
CITY OF MERCER ISLAND

COMMUNITY PLANNING & DEVELOPMENT

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PLANNING COMMISSION

To: City Council
From: Mike Murphy, Planning Commission Chair
Date: November 15, 2023
RE: 2024 Docket Recommendation – Proposed Amendment 18

ATTACHMENTS:

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 a submission from the Stroum Jewish Community Center. The Planning Commission reviewed the submitted docket request at a special meeting on November 15, 2023. The request, Proposed Amendment 18, includes a proposal for a site-specific amendment to the land use designation and a rezone. The site-specific nature of this request necessitated a separate, quasi-judicial review process for this item. As such, it was reviewed first under special business.

The proceedings began with the Assistant City Attorney asking Appearance of Fairness questions of each commissioner to establish if any bias or conflicts of interest were present. None of the Commissioners identified anything that would bias their decision. Commissioners Raisys and Battazzo submitted written statements to the record identifying relationships that could constitute an appearance of conflict, which were verified as being entered into the record by the Deputy City Clerk. All Commissioners affirmatively confirmed they could review and adjudge the proposal in a fair, objective, and unbiased manner. All participants at the public meeting were provided the opportunity to raise a challenge to the participation of any Commissioner based on appearance of fairness concerns and no challenges were raised.

The Planning Commission received for review nearly 200 written public comments that were submitted to the Planning Commission and more than 100 that were submitted to the City Council in advance of the public meeting. At the meeting, 22 people provided public comment in favor of docketing the proposal and 3 people provided comment in opposition. The proponent of the docket proposal spoke briefly to the merits of placing their proposal on the final docket, followed by a presentation from the City staff, followed by a brief rebuttal by the proponent of the docket proposal.

In addition to the public comment and presentations, the Planning Commission considered the materials submitted by the applicant 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). The Commission adopted the following findings in relation to the docketing criteria.

1. The proposal satisfied docketing criteria 1, 3 and 5

The Commission concurred with the staff analysis that the Comprehensive Plan and development code are the appropriate places to address the proposed redesignation and rezone, the proposal is not a part of an ongoing work program approved by the City Council, and the proposal has not been considered by the City Council in the last three years. The motion was approved 7-0.

2. The proposal satisfied docketing criterion 2

The Commission discussed in depth whether the City has, or the applicant could provide, the resources (including staff and budget) necessary to complete the review of this proposal. Some commissioners did not concur with the staff analysis that this proposal is a low priority based on available City resources, and felt it should have been prioritized higher. One Commissioner noted that resource allocation is an item reserved for the Council and that when Council considers the item, it can also consider whether it can allocate the sufficient resources for the docket proposal. Several Commissioners felt this proposal had some urgency and should be scheduled for review in 2024. It was also discussed that the applicant would contribute some level of resources to this review, in the form of permit fees paid to the City, as well as technical work such as SEPA review and traffic analysis. The motion was approved 6-0-1 (Raisys abstaining).

3. The proposal satisfied docketing criterion 4

The commission discussed this criterion in detail as well. It was mentioned that the language of this criterion refers to “specifically identified goals of the Comprehensive Plan” and not something broader that would indicate consistency with the Comprehensive Plan as a whole. There was discussion amongst the Commissioners of how to balance and weigh competing goals within the Comprehensive Plan. A commissioner stated that the proposal implements Comprehensive Plan Policy 17.4 by helping to retain an important cultural institution on the Island. Other commissioners concurred with this conclusion. The motion was approved 7-0.

After considerable discussion and deliberation, the Planning Commission approved the recommendation by a 6-0-1 vote (Raisys abstaining): **The Planning Commission recommends to the City Council that Proposed Amendment 18 be docketed for the 2024 work plan.**

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