



MEMORANDUM

DATE: June 2, 2014

TO: Transportation Commission

FROM: Laurie Gromala, Assistant Director, Traffic Management
(425) 452-6013; lgromala@bellevuewa.gov

Chris Dreaney, Development Review Manager, Traffic Management
(425) 452-5264; cdreaney@bellevuewa.gov

SUBJECT: Transportation Development Code Update, BCC 14.60

Purpose

Staff seeks Transportation Commission review of additional comments on the proposed Development Code update received after additional outreach.

Background

Transportation Department staff presented a proposed update of the Transportation Development Code to the City Council at study session on March 17, 2014. Following review and discussion, the Council directed staff to undertake further outreach to potentially interested parties regarding the proposed code amendments to provide additional opportunities for comment.

Following the meeting, staff contacted Lincoln Vander Veen, Public Affairs Manager of the Chamber of Commerce; and Patrick Bannon, President of the Bellevue Downtown Association. Staff also contacted Stu Vander Hoek, President of the Vander Hoek Corporation, and 14 other developers and development consultants. All recipients were invited to meet with staff or send any comments, suggestions, or concerns. This outreach occurred between March 19th and March 25th, and response within two weeks was requested.

Outreach Results

Gregory Johnson, President of Wright Runstad & Company, submitted a letter to the City Council on March 17, 2014, just prior to the City Council study session of that date. In addition, staff received three responses to the outreach effort:

- Stu Vander Hoek, email of March 24, 2014
- Bruce Nurse, letter to City Council of April 18, 2014, and amended letter of May 21, 2014
- Patrick Bannon, email of April 15, 2014

These four responses are included in this packet as Attachments 1 through 4. Mr. Bannon's narrative-type comments and questions are responded to in Attachment 5. The code-specific comments in the other communications, with staff responses, are detailed in Attachment 6. In

addition, Chris Dreaney met with Justin Jones, of JMJ Team, representing Wright Runstad, and Tiffany Brown, of Burnstead Construction LLC, to review the issues raised in the Wright Runstad letter.

Comments from Development and Business Communities

Generally, Mr. Johnson indicates that he believes many of the changes are appropriate for the Transportation Department Design Manual rather than the code since they are not definable or measureable and may be appropriate for one type of development but not another. However, the proposed amendments are typical of code requirements and provide the authority for a policy framework for transportation impact mitigation. Elements which are measurable, e.g., driveway grade or private intersection spacing, are design standards appropriately placed in the Design Manual.

Mr. Johnson also states that the proposed amendments reserve too much discretion to City staff while providing no useful guidance to the regulated community. The goals of the proposed amendments are to clarify code language and remove inconsistencies in order to further the code purpose of providing a policy framework for transportation impact mitigation. Staff will work with the development community to enhance clear communication and efficient process.

We also received an email from Stu Vander Hoek, President of Vander Hoek Corporation; his comments and Gregory Johnson's code-specific comments are detailed in the attached table. Staff recommends several code modifications in response to their comments.

Bruce Nurse, Vice President of Kemper Development Company, suggests substantial policy modifications to the City's approach to transportation impact assessment and mitigation; these policy amendments are outside the scope of this update and are not addressed in this action. Mr. Nurse also proposes specific code modifications; those suggestions, with resulting staff-recommended modifications in many cases, are addressed in the attached table.

Commission Action

Staff seeks Transportation Commission review of this additional feedback regarding the proposed Transportation Development Code update and the associated staff recommendations. Following this review, staff requests a recommendation to the City Council for adoption of the revised code.

Attachments

- Attachment 1 – March 17, 2014 letter from Gregory K. Johnson to the City Council
- Attachment 2 – March 24, 2014 email from Stu Vander Hoek to Chris Dreaney
- Attachment 3 – April 18, 2014 and May 21, 2014 letters from Bruce Nurse to the City Council
- Attachment 4 – April 15, 2014 email from Patrick Bannon to Chris Dreaney
- Attachment 5 – Response to Patrick Bannon email
- Attachment 6 – Table: Comments on Proposed Development Code Update
- Attachment 7 – Proposed BCC 14.60 Update from March 17, 2014 Council Study Session
- Attachment 8 – Current BCC 14.60 Transportation Development Code

March 17, 2014

ATTACHMENT 1

The Hon. Claudia Balducci, Mayor
Members of the Council
City of Bellevue
450 110th Ave NE
Bellevue WA 98009

**CITY OF BELLEVUE - TRANSPORTATION
DEVELOPMENT CODE UPDATES**

Dear Mayor Balducci and Members of the Council:

We appreciate the opportunity to comment on the planned update of the Transportation Development Code. As a catalyst project for Bel-Red, The Spring District relies on this code to provide clarity and predictability in the permitting and design process. We hope our experience with the City's code and recommendations for the proposed code updates can be useful to staff and City Council.

Generally, many of the proposed changes and additions to the code are appropriate for the Transportation Design Manual rather than the municipal code as they are not definable or measurable and may be appropriate for one type of development but not another (e.g., residential versus commercial). The proposed amendments reserve too much discretion to City staff while providing no useful guidance to the regulated community. This will create conflicts as projects progress, and often such problems will arise late in permitting and construction when time pressures mean the developer and contractor have the least flexibility to deal with them.

An option is to keep the code to items that provide clear direction to the regulated community and revise your permitting process to define transportation-specific project requirements early in the permitting process. The Transportation Design Manual could then serve as the foundation for establishing the detailed requirements in a collaborative process between the City and applicant.

Examples of suggested code changes are as follows:

Recommendations:

1. 14.60.040 Definitions.

“Private road” 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.

Private roads in commercial master planned communities could access more than nine or less than three properties or dwelling units.

Recommended Text:

“Private road” means a way, located on private property, open to vehicular ingress and egress established as a separate tract or easement.

2. 14.60.090 – Dedication of Right-of-Way

“A. The city may require the dedication of right-of-way by the developer 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: ...”

Clarification should be added to address the allowance for potential offsets in traffic mitigation fees or property development rights with the dedication of Right-of-Way.

Recommended Text:

“A. The city may require the dedication of right-of-way by the developer as a condition of development approval in order to incorporate transportation improvements which are reasonably necessary to mitigate the direct impacts of the development. Offsets in traffic mitigation fees may be provided if right-of-way dedication is for a CIP project. Development rights of dedicated right-of-way may be transferred to the remainder of the parcel to be developed. The developer property owner may be required to dedicate right-of-way to accommodate: ...”

3. 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.”

This code does not define the measures for allowing or disallowing multiple accesses.

Recommended Text:

“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: minimum distances between driveways or sight distances are not met; or would mitigate identified adverse impacts to the surrounding neighborhood or circulation system.”

4. 14.60.110 – Street Frontage Improvements

“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)”

There is uncertainty as to if undergrounding utilities will be required.

Recommended Text:

“Street frontage improvements may include curb, gutter, sidewalk, storm drainage, street lighting, traffic signal equipment, franchise utility relocation (when necessary for the applicant’s development activity)”

5. 14.60.130 - Private Streets

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

Multiple changes and additions have been made addressing private roads. It appears the code has been written with the intent that private roads are exclusively used for small subdivisions and must be designed to the same standard as public roads. While private roads need to be safe and designed to a reasonable lifespan, they are not constrained by the same liability and maintenance concerns. We suggest that code be amended to allow flexibility in design for placemaking of neighborhoods. Some examples of placemaking design elements may include: concrete crosswalks; brick pavers; catenary street lights; and curbless environments.

Recommended Text:

“B. The design and construction of private roads shall meet Fire Department development standards. The Transportation Design Manual shall be used as a guideline to allow flexibility in design.”

6. 14.60.170 – Street Ends

“A. All dead-end public streets 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 Transportation Department Design Manual Standard 7, Street End Designs, as currently adopted or hereafter amended. The street or road may extend up to 150 feet beyond the approved turnaround facility.”

The option for hammerhead turnarounds has been removed and the only option is the use of a cul-de-sac. A cul-de-sac is not always a cohesive solution in an urban environment.

Recommended Text:

“A. All dead-end public streets and private streets roads greater than 150 feet in length shall be designed and constructed with a hammer head or cul-de-sac turnaround facility per the Transportation Department Design Manual Standard 7, Street End Designs, as currently adopted or hereafter amended. The street or road may extend up to 150 feet beyond the approved turnaround facility.”

7. 14.60.250 – Pavement Restoration

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

Since pavement restoration types can have varying impacts on project scopes and budgets, having a more definitive requirement would be useful.

Recommended Text:

“F. The nature and extent of pavement restoration shall be determined through the most current published pavement management program maps”

8. 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; and*
- 3. It is reasonably certain that the developer 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.”*

Additions to this section require that all transportation-related elements be completed prior to certificate of occupancy. Also, performance assurances are not allowed for commercial development. Often in larger, multi-phase developments, it is not prudent to complete transportation improvements before the completion and occupancy of multiple structures. Examples of this are the final lift of asphalt or the phasing of sidewalks. It is recommended to remove B.1 above.

Recommended Text:

“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:

The Hon. Claudia Balducci, Mayor
Members of the Council
March 17, 2014
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1. 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; and

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

3. 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.”

We very much appreciate the opportunity to provide these comments to the Transportation Development Code update. Please feel free to contact me if additional clarifications are needed.

Sincerely,

Gregory K. Johnson
President

GKJ/jkh

Cc: Dave Berg
Mike Brennan
Carol Helland
Brad Miyake
Chris Salomone

Dreaney, Chris

From: Stu Vander Hoek <stu@vanderhoek.us>
Sent: Monday, March 24, 2014 4:45 PM
To: Dreaney, Chris
Cc: Carl Vander Hoek; Wallace, Kevin R; Patrick Bannon (patrick@bellevuedowntown.org)
Subject: Bellevue Transportation Plan updates

Chris,

Thanks for the call and forwarding the info. For the 1st item mentioned below, can you please tell me why this issue is now requiring a new code application? Has there been something compelling going on downtown where this has become such an issue?

