

CITY OF BELLEVUE, WASHINGTON

RESOLUTION NO. 8903

A RESOLUTION related to Sound Transit's East Link light rail project authorizing execution of the: 1) Amended and Restated Umbrella Memorandum of Understanding Between the City of Bellevue and Sound Transit for the East Link Project (Amended and Restated MOU); 2) Second Amendment to the Transit Way Agreement with Sound Transit; and 3) Three Party Agreement between the City of Bellevue, King County, and Sound Transit for the Future Realignment of 120<sup>th</sup> Ave NE.

WHEREAS, in 2008 voters approved the Sound Transit 2 Plan (ST2) providing funding for a regional high-capacity transit system for the Central Puget Sound region which included the East Link project a portion of which travels through Bellevue; and

WHEREAS, the City and Sound Transit entered into the Umbrella Memorandum of Understanding for Intergovernmental Cooperation for the East Link Project dated November 15, 2011 (the "Umbrella MOU"); and

WHEREAS, the City and Sound Transit executed the Transit Way Agreement for the East Link Project dated November 15, 2011 (the "Transit Way Agreement"); and

WHEREAS, both before and since the public vote in 2008, the City engaged in extensive planning efforts for deploying light rail, including but not limited to the Bel-Red Plan, the Light Rail Best Practices Report and amendments to its Comprehensive Plan; and

WHEREAS, the Bel-Red Plan is an award-winning example of planning for regional growth in housing and jobs through Transit Oriented Development (TOD) in and around efficient transportation corridors, and represents a key tool in meeting regional growth targets; and

WHEREAS, in July 2014, following execution of the Umbrella MOU, Sound Transit identified a site in the Bel-Red corridor as the preferred alternative for a new Operations and Maintenance Satellite Facility (the "OMSF") which is still under environmental review; and

WHEREAS, a stakeholder group was formed which included area developers and landowners, citizens and other interested parties with the goal of developing a preliminary engineering design that integrates the OMSF with the surrounding land uses; and

WHEREAS, Sound Transit and the City hosted, and King County participated in, a series of stakeholder workshops, during which a number of TOD options were identified and vetted; and

WHEREAS, in a letter dated November 20, 2014, the stakeholder group recommended that Sound Transit pursue a development scenario for the OMSF site, some of which included the re-alignment of 120<sup>th</sup> Avenue NE to improve traffic circulation and to keep the character of the neighborhood consistent with the City's Bel-Red Plan, including allowing for TOD to meet growth objectives; and

WHEREAS, the City and Sound Transit acknowledge that a final decision regarding the OMSF site has not been made, but that a number of items of mutual concern should be addressed in an Amended and Restated MOU at this time to maximize TOD in and around East Link in the event that the Sound Transit Board ultimately selects this site; and

WHEREAS, the re-alignment of 120<sup>th</sup> Avenue NE will require coordination between the City, Sound Transit, and King County as detailed in the Three Party Agreement between the City of Bellevue, King County, and Sound Transit for the Future Realignment of 120<sup>th</sup> Ave NE; and

WHEREAS, the Umbrella MOU outlined the City's financial contributions for the East Link Project and a framework for reducing certain portions of the City Contingent Contribution if savings could be accomplished and realized at the time of Project Baseline Budget; and

WHEREAS, through the Collaborative Design Process outlined in the Umbrella MOU cost savings have been realized for the East Link Project and the City and Sound Transit have determined that elimination of the City Contingent Contribution is appropriate; and

WHEREAS, modifications to the East Link Project alignment have resulted in additional impacts to City owned property, which will be compensated for through a payment by Sound Transit of \$8.6 million and Sound Transit transferring the 130<sup>th</sup> Station Park-and-Ride property to the City; and

WHEREAS, the City has consistently indicated concerns with impacts of the East Link Project on portions of the City outside of the downtown, especially with respect to noise, transportation system impacts, visual impacts and impacts to neighborhood character; and

WHEREAS, the Amended and Restated MOU establishes clear requirements to minimize and mitigate impacts of the East Link Project to City businesses and residents through a variety of measures; and

WHEREAS, in addition to the commitments regarding mitigation set forth in the Amended and Restated MOU, the Second Amendment to the Transit Way

Agreement sets forth on-going track maintenance requirements to ensure that noise from a poorly maintained train or track is avoided in future operations; and

