

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 provisions related to at-grade portions of the proposed alignment south of Downtown and on the traction power substation (TPSS) components.

STAFF CONTACTS

| | |
|---|----------|
| Mike Brennan, Director | 452-4113 |
| Carol Helland, Land Use Division Director | 452-2724 |
| Catherine A. Drews, Legal Planner <i>Development Services Department</i> | 452-6134 |
| Mary Kate Berens, Deputy City Attorney <i>City Attorney's Office</i> | 452-4116 |
| Mike Bergstrom, Senior Planner <i>Planning and Community Development</i> | 452-6866 |

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. The Draft Light Rail Overlay prepared for Council consideration contains both procedural and substantive code provisions, and a series of study sessions is planned to review the components of the draft Overlay in more detail. Tonight's Study Session will focus on requirements specific to at-grade portions of the alignment south of Downtown, and, if time allows, requirements for traction power substations (TPSS). An additional Study Session is scheduled for December 10 to focus on other components of the proposed light rail project.

A revised Draft Light Rail Overlay has been included in Attachment A to this memorandum. The Draft has been modified to reflect the direction received from the Council on November 13 related to two specific process issues, and has been annotated accordingly.

The design and mitigation provisions that address the light rail components to be discussed tonight are found in the following sections of the Draft Light Rail Overlay. Based on Council direction and feedback, these provisions will be modified as necessary to ensure that the Draft Light Rail Overlay reflects that feedback:

- LUC 20.25M.010.D.1 – Incorporating certain development standards and guidelines by reference for the transition areas (applies to portions of the alignment in the vicinity of the proposed East Main station and TPSS near that station);
- LUC 20.25M.040.A.2 – Noting the need to address required setbacks for certain components of light rail, including TPSS;
- LUC 20.25M.040.B – Establishing minimum landscape screening provisions for TPSS; and

- LUC 20.25M.050.B – Establishing design guidelines for light rail components.

DIRECTION NEEDED FROM COUNCIL

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

Council input is requested specifically on the design standards and guidelines in the Draft Light Rail Overlay as they relate to at-grade portions of the alignment south of Downtown.

Staff will present a number of tools, including drawings and photographs, to facilitate discussion regarding how the draft standards and guidelines would be applied through the permit process to achieve an outcome that is consistent with the Bellevue Comprehensive Plan and Light Rail Best Practices Report.

BACKGROUND/ANALYSIS

Input Requested – to be supported with drawings and photographs

As noted in the policy discussion above, Council input has been identified as necessary to ensure that the design and mitigation requirements included in the Draft Light Rail Overlay are aligned with Council and community expectations. Discussion is expected to focus on:

- The appropriate use of landscaping along the outer margins of the at-grade alignment; whether landscaping should serve a softening function (as it does when street frontage landscaping is required along rights-of-way) or serve a screening function (as landscaping does when it is required as a buffer between different land uses or land use districts). It is expected that the requirements will vary along the alignment to reflect the surrounding context. Feedback provided on December 3 will provide direction to staff on refinements necessary to the landscaping provisions in the Draft Overlay;
- The appropriate use of landscaping and other screening techniques for proposed traction power substations; and
- The appropriate setbacks for TPSS structures proposed outside of the existing public right-of-way.

Future meetings, including the Study Session scheduled on December 10, will address other components of light rail, including station design and the associated public engagement process, the park and ride facility, and above-grade mechanical equipment. Council feedback is also requested regarding whether the graphics prepared for the December 3 presentation are of the nature and extent needed to facilitate those future discussions. Some lead time is needed to prepare this supporting material, so specific topics will be scheduled as the supporting material is prepared and made available.

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 to staff on the design and mitigation requirements described for at-grade portions of the proposed alignment south of Downtown and for TPSS; or
2. Provide direction on additional materials required to support Council decision-making on these requirements and other substantive provisions of the draft code.

ATTACHMENTS

- A. Revised Draft Light Rail Overlay Ordinance

AVAILABLE IN COUNCIL OFFICE

Light Rail Overlay Reference Binder
Land Use Code Amendment File

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

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.

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).

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.

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 [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.*

REVISED DRAFT LIGHT RAIL OVERLAY – DECEMBER 3, 2012

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 base on 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 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

A4. 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:

ai. Incorporating superior urban design, complementary materials, and public art;

bii. Providing substantial landscaping along the alignment, where appropriate, including retained significant trees and transplanted trees; and

ciii. Incorporating durable materials in design and construction to ensure that the facility retains its appearance, functionality, and community value.

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

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.

20.25M.060. Administrative Modification Process

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

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:

- 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 |

REVISED DRAFT LIGHT RAIL OVERLAY – DECEMBER 3, 2012 |

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

STD
LAND
USE
CODE
REF

Transportation and Utilities – Residential Districts

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

REVISED DRAFT LIGHT RAIL OVERLAY – DECEMBER 3, 2012 |

| | | | | | | | | | | | |
|-----|---|---|---|---|------|------|---|---|---|---|---|
| | 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 |

REVISED DRAFT LIGHT RAIL OVERLAY – DECEMBER 3, 2012 |

| | | | | | | | | | | | |
|--|---|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|
| | 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 |

REVISED DRAFT LIGHT RAIL OVERLAY – DECEMBER 3, 2012 |

| | | | | | | | |
|--|---|------------|------------|------------|------------|------------|------------|
| | 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 |

REVISED DRAFT LIGHT RAIL OVERLAY – DECEMBER 3, 2012 |

| | | | | | | | | |
|-------------|---|-----|-----|---|-----|---|---|---|
| | 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 |

REVISED DRAFT LIGHT RAIL OVERLAY – DECEMBER 3, 2012 |

| | | | | | | | | |
|---|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|
| 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 |

REVISED DRAFT LIGHT RAIL OVERLAY – DECEMBER 3, 2012 |

| | | | | | | |
|--|--|--|--|--|--|--|
| 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 | |

REVISED DRAFT LIGHT RAIL OVERLAY – DECEMBER 3, 2012 |

| | | | | | | |
|-----------------------------------|---|--|--|--|--|--|
| | 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 |

REVISED DRAFT LIGHT RAIL OVERLAY – DECEMBER 3, 2012 |

| | | | | | |
|--|----------------------------------|--------------------------------|--|--------------------------------|---|
| 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.