



DEVELOPMENT SERVICES DEPARTMENT
 ENVIRONMENTAL COORDINATOR
 450 100th Ave NE., P.O. BOX 90012
 BELLEVUE, WA 98009-9012

DETERMINATION OF NON-SIGNIFICANCE

PROPONENT: Mary Kate Berens, City of Bellevue

LOCATION OF PROPOSAL: City Wide

NAME & DESCRIPTION OF PROPOSAL:

Amend chapter 14.10 of the Bellevue City Code for consistency with recent Comprehensive Plan amendments regarding level of service and mobility management areas. Includes some other minor clean-up amendments and codification of rules about expiration of concurrency approvals.

FILE NUMBER: 09-112917-AB

The Environmental Coordinator of the City of Bellevue has determined that this proposal does not have a probable significant adverse impact upon the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(C). This decision was made after the Bellevue Environmental Coordinator reviewed the completed environmental checklist and information filed with the Land Use Division of the Development Services Department. This information is available to the public on request.

- There is no comment period for this DNS. There is a 14-day appeal period. Only persons who submitted written comments before the DNS was issued may appeal the decision. A written appeal must be filed in the City Clerk's office by 5:00 p.m. on March 16, 2006.
- This DNS is issued after using the optional DNS process in WAC 197-11-355. There is no further comment period on the DNS. There is a 14-day appeal period. Only persons who submitted written comments before the DNS was issued may appeal the decision. A written appeal must be filed in the City Clerk's Office by 5 p.m. on June 11, 2009.
- This DNS is issued under WAC 197-11-340(2) and is subject to a 14-day comment period from the date below. Comments must be submitted by 5 p.m. on _____. This DNS is also subject to appeal. A written appeal must be filed in the City Clerk's Office by 5 p.m. on _____.

This DNS may be withdrawn at any time if the proposal is modified so that it is likely to have significant adverse environmental impacts; if there is significant new information indicating, or on, a proposals probable significant adverse environmental impacts (unless a non-exempt license has been issued if the proposal is a private project); or if the DNS was procured by misrepresentation or lack of material disclosure.

Carol V. Heiland
 Environmental Coordinator

5/27/09
 Date

OTHERS TO RECEIVE THIS DOCUMENT:

State Department of Fish and Wildlife
 State Department of Ecology,
 Army Corps of Engineers
 Attorney General
 Muckleshoot Indian Tribe



City of Bellevue Submittal Requirements

5-27-09

27a

ENVIRONMENTAL CHECKLIST

Date: 5/5/2009

If you need assistance in completing the checklist or have any questions regarding the environmental review process, please visit or call the Permit Center (425-452-6864) between 8 a.m. and 4 p.m., Monday through Friday (Wednesday, 10 to 4). Our TTY number is 425-452-4636.

A. BACKGROUND INFORMATION

Property Owner: N/A

Proponent: City of Bellevue

Contact Person: Kevin McDonald, Senior Transportation Planner
City of Bellevue Transportation Department

(If different from the owner. All questions and correspondence will be directed to the individual listed.)

Address: 450 110th Avenue SE, Bellevue, WA 98004

Phone: (425) 452-4556

Proposal Title: Amendments to the Traffic Standards Code, Chapter 14.10 of the Bellevue City Code; File No. 09-112917 AB

Proposal Location: Amendments pertain primarily to the Bel-Red Subarea, and to immediately adjacent subareas in the city of Bellevue, although amendment includes certain clarifications and clean-up provisions, including a codification of current rules regarding expiration of concurrency approvals, which will apply city-wide

(Street address and nearest cross street or intersection) Provide a legal description if available.

Please attach an 8 1/2" x 11" vicinity map that accurately locates the proposal site. Map Attached

Give an accurate, brief description of the proposal's scope and nature:

1. General description:

Amendments to the Transportation Standards Code to reflect recent amendments to the Bel-Red Subarea plan and Transportation Element of the Comprehensive Plan, clarifying existing provisions of the code and codifying current rules about expiration of concurrency approvals; amending the following Sections of the Bellevue City Code:

- 14.10.005 - Purpose
- 14.10.010 - Definitions
- 14.10.020 - Application and administration
- 14.10.030 - Level of service standard
- 14.10.040 - Review of development proposals
- 14.10.050 - Methods of providing transportation improvements
- 14.10.060 - Mobility management area system intersections and map
- Deleting Attachment A to chapter 14.10 of the Bellevue City Code; adding a new Figure 1 to the Bellevue City Code that shows the new boundaries for mobility management areas

2. Acreage of site: N/A



- Shoreline Management Permit
Site plan

MES

- A legislative draft of the proposed ordinance is ~~attached~~ *available in project file*

