

ORIGINAL

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 5555

AN ORDINANCE relating to the Traffic Standards Code (TSC) and repealing Section 1 of Ordinance No. 5308 and Section 14.10.020I.9 of the Bellevue City Code; eliminating the exemption from the TSC for Neighborhood Shopping Centers.

WHEREAS, the City Council in 2001 adopted an exemption from the Traffic Standards Code (TSC) for Neighborhood Shopping Centers which met certain criteria to help facilitate the retention of uses that provide goods and services in Neighborhood Shopping Centers and thereby reduce the vehicle trip distances that residents must travel on the transportation network through neighborhoods to obtain necessary goods and services for everyday living; and

WHEREAS, the Growth Management Hearings Board invalidated the Neighborhood Shopping Center exemption pursuant to the terms of the Growth Management Act; and

WHEREAS, the Court of Appeals upheld the Growth Board decision invalidating the Neighborhood Shopping Center exemption to the TSC; and

WHEREAS, the State Supreme Court denied the City of Bellevue request for review on this matter; and

WHEREAS, the City of Bellevue has complied with the State Environmental Policy Act (SEPA), RCW 43.21C, and the City's Environmental Procedures Code, BCC 22.02; now, therefore,

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

Section 1. Section 1 of Ordinance No. 5308 and BCC 14.10.020I.9 are hereby repealed and BCC 14.10.020I.9 is amended as follows :

14.10.020 Application and administration.

.....

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 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 2. This ordinance shall take effect and be in force five (5) days after passage and legal publication.

Passed by the City Council this 15th day of November, 2004, and signed in authentication of its passage this 15th day of November, 2004.

(SEAL)

Connie B. Marshall
Connie B. Marshall, Mayor

Approved as to form:

Bellevue City Attorney

Lori M. Riordan
Lori M. Riordan, Acting City Attorney

Attest:

Myrna L. Basich
Myrna L. Basich, City Clerk

Published November 5, 2004