

## CITY COUNCIL REGULAR SESSION

Public Hearing and Ordinance extending an Interim Official Control adopted by Ordinance No. 6530, tolling time limitations for certain active Temporary Use Permits, and suspending the restriction for application of certain successive Temporary Use Permits; providing for severability; and establishing an effective date.

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## EXECUTIVE SUMMARY

On October 12, 2020, Council adopted Ordinance No. 6530 (Attachment A) imposing an Interim Official Control, which tolled time limitations for certain active Temporary Use Permits and suspended the restriction for application of certain successive Temporary Use Permits.

Per the requirements of the Growth Management Act (GMA), specifically RCW 36.70A.390, the City may extend an Interim Official Control for an additional six-month period if a subsequent public hearing is held and findings of fact are made prior to each renewal. This Interim Official Control has responded to and provided relief for applicants for and holders of Temporary Use Permits who rely on the permits to resume and operate businesses and services during the COVID-19 pandemic and the Washington State phased reopening or Safe Start Washington. Extending this Interim Official Control is necessary to mitigate the continuing impacts and limitations of COVID-19 and Safe Start Washington.

## RECOMMENDATION

Move to hold the Public Hearing on Ordinance No. 6574 extending the Interim Official Control adopted by Ordinance No. 6530 and following the Public Hearing. Move to adopt Ordinance No. 6574.

## BACKGROUND/ANALYSIS

### Interim Regulations

This Interim Official Control has quickly responded to and provided relief for applicants for and holders of Temporary Use Permits. The permit holders rely on the permits to resume and operate businesses and services during the limitations of COVID-19 and Safe Start Washington. This Interim Official Control tolls the time duration for active Temporary Use Permits and suspends the restriction for application of successive permits when these permits are related to mitigating the impacts of COVID-19 and Safe Start Washington.

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.

During the COVID-10 pandemic and Safe Start Washington, 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 social distancing and other health and safety requirements. With the impacts and limitations of COVID-19 and Safe Start Washington continuing, some Temporary Use Permits will expire shortly after this Interim Official Control ends. Thus, an extension of the Interim Official Control is necessary to prevent these permits from expiring.

#### Process Requirements for an Interim Official Control

On October 12, Council adopted an Interim Official Control tolling time limitations for certain active Temporary Use Permits and suspending the restriction for application of certain successive Temporary Use Permits. Per the requirements of the GMA and RCW 36.70A.390, Council held a Public Hearing on the adoption of Ordinance No. 6530 within 60 days of the enactment, on November 16.

Under the terms of RCW 36.70A.390, the Interim Official Control adopted by Ordinance No. 6530 remains in effect for a period of six months and will expire on April 12. The Interim Official Control may be renewed for additional six-month periods, but only if the City holds a subsequent public hearing and makes findings of fact prior to each renewal. During the public hearing scheduled for April 12, Council will receive and consider public comment and testimony, which will satisfy the requirements necessary to extend the Interim Official Control for an additional six-month period.

#### Upcoming Steps:

- At the April 12 meeting, Council will hold a public hearing to consider approving an extension of the Interim Official Control for an additional six months, to October 12.
- If Council adopts the Ordinance extending the Interim Official Control on April 12, the East Bellevue Community Council (EBCC) will be asked to hold a Public Hearing on May 4 and approve/disapprove the extension Ordinance within the EBCC jurisdiction.

## **POLICY & FISCAL IMPACTS**

### **Policy Impact**

This Interim Official Control has quickly responded to and provided relief for applicants and holders of Temporary Use Permits who rely on these permits to resume and operate businesses and services. This Interim Official Control tolls the time duration for active Temporary Use Permits and suspends the restriction for application of successive permits when these permits are related to COVID-19 and Safe Start Washington. Extending this Interim Official Control is necessary to mitigate the continuing impacts and limitations of COVID-19 and Safe Start Washington.

### **Fiscal Impact**

While the consequences of expiring Temporary Use Permits could be financially devastating for property owners, business owners, and service providers, the City may also bear the burden in the form of including decreased tax revenues, underutilized properties and businesses, and short and long-term impacts associated with suspended activities and closed businesses.

## **OPTIONS**

1. Hold the Public Hearing on Ordinance No. 6574 extending the Interim Official Control adopted by Ordinance No. 6530, and following the Public Hearing, move to adopt Ordinance No. 6574.
2. Provide alternative direction to staff.

## **ATTACHMENTS & AVAILABLE DOCUMENTS**

A. Ordinance No. 6530

Proposed Ordinance No. 6574

## **AVAILABLE IN COUNCIL LIBRARY**

N/A