CITY OF BELLEVUE

EAST BELLEVUE COMMUNITY COUNCIL

FINAL PUBLIC HEARING NOTICE

Rules of Procedure are available at the City Clerk's Office

The East Bellevue Community Council will hold a final public hearing during its Regular Meeting on **Tuesday, April 2, 2013, at 6:30 p.m.**, at the Lake Hills Boys & Girls Club, 15228 Lake Hills Boulevard, to consider a Land Use Code Amendment (LUCA) as applicable within their jurisdiction:

Land Use Code Amendment Application by the City of Bellevue.
Land Use Code Amendment to establish a consolidated land use permitting process for Regional Light Rail Transit projects. On February 25, 2013, the **Bellevue City Council adopted Ordinance No 6101 establishing a new Light Rail Transit Overlay district (LRTO), and Ordinance No. 6102 adopting conformance amendments to the City of Bellevue Land Use Code.** The LRTO provides certainty and predictability with respect to permitting processes and requirements both for project applicants and for interested parties commenting on or otherwise participating in the permitting process. The LRTO is consistent with the Memorandum of Understanding entered into between the City of Bellevue and the Central Puget Sound Regional Transit Authority, effective November 15, 2011, which calls for a package of Land Use Code amendments that, when adopted, accomplishes the following objectives: (a) Provide certainty and predictability for the City, the Regional Light Rail Transit authority, and the public with respect to land use code requirements and processes; (b) Allow for the City Council, through a development agreement, to establish a comprehensive and consolidated permit process for the Project; (c) Add provisions in the Land Use Code to accommodate Light Rail Transit Facilities and Systems as a permitted use allowed under the consolidated permit process; (d) Allow for extended vesting or duration of land use approvals for the Project; and (e) Provide a mechanism for addressing any Land Use Code requirements that are impractical or infeasible for the Project. Ordinance No. 6102 amends relevant provisions of the Land Use Code for consistency with the LRTO.

File No. 12-113861-AD

Written comments may be addressed to the East Bellevue Community Council in care of Michelle Murphy, Deputy City Clerk, P.O. Box 90012, Bellevue, WA 98009 prior to the meeting, or comments may be entered during the public meeting.

Posting/Publication Date: March 22, 2013

City of Bellevue

MEMORANDUM

DATE: March 21, 2013

TO: Chair Kasner, Members of the East Bellevue Community Council

FROM: Michael Bergstrom, Senior Planner, Planning and Community Development: 425-452-6566;
Catherine A. Drews, Legal Planner, Development Services Department: 425-452-6134

SUBJECT: Light Rail Transit Overlay and Conformance Amendments to the Land Use Code (File No.)

On April 2, 2013, The East Bellevue Community Council ("EBCC") will hold a final public hearing about the Light Rail Transit Overlay and conformance amendments to the Land Use Code ("LUC") related to permitting for the East Link Light Rail Project. The EBCC held a courtesy public hearing on the proposed LUC amendment (LUCA) on October 2, 2012. The Bellevue City Council adopted Ordinances Nos. 6101 and 6102 on February 25, 2013. Ordinance 6101 allows for the permitting and review of Light Rail Facilities and Systems and creates a new Part 20.25M, Light Rail Overlay District, a copy of which is included with this memorandum as Attachment A. Ordinance No. 6102 amends the LUC for consistency with the new Light Rail Overlay District to provide appropriate cross-referencing and to avoid conflicts, a copy of which is included with this memorandum as Attachment B. The ordinances are not effective within the EBCC area until either the EBCC votes to approve the ordinance or the EBCC fails to disapprove the ordinance within 60 days following enactment by the City Council. LUC 60.23.450.A. Although the East Link project is outside the jurisdiction of the EBCC, the proposed LUCA applies city wide.

Background for the Proposed Code Amendment

On November 15, 2011, the City and Sound Transit entered into the Umbrella Memorandum of Understanding for Intergovernmental Cooperation between the City of Bellevue and the Central Puget Sound Regional Transit Authority for the East Link Project ("MOU"). Under the terms of the MOU, a strategy was described for identifying and processing amendments to the Bellevue Land Use Code. Under Paragraph 6.1 of the MOU, the City and Sound Transit agreed "to work cooperatively to identify and process a package of Land Use Code ("LUC") . . . that if adopted, would accomplish the following objectives:

a. Provide certainty and predictability for the City, Sound Transit and the public with respect to land use code requirements and processes;

b. Allow the City Council, through a development agreement, to establish a comprehensive and consolidated permit process for the Project;
c. Add provisions in the LUC to accommodate Light Rail Transit Facilities and Systems as a permitted use allowed under the consolidated permit process;
d. Allow for extended vesting or duration of land use approvals for the Project;
e. Provide a mechanism for addressing any LUC requirements that are impractical or infeasible for the Project; and
f. Resolve identified technical code conflicts."

In addition to the objectives identified in Paragraph 6.1 of the MOU, Exhibit G refined and added to the desired objectives by stating that:

- Analysis of technical infeasibility under the code should be based on the Project description contained in the MOU;
- Amendments to the LUC should add definitions to accommodate light rail uses and related facilities;
- Extended vesting of land use approvals should be granted through a development agreement; and
- Allowances for further administrative modifications to the LUC requirements should be made through the applicable permitting process if such code requirements would be impracticable or infeasible for the Project.

The LUCA was required to address gaps in the LUC related to regulating light rail and primarily to address process issues. The LUCA also lays the foundation for a future development agreement, as envisioned by the City and Sound Transit, and described in a memorandum of understanding.

Public Outreach and Process
Council held a total of 12 study sessions and 2 public hearings to gather information and public feedback regarding the LUCA:

- July 16 Council Agenda Item
- Sept. 17 Council Agenda Item
- Oct. 8 Council Agenda Item
- Oct. 22 Public Hearing
- Nov. 13 Council Agenda Item
- Dec. 3 Council Agenda Item
- Jan. 7 Council Agenda Item
- Dec. 10 Council Agenda Item
- Jan. 22 Council Agenda Item
- Jan. 28 Council Agenda Item
- Feb. 4 Council Agenda Item
- Feb. 11 Public Hearing Council Agenda Item
- Feb. 19 Council Agenda Item
- Feb. 25 Council Agenda Item

Need for LUC Amendment: The City's existing LUC does not directly address or describe requirements for light rail facilities. This lack of clear regulations creates confusion and uncertainty for all parties interested in East Link, including the City reviewers charged with ensuring the project satisfies City requirements, citizens who want to provide input on whether design and mitigation is sufficient to meet community expectations, and Sound Transit staff and designers as they prepare project plans. Under the current LUC:

- The permitting path for the project is cumbersome, and at times unclear, with different permitting requirements for the alignment as it passes through a variety of land use districts and overlays;
- The LUC does not apply to structures and facilities in rights-of-way, leaving the City without clear development standards and design requirements for those components of East Link within existing or future right-of-way; and
- Some provisions of the LUC don't make sense to apply to certain light rail facilities as written. For example, some land use districts require substantial landscaping in a front setback, adjacent to right-of-way. Such frontage landscaping is not desirable for a light rail station whether located within or immediately adjacent to the right of way, as it would block access to the station and impair visibility of the station, which may pose safety concerns for transit riders.

Amending the LUC specifically for light rail is consistent with the City's Light Rail Best Practices work as well, which identified guiding principles for policies and regulations. For these reasons, in addition to the MOU commitments, staff recommends amending the LUC before year-end.

Provisions of the Light Rail Transit Overlay: The LRTO meets the following objectives:

1. Provides both procedural and substantive code provisions and is designed to provide certainty and predictability for the City, the regional transit authority, and the public regarding LUC requirements and processes;
2. Establishes a comprehensive and consolidated permit processes for regional light rail transit ("RLRT") systems and facilities;
3. Provides a mechanism for addressing any applicable LUC requirements that are impractical or infeasible for a RLRT system or facility;
4. Acknowledges the unique characteristics of a regional Essential Public Facility that is linear in nature and passes through the City of Bellevue touching numerous land use districts and overlay areas
5. Provides appropriate regulatory oversight for RLRT systems and facilities located in public rights-of-way, which would otherwise not be regulated by the Land Use Code;
6. Facilitates transparent and efficient decision making and interagency cooperation tween the City and the regional transit authority;

7. Ensures that all design, development, construction and operation of RLRT systems and facilities are consistent with applicable Comprehensive and Subarea plans and policies, and the adopted Light Rail Best Practices report;
8. Ensures that the development, construction, and operation of RLRT systems and facilities complies with applicable Bellevue City Codes, including the Noise Control Code, Ch. 9.18 BCC, and the Environmental Procedures Code, Ch. 22.02 BCC.

