

Land Use Code Amendments

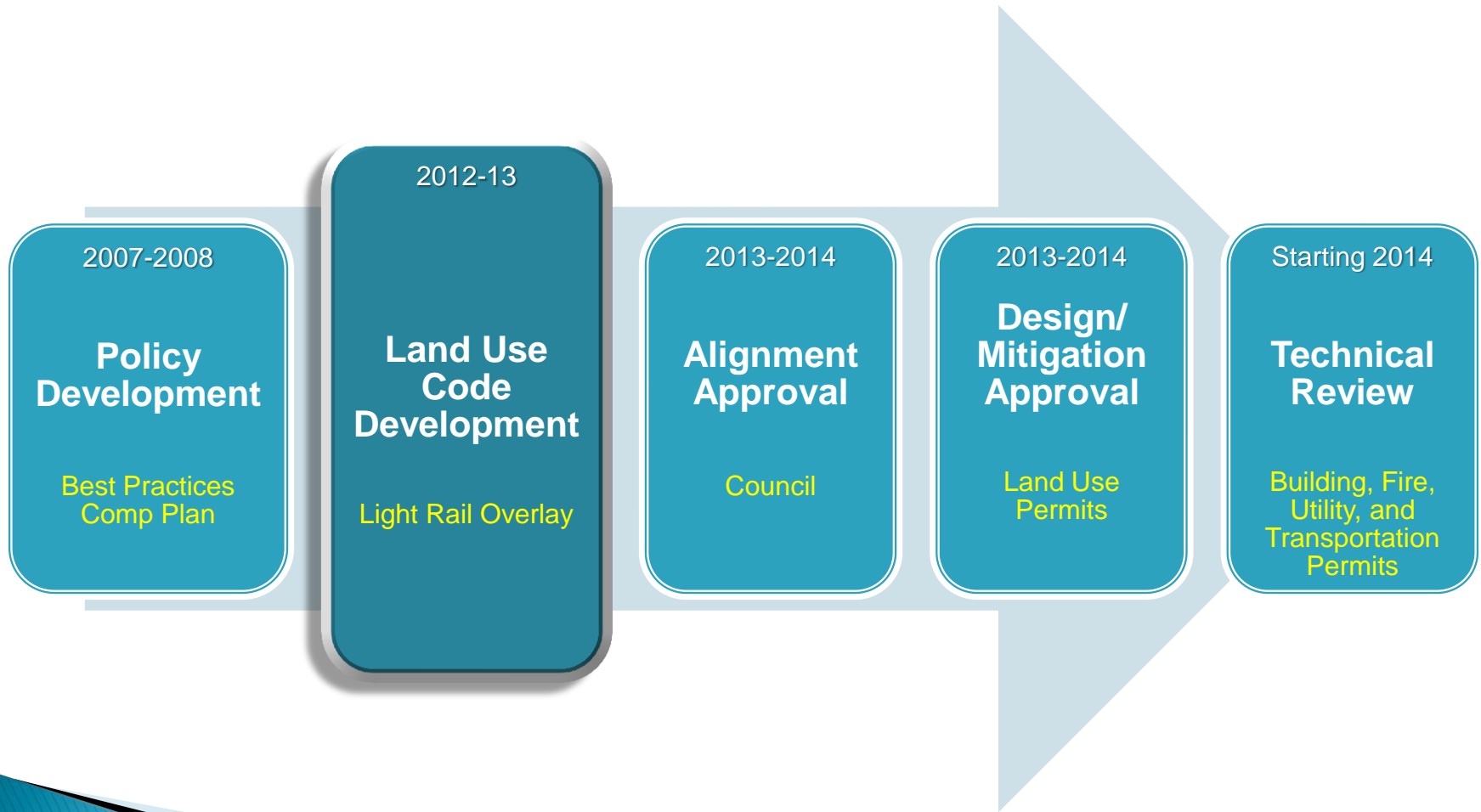
Public Hearing

City Council Study Session
February 11, 2013

Code Amendment Public Hearing

- ▶ Staff Report – Summarize the Overlay
- ▶ Conduct Public Hearing
- ▶ Council Discussion
- ▶ Schedule and Next Steps

