

PCB 25-13

Permanent Regulations for Commerce on Public Property and Temporary Uses and Structures on Private Property

Mercer Island Planning Commission

July 23, 2025

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Community Planning & Development



Purpose & Process

- Planning Commission continued deliberations and recommendation
 1. Presentation
 2. Deliberations
 - Secondary motions for A & B
 - Secondary motions for Minor & Substantive
 3. Recommendation



Background

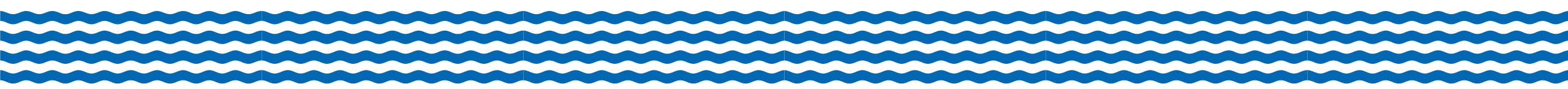
- February 26, 2025: Planning Commission briefing on interim regulation background and draft code
- June 10, 2025: Public Hearing, Planning Commission motion and direction by consensus
- July 23, 2025: Continued deliberations and recommendation



June 10, 2025 Public Hearing

- The PC made motions to recommend the following Log Numbers from PCB25-12x2 be incorporated into the draft:

- | | | |
|------|-------|--------------------|
| • 1 | • 10 | • 15d (as amended) |
| • 2b | • 11a | • 17 |
| • 3b | • 12b | • 21 |
| • 6a | • 13b | • 22 |
| • 6b | • 14b | • 24 |
| • 7c | | |

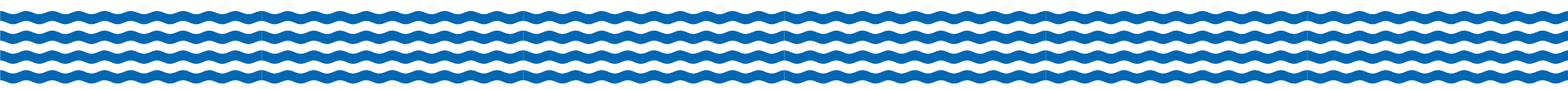


Planning Commission

Direction from June 10, 2025

Category **A**: Amendments in response to PC feedback on Buckets 1, 2, and 3

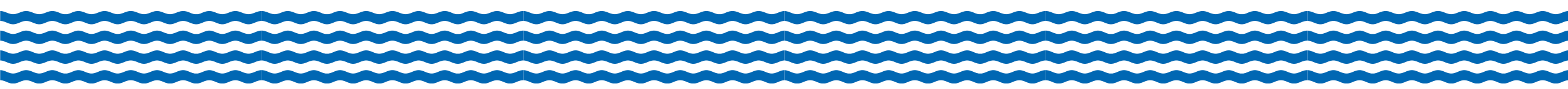
- Bucket 1 – Exemptions (**A1**)
 - 7 days over 90-day period for those that do comply with underlying regulations
 - 48 hours for those that do not comply
 - No restrictions on the size of tents associated with various sales



Planning Commission

Direction from June 10, 2025

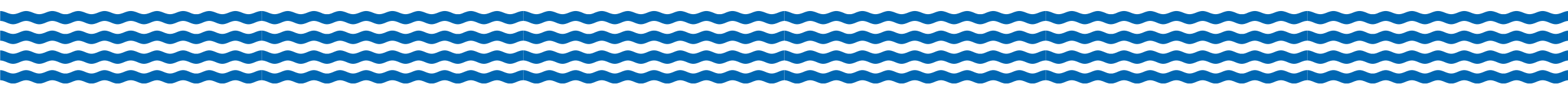
- Bucket 2 – “Normal” Temporary Uses (**A2**)
 - Type II land use review
 - Valid for 5-years, subject to renewal up to four times (expires after 20 years)
 - Must meet underlying development standards
 - No additional criteria over and above the criteria in the draft



Planning Commission

Direction from June 10, 2025

- Bucket 3 – Temporary Use “Deviations” (**A3**)
 - Type III land use review
 - Valid for 5-years, subject to renewal up to four times under a Type II land use review (expires after 20 years)
 - Criteria should address screening, setbacks, building height, and public benefit



Category B

- Includes 8 amendments recommended by Staff (B1-B8)





Deliberations

Main Motion

“Move to recommend that the City Council adopt the proposed amendments to MICC 19.06.050 – Commerce on public property as amended; proposed new section MICC 19.06.130 – Temporary use permits as amended; and proposed amendments to MICC 19.15.030 – Land use review types as amended.”



