



**City of Bellevue
Development Services Department
Environmental Review and State Environmental Policy Act Threshold
Determination**

Proposal Name: **Land Use Code Amendment (LUCA) creating a new Part 20.25M Light Rail Transit Overlay**

Proposal Address: City-wide

Proposal Description: Amend the Bellevue Land Use Code to allow for the permitting and review of Light Rail Facilities and Systems by creating a new Part 20.25M and amending other chapters and parts of the of the Bellevue Land Use Code as necessary to ensure consistency.

File Number: **12-113861-AD**

Applicant: City of Bellevue

Decisions Included: SEPA Threshold Determination

Planner: Catherine A. Drews, Legal Planner

State Environmental Policy Act
Threshold Determination: **Determination of Non-Significance (DNS)**

Carol V. Helland

Carol V. Helland
Environmental Coordinator

Application Date: May 16, 2012
Application Publication Date in Bulletin: September 13 and 27, 2012
SEPA Decision Publication Date: February 21, 2013
SEPA Appeal Deadline: Any appeal of this SEPA threshold determination must wait until after final action on this proposal by the City Council. Following final action by the City Council, an appeal of the SEPA threshold determination may be filed together with an appeal of the underlying City Council action by petition to the Growth Management Hearings Board (LUC 20.35.250.C). For additional information regarding the appeal process, contact Catherine Drews at 425-452-6134.

I. Proposal Description and Objectives

This staff report is prepared to meet obligations for review under the State Environmental Policy Act (SEPA) of “non-project actions” as defined in the Washington Administrative Code (WAC) at paragraph 197-11-704(1)(b)(i). The non-project action that is the subject of this SEPA review is the City Council adoption of an ordinance to amend the Bellevue Land Use Code (Title 20 of the Bellevue City Code). The ordinance proposes to allow for the permitting and review of Light Rail Facilities and Systems by creating a new Part 20.25M Overlay District. It is proposed that a Light Rail Transit Overlay District be created to provide certainty and predictability with respect to permitting processes and substantive requirements both for project applicants and for interested parties commenting on or otherwise participating in future project-level permitting for light rail.

This proposal is intended to be 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, if adopted, would accomplish 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.

This proposal has changed somewhat over time in response to Council direction, which is typical of a non-project action to amend the Land Use Code (LUC) through adoption of an ordinance. Two ordinances have been included in this SEPA review to reflect the range of options under consideration by the City Council for the Light Rail Overlay. These two ordinances include the February 19, 2013 staff modified draft code (SM Draft LUCA) which incorporates Council direction from study sessions and the February 11 public hearing, and the City of Bellevue Leadership Group alternative revised draft of the proposed Overlay (LG Draft LUCA). A copy of the SM Draft LUCA is included as Attachment B. The LG Draft LUCA was prepared by a three-member subset of the City Council and is included as Attachment C. The full Council directed staff during its February 19 Regular Session to use the LG Draft LUCA as a baseline for preparing a final ordinance for adoption which is anticipated to occur on February 25, 2013. These two ordinances amending the LUC to create a new Light Rail Overlay (Part 20.25M LUC) represent the range of options under consideration by the City Council for final adoption. A third ordinance is included within the scope of this SEPA review to make amendments to the LUC that are necessary to ensure consistency between the new Light Rail Overlay and existing LUC provisions in other chapters and parts of the code. The Conformance

Amendment is included as Attachment D.

There are procedural and substantive differences between the two ordinances prepared to create a new Light Rail Overlay. The LG Draft LUCA includes two procedural differences from the SM Draft LUCA. The first procedural difference relates to the proposed citizen advisory committee (CAC) and its associated scope and authority. Refer to Attachment C, LUC 20.25M.035. The second procedural change relates to who may apply for land use permits and approvals and when they may do so. Refer to Attachment C, LUC 20.25M.010.C. Procedural components of an ordinance are specifically exempt from SEPA review pursuant to WAC 197-11-800(19), but they are included within the Light Rail Overlay ordinances for ease of reference and evaluation by the interested citizens and Sound Transit.

Other differences between the SM Draft LUCA and the LG Draft LUCA include substantive standards respecting the use or modification of the environment that is expected as such time as a light rail project is constructed. These substantive differences contained in the LG Draft LUCA include additional specificity for setbacks, landscaping requirements, and structure separation. Refer to Attachment C, LUC 20.25M.040.B and C. These substantive standards would be imposed in the future during project specific review of applications submitted by a regional transit authority such as Sound Transit.

Councils' ultimate ordinance adoption will be within the range of options described in the SM Draft LUCA and the LG Draft LUCA. Implementation of the LG Draft LUCA will likely require additional property acquisition to locate any proposed light rail system or facility. Because the LG Draft LUCA provides the more conservative regulatory framework, the environmental impacts between the options are no different. Increased environmental impacts are not anticipated as a result of the non-project action to adopt either of the draft Light Rail Overlays contained in Attachments B or C. Light rail is already permitted through the Conditional Use Permit process as an Essential Public Facility. The non-project action ultimately taken by Council is likely to reduce environmental impacts evaluated under SEPA by filling regulatory and process gaps that exist either because light rail facilities will be located in land use districts that did not contemplate this use, or because some light rail facilities will be located in right-of-way where the LUC typically does not apply. Substantive requirements of the Overlay relating to design and mitigation expectations for permitting of a light rail system or facility will be applied during review of future light rail permit application. The non-project action reviewed under SEPA in this staff report does not approve any specific light rail alignment, facility design, or associated mitigation.

II. SEPA Review Required

Bellevue City Code section BCC 22.02.033 requires submittal of an environmental checklist and any relevant supporting materials for any proposal not deemed exempt from SEPA review as listed in BCC 22.02.032. Legislative actions are non-project

actions under SEPA. WAC 197-11-704(1)(b)(i). Environmental review for this proposal is proceeding under the “Integrated SEPA/GMA” process authorized by WAC 197-11-210 to ensure consideration of environmental issues in the development of the draft LUCA based upon the range of options provided. Because the LG Draft LUCA represents the most conservative alternative and Council directed staff on February 19 to use the LG Draft LUCA as the baseline for the final amendment, there is no difference in the environmental analysis for the range of options under City Council consideration.

III. Environmental Summary

Review of the environmental record suggests no probability of significant adverse environmental impact occurring as a result of adoption of the proposed LUCA. Any impacts not specifically identified will be adequately addressed by the Bellevue Comprehensive Plan, Bellevue City Code, and other applicable local, state or federal laws or rules.

A. Environmental Record

The environmental summary consists of analysis based on the following documents and studies in the environmental record or, if noted, incorporated by reference. The City Council is currently considering a range of options as described in the three proposed code amendments listed below:

- Environmental Checklist, Supplemental Sheet for Nonproject Actions, prepared by Michael Bergstrom, City of Bellevue Planning & Community Development (on behalf of Catherine Drews), dated June 7, 2012. (See Attachment A)
- Staff Modified Draft Land Use Code Amendment (SM Draft LUCA), File No. 12-132649-AD. (See Attachment B)
- Leadership Group (a subset of the Bellevue City Council) proposed draft Land Use Code Amendment (LG Draft LUCA). (See Attachment C)
- Conformance Amendment necessary to ensure consistency between the new Light Rail Overlay and existing LUC provisions in other chapters and parts of the code. (See Attachment D).
- Public comment letter (Attachment E).
- Council Materials prepared for public hearings, regular sessions, and study sessions on the proposed LUCA on the following dates (all documents available on the City’s website at: <http://www.bellevuewa.gov/light-rail-overlay.htm>):

- Feb. 19, 2013
- Feb. 11, 2013 (Public Hearing)
- Feb. 4, 2013
- Jan. 28, 2013
- Jan. 22, 2013
- Jan. 7, 2013
- Dec. 10, 2012
- Dec. 3, 2012
- Nov. 13, 2012
- Oct. 22, 2012 (Public Hearing)
- Oct. 8, 2012
- Sept. 17, 2012
- July 16, 2012

B. Purpose and Need to Which the Proposal Responds

The Land Use Code does not address either permitting or development of light rail systems or facilities. The draft LUCA 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 would provide permit process continuity along the entire alignment. The amendment would also fill 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.

C. Major Conclusions, Significant Areas of Controversy and Uncertainty

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 Paragraph 6.1 of the MOU, the City and Sound Transit agreed to the following:

“to work cooperatively to identify and process a package of LUC and other technical code amendments 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, Exhibit G of the MOU refined and added to the desired objectives, and provided guidance 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 Council is considering a range of options based on the Staff Modified Draft LUCA (SM Draft LUCA) and the Leadership Group Draft LUCA (LG Draft LUCA). The LG Draft LUCA differs from the staff proposed LUCA in its process-focus, providing amendments that address the Citizen’s Advisory Commission and addressing who may apply for land use permits and approvals. Governmental procedures are exempt from SEPA (WAC 197-11-800(19)). Refer to Section I of this staff report for a more thorough description of the differences between the SM Draft LUCA and the LG Draft LUCA.

The LG Draft LUCA also provides more specificity in areas of setbacks, landscaping requirements, and structure separation. These differences will likely result in an increase in the amount of property required to locate the light rail system and facilities, particularly along 112th Avenue NE.

Increased environmental impacts are not anticipated as a result of the non-project action to adopt either of the draft Light Rail Overlays contained in

Attachments B or C. Light rail is already permitted through the Conditional Use Permit process as an Essential Public Facility. The non-project action ultimately taken by Council is likely to reduce environmental impacts evaluated under SEPA by filling regulatory and process gaps that exist either because light rail facilities will be located in land use districts that did not contemplate this use, or because some light rail facilities will be located in right-of-way where the LUC typically does not apply. Substantive requirements of the Overlay relating to design and mitigation expectations for permitting of a light rail system or facility will be applied during review of future light rail permit application. The non-project action reviewed under SEPA in this staff report does not approve any specific light rail alignment, facility design, or associated mitigation.

D. Issues to be Resolved, Including Environmental Choices between Alternatives Courses of Action

No issues to be resolved. The alternative course of action would be to not adopt the proposed LUCA, and to rely on the Essential Public Facility safety net provisions contained in LUC 20.20.350. In terms of environmental impacts, the range of alternatives considered in the two included in Attachments B and C are not significantly different.

IV. Proposed Timing and Phasing

The City Council held public hearings on the proposed LUCA on October 22, 2012 and February 11, 2013. The City Council will likely select an option from the range of options presented with or without minor modifications and act on the proposed LUCA on February 25, 2013.

V. Public Comment

The Notice of Application and use of the Optional DNS Process was noticed in the City's Weekly Permit Bulletin and by U.S. Mail on September 13, 2012. The application was re-noticed on September 27, 2012, to provide the public with additional information regarding the time frame for submitting comments. To date, one comment letter specifically addressing SEPA review of the non-project action was received from Build a Better Bellevue in response to the notice of application and notice of intent to issue DNS under the SEPA Optional DNS process. The comment letter addressed several issues, including concerns about facts stated in the environmental checklist, violations of substantive due process, improper notice, and violations of procedural requirements under the Growth Management Act (chapter 36.70A RCW). A copy of the letter is included as Attachment E. The SEPA review conducted for this non-project action has been in conformance with all applicable provisions of the State Environmental Policy Act and Growth Management Act relating to adoption of ordinances to amendment development regulations such as the Bellevue Land Use Code.

The proposed amendment is within the jurisdiction of the East Bellevue Community Council (EBCC). A courtesy hearing was held before the EBCC at their regular meeting October 2, 2012. Notice of the courtesy hearing was published in the Seattle Times on September 25, 2012. Staff will return to the EBCC for a final action on the amendment following Council action. Final action by the EBCC is anticipated within 60 days of any Council action.

Under the requirements of the Growth Management Act, state agencies must be given an opportunity to review and comment on proposed amendments to the LUC. Copies of the draft amendment were provided to the state agencies on October 5, 2012. No comment letters have been received by DSD from the state agencies.

Drop-in sessions on the Cost Savings Work Plan Findings were held on October 2-4 at three locations in the city, and staff from the Code Amendment and Permitting Technical Working Group attended these meetings to answer questions regarding the code amendment. Information regarding the amendment was also posted to the East Link project pages of the City internet website and can be reviewed accessed through the following link: <http://www.bellevuewa.gov/light-rail-overlay.htm>. The information maintained on the City's website includes copies of all PowerPoint presentations given at Council meetings, agenda materials, and an updated copy of the proposed Overlay.

