



PLANNING COMMISSION

SPECIAL HYBRID MEETING AGENDA

Monday, November 25, 2024 at 10:30 AM

PLANNING COMMISSIONERS

Chair: Angela Battazzo

Vice Chair: Michael Murphy

Commissioners: Kate Akyuz, Adam Ragheb,
and Victor Raisys

LOCATION

Mercer Island Community & Event Center and Zoom
8236 SE 24th Street | Mercer Island, WA 98040
(206) 275-7706 | www.mercerisland.gov

We strive to create an inclusive and accessible experience. Those requiring accommodation for Planning Commission meetings should notify the Deputy City Clerk's Office 3 days prior to the meeting at (206) 275-7793 or by emailing cityclerk@mercerisland.gov.

Individuals wishing to speak live during Public Appearances (public comment period) must register with the Deputy City Clerk at (206) 275-7793 or cityclerk@mercerisland.gov by 4pm on the day of the Planning Commission meeting. Each speaker will be allowed three (3) minutes to speak.

Join the meeting at 10:30 AM (Public Appearances will start shortly after 10:30 AM) by:

- 1) **Telephone:** Call 253.215.8782 and enter Webinar ID 875 2832 8696, Passcode 100347.
- 2) **Zoom:** Click this [Link](#) (Webinar ID 875 2832 8696, Passcode 100347)
- 3) **In person:** Mercer Island Community & Event Center | 8236 SE 24th Street, Mercer Island, WA 98040

CALL TO ORDER & ROLL CALL, 10:30 AM

PUBLIC APPEARANCES

This is the opportunity for anyone to speak to the Commission about issues of concern. Please limit your comments to three minutes.

REGULAR BUSINESS

1. **Planning Commission meeting minutes of the October 23 Regular Meeting.**
Recommended Action: Approve the minutes.
2. **PCB 24-19: 2025 Annual Docket Summary of Amendments**
Recommended Action: Approve a summary recommendation to the City Council on the docket proposals to include in the final docket.

ADJOURNMENT



PLANNING COMMISSION REGULAR MEETING MINUTES

Wednesday, October 23, 2024

CALL TO ORDER

The Planning Commission was called to order by Chair Battazzo at 6:00 pm.

Chair Battazzo, Vice Chair Michael Murphy, and Commissioner Adam Ragheb were present remotely.

Commissioners Akyuz and Raisys were absent.

Staff Remote Participation:

Alison Van Gorp, Deputy CPD Director

Molly McGuire, Senior Planner

Raven Gillis, Recreation Specialist (Acting Deputy Clerk)

Andrea Larson, City Clerk

APPEARANCES.

- Brad Bales, Yangeng Sun, and John Darvish of Mercer Island, addressed the Commission regarding the impact of neighboring trees on private residences.
- John Hall, Mercer Island, addressed the Commission regarding the 2025 Annual Docket proposed amendment 5.
- Daniel Thompson, Mercer Island, addressed the Commission regarding the Comprehensive Plan.

REGULAR BUSINESS

1. Planning Commission meeting minutes of the September 25 Regular Meeting

A motion was made by Murphy; seconded by Ragheb to:

Approve the minutes.

Approved: 3 – 0

2. PCB 24-118: 2025 Annual Docket – Review Proposed Amendments 1 - 15

A. Presentations from Proposal Proponents (3 minutes per proposal)

- Jessie Clawson, Proposed Amendment 1
- Matthew Goldbach, Proposed Amendments 3 – 6
- Jeff Haley, Proposed Amendment 8
- Adam Ragheb, Proposed Amendment 9
- Daniel P. Thompson, Proposed Amendments 10-14
- Joe White, Proposed Amendment 15

B. Presentation from City Staff (3 minutes per proposal)

- Deputy Director Alison Van Gorp and Senior Planner Molly McGuire presented.

C. Planning Commission Deliberations

A motion was made by Battazzo; seconded by Murphy to:

Not Docket Amendment Nos. 2 and 7 for the final 2025 Docket.

Approved 3 – 0

A motion was made by Ragheb; seconded by Murphy to:

Accept Amendment No. 1 for the final 2025 Docket.

