

CITY OF MERCER ISLAND

COMMUNITY PLANNING & DEVELOPMENT

9611 SE 36TH STREET | MERCER ISLAND, WA 98040

PHONE: 206.275.7605 | www.mercerisland.gov



CITY USE ONLY

PROJECT#	RECEIPT #	FEE

Date Received:

Received By:

DEVELOPMENT APPLICATION

STREET ADDRESS/LOCATION		ZONE
COUNTY ASSESSOR PARCEL #'S		PARCEL SIZE (SQ. FT.)
PROPERTY OWNER (required)	ADDRESS (required)	CELL/OFFICE (required) E-MAIL (required)
PROJECT CONTACT NAME Matthew Goldbach	ADDRESS 9980 SE 40th Street, Mercer Island	CELL/OFFICE 954-806-2489 E-MAIL matt@bitmax.net
TENANT NAME	ADDRESS	CELL PHONE E-MAIL

DECLARATION: I HEREBY STATE THAT I AM THE OWNER OF THE SUBJECT PROPERTY OR I HAVE BEEN AUTHORIZED BY THE OWNER(S) OF THE SUBJECT PROPERTY TO REPRESENT THIS APPLICATION, AND THAT THE INFORMATION FURNISHED BY ME IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.


SIGNATURE

Oct. 19, 2020
DATE

PROPOSED APPLICATION(S) AND CLEAR DESCRIPTION OF PROPOSAL (PLEASE USE ADDITIONAL PAPER IF NEEDED):

Two text code amendments and one Comprehensive Plan Amendment. See attached three pages.

ATTACH RESPONSE TO DECISION CRITERIA IF APPLICABLE

CHECK TYPE OF LAND USE APPROVAL REQUESTED:

<p>APPEALS</p> <p><input type="checkbox"/> Building</p> <p><input type="checkbox"/> Code Interpretation</p> <p><input type="checkbox"/> Land use</p> <p><input type="checkbox"/> Right-of-Way Use</p> <p>CRITICAL AREAS</p> <p><input type="checkbox"/> Critical Area Review 1 (Hourly Rate 2hr Min)</p> <p><input type="checkbox"/> Critical Area Review 2 (Determination)</p> <p><input type="checkbox"/> Reasonable Use Exception</p> <p>DESIGN REVIEW</p> <p><input type="checkbox"/> Pre Design Meeting</p> <p><input type="checkbox"/> Design Review (Code Official)</p> <p><input type="checkbox"/> Design Commission Study Session</p> <p><input type="checkbox"/> Design Review- Design Commission- Exterior Alteration</p> <p><input type="checkbox"/> Design Review- Design Commission- New Building</p> <p>WIRELESS COMMUNICATION FACILITIES</p> <p><input type="checkbox"/> Wireless Communications Facilities- 6409 Exemption</p> <p><input type="checkbox"/> New Wireless Communication Facility</p>	<p>DEVIATIONS</p> <p><input type="checkbox"/> Changes to Antenna requirements</p> <p><input type="checkbox"/> Changes to Open Space</p> <p><input type="checkbox"/> Seasonal Development Limitation Waiver</p> <p>ENVIRONMENTAL REVIEW (SEPA)</p> <p><input type="checkbox"/> SEPA Review (checklist)- Minor</p> <p><input type="checkbox"/> SEPA review (checklist)- Major</p> <p><input type="checkbox"/> Environmental Impact Statement</p> <p>SHORELINE MANAGEMENT</p> <p><input type="checkbox"/> Exemption</p> <p><input type="checkbox"/> Permit Revision</p> <p><input type="checkbox"/> Shoreline Variance</p> <p><input type="checkbox"/> Shoreline Conditional Use Permit</p> <p><input type="checkbox"/> Substantial Development Permit</p> <p>SUBDIVISION LONG PLAT</p> <p><input type="checkbox"/> Long Plat- Preliminary</p> <p><input type="checkbox"/> Long Plat- Alteration</p> <p><input type="checkbox"/> Long Plat- Final Plat</p> <p>VARIANCES (Plus Hearing Examiner Fee)</p> <p><input type="checkbox"/> Variance</p>	<p>SUBDIVISION SHORT PLAT</p> <p><input type="checkbox"/> Short Plat- Two Lots</p> <p><input type="checkbox"/> Short Plat- Three Lots</p> <p><input type="checkbox"/> Short Plat- Four Lots</p> <p><input type="checkbox"/> Short Plat- Deviation of Acreage Limitation</p> <p><input type="checkbox"/> Short Plat- Amendment</p> <p><input type="checkbox"/> Short Plat- Final Plat</p> <p>OTHER LAND USE</p> <p><input type="checkbox"/> Accessory Dwelling Unit</p> <p><input type="checkbox"/> Code Interpretation Request</p> <p><input checked="" type="checkbox"/> Comprehensive Plan Amendment (CPA)</p> <p><input type="checkbox"/> Comprehensive Plan Amendment (CPA)</p> <p><input type="checkbox"/> Lot Line Revision</p> <p><input type="checkbox"/> Noise Exception</p> <p><input type="checkbox"/> Reclassification of Property (Rezoning)</p> <p><input type="checkbox"/> Transportation Concurrency (see supplemental application form)</p> <p><input type="checkbox"/> Planning Services (not associated with a permit or review)</p> <p><input checked="" type="checkbox"/> Zoning Code Text Amendment</p> <p><input type="checkbox"/> Request for letter</p> <p><input type="checkbox"/> Temporary Commerce on Public Property</p>
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REQUEST FOR CODE AMENDMENT

