



## **PLANNING COMMISSION MEETING MINUTES SEPTEMBER 5, 2018**

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### **CALL TO ORDER**

The Planning Commission meeting was called to order by Chair Daniel Hubbell at 6:09 PM in the City Hall Council Chambers at 9611 SE 36th Street, Mercer Island, Washington.

### **ROLL CALL**

Chair Daniel Hubbell, Vice Chair Tiffin Goodman, Commissioners Carolyn Boatsman, Jennifer Mechem (arrived at 6:19pm), Lucia Pirzio-Biroli, Craig Reynolds, and Ted Weinberg were present.

Evan Maxim, Interim Development Services Director, Nicole Gaudette, Senior Planner, and Kari Sand, City Attorney were present.

### **APPEARANCES**

There were no public appearances.

### **REGULAR BUSINESS – PUBLIC HEARING**

#### **Agenda Item #1: 2018 Comprehensive Plan & Code Amendments**

Evan Maxim, Interim Director, provided a brief presentation on the 2018 Comprehensive Plan & Code Amendments.

Chair Hubbell opened the public hearing at 6:14pm

Julie Garwood, 9772 SE 41<sup>st</sup> St spoke about Amendment 8, how 4 houses, 1 lane and 1 community garden would be lost if this amendment is approved and how neighbors have been left to fend for themselves for encroachment on the neighborhood. She stated how she wants more time to work on proposal, that there should be more discussion.

Julie Chivo, 2824 61<sup>st</sup> Ave SE, supports Amendment 8 but is concerned about traffic. She supports a zone that allows nonprofits to plan for capital improvements and applauded the citizens who are proposing a structure which will benefit Islanders for years to come.

Trea Schocken Diamant, 13 El Dorado Dr, asked that the Planning Commission support Amendment 8. She stated that the community should support Island community facilities that support the physical, mental, spiritual, social and cultural health of Mercer Island.

Alan Merkle, 5080 W Mercer Way, spoke about the need to constantly evaluate current plans and policies. He supports Amendment 8 and believes it will enable long term planning of facilities. He stated that integration into the neighborhood should be considered and that without the amendment, development will be piecemeal and that new regulations will address impacts.

Ben Orillon, 7225 SE 36<sup>th</sup> St, FASPS Lower School Head, stated that he can see how the new zone would benefit the Island and will offer further opportunity.

JP Kirby, 8201 SE 35<sup>th</sup> St FASPS Trustee, supports Amendment 8 indicating that this is the right time to look to the future and work together with the community and City to have a careful plan moving forward and listen to input from the neighbors.

Rob Wolf, 2208 80<sup>th</sup> Ave SE, SJCC Board Member, stated that the SJCC brought him to Mercer Island for the first time and influenced him to move here. He talked about how the building needs to be rebuilt and impacts can be addressed in partnership with neighbors.

Ira Appleman, 9039 E Shorewood Dr, opposes intensification of activities on the property (Amendment 8). He spoke about how the SJCC received a vacation of 99<sup>th</sup> and entrance to the SJCC. He stated that it's a breach of faith for staff and Council to support this. He also does not support the Arts Comp Plan amendment (Amendment 6); he believes MICA will be moving to the Tully's site.

Iantha Sidell, 2770 65<sup>th</sup> PI SE, SJCC Board Member, spoke about her support of local business on the Island. She believes safety should be a priority.

Dana Weiner, 4364 E Mercer Way, is a member of Herzl and SJCC and now works at the SJCC. She supports Amendment 8 and agrees with language requiring design review; she supports concept of master planning.

Willy Mullins, 7800 SE 27<sup>th</sup> St #201, expressed his concern about the rate at which Amendment 15 was introduced and the impacts on the condo residents including access to building and deliveries. He spoke about his meeting with the City last week and discussed impacts that hadn't been considered. He is concerned about park space will be taken from the community and voiced concerns with something that urban being placed next to light rail.

John O'Rourke, 4043 97 Ave SE, spoke about not using emotion to make a decision on Amendment 8 and asked the Planning Commission if they have the data the need for the decision.

