



**City of Bellevue  
Development Services Department  
Land Use Division Staff Report**

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Proposal Name: East Link Bel Red Segment

Proposal Address: 124<sup>th</sup> Ave NE to WSDOT ROW at 136<sup>th</sup> PI NE  
extended

Proposal Description: Design and Mitigation Permit approval to construct the East Link regional light rail transit facilities (RLRT facilities) and regional light rail transit system (RLRT system) in the Bel Red area of the City of Bellevue.

File Number: 13-135564 LD

Applicant: Sound Transit

Decisions Included: Design and Mitigation Permit (Process II)

Planner: Matthews Jackson  
Planning Manager

State Environmental Policy Act Final Environmental Impact Statement (FEIS) was issued for the East Link RLRT project on July 15, 2011

Director's Recommendation: **Approval with Conditions**  
Michael A. Brennan, Director  
Development Services Department

By: Carol V. Helland  
Carol V. Helland, Land Use Director

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Notice of Application: March 6, 2014  
Notice of Decision: April 23, 2015  
Appeal Deadline: May 7, 2015

For information on how to appeal a proposal, visit the Development Services Center at City Hall or call (425) 452-6800. Comments on State Environmental Policy Act (SEPA) Determinations can be made with or without appealing the proposal within the noted comment period for a SEPA Determination. Appeal of the Decision must be received in the City Clerk's Office by 5 PM on the date noted for appeal of the decision.

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### ATTACHED:

- A. CAC Context Setting Advisory Document
- B. CAC Pre-Development Advisory Document
- C. CAC Design and Mitigation Permit Advisory Document
- D. Wetland, Stream, and Jurisdictional Ditch Delineation Report
- E. East Link Light Rail Extension Critical Areas Report and Mitigation Plan
- F. Plans and Drawings

## I. REQUEST/PROPOSAL DESCRIPTION

### A. Background

The Central Puget Sound Regional Transit Authority (“Sound Transit” or the “Applicant”) is proposing to construct the first phase of Sound Transit 2, a new Regional Light Rail Transit (RLRT) Facility between Seattle and the east side of Lake Washington, known as the East Link Project (East Link). The East Link project was approved by voters under the Sound Transit 2 plan in 2008. Since initial approval in 2008, Sound Transit has worked closely with the City of Bellevue (City) to design a RLRT facility that meets regional and City needs while following the voter-approved alignment. A complete project history, including description of City engagement benchmarks, can be found in Section 1.1 of the project narrative (the “Narrative”) included as Attachment 1.

### Allowed Use

The proposed East Link RLRT facility is considered a permitted use under LUC 20.10.440 when the City Council has included the alignment location and profile of the RLRT system and facility in a resolution, ordinance, or development agreement (see LUC 20.10.440 “Transportation and Utilities” Footnote 25). The Bellevue City Council passed Resolution No. 8576 including the alignment location and profile on April 22, 2013, and the East Link RLRT facility as proposed in this application is consistent with the Council resolution. The alignment proposed by Sound Transit with this application is allowed subject to approval of a Design and Mitigation Permit. The use is also allowed, as established under LUC 20.10.440, in the Shoreline Overlay District and the Critical Areas Overlay District under LUC 20.25E.060 and LUC 20.25H.050.A. The Bel Red segment does not pass through any shoreline overlay areas.

### B. Review Process

Design and Mitigation Permits are governed by Land Use Code (LUC) 20.25M. The Design and Mitigation Permit is a Process II administrative decision made by the Director of the Development Services Department or designee. An appeal of any Process II decision is heard and decided upon by the City of Bellevue Hearing Examiner.

### Scope of Design and Mitigation Permit 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 an RLRT system and facilities is consistent with:

- a. The Comprehensive Plan including without limitation Light Rail Best Practices; and the policies set forth in LUC 20.25M.010.B.7; and
- b. Any previously approved development agreement or Conditional Use Permit issued pursuant to subsection B.1 or B.2 of this section; 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.

**Light Rail Permitting Citizen Advisory Committee (CAC)  
(LUC 20.25.030.C.2)**

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. The process to involve the CAC in the review of Design and Mitigation Permits is described below.

**CAC Purpose (LUC 20.25M.035.A)**

1. Dedicate the time necessary to represent community, neighborhood and Citywide interests in the permit review process; and
2. Ensure that issues of importance are surfaced early in the permit review process while there is still time to address design issues while minimizing cost implications; and
3. Consider the communities and land uses through which the RLRT system or facility passes, and set “the context” for the Regional Transit Authority to respond to as facility design progresses; and
4. Help guide RLRT system and facility design to ensure that neighborhood objectives are considered and design is context sensitive by engaging in ongoing dialogue with the Regional Transit Authority and the City, and by monitoring follow-through; and
5. Provide a venue for receipt of public comment on the proposed RLRT facilities and their consistency with the policy and regulatory guidance of subsection E of this section and LUC 20.25M.040 and 20.25M.050; and
6. Build the public’s sense of ownership in the project; and
7. Ensure CAC participation is streamlined and effectively integrated into the permit review process to avoid delays in project delivery.

**CAC Scope of Work (LUC 20.25M.035.C)**

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 ongoing advice to the Regional Transit Authority on how to incorporate context sensitive design and mitigation into schematic designs for proposed project elements including stations, linear track elements, landscape development, walls (including concrete and masonry and tunnel portal), park and rides, traction power substations and other features of the RLRT system or facility; and
5. Providing advisory guidance to permit decision makers as described in more detail below regarding any RLRT system or facility design and mitigation issues prior to any final decision on required Design and Mitigation Permits, including written guidance as to whether the proposal complies with the policy and regulatory guidance of subsection E of this section and LUC 20.25M.040 and 20.25M.050.

**CAC Work Product (LUC 20.25M.035.D.3)**

The work of the CAC at each review stage culminates in a CAC advisory document that describes the phase of review and CAC feedback. The final Design and Mitigation Permit advisory document is intended to provide the Director of the Development Services Department with a recommendation to demonstrate Sound Transit compliance with Design and Mitigation Permit Decision Criteria pursuant to LUC 20.25M.030.C.3.

The Advisory Document prepared by the CAC for the Context Setting phase of review described in LUC 20.25M.035.C.3 is included with the staff report as Attachment A. The advisory document prepared following the Context Setting Phase of CAC review provided “context” to which Sound Transit was requested to respond when designing elements and features of the East Link light rail system and facility. The advisory document also provided the “context” by which permit compliance is judged in Section IV of the Staff Report below. The CAC advisory document for the Bel Red Segment Pre-Development review was issued on March 19, 2014, and is included with the staff report as Attachment A. The advice provided by the CAC is included in the analysis of consistency with Light Rail Overlay design standards and guidelines contained in Section IV below.

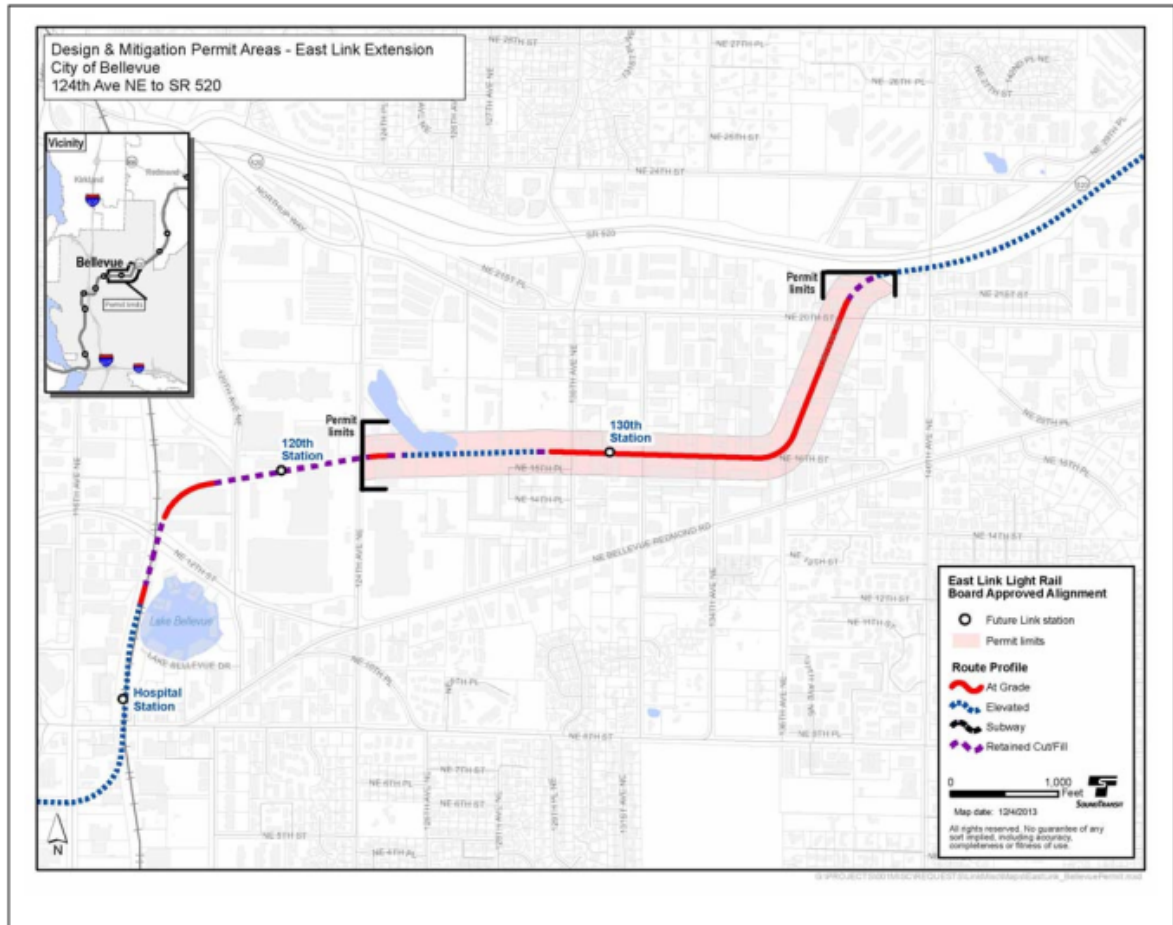
**C. Project Description**  
**General Bellevue RLRT Alignment**

The East Link Project includes approximately 14 miles of light rail track/guideway and 10 stations serving Seattle, Mercer Island, South Bellevue, downtown Bellevue, Bel Red (Bellevue), and Overlake area in Redmond. Elements of the East Link project located within City boundaries include approximately 6 miles of new light rail track (at grade, below grade, and elevated) from I-90 to SR 520, six stations (at grade and elevated), two parking (park and ride) facilities, and other structures, facilities, and development associated with the RLRT.



**Bel Red Segment**

The alignment for the Bel Red Segment commences at the east side of 124<sup>th</sup> Ave NE, where the guideway transitions from retained cut to an elevated structure east of 124<sup>th</sup> Ave NE. The elevated alignment continues east on the south side of the existing West Tributary to the Kelsey Creek ponded wetland, where it touches down on a retained fill structure west of 130<sup>th</sup> Ave NE. The alignment continues at-grade across 130<sup>th</sup> Ave NE to the 130<sup>th</sup> Station. This station includes a 300 stall surface park and ride facility. Continuing at-grade, the alignment crosses 132<sup>nd</sup> Ave NE between the redesigned eastbound and westbound lanes of NE 16<sup>th</sup> Street (NE Spring Boulevard). In this location, the guideway is in an embedded track section, from 132<sup>nd</sup> Ave NE through the curve at NE 16<sup>th</sup> Street (NE Spring Boulevard) and 136<sup>th</sup> PI NE. The alignment then turns northerly with the roadway at the intersection of NE 16<sup>th</sup> Street (NE Spring Boulevard) and 136<sup>th</sup> PI NE and transitions to a ballasted track section. The alignment continues at grade through NE 20<sup>th</sup> Street before transitioning to a retained fill structure and terminating at the WSDOT right of way of SR520, the eastern limit of this application.



#### D. 130<sup>th</sup> Station

**Concept:** The concept for the 130<sup>th</sup> Station is to take advantage of the opportunity and challenge of designing a station that responds to the City of Bellevue’s vision for future transit oriented development in an emerging mixed use community as reflected in the Bel Red Plan and implementing policies and codes.

The 130<sup>th</sup> Station serves an area planned to transition into a dense, urban, largely residential community with an active retail street along 130<sup>th</sup> Avenue NE, a restored Goff Creek corridor, and an art district focused on arts making, education, and development. The station will be located at grade in the center of the new NE Spring Boulevard between 130<sup>th</sup> Avenue NE and 132<sup>nd</sup> Ave NE and will provide for approximately 300 cars.

**Site Description:** The station design features a landscaped area between the station and the park and ride lot, and accommodates existing building to the south. The station is designed to maintain an aesthetically pleasing interim condition prior to completion of the future NE 16<sup>th</sup> Street (NE Spring Boulevard), with one eastbound traffic lane to the south of the station and one westbound lane to the north. In addition, the pedestrian plaza areas and site



perimeter are designed to accommodate the future NE 16<sup>th</sup> Street (NE Spring Boulevard) and the future widening of 130<sup>th</sup> Ave NE and 132<sup>nd</sup> Ave NE. The park and ride lot will also accommodate future transit oriented development with the conversion of surface parking to mixed use development.



**Station Building Design:** The architectural design of the 130<sup>th</sup> Station provides a strong identity at each end of the station platforms with station specific entry canopies. The design of the entry canopies incorporates precast concrete panels in organic patterns that were inspired by sediment layering and natural rock. The station design also incorporates light elements which are intended to provide visual interest and reinforce the vision for this area of Bel Red as an arts district. This is a significant change from the original submittal which indicated the outer walls of the canopy structures clad in Cor-ten steel. Both the change in materials and the inclusion of light elements were part of the advice provided from the Light Rail Permitting CAC during the pre-development stage.

The track side of the structure houses the ticket vending machines with areas of backlit translucent glass. Weather protection at the ticket vending machine walls is provided by steel framed glass canopies with a patterned metal soffit through which light will filter.



## Building Elevations



**Supporting Structures:** The safe and efficient operation of a light rail system relies upon a number of components in addition to the track, guideway, and stations. These essential system elements house the equipment needed to supply power to the vehicles and ensure that warning signals and communications equipment function properly.

