



DATE: May 4, 2021

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

FROM: Liz Stead, Land Use Director
Trisna Tanus, Consulting Attorney
Caleb Miller, Code and Policy Senior Planner
Development Services Department

SUBJECT: Public Hearing – Ordinance No. 6574

I. Introduction

On May 4, the East Bellevue Community Council (EBCC) will hold a public hearing and take action on Ordinance No. 6574, extending an Interim Official Control (IOC) 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. The City Council adopted Ordinance 6574 on April 12 (Attachment A). File No. 20-119913-AD.

II. Discussion

A. Background

On October 12, 2020, the City adopted Ordinance No. 6530 (Attachment B) imposing an IOC, which tolled time limitations for certain active Temporary Use Permits and suspended the restriction for application of certain successive Temporary Use Permits. The EBCC subsequently reviewed and approved the Ordinance on December 1, 2020.

The IOC tolls the time duration for certain active Temporary Use Permits, which would otherwise expire 90 days from the effective date of the permit per LUC 20.30M.145. The IOC also suspends the restriction under LUC 20.30M.150, which prohibits the application of successive Temporary Use Permits within 30 days of expiration of the initial permit. The IOC applies to those Temporary Use Permits when they 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. As a result of the IOC, Temporary Use Permit holders and potential applicants, which include restaurants, retail stores, and entertainment companies, are provided relief from time constraints associated with Temporary Use Permits during the COVID-19 pandemic and Safe Start Washington protocols.

B. Ordinance No. 6574

Under the requirements of the Growth Management Act, specifically RCW 36.70A.390, the IOC adopted by Ordinance No. 6530 remains in effect for a period of six months after adoption, but may be renewed for an additional six-month period provided a subsequent public hearing is held and findings of fact are made prior to each renewal.

On April 12, the City Council held a public hearing and adopted Ordinance No. 6574 extending the IOC for an additional six months.

C. EBCC Jurisdiction

The EBCC jurisdictional area contains primarily residential Land Use Districts, with neighborhood commercial pockets (Attachment C). 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 have been addressed in the initial adoption of the IOC in the October 29, 2020 Staff Report (Attachment D).

III.Action requested of the EBCC

Following the public hearing and review of Ordinance No. 6574, the EBCC is requested to adopt Resolution No. 590 approving Ordinance No. 6574.

Staff will be present at the May 4 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. 6574
- B. Ordinance No. 6530
- C. EBCC Jurisdictional Area
- D. Staff Memorandum to EBCC for Public Hearing on Ordinance No. 6530