The adopted LRTO represents efforts to develop a code amendment package that is consistent with the objectives and agreements of the MOU described above, while ensuring a process for public input into final design questions that will result in an outcome that provides for context sensitive transitions from the proposed facility to surrounding land uses.

Ordinance No. 6101 creates a Light Rail Overlay District that would apply wherever a Regional Light Rail Transit System or Facility is proposed or constructed in Bellevue, with the exception of an Operations and Maintenance Satellite Facility (OMSF) which is specifically excluded from the processes described in the Overlay. The amendment provides permit process continuity along the entire alignment. The amendment also fills code coverage gaps that exist because light rail will be located in land use districts that did not anticipate light rail or because light rail will be located in right of way where the land use code does not typically apply. Finally, the amendment establishes and integrates a citizen advisory committee (CAC) process into the design and mitigation permit review to ensure that specific community feedback is considered on the question of the context-sensitivity of light rail design elements. The LUCA contains these parts:

1. General Section and Definitions – LUC 20.25M.010 and 020. The provisions in the General Section describe code applicability, the purpose of the overlay, who may apply for a permit under the overlay provisions, and what City regulations are made applicable to a light rail system or use governed by the overlay. A Definitions Section with terms applicable to the light rail overlay district follows the General Section.

2. Required Permits – LUC 20.25M.030. The Required Permits section describes the two alternative permit options that Council confirmed should be included in the Draft Overlay. The first option establishes Regional Light Rail Transit System and Facilities as Permitted Uses in all land use districts, provided that the alignment of the System has been approved by a Council-adopted resolution, ordinance, or development agreement. The second option applies if there is no Council action approving the alignment. In such case, the Regional Light Rail Transit System and Facilities would be reviewed through the Conditional Use Permit process.

   Under either of the above-described permitting paths separate shoreline permit review as well as subsequent design and mitigation permits are required

consistent with the LUC or any modifications approved through a development agreement.

3. Citizen Advisory Committee Review – LUC 20.25M.035. The Citizen Advisory Committee (CAC) section requires the formation and involvement of a CAC in the review of the design and mitigation permits for Regional Light Rail Transit Systems or Facilities, and describes the CAC purpose, timing of CAC formation, CAC member experience, scope of CAC work, CAC involvement process, and policy and regulatory guidance.

4. Development Standards – LUC 20.25M.040. The Development Standards section imposes traditional standards that are applicable to the use and development of land, but may not currently apply to light rail facilities in the absence of a code amendment. Topics such as dimensional requirements (height, setbacks), landscape buffers and screening, fencing, light and glare, mechanical equipment, parking and circulation, recycling and solid waste collection, and critical areas are addressed in this section.

5. Design Guidelines – LUC 20.25M.050. The Design Guidelines section includes code provisions that address the look, feel, compatibility, and user experience for light rail facilities. This section describes the design intent and context/design considerations by subarea. It contains additional general design guidelines for specific facilities, including stations, traction power substations, ventilation structures, signs, retaining walls and acoustical barriers, and signal bungalows. These guidelines draw heavily from the Light Rail Best Practices work and subsequent committee recommendations. The ultimate consistency of any light rail system or facility with the design guidelines of this section is intended to be the focus of CAC work and input.

6. Administrative Modification Process – LUC 20.25M.060. The Administrative Modification section includes a modification process drafted in response to objectives included in Paragraph 6.1 of the MOU, as well as modification decision criteria and limitation on modification authority. Those limitations state that the decisionmaker may not grant a modification or waiver to the provisions of LUC 20.10.440 or parts contained in Chapter 20.25 LUC, establishing the allowable uses in each land use district; or the provisions of Chapters 20.30 and 20.35 LUC or section LUC 20.25M.030 or any other procedural or administrative provisions of the Land Use Code; or any provisions of the Land Use Code or this Overlay which is specifically identified as not subject to modification or waiver.

7. Conformance Amendments. Ordinance No. 6102 is included as Attachment B to this memorandum. The amendments in this second ordinance are necessary to ensure consistency between the new Light Rail Overlay and existing LUC provisions in other chapters and parts of the code. The amendments in Attachment B are non-substantive.

ACTION REQUESTED OF THE EAST BELLEVUE COMMUNITY COUNCIL

Following review of Ordinances Nos. 6101 and 6102, vote to approve the ordinances so they will become effective within the jurisdiction of the EBCC. Staff will be present at the April 2, 2013 hearing to answer any questions you may have.

Please contact either of us if you have any questions before the April 2, 2013 meeting.

Attachment A: Ordinance No. 6101
Attachment B: Ordinance No. 6102

1324-ORD
02/27/13

ORIGINAL

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 6101

AN ORDINANCE amending the Bellevue Land Use Code to allow for the permitting and review of Light Rail Facilities and Systems; creating a new Part 20.25M of the Bellevue Land Use Code; and establishing an effective date.

WHEREAS, the Bellevue is the second largest city in King County, is recognized as the economic and cultural center of the Eastside, and is committed to supporting infrastructure and planning that support and enhance Bellevue's designation as a Metropolitan Regional Growth Center; and

WHEREAS, the City has a compelling interest in the protection of the health and safety of all of its residents, as well as the enforcement of its zoning laws; and

WHEREAS, the Central Puget Sound area voters approved the Sound Transit 2 plan, which, among other projects, included the proposed expansion of link light rail from Downtown Seattle to Mercer Island, downtown Bellevue, and the Overlake Transit Center, with stations serving Mercer Island, South Bellevue, downtown Bellevue, Bel-Red and Overlake areas; and

WHEREAS, both before and since the public vote on Sound Transit 2, Bellevue has been 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, segments of the East Link Project will be constructed and operated within Bellevue, with associated impacts and benefits for residents, businesses and visitors to Bellevue; and

WHEREAS, the City is responsible for administering state and local land use laws and development regulations that apply to planning, design, development and operation of light rail. Such development regulations and land use laws, including but not limited to the Growth Management Act, Shoreline Management Act and State Environmental Policy Act, grant the City authority to exercise its land use powers in review of permits related to light rail; and

WHEREAS, the Growth Management Act provides that regional transportation facilities are essential public facilities; and

WHEREAS, the City has an interest in ensuring that light rail incorporates design and mitigation measures appropriate to its impacts and ensuring a high-quality investment for taxpayers, the City and the regional transit authority; and

WHEREAS, the City has an interest in supporting development of high-quality, convenient public transit that provides reliable, high frequency transportation options for Bellevue residents and workers; and

WHEREAS, the City Council held public hearings on October 22, 2012 and February 11, 2013 after providing the legally required notice, with regard to such proposed Land Use Code amendment; and

WHEREAS, the following Guiding Principles were established through the City's Light Rail Best Practices planning efforts:

- Connect "somewhere to somewhere" by conveniently serving the places where people live, work, and play.
- Light rail should be developed in a manner that complements, not diminishes, the character and quality of Bellevue.
- Anticipate impacts and advocate for exceptional mitigation.
- Alignment profile should consider the unique qualities of each part of the community.
- An early, ongoing public involvement program is essential for success in Bellevue.

WHEREAS, the proposed Overlay responds to these Guiding Principles through development of design guidelines and development standards for light rail systems and facilities which require context sensitivity, and through creation of a robust public involvement component in permit review through the use of a citizen's advisory committee; and

WHEREAS, the City Council finds that necessity exists to allow amendment to the Land Use Code as provided in this Ordinance without prior review or recommendation from the Planning Commission in order to ensure consistency with Council objectives for regional light rail and to satisfy commitments included in the Memorandum of Understanding with the Central Puget Sound Regional Transit Authority; and

WHEREAS, the City Council finds that the proposed amendments meet the decision criteria of LUC 20.30J.135 and are consistent with the Comprehensive Plan, enhance the public health, safety and welfare, and are not contrary to the best interest of the citizens and property owners of the City of Bellevue, as more completely analyzed in the Staff Report for the amendment dated February 11, 2013; and

WHEREAS, the City of Bellevue has complied with the State Environmental Policy Act (SEPA), Chapter 43.21C RCW, and the City's Environmental Procedures Code, BCC 22.02; now, therefore,

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

Section 1. A new Part 20.25M of the Bellevue Land Use Code is hereby adopted as follows:

New Part 20.25M – Light Rail Overlay District

20.25M.010 General

A. Applicability

This Part applies to all areas where the use, construction, or installation of a Regional Light Rail Transit Facility (RLRT Facility) or Regional Light Rail Transit System (RLRT System) is proposed, including areas disturbed temporarily during construction and identified for mitigation of permanent and temporary impacts related thereto. Refer to LUC 20.25M.020 for the definitions of RLRT Facility and RLRT System.

