



Approval

October 30, 2017

Effective Date

Title: Traffic Standards Code Director's Rule

Date Issued: October 30, 2017

Sponsor's Name: Dave Berg, Director  
Transportation Department

Sponsor's Department: Transportation Department

Purpose/Short Description: To provide guidelines for evaluating the traffic impacts of development proposals as required by the Traffic Standards Code.

Public Hearing Date:

## **I. BACKGROUND**

A concurrency analysis is one of the three major elements that may be required in a Bellevue traffic impact analysis for a development proposal: operational (short term), concurrency (six-year), and horizon (12-year). Compliance with the concurrency requirements of the Growth Management Act is determined through a Traffic Standards Code (concurrency) analysis (BCC 14.10.005).

The Traffic Standards Code (TSC, BCC chapter 14.10) authorizes the Director of the Transportation Department to adopt rules for the implementation of the TSC. See BCC 14.10.020. This TSC Director's Rule was adopted following the procedures set forth in BCC 14.10.020, and supersedes and entirely replaces all previous rules. In the event of any conflict between this Rule and the Traffic Standards Code, the TSC shall prevail.

## **II. THE TRAFFIC STANDARDS CODE ANALYSIS**

### **A. Application**

The TSC applies to proposals or uses that are anticipated to generate 30 or more net new p.m. peak period average vehicle trips where review and approval is required pursuant to Land Use Code Processes I, II, and III (only Process III applications involving conditional use, shoreline conditional use, preliminary plat, and planned unit development projects which are subject to community council jurisdiction), and to applications filed under BCC Chapter 23.10. The TSC

also applies to applications for tenant improvement permits where State Environmental Policy Act ("SEPA") review is required and 30 or more net new p.m. peak period average trips will be generated. See BCC 14.10.020.I for a list of types of proposals that are exempt from the requirements of chapter 14.10.

The TSC applies to phased developments as noted at BCC 14.10.020.B. Further, as noted at BCC 14.10.020.C, multiple applications that have been submitted for a single project limit (as defined in BCC 20.50.040) within a three year period will be considered a single project for purposes of concurrency analysis. See Section II.G for further discussion of the timing and expiration of the concurrency analysis.

## **B. Traffic Model Platform**

In a TSC analysis, traffic generated by a proposal is added to a computer-generated traffic model platform. This model platform consists of defined (by year) background traffic volumes on a defined street network. City staff will update components of the TSC model platform annually.

Background traffic includes regional traffic, anticipated traffic from proposals that have been approved under BCC Chapter 23.10, and anticipated traffic from approved Process I, II, and III applications (see BCC 14.10.010.D). As noted above, the traffic from such approved applications is added to the model platform at the next model platform update after application approval. Traffic anticipated from approved applications are excluded from background traffic calculations upon expiration of the Director's concurrency approval as set forth in BCC 14.10.010.D and BCC 14.10.040.F.

The modeled street network consists of (1) existing infrastructure and (2) street and intersection additions and improvements approved in the six-year Capital Investment Program. The network also includes capacity provided by any street improvements under contract as part of approved proposals. Under the provisions of the Growth Management Act ("GMA"), developers are allowed to rely upon funded improvement projects that will be constructed in the short term (in addition to existing facilities) to demonstrate compliance with the GMA requirement that adequate street capacity is provided concurrently with development. See RCW 37.70A.070(6)(B).

## **C. Trip Generation**

Trip generation rates for p.m. peak period trips generated by proposals are based on the city's most recent transportation impact fee program report adopted pursuant to BCC Title 22.16. If the proposal type is not similar to one of the adopted land use types in the impact fee program report, the Director will specify a rate based on ITE data, applicant information, and other relevant material, as determined by the Director. See BCC 14.10.020.

The Director will allow a reasonable reduction to net trip generation for multi-use developments pursuant to the authority of BCC 14.10.020. In order to request such modification the applicant may propose internal capture rates based upon the *Trip Generation Handbook – An ITE Proposed Recommended Practice* (Institute of Transportation Engineers, 3rd Edition) or latest revision, or other industry standard practice. The Director shall specify the amount of trip generation reduction due to the above.

The number of net new p.m. peak period trips shall be calculated as the difference in trip generation between the proposed use and the current land use. Trip credit will therefore be

given for the current land use as determined by the adopted trip rate in effect at the date of approval or permit issuance. In the case of vacant sites with a previous use, trip credit reflecting (1) counts during actual use at the site within the two years prior to approval or permit issuance or (2) documented land use within the two years prior to approval or permit issuance will be given. The Director will determine the appropriate amount of trip credit.

