

**ORIGINAL**

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 5883

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 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 other available mobility options; adjustment of level 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 applications within a community council jurisdiction. Approved applications shall be excluded from background traffic calculations 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 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 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 funding 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-33.

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 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 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 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 city's most recent transportation impact fee program report adopted pursuant to BCC Title 22.16, now or as hereafter amended. Other trip generation rate sources may be used where there may be special trip-generating characteristics of the proposal, as determined by the director.

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 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 through 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 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:

<b>Mobility Management Area</b>	<b>Area-Average LOS Standard (Maximum v/c Ratio)</b>	<b>Congestion Allowance</b>
Regional Center (Downtown/Area #3)	0.950	9
Activity Area (Factoria/Area #13)	0.950	5
(Bel-Red/Northup/Area #12)		7
Mixed Commercial/ Residential Areas (Wilburton/Area #4)	0.900	3
(Crossroads/Area #5)		2
(Eastgate/Area #10)		4
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	4
(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 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 Determination and Appeal Process.

1. The director shall issue a concurrency determination 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 any mitigation required shall be published once in a newspaper of general circulation in the city, which may be 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, 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 of a Master Development Plan for 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 through 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 approved pursuant to 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 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 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**

<b>Int. #</b>	<b>North-South Street</b>	<b>East-West Street</b>
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**

<b>Int. #</b>	<b>North-South Street</b>	<b>East-West Street</b>
64	140 <sup>th</sup> Ave. NE	NE 24 <sup>th</sup> Street
79	148 <sup>th</sup> Ave. NE	NE 40 <sup>th</sup> Street
114	116 <sup>th</sup> Ave. NE	Northup Way NE
116	115 <sup>th</sup> Place NE	Northup Way NE
118	Northup Way	NE 24th Street
123(F)	140th Ave. NE	NE 40th Street
188	148 <sup>th</sup> Ave. NE	NE 29 <sup>th</sup> Place
189	NE 29 <sup>th</sup> Place	NE 24 <sup>th</sup> Street



**Area 3: Downtown**

<b>Int. #</b>	<b>North-South Street</b>	<b>East-West Street</b>
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 12: Bel-Red/Northup**

<b>Int. #</b>	<b>North-South Street</b>	<b>East-West Street</b>
29	116th Ave. NE	NE 12th Street
32	120th Ave. NE	NE 12th Street
34	124th Ave. NE	Bel-Red Road
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
81	148th Ave. NE	NE 24th Street
88	124th Ave. NE	Northup Way NE
117	120th Ave. NE	NE 20th Street

**Area 5: Crossroads**

<b>Int. #</b>	<b>North-South Street</b>	<b>East-West Street</b>
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**

<b>Int. #</b>	<b>North-South Street</b>	<b>East-West Street</b>
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**

<b>Int. #</b>	<b>North-South Street</b>	<b>East-West Street</b>
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**

<b>Int. #</b>	<b>North-South Street</b>	<b>East-West Street</b>
35	124 <sup>th</sup> Ave. NE	NE 8 <sup>th</sup> 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**

<b>Int. #</b>	<b>North-South Street</b>	<b>East-West Street</b>
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**

<b>Int. #</b>	<b>North-South Street</b>	<b>East-West Street</b>
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**

<b>Int. #</b>	<b>North-South Street</b>	<b>East-West Street</b>
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 4: Wilburton**

<b>Int. #</b>	<b>North-South Street</b>	<b>East-West Street</b>
30	116th Ave. NE	NE 8th Street
73	116th Avenue	Main Street
131	116th Ave. SE	SE 1st Street
139	116th Ave. NE	NE 4th Street
233	120th Ave. NE	NE 8th Street

**Area 13: Factoria**

<b>Int. #</b>	<b>North-South Street</b>	<b>East-West Street</b>
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**

