

4279c
06-07-89

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 4017

AN ORDINANCE relating to traffic congestion in the City; providing for Transportation Facilities Plans; imposing limitations on development if traffic level of service standards are not met; redesignating Title 14 of the Bellevue City Code as the "Transportation Code"; and adding a new Chapter 14.10 thereto, to be known as the Traffic Standards Code.

WHEREAS, the Bellevue City Council adopted Resolution No. 4409 on August 27, 1984, establishing a new Transportation/Circulation Element of the Comprehensive Plan (the "Element"); and

WHEREAS, the Element establishes the goals of improving the system of freeways and streets and accommodating various modes of transportation at reasonable operating levels to protect residential areas and the economic vitality of the City from substantial adverse traffic impacts; and

WHEREAS, the Element establishes an objective of maintaining or attaining a flow of traffic through the arterial intersections of the City at a Level of Service "D" or better so as to minimize traffic congestion; and

WHEREAS, the Element further establishes as a policy that the City shall review development proposals with the intention of mitigating their traffic impacts to maintain Level of Service "D" or better, or where locations currently experience Level of Service "E" or worse, of not allowing further Degradation; and

WHEREAS, the City Council recognizes that the goal of attaining a Level of Service "D" or better cannot be achieved immediately because of development that has already occurred or been permitted but not constructed, or because of "regional" traffic passing through Bellevue; and

WHEREAS, it is therefore the intent of the City Council to put in place a transportation financing program that within the fastest manageable time will achieve the City's Level of Service objectives without unreasonably limiting the growth that is anticipated by the City's Comprehensive Plan; and

WHEREAS, the Bellevue Central Business District has been designated a Non-Attainment Area for Carbon Monoxide pollutants pursuant to the Federal Clean Air Act and the Bel-Red/Overlake area of the City probably

4279c
06-07-89

is a Non-attainment Area for Carbon Monoxide pollutants, primarily due to emissions from vehicles which are made worse by slower speeds and additional idling time caused in part by congestion from inadequacy in the capacity of existing roadway facilities; and

WHEREAS, already approved development will exacerbate the existing conditions in the City with respect to traffic congestion and Carbon Monoxide pollutant levels; and

WHEREAS, the Greater Eastside population is projected to grow by 160,000 people by the year 2000 and this population growth results from decisions made not only by Bellevue but by King County and other suburban jurisdictions and will generate a significant increase in automobile traffic on Bellevue's streets and highways; and

WHEREAS, on July 18, 1988, citizens of the City presented to the City Council their "Citizens' Traffic Initiative," with more than 8,200 signatures, requesting that the Council act to correct increasing traffic congestion by requiring that traffic impact be mitigated so that resulting traffic will meet the City's adopted traffic standards, Level of Service "D" or better; and

WHEREAS, on September 6, 1988, in response to the Citizens' Traffic Initiative, the Bellevue City Council adopted Ordinance No. 3948, establishing an interim traffic ordinance (the "Interim Ordinance") and also created a traffic task force (the "Task Force") to prepare a permanent ordinance; and

WHEREAS, the work of the Task Force has been completed and its report and draft permanent ordinance have been presented to the Council; and

WHEREAS, the Bellevue City Council recognizes the importance of maintaining quality of life for Bellevue residents and the need for a variety of traffic control and planning mechanisms to achieve that end; and

WHEREAS, this ordinance is adopted pursuant to RCW 35A.11.020 and 35A.63.100(1), (4) and (5) for the purpose of providing for the orderly construction of roadway improvements to establish acceptable traffic levels of service which are complementary to the Bellevue City Code and to establish guidelines and enforcement provisions for Transportation Facility Plans; and

WHEREAS, the City of Bellevue has complied with the State Environmental Policy Act and with the City's Environmental Procedures Code; now, therefore,

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

4279c
06-07-89

Section 1. Title 14 of the Bellevue City Code is hereby redesignated as the Transportation Code.