B. ENVIRONMENTAL ELEMENTS

1. Earth

- a. General description of the site: Flat Rolling Hilly Steep slopes Mountains Other
Applies City-wide. City includes terrain of all kinds (other than Mountains)
- b. What is the steepest slope on the site (approximate percent slope)? N/A applies city-wide
- c. What general types of soil are found on the site (for example, clay, sand, gravel, peat, and muck)? If you know the classification of agricultural soils, specify them and note any prime farmland.
Glacial till and outwash, with some wetland soils. Amendments apply city-wide, with a wide variety of soil types
- d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe. City-wide
- e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill. N/A
- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe. N/A
- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)? N/A
- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any: N/A

2. Air

- a. What types of emissions to the air would result from the proposal (i.e. dust, automobile odors, and industrial wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known.
Transportation related sources of emissions, which are evaluated in a variety of ways through project-level SEPA review, and non-project level SEPA review of the Bel-Red EIS and the EIS prepared in connection with the City's Transportation Facilities Plan (TFP).
- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe. N/A
- c. Proposed measures to reduce or control emissions or other impacts to the air, if any: N/A

3. Water

a. Surface

- (1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.
Applies City-wide. City is bordered by Lakes Washington and Sammamish, includes Phantom Lake and other smaller lakes, ponds and wetlands. See city's maps for more detail about streams and rivers in city
- (2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans. N/A
- (3) Estimate the amount of fill and dredge material that would be placed in or removed from surface



water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material. N/A

(4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known. N/A

(5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan. N/A

(6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge. No discharge into surface waters

b. Ground

(1) Will ground water be withdrawn, or will water be discharged to ground water? Give general description. No, no ground water withdrawals or discharges

(2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals...; agricultural; etc.) Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve. N/A

c. Water Runoff (Including storm water)

(1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe. N/A

(2) Could waste materials enter ground or surface waters? If so, generally describe. N/A

d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any: N/A

4. Plants -- City-wide proposal. City includes variety of deciduous, evergreen, shrubs and other plant material.

a. Underline types of vegetation found on the site:

I deciduous tree: alder, maple, aspen, other

I evergreen tree: fir, cedar, pine, other

I shrubs

I grass

I pasture

I crop or grain

I wet soil plants: cattail, buttercup, bulrush, skunk cabbage, sedges, yellow iris, willow, cottonwood, red osier dogwood, purple loosestrife, other

I water plants: water lily, eelgrass, milfoil, elodea, water parsley, watercress, other

I other types of vegetation:

b. What kind and amount of vegetation will be removed or altered? N/A

c. List threatened or endangered species known to be on or near the site. N/A

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any: N/A



5. Animals – Variety of animal life present in the City

a. Underline any birds and animals which have been observed on or near the site or are known to be on or near the site:

Birds: hawk, heron, eagle, songbirds, other:

Mammals: deer, bear, elk, beaver, other: small mammals

Fish: bass, salmon, trout, herring, shellfish, other:

b. List any threatened or endangered species known to be on or near the site. Chinook salmon may inhabit portions of Kelsey Creek and Valley Creek

c. Is the site part of a migration route? If so, explain. N/A

d. Proposed measures to preserve or enhance wildlife, if any: N/A

6. Energy and Natural Resources

a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc. N/A

b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe. N/A

c. What kinds of energy conservation features are included in the plans of the proposal? List other proposed measures to reduce or control energy impacts, if any: N/A

7. Environmental Health

a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe. N/A

(1) Describe special emergency services that might be required. N/A

(2) Proposed measures to reduce or control environmental health hazards, if any. N/A

b. Noise

(1) What types of noise exist in the area which may affect your project (for example, traffic, equipment, operation, other)? N/A

(2) What types and levels of noise would be created by or associated with the project on a short-term or long-term basis (for example, traffic, construction, operation, other)? Indicate what hours noise would come from the site. N/A

(3) Proposed measures to reduce or control noise impacts, if any: N/A

8. Land and Shoreline Use

a. What is the current use of the site and adjacent properties? Includes all zoning designations city-wide

b. Has the site been used for agriculture? If so, describe. Historic agriculture use in the city. No sites designated in a agricultural land use designation, although some historic blueberry farms continue to operate in the city

c. Describe any structures on the site. N/A

d. Will any structures be demolished? If so, what? N/A

e. What is the current zoning classification of the site? Encompasses all zoning classifications in the city



- f. What is the current Comprehensive Plan designation of the site? Includes all comp plan designations
- g. If applicable, what is the current shoreline master program designation of the site? Includes all shorelines
- h. Has any part of the site been classified as an "environmentally sensitive" area? If so, specify. See city's critical areas ordinance
- i. Approximately how many people would reside or work in the completed project? N/A
- j. Approximately how many people would the completed project displace? N/A
- k. Proposed measures to avoid or reduce displacement impacts, if any: N/A
- i. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any: N/A

