

CITY OF MERCER ISLAND

COMMUNITY PLANNING & DEVELOPMENT

9611 SE 36TH STREET | MERCER ISLAND, WA 98040

PHONE: 206.275.7605 | www.mercerisland.gov



DOCKET REQUEST FORM

PURPOSE

The City of Mercer Island is accepting requests for amendments to its comprehensive plan and development code, to be considered in 2022. Requests to amend the comprehensive plan and development code are placed on a preliminary docket of suggested amendments to be reviewed for initial consideration by the Planning Commission and City Council in the fall of 2021. Requests that are added to the final docket by the City Council will receive additional analysis and consideration in 2022. Comprehensive plan and development code amendment requests require a Docket Request Form.

A complete Docket Request Form shall be submitted to the City of Mercer Island by Friday, October 1st at 5:00 PM via email to alison.vangorp@mercerisland.gov or mailed to the City of Mercer Island, Attention Alison Van Gorp, 9611 SE 36th Street, Mercer Island, WA 98040.

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For more information regarding this process, please review Mercer Island City Code [19.15.230](#), [19.15.250](#) and [19.15.260](#) or contact Alison Van Gorp, Deputy Director, at alison.vangorp@mercerisland.gov.

CONTACT INFORMATION

Name: Carolyn Boatsman

Address: 3210 74th AVE SE, Mercer Island, WA 98040

Phone: 206-595-8579

Email: c.boatsman@comcast.net

REQUEST INFORMATION

Please complete a separate Docket Request Form for each item you are requesting to be added to the Docket.

Is this request related to a specific property or zone? Yes No

If yes, please complete the following information:

Property Owner: _____

Address: _____

County Assessors Parcel No.: _____

Parcel Size (sq. ft.): _____

Is this request for a Comprehensive plan amendment or a development code amendment?

Comprehensive Plan amendment Development Code amendment

Would you like to submit a suggestion for a comprehensive plan or development code amendment, or is this an application for a specific amendment (see [MICC 19.15.250\(C\)\(2\)](#) for more information)?

Suggestion

Application

Please note: applications are subject to applicable permit fees. Please see our [Land Use Approval fee schedule](#) for applicable fees.

REQUEST DESCRIPTION

Please provide a clear description of proposal (please add additional paper or attachments if needed):

I am requesting a docket item to amend MICC 19.10.060.A.2.a. to read:

A minimum of 50 percent of trees with a diameter of ten inches or greater, or that otherwise meet the definition of large tree, shall be retained over a rolling five-year period.

More trees should be retained for climate protection and minimizing heat island effect. At 30 percent retention, if there is only one large tree on the lot, the tree is not retained. MICC 19.10.120 specifies rounding for fractions of a tree. The following describes the small number of trees retained at 30 percent:

- 1 tree - 0 trees
- 2, 3, or 4 trees - 1 tree
- 5, 6, 7, or 8 trees - 2 trees
- 9, 10, 11 trees - 3 trees

This docket request is submitted by Carolyn Boatsman on October 1, 2021

Signature: _____

Date: October 1, 2021

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Name: Carolyn Boatsman

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Phone: 206-595-8579

Email: c.boatsman@comcast.net

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Comprehensive Plan amendment Development Code amendment

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Suggestion

Application

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REQUEST DESCRIPTION

Please provide a clear description of proposal (please add additional paper or attachments if needed):

Add a new policy to the Capital Facilities Element, Chapter V:

1.25 Develop and adopt new impact fees as part of the financing for implementation of the City's Pedestrian and Bicycle Facilities Plan. Impact fees shall only be imposed for system improvements which are reasonably related to the new development; shall not exceed a proportionate share of the costs of the system improvements reasonably related to the new development; and shall be used for system improvements that will reasonably benefit the new development.

This docket request was submitted by Carolyn Boatsman on October 1, 2021.

Signature: _____

Date: October 1, 2021

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CONTACT INFORMATION

Name: Sarah Fletcher

Address: 2500 81st Ave SE

Phone: 206-236-3028

Email: fletchsa1@gmail.com

REQUEST INFORMATION

Please complete a separate Docket Request Form for each item you are requesting to be added to the Docket.