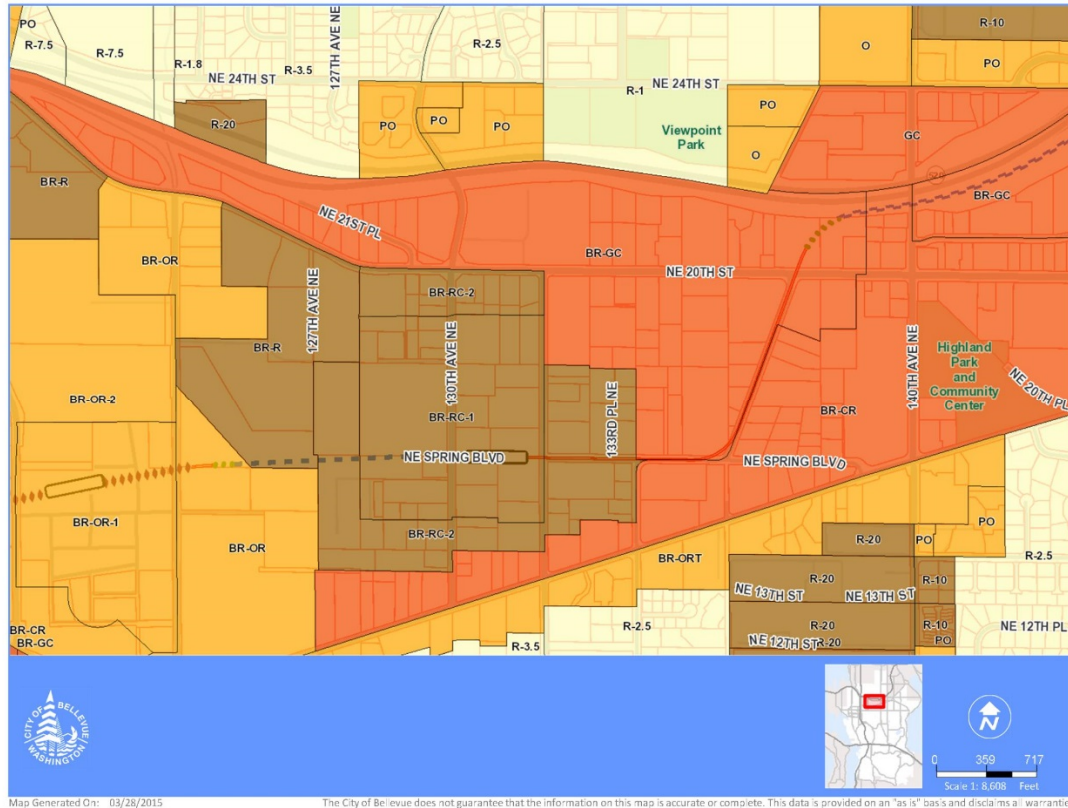
The traction power substations (TPSS) are located along the alignment and provide electric power needed to operate the light rail. The overhead contact system (OCS) distribute power supplied from the TPSS to the light rail vehicles. The signal buildings and utility enclosures house equipment used to control safety and operational signals. The materials used for these supporting structures is intended to compliment the materials used at the station and within the context of their locations along the corridor.



## II. ZONING AND CONTEXT

The project alignment for this segment passes through several Bel Red zoning districts. Bel Red is a major mixed use employment and residential area characterized by a transit oriented, nodal development pattern, over time replacing the area's original low intensity light industrial and commercial past. The City encourages land uses in the Bel Red area which promote employment, retail and residential opportunities. More intense uses and greater heights are concentrated in designated nodal development areas along the NE 15th/16<sup>th</sup> (NE Spring Boulevard) corridor; these areas are intended to be served by high capacity transit. New development in these designated nodal areas is expected to have a transit-supportive and pedestrian-friendly form. The 130<sup>th</sup> Station is located in the Bel Red Residential/Commercial Node 1 (Bel-Red-RC-1). The purpose of the Bel-Red-RC-1 land use district is to provide an area for a mix of housing, retail, office and service uses within the core of a nodal area, with an emphasis on housing. The district is limited in extent in order to provide the level of intensity appropriate for areas in close proximity to the highest levels of transit service within the Bel-Red area.

## Zoning Map



### Bel Red Subarea Context (LUC 20.25M.050.B.4)

In addition to complying with all applicable provisions of the Bel-Red Subarea Plan, the design intent for the RLRT system and facility segment that passes through this subarea is to foster a new path for Bel-Red that is directed toward a model of compact, mixed use, and “smart growth” that represents a departure from the area’s historic industrial roots. The current 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. A 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.



**Finding:** The CAC found the context and design considerations for the Bel-Red Subarea in LUC 20.25M.050.B.4 to be very thorough, and did not add any context or design considerations that were required to be taken into account by staff during review of the Bel Red segment that is the topic of this Staff Report.

In order to deliver a project that is consistent with the vision for Bel Red, overhead catenary poles (OCS) from the east side of 130<sup>th</sup> Avenue NE to NE 20<sup>th</sup> Street shall be painted black consistent with the Bel Red Corridor requirements for street lights which require all elements to be black. **See Section XI for a related condition of approval.**

### III. CONSISTENCY WITH ZONING REQUIREMENTS

#### Use (LUC 20.25M.030.A.1)

The proposed East Link RLRT facility is considered a permitted use under LUC

20.10.440 if the City Council has approved the facility system by resolution, ordinance, or development agreement (see LUC 20.10.440 “Transportation and Utilities” Footnote 25). The Bellevue City Council has approved the East Link RLRT facility and alignment through Resolution No. 8576, therefore, it is an allowed use.

#### IV. DESIGN STANDARDS AND GUIDELINES

##### 20.25M.040 RLRT System and Facilities Development Standards

###### A. Purpose and Applicability

The RLRT system and facilities are a unique form of essential public facility that is linear in nature, passing through numerous land use and overlay districts, following a route into and out of Bellevue that connects multiple jurisdictions and regional employment and cultural centers. The purpose for including development standards in the Light Rail Overlay is to provide specific requirements for mitigation of impacts created by an 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.

###### B. Dimensional Requirements

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

- a. Use Approved through Development Agreement. When an RLRT system or facility use has been permitted outright in a City Council resolution, ordinance, or development agreement pursuant to LUC 20.25M.030.B.1, the heights approved by Council action shall be permitted.

***Finding:*** The Bellevue City Council passed Resolution No. 8576 including the alignment and profile for the East Link segments through Bellevue on April 22, 2013. The heights for the structures within this permit are consistent with the intended heights of structures contemplated by Resolution No. 8576 and therefore satisfy Land Use Code requirements for height.

The 130<sup>th</sup> Station is located in the BR-RC-1 zone. The base maximum height in this district is 45 feet. The proposed 130<sup>th</sup> Station and system bungalows are all significantly below the 45 foot base maximum height allowed. The bike shelter located within the park and ride lot is approximately 13 feet high. The height of the canopies at the station entries is approximately 13 feet and the height of the main canopies is approximately 14 feet. The wall height of the entry structures is 13 feet.

###### 2. Setbacks.

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

or elevated track.

- b. Exceptions. The following RLRT facility components are exempted from the requirement to provide a setback.
  - ii. Noise walls, fences and retaining walls; and
  - ii. Structures allowed in landscape screening areas and installed consistent with the requirements of subsection C.3.b of this section.

***Finding:*** The Bel Red Segment of East Link is not located within the RLRT transition area, therefore, the setback requirements of the underlying land use districts apply. The linear segments of East Link within Bel Red run through the BR-R, BR-RC-1, BR-CR and BR-GC land use districts. The at-grade and elevated linear alignment is located within the transit way which is regulated similar to city right of way or WSDOT right of way. Land Use Code structure setbacks are not applicable within the transit way.

## **C. Landscape Development Requirements (LUC 20.25M.040.C)**

### **1. General**

#### **Applicability**

In the Light Rail Overlay District areas located within the underlying Downtown Overlay District (Part 20.25A LUC) or the Bel-Red Overlay District (Part 20.25D LUC), landscape development for an RLRT system or facility shall be provided pursuant to the requirements of such underlying district.

#### **Bel Red Landscape Development (20.25D.110.B)**

The provisions of LUC 20.20.520.A, D, E, G, I, J, K, and L apply to development in the BR Land Use Districts in addition to the provisions contained below.

#### **Street Frontage Landscape Development Requirements (20.25D.110.B)**

In the Bel Red area street frontage improvements are determined by intensity of street types which range from Transit Boulevard (NE Spring Boulevard) to local streets. As part of continuing efforts to improve City standards and practices, the City of Bellevue Enhanced Right of Way and Urban Boulevards Team has developed a set of recommended revisions to the Bel Red street frontage landscape development requirements. The revisions are intended to more fully reflect the intent of landscaping in the Bel Red District.

This set of recommendations is a refinement to the existing code eliminating some tree species that have been identified as being susceptible to fatal

diseases and pests and susceptible to harsh urban environments. Broadening the tree and understory plant palette is desirable for the long term health of the urban forest. The revised plant palette offers more variety, and results in a more cohesive and sustainable environment for arterial, local, and green streets planned for the district. Designs already in place for the Spring District, East Link, and roadway projects such as NE Spring Boulevard., 120<sup>th</sup> Ave N, and 124<sup>th</sup> Avenue NE are reflected in the document. These recommendations are intended to be implemented through the alternative landscape option (ALO) until such time as the Bel Red District (20.25.D) development standards and guidelines are revised through the land use code update process.

**Alternative Landscape Option (20.25M.040.C.4)**

Alternative landscape screening and buffering requirements may be approved by the Director if the requirements of LUC20.20.520. J are met. The additional provisions for some RLRT facilities of 20.25M.040.C.4.i, ii, and iii are not applicable to this ALO.

Different street typologies present in Bel Red provide opportunities for streetscapes that are cohesive yet create a unique sense of place. Street trees form a consistent element for an area or street, while variety is achieved with a range of preferred understory plantings. These approaches to tree and understory selection create a streetscape that emphasizes Northwest character, variety and biodiversity while reinforcing the identity of different areas within Bel Red.

Sound Transit’s East Link rail alignment creates a unique street typology through Bel Red that should be expressed and highlighted through the selection of a tree equally unique that also satisfies light rail’s operational criteria. Magyar Ginkgo has been selected for its brilliant fall color and upright form which will not interfere with the rail system’s overhead catenary system. Both NE Spring Boulevard and 136<sup>th</sup> PI NE have been designated as East Link Streets.

East Link Streets Tree Palette:

Street	Primary Tree	Accent Tree	Restricted Space Tree
<b>NE SPRING BLVD / 136th PLACE NE</b>	Ginkgo biloba ‘Magyar’	Fagus sylvatica ‘Dawyck’ or ‘Dawyck Purple’	Cornus kousa x nuttallii ‘Venus’

Understory Plantings:

- Northwest character such as Fragaria chiloensis, geranium, spirea, salal, hebe, daylily, sedge, Mahonia, Cornus kelseyi, red twig dogwood, azalea, and evergreen huckleberry
- Informal arrangement of vegetation



- All plants should be maintained to retain their natural form

**Finding:** Sound Transit revised its landscape plans to provide Magyar Ginkgo (Ginkgo Biloba ‘Magyar’) and Autumn Gold Binkgo (Ginkgo Biloba ‘autumn Gold’) as street trees for both NE Spring Boulevard and 136<sup>th</sup> PI NE. These trees are typical spaced 25 feet on center. Corridor landscape design has been developed in cooperation with the City of Bellevue Transportation and Parks and Community Services Departments. Understory planting includes a mixture of Hemerocallis ‘Ruby Stella’ Spiraea Japonica ‘Goldflame’, and Geranium Macrorrhizum in a 5 foot planter strip. This is consistent with the recommendations provided by the ERUB Team as discussed above.

130th Avenue NE is Bel Red’s designated Retail Street. Due to a high degree of pedestrian activity and the potential for circulation and seating in the furnishing zone of the sidewalk, soil vaults, tree grates, and other walkable surfaces should be used around trees on 130th Ave NE. Thoughtful integration of urban design with LID strategies, above-grade planters, seating, plant selection, street trees with appropriate soil volume, and other elements, allows for a thriving and functional streetscape.

Retail Street Tree Palette:

Application	Primary Tree	Accent Tree	Restricted Space Tree	Rain Garden Tree
Street Tree	Magnolia ‘Galaxy’	Cercidiphyllum japonicum	Stewartia pseudocamellia	Carpinus caroliniana ‘Native Flame’

Understory Plantings:

- Northwest character such as hellebore, heather, hosta, blue fescue, Cornus kelseyi, hebe, daylily, and yew
- Perennials are heavily preferred to annuals
- Plants suitable for containers if used
- All plants should be maintained to retain their natural form

Rain garden plantings:

- Evocative of Northwest streams and wetlands
- Plants are context appropriate, following the Department of Utilities’ *Storm and Surface Water Engineering Manuel*
- Informal arrangement of vegetation
- All plants should be maintained to retain their natural form
- Plants can also be selected from the *Rain Garden Handbook for Western Washington Homeowners* (Washington State University, 2007), the *Low Impact Development Technical Guidance Manual for Puget Sound* (Puget Sound Partnership and Washington State University, 2005 or current) as long as they meet the criteria above

**Finding:** Sound Transit has indicated Galaxy Magnolia (Magnolia X 'Galaxy') with a typical spacing of 25 feet on center as the street tree for the limited area of street frontage along 130<sup>th</sup> Ave NE in the vicinity of the park and ride lot. Proposed understory plants include Hebe X 'Red Edge', Veronica Peduncularis 'Georgia Blue', and Nandina Domestica 'Moon Bay within a 4 foot planter strip. Sound Transit has also incorporated bioretention planters into the landscape design consistent with city recommendations.

That portion of NE Spring Boulevard west of approximately 128<sup>th</sup> Avenue NE extended is identified as an arterial street, however this elevated portion of the alignment is slated for critical areas mitigation/restoration planting which is discussed in Section IV of this staff report.

Bel Red is home to many greenbelts, streams and wetland areas. There are five streams that should be highlighted with a change in the landscaping of the streetscape as they cross under or run adjacent to streets. These streams include the West Tributary, Goff Creek, Kelsey Creek, Valley Creek, and Sears Creek.

**Finding:** The Bel Red segment of East Link under this application intersects with three stream corridors. Where the elevated segment of the alignment crosses the West Tributary of Kelsey Creek, a critical areas mitigation/restoration project will be installed as discussed in Section IV. An open stream segment of Goff Creek is adjacent to the northeast corner and of the park and ride lot. Landscaping in this area includes a mixture of native shore pine, vine maple, and mountain hemlock. This area was also identified by the CAC as appropriate for a specimen tree. **See Section XI for a related condition of approval.**

The East Link alignment also crosses an unnamed segment of a tributary to Kelsey Creek at 136<sup>th</sup> PI NE. Street trees adjacent to this crossing include Ginkgo Biloba 'Autumn Gold as discussed above for this East Link Street.

### **Interior Property Line Development (20.25D.110.D)**

Where Required. A 10-foot landscape buffer shall be provided along an interior property not regulated elsewhere.

3. Applicable Standard.
  - a. Evergreen and deciduous trees, with no more than 50 percent being deciduous, a minimum of six feet in height, and planted at intervals no greater than 30 feet on center; and
  - b. If planted to buffer a building elevation, shrubs, a minimum of

- three and one-half feet in height, and living ground cover planted so that the ground will be covered within three years; or
- c. If planted to buffer a parking area, access, or site development other than a building, any of the following alternatives may be used unless otherwise noted:
    - i. Shrubs, a minimum of three and one-half feet in height, and living ground cover must be planted so that the ground will be covered within three years.
    - ii. Earth-mounding, an average of three and one-half feet in height, planted with shrubs or living ground cover so that the ground will be covered within three years. This alternative may not be used in a Downtown Land Use District.
    - iii. A combination of earth-mounding and shrubs to produce a visual barrier at least three and one-half feet in height.

**Finding:** Sound Transit has provided an average of eight to ten feet of interior property line landscaping along the interior property lines of the park and ride facility. The majority of trees within the property line planter strips are evergreens, far exceeding the minimum 50 percent requirement. The small deviation from the strict application the 10 foot buffer requirement is mitigated by the quality of the proposed tree species which will result in an equal or better result than the prescriptive code. Tree species include Mountain Hemlock (*Tsuga Mertensiana*), Shore Pine (*Pinus Contorta*), and Vine Maple (*Acer Circinatum*).

