City Council Adoption December 3, 2007
Vote: 7-0

0987-ORD
12/03/07

ORIGINAL

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 5791

AN ORDINANCE amending the Land Use Code and Bellevue City Code relating to Phase I of the Neighborhood Livability Agenda, specifically amending Land Use Code Sections 20.50.012, 20.10.440, 20.50.046, 20.30M.115, 20.20.760, 20.35.035; 20.20.010, 20.50.022, and 20.20.900, and Bellevue City Code Sections 9.10.010 and 9.10.030; providing for severability; and establishing an effective date.

WHEREAS, on September 25, 2006, the City Council initiated a strategy to address areas of neighborhood concern identified by residents, which is otherwise referred to as the Neighborhood Livability Action Agenda.

WHEREAS, two elements relevant to Phase I of the Neighborhood Livability Action Agenda include: (a) Property Maintenance or Neighborhood Fitness, which responds to neighborhoods' concerns about poorly maintained property and the resulting impacts on livability and property values and, likewise, responds to the appearance of older neighborhoods recognized as having a disproportionate share of property maintenance issues; and (b) Neighborhood Character, which addresses complaints about the impacts of infill and redevelopment practices that may compromise or threaten the character of existing single family neighborhoods; and

WHEREAS, in response to City Council direction at meetings on July 16, 2007, and August 6, 2007, staff developed a preliminary schedule for considering code and policy changes to address certain negative impacts associated with neighborhood infill and redevelopment, which included a request of staff to continue working with the Planning Commission to develop code amendments for items identified by the City Council as appropriate for early implementation (otherwise referred to as Phase I); and

WHEREAS, the remaining Neighborhood Livability Action Agenda code amendments (otherwise referred to as Phase II) will be brought back to the Planning Commission in early 2008 for consideration and recommendation to the City Council; and

WHEREAS, the phased approach accommodates the need for early implementation of certain items as expressed by the City Council, while also taking into account the complexity of code writing and related research for the remaining Phase II items; and

WHEREAS, the City seeks to modify the Land Use Code and Bellevue City Code to implement Phase I of the Neighborhood Livability Action Agenda and otherwise address loss of trees and greenscape in Single Family Land Use Districts, address concerns pertaining to size, scale, and character, address construction impacts, and

address use of temporary storage shelters and facilities which are visible from public and private streets; and

WHEREAS, the Environmental Coordinator for the City of Bellevue determined that this proposal will not result in any probable, significant, adverse environmental impacts and as such a final threshold determination of non-significance (DNS) was issued on October 23, 2007; and

WHEREAS, the Planning Commission held a public hearing on November 14, 2007, to consider the proposed Land Use Code and Bellevue City Code amendments; and.

WHEREAS, the Planning Commission **recommends** that the City Council approve such proposed amendments, now, therefore,

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

Section 1. Section 20.50.012 of the Bellevue Land Use Code relating to the definition of Building Height is hereby amended to read as follows:

20.50.012 B Definitions

Building Height. The vertical distance measured from the average elevation of the finished grade around the building or building segment to the highest point of a flat roof, or to the mean height between the eaves and ridge of a pitched roof. Specifically excluded from this definition and from the regulation of maximum building height are structural elements not intended for habitation and not exceeding 15 feet above the maximum building height including penthouses for mechanical and elevator equipment, chimneys, wireless communication facility antenna arrays, smoke and ventilation stacks, flag poles, mechanical and elevator equipment, and parapet walls designed solely to screen mechanical and elevator equipment. This definition does not apply to projects located within a Transition Area Design District (refer to LUC 20.25B.040),the Shoreline Overlay District (refer to LUC 20.25E.017), Single Family Land Use Districts (refer to the definition of building height for Single Family Land Use Districts contained in this section; see also LUC 20.10.440 - Note (16)), and to the F1 Land Use District (refer to LUC 20.20.010 – Note 29).

Section 2. Section 20.50.012 of the Bellevue Land Use Code is hereby amended to include a separate definition of Building Height for Single Family Land Use Districts:

20.50.012 B Definitions

Building Height – Single Family Land Use Districts. The vertical distance measured from the average elevation of the existing grade around the building to the highest point of a flat roof, or to the mean height between the eaves and ridge of a pitched roof, provided this measurement does not apply to chimneys, wireless communication facility

antenna arrays, shortwave radio antennas, smoke and ventilation stacks, and flag poles.

Section 3. Section 20.50.018 of the Bellevue Land Use Code is hereby amended to include a definition of Existing Grade.

20.50.018 E Definitions.

Existing Grade. The existing elevation of land prior to any cuts and fills or other disturbances, which may, at the discretion of the Director, be determined by a topographic survey or soil sampling.

Section 4. Section 20.10.440 of the Bellevue Land Use Code is hereby amended to add Note 16 to the Residential Uses Land Use Chart which reads as follows:

20.10.440 Land Use Charts

Note (16). For Single Family Land Use Districts, Building Height is defined as the vertical distance measured from the existing grade around the building to the highest point of a flat roof, or to the mean height between the eaves and ridge of a pitched roof, provided this measurement does not apply to flag poles and short wave radio antennas. Refer to the definition of building height for Single Family Land Use Districts at 20.50.012.

Section 5. Section 20.50.046 of the Bellevue Land Use Code is hereby amended to include a new definition of Shelters and Storage Facilities – Temporary which reads as follows:

20.50.046 S Definitions.

Shelters and Storage Facilities - Temporary. A temporary shelter that does not meet the definition of a structure and is not attached to a structure, which generally may be made of canvas and metal, including but not limited to portable carports. Refer to LUC 20.20.760.

Section 6. Section 20.30M.115 of the Bellevue Land Use Code relating to Temporary Shelters and Storage Facilities is hereby amended to read as follows:

20.30M.115 Applicability.

This part applies to each application for a Temporary Use Permit whether located on private property or on the public right-of-way; provided, that temporary use approval is not required for any use obtaining a permit pursuant to the City's Special Events Policy Permit process and may not be used to assemble, construct, or maintain a temporary shelter or storage facility as defined in LUC 20.50.046. For temporary use regulations relating to recreational vehicles, watercraft, and utility trailers, refer to LUC 20.20.720.

Section 7. A new Section 20.20.760 of the Bellevue Land Use Code is hereby adopted relating to Temporary Shelters and Storage Facilities to read as follows:

20.20.760 Shelters and Storage Facilities - Temporary.

A. Purpose. The purpose of this section is to prohibit use of temporary shelters or storage facilities in Single Family Land Use Districts, which are predominately visible from the right-of-way or any public or private street.

