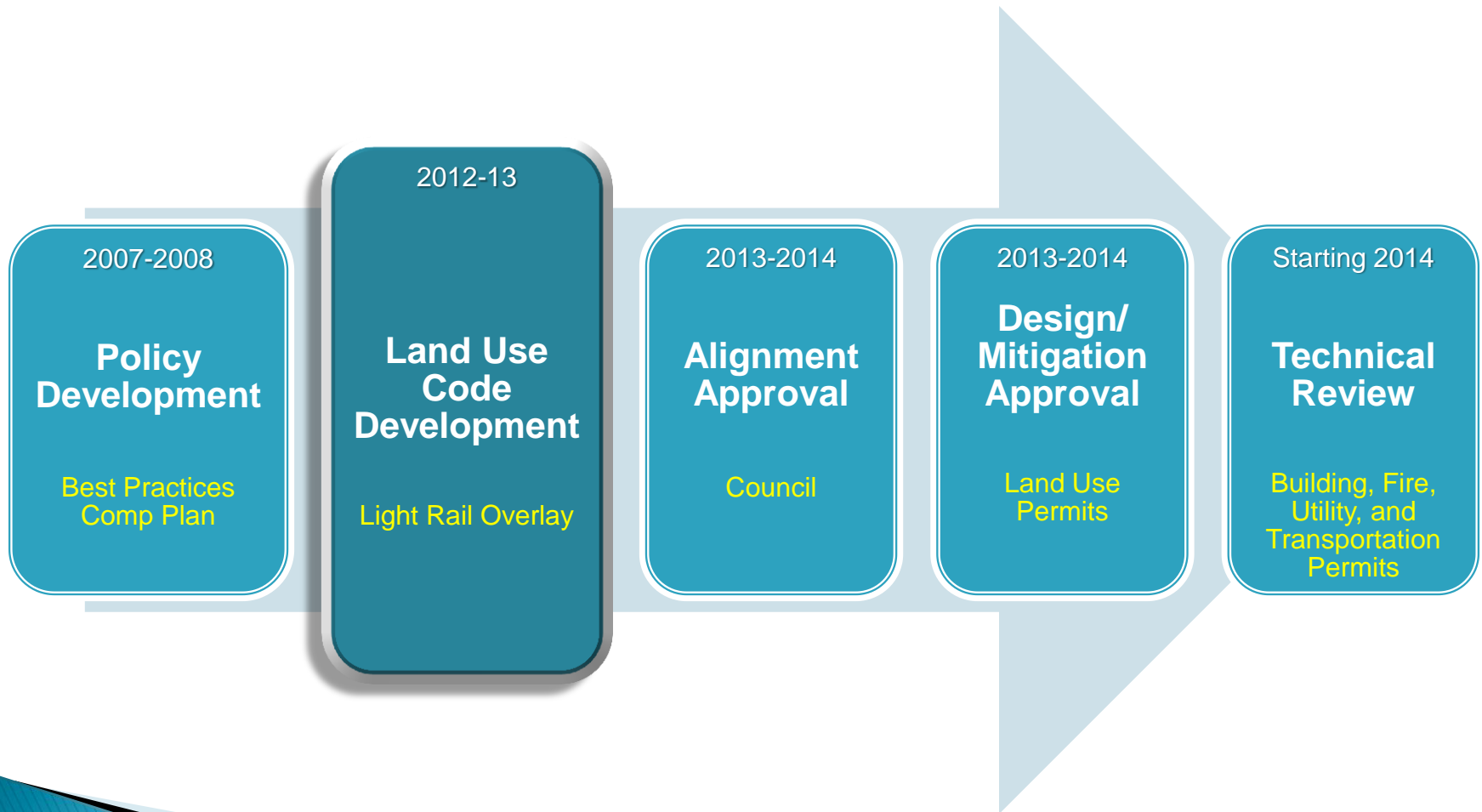


Land Use Code Amendments

City Council Study Session
February 19, 2013

Process Context



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

Overlay* – Organized by Code Section

(Green denotes subjects for discussion 2/19)