VI. Conclusion and Determination

For this non-project action, environmental review indicates no probability of significant adverse environmental impacts. Therefore, issuance of a **Determination of Non-Significance** pursuant to WAC 197-11-340 and Bellevue City code 22.02.034 is appropriate.

Other adverse impacts that are less than significant may be mitigated pursuant to Bellevue City Code 22.02.140, RCW 43.21C.060, and WAC 197-11-660.

VII. Mitigation Measures

There are no recommended SEPA-based mitigating measures for this non-project action. The lead agency has determined that the requirements for environmental mitigation have been adequately addressed in the development regulations and comprehensive plans adopted under Chapter 36.70A RCW and in other applicable local, state or federal laws or rules, as provided by RCW 42.21C.240 and WAC 197-11-158. Our agency will not require any additional mitigation measures under SEPA.

Attachment A: SEPA Checklist prepared by City of Bellevue Planning & Community Development and dated June 7, 2012
Attachment B: Staff Modified Proposed Land Use Code Amendment
Attachment C: Leadership Group Proposed Land Use Code Amendment

Attachment D: Conformance Amendments
Attachment E: Letter from Build a Better Bellevue, dated September 17, 2012

Attachment A



DEVELOPMENT SERVICES DEPARTMENT
ENVIRONMENTAL COORDINATOR
450 110th Ave NE., P.O. BOX 90012
BELLEVUE, WA 98009-9012

OPTIONAL DETERMINATION OF NON-SIGNIFICANCE (DNS) NOTICE MATERIALS

The attached materials are being sent to you pursuant to the requirements for the Optional DNS Process (WAC 197-11-355). A DNS on the attached proposal is likely. This may be the only opportunity to comment on environmental impacts of the proposal. Mitigation measures from standard codes will apply. Project review may require mitigation regardless of whether an EIS is prepared. A copy of the subsequent threshold determination for this proposal may be obtained upon request.

File No. 12-113861-AD

Project Name/Address: Consolidated Land Use Permitting Process for Regional Light Rail Transit Projects / City-wide

Planner: Catherine Drews, Legal Planner

Phone Number: 425-452-6134

Minimum Comment Period: September 27, 2012

Materials included in this Notice:

- Blue Bulletin
- Checklist
- Vicinity Map
- Plans
- Other:

**CITY OF BELLEVUE
ENVIRONMENTAL CHECKLIST
(Integrated SEPA/GMA Process)**

A. BACKGROUND INFORMATION

PROPOSAL TITLE: Consolidated Land Use Permitting Process for Regional Light Rail Transit Projects (File No. 12-113861-AD).

PROPERTY OWNERS' NAME: N/A; applies City-wide

PROPOSAL LOCATION: Applies City-wide

PROPONENT'S NAME: City of Bellevue, Department of Planning and Community Development

CONTACT PERSON'S NAME: Catherine A. Drews, Legal Planner

CONTACT PERSON'S ADDRESS: Development Services Department
City of Bellevue
P.O. Box 90012
Bellevue, WA 98009-9012

CONTACT PERSON'S PHONE: 425-452-6134

BRIEF DESCRIPTION OF THE PROPOSAL'S SCOPE AND NATURE:

1. **General description:** Land Use Code Amendment to establish a consolidated land use permitting process for Regional Light Rail Transit projects. It is proposed that a Light Rail Transit Overlay District be created, to provide certainty and predictability with respect to permitting processes and requirements both for project applicants and to interested parties commenting on or otherwise participating in the permitting process. The proposal is intended to be 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, if adopted, would accomplish 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.

2. **Site acreage:** Applies City-wide

3. **Number of dwelling units/buildings to be demolished:** N/A
4. **Number of dwelling units/buildings to be constructed:** N/A
5. **Square footage of buildings to be demolished:** N/A
6. **Square footage of buildings to be constructed:** N/A
7. **Quantity of earth movement (in cubic yards):** N/A
8. **Proposed land use:** This proposal is to amend the City of Bellevue Land Use Code (LUC) (Title 20 of the Bellevue City Code) to create regulations governing Regional Light Rail Transit Systems and Facilities, which are Essential Public Facilities pursuant to RCW 36.70A.200(1). The proposal adds a Light Rail Transit Overlay District to the LUC, setting forth permit requirements, review process, design standards, development requirements, and other regulations that will govern regional light rail transit system and facility uses.
9. **Design features, including building height, number of stories and proposed exterior materials:** N/A
10. **Other:** N/A

Proposed timing or schedule (including phasing, if applicable):

A public hearing on the proposal, to be held by the City Council, is anticipated in October of 2012. City Council final action on the proposal is anticipated by December 31, 2012.

Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

If the proposal is adopted by the City Council, development of regional light rail transit systems and facilities may occur in accordance with the Land Use Code, as amended by the proposal.

List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

SEPA checklist and threshold determination for this proposed Land Use Code amendment.

In addition, the following related documents were prepared for the "East Link Project", proposed by the Central Puget Sound Regional Transit authority (Sound Transit), which is proposed to extend through Bellevue:

- Final Environmental Impact Statement – East Link Project (Sound Transit, July 2011)
- 112th Avenue Light Rail Options Concept Design Report (Sound Transit, June 2010)
- Segment C – Evaluation of Hospital Station Options (Sound Transit, June 2010)

- Final Environmental Impact Statement, Transportation 2040: Metropolitan Transportation Plan for the Central Puget Sound Region (Puget Sound Regional Council, March 2010)
- Downtown Bellevue Light Rail Alternatives Concept Design Report (Sound Transit, February 2010)
- East Link Project Draft and Supplemental Draft EIS (Sound Transit, December 2008; November 2010)
- Light Rail Best Practices Comprehensive Plan Amendments Environmental Checklist and Determination of Non-Significance (City of Bellevue, June 2008)
- East Link Project Environmental Scoping Information Report Seattle to Bellevue to Redmond (Sound Transit, August 2006)
- North Link Final Supplemental EIS (Sound Transit, April 2006)
- Regional Transit System Plan Final Supplemental EIS (Sound Transit, June 2005)
- Airport Link Environmental Assessment (EA)/SEPA Addendum (Sound Transit, May 2005)
- I-90 Two-Way Transit and HOV Operations Project Final EIS/ROD (WSDOT and Sound Transit, May 2004)
- Central Link Light Rail Transit Project Environmental Assessment Initial Segment (Sound Transit, February 2002)
- Central Link Light Rail Transit Project Final EIS Addendum Initial Segment (Sound Transit, November 2001)
- Central Link Light Rail Transit Project Final Supplemental EIS, Tukwila Freeway Route (Sound Transit, November 2001)
- Central Link Light Rail Transit project Final EIS (Sound Transit, November 1999)

Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain. List dates applied for and file numbers, if known.

N/A

List any government approvals or permits that will be needed for your proposal, if known. If permits have been applied for, list application date and file numbers, if known.

Ordinance adoption by the City Council. Proposal is subject to the disapproval jurisdiction of the East Bellevue Community Council.

B. Environmental Elements

No discussion of the individual Environmental Elements is required for GMA actions per WAC 197-11-235.3.b.

C. SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (do not use this sheet for project actions)

SUMMARY

Project Summary: Land Use Code Amendment to establish a consolidated land use permitting process for Regional Light Rail Transit projects. It is proposed that a Light Rail Transit Overlay District be created, to provide certainty and predictability with respect to permitting processes and requirements both for project applicants and to interested parties commenting on or otherwise participating in the permitting process. The proposal is intended to be 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, if adopted, would accomplish 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.

Environmental Summary per WAC 197-11-235(3)(b):

State the proposal's objectives: To establish regulations governing Regional Light Rail Transit Systems and Facilities (which are Essential Public Facilities pursuant to RCW 36.70A.200(1)), consistent with the Memorandum of Understanding (MOU) entered into between the City of Bellevue and the Central Puget Sound Regional Transit Authority, effective November 15, 2011. The proposal adds a Light Rail Transit Overlay District to the LUC, setting forth permit requirements, review process, design standards, development requirements, and other regulations that will govern regional light rail transit system and facility uses.

Specify the purpose and need to which the proposal is responding: The Central Puget Sound Regional Transit Authority proposes to construct a voter-approved regional light rail transit system through Bellevue, connecting to Seattle to the west and Redmond to the northeast. The Bellevue Land Use Code does not currently address such systems or their facilities, and as a result the permitting, review, and development requirements for these uses lack clarity. Further, the Land Use Code does not regulate uses within right-of-way, where a substantial portion of the proposed light rail project will occur. In order to provide a permitting framework that is clear and predictable to regional light rail transit system proponents, the general public, and City staff, regulations that address these uses are needed. The proposal responds to direction contained in the MOU, as described in Section A.1 above.

State the major conclusions, significant areas of controversy and uncertainty: The primary conclusion leading to this proposal is that without it, the City has few means by which it can review, mitigate, and permit aspects of regional light rail transit uses that are important to the community. There is not expected to be significant areas of controversy or uncertainty with respect to this proposal.

State the issues to be resolved, including the environmental choices to be made among alternative courses of action: No issues to be resolved. Alternative courses of action include not adopting the proposed Land Use Code amendments or amending the Code in a different manner. In terms of environmental impacts, the two alternatives are not significantly different. The proposed amendments, both in substance and organization, reflect the clearest and most effective approach to regulating regional light rail transit uses.

State the impacts of the proposal, including any significant adverse impacts that cannot be mitigated: The proposal is a nonproject action to provide a regulatory framework for the review, mitigation, and permitting of regional light rail transit uses. There are no significant adverse impacts resulting from that action.

Describe any proposed mitigation measures and their effectiveness: No specific development is being approved with this proposal. No significant environmental impacts have been identified, therefore no mitigation measures are proposed.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

Adoption of the proposed code amendments will not increase the potential impacts to water, air and earth resources or noise production.

Proposed measures to avoid or reduce such increases are: N/A

2. How would the proposal be likely to affect plants, animals, fish or marine life?

Adoption of the proposed code amendments will not increase the potential impacts to plants and animals.

Proposed measures to protect or conserve plants, animals, fish or marine life are: N/A

3. How would the proposal be likely to deplete energy or natural resources?

No adverse impacts to energy or natural resources are anticipated by the adoption of the proposed code amendments.

Proposed measures to project or conserve energy and natural resources are: N/A

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

Adoption of the proposed code amendments will not affect environmentally sensitive areas or areas designated or eligible for governmental protection.

Proposed measures to protect such resources or to avoid or reduce impacts are: N/A

- 5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?**

Adoption of the proposed amendments will not affect any shoreline areas. The same shoreline overlay regulations will continue to apply to development and redevelopment.

Proposed measures to avoid or reduce shoreline and land use impacts are: N/A

- 6. How would the proposal be likely to increase demands on transportation or public services and utilities?**

Adoption of the proposed amendments will not increase demands on transportation or public services and utilities. Regional light rail transit systems and facilities that are reviewed, mitigated, and permitted in accordance with the proposed amendments will, when developed, provide a transportation alternative to the public.

Proposed measures to reduce or respond to such demand(s) are: N/A

- 7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.**

No conflicts are known or anticipated.

- D. The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.**

Signature



Date Submitted: June 7, 2012

Attachment B

DRAFT LIGHT RAIL OVERLAY – FEBRUARY 19, 2013

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. _____

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;

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;

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;

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;

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;

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;

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

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;

DRAFT LIGHT RAIL OVERLAY – FEBRUARY 19, 2013

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;

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;

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;

WHEREAS, the City Council finds that the proposed amendment meet the decision criteria of LUC 20.30J.135 and is consistent with the Comprehensive Plan, enhances the public health, safety and welfare, and is 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,

Comment [MKB1]: Note: Recitals taken from adopted Umbrella MOU and Light Rail Best Practices documents

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:

20.25M.010 General

A. Applicability

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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 implementation of the RLRT System and RLRT Facilities is consistent with applicable Comprehensive Plan policies including Light Rail Best Practices; and
8. Ensure that the development, construction and operation of the RLRT System and Facility complies with applicable Bellevue City Codes such as the Noise Control Code, Chapter 9.18 BCC;

C. Who May Apply and Limitations on Commencement of Work.

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, provided that one of the following conditions has been satisfied:
 - a1. The regional transit authority is the owner of a property interest sufficient to allow it to construct the proposed development on the affected property; or
 - b2. The regional transit authority has the consent of the affected property owner to apply for the permit(s); or
 - c3. The regional transit authority's Board has authorized acquisition of the affected property, or property interest, and the regional transit authority demonstrates that

Comment [CoB2]: Items 1-4 consistent with MOU 6.1(a), (b), (d), (e).

