



## Legislation Details (With Text)

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**Title:** Public Hearing on the Interim Official Control Adopted to Allow Extended Duration Temporary Use Permits for Parking Lot, Sidewalk and Right-of-Way Use by Businesses to Meet Occupancy Limits of the Safe Start Plan Required to Reopen Washington's Economy and Emerge from the COVID-19 Pandemic

**Sponsors:**

**Indexes:**

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**Attachments:** 1. Agenda Memo No. 20-102, 2. Attachment A: Ordinance No. 3003

Date	Ver.	Action By	Action	Result
8/4/2020	1	City Council	presented	

**MEMO TO:** Members of the City Council

**FROM:** Mayor Angela Birney

**SUBJECT:**

Public Hearing on the Interim Official Control Adopted to Allow Extended Duration Temporary Use Permits for Parking Lot, Sidewalk and Right-of-Way Use by Businesses to Meet Occupancy Limits of the Safe Start Plan Required to Reopen Washington's Economy and Emerge from the COVID-19 Pandemic

### **I. RECOMMENDED ACTION**

Hold a Public Hearing on the Interim Official Control adopted by the City Council on June 16, 2020, to allow City permits to be issued for parking lot, sidewalk and right-of-way use by businesses to meet occupancy limits of the Safe Start Washington Phased Reopening for a period of six months pursuant to authority granted in RCW 36.70A.390 and RCW 35A.63.220. Because the ordinance was adopted as an Interim Official Control, a public hearing is required to be held within 60 days of the enactment of the Ordinance in order to remain in effect.

### **II. DEPARTMENT CONTACTS**

Carol Helland, Director 425-556-2107  
Sarah Pyle, Recovery Planning Manager 425-556-2426  
*Planning and Community Development Department*

### III. DESCRIPTION/BACKGROUND

Council is being asked to hold a Public Hearing tonight to allow an Interim Official Control to remain in effect. On June 16, 2020, Council adopted Ordinance No. 3003 to create a clear permitting path to allow businesses to use private parking lots, and City sidewalk and rights-of-way for patron seating. Refer to Attachment A - Ordinance No. 3003.

#### A. Analysis

On March 18, 2020, an extended closure of City Hall was announced in response to the COVID-19 outbreak. Governor Inslee, King County Executive Constantine, President Trump, and Mayor Birney all declared a state of emergency and prescribed restrictive measures on personal interaction in order to slow the spread of the virus.

For over two months, all but essential services have been curtailed as a result of the restrictions imposed by Governor Inslee's "Stay Home Stay Healthy" Proclamation 20-25 that was adopted on March 23, 2020, to slow the spread of COVID-19 and prevent an uncontrolled surge in hospitalizations. The effects of measures taken to address the public health emergency of this pandemic have been economically devastating to small business owners. Some businesses have been able to partially pivot their operations to no-contact delivery of goods and services (such as curbside take-out), but others have been forced to close entirely.

The Stay Home Stay Health order ended on May 31<sup>st</sup> and moved to Safe Start - Washington's Phased Reopening. The state's "Safe Start" plan is a phased approach to re-opening Washington's economy. Safe Start sets a careful approach to emerging from the pandemic. It allows for modifications to business closures and physical distancing measures while minimizing the health impacts of COVID-19. Through the Safe Start plan, more businesses and activities may re-open in phases with adequate social distancing measures and health standards in place. The City is taking a range of actions to support businesses as they move through the Safe Start phases. These efforts include:

- Suspension of parking enforcement;
- Designation of curbside pick areas;
- Support for businesses to pivot operations through loan packaging and business plan updating advice;
- Development of the "What's Open Eastside" mapping tool; and
- Development of a grant program to distribute CARES Act funding to support small business re-opening needs such as the acquisition of required personal protective equipment for employees.

On Friday, June 5th the Washington State Department of Health accepted King County's plan to allow for limited openings of recreational, social and business activities in a modified Phase 1 of Governor Jay Inslee's Safe Start plan. Activities are not allowed to begin until businesses are able to meet the state's public health guidance. A summary of the Safe Start King County modified Phase 1 Plan is available at the following link: <https://kingcounty.gov/depts/health/covid-19/safe-start.aspx>. A full summary of the Safe Start 4-Phase Reopening Plan is available at the following link: [https://www.governor.wa.gov/sites/default/files/SafeStartWA\\_4May20\\_1pm.pdf](https://www.governor.wa.gov/sites/default/files/SafeStartWA_4May20_1pm.pdf)

