

CITY COUNCIL STUDY SESSION ITEM

SUBJECT

Continued discussion regarding provisions contained in the Draft Light Rail Overlay that would govern permitting for the East Link Light Rail project. Focus will be on consideration of a process to involve a Citizen Advisory Committee in light rail permit review.

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POLICY ISSUES

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

The Draft Light Rail Overlay prepared for Council consideration contains both procedural and substantive code provisions, and has been updated through December 3rd as conversation regarding the code amendment has progressed. *Refer to Attachment A.* Meetings in October 2012 introduced Council and the public to the code amendment. The November meeting focused on procedural sections of the draft code such as who may apply, how applications will be processed, and when administrative modifications can be granted. December 2012 and January 2013 meetings focused on substantive issues related to standards and guidelines necessary to mitigate impacts of light rail on areas south of Downtown, and to achieve a context sensitive outcome.

At the Study Sessions held on December 10 and January 7, Council provided feedback on alignment features such as at-grade and elevated track south of Downtown, above-grade equipment such as traction power substations, and mitigation of impacts associated with the South Bellevue Park and Ride and the associated station. Feedback received from Council is being incorporated into the standards and guidelines of the overlay for consideration at a future Study Session. In addition to the substantive changes, it was also clear Council wanted to

explore a process to incorporate a Citizen Advisory Committee (CAC) into the light rail permit process as recommended in the Light Rail Best Practices Final Committee Report (dated June 17, 2008) to achieve the desired context sensitive design outcomes. Therefore, **the focus of discussion during the January 22 Study Session will be limited to consideration of the recommendation for incorporating a CAC into the design portion of the light rail permitting process.**

DIRECTION NEEDED FROM COUNCIL

<input type="checkbox"/>	Action
<input checked="" type="checkbox"/>	Discussion
<input checked="" type="checkbox"/>	Information

Council feedback is requested on the recommended involvement process that is intended to provide an avenue for a CAC to advise Sound Transit and City staff on matters regarding transit station and facility design treatments to achieve neighborhood objectives and context sensitive design consistent with the Light Rail Best Practices Report. Feedback received from Council would then be incorporated into the procedural sections of the Light Rail Overlay for consideration at a future Study Session.

BACKGROUND/ANALYSIS

The Light Rail Best Practices Report summarizes the value of community involvement to help guide the design and development of a light rail system. Refer to Guiding Principle 5, Page 15. The discussion associated with Principle 5 goes on to describe how a community engaged in the design of system components, especially stations, will result in more sensitive designs and build the public's sense of ownership in the project. In order to involve a CAC in an early and ongoing way in the project, it is necessary to constitute the committee before Sound Transit submits its first land use permit application. The mechanism to assure that the process is in place to accommodate CAC involvement is to address this issue in the procedural section of the Light Rail Overlay currently before Council for consideration.

While the Light Rail Best Practices Report recommends a joint effort between Sound Transit and the City to form a CAC, it is silent as to how advice from a CAC should be incorporated into the light rail permitting process. *Refer to Light Rail Best Practices Report, page 27 paragraph B and page 29 paragraph 7.* Staff has reviewed the Light Rail Best Practices Report, and the citizen involvement approaches for light rail used in Portland and Seattle. Bellevue staff subsequently interviewed Seattle staff and a member of the Seattle Light Rail Review Panel, and Sound Transit staff involved in presenting to the Panel, to solicit feedback on the strengths and weaknesses of the process. *For additional information on the Seattle process, a copy of the Seattle Light Rail Review Panel Handbook is available in the Council office and the following link: http://www.bellevuewa.gov/pdf/Development%20Services/Seattle_Light_Rail_Review_Handbook.pdf* Based on the information gathered and reviewed, staff developed an involvement approach that optimizes the Seattle process strengths, and that is tailored to the Bellevue permit process, so that the permit certainty, predictability, and consolidated processing objectives of the MOU can be achieved.

Proposed Project Design Review Phases are summarized in the following matrix, and compare the proposed opportunities for CAC involvement to the design phases undertaken by Sound Transit and the City permit sequencing described in the procedural provisions of the draft Light

Rail Overlay. Alignment between the ST Design phases, CAC review opportunities, and City permit review phases is an essential component of the proposed involvement strategy to achieve objectives stated in the MOU and Light Rail Best Practices Report.

Proposed Project Design Review Phases

CAC Review Phases	ST Design Phases	City Overlay Permit Phases
Context Setting	Preliminary Engineering Phase (0-30% Design)	Pre-Application Conference
Schematic Design	Design Phase (35% Design) (65% Design)	Pre-Development Consultation
Design Development		Land Use Permits (CUP in absence of Development Agreement, and Design and Mitigation Permits)
Construction Documents	(90-100% Design)	Building Permits

The following information contains a more detailed description of the CAC involvement that is anticipated to occur at each of the above-identified review phases. By way of comparison, this process is similar to the one used for review of the Bellevue School District projects to ensure that heightened outreach is aligned with the City permitting process to optimize efficiency and reduce the potential for processing-related delays. The difference between the process used for School District projects and the one recommended for the East Link project is that CAC involvement has been incorporated, consistent with the recommendations contained in the Light Rail Best Practices Report. If the Council is in general agreement with this approach, staff will draft code language necessary for inclusion in the Light Rail Overlay.

Description of Citizen Advisory Committee Review Phases

Context Setting Review Phase:

Timing: The Context Setting Review Phase of CAC involvement would occur during Sound Transit’s preliminary engineering phase, and early in the permitting process before application materials are developed.

Anticipated Involvement: CAC involvement would provide the opportunity for Sound Transit project managers and consultants to present an initial project analysis, including a description of the urban and historic context and natural environment using site plans, vicinity photos, models and computer visualizations. *Refer to Light Rail Best Practices Report, Page 24.* Bellevue staff would support the CAC and ST staff in preparing for this review phase by identifying existing documents that describe the area context (e.g., the applicable Subarea Plan). We know from the Best Practices report that context sensitive design, as it relates to transportation projects, asserts that decisions regarding project development that occur during the permitting phase should take into account the

communities and land uses which the project passes through (“the context”). *Refer to Light Rail Best Practices Report, Page 21 Discussion for Action #3.*

Best Practices Outcome Achieved: The CAC would advise Sound Transit and City staff on “the context” appropriate to the system component that they are reviewing. CAC advice would be used by Sound Transit and City staff to ensure that transit station and facility design incorporate neighborhood objectives and integrate facilities appropriately into the community as the ST design phase progresses. The CAC would use the context-setting materials that are developed at this review phase to evaluate the project’s design evolution in later review phases. This advances Comprehensive Plan Policy TR 75.12 identified in the Community and Neighborhoods action plan of the Light Rail Best Practices Report. *Refer to Page 21.*

Schematic Design Review Phase:

Timing: The Schematic Design Review Phase of CAC involvement would occur early in the Sound Transit’s design phase, and early in the permitting process to inform preparation of the Land Use Permit application materials.

