

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 6380

AN ORDINANCE relating to the City's requirements for Transportation Management Programs; amending Section 14.60.070 of the Bellevue City Code (BCC); repealing Section 14.60.080 BCC; and establishing an effective date.

WHEREAS, the City's requirements for Transportation Management Programs (TMPs) are set forth in Bellevue City Code Sections 14.60.070 and 14.60.080; and

WHEREAS, the requirement for TMPs is consistent with the City's Comprehensive Plan, as adopted pursuant to the Growth Management Act, Chapter 35.70A RCW, and is intended to implement the provisions of such plan; and

WHEREAS, the City code provisions relating to TMPs was last revised in 1995 and includes an additional overlay of requirements for office buildings in Downtown Bellevue; and

WHEREAS, since that time, there has been evolution in the transportation system and options available in Bellevue (transit service improvements, HOV lanes, etc.) and in the broader environment; and

WHEREAS, the Bellevue City Council desires to amend Section 14.60.070 BCC to allow flexibility in the application of these TMP requirements and to repeal Section 14.60.080 to impose consistent requirements for office uses citywide; now, therefore,

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

Section 1. Section 2 (part) of Ordinance No. 6181 and Section 14.60.070 of the Bellevue City Code is hereby amended to read as follows:

14.60.070 Transportation management program.

A. The director may require a transportation management program (TMP) for any project as mitigation for impacts in order to reduce congestion, reduce peak hour trips, or implement the policies of the comprehensive plan.

B. The owner of property upon which new structural development is proposed shall, prior to any initial occupancy of any building, establish a (TMP) to the extent required by subsection E of this section and in accordance with the provisions thereof. The TMP requirements shall continue for the life of the building.

C. Existing structures are not subject to the requirements of this section except where a substantial remodel is proposed.

D. The director shall specify the TMP submittal requirements, including type, detail, format, methodology, and number of copies, for an application subject to this section to be deemed complete and accepted for filing. The director may waive specific submittal requirements determined to be unnecessary for review of an application. The submittal requirements and process shall be detailed in the TMP Implementation Guidelines.

E. The owner of any property for which a TMP is required shall develop and submit a TMP Implementation Plan including those components identified as requirements on the following Transportation Management Program Requirements Chart and further detailed in the TMP Implementation Guidelines. The chart identifies the total gross square footage (for one or more structures) at which specific requirements become applicable. The requirements identified on the chart are described in subsection F of this section.

TRANSPORTATION MANAGEMENT PROGRAM REQUIREMENTS

Programmatic Requirement (1)	Office (2)	Mftng/ Assembly	Professional Services/Medical Clinics & Other Health Care Services (3)	Hospitals	Retail/ Mixed Retail/ Shopping Centers	Residential: Multiple Family Dwellings	Mixed Uses (4)
No requirements	Less than 50,000 gsf	Less than 150,000 gsf	Less than 50,000 gsf	Less than 80,000 gsf	Less than 150,000 gsf	Less than 200 units	(5)
Post information (See subsection (F)(1))	50,000 gsf and over	150,000 gsf and over	50,000 gsf and over	80,000 gsf and over	150,000 gsf and over	200 units and over	(5)
Distribute information (See subsection (F)(2))	50,000 gsf and over	150,000 gsf and over	50,000 gsf and over	80,000 gsf and over	N/A	N/A	(5)

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Provide transportation coordinator (See subsection (F)(3))	50,000 gsf and over	150,000 gsf and over	50,000 gsf and over	80,000 gsf and over	150,000 gsf and over	N/A	(5)
Leases in which tenants are required to participate in periodic surveys (See subsection (F)(4))	50,000 gsf and over	N/A	N/A	N/A	N/A	N/A	(5)
Identify parking cost as a separate line item in tenant leases (See subsection (F)(5))	50,000 gsf and over	N/A	N/A	N/A	N/A	N/A	(5)
Additional Tier 1 and Tier 2 level activities, identified in the TMP Implementation Guidelines (See subsection (F)(6))	50,000 gsf and over – Tier 1: 1 activity Tier 2: 2 activities	150,000 gsf and over – Tier 1: 1 activity Tier 2: 2 activities	50,000 gsf and over – Tier 1: 1 activity Tier 2: 2 activities	80,000 gsf and over – Tier 1: 1 activity Tier 2: 2 activities	150,000 gsf and over – Tier 1: not required Tier 2: 1 activity	N/A	(5)

"gsf" is gross square feet, as defined in LUC 20.50.020 (F)

Footnotes to Transportation Program Requirements Chart:

- (1) Specific actions that the owner of the property must take to mitigate parking and traffic impacts.
- (2) Excluding medical clinics and other health care services.
- (3) Excluding assisted living facilities and nursing homes.

- (4) Other than mixed retail.
- (5) Requirements for mixed uses will be determined on a project basis as described in subsection G of this section.

