CITY OF BELLEVUE CITY COUNCIL

Summary Minutes of Study Session

December 3, 2012 6:00 p.m. Council Conference Room Bellevue, Washington

<u>PRESENT</u>: Mayor Lee, Deputy Mayor Robertson and Councilmembers Balducci, Chelminiak, Davidson, Stokes, and Wallace

- ABSENT: None.
- 1. <u>Executive Session</u>

The meeting was called to order at 6:11 p.m., with Mayor Lee presiding. There was no Executive Session.

- 2. <u>Study Session</u>
 - (a) Continued Discussion regarding Provisions Contained in the Draft Light Rail Overlay governing the East Link Project
- → Deputy Mayor Robertson moved to add Agenda Item 2(b), Regional Issues, for discussion if time permits. Councilmember Wallace seconded the motion.
- \rightarrow The motion carried by a vote of 6-0.¹

City Manager Steve Sarkozy noted ongoing discussions regarding the Overlay Land Use Code Amendment (LUCA) related to the East Link light rail project. The memorandum of understanding (MOU) with Sound Transit indicates that the two agencies will work toward an agreement on Code provisions to guide the implementation of light rail. Mr. Sarkozy said tonight's presentation would focus on the linear alignment sections south of Downtown and the Traction Power Substations (TPSS).

Councilmember Davidson indicated that he had some general comments and questions as a follow up to the November 13 Council discussion. He recalled that he had raised the question of how the optional DNS process is applied to the Light Rail Overlay Code Amendment process. He had questioned who made the Determination of Non-Significance, the basis of the determination for the East Link project, and whether the City has any authority over the

¹ Councilmember Balducci joined the meeting immediately following the vote.

determination. He observed that the Overlay LUCA changes how to look at shorelines and critical areas regulations. Dr. Davidson requested clarification on staff's previous written response. He questioned the difference between whether the Overlay LUCA is adopted by ordinance, resolution, or a development agreement.

Mike Brennan, Development Services Department (DSD) Director, said that Carol Helland drafted that response. He said that Ms. Helland, the City's environmental coordinator, is charged with making SEPA determinations and this is reflected in the City Code.

Dr. Davidson asked whether the City Council has any influence over the DNS decision. Ms. Helland explained that the determination of significance or non-significance is listed in the City Code as an administrative decision. It is a Process II decision by the City's environmental coordinator, and the decision may be appealed to the City's Hearing Examiner and to Court.

Ms. Helland clarified the timing of the DNS, noting that the City provides an optional comment period at the beginning of the process. The Determination has not yet been issued, but will be issued after the City understands the full scope of the application. That will happen after the Council amends the Code through the Overlay LUCA.

Responding to Councilmember Davidson, Ms. Helland confirmed that an exemption to the Critical Areas Ordinance could be achieved by ordinance, resolution, or a development agreement. Ms. Helland further confirmed that Sound Transit would not be required to identify an equally satisfying environmental solution. The rationale is that a large number of technically feasible alternatives have been fully examined within the scope of the environmental impact statement (EIS). To the extent that the Sound Transit Board and the City Council can decide on an alignment, staff's concern was that if it got to the point in which staff was reviewing a proposal, it would be inappropriate for staff to second guess, based on technical feasibility issues, the work of the legislative body (i.e., City Council). Once an EIS is completed, the legislative body makes a policy decision, and it would be awkward for staff to second guess that choice.

Dr. Davidson questioned the implications of shoreline and critical areas regulations for the South Bellevue Park and Ride expanded garage. Ms. Helland said the parking garage is not located within the shoreline jurisdiction. However, there is a small detention vault that will be disturbed slightly. She said staff will thoroughly discuss these issues at the next meeting.

Continuing, Dr. Davidson asked how the City anticipates handling the operations and maintenance facility proposed by Sound Transit, which will also serve as a bus parking/storage facility. Ms. Helland said the Code will address it as an essential public facility. Ms. Helland said staff anticipates specific direction and design guidance from the Council in the future regarding the facility and the overall Bel-Red area.