Anticipated Involvement: CAC involvement would provide the opportunity for Sound Transit project managers and consultants to explain how the initial design has progressed based on the contextual direction set by the CAC at the Context Setting Review Phase. Advice received from the CAC at this phase would inform design details depicted by ST in the Land Use Permit application materials that will be reviewed for compliance with code standards and guidelines by Development Services staff.

Best Practices Outcome Achieved: The advice received from the CAC at this phase of design will result in useful feedback regarding ST’s effectiveness at incorporating contextual direction into the early phases of facility design. Consistent with the Light Rail Best Practices Report, the CAC would provide advice regarding complementary building materials, integration of public art, preferred station furnishing styles, universal design measures to enhance usability of the light rail component by all people, and quality design and materials. *Refer to Light Rail Best Practices Report, page 19 paragraph B, page 21 Action Plan paragraph 3, and page 23 paragraph 15, page 37 paragraph 14, and page 53 paragraph 14.*

Design Development Review Phase:

Timing: The Design Development Review Phase of CAC involvement would occur as a component of the public outreach that is undertaken during the Land Use Permit review for the Design and Mitigation permit required by the draft light rail overlay.

Anticipated Involvement: CAC involvement would provide the opportunity for Sound Transit project managers and consultants to present design refinements made based on CAC advice provided to Sound Transit during the Schematic Design Review Phase, and for the CAC to distill public comment received as part of the Land Use Permit review process into advice to Sound Transit and City staff regarding final design issues related to preparation of construction documents.

Best Practices Outcome Achieved: The advice received from the CAC at this phase of design will result in useful feedback regarding Sound Transit's effectiveness at incorporating CAC advice regarding the complementary nature of the building materials, integration of public art, preferred station furnishing styles, and universal design measures provided during the Design Development Review Phase. This review phase also provides an opportunity to keep the community involved and informed regarding project development that goes beyond the typical notice provided during the Land Use Permit review process. *Refer to Light Rail Best Practices Report, page 15 Guiding Principle 5, page 19 paragraph B, page 21 Action Plan paragraph 3, and page 23 paragraphs 15, 16 and 18.*

Construction Document Review Phase:

Timing: The Construction Document Review Phase of CAC involvement would occur after Land Use Permit approval of the Design and Mitigation permit, and before building permit submittal on components that were conditionally approved subject to additional design development.

Anticipated Involvement: CAC involvement would provide the opportunity for Sound Transit project managers and consultants to present design refinements made based on CAC advice provided during the Design Development Review Phase, and to document and explain any deviations necessary to achieve system functionality. It is also the opportunity for the CAC to provide final comments on design solutions depicted in the building permits before the project goes to construction.

Best Practices Outcome Achieved: The final advice received from the CAC at this phase of design would only be necessary if CAC advice was not ultimately followed. It is also an opportunity to take the time to celebrate completion of the project permitting phase, keep the community informed regarding final design refinements, and signify closure relative to the CAC involvement in the design of a particular system component. This once again offers a community involvement and engagement forum that is heightened above and beyond the notification of the final project decision that is provided in the standard Land Use Permit review process. *Refer to Light Rail Best Practices Report, page 15 Guiding Principle 5, page 19 paragraph A, page 23 paragraph 18, and page 27 paragraph A.*

Council direction is requested on whether a CAC should be incorporated into the permitting process; and, if so, whether the approach recommended by staff meets the community involvement objectives described in the Light Rail Best Practices Report. Based on feedback received from the Council, draft code language will be prepared for inclusion in the Light Rail Overlay. Ultimately, Council will need to decide how and when to constitute the CAC described in these materials. Issues regarding CAC expertise, community representation, continuity of review across the alignment, and time commitment, will all need to be discussed at a future Council meeting. However, these issues do not need to be settled now, for the purposes of providing code direction.

SCHEDULE

The code amendment process continues to address topics scheduled for Council discussion in past packet materials. Dates for discussion of future Council topics, a potential date for an additional public hearing if the Council determines this is desirable, and a tentative code amendment adoption date are provided below.

Scheduled Date/Timeframe	Light Rail Code Amendment Topic
January 28	Study Session on Bel-Red Segment including the operations and maintenance base
February 4	Process Provisions of the draft code amendment and wrap-up of outstanding issues
Early February*	SEPA Threshold Determination on code amendment expected <ul style="list-style-type: none">• Comments accepted until SEPA determination made• SEPA Determination required prior to Council final action
February 11*	Potential opportunity for additional public hearing on Light Rail Overlay
February 19*	Potential opportunity for final Council action on the Light Rail Overlay

* *This schedule may be modified to accommodate additional study sessions as necessary for Council to develop an ordinance ready for final action.*

PUBLIC REVIEW AND INPUT

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

ALTERNATIVES

1. Provide feedback on whether the CAC involvement approach should be incorporated into the permitting process for the East Link project to achieve community involvement objectives articulated in the Light Rail Best Practices Report, and direct staff to draft code language for inclusion in the Light Rail Overlay for Council consideration at a future Study Session.
2. Provide alternative direction to staff on how to incorporate heightened stakeholder involvement in the permitting process for the East Link project to achieve community involvement objectives articulated in the Light Rail Best Practices Report.

