

0379C  
04/30/90

## CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 4139

AN ORDINANCE relating to traffic congestion in the City; and amending Ordinance No. 4017 and Sections 14.10.005, .010, .020, .030, .035, .040, .045 and .060, Traffic Standards Code, Bellevue City Code, Chapter 14.10.

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, on June 5, 1989, the City Council adopted the Traffic Standards Code for the purpose of providing for the orderly construction of roadway improvements to establish acceptable traffic levels of service and to establish guidelines and enforcement provisions for Transportation Facilities Plan; and

WHEREAS, in adopting Ordinance No. 4017, the City Council made the following determinations:

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;

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;

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 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;

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

0379C  
04/30/90

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;

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;

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;

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

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;

WHEREAS, the Transportation/Circulation Element now establishes as a policy that the City shall review the impacts of development occurring outside of the Central Business District ("CBD") with the intention of mitigating its 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 Element establishes that the City shall review the impacts of development occurring within the CBD with the intention of mitigating its impacts to maintain a Level of Service E or better or where locations currently experience Level of Service "F", of not allowing further Degradation; and

WHEREAS, the City Council now desires to adopt certain amendments to Ordinance No. 4017, adopting the Traffic Standards Code (Bellevue City Code Chapter 14.10); 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

0379C  
04/30/90

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, DOES ORDAIN AS FOLLOWS:

Section 1. Section 2 of Ordinance 4017 and Bellevue City Code 14.10.005 are amended to read as follows:

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 objective of attaining 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.

Section 2. Section 2 of Ordinance 4017 and Bellevue City Code 14.10.010 are amended to read as follows:

14.10.010 Definitions

For purposes of this Chapter, the following definitions apply:

A. ACCEPTABLE LEVEL OF SERVICE STANDARD - For development impacts occurring outside of the CBD, a peak-hour Level of Service D on any part

0379C  
04/30/90

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 development impacts occurring within the CBD, a peak-hour Level of Service E on any part of the arterial street system which is at Level of Service E or better, and no further degradation of traffic conditions on any portion of the arterial street system which is at Level of Service F. For measurement of conditions 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  $V/C = 0.90$ , and where Level of Service E is represented by a maximum of  $V/C = 1.00$ .

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 20 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. CENTRAL BUSINESS DISTRICT (CBD) - As defined in Bellevue City Code (Land Use Code), 20.50.014.

F. DEGRADATION - For intersections outside of the CBD with a volume/capacity ratio of 0.9 or less, Degradation is an increase above 0.9. For intersections outside of the CBD with a volume/capacity ratio above 0.9, Degradation is any increase in the volume/capacity ratio. For intersections located within the CBD with a volume/capacity ratio of 1.0 or less, Degradation is any increase above 1.00. For intersections located within the CBD with volume/capacity ratios above 1.0, 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.

G. FULLY FUNDED PROJECT - A project in the most recently adopted Capital Improvement Program Plan for the City or similar capital program

0379C  
04/30/90

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.

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, traffic signals, 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 appointed by the City Council to carry out the responsibilities assigned to it by this Chapter. The Commission shall have seven members all of whom shall be residents of the City.

L. TRANSPORTATION DEMAND MANAGEMENT (TDM) - Public and/or private programs designed to increase the efficiency of existing capital transportation facilities including, without limitation, transit and ride-sharing incentives, flexible working hours, parking management, and supporting pedestrian enhancements to decrease single occupancy vehicle trips.

M. TRANSPORTATION MANAGEMENT PROGRAM (TMP) - Actions initiated by a project proponent to support Transportation Demand Management Programs within the City.

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

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

0379C  
04/30/90

Section 3. Section 2 of Ordinance No. 4017 and Bellevue City Code 14.10.020 are amended to read as follows:

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, provided, this chapter shall not apply to final plan approval or to any building permit for a Planned Unit Development which received preliminary plan approval prior to June 14, 1989.

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 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.

0379C  
04/30/90

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.

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

0379C  
04/30/90

Statistical Area. Not more than ten percent (10%) of the total number of units in a project shall be exempt under this subsection.

6. Public libraries.

7. Hospitals, as defined in Bellevue City Code (Land Use Code) 20.50.024, if not operated for profit.

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.

Section 4. Section 2 of Ordinance No. 4017 and Bellevue City Code 14.10.030 are amended to read as follows:

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 Reliance standard 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.

0379C  
04/30/90

5. Transportation Demand Management Program goals .

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:

For Washington State Department of Transportation improvements included in a Transportation Facilities Plan, milestones shall consist of the following:

- 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.

For all other improvements, milestones shall consist of the following:

- a. The award of a contract for engineering services for the preparation of plans, specifications and estimates.
- b. The public use and necessity hearing, required by state law as the first step in judicial proceedings for eminent domain.
- c. The award of a construction contract.

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 No Reliance standard. If the Milestone is subsequently met, that improvement may be added back by the Director to the list of Fully Funded Projects.

Section 5. Section 2 of Ordinance No. 4017 and Bellevue City Code 14.10.035 are amended to read as follows:

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

0379C  
04/30/90

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:

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, subject to the requirement that the applicant must fully fund or construct any necessary site-specific improvements.

