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# PLANNING COMMISSION

## Regular Meeting Agenda

Council Chambers- Mercer Island City Hall  
9611 SE 36TH STREET | MERCER ISLAND, WA 98040  
PHONE: 206.275.7605 | [www.mercergov.org](http://www.mercergov.org)

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## Wednesday, October 16, 2019

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### Planning Commissioners

Carolyn Boatsman

Tiffin Goodman, Chair

Daniel Hubbell

Jennifer Mechem

Lucia Pirzio-Biroli

Craig Reynolds, Vice-Chair

Ted Weinberg

### CALL TO ORDER & ROLL CALL

6:00 PM

### APPROVAL OF MINUTES

Minutes from October 2, 2019

### APPEARANCES

6:05 PM

This is the time set aside for members of the public to speak to the Commission about issues of concern. If you wish to speak, please consider the following points:

- Speak audibly into the podium microphone
- State your name and address for the record
- Limit your comments to three minutes

*The Commission may limit the number of speakers and modify the time allotted. Total time for appearances: 15 minutes*

### REGULAR BUSINESS

#### Agenda Item #1: Community Facility Regulations

6:20 PM

Discussion on Planning Commission recommendation following the August 20, 2019 City Council & Planning Commission joint study session

#### Agenda Item #2: 2020 Comprehensive Plan Amendment Preliminary Docket

7:30 PM

Discussion and recommendation of a 2020 Comprehensive Plan amendment preliminary docket

### OTHER BUSINESS

Directors Report

Planned Absences for Future Meetings

Next Scheduled Meeting: October 30, 2019

### ADJOURN

9:00 PM

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# PLANNING COMMISSION

## MEETING MINUTES



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**Wednesday, October 2, 2019**

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### CALL TO ORDER

The Planning Commission was called to order by Chair Goodman at 6:07 pm in the City Hall Council Chambers at 9611 SE 36<sup>th</sup> Street, Mercer Island, Washington.

### ROLL CALL

Chair Tiffin Goodman, Vice Chair Craig Reynolds, Commissioners, Carolyn Boatsman, Daniel Hubbell, Lucia Pirzio-Biroli and Ted Weinberg (arrived at 6:10pm) were present. Commissioner Jennifer Mechem was absent.

### STAFF PRESENT

Evan Maxim, CPD Director, Andrea Larson, Senior Administrative Assistant, Mona Davis, Planning Manager and Robin Proebsting, Senior Planner.

### MINUTES

It was moved by PB, seconded by Boatsman to:  
**Approve the September 18, 2019 minutes.**  
Passed 4-0-1

### APPEARANCES

There were no appearances.

### PUBLIC HEARING

#### **Agenda Item #1: ZTR18-006 Minor Code Amendments 2018**

Robin Proebsting, Senior Planner, provided a presentation on ZTR18-006 Minor Code Amendments 2018, roof top decks.

The Commission reviewed the public hearing draft and asked clarifying questions.

Chair Goodman opened the public hearing at 6:15pm.

Owen Sun, 7240 N Mercer Way. He commented on the difficulties that he has been having trying to add a roof top deck to the house they are trying to build and voiced his concerns about this amendment.

Chair Goodman closed the public hearing at 6:20pm

## **Agenda Item #2: Comprehensive Plan Amendments 2019**

Robin Proebsting, Senior Planner, provided a presentation on Comprehensive Plan Amendments 2019. The Commission reviewed the public hearing draft and asked clarifying questions.

Chair Goodman opened the public hearing at 6:26pm.

Callie Rodolfi, 3432 72<sup>nd</sup> Ave SE, she thanked the commission to putting the environment on the work plan for this year. She spoke about how much carbon is being released and how much of a reduction needs to be made by 2050, more than a 75% reduction. She spoke to how Island Vision would like to help with compiling data and reporting back to help the City meet the goals of reduced greenhouse gas emissions. She made comments on 28.4 and 28.8.

Jonathan Harrington, 9514 SE 68<sup>th</sup> St, he spoke in support of the proposed changes to the Comprehensive plan regarding climate change. He spoke of the commissions and task forces that have come and gone regarding climate change. He spoke to how proposed changes support the City making changes regarding climate change. He spoke regarding creating a climate action plan, that doesn't limit the City from taking future actions, things that may be unpredictable changes in the future.