ATTACHMENTS

- A. Draft Light Rail Overlay Ordinance dated December 3, 2012

AVAILABLE IN COUNCIL OFFICE

Light Rail Overlay Reference Binder
Land Use Code Amendment File
Seattle Light Rail Review Panel Handbook

REVISED DRAFT LIGHT RAIL OVERLAY – DECEMBER 3, 2012 |

New Part 20.25M – Light Rail Overlay District**20.25M.010 General****A. Applicability**

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

B. Purpose

The purpose of this Part is to:

1. Provide certainty and predictability for the City, the regional light rail transit authority, and the public with respect to Land Use Code requirements and processes;
2. Establish a comprehensive and consolidated permit process for RLRT Facilities;
3. Provide a mechanism for addressing any applicable Land Use Code requirements that are impractical or infeasible for an RLRT Facility;
4. Acknowledge the unique characteristics of a regional Essential Public Facility system that is linear in nature and passes through the City of Bellevue touching numerous land use districts and overlay areas;
5. Provide appropriate regulatory oversight for RLRT Facilities located in public rights-of-way, which would otherwise not be regulated by the Land Use Code;
6. Facilitate transparent and efficient decision making and interagency cooperation between the City of Bellevue and the regional light rail transit authority;
7. Ensure the RLRT Facilities incorporate design and mitigation measures appropriate to their impacts and represent a high-quality investment for taxpayers; and
8. Ensure that City review of an application for an RLRT Facility is informed and guided by the “Bellevue Light Rail Best Practices Final Report.”

Comment [CoB1]: Items 1-4 consistent with MOU 6.1(a), (b), (d), (e).

C. Who May Apply | **- Council Input Needed**

Current Process: In the absence of a LUC amendment, a regional transit authority with condemnation authority such as Sound Transit, would be allow to apply for permits prior to completing the process to acquire underlying property. This is the same allowance provided to other agencies and public utilities that have condemnation authority (such as the City of Bellevue for transportation and utility projects and Puget Sound Energy).

Comment [cvh2]: Oct 8 Council Discussion: Staff to provide legal basis for allowing ST to apply for permits on property prior to condemnation.

LUCA Process Option: Council could chose to require Sound Transit to demonstrate that notification requirements under the condemnation authority have been met prior to permit submittal, or Council could chose to impose specific requirements on Sound Transit to notify underlying property owners prior to permit submittal.

A regional transit authority authorized under Chapter 81.112 RCW, as may be hereinafter amended, may apply for permits to develop an RLRT Facility, even if that authority is not the owner of the property on which the facility will be located at the time of application.

D. Applicable Land Use Code Provisions.

1. Applicable Land Use District and Overlay Sections Incorporated by Reference.

Predictability and certainty with respect to substantive Land Use Code requirements ensures that a RLRT System or Facility design is sensitive to the context of the underlying land use districts and overlays within which it is located, and that temporary and permanent impacts are appropriately mitigated. The following Overlay sections of the Land Use Code are expressly incorporated into the provisions of this Chapter 20.25M and made applicable to a RLRT System or Facility:

- a. Chapter 20.10 – Land Use Districts;
- b. Part 20.25A LUC – Downtown sections shall apply to any above-grade RLRT System or Facility as follows:
 - i. LUC 20.25A.020.A.2 (dimensional standards for building height only, including applicable foot notes);
 - ii. LUC 20.25A.020.B.4 – Height exceptions;
 - iii. LUC 20.25A.040.C – Fences;
 - iv. LUC 20.25A.060 – Walkways and sidewalks;
 - v. LUC 20.25A.100.E.6 – Downtown Core Design District Guidelines – View Preservation Corridors;
 - vi. LUC 20.25A.110.A – Site Design Criteria;
 - vii. LUC 20.25A.110.B – Downtown Patterns and Context;
 - viii. LUC 20.25A.115.A – Design Guidelines – Building/Sidewalk Relationships – General;
- c. Part 20.25B LUC – Transition Area Design District sections as follows:
 - i. LUC 20.25B.040.C – Landscaping, Open Space and Buffers;
 - ii. LUC 20.25B.040.D – Site Design Standards;
 - iii. LUC 20.25B.040.E – Mechanical Equipment;
 - iv. LUC 20.25B.050.B – Design Guidelines;
- d. Part 20.25D LUC – Bel-Red LUC sections as follows:
 - i. LUC 20.25D.010.B – Land Use Districts;

Comment [cvh3]: Identifies the substantive provisions of the land use code that apply.

Comment [CoB4]: These provisions would generally only apply to the Downtown Station if it is moved out of the tunnel for cost savings reasons

Comment [CoB5]: These provisions would be used to review the East Main Station and the TPSS at Main and 112th Ave NE as applicable to any development proposal submitted by Sound Transit

Comment [CoB6]: These provisions would apply to the stations and facilities located in the Bel-Red Corridor

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

2. Applicable Procedural and Administrative Sections Incorporated by Reference.

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

- a. Part 20.30H LUC – Variance to the Shoreline Master Program
- b. Part 20.30R LUC – Shoreline Substantial Development Permit
- c. Chapter 20.35 LUC – Review and Procedures
- d. Chapter 20.40 LUC – Administration and Enforcement sections as follows:
 - i. LUC 20.40.010 through 20.40.480; and
 - ii. LUC 20.40.500 through 510.
- e. Chapter 20.50 LUC - Definitions

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

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

Comment [cvh7]: Identifies the procedural provisions of the code that apply.

Comment [CoB8]: Section 20.40.490 identifies when an assurance device is required, and has not been included in the Draft Light Rail Overlay. Under the terms of RCW 35A.21.250, cities are prohibited from requiring agencies to post a bond or other security as a condition of permit issuance.

Comment [cvh9]: Applicable general development standards from Chapter 20.20 LUC for Light Rail uses are identified in the Overlay so the public, Sound Transit and City staff have a clear understanding of the code requirements that must be met as design progresses to construction level of detail.

Comment [CoB10]: Clarity Edit – to describe the relationship to existing EPF provisions. When there are specific EPF regulations, the specific regulations apply. If there are no regulations specific to an EPF use, then the general provisions of LUC 20.20.350 apply. Since the RLRT Overlay will create specific regulations, this clarify edit specifies that the general EPF provisions do not apply.

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

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

- A. **“Regional Light Rail Transit Facility”** is a type of Essential Public Facility, and means a structure, rail track, equipment, or other improvement of a Regional Light Rail Transit System, including but not limited to ventilation structures, traction power substations, utilities serving the Regional Light Rail Transit System, Light Rail Transit stations and related passenger amenities, bus layover and inter-modal passenger transfer facilities, park and rides, tunnel portals, storage track and support facilities, and transit station access facilities.
- B. **“Design and Mitigation Permit”** is the single, consolidated project permit issued by the City in response to an application to develop a RLRT Facility or portion thereof; provided, that a Design and Mitigation Permit does not include a shoreline substantial development permit, shoreline conditional use permit, or shoreline variance approval if required as provided by Part 20.25E, 20.30C, and 20.30H LUC.
- C. **“Regional Light Rail Transit System”** is a type of Essential Public Facility, and means a public rail transit line that operates at grade level or above or below grade level, and that provides high-capacity, regional transit service owned or operated by a regional transit authority authorized under Chapter 81.112 RCW. A Regional Light Rail Transit System may be designed to share a street right-of-way although it may also use a separate right-of-way.

