

## Chapter 14.60

### TRANSPORTATION DEVELOPMENT CODE

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### **14.60.010 Title.**

This chapter shall be known as the transportation development code and shall be referred to herein as the “code.” (Ord. 6181 § 2, 2014.)

### **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 comprehensive plan of the city of Bellevue (city), as adopted pursuant to the Growth Management Act, Chapter [36.70A](#) RCW, and is intended to implement the provisions of such plan. The provisions contained in this code are necessary for the protection and preservation of the health, safety, and general welfare of the citizens and businesses of the city. (Ord. 6181 § 2, 2014.)

### **14.60.021 Authority.**

- A. The 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, including an appeal procedure, 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 within the transportation department.
4. Prepare, adopt and update as needed design standards to establish minimum requirements for the design and construction of transportation facilities and requirements for protecting existing facilities during construction. The design standards shall be consistent with Bellevue City Code, adopted city policies, and adopted street design plans.

C. When authorized by a provision of this chapter, the transportation department may require or allow a performance or maintenance assurance device in conformance with BCC [14.60.260](#). (Ord. 6181 § 2, 2014.)

### **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. 6181 § 2, 2014.)

### **14.60.030 Application.**

This code shall be in effect throughout the city. (Ord. 6181 § 2, 2014.)

### **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:

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 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 four-inch by four-inch wooden post.

**C. *C Definitions.***

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

“Curb ramp” means a ramp cut into a roadway curb to allow universal access to and from sidewalks and streets.

**D. *D Definitions.***

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

“Developer” means the property owner and his/her authorized agents or contractors responsible for a given project.

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

“Director” means the director of the 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 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.

E. *E Definitions.*

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

F. *F Definitions.*

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

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

G. *G Definitions (Reserved).*

H. *H Definitions.*

“High occupancy vehicle (HOV)” means an automobile or vanpool 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)*

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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.

“Mode split” means the percentage of 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. *O Definitions (Reserved)*

P. *P Definitions.*

“PM peak period” means the two hours between 4:00 p.m. and 6:00 p.m.

“Proportionate share” means that portion of the cost of transportation improvements that are reasonably related to the service demands and needs of new development.

“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.

“Right-of-way” 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, 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.*

“Single-occupancy vehicle (SOV)” means an automobile 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.

“Street frontage” means any part of private or public property that borders a public street.

“Street, local” means a street that provides access to abutting land uses and serves to ~~carry local traffic~~ provide access 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.

“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.

“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 proportionate share of the cost of mitigating impacts on development projects.

U. U Definitions (Reserved)

V. V Definitions (Reserved)

W. W Definitions (Reserved)

X. X Definitions (Reserved)

Y. Y Definitions (Reserved)

Z. Z Definitions (Reserved) (Ord. 6181 § 2, 2014.)

#### **14.60.050    Traffic Transportation impact analysis reports.**

Traffic Transportation impact analysis reports are required for proposed development projects when the city has reason to believe that the direct traffic transportation impacts on the city's existing or planned future transportation facilities resulting from a development may be significant or may require mitigation. (Ord. 6181 § 2, 2014.)

#### **14.60.060    Transportation system traffic impact mitigation.**

A. The director may impose mitigation measures reasonably necessary to mitigate the direct traffic transportation impacts resulting from a development project. Mitigation measures may include, but are not limited to, traffic signal or street light installation or modifications, traffic monitoring devices, pedestrian facilities, bicycle facilities, 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 developer to participate in the funding of mitigation measures reasonably necessary to mitigate direct traffic transportation impacts resulting from development 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 transportation mitigation measures required as a result of such traffic transportation impacts. (Ord. 6181 § 2, 2014.)



