



**To:** Planning Commission  
**From:** Alison Van Gorp  
**Date:** November 15, 2023  
**RE:** 2024 Annual Docket

## EXECUTIVE SUMMARY

The City provides an annual opportunity for the public to propose amendments to the Comprehensive Plan and development regulations. The proposed amendments are compiled, along with the City's proposed amendments, on a docket. The docket is preliminarily reviewed by the Planning Commission and City Council for a determination on which, if any, proposed amendments will be advanced for full review in the coming year. Amendments selected by the City Council for the "final docket" are then put on the Community Planning and Development (CPD) work program, typically for the next calendar year or when time and resources permit. This memo outlines the process for reviewing proposed amendments 1-10 and 12-17.

## BACKGROUND

### Docket Process

The Mercer Island City Code (MICC) describes the formal process for soliciting and reviewing docket proposals in section 19.15.230 MICC:

*"D. Docketing of Proposed Amendments. For purpose of this section, docketing refers to compiling and maintaining a list of suggested changes to the comprehensive plan in a manner that will ensure such suggested changes will be considered by the city and will be available for review by the public. The following process will be used to create the docket:*

*1. Preliminary Docket Review. By September 1, the city will issue notice of the annual comprehensive plan amendment cycle for the following calendar year. The amendment request deadline is October 1. Proposed amendment requests received after October 1 will not be considered for the following year's comprehensive plan amendment process but will be held for the next eligible comprehensive plan amendment process.*

*a. The code official shall compile and maintain for public review a list of suggested amendments and identified deficiencies as received throughout the year.*

*b. The code official shall review all complete and timely filed applications proposing amendments to the comprehensive plan or code and place these applications and suggestions on the preliminary docket along with other city-initiated amendments to the comprehensive plan or code.*

*c. The planning commission shall review the preliminary docket at a public meeting and make a recommendation on the preliminary docket to the city council each year.*

*d. The city council shall review the preliminary docket at a public meeting. By December 31, the city council shall establish the final docket based on*

*the criteria in subsection E of this section. Once approved, the final docket defines the work plan and resource needs for the following year's comprehensive plan and code amendments."*

Public notice of the opportunity to submit docket requests was provided in the permit bulletin and on the City website between August 7, 2023 and September 6, 2023, as well as on August 9 and September 6, 2023 in the Mercer Island Reporter. Eight code amendment proposals were received from the public. One of these proposals (Proposed Amendment 11) was later withdrawn. The City has also identified ten code amendments for consideration. All seventeen active proposals are summarized in Attachment 1 and described below; the original submissions from community members are included in Attachments 2 and 3.

### **Docketing Criteria**

The City Code prescribes that proposed comprehensive plan and development code amendments should only be recommended for the final docket if the amendment will meet the criteria in MICC 19.15.230(E):

*"E. Docketing Criteria. The following criteria shall be used to determine whether a proposed amendment is added to the final docket in subsection D of this section:*

*1. The request has been filed in a timely manner, and either:*

*a. State law requires, or a decision of a court or administrative agency has directed, such a change; or*

*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."*

Staff analysis of the docketing criteria for each proposed amendment is included in Attachment 3.

### **CPD Work Plan**

The docketing criteria, shown above, include a requirement that the City "can provide resources, including staff and budget, necessary to review the proposal". As has been the case in the last several years, City staff capacity for legislative review is limited. In addition, the existing CPD work plan already includes several major work items that will continue in 2024, summarized below. Any work items added to the docket will need to be additive to the items already on the work plan.

1. **Periodic Update of the Comprehensive Plan:** work on the periodic update will continue through 2024, including significant work on the Parks Zone and Housing Element (due for completion by December 2024).
2. **Legislatively Mandated Residential Amendments (HB 1110, HB 1337):** the 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 panned Residential Development Standards (RDS) code update. This work will begin as the periodic update of the Comprehensive Plan concludes in late 2024 and must be completed by June 30, 2025.

The existing work plan items represent a significant amount of CPD staff time, as well as a significant portion of the available Planning Commission, City Council and community bandwidth. Staff anticipate the periodic update of the Comprehensive Plan will require all of the time available at the Planning Commission's monthly meetings through mid-2024 and will likely also require additional special meetings. The City Council will then begin their review, which will also require several meetings. The Planning Commission will need to begin review of the legislatively mandated residential code amendments in the last quarter of 2024.