9. Housing

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing. N/A
- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing. N/A
- c. Proposed measures to reduce or control housing impacts, if any: N/A

10. Aesthetics

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed? N/A
- b. What views in the immediate vicinity would be altered or obstructed? N/A
- c. Proposed measures to reduce or control aesthetic impacts, if any: N/A

11. Light and Glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur? N/A
- b. Could light or glare from the finished project be a safety hazard or interfere with views? N/A
- c. What existing off-site sources of light or glare may affect your proposal? N/A
- d. Proposed measures to reduce or control light or glare impacts, if any: N/A

12. Recreation

- a. What designated and informal recreational opportunities are in the immediate vicinity? N/A
- b. Would the proposed project displace any existing recreational uses? If so, describe. N/A
- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any: N/A

13. Historic and Cultural Preservation

- a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe. N/A



b. Generally describe any landmarks or evidence of historic, archeological, scientific, or cultural importance known to be on or next to the site. N/A

c. Proposed measures to reduce or control impacts, if any: N/A

14. Transportation

a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any. N/A

b. Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop? N/A

c. How many parking spaces would the completed project have? How many would the project eliminate? N/A

d. Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways? If so, generally describe (indicate whether public or private). N/A

e. Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe. N/A

f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur. N/A

g. Proposed measures to reduce or control transportation impacts, if any: N/A; proposal is amendment to the city's TSC, which regulates concurrency

15. Public Services

a. Would the project result in an increased need for the public services (for example: fire protection, police protection, health care, schools, other)? If so, generally describe. N/A

b. Proposed measures to reduce or control direct impacts on public services, if any. N/A

16. Utilities

a. Underline utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other. N/A

b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed. N/A

C. SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (do not use this sheet for project actions)

SUMMARY

Project Summary: The proposal is to amend the Traffic Standards Code to reflect recent amendments to the Bel-Red Subarea Plan and the Transportation Element. Changes to the boundaries of the Mobility Management Areas (MMA) associated with the Bel-Red and adjoining subareas are included in this proposal, as are changes to the Level of Service Standard for MMA 12 that encompasses the Bel-Red Subarea.

The proposal includes modifying the boundaries of the existing Bel-Red/Northup MMA 4 to correspond with the proposed boundaries of the Bel-Red Subarea, renumber this MMA as MMA 12, and create a new MMA 4 from the remainder of the old MMA 4 to encompass the Wilburton area – as shown in the attached Figure TR-1 from the Transportation Element. Changing the MMA boundaries would affect the assignment of transportation "system intersections" and the congestion allowance for MMAs – these changes are documented in the Traffic Standards Code in Section 14.10.060. The Level-of-Service (LOS) standard of E+ would be adopted for MMA 12, as documented in 14.10.030. This LOS standard is consistent with the land use vision for the area, and is supported by a strong emphasis on developing significant pedestrian infrastructure and viable alternatives to the single occupant vehicle – in particular, transit and non-motorized



commute options. These changes are all consistent with the adopted Transportation Element.

An additional amendment to the Traffic Standards Code would provide a process to determine concurrency for phased development defined as a "catalyst project" and would codify existing rules about the expiration of concurrency determinations. Finally, amendments are proposed to update terminology and improve cross-references

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage or release of toxic or hazardous substances; or production of noise?

This proposal would not have any impact on the above

Proposed measures to avoid or reduce such increases are: None

2. How would the proposal be likely to affect plants, animals, fish or marine life?

This proposal would not have any impact on the above

Proposed measures to protect or conserve plants, animals, fish or marine life are: None

3. How would the proposal be likely to deplete energy or natural resources?

This proposal would not have any impact on the above

Proposed measures to protect or conserve energy or natural resources? None

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection—such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

This proposal would not have any impact on the above

Proposed measures to protect such resources or to avoid or reduce impacts are: None

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

This proposal would not have any impact on the above

Proposed measures to avoid or reduce shoreline and land use impacts are: None

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

This proposal would not have any impact on the above

Proposed measures to reduce or respond to such demand(s) are: None

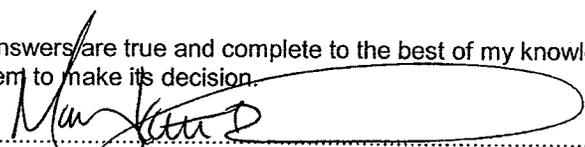
7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

No conflict is identified

- D. The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature.....