Section 2. A new Chapter 14.10 is added to Title 14 of the Bellevue City Code (Transportation Code), to read as follows:

Chapter 14.10
Traffic Standards Code

14.10.005 Purpose. The purpose of this Chapter is to provide for adequate street capacity in the City to handle increased traffic projected to result from growth and development in the City and region in order to accomplish the City's policy of Level of Service D by adopting:

A. Transportation Facilities Plans. Establishing Transportation Facilities Plans for specific geographic areas of the City. See Section 14.10.030.

B. Congestion Limitations. As an additional means of assuring adequate capacity, providing a means of establishing "congestion limitations," that is, the maximum number of intersections in a Transportation Facilities Plan area or the City which may operate temporarily below the Acceptable Level of Service and still permit applicants to rely on a Transportation Facilities Plan. See Section 14.10.040.

C. Reliance Standards. Providing that applicants for development proposals may rely under certain circumstances on the improvements in adopted Transportation Facilities Plans to provide traffic capacity to handle traffic generated by such proposals. The extent to which such reliance is available to an applicant will depend on the timeliness of the completion of the improvements and whether street congestion is within certain congestion limitations, as determined by the Transportation Commission. See Section 14.10.040.

D. Exception Intersections. Designating intersections which, because of special circumstances, should not be subject to the Level of Service Standards established by this Chapter. See Section 14.10.050.

14.10.010 Definitions

For purposes of this Chapter, the following definitions apply:

A. ACCEPTABLE LEVEL OF SERVICE STANDARD- A peak-hour Level of Service D or better on any part of the arterial street system which is at a Level of Service D or better, and no further Degradation of traffic conditions on any portion of the arterial street system which is at a peak-hour Level of Service E or worse. For measurement of conditions

4279c
06-07-89

under this Chapter, the Level of Service standard shall be applied as a volume/capacity (V/C) ratio, where Level of Service D is represented by a maximum of $V/C = 0.90$.

B. AFFECTED INTERSECTION - Any signalized intersection within the City; or over which the City has operational responsibility under an interlocal agreement, as authorized by RCW 39.34 or other law; or where there is such an interlocal agreement to apply this Chapter to the intersection; and to which the proposal is projected to add 10 or more total peak-hour trips.

C. BACKGROUND TRAFFIC - The volume of traffic that is projected to occur on the street system as of the anticipated date of occupancy of a proposal. Background Traffic includes regional traffic and the anticipated traffic from all proposals which have been approved under Bellevue City Code 23.10 and those Process I or Process II applications that have been approved. Approved Process I or II applications shall be excluded from Background Traffic calculations after a one year period, unless a building permit application has been filed.

D. CAPACITY - The maximum traffic volume that can pass through an intersection during a given peak hour as measured by the sum of critical volumes as defined in Transportation Research Circular No. 212, January, 1980.

E. DEGRADATION - For intersections with a volume/capacity ratio of 0.9 or less, Degradation is an increase above 0.9. For intersections with a volume/capacity ratio above 0.9, Degradation is any increase in the volume/capacity ratio. For exception intersections Degradation is an increase above the Alternative Level of Service established in section 14.10.050.

F. FULLY FUNDED PROJECT - A project in the most recently adopted Capital Improvement Program Plan for the City or similar capital program of another jurisdiction, which has sufficient revenues secured for construction and which has not been excluded from consideration by the Director under Section 14.10.030.B. Unsecured revenues include those from unformed Local Improvement Districts, insufficient developer fees or contributions, or revenues not yet committed by contract from outside agencies.

G. NINETY PERCENT ON SCHEDULE - When ninety percent of the funds for all facilities in a Transportation Facilities Plan which are scheduled to have been expended by a specific date have been expended by that date, as measured using the accrual basis accounting method. Funds budgeted for construction are not included in the calculation.

4279c
06-07-89

H. PEAK HOUR - The consecutive 60-minute period during a 24-hour period which experiences the highest sum of traffic volumes on a roadway segment or passing through a roadway intersection.

I. PEAK HOUR TRIPS - Total vehicular trips entering and leaving a project during the peak hour on adjacent streets, as defined in the most recent ITE, Trip Generation Manual, published by the Institute of Transportation Engineers. Other trip generation sources may be used where ITE data are based on a limited survey base or where there may be special trip-generating characteristics of the proposal.

