



# PLANNING COMMISSION SPECIAL VIDEO MEETING AGENDA

**Wednesday, February 16, 2022**

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:** Michael Murphy

**Commissioners:** Carolyn Boatsman, Jordan Friedman, Tiffin Goodman, 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 must register their request with the City Clerk by 4pm on the day of the Planning Commission meeting. Register at 206.275.7793 or email [andrea.larson@mercerisland.gov](mailto:andrea.larson@mercerisland.gov). 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 **865 6490 3729** and Passcode **022603** when prompted.

**Join by Internet at 6:00 pm:** To watch the meeting 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 **865 6490 3729**; Enter Passcode **022603**

## **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:

Speak audibly into the podium microphone.  
State your name and address for the record.  
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.*

#### **PUBLIC HEARING**

1. ZTR21-006 - Permit Types and Noticing

Public Hearing for ZTR21-006 - Permit Types and Noticing

2. ZTR21-004 - Town Center Commercial Requirements

Public Hearing for ZTR21-004 - Town Center Commercial Requirements

#### **REGULAR BUSINESS**

3. Review and Approval of the January 26, 2022 Planning Commission Regular Video Meeting Minutes

4. ZTR21-006 - Permit Types and Noticing

Review and decision on ZTR21-006 - Permit Types and Noticing

5. ZTR21-004 - Town Center Commercial Requirements

Review and decision on ZTR21-004 - Town Center Commercial Requirements

6. Comprehensive Plan Periodic Review Draft Scope, Public Participation Plan, and Schedule

Presentation and Introduction of Comprehensive Plan Periodic Review Draft Scope, Public Participation Plan, and Schedule

#### **OTHER BUSINESS**

7. Deputy Director's Report

8. Planned Absences for Future Meetings

9. Announcements & Communications

10. Next Scheduled Meeting March 23, 2022

#### **ADJOURNMENT**

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# 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)



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## PLANNING COMMISSION

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**TO:** Planning Commission

**FROM:** Adam Zack, Senior Planner

**DATE:** February 11, 2022

**SUBJECT:** ZTR21-006

**ATTACHMENTS:** A. MICC 19.15.030 with Alternative A Amendments  
B. Sample CPD Weekly Permit Bulletin

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### SUMMARY

The purpose of this memo is to provide the Planning Commission with the staff recommendation for ZTR21-006. This zoning code amendment was added to the 2021 CPD work program through the annual docket. The proposed amendment would change the land use review type for five types of land use permits, resulting in increased levels of public notice.

At the December 15 meeting, the Planning Commission provided initial guidance on the proposed code amendment. At that meeting, the Planning Commission proposed amending the land use review type for two land use review actions. The option for amending Mercer Island City Code (MICC) 19.15.030 is referred to herein as Alternative A. On December 15, the Planning Commission also proposed an alternative that would establish a programmatic approach for listing land use review actions on the CPD Weekly Permit Bulletin without amending MICC 19.15.030 Land use review types. The programmatic response is referred to herein as Alternative B. The no change option is referred to as Alternative C. Staff recommends Alternative B.

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### BACKGROUND

Daniel Thompson submitted a docket request for several amendments to Title 19 MICC on November 2, 2020. The City Council approved Resolution 1594 on December 1, 2020, which directed the Planning Commission to make a recommendation on the fifth proposed code amendment from the original docket request.

The docket request proposed six amendments to Title 19 MICC. Only the fifth requested amendment, a proposed amendment to [MICC 19.15.030 – Land use review types](#), was added to the final docket by the City Council. The proposed amendment of MICC 19.15.030 would change the notice requirements for five land use review actions:

- Seasonal Development Limitation Waivers (SDLWs);
- Tree Removal Permits;
- Final Short Plats;
- Lot Line Revisions; and
- Setback Deviations.

The application states the purpose of the proposed amendments is to provide greater public notice of permit applications and decisions.

Please see the December 9, 2021, staff report for additional discussion of the land use review actions considered in the original docket application:

[https://mieplan.mercergov.org/public/ZTR21-006/Documents%20for%20Planning%20Commission/2021-12-09\\_ZTR21-006\\_Staff\\_Report.pdf](https://mieplan.mercergov.org/public/ZTR21-006/Documents%20for%20Planning%20Commission/2021-12-09_ZTR21-006_Staff_Report.pdf)

#### **MICC 19.15.030 – Land use review types.**

[MICC 19.15.030](#) establishes four types of land use review, each with its own unique notice requirements. The four types are described as follows:

- “A. Type I. Type I reviews are based on clear, objective and nondiscretionary standards or standards that require the application of professional expertise on technical issues.
- B. Type II. Type II reviews are based on clear, objective and nondiscretionary standards or standards that require the application of professional expertise on technical issues. The difference between Type I and Type II review is that public notification shall be issued for Type II decisions.
- C. Type III. Type III reviews require the exercise of discretion about nontechnical issues.
- D. Type IV. Type IV reviews require discretion and may be actions of broad public interest. Decisions on Type IV reviews are only taken after an open record hearing.”

The permit types are primarily differentiated by the amount of discretion and technical expertise that must be used in making permitting decisions. Type I and II permits are nondiscretionary and require the application of professional expertise on technical issues. Types III and IV permits require more discretion, with Type IV permits also being for larger, more impactful actions that are of broad public interest.

Together the permit type definitions and the review process establish a hierarchy wherein permit reviews requiring more discretion also have higher levels of public notice as well as opportunities for public comment and participation. Public notice is not required for Type I permits. Public notification posted in the CPD Weekly Permit Bulletin is required for Type II permits. More public notice is required for Type III and IV permits compared with Type II. The additional notice includes posting on site, mailing to addresses within 300 feet and, in some cases, publication in the Mercer Island Reporter. Type III and IV permits also have a 30-day public comment period. Type IV permits require a public hearing.

#### **ALTERNATIVE A – AMEND MICC 19.15.030 – LAND USE REVIEW TYPES**

On December 15, the Planning Commission proposed amending the land use review types for Seasonal Development Limitation Waivers (SDLWs) and Final Short Plats from Type I to Type II. Increasing the land use review type from Type I to Type II would require SDLWs and Final Short Plats to be listed on the CPD Weekly Permit Bulletin. This would add more review time to these land use review actions. Please see the December 9, 2021 staff report for additional discussion of increasing the land use review type for SDLWs and Final Short Plats.

Alternative A would amend MICC 19.15.030 Land use review types, Table A as follows. The full text of MICC 19.15.030 with amendments to Table A is provided in Attachment A, page 2, line 2.

**MICC 19.15.030 - Land use review types, Table A.**

Table A. Land Use Review Type			
Type I	Type II	Type III	Type IV
<ul style="list-style-type: none"> <li>• Home business</li> <li>• <del>Seasonal development limitation waiver</del></li> <li>• Nonmajor single-family dwelling building permits</li> <li>• Tree removal permit</li> <li>• Right-of-way permit</li> <li>• Special needs group housing safety determination</li> <li>• Tenant improvement/change of use</li> <li>• Shoreline exemption <sup>1</sup></li> <li>• Critical area review 1</li> <li>• <del>Final short plat</del></li> <li>• Temporary commerce on public property</li> <li>• Site development permits</li> <li>• Transportation concurrency certificate</li> </ul>	<ul style="list-style-type: none"> <li>• Modified wireless communication facilities (6409 per 47 CFR 1.40001)</li> <li>• Lot line revision</li> <li>• Setback deviations</li> <li>• Final plat <sup>2,3</sup></li> <li>• Code official design review</li> <li>• Accessory dwelling unit</li> <li>• Parking modification <sup>7</sup> (reviewed by city engineer)</li> <li>• Small wireless facility deployment</li> <li>• <u>Seasonal development limitation waiver</u></li> <li>• <u>Final short plat</u></li> </ul>	<ul style="list-style-type: none"> <li>• New and modified wireless (non-6409) eligible facility</li> <li>• SEPA threshold determination</li> <li>• Critical area review 2</li> <li>• Public agency exception</li> <li>• Temporary encampment <sup>4</sup></li> <li>• Short plat alteration and vacations</li> <li>• Preliminary short plat</li> <li>• Development code interpretations</li> <li>• Major single-family dwelling building permit <sup>5</sup></li> <li>• Shoreline substantial development permit <sup>1</sup></li> <li>• Shoreline revision (substantial development) <sup>1</sup></li> </ul>	<ul style="list-style-type: none"> <li>• Preliminary long plat approval</li> <li>• Conditional use permit</li> <li>• Variance</li> <li>• Critical areas reasonable use exception</li> <li>• Long plat alteration and vacations</li> <li>• Parking modifications <sup>7</sup> (reviewed by design commission)</li> <li>• Variance from short plat acreage limitation</li> <li>• Wireless communication facility height variance</li> <li>• Planned unit development</li> <li>• Design commission design review</li> <li>• Permanent commerce on public property</li> <li>• Shoreline conditional use permit (SCUP) <sup>6</sup></li> <li>• Shoreline variance <sup>6</sup></li> <li>• Shoreline revision (variance and SCUP)</li> </ul>

1 Appeal will be heard by the shorelines hearings board.

2 Decision is made by city council after discussion at a public meeting.

3 A notice of decision will be issued for a final long plat.

4 A public meeting is required.

5 Major single-family dwelling building permits are subject only to the notice of application process. A notice of decision will be provided to parties of record.

6 Hearing examiner will forward a recommendation to the Washington State Department of Ecology for Ecology's decision.

7 Parking modifications are issued pursuant to the provisions of MICC 19.11.130.

#### **ALTERNATIVE B – PROGRAMMATIC SOLUTION**

On December 15, the Planning Commission proposed a programmatic alternative for providing additional notice without amending MICC 19.15.030. This alternative would add links to online electronic permit records to the CPD Weekly Permit Bulletin. In addition to links, staff proposes adding instructions for searching online building permit records available at [www.mybuildingpermit.com](http://www.mybuildingpermit.com). An example of the CPD Weekly Permit Bulletin with search instructions and placeholders for links is provided in Attachment B.

##### Mybuildingpermit.com Search

Electronic permit records are publicly available at <https://permitsearch.mybuildingpermit.com/>. The online records are updated as soon as an application is entered into the CPD electronic permit system. Staff proposes adding instructions for searching permit records to the CPD Weekly Permit Bulletin, as shown in Attachment B. Through mybuildingpermit.com, anyone can see all permits that have been applied for, issued, or finalized within a given date range.

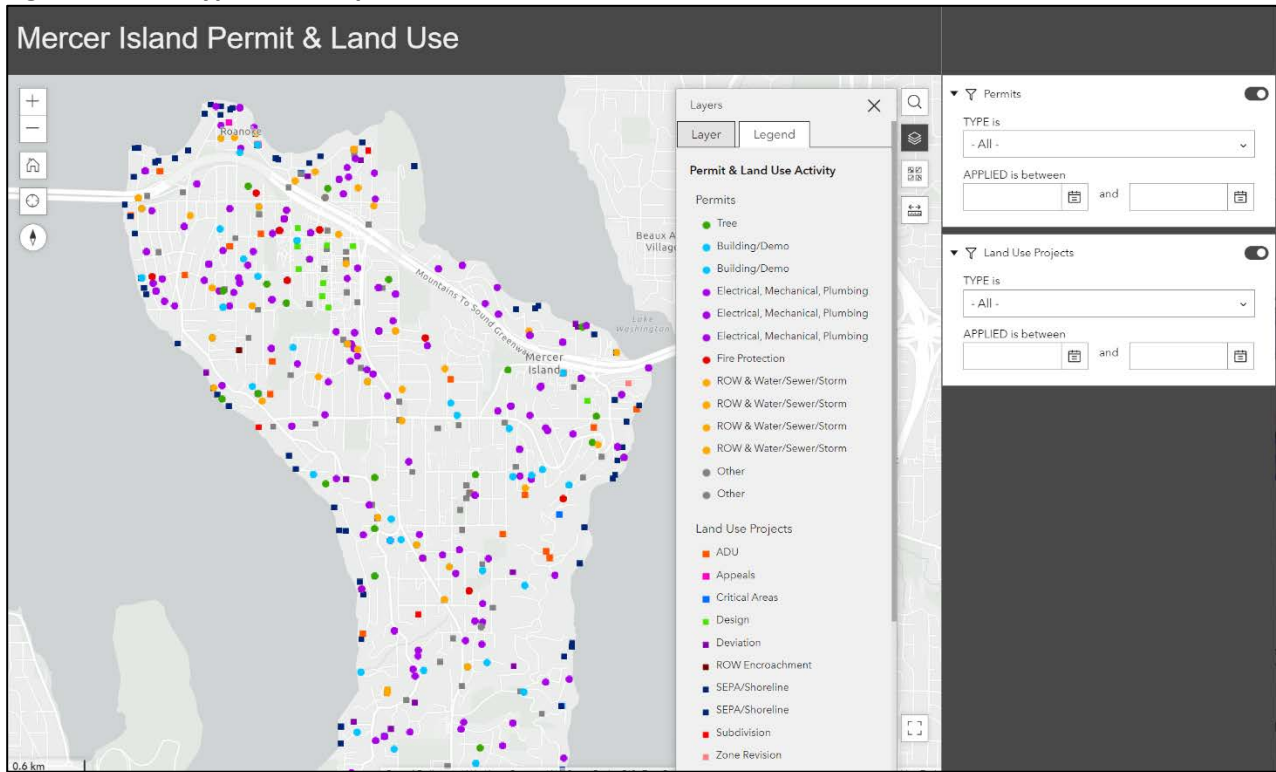
One of the ideas the Planning Commission proposed on December 15 was creating links that would go directly to a specific search on mybuildingpermit.com (i.e. tree permits issued in the last week). Staff explored this option with City IT staff. Unfortunately, creating a link to a specific search on mybuildingpermit.com is not possible at this time given the way the search function is built on the website. This functionality might be available in the future but is unavailable at present.