B. Purpose. The purpose of this Part is to:

1. Provide certainty and predictability for the City, the regional light rail transit authority, and the public with respect to Land Use Code requirements and processes;
2. Establish a comprehensive and consolidated permit process for RLRT Systems and RLRT Facilities;
3. Provide a mechanism for addressing any applicable Land Use Code requirements that are impractical or infeasible for a RLRT System or RLRT Facility;
4. Acknowledge the unique characteristics of a regional Essential Public Facility that is linear in nature and passes through the City of Bellevue touching numerous land use districts and overlay areas;
5. Provide appropriate regulatory oversight for RLRT Systems and RLRT Facilities located in public rights-of-way, which would otherwise not be regulated by the Land Use Code;
6. Facilitate transparent and efficient decision making and interagency cooperation between the City of Bellevue and the regional light rail transit authority;
7. Ensure that the design, development, construction and operation of the RLRT System and RLRT Facility are consistent with applicable Comprehensive Plan and Subarea Plan policies, including without limitation, the adopted Light Rail Best Practices report; Comprehensive Plan policies LU-9, LU-22, LU-24, ED-3, TR-75.1, TR-75.2, TR-75.5, TR-75.7, TR-75.8, TR-75.9, TR-75.12, TR-75.15, TR-75.17, TR-75.18, TR-75.20, TR-75.22, TR-75.23, TR-75.27, TR-75.28, TR-75.32, TR-75.33, TR-75.34, TR-75.35, TR-118 and UT-39; Downtown Subarea policy S-DT-125; Southwest Subarea policies S-SW-19, S-SW-25 and S-SW-26.

8. Ensure that the development, construction and operation of the RLRT System and Facility complies with applicable Bellevue City Codes, including without limitation the Noise Control Code, Ch. 9.18 BCC, and the Environmental Procedures Code, Ch. 22.02 BCC.

C. Who May Apply.

1. A regional transit authority authorized under Chapter 81.112 RCW, as may be hereinafter amended, may apply for permits to develop an RLRT Facility or any portion of an RLRT System, provided that one of the following conditions has been satisfied for each of the properties affected by the permit applied for:
    a. The regional transit authority is the owner of a property interest sufficient to allow it to construct the proposed RLRT Facility or System on the affected property; or
    b. The regional transit authority has the written consent to apply for the permit(s) from the owner of the property affected by the proposed RLRT Facility or System; or
    c. The regional transit authority's Board has authorized acquisition of the property, or property interest, affected by the proposed RLRT Facility or System and the regional transit authority demonstrates that:
        i. it has provided advance notice to the property owner of the Board action pursuant to applicable state and federal law; and
        ii. it has initiated the appraisal process for each of the property or property interests sufficient to allow construction of the proposed RLRT Facility or System on the affected property pursuant to applicable state and federal law.
2. Nothing in this Section 20.25M.010.C shall prohibit the regional transit authority and City from entering into a development agreement as allowed pursuant to Section 20.25M.030.B.1 at any time.
3. Irrespective of when a regional transit authority applies for a permit, no work shall commence in accordance with issued permits or approvals until all of the necessary property interests are secured for each of the properties affected by the permit.

D. Applicable Land Use Code Provisions.

1. Applicable Land Use District and Overlay Sections Incorporated by Reference. Predictability and certainty with respect to substantive Land Use Code requirements ensures that a RLRT System or Facility design is sensitive to the context of the underlying land use districts and overlays within which it is located, and that temporary and permanent impacts are appropriately mitigated. The following Overlay sections of the Land Use Code are expressly incorporated into the provisions

of this Chapter 20.25M and made applicable to a RLRT System or Facility within those Overlays:

a. Chapter 20.10 – Land Use Districts;

b. Part 20.25A LUC – Downtown sections shall apply to any above-grade RLRT System or Facility as follows:

i. LUC 20.25A.040.C – Fences;

ii. LUC 20.25A.060 – Walkways and sidewalks;

iii. LUC 20.25A.100.E.6 – Downtown Core Design District Guidelines – View Preservation Corridors;

iv. LUC 20.25A.110.A – Site Design Criteria;

v. LUC 20.25A.110.B – Downtown Patterns and Context;

vi. LUC 20.25A.115.A – Design Guidelines – Building/Sidewalk Relationships – General;

c. Part 20.25B LUC – Transition Area Design District sections as follows:

i. LUC 20.25B.010 -- Purpose

ii. LUC 20.25B.040.A – Building Height;

iii. LUC 20.25B.040.C – Landscaping, Open Space and Buffers;

iv. LUC 20.25B.040.D – Site Design Standards;

v. LUC 20.25B.040.E – Mechanical Equipment;

vi. LUC 20.25B.050.B – Design Guidelines;

d. Part 20.25D LUC – Bel-Red LUC sections as follows:

i. LUC 20.25D.010.B – Land Use Districts;

ii. LUC 20.25D.070 – Land Use Charts ;

iii. LUC 20.25D.110.B, C, D, E, F – Various landscape standards;

iv. LUC 20.25D.110.H – Fences;

v. LUC 20.25D.120.D – Parking Structure Performance Standards

vi. LUC 20.25D.130 – Bel-Red Development Standards;

vii. LUC 20.25D.150 – Design Guidelines;

e. Part 20.25E LUC – Shoreline Overlay District; and

f. Part 20.25H – Critical Areas Overlay District.

2. Applicable Procedural and Administrative Sections Incorporated by Reference. Predictability and certainty with respect to procedural Land Use Code requirements ensures effectiveness of permit review and that the level of public participation for individual RLRT Facility applications occurs consistently across all land use districts and overlay areas of the City. The following procedural and administrative sections of the Land Use Code are expressly incorporated into the provisions of this Chapter 20.25M and apply to an RLRT Facility:

a. Part 20.30H LUC – Variance to the Shoreline Master Program

b. Part 20.30R LUC – Shoreline Substantial Development Permit

c. Chapter 20.35 LUC – Review and Procedures

d. Chapter 20.40 LUC – Administration and Enforcement sections as follows:

i. LUC 20.40.010 through 20.40.480; and

ii. LUC 20.40.500 through 510.

e. Chapter 20.50 LUC - Definitions

3. Overlay Standards and Guidelines. The General Development Requirements of Chapter 20.20 LUC are either currently inapplicable to a RLRT Facility because of its location in the right-of-way, or are inconsistent with its effective or intended function. Therefore, the specific standards and guidelines contained in section 20.25M.040 through 20.25M.050 of this part supplant and replace the provisions contained in Chapter 20.20 LUC. All words used in this Overlay shall carry their customary meanings, except where specifically defined in Chapter 20.50 LUC (Definitions) or this Part 20.30M LUC (Light Rail Overlay).

4. Light Rail Overlay District Applies. This Light Rail Overlay District specifically identifies and regulates RLRT Systems and Facilities. The specific regulations included by reference and contained in this Overlay supplant and replace the general EPF provisions contained in LUC 20.20.350. RLRT Facilities, such as an Operations and Maintenance Satellite Facility, that are specifically excluded from coverage under the terms of the Overlay would continue to be processed pursuant to the general EPF provisions of LUC 20.20.350.

5. RLRT Transition Area – Design District. The Light Rail Overlay District is an "area providing transition" pursuant to LUC 20.25B.020. The Regional Transit Authority shall comply with the provisions of LUC Part 20.25B specifically incorporated by reference in paragraph 20.25M.010.D above, except where standards in this Light Rail Overlay Chapter are more restrictive. "Districts receiving transition" are R-1, R-1.8, R-2.5, R-3.5, R-4, R-7, R-7.5, R-10, R-20 and R-30 zoned properties developed in a residential use. The limitation contained in LUC 20.25B.020.B.3 is not applicable to the Light Rail Overlay District, RLRT Facility or System. For purposes of applying the RLRT Transition Area requirements of this Part, the Light Rail Overlay District is the area occupied by RLRT System improvements.

20.25M.020 Definitions Applicable to the Light Rail Overlay District

The following definitions are specific to the Light Rail Overlay District and shall have the following meanings:

A. **"Design and Mitigation Permit"** is the single, consolidated project permit issued by the City in response to an application to develop a RLRT Facility or portion thereof; provided, that a Design and Mitigation Permit does not include a shoreline substantial development permit, shoreline conditional use permit, or shoreline variance approval if required as provided by Part 20.25E, 20.30C, and 20.30H LUC.

B. **"Light Rail Best Practices"** refers to the Bellevue Light Rail Best Practices Final Committee Report approved by Committee on June 17, 2008.

C. **"Operations and Maintenance Satellite Facility (OMSF)"** is a type of Essential Public Facility, and refers to a Regional Light Rail Transit Facility component used for overnight storage and maintenance of the expanded fleet of light rail vehicles as described in the Sound Transit "Link Operations and Maintenance Satellite Facility Environmental Scoping Information Report" dated September 2012 and other related documents.