J. SITE SPECIFIC IMPROVEMENTS - Improvements made to the roadway system, the need for which results directly from a development permit or decision made under the Bellevue Land Use Code or Bellevue City Code Chapter 23.10. Such improvements may include, but are not limited to, site access, turning lanes, changes in traffic signal operation and modification of intersection geometrics. Site specific improvements include(s) right-of-way and related frontage improvements when they are required to be dedicated or constructed at the time of building permit issuance.

K. TRANSPORTATION COMMISSION - An advisory commission of seven members appointed by the City Council to carry out the responsibilities assigned to it by this Chapter. The Commission shall have three members from the residential community, three members from the business community and a seventh member, who shall be chair, all of whom shall be residents of the City.

L. UNDER CONSTRUCTION - When a construction contract for a project has been awarded or actual physical alteration or improvement has occurred on the site.

M. VOLUME/CAPACITY RATIO - The proportion of available intersection capacity used by vehicles passing through an intersection.

14.10.020 Application and Administration

A. General Application - This Chapter applies to all applications filed after its effective date under Bellevue City Code (Land Use Code) Process I (20.35.100 et seq.); Land Use Code Process II (20.35.200 et seq.); and Bellevue City Code (Construction Code) Chapter 23.10; if the proposal or use will generate more than 30 new Peak Hour Trips.

B. Phased Development - A phased development is any Process I or II approval involving multiple buildings where issuance of building permits under Bellevue City Code Chapter 23.10 could occur for individual buildings. The requirements of this Chapter shall be applied

4279c
06-07-89

at the time of approval of the initial phase and may be adjusted for each subsequent phase based on the cumulative impact of all of the phases.

C. Single Project Limits - All Process I, Process II and Chapter 23.10 applications which have been submitted for a single project limit (as defined in Bellevue City Code (Land Use Code) 20.50.040) within the three-year period immediately prior to an application will be considered along with the application as being a single application for purposes of determining under subsection A above whether this Chapter applies to the application.

D. Change in Occupancy - This Chapter will apply to applications for tenant improvements if a proposed new use or an expanded existing use will result in the physical expansion of the existing parking area under applicable parking standards of the City and will generate more than 30 new peak hour trips.

E. Reclassifications - The City may approve a proposed reclassification only if the reclassification, assuming full development of the property under the proposed zoning classification using the highest trip generating permitted uses, will comply with this Chapter and the other applicable decision criteria specified in the Land Use Code. Specific requirements for traffic improvements to mitigate the impacts of a proposed reclassification and assure compliance with this Chapter may be imposed as a condition of reclassification.

Any proposed reclassification pending prior to the effective date of this ordinance will be exempt from this ordinance if the required public hearing on the proposed reclassification was held prior to the effective date of this ordinance. Any proposal subsequently proposed for property reclassified, whether or not reviewed under this section, shall be subject to this Chapter.

F. Concomitant Agreements - Unless the agreement specifically provides otherwise, this Chapter applies to any development application that is subject to an existing concomitant agreement.

G. SEPA - This Chapter establishes minimum standards which are to be applied to all proposals in order to provide street capacity improvements to prevent traffic congestion on the streets and highways in the City, and is not intended to limit the application of the State Environmental Policy Act to specific proposals. Each proposal shall be reviewed and may be conditioned or denied under the authority of the State Environmental Policy Act.

4279c
06-07-89

H. Reconstruction of Destroyed Buildings - If a building to which this Chapter did not apply at time of construction is destroyed by fire, explosion or Act of God or war, and is reconstructed in accordance with City Code, it will not be required to comply with this Chapter unless the reconstructed building produces trips in excess of those produced by the destroyed building.

I. Administration - The Director of the Department of Public Works and Utilities shall be responsible for the administration of this Chapter. The Director may adopt rules and regulations for the implementation of this Chapter, provided the Director shall first hold a public hearing. The Director shall publish notice of intent to adopt any rule or regulation and the date, time and place of the public hearing thereon in a newspaper of general circulation in the City at least 20 days prior to the hearing date. Any person may submit written comment to the Director in response to such notice, and/or may speak at the public hearing. Following the public hearing the Director shall adopt, adopt with modifications or reject the proposed rules or regulations.

