



MEMORANDUM

DATE: December 1, 2020

TO: Chair Hummer and Members of the East Bellevue Community Council

FROM: Liz Stead, Land Use Director
Trisna Tanus, Consulting Attorney
Development Services Department

SUBJECT: Public Hearing – Ordinance No. 6530

I. Introduction

On December 1, the East Bellevue Community Council (EBCC) will hold a public hearing and take action on Ordinance No. 6530 imposing an Interim Official Control (IOC) tolling time limitations for certain active Temporary Use Permits and suspending the restriction for application of certain successive Temporary Use Permits. The City Council adopted Ordinance No. 6530 on October 12. A copy of the Ordinance is provided as Attachment A. File No. 20-119913-AD.

II. Discussion

A. Background

The City Council adopted Ordinance No. 6530 to quickly respond to and provide relief for applicants for and holders of Temporary Use Permits. The Ordinance tolls the time limitation for active Temporary Use Permits and suspends the restriction for application of successive permits, thereby supporting applicants who rely on these permits to operate businesses and services during the COVID-19 pandemic and Safe Start Washington.

COVID-19 and Safe Start Washington

On February 29, Governor Inslee signed a Proclamation declaring a State of Emergency exists in all counties in the State of Washington due to the worldwide outbreak of COVID-19 and the effects of its extreme risk of person-to-person transmission, which significantly impacts the life and health of residents of the State of Washington's, as well as the state economy. After several months under a Stay Home – Stay Healthy Order, in May 2020, the Governor implemented a county-based four-phased reopening plan called Safe Start Washington.

On June 19, King County was approved to move to Phase 2 of Safe Start Washington, which allowed certain businesses to open and activities to take place, so long as they operated following social distancing and other health and safety requirements. On July 28, the Governor indefinitely paused counties progressing in the reopening phases under the state's Safe Start Washington plan due to the continued rise of cases and spread of coronavirus statewide. On November 16, the Governor rolled back all counties to further restrictions. The practical implications meant that

restaurants, retail stores, educational facilities, religious services, and other businesses and services still must limit their activities to a percentage of full capacities.

Temporary Use Permits

A Temporary Use Permit, Part 20.30M LUC, is a mechanism by which the City may permit a use to locate within the City on an interim basis without requiring full compliance with the development standards of the land use district or by which the City may permit seasonal or transient uses not otherwise permitted. Generally, per LUC 20.30M.145, a Temporary Use Permit is valid for up to 90 calendar days from the effective date of the permit. A property owner or other holder of a Temporary Use Permit may not apply for a successive Temporary Use Permit for 30 days following the expiration of an approved permit for that property per LUC 20.30M.150.

B. Ordinance No. 6530

The City has issued Temporary Use Permits for restaurants, retail stores, and entertainment companies to operate in outdoor parking lots and other spaces, in order to increase their overall capacities while remaining in compliance with Safe Start Washington's social distancing and other health and safety requirements. Additionally, the City has received inquiries and expects to receive applications for temporary uses for portable structures from educational institutions, as well as comparable inquiries and applications from healthcare providers for drive-in or drive-through medical services.

With the long duration of Safe Start Washington and the indefinite pause in the reopening phases, active Temporary Use Permits as well as any new permits will expire prior to King County completing Safe Start Washington. Also, a permit holder with an expiring permit will not be able to maintain continuous operations due to the restriction on successive applications.

Ordinance No. 6530 imposes an IOC to provide relief for applicants for and holders of Temporary Use Permits who rely on these permits to operate their businesses and services. For Temporary Use Permits related to mitigating the impacts of COVID-19 and Safe Start Washington, the IOC tolls the time limitation for active permits and suspends the restriction for applications of successive permits until King County completes Safe Start Washington. In essence, permit holders will still have the full duration of their permits remaining and be able to apply for successive permits as needed to adjust to new circumstances at the end of Safe Start Washington.