## 14.60.070 Transportation management program.

- A. The director may require a transportation management program (TMP) for any project as mitigation for impacts in order to reduce congestion, reduce peak hour trips, or implement the policies of the comprehensive plan.
- B. The owner of property upon which new structural development is proposed shall, prior to any initial occupancy of any building, establish a TMP to the extent required by subsection [E](#) of this section and in accordance with the provisions thereof. The TMP requirements shall continue for the life of the building.
- C. Existing structures are not subject to the requirements of this section except where a substantial remodel is proposed.
- D. The director shall specify the TMP submittal requirements, including type, detail, format, methodology, and number of copies, for an application subject to this section to be deemed complete and accepted for filing. The director may waive specific submittal requirements determined to be unnecessary for review of an application. The submittal requirements and process shall be detailed in the TMP Implementation Guidelines.
- E. The owner of any property for which a TMP is required shall develop and submit a TMP Implementation Plan including those components identified as requirements on the following Transportation Management Program Requirements Chart and further detailed in the TMP Implementation Guidelines. The chart identifies the total gross square footage (for one or more structures) at which specific requirements become applicable. The requirements identified on the chart are described in subsection [F](#) of this section.

### Transportation Management Program Requirements

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

<b>Programmatic Requirement (1)</b>	<b>Office (2)</b>	<b>Mftng/Assembly</b>	<b>Professional Services/Medical Clinics &amp; Other Health Care Services (3)</b>	<b>Hospitals</b>	<b>Retail/ Mixed Retail/ Shopping Centers</b>	<b>Residential: Multiple Family Dwellings</b>	<b>Mixed Uses (4)</b>
Post information (See subsection <a href="#">(F)(1)</a> )	50,000 gsf and over	150,000 gsf and over	50,000 gsf and over	80,000 gsf and over	150,000 gsf and over	200 units and over	(5)
Distribute information (See subsection <a href="#">(F)(2)</a> )	50,000 gsf and over	150,000 gsf and over	50,000 gsf and over	80,000 gsf and over	N/A	N/A	(5)
Provide transportation coordinator (See subsection <a href="#">(F)(3)</a> )	50,000 gsf and over	150,000 gsf and over	50,000 gsf and over	80,000 gsf and over	150,000 gsf and over	N/A	(5)
Leases in which tenants are required to participate in periodic surveys (See subsection <a href="#">(F)(4)</a> )	50,000 gsf and over	N/A	N/A	N/A	N/A	N/A	(5)
Identify parking cost as a separate line item in tenant leases (See subsection <a href="#">(F)(5)</a> )	50,000 gsf and over	N/A	N/A	N/A	N/A	N/A	(5)
Additional Tier 1 and Tier 2 level activities, identified in the TMP Implementation Guidelines (See subsection <a href="#">(F)(6)</a> )	50,000 gsf and over – Tier 1: 1 activity Tier 2: 2 activities	150,000 gsf and over – Tier 1: 1 activity Tier 2: 2 activities	50,000 gsf and over – Tier 1: 1 activity Tier 2: 2 activities	80,000 gsf and over – Tier 1: 1 activity Tier 2: 2 activities	150,000 gsf and over – Tier 1: not required Tier 2: 1 activity	N/A	(5)

“gsf” is gross square feet, as defined in LUC 20.50.020(F).

**Footnotes to Transportation Program Requirements Chart:**

- (1) Specific actions that the owner of the property must take to mitigate parking and ~~traffic~~ transportation impacts.
- (2) Excluding medical clinics and other health care services.
- (3) Excluding assisted living facilities and nursing homes.
- (4) Other than mixed retail.
- (5) Requirements for mixed uses will be determined on a project basis as described in subsection [G](#) of this section.

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

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

6. Tier 1 and Tier 2 activities shall be implemented at the level specified in the Transportation Management Program Requirements Chart; the TMP Implementation Guidelines specify the available options for activities, provide detail of their applicability and describe their implementation.

G. *Determination of Requirements for Mixed Uses.* The director shall determine the Transportation Management Program requirements for mixed uses. These requirements shall be limited to the requirements described in subsections [E](#) and [F](#) of this section, as further detailed in the TMP Implementation Guidelines. The director shall apply the requirements for the same or most similar uses as described in subsections [E](#) and [F](#) of this section.