A scenario I'm contemplating is where a project is on more than one street, and the developer has proposed multiple access points for the benefit of the mixed-use project. If the City says the developer can't do what they've proposed, which presumably would be addressed at a City pre-development meeting, what is the criteria going to be that the developer could use to appeal a decision not allowing the developer to do what they proposed? Is there any appeal process?

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 traffic impacts to the surrounding neighborhood or circulation system; provided, that access from at least one street or road shall always be permitted.

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 LUC 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.

On our project we were required to do what this new code will accomplish. However, on our 83,000 sf site, we had some flexibility to accommodate site loading needs on site. Has a threshold lot size been discussed where this approach is just not practical? I can see where it is less practical, maybe impossible, on many more sites than where it is practical. I hesitate to pick a lot size to use for an example, but let's just say it's a 20,000 sf lot. The practical ability for the developer to provide site loading needs is not realistic on many sites, in my opinion. At the same time, because businesses can't accommodate the needs today, delivery vehicles park in drive lanes, private parking, center turn lanes, etc. So I understand the problem, and we've incorporated all site loading needs into our project, but I see disaster in the making on many sites. Even if the site can accommodate the loading needs on site, the cost is huge to do so.

That's it for now.

Stu



Kemper
Development
Company

ATTACHMENT 3

April 18, 2014

Via Email and First Class Mail

Claudia Balducci, Mayor
Members of the City Council
City of Bellevue
450 110th Avenue NE
Bellevue, WA 98009

Re: Transportation Development Code Update

Dear Mayor Balducci and Members of the Council:

I am writing to offer the comments of Kemper Development Company ("KDC") on the update to the Transportation Development Code ("Update"). This Code was first adopted in 1995, and standards and policy adopted by the Update will provide the principal guidance for privately financed transportation improvements in the City. Therefore, we are pleased that the City Council is studying the Update carefully.

KDC has reviewed the recommended amendments of Wright Runstad and Company offered in its letter of March 17, 2014. We endorse and support these requested changes. We have included, as an attachment to this letter, suggested changes not addressed by Wright Runstad. We also agree that the Update mixes policy and detailed standards. We too believe separating these subjects would add clarity. What really is needed is to integrate Chapter 14.10 BCC, the Traffic Standards Code; Chapter 14.60, the Transportation Development Code and Chapter 22.16 BCC, the Transportation Impact Fee Program. KDC assumes that the new policy statements proposed by the Update are intended to apply to all of the transportation related decisions of the City. However, the Update does not make this clear.

There is a Compelling Need to Catch-up

KDC believes strongly that new development and redevelopment anywhere in Bellevue should be required to mitigate direct traffic impacts to the City's transportation system. However, the City today is woefully behind in ensuring that needed transportation system improvements match the City's rate of growth. KDC believes very strongly that this problem can easily limit the City's ability to continue to enjoy the benefits of economic growth. Stated more bluntly, it is time to "pay the piper." The City cannot continue to prosper unless it vigorously implements the City-wide capital improvements that have been needed but not delivered. Both State law and Court decisions make clear that the private sector should pay its "fair share," but local and state government must ensure that the overall transportation system has the capacity to meet both current and future traffic needs.

Catching Up is the City's Responsibility

Three U.S. Supreme Court Decisions, *Nolan v. California Coastal Comm'n*, 483 U.S. 885 (1987), *Dolan v. City of Tigard*, 512 U.S. 374 (1994) and, most recently, *Koontz v. St. Johns River Water Management District*, 133 S.Ct. 2586, 186 L.Ed.2d 697 (2013) have addressed, from a constitutional perspective, how private landowners and local government share the responsibility for mitigation. Paraphrasing, the burden imposed constitutionally on private landowners is to pay for transportation system improvements that have a clearly defined connection to the impact of a proposal and the share imposed on the property owner is reasonable and matches the impacts. Further, it is the responsibility of local government, not the applicant, to demonstrate that the required transportation improvements meet these constitutional requirements. Chapter 82.02 RCW restates in slightly different language these requirements.

The policy revisions proposed for BCC 14.60.060 are an excellent attempt to address both statutory and constitutional requirements. However, as you will see from our suggested revisions, we believe further modification is needed. Further, KDC recommends that, before adoption, the City Council receive a legal opinion that assures the Council that then Update satisfies statutory and constitutional standards.

Given the backlog of unmet transportation needs, it is particularly important that the burden imposed on private property owners is correct legally. As stated above, property owners and proponents have the responsibility to address the impacts of a proposed project. The City has the burden of catching up for unmet City-wide needs.

The purpose of the Code as amended by the Update is "... to provide a policy framework for transportation impact mitigation requirements relating to new development and redevelopment." BCC 14.60.020. KDC wants to make sure this framework will provide guidance that will serve the City effectively.

Sincerely,



Bruce Nurse, Vice President
Kemper Development Company

Cell Phone 206-799-5616

cc: Brad Miyake, City Manager, City of Bellevue
Lori Reardon, City Attorney, City of Bellevue

ATTACHMENT

Suggested Changes to Transportation Code Update (Revisions are in Bold)

14.60.040 Definitions

1. Public utilities should include utilities not owned by the City.
2. Add a definition for transportation impact mitigation.
3. Add a definition and legislative intent statement for the term “roughly proportionate.”

Add new definition:

“Roughly Proportionate” is determined through a project-specific analysis by the City that the mitigation determined to be required corresponds reasonably and fairly to the type and magnitude of the direct traffic impacts of a proposal that requires mitigation.

Add:

Legislative Intent Statement

This Code Update uses the term roughly proportionate to describe the relationship between mitigation required by the City and the traffic impacts of a proposal. This term comes from US Supreme Court decisions which have used the phrase “rough proportionality” The use of “roughly proportionate” in the Update is not intended to change meaning. The change is made only to fit the context of the Update.. State law defines proportionate share – the cost that is reasonably related to the service demands and needs of new development. RCW 82.62.090. The Council expects all mitigation requirements to be reasonably related to a proposed project. However, we expect more than simply establishing that the relationship to the impacts is reasonable. We further expect City staff to have completed a transparent individualized determination, that any interested party can review and understand that shows that the mitigation is fair and appropriate given the nature and extent of the direct traffic impacts.

While the Council does not expect mathematical certainty, we do expect an analysis that is clearly calculated and project-specific. Further, we expect our staff to be responsible for showing that these determinations are consistent legally. And, it does not matter whether the requirement is precondition or post condition of approval. It is also immaterial whether the project is approved or denied. The proportionality requirement will be applicable in all of these circumstances.

Explanation:

Mitigation and roughly proportionate are used in the Update with no definition. Mitigation is defined or used in companion codes Chapter 14.10 BCC, Chapter 22.02 BCC, and

Chapter 22.16 BCC. A definition that can be used consistently would be helpful. Rough proportionality was used by the US Supreme Court in its decisions. The Update uses a similar phrase. It needs to be defined and the Council should express through a legislative intent statement how this phrase should be interpreted.

14.60.050 Traffic impact analysis reports.

Traffic impact analysis reports are required for proposed development projects when the City has reason to **believe determine** that the **direct traffic** impacts **resulting from a development** on the City's existing or planned future transportation facilities will be significant **under Chapter 22.02. BCC** or **may require mitigation**.

Explanation:

Suggestions add language for consistency and would require the City to make a site specific determination that a traffic report is needed.

14.60.060 Transportation system impact mitigation.

A. The director may ~~require~~ impose conditions mitigation measure reasonably necessary to mitigate the direct 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, dedication of right-of-way and/or easements, traffic signal or street light installation of 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. When imposing mitigation measures, the director shall adopt a finding that each mitigation measure is roughly proportionate to the direct traffic impacts resulting from the development.

B. The director may require the ~~permittee developer~~ to participate in the funding of mitigation measures required reasonably necessary as a result of to mitigate direct traffic impacts associated with resulting from development on the property or to establish a fund for a specified period of time, not to exceed five years, to be used by the City for costs associated with additional traffic mitigation measures required as a result of such traffic impacts. When imposing mitigation measures, the director shall adopt a finding that each mitigation measure is roughly proportionate to the direct traffic impacts resulting from the development.

C. The value of such mitigation measures shall be deducted from the traffic impact fees assessed pursuant to Chapter 22.16 BCC. Taken as a whole, the mitigation measures under this Chapter 14.60 BCC, the traffic impact fees assessed pursuant to Chapter 22.16 BCC and the mitigation methods imposed under Chapter 14.10 BCC shall be roughly proportionate to the direct traffic impacts resulting from the development.

D. The director shall be responsible for the determinations required by this Chapter and the policy framework set forth in this section shall guide all traffic impact analysis and mitigation decisions of the City. Further, the director shall be responsible for ensuring that all City standards, assumptions and decisions relating directly or indirectly

to the mitigation of traffic impacts are based on the best available standards and practices recommended by the Institute of Transportation Engineers.

Explanation:

Suggestions add language for consistency. The new "D" simply states for clarity that the determinations required by this Code are a City responsibility and that the policy framework will guide all traffic mitigation decisions.

14.60.130 Private roads

D. Combined vehicular access for adjoining properties is encouraged. In conjunction with approval of a development, the City may suggest but not 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.

Explanation:

The City simply does not have the legal authority to require access and circulation easements to serve abutting property owners.

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~~ **reasonably necessary to mitigate the direct traffic impacts resulting from a development project.**

Explanation:

Suggestion replaces the vague standard "undesirable" with the standard used in other sections of the Update.

14.60.230 ~~Utility companies~~ Public and Franchise Utility relocations – developer initiated.

~~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 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, **reasonably necessary to mitigate the direct traffic impacts resulting from a development project**, the developer at the discretion of the utility owner, shall make payment to the utility of any and all **reasonable** costs and expenses incurred by the utility in the relocation of the facilities, except as provided in BCC 14.60.230.B and BCC 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 **reasonable** costs and expenses incurred.