- ▶ **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

Tonight's Discussion – Focus on Final Council Direction

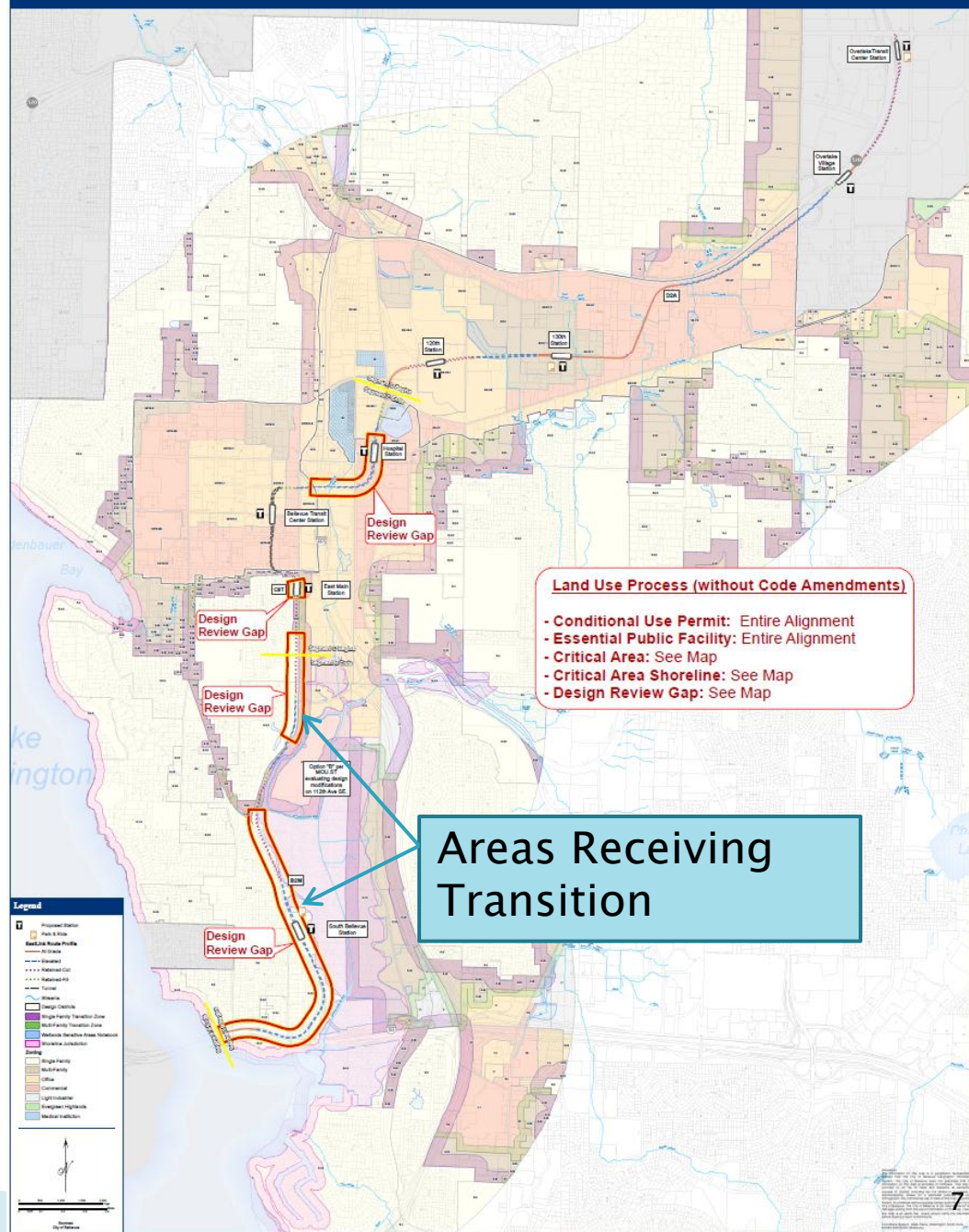
- ▶ **“Public Hearing draft”** refers to Overlay that was subject of hearing and printed as Attachment A of tonight's packet
- ▶ **“Leadership Group draft”** refers to modified Overlay developed by Councilmembers and available on the internet starting Saturday morning
- ▶ Seeking direction by topic area for final ordinance
- ▶ Anticipate final action on Overlay and conformance amendments next week (2/25)

