



## LIGHT RAIL PERMITTING ADVISORY COMMITTEE MEETING

**Date:** April 10, 2015

**To:** Light Rail Permitting Advisory Committee

**From:** Matthews Jackson (425-452-2729, [mjackson@bellevuewa.gov](mailto:mjackson@bellevuewa.gov))  
Carol Helland (425-452-2724, [chelland@bellevuewa.gov](mailto:chelland@bellevuewa.gov))  
*Liaisons to the Advisory Committee*  
*Development Services Department*

**Subject:** April 15<sup>th</sup>, 2015 Advisory Committee Meeting

Enclosed you will find an agenda packet for your 30<sup>th</sup> Advisory Committee meeting next Wednesday, April 15. We will begin at 3:30 p.m. in Room 1E-113 at Bellevue City Hall. The meeting will be chaired by Doug Mathews and Marcelle Van Houten.

This packet includes:

1. Agenda
2. March 18<sup>th</sup> Meeting Minutes
3. City PowerPoint Presentation from March 18<sup>th</sup>
4. Draft CAC South Bellevue Segment Design and Mitigation Permit Advisory Document

We will have hard copies of all electronic packet materials for you on April 15<sup>th</sup>. Materials will also be posted on the City's project web site at <http://www.bellevuewa.gov/light-rail-permitting-cac.htm>.

At the March 18 CAC meeting questions were posed regarding the technical review of the noise related components of the Sound Transit permit applications. The South Bellevue Application (E320) is still in the review process, and revisions have not been requested from Sound Transit for the Design and Mitigation Permit. As a result, the information available regarding review of the South Bellevue Segment is more limited. In contrast, the Bel-Red Corridor review of the noise impacts is nearing completion, so we have provided a general description of the E340 review process for your information and a link to the E340 noise-related materials for your reference. We have also provided information regarding the E320 technical information that has been developed to-date.

### Bel-Red Segment (E340) Technical Noise Review

Application of the City's Noise Control Code (BCC 9.18) to light rail was a question of first impression when the East Link E340 permit application was submitted. Staff reviewed the EIS prepared by Sound Transit regarding predicted noise levels for the light rail project. Staff also reviewed the Noise and Vibration Report prepared by Sound Transit and submitted with the E340 permit application that updated the information that was contained in the EIS. Noise generators associated with future operation of the East Link project were described in the following categories: train operations (engine

noise, bells and wheel squeal), stationary noise (park and rides, station noise, audible warnings for gated and ungated crossings, and noise associated with infrastructure such as transformers and traction power substations). In the documents prepared by Sound Transit regarding future train operations, application of the Bellevue Noise Control Code was limited to auditory warning devices and stationary noise sources including the park and ride facility at 130<sup>th</sup> Ave Station and the station noise. Noise associated with the train operations was compared only against Federal Transit Administration (FTA) impact thresholds.

In an exercise of the City's authority under the State Environmental Policy Act (SEPA), the staff requested additional information to assess the application of the City's Noise Control Code on the light rail operations. This revision request was based on the expert technical review conducted by Julie Wiebusch on the city's behalf. Ms. Wiebusch is a principle and acoustician with the Greenbusch Group, who has been hired to assist the City with its technical review of noise related issues arising in the context of the Sound Transit permit review process. Information received in response to revision requests is used in the staff report to update previously prepared environmental documentation received from Sound Transit. Sound Transit responded to the City's revision request on the noise study in November 2014 with a legal analysis of the application of the City's Noise Control Code to light rail operations. This information was provided to the Bellevue City Attorney's Office and was submitted into the permit record in March 2015 together with additional information regarding a comparison between the noise levels expected from light rail vehicles and from motor vehicles. This material was again submitted to Julie Wiebusch for her expert technical review. The information considered during review of the E340 application is available for your reference at the following [link](#).

In the E340 segment, application of the Noise Control Code exempts operations of light rail vehicles, because the Bel-Red zoning districts are designated as "commercial land use districts" pursuant to BCC 9.18.025.B.2 and BCC 9.18.020.B.5 which are excerpted for CAC reference below.

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

A. Environmental designations for noise abatement are as follows:

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

B. The land use districts listed in the city of Bellevue Land Use Code, BCC Title 20, are classified for the purposes of this chapter as follows:

1. Residential land use district: R-1, R-1.8, R-2.5, R-3.5, R-4, R-5, R-7.5, R-10, R-15, R-20, R-30.
2. Commercial land use district: PO, O, OLB, OLB-OS, NB, CB, DNTN-O-1, DNTN-O-2, DNTN-MU, DNTN-R, DNTN-OB, DNTN-OLB, F1, F2, F3, MI, BR-R, BR-MO, BR-MO-1, BR-OR, BR-OR-1, BR-OR-2, BR-RC-1, BR-RC-2, BR-RC-3, BR-CR, BR-ORT.
3. Industrial land use district: LI, GC, BR-GC.

#### **9.18.020 Exemptions.**

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

....

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

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

....

5. Sounds created by repairing, rebuilding, modifying, operating or testing any motor vehicle or internal combustion engine (except for portable and stationary generators located in a Class A EDNA which are exempt only during the hours of 9:00 a.m. to 6:00 p.m. daily when electrical service is

available from the primary supplier and except for heavy equipment, which will be regulated pursuant to the construction noise exemption contained in subsection C of this section);

....

G. Nothing in these exemptions is intended to preclude the applicable department director through the authority of the State Environmental Policy Act from requiring installation of the best available noise abatement technology consistent with feasibility.

Mitigation anticipated for the Bel-Red segment of East Link to ensure consistency with the Bellevue Noise Control Code is anticipated to include:

1. Noise reducing wheel skirts that cover the wheel rail interface (integrated into the light rail vehicles);
2. Track lubricators on curves with a radius of less than 600 feet, and curves with radius of 600 – 1250 designed for retrofit to ensure unanticipated wheel squeal can be addressed in the future if necessary;
3. Special track work such as low impact frogs at rail crossovers;
4. Audible warnings at gated and ungated crossings set to the minimum necessary to maintain safe crossing;
5. Directional bell shrouds mounted on the light rail vehicles to direct train-mounted audible warnings at the tracks.

Because residential development has not been undertaken in Bel-Red under the new zoning that was adopted in 2006, there were no existing residential structures identified as anticipated to be impacted by the future light rail operations. As new residential buildings start to be developed in the Bel-Red corridor, sound insulation required by the currently applicable building code will mitigate for predicted noise levels associated with the future train operations.

#### South Bellevue Segment (E320) Technical Noise Review

The information regarding the application of the City of Bellevue Noise Control Code to the Bel-Red Segment of East Link is intended to inform the CAC regarding the nature of the technical analysis and review that has occurred to-date, and to describe the type of review process that will occur on the South Bellevue E320 Segment as permit review progresses. Information regarding the Bel-Red segment review is intended to be illustrative of the review process, and does not reflect the outcome that is anticipated for the E320 Segment, because the Noise Control Code designates the South Bellevue Segment predominantly as “residential land use district.” As a result, substantive application of the Noise Control Code to the South Bellevue Segment will differ from the substantive application of the Noise Control Code to the Bel-Red Segment.

