

## CITY COUNCIL STUDY SESSION ITEM

### SUBJECT

Draft Land Use Code Amendment to create a Light Rail Overlay to govern permitting for the East Link Light Rail project.

### STAFF CONTACT

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### POLICY ISSUES

Staff is requesting the Council to provide direction for continued development of a Land Use Code Amendment that specifically describes the permitting processes and substantive standards and guidelines applicable to light rail. The materials contained in this packet provide content for the public to comment during the public hearing scheduled for October 22, 2012. Opportunities to continue to comment and shape the content of the code amendment will continue through November in anticipation of final Council action in December.

As an essential public facility (EPF), the City must ensure that its policies and regulations do not preclude light rail. However, the LUC does not directly address or describe requirements for light rail facilities. This lack of clear regulations creates confusion and uncertainty for all parties interested in East Link, including the City reviewers charged with ensuring the project satisfies City requirements, citizens who want to provide input on whether design and mitigation is sufficient to meet community expectations, and Sound Transit staff and designers as they prepare project plans. Under the current LUC:

- The permitting path for a light rail project is cumbersome and unclear, with different permitting and processing requirements applicable to the alignment as it passes through different land use districts and overlays;
- The LUC does not apply to structures and facilities in rights-of-way, leaving the City without clear development standards and design guidelines for those components of East Link within existing or future right-of-way;
- Some provisions of the LUC do not make sense to apply to certain light rail facilities as currently written. For example, some land use districts require substantial landscaping in a front setback, adjacent to right of way. Such frontage landscaping would not be desirable for a light rail station within or immediately adjacent to the right of way, because it would block physical and visual access and pose safety concerns for riders.

Amending the LUC specifically for light rail is consistent with the City's Light Rail Best Practices work as well, which identified guiding principles for policies and regulations. For

these reasons, in addition to the MOU commitments, staff recommends amending the LUC before year-end.

**DIRECTION NEEDED FROM COUNCIL**

- Action
- Discussion
- Information

This is a continuation of prior discussions with Council necessary to develop a Light Rail Overlay part to the Land Use Code.

**BACKGROUND/ANALYSIS**

On July 16, the City Council received an update on implementation of the Memorandum of Understanding (MOU) between the City and Sound Transit related to amendments identified for inclusion in the City's Land Use Code (LUC). That discussion focused on the objectives for the amendments, as agreed to in the MOU, as well as the process for amending the LUC. Public notice of the City's intention to initiate the process to develop a code amendment and perform associated environmental review of the legislation under the State Environmental Policy Act (SEPA) was provided on September 14, 2012.

On September 17, the City Council held another Study Session to provide staff with direction on a proposed approach for addressing light rail in the LUC. This meeting represented a first step in the process of amending the LUC consistent with the agreements contained in the MOU. Over the last several years, the City Council has gained extensive knowledge regarding light rail construction and operation in preparation for East Link's anticipated traverse through the City. Consequently, the City Council retained responsibility for crafting the code amendments agreed upon in the MOU, instead of sending them on to the Planning Commission for development and recommendation. The Council's early engagement in the process set clear expectations that an appropriate code amendment would need to preserve Council control, facilitate a compatible design, and ensure impact mitigation. Transparency in the code amendment process was also viewed as essential. Feedback from the September 17 study session has guided staff preparation of draft Land Use Code language to achieve MOU and City objectives for light rail permitting, design, and mitigation.

The study session materials in this packet include information regarding the code amendment notice and outreach that has occurred to-date and is planned for the future, responses to Council questions posed during the last study session on the Light Rail code amendment topic, and a summary of the Draft Light Rail Overlay amendment. The materials also identify where Council input is needed to resolve an identified code conflict.

Code Amendment Notice and Outreach

Several questions have been raised regarding code amendment notice, and what opportunities the public has to get involved with development of the Light Rail Overlay regulations. Three public notices have been published in the Weekly Permit Bulletin. Notices of the City's intent to undertake development of a Light Rail Overlay were published on September 14, and again on September 27. These notices were provided to encourage people to share ideas about the overlay early in the code drafting process, before the framework was fully developed. Notice

of an October 22 public hearing on the Draft Light Rail Overlay was also published in the Bulletin on October 4 with a link to the draft code package, and in the *Seattle Times*.

Staff briefed the East Bellevue Community Council regarding the Light Rail Overlay code amendment idea on October 1, which offered an opportunity for citizens to discuss the upcoming amendment and share their input. Drop-in sessions on the Cost Savings Work Plan Findings were also held on October 2-4 at three locations in the City. Staff from the Code Amendment and Permitting Framework Technical Working Group attended these meetings to answer questions regarding the code amendment process, and to take community feedback regarding the Light Rail Overlay idea. Information regarding the code amendment has also been posted to the East Link project pages of the City internet website.

The code amendment continues to track along the schedule presented to Council during its July 16 study session. This schedule was developed by working backwards from the year-end code adoption date contained in the MOU, and then setting timeframes for required notice and environmental review to be accommodated. Important remaining opportunities for public input are identified below.

<b>Scheduled Date/Timeframe</b>	<b>Engagement Opportunity</b>
<b>October 8</b>	Council Study Session
<b>October 22</b>	Public Hearing before the City Council
<b>November</b>	Study Session(s) to refine the amendment as needed
<b>Late November</b>	SEPA Threshold Determination on code amendment expected <ul style="list-style-type: none"> <li>• Comments accepted until SEPA determination made</li> <li>• SEPA Determination required prior to Council final action</li> </ul>
<b>December</b>	Anticipated final Council action on amendment

Responses to Council Questions Posed

During the September 17 Study Session, the Council posed several questions regarding the code amendment process. Responses to those questions are presented below:

1. How long did it take to complete the other overlays that exist in the land use code?

The code amendments for the Critical Areas Overlay and the Shoreline Overlay both took more than two years. Those code drafting efforts were different from the current process for three primary reasons:

- Significant policy work for related Comprehensive Plan Amendments was undertaken simultaneously with the code drafting process;
- The efforts required the assistance of a Citizen Advisory Committee (or in the case of Shorelines, the Planning Commission acting in that capacity), to educate themselves regarding complicated scientific, legal and regulatory topics; and
- The final legislation had to conform to requirements mandated by a state agency with approval authority over the content.

The Bel-Red Code drafting process took approximately 18 months from Council transmittal of the Steering Committee findings to the Planning Commission until final

code adoption. The Bel-Red code drafting effort was complicated, because it included an up-zone for hundreds of acres of light industrial property to office, residential and mixed uses, which necessitated environmental review in the form of an Environmental Impact Statement (EIS). The Bel-Red code was far reaching in its scope, and also received review by five city boards and commissions.