Chair Goodman closed the public hearing at 6:43pm

## **REGULAR BUSINESS**

### **Agenda Item #3: ZTR18-006 Minor Code Amendments 2018**

It was moved by Boatsman, seconded by Pirzio-Biroli that:

**The Planning Commission recommend approval of the proposed amendment to Mercer Island City Code section 19.02.020 as provided in the Public Hearing Draft of the 2018 Minor Code Amendments.**

The Commission discussed the amendment.

It was moved by Hubble; seconded by Boatsman to:

**Prohibit the use of glass or other transparent materials for railings**

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

**Amend to Use bird friendly design techniques for railings as described by the American Bird Conservancy.**

Passed 6-0

Passed as amended 6-0

It was Moved by Boatsman; seconded by Hubble to:

**Add "Any lot where allowed lot coverage is not used, a roof top deck with equivalent area can be proposed."**

Failed 3-3

It was moved by Weinberg; seconded by Boatsman to:

**Amend to include clause stating that Staff may allow an exception can be made for unconstrained properties if all adjoining property owners signed agreement to allow it.**

The Commission took a break until 8:24pm.

The motion was removed by Weinberg; seconded by Boatsman.

It was moved by Weinberg; seconded by Boatsman to:

**Amend to allow roof top railings on unconstrained lots where the railing is placed more than 6' from the edge of the roof line.**

Passed 4-1-1

Main motion passed as amended 5-1

#### **Agenda Item #4: Comprehensive Plan Amendments 2019**

It was moved by Hubble, seconded by Weinberg to:

**Recommend approval of the proposed “Item 1”, related to the Town Center subarea map, within the Public Hearing Draft of the 2019 Comprehensive Plan amendments.**

Passed 6-0

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

**Recommend approval of the proposed “Item 2”, related to greenhouse gas emission reduction and climate change adaption, within the Public Hearing Draft of the 2019 Comprehensive Plan amendments.**

It was moved by Boatsman; seconded by Weinberg;

**Amend “Item 2” to include the amendments in CB Amendment 10/2/19**

The Commission amended CB Amendment 10/2/19 by consensus, with the below changes:

Page 1 CB Amendment 10/2/19, bottom of the page change 2014 to 2016.

Page 2 CB Amendment 10/2/19, second paragraph, add “which commenced in 2008 to end of first sentence.

Page 2 CB Amendment 10/2/19, last paragraph, delete “A standard system of evaluating the effectiveness of” and add “evaluated” after GHG reduction strategies should be.

Page 3 CB Amendment 10/2/19, first paragraph, deleted last sentence in its entirety.

Page 3 CB Amendment 10/2/19, reword the 28.12 to read “Strive to increase carbon sequestration by expanding tree canopy and vegetation cover” and delete the remainder of the sentence.

Page 3 CB Amendment 10/2/19, add new 28.14 that reads “Encourage the use of and conversion to clean and renewable energy solutions.

Page 3 CB Amendment 10/2/19, Goal 29 change re-evaluate to consider.

Commissioner Hubble left at 9:45pm

The Commission took a break until 9:46pm

Passed as amended by consensus 5-0

It was moved by Weinberg; seconded by Boatsman to:

**insert the word renewable Item 2, 28.10.a**

Passed 5-0

It was moved by Boatsman; Weinberg

**Change Item 2, page 6 of 13, 28.4, Consider for implementation those K4C strategies that are relative and feasible.**

Passed 5-0

It was moved by Reynolds; seconded by Weinberg

**28.8 to add a new 28.8.a.stating “Encourage the reduction in vehicle miles traveled.”**

Passed 5-0

It was moved by Boatsman; seconded by Weinberg to:

**Reword 28.5 to read “report Mercer Island GHG emissions annually**

Passed 3-2

Main motion passed as amended 5-0

It was moved by Reynolds; seconded by Weinberg to:

**Recommend approval of the proposed “item 3”, related to economic development, within the Public Hearing Draft of the 2019 Comprehensive Plan Amendments.**

Passed 5-0

It was moved by Boatsman; seconded by Weinberg

**Recommend approval of the proposed “Item 4”, related to multimodal transportation levels of service, within the Public Hearing Draft of the 2019 Comprehensive Plan Amendments.**

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

**Page 12 of 13, add 7.9 “Public institutions, commercial, multi-family and mixed-use facilities should have sufficient storage for active transportation modes.”**

Passed 5-0

It was moved by Pirzio-Biroli; seconded by Reynolds

**Change, page 13 of 13, 12.5, to say areas near school and commercial areas should have higher levels of services for pedestrians, bicycles and transit.**

5-0

It was moved by Boatsman, seconded by Weinberg to:

Remove the second sentence in 10.6

Passed 4-1

Main motion passed as amended 5-0

#### **Agenda Item #5: ZTR19-002 Public Institution Code Amendment**

Evan Maxim, CPD Director, provided a brief presentation and introduction to proposed amendments to Chapter 19.05 MICC.