Explanation:

The suggestion replaces “associated” with the standard used in other sections of the Update. Flexibility is also suggested to allow the developer to choose to make payment or install directly. Lastly, the developer should be required to pay only costs and expenses that are reasonable.



Kemper
Development
Company

May 21, 2014

Via Email

Claudia Balducci, Mayor
Members of the City Council
City of Bellevue
450 110th Avenue NE
Bellevue, WA 98009

Re: Transportation Development Code Update

Dear Mayor Balducci and Members of the Council:

Chris Dreaney, Development Review Manager, Traffic Operations Division, COB, called my office and pointed out an incorrect representation in my explanation of a recommendation for a definition of "Roughly Proportionate". At the bottom of the first page of the Attachment to my Letter of April 18, 2014 under Explanation the first sentence read as follows:

Mitigation and **roughly proportionate** are used in the Update with no definition.

In fact **roughly proportionate** is not used in the Staff Update presented to the Council.

I apologize for this error. It was not intentional but the result of a word processing mistake.

Attached for your reference is a corrected copy of our Company's Suggested Changes to the Transportation Code Update. No other changes have been made to our suggestions submitted April 18, 2014.

We remain very interested in our suggestions being included in the Update of the Transportation Development Code. We feel the added definitions will provide clarity to the Code.

Thank you for your efforts.

Sincerely,

Bruce L. Nurse, Vice President
Kemper Development Company
Cell Phone: 206-799-5616

Brad Miyake, City Manager, City of Bellevue
Lori Reardon, City Attorney, City of Bellevue

Kemper Development Company, Post Office Box 41886, Bellevue, WA 98009, (425) 646-3660

**Suggested Changes to Transportation Code Update
(Revisions are in Bold)**

14.60.040 Definitions.

1. Public utilities should include utilities not owned by the City.
2. Add a definition for transportation impact mitigation.
3. Add a definition and legislative intent statement for the term “roughly proportionate.”

Add new definition:

“Roughly Proportionate” is determined through a project-specific analysis by the City that the mitigation determined to be required corresponds reasonably and fairly to the type and magnitude of the direct traffic impacts of a proposal that requires mitigation.

Add:

Legislative Intent Statement

This Code Update uses the term roughly proportionate to describe the relationship between mitigation required by the City and the traffic impacts of a proposal. This term comes from US Supreme Court decisions which have used the phrase “rough proportionality” The use of “roughly proportionate” in the Update is not intended to change meaning. The change is made only to fit the context of the Update. State law defines proportionate share – the cost that is reasonably related to the service demands and needs of new development. RCW 82.02.090. The Council expects all mitigation requirements to be reasonably related to a proposed project. However, we expect more than simply establishing that the relationship to the impacts is reasonable. We further expect City staff to have completed a transparent individualized determination, that any interested party can review and understand that shows that the mitigation is fair and appropriate given the nature and extent of the direct traffic impacts.

While the Council does not expect mathematical certainty, we do expect an analysis that is clearly calculated and project-specific. Further, we expect our staff to be responsible for showing that these determinations are consistent legally. And, it does not matter whether the requirement is precondition or post condition of approval. It is also immaterial whether the project is approved or denied. The proportionality requirement will be applicable in all of these circumstances.

Explanation:

Mitigation is used in the Update with no definition. Mitigation is defined or used in companion codes Chapter 14.10 BCC, Chapter 22.02 BCC, and Chapter 22.16 BCC. A definition that can be used consistently would be helpful. Rough proportionality was used by the US Supreme Court in its decisions. We suggest that the Update uses a similar phrase that is be

defined. The Council should express through a legislative intent statement how this phrase should be interpreted.

14.60.050 Traffic impact analysis reports.

Traffic impact analysis reports are required for proposed development projects when the City has reason to **believe determine** that the **direct traffic** impact **resulting from a development** on the City's existing or planned future transportation facilities ~~will~~ **may** be significant **under Chapter 22.02. BCC** or may require mitigation.

Explanation:

Suggestions add language for consistency and would require the City to make a site specific determination that a traffic report is needed.

14.60.060 Transportation system impact mitigation.

A. The director may require **impose conditions mitigation measures reasonably necessary to mitigate the direct** 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, dedication of right-of-way and/or easements, 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.** **When imposing mitigation measures, the director shall adopt a finding that each mitigation measure is roughly proportionate to the direct traffic impacts resulting from the development.**

B. The director may require the permittee **developer** to participate in the funding of mitigation measures ~~required as a result of reasonably necessary to mitigate direct~~ traffic impacts **associated with resulting from** development on the property **or to establish a fund for a specified period of time, not to exceed five years, to be used by the City for costs associated with additional traffic mitigation measures required as a result of such traffic impacts.** **When imposing mitigation measures, the director shall adopt a finding that each mitigation measure is roughly proportionate to the direct traffic impacts resulting from the development.**

C. **The value of such mitigation measures shall be deducted from the traffic impact fees assessed pursuant to Chapter 22.16 BCC. Taken as a whole, the mitigation measures under this Chapter 14.60 BCC, the traffic impact fees assessed pursuant to Chapter 22.16 BCC and the mitigation methods imposed under Chapter 14.10 BCC shall be roughly proportionate to the direct traffic impacts resulting from the development.**

D. **The director shall be responsible for the determinations required by this Chapter and the policy framework set forth in this section shall guide all traffic impact analysis and mitigation decisions of the City. Further, the director shall be responsible for ensuring that all City standards, assumptions and decisions relating directly or indirectly**

to the mitigation of traffic impacts are based on the best available standards and practices recommended by the Institute of Transportation Engineers.

Explanation:

Suggestions add language for consistency. The new "D" simply states for clarity that the determinations required by this Code are a City responsibility and that the policy framework will guide all traffic mitigation decisions.

14.60.130 Private streets roads.

D. Combined vehicular access for adjoining properties is encouraged. In conjunction with approval of a development, the City may suggest but not 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.

Explanation:

The City simply does not have the legal authority to require access and circulation easements to serve abutting property owners.

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 reasonably necessary to mitigate the direct traffic impacts resulting from a development project.**

Explanation:

Suggestion replaces the vague standard "undesirable" with the standard used in other sections of the Update.

14.60.230 Utility companies Public and Franchise Utility relocations – developer initiated.

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 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, reasonably necessary to mitigate the direct traffic impacts resulting from a development project, the developer at the discretion of the utility owner, shall make payment to the utility of any and all reasonable costs and expenses incurred by the utility in the relocation of the facilities, except as provided in BCC 14.60.230.B and BCC 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 reasonable costs and expenses incurred.**

Explanation:

The suggestion replaces “associated” with the standard used in other sections of the Update. Flexibility is also suggested to allow the developer to choose to make payment or install directly. Lastly, the developer should be required to pay only costs and expenses that are reasonable.

Dreaney, Chris

From: Patrick Bannon <patrick@bellevuedowntown.org>
Sent: Tuesday, April 15, 2014 6:03 PM
To: Dreaney, Chris
Subject: RE: Information on proposed Transportation Development Code update (BCC 14.60)

Hello Chris – I’ve compiled a brief summary below of observations and questions related the proposed changes. I know you and the Council have also received some direct input from members. You’ll note the bullet points below are general in nature – not necessarily tied to the specific changes. I recognize that many of the updates fall into the housekeeping realm. Still, as you know, even minor changes can be interpreted as a substantial change or risk.

- We appreciate the Council’s request for additional stakeholder outreach on the proposed code amendments.
- For each policy-oriented issue, please elaborate on the rationale for the change. What’s the specific need or perceived benefit?
- Was consideration given to offsets to fees or development rights with the dedication of right-of-way for a CIP or planned project? Why or why not?
- How has the city assessed any potential legal risk (to the city) of the proposed changes (i.e. conflicts with state or other case law)?
- During project review, what are the appeal options/processes available to an applicant who disagrees with a code interpretation?
- The transportation dev. code seems to be “one-size-fits-all” in its application. Different areas or districts in downtown could have separate requirements based on the character of development and related guidelines.
- Please clarify how the proposed changes, if any, could increase costs/risks for an owner/developer.

Thank you for your (and the Commission’s) work on this issue. I know there were questions about notification and outreach, so I went back into my archive to check email. I found a message from 10/28/13 with information about the Commission topic. No link to the amendments was provided, and the public hearing had not been scheduled at that time. Unless I inadvertently missed an email or other communication, this was the only message I received related to issue until it came up at Council. I must have missed the hearing notice in the Weekly Permit Bulletin.

I’ll forward you any additional thoughts or comments I receive.

Thank you again.

Patrick

Patrick Bannon, President
 Bellevue Downtown Association
 425-453-3113 | patrick@bellevuedowntown.org

From: CDreaney@bellevuewa.gov [mailto:CDreaney@bellevuewa.gov]
Sent: Monday, April 7, 2014 10:46 AM
To: Patrick Bannon
Cc: CDreaney@bellevuewa.gov
Subject: RE: Information on proposed Transportation Development Code update (BCC 14.60)

Patrick – Just checking – are you getting an indication that there will be some comments or questions on this issue?
 Thanks –

Chris D.

From: Dreaney, Chris
Sent: Wednesday, April 02, 2014 2:28 PM
To: Patrick Bannon
Cc: Dreaney, Chris
Subject: RE: Information on proposed Transportation Development Code update (BCC 14.60)

Hi Patrick – no date was specified for response via the City Manager’s report, but I would not want to leave this waiting for too long. Thanks for your help –

Chris D.

From: Patrick Bannon [<mailto:patrick@bellevuedowntown.org>]
Sent: Tuesday, April 01, 2014 6:27 PM
To: Dreaney, Chris
Subject: RE: Information on proposed Transportation Development Code update (BCC 14.60)

Chris – I continue to invite/encourage feedback and questions on the code amendments. It may take us through next week to wrap it up. I know there’s a time sensitivity to this, so please let me know if there’s already a time pegged to return via the City Manager’s report.

Thank you again.