B. General. Temporary shelters or storage facilities are not permitted in Single Family Land Use Districts if predominately visible from the right-of-way or any public or private street.

Section 8. A new Section 20.35.035 of the Bellevue Land Use Code relating to Construction Notices is hereby adopted to read as follows:

20.35.035 Construction Notices.

The Director may require construction posting and neighborhood notification for any development on real property. Removal of or failure to post a construction notice required by the Director shall constitute a violation of this section and otherwise is enforceable under Chapter 1.18 BCC.

Section 9. Section 9.10.010 of the Bellevue City Code relating to the definition of "Nuisance" is hereby amended to read as follows:

9.10.010 Definitions.

The words and phrases used in this chapter, unless the context otherwise indicates, shall have the following meanings:

A. "Abate" means to repair, replace, remove, destroy or otherwise remedy a condition which constitutes violation of this chapter by such means and in such a manner and to such an extent as the applicable department director determines is necessary in the interest of the general health, safety and welfare of the community.

B. "Applicable department director" means the director of the department or any designated alternate who is empowered by the city manager or by ordinance to enforce a city ordinance or regulation.

C. "Building materials" means and includes lumber, plumbing materials, wallboard, sheet metal, plaster, brick, cement, asphalt, concrete block, roofing material, cans of paint and similar materials.

D. "Construction debris" includes any Building Material used prior to, during, or after construction-related activities, which is not properly screened or is otherwise offensive

to a reasonable person. For purposes of this Chapter, construction related activities include any development on real property as defined in LUC 20.50.016.

E. "Person" means any individual, firm, association, partnership, corporation or any other entity, public or private.

F. "Premises" means any building, lot, parcel, real estate or land or portion of land whether improved or unimproved, including adjacent sidewalks and parking strips and any lake, river, stream, drainage way or wetland.

Section 10. Section 9.10.030 of the Bellevue City Code relating to Types of Nuisances is hereby amended to read as follows:

9.10.030 Types of Nuisances.

Each of the following conditions, unless otherwise permitted by law, is declared to constitute a public nuisance, and whenever the applicable department director determines that any of these conditions exist upon any premises, the applicable department director may provide for the abatement thereof and monetary penalties may be assessed pursuant to Chapter 1.18 BCC, Civil Violations:

A. The existence of any trash, dirt, filth, the carcass of any animal, accumulation of yard trimmings or other matter which is offensive to a reasonable person, except for such yard debris that is properly contained for the purpose of composting; or

B. Erecting, maintaining, using, placing, depositing, leaving or permitting to be or remain in or upon any premises which may be viewed or smelled from without the premises, or in or upon any street, alley, sidewalk, park, parkway or other public or private place in the city, any one or more of the following disorderly, disturbing, unsanitary, fly-producing, rat-harboring, disease-causing places, conditions or things:

1. Any putrid, unhealthy or unwholesome bones, meat, hides, skins, the whole or any part of any dead animal, fish or fowl, or waste parts of fish, vegetable or animal matter in any quantity; but nothing herein shall prevent the temporary retention of waste in approved covered receptacles; or

2. Any privies, vaults, cesspools, sumps, pits or like places which are not securely protected from flies and rats, or which are malodorous; or

3. An accumulation of material including, but not limited to, bottles, cans, glass, plastic, ashes, scrap metal, wire, bric-a-brac, broken stone or cement, broken crockery, broken glass, broken plaster, litter, rags, empty barrels, boxes, crates, packing cases, mattresses, bedding, packing hay, straw or other packing material or building materials on any premises which is not properly stored or neatly piled or is offensive to a reasonable person or in which flies or rats may breed or multiply; or

4. An accumulation of any Construction Debris used prior to, during, or after construction-related activities as defined in LUC 20.50.016, which is not properly screened or is otherwise offensive to a reasonable person.

C. The existence of any fence or other structure on private property abutting or fronting upon any public street, sidewalk or place which is in a sagging, leaning, fallen, decayed or other dilapidated or unsafe condition; or

D. The existence of wrecked or disassembled trailers, house trailers, boats, tractors or other vehicle, appliance or machinery of any kind, or any major parts thereof; or

E. The existence on any premises of any abandoned or unused well, pit, shaft, cistern or storage tank without first demolishing or removing from the premises such storage tank, or securely closing and barring any entrance or trapdoor thereto or without filling any well, pit, shaft or cistern or capping the same with sufficient security to prevent access thereto; or

F. The existence in a place accessible to children of any attractive nuisance dangerous to children, including but not limited to any abandoned, broken or neglected equipment, machinery, refrigerator, freezer, or other large appliance; or

G. The presence of rodents on any premises causing a threat to the public health, as determined by the director of the Seattle-King County department of public health pursuant to King County Board of Health Rules and Regulations No. 06-01 as adopted or hereafter amended.

Section 11. Section 20.20.010 of the Bellevue Land Use Code relating to greenscape requirements is hereby amended to read as follows and two new Notes relating to greenscape and tree retention are hereby adopted as follows:

20.20.010 Uses in Land Use Districts Dimensional Requirements.

Chart 20.20.010 - Uses in Land Use Districts Dimensional Requirements.

STD LAND USE CODE REF		Residential										
	LAND USE CLASSIFICATION	R-1	R-1.8	R-2.5	R-3.5	R-4	R-5	R-7.5*	R-10	R-15	R-20	R-30
	DIMENSIONS											
	Minimum Setbacks of Structures (feet) Front Yard (18) (20) (38) (39)	35	30	20	20	20	20	20	20	20	20	20
	Rear Yard (11) (17) (18) (20) (38) (39)	25	25	25	25	20	20	20	25	25	25	25

	Side Yard (11) (17) (18) (20) (38) (39)	5	5	5	5	5	5	5	5	5	5	5(1)
	2 Side Yards (17) (18) (20) (38) (39)	20	15	15	15	15	15	10	15	15	15	15
	Minimum Lot Area Acres (A) or Thousands of Sq. Ft. (3) (39)	35	20	13.5	10	8.5	7.2	4.7	8.5	8.5	8.5(12)	8.5(12)
	Dwelling Units per Acre (15) (21) (22)	1	1.8	2.5	3.5	4	5	7.5	10	15	20	30
	Minimum Dimensions (feet) Width of Street Frontage	30	30	30	30	30	30	30	30	30	30	30
	Width Required in Lot (4)	100	90	80	70	65	60	50	70	70	70	70
	Depth Required in Lot (4)	150	80	80	80	80	80	80	80	80	80	80
	Maximum in Building Height (feet) (10) (19) (26)	30	30	30	30	30	30	30	30	30	30 (5)	40
	Maximum Lot Coverage by Structures (percent) (13) (14) (16) (26) (27) (37) (39)	35	35	35	35	35	40	40	35	35	35	35
	Maximum Impervious Surface (percent) (35) (37) (39)	50 (36)	50 (36)	50 (36)	50 (36)	50 (36)	55 (36)	55 (36)	80	80	80	80
	Minimum Greenscape Percentage of Front Yard Setback (40)	50 (40)	50 (40)	50 (40)	50 (40)	50 (40)	50 (40)	50 (40)				