#### **D. Trip Distribution and Assignment**

As part of the concurrency analysis, the City will provide the applicant with a project trip distribution, project turning movements, and background turning movements at affected intersections. Applicants may review distribution assumptions and submit market surveys and other documentation to support modifications of the distribution. The final distribution decision will be made by the Director.

#### **E. Identification of Affected Intersections**

A system intersection is a signalized intersection within a MMA that contributes to the function of the transportation system; system intersections are listed in BCC 14.10.060. An affected intersection within an MMA is a system intersection to which a proposal is projected to add 20 or more p.m. peak period trips. A TSC analysis must be performed for every MMA with one or more affected intersections

#### **F. Compliance with the TSC**

1. General. A proposal, consisting of a development project and any mitigation, meets the TSC requirements if it passes two tests: the MMA Area-Average Test and the Congestion Limit Test (BCC 14.10.040.B). The concurrency analysis for the proposal lists system intersection levels of service with and without the proposal, and compares MMA area-average levels of service with and without the proposal. The City adds the proposal's traffic volumes to the background traffic volumes and calculates the volume/capacity ("v/c") ratio and level of service for every affected system intersection (BCC 14.10.030).

2. MMA Area-Average Test. The City designates in the Comprehensive Plan an area-average level-of-service standard that reflects area conditions, mobility options and community objectives for each MMA. The area-average method calculates the average level of service of the affected system intersections in each area, and thus indicates system adequacy in the MMA relative to the standard.

The City uses the v/c ratios for the system intersections in an MMA with and without the proposal to calculate and compare the proposal's impact on each MMA area average. The sum of the critical volumes of all the system intersections is divided by the sum of the capacities of all the system intersections. If trips from a proposal will cause the maximum v/c ratio for an MMA to be exceeded, mitigation is required (BCC 14.10.010.G).

If trips from a proposal will increase the v/c ratio in any MMA that already exceeds the maximum v/c ratio, mitigation is required to meet the concurrency standards (BCC 14.10.030.B). Note that v/c ratio changes resulting from the addition of fewer than 20 trips are not included in the above calculations, as per the definition of an affected intersection (BCC 14.10.010.A).

3. Congestion Limit Test. The level-of-service standard for each MMA is also the level-of-service standard for each system intersection within the MMA. The congestion allowance is the number

of system intersections allowed to exceed the level-of-service standard. If the congestion allowance would be exceeded as a result of the proposal, mitigation is required, even if the area-average level of service would not be degraded below the standard. The developer must improve sufficient intersections to reduce the number of congested intersections to the congestion allowance (BCC 14.10.010.G).

If the congestion allowance is already exceeded before the addition of the proposal trips, the analysis must show if the additional trips would degrade additional intersections, increasing the total number of intersections that exceed the congestion allowance. If so, the developer must mitigate sufficient congested system intersections such that the original (without-project) number of congested intersections is not exceeded (BCC 14.10.030.B).

4. Calculation Methods for Volume/Capacity Ratio. The City uses background trip volumes from an average of two p.m. peak hours (4:00 p.m. to 6:00 p.m.) and the *Highway Capacity Manual 2015*, now or as hereafter amended, to determine v/c ratios for system intersections (BCC 14.10.010.M, .010.N, .010.S). The MMA Area-Average Test and the Congestion Limit Test are then applied.

5. Compliance Determination. The Director will make a determination that the proposal has complied with the requirements of the TSC if analysis shows that the proposal with any associated mitigation meets the requirements of 14.10.040.B. The proposal will not be approved under the TSC if analysis shows that it causes degradation that is not appropriately mitigated. See BCC 14.10.040.C. A written concurrency determination, (the Certificate of Concurrency), detailing the size and type of the proposal, will be issued pursuant to BCC 14.10.040.D. Where applicable, the Certificate of Concurrency will be issued concurrently with the approval of the underlying land use decision or with the SEPA determination on a building permit without associated land use discretionary review. The City will publish the determination per the requirements of BCC 14.10.040.

## **G. Timing of Analysis and Reservation of Concurrency Determination**

1. Preliminary Concurrency Analysis – All Projects. A developer may request a preliminary concurrency analysis for informational purposes through a Predevelopment Review application prior to submitting a project application. However, the results of a preliminary concurrency analysis prepared for a Predevelopment Review application cannot be used as the basis for issuing a concurrency determination until any required complete application for Land Use Code approval (or a complete building permit application is filed if no prior Land Use approval is required). The preliminary analysis will expire two years from the date it is completed.