Comment [cvh3]: Clarifies that all applicable Comprehensive Plan policies including Light Rail Best Practices apply rather listing an abbreviated subset of policies.

Comment [cvh4]: Intended to strike appropriate balance between property owner certainty and ST permit timing needs to conform to project schedule.

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it has provided notice to the property owner pursuant to applicable state law and the regional transit authority’s property acquisition guidelines as they exist at the time of the Board’s action.

2. Irrespective of when a regional transit authority applies for a permit, no work shall commence in accordance with issued permits or approvals until the necessary property interest is secured.

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:

- 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.040.C – Landscaping, Open Space and Buffers;
 - ii. LUC 20.25B.040.D – Site Design Standards;
 - iii. LUC 20.25B.040.E – Mechanical Equipment;
 - iv. 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

Comment [cvh5]: Oct 22 Light Rail Overlay Binder: Includes full text of all code sections incorporated by reference for ease of Council and public review. Available on line at: <http://www.bellevuewa.gov/light-rail-overlay.htm> Also available in the Bellevue Records Room in hard copy.

Comment [cvh6]: Identifies the substantive provisions of the land use code that apply.

Comment [CoB7]: These provisions would generally only apply to the Downtown Station if it is moved out of the tunnel for cost savings reasons.

Comment [cvh8]: Jan 7 Council Direction: Height must be dictated by stated alignment preference. Refer to LUC 20.25M.040.B.1 for language that captures Council direction.

Comment [CoB9]: These provisions would be used to review the East Main Station and the TPSS at Main and 112th Ave NE as applicable to any development proposal submitted by Sound Transit

Comment [CoB10]: These provisions would apply to the stations and facilities located in the Bel-Red Corridor

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- 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.

Comment [cvh11]: Identifies the procedural provisions of the code that apply.

Comment [CoB12]: Section 20.40.490 identifies when an assurance device is required, and has not been included in the Draft Light Rail Overlay. Under the terms of RCW 35A.21.250, cities are prohibited from requiring agencies to post a bond or other security as a condition of permit issuance.

Comment [cvh13]: Applicable general development standards from Chapter 20.20 LUC for Light Rail uses are identified in the Overlay so the public, Sound Transit and City staff have a clear understanding of the code requirements that must be met as design progresses to construction level of detail.

Comment [cvh14]: Overlay Parts contained in Chapter 20.25 LUC share a common conflict provision which provides: "Where a conflict between the regulations of Chapter 20.20, 20.30, 20.40 or 20.50 exists, the regulations of this chapter [referring to the Parts of Chapter 20.25] control."

Comment [CoB15]: Clarity Edit – to describe the relationship to existing EPF provisions. When there are specific EPF regulations, the specific regulations apply. If there are no regulations specific to an EPF use, then the general provisions of LUC 20.20.350 apply. Since the RLRT Overlay will create specific regulations, this clarity edit specifies that the general EPF provisions do not apply.

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, ~~As~~ 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. A Regional Light Rail Transit System may be designed to share a street right-of-way although it may also use a separate right-of-way.
- F. **“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**

Comment [cvh16]: Re-ordered since December 3, 2012 Light Rail Overlay to list definitions in alphabetical order.

Comment [cvh17]: Oct 8 Council Discussion: Heavy maintenance base was not contemplated in the MOU project description. Now that the heavy maintenance base is under ST consideration/review, specific Council direction will be needed on whether the Overlay should be drafted to include or exclude this component.

Comment [cvh18]: Oct 8 Council Discussion: This definition may be overly broad, and extend overlay coverage to new maintenance base.

Comment [cvh19]: Jan 28 Staff Recommendation: Responds to Council discussion from Oct 8 by clearly excluding the OMSF from the terms of the Overlay. Would require OMSF to be processed as an EPF subject to conditional use permit process that does not receive benefits of Overlay permit streamlining or consolidation. Standards for OMSF could be adopted at a future date when results of the environmental analysis on the OMSF are available.

Comment [CoB20]: Council Sept 17/Oct 8 Direction: Two Process Path. Two types of Use approval available (Council Development Agreement or Conditional Use Permit), subsequent Design and Mitigation review required. DA an alternative to the Conditional Use Permit traditionally required for an EPF to meet permit streamlining requirements of the ST/CoB MOU.

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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 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 and paragraph 20.30M.030.B.1 below. Refer to Chart 20.10.440 (Transportation and Utilities Uses in Land Use Districts), 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.

Comment [cvh21]: Oct 8 Council Discussion: Approval based on general location may be overly broad.

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 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 36.70B RCW in order to approve the siting, construction, and operation 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 the community vision as articulated in the Comprehensive Plan including Light Rail Best Practices, and shall set forth “development standards” as that term is used in Chapter 36.70B.170(3) RCW that govern and vest the

Comment [cvh22]: Council Sept 17/Oct 8 Direction: Two Process Path. Two types of Use approval available (Council Development Agreement or Conditional Use Permit), subsequent Design and Mitigation review required. DA provides an alternative to the Conditional Use Permit traditionally required for an EPF to meet permit streamlining requirements of the ST/CoB MOU.
Nov 13 Council Input: Apply Process I CUP, and modify Process I provisions as necessary to identify Hearing Examiner as the final decisionmaker in the quasi-judicial process.

Comment [cvh23]: See Note 19 above

Comment [CoB24]: Development Agreement process set forth under the Local Project Review Act of state law. Chapter 36.70B RCW

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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.

Comment [cvh25]: Taken from Exhibit G of the MOU

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

Comment [cvh26]: See Note 19 above

- 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 has 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 is required to approve the location 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; 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 subject property; and
 - v. The conditional use complies with the applicable requirements of the Land Use Code.

Comment [cvh27]: Decision criteria are taken from the Conditional Use Permit decision criteria contained in LUC 20.30B.140.

Comment [cvh28]: Nov 13 Council Input: Apply Process I CUP, and modify Process I provisions as necessary to identify Hearing Examiner as the final decisionmaker in the quasi-judicial process.

Comment [cvh29]: Nov 13 Council Input: Add reference to Light Rail Best Practices Report, inclusion of Light Best Practices within the Overlay itself is not necessary.

Comment [cvh30]: Oct 8 Council Direction: Ensure that implementation during permit review looks at properties impacted by light rail and not just those immediately adjacent to it. **Jan 22 Council Direction** required incorporation of robust public involvement section. Feb 4 Staff Recommendation responds to Council direction by requiring CAC involvement in light rail permitting. Refer to LUC 20.25M.035.

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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.

Comment [cvh31]: Nov 13 Council Direction:
Apply Process I CUP, and modify Process I provisions as necessary to identify Hearing Examiner as the final decisionmaker in the quasi-judicial process. Council directed staff to pursue a code simplification amendment to LUC 20.35.100-150 when staff capacity became available that would remove Council from the Quasi-Judicial permit process.

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 merged with or undertaken following use approval of a RLRT System and RLRT Facilities pursuant to 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 Light Rail Best Practices; 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.
 - b. The proposal is consistent with the Comprehensive Plan including the Light Rail Best Practices referenced in Comprehensive Plan Policy TR-75.2; and
 - c. The proposal complies with the applicable requirements of this Light Rail Overlay District; and
 - d. The proposal addresses all applicable design guidelines of this Light Rail Overlay District in a manner which fulfills their purpose and intent; and

Comment [cvh32]: Based on the decision criteria required for Design Review approval (refer to LUC 20.30F.145).

Comment [cvh33]: Nov 13 Council Direction:
Add reference to Light Rail Best Practices Report, inclusion of Light Best Practices within the Overlay itself is not necessary.

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- 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 such as the Noise Control Code, Chapter 9.18 BCC; and
- h. The proposal is consistent with any Development Agreement or conditional use permit approved pursuant to LUC 20.25M.030.B.
- i. When the proposed RLRT Facility will occur 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.
 - i. The Design and Mitigation approval shall be reviewed through Process II (LUC 20.35.200-250).
 - ii. The Design and Mitigation approval 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

Comment [cvh34]: Oct 8 Council Direction:
Require proposal to comply with applicable requirements of the Bellevue City Code (which would include the Noise Control Code).

Comment [cvh35]: Nov 13 Council Input:
Apply Process I CUP, and modify Process I provisions as necessary to identify Hearing Examiner as the final decisionmaker in the quasi-judicial process.

Comment [cvh36]: Based on the Decision Criteria used for a Critical Areas Land Use Permit approval (refer to LUC 20.30P.140).

Comment [cvh37]: Oct 8 Council Discussion:
Shoreline approval in Draft Code relies on Shoreline Substantial Development Permit. Consideration should be given to pros and cons of selecting the Substantial Development Permit process versus the Shoreline CUP process. Feb 4 Staff Recommendation is to retain Shoreline Substantial Development Permit approach due to limited scope of project area located within Shoreline Jurisdiction. Design and Mitigation Permit review will address appropriate mitigation and provide CAC opportunity to review modest amounts of alignment located within shoreline jurisdiction as part of its consideration of the larger alignment segment.

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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;
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;
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;
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;
5. Provide a venue for receipt of public comment on the CAC’s discussions;
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. 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.
 - b. Represents residents, transit riders and property and business owners with holdings or interests in the vicinity of, but not immediately abutting, the RLRT Facility or System.
 - c. Is nonpartisan and free of conflicts.

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 into schematic designs for proposed project elements including landscape development, stations, -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 issues prior to any final decision on required Design and Mitigation permits.

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

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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. For projects whose design has progressed past any of the CAC design phases, the regional transit authority should document the public involvement done to date and proceed to the next CAC design review phase:

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 <u>including landscape development and tree retention</u> ; Develop understanding of project goals and objectives.	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, <u>landscape development and tree retention</u> , integration of public art, preferred station furnishings from available options, universal design measures to enhance usability by all people, and quality design and materials.	Design Phase (30% Design)	Pre-Development Review (if applicable)
Design Development	Provide feedback regarding effectiveness of design in incorporating prior guidance at context and schematic design stages. Provide feedback regarding consistency with Section 20.25M.040 and 20.25M.050. [Duplicates ST and POGR public involvement.]	(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)

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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 <u>and landscape development</u> 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
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*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 may 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 determine whether a written Advisory Document is required at any particular review phase and will work with City staff on the appropriate level of detail and content.
- b. Design Development Review Phase. The CAC should produce a written Advisory Document during the Design Development Review Phase that includes advice and feedback regarding consistency of the project with Sections 20.25M.040 and 20.25M.050. 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 should be considered in any written recommendation of the Director (CUP) or decision of the Director (Process II) and departures from specific recommendations included within the CAC's Advisory Document shall be addressed in the recommendation or decision by the Director, with rationale for the departures 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 by the City Council to articulate the community vision for the RLRT System and Facility through Bellevue as necessary to ensure that the final project is designed to achieve a context sensitive outcome. To ensure that the CAC advice is consistent with the community vision and Council expectations of the regional transit authority, the following documents should be used to guide work product development by the CAC as described in LUC 20.25M.035.D :
 - a. Light Rail Best Practices Report
 - b. Bellevue Land Use Code Part 20.25M sections
 - i. 20.25M.040 standards where consideration of context sensitivity is required
 - ii. 20.25M.050 guidelines
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

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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, should generally follow Robert’s Rules of Order.

20.25M.040 RLRT System and Facilities Development Standards

Comment [CoB38]: Gap Fillers – includes issues not clearly addressed by the code

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

Comment [cvh39]: Applicable general development standards for Light Rail uses are identified in this section of the Overlay so the public, Sound Transit and City staff have a clear understanding of the code requirements that must be met as design progresses to construction level of detail.

1. Height Limitations – Determined Based on Use Approval Process.

Comment [cvh40]: Jan 7 Council Direction: Height must be dictated by stated alignment preference.

- 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 identified in engineering documents prepared by a regional transit authority to accommodate the Council approved system alignment and facilities 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.

2. Setbacks. The minimum setback for structures shall apply as set forth for each land use district subject to the following exceptions:

Comment [cvh41]: Dec 3 Council Direction: Require street frontage landscaping and buffer/screening landscaping adjacent to private property. **Feb 4 Staff Recommendation:** Responds to Council discussion by providing additional standards in Landscape Development section LUC 20.25M.040.C.