### **Type V Parking Area Landscaping (20.20.520.G.5)**

#### Design

- i. Each area of landscaping must contain at least 100 square feet of area and must be at least four feet in any direction exclusive of vehicle overhang. The area must contain at least one tree at least six feet in height and with a minimum size of one and one-half inches in caliper if deciduous. The remaining ground area must be landscaped with plant materials, decorative mulch or unit pavers.
- ii. A landscaped area must be placed at the interior end of each parking row in a multiple-lane parking area. This area must be at least four feet wide and must extend the length of the adjacent parking stall.
- iii. Up to 100 percent of the trees proposed for the parking area may be deciduous.

**Finding:** The proposed landscaping within the parking area at the park and ride lot exceeds minimum code requirements for Type V landscaping. Sound Transit has proposed palette of trees that includes

Pacific Crabapple (*Malus Fusca*), Austrian Pine (*Pinus Nigra*), and accent provided by Maidenhair Trees (*Ginko Biloba 'Fastigiata'*). The understory includes, but is not limited to *Cornus Stolonifera 'Kelseyi'*, *Echinacea Purpurea*, *Rubus Calycinoides*, *Fragaria Chilonis*, and *Hemerocallis 'Stella De Oro'*. The park and ride lot also includes Bioretention swales that are designed consistent with Bellevue Natural Drainage Practices and include a plant mix intended to survive in wet conditions.

**See Section XI for related landscape planting and maintenance conditions of approval.**

## 2. CAC Design and Mitigation Permit Advice

- The CAC recommends more native vegetation incorporated in the overall landscape plans. This should particularly include more evergreen trees.
- The CAC recommends more mature landscaping with the initial planting.
- The CAC recommends that all reasonable efforts should be made to ensure that in the interim condition prior to the completion of the future Spring Boulevard, the area around the 130<sup>th</sup> Station should not look unfinished or incomplete. Maximizing planting in available areas around the entry structures is one way to achieve this goal.
- The CAC recommends that a featured or signature tree(s) be included in the final landscape design for the Bel Red Segment. The future plaza in the vicinity of the Pacific Northwest Ballet at 136<sup>th</sup> Place NE is a suggested location.

***Finding:*** In order to satisfy CAC advice recommending more mature evergreen vegetation and the inclusion of featured or signature tree(s), this permit has been conditioned to require the installation of a signature evergreen tree in the northeast corner of the park and ride lot landscape area in the vicinity of Goff Creek. Two additional signature trees will be required with future plaza development in the vicinity of the Pacific Northwest Ballet at 136<sup>th</sup> Place NE. Identification of species and size of tree at planting will be coordinated with the City of Bellevue Development Services and Parks Department and Sound Transit. **See Section XI for a related condition of approval.**

## D. Fencing

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

**Finding:** As this portion of the East Link alignment is located within the Bel Red area, the following fence requirements of LUC 20.250.110.H are applicable.

1. No fence shall be permitted to violate the sight obstruction restrictions at street intersections. (See BCC 14.60.240, now or as hereafter amended.)
2. Any fence which exceeds eight feet in height requires a building permit and shall conform to the International Building Code, as adopted by the City of Bellevue now or as subsequently amended or superseded.
3. Height shall be measured from finished grade at the exterior side of the fence. No person shall construct a berm upon which to build a fence unless the total height of the berm plus the fence does not exceed the maximum height allowable for the fence if the berm was not present.
4. Prohibited Fences. The following types of fences are prohibited:
  - a. Barbed wire.
  - b. Electric fences.
  - c. Chain link fences are not permitted on any street frontage in any land use district except as follows:
    - i. To secure a construction site or area during the period of construction, site alteration, or other modification;
    - ii. In connection with any approved temporary or special event use; or
    - iii. As a component of an existing development pursuant to LUC 20.25D.060.

**Finding:** The East Link project complies with the requirements of LUC 20.25D.110.D. No prohibited fences will be approved with this application. Any fences that exceed eight feet in height will be required to be obtain building permits. No proposed fences create a site obstruction or restriction at any street intersections. **See Section XI for a related condition of approval.**

## **E. Light and Glare**

1. To protect adjoining uses and vehicular traffic in the right-of-way, the following provisions shall apply to the generation of light and glare from RLRT facilities:

- a. All exterior lighting fixtures in parking areas and driveways shall utilize cutoff shields or other appropriate measures to conceal the light source from adjoining uses and rights-of-way. Other lights shall be designed to avoid spillover glare beyond the site boundaries.
- b. Interior lighting in parking garages shall utilize appropriate shielding to prevent spillover upon adjacent uses and the right-of-way.

**Finding:** All lights within the park and ride lot at the 130<sup>th</sup> Station use cutoff shields and direct light to the interior of the site. No garage structure is proposed at this location.

## 2. CAC Design and Mitigation Permit Advice

- The CAC recommends that measures should be taken to ensure that no lighting is directed skyward and any accent lighting results in a reflective glow.

**Finding:** No skyward directed lighting is included in the Design and Mitigation Permit submittal. Sound Transit has included penetrations in the station entry concrete panels that will provide accent back lighting.

## F. Mechanical Equipment

Mechanical equipment shall be required to meet the applicable requirements of LUC 20.20.525 when overlay standards and/or design guidelines have not been incorporated by reference in LUC 20.25M.010.D. Any mechanical equipment screening shall be consistent with the landscape development requirements of subsection C of this section and shall be context sensitive. **See Section XI for a related condition of approval.**

## 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 LUC 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 an RLRT facility.
3. Parking and Circulation Improvements and Design. RLRT facilities that provide parking for the public shall meet the requirements of LUC 20.20.590.K.
4. Parking Management Plans. The Regional Transit Authority shall

submit a plan for managing parking and drop-off issues that arise when each station becomes operational, irrespective of whether parking is provided.

***Finding:*** The park and ride facility at the 130<sup>th</sup> Station will provide approximately 300 surface parking stalls. These stalls are designed to satisfy the parking area and circulation improvements and design requirements of LUC 20.20.590.K. **See Section XI for a related condition of approval requiring a parking management plan.**

## 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 an RLRT system.

***Finding:*** Sound Transit provides both waste and recycling bins at each of their stations, including the 130<sup>th</sup> Station. These are available to both workers and members of the public and are typical small ground-based units that do not require additional screening. Large trash, recycling, and composting receptacles are not proposed for the 130<sup>th</sup> Station or along the alignment in this segment.

## I. Critical Areas

### Resources Defined/Intent

As required by the Washington State Growth Management Act (RCW 36.70A) the City of Bellevue regulates critical areas through the Critical Areas Overlay District under City of Bellevue Land Use Code (LUC) section 20.25H. The Critical Areas Overlay District is a mechanism by which the City recognizes the existence of natural conditions which affect the use and development of property. Through this part, the City designates and classifies ecologically sensitive and hazard areas and imposes regulations on the use and development of affected property in order to protect functions and values and ensure public health, safety and welfare. Critical Areas promulgated by RCW 36.70A and established by LUC 20.25H include Streams, Wetlands, Geologic Hazard Areas, Areas of Special Flood Hazard, Shorelines, and Habitat for Species of Local Importance.

Discreet segments of the Bel Red segment cross through or are adjacent to regulated critical areas. This section of the staff report outlines the results of extensive field study, identifies anticipated impacts, presents proposed mitigation measures as required to offset impacts, and imposes conditions intended to ensure appropriate long term objectives and desired outcomes are



achieved.

### **Critical Areas Land Use Permit**

Although the proposed project will impact critical areas and critical area buffers a Critical Areas Land Use Permit is not required. In accordance with LUC 20.25M.030.C.3.j when a proposed RLRT facility (or associate infrastructure and mitigation) is to be located wholly or partially in a defined and regulated critical area, a Critical Areas Land Use Permit is not required and analysis of project compliance with LUC 20.30P is not applicable. Compliance with the requirements of LUC 20.25H (Critical Areas Overlay District) shall be demonstrated and bundled with the project Design and Mitigation Permit. In addition to performance standards and criteria established in the Critical Areas Overlay District, compliance with criteria established in LUC 20.25M.030.C.3.j is also required.

### **Critical Areas Field Study Reports and Critical Areas Report Defined**

#### **i. Wetland, Stream, and Jurisdictional Ditch Delineation Report**

The Bel Red Segment design package intersects wetland resources, stream resources, geologic hazard areas, and habitat for species of local importance. The applicant, Sound Transit, has consulted with Anchor QEA (a qualified consultant - LUC 20.25H.030, LUC 20.25H.250.B, and LUC 20.50.042) to develop a Wetland, Stream, and Jurisdictional Ditch Delineation Report (the '**Delineation Report**' – **See Attachment D**) that documents the presence, location, and quality of stream and wetland critical areas within proximity of the proposed Sound Transit RLRT facility. The Delineation Report was developed for the entirety of the Sound Transit East Link RLRT alignment, from Lake Washington/I-90 to the Redmond border and its associated design packages. This report also includes a summary of jurisdictional ditches, although this section is not relevant to City of Bellevue permit review (the City of Bellevue Land Use Code does not regulate jurisdictional ditches), this section was included as the Delineation Report is also used with application for state and federal permit and the applicant opted to create one report for the whole project that is universal across all required permit paths.

The Delineation Report was developed after extensive field work to locate and characterize wetlands and streams within proximity to the proposed East Link alignment. City of Bellevue Development Services Department Land Use Division staff were involved closely with the development of this report and inconsistencies with application of delineation practice and interpretation of City of Bellevue Land Use Code Critical Areas requirements were resolved through correspondence and field meeting with the applicant and consultant, including engagement of the State Department of

Ecology where needed.

The Report analyzes regulatory requirements, includes detailed maps depicting the location of the subject resources, and memorializes the study methodology. This report was used in support of the project Critical Areas Report (see below) and is the fundamental baseline establishing existing wetland and stream conditions in the project vicinity. **The project Delineation Report is included as Attachment D.**

## ii. East Link Light Rail Extension Critical Areas Report and Mitigation Plan

The East Link Light Rail Extension Critical Areas Report and Mitigation Plan (the '**Critical Areas Report**' – **See Attachment E**) was developed following completion of the project Delineation Report (see above). The Critical Areas Report documents existing conditions within the vicinity of the project alignment, identifies anticipated impacts to known resources, analyzes regulatory requirements, presents mitigation measures designed to offset and abate identified impacts, and includes long term mitigation objectives and contingencies. The Critical Areas Report presents a plan for regulatory compliance and establishes a vision for long term outcomes.

It is anticipated that additional analysis may be needed as the project design is refined through continued project design efforts (e.g. CAC, City Council, Design and Mitigation Permit, Engineering, etc.), and the Critical Areas Report was specifically designed to allow for updates as new information becomes available or if the project alignment changes. With this Design and Mitigation Permit, compliance with Critical Areas requirements established in LUC 20.25H and LUC 20.25M is demonstrated through the project Critical Areas Report. This section of the staff report is a summary of the findings of the Critical Areas Report. Where statements of compliance with Critical Areas requirements are made in this staff report, they are based on information and analysis presented in the Critical Areas Report. Impacts associated with Sound Transits Bel Red Segment (also referred to as the E340 Contract Design Package) are outlined in Section 4 of the Critical Areas Report. **The Critical Areas Report is included as Attachment E.**

### **Analysis of Technically Feasible Alternatives – Not Required**

As an Essential Public Facility (EPF), the proposed East Link RLRT facility is an allowed use within the Critical Areas Overlay District (LUC 20.25H) established by LUC 20.25H.055.B, Footnote 12. In accordance with LUC 20.25M.040.I.2, as an EPF, when an RLRT facility alignment location and profile is approved by the City Council pursuant to resolution or ordinance, analysis of technically feasible alternatives is not required and LUC 20.25H.055.C.2.a does not apply. Sound Transit (the applicant) is not required to demonstrate that the selected alignment location and profile is the

alternative with the least impact to critical areas, because the Bellevue City Council passed Resolution No. 8576 including the alignment location and profile on April 22, 2013, and the East Link RLRT facility as proposed in this application is consistent with the Council resolution. Although Sound Transit is not required to consider alternative alignments, in accordance with LUC 20.25M.030.C.3.j.i the design must demonstrate the design results in the least possible impact on critical areas based upon the agreed upon alignment chosen by the Bellevue City Council and Sound Transit Board. The applicant has provided an analysis of design considerations that complies with this requirement as part of the project Critical Areas Report (included as **Attachment E**).

### **Compliance with Performance Standards and Criteria**

As the proposed Sound Transit RLRT facility intersects with critical areas, compliance with applicable performance standards and criteria must be demonstrated. Applicable performance standards are outlined in LUC 20.25H.055.B and further refined in LUC 20.25M.030.C.3.j and LUC 20.25M.040.I. A Critical Areas Land Use Permit is not required and compliance with LUC 20.30P does not apply. The applicant has provided an analysis of compliance with applicable performance standards that complies with this required as part of the project Critical Areas Report (included as **Attachment E**).

### **Modification of Standards**

Due to the complex design of an RLRT facility, strict application of critical areas rules may not be feasible or practical. In many instances application of prescriptive rules may cause for an adverse or un-intended effect or outcome. To address situations where conflict has been identified, a modification of critical areas standards is allowed, with the criteria established by LUC 20.25M.060, LUC 20.25M.040.I.1 allows for modification of the requirements of LUC 20.25H.

### **Mitigation Plan**

Although a Critical Areas Land Use Permit is not required, as specified by LUC 20.25M.030.C.3.j (see discussion above), a mitigation plan meeting the requirements of LUC 20.25H.210 must be submitted with the Design and Mitigation Permit application. The applicant has submitted a mitigation plan, designed by a qualified professional, included as part of the project Critical Areas Report (see **Attachment E**) and meeting the requirements of LUC 20.25H.210.

### **Linear Project**

Sound Transit's East Link project is linear. As a linear project, East Link intersects multiple resource areas classified as Critical Areas by the City's Land Use Code Critical Areas Overlay District. For the purpose of this Design and Mitigation Permit, analysis is focused on impacts and mitigation measures associated with the Bel-Red Segment. Due to association with a

larger linear project, the point of origin and the point of termination of the project limits is dictated by the larger linear alignment. The Bel Red Segment must be compatible and connect with the segments to the west and east, and must follow the alignment established by planning efforts made by Sound Transit and the City of Bellevue. Construction of the Bel Red segment of Sound Transit's East Link facility is reliant on a critical areas mitigation plan that establishes consolidated mitigation for the entire East Link Segment through Bellevue. Specific portions of the overall East Link mitigation package will be constructed with the Bel Red Segment, while other mitigation measures required due to impacts associated with the Bel Red Segment will be constructed outside the limits of the Bel Red Segment.

Deployment of the mitigation plan is dependent on installation of mitigation associated with the phased construction approach taken by Sound Transit for the entire Bellevue segment of the East Link project. See associated conditions of approval requiring implementation of the complete mitigation plan.

### **Watershed Basins**

The Bel Red segment of the East Link project is entirely located within the larger Kelsey Creek basin, crossing the West Tributary, Goff Creek, Kelsey Creek, and Valley Creek sub-basins. Drainage for this facility must account for varying topography and varying levels of urbanization.

### **Project Area**

The Project area is deliberately located through a highly urbanized area to maximize ridership. The area surrounding the Bel Red Segment is characterized by light industrial, commercial, and residential uses. Natural systems in this area are fragmented by historic landscape alteration, drainage re-routes, interspersed buildings, and paving. Where the alignment crosses within vicinity to a sensitive resource sincere efforts have been made to avoid and minimize potential impacts. These avoidance and minimization efforts have successfully eliminated any long-term impacts to geologic hazard areas, areas of special flood hazard, and species and habitats of local importance; however, some impacts to wetlands and streams are anticipated and will be mitigated.