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

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

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

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

The owner of a property with a TMP performance goal shall conduct a biennial survey to determine employee mode split. The survey must be conducted by an independent agent

approved by the city according to protocols described in the TMP Implementation Guidelines. The city will designate a targeted minimum response rate. Surveys with response rates below the targeted minimum response rate may be invalid.

L. *Modification of TMP Implementation Agreement.*

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

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

M. *Good Faith Effort.*

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

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

- b. The property owner has met the minimum program and reporting requirements identified in this section and the TMP Implementation Guidelines, including accurate survey results (where applicable);
  - c. The property owner has provided adequate information and documentation of implementation when requested by the city; and
  - d. The property owner is working collaboratively with the city to continue its existing program or is developing and implementing program modifications according to the process described in subsection L of this section and the TMP Implementation Guidelines likely to result in improvements to the program meeting performance goals as defined in this section over an agreed-upon length of time.
2. An affected property owner with an approved transportation management program who has made a good faith effort shall not be liable for civil penalties for failure to reach the applicable proportion of drive-alone trip goal. (Ord. 6380 § 1, 2017; Ord. 6181 § 2, 2014.)

#### **14.60.080 Transportation management program – Downtown.**

*Repealed by [Ord. 6380](#).*

#### **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 that are reasonably necessary to mitigate the direct impacts of the development. The developer may be required to dedicate right-of-way to accommodate:
1. Motorized and nonmotorized transportation facilities including but not limited to bicycle lanes, street lighting, and traffic control devices; 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 the 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.
- 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 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 developer of a short subdivision 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. (Ord. 6181 § 2, 2014.)

#### **14.60.100 Easements and tracts.**

- A. Easements for all public facilities and public utilities needed to serve the proposed development consistent with the provisions of the comprehensive plan and other adopted city plans, including the pedestrian and bicycle transportation plan, shall be granted by the

developer. Easements may also be required for private roads, sidewalks, bicycle and pedestrian facilities, street lighting, traffic control devices 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 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, landscaping, and fencing.

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. Easement 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. (Ord. 6181 § 2, 2014.)

### **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 movement of vehicle, pedestrian, and bicycle modes of travel ~~traffic~~ or would mitigate identified adverse ~~traffic~~ transportation impacts to the surrounding neighborhood or circulation system; provided, that access from at least one street or road shall always be permitted. (Ord. 6181 § 2, 2014.)

### **14.60.110 Street frontage improvements.**

A. The installation of street frontage improvements is required for all new development, subdivisions, and short subdivisions 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 improvement 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 LUC [20.20.560](#) and [20.25D.060](#). This requirement shall not apply to single-family dwellings.

B. Complete street frontage improvements shall be installed along the entire street frontage of the property at the sole cost of the developer as directed by the review engineer. Street frontage improvements may include curb, gutter, sidewalk, storm drainage, street lighting, traffic signal equipment, public utility relocation, franchise utility relocation, landscaping strip, street trees and landscaping, irrigation, street pavement widening, bicycle lanes, safety railings, street signs, pavement marking, and channelization. Storm drainage may include bioretention swales or other vegetation-based LID BMPs. For additional requirements regarding franchise utility relocations, see BCC [14.60.230](#). Beyond the property frontage, the developer shall provide ramps or other appropriate 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](#).

D. 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 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 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
2. Record an agreement that provides for these improvements to be installed by the 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.

E. If, at a time subsequent to the issuance of a building permit, a local improvement district is established 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 preexisting contract with the city, for which the developer may be credited against the assessment with the appropriate amount of costs of construction expended by the developer.

F. The requirement for installation of frontage improvements may be waived or modified by the review engineer if:

1. Adjacent street frontage improvements are unlikely to be installed in the foreseeable future; or
2. Installation of the required improvement would cause significant adverse environmental or safety impacts. (Ord. 6319 § 1, 2016; Ord. 6181 § 2, 2014.)

### **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](#) 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. When retention is not feasible, native plant species or species with a proven ability to survive in an urban environment are preferred for landscaping.
2. 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 developer shall replant such trees or replace them according to city standards.
3. Any landscaping in the right-of-way 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 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 removed, 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.

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.

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 as identified 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.
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.

