



# Re-Establishing Building Permit Application Vesting

## *Building Division Interpretations and Procedures*

<b>Index Number:</b>	BCC-2024-001
<b>Issue Date:</b>	January 17, 2024
<b>Code:</b>	BCC
<b>Section:</b>	23.05.090.H & 20.05.090.F

### Background

Bellevue City Code (BCC) 23.05.090.H establishes time limits for building permit applications. Time limits on applications help ensure that, as the codes change, new buildings conform to reasonably contemporaneous requirements for life safety, energy conservation, and accessibility. Compliance with current codes also ensures that buildings are constructed to codes that are not far outdated by the time the project is completed and that project-level construction is consistent with current state and local policy decisions. However, due to many factors, projects may need additional time prior to issuance beyond the timelines set by the code from the original submittal date. Typically, a significant investment has been made in the design and permitting of these applications.

This policy allows projects to re-establish their building permit application under certain conditions while maintaining conformance with the currently adopted building codes. To ensure that the re-established application is processed correctly, the proposal to re-establish the application must be discussed with your building plan reviewer and permit processing prior to any submittal to re-establish the application.

### Policy

In order to re-establish the building permit application, maintain vesting under currently adopted building codes, and extend permit application expiration timelines, the applicant must submit a new permit application that complies with the following requirements:

1. The codes that were in effect at the time of original application submittal must still be in effect at the time of the new application submittal. This policy cannot be used after the effective date of any City adoption of new Building, Fire, Mechanical, Plumbing, Electrical, Accessibility, or Energy Conservation codes.

2. A statement confirming that the intent to re-establish the building permit application has been discussed with the building plan reviewer and/or building plan review supervisor prior to the submittal of the new application.
3. The plans and documents submitted to the new permit application must not include any design changes from what was submitted most recently under the existing permit except changes made in response to city review comments.
4. The estimated project valuation submitted with the new application should match the valuation that was indicated on the previous application.
5. Where a project is following a phased permitting approach per BCC 23.05.090.F.3, a new phasing plan must be submitted and approved prior to the submittal of the new permit application to re-establish vesting for the project.

If the prior requirements have been satisfied, then the Building Official will allow the project to re-establish the application under the new permit number and will cancel the existing application(s). Re-establishment of the application and the cancellation of the existing application in compliance with this policy will extend permit application expiration timelines and allow the project to maintain vesting under currently adopted building codes during this extended time period. Where the existing building permit application maintains the vested status of a city Land Use decision in accordance with LUC 20.40.500, that vested status will continue under the new building permit application consistent with LUC 20.40.500.

### **Fees For the New Permit Application**

Because the project design will not change as a part of the re-establishment process, the intake fees for the new permit application will be as indicated below. Note that all fees will be based on the fee schedule that is current at the time of the new permit application.

- The Operations Fee indicated in the current fee schedule will apply to the new application and be due as a part of permit application intake.
- For fees charged at an hourly rate, no additional deposit will be required. Any remaining deposit from the previous permit will be applied to the new permit. Any new hourly review will be charged against that deposit or as new hourly fees.
- One-time flat review fees will be calculated at the difference between the current amount and the amount that was required at the time of the initial submittal.
- No additional intake fee will be required for the building review estimate.

### **Associated Permits**

Building permit applications have other permit applications or required City approvals that are related to the building permit, like Clearing and Grading, Utilities, Right of Way, Fire, and Mechanical. Where this policy is used to re-establish a building permit application, the associated

permits will take on the application life of the new building permit. The applicant is not required to cancel and re-apply for each of the associated permits as those permits will remain active under their original permit application numbers. It is important that the City is aware of all associated permits with the project, and the applicant should identify and discuss any associated permits when completing Requirement 1 of this policy as indicated above.

### Projects Using Phased Permitting

Many of the more complex projects utilize a phased permitting approach in accordance with BCC 23.05.090.F.3. Under this code section, a project can have multiple building permits under a shared phasing plan. This phasing plan allows for permits that are submitted at a later date and in compliance with BCC 23.05.090.F.3 to associate with the original permit application and, as a result, vest to the same codes that are in effect at the time of the first completed permit application.

Where a project using a phased permitting approach requests re-establishment of the building permit application under this policy, the phasing plan will need to be revised to show the new schedule for permitting. As noted in Requirement 5 of this policy above, the updated phasing plan must be approved by the City prior to the submittal of the new building permit application that seeks to re-establish the existing building permit application. Please contact your building reviewer to begin the process of revising the phasing plan. As described in the associated permit section above, only the building permits are required to be re-established. All other associated permits will remain active under their original permit applications.

Where all requirements have been satisfied for projects using phased permitting, the Building Official will cancel all submitted building permit applications for the project that are required to be re-established. The resubmittal of the subsequent building permit applications shall be submitted in accordance with the phasing plan and BCC 23.05.090. F.3.a. Any fees previously paid on the cancelled permits will be held and applied to the future permit re-submittals.

Signature Gregg Schrader Date: 01/17/2024

Gregory H. Schrader, PE, SE, Building Official

Attachments  Supersedes: \_\_\_\_\_