Cartlin Monson, 3808 E Mercer Way, spoke about the population increased since 1979 and how home values have increased because nothing was built except nice houses. He is concerned that setbacks will be a dead minimum; he looks at the SJCC from his front door. He stated his concerns about property values being impacted. He asked the Planning Commission if they want this zone to be something that could be repeated in other neighborhoods

Ryan Rahlfs, 9703 SE 40<sup>th</sup> St, spoke about the expansion being harmful to the neighborhoods and how the residential codes were recently changed because large houses can have a negative impact. He stated that a 'no' vote is an affirmation of the concerns of the neighbors and asked the Planning Commission to cast a vote against Amendment 8.

Peter Struck, 9134 SE 39<sup>th</sup> St stated that 4 of the amendments should be recommended. He spoke about Amendment 6 how it is overreaching, is at odds with other parts of the Comp Plan and should be rewritten. He stated that Amendment 8 is at odds with the overarching Comp Plan Vision statement that states that City leaders will maintain the integrity of existing approved land use policies; land use goal 15 states the Mercer Island should remain principally a low density single-family residential community. He talked about how proposed Policy 29.6 is written so that the zone could be applied to any residential area and that proposed Policy 29.5 allows for upzoning in single-family residential areas. He stated that Amendment 9: Disaster Planning is not appropriate for a Comp Plan. Lastly, he

talked about how Amendment 15: Commuter Parking is labeled as an emergency; rezoning of a small parcel of land for parking is not an emergency.

John Rivera Dirks, 8011 84<sup>th</sup> Ave SE, thanked the Planning Commission for the work done. He supports Amendment 8; his kids go to the SJCC and he is a member. The SJCC promotes education, culture and health. He stated that special thought needs to be given to the safety and security; that traffic, safety, design, scale and aesthetics are all important.

Rick Tydings, 2065 80<sup>th</sup> Ave SE, spoke about living along the south end of the SJCC parking lot and their bedroom was 6 feet from the property; noise and commotion grew over time. He stated that on November 6, 2002 the Planning Commission met about vacating a street the ran through the SJCC's property and how other projects were proposed over time and that nothing was approved.

Anna Fein, 8846 SE 59<sup>th</sup> St, spoke in support of Amendment 8. She supports language including element to address traffic and parking impacts and pedestrian circulation; including the new language about reducing conflicts among transportation.

Paul Burstein, 8367 SE 30<sup>th</sup> St, belongs to the SJCC and Herzl, he stated that non-profit organizations benefit a community. He talked about how Amendment 8 would lead to a quality of life on Mercer Island.

Cheryl D'Ambrosio, 3712 E Mercer Way, lives next to Herzl, across from JCC and FASPS. She spoke against zoning changes without understanding the detail of the zoning change. She stated that there are huge safety, traffic, and noise issues.

Tim McGuire, 4029 91<sup>st</sup> Ave SE, voiced his concerned about rezoning. He stated that the applicants do not qualify for other ways to develop; don't qualify for variance and that if this needs to be changed, it should be a legislative change and a new zone be created; this is eminent domain by proxy. He voiced that a decision is being sought through the planning commission that the City Council can implement. He opposes Amendment 8, because City Council should do it.

El Jahncke, 9729 SE 43<sup>rd</sup> St, stated that he supports Willy Mullins comments in regard to Amendment 15 that he does not support or oppose. He is concerned with the public private partnership joint venture; Town Center regulations grants a larger height with the dedication of public amenities.

Jeff Davis, 4568 E Mercer Way, questioned why the City address the safety and parking issues as the scope of the facility had changed over the last 50 years. He stated that a 50-year-old building is a new building in other countries and that upgrading a 50-year-old building shouldn't take much talent. He believes that the property owner should have addressed the problem issues.

Debbie Newell, 2029 82<sup>nd</sup> Ave SE, stated that her kids attended FASPS and she is currently CFO of the School. She supports the amendment language, especially considering nonmotorized solutions. She also supports language requiring eliminating conflict between transportation modes.

Tracy Granbois, 8440 SE 82nd St, spoke about Amendment 15: MICC 2.24.030 states that ordinances will not go into effect for 30 days after passage the resolution is void because it went into effect 25 days after adoption. She said that on June 25 there was no mention of emergency of facts to support an emergency. She spoke about Amendment 6, considering the homeless crisis, she questioned why the City would be concerned about housing for artists and not the homeless.