J. Exemptions - The portion of any project used for any of the following purposes is exempt from the requirements of this Chapter 14.10, except for the requirement to do site specific improvements:

1. Day care facility for children, as defined in Land Use Code 20.50.016, if not operated for profit.
2. Public transportation facilities.
3. Public parks and recreational facilities, if fully or partially funded by a voter approved bond issue.
4. Privately operated not for profit social service facilities recognized by the Internal Revenue Service under Internal Revenue Code Section 501(c)(3).
5. Low income housing, which is defined as housing which is affordable to persons whose income is below fifty percent (50%) of the median income for persons residing in the Seattle Metropolitan Statistical Area. Not more than ten percent (10%) of the total number of units in a project shall be exempt under this subsection.

The Director shall determine whether a use is exempt under this section.

Notwithstanding the exemptions hereunder provided, the traffic resulting from an exempt use shall nonetheless be included in computing background traffic for any non-exempt project.

4279c
06-07-89

14.10.030 Transportation Facilities Plans.

A. Adoption of Plans.

The City Council may adopt Transportation Facilities Plans for specific geographic areas of the City and may at any time amend an adopted plan. Every Plan shall contain the following:

1. A list of required transportation improvements.
2. An implementation schedule for the improvements.
3. An adopted means for funding projects under City control which the Council determines to be adequate to construct the improvements.
4. A Congestion Limitation for the Plan Area. A Congestion Limitation is the maximum number of intersections as established by the City Council for a Plan area or subarea which may operate below the Acceptable Level of Service Standard and still permit applications to be considered using the Full, Limited or Partial Reliance standards of the Plan under Section 14.10.030.

The Congestion Limits shall be reviewed annually by the City Council and may be modified by the Council, based on information provided by the Transportation Commission about the impact of the transportation facility construction schedule on the predicted location and amount of growth occurring in the City, or if the assumptions about transportation funding contained in a Transportation Facilities Plan have failed to materialize, or based on any other factor affecting the operation of the Transportation Facilities Plan.
5. Transportation Management Program goals regarding ride-sharing and transit usage.
6. Milestones. Milestones are the scheduled dates of the following events within the implementation schedule of each transportation project designated in the Transportation Facilities Plan:
 - a. the completion of plans and specifications;
 - b. the appropriation of funds for acquisition of right-of-way; and
 - c. the award of a construction contract.

4279c
06-07-89

B. Application of Milestones.

1. If a Milestone for any improvement outside of City control is not met, then such improvement will be removed by the Director from the Transportation Facilities Plan. If the milestone subsequently is met, that improvement will be added back by the Director to the Transportation Facilities Plan.

2. If a Milestone for any improvement within the City's Capital Improvement Program is not met, then the Director will remove such improvement from the list of Fully Funded Projects used in the review of proposals under the Partial, Limited, and No Reliance standards. If the Milestone is subsequently met, that improvement may be added back by the Director to the list of Fully Funded Projects.

14.10.035 Reliance Standards for Transportation Facilities Plans

Any proposal which is subject to this Chapter under Section 14.10.020 will be reviewed to determine its impact on each intersection it affects. One of the following standards will be applied to the proposal with regard to each intersection. The standard to be applied is determined under Section 14.10.040.

A. Full Capacity Reliance: Whenever the Full Capacity Reliance standard is applicable:

Subject to the requirement that the applicant fully fund and/or construct any necessary site specific improvements, a proposal may be approved under this chapter if the volume of traffic resulting from the proposal would not cause Degradation of an Affected Intersection when added to Background Traffic volume at that intersection, assuming the capacity to be provided by all of the improvements in a Transportation Facilities Plan.

Otherwise, the proposal will not be approved under this Chapter unless the traffic improvements necessary to fully mitigate the Degradation which would not be mitigated by the improvements in the Transportation Facilities Plan are fully funded.