As such, time available for review and consideration of additional docket items will be extremely limited. Each item added to the final docket typically requires at least three touches by the Planning Commission and two by the City Council, a process that usually takes 6 months or more to complete. Thus, if new items are added to the docket and CPD work plan for consideration in 2024, it is very likely that they would need to be carried over into 2025 or beyond. Progress toward items proposed for the docket over the last three years is summarized in Attachment 5, which can help provide context in terms of the number of amendments that have been reviewed annually in recent years.

## ISSUE/DISCUSSION

### REVIEW AND RECOMMENDATION

The Planning Commission will need to review each docket proposal and prepare a recommendation to the City Council on the docket proposals that should be included in the final docket. The Planning Commission should consider the criteria from MICC 19.15.230 (E), provided above, to determine whether to recommend adding a project to the final docket. The decision here must be based on the docketing criteria – this is a decision on whether the proposal meets the criteria and can, therefore, be placed on the docket and advanced for future legislative review. It is not a decision on the merits of the proposal. Please carefully consider the workload for CPD staff and the Planning Commission related to the recommended items, especially in light of existing work plan items already planned for 2024 (discussed above).

One of the proposed amendments, Proposed Amendment 18, is quasi-judicial in nature (i.e. it pertains to rezoning a property), and will need to be reviewed separately, utilizing special procedures as recommended by the City Attorney's Office. Thus, the review process will be bifurcated to enable Proposed Amendment 18 to be reviewed first, followed by review of the remaining proposed amendments through the more typical process. This staff memo is focused on the review of Proposed Amendments 1-10 and 11-17.

The review of the proposed amendments will begin with the opportunity for the proponents of each of the remaining proposals to speak to their proposals (up to 3 minutes per proposal), followed by a staff presentation on the proposed amendments (up to 3 minutes each). The Commission will then review each of the proposed amendments, considering the decision criteria and any public comments. The Commission should make a motion and call a vote on each proposal, recommending whether to include it in the final docket.

### PROPOSED AMENDMENTS

The proposed amendments are summarized in Attachment 1 and are also described below. The amendment proposals submitted by community members are included in Attachments 2 and 3. Attachment 4 provides an

analysis of each proposed amendment in relation to the docketing criteria in MICC 19.15.230(E). It provides an assessment of whether each criterion *could* be met by each of the proposed amendments. That is to say, the matrix indicates whether the staff believe a case can be made that the criterion is met, and the Planning Commission will need to make a final determination on whether they find that the criterion has indeed been met. Attachment 4 and the staff comments below also include a rough prioritization of the proposed amendments. These prioritization ratings are not intended to reflect on the quality or merits of the proposal. Rather, the ratings are intended to evaluate the importance of reviewing the proposed amendment in the coming year relative to the staff resources that are available to do this work. In determining this prioritization, staff considered whether foregoing the amendment in 2024 would leave the city open to legal or financial risk, lost opportunities or other negative consequences. Staff also considered whether there were any other compelling reasons that an amendment should be considered in the very near term.

#### 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:** See attached application for more details. 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.

**Priority Level:** Moderate priority.

#### 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:** See attached application for more details. 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.

**Priority Level:** Moderate priority.

#### 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:** See attached application for more details. 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.

**Priority Level:** Moderate priority.

#### 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:** See attached application for more details. 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.

**Priority Level:** Moderate priority.

#### 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:** See attached application for more details. 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.

**Priority Level:** Moderate priority.

## 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.

Measuring downhill facade height from the lower of existing or finished grade to the top of the wall facade supporting the roof framing, rafters, trusses, etc. creates a lot of variability in determining where the wall facade supports the roof framing. This standard can be clearly applied to gable roofs, for example, where the top of the wall facade is clearly visible; however, staff have seen an increase in uncertainty regarding how to determine where the wall facade ends on proposed buildings with flat or shed roofs. Amending the maximum downhill facade height to be measured from the lower of existing or finished grade at the furthest downhill extent to the highest point of the roof allows for a clear enforcement of the maximum downhill facade height standard. The highest point of the roof is a generally clear point on elevation drawings, versus the top of the wall facade supporting the roof framing.