Date Submitted..... 5/6/2009



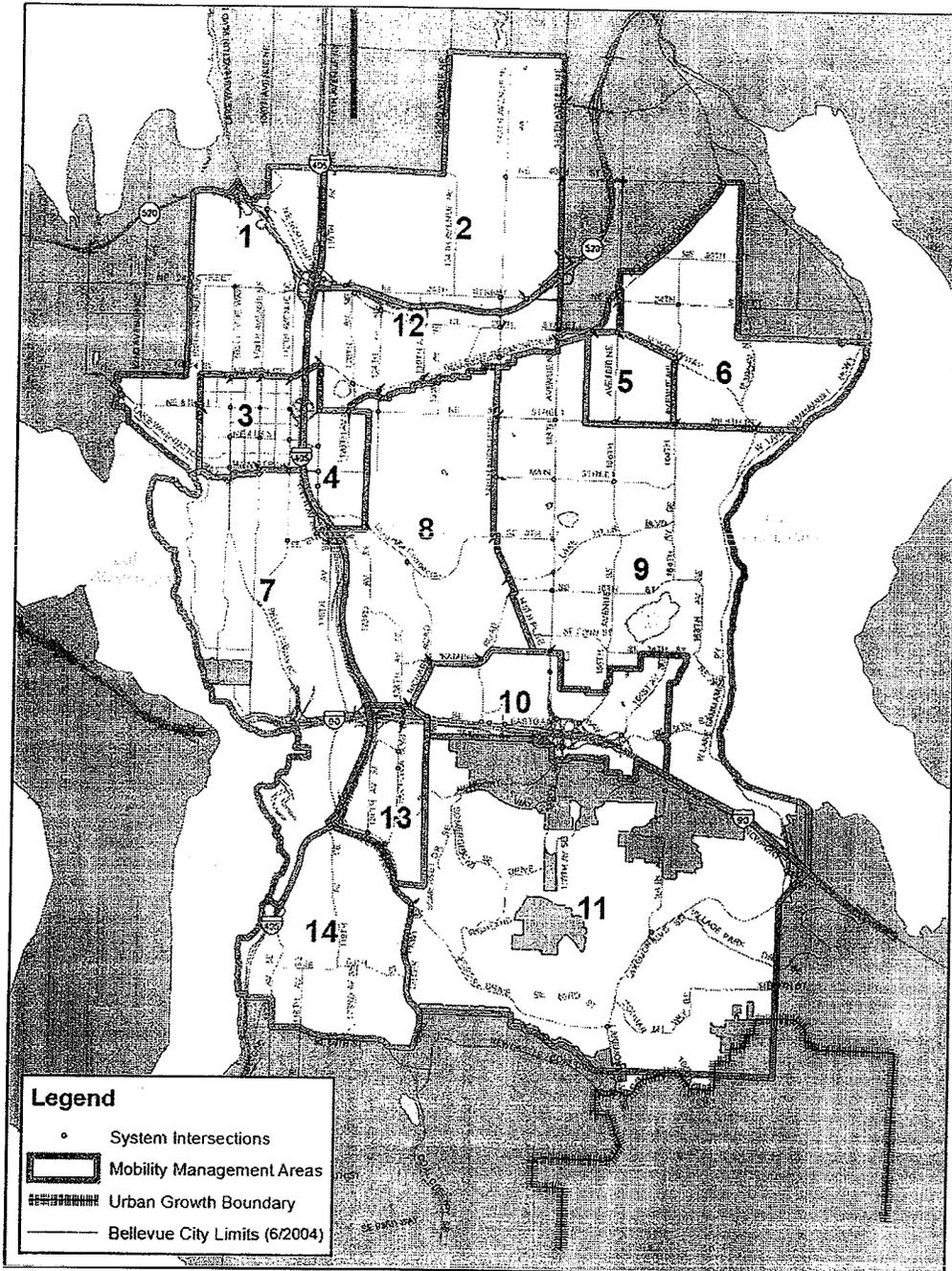


FIGURE TR.1
Mobility Management Areas

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. _____

AN ORDINANCE amending the Traffic Standards Code to reflect recent amendments to the Bel-Red Subarea plan and Transportation Element of the Comprehensive Plan; amending Sections 14.10.005, 14.10.010, 14.10.020, 14.10.030, 14.10.040, 14.10.050, and 14.10.060 of the Bellevue City Code; deleting Attachment A to chapter 14.10 of the Bellevue City Code; adding a new Figure 1 to chapter 14.10 of the Bellevue City Code; and establishing an effective date.