In contrast, the amendments contemplated within the MOU ensure that existing City regulations are made applicable to a light rail use and its associated design and construction, and that permit processes are consolidated and predictable. Significant policy work and input was solicited during the City's Best Practices effort and has been incorporated into the Comprehensive Plan and now the draft code package that is before the Council for consideration. In addition, this is not the type of an amendment that necessitates an EIS. The schedule contemplated in the MOU is aggressive; even the most expedited code process takes a minimum of 3-4 months under the best circumstances. However, a Draft Light Rail Overlay is now complete, noticing and outreach has been initiated to engage the community, and the Draft Light Rail Overlay amendments are within Council purview. The necessary groundwork to support an expedited process has been put in place.

2. How can you complete a SEPA review or develop an overlay district for East Link without having adopted a rail alignment?

Adoption of a Light Rail Overlay will create a new development regulation in Bellevue that is a recognized planning tool under the Growth Management Act (GMA). Adoption of a development regulation under GMA is categorized as a non-project action under SEPA. Since regulatory reform procedures of the LUC were adopted in 1995, the City has undertaken Land Use Code amendments in a way that integrates SEPA review into the GMA code adoption process. No entitlement to establish or construct a light rail use will be granted as a result of any Council action taken to adopt code changes. The code amendment will simply create the regulatory framework and substantive requirements necessary for a Light Rail project to be approved – the permitting will come later.

Creation of the Light Rail Overlay is not dissimilar to creation of a Critical Areas Overlay. The location of all critical areas city-wide was not known at the time that overlay was created. The overlay included a process for identification and delineation of critical areas, and permit standards and guidelines that would apply when applications were submitted for a use or development that could impact a critical area. The Draft Light Rail Overlay includes a similar process for delineation of the light rail system and facilities, and provides standards and guidelines that would apply at a future permit stage.

3. What is the difference between the process requirements for a Development Agreement versus the process requirements for a Conditional Use Permit?

A process map will be provided during the October 8 study session to illustrate differences between review and appeal procedures for development agreements and conditional use permits.

## Summary of Amendments

The draft code amendment language for the Light Rail Overlay is included with these study session materials as Attachment A. Based on Council direction received at the last Study Session, staff drafted an ordinance that provides permit process continuity across the entire alignment, and fills code coverage gaps that exist because light rail will be located in land use districts that did not contemplate the use, or because light rail will be located in right of way where the land use code does not apply.

The draft code amendment package includes six primary parts.

1. General Section and Definitions – LUC 20.25M.010 and 020. The paragraphs in the General Section describe code applicability, the purpose of the overlay, who may apply for a permit under the overlay provisions, and what City regulations are made applicable to a light rail system or use governed by the overlay. A Definitions Section with terms applicable to the light rail overlay district follows the General Section.
2. Required Permits – LUC 20.25M.030. The Required Permits section describes the two alternative permit paths that Council confirmed should be included in the Draft Overlay. The first permit path is referred to as the “development agreement” process, and would apply to East Link where the project alignment through Bellevue has been approved by the City Council through a formal action. After completion of the required public notice and public hearing process, the City Council and Sound Transit could enter into a development agreement that would allow the City to establish additional design standards and mitigation measures that create project certainty.

The second permitting path would apply to East Link if there was no Council action approving the alignment. As an essential public facility (EPF), the City must ensure that its policies and LUC regulations do not preclude light rail. As is typical with other EPF in the City’s code, staff is suggesting that the conditional use permit process be preserved as a permitting path safety net in the event that a development agreement is not approved. Following either of the above-described permitting paths, subsequent design, development, and shoreline permit review would be required consistent with the LUC or any modifications approved through a development agreement.

3. Development Standards – LUC 20.25M.040. The Development Standards section imposes traditional standards that are applicable to the use and development of land, but may not currently apply to light rail facilities in the absence of a code amendment. Topics such as height, setbacks, landscaping, and light and glare are addressed in this section.
4. Design Guidelines – LUC 20.25M.050. The Design Guidelines section includes code provisions that address the look, feel, compatibility, and user experience for light rail facilities such as the stations, equipment, tunnel portals, and other structures both accessible and unmanned. These guidelines draw heavily from the Light Rail Best Practices work and subsequent committee recommendations.

5. Administrative Modification Process – LUC 20.25M.060. The Administrative Modification section includes a modification process drafted in response to objectives included in Paragraph 6.1 of the MOU.
6. Conformance Amendments. This final portion of the draft code amendment package includes a list of placeholders where additional code amendment drafting will be necessary to ensure consistency between the new Light Rail Overlay and existing LUC provisions in other chapters and parts of the code.

To facilitate City Council and public review of the Draft Light Rail Overlay, comment bubbles have been used throughout the draft code amendment package to describe the origin or rationale for specific draft sections and paragraphs. Attachment B also includes a Matrix of Land Use Code Provisions and their applicability to light rail using existing regulations versus the Draft Light Rail Overlay.

### Input Requested

In several sections of the Draft Light Rail Overlay (Attachment A), staff has indicated “Council Input Needed.” These areas identify where a procedural choice needs to be made, or where a conflict exists between currently applicable codes and the project as it is described in the MOU. Council input is needed to:

- Determine whether light rail permits should be required to be consolidated or merged
- Select an appropriate Conditional Use Permit process (Type I or Type III)
- Determine whether height limitations can be set now rather than waiting for a development agreement
- Determine whether the width of required landscaping is a good surrogate for minimum setbacks,

These areas of procedural choice or code conflict could be resolved through a development agreement between the City Council and Sound Transit. However, a development agreement is not anticipated until 2014. Resolution of these areas of uncertainty through the Light Rail Overlay presents an opportunity to increase predictability in the design development process that could equate to significant cost savings for the project. Staff has provided options to resolve the uncertainty for Council consideration, and would appreciate Council input during the study session or following the public hearing on October 22.

### **ALTERNATIVES**

1. Provide feedback on areas of the Draft Light Rail Overlay (Attachment A) where “Council Input Needed,” and direct staff to incorporate Council feedback in the draft code amendment package for consideration during the October 22 Public Hearing.
2. Direct staff to present the current draft code amendment package for consideration at the October 22 Public Hearing, and provide feedback following the hearing.

## **RECOMMENDATION**

Provide feedback on areas of the Draft Light Rail Overlay (Attachment A) where “Council Input Needed,” and direct staff to incorporate Council feedback in the draft code amendment package for consideration during the October 22 Public Hearing.

