

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 4823

AN ORDINANCE relating to the Traffic Standards Code and Chapter 14.10 of the Bellevue City Code; amending Section 2 (parts) of Ordinance No. 4606 and Sections 14.10.010, .020, .030, .040, .050, and .060 respectively of the Bellevue City Code; and providing for an effective date.

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

Section 1. Section 2 (part) of Ordinance No. 4606 and Section 14.10.010 of the Bellevue City Code are amended to read as follows:

14.10.010 Definitions.

For purposes of this Chapter 14.10, the following definitions apply:

- A. Affected intersection. A signalized system intersection within a mobility management area in 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 development proposal is projected to add twenty or more total peak-hour trips.
- B. Affected Mobility Management Area. Any mobility management area with an affected intersection.
- C. Average level of service. The sum of the critical volumes as defined in Transportation Research Circular No. 212, January, 1980, divided by the sum of the capacity of the signalized system intersections within a mobility management area.
- D. 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 anticipated traffic from all proposals which have been approved under Chapter 23.10 of this code 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.

- E. 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.
- F. Concurrency. Requirement of the 1990 Growth Management Act (RCW 36.70A.070(6)) that the City must enforce an ordinance precluding development approval if a development would cause level of service of a transportation facility to fall below the City's adopted standard, unless revenues are secured to complete mitigating transportation improvements or strategies within six years. When a development fails to meet the Concurrency test, mitigation will be required to accommodate the impacts of the development. Transportation demand management and other non-roadway strategies may be used.
- G. Congestion allowance. The number of signalized system intersections allowed to exceed the level-of-service standard adopted for a mobility management area.
- H. Degradation. An increase in the volume/capacity ratio (v/c ratio) above the area-wide level-of-service standard for a mobility management area as established in Section 14.10.030; or an increase beyond the congestion allowance in the number of signalized system intersections exceeding the level-of-service standard.
- I. Director. The Director of the Transportation Department for the City of Bellevue, the Director's authorized representative, or any representative authorized by the City Manager.
- J. Fully funded project. A project in the most recently adopted Capital Investment Program Plan (CIP) for the City or similar capital program of another jurisdiction which has sufficient revenues secured for construction.
- K. Level-of-service standard. A qualitative measure of street system performance which includes eight levels, A-F, representing the best through the worst operating conditions. Level-of-Service (LOS) categories and their definitions with respect to volume/capacity (V/C) ratio are as follows:

<u>Intersection LOS</u>		<u>V/C Ratios</u>
LOS A	≤	0.0600
LOS B	=	0.601 - 0.700
LOS C	=	0.701 - 0.800
LOS D+	=	0.801 - 0.850
LOS D-	=	0.851 - 0.900
LOS E+	=	0.901 - 0.950
LOS E-	=	0.951 - 1.000
LOS F	≥	1.001

- L. Mitigation. For the purposes of this chapter, mitigation shall mean transportation demand management strategies or facility improvements constructed or financed by a developer which return a degraded area-wide level of service to the standard of the area. If an area already exceeds the standard prior to the development proposal, mitigation shall mean transportation demand management strategies or facility improvements constructed or financed by a developer that at the least maintains the area-wide level of service existing prior to the development.
- M. Mobility Management Areas. Distinct areas with boundaries based on factors such as area-specific mobility targets. Mobility management areas are shown mapped in Section 14.10.060. Some Mobility Management Areas include intersections outside the City's jurisdiction; see Transportation Element policies TR-30 and TR-31.
- N. PM peak hour. The sixty-minute period between 4:00 p.m. and 6:00 p.m. with the greatest sum of traffic volumes on a roadway segment or passing through a roadway intersection.
- O. PM peak hour trips. Total vehicular trips entering and leaving a project during the p.m. peak hour of the adjacent streets. The trip generation rate is as defined in the most recent ITE Trip Generation Manual, published by the Institute of Transportation Engineers. Other trip generation rate 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.
- P. System intersection. An intersection which contributes to the system function within each mobility management area. System intersections within the mobility management areas are listed and mapped in Section 14.10.060.

