

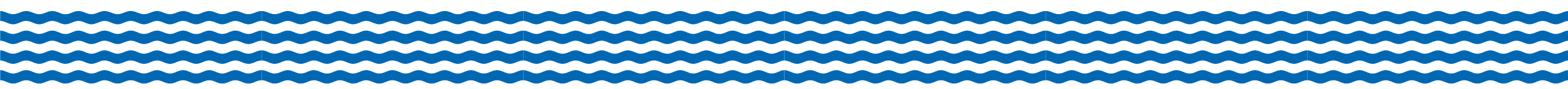


AB 6382: 2024 Annual Docket



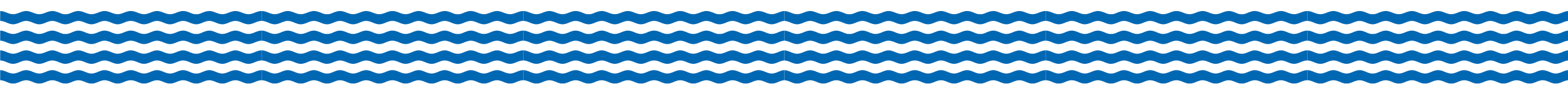
2024 Annual Docket

- The docket is the annual opportunity for the public to propose Comprehensive Plan and development code amendments
- 7 proposals were received from the public by the October 1 deadline (1 was later withdrawn). 10 proposals were also submitted by the City.
- Tonight, City Council will review the Planning Commission recommendations and determine which items to place on the 2024 docket
- The items placed on the docket will be added to the CPD work plan for legislative review



Docketing Criteria

MICC 19.15.230(E)(1)(b) All of the following criteria are met:

- i. The proposed amendment presents a matter appropriately addressed through the comprehensive plan or the code;
 - ii. The city can provide the resources, including staff and budget, necessary to review the proposal, or resources can be provided by an applicant for an amendment;
 - iii. The proposal does not raise policy or land use issues that are more appropriately addressed by an ongoing work program item approved by the city council;
 - iv. The proposal will serve the public interest by implementing specifically identified goals of the comprehensive plan or a new approach supporting the city's vision; and
 - v. The essential elements of the proposal and proposed outcome have not been considered by the city council in the last three years. This time limit may be waived by the city council if the proponent establishes that there exists a change in circumstances that justifies the need for the amendment.
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Resources and Capacity

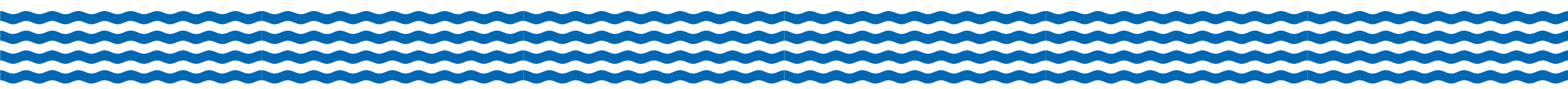
- Work plan items for 2024:
 - **Comprehensive Plan Periodic Update**
 - Substantial work remains, including initial review of the Parks Zone and the Housing Element, as well as public engagement and legislative review of the full Draft Comp Plan Amendment
 - *State deadline for completion: December 31, 2024*
 - **Legislatively Mandated Residential Amendments (HB 1110, HB 1337)**
 - City must undertake several substantial code amendments to comply with recent housing-related legislation. The City will also undertake additional amendments related to the previously planned Residential Development Standards (RDS) code update.
 - *State deadline for completion: June 30, 2025*
- Items added to the docket will remain on the docket until a decision is made
 - If docketed items are not reviewed in the year they are initially docketed, they carry over to future year(s) until review is completed