##### Permit Web Map

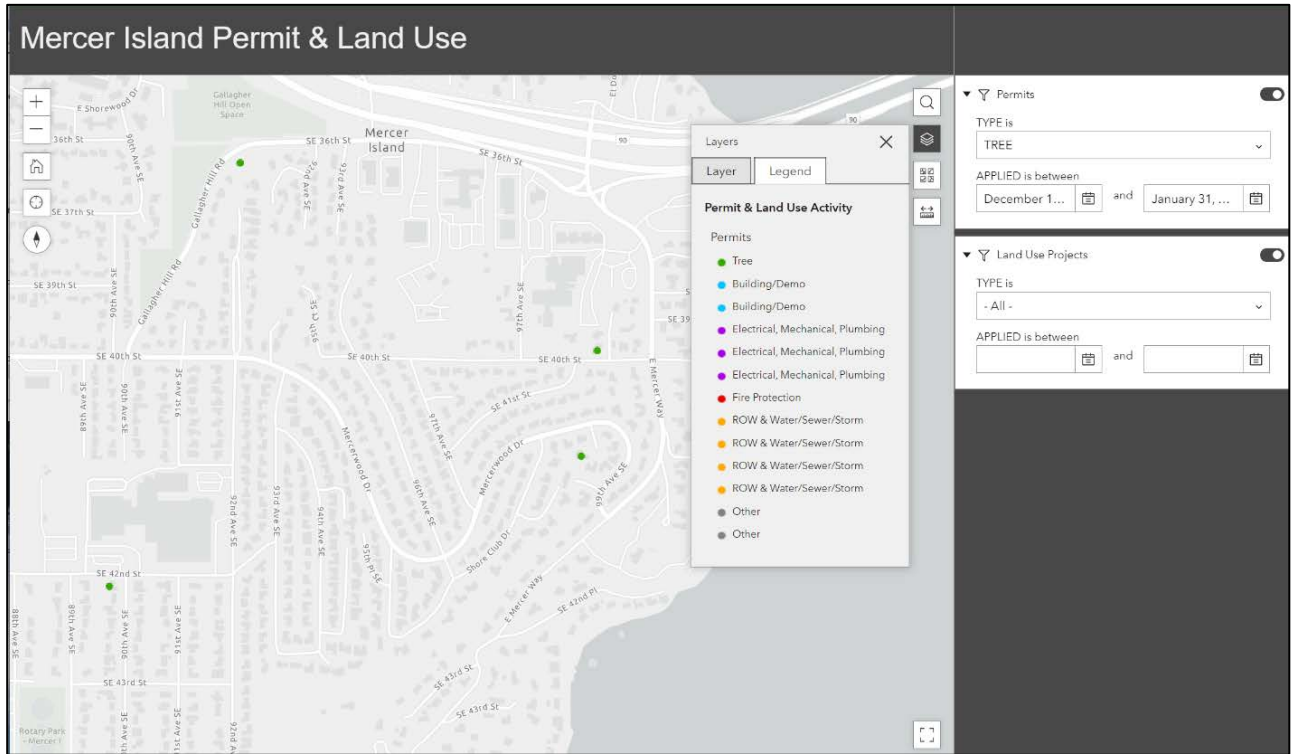
When CPD staff met with City Information and Geographic Services (IGS) staff to discuss links to a fixed mybuildingpermit.com search, IGS staff proposed an alternative of creating a web map showing permit applications by type, status, and location. After the meeting, IGS staff created a prototype web map for searching permit applications. The web map would provide a search interface that is easier to use than mybuildingpermit.com and give the public the option to search by location. Furthermore, the permit data displayed on the web map is pulled from the same electronic permit data source as mybuildingpermit.com, meaning the permit information shown is updated as new permits are entered into the system. If the Planning Commission recommends Alternative B, a finished web map would be made available online and a link to the web map would be added to the CPD Weekly Permit Bulletin.

Figure 1 shows the initial view of the prototype web map. The colored dots on the map show different land use and building permit applications throughout the City. Each color represents a different type of permit. Clicking on any dot brings up a window with the pertinent permit information (see Figure 3). The search fields on the right allow the user to filter the dots shown on the map by permit type and application date.

Figure 1. Prototype Web Map Initial View.



**Figure 2. Prototype Web Map Search Example.**





**Figure 3. Prototype Web Map Permit Pop Up Example.**

Permits: 4215 MERCERWOOD DR	
PERMIT NO	2201-033
STATUS	IN REVIEW
ADDRESS	4215 MERCERWOOD DR
TYPE	TREE
SUBTYPE	TREE PROTECTION
APPLIED	January 5, 2022
DESCRIPTION	Tree Protection City Tree

Zoom to

If Alternative B resolves this docket request, staff will finish building the permit web map and create a version for the public to use. One advantage of using a programmatic response is that amending the web map can be done as needed to make it a more useful tool. The programmatic response has the added advantage of being automated moving forward. In other words, once the web map is built it will automatically pull from the City's electronic permit records without requiring constant ongoing staff maintenance to keep it up to date.

Combining the permit web map and adding instructions for searching mybuildingpermit.com to the CPD Weekly Permit Bulletin will accomplish the goal of making permit information more widely available without requiring any changes to the City Code.

Alternative B is the staff recommended alternative.

#### **ALTERNATIVE C – NO CHANGE**

The Planning Commission is not required to amend MICC 19.15.030. All five land use review actions would remain as currently typed if MICC 19.15.030 is not amended.

#### **STAFF RECOMMENDATION**

**Staff recommends Alternative B.** The programmatic solution is an effective way to disseminate information about land use review actions without substantially increasing the amount of time committed to the review of routine land use review actions like SDLWs, Final Short Plats, and Tree Removal Permits. Combining the permit web map and instructions for searching mybuildingpermit.com to the CPD Weekly Permit Bulletin will accomplish the goal of making permit information more widely available without requiring any changes to the City Code. This is preferable to amending the code because the web map can be fine-tuned in the future to provide the pertinent information without requiring a legislative action such as amending the City Code. This approach utilizes the existing resource of electronic permit records to address the issue raised in the original docket proposal without an ongoing commitment of additional City resources.

19.15.030 - Land use review types.

There are four categories of land use review that occur under the provisions of the development code.

A. *Type I.* Type I reviews are based on clear, objective and nondiscretionary standards or standards that require the application of professional expertise on technical issues.

B. *Type II.* Type II reviews are based on clear, objective and nondiscretionary standards or standards that require the application of professional expertise on technical issues. The difference between Type I and Type II review is that public notification shall be issued for Type II decisions.

C. *Type III.* Type III reviews require the exercise of discretion about nontechnical issues.

D. *Type IV.* Type IV reviews require discretion and may be actions of broad public interest. Decisions on Type IV reviews are only taken after an open record hearing.

E. The types of land use approvals are listed in Table A of this section. The required public process for each type of land use approval are listed in Table B of this section.

F. *Consolidated permit processing.* An application for a development proposal that involves the approval of two or more Type II, III and IV reviews may be processed and decided together, including any administrative appeals, using the highest numbered land use decision type applicable to the project application. The following permits and land use reviews are excluded from consolidated review and approval:

1. Building permits associated with the construction of one or more new single-family dwellings on lots resulting from the final plat approval of a short subdivision or long subdivision.

2. Building permits associated with shoreline conditional use permits and shoreline variance.

3. Project SEPA reviews shall be processed as a Type III land use review.

4. When a review is heard by multiple decision bodies, the higher decision body will make the final decision, and the lower decision body will review the project at a public meeting and issue a recommendation that will be reviewed by the higher decision body. The higher decision body will either adopt the recommendation as part of the permit conditions, will remand the recommendation back to the lower body for further consideration, will amend the recommendation, or will deny adoption of the recommendation and will adopt their own permit conditions. The hierarchy of decision bodies is as follows, from highest to lowest:

a. City council;

b. Hearing examiner;

## c. Design commission.

Table A. Land Use Review Type			
Type I	Type II	Type III	Type IV
<ul style="list-style-type: none"> <li>• Home business</li> <li>• <del>Seasonal development limitation waiver</del></li> <li>• Nonmajor single-family dwelling building permits</li> <li>• Tree removal permit</li> <li>• Right-of-way permit</li> <li>• Special needs group housing safety determination</li> <li>• Tenant improvement/change of use</li> <li>• Shoreline exemption <sup>1</sup></li> <li>• Critical area review 1</li> <li>• <del>Final short plat</del></li> <li>• Temporary commerce on public property</li> <li>• Site development permits</li> <li>• Transportation concurrency certificate</li> </ul>	<ul style="list-style-type: none"> <li>• Modified wireless communication facilities (6409 per 47 CFR 1.40001)</li> <li>• Lot line revision</li> <li>• Setback deviations</li> <li>• Final plat <sup>2,3</sup></li> <li>• Code official design review</li> <li>• Accessory dwelling unit</li> <li>• Parking modification <sup>7</sup> (reviewed by city engineer)</li> <li>• Small wireless facility deployment</li> <li>• <u>Seasonal development limitation waiver</u></li> <li>• <u>Final short plat</u></li> </ul>	<ul style="list-style-type: none"> <li>• New and modified wireless (non-6409) eligible facility</li> <li>• SEPA threshold determination</li> <li>• Critical area review 2</li> <li>• Public agency exception</li> <li>• Temporary encampment <sup>4</sup></li> <li>• Short plat alteration and vacations</li> <li>• Preliminary short plat</li> <li>• Development code interpretations</li> <li>• Major single-family dwelling building permit <sup>5</sup></li> <li>• Shoreline substantial development permit <sup>1</sup></li> <li>• Shoreline revision (substantial development) <sup>1</sup></li> </ul>	<ul style="list-style-type: none"> <li>• Preliminary long plat approval</li> <li>• Conditional use permit</li> <li>• Variance</li> <li>• Critical areas reasonable use exception</li> <li>• Long plat alteration and vacations</li> <li>• Parking modifications <sup>7</sup> (reviewed by design commission)</li> <li>• Variance from short plat acreage limitation</li> <li>• Wireless communication facility height variance</li> <li>• Planned unit development</li> <li>• Design commission design review</li> <li>• Permanent commerce on public property</li> <li>• Shoreline conditional use permit (SCUP) <sup>6</sup></li> <li>• Shoreline variance <sup>6</sup></li> <li>• Shoreline revision (variance and SCUP)</li> </ul>

1 Appeal will be heard by the shorelines hearings board.

2 Decision is made by city council after discussion at a public meeting.

3 A notice of decision will be issued for a final long plat.

4 A public meeting is required.

## MICC 19.15.030 with Alternative A Amendments

5 Major single-family dwelling building permits are subject only to the notice of application process. A notice of decision will be provided to parties of record.

6 Hearing examiner will forward a recommendation to the Washington State Department of Ecology for Ecology's decision.

7 Parking modifications are issued pursuant to the provisions of MICC 19.11.130.

Table B. Review Processing Procedures

	Type I	Type II	Type III	Type IV
	No Notice of Application No Notice of Decision Code Official	Public Notification No Notice of Application No Notice of Decision Code Official	Notice of Application Notice of Decision Code Official	Notice of Application Public Hearing Notice of Decision Hearing Examiner/Design Commission
Preapplication meeting required	No	No	Yes	Yes
Letter of completion (within 28 days)	No	No	Yes	Yes
Public Notification	No	Yes	No	No
Notice of Application (mailing and posting)	No	No	Yes	Yes

Table B. Review Processing Procedures				
	Type I	Type II	Type III	Type IV
Public Comment Period	None	None	30 days	30 days
Public Hearing (open record pre-decision)	No	No	No	Yes
Notice of Decision	Code Official	Code Official	Code Official	Hearing Examiner <sup>2</sup> or Design Commission
Notice of Decision	No	No	Yes	Yes
Appeal Authority	Hearing Examiner <sup>1</sup>	Hearing Examiner or Design Commission (code official design review)	Hearing Examiner	Superior Court or Shoreline Hearings Board (shoreline permits)

1 Appeals of final short plat approvals shall be to superior court. Appeals of shoreline exemptions shall be to the shoreline hearings board.

2 The hearing examiner will provide a recommendation to ecology for decisions on shoreline conditional use permits and shoreline variances.

# CITY OF MERCER ISLAND

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## WEEKLY BULLETIN FREQUENTLY ASKED QUESTIONS

### IF I OBJECT TO THE PROPOSED WORK, HOW CAN I COMMENT?

There are criteria in the MICC for which the application is reviewed. If the proposal meets the criteria required by City Code, the City must approve the permit. If the proposal does not meet the criteria, the applicant is notified and has the option to revise the proposed design. If you provide comments within the specified comment period, they will be forwarded to the appropriate reviewer, and you will become a party of record. Written comments can specifically address how the proposed work does not meet one or more of the criteria listed in the Applicable Development Regulations. The City will accept public comments at any time prior to the closing of the record of an open record predecision hearing, if any, or if no open record predecision hearing is provided, prior to the decision on the project land use review.

### WHAT ARE THE CRITERIA FOR APPROVAL OF A PERMIT?

The criteria for review of a permit are found within the Mercer Island City Code and are listed in the Applicable Development Regulations section of the bulletin. Here is a link to the City Code. Please feel free to call or email the staff contact listed on the front of the notice, and we will be happy to discuss the review process in more detail.

### WILL THERE BE A PUBLIC HEARING ON THIS APPLICATION?

Public Hearings are only required for Type 4 permits. For a list of Type 4 (IV) permits, please refer to MICC 19.15.030 Table A. The public bulletin for each project will state under the Public Hearing section if a hearing is required.

### WHO CAN I CONTACT TO GET MORE INFORMATION?

The contact information for the planner assigned to each specific project is listed on the bottom of the first page of each notice. You can call or email the planner assigned to the project using the provided contact information. You can also call the "Planner helpline" for zoning related questions at 206-275-7729. Additional resources available on-line include:

<http://www.mercergov.org/>: Staff directory, city regulations, and additional information about permits

<http://www.mybuildingpermit.com>: Follow the status of a specific permit by address or permit number

[Mercer Island Map Portal](#): A tool to search for site-specific information

### I WANT TO ACCESS AND REVIEW SPECIFIC PROJECT DOCUMENTS.

Please click on the associated link under "Project Documents" on each Public Notice to access the folder with the project documents associated with the application. The project documents available through this link contain most, but may not contain all the publicly available information for each project. For example, when a project is updated with a different project design, older designs may be removed from the public folder to avoid confusion. Each folder will be updated when there is a project revision.

## I WANT TO LEARN MORE ABOUT SEPA

### What is SEPA?

SEPA is an acronym for the State Environmental Policy Act and is a review that is intended to act as a “safety net” in protecting the environment. Following SEPA review, the City must issue a determination of Significance, Non Significance, or a Mitigated Determination of Non Significance. Applicants for a SEPA review must complete a SEPA [checklist](#), and may need to prepare additional mitigation to avoid a “probable significant impact” to the environment.