D. **"Regional Light Rail Transit Facility (RLRT Facility)"** is a type of Essential Public Facility, and refers to a structure, rail track, equipment, or other improvement of a Regional Light Rail Transit System, which includes ventilation structures, traction power substations, utilities serving the Regional Light Rail Transit System, Light Rail Transit stations and related passenger amenities, bus layover and inter-modal passenger transfer facilities, park and rides, tunnel portals, storage track and support facilities, and transit station access facilities. The Operations and Maintenance Satellite Facility is specifically excluded from inclusion in the definition of a Regional Light Rail Transit Facility.

E. **"Regional Light Rail Transit System (RLRT System)"** is a type of Essential Public Facility, and refers to a public rail transit line that operates at grade level or above or below grade level, and that provides high-capacity, regional transit service owned or operated by a regional transit authority authorized under Chapter 81.112 RCW.

F. **"Regional Light Rail Transit Transition Area (RLRT Transition Area),"** as that terms is used within the scope of this Overlay, refers to any "area receiving transition" as defined in LUC 20.25M.010.D.5.

G. **"Regional Transit Authority"** refers to an agency formed under the authority of Chapters 81.104 and 81.112 RCW to plan and implement a high capacity transportation system within a defined region.

20.25M.030 Required Permits

A. Process Roadmap

1. Use Approval – Two Process Options

a. Use Permitted by Land Use Code. A RLRT System and its Facilities are permitted uses in all land use districts, provided that the alignment location and profile of the RLRT System has been approved, subsequent to adoption of this Overlay, by a Bellevue City Council-adopted resolution or ordinance, or by a development agreement. Any Council-adopted development agreement shall be consistent with Chapter 36.70B RCW and paragraph 20.30M.030.B.1 below. Refer to LUC Chart 20.10.440 (Transportation and Utilities Uses in Land Use Districts), LUC Chart 20.25D.070 (Transportation and Utilities Uses in Bel-Red Land Use Districts), and LUC 20.25H.055.B Note 12.

b. Use Approval Permitted through Conditional Use. Where the City Council has not legislatively adopted a resolution, ordinance, or development agreement permitting the RLRT System and Facility use, Council Conditional Use Permit approval is required pursuant to the provisions of LUC 20.25M.030.B.2 below.

2. Subsequent Review. Additional design and mitigation review and shoreline permitting shall be required pursuant to LUC 20.25M.030.C and 20.25M.030.D below.

B. RLRT System and Facilities Use

1. Development Agreement – Council Legislative Decision

a. Scope of Approval. A RLRT System or Facility use is permitted outright when its alignment location and profile has been included, subsequent to the adoption of this Overlay, in a City Council resolution, ordinance, or development agreement authorized pursuant to Chapter 36.70B RCW. If a development agreement is adopted, the City Council may also allow necessary modifications to this Overlay District and to other applicable provisions the Bellevue City Code, and set forth other terms consistent with Chapter 36.70A RCW, Chapter 36.70B RCW and WAC 365-196-550 in order to approve the siting, construction, operation and mitigation of a RLRT System or Facility.

b. Applicable Process. A development agreement adopted by the City Council shall be processed under the authority of and pursuant to the procedures set forth in Chapter 36.70B RCW. Any development agreement adopted by the City Council shall be consistent with all applicable Comprehensive Plan policies including without limitation those set forth in Section 20.25M.010.B.7, and all adopted

"development standards" as that term is used in RCW 36.70B.170(3) that govern and vest the development for a specified time duration to this Overlay District and other applicable City regulations, provided that a development agreement may not extend the vesting period for longer than 15 years from the effective date. Any appeal of a development agreement shall be directly to Superior Court.

2. Conditional Use Permit – Hearing Examiner Quasi-Judicial Decision

a. When Required. Development of a RLRT System or Facility requires approval under the General Development Requirements for Essential Public Facilities through a Conditional Use Permit (CUP) process when an alignment location and/or profile have not been approved in a Council-adopted resolution, ordinance, or development agreement. Refer to LUC 20.20.350 for General Development Requirements applicable to Essential Public Facilities.

b. Scope of Approval. When a RLRT System or Facility use has not been permitted outright in a City Council resolution, ordinance, or development agreement, a Conditional Use Permit shall be required to approve the location and profile of the track alignment and major facility elements that are specifically identified in the definition of "Regional Light Rail Transit Facility" contained in 20.25M.020.C. The Conditional Use Permit is a mechanism for the City to ensure that the RLRT Facility use is consistent with the Comprehensive Plan and meets all applicable siting standards. Design, context sensitivity and mitigation standards and design guidelines applicable to specific facility elements shall be met as a component of the Design and Mitigation Review process pursuant to LUC 20.25M.030.C.

c. Decision Criteria. The City may approve or approve with modifications an application for a Conditional Use Permit if:

i. The conditional use is consistent with the Comprehensive Plan including the Light Rail Best Practices as referenced in Comprehensive Plan Policy TR-75.2; and

ii. The design is compatible with and responds to the existing or intended character, appearance, quality of development and physical characteristics of the subject property and immediate vicinity of the RLRT Facility and System; and

iii. The conditional use will be served by adequate public facilities including streets, fire protection, and utilities; and

iv. The conditional use will not be materially detrimental to uses or property in the immediate vicinity of the RLRT Facility and System; and

v. The conditional use complies with the applicable requirements of the Land Use Code.

d. Applicable Process and Permit Requirements.

i. The Conditional Use Permit shall be reviewed through Process I (LUC 20.35.100-150).

ii. Periodic review of the conditions are permit approval may be imposed pursuant to the terms of LUC 20.30B.165.

iii. The Conditional Use Permit may be modified or revoked pursuant to the terms of LUC 20.30B.170.

C. Design and Mitigation Review – Decision of the Director

1. When Required. Prior to issuance of any construction permits, Design and Mitigation Review shall be required for any RLRT System or Facility. The Design and Mitigation Review may be consolidated with or undertaken following use approval of a RLRT System and RLRT Facilities pursuant to 20.25M.030.B. The applicant is encouraged to undertake Design and Mitigation Review either prior to or concurrently with the process set forth in LUC 20.25M.030.B.

2. Scope of Design and Mitigation Approval. Design and Mitigation Review is a mechanism by which the City shall ensure that the design and proposed mitigation for temporary and permanent impacts of a RLRT System and Facility is consistent with:

a. The Comprehensive Plan including without limitation Light Rail Best Practices; and the policies set forth in 20.25M.010.B.7 above; and

b. Any previously approved development agreement or Conditional Use Permit issued pursuant to LUC 20.25M.030.B.1 or 2; and

c. All applicable standards and guidelines contained in City Codes including the procedures related to involvement of a CAC as required by LUC 20.25M.035.

3. Decision Criteria. A proposal for a RLRT System or Facility may be approved or approved with conditions provided that such proposal satisfies the following criteria:

a. The applicant has demonstrated compliance with the CAC Review requirements of LUC 20.25M.035; and

b. The proposal is consistent with the Comprehensive Plan including without limitation the Light Rail Best Practices referenced in Comprehensive Plan Policy TR-75.2 and the policies set forth in 20.25M.010.B.7 above; and

c. The proposal complies with the applicable requirements of this Light Rail Overlay District; and

d. The proposal addresses all applicable design guidelines and development standards of this Light Rail Overlay District in a manner which fulfills their purpose and intent; and

e. The proposal is compatible with and responds to the existing or intended character, appearance, quality of development and physical characteristics of the subject property and immediate vicinity; and

f. The proposal will be served by adequate public facilities including streets, fire protection, and utilities; and

g. The proposal complies with the applicable requirements of the Bellevue City Code, including without limitation those referenced in 20.25M.010.B.8 above; and

h. The proposal is consistent with any Development Agreement or conditional use permit approved pursuant to LUC 20.25M.030.B; and

i. The proposal provides mitigation sufficient to eliminate or minimize long-term impacts to properties located near the RLRT Facility or System, and sufficient to comply with all mitigation requirements of the Bellevue City Code and other applicable State or Federal laws.

j. When the proposed RLRT Facility will be located, in whole or in part, in a critical area regulated by Part 20.25H LUC, a separate Critical Areas Land Use Permit shall not be required, but such facility shall satisfy the following additional criteria:

    i. The proposal utilizes to the maximum extent possible the best available construction, design and development techniques which result in the least impact on the critical area and critical area buffer; and

ii. The proposal incorporates the performance standards of Part 20.25H LUC to the maximum extent applicable; and

iii. The proposal includes a mitigation or restoration plan consistent with the requirements of LUC 20.25H.210; except that a proposal to modify or remove vegetation pursuant to an approved Vegetation Management Plan under LUC 20.25H.055.C.3.i shall not require a mitigation or restoration plan.

