



# PLANNING COMMISSION VIDEO MEETING AGENDA

**Wednesday, November 17, 2021**

Zoom Virtual Platform  
9611 SE 36th Street | Mercer Island, WA 98040  
Phone: 206.275.7706 | [www.mercerisland.gov](http://www.mercerisland.gov)

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## PLANNING COMMISSIONERS:

**Chair:** Daniel Hubbell

**Vice Chair:** Ted Weinberg

**Commissioners:** Carolyn Boatsman, Jordan Friedman, Tiffin Goodman, Michael Murphy, Victor Raisys

In compliance with the Americans with Disabilities Act, those requiring accommodation for meetings should notify the Staff Liaison at least 24 hours prior to the meeting.

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The Planning Commission meeting will be held virtually using video conferencing technology provided by Zoom, and the public will have the opportunity to provide comment during Appearances by either calling in or logging onto the meeting as a Zoom attendee.

**Registering to Speak:** Individuals wishing to speak during live Appearances will need to register their request with the City Clerk at 206.275.7793 or email at [andrea.larson@mercerisland.gov](mailto:andrea.larson@mercerisland.gov) and leave a message before 4pm on the day of the Planning Commission meeting. Please reference "Appearances". Each speaker will be allowed three (3) minutes to speak.

**Public Comment by Video:** Notify the City Clerk in advance that you wish to speak on camera and staff will be prepared to permit temporary video access when you enter the live Planning Commission meeting. Please remember to activate the video option on your phone or computer, ensure your room is well lit, and kindly ensure that your background is appropriate for all audience ages. Screen sharing will not be permitted, but documents may be emailed to the [Planning Commission](#).

To attend the meeting, please use the following Zoom information:

**Join by Telephone at 6:00 pm:** To listen to the hearing via telephone, please call 253.215.8782 and enter Webinar ID **884 1600 5608** and Passcode **157694** when prompted.

**Join by Internet at 6:00 pm:** To watch the hearing over the internet via your computer microphone/ speakers follow these steps:

1. Click this [Link](#)
2. If the Zoom app is not installed on your computer, you will be prompted to download it.
3. If prompted for Meeting ID, enter **884 1600 5608**; Enter Passcode **157694**

## CALL TO ORDER & ROLL CALL, 6 PM

## PUBLIC APPEARANCES

This is the time set aside for members of the public to speak to the Commission about issues of concern. If you wish to speak, please consider the following points:

1. Speak audibly into the podium microphone.
2. State your name and address for the record.
3. Limit your comments to 3 minutes.

*The Commission may limit the number of speakers and modify the time allotted. Total time for appearances: 15 minutes.*

## REGULAR BUSINESS

1. Review and approval of the following Minutes:

October 27, 2021 Minutes  
November 3, 2021 Minutes

2. ZTR21-005 Noise and Lighting

**Recommended Action:**

Discuss the proposal and provide feedback and direction to staff on development of draft code amendment.

## OTHER BUSINESS

3. Deputy Director's Report
4. Planned Absences for Future Meetings
5. Announcements & Communications
6. Next Scheduled Meeting: December 15, 2021

## ADJOURNMENT



# CITY OF MERCER ISLAND PLANNING COMMISSION REGULAR VIDEO MEETING MINUTES

Wednesday, October 27, 2021

Item 1.

## CALL TO ORDER

The Planning Commission was called to order by Chair Hubbell at 6:00pm from a remote location.

## PRESENT

Chair Daniel Hubbell  
Commissioner Carolyn Boatsman  
Commissioner Jordan Friedman  
Commissioner Tiffin Goodman  
Commissioner Michael Murphy  
Commissioner Victor Raisys  
Vice Chair Ted Weinberg  
All Commissioners participated in the meeting remotely.

## ABSENT

All Commissioners were present.

## STAFF PRESENT

Alison Van Gorp, Deputy CPD Director, and Andrea Larson, Sr. Administrative Assistant, participated in the meeting remotely.

## PUBLIC APPEARANCES

Audry Covner, Mercer Island, spoke in support of the proposed Herzel Ner-Tamid code amendment.  
Hoda Mezistrano, Mercer Island, spoke in support of the proposed Herzel Ner-Tamid code amendment.  
Mark Clausen, Mercer Island, he spoke of the proposed Comprehensive Plan amendment regarding the bike/ pedestrian plan and voiced a number of concerns regarding it.  
Matt Goldbach, Mercer Island, he spoke to a number of the proposed items that are being considered on the docket that is being looked at by the Planning Commission.  
Jim Stanton, Mercer Island, he spoke in support of docket items No. 2 & No. 13.