### **Critical Areas – Existing Conditions**

#### **Methodology**

To identify the presence of critical areas within vicinity of the proposed project alignment, the applicant first gathered background information and performed a corridor walk through, then performed fieldwork based on anticipated resource locations. Background analysis and field work followed standard protocol for identification and characterization of the critical areas. Specific methodology for identification, characterization, and documentation of critical

areas and anticipated impacts is presented in the project Critical Areas Report (see **Attachment E**).

**1. Wetlands (LUC 20.25H.095)**

**Wetland Functions:** Wetlands provide important functions and values for both the human and biological environment—these functions include flood control, water quality improvement, and nutrient production. These “functions and values” to both the environment and the citizens of Bellevue depend on their size and location within a basin, as well as their diversity and quality. While Bellevue’s wetlands provides various beneficial functions, not all wetlands perform all functions, nor do they perform all functions equally well (Novitski et al., 1995). However, the combined effect of functional processes of wetlands within basins provides benefits to both natural and human environments. For example, wetlands provide significant stormwater control, even if they are degraded and comprise only a small percentage of area within a basin.

**Existing Conditions:** Three wetland units were identified within the vicinity of the Bel Red segment as listed in Table 1 below. Wetland buffers were identified through application of LUC 20.25H.095.C. Buffers are listed in Table 2 below. Complete descriptions of these wetland units are included in the project Delineation Report (Attachment D) and in the project Critical Areas Report (Attachment E).

**Table 1 – E340 Wetland Units**

Wetland Name	Size (acres)	Drainage Basin	USFWS Classification	Hydrogeomorphic Classification Used for Rating
Kelsey West Tributary Pond	5.98 <sup>a</sup>	West Tributary	PFO, PEM	Depressional, Riverine
Kelsey West Tributary Stream	0.04	West Tributary	PFO, PSS, PEM	Riverine
136th Place	0.03	Kelsey Creek	PFO, PSS, PEM	Depressional

Notes:

<sup>a</sup> Wetland area is approximate; wetland extends beyond the Project boundary.

PFO = palustrine forested

PSS = palustrine scrub-shrub

PEM = palustrine emergent

PAB = palustrine aquatic bed

USFWS = U.S. Fish and Wildlife Service

**Table 2 – E340 Wetland Buffers**

Wetland Name	State (Ecology) and Local (Bellevue) Rating	Bellevue Buffer Widths (feet)
Kelsey West Tributary Pond	II	75
Kelsey West Tributary Stream	III	60
136th Place	III	60

Note:

Ecology = Washington State Department of Ecology

## 2. Streams and Riparian Areas (LUC 20.25H.075)

**Stream Functions:** Most of the elements necessary for a healthy aquatic environment rely on processes sustained by dynamic interaction between the stream and the adjacent riparian area (Naiman et al., 1992). Riparian vegetation in floodplains and along stream banks provides a buffer to help mitigate the impacts of urbanization (Finkenbine et al., 2000 in Bolton and Shellberg, 2001). Riparian areas support healthy stream conditions.

Riparian vegetation, particularly forested riparian areas, affect water temperature by providing shade to reduce solar exposure and regulate high ambient air temperatures, slowing or preventing increases in water temperature (Brazier and Brown, 1973; Corbett and Lynch, 1985).

Upland and wetland riparian areas retain sediments, nutrients, pesticides, pathogens, and other pollutants that may be present in runoff, protecting water quality in streams (Ecology, 2001; City of Portland 2001). The roots of riparian plants also hold soil and prevent erosion and sedimentation that may affect spawning success or other behaviors, such as feeding.

Both upland and wetland riparian areas reduce the effects of flood flows. Riparian areas and wetlands reduce and desynchronize peak crests and flow rates of floods (Novitzki, 1979; Verry and Boelter, 1979 in Mitsch and Gosselink, 1993). Upland and wetland areas can infiltrate floodflows, which in turn, are released to the stream as baseflow. Stream riparian areas, or buffers, can be a significant factor in determining the quality of wildlife habitat. For example, buffers comprised of native vegetation with multi- canopy structure, snags, and down logs provide habitat for the greatest range of wildlife species (McMillan, 2000). Vegetated riparian areas also provide a source of large woody debris that helps create and maintain diverse in-stream habitat, as well as create woody debris jams that store sediments and moderate flood velocities.

Sparsely vegetated or vegetated buffers with non-native species may not perform the needed functions of stream buffers. In cases where the buffer is not well vegetated, it is necessary to either increase the buffer width or require that the standard buffer width be restored or re-vegetated (May 2003). Until the newly planted buffer is established the near term goals for buffer functions may not be attained.

Riparian areas often have shallow groundwater tables, as well as areas where groundwater and surface waters interact. Groundwater flows out of riparian wetlands, seeps, and springs to support stream baseflows. Surface water that flows in to riparian areas during floods or as direct precipitation infiltrates into groundwater in riparian areas and is stored for later discharge to the stream (Ecology, 2001; City of Portland, 2001).

**Existing Conditions:** Four stream corridors were identified within the vicinity of the Bel Red segment as listed in Table 3 below. Stream buffers were identified through application of LUC 20.25H.075.C and are listed in Table 4 below. Complete descriptions of these stream corridors are included in the project Delineation Report (**Attachment D**) and in the project Critical Areas Report (**Attachment E**).

**Table 3 – E340 Stream Corridors**

Stream	OHWL Length <sup>1</sup> (feet)	Drainage Basin <sup>2</sup>
West Tributary to Kelsey Creek	321	West Tributary
Stream C	291	West Tributary
Goff Creek	61	Goff Creek
Unnamed Tributary to Kelsey Creek	342	Kelsey Creek

**Notes:**

<sup>1</sup> Calculations provided by HJH for open channel areas that were delineated.

<sup>2</sup> City of Bellevue 2013b.

OHWL = ordinary high water mark

**Table 4 – E340 Stream Corridor Buffers**

Stream	Local Stream Rating <sup>1</sup>	Buffer Width (feet)
West Tributary to Kelsey Creek	Type F	50 <sup>2</sup>
Stream C	Type O	25
Goff Creek	Type F	50 <sup>3</sup>
Unnamed Tributary to Kelsey Creek	Type N	50

**Notes:**

<sup>1</sup> BCC (City of Bellevue 2013a).

<sup>2</sup> This stream buffer is based on guidance from City of Bellevue 2013a, Chapter 20.25H.075.C.1.c.

<sup>3</sup> This stream buffer is based on guidance from City of Bellevue 2013a, Chapter 20.25H.075.C.1.a.

**3. Habitat for Species of Local Importance (LUC 20.25H.150)**

**Habitat Functions:** Urbanization, the increase in human settlement density and associated intensification of land use, has a profound and lasting effect on the natural environment and wildlife habitat (McKinney 2002, Blair 2004, Marzluff 2005 Munns 2006), is a major cause of native species local extinctions (Czech et al 2000), and is likely to become the primary cause of extinctions in the coming century (Marzluff et al. 2001a). Cities are typically located along rivers, on coastlines, or near large bodies



of water. The associated floodplains and riparian systems make up a relatively small percentage of land cover in the western United States, yet they provide habitat for rich wildlife communities (Knopf et al. 1988), which in turn provide a source for urban habitat patches or reserves. Consequently, urban areas can support rich wildlife communities. In fact, species richness peaks for some groups, including songbirds, at an intermediate level of development (Blair 1999, Marzluff 2005).

Protected wild areas alone cannot be depended on to conserve wildlife species. Impacts from catastrophic events, environmental changes, and evolutionary processes (genetic drift, inbreeding, colonization) can be magnified when a taxonomic group or unit is confined to a specific area, and no one area or group of areas is likely to support the biological processes necessary to maintain biodiversity over a range of geographic scales (Shaughnessy and O'Neil 2001). As well, typological approaches to taxonomy or the use of indicators present the risk that evolutionary potential will be lost when depending on reserves for preservation (Rojas 2007). Urban habitat is a vital link in the process of wildlife conservation in the U.S.

**Existing Conditions:** The mosaic of vegetation communities within the project area provides habitat for a variety of terrestrial and aquatic wildlife. Wildlife relies on vegetation for food, shelter, and cover from predators. Wildlife diversity is generally related to the structure and composition of plant species within vegetative communities. In general, vegetation communities that contain few species or vegetative layers (herbaceous vegetation, shrubs, or trees) support a low diversity of wildlife, whereas vegetation communities that are more complex and contain a wide variety of plant species and vegetative layers can support a greater diversity of wildlife. Forested and riparian areas with well-developed shrub layers are likely to support the greatest number of species and populations of wildlife (Brown 1985).

Wildlife habitats in the broader East Link project area range in quality from low in commercial and residential areas to high in the wetland habitat and forested riparian habitat associated with Mercer Slough. The majority of habitat in the project area is developed and therefore provides habitat for disturbance-tolerant species typical of urban areas.

The City recognizes 23 species of local importance (LUC 20.25H.150; City of Bellevue 2013a). As part of the analysis of species of local importance, Anchor QEA reviewed information from the WDFW PHS database on state priority species and habitats that may occur in or near the project area (WDFW 2013a). Species of local importance that could occur within the Project area were identified based on observations during the site visits, the WDFW PHS data, the presence of potential suitable habitat for priority species within the project area, and WDFW management recommendations for priority species (Larsen 1997, Larsen et. al. 2004,

WDFW 2013a).

Of the 23 species considered by LUC 20.25H.210, the applicant's consultant identified potential suitable habitat within the Bel Red Segment for 10 species: Great blue heron (*Ardea herodias*); Green heron (*Butorides striatus*); Osprey (*Pandion haliaetus*); Pileated woodpecker (*Dryocopus pileatus*); Purple martin (*Progne subis*); Red-tailed hawk (*Buteo jamaicensis*); Keen's myotis (*Myotis keenii*); Long-eared myotis (*Myotis evotis*); Long-legged myotis (*Myotis volans*); Western big-eared bat (*Plecotus townsendii*). Complete descriptions of these species and project area habitat features are included in the project Delineation Report (**Attachment D**) and in the project Critical Areas Report (**Attachment E**).

#### 4. Areas of Special Flood Hazard (LUC 20.25H.175)

There are no Areas of Special Flood Hazard found within proximity of the Bel Red Segment. Rules associated with Areas of Special Flood Hazard do not apply to the project area that is the subject of review in this staff report.

#### 5. Geologic Hazard Areas (LUC 20.25H.120)

**Geologic Hazard Area Functions:** Geologic hazards pose a threat to the health and safety of citizens when commercial, residential, or industrial development is inappropriately sited in areas of significant hazard. Some geologic hazards can be reduced or mitigated by engineering, design, or modified construction practices. When technology cannot reduce risks to acceptable levels, building in geologically hazardous areas is best avoided (WAC 365-190).

Steep slopes may serve several other functions and possess other values for the City and its residents. Several of Bellevue's remaining large blocks of forest are located in steep slope areas, providing habitat for a variety of wildlife species and important linkages between habitat areas in the City. These steep slope areas also act as conduits for groundwater, which drains from hillsides to provide a water source for the City's wetlands and stream systems. Vegetated steep slopes also provide a visual amenity in the City, providing a "green" backdrop for urbanized areas enhancing property values and buffering urban development.

#### **Existing Conditions:**

There are two regulated steep slope areas in the Bel Red segment where project structures will be located on or below the surface of the steep slope, the steep slope critical area buffer, or the structure setback area. These areas are regulated because of their location within or adjacent to habitats for species of local importance.

Steep slope areas impacted by the Bel Red segment and not associated with habitat areas are regulated strictly from an engineering perspective

and are not discussed in this staff report. Similar to road or highway construction, these areas require specialized engineering and are addressed through the project engineering reports and geotechnical analysis.

**Steep slope area #23** (see project Critical Areas Report included as **Attachment E**): This steep slope area is located along the south side of Kelsey West Tributary Pond wetland. The aerial guideway will cross the slope with one column and foundation in the slope area. The toe of slope setback is in the Kelsey West Tributary Pond wetland. The top of slope buffer is mainly on an existing paved surface. Some trees within the wetland Vegetation Clear Zone (VCZ) will be removed, but most are willow species that can be replaced with large shrub species that will provide an equivalent habitat diversity. The portions of the wetland buffer that will be in the VCZ under the aerial guideway will be replanted. The wetland in the VCZ will have infill planting, which will also mitigate for the permanent impacts from the column and tree removal. There will not be a significant impact to habitat associated with species of local importance.

**Steep slope area #24** (see project Critical Areas Report included as **Attachment E**): This steep slope area is located near the southeast corner of the Kelsey West Tributary Pond wetland and east of the West Tributary to Kelsey Creek stream. Most of the top of slope buffer is under building structure and pavement. The toe of slope setback is on wetland and stream buffer and pavement. The slope is within an area infested with Himalayan blackberry. Impacts in this area are due to construction access to build the elevated guideway and its associated storm drain system. With the exception of the column within this area, all planting areas will be restored with native plants. Also, stream buffer improvements will assist in boosting habitat diversity within the open channel. There will not be a significant impact to habitat associated with species of local importance in this area.

## 6. Shoreline Critical Areas (LUC 20.25H.115)

There are no Shoreline Critical Areas found within proximity of the Bel-Red segment. Rules associated with Shoreline Critical Areas do not apply to the project area that is the subject of review in this staff report.

## Critical Areas – Identified Impacts

### Methodology

To identify potential impacts to critical area resources associated with the Bel Red Segment, known resource areas were identified, characterized, and mapped. The project alignment and preliminary engineering was overlaid and contrasted with known resource areas. Where the proposed alignment and facility features were identified to overlay resource areas, engineering was

adjusted and attempts to avoid impacts were made. Where impacts were unavoidable mitigation was required. This section of the staff report identifies unavoidable impacts associated with the Bel Red segment. A discussion outlining mitigation measures follows.

### Wetland Impacts

Of the three wetland units catalogued in the vicinity of the Bel Red segment, only one was identified as having permanent unavoidable impacts. Impacts to the Kelsey West Tributary Pond wetland are outlined in Table 5 below. A full discussion of impacts to wetlands, wetland buffers, wetland vegetation, and temporary impacts is included in the project Critical Areas Report (see **Attachment E**). Mitigation for permanent impacts is addressed below.

**Table 5 – Wetland Impacts**

Site	Drainage Sub-basin	Permanent Impact (acres)	Permanent Vegetation Conversion (acres)	Temporary Impact (acres)	Permanent Buffer Impact (acres)	Temporary Buffer Impact (acres)
Kelsey West Tributary Pond	West Tributary	0.01	0.00	0.02	0.11	0.26
<b>Total Wetland Impacts:</b>		<b>0.01</b>	<b>0.00</b>	<b>0.02</b>	<b>0.11</b>	<b>0.26</b>

**Wetland Structure Setbacks:** As an essential public facility Sound Transit's East Link alignment is treated as transportation infrastructure right of way. The East Link guideway is not considered a structure for application of LUC 20.25H and, similar to highway bridges, is therefore not required to comply with structure setback requirements.

### Stream Impacts

Of the four stream corridors catalogued in the vicinity of the Bel Red segment, all are anticipated to be affected by the project. Impacts may occur within the stream channel or within the stream buffer and may be permanent or temporary. Impacts to area streams are outlined in Table 6 below. A full discussion of impacts to streams and stream buffers, including temporary impacts, is included in the project Critical Areas Report (see **Attachment E**). Mitigation for permanent impacts is addressed below.