- a. Structure setbacks shall not apply to structures located within city or state right-of-way. Traction Power Substations located in right-of-way are required to provide adequate space around the structure to be sight screened as specified in the landscape development standards of LUC 20.25M.040.C.2.

Comment [cvh42]: Feb 4 Staff Recommendation. New language provided to make clear that setbacks are required unless specifically excepted under the terms of the Overlay. For example, structures located on sites in the Transition Area Design District would be required to provide 30 foot setbacks.

- b. Track alignment shall not be considered structure requiring a setback irrespective of whether it is located at-grade, below-grade or on an elevated structure. This exception does not apply to track used solely to maintain, repair, clean, or store light rail vehicles.

C. Landscape Development Requirements

1. General.

- a. Applicability. In areas located within an Overlay District identified in LUC 20.25M.010.D, landscape development for a RLRT System or Facility shall be provided pursuant to the requirements of the underlying district. In areas not located within an Overlay District identified in LUC 20.25M.010.D, 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 reviewed by the CAC for context sensitivity 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. In addition to the requirements provided below, 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 and J.
- iv. Landscape development required by this section ~~should~~ 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.

Comment [CoB43]: Landscape screening requirements apply to non-linear RLRT facilities components and are intended to obscure views of facility components from private property and public spaces. Landscape buffer requirements apply to linear RLRT track alignment, and are intended to provide visual relief and softening where preservation of sight lines is important. The intent of this section is to treat linear track alignment like city streets, with specific frontage planting requirements contained in the Land Use Code.

Comment [cvh44]: With this language, transition area buffer widths and limitations on modification apply pursuant to LUC 20.25B.040 when a TPSS is located within a Transition Area Design District. Responds to **Dec 3 Council Direction**. Transition Area Design District landscape standards would require a 20 foot buffer width with additional specified plantings. Administrative modifications would be also be limited.

Comment [cvh45]: Paragraph K addresses landscape maintenance, and these provisions have now been included in the Overlay, so the cross reference is no longer necessary.

Comment [cvh46]: Bellevue Parks Department Environmental Best Practices & Design Standards can be reviewed at the following link. http://www.bellevuewa.gov/Parks_Env_Best_Mgmt_Practices.htm

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- 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 Buffer Screening. The applicant regional transit authority shall replace any unhealthy or dead plant materials in conformance with the approved landscape development plan for a period of one five years following installation. Maintenance of landscape buffer screening shall be the responsibility of the underlying property owner after the one five year maintenance period has elapsed, except that maintenance responsibility may be reassigned subject to a written agreement between the underlying property owner and the regional transit authority filed with the Development Services Department and the King County Recorder'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.
Plant and landscaping materials provided by the terms of this paragraph are required to be context sensitive.
 - (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:

Comment [cvh47]: Project component described under the terms of the MOU.

Comment [cvh48]: Consistent with general landscape development requirements of LUC 20.20.520.K.

Comment [cvh49]: Five year landscape maintenance requirement is consistent with the duration used in the Critical Areas Overlay

Comment [cvh50]: Landscape development provisions based on requirements imposed in Downtown and Bel-Red for auto-oriented streets.

Comment [cvh51]: Requirement moved to Additional Provisions paragraph LUC 20.25M.040.C.1.c.i with specific reference to required CAC review.

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- (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 (c) shall be met irrespective of the planter strip location.
 - ii. Light rail alignment abutting private property developed in a non-residential use shall be screened with 20 feet of Type I landscaping which meets the requirements of LUC 20.20.520.G.1. ~~Landscape screening provided under the terms of this paragraph is required to be context sensitive.~~
 - iii. Light rail alignment abutting private property developed in a residential use 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 is required to be context sensitive.~~
- b. Non-Plant Material Allowed in Landscape Buffer. 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, provided that the area devoted to such a feature may not exceed 50 percent of the required area. ~~Any non plant material allowed in the landscape screening area is required to be incorporated in a context sensitive manner.~~
- c. Ownership of Landscape Screening. The landscape screening 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. The ~~applicant regional transit authority~~ shall replace any unhealthy or dead plant materials in conformance with the approved landscape development plan for a period of ~~one five year~~ following installation. Maintenance of landscape screening shall be the responsibility of the underlying property owner after the ~~one five year~~ maintenance period has elapsed, ~~except that maintenance of landscaping located on private property separated from the primary structure by a noise wall, fence or similar feature installed as a component of the RLRT System or Facility shall be the responsibility of the regional transit authority. Maintenance responsibility may be reassigned~~

Comment [cvh52]: CAC to advise Sound Transit and City on issues of context sensitivity.

Comment [cvh53]: Requirement moved to Additional Provisions paragraph LUC 20.25M.040.C.1.c.i with specific reference to required CAC review.

Comment [cvh54]: CAC to advise Sound Transit and City on issues of context sensitivity.

Comment [cvh55]: Requirement moved to Additional Provisions paragraph LUC 20.25M.040.C.1.c.i with specific reference to required CAC review.

Comment [cvh56]: CAC to advise Sound Transit and City on issues of context sensitivity.

Comment [cvh57]: Requirement moved to Additional Provisions paragraph LUC 20.25M.040.C.1.c.i with specific reference to required CAC review.

Comment [cvh58]: CAC to advise Sound Transit and City on issues of context sensitivity.

Comment [cvh59]: Consistent with general landscape development requirements of LUC 20.20.520.K.

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subject to a written agreement between the underlying property owner and the regional transit authority filed with the Development Services Department and the King County Recorder’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 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.
 - ii. Alternative Landscape Screening for light rail alignment abutting property developed in a non-residential use. The required screening depth may be reduced subject to agreement of the abutting property owners filed with the Development Services Department and the King County Recorder’s Office or its successor agency.
 - iii. Alternative Landscaping Screening for light rail alignment abutting property developed in a residential use. The required screening depth may be reduced to a minimum of 15 feet subject to a written agreement of the abutting property owners filed with the Development Services Department and the King County Recorder’s Office or its successor agency. Further modification pursuant to LUC 20.25M.060 is not permitted.

Comment [cvh60]: Amended to refer to current agency name and to provide for potential future name changes.

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 is required to be context sensitive.

Comment [CoB61]: Based on LUC 20.20.400

Comment [cvh62]: CAC to advise Sound Transit and City on issues of context sensitivity.

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.

Comment [CoB63]: Based on LUC 20.20.522

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- b. Interior lighting in parking garages shall utilize appropriate shielding to prevent spillover upon adjacent uses and the right-of-way.

F. Mechanical Equipment

Comment [CoB64]: Based on LUC 20.20.525

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 is required to be consistent with the Landscape Development requirements of LUC 20.25M.040.C and is required to be context sensitive.

Comment [cvh65]: CAC to advise Sound Transit and City on issues of context sensitivity.

G. Parking and Circulation

Comment [CoB66]: Clarity Edit consistent with implementation of parking provisions contained in LUC 20.20.590 and applicable overlays.

- 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.

Comment [CoB67]: Based on LUC 20.20.725

Comment [CoB68]: Gap filler – issue not currently address by the code

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 of the RLRT System or Facility use has been approved by the City Council

Comment [cvh69]: Oct 8 Council Discussion: Council alignment decisions were given deference by removing requirement to demonstrate no technically feasible alternative when Council had approved an alignment by resolution or ordinance.

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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 is required to 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.

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. 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

Comment [cvh70]: Oct 8 Council Discussion:
Design “guidelines” are a flexible tool for achieving a range of varied and imaginative design solutions. More specificity may be desired in the Light Rail Overlay through use of more directive regulations that mandate a specific outcome by using the word “shall” rather than “should.”

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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 residential character that conveys the feeling of a small town within a larger City.

2. Downtown Subarea. 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, 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. 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

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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. 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.

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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. Stations. 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.

Comment [cvh71]: Based on CP Policy TR-75.22

Comment [mb72]: Based on CP Policy TR-75.23

Comment [mb73]: Based on CP Policy TR-75.28

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- 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 and acoustical barriers shall, as appropriate, be screened by landscaping, textured, or incorporate artwork where appropriate.
- f. Signal bungalows shall provide innovative façade treatments, e.g. artistic anti-graffiti laminate wraps, as approved by the director.

20.25M.060. Administrative Modification Process

Comment [CoB74]: Operationalizes objective articulated in Paragraph 6.1 of the MOU

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. This is particularly true due to the Growth Management Act requirements relative to essential public facilities and the acquisition policies and requirements utilized by a regional transit authority, which favor the acquisition of the minimum amount of property necessary for the development of its facilities.

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 “ 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 decisionmaker may not grant a modification or waiver to:

Comment [cvh75]: Modeled after limitations on variances contained in LUC 20.30G.150.

- 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.

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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.

PASSED by the City Council this _____ day of _____, 2013, and signed in authentication of its passage this _____ day of _____, 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 _____

Attachment C

CITY OF BELLEVUE LEADERSHIP GROUP
ALTERNATIVE DRAFT LIGHT RAIL OVERLAY – FEBRUARY 19, 2013
Draft prepared by Staff based on February 15 meeting direction

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 the RLRT Systems and RLRT Facilities incorporate design and mitigation measures appropriate to their impacts and represent a high-quality investment for taxpayers; and~~
- ~~8. Ensure that City review of an application for a RLRT System and RLRT Facility is informed and guided by the Light Rail Best Practices referenced in Comprehensive Plan Policy TR-75.2;"~~
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.

~~9.8.~~ 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.

~~10. Develop a light rail system that minimizes environmental and neighborhood impacts and is consistent with local land use and transportation plans;~~

~~11. Protect the character and livability of existing neighborhoods south of Downtown; and~~

~~12. Ensure that the design of transit stations and facilities incorporates neighborhood objectives and context sensitive design to better integrate facilities into the community.~~

C. Who May Apply. A regional transit authority authorized under Chapter 81.112 RCW, as may be hereinafter amended, may apply for permits to develop an RLRT Facility, provided that one of the following conditions has been satisfied:

1. The regional transit authority is the owner of a property interest sufficient to allow it to construct the proposed ~~development~~RLRT Facility or System on the affected property;
or

2. The regional transit authority has the written consent ~~of the affected property owner~~ to apply for the permit(s); ~~or~~ from the owner of the property affected by the RLRT Facility or System; or

3. The regional transit authority's Board has authorized acquisition of the ~~affected~~ property, or property interest, affected by the RLRT Facility or System and the regional transit authority demonstrates: (a) that it has provided notice to the property owner pursuant to applicable state law and the regional transit authority's; (b) the court has entered an order adjudicating public use of the property or property interests sufficient to allow construction of the proposed RLRT Facility or System on the affected property; (c) the regional transit authority has made an offer of immediate possession and use of the affected property to the property owner(s) and has deposited in court a warrant sufficient to pay the amount offered as provided by law; and (d) the regional transit authority has complied with all of its property acquisition guidelines related to immediate possession and use as they exist at the time of the Board's action.

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.040.A – Building Height;
 - ~~ii.~~ LUC 20.25B.040.C – Landscaping, Open Space and Buffers;
 - ~~iii.~~ LUC 20.25B.040.D – Site Design Standards;
 - ~~iv.~~ LUC 20.25B.040.E – Mechanical Equipment;
 - ~~v.~~ 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.

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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 20.25B, 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.

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~~ 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. ~~A Regional Light Rail Transit System may be designed to share a street right of way although it may also use a separate right of way.~~
- 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.

GF. “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

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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, ~~and~~ 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 ~~the community vision as articulated in the~~ all applicable Comprehensive Plan policies including ~~Light Rail Best Practices, and shall without limitation those~~ set forth in Section 20.25M.010.B.7, and all adopted “development standards” as that term is used in ~~Chapter RCW~~ 36.70B.170(3) ~~RCW~~ 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 ~~has~~ es 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 ~~is~~ 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 ~~subject property~~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 ~~merged-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:

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- 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.

- i. When the proposed RLRT Facility will ~~occur~~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.