Patrick

Patrick Bannon, President
Bellevue Downtown Association
425-453-3113 | patrick@bellevuedowntown.org

From: CDreaney@bellevuewa.gov [<mailto:CDreaney@bellevuewa.gov>]
Sent: Tuesday, March 25, 2014 1:56 PM
To: Patrick Bannon
Cc: CDreaney@bellevuewa.gov
Subject: Information on proposed Transportation Development Code update (BCC 14.60)

Patrick: As you know, the Bellevue City Council requested that we undertake additional outreach on the subject of the proposed Transportation Development Code (BCC 14.60) update. I originally sent out this information to you in October, but I would like to send it again to ensure that all BDA members have a complete opportunity to review and respond to the proposed code changes. Additionally, for your convenience, I have included a listing of code changes which are potentially more substantive than the majority of the edits; see “Identified Policy Issues” above.

Please forward this information to any members of your organization that you feel might be interested. I appreciate your assistance.

City of Bellevue Transportation Department staff are proposing an update to the Transportation Development Code (BCC 14.60). This proposal has been presented to the Transportation Commission and a public hearing was held on January 19, 2014. At the City Council Study Session on March 17, 2014, the Bellevue City Council directed that additional outreach be undertaken.

You have been identified as a potentially interested party. Attached are a summary of changes (Attachment A), the annotated update (Attachment B), and a list of policy-related issues. If you would like to see the complete March 17 Council packet with the cover memo and a clean version of the code, see the link below.

If you would like to discuss these proposed amendments, I am happy to meet with you. Please let me know if you'd like to meet, or send me any comments, suggestions, or concerns. If possible, I would like to have an idea of the extent of your concerns within about two weeks. Let me know if you need any other information. I appreciate your interest and any feedback!

<http://www.bellevuewa.gov/pdf/City%20Council/PacketStudySession3-17-142a.pdf>

Chris Dreaney
Development Review Manager
Transportation Department
425-452-5264

Response to Patrick Bannon email of April 15, 2015

(1) For each policy-oriented issue, please elaborate on the rationale for the change. What's the specific need or perceived benefit?

14.60.060: Identifies additional options for traffic impact mitigation including a limited term fund.

- A. This section more completely identifies mitigation options for traffic impacts from new development. Traffic impacts must be mitigated; the purpose of the amendment is to highlight the range of possible devices.
- B. This section expands flexibility by providing for a limited term fund. This allows for observation of actual impacts over time in order to determine in mitigation is actually necessary.

14.60.090 and .100: Identifies adopted plans including the Ped/Bicycle Plan as a basis for requirement of right of way dedication and granting of easements.

This modification emphasizes that adopted City plans are the basis for mitigation requirements.

14.60.105: Provides for prohibition of access from multiple streets when necessary for safety.

This new code section provides for balancing the need for access to a site with the increased safety problems associated with additional access points. Also, this section provides for protection of neighborhoods from increased traffic when access onto a higher-classified street is available.

14.60.110: Clarifies that the requirement to install street frontage improvements is based on the need to mitigate the impacts of the development.

This added language highlights that the requirement to install street frontage improvements must be supported by the necessity to reasonably mitigate the direct impacts of the development.

14.60.120: Provides for the requirement to reimburse the City for the value of damaged landscaping when replacement or restoration is not possible.

This new provision allows the City to obtain monetary reimbursement for damaged landscaping when in-place replacement or restoration is not possible. Without this provision, a developer would not be required to make the City whole after damaging City property.

14.60.190: Provides for the requirement to construct a trail when identified in the Ped/Bicycle Plan or when determined necessary for safety, efficiency, or convenience.

Subsection B.5 provides additional pedestrian safety on private roads when pedestrian activity associated with facilities attracting greater levels of use are present. New subsection F requires a developer to construct a trail associated with a new development when such a facility is part of the adopted Pedestrian/Bicycle Plan or will connect to an existing or planned non-motorized facility. This requirement applies when a corresponding easement or tract is required, as per new subsection BCC 14.60.100.B, “when reasonably necessary to mitigate the direct impacts of the development.”

14.60.260: Provides for assurance devices to ensure completion of transportation-related improvements.

This new section incorporates Transportation Department-specific provisions for the use of assurance devices in lieu of completing construction of infrastructure improvements. This section is proposed to replace a Land Use Code reference in section BCC 14.60.021.C. and expands the acceptable type of assurance device and provides increased specificity as to the duration of the device.

(2) Was consideration given to offsets to fees or development rights with the dedication of right-of-way for a CIP or planned project? Why or why not?

The Transportation Impact Fee Program, BCC 22.16, provides for credit against a transportation impact fee for the dedication of land and the cost of construction of improvements. BCC 22.16.087 and the associated Impact Fee Manual provide the specifics of the method of calculation.

(3) How has the city assessed any potential legal risk (to the city) of the proposed changes (i.e. conflicts with state or other case law)?

The City Attorney has reviewed the proposed code amendments. In addition, the proposed amendments have been submitted to and approved by the Washington State Department of Commerce, Growth Management Services Division, as required by RCW 36.70A.106. The Review Team of that Division coordinates with other state agencies.

(4) During project review, what are the appeal options/processes available to an applicant who disagrees with a code interpretation?

In response to a public comment received subsequent to the City Council study session on March 17, 2014, the Transportation Department is recommending the addition of BCC 14.60.021.D. This subsection would direct the director of the Transportation Department to develop and adopt a procedure for appeal of decisions implemented under the Development Code. Under this procedure, the director’s decision would be final.

(5) The transportation dev. code seems to be “one-size-fits-all” in its application. Different areas or districts in downtown could have separate requirements based on the character of development and related guidelines.

The Transportation Development Code is intended to be city-wide in its application. The Transportation Department Design Manual provides for design flexibility depending on type of development and street classification. The Manual also includes an appendix (The BelRed Corridor Plan) which provides for streetscape design variations for that area.

(6) Please clarify how the proposed changes, if any, could increase costs/risks for an owner/developer.

The majority of the proposed changes are intended to provide clarity and specificity rather than expanding requirements. Where mitigation requirements have been expanded, the criteria that the mitigation must be needed as result of impacts of the development is specified.

BCC 14.60.060.A lists installation of traffic monitoring devices and neighborhood traffic calming devices as a possible mitigation measures; these would be required when made necessary by traffic impacts occurring as a result of the new development. BCC 14.60.100 adds Recommended Walking Routes maps as an identifier of locations where the granting of nonmotorized easements may be required, but only when reasonably necessary to mitigate the direct impacts of the development. BCC 14.60.120.C.3 adds the option of requiring a developer to pay the City for the cost of damaged landscaping when replacement is not possible. BCC 14.60.190.F requires that the developer shall construct trails when the need for such has been identified or has been determined by the review engineer to be necessary for safe, efficient, or convenient movement of pedestrians and/or bicycles and will connect to an existing or planned nonmotorized facility. Such a trail must be placed within and easement or tract, which is required only when reasonably necessary to mitigate the direct impacts of the development (see BCC 14.60.100).

Comments on Proposed Development Code Update

6/2/2014

GJ = March 17, 2014 letter from Gregory K. Johnson, President of Wright Runstad & Company

SVH = March 24, 2014 email from Stu Vander Hoek, President of Vander Hoek Corporation

BN = April 18, 2014 letter from Bruce Nurse, amended by May 21, 2014 letter

Code Section	Comment	Response
14.60.040	Definitions.	
	<p>GJ - <i>"Private road" 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.</i></p> <p>Private roads in commercial master planned communities could access more than nine or less than three properties or dwelling units.</p> <p><u>Recommended Text:</u> <i>"Private road" means a way, located on private property, open to vehicular ingress and egress established as a separate tract or easement.</i></p>	<p>The complete definition is: <i>"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.</i></p> <p>BCC 14.60.130.A.4.c (as proposed) provides for private roads within a commercial or residential planned unit development.</p> <p>Recommendation: retain definition as originally proposed.</p>
	<p>BN – Public utilities should include utilities not owned by the City.</p>	<p>Undergrounding requirements and the provisions of the franchise utility agreements differ between public and franchise utilities. Therefore, references in the Development</p>

		Code need to distinguish between the two types of utilities. See BCC 14.60.110.B and BCC 14.60.230. Recommendation: retain definitions for franchise utilities and public utilities as originally proposed.
	BN – Add a definition for transportation impact mitigation.	<i>“Transportation system impact mitigation” means a way by which to offset the burdens upon transportation facilities and programs created by new development through imposing a share of the cost of mitigating impacts on development projects.</i> Recommendation: add definition as shown.
	BN – Add a definition and legislative intent statement for the term “roughly proportionate.”	This proposal is beyond the scope of this update.
14.60.050	Traffic impact analysis reports.	
	BN - <i>Traffic impact analysis reports are required for proposed development projects when the City has reason to believe determine that the direct traffic impacts resulting from a development on the City’s existing or planned future transportation facilities will be significant under Chapter 22.02 BCC or may require mitigation.</i> Explanation: Suggestions add language for consistency and would require the City to make a site specific determination that a traffic report is needed.	The City cannot determine that traffic impacts are significant without first analyzing them through a traffic impact analysis. Therefore, the standard of “reason to believe” that impacts may be significant or may require mitigation is appropriate for the City to require such analysis. The Traffic Standards Code (BCC 14.10) requires review of proposed developments which will generate 30 or more new p.m. peak period average trips. The concurrency analysis report provides the foundation for the traffic impact analysis. Adding the reference to significance as defined by BCC 22.02 (the Bellevue Environmental Procedures Code) would