Leadership Group Draft: New Definitions – Transition Areas

- ▶ Creates concept of Light Rail facility providing transition
- ▶ Applies to R-1 to R-30 zoned properties developed in residential use
- ▶ Based on current East Link alignment and alternatives, applies south of Downtown
- ▶ Ramifications for height, setback and landscaping in those areas

Leadership Group Draft:

Depiction of Proposed Areas Receiving Transition



Council Direction



- ▶ Should transition area concept be included in the final Overlay?
 - Anticipate additional conformance amendments to Part 20.25B to ensure consistency
 - Anticipate clarifications/refinements throughout Overlay to clarify “transition boundary” where it impacts height and setback measurements

Who May Apply

Who may apply for permit

| | | | |
|------------------------|---|--|---|
| Public Hearing Draft | Sound Transit only after commencement of its property acquisition process for segment subject of permit application | <ul style="list-style-type: none"> • Provides notice to property owners who may be impacted by permit • Can be coordinated with existing Sound Transit acquisition process • Does not eliminate or modify ST's state and federal property acquisition requirements | Difficult to determine, may have minor impact on timing of permit application |
| Leadership Group Draft | Sound Transit only after formal commencement of condemnation for segment subject of permit application | <ul style="list-style-type: none"> • Ensures property owners have certainty prior to commencing permit process • Unwilling property owner may control timing of permit application • Treats project differently from other large public project where agency has condemnation authority | Potential delay to timing of permit application with associated increased project costs |

Who May Apply – Acquisition Process Milestones (Highlights)

| Process Milestone | Nature of Contact | Timing |
|--|--|---|
| Publication of Draft EIS | Letter to potentially affected property owners | Complete |
|  Sound Transit Board takes formal action to authorize acquisition | Certified letter to property owners | Typ. 60% design |
| Voluntary negotiations | <ul style="list-style-type: none"> • Notification of intent to acquire • Property appraisal • Formal offer & negotiations | 4–6 month period after Board action |
| Condemnation Petition | Only where necessary to complete acquisition | Following formal negotiations |
|  Order on Public Use & Necessity and Immediate Use & Possession | Steps that are a part of condemnation proceeding | Driven by case schedule; 45 days is earliest with Owner consent |

Council Direction

- ▶ When should Sound Transit be allowed to apply for permits?
 - Potential clarifications needed to allow permits to be applied for by segment/construction package
 - Potential clarifications needed to allow for early Development Agreement regarding alignment

Citizen Advisory Committee Review

Changes Proposed in Modified Draft

- ▶ Specify 7 to 9 members
- ▶ Limits eligibility to Bellevue residents (still with varying backgrounds and experience)
- ▶ Further defines conflicts that would disqualify one from participation (i.e. not a City/ST employee or contractor)
- ▶ Adds specific reference to landscaping and linear alignment components as within scope
- ▶ Provides additional weight to specific recommendations

Council Direction

- ▶ Should these provisions regarding the CAC be included in the final draft Overlay?