Mr. Brennan proceeded with the presentation on the light rail alignment south of the Downtown and the Traction Power Substations (TPSS) adjacent to the alignment, with a focus on design and

mitigation topics. Four substations along the alignment house electrical equipment to provide additional power.

Mr. Brennan reviewed the overall process. The current task is developing the appropriate Land Use Code provisions, which will be followed by alignment approval in 2013-2014, design and mitigation approval in 2013-2014, and technical review in 2014.

Mr. Brennan described the tools to be used to evaluate the proposed Land Use Code Overlay provisions for design and mitigation of the alignment. These include visualizations of the alignment sections south of Downtown in the form of cross-sections at the Winters House, the 112th Avenue SE trench, and the Main Street Station. Illustrations of the substations and landscaping as well as aerial photographs will also help to provide context.

Council discussions of the Land Use Code Amendment Overlay are scheduled for December 10 and for all January Study Sessions. Topics for December 10 are the South Bellevue Park and Ride and the elevated alignment in South Bellevue. January design and mitigation topics are concrete and masonry structures (e.g., tunnel portal and noise walls), other alignment elements (e.g., fences, lights, signals, vents), stations and station design process, Bel-Red issues (including the operations and maintenance base), and the overall permitting process.

Councilmember Davidson noted previous references to a robust public process. He observed that the public meetings held by Sound Transit typically offer opportunities for casual conversation. However, Dr. Davidson suggested that there should be public hearings to take formal comment.

Mr. Brennan said the ongoing public process will be discussed further with the Council to determine the appropriate activities.

Responding to Councilmember Chelminiak, Mr. Brennan said adoption of the Land Use Code Overlay is anticipated in late January or early February. Mr. Chelminiak noted that there is a great deal of public interest in this project. Mr. Brennan said there is some language in the Land Use Code addressing aspects of the light rail project. However, it is up to the Council about how much they want to tailor the Code.

Mayor Lee observed that staff has responded to the Council's wishes regarding the need for more time to review this topic.

Councilmember Stokes said he would like to go on the record stating that he supports the proposed timeline. He encourages moving as expeditiously as possible to adopt the Land Use Code Overlay in February.

Deputy Mayor Robertson wants to ensure the Code accurately reflects Council direction and that there is sufficient opportunity for public involvement and reaction to the proposed Overlay. She wants to build guidelines and mitigation requirements relating to the operations and maintenance facility into the Code. This should include landscaping, screening, and buffering the facility in relation to other uses.

Continuing, Mr. Brennan said staff is seeking Council input and feedback on: 1) alignment softening and transitions for the segment south of Downtown (adjacent to private property and to the City right-of-way), and 2) setbacks and landscaping for the traction power substations. Staff would also like feedback on whether the illustrations and visualizations to be presented tonight are adequate for the Council in making its decisions.

Deputy City Attorney Kate Berens explained that the work on the Land Use Code Overlay involves a process component and substantive requirements/guidelines. Staff's development of the proposed Overlay began with a review of current Comprehensive Plan policies and Best Management Practices to create a context-sensitive design.

Ms. Berens noted that all of this information, including the full Light Rail Best Practices Report, is available online.

Ms. Berens explained that the concept of context-sensitive design seeks a balance between the project needs and other desirable outcomes for the community, including environmental sustainability, community character, and the creation of vital public places. She highlighted the proposed Overlay standards and guidelines related to the traction power substations.

Councilmember Wallace asked staff to show slides of the substations for viewers to see what is being discussed. Ms. Berens showed examples of both screened and unscreened substations.

Responding to Mr. Wallace, Ms. Berens said that more information can be provided on the noise and other impacts of the substations. Mr. Wallace questioned the basis for the 10 foot width requirement for Type III landscaping. Ms. Berens said staff looked at existing base requirements for typical applications (including but not limited to electrical substations, equipment and vehicle storage yards, parking lots, churches, residential and commercial land uses) as well as specific features along the alignment.

