Item No. 3(b)
February 11, 2013

CITY COUNCIL STUDY SESSION ITEM

SUBJECT

Public hearing on proposed Ordinance No. ____ creating a Light Rail Overlay within the Bellevue Land Use Code and proposed Ordinance No. _____ including conformance amendments within the LUC for consistency with the Overlay.

STAFF CONTACTS

Mike Brennan, Director	452-4113
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POLICY ISSUES

The City Council is considering an amendment to the Bellevue Land Use Code (LUC) in order to create permit processes, development standards, and design guidelines specific to light rail facilities. In-depth Council consideration of a Draft Light Rail Overlay started with a public hearing held on October 22, 2012. At that time, the Council was presented with a baseline code amendment needed to enable a new overlay in the Land Use Code (LUC) that would govern permitting for the East Link Light Rail Project. The overlay code amendment was drafted to accomplish objectives articulated in the Memorandum of Understanding (MOU) between the City and Sound Transit related to permit streamlining.

The Draft Light Rail Overlay prepared for Council consideration contains both procedural and substantive code provisions, and has been updated to reflect the culmination of direction received through the Council's February 4 meeting. Council is asked to provide final direction on the content of the Overlay to ensure that the Overlay meets the following objectives (outlined in the Purpose section of the proposed Ordinance):

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.

DIRECTION NEEDED FROM COUNCIL

____ Action
_X_ Discussion
_X_ Information

Council feedback is requested following conclusion of the public hearing to allow preparation of the final Ordinances. Further Council review and final action is scheduled for February 19, with possible additional discussion and action deferred to February 25 if necessary. The Council has previously communicated to the Sound Transit Board its intent to complete work on the Overlay by the end of February, and has included discussion of the Overlay at five of its last six meetings.

BACKGROUND/ANALYSIS

The attached Staff Report includes a full discussion of the background associated with development of the Overlay, as well as details of the content of the Overlay.

SCHEDULE

The remaining anticipated dates for consideration of the Overlay are presented below.

Scheduled Date/Timeframe	Light Rail Code Amendment Topic
February 11	Potential opportunity for additional public hearing on Light Rail Overlay
Early February*	SEPA Threshold Determination on code amendment expected • Comments accepted until SEPA determination made • SEPA Determination required prior to Council final action
February 19*	Anticipated action on proposed Overlay and conformance amendments

* Final action could be deferred to February 25 if necessary to allow for additional Council review of any modifications directed after tonight's public hearing.

PUBLIC REVIEW AND INPUT

Materials available for public review are maintained on the City's website, and include up-to-date versions of the Draft Overlay and conformance amendments, answers to Council questions, and packet materials and meeting presentations. A significant amount of historical information is also provided. In addition, a copy of the Light Rail Overlay Land Use Code Amendment binder described in detail in the Council's November 13 packet materials remains available for public review and inspection in the City Records Center.

ALTERNATIVES

1. Following conclusion of the public hearing, provide feedback on the content of the draft Overlay and conformance amendments and direct staff to bring the ordinances back for final action on February 19.
2. Provide alternative direction to staff on modifications to and final schedule for action on the draft Overlay and conformance amendments.

RECOMMENDATION

Following conclusion of the public hearing, provide feedback on the content of the draft Overlay and conformance amendments and direct staff to bring the ordinances back for final action on February 19.

ATTACHMENTS

Staff Report and related attachments

AVAILABLE IN COUNCIL OFFICE

Light Rail Overlay Reference Binder
Land Use Code Amendment File

City of Bellevue

Staff Report

DATE: February 11, 2013

TO: Mayor Lee and Members of the City Council

FROM: Mike Brennan, Director, Development Services Department
Carol Helland, Land Use Director, Development Services Department
Catherine A. Drews, Legal Planner, Development Services Department
Kate Berens, Deputy City Attorney, City Attorney's Office
Mike Bergstrom, Senior Planner, Planning and Community Development

SUBJECT: Public Hearing on Consolidated Land Use Permitting Process for Regional Light Rail Transit Projects: Part 20.25M - Light Rail Overlay District, LUCA, File No. 12-113861-AD

Over the past several months staff has been working with Council on the development of a Land Use Code Amendment (LUCA) to provide a consolidated permitting process for the East Link light rail system. Intended to provide certainty to citizens, Sound Transit, and City staff responsible for future permit review, this amendment will establish a Light Rail Overlay District (Overlay) that fills 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 Land Use Code (LUC) typically does not apply. A copy of the draft LUCA is included with this memorandum as Attachment A.