Comment [cvh11]: Oct 8 Council Discussion:
Heavy maintenance base was not contemplated in the MOU project description. Now that the heavy maintenance base is under ST consideration/review, specific Council direction will be needed on whether the Overlay should be drafted to include or exclude this component.

Comment [cvh12]: Oct 8 Council Discussion:
This definition may be overly broad.

20.25M.030 Required Permits

A. Process Roadmap

1. Use Approval – Two Process Options

- a. Use Permitted by Land Use Code. A Regional Light Rail Transit System and its Facilities are permitted uses in all land use districts, provided that the general location of the RLRT System has been approved by a Bellevue City Council-adopted resolution or ordinance, or by a development agreement authorized by Chapter 36.70B RCW and consistent with paragraph 20.30M.030.B.1 below. Refer to Chart 20.10.440 (Transportation and Utilities Uses in Land Use Districts), Chart 20.25D.070 (Transportation and Utilities Uses in Bel-Red Land Use Districts), and LUC 20.25H.055.B Note 12.
- b. Use Approval Permitted through Conditional Use. Where the City Council has not legislatively adopted a resolution, ordinance, or development agreement permitting the RLRT System and Facility use, Council Conditional

Comment [CoB13]: Council Sept 17 Direction to develop Two Process Path. Two types of Use approval available to the Council, subsequent Design and Mitigation review required.

Comment [cvh14]: Oct 8 Council Discussion:
Approval based on general location may be overly broad.

Use Permit approval is required pursuant to the provisions of LUC 20.25M.030.B.2 below.

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

B. RLRT System and Facilities Use – Decision of the City Council

1. Development Agreement – RCW Legislative Process

- a. Scope of Approval. A RLRT System or Facility use is permitted outright when its general location has been included in a City Council resolution, ordinance, or development agreement authorized pursuant to Chapter 36.70B RCW. If a development agreement is adopted, the City Council may also allow necessary modifications to this Overlay District and to other applicable provisions the Bellevue City Code, and set forth other terms consistent with Chapter 36.70B RCW in order to approve the siting, construction, and operation of a RLRT System or Facility.
- b. Applicable Process. A development agreement adopted by the City Council shall be processed under the authority of and pursuant to the procedures set forth in Chapter 36.70B RCW. Any development agreement adopted by the City Council shall set forth “development standards” as that term is used in Chapter 36.70B.170(3) RCW that govern and vest the development for a specified time duration to this Overlay District and other applicable City regulations, provided that a development agreement may not extend the vesting period for longer than 15 years from the effective date.

Comment [CoB15]: Development Agreement process set forth under the Local Project Review Act of state law.

Comment [cvh16]: Taken from Exhibit G of the MOU

2. Conditional Use Permit

- a. When Required. Development of a RLRT System or Facility requires approval through a Conditional Use Permit (CUP) process when a general location has not been approved in a Council-adopted resolution, ordinance, or development agreement. Refer to Part 20.30B LUC for Conditional Use permit requirements.
- b. Scope of Approval. **Council Input Needed**.

Comment [CoB17]: Need to add modification/ amendment provisions consistent with Council input regarding process (Type I or III). Refer to Applicable Process options in 20.25M.030.B.2.d below.

Comment [CoB18]: Council Input Needed on procedural consolidation/merger question

***Current Process:** In the absence of a LUCA amendment, approval of the CUP would require findings that the proposal is consistent with both the USE requirements, and any applicable DESIGN and MITIGATION requirements.*

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LUCA Process Option: Council could chose to allow the general location of the USE to be processed separately from the DESIGN and MITIGATION review, as is allowed with Master Development Plans and subsequent design review approvals.

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

i. The conditional use is consistent with the Comprehensive Plan including the Light Rail Best Practices Report dated June 17, 2008; and

Current Process: In the absence of a LUC amendment, Sound Transit would be required to demonstrate pursuant to this decision criterion that the expectations identified in the Light Rail Best Practices had been met. Specific Light Rail Best Practices provisions were not included in the draft Light Rail Overlay, because they already apply through this requirement to demonstrate consistency with the Comprehensive Plan. The Light Rail Best Practices, including the Expectations of Sound Transit, apply to City actions on East Link project applications through Comprehensive Plan Policy TR-75.2 and have the same effect as if they had been fully set forth in the Light Rail Overlay.

LUCA Process Option: Council could choose to include the Light Rail Best Practices language in the Overlay itself.

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

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

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

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

d. **Applicable Process.** The Conditional Use Permit shall be reviewed through Process I (LUC 20.35.100-150). Council Input Needed

Current Process: In absence of LUC amendment, general Essential Public Facility provisions of LUC 20.20.350 would apply and a Process I Conditional Use Permit would be required. Currently applicable Process I CUP includes a Director recommendation, a Hearing Examiner pre-decision hearing, and final decision by the Hearing Examiner. An appeal of the Hearing Examiner decision would go to the City Council.

Comment [cvh19]: Decision criteria are taken from the Conditional Use Permit decision criteria contained in LUC 20.30B.140.

Comment [cvh20]: Nov 16 Council Input: Council directed staff to apply Process I CUP amended to require Hearing Examiner as the final decisionmaker.

Comment [cvh21]: Oct 8 Council Discussion: More detailed format may be necessary in decision criteria. For example, there are no references to Light Rail Best Practices.

Comment [cvh22]: Nov 16 Council Input: Add reference to Light Rail Best Practices Report

Comment [cvh23]: Nov 16 Council Input: Add reference to Light Rail Best Practices Report

Comment [cvh24]: Oct 8 Council Discussion: Better understanding of this decision criteria is necessary to ensure that implementation during permit review looks at properties impacted by light rail and not just those immediately adjacent to it.

Comment [cvh25]: Nov 16 Council Input: Council directed staff to apply Process I CUP amended to require Hearing Examiner as the final decisionmaker.