**Table 6 – Stream Impacts**

Stream	Local Stream Rating	Permanent Impacts (sf)	Temporary Impacts (sf)	Permanent Buffer Impacts <sup>1</sup> (acres)	Temporary Buffer Impacts (acres)
West Tributary to Kelsey Creek	Type N	0	620	0.02	0.13
Stream C	Type O	0	1,562	0.06	0.08
Goff Creek	Type F	0	0	0.03	0.00
Unnamed Tributary to Kelsey Creek	Type N	3,025	0	0.00	0.00
<b>Total Stream Impacts:</b>		<b>3,025</b>	<b>2182</b>	<b>0.11</b>	<b>0.21</b>

Notes:

<sup>1</sup> Areas only include stream buffer where there is no wetland buffer overlap. Overlapping buffer areas are counted as wetland buffers and included in Table 4-4.

sf = square feet

**Stream Structure Setbacks:** As an essential public facility Sound Transit’s East Link alignment is treated as transportation infrastructure right of way. The East Link guideway is not considered a structure for application of LUC 20.25H and, similar to highway bridges, is therefore not required to comply with structure setback requirements.

**Impacts to Habitat for Species of Local Importance**

The primary potential construction impact on potential habitat for species of local importance (fish and wildlife habitat, wetlands, streams, and upland vegetation communities) will be removal and loss of habitat. In general, the severity of impact varies depending on the type and quantity of affected vegetation. For example, losing plant communities that offer limited wildlife habitat, such as fragmented ornamental vegetation in commercial and residential areas, results in less of an adverse effect than losing more complex vegetation associations, such as forested areas and wetlands.

The majority of clearing and grading associated with the project will include areas with existing impervious surfaces and managed grass and fragmented and isolated tree and shrub vegetation within a densely developed urban area. The majority of the vegetation communities in the project area is landscaped and does not include understory vegetation that provides habitat for amphibian, bird, reptile, and mammal species. Wildlife species that would likely occupy habitat in these developed areas include birds and small mammals typically associated with urban residential and commercial development.

Due to the overall lack of potential habitat for species of local importance within the project area outside of the Kelsey West Tributary Pond Wetland habitat (which is addressed as wetland impact), overall habitat losses resulting from the project are expected to be relatively small and are unlikely to result in a significant impact on species of local importance. A full discussion of impacts to habitat for species of local importance is included in the project Critical Areas Report (see **Attachment CA-2**). Mitigation for permanent impacts, including

habitat, is addressed below.

### **Impacts to Geologic Hazard Areas**

The Project will not adversely impact geologic conditions in the Bel Red segment. Retaining walls and slopes minimize the project's footprint and extent of topographic modification. Structure design in steep slope areas is based on geotechnical analyses and recommendations that avoid risk to the light rail transit facilities, users, and neighboring properties. Additional development in the area would increase the amount of infrastructure placed in localized geologically sensitive areas such as steep slopes or seismic hazard areas. However, all of these projects must be constructed in accordance with state and local laws that require design and construction to meet seismic standards. A full discussion of impacts to geologic hazard areas is included in the project Critical Areas Report (see **Attachment E**). Mitigation for permanent impacts, including impacts to slopes associated with habitat features, is addressed below.

### **Cumulative Impacts**

Sincere efforts have been made to avoid and minimize potential impacts to critical areas within the larger East Link Project area. These avoidance and minimization efforts have successfully eliminated any long-term impacts to geologic hazard areas, areas of special flood hazard, and species and habitats of local importance to the City of Bellevue; however, some impacts to wetlands and streams are anticipated.

Mitigation for potential impacts to these critical areas is proposed within the City of Bellevue in areas within or adjacent to the larger East Link project area, and not limited to the Bel-Red segment project area. Mitigation concepts follow Sound Transit's commitment to a "no net loss" of wetland area and function and provide a surplus of functions to ensure the required mitigation ratios are met. A complete mitigation analysis is included in the project Critical Areas Report included as **Attachment E**.

Construction and operation of the East Link Project may coincide with other development Projects that also affect the critical areas identified in this report. However, adverse cumulative impacts are not anticipated due to regulatory considerations, habitat enhancement efforts for natural resources in the project area, and Sound Transit's commitment to no net loss of wetland function and area.

### **Critical Areas – Mitigation Measures**

#### **a. Mitigation Plan**

Compensatory mitigation is required for those impacts that cannot be addressed through avoidance and minimization or through the restoration of temporarily disturbed areas. In response to mitigation requirements, the

applicant (Sound Transit), has developed a comprehensive mitigation plan meeting the requirements of LUC 20.25H.210. The applicant's mitigation plan is included as part of the project Critical Areas Report (see **Attachment E**).

Mitigation is primarily proposed to address identified impacts to critical areas such as wetlands, streams, and their buffers. Mitigation for wetland, stream, and buffer impacts will occur at five sites within the City of Bellevue (Sweyolocken, Mercer Slough Buffer Creation/Enhancement, Sturtevant Creek, West Tributary, and Coal Creek). All but the Coal Creek mitigation site are adjacent to the rail alignment where impacts occur. All mitigation sites are publically owned. Sound Transit will construct all projects concurrently with the other elements of the project (i.e. mitigation designed as part of the Bel Red project will be constructed at the same time as the Bel Red segment). All five mitigation sites will be protected in perpetuity through existing or new covenants/Native Growth Protection Easements or Tracts. These areas will be maintained by Sound Transit for a minimum of 5 years to ensure that the vegetation communities are established and that the mitigation goals, objectives, and performance standards are met. The protective covenants will ensure that, once established, the ecological functions of the sites are protected from future land use actions.

Mitigation for potential impacts from tree and/or vegetation removal on steep slopes affecting habitat associated with species of local importance will be addressed with additional tree plantings within the affected area, as well as within the Sweyolocken, Mercer Slough, and West Tributary mitigation sites. These three mitigation sites are also adjacent to impacted steep slope and steep slope buffers associated with habitat for species of local importance. In each instance, non-native plants will be replaced with native plants and plant diversity will be increased.

The Coal Creek project site is less than 2 miles from the rail alignment. The work at this site will be implemented within one year of the impacts to the Unnamed Tributary to Kelsey Creek as part of the Bel Red segment. The mitigation sites were selected based on their ability to replace the ecological functions that will be impacted by the Project. A complete mitigation analysis is included in the project Critical Areas Report included as **E**. City staff have reviewed the proposed mitigation plan and have concluded that the plan, as presented, meets mitigation requirements and provides a sufficient level of functional lift to offset known anticipated impacts.

### **Critical Areas – Conclusion**

The applicant has provided documentation necessary to demonstrate compliance with the requirements of the City of Bellevue Critical Areas Overlay District. Staff have reviewed documentation provided by the applicant and have determined the proposed Bel Red segment, including mitigation measures proposed throughout the East Link project, is in compliance with the City of Bellevue Critical Areas requirements.



## **J. Use of City Right-of-Way**

No at-grade RLRT facility or system shall be permitted in the City of Bellevue rights-of-way without prior City approval.

***Finding:*** The applicant is required to apply for and receive an approved Right of Way Use Permit from the City of Bellevue prior to work or hauling in the Right of Way. **See related condition of approval in Section XI.**

## **20.25M.050 Design Guidelines**

### **A. Design Intent**

LUC 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. Subsection B of this section 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 subsection 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 Bel Red subarea of the City should respond to the contextual considerations identified below:

- 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. A 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.

**Finding:** As discussed in Section I of this staff report, the concept for the 130<sup>th</sup> Station is to take advantage of the opportunity and challenge of designing a station that responds to the City of Bellevue's vision for future transit oriented development in an emerging mixed use community as reflected in the Bel Red Plan and implementing policies and codes. The delivery of light rail in the Bel Red area will serve as a catalyst for both residential and commercial development with access to a multimodal transportation system. The use of thoughtful landscaping at the park and ride facility as well as along the rail corridor with enhance the natural environment and contribute to the livability of the area.

## V. PUBLIC NOTICE AND COMMENT

Application Date: December 17, 2013  
Application Completeness Date: February 13, 2014  
Notice of Application published: March 6, 2014  
Public Notice Sign installed: March 6, 2014  
Minimum Comment Period ended: March 20, 2014

Although the minimum required public comment period ended on March 20, 2014, comments were accepted up to the date of this decision. This permit application was discussed with the public and CAC at numerous CAC meetings and open houses. Staff received two written comments from a single party regarding this permit application. These inquiries were informational and did not request modifications to the permit application.

## VI. TECHNICAL REVIEW

### A. Clearing & Grading

The Clear and Grade Reviewer reviewed the plans and materials submitted for this project and determined that clearing and grading portion of this Design and Mitigation Permit application can be approved. The future Clearing and Grading Permit application for this development must comply with City of Bellevue Clearing and Grading Code. (BCC 23.76)

### B. Utilities

The Utilities Department approval of this Design and Mitigation Permit is based on the conceptual design only. **Refer to Conditions of Approval regarding utilities in Section XI of this report.**

### C. Transportation

#### Access

Public access to the proposed project will be provided via a light rail station located on the alignment of Spring Boulevard (NE 16<sup>th</sup> Street) between 130<sup>th</sup>

Avenue NE and 132<sup>nd</sup> Avenue NE. Pedestrians will be able to enter or exit the light rail station at each end when boarding or alighting from an East Link train. An interim park and ride lot with bicycle parking will be located adjacent to the station on the north side, and will be accessed by driveways off 130<sup>th</sup> Avenue NE and 132<sup>nd</sup> Avenue NE. Some on-street parking on 130<sup>th</sup> Avenue adjacent to the park and ride lot will be designated as short-term load/unload zones, and Sound Transit will be directed to install appropriate signage. As redevelopment occurs along 130<sup>th</sup>, the city will revisit the needs of new businesses and update the load/unload zones accordingly.

The light rail line will enter the Bel Red segment in a trench that crosses under 124<sup>th</sup> Avenue NE. At-grade street crossings of the rail line will occur at 130<sup>th</sup> Avenue NE, 132<sup>nd</sup> Avenue NE, and NE 20<sup>th</sup> Street. Initially, 134<sup>th</sup> Avenue NE will dead end at the rail line, with vehicular traffic allowed to make right turns from Spring Blvd to 134<sup>th</sup> Avenue and from 134<sup>th</sup> Avenue to Spring Blvd. In the future, when warranted by the amount of local development, the intersection of 134<sup>th</sup> Avenue NE and Spring Blvd will become a signalized at-grade crossing of the tracks. At the short segment of Spring Blvd located east of 136<sup>th</sup> Place NE, full turning movements across the tracks will be allowed at a signalized intersection. Numerous adjacent properties will have their vehicular access revised as part of the street revisions associated with construction of the light rail line. Some driveways will be reconstructed, realigned, or closed. These issues will be dealt with in the construction permits for the various roadway revisions associated with the light rail line.

### **Street Infrastructure Improvements**

Generally, the design of street infrastructure improvements associated with a development must conform to the requirements of the Americans with Disabilities Act, the Transportation Development Code (BCC 14.60), the Transportation Department Design Manual, and any requirements stated in a City of Bellevue Staff Report. However, for East Link, formal agreements between the City and Sound Transit have already established some unique procedures and requirements. Prior to review and approval of this permit application (13-135564-LD), design plans for the Bel Red segment went through multiple rounds of pre-development review and comment by City staff, with responses from Sound Transit staff and consultants. Hundreds of comments regarding design details have been made and evaluated, and the plans have been revised as appropriate.

Construction plans for East Link must generally comply with City standards regarding features such as curbs, sidewalks, bike lanes, street widenings or realignments, driveway approaches, streetlights, signals, street trees, sight triangles, grades, turning geometry, undergrounding of overhead wires, et cetera. However, the City has already reviewed and agreed to accept specific variations from City standards during the aforementioned pre-development review process. For some significant variations from City standards, especially for variations from ADA standards, the City will

document its acceptance through a formal process known as Deviations, Exceptions, and Maximum Extent Feasible (MEF), with input from Sound Transit's design team as needed. Use of the Deviations, Exceptions, and MEF process will be at the City's discretion. Minor variations will not require that process. Deviation and exception issues outside the guideway and station will be dealt with in the construction permits for the various roadway revisions associated with the light rail line.

Specific variations from City standards include the following:

- 1. Driveway approaches:** New or revised driveways are required at the park and ride lot connecting to 130<sup>th</sup> Avenue NE and 132<sup>nd</sup> Avenue NE. In addition, other work for the project may require revisions to existing driveways. In some locations, City standards for driveway width, grade, geometry, or other aspects cannot be met without impacts on adjacent property or adjacent utilities. In these situations, Sound Transit's design team has attempted to meet the needs for driveway functionality as much as feasible while minimizing deviations from City standards.
- 2. The Americans with Disabilities Act (ADA):** City standards require compliance with ADA for all sidewalks, sidewalk ramps, and crosswalks. This includes meeting specific requirements for cross slope, longitudinal slope, and changes in level for all public sidewalks. However, the natural lay of the land sometimes makes it infeasible to meet all ADA requirements at a reasonable cost within the space available. At the City's discretion, the Deviation, Exception, and Maximum Extent Feasible process may be used when ADA standards cannot be met. Due to the length of time between plan review and completion of construction, some ADA standards may change. If so, Sound Transit must make a reasonable effort to comply as feasible with the latest ADA standards at the time of construction.
- 3. Fixed Objects:** City standards state that no fixed objects, including fire hydrants, trees, and streetlight poles, are allowed within ten feet of a driveway edge, defined as Point A in standard drawings Dev-7A, 7D, 7E, or 7F. Fixed objects are defined as anything with breakaway characteristics stronger than a 4-inch by 4-inch wooden post. During previous review cycles, some locations were identified where the City agreed to accept a streetlight pole or other fixed object located at less than ten feet from Point A at a driveway edge in order to avoid other conflicts.
- 4. Tree and Streetlight Separation:** Generally, street trees and street lights must be at least 25 feet apart. However, in some locations, less separation may have been approved during pre-development review cycles.
- 5. Other:** Throughout the review and construction processes, other

variations from City standards may be identified. The Deviation, Exception, and Maximum Extent Feasible process will be followed when determined necessary by the City.

### **Easements**

Sidewalk and utility easements shall be granted to the City as needed to encompass the full width of any City sidewalks located outside the City right of way on streets affected by this project. Easements encompassing the location of traffic signal and streetlight facilities may also be required if located outside right of way or sidewalk easements. Easements encompassing retaining walls behind sidewalks may be required where retaining walls are necessary to support a City sidewalk or street. Existing utility easements affected by this project shall be identified, and negative impacts on such easements shall be mitigated or easements relinquished. The granting of easements to the City shall utilize forms and procedures acceptable to the City.

### **Right of Way Dedication**

New right of way shall be dedicated to the City to the back of any new or existing curb line along any City street where the new or existing curb will not be within existing City right of way. Dedication of new right of way to the City shall utilize forms and procedures acceptable to the City.

### **Holiday Construction & Traffic Restrictions**

From November 15<sup>th</sup> to January 5<sup>th</sup>, construction activities such as hauling and lane closures may be restricted during certain hours in some areas due to holiday traffic. The dates, times, and locations of these restrictions, if any, will be conditioned in the Right-of-Way Permit(s) to be obtained by contractors.

### **Use of the Right of Way During Construction**

Applicants or contractors often request use of the right of way and of pedestrian easements for materials storage, construction trailers, hauling routes, fencing, barricades, loading and unloading and other temporary uses as well as for construction of utilities and street improvements. A Right of Way Use Permit for such activities must be acquired prior to issuance of any construction permit including any demolition permit. Sidewalks may not be closed except as specifically allowed by a Right of Way Use Permit.

