

March 7, 2016

CITY COUNCIL AGENDA MEMORANDUM

SUBJECT

Public Hearing regarding the Land Use Code Amendment proposed to streamline the permit process applicable to the Sound Transit Operations and Maintenance Satellite Facility (OMSF). File No. 15-127182-AD.

STAFF CONTACT

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POLICY CONSIDERATION

Following the required public hearing, the City Council will be asked to decide whether to adopt a Land Use Code Amendment allowing the Sound Transit OMSF to be permitted through approval of a Master Development Plan and associated Design Review pursuant to the City of Bellevue's Process II review procedures?

The staff report analyzing the proposed amendment for consistency with the Land Use Code decision criteria and applicable Comprehensive Plan Policies is set forth in Attachment A. The draft Land Use Code Amendment is set forth in Attachment A-1.

DIRECTION NEEDED FROM COUNCIL

☐ Action
☒ Discussion (following a brief staff presentation and the required public hearing)
☐ Information

BACKGROUND

The City and Sound Transit entered into an Amended and Restated Umbrella Memorandum of Understanding in May 2015 (2015 MOU) that, among other things, described the City's intent to initiate a code amendment process that would allow the OMSF to be approved under Process II permit review procedures. The relevant section of the 2015 MOU is included with this agenda memo as Attachment B. The described purpose of the Land Use Code Amendment is to:

1. Provide certainty and predictability for the City, the Regional Transit Authority, and the public with respect to Land Use Code requirements and processes applicable to an OMSF; and
2. Ensure that the design, development, construction and operation of the OMSF is consistent with the Bel-Red Subarea Plan Policies.

On November 16, 2015, the Council satisfied the terms of paragraph 20.3 contained in the 2015 MOU by initiating the code amendment process that is the subject of this agenda topic. The amended code would allow the OMSF under a Process II permit through approval of a Master Development Plan and associated Design Review pursuant to the City of Bellevue's Process II permit review procedure. If adopted, the Code Amendment before Council would

add the following development requirements to any future review of a Master Development Plan and Design Review for an OMSF use:

1. Design modifications and process to maximize future Transit Oriented Development.
2. Design integration of the OMSF with surrounding architecture and future TOD:
 - Architectural compatibility with urban TOD design.
 - Visual relief and pedestrian safety related to future trail on Eastside Rail Corridor (ERC).
 - Visual screening of all temporary outdoor storage.
 - Requirement that all heavy maintenance, major repair activities, and exterior vehicle washing occurs inside.
3. Construction of an interim trail along the ERC from Hospital Station/116th Avenue NE to SR 520.
4. Ped/Bike connections from the ERC to 120th Avenue NE.
5. Design to accommodate future daylighting of the creek north of OMSF.
6. Chapter 9.18 of the Bellevue City Code regulating noise applies to the OMSF.
7. Commitment not to expand the boundaries or number of cars at the OMSF or to site additional bus storage or light rail/bus maintenance facilities in City.

The development requirements are made applicable to the OMSF use through the draft Land Use Code Amendment provisions of paragraph 20.25D.105.C. If these requirements are not met, an OMSF use would require Process I (Conditional Use) permit review. The Land Use Code Amendment will also provide an administrative modification process to modify or waive provisions of the Land Use Code subject to the criteria described in paragraphs 20.25D.105.D and E that are consistent with the modification and waiver provisions included in the Light Rail Overlay Part adopted by Council in 2013.

The City Council indicated at its Study Session on November 16, 2015 that the required public hearing associated with the Land Use Code Amendment be held by the City Council. The Public Hearing held tonight, March 7, 2016, will satisfy the requirements for adoption of the draft Land Use Code Amendment by the City Council. Final action is tentatively scheduled for March 21, 2016 contingent on the direction received following the public hearing. A copy of the staff report analyzing consistency of the proposal with the decision criteria for a Land Use Code Amendment is included as Attachment A. The draft Land Use Code Amendment is included as Attachment A-1.

Councilmember Questions and/or Comments:

Following are responses to several Council questions and/or comments received during the November 16, Council Study Session.

Question/Comment 1. Should the word “compliant” be used instead of “sensitive” in the section that states the design must be sensitive to the context of the underlying land use district?

Response: The Light Rail Overlay Part, LUC 20.25M.050.C.1.d has the following language: “Context sensitive design considerations shall include...” The draft language of the Land Use Code Amendment has been retained as originally drafted to maintain consistency with the Light Rail Overlay Part. The context of the underlying Land Use District varies between properties and uses. Pursuant of the draft language, the OMSF application would be required to demonstrate that the development will be “sensitive” to the envisioned context for the area.

Question/Comment 2: The recycling of solid waste should include organics if that is not already specified.

Response: The proposed Land Use Code Amendment describes the permit review process and substantive requirements that would apply to an application for development of an OMSF use. Waste recycling and collection requirements applicable to all projects city-wide would be imposed at the project review stage.

Question/Comment 3: If the City is going to waive or modify a standard for the project, a sufficient tradeoff in the form of a public benefit should be provided by Sound Transit.

Response: Mitigation with a nexus and rough proportionality to any impacts anticipated to result from a modification would be assessed during the project level review.

Question/Comment 4: How will the project meet the City's noise standards with a rail yard that runs trains essentially all night?

Response: Any future OMSF will have to demonstrate that the development, construction and operation complies with applicable Bellevue City Codes, including the noise control code, Chapter 9.18 BCC.

OPTIONS

1. Hold the public hearing and direct staff to present the Sound Transit Operations and Maintenance Facility Procedural Streamlining Land Use Code Amendment (Attachment A-1) for adoption at the regular Council Session on March 21, 2016.
2. Further discuss the Sound Transit Operations and Maintenance Facility Procedural Streamlining Land Use Code Amendment at a future date and schedule final adoption after that discussion.
3. Reject the Sound Transit Operations and Maintenance Facility Procedural Streamlining Land Use Code Amendment and provide staff with alternative direction.

RECOMMENDATION

Hold the public hearing and direct staff to present the Sound Transit Operations and Maintenance Facility Procedural Streamlining Land Use Code Amendment (Attachment A-1) for adoption at the regular Council Session on March 21, 2016.

ATTACHMENTS

Attachment A: Staff Report for the Sound Transit Operations and Maintenance Satellite Facility
Procedural Streamlining Land Use Code Amendment
Attachment A-1: Draft Land Use Code Amendment
Attachment B: Amended and Restated Umbrella Memorandum of Understanding

AVAILABLE IN COUNCIL DOCUMENT LIBRARY

LUC Amendment File No. 15-127182-AD