



## PLANNING COMMISSION MEETING MINUTES JULY 20, 2016

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### **CALL TO ORDER:**

Vice-Chair Weinman called the regular meeting to order at 7:01 PM in the Council Chambers at 9611 SE 36th Street, Mercer Island, Washington.

### **ROLL CALL:**

Chair Suzanne Skone, Vice Chair Richard Weinman and Commissioners Bryan Cairns, Tiffin Goodman, Jennifer Mechem and Lucia Pirzio-Biroli were present. Commissioner Daniel Hubbell was absent. City staff was represented by Scott Greenberg, Development Services Director, Christina Schuck, Assistant City Attorney, Alison Van Gorp, Administrative Services Manager/Ombudsman, Evan Maxim, Planning Manager and Will Piro, Planner.

### **APPEARANCES:**

Tom Acker, 2427 84th Ave SE, addressed the Commission regarding construction in the Town Center and residential neighborhoods, and enforcement of codes and agreements.

Molly Mahoney, 3024 60<sup>th</sup> Ave. SE, spoke about a large house in the East Seattle neighborhood; in particular how the character of the neighborhood is being ruined.

Cheryl Schumacher, 3040 60<sup>th</sup> Ave SE, lives across from the street from the new building that Molly Mahoney discussed and shares the same concerns.

Lynn Hagerman, 3058 61<sup>st</sup> Ave. SE, lives across the street from the Proctor Land Trust development. She was concerned about the combination of 5 parcels to allow the development, a soil removal deviation, notices sent out during the winter holidays in legal speak, and the need for time constraints for construction projects.

Ka Anderson, 6004 SE 32<sup>nd</sup> St, addressed the Commission regarding single family development.

Carolyn Boatsman, 3201 74<sup>th</sup> Ave. SE, applauded the City Council for supporting residents' requests to review residential development standards and providing the staff to do the work. She requested that the Planning Commission add review of deviations for impervious surface and fence height to the scope of work. Deviations are too easy to get. The proposed code should allow flexibility in unusual situations without compromising the intent of the code.

Steve Marshall, Emmanuel Lutheran Church, addressed the Commission on religious institutions codes. He recommended treating religious institutions similar to schools. A rectory is low income housing, allowing the religious leader to live on Mercer Island.

Hunt Priest, Emmanuel Lutheran Church, had to move 4 times due to increasing rents. There is a community value to religious institutions.

Alan Reed Sr., Emmanuel Lutheran Church, supported the proposed framework for church zoning.

Marianne Bond, 3014 60<sup>th</sup> Ave. SE, discussed impacts of a new house across from her house, especially when investors build the house and don't live there.

#### **MINUTES:**

Commissioner Goodman moved to approve the minutes from July 6, 2016. Commissioner Pirzio-Biroli seconded the motion. The minutes were unanimously approved (6-0).

#### **REGULAR BUSINESS:**

##### **Agenda Item #1: Public Hearing on ZTR16-003 Zoning Code Text Amendment related to Comprehensive Plan amendment procedures**

Scott Greenberg, Development Services Director presented the proposed code text amendment. He explained that the proposed process would split the Comprehensive Plan amendment process into two phases: a preliminary docket and a final docket. Notification of the annual amendment cycle would be disseminated by September 1 and the deadline for proposing amendment requests would be October 1. The Planning Commission would review the preliminary docket of all amendment requests and make a recommendation to City Council on a final docket of amendments to be considered the following calendar year. The City Council would consider the Planning Commission's recommendation at the same time as consideration of the City's budget, to better align planning resource needs with the City's budget.

Vice-Chair Weinman opened the public hearing at 7:45 pm.

Tom Acker, 2427 84th Ave SE, said that the Comprehensive Plan needs to be handled with care as it has a significant impact across other city planning and development related actions. Mercer Island is a special place, please do the right thing to preserve it for generations to come.

Lynn Hagerman, 3058 61<sup>st</sup> Ave SE, asked the Commission to zone for certain types of construction in certain areas to protect neighborhoods.

Vice-Chair Weinman closed the public hearing at 7:51 pm.

The Commission discussed the proposed amendments. Commissioner Pirzio-Biroli asked how conflicts between proposed amendments and the existing Plan would be addressed. Mr. Greenberg stated that staff would identify any conflicts in the staff report and the Commission would decide how to act.

Vice Chair Weinman found the decision criteria to be confusing – do all criteria need to be met or just one? Mr. Greenberg said that criteria b and d should apply to all amendments and will make that change.

Commissioner Goodman moved to recommend that the City Council approve the request for an amendment to Mercer Island City Code (MICC) Title 19, as detailed in Exhibit 1, provided the proposal shall be modified as discussed 19.15.020(G) – (decision criteria). The motion was seconded by Commissioner Mechem. The motion passed unanimously.

Chair Skone left the meeting at 8:02 pm.

##### **Agenda Item #2: ZTR16-004: Zoning Code Text Amendment related to single-family residential development standards**

Evan Maxim, Planning Manager presented the proposed scope of work. He suggested the Commission use a policy-based approach to provide a framework for consideration and evaluation of options for addressing issues. Alison Van Gorp described the proposed public engagement plan.

Suggestions from the Commission included expanding the schedule an extra month, maybe two; have presentations at small groups; consider conflicts with major school events (curriculum nights, etc.); give Commissioners the option to attend the small group presentations, and have some study sessions without public comment.

The Commission asked to consider construction impacts (noise, trucks, etc.) and review processes as part of the scope of work.

### **Agenda Item #3: Planning Commission Bylaws**

Will Piro, Planner presented the proposed Planning Commission bylaws. Commissioner Mechem moved to approve the bylaws as written with the possible addition of an additional section on subcommittees based on staff research. Commissioner Pirzio-Biroli seconded the motion. The bylaws were unanimously approved (5-0).

#### **STAFF COMMENTS:**

None.

#### **PLANNED ABSENCES FOR FUTURE MEETINGS:**

Commissioner Skone will be absent on August 3, 2016. Commissioner Jennifer Mechem will be absent on August 17, 2016.

#### **ANNOUNCEMENTS AND COMMUNICATIONS:**

None.

#### **NEXT MEETING:**

The next Planning Commission meeting is scheduled for August 3, 2016 at 7:00 p.m.

#### **ADJOURNMENT:**

Vice-Chair Weinman adjourned the meeting at 10:14 PM.



## PLANNING COMMISSION MEETING MINUTES OCTOBER 19, 2016

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### CALL TO ORDER:

Chair Skone called the regular meeting to order at 7:03 PM in the Council Chambers at 9611 SE 36th Street, Mercer Island, Washington.

### ROLL CALL:

Chair Suzanne Skone, Vice Chair Richard Weinman and Commissioners Bryan Cairns, Tiffin Goodman, Daniel Hubbell, Jennifer Mechem and Lucia Pirzio-Biroli were present. City staff was represented by Scott Greenberg, Development Services Director, Alison Van Gorp, Administrative Services Manager/Ombudsman, Evan Maxim, Planning Manager and Nicole Gaudette, Senior Planner.

### APPEARANCES:

Carv Zwingle, 6250 East Mercer Way spoke regarding the Mercer Island Center for the Arts (MICA) and the proposed Comprehensive Plan docket.

Peter Struck 9130 SE 54th Street spoke regarding MICA and the proposed Comprehensive Plan docket.

Tracy Granbois, 8440 SE 82<sup>nd</sup> Street spoke regarding MICA's proposed code amendment and parking.

Leon Cohen, 9219 SE 33<sup>rd</sup> Place thanked the Commission for their service.

Alan Reed, Emmanuel Church spoke regarding the proposed code amendment related to religious institutions.

### REGULAR BUSINESS:

#### **Agenda Item #1: Preliminary Docket – 2017 Comprehensive Plan Amendments**

Evan Maxim, Planning Manager presented the proposed preliminary docket of Comprehensive Plan Amendments to the Planning Commission. He explained the process for creating a preliminary docket and a final docket. The basic question: "Is it worth spending additional time reviewing these proposed preliminary docket items in 2017?". Mr. Maxim responded to questions from the Planning Commission.

Commissioner Hubbell moved to recommend approval of the preliminary docket of Comprehensive Plan Amendments to the City Council for creation of a final docket of Comprehensive Plan Amendments, for review in 2017. The motion was seconded by Commissioner Goodman.

Vice-Chair Weinman expressed concern related to the timing and lack of specifics in several of the proposed docket items. He felt that amending the Comprehensive Plan should occur prior to considering code amendments. He would like more details in future docket items but is willing to be lenient for the first time this new docketing process is being used.

Motion passes 6-1 (Weinman opposed)

#### **Agenda Item #2: ZTR16-005: Zoning Code Text Amendment related to Religious Institutions**

Nicole Gaudette, Senior Planner introduced the proposed amendment. She provided an overview of the 2005 code amendment and described the resulting problem for rectories / parsonages. She requested that the Commission identify what, if any, additional information they needed for review of the proposed amendments on November 30. Ms. Gaudette responded to questions from the Planning Commission.

**Agenda Item #3: ZTR16-004: Zoning Code Text Amendment related to Residential Design Standards**

Evan Maxim, Planning Manager presented an overview of the Binder Materials contained in the packet.

Alison van Gorp described the proposed agenda and process for the community kickoff meeting on October 26.

**STAFF COMMENTS:**

Evan Maxim, Planning Manager reviewed the Planning Commission's calendar. The Planning Commission added a special meeting on Wednesday, November 30, 2016, and a special meeting on Monday, December 12, 2016.

**PLANNED ABSENCES FOR FUTURE MEETINGS:**

NONE

**ANNOUNCEMENTS AND COMMUNICATIONS:**

None.

**NEXT MEETING:**

The next Planning Commission meeting is scheduled for October 26, 2016 at 6:30 p.m. at MICEC

**ADJOURNMENT:**

Chair Skone adjourned the meeting at 9:54 PM.



## PLANNING COMMISSION MEETING MINUTES NOVEMBER 2, 2016

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### CALL TO ORDER:

Chair Skone called the regular meeting to order at 7:03 PM in the Council Chambers at 9611 SE 36th Street, Mercer Island, Washington.

### ROLL CALL:

Chair Suzanne Skone, Vice Chair Richard Weinman and Commissioners Bryan Cairns, Daniel Hubbell and Lucia Pirzio-Biroli were present. Commissioner Tiffin Goodman arrived at 7:04 pm. Commissioner Jennifer Mechem arrived at 7:11 pm. City staff was represented by Scott Greenberg, Development Services Director, Alison Van Gorp, Administrative Services Manager/Ombudsman, and Evan Maxim.

### APPEARANCES:

Lloyd Gilman, 7217 80<sup>th</sup> Ave. SE spoke regarding people in the south end and a proposed project adjacent to his house.