2. Projects Requiring Land Use Code Applications (Other Than Subdivisions) – General. When a concurrency analysis is completed, the results will remain in effect for two years from the date of completion. If the land use decision has not been issued prior to the expiration of the determination, the analysis must be redone using the current model platform. A concurrency determination will be issued on the date of issuance of the land use decision.

The Certificate of Concurrency for a Process I, II or III application will be reserved to the project at the land use decision date, or at the time of a complete building permit application, whichever is earlier. The concurrency reservation expires one year from the associated land use decision date unless a building permit application is filed (BCC 14.10.040.F). (See below for additional details regarding reservation of concurrency for phased projects)

At time of complete building permit application, the Certificate of Concurrency reserved for a Process I, II or III application will remain in effect for the life of the building permit application, pursuant to BCC 23.05.090.H. At issuance of building permit, the Certificate of Concurrency will be extended and remain in effect for the life of the building permit, as provided for in BCC 14.10.040.F and 23.05.100.E. (See below for additional details regarding reservation of concurrency for phased projects.)

3. Additional Information – Phased Projects. The result of the concurrency analysis for the entire phased development will remain in effect for all buildings within a phased development so long as building applications and/or building permits remain active for any phase within the development. If any Certificate of Occupancy (temporary or final) is issued for a building within a phased development when there is no building other application or building permit in process for another building within the phased development, the concurrency reservation for the remaining buildings will lapse.

4. Catalyst Projects. Different rules regarding the timing of concurrency analysis and expiration of a concurrency determination may apply to “catalyst projects” as defined in LUC 20.25.035. Please contact the Transportation Department Development Review Manager for information about the applicability of the TSC to catalyst projects.

5. Subdivisions. Preliminary subdivisions are Process I applications, but the process and timeline noted in the section above for the timing of the concurrency analysis and expiration of the Certificate of Concurrency do not apply. The completeness date (the date the application is deemed complete to begin review as defined by BCC 20.35.030.C) determines which model platform will be used for the associated concurrency determination. Typically, the completeness date is 28 days after application submittal.

When a concurrency analysis is completed, the results will remain in effect for the life of the subdivision application (applications may be canceled for inactivity pursuant to BCC 20.40.510). A concurrency determination will be issued on the date of issuance of the preliminary subdivision decision. Preliminary subdivisions that comply with the TSC will receive a Certificate of Concurrency.

The Certificate of Concurrency will be reserved to the preliminary subdivision and will remain in effect for five years (with the possibility of up to three additional years for phased development) as provided for in BCC 20.45A.140 and 150. If a final subdivision application is not filed within five years, or within the additional time provided for a submittal of a final subdivision on a phased development, the preliminary subdivision concurrency reservation will expire. At final subdivision approval, the Certificate of Concurrency will be reserved to the subdivision.

When a preliminary subdivision application is combined with a planned unit development application, application for a building permit must be made within one year of the planned unit development approval and the issuance of the Certificate of Concurrency or the reservation will expire.

7. Building Permit Application (BCC Chapter 23.10) Without Associated Land Use Permit. The completeness date (the date the application is deemed complete to begin review as defined by BCC 20.35.030.C) determines which model platform will be used for the associated concurrency determination. Typically, the completeness date is 28 days after application submittal.

When a concurrency analysis is completed, the results will remain in effect for the life of the building permit application, pursuant to BCC 14.10.040.F and 23.05.090.H. A concurrency determination will be issued on the date of issuance of the SEPA determination for the underlying building permit application. Projects that comply with the TSC will receive a Certificate of Concurrency. The Certificate of Concurrency will be reserved to the project for the life of the building permit as provided for in BCC 14.10.040.F and 23.05.100.E.

#### **H. Significant Change in Project Size or Nature**

If, during the course of review, a proposed development project changes in size or type such that the trip generation figure increases by one or more p.m. peak period trips, the concurrency analysis must be rerun. Process I, II or III applications (excluding subdivisions and building permits) will be rerun using the current model platform and the concurrency status must be reassessed. Preliminary subdivision applications and building permit applications with increased p.m. peak period trips will be reanalyzed using the same model platform as was used in the original TSC analysis for that application.

### **III. APPEAL OF PROJECT CONCURRENCY ANALYSIS**

The TSC specifies that appeals of the Director's determination as to compliance with the requirements of the TSC may be made to the Hearing Examiner pursuant to Process II appeal procedures (see BCC 20.35.250). The project applicant or any person who submitted written comments prior to the date the decision was issued may appeal the decision.