Section 12. Section 20.10.440 of the Bellevue Land Use Code is hereby amended to add Note 40 to the Residential Uses Land Use Chart which reads as follows:

Note 40 – The greenscape requirements of this section shall be imposed any time a permit, approval, or review, including land alteration or land development for Single Family Land Use Districts, is required by the Bellevue City Code or Land Use Code. Existing single family front yard setbacks legally established on a site prior to January 1, 2008, which do not meet the minimum greenscape requirements set forth in LUC 20.20.010, shall not be considered nonconforming. The City shall not, however, approve proposals to decrease the greenscape percentage set forth in LUC 20.20.010 where a site already falls below the minimum greenscape requirements. Where an existing site falls below the minimum requirements set forth in LUC 20.20.010, the removal of greenscape shall not be approved unless an equal amount of existing impervious surface, pervious surface, or hardscape is removed, such that the net amount of greenscape is unchanged. The Director may modify the requirements of LUC 20.20.010 for nonconforming lots, corner lots, or lots with unique size and shape. See LUC 20.50.022 for the definition of Greenscape.

Note 41 - See LUC 20.20.900(F) for significant tree retention requirements relating to single family districts excluding, however, the R-1 Land Use District in the Bridle Trails Subarea which is otherwise governed by LUC 20.20.900(E).

Section 13. A new definition of greenscape is hereby adopted to Section 20.50.022 of the Bellevue Land Use Code which reads as follows:

20.50.022 G- Definitions

Greenscape. All living plant, tree, hedge, and shrub material. Hardscape materials, whether pervious or impervious by design, shall not be considered greenscape.

Section 14. Section 20.20.900 of the Bellevue Land Use Code relating to tree retention is hereby amended to read as follows:

20.20.900 Tree Retention.

A. Purpose.

Retention of significant trees as required by this section is necessary to maintain and protect property values, to enhance the visual appearance of the City, to preserve the natural wooded character of the Pacific Northwest, to promote utilization of natural systems, to reduce the impacts of development on the storm drainage system and water resources, and to provide a better transition between the various land uses permitted in the City.

B. Applicability.

The requirements of this section shall be imposed any time a permit, approval, or review including land alteration or land development including subdivisions, short subdivisions or planned unit developments, a change in lot coverage, or a change in the area devoted to parking and circulation is required by the Bellevue City Code or Land Use Code. Subsection F of this section shall apply to permits for new single family structures and for additions to impervious surface areas that exceed 20% when located on a single family lot developed with a residential use. Subsection E of this section applies to the removal of any significant trees in the R-1 land use district located in the Bridle Trails Subarea.

C. Required Review.

The Department of Planning and Community Development shall review the proposed removal of significant trees with each application within the applicability of this section.

D. Retention of Significant Trees for Subdivisions, Short Subdivisions, Planned Unit Development, Change in Lot Coverage, or Change in the Area Devoted to Parking and Circulation, Excluding Areas located in the R-1 Land Use District in the Bridle Trails Subarea and For New or Expanding Single Family Structures.1. Perimeter Landscaping Area. In the required perimeter landscaping area, as set forth in LUC 20.20.520.F.1, the applicant shall retain all significant trees which will not constitute a safety hazard. Area devoted to access and sight areas as defined in the Transportation

Code (Chapter 14.06 BCC), and area to be cleared for required roads, utilities, sidewalks, trails, or storm drainage improvements is exempt from this requirement.

2. Site Interior.

a. In areas of the site other than the required perimeter landscape area, the applicant must retain at least 15 percent of the diameter inches of the significant trees existing in this area; provided, that alder and cottonwood trees diameter inches shall be discounted by a factor of 0.5. In applying the requirement for retention of significant trees, the Director shall consider the preservation of the following types of significant trees a priority:

i. Healthy significant trees over 60 feet in height;

ii. Significant trees which form a continuous canopy;

iii. Significant trees which contribute to the character of the environment, and do not constitute a safety hazard;

iv. Significant trees which provide winter wind protection or summer shade;

v. Groups of significant trees which create a distinctive skyline feature; and

vi. Significant trees in areas of steep slopes or adjacent to watercourses or wetlands.

b. The Director may approve retention of trees which do not meet the definition of significant trees as a contribution toward the sum of the diameter inches required under subsection D.2.a of this section if a group of trees and its associated undergrowth can be preserved.

3. Exemption. The provisions of this subsection which require retention of significant trees are not applicable in any Downtown Land Use District.

4. The applicant shall utilize tree protection techniques approved by the Director during land alteration and construction in order to provide for the continual healthy life of retained significant trees.

5. Reduced Parking Bonus. If the proposed landscape plan incorporates the retention of significant trees above that required by this section, the Director may approve a reduction of up to 10 percent of the required number of parking spaces if adequate parking will remain on the subject property, and if land area for the required number of spaces remains available for future development on the subject property.

E. Retention of Significant Trees in the R-1 Land Use District in the Bridle Trails Subarea for any Type of Land Alteration or Development.

1. Permit Required. As required by BCC 23.76.025.A.7, a clearing and grading permit must be obtained from the City prior to the removal of any significant tree, from any lot in the R-1 land use district in the Bridle Trails subarea. The applicant may request a vegetation management plan to cover all proposed tree removal activities within a three-year period. In addition, for the removal of more than two significant trees within any three-year period, the requirements of subsections E.2 and E.3 below apply.

2. Perimeter Tree Retention Requirement. For all lots in the R-1 land use district in the Bridle Trails subarea, all significant trees which do not constitute a safety hazard within the first 20 feet adjacent to all property lines shall be retained. Area devoted to access and sight areas as defined in the Transportation Code (Chapter 14.06 BCC), and area to be cleared for required roads, utilities, sidewalks, trails, or storm drainage improvements is exempt from this requirement. In the event this requirement conflicts with minimum setback requirements for structures (LUC 20.20.010), the Alternative Tree Retention Option (subsection G of this section) may be used to allow development consistent with the setbacks established under LUC 20.20.010.