Following the same review process as in the E340 application, staff has reviewed the EIS prepared by Sound Transit regarding predicted noise levels for the light rail project. Staff has also reviewed the Noise and Vibration Report prepared by Sound Transit and submitted with the E320 permit application that updated the information that was contained in the EIS. Staff also reviewed materials submitted by Sound Transit for the E320 segment that was updated to reflect current understanding of the Noise Code application that was developed during review of the E340 Segment. While still in the review of the South Bellevue Segment (E320), additional mitigation has been identified above and beyond what will be required for the Bel-Red Segment (E340) because of the residential character of the environment in South Bellevue. Mitigation currently anticipated for the South Bellevue Segment will include all the mitigation identified for Bel-Red, in addition to the following:

1. Sound walls;
2. Absorptive treatment on sound walls where reflected noise is anticipated to exceed ambient levels and modified wall height is ineffective;
3. Sound insulation when not previously required by the building code and necessary to ensure train noise does not exceed ambient levels within existing residential structures;

4. Monitoring to identify any need for post operation retrofit to address unanticipated noise.

In addition to including the above-referenced mitigation measures as conditions on the Design and Mitigation Permit, noise mitigation has been central to the discussion of revisions to the Memorandum of Understanding (MOU) that are currently being negotiated between the City Council and Sound Transit Board. The attached mitigation matrix was presented to the City Council on April 6, and includes mitigation measures in the MOU will contractually bind Sound Transit even if there were to be a subsequent appeal of the Design and Mitigation Permits that finds any of the noise conditions to be unenforceable. Deputy City Manager Kate Berens will be in attendance at the April 15 CAC meeting to answer additional questions regarding MOU terms applicable to noise impacts.

Noise Source	Mitigation as part of D&M Permit(s)
Bells & Warning Devices (exempt from Ch. 9.18)	<p>Sound level of the bells has been reduced from 80 dBA to 72 dBA during the nighttime 10:00 PM to 6:00 AM.</p> <p>Directional bells are being used to further mitigate.</p> <p>Wayside audible warning devices (AWD), or bells located at pedestrian crossings, are being designed to have adjustable noise levels and will have lowered levels at night. These are located at 124<sup>th</sup> and 130<sup>th</sup> in the Bel-Red area.</p> <p>Road over rail along 112<sup>th</sup> Avenue NE and location of LRT on west side - reduced the number of crossings and number of AWDs.</p>
Crossover & Switches	Crossovers and switches are designed to meet the noise criteria where they are installed and can be easily replaced to ensure switch function continues to operate within standards.
Wheel Squeal	<p>Wheel squeal generally occurs on curves with a radius of 600-feet or less. All track curves with a radius of 600 feet or less will be built with a rail lubricator to reduce the noise on the curves. See Noise Mitigation Map.</p> <p>Curves between a radius of 600 feet up to 1250 feet will be built to easily accommodate lubricators in the event additional mitigation is required once revenue service begins.</p> <p>See below mitigation measures under Train section which also reduce wheel squeal.</p>
Train	<p>All LRT designed with wheel skirts (a cover over the wheel wells) which reduce noise from the rail-wheel interface, which is the primary source of noise from operating trains.</p> <p>O&amp;M program (which will be part of Transit Way Agreement Amendment)</p> <p>(1) Rail grinding and replacement: as rails wear, noise levels from light rail operations can increase. By grinding or replacing work rails, noise levels will remain at the projected levels.</p>

	<p>(2) Vehicle Wheel truing and replacement: Wheel truing is a method of grinding down flat spots (“wheel flats”) on the vehicle wheels. Flat spots occur primarily because of hard braking. When flat spots occur they can cause increases in the noise levels produced by the light rail vehicles.</p> <p>(3) Vehicle Maintenance- performing scheduled and general maintenance on items such as air conditioning units, bearings, wheel skirts, and other mechanical units on the LRT. Keeping mechanical systems in good operating condition helps to maintain the projected levels of noise and vibration</p> <p>(4) Operator Training – train operators to operate vehicles under the speeds used in the noise analysis and avoid hard breaking which can cause wheel flats and may also damage the track.</p> <p>Re-profile the rails to better match the wheels and thus reduce rail-wheel noise, and grind the head of the rails to a much smoother surface than is required for typical freight rail roads.</p> <p>A ballasted track is much quieter than a paved track – ST is maximizing use of a ballasted track on East Link to take advantage of this track characteristic.</p> <p>See Noise Mitigation Map –</p> <p>(1) Noise walls (length and height) along guideway and/or adjacent to the track to mitigate noise from the LRT to maintain ambient based on a one hour averaging of all noise from the LRT/Bells/Crossover etc. -</p> <p>(2) Location of lubricators along guideway.</p>
TPSS – Transfer Power Substation	<p>Subject to the Noise Code Ch. 9.18</p> <p>-Have been designed to be enclosed within structures or with surrounding walls to mitigate noise impact.</p>
	<b>Mitigation Provided Under Amended and Restated MOU</b>
	<p>(1) Prioritize installation of permanent noise walls in the sequence of construction (other than on the guideway) or other alternative solutions that achieve an effective level of noise mitigation.</p> <p>(2) 3-year Noise and Vibration Monitoring program to be approved by the Director of Development Services to confirm the operation of the LRT does not exceed FTA ROD and City permitting requirements. If measured levels show that the Project exceed the FTA criteria, City permit requirements or requirements of the Amended and Restated MOU, ST to provide appropriate and reasonable mitigation acceptable to the City.</p>

Monitoring and Contingency Plan – D&M anticipated to include a condition for an ongoing monitoring and contingency plan to ensure LRT is operating within the parameters approved through the permitting process. Contingencies may include - installation of additional lubricators, increased wall height, different switches, noise insulation packages etc.



# LIGHT RAIL PERMITTING ADVISORY COMMITTEE MEETING

Wednesday, April 15, 2015

3:30 p.m. – 5:30 pm • Room 1E-113

Bellevue City Hall • 450 110th Ave NE

## AGENDA

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|-----------|--|
| 3:30 p.m. | <b>1. Call to Order, Approval of Agenda, Approval of March 18<sup>th</sup>, Meeting Minutes</b><br><i>Committee Co-Chairs Mathews and Van Houten</i> |
| 3:40 p.m. | <b>2. Public Comment</b><br><i>Limit to 3 minutes per person</i>   |
| 4:00 p.m. | <b>3. Train Operations Noise Analysis</b><br><i>Kate Berens, Deputy City Manager</i>   |
| 4:30 p.m. | <b>4. South Bellevue Segment Draft Design and Mitigation Permit Advisory Document Continued Discussion– Action Item</b><br><i>Matthews Jackson</i>   |
| 5:20 p.m. | <b>5. Public Comment</b><br><i>Limit to 3 minutes per person</i>   |
| 5:00 p.m. | <b>6. Adjourn</b>  |

Project web site located at: <http://www.bellevuewa.gov/light-rail-permitting-cac.htm> . For additional information, please contact the Light Rail Permitting Liaisons: Matthews Jackson (425-452-2729, [mjackson@bellevuewa.gov](mailto:mjackson@bellevuewa.gov) ) or Carol Helland (425-452-2724, [chelland@bellevuewa.gov](mailto:chelland@bellevuewa.gov) ). Meeting room is wheelchair accessible. American Sign Language (ASL) interpretation available upon request. Please call at least 48 hours in advance. Assistance for the hearing impaired: dial 711 (TR).

CITY OF BELLEVUE  
LIGHT RAIL PERMITTING  
ADVISORY COMMITTEE  
MEETING MINUTES

March 18, 2015  
3:00 p.m.

Bellevue City Hall  
Room 1E-113

MEMBERS PRESENT: Doug Mathews, Susan Rakow Anderson, Joel Glass, Wendy Jones, Ming-Fang Chang,

MEMBERS ABSENT: Marcelle Van Houten, Don Miles, Siona van Dijk

OTHERS PRESENT: Matthews Jackson, Department of Development Services; Kate March, Department of Transportation; Paul Cornish, Sound Transit

RECORDING SECRETARY: Gerry Lindsay

1. CALL TO ORDER, APPROVAL OF AGENDA, APPROVAL OF MINUTES

The meeting was called to order at 3:07 p.m. by Co-Chair Mathews who presided.

