

On January 11, 2021, Governor Inslee’s “Healthy Washington – Roadmap to Recovery” plan went into effect and required businesses to return to stricter measures. On February 1, 2021, King County entered Phase 2 of the Healthy Washington plan and eating and drinking establishments can now operate indoor dining at 25% capacity.

EMERGENCY ORDINANCE TO FACILITATE OUTDOOR SEATING

Governor Inslee has not announced additional phases or a new plan to follow the Healthy Washington – Roadmap to Recovery plan. Because the plan limits indoor dining, staff believe it is still necessary to provide measures that allow additional outdoor space for local eating and drinking establishments. Like its predecessor, Ordinance No. 21C-03 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 \$347.63. This one-time permit fee is based on a standard hourly rate for Right-of-Way permit review. The fee amount also aligns with fees identified by other neighboring communities (e.g. Bothell, Redmond, Renton, and Tukwila) offering similar solutions to assist small businesses.

Ordinance 21C-03 will remain in effect for six months following adoption. It also sets a Public Hearing date for April 6, 2021, at which time the City Council will receive public testimony and make amendments to the Ordinance if desired. Based on continued need, the City Council may also consider future renewal of these interim development regulations in up to 6-month intervals.

NEXT STEPS

Upon adoption of this Ordinance, staff will alert the business community that the temporary permit is available through a variety of channels, including the City’s business outreach list (900+ e-mail contacts) and the Chamber of Commerce channels (400+ e-mail contacts). Community Planning and Development staff will alert previous permit-holders of the need to renew their permit and are prepared to facilitate this process as quickly as possible. 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

1. Suspend the City Council Rules of Procedure 6.3, requiring a second reading of an ordinance.
2. Adopt Ordinance No. 21C-03 establishing interim development regulations to allow more outdoor seating for eating and drinking establishments and setting a Public Hearing date of April 6, 2021.