Under Washington state guidance, restaurants, personal service providers and retail operations are allowed to begin on-site service with the below-described restrictions. All outdoor dining activities may

operate subject to Phase 2 guidance at 50 percent outdoor capacity with all tables and chairs maintaining 6 feet of distance. Additional or new outdoor seating would be allowed subject to maintaining 6 feet of distance between tables and chairs, as well as receiving a city permit as is typically needed. All indoor dining services may operate subject to Phase 2 guidance with the exception that at no time may the number of customers be more than 25 percent of the tables provided such tables and chairs are more than 6 feet away from each other. All non-essential retail activities may operate subject to Phase 2 guidance with the exception that at no time may an establishment's occupancy be higher than 15 percent and indoor services are limited to 30 minutes. Personal service activities may operate subject to Phase 2 guidance with the exception that at no time may an establishment's occupancy be higher than 25 percent and indoor services are limited to 30 minutes.

To support business re-openings consistent with Safe Start limits and requirements, the Long-Term Recovery (LTR) Planning Team undertook an analysis of outdoor spaces that could be used to accommodate patron seating and dining. The recommendation of the LRT Planning Team was presented to the City Council on June 9 at the Planning and Public Works Committee of the Whole (COTW) meeting. At that meeting, Council was asked to create a clear permitting path to allow private parking lots, and City sidewalks and rights-of-way, to be used for patron seating.

A new permitting path was necessary to ensure that seating areas would comply with code provisions such as American's with Disability Act (ADA) access requirements and Liquor and Cannabis Board (LCB) requirements for serving alcohol, and that use of right-of-way appropriately protects patrons from vehicles that share the travel space. This new permitting path required amendments to the City's Temporary Use Chapter of the Redmond Zoning Code (RZC). Staff recommended that the amendments be adopted by the City Council as an Interim Official Control so that the code changes could go into effect immediately to expand business operating space and occupancy options.

Council adopted Ordinance No. 3003 and imposed an Interim Official Control to support the emergent business need to increase occupancy limits necessary to comply with the Safe Start Washington Phased Reopening for a period of six months. As required by state law, Council is now being asked to hold a Public Hearing on Ordinance No. 3003 in order to remain in effect for a period of six months.

## **B. Outreach**

Staff have been conducting continuous direct and indirect (through OneRedmond and (re)StartUp425) outreach with the business community. The use of sidewalk and right-of-way space continues to be a high priority for businesses to reopen consistent with phased reopening requirements. One "parklet" has been permitted and established since Ordinance No. 3003 went into effect, and several more business owners have expressed interest in pursuing the temporary use permit. The City has identified grant fund sources to cover business owner costs to secure permits and install the parklets.

## **C. Next Steps**

The Growth Management Act, RCW 36.70A.390, states that an Interim Official Control may be effective for six (6) months. If necessary, the Interim Official Control may be renewed for one or more additional six (6) month periods if a subsequent public hearing is held (by December 1, 2020) and findings of fact are made prior to each successive renewal. Permanent amendments to the Redmond Zoning Code are planned as part of the City's code update work program scheduled to be completed by Q2 of 2021.

#### **IV. PREVIOUS DISCUSSIONS HELD**

June 9 - Planning and Public Works Committee of the Whole  
June 16 - Regular Business Meeting

#### **V. IMPACT**

##### **A. Service/Delivery:**

Keeping the Interim Official Control in effect will support business needs for outdoor space to meet King County Phased reopening requirements.

##### **B. Fiscal Note:**

Ordinance No. 3003 is being administered by Planning and Community Development staff during review of permit applications. Indirect review costs associated with permit review will be absorbed by the City. Staff identified a grant funding source to cover the costs of the application review and the installation of wheel stops by Public Works to ensure that the parklets are safe for business patrons.

#### **VI. ALTERNATIVES TO STAFF RECOMMENDATION**

Council could choose not to hold the Public Hearing and the Ordinance would cease to be in effect on August 15, 2020. If the code changes do not remain in effect, patron seating would be permitted consistent with existing time limited TUP and right-of-way use permit requirements and existing permit fees.

#### **VII. TIME CONSTRAINTS**

An Interim Official Control puts temporary regulations in place in response to an emergent situation like this one. Notice and a public hearing are not necessary prior to enactment of an Interim Official Control, so the regulations can be put in place quickly. However, a public hearing must be held within 60 days of its adoption. In order for the Interim Official Control to remain in effect, the Council must hold a Public Hearing on August 4, 2020.

#### **VIII. LIST OF ATTACHMENTS**

##### **A. Ordinance No. 3003 (Interim Official Control)**