

Reminders:

- This form is for Planning Commission amendments related to the Temporary Uses and Structures draft code only.
- Submit amendments only, no commentary or discussion. Do not use this form for confidential matters.
- Include the code reference and your name. Enter each amendment on a separate line.
- Staff will prepare responses, as time allows, and provide the Planning Commission with the matrix document by July 22, 2025.
- The matrix for each meeting will also be appended to the Planning Commission packet and published online.

Log #	City Code	Received From	Amendment/Comment	Staff Response
1	19.06.050	JB Gibson	Where would temporary structures on parks (i.e. mostly music in the park) be regulated?	Question Temporary structures in parks are regulated through Special Event Permits by Parks & Recreation. You can find more information about these in PCB25-05 .
2	19.06.130(D)	JB Gibson	Propose to amend item #2 to add “within any given 90 day period” to the end.	Substantive – Not recommended This would effectively limit one property to one lemonade stand per summer. Staff recommend shortening the 90-day period if the PC wants to add this amendment to avoid being overly restrictive.
3	19.06.130(E)	JB Gibson	Propose to amend criteria to add: “a. The temporary use is allowable according to the development standards of the underlying zone applicable to the site on which the temporary use is located. b. Structures proposed for the temporary use comply with the development standards of the underlying zone applicable to the site on which the use is located”.	Minor Amendment MICC 19.06.130(E)(k) already requires the temporary use to comply with the applicable portions of MICC Title 19. This amendment would not change the requirements because all new development must meet the standards of the zone, except as provided in this code section.
4	19.06.130(F)	JB Gibson	Propose to amend criteria to add: The use, activity, or structure will be compatible with existing and planned uses on adjoining properties as determined by the reviewing authority. Compatibility determinations may consider noise, safety, visual effects, and operational characteristics.	Substantive – Not recommended This criterion does not set measurable standards and is expected to be difficult to administer. MICC 19.06.130(E)(1)(a) accomplishes something similar to the effect of the proposed language by requiring the use to not be detrimental to the public health, safety, or welfare, nor injurious to property or improvements in the vicinity of the temporary use. Without definition, compatibility would have to be determined on a case-by-case basis.

5	19.06.130(F)	JB Gibson	Propose to amend criteria to add: The maximum gross floor area for the site may increase by a maximum of 10%.	Substantive – Not consistent with docketed scope The temporary structures and uses code amendment was initially docketed to establish a regulatory framework to allow the Mercer Island Country Club to place a temporary membrane structure over their tennis courts. The amendment as proposed would establish a regulation that the temporary membrane structure cannot satisfy.
6	19.06.130(F)	JB Gibson	Propose to amend criteria to add: The maximum lot coverage for the site may increase by a maximum of 10%.	Substantive – Not consistent with docketed scope The temporary structures and uses code amendment was initially docketed to establish a regulatory framework to allow the Mercer Island Country Club to place a temporary membrane structure over their tennis courts. The amendment as proposed would establish a regulation that the temporary membrane structure cannot satisfy.
7	19.06.130(F)	JB Gibson	Staff Question: Does the MICC tennis bubble increase their lot coverage and/or GFA beyond the allowable limits? If so, by how much?	Question A temporary membrane structure would count toward lot coverage or gross floor area maximums. The maximum allowed GFA on the Mercer Island Country Club’s 242,480 sf lot is 8,000 sf. The existing building is 18,629 sf. The maximum allowed lot coverage is 96,992 sf (based on an assumed <15% slope). Existing lot coverage is 165,368 sf according to previous permits.
8	19.06.130(F)	JB Gibson	Staff Question: Item 2a exempts/ uses/structures owned or operated by the City. Section 19.03.130(A) states that this section only applies to temporary structures on private property. Is property owned and operated by the city by definition public? If so, then is this provision necessary?	Question A circumstance where the City operates a temporary use on private property is plausible. For example, the City could host an event at Aubrey Davis Park, which is not owned by the City.
9	19.06.130(F)	JB Gibson	Amend item #4 to read: “Yard setbacks may be reduced to zero feet only if adjacent to a property without an established residential use.”	Substantive – Not consistent with docketed scope The temporary structures and uses code amendment was initially docketed to establish a regulatory framework to allow the Mercer Island Country Club to place a temporary membrane structure over their tennis courts. The amendment as proposed would establish a regulation that the temporary membrane structure cannot satisfy.