Comment [cvh26]: Oct 8 Council Discussion: Council has directed staff to pursue a code simplification amendment, when staff capacity becomes available, that would remove Council from the Quasi-Judicial permit process. Additional consideration of this direction may be needed before Council input is provided. **Council Input provided on Nov 16.**

~~**LUCA Process Option:** Council could choose to require Conditional Use Permit review under Process III, which would include a recommendation by the Hearing Examiner and final Decision by the City Council (without requirement for an appeal). This process is the one currently used for rezones and for CUPs located within the jurisdiction of the East Bellevue Community Council.~~

Comment [cvh27]: Nov 16 Council Input: Council directed staff to apply Process I CUP amended to require Hearing Examiner as the final decisionmaker.

C. Design and Mitigation Review – Decision of the Director

1. **When Required.** Prior to issuance of any construction permits, Design and Mitigation Review shall be required for any RLRT System or Facility. The Design and Mitigation Review may be merged with or undertaken following use approval of a RLRT System and RLRT Facilities pursuant to 20.25M.030.B.

2. **Scope of Design and Mitigation Approval.** **Council Input Needed.**

Comment [CoB28]: Section needs to be made consistent with Council input received on procedural consolidation/merger question in LUC 20.25M.030.B.2.b above.

Current Process: In the absence of a LUCA amendment, approval of the CUP would require findings that the proposal is consistent with both the USE requirements, and any applicable DESIGN and MITIGATION requirements.

LUCA Process Option: Council could chose to allow the general location of the USE to be processed separately from the DESIGN and MITIGATION review, as is allowed for Master Development Plans and the subsequent design review.

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

Comment [CoB29]: Need to add modification/ amendment provisions consistent with Council input regarding process (Type I or III). Refer to Applicable Process options in 20.25M.030.B.2.d above.

a. The proposal is consistent with the Comprehensive Plan including the Light Rail Best Practices Report dated June 17, 2008; and

Comment [cvh30]: Based on the decision criteria required for Design Review approval (refer to LUC 20.30F.145).

~~**Current Process:** In the absence of a LUC amendment, Sound Transit would be required to demonstrate pursuant to this decision criterion that the expectations identified in the Light Rail Best Practices had been met. Specific Light Rail Best Practices provisions were not included in the draft Light Rail Overlay, because they already apply through this requirement to demonstrate consistency with the Comprehensive Plan. The Light Rail Best Practices, including the Expectations of Sound Transit, apply to City actions on East Link project applications through Comprehensive Plan Policy TR 75.2 and have the same effect as if they had been fully set forth in the Light Rail Overlay.~~

Comment [cvh31]: Oct 8 Council Discussion: More detailed format may be necessary in area of decision criteria. For example, there are no references to Noise Control Code.

~~**LUCA Process Option:** Council could choose to include the Light Rail Best Practices language in the Overlay itself.~~

Comment [cvh32]: Nov 16 Council Input: Add reference to Light Rail Best Practices Report

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

Comment [cvh33]: Nov 16 Council Input: Add reference to Light Rail Best Practices Report

- c. The proposal addresses all applicable design guidelines of this Light Rail Overlay District in a manner which fulfills their purpose and intent; and
- d. 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
- e. The proposal will be served by adequate public facilities including streets, fire protection, and utilities; and
- f. The proposal is consistent with any Development agreement or Council conditional use permit approved pursuant to LUC 20.25M.030.B.
- g. When the proposed RLRT Facility will occur in whole or in part in a critical area regulated by Part 20.25H LUC, such facility shall also satisfy the following criteria:
 - i. The proposal utilizes to the maximum extent possible the best available construction, design and development techniques which result in the least impact on the critical area and critical area buffer; and
 - ii. The proposal incorporates the performance standards of Part 20.25H LUC to the maximum extent applicable; and
 - iii. The proposal includes a mitigation or restoration plan consistent with the requirements of LUC 20.25H.210; except that a proposal to modify or remove vegetation pursuant to an approved Vegetation Management Plan under LUC 20.25H.055.C.3.i shall not require a mitigation or restoration plan.
- 4. Applicable Process. The Design and Mitigation Permit shall be reviewed through Process II (LUC 20.35.200-250).

Comment [cvh34]: Based on the Decision Criteria used for a Critical Areas Land Use Permit approval (refer to LUC 20.30P.140).

D. Shoreline Substantial Development Permit and Variance

- 1. Any RLRT Facility proposed or located in the Shoreline Overlay District (Part 20.25E LUC) shall comply with the Shoreline Substantial Development Permit (SSDP) requirements of LUC 20.25E.040. Application for a SSDP shall be processed independently of any application for Design and Mitigation approval under this chapter. Application for a SSDP shall be subject to the decision criteria of LUC 20.30R.155.
- 2. For properties lying within the Shoreline Overlay District, the City may approve a request to exceed the allowable height limit established by LUC 20.25E.080.B.5 through the Variance to the Shoreline Master Program process allowed pursuant to Part 20.30H

Comment [cvh35]: Oct 8 Council Discussion: Shoreline approval in Draft Code relies on Shoreline Substantial Development Permit. Consideration should be given to the pros and cons of selecting the Substantial Development Permit process versus the Shoreline CUP process.

LUC. Application for a shoreline variance shall be subject to the decision criteria of LUC 20.30H.155.

20.25M.040 RLRT System and Facilities Development Standards

Comment [CoB36]: Gap Fillers – includes issues not clearly addressed by the code

A. Dimensional Requirements

Comment [cvh37]: Applicable general development standards for Light Rail uses are identified in this section of the Overlay so the public, Sound Transit and City staff have a clear understanding of the code requirements that must be met as design progresses to construction level of detail.