The Commission reviewed the proposed amendment.

#### **OTHER BUSINESS**

There was no other Business.

#### **PLANNED ABSENCES FOR FUTURE MEETINGS**

Commissioners Pirzio-Biroli and Craig Reynolds will be absent on October 30, 2019

#### **ANNOUNCEMENTS AND COMMUNICATIONS**

The next Planning Commission meeting is on October 16, 2019 at 6:00PM.

#### **ADJOURNMENT**

The meeting was adjourned at 10:53pm.

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## COMMUNITY PLANNING & DEVELOPMENT

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## PLANNING COMMISSION

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**To:** Planning Commission

**From:** Evan Maxim, Director

**Date:** October 16, 2019

**RE:** Community Facility regulations

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### SUMMARY

On August 20, 2019, the City Council and Planning Commission held a joint study session to discuss the proposed Community Facility regulations and zoning designation. Following the joint study session, the City Council asked the Planning Commission to:

- A. Review the "problem statement" and determine if an alternative approach is warranted;
- B. Explore alternative decision-making processes; and
- C. Report back to the City Council for further direction.

On October 16, the City intends to review the City Council direction and provide a broad overview of the problem statement and identified alternative approaches. The City is seeking Planning Commission guidance on whether the problem statement is complete, confirmation on which alternatives the Planning Commission would like to explore further, and confirmation on the proposed schedule.

### PROBLEM STATEMENT

A "problem statement" was not formally adopted prior to the initiation of the Community Facility regulation and rezone discussion. Staff has reviewed the material presented to the Planning Commission throughout the Comprehensive Plan and code amendment discussion to arrive at the following problem statement. The City understands that the problem statement(s) are:

1. Limited predictability for community organizations and the adjacent neighborhoods when modifications or development is proposed. The size, extent of improvements, and scope of operations are not clearly defined by the current regulations.
2. Current regulations do not address impacts to neighborhoods or operations. Vehicle access, hours of operations, special events, and other impacts are largely unregulated.
3. Current regulations do not establish a method for encouraging superior site design.
4. Current regulations significantly limit the ability of community organizations to grow and modify existing campuses.

Do the four above factors sufficiently describe the problem? Are there edits or corrections to the problem statement? Is the problem statement limited to a single location, or is it foreseeably a challenge on multiple sites? Defining the problem statement and the "source" of the problem allows the staff and Planning Commission to correctly identify a proposed approach and solution for the City Council.

In reviewing the problem statement, staff recommends that the Planning Commission identify the source of the problem and also identify any contextual factors outside the City's control.

## ALTERNATIVES

For the City Council and Planning Commission joint study session, staff identified three high level alternative options for moving forward:

1. Halt Planning Commission review of the Community Facility code amendments and rezone.
2. Continue Planning Commission review of the Community Facility code amendments and rezone.
3. Evaluate an alternative approach to address the problem statement.

The Planning Commission may recommend amendments to the City's development regulations as part of a recommended approach under alternative 2 or alternative 3. In evaluating the best approach to address the problem statement, the Planning Commission may recommend that the City establish new, or modified, development regulations related to:

- A. Decision-making processes (e.g. a public comment period, a public hearing, decision-maker).
- B. Decision-making criteria (e.g. criteria for approval of a CUP, Master Plan, etc).
- C. Development or design standards (e.g. setbacks, height limits, screening, etc).

### Alternative 1: Halt work on the Community Facility regulations.

In evaluating the problem statement described above, the Planning Commission may conclude that the problem cannot be addressed meaningfully through an amendment to the development regulations.

The current discussion of the Community Facility regulations was initiated around the French American School, Jewish Community Center, and Herzl-Ner Tamid; the City understands that these organizations are interested in growth on Mercer Island beyond what would be allowed under the current regulations. The community and Planning Commission may conclude that these organizations should simply comply with the current regulations and that no further legislative action is necessary.