The agenda was approved by consensus.

A motion to approve the minutes of the March 4, 2015, meeting was made by Mr. Glass. The motion was seconded by Ms. Jones and it carried unanimously.

2. PUBLIC COMMENT

Mr. Joe Rossman, 921 109th Avenue SE, commented that since the Committee's meeting on March 4 his team has been examining the details of the 90 percent engineering reports provided by Sound Transit in September. On March 9 the Council voted to direct the city manager and city staff to prepare a detailed review and analysis of the findings in the 90 percent documents and how they differ from what was presented to the Council by way of the 30 and 60 percent reports. The decision was made based on concerns that how the East Link project will be constructed along Mercer Slough, Bellevue Way and 112th Avenue SE is quite different from the understanding the Council has had for the past two years. The Council is placing great weight on the judgments and recommendations the Committee will be making and that is why the Committee needs to be aware of the kinds of information that has been presented to the Council, particularly the information included in the letter provided to the Council on March 9. The document addresses in succinct form ten major impacts on the neighborhoods and on Mercer Slough, impacts that in the opinion of many violate the standards of the Shorelines code and regulations, the requirements of the National Parks Service, the Recreation and Conservation Funding Board, and other agencies who will yet weigh in on whether and how to allow the construction to proceed. Bellevue citizens are placing great confidence in the judgment of the Committee for what will be best for the future of the city.



Councilmember Robertson said the work of the Committee has been percolating up to the Council. She said the Council appreciates the hard work the Committee is doing. The ordinance that created the Committee places a heavy burden on the members relative to looking out for the community and making sure that the light rail facility complies with all applicable codes. The advice of the Committee will be taken very seriously by the Director who can only depart from it for very good reasons. She assured the Committee that its voice is being heard and encouraged the Committee to continue listening to the voices from the community.

Deputy Mayor Wallace added his thank-you to the work being done by the Committee. He noted that he and Councilmember Robertson were instrumental in creating the Committee and building it into the Land Use Code. Essentially the Committee was formed to serve in a similar manner to Seattle's Design Review Board. The Council simply does not have the time to look at all of the issues in detail. In going forward, the Committee should not feel overly constrained about what to recommend and what will be too expensive. The Council will benefit from having a full and unvarnished opinion. It may be the Council will end up paring down the list of recommendations, but that would be better than to imagine what was not said. The city has only one shot to get the project right. Clearly the project carries with it a number of large impacts and a large number of ways in which to get things wrong.

Mr. Aaron Laing, 2128 109th Avenue SE, spoke as an individual rather than as chair of the Planning Commission. He thanked the Committee for its work. The comments made and direction given to the staff by the Committee on March 4 was clear about some things in need of change in the draft document. It was clear the Committee would not be ready to act on the document for at least two reasons: the fact that more information about noise will not be available until April, and the desire to have all Committee members present. However, staff continues to put pressure on the Committee to reach a decision and push the issue along. The document is not ready. The changes previously asked for have not been incorporated into the draft document. The work of the Committee is critical to ensuring that the design and mitigation will be appropriate and context sensitive. The Committee over the course of its many meetings to date have made thoughtful comments and recommendations for mitigation, but what has come out of all that work is a draft document focused on a pallet of colors. The Committee should direct that all of its work be attached to the final recommendation; if that is not done, it will never see the light of day and the Council will never know about all the things the Committee tried to do. All of the Committee's recommendations should be included in the draft document, leaving to the Director and the Council the task of sorting things out. There have indeed been some material deviations from the 60 percent designs in the 90 percent designs, as well as material deviations from the alignment profile that was approved in the Memorandum of Understanding. City staff and Sound Transit staff are currently working behind closed doors to come up with a development agreement. Who knows what that agreement will include if it does not involve a public process and does not include the Committee's recommendations. The Committee should be fully informed as to the changes made to the profile in the Memorandum of Understanding and the

changes made since the 60 percent designs.

Ms. Betsy Blackstock, a resident of Surrey Downs, said when one's heart feels down, something should be done to lift up the hearts of others. She gave each Committee member a goody bag. Even where it is difficult to do so, it is always necessary to do the right thing. There often is no second chance to do the right thing. The city staff and Sound Transit staff are present to provide information, they are not present to tell the Committee what can and cannot be included in the recommendation. The Committee has a lot of power and should use it wisely.

### 3. CAC SCOPE AND MITIGATION

Development Services Director Mike Brennan added his thanks for the work being done by the Committee. He said the Committee has added value to the process. The importance of the work is very high. The city has never before used a citizen advisory committee in a formal permit review capacity so the experience is new for the staff as well as the Committee members. The process was set up to have the Committee participate along with staff in the complicated review process. There are specific requirements that must be kept in mind.

Mr. Brennan said the East Link project and its current alignment was established by the Sound Transit board and the Bellevue City Council. As such, the alignment is what it is. Every effort has been put into making sure the scope of work is manageable for all and to that end there are many on staff who are looking at the various elements of the project, including engineers, planners, architects, landscape architects and environmental experts. A significant amount of the technical review work is being done by staff; that work will be captured in the final decision that will come from the department related to the design and mitigation permits for the various segments. A lot of horsepower is being brought to bear by staff to make sure Sound Transit is doing things that are Bellevue appropriate, mitigation that is both significant and in compliance with Bellevue standards. The staff are relying heavily on the Committee to help with defining the variations of the context as the alignment travels through the city, and to make sure the design work is reflective of the context. Significant changes have occurred as a result of the work of the Committee to date.

Ms. Jones said the Committee has repeatedly heard comments from the public related to noise, both during construction and during operation. However, the Committee has seemingly not had an impact on that issue even though noise mitigation is under the purview of the Committee. Mr. Brennan said the noise consultant that is on board is dealing with the technical issues in the reports, the work Sound Transit has done, and the independent analyses Bellevue staff and consultants have done. For the most part, the technical review has been handled by staff. There is mitigation that is being integrated into the project, including noise walls and buffers. The role of the Committee has been to ensure that the mitigation measures for the noise are done appropriately. If the Committee were to be taken through the whole experience of the technical analysis, it would require a large number of meetings. By keeping the highly technical work at the

staff level where the expertise resides, the focus of the Committee can be kept on those things that will be seen and experienced in the project once it is built.

Ms. Jones said it just has felt that the Committee has not been able to specifically address noise. While the Committee does not have the technical expertise needed to understand and interpret the technical data, the Committee should be able to at least suggest what areas should be evaluated for a sound wall where one is not already included in the design. Planning Manager Matthews Jackson said in response to comments made by the Committee, Sound Transit's consultant has been asked to do some additional analysis, including the impacts users of Mercer Slough may experience. Sound Transit originally said Mercer Slough is not a sensitive receptor and as such did not take any samples on the east side of the alignment; they have since been asked to take five additional measurements to evaluate the impacts on park users. The Committee also made the suggestion to consider putting a sound panel on the east side of the guideway as a noise mitigation measure for users of the park, and that additional analysis is under way. Everyone has been challenged by not having the noise issue resolved.

Mr. Brennan allowed that more needs to be done to give the Committee confidence that the review relative to noise has been very thorough. What has emerged from it are noise walls along the guideway and the alignment. More information could be provided to the Committee regarding how the analysis was done and what the conclusions were. Ms. Jones said that would be helpful. She said she appreciates the fact that the technical elements are being handled by the staff, but there are still questions relative to how the neighborhoods will be impacted in terms of noise and whether or not more could be done to improve things for the neighborhoods.