### When is a project SEPA exempt?

The state Department of Ecology establishes categorical exemptions to SEPA review, which are generally described here: [WAC 197-11-800](#). For example, a shoreline dock may be SEPA exempt if the dock was legally established and normal maintenance and repair is proposed. However, SEPA is required if the dock will expand or if a new dock is being built.

### Where can I find more information?

Please check out the Washington State Department of Ecology SEPA [website](#) and the SEPA [handbook](#). Another useful page is the SEPA form templates found [here](#).

## I APPRECIATE RECEIVING THESE NOTICES. HOW DO I AUTOMATICALLY GET A COPY OF ALL PUBLIC NOTICE OF APPLICATIONS AND DECISIONS?

Simply send us an e-mail request and we will email a link to any future notice of applications and decisions that are published in the city’s Weekly Permit Bulletin. Currently, the request can be sent to [andrea.larson@mercerisland.gov](mailto:andrea.larson@mercerisland.gov).

## I WOULD LIKE TO SEARCH PERMIT RECORDS ONLINE.

Not all land use review actions are required to be posted in the weekly permit bulletin. Those land use review actions that are not listed in this bulletin can be searched online using the Mercer Island Online Permit Record Map or [www.mybuildingpermit.com](http://www.mybuildingpermit.com). Please follow these instructions for searching online records.

### Mercer Island Online Permit Record Map

The link below will direct you to the Mercer Island Online Permit Record Map. The permit data displayed on the web map is pulled directly from the City’s electronic permit data, meaning the permit information shown is updated as new applications are entered into the system. Instructions for using the search features on the map can be viewed by clicking the information button on the map.

The information button is at the bottom of the map and looks like this:



**Mercer Island Online Permit Record Map:** <LINK>

### MyBuildingPermit.com Project Search

Online permit records can be searched at <https://permitsearch.mybuildingpermit.com/>. Searching online permit records only takes the following steps:

1. Select "Mercer Island" from the jurisdiction dropdown menu.
2. Click on the "Project Info" tab at the top of the search page.
3. The "Project Name/Description" field is optional. It can be left blank unless searching for a specific project.
4. Select the permit type you would like to search for from the "Permit Type" dropdown. For example, tree removal permits are listed under the "Tree" type.
5. The "Permit Status" field can narrow searches by the status. This field is optional. "Permit Status" can be left blank unless searching for a specific project.
6. Use the "Date Type" to limit your search to permits either "applied", "issued", or "finalized". Use the "Applied" option to search for permits that are still in review. Use the "Issued" option to see permits that have been issued; these permits have been approved. The "Finalized" option will show permits that have had a final inspection and approval. Please note: not all permits will be finalized, only those requiring a final inspection will be finalized. For example, tree removal permits don't always require a final inspection and so may not show up as finalized.
7. Use the "From" and "To" fields to define the dates you want to search between.
8. After the search is conducted, results will display below the search fields. You have the option of downloading the records to an Excel spreadsheet.

**Permit/Application Status Search**

Jurisdiction:\*  **Step 1** \* - Indicates a required field

Search by: Permit # **Project Info** **Step 2** Location People

Project Name/Description (partial match):  **Step 3**

Permit Type:  **Step 4**

Permit Status:  **Step 5**

Date Type:  **Step 6**

From:  **Step 7**

To:

\* Jurisdiction is a required field

**Step 8**

Permit #	Description	Address	Type	Status	Applied Date
▶ 2109-169	REMOVE 1 TREE rpl w 2 trees/r...	4126 100TH AVE SE	TREE	ACTIVE	09/22/2021
▶ 2112-066	Remove 1 Tree rpl w 3 Trees	8937 SE 56TH ST	TREE	ACTIVE	12/07/2021
▶ 2112-118	REMOVE 1 TREE rpl w 2 Trees	4215 HOLLY LN	TREE	ACTIVE	12/13/2021
▶ 2112-251	REMOVE 6 TREES rpl w 8 restor...	3606 GALLAGHER HILL RD	TREE	ACTIVE	12/29/2021

Total: 4 records



# CITY OF MERCER ISLAND

## COMMUNITY PLANNING & DEVELOPMENT

9611 SE 36TH STREET | MERCER ISLAND, WA 98040

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## PLANNING COMMISSION

**To:** Planning Commission

**From:** Jeff Thomas, Interim Director  
Sarah Bluvas, Economic Development Coordinator

**Date:** February 16, 2022

**RE:** ZTR21-004 Town Center Commercial Requirements

**Exhibits:**

1. MICC 19.11.020(B) Proposed Code Amendments v(6) – CLEAN version
2. Presentation Slides – 02.16.22
3. Outreach Feedback – UPDATED as of 02.10.22
4. Planning Commissioner Comments Matrix – UPDATED as of 02.10.22

### SUMMARY

In June 2020, the City Council placed a moratorium on major new construction in the southeast corner of the Town Center zoning designation. Over the last 12 months the City Council has engaged in a discussion on how to retain and expand commercial space in the Town Center.

On December 7, 2021, the City Council remanded this matter back to the Planning Commission and directed staff to work with the Commission to review additional amendments proposed for Mercer Island City Code (MICC) 19.11.020(B) as well as to make a recommendation on eligible use definitions and other Council requests related to visual and performing arts centers.

Tonight, the Planning Commission will conduct a public hearing on the proposed amendments to MICC 19.11.020(B) and then deliberate and vote on a recommendation to send to the City Council. The proposal would repeal and replace MICC 19.11.020(B) and modify one or more definitions contained in MICC 19.16.010.

### BACKGROUND

The current Town Center development regulations were established in June 2016. Per the current code, major new development located north of SE 29<sup>th</sup> Street in the Town Center must provide ground floor street frontage commercial space for use by retail, restaurant, or personal services (e.g. barber shop, nail salon, fitness center, etc.). Between 40 and 60 percent of the ground floor street frontage north of SE 29<sup>th</sup> Street must be designed for retail, restaurant, or personal services; 40 percent is required for those major new developments that provide public parking, while 60 percent is required for those developments that do not provide public parking. Commercial space is allowed, but not required, south of SE 29<sup>th</sup> Street in the Town Center zoning designation ("TC zone").

In June 2020, the City Council enacted a moratorium on major new construction generally in the southeast quadrant of the TC zone. This moratorium was intended to temporarily prevent submittal of development applications while the City considers potential updates and/or amendments to development regulations within the Town Center, including requirements for ground-floor retail use and for preserving existing commercial square footage in the TC zone. The City Council cited the goal of protecting and expanding Mercer Island's retail sector to maintain and improve the community's quality of life and emergency preparedness as primary drivers for enacting the moratorium.

Since enacting the moratorium, City staff, the City Council, the Planning Commission, and consulting firm Community Attributes, Inc., participated in several discussions to present findings and arrive at a proposal to amend MICC 19.11.020(B), including 11 City Council meetings and four Planning Commission meetings. The Planning Commission held the required Public Hearing on the proposal on November 3, 2021, and ultimately recommended in a 5-1 vote to not approve the proposed amendments as presented. The City Council reviewed the proposed amendments on November 16 and December 7, 2021, amended the proposal, and voted 7-0 to remand the matter back to the Planning Commission. (See complete legislative history at the end of this memo.)

The revised proposal is attached as **Exhibit 1**. On January 26, 2022, staff conducted a working session with the Planning Commission to review and ask questions about the following:

- Revising the proposed commercial floor area (FAR) and no net loss provisions to a “greater of the two” requirement for parcels identified in an updated Figure 3 in the proposal (proposed by City Council on November 16, 2021);
- Adding visual and performing arts venues to the list of eligible uses adjacent to street frontage (proposed by City Council on November 16, 2021);
- Adding an evaluation trigger of five years after the date of adoption or at which time 75,000 of commercial space has been authorized through Building Permit issuance (proposed by City Council on November 16, 2021);
- Reconciling definitions for other eligible uses adjacent to street frontage using definitions from MICC 19.16.010 (directed by City Council on December 7, 2021);
- Exempting visual and performing arts venues from the 60' contiguous linear street frontage maximum (directed by City Council on December 7, 2021); and
- Establishing a 5,000-square foot cap for visual and performing arts uses that can be applied to the commercial FAR or not net loss requirement (directed by City Council on December 7, 2021).

Additionally, Commissioners raised items that should be considered as part of the deliberation tonight, including:

- Clarifying that the proposed commercial FAR/no net loss requirement applies to ground floor uses adjacent to street frontage; and
- Expanding the list of eligible uses for satisfying the proposed commercial FAR/no net loss requirement.

Finally, staff recommend also considering adding code language related to allowing driveways, service and truck loading areas, parking garage entrances, and lobbies to the proposal; this language was unintentionally omitted from the drafting of the proposed code language.

### Process for Deliberation

Tonight, staff will conduct a thumbs up/thumbs down exercise of each item detailed above. Items that receive a majority thumbs up from the Planning Commission will then be deliberated before voting on a recommendation to send to the City Council. The presentation to guide the deliberation process is attached as **Exhibit 2**.

### Public Outreach on ZTR21-004

In preparation for the Public Hearing, City staff have conducted the following outreach:

- Bulletin Notice: January 10, 2022
- Published in *Mercer Island Reporter*: January 12, 2022
- Posted on City Website and Planning Commission Calendar: January 13, 2022
- Mailed (700+ addressees) and Posted On-Site: January 14, 2022
- Targeted outreach to Town Center commercial property owners and managers: Ongoing
- Business E-mail List: January 28, 2022

Staff have provided relevant feedback from this outreach in the comments matrix attached as **Exhibit 3** and e-mailed to the Commission on February 9, 2022.

### NEXT STEPS

The Planning Commission will conduct a Public Hearing on the proposed amendments to MICC 19.11.020(B) tonight and then deliberate and vote on a recommendation to send to the City Council. Options for a recommendation are as follows:

1. Recommend approval of the proposed amendments to MICC 19.11.020(B) as presented;
2. Recommend approval of the proposed amendments to MICC 19.11.020(B) as presented and amended by the Planning Commission;
3. Recommend denial of the proposed amendments to MICC 19.11.020 (B); or
4. Recommend no action on the proposed amendments to MICC 19.11.020(B) and remand back to staff for further work as specified.

The City Council is scheduled to receive and consider the recommendation(s) of the Planning Commission on the proposed amendments to MICC 19.11.020(B) at its regular meeting on March 15, 2022.

### EXHIBITS

1. MICC 19.11.020(B) Proposed Code Amendments v(6) – CLEAN version
2. Presentation Slides – 02.16.22
3. Outreach Feedback – UPDATED as of 02.11.22
4. Planning Commissioner Comments Matrix – UPDATED as of 02.11.22

### LEGISLATIVE HISTORY

- June 2, 2020: The City Council passed [Ordinance No. 20-12](#), which established a 6-month moratorium on major new construction south of SE 29<sup>th</sup> Street in the TC zoning designation. The City Council indicated that the City desired to possibly complete updates and/or amendments to development regulations within the Mercer Island Town Center, including requirements for various types of commercial space.
- July 21, 2020: The City Council completed the required Public Hearing for Ordinance No. 20-12 on the Town Center Moratorium and directed staff to prepare an amended interim Ordinance reducing the size of the geographic area subject to moratorium and include additional findings of fact.

- September 1, 2020: The City Council adopted [Ordinance No. 20-18](#) with a reduced size of the geographic area subject to moratorium and included additional findings of fact. Additionally, the City Council provided direction to staff to prepare a scope of work for a Town Center commercial analysis to inform options for resolving the moratorium and a corresponding budget appropriation request.
- November 17, 2020: The City Council completed the required Public Hearing and adopted [Ordinance No. 20-26](#) renewing the moratorium for another 6-month period with its current geographic area as previously amended.
- December 1, 2020: The City Council adopted [Ordinance No. 20-29](#), the 2021-22 Biennial Budget. Included in the budget is a \$50,000 one-time appropriation for qualified professional services to perform a Town Center commercial analysis and support the completion of any necessary updates and/or amendments to development regulations within the Mercer Island Town Center to be responsive to the moratorium. The City Council also approved [Resolution No. 1594](#), establishing the 2021 docket for amendments to the Comprehensive Plan and development regulations. Included in the docket is a placeholder for amending the Town Center Sub-Area Plan and corresponding development regulations as necessary to be responsive to the moratorium.
- April 6 and 20, 2021: The City contracted with the firm Community Attributes, Inc. (CAI) to analyze the demand for additional ground floor commercial uses and the feasibility of requiring such uses in new buildings. On April 6, the City Council received a presentation on the findings of this analysis and commenced discussion ([AB 5841](#) and [associated presentation](#)). Further City Council discussion ensued on April 20, and the Council directed staff to complete additional analysis and to research legislative options in addition to a “no net loss” option.
- May 4, 2021: The City Council completed the required Public Hearing and adopted [Ordinance No. 21-09](#) renewing the moratorium for another 6-month period with its current geographic area as previously amended.
- July 6, 2021: Staff presented a number of legislative options to City Council ([AB 5910](#) and [associated presentation](#)). Council provided further direction to review and propose:
  - Updates to [MICC 19.11.020\(B\)](#) Retail Use Required Adjacent to Street Frontages;
  - A new TC commercial Floor Area Ratio (FAR) requirement; and
  - The applicability of a new TC “no net loss” requirement.
- September 21, 2021: The City Council directed staff to work with the Planning Commission to develop the necessary code amendments to [MICC 19.11.020\(B\)](#), including updating [MICC 19.11.020\(B\)](#) Figure 2 Retail Use Required Adjacent to Street Frontages; instituting a Town Center Commercial FAR requirement; and adding a selective “No Net Loss” provision ([AB 5933](#) and [associated presentation](#)).
- September 22, and October 20, 2021: Staff presented the necessary code amendments to implement the City Council direction to the Planning Commission for review and comment. (Video recordings: [September 22](#) and [October 20](#))
- November 3, 2021: The Planning Commission completed the required Public Hearing, deliberated the proposed amendments, and voted 5-1 on a recommendation to send to the City Council to not adopt the proposed amendments on November 16. ([Video recording](#))
- November 16, 2021: The City Council adopted [Ordinance No. 21C-27](#), which renews the moratorium for an additional 6-month period with its current geographic area as previously amended ([AB 5976](#)), held the required Public Hearing, and conducted the first reading of Ordinance No. 21C-28 ([AB 5977](#)).
- December 7, 2021: The City Council conducted the second reading of Ordinance No. 21C-28 and remanded the ordinance back to the Planning Commission for a new public hearing and recommendation ([AB 5985](#)).