## **ATTACHMENT(S)**

Attachment A: Draft Light Rail Overlay

Attachment B: Matrix of Land Use Code Provisions Applicable to Light Rail

## **AVAILABLE IN COUNCIL OFFICE FOR REVIEW**

Code Amendment File No. 12-113861-AD

## New Part 20.25M – Light Rail Overlay District

### 20.25M.010 General

#### A. Applicability

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

#### B. Purpose

The purpose of this Part is to:

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

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

#### C. Who May Apply

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

**D. Applicable Land Use Code Provisions.**

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

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

**Comment [cvh2]:** Identifies the substantive provisions of the land use code that apply.

- a. Chapter 20.10 – Land Use Districts;
- b. Part 20.25A LUC – Downtown sections shall apply to any above-grade RLRT System or Facility as follows:
  - i. LUC 20.25A.020A.2 (dimensional standards for building height only, including applicable foot notes);
  - ii. LUC 20.25A.020.B.4 – Height exceptions;
  - iii. LUC 20.25A.040.C – Fences;
  - iv. LUC 20.25A.060 – Walkways and sidewalks;
  - v. LUC 20.25A.100.E.6 – Downtown Core Design District Guidelines – View Preservation Corridors;
  - vi. LUC 20.25A.110.A – Site Design Criteria;
  - vii. LUC 20.25A.110.B – Downtown Patterns and Context;
  - viii. LUC 20.25A.115.A – Design Guidelines – Building/Sidewalk Relationships – General;
- c. Part 20.25B LUC – Transition Area Design District sections as follows:
  - i. LUC 20.25B.040.C – Landscaping, Open Space and Buffers;
  - ii. LUC 20.25B.040.D – Site Design Standards;
  - iii. LUC 20.25B.040.E – Mechanical Equipment;
  - iv. LUC 20.25B.050.B – Design Guidelines;
- d. Part 20.25D LUC – Bel-Red LUC sections as follows:
  - i. LUC 20.25D.010.B – Land Use Districts;
  - ii. LUC 20.25D.070 – Land Use Charts ;
  - iii. LUC 20.25D.110.B, C, D, E, F – Various landscape standards;
  - iv. LUC 20.25D.110.H – Fences;
  - v. LUC 20.25D.120.D – Parking Structure Performance Standards
  - vi. LUC 20.25D.130 – Bel-Red Development Standards;
  - vii. LUC 20.25D.150 – Design Guidelines;
- e. Part 20.25E LUC – Shoreline Overlay District; and
- f. Part 20.25H – Critical Areas Overlay District.

**Comment [CoB3]:** These provisions would generally only apply to the Downtown Station if it moved out of the tunnel for cost savings reasons

**Comment [CoB4]:** These provisions would be used to review the East Main Station and the TPSS at Main and 112<sup>th</sup> Ave NE as applicable to the development proposal submitted by Sound Transit

**Comment [CoB5]:** These provisions would apply to the stations and facilities located in the Bel-Red Corridor

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

**Comment [cvh6]:** Identifies the procedural provisions of the code that apply.

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

**Comment [CoB7]:** Section 20.40.490 identifies when an assurance device is required, and has not been included in the Draft Light Rail Overlay. Under the terms of RCW 35.21.470, cities are prohibited from requiring agencies to post a bond or other security as a condition of permit issuance.

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

**Comment [cvh8]:** Applicable general development standards from Chapter 20.20 LUC for Light Rail uses are identified in the Overlay so the public, Sound Transit and City staff have a clear understanding of the code requirements that must be met as design progresses to construction level of detail.

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

**Comment [CoB9]:** Clarity Edit – to describe the relationship to existing EPF provisions. When there are specific regulations, the specific regulations apply. If there are no regulations specific to an EPF use, then the general provisions of LUC 20.20.350 apply. Since the RLRT Overlay will create specific regulations, this clarify edit specifies that the general EPF provisions are no longer applicable.

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

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

- A. “Regional Light Rail Transit Facility” is a type of Essential Public Facility, and means a structure, rail track, equipment, or other improvement of a Regional Light Rail Transit System, including but not limited to ventilation structures, traction power substations,

utilities serving the Regional Light Rail Transit System, Light Rail Transit stations and related passenger amenities, bus layover and inter-modal passenger transfer facilities, park and rides, storage track and support facilities, and transit station access facilities.

- B. “Design and Mitigation Permit” is the single, consolidated project permit issued by the City in response to an application to develop a RLRT Facility or portion thereof; provided, that a Design and Mitigation Permit does not include a shoreline substantial development permit, shoreline conditional use permit, or shoreline variance approval if required as provided by Part 20.25E, 20.30E, and 20.30H LUC.
- C. “Regional Light Rail Transit System” is a type of Essential Public Facility, and means a public rail transit line that operates at grade level or above or below grade level, and that provides high-capacity, regional transit service owned or operated by a regional transit authority authorized under Chapter 81.112 RCW. A Regional Light Rail Transit System may be designed to share a street right-of-way although it may also use a separate right-of-way.

#### 20.25M.030 Required Permits

##### A. Process Roadmap

###### 1. Use Approval – Two Process Options

- a. Use Permitted by Land Use Code. A Regional Light Rail Transit System and its Facilities are permitted uses in all land use districts, provided that the general location of the RLRT System has been approved by a Bellevue City Council-adopted resolution or ordinance, or by a development agreement authorized by Chapter 36.70B RCW and consistent with paragraph 20.30M.030.B.1 below. Refer to Chart 20.10.440 (Transportation and Utilities Uses in Land Use Districts), Chart 20.25D.070 (Transportation and Utilities Uses in Bel-Red Land Use Districts), and LUC 20.25H.055.B Note 12.
- b. Use Approval Permitted through Conditional Use. Where the City Council has not legislatively adopted a resolution, ordinance, or development agreement permitting the RLRT System and Facility use, Council Conditional Use Permit approval is required pursuant to the provisions of LUC 20.25M.030.B.2 below.

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

**Comment [CoB10]:** Council Sept 17 Direction to develop Two Process Path. Two types of Use approval available to the Council, subsequent Design and Mitigation review required.

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

**1. Development Agreement – RCW Legislative Process**

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

**Comment [CoB11]:** Development Agreement process set forth under the Local Project Review Act of state law.

**Comment [cvh12]:** Taken from Exhibit G of the MOU

**2. Conditional Use Permit**

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

**Comment [CoB13]:** Need to add modification/amendment provisions consistent with Council input regarding process (Type I or III). Refer to Applicable Process options in 20.25M.030.B.2.d below.

**Comment [CoB14]:** Council Input Needed on procedural consolidation/merger question

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

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

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

**Comment [cvh15]:** Decision criteria are taken from the Conditional Use Permit decision criteria contained in LUC 20.30B.140.

**Comment [CoB16]:** Council input needed on final decision maker. Refer to Applicable Process options in 20.25M.030.B.2.d below.