### **Pavement Restoration**

The City of Bellevue has established the Trench Restoration Program to provide developers with guidance as to the extent of resurfacing required when a street has been damaged by trenching or other activities. Under the Trench Restoration Program, every street in the City of Bellevue has been

examined and placed in one of three categories based on the street's condition and the period of time since it has last been resurfaced. These three categories are, "No Street Cuts Permitted," "Overlay required," and "Standard Trench Restoration." Each category has different trench restoration requirements associated with it. Damage to the street can be mitigated by placing an asphalt overlay well beyond the limits of the trench walls to produce a more durable surface without the unsightly piecemeal look that often comes with small strip patching. The pavement restoration requirements for any street segment may change over time as the condition of the pavement changes. Prior to doing any construction work in a street, the developer or contractor will be required to obtain a Right of Way Use Permit, which will specify the trench and pavement restoration requirements for street segments likely to be impacted.

### **Transportation Impact Fees**

The City of Bellevue charges transportation impact fees for developments that generate at least one new PM peak hour trip. However, under Bellevue City Code 22.16.070.B.3, "public transportation facilities" are exempt from payment of City of Bellevue transportation impact fees. Furthermore, Bellevue City Code 22.16.020.C says, "Development does not include buildings or structures constructed by a regional transit authority." Therefore, transportation impact fees will not be required for any buildings or structures constructed by Sound Transit for the East Link light rail line.

**See Section XI for transportation related conditions of approval.**

### **D. Fire**

The Fire Reviewer reviewed the plans and materials submitted for this project and determined that the fire-related portion of this Design and Mitigation Permit application can be approved.

## **VII. STATE ENVIRONMENTAL POLICY ACT (SEPA)**

Sound Transit, the Washington State Department of Transportation and the Federal Transit Administration jointly conducted environmental review of the East Link Project. A Draft Environmental Impact Statement (Draft EIS) was prepared and issued on December 12, 2008. A Supplemental Draft Environmental Impact Statement (SDEIS) was prepared to supplement the 2008 Draft EIS and address new information, new alternatives, and design modifications for the East Link project. The SDEIS was issued on November 11, 2010. The Final EIS identifying the preferred East Link alignment was issued for the East Link RLRT project on July 15, 2011. Following issuance of the FEIS a SEPA addendum was issued on March 26, 2013. These documents are collectively referred to as the "East Link FEIS."

The East Link FEIS and supporting documentation fulfill State Environmental Policy Act requirements for the Bel Red Segment and are incorporate by this reference

under the terms of BCC 22.02.037 and WAC 197-11-600. Technical information was submitted by Sound Transit with the Bel Red Segment application and other additional information was required by the environmental coordinator. The following amendments to the environmental documents are required by the City of Bellevue under its substantive SEPA authority to condition proposals pursuant to RCW 43.21C.060, WAC 197-11-660 and BCC 22.02.140 and the limitations and requirements contained therein. The East Link FEIS together with the supporting documentation are available for review in the City of Bellevue Records Room, Lobby Floor, Bellevue City Hall, 450 110<sup>th</sup> Ave NE.

## **NOISE**

Predicted noise impacts were evaluated by Sound Transit during environmental review of the East Link project, and with additional specificity as a component of this Design and Mitigation permit review process. Noise impacts fell into two broad categories that included light rail vehicle operation noise and project construction noise. Operational noise was further categorized for specific noise sources that included bells and audible warning devices, track crossovers that create noise as the train passes, wheel squeal which can occur on tight radius track curves, and noise created by light rail vehicle operations and system infrastructure (such as electrical transformers and traction power substations) that supports light rail operations. There are no traction power substations located within the project limits, so that stationary noise source was not evaluated for the Bel Red Segment.

In preparation for review of the Bel Red segment application, staff reviewed the East Link FEIS documents prepared by Sound Transit including predicted noise levels for the light rail project. Staff also reviewed the Noise and Vibration Report prepared by Sound Transit and submitted with the Bel Red permit application that updated the information that was contained in the East Link FEIS. Noise generators associated with future operation of the East Link project were described in the following categories: train operations (engine noise, bells and wheel squeal) and stationary noise sources (stations, audible warnings for at-grade crossings, and other system infrastructure). In the documents prepared by Sound Transit regarding future train operations, application of the Bellevue Noise Control Code was limited to auditory warning devices and stationary noise sources. Noise and vibration associated with the train operations was also evaluated for mitigation against Federal Transit Administration (FTA) impact thresholds. The Bel Red Segment Noise and Vibration Report dated April 2, 2014 is available for review in the project file.

Additional information was requested of Sound Transit to assess the application of the City's Noise Control Code on the light rail operations. This revision request was transmitted to Sound Transit on October 17<sup>th</sup>, and was based on the expert technical review conducted by Julie Wiebusch on the City's behalf. Ms. Wiebusch is a principle and acoustician with the Greenbusch Group, who has been hired to assist the City with its technical review of noise related issues arising in the context of the Sound Transit permit review process. The City requested revision addressed to the attention of Justin Lacson of Sound Transit, together with the

Final Sound and Vibration Peer Review prepared by The Greenbusch Group dated October 13, 2014, are available for review in the project file.

Sound Transit responded to the City's revision request in November 2014 with a legal analysis of the application of the City's Noise Control Code to light rail operations.<sup>1</sup> This information was provided to the Bellevue City Attorney's Office and was submitted into the permit record in March 2015 together with additional information prepared by a noise consultant to Sound Transit regarding a comparison between the noise levels expected from light rail vehicles and from motor vehicles.<sup>2</sup> The Memorandum from Sound Transit responding to Bellevue's Third-Party Review of the Bel-Red (E340) Noise and Vibration Report Regarding Operation, and the Memorandum from ATS Consulting comparing Light Rail Vehicle and Motor Vehicle Noise Requirements, are available for review in the project file. This material was again submitted to Julie Wiebusch for her expert technical review. The ATS Light Rail Vehicle and Motor Vehicle Noise Peer Review prepared by The Greenbusch Group and dated April 17, 2015 is also available for review in the project file.

Based on review of the above-referenced materials, the Bellevue Noise Control Code applies to operational noise, stationary noise and construction noise anticipated for the Bel Red Segment (E340) as described below.

### **Train Operations**

Train operations are expected to generate noise associated with operation of a light rail train propulsion motor, rail-wheel contact, and train mounted warning devices. In the E340 segment, application of the Noise Control Code exempts operations of light rail vehicles, because the Bel Red zoning districts are designated as "commercial land use districts" or "industrial land use districts" pursuant to BCC 9.18.025.B and BCC 9.18.020.B.5 which are excerpted below.

#### **9.18.025 Identification of environments**

A. Environmental designations for noise abatement are as follows:

1. Residential land use district: Class A EDNA;
2. Commercial land use district: Class B EDNA;
3. Industrial land use district: Class C EDNA.

B. The land use districts listed in the city of Bellevue Land Use

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<sup>1</sup> Memorandum from Steve Sheehy, Sound Transit, Senior Legal Counsel and Pat Schneider, Foster Pepper PLLC to Monica Buck, City of Bellevue, Assistance City Attorney regarding Bellevue's Third-party Review of the Bel-Red (E340) Noise and Vibration Report Regarding Operations. November 6, 2014.

<sup>2</sup> Memorandum from Steven Wolf, ATS Consulting to James Irish and Shankar Rajaram of Sound Transit regarding Light Rail Vehicle and Motor Vehicle Noise Requirements. March 26, 2015.



Code, BCC Title 20, are classified for the purposes of this chapter as follows:

1. Residential land use district: 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.
2. Commercial land use district: PO, O, OLB, OLB-OS, NB, CB, DNTN-O-1, DNTN-O-2, DNTN-MU, DNTN-R, DNTN-OB, DNTN-OLB, F1, F2, F3, MI, BR-R, BR-MO, BR-MO-1, BR-OR, BR-OR-1, BR-OR-2, BR-RC-1, BR-RC-2, BR-RC-3, BR-CR, BR-ORT.
3. Industrial land use district: LI, GC, BR-GC.

#### **9.18.020 Exemptions**

B. The following sounds are exempt from the provisions of this chapter at all times if the receiving property is in Class B and Class C EDNAs, and between the hours of 7:00 a.m. and 10:00 p.m. on weekdays and 9:00 a.m. and 10:00 p.m. on weekends if the receiving property is located in a Class A EDNA (except as noted below):

.....

5. Sounds created by repairing, rebuilding, modifying, operating or testing any motor vehicle or internal combustion engine (except for portable and stationary generators located in a Class A EDNA which are exempt only during the hours of 9:00 a.m. to 6:00 p.m. daily when electrical service is available from the primary supplier and except for heavy equipment, which will be regulated pursuant to the construction noise exemption contained in subsection C of this section);

The legal analysis contained in the project file regarding predicted train operation noise supports the conclusion that a light rail motor vehicle maintained and operated in good working condition qualifies for a complete exemption from application of the Bellevue Noise Control Code when the rail operation occurs in a Class B or C EDNA such as BR-RC-3. The exemptions do provide additional

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<sup>3</sup> The “complete” exemption applicable in the Class B and C EDNAs of the Bel-Red land use districts does not

authority through the State Environment Policy Act (SEPA) to require installation of the best available noise abatement technology consistent with feasibility. BCC 9.18.020.G. In an exercise of authority under SEPA, the City requested Sound Transit to provide additional information comparing noise from light rail vehicles to noise levels anticipated from motor vehicles licensed for highway use to ensure that the project would operate in a manner consistent with the exemptions contained within the Bellevue Noise Control Code. (Chapter 9.18 BCC)

The peer review by the City technical expert concluded that sound levels associated with the light rail vehicles is consistent with the Bellevue Noise Control Code. In order to ensure that the light rail vehicle propulsion motors and rail to wheel created noise is minimized to the level anticipated within the scope of the applicable noise code exemption for a well operating vehicle, the applicant will be required to maintain an Operations and Maintenance Program for rails, wheels and vehicles; to provide operator training in vehicle speed and braking protocol to minimize noise generation and track damage; and to design all light rail vehicles with wheel skirts to reduce noise from the rail-wheel interface. This condition is reasonable, necessary to ensure that operations are maintained consistent with impacts predicted in the East Link FEIS and supported by evidence and the opinions of the City's technical expert Julie Wiebusch and the Greenbusch Group.

**Refer to Condition of Approval contained in Section XI of this staff report.**

Noise generation related to wheel squeal and gaps in the trackwork fell outside the scope of what would typically be expected from a well operating motor vehicle. Wheel squeal was reported in the EIS documents to occur predominantly along curved track segments with a radius of less than 300 feet. The Bel Red (E340) Noise and Vibration Report dated April 2, 2014, identified the potential for wheel squeal to occur along curved track segments with a radius of less than 600 feet. In order to mitigate for noise generation expected to occur on curved track segments, a lubrication system is required on all curves with a radius of 600-feet or less. For curves with a radius between 600 to 1,250 feet, the project must be designed to accommodate a lubrication system if wheel squeal is detected during noise monitoring required to be undertaken during system testing and for a period of

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apply in Class A EDNAs which are classified as Residential Land Use Districts and are only "partially" exempted from application of the Bellevue Noise Control Code during the specifically identified hours of 7:00 a.m. and 10:00 p.m. on weekdays and 9:00 a.m. and 10:00 p.m. on weekends.

three years after fare operations begin. This condition is reasonable, necessary to ensure that operations are maintained consistent with impacts predicted in the East Link FEIS and supported by evidence and the opinions of the City's technical expert Julie Wiebusch and the Greenbusch Group. **Refer to Condition of Approval contained in Section XI of this staff report.**

Train-mounted warning devices are exempt from application of the Noise Control Code pursuant to BCC 9.18.020.A.10 because they are classified as protective warning devices in the applicable excerpted section of the code provided below.

#### **9.18.020 Exemptions.**

A. The following sounds are exempt from the provisions of this chapter:

.....

10. Sounds created by safety and protective warning devices where noise suppression would render the device ineffective;

Trains will operate with a high bell, low bell and horn. The horn is only used for emergency situations that are infrequent and unpredictable. The train-mounted bell is proposed to be used two to three times as a train approaches and passes through an at-grade crossing and for arrivals and departures at a station. Train-mounted bells should operate at a sound level that is the minimum necessary for the warning device to be effective. The applicant is proposing to use the high bell with a sound pressure level of 80dBA at 50 feet during the daytime hours from 6 a.m. to 10 p.m. The low bell will have a sound pressure level of 72 dBA at 50 feet and is proposed for use during nighttime hours from 10 p.m. to 6 a.m. In order to minimize the intrusion of the warning sound onto adjacent properties, the applicant will be required to provide operator training on bell operation protocols and to install directional bell shrouds mounted on the light rail vehicles to direct train-mounted audible warnings at the tracks and intersections. This condition is reasonable, necessary to ensure that operations are maintained consistent with impacts predicted in the East Link FEIS and supported by evidence and the opinions of the City's technical expert Julie Wiebusch and the Greenbusch Group. **Refer to Condition of Approval contained in Section XI of this staff report.**

Because residential development has not been undertaken in Bel Red under the new zoning that was adopted in 2006, there were no existing residential structures identified as anticipated to be impacted by the future light rail operations. As new residential buildings start to be developed in the Bel Red corridor, sound insulation required by the currently applicable building code will mitigate for predicted noise levels associated with the future train operations. It is also acknowledged by Sound Transit that the motor vehicle exemption included in BCC 9.18.020.B.5 is applicable during only limited hours when train operations occur in residential land use districts outside the Bel Red subarea. Sound Transit also acknowledges that the above-referenced motor vehicle exemption does not apply to fixed or stationary noise sources such as light rail stations, system infrastructure (such as electrical transformers, and traction power substations), or the proposed operations and maintenance satellite facility. The requirements imposed in the conditions of approval to mitigate for noise generated by proposed light rail vehicle operation, together with sound insulation requirements applicable to new residential development, and monitoring of performance once the trains are operational, will ensure that noise generated from light rail vehicle operation will be consistent with the motor vehicle exemption provided in BCC 9.18.020. This condition is reasonable, necessary to ensure that operations are maintained consistent with impacts predicted in the East Link FEIS and supported by evidence and the opinions of the City's technical expert Julie Wiebusch and the Greenbusch Group. Refer to Condition of Approval contained in Section XI of this staff report.