- Q. Transportation Demand Management (TDM). Strategies designed to increase the efficiency of existing capital transportation facilities, including, but not limited to, transit and ridesharing incentives, flexible working hours, parking management, and pedestrian enhancements to decrease single occupancy vehicle trips.
- R. Under construction. When a construction contract for a project has been awarded or actual physical alteration or improvement has occurred on the site.
- S. Volume/capacity ratio (v/c ratio). The proportion of available intersection capacity used by vehicles passing through an intersection as defined in Transportation Research Circular No. 212, January 1980.

Section 2. Section 2 (part) of Ordinance No. 4606 and Section 14.10.020 of the Bellevue City Code 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.); Process II (20.35.200 et seq.); and Chapter 23.10 of the Bellevue City Code; if the proposal or use will generate more than thirty new p.m. 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 Chapter 23.10 of the Bellevue City Code could occur for individual buildings. The requirements of this chapter shall be applied for all phases at the time of approval of the initial phase and may be adjusted for each subsequent phase based on the cumulative impact of all 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 as being a single application for purposes of determining

ORIGINAL

under paragraph A of this section whether this chapter applies to the application.

- D. Change in occupancy. This chapter applies to applications for tenant improvement permits where SEPA review is required and more than thirty new p.m. peak hour trips will be generated.
- E. Concomitant agreements. This chapter applies to any development application that is subject to an existing concomitant agreement unless the agreement specifically provides otherwise.
- F. SEPA. This chapter establishes minimum standards which are to be applied to all proposals in order to provide street capacity improvements to minimize traffic congestion on the streets and highways in the city. This chapter 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 and the Bellevue Environmental Procedures Code (Chapter 22.02).
- G. 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 is anticipated to produce trips in excess of those produced by the destroyed building.
- H. Administration. The Director shall be responsible for the administration of this chapter. The Director may adopt rules 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 and the date, time and place of the public hearing thereon in a newspaper of general circulation in the City at least twenty 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.
- I. Exemptions. The portion of any project used for any of the following purposes is exempt from the requirements of this chapter:

1. Child care facility for children, as defined in Land Use Code 20.50.014, if not operated for profit;
2. Public transportation facilities;
3. Public parks and recreational facilities;
4. Privately operated not-for-profit social service facilities recognized by the Internal Revenue Service under Internal Revenue Code Section 501(c)(3);
5. Affordable housing, which is defined as housing which is affordable to persons whose income is below eighty (80) percent of the median income for persons residing in the Seattle Metropolitan Statistical Area.
6. Public libraries;
7. Publicly-funded educational institutions.
8. Hospitals, as defined in Bellevue City Code (Land Use Code) 20.50.024, if not operated for profit.

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

Section 3. Section 2 (part) of Ordinance No. 4606 and Section 14.10.030 of the Bellevue City Code are amended to read as follows:

14.10.030 Level-of-Service Standard.

- A. Area-average level-of-service standards. Level-of-service standards are tailored for each mobility management area, reflecting distinct conditions and multiple community objectives, with an area-average approach used to measure system adequacy. The area-average method is the average level of service of those system intersections within each area, as defined in Section 14.10.010.P. The congestion allowance specified for each mobility management area is the maximum number of system intersections allowed to exceed the area-average level-of-service standard set for a mobility management area. Area-average level-of-service (LOS) standards, the maximum

ORIGINAL

WP0505C-ORD

11/27/95

V/C ratio, and congestion allowance for each mobility management area are:

<u>Mobility Management Area</u>	<u>Area-Average LOS Standard</u>	<u>Maximum V/C Ratio</u>	<u>Congestion Allowance</u>
Regional Center (Downtown/Area #3)	E +	0.950	9
Activity Area (Factoria/Area #13)	E +	0.950	5
Mixed Commercial/ Residential Areas (Bel-Red/Northup/Area #4)	D-	0.900	10
(Crossroads/Area #5)			2
(Eastgate/Area #10)			4
Interlocal Areas (Overlake/Area #12)	E +	0.950	9
Residential Group 1 (North Bellevue/Area #1)	D +	0.850	3
(South Bellevue/Area #7)			4
(Richards Valley/Area #8)			5
(East Bellevue/Area #9)			5
Residential Group 2 (Bridle Trails/Area #2)	C	0.800	2
(NE Bellevue/Area #6)			2
(Newcastle/Area #11)			3
(Newport/Area #14)			*

* No system intersections are currently identified in this mobility management area.

- B. Degradation of mobility management areas. A development proposal which causes the congestion allowance to be exceeded within a mobility management area will not be approved, even if the area-average level of service for the area is not exceeded. If the congestion allowance of a mobility management area is already exceeded prior to the development proposal, the development proposal may not degrade the congestion allowance further. Mitigation of an intersection exceeding the congestion allowance will be required in accordance with Section 14.10.050.

ORIGINAL

WP0505C-ORD

11/27/95

Section 4. Section 2 (part) of Ordinance No. 4606 and Section 14.10.040 of the Bellevue City Code are amended to read as follows:

14.10.040 Review of Development Proposals.

- A. Application. The Director will review any proposal which is subject to this chapter under Section 14.10.020 to determine its impact on each mobility management area it affects.
- B. Development Approval. A proposal (consisting of a development project and mitigation, if any) meets the requirements of this chapter if the volume of traffic resulting from the proposal when added to the background traffic volumes of the affected intersections (1) would not cause degradation of the area-wide level of service in any mobility management area, and (2) would not cause the congestion limit to be exceeded in any mobility management area. The developer may rely on capacity provided by fully funded projects, including projects in the current Capital Investment Program (CIP) as defined in Section 14.10.010J, and capacity provided by street improvements under contract as part of other approved development proposals.
- C. Development Denial. The proposal will not be approved under this chapter if it causes degradation not mitigated by (1) the existing street network, (2) fully funded projects, (3) street improvements under contract as part of other approved development proposals which are fully funded, or (4) developer mitigation constructed in accordance with Section 14.10.050.
- D. Director's Decision and appeal process.
 1. The Director shall determine if mitigation is required under this chapter.
 2. If mitigation is required, the Director shall determine if the mitigation proposed by the developer meets the requirements of Section 14.10.050. Notice of the Director's decision and the transportation improvements required shall be provided in written form to the developer.

ORIGINAL

3. Any party who has standing to appeal, may appeal the Director's decision to the Hearing Examiner pursuant to Process II, Bellevue City Code (Land Use Code) 20.35.200 et seq.
 4. Any appeal of the Director's decision must be filed with the permit administration division of the Department of Community Development within the time period required in Process II, Bellevue City Code (Land Use Code) 20.35.200 et seq.
- E. Changes to Fully Funded Projects. If the list of fully funded projects is modified after the time the proposal vests under Section 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 5. Section 2 (part) of Ordinance No. 4606 and Section 14.10.050 of the Bellevue City Code are amended to read as follows:

14.10.050 Methods of Providing Transportation Improvements.

- A. Mitigation methods. If mitigation is required to meet the area-average level-of-service standard or congestion allowance in any mobility management area, the applicant may choose to (1) reduce the size of the development until the standard is met, (2) delay the development schedule until the City and/or others provide needed improvements, or (3) provide the mitigation per paragraph B of this section.
- B. Payment for and Timing of Improvements
1. Construction improvements to intersections subject to the City's direct operational control which are required of a developer under Section 14.10.040 must be under construction within six (6) months after issuance of a certificate of occupancy, final plat approval, or other such approval. The Director shall require an assurance device to guarantee completion of such improvements in accordance with Bellevue City Code (Land Use Code) Section 20.40.490.
 2. The developer may provide funding in an amount equal to the Director's cost estimate for improvements required under Section 14.10.040. The Director may require actual

ORIGINAL

construction rather than provision of funding. Payment for transportation improvements must occur by the time of building permit issuance, final plat approval, or other such approval.