Process Context



Council Discussion Topics

▶ 2012

- October 4 – First release of Draft Overlay
- October 22 – First Public Hearing on Draft Overlay
- November 13 – CUP process and use of Light Rail Best Practices
- December 3 – Landscaping and setback issues
 - Linear alignment south of Downtown
 - Traction Power Substation (TPSS) treatment
- December 10 – Design requirements for elevated segments and application of critical areas requirements

▶ 2013

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

Land Use Code Amendments: Why Now?

- ▶ City commitment in MOU with Sound Transit
- ▶ Cannot prohibit Essential Public Facility with policies/codes
- ▶ Address gaps where code does not provide clear guidance or where requirements don't make sense
 - Create design standards/guidelines specific to light rail
 - Clearly identify development standards consistent with Land Use Code & Light Rail Best Practices
- ▶ Guide work of city staff through collaborative design process
- ▶ Create process consistency

Process Inconsistency and Regulatory Gaps

- ▶ East Link passes more than 20 land use districts:
 - Differing levels of required review
 - Differing applicability of standards
- ▶ Almost half of East Link is in ROW where land use provisions typically do not apply
- ▶ LU Code lacks content specific design guidelines

Regional Light Rail Overlay

(What the draft code amendment is . . .)

- ▶ The Overlay is a code organization framework
- ▶ It tailors Essential Public Facility regulations to the specifics of a light rail use
- ▶ It is a new “part” of the LUC where applicable regulations are consolidated to provide:
 - Context sensitive facility design outcomes
 - Process consistency across the alignment
 - Code certainty and predictability
 - Ease of use, administration and enforcement
- ▶ It builds on prior Comprehensive Plan policy and Light Rail Best Practices work

Debunking Myths

(What the draft code amendment is not . . .)

- ▶ It is not an amendment to any technical codes (i.e., noise, stormwater, construction standards)
- ▶ It is not an approval of the East Link alignment or cost savings alternatives
- ▶ It is not an approval of the design or required mitigation
- ▶ It is not a change to Comprehensive Plan policy (TOD areas not expanded with Draft Amendment)

Overlay* – Organized by Code Section

- ▶ General Sections and Definitions
- ▶ Required Light Rail Permits
- ▶ Citizen Advisory Committee Involvement in Permitting
- ▶ Development Standards
- ▶ Design Guidelines
- ▶ Administrative Modification Process