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, in accordance with Bellevue City Code 14.10.060.

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

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 at that intersection, assuming the capacity to be provided by Fully Funded Projects and by street improvements under contract as part of other approved development proposals, subject to the requirement that the applicant must fully fund or construct any necessary site-specific improvements.

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, in accordance with Bellevue City Code 14.10.060.

C. 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

0379C  
04/30/90

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.

Section 6. Section 2 of Ordinance No. 4017 and Bellevue City Code 14.10.040 are amended to read as follows:

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.

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. If a Transportation Facilities Plan is modified after the time the proposal vests under Bellevue City Code 23.10.032, the applicant may elect to rely on the new capacity provided by any new improvement, provided that such election must be made prior to issuance of a building permit.

D. If the list of Fully Funded Projects is modified after the time the proposal vests under Bellevue City Code 23.10.032, the applicant may elect to rely on the new capacity provided by the modified list of Fully Funded Projects provided that such election must be made prior to issuance of a building permit.

Section 7. Section 2 of Ordinance No. 4017 and Bellevue City Code 14.10.045 are amended to read as follows:

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:

0379C  
04/30/90

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. No change in the Reliance Standard shall occur at the end of the initial twelve-month period of the Plan.

B. The Transportation Commission shall submit to the City Council a detailed report with specific findings on the progress of 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.D.

1. If the City Council determines that the Congestion Limitation has been exceeded in any particular Transportation Facility Plan, then for 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 which are necessary to meet the standards of this Chapter. After the first 24-month period of the Plan, the Transportation Commission may submit a report to the City Council on the number of congested intersections in Bellevue at any time.

2. If the City Council finds that traffic conditions have improved so that the Congestion Limitation is no longer exceeded in any particular Transportation Facility Plan, then for proposals which affect any intersection within the geographic limits 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.

C. The Transportation Commission shall submit to the City Council a detailed report on the progress of the Plan every year thereafter. At any time after the first 24-month period of the Plan, the Transportation Commission may recommend that the City Council take corrective action to mitigate unanticipated consequences, amend the Plan, or to change the reliance standards consistent with Section 14.10.045.B.

D. At every annual review under this section the Transportation Commission 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.

0379C  
04/30/90

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

Section 8. Section 2 of Ordinance No. 4017, and Bellevue City Code 14.10.060 are amended to read as follows:

14.10.060 Methods of Providing Transportation Improvements

A. Payment for and Timing of Improvements -

1. Payment for developer-funded transportation improvements affecting intersections subject to the City's direct operational control necessary to meet the requirements of subsections A., and B., of Section 14.10.035 must occur by the time of building permit issuance, final plat approval, or other approval requiring improvements under this Chapter. Any improvements required to be constructed by a developer to meet the requirements of Section 14.10.035 must be 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 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. Payment for or the requirement of the developer to construct any transportation improvement necessary to meet the standard of subsections A., and B., of Section 14.10.035 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 A.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.

3. 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 as provided by state law 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

0379C  
04/30/90

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.

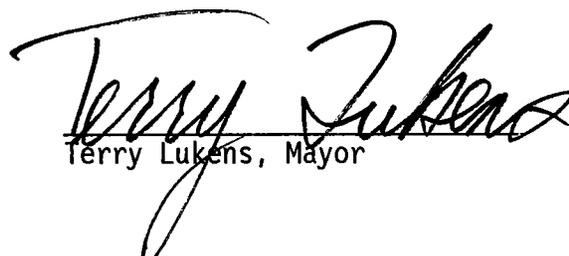
B. Transportation Management Programs - The project proponent may establish Transportation Management Programs. For purposes of determining compliance with this Chapter, these programs shall not be used to reduce automobile trips generated by the project by more than 30 percent. The Director shall monitor 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.

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

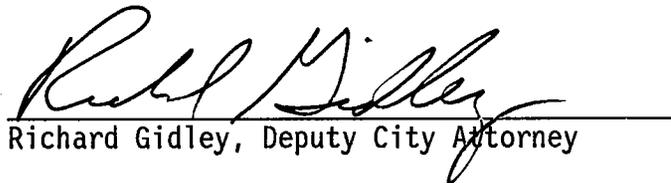
PASSED by the City Council this 7<sup>th</sup> day of January, 1990,  
and signed in authentication of its passage this 7<sup>th</sup> day of January, 1990.

(SEAL)

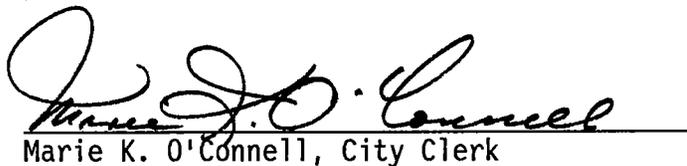
  
Terry Lukens, Mayor

Approved as to form:

Richard L. Andrews, City Attorney

  
Richard Gidley, Deputy City Attorney

Attest:

  
Marie K. O'Connell, City Clerk

Published May 10, 1990