4. Applicable Process.

a. Design and Mitigation Review approval shall be reviewed through Process II (LUC 20.35.200-250).

b. A Design and Mitigation Review approval that has been previously issued by the Director may be modified pursuant to the terms of LUC 20.30F.175.

D. Shoreline Substantial Development Permit and Variance

1. Any RLRT Facility proposed or located in the Shoreline Overlay District (Part 20.25E LUC) shall comply with the Shoreline Substantial Development Permit (SSDP) requirements of LUC 20.25E.040. Application for a SSDP shall be processed independently of any application for Design and Mitigation approval under this chapter. Application for a SSDP shall be subject to the decision criteria of LUC 20.30R.155.

2. For properties lying within the Shoreline Overlay District, the City may approve a request to exceed the allowable height limit established by LUC 20.25E.080.B.5 through the Variance to the Shoreline Master Program process allowed pursuant to Part 20.30H LUC. Application for a shoreline variance shall be subject to the decision criteria of LUC 20.30H.155.

20.25M.035 Citizen Advisory Committee Review Required

Formation of a Citizen Advisory Committee (CAC) for the East Link Project was identified as necessary in the Light Rail Best Practices. *Final Committee Report dated June 17, 2008.* This section of the Light Rail Overlay describes the process required to involve a CAC in the review of permits identified in LUC 20.25M.030.C as necessary for approval of a RLRT System or Facility.

A. Purpose

The purpose of a CAC formed under the terms of the section is to:

1. Dedicate the time necessary to represent community, neighborhood and citywide interests in the permit review process; and

2. Ensure that issues of importance are surfaced early in the permit review process while there is still time to address design issues while minimizing cost implications; and
3. Consider the communities and land uses through which the RLRT System or Facility passes, and set "the context" for the regional transit authority to respond to as facility design progresses; and
4. Help guide RLRT System and Facility design to ensure that neighborhood objectives are considered and design is context sensitive by engaging in on-going dialogue with the regional transit authority and the City, and by monitoring follow-through; and
5. Provide a venue for receipt of public comment on the proposed RLRT Facilities and their consistency with the policy and regulatory guidance of paragraph 20.25M.035.E below and Sections 20.25M.040 and 20.25M.050 of this Part; and
6. Build the public's sense of ownership in the project; and
7. Ensure CAC participation is streamlined and effectively integrated into the permit review process to avoid delays in project delivery.

B. Timing of CAC Formation and Member Experience

1. **Formation**. The CAC shall be formed by the City Council and shall be comprised of at least seven but not more than nine members. Formation should occur as soon as practicable following adoption of the Light Rail Overlay Part 20.25M LUC in order to ensure that the members are able to fulfill the CAC intended purpose of participation early in the light rail facility design process.
2. **Member Experience**. The experience and background of individuals considered for a CAC appointments should be taken into consideration when identifying potential members. Members of the CAC will be an invaluable resource to regional transit authority and the City, and their experience and background should ensure that the CAC:
   a. Represents a breadth of professional experience that includes urban planners, artists, architects, landscape architects, engineers and builders with large project experience; and
   b. Is comprised solely of Bellevue residents, including, but not limited to: transit riders and property and business owners with holdings or interests in the vicinity of, but not immediately abutting, the RLRT Facility or System; and
   c. Has no members with a financial or other private interest, direct or indirect, personally or through a member of his or her immediate family, with the Regional Transit Authority, its contractors, subcontractors, agents or employees, and has no members that have been employed by or been affiliated with the Regional Transit Authority in any capacity.

C. Scope of CAC Work

The scope of work for the CAC is intended to support the CAC purpose described in LUC 20.25M.035.A. The CAC is advisory to the decision maker for the design and mitigation permits, and its scope includes:

1. Becoming informed on the proposed RLRT System or Facility project;
2. Accepting comments from the public during CAC meetings for incorporation into the consolidated advice provided by the CAC to the regional transit authority and the City of Bellevue;
3. Participating in context setting to describe the communities, urban and historic context, and natural environment through which the alignment passes;
4. Providing early and on-going advice to the regional transit authority on how to incorporate context sensitive design and mitigation into schematic designs for proposed project elements including stations, linear track elements, landscape development, walls (including concrete and masonry and tunnel portal), park and rides, traction power substations and other features of the RLRT System or Facility; and
5. Providing advisory guidance to permit decision makers as described in more detail below regarding any RLRT System or Facility design and mitigation issues prior to any final decision on required Design and Mitigation permits, including written guidance as to whether the proposal complies with the policy and regulatory guidance of paragraph 20.25M.035.E below and Sections 20.25M.040 and 20.25M.050 of this Part.

D. Involvement Process – Timing, Focus of Involvement, and Work Products

1. **Process Summary.** The CAC Review Phases are aligned with RLRT System and Facility design phases and City permit review phases in order to achieve permit streamlining and consolidation objectives. Figure 20.25M.035.D.1 depicts the general relationship between the CAC review, the regional transit authority's separate design processes, and City permit review phases. The following paragraphs describe the intended timing of CAC review, the focus of CAC involvement, and the anticipated work product to be generated by the CAC at each review phase. The table is illustrative only, and actual timing of CAC review and participation will be designated for each Design and Mitigation review as appropriate to ensure that CAC input is consolidated with the applicable permitting process.

Figure 20.25M.035.D.1 Illustration of CAC Process in Relationship to Design and Permitting Activities

CAC Review Phases*	General Intent of CAC Review	Relationship to Regional Transit Authority Design Phases*	Relationship to City Overlay Permit Phases*
Context Setting	Provide early input on "context" to which design elements and features of RLRT System or Facility should respond, including landscape development and tree retention; Develop understanding of project goals and objectives; provide early guidance on areas where the policy and regulatory guidance of paragraph 20.25M.035.E and sections 20.25M.040 and 20.25M.050 of this part and request additional information that may be necessary to evaluate compliance.	Preliminary Engineering Phase (0-30% Design)	Pre-Application Conference
Schematic Design	Provide feedback regarding effectiveness at incorporating contextual direction into the early phases of design. Anticipated that CAC would provide advice regarding complementary building materials, integration of public art, preferred station furnishings from available options, universal design measures to enhance usability by all people, quality design and materials and landscape development and tree retention. Provide further input and guidance, based on the input and guidance provided in the Context Setting phase, on compliance (or lack of compliance) with the policy and regulatory guidance	Design Phase (30% Design)	Pre-Development Review

	of paragraph 20.25M.035.E below and sections 20.25M.040 and 20.25M.050 of this part and whether information is sufficient to evaluate such compliance.		
Design Development	Provide feedback regarding effectiveness of design and landscape development in incorporating prior guidance at context and schematic design stages. Provide further input and guidance, based on the input and guidance provided in the Context Setting phase, on compliance (or lack of compliance) with the policy and regulatory guidance of paragraph 20.25M.035.E below and Sections 20.25M.040 and 20.25M.050 of this Part, and whether information is sufficient to evaluate such compliance. Provide the Advisory Document.	(60% Design)	Permit Review (CAC input provided prior to Director recommendation (if CUP required) or Director decision on the Design and Mitigation Permit (Process II), as applicable)
Construction Permits	This phase is only necessary if additional design was required as a condition on the permits issued pursuant to 20.25M.030.C. The intent of this CAC review phase is to provide feedback on final design details for specific RLRT System or Facility components when the information necessary for the CAC's review was not available at the time of the Design and Mitigation review process. Examples include review of final details of public art or landscape development included in the project, which may have been available at a conceptual level only at the time of Design and Mitigation review	(90-100% Design)	Review of Design and Mitigation Conditions required to be met prior to Building Permit issuance

*Anticipated. Design phasing is under control of applicant. In the event of a conflict between the stated design phase and the City's overlay permit phase, CAC involvement occurs at the time of the identified City permit phase.

2. **Timing of CAC Involvement.**
   a. General. CAC involvement in each design phase should occur early in the process and shall be coordinated, to the extent feasible, with other public outreach opportunities that are either required by the City's applicable permit process, or are undertaken by the regional transit authority as part of its design process. It is the intent of LUC 20.25M.035 to consolidate CAC involvement with existing outreach activities, and to avoid duplication or sequential outreach that can result in confusion for the public and delays in the project.
   b. Coordinated with Regional Authority Outreach. Where CAC involvement is coordinated with the regional transit authority's design process, notice of such CAC meeting may be combined with publications required pursuant to LUC Section 20.35.035.B. The regional transit authority shall demonstrate compliance with the CAC involvement requirements of this section, and shall provide to the City a copy of all written comments received by the regional transit authority during the CAC involvement process for including in the permit file.
   c. Consolidation of Review Phases. A final plan for involvement of a CAC in the RLRT System or Facility design process shall be developed by staff in consultation with the CAC and regional transit authority after a CAC is formed and its members approved by the City Council as set forth in 20.25.035.B. The final plan may allow for consolidation or modification of the timing of CAC review phases as appropriate to meet the objectives of this Part and as agreed to by the CAC, the City and the regional transit authority.