F. As indicated on the Transportation Management Program Requirements Chart, the affected property owner shall:

1. Post Information. Post up-to-date commuter information in a visible central location according to the requirements specified in the TMP Implementation Guidelines.
2. Distribute Information. Distribute up-to-date commuter information tailored to the TMP site according to the requirements specified in the TMP Implementation Guidelines.
3. Provide a Building Transportation Coordinator. The transportation coordinator shall act as liaison to the city and shall perform tasks specified in the TMP agreement for the building and as described in the TMP Implementation Guidelines. The property owner must provide the transportation coordinator's name to the city. The coordinator must be available for meetings and training sessions conducted by the city or other agency approved by the city.
4. Establish and maintain leases in which tenants are required to participate in periodic surveys. The property owner shall conduct a survey according to procedures and requirements specified in the TMP Implementation Guidelines. The property owner shall include participation in surveys as a requirement in leases.
5. Identify parking cost as a separate line item. The property owner shall identify parking cost as a separate line item in leases with a minimum per-stall rate in Downtown not less than the cost of a monthly countywide transit pass; outside Downtown the minimum per stall rate shall be a fraction (not to exceed 1.0) of the cost of a countywide transit pass, as detailed in the TMP Implementation Guidelines.
6. Tier 1 and Tier 2 activities shall be implemented at the level specified in the Transportation Management Program Requirements Chart; the TMP Implementation Guidelines specify the available options for activities, provide detail of their applicability and describe their implementation.

G. Determination of Requirements for Mixed Uses. The director shall determine the transportation management program requirements for mixed uses. These requirements shall be limited to the requirements described in subsections E and F of this section, as further detailed in the TMP Implementation Guidelines. The director shall apply the requirements for the same or most similar uses as described in subsections E and F of this section.

H. Substitution of Alternate Program. With the approval of the director, an alternate transportation management program may be substituted by the property owner for those components identified as requirements in subsections E and F of this section if, in the judgment of the director, the alternate program is at least equal in potential benefits to the requirements in subsections E and F of this section.

I. Performance goal. An office building of 50,000 gsf or more shall have a performance goal. The TMP Implementation Guidelines detail the determination of the applicable performance goal. Once established, the performance goal remains in effect for the life of the building.

J. Recording. Prior to the issuance of a building permit or of any approvals made pursuant to Chapter 20.30 LUC, the owner of property subject to this section shall record an agreement between the city and the property owner with King County Recorder's Office and with the Bellevue city clerk that requires compliance with this section by the present and future owners of the property.

K. Reporting Requirements. Beginning one year after the issuance of a final certificate of occupancy, and every two years thereafter for development subject to this section, the property owner shall submit a report to the director, who shall then determine compliance with this section. The report shall provide documentation of compliance with required elements as specified in the TMP agreement for the building and described in the TMP Implementation Guidelines. A report form will be provided to the property owner by the city as detailed in the TMP Implementation Guidelines.

The owner of a property with a TMP performance goal shall conduct a biennial survey to determine employee mode split. The survey must be conducted by an independent agent approved by the city according to protocols described in the TMP Implementation Guidelines. The city will designate a targeted minimum response rate. Surveys with response rates below the targeted minimum response rate may be invalid.

L. Modification of TMP Implementation Agreement.

1. Failure to meet performance goal. If a property owner does not meet the applicable performance goal as determined through periodic measurement surveys, the city may direct the property owner to revise its TMP Implementation Agreement according to procedures and criteria established in the TMP Implementation Guidelines. The property owner shall submit a revised TMP Implementation Agreement within 90 days of receiving a written notice from the city. The city shall review the proposed revised TMP Implementation Agreement and notify the property owner of acceptance or rejection of the revised program. If a revised program is not accepted, the city will send written notice to that effect to the property owner and, if necessary, require the property owner to attend a conference with program review staff for the purpose of reaching a consensus on the required TMP implementation activities. A final decision on the required TMP implementation activities will be issued in writing by the city within 30 days of the conference.

2. Property owner initiated. The owner of a property with a TMP requirement may propose modification of the TMP Implementation Agreement. Modifications are limited to the implementation activities and shall not affect the performance goal, if any. The TMP Implementation Guidelines describe the modification process and the criteria used for evaluation of proposed modifications.

M. Good Faith Effort.

1. Property owners implementing TMPs are expected to undertake good faith efforts to achieve the goals outlined in this section. Property owners are considered to be making a "Good Faith Effort" if the following conditions have been met.

a. The property owner has completed an initial baseline measurement survey according to the specifications in the TMP Implementation Guidelines if required;

b. The property owner has met the minimum program and reporting requirements identified in this section and the TMP Implementation Guidelines, including accurate survey results (where applicable);

c. The property owner has provided adequate information and documentation of implementation when requested by the city; and

d. The property owner is working collaboratively with the city to continue its existing program or is developing and implementing program modifications according to the process described in 14.60.070 (L) and the TMP Implementation Guidelines likely to result in improvements to the program meeting performance goals as defined in this section over an agreed-upon length of time.

2. An affected property owner with an approved transportation management program who has made a Good Faith Effort shall not be liable for civil penalties for failure to reach the applicable proportion of drive alone trip goal.

Section 2. Section 2 (part) of Ordinance No. 6181 and Section 14.60.080 is hereby repealed in its entirety.

Section 3. This Ordinance shall take effect and be in force thirty (30) days after its passage and legal publication.

Passed by the City Council this _____ day of _____, 2017 and
signed in authentication of its passage this _____ day of _____, 2017.

(SEAL)

John Stokes, Mayor

Approved as to form:

Lori M. Riordan, City Attorney

Monica A. Buck, Assistant City Attorney

Attest:

Kyle Stannert, City Clerk

Published _____