City of Bellevue

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DATE: May 6, 2009

TO: Transportation Commission

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SUBJECT: Transportation Development Code update

Purpose

To report back to the Transportation Commission on the status of the Transportation Development Code update.

Background

Staff presented a draft Transportation Development Code (BCC 14.60) update to the Commission on February 12, 2009. The Commission members reviewed the update with staff and requested further information following public outreach. Staff subsequently provided the draft update and summary of proposed code changes to citizens who had previously requested to be notified of any proposed code amendments to BCC 14.60. Staff also contacted 24 local developers and traffic consultants and requested comments.

From this outreach, we received comments from one civil engineer and one traffic consultant. Additional comments and recommendations were received from in-house staff. These comments are shown in Attachment A, together with responses. Transportation Commission requests for further information from the February 12 meeting are also included in this table. Staff has made edits to the code as a result of these comments and further review.

The majority of the new edits to the code can be characterized as modifications in response to requests for clarity. A few changes, as in the sections regarding driveways and parking circulation (BCC 14.60.150 and 14.60.180) are revisions to ensure consistency with the upcoming BCC 20.25D (Land Use Code) adoption related to the Bel Red subarea. Additionally, improved identification of public utilities vs. franchise utilities has been made throughout the chapter.

An amended version of the code update is enclosed as Attachment B. Changes made by staff since the February 12 meeting with the Transportation Commission are shown in blue. The original amendments continue to be shown in red.

Administrative Review Process

In accordance with RCW 36.70A.106 of the Growth Management Act, staff has provided the draft code update to the Washington State Department of Community, Trade, and Economic Development (CTED). This action is required when a jurisdiction is considering changes to regulations that implement land use plans. Notification allows CTED and other state agencies to participate in the public involvement process and provide comment on proposed amendments. Written notice must be sent 60 days prior to adoption of amendments to a development regulation. The CTED office has acknowledged receipt of the notification.

In addition, staff has applied for SEPA review of the proposed amendment. This review is underway; notice of SEPA decision will be issued on May 14. A 14-day appeal period will follow.

Next Steps

Staff requests that the Transportation Commission review the updated proposed changes and provide feedback and direction to staff. A public hearing on the code amendment has been scheduled before the Commission on May 28, 2009. Staff anticipates requesting a recommendation to Council for code amendment approval at that time. The Transportation Management Plan section of the code, which was separately reviewed by the Commission several months ago, will be included in that submittal to the City Council.

Attachments

A. Comments on Proposed Transportation Development Code Update
B. Proposed BCC 14.60, Redline/Strikeout Version

Comments on Proposed Transportation Development Code Update - 5/5/09

From the Transportation Commission:

Code Section	Comment	Response
14.60.040	**Definitions.**	
.040.F	Add a definition for franchise utilities.	Added.
14.60.090	**Dedication of right-of-way.**	
.090.A	Why use the word "may" with reference to the city's authority to require the dedication of right of way?	This wording permits the city to require the dedication but does not require it. The determination will depend upon the circumstances.
.090.A.1	Should the City require a developer to dedicate right of way to franchise utilities?	Franchise utilities deleted from list.
.090.A.1	Why are landscaping and buffer requirements being removed from the list of transportation improvements?	Landscaping and buffer do not need to be located in right of way.
.090.A.1	Adding "bicycle lanes" to the list of facilities for which the developer may be required right of way may add additional costs and burdens to developers.	The city may require the dedication of right of way where the development street frontage is part of a bicycle lane facility identified in the city's adopted Pedestrian and Bicycle Plan.
.090.A.4	Clarify "official city documents".	Amended to "…the Bellevue city code, and city guidelines or standards or adopted plans…".

From the Public:

Code Section	Comment	Response
14.60.020	**Purpose.**	
	A more specific statement of purpose would be helpful.	Added: "The purpose of this code is to provide a policy framework for impact mitigation requirements relating to new development and redevelopment."
14.60.040	**Definitions.**	
	Review and revise the numbering.	Format modified.
.040.B	Attempts at precise interpretation might lead to difficulty, because a typical 4 by 4 is only about 3 5/8 by 3 5/8.	Amended as noted.
.040.F	Delete "four-inch by four-inch" and replace with "typical 4 by 4".	Amended as noted.
.040.M	Add the following definition: Municipal utilities – all drinking water, wastewater and storm drainage utility facilities and their appurtenances thereto that are in the right of way or that have been dedicated and accepted by the city for ownership and operation, unless otherwise designated.	Definition for public utilities added to .040.P. Definition for franchise utilities added to .040.F.
.040.R	Shouldn't there be a broader definition covering larger commercial developments with private roads?	Private roads in commercial developments are addressed by

Code Section	Comment	Response
		14.60.130 as noted in the definition.
14.60.090	**Dedication of right-of-way.**	
.090.A.1	Add “pedestrian” to the list of facilities.	Pedestrian facilities do not need to be located within right of way.
.090.E	Replace “and drawings” with recordable exhibits.	Amended .090.E from “and drawings” to “prepared and certified by a licensed land surveyor, together with a graphic exhibit”.
14.60.100	**Easements and Tracts.**	
.100.C	Where is required trail width identified?	The trail width is specified in the Transportation Department Design Manual, which is authorized by 14.60.021.B.4.
.100.D	Provide code reference for permanent survey markers.	The city of Bellevue is imposing this requirement under this code.
.100.E	Replace “and drawings” with recordable exhibits.	Amended .100.E from “and drawings” to “prepared and certified by a licensed land surveyor, together with a graphic exhibit”.
14.60.105	**Lots with multiple frontages.**	
	Requirements unclear, clarification needed.	Access to and from more than one street frontage may be denied where adverse impacts may occur.

Code Section	Comment	Response
14.60.110	**Street frontage improvements**.	
.110.A	But some developments may not require street frontage improvements, if existing frontage meets requirements and is not being changed.	The paragraph states "as directed by the review engineer". The engineer will determine the extent of the needed improvements in conformance with the code and the Transportation Department Design Manual.
.110.A	PM peak period was defined at 4 to 6 PM, But the only city trip generation rates that I have seen are for the PM peak 1-hour.	Amended definition: "…resulting in the generation of 30 or more new trips, or when…"
.110.B	Do you mean to rule out other materials such as pavers or portland-cement concrete?	Asphalt ramps are typical, however, other materials may be considered. Therefore, the word "asphalt" has been deleted.
.110.D	Suggest that you define "grind".	Trenching details are specified in the Transportation Department Design Manual, which is authorized by 14.60.021.B.4.
.110.E.1	Provide additional clarification on how to determine developer's cost (i.e. based on contractor bid or engineering estimate.)	Added: "The amount of the assurance device is to be based on reasonable estimates of costs, as approved by the director in consultation with the director of the Utilities department."
.110.F	I have read this long sentence 3 times and still do not understand it.	Comment noted.

Code Section	Comment	Response
14.60.120	**Landscaping in right-of-way, easements and access tracts.**	
.120.C.2	Couldn't there be exceptions where replanting is inappropriate or impossible?	This code will be applied by the review engineer in conformance with the Transportation Department Design Manual, which is authorized in 14.60.021.B.4.
.120.C.4	Provide additional clarification on "other improvements".	Added "such as fencing and rockeries".
.120.D.1	Arterials only?	Amended to "any public street".
.120.D.1	Clarify "official city documents".	Amended to "…city codes, standards, adopted street design plans, and adopted city plans including…".
.120.D.2	What is "site frontage right-of-way?.	Amended to "the street frontage of the site".
14.60.130	**Private Roads**	
.130.H	What defines "planned" is it the CIP?	Amended to "…shall accommodate future street widening as described in adopted city plans and codes to prevent…".
14.60.140	**Dedication of private roads as public streets.**	

Code Section	Comment	Response
	Add “Evaluation will consider the following criteria:”	Amended to “Final acceptance is subject to city council approval and the following criteria:”
14.60.170	**Street ends.**	
	Add turnaround options (i.e. hammerhead, cu;-de-sac, etc.) or reference.	Turnaround options are specified in the Transportation Department Design Manual, which is authorized by 14.60.021.B.4.
.170.A	Provide additional information on where Fire Department Standards can be found.	Amended to “…per the current Bellevue Fire Department Development Standards, Section 3.05.”
.170.C	Does the City always require an island? AASHTO shows some turnarounds without islands.	This code will be applied by the review engine Transportation Department Design Manual, which is authorized in 14.60.021.B.4.
14.60.190	**Nonmotorized facilities.**	
.190.A	What is meant by the connection to “transit facilities”? What if the nearest transit facility is several blocks away?	Amended to “…shall connect to pedestrian systems and transit facilities fronting the development.”
.190.B	This could include asphaltic concrete. Is that what you mean, or is meant to specify Portland-cement concrete only? “Concrete” needs definition. What about pavers?	Amended to specify cement concrete for all instances.