Is this request related to a specific property or zone? Yes No

If yes, please complete the following information:

Property Owner: _____

Address: _____

County Assessors Parcel No.: _____

Parcel Size (sq. ft.): _____

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Comprehensive Plan amendment Development Code amendment

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Suggestion

Application

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REQUEST DESCRIPTION

Please provide a clear description of proposal (please add additional paper or attachments if needed):

There is some incorrect information. The two intersections listed on "Table 1 2018 Existing Intersection Operations" North Mercer Way and 77th Ave SE and North Mercer Way and 80th Ave SE are NOT "Town Center Intersections," they are actually OUTSIDE of the Town Center. If this is not corrected, please explain why it won't be corrected? Those two intersections mentioned should be moved down the page and categorized under "Outside of Town Center Intersections" or perhaps have an additional category "Outside of Town Center Intersections (LOS C Standard)," but not categorized under "Town Center Intersections" that is not factual or correct.

Signature: Sarah Fletcher Digitally signed by Sarah Fletcher
Date: 2021.09.13 13:24:26 -07'00' Date: 09/11/2021

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CONTACT INFORMATION

Name: Anjali Grant

Address: 3427 Beacon Ave S

Phone: 2065124209

Email: anjali@agrantedesign.com

REQUEST INFORMATION

Please complete a separate Docket Request Form for each item you are requesting to be added to the Docket.

Is this request related to a specific property or zone? Yes No

If yes, please complete the following information:

Property Owner: Herzl Ner-Tamid

Address: 3700 East Mercer Way

County Assessors Parcel No.: 0824059045

Parcel Size (sq. ft.): 26,774 sf

Is this request for a Comprehensive plan amendment or a development code amendment?

Comprehensive Plan amendment Development Code amendment

Would you like to submit a suggestion for a comprehensive plan or development code amendment, or is this an application for a specific amendment (see [MICC 19.15.250\(C\)\(2\)](#) for more information)?

Suggestion

Application

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REQUEST DESCRIPTION

Please provide a clear description of proposal (please add additional paper or attachments if needed):
Please see attached document.

Signature:



Anjali Grant
2021.09.30 08:29:42-07'00'

Date:

9/30/2021

DOCKET REQUEST FORM REQUEST DESCRIPTION

This Code Amendment proposes that the Mercer Island Municipal Code, Chapter 19 be amended to be consistent with the Mercer Island Comprehensive plan by allowing public and private schools as a permitted use in the B Business zone. (19.04.050 Business – B; B. Uses Permitted).

There are three areas of Mercer Island where the B zone exists, all just south of the I-90 corridor: at SE 24th Street near 74th Avenue SE; at 81st Place SE and SE 28th Street; and at East Mercer Way, near SE 38th Street. The first two areas are on the borders of the Town Center; the third area is an extension of the Commercial CO zone to the west.

Per 19.15.250, D of the Mercer Island Municipal Code, the city may approve or approve with modifications a proposal to amend this code only 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.

CONSISTENCY WITH COMPREHENSIVE PLAN

Section 19.04.050 of the Mercer Island Municipal Code, as written, is in conflict with the Comprehensive Plan.

The current Comprehensive Plan explains the CO and B designations as follows (emphasis added):

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.

Current Mercer Island Code Section 19.04.050 conflicts with this designation as it does not allow for schools.

In addition, the Comprehensive Plan includes the phrase "Education is the Key" as one of its community values and states both that Mercer Island will continue to

provide a wide range of educational services for the community's varied population, and that ***educational and religious organizations are important and integral elements of the community character and fabric***. Uses in commercial zones outside the town center are meant to be compatible with the residential character of the community; education is described as a compatible use that is encouraged.

As such, the proposed Code Amendment is consistent with the description of the Land Use designation 'Commercial Office,' as described in the Comprehensive Plan, which supports schools as a complementary use to commercial offices, as well as the educational values outlined in the Comprehensive Plan. The commercial office land use designation, as described in the comprehensive plan and accompanying map, includes both CO and B zones. Further information supporting this amendment is included as ***Appendix A*** to this document.