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

Section 1. Section 14.10.005 of the Bellevue City Code is hereby amended as follows:

14.10.005 Purpose.

The purpose of this chapter is to set forth specific standards providing for city compliance with the concurrency requirements of the state Growth Management Act (GMA) and for consistency between city and countywide planning policies under the GMA. GMA requires that transportation improvements or strategies to accommodate the traffic impacts of development ~~adequate street capacity~~ be provided concurrently with development to handle the increased traffic projected to result from growth and development in the city and region. Responding to the changing framework of the future of transportation, these standards ensure compliance through the inclusion of:

- A. Roadway standards that balance congestion management with land use and urban design objectives;
- B. Mobility management areas with long-range objectives and shorter-term standards tailored to each area's characteristics and needs;
- C. Level-of-service standards for each mobility management area, to include: reflection of ~~availability of~~ other available mobility options; adjustment of levels of service standards where appropriate; interim standards for specific areas until completion of interlocal negotiations; consideration of trips crossing mobility management area boundaries; use of area-average method of evaluating roadway system adequacy, and use of an averaged two-hour p.m. peak period representing extended high trip volume periods.

Section 2. Section 14.10.010.D of the Bellevue City Code is hereby amended as follows:

D. "Background traffic" means 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, anticipated traffic from all proposals which have been

approved under Chapter 23.10 BCC, approved Process I and Process II applications, and approved Process III conditional use, shoreline conditional use, preliminary plat, ~~and~~ planned unit development ~~and protected area development exception applications~~ within a community council jurisdiction. ~~Approved Process I and II applications, and Process III conditional use, shoreline conditional use, preliminary plat, planned unit development and protected area development exception applications within a community council jurisdiction shall be excluded from background traffic calculations after a one-year period, unless a building permit application has been filed upon expiration of the director's concurrency approval as set forth in Section 14.10.040.F.~~

Section 3. Section 14.10.010.E of the Bellevue City Code is hereby amended as follows:

E. "Concurrency" means a requirement of the ~~1990~~ Growth Management Act (RCW 36.70A.070-(6), ~~now or as hereafter amended~~) that the city must enforce an ordinance precluding approval of a proposed development if that development would cause the level of service of a transportation facility to fall below the city's adopted standard, unless ~~revenues are secured~~ a financial commitment is in place to complete mitigating transportation improvements or strategies within six years. In the city of Bellevue, "transportation facility" is defined as any mobility management area. 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 nonroadway strategies may be used.

Section 4. Section 14.10.010.I of the Bellevue City Code is hereby amended as follows:

I. "Fully funded project" means a project in the most recently adopted capital investment program plan for the city or similar capital program of another jurisdiction which has sufficient ~~revenues funding secured~~ committed for construction.

Section 5. Section 14.10.010.L of the Bellevue City Code is hereby amended as follows:

L. "Mobility management areas" means distinct areas with boundaries based on factors such as area-specific mobility targets. Mobility management areas are shown mapped in BCC 14.10.060. Some mobility management areas include intersections outside the city's jurisdiction; see Transportation Element policies TR-~~330 and TR-34~~.

Section 6. Section 14.10.010.Q of the Bellevue City Code is hereby amended as follows:

Q. "Transportation demand management" means 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~~ pedestrian and bicycle enhancements to decrease single occupancy vehicle trips.

Section 7. Section 14.10.010.S of the Bellevue City Code is hereby amended as follows:

S. "Volume/capacity ratio (v/c ratio)" means the flow ratio for a lane group as defined in the Transportation Research Board Highway Capacity Manual, ~~Special Report 209 2000~~, now or as hereafter amended, using the operational analysis method where "v" equals the actual or projected demand flow rate for a lane group in vehicles per hour, and "c" equals the capacity of a lane group in vehicles per hour.

Section 8. Section 14.10.020 of the Bellevue City Code is hereby amended 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 (LUC 20.35.100 et seq.); Process II (LUC 20.35.200 et seq.); Process III conditional use, shoreline conditional use, preliminary plat, and planned unit development ~~and protected area development exception~~ applications within community council jurisdiction (LUC 20.35.300 et seq.); and Chapter 23.10 BCC; if the proposal or use will generate 30 or more new P.M. peak period average 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. The trip generation rate is based on the most recent "Trip Generation," published by the Institute of Transportation Engineers (ITE). 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.

B. Phased Development. A phased development is any Process I or Process II approval, or Process III conditional use, shoreline conditional use, preliminary plat, and planned unit development ~~and protected area development exception~~ applications within community council jurisdiction, involving multiple buildings where issuance of building permits under Chapter 23.10 BCC 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, except that the timing of application of the requirements of this chapter may be modified pursuant to a development agreement approved by the City Council pursuant to RCW 36.70B.