The Council held a public hearing on a previous draft of the Overlay on October 22, 2012. Since then, the Overlay has been extensively revised to reflect Council guidance provided in a series of study sessions. Due to the extent of those revisions, it was determined that a public hearing on the revised draft was appropriate.

At the conclusion of the February 11, 2013, public hearing, staff will seek direction on any desired changes to the ordinances before bringing them back for final action.

I. BACKGROUND

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."

Amendments to the LUC are legislative, non-project decisions by the City Council under its authority to establish regulations regarding future private and public development. These legislative actions are defined as Process IV decisions in the Land Use Code (LUC 20.35.015.E).

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

On July 16, 2012, staff updated Council on MOU-directed work related to amendments identified for inclusion in the City's LUC. That discussion focused on the objectives for the amendments as well as the process for amending the LUC. Public notice of the City's intention to initiate the process to develop a code amendment and perform

associated environmental review of the legislation under the State Environmental Policy Act (SEPA) was provided on September 13, 2012.

On September 17, 2012, Council held another Study Session to provide staff with direction on a proposed approach for addressing light rail in the LUC. This meeting represented a first step in the process of amending the LUC consistent with the agreements contained in the MOU. Over the last several years, Council has gained extensive knowledge regarding light rail construction and operation in preparation for East Link's anticipated traverse through the City. Consequently, Council retained responsibility for crafting the code amendments agreed upon in the MOU, instead of sending them to the Planning Commission for development and recommendation. Council's early engagement in the process set clear expectations that an appropriate code amendment would need to preserve Council control, facilitate a compatible design, ensure impact mitigation, and provide continuity, certainty, and predictability for Bellevue's citizens, Sound Transit, and staff. Transparency in the code amendment process was also viewed as essential. Feedback from the September 17, 2012, study session guided staff preparation of the first draft of the Overlay.

II. DRAFT LAND USE CODE AMENDMENT

On October 8, 2012, staff introduced the first draft of code language for a Light Rail Overlay. That draft was the subject of the October 22, 2012, public hearing. The hearing was followed by a series of Council Study Sessions at which Council direction was sought and provided on a number of topics and components of the Overlay (see Section IV of this Staff Report for study session history).

The February 11, 2013 draft (the subject of the February 11 public hearing) incorporates Council direction from study sessions through February 4, 2013. To facilitate City Council and public review of this draft, staff has annotated specific sections and paragraphs with comment bubbles to describe the origin or rationale for the specified section or paragraph.

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. The LUCA contains these parts:

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

2. Required Permits – LUC 20.25M.030. The Required Permits section describes the two alternative permit options that Council confirmed should be included in the Draft Overlay. The first option would establish Regional Light Rail Transit System and Facilities as Permitted Uses in all land use districts, provided that the alignment of the System has been approved by a Council-adopted resolution, ordinance, or development agreement. The Overlay requires that this Council action not be taken until after final action on the Overlay.

   The second option would apply if there was no Council action approving the alignment. In such case, the Regional Light Rail Transit System and Facilities would be reviewed through the Conditional Use Permit process.

   Under either of the above-described permitting paths separate shoreline permit review as well as subsequent design and mitigation permits would be required consistent with the LUC or any modifications approved through a development agreement.

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

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

5. Design Guidelines – LUC 20.25M.050. The Design Guidelines section includes code provisions that address the look, feel, compatibility, and user experience for light rail facilities. This section describes the design intent and context/design considerations by subarea. It contains additional general design guidelines for specific facilities, including stations, traction power substations, ventilation structures, signs, retaining walls and acoustical barriers, and signal bungalows. These guidelines draw heavily from the Light Rail Best Practices work and

subsequent committee recommendations. The ultimate consistency of any light rail system or facility with the design guidelines of this section is intended to be the focus of CAC work and input.

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

7. Conformance Amendments. A second ordinance is included as Attachment B to this memorandum. The LUCA amendments in this second ordinance are necessary to ensure consistency between the new Light Rail Overlay and existing LUC provisions in other chapters and parts of the code. The amendments in Attachment B are non-substantive, other than the change in the definition of "non-conforming" sites and structures to accommodate non-conformities resulting from property acquisition for public projects, like light rail or city projects. This change was discussed with Council and codifies a current-city practice.