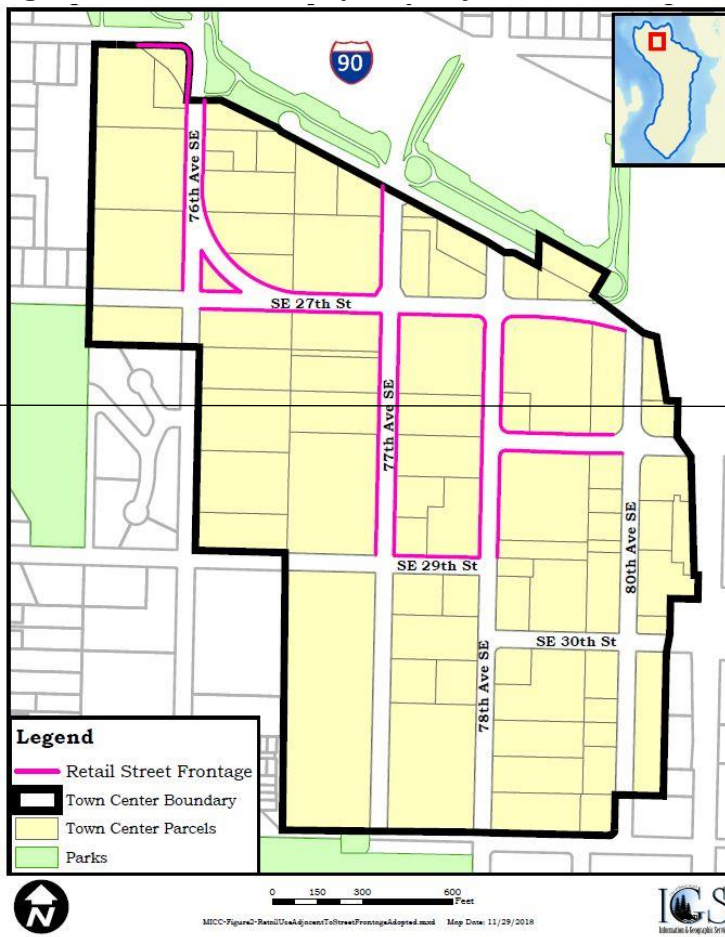
- January 26, 2022: Staff conducted a working session with the Planning Commission on amendments proposed by the City Council and additional work directed by the Council. ([Video recording](#))

**MICC 19.11.020(B) is proposed to be repealed in its entirety.**

~~B. *Required ground floor uses.* Retail, restaurant or personal service uses are required along retail street frontages as shown on Figure 2.~~

- ~~1. If public parking is provided pursuant to MICC [19.11.130](#)(B)(5), then the following applies:~~
  - ~~a. A minimum of 40 percent of the ground floor street frontage shall be occupied by one or more of the following permitted uses: retail, restaurant, and/or personal service use.~~
  - ~~b. A maximum of 60 percent of each ground floor street frontage can be occupied by the following uses: hotel/motel, personal service, public facility, or office.~~
  - ~~c. Driveways, service and truck loading areas, parking garage entrances and lobbies shall not be included in calculating the required percentages of ground floor use.~~
- ~~2. If public parking is not provided pursuant to MICC [19.11.130](#)(B)(5), then the following applies:~~
  - ~~a. A minimum of 60 percent of the ground floor street frontage shall be occupied by one or more of the following permitted uses: retail, restaurant, and/or personal service use.~~
  - ~~b. A maximum of 40 percent of each ground floor street frontage can be occupied by the following uses: hotel/motel, personal service, public facility, or office.~~
  - ~~c. Driveways, service and truck loading areas, parking garage entrances and lobbies shall not be included in calculating the required percentages of ground floor use.~~
- ~~3. No use shall occupy a continuous linear street frontage exceeding 60 feet in length. The design commission may approve up to an additional six feet in length if the use incorporates a feature to promote pedestrian activity, including but not limited to: an additional pedestrian entrance onto a sidewalk or through block connection, or additional ten percent transparency beyond the requirement of MICC [19.11.100](#)(B)(1)(b).~~
- ~~4. The minimum required depth of storefronts along retail street frontages is 16 feet.~~

**Figure 2 — Retail Use Required Adjacent To Street Frontages**



**A new MICC 19.11.020(B) is proposed as follows:**

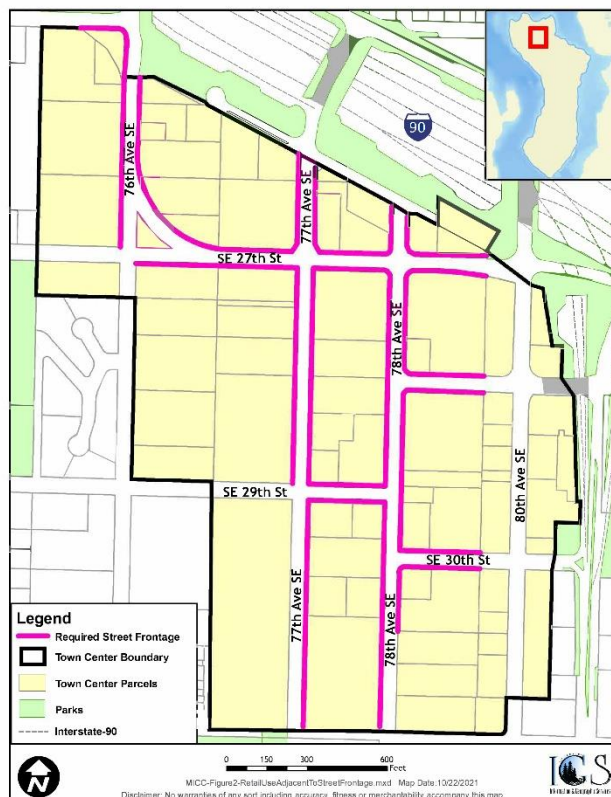
**B. Required Street Frontage Uses**

1. Retail, restaurant and/or personal service uses; museums and art exhibition uses; and/or theater uses as defined in MICC 19.16.010 and listed below are required adjacent to street frontages as shown on Figure 2.

**Definitions**

- a. *Museums and art exhibitions:* The exhibition of objects of historical, cultural, and/or educational value that are not offered for sale.
- b. *Personal services:* A business that provides services relating to personal grooming and health. Uses include barber shops, hair stylists, spas, fitness centers and nail salons.
- c. *Restaurant:* An establishment where food and drink are prepared and consumed. Such establishment may also provide catering services.
- d. *Retail use:* An establishment engaged in selling goods or merchandise and rendering services incidental to the sale of such goods.
- e. *Theaters:* Establishments primarily engaged in producing live presentations involving the performances of actors and actresses, singers, dancers, musical groups and artists, and other performing artists

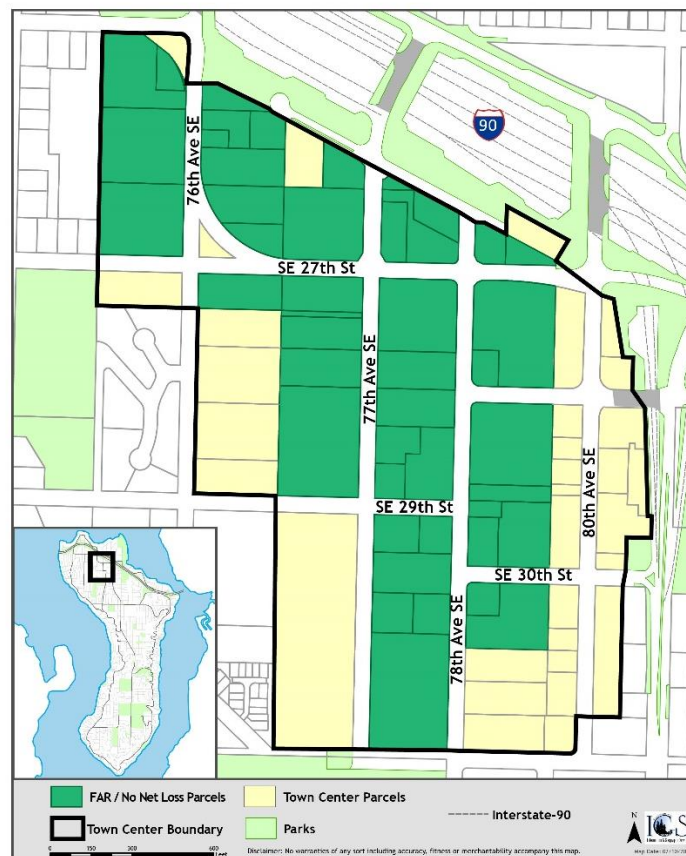
**Figure 2 Uses Required Adjacent to Street Frontages**





- a. No use shall occupy a continuous linear street frontage exceeding 60 feet in length, with the exception of museum and art exhibition and/or theater uses. The design commission may approve up to an additional six feet in length if the use incorporates a feature to promote pedestrian activity, including but not limited to: an additional pedestrian entrance onto a sidewalk or through-block connection, or additional 10 percent transparency beyond the requirement of MICC [19.11.100\(B\)\(1\)\(b\)](#).
  - b. The minimum required depth of uses along street frontages is 16 feet.
2. The identified parcels as shown on Figure 3 are required to provide a minimum Floor Area Ratio (FAR) equivalent to 0.2623 of the gross lot area as provided by King County or a no net loss of existing floor area on the effective date of this Ordinance, whichever is greater, for retail, restaurant and/or personal service uses; museum and art exhibition uses; and/or theater uses adjacent to street frontages upon redevelopment. For the purposes of determining redevelopment, the value of redevelopment shall be an amount equal to or greater than 50% of the current total assessed improvement value as determined by King County.

**Figure 3 – Parcels Subject to FAR or No Net Loss Requirement for Required Street Frontage Uses**



- a. When a FAR calculation results in a fraction, the fraction shall be rounded to the nearest whole number as follows:
  - i. Fractions of 0.50 or above shall be rounded up to the closest whole number; and
  - ii. Fractions below 0.50 shall be rounded down to the closest whole number.
- b. Each individual museum and art exhibition use as well as theater use shall be limited to a contributing cap of 5,000 square feet towards the achievement of the total minimum FAR requirement for the corresponding site. For example, a site with a minimum FAR requirement of 20,000 square feet may only have one of these identified uses contribute a maximum of 5,000 square feet towards the necessary minimum through a 1:1 contribution. The remaining 15,000 square feet must come from retail, restaurant and/or personal service uses as defined in MICC 19.16.
- c. A review of this requirement shall occur five (5) years from the date of Ordinance adoption or after 75,000 square feet of floor area for retail, restaurant and/or personal service uses; museum and art exhibition uses; and/or theater uses adjacent to street frontages has been authorized through Building Permit issuance.



# **ZTR21-004 Town Center Commercial Requirements**

**Planning Commission  
Special Video Meeting**

**February 16, 2022**

# Process for Deliberation

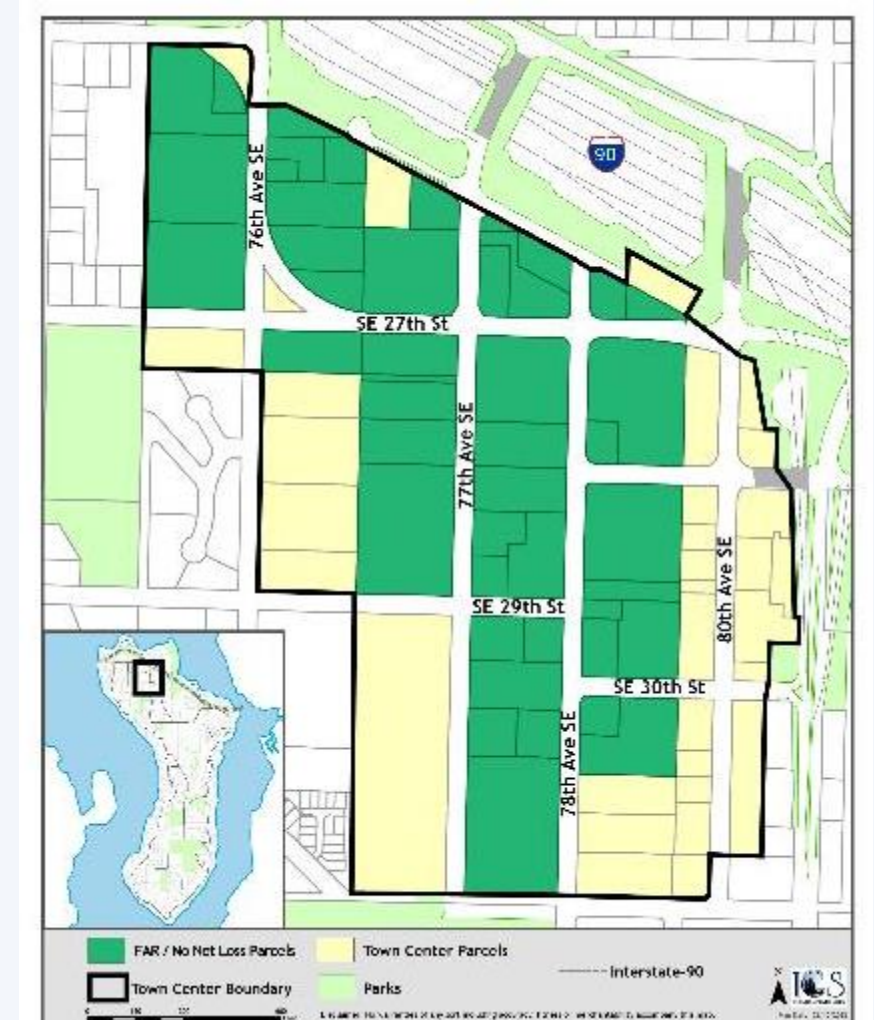
- Conduct a thumbs up/thumbs down process of each potential code item.
- Items that receive a majority “thumbs up” will be deliberated.
- After deliberating items, the Planning Commission will vote on a recommendation to transmit to the City Council.



# Items for Consideration

# Commercial FAR/No Net Loss Revisions

- The City Council proposed combining the commercial FAR and no net loss requirements into one “greater of the two” requirement.
- An updated Figure 3 (right) identifies the parcels that would be subject to this requirement.
- Does the Planning Commission support this revision?



