

# ATTACHMENT B

## Matrix of Land Use Code (LUC) Provisions Applicable to Light Rail

| Applicable LUC Provisions                                   | Summary of Current Applicability to Light Rail   | Incorporation into Overlay   | Comments   |
|---|--|--|--|
| <b>Land Use District Descriptions</b><br><b>Ch. 20.10</b>   | <ul style="list-style-type: none"> <li>• Describes districts light rail passes through</li> <li>• Sets context for determining consistency with decision criteria and design guidelines</li> <li>• Consistent with state law, Light Rail is an Essential Public Facility (EPF) and the Land Use Code allows EPF through CUP process in all land use districts</li> </ul>   | Yes – Land Use District Descriptions incorporated by reference. See Draft Overlay section: <ul style="list-style-type: none"> <li>• 20.25M.010.D.1.a</li> </ul>  |  |
| <b>General Development Requirements</b><br><b>Ch. 20.20</b> |  |  |  |
| <b>Dimensional Requirements</b><br><b>20.20.010</b>         | <ul style="list-style-type: none"> <li>• Dimensional chart sets forth requirements for each LU district (except Downtown and Bel-Red)</li> <li>• Height limits apply to Light Rail, but could be modified through EPF approval process</li> <li>• Setbacks would apply to certain Light Rail components located outside of the right of way</li> <li>• Dimensional requirements for minimum lot area, dwellings units per acre, lot dimensions, lot coverage by structures, maximum</li> </ul> | Yes - Applicable dimensional requirements included and/or tailored to light rail. See Draft Overlay sections regarding:<br><br><u>Height Limits</u> <ul style="list-style-type: none"> <li>• 20.25M.040.A.1</li> <li>• 20.25M.010.D.1.b.i</li> </ul><br><u>Setbacks</u> <ul style="list-style-type: none"> <li>• 20.25M.040.A.2</li> </ul> | <ul style="list-style-type: none"> <li>• Applicable dimensional requirements identified with specificity to provide certainty and predictability in LUC requirements (MOU Paragraph 6.1)</li> </ul> <b>Council Direction Needed</b> on Height Limits and Setbacks – refer to Draft Overlay for options at 20.25M.040.A.1 and A.2. <ul style="list-style-type: none"> <li>• Code conflict with height limit identified for South Bellevue Park and Ride and Hospital Station</li> </ul> |

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|   | <p>impervious surface and greenscape are inapplicable to linear infrastructure and development located in City right of way</p>   |  | <ul style="list-style-type: none"> <li>• Early code conflict resolution would result in predictability and cost savings during design development</li> </ul>  |
| <p><b>Essential Public Facilities (EPF) 20.20.350</b></p> | <ul style="list-style-type: none"> <li>• EPF general provisions would apply to Light Rail if the Land Use Code were not specifically amended to “identify and regulate” the use</li> </ul>  | <p>No – Overlay would supplant general EPF provisions with more specific controls. See Draft Overlay section:</p> <ul style="list-style-type: none"> <li>• 20.25M.010.D.4</li> </ul> | <ul style="list-style-type: none"> <li>• The terms of LUC 20.20.350.A provide that EPF specifically identified and regulated in the use charts are not subject to the general EPF provisions of this section</li> </ul>   |
| <p><b>Fences 20.20.400</b></p>                            | <ul style="list-style-type: none"> <li>• General fence provisions apply outside of Overlay Districts such as Downtown or Bel-Red</li> <li>• Applicable provisions would prohibit any fences from creating sight obstruction</li> <li>• Building permits would be required for fences over 8 feet</li> <li>• Limitations on barbed wire and electric fences would apply</li> </ul> | <p>Yes – General fence provisions incorporated by reference. See Draft Overlay section:</p> <ul style="list-style-type: none"> <li>• 20.25M.040.C</li> </ul>                         | <ul style="list-style-type: none"> <li>• Overlay fills existing gap by applying fence standards throughout the Light Rail Overlay</li> <li>• Fencing would not be permitted in front of required landscaping</li> </ul>   |
| <p><b>Landscape Development 20.20.520</b></p>             | <ul style="list-style-type: none"> <li>• General landscape development provisions apply outside of Overlay Districts such as Downtown and Bel-Red and outside of the right of way</li> <li>• Screening would apply to non-linear Light Rail facilities (such as traction power substations)</li> <li>• Parking lot landscaping would apply to park and ride lots</li> </ul>       | <p>Yes – Applicable landscape development provisions incorporated by reference. See Draft Overlay sections:</p> <ul style="list-style-type: none"> <li>• 20.25M.040.B</li> </ul>     | <ul style="list-style-type: none"> <li>• Applicable landscape development provisions identified with specificity to provide certainty and predictability in LUC requirements (MOU Paragraph 6.1)</li> <li>• Landscape screening requirements do not apply to linear track portions of Light Rail. Those portions are treated like city streets, with specific frontage</li> </ul> |