* Separate Ordinance for Conformance Amendments

General Sections and Definitions

LUC 20.25M.010 and .020

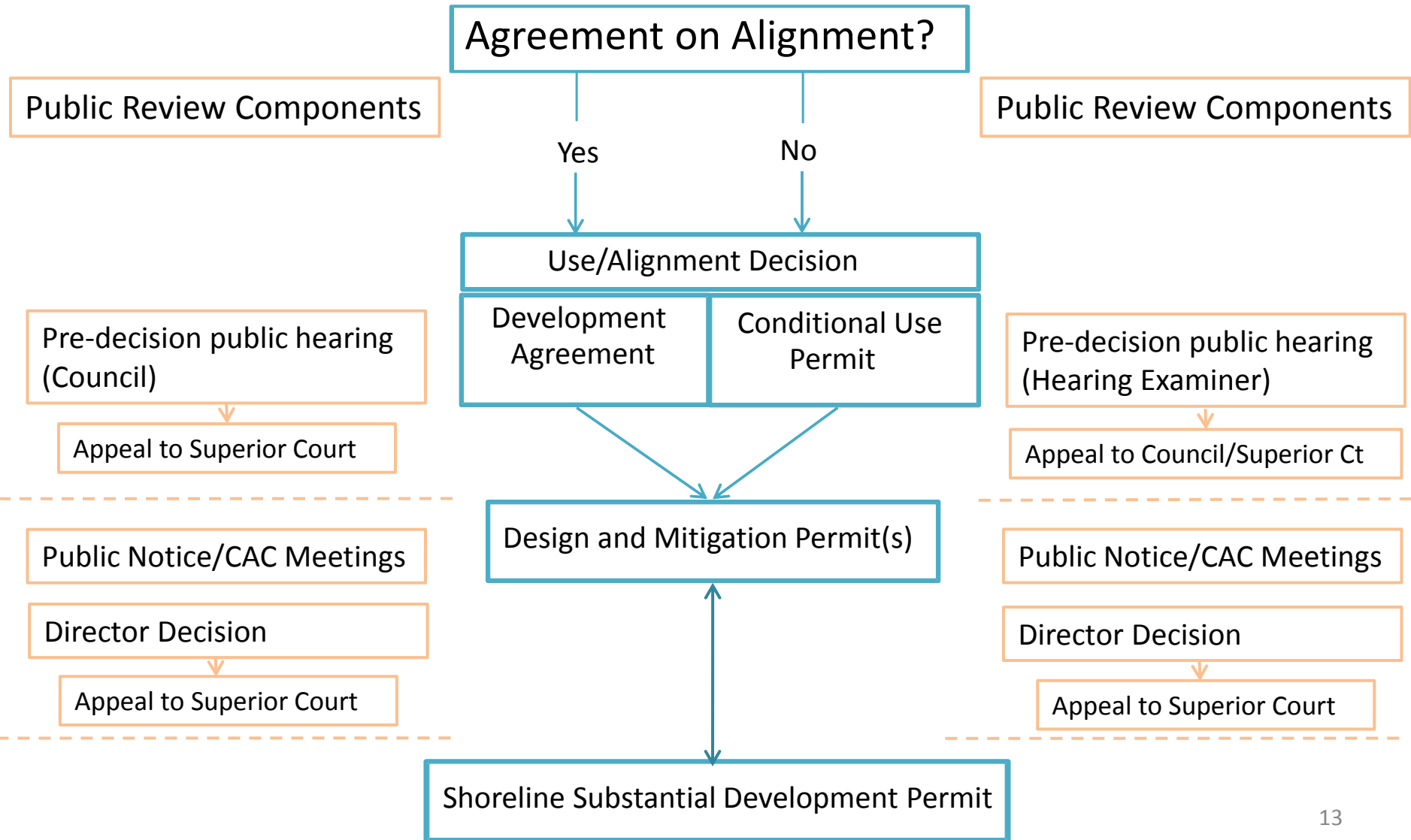
- ▶ Identifies where the Light Rail Overlay applies
- ▶ Articulates purpose to ensure compliance with:
 - MOU commitments
 - Comprehensive Plan
 - Light Rail Best Practices
- ▶ Describes when a transit authority may apply for permits:
 - Property interest
 - Consent of the owner
 - Board authorization to acquire
- ▶ Incorporates applicable code sections by reference
- ▶ Provides definitions
 - Excludes Operation and Maintenance Satellite Facility

Light Rail Use Approval Process– Two Process Path

- ▶ Development Agreement, Ordinance, Resolution
 - LUC 20.25M.030.B.1
 - When City Council is in agreement with the alignment

