
CITY OF MERCER ISLAND

COMMUNITY PLANNING & DEVELOPMENT

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PLANNING COMMISSION

TO: Planning Commission

FROM: Alison Van Gorp, CPD Deputy Director
Adam Zack, Senior Planner

DATE: November 2, 2022

SUBJECT: Comprehensive Plan Update
Land Use Element – Third Draft

Attachments A. Third Draft Land Use Element

PURPOSE

To receive the Planning Commission’s input on the third draft of the Land Use Element of the Comprehensive Plan (see Attachment A). Once the Planning Commission has provided input on the third draft, this round of review of the element will conclude. The Planning Commission will have a few more touches on the Land Use Element later in the update process, as spelled out in the ‘Next Steps’ section of this memo.

PUBLIC COMMENTS

Members of the public may submit written comments or questions on the Land Use Element to comp.plan@mercerisland.gov. Public comments will be provided to the Planning Commission at their November meeting. Please visit the [Comprehensive Plan update project website](#) for more information about the update process.

BACKGROUND

The Planning Commission was briefed on the first draft of the Land Use Element on July 27. The Commission provided written comments on the first draft following the meeting. The comments on the first draft and staff responses were provided to the Planning Commission with a second draft of the Land Use Element at their September 28, 2022, meeting. The Planning Commission provided comments on the second draft resulting in the attached third draft. There are six remaining issues the Planning Commission will need to resolve at the November meeting. Those issues and the feedback requested are detailed below.

FEEDBACK REQUESTED

The Planning Commission requested staff draft alternatives for consideration at the next meeting. Staff will walk the Planning Commission through those alternatives at the November meeting. The Planning Commission can make comments on each alternative during the walkthrough. Please review the alternatives listed below in advance to be prepared to provide comments at the meeting.

Town Center Land Use Issue #1, pg. 13

Staff was asked to revise Town Center Land Use Issue #1 to better reflect current conditions.

Staff Proposed Alternative Town Center Land Use Issue #1:

The Town Center area includes land zoned for commercial retail, service, mixed, and office uses. The Town Center is the largest mixed-use zone in the City and an important economic hub. Older commercial development in the Town Center consists of many one-story strip centers, surrounded by parking lots. Mixed-use development is replacing the existing commercial development as the Town Center redevelops. This has led to an increase in the number of residential dwellings in this area concurrent with changes to the type of commercial development in the zone. There is concern that redevelopment will displace existing businesses or reduce the total commercial square footage available for new and expanding businesses in Town Center. In 2022 the City adopted new regulations to limit the loss of commercial space as the area redevelops. As these regulations influence the built environment in Town Center, the City will need to monitor their influence on the availability and affordability of commercial space.

Existing Town Center Land Use Issue #1:

The Town Center land designated for commercial retail, service and office uses is much larger than the local population can support. This has contributed to a historical pattern of relatively low private investment in downtown properties. Consequently, the Town Center consists of many one story strip centers, surrounded by vast parking lots (FAR of only 0.23); a typical suburban sprawl-like development.

Decision Point: The Planning Commission can (1) approve the staff alternative; (2) propose changes to the wording of the staff proposed alternative; or (3) make no change. No change would keep the land use issue as established in the currently adopted Land Use Element.

Policy 12.2, pg. 19

At the September meeting, the Planning Commission discussed two points for this policy: (1) whether 'incentivize' was the proper direction for this open space policy, and (2) whether the City should encourage/incentivize open space generally, or public open space in particular. The Planning Commission asked staff to prepare an alternative specifying that this policy is directed at public open space. Staff recommends the verb 'encourage' for this policy. By using the verb 'encourage', City actions to increase the amount of public open space can take many different forms while also leaving room to establish incentives.

Staff Proposed Alternative Policy 12.2:

Encourage the provision of on-site public open space in private developments. This can include incentives, allowing development agreements, and payment of a calculated amount of money as an alternative to dedication of land. In addition, encourage aggregation of smaller open spaces between parcels to create a more substantial open space.

Existing Policy 12.2:

Encourage the provision of on-site open space in private developments but allow development agreements and payment of a calculated amount of money as an option to dedication of land. In addition, encourage aggregation of smaller open spaces between parcels to create a more substantial open space.

Decision Point: The Planning Commission can (1) approve the staff alternative; (2) propose changes to the wording of the staff proposed alternative; or (3) make no change. No change would keep the policy as established in the currently adopted Land Use Element.

Policy 15.3, pg. 23

Staff was asked to prepare an alternative clarifying this policy. The apparent intent of this policy is to specify that certain housing types should be limited to those zones where they are already allowed and that these land uses should not extend into other zones. The staff proposed alternative more clearly articulates this direction with a more streamlined sentence structure.

Staff Proposed Alternative Policy 15.3:

Confine low rise apartments, condos, and duplex/triplex designs to those areas already zoned to allow multi-family housing.

