



PLANNING COMMISSION CITY OF MERCER ISLAND

PCB 24-06
March 27, 2024
Regular Business

AGENDA BILL INFORMATION

TITLE:	PCB 24-06: Comprehensive Plan Periodic Review – Housing Element Second Brief	<input type="checkbox"/> Discussion Only <input checked="" type="checkbox"/> Action Needed:
RECOMMENDED ACTION:	Decide on substantive comments.	<input type="checkbox"/> Motion <input checked="" type="checkbox"/> Recommendation

STAFF:	Adam Zack, Senior Planner
EXHIBITS:	1. Second Draft Housing Element 2. Second Draft Land Use Element Consistency Amendments 3. Housing Element Comment Matrix Dated March 26, 2024

EXECUTIVE SUMMARY

This will be the second Planning Commission briefing on the Housing Element of the Comprehensive Plan.

- The initial draft Housing Element and Land Use Element consistency amendments were prepared by the Housing Work Group (HWG) over the course of January to March 2024;
- The HWG was composed of three City Councilmembers: Wendy Weiker, Craig Reynolds, and Salim Nice, and two Planning Commissioners: Kate Akyuz and Carolyn Boatsman;
- The draft Housing Element was drafted to address a number of requirements from state law, regional planning requirements, and King County Countywide Planning Policies (CPPs);
- On March 14, the HWG voted unanimously to recommend the draft Housing Element (Exhibit 1) and Land Use Element consistency amendments (Exhibit 2) to the Planning Commission (PC);
- Because the HWG has already reviewed the draft of amendments, the PC review is expected to be completed by April 10, in time for the Community Workshop planned for May 1;
- The PC was briefed on the HWG draft Housing Element and Land Use Element Consistency Amendments on March 20, 2024;
- The PC provided comments on the HWG draft Housing Element received by March 25, 2024, have been logged in Exhibit 3 and incorporated into a second draft of the Housing Element in Exhibit 1 and Land Use Element Consistency Amendments in Exhibit 2; and
- The PC will discuss proposed amendments on March 27, with the goal of resolving those comments to arrive at a public review draft; and
- Additional follow-up can be provided as needed at the next meeting on April 10.

BACKGROUND

Housing Element

The GMA was enacted by the WA State Legislature in 1990. It requires most cities and counties in the state to adopt and periodically review a comprehensive plan. The Comprehensive Plan is a collection of goals, policies, objectives, and mandatory provisions that details how cities and counties will accommodate the projected future population growth. The GMA requires each comprehensive plan to include several mandatory elements ([RCW 36.70A.070](#)). The Housing Element is a mandatory element under the GMA. The Housing Element is a statement

of goals and policies that guide how the City will accommodate its projected population growth in the coming 20 years.

The City of Mercer Island is currently conducting a periodic review of its comprehensive plan as required by the GMA. This periodic review must be completed by December 31, 2024. In 2021, the WA Legislature updated the statewide requirements for the Housing Element with House Bill 1220 (HB 1220). In response to those new requirements, the City plans to update the entire Housing Element. The Housing Work Group (HWG) is a subcommittee of PC and City Council members that was formed to draft an updated Housing Element. The PC was briefed on the HWG draft on March 20, 2024 ([PCB24-05](#)).

State, Regional, and Countywide Requirements

Several layers of requirements apply to the Housing Element. State requirements are established by the GMA. Commerce provides guidance for complying with the GMA requirements. At the regional level, the Puget Sound Regional Council (PSRC) has adopted a regional plan called Vision 2050, which includes multicounty planning policies (MPPs). PSRC conducts a review of locally adopted comprehensive plans to ensure that they are consistent with the MPPs. King County has established countywide planning policies (CPPs) that local jurisdictions’ comprehensive plans must be consistent with. King County will review and comment on locally adopted housing elements for the first time during this periodic review cycle. The HWG considered these requirements as it prepared its draft of the Housing Element to ensure that it meets the requirements. More information about state, regional, and countywide requirements can be found in the Housing Element Planning Framework ([PCB24-05, Exhibit 3](#)).