Doug Cargill, 8940 SE 56<sup>th</sup> St, stated that Amendment 8 makes no sense that other jurisdictions only

have generalities, and not a fully fleshed out development. He stated that the design charettes are about advantaging the developer and not the community. He fears this is the process that is happening and that there is more homework that needs to be done.

John Hall, 9970 SE 40<sup>th</sup> St, owns a vacant lot at 9902 SE 40<sup>th</sup> St. He questioned why DSG didn't provide history of the applicants to the Planning Commission. He stated that the applicant's facility is very intrusive and that the hodgepodge of zoning was a result of the applicant buying residential properties.

Tim Lemon, 4219 Shoreclub Dr, spoke in opposition to Amendment 8. He stated that the approach and process are not appropriate. He is concerned about a precedent being set and he would like to see a design first. He stated that he believed that there must have been some knowledge of this zone change being approved and questioned why the properties would have been purchased. He spoke about his children being in an accident during a peak hour time in the area. He is surprised there aren't more accidents. He stated that changes should not be made without a design being presented.

Winky Lai, 3716 E Mercer Way, lives next to the Herzl parking lot. She opposes Amendment 8. She stated that the area is developing, and expansion is inevitable down the road. She talked about how promises have not been kept by the applicants. She questioned why they are being given more power when they have not kept promises. She said that she would love to see a new facility, but more questions need to be asked before a blank check amendment is passed.

Dan Thompson, 7265 N Mercer Way, stated that the City should look into what Tracy Granbois said. He spoke to Amendment 3, stating he does not believe that the study could say that traffic has improved. He thinks that inaccurate traffic numbers will haunt us. He spoke about Amendment 11, stating he does not want to see an increase in GFA. He stated that he doesn't know regulations or designs and have not seen architectural renderings.

Paul Shoemaker, 4546 Forest Ave SE, stated that the Arts Council will do a study session with the City Council on September 17 and everyone is invited to join.

Matt Goldbach, 9980 SE 40<sup>th</sup> St, stated that there is no definition for Private Community Facility and therefore very little to talk about. He stated that a decision should not be made if a Private Community Facility cannot be defined.

Nicole Kelly, 9821 SE 40<sup>th</sup> St, spoke to Amendment 1. She has not heard of policies to protect the neighborhood; protecting them from lights, trespassing, traffic, no stop light on E Mercer Way, requiring underground parking. She indicated that she sees the parking lot from her property and no one knocked on her door. She indicated that they should remodel their current facility and that they should not have purchased the properties next door.

**The Public Hearing closed at 7:38 pm.**

The Commission took a break until 7:55 pm.

## **Agenda Item #2: Planning Commission Recommendation on 2018 Comprehensive Plan & Code Amendments**

Evan Maxim, Interim Director, provided a recommended motion for the Planning Commission.

It was moved by Boatsman; seconded by Goodman to:

**Recommend that the City Council approve the proposed Comprehensive Plan amendments as detailed in Exhibit 1, and further moved to recommend that the City Council approve the proposed amendments to the Mercer Island City Code Title 19 as detailed in Exhibit 2.**

#### **Amendment 8**

It was moved by Hubble; seconded by Pirzio-Biroli to:

**Amend the previous motion as follows:**

**Revise Amendment 8 to the Land Use Element to:**

- **strike the second “community” in Goal 8 of Section V. to read: “The community should accommodate facilities that support the physical, mental, spiritual, social, or cultural health of Mercer Island.”**
- **Amend Goal 29 to read as follows: “Establish a zoning designation that would enable the location of community facilities that utilize master planning techniques and accommodate flexible design standards to encourage superior site and building design outcomes.”**
- **Amend policy 29.7, to read “Community facilities are subject to design review and supplemental design standards.”**
- **Amend policy 29.8 to read: “A master planning process shall be utilized for all major development of community facilities.”**
- **Amend Goal 8 of Section V to state “The City should accommodate community facilities that support the physical, mental, spiritual, social, or cultural health of Mercer Island.”**

Motion to Amend Passed 7-0

It was moved by Weinberg; seconded by Reynolds to:

**Amend the previous motion as follows:**

**Revise Figure 1 Land Use Map to show the current Land Use designations of the FASPS, SJCC, and Herzl Ner-Tamid properties.**

Motion to Amend Failed 1-6.

After discussion the Commission decided to discuss and approve the Amendments one by one.