## REGULAR BUSINESS

### Agenda Item #1: Minutes

Moved by Weinberg; Seconded by Raisys to:

**Approve the October 20, 2021 minutes.**

Passed 7-0

### Agenda Item #2: 2022 Comprehensive Plan and Development Code amendment preliminary docket

Alison Van Gorp, Deputy CPD Director, gave a brief presentation introducing the 2022 Comprehensive Plan and Development Code amendment preliminary docket.

Callie Rudolphi, Anjali Grant and Mina Leban spoke regarding the proposed docket items they had submitted.

The Commission went through the docket items and did two rounds of thumbs up to the items that they would like to move forward to the recommendation to City Council.

The Commission discussed the remaining items that were not advanced through the thumbs up to the Council recommendation.

The Commission took a break from 7:49 pm – 8:00 pm.

Moved by Boatsman; Seconded by Raisys to:

**Discuss individually items 7-10 and 12.**

Failed 2-5

The Commission continued to discuss the remaining items to come to consensus on what to include in the recommendation to Council.

Moved by Weinberg; Seconded by Murphy to:

**Move forward to City Council recommendation docket items No. 1, 3, 4, 13, 14, 15 and 16 with a separate recommendation of notice of consideration for items No. 5 & 6.**

Passed 5-2

**OTHER BUSINESS**

**Deputy Director's Report**

Alison Van Gorp, CPD Deputy Director, gave a brief update on the remaining Planning Commission meetings scheduled for this year.

**Planned Absences**

Commissioner Goodman will be absent on November 3

**Announcements & Communications**

There were no announcements & communications.

**Next Scheduled Meeting:** November 3, 2021

**ADJOURN**

The meeting adjourned at 9:35 pm



# CITY OF MERCER ISLAND PLANNING COMMISSION REGULAR VIDEO MEETING MINUTES

Item 1.

Wednesday, November 3, 2021

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## CALL TO ORDER

The Planning Commission was called to order by Chair Hubbell at 6:01pm from a remote location.

## PRESENT

Chair Daniel Hubbell  
Commissioner Carolyn Boatsman  
Commissioner Jordan Friedman  
Commissioner Michael Murphy  
Commissioner Victor Raisys  
Vice Chair Ted Weinberg  
All Commissioners participated in the meeting remotely.

## ABSENT

Commissioner Tiffin Goodman was absent.

## STAFF PRESENT

Jeff Thomas, Interim CPD Director, Alison Van Gorp, Deputy CPD Director, Sarah Bluvas, Economic Development Coordinator and Bio Park, City Attorney participated in the meeting remotely.

## PUBLIC APPEARANCES

There were no public appearances

## PUBLIC HEARING

### Agenda Item #1: Public Hearing - ZTR21-004 Town Center Commercial Requirements

Chair Hubbell opened the public hearing at 6:05pm.

There were no public comments.

Chair Hubbell closed the public hearing at 6:06pm.

## REGULAR BUSINESS

### Agenda Item #1: ZTR21-004 Town Center Commercial Requirements

Sarah Bluvas, Economic Development Coordinator, gave a brief presentation to the Commission on ZTR21-004 – Town Center Commercial Requirements.

The Commission deliberated about the proposed amendment.

It was moved by Boatsman; second by Weinberg to:

Adopt the draft ordinance and agree on recommendations to the City Council.

⇒ failed 0-6

It was moved by Boatsman; second by Weinberg to:

Amend the draft ordinance to add a new term: Street frontage commercial uses: Businesses that include restaurants, retail, and personal services.