3. All funds received by the City under paragraph B.2 above shall be expended within six (6) years of receipt. Any funds not expended within six (6) years of receipt shall be refunded in full to the property owner currently of record, plus interest earned, less a reasonable administrative charge for processing.
4. The Director may recommend to the City Council approval of latecomer agreements as provided by state law or for other reimbursement from properties benefitted by the improvements.
5. A proposal for construction of transportation improvements to intersections partially or wholly outside the City's direct operational control, or payment for those improvements in an amount equal to the Director's cost estimate, which improvements are required of a developer to meet the requirement of Section 14.10.040.B, must be submitted to the agencies which have control for approval. Should the agencies elect to postpone the proposed improvements, or refuse to accept the proposed mitigation, the Director shall collect and hold the amount estimated for mitigation until the improvement is made or until six (6) years have elapsed. Any funds not expended within six (6) years of receipt shall be refunded in full to the property owner currently of record, plus interest earned, less a reasonable administrative charge for processing. An assurance device in accordance with Bellevue City Code (Land Use Code) Section 20.40.490 may, with the agencies' approval, substitute for the payment or construction.

C. Transportation Demand Management.

1. As a mitigation measure, the developer may propose and establish transportation demand management (TDM) strategies to reduce single occupancy vehicle trips generated by the project . . . The Director will determine the corresponding trip volume reduction, which for purposes of determining compliance with this chapter shall not be greater than thirty (30) percent. The Director will have discretion to grant an exception to the thirty (30) percent limit.

ORIGINAL

2. The Director shall monitor and enforce the transportation demand management performance as directed under Bellevue City Code (Land Use Code) Section 20.20.595 and through programs developed for the downtown in accordance with Section 20.25A.055. The Director will determine if a performance assurance device will be required.
- D. Decision criteria--acceptable mitigation. Acceptable mitigation requires a finding by the Director that:
1. The mitigation is consistent with the Comprehensive Plan.
 2. The mitigation contributes to system performance.
 3. If the mitigation proposed involves an intersection, the intersection must be operating at a V/C ratio of 0.851 or greater, except in residential group #2, where intersections must be operating at a V/C ratio of 0.800 or greater.
 4. Improvements to an intersection or roadway may not shift traffic to a residential area.
 5. Improvements to an intersection or roadway may not shift traffic to other intersections for which there is no acceptable mitigation available.
 6. Improvements to an intersection or roadway may not shift traffic to intersections within another jurisdiction which would violate that jurisdiction's policies and regulations.
 7. Improvements to an intersection or roadway may not shift traffic to another mobility management area when such a shift would violate that mobility management area's objectives and standards.
 8. The effect of the improvement may not result in a reduction or loss of another transportation objective, including but not limited to high occupancy vehicle lanes, sidewalks, or bicycle lanes.
 9. The adverse environmental impacts of the facilities improvement can be reasonably alleviated.

10. The improvement will not violate accepted engineering standards and practices.

Notwithstanding the foregoing, the Director has the authority, in the Director's sole discretion, to require correction of a documented safety-related deficiency.

Section 6. Section 2 (part) of Ordinance No. 4606 and Section 14.10.060 of the Bellevue City Code are amended to read as follows:

14.10.060 MOBILITY MANAGEMENT AREA SYSTEM INTERSECTIONS AND MAP

<u>Intersection</u>		32	120th Ave NE	NE 12th Street
Area 1: North Bellevue		34	124th Ave NE	Bel-Red Road
<u>Int.#</u>	<u>North-South Street</u> <u>East-West Street</u>	35	124th Ave NE	NE 8th Street
		37	130th Ave NE	Bel-Red Road
		68	130th Ave NE	NE 20th Street
69	Bellevue Way NE NE 24th Street	<u>Intersection</u>		
74	Bellevue Way NE Northup Way NE	73	116th Ave	Main Street
78	108th Ave NE Northup Way NE	88	124th Ave NE	Northup Way NE
93	Lake Wash. Blvd. NE 1st/NE 10th	114	116th Ave NE	Northup Way NE
Area 2: Bridle Trails		116	115th Place NE	Northup Way NE
<u>Int.#</u>	<u>North-South Street</u> <u>East-West Street</u>	117	120th Ave NE	NE 20th Street
		131	116th Ave SE	SE 1st Street
118	Northup Way NE 24th Street	139	116th Ave NE	NE 4th Street
123 (F)	140th Ave NE NE 40th Street	233	120th Ave NE	NE 8th Street
Area 3: Downtown		Area 5: Crossroads		
<u>Int.#</u>	<u>North-South Street</u> <u>East-West Street</u>	<u>Int.#</u>	<u>North-South Street</u>	<u>East-West Street</u>
3	100th Ave NE NE 8th Street	58	Bel-Red Road	NE 20th Street
5	Bellevue Way NE NE 12th Street	62	156th Ave NE	Northup Way
7	Bellevue Way NE NE 8th Street	63	156th Ave NE	NE 8th Street
8	Bellevue Way NE NE 4th Street	Area 6: North-East Bellevue		
9	Bellevue Way Main Street	<u>Int.#</u>	<u>North-South Street</u>	<u>East-West Street</u>
20	108th Ave NE NE 12th Street	75	164th Ave NE	NE 24th Street
21	108th Ave NE NE 8th Street	76	164th Ave NE	Northup Way
22	108th Ave NE NE 4th Street	87	164th Ave NE	NE 8th Street
24	108th Ave Main Street	111	Northup Way	NE 8th Street
25	112th Ave NE NE 12th Street	Area 7: South Bellevue		
26	112th Ave NE NE 8th Street	<u>Int.#</u>	<u>North-South Street</u>	<u>East-West Street</u>
36	112th Ave Main Street	14	112th Ave SE	Bellevue Way SE
72	112th Ave NE NE 4th Street	89	112th Ave SE	SE 8th Street
Area 4: Bel-Red/Northup		102	118th Ave SE	SE 8th Street
<u>Int.#</u>	<u>North-South Street</u> <u>East-West Street</u>	219	I-405 NB Ramps	SE 8th Street
29	116th Ave NE NE 12th Street			
30	116th Ave NE NE 8th Street			