Code Section	Comment	Response
14.60.230	**Utility companies.**	
	Change the title of this section to "Utility relocations – developer initiated".	Amended as stated.
.230.A	The current transportation code does not differentiate between private/franchise utilities and municipal utilities. Clarification is needed. Substitute the following for the current section 14.60.230.A: .230.A.1 When relocations of municipal utility facilities (e.g. drinking water, wastewater, storm drainage) located in the right of way, on city property, or in a city utility easement are necessary to accommodate any public roadway improvements associated with the new development, the developer shall relocate the affected facilities in accordance with all city codes, standards and permit conditions, and shall be responsible for all costs and expenses incurred due to the relocation. .230.A.2 When relocations of non-municipal utility facilities, including but not limited to electric power, telecommunications, natural gas, petroleum, and regional wastewater, located in the right of way, on city property, or in a city easement, are necessary to accommodate any public roadway improvements associated with the new development, the developer shall, at the discretion of utility owner, either relocate the affected facilities or shall make payment to the owner of such utility facilities for any and all costs and expenses incurred by the utility owner in the relocation of the facilities, except as provided in BCC 14.60.230.B and BCC 14.60.230.C.	Condensed and amended.
14.60.240	**Street intersection sight obstruction.**	

Code Section	Comment	Response
	Is sight distance protection covered elsewhere?	Yes. This section has been moved to the Transportation Design Manual.
14.60.250	**Pavement restoration for trenching in right-of-way.**	
.250.F	I assume this would be related to impacts of the development, and not to include pre-existing conditions.	Correct. This section applies only to restoration required after trenching by the developer has occurred, as indicated by the section title.
14.60.260	**Assurance device.**	
	Provide a separate section for maintenance assurance device within this section.	Section A describes both types of devices. Further clarification is provided in parts B and C of this section.
.260.A	Review wording in 2nd paragraph.	Comment noted.
.260.A	Clarify what is meant by “timely manner”.	A “timely manner” is dictated by circumstances and determined by the review engineer as needed.
.260.B.2	Who is the applicant? This appears to be the document’s first use of the term and is not in the glossary.	Agreed. Changed “applicant” to “developer” in .260.B.2 and .260.B.3.
.260.E.1	Provide clarification on how to determine estimated cost (i.e. based on contractor bid or engineering estimate).	Added “The amount of the assurance device is to be based on reasonable estimates of costs, as approved by the director in

Code Section	Comment	Response
		consultation with the director of the Utilities department.”
.260.E.1	Of the estimated construction cost?	Yes.
.260.E.1	I don’t understand this section (“…of the cost of the work or improvements covered by the assurance device based on estimated costs immediately following the expiration of the device”).	Comment noted.
.260.K	Should the city file a lien against the applicant if project is owned by another party?	Filing a lien against the property is an option that is available to the city. Whether the city would exercise that option depends upon the circumstances.

5/4/2009

Chapter 14.60
TRANSPORTATION DEVELOPMENT CODE

Sections:

14.60.010 Title.
14.60.020 Purpose.
14.60.021 Authority.
14.60.022 Violation – Penalty.
14.60.030 Application.
14.60.040 Definitions.
14.60.050 Traffic impact analysis reports.
14.60.060 ~~Traffic~~ Transportation system impact mitigation.
14.60.070 Transportation management program.
14.60.080 Transportation management program – Downtown.
14.60.090 Dedication of right-of-way.
14.60.100 Easements and tracts.
14.60.105 Lots with multiple frontages.
14.60.110 Street frontage improvements.
14.60.120 Landscaping in right-of-way, easements and access tracts.
14.60.130 Private ~~streets~~ roads.
14.60.140 ~~Acceptance of dedicated private streets~~ Dedication of private roads as public streets.
14.60.150 Driveways.
14.60.160 Private intersection opening.
14.60.170 Street ends.
14.60.180 Parking circulation and loading space.
14.60.181 Americans with Disabilities Act.
14.60.190 Nonmotorized facilities.
14.60.200 Traffic signals.
14.60.210 Street lighting.
14.60.220 Traffic control.
14.60.230 Public and franchise ~~U~~utility relocations – developer initiated ~~companies~~.
~~14.60.240 Street intersection sight obstruction~~.
~~14.60.241 Sight distance requirements for pedestrian safety~~.
14.60.250 Pavement restoration for trenching in right-of-way.
14.60.260 Assurance device.
14.60.265 Severability.

14.60.010 Title.

This chapter shall be known as the transportation development code and shall be referred to herein as the “code”.

14.60.020 Purpose.

The purpose of this code is to provide a policy framework for impact mitigation requirements relating to new development and redevelopment. This code is consistent with the ~~c~~Comprehensive ~~p~~Plan of the city, as adopted pursuant to the Growth Management Act, Chapter ~~35.70A~~ 36.70A RCW, and is intended to implement the

provisions of such plan. The provisions contained in this code are necessary for the protection and preservation of the health, safety, and general welfare of the citizens and businesses of the city.

14.60.021 Authority.

A. The ~~department of transportation~~ Transportation Department by and through its director is charged with the administration and enforcement of the provisions of this code.

B. The director shall have the authority to:

1. Develop and adopt procedures as needed to implement this code and to carry out the responsibilities of the department.

2. Request the assistance of other city departments to administer and enforce this code.

3. Assign the responsibility for interpretation and application of specified procedures ~~to~~ within the ~~department of transportation~~ Transportation Department.

~~4~~. Prepare, adopt and update as needed ~~engineering~~ design standards to establish minimum requirements for the design and construction of transportation facilities and requirements for protecting existing facilities during construction. The ~~engineering~~ design standards shall be consistent with Bellevue city code, ~~this code,~~ ~~and~~ adopted city policies, and adopted street design plans.

C. When authorized by a provision of this Chapter 14.60 BCC, the ~~t~~Transportation ~~d~~Department may require or allow a performance or maintenance assurance device in conformance with ~~S~~section ~~20.40.490 of the Bellevue City Code (Land Use Code).~~14.60.260 of this code.

14.60.022 Violation – Penalty.

Violation of any provision of this code constitutes a civil violation as provided for in Chapter 1.18 BCC, for which a monetary penalty may be assessed and abatement may be required as provided therein. The city shall seek compliance through Chapter 1.18 BCC if compliance is not achieved through this code.

14.60.030 Application.

This code shall be in effect throughout the city.

14.60.040 Definitions.

For additional definitions, see Chapter 20.50 BCC (Land Use Code). Except where specifically defined herein, all words used in this code shall carry their customary meanings. Words used in the present tense include the future, the plural includes the singular, the word “shall” is mandatory, and the word “may” denotes a use of discretion in making a decision. Words used with the masculine gender include the feminine, and the feminine the masculine. The following words and phrases, when used in this code, shall have the following meanings:

A. A definitions.

“Activity centers” means locations such as schools, parks, retail areas and shopping centers, places of employment, or public service agencies that attract people.

“Approach” means the cement concrete or asphalt section between a public street and a residential driveway, commercial driveway or private road that provides a transition from the street to the driveway or private road for vehicle ingress and egress and facilitates pedestrian traffic across the driveway or private road.

B. B definitions.

"Bicycle facilities" means ~~a general term referring to~~ improvements that accommodate or encourage bicycling, including parking facilities, bike racks, bicycle route mapping, and bicycle route development.

"Bicycle lane" means a portion of a public street ~~roadway~~ designated by striping and pavement markings for the preferential or exclusive use of bicyclists. Refer to the city's Pedestrian and Bicycle Transportation Plan.

"Bicycle route" means any route specifically designated for bicycle travel, whether exclusive for bicyclists or to be shared with other transportation modes, as indicated in the Pedestrian and Bicycle Transportation Plan or any other city publication.

"Breakaway object" means any object, such as a street tree, having properties up to and including that of a typical 4 by 4 ~~four-inch by four-inch~~ wooden post.

C. C definitions.

"Commercial use" means any land use other than detached single-family residence or residential duplex.

~~D. "Cul-de-sac" means a street closed at one end by widened pavement of sufficient size for vehicles to turn around.~~

~~E.~~ "Curb ~~(wheelchair)~~ ramp" (also "sidewalk ramp") means a ramp cut into a roadway curb to allow access for physically challenged pedestrians to and from sidewalks and streets.

~~F~~D. D definitions.

"Dedication" means the transfer of land or interest in land by the owner of such land to the city for public uses, reserving no other rights than such as are compatible with the full exercise and enjoyment of the uses to which the property has been dedicated.

~~G.~~ "Developer" means the property owner and his/her authorized agents or contractors responsible for a given project.

~~H.~~ "Development" means any construction or expansion of a building, structure, or use for which a permit, approval, or other authorization is required that creates additional demand and need for transportation improvements; provided, that such development generates at least one new p.m. peak hour trip, when the permit, approval, or other authorization for the development is processed pursuant to Bellevue City Code (Land Use Code) Title 20 or Bellevue City Code (Construction Code) Chapter 23.10. In the case of tenant improvement permits, "development" means any proposed new use or expanded existing use for which SEPA review is required; the threshold for imposing the impact fee for a tenant improvement is eleven new trips in the P.M. peak hour. Development does not include buildings or structures constructed by a regional transit authority. ~~all structures and other modifications of the natural landscape above and below ground or water, or a particular site.~~

~~I.~~ "Director" means the director of the ~~department of t~~Transportation Department of the city of Bellevue, the director's authorized representative, or such other persons authorized by the city manager.

"Driveway" means a private way of vehicular ingress and egress to a site, extending into the site from a public street or private road.

"Driveway, residential joint use" means a driveway which provides access to two single-family residential lots. Also referred to as "shared driveway".

~~J~~E. E definitions.

"Easement" means a grant of an interest in land by the property owner for a designated use by another person or entity or the public in general.

F. F definitions.

"Fixed object" means any object, such as a fire hydrant or power pole, having properties greater than a typical 4 by 4 ~~four-inch by four-inch~~ wooden post.

"Franchise utilities" means private electrical power, communications, natural gas, or liquid fuels providers or other such providers operating under contractual agreement with the city.

G. G definitions.

(Reserved)

~~K. "Gross square feet" means the total number of square feet within the finished wall surface of the outer building walls of a structure, excluding vent shafts, outdoor courts and parking.~~

~~L~~H. H definitions.

"High occupancy vehicle (HOV)" means an automobile, vanpool or bus with two or more occupants.

I. I definitions.

"Infill" means the development of a lot which is entirely or substantially surrounded by developed lots.

J. J definitions.

(Reserved)

K. K definitions.

(Reserved)

L. L definitions.

"Landing" means the initial 20 to 30 feet of a driveway or private road behind the back of sidewalk or connection to the public right-of-way (when sidewalk is not present) that is usually limited to grades as specified in the Transportation Department Design Manual.

~~"Local Improvement District" (LID) means _____.~~

M. M definitions.

"Mixed use development" means the development of a contiguous tract of land, a building or a structure with two or more different uses as identified on the Land Use Charts in the Land Use Code.

~~N.~~ "Mode split" means the percentage of ~~overall~~ trips made by different means of transportation, including transit, carpool, vanpool, driving alone (Single Occupancy Vehicle), bicycling, and walking.