				See also Staff Response to Item 10.
10	19.06.130(F)	JB Gibson	Staff Question: Does the zero feet setback conflict with fire code requirements?	Question If there is any conflict with fire code requirements, it would be resolved through MICC 19.06.130(E)(b).
11	19.06.130(F)	JB Gibson	Amend item #5 to read: “Temporary structures that exceed the area/bulk regulations of the underlying zone (lot coverage, setbacks, height limits, floor area ratio) shall limit the massing and position of the structure or ensure sufficient vegetative or equal screening from adjacent residentially zoned properties and public right of way to provide visual compatibility and architectural harmony of the neighborhood.”	Substantive – Not recommended The proposed amendment does not set clear and objective criteria for determining visual compatibility and architectural harmony. The state law specifically prohibits cities planning under the Growth Management Act (GMA) from establishing regulations for building design that are not clear and objective (RCW 36.70A)
12	19.06.130(G)	JB Gibson	Staff Question: If the permits are approved for a five year period, does the process for annual removal and reinstallation need to be documented in the regulation?	Question No, additional regulation would not be required. The annual removal of the temporary use after its permitted time period would be addressed by the conditions of approval proposed in MICC 19.06.130(J).
13	19.06.050(C1)	Nazim Nice	If the intent is to allow multiple events of shorter duration, then suggest this alternative: 1. Temporary uses and structures associated with commerce on public property operating for no more than a total of seven calendar days or less in any given 90-calendar day period do not require a permit. Nothing in this section exempts commerce on public property activities from compliance with the criteria in MICC 19.06.050(D), Criteria for permit. If intent is to allow a maximum of seven days once ever 90 days, suggest this alternative: 1. Temporary uses and structures associated with commerce on public property operating for no more than one continuous period of up to seven calendar days or less within any given 90-calendar day period do not require a permit. Nothing in this section exempts commerce on public property activities from compliance with the criteria in MICC 19.06.050(D), Criteria for permit.	Minor Amendment – Staff recommendation Staff recommend the first alternative proposed. This alternative is minor and clarifies the maximum term for commerce on public property not requiring a permit. The second alternative would be substantive, since it alters the period for operation of commerce on public property. If the Planning Commission wants to recommend this alternative, Log 13 would need to be pulled from the minor amendments and discussion and a motion is required.

14	19.06.050(D2)	Nazim Nice	The location of the private commerce on public property business activity does not create a safety, noise, or environmental hazard for motorists, bicyclists or pedestrians. (add missing period)	Minor Amendment
15	19.06.050(D2a)	Nazim Nice	The business private commerce on public property location maintains sufficient area for the free passage of deliveries, service access, and pedestrians per ADA standards, along sidewalks and access to other adjacent businesses.	Minor Amendment
16	19.06.050(D3c)	Nazim Nice	No music or sound is amplified. May be worth a little more discussion. Does this mean live music is acceptable (which may or may not be loud)? Virtually all music played from a speaker would be amplified. To meet this code, you'd have to play music from a wind-up music box, or an old-school gramophone. If we're just trying to regulate noise level, is that already covered by the reference to noise above this text? I think it is, so I'm suggesting we strike this. The business operation does not generate litter, noise or other nuisances that would be objectionable to the public or other businesses in the immediate area. Or are we trying to specify a maximum decibel level of sound or music? Are we after low volume sound from a speaker or low-volume unamplified live performances?	Substantive – Previously resolved This amendment was included in the draft at the June 10 public hearing. No motion was made to recommend or discuss this amendment (Log 9).
17	19.06.050(D3)	Nazim Nice	Is it implied that items a-e are all required, if applicable, or does this need to be explicitly stated? For example: The business operation does not generate litter, noise or other nuisances that would be objectionable to the public or other businesses in the immediate area. All of the following are required, if applicable:	Question Yes, it is clear that items a-e are required. Further amendment is not necessary to ensure that development must be consistent with a-e.
18	19.06.050(D4)	Nazim Nice	The location and design do not unreasonably obstruct the visibility of any adjacent businesses or their signage.	Minor Amendment