B. Partial Capacity Reliance: Whenever the Partial Capacity Reliance standard is applicable:

Subject to the requirement that the applicant fully fund and/or construct any necessary Site Specific Improvements, a proposal may be approved under this Chapter if the volume of traffic resulting from the proposal would not cause Degradation of an Affected Intersection when added to Background Traffic volume at that intersection, assuming the

4279c
06-07-89

capacity to be provided by Fully Funded Projects or contracted Projects, and 50 percent of the capacity to be added by the Plan at that intersection.

Otherwise, the proposal will be subject to the No Reliance standard for that intersection.

C. Limited Capacity Reliance: Whenever the Limited Capacity Reliance standard is applicable:

Subject to the requirement that the applicant fully fund and/or construct any necessary Site Specific Improvements, a proposal may be approved under this Chapter if the volume of traffic resulting from the proposal would not cause Degradation of an Affected Intersection when added to Background Traffic volume at that intersection, assuming the capacity to be provided by Fully Funded Projects or contracted projects, and 25 percent of the capacity to be added by the Plan at that intersection.

Otherwise, the proposal will be subject to the No Reliance standard for that intersection.

D. No Reliance: Whenever the No Reliance standard is applicable:

Subject to the requirement that the applicant fully fund and/or construct any necessary Site Specific Improvements, a proposal may be approved under this Chapter if the volume of traffic resulting from the proposal would not cause Degradation of an Affected Intersection, when added to the Background Traffic volume, assuming the capacity to be provided by Fully Funded Projects and by street improvements under contract as part of other approved development proposals.

Otherwise, the proposal will not be approved under this Chapter unless the traffic improvements necessary to fully mitigate the Degradation which would not be mitigated by the existing street network, fully funded projects, and street improvements under contract as part of other approved development proposals are fully funded and/or constructed.

E. Completion of Improvements.

1. All transportation improvements affecting intersections subject to the City's direct operational control necessary to meet the standards of subsections A., B., C. and D. must be fully funded by the time of building permit issuance, final plat approval, or other approval requiring improvements under this Chapter, or under construction within six months after issuance of a certificate of occupancy, final plat approval, or such other approval for the proposal. The Director shall require an assurance device to guarantee completion of such improvements

4279c
06-07-89

in accordance with Bellevue City Code (Land Use Code) 20.40.490.6.K. All funds received by the City from applicants under this Chapter shall be expended within six years of receipt.

2. Any transportation improvements necessary to meet the standard of subsections A., B., C. and D. affecting intersections which are partially or wholly outside the City's direct operational control must be submitted for approval by the appropriate agency(ies) which have control. Notwithstanding subsection E.1. above, should the appropriate agency(ies) elect to postpone the proposed improvements, or refuse to accept the proposed mitigation sufficient to achieve the City's level of service standards, the Director shall collect and hold the amount estimated for mitigation until the improvement is made or until six years have elapsed. An assurance device satisfactory to the Director may substitute for the payment required in this subsection.

F. Director's Decision.

The Director will determine the traffic improvements which are required under this section. Notice of the Director's decision shall be published once in a newspaper of general circulation in the City or consolidated with any other notice required by the Bellevue Land Use Code or Environmental Procedures Code. The Director's decision may be appealed to the City Council using Process V, Bellevue City Code (Land Use Code) 20.35.500 et seq.; provided, if another appeal process is available under the Bellevue City Code that process shall be used and the appeal hereunder shall be consolidated with that appeal. Any appeal of the Director's decision must be filed with the Permit Administration Division of the Department of Design and Development within 10 days of the date of newspaper publication of the Notice of the Decision or be merged with any administrative appeal possible under the Bellevue Land Use Code or Environmental Procedure Code.

14.10.040 Application of Reliance Standards.

Application of the Reliance Standards in section 14.10.035 to a proposal shall be determined separately for each Affected Intersection, as follows:

A. If the Affected Intersection is included within an adopted Transportation Facilities Plan at the time the proposal vests under Bellevue City Code 23.10.032, the proposal will be subject to the Full Reliance standard as to that intersection, unless the Reliance Standard for that intersection has been changed pursuant to Section 14.10.045 prior to the time of such vesting, in which case the proposal will be subject to the Reliance Standard in effect for that intersection as of the time of vesting of the proposal. If the Reliance Standard is changed under Section 14.10.045 subsequent to the time of vesting of the

4279c
06-07-89

proposal, the applicant may elect to be governed by the newer Reliance Standard so long as that Reliance Standard remains in effect; provided, such election must be made prior to issuance of a building permit.