It was moved by Boatsman; seconded by Goodman:

**To withdraw the original motion for approval of all of the amendments.**

Passed 7-0

It was moved by Boatsman; seconded by Goodman to:

**Recommend that the City Council approve revised Comprehensive Plan Amendment 8 as detailed in Exhibit DH (as provided at the meeting).**

Passed 6-1.

The Commission took a break until 10:21 pm.

#### **Amendment 6**

It was moved by Reynolds; seconded by Goodman to:

**Recommend that the City Council approve the proposed Comprehensive Plan Amendment No. 6 as detailed in Exhibit 1.**

It was moved by Boatsman; seconded by Reynolds to:

**Amend the previous motion to:**

**Call Amendment 6 the Arts and Culture Plan instead of calling the submittal by the Arts Council the Comprehensive Arts and Culture plan.**

Motion to Amend Passed 7-0.

It was moved by Pirzio-Biroli; seconded by Weinberg to:

**Amend the previous motion to:**

**Remove the term “comprehensive” from the references of the Arts and Culture Plan.**

Motion to Amend Passed 7-0.

It was moved by Boatsman; seconded by Goodman to:

**Amend the previous motion to:**

**Amend 25.2 to remove the word “assist” community” and replace with the words “support”.**

Motion to Amend Passed 7-0.

It was moved by Reynolds; seconded by Boatsman to:

**Amend the previous motion to:**

**Strike parenthetical comment at the top of page 64 regarding 2016 elementary school on page 64 of pdf, 63 of packet, 1<sup>st</sup> paragraph)**

Motion to Amend Passed 7-0.

It was moved by Goodman; seconded by Weinberg to:

**Amend the previous motion to:**

**Delete 24.6 regarding transportation projects and incorporate into 24.4 Revise 24.4 to state “Incorporate public art into capital improvement projects, including transportation projects.”**

Goodman withdrew the amendment and Weinberg agreed.

Main Motion as Amended Passed 7-0.

Amendment 6 passed as amended.

#### **Amendment 15**

It was moved by Goodman; seconded by Mechem to: Motion to

**Recommend that the City Council approved Amendment 15 as detailed in Exhibit 1, and further move to recommend that the City Council approve the proposed amendments to the Mercer Island City Code Title 19 as detailed in Exhibit 2.**

Passed 7-0.

Amendment 15 passed as presented.

#### **Amendment 7**

It was moved by Pirzio-Biroli; seconded by Goodman to:

**Approve Amendment 7 for the Critical Areas Ordinance.**

It was moved by Pirzio-Biroli; seconded by Boatsman to:

**Amend the previous motion to:**

**Adopt the proposed amendments in document CBLPB (as provided at the meeting).**

Motion to Amend Passed 7-0.

It was moved by Boatsman; seconded by Pirzio-Biroli to:

**Amend the previous motion to:**

**Create Policy 19.16 that would read: “Promote the establishment of bird nest boxes in parks and on private property for species that would benefit. Remind pet owners of the very significant bird mortality related to cats and to keep them indoors.”** Motion to Amend Passed 7-0.

Main Motion as Amended Passed 7-0.

Amendment 7 passed as amended.

#### **Amendment 1**

It was moved by Boatsman; seconded by Reynolds to:

**Recommend that the City Council approved proposed Amendment 1 as detailed in Exhibit 1.**

It was moved by Hubbell; seconded by Boatsman to:

**Amend the previous motion to:**

**Amend the table so the land use designation currently named “private community facilities” would be “community facility”, and to change the text to strike through the words “private” on lines 1 and 2 to change the word “facilities” to “facility” where appropriate.**

Motion to Amend Passed 7-0.

It was moved by Hubbell; seconded by Boatsman to:

**Amend the previous motion to:**

**Amend the legend on Figure 1 to change “private commercial facilities” to “community facility”.**

Motion to Amend Passed 6-0.

Main Motion as Amended Passed 6-1 (Weinberg dissented).

Amendment 1 passed as amended.

#### **Amendments 2, 9, 12 and 13**

It was moved by Boatsman; seconded by Weinberg to:

**Recommend that the City Council approved proposed Amendments 2, 9, 12 and 13 as presented.**

Passed 7-0.

Amendments 2, 9, 12 and 13 passed as presented.