Existing Policy 15.3:

Multi-family areas will continue to be low rise apartments and condos and duplex/triplex designs, and with the addition of the Commercial/Office (CO) zone, will be confined to those areas already designated as multi-family zones.

Decision Point: The Planning Commission can (1) approve the staff alternative; (2) propose changes to the wording of the staff proposed alternative; or (3) make no change. No change would keep the policy as established in the currently adopted Land Use Element.

Note: Policy 15.3 is partially related to moderate density housing. This policy and others like it are likely to be revisited when the Planning Commission takes up the Housing Element in 2023. In 2021, the State Legislature adopted House Bill 1220, which updated requirements for Comprehensive Plan housing policies in general and moderate density housing in particular. In response to that bill, the state is preparing guidance for meeting the new requirements. That guidance is expected by the end of the year. Policies like 15.3 might need to be updated after the State issues its guidance. The guidance is expected to necessitate amendments of the adopted scope and schedule for the Comprehensive Plan periodic update. Staff will update the Planning Commission on changes to the scope and schedule early in 2023, after the state issues its guidance. For more information about House Bill 1220 and changes to housing requirements, please see [Agenda Bill 5156](#) and the [staff presentation](#) to the City Council on November 1, 2022.

Policy 16.7, pg. 24

The discussion of Policy 16.7 focused on removing regulatory barriers for preserving older homes. There was some additional concern that regulations may inadvertently create incentives for demolition and replacement of existing homes. After reviewing the policy and listening back to the September Planning Commission discussion, staff recommends an alternative to Policy 16.7 and a new Policy 16.8.

Staff Proposed Alternative:

16.7 Ensure development regulations allow the improvement of existing homes and do not create incentives to remove or replace existing homes.

16.8 Evaluate locally adopted building and fire code regulations to ensure they encourage the preservation of existing homes.

Previous Draft Policy 16.7: Policy 16.7 was a new policy proposed by a previous Planning Commission comment on the Land Use Element.

Decision Point: The Planning Commission can (1) approve the staff alternative; (2) propose changes to the wording of the staff proposed alternative; or (3) make no change. If the no change alternative is selected policies 16.7 and 16.8 would not be added to the draft.

Policy 17.4, pg. 24

Staff was asked to rework Policy 17.4 to incorporate the public input while also clarifying the language of the policy. Under further review, Policy 17.4 was unclear in the original draft because it was directed at maintaining social organizations, which is not really related to land use. Staff updated the policy to be directed at facilities rather than organizations because facilities are related to land use. That clarification combined with the other Planning Commission direction were incorporated into the following alternative.

Staff Proposed Alternative:

Social and recreation clubs, schools, and religious institutions are predominantly located in single family residential areas of the Island. Development regulation should support the need to maintain, modernize, and renovate social, recreational, educational, and religious facilities. Such facilities are community assets which are essential for the mental, physical and spiritual health of Mercer Island.

Existing Policy 17.4:

Social and recreation clubs, schools, and religious institutions are predominantly located in single family residential areas of the Island. Development regulation should reflect the desire to retain viable and healthy social, recreational, educational, and religious organizations as community assets which are essential for the mental, physical and spiritual health of Mercer Island.

Decision Point: The Planning Commission can (1) approve the staff alternative; (2) propose changes to the wording of the staff proposed alternative; or (3) make no change. No change would keep the policy as established in the currently adopted Land Use Element.

Goal 17, pg. 24

Staff was asked to revise Goal 17 to restructure the sentence for clarity.

Staff Proposed Alternative:

Commercial designations and permitted uses under current zoning will not change with the exception of allowing residential development in mixed-use zones.

Previous Draft Goal 17:

With the exception of allowing residential development, commercial designations and permitted uses under current zoning will not change.

Decision Point: The Planning Commission can (1) approve the staff alternative; (2) propose changes to the wording of the staff proposed alternative; or (3) make no change. No change would keep the goal as established in the currently adopted Land Use Element.

Wrapping Up Review

Once the Planning Commission has given feedback on all the alternatives this round of review of the element will conclude. Please note that the Planning Commission will have several additional rounds of review of the element later in the update process, as outlined under the next steps below.

NEXT STEPS

1. There might be additional changes to the Land Use Element for the Planning Commission to consider during the comprehensive plan update. These additional changes would be in response to the Climate Action Plan, the updated Housing Element, and the new Economic Development Element. Discussion of these possible amendments will take place when the Planning Commission takes up these topics later during the update process.
2. Summer 2023 – A Community Open House will be held to gather public input on the overall comprehensive plan update. Following the Open House, the Planning Commission will have the opportunity for another “touch” on the Land Use Element during a comprehensive plan update “tune up” meeting .
3. Fall 2023 - After the “tune up” meeting, the Planning Commission will hold a public hearing on the overall comprehensive plan update. This will include a review of the Land Use Element before making a recommendation to the City Council.