⇒ Withdrawn

It was moved by Boatsman; second by Weinberg to:

amend (B) to read “street frontage commercial uses required”

⇒ Withdrawn

It was moved by Boatsman; second by Weinberg to:

amend the draft code as submitted in writing by Boatsman (see attached). With the following additions/clarifications:

- New terms should be placed in the definitions section of the code (19.16.010).
- Further amendment to Figure 2: Remove pink lines from NW corner of 77<sup>th</sup> (Chevron Station) and SW corner of 29<sup>th</sup> and 78<sup>th</sup> (Jackson Shell Station)
- Further amend the changes to subsection (B)(2) to delete “adjacent to street frontages” from Boatsman’s proposed amendment

⇒ Failed 2-4

It was moved by Boatsman; second by Weinberg to:

Amend B1b to change the minimum depth along street frontages to 32 feet

⇒ Failed 2-4

It was moved by Murphy; second by Weinberg to:

Adopt findings as submitted and revised by Murphy (items A-C) (see attached)

⇒ Passed 5-1

It was moved by Murphy; second by Weinberg to:

Recommend to the City Council the actions submitted and revised by Murphy (item D) (see attached)

⇒ Passed 5-1

It was moved by Weinberg; second by Boatsman to:

further amend (2)(b) in Murphy’s proposed recommendation to include “e.g. gas stations and grocery stores”

⇒ Failed 3-3

It was moved by Boatsman:

strike item 2d from the list of items in Murphy’s proposed recommendation

⇒ Failed due to lack of second

It was moved by Boatsman; second by Weinberg to:

in Murphy’s proposed recommendation, delete portion of item 2 related to a moratorium (first sentence).

⇒ Failed 1-5

It was moved by Boatsman; second by Weinberg to:

recommend to the City Council the actions submitted by Boatsman (items 1-4)

⇒ Failed 2-4

Boatsman requested to submit a minority report to the City Council

## **OTHER BUSINESS**

### **Deputy Director's Report**

Alison Van Gorp, CPD Deputy Director, gave a brief update on the schedule for the remainder of the year.

**Planned Absences**

There were no planned absences.

**Announcements & Communications**

There were no announcements & communications.

**Next Scheduled Meeting:** November 17, 2021

**ADJOURN**

The meeting adjourned at 10:38 pm

November 3, 2021

To: Mercer Island Planning Commissioners

From: Commissioner Carolyn Boatsman

Topic: Motion at tonight's meeting

I plan to make a motion, as follows, at the meeting:

Amend and adopt the draft ordinance; and

Agree on recommendations to the Council.

**Introduction:**

The Council adopted a moratorium on a certain part of the Town Center for a specific reason for six months. The moratorium expires on December 2, 2021. The reasons for the moratorium can best be summarized by a "whereas" phrase in the adopting ordinance, as follows: "protecting and expanding Mercer Island's retail sector is of utmost importance..." New permits and land use approvals were put on hold until sufficient progress toward this limited goal could be assured. The draft ordinance, with appropriate amendments, would make measurable and significant progress towards the limited goal.

Market forces drive what will be offered in the way of businesses in the Town Center, within limits placed by regulations. The limits should not stifle the options, i.e. prevent a lively mix of interesting and useful businesses for residents.

We are limited in our ability to determine what is wanted by residents, predict what the market will bring, and estimate how much space will be demanded. What is more important than what is predicted by this effort is that the topic be evaluated regularly and adjusted as circumstances warrant.

**The motion to amend and adopt (with rationale):**

New term: Street frontage commercial uses: Businesses that include restaurants, retail, and personal services. (Rationale: It is better to have a definition than continually try to list the types of businesses allowed. A separate definition lends itself to periodic amendment, as needed.)

New term: Assessed value (Staff should figure out how to define this term in 19.16. and make it clear that this is the value assigned to the property by the King County Assessor. This is a term that is probably used in other areas of the City Code and should be defined.)

New term: Gross lot area. (Staff should figure out how to define this term in 19.16. It is analogous to "gross floor area". Maybe it is used in other areas of the City Code.)

Amend B to read: "Street Frontage Commercial Uses Required." (Rationale: This way of stating it would be in concert with the new definition proposed above.)



Amend B.1 to read: “Street frontage commercial uses are required adjacent to street frontages as shown on Figure 2.”

Amend Figure 2 as follows:

Delete the pink line on the far northwest side of 77<sup>th</sup> AVE SE, which constitutes the east property line of the Chevron station. (Rationale: We need gas stations. It is not helpful to place the property owner in the position of having to offer street frontage commercial uses when extensive remodel is desired. That might well eliminate the gas station.)

Delete the pink line extending south of SE 29<sup>th</sup> ST on the east side of 77<sup>th</sup> AVE SE. (Rationale: 1) We’re trying to cluster certain types of businesses. This is an offshoot and the same sorts of businesses are not required across the street. 2) It gains only one small property where the certain types of businesses would be required since all other properties front on other streets where it is already required. 3) Forty town homes are proposed for the front of the Farmer’s property. Residents there, if it or something like it is approved, would probably be better served by a quieter street with less traffic and parking activity. 4) In general, there is little benefit from this extension, considering the downsides.)