Approved 3 – 0

A motion was made Ragheb; seconded by Battazzo to:

Accept Amendment No. 3 for the final 2025 Docket.

Failed 1 – 2

A motion was made by Ragheb; seconded by Battazzo to:

Accept Amendment No. 4 for the final 2025 Docket.

Failed 0 – 3

A motion was made by Battazzo; seconded by Ragheb to:

Not Docket Amendment No. 5 for the final 2025 Docket.

Approved 2 – 1

A motion was made by Battazzo; seconded by Rahgeb to:

Accept Amendment No. 6 for the final 2025 Docket.

Failed 0 – 2 – 1

A motion was made by Battazzo; seconded by Murphy to:

Accept Amendment No. 8 for the final 2025 Docket.

Approved 3 – 0

A motion was made by Ragheb; seconded by Battazzo to:

Accept Amendment No. 9 for the final 2025 Docket.

Failed 1 – 2

A motion was made by Battazzo; seconded by Ragheb to:

Accept Amendment No. 10 for the final 2025 Docket.

Failed 1 – 2

A motion was made by Battazzo; seconded by Ragheb to:

Not Docket Amendment No. 11 for the final 2025 Docket.

Approved 2 – 1

A motion was made by Battazzo; seconded by Murphy to:

Not Docket Amendment No. 12 for the final 2025 Docket.

Approved 3 – 0

A motion was made by Battazzo; seconded by Ragheb to:

Accept Amendment No. 13 for the final 2025 Docket.

Failed 1 – 2

A motion was made by Ragheb; seconded by Battazzo to:

Accept Amendment No. 14 for the final 2025 Docket.

Failed 1 – 2

A motion was made by Battazzo; seconded by Murphy to:

Accept Amendment No. 15 and for Staff to combine it with Amendment No. 8 for the final 2025 Docket.

Approved 3 – 0

The Planning Commission requested that staff prepare a recommendation for Docket Proposal Nos. 1, 8, and 11 for City Council consideration.

OTHER BUSINESS

- 3. Deputy Director's Report** – Deputy CPD Director Van Gorp provided a brief update and addressed the following:
- November 19 – City Council scheduled to approve Final Docket
 - November and December Planning Commissions will likely be canceled as staff focus on completing the adoption of the periodic update to the Comprehensive Plan and related code amendments with the City Council.
 - New Planning Commissioner to be appointed by City Council on November 4 with service beginning in January 2025
 - 2025 Work Plan to be determined based on final docket.

ADJOURNED - The meeting adjourned at 8:03 pm

Raven Gillis

Raven Gillis, Acting Deputy City Clerk



PLANNING COMMISSION CITY OF MERCER ISLAND

PCB 24-19
November 25, 2024
Special Business

AGENDA BILL INFORMATION

TITLE:	PCB 24-19: 2025 Annual Docket Summary of Amendments	<input type="checkbox"/> Discussion Only <input checked="" type="checkbox"/> Action Needed: <input checked="" type="checkbox"/> Motion <input checked="" type="checkbox"/> Recommendation
RECOMMENDED ACTION:	Approve a summary recommendation to the City Council on the docket proposals to include in the final docket.	

STAFF:	Alison Van Gorp, CPD Deputy Director Molly McGuire, Senior Planner	
EXHIBITS:	1. 2025 Docket Proposal Summary	

EXECUTIVE SUMMARY

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

The Planning Commission reviewed the proposed amendments at its regular meeting on October 23, 2024, and passed individual motions on each docket item. These motions were reflected in the minutes (included) and serve as the Planning Commission recommendation. However, a motion summarizing the Planning Commission’s recommendations on the docket was not made. For consistency with past practice, the Planning Commission was asked to reconvene for a Special Meeting to address the summary motion.

BACKGROUND

Detailed background on the Docket Process, Docketing Criteria, CPD Work Plan, and Proposed Amendments are included in the Planning Commission Agenda Bill from October 23, 2024 ([PCB24-18](#)).

