



**BUSINESS OF THE CITY COUNCIL  
CITY OF MERCER ISLAND**

**AB 5632  
November 19, 2019  
Regular Business**

**AGENDA BILL INFORMATION**

<b>TITLE:</b>	AB 5632: Public Institution Code Amendment (1 <sup>st</sup> Reading)	<input type="checkbox"/> Discussion Only
<b>RECOMMENDED ACTION:</b>	Set Ordinance No. 19C-19 for second reading and adoption on December 3, 2019 Consent Calendar.	<input checked="" type="checkbox"/> Action Needed: <input checked="" type="checkbox"/> Motion <input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution

<b>DEPARTMENT:</b>	Community Planning and Development
<b>STAFF:</b>	Evan Maxim, Director
<b>COUNCIL LIAISON:</b>	
<b>EXHIBITS:</b>	Ordinance No. 19C-19 with Attachment A
<b>CITY COUNCIL PRIORITY:</b>	2. Prepare for Light Rail and Improve Mobility

<b>AMOUNT OF EXPENDITURE</b>	\$ n/a
<b>AMOUNT BUDGETED</b>	\$ n/a
<b>APPROPRIATION REQUIRED</b>	\$ n/a

**SUMMARY**

On August 5, 2019, the Growth Management Hearings Board (GMHB) issued a decision on an appeal of Ordinance No. 18-13 and 18C-14 (Case No. 19-3-0003c). One of the appeal “issues” is related to the Comprehensive plan amendment and rezone of property adjacent to the Tully’s Property and known as “Parcel 12 / WSDOT.” In particular, the GMHB decision notes that the language in MICC 19.05.010(B) is not consistent with the amendments to the land use map in the Comprehensive Plan and is not consistent with the amended zoning map. The proposed amendment corrects this inconsistency.

Background

Ordinance No. 18-13 and 18C-14 collectively amended the future land use map designation and the zoning map designation for a property located adjacent to the former Tully’s property. The property affected was generally referred to as the “Parcel 12 / WSDOT” property and is owned by the City of Mercer Island and the Washington Department of Transportation.

Ordinance No. 18-13 amended the land use map designation of the Parcel 12 / WSDOT property from “Linear Park (I-90)” to “Town Center.” Ordinance No. 18C-14 amended the zoning map designation of the property from “Public Institution (PI)” to “Town Center (TC).” The change in map designations is intended to allow the City to develop commuter parking on the Parcel 12 / WSDOT property and the neighboring Tully’s property. The TC zoning designation allows the City to engage in an agreement for a public-private development, which

in turn furthers Town Center goals and is intended to result in more commuter parking stalls than could otherwise be built on the combined properties.

The GMHB decision notes that the code language contained in MICC 19.05.010(B) indicates that all of the property within the I-90 Right-of-Way, including areas used as open space and linear greenbelts, is zoned "Public Institution (PI)." This code language is inconsistent with the now revised zoning map and Comprehensive Plan land use map. It is very uncommon for the text of the development regulations to indicate extent of a zoning designation. Commonly zoning designations are established through the adoption of a zoning map, together with code language (MICC 19.01.040) related to the interpretation of the zoning map. Mercer Island has used this approach for all other zoning designations. To eliminate the inconsistency between the code, zoning designation, and the Comprehensive Plan's land use map, the code amendment will remove the language contained in 19.05.010(B).

#### Planning Commission Recommendation

The Planning Commission held a public hearing on October 30, 2019 to consider the proposed code amendment. Following the public hearing and a review of the public comments, the Planning Commission has recommended that the City Council adopt the proposed language contained in Exhibit 1, Attachment A.

The Planning Commission discussed the public comment thoroughly, in particular the public comments offered by one of the adjacent property owners in the 7800 Plaza building. The Planning Commission generated the following accompanying recommendation to the City Council:

*"The Planning Commission heard public comment during the public hearing. After deliberation, the Planning Commission recommends that the City Council:*

- 1. Direct the City to work with the neighbors during the design and project review of any project on the Tully's / Parcel 12 / WSDOT property.*
- 2. Direct the City to seek a solution that maximizes commuter parking and protects existing park land and open space.*
- 3. Consider whether a further modification to the Public Institution (PI) zone boundary is appropriate to achieve items 1 and 2."*

## **RECOMMENDATION**

Set Ordinance 19C-19 for second reading and adoption on the December 3, 2019 Consent Calendar.