**Priority Level:** Moderate Priority. Staff spend significant resources with applicants on building permits to determine downhill facade height, which increases the time the permit spends in permit review before issuance. Clarifying this standard will allow staff to issue building permits more efficiently.

## 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.

**Priority Level:** High. Mercer Island City Hall has been permanently closed due to asbestos contamination. The City is commencing the planning work to replace City Hall and would like to include Town Center as an one of the locations under consideration. Current Town Center code will limit this development potential.

The City Council has also identified implementing an economic development program as a priority, and this code amendment supports that goal and aligns with other economic development activities focused on the Town Center. Waiting to address this issue in the future could result in significant missed opportunities for further Town Center development for government facilities.

### 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.

SB 5290 establishes permit review timelines, requires partial refunds of permitting fees if jurisdictions do not meet specified timelines and provides additional resources to local governments to be used on supplementing permit review staff and updating permitting systems.

In July 2023, the Council adopted interim regulations, Ordinance No. 23C-10, to satisfy the 90-day implementation deadline for a small portion of the requirements in SB 5290. With the fully implemented update required to be completed by June 30, 2025, the City must begin working on permanent regulations as well as additional code amendments to fully comply with SB 5290.

HB 1293 aims to accelerate the permitting and design review process for development by requiring “only clear and objective design review standards,” which are defined as ascertainable standards that do not result in a reduction of density. This legislation will require substantial amendments to the City’s design standards for the Town Center and other non-single-family development.

SB 5412 was also adopted in 2023 and allows cities the option to categorically exempt certain proposed housing projects from State Environmental Policy Act (“SEPA”) review. Specifically, cities may categorically exempt residential development projects within incorporated Urban Growth Areas (UGAs) and middle housing projects within unincorporated UGAs from environmental review. The City will consider whether to enact such categorical exemptions as a part of this docket item.

Finally, as a part of this docket item additional work would also be done in the administrative code sections to correct errors as well as improve clarity and consistency.

**Priority Level:** High priority. The City has until June 30, 2025 to fully implement HB 1293 and SB 5290.

#### 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.

HB 1110 requires the City to allow two dwelling units per residential lot, unless the zone allows greater density. Additionally, four units per lot must be allowed within a quarter mile walking distance from the light rail station and on any residential lot provided one of the units is affordable housing. Another feature of HB 1110 is that within single-family zones, cities must allow six of the nine middle housing types defined in the bill, including: duplexes, triplexes, fourplexes, fiveplexes, sixplexes, townhouses, stacked flats, courtyard apartments, and cottage housing. The legislation also limits the ability to regulate design and parking requirements for middle housing.

HB 1337 requires the city to amend the ADU code. Notably, the City must allow two attached or detached ADUs per lot, the owner occupancy requirement must be removed, the maximum gross floor area for ADUs must be increased to 1,000 square feet among other requirements related to design and parking standards. In addition, the City may not prohibit the sale of ADUs as condominium units.

HB 1042 requires the City to allow the conversion of existing commercial or mixed use space to residential uses. It also limits the ability of the City to regulate nonconforming uses or structures when space is converted from commercial to residential. HB 1042 specifically prohibits the City from denying such a conversion based on nonconformity to parking requirements.

In addition to the code amendments needed to comply with the legislation summarized above, additional work would also be done to implement directed changes resulting from the Residential Development Standards (RDS) analysis.

**Priority Level:** High priority. The City has until June 30, 2025 to fully implement HB 1110, HB 1337 and HB 1042.

#### 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 Ordinance 20C-17, which established temporary regulations for commerce on public property to allow for outdoor dining during the COVID-19 pandemic. These temporary regulations have been renewed several times but will eventually expire. 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.

The proposed amendment would benefit the public welfare by ensuring that temporary uses are regulated to allow socially beneficial temporary uses such as rummage sales for community organizations while placing parameters on other more intense temporary uses such as festivals. Reasonable regulations for temporary uses that would allow low-impact uses and establish limits on larger-scale temporary uses would serve the public interest. Many temporary uses are commonly allowed in cities and a blanket prohibition can be unnecessarily restrictive.