#### **Amendment 3**

It was moved by Goodman; seconded by Pirzio-Biroli to:

**Recommend that the City Council approves proposed Comprehensive Plan Amendment 3 as detailed in Exhibit 1.**

It was moved by Pirzio-Biroli; seconded by Boatsman to:

**Amend the previous motion to:**

**Add a rumble strip between the lane and shoulder on the blind curves on East and West Mercer Way.**

Motion to Amend Passed 7-0

It was moved by Reynolds; seconded by Boatsman to:

**Amend the previous motion to:**

**Amend Goal 9.1 on page 20 to delete the phrase “to the extent possible”.**

Motion to Amend Passed 7-0

It was moved by Reynolds; seconded by Boatsman to:

**Amend the previous motion to:**

**Amend the last sentence on page 43 should be revised to state “who live more than one mile from MIHS and neither have a parking pass nor are assigned to a district bus”.**

Motion to Amend Passed 7-0

The Commission noted that the existing bicycle & pedestrian facilities map, Figure 5, on page 38 does not have sharrows and that this be added to the 2019 docket.

Main Motion as Amended Passed 7-0.

Amendment 3 passed as amended.

#### **Amendment 4**

It was moved by Boatsman; seconded by Mechem to:

**Recommend that City Council approve the proposed Comprehensive Plan Amendment 4 as detailed in Exhibit 1.**

Passed 7-0

Amendment 4 passed as presented.

#### **Amendment 5**

It was moved by Boatsman; seconded by Goodman to:

**Recommend that City Council approve the proposed Comprehensive Plan Amendment 5 as detailed in Exhibit 1.**

It was moved by Boatsman; seconded by Pirzio-Biroli to:

**Amend the previous motion to:**

**Amend Comprehensive Plan Amendment 5 with the language that is contained in Exhibit CBLPB2 (as provided at the meeting).**

Motion to Amend Passed 7-0.

It was moved by Pirzio-Biroli; seconded by Boatsman to:

**Amend the previous motion to:**

**Amend to replace “standards” with “principles” throughout.**

Motion to Amend Passed 7-0.

Main Motion as Amended Passed 7-0.

Amendment 5 passed as amended.

#### **Amendment 10**

It was moved by Mechem; seconded by Pirzio-Biroli to:

**Recommend that City Council approves Amendment 10 as detailed in Exhibit 1.**



It was moved by Reynolds; seconded by Pirzio-Biroli to:

**Amend the previous motion to:**

**Change language for goal 3 on page 30 to state "...improvement, and, development of housing for a diverse community".**

Reynolds withdrew his motion to amend the amendment.

Passed 7-0

Amendment 10 is passed as presented.

#### **Amendment 11**

It was moved by Boatsman; seconded by Weinberg to:

**Recommend that City Council approves Amendment 11 as detailed in Exhibit 1.**

It was moved by Boatsman; seconded by Weinberg to:

**Amend the previous motion to:**

**Change Goal 20 to read "Promote the use of green building methods, design standards and materials, for residential; development, to reduce impacts on the built and natural environment and to improve the quality of life" as the first sentence of Goal 20.**

Motion to Amend Passed 7-0.

Main Motion as Amended Passed 7-0.

Amendment 11 passed as amended.

#### **Amendment 14**

It was moved by Boatsman; seconded by Goodman to:

**Recommend that City Council approves Amendment 14 as detailed in Exhibit 1.**

It was moved by Boatsman; seconded by Goodman to:

**Amend the previous motion to:**

**Amend Policy 16.6 as in our packet to substitute the word "wildlife habitat" for "vegetated open space."**

Motion to Amend Passed 6-0-1

Main Motion as Amended Passed 6-0-1

Amendment 14 passed as amended.

#### **MINUTES:**

It was moved by Hubbell; seconded by Boatsman to:

**Approve the minutes of August 15, 2018.**

Passed 7-0

#### **OTHER BUSINESS:**

There was no other business.

#### **PLANNED ABSENCES:**

Commissioner Reynolds will be absent on October 3, 2018.

**NEXT MEETING:**

The next Planning Commission meeting will be on October 3, 2018 at 6:00 pm at Mercer Island City Hall.

**ADJOURNMENT:**

The meeting was adjourned at 12:58 am on Thursday, September 6, 2018.