Docket Proposal Summary

Item No.	Proposed By	Summary of Proposal	PC Recommendation
1	City of Mercer Island/ Daniel Thompson	This amendment would reduce ceiling height from 12 feet to 10 feet before it is counted as clerestory space at 150% of gross floor area (GFA).	Do Not Docket
2	City of Mercer Island/ Daniel Thompson	This amendment would include exterior covered decks in the definition of GFA and include covered porches on the first level in the calculation of GFA.	Do Not Docket
3	City of Mercer Island/ Daniel Thompson	This amendment would either eliminate the ability to build garages and carports within 10 feet of the property line of the front yard, or, alternatively, eliminate this option for waterfront lots that have flipped their front and back yards per MICC 19.02.020(c)(2)(a)(iii).	Do Not Docket
4	City of Mercer Island/ Daniel Thompson	This amendment would limit the GFA incentives for ADUs to lots 8,400 square feet or smaller.	Do Not Docket
5	City of Mercer Island/ Daniel Thompson	This amendment would reduce the threshold for requiring only 2 parking spaces (1 covered and 1 uncovered) from 3,000 square feet to 2,000 square feet.	Do Not Docket
6	City of Mercer Island	This item will amend standards related to the calculation of downhill façade height to clarify how the maximum building height is calculated on the downhill side of a sloping lot, regardless of roof style.	Do Not Docket
7	City of Mercer Island	The Town Center code currently limits commercial/non-residential buildings to 2 stories/27 feet in height. This amendment would add a height standard or allowance for a “government services” use and for structures to be primarily used for such to build to the maximum allowable building height for the TC zone in which it is located.	Docket
8	City of Mercer Island	This item is responsive to the 2023 State legislative session, including SB 5290, HB 1293 and SB5412. This item will amend the administrative code to implement new permit timelines and to correct errors and improve clarity and consistency. Code sections pertaining to design standards and design review will be amended to implement clear and objective review standards. Amendments to SEPA requirements will also be considered.	Docket
9	City of Mercer Island	This item is responsive to the 2023 State legislative session, including HB 1110, HB 1337 and HB 1042. This item will amend code sections related to residential development, including amendments related to middle housing, accessory dwelling units (ADUs), conversion of existing commercial or mixed use spaces to residential use, and other changes resulting from the Residential Development Standards (RDS) analysis.	Docket
10	City of Mercer Island	This amendment will add a code section regulating temporary uses on private property and in the right of way and amend several code sections to allow temporary uses in zones throughout the city. Existing provisions related to commerce on public property and right of way use would be repealed.	Docket
11	PROPOSAL WITHDRAWN		
12	Mathew Goldbach	This amendment will prohibit rezoning of single-family residential zoned property.	Do Not Docket
13	Mathew Goldbach	This amendment will prohibit a non-residential structure/use from requesting or obtaining a rezone or reclassification of single-family residential zoned properties.	Do Not Docket
14	Regan McClellan	This amendment will add a provision related to the calculation of downhill building façade height to clarify that a building face can include multiple facades that should each be treated separately in determining maximum building height on the downhill side of a sloping lot.	Docket
15	Mercer Island Country Club	This amendment will add a new code section with provisions for temporary use or structure permits and designate these permits as a Type I land use review.	Docket
16	Michael Murphy	This amendment will reduce setbacks from piped watercourses and add a limited exception to piped watercourse setbacks for existing homes.	Docket
17	Adam Ragheb	This amendment will require each residential dwelling unit outside town center with a GFA less than 3000 sq ft to provide 2 parking spaces sufficient in size to park a passenger automobile and charge it	Do Not Docket

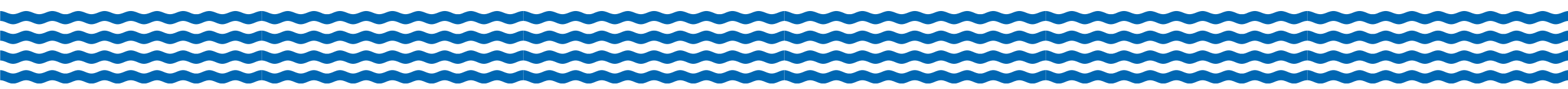
Planning Commission Recommendation

- The Planning Commission recommended docketing proposed amendments 7, 8, 9, 10, 14, 15 and 16.



Proposed Motion

- Approve Resolution No. 1655 to include items [insert docket item # here] setting the docket of Comprehensive Plan and development code amendments for 2024.



Proposed Amendment 1

Proposed By: City of Mercer Island/Daniel Thompson

Comprehensive Plan or Code Section:

Residential Development Standards (MICC 19.02.020(D)(2)(a) Gross Floor Area)

Proposal Summary:

This amendment would reduce ceiling height from 12 feet to 10 feet before it is counted as clerestory space at 150% of gross floor area (GFA).