Development Standards

LUC 20.25M.040

- ▶ Development Standards are rigid
 - Example: dimensional requirements
- ▶ Standards must be met in the absence of a modification approval
- ▶ Public Hearing and Modified Overlay include differences in:
 - Height provisions
 - Setback requirements
 - Structure separation requirements

Height Limitations

Light Rail Facility Heights

| | | |
|--|--|--|
| Public Hearing Draft | <ul style="list-style-type: none"> • Allow for minimum height necessary to accommodate agreed alignment | <ul style="list-style-type: none"> • Consistent with MOU/CDP goals • Consistent with treatment of EPF • Provides greater near-term certainty for Sound Transit • Formal CAC will provide input on screening and softening issues |
| Leadership Group Draft – height limits | <ul style="list-style-type: none"> • Require demonstration, either through Development Agreement or CUP that height is “minimum necessary for effective functioning of RLRT Facility” | <ul style="list-style-type: none"> • Similar to treatment of other EPF through LUC Section 20.20.350 • Could be satisfied at time of Development Agreement approval of alignment with technical information • May require some additional screening detail at the time of Development Agreement |
| Leadership Group Draft -- height and setback interplay | <ul style="list-style-type: none"> • Within “areas receiving transition” require expansion of setback by 4 feet for every foot in height over underlying district | <ul style="list-style-type: none"> • Does not appear to apply to East Link alignment or alternatives under consideration • Could apply to future alternatives or light rail projects adjacent to residential properties |

Council Direction

- ▶ Should Leadership Group provisions related to height be included in the final draft Overlay?
 - Anticipate refinements to clarify location of transition boundary

Required Setbacks

- ▶ Public Hearing and Leadership Group drafts apply setbacks to traditional structures as required according to the underlying land use district
- ▶ Leadership Group draft also includes additional requirements in “areas receiving transition”:
 - Structure setback of 30 feet from linear alignment (at-grade or elevated)
 - Additional dimensional standard created requiring separation of 60 feet between primary residential structures and alignment

Street (Public ROW)

Landscape Buffer in private ownership

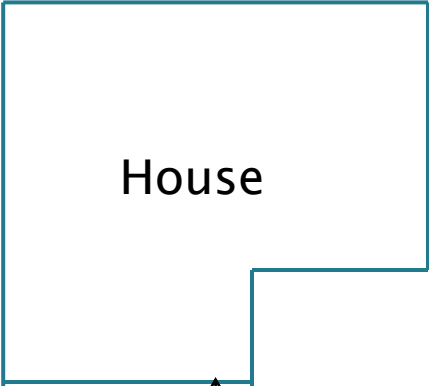
Property Line



House

Building Setback

Property Line



House

Building Setback

(Alt. Property Line)