Amend the Legend to label the pink line as “Street frontage commercial uses required”.

Amend B.2 to read:

“Parcels subject to street frontage commercial uses are required to provide a minimum Floor Area Ratio (FAR) equivalent to 0.2623 of the gross lot area for street frontage commercial uses adjacent to street frontages upon redevelopment equal to or greater than 50% of the current total assessed value.”

Delete Figure 3.

Delete 3.

Delete Figure 4.

(Rationale for previous four amendments: Owners of parcels that have redeveloped since 2005 should be subject to the same percentage of street frontage commercial use if they redevelop, which, given relatively new construction, would likely not be soon. The “same amount” is better than “no net loss” because it provides additional commercial space. Though this amendment would render the projections for commercial space inaccurate, those projections are estimates.)

#### **Recommendations to the Council:**

Recommendation 1. Direct the staff to study and recommend a more effective definition of street frontage commercial uses. (Rationale: The proposed definition, while more convenient and existing definitions in 19.16 are not sufficient to the task. There are definitions of restaurant, retail, and personal services (which are grouped under our street frontage commercial uses), but these do not allow for any number of creative and interesting options that the future could bring for our residents. Subbing in the existing definition for “services” will not work because, while we might find tailors and

amusement services acceptable, we may not want a mortuary and we seem to be trying to move away from the plethora of financial and health services that we now see in the Town Center. This is a complicated question, should involve evaluating what other cities are successfully doing, and is something best addressed by staff and consultants, as needed. This should be done as soon as possible.

(Please note: There is a definition for service (gas) stations that is separate from the definition of retail. Our limits on types of commercial use, so far, would not allow a gas station. Of our two existing Town Center gas stations, one is pink line (the Chevron, proposed for removal) and the other is not pink line. Our goal could be limited, i.e., try not to create a situation in which, if the owners of the station were to do extensive remodel, they would have to include “required street frontage commercial uses”.)

Recommendation 2: Direct staff to reassess, every five years or at other suitable interval:

1. The type of businesses present versus the types of businesses desired
2. The demand for street frontage commercial uses;
3. The amount of street frontage commercial space present; and
4. The amount of street frontage commercial space expected in the next period of measurement.

**REVISED DRAFT Motion:****Distinguish findings and recommendations.**

I move that the following recommendation be sent to the City Council regarding the proposed Town Center (TC) Code revisions:

- A. ~~For the following reasons:~~ The Planning Commission (PC) ~~is concerned~~ finds that the current TC proposal ~~has~~ is unlikely to solve certain unintended consequences that could result in a the potential significant loss of retail in the TC for the foreseeable future and will likely not achieve the desired results:
1. Several of the existing retail intensive parcels, given their age and configuration, are likely to redevelop sooner with a significant loss of retail under the Floor Area Ratio (FAR) approach.
  2. The parcels that would “make up” this loss of retail are not likely to redevelop for several decades, if ever, resulting in a significant long term loss of TC retail space, despite the FAR formula.
- B. ~~For the following reasons:~~ The PC ~~is concerned~~ finds that the proposal ~~will~~ is likely to result in retail that will not be viable in either the short or long term and we are likely to see empty storefronts in future redeveloped parcels:
1. The proposal does not address parking, and may actually exacerbate the parking shortage in key areas by driving it underground in redeveloped parcels. As a result of the undergrounding of parking, there will not be readily available parking for the activities we are trying to promote in the FAR designated space.
  2. The proposal does not address the optimal depth and configuration of viable/optimal retail and restaurant space. Optimal design is driven by factors other than a percentage of the parcel footprint. Whether the .26 FAR creates space that is practical to lease and won't create substantial unusable space has not been evaluated by industry professionals and has not been examined for the various parcels.
- C. ~~Based on the foregoing,~~ The PC ~~is concerned~~ finds that the City may be forced to revisit this issue in 2-3 years if the concerns bear out,

resulting in another long moratorium and more resources again diverted to the TC plan.