19	19.06.050(E)	Nazim Nice	There are several references to the design commission in this code. Since it was dissolved in 2025, it seems like this reference should be removed?	Question Amendments to address this are recommended and will be presented to the Planning Commission during the July 23 meeting, see PCB25-13.
20	19.06.050(G)	Nazim Nice	Is reapplication required or is reinstatement allowed, in case of lapse? Do either needed to be stated here?	Question Commerce on public property permits may be renewed on an annual basis. The applicant must submit a renewal request (as stated in this section). If the applicant does not submit a renewal request within the time stated, the application is suspended and, if the applicant wishes to reinstate the permit, a new application would be required. This standard has been in place since 2008, and the City has not had any issues administering this section (ORD No. 08C-06)
21	19.06.050(L1)	Nazim Nice	1. The City Engineer may require removal of improvements associated with commerce on public property if it is determined to create a hazard or as required to perform scheduled or ongoing maintenance, public works projects, emergency operations, or other municipal activities. Reasonable notice shall be provided unless emergency operations or hazard justify immediate removal.	Substantive – Not recommended The City Engineer has an established process for notifying property owners of work conducted by the Public Works Department, hazards, and/or emergency operations.
22	MICC 19.06.130 – Temporary Use and Structure Permits.	Nazim Nice	With the renaming of this as Temporary Use and Structure Permits, should references within this code section be updated to also correspond? There are several references to temporary use permits that remain in the text.	Minor Amendment No, further amendment is not necessary, but the amendments as proposed could improve clarity. Staff can ensure that consistent terms are used throughout the Planning Commission’s recommended draft that is presented to the City Council.
23	19.06.130(C2)	Nazim Nice	Temporary structure deviation permit applications shall be processed as a Type-III IV land use review, pursuant to MICC 19.15.030 Land Use Review Types, and are subject to MICC 19.06.130(E), Criteria for approval and MICC 19.06.130(F), Temporary structure deviation criteria. Temporary structure deviation permit approvals shall be valid for five years, with the option for renewal. To correspond to Table A... please verify.	Substantive – Previously resolved Amendments to address this are recommended and will be presented to the Planning Commission during the July 23 meeting. The temporary structure deviation permit applications would be subject to Type III land use review, consistent with the direction from the Planning Commission at the June 10 public hearing, see PCB25-13.
24	19.06.130(C3c)	Nazim Nice	c. No changes to the use, structure, or any associated deviations have been made from the originally approved permitted plans. Maybe this is implied, would like staff guidance.	Question This standard is for the renewal of the associated original deviation, not “any” deviation. Further amendments to this section are not necessary. The renewal being consistent with the originally

				approved plans is implicit in this section and does not need to be restated.
25	19.06.130(C3d)	Nazim Nice	A complete application must be submitted to the Community Planning & Development Department at least 90 days prior to Expiration of a five-year term .	Minor Amendment
26	19.06.130(C3e)	Nazim Nice	e. Renewals shall be valid for five years. <i>Does this need any clarification? What if someone forgets to renew at 5 years? They have to start over with a new 20 year max term? Or can they pick up the previous term and renew for 4 years if they are a year late?</i>	Question Clarification is not needed here. If a complete application is not submitted at least 90 days prior to expiration as required in MICC 19.06.130(C)(3)(d), the applicant must apply for a new temporary structure deviation rather than a renewal.
27	19.06.130(D1)	Nazim Nice	Any temporary use or structure that can meet complies with the development standards of the underlying zone applicable to the site may be permitted , on which the temporary use or structure is located may be allowed provided the term duration does not exceed a single term of seven consecutive days within any given 90-day period;	Minor Amendment – Staff alternative Since this section is for temporary uses that are exempt from permit applications, staff do not recommend using the term “may be permitted” here to avoid confusion because this section is describing those activities that are exempt from a temporary use and structure permit. Staff recommend the amendment read: “Any temporary use or structure that can meet <u>complies with</u> the development standards of the underlying zone applicable to the site on which the temporary use or structure is located, provided the term <u>duration</u> does not exceed <u>a single term of seven consecutive</u> days within any given 90-day period.”
28	19.06.130(D2)	Nazim Nice	2. Any temporary use or structure that cannot meet the development standards of the underlying zone applicable to site on which the temporary use or structure is located may be allowed with a maximum duration of 48 72 hours; <i>Thinking this is more practical if you had a day of set up, an event for a day, and day of tear down.</i>	Substantive – Not consistent with docketed scope This amendment would differ from the Planning Commission’s original direction at the June 10 public hearing for a maximum duration of 48 hours; however, Staff does not foresee any issues with lengthening this duration to 72 hours.
29	19.06.130(D5)	Nazim Nice	5. Any temporary structure used for worship under 250 square feet in area and 10 feet in height erected for no more than a total of 15 calendar days in any given 365-day period. <i>An amendment, if not permitted elsewhere, to allow for structures like</i>	Substantive This amendment would exempt an additional activity from permit requirements under subsection (D).

