Construction activities on the site must comply with ~~((Volume 2 of the Stormwater Director's Rules, Construction Stormwater Control Technical Requirements Manual))~~ subsection 22.805.020.D.

d. Parking and ~~((Traffic-))~~ traffic

1) Measures addressing parking and traffic impacts associated with truck haul routes, truck loading and off-loading facilities, parking supply displaced by construction activity, and temporary construction ~~(())~~ worker parking, including measures to reduce demand for parking by construction employees, must be included and must be appropriate to the temporary nature of the use.

2) Temporary parking facilities provided for construction workers need not satisfy the parking requirements of the underlying zone or the parking space standards of Section 23.54.030.

e. Local ~~((Businesses))~~ businesses. The applicant must address measures to limit disruption of local business, including pedestrian and/or auto access to business, loss of customer activity, or other impacts due to protracted construction activity.

f. Security. The applicant must address site security and undertake measures to ensure the site is secure at all times and to limit trespassing or the attraction of illegal activity to the surrounding neighborhood.

g. Site/Design. The construction site should be designed in a manner that minimizes pedestrian/vehicle conflicts and does not unnecessarily impede pedestrian mobility around the site and through adjoining neighborhoods. Measures should also be undertaken to ensure appropriate screening of materials storage and other construction activities from surrounding streets and properties.

h. Public ((~~Information~~)) information. Actions should be taken that will inform surrounding residents and businesses of construction activities taking place and their anticipated duration, including a 24-hour phone number to seek additional information or to report problems.

i. Weather. Temporary structures must be constructed to withstand inclement weather conditions.

j. Vibration. The applicant must consider measures to mitigate vibration impacts on surrounding residents and businesses.

k. Construction management plan. The Director ~~shall may~~ require a preliminary construction management plan prior to permit approval and a final construction management plan prior to use of the site. The construction management plan shall incorporate, to the extent feasible, public comment provided through the Community Outreach Plan, required by Subsection 23.80.002.B, and be approved by the Director of Transportation.

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Amend Section 27 of CB 120975, as follows:

Section 27. Section 23.76.020 of the Seattle Municipal Code, last amended by Ordinance 124378, is amended as follows:

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D. Contents of notice

1. The notice of the Director's Type I decision for a light rail transit facility shall state the nature of the applicant's proposal, a description sufficient to locate the property, and the decision of the Director. The notice shall also state that the decision is not subject to administrative appeal and identify that there may be an opportunity for judicial appeal.

~~((1.))~~ 2. The notice of the Director's Type II decision shall state the nature of the applicant's proposal, a description sufficient to locate the property, and the decision of the Director. The notice shall also state that the decision is subject to administrative appeal or administrative review and shall describe the appropriate administrative appeal procedure.

~~((2.))~~ 3. If the Director's decision includes a mitigated DNS or other DNS requiring a 14-day comment period pursuant to Chapter 25.05(~~(Environmental Policies and Procedures)~~), the notice of decision shall include notice of the comment period.

Amend Section 31 of CB 120975, as follows:

Section 31. Section 23.34.011 of the Seattle Municipal Code, last amended by Ordinance 126509, is amended as follows:

23.80.002 Application submittal requirements~~((:))~~

A. In addition to the application submittal requirements specified in other chapters and codes, applicants for essential public facilities shall address each ~~((of the))~~ applicable review criteria of this ~~((chapter))~~ Chapter 23.80 in their application materials, and provide additional information as required by the Director to complete review of the project.

B. For light rail transit facility applications that include light rail stations, maintenance bases, and temporary uses for light rail transit facility construction, the applicant shall submit a Community Outreach Plan (COP), prior to permit application to be reviewed and approved by the Director, in consultation with the Director of the Seattle Department of Transportation and other department directors, as necessary.

1. The COP shall include a list of residents, businesses, and other impacted stakeholders anticipated to be targeted for public outreach; methods of communication (including print, digital, and in person); purpose and objectives for the outreach; and project information anticipated to be shared during the outreach.

2. Permit applications shall include documentation of compliance with the COP including a list of community members and stakeholders contacted; how community feedback was incorporated; and, as applicable, an explanation of why feedback was not incorporated.

3. The permit decision shall summarize the outreach and explain how the decision addresses public comment, where feasible.