Mr. Glass said part of the frustration lies in the fact that the Committee has not seen any analysis from staff or a sound experts that talks about the adequacy of the proposal, or even on whether or not the report provided by Sound Transit is a good report. The only opinion shared to date with the Committee has been from the applicant. Noise is a huge issue in the project and is certainly on the top of everyone's mind. Mr. Brennan said the city has certainly not just received the analysis from Sound Transit and concluded that that is enough. There has been a significant amount of independent analysis on the part of the city to get to an understanding that the necessary mitigation will be accomplished. The Committee, however, has not seen that work or been briefed regarding it.

Ms. Anderson said she was encouraged to hear that things have been passed on to Sound Transit, including recommendations made by the Committee. She asked if they are included in the draft. Mr. Jackson said they are not in the draft. The recommendation in the draft is about the ashlar treatment for the wall, but there is nothing about wall height or location. Ms. Anderson suggested adding to the draft the fact that the city has requested further analysis from Sound Transit based on concerns voiced by the Committee. There should also be an indication in the draft an outline of what the staff have assessed along with what needs to be addressed through further study. There was consensus to do that.

Co-Chair Mathews said making sure all of the Land Use Code requirements are met will largely be the responsibility of the staff. It will also be necessary to make sure the Light Rail Best Practices findings are followed, and that the Memorandum of Understanding is adhered to. Those are the minimum expectations. Hopefully the final project will go beyond the minimum. Some of the work the Committee has been doing has been more focused on aesthetics, the look of the stations and context setting, which go above and beyond mere technical reviews.

Mr. Brennan agreed that there is a lot of stuff that gets captured in the design and mitigation permit. The work of the Committee is adding a great deal of depth and value to merely making sure the minimum requirements are met. The recommendation of the Committee will go to the Director. The staff has the responsibility of making sure the standards and codes are all satisfied. The Director's decision is appealable to the hearing examiner, not to the City Council. It is not the role of the Committee to make sure everything the project is subject to under the design and mitigation permit has been complied with; the responsibility lies with the Director. There could be some language added to the recommendation, however, to clarify that the Committee is not signing off on every aspect of the code requirements.

Answering a question asked by Mr. Glass, Mr. Brennan said the best practices are one element the Committee is to use in reviewing the project. He stressed that there are a number of things covered by the best practices that have already been decided, such as the location of the alignment. There are sections, however, that deal with context, which is under the purview of the Committee.

Mr. Glass asked if the Committee should be reviewing the policies in the Comprehensive Plan that are applicable to light rail to make sure the proposal is in line with them. Mr. Brennan said the Comprehensive Plan policies are not specifically named in the scope of the Committee's work. They are part of the decision criteria so there will be a staff review to make sure they have all been met.

Mr. Glass said he was struggling with the notion of sending to the Director a recommendation that says the Committee has reviewed the plans and concluded that there is compliance with the best practices and the various Land Use Code requirements. He said his reading of the plans is that in fact not all of the requirements are met. Mr. Brennan stressed the need to be clear about the scope of the recommendation from the Committee. There should be recognition that the Committee is not in fact obligated to say it has looked at every item required under the design and mitigation permit; the scope of the charge to the Committee is narrower than that.

Mr. Glass said the ordinance that establishes the work of the Committee is confusing in that it bounces around in referring to different Land Use Code sections and subsections. It can be read to say that the scope of the Committee is very narrowly defined, and it can be read as being much broader. That is where the confusion lies. Mr. Brennan said the perspective of the staff is that there are two areas in which the majority of the Committee's work is defined: the development standards and the design guidelines.

Mr. Jackson said one approach would be to modify the language of the draft to state that the area the Committee largely focused on relative to best practices was context setting and that the recommendation satisfies the conditions without inferring that the Committee agrees that everything in the best practices report has been addressed by the Committee.

Answering a question asked by Ms. Jones, Mr. Brennan explained that the design and mitigation permit is the land use-level decision related to the East Link project. Following the design and mitigation permit there will be a number of technical permits, including building permits, clearing and grading permits, and right-of-way use permits that deal with high levels of detailed engineering work. The design and mitigation permit process involves the key elements of the environmental pieces, the aesthetic pieces, and necessary mitigation measures. The recommendation of the Committee will be delivered to the Director. The voluminous staff work will be consolidated in with the Committee's recommendation. The final decision on the permit will be published and is appealable to the hearing examiner.

Ms. Jones asked if the anticipated development agreement with Sound Transit will include a public hearing. Mr. Brennan said there is no development agreement in play. The Memorandum of Understanding, which is currently being amended by the City Council, essentially serves the purpose of a development agreement in that it defines a number of things, including the obligations of both parties and some mitigation requirements. Whether or not there will be a public hearing on amending the Memorandum of Understanding will be up to the Council.

#### 4. SOUTH BELLEVUE SEGMENT DRAFT DESIGN AND MITIGATION PERMIT ADVISORY DOCUMENT

Mr. Jackson noted that the Committee has received testimony about the profile of the train in the trench and how it has changed from what was agreed to in the Memorandum of Understanding. He shared a profile of the track as it enters the trench, in the trench, and as it leaves the trench up to the Y as shown in the Memorandum of Understanding, the 60 percent design, and the 90 percent design. He pointed out that the track profile was lowered from the profile in the preliminary engineering for a short section leaving the Winters House, and is up to five feet lower in the current 90 percent design near the Y.

Mr. Jackson also reminded the Committee that on March 4 there was a discussion focused on whether or not the next meeting should be held off until April when all members can be present. The conclusion reached by the CAC, however, was that the process should move forward without a delay.

With regard to the draft document, the Committee was informed by Mr. Jackson that he had made significant modifications to the opening section in line with direction previously given by the group relative to the decision criteria, as well as some small tweaks to the list of advice items. He said he also clarified in the draft that the

Committee's advice is based on the 60 percent design. A sentence was added to note that the advice of the Committee is based on the alignment and station design agreed to by the city and Sound Transit through a Memorandum of Understanding.

Mr. Glass suggested the changes did not go far enough given that the draft continues to indicate the plans comply with the best practices and Land Use Code requirements. Item (d) on page 29 of the packet lists a number of Comprehensive Plan policies for which the project has demonstrated compliance when in fact it does not, particularly those related to construction and operational mitigation. Mr. Jackson reiterated that there are numerous Comprehensive Plan policies that are being looked at by different people. The paragraph is staff language and does not specifically say the Committee concurs. The language is very nearly the same as was included in the advisory document for the Bel-Red section. It can, however, be modified to say the Committee's advice covers only those areas within its scope. Mr. Glass said that would go a long way toward eliminating the confusion.

Mr. Jackson said there is a list of decision criteria the city must be able to defend upon appeal. The staff report will be very lengthy and will include a section on Comprehensive Plan compliance at the policy level, and will address compliance with the light rail best practices as well. At the recent open house event the mitigation map that was on display showed the full suite of mitigation being worked on by staff with Sound Transit and others. It defined which items are under the Committee's umbrella. He agreed the draft should be revised to focus only on those things the Committee has covered.

Mr. Jackson said it was his hope that by the next Committee meeting there will be in hand a package showing the consultant's response and Sound Transit's response to the noise issue. In the event it is not ready by then, the Committee could include a recommendation to have it come before the Committee once it is ready.

Mr. Glass said he would like to hold off making a final recommendation until the noise information is in hand.

With regard to the profile of the track in the trench by the Winters House, Co-Chair Mathews commented that the lower below grade the tracks the lower will be the sound impact on adjacent properties, making it possible to have lower sound walls. He asked if the profile along the route could be lowered. Mr. Jackson pointed out that the profile in the current 60 percent and 90 percent plans is significantly lower, approximately five feet, from where it was in the preliminary engineering. Where the track is lower, the sound walls are lower as well.