# Expanding the List of Eligible Uses

- The City Council proposed adding visual and performing arts venues to the list of eligible uses adjacent to ground floor street frontages.
- Planning Commissioners have also expressed desire to expand the list of eligible uses.
- Does the Planning Commission support expanding the list of eligible uses adjacent to ground floor street frontages? If so, what uses should be included?\*\*

*\*\*Will determine specific uses if item receives a majority thumbs up from the Commission.*



# Evaluation Trigger

- The City Council proposed adding a trigger to evaluate these requirements. Per their proposal, these requirements would be reviewed:
  - Five years from the date of adoption; or
  - When 75,000 square feet of eligible commercial space has been authorized through Building permit issuance.
- Does the Planning Commission support adding a review mechanism to the code language?





# Visual and Performing Arts Venues

- The City Council directed the following related to visual and performing arts venue uses:
  - Add an exemption from the 60' contiguous linear street frontage maximum; and
  - Establish a 5,000-square foot cap for these uses that can be applied to the commercial FAR/no net loss requirement.
- If the Planning Commission supports adding visual and performing arts venues to the list of eligible uses, should those uses be exempted from the 60' contiguous linear street frontage maximum?
- If the Planning Commission supports adding visual and performing arts venues to the list of eligible uses, should the updated code language include a 5,000-square foot cap that can be applied to the commercial FAR/no net loss requirement for those uses?



# Clarifying Ground Floor Use

- The proposed requirements are intended to apply to ground floor use adjacent to street frontages. However, in discussion at the January 26 Commission meeting, it was raised that the actual code language is not clear related to that requirement.
- The existing code language states “required ground floor uses,” but that language was unintentionally omitted when the code drafted to replace MICC 19.11.020(B) was written.
- Does the Planning Commission support adding “ground floor” back to the code language to clarify the requirements?



# Permitting Driveways, Loading Areas, Parking Garage Entrances, and Lobbies

- The existing code includes language about how driveways, loading areas, parking garage entrances, and lobbies contribute to the street frontage requirements, but similar language was unintentionally omitted when the code drafted to replace MICC 19.11.020(B) was written.
- Does the Planning Commission support permitting driveways, loading areas, parking garage entrances, and lobbies on street frontages?



# Eligible Uses to Consider

Term	Definition in MICC 19.16.010
Bar	A premises used primarily for the sale or dispensing of liquor by the drink for on-site consumption and where food may be available for consumption on the premises as accessory to the principal use.
Financial and insurance services	Establishments primarily engaged in financial transactions and/or in facilitating financial transactions. Examples include banks, credit unions, stockbrokers, and insurance underwriters.
Healthcare services	Establishments providing outpatient health care services directly or indirectly to ambulatory patients. Examples include offices for doctors, dentists, optometrists, and mental health professionals. This use does not include medical and diagnostic laboratories.
Museums and art exhibitions	The exhibition of objects of historical, cultural, and/or educational value that are not offered for sale.
Personal services	A business that provides services relating to personal grooming and health. Uses include barber shops, hair stylists, spas, fitness centers and nail salons.
Professional, scientific, and technical services	Establishments that specialize in performing professional, scientific, and technical activities for others. These activities require a high degree of expertise and training and include legal services; accounting, bookkeeping, and payroll services; architectural, engineering, and specialized design services; computer services; consulting services; research services; real estate sales services; advertising services; photographic services; translation and interpretation services; veterinary services; and other professional, scientific, and technical services.
Recreation	In the Town Center, recreation includes a place designed and equipped for the conduct of leisure-time activities or sports.
Restaurant	An establishment where food and drink are prepared and consumed. Such establishment may also provide catering services.
Retail	An establishment engaged in selling goods or merchandise and rendering services incidental to the sale of such goods.
Service	An establishment primarily engaged in providing assistance as opposed to products. Examples include but are not limited to personal services, business, financial and insurance services, mortuary services, tailors, healthcare services, educational services, repair services, amusement services, membership organizations, and other professional, scientific, and technical services.
Service station	Establishments retailing automotive fuels (e.g., gasoline, diesel fuel, gasohol) and automotive oils. These establishments may also provide repair and maintenance services for automotive vehicles and/or convenience store retailing.
Theaters	Establishments primarily engaged in either (1) producing live presentations involving the performances of actors and actresses, singers, dancers, musical groups and artists, and other performing artists.

Log#	Repondent	Comments / Questions
001	Property owner	If you have a current use in place and that tenant sells their business, and the owner of the new business desires a 5-10 year lease extension (which may or may not be already provided for in the existing lease that is being assigned, and the use is not conforming with the Town Center amendments, are we able to provide the buyer with the lease extension (as a pre-existing use)?
002	Property owner	I have little concern with the requirements, including the minimum FAR. I do have concern with the frontage requirements, as 60' is quite restrictive. Not sure if anyone has raised this issue? I realize that the minimum depth required is 16', which is quite small. Our preferred target is a minimum of 30', but usually 40' to 45' (so that a 30' wide space would be 1,200 SF minimum), with a maximum of 50' to 60'. So, with a 60' wide space maximum, that would lead to a max space of 3,000 to 3,600 SF. I am understanding you want to target smaller, interesting, probably local restaurants and retailers? That makes sense and we have often done the same, turning down tenants such as Panera and Orange Theory in favor of local resaurants and other businesses. As an example, MM is 4,500 SF with 70' of frontage and P is 6,500 SF with closer to 100' of frontage (again, both are closer to 60' to 65' in depth). The only time we have ever done more is for CVS, where we were 100' deep. Which is also an interesting discussion. MI has a number of underutilized sites with larger tenants, many with longer leases, such as drug stores. With only 60' of frontage, you would need 200' or more of depth to accommodate these retailers, which is not realistic as it would be functional for only a bowling alley. So, that means either a site with a larger tenant could not be redeveloped until their lease expires, as I can't see them agreeing to an early termination unless you include them in the redevelopment. So, would the city prefer to not have that type of site redeveloped or should an exception be made? I expect the city doesn't want a downtown full of grocery and drug stores, but I also expect the residents do want to be able to go to drug or grocery stores. Hope that makes sense.
003	MI resident (economic development/planning professional)	<p>*Have you considered expanding the list of eligible uses? The use list seems too restrictive now.</p> <p>*Regarding theaters, have you considered that a theater could be setback with wrap-around retail street frontage in front?</p> <p>*Have you considered shortening the five-year review period to better ensure that the mechanisms are actually working? Five years seems a bit lengthy.</p>
004	Commercial leasing agent	<p>I have been the primary retail leasing agent for several of the mixed-use projects in the Town Center core for the past 17 years. My retail leasing projects have included Island Square, 77Central, Aviara, and Hadley.</p> <p>When I began leasing Island Square during its construction in 2005, Mercer Island had flexible regulations for the ground floor retail. We were able to lease the street level retail to a market-driven eclectic group of uses including restaurants and neighborhood services including banks, dental, real estate firms, a barber shop, nail salon, wine bar, and one fitness user (we now have 3 fitness users from re-tenanting). The street-level tenants were varied and essential businesses to serve the Downtown core and the surrounding neighborhoods. Shortly after the completion of Island Square, the regulations on the street-level uses became burdensome on leasing. Since the 60/40 rule put in place, the only viable businesses I can put in vacancies seem to be a few restaurants (when building infrastructure is in place and the parking restrictions imposed by the City allow for it) and, for the most part, fitness. We tried to put retail uses (Freshy's Market) and uses that serve more of a cultural niche with an events space at Aviara. Both concepts failed. Freshy's was re-tenanting with a yoga studio. At Hadley, we currently have Orange Theory Fitness, a Pilates studio, the yoga studio, and one restaurant – Mioposto. There was only enough building infrastructure to accommodate one restaurant which would be a reasonable amount of food for a 4-tenant project. We had several other tenants interested in the Freshy's space but, due to the restrictive use laws, the only tenant that was code compliant and a viable business was the yoga tenant.</p> <p>By amending the use restrictions as proposed by MICC 19.11.020 (B), the city will be sliding even further backwards in the activation and diversification of the street fronts in the Town Center. Since retail and cultural uses are rare as viable uses even in the strongest of retail markets, these additional restrictions will make an already extremely difficult leasing situation in Downtown Mercer Island even more dire. As a retail leasing expert, I ask that the City not make a difficult situation worse. This will very likely lead to unleaseable space, a lack of diversification in tenants, additional pressures on the current Town Center small businesses by bringing in more of the same uses, and vacant storefront. As it stands now with the 60/40 restrictions, my only options for viable leasing prospects are to personal services which are plentiful on the Island. The existing yoga, Pilates, fitness studios, and martial arts studios are doing their best at staying afloat. By limiting the options for tenants in the street fronts, the building owners of Downtown Mercer Island have no options but to further saturate the market with these redundant uses or let the spaces sit empty. Meanwhile, there are viable tenants who can serve as an important part of the community by bringing essential services, varied uses, and activation to the Town Center.</p> <p>Please, if anything, I would ask that the city rethink the limits that are already in place and make it easier for the building owners to make Downtown a livable and vibrant downtown.</p>

Dear Mercer Island Planning Commission,

February 10, 2022

My name is Tenley Tobin and I am a retired Architect (worked for Callison Architects, Sabey Corp., and Mulvaney G2) and the Trustee of the Alsin Family Trust which owns the Islandia Center in the Mercer Island Town Center, located on 78th Ave. SE and 30th Street. This property has been owned by my family since 1947 when my grandmother purchased the land, which originally included the Fire Station and the Post Office, in addition to other property including the corner lot where Corry's Dry Cleaner and MI Florist are located. In 1964, my grandmother demolished her house on this 1.28 acre property and built a commercial building for two large tenants: Islandia Furniture (owned by my father), and Mayfair Department Store. The square footage of the Islandia Center is 23,705 s.f., however, there is only approximately 200 lineal feet of storefront. The footprint of the building was originally designed for two large tenants, which explains the necessity for the 100 ft. depth. In time, both larger tenants left the Islandia Center and my grandmother re-tenanted with much smaller retail businesses, restaurants, and personal services.

Throughout decades of re-tenanting, it has been a significant challenge to rent spaces with deep, bowling alley, configurations. Mercer Island does not attract nor support businesses in need of larger square footage, i.e. drug stores, grocery stores, hardware stores, etc. Typical small tenants require roughly 2,000 to 3,000 s.f. In today's market, the majority of tenants are looking for a depth of approximately 40 - 50 feet, our building has 100 ft. depths. The proposed changes to the Ordinance would force any future redevelopment on our property to replicate a functionally obsolete building in terms of square footage, which was designed for two large tenants. Since the probable depth requirements for today's smaller tenants is approx. 40 - 50 feet, if the No Net Loss provision was applied, the redevelopment project would require approximately 14 tenant spaces, twice the number of tenants in our current building. This is physically impossible to build. Our property site is an L-shape with very little street frontage in proportion to the site square footage. Retailers and small businesses will not rent spaces that don't have street visibility. With the No Net Loss provision we would be forced to provide 23,705 s.f. of commercial space. There is no feasible configuration for this amount of commercial square footage on our site in a mixed-use project. Commercial spaces in the southeast corner of the site with

no windows or visibility would not be feasible. This creates an impossibility for redevelopment. As an architect, I have applied the code revisions to a preliminary feasibility study, and have concluded that a mixed-use building could not be designed that would comply with the proposed changes to the Ordinance. In addition, the maximum 60 lineal feet of street frontage limitation would eliminate any possibility of a larger tenant.

The bottom line is the proposed provisions and restrictions imposed on future development on our property will create an impossibility to meet the commercial requirements. The No Net Loss provision, if enacted, prohibits a mixed-use project on our site, and economically destroys any future development. It will catastrophically reduce the value of our property by millions of dollars. Therefore, the Islandia Center will never be redeveloped and the now 58 year old building will remain, without the possibility to enrich and enliven the Town Center with a re-developed property that is aesthetically well designed and meets the needs of a growing community.

Our family has deep roots in the Mercer Island community, dating back 75 years. My great uncle was instrumental in the initial paving of Island Crest Way from a gravel road. The Dean family opened Island Books and became our tenant 48 years ago, while my siblings and I were in high school. Over the many decades we have retained many of our tenants with long tenancies, a testament to our center. When I became the Trustee and Manager of our property 20 years ago, it has always been my goal to value the needs and desires of the MI community, prioritizing the right mix of tenants for the MI community, and working hard to ensure our mutual profitability and success of tenant and landlord. When the pandemic hit two years ago, I offered deferments and payment plans to all our tenants, in order to ease the burden of any economic hardship. As a result, we did not lose a single tenant, an accomplishment I take pride in. I have always managed our property with the philosophy of a partnership between landlord and tenant. Similarly, I believe the City Council and City Planners should partner with landowners in a collaborative effort to determine what is the best vision for the MITC and the best means to achieve these goals. I recognize the importance of sensitivity to aesthetic design, community needs and desires, within the parameters of the Growth Management Act. A vibrant Town Center should be the goal for Mercer Island, not vacancies in properties that were forced into

building commercial spaces that are impossible to realistically lease out, or even build, as in our case.

The FAR and No Net Loss methodology as applied to zoning codes in a town center is unusual and unproven. The CAI report uses data that is not refined or accurate regarding total retail taxable revenue, not differentiating between on-line sales and brick and mortar sales. In addition, the report uses unrealistic CAP rates ranging between 4 to 5, which in reality fluctuates regularly and never averages out this favorably. The Planning Commission and City Council should analyze any reports through a critical lens. Also, the language in the proposed changes to the Ordinance does not include the allowance for driveways along the street frontages. There is confusing and unclear language regarding the “Uses Required Adjacent to Street Frontages”. Sarah Bluvast said Jeff Thomas will be addressing these issues.

In the January 26th Zoom Planning Commission meeting there was a discussion on the desire to eliminate all residential development in the MITC and only allow single story buildings of select uses. The population of MI is projected to grow, according to the CAI report, and mandated in the Growth Management Act. Where will the growth occur? Mercer Island residents have expressed their clear desire to not allow any multi-family in single-family neighborhoods, nor to allow the expansion of the Town Center borders. Compliance with the Growth Management Act will never be achieved under the proposed changes to the Ordinance, which cripples new developments with unreasonable encumbrances. Conversely, multi-family re-development within the Town Center will create housing which will attract a more vibrant, diverse community. A good example is the revitalization of Main Street in Bellevue.