Staff Comments: The applicant submitted this proposal during the 2020, 2021 and 2022 Annual Docket processes. In 2022, the City Council directed staff to include consideration of this item in the Residential Development Standards (RDS) analysis. That work has been substantially delayed in response to recent action by the State Legislature to enact several pieces of legislation requiring amendments to the City’s residential development standards. City Council directed staff to develop and submit a docket proposal to address this matter at its May 2023 Planning Session

Docketing Criteria

Criterion 1: appropriately addressed by Comp Plan or code	Criterion 2: necessary staff and budget resources can be provided by city or applicant	Criterion 3: doesn't raise issues related to ongoing work program	Criterion 4: serves public interest by implementing Comp Plan goals or supports City's vision	Criterion 5: has not been considered by City Council in the last 3 years
✓	—	✓	✓	✓

Proposed Amendment 2

Proposed By: City of Mercer Island/Daniel Thompson

Comprehensive Plan or Code Section:

Residential Development Standards (MICC 19.02.020(D)(2)(a) Gross Floor Area)

Proposal Summary:

This amendment would include exterior covered decks in the definition of GFA and include covered porches on the first level in the calculation of GFA.

Staff Comments: The applicant submitted this proposal during the 2020, 2021 and 2022 Annual Docket processes. In 2022, the City Council directed staff to include consideration of this item in the Residential Development Standards (RDS) analysis. That work has been substantially delayed in response to recent action by the State Legislature to enact several pieces of legislation requiring amendments to the City’s residential development standards. City Council directed staff to develop and submit a docket proposal to address this matter at its May 2023 Planning Session

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✓	—	✓	✓	✓

Proposed Amendment 3

Proposed By: City of Mercer Island/Daniel Thompson

Comprehensive Plan or Code Section:

Residential Development Standards (MICC 19.02.040(D)(1) Garages and Carports)

Proposal Summary:

This amendment would either eliminate the ability to build garages and carports within 10 feet of the property line of the front yard, or, alternatively, would eliminate this option for waterfront lots that have flipped their front and back yards per MICC 19.02.020(c)(2)(a)(iii).

Staff Comments: The applicant submitted this proposal during the 2020, 2021 and 2022 Annual Docket processes. In 2022, the City Council directed staff to include consideration of this item in the Residential Development Standards (RDS) analysis. That work has been substantially delayed in response to recent action by the State Legislature to enact several pieces of legislation requiring amendments to the City’s residential development standards. City Council directed staff to develop and submit a docket proposal to address this matter at its May 2023 Planning Session

Docketing Criteria

Criterion 1: appropriately addressed by Comp Plan or code	Criterion 2: necessary staff and budget resources can be provided by city or applicant	Criterion 3: doesn't raise issues related to ongoing work program	Criterion 4: serves public interest by implementing Comp Plan goals or supports City's vision	Criterion 5: has not been considered by City Council in the last 3 years
✓	■	✓	✓	✓

Proposed Amendment 4

Proposed By: City of Mercer Island/Daniel Thompson

Comprehensive Plan or Code Section:

Residential Development Standards (MICC 19.02.020(D)(3)(b) Gross Floor Area Incentives for ADUs)

Proposal Summary:

This amendment would limit the GFA incentives for ADUs to lots 8,400 square feet or smaller.

Staff Comments: The applicant submitted this proposal during the 2020, 2021 and 2022 Annual Docket processes. In 2022, the City Council directed staff to include consideration of this item in the Residential Development Standards (RDS) analysis. That work has been substantially delayed in response to recent action by the State Legislature to enact several pieces of legislation requiring amendments to the City’s residential development standards. City Council directed staff to develop and submit a docket proposal to address this matter at its May 2023 Planning Session

Docketing Criteria

Criterion 1: appropriately addressed by Comp Plan or code	Criterion 2: necessary staff and budget resources can be provided by city or applicant	Criterion 3: doesn't raise issues related to ongoing work program	Criterion 4: serves public interest by implementing Comp Plan goals or supports City's vision	Criterion 5: has not been considered by City Council in the last 3 years
✓	—	✓	✓	✓

Proposed Amendment 5

Proposed By: City of Mercer Island/Daniel Thompson

Comprehensive Plan or Code Section:

Residential Development Standards (MICC 19.02.020(G)(2)(a) and (b) Parking Requirements))

Proposal Summary:

This amendment would reduce the threshold for requiring only 2 parking spaces (1 covered and 1 uncovered) from 3,000 square feet to 2,000 square feet.