III. STATE ENVIRONMENTAL POLICY ACT

Environmental review of 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. It is anticipated that the Environmental Coordinator for the City of Bellevue will determine that adoption of the proposed LUCA will not result in any probable, significant, adverse environmental impacts. Because a DNS is likely, the "Optional DNS Process" authorized by WAC 197-11-355 is also being used. The expected final threshold determination of nonsignificance (DNS) will be issued following conclusion of the public hearing and direction from the Council on any changes to the ordinance, and before final Council action is taken on the amendment.

IV. PUBLIC NOTICE, PARTICIPATION, COMMENT AND RESPONSE

A Notice of Application for this proposed code amendment was initially published in the Weekly Permit Bulletin on September 13, 2012 and republished on September 27, 2012.

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.

A public hearing on an earlier draft of the proposed amendment was held by Council on October 22, 2012. Notice for that hearing was published in the Weekly Permit Bulletin on October 4, 2012, and in the Seattle Times on October 8, 2012.

To date, the City has received 12 written comments on the proposed amendment. Approximately half of the commentators support the overlay approach based on its ease of administration, efficiency, and because the overlay would provide predictability and a process to implement the light rail best practices. Other commentators expressed concerns about impacts on residential neighborhoods, adequate setbacks, lack of mitigation, the permitting process (including modification provisions), and lack of design standards. Comments were also received encouraging the provision for public input and participation. Letters were received from Build a Better Bellevue (September 17 and October 10, 2012); the Surrey Downs East Link Committee (October 22, 2012); and Wright Runstad and Company (November 12, 2012). All 11 comments were received in response to the LUCA considered at the October 22, 2012 public hearing. Copies of the comments received to date are included in the land use code amendment file, which is available for review in the Council office.

Following the October 22 public hearing, the proposed amendment has been the subject of several additional Council study sessions to address commenter concerns, including:

- November 13, 2012 – Conditional use permit process and use of Light Rail Best Practices
- December 3, 2012 – Landscaping and setback issues – linear alignment south of Downtown and Traction Power Substation (TPSS) treatment
- December 10, 2012 – Design requirements for elevated segments and application of critical areas requirements

- January 7, 2013 – Focus on South Bellevue Park & Ride
- January 22, 2013 – Citizen involvement (CAC) process
- January 28, 2013 – Design issues in Bel-Red and exclusion of Operations & Maintenance Satellite Facility (OMSF) from Overlay
- February 4, 2013 – Review of revised draft code amendment

Attachment C presents a summary of options considered or discussed through the process of reviewing the draft Overlay for the major "topic blocks" covered by the Overlay. The Overlay as drafted in Attachments A and B represents the recommended approach to addressing each of those major topic blocks.

Notice for the February 11, 2013 public hearing was published in the Weekly Permit Bulletin on January 24, 2013 and in the Seattle Times on January 28 and February 5, 2013. No comment letters have been received in response to these notices. Comments received after release of this staff report will be forwarded to Council at or before the public hearing. Affidavits of publication are provided in Attachment D.

V. APPLICABLE DECISION CRITERIA – LAND USE CODE PART 20.30J

The City Council may approve or approve with modifications an amendment to the text of the Land Use Code if:

A. The amendment is in accord with the Comprehensive Plan; and

The proposed amendment is consistent with the Comprehensive Plan, including the Land Use, Economic Development, and Transportation policies listed below. The Light Rail Overlay created by the amendment would provide a mechanism by which many of these policies can be implemented:

LU-9. Maintain compatible use and design with the surrounding built environment when considering new development or redevelopment within an already developed area.

LU-22. Protect residential areas from the impacts of non-residential uses of a scale not appropriate to the neighborhood.

LU-24. Encourage adequate pedestrian connections with nearby neighborhood and transit facilities in all residential site development.

ED-3. Develop and maintain regulations that allow for continued economic growth while respecting the environment and quality of life of city neighborhoods.

TR-75.1. Develop a light rail system in collaboration with the regional transit provider that advances the City's long-term transportation and land use objectives, minimizes environmental and neighborhood impacts, and balances regional system performance.

TR-75.2. Use the Light Rail Best Practices Report, including City expectations of Sound Transit, to guide City actions and advocacy in pursuit of the best community outcomes for developing and operating light rail transit in Bellevue.