3. Site Interior Tree Retention Requirement.

a. In addition to the required perimeter tree retention area, at least 25 percent of the cumulative diameter inches of existing significant trees must be retained; provided, that alder and cottonwood trees diameter inches shall be discounted by a factor of 0.5.

b. The Director may approve retention of trees which do not meet the definition of significant trees as a contribution toward the sum of the diameter inches required under subsection E.3.a of this section if a group of trees and its associated undergrowth can be preserved.

4. Tree Replacement Requirement. On any lot with eight or less significant trees, a planting plan showing a one to one ratio of replacement trees is required. Trees must be a minimum of six feet in height at planting.

F. Retention of Significant Trees for New or Expanding Single Family Structures Excluding Single Family Structures Located in the R-1 Land Use District in the Bridle Trails Subarea.

1. Site Area. For new single family structures or additions to impervious surface areas that exceed 20% when located on a single family lot developed with a residential use, the applicant shall retain a minimum of 30 percent of the diameter inches of significant trees existing in the site area; provided that alder and cottonwood trees diameter inches shall be discounted by a factor of 0.5. In applying the requirement for retention of significant trees, the Director shall consider the preservation of the following types of significant trees a priority:

a. Healthy significant trees over 60 feet in height;

b. Significant trees which form a continuous canopy;

c. Significant trees which contribute to the character of the environment, and do not constitute a safety hazard;

d. Significant trees which provide winter wind protection or summer shade;

e. Groups of significant trees which create a distinctive skyline feature;

f. Significant trees in areas of steep slopes or adjacent to watercourses or wetlands; and

g. Significant trees located within the first 20 feet adjacent to a property line.

2. The Director may approve retention of trees which do not meet the definition of significant trees as a contribution toward the sum of the diameter inches required under LUC 20.20.900(F)(1) if a group of trees and its associated undergrowth can be preserved.

3. The applicant shall utilize tree protection techniques approved by the Director during land alteration and construction in order to provide for the continual healthy life of retained significant trees.

G. Alternative Tree Retention or Replacement Option.

1. An applicant may request a modification of the tree retention requirements set forth in subsections D,E, and F of this section.

2. The Director may administratively approve a modification of the perimeter or interior tree retention requirements if:

a. The modification is consistent with the stated purpose of this section; and

b. The modification proposal either:

i. Incorporates the retention or replacement of significant trees equal in equivalent diameter inches or incorporates the increased retention or replacement of significant trees and naturally occurring undergrowth, to what would otherwise be required, or

ii. Incorporates the retention or replacement of other natural vegetation in consolidated locations which promotes the natural vegetated character of the site and neighborhood including use as pasture land or for agricultural uses.

iii. Where a modification proposal includes supplemental or replacement trees in lieu of retention, the applicant shall utilize plant materials which complement the natural character of the Pacific Northwest, and which are adaptable to the climatic, topographic, and hydrologic characteristics of the site.

Section 15. If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this ordinance.

Section 16. This ordinance shall take effect and be in force five (5) days after legal publication.

PASSED by the City Council this 3rd day of December, 2007, and signed in authentication of its passage this 3rd day of December, 2007.

(SEAL)

Grant S. Degginger, Mayor

Approved as to form:

Lori M. Riordan, City Attorney

Attest:

Myrna L. Basich, City Clerk

Published December 6, 2007

City of Bellevue

MEMORANDUM

DATE: January 2, 2008

TO: Chair Bell, Members of the East Bellevue Community Council

FROM: Lacey Madche, Legal Planner 452-6134

SUBJECT: Neighborhood Livability Action Agenda, Phase I - Bellevue File No. 07-130300 AD

On January 2, 2008, the East Bellevue Community Council (EBCC) is scheduled to hold a public hearing on Ordinance No. 5791. This ordinance was approved by the City Council on December 3, 2007 and contains amendments to the Land Use Code, which implement Phase I of the Neighborhood Livability Action Agenda.

Background

On September 25, 2006, the City Council initiated a strategy for addressing areas of concern identified by residents (otherwise referred to as the Neighborhood Livability Action Agenda). The Agenda, among other things, addresses property maintenance, neighborhood fitness, and neighborhood character. Phase I of the Agenda responds to neighborhood concerns about poorly maintained property and the resulting impacts on livability and property values. Phase I of the Agenda, likewise, responds to the appearance of older neighborhoods recognized as having a disproportionate share of property maintenance issues, as well as addresses complaints about the impacts of infill and redevelopment practices that may compromise or threaten the character of existing single family neighborhoods.

Proposals

Phase I of the Neighborhood Livability Action Agenda contains the following code amendments:

1. Address loss of greenscape in Single Family Land Use Districts – require that front yard setbacks include at least 50% of greenscape;

2. Address loss of tree retention and replacement in Single Family Land Use Districts - require the applicant for new or expanding singe family structures (applicable only to expansions exceeding a 20 increase in square footage over the previously existing structure), retain a minimum of 30 percent of the diameter inches of significant trees existing in the site area;

2. Address concerns pertaining to size, scale, and character – amend definition of building height from finished to existing grade;

3. Address concerns regarding neighborhood character - prohibit temporary storage shelters which are largely visible from public and private streets;

4. Address construction impacts – require construction debris be screened; and

5. Address construction impacts - require on-site notification signs to inform neighbors of land use projects, construction codes, related requirements, and contact information for the developer and the City.

In preparing code amendments, staff emphasized the need for flexibility and balance.

> *Flexibility* – All proposed regulations are written in such a way to recognize special conditions and circumstances, and to accommodate the reasonable use of private property.
>
> *Balance* – All proposed recommendations acknowledge the need to balance the legitimate interests of all stakeholders – respecting the rights of owners to utilize their property and addressing the needs of surrounding residents for relief from certain negative impacts of redevelopment.

The proposed code amendments were introduced at a study session with the Planning Commission on September 12, 2007. The proposed amendments are within the jurisdiction of the East Bellevue Community Council (EBCC) and a Courtesy Hearing with the EBCC was held on October 2, 2007. At the Courtesy Hearing the EBCC expressed concerns relating to the balance of local regulation with private property rights and specifically addressed issues relating to tree retention.

