

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 6776

AN ORDINANCE extending the life of certain complete building permit applications, complete clearing and grading permit applications, issued building permits, and issued clearing and grading permits when complete permit applications have been submitted to the City or the issued permits remain active between the effective date of this Ordinance and March 14, 2024; providing for an exception for civil violations; providing for severability; and establishing an effective date.

WHEREAS, the Bellevue City Council has adopted regulations establishing time limits for building permit applications and clearing and grading permit applications to remain active, and expiration periods for issued building permits and clearing and grading permits; and

WHEREAS, the Bellevue City Council has adopted regulations that provide performance standards, which require permit applicants and permittees to advance through permit review and commence construction to maintain the validity of an application or issued permit; and

WHEREAS, when a building permit is issued, the vested status of the project, ancillary permits, and approvals run with the vested status of the issued building permit and expire pursuant to the terms of BCC 23.05.100.E; and

WHEREAS, stand-alone clearing and grading permits vest to certain land use control ordinances on submittal of a complete application for a clearing and grading permit, and expire under the provisions set forth in BCC 23.76.045.A; and

WHEREAS, the City Council has approved building permit and clearing and grading permit extension ordinances in the past, most recently in April 2020 and March 2023 due to unique and extraordinary circumstances created by the COVID-19 pandemic; and

WHEREAS, office development in Bellevue is still adjusting to the considerable increase in remote work over the last three years, and although housing demand is strong, housing projects have been negatively impacted by continued high construction and land costs, as well as higher interest rates; and

WHEREAS, if issued building permits or clearing and grading permits or complete building and clearing and grading permit applications expire, then it may be difficult for project proponents to sell projects or to obtain capital to restart and complete the projects, due to economic and financial market conditions; and

WHEREAS, certain building permit applications, issued building permits, and clearing and grading permits will expire, and others have the potential to expire, during the next one hundred eighty (180) days, putting development projects approved within the last few years or currently under construction at risk; and

WHEREAS, if building and clearing and grading permit applications and permits expire, then such expiration may add additional cost and time to both the permit applicants and the City, or create a barrier for new commercial and residential development within the City; and

WHEREAS, if building and clearing and grading permit applications and permits to expire, then such expiration may expose the City to consequences in the form of decreased tax revenues, underutilized and vacant land, and the short and long-term impacts associated with abandoned construction; and

WHEREAS, the City Council reviewed and considered this permit extension Ordinance at its February 5, 2024 meeting and considered the impacts of this permit extension Ordinance, including the consequence that the extensions granted herein will result in some delay of implementation of recent code changes that would otherwise be implemented within the City in the absence of this Ordinance; and

WHEREAS, the City Council has a compelling interest in the protection of the health and safety of all of its residents and has a compelling interest in ensuring that the goals and policies in the Comprehensive Plan, as well as other policy and planning documents, are fulfilled; and

WHEREAS, the City has a compelling interest in responding to the current economic and development market and finds it necessary to provide relief to project proponents by providing balanced options that extend the life of certain permit applications and issued permits over the short-term; now, therefore,

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

Section 1. Extension of Time Limits for Building Permit Applications. The time limitation set forth in BCC 23.05.090.H for building permit applications is temporarily extended for one hundred eighty (180) days. This extension supplements the provisions of BCC 23.05.090.H and applies to complete building permit applications active on the effective date of this Ordinance and complete building permit applications submitted to the City between the effective date of this Ordinance and March 14, 2024.

For any building permit applications that will expire between the effective date of this Ordinance and March 14, 2024, the 180-day extension granted herein shall extend those permits until September 14, 2024. For building permit applications that

would expire subsequent to March 14, 2024, the 180-day extension granted herein shall run from the date such applications would otherwise expire pursuant to BCC 23.05.090.H.

In addition, all complete building permit applications active on the effective date of this Ordinance or submitted to the City between the effective date of this Ordinance and March 14, 2024, if and when the permit is issued, will receive the extensions set forth in Section 2 below.

Section 2. Extension of Expiration Period for Issued Building Permits. The expiration period for issued building permits set forth in BCC 23.05.100.E.2 is extended by 180-days. Additionally, the 180-day period in which to commence work, as set forth in BCC 23.05.100.E.1, is extended by an additional 180-days. These extensions supplement the provisions of BCC 23.05.100.E and apply only to the issued building permits active on the effective date of this Ordinance, building permits issued between the effective date of this Ordinance and March 14, 2024, and issued building permits when the complete application was submitted to the City by March 14, 2024, pursuant to Section 1 of this Ordinance.

Section 3. Extension of Time Limits for Clearing and Grading Permit Applications. The time limitation set forth in BCC 23.76.045.A for clearing and grading permit applications (GE or GD) is temporarily extended for one hundred eighty (180) days from the date such applications would otherwise expire pursuant to that section beyond the time they could be administratively extended by the Director if they were deemed complete on March 14, 2024.

This extension supplements the provisions of BCC 23.76.045.A, and applies to complete clearing and grading permit applications active on the effective date of this Ordinance and complete clearing and grading permit applications submitted to the City between the effective date of this Ordinance and March 14, 2024.

In addition, all complete clearing and grading permit applications active on the effective date of this Ordinance or submitted to the City between the effective date of this Ordinance and March 14, 2024, if and when the permit is issued, will receive the extensions set forth in Section 4 below.

Section 4. Extension of Expiration Period for Issued Clearing and Grading Permits. The expiration period for issued clearing and grading permits (GE or GD) set forth in BCC 23.76.045.A.2.b.ii is extended by one year. Additionally, the one year period in which to commence work, as set forth in BCC 23.76.045.A.2.b.i, is extended by an additional 180-days.

These extensions supplement the provisions of BCC 23.76.045.A and apply only to the issued clearing and grading permits active on the effective date of this Ordinance, clearing and grading permits issued between the effective date of this Ordinance and March 14, 2024, and issued clearing and grading permits when the

complete application was submitted to the City by March 14, 2024, pursuant to Section 3 of this Ordinance.

Section 5. Exception for Civil Violations. The time extensions provided by this Ordinance shall not apply to any properties that are the subject of an active request for voluntary compliance or outstanding notice of civil violation under Chapter 1.18 BCC.

Section 6. Severability. Should any provision of this Ordinance or its application to any person or circumstances be held invalid, the remainder of the Ordinance or the application of the provision to other persons or circumstances shall not be affected.

Section 7. Effective Date. This Ordinance shall take effect and be in force five (5) days after adoption and legal publication.

Passed by the City Council this _____ day of _____, 2024 and signed in authentication of its passage this _____ day of _____, 2024.

(SEAL)

Lynne Robinson, Mayor

Approved as to form:
Kathryn L. Gerla, City Attorney

Matthew McFarland, Assistant City Attorney

Attest:

Charmaine Arredondo, City Clerk

Published _____