		<p>require that developments receive a Determination of Significance before analysis of traffic impacts could be required. This is not appropriate.</p> <p><i>Traffic impact analysis reports are required for proposed development projects when the City has reason to believe that the direct traffic impacts resulting from a development on the City's existing or planned future transportation facilities will <u>may</u> be significant <u>or may require mitigation</u>.</i></p> <p>Recommendation: modify code section as shown above.</p>
14.60.060	<p><u>Traffic Transportation system impact mitigation.</u></p>	
	<p>BN – A. The director may require <u>impose</u> conditions <u>mitigation measures</u> reasonably necessary to mitigate the direct 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 <u>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.</u> <u>When imposing mitigation measures, the director shall adopt a finding that each mitigation measure is roughly proportionate to the direct traffic impacts resulting from the development.</u></p> <p>Explanation: Suggestions add language for consistency.</p>	<p><i>The director may require <u>impose</u> conditions <u>mitigation measures</u> necessary to mitigate the direct 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 <u>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.</u></i></p> <p>Reference to “roughly proportionate” and the associated Legislative Intent Statement is beyond the scope of this update.</p> <p>Recommendation: modify code section as</p>

	<p>BN - B. <i>The director may require the permittee <u>developer</u> to participate in the funding of mitigation measures required reasonably necessary as a result of to mitigate direct <u>traffic impacts associated with resulting from</u> development on the property or to establish a fund for a specified period of time, not to exceed five years, to be used by the City for costs associated with additional traffic mitigation measures required as a result of such traffic impacts. <u>When imposing mitigation measures, the director shall adopt a finding that each mitigation measure is roughly proportionate to the direct traffic impacts resulting from the development.</u></i></p> <p>Explanation: Suggestions add language for consistency.</p>	<p>shown above.</p> <p><i>The director may require the permittee <u>developer</u> to participate in the funding of mitigation measures required reasonably necessary as a result of to mitigate direct <u>traffic impacts associated with resulting from</u> development on the property or to establish a fund for a specified period of time, not to exceed five years, to be used by the City for costs associated with additional traffic mitigation measures required as a result of such traffic impacts.</i></p> <p>The reference to a finding for “roughly proportionate” and the associated Legislative Intent Statement are beyond the scope of this update.</p> <p>Recommendation: modify code section as shown.</p>
	<p>BN – C. <i>The value of such mitigation measures shall be deducted from the traffic impact fees assessed pursuant to Chapter 22.16 BCC. Taken as a whole, the mitigation measures under this Chapter 14.60 BCC, the traffic impact fees assessed pursuant to Chapter 22.16 BCC and the mitigation methods imposed under Chapter 14.10 BCC shall be roughly proportionate to the direct traffic impacts resulting from the development.</i></p> <p>Explanation: Suggestions add language for consistency.</p>	<p>BCC 22.16.087 (The Transportation Impact Fee Program) addresses credits against a transportation impact fee.</p> <p>Reference to “roughly proportionate” and the associated Legislative Intent Statement is beyond the scope of this update.</p> <p>Recommendation: do not add the proposed section to BCC 14.60.060.</p>
	<p>BN – D. <i>The director shall be responsible for the determinations required by this Chapter and the policy framework set forth in this section shall guide all traffic impact analysis and mitigation decisions of the City. Further, the director shall be responsible for ensuring that all City standards, assumptions and decisions relating directly or indirectly to the mitigation of traffic impacts are based on the best available standards and practices recommended by the Institute of Transportation</i></p>	<p>The policy statements proposed in this section are beyond the scope of this update.</p>

	<p><i>Engineers.</i></p> <p>Explanation: Suggestions add language for consistency. The new “D” simply states for clarity that the determinations required by this Code are a City responsibility and that the policy framework will guide all traffic mitigation decisions.</p>	<p>Recommendation: do not add the proposed section to BCC 14.60.060.</p>
<p>14.60.090</p>	<p>Dedication of right-of-way.</p> <p>GJ - <i>“A. The city may require the dedication of right-of-way by the developer 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:...”</i></p> <p>Clarification should be added to address the allowance for potential offsets in traffic mitigation fees or property development rights with the dedication of Right-of-Way.</p> <p><u>Recommended Text:</u> <i>“A. The city may require the dedication of right-of-way by the developer as a condition of development approval in order to incorporate transportation improvements which are reasonably necessary to mitigate the direct impacts of the development. Offsets in traffic mitigation fees may be provided if right-of-way dedication is for a CIP project. Development rights of dedicated right-of way may be transferred to the remainder of the parcel to be developed. The developer property owner may be required to dedicate right-of-way to accommodate:...”</i></p>	<p>The Transportation Impact Fee Program (BCC 22.16.087) provides for credit against the impact fee for dedication of land.</p> <p>The Land Use Code Part 20.25A Downtown (LUC 20.25A.020.D) provides for including land dedicated to the City for right-of-way for the purpose of computing maximum floor area ratio (FAR). Consideration of transfer of development rights beyond this provision would be addressed within the Land Use Code.</p> <p>Recommendation: retain code as originally proposed.</p>
<p>14.60.105</p>	<p>Lots with multiple frontages.</p> <p>GJ - <i>“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.”</i></p> <p>This code does not define the measures for allowing or disallowing multiple</p>	<p>The complete proposed code section is: <i><u>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</u></i></p>

	<p>accesses.</p> <p>Recommended Text: <i>“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: minimum distances between driveways or sight distances are not met; or would mitigate identified adverse impacts to the surrounding neighborhood or circulation system.”</i></p>	<p><u>identified adverse traffic impacts to the surrounding neighborhood or circulation system; provided, that access from at least one street or road shall always be permitted.</u></p> <p>The criteria for disallowing access points are specified within the code: (1) necessary for the safe or orderly movement of traffic or (2) mitigation of identified adverse impacts. Minimum distance for separation of driveways is addressed in Section 5 of the Design Manual and is required whether located on one street frontage or two. However, the requirement of “orderly” is unnecessary in addition to “safe” as specified.</p> <p>Recommendation: modify code section as shown.</p>
	<p>SVH – Why is this requiring a new code application? Has there been something compelling going on downtown where this has become such an issue? What is the criteria that could be used to appeal this decision? Is there any appeal process?</p>	<p>This proposed new code section is intended to provide for authority to ensure traffic safety by reasonably limiting the number of new access points for new development.</p> <p>To provide for an avenue for appeal, the Council can add a provision in BCC 14.60.021 (Authority) which directs the director of the Transportation Department to develop and adopt a procedure for appeal of decisions implemented under the Development Code to the department director. Under this procedure, the director’s decision would be final.</p> <p>Recommendation: retain BCC 14.60.105 as originally proposed. Add a provision in BCC 14.60.021 for an appeal procedure for the Transportation Development Code.</p>

14.60.110	Street frontage improvements.	
	<p>GJ - “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)”</p> <p>There is uncertainty as to if undergrounding utilities will be required.</p> <p><u>Recommended Text:</u> “Street frontage improvements may include curb, gutter, sidewalk, storm drainage, street lighting, traffic signal equipment, franchise utility relocation (when necessary for the applicant’s development activity)”</p>	<p>B. Complete street frontage improvements shall be installed along the entire street frontage of the property at the sole cost of the <u>permittee developer</u> as directed by the review engineer. Street frontage improvements may include curb, gutter, sidewalk, storm drainage, street lighting, traffic signal equipment, <u>public utility installation or relocation, franchise utility relocation, landscaping strip, street trees and landscaping, irrigation, street pavement widening, bicycle lanes, safety railings, street signs, pavement marking, and channelization.</u> <u>For additional requirements regarding franchise utility relocations, see BCC 14.60.230.</u> Beyond the property frontage, the <u>permittee developer shall provide ramps or other appropriate 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.</u></p> <p>Recommendation: modify code section as shown. See BCC14.60.230 in this table for further discussion.</p>
14.60.130	Private streets roads.	
	<p>GJ - “B. The design and construction of private roads shall conform to the requirements of the Transportation Department Design Manual and the Fire Department development standards.”</p>	<p>Section 14.60.130.B provides that the design and construction of private roads shall conform to the requirements of the</p>

	<p>Multiple changes and additions have been made addressing private roads. It appears the code has been written with the intent that private roads are exclusively used for small subdivisions and must be designed to the same standard as public roads. While private roads need to be safe and designed to a reasonable lifespan, they are not constrained by the same liability and maintenance concerns. We suggest that code be amended to allow flexibility in design for placemaking of neighborhoods. Some examples of placemaking design elements may include: concrete crosswalks; brick pavers; catenary street lights; and curbless environments.</p> <p><u>Recommended Text:</u> <i>“B. The design and construction of private roads shall meet Fire Department development standards. The Transportation Design Manual shall be used as a guideline to allow flexibility in design.”</i></p>	<p>Transportation Department Design Manual. The Transportation Department can consider alternative and flexible design aspects for private roads; specifications for these alternative designs would be provided in the Design Manual, not the Development Code.</p> <p>Recommendation: retain code as originally proposed. Initiate stakeholder discussion as to design parameters for private roads, to be addressed in the Transportation Department Design Manual.</p>
	<p><i>BN – D. <u>Combined vehicular access for adjoining properties is encouraged. In conjunction with approval of a development, the City may suggest but not 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.</u></i></p> <p>Explanation: The City simply does not have the legal authority to require access and circulation easements to serve abutting property owners.</p>	<p><i>D. <u>Combined vehicular access for adjoining properties is encouraged. Joint access shall be established in a tract or easement.</u></i></p> <p>Recommendation: modify code section as shown. Also, modify similar section in BCC 14.60.150.C Driveways.</p>
	<p><i>BN – J. <u>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 reasonably necessary to mitigate the direct traffic impacts resulting from a development project.</u></i></p> <p>Explanation: Suggestion replaces the vague standard “undesirable” with the standard used in other sections of the Update.</p>	<p><i>J. <u>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 hazardous.</u></i></p> <p>Recommendation: modify code section as shown.</p>
<p>14.60.170</p>	<p>Street ends.</p>	
	<p><i>GJ - “A. All dead-end public streets 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</i></p>	<p>The proposed code section is: <i>A. All dead-end public streets and private streets roads greater than 150 feet in length shall be</i></p>