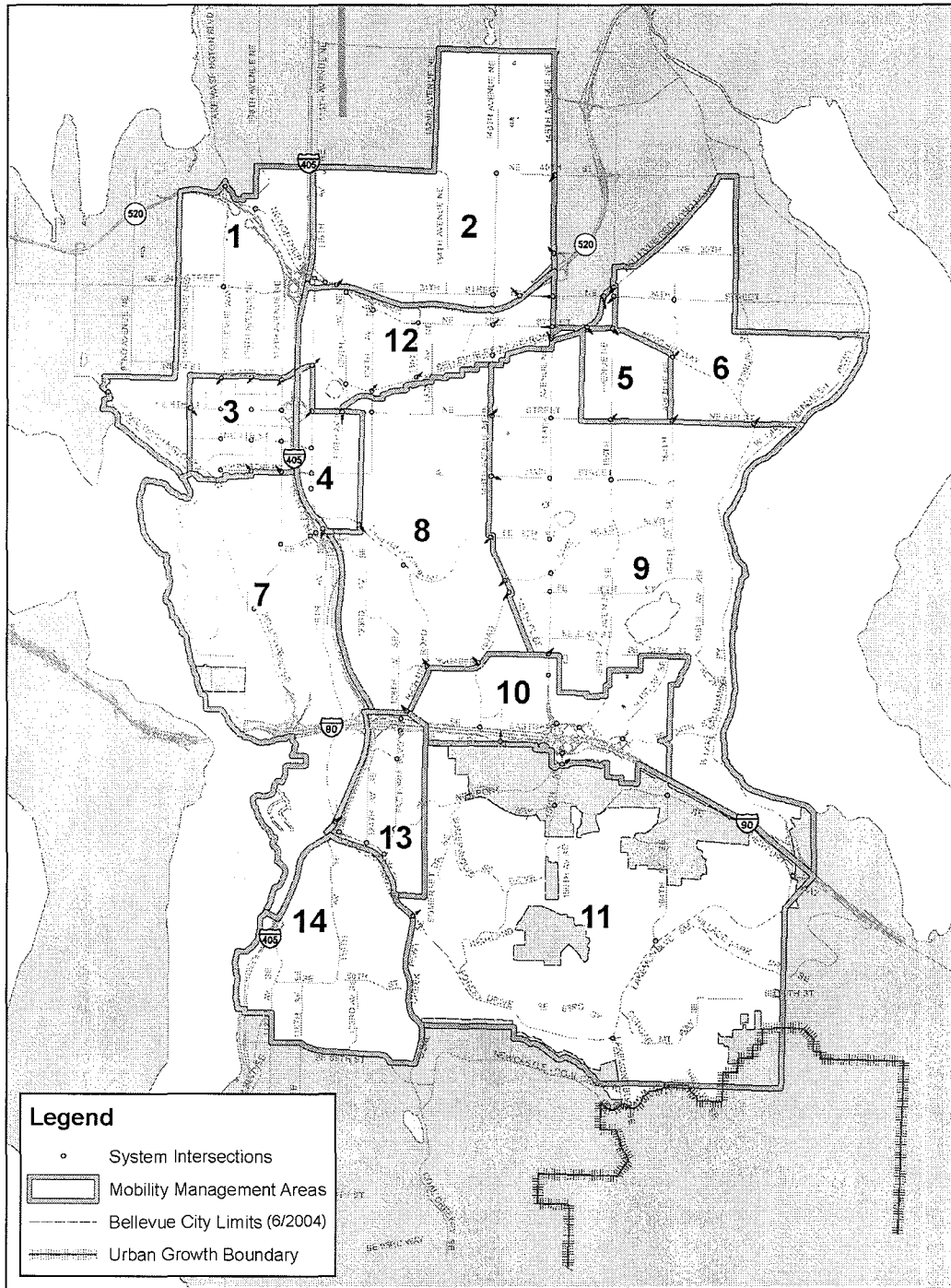
No system intersections are currently identified in this mobility management area.

Notes:

See Figure 1 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 TR.1":

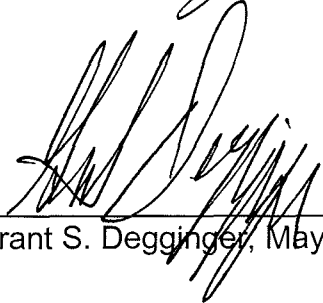


**FIGURE TR.1**  
**Mobility Management Areas**

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

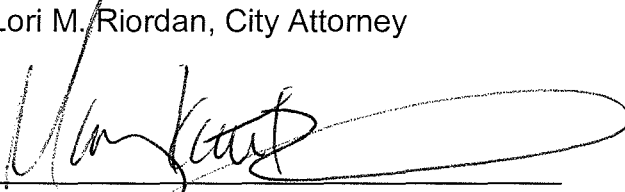
Passed by the City Council this 15<sup>th</sup> day of June, 2009  
and signed in authentication of its passage this 15<sup>th</sup> day of June,  
2009.

(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 June 18, 2009