### **Stationary Noise Sources**

Noise generated from stationary sources proposed as a component of the Bel Red segment includes the public address system at the 130<sup>th</sup> Station, an electrical transformer that is a component of the system infrastructure located at the 130<sup>th</sup> Station, and the audible warnings for at-grade crossings. Bellevue City Code includes maximum permissible noise levels applicable to stationary noise sources. For receiving properties located within a Class B and Class C EDNAs found in Bel Red, noise sources are limited to between 60 to 65 dBA based on the EDNA within which the noise generating source and noise receiving property are located. (BCC 9.18.030)

**Electrical Transformer.** A 156KVA electrical transformer is proposed for the 130<sup>th</sup>

Street Station. Manufacturer's sound level data estimates noise associated with transformers between 150 and 300KVA are expected to be less than 55dBA at 3 feet. Noise associated from the transformer would also be diminished at the property line as the distance from the transformer increases. The transformer is expected to comply with the terms of the Noise Control Code once operational. In order to ensure compliance with predicted sound levels, the applicant will be required to install the transformer consistent with manufacturer specifications. Monitoring of the stationary noise will be required to commence upon the initiation of system testing. Additional noise baffling may be required by the DSD director if predicted sounds levels for the electrical transformer are not achieved when the stationary noise source is placed into operation. This condition is reasonable, necessary to ensure that operations are maintained consistent with impacts predicted in the East Link FEIS and supported by evidence and the opinions of the City's technical expert Julie Wiebusch and the Greenbusch Group. **Refer to Condition of Approval contained in Section XI of this staff report.**

**Public Address System.** A public address (PA) system is a proposed source of noise associated with the 130<sup>th</sup> Station. The PA speakers at the station will operate at 10dB above the ambient noise level at a distance of 10 feet from the speaker on the station platform. The noise level was measured at the Pacific Northwest Ballet School to identify ambient noise levels applicable to the 130<sup>th</sup> Station. Technical review conducted by The Greenbusch Group concludes that sound associated with the PA system are anticipated to meet the Bellevue Noise Control Code. In order to ensure compliance with the maximum permissible noise levels, the applicant will be required to install shrouds around the speakers to direct PA messages toward the station platform and to reduce sound levels during nighttime hours to minimize noise levels audible on adjacent properties. Monitoring of the stationary noise will be required to commence upon the initiation of system testing. Additional noise reduction measures (such as reduction or reflective surfaces or the addition of acoustically absorptive surfaces in the station platform area) may be required by the DSD director if predicted sounds levels for the PA system do not comply with maximum permissive noise levels on adjacent properties. This condition is reasonable, necessary to ensure that operations are maintained consistent with impacts predicted in the East Link FEIS and supported by evidence and the opinions of the City's technical expert Julie Wiebusch and the Greenbusch Group.

**Refer to Condition of Approval contained in Section XI of this staff report.**

**Exempt Noises Associated with Stationary System Components**

Wayside pedestrian audible warning devices are proposed for at-grade crossings. These warning devices are proposed to operate at a sound level of 10 dB above the ambient noise levels in order to maintain their effectiveness. Sounds created by safety and protective warning devices are exempt from the provisions of the Noise Control Code where noise suppression would render the device ineffective. BCC 9.18.030.A.10. The applicant will be required to install warning devices with adjustable sound level and to reduce sound levels during nighttime hours to minimize noise levels audible on adjacent properties. This condition is reasonable, necessary to ensure that operations are maintained consistent with impacts predicted in the East Link FEIS and supported by evidence and the opinions of the City's technical expert Julie Wiebusch and the Greenbusch Group. **Refer to Condition of Approval contained in Section XI of this staff report.**

New noise created by motor vehicles accessing the park and ride lot at the 130<sup>th</sup> Station is expected. Sound created by motor vehicles required to be licensed in order to operate on state highways are exempt from the provisions of the Noise Control Code. (BCC 9.18.030.A.7)

Because residential development has not been undertaken in Bel Red under the new zoning that was adopted in 2006, there were no existing residential structures identified as anticipated to be impacted by the future light rail operations. As new residential buildings start to be developed in the Bel Red corridor, sound insulation required by the currently applicable building code will mitigate for predicted noise levels associated with the future train operations. The requirements imposed in the conditions of approval to mitigate for noise generated by proposed stationary noise sources, together with sound insulation requirements applicable to new residential development, and monitoring of performance once the light rail system is operational, will ensure that noise generation is mitigated with the best available noise abatement technology where feasible, and sound levels on receiving properties are minimized. This condition is reasonable, necessary to ensure that operations are maintained consistent with impacts predicted in the East Link FEIS and supported by evidence and the opinions of the City's technical expert Julie

Wiebusch and the Greenbusch Group. **Refer to Condition of Approval contained in Section XI of this staff report.**

### **Construction Noise**

Expanded hours may be approved by the Land Use Director per BCC 9.18.020.B and approval via an LY permit. Restricting the construction hours will reduce noise impacts to neighboring properties. Expanded construction hours during evening or early morning hours shall be limited to those activities which require a continuous 24 hour period or other activities which will negatively impact utility service or the transportation system. In addition, the contractor must use the best available noise abatement technology consistent with feasibility during construction. **Refer to Condition of Approval regarding construction hours and use of best available noise abatement technology in Section XI of this report.**

## **VIII. CHANGES TO PROPOSAL DUE TO PUBLIC, CAC, AND CITY REVIEW**

Many changes have been made to the proposal prior to permit application during the collaborative design process at the pre-development state. Significant changes made since permit application include:

- The use of precast concrete panels in organic patterns for the entry canopies instead of Cor-ten steel.
- Inclusion of light elements in the canopy walls to provide visual interest and reinforce the vision for this area of Bel Red as an arts district.
- Revision of the landscape plans to include more native evergreen trees.
- Revision of landscape plans to reflect recommendations from the City of Bellevue Enhanced Right of Way and Urban Boulevards Team.
- Revision of landscape corridor plans based on collaborative process with the City of Bellevue Transportation and Parks and Community Services Departments.

## **IX. DESIGN AND MITIGATION PERMIT DECISION CRITERIA (LUC 20.25M.030.C.3)**

Below is a discussion of how the proposal has met the decision criteria for the Design and Mitigation Permit request.

A proposal for a RLRT system or facility may be approved or approved with conditions; provided, that such proposal satisfies the following criteria:

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

***Finding:*** Sound Transit has demonstrated compliance with CAC review requirements by attending and presenting materials regarding the East Link Light Rail System and Facilities at CAC meetings held the 1<sup>st</sup> and 3<sup>rd</sup>

Wednesday of each month. In addition to the regularly scheduled meetings Sound Transit and City staff provided tours of the existing Central Link Light Rail System and Facilities and proposed East Link route in the City of Bellevue including the Bel Red Segment. The materials provided by Sound Transit during the pre-development and Design and Mitigation Permit review phases resulted in advisory documents consistent with LUC 20.25M.035.C.5. Agenda packet materials and minutes from the CAC meet are available for review in the project file.

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

***Finding:*** The East Link Project has demonstrated consistency with the numerous Comprehensive Plan Policies that are applicable to light rail (LU-9, LU-22, LU-24, ED-3, TR-75.1, TR-75.2, TR-75.5, TR-75.7, TR-75.8, TR-75.9, TR-75.12, TR-75.15, TR-75.17, TR-75.18, TR-75.20, TR-75.22, TR-75.23, TR-75.27, TR-75.28, TR-75.32, TR-75.33, TR-75.34, TR-75.35, TR-118 and UT-39).

The alignment location and profile for East Link was approved by the Bellevue City Council and the Sound Transit Board. The design of this proposal using this alignment is consistent with the Comprehensive Plan and Light Rail Best Practices which focus on community and neighborhoods, community involvement, connecting people to light rail, land use, street design and operations, system elements (elevated, at-grade, and tunnel), property values, station security, and construction impacts and mitigation. Details of project compliance is detailed throughout this staff report including consistency with context requirements, design standards, design guidelines, and Bel Red specific land use code requirements.

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

***Finding:*** Compliance with all elements of the Light Rail Overlay District has been demonstrated by the analysis included in this Design and Mitigation Permit staff report.

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

***Finding:*** As discussed above in Staff Report Section IV, the proposal addresses all applicable elements of 20.25M.040 and 20.25M.050.

- 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**

***Finding:*** The Bel Red Segment of East Link must comply with all applicable Bel Red District requirements pursuant to LUC 20.25D. Bel Red zoning and development standards were created in anticipation of future light rail extension and future development potential. Additional analysis of future land use around the proposed 130<sup>th</sup> Station will happen with the City of Bellevue's Station Area Planning process.

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

***Finding:*** A majority of existing public facilities are available to serve East Link in Bel Red, however, the city has initiated numerous capital facilities projects to serve light rail and future additional residential and commercial density in the corridor. These improvements include, but are not limited to 120<sup>th</sup> Ave NE, 124<sup>th</sup> Avenue NE, and the future Spring Boulevard which will serve the 130<sup>th</sup> Station.

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

***Finding:*** Development, construction and operation of the RLRT system and facilities will comply with applicable Bellevue City Codes, including the noise control code and environmental procedures code as discussed in detail in Sections II, III, IV, VI, VII, and VIII of this staff report.

**h. The proposal is consistent with any development agreement or Conditional Use Permit approved pursuant to subsection B of this section; and**

***Finding:*** The alignment and light rail facilities approved by the Bellevue City Council and the Sound Transit Board are reflected in this proposal and are consistent with the applicable terms of the Memorandum of Understanding.

**i. The proposal provides mitigation sufficient to eliminate or minimize long-term impacts to properties located near the RLRT facility or system, and sufficient to comply with all mitigation requirements of the Bellevue City Code and other applicable state or federal laws.**

***Finding:*** Sound Transit has been required to avoid, minimize, and mitigate anticipated long-term impacts to properties located near the light rail system and facilities by adhering to required landscape development requirements, noise mitigation conditions, and compliance with critical areas protection and mitigation as discussed in detail in Sections IV and VII

**j. When the proposed RLRT facility will be located, in whole or in part, in a**

**critical area regulated by Part 20.25H LUC, a separate Critical Areas Land Use Permit shall not be required, but such facility shall satisfy the following additional criteria:**

- i. The proposal utilizes to the maximum extent possible the best available construction, design and development techniques which result in the least impact on the critical area and critical area buffer; and**
- ii. The proposal incorporates the performance standards of Part 20.25H LUC to the maximum extent applicable; and**
- iii. The proposal includes a mitigation or restoration plan consistent with the requirements of LUC 20.25H.210; except that a proposal to modify or remove vegetation pursuant to an approved Vegetation Management Plan under LUC 20.25H.055.C.3.i shall not require a mitigation or restoration plan.**

***Finding:*** Mitigation and restoration requirements per LUC 20.25H have been incorporated into the design of the East Link project and a detailed discussion of critical areas compliance is located in Section IV of this staff report. Impacts to critical areas are limited in the Bel Red Segment; however, the Bel Red Segment will include a mitigation site that is intended to mitigate for impacts to wetlands and streams along the entire East Link alignment.

## **X. DECISION**

After conducting the various administrative reviews associated with the proposal, including applicable Land Use consistency, City Code, and Standard compliance reviews, the Director does hereby **APPROVE WITH CONDITIONS** the East Link Bel Red Segment Design and Mitigation Permit.

## **XI. CONDITIONS OF APPROVAL:**

### **Compliance with City Codes and Documents**

The applicant shall comply with all applicable Bellevue City Codes, Standards, and Ordinances, including, but not limited to the following:

<b>Applicable Codes, Standards and Ordinances</b>	<b>Contact Person</b>
Clearing & Grading Code – BCC 23.76	Tom McFarlane, 425-452-5207
Construction Codes – BCC Title 23	Bldg. Desk, 425-452-4121
Fire Code – BCC 23.11	Travis Ripley, 425-452-6042
Land Use Code – BCC Title 20	Matt Jackson, 425-452-2729
Environmental Procedures Code – BCC Title 22.02	David Pyle, 425-452-2973
Noise Control – BCC 9.18	Matt Jackson, 425-452-2729
Right of Way Use Code – BCC 14.30	Tim Stever, 425-452-4294

Sign Code – BCC Title 22  
Transportation Code – BCC 14.60  
Utility Code – BCC Title 24

Matt Jackson, 425-452-2727  
Carl Wilson, 425-452-4228  
Art Chi, 425-452-4119

**The following conditions are imposed on the applicant under the authority referenced:**

**A. GENERAL CONDITIONS: The following conditions apply to all phases of development.**

**1. Noise and Construction Hours**

The proposal will be subject to normal construction hours of 7 a.m. to 6 p.m., Monday through Friday and 9:00 a.m. to 6:00 p.m. on Saturdays, except for Federal holidays and as further defined by the Bellevue City Code. Upon written request to DSD, work hours may be extended if the criteria for extension of work hours as stated in BCC 9.18 can be met and the appropriate mitigation employed.

AUTHORITY: Bellevue City Code 9.18.020.C & 9.18.040  
REVIEWER: Matthews Jackson, Development Services Department

**2. Use of Noise Abatement Technology**

The use of best available noise abatement technology consistent with feasibility is required during construction to mitigate construction noise impacts to surrounding uses.

AUTHORITY: Bellevue City Code 9.18.020.F  
REVIEWER: Matthews Jackson, Development Services Department

**3. Conceptual Utilities Approval**

Utility Department approval of this Design and Mitigation Permit application is based on the conceptual design only. Changes to the site layout may be required to accommodate the utilities after utility engineering is approved.

AUTHORITY: Bellevue City Code 24.02, 24.04, 24.06  
REVIEWER: Arturo Chi, Utilities Department

**4. Utilities Developer Extension Agreements**

The water, sewer, and storm drainage systems shall be designed per current City of Bellevue Utility Codes and Utility Engineering Standards. All design review, plan approval, and field inspection shall be performed under the Utility Developer Extension Agreements.

AUTHORITY: Bellevue City Code 24.02, 24.04, 24.06  
REVIEWER: Arturo Chi, Utilities Department

**5. HOLIDAY CONSTRUCTION & TRAFFIC RESTRICTIONS**

Construction activities such as hauling and lane closures between November 15<sup>th</sup> and January 5<sup>th</sup> may be restricted during some hours in some areas, due to holiday traffic. Any such restrictions will be conditions of a Right of Way Use Permit.

AUTHORITY: Bellevue City Code 14.30.060  
REVIEWER: Tim Stever, Transportation Department

**6. ON-STREET PICK-UP AND DROP-OFF PARKING**

Some on-street parking on 130<sup>th</sup> Avenue adjacent to the park and ride lot will be designated as short-term load/unload zones, and Sound Transit is required to install appropriate signage. As redevelopment occurs along 130<sup>th</sup>, the city will revisit the needs of new businesses and update the load/unload zones accordingly.

AUTHORITY: Bellevue City Code 14.30  
REVIEWER: Carl Wilson, Transportation Department

**B. PRIOR TO CLEARING & GRADING PERMIT: These conditions must be complied with on plans submitted with the Clearing & Grading or Demolition permit application:**

**1. Right-of-Way Use Permit**

Prior to issuance of any construction or clearing and grading permit, the applicant shall secure applicable right-of-way use permits from the City's Transportation Department, which may include:

- a) Designated truck hauling routes.
- b) Truck loading/unloading activities.
- c) Location of construction fences.
- d) Hours of construction and hauling.
- e) Requirements for leasing of right of way or pedestrian easements.
- f) Provisions for street sweeping, excavation and construction.
- g) Location of construction signing and pedestrian detour routes.
- h) All other construction activities as they affect the public street system.

In addition, the applicant shall submit for review and approval a plan for providing pedestrian access during construction of this project. Access shall be provided at all times during the construction process, except when specific construction activities such as shoring, foundation work, and construction of frontage improvements prevent access. General materials storage and contractor convenience are not reasons for preventing access.

The applicant shall secure sufficient off-street parking for construction workers before the issuance of a clearing and grading, building, a foundation or demolition permit.

AUTHORITY: Bellevue City Code 11.70 & 14.30  
REVIEWER: Tim Stever, Transportation Department

## 2. Construction Plans

Civil engineering plans produced by a qualified engineer must be approved by the Transportation Department and other City departments prior to issuance of any clearing and grading permit. The design of all street frontage improvements, driveway accesses, and other work within any street right of way must be in conformance with the Americans with Disabilities Act, the Transportation Development Code, the Transportation Department Design Manual, and specific requirements stated elsewhere in this document, except where deviations from such requirements have been approved by the City during previous review cycles or may be approved through subsequent review. At the City's discretion, deviations from standard requirements may be approved through the Deviations, Exceptions, and MEF process. All relevant standard drawings from the Transportation Department Design Manual should be copied exactly into the engineering plans. Requirements for the engineering plans include, but are not limited to:

- a) Traffic signs and markings.
- b) Curb, gutter, sidewalk, and driveway approach design.
- c) Handicapped ramps, crosswalk revisions, and crosswalk equipment such as pushbuttons.
- d) Installation or relocation of streetlights, traffic signals, and related equipment.
- e) Sight distance. (Show the required sight triangles and include any sight obstructions, including those off-site.)
- f) Location of fixed objects in any sidewalk or near any driveway approach.
- g) Trench restoration within any right of way or access easement.