3. **CAC Work Product.**
   a. General. The work of the CAC at each review stage shall culminate in a CAC Advisory Document that describes the phase of review and CAC feedback consistent with the CAC scope of review described in this Section. City staff will support the CAC preparation of this work product. Except as otherwise provided, the CAC will work with City staff on the appropriate level of detail and content.
   b. Design Development Review Phase. The CAC shall produce a written Advisory Document during the Design Development Review Phase that includes advice and feedback regarding consistency of the project with the policy and regulatory guidance of paragraph 20.25M.035.E below and Sections 20.25M.040 and 20.25M.050 of this Part. The CAC may include advice to the Director regarding

departures from the Overlay requirements which should be considered in order to achieve a context-sensitive outcome. The Advisory Document required by this paragraph shall be considered in any written recommendation of the Director (CUP) or decision of the Director (Process II). Departures by the Director from specific recommendations included within the CAC's Advisory Document shall be limited to those instances where the Director determines that the departure is necessary to ensure that the RLRT Facility or System is consistent with: (i) Applicable Policy and Regulatory Guidance contained in LUC 20.25M.035.E; (ii) Authority granted to the CAC pursuant to this section LUC 20.25M.035; (iii) SEPA conditions or other regulatory requirements applicable to the RLRT System or Facility; or (iv) state or federal law. Departures from the CAC Advisory Document shall be addressed in the recommendation or decision by the Director, and rationale for the departures shall be provided.

E. Applicable Policy and Regulatory Guidance

1. **Guidance for Evaluating Context Sensitivity.** Advice provided by the CAC shall be objectively based upon the policies, regulations, guidelines and other documents adopted for the RLRT System and Facility to ensure that the final project is designed to achieve a context sensitive outcome. The following documents shall be used to guide work product development by the CAC as described in LUC 20.25M.035.D:
    a. Light Rail Best Practices Report and other relevant Comprehensive Plan and Subarea Plan policies, including without limitation those set forth in 20.25M.010.B.7.; and
    b. Bellevue Land Use Code Part 20.25M sections
        i. 20.25M.040; and
        ii. 20.25M.050.

2. **Meeting Operations.** The meetings of the CAC and documents developed through the process shall operate and be managed consistent with the applicable requirements of the Open Public Meetings Act (Chapter 43.20 RCW) and the Public Records Act (Chapter 42.56 RCW). Meetings of any CAC formed pursuant to this section, where not otherwise combined with other public outreach efforts, shall generally follow Robert's Rules of Order.

20.25M.040 RLRT System and Facilities Development Standards

A. Purpose and Applicability. The RLRT System and Facilities are a unique form of Essential Public Facility that is linear in nature, passing through numerous land use and overlay districts, following a route into and out of Bellevue that connects multiple jurisdictions

and regional employment and cultural centers. The purpose for including Development Standards in the Light Rail Overlay is to provide specific requirements for mitigation of impacts created by a RLRT System or Facility in land use districts where overlay requirements do not exist or where overlay requirements did not contemplate a light rail use. These standards will be applied during permit review required pursuant to LUC 20.25M.030. The CAC that is required pursuant to LUC 20.25M.035 should advise Sound Transit and the City regarding provisions contained in this section when a finding of context sensitivity is required.

B. Dimensional Requirements

1. Height Limitations – Determined Based on Use Approval Process.
   a. Use Approved through Development Agreement. When a RLRT System or Facility use has been permitted outright in a City Council resolution, ordinance, or development agreement pursuant to LUC 20.25M.030.B.1, the heights approved by Council action shall be permitted.
   b. Use Approved through Conditional Use Permit. When a RLRT System or Facility use has not been permitted outright in a City Council resolution, ordinance, or development agreement and requires approval of a Conditional Use Permit pursuant to LUC 20.25M.030.B.2, a request to exceed the height limit for the underlying land use district shall be processed consistent with the provisions of LUC 20.20.350.C.5.
   c. Under both 20.25M.040.B.1.a & b. , where the RLRT System or Facility is proposed to exceed the height limit of the underlying land use district, the Regional Transit Authority must demonstrate:
      i. The requested increase is the minimum necessary for the effective functioning of the RLRT Facility; and
      ii. Visual and aesthetic impacts associated with the RLRT Facility have been mitigated to the greatest extent feasible.
   d. In a RLRT transition area, the applicable setback requirement in LUC 20.25M.040.B.2 shall be increased by 4 feet for every 1 foot of increase above the height limit for the underlying land use district. The increased setback shall apply to a point of 50 feet in either direction beyond the point at which the RLRT Facility exceeds the underlying height limit.

2. Setbacks.
   a. Requirement. The minimum setback for structures shall apply as set forth for each land use district. In a RLRT transition area, a 30 foot setback is also required from RLRT Facility structures and from at-grade or elevated track.

b. Exceptions. The following RLRT Facility components are excepted from the requirement to provide a setback.
   i. Noise walls, fences and retaining walls; and
   ii. Structures allowed in landscape screening areas and installed consistent with the requirements of LUC 20.25M.040.C.3.b.

3. Structure Separation Requirement. In a RLRT transition area, for at grade or elevated track, a minimum separation of 60 feet is required between the edge of the track-way nearest the existing residential primary structure and an existing residential primary structure.
4. Measurement. Unless otherwise specifically stated, the measurements for the required primary residential structure separation and setbacks shall be made from the track-way edge that is located nearest to the property to which the setback or primary residential structure separation is applied; provided that where agreed by the affected property owner, the setback may be measured to the line of a permanent easement granted to the regional transit authority for the purposes of providing separation and area for the landscape screening or buffer required in this Part.

C. Landscape Development Requirements

1. General.
   a. Applicability. In Light Rail Overlay District areas located within the underlying Downtown Overlay District (Part 20.25A LUC) or the Bel-Red Overlay District (Part 20.25D LUC), landscape development for a RLRT System or Facility shall be provided pursuant to the requirements of such underlying district; provided, however, that the Landscape Development Requirements below shall apply to the RLRT transition area along Main Street in the Downtown Overlay District. In Light Rail Overlay District areas not located within the Downtown Overlay District or Bel-Red Overlay District, landscape development for a RLRT System or Facility shall be provided as described in this paragraph.
   b. Purpose/Intent of the Landscape Development Requirements.
      i. Landscape Screening is intended to provide a dense sight barrier to significantly separate and obscure higher intensity uses from lower intensity uses.
      ii. Landscape Buffers are intended to provide visual relief and softening of transportation facilities where preservation of sight lines is important.

c. Additional Provisions.

i. All required landscape development shall be context sensitive and shall be reviewed by the CAC as provided for in LUC 20.25M.035.

ii. RLRT Systems and Facilities proposed under the terms of this Overlay should to the maximum extent feasible retain existing significant vegetation in order to soften the visual impact on adjacent properties.

iii. All landscape screening and buffers shall comply with the provisions contained in LUC 20.20.520.F.5 through 8, 20.20.520.G, and 20.20.520.I through J.

iv. Landscape development required by this section shall be installed and maintained pursuant to the guidance set forth in the Environmental Best Practices & Design Standards (Bellevue Parks Department 2006), now or hereafter amended.

2. Landscape Screening of Non-Linear Facility Components.

a. Type and Minimum Depth of Landscaping Screening.

i. Traction Power Substations (TPSS) and other above ground non-linear RLRT facility components shall be screened with 10 feet of Type I landscaping pursuant to the requirements of LUC 20.20.520.G.1.

ii. Park and Ride (public parking lot not serving a primary use) and Storage Track and Support Facilities shall be screened with 15 feet of Type I landscaping pursuant to the requirements of LUC 20.20.520.G.1.

b. Maintenance of Landscape Screening. Landscape screening is required to be maintained by the regional transit authority for the life of the project. Maintenance of landscape screening may be reassigned pursuant to voluntary written agreement filed with the Development Services Department and King County Record's Office or its successor agency.

3. Landscape Screening and Buffers adjacent to Linear Alignment.

a. Type and Minimum Depth of Landscape Screening and Buffers.

i. Light rail alignment abutting transportation right of way shall include frontage landscaping to soften, and separate where feasible, pedestrian facilities from light rail and transportation uses.