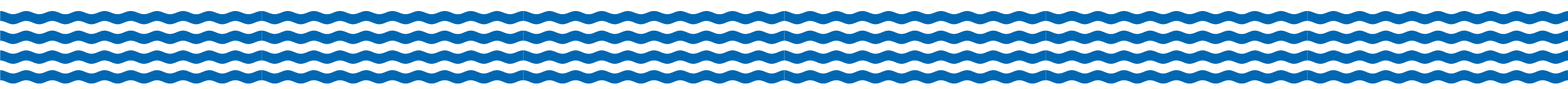
Secondary Motions

Secondary Motion 1:

“Move to approve the amendments listed under Category A as presented in PCB 25-13.”

Secondary Motion 2:

“Move to approve the amendments listed under Category B as presented in PCB 25-13.”

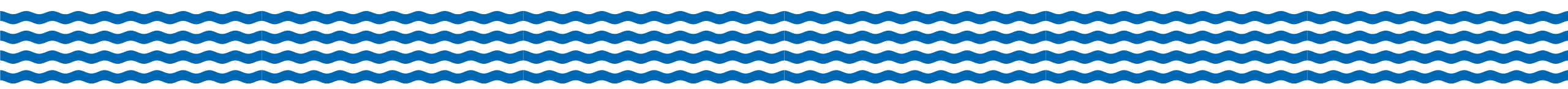


Minor Amendments – Staff Recommended

- MICC 19.06.050(E):
 - A permit to operate a private business on public property shall be subject to design review ~~reviewed and approved by the design commission~~; provided, that occasional, temporary business operations involving temporary structures and/or temporary right-of-way obstructions may be approved by the code official. ~~Permit applications from one or a group of existing eating and drinking establishments at Mercer Island to temporarily operate private business on public property during the effective period set forth in section 6 of Ordinance No. 21C-25 shall be considered to be temporary, and they may be approved by the code official without review or approval by the design commission.~~ Permit applications from existing eating and drinking establishments at Mercer Island to temporarily provide outdoor food and beverage service on public property adjacent to the eating and drinking establishment shall be considered to be temporary, and they may be approved by the code official ~~without review or approval by the design commission.~~

Minor Amendments – Staff Recommended

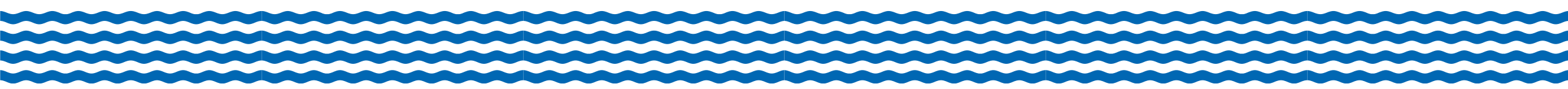
- MICC 19.15.030 Table A:
 - Move “Temporary structure deviation” from Type IV to Type III to align with the rest of the draft and PC direction from June 10, 2025.



Matrix – Minor Amendments

- The Matrix filled in by PC contains 14 amendments which were classified as Minor. These amendments are:
 - 3, 13*, 14, 15, 18, 22, 25, 27*, 30, 34, 46, 47, 54, and 55

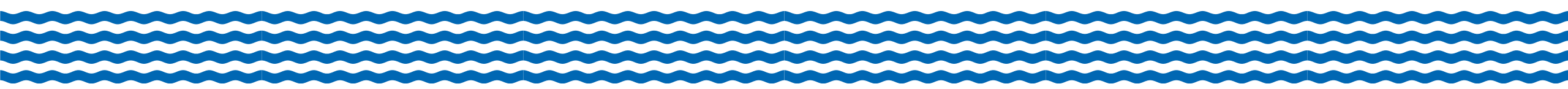
*Staff recommended alternatives



Secondary Motions

Secondary Motion 3:

“Move to approve the amendments listed under “Minor” as presented in the Matrix.”



Matrix – Substantive Amendments

- Substantive: 29 and 43
- Substantive – Not recommended: 2, 4, 11, 21, 35, 42, 52, 53
- Substantive – Not consistent with docketed scope: 5, 6, 9, 28, 31, 48, 49
- Substantive – Previously resolved: 16, 23, 37, 38, 39, 40, 41, 45, 51