	<p><i>Transportation Department Design Manual Standard 7, Street End Designs, as currently adopted or hereafter amended. The street or road may extend up to 150 feet beyond the approved turnaround facility.”</i></p> <p>The option for hammerhead turnarounds has been removed and the only option is the use of a cul-de-sac. A cul-de-sac is not always a cohesive solution in an urban environment.</p> <p><u>Recommended Text:</u> <i>“A. All dead-end public streets and private streets roads greater than 150 feet in length shall be designed and constructed with a hammer head or cul-de-sac turnaround facility per the Transportation Department Design Manual Standard 7, Street End Designs, as currently adopted or hereafter amended. The street or road may extend up to 150 feet beyond the approved turnaround facility.”</i></p>	<p><i>designed as a cul-de-sac, except as provided in BCC 14.60.170 (B) and (C) constructed with a turnaround facility per the Transportation Department Design Manual Standard 7, Street End Designs, as currently adopted or hereafter amended. The street or road may extend up to 150 feet beyond the approved turnaround facility.</i></p> <p>Design Manual Standard 7 allows for hammerheads, circular turnarounds, and alternative street end designs.</p> <p>Recommendation: retain code as originally proposed.</p>
<p>14.60.180</p>	<p>Parking circulation and loading space.</p>	
	<p>SVH – <i>“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 LUC 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.”</i></p> <p>Has a threshold lot size been discussed where this approach is just not practical? I understand the problem of delivery vehicles parking in drive lanes . . . but I see disaster in the making on many sites. Even if the site can accommodate the loading needs on site, the cost is huge to do so.</p>	<p>The use of the travel lane for deliveries and loading/unloading creates safety and traffic operations impacts. New development must provide accommodation for this function. A new code section in BCC 14.60.021 providing for an appeal procedure will provide flexibility for this requirement when alternate arrangements may be appropriate.</p> <p>Recommendation: retain code as originally proposed.</p>
<p>14.60.230</p>	<p>Utility companies Public and franchise utility relocations – developer initiated.</p>	
	<p>GJ - <i>“There is uncertainty as to if undergrounding utilities will be required.”</i></p>	<p>See below - response combined.</p>
	<p>BN – 14.60.230 Utility companies Public and franchise utility relocations – developer initiated. <i>A. Utility companies with facilities in City right of way shall relocate their</i></p>	<p>14.60.230 Franchise utility relocations – developer initiated.</p>

~~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 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, reasonably necessary to mitigate the direct traffic impacts resulting from a development project, the developer, at the discretion of the utility owner, shall make payment to the utility of any and all reasonable 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 reasonable costs and expenses incurred.~~

Explanation: The suggestion replaces “associated” with the standard used in other sections of the Update. Flexibility is also suggested to allow the developer to make payment or install directly. Lastly, the developer should be required to pay only costs and expenses that are reasonable.

~~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.~~

A. When relocation of franchise utilities located in the right-of-way or City easement is necessary to accommodate public street improvements associated with a new development as per BCC 14.60.110, such relocation is subject to the terms of any applicable franchise agreement, right of way use agreement, or state code.

B. 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 some portion of the cost or expense in relocating franchise utility facilities may be the responsibility of the franchise utility, if such is provided for in a franchise or right-of-way use agreement.

BC. All franchise 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

		<p><i>franchise agreement or right-of-way agreement.</i></p> <p><i><u>D. All existing and new franchise utility distribution systems, including power, telephone, and TV cable, fronting or serving a commercial development site shall be undergrounded. The extent of the undergrounding required by this section shall be limited to the nearest support or connection point(s) as determined by the review engineer.</u></i></p> <p><i><u>E. To minimize repetitive impacts to public streets 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.</u></i></p> <p>The reference to BCC 14.60.110 addresses the need to establish that the required street improvements are reasonably necessary to mitigate the direct impacts of development.</p> <p>Further review of this code section highlighted that payment of costs and expenses is regulated by the franchise agreements, not by this code section, and therefore not appropriate to include here.</p> <p>Recommendation: modify code section as shown.</p>
14.60.250	<p>Pavement restoration.</p> <p>GJ - <i>“F. The nature and extent of pavement restoration shall be at the discretion of the review engineer and the pavement manager.”</i></p>	<p>For appropriate restoration requirements, staff relies on ongoing assessment of the City’s infrastructure as documented in the Trench</p>

	<p>Since pavement restoration types can have varying impacts on project scopes and budgets, having a more definitive requirement would be useful.</p> <p><u>Recommended Text:</u> <i>“F. The nature and extent of pavement restoration shall be determined through the most current published pavement management program maps”</i></p>	<p>Restoration Map, updated yearly and available on-line. In addition, site-specific circumstances are occasionally relevant to decisions regarding pavement restoration. It is appropriate and useful to provide this information to the developer as the foundation for restoration requirements.</p> <p><i>E. The nature and extent of pavement restoration shall be at the discretion of the review engineer, the pavement manager, and/or the right-of-way manager, based on sound engineering practices <u>based on the City’s current Trench Restoration Map and site specific requirements as determined by the Right of Way Manager.</u></i></p> <p>Recommendation: modify code as noted.</p>
<p>14.60.260</p>	<p>Assurance device</p>	
	<p>GJ - <i>“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.</i></p> <p><i>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.</i></p>	<p>The city will allow for a performance assurance device for commercial projects when not a life-safety concern, when not caused by action/inactions of the developer, and when reasonable in time period.</p> <p><i>C. <u>In rare cases, the The director, with the approval of the review engineer and the project inspector, may allow a performance assurance device for work or improvements related to commercial development when the criteria in subsections B.2 – 4 are clearly met.</u></i></p>

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; and

3. It is reasonably certain that the developer 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.”

Additions to this section require that all transportation-related elements be completed prior to certificate of occupancy. Also, performance assurances are not allowed for commercial development. Often in larger, multi-phase developments, it is not prudent to complete transportation improvements before the completion and occupancy of multiple structures. Examples of this are the final lift of asphalt or the phasing of sidewalks. It is recommended to remove B.1 above.

Recommended Text:

	<p><i>“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.</i></p> <p><i>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.</i></p> <p><i>B. The use of a performance assurance device to ensure the completion of improvements may be allowed if:</i></p> <ol style="list-style-type: none"> <i>1. 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; and</i> <i>2. It is reasonably certain that the developer will be able to complete the work or improvements to be covered by the assurance device within a reasonable amount of time; and</i> <i>3. 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.”</i> 	<p>Recommendation: modify code as shown.</p>
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Attachment B 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 Utility companies Public and franchise utility relocations – developer initiated.
- 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 transportation impact mitigation requirements relating to new development and redevelopment. This code is consistent with the eComprehensive pPlan of the city-City of Bellevue (City), as adopted pursuant to the Growth Management Act, Chapter 35.70A 36.70A RCW, and is intended to implement the provisions of

Comment (c)(1)

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 Transportation 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 ~~Transportation Department~~ may require or allow a performance or maintenance assurance device in conformance with Section 20.40.490 of the Bellevue City Code (Land Use Code), 14.60.020 of this code.

Comment [cd2]: Clarity.

Comment [cd3]: Clarity.

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 LUC. 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, and the plural includes the singular; the word "shall" is always mandatory, whereas the word "may" denotes a use of discretion in making a decision. The following words and phrases, when used in this code, shall have the following meanings:

Comment [cd4]: Clarity.

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 designated by striping, pavement markings, and signage 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.

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

C. C definitions.

"Commercial use" means any land use other than detached single-family dwelling.

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" means a ramp cut into a roadway curb to allow universal access for physically-challenged pedestrians to and from sidewalks and streets.

FD. 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 all structures and other modifications of the natural landscape above and below ground or water, or on a particular site.

I. "Director" means the director of the department of 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 that provides access to two single-family residential lots.

JE. 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 4-inch by 4-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.

LH. H definitions.

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

I. I definitions.

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

J. J definitions.

(Reserved)

K. K definitions.

(Reserved)

Comment [cd5]: Corrects typo and maintains consistency with the Land Use Code definition.

L. L definitions.

"Landing" means the flattened portion of a driveway or private road immediately past the approach that provides a transition, with the approach, from the traveled way to the driveway or road.

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 person trips made by different means of transportation, including transit, carpool and vanpool (High Occupancy Vehicle), 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.

"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 dwellings.

"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 bicycle facilities, 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.

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

"Street, arterial" means a street that provides connections between neighborhoods, commercial activities, regional facilities, and other arterials as described in the Transportation Element of the City of Bellevue Comprehensive Plan.

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

"Street, local" means a street that provides access to abutting land uses and serves to carry local traffic to arterials, as described in the Transportation Element 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.

T. T definitions.

"Transit" means a rubber tire bus or light rail vehicle operated on a schedule and fixed route by a public transit agency.

U. U definitions.

(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 may be significant or may require mitigation.

14.60.060 Transportation system traffic 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 or to establish a fund for a specified period of time, not to exceed five years, to be used by the City for costs associated with additional traffic mitigation measures required as a result of such traffic impacts.

Comment [cd6]: Clarifies and expands types of mitigation measures.

Comment [cd7]: Provides for additional mitigation measure option.

14.60.070 Transportation management program.

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 subsection (F)(6))	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)

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 carpools and vanpools 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.

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:

$(NS/NT)(100) = \text{percent SOV use, where:}$

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 as a condition of development approval in order to incorporate transportation improvements which that 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:

Comment [cd8]: Clarifies that this dedication requirement applies only when associated with a development application.

1. Motorized and nonmotorized transportation facilities including, but not limited to, landscaping, utility, bicycle lanes, street lighting, and traffic control devices; and buffer requirements; 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 including, but not limited to, the Capital Investment Program Plan, Transportation Facilities Plan, Pedestrian and Bicycle Transportation Plan, and Comprehensive Plan.

Comment [cd9]: Identifies adopted City codes and plans as basis for right-of-way dedication.

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 subdivisions 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, in a form acceptable to the review engineer, for right-of-way to be dedicated pursuant to this section.

Comment [cd10]: Establishes developer responsibility to provide legal descriptions and plans.