ISSUE/DISCUSSION

The PC was asked to provide written comments on the HWG draft Housing Element and Land Use Consistency amendments by March 25, 2024. Four Commissioners provided comments (Exhibit 3). Staff logged the comments received and divided them into the categories shown in Table 1.

Table 1. PC Comment Categorization Key.

Substantive	Comment proposes significant changes to the HWG Draft Housing Element. The PC should discuss whether to make these amendments at its next meeting.
Minor	Non-substantive changes that would not significantly change the policy direction of the HWG Draft Housing Element. These can be agreed to as a block.
Challenging	Comment proposes changes to the policy direction of the HWG Draft Housing Element which might conflict with state, regional, or countywide requirements or be counter to the City Council direction provided on January 16. Staff recommends that the PC either refine or reject the proposed amendment to avoid possible conflicts. Staff will provide additional information during review.
Q	Comment is a question or does not propose specific amendments to the text. Staff responses to the questions are provided following the table in Exhibit 3.

Substantive Comments

The following substantive comments were received: Comment Log #s 1, 5, 16, 21, 26, 29, 30, and 39 (Exhibit 3). The substantive comments and staff response are provided in Table 2. On the 27th, staff will walk the PC through the substantive amendments so it can discuss whether it would like to make each amendment proposed. Most of the proposed amendments would bring a different style to the policy, that the PC can either make the amendment or keep the HWG draft without running afoul of the minimum requirements.

Table 2. Substantive Comments and Staff Commentary.

Log #	Received From	Comment
1	Chris Goelz	<p>Add a new 2.5.H along the lines we discussed: "Relief from other building requirements that do not implicate health, safety or comfort."</p> <p>Staff Response: In general, building requirements (understood here as building code) are specifically directed at health and life safety requirements. A more precise phrase could be to replace building requirements with "development code provisions". A staff alternative is shown under Policy 2.5.H in the second draft Housing Element (Exhibit 1).</p>
5	Chris Goelz	<p>Amend [Land Use Element consistency amendment for policy] 16.5: remove "on vacant or under-utilized sites." [I'm not sure why we'd limit our encouragement. If someone tears down a house, I'd like to see us encourage the building of a middle housing unit at the site rather than a giant single family home.]</p> <p>Staff Response: For reference, the Municipal Research and Services Center (MRSC) describes infill development as, "the process of developing vacant or under-utilized parcels within existing urban areas that are already largely developed (MRSC)."</p>
16	Chris Goelz	<p>Amend 5.1.D: "Ensure that parking requirements conform with state law and that they do not unnecessarily restrict multifamily housing but rather carefully balance the need for parking with the cost for providing it."</p>
21	Adam Ragheb	<p>[Policy 1.4.C] Change to: "Streets that are safe for pedestrians, bicyclists, and vehicle drivers and passengers." I am concerned that this could be misinterpreted to mean sidewalks and bike paths only and specifically; in reality I am sure the intent is to make all streets on MI safe for all that use them.</p>
26	Adam Ragheb	<p>[Policy 2.5.G] Suggest removing. As demonstrated before, oftentimes those on smaller incomes need a car as they can't afford to take the extra time away from job and family necessary to take public transit and make connections from the suburbs. Additionally, reduced parking requirements benefits builders but cause problems for residents, especially those who have families or require or are on the threshold of requiring handicapped parking.</p> <p>A compromise suggestion would be to append "within the Town Center zone" to the end.</p>
29	Adam Ragheb	<p>[Land Use Element Consistency Amendments, Policy 15.1] Why change this? We've already discussed adding additional stories to Town Center development. This neuters the preservation of neighborhood character goal as the additional mandated density will have to be allowed somewhere which inherently will change the character. Something has to change and its already been deemed to be Town Center.</p>
30	Adam Ragheb	<p>[Land Use Element Consistency Amendments, Policy 15.4] Revert text of first two sentences to original and add after "with present uses" "and will be discouraged"</p>
39	Carolyn Boatsman	<p>[Land Use Element Consistency Amendments Policy] 15.5 I suggest deleting several items: We already have standards to regulate on and off street parking in residential zones. We already have standards to encourage the retention of trees and we require the establishment of landscaped areas with new development. Do we need incentives and anti-displacement measures for the residential zone? I thought that was supposed to be for the affordable housing, not typical residential. The last phrase is the one to keep.</p>

