



DATE: January 17, 2024

TO: Mayor Robinson and Members of the City Council

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Development Services Department

SUBJECT: Proposed Land Use Code Amendment (LUCA) to allow a longer Design Review approval period and the opportunity for extensions to Design Review approvals.

I. BACKGROUND

Land Use Code (LUC) 20.40.500 delineates the expiration period for land use approvals, including Design Review approvals granted pursuant to Part 20.30F LUC (Design Review). Design Review approvals are required for most development in the City's mixed-use land use districts, including Downtown, Wilburton, East Main, BelRed, Crossroads, Factoria, and Eastgate. The current LUC provides a two-year approval period for Design Reviews and does not allow extensions for Design Review approvals.

II. PROPOSED LUCA

The LUCA proposes to increase the Design Review approval period from two to three years and creates a process for extending the design review approval for a period of two years if the project conforms to the applicable regulations at the time of application.

III. REVIEW PROCESS

The City Council initiated and retained processing of this LUCA on March 13, 2023. Council was introduced to this LUCA at a study session on November 6, 2023. After discussion, the Council directed staff to schedule the required public hearing for February 6. Following the public hearing on February 6, the City Council may take final action on the LUCA.

IV. STATE ENVIRONMENTAL POLICY ACT (SEPA)

The Environmental Coordinator for the City of Bellevue has determined that this LUCA is Categorically Exempt from the Threshold Determination requirements of SEPA pursuant to the terms of WAC 197-11-800(19).

V. PUBLIC ENGAGEMENT

Required Public Notice

The notice required for City Council Legislative Actions (Process IV) is governed by LUC 20.35.415 through 20.35.450. Notice of the LUCA application and public hearing was published in the Weekly Permit Bulletin on January 18, along with availability of this staff report. Notice of the public hearing was also provided separately in the Seattle Times on January 17.

Department of Commerce Notice

Pursuant to the Washington State Growth Management Act, proposed amendments to the LUC must be sent to the Washington State Department of Commerce to review and comment on the proposed amendments to the LUC. The required notice to the Department of Commerce and the initial draft LUCA were transmitted on November 3, 2023.

Enhanced Public Engagement

In addition to the requirements of LUC 20.35.415 *es seq* for the City Council Legislative Actions under Process IV, staff engaged with key stakeholders through direct communication and at the Bellevue Development Committee.

Public Comments

- Public comment was received at the November 6, 2023 study session related to Design Review approval length, extension period and criteria.
- Feedback was received from the Bellevue Development Committee at their January 10 meeting and in subsequent email communications.

VI. DECISION CRITERIA

LUC 20.30J.135 establishes the decision criteria for an application to amend the text of the Land Use Code. Those criteria, and the relationship of these proposed amendments to them, are discussed below:

A. The amendment is consistent with the Comprehensive Plan; and

Finding: The proposed LUCA is consistent with the Comprehensive Plan, specifically:

Policy ED-05: Develop and maintain regulations that allow for continued economic growth while respecting the environment and quality of life of city neighborhoods.

- B. The amendment enhances the public health, safety or welfare; and

Finding: This LUCA will enhance public health, safety, and welfare by providing additional approval periods to ensure that properties are able to be developed and do not sit vacant for long periods creating a safety hazard.

- C. The amendment is not contrary to the best interests of the citizens and property owners of the City of Bellevue.

Finding: The proposed LUCA should benefit property owners by easing the time restriction on completing certain development projects. The LUCA protects the best interests of the citizens by requiring properties to comply with all adopted applicable regulations prior to being granted an approval extension.

VII. RECOMMENDATION

Staff has concluded that the Design Review Extension LUCA, as drafted in Attachment A, is consistent with the decision criteria required for adoption of amendments to the text of the LUC, pursuant to Part 20.30J LUC. Staff recommends that the City Council adopt the proposed LUCA.

ATTACHMENT:

- A. Proposed Design Review Extension LUCA Strike-Draft