SUBSTANTIAL RELATION TO THE PUBLIC HEALTH, SAFETY, OR WELFARE

Education is vital to the health, safety and well-being of our families and is one of Mercer Island's stated community values. Similar permitted uses in the B zone include theaters; commercial recreational areas; preschools and day care centers for children up to age 12. Allowing K-12 schools in this zone increases the likelihood that future development will support the health, safety and well-being of the public.

IN THE BEST INTEREST OF THE COMMUNITY AS A WHOLE

The proposed Code Amendment will retain the residential character of the neighborhood. Similar permitted uses in the B zone include theaters; commercial recreational areas; preschools and day care centers for children up to age 12. Adding K-12 schools to the list of permitted uses will bring this zone into alignment and consistency with the comprehensive plan and will likely have less environmental impact on the neighborhood than many of the uses already permitted. A school community is able to implement traffic reduction strategies, such as carpooling, bus and van use, and staggered start times, and make lasting community connections.

APPENDIX A: ADDITIONAL INFORMATION TO SUPPORT THE REQUESTED CODE AMENDMENT

Applicable sections of the *Mercer Island Comprehensive Plan 2015-2035* are excerpted below, with added emphasis:

II. LAND USE ELEMENT

Community Values

Education is the Key

The community and its public and private institutions are committed to provide excellence in education.

How the Values Are Manifested

Community Services: Pride & Spirit; Excellence in Education; Recreational & Cultural Opportunities

Mercer Island will continue to provide a **wide range of education, cultural and municipal services for the community's varied population. Balanced and flexible programs will be necessary to meet the community's evolving needs in education, recreation and cultural enjoyment.** The community will maintain its broad range of quality basic services, including public safety, human services, physical development and utilities. At the same time, community leaders recognize that delivery of these services will take place in an arena of limited resources and heightened competition for tax revenues.

Residential Land Use: Residential; Environmental Stewardship; Leadership; Citizen Involvement; Neighborhood Pride

Civic, recreation, education and religious organizations are important and integral elements of the community character and fabric. Their contribution and importance to the established community character should be reflected and respected in land use permit processes.

IV. LAND USE ISSUES

Outside the Town Center

(3) Commercial Office and PBZ zones must **serve the needs of the local population while remaining compatible** with the overall residential character of the community.

V. LAND USE POLICIES

Outside the Town Center

GOAL 15: Mercer Island should remain principally a low density, single family residential community.

15.1 Existing land use policies, which strongly support the preservation of existing conditions in the single family residential zones, will continue to apply. Changes to the zoning code or development standards will be accomplished through **code amendments**.

15.4 As a primarily single family residential community with a high percentage of developed land, the community cannot provide for all types of land uses. Certain activities will be considered incompatible with present uses. Incompatible uses include landfills, correctional facilities, zoos and airports. **Compatible permitted uses such as education**, recreation, **open spaces**, government social services and religious activities **will be encouraged**.

VII. LAND USE DESIGNATIONS

Table

Land Use Designation	Implementing Zoning Designations	Description
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. <u>Complementary land uses</u> (e.g. healthcare uses, <u>schools</u> , places of worship, etc.) <u>are also generally supported within this land use designation</u> .

EXISTING SCHOOLS AND ZONING

K-12 SCHOOLS ON MERCER ISLAND

Approximately 5,200 students currently attend school on the island.

- Northwest Yeshiva High School
50 students, private co-ed college prep
- West Mercer Elementary School
428 students, public (MISD)
- Lakeridge Elementary
404 students, public (MISD)
- Northwood Elementary School
414 students, public (MISD)
- Islander Middle School
1,030 students, public (MISD)
- French American School of Puget Sound
426 students, private preK-8
- Island Park Elementary School
367 students, public (MISD)
- Yellow Wood Academy
123 students, private K-12
- St. Monica School
201 students, private preK-8
- Privett Academy
180 students, private 6-12
- Mercer Island High School
1,557 students, public (MISD)

Of those, the French-American School is in the CO zone; the MISD schools are in dedicated Public Institution zones within residential neighborhoods; and the rest are in residential zones.