E. *Species Selection.* Refer to LUC [20.25A.060](#) and Chapter [20.25D](#) LUC for selection of tree species. If not otherwise specified in code, tree species selection shall be listed in the City of Bellevue Environmental Best Management Practices and Design Standards, now or as hereafter amended.

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 right-of-way shall be maintained to industry standards. Trees shall be pruned according to standards adopted by 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 Chapter [1.18](#) BCC and subject to penalties set forth in BCC [1.18.045](#). (Ord. 6319 § 2, 2016; Ord. 6181 § 2, 2014.)

**14.60.130 Private roads.**

- A. Private roads shall be contained in an easement or tract and will be allowed when:
1. A covenant that provides for maintenance and repair of the private road by property owners has been approved by the city and recorded with King County; and
  2. The covenant includes a condition that the private road will remain open at all times for emergency and public service vehicles; and
  3. The private road would not hinder public street circulation; and
  4. At least one of the following conditions exists:
    - a. The road would ultimately serve no fewer than three lots and no more than nine lots; or
    - b. The road would ultimately serve more than nine lots, and the review engineer and the fire marshal determine that due to physical site constraints or preexisting development no other reasonable access is available. In addition, the proposed private road would be adequate for transportation and fire access needs, and the private road would be compatible with the surrounding neighborhood character; or
    - c. The private road would be part of a commercial or residential planned unit development; or
    - d. The private 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. 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 preexisting 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 hazardous.
- 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.(Ord. 6181 § 2, 2014.)

#### **14.60.140 Dedication of private roads as public streets.**

The city may accept the dedication of a private road as a public street if the road meets all public street design and construction standards. Consideration of acceptance is also subject to the requirements of city policies and codes. Final acceptance is subject to city council approval and the following criteria:

- A. Acceptability of road and public utilities construction, including pavement condition.

- 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 road and of future maintenance. (Ord. 6181 § 2, 2014.)

### **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 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. 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 preexisting 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 or the frontage shall be improved to match existing improvements.
- 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. 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 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. (Ord. 6181 § 2, 2014.)

#### **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. (Ord. 6181 § 2, 2014.)

#### **14.60.170 Street ends.**

A. All dead-end public streets and private roads greater than 150 feet in length shall be 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. Streets that temporarily dead-end and will be extended in the future need not have a turnaround facility unless determined necessary by the review engineer and the fire marshal. When no turnaround facility is provided, street-end barricading shall be installed and must conform to the most recent edition of the Manual on Uniform Traffic Control Devices.



C. Where the turnaround facility is a circular turnaround, a landscaped island delineated by curbing shall be provided in the circular turnaround by the developer. Bioretention swales or other vegetation-based LID BMPs may be located in the landscaped island. 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. (Ord. 6319 § 3, 2016; Ord. 6181 § 2, 2014.)

#### **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 the overall parking lot flow. (Ord. 6181 § 2, 2014.)

#### **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.

B. In accordance with the state law and federal guidelines established by the Americans with Disabilities Act, curb ramps shall be provided at all pedestrian crossings with curbs. (Ord. 6181 § 2, 2014.)

#### **14.60.190     Nonmotorized facilities.**

A. The city's goals and policies for nonmotorized facilities are as described in the current pedestrian and bicycle transportation plan. Non-motorized facilities are separated in that plan into two categories: pedestrian facilities 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. 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\(B\)](#).

B. Cement concrete sidewalks shall be provided:

1. On both sides of all arterial streets;
2. On both sides of all local streets 300 feet or longer and on one side of all local streets less than 300 feet in length;
3. On both sides of all public streets that provide access to existing or planned sidewalks, activity centers, parks, schools, neighborhoods, public transit facilities, or the regional trail system;
4. On one side of public dead-end streets, 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;
5. On one side of private dead-end roads providing access to facilities mentioned in subsection [\(B\)\(3\)](#) of this section, 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 subsection [D](#) of this section is provided.