1. Height Limitations. Council Input Needed

Current Substantive Standard. *In the absence of a LUC Amendment:*

- *Maximum Height Limits of LUC 20.20.010 would apply based on the underlying land use district*
- *Code Conflict identified for South Bellevue Park and Ride Structure (described in the MOU as 1400 stalls on up to 5 floors) and Hospital Station (elevation needed to meet alignment height after crossing I-405), which would both exceed height limits for underlying land use districts.*
- *General EPF Standards allow for height increases at the permitting stage if applicant demonstrates that:*
 - *The requested increase is the minimum necessary for the effective functioning of the EPF; and*
 - *Visual and aesthetic impacts associated with the EPF have been mitigated to the greatest extent feasible.*
- *Timing uncertainty created. Significant uncertainty and cost would be incurred to design and engineer the South Bellevue Park and Ride and Hospital Station without having a final determination as to whether the height increase will be granted until late in the plan development timeframe.*

LUCA Conflict Resolution Option. *Cost savings and certainty would be provided by accommodating the required facility heights for the South Bellevue Park and Ride and Hospital Station as part of this Land Use Code Amendment.*

2. Setbacks. Council Input Needed

Current Substantive Standard. *In the absence of a LUC Amendment:*

- *Minimum Setbacks on LUC 20.20.010 would apply based on LU District, but application of setbacks to elements of the facility either leads to ambiguity, or to potentially significant requirements for additional property acquisition, especially where elements are proposed for areas outside of existing public right of way.*
- *Cost Savings Conflict identified for Traction Power Substation Elements of the RLRT Facility, which would require land acquisition in excess of that necessary to provide required landscape screening of these unmanned facilities.*

LUCA Conflict Resolution Option. *Minimum setbacks could be established for certain specified components of the System (e.g., Traction Power Substations), with setbacks set to the appropriate dimension to accommodate required landscape screening.*

B. Landscape Development

1. Traction Power Substations (TPSS) shall be screened with 10 feet of Type III landscaping pursuant to the requirements of LUC 20.20.520.G.3.
2. Park and Ride (public parking lot serving a primary use) and Storage Track and Support Facilities.
 - a. Except as set forth in subsection b, these facilities shall be landscaped pursuant to the requirements of LUC 20.20.520.F.2 and F.3. Provisions contained in LUC 20.20.520.F.5 through 8, 20.20.520.G, and 20.20.520.I through K shall also apply.
 - b. When located within an Overlay District identified in LUC 20.25M.010.D, these facilities shall comply with the design and landscape requirements incorporated by reference in LUC 20.25M.010.D.
3. Alternative landscaping may be approved by the Director for TPSS, park and ride, and storage track and support facilities if the requirements of LUC 20.20.520.J are met. The landscape development requirement for TPSS facilities may be reduced or eliminated by the Director when topography and/or existing vegetation provide adequate site screening to meet the intent of these standards.

Comment [CoB38]: Landscape screening requirements do not apply to linear track portions of Light Rail. The intent of this section is to treat linear portions like city streets, with specific frontage planting requirements contained in the Land Use Code and Transportation Design Manual

C. 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.

Comment [CoB39]: Based on LUC 20.20.400

D. 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.

Comment [CoB40]: Based on LUC 20.20.522

E. 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.

Comment [CoB41]: Based on LUC 20.20.525

F. Parking and Circulation

Comment [CoB42]: Clarity Edit consistent with implementation of parking provisions contained in LUC 20.20.590 and applicable overlays.

1. Minimum/Maximum Parking Requirements. RLRT Facilities do not generate parking demand that requires the provision of accessory parking. The provisions of 20.20.590 shall not apply.
2. Employee Vehicle Parking. Parking spaces shall be provided as necessary to accommodate vehicles of security and operational personnel who service a RLRT Facility.
3. Parking and Circulation Improvements and Design. RLRT facilities that provide parking for the public shall meet the requirements of LUC 20.20.590.K.

G. Recycling and Solid Waste Collection

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

Comment [CoB43]: Based on LUC 20.20.725

Comment [CoB44]: Gap filler – issue not currently address by the code

Comment [cvh45]: Oct 8 Council Discussion: Organic recycling may be a desirable option to add to pedestrian facilities.

Comment [CoB46]: Operationalizes objective articulated in Exhibit G of the MOU

Comment [cvh47]: Oct 8 Council Discussion: Council alignment decisions were given deference by removing requirement to demonstrate no technically feasible alternative when Council had approved an alignment by resolution or ordinance.

H. Critical Areas

A regional transit authority is not required to demonstrate that no technically feasible alignment or location alternative with less impact exists for any RLRT Facility, provided that the location of the RLRT System and its Facilities has been generally approved by the Bellevue City Council pursuant to an adopted resolution or ordinance, or by a development agreement authorized by Chapter 36.70B RCW and consistent with LUC 20.25M.030.B.1

20.25M.050 Design Guidelines

A1. Additional Design Guidelines for Light Rail Stations. In all land use districts, the following design guidelines shall apply to light rail stations: - **Council Input Needed**
Current Process: In the absence of a LUC amendment, Sound Transit would be expected to collaborate with the City to undertake station area design and planning that engages the community about specific issues for each station once the sites are selected. Refer to Light Rail Best Practices Expectations of Sound Transit, page 23 made applicable to East Link through Comprehensive Plan Policy TR-75.2. As is done with every major planning process, staff would check-in with Council and propose an outreach and engagement plan for each individual station design effort to seek concurrence on the proposed approach. Specific code language was not included in the draft Light Rail Overlay regarding the process for station design, so that the City can remain flexible and station design efforts can be tailored to the context and unique characteristics of individual stations.

Comment [cvh48]: Oct 8 Council Discussion: Design “guidelines” are a flexible tool for achieving a range of varied and imaginative design solutions. More specificity may be desired in the Light Rail Overlay through use of more directive regulations that mandate a specific outcome by using the word “shall” rather than “should.”

Comment [cvh49]: Gap Fillers –includes issues not currently addressed by the code.

LUCA Process Option: Council could choose to require Sound Transit to demonstrate that design collaboration had occurred prior to permit submittal like is required when PSE proposes a new electrical utility facility. Refer to LUC 20.20.255. In the alternative, Council could chose to impose specific design collaboration or process requirements on Sound Transit through the Light Rail Overlay to engage the community and neighbors in station design. One example of a specific process approach would be to use the City Council Design Review Process that is used for Downtown Pedestrian Bridges. Refer to LUC 20.25A.130.

- 1a.** The station should use context sensitive design to integrate the station into the community. This includes, but is not limited to the following:
- a.i.** The design should incorporate superior urban design, complementary materials, and public art;
 - b.ii.** The design should provide substantial landscaping at stations, where appropriate, including retained significant trees and transplanted trees that are, at a minimum, saplings.
 - c.iii.** Context sensitive design considerations shall include building materials and texture, building scale relative to nearby structures, and relationship to streets and adjacent uses.

Comment [mb50]: Based on CP Policy TR-75.12

- 2b.** The station design should provide, create, or promote:
- a.i.** Access and linkages to the surrounding community;
 - b.ii.** Weather protection, including rain, wind, and sun protection, with overhead weather protection covering not less than 30% of the platform area;
 - c.iii.** A place that works for both large and small numbers of people; and
 - d.iv.** Design that encourages social interaction among people.