### REGULAR BUSINESS:

#### **Agenda Item #1: ZTR16-004: Residential Design Standards: Planning Commission Debrief on Community Kickoff**

Evan Maxim, Planning Manager discussed the binder materials and logistics, and the proposed meeting and topic calendar. The Commission directed staff to schedule appearances for every other meeting and attempt to schedule future community meetings for periods when appearances would not be scheduled.

The Commission discussed what each member heard at the October 26, 2016 community meeting.

The Commission agreed that the City Council-approved scope of work should remain. Other items to be considered as part of the process are: describe the roles of CC, PC, staff; history of code—on web and boards at community meetings; and consider sustainability as part of evaluation criteria.

Parking lot: alternative housing types (cottage housing).

#### **Agenda Item #2: ZTR16-004: Residential Design Standards: Planning Commission Discussion on Neighborhood Character**

Evan Maxim, Planning Manager presented several slides related to Commission discussion of neighborhood character.

#### **Agenda Item #3: Residential Design Standards: Review of Building Design regulations and possible regulatory adjustments**

Evan Maxim, Planning Manager presented information related to the purpose of having building design regulations. The Commission discussed key concepts (lot coverage, gross floor area, height / roofline, and a neighborhood average approach) for staff to use in drafting a proposed purpose

statement. Mr. Maxim described existing regulations for maximum building height, gross floor area, and impervious surface area. He described several regulations being used by other local cities that could be appropriate for Mercer Island: lot coverage by buildings, "yard" requirements, trade-offs and architectural detail requirements. He also described some alternative approaches that could be used in future regulations.

The Commission directed staff to look at relationship between gross floor area and how much of the lot is covered by structures; clarification of gross floor area definition and calculation; reviewing building height limit and how it is calculated; consider different standards for accessory structures.

Commissioner Pirzio-Biroli left the meeting at 9:34 pm.

New tools for staff to review include pitched roofs, neighborhood average, and yard/open space requirements.

**STAFF COMMENTS:**

None.

**PLANNED ABSENCES FOR FUTURE MEETINGS:**

SS-Feb 1, Feb 15; RW-Nov. 30

**ANNOUNCEMENTS AND COMMUNICATIONS:**

None.

**NEXT MEETING:**

The next Planning Commission meeting is scheduled for November 16, 2016 at 6:00 p.m. at Mercer Island City Hall.

**ADJOURNMENT:**

Chair Skone adjourned the meeting at 9:50 PM.



## PLANNING COMMISSION MEETING MINUTES NOVEMBER 16, 2016

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### CALL TO ORDER:

Chair Skone called the meeting to order at 6:07 PM in the Council Chambers at 9611 SE 36th Street, Mercer Island, Washington.

### ROLL CALL:

Chair Suzanne Skone, Vice Chair Richard Weinman and Commissioners Bryan Cairns, Daniel Hubbell, Lucia Pirzio-Biroli, Tiffin Goodman, and Jennifer Mechem were present. City staff was represented by Scott Greenberg, Development Services Director, Alison Van Gorp, Administrative Services Manager/Ombudsman, Evan Maxim, Planning Manager, and Robin Proebsting, Senior Planner.

### APPEARANCES:

Anne Fox, 2981 74<sup>th</sup> Ave SE encouraged the Commission to consider codes that allow for a diversity of housing types and sizes.

Vickie Carper, 9829 SE 42<sup>nd</sup> PI expressed concern about the size of some new homes.

Scott Wormser, 9827 SE 42<sup>nd</sup> PI expressed concern about the size of new homes and their compatibility with the character of existing homes.

Phyllis Chang 2988 74<sup>th</sup> Ave SE said that she lives in one of the big houses, and that she understands the concerns voiced by neighbors.

### APPROVAL OF MINUTES:

Commissioner Hubbel made a motion to approve the October 19, 2016 minutes without changes. Commissioner Weinman seconded the motion. The motion passed unanimously.

Commissioner Hubbel made a motion to approve the November 2, 2016 minutes without changes. Commissioner Weinman seconded the motion. The motion passed unanimously.

### REGULAR BUSINESS:

#### **Agenda Item #1: ZTR16-004: Residential Design Standards: Community Outreach Approach**

Evan Maxim, Planning Manager introduced the new materials that were added to the Commissioners' binders and reviewed upcoming items in the Planning Commission's schedule.

Alison Van Gorp, Administrative Services Manager/Ombudsman reviewed the scope of the Community Engagement Plan approved by the City Council.

The Commission suggested some groups through which older residents might be engaged, and discussed possible methods of reaching people.



The Commission agreed that there should be one all-Island postcard mailing in January, then asked that a second mailing be evaluated.

The Commission agreed to the proposed community meeting schedule, and would like staff to look into the possibility of having a meeting on Saturday February 25<sup>th</sup>.

The Commission suggested looking into holding the March 15 public hearing at Northwood School.

**Agenda Item #2: ZTR16-004: Residential Design Standards: Review of Site Design and Subdivision regulations and possible regulatory adjustments**

Evan Maxim, Planning Manager presented several slides about regulatory tools pertaining to site design—those regulations that would apply to a new single family home on an existing lot.

Commission asked for help from staff with finding a term that would capture the idea the Commission was trying to describe with “roofline”, “massing”, and “daylight plane”. Staff will follow up during the second round of review.

Mr. Maxim asked the Commission for input on the questions: 1) Does the City have the right regulatory tools now? 2) Are the regulatory tools set up to achieve the effect MI desires?

Evan Maxim reviewed current SFR regulations, including setbacks, minimum lot width and depth, minimum lot area, and building pad. He also reviewed items discussed at the last meeting, saved for tonight’s meeting: Minimum open space or yard requirement, which would be larger than the minimum setback, as well as requiring landscaping along frontage and sides of property, street presence (e.g. porches, windows facing the street, and landscaping limits), site design for large lots (those large enough to be subdivided), neighborhood averaging approach (applying standards using an average of neighboring lots’ attributes).

The Commission directed staff to look into the concept of a solar plane as a tool for regulating for second and/or third stories of residences.

The Commission agreed that they did not want to look into landscaping and open space requirements as a tool at this time.

The Commission expressed a desire for regulations to anticipate situations where people could circumvent the rules, and on lots large enough to be subdivided in the future to have houses sited on them in a way that minimizes impact to future development potential.

The Commission would like to continue to look at using “Community Benefit” tracts, and lot diversity requirements.

The Commission asked to set aside discussion of Planning Unit Developments for a future conversation on alternative housing.

The Commission expressed a desire to discuss “Preferred Practices” (as used in the Municipal Code) when the Commission discusses tree retention.

**OTHER BUSINESS:**

The Commission agreed to meet at 6pm on both November 30<sup>th</sup> and on December 7<sup>th</sup>.

**ANNOUNCEMENTS AND COMMUNICATIONS:**

None.

**NEXT MEETING:**

The next Planning Commission meeting is scheduled for November 30, 2016 at 6:00 p.m. at Mercer Island City Hall.

**ADJOURNMENT:**

Chair Skone adjourned the meeting at 9:33 PM.



## PLANNING COMMISSION MEETING MINUTES DECEMBER 7, 2016

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### CALL TO ORDER:

Chair Skone called the meeting to order at 6:02 PM in the Council Chambers at 9611 SE 36th Street, Mercer Island, Washington.

### ROLL CALL:

Chair Suzanne Skone, Vice Chair Richard Weinman, Commissioners Bryan Cairns, Daniel Hubbell, Lucia Pirzio-Biroli, Tiffin Goodman, and were present. City staff was represented by Scott Greenberg, Development Services Director, Alison Van Gorp, Administrative Services Manager/Ombudsman, Evan Maxim, Planning Manager, Robin Proebsting, Senior Planner, and Nicole Gaudette, Senior Planner. Commissioner Jennifer Mechem was absent.

### APPEARANCES:

Carolyn Boatman, 3201 74<sup>th</sup> Ave SE, provided comment regarding potential policy goals for tree retention regulations.

Mark Coen, 3220 73<sup>rd</sup> Ave SE, spoke regarding a recent Washington Court of Appeals case pertaining to tree roots that cross property lines, as well as work done by the City of Bellevue to track and monitor tree canopy.

Sue Stewart, 3205 84<sup>th</sup> Ave SE, spoke about tree loss on the Coval property and provided suggestions for future tree retention standards.

Lynn Hagerman, 3058 61<sup>st</sup> Ave SE, spoke to the importance of trees for public health, suggested that there be a study to track tree canopy over time, and expressed concern about the Proctor property.

Dan Grausz, 3215 74<sup>th</sup> PI SE, expressed concern about the current code standards pertaining to trees, and voiced a desire for tree retention to be prioritized during construction, plus to establish consequences for unauthorized tree removal.

Ira Appleman, 9039 E Shorewood Dr, spoke to the history of development and tree loss on Mercer Island.

Phyllis Chang, 2988 74<sup>th</sup> Ave SE, spoke about her experience with removing trees on her property, and noted the need for oversight for developers to ensure trees designated for retention are adequately protected during construction activities.

### REGULAR BUSINESS:

**Agenda Item #1: Residential Design Standards: Review of Tree Retention and permit regulations and possible regulatory adjustments**

Scott Greenberg noted that he and Evan met with about 20 residents Tuesday (Dec. 6, 2016) morning about tree retention, the development review process, and the Planning Commission's process.

Evan Maxim introduced new materials added to the Planning Commissioners' binders, and presented an overview of the meetings' topics, which included: 1) obtaining guidance from the Planning Commission on the problem statement to be addressed by code changes, 2) introducing the idea of requiring high quality landscaping for new single family homes, 3) introducing potential regulatory tools for inclusion in future code, and 4) obtaining confirmation on a purpose statement for future code.

The Commission asked some clarifying questions about the scope of the code revision.

The Commission reviewed the draft purpose statement contained in the staff memo to the Commission, and offered feedback to staff.

The Commission reviewed the elements of the problem statement as listed in the staff presentation, and discussed possible changes to the parameters of which trees the code protects, as well as code changes to incentivize tree retention and protection.

The Commission discussed the idea of high quality landscaping and the possibility of substituting that for performance standards, and discussing quality and continuity of trees and tree cover and also providing definitions.

**OTHER BUSINESS:**

Evan Maxim went over the next steps for the Planning Commission's review of the Residential Development Standards, which include meetings on Dec. 12, 2016 for a first review of process, and Jan. 4, 2017 for the start of the second review of project topics.

**ANNOUNCEMENTS AND COMMUNICATIONS:**

None.

**NEXT MEETING:**

The next Planning Commission meeting is scheduled for December 12, 2016 at 6:00 p.m. at Mercer Island City Hall.