N. N definitions.

(Reserved)

~~O. "Peak period" means two hours during any a.m. or p.m. period when vehicular arrival and departure from the site is highest.~~

O. O definitions.

(Reserved)

P. P definitions.

"Planned unit development" means a grouping of structures which contain certain uses occurring at a certain density, permitted subject to specified procedures and standards.

"Plat" means the map or representation of a subdivision.

"Plat, preliminary" means a neat and approximate drawing of a proposed subdivision showing the general layout of streets and alleys, lots, blocks, and restrictive covenants to be applicable to the subdivision, and other elements of a plat or subdivision which shall furnish a basis for the approval or disapproval of the general layout of a subdivision, consistent with LUC 20.45A and Chapter 58.17 RCW.

"Plat, short" means the map or representation of a subdivision of nine parcels or less.

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

"Public utilities" means all drinking water, wastewater, and storm drainage facilities and their appurtenances thereto that are in the right of way or that have been dedicated and accepted by the city for ownership and operation, unless otherwise designated.

Q. Q definitions.

(Reserved)

R. R definitions.

"Residential" means a building, project, street, or area associated with single-family or duplex structures.

"Review engineer" means the director of the Transportation Department of the city of Bellevue or his/her authorized representative.

~~P.~~ "Right-of-way (public)" means all public streets and property dedicated to public use for streets together with public property reserved for public utilities, transmission lines and extensions, walkways, sidewalks, bikeways or equestrian trails.

"Road, private" means a way, located on private property, open to vehicular ingress and egress established as a separate tract or easement for the benefit of three to nine adjacent properties or dwelling units, or as otherwise allowed by BCC 14.60.130. This definition shall not apply to driveways.

S. S definitions.

"Shared roadway" means key links in the bicycle system, generally unmarked. These streets will usually have wider curb lanes ~~(14-foot minimum)~~ and should provide for bicycle access. These links are identified on the bicycle system maps and bicycle project lists which provide more details on street design and specifications.

~~Q.~~ "Single occupancy vehicle (SOV)" means automobiles transporting the driver only.

"Site" means a lot or group of lots associated with a certain application, building or buildings, or other development.

~~"Site, nonconforming" means a site which does not conform to the transportation improvement requirements of this code or the Transportation Department Design Manual standards which implement this code.~~

"Street, arterial" means a street which provides connections between neighborhoods, commercial activities, regional facilities and other arterials, as described in the Roadway Network section of the Transportation Element portion of the city of Bellevue Comprehensive Plan.

~~R.~~ "Street frontage" means any part of private or public property which borders a public street.

"Street, local" means a street which provides access to abutting land uses and serves to carry local traffic to arterials, as described in the Roadway Network section of the Transportation Element portion of the city of Bellevue Comprehensive Plan.

"Street, public" means publicly-owned land for the movement of vehicles and pedestrians and providing for access to adjacent parcels, and also means land subject to an easement or dedication in favor of the public for the movement of vehicles and pedestrians and providing for access to adjacent parcels.

~~S.~~ "Street tree" means a tree planted within the public right-of-way, or between a curb and a pedestrian facility.

"Subdivision" means the division or redivision of land into ten or more lots, tracts, parcels, sites, or divisions for the purpose of sale, lease, or transfer of ownership, including all resubdivision of land.

"Subdivision, short" means the division or redivision of land, including a unit of land resulting from a previous subdivision, short subdivision, or revision into nine or fewer lots, tracts except nonbuilding tracts, parcels, sites or divisions, for the purpose of sale or lease or transfer of ownership.

T. T definitions.

(Reserved)

U. U definitions.

~~"Utilities" means systems typically installed overhead on poles or underground, which provide services to abutting or surrounding properties. Utilities include, but are not necessarily limited to: street lights, traffic signal equipment, sanitary sewer, potable water, storm water conveyance, telecommunications, cable television, fiber optics, natural gas, electricity, as well as the equipment necessary to operate them.~~

(Reserved)

V. V definitions.

(Reserved)

W. W definitions.

(Reserved)

X . X definitions.

(Reserved)

Y. Y definitions.

(Reserved)

Z. Z definitions.

(Reserved)

14.60.050 Traffic impact analysis reports.

Traffic impact analysis reports are required for proposed development projects when the city has reason to believe that the impact on the city's existing or planned future transportation facilities ~~will be significant~~ may be significant or may require mitigation.

14.60.060 ~~Traffic~~ Transportation system impact mitigation.

A. The director may ~~require~~ impose conditions necessary to mitigate traffic impacts resulting from a development project. Mitigation measures may include, but are not limited to, ~~traffic diverters, installation of medians, installation of left turn barriers and neighborhood street parking enforcement~~ traffic signal or street light installation or modifications, traffic monitoring devices, transit facilities, intersection modifications, installation of left turn barriers, and neighborhood traffic calming devices such as traffic diverters and installation of medians.

B. The director may require the ~~permittee~~ developer to participate in the funding of mitigation measures required as a result of traffic impacts associated with development on the property.

14.60.070 Transportation management program. **This section currently in review in a separate process.**

~~A. The owner of property upon which new structural development is proposed shall, prior to any initial occupancy of any building, establish a transportation management program (TMP) to the extent required by BCC 14.60.070(E) and in accordance with the provisions thereof.~~

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

~~C. 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.~~

~~D. For the purposes of this section, the term "employees" includes all on-site workers in buildings subject to the requirements of this section.~~

~~E. The owner of any property for which a TMP is required shall include those components identified as requirements on the following Transportation Management Program Requirements Chart. 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 BCC 14.60.070(F).~~

~~TRANSPORTATION MANAGEMENT PROGRAM REQUIREMENTS~~

~~Programmatic Requirement (1)~~	~~Office & High Technology Light Industry (2)~~	~~Mftng/Assembly (other than High Tech)~~	~~Professional Services Medical Clinics & Other Health Care Services~~	~~Hospitals~~	~~Retail/ Mixed Retail/ Shopping Centers~~	~~Residential: Multiple Family Dwellings~~	~~Mixed Uses (3)~~
~~No requirements~~	~~Less than 30,000 gsf~~	~~Less than 50,000 gsf~~	~~Less than 30,000 gsf~~	~~Less than 80,000 gsf~~	~~Less than 60,000 gsf~~	~~Less than 100 units~~	~~(4)~~
~~Post information (See subsection (F)(1)(a) and (b))~~	~~30,000 gsf and over~~	~~50,000 gsf and over~~	~~30,000 gsf and over~~	~~80,000 gsf and over~~	~~60,000 gsf and over~~	~~100 units and over~~	~~(4)~~
~~Distribute information (See subsection (F)(2))~~	~~30,000 gsf and over~~	~~50,000 gsf and over~~	~~30,000 gsf and over~~	~~80,000 gsf and over~~	~~N/A~~	~~N/A~~	~~(4)~~
~~Provide transportation coordinator (See subsection (F)(3)(a) and (b))~~	~~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~~	~~(4)~~
~~Provide preferential parking (See subsection (F)(4)(a), (b) and (c))~~	~~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~~	~~(4)~~
~~Provide financial incentive (See subsection (F)(5))~~	~~50,000 gsf and over~~	~~150,000 gsf and over~~	~~50,000 gsf and over~~	~~80,000 gsf and over~~	~~N/A~~	~~N/A~~	~~(4)~~
~~Provide guaranteed ride home (See~~	~~50,000 gsf and over~~	~~150,000 gsf and over~~	~~50,000 gsf and over~~	~~80,000 gsf and over~~	~~N/A~~	~~N/A~~	~~(4)~~

~~subsection (F)(6))~~							

~~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) Other than mixed retail.~~

~~(4) Requirements for mixed uses will be determined on a project basis as described in subsection (G)(1) of this section.~~

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

~~1. Post Information.~~

~~a. Post ridesharing and transit information from Metro or other approved sources in a visible central location in the building, such as the lobby or other public area near the major entrance to the building on a continual basis. This requirement applies to each building in a building complex.~~

~~b. All posting materials required by the Transportation Management Program Requirements Chart must be provided by a source approved by the director.~~

~~2. Distribute Information. Distribute ridesharing and transit information from Metro or other approved sources annually to all tenants and employees and to new tenants and new employees. Such information must identify available ridesharing and transit services.~~

~~3. Provide a Transportation Coordinator.~~

~~a. The coordinator shall publicize the availability of ridesharing options, provide reports to the city (see BCC 14.60.070(I)), act as liaison to the city, and provide ridesharing matching assistance in conjunction with Metro or a private system sponsored by the property owner as approved by the city.~~

~~b. 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. Provide Preferential Parking.~~

~~a. Provide specially marked parking spaces in a preferential location between 6:00 a.m. and 9:00 a.m. for each registered carpool and vanpool in which tenants and their employees participate. A preferential location includes proximity to the building and covered parking when possible.~~

~~b. Preferential parking must be enforced and monitored through on-site inspection at least three mornings a week.~~

~~c. To facilitate monitoring, carpools and vanpools must be certified by the coordinator through a registration system as approved by the city, and be recertified quarterly.~~

~~5. Provide Financial Incentive. Provide a minimum of $15.00 per month financial incentive for employees on-site who commute by carpool, vanpool or transit. The financial incentive for transit riders and Metro vanpool riders will be a discounted Metro Transit (or a comparable service) bus/vanpool pass. The financial incentive for each carpool and non-Metro vanpool participant will be a cash bonus to the participant, a coupon redeemable for gasoline, or an equivalent discount in parking charges.~~

~~6. Provide Guaranteed Ride Home. Provide a taxi-scrip system of low-cost rides home for on-site employee transit riders or registered on-site employee carpoolers and vanpoolers who miss a bus or ride because of an employer requirement to work late or because of a need to leave early due to illness or home emergency.~~

~~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. The director shall apply the requirements for the same or most similar uses as described in subsections E and F.~~

~~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 subsection F if, in the judgment of the director, the alternate program is at least equal in potential benefits to the requirements in subsection F.~~