Staff Comments: The applicant submitted this proposal during the 2020, 2021 and 2022 Annual Docket processes. In 2022, the City Council directed staff to include consideration of this item in the Residential Development Standards (RDS) analysis. That work has been substantially delayed in response to recent action by the State Legislature to enact several pieces of legislation requiring amendments to the City’s residential development standards. City Council directed staff to develop and submit a docket proposal to address this matter at its May 2023 Planning Session

Docketing Criteria

Criterion 1: appropriately addressed by Comp Plan or code	Criterion 2: necessary staff and budget resources can be provided by city or applicant	Criterion 3: doesn't raise issues related to ongoing work program	Criterion 4: serves public interest by implementing Comp Plan goals or supports City's vision	Criterion 5: has not been considered by City Council in the last 3 years
✓	—	✓	✓	✓

Proposed Amendment 6

Proposed By: City of Mercer Island

Comprehensive Plan or Code Section: MICC 19.02.020(E)(2) Maximum Downhill Facade Height

Proposal Summary: This item will amend standards related to the calculation of downhill façade height.

Staff Comments:

City Council directed staff to develop and submit a docket proposal to address this matter at its May 2023 Planning Session.

The residential development standards currently contain two different standards regulating maximum allowed building height, one based on Average Building Elevation (ABE) and one based the height of a downhill building facade measured from the lower of existing or finished grade, to the top of the downhill facing wall facade supporting the roof framing, rafters, trusses, etc. The proposed amendment would clarify the measurement of the downhill facade height standard by allowing the height of a building on the downhill side of a sloping lot to be measured from the lower of existing or finished grade at the furthest downhill extent of the building to the highest point on the roof.

Docketing Criteria

Criterion 1: appropriately addressed by Comp Plan or code	Criterion 2: necessary staff and budget resources can be provided by city or applicant	Criterion 3: doesn't raise issues related to ongoing work program	Criterion 4: serves public interest by implementing Comp Plan goals or supports City's vision	Criterion 5: has not been considered by City Council in the last 3 years
✓	—	✓	✓	✓

Proposed Amendment 7

Proposed By: City of Mercer Island

Comprehensive Plan or Code Section: MICC 19.11 Town Center Development and Design Standards, possibly other sections of the development code

Proposal Summary: This proposal would add a “Government Services” use to the Town Center and provide necessary code changes in the form of standards and/or allowances for such including, but not limited to MICC 19.11.020 – Land Uses and 19.11.030 – Bulk Regulations. Examples of code changes which may be considered for a “Government Services” use include requirements for ground floor street frontage uses as well as maximum building height.

Staff Comments:

City Council directed staff to develop and submit a docket proposal to address this matter related to maximum building height at its May 2023 Planning Session. However, with evolving circumstances regarding the current Mercer Island City Hall, it has become apparent the matter should be considered in a more wholistic manner. Government services are already defined in MICC Chapter 19.16.

Docketing Criteria

Criterion 1: appropriately addressed by Comp Plan or code	Criterion 2: necessary staff and budget resources can be provided by city or applicant	Criterion 3: doesn't raise issues related to ongoing work program	Criterion 4: serves public interest by implementing Comp Plan goals or supports City's vision	Criterion 5: has not been considered by City Council in the last 3 years
✓	■	✓	✓	✓

Proposed Amendment 8

Proposed By: City of Mercer Island

Comprehensive Plan or Code Section: Amendments to Chapters 19.11, 19.12, 19.15, 19.16, 19.21 of the Mercer Island City Code (MICC)

Proposal Summary: This item will amend the administrative code to implement new permit timelines and to correct errors and improve clarity and consistency. Code sections pertaining to design standards and design review will be amended to implement clear and objective review standards. Amendments to SEPA requirements will also be considered.

Staff Comments:

This item is responsive to the 2023 State legislative session. The City has until June 30, 2025 to fully implement HB 1293 and SB 5290. City Council directed staff to develop and submit a docket proposal to address this matter at its May 2023 Planning Session.

