



**BUSINESS OF THE CITY COUNCIL
CITY OF MERCER ISLAND**

**AB 6488
June 4, 2024
Public Hearing**

AGENDA BILL INFORMATION

TITLE:	AB 6488: Ordinance to Adopt Interim Regulations for Temporary Uses and Structures Including Outdoor Dining.	<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 public hearing and schedule second reading of Ordinance 24C-07 for June 18, 2024.	

DEPARTMENT:	Community Planning and Development
STAFF:	Jeff Thomas, Community Planning and Development Director Molly McGuire, Senior Planner
COUNCIL LIAISON:	n/a
EXHIBITS:	1. Ordinance No. 24C-07
CITY COUNCIL PRIORITY:	n/a

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

EXECUTIVE SUMMARY

The purpose of this agenda bill is to have the City Council conduct a public hearing and complete the first reading of Ordinance No. 24C-07 (Exhibit 1) to adopt interim regulations for temporary uses and structures including outdoor dining and a work plan for adopting permanent regulations.

- Interim regulations will be established for temporary uses and structures on real property not owned by the City of Mercer Island (“private property”) and will continue to allow for outdoor dining use within the public right-of-way and private parking spaces.
- Temporary uses and structures on real property owned by the City of Mercer Island will continue to be authorized through the existing Special Event Permit process managed by the Recreation Division in the Public Works Department.
- Other temporary uses and structures within the public right-of-way will continue to be permitted through the existing Right-of-Way Permit process.
- With the adoption of the work plan in Ordinance No. 24C-07, the interim regulations will be in effect for a period of up to one year until permanent regulations can be adopted.

BACKGROUND

The Mercer Island City Code (MICC) lacks regulations for temporary uses and structures, which results in a gap in allowed and regulated uses that are not considered to be permanent. The standards for permanent development in the MICC don't align with applications for uses and structures that are intended to be temporary. Often these standards are too restrictive and would potentially prohibit certain uses and structures that would benefit Mercer Island residents, like mobile food vendors or air-supported temporary structures, to allow for off-season use of outdoor sports facilities.

On December 5, 2023, the City Council passed [Resolution No. 1655](#) setting the 2024 Docket, which added Comprehensive Plan and MICC development regulation amendments to the City's work program. Separate proposals by both the City of Mercer Island as well as the Mercer Island Country Club to docket code amendments to establish temporary use and structure regulations were approved by City Council. After discussing the prioritization of the Mercer Island Country Club docketed item at its March 1, 2024 Planning Session, City Council directed staff to proceed with developing interim regulations to address both docketed items and renew the existing interim regulations for outdoor dining at its regular business meeting on April 2, 2024.

The City first adopted interim regulations to allow local eating and drinking establishments to expand outdoor dining into public rights-of-way (ROW) and private parking spaces in 2020 during the COVID-19 Pandemic to align with the adoption of temporary regulations on outdoor sales of liquor by the Washington State Liquor and Cannabis Board. These interim regulations were last renewed in June 2023 ([AB 6285](#)).

ISSUE/DISCUSSION

Ordinance No. 24C-07 proposes to establish and renew interim regulations to:

- Amend MICC [19.06.050](#) to permit temporary food and beverage service in the public right-of-way with a Right-of-Way Permit.
- Establish a new code section under MICC 19.06.130 for temporary uses and structures on private property.
- Amend MICC 19.15.030 Table A – Permit Review Types to include “Temporary Use Permit” as a Type I land use review.
- Authorize the temporary use of private parking spaces for outdoor dining and provide a temporary waiver of the minimum parking regulations for eating and drinking establishments identified in MICC [19.04.040](#) and MICC [19.11.130](#); and

Currently, the MICC is absent of regulations for temporary uses and structures on private property.

Ordinance No. 24C-07 will establish interim regulations to have a permitting process, allow for such uses and structures, provide standards, and set maximum allowed durations. The maximum durations for temporary uses and structures in the proposed interim regulations align with the maximum durations for temporary structures in the adopted construction codes under Section 108 in the International Construction Code and International Residential Code.

By including the renewal of interim regulations for outdoor dining in Ordinance No. 24C-07, the opportunity will continue for eating and drinking establishments to safely offer outdoor seating in the public right-of-way and private parking areas.

NEXT STEPS

After conducting the public hearing and completing the first reading, a second reading of Ordinance No. 24C-07 will be scheduled for June 18, 2024.

RECOMMENDED ACTION

1. Conduct a public hearing on Ordinance No. 24C-07.
2. Schedule second reading of Ordinance No. 24C-07 for June 18, 2024.