~~I. 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 describe each of the required transportation management program components that were in effect for all previous years, the total number of on-site employees, the expenditures for financial incentives and guaranteed ride home, the number of bus passes sold, and the number of registered carpools and vanpools. A report form will be provided to the property owner by the city.~~

~~J. Recording. Prior to the issuance of a building permit or of any approvals made pursuant to Chapter 20.30 BCC, the owner of property subject to this section shall record an agreement between the city and the property owner with King County division of records and elections and with the Bellevue city clerk that requires compliance with this section by the present and future owners of the property. (Ord. 4822 § 1, 1995.)~~

14.60.080 Transportation management program – Downtown. **This section currently in review in a separate process.**

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

~~B. Programmatic Requirements.~~

~~1. The owner of a building with 50,000 gross square feet or more of office shall, in addition to the programmatic elements identified in the Transportation Management Requirement Chart in BCC 14.60.070(F), perform or cause to be performed the following elements:~~

~~a. Commuting options information boards for each tenant with 50 or more employees.~~

~~b. Leases in which the tenants are required to participate in periodic employee surveys.~~

~~c. Identification of parking cost as a separate line item in such leases and a minimum rate for monthly long-term parking, not less than the cost of a current Metro two-zone pass.~~

~~d. A personalized ridematching service for building employees to encourage carpool and vanpool formation. The ridematching service must enhance the computerized ridematching service available from Metro (or a comparable service), with personalized follow-up with individual employees.~~

~~2. Duration. The programmatic requirements shall continue for the life of the building.~~

~~C. Performance Goals.~~

~~1. The owner of a building with 50,000 gross square feet or more of office shall, as part of the TMP for the building, comply with the following performance goals:~~

~~a. For every other year beginning with the building's first certificate of occupancy (CO) anniversary and for 10 years thereafter, the performance goals shall become more restrictive, so that by the tenth year the maximum SOV rate will be reduced by 35 percent from the CO year baseline.~~

~~b. The city may adjust the above rates every other year based on review of current conditions in the downtown, the characteristics of the building, and other local or state regulations.~~

~~c. These performance goals apply to present and future property owners for the life of the building.~~

~~D. Survey and Analysis Requirements.~~

~~1. Employee Survey. The property owner shall conduct a survey to determine the employee mode split. The survey must be conducted by an independent agent approved by the city. This survey shall be conducted in a manner to produce a 70 percent response rate and shall be representative of the employee population. If the response rate is less than 70 percent, all nonresponses up to 70 percent shall be considered SOV trips. The survey results shall be used as the basis for calculating performance levels. The city shall provide a survey form to the property owner.~~

~~2. Schedule of Survey. The survey is to be conducted every two years; the first survey shall be conducted one year after the issuance of the CO.~~

~~3. Analysis of Performance Goals.~~

~~a. Single-Occupancy Vehicle Use Formula:~~

~~(NS/NT)(100) = percent SOV use, where:~~

~~NS = number of employees who commute to work by SOV~~

~~NT = total number of employees.~~

~~E. Reporting Requirements.~~

~~1. Content of Evaluation Report. The property owner shall submit a report to the city which includes the following elements:~~

~~a. The property owner's compliance with the performance goals listed in BCC 14.60.080(C), including the number of HOV spaces, their location, how HOV spaces are monitored, loading and van parking locations, transportation coordinator activities, the number and location of commuter information centers and employer commuter options boards, an example of lease language, past and current parking costs and ridematch activities.~~

~~b. The results of the employee survey, including the survey procedures and the percent SOV use by employees.~~

~~c. Any nonrequired activities undertaken by the property owner to encourage HOV and transit use or any unusual circumstances which have affected SOV use.~~

~~The city will provide a report form to the property owner.~~

~~2. Reporting Schedule. An initial action plan for implementing the TMP shall be submitted within six months of the issuance of the temporary certificate of occupancy. The action plan shall describe transportation management techniques that the property owner will use to encourage HOV use by employees and reduce peak period vehicle trips as necessary to meet the performance goals. City staff will be available to assist in the development of the action plan. The evaluation reports shall occur by building's first CO anniversary, and every two years thereafter.~~

~~F. Failure to Meet Performance Goals.~~

~~1. Remedies. If the city determines that the property owner has failed to meet the performance goals of BCC 14.60.080(C), the property owner shall comply with the action plan, employee survey and reporting requirements as set forth below.~~

~~2. Action Plan Requirement.~~

~~a. Plan Required. If the property owner fails to meet the performance goals, the property owner shall prepare, submit to the city and implement an action plan to meet the performance goals within one year.~~

~~b. Adequacy of Plan. The property owner will be allowed flexibility in developing the action plan subject to city review and approval, which approval shall not be unreasonably withheld. As a guide to this review, the city will evaluate the following:~~

~~i. The relationship of the number of employees that would be affected by the plan actions to the size of the deficiency which must be reduced.~~

~~ii. The effectiveness of proposed actions as they have been applied elsewhere in comparable settings.~~

~~iii. The schedule for implementation of the action plan and the assignment of responsibilities for each task.~~

~~3. Annual Employee Survey Requirements. An employee survey shall be conducted within one year of the date of submission of the previous report to the city. This survey shall be conducted under the same conditions and using the same methods as described in BCC 14.60.080(D)(1).~~

~~4. Annual Report Requirement. A report shall be submitted one year after the submission of the previous report. The report shall include all of the contents described in BCC 14.60.080(E)(1), and in addition shall include descriptions of:~~

~~a. Implementation of the action plan, including expenditures; and~~

~~b. Summary of effectiveness of elements of the action plan.~~

~~5. Duration. The property owner shall comply with the action plan, the annual survey and the annual report requirements every year that the property owner fails to meet the performance goals up to a maximum of six years after submission of the first report.~~

~~6. Assurance Device. In the event of a failure by the property owner to meet the performance goals, the property owner shall provide to the city an assurance bond, or other assurance device referenced in BCC 14.60.021(C), at the property owner's option, securing any financial incentives prescribed in an action plan. The assurance device shall equal the cost of the maximum incentive levels which could be required for the following year as referenced in the action plan. The amount of the assurance device shall be determined when the level of activity is determined on the action plan. The assurance device shall be issued not later than 60 days after this determination.~~

~~G. Violations. The property owner shall be in violation of the requirements of BCC 14.60.080 if he/she fails to:~~

~~1. Comply with the programmatic requirements of BCC 14.60.080(B)(1); or~~

~~2. Comply with the reporting requirements of BCC 14.60.080(E); or~~

~~3. Submit the required action plans required in BCC 14.60.080(F)(2); or~~

~~4. Implement the required action plans required in BCC 14.60.080(F)(2); or~~

~~5. Conduct the required employee survey of BCC 14.60.080(F)(3). (Ord. 4822 § 1, 1995.)~~

14.60.090 Dedication of right-of-way.

A. The city may require the dedication of right-of-way by the developer ~~property owner~~ as a condition of development approval in order to incorporate transportation improvements which are reasonably necessary to mitigate the direct impacts of the development. The developer ~~property owner~~ may be required to dedicate right-of-way to accommodate:

1. Motorized and nonmotorized transportation facilities including, but not limited to, ~~landscaping, utility,~~ bicycle lanes, ~~utilities,~~ street lighting, traffic control devices; ~~and buffer requirements;~~ ~~franchise utilities~~ and/or

2. Street frontage improvements where the existing right-of-way is not adequate; and/or

3. The extension of existing or future public street improvements; and/or

4. Planned improvements identified in the Bellevue city code, and city guidelines or standards or adopted plans ~~official city documents~~ including, but not limited to, the Capital Investment Program Plan, Transportation Facilities Plan, Pedestrian and Bicycle Transportation Plan, and Comprehensive Plan.

B. Some reduction in the minimum right-of-way requirement may be granted by the review engineer where it can be demonstrated that sufficient area has been provided for all frontage improvements, including public utilities, within the right-of-way.

C. The ~~owner~~ developer of a subdivision may be required to dedicate right-of-way as a condition of approval of the subdivision where existing right-of-way for public streets is not adequate to incorporate necessary frontage improvements for public safety and to provide compatibility with the area's circulation system.

D. The ~~owner~~ developer of a short subdivision~~s~~ may be required to dedicate right-of-way as a condition of approval of the short subdivision where such dedication is necessary to mitigate the direct impacts of the short subdivision and:

1. The short subdivision abuts an existing substandard public street and the additional right-of-way is necessary to incorporate future frontage improvements for public safety; or

2. Right-of-way is needed for the extension of existing public street improvements necessary for public safety; or

3. Right-of-way is needed to provide future street improvements necessary for public safety for planned new public streets.

E. The developer shall provide legal descriptions prepared and certified by a licensed land surveyor, together with a graphic exhibit ~~and drawings~~, in a form acceptable to the review engineer, for right-of-way to be dedicated pursuant to this section.

14.60.100 Easements and tracts.

A. Easements for all public ~~streets~~ facilities and public utilities needed to serve the proposed development consistent with the provisions of the ~~c~~Comprehensive ~~p~~Plan and other adopted city plans, including the Pedestrian and Bicycle Transportation Plan, shall be granted by the developer ~~property owner~~. Easements may be required for private ~~streets~~ roads, sidewalks, bicycle and pedestrian facilities, street lighting, traffic control devices ~~and~~ or temporary construction. Design features of a street may necessitate the granting of slope, wall, and drainage easements.

B. The granting of ~~N~~nonmotorized easements may be required as a condition of development approval where necessary to facilitate pedestrian circulation between neighborhoods, schools, shopping centers and other activity centers even if the facility is not specifically shown on the city's ~~nonmotorized circulation plan.~~ Pedestrian and Bicycle Transportation Plan, or where pedestrian walkways are identified on school "Recommended Walking Routes" maps designated by the Bellevue school district and city of Bellevue, provided such easements are reasonably necessary to mitigate the direct impacts of the development.