D. A paved path 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 pedestrian and bicycle transportation plan or other city publications and studies indicate 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 pedestrian and bicycle transportation plan.
- F. The developer shall construct one or more trails through the development if either:
1. The need for such trail is identified in the city's pedestrian and bicycle transportation plan, or other city publications and studies; or
  2. The review engineer determines that such trail:
    - a. Is necessary for the safe, efficient, or convenient movement of pedestrians and/or bicycles, and
    - b. Will connect to an existing or planned nonmotorized facility. Such trail shall be placed within an easement or tract pursuant to BCC [14.60.100](#). (Ord. 6181 § 2, 2014.)

### **14.60.191 Complete streets.**

- A. The city of Bellevue will, to the maximum extent practical, implement complete streets. For purposes of this section, "complete streets" means streets that provide appropriate facilities to meet the mobility needs of people of all ages and abilities who are walking, bicycling, riding transit, driving, and transporting goods.
- B. Complete streets will be implemented through the scoping, planning, designing, building, operating, and maintaining an integrated and connected transportation system. In cases where accommodations for a particular mode with a documented need cannot be incorporated along a particular street, accommodation of this mode may be provided along a convenient alternate route.
- C. Facilities to accommodate a particular travel mode are not required to be provided, subject to the determination of the transportation director, when one or more of the following is present:
1. There is a known absence of current demand and an absence of probable future demand for a particular mode;

2. Modal plans (pedestrian and bicycle transportation plan, transit master plan) and the comprehensive plan do not recommend facilities to support a particular mode;
3. Motorized or nonmotorized users are prohibited by law from using the right-of-way;
4. Environmental constraints significantly and adversely affect the feasibility to provide facilities for a particular mode;
5. The cost of facilities for a particular mode would be disproportionate to the current demand and probable future demand;
6. Routine maintenance of the transportation system is performed that does not change the roadway geometry or operations, such as mowing, sweeping, spot repair, pothole repair, and joint or crack sealing;
7. A documented exception is granted by the transportation director.

D. The transportation director will continue to maintain and update a Transportation Design Manual that incorporates best practices to implement this complete streets policy framework, using design resources that include but are not limited to the latest editions of American Association of State Highway Transportation Officials (AASHTO), Institute of Transportation Engineers (ITE), and National Association of City Transportation Officials (NACTO). (Ord. 6308 § 2, 2016.)

### **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 and specifications shall be prepared by a licensed engineer experienced in traffic signal design. (Ord. 6181 § 2, 2014.)

**14.60.210 Street lighting.**

- A. Public street lighting is required along all public streets, including new public streets in subdivisions and fronting short subdivisions. The developer 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. 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 all accept these responsibilities. Until then, the 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 road and a public street, subject to the determination of the review engineer. No public street lighting system is required along a private road.
- E. All illumination plans and specifications shall be prepared by a licensed engineer experienced in street illumination design. (Ord. 6181 § 2, 2014.)

**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 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 are 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 review engineer. (Ord. 6181 § 2, 2014.)

### **14.60.230 Public and franchise utility relocations – Developer initiated.**

- 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.
- C. All franchise utility distribution 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.
- 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.
- 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. (Ord. 6181 § 2, 2014.)

**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. (Ord. 6181 § 2, 2014.)

**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. (Ord. 6181 § 2, 2014.)

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

- A. To ensure that public street pavement is not degraded by trenching, excavation, or pavement restoration activities, the trench backfill and restoration section of the 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 [A](#) of this section may be approved by the director upon written request by the 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 [C](#) of this section 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 based on the city's current trench restoration map and site specific requirements as determined by the right-of-way manager. (Ord. 6181 § 2, 2014.)

**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. The director may allow a performance assurance device for work or improvements related to commercial development when the criteria in subsections [\(B\)\(2\)](#) through [\(B\)\(4\)](#) of this section are clearly 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 nonrevocable 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 percent, and the amount of the maintenance assurance device will be 20 percent, 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 the 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 subsection 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 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. (Ord. 6181 § 2, 2014.)

## **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. (Ord. 6181 § 2, 2014.)

### **The Bellevue City Code is current through Ordinance 6658, passed April 11, 2022.**

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.

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