TR-75.12. Partner with the regional transit provider to design transit stations and facilities incorporating neighborhood objectives and context sensitive design to better integrate facilities into the community. This includes, but is not limited to the following:

1. Incorporating superior urban design, complementary building materials, and public art; and
2. Providing substantial landscaping at stations and along the alignment, including retained significant trees and transplanted trees that are, at a minimum, saplings.

TR-75-15. Formulate standards and guidelines that can be applied by the regional transit provider to create stations that are a valued place in the community by providing:

1. Access and linkages to the surrounding community;
2. A comfortable place to be, not just pass through;
3. A place that works for both large and small numbers of people; and
4. Design that encourages social interaction among people.

TR-75.17. Protect Bellevue's residential and commercial areas from the negative effects of light rail by promoting actions of the regional transit provider that minimize environmental, traffic and noise impacts.

TR-75.18. Protect residential neighborhoods adjacent to light rail facilities from spillover impacts, including parking and cut through traffic, resulting from system construction and/or operation, with techniques such as residential parking zone programs, parking patrols, and traffic calming measures. Monitor the outcomes of these efforts and make adjustments as needed to ensure continued effectiveness.

TR-75.20. Maintain and enhance the safety of Bellevue's streets when incorporating light rail, through the use of street design features, materials, street signage and lane markings that provide clear, unambiguous direction to drivers, pedestrians, and bicyclists.

TR-75.22. Encourage quality design and construction in the light rail system, by:

1. Including durable materials in design and construction to ensure facilities retain appearance, functionality and community value; and
2. Incorporating art, public spaces, and other features as community assets.

TR-75.23. Coordinate with the regional transit provider to employ crime prevention principles in the design of light rail stations, and use available technologies 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.

TR-75.27. Provide reliable access to the system for Bellevue residents in cooperation with local and regional transit providers, by ensuring that adequate existing and new park and ride lot capacity, neighborhood bus connections and local and regional express bus services are available.

TR-75.28. Facilitate intermodal transfers and increased access to transit stations through partnerships with public and private providers of transit and shuttle services. Encourage transit-to-transit, transit-to-pedestrian, transit-to-bicycle, and transit-to-pick-up/drop-off transfers, with an emphasis on safety for people transferring between the station platform and the various modes.

TR-75.32. Collaborate with the regional transit provider to create a Construction Management Plan for all new major transit investments. The Construction Management Plan should include a Construction Phasing Plan that minimizes the corridor length disrupted at one time and minimizes the time period of disruption.

TR-75.33. Place a priority on the use of noise avoidance or absorption techniques over noise deflection for residential uses when developing mitigation measures with the regional transit provider. Monitor the outcomes of these efforts and pursue adjustments with the regional transit provider to ensure continued effectiveness.

TR-75.34. Develop and implement an early and ongoing program with the regional transit provider to provide assistance to residents and businesses affected by construction.

TR-75.35. Minimize disruption and inconvenience of construction staging areas to adjacent land uses, in collaboration with the regional transit provider, through actions such as site selection, design and operational management plans. Construction staging areas should not be located in residential neighborhoods except where no practicable alternative exists.

B. The amendment bears a substantial relationship to the public health, safety or welfare; and

The proposed amendment serves the public welfare by providing a light rail permitting process that is comprehensive in its coverage, and provides consistency, clarity, predictability, and protection to the public, and ensures proper design oversight and mitigation of project impacts.

C. The amendment is not contrary to the best interest of the citizens and property owners of the City of Bellevue.

The proposed amendment is in the best interest of Bellevue citizens and property owners, as it will create consistent, clear regulations and permitting paths for regional light rail systems and facilities in Bellevue, eliminating confusion and uncertainty that currently exists due to the Land Use Code's lack of such provisions.

ATTACHMENTS

A. Draft LUCA, dated February 11, 2013
B. Draft Conformance Amendments, dated February 11, 2013
C. Proposed RLRT Overlay and Alternative Approaches
D Affidavits of Publication

AVAILABLE IN COUNCIL OFFICE
Light Rail Overlay Reference Binder
Land Use Code Amendment File

ATTACHMENT A
DRAFT LIGHT RAIL OVERLAY – FEBRUARY 11, 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;

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

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.
8. ~~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~~
9. ~~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;"~~
10. ~~Ensure that the development, construction and operation of the RLRT System and Facility complies with applicable Bellevue City Codes;~~
11. ~~Develop a light rail system that minimizes environmental and neighborhood impacts and is consistent with local land use and transportation plans;~~
12. ~~Protect the character and livability of existing neighborhoods south of Downtown; and~~
13. ~~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:

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.