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|  | <ul style="list-style-type: none"> <li>Landscaping maintenance obligations would apply</li> </ul>   |  | planting requirements contained in the Transportation Design Manual  |
| <b>Light and Glare</b><br><b>20.20.522</b>         | <ul style="list-style-type: none"> <li>Light and glare provisions protect adjoining uses and vehicular traffic in the right of way</li> <li>Limitations on generation of light and glare would apply to Light Rail facilities located in multifamily and commercial land use districts</li> </ul>   | Yes – Light and glare limitations included. See Draft Overlay section: <ul style="list-style-type: none"> <li>20.25M.040.D</li> </ul>                      | <ul style="list-style-type: none"> <li>Overlay fills an existing gap by extending light and glare limitations to Light Rail facilities in every land use district</li> </ul>   |
| <b>Mechanical Equipment</b><br><b>20.20.525</b>    | <ul style="list-style-type: none"> <li>Mechanical equipment provisions ensure that installations do not detract from the appearance of a building</li> <li>Mechanical equipment provisions would require appropriate integration and screening of equipment associated with light rail facilities</li> <li>Applies to mechanical equipment located only outside the right of way</li> </ul> | Yes – Mechanical equipment provisions incorporated by reference. See Draft Overlay section: <ul style="list-style-type: none"> <li>20.25M.040.E</li> </ul> | <ul style="list-style-type: none"> <li>Overlay fills an existing gap by extending mechanical equipment screening requirements to Light Rail facilities in every land use district and to any equipment located in the right of way</li> </ul>          |
| <b>Parking and Circulation</b><br><b>20.20.590</b> | <ul style="list-style-type: none"> <li>These provisions contain applicable standards and design requirements for parking that is accessory to a principle use</li> <li>Commuter support facilities do not create demand for accessory</li> </ul>  | Yes – Applicable parking and internal circulation and design provisions are included or incorporated by reference. See Draft Overlay section:              | <ul style="list-style-type: none"> <li>Applicable parking and circulation requirements identified with specificity to provide certainty and predictability in LUC requirements (MOU Paragraph 6.1)</li> <li>Overlay provisions clarify that</li> </ul> |

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|  | <ul style="list-style-type: none"> <li>parking, and minimum/maximum parking requirements would not apply</li> <li>Park and ride facilities would be required to meet internal circulation and design standards</li> </ul>                                   | <ul style="list-style-type: none"> <li>20.25M.040.F</li> </ul>  | <ul style="list-style-type: none"> <li>minimum/maximum parking requirements for accessory parking to a principle use do not apply to Light Rail facilities.</li> <li>Overlay fills gap by requiring employee vehicle parking for maintenance and operation of Light Rail facilities</li> </ul> |
| <b>Recycling and Solid Waste Collection Areas 20.20.725</b>  | <ul style="list-style-type: none"> <li>The recycling and solid waste provisions require collections areas for workers</li> <li>No other requirement to provide garbage receptacles at station and park and ride locations</li> </ul>                        | <p>Yes – recycling and solid waste collection provisions incorporated by reference. See Draft Overlay section:</p> <ul style="list-style-type: none"> <li>20.25M.040.G</li> </ul>       | <ul style="list-style-type: none"> <li>Overlay fills gap by extending garbage and recycling receptacle requirement to stations and park and rides</li> </ul>   |
| <b>Special and Overlay Districts – Light Rail system is proposes to pass through all Overlay Districts identified in this matrix Ch. 20.25</b> |   |   |  |
| <b>Downtown Part 20.25A</b>  | <ul style="list-style-type: none"> <li>This Overlay contains procedural and substantive provisions governing development and activity in Downtown</li> <li>Height limits apply to Light Rail, but could be modified through EPF approval process</li> </ul> | <p>Partially – Procedural provisions are supplanted with more specific Light Rail Overlay use and design and mitigation permit procedures that would apply to the entire Light Rail</p> | <ul style="list-style-type: none"> <li>Design review is required for virtually all development in the Downtown Overlay</li> <li>Under the draft Overlay, the permit requirements would be expanded for Light Rail projects located in the Downtown to require use and</li> </ul>               |

