



## BUSINESS OF THE CITY COUNCIL CITY OF MERCER ISLAND

**AB 5984**  
**December 7, 2021**  
**Regular Business**

### AGENDA BILL INFORMATION

<b>TITLE:</b>	AB 5984: Ordinance No. 21C-25, updating interim development regulations to allow more outdoor seating for eating and drinking establishments, adopting a work plan, and setting a Public Hearing date.	<input type="checkbox"/> Discussion Only <input checked="" type="checkbox"/> Action Needed:
<b>RECOMMENDED ACTION:</b>	Adopt Ordinance No. 21C-25 providing temporary measures to allow more outdoor seating for eating and drinking establishments	<input checked="" type="checkbox"/> Motion <input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> Resolution

<b>DEPARTMENT:</b>	Community Planning and Development
<b>STAFF:</b>	Jeff Thomas, Interim Director Sarah Bluvass, Economic Development Coordinator
<b>COUNCIL LIAISON:</b>	Jake Jacobson                      Craig Reynolds
<b>EXHIBITS:</b>	1. Ordinance No. 21C-25
<b>CITY COUNCIL PRIORITY:</b>	3. Implement an economic development program.

### SUMMARY

[Ordinance No. 21C-16](#) was adopted on July 6, 2021, to update the interim development regulations to allow more outdoor seating for eating and drinking establishments. The City Council held the required Public Hearing on August 31, 2021, and also directed staff to return with a work plan for identifying a more long-term solution for enabling outdoor dining. Tonight, staff seek adoption of Ordinance No. 21C-25 (Exhibit 1), which permits outdoor seating for one year, establishes a work plan for identifying a long-term solution, and sets a Public Hearing date of January 18, 2022, as required by statute for interim zoning and official controls.

### BACKGROUND

Ordinances [20C-17](#), [21C-03](#), and [21C-16](#) allowed existing eating and drinking establishments impacted by indoor dining restrictions from the COVID-19 pandemic to temporarily use public Right-of-Way (ROW) and private parking spaces to expand their outdoor footprint. These ordinances were adopted in response to the negative impacts caused by the COVID-19 pandemic and ongoing public reluctance to dine indoors. One local establishment is currently permitted to use ROW to create outdoor seating, and at least three other businesses worked with their property managers to develop other outdoor seating alternatives under these provisions.

Following the adoption of Ordinance No. 21C-16, the City Council requested that staff return with a long-term solution for supporting outdoor dining needs. The current program is enabled by an interim amendment to [MICC 19.06.050](#) and a temporary waiver of parking requirements for eating and drinking establishments. Implementing a long-term solution will require permanent code amendments. Following the Public Hearing on August 31, staff recommended delaying any permanent code changes until the City had engaged the consultant for the forthcoming Town Center Parking Study, which will include a code audit and exploration of

opportunities for ROW and private parking activations, including the potential long-term use of ROW for outdoor dining ([AB 5930](#)).

The City is authorized under RCW 35A.63.220 and 36.70A.390 to pass an interim zoning and official control ordinance for up to one year if a work plan is developed for related studies providing such a longer period. Therefore, tonight staff recommend the adoption of Ordinance No. 21C-25, which will continue the current interim regulations enabling more outdoor dining for one year and establishes a work plan for reaching a long-term solution by the end of 2022. Finally, because the effective period of the interim zoning and official controls precludes a second reading, the Council is requested to adopt Ordinance No. 21C-25 at first reading pursuant to Council Rules of Procedure 6.3(C).

#### **NEXT STEPS**

Upon adoption of this Ordinance, staff will alert the current permit-holder of the renewal process as well as continue marketing the outdoor seating opportunities through the City's business outreach channels. In addition to the commerce on public property permit, businesses will also be required to provide a certificate of insurance and indemnification (hold harmless).

#### **RECOMMENDATION**

Adopt Interim Ordinance No. 21C-25 updating interim regulations to allow more outdoor seating for eating and drinking establishments, establishing a work plan, and setting a Public Hearing date of January 18, 2022.