**ADJOURNMENT:** Chair Skone adjourned the meeting at 7:52pm.



## PLANNING COMMISSION MEETING MINUTES DECEMBER 12, 2016

### CALL TO ORDER:

Chair Skone called the meeting to order at 6:02 PM in the Council Chambers at 9611 SE 36th Street, Mercer Island, Washington.

### ROLL CALL:

Chair Suzanne Skone, Vice Chair Richard Weinman, Commissioners Daniel Hubbell, Jennifer Mechem, Lucia Pirzio-Biroli, Tiffin Goodman, were present. Commissioner Bryan Cairns was absent. City staff was represented by Scott Greenberg, Development Services Director, Alison Van Gorp, Administrative Services Manager/Ombudsman, Evan Maxim, Planning Manager, and Lauren Anderson, Assistant Planner.

### MEETING MINUTES APPROVAL:

The Commission reviewed the minutes from the November 30, 2016 meeting. Commissioner Lucia Pirzio-Biroli stated that on page one Axel Buchwalter's name was misspelled. Commissioner Jennifer Mechem stated that on top of page seven she wanted to clarify that she meant the favoring of religious institutions over other institutional uses versus just other institutional uses. Both statements were proposed as amendments to the minutes. Commissioner Daniel Hubbell made a motion to adopt the minutes as amended. The motion was seconded by Commissioner Lucia Pirzio-Biroli. The minutes were approved as amended by a unanimous vote of 5-0.

The Commission reviewed the minutes from the December 7, 2016 meeting. Commissioner Lucia Pirzio-Biroli stated the Commission discussed the idea of high quality landscaping and the possibility of substituting that for performance standards, and discussing quality and continuity of trees and tree cover and also providing definitions. The statement was proposed as an amendment to the minutes. Commissioner Richard Weinman seconded the modification. Commissioner Richard Weinman moved to approve the minutes as amended. Commissioner Daniel Hubbell seconded. The minutes were approved as modified by a unanimous vote of 5-0.

### APPEARANCES:

Mark Coen, 3220 73<sup>rd</sup> Ave SE, spoke regarding deviations, lot coverage, and development.

Carolyn Boatman, 3210 74<sup>th</sup> Ave SE, provided comment regarding the deviation process and voiced that large projects need a maximum size for residential zones. Carolyn spoke about fence height deviations, and asked what the City wants out of the criteria.

Ira Appleman, 9039 E Shorewood Dr, spoke to the history of tree regulation, replacement, and protection.

### REGULAR BUSINESS:

**Agenda Item #1: Residential Design Standards: Review of process and possible regulatory adjustments**

Evan Maxim introduced new materials added to the Planning Commissioners' binders, and presented

an overview of the meetings' topics, which included: 1) binder updates, and 2) introducing potential regulatory tools for inclusion in future code 3) construction impacts.

Alison VanGorp provided a summary of the community outreach efforts to date, "roadshow" meetings, and the January 11<sup>th</sup> Community Meeting.

Suzanne Skone noted that before the open house at the Community Meeting there should be a presentation first to inform the public. The Commission stated ideas for the meeting.

The Commission reviewed the elements of the problem statement as listed in the staff presentation, and discussed possible changes and regulations of single-family development. Discussed Lot Line Consolidation, Lot Line Revision, and Deviations (impervious surface and fence height).

The Commission discussed ideas for residential standards, which included:

1. Reasonable and explicit section on deviations and variances
2. Separate lot coverage and impervious surface coverage within our code
3. Remove deviations and make variances more regulated
4. Incentivize remodels versus demo rebuild
5. Removing public comment for deviations
6. Street facing fences, making them transparent and well designed
7. Making building permit plans accessible to the public online in the future
8. Have neighbors discuss new development with the homeowner/developer
9. Better clean-up and site maintenance during construction

#### **OTHER BUSINESS:**

Evan Maxim went over the next steps for the Planning Commission's review of the Residential Development Standards, which include meetings on Jan. 4, 2017 for the start of the second review of project topics and another community meeting on January 11, 2017.

#### **ANNOUNCEMENTS AND COMMUNICATIONS:**

None.

#### **NEXT MEETING:**

The next Planning Commission meeting is scheduled for January 4, 2017 at 6:00 p.m. at Mercer Island City Hall.

**ADJOURNMENT:** Chair Skone adjourned the meeting at 8:23 pm.



## PLANNING COMMISSION MEETING MINUTES JANUARY 4, 2017

### CALL TO ORDER:

Chair Skone called the meeting to order at 6:07 PM in the Council Chambers at 9611 SE 36th Street, Mercer Island, Washington.

### ROLL CALL:

Chair Suzanne Skone, Vice Chair Richard Weinman, Commissioners Daniel Hubbell, Jennifer Mechem, Lucia Pirzio-Biroli, Tiffin Goodman, and Bryan Cairns were present. City staff was represented by Scott Greenberg, Development Services Director, Alison Van Gorp, Administrative Services Manager/Ombudsman, and Evan Maxim, Planning Manager.

### APPROVAL OF MINUTES:

The Commission reviewed the minutes from the December 12, 2016 meeting. Commissioner Weinman made a motion to adopt the minutes. The motion was seconded by Commissioner Goodman. The minutes were approved by a vote of 7-0.

### APPEARANCES:

None

### REGULAR BUSINESS:

#### **Agenda Item #1: Residential Design Standards: Evaluation Forms for Proposed Building Design Requirements**

Evan Maxim introduced new materials added to the Planning Commissioners' binders, and presented an overview of the meeting topic which includes evaluation forms for building design concepts.

The Commission discussed the evaluation forms and provided the following direction:

- 1.1.0 Lot Coverage: Eliminate impervious surface coverage requirement and do not impose a building lot coverage standard.
- 1.1.1 Lot Coverage-Allowance for ADUs and Remodels: Not applicable based on 1.1.0
- 1.1.2 Lot Coverage-Neighborhood Average: Not applicable based on 1.1.0
- 1.2.0 Gross Floor Area:
  - Uncovered decks do not count in the GFA calculation.
  - Basement space exemption—do not change from current code.
  - Gross floor area maximums: 40% of lot area in all zones. Use maximums on form. Improve presentation on how the maximums were calculated.
- 1.2.1 Gross Floor Area-Allowance for ADUs and Remodels:
  - Do not allow for increased GFA for remodels of existing homes
  - Allow increased GFA of 5% for ADUs and for single story homes where the entire building complies (FHAA / WLAD) accessibility requirements.
  - Garage space: No GFA exemption for garage.
- 1.2.2 Gross Floor Area-Neighborhood Average: No

- 1.3.0 Daylight Plane: Apply to side yards only.
- 1.3.1 Daylight Plane-Modified Building Height: Retain current building height standard. Look at modified building height on lower side of a slope (similar to approach used in Town Center).
- 1.4.0 Residential Accessory Buildings:
  - Limit GFA of accessory buildings. Provide more rationale for proposed 25% of allowed GFA.
  - Limit height of accessory buildings to a single story. Staff to provide options for PC consideration allowing a single story building up to a maximum height (more than 15').
  - Do not limit number of accessory structures.
- 1.4.1 Residential Accessory Buildings-Allowance for ADUs and Remodels:
  - Allow increased height and 5% increase to GFA above 25% of allowed GFA for ADUs
  - Do not allow increased height or GFA for remodels.

**OTHER BUSINESS:**

Evan Maxim reviewed the proposed meeting schedule through March, 2017. The Commission agreed to form a subcommittee to review draft regulations and provide comments to staff prior to release of the draft to the entire Commission. Alison Van Gorp reviewed the agenda and proposed questions for the January 11, 2017 community meeting.

**ANNOUNCEMENTS AND COMMUNICATIONS:**

None.

**NEXT MEETING:**

The next Planning Commission meeting is scheduled for January 11, 2017 at 6:00 p.m. at the Mercer Island Community and Events Center.

**ADJOURNMENT:** Chair Skone adjourned the meeting at 9:21 pm.





## PLANNING COMMISSION MEETING MINUTES JANUARY 18, 2017

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### CALL TO ORDER:

Chair Skone called the meeting to order at 6:05 PM in the Council Chambers at 9611 SE 36th Street, Mercer Island, Washington.

### ROLL CALL:

Chair Suzanne Skone, Commissioners Daniel Hubbell, Jennifer Mechem, Lucia Pirzio-Biroli, Tiffin Goodman, and Bryan Cairns were present. City staff was represented by Alison Van Gorp, Administrative Services Manager/Ombudsman, and Evan Maxim, Planning Manager, Nicole Gaudette, Senior Planner.

Vice Chair Richard Weinman was absent.

Commissioner Mechem left at 9:30 p.m.

### APPROVAL OF MINUTES:

The Commission reviewed the minutes from the January 4, 2017 meeting. Commissioner Mechem stated 1.2.1, it would not be ADA but rather Fair Housing Act. Planning Manager Maxim stated staff will bring back revised minutes.

### APPEARANCES:

Doug McKeirnan – Goals of the residential update are contrary to the GMA. Lowest GFA of any major city in the Puget Sound area. The discussion form did not provide an option to leave standards alone. Regulating daylight plane leads to one style of house. Trees are a renewable resource. Discussed changes will have a negative effect on real estate values.

Ira Appleman 9039 E Shorewood Dr. – Does not want trees on flat land to be regulated. Submitted a referendum petition circulated in 2001.

David Hoffman with the Master Builders Association – Concerns with tree regulations. Consider the effect each change would have on new development and on residents.

### REGULAR BUSINESS:

#### **Agenda Item #1: Debrief of Community Meeting on January 11, 2017**

Alison Van Gorp provided a debriefing of the community meeting where the residential development standards were discussed. The 3 Commissioners that were in attendance at the meeting, Commissioner Cairns, Commissioner Pirzio-Biroli, and Commissioner Hubbell, shared their discussions with the community at the meeting. Their debriefings were followed by discussion among the commissioners.

#### **Agenda Item #2: Residential Design Standards: Evaluation Forms for Trees and Site Design**

Evan Maxim introduced new materials added to the Planning Commissioners' binders, and presented

an overview of the meeting topic which includes evaluation forms for building design concepts. A 4 minute recess was called at 7:13 p.m.