C. Nonmotorized easements and tracts shall be wide enough to include the trail width and a minimum clear distance of two feet on each side of the trail. The clear distance shall remain free of obstructions such as fencing, trees and shrubs. Easement width may

vary according to site-specific design issues such as topography, buffering, ~~and~~ landscaping and fencing.

~~D. Easements shall be designated "city of Bellevue nonmotorized public easement" and easement documents shall specify the maintenance responsibility.~~

~~E. The city may accept dedications of sensitive areas which have been identified and are required to be protected as a condition of development. Dedication of such areas to the city will be considered when:~~

~~1. The dedicated area would contribute to the city's overall open space and greenway system;~~

~~2. The dedicated area would provide passive recreation opportunities and nonmotorized linkages;~~

~~3. The dedicated area would preserve and protect ecologically sensitive natural areas, wildlife habitat and wildlife corridors;~~

~~4. The dedicated area is of low hazard/liability potential; and~~

~~5. The dedicated area can be adequately managed and maintained. (Ord. 4822-1, 1995.)~~

D. Nonmotorized easements and tracts shall be staked by a licensed land surveyor as directed by the review engineer with permanent survey markers.

E. The developer shall provide legal descriptions prepared and certified by a licensed land surveyor, together with a graphic exhibit ~~and drawings~~, in a form acceptable to the review engineer, for easements and tracts proposed or required pursuant to this section. Nonmotorized easements shall be designated "City of Bellevue Nonmotorized Public Easement." Nonmotorized easement documents shall specify the maintenance responsibility for the facility. ~~, including any street trees and street tree grates.~~

F. Easements shall be submitted to the city and recorded as follows:

1. For commercial development, including planned unit developments not combined with a subdivision, prior to issuance of a building permit.

2. For subdivisions, short subdivisions and planned unit developments combined with a subdivision:

a. Off-site easements shall be recorded prior to issuance of a clear and grade permit;

b. On-site easements shall be recorded with the final plat.

14.60.105 Lots with multiple frontages.

When a lot abuts two or more public streets, private roads, or combination thereof, the city may prohibit access from one or more of those streets or roads if the city determines that such prohibition is necessary for the safe or orderly movement of traffic or would mitigate identified adverse impacts to the surrounding neighborhood or circulation system; provided, that access from at least one street or road shall always be permitted.

14.60.110 Street frontage improvements.

A. The ~~installation~~ construction of street frontage improvements is required ~~prior to issuance of a certificate of occupancy~~ for all new construction other than single-family homes, ~~or prior to final approval for~~ subdivisions, and short subdivisions, as a condition of development approval in order to incorporate transportation improvements which are resonably necessary to mitigate the direct impacts of the development. ~~(except for single-family homes)~~ and PUDs ~~and for all remodels of and/or additions to existing construction resulting in the generation of 30 or more new P.M. peak period trips as indicated by the city of Bellevue's trip generation rates, or when determined necessary for the mitigation of adverse environmental impacts identified pursuant to the State Environmental Policy Act. The developer is required to install complete street frontage~~

~~improvements along the entire street frontage of the property at his or her sole cost as directed by the review engineer. For additions and remodels to existing buildings see Section 20.20.560 of the Land Use Code.~~

B. The construction of street frontage improvements is required for all remodels of and/or additions to existing construction resulting in the generation of 30 or more new trips within a one hour interval during the PM peak period, or when determined necessary for the mitigation of adverse environmental impacts identified pursuant to the State Environmental Policy Act. Trip generation shall be determined by the city of Bellevue's adopted trip generation rates.

B. ~~Complete street frontage improvements shall be installed along the entire street frontage of the property at the sole cost of the permittee as directed by the review engineer.~~ C. Street frontage improvements may include curb, gutter, sidewalk, storm drainage, street lighting, traffic signal equipment, franchise utility ~~installation or~~ relocation (overhead and/or underground, at the city's discretion), landscaping strip, street trees and landscaping, irrigation, street widening, bicycle lanes, railings, street signs, and channelization. Beyond the property frontage, the ~~permittee~~ developer shall provide ramps and ~~an asphalt~~ transition from the new sidewalk or walkway to the existing shoulder, and pavement and channelization tapering back to the existing pavement and channelization as needed for safety. The street frontage improvements shall be continued off-site if, and to the extent, deemed necessary by the review engineer in order to provide a safe condition.

~~C~~D. The installation of street frontage improvements is required prior to issuance of any certificate of occupancy (including temporary certificate of occupancy) for new construction other than single-family homes, or prior to final approval for subdivisions or short subdivisions. Exceptions to this requirement are allowed pursuant to BCC 14.60.260.

~~D~~E. Complete engineering and construction drawings for street improvements, public and franchise utility installation, street trenching, and driveway cuts shall be submitted to the review engineer for review and approval. The drawings shall demonstrate that franchise utilities will be co-located to the extent feasible, and coordinated in a manner which allows a single grind and overlay.

~~CE~~F. When, ~~(~~due to site topography, city plans for improvement projects, or other similar reasons~~),~~ the review engineer determines that street frontage improvements cannot or should not be constructed at the time of building, subdivision, or short subdivision construction, the ~~property owner~~ developer shall, prior to issuance of the building permit or prior to final approval for subdivisions and short subdivisions, at the direction of the review engineer, and as authorized by and in a manner consistent with RCW 82.02.020:

1. Pay to the city an amount equal to the ~~property owner's~~ developer's cost of installing the required improvements prior to issuance of a building permit, such construction value to be based on reasonable estimates of costs, as approved by the director in consultation with the director of the Utilities department; or ~~The property owner shall provide documentation satisfactory to the city of materials costs, quantities, and labor costs; or~~

2. Record an agreement which provides for these improvements to be installed by the ~~property owner~~ developer by a date acceptable to the city; or

3. Record an agreement to not protest a local improvement district to improve the street frontage.

~~D~~FG. If, at a time subsequent to the issuance of a building permit, a local improvement district is established which includes the property for which the building permit was issued, and if such condition or agreement as prescribed in this section has

been performed by the developer, the condition or agreement may be considered in the compilation of the local improvement district assessment roll as a pre-existing contract with the city, for which the ~~property owner~~ developer may be credited against the assessment with the appropriate amount of costs of construction expended by the developer.

~~E~~~~G~~H. The requirement for installation of frontage improvements may be waived or modified by the review engineer ~~under either of the following conditions~~ if:

1. Adjacent street frontage improvements are unlikely to be installed in the foreseeable future; or

2. ~~The i~~Installation of the required improvement would cause significant adverse environmental or safety impacts.

14.60.120 Landscaping in right-of-way, easements and access tracts.

A. Applicability. The requirements of this section 14.60.120 apply when street frontage improvements are required as part of any development by BCC 14.60.110 or the Land Use code, ~~LUC 20.25A. 060,~~ as may be hereinafter amended.

B. Required Review. The city shall review proposed street frontage improvements for compliance with this section and other applicable city policies and codes.

C. Preservation of Existing Street Trees and Landscaping.

1. Retention of existing vegetation may be required along city streets.

2. Wherever it is necessary to remove or relocate plant materials from the right-of-way in connection with the widening of the street or highway, the paving of a sidewalk, or the installation of ingress or egress, the ~~property owner~~ developer shall replant such trees or replace them according to city standards.

3. Any landscaping in the right-of-way which is disturbed by construction activity on private property shall be replaced or restored to its original condition by the ~~property owner~~ developer.

4. Landscaping and other improvements such as fencing and rockeries within the right-of-way are subject to removal by the city or at the request of the city. ~~when the right-of-way is needed for public use.~~

D. Street Tree and Landscaping Installation Requirement.

1. Street landscape installation or improvement is required when applicable projects are to be undertaken along any public street ~~arterials~~ as identified ~~on the transportation technical manual and according to guidelines of the transportation technical manual~~ in, and according to the guidelines of, city codes, standards, adopted street design plans, and adopted city plans ~~official city documents~~ including the Capital Improvement Plan, Transportation Facilities Plan, Pedestrian and Bicycle Transportation Plan, and Comprehensive Plan.

2. Where not in conflict with other applicable code provisions, ground cover shall be provided for street frontage of the site in order to control erosion. ~~Ground cover shall be provided for site frontage right-of-way~~. ~~with a potential for erosion.~~

E. Species Selection. Refer to LUC 20.25A.060 and LUC 20.25H for selection of tree species.

~~1. The selection of tree species in the downtown shall be according to the specified trees in the transportation technical manual – Bellevue downtown street tree species plan.~~

~~2. Outside of the downtown, selection of tree species shall follow the pattern as listed in the transportation technical manual – city of Bellevue designated street trees.~~

~~3. For streets having no designated tree species, but where street trees are required, tree species selection shall be from transportation technical manual – approved street trees.~~

F. Maintenance of Plant Materials.

1. Landscaping in the right-of-way shall be maintained by the abutting property owner(s) unless maintenance has been accepted by the city.

2. All landscape materials in the public right-of-way shall be maintained to industry standards. Trees shall be pruned according to standards adopted by either the National Arborists Association or the International Society of Arboriculture.

3. The property owner is responsible for ensuring that landscaping fronting his/her property does not impair driver or pedestrian sight-distance as described in the Transportation Design Manual.

4. ~~Topping of street trees shall be is prohibited.~~ Cutting of street trees is prohibited except as approved by the city.

14.60.130 Private ~~streets~~ roads.

A. Private ~~streets~~ roads shall be contained in an easement or tract and will be allowed when:

~~A~~1. A covenant which provides for maintenance and repair of the private ~~street~~ road by property owners has been approved by the city and recorded with King County; and

~~B~~2. The covenant includes a condition that the private ~~street~~ road will remain open at all times for emergency and public service vehicles; and

~~C~~3 The private ~~street~~ road would not hinder public street circulation; and

~~D~~4. At least one of the following conditions exists:

~~1~~a The ~~street~~ road would ultimately serve ~~four or fewer~~ no fewer than three lots and no more than nine lots; or

~~2~~b. The ~~street~~ road would ultimately serve more than ~~four~~ nine lots, and the review engineer and the fire marshal determine that, due to physical site constraints or pre-existing development, no other reasonable access is available. In addition, the proposed private ~~street~~ road would be adequate for transportation and fire access needs, and the private ~~street~~ road would be compatible with the surrounding neighborhood character; or

~~3~~c. The private ~~street~~ road would be part of a commercial or residential planned unit development; or

~~4~~d. The private ~~street~~ road would serve commercial or industrial facilities where no circulation continuity is necessary.

