



## BUSINESS OF THE CITY COUNCIL CITY OF MERCER ISLAND

**AB 6675**  
**May 6, 2025**  
**Public Hearing**

### AGENDA BILL INFORMATION

<b>TITLE:</b>	AB 6675: Public Hearing for Ordinance to Renew 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
<b>RECOMMENDED ACTION:</b>	Conduct public hearing and schedule second reading of Ordinance 25C-07 for May 20, 2025.	

<b>DEPARTMENT:</b>	Community Planning and Development
<b>STAFF:</b>	Jeff Thomas, Community Planning and Development Director Molly McGuire, Senior Planner
<b>COUNCIL LIAISON:</b>	n/a
<b>EXHIBITS:</b>	1. Ordinance No. 25C-07
<b>CITY COUNCIL PRIORITY:</b>	n/a

<b>AMOUNT OF EXPENDITURE</b>	\$ n/a
<b>AMOUNT BUDGETED</b>	\$ n/a
<b>APPROPRIATION REQUIRED</b>	\$ n/a

### EXECUTIVE SUMMARY

The purpose of this agenda bill is for the City Council to conduct a public hearing and complete the first reading of Ordinance No. 25C-07 (Exhibit 1) to renew the interim regulations for temporary uses and structures including outdoor dining and a work plan for adopting permanent regulations.

- The interim regulations for temporary uses and structures including outdoor dining, adopted on June 4, 2024 by [Ordinance No. 24C-07](#) are effective for one year.
- The interim regulations will expire on June 17, 2025. The City Council must renew these interim regulations to avoid a lapse in regulations that are currently being used by several temporary uses and structures.
- 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 Ordinance No. 25C-07, the interim regulations will be in effect for a period of six months 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](#)).

On June 4, 2024, the City Council adopted Ordinance No. 24C-07, ([AB 6488](#)) which established interim regulations for one year, expiring on June 17, 2025. Consistent with the work plan adopted on June 4, 2024, the Planning Commission held a work session to develop permanent regulations for temporary uses and structures on February 23, 2025. A SEPA determination was issued on March 10, 2025. A public hearing and recommendation were scheduled with the Planning Commission for March 23, 2025, but was canceled due to inclement weather warnings. Due to noticing requirements and scheduling conflicts, the public hearing with the Planning Commission has been rescheduled for June 10, 2025, which does not allow for permanent regulations to be enacted prior to the expiration of the interim regulations adopted by Ordinance No. 24C-07. The City Council must renew the interim regulations to avoid a lapse in these regulations, which are currently regulating several temporary uses and structures.

## ISSUE/DISCUSSION

Adoption of Ordinance No. 25C-07 will renew the interim regulations enacted by Ordinance No. 24C-07 with no additional changes, these regulations:

- 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](#).

Ordinance No. 25C-07 will renew the interim regulations establishing a permitting process, allowing for such uses and structures, providing standards, and setting 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.

The interim regulations also include the renewal of regulations for outdoor dining, in which 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. 25C-07 will be scheduled for May 20, 2025.

## **RECOMMENDED ACTION**

Conduct a public hearing and schedule a second reading of Ordinance No. 25C-07 for May 20, 2025.