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 eComprehensive pPlan and other adopted City plans, including the Pedestrian and Bicycle Transportation Plan, shall be granted by the

developer property owner. Easements may also 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 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 facility 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, signage, 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 facility easements and tracts shall be staked by a licensed land surveyor with permanent survey markers as directed by the review engineer.

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

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 traffic impacts to the surrounding neighborhood or circulation system; provided, that access from at least one street or road shall always be permitted.

Comment [cd11]: Identifies the City's adopted plan and provides that easements must be reasonably necessary.

Comment [cd12]: Addressed in LUC 20.25.H; 20.30.D.160; and 20.45.A.060.B.

Comment [cd13]: Establishes developer responsibility to provide legal descriptions and plans.

Comment [cd14]: Clarity.

Comment [cd15]: Provides for traffic operations safety.

14.60.110 Street frontage improvements

~~A. The installation of street frontage improvements is required prior to issuance of a certificate of occupancy for all new construction development, other than single-family homes, or prior to final approval for subdivisions, and short subdivisions and PUDs as a condition of development approval in order to incorporate transportation improvements that are reasonably necessary to mitigate the direct impacts of the development. Installation of street frontage improvements is also required when necessary for the mitigation of adverse environmental impacts identified pursuant to the State Environmental Policy Act. For additions and remodels to existing buildings see Sections LUC 20.20.560 and 20.25D.060 of the Land Use Code. This requirement shall not apply to single family dwellings.~~

Comment [CoB16]: Clarity as to nexus for mitigation requirement.

B. Complete street frontage improvements shall be installed along the entire street frontage of the property at the sole cost of the ~~permittee~~ developer as directed by the review engineer. Street frontage improvements may include curb, gutter, sidewalk, storm drainage, street lighting, traffic signal equipment, public utility installation or relocation, landscaping strip, street trees and landscaping, irrigation, street pavement widening, bicycle lanes, safety railings, street signs, pavement marking, and channelization. Beyond the property frontage, the ~~permittee~~ developer shall provide ramps or other appropriate 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. 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 dwellings, or prior to final approval for subdivisions or short subdivisions. Exceptions to this requirement are allowed pursuant to BCC 14.60.260.~~

Comment [cd17]: Clarity.

~~CD. 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 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 that 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.~~

~~DE. If, at a time subsequent to the issuance of a building permit, a local improvement district is established which that 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.~~

~~EE. 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 installation of the required improvement would cause significant adverse environmental ~~impacts~~ impacts.

~~Comment [CoB18]~~

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

A. Applicability. The requirements of this Section BCC 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, 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 When permitted 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 that is disturbed by construction activity on private property, including but not limited to damaged trees or trees that need to be removed, shall be replaced or restored to its original condition by the ~~property owner~~ developer. If such replacement or restoration is not physically or practically possible, as determined by the review engineer, the developer may be required to instead reimburse the City for the value of the damaged or destroyed landscaping. Such reimbursement value shall be determined under the methods described in the Guide for Establishing Value of Trees and Other Plants, published by the International Society of Arboriculture, now or as hereafter amended. The value of other landscape plants shall be determined by the City based upon reasonable estimates.

Comment [CoB19]: Clarifies and expands requirements and provides guide for establishing replacement values.

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 including the Capital Investment Plan, Transportation Facilities Plan, Pedestrian and Bicycle Transportation Plan, and Comprehensive Plan.

Comment [cd20]: Identifies adopted City codes and plans as basis for requirement.

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 20.25D for selection of tree species. If not otherwise specified in code, tree species selection shall be as listed in the City of Bellevue Environmental Best Management Practices and Design Standards, now or as hereafter amended.

Comment [CoB21]: Identifies resources for species selections.

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 Department Design Manual.

4. Topping of street trees and other pruning that does not conform to industry standards is a civil violation under BCC 1.18 and subject to penalties set forth in BCC 1.18.045, shall be prohibited.

14.60.130 Private streets roads.

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

A1. A covenant which that 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

B2. The covenant includes a condition that the private street road will remain open at all times for emergency and public service vehicles; and

C3. The private street road would not hinder public street circulation; and

D4. At least one of the following conditions exists:

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

2b. 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

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

4d. 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 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 vehicular 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. Access onto arterial streets from private roads 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 roads on the street frontage to be improved shall be removed and new curb, gutter and sidewalk shall be installed.

H. Private road grade and configuration shall accommodate 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 vehicles 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.

Comment [cd22]: Provides consistency with short plat limit of nine lots per LUC 20.50.046 subdivision definition.

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.

Comment [cd23]: Finance elements related to safety.

14.60.140 Acceptance of dedicated private streets Dedication of private 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 unreasonably 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 that do not abut R-1, R-1.8, R-2.5, R-3.5, R-4, R-5 or R-7.5 land use districts.

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 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.

~~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.~~

~~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.

MJ. 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 BCC 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.

Comment [cd24]: These paragraphs have been incorporated into the Transportation Department Design Manual.

Comment [cd25]: Provides for the design requirements of LUC 20.25D Bel Red.

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.

Comment [cd26]: These paragraphs have been incorporated into the Transportation Department Design Manual.

14.60.170 Street ends.

A. All dead-end public streets 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 Transportation Department Design Manual Standard 7, Street End Designs, as currently adopted or hereafter amended. The street or road may extend up to 150 feet beyond the approved turnaround facility.

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.

BC. Streets which that 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).

CD. Where the turnaround facility is a circular turnaround, 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 a plat.

Comment [cd27]: Provides consistency with the Transportation Department Design Manual.

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 LUC 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.

Comment [cd28]: Provides for consistency with LUC 20.25D Bel Red.

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.

14.60.190 Nonmotorized facilities.

A. The City's goals and policies for nonmotorized facilities are as described in the current ~~pPedestrian and bBicycle tTransportation pPlan. The users of aNonmotorized~~ facilities are separated in that plan into two categories: pedestrian facilities (which includes people, wheelchairs, horses, and other nonmotorized users) and bicycle facilities. 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. ~~; 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 Concrete sidewalks shall be provided:

1. On both sides of all arterial streets;
2. On both sides of all ~~nonarterial~~ local streets longer 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 that~~ 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 ~~pPedestrian and bBicycle tTransportation pPlan~~ or other City publications and studies indicates 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 ~~pPedestrian and bBicycle tTransportation pPlan~~.

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

~~It will connect to an existing or planned nonmotorized facility.
Such trail shall be placed within an easement or tract pursuant to BCO 14.60.100.~~

Comment (cd29) Establishes authority basis to require trails through a development.

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 and specifications shall be prepared by a licensed engineer experienced in traffic signal design.

14.60.210 Street lighting.

A. A public ~~street~~ lighting system is required along all public streets, including new public streets in subdivisions and fronting short subdivisions. The developer ~~property owner~~ is responsible for analysis of existing light levels, 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 accept 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 and specifications shall be prepared by a licensed engineer experienced in street illumination design.

14.60.220 Traffic control.

A. Temporary traffic control to ensure traffic and pedestrian safety during construction activities must be provided. A traffic control plan meeting the approval of the ~~Transportation~~ 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 ~~Utility companies~~ Public and franchise utility relocations – developer initiated.

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 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 some portion of the cost or expense in relocating franchise utility facilities may be the responsibility of the franchise utility, if such is provided for 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 use agreement.

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.

Comment [cd30]: Clarity.

Comment [cd31]: Clarity.

Comment [CoB32]: Provides for efficient use of the right of way.

14.60.240 Street intersection sight obstruction.

Sight distance for motor vehicle operators shall be provided per the provisions of the Transportation Department Design Manual Section 21, Sight Distance – Vehicles.

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 or 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.)~~

Comment [cd33]: Transferred to the Transportation Department Design Manual.

14.60.241 Sight distance requirements for pedestrian safety.

Sight distance for motor vehicle operators for pedestrian safety shall be provided per the provisions of the Transportation Department Design Manual Section 22, Sight Distance – Pedestrians. 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.)~~

Comment [cd34]: Transferred to the Transportation Department Design Manual.

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

E. The nature and extent of pavement restoration shall be at the discretion of the review engineer, the pavement manager, and/or the right-of-way manager, based on sound engineering practices.

Comment [cd35]: Provides for efficient use of right of way.

14.60.260 Assurance device.

As provided in this section, the director may require a developer to provide a performance assurance device to ensure transportation-related improvements will be completed in a timely manner and in accordance with approved permits, agreements, plans, specifications, requirements, conditions, regulations, and policies and may require a maintenance assurance device to ensure transportation-related improvements are maintained and repaired accordingly.

A. 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.

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; 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; and

3. It is reasonably certain that the developer 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 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. In rare cases, the director, with the approval of the review engineer and the project inspector, may allow a performance assurance device for work or improvements related to commercial development when the criteria in subsections B.2.-4. are met.

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

E. Form of assurance device.

1. The performance or maintenance assurance device must be in a form acceptable to the City and 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 developer.

F. 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 shall pay the actual costs of this consultation prior to the director accepting the device.

G. 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 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 device shall be for one year, following the date of the City's acceptance of the covered improvements.

H. 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 the 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 within a reasonable time after completion of the work and receipt of the request for release. No portion of a maintenance assurance device shall be released until the end of the maintenance period.

I. Use of proceeds – notice to developer.

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. The notice must state:

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

2. The amount of time that the developer 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.

J. 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 I of this section, the City may obtain the proceeds of the device and do the work or make the improvements covered in the device. The City may use any lawful means to complete the work or make the improvements.

K. Use of proceeds – emergency work by the City.

Notwithstanding any other provision of this chapter, if at any time the director determines that actions or inaction associated with any work or improvements covered by any assurance device

endanger the public health, safety, or welfare, create a potential liability for the City, or endanger City property, the City may use the assurance device to correct the situation without notice to the developer. The City may use any lawful means to complete the work or 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 work.

L. 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 and in obtaining the benefit of the assurance device, including reasonable attorney's fees, if any. 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.