Docketing Criteria

Criterion 1: appropriately addressed by Comp Plan or code	Criterion 2: necessary staff and budget resources can be provided by city or applicant	Criterion 3: doesn't raise issues related to ongoing work program	Criterion 4: serves public interest by implementing Comp Plan goals or supports City's vision	Criterion 5: has not been considered by City Council in the last 3 years
✓	↑	✓	✓	✓

Proposed Amendment 9

Proposed By: City of Mercer Island

Comprehensive Plan or Code Section: Amendments to Chapters 19.01, 19.02, 19.03, 19.04, 19.05, 19.08, 19.11, 19.12, 19.15, 19.16, Unified Land Development Appendices in the Mercer Island City Code.

Proposal Summary: This item will amend code sections related to residential development, including amendments related to middle housing, accessory dwelling units (ADUs), conversion of existing commercial or mixed use spaces to residential use, and other changes resulting from the Residential Development Standards (RDS) analysis.

Staff Comments:

This item is responsive to the 2023 State legislative session. The City has until June 30, 2025 to fully implement HB 1110, HB 1337 and HB 1042. City Council directed staff to develop and submit a docket proposal to address this matter at its May 2023 Planning Session.

Docketing Criteria

Criterion 1: appropriately addressed by Comp Plan or code	Criterion 2: necessary staff and budget resources can be provided by city or applicant	Criterion 3: doesn't raise issues related to ongoing work program	Criterion 4: serves public interest by implementing Comp Plan goals or supports City's vision	Criterion 5: has not been considered by City Council in the last 3 years
✓	↑	✓	✓	✓

Proposed Amendment 10

Proposed By: City of Mercer Island

Comprehensive Plan or Code Section: Amendments to Chapters 19.02, 19.03, 19.04, 19.05, 19.06, 19.15 and 19.16 in the Mercer Island City Code.

Proposal Summary: This amendment will add a code section regulating temporary uses and amend several code sections to allow temporary uses in zones throughout the city. Existing provisions related to commerce on public property and right of way use would be repealed.

Staff Comments:

City Council directed staff to develop and submit a docket proposal to address this matter at its May 2023 Planning Session.

Temporary uses could include many different activities, from outdoor dining adjacent to restaurants/cafes, to large tents for events like weddings or reunions, the farmer’s market, Summer Celebration vendor booths, Christmas tree sales, produce stands, food trucks or even garage sales. In 2020, the City adopted temporary regulations for commerce on public property to allow for outdoor dining during the COVID-19 pandemic. Permanent amendments to regulations for outdoor dining, temporary uses, and commerce on public property are needed for outdoor dining to continue as an allowed use. Additionally, many other temporary uses are not currently adequately addressed in the City code.

Docketing Criteria

Criterion 1: appropriately addressed by Comp Plan or code	Criterion 2: necessary staff and budget resources can be provided by city or applicant	Criterion 3: doesn't raise issues related to ongoing work program	Criterion 4: serves public interest by implementing Comp Plan goals or supports City's vision	Criterion 5: has not been considered by City Council in the last 3 years
✓	—	✓	✓	✓

Proposed Amendment 12

Proposed By: Mathew Goldbach

Comprehensive Plan or Code Section: MICC 19.15.240 Reclassification of Property (Rezoning)

Proposal Summary: This amendment will prohibit rezoning of single-family residential zoned property.

Staff Comments:

This amendment seeks to constrain the City’s ability to rezone residential property. If docketed, Staff would recommend study on the appropriate method for achieving the goals of this proposal.

Docketing Criteria

Criterion 1: appropriately addressed by Comp Plan or code	Criterion 2: necessary staff and budget resources can be provided by city or applicant	Criterion 3: doesn’t raise issues related to ongoing work program	Criterion 4: serves public interest by implementing Comp Plan goals or supports City’s vision	Criterion 5: has not been considered by City Council in the last 3 years
?	↓	✓	✓	✓

Proposed Amendment 13

Proposed By: Mathew Goldbach

Comprehensive Plan or Code Section: MICC 19.15.240 Reclassification of Property (Rezoning)

Proposal Summary: This amendment will prohibit a non-residential structure/use from requesting or obtaining a rezoning or reclassification of single-family residential zoned properties.

Staff Comments:

This amendment seeks to constrain the City’s ability to rezone residential property. If docketed, Staff would recommend study on the appropriate method for achieving the goals of this proposal.