AUTHORITY: Bellevue City Code 14.60, Transportation Department Design Manual, and Design Manual Standard Drawings.  
REVIEWER: Carl Wilson, Transportation Department

## 3. Specimen Trees

Prior to issuance of the clearing and grading permit, the applicant shall coordinate with the City of Bellevue Parks and Community Services and Development Services staff to identify two specimen trees; One to be planted in the northeast corner of the park and ride lot at the 130<sup>th</sup> Station and the other to be located on the south side of NE Spring Boulevard at 136<sup>th</sup> PI NE. **The Parks Department shall inspect all plant material prior to planting.**

Parks and Community Services Department Contacts:

- Tom Kuykendall, tkuykendall@bellevuewa.gov or (425) 452-7925;  
or
- Melissa Kerson, mkerson@bellevuewa.gov or (425) 452-4100

AUTHORITY: Land Use Code 20.20.520 and BCC 24.02.205  
REVIEWER: Matthews Jackson, Development Services  
Department

**A. PRIOR TO ISSUANCE OF BUILDING PERMIT: Unless specified otherwise below, these conditions must be complied with on plans submitted with the Building Permit Application:**

**1. BUILDING AND SITE PLANS – STATION AND OTHER STRUCTURES**

The building grade and elevations for the station and any other structures that require a building permit shall be consistent with the curb and sidewalk grade shown in the approved civil engineering plans. During construction, city inspectors may require additional survey work at any time in order to confirm proper elevations. Building plans, landscaping plans, and architectural site plans must comply with vehicle and pedestrian sight distance requirements wherever relevant.

AUTHORITY: Bellevue City Code 14.60.060, 110, 120, 150, 180,  
181, 190, 240, 241  
REVIEWER: Carl Wilson, Transportation Department

**2. Mechanical Equipment**

Any mechanical equipment screening shall be consistent with the landscape development requirements of LUC 20.25M.C and shall be context sensitive. Any installed mechanical units shall be reviewed at final inspection and a decision shall be made at that time whether additional screening will be required.

AUTHORITY: Land Use Code 20.25M.040.F  
REVIEWER: Matthews Jackson, Development Services  
Department

**3. Planting in Right-of-Way/Streetscape**

a) Planting shall be done according to the Parks and Community Services Department Best Management Practices and Design Standards in place at the time of construction.

b) A Parks Department representative shall be on-site to inspect street trees prior to planting and at the time of planting to observe the installation. Contact Parks Department Resource Management at (425) 452-6855 at least 24 hours before planting to schedule the inspection.

AUTHORITY: Land Use Code 20.25M.040.C.1.c.iv  
REVIEWER: Matthews Jackson, Development Services  
Department  
Tom Kuykendall, Parks and Community Services  
Department

#### 4. Lighting

To protect adjacent properties and vehicular traffic in the right-of-way, all exterior lighting fixtures shall utilize cutoff shield or other appropriate measures to conceal the light source. There shall be no light spillover glare beyond the site boundaries. The lighting in the park and ride lot shall utilize appropriate shielding to prevent light spillover.

The applicant shall submit manufacturers' cut-sheets/information for all exterior lighting fixtures to demonstrate that cutoff shields or other appropriate measures are being used to conceal the light source from adjacent properties and rights-of-way.

AUTHORITY: Land Use Code 20.20.522  
REVIEWER: Matthews Jackson, Development Services  
Department

### B. **PRIOR TO TRAIN OPERATION: The following conditions are required by City Code and supported by City Policy and shall be complied with prior to train operation:**

#### 1. Street Tree Infrastructure Improvements

All street infrastructure improvements and other required transportation elements, including street light and traffic signal revisions, must be constructed by the applicant, or relocated as needed, and accepted by the Transportation Department Inspector. All required improvements must be constructed per the approved plans or per direction of the Transportation Department inspector or as decided in formal agreements between the City of Bellevue and Sound Transit. Vehicle and pedestrian sight distance requirements shall be achieved wherever relevant.

AUTHORITY: Bellevue City Code 14.60, Comprehensive Plan  
Policy UT-39, Transportation Department Design  
Manual, and Transportation Department Standard  
Drawings.  
REVIEWER: Carl Wilson, Transportation Department

#### 2. Pavement Restoration

Pavement restoration associated with street improvements or to repair damaged street surfaces shall be provided as prescribed by Right of Way Use Permits issued prior to or at the time of construction.

AUTHORITY: Bellevue City Code 14.60.250; Design Manual Design Standard #23  
REVIEWER: Tim Stever, Transportation Department

### **3. Easements**

New sidewalk / utility easements shall be granted to the City to include all areas to the back of the future City sidewalk that are not within existing sidewalk easements or within existing or future right of way. Easements to include retaining walls will be provided wherever a retaining wall is necessary to support a City street, sidewalk, or related feature. New easements shall be granted to the City for the location of signal and street light hardware and related facilities that would not be within existing or future right of way or sidewalk easement areas. Any existing utility easements impacted by this development must be mitigated or easements relinquished.

AUTHORITY: Bellevue City Code 14.60.100  
REVIEWER: Carl Wilson, Transportation Department

### **4. Dedication of Right of Way**

New right of way shall be dedicated to the City to the back of any new or existing curb line along any City street where the new or existing curb will not be within existing City right of way. Dedication of new right of way to the City shall utilize forms and procedures acceptable to the City.

AUTHORITY: Bellevue City Code 14.60.090  
REVIEWER: Carl Wilson, Transportation Department

### **5. Landscape Maintenance**

The applicant shall maintain all installed landscaping per the terms of Section 32 90 00 of the Bel Red Contract Specifications Volume 2 which establishes the provision of adequate and proper care for plant materials and landscape areas within the Contract limits for a minimum period of 1 year (365 days) to ensure healthy, vigorous growth of planted material. The Contractor is responsible to maintain the irrigation system for the entire planting establishment period.

AUTHORITY: Land Use Code 20.20.520.K  
REVIEWER: Matthews Jackson, Development Services Department

### **6. OCS Pole Color**

The overhead catenary poles (OCS) from the east side of 130th Avenue NE to NE 20th Street shall be painted black to provide consistency with similar elements such as city light poles to further achieve the vision for the Bel Red Corridor.



AUTHORITY: Land Use Code 20.25M.050.B.4  
REVIEWER: Matthews Jackson, Development Services Department

### Noise Conditions

The following conditions are reasonable, necessary to ensure that operations are maintained consistent with impacts predicted in the East Link FEIS and other additional documents, supported by evidence and the opinions of the City's technical expert Julie Wiebusch of the Greenbusch Group, and are imposed under the Bellevue City Code or SEPA authority referenced:

7. Sound Transit shall implement the Record of Decision Commitments and EIS Mitigation Recommendations contained in the Contract E340 Noise and Vibration Report 90% Submittal dated April 2, 2014.

AUTHORITY: Comprehensive Plan Policies TR-75.17 and TR-118  
REVIEWER: Matthews Jackson, Development Services Department

8. **Light rail vehicle design and operation.** Light rail vehicles designed for use on the portion of East Link that passes through Bellevue shall be designed and operated with wheel skirts that cover the wheel wells and reduce noise from the rail-wheel interface.

AUTHORITY: Bellevue City Code 9.18.020.B.5 and 9.18.020.G;  
Comprehensive Plan Policies EN-88, TR-75.17 and TR-118  
REVIEWER: Matthews Jackson, Development Services Department

9. **Operations and Maintenance Program.** The applicant shall maintain an Operations and Maintenance Program for all East Link trackwork and light rail vehicles operating in Bellevue. This program shall at a minimum include:
  - o Rail grinding and replacement - as rails wear, noise levels from light rail operations can increase. By grinding or replacing work rails, noise levels will remain at the projected levels.
  - o Vehicle Wheel truing and replacement: Wheel truing is a method of grinding down flat spots ("wheel flats") on the vehicle wheels. Flat spots occur primarily because of hard braking. When flat spots occur they can cause increases in the noise levels produced by the light rail vehicles.
  - o Vehicle Maintenance- performing scheduled and general maintenance on items such as air conditioning units, bearings, wheel skirts, and other mechanical units on the light rail vehicle. Keeping mechanical systems in good operating condition helps to maintain the projected levels of noise and vibration.
  - o Operator Training – train operators to operate vehicles under the

speeds used in the noise analysis and to avoid hard braking which can cause wheel flats and may also damage the track. Operators shall also be trained in bell operating protocols to minimize the noise levels predicted for warning devices while retaining their safety effectiveness.

Following the start of fare service, the applicant shall prepare an annual monitoring report in a form agreed to by the City and shall submit the annual report to the City of Bellevue Development Services Director to demonstrate compliance with this condition.

AUTHORITY: Bellevue City Code 9.18.020.A.10, 9.18.020.B.5 and 9.18.020.G; Comprehensive Plan Policies EN-88, TR-75.17, TR-75.33 and TR-118  
REVIEWER: Matthews Jackson, Development Services Department

**10. Track Design and Construction to Address Wheel Squeal.** Light rail trackwork designed for use on the portion of East Link that passes through Bellevue shall be designed and operated to include rail lubricators to reduce the potential for wheel squeal on curves with a radius of 600 feet or less. Curves with a radius of greater and 600 feet up to 1,250 feet shall be built to easily accommodate lubricators in the event additional mitigation is necessary to ensure that associated noise remains within projected levels.

AUTHORITY: Bellevue City Code 9.18.020.B.5 and 9.18.020.G; Comprehensive Plan Policies EN-88, TR-75.17, TR-75.33 and TR-118.  
REVIEWER: Matthews Jackson, Development Services Department

**11. Train Mounted Warning Devices.** The applicant shall provide operator training consistent with condition 3.d as to bell and horn operation protocols. Train mounted warning devices shall be adjustable and sound levels shall be reduced during nighttime hours of 10 p.m. to 6 a.m. Directional shrouds shall be installed on all train mounted warning devices on light rail vehicles operating in Bellevue in order to direct sound toward intersections and to minimize the noise levels predicted for warning devices while retaining their safety effectiveness.

AUTHORITY: Bellevue City Code 9.18.020.A.10 and 9.18.020.G; Comprehensive Plan Policies EN-88, TR-75.17, TR-75.33 and TR-118  
REVIEWER: Matthews Jackson, Development Services Department

**12. Developer Assistance.** The applicant shall provide noise analysis data to developers seeking information regarding expected noise levels in the vicinity of new projects proposed in Bellevue to ensure that future development includes adequate abatement design and materials where necessary to minimize noise impacts on residential development that is constructed after light rail permits are approved but before the system is operational.

AUTHORITY: Bellevue City Code 9.18.020.B.5 and 9.18.020.G;  
Comprehensive Plan Policies EN-88, TR-75.17, TR-75.33, TR-118 and EN-92.  
REVIEWER: Matthews Jackson, Development Services  
Department

**13. Limitation of Use of Exemptions Contained in the Noise Control Code.** Application of the motor vehicle exemption contained in BCC 9.18.020.B at all times of day and night is limited to the analysis and sound level review undertaken for the Bel-Red Segment (E340) because the land use districts are classified as commercial (EDNA B) and industrial (EDNA C). The motor vehicles exemption of BCC 9.18.020.B.5 does not apply to an Operations Maintenance and Satellite Facility or to stationary noise sources.

AUTHORITY: Bellevue City Code 9.18.020.B.5 and 9.18.020.G;  
Comprehensive Plan Policies EN-88, TR-75.17, and TR-118.  
REVIEWER: Matthews Jackson, Development Services  
Department

**14. Electrical Transformers.** Sound levels associated with stationary noise generating devices shall be installed consistent with the manufacturer's specifications. Additional baffling may be required if future monitoring indicates that actual sound levels are not consistent with projected levels.

AUTHORITY: Bellevue City Code 9.18.030; Comprehensive Plan Policies EN-88, TR-75.17, and TR-118.  
REVIEWER: Matthews Jackson, Development Services  
Department

**15. Public Address System.** The applicant shall install shrouds around the public address system speakers to direct sound to the platform area. The public address system shall have an adjustable sound level, and sound levels shall be reduced during the nighttime hours of 10 p.m. to 6 a.m. Additional noise mitigation, such as reduction of reflective surfaces or addition of acoustically absorptive surfaces in the station platform area, may be required if future monitoring indicates that actual sound levels are not consistent with projected levels.

AUTHORITY: Bellevue City Code 9.18.030; Comprehensive Plan Policies EN-88, TR-75.17, TR-75.13 and TR-118.  
REVIEWER: Matthews Jackson, Development Services Department

**16. Wayside audible warning devices.** Wayside audible warning devices shall be adjustable and sound levels shall be reduced during nighttime hours of 10 p.m. to 6 a.m. by a minimum of 10 dBA to minimize the noise levels predicted for warning devices while retaining their safety effectiveness.

AUTHORITY: Bellevue City Code 9.18.020.A.10 and 9.18.020.G; Comprehensive Plan Policies EN-88, TR-75.17, TR-75.33 and TR-118  
REVIEWER: Matthews Jackson, Development Services Department

**17. Monitoring and Contingency Plan.** At least 6 months prior to commencing vehicle testing and system start-up, Sound Transit shall submit for approval by the Director of the Development Services Department, a 3-year noise and vibration monitoring program for the Project to confirm that operating light rail train noise and vibration levels meet FTA ROD criteria and Design and Mitigation Permit requirements applicable at the time of this approval. Such program shall also include a noise complaint and resolution process to be approved by the Director. The 3-year period shall begin at the start of vehicle testing and system start-up prior to revenue service. Sound Transit shall monitor once during vehicle testing and system start-up and once each year for two years after revenue service begins for a total of three rounds of monitoring. Monitoring shall be conducted at representative locations where impacts and mitigation have been identified in the Design and Mitigation permit process. If measured levels show that noise or vibration attributable to the Project exceed FTA criteria or Design and Mitigation Permit requirements applicable at the time of approval, and track or light rail vehicle modifications are not sufficient to bring the Project within compliance, Sound Transit shall submit a mitigation plan within 60 days with appropriate reasonable mitigation for approval by the Director to achieve compliance. Such mitigation techniques may include, but shall not be limited to, adjustments to bells and auditory devices at stations; installation of noise walls along the guideway, rights-of-way or property boundaries; installation of track lubricators or noise insulation packages; acoustic grinding of rails or installation of rail dampers; noise baffling of stationary noise sources; and reduction of reflective surfaces or addition of acoustically absorptive surfaces. Upon approval of such mitigation plan by the Director, Sound Transit shall work to expedite installation of the approved corrective mitigation. One additional round of monitoring will be conducted to confirm compliance at the location of any exceedances if identified in the last year of the monitoring program.

AUTHORITY: Bellevue City Code 9.18.020.A.10, 9.18.020.B.5,  
9.18.030 and 9.18.020.G; Comprehensive Plan  
Policies EN-88, TR-75.17, TR-33 and TR-118.

REVIEWER: Matthews Jackson, Development Services  
Department