I request that Title 19 of MICC be amended to repeal MICC 19.15.230(I).

The City's application of MICC 19.15.230(I) might fail to comply with the GMA and might condone a future failure of the City to ensure that Comprehensive Plan policies are implemented by consistent development regulations.

In *Coen v. City of Mercer Island*, GMHB No. 18-3-0010, the GMHB advised that the City's application of MICC 19.15.230(I) "might result in a failure to comply [with the GMA]" and the GMHB further advised that the "Board shares Petitioner's concerns that the City's new code provision may appear to condone a future failure to ensure that plan policies are implemented by consistent development regulations." *Coen v. City of Mercer Island*, GMHB No. 18-3-0010 (FDO, May 10, 2019), at 1 and 10.

REQUEST FOR CODE AMENDMENT

I request that Title 19 of MICC be amended to assure and clarify that a conditional use permit is only applicable to the property for which it was granted and that other properties require their own conditional use permit. This amendment can be implemented by adding subsection MICC 19.06.110(A.)(5.)(c.). Exemplary language follows:

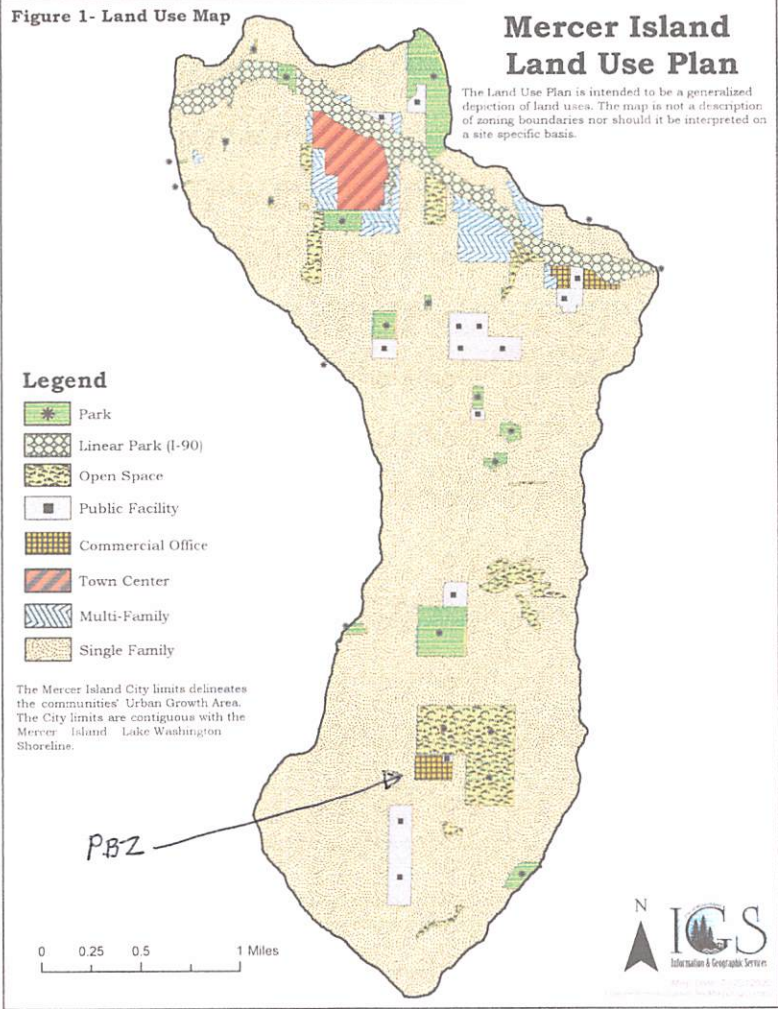
“(5.)(c.) Applicability. A conditional use permit shall be applicable only to the property for which it was granted. Property whether contiguous or noncontiguous to the property for which the conditional use permit was granted shall require new conditional use permit applications and shall be subject to this Chapter 19.13 MICC and to Chapter 19.15 MICC.”