~~D. The PC is mindful of the work done to date, and the desire not to unduly prolong this process or reinvent the wheel.~~

~~E.A.~~ Based on the ~~foregoing concerns~~findings, the PC recommends the following actions:

1. A joint CC / PC study session to promote better coordination and thereby facilitate a faster adoption of TC code revisions.
2. A 4-month TC wide moratorium to consider more fully these issues and a possible mix of options to mitigate the concerns. Those options should be derived primarily from the prior options considered by the Council, including the following:
  - a) A modified “no net loss” requirement for retail/commercial in a new TC-C (“Commercial”) overlay zone.
  - b) Review and refine the categories of retail/commercial that the City wants to encourage in the overlay zone.
  - c) For Parcels in a new TC-C overlay zone without existing retail/commercial, or which were developed after 2005, require future redevelopment to have an amount of commercial space expressed as a FAR of building footprint on the ground floor(s) for growth.
  - d) Frontage dedication or similar condition to accommodate angle parking on streets with retail requirements.
  - e) Secure professional input for criteria like optimal frontage depth of commercial space and FAR percentage.
  - f) Review “pink line map” as part of process.

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**REVISED DRAFT Motion as approved:**

I move that the following recommendation be sent to the City Council regarding the proposed Town Center (TC) Code revisions:

- A. The Planning Commission (PC) finds that the current TC proposal is unlikely to solve the potential significant loss of retail in the TC for the foreseeable future and will likely not achieve the desired results:
  1. Several of the existing retail intensive parcels, given their age and configuration, are likely to redevelop sooner with a significant loss of retail under the Floor Area Ratio (FAR) approach.
  2. The parcels that would “make up” this loss of retail are not likely to redevelop for several decades, if ever, resulting in a significant long term loss of TC retail space, despite the FAR formula.
- B. The PC finds that the proposal is likely to result in retail that will not be viable in either the short or long term and we are likely to see empty storefronts in future redeveloped parcels:
  1. The proposal does not address parking, and may actually exacerbate the parking shortage in key areas by driving it underground in redeveloped parcels. As a result of the undergrounding of parking, there will not be readily available parking for the activities we are trying to promote in the FAR designated space.
  2. The proposal does not address the optimal depth and configuration of viable/optimal retail and restaurant space. Optimal design is driven by factors other than a percentage of the parcel footprint. Whether the .26 FAR creates space that is practical to lease and won't create substantial unusable space has not been evaluated by industry professionals and has not been examined for the various parcels.
- C. The PC finds that the City may be forced to revisit this issue in 2-3 years if the concerns bear out, resulting in another long moratorium and more resources again diverted to the TC plan.

- A. Based on the findings, the PC recommends the following actions:
1. A joint CC / PC study session to promote better coordination and thereby facilitate a faster adoption of TC code revisions.
  2. A 4-month TC wide moratorium to consider more fully these issues and a possible mix of options to mitigate the concerns. Those options should be derived primarily from the prior options considered by the Council, including the following:
    - a) A modified “no net loss” requirement for retail/commercial in a new TC-C (“Commercial”) overlay zone.
    - b) Review and refine the categories of retail/commercial that the City wants to encourage in the overlay zone.
    - c) For Parcels in a new TC-C overlay zone without existing retail/commercial, or which were developed after 2005, require future redevelopment to have an amount of commercial space expressed as a FAR of building footprint on the ground floor(s) for growth.
    - d) Frontage dedication or similar condition to accommodate angle parking on streets with retail requirements.
    - e) Secure professional input for criteria like optimal frontage depth of commercial space and FAR percentage.
    - f) Review “pink line map” as part of process.

# CITY OF MERCER ISLAND

## COMMUNITY PLANNING & DEVELOPMENT

9611 SE 36TH STREET | MERCER ISLAND, WA 98040

PHONE: 206.275.7605 | [www.mercergov.org](http://www.mercergov.org)



## PLANNING COMMISSION

**To:** Planning Commission  
**From:** Alison Van Gorp, CPD Deputy Director  
**Date:** November 12, 2021  
**RE:** ZTR21-005 Noise and Lighting

### SUMMARY

Code amendments are proposed to add code provisions related to landscaping-related noise as well as residential spot lighting.

### BACKGROUND

Carolyn Boatsman suggested through the annual docketing process and the City Council placed on the final docket a proposed code amendment of the Nuisance code (see Attachment 1). The docket request includes two proposed amendments to the nuisance code: 1) limit commercial landscaping operations using power tools to the same hours as construction noise from work under city permit and 2) Require that residential use of spot lighting be directed toward the owner's property.