On October 25, 2007, staff prepared and published notice of the Public Hearing before the Planning Commission, Staff Recommendation, and DNS. The Public Hearing was held on November 14, 2007. At the Public Hearing the Planning Commission received testimony from multiple residents and organizations from within the City of Bellevue. Many residents supported the Phase I Agenda items, whereas other property discouraged the Commission from recommending amendments that may infringe with private property interest. In most part comments received related to modifying the definition of building height, greenscape requirements, and tree retention.

Based on review of all comments received, the Planning Commission recommended approval to the City Council of the above referenced code amendments referenced. On December 3, 2007 the City Council approved the attached Ordinance.

Conclusion

Following the public hearing, the EBCC is requested to take action on Ordinance No. 5791. Staff will be present at the January 2, 2007 EBCC meeting to answer any questions that may arise.

Attachment: Ordinance No. 5791

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WHEREAS, in response to City Council direction at meetings on July 16, 2007, and August 6, 2007, staff developed a preliminary schedule for considering code and policy changes to address certain negative impacts associated with neighborhood infill and redevelopment, which included a request of staff to continue working with the Planning Commission to develop code amendments for items identified by the City Council as appropriate for early implementation (otherwise referred to as Phase I); and

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WHEREAS, the Environmental Coordinator for the City of Bellevue determined that this proposal will not result in any probable, significant, adverse environmental impacts and as such a final threshold determination of non-significance (DNS) was issued on October 23, 2007; and

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Section 1. Section 20.50.012 of the Bellevue Land Use Code relating to the definition of Building Height is hereby amended to read as follows:

20.50.012 B Definitions

Building Height. The vertical distance measured from the average elevation of the finished grade around the building or building segment to the highest point of a flat roof, or to the mean height between the eaves and ridge of a pitched roof. Specifically excluded from this definition and from the regulation of maximum building height are structural elements not intended for habitation and not exceeding 15 feet above the maximum building height including penthouses for mechanical and elevator equipment, chimneys, wireless communication facility antenna arrays, smoke and ventilation stacks, flag poles, mechanical and elevator equipment, and parapet walls designed solely to screen mechanical and elevator equipment. This definition does not apply to projects located within a Transition Area Design District (refer to LUC 20.25B.040), ~~or~~ the Shoreline Overlay District (refer to LUC 20.25E.017), Single Family Land Use Districts (refer to the definition of building height for Single Family Land Use Districts contained in this section; see also LUC 20.10.440 - Note (16)), and to the F1 Land Use District (refer to LUC 20.20.010 – Note 29).

Section 2. Section 20.50.012 of the Bellevue Land Use Code is hereby amended to include a separate definition of Building Height for Single Family Land Use Districts:

20.50.012 B Definitions

Building Height – Single Family Land Use Districts. The vertical distance measured from the average elevation of the existing grade around the building to the highest point of a flat roof, or to the mean height between the eaves and ridge of a pitched roof, provided this measurement does not apply to chimneys, wireless communication facility antenna arrays, shortwave radio antennas, smoke and ventilation stacks, and flag poles.

Section 3. Section 20.50.018 of the Bellevue Land Use Code is hereby amended to include a definition of Existing Grade.

20.50.018 E Definitions.

Existing Grade. The existing elevation of land prior to any cuts and fills or other disturbances, which may, at the discretion of the Director, be determined by a topographic survey or soil sampling.

Section 4. Section 20.10.440 of the Bellevue Land Use Code is hereby amended to add Note 16 to the Residential Uses Land Use Chart which reads as follows:

20.10.440 Land Use Charts

Note (16). For Single Family Land Use Districts, Building Height is defined as the vertical distance measured from the existing grade around the building to the highest point of a flat roof, or to the mean height between the eaves and ridge of a pitched roof, provided this measurement does not apply to flag poles and short wave radio antennas. Refer to the definition of building height for Single Family Land Use Districts at 20.50.012.

Section 5. Section 20.50.046 of the Bellevue Land Use Code is hereby amended to include a new definition of Shelters and Storage Facilities – Temporary which reads as follows:

20.50.046 S Definitions.

Shelters and Storage Facilities - Temporary. A temporary shelter that does not meet the definition of a structure and is not attached to a structure, which generally may be made of canvas and metal, including but not limited to portable carports. Refer to LUC 20.20.760.

Section 6. Section 20.30M.115 of the Bellevue Land Use Code relating to Temporary Shelters and Storage Facilities is hereby amended to read as follows:

20.30M.115 Applicability.

This part applies to each application for a Temporary Use Permit whether located on private property or on the public right-of-way; provided, that temporary use approval is not required for any use obtaining a permit pursuant to the City's Special Events Policy Permit process and may not be used to assemble, construct, or maintain a temporary shelter or storage facility as defined in LUC 20.50.046. For temporary use regulations relating to recreational vehicles, watercraft, and utility trailers, refer to LUC 20.20.720.

Section 7. A new Section 20.20.760 of the Bellevue Land Use Code is hereby adopted relating to Temporary Shelters and Storage Facilities to read as follows:

20.20.760 Shelters and Storage Facilities - Temporary.

A. Purpose. The purpose of this section is to prohibit use of temporary shelters or storage facilities in Single Family Land Use Districts, which are predominately visible from the right-of-way or any public or private street.

B. General. Temporary shelters or storage facilities are not permitted in Single Family Land Use Districts if predominately visible from the right-of-way or any public or private street.

Section 8. A new Section 20.35.035 of the Bellevue Land Use Code relating to Construction Notices is hereby adopted to read as follows:

20.35.035 Construction Notices.

The Director may require construction posting and neighborhood notification for any development on real property. Removal of or failure to post a construction notice required by the Director shall constitute a violation of this section and otherwise is enforceable under Chapter 1.18 BCC.

Section 9. Section 9.10.010 of the Bellevue City Code relating to the definition of "Nuisance" is hereby amended to read as follows:

9.10.010 Definitions.

The words and phrases used in this chapter, unless the context otherwise indicates, shall have the following meanings:

A. "Abate" means to repair, replace, remove, destroy or otherwise remedy a condition which constitutes violation of this chapter by such means and in such a manner and to such an extent as the applicable department director determines is necessary in the interest of the general health, safety and welfare of the community.

B. "Applicable department director" means the director of the department or any designated alternate who is empowered by the city manager or by ordinance to enforce a city ordinance or regulation.

C. "Building materials" means and includes lumber, plumbing materials, wallboard, sheet metal, plaster, brick, cement, asphalt, concrete block, roofing material, cans of paint and similar materials.