1. 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

2. The regional transit authority has the consent of the affected property owner to apply for the permit(s); or

3. The regional transit authority's Board has authorized acquisition of the affected property, or property interest, and the regional transit authority demonstrates that 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.

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;

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

ii. LUC 20.25D.070 – Land Use Charts ;
iii. LUC 20.25D.110.B, C, D, E, F – Various landscape standards;
iv. LUC 20.25D.110.H – Fences;
v. LUC 20.25D.120.D – Parking Structure Performance Standards
vi. LUC 20.25D.130 – Bel-Red Development Standards;
vii. LUC 20.25D.150 – Design Guidelines;

e. Part 20.25E LUC – Shoreline Overlay District; and
f. Part 20.25H – Critical Areas Overlay District.

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

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

b. Part 20.30R LUC – Shoreline Substantial Development Permit

c. Chapter 20.35 LUC – Review and Procedures

d. Chapter 20.40 LUC – Administration and Enforcement sections as follows:
   i. LUC 20.40.010 through 20.40.480; and
   ii. LUC 20.40.500 through 510.

e. Chapter 20.50 LUC - Definitions

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

4. Light Rail Overlay District Applies. This Light Rail Overlay District specifically identifies and regulates RLRT Systems and Facilities. The specific regulations included by reference and contained in this Overlay supplant and replace the general EPF provisions contained in LUC 20.20.350. RLRT Facilities, such as an Operations and Maintenance

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.

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.

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:

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

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

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

C. "Operations and Maintenance Satellite Facility (OMSF)" is a type of Essential Pubic 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.

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.

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

1. Use Approval – Two Process Options.

   a. Use Permitted by Land Use Code. A ~~Regional Light Rail Transit~~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.

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

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.

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

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

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 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:

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.

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

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.

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

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.

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.

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:

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

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

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.

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

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; 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.

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).

D. Shoreline Substantial Development Permit and Variance

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.

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;
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 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 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; 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, 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)
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 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 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 consist 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 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:

   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.

   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. In addition to the requirements provided below, 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 ~~through K~~. Landscape development required by this section should 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.

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.

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.

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

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

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

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

b. Maintenance of Landscape Buffer. The applicant shall replace any unhealthy or dead plant materials in conformance with the approved landscape development plan for a period of one year following installation. Maintenance of landscape buffer shall be the responsibility of the underlying property owner after the one year maintenance period has elapsed.

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

3. Landscape Screening and Buffers adjacent to Linear Alignment.

Comment [cvh49]: Landscape development provisions based on requirements imposed in Downtown and Bel-Red for auto-oriented streets.

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.

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

Comment [cvh50]: CAC to advise Sound Transit and City on issues of context sensitivity.

(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. 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 shall replace any unhealthy or dead plant materials in conformance with the approved landscape development plan for a period of one year following installation. Maintenance of landscape screening shall be the responsibility of the underlying property owner after the one year maintenance period has elapsed.

4. Alternative Landscape Option.

Comment [cvh51]: CAC to advise Sound Transit and City on issues of context sensitivity.

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

Comment [cvh53]: CAC to advise Sound Transit and City on issues of context sensitivity.

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

Comment [cvh55]: Consistent with general landscape development requirements of LUC 20.20.520.K.

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 ~~adjacent to~~ for light rail ~~Linear a~~~~A~~lignment 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.
   ~~ii.~~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 ~~recorded with~~ the King County ~~Division of~~ Recorder's ~~and Elections~~ Office or its successor agency.

D. Fencing

Comment [CoB56]: Based on LUC 20.20.400

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 [cvh57]: CAC to advise Sound Transit and City on issues of context sensitivity.

E. Light and Glare

Comment [CoB58]: Based on LUC 20.20.522

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 be consistent with the Landscape Development requirements of LUC 20.25M.040.C and is required to 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. ~~For all stations that do not have parking provided, t~~The regional transit authority shall submit a plan for managing parking and drop-off issues that arise when each station~~s~~ 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 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.

Comment [CoB59]: Based on LUC 20.20.525

Comment [cvh60]: CAC to advise Sound Transit and City on issues of context sensitivity.

