
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



Wednesday, August 7, 2019

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

MINUTES

6:05 PM

July 31, 2019

APPEARANCES

6:15 PM

REGULAR BUSINESS

6:20 PM

Agenda Item #1: 2019 Minor Code Amendments

Review draft code addressing minor code amendments

Staff Person: Robin Proebsting

OTHER BUSINESS

Directors Report

Planned Absences for Future Meetings

Next Regularly Scheduled Meeting: August 21, 2019

ADJOURN

7:20 PM

PLANNING COMMISSION

MEETING MINUTES



Wednesday, June 5, 2019

CALL TO ORDER

The Planning Commission was called to order by Chair Goodman at 6:06 pm in the City Hall Council Chambers at 9611 SE 36th Street, Mercer Island, Washington.

ROLL CALL

Chair, Vice Chair Tiffin Goodman, Commissioners, Carolyn Boatsman, Jennifer Mechem, Lucia Pirzio-Biroli, Craig Reynolds, and Ted Weinberg were present. Commissioners Daniel Hubbell and Ted Weinberg were absent

STAFF PRESENT

Mona Davis, Planning Manager, Andrea Larson, Senior Administrative Assistant, Robin Proebsting, Senior Planner and Bio Park, Interim City Attorney were present.

MINUTES

It was moved by Boatsman, seconded by Reynolds to:

Approved the June 19, 2019 minutes.

Passed 5-0

APPEARANCES

There were no appearances:

REGULAR BUSINESS

Agenda Item #1: Rooftop Raining Zoning Standards

Robin Proebsting, Senior Planner, provided a presentation introducing a code amendment for Rooftop Railings to MICC 19.02.020(E)(3).

The Planning Commission reviewed the code amendment.

The Commission indicated that they would like a statement regarding the percentage of open space added to the proposed code.

The Commission gave a thumbs up to proceed to the public hearing draft.

The Commission took a break until 7:01pm.

Agenda Item #2: Comprehensive Plan Amendment Docket 2019

Robin Proebsting, Senior Planner, provided a presentation on the continued review of the 2019 Comprehensive Plan amendments.

The Commission asked to see the next draft of the Comprehensive Plan amendments incorporated into where they would be placed in the Comprehensive Plan.

The Commission discussed the Comprehensive Plan amendments and provided feedback to staff.

Commissioner Pirzio-Biroli left at until 9:40pm.

OTHER BUSINESS

Chair Goodman spoke briefly regarding the joint Planning Commission and City Council meeting on August 20, 2019.

PLANNED ABSENCES FOR FUTURE MEETINGS

Pirzio-Biroli will be absent August 20 & 21; Mechem will be absent on August 20 & 21.

ANNOUNCEMENTS AND COMMUNICATIONS

The next Planning Commission meeting is on August 7, 2019 at 6:00PM.

ADJOURNMENT

The meeting was adjourned at 9:43PM.

CITY OF MERCER ISLAND

COMMUNITY PLANNING & DEVELOPMENT

9611 SE 36TH STREET | MERCER ISLAND, WA 98040

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PLANNING COMMISSION

To: Planning Commission

From: Robin Proebsting, Senior Planner

Date: August 1, 2019

RE: ZTR19-001: 2019 Minor Code Amendments

SUMMARY

Following up on the May 2019 introduction to the 2019 Minor Code Amendments, staff have utilized the Planning Commission's input on these amendments to generate a first draft of code. At the Commission's August 7, 2019 meeting, staff hope to obtain sufficient feedback on the first draft to produce a public hearing draft.

BACKGROUND

The 2019 Minor Code Amendments were introduced at the Planning Commission's May 29, 2019 meeting. These amendments are aimed at updating standards where the code is unclear or silent on a given standard. The Planning Commission provided some initial input at its May 29th meeting, which staff have used to create a first draft of code amendments, found in Attachment 1 to this memo.

One additional code amendment has been added to the 2019 Minor Code Amendments, which is related to a petition to the Growth Management Hearings Board received by the City. The petition has highlighted that the City's code language regarding code amendments, and who can initiate them, is not in alignment with state law.

RCW 36.70A.470 requires cities to include code provisions that provide:

"a procedure for any interested person, including applicants, citizens, hearing examiners, and staff of other agencies, to suggest plan or development regulation amendments. The suggested amendments shall be docketed and considered on at least an annual basis."

The City's standards pertaining to code amendments, found in MICC 19.15.250, currently state that "[a] zoning code amendment request may be initiated by the city council, planning commission, or code official", omitting other interested persons. The City's current practice appears to be compliant with state law, as anyone may apply for a code amendment, and code amendments are reviewed within the year. The draft code language in Attachment 2 proposes to update the code language to reflect current practice.

I can be reached at robin.proebsting@mercergov.org or 206-275-7717 if you have any questions.