The Commission discussed the evaluation forms and provided the following direction:

- 1.5.0 Tree Removal Permit: A permit should be required for every property (5-1).
- 1.5.1 Tree Removal Permit: Species exemption: Yes
- 1.5.2 Tree Removal Permit: Public Right of Way: Yes
- 1.6.0 Retention Standard: Change remodel standard to 500 sq. ft. of building footprint : Yes
- 1.6.1 Retention for all SF lots: No
- 1.6.2 Retention – Percentage Approach: Yes
- 1.6.3 Retention – Numeric Approach: No
- 1.6.4 Retention – Setback Approach: No
- 1.6.5 Retention – Prioritize Healthy Trees: Yes (Longevity)
- 1.6.6 Retention – Prioritize Large, Native Trees: No
- 1.6.7 Retention – Priority Trees: Yes
- 1.6.8 Retention – Incentive for Priority Trees: Yes
- 1.6.10 Retention – In Short/Long Subdivision: Yes (Flexibility with lot size and configuration)
- 1.7.0 Administrative Review Authority: Yes
- 1.7.1 Minimum Protection Standards: Yes
- 1.7.2 Replacement Ratio: Yes (minimum amount of trees replanted on site plus a fee-in-lieu option)
- 1.8.0 Required Landscaping for SF Lots: Yes (30% landscaped front yard)
- 1.8.1 BMP's for Front Yard Landscaping: Yes (Drought tolerant, rain gardens)
- 1.9.0 Increased Side Setbacks: Yes (Establish a setback percentage based off starting at 15-foot setback at 90-foot wide. Round up setbacks at even increments)
- 1.9.1 Flexibility for Tree Retention: Yes

The Commission would like to discuss tree canopy as a way of regulating tree retention.

#### **OTHER BUSINESS:**

Evan Maxim reviewed the proposed meeting schedule through April, 2017.

#### **ANNOUNCEMENTS AND COMMUNICATIONS:**

None.

#### **NEXT MEETING:**

The next Planning Commission meeting is scheduled for February 1, 2017 at 6:00 p.m. at Mercer Island City Hall.

**ADJOURNMENT:** Chair Skone adjourned the meeting at 9:33 pm.



## PLANNING COMMISSION MEETING MINUTES FEBRUARY 1, 2017

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### CALL TO ORDER:

Vice Chair called the meeting to order at 6:03 PM in the Council Chambers at 9611 SE 36th Street, Mercer Island, Washington.

### ROLL CALL:

Vice-Chair Richard Weinman, Commissioners Daniel Hubbell, Jennifer Mechem, Lucia Pirzio-Biroli, and Tiffin Goodman were present. City staff was represented by Alison Van Gorp, Administrative Services Manager/Ombudsman, and Evan Maxim, Planning Manager, Nicole Gaudette, Senior Planner.

Chair Suzanne Skone was absent.

Commissioner Bryan Cairns arrived at 6:04 p.m.

### APPROVAL OF MINUTES:

The Commission reviewed the minutes from the January 4, 2017 meeting. Commissioner Goodman made a motion to adopt the minutes. The motion was seconded by Commissioner Hubbell. The minutes were approved by a vote of 6-0.

The Commission reviewed the minutes from the January 18, 2017 meeting. Commissioner Mechem made a motion to adopt the minutes. The motion was seconded by Commissioner Pirzio-Biroli. The minutes were approved by a vote of 6-0.

### APPEARANCES:

Carolyn Boatsman 3210 74<sup>th</sup> Ave SE – Comments about past deliberations. Concerned about deleting an impervious surface limit and maximum building coverage allowance. This is important for implementing LID. Place no restriction on the removal of invasive species indicated by the noxious Weed Board. The city pays staff to remove these species. Recommend prohibiting the planting of invasive species. Concerned about the lack of restriction for removing large specimen trees.

Mark Coen 3220 27<sup>th</sup> Ave SE – Would like to echo Carolyn's comments. The neighbor added an impervious area for parking a vehicle after clearing all vegetation from the property. The community meeting in January was a little overwhelming for most people. Difficult concepts for people to understand. Community meetings should be limited to residents.

The Commission asked Evan to explain the pervious surface limitations in the code. Evan summarized previous discussions that pertain to lot coverage.

### REGULAR BUSINESS:

**Agenda Item #1: Residential Design Standards: Evaluation Forms for Large Lots / Subdivisions and Construction Process**

Evan Maxim introduced new materials added to the Planning Commissioners' binders, and presented an overview of the meeting topic which includes evaluation forms for building design concepts. A 5 minute recess was called at 7:39 p.m.

The Commission discussed the evaluation forms and provided the following direction:

- 1.10.0 Subdivision / short subdivision process: New SFR to meet subdivision design standards -Yes as an option with 1.10.2
- 1.10.1 Subdivision / short subdivision process: Preliminary plat/SP approval prior to permit issuance – Vice-Chair Weinman is opposed to this option. No
- 1.10.2 Subdivision / short subdivision process: Limit subdivision/short subdivision following new home construction - Yes as an option with 1.10.0
- 1.11.0 Process: Shorten construction hours – Yes. 7:00 am to 7:00 pm M-F and 9:00 am to 6:00 pm Saturday and no work on Sunday's and holidays
- 1.11.1 Process: Limit permit approval duration to 18 months – No, but allow 2 years, 30 day extension, plus one year renewal with a construction schedule and management plan
- 1.11.2 Process: Large projects: Construction schedule and management plan – Needed if applying for the one year extension to allow 3 years for construction.

Commissioner Hubbell provided some draft language for driveways into plats. The access to the lots should be the least impactful to the site. A shared access is not always the least impactful. Vice-Chair Weinman asked for this to be considered.

#### **OTHER BUSINESS:**

Alison VanGorp discussed the upcoming community meeting scheduled for February 25<sup>th</sup>. She presented optional formats for the meeting. Commissioner Hubbell suggested having more time for public comment. Commissioner Cairns suggested presenting what the current regulations are, why a regulation might change, and what might be proposed. The Commission was concerned about the amount of time scheduled for the presentation. Vice-Chair Weinman asked Alison's opinion about the concerns expressed by Mark Coen during the "Appearances" portion of the meeting tonight. There was various other discussion amongst the Commission.

Roll call for the 2/25 meeting: Commissioner Pirzio-Biroli won't be there, Commissioner Hubbell will be there. The other Commissioners did not comment.

Evan Maxim reviewed the proposed meeting schedule through April, 2017. The Commission would like to start the February 15<sup>th</sup> meeting at 6:00 pm. They will discuss the code amendment from 6:00 to 7:00.

#### **ANNOUNCEMENTS AND COMMUNICATIONS:**

None.

#### **NEXT MEETING:**

The next Planning Commission meeting is scheduled for February 15, 2017 at 6:00 p.m. at Mercer Island City Hall.

**ADJOURNMENT:** Vice-Chair Weinman adjourned the meeting at 8:29 pm.



## PLANNING COMMISSION MEETING MINUTES MARCH 15, 2017

### CALL TO ORDER:

Chair called the meeting to order at 6:06 PM in the Council Chambers at 9611 SE 36th Street, Mercer Island, Washington.

### ROLL CALL:

Chair Suzanne Skone, Vice-Chair Richard Weinman, Commissioners Daniel Hubbell, Lucia Pirzio-Biroli, Bryan Cairns, and Tiffin Goodman were present. City staff was represented by Scott Greenberg, Director, Alison Van Gorp, Administrative Services Manager/Ombudsman, Evan Maxim, Planning Manager, Nicole Gaudette, Senior Planner, and Lauren Anderson, Assistant Planner.

Commissioner Jennifer Mechem arrived at 6:30 p.m.

### APPROVAL OF MINUTES:

The Commission reviewed the minutes from the March 1, 2017 meeting. The minutes were amended by Commissioner Pirzio-Biroli to add the following: "Commissioner Cairns noted that he had served on the Council with Dan Grausz and that it would not interfere with his ability to consider the appeal." Commissioner Goodman made a motion to adopt the minutes. The motion was seconded by Commissioner Hubbell. The minutes were approved by a vote of 6-0 (Mechem absent).

Motion to include memo provided by Mark Coen in the record for APL16-004 and 005. Motion was made by Commissioner Hubbell and seconded by Commissioner Weinman. The motion was approved by a vote of 5-1 (Mechem absent).

Motion to approve findings of facts for APL16-004 and 005 and direct chair to sign the decision. Motioned by Commissioner Hubbell and seconded by Commissioner Weinman. Approved 6-0 (Mechem absent).

Motion to modify the agenda March 15<sup>th</sup> to include the decision for APL17-001. Moved by Commissioner Weinman and seconded by Commissioner Pirzio-Biroli. Approved 6-0-1 (Mechem abstained).

Motion to approve findings of facts for APL17-001. Motion by Commissioner Goodman and seconded by Commissioner Weinman. Approved 6-0-1. (Mechem abstained).

### SPECIAL BUSINESS –APPEAL

**Agenda Item #1: APL16-004 & APL16-005 – Review and Approve Decision regarding the appeal of two Impervious Surface Deviation Land Use Decisions (DEV16-024 and DEV16-027)**

The Commission reviewed the Decision with Kim Adams-Pratt, Counsel for the Planning Commission.

Commissioner Goodman made a motion to adopt the minutes. The motion was seconded by Commissioner Hubbell. The minutes were approved by a vote of 7-0.

### APPEARANCES:

Mark Coen 3220 27<sup>th</sup> Ave SE – Provided comment about the deliberations related to APL16-004 and APL16-005. Mark Coen objected to the findings and conclusions, and had hoped his comments would be considered prior to a decision. Mark Coen also is interested in seeing the residential development standards to provide more tree protection and retention. The residential development standards should incorporate a requirement for professional risk assessment of full or partial tree failure should be used, such as the ISA basic tree risk assessment form.

Carolyn Boatsman 3210 74<sup>th</sup> Ave SE – Carolyn Boatsman provided comments about past deliberations. Carolyn Boatsman provided comments on the draft regulations, and expressed concerns about tree protection. She also advocated for more time in this process involving the public. Purpose statement in draft incorporates property values balanced with community values; property values should not be part of the purpose statement without more information. Neighborhood character language from the Comprehensive Plan should be in the purpose statement. Advocated for fostering single-family homes with additional impervious for single level homes that are accessible. She is concerned about deleting the impervious surface limit and maximum building coverage allowance.

Daniel Thompson 7265 N. Mercer Way – Commented the Mark Coen appeal and past deliberations. Expressed concerns regarding the findings and conclusions on the appeal related to a past administrative interpretation. Daniel Thompson expressed concern that the administrative interpretation was considered final and binding on the Planning Commission. He also indicated that he did not believe the administrative interpretation was supported by the current code. Believes that the code update currently won't be approved by the City Council, unless further improved.

Lynn Hagerman 3058 61<sup>st</sup> AVE SE - Thanked the Commission for regarding the community, not individuals. Lynn Hagerman requested that people to identify their interest when they come up, such as if they are realtors or developers. Regarding GFA, Lynn Hagerman indicated it was unclear if additional structures are addressed and the issue of combining multiple lots prior to development. Believes that we need to rethink fence deviations and that they proposed language is insufficient. Lynn Hagerman also indicated that trees protect neighborhood character. Comments asking for deviation, should include flag lots.