B. If the Affected Intersection is not included within an adopted Transportation Facilities Plan at the time the proposal vests under Bellevue City Code 23.10.032, the proposal will be subject to the No Reliance standard as to that intersection; provided, if prior to issuance of a building permit for the proposal, such intersection is included within an adopted Transportation Facilities Plan, then the proposal will be subject to the Full Reliance standard as to that intersection.

C. For two years after adoption of a Transportation Facilities Plan, if the affected intersection is included within an adopted Transportation Facilities Plan at the time the proposal vests under Bellevue City Code 23.10.032 or at the time a Land Use Code Process I or II (Bellevue City Code 20.35.100 or 20.35.200) application for the proposal is filed, then the proposal will be subject to the reliance standard in effect for that intersection at the date the project vests under Section 23.10.032, or at the date of such filing under Process I or II, as the case may be. The reliance standards in effect for any affected intersection at the time of application for any Land Use Code Process I or Process II (Bellevue City Code 20.35.100 or 20.35.200) approval (hereinafter "preliminary approval") for a proposal that is subject to this Chapter will apply to any subsequent building permit application for the same proposal which is filed within six months of the date of the final decision on the preliminary approval, notwithstanding any change in the reliance standard applicable to such affected intersection. In the event of a judicial appeal by any person from such preliminary approval, the time during which such appeal is pending shall be excluded from the calculation of the six month period. If no building permit application is filed within said six month period, any subsequent application for the proposal will be reviewed under the reliance standard in effect on the date of such application.

If the reliance standard to which a proposal is subject as hereinabove provided is subsequently changed under this section, the applicant may elect to be governed by the newer reliance standard so long as that reliance standard remains in effect. Such election must be made prior to issuance of a building permit.

14.10.045 Implementation of Reliance Standards - Congestion Limitations

Upon adoption of a Transportation Facilities Plan for a geographic area, all proposals which will affect portions of the arterial street system located within that geographic area shall be reviewed in accordance with the following provisions:

4279c
06-07-89

A. The Transportation Commission shall review and submit a recommendation to City Council on the progress of the Plan for the initial 12-month period of the Plan. At any time, the Transportation Commission may recommend that the City Council take corrective action to mitigate unanticipated consequences or amend the Plan. If more than one Transportation Facilities Plan is in effect, the annual reports for any two or more plans may be combined and presented on the same date or dates.

B. The Transportation Commission shall submit to the City Council a detailed report with specific findings on the progress of the adopted implementation schedule for the Plan for the first 24-month period of the Plan and shall report on the validity of the land use assumptions on which the Plan is based. Plans may be combined and presented on the same date or dates as provided in subsection A above. The City Council shall act on the report in accordance with Paragraph 14.10.045.G.

1. If the City Council determines that implementation of the adopted Transportation Facilities Plan is 90 percent or more on schedule, then for proposals which affect any intersection within the geographic boundaries of that Plan, the Full Reliance standard will be applied for the following 12-month period to determine the transportation improvements within such boundaries which are necessary to meet the standards of this Chapter.

2. If the City Council determines that implementation of the adopted Transportation Facilities Plan is less than 90 percent on schedule, then for proposals which affect any intersection within the geographic boundaries of that Plan, the Partial Reliance standard will be applied for the following 12-month period to determine the transportation improvements within such boundaries which are necessary to meet the standards of this Chapter.

C. The Transportation Commission shall submit to the City Council a detailed report with specific findings on the progress of the adopted implementation schedule and an intersection level of service analysis for the Plan for the first 36-month period of the Plan. The Commission shall also submit a report on the validity of the land use assumptions on which the Plan is based, and shall determine whether the Congestion Limitation for the Plan has been exceeded. The Council will act on the report in accordance with Section 14.10.045.G. Plans may be combined and presented on the same date or dates as provided in subsection A. above.