On October 23, the Planning Commission made the following individual motions on the proposed amendments:

- **Proposed Amendment 1: ADD to the Docket**
 - Motion to accept passed 3-0
- **Proposed Amendment 2: DO NOT ADD to the Docket**
 - Motion to dismiss passed 3-0
- **Proposed Amendment 3: DO NOT ADD to the Docket**
 - Motion to accept failed 2-1
- **Proposed Amendment 4: DO NOT ADD to the Docket**
 - Motion to accept failed 3-0
- **Proposed Amendment 5: DO NOT ADD to the Docket**
 - Motion to dismiss passed 2-1
- **Proposed Amendment 6: DO NOT ADD to the Docket**
 - Motion to accept failed 2:0:1 (Rhageb abstained)

- **Proposed Amendment 7: DO NOT ADD to the Docket**
 - Motion to dismiss passed 3-0
- **Proposed Amendment 8: ADD to the Docket**
 - Motion to accept passed 3-0
- **Proposed Amendment 9: DO NOT ADD to the Docket**
 - Motion to accept failed 2-1
- **Proposed Amendment 10: DO NOT ADD to the Docket**
 - Motion to accept failed 2-1
- **Proposed Amendment 11: DO NOT ADD to the Docket**
 - Motion to dismiss passed 2-1
- **Proposed Amendment 12: DO NOT ADD to the Docket**
 - Motion to dismiss passed 3-9
- **Proposed Amendment 13: DO NOT ADD to the Docket**
 - Motion to accept failed 2-1
- **Proposed Amendment 14: DO NOT ADD to the Docket**
 - Motion to accept failed 2-1
- **Proposed Amendment 15: ADD to the Docket**
 - Motion to accept passed 3-0

Prior to Planning Commission review, staff determined Proposed Amendment 2 was not eligible to be considered for the 2025 Annual Docket as it relates to the draft 2044 Comprehensive Plan and was, therefore, already under consideration by the City Council. The comments presented in Proposed Amendment 2 were considered and reviewed as a public comment in the deliberations of the City Council on the draft 2044 Comprehensive Plan. The Planning Commission supported this approach.

Included with the Planning Commission's formal recommendation above, is a suggestion to consolidate the review of Proposed Amendments 8 and 15 as these proposals are very similar.

ISSUE/DISCUSSION

A motion summarizing the Planning Commission's recommendations from October 23 is necessary for consistency with past practices. The summary motion will be added to the record and included in the materials provided to the City Council for consideration on December 3, 2024.

NEXT STEPS

The City Council will review the Planning Commission and staff recommendations at its December 3, 2024, meeting and set the final docket for 2025.

RECOMMENDED ACTION

Approve a summary recommendation to the City Council on the docket proposals to include in the final docket.

2025 Docket Proposal Summary

Item No.	Proposed By	Potentially Affected Section, Goal or Policy	Summary of Proposal	PC Recommendation
1	Jessica Clawson	MICC 19.01.050 Nonconforming structures, sites, lots, and uses and MICC 19.16.010 Definitions	This amendment would exclude “exterior alteration” of non-single-family nonconforming structures outside of the Town Center from the determination of nonconforming status during a remodel and add the definition of “enlargement” to the definitions section.	Docket
2	Sarah Fletcher	Mercer Island 2044 Comprehensive Plan	Comments on the Open Space and Housing elements of the draft 2044 Comprehensive Plan. <i>Note: This proposal pertains to a draft Comprehensive Plan amendment currently under consideration by the Mercer Island City Council.</i>	Do Not Docket
3	Matthew Goldbach	MICC 19.15.240(C) Criteria for reclassification of properties (rezones)	This amendment would prohibit single-family, residentially zoned property from being rezoned to any other zone. <i>Note: This proposal has previously been suggested for the docket. In 2023, the Planning Commission recommended not to docket this proposal, and the City Council elected not to add it to the 2024 Annual Docket.</i>	Do Not Docket
4	Matthew Goldbach	MICC 19.15.240(C) Criteria for reclassification of properties (rezones)	This amendment would prohibit a non-residential structure or use in the single-family residential zones, including a Conditional Use Permit, from requesting or obtaining a rezone or reclassification of any single-family residentially zoned properties. <i>Note: This proposal has previously been suggested for the docket. In 2023, the Planning Commission recommended not to docket this proposal, and the City Council elected not to add it to the 2024 Annual Docket.</i>	Do Not Docket
5	Matthew Goldbach	MICC 19.06.110(A)(5) Change after conditional use permit granted	This amendment would add a section to the Conditional Use Permit criteria for a change after a CUP is granted that states that no CUP on a residential property shall be used for any use or purpose by a separate property zoned TC, CO, B, or PBZ.	Do Not Docket