			Sukkots that are typically erected for ~8 days in October but require some setup and take down time.	
30	19.06.130(D5)	Nazim Nice	5- 6. Exemptions for Construction-Related Activities: The following uses and structures do not require a temporary use permit, provided they are associated with an approved land use application and/or construction Permit and the use is discontinued within 30 days of the project completion, cessation of work, or completion of real estate rental or sales activities: It appeared that this section had no time limit.	Minor Amendment
31	19.06.130(G)	Nazim Nice	G. Time limitation. Temporary uses or structures may operate for a total of 180 days per calendar year. The code official may grant an extension not to exceed 30 days per calendar year. Is the word <i>operate</i> the correct word? For example, a structure could be erected but not operational if it's part of a business and it's closed. When does the 180 days start? From the time the structure is fully erected? What if it takes a month to erect and take down? Is that part of the 180 days? Possibly return to some language that was in Table A as proposed below? G. Time limitation. Temporary uses or structures may occupy the site or operate for a total of 180 days per calendar year. The code official may grant an extension not to exceed 30 days per calendar year. Consider striking the 30-day extension if we're tailoring this to air supported structures. Check IFC 3103.5 Use Period. Temporary tents, air supported, air-inflated or tensioned membrane structures shall not be erected for a period of more than 180 days within a 12-month period on a single premises.	Question It is possible that a temporary air-supported membrane structure that is erected for more than 180 days may be permitted through a fire code alternative. Since the Mercer Island Country Club “tennis bubble” was permitted from November 15 through April 30 (199 days), it is likely they received approval of a fire code alternative. Substantive – Not consistent with docketed scope The temporary structures and uses code amendment was initially docketed to establish a regulatory framework to allow the Mercer Island Country Club to place a temporary membrane structure over their tennis courts. The amendment as proposed would establish a regulation that the temporary membrane structure cannot satisfy.
32	19.06.130(F3)	Nazim Nice	3. Temporary structures may exceed the maximum building height allowed in the underlying zone by the lesser of 35 percent or 20 feet. I want to confirm this results in a maximum of 40.5' in residential zones? And someone could build that high 4' from the property line?	Question The maximum allowed height in residential zones is 30 feet from ABE. An increase in 35 percent of that height is 10.5 feet, for a total of 40.5 feet. As the deviation criteria is written, a structure that is 10.5 feet in height could be erected 4 feet from side or rear

			Are we just trying to approve the MICC Bubble form? In that case we could stipulate a stepped height limit that conforms to its shape if exceeding the height limit. At 10' from the PL, the MICC Bubble is just under 18' tall. At 20' from the PL it is just under 32' tall, per the approved plans.	property lines, provided they meet all building and fire codes as well.
33	19.06.130(F4)	Nazim Nice	4. Yard setbacks may be reduced to zero feet. However, for temporary structures that exceed the maximum building height allowed in the underlying zoning designation, yard setbacks may not be reduced below the following: a. Front setbacks may not be reduced to less than 10 feet; b. Side and rear setbacks may not be reduced to less than four feet each. Are we tailoring this to allow the MICC Bubble? If that's the case, it appears a 4'-0 ¼" setback was permitted for what looks to be a side setback, but there was an assumed property line for "code purposes" of 17' into the neighbor's property as a no-build easement and nearest structure on the property to the north is 48.68' from the assumed property line. This indicated that larger setbacks and involvement from the neighbors may be necessary to build such a structure to comply with code (I believe this related to the building and fire code which are specific to 'tent' structures. IFC 3103.8.2 requires 20' separation from lot lines, buildings, etc. 3103.8.3 requires separation of 50' to other structures unless joined together with a corridor). It doesn't appear that the MICC Bubble required a deviation from the front or rear setbacks (to be verified). Where did those reductions come from and why are they necessary?	Question The MICC "tennis bubble" was permitted 4'-0 ¼" from the rear property line. It is possible a fire code alternative was approved for fire code requirement deviations. Any structure would need to comply with fire and building codes in order to obtain a temporary use permit or temporary structure deviation.
34	19.06.130(J)	Nazim Nice	Assurance device. The code official may require a financial guarantee pursuant to the requirements in MICC 19.01.060, in a form acceptable to the City's finance department, to assure compliance with the provisions of this title and the temporary use permit as approved.	Minor Amendment
35	19.06.050	Dan Thompson	Bifurcate Motions to approve MICC 19.06.050 Commerce and Temporary Structures on Public Property from 19.06.130 Temporary Use and Structure Permits and 19.15.030.	Substantive – Not recommended The motion that was made and tabled at the June 10, 2025 public hearing was: <i>"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</i>