REQUEST FOR COMPREHENSIVE PLAN AMENDMENT

I request that the Comprehensive Plan be amended to replace the current incorrect City Land Use Map with the correct City Land Use Map. This error was discovered at the GMHB meeting regarding the "CFZ". The City removed the "CFZ" but failed to correct the map regarding the "PBZ".

Evan Maxim assured me that this was a known "scriveners' error, as improbable as that may sound, and would be docketed this year as it is a legislative issue.

My request is merely to ensure that the Map is corrected without further delay.



VII.

Land Use Designation	Implementing Zoning Designations	Description
Park	PI R-8.4 R-9.6 R-12 R-15	The park land use designation represents land within the City that is intended for public use consistent with the adopted Parks and Recreation Plan.
Linear Park (I-90)	PI	The linear park (I-90) land use designation primarily contains the Interstate 90 right-of-way. The land use designation is also improved with parks and recreational facilities (e.g. Aubrey Davis park, I-90 Outdoor Sculpture Gallery, etc) adjacent to and on the lid above the Interstate 90 freeway.
Open Space	PI R-8.4 R-9.6 R-12 R-15	The open space use designation represents land within the City that should remain as predominantly unimproved open space consistent with the adopted Parks and Recreation Plan.
Commercial Office	CO B	The commercial office land use designation represents commercial areas within Mercer Island, located outside of the Town Center, where the land use will be predominantly commercial office. Complementary land uses (e.g. healthcare uses, schools, places of worship, etc.) are also generally supported within this land use designation.
Neighborhood Business	PBZ	The neighborhood business land use designation represents commercial areas within Mercer Island, located outside of the Town Center, where the land uses will be predominantly a mix of small scale, neighborhood oriented business, office, service, public and residential uses.
Single Family Residential (R)	R-8.4 R-9.6 R-12 R-15	The single family residential land use designation (R) represents areas within Mercer Island where development will be predominantly single family residential neighborhoods. Complementary land uses (e.g. private recreation areas, schools, home businesses, public parks, etc) are generally supported within this land use designation.
Multifamily Residential (MF)	MF-2 MF-2L MF-3	The multifamily residential land use (MF) represents areas within Mercer Island where the land use will be predominantly multifamily residential development. Complementary land uses (e.g. private recreation areas, schools, home businesses, public parks, etc) are generally supported within this land use designation.
Town Center (TC)	TC	The Town Center land use designation represents the area where land uses consistent with the small town character and the heart of Mercer Island will be located. This land use designation supports a mix of uses including outdoor pedestrian spaces, residential, retail, commercial, mixed- use and office-oriented businesses.
Public Facility	C-O PI R-8.4 R-9.6 R-15 TC	The public facility land use designation represents land within the City that is intended for public uses, including but not limited to schools, community centers, City Hall, and municipal services.

NOT ON MAP
LEGEND →

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FEE

Date Received:

Received By:

DEVELOPMENT APPLICATION

STREET ADDRESS/LOCATION 3210 74 AV SE		ZONE R8.4	
COUNTY ASSESSOR PARCEL #'S Parcel 1300300705		PARCEL SIZE (SQ. FT.) 10,800	
PROPERTY OWNER (required) Carolyn and Mark Boatsman	ADDRESS (required) 3210 74 AVE SE	CELL/OFFICE (required) 206-595-8579 E-MAIL (required) c.boatsman@comcast.net	
PROJECT CONTACT NAME Request for code amendment	ADDRESS City wide	CELL/OFFICE E-MAIL	
TENANT NAME	ADDRESS	CELL PHONE E-MAIL	