Comment [CoB61]: Clarity Edit consistent with implementation of parking provisions contained in LUC 20.20.590 and applicable overlays.

Comment [CoB62]: Based on LUC 20.20.725

Comment [CoB63]: Gap filler – issue not currently address by the code

Comment [cvh64]: **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.

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

Comment [cvh65]: 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."

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 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 ~~visible~~ 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 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.**

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 [cvh66]: Based on CP Policy TR-75.22

Comment [mb67]: Based on CP Policy TR-75.23

Comment [mb68]: Based on CP Policy TR-75.28

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 [CoB69]: 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 [cvh70]: 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.

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 _____

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

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	C 11	C 11	C 11	C 11	C 11	C 11	C 11	C 11	C 11	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
	Regional Light Rail Transit Systems and Facilities (25)	C/P	C/P	C/P	C/P	C/P	C/P	C/P	C/P	C/P	C/P	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	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	14, 16

Transportation and Utilities – Residential Districts

STD LAND USE CODE REF	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	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

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

	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

	Regional Light Rail Transit Systems and Facilities (25)	C/P	C/P	C/P	C/P	C/P	C/P	C/P	C/P	C/P	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	

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

	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
	Regional Light Rail Transit Systems and Facilities (25)	C/P	C/P	C/P	C/P	C/P	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
	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:

Chart 20.25D.070

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

		Transportation and Utilities – Bel-Red Districts						
STD LAND USE CODE REF	LAND USE CLASSIFICATION	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					

	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
	Regional Light Rail Transit Systems and Facilities (17)	C/P	C/P	C/P	C/P	C/P	C/P	C/P
	Wireless Communication Facility (WCF):	10, 11, and 12	10, 11, and 12	10, 11, and 12	10, 11, and 12	10, 11, and 12	10, 11, and 12	10, 11, and 12

	(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
	Satellite Dishes (13)	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

. . . .

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

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

	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

	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.100	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

	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

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.

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-

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~~1~~. 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;

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 20.40.500 of the Bellevue Land Use Code is hereby amended 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 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 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 _____

Attachment C — Proposed RLRT Overlay and Alternative Approaches

Note: bold text and " ⟹ " denotes provision included in draft Overlay

Code Provision	Rationale	Other Considerations
Permit Process		
Overlay with consolidated approvals through two process paths including formal CAC; **Separate shoreline permit required and may be pursued independently**	• **Maintains flexibility for future decisions on alignment and MOU offramp** • **Consistent with CDP/MOU goals of streamlined process** • **Allows ST ability to manage to construction schedule** • **Continued ability for Council input with Development Agreement** • **Clear process for citizen involvement through CAC**	**6-9 months for permit**
Overlay with consolidated approvals with CUP required in all cases, including formal CAC; Allow for Development Agreement Separate shoreline permit required and may be pursued independently	• Council agreement on alignment does not impact permit path • Consolidated approvals address some CDP/MOU goals • Clear process for citizen involvement through CAC • Adds time to permitting process • Affects shoreline permitting process and timeline (shoreline conditional use permit required)	Could add 3 to 9 months in permitting time; impact to schedule affects project cost
No overlay; require use of existing permit process	• Gaps in existing code for design guidelines specific to light rail; • Gaps in existing code for elements constructed within City right of way • Does not respond to MOU/CDP goals • Increased uncertainty for Sound Transit • Less accessible to citizens for clear path to involvement and influence	Could add 6 to 12 months in permitting time; impact to schedule affects project cost
Critical Areas Treatment		
Adopt critical areas overlay by reference; allow for relief from technical alternatives analysis with Council approval* ***Council approval could be through Development Agreement, ordinance, or resolution**	• **Consistent with proposed treatment of city infrastructure and parks projects through PC recommendation on shorelines work** • **Ensures that impacts on critical areas are mitigated to the same level and extent as any other project in the city with impacts on critical areas** • **Manages community expectations on alignment**	
As above EXCEPT require technical alternatives analysis	• Creates uncertainty as to final alignment • Potentially inconsistent with other statutory provisions regarding light rail provider authority and EPF • Impacts shoreline permits and timing as well	Potential project delay and associated cost impacts
Who may apply for permit		
Sound Transit only after commencement of its property acquisition process* ***Not all acquisitions will require condemnation**	• **Provides notice to property owners who may be impacted by permit** • **Can be coordinated with existing Sound Transit acquisition process** • **Does not eliminate or modify ST's state and federal property acquisition requirements**	**Difficult to determine, may have minor impact on timing of permit application**
Sound Transit with or without property owner consent	• Consistent with City practice on other public projects (PSE, City) • Allows for simultaneous pursuit of permits and ROW acquisition; typical for large public projects	Would not impact current permit application schedule
Sound Transit only after formal commencement of condemnation	• Allows property owners unwilling to convey property to Sound Transit to control timing of permit application • Treats project differently from other large public project where agency has condemnation authority	Significant delay to timing of permit application (12 to 18 month impact) with associated project costs
Setbacks (Area without structures measured from a property line)		
Traditional setbacks* apply to structures like TPSS and parking garage but does not apply to linear track ***Note that setbacks are distinct from buffer areas. Landscape buffers are required from linear track segments and are described below**	• **Helps manage project costs** • **Minimizes taking of private property** • **Treats linear track segments of alignment like other kinds of transportation ROW**	
Require structure setback of defined width from all portions of the facility, including track segments	• Drives additional property acquisition • May create additional non-conforming sites by reduction of adjacent yard setbacks	Significant cost increases with acquisition of additional property