- i. ~~The~~ Design and Mitigation Review approval shall be reviewed through Process II (LUC 20.35.200-250).
- ii. ~~The~~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 CAC’s discussions~~ 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. ~~Represents~~ Is comprised solely of Bellevue residents, including 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. Is nonpartisan and free of conflicts.~~
- 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

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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. ~~For projects whose design has progressed past any of the CAC design phases, the regional transit authority should document the public involvement done to date and proceed to the next CAC design review phase:~~

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, <u>including landscape development and tree retention</u> ; Develop understanding of project goals and objectives; <u>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.</u>	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, and <u>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</u>	Design Phase (30% Design)	Pre-Development Review (if applicable)

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	<u>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.</u>		
Design Development	Provide feedback regarding effectiveness of design <u>and landscape development</u> in incorporating prior guidance at context and schematic design stages. <u>Provide feedback regarding consistency with Section 20.25M.040 and 20.25M.050. [Duplicates ST and POGR public involvement.] 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.</u>	(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 <u>or landscape development</u> 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 ~~may~~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 ~~determine whether a written Advisory Document is required at any particular review phase and will~~ work with City staff on the appropriate level of detail and content.
- b. Design Development Review Phase. The CAC ~~should~~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 ~~should~~shall be considered in any written recommendation of the Director (CUP) or decision of the Director (Process II). ~~and~~ Departures by the Director from specific recommendations included within the CAC's Advisory Document shall be limited to those instances where necessary to ensure that the CAC advice 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. ~~shall be addressed in Departures from the CAC Advisory Document shall be addressed in~~ the recommendation or decision by the Director, ~~with 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 ~~by the City Council to articulate the community vision~~ for the RLRT System and Facility ~~through Bellevue as necessary~~ to ensure that the final project is designed to achieve a context sensitive outcome. ~~To ensure that the CAC advice is consist with the community vision and Council expectations of the regional transit authority, the~~The following documents ~~should~~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 standards where consideration of context sensitivity is required~~ 20.25M.040; and
 - ii. 20.25M.050 ~~guidelines.~~
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, ~~should~~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 ~~identified in engineering documents prepared approved~~ by a regional transit authority to accommodate the Council ~~approved system alignment and facilities 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. ~~subject to the following exceptions:~~ In a RLRT transition area, a 30 foot setback is also required from RLRT Facility structures and at-grade or elevated track to any property line that describes a site developed in a residential use.
- 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.
 - ~~ii.~~ Structure setbacks shall not apply to structures located within city or state right-of-way. Traction Power Substations located in right-of-way are required to provide adequate space around the structure to be sight screened as specified in the landscape development standards of LUC 20.25M.040.C.2.
 - ~~iii.~~ Track alignment shall not be considered structure requiring a setback irrespective of whether it is located at grade, below grade or on an elevated structure. This exception does not apply to track used solely to maintain, repair, clean, or store light rail vehicles.
3. Structure Separation Requirement. In a RLRT transition area, at-grade or elevated track alignment shall not be allowed to locate within 60 feet of an existing residential primary structure.

C. Landscape Development Requirements

1. General.

- a. Applicability. In Light Rail Overlay District areas located within ~~an~~the underlying Downtown Overlay District ~~identified in LUC (Part 20.25M.010.D, 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 ~~the~~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 ~~an~~the Downtown Overlay District ~~identified in LUC 20.25M.010.D 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.

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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.

~~(d) Plant and landscaping materials provided by the terms of this paragraph are required to be context sensitive.~~

- (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 ~~developed in a non-residential use~~ shall be screened with 20 feet of Type I landscaping which meets the requirements of LUC 20.20.520.G.1. ~~Landscape screening provided under the terms of this paragraph is required to be context sensitive.~~

- iii. Within a RLRT transition area, Light rail alignment abutting private property ~~developed in a residential use~~ 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 ~~is required to~~ shall be placed within the required 30 foot setback from the RLRT track alignment ~~be context sensitive.~~

- 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

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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 ~~50~~20 percent of the required area. ~~Any non-plant material allowed in the landscape screening area is required to be incorporated in a context sensitive manner.~~

- 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 on land owned in fee by a regional transit authority is required to be maintained by the regional transit authority for the life of the project. Landscape screening within an easement or where access entry was secured for installation shall be maintained by the regional transit authority. ~~The applicant shall replace any unhealthy or dead plant materials in conformance with the approved landscape development plan~~ for a period of ~~one year~~five years following installation. Maintenance of landscape screening in an easement or where access entry was secured shall be the responsibility of the underlying property owner after the ~~one~~five year maintenance period has elapsed, except that maintenance responsibility may be reassigned subject to voluntary written agreement between the underlying property owner and the regional transit authority 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 ~~light rail~~ linear alignment outside a RLRT transition area abutting property developed in a non-residential use. The required screening depth may be reduced ~~to a minimum of 15 feet~~ 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.

- ~~ii.~~ 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 is required to be context sensitive.~~ 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 ~~is required to~~ shall be consistent with the Landscape Development requirements of LUC 20.25M.040.C and ~~is required to~~ 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 ~~is required to~~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. ~~The~~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. ~~The~~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~~The above-ground expression of the Downtown Station is envisioned as a highly visibleutilized 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. ~~The~~ [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. ~~The~~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;

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- 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. Stations. 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, ~~and~~ 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 ~~where appropriate~~.
- 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. ~~This is particularly true due to the Growth Management Act requirements relative to essential public facilities and the acquisition policies and requirements utilized by a regional transit authority, which favor the acquisition of the minimum amount of property necessary for the development of its facilities.~~
- 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 ~~decisionmaker~~ Director may not grant a modification or waiver to:

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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.

Attachment D

DRAFT LIGHT RAIL CONFORMANCE AMENDMENTS – FEBRUARY 19, 2013

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. _____

AN ORDINANCE amending the Bellevue Land Use Code for consistency with the new Light Rail Overlay; amending Sections 20.10.440 (Transportation and Utilities Use Chart), 20.25A.020.D, 20.25D.080.D, 20.25H.055.B, 20.35.015, 20.35.020, 20.35.030.A, 20.40.500, and 20.50.036; and establishing an effective date.

WHEREAS, the City Council has by separate Ordinance created a new Part 20.25M in the Bellevue Land Use Code providing for regulation of Regional Light Rail systems and facilities;

WHEREAS, amendments to other sections of the Land Use Code are necessary to provide appropriate cross-referencing and avoid conflicts;

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

WHEREAS, the City Council finds that the proposed conformance and consistency 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. Section 20.10.440 – Transportation and Utilities Use Chart of the Bellevue Land Use Code is hereby amended as follows:

Chart 20.10.440 Uses in land use districts

20.10.440 – Transportation and Utilities Use Chart

STD LAND USE CODE	LAND USE CLASSIFICATION	Transportation and Utilities – Residential Districts										
		R-1	R-1.8	R-2.5	R-3.5	R-4	R-5	R-7.5*	R-10	R-15	R-20	R-30

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REF												
4	Transportation, Communications and Utilities											
41	Rail Transportation: Right-of-Way, Yards, Terminals, Maintenance Shops	C	C	C	C	C	C	C	C	C	C	C
42 4291	Motor Vehicle Transportation: Bus Terminals, Taxi Headquarters											
4214 422	Motor Vehicle Transportation: Maintenance Garages and Motor Freight Services (23)											
43	Aircraft Transportation: Airports, Fields, Terminals, Heliports, Storage and Maintenance	C 11										
	Accessory Parking (6) (24)	P 3	P 3	P 3	P 3	P 3	P 3	P 3	P 3	P 3	P 3	P 3
46	Auto Parking: Commercial Lots and Garages (24)											
	Park and Ride (5) (24)	C	C	C	C	C	C	C	C	C	C	C
475	Radio and Television Broadcasting Studios											
485	Solid Waste Disposal (19)											
	Highway and Street Right-of-Way (24)	P	P	P	P	P	P	P	P	P	P	P
	Utility Facility	C	C	C	C	C	C	C	C	C	C	C
	Local Utility System	P	P	P	P	P	P	P	P	P	P	P
	Regional Utility System	C	C	C	C	C	C	C	C	C	C	C
	On-Site Hazardous Waste Treatment and Storage Facility (7)											
	Off-Site Hazardous Waste Treatment and Storage Facility (8)											
	Essential Public Facility (20)	C	C	C	C	C	C	C	C	C	C	C
	<u>Regional Light Rail Transit Systems and Facilities (25)</u>	<u>C/P</u>										

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Wireless Communication Facility (WCF): (without WCF Support Structures)	14, 16, 21										
Communication, Broadcast and Relay Towers Including WCF Support Structures (Freestanding)	14, 16										

**STD
LAND
USE
CODE
REF**

Transportation and Utilities – Residential Districts

LAND USE CLASSIFICATION	R-1	R-1.8	R-2.5	R-3.5	R-4	R-5	R-7.5*	R-10	R-15	R-20	R-30
Satellite Dishes (18)	P	P	P	P	P	P	P	P	P	P	P
Electrical Utility Facility (22)	A/C 22										

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Chart 20.10.440

Uses in land use districts

Transportation and Utilities – Nonresidential Districts

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Professional Office	Office	Office/Limited Business	Light Industry	General Commercial	Neighborhood Business	Community Business	Factoria Land Use District 1	Factoria Land Use District 2	Factoria Land Use District 3
		PO	O	OLB	LI	GC	NB	CB	F1	F2	F3
4	Transportation, Communications and Utilities										
41	Rail Transportation: Right-of-Way, Yards, Terminals, Maintenance Shops	C	C	C	C	C	C	C	C	C	C
42 4291	Motor Vehicle Transportation: Bus Terminals, Taxi Headquarters				P	P		P	P		
4214 422	Motor Vehicle Transportation: Maintenance Garages and Motor Freight Services (23)				P	C					
43	Aircraft Transportation: Airports, Fields, Terminals, Heliports, Storage	C 11	C 12	C 12	C 12	C 12	C 11	C 12	C 12	C 12	C 12

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	and Maintenance										
	Accessory Parking (6)(24)	P	P	P	P	P	P	P	P	P	P
46	Auto Parking: Commercial Lots and Garages (24)			C	C	C		C	C	C	C
	Park and Ride (5) (24)	C	C	C	C	C	C	C	C	C	C
475	Radio and Television Broadcasting Studios	P	P	P	P 10	P 10		P	P	P	P
485	Solid Waste Disposal (19)				C						
	Highway and Street Right-of-Way (24)	P	P	P	P	P	P	P	P	P	P
	Utility Facility	C	C	C	C	C	C	C	C	C	C
	Local Utility System	P	P	P	P	P	P	P	P	P	P
	Regional Utility System	C	C	C	C	C	C	C	C	C	C
	On-Site Hazardous Waste Treatment and Storage Facility (7)			A	A	A	A	A	A	A	A
	Off-Site Hazardous Waste Treatment and Storage Facility (8)				C						
	Essential Public Facility (20)	C	C	C	C	C	C	C	C	C	C

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	Regional Light Rail Transit Systems and Facilities (25)	C/P									
	Wireless Communication Facility (WCF): (without WCF Support Structures)	14, 16, 21	14, 16, 21	14, 16, 21	14, 16, 21	14, 16, 21	14, 16, 21	14, 16, 21	14, 16, 21	14, 16, 21	14, 16, 21
	Communication, Broadcast and Relay Towers Including WCF Support Structures (Freestanding)	14, 16	14, 16	14, 16	14, 16	14, 16	14, 16	14, 16	14, 16	14, 16	14, 16

Transportation and Utilities – Nonresidential Districts

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Professional Office	Office	Office/Limited Business	Light Industry	General Commercial	Neighborhood Business	Community Business	Factoria Land Use District 1	Factoria Land Use District 2	Factoria Land Use District 3	STD LAND USE CODE REF
		PO	O	OLB	LI	GC	NB	CB	F1	F2	F3	
	Satellite Dishes (18)	P	P	P	P	P	P	P	P	P	P	
	Electrical Utility Facility (22)	A/C 22	A/C 22	A/C 22	A/C 22	A/C 22	A/C 22	A/C 22	A/C 22	A/C 22	A/C 22	