Docketing Criteria

Criterion 1: appropriately addressed by Comp Plan or code	Criterion 2: necessary staff and budget resources can be provided by city or applicant	Criterion 3: doesn’t raise issues related to ongoing work program	Criterion 4: serves public interest by implementing Comp Plan goals or supports City’s vision	Criterion 5: has not been considered by City Council in the last 3 years
?	↓	✓	✓	✓

Proposed Amendment 14

Proposed By: Regan McClellan

Comprehensive Plan or Code Section: MICC 19.02.020(E) Building Height Limit and 19.16.010 Definitions

Proposal Summary: This amendment will add a provision related to the calculation of downhill building façade height to clarify that a building face can include multiple facades that should each be treated separately in determining maximum building height on the downhill side of a sloping lot.

Staff Comments:

This proposal addresses the same issue identified by the City in Proposed Amendment 6.

Docketing Criteria

Criterion 1: appropriately addressed by Comp Plan or code	Criterion 2: necessary staff and budget resources can be provided by city or applicant	Criterion 3: doesn't raise issues related to ongoing work program	Criterion 4: serves public interest by implementing Comp Plan goals or supports City's vision	Criterion 5: has not been considered by City Council in the last 3 years
✓	↓	✓	✓	✓

Proposed Amendment 15

Proposed By: Mercer Island Country Club

Comprehensive Plan or Code Section: MICC 19.06 and 19.15.030

Proposal Summary: This amendment will add a new code section with provisions for temporary use or structure permits and designate these permits as a Type I land use review.

Staff Comments:

This proposal touches on an issue also identified by the City as a part of Proposed Amendment 10 (i.e. the current code does not include temporary use provisions outside the Town Center). However, this proposal has a smaller scope and identifies specific code provisions related to the applicant’s needs.

Docketing Criteria

Criterion 1: appropriately addressed by Comp Plan or code	Criterion 2: necessary staff and budget resources can be provided by city or applicant	Criterion 3: doesn't raise issues related to ongoing work program	Criterion 4: serves public interest by implementing Comp Plan goals or supports City's vision	Criterion 5: has not been considered by City Council in the last 3 years
✓	↓	✓	✓	✓

Proposed Amendment 16

Proposed By: Michael Murphy

Comprehensive Plan or Code Section: MICC 19.07.180 Watercourses

Proposal Summary: This amendment will reduce setbacks from piped watercourses and add a limited exception to piped watercourse setbacks for existing homes.

Staff Comments: The current provisions for setbacks from piped watercourses were adopted as a part of the Critical Areas Code Amendment in 2021 and are based on Best Available Science (BAS) as required by the Growth Shoreline Management Act (RCW 36.70A.172). Considering an amendment to these provisions would require the City to conduct a new/supplementary BAS review to determine if new research is available to support an amendment. Since this would be an amendment of the critical areas code and shoreline master program, it would also require review by Commerce and Ecology, which is a more lengthy review process than for standard code amendments.

Docketing Criteria

Criterion 1: appropriately addressed by Comp Plan or code	Criterion 2: necessary staff and budget resources can be provided by city or applicant	Criterion 3: doesn't raise issues related to ongoing work program	Criterion 4: serves public interest by implementing Comp Plan goals or supports City's vision	Criterion 5: has not been considered by City Council in the last 3 years
✓	↓	✓	✓	✓

Proposed Amendment 17

Proposed By: Adam Ragheb

Comprehensive Plan or Code Section: MICC 19.02.020(G)(2)(c) - Parking Requirements

Proposal Summary: This amendment will require each non-single family residential dwelling unit outside town center with a GFA less than 3000 sq ft to provide 2 covered parking spaces sufficient in size to park a passenger automobile and charge it.

Staff Comments: Recent state legislation will require the City to amend the residential development standards in MICC 19.02 to allow middle housing types including duplexes, triplexes, townhomes, etc. by June 30, 2025. As a part of that required code amendment, the City is planning to undertake a thorough analysis of the residential development standards and will propose a comprehensive set of amendments intended to address existing issues and integrate these new housing types into the existing requirements. This type of proposal can be most appropriately considered as a part of that comprehensive effort.

Docketing Criteria

Criterion 1: appropriately addressed by Comp Plan or code	Criterion 2: necessary staff and budget resources can be provided by city or applicant	Criterion 3: doesn't raise issues related to ongoing work program	Criterion 4: serves public interest by implementing Comp Plan goals or supports City's vision	Criterion 5: has not been considered by City Council in the last 3 years
✓	↓	✓	✓	✓