C. EBCC Jurisdiction

The EBCC jurisdictional area (Attachment B) contains primarily residential Land Use Districts, with neighborhood commercial pockets. As of the writing of this Memo, there is no active or applications for Temporary Use Permits in the EBCC area.

III. Comprehensive Plan

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 amendment to them, are discussed below:

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

Finding: The City of Bellevue has adopted several policies that support tolling time limitations for certain active Temporary Use Permits and suspending the restriction for application of certain successive Temporary Use Permits:

Economic Development Goal: *To support a strong local economy with opportunities for all to prosper consistent with a high quality of life and a sustainable natural environment.*

Policy ED-5. *Develop and maintain regulations that allow for continued economic growth while respecting the environment and quality of life of city neighborhoods.*

Policy ED-6. *Strive to provide an efficient, streamlined, timely, predictable and customer-focused permit processes, conducted in a manner that integrates multiple city departments into a coordinated entity, recognizing the role of development in creating places for economic activity.*

Policy ED-21. *Support economic development in the city's commercial areas.*

Land Use Goal: *To develop and maintain a land use pattern that protects natural systems and retains trees and open space; maintains and strengthens the vitality, quality and character of Bellevue's neighborhoods; and focuses development activity in Downtown and other commercial and residential centers.*

Policy LU-12. *Promote maintenance and establishment of small-scale activity areas within neighborhoods that encourage pedestrian patronage and provide informal opportunities for residents to meet.*

Policy LU-17. *Maintain areas for shopping centers designed to serve neighborhoods, recognizing their multiple roles: serving residents' needs, acting as community gathering places, and helping to establish neighborhood identity.*

Policy LU-29. *Help communities to maintain their local, distinctive neighborhood character, while recognizing that some neighborhoods may evolve.*

Neighborhoods Goal: *To maintain and enhance the high quality of life in Bellevue's distinctive neighborhoods.*

Policy N-1. *Maintain neighborhoods as safe and welcoming environments for everyone to enjoy.*

Policy N-9. *Preserve and develop distinctive neighborhood character within Bellevue's diverse neighborhoods.*

When Council adopted the interim official control on October 12, Council expressed a strong interest to quickly respond to and provide relief for applicants for and holders of Temporary Use Permits who rely on these permits to resume and operate businesses and services. The interim official control supports many Comprehensive Plan policies by tolling the time limitation for active Temporary Use Permits and suspending the

restriction for application of successive permits, thereby supporting these applicants and permit holders during the COVID-19 pandemic and Safe Start Washington. At the same time, this interim official control will help to mitigate decreased tax revenues, underutilized properties and businesses, and short and long-term impacts associated with suspended activities and closed businesses.

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

Finding: The amendment will enhance the public health, safety and welfare of people by quickly responding to and providing relief for applicants for and holders of Temporary Use Permits who rely on these permits to resume and operate businesses and services. The amendment will apply to Temporary Use Permits impacted by COVID-19 and Safe Start Washington. The amendment will also help to mitigate decreased tax revenues, underutilized properties and businesses, and short and long-term impacts associated with suspended activities and closed businesses.

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

Finding: The amendment is not contrary to the interests of citizens and property owners as it will quickly respond to and provide relief for applicants for and holders of Temporary Use Permits who rely on these permits to resume and operate businesses and services. This amendment will toll the time duration for active Temporary Use Permits and suspend the restriction for application of successive permits, when these permits are related to mitigating the impacts of COVID-19 and Safe Start Washington.

III. Action requested of the EBCC

Following the public hearing and review of Ordinance No. 6530, the EBCC is requested to adopt Resolution No. 580 approving Ordinance No. 6530.

Staff will be present at the December 1 public hearing to answer any questions you may have. If there are questions before this meeting, please contact Liz Stead, 452-2725 or at estead@bellevuewa.gov, or Trisna Tanus, 452-2970 or at ttanus@bellevuewa.gov.

ATTACHMENTS:

- A. Ordinance No. 6530
- B. EBCC Jurisdictional Area