DRAFT LIGHT RAIL CONFORMANCE AMENDMENTS – FEBRUARY 19, 2013

Chart 20.10.440

Uses in land use districts

Transportation and Utilities – Downtown Districts

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Downtown Office District 1	Downtown Office District 2	Downtown Mixed Use District	Downtown Residential District	Downtown Old Bellevue District	Downtown Office and Limited Business District
		DNTN O-1	DNTN O-2	DNTN MU	DNTN R	DNTN OB	DNTN OLB
4	Transportation, Communications and Utilities						
41	Rail Transportation: Right-of-Way, Yards, Terminals, Maintenance Shops						
42 4291	Motor Vehicle Transportation: Bus Terminals, Taxi Headquarters	A	A	A			A
4214 422	Motor Vehicle Transportation: Maintenance Garages and Motor Freight Services (23)	S	S	S			S
43	Aircraft Transportation: Airports, Fields, Terminals, Heliports, Storage and Maintenance	A 11	A 11	A 12			A 11
	Accessory Parking (6) (24)	P 4	P 4	P 4	P 4	P 4	P 4
46	Auto Parking: Commercial Lots and Garages (24)	P 13	P 13	P 13	A	P 13	P 13
	Park and Ride (5) (24)			A			A
475	Radio and Television Broadcasting Studios	P	P	P		P	P
485	Solid Waste Disposal (19)						
	Highway and Street Right-of-Way (24)	P	P	P	P	P	P
	Utility Facility	C	C	C	C	C	C

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	Local Utility System	P	P	P	P	P	P
	Regional Utility System	C	C	C	C	C	C
	On-Site Hazardous Waste Treatment and Storage Facility (7)	A	A	A	A	A	A
	Off-Site Hazardous Waste Treatment and Storage Facility (8)						
	Essential Public Facility (20)	C	C	C	C	C	C
	<u>Regional Light Rail Transit Systems and Facilities (25)</u>	<u>C/P</u>	<u>C/P</u>	<u>C/P</u>	<u>C/P</u>	<u>C/P</u>	<u>C/P</u>
	Wireless Communication Facility (WCF): (without WCF Support Structures)	14, 16, 21	14, 16, 21	14, 16, 21	14, 16, 21	14, 16, 21	14, 16, 21
	Communication, Broadcast and Relay Towers Including WCF Support Structures (Freestanding)	14, 16	14, 16	14, 16	14, 16	14, 16	14, 16

Transportation and Utilities – Downtown Districts

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Downtown Office District 1	Downtown Office District 2	Downtown Mixed Use District	Downtown Residential District	Downtown Old Bellevue District	Downtown Office and Limited Business District
		DNTN O-1	DNTN O-2	DNTN MU	DNTN R	DNTN OB	DNTN OLB
	Satellite Dishes (18)	P	P	P	P	P	P
	Electrical Utility Facility (22)	A/C 22	A/C 22	A/C 22	A/C 22	A/C 22	A/C 22

Add Footnote (25) to “Essential Public Facility” land use classification

(25) Refer to LUC Part 20.25M, Light Rail Overlay District, for specific requirements applicable to EPF defined as a Regional Light Rail Transit Facility or Regional Light Rail Transit System pursuant to LUC 20.25M.020. A conditional use permit is not required when the City Council has approved a Regional Light Rail Transit Facility or Regional Light Rail Transit System by resolution

or ordinance, or by a development agreement authorized by Chapter 36.70B RCW and consistent with LUC 20.25M.030.B.1.

~~20.20.010 – Notes: Uses in land use district – Dimensional Requirements~~

~~Note 17 [Placeholder – Code Language To Be Drafted]~~

~~Amend note 17 to require minimum setback from property owned by a regional transit authority for the purpose of operating an RLRT Facility.~~

Comment [cvh1]: Dimensional requirements for setbacks provided in the Light Rail Overlay at LUC 20.25M.040.B.2. Conformance amendments not necessary for the Public Hearing Draft version.

Section 2. Section 20.25A.020.D of the Bellevue Land Use Code is hereby amended as follows:

Section 20.25A.020

....

D. Floor Area Ratio Computation – Right-of-Way Designation.

1. General. Land which is dedicated to the City of Bellevue for right-of-way or to accommodate the linear alignment of a RLRT System without compensation to the owner in conformance with paragraph D.2 of this section is included in land area for the purpose of computing maximum FAR notwithstanding LUC 20.50.020, floor area ratio (FAR).
2. Special Dedications.
 - a. A property owner may make a special dedication by conveying land identified for right-of-way or linear alignment of a RLRT System acquisition in a Transportation Facilities Plan of the Comprehensive Plan, the Transportation Facilities Plan adopted by the City Council or the Capital Investment Program Plan to the City of Bellevue by an instrument approved by the City Attorney.
 - b. A property owner may also make a special dedication by conveying land identified by the Director of Transportation as necessary for safety or operational improvement projects.
3. Recording Requirements. The Director of the Development Services Department must record the amount (square footage) of floor area earned by area dedicated in conformance with paragraph D.2 of this section and the increase in maximum building height acquired in conformance with subsection B.4.c of this section with the King County ~~Division of Recorder's Office or its successor agency and Elections and with the Bellevue City Clerk.~~

Section 3. Section 20.25D.070 – Transportation and Utilities Uses in Bel-Red Land Use Districts chart of the Bellevue Land Use Code is hereby amended as follows:

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Chart 20.25D.070

Transportation and Utilities Uses in Bel-Red Land Use Districts.¹

STD LAND USE CODE	LAND USE CLASSIFICATION REF	Transportation and Utilities – Bel-Red Districts						
		Bel-Red Medical Office/Node	Bel-Red Office Residential/Nodes	Bel-Red Residential Commercial Nodes	Bel-Red Residential	Bel-Red General Commercial	Bel-Red Commercial Residential	Bel-Red Office Residential Transition
		BR-MO/ MO-1	BR-OR/ OR-1 OR-2	BR- RC-1 RC-2 RC-3	BR-R	BR-GC	BR-CR	BR-ORT
4	Transportation, Communications and Utilities							
41	Rail Transportation: Right-of-Way, Yards, Terminals, Maintenance Shops	C/C	C/C	C	C	C	C	C
42 4291	Motor Vehicle Transportation: Bus Terminals, Taxi Headquarters					C		
4214 422	Motor Vehicle Transportation: Maintenance Garages and Motor Freight Services (15)	C/	C/			C		
43	Aircraft Transportation: Airports, Fields, Terminals, Heliports, Storage and Maintenance	C 1	C 1					

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	Accessory Parking (2,3,16)	P/P	P/P	P	P 4	P	P	P
46	Auto Parking Commercial Lots and Garages (5, 16)	/P	/P	P				
	Park and Ride (6, 16)		C/C	C				
475	Radio and Television Broadcasting Studios							
485	Solid Waste Disposal (7)							
	Highway and Street Right-of-Way (8, 16)	P	P/P	P	P	P	P	P
	Utility Facility	C	C/C	C	C	C	C	C
	Local Utility System	P	P/P	P	P	P	P	P
	Regional Utility System	C	C/C	C	C	C	C	C
	On- and Off-Site Hazardous Waste Treatment and Storage Facilities							
	Essential Public Facility (9)	C	C/C	C	C	C	C	C
	<u>Regional Light Rail Transit Systems and Facilities (17)</u>	<u>C/P</u>						
	Wireless Communication Facility (WCF):	10, 11, and 12						

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(without WCF Support Structures)								
Communication, Broadcast and Relay Towers Including WCF Support Structures (Freestanding)	10, 11	10, 11	10, 11	10, 11	10, 11	10, 11	10, 11	10, 11
Satellite Dishes (13)	P	P/P	P	P	P	P	P	P
Electrical Utility Facility (14)	A C/A C	A C/A C	A C	A C	A C	A C	A C	A C

....

Add Footnote (17) to “Essential Public Facility” land use classification

(17) Refer to LUC Part 20.25M, Light Rail Overlay District, for specific requirements applicable to EPF defined as a Regional Light Rail Transit Facility or Regional Light Rail Transit System pursuant to 20.25M.020. A conditional use permit is not required when the City Council has approved a Regional Light Rail Transit Facility or Regional Light Rail Transit System by resolution or ordinance, or by a development agreement authorized by Chapter 36.70B RCW and consistent with LUC 20.25M.030.B.1.

Section 4. Section 20.25D.080.D of the Bellevue Land Use Code is hereby amended as follows:

D. Floor Area Ratio Earned from Special Dedications and Transfers.

1. General. Land that is dedicated to the City of Bellevue for right-of-way or to accommodate the linear alignment of a RLRT System, parks, or open space, without compensation to the owner, may be used for the purpose of computing maximum FAR notwithstanding the definition of floor area ratio in LUC 20.50.020; provided, that the requirements of subsection D.2 or D.3 of this section are met. The Director shall calculate the amount of square footage earned for transfer. Any dedication for which a transfer is earned under this subsection D is not eligible to earn additional bonus under Chart 20.25D.090.C.2.
2. Right-of-Way and Linear Alignment of a RLRT System Special Dedications. The special dedication provisions of LUC 20.30V.170.B do not apply in the Bel-Red subarea.
 - a. Eligible Right-of-Way Identified in an Adopted Plan or Document. A property owner may make special dedication by conveying land identified for right-of-way or linear alignment of a RLRT System acquisition in a Transportation Facilities Plan of the

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Comprehensive Plan, the Transportation Facilities Plan adopted by the City Council, the Capital Investment Program Plan or the street development standards of LUC 20.25D.140 by an instrument approved by the City Attorney.

- b. Eligible Right-of-Way Not Otherwise Identified. A property owner may make a special dedication by conveying land identified by the Director of Transportation as necessary for safety or operational improvement projects by an instrument approved by the City Attorney.
- c. Floor Area Earned. The floor area available to transfer shall be equal to that permitted through the base and maximum FAR limits that apply to the square footage of the area to be dedicated in conformance with this subsection D.2 and shall be included in the project limit for the purpose of computing maximum FAR. The transfer FAR shall be calculated based on applicable land use district regulations for the dedication area and may include FAR earned through the amenity incentive system if permitted by the land use district.

....

Section 5. Section 20.25H.055.B of the Bellevue Land Use Code is hereby amended as follows:

20.25H.055.B Uses and Development Allowed within Critical Areas

The following chart lists uses and development that may be allowed in a critical area, critical area buffer, or critical area structure setback. The sections noted in the chart for each use or activity and critical area refer to the applicable performance standards that must be met.

		Type of Critical Area				
		Streams	Wetlands	Shorelines	Geologic Hazard Areas ⁷	Areas of Special Flood Hazard
Allowed Use or Development	Repair and maintenance of parks and parks facilities, including trails ^{1,2}	20.25H.055.C.1 20.25H.080.A	20.25H.055.C.1 20.25H.100	20.25H.055.C.1 20.25E.080.B 20.25E.080.P	20.25H.055.C.1 20.25H.125	20.25H.055.C.1 20.25H.180.C 20.25H.180.D.2
	Repair and maintenance of utility facilities, utility	20.25H.055.C.1 20.25H.080.A	20.25H.055.C.1 20.25H.100	20.25H.055.C.1 20.25E.080.B 20.25E.080.U	20.25H.055.C.1 20.25H.125	20.25H.055.C.1 20.25H.180.C

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systems, stormwater facilities and essential public facilities ^{1, 2}						
Repair and maintenance of public rights-of-way, private roads, access easements, surface parking areas, and driveways ^{1, 2}	20.25H.055.C.1 20.25H.080.A	20.25H.055.C.1 20.25H.100	20.25H.055.C.1 20.25E.080.B 20.25E.080.H 20.25E.080.R	20.25H.055.C.1 20.25H.125	20.25H.055.C.1 20.25H.180.C	
Repair and maintenance of bridges and culverts ^{1, 2}	20.25H.055.C.1 20.25H.080.A	20.25H.055.C.1 20.25H.100	20.25H.055.C.1 20.25E.080.B 20.25E.080.R	20.25H.055.C.1 20.25H.125	20.25H.055.C.1 20.25H.180.C	
Construction staging ^{1, 2, 11}	20.25H.055.C.1 20.25H.080.A	20.25H.055.C.1 20.25H.100	20.25H.055.C.1 20.25E.080.B 20.25E.080.H	20.25H.055.C.1 20.25H.125	20.25H.055.C.1 20.25H.180.C	
Existing agricultural activities ²	20.25H.055.C.1 20.25H.055.C.3.a 20.25H.080.A	20.25H.055.C.1 20.25H.055.C.3.a 20.25H.100	20.25H.055.C.1 20.25H.055.C.3.a 20.25E.080.B 20.25E.080.C	20.25H.055.C.1 20.25H.055.C.3.a 20.25H.125	20.25H.055.C.1 20.25H.055.C.3.a 20.25H.180.C	
Emergency actions	20.25H.055.C.3.b	20.25H.055.C.3.b	20.25H.055.C.3.b	20.25H.055.C.3.b	20.25H.055.C.3.b	
New or expanded utility facilities, utility systems, stormwater	20.25H.055.C.2 20.25H.080.A 20.25H.080.B	20.25H.055.C.2 20.25H.100	20.25H.055.C.2 20.25E.080.B 20.25E.080.U	20.25H.055.C.2 20.25H.125	20.25H.055.C.2 20.25H.180.C	