				<i>use permits as amended; and proposed amendments to MICC 19.15.030 – Land use review types as amended.”</i> Because this motion is still on the table, it must be resolved as proposed. There is no procedural reason to split the main motion at this time. The Planning Commission is not required to vote separately on each section. This motion, which is already on the table, would make a recommendation on the proposed code sections as a package as amended. Note: All amendments that have been made thus far are linked to this main motion under the “as amended” clause. Staff recommend against further complicating the parliamentary procedure for no reason.
36	19.06.050(E)	Dan Thompson	Amend to replace design commission with hearing examiner.	Question Amendments to address this are recommended and will be presented to the Planning Commission during the July 23 meeting, see PCB25-13.
37		Dan Thompson	Amend MICC 19.16.130 C - F to replace the term “temporary structure deviation” with “temporary structure variance” to conform with MICC 19.16.010 Definitions: <i>Deviation:</i> A minor modification of standard development code provisions that does not require the special circumstances necessary for granting a variance and which complies with the city's deviation criteria. <i>Variance:</i> A modification of standard development code provisions based on special circumstances and complying with the city's variance criteria.	Substantive – Previously resolved As discussed at the June 10 public hearing, the variance definition includes the demonstration of a “special circumstance”. Staff does not recommend using this term here, since it is unlikely the temporary uses and structures that would be using this application type would be able to demonstrate a special circumstance, and therefore, it does not align with the definition of “variance”.
38	19.06.130(C)(2)	Dan Thompson	Replace Type III permit review with Type IV permit review.	Substantive – Previously resolved On June 10, the Planning Commission provided direction by consensus that this type of review should be a Type III.

39	19.06.130(C)(3))	Dan Thompson	Replace Type II permit review with Type III permit review.	Substantive – Previously resolved On June 10, the Planning Commission provided direction by consensus that this type of review should be a Type II.
40	19.06.130(C)(3) (a)	Dan Thompson	Replace 20 years with 10 years.	Substantive – Previously resolved On June 10, the Planning Commission provided direction by consensus the term for authorizations should be 20 years with a renewal allowed every five years.
41	19.06.130(F)	Dan Thompson	Replace Code Official with Hearing Examiner to remain consistent with 19.15.030 noting temporary structure deviation (variance) is a Type IV permit.	Substantive – Previously resolved On June 10, the Planning Commission provided direction by consensus that this type of review should be a Type III not a Type IV.
42	19.06.130(F)(2)	Dan Thompson	Replace “can be” with “may be” and add “subject to other criteria in this section”.	Substantive – Not recommended See the staff response to Item 53.
43	19.06.130(F)(2) (a)	Dan Thompson	Eliminate this section to be consistent with 19.06.130(A) noting this pertains to “private property”.	Substantive Please see the staff response to Item 8.
44	19.06.130(F)(2) (b)	Dan Thompson	Question: This section notes that a significant public benefit is met by an organization or corporation “serving” at least 50 people. I would request clarification on “serving” and “50 people.” For example, does this include • students • teachers • administrators • parishioners, religious personnel such as priests and rabbis • members • members of the public who are allowed to use day passes?	Question This would be the people that benefit from the use. Any of the groups identified could benefit from an organization or corporation. The applicant would need to demonstrate how many people are served by the use.
45	19.06.130(F)(2) (b)	Dan Thompson	Replace 50 with 250 people to be consistent with providing a significant public amenity to Mercer Island residents. .	Substantive – Previously resolved The 50-person threshold is proposed based on the Planning Commission input provided at the June meeting. This standard is proposed based on the public benefit requirement in the marinas code in MICC 19.13.040(L).