Phillis Chang 2988 74<sup>th</sup> Ave SE – Supports the comments made by Dan Grausz and Carolyn Boatsman. Phillis Chang highlighted height restriction and indicated that it should be measured from the lower of finished and existing grades. Regarding impervious surface limits Phillis Change is worried about the standard being eliminated. Phillis Change urged the Commission to take more time to update the code. Brought up how we should look ahead for long-term. Indicated the Commission should not be concerned about property rights, in regards to property value. Asked how we can modify restrictions to attract new residents.

Bob Medved 7238 SE 32<sup>nd</sup> ST - Mark Coen produced findings, circulated last week. Submitted after hearing but submitted as a record. He critiqued the process and stated that the findings should have been mentioned to the other Commissioners.

Robert Roh 7620 E. Mercer Way – Expressed concerns in reducing gross floor area from 45 to 40%, feels it will impact his property value and is against the reduction.

## **REGULAR BUSINESS:**

### **Agenda Item #2: ZTR16-004 Residential Design Standards**

Evan Maxim introduced new materials added to the Planning Commissioners' binders, and presented an overview of the review approach. He discussed the schedule, initial draft, review of amendments and next steps.

The Commission discussed the possibility of generating a survey, adding another subcommittee, and extending the timeline. They also discussed having an additional meeting, and added communication with Council members.

The Planning Commission reviewed the draft lot coverage standards, the draft gross floor area standards, and the draft daylight plane standards.

The Commission reviewed the proposed lot coverage amendments and directed staff to create a draft amendment that would require a percentage of the lot be developed as "soft scape". The soft scape standard should be designed to allow for a house that maximized GFA to be built on a single story. The soft scape standard should be approximately 50 to 60 percent of the lot area.

The Commission reviewed the GFA standards, proposed amendments, and the amendments to the definition of GFA. The Commission directed staff to provide a height limit threshold for clerestory and modify the provisions for covered decks.

The Commission reviewed the draft daylight plane standards and decided to not pursue this regulation further. Instead, the Commission directed staff to prepare draft language adopting variable setbacks to be applied to only new construction.

#### **OTHER BUSINESS:**

Roll call for the 3/29 meeting: Commissioner Pirzio-Biroli won't be there, Commissioner Hubbell will be there. The other Commissioners did not comment.

Evan Maxim reviewed the proposed meeting schedule through April 5th, 2017. The Commission would like to start the March 29<sup>th</sup> meeting at 6:00 pm. There is a subcommittee meeting March 22<sup>nd</sup>, Commissioner Goodman confirmed attendance. The second working tree subcommittee will be held on a date to be scheduled; Commissioner Hubbell confirmed attendance and indicated that he would invite a Design Commissioner.

Commissioner Goodman is unable to attend the April 5<sup>th</sup> Public Hearing.

#### **ANNOUNCEMENTS AND COMMUNICATIONS:**

None.

#### **NEXT MEETING:**

The next Planning Commission meeting is scheduled for March 29, 2017 at 6:00 p.m. at Mercer Island City Hall.

**ADJOURNMENT:** Chair Skone adjourned the meeting at 9:51 pm.



## PLANNING COMMISSION MEETING MINUTES MARCH 29, 2017

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### CALL TO ORDER:

Chair Skone called the meeting to order at 6:03 PM in Room 102 at the Mercer Island Community and Event Center at 8236 SE 24th Street, Mercer Island, Washington.

### ROLL CALL:

Chair Suzanne Skone, Vice-Chair Richard Weinman, Commissioners Daniel Hubbell, Lucia Pirzio-Biroli, Bryan Cairns, Jennifer Mechem and Tiffin Goodman were present. City staff was represented by Bio Park, Assistant City Attorney, Scott Greenberg, Planning Director, Alison VanGorp, Administrative Services Manager/Ombudsman, Evan Maxim, Planning Manager, Nicole Gaudette and Robin Proebsting, Senior Planners, and Lauren Anderson, Assistant Planner.

### APPROVAL OF MINUTES:

The Commission reviewed the minutes from the March 15, 2017 meeting. Commissioner Pirzio-Biroli and Scott Greenberg had corrections. The Commission directed staff to revise the minutes from the March 15, 2017 meeting.

### ANNOUNCEMENTS

Scott Greenberg introduced Bio Park, new Assistant City Attorney, to the Commission.

### APPEARANCES

#### (NON AGENGA):

Carolyn Boatsman, 3210 74 Ave SE, provided comments about the portion of the draft code pertaining to tree retention.

Saul Baron, 9100 SE 50<sup>th</sup> St, spoke to the importance of trees for stormwater control, and the impact the removal of trees has had on certain areas.

Tom Alexander, 9103 SE 50<sup>th</sup> St, offered comments on the draft code pertaining tree protection.

Lynn Hagerman, 3058 61<sup>st</sup> Ave SE, provided comment on the Residential Development Standards update.

Vickie Carper, 9829 SE 42<sup>nd</sup> Pl, expressed concerns about new, large houses being built in Mercer Island.

Dan Grausz, 3215 74<sup>th</sup> Pl SE, noted he was speaking as a council member, and shared issued he intends to raise when the code recommendation comes to the City Council.

Daniel Thompson, 7265 N Mercer Way, said he would like the code to come to the Council after a joint dialogue.

### REGULAR BUSINESS:

#### Agenda Item #1: ZTR17-001 Appeals Code Amendment

Scott Greenberg introduced the proposed amendments, provided a brief overview of the proposed regulations, and answered questions from the Planning Commission.



Chair Skone opened the public hearing at 7:11 p.m.

Peter Struck, 9130 54<sup>th</sup> St, said that in principle he agrees with staff's recommendation, but urged the Commission to do a thorough review of the details of the proposed changes.

Daniel Thompson, 7265 N Mercer Way, proposed a 30 day notice period, posting permits online, and lowering appeal fees.

Lynn Hagerman, 3058 61<sup>st</sup> Ave SE, expressed a desire for the public input process to be easier and more resident-friendly.

Carolyn Boatsman, 3210 74 Ave SE, noted that she agreed with Dan Thompson, and would like to obtain public records more quickly.

Tom Alexander, 9103 SE 50<sup>th</sup> St, said that appeals are the only thing that give residents leverage against developers.

Dan Grausz, 3215 74<sup>th</sup> Pl SE, spoke to changes to standing under the proposed code change, the mechanics of consolidating appeals, the ease and speed of obtaining public records, uniform comment periods, and the time allocated to parties involved in an appeal.

Chair Skone closed the public hearing at 7:26 p.m.

PC requested more time to review the code changes, and asked staff to look into making permit materials available online.

The Planning Commission took a recess at 8:15pm, and reconvened at 8:22pm.

## **REGULAR BUSINESS:**

### **Agenda Item #2: ZTR16-004 Residential Design Standards**

Evan Maxim reported back on the March 15<sup>th</sup> direction to consider a community poll. Alison VanGorp introduced materials in the packet, inviting questions and asking whether the Commission wanted to use the poll, and if so, what changes to make. Planning Commission consensus was to not do poll.

Evan reviewed three policy items from the Planning Commission packet: 1) Tree retention, 2) Accessory buildings, 3) and large (subdividable lots). The Planning Commission flagged items for discussion at the Tree Subcommittee. The Planning Commission also requested that a purpose statement and/or rules be captured in a document, in layman's terms, similar to the City of Seattle's Client Assistance Memos.

Evan described the upcoming review process, which will include review by subcommittees. Evan also spoke to format for April 5<sup>th</sup> hearing, which will include a summary of policy deliberations so far, then a public hearing. Material from subcommittees will be revisited on April 19<sup>th</sup>.

### **Agenda Item #3: ZTR17-002, 003, and 004 Introduction to Transportation Concurrency, Essential Public Facilities, and I-90 P Zone Uses**

Scott Greenberg said that it was not necessary to review Agenda Item #3, given the time constraints imposed by the availability of the meeting room, as the agenda item was simply an introduction to the topic, and no direction from the Planning Commission was needed.

**OTHER BUSINESS:**

Commissioner Cairns agreed to join the tree subcommittee.

**ANNOUNCEMENTS AND COMMUNICATIONS:**

None.

**NEXT MEETING:**

The next Planning Commission meeting is scheduled for April 5, 2017 at 6:00 p.m. at Mercer Island Community and Event Center.

**ADJOURNMENT:** Chair Skone adjourned the meeting at 9:13 pm.



## PLANNING COMMISSION MEETING MINUTES APRIL 5, 2017

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### CALL TO ORDER:

Chair called the meeting to order at 6:03 PM in the Mercer Room at the Mercer Island Community and Event Center at 8236 SE 24th Street, Mercer Island, Washington.

### ROLL CALL:

Chair Suzanne Skone, Commissioners Daniel Hubbell, Lucia Pirzio-Biroli, Bryan Cairns, and Jennifer Mechem were present. City staff was represented by Scott Greenberg, Planning Director, Alison Van Gorp, Administrative Services Manager/Ombudsman, Evan Maxim, Planning Manager, and Nicole Gaudette, Senior Planner.

Vice-Chair Richard Weinman and Commissioner Tiffin Goodman were absent.

### REGULAR BUSINESS:

#### Agenda Item #1: ZTR16-004 Residential Design Standards

Evan Maxim introduced the proposed amendments, provided a brief overview of the proposed regulations, and described next steps.

Chair Skone opened the public hearing at 6:12 p.m.

Jeffrey Small – The relevant issue is property rights. Citizens need to reassert their property rights.

Derek Cheshire 7615 E Mercer Way - Is in the process of building. Current rules are already tough. Should not make them more restrictive - too burdensome. Codes were not written to consider 2 acre lot. Supports construction hour change.

Carolyn Boatsman 3210 74<sup>th</sup> Ave SE - We are looking at changing these regulations. Changes will not make things more difficult or harder to develop. Sees the work as positive. Encourage PC to make decisions for the long term. Encourage people to stay for a long time. Retain large trees and healthy trees. Integrate LID into the code consistent with 2015 SWDM.

Johan Valentin 4346 E Mercer Way - Understands the work related to mega-homes. Supports the tree retention, GFA, other suggestions, except for the daylight plane or variable setbacks. Concerned that most two story homes will be prohibited today as a result of this rule. Consider a public vote.

Doug McKiernan 9200 SE 70<sup>th</sup> Place - Opposes the proposed changes. Worried about the impact of proposed code changes on private property rights and values. May reduce tax revenue and building permits. Agrees that there are ugly, out of scale homes built recently - don't be reactive. Concerned about retirement nest egg. Trees are a renewable resource - should not have a blanket regulation. Consider a public vote.

Sue Williams 7517 78<sup>th</sup> Ave SE - This issue should be more about property rights than personal

preferences. Anecdotal next door. Island is not a PUD. Nebulous and moving target. Tighten up interpretations and deviations / variances. Consider a public vote.