Councilmember Wallace observed that the context for each TPSS varies widely. Ms. Berens said that more details will be provided over the coming weeks. She noted that transition area requirements are more strict adjacent to residential zones. In all cases, staff starts with what the Code already states and goes from there. She said that existing Code language takes context into consideration.

Mr. Wallace said he would like the lessons and experiences of Seattle's system to be brought to the Council's attention by staff as well.

Deputy Mayor Robertson expressed concern that the Overlay allows the Director of Planning and Community Development to reduce or eliminate screening. She questioned when this could be applied. Ms. Helland said the language will be revised to clarify that issue.

Councilmember Stokes said there are electrical substations in the community and these could be looked at for comparison purposes with regard to the traction power substations. Mr. Stokes said it would be helpful to see how the substations have been accommodated and screened in Seattle.

Responding to Dr. Davidson, Mr. Brennan said his understanding is that the traction power substations are used primarily in conjunction with elevation changes in the rail line. Dr. Davidson said he would be interested in seeing whether the substations are used with a deep bored tunnel alignment.

Councilmember Chelminiak said he would like to see TPSS examples from outside of this region. He noted there are height requirements on cell tower equipment. He questioned whether there is a way to place the substations partially below grade. However, he said it will be helpful to have a better understanding of the substations before recommending mitigation.

Councilmember Wallace questioned whether Sound Transit will be required to go through another EIS process for adding project elements such as the operations and maintenance facility. Ms. Helland said not necessarily. She said any project is reviewed first with regard to existing regulations before making a determination about whether there will be a significant adverse environmental impact. A Determination of Non-Significance (DNS) does not mean there are no impacts, but it means that the Code addresses the impacts and their mitigation.

Councilmember Wallace said there are discussions about Sound Transit Phase 3 which would extend light rail to Issaquah. This would cross areas that were not studied in the previous EIS. Responding to Mr. Wallace, Ms. Helland said additional EIS review could be required for that extension of light rail.

Mr. Wallace asked how staff can get the project scope to something imaginable. Noting the introduction of the larger operations and maintenance facility, he questioned whether any additional project features are anticipated. He said it is hard to envision all of the possibilities at this point.

Dr. Davidson said that ST Phase 3 would change the existing EIS because light rail would cross wetlands. He questioned how to incorporate that into the consideration of Phase 2. Also, what about the cumulative impacts of all of the phases?

Ms. Berens observed that there are two issues. One is the current task to adopt a Land Use Code amendment in the form of a Light Rail Overlay. The other is whether the environmental review process is applicable to Sound Transit Phase 3. Staff hopes to build into the Code the flexibility for context sensitivity that would translate, if and when there is an additional light rail segment through Bellevue. Ms. Berens said it is likely that Sound Transit would conduct a new EIS for ST 3, and the City would comment and develop its own review as well.

Dr. Davidson observed that Sound Transit ignored a number of issues in its development of the East Link environmental impact statement (EIS).

Continuing the presentation, Ms. Helland described the landscape types defined in the Land Use Code. She said staff is seeking Council direction about how to apply landscaping requirements to light rail. Type I is a very dense sight barrier of 15 foot width; Type II is the visual separation between uses and land use districts (10 foot width); and Type III/IV is landscaping to soften the appearance of streets, parking areas and building elevations (10 foot width). Transition Area landscaping (20 foot width) is a very dense buffer to significantly separate uses of lesser intensity (i.e., residential). Ms. Helland presented photographs depicting the landscaping types.

Responding to Deputy Mayor Robertson, Ms. Helland said Transition Area buffers are very dense vegetation, but not necessarily fences. Ms. Robertson observed that Transition Area landscaping without a fence might be preferable to Type 1 buffers involving a fence. Ms. Helland agreed, noting that Transition Area landscaping includes more trees and seasonal color while other dense buffers are mostly hedges to provide a full visual barrier.