C. Single Project Limits. All Process I, Process II, Process III conditional use, shoreline conditional use, preliminary plat, and planned unit development ~~and protected area development exception~~ applications within a community council jurisdiction and Chapter 23.10 BCC applications which have been submitted for a single project limit (as defined in Bellevue City Code, ~~(LUC 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 under subsection 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 30 or more new p.m. peak period average trips will be generated.

E. Concomitant and Development Agreements. This chapter applies to any development application that is subject to an existing concomitant or development 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 BCC).

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 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.

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 LUC 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 LUC 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 9. Section 14.10.030 of the Bellevue City Code is hereby amended as follows:

14.10.030 Level-of-service standard.

A. Area-Average Level-of-Service Standards. P.M. peak period (averaged) 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. In this approach, the average level-of-service of the system intersections within each area is calculated. 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. The area-average level-of-service standard and the congestion allowance for each mobility management area are:

Mobility Management Area	Area-Average LOS Standard (Maximum v/c Ratio)	Congestion Allowance
Regional Center	0.950	
(Downtown/Area #3)		9
Activity Area	0.950	
(Factoria/Area #13)		5
<u>(Bel-Red/Northup/Area #12)</u>		<u>7</u>
Mixed Commercial/ Residential Areas	0.900	
(Bel-Red/Northup/Area #4)		10
<u>(Wilburton/Area #4)</u>		<u>3</u>
(Crossroads/Area #5)		2
(Eastgate/Area #10)		4
<u>Interlocal Areas</u>	<u>0.950</u>	-
(Overlake/Area #12)		9
Residential Group 1	0.850	
(North Bellevue/Area #1)		3
(South Bellevue/Area #7)		4
(Richards Valley/Area #8)		5
(East Bellevue/Area #9)		5
Residential Group 2	0.800	
<u>(Bridle Trails/Area #2)</u>		<u>24</u>
(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. Degradation of a mobility management area is defined in BCC 14.10.010. If the maximum v/c ratio of a mobility management area is already exceeded prior to a development proposal, the

development proposal may not degrade the v/c ratio further. 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.

Section 10. Section 14.10.040.C of the Bellevue City Code is hereby amended as follows:

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~~ approved in accordance with BCC 14.10.050.

Section 11. Section 14.10.040.D of the Bellevue City Code is hereby amended as follows:

D. Director's ~~Decision Determination~~ and Appeal Process.

1. The director ~~shall issue a concurrency will determination if mitigation is required under approving, approving with mitigation, or denying the development proposal in accordance with~~ this chapter.

2. If mitigation is required, the director shall determine if the mitigation proposed by the developer meets the requirements of BCC 14.10.050 and shall include such mitigation in the concurrency determination.

3. The concurrency determination shall be issued in writing. Notice of the director's decision and ~~the any transportation improvements mitigation~~ required shall be published once in a newspaper of general circulation in the city, which may be or consolidated with any other notice required by the Bellevue Land Use Code or Environmental Procedures Code.

3. Any party who has standing to appeal may appeal the director's decision to the hearing examiner pursuant to the Process II appeal procedures, BCC (Land Use Code) 20.35.250. If notice of the concurrency determination was consolidated with notice of a decision on the underlying development proposal, the appeal of the concurrency determination shall be consolidated with any appeal of the underlying development proposal.

4. Any appeal of the director's decision must be filed with the city clerk within the time period required in Process II, BCC (Land Use Code) 20.35.200 et seq.

Section 12. Section 14.10.040 of the Bellevue City Code is hereby amended by the addition of a new subsection F as follows:

F. Expiration of Approval. The director's concurrency determination approving or approving with mitigation a development proposal shall expire one year from the date of the director's final decision, except as otherwise provided in this subsection.

1. Expiration Date Extended for Building Permit or Establishment of Use. Except as set forth in subsection 2 below, the expiration date of an approval for development proposals shall be extended when:

a. A complete Building Permit application is filed for the proposal before the end of the one-year term. In such cases, the expiration date of the approval shall be automatically extended for the time period during which the Building Permit application is pending prior to issuance; provided that if the Building Permit application expires or is canceled, the approval shall also expire or be canceled. If a Building Permit is issued and subsequently renewed, the expiration date of the approval shall be automatically extended for the period of the Building Permit; provided that if the Building Permit expires or is canceled, the approval shall also expire or be cancelled; or

b. For projects which do not require a Building Permit, the use allowed by the approval has been established prior to the expiration date of the approval and is not terminated by abandonment or otherwise.

2. Expiration Date Extended for Catalyst Projects. The expiration date of the approval for the phases within a catalyst project may be modified to extend the approval for any phase to up to 5 years from the date of issuance of the approval required under this chapter pursuant to a development agreement approved by the City Council pursuant to RCW 36.70B. In no event may more than 1,000,000 square feet of commercial development be vested under this section at any one time. As used in this section, "catalyst project," and "Master Development Plan" shall have the meanings assigned in the Bellevue Land Use Code.