- i. The conditional use is consistent with the Comprehensive Plan; and
  - ii. The design is compatible with and responds to the existing or intended character, appearance, quality of development and physical characteristics of the subject property and immediate vicinity; and
  - iii. The conditional use will be served by adequate public facilities including streets, fire protection, and utilities; and
  - iv. The conditional use will not be materially detrimental to uses or property in the immediate vicinity of the subject property; and
  - v. The conditional use complies with the applicable requirements of the Land Use Code.
- d. Applicable Process. **Council Input Needed**

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

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

**C. Design and Mitigation Review – Decision of the Director**

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

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

**Comment [CoB17]:** Section needs to be made consistent with Council input received on procedural consolidation/merger question in LUC 20.25M.030.B.2.b above.

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

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

**Comment [CoB18]:** Need to add modification/ amendment provisions consistent with Council input regarding process (Type I or III). Refer to Applicable Process options in 20.25M.030.B.2.d above.

**Comment [cvh19]:** Based on the decision criteria required for Design Review approval (refer to LUC 20.30F.145).

**Comment [cvh20]:** Based on the Decision Criteria used for a Critical Areas Land Use Permit approval (refer to LUC 20.30P.140).

#### D. Shoreline Substantial Development Permit and Variance

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

#### 20.25M.040 RLRT System and Facilities Development Standards

##### A. Dimensional Requirements

###### 1. Height Limitations. Council Input Needed

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

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

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

**Comment [CoB21]:** Gap Fillers – includes issues not clearly addressed by the code

**Comment [cvh22]:** Applicable general development standards for Light Rail uses are identified in this section of the Overlay so the public, Sound Transit and City staff have a clear understanding of the code requirements that must be met as design progresses to construction level of detail.

2. Setbacks.      **Council Input Needed**

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

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

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

**B. Landscape Development**

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

**Comment [CoB23]:** Landscape screening requirements do not apply to linear track portions of Light Rail. The intent of this section is to treat linear portions like city streets, with specific frontage planting requirements contained in the Land Use Code and Transportation Design Manual

**C. Fencing**

Fencing shall be required to meet the applicable requirements of LUC 20.20.400 when Overlay standards and/or design guidelines have not been incorporated by reference in LUC 20.25M.010.D.

**Comment [CoB24]:** Based on LUC 20.20.400

**D. Light and Glare**

1. To protect adjoining uses and vehicular traffic in the right-of-way, the following provisions shall apply to the generation of light and glare from RLRT Facilities:

**Comment [CoB25]:** Based on LUC 20.20.522

- a. All exterior lighting fixtures in parking areas and driveways shall utilize cutoff shields or other appropriate measures to conceal the light source from adjoining uses and rights-of-way. Other lights shall be designed to avoid spillover glare beyond the site boundaries.
- b. Interior lighting in parking garages shall utilize appropriate shielding to prevent spillover upon adjacent uses and the right-of-way.

#### E. Mechanical Equipment

Mechanical equipment shall be required to meet the applicable requirements of LUC 20.20.525 when Overlay standards and/or design guidelines have not been incorporated by reference in LUC 20.25M.010.D.

**Comment [CoB26]:** Based on LUC 20.20.525

#### F. Parking and Circulation

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

**Comment [CoB27]:** Clarity Edit consistent with implementation of parking provisions contained in LUC 20.20.590 and applicable overlays.

#### G. Recycling and Solid Waste Collection

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

**Comment [CoB28]:** Based on LUC 20.20.725

**Comment [CoB29]:** Gap filler – issue not currently address by the code

#### H. Critical Areas

A regional transit authority is not required to demonstrate that no technically feasible alignment or location alternative with less impact exists for any RLRT Facility, provided that the location of the RLRT System and its Facilities has been generally approved by the Bellevue City Council pursuant to an adopted resolution or ordinance, or by a development agreement authorized by Chapter 36.70B RCW and consistent with LUC 20.30M.030.B.1

**Comment [CoB30]:** Operationalizes objective articulated in Exhibit G of the MOU

**20.25M.050 Design Guidelines**

1. **Additional Design Guidelines for Light Rail Stations.** In all land use districts, the following design guidelines shall apply to light rail stations:
  - a. The station should use context sensitive design to integrate the station into the community. This includes, but is not limited to the following:
    - i. The design should incorporate superior urban design, complementary materials, and public art;
    - ii. The design should provide substantial landscaping at stations, where appropriate, including retained significant trees and transplanted trees that are, at a minimum, saplings.
    - iii. Context sensitive design considerations shall include building materials and texture, building scale relative to nearby structures, and relationship to streets and adjacent uses.
  - b. The station design should provide, create, or promote:
    - i. Access and linkages to the surrounding community;
    - ii. Weather protection, including rain, wind, and sun protection, with overhead weather protection covering not less than 30% of the platform area;
    - iii. A place that works for both large and small numbers of people; and
    - iv. Design that encourages social interaction among people.
  - c. The station design should use available technology to deter crime. Examples include:
    - i. Visibility of station platform from adjacent streets and parking;
    - ii. Open and well-lighted pedestrian connections to parking and adjacent community;
    - iii. Video surveillance on station platforms and trains; and
    - iv. Establishing and enforcing a fare-paid zone for station platforms.
  - d. Station design should facilitate transfers between different modes of transportation with an emphasis on safety for people transferring between the station platform and the various modes. This should include, where appropriate, well-lighted and secure storage sufficient to accommodate a range of modes (e.g., bicycles and other small motorized and non-motorized vehicles).
2. **Additional Design Guidelines for Other RLRT Facilities.** In all land use districts, the following design guidelines shall apply to traction power substations, signal bungalows, ventilation structures, signs, retaining walls, and acoustical barriers.

**Comment [cvh31]:** Gap Fillers –includes issues not currently addressed by the code.

**Comment [mb32]:** Based on CP Policy TR-75.12

**Comment [mb33]:** Based on CP Policy TR-75.15

**Comment [mb34]:** Based on CP Policy TR-75.23

**Comment [mb35]:** Based on CP Policy TR-75.28

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

Comment [mb36]: Based on CP Policy TR-75.22

**20.25M.060. Administrative Modification Process**

Comment [CoB37]: Operationalizes objective articulated in Paragraph 6.1 of the MOU

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

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

**Conformance Amendments to Land Use Code needed outside the Overlay**

**Chart 20.10.440 Uses in land use districts**

**20.10.440 – Transportation and Utilities Use Chart**

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

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

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

**Chart 20.10.440**

**Uses in land use districts**

**Transportation and Utilities – Nonresidential Districts**

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

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

Essential Public Facility (20)	C	C	C	C	C	C	C	C	C	C	C
<a href="#">Regional Light Rail Transit Systems and Facilities (25)</a>	<a href="#">C/P</a>										
Wireless Communication Facility (WCF): (without WCF Support Structures)	14, 16, 21	14, 16, 21	14, 16, 21	14, 16, 21	14, 16, 21	14, 16, 21	14, 16, 21	14, 16, 21	14, 16, 21	14, 16, 21	14, 16, 21
Communication, Broadcast and Relay Towers Including WCF Support Structures (Freestanding)	14, 16	14, 16	14, 16	14, 16	14, 16	14, 16	14, 16	14, 16	14, 16	14, 16	14, 16