Walter Boos 2925 71<sup>st</sup> Ave SE - Can all find situations that are bad. Proposed changes are like a sledgehammer where a fly swatter would do. Have intended to tear down and rebuild. Code revisions would prohibit a reasonably sized home on their property.

James Hummer 3058 61<sup>st</sup> Ave SE - Appreciates work and changes. Across street from a remodel project with a 30 foot tall concrete gazebo that has been going on for four years. Proposal is a good step in the right direction.

Sheila Dahl 2530 70<sup>th</sup> Ave SE - If current regulations were enforced on a regular basis, would not be a problem. On their street, there are many large homes - new cap is unfair. As long as their reasonable setback and coverage rules, large lot should support a large house.

Mark Coen, First Hill - Think we are very polarized; not against property rights, but also recognize we are one island. We're flooding on first hill, lots of landslides. The battle for tree retention and pervious surfaces is not only aesthetic - also an environmental goal. Stormwater is number one pollutant in our state. All regulations are connected, and these changes are crucial.

Aric Weiker 4808 E Mercer Way - 3 trees from his own property fall on his house, 2 trees fall on his property from park. Consider tree ordinance as a life / safety issue. Concerned about possible dangers to house or family or property.

Dr. Alfred Skinner 2412 67<sup>th</sup> Ave SE - Lived on MI since 1953. One assault after another on the character on the Island. Concerned that the children on MI are losing space and incentive to play outdoors. Tax revenue should not be the main criteria for approval.

Bennett Williams 7517 78<sup>th</sup> Ave SE - Against the proposed changes as currently written. Does not understand the goals of the regulations. Tree regulations are very chilling on the market. Concerned about impacts to senior citizens. Financial impacts. Wants a professional study and a vote.

Dennis Dahl 2530 70<sup>th</sup> Ave SE - Late to the issue. Sees the issue as enforcing the code not limiting it. Example of unfinished space in basement. Fears the "closing the door behind you" syndrome.

Robert Rowe 7620 E Mercer Way - Opposed to the changes to the re-zoning. Likes the change to the work hours. Biggest issue here is property rights. How many valid complaints have you received because of the current codes? Proposed code is an overkill; please leave it "as-is".

Sue Stewart 3205 84<sup>th</sup> Ave SE - Importance of habitat protection and birds / wildlife. Landscaping used to provide some habitat. Coval project resulted in almost all the trees being removed. No room for massive trees and significant trees in that project. Loss of those trees affected upper Luther Burbank Park. Large trees drink lots of water, clean air, and remove pollutants. The north end of the island does not meet national clean air standards because I-90 poisons the air.

Bob Delcour 5616 E Mercer Way - Seen the Council come up with different ideas. Should judge standards based on safety. May reduce property value; how are you going to reimburse property values. Took about a year to build their house. Wanted to take out trees, couldn't, took out the neighbors cars later. Things that could be done. All the old maples are starting to die. They lose power every year.

Randy Koehler 3056 70<sup>th</sup> Ave SE - Does not have a problem with the current code. MI is not a sleepy community. Can't legislate bad taste. Understands concerns about impervious surface issue. Problem with impervious surface is in the drainage infrastructure. Deviations may be too much. Would prefer better design. Reduce impervious surface will draw house to the front of the lot. Should be an avenue to allow for a house to be located near the back of a lot.

Tom Hildebrandt 6880 W Mercer Way - Understands the intent of the regulation is to limit mega-homes on the island. Should also enforce the current regulations. Read through regulations – there should be increased protection of wetlands or watercourses. Construction hours could limit the DIY interests that he has for his own house. Some people are prevented from operating power tools on Saturday due to their religion. So restricting work on Sundays would be unfair. This could be fixed by providing an exception for homeowners doing construction.

Allen Hovsepian 4344 90<sup>th</sup> Ave SE - Should not regulate the neighbor for aesthetics. Things change, people do not play in yards as much anymore. Schools will suffer. Reduction in property values of \$200K on average. Concern about impacts to tax revenue. GFA is good now - most restrictive already. Limit building hours.

John Hall - Concerned you cannot legislate good design. Won't be better design, will be smaller. Also concerned about the effect on remodeling - how will this affect non-conforming regulations. Concerned about effect on non-conforming homes.

Greg Lipton 9301 SE 46<sup>th</sup> St - What happens if there is a natural disaster and your house is destroyed. Supports the concern of runoff and landslides. City should be more aggressive in monitoring trees and maintenance (ivy).

Tom Gallagher 4243 Shore Club Dr. - Most of his projects are custom. Typical client buys lot for 1.5 million or so. Proposed regulations will eliminate most homes he builds. Friend, architect on island, believes the regulations on MI are most complex on the island. Does not support daylight plane. Zoning should not dictate design.

John Pace 7870 Island Crest Way - Stop the work at a macro level and focus on a single item and doing it right. Sustainability will be addressed later - and should be the filter for review now. Does not see the rigor he would expect on the island. Over your head and underwater with the work - focus on the main variable and get that right.

Daniel Thompson 7265 N Mercer Way - Appreciates and is encouraged by the PC's implementation and work as described. This work is good and should be encouraged. Large houses are in KC. Seems like we are more concerned about the values for those who are leaving the island, than those who are staying on the island. Values are due to character and consistency. Does not believe GFA regulations will make much of a change. New stormwater regulations may have greatest impact. Reduce height. Allow 5 foot exemption for pitched roof.

Tim Wettack 7852 SE 71<sup>st</sup> St - In favor of the proposed changes. Tree safety should be considered further. There are already restrictions on property rights. Important thing here is the character of the community.

Peni Schwartz 4656 86<sup>th</sup> Ave SE - Very sympathetic to these concerns. House is largest asset you own. Don't want to impact that. Purposefully avoid CC&Rs. No one worried about ruining the character of the island. Older homes will be taken down and replaced over time. Inventory of your trees and put it on your title. Does not want to get a permit for the trees.

Bernard Chester 8522 SE 79<sup>th</sup> PI - Good residential zoning improves values and desirability of a community. Simplify the adherence to the code. Can't dictate style. Look at footprint and spacing from other houses. Good zoning over time increases values in a community.

Anonymous - Moved here to let his kids play in back yard. Supports grandchildren. Has community parties. Has trees across back yard, neighbors have trees. What kind of character do we want MI to be? Do we want it to be a hodge-podge of various types of homes or something else?

Tom Imrich 6231 Island Crest Way - Present and proposed code are inadequate and insufficient. Property value loss argument is utter fiction.

Robert Medved 7238 SE 32<sup>nd</sup> St - Support the changes in general and globally. Modify short platting of combined lots. Lot of fearmongering tonight. History of property rights. No one has a property right to do what they want on their property. Can't limit reasonable use, but otherwise can be regulated. No one has the unrestricted right to do what they want on their property. The property rights argument is aimed at people who are less sophisticated.

Bart Dawson 8812 SE 77<sup>th</sup> PI - Preservationist. Character of community is in the Comprehensive Plan. Supports the draft code changes. Need quality development relative to dollars. Location, location, location -this will help property values. No decrease in taxes. Making exceptions for each piece of property would require review similar to design commission for SFR. It's better to make objective rules that apply to all properties.

David Weber 3046 70<sup>th</sup> Ave SE - Value of my home has nothing to do with whether it is larger or not. It is the location between the east side and the west side. Economy in Seattle is driving home values.

Christine Nakano 8427 SE 36<sup>th</sup> St - I support the regulation of overdevelopment on the island. Lives on a small lot in a small house. Enjoyed back yard, now affected by neighbors. Concerned about tear down / replacements. Must spend money on her property due to surrounding development. What about her property rights?

Diane Katz - Ostentatious overconsumption. Houses are huge and overwhelming the island. Likes the proposed regulations. Supports ecology on the island.

Chair Skone closed the public hearing at 7:54 p.m.

#### **OTHER BUSINESS:**

There was no other business discussed by the Planning Commission.

#### **ANNOUNCEMENTS AND COMMUNICATIONS:**

None.

#### **NEXT MEETING:**

The next Planning Commission meeting is scheduled for April 19, 2017 at 6:00 p.m. at City Council Chambers.

**ADJOURNMENT:** Chair Skone adjourned the meeting at 7:58 pm.



## PLANNING COMMISSION MEETING MINUTES APRIL 19, 2017

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### CALL TO ORDER:

Chair called the meeting to order at 6:00 PM in the Council Chambers at 9611 SE 36th Street, Mercer Island, Washington.

### ROLL CALL:

Chair Suzanne Skone, Vice-Chair Richard Weinman, Commissioners Daniel Hubbell, Lucia Pirzio-Biroli, Jennifer Mechem and Tiffin Goodman were present. City staff was represented by Alison Van Gorp, Administrative Services Manager/Ombudsman, Evan Maxim, Planning Manager, Bio Park, Assistant City Attorney, and Nicole Gaudette, Senior Planner.

Commissioner Bryan Cairns arrived at 6:02 p.m.

### APPROVAL OF MINUTES:

The Commission reviewed the minutes from the March 15, 2017 meeting. Hubbell made a motion to approve the minutes, Weinman seconded

The Commission reviewed the minutes from the March 29, 2017 meeting. Weinman made a motion to approve, Mechem seconded

### APPEARANCES:

Mark Coen 3220 27<sup>th</sup> Ave SE – Commented about the previous meeting. For tree preservation but also concerned with safety. Put information about the code changes on the web site. DSG needs to change outreach to citizens regarding permits.

David Youssefnia 8241 SE 30<sup>th</sup> St – Want a safe place for kids to play in their yard. Their yard didn't drain. So they built a pervious sport court. Consider science and let a pervious hard surface be considered as soft scape. He provided a demonstration of pervious material that his court was built out of.

Carolyn Boatsman 3210 74<sup>th</sup> Ave SE – She addressed comments about property rights at the previous meeting. She favors 30 day notice for comment and appeal for building permits, that everyone has the right to appeal and that permit information be available on-line. She claims that the new code provisions would result in less green space. Justify the need for a second level or single level for the ADA exemption. Our definitions for lot coverage should match Ecology's definitions.

Dan Grausz 3215 74<sup>th</sup> Place SE - The Council adopted goals, one of which is about enhanced communication and opportunity for community engagement. Would community engagement be fostered by denying the ability of building permits to be appealed? He agrees with Carolyn in regards to the landscaping requirement for the RSD update. Before the RSD review started, he had not heard of anyone asking for changes in impervious surfaces; they were asking for deviations to

be eliminated.