Section 13. Section 14.10.050.A of the Bellevue City Code is hereby amended 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 approved pursuant to subsection B-D~~ of this section.

Section 14. Section 14.10.050.B. of the Bellevue City Code is hereby amended as follows:

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 BCC 14.10.040 must be under construction within six 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 LUC 20.40.490.

2. The developer may provide funding in an amount equal to the director's cost estimate for improvements required under BCC 14.10.040. The director may require actual 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 subsection (B)(2) of this section shall be expended within six years of receipt. Any funds not expended within six years of receipt shall be refunded in full to the property owner ~~currently~~ of record at the time of refund, 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 benefited 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 BCC 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 years have elapsed. Any funds not expended within six years of receipt shall be refunded in full to the property owner ~~currently~~ of record at the time of refund, plus interest earned, less a reasonable administrative charge for processing. An assurance device in accordance with LUC 20.40.490 may, with the agencies' approval, substitute for the payment or construction.

Section 15. Section 14.10.060 of the Bellevue City Code is hereby amended as follows:

14.10.060 Mobility management area system intersections and map.

Area 1: North Bellevue

Int. #	North-South Street	East-West Street
69	Bellevue Way NE	NE 24th Street
74	Bellevue Way NE	Northup Way NE
78	108th Ave. NE	Northup Way NE
93	Lake Washington Blvd.	NE 1st/NE 10th

Area 2: Bridle Trails

Int. #	North-South Street	East-West Street
<u>64</u>	<u>140th Ave. NE</u>	<u>NE 24th Street</u>

<u>79</u>	<u>148th Ave. NE</u>	<u>NE 40th Street</u>
<u>114</u>	<u>116th Ave. NE</u>	<u>Northup Way NE</u>
<u>116</u>	<u>115th Place NE</u>	<u>Northup Way NE</u>
118	Northup Way	NE 24th Street
123(F)	140th Ave. NE	NE 40th Street
<u>188</u>	<u>148th Ave. NE</u>	<u>NE 29th Place</u>
<u>189</u>	<u>NE 29th Place</u>	<u>NE 24th Street</u>

Area 3: Downtown

Int. #	North-South Street	East-West Street
3	100th Ave. NE	NE 8th Street
5	Bellevue Way NE	NE 12th Street
7	Bellevue Way NE	NE 8th Street
8	Bellevue Way NE	NE 4th Street
9	Bellevue Way	Main Street
20	108th Ave. NE	NE 12th Street
21	108th Ave. NE	NE 8th Street
22	108th Ave. NE	NE 4th Street
24	108th Ave.	Main Street
25	112th Ave. NE	NE 12th Street
26	112th Ave. NE	NE 8th Street
36	112th Ave.	Main Street
72	112th Ave. NE	NE 4th Street

Area 412: Bel-Red/Northup

Int. #	North-South Street	East-West Street
29	116th Ave. NE	NE 12th Street
<u>30</u>	<u>116th Ave. NE</u>	<u>NE 8th Street</u>

32	120th Ave. NE	NE 12th Street
34	124th Ave. NE	Bel-Red Road
35	124th Ave. NE	NE 8th Street
37	130th Ave. NE	Bel-Red Road
39	140th Ave. NE	NE 20th Street
40	140th Ave. NE	Bel-Red Road
47	148th Ave. NE	NE 20th Street
48	148th Ave. NE	Bel-Red Road
59	Bel-Red Road	NE 24th Street
60	156th Ave. NE	Bel-Red Road
61	156th Ave. NE	NE 24th Street
68	130th Ave. NE	NE 20th Street
73	116th Ave.	Main Street
81	148th Ave. NE	NE 24th Street
88	124th Ave. NE	Northup Way NE
114	116th Ave. NE	Northup Way NE
116	115th Place NE	Northup Way NE
117	120th Ave. NE	NE 20th Street
131	116th Ave. SE	SE 1st Street
139	116th Ave. NE	NE 4th Street
233	120th Ave. NE	NE 8th Street

Area 5: Crossroads

Int. #	North-South Street	East-West Street
58	Bel-Red Road	NE 20th Street
62	156th Ave. NE	Northup Way
63	156th Ave. NE	NE 8th Street

Area 6: North-East Bellevue

Int. #	North-South Street	East-West Street
75	164th Ave. NE	NE 24th Street
76	164th Ave. NE	Northup Way
87	164th Ave. NE	NE 8th Street
111	Northup Way	NE 8th Street

