



## **INFORMATIONAL MEMORANDUM**

**TO: Planning and Economic Development Committee**

**FROM: Brandon Miles, Business Relations Manager**

**CC: Mayor Ekberg**

**DATE: December 1, 2020**

**SUBJECT: Amending and Extending the City's Interim, COVID-19 Policy on Outdoor Seating and Temporary Signage**

### **ISSUE**

Affirm the revised interim policy regarding outdoor seating and temporary signage for businesses in response to COVID-19.

### **BACKGROUND**

On July 20, 2020 the City Council affirmed the Mayor's emergency rules regarding temporary outdoor seating and easing the requirements regarding the display of temporary signage. These emergency rules were put in place in response to the COVID-19 pandemic and the associated rules put in the place by the Governor's Office to promote social distancing in public settings. Outdoor seating provided certain benefits to restaurants in meeting the requirements of the Governor's orders. The City's current emergency rules are set to expire on January 15, 2021.

On November 15, 2020, the Governor announced a new round of COVID-19 restrictions intended to help slow the transmission of COVID-19. These new restrictions prevent restaurants from having indoor seating. Outdoor seating, including in a tent, is permitted, under the Governor's current guidelines. The Governor's new restrictions are scheduled to run until December 18. However, it is possible they could be extended or reimposed at a later date.

City Administration has made the following changes to the emergency rules:

1. Extend the date of the emergency rules to June 30, 2021.
2. Clarify the tent and membrane structure policy:
  - a. Tents and membranes up to 400 square feet do not require a permit.
  - b. The City will create a flat fee (\$50.00) of permit for tents and membranes over 400 square feet. The flat fee will cover all require permits and inspections.

### **DISCUSSION**

As the Council is aware, the City is currently operating under a State of Emergency due to the COVID-19 pandemic. Tukwila Municipal Code (TMC) 2.57.040 (3) requires the City Council to affirm any rules or regulations related to the protection of life, environment, and property affect the emergency. These emergency rules for tents are needed to allow businesses in the City to operate in a safe manner. In addition, the rules for temporary signage are needed because many businesses are doing pick up and drop off to encourage social distancing. Signage will help direct motorists to businesses and pickup/drop off points.

### **FINANCIAL IMPACT**

Minimal and would include a small amount of loss revenue related to temporary signage.

**RECOMMENDATION**

Affirm the revised emergency policy provided by City Administration. Forward to the December 14 Committee of the Whole meeting and special meeting on the same night for adoption.

**ATTACHMENTS**

- Revised, Interim Outdoor Seating and Signage Allowance for Businesses in Response to COVID-19.

## City of Tukwila

### **Interim Outdoor Seating and Signage Allowance for Businesses in Response to COVID-19**

**SUBJECT:** Temporary policy to allow outdoor seating and temporary signage during the Public Health Emergency related to the COVID-19 pandemic.

**PURPOSE:** The purpose of this policy is to temporarily allow outdoor seating and temporary signage and issue any approvals in an expeditious manner while ensuring safety protocols are in place. This policy will be effective on June 15, 2020 and will expire on June 30, 2021 ~~Jan 10, 2021~~ unless otherwise terminated or extended.

**SCOPE:** This policy applies to all City of Tukwila businesses.

#### **DEFINITIONS:**

1. "Public Health Emergency" shall mean any such emergency declared by the Governor of the State of Washington pursuant to his or her powers under chapters 38.08, 38.52 and 43.06 RCW, any such emergency declared by the King County Executive or the Mayor of the City of Tukwila pursuant to chapter 38.52 RCW.

#### **POLICY:**

During the current Public Health Emergency and in compliance with the Washington State Governor's "Safe Start" phased approach to business reopening, the City of Tukwila shall establish the following policy to expedite approval of any outdoor seating areas and to relax temporary signage requirements:

- 1) Businesses are allowed to set up outdoor seating areas in parking spaces on private property, and no land use approval is required to deviate from the number of parking spaces required by City code, provided the following conditions shall be met:
  - a) No fire lanes are blocked
  - b) No fencing nor other containment feature is to be placed around the outdoor seating area that does not allow openings for safe egress/exiting from the seating area. In case of an emergency, people seated in the outdoor area should be able to exit the premises without passing through the building.
  - c) Outdoor lighting shall be provided to ensure safe exiting from the dining area. Any outdoor lighting fixtures shall be rated for outdoor use. Note: electrical work will still require a permit.
  - d) Tents may be used, subject to the following requirements:
    1. Tents and membrane structures up to 400 square feet do not require a permit. Other permits for heating, plumbing, and electrical may still be required.

II. Tents and membrane structures having an area greater than 400 square feet require a permit. The City will charge a flat \$50.00 (not included credit card fees). The permit fee shall cover the building, mechanical, electrical, plumbing plan reviews, inspections, and permit requirements of the Department of Community Development, Fire, and Public Works Department.

~~d)e) Tents and membrane structures having an area in excess of 400 square feet shall not be erected without first obtaining a permit and approval from the Fire Marshall. Here is the [link](#) to Fire Tent permit application and requirements.~~

- 2) Temporary signs informing the public that the business is open, or other directional signs, such as designating curb side pickup areas, shall not require a temporary sign permit, provided the following conditions shall be met:
- a) Up to a maximum of 4 signs per business are allowed, and the maximum size of the signs shall not exceed 64 sq. ft. total for all 4 signs. These signs can only be placed on the premises of the business. Signs are not allowed to be placed off premises or within public right of way or sidewalks.
  - b) Sight distance for cars entering and exiting the driveway shall not be blocked, and signs shall not be placed on sidewalks.
  - c) Enforcement of the following prohibited signs is temporarily suspended:
    - i) Strings of pennants, balloons, and similar devices.
    - ii) The use of portable signs (A-boards, wire frames).

All other Tukwila Sign Code regulations remain in effect.

EFFECTIVE DATE: June 15, 2020, Amended December 1, 2020.

APPROVAL:

\_\_\_\_\_  
Mayor Allan Ekberg

\_\_\_\_\_  
De'Sean Quinn, Council President

\_\_\_\_\_  
Jack Pace, Director Community Development

\_\_\_\_\_  
Kari Sand City Attorney

\_\_\_\_\_  
Jay Wittwer, Fire Chief