Ms. Helland described photos of street frontage landscaping. Responding to Ms. Robertson, Ms. Helland said staff would like to hear from the Council about what they would like to see along the alignment. She said Type III landscaping is a starting point for the discussion, but staff would like to hear what Council wants. She noted the option of developing a whole new type specifically for light rail, if desired.

Responding to Mayor Lee, Ms. Helland said the City requires Northwest compatibility of vegetation within all landscape types. There is a maximum allowance for deciduous trees because the City wants to retain a permanent evergreen barrier when leaves are off the deciduous trees.

Mr. Wallace observed that this is Sound Transit's project and they will be responsible for devising a landscaping plan. Ms. Helland confirmed this understanding, noting that staff suggests providing significant regulations to articulate expectations for Sound Transit. City Code will provide standards for Sound Transit although the City cannot specifically design the landscaping plan.

Ms. Helland described the cross-section diagram of the Track-Trench alignment at the Winters House. She asked the Council to focus on the landscaping above the trench, which is along the street and sidewalk in front of house.

Ms. Helland described the cross-section of the Track-At-grade alternative in front of the Winters House, noting that the Light Rail Overlay landscaping requirements address only the areas immediately along the rail line and sidewalk.

Councilmember Chelminiak asked what can be done to soften retaining walls, for example, on 112th Avenue by the District Court or on Bellevue Way if a retaining wall is added across from the Winters House, as with the at-grade alignment option. Ms. Berens said that techniques for dealing with retaining walls include ivy and similar treatments. Mr. Chelminiak said it is important to screen walls with greenery.

Deputy Mayor Robertson agreed with the importance of screening the appearance of walls, and she looks forward to further discussion on that issue. However, since the discussion tonight is about landscaping, Ms. Robertson said she wants to go on record as saying, "Yes, I want the walls to look good, but I also think it is important that they be softened with vegetation." She hopes that will be part of the Code.

Mr. Chelminiak said that perhaps one concept is to restrict wall height and to then add landscaping requirements as appropriate. Mr. Brennan said that wall locations will vary in terms of the vegetation that can be provided.

Deputy Mayor Robertson suggested the use of ivy and other plants that cling to walls if there is limited space, which has been done along I-90.

Councilmember Wallace suggested that, for both retaining and sound walls, the City needs to work on developing guidelines that are location specific (i.e., Surrey Downs vs. Bel-Red contexts). He suggested creating a design review board, which is used in Seattle, to review Sound Transit's proposal in terms of how it responds to guidelines established by the Council based on staff's recommendations. He likes landscaping and would also like to consider artwork as an option.

Councilmember Stokes concurred with Mr. Wallace's suggestion about the design review board approach.

Continuing, Ms. Helland described an aerial photo of 112th Avenue SE and SE 8th Street and a cross-section diagram of the Track-Trench concept along 112th Avenue SE. She described an aerial photo of 112th Avenue SE going north from SE 8th Street and a cross-section of the East Main Street at-grade station. She noted potential landscaping treatments for all of these options.

Deputy Mayor Robertson provided her perspective on the landscaping options. Where light rail is next to the street, she believes that Type III landscaping is appropriate. However, for light rail running along sensitive uses (i.e., all residential areas), she would like to see the Transition Area type of landscaping. She would like robust landscaping near homes. She wants to be able to specify Type III or Transition Area landscaping, depending on the location along the light rail alignment.

Councilmember Stokes concurred and stated that it is important to buffer neighborhoods.

Councilmember Chelminiak said he is not quite ready to pick the best landscaping type. He agreed with Ms. Robertson that all residential areas, multifamily and single family, should be treated the same. His idea is to use softening types of landscaping treatments along the rail line, with more intense screening along private property. He is unsure about whether to use a design review board, but he supports location-specific landscaping. He suggested that the process of involving the public in the design of stations could also address landscaping treatments. He wants to be sure that requirements in the Bel-Red corridor do not discourage development.

