



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

**AB 6196  
December 6, 2022  
Consent Agenda**

**AGENDA BILL INFORMATION**

<b>TITLE:</b>	AB 6196: Ordinance No. 22C-18, Extending Interim Development Regulations to Allow Outdoor Dining Expansion by Eating and Drinking Establishments.	<input type="checkbox"/> Discussion Only <input checked="" type="checkbox"/> Action Needed: <input type="checkbox"/> Motion <input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> Resolution
<b>RECOMMENDED ACTION:</b>	Adopt Ordinance No. 22C-18.	

<b>DEPARTMENT:</b>	Community Planning and Development
<b>STAFF:</b>	Jeff Thomas, Interim CPD Director Sarah Bluvas, CIP Project Manager
<b>COUNCIL LIAISON:</b>	n/a
<b>EXHIBITS:</b>	1. Ordinance No. 22C-18
<b>CITY COUNCIL PRIORITY:</b>	3. Implement an economic development program.

<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 to complete a second reading and adopt Ordinance No. 22C-18 (Exhibit 1), which authorizes the continuation of interim regulations that allow local eating and drinking establishments to expand outdoor dining into public rights-of-way (ROW) and private parking spaces. 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.

- In December 2021, the City Council adopted [Ordinance No. 21C-25](#), which continued interim regulations to allow Mercer Island eating and drinking establishments to temporarily use public ROW and private parking to expand their outdoor dining footprint.
- Ordinance No. 21C-25 and previous ordinances (Ordinance Nos. [20C-17](#), [21C-03](#), and [21C-16](#)) were adopted to provide flexible alternatives for restaurants on Mercer Island in response to the impacts of the COVID-19 pandemic.
- The current interim regulations took effect on January 7, 2022. and expire on January 6, 2023.
- The City Council conducted the required public hearing on and first reading of Ordinance No. 22C-18 on November 15, 2022.
- On Tuesday, the City Council will complete the second reading of Ordinance No. 22C-18. If adopted, the ordinance will continue the interim regulations through July 1, 2023.

## BACKGROUND

The City first enacted interim regulations to expand outdoor dining into public ROW and private parking in August 2020 to assist Mercer Island businesses establishments impacted by the COVID-19 pandemic.

Currently, the outdoor dining program is enabled by the following interim regulations:

- Amendment to subsections (D)(4) and (E) of MICC 19.06.050 Commerce on public property;
- Temporary waiver of the minimum parking regulations for eating and drinking establishments identified in MICC 19.04.040 and MICC 19.11.030; and
- Authorization to use private parking spaces for outdoor dining.

On October 18, 2022, City staff updated the City Council on progress made and issues related to permanent development regulations to make permanent this outdoor dining program ([AB 6168](#)). Staff planned to present a code amendment to the Planning Commission in September 2022. However, after learning that the Washington State Liquor and Cannabis Board's temporary allowances for outdoor alcohol service expire on July 1, 2023, staff paused the code work to evaluate alternatives. At that time, the Council directed staff to prepare an updated ordinance to renew the existing interim regulations.

On November 15, 2022, a public hearing on Ordinance No. 22C-18 was held (no public comment was received), and the Council voted to move the ordinance to second reading and adoption.

## ISSUE/DISCUSSION

On Tuesday, the City Council will conduct the second reading of and, if desired, adopt Ordinance No. 22C-18, which will renew the current interim regulations enabling the City's outdoor dining program through July 1, 2023.

## NEXT STEPS

Upon adoption of this Ordinance, the renewed interim regulations will take effect January 7, 2023. Staff will alert the current permit-holder of the renewal process as well as continue marketing the outdoor seating opportunities through the City's business outreach channels. In addition to the commerce on public property permit, businesses will also be required to provide a certificate of insurance and indemnification (hold harmless).

Additionally, staff continue to conduct outreach to the Washington State Liquor and Cannabis Board to address the issues related to outdoor alcohol service.

## RECOMMENDED ACTION

Adopt Ordinance No. 22C-18 extending interim development regulations to allow outdoor dining expansion by Mercer Island eating and drinking establishments.