**Transportation and Utilities – Nonresidential Districts**

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

**Chart 20.10.440**

**Uses in land use districts**

**Transportation and Utilities – Downtown Districts**

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

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

**Transportation and Utilities – Downtown Districts**

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

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

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

[approved a Regional Light Rail Transit Facility or Regional Light Rail Transit System by resolution or ordinance, or by a development agreement authorized by Chapter 36.70B RCW and consistent with LUC 20.30M.030.B.1.](#)

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

Note 17 [Placeholder – Code Language To Be Drafted]

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

**Part 20.25A Downtown**

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

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

**Part 20.25D – Bel-Red**

Chart 20.25D.070

**Transportation and Utilities Uses in Bel-Red Land Use Districts.<sup>1</sup>**

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

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

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

....

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

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

**Part 20.25D – Bel-Red**

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

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

**Part 20.25H – Critical Areas Overlay District**

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

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

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

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

CAP TWP – Discretionary Code Subgroup | 25  
**DRAFT LIGHT RAIL OVERLAY – OCTOBER 4, 2012**

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

CAP TWP – Discretionary Code Subgroup | 26  
**DRAFT LIGHT RAIL OVERLAY – OCTOBER 4, 2012**

Existing landscape maintenance <sup>2</sup>	20.25H.055.C.3.h	20.25H.055.C.3.h	20.25H.055.C.3.h	20.25H.055.C.3.h	20.25H.055.C.3.h
	20.25H.080.A	20.25H.100	20.25E.080.B	20.25H.125	20.25H.180.C
			20.25E.080.G		
	20.25H.055.C.3.i	20.25H.055.C.3.i	20.25H.055.C.3.i	20.25H.055.C.3.i	20.25H.055.C.3.i
	20.25H.080.A	20.25H.100	20.25E.080.B	20.25H.125	20.25H.180.C
			20.25E.080.G		
	20.25H.055.C.3.j	20.25H.055.C.3.j	20.25H.055.C.3.j	20.25H.055.C.3.j	20.25H.055.C.3.j
	20.25H.080.A	20.25H.100	20.25E.080.B	20.25H.125	20.25H.180.C
			20.25E.080.G		
	20.25H.055.C.3.k	20.25H.055.C.3.k	20.25H.055.C.3.k	20.25H.055.C.3.k	20.25H.055.C.3.k
20.25H.080.A	20.25H.100	20.25E.080.B	20.25H.125	20.25H.180.C	
20.25H.055.C.3.l	20.25H.055.C.3.l	20.25H.055.C.3.l	20.25H.055.C.3.l	20.25H.055.C.3.l	
20.25H.080.A	20.25H.100	20.25E.080.B		20.25H.180.C	
		20.25E.080.D			
20.25H.055.C.3.m	20.25H.055.C.3.m	20.25E.080.B	20.25H.055.C.3.m	20.25H.055.C.3.m	
20.25H.080.A	20.25H.100	20.25E.080.E	20.25H.125	20.25H.180.C	
20.25H.055.C.3.n	20.25H.055.C.3.n	20.25H.055.C.3.n	20.25H.055.C.3.n	20.25H.055.C.3.n	
20.25H.080.A	20.25H.100	20.25E.080.B	20.25H.125	20.25H.180.C <sup>9</sup>	
		20.25E.080.Q		20.25H.180.D.1	
				20.25H.180.D.7	
20.25H.080.A	20.25H.100	20.25E.080.B	20.25H.125	20.25H.180.C	
				20.25H.180.D.7	
				20.25H.180.C	
				20.25H.180.D.6	
Additional shoreline-specific uses or development					

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

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

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#### Chapter 20.35 – Review and Appeal Procedures

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

Amend to add Design and Mitigation Permit under Process II.

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

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

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

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

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#### Chapter 20.40 – Administration and Enforcement

##### 20.40.500 Vesting [Placeholder – Code Language To Be Drafted]

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

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#### 20.50 - Definitions

##### 20.50.036

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

**Nonconforming Site.** A lot which does not conform to site development regulations, including but not limited to, the landscaping, parking, fence, driveway, street opening, pedestrian amenity, screening, and curb cut regulations of the district in which it is located due to changes

in Code requirements, condemnation, ~~or~~ annexation, or property acquisition for public rights-of-way or a Regional Light Rail Transit Facility or Regional Light Rail Transit System as defined in LUC 20.25M.020.

**Nonconforming Structure.** A structure which does not conform to the dimensional regulations, including but not limited to, setback, height, lot coverage, density, and building configuration regulations of the district in which it is located due to changes in Code requirements, ~~or~~ annexation, or property acquisition for public rights-of-way or a Regional Light Rail Transit Facility or Regional Light Rail Transit System as defined in LUC 20.25M.020. For structures not conforming to Building Code requirements, see ~~UBC Section 104~~ BCC 23.05.080 (Duties and Powers of the Building Official).

**Comment [cvh38]:** Cross reference update not specifically related to Light Rail.

# ATTACHMENT B

Matrix of Land Use Code (LUC) Provisions Applicable to Light Rail

Applicable LUC Provisions	Summary of Current Applicability to Light Rail	Incorporation into Overlay	Comments
<p><b>Land Use District Descriptions</b> <b>Ch. 20.10</b></p>	<ul style="list-style-type: none"> <li>• Describes districts light rail passes through</li> <li>• Sets context for determining consistency with decision criteria and design guidelines</li> <li>• Consistent with state law, Light Rail is an Essential Public Facility (EPF) and the Land Use Code allows EPF through CUP process in all land use districts</li> </ul>	<p>Yes – Land Use District Descriptions incorporated by reference. See Draft Overlay section:</p> <ul style="list-style-type: none"> <li>• 20.25M.010.D.1.a</li> </ul>	
<p><b>General Development Requirements</b> <b>Ch. 20.20</b></p>			
<p><b>Dimensional Requirements</b> <b>20.20.010</b></p>	<ul style="list-style-type: none"> <li>• Dimensional chart sets forth requirements for each LU district (except Downtown and Bel-Red)</li> <li>• Height limits apply to Light Rail, but could be modified through EPF approval process</li> <li>• Setbacks would apply to certain Light Rail components located outside of the right of way</li> <li>• Dimensional requirements for minimum lot area, dwellings units per acre, lot dimensions, lot coverage by structures, maximum</li> </ul>	<p>Yes - Applicable dimensional requirements included and/or tailored to light rail. See Draft Overlay sections regarding:</p> <p><u>Height Limits</u></p> <ul style="list-style-type: none"> <li>• 20.25M.040.A.1</li> <li>• 20.25M.010.D.1.b.i</li> </ul> <p><u>Setbacks</u></p> <ul style="list-style-type: none"> <li>• 20.25M.040.A.2</li> </ul>	<ul style="list-style-type: none"> <li>• Applicable dimensional requirements identified with specificity to provide certainty and predictability in LUC requirements (MOU Paragraph 6.1)</li> </ul> <p><b>Council Direction Needed on Height Limits and Setbacks – refer to Draft Overlay for options at 20.25M.040.A.1 and A.2.</b></p> <ul style="list-style-type: none"> <li>• Code conflict with height limit identified for South Bellevue Park and Ride and Hospital Station</li> </ul>