(1) Pedestrian facilities located between the light rail use and the transportation right of way shall be buffered with four feet of frontage landscaping installed in a planter strip pursuant to the following standards:

(a) Preferred location of the planter strip is between the light rail alignment and the sidewalk, but may be relocated to

the opposite edge of the sidewalk to avoid conflicts between required street trees and the light rail overhead catenary system or underground utilities.

(b) Street trees shall be installed in the planter strip and shall be at least three inches in caliper, planted three feet from any street curb, and a maximum of 25 feet on center unless modification is necessary to meet sight distance requirements of BCC 14.60.240.

(c) Shrubbery, groundcover and other approved plantings, except turf, are required in the planter strip along the length of the frontage.

(2) Pedestrian facilities located between the light rail use and property developed in a non-residential or residential use shall be buffered with four feet of frontage landscaping installed in a planter strip pursuant to the following standards:

(a) Preferred location of the planter strip is between the light rail alignment and the sidewalk, but may be relocated to the opposite edge of the sidewalk to avoid conflicts between required street trees and the light rail overhead catenary system or underground utilities.

(b) Planter strips located adjacent to landscape screening required pursuant to paragraphs 3.a.ii and iii below are not required to be physically separated from the required landscape screening area.

(c) The requirements of paragraph 3.a.i.(1)(b) through (d) shall be met irrespective of the planter strip location.

ii. Outside a RLRT transition area, light rail alignment abutting private property shall be screened with 20 feet of Type I landscaping which meets the requirements of LUC 20.20.520.G.1.

iii. Within a RLRT transition area, light rail alignment abutting private property shall be screened with 30 feet of Transition Area Design District landscaping which meets the planting requirements of LUC 20.25B.040C.2.c. Landscape screening provided under the terms of this paragraph shall be placed within the required 30 foot setback from the RLRT track alignment.

b. Non-Plant Material Allowed in Landscape Buffer and Screening Areas. Fences, walls, noise attenuation barriers, sidewalks and multi-purpose paths, structures with a footprint of 100 sf or less and less than 10 feet in height, and landscape features such as decorative paving, grating, sculptures, or rock

may be located within a required landscape buffer or screening area, provided that the area devoted to such a feature may not exceed 20 percent of the required area.

c. Ownership of Landscape Screening. Landscape screening located within the required 30 foot setback from the RLRT track alignment is owned by the regional transit authority. The landscape screening located outside the required setback from the RLRT track alignment may be located on property owned in fee by a regional transit authority, on an easement, or on private property where access entry was secured for landscape installation.

d. Maintenance of Landscape Screening. Landscape screening is required to be maintained by the regional transit authority for the life of the project. Maintenance of landscape screening may be reassigned to the underlying property owners pursuant to a voluntary written agreement filed with the Development Services Department and King County Record's Office or its successor agency.

4. Alternative Landscape Option.

a. Alternative landscape screening and buffering requirements may be approved by the Director if the requirements of LUC 20.20.520.J and the following supplemental requirements are met, when applicable.

i. Alternative Landscape Screening of Non-Linear RLRT Facility Components. The landscape development requirement for TPSS and other above ground non-linear RLRT facilities structures may be reduced, eliminated or modified by the Director when topography and/or existing vegetation provide adequate sight screening to meet the intent of these standards, or when the TPSS is located within a building or walled enclosure that provides a context sensitive alternative and such modification is reviewed by the CAC.

ii. Alternative Landscape Screening for linear alignment outside a RLRT transition area. The required screening depth may be reduced subject to agreement of the abutting property owners filed with the Development Services Department and recorded with the King County Recorder's Office or its successor agency.

iii. Alternative Landscape Screening for linear alignment within a RLRT transition area. The required screening depth shall not be reduced through the Alternative Landscape Option or the administrative modification provisions of LUC 20.25M.060.

D. Fencing

Fencing shall be required to meet the applicable requirements of LUC 20.20.400 when Overlay standards and/or design guidelines have not been incorporated by reference in LUC 20.25M.010.D. Any fencing shall be context sensitive.

E. Light and Glare

1. To protect adjoining uses and vehicular traffic in the right-of-way, the following provisions shall apply to the generation of light and glare from RLRT Facilities:
    a. All exterior lighting fixtures in parking areas and driveways shall utilize cutoff shields or other appropriate measures to conceal the light source from adjoining uses and rights-of-way. Other lights shall be designed to avoid spillover glare beyond the site boundaries.
    b. Interior lighting in parking garages shall utilize appropriate shielding to prevent spillover upon adjacent uses and the right-of-way.

F. Mechanical Equipment

Mechanical equipment shall be required to meet the applicable requirements of LUC 20.20.525 when Overlay standards and/or design guidelines have not been incorporated by reference in LUC 20.25M.010.D. Any mechanical equipment screening shall be consistent with the Landscape Development requirements of LUC 20.25M.040.C and shall be context sensitive.

G. Parking and Circulation

1. Minimum/Maximum Parking Requirements. RLRT Facilities do not generate parking demand that requires the provision of accessory parking. The provisions of 20.20.590 shall not apply.
2. Employee Vehicle Parking. Parking spaces shall be provided as necessary to accommodate vehicles of security and operational personnel who service a RLRT Facility.
3. Parking and Circulation Improvements and Design. RLRT facilities that provide parking for the public shall meet the requirements of LUC 20.20.590.K.
4. Parking Management Plans. The Regional Transit Authority shall submit a plan for managing parking and drop-off issues that arise when each station becomes operational, irrespective of whether parking is provided.

H. Recycling and Solid Waste Collection

1. Solid waste and recyclable material collection areas shall be provided for workers maintaining and operating an RLRT Facility consistent with the terms of LUC 20.20.725.
2. Solid waste and recyclable material collection receptacles shall also be provided for the public who access the station and park and ride facilities of a RLRT System.

I. Critical Areas

1. General. Pursuant to LUC 20.25M.010.D.1.f, the provisions of the Critical Areas Overlay Part 20.25H apply except as modified pursuant to the provisions of this paragraph or LUC 20.25M.060.
2. No Technically Feasible Alternative - Determined Based on Use Approval Process.
   a. Use Approved through Development Agreement. A regional transit authority is not required to demonstrate that no technically feasible alignment or location alternative with less impact exists for any RLRT Facility, provided that the alignment location and profile of the RLRT System or Facility use has been approved by the City Council pursuant to an adopted resolution or ordinance, or by a development agreement consistent with the terms of LUC 20.25M.030.B.1.
   b. Use Approved through a Conditional Use Permit. When a RLRT System or Facility use has not been permitted outright in a City Council resolution or ordinance, or by a development agreement and requires approval of a Conditional Use Permit pursuant to LUC 20.25M.030.B.2, the regional transit authority shall demonstrate that no technically feasible alignment or location alternative with less impact exists as required by the terms of LUC 20.25H.055.C.2.

J. Use of City Right of Way. No at-grade RLRT Facility or System shall be permitted in the City of Bellevue rights-of-way without prior City approval.

20.25M.050 Design Guidelines

A. **Design Intent.** Land Use Code sections 20.25M.030.B and C require City permit approvals to be consistent with the Comprehensive Plan including Light Rail Best Practices which emphasizes the need for context sensitivity in design. Paragraph 20.25M.050.B is intended to provide guidance to any CAC formed pursuant to LUC 20.25M.035.B regarding the existing and planned contexts within which RLRT Systems or Facilities are proposed. The information contained in this paragraph is intended to provide a framework for the CAC's work, and to help the CAC determine whether a context sensitive outcome has been achieved through the incorporation of location-appropriate design features in required light rail permits.

B. **Context and Design Considerations – By Subarea.** The RLRT Systems or Facilities proposed within the following subareas of the City should respond to the contextual considerations identified below:

1. Southwest Bellevue Subarea. In addition to complying with all applicable provisions of the Southwest Bellevue Subarea Plan, the design intent for the RLRT System and Facility segment that passes through this subarea is to contribute to the major City gateway feature that already helps define Bellevue Way and the 112th Corridor. The RLRT System or Facility design should reflect the tree-lined boulevard that is envisioned for the subarea, and where there are space constraints within the transportation cross section, design features such as living walls and concrete surface treatments should be employed to achieve corridor continuity. The presence of the South Bellevue park and ride and station when viewed from the neighborhood above and Bellevue Way to the west, as well as from park trails to the east, should be softened through tree retention where possible and enhanced landscaping and "greening features" such as living walls and trellises. Design features for the alignment passing through this subarea and for the East Main Station should include landscaping that provides dense screening when viewed from residential areas and visual relief along transportation rights-of-way while maintaining sightlines that ensure user safety. Design features should be incorporated to discourage vehicular drop-off activities adjacent to the single family areas. The character of this area is defined by:
   a. The expansive Mercer Slough Nature Park;
   b. Historic references to truck farming of strawberries and blueberries;
   c. Retained and enhanced tree and landscaped areas that complement and screen transportation uses from residential and commercial development; and
   d. Unique, low-density residential character that conveys the feeling of a small town within a larger City.

