

INTERIM ORDINANCE TO FACILITATE OUTDOOR SEATING

Despite the progress towards reopening, staff anticipate that local businesses will still need support to fully recover from the impacts of the pandemic. Neighboring communities have extended their outdoor dining opportunities, and Mercer Island business owners and residents have also advocated for keeping the interim regulations in place to boost local business activity and enhance quality of life experiences in Town Center and the South End business district. Staff recommend continuing the interim regulations for six more months, which would allow businesses to continue using outdoor space and staff and Councilmembers to explore a path for formalizing outdoor seating regulations.

Like its predecessors, Interim Ordinance No. 21C-16 (Exhibit 1) enables the following:

1. Temporarily allows existing eating and drinking establishments to obtain a permit to operate on public property with the approval of the Code Official (interim amendment to [MICC 19.06.050](#) Commerce on public property); and
2. Temporarily adjusts parking requirements in commercial areas, enabling existing eating and drinking establishments to work with landlords/property owners to repurpose private, off-street parking for temporary outdoor seating.

The estimated cost for review of the commerce on public property permit is \$290.46. This one-time permit fee is based on a standard hourly rate for Right-of-Way permit review.

Finally, because indoor seating restrictions will have lifted by the time the Council considers this Interim Ordinance, this Ordinance needs to repeal and replace Ordinance 21C-03 as soon as possible, which will be delayed with a second reading of the Ordinance. Staff therefore asks the Council to adopt Ordinance 21C-16 at first reading.

If adopted, Interim Ordinance 21C-16 will remain in effect for six months and repeal previously adopted Ordinance 21C-03, which is only effective while indoor seating is restricted to 75% or less. Permits issued under the Ordinance 21C-03 will remain valid until their issued expiration dates. The Interim Ordinance also sets a Public Hearing for August 31, 2021, at which time the City Council will receive public testimony and have the option to make additional findings and amendments to the Interim Ordinance if desired.

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). Finally, staff plan to return later this year to discuss pilot project opportunities to extend and/or formalize these regulations for a longer time horizon.

RECOMMENDATION

Adopt Interim Ordinance No. 21C-16 updating and replacing interim regulations to allow more outdoor seating for eating and drinking establishments during the declared COVID-19 emergency and setting a Public Hearing date of August 31, 2021.