I received a notification from the City of MI regarding the proposed changes to the Ordinance on January 24, 2022. As one of the few landowners who will be greatly affected by the changes in the proposed Ordinance, I would have expected to be contacted by the MI staff, City Council and Planning Commission well before this date. Many meetings and public input opportunities came and went without my awareness or knowledge. There were public input meetings where no individuals attended or spoke. This is a clear demonstration of a lack of outreach to the appropriate parties. I am requesting the Planning Commission



extend the timeline of this process. This would allow landowners a fair and reasonable amount of time to research and consult with professionals, as well as allowing the Planning Commission and City Council enough time to thoroughly deliberate and not push through a decision that may not meet GMA requirements, nor be legal. It is a mistake to create requirements that are unachievable, as is the case with the Islandia property.

As Trustee of our family asset, it is my duty to preserve and protect the value of our property. However, our family has no intention to sell now or in the near future. Our elderly aunt's livelihood solely depends on the income from this property, and it is not in her best interest to sell now. The Mercer Island community is important to our family. The Islandia Center is our family legacy and we have been conscientious stewards of this property for decades, for the benefit of our tenants and the Mercer Island community.

On behalf of the Alsin family, I am asking the Planning Commission and City Council to remove the No Net Loss provision in the proposed Ordinance. If these changes are passed, it would in effect eliminate the possibility of any future re-development of our property. In addition, we request an extension of the time frame for all affected parties in this process, and to encourage greater input from property owners.

Thank you for your time and consideration.

Sincerely,

Tenley Tobin

February 11, 2022

**Kenneth Kataroff**

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Sarah Bluvás  
City of Mercer Island  
Economic Development Coordinator  
sarah.bluvás@mercergov.org

RE: Comments regarding Town Center amendments to MICC-19.11.020(B)/retail downzone

Dear Sarah:

Thank you for the opportunity to comment regarding the proposed changes to MICC 19.11.020(B). In short, we are extremely concerned about the negative impacts of the retail downzone currently proposed by the City of Mercer Island (“City”). We represent the owners of the Islandia Center. The ordinance does not consider the larger impacts to Town Center and its property owners, and is not drafted in a manner consistent with the existing Town Center regulations or the Comprehensive Plan. Rather than “saving business” in Mercer Island, it will do the opposite—severely restrict and reduce the business that can and will operate in Town Center, slowly strangling the business district to an empty shell.

Our concerns include the following:

- **Ordinance renders much of existing Town Center uses as nonconforming.**

As currently drafted, the retail downzone ordinance places extreme restrictions on what is considered acceptable required street frontage uses. A majority of the existing uses in Town Center will be rendered nonconforming. All of the banks in Town Center will be nonconforming, street level office uses will be considered nonconforming, retirement community uses and residential lobbies for buildings will be considered nonconforming. Veterinary uses are not covered under any of these limited definitions and would therefore not be allowed at street level. This creates a significant problem for existing building owners and existing retail owners, as nonconforming uses are disfavored in the Code. Rather than restricting the types of uses that can be allowed in Town Center, the City should be open to as much business as wants to locate in Mercer Island. This ordinance is extremely unfriendly to business. Please do not create future leasing problems for building owners by drafting such a restrictive ordinance.

- **Ordinance renders most existing Town Center buildings as nonconforming.**

As currently drafted, the maximum width of business provision renders many existing Town Center buildings nonconforming as relates to their tenants. For example, Island Books' frontage along SE 27<sup>th</sup> Street is approximately 100 feet wide. As a result, Island Books would be rendered nonconforming and this type of space would not be allowed under the ordinance if built today. Many uses, such as grocers, drugstores, bookstores, veterinarians/doctors/dentist offices require much wider retail spaces than 60 feet wide. Limiting the creativity of the market, and the needs of the market, with such limited regulations is unwise. For context, Mercer Island would be only the second City in the state of Washington to impose such a restrictive retail width restriction. The only other City to impose such a width requirement is the City of Seattle, and only on two streets in Seattle—Pike Street and Pine Street limited to the Pike/Pike Corridor in the Capitol Hill Conservation Overlay. See Seattle Municipal Code 23.73.008.C: [https://library.municode.com/wa/seattle/codes/municipal\\_code?nodeId=TIT23LAUSCO\\_SUBTITLE\\_IIILAUSRE\\_CH23.73PIPICOOVDI\\_SUBCHAPTER\\_IUSDEST\\_23.73.008STVEUS](https://library.municode.com/wa/seattle/codes/municipal_code?nodeId=TIT23LAUSCO_SUBTITLE_IIILAUSRE_CH23.73PIPICOOVDI_SUBCHAPTER_IUSDEST_23.73.008STVEUS) Even the City of Seattle's regulations allow for greater flexibility than do the City of Mercer Island's overly restrictive ordinance.

- **Mercer Island's Nonconforming Provisions Compound the Downzone's Damage.**

Mercer Island's provisions related to nonconforming uses are extremely restrictive and compound the damage caused by the retail downzone ordinance. MICC 19.01.050.H.2 states that "while a legal nonconforming use exists on any lot, no separate or new use may be established thereon, even though such additional use would be a conforming one." This provision is highly distressing, as it would not allow the tenanting of a space in a center that maintains nonconforming uses, even if the proposed tenant were to conform. In addition, a change of use in a multi-tenant building may require compliance with code provisions (including the maximum width requirement) "reasonably related and applicable to the change in use." MICC 19.01.050.1.2.

The fact that the nonconforming provisions will compound the difficulty of leasing spaces show that the Retail Downzone ordinance is not well-thought out. The ordinance needs to be more carefully considered in the context of existing codes and regulations that already restrict the uses in Town Center.

- **The No Net Loss Provision and the Maximum Width Provisions Multiply the Damage to Islandia Center.**

The no net loss provision works together with the maximum width provision to specifically damage the Islandia Center. Islandia Center one of the centers on the island with the largest amount of non-grocer/non-drugstore retail (approximately 24,000 s.f.). The no net loss provision would require the replacement of that exact amount of retail, but would require the reconfiguring of that retail such that no individual business could have more than 60 feet in width along either of its street frontages. This results in a totally unworkable future retail plan, particularly given the L-shape and adjacencies of the Islandia Center. The City cannot

have it both ways—it cannot require the same amount of square footage to be replaced, while requiring it to be replaced in a way that is physically impossible from a leasing reality perspective. The ordinance results in a downzone of the Islandia Center that is not consistent with the City’s Comprehensive Plan and other goals.

- **Maximum Width Provision Disallows Specialty Retail that Needs Extra Width.**

As stated above, certain businesses may need width or depth greater than 60 feet; the code as drafted allows for no flexibility. Currently, the width of Island Books exceeds this requirement as it relates to its street frontage, rendering Island Books nonconforming.

- **Retail Downzone Ordinance is Inconsistent with the Mercer Island Comprehensive Plan**

The Retail Downzone is inconsistent with several very important provisions of the Mercer Island Comprehensive Plan, including but not limited to:

- Public Participation Principles—the Comprehensive Plan states that “public participation should take place as early as possible in a decision process, preferably at the scoping or option identification stage...public input must be fully integrated with and sequenced with technical work and the decision process in order to be useful in raising and resolving emerging issues.”

Here, property owners were just now contacted directly by City of Mercer Island staff. To date, property owners have not been given direct notice of this retail downzone that will significantly impact their ability to lease their property. This is directly anathema to the City’s stated commitment to public participation by all, not just a few interested retail tenants looking to preserve their unowned individual spaces in perpetuity.

- Land Use Goal 2: “Create a policy and regulatory structure that will result in a diversity of uses that meets Islanders’ daily needs and helps create a vibrant, healthy Town Center serving as the City’s business, social, cultural and entertainment center.”

As stated above, the Retail Downzone severely restricts most properties in Town Center such that most businesses uses existing today could not be located where they are in the configuration that they are. The ordinance directly contradicts this goal.

- Land Use Goal 5/Inconsistency with Figure TC-1.

The Comprehensive Plan incorporates Figure TC-1 from the MICC to depict where retail use shall be located adjacent to street frontages. The Retail Downzone amends Figure TC-1 in a manner inconsistent with the Comprehensive

Plan. The City cannot amend its development regulations in a manner inconsistent with its Comprehensive Plan—to do so flies in the face of a main tenant of the Growth Management Act—development regulations and a Comprehensive Plan must be consistent. RCW 36.70A.040(3) and (4). In order to comply with this provision, the City would be required to first to amend its Comprehensive Plan to reflect the newly required retail frontages.

- Land Use Goal 14.3: Maintain a diversity of downtown land uses.
- Land Use Goal 14.4 Support economic growth that accommodates Mercer Island's share of the regional employment target of 1,228 jobs from 2006-2035, by maintaining adequate zoning capacity, infrastructure, and supportive economic development policies.
- Land Use Goal 14.9 Proactively and persistently engage residents, community organizations, and businesses in a collaborative effort to establish a strategy for Mercer Island economic development.

As stated above, the Retail Downzone does exactly the opposite of these land use policies. It severely restricts and reduces the diversity of Town Center land uses that can and will be established in the future, leading to a problematic future in Mercer Island where storefronts become and stay vacant, leading to an extreme blight and decline in Town Center

- Failure to complete impact analysis to Buildable Lands/Growth Targets

The City's Comprehensive Plan acknowledges that its main employment and residential growth will occur in Town Center-zoned properties. There has been no analysis of the impact on the Retail Downzone that will now severely restrict uses within Town Center—will the no-net loss provision and the restriction on uses reduce the potential for sites to redevelop? How might this regulation impact compliance with growth targets and the ability for the City to comply with Growth Management? The city must take this analysis seriously prior to passing any downzone regulation.

- **Retail Downzone may constitute a Taking.**

As previously detailed, the Retail Downzone highly restricts future uses within the Town Center and, in any instance, may prevent any redevelopment of certain parcels. No takings analysis has been provided by the City.

- **Failure to Comply with Public Participation Requirements of RCW 36.70A.035.**

While the Retail Downzone ordinance purports to apply to all of Town Center, the no-net loss provisions apply to a handful of specific properties that include retail today. As

Sarah Bluvus  
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such, a higher degree of public participation requirements apply under GMA that would require site-specific notice to those individual properties most impacted. This notice did not occur until last week, despite this ordinance having been considered in various forms for several years. As a result, we request that this process be slowed to more fully consider the impacts of the ordinance and draft an ordinance that is consistent with the Growth Management Act.

Lastly, we also note that there is no analysis whatsoever of the additional traffic and associated air quality impacts that will occur as a result of Mercer Island residents being forced to travel to other jurisdictions to obtain goods and services that will no longer be available to them on the island, due to the Retail Downzone.

Very truly yours,

SCHWABE, WILLIAMSON & WYATT, P.C.

/S/ Kenneth Katzaroff

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Log#	Question/Comment	Staff Response(s)
001	What NAICS codes does the pro forma model use to project future demand? Does this model take into account online sales tax revenue vs. brick & mortar or geographical differences (TC vs. South End, etc.)?	<p>The pro forma model used to estimate supportable retail growth was revised following the April 20 City Council presentation. The revised estimate uses only taxable retail sales receipts from NAICS 44-45 (Retail Trade) and NAICS 71-72 (Arts, Entertainment and Recreation; Accommodation and Food Services). This subset of NAICS sectors better represents the types of commercial uses that are the subject of this study.</p> <p>According to the Finance department, the City only receives tax revenue data from DOR based on NAICS codes. The codes convey the business sector and category for tax revenues, but they do not provide the level of detail necessary to distinguish between brick &amp; mortar and online sales. At this time, we cannot determine to what extent the sales from a given category are strictly online or further determine the vendor of those online sales (i.e. cannot distinguish Amazon sales tax revenue vs. on-premise retail sales revenue in Town Center, etc.). However, those NAICS codes that could include online sales (e.g. NAICS 44 and 45) are the fastest growing categories in terms of overall dollar growth compared to 2020 numbers.</p> <p>Finally, the estimated supportable retail growth reflects Island-wide conditions and is not segmented by geography (Town Center, South End, etc.). However, you can reasonably assume that any major retail growth will take place in the Town Center as the designated retail core.</p>
002	What do we mean by "commercial"? Does this imply only retail and restaurant, or other commercial uses such as commercial office space? We need to clarify the terminology.	<p>To date, discussion regarding eligible commercial uses has been framed in three categories as restaurant, retail, and personal service uses. These categories are defined in MICC 19.16 - Definitions as follows:</p> <p><u>Restaurant</u>: An establishment where food and drink are prepared and consumed. Such establishment may also provide catering services.</p> <p><u>Retail</u>: An establishment engaged in selling goods or merchandise and rendering services incidental to the sale of such goods.</p> <p><u>Personal Services</u>: A business that provides services relating to personal grooming and health. Uses include barber shops, hair stylists, spas, fitness centers and nail salons.</p> <p>Throughout this process, questions have arisen about whether some businesses, such as banks, car washes and medical providers, would be eligible commercial uses under the Commercial FAR requirement. To provide the City Council guidance, it is recommended the Planning Commission discuss whether amendments to the definition of personal services are appropriate. Options may include adding another specific category to the definition such as "personal affairs" or making the definition more generic by removing references to personal grooming and health.</p>
003	What is the net loss or net gain of retail space per parcel when we apply the commercial FAR? Please provide those comparisons at the next meeting.	Using King County Assessor data only, staff reviewed the proposed parcels subject to the proposed commercial FAR requirement and found results similar to those suggested by at least two members of the Planning Commission: upon redevelopment, some parcels (20) would experience a net increase in total commercial space while other parcels (8) would experience a net decrease. The Walgreens parcel produced the largest net decrease. The sum produced a net increase and was generally consistent with the analysis completed by CAI.
004	Per the current code requirements, what is the minimum of retail space required in the Town Center zone?	<p>MICC 19.11.020(B) stipulates the following for retail space requirements:</p> <p>Retail, restaurant or personal service uses are required along retail street frontages as shown on Figure 2.</p> <p>1.If public parking is provided pursuant to MICC 19.11.130(B)(5), then the following applies:</p> <p>a.A minimum of 40 percent of the ground floor street frontage shall be occupied by one or more of the following permitted uses: retail, restaurant, and/or personal service use.</p> <p>b.A maximum of 60 percent of each ground floor street frontage can be occupied by the following uses: hotel/motel, personal service, public facility, or office.</p> <p>c.Driveways, service and truck loading areas, parking garage entrances and lobbies shall not be included in calculating the required percentages of ground floor use.</p> <p>2.If public parking is not provided pursuant to MICC 19.11.130(B)(5), then the following applies:</p> <p>a.A minimum of 60 percent of the ground floor street frontage shall be occupied by one or more of the following permitted uses: retail, restaurant, and/or personal service use.</p> <p>b.A maximum of 40 percent of each ground floor street frontage can be occupied by the following uses: hotel/motel, personal service, public facility, or office.</p> <p>c.Driveways, service and truck loading areas, parking garage entrances and lobbies shall not be included in calculating the required percentages of ground floor use.</p> <p>Additionally, the minimum required depth of storefronts along retail street frontages is 16 feet. The Planning Commission can request that staff apply these code requirements on a parcel-by-parcel basis and compare to current conditions and commercial FAR conditions if desired.</p>
005	Does the comprehensive plan include applicable policies or references that need to be updated?	Staff reviewed the 2015 Comprehensive Plan and did not find specific goals or policies requiring immediate updates. However, MICC 19.11.020(B) Figure 2 is duplicated in the plan and will need to be removed regardless of the outcome of these proposed code amendments. This will be completed as part of the next periodic update to the Comprehensive Plan, scheduled to commence in 2022 and required to be completed by 2024.
006	Did staff consider a variable FAR?	No. For a balanced effect, a consistent commercial FAR is proposed to be applied to the parcels identified for such.
007	Do the pink lines only identify which properties have to have retail or do they also identify on which side of the property the retail has to be located?	Yes, retail space must be provided along the street frontages indicated by the pink lines, per the requirements in MICC 19.11.020(B).
008	Is it correct that, in addition to adding retail space, one goal of the proposed changes will be to concentrate the retail in certain areas for the benefits related to consumer enthusiasm for the patronizing clustered retail businesses.	An original intent (in 2016) of the "pink lines map" was to concentrate retail within a portion of the Town Center. The changes proposed to this map are intended to adjust the area where retail is required. While the retail requirement is proposed to be removed from a few parcels, in general the proposed changes will substantially expand the area where retail is required, reflecting the Council's expressed desire to maintain and expand the current amount of retail space in the Town Center.
009	Memorandum re: Proposed Town Center Code Revisions submitted by Commissioner Mike Murphy, 10.18.21	Memo distributed to the full commission as part of the 10.20.21 packet.