Below is a table showing where K-12 schools are a permitted use, where a conditional use, and where they are not allowed. They are allowed as a conditional use in all residential zones, which supports the Comprehensive Plan definition of a **compatible use**. They are not allowed in the Town Center or in the Planned Business Zone, as more dense retail environments are encouraged. They are allowed in CO commercial office zones, supporting the Comprehensive Plan definition of a **compatible use**, subject to design commission review and providing ¼ acre of usable open space abutting or adjacent to the site. We are seeking to add schools as a permitted use in the B Business zone.









Zones	Public schools	Private schools
R-8.4, R-9.6, R-12, and R-15	<p>19.02.010 A. PERMITTED</p> <p>4. Public schools accredited or approved by the state for compulsory school attendance, subject to design commission review and all of the following conditions:</p> <p>a. All structures shall be located at least 35 feet from any abutting property and at least 45 feet from any public right-of-way.</p> <p>b. Off-street parking shall be established and maintained at a minimum ratio of one parking space per classroom with high schools providing an additional one parking space per 10 students.</p> <p>c. A one-fourth acre or larger playfield shall be provided in one usable unit abutting or adjacent to the site.</p>	<p>19.02.010 C. CONDITIONAL</p> <p>C. Conditional Uses. The following uses are permitted when authorized by the issuance of a conditional use permit when the applicable conditions set forth in this section and in MICC 19.15.040 have been met:</p> <p>2. Private schools accredited or approved by the state for compulsory school attendance, subject to conditions set out in subsection (A)(4) of this section.</p>
MF-2, MF-2L, MF-3	<p>19.03.010 B.1., C1., D.1.</p> <p>Any use permitted in zones R-8.4, R-9.6, R-12, and R-15.</p>	
PBZ	<p>19.04.010 B. Uses Permitted.</p> <p>Not listed as a Permitted Use.</p>	
CO	<p>19.04.020 A. Uses Permitted.</p> <p>13. Public and private schools accredited or approved by the state for compulsory school attendance, subject to design commission review and the following conditions:</p> <p>a. A one-fourth acre or larger playfield, play surface or open space shall be provided in one usable unit abutting or adjacent to the site.</p>	
B	<p>19.04.050 B. Uses Permitted.</p> <p>Not listed as a Permitted Use.</p>	
Town Center (all subareas)	<p>19.11.020 Land uses, Use Table by Subarea</p> <p>Neither a Permitted nor a Conditional use.</p>	

Figure 1- Land Use Map

Mercer Island Land Use Plan

The Land Use Plan is intended to be a generalized depiction of land uses. The map is not a description of zoning boundaries nor should it be interpreted on a site specific basis.

Legend

-  Park
-  Linear Park (I-90)
-  Open Space
-  Public Facility
-  Commercial Office
-  Town Center
-  Multi-Family
-  Single Family