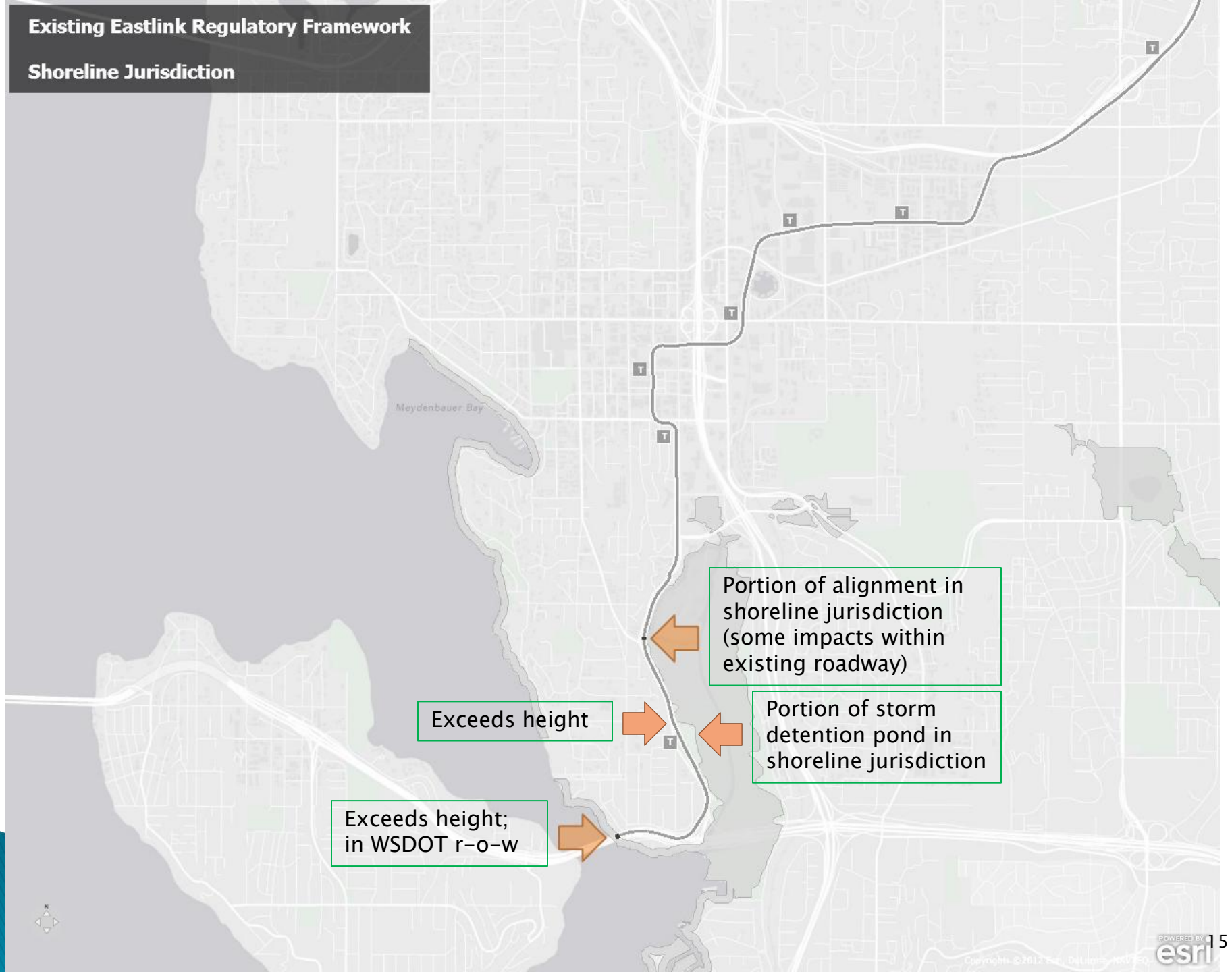
- ▶ Conditional Use Permit
 - LUC 20.25.030.B.2
 - When City Council is not in agreement with the alignment

Overlay Permit Paths



Design and Mitigation Review – LUC 20.25M.030.C

- ▶ Required following approval of Light Rail Use
- ▶ Review requires finding of consistency with:
 - Comprehensive Plan
 - Light Rail Best Practices
 - Previously approved DA or CUP
 - Applicable requirements of Bellevue City Code
 - Citizen Advisory Committee review requirements
- ▶ Consolidates Process II permits where allowed
 - Design Review
 - Critical Areas Permit
 - Separate Shoreline Substantial Development Permit