NEXT STEPS

Please review the draft code in Attachments 1 and 2 and come prepared to discuss and provide direction to staff at the August 7, 2019 meeting.

ATTACHMENTS

1. Draft code language addressing 2019 Minor Code Amendments
2. Draft code language addressing code amendment requests to MICC 19.15.250

ZTR19-001 Minor Code Amendments

Item A

1 MICC 19.02.020

2 C. Yard Requirements.

3 1. Minimum. Except as otherwise provided in this section, each lot shall have front, rear, and side
4 yards not less than the depths or widths following:

5 a. Front yard depth: 20 feet or more.

6 b. Rear yard depth: 25 feet or more.

7 c. Side yards shall be provided as follows:

8 i. Total Depth.

9 (a) For lots with a lot width of 90 feet or less, the sum of the side yards' depth shall be
10 at least 15 feet.

11 (b) For lots with a lot width of more than 90 feet, the sum of the side yards' depth shall
12 be a width that is equal to at least 17 percent of the lot width.

13 ii. Minimum Side Yard Depth. The minimum side yard depth is five feet or 33 percent of
14 the aggregate side yard total depth, whichever is greater.
15

ZTR19-001 Minor Code Amendments

Item B

1 MICC 19.02.020

2 C. Yard Requirements

3 [...]

4 3. Intrusions into Required Yards.

5 a. Minor Building Elements.

6 i. Except as provided in subsection (C)(3)(a)(ii) of this section, porches, chimney(s) and
7 fireplace extensions, window wells, and unroofed, unenclosed outside stairways and
8 decks shall not project more than three feet into any required yard. Eaves shall not
9 protrude more than 18 inches into any required yard.

10 ii. No penetration shall be allowed into the minimum side yard setback abutting an interior
11 lot line except where an existing flat-roofed house has been built to the interior side
12 yard setback line and the roof is changed to a pitched roof with a ~~minimum pitch of no~~
13 steeper than 4:12, the eaves may penetrate up to 18 inches into the side yard setback.
14

ZTR19-001 Minor Code Amendments

Item C

1 MICC 19.02.020

2 C. Yard Requirements

3 3. Intrusions into Required Yards.

4 a. Minor Building Elements.

5 i. Except as provided in subsection (C)(3)(a)(ii) of this section, porches, chimney(s) and
6 fireplace extensions, window wells, and unroofed, unenclosed outside stairways and
7 decks shall not project more than three feet into any required yard. Eaves shall not
8 protrude more than 18 inches into any required yard.

9 ii. No penetration shall be allowed into the minimum side yard setback abutting an interior
10 lot line except where an existing flat-roofed house has been built to the interior side
11 yard setback line and the roof is changed to a pitched roof with a minimum pitch of
12 4:12, the eaves may penetrate up to 18 inches into the side yard setback.

13 b. Hardscape and Driveways.

14 ~~iii.i.~~ Hardscape and driveways not more than 30 inches above existing grade or finished
15 grade, whichever is lower, may be located in any required yard, provided that driveways
16 may exceed the 30-inch limit when a permit applicant demonstrates the proposed
17 height is the minimum feasible to meet the standards in MICC 19.09.040.
18
19

ZTR19-001 Minor Code Amendments

Item D

MICC 19.03.010

E. Building Height Limit.

1. MF-2L: No building shall exceed 24 feet or two stories in height (excluding daylight basements), whichever is less, except appurtenances may extend to a maximum of five feet above the height allowed for the main structure.
2. MF-2, MF-3: No building shall exceed 36 feet or three stories in height, whichever is less, except appurtenances may extend to a maximum of five feet above the height allowed for the main structure.
3. Building height shall be calculated using the method described in MICC 19.11.030(A)(3).

[...]

MICC 19.04.010

E. Development Standards – Nonresidential.

1. Building Height Limit. No nonresidential structure shall exceed 36 feet in height, calculated using the method described in MICC 19.11.030(A)(3).
2. Minimum Parcel Area Requirements. There shall be no minimum parcel size for nonresidential uses.
3. Parking Requirements. All nonresidential uses permitted in this zone shall comply with the parking requirements set out in MICC 19.04.040.

F. Development Standards – Residential.

1. Criteria for Residential Units. The intent for residential development in the PBZ is for a variety of housing units smaller in size than the surrounding neighborhood, developed in a planned and coordinated manner. Except as otherwise provided in this section, no residential units shall be located under or over another unit or within a commercial structure.
2. Building Height Limit. No residential building shall exceed 30 feet in height, calculated using the method described in MICC 19.11.030(A)(3). Antennas, lightning rods, plumbing stacks, flagpoles, electrical service leads, chimneys and fireplaces and other similar appurtenances may extend to a maximum of five feet above the height allowed for the main structure.