46	19.06.130(F)(2)(c)	Dan Thompson	Add “without charge to the general public”.	Minor Amendment
47	19.06.130(F)(3)	Dan Thompson	Replace language with language that temporary structures may exceed the maximum building height in the underlying zone by a maximum of 10’ measured at the highest point.	Minor Amendment The language in the proposed draft would limit an increase in height in the single-family residential zones to 10.5 feet because the limit is “the lesser of 35 percent or 20 feet.”. This amendment reduces this allowance to a maximum of 10 feet above the maximum allowed building height in all zones.
48	19.06.130(F)(4)	Dan Thompson	Delete the language in Section (F)(4) in its entirety and instead include the following language: “A temporary structure that does not meet the development standards of the underlying zone may not intrude into any yard setback when the adjacent property has an existing residential structure on it. “A temporary structure which cannot meet the development standards of the underlying zone cannot intrude into the yard setbacks if an adjacent property has a pre-existing temporary structure which cannot meet the development standards that intrudes into the yard setbacks.”	Substantive – Not consistent with docketed scope This amendment is not recommended. The temporary structures and uses code amendment was initially docketed to establish a regulatory framework to allow the Mercer Island Country Club to place a temporary membrane structure over their tennis courts. The amendment as proposed would establish a regulation that the temporary membrane structure cannot satisfy. As written, these amendments would prohibit the MICC “tennis bubble” since the subject property is adjacent to properties with existing residential structures.
49	19.06.130(G)	Dan Thompson	Delete language that “The code official may grant an extension not to exceed 30 days per calendar year” and clarify the 180 day maximum relates to the time the structure is up including installation and taking down the structure rather than “operate”.	Substantive – Not consistent with docketed scope See Item 31.This would preclude the tennis bubble
50	19.06.130(I)	Dan Thompson	Add language that the date by which the structure (not use) must be removed cannot exceed 180 days in any calendar year.	No Amendment Necessary A 180-day limit would be established in MICC 19.06.130(G), Time limitation.
51	19.15.030	Dan Thompson	Move temporary structure deviation (variance) renewal from Type II to Type III but leave Temporary Structure deviation (variance) as a Type IV permit review.	Substantive – Previously resolved On June 10, the Planning Commission provided direction by consensus that this type of review should be a Type III, not a Type IV.
52	19.06.130(F)	Dan Thompson	Add a Section that states, A temporary structure which cannot meet the development standards of the underlying zone applicable to the site on which the temporary structure is located may not increase lot coverage	Substantive – Not recommended Staff foresee potential issues with administering this proposed amendment. “Existing” lot coverage on the site may be problematic. Further, please see the Staff Response to Item 7.

			by either the maximum lot coverage allowed in the zone or the existing lot coverage on the site, whichever is greater.	
53	19.06.130(F)	Dan Thompson	Add a section that states: “The applicant has the burden to show that the a temporary structure which cannot meet the development standards of the underlying zone applicable to the site on which the temporary structure is located does or does not make appropriate provisions for the public health, safety, and general welfare, and the public use and interest will or will not be served by approval of the structure, considering the following factors: 1. Whether the non-conforming structure is one that the parcel owner had in the past but let lapse. 2. The distance of the setbacks of the non-conforming structure from any residentially zoned property. 3. The extent to which the temporary structure will exceed the zone's regulatory limits. 4. The size of the lot compared to the gross floor area of the proposed non-conforming structure. 5. The number of months per year the non-conforming structure will be up, and whether it is planned to be a recurring structure each year. 6. The number of individuals who will use or benefit from the non-conforming structure. 7. The proposed screening for the non-conforming structure.	Substantive – Not recommended This amendment is not recommended. Staff foresee potential issues with administering this proposed amendment. The factors listed in the proposed amendment are subjective and it is unclear how these factors, when addressed by the applicant, would relate to the decision. the proposed amendment would only require that the factors be considered but does not specify what that consideration would mean. For example, as drafted the applicant would be required to list the distance of the setbacks of the structure from any residentially zoned property and that information must be considered but no other action is required. The deviation criteria in the proposed draft can be clearly administered by the code official and results in the outcomes directed by the Planning Commission during the June 10 public hearing.

			8. Whether the applicant intends to charge a separate fee to use the structure so as to commercialize it. 9. The objections from the neighbors and whether those objections can be mitigated. 10. The increase in the intensity of use of the property due to the variance, including traffic, light, off-site parking, noise, and hours of operation. 11. Whether the dimensions of the proposed non-conforming structure are discretionary or whether the dimensions are required by a governing body such as a covered tennis court. 12. Whether the property's structures already exceed the zone's regulatory limits for the zone.	
54	19.06.050(E)	Staff Recommended	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	Minor Amendment – Staff recommended This amendment removes the reference to the Design Commission, in addition to the amendment provided in PCB25-13 under B7.

			<u>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.</u>	
55	19.15.030 Table A	Staff Recommended	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.	Minor Amendment – Staff recommended This amendment is to correct an error in the draft, which aligns with Planning Commission direction from the June 10 public hearing.