Ms. Helland commented that the more recently adopted Bel-Red Plan anticipated a light rail interface, and there will likely be fewer gaps in that area's Land Use Code with regard to light rail and other development. The light rail alignment in South Bellevue does not have the protection of a specific design review district, and more work is needed to address those locations.

Councilmember Balducci endorsed the concept of context-specific requirements and variations in the appropriate landscaping along the whole route. She suggested starting with some minimum level of mitigation, with the opportunity for that to change and develop depending on the context. She likes the idea of engaging citizen groups in designing elements within their neighborhoods.

Councilmember Davidson said he does not see the need for the East Main Station.

Councilmember Wallace observed that the Surrey Downs and Enatai residential areas are the most sensitive locations along the light rail route. He observed that different landscaping will be appropriate for at-grade, trench, and elevated portions of the alignment. He said that structure setbacks for homes and other existing structures should be honored as well. He believes that a 20- to 25-foot buffer can be achieved on 112th Avenue SE. He said that sidewalk widths need to be addressed along with landscaping treatments. Mr. Wallace suggested looking at street trees and other existing design standards in the Downtown as part of the discussion.

Mayor Lee said the key concept is context-sensitive design, which implies flexibility. He supports the idea of a design review board because it can provide flexibility as well. He encourages involving the public in considering design details.

Councilmember Stokes concurred with the Mayor and commended staff for putting the discussion together in this way. He spoke to the need for certainty for the community and encouraged moving forward as quickly as possible.

Ms. Helland thanked Council for the comments and feedback.

Mr. Brennan closed noting that the Council will continue to address this topic through January. The SEPA (State Environmental Policy Act) Threshold Determination is anticipated by the end of January. He reiterated that staff and the Council want to be sure the community has time to offer comments and suggestions.

Deputy Mayor Robertson observed that much of the discussion about walls and landscaping can be applied to the traction power substations.

Dr. Davidson said there has been public comment that the Council has accepted what is happening with Sound Transit and the East Link project. He does not want the Council's willingness to discuss topics to necessarily imply full support of all project elements.

Ms. Helland said the Overlay LUCA is a legislative action by the Council. Staff will continue to work through the issues with the Council and to provide any information that will help in making decisions.

Mr. Wallace said the City Code addresses significant trees, and he asked how that will be applied with regard to the East Link project. Another topic in need of further discussion is the proposed large operations and maintenance facility. He said the Council and staff need to start discussing specific mitigation related to that facility. Ms. Helland said the latter topic will be discussed during the meeting scheduled for the Bel-Red corridor alignment.

Councilmember Wallace noted that the existing East Link Memorandum of Understanding (MOU) with Sound Transit does not refer to the maintenance facility. He suggested a discussion about whether to amend the MOU based on this new element and on other recently identified options/elements.

Responding to Mayor Lee, City Manager Sarkozy said the issues in the MOU, as well as those related to the operations and maintenance base, can all be rolled up into a development agreement.

Mr. Wallace said his perspective is that certain foundational assumptions in the MOU have been overturned by the introduction of the operations and maintenance facility. He suggested reviewing how the proposed facility affects MOU discussions with Sound Transit to date.

Councilmember Chelminiak said the current Code addresses rail transportation right-of-way, yards, terminals, and maintenance shops. He questioned whether this is the language that would be applied today to the proposed Sound Transit facility.

Ms. Helland said the City would still characterize the use as an essential public facility and handle it through that process. She said that rail yards are allowed in many locations. They are conditional uses so the process would be the same, but the decision criteria under the current Code is tailored to the more traditional heavy rail yard. In further response, Ms. Helland confirmed that it would be characterized as an essential public facility and processed as a conditional use permit.

(b) Regional Issues

[No time available for this item.]

At 8:02 p.m., Mayor Lee declared recess to the Regular Session.

Myrna L. Basich, MMC City Clerk

/kaw