[...]

MICC 19.04.020

Building Height Limit.

1. Structures shall not exceed 36 feet in height, calculated using the method described in MICC 19.11.030(A)(3).

[...]

MICC 19.04.050

ZTR19-001 Minor Code Amendments
Item D

[..]

D. Building Height Limit. Maximum allowable building height shall be the lesser of 1) three stories or 2) 36 feet, calculated using the method described in MICC 19.11.030(A)(3).~~whichever is less.~~

ZTR19-001 Minor Code Amendments
Item E

- 1
- MICC 19.09.100
- 2
- B.
- 3
- Development, including roads, walkways and parking areas, in critical areas, should be avoided, or if
- 4
- not avoided, adverse impacts to critical areas will be mitigated to the greatest extent reasonably
- 5
- feasible.

ZTR19-001 Minor Code Amendments

Item F

1 MICC 19.15.030 Table A

Type I	Type II	Type III	Type IV
Table A. Land Use Review Type			
<ul style="list-style-type: none"> • Home business • Seasonal development limitation waiver • Nonmajor single-family dwelling building permits • Tree removal permit • Right-of-way permit • Special needs group housing safety determination • Tenant improvement/change of use • Shoreline exemption¹ • Critical areas determination (steep slope alteration) • Final short plat • Temporary commerce on public property • Site development permits • Transportation concurrency certificate 	<ul style="list-style-type: none"> • Modified wireless communication facilities (6409 per 47CFR 1.40001) • Lot line revision • Setback deviations • Final plat^{2,3} • Code official design review • Accessory dwelling unit • <u>Parking variances modification</u> (reviewed by city engineer) 	<ul style="list-style-type: none"> • New and modified wireless (non-6409) eligible facility • SEPA threshold determination • Critical areas determination (wetland/watercourse buffer averaging/reduction) • Temporary encampment⁴ • Short plat alteration and vacations • Preliminary short plat • Development code interpretations • Major single-family dwelling building permit⁵ • Shoreline substantial 	<ul style="list-style-type: none"> • Preliminary long plat approval • Conditional use permit • Variance • Critical areas reasonable use exception • Long plat alteration and vacations • Parking variances (reviewed by design commission) • Variance from short plat acreage limitation • Wireless communication facility height variance • Planned unit development • Design commission design review • Permanent commerce on public property

ZTR19-001 Minor Code Amendments
Item F

Type I	Type II	Type III	Type IV
Table A. Land Use Review Type			
		development per mit ¹ • Shoreline revision (substantial development) ¹	• Shoreline conditional use permit (SCUP) ⁶ • Shoreline variance ⁶ • Shoreline revision (variance and SCUP)

1
2
3

ZTR19-001 Minor Code Amendments

Item G

1 MICC 19.15.110

2 C. *Deadline Extension.* Applicants may request an extension to provide requested materials. Extension
3 requests shall be in writing, shall include a basis for the extension and shall be submitted in writing
4 prior to expiration of the time limit. The code official is authorized to extend the time limit in
5 writing. There is no limit to the number of extensions an applicant may be granted, however, the
6 total time limit for a response shall not exceed 180 days unless there is an extenuating
7 circumstance. An extenuating circumstance must be unexpected and beyond the control of the
8 applicant.

9 ~~C.D.~~ *Limit on Number of Review Cycles.* The official or entity may issue a decision when multiple
10 requests for the same information have remained unaddressed by materials submitted by the
11 applicant. The official or entity shall provide written notification to the applicant, informing them
12 that a decision will be issued and providing the opportunity for one set of information to be
13 submitted before the decision is issued.

ZTR19-001 Minor Code Amendments

Item H

1 MICC 19.15.220

2 C. Design Review Procedure.

3 1. General.

- 4 a. Intent. The intent of the design review process is to ensure that regulated development in
5 all land use zones complies with design objectives and standards established in Chapters
6 19.11 and 19.12 MICC.
- 7 b. Scope. No building permit or other required permit shall be issued by the city for
8 development of any regulated improvement without prior approval of the design
9 commission or code official as authorized pursuant to this chapter. Deviations from a plan
10 approved by the design commission or code official shall be permitted only upon the filing
11 and approval of an amended plan. In no instance shall the design commission's or code
12 official's action conflict with the city's development code or other applicable city ordinances
13 or with state or federal requirements. Certain development and activities that do not
14 require a permit are subject to design review as provided in subsection (C)(1)(c) of this
15 section.

16 c. Review Authority.