DECLARATION: I HEREBY STATE THAT I AM THE OWNER OF THE SUBJECT PROPERTY OR I HAVE BEEN AUTHORIZED BY THE OWNER(S) OF THE SUBJECT PROPERTY TO REPRESENT THIS APPLICATION, AND THAT THE INFORMATION FURNISHED BY ME IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Carolyn M Boatsman
SIGNATURE

November 2, 2020

DATE

PROPOSED APPLICATION(S) AND CLEAR DESCRIPTION OF PROPOSAL (PLEASE USE ADDITIONAL PAPER IF NEEDED):

Two requests to amend City nuisance code:

- 1) Limit commercial landscaping operations using power tools to the same hours as construction noise from work under City permit.
- 2) Require that residential use of spot lighting be directed toward the owner's property.

ATTACH RESPONSE TO DECISION CRITERIA IF APPLICABLE

CHECK TYPE OF LAND USE APPROVAL REQUESTED:

APPEALS

- Building
- Code Interpretation
- Land use
- Right-of-Way Use

CRITICAL AREAS

- Critical Area Review 1 (Hourly Rate 2hr Min)
- Critical Area Review 2 (Determination)
- Reasonable Use Exception

DESIGN REVIEW

- Pre Design Meeting
- Design Review (Code Official)
- Design Commission Study Session
- Design Review- Design Commission- Exterior Alteration
- Design Review- Design Commission- New Building

WIRELESS COMMUNICATION FACILITIES

- Wireless Communications Facilities- 6409 Exemption
- New Wireless Communication Facility

DEVIATIONS

- Changes to Antenna requirements
- Changes to Open Space
- Seasonal Development Limitation Waiver

ENVIRONMENTAL REVIEW (SEPA)

- SEPA Review (checklist)- Minor
- SEPA review (checklist)- Major
- Environmental Impact Statement

SHORELINE MANAGEMENT

- Exemption
- Permit Revision
- Shoreline Variance
- Shoreline Conditional Use Permit
- Substantial Development Permit

SUBDIVISION LONG PLAT

- Long Plat- Preliminary
- Long Plat- Alteration
- Long Plat- Final Plat

VARIANCES (Plus Hearing Examiner Fee)

- Variance

SUBDIVISION SHORT PLAT

- Short Plat- Two Lots
- Short Plat- Three Lots
- Short Plat- Four Lots
- Short Plat- Deviation of Acreage Limitation
- Short Plat- Amendment
- Short Plat- Final Plat

OTHER LAND USE

- Accessory Dwelling Unit
- Code Interpretation Request
- Comprehensive Plan Amendment (CPA)
- Conditional Use (CUP)
- Lot Line Revision
- Noise Exception
- Reclassification of Property (Rezoning)
- Transportation Concurrence (see supplemental application form)
- Planning Services (not associated with a permit or review)
- Zoning Code Text Amendment
- Request for letter
- Temporary Commerce on Public Property

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STREET ADDRESS/LOCATION 3210 74 AVE SE		ZONE R8.4	
COUNTY ASSESSOR PARCEL #'S Parcel 1300300705		PARCEL SIZE (SQ. FT.) 10,800	
PROPERTY OWNER (required) Carolyn and Mark Boatsman	ADDRESS (required) 3210 74 AVE SE	CELL/OFFICE (required) 206-595-8579 E-MAIL (required) c.boatsmn@comcast.et	
PROJECT CONTACT NAME Comp plan update docket request	ADDRESS City wide	CELL/OFFICE E-MAIL	
TENANT NAME	ADDRESS	CELL PHONE E-MAIL	

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Carolyn M Boatsman
SIGNATURE

November 2, 2020

DATE

PROPOSED APPLICATION(S) AND CLEAR DESCRIPTION OF PROPOSAL (PLEASE USE ADDITIONAL PAPER IF NEEDED):

I am requesting a Comprehensive Land Use Plan Update as follows:

Adopt a goal and policies for use of City rights of way establishing a priority of use, based upon the public good. Uses that should, at the least, be allowed and included in the priority are roads and appurtenances, utility installation, residential parking, and environmental benefit.