Applicable LUC Provisions	Summary of Current Applicability to Light Rail	Incorporation into Overlay	Comments
	<p>impervious surface and greenscape are inapplicable to linear infrastructure and development located in City right of way</p>		<ul style="list-style-type: none"> <li>• Early code conflict resolution would result in predictability and cost savings during design development</li> </ul>
<p><b>Essential Public Facilities (EPF) 20.20.350</b></p>	<ul style="list-style-type: none"> <li>• EPF general provisions would apply to Light Rail if the Land Use Code were not specifically amended to “identify and regulate” the use</li> </ul>	<p>No – Overlay would supplant general EPF provisions with more specific controls. See Draft Overlay section:</p> <ul style="list-style-type: none"> <li>• 20.25M.010.D.4</li> </ul>	<ul style="list-style-type: none"> <li>• The terms of LUC 20.20.350.A provide that EPF specifically identified and regulated in the use charts are not subject to the general EPF provisions of this section</li> </ul>
<p><b>Fences 20.20.400</b></p>	<ul style="list-style-type: none"> <li>• General fence provisions apply outside of Overlay Districts such as Downtown or Bel-Red</li> <li>• Applicable provisions would prohibit any fences from creating sight obstruction</li> <li>• Building permits would be required for fences over 8 feet</li> <li>• Limitations on barbed wire and electric fences would apply</li> </ul>	<p>Yes – General fence provisions incorporated by reference. See Draft Overlay section:</p> <ul style="list-style-type: none"> <li>• 20.25M.040.C</li> </ul>	<ul style="list-style-type: none"> <li>• Overlay fills existing gap by applying fence standards throughout the Light Rail Overlay</li> <li>• Fencing would not be permitted in front of required landscaping</li> </ul>
<p><b>Landscape Development 20.20.520</b></p>	<ul style="list-style-type: none"> <li>• General landscape development provisions apply outside of Overlay Districts such as Downtown and Bel-Red and outside of the right of way</li> <li>• Screening would apply to non-linear Light Rail facilities (such as traction power substations)</li> <li>• Parking lot landscaping would apply to park and ride lots</li> </ul>	<p>Yes – Applicable landscape development provisions incorporated by reference. See Draft Overlay sections:</p> <ul style="list-style-type: none"> <li>• 20.25M.040.B</li> </ul>	<ul style="list-style-type: none"> <li>• Applicable landscape development provisions identified with specificity to provide certainty and predictability in LUC requirements (MOU Paragraph 6.1)</li> <li>• Landscape screening requirements do not apply to linear track portions of Light Rail. Those portions are treated like city streets, with specific frontage</li> </ul>

Applicable LUC Provisions	Summary of Current Applicability to Light Rail	Incorporation into Overlay	Comments
<b>Light and Glare</b> <b>20.20.522</b>	<ul style="list-style-type: none"> <li>Landscaping maintenance obligations would apply</li> <li>Light and glare provisions protect adjoining uses and vehicular traffic in the right of way</li> <li>Limitations on generation of light and glare would apply to Light Rail facilities located in multifamily and commercial land use districts</li> </ul>	<p>Yes – Light and glare limitations included. See Draft Overlay section:</p> <ul style="list-style-type: none"> <li>20.25M.040.D</li> </ul>	<p>planting requirements contained in the Transportation Design Manual</p> <ul style="list-style-type: none"> <li>Overlay fills an existing gap by extending light and glare limitations to Light Rail facilities in every land use district</li> </ul>
<b>Mechanical Equipment</b> <b>20.20.525</b>	<ul style="list-style-type: none"> <li>Mechanical equipment provisions ensure that installations do not detract from the appearance of a building</li> <li>Mechanical equipment provisions would require appropriate integration and screening of equipment associated with light rail facilities</li> <li>Applies to mechanical equipment located only outside the right of way</li> </ul>	<p>Yes – Mechanical equipment provisions incorporated by reference. See Draft Overlay section:</p> <ul style="list-style-type: none"> <li>20.25M.040.E</li> </ul>	<ul style="list-style-type: none"> <li>Overlay fills an existing gap by extending mechanical equipment screening requirements to Light Rail facilities in every land use district and to any equipment located in the right of way</li> </ul>
<b>Parking and Circulation</b> <b>20.20.590</b>	<ul style="list-style-type: none"> <li>These provisions contain applicable standards and design requirements for parking that is accessory to a principle use</li> <li>Commuter support facilities do not create demand for accessory</li> </ul>	<p>Yes – Applicable parking and internal circulation and design provisions are included or incorporated by reference. See Draft Overlay section:</p>	<ul style="list-style-type: none"> <li>Applicable parking and circulation requirements identified with specificity to provide certainty and predictability in LUC requirements (MOU Paragraph 6.1)</li> <li>Overlay provisions clarify that</li> </ul>

Applicable LUC Provisions	Summary of Current Applicability to Light Rail	Incorporation into Overlay	Comments
	<p>parking, and minimum/maximum parking requirements would not apply</p> <ul style="list-style-type: none"> <li>• Park and ride facilities would be required to meet internal circulation and design standards</li> </ul>	<ul style="list-style-type: none"> <li>• 20.25M.040.F</li> </ul>	<p>minimum/maximum parking requirements for accessory parking to a principle use do not apply to Light Rail facilities.</p> <ul style="list-style-type: none"> <li>• Overlay fills gap by requiring employee vehicle parking for maintenance and operation of Light Rail facilities</li> </ul>
<p><b>Recycling and Solid Waste Collection Areas</b> 20.20.725</p>	<ul style="list-style-type: none"> <li>• The recycling and solid waste provisions require collections areas for workers</li> <li>• No other requirement to provide garbage receptacles at station and park and ride locations</li> </ul>	<p>Yes – recycling and solid waste collection provisions incorporated by reference. See Draft Overlay section:</p> <ul style="list-style-type: none"> <li>• 20.25M.040.G</li> </ul>	<ul style="list-style-type: none"> <li>• Overlay fills gap by extending garbage and recycling receptacle requirement to stations and park and rides</li> </ul>
<p><b>Special and Overlay Districts – Light Rail system is proposed to pass through all Overlay Districts identified in this matrix</b></p>			
<p><b>Ch. 20.25</b> <b>Downtown</b> <b>Part 20.25A</b></p>	<ul style="list-style-type: none"> <li>• This Overlay contains procedural and substantive provisions governing development and activity in Downtown</li> <li>• Height limits apply to Light Rail, but could be modified through EPF approval process</li> </ul>	<p>Partially – Procedural provisions are supplanted with more specific Light Rail Overlay use and design and mitigation permit procedures that would apply to the entire Light Rail</p>	<ul style="list-style-type: none"> <li>• Design review is required for virtually all development in the Downtown Overlay</li> <li>• Under the draft Overlay, the permit requirements would be expanded for Light Rail projects located in the Downtown to require use and</li> </ul>