D. "Construction debris" includes any Building Material used prior to, during, or after construction-related activities, which is not properly screened or is otherwise offensive to a reasonable person. For purposes of this Chapter, construction related activities include any development on real property as defined in LUC 20.50.016.

E~~D~~. "Person" means any individual, firm, association, partnership, corporation or any other entity, public or private.

FE. "Premises" means any building, lot, parcel, real estate or land or portion of land whether improved or unimproved, including adjacent sidewalks and parking strips and any lake, river, stream, drainage way or wetland.

Section 10. Section 9.10.030 of the Bellevue City Code relating to Types of Nuisances is hereby amended to read as follows:

9.10.030 Types of Nuisances.

Each of the following conditions, unless otherwise permitted by law, is declared to constitute a public nuisance, and whenever the applicable department director determines that any of these conditions exist upon any premises, the applicable department director may provide for the abatement thereof and monetary penalties may be assessed pursuant to Chapter 1.18 BCC, Civil Violations:

A. The existence of any trash, dirt, filth, the carcass of any animal, accumulation of yard trimmings or other matter which is offensive to a reasonable person, except for such yard debris that is properly contained for the purpose of composting; or

B. Erecting, maintaining, using, placing, depositing, leaving or permitting to be or remain in or upon any premises which may be viewed or smelled from without the premises, or in or upon any street, alley, sidewalk, park, parkway or other public or private place in the city, any one or more of the following disorderly, disturbing, unsanitary, fly-producing, rat-harboring, disease-causing places, conditions or things:

1. Any putrid, unhealthy or unwholesome bones, meat, hides, skins, the whole or any part of any dead animal, fish or fowl, or waste parts of fish, vegetable or animal matter in any quantity; but nothing herein shall prevent the temporary retention of waste in approved covered receptacles; or

2. Any privies, vaults, cesspools, sumps, pits or like places which are not securely protected from flies and rats, or which are malodorous; or

3. An accumulation of material including, but not limited to, bottles, cans, glass, plastic, ashes, scrap metal, wire, bric-a-brac, broken stone or cement, broken crockery, broken glass, broken plaster, litter, rags, empty barrels, boxes, crates, packing cases, mattresses, bedding, packing hay, straw or other packing material or building materials on any premises which is not properly stored or neatly piled or is offensive to a reasonable person or in which flies or rats may breed or multiply; or

4. An accumulation of any Construction Debris used prior to, during, or after construction-related activities as defined in LUC 20.50.016, which is not properly screened or is otherwise offensive to a reasonable person.

C. The existence of any fence or other structure on private property abutting or fronting upon any public street, sidewalk or place which is in a sagging, leaning, fallen, decayed or other dilapidated or unsafe condition; or

D. The existence of wrecked or disassembled trailers, house trailers, boats, tractors or other vehicle, appliance or machinery of any kind, or any major parts thereof; or

E. The existence on any premises of any abandoned or unused well, pit, shaft, cistern or storage tank without first demolishing or removing from the premises such storage tank, or securely closing and barring any entrance or trapdoor thereto or without filling any well, pit, shaft or cistern or capping the same with sufficient security to prevent access thereto; or

F. The existence in a place accessible to children of any attractive nuisance dangerous to children, including but not limited to any abandoned, broken or neglected equipment, machinery, refrigerator, freezer, or other large appliance; or

G. The presence of rodents on any premises causing a threat to the public health, as determined by the director of the Seattle-King County department of public health pursuant to King County Board of Health Rules and Regulations No. 06-01 as adopted or hereafter amended.

Section 11. Section 20.20.010 of the Bellevue Land Use Code relating to greenscape requirements is hereby amended to read as follows and two new Notes relating to greenscape and tree retention are hereby adopted as follows:

20.20.010 Uses in Land Use Districts Dimensional Requirements.

Chart 20.20.010 - Uses in Land Use Districts Dimensional Requirements.

STD LAND USE CODE REF		Residential										
	LAND USE CLASSIFICATION	R-1	R-1.8	R-2.5	R-3.5	R-4	R-5	R-7.5*	R-10	R-15	R-20	R-30
	DIMENSIONS											
	Minimum Setbacks of Structures (feet) Front Yard (18) (20) (38) (39)	35	30	20	20	20	20	20	20	20	20	20
	Rear Yard (11) (17) (18) (20) (38) (39)	25	25	25	25	20	20	20	25	25	25	25
	Side Yard (11) (17) (18) (20) (38) (39)	5	5	5	5	5	5	5	5	5	5	5(1)
	2 Side Yards (17) (18) (20) (38) (39)	20	15	15	15	15	15	10	15	15	15	15
	Minimum Lot Area Acres (A) or Thousands of Sq. Ft. (3) (39)	35	20	13.5	10	8.5	7.2	4.7	8.5	8.5	8.5(12)	8.5(12)
	Dwelling Units per Acre (15) (21) (22)	1	1.8	2.5	3.5	4	5	7.5	10	15	20	30

	Minimum Dimensions (feet) Width of Street Frontage	30	30	30	30	30	30	30	30	30	30	30
	Width Required in Lot (4)	100	90	80	70	65	60	50	70	70	70	70
	Depth Required in Lot (4)	150	80	80	80	80	80	80	80	80	80	80
	Maximum in Building Height (feet) (10) (19) (26)	30	30	30	30	30	30	30	30	30	30 (5)	40
	Maximum Lot Coverage by Structures (percent) (13) (14) (16) (26) (27) (37) (39)	35	35	35	35	35	40	40	35	35	35	35
	Maximum Impervious Surface (percent) (35) (37) (39)	50 (36)	50 (36)	50 (36)	50 (36)	50 (36)	55 (36)	55 (36)	80	80	80	80
	Minimum Greenscape Percentage of Front Yard Setback (40)	50 (40)	50 (40)	50 (40)	50 (40)	50 (40)	50 (40)	50 (40)				

Section 12. Section 20.10.440 of the Bellevue Land Use Code is hereby amended to add Note 40 to the Residential Uses Land Use Chart which reads as follows:

Note 40 – The greenscape requirements of this section shall be imposed any time a permit, approval, or review, including land alteration or land development for Single Family Land Use Districts, is required by the Bellevue City Code or Land Use Code. Existing single family front yard setbacks legally established on a site prior to January 1, 2008, which do not meet the minimum greenscape requirements set forth in LUC 20.20.010, shall not be considered nonconforming. The City shall not, however, approve proposals to decrease the greenscape percentage set forth in LUC 20.20.010 where a site already falls below the minimum greenscape requirements. Where an existing site falls below the minimum requirements set forth in LUC 20.20.010, the removal of greenscape shall not be approved unless an equal amount of existing impervious surface, pervious surface, or hardscape is removed, such that the net amount of greenscape is unchanged. The Director may modify the requirements of LUC 20.20.010 for nonconforming lots, corner lots, or lots with unique size and shape. See LUC 20.50.022 for the definition of Greenscape.