ATTACH RESPONSE TO DECISION CRITERIA IF APPLICABLE

CHECK TYPE OF LAND USE APPROVAL REQUESTED:

APPEALS

- Building
- Code Interpretation
- Land use
- Right-of-Way Use

CRITICAL AREAS

- Critical Area Review 1 (Hourly Rate 2hr Min)
- Critical Area Review 2 (Determination)
- Reasonable Use Exception

DESIGN REVIEW

- Pre Design Meeting
- Design Review (Code Official)
- Design Commission Study Session
- Design Review- Design Commission- Exterior Alteration
- Design Review- Design Commission- New Building

WIRELESS COMMUNICATION FACILITIES

- Wireless Communications Facilities- 6409 Exemption
- New Wireless Communication Facility

DEVIATIONS

- Changes to Antenna requirements
- Changes to Open Space
- Seasonal Development Limitation Waiver

ENVIRONMENTAL REVIEW (SEPA)

- SEPA Review (checklist)- Minor
- SEPA review (checklist)- Major
- Environmental Impact Statement

SHORELINE MANAGEMENT

- Exemption
- Permit Revision
- Shoreline Variance
- Shoreline Conditional Use Permit
- Substantial Development Permit

SUBDIVISION LONG PLAT

- Long Plat- Preliminary
- Long Plat- Alteration
- Long Plat- Final Plat

VARIANCES (Plus Hearing Examiner Fee)

- Variance

SUBDIVISION SHORT PLAT

- Short Plat- Two Lots
- Short Plat- Three Lots
- Short Plat- Four Lots
- Short Plat- Deviation of Acreage Limitation
- Short Plat- Amendment
- Short Plat- Final Plat

OTHER LAND USE

- Accessory Dwelling Unit
- Code Interpretation Request
- Comprehensive Plan Amendment (CPA)
- Conditional Use (CUP)
- Lot Line Revision
- Noise Exception
- Reclassification of Property (Rezoning)
- Transportation Concurrence (see supplemental application form)
- Planning Services (not associated with a permit or review)
- Zoning Code Text Amendment
- Request for letter
- Temporary Commerce on Public Property

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DEVELOPMENT APPLICATION

Received By:

STREET ADDRESS/LOCATION		ZONE
COUNTY ASSESSOR PARCEL #'S		PARCEL SIZE (SQ. FT.)
PROPERTY OWNER <i>(required)</i>	ADDRESS <i>(required)</i>	CELL/OFFICE <i>(required)</i> E-MAIL <i>(required)</i>
PROJECT CONTACT NAME Daniel Thompson	ADDRESS 7265 N. Mercer Way Mercer Island, WA 98040	CELL/OFFICE 206-919-3266 E-MAIL danielphompson@hotmail.com
TENANT NAME	ADDRESS	CELL PHONE E-MAIL

DECLARATION: I HEREBY STATE THAT I AM THE OWNER OF THE SUBJECT PROPERTY OR I HAVE BEEN AUTHORIZED BY THE OWNER(S) OF THE SUBJECT PROPERTY TO REPRESENT THIS APPLICATION, AND THAT THE INFORMATION FURNISHED BY ME IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

SIGNATURE

DATE

PROPOSED APPLICATION(S) AND CLEAR DESCRIPTION OF PROPOSAL (PLEASE USE ADDITIONAL PAPER IF NEEDED):

See attached suggested Residential Development Code Amendments I through VI.

ATTACH RESPONSE TO DECISION CRITERIA IF APPLICABLE

CHECK TYPE OF LAND USE APPROVAL REQUESTED:

APPEALS	DEVIATIONS	SUBDIVISION SHORT PLAT
<input type="checkbox"/> Building	<input type="checkbox"/> Changes to Antenna requirements	<input type="checkbox"/> Short Plat- Two Lots
<input type="checkbox"/> Code Interpretation	<input type="checkbox"/> Changes to Open Space	<input type="checkbox"/> Short Plat- Three Lots
<input type="checkbox"/> Land use	<input type="checkbox"/> Seasonal Development Limitation Waiver	<input type="checkbox"/> Short Plat- Four Lots
<input type="checkbox"/> Right-of-Way Use		<input type="checkbox"/> Short Plat- Deviation of Acreage Limitation
CRITICAL AREAS	ENVIRONMENTAL REVIEW (SEPA)	<input type="checkbox"/> Short Plat- Amendment
<input type="checkbox"/> Critical Area Review 1 (Hourly Rate 2hr Min)	<input type="checkbox"/> SEPA Review (checklist)- Minor	<input type="checkbox"/> Short Plat- Final Plat
<input type="checkbox"/> Critical Area Review 2 (Determination)	<input type="checkbox"/> SEPA review (checklist)- Major	OTHER LAND USE
<input type="checkbox"/> Reasonable Use Exception	<input type="checkbox"/> Environmental Impact Statement	<input type="checkbox"/> Accessory Dwelling Unit
DESIGN REVIEW	SHORELINE MANAGEMENT	<input type="checkbox"/> Code Interpretation Request
<input type="checkbox"/> Pre Design Meeting	<input type="checkbox"/> Exemption	<input type="checkbox"/> Comprehensive Plan Amendment (CPA)
<input type="checkbox"/> Design Review (Code Official)	<input type="checkbox"/> Permit Revision	<input type="checkbox"/> Conditional Use (CUP)
<input type="checkbox"/> Design Commission Study Session	<input type="checkbox"/> Shoreline Variance	<input type="checkbox"/> Lot Line Revision
<input type="checkbox"/> Design Review- Design Commission- Exterior Alteration	<input type="checkbox"/> Shoreline Conditional Use Permit	<input type="checkbox"/> Noise Exception
<input type="checkbox"/> Design Review- Design Commission- New Building	<input type="checkbox"/> Substantial Development Permit	<input type="checkbox"/> Reclassification of Property (Rezoning)
WIRELESS COMMUNICATION FACILITIES	SUBDIVISION LONG PLAT	<input type="checkbox"/> Transportation Concurrency (see supplemental application form)
<input type="checkbox"/> Wireless Communications Facilities- 6409 Exemption	<input type="checkbox"/> Long Plat- Preliminary	<input type="checkbox"/> Planning Services (not associated with a permit or review)
<input type="checkbox"/> New Wireless Communication Facility	<input type="checkbox"/> Long Plat- Alteration	<input checked="" type="checkbox"/> Zoning Code Text Amendment
	<input type="checkbox"/> Long Plat- Final Plat	<input type="checkbox"/> Request for letter
	VARIANCES (Plus Hearing Examiner Fee)	<input type="checkbox"/> Temporary Commerce on Public Property
	<input type="checkbox"/> Variance	

I

SUGGESTION FOR RESIDENTIAL CODE AMENDMENT

MICC 19.02.020 Residential Development Standards

MICC 19.02.020(D)(2)(a) Gross Floor Area

Suggested Code Amendment:

I suggest MICC 19.02.020(D)(2)(a) be amended to reduce ceiling height from 12 feet to 10 feet before it is counted as clerestory space at 150% of GFA.

Analysis:

The Citizens and Council spent approximately three years rewriting the Residential Development Code. A primary motivation in the rewrite was to deal with citizen concern over “massing”, or what citizens considered out-of-scale residential development, which the Planning Commission addressed as Gross Floor Area to Lot Area Ratio (GFAR).

One of the factors that increased GFAR and led to the code rewrite was Administrative Interpretation 13-01 that allowed all clerestory space to be counted as 100% GFA.

Massing is a three-dimensional concept based on the exterior volume of the house. Whether interior space is counted as GFA or not, it is a reality in the exterior volume, or massing, of the house. GFA, meanwhile, is a two-dimensional term subject to exemption.

Ten-foot ceiling height is the industry standard for a maximum non-cathedral ceiling. The Planning Commission never recommended a 12-foot ceiling height in its recommendation to the Council, but recommended 10 feet. 12 feet was the sudden recommendation of former council member Dan Grausz at the Council’s final adoption hearing for the new Residential Development Code.

A ceiling height of 12 feet, before counting as clerestory space, allows each floor of a two-story house to increase its interior and exterior volume by 20%, directly contrary to the goals of the RDS. Furthermore, it creates a much greater need for heating and cooling, and is contrary to the purposes of green building standards.

II

SUGGESTION FOR RESIDENTIAL CODE AMENDMENT

MICC 19.02.020 Residential Development Standards

MICC 19.02.020(D)(2) Gross Floor Area

MICC 19.16.010(G)(2)(b) Gross Floor Area Exemption for Covered Decks on the First Level

Suggested Code Amendment:

I suggest MICC 19.02.020(D)(2) be amended to include exterior covered decks in the definition of Gross Floor Area, which presently only references exterior walls even though covered decks on levels above the first level are counted towards the GFA limit.

I further suggest that MICC 19.02.020(D)(2) and 19.16.010(G)(2)(b) be amended to include covered porches on the first level in the calculation of Gross Floor Area.