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	facilities ³					
	New or expanded essential public facilities (12)	20.25H.055.C.2 20.25H.080.A 20.25H.080.B	20.25H.055.C.2 20.25H.100	20.25H.055.C.2 20.25E.080.B	20.25H.055.C.2 20.25H.125	20.25H.055.C.2 20.25H.180.C 20.25H.180.D.3
Allowed Use or Development	Public flood protection measures ⁴	20.25H.055.C.2 20.25H.055.C.3.c 20.25H.080.A 20.25H.080.B	20.25H.055.C.2 20.25H.055.C.3.c	20.25H.055.C.2 20.25H.055.C.3.c 20.25E.080.B	20.25H.055.C.2 20.25H.055.C.3.c 20.25H.125	20.25H.055.C.2 20.25H.055.C.3.c 20.25H.180.C 20.25H.180.D.5
	Instream structures ⁵	20.25H.055.C.2 20.25H.055.C.3.d 20.25H.080.A 20.25H.080.B	20.25H.055.C.2 20.25H.055.C.3.d 20.25H.100	20.25H.055.C.2 20.25H.055.C.3.d 20.25E.080.B	20.25H.055.C.2 20.25H.055.C.3.d	20.25H.055.C.2 20.25H.055.C.3.d 20.25H.180.C
	New or expanded public rights-of-way, private roads, access easements and driveways	20.25H.055.C.2 20.25H.080.A 20.25H.080.B	20.25H.055.C.2 20.25H.100	20.25H.055.C.2 20.25E.080.B 20.25E.080.R	20.25H.055.C.2 20.25H.125	20.25H.055.C.2 20.25H.180.C 20.25H.180.D.4
	New or expanded bridges and culverts	20.25H.055.C.2 20.25H.055.C.3.e 20.25H.080.A	20.25H.055.C.2 20.25H.055.C.3.e 20.25H.100	20.25H.055.C.2 20.25H.055.C.3.e 20.25E.080.B 20.25E.080.R	20.25H.055.C.2 20.25H.055.C.3.e 20.25H.125	20.25H.055.C.2 20.25H.055.C.3.e 20.25H.180.C
	New or expanded private nonmotorized trails	20.25H.055.C.2 20.25H.055.C.3.f 20.25H.080.A	20.25H.055.C.2 20.25H.055.C.3.f 20.25H.100	20.25H.055.C.2 20.25H.055.C.3.f 20.25E.080.B 20.25E.080.G	20.25H.055.C.2 20.25H.055.C.3.f 20.25H.125	20.25H.055.C.2 20.25H.055.C.3.f 20.25H.180.C
	New or expanded City and public parks	20.25H.055.C.3.g 20.25H.080.A	20.25H.055.C.3.g 20.25H.100	20.25H.055.C.3.g 20.25E.080.B 20.25E.080.P	20.25H.055.C.3.g 20.25H.125	20.25H.055.C.3.g 20.25H.180.C 20.25H.180.D.2
	Existing	20.25H.055.C.3.h	20.25H.055.C.3.h	20.25H.055.C.3.h	20.25H.055.C.3.h	20.25H.055.C.3.h

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landscape maintenance ²	20.25H.080.A	20.25H.100	20.25E.080.B 20.25E.080.G	20.25H.125	20.25H.180.C
Vegetation management ⁶	20.25H.055.C.3.i 20.25H.080.A	20.25H.055.C.3.i 20.25H.100	20.25H.055.C.3.i 20.25E.080.B 20.25E.080.G	20.25H.055.C.3.i 20.25H.125	20.25H.055.C.3.i 20.25H.180.C
Habitat improvement projects	20.25H.055.C.3.j 20.25H.080.A	20.25H.055.C.3.j 20.25H.100	20.25H.055.C.3.j 20.25E.080.B 20.25E.080.G	20.25H.055.C.3.j 20.25H.125	20.25H.055.C.3.j 20.25H.180.C
Forest practices	20.25H.055.C.3.k 20.25H.080.A	20.25H.055.C.3.k 20.25H.100	20.25H.055.C.3.k 20.25E.080.B	20.25H.055.C.3.k 20.25H.125	20.25H.055.C.3.k 20.25H.180.C
Aquaculture	20.25H.055.C.3.l 20.25H.080.A	20.25H.055.C.3.l 20.25H.100	20.25H.055.C.3.l 20.25E.080.B 20.25E.080.D	20.25H.055.C.3.l	20.25H.055.C.3.l 20.25H.180.C
Stabilization measures	20.25H.055.C.3.m 20.25H.080.A	20.25H.055.C.3.m 20.25H.100	20.25E.080.B 20.25E.080.E	20.25H.055.C.3.m 20.25H.125	20.25H.055.C.3.m 20.25H.180.C
Expansion of existing single-family primary structures	20.25H.055.C.3.n 20.25H.080.A	20.25H.055.C.3.n 20.25H.100	20.25H.055.C.3.n 20.25E.080.B 20.25E.080.Q	20.25H.055.C.3.n 20.25H.125	20.25H.055.C.3.n 20.25H.180.C ⁹ 20.25H.180.D.1 20.25H.180.D.7
Reasonable use exception ⁸	20.25H.080.A	20.25H.100	20.25E.080.B	20.25H.125	20.25H.180.C 20.25H.180.D.7
Recreational vehicle storage ¹⁰					20.25H.180.C 20.25H.180.D.6
Additional shoreline-specific uses or development					

Add Footnote (12) to “Essential Public Facility” land use classification

(12) Refer to LUC Part 20.25M, Light Rail Overlay District, for specific requirements applicable to EPF defined as a Regional Light Rail Transit Facility or Regional Light Rail Transit System pursuant to 20.25M.020. A conditional use permit is not required when the City Council has approved a Regional

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Light Rail Transit Facility or Regional Light Rail Transit System by resolution or ordinance, or by a development agreement authorized by Chapter 36.70B RCW and consistent with LUC 20.25M.030.B.1.

Section 6. Section 20.35.015 of the Bellevue Land Use Code is hereby amended as follows:

20.35.015 Framework for decisions.

- A. Land use decisions are classified into four processes based on who makes the decision, the amount of discretion exercised by the decisionmaker, the level of impact associated with the decision, the amount and type of public input sought, and the type of appeal opportunity.
- B. Process I decisions are quasi-judicial decisions made by the Hearing Examiner on project applications. The following types of applications require a Process I decision:
1. Conditional Use Permits (CUPs) and Shoreline Conditional Use Permits;
 2. Preliminary Subdivision Approval (Plat); and
 3. Planned Unit Development (PUD) Approval; provided, that applications for CUPs, shoreline CUPs, preliminary plats, and PUDs, within the jurisdiction of a Community Council pursuant to RCW 35.14.040, shall require a Process III decision.
- C. Process II decisions are administrative land use decisions made by the Director. Threshold determinations under the State Environmental Policy Act (SEPA) made by the Environmental Coordinator and Sign Code variances are also Process II decisions. (See the Environmental Procedures Code, BCC 22.02.034, and Sign Code, BCC 22B.10.180.) The following types of applications require a Process II decision:
1. Administrative amendments;
 2. Administrative Conditional Use;
 3. Design Review;
 4. Home Occupation Permit;
 5. Interpretation of the Land Use Code;
 6. Preliminary Short Plat;
 7. Shoreline Substantial Development Permit;
 8. Variance and Shoreline Variance;
 9. Critical Area Land Use Permits;
 10. Master Development Plans;
11. Design and Mitigation Permits required pursuant to the Light Rail Overlay Part 20.25M LUC; and
- ~~12.~~ Review under State Environment Policy Act (SEPA) when not consolidated with another permit.
- D. Process III decisions are quasi-judicial decisions made by the City Council. The following types of applications require a Process III decision:
1. Site-specific or project-specific rezone;

Comment [cvh2]: This existing section is currently not applicable in the Community Council jurisdiction. Amendments to the land use code are subject to Community Council approval/disapproval jurisdiction and changes to this section will provide the Community Council with an opportunity to approve this section and make consistent with City-

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2. Conditional Use, Shoreline Conditional Use, Preliminary Plat, and Planned Unit Development projects subject to the jurisdiction of a Community Council pursuant to RCW 35.14.040; and
 3. A rezone of any property to the OLB-OS Land Use District designation.
- E. Process IV decisions are legislative nonproject decisions made by the City Council under its authority to establish policies and regulations regarding future private and public development and management of public lands. The following are Process IV decisions:
1. Consideration of suggestions for amendments to the Comprehensive Plan;
 2. Amendments to the text of the Land Use Code or Comprehensive Plan;
 3. Amendments to the Comprehensive Plan Map;
 4. Amendments to the Zoning Map (rezones) on a Citywide or areawide basis.
- F. Process V decisions are administrative land use decisions made by the Director, for which no administrative appeal is available. The following are Process V decisions:
1. Temporary Encampment Permits.
- G. Other types of land use applications and decisions made by the Director, including those set forth below, are minor or ministerial administrative decisions, exempt from the above land use processes. Notice and an administrative appeal opportunity are not provided. LUC 20.35.020 through 20.35.070, however, apply to all land use applications.
1. Boundary Line Adjustment;
 2. Final Plat (also requires Hearing Examiner approval prior to recording);
 3. Final Short Plat;
 4. Land Use Exemption;
 5. Temporary Use Permit;
 6. Vendor Cart Permit;
 7. Requests for Reasonable Accommodation as defined by Part 20.30T LUC.

Section 7. Section 20.35.020 of the Bellevue Land Use Code is hereby amended as follows:

20.35.020 – Pre-Application Conferences

A pre-application conference is required prior to submitting an application for Conditional Use or Shoreline Conditional Use Permits, preliminary subdivision approval, planned unit developments, Master Development Plans, [Design and Mitigation Permits required pursuant to the Light Rail Overlay Part 20.25M LUC](#), and Design Review projects, unless waived by the Director.

Section 8. Section 20.35.030.A of the Bellevue Land Use Code is hereby amended to read as follows:

20.35.030.A Who May Apply.

Applications for the various types of land use decisions may be made by the following parties:

1. The property owner, ~~or~~ authorized agent of the owner [or agency with condemnation authority](#) may apply for any type of Process I, Process II, or Process III land use decision.
2. A resident of the dwelling may apply for a Home Occupation Permit.
3. The City Council, the Director of the Development Services Department or the Planning Director may apply for a project-specific or site-specific rezone or for an areawide (Process IV) rezone.
4. The Planning Commission may propose site-specific and non-site-specific amendments to the Comprehensive Plan Map or to the text of the Comprehensive Plan for consideration pursuant to the procedure for consideration of Comprehensive Plan Amendments set forth in LUC 20.30I.130.B.2.
5. City Council, the Planning Commission, or the Director with the concurrence of either body, may initiate an amendment to the text of the Land Use Code.
6. A property owner or authorized agent of a property owner may apply to propose a site-specific amendment to the Comprehensive Plan pursuant to the annual procedure for consideration of Comprehensive Plan Amendments set forth in LUC 20.30I.130.A.
7. Any person may apply to propose a non-site-specific amendment to the Comprehensive Plan pursuant to the annual procedure for consideration of Comprehensive Plan Amendments set forth in LUC 20.30I.130.A.
8. Any person may request an interpretation of the Land Use Code. In addition, the Director may issue interpretations of the Land Use Code as needed.

Section 9. Section 20.35.227 of the Bellevue Land Use Code is hereby amended to read as follows:

20.35.227 Public meetings.

The Director may require the applicant to participate in a public meeting to inform citizens about a proposal, [provided that a public meeting shall be required for every Design and Mitigation permit submitted pursuant to Part 20.25M LUC](#). When required, public meetings shall be held as early in the review process as possible for Process II applications. For projects located within the boundaries of a Community Council, the public meeting may be held as part of that Community Council's regular meeting or otherwise coordinated with that Council's meeting schedule. Notice of the public meeting shall be provided in the same manner as required for notice of the application. The public meeting notice will be combined with the notice of application whenever possible.

