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CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 5081

AN ORDINANCE relating to the Traffic Standards Code and Chapter 14.10 of the Bellevue City Code; amending Section 2 of Ordinance No. 4606 and Sections 14.10.005, 14.10.010, 14.10.020, 14.10.030, 14.10.040, 14.10.050, 14.10.060 of the Bellevue City Code; Sections 1 through 6 of Ordinance No. 4823; and Section 30 of Ordinance No. 4978; modifying the level-of-service computational method to use two instead of one evening peak hours; changing the method of calculating level-of-service from that in the Transportation Research Circular No. 212 to that in the Highway Capacity Manual Special report 209; and clarifying the Land Use Code process.

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

Section 1. Section 2 of Ordinance 4606 and Section 14.10.005 of the Bellevue City code are hereby amended to read 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 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 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 mobility options; adjustment of levels of service 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.

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Section 2. Section 2 of Ordinance No. 4606, Section 1 of Ordinance No. 4823 and Section 14.10.010 are hereby amended to read as follows:

14.10.010 Definitions.

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

A. "Affected intersection" means 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 Chapter 39.34 RCW 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 20 or more P.M. peak period average trips.

B. "Affected mobility management area" means any mobility management area with an affected intersection.

C. "Area-average level of service" means the sum of the critical volumes of the signalized system intersections within a mobility management area divided by the sum of the capacity of the signalized system intersections within that mobility management area.

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 applications within a Community Council jurisdiction. Approved Process I and II applications, and Process III 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.

E. "Concurrency" means a requirement of the 1990 Growth Management Act (RCW 36.70A.070 (6)) 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 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.

F. "Congestion allowance" means the number of signalized system intersections allowed to exceed the level-of-service standard adopted for a mobility management area.

G. "Degradation" means 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 BCC 14.10.030; or an increase beyond the congestion allowance in the number of signalized system intersections exceeding the level-of-service standard.

H. "Director" means the director of the transportation department for the city of Bellevue, the director's authorized representative, or any representative authorized by the city manager.

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 secured for construction.

J. "Level-of-service" means the degree of saturation of an intersection. It is measured as the summation of the flow ratios for all critical lane groups in the intersection.

K. "Mitigation," for the purposes of this chapter, means 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" means 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.

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-30 and TR-31.

M. "P.M. peak period" means the two hours between 4:00 P.M. and 6:00 P.M.

N. "P.M. peak period (averaged) level of service" means the v/c ratio of a system intersection calculated using the P.M. peak period average trips.

O. "P.M. peak period average trips" means the average of the total vehicular trips between 4:00 P.M. and 5:00 P.M. and between 5:00 P.M. and 6:00 P.M.

P. "System intersection" means 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 BCC 14.10.060.

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 enhancements to decrease single occupancy vehicle trips.

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R. "Under construction" means 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)" means the flow ratio for a lane group as defined in the Transportation Research Board Highway Capacity Manual, Special Report 209, using the operational analysis method where v = the actual or projected demand flow rate for a lane group in vehicles per hour, and c = the capacity of a lane group in vehicles per hour.

Section 3. Section 2 of Ordinance No. 4606, Section 2 of Ordinance No. 4823 and Section 14.10.020 are hereby 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.); Process III (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 in the most recent Trip Generation, 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.

B. Phased Development. A phased development is any Process I or Process II approval or Process III within a Community Council jurisdiction approval 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.

C. Single Project Limits. All Process I, Process II, Process III 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 (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 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 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 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 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.

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Section 4. Section 2 of Ordinance No. 4606, Section 3 of Ordinance No. 4823 and Section 14.10.030 of the Bellevue City Code are hereby amended to read 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 Avg. LOS Std. (Maximum v/c Ratio)	Congestion Allowance
Regional Center (Downtown/Area #3)	0.950	9
Activity Area (Factoria/Area #13)	0.950	5
Mixed Commercial/ Residential Areas (Bel-Red/Northup/ Area #4)	0.900	10
		2
		4
Interlocal Areas (Overlake/Area #12)	0.950	9
Residential Group 1 (North Bellevue/Area #1)	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)	0.800	2
(NE Bellevue/Area #6)		2
(Newcastle/Area #11)		3
(Newport/Area #14)		*

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*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 5. Section 2 of Ordinance No. 4606, Section 4 of Ordinance No. 4823, Section 30 of Ordinance No. 4978 and Section 14.10.040 of the Bellevue City code are hereby 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 BCC 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 as defined in BCC 14.10.010(J), 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 BCC 14.10.050.

D. Director's Decision and Appeal Process.

1. The director will 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 BCC 14.10.050. Notice of the director's decision and the transportation improvements required 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.

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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, Bellevue City Code (Land Use Code) 20.35.250.

4. Any appeal of the director's decision must be filed with the city clerk within the time period required in Process II, LUC 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 BCC 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 6. Section 2 of Ordinance No. 4606, Section 5 of Ordinance No. 4823 and Section 14.10.050 of the Bellevue City Code are hereby 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 subsection 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 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 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 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, 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 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, 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 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 30 percent. The director will have discretion to grant an exception to the 30 percent limit.

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.

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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 7. Section 2 of Ordinance No. 4606, Section 6 of Ordinance No. 4823, and Section 14.10.060 of the Bellevue City Code are hereby amended to read 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
118	Northup Way	NE 24th Street
123(F)	140th Ave. NE	NE 40th Street

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

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Area 4: Bel-Red/Northup

Int. #	North-South Street	East-West Street
29	116th Ave. NE	NE 12th Street
30	116th Ave. NE	NE 8th Street
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
68	130th Ave. NE	NE 20th Street
73	116th Ave.	Main 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

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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
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

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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 12: Overlake

Int. #	North-South Street	East-West Street
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
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

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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: (F) designates future signal.

Section 8. This ordinance shall take effect and be in force five days after its passage and legal publication.

PASSED by the City Council this 20th day of July, 1998, and signed in authentication of its passage this 20th day of July, 1998.

(SEAL)



Mike Creighton, Mayor

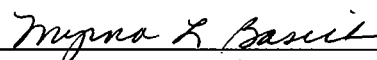
Approved as to form:

Richard L. Andrews, City Attorney



Patrice C. Cole, Assistant City Attorney

Attest:



Myrna L. Basich, City Clerk

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