Analysis:

The Citizens and Council spent approximately three years rewriting the Residential Development Code. A primary motivation in the rewrite was to deal with citizen concern over “massing”, or what citizens considered out of scale residential development, which the Planning Commission addressed as Gross Floor Area to Lot Area Ratio (GFAR).

One of the main actions in the new Residential Development Code was to remove discretion from the City Planning Department (Development Services Group at that time, now Community Planning Department), especially when it came to deviations and variances. Unfortunately, that led the prior director to simply amend the entire code when attempting to address a request from a citizen for relief from the Code.

One of these Amendments was to exempt covered decks on the first level from the GFA limits because the applicant wished to have a covered barbecue area. Instead, the code amendment exempts all covered decks on the first level from the GFA limit.

There is very little difference in massing between a deck with a railing and roof from a room. The only difference is a window. Exempting first level decks from GFA limits greatly expands the massing of the house.

To be fair to Evan Maxim, amending this definition to limit its scope was on his agenda before his departure.

A homeowner already has the benefit of an 18-inch eave that is exempt from the GFA limit. At most, any barbecue area that needed to be sheltered from the elements would be 5'x 5', or 25 square feet. I suggest that covered decks on the first level be counted in their entirety towards the GFA limit, or in the alternative a 25-foot exemption be allowed for a barbecue area.

III

SUGGESTION FOR RESIDENTIAL CODE AMENDMENT

MICC 19.02.020 Residential Development Standards

MICC 19.02.020(c)(2)(a)(iii) Yards for Waterfront Lots

MICC 19.02.040(D)(1) Garages and Carports/Yard Intrusion

Suggested Code Amendment:

I suggest MICC 19.02.040(D)(1) be eliminated. In the alternative, I suggest that MICC 19.02.040(D)(1) not be applicable to a waterfront lot if the waterfront lot has switched its front and rear yards subject to MICC 19.02.020(c)(2)(a)(iii).

Analysis:

MICC 19.02.020(c)(2)(a)(iii) allows a waterfront lot to switch its front and rear yard because the Department of Ecology requires a 25-foot buffer between the structure and the ordinary high water mark.

However, MICC 19.02.040(D)(1) allows garages and carports to be built within 10 feet of the property line of the *front* yard if there is more than 4 vertical feet difference as measured between the bottom wall of the building and ground elevation of the front yard property line where such property is closest to the building.

Ideally, 19.02.040(D)(1) should be eliminated. It is a building or structure above the ground level that extends into the yard setback. However, in the alternative, 19.02.040(D)(1) should not be available to waterfront lots that have flipped their front and rear yards pursuant to 19.02.020(c)(2)(a)(iii) because essentially it reduces the yard between the upper house to 10 feet. The effect of this provision can easily be seen as one takes a boat around Lake Washington. The waterfront house and the house directly behind look as though they are one contiguous property.

IV

SUGGESTION FOR RESIDENTIAL CODE AMENDMENT

MICC 19.02.020 Residential Development Standards

MICC 19.02.020(D)(3)(b) Gross Floor Area Incentives for ADU's

Suggested Code Amendment:

I suggest limiting the Gross Floor Area Incentives for ADU's in MICC 19.02.020(D)(3)(b) to lots 8,400 square feet or smaller.

Analysis:

One of the primary purposes of the rewrite of the Residential Development Code was to address the massing and out of scale development in the smaller lot neighborhoods, with lots 8,400 square feet and less. MICC 19.02.020(D)(3)(b) allows a lot 10,000 square feet or less to have up to 5% additional Gross Floor Area for an ADU. (19.02.020(D)(3)(a) already allows a lot 7,500 sf lot or below an additional 5% GFA or 3,000 sf for either an ADU or the main house.)

A 10,000-square foot lot that can have a 4,000-square foot house does not need an additional 5% Gross Floor Area for an ADU. The primary tool used by the Planning Commission to reduce massing and out-of-scale residential development was to reduce GFAR from 45% to 40%, except this provision is directly contrary to that goal.

MICC 19.02.020(D)(3)(b) should be amended to limit the 5% additional GFA to lots 8,400 square feet and less.

