



BUSINESS OF THE CITY COUNCIL CITY OF MERCER ISLAND

AB 6187
November 15, 2022
Regular Business

AGENDA BILL INFORMATION

TITLE:	AB 6187: Public Hearing on Ordinance No. 22C-18, Extending Interim Development Regulations to Allow Outdoor Dining Expansion by Eating and Drinking Establishments.	<input type="checkbox"/> Discussion Only <input checked="" type="checkbox"/> Action Needed: <input checked="" type="checkbox"/> Motion <input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> Resolution
RECOMMENDED ACTION:	Conduct the public hearing and set Ordinance No. 22C-18 for a second reading and adoption on December 6, 2022.	

DEPARTMENT:	Community Planning and Development
STAFF:	Jeff Thomas, Interim CPD Director Sarah Bluvas, CIP Project Manager
COUNCIL LIAISON:	n/a
EXHIBITS:	1. Ordinance No. 22C-18
CITY COUNCIL PRIORITY:	3. Implement an economic development program.

AMOUNT OF EXPENDITURE	\$ n/a
AMOUNT BUDGETED	\$ n/a
APPROPRIATION REQUIRED	\$ n/a

EXECUTIVE SUMMARY

The purpose of this agenda bill is to conduct a public hearing and review Ordinance No. 22C-18, which authorizes the continuation of interim regulations that allow local eating and drinking establishments to expand outdoor dining into public rights-of-way (ROW) and private parking spaces. Pursuant to [RCW 35A.63.220](#) and [RCW 36.70A.390](#), a public hearing must be scheduled within 60 days of passing the interim ordinance.

- In December 2021, the City Council adopted [Ordinance No. 21C-25](#), which continued interim regulations to allow Mercer Island eating and drinking establishments to temporarily use public ROW and private parking to expand their outdoor dining footprint.
- Ordinance No. 21C-25 and previous ordinances (Ordinance Nos. [20C-17](#), [21C-03](#), and [21C-16](#)) were adopted to provide flexible alternatives for restaurants on Mercer Island in response to the impacts of the COVID-19 pandemic.
- The current interim regulations took effect on January 7, 2022 and expire on January 6, 2023.
- On Tuesday, the City Council will conduct the required public hearing and complete the first reading of Ordinance No. 22C-18 (Exhibit 1) to continue the interim regulations through July 1, 2023.

BACKGROUND

On October 18, 2022, City staff updated the City Council on progress made and issues related to permanent development regulations allowing Mercer Island eating and drinking establishments to expand outdoor dining into public ROW and private parking. Staff planned to present a code amendment to the Planning Commission in September 2022. However, after learning that the Washington State Liquor and Cannabis Board's temporary allowances for outdoor alcohol service expire on July 1, 2023, staff paused the code work to evaluate alternatives. After receiving this update, the City Council voted unanimously to direct staff to return with an updated ordinance to extend the current interim regulations (see [AB 6168](#) for additional background).

ISSUE/DISCUSSION

Pursuant to [RCW 35A.63.220](#) and [RCW 36.70A.390](#), a public hearing must be scheduled within 60 days of passing an interim ordinance. On Tuesday night, the City Council will hold the required public hearing to receive public comment on Ordinance No. 22C-18. Following the public hearing, the Council will conduct the first reading of the ordinance.

NEXT STEPS

If the Council desires, staff will return on December 6, 2022, to complete the second reading of Ordinance No. 22C-18 and seek adoption of the ordinance. Upon adoption, the renewed interim development regulations will take effect January 7, 2023.

RECOMMENDED ACTION

Conduct the public hearing and set Ordinance No. 22C-18 for a second reading and adoption on December 6, 2022.