Comment [mb51]: Based on CP Policy TR-75.15

- 3e.** The station design should use available technology to deter crime. Examples include:
- a.i.** Visibility of station platform from adjacent streets and parking;
 - b.ii.** Open and well-lighted pedestrian connections to parking and adjacent community;
 - c.iii.** Video surveillance on station platforms and trains; and
 - d.iv.** Establishing and enforcing a fare-paid zone for station platforms.

Comment [mb52]: Based on CP Policy TR-75.23

- 4e.** Station design should facilitate transfers between different modes of transportation with an emphasis on safety for people transferring between the station platform and the various modes. This should include, where appropriate, well-lighted and secure storage sufficient to accommodate a range of modes (e.g., bicycles and other small motorized and non-motorized vehicles).

Comment [mb53]: Based on CP Policy TR-75.28

- B-2.** Additional Design Guidelines for Other RLRT Facilities. In all land use districts, the following design guidelines shall apply to traction power substations, signal bungalows, ventilation structures, signs, tunnel portals, retaining walls, and acoustical barriers.

- 1a. The facilities identified in this section, when located above grade, shall use context sensitive design to integrate the facility into the community. This includes, but is not limited to, the following:
 - a.i. Incorporating superior urban design, complementary materials, and public art;
 - b.ii. Providing substantial landscaping along the alignment, where appropriate, including retained significant trees and transplanted trees; and
 - c.iii. Incorporating durable materials in design and construction to ensure that the facility retains its appearance, functionality, and community value.
- 2b. Traction power substations shall be sited, screened, and/or incorporate architectural materials and treatments to minimize visual and operational impacts to surrounding uses.
- 3e. Ventilation structures shall incorporate context sensitive design that shall incorporate appropriate building materials and texture, building scale relative to nearby structures, and relationship to streets and adjacent uses.
- 4d. Signs shall comply with the Bellevue Sign Code (Chapter 22B.10 BCC); provided, that departures from the specific requirements of Chapter 22B.10 BCC may be allowed if approved by the Director as part of a master signage plan for an RLRT System.
- 5e. Retaining walls and acoustical barriers shall, as appropriate, be screened by landscaping, textured, or incorporate artwork where appropriate.
- 6f. Signal bungalows shall provide innovative façade treatments, e.g. artistic anti-graffiti laminate wraps, as approved by the director.

Comment [mb54]: Based on CP Policy TR-75.22

20.25M.060. Administrative Modification Process

Due to the unique nature of a Regional Light Rail Transit System and its Facilities, strict application of LUC provisions will not always be practical or feasible. This is particularly true due to the Growth Management Act requirements relative to essential public facilities and the acquisition policies and requirements utilized by a regional transit authority, which favor the acquisition of the minimum amount of property necessary for the development of its facilities. Therefore, in applying the provisions of this Chapter or any other applicable development standard in the Land Use Code (Title 20) to a RLRT Facility or System, the City, including the Director, shall be authorized to modify or waive the application of such provisions, provided that:

Comment [CoB55]: Operationalizes objective articulated in Paragraph 6.1 of the MOU

- A. The modification or waiver is the minimum reasonably necessary in accordance with “Bellevue Light Rail Best Practices Report” to make construction or operation of the RLRT Facility or RLRT System practicable and feasible; or
- B. The modification or waiver is reasonably necessary to implement or ensure consistency with other related actions approved by the City Council with respect to the RLRT Facility or RLRT System including Development Agreement modifications, cost saving alternatives, or Street Design Standards amendments.

Conformance Amendments to Land Use Code needed outside the Overlay

Chart 20.10.440 Uses in land use districts

20.10.440 – Transportation and Utilities Use Chart

STD LAND USE CODE REF	LAND USE CLASSIFICATION	Transportation and Utilities – Residential Districts										
		R-1	R-1.8	R-2.5	R-3.5	R-4	R-5	R-7.5*	R-10	R-15	R-20	R-30
4	Transportation, Communications and Utilities											
41	Rail Transportation: Right-of-Way, Yards, Terminals, Maintenance Shops	C	C	C	C	C	C	C	C	C	C	C
42 4291	Motor Vehicle Transportation: Bus Terminals, Taxi Headquarters											
4214 422	Motor Vehicle Transportation: Maintenance Garages and Motor Freight Services (23)											
43	Aircraft Transportation: Airports, Fields, Terminals, Heliports, Storage and Maintenance	C 11	C 11	C 11	C 11	C 11	C 11	C 11	C 11	C 11	C 11	C 11
	Accessory Parking (6) (24)	P 3	P 3	P 3	P 3	P 3	P 3	P 3	P 3	P 3	P 3	P 3
46	Auto Parking: Commercial Lots and Garages (24)											
	Park and Ride (5) (24)	C	C	C	C	C	C	C	C	C	C	C

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475	Radio and Television Broadcasting Studios											
485	Solid Waste Disposal (19)											
	Highway and Street Right-of-Way (24)	P	P	P	P	P	P	P	P	P	P	P
	Utility Facility	C	C	C	C	C	C	C	C	C	C	C
	Local Utility System	P	P	P	P	P	P	P	P	P	P	P
	Regional Utility System	C	C	C	C	C	C	C	C	C	C	C
	On-Site Hazardous Waste Treatment and Storage Facility (7)											
	Off-Site Hazardous Waste Treatment and Storage Facility (8)											
	Essential Public Facility (20)	C	C	C	C	C	C	C	C	C	C	C
	<u>Regional Light Rail Transit Systems and Facilities (25)</u>	<u>C/P</u>	<u>C/P</u>	<u>C/P</u>	<u>C/P</u>	<u>C/P</u>	<u>C/P</u>	<u>C/P</u>	<u>C/P</u>	<u>C/P</u>	<u>C/P</u>	<u>C/P</u>
	Wireless Communication Facility (WCF): (without WCF Support Structures)	14, 16, 21	14, 16, 21	14, 16, 21	14, 16, 21	14, 16, 21	14, 16, 21	14, 16, 21	14, 16, 21	14, 16, 21	14, 16, 21	14, 16, 21
	Communication, Broadcast and Relay Towers Including WCF Support Structures (Freestanding)	14, 16	14, 16	14, 16	14, 16	14, 16	14, 16	14, 16	14, 16	14, 16	14, 16	14, 16

STD

Transportation and Utilities – Residential Districts

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

Chart 20.10.440

Uses in land use districts

Transportation and Utilities – Nonresidential Districts

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

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

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

Transportation and Utilities – Nonresidential Districts

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

Chart 20.10.440

Uses in land use districts

Transportation and Utilities – Downtown Districts

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

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

Transportation and Utilities – Downtown Districts

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

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

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

or ordinance, or by a development agreement authorized by Chapter 36.70B RCW and consistent with LUC 20.30M.030.B.1.