6	Matthew Goldbach	MICC 19.15.240(C) Criteria for reclassification of properties (rezones)	This amendment would establish criteria to determine whether a proposed reclassification constitutes an illegal, site-specific rezone.	Do Not Docket
7	Daniel Grove	MICC 19.16.010 Definitions and MICC 19.02.020(E) Building height limit	This amendment would define “façade” and amend the maximum downhill façade height to include the ability for a building face to be articulated or divided into multiple facades. <i>Note: Amendments to the maximum downhill façade height were included in the 2024 Annual Docket. These changes remain in the existing CPD work plan and work is expected to commence as resources allow.</i>	Do Not Docket
8	Jeff Haley	Title 19 MICC	This amendment would add a new chapter to Title 19 MICC for a Private Hedge Code. The proposed amendment would provide a voluntary mechanism for the resolution of disputes involving the height of hedges.	Docket
9	Adam Ragheb	MICC 19.02.020(G)(2) Parking required	This amendment would require that each residential dwelling unit in a residential zone with a GFA of less than 3,000 square feet shall have at least 2 parking spaces. Any residential unit with a GFA of more than 3,000 square feet shall be treated the same as a single-family residence and subject to existing requirements in MICC 19.02.020(G)(2)(a). <i>Note: A similar proposal has previously been suggested for the docket. In 2023, the Planning Commission recommended not to docket this proposal, and the City Council elected not to add it to the 2024 Annual Docket.</i>	Do Not Docket
10	Daniel Thompson	MICC 19.02.020(D)(2)(a) Gross floor area	This amendment would reduce ceiling height from 12 feet to 10 feet before it is counted as clerestory space at 150% of gross floor area (GFA). <i>Note: This proposal has previously been suggested for the docket four times. In 2023, the Planning Commission recommended not to docket this proposal, and the City Council elected not to add it to the 2024 Annual Docket.</i>	Do Not Docket
11	Daniel Thompson	MICC 19.02.020(D)(2) Gross floor area calculation	This amendment would include exterior covered decks in the definition of GFA and include covered porches on the first level in the calculation of GFA. <i>Note: A similar proposal has previously been suggested for the docket. In 2023, the Planning Commission</i>	Do Not Docket

			<i>recommended not to docket this proposal, and the City Council elected not to add it to the 2024 Annual Docket.</i>	
12	Daniel Thompson	MICC 19.02.040(D)(1) Garages and carports	This amendment would either eliminate the ability to build garages and carports within 10 feet of the property line of the front yard, or, alternatively, eliminate this option for waterfront lots that have flipped their front and back yards per MICC 19.02.020(c)(2)(a)(iii). <i>This proposal has previously been suggested for the docket four times. In 2023, the Planning Commission recommended not to docket this proposal, and the City Council elected not to add it to the 2024 Annual Docket.</i>	Do Not Docket
13	Daniel Thompson	MICC 19.02.020(D)(3)(b) Gross floor area incentives for ADUs	This amendment would limit the GFA incentives for ADUs to lots 8,400 square feet or smaller. <i>This proposal has previously been suggested for the docket four times. In 2023, the Planning Commission recommended not to docket this proposal, and the City Council elected not to add it to the 2024 Annual Docket.</i>	Do Not Docket
14	Daniel Thompson	MICC 19.02.020(G)(2)(a) and (b) Parking Requirements	This amendment would reduce the threshold for requiring only 2 parking spaces from 3,000 square feet to 2,000 square feet. <i>Note: This proposal has previously been suggested for the docket four times. In 2023, the Planning Commission recommended not to docket this proposal, and the City Council elected not to add it to the 2024 Annual Docket.</i>	Do Not Docket
15	Joe White	MICC 19.02.020(3) Intrusions into required yards and MICC 19.02.050 Fences, retaining walls, and rockeries	This amendment would limit the height of hedges to 12 feet within side yard setbacks unless mutually agreed upon by adjoining property owners.	Docket