Note 41 - See LUC 20.20.900(F) for significant tree retention requirements relating to single family districts excluding, however, the R-1 Land Use District in the Bridle Trails Subarea which is otherwise governed by LUC 20.20.900(E).

Section 13. A new definition of greenscape is hereby adopted to Section 20.50.022 of the Bellevue Land Use Code which reads as follows:

20.50.022 G- Definitions

Greenscape. All living plant, tree, hedge, and shrub material. Hardscape materials, whether pervious or impervious by design, shall not be considered greenscape.

Section 14. Section 20.20.900 of the Bellevue Land Use Code relating to tree retention is hereby amended to read as follows:

20.20.900 Tree Retention.

A. Purpose.

Retention of significant trees as required by this section is necessary to maintain and protect property values, to enhance the visual appearance of the City, to preserve the natural wooded character of the Pacific Northwest, to promote utilization of natural systems, to reduce the impacts of development on the storm drainage system and water resources, and to provide a better transition between the various land uses permitted in the City.

B. Applicability.

The requirements of this section shall be imposed any time a permit, approval, or review including land alteration or land development including subdivisions, short subdivisions or planned unit developments, a change in lot coverage, or a change in the area devoted to parking and circulation is required by the Bellevue City Code or Land Use Code.~~–~~ Subsection F of this section shall apply to permits for new single family structures and for additions to impervious surface areas that exceed 20% when located on a single family lot developed with a residential use. ~~. However, this section does not apply to a permit for a single-family dwelling, unless restrictions on the removal of significant trees on individual single-family lots have been imposed through prior City approval; provided,~~ Subsection E of this section applies to the removal of any significant trees in the R-1 land use district located in the Bridle Trails Ssubarea.

C. Required Review.

The Department of Planning and Community Development shall review the proposed removal of significant trees with each application within the applicability of this section.

D. Retention of Significant Trees for Subdivisions, Short Subdivisions, Planned Unit Development, Change in Lot Coverage, or Change in the Area Devoted to Parking and Circulation, ~~in All Areas~~ Excluding Areas located in ~~ept in~~ the R-1 Land Use District in the Bridle Trails Subarea and For New or Expanding Single Family Structures.

1. Perimeter Landscaping Area. In the required perimeter landscaping area, as set forth in LUC 20.20.520.F.1, the applicant shall retain all significant trees which will not constitute a safety hazard. Area devoted to access and sight areas as defined in the Transportation Code (Chapter 14.06 BCC), and area to be cleared for required roads, utilities, sidewalks, trails, or storm drainage improvements is exempt from this requirement.

2. Site Interior.

a. In areas of the site other than the required perimeter landscape area, the applicant must retain at least 15 percent of the diameter inches of the significant trees existing in this area; provided, that alder and cottonwood trees diameter inches

shall be discounted by a factor of 0.5. In applying the requirement for retention of significant trees, the Director shall consider the preservation of the following types of significant trees a priority:

i. Healthy significant trees over 60 feet in height;

ii. Significant trees which form a continuous canopy;

iii. Significant trees which contribute to the character of the environment, and do not constitute a safety hazard;

iv. Significant trees which provide winter wind protection or summer shade;

v. Groups of significant trees which create a distinctive skyline feature; and

vi. Significant trees in areas of steep slopes or adjacent to watercourses or wetlands.

b. The Director may approve retention of trees which do not meet the definition of significant trees as a contribution toward the sum of the diameter inches required under subsection D.2.a of this section if a group of trees and its associated undergrowth can be preserved.

3. Exemption. The provisions of this subsection which require retention of significant trees are not applicable in any Downtown Land Use District.

4. The applicant shall utilize tree protection techniques approved by the Director during land alteration and construction in order to provide for the continual healthy life of retained significant trees.

5. Reduced Parking Bonus. If the proposed landscape plan incorporates the retention of significant trees above that required by this section, the Director may approve a reduction of up to 10 percent of the required number of parking spaces if adequate parking will remain on the subject property, and if land area for the required number of spaces remains available for future development on the subject property.

E. Retention of Significant Trees in the R-1 Land Use District in the Bridle Trails Subarea for any Type of Land Alteration or Development.

1. Permit Required. As required by BCC 23.76.025.A.7, a clearing and grading permit must be obtained from the City prior to the removal of any significant tree, from any lot in the R-1 land use district in the Bridle Trails subarea. The applicant may request a vegetation management plan to cover all proposed tree removal activities within a three-year period. In addition, for the removal of more than two significant trees within any three-year period, the requirements of subsections E.2 and E.3 below apply.

2. Perimeter Tree Retention Requirement. For all lots in the R-1 land use district in the Bridle Trails subarea, all significant trees which do not constitute a safety hazard within the first 20 feet adjacent to all property lines shall be retained. Area devoted to access and sight areas as defined in the Transportation Code (Chapter 14.06 BCC), and area to be cleared for required roads, utilities, sidewalks, trails, or storm drainage improvements is exempt from this requirement. In the event this requirement conflicts with minimum setback requirements for structures (LUC 20.20.010), the Alternative Tree Retention Option (subsection GF of this section) may be used to allow development consistent with the setbacks established under LUC 20.20.010.

3. Site Interior Tree Retention Requirement.

a. In addition to the required perimeter tree retention area, at least 25 percent of the cumulative diameter inches of existing significant trees must be retained; provided, that alder and cottonwood trees diameter inches shall be discounted by a factor of 0.5.

b. The Director may approve retention of trees which do not meet the definition of significant trees as a contribution toward the sum of the diameter inches required under subsection E.3.a of this section if a group of trees and its associated undergrowth can be preserved.

4. Tree Replacement Requirement. On any lot with eight or less significant trees, a planting plan showing a one to one ratio of replacement trees is required. Trees must be a minimum of six feet in height at planting.

F. Retention of Significant Trees for New or Expanding Single Family Structures Excluding Single Family Structures Located in the R-1 Land Use District in the Bridle Trails Subarea.