Landscape Buffer in Sound Transit ownership

Property Line

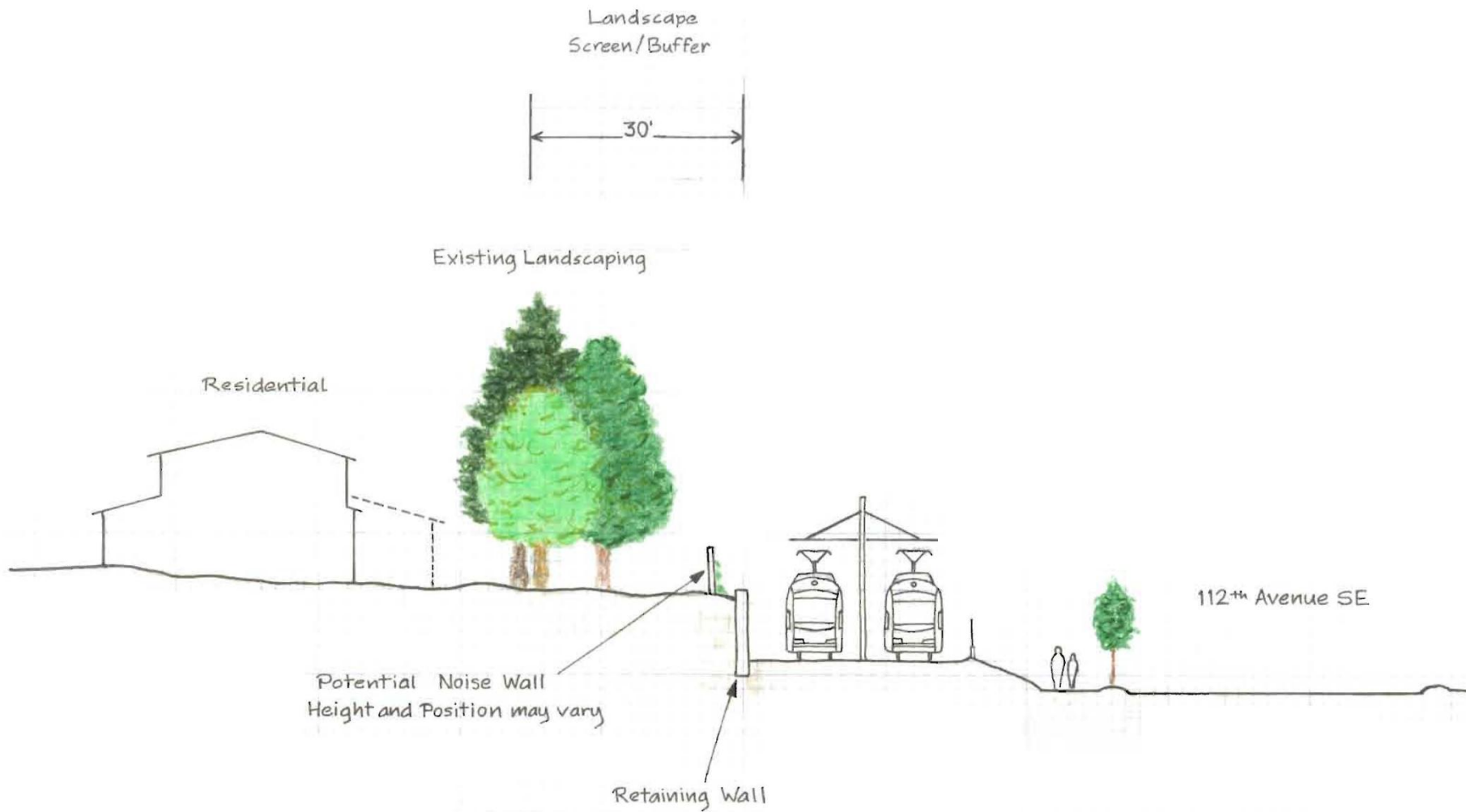
30' Landscaping

Transition Area Landscaping Standard

Property Line

Light Rail Alignment

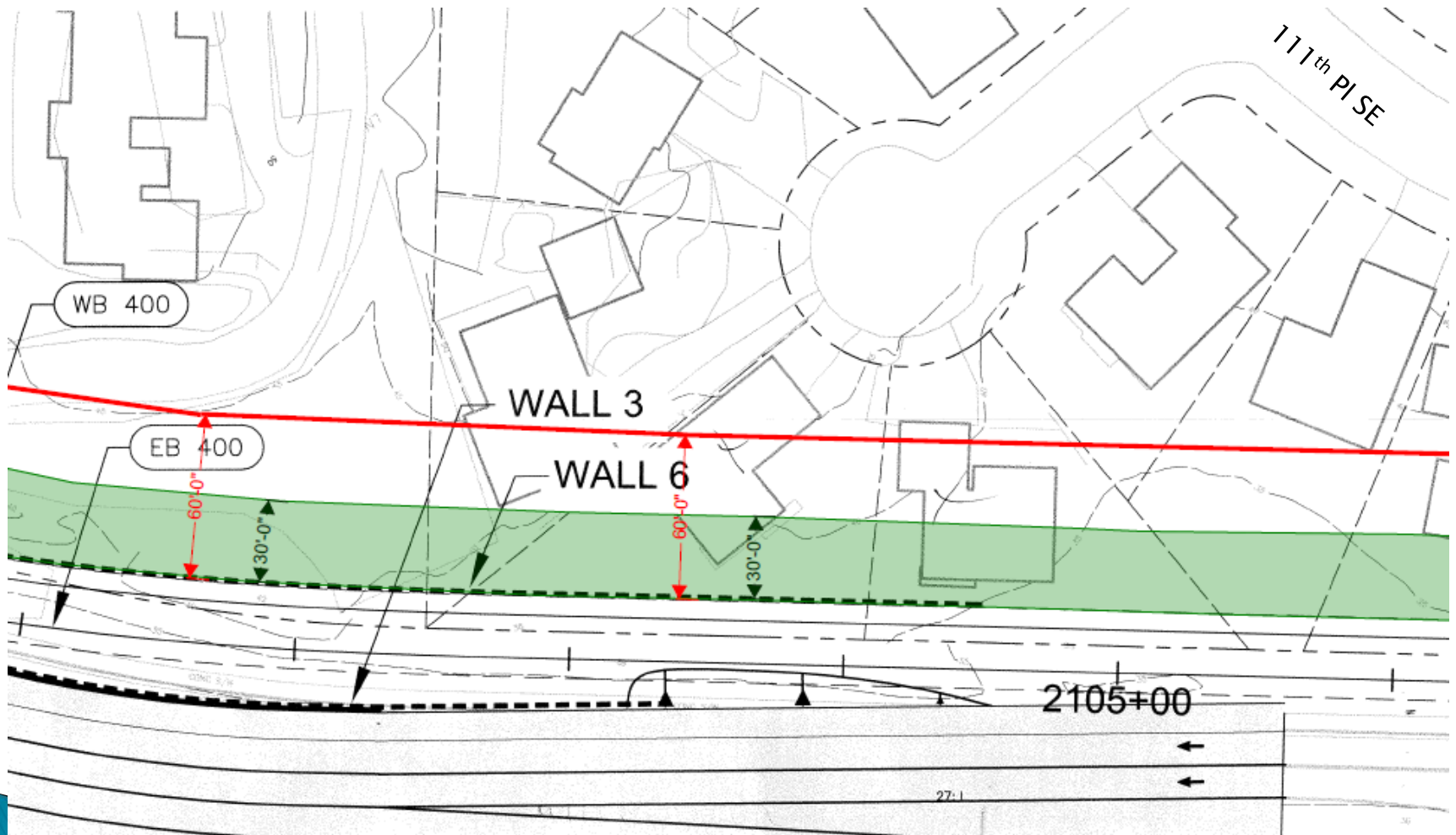
Landscape Buffer/Setback South of Surrey Downs Park



Council Direction

- ▶ Should a 30 foot setback be required from edge of alignment to property line within areas receiving transition?
 - Anticipate revisions/refinements throughout Overlay to make clear location of measuring setback, particularly to clarify treatment of station and station platform and minor structures that are allowed in setback