Daniel Thompson 7265 N. Mercer Way – A citizen can file an appeal on anything. If there is no notice to the public, the public won't know to appeal. He is concerned with administrative interpretations and that they are binding. He is concerned with the effects of stormwater regulations on impervious surfaces. Houses should only be setback 5-feet from private access roads. If a footprint is reduced, the size will go somewhere else, so he is concerned about the 35-foot height limit. He does not think the RSD's are ready to go to Council.

Lynn Hagerman 3058 61<sup>st</sup> Ave SE – Supports Carolyn's comments. She is concerned about the soft scape requirement and thinks we will have less green. Requests the citizen comments get transferred to the Council. The Council should listen to the people who live here. Preserve the integrity of the work and the original intent.

## **REGULAR BUSINESS:**

Evan Maxim started by providing an email that Daniel Thompson had sent to him and asked to be presented to the Commission. Evan Maxim reviewed a summary of some new language that has recently been added to the proposed residential code update.

### **Agenda Item #1: ZTR17-001 Appeals and Processes**

Evan Maxim provided an explanation of the proposed appeal process. There was discussion regarding the proposed building permit appeal and public notice. Don Cole explained the current appeal process for building permits per the Building Code, Title 17. Entire building permits are not appealable; interpretation of the building official pertaining to specific elements of a permit are appealable.

Weinman made a motion to recommend that the City Council approve the request for an amendment to Mercer Island City Code (MICC) Title 19, as detailed in Exhibit 1, provided that the proposal shall be modified as follows:

Exclude the notice provisions on Section 105.9, Page 6 (17.14.010) and modify 17.14.020 Appeals Subsection C, who can appeal, to delete line 2, the words "*substantially or materially aggrieved*". So it would read "*anyone who is adversely affected*". Pirzio-Biroli seconded.

Goodman made an additional modification to the motion that would indicate on Page 4 that the Hearing Examiner has a deadline of 14 days to act on a reconsideration request. It was seconded by Mechem. The motion was passed.

Goodman made a motion to remove Section J, Administrative Appeals, Subsection 5, Subsubsection C, regarding the total time allowed for oral arguments. Hubbell seconded. The motion was passed.

The motion as amended was passed.

The Planning Commission at 8:07 adjourned until 8:15 pm.

The meeting was called back to order at 8:18 pm.

### **Agenda Item #2: ZTR16-004 Residential Development Standards**

Evan Maxim asked for Commissioners thoughts and feedback regarding the April 5, 2017 public



hearing on the residential development standards. The Commissioners shared their thoughts. Evan then briefed the Commission regarding the four subcommittee meetings that occurred during the previous week.

He discussed the schedule and next steps towards adoption.

Evan then discussed Addenda #1 – Lot Coverage, Addenda #2 – Gross Floor Area, and Addenda #3 - Variable Setbacks. The Commission discussed proposed code language.

**OTHER BUSINESS:**

Goodman will be absent May 8, 2017.

**ANNOUNCEMENTS AND COMMUNICATIONS:**

None.

**NEXT MEETING:**

The next Planning Commission meeting is scheduled for May 3, 2017 at 6:00 p.m. at Mercer Island City Hall.

**ADJOURNMENT:** Chair Skone adjourned the meeting at 10:11 pm.



## PLANNING COMMISSION MEETING MINUTES MAY 3, 2017

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### CALL TO ORDER:

Chair called the meeting to order at 6:01 PM in the Council Chambers at 9611 SE 36th Street, Mercer Island, Washington.

### ROLL CALL:

Chair Suzanne Skone, Vice-Chair Richard Weinman, Commissioners Daniel Hubbell, Lucia Pirzio-Biroli, Bryan Cairns and Tiffin Goodman were present. City staff was represented by Alison Van Gorp, Administrative Services Manager/Ombudsman, Evan Maxim, Planning Manager, Bio Park, Assistant City Attorney and Scott Greenburg, DSG Director.

### APPROVAL OF MINUTES:

The Commission reviewed the minutes from the April 5, 2017 meeting. Hubbell made a motion to approve the minutes, Cairns seconded. The minutes were approved unanimously.

The Commission reviewed the minutes from the April 19, 2017 meeting. Weinman made a motion to approve, Hubbell seconded. The minutes were approved unanimously.

Commissioner Jennifer Mechem arrived at 6:03 p.m.

### APPEARANCES:

Mark Coen 73<sup>rd</sup> Ave SE – Tree ordinances: generally likes what is included. Need clear standards for arborist to follow – suggests ISA. Need documentation to support the arborists decisions – transparency. Need to protect neighbors from cutting of tree roots. Where does money go when fines are levied for illegal tree removal – should go into a dedicated tree fund. Need to assess tree canopy to track effectiveness of tree regs.

Carolyn Boatsman 3210 74<sup>th</sup> Ave SE – Lot coverage provisions are improving. Need to remove structures from hardscape definition. Limit house and driveway to 40%. Fence heights should not be increased. Trees – we should try to save more, standard should keep “reasonable best efforts”, with 30% as a minimum. Need to map tree canopy. Need to incent preservation of native species.

David Youssefnia 8241 SE 30<sup>th</sup> St – Moved here from New York in 2009, like the quality of life. Focused on healthy, active living. Installed sport court in yard – pervious system. Amend code to allow pervious sport courts as pervious/softscape.

Shawna Youssefnia 8241 SE 30<sup>th</sup> St – Grew up here and returned as adult. Kids these days want to play video games, they don't play outside as much as the kids in the '70's and '80's. Muddy yard isn't a good place to play. Sport court encourages kids to play outside every day – healthier and happier. Please allow pervious sport courts

Marilyn O'Neill 3881 West Mercer Way - Grew up here, lived here for years, has had a sport court for years. Neighborhood has used the sport court extensively. City should look for other ways to manage stormwater. Prohibiting sport courts would be a shame. Please reconsider.

Brent Carson 719 2<sup>nd</sup> Ave, Seattle – Attorney representing Youssefnia's. Driveway, stairs,

walkways, porches, decks, etc need to squeeze into very small percentages. We should encourage sport courts/outdoor activity. The code as proposed will prohibit sport courts. Pervious sport courts should be allowed as softscape.

Jordan Rose Youseffnia – 8241 SE 30<sup>th</sup> St – really likes sportcourt, uses it for basketball, pickelball and skateboarding

Max Youseffnia 8241 SE 30<sup>th</sup> St – sportcourt allows him to be active all year, please consider changing the code

Laila Youseffnia 8241 SE 30<sup>th</sup> St – really likes sportcourt, brother plays there with her, great place to play. Please change the rules.

Scott Jacobson 2718 60<sup>th</sup> Ave SE – Just finished building 3<sup>rd</sup> house on island, considered a sport court but realized he couldn't put one in due to code requirements. Pervious courts should be allowed.

Rob Wolfe 2208 80<sup>th</sup> Ave SE – lived there since 1999. Has a sport court, a huge benefit to family and friends. Many physical and mental benefits – gathering place for neighborhood all year. Safe place for kids to play. Sport courts should be allowed.

Lynn Hagerman 3058 61<sup>st</sup> Ave SE – didn't realize sport courts would have to be torn out. If percentages can't be met, we should move towards smaller homes. Trees – canopy should be protected to maintain public health benefits, in addition to aesthetics. Need to define single family homes. Shouldn't increase fence height. Scale of homes to lot and neighborhood should be the objective, not encouraging single story homes. Need to map tree canopy.

Mary Wagner – 7432 SE 71<sup>st</sup> – Covenants and property value is really important. Please consider.

Pat MacDonald 6315 76<sup>th</sup> Ave Se – Sport courts should be kept. Need to take a bigger look at potential unintended consequences in general. New sport courts are an opportunity to improve drainage to new standards – could be more beneficial to hillsides. Concerned about people putting these in without permits – not to code, won't meet drainage standards. Don't want to create enforcement problems.

Daniel Thompson 7265 N. Mercer Way – discussed Council action on updates to appeals process. Building height – would like a 25 ft limit. Would like to see more 1 story houses. Likes 40% FAR. Trade-offs exist between all of the provisions under consideration.

Dan Grausz 3215 74<sup>th</sup> Place SE – agrees with Carolyn Boatsman about driveways – need to be included as part of the 40%. Otherwise we are increasing the size of the structures. Proposal actually increases allowance for sportcourts. He would support inclusion of pervious sport courts. Height – measure with same method as town center. Fences – do not move forward on staff proposal of 72" fences.

## **REGULAR BUSINESS:**

### **Agenda Item #1: ZTR17-003 Essential Public Facilities**

Scott Greenburg provided an explanation of the proposed ordinance and asked Commission to review, discus and provide direction to staff regarding the proposed draft. Essential public facilities (EPF's) are typically difficult to site, including regional transit facilities among many other examples.

City needs criteria for EPF's but cannot preclude the siting of these facilities. Mr. Greenburg clarified that the draft would be updated to have a single definition of EPFs, eliminating the distinction of federal/state/regional in the current draft.

Based on direction from the Commission, the Assistant City Attorney will revise the next draft to be more specific about changes that can be made by hearing examiner (reasonable and on-point).

The Planning Commission at 7:05 adjourned until 7:15 pm.

Scott Greenburg left the meeting at 7:06 pm

The meeting was called back to order at 7:15 pm.

## **Agenda Item #2: ZTR16-004 Residential Development Standards**

Evan Maxim provided an overview of Addenda #4, which is a re-write of the tree regulations, largely based on guidance from subcommittee as well as comments from Commission and public. The Commission discussed the draft language and provided the following direction to staff:

- Remove landmark tree provision
- View easements: maintain current standard
- Add exceptional trees as a priority to retention standards
- Maintain 30% tree retention, plus reasonable best efforts
- Amend purpose statement to add public health; consider striking the first sentence of purpose statement and consolidating some of the bullets below
- Encourage retaining groves of trees

Commissioner Mechem left the meeting at 8:28

The Planning Commission adjourned at 8:31 pm.

The meeting was called back to order at 8:37 pm.

Evan Maxim summarized the proposed revisions to Addenda #1 on lot coverage. The Commission discussed the draft language and provided the following direction to staff:

- Planning Commission supports the revisions to percentages proposed by staff.
- Driveways should be included in the 40% of non-landscaped lot coverage
- Up to 25% of the required 60% softscape can include at-grade pervious materials including patios, decks and sport courts.