1. Site Area. For new single family structures or additions to impervious surface areas that exceed 20% when located on a single family lot developed with a residential use, the applicant shall retain a minimum of 30 percent of the diameter inches of significant trees existing in the site area; provided that alder and cottonwood trees diameter inches shall be discounted by a factor of 0.5. In applying the requirement for retention of significant trees, the Director shall consider the preservation of the following types of significant trees a priority:

a. Healthy significant trees over 60 feet in height;

b. Significant trees which form a continuous canopy;

c. Significant trees which contribute to the character of the environment, and do not constitute a safety hazard;

d. Significant trees which provide winter wind protection or summer shade;

e. Groups of significant trees which create a distinctive skyline feature;

f. Significant trees in areas of steep slopes or adjacent to watercourses or wetlands; and

g. Significant trees located within the first 20 feet adjacent to a property line.

2. The Director may approve retention of trees which do not meet the definition of significant trees as a contribution toward the sum of the diameter inches required under LUC 20.20.900(F)(1) if a group of trees and its associated undergrowth can be preserved.

3. The applicant shall utilize tree protection techniques approved by the Director during land alteration and construction in order to provide for the continual healthy life of retained significant trees.

G~~F~~. Alternative Tree Retention or Replacement Option.

1. An applicant may request a modification of the tree retention requirements set forth in subsections D, ~~and~~ E, and F of this section.

2. The Director may administratively approve a modification of the perimeter or interior tree retention requirements if:

a. The modification is consistent with the stated purpose of this section; and

b. The modification proposal either:

i. Incorporates the retention or replacement of significant trees equal in equivalent diameter inches or incorporates the increased retention or replacement of significant trees and naturally occurring undergrowth, to what would otherwise be required, or

ii. Incorporates the retention or replacement of other natural vegetation in consolidated locations which promotes the natural vegetated character of the site and neighborhood including use as pasture land or for agricultural uses.

iii. ~~3.~~ Where a modification proposal includes supplemental or replacement trees in lieu of retention, the applicant shall utilize plant materials which complement the natural character of the Pacific Northwest, and which are adaptable to the climatic, topographic, and hydrologic characteristics of the site.

Section 15. If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this ordinance.

Section 16. This ordinance shall take effect and be in force five (5) days after legal publication.

PASSED by the City Council this _____ day of _____, 2007, and signed in authentication of its passage this _____ day of _____, 2007.

(SEAL)

_____
Grant S. Degginger, Mayor

Approved as to form:

Lori M. Riordan, City Attorney

_____
Mary Kate Berens, Deputy City Attorney

Attest:

_____
Myrna L. Basich, City Clerk

Published _____

Staff responded to additional questions of clarification. Ms. Madche explained that staff recommends eliminating the requirement for Home Occupation permits because nothing is gained by requiring the permits. Applications typically meet the requirements for approval, and the permit does not affect enforcement. The City's business license office will have a record of home-based businesses, and enforcement will continue to be handled on a complaint basis.

(b) Neighborhood Livability Action Agenda

Chair Bell opened the public hearing. No one came forward to comment.

Councilmember Kasner moved to close the public hearing. Councilmember Elwin seconded the motion, which carried by a vote of 5-0.

Ms. Hewitt provided a presentation on the City's Neighborhood Livability Action Agenda addressing property maintenance, neighborhood investment, and neighborhood character. She described the City's drive-by survey of all homes in Bellevue built before 1970. As a result, four areas were identified for involvement in an emphasis on neighborhood cleanup and maintenance activities.

In terms of neighborhood investment, Ms. Hewitt described an effort underway to compile a list of all neighborhood sidewalk requests, to be forwarded to the Transportation Commission and staff for review. The Commission will ultimately make recommendations to the City Council, and staff will continue to research innovative funding mechanisms.

The neighborhood character action agenda addresses concerns related to redevelopment and infill in existing neighborhoods including construction impacts; incompatible scale and architecture; the loss of privacy, sunlight and territorial views; walls and fences creating barriers between neighbors; and the loss of vegetation.

Ms. Madche explained that the Planning Commission's preliminary recommendations are to address: 1) the loss of trees and greenscape, 2) concerns related to size, scale and character of new homes, and 3) concerns regarding construction impacts and neighborhood access to information. Staff and the Planning Commission will work to develop the code and policy details based on the general framework. A public hearing is anticipated in November. Final recommendations will be presented to the City Council and Community Council early next year.

Staff responded to questions of clarification regarding the preservation of trees.

Chair Bell and Councilmember Seal expressed concern about tree-related damage during windstorms, and cautioned against an over-emphasis on retaining trees.

Mr. Jackson commented that there is a strong sentiment in the community to retain trees. Similarly, residents want trees to be well maintained in order to feel safe and to minimize accidents involving trees.

Mr. Dewald described the benefits of the tree canopy including its role in preventing stormwater runoff and in maintaining wildlife habitats.

6. **RESOLUTIONS**: None.

7. **REPORTS OF CITY COUNCIL, BOARDS, AND COMMISSIONS**: None.

8. **DEPARTMENT REPORTS**

(a) Walk and Roll – 2007 Pedestrian and Bicycle Transportation Plan

Mr. Loewenherz provided a presentation regarding the 2007 Pedestrian and Bicycle Transportation Plan update, which is the second update to the plan since it was originally adopted in 1993 and updated in 1999. The update will involve developing a prioritized list of pedestrian and bicycle facility improvements, coordinating with other non-motorized planning efforts in Bellevue and the region, and providing a mechanism to inform and involve the community in the planning process.

Staff has completed the needs assessment and is requesting feedback from the Community Council regarding the draft network plan, which is intended to be balanced between multiple uses. The Transportation Commission is involved in reviewing the plan and providing input and recommendations, and the Commission's next meeting is October 25. Information about the plan update process has been provided via the City's web site, written publications, mailings, and emails. The City has conducted online surveys and hosted focus groups to gather input from the community. The majority of respondents to the surveys are interested in improved biking facilities and trails, more sidewalks, and improved trail connections.

Mr. Loewenherz highlighted the bike and pedestrian system components of the draft network plan as well as specific projects and their locations. He noted that a series of public outreach events is scheduled for October.

Mr. Loewenherz responded to questions of clarification. The Council requested information on the community's demographics.

Chair Bell expressed concern about pedestrian safety in the vicinity of the intersection at 156th Avenue NE and NE 8th Street.

Mr. Kasner noted the need to consider the variation of users in terms of physical fitness and experience levels.

Joe Knight, a resident, expressed support for the pedestrian-bicycle plan update. He commended the City for its strong pedestrian-bicycle network.

(b) Baker Short Plat (Written report only)