1. If the City Council determines that implementation of the adopted Transportation Facilities Plan is 90 percent or more on schedule and the Congestion Limitation has not been exceeded for affected geographic areas, then for proposed projects which affect any

4279c
06-07-89

intersection within the geographic boundaries of that Plan, the Full Reliance standard will be applied for the following 12-month period to determine the transportation improvements within such boundaries necessary to meet the standards of this Chapter.

2. If the City Council determines that implementation of the adopted Transportation Facilities Plan is 90 percent or more on schedule but that the Congestion Limitation has been exceeded, then for proposals which affect any intersection within the geographic limits of that Plan, the Limited Reliance standard will be applied for the following 12-month period to determine the transportation improvements within such boundaries which are necessary to meet the standards of this Chapter.

3. If the City Council determines that implementation of the adopted Transportation Facilities Plan is less than 90 percent on schedule, then for proposals which affect any intersection within the geographic limits of that Plan, the Partial Reliance standard will be applied for the following 12-month period to determine the transportation improvements within such boundaries which are necessary to meet the standards of this Chapter; provided, if the City Council had determined the Plan to be less than 90 percent on schedule following its previous annual review, the No Reliance standard will be applied.

D. The Transportation Commission shall submit to the City Council a detailed report with specific findings on the progress of the adopted implementation schedule for the Plan and an intersection level of service analysis for the Plan for the first 48-month period of the Plan. The Committee shall also submit a report on the validity of the land use assumptions on which the plan is based, and shall determine whether the Congestion Limitation for the Plan has been exceeded. Plans may be combined and presented on the same date or dates as provided in subsection A. above. The City Council will act on the findings in accordance with Paragraph 14.10.045.G.

1. If the City Council determines that implementation of the adopted Transportation Facilities Plan is 90 percent or more on schedule and the Congestion Limitation has not been exceeded, then for proposals which affect any intersection within the geographic boundaries of that Plan, the Full Reliance standard will be applied to determine the transportation improvements within such boundaries which are necessary to meet the standards of this Chapter.

2. If the City Council determines that implementation of the adopted Transportation Facilities Plan is 90 percent or more on schedule but the Congestion Limitation has been exceeded for an adopted Transportation Facilities Plan, then for all proposals which affect any intersection within the geographic limits of that Plan, the No Reliance standard will be applied to determine the transportation improvements within such boundaries necessary to meet the standards of this Chapter.

4279c
06-07-89

3. If the City Council determines that implementation of the adopted Transportation Facilities Plan is less than 90 percent on schedule, then for all proposals which affect any intersection within the geographic boundaries of that Plan, the Partial Reliance standard will be applied to determine the transportation improvements within such boundaries which are necessary to meet the standards of this Chapter; provided, if the City Council had determined the Plan to be less than 90 percent on schedule following its previous annual review, the No Reliance standard will be applied.

E. At every annual review under this section the Director shall report on the performance of Transportation Management programs associated with specific developments within the Plan area. The Commission shall recommend to the City Council any changes to this Chapter or other City regulations or programs regarding transportation management.

F. The City Council will act upon the Transportation Commission findings and its report under subsections E and F above within 60 days after they are submitted to the City Council. City Council action will be by ordinance or resolution.

14.10.050 Exception Intersections

A. General

1. Intersections may be designated as "exception intersections" and thereby may be excepted from the Acceptable Level of Service Standard if they are either 1) specifically identified in Paragraph B, or 2) added to paragraph B by amendment of this section. Exception intersections must be maintained at the alternative level of service standard and no proposal will be approved which would cause further degradation below that standard.

2. The Director shall require any proposal that affects one or more of the Exception Intersections which has not yet reached its alternative level of service, to take all reasonable actions to avoid premature use of available capacity. The Director is required to promulgate rules by administrative order for the purpose of defining and imposing "reasonable actions" under this section.