Landscape Buffer & Building Setbacks *(Locations are Approximate)*



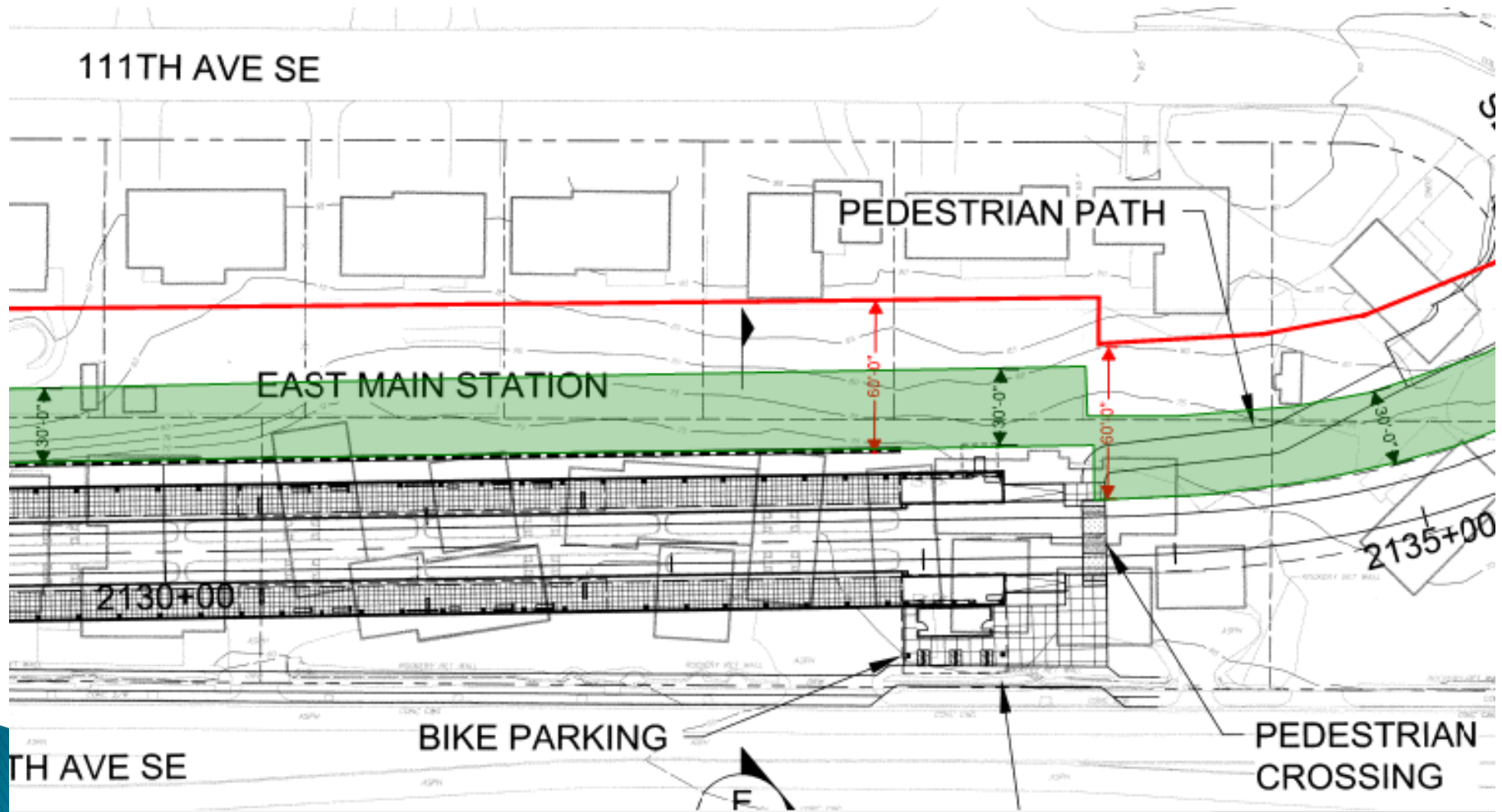
Landscape Buffer & Building Setbacks

(Locations are Approximate)



Landscape Buffer & Building Setbacks

(Locations are Approximate)



Landscape Buffer & Building Setbacks

(Locations are Approximate)



Council Direction

- ▶ Should a 60 foot structure separation be required from edge of alignment to primary residential structures within the area receiving transition?
 - Anticipate revisions/refinements throughout Overlay to make clear location of measuring setback, particularly to clarify treatment of station and station platform and minor structures that are allowed in setback

Next Steps

- ▶ Additional modifications included within the Leadership Group draft not specifically addressed tonight
- ▶ Final ordinances establishing Overlay and related conformance amendments drafted for action next week (available on internet Friday 2/22)