Paul Cornish with Sound Transit said the controlling factor that determines the maximum depth of the track in the trench is the need to cross over Alcove Creek and Y Creek. He agreed to write up a more substantial summary. The track will be trenched in front of the Winters House in order to allow access to it, and to accommodate the requirement to keep the alignment a set distance away from the historical building as measured over and

down. The depth of the trench was lowered in the 60 percent design from the preliminary engineering, but the 90 percent design has the trench 18 inches less deep than the 60 percent design.

Mr. Jackson pointed out that the advice document includes recommendations on how to soften the sound walls, particularly the tall ones. The recommendations involve the type of wall, the use of vegetation, and opportunities for artistic treatments.

Mr. Glass commented that the Comprehensive Plan talks about sound walls that are sound absorptive, but as proposed the walls will in fact reflect sound. The Committee should consider including a recommendation to follow the Comprehensive Plan, which calls for placing a priority on the use of noise avoidance or absorption techniques over noise deflection when developing mitigation measures.

Ms. Jones said sound absorptive material should be used particularly in the Bellevue Way segment. Otherwise the sound walls will pick up traffic noise and bounce it back into the neighborhood. Along 112th Avenue SE the sound wall will bound noise toward the hotels.

Mr. Jackson noted that as the train leaves the station it is elevated and will have sound absorption panels on the guideway. In the trench there will also be some sound absorbing material. The noise wall along the east side of Bellevue Way will be on the west side of the tracks, and additional information about sound at that location has been requested from Sound Transit. There has been no analysis of noise along 112th Avenue SE adjacent to the hotels.

Mr. Glass said he would like some information regarding what sound absorptive walls look like as compared to the proposed concrete walls. Mr. Jackson reminded him that in the Committee's first conversation about noise Sound Transit's consultant talked about the different types of walls and different types of methods to mitigate for sound. Adding absorption to concrete walls was part of the discussion and it was pointed out while that can be done, the return on the investment is limited. He agreed to follow up on that.

Mr. Jackson explained that in revising the draft document he added specific language to avoid being too general, including specific recommended mitigations. He agreed to clarify which items were reviewed by the Committee and which items were not. The revised draft clarifies that the critical areas review and mitigation ratios was done by staff and not the Committee. The conclusion of the staff is that the result will ultimately be better than what is currently there, but it will take time to get there. It was noted that as requested by the Committee references to the garage only were changed to garage/station relative to the living wall and other vegetation, and specificity was added with regard to what is meant by earth tones.

Ms. Jones said the Committee also talked about having plantings around the light poles on the roof of the station. She also reiterated her desire to see a recommendation for turning a couple of parking spaces on the roof of the garage into a viewing area from

which people can look out over Mercer Slough. With regard to the use of city right-of-way, the Committee discussed not just limiting impacts on traffic but also limiting, if not totally eliminating, neighborhood cut-through traffic that may arise either from construction or operation. Mr. Jackson agreed to make revisions accordingly.

Ms. Jones said she still was not completely clear where the Committee's authority starts and stops. Accordingly the recommendation from the Committee should err on the side of having more rather than less and letting the Director sort things out later. With regard to noise impacting the neighborhoods, the noise walls along 112th Avenue SE will offer some mitigation for the neighborhood. There is, however, a large section along Bellevue Way for which there are no plans for noise walls, and there are no sound packages to be presented to the homes in that area. The Committee should recommend protections against noise for those homes.

Ms. Anderson asked if there are no sound walls there because the noise study shows there will be no increase in noise there. Mr. Jackson said that is the case. Ms. Anderson questioned whether noise walls should be erected where there will be no increase in noise.

Ms. Jones said the existing noise levels are quite high and it is a given that there will be increased traffic along Bellevue Way given that the number of parking stalls at the park and ride will be tripled. Mr. Cornish said the noise study recognizes there will be increased traffic on Bellevue Way. Sound Transit is putting together more noise information.

Mr. Jackson said based on the analysis, there are a handful of lots on the hill to the west of Bellevue Way where the projected train noise will be higher than the ambient level. Sound Transit has been asked to provide recommendations regarding what can be done to mitigate noise for those properties. One option is sound insulation packages for the homes. Sound Transit cannot be asked to mitigate for impacts that have no nexus with the East Link project, so there must be evidence that sound insulation packages or other mitigations are needed.

Mr. Glass asked if city code allows construction noise impacts without mitigation. Mr. Jackson said it does not. Sound Transit will undoubtedly submit requests for additional construction hours which the city will have to evaluate. Any work done outside of typical construction hours must be permitted by the city. Noise during normal construction hours is exempted. Mr. Glass noted the large staging area will specifically impact the homes on the hill to the west of Bellevue Way.

Co-Chair Mathews pointed out that construction activities involving the stations at Capitol Hill, Husky Stadium and near 45th Street in Seattle have to some degree all had temporary noise mitigation elements. Mr. Jackson said there will be similar measures employed at the tunnel portal site on Main Street and 112th Avenue SE involving a 20-foot tall temporary wall. There is no plan to include a temporary construction wall for the South Bellevue section. Mr. Cornish added that the temporary facilities associated



with the portal will be needed because the work will be under way 24 hours per day.

Mr. Jackson said the Committee can include any recommendation it wants, but pointed out that construction mitigation measures fall outside the scope of the Committee's charge.

Mr. Glass commented that the main difference between the light rail project and typical construction projects is that the light rail project will be ongoing for five years.

Ms. Jones said unless the construction impacts are dealt with proactively, they will have to be dealt with at the time of construction. Mr. Jackson agreed that the five-year span will be a challenge for everyone. The city is fully aware and is working with Sound Transit to mitigate the impacts over the duration of the project. Ms. Jones asked staff to include in the draft a recommendation that includes addressing the construction impacts.

Mr. Chang called attention to paragraph (c) on page 29 and suggested spelling out Regional Light Rail Transit rather than using the abbreviation RLRT. With regard to paragraph (d) on the same page, he suggested the word "all" should be changed to something else given that the Committee has not reviewed all applicable design guidelines and development standards. Mr. Jackson said the language of paragraph (d) is taken directly from the Land Use Code and cannot be changed. He agreed, however, that the bulleted portion of the paragraph should be revised to clarify the proposal addresses the items within the scope of the Committee's work.

Mr. Jackson briefly reiterated the revisions he would make to the draft document as directed by the Committee.

## 5. PUBLIC COMMENT

Ms. Betsy Blackstock reminded the Committee about the importance of the light rail best practices report. She noted that on page 84 of that document it says mitigation for noise must be in place before, and it does not say except for the houses along Bellevue Way. The neighborhoods are expecting things to be in place. Whether or not to construct absorption walls rather than concrete walls is all about the money, but the Committee should fight for it anyway.

Mr. Aaron Liang thanked the Committee for thoughtfully getting into the details. He said it was illuminating to learn there will not be any construction noise walls for the three to five years of heavy construction along Bellevue Way. De-watering equipment will be operated 24 hours per day along Bellevue Way where the trench will be constructed and the nearby homes will be impacted. It would not be a stretch at all to request on-sight noise mitigation for homes. Currently staff and attorneys from the city and Sound Transit are trying to figure out how to cook the noise code so they can average the intermittent noise levels over time and say that on average all will be okay. The fact is residents will be directly impacted by noise during construction and site-specific mitigation will be needed and should be required.