The November 17 Planning Commission meeting will be a work session for the Commission to review these two proposals and provide feedback and direction to staff on drafting code amendments for further review in 2022.

### Noise

The proposal suggests limiting "commercial landscaping operations using power tools". Staff have some concerns about this proposed language. Namely, the City should not regulate different types of entities, such as commercial landscaping companies, differently from others, such as homeowners. As such, staff recommend a broader approach to amending the noise provisions in the Nuisance Code ([MICC 8.24](#)).

Currently, the nuisance code includes the following requirements related to noise (highlights added):

#### Q. Sounds.

##### 1. Sounds regulated by this section.

- a. The intent of this section is to regulate sounds heard beyond the property line of the source;
- b. The following sounds are explicitly regulated by this section:

- i. Sounds caused by the construction or repair of any building or structure;
  - ii. Sounds caused by construction, maintenance, repair, clearing or landscaping;
  - iii. Sounds created by the installation or repair of utility services; and
  - iv. Sounds created by construction equipment including special construction vehicles.
2. Sounds related to activity authorized by a permit from the city of Mercer Island are limited as follows:
- a. Sounds shall only be allowed between the hours of 7:00 a.m. to 7:00 p.m. on Mondays through Fridays, and between the hours of 9:00 a.m. and 6:00 p.m. on Saturdays.
  - b. Sounds shall be prohibited at any time of day on Sunday and legal holidays.
3. Sounds related to activity that does not require a permit from the city of Mercer Island shall only be allowed between the hours of 7:00 a.m. to 8:00 p.m. on Mondays through Fridays, and between the hours of 9:00 a.m. and 8:00 p.m. on Saturdays, Sundays, and legal holidays.
4. The enforcement officer may authorize a variance to this section pursuant to WAC Chapter 173-60.

Please note that sounds generated by maintenance and landscaping are already regulated under subsection (Q)(1)(b)(ii) and would also be subject to subsection (Q)(3) which limits the hours under which maintenance/landscaping work can be conducted. Perhaps some “surgical” revisions to this section of the nuisance code could provide further clarity on the activities that are included in subsection (Q)(1)(b)(i) and subject to the time restrictions in (Q)(3).

Staff would also be interested in discussing an additional change to these noise provisions related to the sounds generated by mechanical equipment such as generators, HVAC equipment, venting, etc. The City has received complaints from homeowners related to noisy mechanical equipment and the existing code provisions (or lack thereof) make enforcement challenging. There are several considerations with adding such a provision. For example, it is probably not appropriate to include a time limitation for this type of equipment, since power and heating are typically needed around the clock. Furthermore, an emergency exemption may be appropriate for some types of equipment such as generators.

## Lighting

The nuisance code does not currently include any provisions related to lighting. Lighting provisions are typically included in the land use regulations. Indeed, the MICC includes lighting regulations in other sections of the land use code, including the regulations related to Town Center ([MICC 19.11.090](#)) and to regulated improvements outside town center ([MICC 19.12.070](#)), include lighting provisions. However, there are currently no lighting provisions in the residential code ([MICC 19.02](#)). Rather than adding lighting provisions to the nuisance code, staff would instead recommend adding a new sub-section to the residential code related to lighting.

As an example of how a neighboring city has managed this concern, the City of Sammamish adopted in 2016 the following [Outdoor Lighting](#) provisions that are applicable in residential zones:

- (a) Security or Floodlighting Fixtures Associated with Single-Family Residences and Townhouses.
  - (i) Lighting fixtures shall be properly aimed and installed in a manner that causes minimal or no light trespass onto adjacent properties;
  - (ii) Lighting fixtures shall not exceed 1,260 lumens, unless the lighting fixture is fully shielded; and



(iii) Motion sensors associated with security or floodlighting shall not be activated by off-site movement.

Also by way of example, the International Dark-Sky Association includes in its [Model Lighting Ordinance](#) the following provision related to residential spot lighting (highlighting added):

#### A. General Requirements

For residential properties including multiple residential properties not having common areas, all outdoor luminaires shall be fully shielded and shall not exceed the allowed lumen output in Table G, row 2.