Evan Maxim provided an overview of Addenda #5, regarding the fence height regulations. The Commission discussed the draft language and provided the following direction to staff:

- Maintain allowance for 18" of lattice on top of allowed fence height for rear and side yards.
- Maintain allowance for 90" gateway feature at front walk
- Maintain 42" limit for fences in front yard setback. Eliminate 42" limit on non-front yard street fronts.
- Add allowance for front yard fence height to be increased to 72" (plus up to 18' of lattice) under specific circumstances
  - Located on Island Crest Way or SE 40<sup>th</sup> St
  - Fence must be set back 5' from right of way property line with landscaping in front
  - Does not create a safety hazard

Evan Maxim provided an overview of the other substantive amendments including setback deviations and calculation of building height. The Commission discussed the draft language and provided the following direction to staff:

- Maintain setback deviation
- Maintain deviations as an administrative decision
- Maintain previously proposed approach for building height calculation – 30' above ABE and 30' max on downhill elevation measured from existing or finished grade, whichever is lower
- Staff will bring back a new proposal on Preferred Practices
- Remove reasonable best efforts from variance/deviation criteria
- Reduce side yard setback from a street from 5' to 10' (for lots with 2 street frontages)

**OTHER BUSINESS:**

None.

**ANNOUNCEMENTS AND COMMUNICATIONS:**

None.

**NEXT MEETING:**

The next Planning Commission meeting is scheduled for May 17, 2017 at 6:00 p.m. at Mercer Island City Hall. A joint Study Session will also be held with the City Council on May 8, 2017 at 6:00 p.m. at Mercer Island City Hall.

**ADJOURNMENT:** Chair Skone adjourned the meeting at 10:38 pm.



## PLANNING COMMISSION MEETING MINUTES MAY 17, 2017

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### CALL TO ORDER:

Chair called the meeting to order at 6:06 PM in the Council Chambers at 9611 SE 36th Street, Mercer Island, Washington.

### ROLL CALL:

Chair Suzanne Skone, Vice-Chair Richard Weinman, Commissioners Jennifer Mechem, Lucia Pirzio-Biroli and Bryan Cairns were present. City staff was represented by Alison Van Gorp, Administrative Services Manager/Ombudsman, Evan Maxim, Planning Manager, Bio Park, Assistant City Attorney and Scott Greenburg, DSG Director.

### APPEARANCES:

Mark Coen 73<sup>rd</sup> Ave SE – First Hill has seen so many impacts from new development. This type of development will spread island-wide. It's time to be aggressive, the Commission should stay strong and be decisive. Supports Mr. Thompson's proposal of 25' height limit, also 40% FAR, Mr. Grausz's proposal of regulating all trees >10".

David Youssefnia 8241 SE 30<sup>th</sup> St – Hardscape limit is still too small for sport courts. Suggests at-grade pervious sport courts be considered softscape. Net lot area definition should not exclude easements as this significantly reduces the area available for hardscape.

Carolyn Boatsman 3210 74<sup>th</sup> Ave SE – Would like to see more significant changes to the code – 40% GFA and height limits are too incremental. Supports Mr. Thompson's proposal for 25' height limit. Concerned about proposed deviation for height limits. Need to keep noise regs as is, just change construction hours. Concerned about fence height in front yards – 72" is too high. Need to do more to protect trees, make ordinance easier to understand. Rather than tree removal "permit" call it a "notification".

Dan Grausz 3215 74<sup>th</sup> Place SE – Thanks to Commissioners Skone and Weinman for their service. Tree provision – consider stripping it out from package to take another look. Need to cover smaller trees, 24" is too big. 30%+ requirement works fine. Keep it simple for non-development scenarios. Height limits – supports the 25' limit, + 5' for pitched roof and 30' on downslope side.

Commissioner Daniel Hubbell arrived at 6:22 p.m.

### APPROVAL OF MINUTES:

The Commission reviewed the minutes from the May 3, 2017 meeting. Commissioner Cairns made a motion to approve the minutes, Vice-Chair Weinman seconded. The minutes were approved unanimously.

### REGULAR BUSINESS:

#### **Agenda Item #1: ZTR16-004 Residential Development Standards**

Evan Maxim provided an overview of the updated draft code amendment. He also provided a presentation on the analysis and graphics developed by MAKERS "beta testing" the proposed code. Commissioners discussed issues, concerns and proposed amendments to the draft code.

Commissioner Hubbell made a motion to recommend that the City Council approve the proposed amendments to Mercer Island City Code (MICC) Title 8, 17, and 19, as detailed in Exhibit 1 and direct the Commission regarding the items in Exhibit 2. The motion was seconded by Commissioner Cairns.

The Commissioners deliberated, made comments and amendments to the motion as follows:

- Commissioner Pirzio-Biroli moved and Commissioner Cairns seconded a motion that the inadvertent omission of the downhill façade height limit be corrected. Motion carried by unanimous vote.
- Vice-Chair Weinman moved and Commissioner Cairns seconded a motion that staff incorporate technical edits into the draft recommendation to City Council. Motion carried by unanimous vote.
- Commissioner Pirzio-Biroli made a motion that the Commission designee provide additional guidance to staff in finalizing the recommendation and transmittal to City Council. Commissioner Cairns seconded. Motion carried by unanimous vote.
- **8.24.020 (Q)**
  - Vice Chair Weinman motioned to include a reference to state noise standards. Commissioner Cairns seconded. Weinman withdrew the motion, Cairns agreed.
  - Commissioner Pirzio-Biroli moved to set construction hours for permitted activity from 7am – 7pm, Monday – Friday only, excluding Saturdays. Owner-performed and permitted work could also occur on Saturday and Sunday from 9am-6pm. Commissioner Hubbell seconded. Motion failed 5-0, 1 abstention.
  - Commissioner Mechem made a motion to allow construction from 9am to 6pm on Saturday or Sunday, but not consecutive days in the same weekend. Motion failed 1-5.
- **17.14.010(2)**
  - Vice chair Weinman moved to amend the section to provide conditions for the building official to renew permits – adding a proviso that any required construction management plan has been followed prior to the request for renewal. Chair Skone seconded. Motion carried by unanimous vote.
  - Commissioner Hubbell moved to amend the section to lower thresholds for provision of construction management plans by 1000 sq ft to 6000 sq ft (new construction) and 3000 sq ft (remodel). Seconded by Vice-Chair Weinman. Motion carried by unanimous vote.
- **19.01.050**
  - 19.01.050(F)(3)(b) Commissioner Pirzio-Biroli moved to allow for an increase in height and GFA to the maximum permitted. Commissioner Hubbell seconded. Motion carried by unanimous vote
  - 19.01.050(F)(2)(a) Commissioner Hubbell moved to amend the requirement to come into conformance with parking requirements with an exterior alteration or enlargement of 500 sq ft or more. Commissioner Pirzio-Biroli seconded. Motion carried 5-1.
- **19.02.005(B)**
  - Subsection 1: Vice-Chair Weinman moved to amend section to put a period after the word “designations” in line 12 and delete the remainder of the sentence. Commissioner Hubbell seconded. Motion carried unanimously.
- Commissioner Pirzio-Biroli made a motion to amend section 19.02.020(A)(1) to replace the term “minimum lot area” with “minimum net lot area”. Commissioner Hubbell seconded. Motion carried unanimously.
- Commissioner Hubbell moved to amend 19.02.020(C)(1)(c)(3)(1) (line 17, page 11) to increase the height from 15’ to 18’ for the height of the exterior wall façade. Commissioner Pirzio-Biroli seconded. Motion failed unanimously.
- Commissioner Hubbell moved to amend 19.02.020(C)(1)(c)(3)(1) (line 17, page 11) to provide an additional 3’ of height for a gabled roof end. Commissioner Pirzio-Biroli seconded. Motion

carried unanimously.

- Commissioner Pirzio-Biroli made a motion to remove the edits to section 19.02.020(3)(a) allowing penetrations of up to 18” into the side yard setback. Motion withdrawn.

The Chair adjourned the meeting at 8:12

The meeting was called back to order at 8:20 pm.

- Chair Skone moved to amend 19.02.020(D)(3) (page 14, line 15) to add column “lot coverage” to table including description of lot coverage – house, driveway, accessory structures. Eliminate sections (3)(b-c). Seconded by Commissioner Pirzio-Biroli. Motion carried unanimously.
  - Weinman moved to amend the motion to retain subsection (c). Hubbell seconded. Motion carried unanimously.
- Commissioner Pirzio-Biroli motioned to remove subsection (d) (page 15, line 4) and to amend subsection (F)(2)(b) to extend the 1 covered stall parking allowance to the entire R8.4 zone. Seconded by Hubbell. Motion carried unanimously
  - Skone amended the motion to extend the parking allowance to all single family homes. Commissioner Pirzio-Biroli seconded. Motion carried unanimously.
- Vice-Chair Weinman moved to amend the minimum and maximum numbers to reduce the requirement for hardscape (20%) and increase the requirement for softscape (80%) and to revise the definitions to exclude sports courts and similar recreational facilities with a pervious surface area of up to 1,200 square feet from hardscapes. Commissioner Pirzio-Biroli seconded. Motion carried 3-2, with 1 abstention.
- Commissioner Pirzio-Biroli motioned to move gross floor area up to become section D (order of sections becomes: lot size, yards, GFA, height, lot coverage, parking, easements, etc.). Chair Skone seconded. Motion carried unanimously.
- **Gross Floor Area**
  - Chair Skone moved to limit house size to 150% of allowable GFA in that zone (5040, 5760, 8640, 9000). Commissioner Pirzio-Biroli seconded. Motion failed 1-5.
  - Commissioner Mechem moved to amend section D2 Accessibility to add a phase eliminating the impracticality exemption. Clarify “clear” width for entrances, routes and door widths. Vice-Chair Weinman second. Motion carried unanimously
  - Chair Skone moved to add section D stating the overall GFA does not exceed 5000 sq ft. Commissioner Hubbell seconded. Motion carried unanimously.
    - Chair Skone amended motion to exclude ADA from 5000 limit (only applies to ADU’s)
- **Fences**
  - Commissioner Pirzio-Biroli moved to limit increased fence height allowances on Island Crest way from SE 63<sup>rd</sup> to the CBD and on SE 40th between 92<sup>nd</sup> Ave SE and 78<sup>th</sup> Ave SE. Vice- Chair Weinman seconded. Motion carried unanimously.
- Commissioner Pirzio-Biroli moved to remove section about house orientation 19.09.090(A)(1)(d). Vice-Chair Weinman seconded. Motion carried unanimously.
- Commissioner Pirzio-Biroli moved to remove trees from the discussion. Chair Skone seconded. Motion failed unanimously.

Original motion to recommend the amended code to City Council passed unanimously.

## OTHER BUSINESS:

None.



**ANNOUNCEMENTS AND COMMUNICATIONS:**

None.

**NEXT MEETING:**

The next two Planning Commission meetings are scheduled for May 31, 2017 at 6:00 p.m. and June 7, 2017 at 6:00 p.m. at Mercer Island City Hall. Planning Commission will present their recommended code amendments to the City Council on June 5, 2017 at 6:00 p.m. at Mercer Island City Hall.

**ADJOURNMENT:** Chair Skone adjourned the meeting at 10:25 pm.