Log#	Question/Comment	Staff Response(s)
010	Could we apply the commercial FAR across all properties instead of instituting the No Net Loss provision on post-2005 developments?	If the commercial FAR were identified across post-2005 developments, you could end up with more commercial retail space than CAI projected demand for in the analysis. However, the Planning Commission could choose to amend the proposed code amendments to remove the limited "no net loss" provision and instead apply the commercial FAR across post-2005 developments as well.
011	Will there be a process for exceptions/exemptions?	The legislative intent to provide relief from the proposed retail requirements has not been discussed to-date.
012	Say an owner has a property with two or three sides facing blue line. The amount of retail is no different than if they faced one pink line. The minimum of 0.26 percent of the parcel size could result in really teeny retail efforts on multiple sides if they have to have on all sides. It might be better to keep the 60% of ground floor frontage in addition to the 0.26 FAR.	The Planning Commission may choose to deliberate this and amend the code proposal as they see fit.
013	If we want a lot of retail space, why are we limiting to 60' if frontage?	The 60' frontage limitation in the current code applies to a single business frontage, not total retail street frontage for an entire development.
014	What does the term "transparency" mean in the draft code?	This refers to MICC 19.11.100(B)(1)(a), which says the following about Fenestration development and design standards:  <u>Transparent facades:</u> Articulated, transparent facades should be created along pedestrian rights-of-way. Highly tinted or mirrored glass windows shall not be allowed. Shades, blinds or screens that prevent pedestrian view into building spaces shall not be allowed, except where required or desired for privacy in dwelling units, hotel rooms and similar residential uses.
015	I see in the current code and Council proposed amendments specific parameters regarding the shape of these commercial (and performing art) spaces. Both minimum depth and maximum length are prescribed. We have draft code that would overlay that with a size (floor area) requirement. As it stands, we would prescribe both dimensions and size.  How does the commercial leasing community see this? Do we have their input on what we are doing? What size and dimensions of space are in demand over a significant number of years, assuming that what we adopt will be create enduring spaces?	Responses to the outreach to commercial property owners/managers has been included as Exhibit 3 in the 02.16.22 packet.
016	Do property owners often reconfigure their space for a valuable client, knocking down walls as needed?	Responses to the outreach to commercial property owners/managers has been included as Exhibit 3 in the 02.16.22 packet.
017	Are there compelling reasons to prescribe the dimensions of the space? Property owners have to include the space. Would they not create spaces that they would likely be able to lease? Or not, for some reason?	Responses to the outreach to commercial property owners/managers has been included as Exhibit 3 in the 02.16.22 packet.
018	Why do we have the maximum 60 foot restriction at all in our existing code? What is the purpose of the minimum depth?	Staff have not reviewed the entire legislative history of this provision. However, it is likely that the goal of the minimum and maximum requirements was to ensure that Town Center would feature a variety of usable space and not have a sole use take up the entirety of a street frontage. Regarding the minimums, staff presented research related to this to City Council on December 7, 2021, and attached the information to the e-mail sent to the Planning Commission on 01.26.22.
019	I'm assuming that Bio thinks we can legally require percentages from one property owner and numerical amounts (varying with what ever is there now) from other property owners. Am I correct in that assumption? Are we getting any feedback or push back from current property owners on what the Council has proposed?	Legal counsel has been involved in the drafting of the proposed amendments throughout the process and will continue to conduct thorough review of the recommendation the Planning Commission transmits to the City Council. Regarding feedback/push back from current property owners, we are still soliciting feedback on this and will share pertinent information if it arises.
020	Can staff provide a review of performing arts/theater spaces in the region and their associated square footage and commercial space (if applicable)?	Staff have reviewed 18 performing arts and visual arts venues in the region and provided relevant square footage data (pulled from publicly available sources) in a PDF sent 01.26.22.
021	Have you run a quantitative analysis to determine if the new "greater than" requirement results in an over-build of commercial space?	Staff provided an updated parcel-by-parcel comparison Exhibit 4, Attachment A, in the 02.16.22 packet. The updated exhibit includes disclaimer notes related to the data source used to complete this exercise, which was originally requested by the Planning Commission in fall 2021.
022	How do Recreational Facilities factor into this proposal?	Recreation in the Town Center is defined separately in MICC 19.16.010 as the following:  <u>Recreation:</u> In the Town Center, recreation includes a place designed and equipped for the conduct of leisure-time activities or sports.  If the Planning Commission wishes to include this use as an eligible use in the amended code, they should include this in the discussion of clarifying the definition of current eligible uses.
023	Can you forward me the Excel version of the PDF from the November meeting that has the TC parcels and the SF of existing retail vs what would be required under the .26 FAR?	Staff provided an updated parcel-by-parcel comparison as Exhibit 4, Attachment A, in the 02.16.22 packet. The updated exhibit includes disclaimer notes related to the data source used to complete this exercise, which was originally requested by the Planning Commission in fall 2021.
024	At Wednesday's meeting you and/or Alison referenced several other code definitions for various types of uses. Can you please circulate those code cites?	The use table that some Commissioners referenced is found in MICC 19.11.020(A). Definitions for Title 19 are listed in MICC 19.16.010. Staff also provided the specific terms and corresponding definitions that have come up in discussion to the entire Commission on 01.31.22.



Log#	Question/Comment	Staff Response(s)
025	<p>Regarding the updated parcel-by-parcel comparison data included in the 02.16.22 packet:</p> <ul style="list-style-type: none"> <li>•The Draft CAI report says that the TC "retail" inventory is 339,446 SF. But the report toggles between "commercial" space and "retail" space, seemingly using those terms interchangeably. That SF number, however, was a critical component of the original FAR creation, which was tied to retail/restaurant uses. The spreadsheets you sent do not correlate with the CAI data in terms of totals. The variance is substantial. Does the City have the CAI spreadsheets that its 339,446 SF number is based on? If not, can you get those from CAI ASAP?</li> <li>•My analysis of the spreadsheets you sent me suggests that the CAI data includes more than "retail," and may include a whole range of commercial uses, i.e., banks, medical, etc. Without their actual data, however, it's hard to tell. Your spreadsheet excludes a lot of "commercial" space. For example, stand-alone RE offices and banks are not included as existing commercial space. The White building has recreation, med &amp; dental offices, but shows "0" commercial on spreadsheet. When that space is added back, the totals approach the CAI number.</li> <li>•Consistency is also lacking. It appears that bank and med space inside the footprint of other buildings (e.g., Island Square, etc.) is include on your spreadsheet. Because the King County Assessor data does not distinguish types of commercial uses, that may be why.</li> <li>•Understanding this data is very important to deal with our assigned task from the Council re the permitted uses.</li> </ul>	<p>A detailed response to these questions/requests was e-mailed directly to the individual Commissioner and attached as Exhibit 4, Attachment B, in the 02.16.22 packet.</p>
026	<p>Regarding the updated parcel-by-parcel comparison data included in the 02.16.22 packet:</p> <p>I don't understand the table. Referring back to the original table, let's take Wells Fargo for example. The property square foot is 42,175. Approx 0.26 of the property square foot is 11,062. I get it that far. Why is commercial square foot 0? Is a bank not commercial? What is the source of the last figure 4,935? What is Net FAR Sq Ft?</p> <p>I understood it in the lines in which commercial sq foot was not zero. It seemed to be the additional FAR that would be needed upon redevelopment OR the excess FAR that already exists and would have to be maintained at redevelopment under the proposed ordinance. But I can't figure out where 4,935 comes from given the other two known figures on this line for Wells Fargo.</p> <p>There are other properties listed with 0 commercial. Why are they listed if they are not commercial? Is it because they are not they type of commercial that we are talking about?</p> <p>I'm assuming the zero figure for commercial space for banks, etc is because the current space does not meet our definition of the uses we are prescribing. If that is true, if we change our definition of the prescribed uses to include banks, insurance, and financial services, would that change those zeros to existing square footage? I would seem that it should.</p>	<p><i>What does that data in each column represent?</i></p> <ul style="list-style-type: none"> <li>•Column 1: Represents the existing property square footage (as defined by King County Assessor's data)</li> <li>•Column 2: Represents the required square footage if the identified property redeveloped under the FAR; i.e., Column 1 * .2623 = Column 2</li> <li>•Column 3: Represents the existing commercial square footage (as defined by King County assessor's data)</li> <li>•Column 4: Represents the difference between the existing commercial square footage and the required square footage under the FAR; i.e. Column 3 - Column 2 = Column 4</li> </ul> <p><i>Why are some properties listed as having 0 existing commercial square feet?</i></p> <p>For the existing commercial square footage listed in the table, staff used King County Assessor's data. This data source uses many categories to describe commercial space. In this exercise, staff included square footage for categories that best align with the assumed "eligible uses" of retail, restaurant, and personal services. Properties with no existing commercial square footage have no square footage of categories that align most with the assumed "eligible uses" of retail, restaurant, and personal services. Example: For the Wells Fargo property, the King County Assessor records 6,128 square footage of "Bank" use. At the time this data was compiled, staff assumed banks were not considered an eligible use. The Planning Commission will deliberate and recommend the final list of eligible uses at the meeting on February 16.</p> <p><i>A response to these questions/requests were also e-mailed directly to the individual Commissioner.</i></p>
027	<p>Regarding the updated parcel-by-parcel comparison data included in the 02.16.22 packet:</p> <p>I have gone through everything you sent and done some work on the spreadsheets. One thing that I could not find is the source document or data for the CAI estimate of 309,560 SF of commercial space. Attached is the current draft of my work. I wanted to get it to you before Friday. Please look over my work and let me know if you see any errors or anything that I missed. If my analysis is correct, there may be a significant error in the FAR calculation. Regardless of that issue, and more importantly, it appears that the current plan would greatly expand the amount of commercial space. It is not clear to me that this is intended or even recognized. Please share with the other commissioners.</p>	<p>Vice-Chair Murphy's analysis and comments have been included in the 02.16.22 packet as Exhibit 4, Attachment C. Additionally, the following response was e-mailed to the Vice-Chair on 02.11.22.</p> <p>The CAI number of 309,560 SF is based on Co-Star data. I specifically recall when Victor made his request in October for the table of the FAR blue map properties to be assembled showing the delta analysis of existing SF v. FAR requirement, staff was clear it could only assemble with KC assessor data and the two would unlikely match.</p> <p>Regarding your question buried in the spreadsheet about the legislative intent of City Council, yes it was their original intent to legislate a 0.2623 FAR requirement for the blue map properties and a no net loss for the orange map properties based on the CAI report using Co-Star data. After receiving the Planning Commission recommendation in November, City Council modified their intent to at least in part to address the Planning Commission recommendation with a "great than" approach for both the blue map and orange map properties, resulting in the remand back to Planning Commission and the combined red map provided to the Planning Commission in January (note: for better distinguishment and to eliminate any confusion, this red map will be updated to green for next week's meeting as the red and orange colors appeared a little too close visually in January). In the December deliberation leading to the City Council remand, there was discussion and acknowledgement that a greater than approach would result in excess commercial SF construction over the long term. Therefore, the 5 year or 75,000 SF clause was added to provide a check point in the future.</p> <p>With the City Council remand, the Planning Commission is being asked to provide a recommendation on this and the other questions / matters identified by City Council. The City Council will be receiving the Planning Commission recommendation on March 15 during a third reading of the ordinance.</p>

**About this comparison table**

\*An early version of this comparison table was provided to the Planning Commission in the agenda packet for November 3, 2021, and again in response to a request from Vice-Chair Murphy on January 31, 2022.

\*The table has been updated with clarifying headers and with some clarifying property IDs. Additionally, the existing commercial sq ft numbers have been reviewed again using King County Assessor's data and updated where necessary.

\*This comparison exercise was conducted in response to the Planning Commission's request to compare current retail sq ft of certain parcels to the sq ft if they redevelop under the commercial FAR.

\*The existing property sq ft and commercial sq ft numbers were pulled from the King County Assessor.

\*The gross FAR sq ft is calculated by multiplying each property sq ft by the commercial FAR of .2623.

\*The net FAR sq ft is calculated by subtracting the existing commercial sq ft from the gross FAR sq ft

\*Properties listed with existing commercial sq ft have sq ft of the King County Assessor's categories that align most closely to the eligible uses of retail, restaurant, and personal services.

\*Properties with no existing commercial sq ft have no sq ft of the King County Assessor's categories that align most closely to the eligible uses of retail, restaurant, and personal services.

