



BUSINESS OF THE CITY COUNCIL CITY OF MERCER ISLAND

AB 5930
August 31, 2021
Regular Business

AGENDA BILL INFORMATION

TITLE:	Public Hearing on Ordinance No. 21C-16 establishing interim development regulations to allow more outdoor seating for eating and drinking establishments.	<input checked="" type="checkbox"/> Discussion Only <input type="checkbox"/> Action Needed:
RECOMMENDED ACTION:	Conduct public hearing and receive staff presentation.	<input type="checkbox"/> Motion <input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution

DEPARTMENT:	Community Planning and Development
STAFF:	Jeff Thomas, Interim Director Sarah Bluvas, Economic Development Coordinator
COUNCIL LIAISON:	Jake Jacobson Craig Reynolds
EXHIBITS:	1. Ordinance No. 21C-16
CITY COUNCIL PRIORITY:	n/a

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

SUMMARY

[Ordinance No. 21C-16](#) updates and replaces the previous interim development regulations allowing local eating and drinking establishments the use of public property and private parking to expand outdoor seating. The updated ordinance permits outdoor seating for eating and drinking establishments during the declared COVID-19 emergency even if no indoor seating restrictions are effective. Tonight, the City Council will hold a public hearing to receive comments on Ordinance No. 21C-16. 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.

BACKGROUND

On July 6, 2021, the City Council adopted Ordinance No. 21C-16, which updated and replaced the interim development regulations previously allowed under [Ordinance No. 21C-03](#) (see [AB 5816](#) and [AB 5907](#) for additional background). Staff updated the terms of the existing Right-of-Way (ROW) permit held by a Town Center business and continue to message the outdoor dining opportunities via the City's business outreach list.

LONG-TERM SOLUTION FOR OUTDOOR DINING SUPPORT

Following the adoption of Ordinance No. 21C-16, the City Council requested that staff return with a long-term solution for supporting outdoor dining needs. The current program is enabled by an interim amendment to [MICC 19.06.050](#) and a temporary waiver of parking requirements for eating and drinking establishments. Implementing a long-term solution will require permanent code amendments.

The City is currently in the process of engaging a consultant to conduct a new Town Center Parking Study, which will include a code audit and exploration of opportunities for ROW and private parking activations, including the potential long-term use of ROW for outdoor dining.

The scope of work for the parking study and the long-term outdoor dining permanent code amendments may complement each other. Staff are therefore recommending engaging the parking study consultant before taking any further action on development of the long-term regulations for outdoor dining.

Staff will return in Q4 of 2021 to share next steps for implementing a longer-term outdoor dining program, with the goal of resolving the need before Ordinance No. 21C-16 expires on January 6, 2022.

RECOMMENDED ACTION

Conduct a Public Hearing on Ordinance No. 21C-16 establishing interim development regulations to allow more outdoor seating for eating and drinking establishments and receive staff presentation.