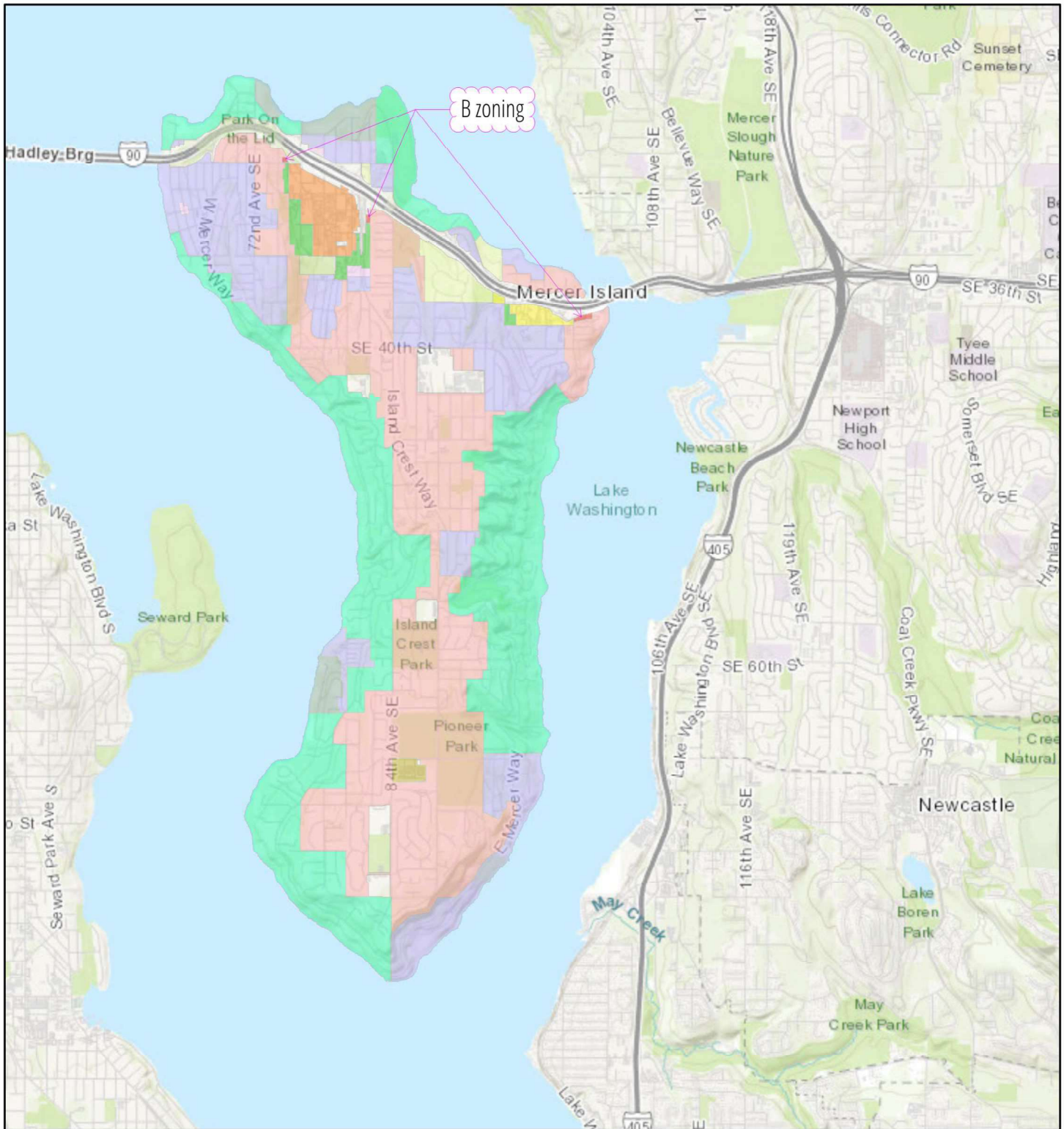
The Mercer Island City limits delineates the communities' Urban Growth Area. The City limits are contiguous with the Mercer Island Lake Washington Shoreline.

0 0.25 0.5 1 Miles



Map Date: 5/22/2020
Color+SymbolLandUseMap2020.mxd

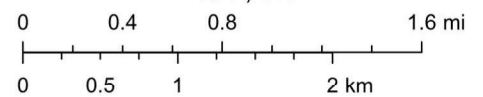
ArcGIS Web Map



9/2/2021, 4:16:10 PM

1:72,224

Zoning	R-12	MF-3	P
B	R-15	R-8.4	
C-O	MF-2	R-9.6	
PBZ	MF-2L	TC	



Mercer Island GIS, City of Bellevue, WA, Bureau of Land Management, Esri Canada, Esri, HERE, Garmin, USGS, NGA, FPA, USDA, NPS

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CONTACT INFORMATION

Name: Ray Liaw

Address: 1191 Second Avenue, Suite 1800

Phone: 206.802.3842

Email: hrl@vnf.com

REQUEST INFORMATION

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REQUEST DESCRIPTION

Please provide a clear description of proposal (please add additional paper or attachments if needed):

I suggest that Mercer Island Municipal Code (MICC) 19.07.130.A.2. be amended to allow additions to nonconforming single family homes in certain circumstances where a critical areas study prepared by a qualified professional demonstrates that the proposed addition will result in no net loss to critical area functions and values. Specifically, I suggest amendments to MICC 19.07.130.A.2.c. so that this subsection reads as follows:

"c. If the existing legally established structure is located within a wetland or watercourse buffer, the addition may be no closer to the wetland or watercourse than a distance equal to 75 percent of the applicable standard buffer and must also be no closer to the watercourse or wetland than the existing structure; provided that an addition may be located within a distance of less than 75 percent of the applicable standard buffer for an existing legally established single-family home that is fully located within that inner 75 percent of the buffer and a critical area study demonstrates there would be no net loss to the functions and values of the wetland or watercourse as a result of the addition;"

As critical area buffers expand with each GMA update, more and more homes are rendered nonconforming and more properties become fully encumbered by those buffers. As a result of the existing code provisions in this section, minor increases to gross floor area with no adverse impact to critical areas are disallowed on properties where an existing legally established home is located within 75 percent of the distance of the applicable standard buffer. This approach does not serve to protect critical areas because the buffer has already been significantly disturbed, and provided that any addition is not closer to the watercourse or wetland than the existing structure and does not cause net less to critical area functions and values, this limitation limits the reasonable use of legal nonconforming structures.

The suggested amendment allows for modest flexibility to make minor additions to existing, legally established single-family homes that cannot meet the 75 percent distance limitation and where such modifications result in no net loss to the functions and values of the critical area. Additions would still be limited by the other subsections of MICC 19.07.130(A)(2), including a cumulative limit of 200 feet and no expansions in or over wetlands or watercourses. The intent of the code - to protect critical areas - is preserved.

Signature: _____

Date: _____

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CONTACT INFORMATION

Name: Callie Ridolfi

Address: 3432 72nd Avenue SE

Phone: 206-403-8188

Email: callieridolfi@gmail.com

REQUEST INFORMATION

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Address: _____

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Suggestion

Application

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REQUEST DESCRIPTION

Please provide a clear description of proposal (please add additional paper or attachments if needed):

Request development code consideration to require electric sources for space heating in new construction of commercial and multi-family buildings.

Signature: _____



Date: _____

September 28, 2021

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:

DEVELOPMENT APPLICATION

Received By:

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 Daniel Thompson	ADDRESS 7265 N. Mercer Way Mercer Island, WA 98040	CELL/OFFICE 206-919-3266 E-MAIL danielthompson@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)	OTHER LAND USE
<input type="checkbox"/> Critical Area Review 1 (Hourly Rate 2hr Min)	<input type="checkbox"/> SEPA Review (checklist)- Minor	<input type="checkbox"/> Short Plat- Amendment
<input type="checkbox"/> Critical Area Review 2 (Determination)	<input type="checkbox"/> SEPA review (checklist)- Major	<input type="checkbox"/> Short Plat- Final Plat
<input type="checkbox"/> Reasonable Use Exception	<input type="checkbox"/> Environmental Impact Statement	SHORELINE MANAGEMENT
DESIGN REVIEW	<input type="checkbox"/> Exemption	<input type="checkbox"/> Accessory Dwelling Unit
<input type="checkbox"/> Pre Design Meeting	<input type="checkbox"/> Permit Revision	<input type="checkbox"/> Code Interpretation Request
<input type="checkbox"/> Design Review (Code Official)	<input type="checkbox"/> Shoreline Variance	<input type="checkbox"/> Comprehensive Plan Amendment (CPA)
<input type="checkbox"/> Design Commission Study Session	<input type="checkbox"/> Shoreline Conditional Use Permit	<input type="checkbox"/> Conditional Use (CUP)
<input type="checkbox"/> Design Review- Design Commission- Exterior Alteration	<input type="checkbox"/> Substantial Development Permit	<input type="checkbox"/> Lot Line Revision
<input type="checkbox"/> Design Review- Design Commission- New Building	SUBDIVISION LONG PLAT	<input type="checkbox"/> Noise Exception
WIRELESS COMMUNICATIONS FACILITIES	<input type="checkbox"/> Long Plat- Preliminary	<input type="checkbox"/> Reclassification of Property (Rezoning)
<input type="checkbox"/> Wireless Communications Facilities- 6409 Exemption	<input type="checkbox"/> Long Plat- Alteration	<input type="checkbox"/> Transportation Concurrence (see supplemental application form)
<input type="checkbox"/> New Wireless Communication Facility	<input type="checkbox"/> Long Plat- Final Plat	<input type="checkbox"/> Planning Services (not associated with a permit or review)
	VARIANCES (Plus Hearing Examiner Fee)	<input checked="" type="checkbox"/> Zoning Code Text Amendment
	<input type="checkbox"/> Variance	<input type="checkbox"/> Request for letter
		<input type="checkbox"/> Temporary Commerce on Public Property

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.