4279c
06-07-89

B. Exception Intersections

| <u>Intersection</u> | <u>Rationale for Exception</u> | <u>Alternative Level of Service Standard (Planned Volume Capacity Ratio in the Year Identified for Completion of a Transportation Facilities Plan)</u> |
|--|--|--|
| 1. NE 4th St./ 108th Avenue | Conflicts with HOV and pedestrian design objectives. | 1.04 |
| 2. 108th Avenue/ Northup Way | Mitigation would result in unacceptable adverse environmental impacts. Shifts traffic to Kirkland. | 0.99 |
| 3. 164th Avenue/ Northup Way | Mitigation would result in unacceptable adverse environmental and neighborhood impacts. Shifts traffic into residential areas. | 0.95 |
| 4. SE 8th/118th Avenue/I-405 Interchange | Mitigation would result in unacceptable adverse environmental impacts. Capacity imbalance with I-405. | 0.99 |
| 5. NE 4th/I-405 Interchange | Capacity imbalance with I-405. | N/A |

C. Decision Criteria

The City Council, after recommendation by the Transportation Commission or on its own motion, may by amendment of this ordinance designate additional exception intersections, if it determines that one or more of the following criteria are met:

1. The exception is necessary in order to achieve an important adopted City transportation goal, policy or objective; or
2. The exception is necessary to avoid adverse overall impacts to the transportation system performance; or

4279c
06-07-89

3. Improvements to the intersection would shift traffic to a residential area or to other intersections for which there is no acceptable mitigation available; or

4. The cost of the necessary improvement is excessive in relationship to the problem created by allowing congestion; or

5. Obtaining of necessary public right-of-way would create significant property loss; or

6. The environmental impacts of the facilities improvement cannot be reasonably mitigated; or

7. Improvements to the intersection would shift traffic to intersections within another jurisdiction and would violate that jurisdiction's policies and regulations; or

8. The effect of the improvement would result in a reduction in or the loss of another transportation objective, including but not limited to maintaining high occupancy vehicle lanes, sidewalks or bicycle lanes.

14.10.060 Methods of Providing Transportation Improvements

A. Timing of Improvements - The project proponent may provide funding in an amount equal to the cost estimate of the Director for necessary traffic improvements. The Director shall provide for latecomer agreements or for other reimbursement from properties benefited by the improvements unless the City Council finds reimbursement to be inappropriate. The Director may require actual construction rather than provision of funding. Funds for projects to be constructed by the City must be paid in full by the project proponent to the City prior to issuance of a building permit, final plat approval or other approval requiring improvements under this Chapter; provided, the project proponent may in the alternative provide an assurance device pursuant to Land Use Code Section 20.40.490 in a form approved by the Director.

B. Transportation Management Programs - The project proponent may establish transportation management programs that reduce peak-hour trips, including, but not limited to, plans related to transit incentives, parking supply and carpooling. For purposes of determining compliance with this Chapter, these programs shall not be used to reduce automobile trips generated by the project by more than 30 percent. The Director shall monitor and enforce the Transportation Management Program performance as directed under Bellevue City Code (Land Use Code) sections 20.20.505 (Non-CBD Programs) and through programs developed for the CBD in accordance with Section 20.25A.055.

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06-07-89

C. Decision Criteria - Appeal. The decision criteria outlined in Section 14.10.050.C will be used by the Director to determine whether road improvements not included in an adopted Transportation Facilities Plan may be approved. If the Director determines that no acceptable road improvements have been proposed, he may deny the proposed improvements and determine the project is inconsistent with this Chapter. The Director's decision may be appealed by the applicant to the City Council using Process V, Bellevue City Code 20.35.500 et seq.

Section 3. The City Council shall review this ordinance 24 months after its adoption to determine its effectiveness.

Section 4. Ordinances 3948, 3988 and 3999 are repealed.

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 5th day of June, 1989, and signed in authentication of its passage this 5th day of June, 1989.

(SEAL)

Nan Campbell
Nan Campbell, Mayor

Approved as to form:

Richard L. Andrews, City Attorney

Richard Gidley
Richard Gidley, Deputy City Attorney

Attest:

Marie K. O'Connell
Marie K. O'Connell, City Clerk

Published June 9, 1989