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|   | <ul style="list-style-type: none"> <li>• Setbacks would apply to Light Rail</li> <li>• Dimensional requirements for building type and floor plates, maximum lot coverage and floor area ratio are inapplicable to linear infrastructure and development in the right of way</li> <li>• Applicable standards and guidelines would apply</li> </ul>   | <p>system. See Draft Overlay section:</p> <ul style="list-style-type: none"> <li>• 20.25M.030</li> </ul> <p>Applicable standards and design guidelines are incorporated by reference. See Draft Overlay section:</p> <ul style="list-style-type: none"> <li>• 20.25M.010.D.1.b</li> </ul>  | <p>mitigation review in addition to the more traditional review of design features</p> <ul style="list-style-type: none"> <li>• Light Rail use and Design and Mitigation review will be consistent across the entire system rather than being determined according to the underlying land use district procedural provisions</li> </ul>   |
| <p><b>Transition Area Design District (TADD)</b><br/><b>Part 20.25B</b></p> | <ul style="list-style-type: none"> <li>• This Overlay is intended to provide a buffer between single family land use districts and land use districts which permit development of a higher intensity</li> <li>• This Overlay contains procedural and substantive provisions governing development and activity in the Transition Areas</li> <li>• Very limited areas of transition exist on the Light Rail alignment, so standards and design guidelines would apply in only limited circumstances (East Main Station)</li> </ul> | <p>Partially – Procedural provisions are supplanted with more specific Light Rail Overlay use and design and mitigation permit procedures that would apply to the entire Light Rail system. See Draft Overlay section:</p> <ul style="list-style-type: none"> <li>• 20.25M.030</li> </ul> <p>Applicable standards and design guidelines are incorporated by reference. See Draft Overlay section:</p> <ul style="list-style-type: none"> <li>• 20.25M.010.D.1.c</li> </ul> | <ul style="list-style-type: none"> <li>• Design review is required for development in the TADD</li> <li>• Under the draft Overlay, the permit requirements would be expanded for Light Rail projects located in the TADD to require use and mitigation review in addition to the more traditional review of design</li> <li>• Light Rail use and Design and Mitigation review will be consistent across the entire system rather than being determined according to the underlying land use district procedural provisions</li> </ul> |
| <p><b>Bel-Red</b><br/><b>Part 20.25D</b></p>                                | <ul style="list-style-type: none"> <li>• This Overlay contains procedural and substantive provisions governing development and activity in Bel-Red</li> <li>• Height limits apply to Light Rail, but could be modified through EPF</li> </ul>   | <p>Partially - Procedural provisions are supplanted with more specific Light Rail Overlay use and design and mitigation permit procedures that would</p>   | <ul style="list-style-type: none"> <li>• Design review is required for virtually all development in Bel-Red</li> <li>• Under the draft Overlay, the permit requirements would be expanded for Light Rail projects located in Bel-Red to require use and</li> </ul>  |