Applicable LUC Provisions	Summary of Current Applicability to Light Rail	Incorporation into Overlay	Comments
	<ul style="list-style-type: none"> <li>Setbacks would apply to Light Rail</li> <li>Dimensional requirements for building type and floor plates, maximum lot coverage and floor area ratio are inapplicable to linear infrastructure and development in the right of way</li> <li>Applicable standards and guidelines would apply</li> </ul>	<ul style="list-style-type: none"> <li>20.25M.030</li> <li>Applicable standards and design guidelines are incorporated by reference. See Draft Overlay section: 20.25M.010.D.1.b</li> </ul>	<ul style="list-style-type: none"> <li>Mitigation review in addition to the more traditional review of design features</li> <li>Light Rail use and Design and Mitigation review will be consistent across the entire system rather than being determined according to the underlying land use district procedural provisions</li> </ul>
<b>Transition Area Design District (TADD) Part 20.25B</b>	<ul style="list-style-type: none"> <li>This Overlay is intended to provide a buffer between single family land use districts and land use districts which permit development of a higher intensity</li> <li>This Overlay contains procedural and substantive provisions governing development and activity in the Transition Areas</li> <li>Very limited areas of transition exist on the Light Rail alignment, so standards and design guidelines would apply in only limited circumstances (East Main Station)</li> </ul>	<ul style="list-style-type: none"> <li>Partially – Procedural provisions are supplanted with more specific Light Rail Overlay use and design and mitigation permit procedures that would apply to the entire Light Rail system. See Draft Overlay section: 20.25M.030</li> <li>Applicable standards and design guidelines are incorporated by reference. See Draft Overlay section: 20.25M.010.D.1.c</li> </ul>	<ul style="list-style-type: none"> <li>Design review is required for development in the TADD</li> <li>Under the draft Overlay, the permit requirements would be expanded for Light Rail projects located in the TADD to require use and mitigation review in addition to the more traditional review of design</li> <li>Light Rail use and Design and Mitigation review will be consistent across the entire system rather than being determined according to the underlying land use district procedural provisions</li> </ul>
<b>Bel-Red Part 20.25D</b>	<ul style="list-style-type: none"> <li>This Overlay contains procedural and substantive provisions governing development and activity in Bel-Red</li> <li>Height limits apply to Light Rail, but could be modified through EPF</li> </ul>	<ul style="list-style-type: none"> <li>Partially - Procedural provisions are supplanted with more specific Light Rail Overlay use and design and mitigation permit procedures that would</li> </ul>	<ul style="list-style-type: none"> <li>Design review is required for virtually all development in Bel-Red</li> <li>Under the draft Overlay, the permit requirements would be expanded for Light Rail projects located in Bel-Red to require use and</li> </ul>

Applicable LUC Provisions	Summary of Current Applicability to Light Rail	Incorporation into Overlay	Comments
	<p>approval process</p> <ul style="list-style-type: none"> <li>• Setbacks would apply to Light Rail</li> <li>• Dimensional requirements for tower type, building floor plates, maximum lot coverage and floor area ratio are inapplicable to linear infrastructure and development in the right of way</li> <li>• Applicable standards and guidelines would apply</li> </ul>	<p>apply to the entire Light Rail system. See Draft Overlay section:</p> <ul style="list-style-type: none"> <li>• 20.25M.030</li> </ul> <p>Applicable standards and design guidelines are incorporated by reference. See Draft Overlay section:</p> <ul style="list-style-type: none"> <li>• 20.25M.010.D.1.d</li> </ul>	<p>mitigation review in addition to the more traditional review of design</p> <ul style="list-style-type: none"> <li>• Light Rail use and Design and Mitigation review will be consistent across the entire system rather than being determined according to the underlying land use district procedural provisions</li> </ul>
<p><b>Shoreline Overlay</b> <b>Part 20.25E</b></p>	<ul style="list-style-type: none"> <li>• This Overlay provides procedural and substantive provisions for mitigation for impacts associated with use and development within the Shoreline jurisdiction as it is defined in state law</li> <li>• Height limits apply to Light Rail, but could be modified through Shoreline Variance Process</li> <li>• Setbacks would apply to Light Rail</li> <li>• Showing of “no technically feasible alternative is required for EPF” currently implemented through Critical Areas Overlay</li> <li>• Applicable standards and guidelines would apply</li> </ul>	<p>Partially – amendments are recommended now to Shoreline provisions currently administered through the Critical Areas Code (see summary of Currently Applicable Provisions below). Applicable provisions are incorporated by reference. See Draft Overlay sections:</p> <ul style="list-style-type: none"> <li>• 20.25M.010.D.1.e</li> <li>• 20.25M.010.D.2.a and b</li> <li>• Conformance Amendments to 20.25H.055.B</li> </ul>	<ul style="list-style-type: none"> <li>• Amendments to the shoreline critical area provisions contained in the Light Rail Overlay will be undertaken as part of the Light Rail Overlay amendment (Phase I amendment applicable to shoreline critical areas)</li> <li>• Amendments to the Shoreline Overlay provisions currently before the Planning Commission will be undertaken as Phase 2 amendments</li> </ul>
<p><b>Critical Areas</b> <b>Part 20.25H</b></p>	<ul style="list-style-type: none"> <li>• This Overlay provides procedural and substantive provisions for mitigation of impacts to critical area function and values created</li> </ul>	<p>Yes – amendments are required now to Shoreline Provisions currently administered through the</p>	<ul style="list-style-type: none"> <li>• Amendments to the shoreline critical area provisions contained in the Critical Areas Overlay will be undertaken as part of the Light</li> </ul>

