

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. [Abstract]

AN ORDINANCE relating to design review; amending Chapter 20.30F of the City of Bellevue Land Use Code (LUC) to include a new LUC 20.30F.190 to allow a longer Design Review approval period and the opportunity for extensions to Design Review approvals; amending LUC 20.40.500 to clarify vesting of Design Review approvals; providing for severability; and setting an effective date.

WHEREAS, the LUC currently allows for a maximum of two-year period for Design Review approvals; and

WHEREAS, it is in the best interest of the city, public, and property owners to promote development of vacant and underutilized lots within the city; and

WHEREAS, extending and allowing extensions to the Design Review approval period encourages the development and redevelopment of lots; and

WHEREAS, the LUC is adopted to protect the public health, safety, and welfare; and

WHEREAS, ensuring that Design Review approval extensions are consistent with current city code encourages public health, safety, and welfare; and

WHEREAS, the Land Use Code Amendment (LUCA) is consistent with the adopted Comprehensive Plan Policy ED-05, develop and maintain regulations that allow for continued economic growth while respecting the environment and quality of life of city neighborhoods; and

WHEREAS, at its March 13, 2023, meeting, the City Council initiated processing of the LUCA to allow a longer Design Review approval period and extension opportunity; and

WHEREAS, the City Council finds it is necessary and appropriate to amend the LUC without prior review and recommendation from the Planning Commission, as authorized by LUC 20.30J.125.B and 20.35.410.A; and

WHEREAS, the City Council held a study session on November 6, 2023, and, after providing the legally-required public notice, held a public hearing on February 26, 2024, on the proposed LUCA; and

WHEREAS, the City of Bellevue has complied with the State Environmental Policy Act, Chapter 43.21C RCW and the City's Environmental Procedures Code, Chapter 22.02 BCC for this LUCA; and

WHEREAS, the City Council finds that the proposed LUCA meets the decision criteria of LUC 20.30J.135, is consistent with the Comprehensive Plan, enhances the public health, safety, and welfare, and is not contrary to the best interests of the citizens and property owners of the City of Bellevue; now, therefore

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

Section 1. Chapter 20.30F of the Bellevue Land Use Code is hereby amended to include a new Section 20.30F.190 to read as follows:

- A. Expiration of Design Review Approval. A Design Review approval shall expire three years from the date of the Director's final decision under LUC 20.30F.145 to either approve or approve with modifications the underlying application for Design Review.
- B. Automatic Extension of Design Review Approval. A Design Review approval shall automatically be extended as follows:
 - 1. When a complete Building Permit application, meeting the requirements of Chapter 23.05 BCC, is filed before a Design Review approval expires by operation of this section, the Design Review approval shall automatically be extended for the time period during which the Building Permit application is pending prior to issuance. If the Building Permit application expires, is canceled, or is extended pursuant to Chapter 23.05 BCC, the Design Review approval shall automatically also expire, be canceled, or be extended.
 - 2. When a Building Permit is issued, the Design Review approval shall automatically be extended for the life of the Building Permit. If the Building Permit expires or is revoked pursuant to Chapter 23.05 BCC, then the Design Review approval shall automatically also expire or be revoked. If a Building Permit is issued and then subsequently renewed or extended pursuant to Chapter 23.05 BCC, the Design Review approval shall also automatically be extended for the period of the renewal or extension.
- C. Other Extensions of Design Review Approval. A Design Review approval may be extended pursuant to one or more of the following:
 - 1. LUC 20.30V.190 (Extended vesting period for Master Development Plans and associated Design Review approval);

2. A development agreement, but only in circumstances where a separate provision of this Land Use Code specifically authorizes the extension, by development agreement, of the time period that a land use permit or approval remains in effect or its vested status; or
 3. Subsection D of this section.
- D. An applicant for a Design Review may request an extension to the expiration provisions of LUC 20.30F.190.A in the manner described in this subsection:
1. Maximum Extension Period. An applicant may be granted approval for a maximum of two two-year extensions to a Design Review approval.
 2. Timing of Request for First Extension. The first request to extend a Design Review approval under subsection D of this section must be submitted no greater than 45 calendar days before the expiration of the three-year term described in subsection A of this section.
 3. Approval and Time Limitation of Request for First Extension. The Director shall grant an extension for a period of two years from the original date of expiration of the Design Review approval if the project conforms to the applicable provisions of this Land Use Code in effect at the time that the request for extension is submitted.
 4. Timing of Request for Subsequent Extensions. Where a Design Review approval has been granted an extension under subsection D.2 of this section, an applicant for a Design Review may request one subsequent extension. A request for a subsequent extension must be submitted no greater than 45 calendar days before the expiration of the prior extension.
 5. Approval and Time Limitation of Requests for Subsequent Extension. The Director shall grant a subsequent extension for a period of two years from the date of expiration of the prior extension of the Design Review approval if the project conforms to the applicable provisions of this Land Use Code in effect at the time that the request for the subsequent extension is submitted.
- E. Vested Status of Design Review Approvals.
1. Where a Design Review approval is issued under LUC 20.30F.145, it shall vest pursuant to LUC 20.40.500.A. Except for Design Review approvals extended under subsection D of this section, the vested status of the Design Review approval shall then expire on the date that the Design Review approval expires by operation of this section:

2. Whenever a Design Review approval is extended under subsection D of this section, the extended Design Review approval shall vest to the provisions of the Land Use Code in effect on the date that extension was granted. The vested status of the Design Review approval shall then expire on the date that the Design Review approval expires or on the date that a subsequent extension is granted under subsection D of this section, whichever occurs first.

Section 2. Subsection 20.40.500.B.1 of the Bellevue Land Use Code is hereby amended to read as follows:

B. Expiration of Vested Status of Land Use Permit or Approval.

1. The vested status of a land use permit or approval shall expire as provided in subsection B.2 of this section; provided, that:
 - a. Variances shall run with the land in perpetuity if recorded with King County Department of Records and Elections within 60 days following the City's final action; and
 - b. Critical Areas Land Use Permits shall expire as set forth in LUC 20.30P.150; and
 - c. Lots in a subdivision or short subdivision shall be vested against changes in the Land Use Code, except for changes that address a serious threat to the public health or safety as found by the City Council when such change is adopted, for a period of five years following the date of recording of the final plat or final short plat; and
 - d. The time period established pursuant to subsection B.2 of this section shall not include the time during which an activity was not actively pursued due to the pendency of litigation which may materially affect rights of the applicant for the permit or approval related to that permit or approval;
 - e. Expiration of shoreline permits shall occur pursuant to LUC 20.25E.250.C; and
 - f. Expiration of Design Review approvals shall occur pursuant to LUC 20.30F.190.

Section 3. Severability. 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 4. Effective Date. This Ordinance shall take effect and be in force five (5) days after adoption and legal publication.

OPTION A

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

Robert Sepler, Assistant City Attorney

Attest:

Charmaine Arredondo, City Clerk

Published: _____