Attachment C — Proposed RLRT Overlay and Alternative Approaches (p.2)

Note: bold text and ⟹ denotes provision included in draft Overlay

Code Provision	Rationale	Other Considerations
Landscaping (Street side)		
Require consistent with street frontage requirements for city projects (vary by land use district) ⟹	• **Allows maximum flexibility to respond to context** • **Formal CAC provides input and guidance on landscaping**	
Require dense or continuous vegetation between tracks and any pedestrian or bike facility, regardless of land use district	• Less flexibility • Potential improved environment for pedestrians • May require additional right-of-way with associated cost impacts • Potential ROW user safety issues (sight distance) • Formal CAC would provide input on landscape design	Need for additional ROW increases project cost
Landscaping (Adjacent to private property)		
Require 30 feet of Type 1 (dense, screening) landscaping buffer adjacent to residential properties*; context sensitive landscaping consistent with underlying requirements for other land use districts ⟹ ***Landscaping could be located on private property . Noise walls may be located within this area. Landscaping depth and type may be modified on "private" side of any noise wall with property owner agreement**	• **Provides maximum opportunity to buffer potential incompatible impacts between light rail and single-family residential uses** • **Maximum flexibility to respond to residential property owner interests** • **Formal CAC provides input and guidance on landscaping**	**Depth and density of landscaping may have minor project cost impact**
As above with increased buffer dimension	• Depending on magnitude of dimensional increase, more right of way necessary with associated cost impacts • More landscaping than required for other transition or buffer areas in City	Cost impact varies
Treatment of any created non-conformities		
Specifically acknowledge that any non-conforming site condition (lot size, etc.) resulting from property acquisition for public project is a legal non-conformity ⟹	• **Codifies existing City practice with respect to other public projects** • **Provide certainty for any property owner impacted by partial acquisitions**	
Do not modify existing non-conforming definitions	• Maintains status quo administered by staff • Creates uncertainty for property owners left with modified lot dimensions	
Light Rail Facility Heights		
Allow for minimum height necessary to accommodate agreed alignment* ***Design guidelines will include requirement for screening and softening of structures, including parking structure rooftop** ⟹	• **Consistent with MOU/CDP goals** • **Consistent with treatment of EPF** • **Provides greater near-term certainty for Sound Transit** • **Formal CAC will provide input on screening and softening issues**	
Establish height limit consistent with underlying land use district, with ability to modify through permitting process	• Similar to treatment of other EPF through LUC Section 20.20.350 • Creates uncertainty until permitting process complete	
Administrative Modification Process		
Allow modification of otherwise applicable standards where necessary to accommodate other Council decisions ⟹	• **Allows for flexibility to address future decisions on alignment and cost savings without need for additional code amendment** • **Consistent with MOU goals** • **Consistent with EPF requirements**	
Only allow modification where necessary to make light rail practicable	• Meets minimum EPF requirements • Creates uncertainty for Sound Transit • May require additional code amendments depending on outcome of future alignment decisions	

Attachment C — Proposed RLRT Overlay and Alternative Approaches (p.3)