**Priority Level:** Moderate priority. The City Council has identified implementing an economic development program as a priority, and this code amendment supports that goal and aligns with efforts to support local business and community events. Waiting to address this issue in the future could result in missed opportunities and negatively impact local businesses.

#### Proposed Amendment 11

[Proposal Withdrawn]

#### 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.

**Priority Level:** Low priority. Given the existing commitments of staff time in the CPD work plan, if this proposal is docketed, it may need to be carried over to a future year for review.

#### 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 rezone or reclassification of single-family residential zoned properties.

**Staff Comments:** This proposed amendment seeks to constrain the City's ability to rezone single-family residential properties with non-residential uses. If docketed, Staff would recommend study on the appropriate method for achieving the goals of this proposal..

**Priority Level:** Low priority. Given the existing commitments of staff time in the CPD work plan, if this proposal is docketed, it may need to be carried over to a future year for review.

#### 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.

**Priority Level:** Low priority. Given the existing commitments of staff time in the CPD work plan, if this proposal is docketed, it may need to be carried over to a future year for review.

#### 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.

**Priority Level:** Low priority. This is a large project and will require considerable time for review. Given the existing commitments of staff time in the CPD work plan, if this proposal is docketed, it may need to be carried over to a future year for review.

#### 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 Shoreline Management Act. 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 the Department of Ecology, which is a more lengthy review process than for standard code amendments.

**Priority Level:** Low priority. This is a large project and will require considerable time for review. Given the existing commitments of staff time in the CPD work plan, if this proposal is docketed, it may need to be carried over to a future year for review.

#### 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.

**Priority Level:** Low priority. Given the existing commitments of staff time in the CPD work plan, if this proposal is docketed, it may need to be carried over to a future year for review.

#### **NEXT STEPS**

The City Council will review the Planning Commission and staff recommendations at the December 5, 2023 meeting. At that time the Council will set the final docket for 2024.

#### **ATTACHMENTS**

1. Summary of Docket Proposals
2. Docket Applications related to Proposed Amendments 1-5
3. Docket Applications related to Proposed Amendments 12-17
4. Docketing Criteria Analysis
5. Docket Progress Tracker

## Docket Proposal Summary

Item No.	Proposed By	Potentially Affected Section, Goal or Policy	Summary of Proposal
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).
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.
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).
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.
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.
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.
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.
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 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.
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.
<del>11</del>	<del>Charger Real Estate &amp; Development Inc.</del>	<del>MICC 19.15.150(C)(1)</del>	<del>This amendment will align the City code with RCW 58.17.140.3 regarding the timing of final plat approval. It will also provide an extension to the final plat approval timeline for preliminary plats that were impacted by the Pandemic.</del>
12	Mathew Goldbach	MICC 19.15.240 Reclassification of Property (Rezoning)	This amendment will prohibit rezoning of single-family residential zoned property.
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.
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.
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.
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.
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.
18	Stroum Jewish Community Center	Comprehensive Plan Land Use Map, Zoning Map	These amendments will redesignate the SJCC's property as Commercial Office on the Comprehensive Plan Land Use Map and the Zoning Map.

Attachment 4: Docketing Criteria Analysis

Proposed Amend. No.	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
1	✓	■	✓	✓	✓
2	✓	■	✓	✓	✓
3	✓	■	✓	✓	✓
4	✓	■	✓	✓	✓
5	✓	■	✓	✓	✓
6	✓	■	✓	✓	✓
7	✓	■	✓	✓	✓
8	✓	↑	✓	✓	✓
9	✓	↑	✓	✓	✓
10	✓	■	✓	✓	✓
11	P R O P O S A L   W I T H D R A W N				
12	?	↓	✓	✓	✓
13	?	↓	✓	✓	✓
14	✓	↓	✓	✓	✓
15	✓	↓	✓	✓	✓
16	✓	↓	✓	✓	✓
17	✓	↓	✓	✓	✓

✓	The proposal could meet this criterion	?	It is unclear or debatable whether the proposal could meet this criterion	✗	The proposal cannot meet this criterion
↑	The proposal is a high priority for staff/budget resources	■	The proposal is a moderate priority for staff/budget resources	↓	The proposal is a low priority for staff/budget resources