

---

# CITY OF MERCER ISLAND

## COMMUNITY PLANNING & DEVELOPMENT

9611 SE 36TH STREET | MERCER ISLAND, WA 98040

PHONE: 206.275.7605 | [www.mercergov.org](http://www.mercergov.org)



---

## PLANNING COMMISSION

---

**To:** City Council  
**From:** Mike Murphy, Planning Commission Chair  
**Date:** November 20, 2023  
**RE:** 2024 Docket Recommendation – Proposed Amendments 1-10 and 12-17  
**ATTACHMENTS:** A. 2024 Docket Recommendation Summary

---

On behalf of the Planning Commission, I am pleased to present this recommendation for the 2024 Docket.

The City opened the annual docket submittal process during the month of September 2023, and received eight submissions from the public. The City also brought forward 10 proposed code amendments for consideration, which are summarized in the Staff Memo to the Planning Commission, dated November 15, 2023. The Planning Commission reviewed these docket requests at a special meeting on November 15, 2023 and at a second special meeting on November 20, 2023.

The Planning Commission received for review 242 written public comments to Proposed Amendment 15 (proposed by the Mercer Island Country Club). At the November 15 and 20 meetings, 3 people provided public comments in favor of docketing this proposal. A public comment at the November 15 meeting addressed several proposed amendments. A public comment in opposition to docketing Proposed Amendment 6 and in favor of docketing Proposed Amendment 14 was also provided at the November 20 meeting. The proponents of each docket proposal spoke briefly to the merits of placing their proposals on the 2024 annual docket, and City staff provided a brief presentation covering each of the City and public proposals.

In addition to the public comment and presentations, the Planning Commission considered the materials submitted by the applicants as well as the staff memo dated November 15, 2023. In making its recommendation, the Planning Commission considered the docketing criteria contained in MICC 19.15.230(E). After considerable discussion and deliberation, the Planning Commission approved the following recommendations for the 2024 annual docket (also summarized in Attachment C).

- **Proposed Amendments 1-5:**

Recommendation: Do not add to the docket (motion to add to the docket failed 4-3).

Rationale: Commissioners expressed concern regarding the priority of these items, and concluded these were best considered within the RDS review and/or with the legislatively mandated changes.

- **Proposed Amendment 6:**

Recommendation: Do not add to the docket (motion to add to the docket failed 1-6).

Rationale: See below re #14. Concern was expressed about the impact of #6 on SF design and effective land use given that most SF applications involve sloped lots. There was also concern that if #6 and #14 were both recommended, they may not be given equal treatment, especially given the relative priority designations given to #6 and #14.

- **Proposed Amendment 7:**

Recommendation: Add to the docket (motion to add to the docket approved 7-0).

Rationale: The Commission concurred with the staff recommendation.

- **Proposed Amendments 8 and 9:**

Recommendation: Add to the docket (motion to add to the docket approved 7-0).

Rationale: The Commission concurred with staff that these are required to be docketed by the recent state legislation.

- **Proposed Amendment 10 and 15:**

Recommendation: Add both to the docket (motion to add both to the docket approved 6-0-1, Goelz abstaining).

Rationale: The Commissioners wanted to make sure that the MICC proposal (#15), was given full consideration along with City Council directed proposal (#10) because the MICC proposal has specific requirements different from typical temporary uses.

- **Proposed Amendment 12:**

Recommendation: Do not add to the docket (motion to NOT add to the docket approved 5-2).

Rationale: Commissioners expressed concern that this proposal could violate the new state housing legislation, is low priority, failed to identify comp plan policies it furthers, and was inconsistent with the recommendation for Docket Item #18.

- **Proposed Amendment 13:**

Recommendation: Do not add to the docket (motion to NOT add to the docket approved 6-1).

Rationale: Commissioners expressed concern that this proposal was unclear, confused uses with zoning designations, and was low priority.

- **Proposed Amendment 14:**

Recommendation: Add to the docket (motion to add to the docket approved 5-2).

Rationale: See #6, above. The Commission concluded that this was the better proposal to address clarifying the issue of building height limits on sloped lots. Commissioners expressed

the view that a recent code interpretation that changed decades of practice on MI justifies more immediate attention and public process because the Commission was informed that this issue affects a large share of the SF home applications.

- **Proposed Amendment 16:**

Recommendation: Add to the docket (motion to add to the docket approved 6-1).

Rationale: Commissioners acknowledged that this item is a more targeted proposal than the one recommended for inclusion by the Planning Commission last year and is not being considered under any work plan and is not part of the RDS review because it's a critical areas issue. Staff also corrected its report to delete the reference to Department of Ecology review because there is no change to the SMP. This proposal would be required to review Best Available Science (BAS) under the Growth Management Act, but it was noted that the BAS report for the Code changes that included adoption of the 45' setback stated that "Current BAS does not provide regulatory recommendations for piped watercourses."

- **Proposed Amendment 17:**

Recommendation: Do not add to the docket (motion to add to the docket failed 2-5).

Rationale: Concern was expressed regarding its applicability to ADUs, and the potentially excessive burden on MF housing. Commissioners also observed that this would likely be considered with the legislatively mandated changes.

	11/28/23
Mike Murphy	Date
Planning Commission Chair	
City of Mercer Island	

## Planning Commission Recommendation – 2024 Docket

Item No.	Proposed By	Potentially Affected Section, Goal or Policy	Summary of Proposal	PC Recommendation
1	City of Mercer Island/ Daniel Thompson	MICC 19.02.020(D)(2)(a) Gross Floor Area	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	MICC 19.02.020(D)(2) and 19.02.020(G)(2)	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	MICC 19.02.040(D)(1) Garages and Carports	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	MICC 19.02.020(D)(3)(b) Gross Floor Area Incentives for ADUs	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	MICC 19.02.020(G)(2)(a) and (b) Parking Requirements	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	MICC 19.02.020(E) Building Height Limit	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	MICC 19.11.030 Bulk Regulations, possibly other sections of the development code	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	MICC 19.11, 19.12, 19.15, 19.16, 19.21	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	Docket

			design review will be amended to implement clear and objective review standards. Amendments to SEPA requirements will also be considered.	
9	City of Mercer Island	MICC 19.01, 19.02, 19.03, 19.04, 19.05, 19.08, 19.11, 19.12, 19.15, 19.16, Unified Land Development Appendices	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	MICC 19.02, 19.03, 19.04, 19.05, 19.06, 19.15 and 19.16	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	MICC 19.15.240 Reclassification of Property (Rezoning)	This amendment will prohibit rezoning of single-family residential zoned property.	Do Not Docket
13	Mathew Goldbach	MICC 19.15.240 Reclassification of Property (Rezoning)	This amendment will prohibit a non-residential structure/use from requesting or obtaining a rezoning or reclassification of single-family residential zoned properties.	Do Not Docket
14	Regan McClellan	MICC 19.02.020(E) Building Height Limit and 19.16.010 Definitions	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	MICC 19.06 and 19.15.030	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	MICC 19.07.180 Watercourses	This amendment will reduce setbacks from piped watercourses and add a limited exception to piped watercourse setbacks for existing homes.	Docket
17	Adam Ragheb	MICC 19.02.020(G)(2)(c) – Parking Requirements	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