WHEREAS, the City Council recognizes that even with the mitigation set forth in the Amended and Restated MOU, construction related traffic impacts are anticipated, especially along Bellevue Way SE. In order to minimize these impacts, it is the expectation of the City Council and that efforts will be made to maintain four lanes of travel along Bellevue Way SE for as long as possible, utilizing the reversible lane option for as short a duration as possible; and

WHEREAS, the City of Seattle Department of Planning and Development has issued Director's Rule 3-2009 entitled *Variations from the Standards of the Noise Control Code, SMC 25.08*, and this Director's Rule 3-2009 provides detailed standards for obtaining noise variances in Seattle, including specific rules for "Major Public Projects" such as light rail facilities; and

WHEREAS, the City of Seattle has issued construction noise variances to Sound Transit for construction of light rail facilities, requiring compliance with construction noise standards during daytime hours, as well as mitigation measures for noise variance requests, including site specific mitigation in addition to sound walls; and

WHEREAS, the City Council also recognizes that noise from expanded hours of construction will impact those residential properties adjacent to such construction, so the City Council strongly encourages that any approval for expanded hours be conditioned on providing mitigation, monitoring and reporting, and outreach similar to the standards imposed by the City of Seattle; and

WHEREAS, the City Noise Control Code is specifically applicable to the East Link Project pursuant to BCC 20.25M.010.B.8, and the purpose of the noise control code is to "minimize the exposure of citizens to the harmful physiological and psychological effects of excessive noise" as provided in BCC 9.18.010; and

WHEREAS, the Amended and Restated MOU retains the City's permitting authority over the East Link Project and OMSF, including authority to review the proposed project for compliance with City codes and regulations, and authority to ensure that once constructed, the project operates in compliance with applicable conditions of approval and code requirements; and

WHEREAS, the Amended and Restated MOU finalizes the terms for the City's financial contribution to the East Link Project, outlines design requirements should Sound Transit select the Bel-Red area to site the OMSF, defines terms for efficiencies in coordination of City projects to be constructed by Sound Transit, Sound Transit projects to be constructed by the City, and joint projects with shared responsibilities, establishes terms for project certainty through mitigation and project permitting, and outlines details related to property transfers between the City and Sound Transit.

-RES  
4/21/2015

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES  
RESOLVE AS FOLLOWS:

Section 1. The City Manager or his designee is hereby authorized to execute the Amended and Restated MOU, a copy of which Amended MOU has been given Clerk's Receiving No. 53601.

Section 2. The City Manager or his designee is hereby authorized to execute the Three Party Agreement, a copy of which agreement has been given Clerk's Receiving No. 53879.

Section 3. The City Manager or his designee is hereby authorized to execute the Second Amendment to the Transit Way Agreement, a copy of which Second Amendment has been given Clerk's Receiving No. 53602.

Section 4. In reviewing the Right-of-Way Use permits concerning Bellevue Way SE, the Director of Transportation shall use best efforts to devise a mitigation plan that enables four lanes of travel along Bellevue Way SE for as great a duration as possible. To the extent four lanes cannot be maintained, the Director of Transportation shall use best efforts to devise a mitigation plan that requires maintenance of three travel lanes with one being a reversible lane, such that there are two northbound travel lanes in the A.M. peak travel times and two southbound travel lanes in the P.M. peak travel times. In each case, the Director of Transportation shall use best efforts to require Sound Transit to implement such mitigation plan as a condition to such Right-of-Way Use permits.

Section 5. The applicable Department Director shall consider the City of Seattle noise variances and DR 3-2009 as precedent in reviewing the adequacy of Sound Transit's noise mitigation plans for the construction of the East Link Project, such that the requirements for construction noise mitigation (a) strictly comply with the Bellevue Noise Control Code, and (b) in all cases the mitigation is equal to or better than applicable precedent established in Seattle under DR 3-2009 and previously issued construction noise variances for Major Public Projects, to the extent permissible by law. This specifically includes, without limitation, standards for installation of permanent and temporary sound walls, limits for interior sound levels measured from the inside of buildings, requirements for noise control and monitoring plans, requirements for compliance with noise variance and other related permit requirements, and requirements for community outreach.

Passed by the City Council this 20<sup>th</sup> day of April, 2015,  
and signed in authentication of its passage this 22<sup>nd</sup> day of April,  
2015.

(SEAL)