2. Downtown Subarea. In addition to complying with all applicable provisions of the Downtown Subarea Plan, the design intent for the RLRT System and Facility segment that passes through this subarea is to enhance Downtown Bellevue's identity as an urban center that serves as the residential, economic, and cultural heart of the Eastside. The above-ground expression of the Downtown Station is envisioned as a highly utilized urban "place" with an architectural vocabulary that not only reflects and communicates the high quality urban character of Downtown as a whole, but also complements the immediately adjacent civic center uses including Bellevue City Hall, Meydenbauer Convention Center, the Transit Center, Pedestrian Corridor, and the Downtown Art Walk. The alignment crossing over I-405 will be prominent to

visitors entering, leaving, and passing through the Downtown, and its design should be viewed as an opportunity to create a landmark that connects Downtown Bellevue with areas of the City to the east. The station and freeway crossing should reflect Bellevue's branding, and should be comfortable and attractive places to be and experience, with high quality furnishings and public art that capitalizes on place-making opportunities. The character of this area is defined by:

a. Private entertainment and cultural attractions;
b. High quality urban amenities such as pedestrian oriented development and weather protection that encourages people to linger and not just pass through;
c. High rise buildings that attract a creative and innovative work force;
d. Multifamily developments that attract urban dwellers that are less tied to their vehicles to accomplish day-to-day tasks;
e. Great public infrastructure including roadways, transit and pedestrian improvements, parks and public buildings; and
f. Stable property values that make it a desirable place for businesses to locate and invest.

3. Wilburton/NE 8th Street Subarea. In addition to complying with all applicable provisions of the Wilburton/N.E. 8th Street Subarea Plan, the design intent for the RLRT System and Facility segment that passes through this subarea is to focus on the Hospital Station's role as a gateway location to points east of Downtown on to Bel-Red and beyond. The alignment crossing over I-405 should create a cohesive connection between the Downtown and hospital stations, but the hospital station itself should have its own identity. With significant ridership anticipated to be generated from the Medical Institution District to the west, the Hospital station should take design cues from the hospital, the ambulatory health care center, and the medical office buildings that were designed to be responsive to the Medical Institution Design Guidelines that are shaping the character of this area. The character of this area is emerging and design guidelines envision an area defined by:

a. Outdoor spaces that promote visually pleasing, safe, and healing/calming environments for workers, patients accessing health care services, and visitors;
b. Buildings and site areas which include landscaping with living material as well as special pavements, trellises, screen wall planters, water, rock features, art, and furnishings;
c. Institutional landmarks that convey an image of public use and provide a prominent landmark in the community; and
d. Quality design, materials, and finishes to provide a distinct identity that conveys a sense of permanence and durability.

4. Bel-Red Subarea. In addition to complying with all applicable provisions of the Bel-Red Subarea Plan, the design intent for the RLRT System and Facility segment that passes through this subarea is to foster a new path for Bel-Red that is directed toward a model of compact, mixed use, and "smart growth" that represents a departure from the area's historic industrial roots. The 2013 context provides only glimpses of the future that is envisioned for this area. As a result, the public investment in light rail infrastructure provides an opportunity to reinforce the future outcomes that are desired for the area. The desired future character of this area is undefined by current development, but the Bel-Red subarea plan envisions a condition that is defined by:
   a. A thriving economy anchored by major employers, businesses unique to the subarea, and services important to the local community;
   b. Vibrant, diverse, and walkable neighborhoods that support housing, population, and income diversity;
   c. A comprehensive and connected parks and open space system;
   d. Environmental improvements resulting from redevelopment;
   e. A multimodal transportation system;
   f. An unique cultural environment;
   g. Scale of development that does not compete with Downtown, and provides a graceful transition to residential areas farther to the east; and
   h. Sustainable development using state of the art techniques to enhance the natural and built environment and create a livable community.

C. **Additional General Design Guidelines.**

1. In all land use districts, any RLRT System or Facility should use context sensitive design to integrate above-grade project components into the community. This includes, but is not limited to the following:
   a. Incorporation of superior urban design, complementary materials, and public art into significant project components;
   b. Use of landscaping, material, or finish treatments that soften the appearance and perception of significant structural or concrete elements;
   c. Incorporation of durable materials to ensure that facilities retain their appearance, functionality, and community value over time; and
   d. Context sensitive design considerations shall include building materials and texture, building scale relative to nearby structures, and relationship to streets and adjacent uses.
2. Additional Design Guidelines for Specific RLRT Facilities. In all land use districts, the following design guidelines shall apply to the specific RLRT Facilities noted below;

   a. Station design should provide, create, or promote:

i. Access and linkages to the surrounding community;
ii. Weather protection, including rain, wind, and sun protection, with overhead weather protection covering not less than 30% of the platform area;
iii. A place that works for both large and small numbers of people; and
iv. Design that encourages social interaction among people.

v. Design that uses available technology to deter crime. Examples include:
(1) Visibility of station platform from adjacent streets and parking;
(2) Open and well-lighted pedestrian connections to parking and adjacent community;
(3) Video surveillance on station platforms and trains; and
(4) Establishing and enforcing a fare-paid zone for station platforms.

vi. Station design should facilitate transfers between different modes of transportation with an emphasis on safety for people transferring between the station platform and the various modes. This should include, where appropriate, well-lighted and secure storage sufficient to accommodate a range of modes (e.g., bicycles and other small motorized and non-motorized vehicles).

b. Traction power substations shall be sited, screened, and/or incorporate architectural materials and treatments to minimize visual and operational impacts to surrounding uses.

c. Ventilation structures shall incorporate context sensitive design that shall incorporate appropriate building materials and texture, building scale relative to nearby structures, and relationship to streets and adjacent uses.

d. Signs shall comply with the Bellevue Sign Code (Chapter 22B.10 BCC); provided, that departures from the specific requirements of Chapter 22B.10 BCC may be allowed if approved by the Director as part of a master signage plan for an RLRT System.

e. Retaining walls, acoustical barriers, tunnel portals and other concrete and masonry structures of a similar nature shall, as appropriate, be screened by landscaping, textured, or incorporate artwork.

f. Signal bungalows shall provide innovative façade treatments, e.g. artistic anti-graffiti laminate wraps, as approved by the director.

h. Straddle-bents. Straddle bents are discouraged except where necessary for the effective functioning of the RLRT Facility or where other right-of-way operational or safety considerations necessitate straddle bent use.

i. Crossovers. Crossovers shall not be permitted within a RLRT transition area except where necessary for the effective functioning of the RLRT Facility, and in such case

shall be located in the area with the least impact to private property developed in a residential use.

20.25M.060. Administrative Modification Process

A. Purpose. Due to the unique nature of a Regional Light Rail Transit System and its Facilities, strict application of LUC provisions will not always be practical or feasible.

B. Decision Criteria. The City, including the Director, may approve or approve with conditions a modification or waiver of a provision from the provisions of the Land Use Code if the following criteria have been met:

1. The modification or waiver is the minimum reasonably necessary in accordance with "Light Rail Best Practices " report to make construction or operation of the RLRT Facility or RLRT System practicable and feasible; or

2. The modification or waiver is reasonably necessary to implement or ensure consistency with other related actions approved by the City Council with respect to the RLRT Facility or RLRT System including Development Agreement modifications, cost saving alternatives, or Street Design Standards amendments.

C. Limitation on Authority. The Director may not grant a modification or waiver to:

1. The provisions of LUC 20.10.440 or parts contained in Chapter 20.25 LUC, establishing the allowable uses in each land use district; or

2. The provisions of Chapters 20.30 and 20.35 LUC or section LUC 20.25M.030 or any other procedural or administrative provision of the Land Use Code; or

3. Any provisions of the Land Use Code or this Overlay which, by the terms of the code or overlay, is specifically identified as not subject to modification or waiver, unless such modification is necessary to comply with the terms of paragraph B.2 of this section.

Section 2. Severability. Should any provision of this ordinance or its application to any person or circumstance be held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances shall not be affected.

Section 3. This ordinance shall take effect and be in force five (5) days after adoption and legal publication.

1324-ORD
02/27/13

ORIGINAL

Passed by the City Council this 25th day of February, 2013 and signed in authentication of its passage this 27th day of February, 2013.

(SEAL)

Conrad Lee, Mayor

Approved as to form:

Lori M. Riordan, City Attorney

Mary Kate Berens, Deputy City Attorney

Attest:

Myrna L. Basich, City Clerk

Published February 28, 2013.