Note: bold text and ⇨ denotes provision included in draft Overlay

Code Provision	Rationale	Other Considerations
Compliance with other City codes		
Include requirement that project comply with all other city codes, now or as amended ⇨	• **Codifies existing requirement to create clear expectations** • **Avoids creating new or different standards for issues already regulated in other City codes (noise, street construction standards, building codes)**	
Duplicate or create new requirements within Land Use Code	• Consolidates requirements in single code • Potential for inconsistencies over time • Burdensome for public and reviewers to use and understand LUC • Potential permit delay if technical code compliance requires higher level of engineering design that typically required for land use permit	
Treatment of OMSF in Overlay		
Delete OMSF from definition of facilities addressed in Overlay; subject OMSF to existing CUP and EPF requirements ⇨	• **Consistent with CDP/MOU commitments** • **Allows for greater understanding of likely impacts through Sound Transit's environmental review process** • **Maintains maximum flexibility to respond to OMSF**	
Include OMSF within overlay with specific standards and guidelines	• Likely impacts overall Overlay action date (resulting impact on East Link permitting schedule and project cost) • Currently insufficient information to understand magnitude of use and potential impacts	Delay in Overlay may impact permitting schedule and project cost

ATTACHMENT D

The Seattle Times

City of Bellevue, City Clerk
Kelly Wilson
PO Box 90012

Bellevue, WA 98009

Re: Advertiser Account # 100791

Ad #: 285766

Affidavit of Publication

STATE OF WASHINGTON
Counties of King and Snohomish

The undersigned, on oath states that he/she is an authorized representative of The Seattle Times Company, publisher of The Seattle Times of general circulation published daily in King and Snohomish Counties, State of Washington. The Seattle Times has been approved as a legal newspaper by others of the Superior Court of King and Snohomish Counties.

The notice, in the exact form annexed, was published in the regular and entire issue of said paper or papers and distributed to its subscribers during all of the said period.

Newspaper and Publication Date(s)	
Seattle Times	02/05/13

Agent Justyne H. Menesini Signature Justyne Menesini

Subscribed and sworn to before me on Feb 5. 2013
DATE

Christina C. McKenna
(Notary Signature). Notary Public in and for the State of Washington, residing at Seattle

CHRISTINA C. MCKENNA NOTARY PUBLIC STATE OF WASHINGTON COMMISSION EXPIRES 10-29-16

ATTACHMENT D

The Seattle Times

Re: Advertiser Account # 100791

Ad #: 285766

AD TEXT

City of Bellevue
Public Hearing - Noticing Update
Proposed Light Rail Transit
Overlay District

NOTICE IS HEREBY GIVEN that the Bellevue City Council will hold a public hearing at 7:00 PM during its Extended Study Session meeting on Monday, February 11, 2013, in the City Council Conference Room in Bellevue City Hall, 450 110th Ave NE, Bellevue, on amending the Land Use Code 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 for 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. Translation and American Sign Language services are available upon 48 hours' notice. Please call (425) 455-4162 (voice) or 711 (TDD Relay Service) if you require interpretation services.

Any person may participate in the public hearing by submitting written comments to the City Council in care of Myrna Basich, City Clerk, P.O. Box 90012, Bellevue, WA 98009, or by email to mbasich@bellevuewa.gov; or to the Director of the Development Services Department at the same address before the public hearing; or by submitting written comments or making oral comments to the City Council at the hearing. All written comments received by the City Clerk or Director will be transmitted to the City Council no later than the date of the public hearing. Written comments will also be accepted and may be mailed to Catherine A. Drews, Legal Planner, Development Services Department, City of Bellevue, P. O. Box 90012, Bellevue, Washington, 98009-9012 or by email to cdrews@bellevuewa.gov. Comments must be received by 5:00 PM on February 11, 2013.

Applicant Contact: Catherine A. Drews, City of Bellevue Development Services Department, 425-452-6134. Questions relating to the public hearing process: Myrna Basich, City Clerk, 425-452-2733.

City Council Extended Study Session
Monday, February 11, 2013; 6:00 PM
Meeting; 7:00 PM Public Hearing
Bellevue City Hall,
Council Conference Room
450 110th Avenue NE, Bellevue, WA

Affidavit of posting has been filed with the City Clerk for the Bellevue City Council.

Dated this 1st day of February, 2013.

Myrna Basich, City Clerk