ORIGINAL

226	I-405 SB Ramps	SE 8th Street	40	140th Ave NE	Bel-Red Road
			47	148th Ave NE	NE 20th Street
	Area 8: Richards Valley		48	148th Ave NE	Bel-Red Road
<u>Int.#</u>	<u>North-South Street</u>	<u>East-West Street</u>	59	Bel-Red Road	NE 24th Street
43	140th Ave SE	SE 8th Street	60	156th Ave NE	Bel-Red Road
44	145th Place SE	Lake Hills Blvd.	61	156th Ave NE	NE 24th Street
45	145th Place SE	SE 16th Street	64	140th Ave NE	NE 24th Street
71	Lake Hills Conn.	SE 7th Pl./SE 8th St	79	148th Ave NE	NE 40th Street
82	Richards Road	Kamber Road	81	148th Ave NE	NE 24th Street
85	Richards Road	SE 32nd Street	138	Bel-Red Road	NE 40th Street
134	Richards Road	Lake Hills Conn.	188	148th Ave NE	NE 29th Place
280 (F)	Sunset Connector	Kamber Road	189 (F)	NE 29th Place	NE 24th Street
				156th Ave NE	NE 40th Street
	Area 9: East Bellevue		249	148th Ave NE	NE 51st Street
<u>Int.#</u>	<u>North-South Street</u>	<u>East-West Street</u>	250 (F)	SR-520 SB Ramps	NE 51st Street
41	140th Ave NE	NE 8th Street	251 (F)	SR-520 NB Ramp	NE 51st Street
42	140th Ave	Main Street	255	156th Ave NE	NE 51st Street
49	148th Ave NE	NE 8th Street	264	156th Ave NE	NE 31st Street
50	148th Ave	Main Street			
51	148th Ave SE	Lake Hills Blvd.	Area 13: Factoria		
52	148th Ave SE	SE 16th Street	<u>Int.#</u>	<u>North-South Street</u>	<u>East-West Street</u>
55	148th Ave SE	SE 24th Street	202	Richards Road	SE Eastgate Way
65	148th Ave SE	SE 8th Street	203	128th Ave SE/Newpt	SE Newport Way
83	156th Ave	Main Street	204	SE Newport Way	Coal Creek Parkway
	Area 10: Eastgate		220	128th Ave SE	SE 36th Street
<u>Int.#</u>	<u>North-South Street</u>	<u>East-West Street</u>	221	I-405 NB Ramps	Coal Creek Parkway
56	148th Ave SE	SE 27th Street	222	I-405 SB Ramps	Coal Creek Parkway
86	156th Ave SE	SE Eastgate Way	284 (F)	128th Ave SE	SE 38th Place
92	161st Ave SE	SE Eastgate Way		124th Ave SE	Coal Creek Parkway
101	150th Ave SE	SE Eastgate Way	Area 14: Newport		
171	142nd Ave SE	SE 36th Street	No system intersections are currently identified in this mobility management area.		
174	150th Ave SE	SE 38th Street	See Attachment A for Map.		
227	150th Ave SE	I-90 EB Off-Rmp/SE36	(F) - Designates Future Signal		
272 (F)	Sunset Connector	SE Eastgate Way			
	Area 11: Newcastle				
<u>Int.#</u>	<u>North-South Street</u>	<u>East-West Street</u>			
98	Coal Creek Parkway	Forest Drive			
133	150th Ave SE	SE Newport Way			
228 (F)	SR-901/ Lkmt Blvd Ex	SE Newport Way			
229 (F)	Lakemont Boulevard	Forest Drive			
242 (F)	164th Ave SE	Lkmt Blvd/Lkmt Ex			
257 (F)	164th Ave SE	SE Newport Way			
	Area 12: Overlake				
<u>Int.#</u>	<u>North-South Street</u>	<u>East-West Street</u>			
39	140th Ave NE	NE 20th Street			

WP0505C-ORD
11/27/95

ORIGINAL

Section 7. The Transportation Commission is hereby directed to review Chapter 14.10, as amended by this ordinance, twelve months after the adoption of this ordinance to determine its effectiveness and to make recommendations for any further amendments to the City Council.

Section 8. Effective date of Sections 1-6. The provisions of Sections 1-6 of this ordinance shall take effect and be in force on January 1, 1996 and shall apply to any application filed on or after that date.

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

PASSED by the City Council this 27th day of November, 1995, and signed in authentication of its passage this 27th day of November, 1995.

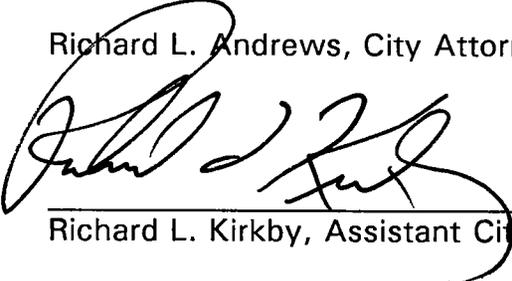
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Donald S. Davidson, DDS, Mayor

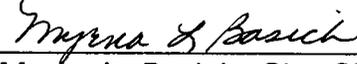
Approved as to form:

Richard L. Andrews, City Attorney



Richard L. Kirkby, Assistant City Attorney

Attest:



Myrna L. Basich, City Clerk

Published December 1, 1995