CITY OF MERCER ISLAND

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DOCKET REQUEST FORM

PURPOSE

The City of Mercer Island is accepting requests for amendments to its comprehensive plan and development code, to be considered in 2022. Requests to amend the comprehensive plan and development code are placed on a preliminary docket of suggested amendments to be reviewed for initial consideration by the Planning Commission and City Council in the fall of 2021. Requests that are added to the final docket by the City Council will receive additional analysis and consideration in 2022. Comprehensive plan and development code amendment requests require a Docket Request Form.

A complete Docket Request Form shall be submitted to the City of Mercer Island by Friday, October 1st at 5:00 PM via email to alison.vangorp@mercerisland.gov or mailed to the City of Mercer Island, Attention Alison Van Gorp, 9611 SE 36th Street, Mercer Island, WA 98040.

Prior to submitting a Docket Request Form, the applicant should meet with planning staff to ensure that applicable decision criteria are adequately addressed, and all necessary information is submitted. Docket Request forms that are determined to be incomplete will not be included in the public review process. If a request is accepted for review on the final docket, a State Environmental Policy Act (SEPA) Checklist may be required to be submitted for review.

For more information regarding this process, please review Mercer Island City Code [19.15.230](#), [19.15.250](#) and [19.15.260](#) or contact Alison Van Gorp, Deputy Director, at alison.vangorp@mercerisland.gov.

CONTACT INFORMATION

Name: Ted Weinberg

Address: 8445 W Mercer Way, Mercer Island, WA 98040

Phone: 206-919-3749

Email: tedweinberg@comcast.net

REQUEST INFORMATION

Please complete a separate Docket Request Form for each item you are requesting to be added to the Docket.

Is this request related to a specific property or zone? Yes No

If yes, please complete the following information:

Property Owner: _____

Address: _____

County Assessors Parcel No.: _____

Parcel Size (sq. ft.): _____

Is this request for a Comprehensive plan amendment or a development code amendment?

Comprehensive Plan amendment Development Code amendment

Would you like to submit a suggestion for a comprehensive plan or development code amendment, or is this an application for a specific amendment (see [MICC 19.15.250\(C\)\(2\)](#) for more information)?

Suggestion

Application

Please note: applications are subject to applicable permit fees. Please see our [Land Use Approval fee schedule](#) for applicable fees.

REQUEST DESCRIPTION

Please provide a clear description of proposal (please add additional paper or attachments if needed):

Mercer Island's Comprehensive Plan currently references the Bicycle and Pedestrian Facilities Plan in several places. It does not, however, specify how often that plan needs to be updated. The City's current Bicycle and Pedestrian Facilities Plan was last updated 11 years ago. Among other issues, the current plan does not factor in the many opportunities and challenges being introduced by the arrival of light rail. As the light rail station is expected to open on-schedule in 2023, we have an imminent need to update the Bicycle and Pedestrian Facilities Plan and factor in how bicycle and pedestrian traffic will interface with the light rail station.

So, for the purpose of making cycling, walking, and other forms of active transportation on Mercer Island safer and more efficient, and to ensure that the Bicycle and Pedestrian Plan stays up-to-date with future significant developments on the island, I propose the following comprehensive plan amendment:

In Section VI "Implementation Strategies" of the Transportation element of the Comprehensive Plan, under the heading "Planning - Standards, Policies, and Programs," add two new bullet points as follows:

- * Update the City's Bicycle and Pedestrian Facilities Plan to maximize transportation options associated with the arrival of light rail service to Mercer Island.
- * Update the City's Bicycle and Pedestrian Facilities Plan no less frequently than every 8 years.

Signed: Ted Weinberg and Carolyn Boatsman

Date: 9/30/2021

Signature: _____ Date: _____