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|   | <p>approval process</p> <ul style="list-style-type: none"> <li>• Setbacks would apply to Light Rail</li> <li>• Dimensional requirements for tower type, building floor plates, maximum lot coverage and floor area ratio are inapplicable to linear infrastructure and development in the right of way</li> <li>• Applicable standards and guidelines would apply</li> </ul>  | <p>apply to the entire Light Rail system. See Draft Overlay section:</p> <ul style="list-style-type: none"> <li>• 20.25M.030</li> </ul> <p>Applicable standards and design guidelines are incorporated by reference. See Draft Overlay section:</p> <ul style="list-style-type: none"> <li>• 20.25M.010.D.1.d</li> </ul>   | <p>mitigation review in addition to the more traditional review of design</p> <ul style="list-style-type: none"> <li>• Light Rail use and Design and Mitigation review will be consistent across the entire system rather than being determined according to the underlying land use district procedural provisions</li> </ul>   |
| <p><b>Shoreline Overlay Part 20.25E</b></p> | <ul style="list-style-type: none"> <li>• This Overlay provides procedural and substantive provisions for mitigation for impacts associated with use and development within the Shoreline jurisdiction as it is defined in state law</li> <li>• Height limits apply to Light Rail, but could be modified through Shoreline Variance Process</li> <li>• Setbacks would apply to Light Rail</li> <li>• Showing of “no technically feasible alternative is required for EPF” currently implemented through Critical Areas Overlay</li> <li>• Applicable standards and guidelines would apply</li> </ul> | <p>Partially – amendments are recommended now to Shoreline provisions currently administered through the Critical Areas Code (see summary of Currently Applicable Provisions below). Applicable provisions are incorporated by reference. See Draft Overlay sections:</p> <ul style="list-style-type: none"> <li>• 20.25M.010.D.1.e</li> <li>• 20.25M.010.D.2.a and b</li> <li>• Conformance Amendments to 20.25H.055.B</li> </ul> | <ul style="list-style-type: none"> <li>• Amendments to the shoreline critical area provisions contained in the Critical Areas Overlay will be undertaken as part of the Light Rail Overlay amendment (Phase I amendment applicable to shoreline critical areas)</li> <li>• Amendments to the Shoreline Overlay provisions currently before the Planning Commission will be undertaken as Phase 2 amendments</li> </ul> |
| <p><b>Critical Areas Part 20.25H</b></p>    | <ul style="list-style-type: none"> <li>• This Overlay provides procedural and substantive provisions for mitigation of impacts to critical area function and values created</li> </ul>  | <p>Yes – amendments are required now to Shoreline Provisions currently administered through the</p>  | <ul style="list-style-type: none"> <li>• Amendments to the shoreline critical area provisions contained in the Critical Areas Overlay will be undertaken as part of the Light</li> </ul>   |

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|   | <p>by use and development in areas delineated as streams, wetlands, shorelines, geologic hazards (landslide areas and steep slopes), habitat associated with species of local importance and areas of special flood hazard</p> <ul style="list-style-type: none"> <li>• Setbacks would apply to Light Rail</li> <li>• Showing of “no technically feasible alignment or location alternative with less impact” is required for EPF</li> <li>• Applicable standards would apply</li> </ul>   | <p>Critical Areas Code. Applicable provisions are incorporated by reference. See Draft Overlay sections:</p> <ul style="list-style-type: none"> <li>• 20.25M.010.D.1.f</li> <li>• 20.25M.040.H</li> <li>• Conformance Amendments to 20.25H.055.B</li> </ul>  | <p>Rail Overlay amendment (Phase I amendment applicable to shoreline critical areas)</p> <ul style="list-style-type: none"> <li>• Removal of the requirement to demonstrate “no technically feasible alternative” is allowed by draft Light Rail Overlay provisions when the Council has adopted an ordinance, resolution or Development Agreement that identifies the Light Rail facility use location.</li> <li>• Removal of “no technically feasible alternative” requirement creates process predictability that removes risk and reduces cost</li> </ul> |
| <p><b>Permits and Decisions<br/>Ch. 20.30</b></p> | <ul style="list-style-type: none"> <li>• This chapter establishes the permits and criteria that are used by decision makers to review applications for use and development activity permits</li> <li>• Necessary permits for light rail would include: <ul style="list-style-type: none"> <li>○ Conditional Use Permit for EPF (Part 20.30B LUC)</li> <li>○ Shoreline Conditional Use Permit for EPF (Part 20.30C LUC)</li> <li>○ Design review in the Downtown, Transition Areas, OLB, and Bel-Red (Part 20.30F LUC)</li> </ul> </li> </ul> | <p>No – new permits and criteria are included in the Draft Light Rail overlay to:</p> <ul style="list-style-type: none"> <li>• Identify the Light Rail use alignment and facility locations through Council action</li> <li>• Review project design for compatibility with underlying LU district</li> <li>• Mitigate for project related impacts that are addressed by the Land Use Code (i.e., light and glare, critical areas, shorelines)</li> </ul> | <ul style="list-style-type: none"> <li>• Draft Light Rail Overlay section 20.25M.030 operationalizes terms of MOU Paragraph 6.1 by: <ul style="list-style-type: none"> <li>○ Allowing for certainty and predictability in land use code requirements and processes</li> <li>○ Allowing for Council adoption of a Development Agreement</li> <li>○ Accommodating Light Rail use through a consolidated permitting process</li> <li>○ Allowing for extended vesting</li> </ul> </li> </ul>  |