M. Itemized statement.

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

Comment [CoB36]: New section. Replaces reference to LUC 20.40.490 in BCC 14.60.021.C.

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.

Comment [CoB37]:

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 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.
- 14.60.110 Street frontage improvements.
- 14.60.120 Landscaping in right-of-way, easements and access tracts.
- 14.60.130 Private streets.
- 14.60.140 Acceptance of dedicated private streets as public streets.
- 14.60.150 Driveways.
- 14.60.160 Private intersection opening.
- 14.60.170 Street ends.
- 14.60.180 Parking circulation.
- 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 Utility 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.

14.60.010 Title.

This chapter shall be known as the transportation development code and shall be referred to herein as the “code”. (Ord. 4822 § 1, 1995.)

14.60.020 Purpose.

This code is consistent with the comprehensive plan of the city, as adopted pursuant to the Growth Management Act, Chapter 35.70A 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. (Ord. 4822 § 1, 1995.)

14.60.021 Authority.

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

C. When authorized by a provision of this Chapter 14.60 BCC, the transportation department may require or allow a performance or maintenance assurance device in conformance with Section 20.40.490 of the Bellevue City Code (Land Use Code). (Ord. 4822 § 1, 1995.)

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. (Ord. 4822 § 1, 1995.)

14.60.030 Application.

This code shall be in effect throughout the city. (Ord. 4822 § 1, 1995.)

14.60.040 Definitions.

The following words and phrases, when used in this code, shall have the following meanings:

- A. "Activity centers" means locations such as schools, parks, retail areas and shopping centers, places of employment, or public service agencies that attract people.
- B. "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.
- C. "Bicycle route" means any route specifically designated for bicycle travel, whether exclusive for bicyclists or to be shared with other transportation modes.
- 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" means a ramp cut into a roadway curb to allow access for physically challenged pedestrians to and from sidewalks and streets.
- F. "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 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 transportation of the city of Bellevue, the director's authorized representative, or such other persons authorized by the city manager.
- J. "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.
- 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. "High occupancy vehicle (HOV)" means an automobile, vanpool or bus with two or more occupants.
- M. "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.
- O. "Peak period" means two hours during any a.m. or p.m. period when vehicular arrival and departure from the site is highest.
- 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.
- Q. "Single-occupancy vehicle (SOV)" means automobiles transporting the driver only.
- R. "Street frontage" means any part of private or public property which borders a public street.
- S. "Street tree" means a tree planted within the public right-of-way. (Ord. 4822 § 1, 1995.)

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. (Ord. 4822 § 1, 1995.)

14.60.060 Traffic impact mitigation.

- A. The director may require 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.
- B. The director may require the permittee to participate in the funding of mitigation measures required as a result of traffic impacts associated with development on the property. (Ord. 4822 § 1, 1995.)

14.60.070 Transportation management program.

- 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 subsection (F) (6))	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)

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 carpools 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.

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 in order to incorporate transportation improvements which are reasonably necessary to mitigate the direct impacts of the development. The property owner may be required to dedicate right-of-way to accommodate:

1. Motorized and nonmotorized transportation, landscaping, utility, street lighting, traffic control devices, and buffer requirements; and
2. Street frontage improvements where the existing right-of-way is not adequate; and
3. The extension of existing or future public street improvements.

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 utilities, within the right-of-way.

C. The owner 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 of a short subdivisions 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. (Ord. 4822 § 1, 1995.)

14.60.100 Easements and tracts.

A. Easements for all public streets and utilities needed to serve the proposed development consistent with the provisions of the comprehensive plan and other adopted city plans shall be granted by the property owner. Easements may be for private streets, sidewalks, street lighting, traffic control devices and temporary construction. Design features of a street may necessitate the granting of slope, wall, and drainage easements.

B. Nonmotorized easements may be required 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.

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. Easement width may vary according to site-specific design issues such as topography, buffering, and landscaping.

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.)

14.60.110 Street frontage improvements.

A. The installation of street frontage improvements is required prior to issuance of a certificate of occupancy for new construction other than single-family homes, or prior to final approval for subdivisions, short subdivisions and PUDs. For additions and remodels to existing buildings see Section 20.20.560 of the Land Use Code.

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. Street frontage improvements may include curb, gutter, sidewalk, storm drainage, street lighting, traffic signal equipment, utility installation or relocation, landscaping strip, street trees and landscaping, irrigation, street widening, and channelization. Beyond the property frontage, the permittee shall provide ramps 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.

C. 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 construction, the property owner shall, prior to issuance of the building permit, at the direction of the review engineer:

1. Pay to the city an amount equal to the property owner's cost of installing the required improvements prior to issuance of a building permit. 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 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. 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 may be credited against the assessment with the appropriate amount of costs of construction expended by the developer.

E. The requirement for installation of frontage improvements may be waived by the review engineer under either of the following conditions:

1. Adjacent street frontage improvements are unlikely to be installed in the foreseeable future; or
2. The installation of the required improvement would cause significant adverse environmental impacts. (Ord. 4822 § 1, 1995.)

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

- A. Applicability. The requirements of this section apply when street frontage improvements are required as part of any development by BCC 14.60.110.
- B. Required Review. The city shall review proposed street frontage improvements for compliance with this section.
- 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 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.
 4. Landscaping and other improvements within the right-of-way are subject to removal 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 arterials as identified on the transportation technical manual and according to guidelines of the transportation technical manual.
 2. Ground cover shall be provided for site frontage right-of-way with a potential for erosion.
- E. Species Selection.
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 sight-distance.
4. Topping of street trees shall be prohibited. (Ord. 4822 § 1, 1995.)

14.60.130 Private streets.

Private streets will be allowed when:

- A. A covenant which provides for maintenance and repair of the private street by property owners has been approved by the city and recorded with King County; and
- B. The covenant includes a condition that the private street will remain open at all times for emergency and public service vehicles; and
- C. The private street would not hinder public street circulation; and
- D. At least one of the following conditions exists:
 1. The street would ultimately serve four or fewer lots; or
 2. The street would ultimately serve more than four lots, and the review engineer and the fire marshal determine that no other access is available. In addition, the proposed private street would be adequate for transportation and fire access needs, and the private street would be compatible with the surrounding neighborhood character; or
 3. The private street would be part of a planned unit development; or
 4. The private street would serve commercial or industrial facilities where no circulation continuity is necessary. (Ord. 4822 § 1, 1995.)

14.60.140 Acceptance of dedicated private streets as public streets.

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

- A. Acceptability of street and utility construction. 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 and of future maintenance. (Ord. 4822 § 1, 1995.)

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 land use districts.
- C. Combined driveways for adjoining properties are encouraged. In conjunction with approval of a development, the city may require the applicant to provide an access and circulation easement to an abutting owner where joint access is reasonable to serve future development.
- D. The installation of driveways onto arterials may be denied 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 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.
- 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. 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. (Ord. 4822 § 1, 1995.)

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.
- 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. (Ord. 4822 § 1, 1995.)

14.60.170 Street ends.

- A. All dead-end public streets and private streets shall be designed as a cul-de-sac, except as provided in BCC 14.60.170(B) and(C).
- 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.
- C. Streets which temporarily dead-end and will be extended in the future will not have a turnaround or hammerhead unless determined necessary by the review engineer and the fire marshal. When no turnaround 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).
- D. A landscaped island delineated by curbing shall be provided in the cul-de-sac by the property owner. The landscaping shall be maintained by the homeowners' association or adjacent property owners. (Ord. 4822 § 1, 1995.)

14.60.180 Parking circulation.

Parking lot circulation needs shall be met on-site. The public right-of-way shall not be used as part of a one-way parking lot flow. (Ord. 4822 § 1, 1995.)

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, 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 pedestrian and bicycle transportation plan. The users of non-motorized 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; activity centers; and existing frontage pedestrian systems.

B. Concrete sidewalks shall be provided:

1. On both sides of all arterial streets;
2. On both sides of all nonarterial streets longer than 300 feet and on one side of all nonarterial 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;
4. On one side of dead-end residential streets, ending at the property line nearest the transition to a cul-de-sac circular turnaround or hammerhead.

C. The review engineer may grant an exception to the requirement for 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 be provided in lieu of 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 pedestrian and bicycle transportation plan indicates that neighborhood character does not warrant 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 pedestrian and bicycle transportation plan. (Ord. 4822 § 1, 1995.)

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.

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 modification designs shall be prepared by a licensed engineer experienced in traffic signal design. (Ord. 4822 § 1, 1995.)

14.60.210 Street lighting.

- A. Street lighting is required along all public streets, including new public streets in subdivisions and short subdivisions. The 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, including wiring, conduit, and power connections, shall be located or relocated underground except in residential areas with existing above-ground utilities.
- 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. Until then, the property owner 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 and a public street. No street lighting is required along a private street. (Ord. 4822 § 1, 1995.)

14.60.220 Traffic control.

- A. Temporary traffic control to ensure traffic safety during construction activities must be provided. A plan meeting the approval of the transportation department must be developed prior to starting construction activities.
- B. The developer is responsible for supplying and installing 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, 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 engineer. (Ord. 4822 § 1, 1995.)

14.60.230 Utility 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.
- 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.)

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 For Major Street	Distance from Center of Intersection 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 For Major Street	Distance from Center of 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 For Major Street	Distance from Center of Intersection 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 For Major Street	Distance from Center of 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 or 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 pavement restoration activities, the trench backfill and restoration section of the transportation technical manual shall be adhered to when trenching within the paved portion of the city right-of-way.

B. Modifications or exceptions to subsection A of this section may be approved by the director upon written request by the permittee 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 subsection C of this section may be approved by the director under compelling circumstances and emergencies, such as utility failures, main breaks, etc. (Ord. 4822 § 1, 1995.)

**The Bellevue City Code is current through Ordinance 6116,
passed July 1, 2013.**

Disclaimer: The City Clerk's Office has the official version of the Bellevue City Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.