Applicable LUC Provisions	Summary of Current Applicability to Light Rail	Incorporation into Overlay	Comments
	<p>by use and development in areas delineated as streams, wetlands, shorelines, geologic hazards (landslide areas and steep slopes), habitat associated with species of local importance and areas of special flood hazard</p> <ul style="list-style-type: none"> <li>• Setbacks would apply to Light Rail</li> <li>• Showing of “no technically feasible alignment or location alternative with less impact” is required for EPF</li> <li>• Applicable standards would apply</li> </ul>	<p>Critical Areas Code. Applicable provisions are incorporated by reference. See Draft Overlay sections:</p> <ul style="list-style-type: none"> <li>• 20.25M.010.D.1.f</li> <li>• 20.25M.040.H</li> <li>• Conformance Amendments to 20.25H.055.B</li> </ul>	<p>Rail Overlay amendment (Phase I amendment applicable to shoreline critical areas)</p> <ul style="list-style-type: none"> <li>• Removal of the requirement to demonstrate “no technically feasible alternative” is allowed by draft Light Rail Overlay provisions when the Council has adopted an ordinance, resolution or Development Agreement that identifies the Light Rail facility use location.</li> <li>• Removal of “no technically feasible alternative” requirement creates process predictability that removes risk and reduces cost</li> </ul>
<p><b>Permits and Decisions</b> <b>Ch. 20.30</b></p>	<ul style="list-style-type: none"> <li>• This chapter establishes the permits and criteria that are used by decision makers to review applications for use and development activity permits</li> <li>• Necessary permits for light rail would include: <ul style="list-style-type: none"> <li>○ Conditional Use Permit for EPF (Part 20.30B LUC)</li> <li>○ Shoreline Conditional Use Permit for EPF (Part 20.30C LUC)</li> <li>○ Design review in the Downtown, Transition Areas, OLB, and Bel-Red (Part 20.30F LUC)</li> </ul> </li> </ul>	<p>No – new permits and criteria are included in the Draft Light Rail overlay to:</p> <ul style="list-style-type: none"> <li>• Identify the Light Rail use alignment and facility locations through Council action</li> <li>• Review project design for compatibility with underlying LU district</li> <li>• Mitigate for project related impacts that are addressed by the Land Use Code (i.e., light and glare, critical areas, shorelines)</li> </ul>	<ul style="list-style-type: none"> <li>• Draft Light Rail Overlay section 20.25M.030 operationalizes terms of MOU Paragraph 6.1 by: <ul style="list-style-type: none"> <li>○ Allowing for certainty and predictability in land use code requirements and processes</li> <li>○ Allowing for Council adoption of a Development Agreement</li> <li>○ Accommodating Light Rail use through a consolidated permitting process</li> <li>○ Allowing for extended vesting</li> </ul> </li> </ul>

Applicable LUC Provisions	Summary of Current Applicability to Light Rail	Incorporation into Overlay	Comments
	<ul style="list-style-type: none"> <li>○ Variance to the Shoreline Master Program (Part 20.30H LUC)</li> <li>○ Critical Areas Land Use Permit (Part 20.30P LUC)</li> <li>○ Shoreline Substantial Development Permit (Part 20.30R)</li> </ul>	<ul style="list-style-type: none"> <li>● Provide for a “certainty and predictability in the processing and permitting</li> <li>● Allow for Council to enter into Development Agreement including extended vesting</li> </ul> <p>See Draft Overlay section:</p> <ul style="list-style-type: none"> <li>● 20.25M.030</li> <li>● 20.25M.010.D.2.a and b</li> </ul>	
<p><b>Review and Appeal Procedures</b></p> <p><b>Ch. 20.35</b></p>	<ul style="list-style-type: none"> <li>● This chapter establishes the standards procedures that are used for decision-making on a permit application.</li> <li>● Procedures used for above-reference permits necessary for light rail would include: <ul style="list-style-type: none"> <li>○ Process I Hearing Examiner Quasi-Judicial decision required for EPF Conditional Use and Shoreline Conditional Use Permit (LUC 20.35.100 - .150)</li> <li>○ Process II Administrative Decision for Design Review in applicable Overlay Districts, Variance to Shoreline Master Program, Critical Areas Land Use Permit, and Shoreline Substantial Development</li> </ul> </li> </ul>	<p>Yes – Review and Appeal Procedures are incorporated by reference, but the Draft Light Rail Overlay reduces the number of permits (see Permits and Decisions section above) and fills gaps in process application by applying consolidated permit requirements.</p> <p>See Draft Overlay section:</p> <ul style="list-style-type: none"> <li>● 20.25M.010.D.2.c</li> </ul>	<ul style="list-style-type: none"> <li>● Draft Light Rail Overlay section 20.25M.030 fills procedural gaps by applying consolidated permit requirements to entire Light Rail overlay irrespective of whether the underlying Land Use District requires use, design, or mitigation review.</li> <li>● Draft Light Rail Overlay section 20.25M.010 operationalizes terms of MOU Paragraph 6.1 by: <ul style="list-style-type: none"> <li>○ Allowing for certainty and predictability in land use code processes</li> <li>○ Accommodating Light Rail use through a consolidated permitting process</li> </ul> </li> <li>● Responds to Council direction from September 17 to provide a two process path in the Light Rail</li> </ul>

Applicable LUC Provisions	Summary of Current Applicability to Light Rail Permit	Incorporation into Overlay	Comments
<p><b>Administration and Enforcement</b> <b>Ch. 20.40</b></p>	<p>Permit</p> <ul style="list-style-type: none"> <li>This chapter sets forth the provisions for interpretation, general administration and enforcement of the Land Use Code</li> <li>Administration and enforcement provisions would apply with the exception of the section regarding assurance devices.</li> <li>Vesting could not be extended to 15 years as contemplated in MOU</li> </ul>	<p>Yes – Applicable administration and enforcement provisions are incorporated by reference. See Draft Overlay section:</p> <ul style="list-style-type: none"> <li>20.25M.010.D.2.d</li> <li>Conformance amendment recommended to extend vesting through Development Agreement</li> </ul>	<p>Overlay for identification of the use location</p> <ul style="list-style-type: none"> <li>RCW 35.21.470 prohibits cities from requiring state agencies or local governments to provide bond or other security as a condition for issuance of permit</li> <li>Draft Light Rail Overlay section 20.25M.030 operationalizes terms of MOU Paragraph 6.1 by: <ul style="list-style-type: none"> <li>Allowing for certainty and predictability in land use code requirements and processes</li> <li>Allowing for extended vesting through a Development Agreement</li> </ul> </li> </ul>
<p><b>Definitions</b> <b>Ch. 20.50</b></p>	<p>This chapter provides definitions for terminology that has a specific meaning within the context of the Land Use Code</p> <ul style="list-style-type: none"> <li>The definitions chapter would apply to a Light Rail application</li> </ul>	<p>Yes – Definitions incorporated by reference. See Draft Overlay sections:</p> <ul style="list-style-type: none"> <li>20.25M.010.D.2.e</li> <li>20.25M.010.D.3</li> </ul>	