

Notice of Intent to Adopt Amendment / Notice of Adoption Cover Sheet

Pursuant to RCW 36.70A.106, the following jurisdiction provides the following required state agency notice.

<p>1. Jurisdiction Name:</p>	<p>City of Mercer Island</p>
<p>2. Select Submittal Type: Select the Type of Submittal listed. (Select One Only)</p>	<p><input checked="" type="checkbox"/> 60-Day Notice of Intent to Adopt Amendment.</p> <p><input type="checkbox"/> Request of Expedited Review / Notice of Intent to Adopt Amendment.</p> <p><input type="checkbox"/> Supplemental Submittal for existing Notice of Intent to Adopt Amendment.</p> <p><input type="checkbox"/> Notice of Final Adoption of Amendment.</p>
<p>3. Amendment Type: Select Type of Amendment listed. (Select One Only)</p>	<p><input type="checkbox"/> Comprehensive Plan Amendment.</p> <p><input checked="" type="checkbox"/> Development Regulation Amendment.</p> <p><input type="checkbox"/> Critical Areas Ordinance Amendment.</p> <p><input type="checkbox"/> Combined Comprehensive and Development Regulation Amendments.</p> <p><input type="checkbox"/> Countywide Planning Policy.</p>
<p>4. Description Enter a brief description of the amendment.</p> <p>Begin your description with “Proposed” or “Adopted”, based on the type of Amendment you are submitting.</p> <p>Examples: <i>“Proposed comprehensive plan amendment for the GMA periodic update.”</i> or <i>“Adopted Ordinance 123, adoption amendment to the sign code.”</i> (Maximum 400 characters).</p>	<p>Proposed amendments to the Mercer Island City Code (MICC) to enable existing eating and drinking establishments to expand their outdoor dining into available public and private areas. The proposed code amendments would make permanent the current interim regulations allowing eating and drinking establishments to expand outdoor dining and include:</p> <ul style="list-style-type: none"> • Permanently revising two subsections of MICC 19.06.050 related to private commerce on public property, including establishing use of public property for outdoor dining as a temporary use requiring only code official approval; and • Establishing allowances for waiving minimum parking requirements and repurposing parking stall identified in MICC 19.040 and MICC 19.11.130.

<p>5. Is this action part of your 8-year periodic update required under RCW 36.70A.130 of the Growth Management Act (GMA)?</p>	<p><input type="checkbox"/> Yes</p> <p><input checked="" type="checkbox"/> No</p>
<p>6. Proposed Dates: Enter the anticipated public hearing date(s) for your Planning Commission/Planning Board or for your Council/Commission.</p>	<p>Planning Commission: September 28, 2022</p> <p>City Council: October 18 and November 1, 2022</p> <p>Proposed / Date of Adoption: November 1, 2022</p>
<p>7. Contact Information:</p>	
<p>A. Prefix/Salutation: <i>(Examples: "Mr.", "Ms.", or "The Honorable" (elected official))</i></p>	<p>Mr.</p>
<p>B. Name:</p>	<p>Jeff Thomas</p>
<p>C. Title:</p>	<p>Interim Director, Community Planning & Development</p>
<p>D. Email:</p>	<p>jeff.thomas@mercerisland.gov</p>
<p>E. Work Phone:</p>	<p>206-275-7733</p>
<p>F. Cell/Mobile Phone: <i>(optional)</i></p>	
<p>Consultant Information:</p>	
<p>G. Is this person a consultant?</p>	<p><input type="checkbox"/> Yes</p>
<p>H. Consulting Firm name?</p>	
<p>8. Would you like Commerce to contact you for Technical Assistance regarding this submitted amendment?</p>	<p><input type="checkbox"/> Yes</p>

REQUIRED: Attach or include a copy of the proposed amendment text or document(s). We do not accept a website hyperlink requiring us to retrieve external documents. Jurisdictions must submit the actual document(s) to Commerce. If you experience difficulty, please email the reviewteam@commerce.wa.gov

Amendment of MICC 19.06.050. Subsections (D)(4) and (E) of MICC 19.06.050 are amended as follows:

- D. 4. The design for any non-temporary improvements is consistent with the design requirements for the Town Center plan.
- E. A permit to operate a private business on public property shall be 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 or referred to the design commission at the code official's discretion. Permit applications from one or a group of existing eating and drinking establishments at Mercer Island to temporarily operate private business on public property shall be considered to be temporary, and they may be approved by the code official without review or approval by the design commission.

Amendment of MICC 19.11.130. Subsections (B)(1)(b) and (B)(6)(a) of MICC 19.11.130 are amended as follows.

MICC 19.11.130(B)(1)(b) Determination within range.

- b. The code official shall have the final authority to determine the number of parking stalls required within the ranges above to accommodate typical daily peak parking demand based upon the applicant's submittal of a completed site plan and detailed parking analysis. Minimum parking requirements for existing eating and drinking establishments may be waived for private commerce on public property permits approved under MICC 19.060.050.

MICC 19.11.130(B)(6) Repurposing of parking stalls.

- a. Parking stalls required for nonresidential uses in a new development or existing development by the foregoing provisions of this section must be kept available exclusively to provide parking for nonresidential uses in that development, as applicable. For parking stalls required for office use, this requirement shall only apply on weekdays between 7:00 a.m. and 6:00 p.m., excluding national holidays. Up to 50 percent of such stalls designated for office use may be allocated for residential use during the hours of 6:00 p.m. and 7:00 a.m. weekdays and at all times on weekends and national holidays. For permits approved under MICC 19.06.050, parking stalls may be repurposed for private commerce on public property by existing eating and drinking establishments, provided the parking area is immediately adjacent to the permitted establishment.

Amendment of MICC 19.04.040. Subsection (C) is amended as follows:

MICC 19.04.040(C) Minimum parking requirements for specific uses.

- C. A use which is similar to any of the below-referenced uses shall adhere to the minimum parking requirements for the referenced use or uses. Minimum parking requirements for existing eating and drinking establishments may be waived for commerce on public property permits approved under MICC 19.060.050. The design commission shall determine the minimum parking requirements for a use in a commercial zone that is not referenced in this section.