##### Exceptions

1. One partly shielded or unshielded luminaire at the main entry, not exceeding the allowed lumen output in Table G row 1.
2. Any other partly shielded or unshielded luminaires not exceeding the allowed lumen output in Table G row 3.
3. Low voltage landscape lighting aimed away from adjacent properties and not exceeding the allowed lumen output in Table G row 4.
4. Shielded directional flood lighting aimed so that direct glare is not visible from adjacent properties and not exceeding the allowed lumen output in Table G row 5 [1260 lumens].
5. Open flame gas lamps.
6. Lighting installed with a vacancy sensor, where the sensor extinguishes the lights no more than 15 minutes after the area is vacated.
7. Lighting exempt per Section III (B.).

#### NEXT STEPS

In addition to this memo, please review the attached docket request and relevant sections of the current city code as referenced above. At the November 17 meeting the Commission will discuss the proposal and provide feedback and direction to staff on development of draft code amendments. Staff will draft code amendments based on the Commission's feedback and schedule a Public Hearing in early 2022. After hearing public comments on the proposal, the Commission should make a recommendation to the City Council.

#### ATTACHMENTS

1. Docket Request

# CITY OF MERCER ISLAND

## COMMUNITY PLANNING & DEVELOPMENT

9611 SE 36TH STREET | MERCER ISLAND, WA 98040

PHONE: 206.275.7605 | [www.mercerisland.gov](http://www.mercerisland.gov)



CITY USE ONLY

Item 2.

PROJECT#

RECEIPT #

FEE

Date Received:

Received By:

### DEVELOPMENT APPLICATION

STREET ADDRESS/LOCATION 3210 74 AV SE		ZONE R8.4	
COUNTY ASSESSOR PARCEL #'S Parcel 1300300705		PARCEL SIZE (SQ. FT.) 10,800	
PROPERTY OWNER (required) Carolyn and Mark Boatsman	ADDRESS (required) 3210 74 AVE SE	CELL/OFFICE (required) 206-595-8579 E-MAIL (required) c.boatsman@comcast.net	
PROJECT CONTACT NAME Request for code amendment	ADDRESS City wide	CELL/OFFICE  E-MAIL	
TENANT NAME	ADDRESS	CELL PHONE  E-MAIL	

**DECLARATION:** I HEREBY STATE THAT I AM THE OWNER OF THE SUBJECT PROPERTY OR I HAVE BEEN AUTHORIZED BY THE OWNER(S) OF THE SUBJECT PROPERTY TO REPRESENT THIS APPLICATION, AND THAT THE INFORMATION FURNISHED BY ME IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

*Carolyn M Boatsman*  
SIGNATURE

November 2, 2020

DATE

**PROPOSED APPLICATION(S) AND CLEAR DESCRIPTION OF PROPOSAL (PLEASE USE ADDITIONAL PAPER IF NEEDED):**

Two requests to amend City nuisance code:

- 1) Limit commercial landscaping operations using power tools to the same hours as construction noise from work under City permit.
- 2) Require that residential use of spot lighting be directed toward the owner's property.

ATTACH RESPONSE TO DECISION CRITERIA IF APPLICABLE

**CHECK TYPE OF LAND USE APPROVAL REQUESTED:**

**APPEALS**

- Building
- Code Interpretation
- Land use
- Right-of-Way Use

**CRITICAL AREAS**

- Critical Area Review 1 (Hourly Rate 2hr Min)
- Critical Area Review 2 (Determination)
- Reasonable Use Exception

**DESIGN REVIEW**

- Pre Design Meeting
- Design Review (Code Official)
- Design Commission Study Session
- Design Review- Design Commission- Exterior Alteration
- Design Review- Design Commission- New Building

**WIRELESS COMMUNICATION FACILITIES**

- Wireless Communications Facilities- 6409 Exemption
- New Wireless Communication Facility

**DEVIATIONS**

- Changes to Antenna requirements
- Changes to Open Space
- Seasonal Development Limitation Waiver

**ENVIRONMENTAL REVIEW (SEPA)**

- SEPA Review (checklist)- Minor
- SEPA review (checklist)- Major
- Environmental Impact Statement

**SHORELINE MANAGEMENT**

- Exemption
- Permit Revision
- Shoreline Variance
- Shoreline Conditional Use Permit
- Substantial Development Permit

**SUBDIVISION LONG PLAT**

- Long Plat- Preliminary
- Long Plat- Alteration
- Long Plat- Final Plat

**VARIANCES (Plus Hearing Examiner Fee)**

- Variance

**SUBDIVISION SHORT PLAT**

- Short Plat- Two Lots
- Short Plat- Three Lots
- Short Plat- Four Lots
- Short Plat- Deviation of Acreage Limitation
- Short Plat- Amendment
- Short Plat- Final Plat