Section 10. Section 20.40.500 of the Bellevue Land Use Code is hereby amended to read as follows:

20.40.500 Vesting and expiration of vested status of land use permits and approvals.

A. Vesting for Permits and Approvals.

1. Permits and Approvals Other than Subdivisions and Short Subdivisions. Applications for all land use permits and approvals except subdivisions and short subdivisions shall be considered under the Land Use Code and other land use control ordinances in effect on the date that a fully complete Building Permit application, meeting the requirements of BCC 23.10.032, is filed. If a complete Building Permit application is not filed, the land use permit or approval shall become vested to the provisions of the Land Use Code upon the date of the City's final decision on the land use permit or approval.
2. Subdivisions and Short Subdivisions. An application for approval of a subdivision or short subdivision of land, as defined in LUC 20.50.046, shall be considered under the Land Use Code and other land use control ordinances in effect when a fully completed application is submitted for such approval which satisfies the submittal requirements of the Director specified pursuant to LUC 20.35.030.

B. Expiration of Vested Status of Land Use Permit or Approval.

1. The vested status of a land use permit or approval shall expire as provided in subsection B.2 of this section; provided, that:
 - a. Variances shall run with the land in perpetuity if recorded with King County Department of Records and Elections within 60 days following the City's final action; and
 - b. Critical Areas Land Use Permits shall expire as set forth in LUC 20.30P.150; and
 - c. Lots in a subdivision or short subdivision shall be vested against changes in the Land Use Code, except for changes that address a serious threat to the public health or safety as found by the City Council when such change is adopted, for a period of five years following the date of recording of the final plat or final short plat; and
 - d. The time period established pursuant to subsection B.2 of this section shall not include the time during which an activity was not actively pursued due to the pendency of litigation which may materially affect rights of the applicant for the permit or approval related to that permit or approval.
2. The vested status of a land use permit or approval shall expire two years from the date of the City's final decision, unless:
 - a. A complete Building Permit application is filed before the end of the two-year term. In such cases, the vested status of the land use permit or approval shall be automatically extended for the time period during which the Building Permit application is pending prior to issuance; provided, that if the Building Permit application expires or is canceled pursuant to BCC 23.05.160, the vested status of a

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land use permit or approval shall also expire or be canceled. If a Building Permit is issued and subsequently renewed, the vested status of the land use permit or approval shall be automatically extended for the period of the renewal;

- b. For projects which do not require a Building Permit, the use allowed by the permit or approval has been established prior to the expiration of the vested status of the land use permit or approval and is not terminated by abandonment or otherwise; ~~or~~
- c. The vested status of a land use permit or approval is extended pursuant to subsection B.3 of this section; or
- d. The vested status of a land use permit or approval is extended pursuant to:
 - i. LUC 20.25A.125 (Vesting and expiration of vested status of land use permits and approvals - Downtown projects);
 - ii. LUC 20.30V.190 (Extended vesting period for Master Development Plans and associated Design Review approval); or
 - iii. A development agreement authorized by the terms of this Land Use Code to extend vested status.

- 3. When a Building Permit is issued, the vested status of a land use permit or approval shall be automatically extended for the life of the Building Permit. If the Building Permit expires, or is revoked or canceled pursuant to BCC 23.05.160 or otherwise, then the vested status of a land use permit or approval shall also expire, or be revoked or canceled.

Section 10. Certain definitions in Section 20.50.036 of the Bellevue Land Use Code are hereby amended as follows:

....

Nonconforming. A use, structure, site, or lot which conformed to the applicable codes in effect on the date of creation but which no longer complies because of changes in Code requirements, ~~or~~ annexation, or property acquisition for public rights-of-way or Regional Light Rail Transit Facility or Regional Light Rail Transit System as defined in LUC 20.25M.020.

Nonconforming Site. A lot which does not conform to site development regulations, including but not limited to, the landscaping, parking, fence, driveway, street opening, pedestrian amenity, screening, and curb cut regulations of the district in which it is located due to changes in Code requirements, condemnation, ~~or~~ annexation, or property acquisition for public rights-of-way or a Regional Light Rail Transit Facility or Regional Light Rail Transit System as defined in LUC 20.25M.020.

Nonconforming Structure. A structure which does not conform to the dimensional regulations, including but not limited to, setback, height, lot coverage, density, and building configuration regulations of the district in which it is located due to changes in Code requirements, ~~or~~ annexation, or property acquisition for public rights-of-way or a Regional Light Rail Transit

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Facility or Regional Light Rail Transit System as defined in LUC 20.25M.020. For structures not conforming to Building Code requirements, see ~~UBC Section 104~~ [BCC 23.05.080 \(Duties and Powers of the Building Official\)](#).

Comment [cvh3]: Cross reference update not specifically related to Light Rail.

....

Section 11. 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 12. This ordinance shall take effect and be in force five (5) days after adoption and legal publication.

PASSED by the City Council this _____ day of _____, 2013, and signed in authentication of its passage this _____ day of _____, 2013.

(SEAL)

Conrad Lee, Mayor

Approved as to form:

Lori M. Riordan, City Attorney

Mary Kate Berens, Deputy City Attorney

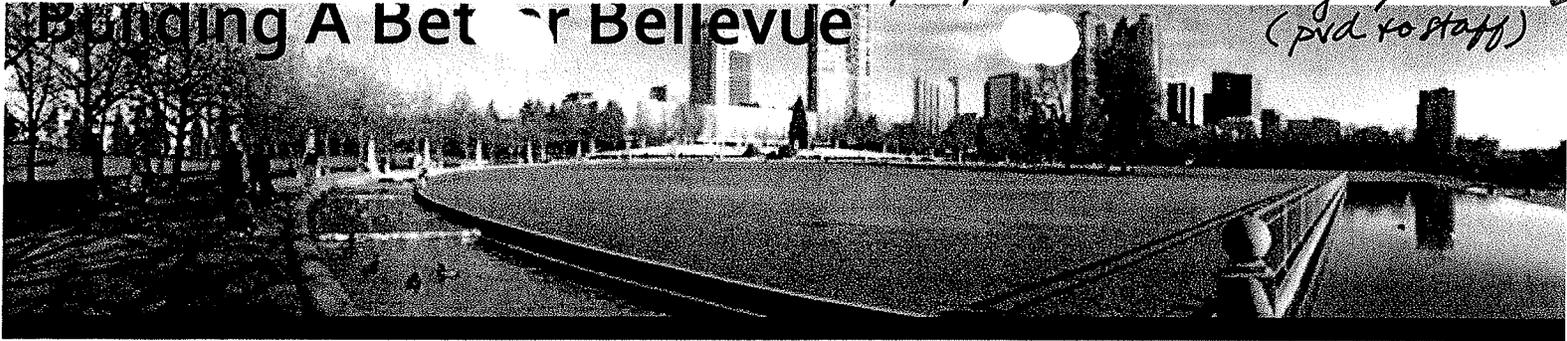
Attest:

Myrna L. Basich, City Clerk

Published _____

Building A Better Bellevue

10/22/12 Public Hearing Speaker #3
(pvd to staff)



Attachment E

September 17, 2012

Good evening Mayor Lee and Council Members:

I am Joseph Rosmann, Co-chair of Building A Better Bellevue. As you know, BBB represents the concerns and views of thousands of homeowners and residents from Bellevue's residential neighborhoods whose lives, lifestyles and properties will be adversely effected by the light rail line route now moving forward toward implementation in our City.

As you have heard before from BBB, as well as directly from a very large number of our supporters, we expect our City, and our political leaders to fully protect our neighborhoods, our environmental jewels, and our historical community elements from the unnecessary and fully avoidable negative impacts that the route chosen by Sound Transit will create in our communities.

Therefore, tonight, we call upon you once again to commit fully to the protection of homes, lives, communities and our natural environment as the Eastlink System moves toward final design determinations.

Our concerns are held even more strongly as we now see the direction that our City Executive Staff is adopting with respect to the application of our Land Use Codes and our City Permitting Processes that represent our City's last opportunity to sustain our City's neighborhoods, and our business center, as we have long cherished them.

Why are we so concerned? Well, here is the reason. Both present and past members of this Council, after having stated publicly before hundreds of Bellevue citizens that they would never approve any Eastlink route option that would take more than a few homes, expose our communities to noise and visual blight, endanger our Mercer Slough or our Parks, or damage residential property values, have subsequently gone on to strongly support Sound Transit's plans that would do just these very things, and in spades. Apparently their words do not really mean what our citizens have so clearly heard. Such actions are immensely troubling.

And now we see our City staff recommending changes to our Land Use Codes and Permitting Processes that would further enable such violations of our citizens' rights, while endangering their homes and neighborhoods.

Let me cite just two such policy actions – set out in a City Planning Document never before seen by our citizens, titled: Consolidated Land Use Permitting Process for Light Rail Transit Projects / City-Wide, File No. 12-113861-AD, and dated June 7, 2012.

"State the major conclusions, significant areas of controversy and uncertainty:

The primary conclusion leading to this proposal is that without it, the City has few means by which it can review, mitigate, and permit aspects of regional light rail transit uses that are important to the community. **There is not expected to be significant areas of controversy or uncertainty with respect to this proposal."**

"State the impacts of the proposal, including any significant adverse impacts that cannot be mitigated:

The proposal is a nonproject action to provide a regulatory framework for the review, mitigation, and permitting of regional light rail transit uses. **There are no significant adverse impacts resulting from that action."**

The judgments rendered here are a direct violation of our citizens' rights. They also trample upon homeowners' and families' concerns for their properties and their neighborhoods. Furthermore, by fully side-stepping and completely usurping the long established oversight and advisory roles of our City's Planning and Transportation Commissions regarding such decisions, our City staff's finding of a Determination of Non-Significance regarding their proposal represents a step that is in contravention of our long held City governmental policies and practices.

Additionally, very important formal omissions, and violations of existing regulatory requirements are found in this City document. They include:

1. Omissions: Project-specific SEPA documents are listed as supporting the proposed action along with related environmental documents. The initial questions about construction, demolition, etc. are falsely stated as "N/A" or "none" when specifics are really known, and existing information, that should have been disclosed, was not provided.

2. Notice: All parties of record were not properly notified or identified. The strongest party with standing and action to challenge the SEPA action would be the East Bellevue Community Council and it was apparently not properly notified. Additionally, many other parties of record also are required to be notified but were not recognized by our City for proper notice process – including everyone who commented on any of the related SEPA actions.

3. Wrongful Purpose #1: This a SEPA action that intends to enable a City decision to create Spot Zoning (the overlay district) - an action that benefits only one agency and one project only. The comment applies to the entire SEPA process and to the land use decisions that will follow the SEPA decision.

4. Wrongful Purpose #2: This SEPA asserts that this is streamlining, when the intent is to by-pass, short cut and set aside properly enacted municipal permit review procedures in zoning code and development regulations. This violates the State GMA and state law for due process.

5. Prior Substantive Action Taken Ahead of SEPA Review: Our City is taking action with "unclean hands" due to preempting proper SEPA review and land use decision action. The City is a party to the MOU, and our City promised this substantive action to Sound Transit as part of its negotiations, thus requiring a prejudicial SEPA action at this time. In other words, the issue was already decided back in mid 2011, and the current SEPA action merely attempts to add some "due process" after the fact. Taking action on the substance of the land use decision (during MOU), ahead of the SEPA review, is improper.

6. Factual Statements on the Form that are Inaccurate: Here are just two such items:

- 1- The staff response claims this SEPA is procedural only, yet it is clearly stated later in other responses that the SEPA is project-specific.
- 2- The declaration of no controversy (page 5) is in conflict with information in the SEPA environmental record documents that clearly prove otherwise, especially given the thousands of pages of public testimony, written comments, letters, and other communications that citizens and recognized community organizations have made addressing the very environmental and neighborhood preservation concerns that are being given short shrift here.

There are many other inaccuracies, purposeful violations of our regulatory requirements, and failures to abide with our state's laws found in these documents, and in the process being proposed to move this proposal forward. We will be highlighting these issues to you further over the coming days. We call upon you, our City Council, to correct these violations of law and due process.

This action must be stopped in its tracks so that citizens can become fully informed, so that all our City Commissions and other public bodies can provide their judgment and advice to you our decision-makers as well as our citizens, and so that a carefully structured process of public hearings, impartial legal review, and other necessary steps are fully implemented.

Thank you for listening.