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

Note 17 [Placeholder – Code Language To Be Drafted]

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

Comment [cvh56]: Oct 8 Council Discussion:
Further evaluation regarding effect of nonconforming status and/or acquisition costs may be necessary.

Part 20.25A Downtown

Right-of-Way Special Dedications. [Placeholder – Code Language To Be Drafted]

Amend LUC 20.25A.020.D to allow property owners to make special dedications to Sound Transit and retain FAR as is currently allowed for uncompensated dedications for right of way.

Part 20.25D – Bel-Red

Chart 20.25D.070

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

STD LAND USE CODE LAND USE REF CLASSIFICATION		Transportation and Utilities – Bel-Red Districts						
		Bel-Red Medical Office/Node	Bel-Red Office Residential/Nodes	Bel-Red Residential Commercial Nodes	Bel-Red Residential	Bel-Red General Commercial	Bel-Red Commercial Residential	Bel-Red Office Residential Transition
		BR-MO/ MO-1	BR-OR/ OR-1 OR-2	BR- RC-1 RC-2 RC-3	BR-R	BR-GC	BR-CR	BR-ORT
4	Transportation, Communications and Utilities							
41	Rail	C/C	C/C	C	C	C	C	C

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	Transportation: Right-of-Way, Yards, Terminals, Maintenance Shops							
42 4291	Motor Vehicle Transportation: Bus Terminals, Taxi Headquarters					C		
4214 422	Motor Vehicle Transportation: Maintenance Garages and Motor Freight Services (15)	C/	C/			C		
43	Aircraft Transportation: Airports, Fields, Terminals, Heliports, Storage and Maintenance	C 1	C 1					
	Accessory Parking (2,3,16)	P/P	P/P	P	P 4	P	P	P
46	Auto Parking Commercial Lots and Garages (5, 16)	/P	/P	P				
	Park and Ride (6, 16)		C/C	C				
475	Radio and Television Broadcasting Studios							
485	Solid Waste Disposal (7)							
	Highway and Street Right-of-	P	P/P	P	P	P	P	P

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Way (8, 16)								
Utility Facility	C	C/C	C	C	C	C	C	C
Local Utility System	P	P/P	P	P	P	P	P	P
Regional Utility System	C	C/C	C	C	C	C	C	C
On- and Off-Site Hazardous Waste Treatment and Storage Facilities								
Essential Public Facility (9)	C	C/C	C	C	C	C	C	C
<u>Regional Light Rail Transit Systems and Facilities (17)</u>	<u>C/P</u>	<u>C/P</u>	<u>C/P</u>	<u>C/P</u>	<u>C/P</u>	<u>C/P</u>	<u>C/P</u>	<u>C/P</u>
Wireless Communication Facility (WCF): (without WCF Support Structures)	10, 11, and 12	10, 11, and 12	10, 11, and 12	10, 11, and 12	10, 11, and 12	10, 11, and 12	10, 11, and 12	10, 11, and 12
Communication, Broadcast and Relay Towers Including WCF Support Structures (Freestanding)	10, 11	10, 11	10, 11	10, 11	10, 11	10, 11	10, 11	10, 11
Satellite Dishes (13)	P	P/P	P	P	P	P	P	P
Electrical Utility Facility (14)	A C/A C	A C/A C	A C	A C	A C	A C	A C	A C

....

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

(17) Refer to LUC Part 20.25M, Light Rail Overlay District, for specific requirements applicable to EPF defined as a Regional Light Rail Transit Facility or Regional Light Rail Transit System pursuant to 20.25M.020. A conditional use permit is not required when the City Council has approved a Regional Light Rail Transit Facility or Regional Light Rail Transit System by resolution or ordinance, or by a development agreement authorized by Chapter 36.70B RCW and consistent with LUC 20.30M.030.B.1.

Part 20.25D – Bel-Red

Right-of-Way Special Dedications. [[Placeholder – Code Language To Be Drafted]]

Amend to LUC 20.25D.080.D.2 to allow property owners to make special dedications to Sound Transit and retain FAR as is currently allowed for uncompensated dedications for right of way.

Part 20.25H – Critical Areas Overlay District

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

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

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

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

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

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

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

(12) Refer to LUC Part 20.25M, Light Rail Overlay District, for specific requirements applicable to EPF defined as a Regional Light Rail Transit Facility or Regional Light Rail Transit System pursuant to 20.25M.020. A conditional use permit is not required when the City Council has approved a Regional Light Rail Transit Facility or Regional Light Rail Transit System by resolution or ordinance, or by a development agreement authorized by Chapter 36.70B RCW and consistent with LUC 20.30M.030.B.1.

Chapter 20.35 – Review and Appeal Procedures

20.35.015 – Framework for decisions [Placeholder – Code Language To Be Drafted]

Amend to add Design and Mitigation Permit under Process II.

20.35.020 – Pre-Application Conferences [Placeholder – Code Language To Be Drafted]

Amend to add Design and Mitigation Permit to list of applications that required a pre-application conference

20.35.030 – Applications [Placeholder – Code Language To Be Drafted]

Amend to add public agencies with condemnation authority to the list of parties who may apply for a permit.

Chapter 20.40 – Administration and Enforcement

20.40.500 Vesting [Placeholder – Code Language To Be Drafted]

Amend to acknowledge extended vesting allowed in Downtown, or pursuant to a Master Development Plan approval or Development Agreement.

20.50 - Definitions

20.50.036

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

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

Nonconforming Structure. A structure which does not conform to the dimensional regulations, including but not limited to, setback, height, lot coverage, density, and building configuration

regulations of the district in which it is located due to changes in Code requirements, or annexation, or property acquisition for public rights-of-way or a Regional Light Rail Transit Facility or Regional Light Rail Transit System as defined in LUC 20.25M.020. For structures not conforming to Building Code requirements, see ~~UBC Section 104~~ [BCC 23.05.080 \(Duties and Powers of the Building Official\)](#).

Comment [cvh57]: Cross reference update not specifically related to Light Rail.