Citizen Advisory Committee Review

LUC 20.25M.035

- ▶ Integrates CAC into Design and Mitigation Review to ensure context sensitive outcome
- ▶ Requires early CAC formation with members that have relevant experience
- ▶ Defines the scope of the CAC work and expected work product
- ▶ Requires CAC involvement process to be consolidated with permit review
- ▶ Provides Policy guidance for CAC review
- ▶ Describes CAC meeting operations

Development Standards

LUC 20.25M.040

- ▶ Development Standards are rigid
 - Example: dimensional requirements
- ▶ Standards must be met in the absence of a modification approval
- ▶ Draft Amendment includes:
 - Dimensional requirements
 - Landscape development requirements
 - Impact mitigation requirements including: fencing, light and glare, parking and circulation, waste collection, and critical areas

Design Guidelines

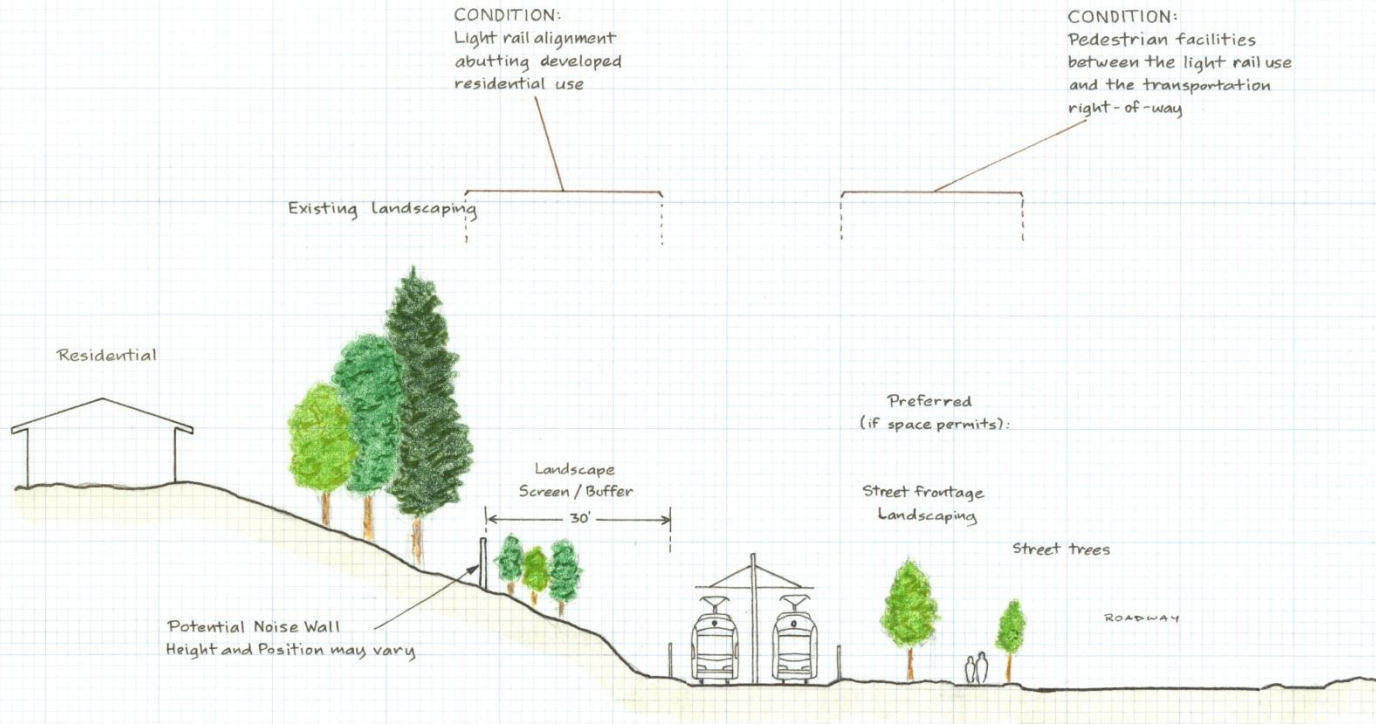
LUC 20.25M.050

- ▶ Design Guidelines are more flexible
 - Each guideline could generate numerous solutions
 - Varied and imaginative designs are encouraged