5. Absent any of the above, public streets are required.

B. The design and construction of private roads shall conform to the requirements of the Transportation Department Design Manual standards and the Fire Department development standards.

C. Private roads shall be designed such that vehicles attempting to enter the private road will not impede vehicles in the travel lane of the public street.

D. Combined access for adjoining properties is encouraged. In conjunction with approval of a development, the city may require the developer to provide an access and circulation easement to an abutting owner where joint access is reasonable to serve future development. Joint access shall be established in a tract or easement.

E. The installation of private roads onto arterials may be denied at the discretion of the review engineer if alternate access is available.

F. The continued use of a pre-existing private road is not guaranteed with the development of a site.

G. All abandoned private road approaches on the street frontage to be improved shall be removed and new curb, gutter and sidewalk shall be installed.

H. Private road approach grade and configuration shall accommodate ~~planned~~ future street widening as described in adopted city plans and codes to prevent the need for major private road reconstruction.

I. No private road shall be approved where undesirable impacts, such as backing onto the public sidewalk or street, will occur.

J. Left turns to and from a private road may be restricted either at the time of development or in the future if such maneuvers are found by the city to be undesirable.

K. The requirements of this section may be modified by the director if:

1. The modification is reasonable and necessary for development of the property; and

2. The modification will result in more efficient access to and circulation within the property; and

3. The modification will not create a hazardous condition for motorists or pedestrians.

14.60.140 ~~Acceptance~~ Dedication of ~~dedicated~~ private ~~streets~~ roads as public streets.

~~Acceptance of dedicated private streets as public streets will be considered~~ The city may accept the dedication of a private road as a public street if the ~~street~~ road meets all public street design and construction standards. Consideration of acceptance is ~~also~~ subject to the requirements of city policies and codes. ~~other city of Bellevue departments.~~ Final acceptance is subject to city council approval and the following criteria: ~~The following criteria will be evaluated:~~

A. Acceptability of ~~street~~ road and public utilities ~~utility~~ construction, including pavement condition. ~~Pavement condition shall be brought up to the standards of new construction.~~

B. Condition of title.

C. Survey requirements for monumentation and conveyance.

D. The need for additional right-of-way and easements.

E. Cost of accepting the ~~street~~ road and of future maintenance.

14.60.150 Driveways.

A. Driveways and parking areas shall be designed such that vehicles attempting to enter the driveway or parking area will not impede vehicles in the travel lane of the public street.

B. Wherever available, access for commercial and multifamily property shall be provided onto streets which do not abut R-1, R-1.8, R-2.5, R-3.5, R-4, R-5 or R-7.5 ~~R-1, R-1.8, R-2.5, R-3.5, R-4, R-5 or R-7.5~~ land use districts. ~~of lower intensity~~.

C. Combined driveways for adjoining properties are encouraged. In conjunction with approval of a development, the city may require the developer ~~applicant~~ to provide an access and circulation easement to an abutting owner where joint access is reasonable to serve future development. Combined driveways or joint access shall be established in a tract or easement.

D. The installation of driveways onto arterials may be denied at the discretion of the review engineer if alternate access is available.

E. The continued use of pre-existing driveways is not guaranteed with the development of a site.

F. All abandoned driveways on the street frontage to be improved shall be removed and new curb, gutter and sidewalk shall be installed.

G. Driveway approach grade and configuration shall accommodate planned future street widening to prevent the need for major driveway reconstruction.

H. No commercial driveway shall be approved where backing onto the sidewalk or street will occur.

I. Left turns to and from a commercial driveway may be restricted either at the time of development or in the future if such maneuvers are found by the city to be ~~hazardous~~ undesirable.

~~J. Unless there exists no other access to the property in question, the city shall not permit any driveway to be located any closer than 100 feet from any other driveway, measured from nearest edge to nearest edge. If there exists no other access to the property in question, driveways shall be located as far apart as possible. In no case shall the city permit any driveway to be located any closer than 20 feet from any other driveway, measured from nearest edge to nearest edge.~~

~~K. Unless there exists no other access to the property in question, the city shall not permit any driveway to be located any closer than 150 feet from the nearest parallel street, measured from nearest edge to nearest edge. If there exists no other access to the property, the driveway shall be located as far away from the parallel street as possible.~~

~~L. The city shall not permit more than one driveway or street opening on any property having a street frontage of 200 feet or less. This subsection shall not apply if the property's street frontage is less than 200 feet and the property is at least three acres in area.~~

~~M~~J. The requirements of this section may be modified by the director if:

1. The modification is reasonable and necessary for development of the property; and

2. The modification will result in more efficient access to and circulation within the property; and

3. The modification will not create a hazardous condition for motorists or pedestrians.

K. If any provision of this section 14.60.150 relating to driveways conflicts with any other provision, limitation, or restriction under any other chapter or section of the Bellevue City Code, including, but not limited to, the Land Use Code, the most stringent provision shall apply.

14.60.160 Private intersection opening.

A private intersection opening may, with the approval of the review engineer, be used in lieu of a conventional driveway when the following criteria are met:

A. Projected driveway usage is greater than 2,000 vehicles per day; and

B. Traffic signalization and easements are provided as required by the review engineer.

~~C. A minimum 100-foot storage area is provided between the face of curb and any turning or parking maneuvers within the development~~

~~D. The opening is at least 150 feet from the near side face of curb of the nearest intersecting street.~~

~~E. The opening is at least 100 feet from any other driveway on the property frontage under the control of the property owner.~~

14.60.170 Street ends.

A. The ends of a~~A~~ll dead-end public streets greater than 150 feet in length and private ~~streets~~ roads greater than 150 feet in length shall be ~~designed as a cul-de-sac, except as provided in BCC 14.60.170 (B) and (C)~~ constructed with a turnaround facility per the current Fire Department Development Standards, Section 3.05, as currently adopted or hereafter amended. ~~development standard 3.05.~~

~~B. A hammerhead may be used in lieu of a circular turnaround if the street is less than 200 feet long and serves six or fewer lots. An alternative design may be used if approved by the Review Engineer and the Fire Marshal.~~

B~~C~~. Streets which temporarily dead-end and will be extended in the future ~~will~~ need not have a turnaround facility ~~or hammerhead~~ unless determined necessary by the review engineer and the fire marshal. When no turnaround facility ~~or hammerhead~~ is provided, street-end barricading shall be installed and must conform to the most recent edition of the Manual on Uniform Traffic Control Devices. ~~(MUTCD).~~

C~~D~~. Where the turnaround facility is a circular turnaround, a ~~A~~ landscaped island delineated by curbing shall be provided in the ~~cul-de-sac~~ circular turnaround by the ~~property owner~~ developer. The landscaping shall be maintained by the homeowners' association or adjacent property owners. The developer shall record an agreement to ensure maintenance of the landscaping, either with the recording of the final plat or as a separate document if the development is occurring outside of a plat.

14.60.180 Parking circulation and loading space.

Parking lot circulation needs and site loading needs shall be met on-site unless on-street loading and/or service location are approved by the director pursuant to BCC section 20.25D.140.F.3.b. The public right-of-way shall not be used as part of ~~a one-way~~ the overall parking lot flow.

14.60.181 Americans with Disabilities Act.

A. All street frontage improvements and non-motorized facilities shall be designed and constructed to meet the intent of applicable requirements of the Americans with Disabilities Act ~~(ADA)~~.

B. In accordance with the state law and federal guidelines established by the ~~ADA~~ Americans with Disabilities Act, wheelchair curb ramps shall be provided at all pedestrian crossings with curbs. (Ord. 4822 1, 1995.)

14.60.190 Nonmotorized facilities.

A. The city's goals and policies for nonmotorized facilities are as described in the most recent edition of the ~~p~~Pedestrian and ~~b~~Bicycle ~~t~~Transportation ~~p~~Plan. The users of nonmotorized facilities are separated in that plan into two categories: pedestrian (which includes people, wheelchairs, horses, and other nonmotorized users) and bicycle. Internal pedestrian circulation systems shall be provided within and between existing, new, and redeveloping commercial, multifamily, and single-family developments and other activity centers and shall connect to pedestrian systems and transit facilities fronting the development ~~frontage pedestrian systems and transit facilities. ; activity centers; and existing frontage pedestrian systems.~~ If the nonmotorized facility is intended to serve more than one property, the review engineer may require that it be placed within an easement as described in BCC 14.60.100.

B. Cement ~~C~~concrete sidewalks shall be provided:

1. On both sides of all arterial streets;

2. On both sides of all ~~nonarterial~~ local streets l~~onger than~~ 300 feet or longer and on one side of all ~~nonarterial~~ local streets less than 300 feet in length;

3. On both sides of all public streets which provide access to existing or planned ~~future~~ sidewalks, activity centers, parks, schools, neighborhoods, ~~or~~ public transit facilities, or the regional trail system;

4. On one side of public dead-end ~~residential~~ streets, ending at the property line nearest the transition to a ~~cul-de-sac~~ circular turnaround or hammerhead. This requirement may be waived at the discretion of the review engineer.

5. On one side of private dead-end roads providing access to facilities mentioned in paragraph B.3 above, ending at the property line nearest the transition to a circular turnaround or hammerhead. This requirement may be waived at the discretion of the review engineer.

C. The review engineer may grant an exception to the requirement for cement concrete sidewalk when:

1. The subdivision design provides an acceptably surfaced and maintained public walkway system; or

2. A paved path as described in ~~the pedestrian path~~ BCC 14.60.190(D) is provided.

D. A paved path ~~shall~~ may be provided in lieu of cement concrete sidewalk when:

1. The paved path is determined by the city to be of a temporary nature; or

2. The city determines that soil or topographic conditions dictate a flexible pavement; or

3. The ~~p~~Pedestrian and ~~b~~Bicycle ~~t~~Transportation plan or other city publications and studies indicate~~s~~ that neighborhood character does not warrant cement concrete sidewalks.