Mr. Todd Woosley thanked the Committee members for their work to maximize the benefits of light rail and to minimize the impacts. The Committee has demonstrated both patience and diplomacy in dealing with the issue. Moving forward, the Committee should stress the need for the East Link project to be reconciled with the light rail best practices, the Comprehensive Plan, and all applicable Land Use Code requirements, all of which were well thought out and should not be exempted. The Committee should articulate and memorialize its discussions of what ought to be done even if staff says it falls outside the scope of the group's work.

Mr. Joe Rossman said his letter to the City Council includes the issue of air quality. Sound Transit staff has acknowledged that its engineers have not considered the fact that the tall walls and the steep hillsides to the west of them along Bellevue Way combined with auto traffic will be creating a vortex that gathers the exhaust pollution from the vehicles on the roadway. The prevailing winds from the southwest comes over the top of Enatai, Bellecrest and Bellefield and causes the air to fall over the open channel and begins to create a circular airflow. There is only one place the air can escape and that is up the hillside and westward into those neighborhoods. Physics will prevent the air from going to the east. The process is cumulative and is a fundamental reality of every significant walled major transportation thoroughway in every city in the United States. The Committee must take that into consideration.

Mr. Don Davidson, 12133 SE 15th Street, noted that the Committee has been talking about environmental impact and has heard that the alignment is what it is. That is not true, however. An Environmental Impact Statement (EIS) was never done on the OFMS, the bus barn. There should at least be a supplemental EIS that takes into account the issue of moving buses around at night.

Mr. Jackson said he has not been a part of the OFMS conversations. He said the Committee did have a presentation about how having the yard on the Eastside works, the number of trains that come out, what time they come out, and the intervals at which they come out. Mr. Davidson said that will impact the whole system and at least a supplemental EIS is needed to evaluate what the impacts will be.

Mr. Jackson said Sound Transit has been asked to provide more information based on having the OFMS in Bel-Red corridor. Mr. Davidson suggested the public should be involved in that decision, which requiring an EIS would do.

Before adjournment, Mr. Jackson informed the Committee that Room 1E-113 has been scheduled for another group through 3:00 p.m. on the days the Committee meets. To allow for time to set up for the meetings, he proposed moving the official meeting start time to 3:30 p.m. There was consensus to do that.

## 6. ADJOURN

Co-Chair Mathews adjourned the meeting at 5:24 p.m.

# LIGHT RAIL PERMITTING ADVISORY COMMITTEE



COMMITTEE MEETING  
March 18-3:00PM | ROOM 1E-113



# Agenda

- **3:00**
  - Call to Order, Approval of Agenda, Approval of February 4<sup>th</sup> Meeting Minutes – Co-Chair Mathews and Van Houten
  - Public Comment
- **3:20**
  - CAC Scope and Mitigation – Mike Brennan
- **3:45**
  - Draft South Bellevue Segment Design and Mitigation Permit Advisory Document Continued Discussion– Matthews Jackson and CAC
- **4:50**
  - Public Comment



# CAC Scope of Work

## LUC 20.25M.035.C. Scope of CAC Work

The scope of work for the CAC is intended to support the CAC purpose described in subsection A of this section. The CAC is advisory to the decision maker for the design and mitigation permits, and its scope includes:

1. **Becoming informed** on the proposed RLRT system or facility project;
2. **Accepting comments from the public** during CAC meetings for incorporation into the consolidated advice provided by the CAC to the Regional Transit Authority and the City of Bellevue;
3. **Participating in context setting** to describe the communities, urban and historic context, and natural environment through which the alignment passes;
4. **Providing early and ongoing advice** to the Regional Transit Authority on how to incorporate context sensitive design and mitigation into schematic designs for proposed project elements including stations, linear track elements, landscape development, walls (including concrete and masonry and tunnel portal), park and rides, traction power substations and other features of the RLRT system or facility; and
5. **Providing advisory guidance to permit decision makers** as described in more detail below regarding any RLRT system or facility design and mitigation issues prior to any final decision on required Design and Mitigation Permits, including written guidance as to whether the proposal complies with the policy and regulatory guidance of subsection E of this section and LUC 20.25M.040 and 20.25M.050.



# Revised South Bellevue Segment Design and Mitigation Permit Draft Advisory Document

## Changes made to advisory document

- Modified the document to note CAC Design and Mitigation Permit advice is based on 60% plans.
- Modified the document to note CAC Design and Mitigation Permit advice is based on the alignment and station design agreed to by the City of Bellevue and Sound Transit based on the term of a Memorandum of Understanding.
- Modified decision criteria c. to note more specific Light Rail Overlay compliance.
- Modified decision criteria g. to note technical review of Sound Transit noise studies.
- Modified decision criteria h. to note the MOU was signed at the preliminary engineering stage and that there has been development of design to the current 60% – 90% stage.
- Modified decision criteria i. to note specific mitigation measures.
- Modified decision criteria j. to note staff's assessment of Sound Transit's critical area mitigation plan.



# Revised South Bellevue Segment Design and Mitigation Permit Draft Advisory Document

## Changes made to advisory document

- Changed garage to garage/station where landscape mitigation advice is given for the South Bellevue Station.
- Modified the first bullet under part 3, Additional General Design Guidelines, to provide specific colors to be considered as earth tones where advised by the CAC.



# Next Meeting

## **Change in meeting time**

**3:30 – 5:30 starting April 1**

## **April 1, 2015**

- Finalize South Bellevue Segment Design and Mitigation Permit Advisory Document
- Introduction to Central Bellevue Segment Design and Mitigation Permit





# LIGHT RAIL PERMITTING CITIZEN ADVISORY COMMITTEE

## ADVISORY DOCUMENT – RECOMMENDATION TO DIRECTOR SOUTH BELLEVUE SEGMENT DESIGN AND MITIGATION PERMIT

**~~MARCH 13~~ APRIL 10, 2015**

### Introduction

The Light Rail Permitting Citizen Advisory Committee (CAC) was appointed by the Bellevue City Council consistent with the terms of the Light Rail Overlay regulations contained in the city's Land Use Code (LUC). Land Use Code section 20.25M.035.A describes the CAC purpose to:

1. **Dedicate the time necessary to represent community, neighborhood and citywide interests in the permit review process\***; and
2. Ensure that issues of importance are surfaced early in the permit review process while there is still time to address design issues while minimizing cost implications; and
3. **Consider the communities and land uses through which the RLRT (Regional Light Rail Train) System or Facility passes, and set “the context” for the regional transit authority to respond to as facility design progresses\***; and
4. **Help guide RLRT System and Facility design to ensure that neighborhood objectives are considered and design is context sensitive by engaging in on-going dialogue with the regional transit authority and the City, and by monitoring follow-through\***; and
5. Provide a venue for receipt of public comment on the proposed RLRT Facilities and their consistency with the policy and regulatory guidance of paragraph 20.25M.035.E below and Sections 20.25M.040 and 20.25M.050 of this Part; and
6. **Build the public's sense of ownership in the project\***; and
7. **Ensure CAC participation is streamlined and effectively integrated into the permit review process to avoid delays in project delivery\*.**

\* Identifies the focus of this Advisory Document

### Design and Mitigation Permit Review – 60% Design Development Phase

This phase of review is intended to provide feedback regarding effectiveness of design and landscape development in incorporating prior guidance at context and schematic design stages. This phase is intended to provide further input and guidance, based on the input and guidance

provided in the context setting phase, on compliance (or lack of compliance) with the policy and regulatory guidance of LUC 20.25M and LUC 20.25M.040 and 20.25M.050, and whether information is sufficient to evaluate such compliance. The CAC advice is based on the alignment and station designed agreed to by the City of Bellevue City Council and Sound Transit Board through a Memorandum of Understanding. The CAC is charged with providing the Director of the Development Services Department with a final advisory document.