Area 7: South Bellevue

Int. #	North-South Street	East-West Street
14	112th Ave. SE	Bellevue Way SE
89	112th Ave. SE	SE 8th Street
102	118th Ave. SE	SE 8th Street
219	I-405 NB Ramps	SE 8th Street
226	I-405 SB Ramps	SE 8th Street

Area 8: Richards Valley

Int. #	North-South Street	East-West Street
<u>35</u>	<u>124th Ave. NE</u>	<u>NE 8th Street</u>
43	140th Ave. SE	SE 8th Street
44	145th Place SE	Lake Hills Blvd.
45	145th Place SE	SE 16th Street
71	Lake Hills Connector	SE 7th Pl./SE 8th Street
82	Richards Road	Kamber Road
85	Richards Road	SE 32nd Street
134	Richards Road	Lake Hills Connector
280(F)	Sunset Connector	Kamber Road

Area 9: East Bellevue

Int. #	North-South Street	East-West Street
41	140th Ave. NE	NE 8th Street

42	140th Ave.	Main Street
49	148th Ave. NE	NE 8th Street
50	148th Ave.	Main Street
51	148th Ave. SE	Lake Hills Blvd.
52	148th Ave. SE	SE 16th Street
55	148th Ave. SE	SE 24th Street
65	148th Ave. SE	SE 8th Street
83	156th Ave.	Main Street

Area 10: Eastgate

Int. #	North-South Street	East-West Street
56	148th Ave. SE	SE 27th Street
86	156th Ave. SE	SE Eastgate Way
92	161st Ave. SE	SE Eastgate Way
101	150th Ave. SE	SE Eastgate Way
171	142nd Ave. SE	SE 36th Street
174	150th Ave. SE	SE 38th Street
227	150th Ave. SE	I-90 EB Off-Ramp/SE 36
272(F)	Sunset Connector	SE Eastgate Way

Area 11: Newcastle

Int. #	North-South Street	East-West Street
98	Coal Creek Parkway	Forest Drive
133	150th Ave. SE	SE Newport Way
228(F)	SR-901/Lakemont Blvd. Ex	SE Newport Way
229(F)	Lakemont Blvd.	Forest Drive
242(F)	164th Ave. SE	Lakemont Blvd/Lakemont Ex

257(F) 164th Ave. SE SE Newport Way

Area 124: Overlake/Wilburton

Int. #	North-South Street	East-West Street
39	140th Ave. NE	NE 20th Street
30	116th Ave. NE	NE 8th Street
40	140th Ave. NE	Bel-Red Road
73	116th Avenue	Main Street
47	148th Ave. NE	NE 20th Street
131	116th Ave. SE	SE 1st Street
48	148th Ave. NE	Bel-Red Road
139	116th Ave. NE	NE 4th Street
59	Bel-Red Road	NE 24th Street
233	120th Ave. NE	NE 8th Street
60	156th Ave. NE	Bel-Red Road
61	156th Ave. NE	NE 24th Street
64	140th Ave. NE	NE 24th Street
79	148th Ave. NE	NE 40th Street
81	148th Ave. NE	NE 24th Street
138	Bel-Red Road	NE 40th Street
188	148th Ave. NE	NE 29th Street
189(F)	NE 29th Place	NE 24th Street
239	156th Ave. NE	NE 40th Street
249	148th Ave. NE	NE 51st Street
250(F)	SR-520 SB Ramps	NE 51st Street
251(F)	SR-520 NB Ramps	NE 51st Street
255	156th Ave. NE	NE 51st Street
264	156th Ave. NE	NE 31st Street

Area 13: Factoria

Int. #	North-South Street	East-West Street
105	Richards Road	SE Eastgate Way
202	128th Ave. SE/ Newport Way	SE Newport Way
203	SE Newport Way	Coal Creek Parkway
204	128th Ave. SE	SE 36th Street
220	I-405 NB Ramps	Coal Creek Parkway
221	I-405 SB Ramps	Coal Creek Parkway
222	128th Ave. SE	SE 38th Place
284(F)	124th Ave. SE	Coal Creek Parkway

Area 14: Newport

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

Notes:

See [Attachment Figure 1A](#) for map.

(F) designates future signal.

Section 16. Attachment A referenced in Section 14.10.060 and included in Bellevue City Code Chapter 14.10 is hereby deleted and replaced with the following map labeled "Figure 1":

-ORD

Section 17. This ordinance shall take effect and be in force five (5) days after passage and legal publication.

Passed by the City Council this _____ day of _____, 2009 and signed in authentication of its passage this _____ day of _____, 2009.

(SEAL)

Grant S. Degginger, Mayor

Approved as to form:

Lori M. Riordan, City Attorney

Mary Kate Berens, Deputy City Attorney

Attest:

Myrna Basich, City Clerk

Published _____