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CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 3948

AN ORDINANCE regarding traffic; establishing levels of service on the street system of the City; authorizing the Director to determine compliance with said levels of service; and adding a new Section 23.10.034 to the Bellevue City Code.

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. A new Section 23.10.034 is added to the Bellevue City Code, to read as follows:

23.10.034 Levels of Traffic Service - Methods of Providing Traffic Improvements - Authority of Director of Design and Development.

A. No application under Land Use Code Process I or Process II (excluding applications for reclassifications of property) and no building permit application (excluding applications for tenant improvements) (hereinafter "project") can be approved which generates more than 30 new p.m. peak-hour trips as defined in ITE, Trip Generation, 4th Edition, c. 1987, unless (a) a p.m. peak-hour level of service "D" is maintained on any portion of the city street system affected by the project which is currently at a level of service "D" or better, and (b) no further degradation of traffic conditions occurs on any portion of the city street system affected by the project which is at a p.m. peak-hour level of service "E" or worse.

B. The Director of Design and Development by express findings shall determine for each project whether the above standards will be met. Subject to the Director's approval, a project proponent may take the following actions to meet the level of service standards established in subsection A of this section:

1. Funding and/or construction of necessary improvements by the project proponent, which may include provision for latecomer agreements for properties benefited by the improvements. Funds for projects to be constructed by the City must be paid by the project proponent to the City prior to issuance of a building permit, provided the project proponent may in the alternative

provide an assurance device in a form approved by the Director which will guarantee construction of the improvements. Improvements to be constructed by the project proponent must be completed prior to issuance of a Certificate of Occupancy by the City, provided the Director may allow partial occupancy prior to completion if he determines circumstances beyond the control of the project proponent, such as the need for the City to acquire necessary right-of-way, have prevented timely completion of the improvements.

2. Transportation management programs that reduce peak hour trips, including, but not limited to, plans related to transit incentives, parking supply and carpooling. These programs shall not be used to reduce automobile trips generated by the project by more than 30 percent, when the need for street-system improvements caused by traffic generated by the project has been demonstrated.

In determining whether the required level of service standard will be met, the Director shall consider the capacity to be provided by funded projects in the Capital Improvement Program.

C. Any phased project for which mitigation of cumulative impacts has been required by the City under a formal written agreement to mitigate the impacts of future phases, and for which the improvements have been completed or funds paid to the City to complete the improvements, shall be exempt from this ordinance. During the time this ordinance is in effect, the mitigation requirements of this ordinance shall be applied to each phase of a phased development project as each phase is approved.

Section 2. Pending applications. This ordinance applies to any project for which an application for a land use decision under Process I or II of the Land Use Code was filed prior to the effective date of this ordinance unless a complete building permit application for the project has been filed prior to the effective date of this ordinance, except as otherwise provided by state law.

Section 3. Expiration. This ordinance shall expire and cease to be in effect on March 6, 1989.

Section 4. Effect of New Ordinance. If a project is conditioned or denied under this ordinance, the applicant may without prejudice reapply or seek modification of conditions imposed if, subsequent to the adoption of this ordinance, a new ordinance is adopted regarding required levels of service, unless the project proponent has already

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paid funds to the City for or begun construction of improvements determined to be necessary under Subsection 23.10.034.B.1 set out in Section 1 above.

Section 5. This ordinance shall take effect and be in force five days after its passage and legal publication.

PASSED by the City Council this 6th day of September 1988, and signed in authentication of its passage this 6th day of September 1988.

(SEAL)

Nan Campbell

Nan Campbell, Mayor

Approved as to form:

Richard L. Andrews

Richard L. Andrews, City Attorney

Attest:

Marie K. O'Connell

Marie K. O'Connell, City Clerk

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