### CAC Work Product

The work of the CAC at each review stage will culminate in a CAC advisory document that describes the phase of review and CAC feedback. The work product required following the Pre-Development Phase of CAC review is intended to provide Sound Transit with early guidance and advice that is integrated into future Design and Mitigation Permit submittals. This final Design and Mitigation Permit advisory document is intended to provide the Director of the Development Services Department with a recommendation to demonstrate Sound Transit compliance with Design and Mitigation Permit Decision Criteria pursuant to LUC 20.25M.030.C.3.

On May 13, 2014, Sound Transit was provided with the South Bellevue Segment Pre-Development Advisory Document. That document outlined Sound Transit compliance with context setting characteristics and early Design and Mitigation Permit requirements. The pre-development advisory document also included several recommendations on additional items to be addressed during formal permit review.

The following represents the CAC advisory recommendation to the Development Services Department Director regarding compliance related to LUC 20.25M.030.C.3, LUC 20.25M.040, and 20.25M.050.

### 20.25M.030.C.3 Design and Mitigation Permit Decision Criteria

The City of Bellevue Development Services Director is responsible to insure compliance with all Design and Mitigation Permit decision criteria as outlined below. The CAC was tasked with review and recommendation on some, but not all, decision criteria. Those criteria not discussed by the CAC are still applicable to approval of the Design and Mitigation Permit and compliance with all decision criteria will need to be demonstrated in the Director's decision.

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

- a. The applicant has demonstrated compliance with the CAC Review requirements of LUC 20.25M.035; and
  - Sound Transit has demonstrated compliance with CAC review requirements by attending and presenting materials regarding the East Link Light Rail System and Facilities at CAC meetings held the 1<sup>st</sup> and 3<sup>rd</sup> Wednesday of each month. In addition to the regularly

scheduled meetings Sound Transit and City staff provided tours of the existing Central Link Light Rail System and Facilities and proposed East Link route in the City of Bellevue including the South Bellevue Segment.

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

- The CAC was not asked to do an exhaustive review of consistency with the Comprehensive Plan policies and Light Rail Best Practices. Where CAC members felt that elements of the permit were not consistent with these policies, they have recommended modifications to the permit in areas that were identified within their scope. Some CAC members expressed concern that some elements of the project that are outside of their scope were inconsistent with the Comprehensive Plan and Light Rail Best Practices. The Director's decision will need to demonstrate that the ~~The~~ East Link Project has demonstrated consistency with the numerous Comprehensive Plan Policies that are applicable to light rail (LU-9, LU-22, LU-24, ED-3, TR-75.1, TR-75.2, TR-75.5, TR-75.7, TR-75.8, TR-75.9, TR-75.12, TR-75.15, TR-75.17, TR-75.18, TR-75.20, TR-75.22, TR-75.23, TR-75.27, TR-75.28, TR-75.32, TR-75.33, TR-75.34, TR-75.35, TR-118 and UT-39) and Light Rail Best Practices. This proposal is also consistent with Light Rail Best Practices which focus on community and neighborhoods, community involvement, connecting people to light rail, land use, street design and operations, system elements (elevated, at grade, and tunnel), property values, station security, and construction impacts and mitigation. A detailed description of project compliance will be included in the issued Design and Mitigation Permit.

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

- As it will be conditioned, this application for Design and Mitigation Permit will be in compliance with all elements of the Light Rail Overlay District including RLRT system and facilities development standards. Approval of an Alternative Landscape Option and Noise Monitoring and Contingency Plan will be included as conditions of approval. The CAC has made recommendations to insure compliance with context requirements of the Light Rail Overlay District such as station materials, design intent, landscaping, garage design, and the application of art-

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

- The CAC reviewed and discussed the applicable design and development standards of the Light Rail Overlay District and has made recommendations intended to insure design guidelines and standards are met. Specific CAC advice is discussed below in this

~~document~~As discussed below, the proposal addresses all applicable elements of 20.25M.040 and 20.25M.050.

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

- The South Bellevue Segment of East Link must comply with all applicable zoning and context requirements. Recommendations from the CAC to better integrate and soften the look and impact of the station and garage located at the South Bellevue Station are responsive to the existing and intended character of this segment. Light Rail Overlay (LUC 20.25M) development standards, including the establishment of the RLRT Transition Area also respond to the character within this segment.

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

- ~~A majority of existing public facilities are available to serve East Link in South Bellevue. The city has initiated numerous capital facilities projects to serve light rail and future city utility and transportation needs. The CAC was not tasked with verifying adequate public services. It is anticipated that w~~When the light rail system is operational anticipated impacts to public facilities including streets, fire protection, and utilities will have been mitigated.

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

- Development, construction and operation of the RLRT system and facilities ~~will must~~ comply with applicable Bellevue City Codes, including the noise control code and environmental procedures code. Technical analysis of Sound Transit submitted Noise Studies ~~and documents~~ will be completed by city staff and technical consultants. Any additional noise mitigation resulting from technical review will be included as a condition of approval the Design and Mitigation Permit. The CAC has offered advice regarding the type of sound walls used and sound wall materials. Some CAC members have expressed concern that the scope of work provided to the CAC has limited their input on the location, type, and height of noise barriers. prior to issuance of the Design and Mitigation Permit. Any additional noise mitigation resulting from technical review will be included as a condition of approval of the Design and Mitigation Permit.

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

- The ~~CAC was not tasked with verifying consistency proposal is consistent~~ with the Memorandum of Understanding signed by the City of Bellevue and the Sound Transit

Board which was completed at the Preliminary Engineering stage of plan development. Plan development through the final design stage will result in expected refinements to design that is typical to any major development. Significant design changes in plan design that are within the scope of work for the CAC will be brought back to the CAC for evaluation during construction permit review.

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

- To the greatest extent possible with the chosen alignment and station design, the proposed RLRT facility and system will avoid, minimize, and mitigate anticipated long-term impacts to properties located near the light rail system and facilities. Mitigation includes, but is not limited to, enhanced landscaping, critical area planting enhancements, permanent noise walls, sound absorbing panels on the guideway, and the installation of public art. Some CAC members have expressed significant concerns related to long term related construction impacts to traffic and noise levels along Bellevue Way, 112th Ave SE, at the South Bellevue Station, and within adjacent residential neighborhoods. City of Bellevue staff is responsible for evaluating appropriate mitigation for these impacts during the review of required Right of Way Use Permits and construction permit applications.

j. When the proposed RLRT facility will be located, in whole or in part, in a critical area regulated by Part 20.25H LUC, a separate Critical Areas Land Use Permit shall not be required, but such facility shall satisfy the following additional criteria:

- i. The proposal utilizes to the maximum extent possible the best available construction, design and development techniques which result in the least impact on the critical area and critical area buffer; and
  - ii. The proposal incorporates the performance standards of Part 20.25H LUC to the maximum extent applicable; and
  - iii. The proposal includes a mitigation or restoration plan consistent with the requirements of LUC 20.25H.210; except that a proposal to modify or remove vegetation pursuant to an approved Vegetation Management Plan under LUC 20.25H.055.C.3.i shall not require a mitigation or restoration plan.
- Mitigation and restoration requirements per LUC 20.25H due to impacts to critical areas and their buffers will be incorporated into the Design and Mitigation Permit approval and have been discussed at CAC meetings. Impacts to critical areas in the South Bellevue Segment include temporary and permanent impacts to wetlands and their buffers, temporary and permanent impacts to streams and their buffers, and impacts to habitat for species of local importance. Mitigation for impacts to critical areas and their buffers

per the criteria located in LUC 20.25H will occur in the South Bellevue Segment within Mercer Slough Nature Park as well as a site located in the Bel Red Segment. Mitigation is required to result in a condition that is equal to or superior to the pre-existing environment. Based on staff's review of the technical reports and mitigation proposed by Sound Transit, the proposed mitigation will provide a lift in critical areas function at maturity over the existing condition.