- ▶ Draft Amendment includes:
 - Statement of Design Intent
 - Contextual and design considerations to guide CAC review
 - General guidelines applicable to all light rail project components
 - Specific guidelines applicable to:
 - Stations
 - Traction Power Substations
 - Ventilation structures
 - Signs
 - Retaining walls and Acoustical barriers
 - Signal bungalows

Residential Development Screening

— 20.25M.040.C.3.a.iii



Landscape Development –

20.25M.040.C

- ▶ Includes landscape development standards for:
 - Non-Linear Facilities (TPSS/other above ground features)
 - Linear Alignment
 - Pedestrian Facility Buffers
 - Adjacent Property Screening
- ▶ Requires CAC involvement to ensure context sensitivity
- ▶ Allows for range of ownership options to preserve flexibility – fee, easement, access agreement
- ▶ Includes landscape maintenance expectations
- ▶ Flexibility for residential property owners
 - Property owner can agree to reduce (maintains flexibility)
 - 15 foot minimum required (maintains corridor continuity)

112th Screening Visualization



112th Screening Visualization



Critical Areas Treatment – LUC 20.25M.040.I

- ▶ Determined based on Use Approval Process
- ▶ When DA, Ordinance or Resolution adopted:
 - Regional Transit Authority not required to demonstrate “no technically feasible alternative with less impacts”
 - Deference given to Council alignment preference
- ▶ When no DA, Ordinance or Resolution:
 - Regional Transit Authority required to demonstrate “no technically feasible alternative with less impacts”
- ▶ Consistent with approach included in Shoreline Update by Planning Commission for City facilities such as road and utility projects

Administrative Modification Process– 20.25M.060

- ▶ Identified in MOU for inclusion in amendment
- ▶ Modification approval requires finding of:
 - Minimum necessary to construct or operate system; or
 - Relationship to City Council actions (e.g., DA, cost savings, or Street Design Standard amendments)
- ▶ Limitations on modifications similar to those imposed on Variances:
 - No modifications allowed to uses
 - No modifications allowed to process provisions
 - No modifications allowed to provisions specifically identified by Overlay as not subject to modification (Ex: minimum residential 15 foot landscape screen)

Conformance Amendments – Consistency between Overlay and Land Use Code

- ▶ Use Chart amended to implement two process path
- ▶ Right of Way special dedications expanded to include light rail alignment
 - Applies in Downtown and Bel-Red when owners agree to dedicate for transportation improvements without taking compensation
 - Allows FAR to be retained on remaining parcel
 - Property acquisition savings can benefit City
- ▶ Use and Development chart amended to implement critical area provisions of the Overlay
- ▶ Procedures chapter amended to incorporate:
 - New consolidated Design and Mitigation permit
 - Pre-Application conference requirement
- ▶ Vesting provisions made consistent with Overlay
- ▶ Treatment of nonconformities expanded to light rail

Council Input Needed

- ▶ Following Public Hearing:
 - Confirm Content of Draft Overlay and Conformance Amendments
 - Direct staff to bring ordinances back for final action

PUBLIC HEARING

For more information, see East Link Project website at:
<http://www.bellevuewa.gov/light-rail-overlay.htm>

COUNCIL DISCUSSION

- ▶ Questions?
- ▶ Confirm Content of Draft Overlay and Conformance Amendments
- ▶ Direct staff to bring ordinances back for final action

Next Steps and Key Dates

- ▶ Early February – SEPA Threshold Determination
- ▶ February 11 – Public Hearing
- ▶ February 19/25 – Opportunity for Council Action