E. When street frontage improvements are required under BCC 14.60.110, additional right-of-way and pavement may be required if indicated on a designated bicycle route as identified in the ~~p~~Pedestrian and ~~b~~Bicycle ~~t~~Transportation ~~p~~Plan.

F. The developer shall construct one or more trails through the development if either:

1. The need for such trail is identified in the city's Pedestrian and Bicycle Transportation Plan, or other city publications and studies, or

2. The review engineer determines that such trail:

a. Is necessary for the safe, efficient, or convenient movement of pedestrians and/or bicycles, and

b. Will connect to an existing or planned nonmotorized facility.

Such trail shall be placed within an easement or tract pursuant to BCC 14.60.100.

14.60.200 Traffic signals.

A. When a proposed street or driveway design interferes with existing traffic signal facilities, traffic signal modification or relocation must be provided by the developer.

B. To mitigate the traffic impacts of a development, modification of an existing signal or installation of a new signal may be required.

C. All traffic signal plans ~~modification designs~~ shall be prepared by a licensed engineer experienced in traffic signal design.

14.60.210 Street lighting.

A. A public ~~S~~street lighting system is required along all public streets, including new public streets in subdivisions and short subdivisions. The developer ~~property owner~~ is responsible for design and installation of new lighting and relocation of existing lighting along the street frontage of the development.

B. All street light installations fronting the development, including wiring, conduit, and power connections, shall be located or relocated underground ~~except in residential areas with existing above-ground utilities~~. This requirement may be waived at the discretion of the review engineer where adjacent utilities will remain above ground.

C. For new subdivisions, the city will accept maintenance and power cost responsibility for the public street light system when a subdivision is 50% ~~percent~~ or more occupied. When that occurs, the developer shall notify the city reviewer, after which the city will take over these responsibilities. Until then, the ~~property owner~~ developer shall remain responsible for the maintenance of and energy charges for the street lighting system.

D. Street illumination is required at the intersection of a private ~~street~~ road and a public street. No public street lighting system is required along a private ~~street~~ road.

E. All illumination plans shall be prepared by a licensed engineer experienced in street illumination design.

14.60.220 Traffic control.

A. Temporary traffic control to ensure traffic safety during construction activities must be provided. A traffic control plan meeting the approval of the ~~t~~Transportation ~~d~~Department must be developed prior to starting construction activities.

B. The developer ~~is responsible for supplying and installing~~ must supply and install all necessary permanent traffic control devices such as street name signs, stop signs, speed limit signs, and channelization.

C. Neighborhood traffic control devices such as speed humps, traffic circles and curb extensions~~, etc.,~~ are ~~demonstration~~ devices used to control vehicle speeds and cut-through traffic. Installation of these devices will be permitted only when the installation has met criteria established by the ~~traffic~~ review engineer.

14.60.230 Public and franchise utility relocations – developer initiated. ~~companies.~~

A. ~~Utility companies with facilities in city right-of-way shall relocate their facilities at their own expense when the relocation is necessary to accommodate public street improvements. The improvement work must be required by the city in order for the relocation work to be the financial responsibility of the utility; otherwise, all costs shall be the responsibility of the property owner. In the event such utility company is subject to a franchise agreement or right-of-way use agreement with the city, such agreement shall control any relocation requirement. When relocation of utility facilities located in the right of way or city utility easement is necessary to accommodate public street improvements associated with new development, the developer shall make payment to the utility of any and all costs and expenses incurred by the utility in the relocation of the facilities, except as provided in BCC 14.60.230B and BCC 14.60.230C.~~ When relocation of public or franchise utilities located in the right of way or city easement is necessary to accommodate public street improvements associated with a new development, the developer, at the discretion of the utility owner, shall make payment to the utility of any and all costs and expenses incurred by the utility in the relocation of the facilities, except as provided in BCC 14.60.230.B and 14.60.230.C; or, shall relocate the affected facilities in accordance with all city codes, standards, and permit conditions, and is responsible for all costs and expenses incurred.

B. ~~All utility distribution or collection systems in new subdivisions and short subdivisions, including power, telephone, and TV cable, shall be installed underground unless otherwise provided in a franchise agreement or right-of-way agreement. (Ord. 4822-1, 1995.)~~ When the street improvements are part of or consistent with the city's Capital Investment Program Plan, Transportation Improvement Program or Transportation Facilities Plan, then any cost or expense in relocating ~~the~~ franchise utility facilities shall be the responsibility of the developer ~~utility~~, unless otherwise provided in a franchise or right-of-way use agreement.

C. In the event such utility is subject to a franchise agreement or right-of-way use agreement with the city, such agreement shall control any relocation requirement.

D. All franchise utility distribution or collections systems in new subdivisions and short subdivisions, including power, telephone, and TV cable, shall be installed underground unless otherwise provided in a franchise agreement or right-of-way agreement.

~~14.60.240 Street intersection sight obstruction.~~

~~A. Notwithstanding any other provision of this code, no vehicles shall be parked or any sign, fence, hedge, shrubbery, natural growth or other obstruction installed, set out or maintained which obstructs the view of motor vehicle operators at an intersection within the sight areas defined in BCC 14.60.240(B) and between the height limits defined in BCC 14.60.240(C). BCC 14.60.240(D) specifies what constitutes an obstruction to the view of motor vehicle operators. For the purpose of this code, "intersection" shall include: the intersection of two public streets; the intersection of a commercial driveway with a public street; the intersection of a residential driveway with a public street; and the intersection of a private street with a public street.~~

~~B. The sight area at an intersection is defined as the area bounded by setback lines, or bounded by setback lines and the edge of the traveled lane. Setbacks for intersection types are as specified in the following paragraphs.~~

~~1. Major Street/Minor Street. Intersections of this type have no control or flashing yellow on the major street, and a stop sign or flashing red signal on the minor street. Private commercial driveways (which may or may not have a stop sign) used by the public for entering any city street are also included in intersections of this type.~~

~~The setback line shall be defined as a line which joins a point in the center of the minor street approach lane located 14 feet back from the edge of the through-street approach lane (Point A) and a point in the center of the through-street approach lane (Point B). The location of Point B in the through-street approach lane is specified in the following table:~~

~~Posted Speed Limit Distance from Center of Intersection~~
~~For Major Street to Point B (Left Approach Only)~~
~~40 MPH 410 Feet~~
~~35 MPH 360 Feet~~
~~30 MPH 300 Feet~~
~~25 MPH 250 Feet~~

~~Where the major street is a divided highway, only the left setback line applies. Where the major street is a one-way street, only the setback line toward the direction of approach applies.~~

~~Modification. Where major obstacles such as pre-existing permanent structures, elevated contour of the ground, embankments, or other elements preclude the reasonable enforcement of the setback lines specified above, these setbacks may be modified at the discretion of the city traffic engineer. The minor street setback distance to Point A may be reduced from 14 feet to 10 feet, and the major street Point B location may be modified as follows:~~

~~Posted Speed Limit Distance from Center of~~
~~For Major Street Intersection to Point B~~
~~40 MPH 325 Feet~~
~~35 MPH 250 Feet~~
~~30 MPH 200 Feet~~
~~25 MPH 150 Feet~~

~~2. Uncontrolled Intersection. For intersections with no traffic control on any approach, the setback lines join a point on the approach located 50 feet back from the center of the intersection with points located 80 feet back from the center of the intersection on the right and left hand streets. All points are on the street centerlines.~~

~~3. Yield Intersection and T Intersection. Yield intersections have a yield sign on one or both of the minor street approaches, and no control on the major street approaches. The setback lines for yield intersections join a point in the center of the yield approach lane 25 feet back from the edge of the crossing traffic lane with points in the centers of the crossing approach lanes 100 feet back from the center of the intersection. This~~

~~setback also applies to a T intersection with no restrictive control; in this case the 25-foot setback point is on the stem of the T.~~

~~4. Signalized Intersection. For signalized intersection approaches with right-turn-on-red-after-stop permitted, the left setback line joins a point in the center of the minor street approach lane located 14 feet back from the edge of the through-street approach lane (Point A) and a point in the center of the left through-street approach lane (Point B). The location of Point A may be reduced to 10 feet subject to approval of the traffic engineer. The location of Point B is specified in the following table:~~

~~Posted Speed Limit Distance from Center of Intersection~~
~~For Major Street to Point B (Left Approach Only)~~
~~40 MPH 325 Feet~~
~~35 MPH 250 Feet~~
~~30 MPH 200 Feet~~
~~25 MPH 150 Feet~~

~~5. Residential Driveway Intersection. For the intersection of a residential driveway with a public street, the setback line joins a point in the center of the driveway (Point A) with a point in the center of the through-street approach lane (Point B). The setback distance of Point A from the edge of the traveled lane is 10 feet. The location of Point B is specified in the following table:~~

~~Posted Speed Limit Distance from Center of~~
~~For Major Street Intersection to Point B~~
~~40 MPH 325 Feet~~
~~35 MPH 250 Feet~~
~~30 MPH 200 Feet~~
~~25 MPH 150 Feet~~

~~Modification. When the residential driveway is located on a residential street with a sharp curve adjacent to the driveway, the distance to Point B may be reduced from 150 feet to 100 feet. For residential driveways with major obstacles or special view problems, the setback distance on the driveway (Point A) may be reduced from 10 feet to eight feet, subject to approval by the traffic engineer.~~

~~6. Sightline Setback — Other. For intersections not clearly included in the above types and for which view problems may exist, the traffic engineer will establish setback lines as required.~~

~~C. Sight Obstruction Height Limits. Sight obstruction, as defined in subsection D of this section, shall not be permitted above a line two and one-half feet above the street surface within the sight areas established in subsection B of this section. However, sight obstructions above a line seven and one-half feet above the street surface are permitted. For residential driveways, this upper height requirement is reduced from seven and one-half feet to six feet.~~