This approach provides the least amount of control for the community, Planning Commission, and the City Council. This approach also represents the least amount of risk in terms of unintended consequences resulting from a change to the existing regulations. The current regulations would be applied to a development application under the "status quo."

### Alternative 2: Continue review of the Community Facility code amendments and rezone.

This alternative represents a continuation of the current approach. Under this approach, the City is establishing a new decision-making process known as the "Master Plan" approval. This approach would also establish new criteria for Master Plan approval, including any modifications to the development or design standards. Finally, this approach also includes a revision of the development and design standards, tied to a specific zoning designation (i.e. the Community Facility zoning designation).

This approach provides the most control for the community, Planning Commission, and City Council. The increased control is a result of both crafting of new development regulations and in applying the new development regulations during a project review. This approach also represents the greatest amount of risk in terms of unintended consequences resulting from a change to the regulations. The resulting development regulations would be applied to future development applications.

### Alternative 3: Identify an alternative approach to address the problem statement.

This alternative represents developing a new approach to amending the development regulations to address some, or all, of the problem statement identified above. Under this approach the City could establish new decision-making processes, decision-making criteria, and / or development and design standards.

This approach could include the use of a “modified” Conditional Use Permit or Design Review decision-making process and possibly modified criteria for approval. Alternative development and design standards would also need to be developed, though further discussion will be necessary to determine how best to apply the development and design standards to Community Facility uses.

The approach also provides a relatively high level of control for the community, Planning Commission, and City Council, though likely less than the approach in Alternative 2. The community, Planning Commission, and City Council will be able to both craft the development regulations and apply them during project review. Presumably the degree of change to the development regulations will be less than in Alternative 2. This approach also represents some risk in terms of unintended consequences. Similar to Alternative 2, the resulting development regulations would be applied to future development applications.

In reviewing the three alternatives, please consider which alternative might best address the problem statement? What additional information is needed to develop an approach further? Will the City Council and community will support continuing the work started on Alternative 2? Is there a better solution that can be developed under Alternative 3, and if so, what would it look like?

## **PROPOSED SCHEDULE**

The Planning Commission is currently scheduled to engage in this work starting on October 16, with additional meetings scheduled on October 30 and November 20. Below is the staff suggested schedule:

- October 16: Planning Commission preliminary review & direction regarding problem statement and alternative approaches to develop further
- October 30: Planning Commission review of alternative approaches, develop recommendation to the City Council
- November 20: Planning Commission final review of problem statement, recommend approach, and recommendation to City Council.

Additional meetings may be added if additional time is necessary for review and discussion.

## **NEXT STEPS**

Planning Commissioners should review this memo and past material related to this subject. Staff anticipates that the Planning Commission will provide feedback and guidance to staff related to:

1. The accuracy of the problem statement. Is the problem statement correct? If not, what corrections are appropriate to the problem statement? Is this a problem that warrants further action by the City?
2. The identified alternative approaches. Which alternative approach(s) should be further explored by the Planning Commission? Does the Planning Commission have proposed refinements to an alternative approach (e.g. focus on CUP “plus”)? What additional information does the Planning Commission need from staff?
3. The initial schedule. Does the Planning Commission require additional time? Is additional public outreach desired?



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## PLANNING COMMISSION

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**To:** Planning Commission

**From:** Evan Maxim, Director

**Date:** October 16, 2019

**RE:** 2020 Comprehensive Plan Amendment Docket

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### SUMMARY

The City has the opportunity to amend its comprehensive plan and development regulations once per year by compiling proposed amendments on a docket, which is preliminarily reviewed by the Planning Commission and City Council for a determination on which, if any, proposed amendments will be advanced for full review in the coming year. Amendments selected by the City Council for the “final docket” are then put on the Community Planning and Development (CPD) work program for the next calendar year.

Staff is recommending that the City forgo considering any Comprehensive Plan Amendments in 2020.