- 17 i. The following development proposals shall require design commission review:
- 18 (a) New buildings;
- 19 (b) Any additions of gross floor area to an existing building(s);
- 20 (c) Any alterations to an existing building that will result in a change of 50 percent, or
21 more, of the exterior surface area;
- 22 (d) Any alterations to a site, where the alteration will result in a change to the site
23 design that affects more than 50 percent of the development proposal site; and
- 24 (e) Any alterations to existing facades, where the building is identified by the city as an
25 historic structure.
- 26 ii. All other development proposals requiring design review and not requiring design
27 commission review under MICC 19.15.220(C)(1)(c)(i) ~~subsection A~~ of this subsection shall
28 be reviewed by the code official. The code official shall have the authority to determine
29 that an application normally reviewed by code official shall require design commission
30 review and approval, based on factors such as the scope, location, context, and visibility
31 of the proposed change or modification; and
- 32

ZTR19-001 Minor Code Amendments
Item J

- 1
- MICC 19.16.010(L)
- 2
- Lot, Irregular: A legally established lot that 1) is not rectangular and 2) does not meet minimum width,
- 3
- depth, and area standards required by the zone in which the lot is located.

ZTR19-001 Minor Code Amendments

Item J

- 1
- MICC 19.16.010(L)
- 2
- Lot Coverage Maximum: The maximum area of a residentially zoned lot that may be covered by a
- 3
- combination of buildings, including eaves and roof overhangs, and vehicular driving surfaces.
- 4

Minor Code Amendments

Addendum

Draft Date: August 7, 2019

ADMINISTRATION

19.15.250 Code amendment

19.15.260 Review procedures for comprehensive plan amendments, reclassification of property,
and code amendments

“Normal Text” is existing code language

~~“Strikethrough Text”~~ is existing code language that will be deleted

“Underline Text” is new code language that will be added

“...” indicates that existing code language is omitted and will not be amended

19.15.250 Code amendment.

- A. Purpose. The purpose of this section is to establish the process and criteria for amendment of this code.
- B. Process. Zoning code amendments shall be considered as provided in MICC 19.15.260.
- C. Initiation of Zoning Code Amendment Request.
1. A zoning code amendment request may be initiated at any time by the city council, planning commission, or code official.
 2. A zoning code amendment request may be initiated by any interested person. Proposed amendments submitted by any interested person shall be accompanied by application forms required by this title and by the code official and the filing fees established by resolution. All application forms for amendments to the zoning code shall require a detailed description of the proposed amendment in nontechnical terms.
 3. Zoning code amendment requests shall be docketed and considered on at least an annual basis. Multiple zoning code amendment requests may be consolidated for review and action at the city's discretion.
- D. Criteria. The city may approve or approve with modifications a proposal to amend the text of this code if:
1. The amendment is consistent with the comprehensive plan; and
 2. The amendment bears a substantial relation to the public health, safety, or welfare; and
 3. The amendment is in the best interest of the community as a whole.
- E. Codification. Following approval of an amendment, the city shall amend this code to reflect the amendment.

19.15.260 Review procedures for comprehensive plan amendments, reclassification of property, and code amendments.

- A. The city shall issue a notice for comprehensive plan amendments, reclassifications of property, and zoning code text amendments as described in MICC 19.15.230, 19.15.240, and 19.15.250. Notice shall be provided in the weekly CPD bulletin, made available to the general public upon request, and, if the proposed amendment will affect a specific property or defined area of the city, mailed to all property owners within 300 feet of the affected property or defined area, and posted on the site in a location that is visible to the public right-of-way.
1. The notice shall include the following information:
 - a. The name of the party proposing the proposed amendment or change;
 - b. The location and description of the project, if applicable;
 - c. The requested actions and/or required studies;
 - d. The date, time, and place of the open record hearing;
 - e. Identification of environmental documents, if any;
 - f. A statement of the public comment period which shall not be less than 30 days. The city shall accept public comments at any time prior to the closing of the record of an open record predecision hearing; and a statement of the rights of individuals to comment on the application, receive notice and participate in any hearings, request a copy of the decision once made and any appeal rights;
 - g. The city staff contact and contact information;
 - h. The identification of other reviews or permits that are associated with the review of the proposed comprehensive plan, zoning text, or zoning map amendment, to the extent known by the city;
 - i. A description of those development regulations used in determining consistency of the review with the city's comprehensive plan;
 - j. A link to a website where additional information about the project can be found; and
 - k. Any other information that the city determines appropriate.
 2. Timing of Notice. The city shall provide the notice at least 30 days prior to the hearing.
 3. The city shall accept public comments at any time prior to the closing of the record of an open record public hearing.
- B. Review after Public Hearing.
1. Following the completion of the open record public hearing, the planning commission shall consider the proposed amendment for conformance with the criteria as listed in the applicable section, the comprehensive plan and other applicable development standards.
 2. The planning commission shall make a written recommendation on the review to the city council.
 3. The city council shall consider the planning commission's recommendation at a public meeting where it may adopt or reject the planning commission's recommendations or remand the review back to the planning commission.