Minor Comments

The following minor comments were received: Comment Log #s 2, 3, 4, 18, 20, 23, 31, 34, 36, 37, and 38 (Exhibit 3). Minor comments propose amendments to the text of goals or policies, but those changes would not significantly change the policy direction of the draft Housing Element. Staff recommends the PC agree to consensus on the minor amendments as a block.

Challenging Comments

Comment Log #s 27, 28, 32, and 33 were categorized as challenging (Exhibit 3). The amendments as proposed would run the risk of the draft conflicting with the with state, regional, or countywide requirements or be counter to the City Council direction provided on January 16. Table 3 provides the challenging comments, and an explanation of the challenge. Staff does not recommend the PC pursue the amendments proposed in comments categorized as challenging.

Table 3. Challenging Comments and Staff Proposed Alternatives.

Log #	Received From	Comment	Explanation of Challenge
27	Adam Ragheb	[Land Use Element Consistency Amendments, Policy 15.2] Bring most of the text back - revise to "Residential densities in single family areas will generally continue to occur at three to five units per acre, commensurate with historical zoning. However, some adjustments may be made to provide from housing types in certain parts of residential zones, such as accessory dwelling units and additional middle housing types where mandated by law at slightly higher densities as outlined in the Housing Element."	The striking of the first part of this policy was proposed to ensure that the policy remained consistent as the City implements the changes necessitated by state law. As proposed, this text is likely to be inconsistent with the amendments the City is required to make under WA State House Bill 1110 (HB 1110), which requires cities the size of Mercer Island to allow middle housing types in all zones where single-family residence is an allowed use.
28	Adam Ragheb	[Land Use Element Consistency Amendments, Policy 15.3] insert before to "in the vicinity of high-capacity transit as mandated by law"	Originally, the changes to Policy 15.3 were proposed to maintain consistency in the Land Use Element as the City makes amendments to address multifamily and mixed-use capacity as directed by the City Council by a series of motions passed at their meeting on January 16. The proposed amendment to insert the high-capacity transit clause would be counter to that direction considering there is not high capacity transit in the Commercial Office (C-O) zone. A staff alternative is shown in Exhibit 3.
32	Adam Ragheb	[Land Use Element Consistency Amendments, Policy 16.6] insert after "housing" "where mandated by law"	The amendment in this comment would limit where the City is planning to support and create incentives for affordable housing to only those places mandated by law. Staff is unsure which law is being referenced in the comment.
33	Adam Ragheb	[Land Use Element Consistency Amendments, Policy 17.3] add after "Office zones" "in the immediate vicinity of high-capacity transit stops."	The same challenge here as log #28 above, this proposed amendment is likely to conflict with the direction provided by the City Council.

Q Comments

Comment Log #s 6 – 15, 17, 19, 22, 24, 25, 29, and 40 are questions about the materials presented on March 20 (Exhibit 3). Staff responses to the questions are provided following the table in Exhibit 3.

Public Review Draft

Once the Planning Commission has resolved the comments provided during this round of review of the element, the Housing Element (Exhibit 1) and Land Use Element Consistency Amendments (Exhibit 2), as updated, will become the public review drafts of both documents. Please note that the PC will still have the opportunity to make changes to the draft to respond to public comments during the tune up before making a recommendation to the City Council.

NEXT STEPS

April 10 – If necessary, the PC finishes review of comments on the HWG Draft Housing Element and arrives at a public review draft.

RECOMMENDED ACTION

- Discuss and arrive at a decision for substantive comments, and
- Reach consensus on minor comments as a block.