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|   | <ul style="list-style-type: none"> <li>○ Variance to the Shoreline Master Program (Part 20.30H LUC)</li> <li>○ Critical Areas Land Use Permit (Part 20.30P LUC)</li> <li>○ Shoreline Substantial Development Permit (Part 20.30R)</li> </ul>  | <ul style="list-style-type: none"> <li>● Provide for a “certainty and predictability in the processing and permitting</li> <li>● Allow for Council to enter into Development Agreement including extended vesting</li> </ul> <p>See Draft Overlay section:</p> <ul style="list-style-type: none"> <li>● 20.25M.030</li> <li>● 20.25M.010.D.2.a and b</li> </ul>              |   |
| <p><b>Review and Appeal Procedures</b><br/><b>Ch. 20.35</b></p> | <ul style="list-style-type: none"> <li>● This chapter establishes the standards procedures that are used for decision-making on a permit application.</li> <li>● Procedures used for above-reference permits necessary for light rail would include: <ul style="list-style-type: none"> <li>○ Process I Hearing Examiner Quasi-Judicial decision required for EPF Conditional Use and Shoreline Conditional Use Permit (LUC 20.35.100 - .150)</li> <li>○ Process II Administrative Decision for Design Review in applicable Overlay Districts, Variance to Shoreline Master Program, Critical Areas Land Use Permit, and Shoreline Substantial Development</li> </ul> </li> </ul> | <p>Yes – Review and Appeal Procedures are incorporated by reference, but the Draft Light Rail Overlay reduces the number of permits (see Permits and Decisions section above) and fills gaps in process application by applying consolidated permit requirements.</p> <p>See Draft Overlay section:</p> <ul style="list-style-type: none"> <li>● 20.25M.010.D.2.c</li> </ul> | <ul style="list-style-type: none"> <li>● Draft Light Rail Overlay section 20.25M.030 fills procedural gaps by applying consolidated permit requirements to entire Light Rail overlay irrespective of whether the underlying Land Use District requires use, design, or mitigation review.</li> <li>● Draft Light Rail Overlay section 20.25M.010 operationalizes terms of MOU Paragraph 6.1 by: <ul style="list-style-type: none"> <li>○ Allowing for certainty and predictability in land use code processes</li> <li>○ Accommodating Light Rail use through a consolidated permitting process</li> </ul> </li> <li>● Responds to Council direction from September 17 to provide a two process path in the Light Rail</li> </ul> |

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|   | Permit   |   | Overlay for identification of the use location  |
| <b>Administration and Enforcement Ch. 20.40</b> | <ul style="list-style-type: none"> <li>• This chapter sets forth the provisions for interpretation, general administration and enforcement of the Land Use Code</li> <li>• Administration and enforcement provisions would apply with the exception of the section regarding assurance devices.</li> <li>• Vesting could not be extended to 15 years as contemplated in MOU</li> </ul> | <p>Yes – Applicable administration and enforcement provisions are incorporated by reference. See Draft Overlay section:</p> <ul style="list-style-type: none"> <li>• 20.25M.010.D.2.d</li> <li>• Conformance amendment recommended to extend vesting through Development Agreement</li> </ul> | <ul style="list-style-type: none"> <li>• RCW 35.21.470 prohibits cities from requiring state agencies or local governments to provide bond or other security as a condition for issuance of permit</li> <li>• Draft Light Rail Overlay section 20.25M.030 operationalizes terms of MOU Paragraph 6.1 by: <ul style="list-style-type: none"> <li>○ Allowing for certainty and predictability in land use code requirements and processes</li> <li>○ Allowing for extended vesting through a Development Agreement</li> </ul> </li> </ul> |
| <b>Definitions Ch. 20.50</b>                    | <ul style="list-style-type: none"> <li>• This chapter provides definitions for terminology that has a specific meaning within the context of the Land Use Code</li> <li>• The definitions chapter would apply to a Light Rail application</li> </ul>   | <p>Yes – Definitions incorporated by reference. See Draft Overlay sections:</p> <ul style="list-style-type: none"> <li>• 20.25M.010.D.2.e</li> <li>• 20.25M.010.D.3</li> </ul>  |   |