V

SUGGESTION FOR RESIDENTIAL CODE AMENDMENT

MICC 19.02.020 Residential Development Standards

MICC 19.15.030 (Table A) Land Use Review Type Classification

Suggested Code Amendment:

I suggest amending MICC 19.15.030 (Table A) to change the land use type of the following permit actions:

- Seasonal Development Limitation Waiver from Type I to Type II
- Tree Removal Permit from Type I to Type II
- Final Short Plat from Type I to Type II (or in the alternative, Notice to Parties of Record)
- Lot Line Revision from Type II to Type III
- Setback Deviations from Type II to Type III

Analysis:

One of the major goals of the Residential Code rewrite was to provide greater notice and citizen participation in the permitting process. Two significant actions were requiring public notice of development permits, and 30 days notice for all permits, rather than the minimum 14 days.

However, shortly after the new code was adopted, the director of the Development Services Group at that time drafted an entirely new permit *typing* system that created four different types. This system created a new land use term that has no legal meaning called “public notification” that simply requires posting the application on the City’s online permit bulletin, which very few citizens read or follow.

The new permit typing system created four categories: I, II, III, and IV. Unfortunately, Type I permits require notice, public notice, or public notification at all, and Type II permits only receive public notification of the application on the City’s Online Permit Bulletin.

- A waiver from the Seasonal Development Limitation on Development has recently been an issue of inquiry. This is a significant waiver, and there should at least be public notification, which costs the City nothing.

- Tree removal permits should at least receive public notification. The citizens and neighbors are the eyes and ears of the Planning Department. The Island Arborist and Code Enforcement Officer are underfunded, or rarely have time to review tree removal, and just as importantly required tree replacement. Moving tree removal permits from Type I to Type II would give the citizens a way to at least have a resource to determine whether the removal of a tree in their neighborhood has been permitted. There would be no cost to the city.
- Final short plats often have some modification from the preliminary approval. As a result, they should have public notification as a Type II permit, or in the alternative written notice to parties of record. There would be no cost to the city.
- A Lot Line Revision is a significant action and should receive public notice as a Type III permit.
- Setback deviations are very significant impacts to the neighbors and should receive Type III public notice as opposed to Type II notification.

VI

SUGGESTION FOR RESIDENTIAL CODE AMENDMENT

MICC 19.02.020 Residential Development Standards

MICC 19.02.020(G)(2)(a) and (b) Parking Requirements

Suggested Code Amendment:

I suggest that MICC 19.02.020(G)(2)(a) and (b) be amended to reduce house GFA from 3,000 sf to 2,000 sf in order to reduce covered parking spaces to one covered and one uncovered space.

Analysis:

During the Residential Development Code rewrite, parking requirements for residential houses were reduced based upon the square footage of the house pursuant to MICC 19.02.020(G)(2)(a) and (b). This was a very contentious amendment. Ironically, many builders are hesitant to not build a 3-car garage on Mercer Island since many of their first-time home buyers come from off-island to the east, where a 3-car garage is common.

A 3,000 sf home is quite large. For example, I have raised two children in a 2,700 sf house with a 3-car garage on Mercer Island. A 3,000 sf house can accommodate a two-covered garage space.

Ancillary issues from reducing parking requirements for houses 3,000 feet and below that were not well-discussed during the Residential Code rewrite include:

1. Mercer Island effectively has no intra-island transit. The 201 that circled the Mercers was eliminated because of low ridership, in part because it is very difficult for citizens to even get up their steep drives to one of the Mercers, and the 201 was very slow.
2. One covered garage space is usually required for the three different bins – garbage, recycle, and yard waste – plus storage of bikes, skis, tools, and other personal equipment. For the first 16 years I lived in a small house on First Hill with a one-car garage, which effectively was a zero-car garage since there was too much stuff in the garage to park a car in it. This effectively moves either cars, or items such as garbage bins, out into the yard and street.

3. Since Mercer Island residential neighborhoods have few sidewalks, cars parked along the street push kids walking to the school bus out into the middle of the road. This is especially problematic when it is dark.
4. Overflow street parking in the residential neighborhoods makes dedicated bike paths almost impossible, including on the Mercers. Not unlike the Town Center that only requires one parking stall per unit, reducing parking requirements simply subsidizes builders by shifting parking from onsite to the street.

The original intent was to ameliorate the reduction in GFAR limits in the new code. A resident would convert one parking space to living area. However, a 3,000 sf house simply does not need this incentive, and the GFA necessary to qualify for reduced parking should be reduced from 3,000 sf to 2,000 sf.