**OTHER LAND USE**

- Accessory Dwelling Unit
- Code Interpretation Request
- Comprehensive Plan Amendment (CPA)
- Conditional Use (CUP)
- Lot Line Revision
- Noise Exception
- Reclassification of Property (Rezoning)
- Transportation Concurrence (see supplemental application form)
- Planning Services (not associated with a permit or review)
- Zoning Code Text Amendment
- Request for letter
- Temporary Commerce on Public Property

# CITY OF MERCER ISLAND

## COMMUNITY PLANNING & DEVELOPMENT

9611 SE 36TH STREET | MERCER ISLAND, WA 98040

PHONE: 206.275.7605 | [www.mercerisland.gov](http://www.mercerisland.gov)



CITY USE ONLY

Item 2.

PROJECT#

RECEIPT #

FEE

Date Received:

Received By:

### DEVELOPMENT APPLICATION

STREET ADDRESS/LOCATION 3210 74 AVE SE		ZONE R8.4	
COUNTY ASSESSOR PARCEL #'S Parcel 1300300705		PARCEL SIZE (SQ. FT.) 10,800	
PROPERTY OWNER (required) Carolyn and Mark Boatsman	ADDRESS (required) 3210 74 AVE SE	CELL/OFFICE (required) 206-595-8579 E-MAIL (required) c.boatsmn@comcast.et	
PROJECT CONTACT NAME Comp plan update docket request	ADDRESS City wide	CELL/OFFICE  E-MAIL	
TENANT NAME	ADDRESS	CELL PHONE  E-MAIL	

**DECLARATION:** I HEREBY STATE THAT I AM THE OWNER OF THE SUBJECT PROPERTY OR I HAVE BEEN AUTHORIZED BY THE OWNER(S) OF THE SUBJECT PROPERTY TO REPRESENT THIS APPLICATION, AND THAT THE INFORMATION FURNISHED BY ME IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

*Carolyn M Boatsman*  
SIGNATURE

November 2, 2020

DATE

**PROPOSED APPLICATION(S) AND CLEAR DESCRIPTION OF PROPOSAL** (PLEASE USE ADDITIONAL PAPER IF NEEDED):

I am requesting a Comprehensive Land Use Plan Update as follows:

Adopt a goal and policies for use of City rights of way establishing a priority of use, based upon the public good. Uses that should, at the least, be allowed and included in the priority are roads and appurtenances, utility installation, residential parking, and environmental benefit.

ATTACH RESPONSE TO DECISION CRITERIA IF APPLICABLE

**CHECK TYPE OF LAND USE APPROVAL REQUESTED:**

**APPEALS**

- Building
- Code Interpretation
- Land use
- Right-of-Way Use

**CRITICAL AREAS**

- Critical Area Review 1 (Hourly Rate 2hr Min)
- Critical Area Review 2 (Determination)
- Reasonable Use Exception

**DESIGN REVIEW**

- Pre Design Meeting
- Design Review (Code Official)
- Design Commission Study Session
- Design Review- Design Commission- Exterior Alteration
- Design Review- Design Commission- New Building

**WIRELESS COMMUNICATION FACILITIES**

- Wireless Communications Facilities- 6409 Exemption
- New Wireless Communication Facility

**DEVIATIONS**

- Changes to Antenna requirements
- Changes to Open Space
- Seasonal Development Limitation Waiver

**ENVIRONMENTAL REVIEW (SEPA)**

- SEPA Review (checklist)- Minor
- SEPA review (checklist)- Major
- Environmental Impact Statement

**SHORELINE MANAGEMENT**

- Exemption
- Permit Revision
- Shoreline Variance
- Shoreline Conditional Use Permit
- Substantial Development Permit

**SUBDIVISION LONG PLAT**

- Long Plat- Preliminary
- Long Plat- Alteration
- Long Plat- Final Plat

**VARIANCES (Plus Hearing Examiner Fee)**

- Variance

**SUBDIVISION SHORT PLAT**

- Short Plat- Two Lots
- Short Plat- Three Lots
- Short Plat- Four Lots
- Short Plat- Deviation of Acreage Limitation
- Short Plat- Amendment
- Short Plat- Final Plat

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