### COMPREHENSIVE PLAN DOCKET PROCESS, CRITERIA, AND RECOMMENDATION

#### Docketing - Procedure:

The Mercer Island City Code (MICC) describes the formal process in section 19.15.240 MICC:

*“D. Docketing of Proposed Amendments. For purpose of this section, docketing refers to compiling and maintaining a list of suggested changes to the comprehensive plan in a manner that will ensure such suggested changes will be considered by the city and will be available for review by the public. The following process will be used to create the docket:*

*1. Preliminary Docket Review. By September 1, the city will issue notice of the annual comprehensive plan amendment cycle for the following calendar year. The amendment request deadline is October 1. Proposed amendment requests received after October 1 will not be considered for the following year’s comprehensive plan amendment process but will be held for the next eligible comprehensive plan amendment process.*

*a. The code official shall compile and maintain for public review a list of suggested amendments and identified deficiencies as received throughout the year.*

*b. The code official shall review all complete and timely filed applications proposing amendments to the comprehensive plan and place these applications on the preliminary docket along with other city-initiated*

*amendments to the comprehensive plan.*

*c. The planning commission shall review the preliminary docket at a public meeting and make a recommendation on the preliminary docket to the city council each year.*

*d. The city council shall review the preliminary docket at a public meeting. By December 31, the city council shall establish the final docket based on the criteria in subsection E of this section. Once approved, the final docket defines the work plan and resource needs for the following year's comprehensive plan amendments."*

Public notice was provided on August 21, 2019 and August 28, 2019. No proposed comprehensive plan amendments were proposed by the public. The Planning Commission and CPD staff initially identified two proposed comprehensive plan amendments for discussion:

1. A staff-proposed amendment to incorporate the Parks, Recreation, and Open Space (PROS) Plan and related policies into the Comprehensive Plan. *Staff has since concluded that this amendment should be docketed for 2021, to better align with the timing of the PROS plan and staff resources.*
2. A possible Planning Commission-proposed amendment related to economic development.

#### Docketing – Criteria:

Proposed comprehensive plan amendments should only be placed on the docket if the amendment will meet the following criteria:

*"E. Docketing Criteria. The following criteria shall be used to determine whether a proposed amendment is added to the final docket in subsection D of this section:*

- 1. The request has been filed in a timely manner, and either:*
  - a. State law requires, or a decision of a court or administrative agency has directed, such a change; or*
  - b. All of the following criteria are met:*
    - i. The proposed amendment presents a matter appropriately addressed through the comprehensive plan;*
    - ii. The city can provide the resources, including staff and budget, necessary to review the proposal, or resources can be provided by an applicant for an amendment;*
    - iii. The proposal does not raise policy or land use issues that are more appropriately addressed by an ongoing work program item approved by the city council;*
    - iv. The proposal will serve the public interest by implementing specifically identified goals of the comprehensive plan or a new approach supporting the city's vision; and*
    - v. The essential elements of the proposal and proposed outcome have not been considered by the city council in the last three years. This time limit may be waived by the city council if the*

*proponent establishes that there exists a change in circumstances that justifies the need for the amendment.”*

Current Work Plan and Recommendation:

The current 2020 work plan for CPD and the Planning Commission is significantly full, with the following tentatively scheduled items:

- Community Facility code amendments
- Sign code amendments
- Small cell code amendments
- Transportation Impact Fee code amendments
- Ongoing regional growth strategy and growth target review
- Review / report on the 2017 Residential Development Standards code amendments
- Regular minor code amendment review

Additional non-Planning Commission-related work, which represents a significant amount of staff work, is anticipated in 2020 and is not reflected in the above list. The current Planning Commission work plan already represents a significant amount of CPD staff and Planning Commission time and effort.

During the Planning Commission’s deliberation of the 2019 Comprehensive Plan amendments, a further comprehensive plan amendment for 2020 related to economic development was identified. However, following a review of the current 2020 work plan, staff is concerned that there is insufficient staff resource to accommodate review of proposed comprehensive plan amendments. Therefore, criterion (E)(1)(b)(ii) from the Docketing Criteria quote above is not met, meaning these items should not be added to the final docket.

Based on the above, the CPD recommends that no comprehensive plan amendments be docketed in 2020.

#### **NEXT STEPS**

The Planning Commission will need to prepare a recommendation to the City Council on a preliminary docket of Comprehensive Plan amendments.

1. Please consider whether any Comprehensive Plan amendments should be docketed in 2020, given the current Planning Commission work plan.
2. Please identify any additional proposed Comprehensive Plan amendments. Note that amendments include any change to the Comprehensive Plan, which include goals, policies, or modifications to maps or figures.
3. Please be prepared to consider and make a recommendation to the City Council on the Planning Commission’s preliminary docket of 2020 Comprehensive Plan amendments at your October 16, 2019 meeting.

#### **ATTACHMENTS**

None.