~~D. Sight Obstruction Defined.~~

~~1. For minor street/through street intersections, as defined in subsections (B)(1), (B)(4) and (B)(5) of this section, the following obstructions within the established sight areas shall be permitted:~~

~~a. One obstruction within each sight area which presents a maximum of two and one-half feet width when viewed from the applicable angle, which has at least two feet clear view inside the obstruction (on the side away from the intersection). At distances greater than 40 feet from the view point, the obstruction may present a maximum of four feet width.~~

~~b. Any number of obstructions one and one-half feet or less in maximum width when viewed from any applicable angle; provided there is equal open space on each side of the obstruction for all angles.~~

~~2. For intersections with no signalization or stop signs, as defined in subsections (B)(2) and (B)(3) of this section, the following obstructions within the established sight areas shall be permitted:~~

~~a. One obstruction within each sight area which presents a maximum of eight feet width when viewed from any applicable angle, and which has at least four feet clear view inside the obstruction and eight feet clear view between the obstruction and the edge of the traffic lanes; or~~

~~b. Two obstructions within each sight area each of which presents a maximum of five feet width when viewed from any applicable angle, and separated by four feet on more open space when viewed from all applicable angles, and which have at least four feet clear view inside the obstructions and eight feet clear view between the obstructions and the edge of the traffic lanes; or~~

~~c. Any number of obstructions one foot or less in width; provided they obstruct no more than two feet continuous obstruction width when viewed from any applicable angle; and provided there is equal open space on each side of the obstruction for all angles.~~

~~E. Where unusual conditions preclude the application of the foregoing provisions of this section in a reasonable manner, or where a special viewing problem exists, the traffic engineer will determine when an intersection view obstruction exists, based on the intent of this section.~~

~~F. Every obstruction of the sort prohibited in this section hereafter installed or permitted to remain shall be deemed a violation of this code. (Ord. 4822 § 1, 1995.)~~

~~14.60.241 Sight distance requirements for pedestrian safety.~~

~~A. The minimum sight distance for pedestrian safety shall be determined as follows: the driver of an exiting vehicle shall be able to view a one-foot-high object 15 feet away from either edge of the driveway throat when the driver's eye is 14 feet behind the back of the sidewalk.~~

~~B. The minimum sight distance defined in subsection A of this section shall be maintained at all driveways, buildings, and garage entrances where structures, wing walls, etc. are located adjacent to or in close proximity to a pedestrian walkway.~~

~~C. Sight lines to traffic control devices such as signs, signals, etc. shall not be obscured by landscaping, street furniture, marquees, awnings, or other such obstructions. (Ord. 4822 § 1, 1995.)~~

14.60.250 Pavement restoration for trenching in right-of-way.

A. To ensure that public street pavement is not degraded by trenching, excavation, ~~and~~ or pavement restoration activities, the trench backfill and restoration section of the ~~transportation technical manual~~ Transportation Department Design Manual shall be adhered to when trenching within the paved portion of the city right-of-way.

B. Modifications or exceptions to BCC 14.60.250(A) may be approved by the director upon written request by the ~~permittee~~ developer and demonstration of a satisfactory alternative.

C. A five-year moratorium on pavement trenching is effective upon completion of new street construction and upon pavement overlay of an existing street.

D. Modifications or exceptions to BCC 14.60.250(C) may be approved by the director under compelling circumstances and emergencies, such as utility failures, main breaks, etc.

E. To ensure that public streets are not repetitively impacted due to multiple utility installations, developers will coordinate public and franchise utility service installations

and associated pavement restoration with the goal of consolidating disruption to a short time period and minimal area.

F. The nature and extent of pavement restoration shall be at the discretion of the review engineer and the pavement manager ~~management engineer~~.

14.60.260 Assurance device.

A. The director may allow or require a performance assurance device to ensure the completion of transportation-related improvements when the director determines the device is necessary pursuant to paragraph B of this section, and may require a maintenance assurance device to ensure the maintenance or repair of transportation-related improvements pursuant to paragraph C of this section.

If a certificate of occupancy is requested prior to the satisfactory completion of all work or actions required by a permit or approval, and if the director determines that no feasible alternative exists to approving the certificate of occupancy prior to the completion of such work or actions, the director may require a performance assurance device to assure that all such work or actions will be completed in a timely manner and in accordance with approved plans, specifications, requirements, conditions, regulations, and policies.

B. The use of a performance assurance device to ensure the completion of improvements may be allowed if:

1. The covered work or improvements are related to residential development, including residential subdivisions. In general, performance assurance devices shall not be used for improvements related to commercial development; provided, that in rare circumstances the city may, with the approval of the review engineer and the project inspector, allow a performance assurance device for work or improvements related to commercial development when they determine that no feasible alternative exists to approving a certificate of occupancy prior to the completion of improvements; and

2. The developer is unable to complete the work or improvements to be covered by the assurance device because of unavoidable circumstances that in no way resulted from the actions or inaction of the developer ~~applicant~~; and

3. It is reasonably certain that the developer ~~applicant~~ will be able to complete the work or improvements to be covered by the assurance device within a reasonable amount of time; and

4. Granting a temporary certificate of occupancy prior to completion of the work or improvements will not be materially detrimental to the city or to the properties in the vicinity of the subject property.

C. A maintenance assurance device may be required when transportation-related improvements are constructed as part of a subdivision or short subdivision to ensure that said improvements remain in continued compliance with city standards during the duration of the maintenance assurance device.

D. Form of assurance device.

1. The performance or maintenance assurance device may be in the form of an assignment of funds, a non-revocable letter of credit, set-aside letter, certificate of deposit, deposit account, bonds or other readily accessible source of funds.

2. Any interest from the assurance device will accrue to the benefit of the depositor.

E. Amount of assurance device.

1. The amount of the performance assurance device will be 150%, and the amount of the maintenance assurance device will be 20%, of the cost of the work or improvements covered by the assurance device based on estimated costs immediately following the expiration of the device. The amount of the assurance device is to be

based on reasonable estimates of costs, as approved by the director in consultation with the director of the Utilities department.

2. The director may consult with one or more persons with applicable special knowledge or expertise in determining the cost of work or improvements covered by an assurance device. The developer ~~applicant~~ shall pay the actual costs of this consultation prior to the director accepting the device.

F. Duration of assurance device.

1. A performance assurance device shall ensure that the work or improvements to be performed will be completed in a reasonable amount of time, as determined by the review engineer, but in no case longer than two years ~~one year~~ from the date of the city's acceptance of the assurance device, except as approved by the review engineer.

2. A maintenance assurance device shall ensure that the covered work or improvements remain in continued compliance with city standards. The duration of the maintenance assurance shall be for two years, ~~at least one year, but no greater than two years, as deemed necessary by the review engineer,~~ following the date of the city's acceptance of the covered improvements.

G. Release of assurance device.

After the work or improvements covered by an assurance device have been completed or the maintenance period has expired, the developer shall request an inspection of said work or improvements. Upon acceptance of the work or improvements by the director, the developer shall submit a written request to the director for the release of the assurance device. The director shall release, or cause to be released, such device as expeditiously as possible after completion of the work and receipt of request for release. ~~At the discretion of the director, a performance assurance device may be reduced and released in proportion to completed improvements, provided that at least 50% of the originally-covered improvements are completed, and provided further that the remaining amount of the assurance device is equal to at least 150% of the estimated cost of completing the remaining improvements.~~ No portion of a maintenance assurance device shall be released until the end of the maintenance period.

H. Use of proceeds – notice to developer ~~Property Owner~~.

If, after the date by which the required work or improvements are to be completed under an assurance device, the director determines that the work or improvements have not been completed, he/she shall notify the developer ~~applicant~~. The notice must state:

1. The work that must be done or the improvement that must be made to comply with the requirements and the assurance device; and

2. The amount of time that the developer ~~applicant~~ has to commence and complete the required work or improvements; and

3. That, if the work or improvements are not commenced and completed within the time specified, the city will use the proceeds of the assurance device to have the required work or improvements completed.

I. Use of proceeds – work by the city.

If the work or improvements covered by the assurance device are not completed within the time specified in the notice given under paragraph H of this section, the city shall obtain the proceeds of the device and do the work or make the improvements covered in the device. The city may either have employees of the city do the work or make the improvements or, by using procurement procedures established by law, have a contractor do the work or make the improvements.

J. Use of proceeds – emergency work by the city.

If at any time the director determines that actions or inaction associated with any assurance device have created an emergency situation endangering the public health,

safety, or welfare; created a potential liability for the city; or endangered city streets, utilities, or property; and if the nature or timing of such an emergency precludes the notification of developers as provided in paragraph H of this section while still minimizing or avoiding the effects of the emergency, the city may use the assurance device to correct the emergency situation. The city may either have employees of the city do the work or make the improvements, or may have a contractor do the work or make or maintain the improvements. If the city uses the assurance device as provided by this section, the developer shall be notified in writing within four working days of the commencement of emergency work. The notice must state the work that was completed and the nature or timing of the emergency that necessitated the use of the assurance device without prior notification.

K. Use of proceeds – refund of excess, charge for all costs.

The developer is responsible for all costs incurred by the city in doing the work and making or maintaining the improvements covered by the assurance device. The city shall release or refund any proceeds of an assurance device remaining after subtracting all costs for doing the work covered by the device. The developer shall reimburse the city for any amount expended by the city that exceeds the proceeds of the device. The city shall have the right to file a lien against the subject property for the amount of any excess.

L. Itemized statement.

In each case where the city uses any of the proceeds of the device, it shall give the developer ~~owner~~ of the subject property an itemized statement of all proceeds and funds used.

14.60.265 Severability.

If any provision of this code, or its application to any person or circumstance is held invalid, the remainder of the code, or the application of the provision to other persons or circumstances is not affected, and to this end the provisions of this code are declared to be severable.

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