### **CAC Recommendation to the Director of Development Services**

At the request of the CAC, CAC Pre-Development Phase advice that has been addressed or partially addressed in the Design and Mitigation Permit submittal are included in bold for the Director's reference.

#### **20.25M.040 RLRT system and facilities development standards**

##### **1. Building Height**

- The CAC recommends that Sound Transit incorporate a living wall, green roof, or other green vegetation treatment on the garage/station as mitigation for Sound Transit's request for additional building height.

##### **2. Landscape Development**

- The CAC recommends the inclusion of a living wall, green roof, or other green vegetation be installed on the upper levels of the garage/station to help soften the edges of the structure as well as communicate the idea of a grand entry into Bellevue.
- The CAC recommends that additional landscaping options to help screen exposed noise walls should be included in the landscape plans. This should include a climbing vegetation option where there is limited space for additional landscaping.
- The CAC recommends that Sound Transit include additional appropriate landscaping to screen the guideway.
- The CAC recommends that more mature vegetation be incorporated into the design of the light rail corridor. This can be achieved by planting some large specimen trees at the point where the trains enter the South Bellevue Station (meadow), on the east side of the Y of Bellevue Way and 112th Ave SE, and in the median in 112<sup>th</sup> Ave SE.
- The CAC recommends the installation of landscaping around the light poles on the roof deck of the parking garage.

### 3. Light and Glare

- The CAC recommends light standards on the deck of the South Bellevue Station Garage are as low as feasible to avoid light pollution into the neighborhoods in the vicinity. **(In order to prevent light spillover or trespass Sound Transit is using LED lights for their poles that are designed with technology to reduce backlight and to focus light in a fixed area on the surface of the garage).**

### 4. Recycling and Solid Waste

- The CAC recommends that Sound Transit work with its sustainability group to evaluate a system wide compost collection bin option at its stations.

### 5. Critical Areas

- The CAC recommends that Sound Transit work collaboratively with the City of Bellevue to develop public information sign(s) at the South Bellevue Station that would inform transit users and visitors of wildlife and habitat within Mercer Slough Nature Park.
- The CAC recommends that Sound Transit adhere to all best management practices and complies with all applicable local, state, and federal regulations related to wildlife including but not limited to migratory birds.

### 6. Use of City Right of Way

- The CAC acknowledges that specific details regarding the use of the City ROW will be handled through the review and issuance of Right of Way Use Permits per LUC 20.25M.040.J; however, they want to emphasize the importance of limiting impacts on traffic to the best level technically feasible.

### 20.25M.050 Design guidelines

1. Design Intent - In addition to complying with all applicable provisions of the Southwest Bellevue Subarea Plan, the design intent for the Regional Light Rail Train system and facility segment that passes through this subarea is to contribute to the major City gateway feature that already helps define Bellevue Way and the 112th Corridor. The Regional Light Rail Train system or facility design should reflect the tree-lined boulevard that is envisioned for the subarea, and where there are space constraints within the transportation cross-section, design features such as living walls and concrete surface treatments should be employed to achieve corridor continuity. The presence of the South Bellevue park and ride and station when viewed from the neighborhood above and Bellevue Way to the west, as well as from park trails to the east, should be softened



through tree retention where possible and enhanced landscaping and “greening features” such as living walls and trellises.

2. Context and Design Considerations - The CAC was tasked with evaluating the existing context setting characteristics included in the Land Use Code in order to verify that the design of the station and alignment is consistent with the vision for the Southwest Bellevue Subarea. The Land Use Code states that the character of this area is defined by:

- The expansive Mercer Slough Nature Park;
- Historic references to truck farming of strawberries and blueberries;
- Retained and enhanced tree and landscaped areas that complement and screen transportation uses from residential and commercial development; and
- Unique, low density residential character that conveys the feeling of a small town within a larger City.

The CAC advised that the following additional context and design considerations should be considered when evaluating the East Link project in the Southwest Bellevue Subarea for context sensitivity during future CAC and permit review phases. The following items pertain to the South Bellevue Segment:

- The alignment transition from the I-90 right-of-way to the South Bellevue Station should be reflected as a “Grand Entry” into Bellevue. This gateway area defines Bellevue as the “City in a Park.” The gateway serves a number of functions, and should appropriately greet the different users that pass through it, including transit riders, vehicles, residents, bicyclists from the I-90 trail, fish (specifically salmon), and wildlife.
- The South Bellevue Park & Ride garage should incorporate green/living walls and trellis structures on the roof level in addition to interesting concrete surface treatments to break down mass and scale, and to help blend the garage into the Mercer Slough Nature Park when viewed from the neighborhoods to the west and the park to the east.

3. Additional General Design Guidelines

- The CAC recommends that more earth tones and color variety be incorporated into the proposed art treatments and other station and corridor elements. Earth tones means tans, browns, beige, rusts, reds and orange. **(Sound Transit has indicated that the artists for the station are evaluating options for additional color and earth tones in proposed art treatments.)**



- The CAC recommends less hard edges in the design of the South Bellevue Station. One suggestion would be to incorporate more organic shapes into the design to soften hard lines. **(Sound Transit has attempted to incorporate more organic shapes in the design using art treatments at both the station, parking garage, and guideway.)**
- The CAC recommends Sound Transit evaluate the possibility of using an artistic design for the mesh screening at the South Bellevue Station Garage. **(Sound Transit has proposed a green artistic treatment for the mesh screening on the garage. Final color combinations are still in development.)**
- The CAC recommends that Sound Transit extend the proposed art treatment on the guideway noise walls and additional colors be incorporated into the design. **(Sound Transit has shown an art treatment on a portion of the guideway noise walls that reflects CAC pre-advisory advice. The CAC has requested additional color variety which is under development. Sound Transit has also indicated that an extension of the art treatment is in preliminary design.)**
- The CAC recommends that Sound Transit use a stacked stone or brick type pattern with variegated earth tones for noise walls. Ashlar stone walls one recommendation from the CAC. The CAC also recommends evaluation of art opportunities to help buffer any negative visual impacts of areas of tall noise walls.
- The CAC recommends Sound Transit work with the City of Bellevue to install way finding kiosk(s) at the South Bellevue Station and as appropriate along the alignment to direct people to available resources and recreational opportunities within Mercer Slough Nature Park.
- The CAC recommends that Sound Transit use round catenary poles instead of H poles from the South Bellevue Station to the tunnel portal at the intersection of 112<sup>th</sup> Ave SE and Main Street.
- The CAC recommends that sound absorptive panels be used for freestanding noise walls.
- The CAC recommends that a small viewing platform be created on the top garage deck to allow for views into the Mercer Slough Nature Park.

#### Design and Mitigation Permit Approval

The recommendations contained in this Advisory Document represent the conclusion of the CAC review of the South Bellevue Segment Design and Mitigation Permit. The recommendations included in this document shall be incorporated into the Director's administrative decision. Departures by the Director from specific recommendations included within the CAC's Design and

Mitigation Permit Advisory Document shall be limited to those instances where the Director determines that the departure is necessary to ensure that the RLRT facility or system is consistent with: (i) applicable policy and regulatory guidance contained in the Light Rail Overlay; (ii) authority granted to the CAC pursuant to this section; (iii) SEPA conditions or other regulatory requirements applicable to the RLRT system or facility; or (iv) state or federal law. Departures from the CAC Design and Mitigation Permit Advisory Document shall be addressed in the decision by the Director, and rationale for the departures shall be provided.

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