PROPERTY ID	EXISTING PROPERTY SQ FT*	GROSS FAR SQ FT	EXISTING COMMERCIAL SQ FT*	NET FAR SQ FT
Island Corporate Center	61,570	16,150	-	16,150
HAP'S Burgers & Taps	11,700	3,069	1,032	2,037
Robert E. White Building	42,245	11,081	2,343	8,738
Starbuck's	19,257	5,051	1,875	3,176
Chevron	19,886	5,216	876	4,340
Tully's	12,230	3,208	1,168	2,040
D&E Invest (Boyd Building)	39,134	10,265	14,723	(4,458)
Tabit	37,858	9,930	6,644	3,286
Vacant	6,148	1,613	-	1,613
Key Bank	34,660	9,091	-	9,091
Windermere	40,795	10,701	-	10,701
Met Market	119,354	31,307	37,076	(5,769)
Walgreens	75,794	19,881	32,243	(12,362)
US Bank	39,311	10,311	-	10,311
McDonald's	39,302	10,309	4,644	5,665
First Church of Christ, Scientist	12,775	3,351	-	3,351
Qwest	22,769	5,972	-	5,972
Shell	16,480	4,323	2,285	2,038
Wells Fargo	42,175	11,063	-	11,063
Newell Court	20,000	5,246	2,542	2,704
Rite Aid	121,712	31,925	39,526	(7,601)
QFC	88,672	23,259	29,152	(5,893)
Avellino	17,744	4,654	850	3,804
Baskin Robbins	7,200	1,889	952	937
Banner	19,800	5,194	-	5,194
Bank of America	43,946	11,527	-	11,527
Corry's/MI Florist	14,314	3,755	3,776	(21)
Islandia	55,916	14,667	23,700	(9,033)

\* Pulled from King County Assessor's data

**About this comparison table**

- \*An early version of this comparison table was provided upon request from Vice-Chair Murphy on Friday, February 4.
- \*This comparison exercise uses the same methodology as the one used in sheet 1 of this spreadsheet.
- \*The existing property sq ft and commercial sq ft numbers were pulled from the King County Assessor.
- \*The gross FAR sq ft is calculated by multiplying each property sq ft by the commercial FAR of .2623.
- \*The net FAR sq ft is calculated by subtracting the existing commercial sq ft from the gross FAR sq ft.
- \*The parcels analyzed in this table are the remaining parcels included in the map of parcels subject to the revised commercial FAR OR no net loss requirement.
- \*Properties listed with existing commercial sq ft have sq ft of the King County Assessor's categories that align most closely to the eligible uses of retail, restaurant, and personal services.
- \*Properties with no existing commercial sq ft have no sq ft of the King County Assessor's categories that align most closely to the eligible uses of retail, restaurant, and personal services.

PROPERTY ID	EXISTING PROPERTY SQ FT*	GROSS FAR SQ FT	EXISTING COMMERCIAL SQ FT*	NET FAR SQ FT
Hadley	82,020	21,514	8,200	13,314
Aviara	85,096	22,321	9,725	12,596
Aljoya	56,374	14,787	-	14,787
The Mercer	113,660	29,813	15,031	14,782
77 Central	76,884	20,167	13,580	6,587
Island Square	12,230	3,208	1,168	2,040
King Property (Xing Hua)	63,780	16,729	19,136	(2,407)
3010 Building	22,148	5,809	-	5,809

\* Pulled from King County Assessor's data

**Request for more detail about CAI data sources**

CAI's initial report (dated April 6, 2021) included retail inventory for the entire Town Center boundary. CAI pulled this data from CoStar, which is a subscription-based, industry standard research service. I followed up with CAI to provide more details about how CoStar defines retail assets, and they provided this response:

CoStar's definition of retail is as follows:

*A Retail property's primary intended use is to promote, distribute or sell products and services to the general public. It will often be in high traffic or easily accessible areas. Retail buildings are configured for the display of merchandise or the interaction of company sales personnel with others.*

After reviewing the data and CoStar's glossary, the types of commercial space included in the CoStar's retail inventory include:

- Auto Dealership
- Auto Repair
- Bar
- Day Care Center
- Drug Store
- Bank
- Bowling Alley
- Car Wash
- Convenience Store
- Drive-in Movie
- Fast Food
- Garden Center
- Health Club
- Movie Theater
- Restaurant
- Service Station
- Parking Garage (paid)
- Parking Lot (paid)
- Storefront (with mix of retail)
- Storefront Retail/Office
- Storefront Retail/Residential
- Supermarket
- Truck Stop
- Veterinarian Hospital/Kennel

Staff and CAI spent a fair amount of time last year digging into whether we should use the CoStar data or the King County Assessor's data as the primary data source for inventorying applicable Town Center commercial space. Unfortunately, there is no perfect list of "retail" square footage in Town Center, and we did identify through our comparison of CoStar and King County data that there are discrepancies between what we thought should or should not be counted based on our assumptions of "eligible uses" at the time. However, we ultimately determined that CoStar is the most consistent data source, and the calculations to arrive at the commercial FAR reflect that.

CAI used the most updated CoStar data available at the time the report was presented to City Council on April 6. CAI updated the CoStar data when we began working on the true FAR calculation in late summer/early fall. You'll note that CoStar's data for the retail inventory for Q3 2021 changed from 339,446 sq ft in April to 309,560 sq ft in September, which is why the TC-wide number used in calculating the FAR was 309,560 (step #2 in the attached slides).

**Questions about data consistency**

I updated the spreadsheet I sent you last week to help better reference back to it here. The updated version is attached to this e-mail.

A PDF of Tab 1 was provided to the Planning Commission as part of the November 3, 2021, agenda packet. Jeff compiled the data in response to the Commission's request to provide a building-by-building analysis of retail square footage on specific Town Center properties. The Commission wanted to see what the retail square footage would be on these parcels if they redeveloped under the commercial FAR requirement compared to their current retail square footage.

A few other details about the data presented in Tab 1:

- Jeff performed this work in-house. We do not subscribe to CoStar, so he used data from the King County Assessor, which likely accounts for some of the discrepancies you noted.
- Staff were asked to perform this analysis only on the parcels subject to the commercial FAR requirement, i.e. the blue parcels map included in the earlier versions of the proposed code amendments (excluding the Xing Hua parcels). This likely also accounts for some of the discrepancies you noted since CAI's 309,560 number represents retail square footage for the entire Town Center.
- The analysis Jeff performed was merely an exercise in response to the Planning Commission's request. His data was not used to inform the inventory counts that comprise the commercial FAR calculations outlined in the "7 Steps to Calculate a Commercial FAR" slides. The only data pulled from King County for the true commercial FAR calculation was the net parcel area for the selected FAR properties (i.e. the denominator in the FAR equation). The data sources used for each step of calculating the commercial FAR are included on slide five of the attached slides.

**How did we determine the selected FAR parcels?**

One final element of the commercial FAR calculation that may need clarification is how we arrived at the specific parcels included in the net parcel area (i.e. the denominator). The following criteria were used to determine those parcels:

1. The parcel has street frontage within the Town Center boundary;
2. The parcel is located on a block that is subject to the retail street frontage requirements (i.e. on a block with a "pink line"); and
3. The parcel has not been redeveloped post-2005.

This resulted in a total of 28 qualifying parcels for a net parcel area of 1,065,273 square feet.

## Annotated City Spreadsheets

PROPERTY ID	PROPERTY SQ FT*	GROSS FAR SQ FT	EXISTING COMMERCIAL SQ FT*	FAR SQ FT MINUS EXISTING COMM'L SQ FT	GEATER OF EXISTING (NNL) OR FAR	NOTES
Is Corp-7525 SE 24th Street	61,570	16,150	0	16,150	16,150	Some restaurant space on ground floor; offices above
Haps-2411 76th Ave SE	11,700	3,069	1,032	2,037	3,069	
White 2448 76th Ave SE	42,245	11,081	2,343	8,738	11,081	
Starbucks	19,257	5,051	1,875	3,176	5,051	
Chevron	19,886	5,216	876	4,340	5,216	
Tully's	12,230	3,208	1,168	2,040	3,208	
D&E Invest (Sano)	39,134	10,265	14,723	(4,458)	14,723	
Tabit	37,858	9,930	6,644	3,286	9,930	
Vacant	6,148	1,613	0	1,613	1,613	
Key Bank	34,660	9,091	0	9,091	9,091	
Windermere	40,795	10,700	0	10,700	10,700	
Met Market	119,354	31,307	37,076	(5,769)	37,076	
Walgreens	75,794	19,881	32,243	(12,362)	32,413	
US Bank	39,311	10,311	0	10,311	10,311	
McDonald's	39,302	10,309	4,644	5,665	10,309	
Christ. Sci. Church	12,775	3,351	0	3,351	3,351	
Qwest	22,769	5,972	0	5,972	5,972	
Shell	16,480	4,323	2,285	2,038	4,323	
Wells Fargo	42,175	11,062	0	11,062	11,062	
Newell Court	20,000	5,246	2,542	2,704	5,246	
Rite Aid	121,712	31,925	39,526	(7,601)	39,526	
QFC	88,672	23,259	29,152	(5,893)	29,152	
Avellino	17,744	4,654	850	3,804	4,654	
Baskin Robbins	7,200	1,889	952	937	1,889	
Banner Bank	19,800	5,194	0	5,194	5,194	
Bank of America	43,946	11,527	0	11,527	11,527	
Corry's/Florist	14,314	3,755	3,776	(21)	3,776	
Islandia	55,916	14,667	23,700	(9,033)	23,700	

284,006

205,407

329,313

Additional over actual current retail SF

123,906 \*\*\*

## Post-2005 Developments: Redevelopment unlikely for decades

PROPERTY ID	PROPERTY SQ FT*	GROSS FAR SQ FT	EXISTING COMMERCIAL SQ FT*	NET FAR SQ FT	GEATER THAN NNL OR FAR
Hadley	82,020	21,514	8,200	13,314	21,514
Aviara	85,096	22,321	9,725	12,596	22,321
Aljoya	56,374	14,787	-	14,787	14,787
The Mercer	113,660	29,813	15,031	14,782	29,813
77 Central	76,884	20,167	13,580	6,587	20,167
Island Square	12,230	3,208	1,168	2,040	3,208
King Property (Xing Hua)	63,780	16,729	19,136	(2,407)	16729
3010 Building	22,148	5,809	-	5,809	5809

66,840

134,347

Total Commercial

272,247 \*\*

463,660

Add'l "Supportable" Retail per Study

37,200

Total Target Comm'l SF per FAR Analysis

**309,447**

% over actual current comm'l SF

191,413 \*\*\*\*

% over actual plus "supprtable" comm'l SF

154,213 \*\*\*\*\*

Staff is excluding the stand-alone banks and other similar services (RE offices) from inventory, but there are banks/RE offices in the post 2005 projects.

**COMMENTS:**

\* King County Assessor Data

\*\* City calc in Slide 17 says this SF# is 309,560; there appears to be a problem in the SF # &amp; resulting analysis: if the SF# is incorrect, the FAR # is incorrect.

\*\*\* Another potential issue is that the "greater of FAR or NNL" approach yields commercial space that is 123,906 SF more than the existing SF for the un-redeveloped areas of TC.

\*\*\*\* When you include the redeveloped areas, the additional SF is 191,413.

\*\*\*\*\* The additional SF drops to 154,213 if you include the "supportable" SF in the baseline.

The question is, does the Council intend to legislate that amount of additional SF of commercial space? That appears inconsistent with the original concept of the FAR.



# CITY OF MERCER ISLAND PLANNING COMMISSION REGULAR VIDEO MEETING MINUTES

Wednesday, January 26<sup>th</sup>, 2022

## CALL TO ORDER

The Planning Commission was called to order by Chair Hubbell at 6:11pm from a remote location.

## PRESENT

Chair Daniel Hubbell, Commissioners Carolyn Boatsman, Jordan Friedman, Michael Murphy, Victor Raisys, and Tiffin Goodman were present.

All Commissioners participated in the meeting remotely using Zoom.

## ABSENT

There were no absences.

## STAFF PRESENT

Jeff Thomas, Interim CPD Director, Alison Van Gorp, Deputy CPD Director, Sarah Bluvias, Economic Development Coordinator, Adam Zack, Senior Planner, and Laurie Carlson, Senior Administrative Assistant, participated in the meeting remotely.

## SPECIAL BUSINESS

### Agenda Item #1:

Election of a new Vice Chair to the Commission

Alison Van Gorp, Deputy CPD Director, gave a brief overview of the process the Commission uses for the election of Vice Chair.

### Election of Vice Chair

Boatsman nominated Victor Raisys.

Friedman nominated Tiffin Goodman

Goodman nominated Mike Murphy

### Vote 1

Raisys – 2 Votes

Goodman – 3 Votes

Murphy – 3 A majority of votes was not reached for any of the nominees.

CPD Deputy Director consulted the bylaws for direction on how to proceed with the vote. The bylaws offer no direction on how to proceed if a majority vote isn't reached.

The Commission agreed to take a second vote in the order the nominations were originally received following the procedure in City Council.

Commissioner Raisys withdrew from the nominations.

### Vote 2

Raisys – 0

Goodman – 3 Votes



Commissioner Mike Murphy was elected Vice Chair.

**Agenda Item #2: Amend Bylaws Pertaining to Meeting Schedule**

CPD Deputy Director Van Gorp presented the text of the bylaws and proposed changes

The Commission deliberated on bylaws and changes

It was moved by Raisys; seconded by Friedman to:

Accept the bylaw amendment as presented by CPD Deputy Director Van Gorp

⇒ Passed 6-0

**PUBLIC APPEARANCES**

There were no public appearances

**PUBLIC HEARING**

**Agenda Item #1: ZTR21-005 Noise & Lighting**

Chair Hubbell opened the public hearing at 6:30PM.

There were no public comments.

Chair Hubbell closed the public hearing at 6:30PM.

**REGULAR BUSINESS**

**Agenda Item #1: Approve the December 15, 2021, Minutes**

It was moved by Friedman; seconded by Raisys to:

**Approve the minutes from the December 15, 2021 meeting**

⇒ Passed: 6-0

**Agenda Item #2: Deliberate ZTR21-005 Noise & Lighting**

Adam Zack, Senior Planner, gave a brief presentation on ZTR21-005 Noise and Lighting

The Commission reviewed the proposed amendment and asked questions of Staff.

The Commission deliberated on the proposed amendments.

It was moved by Raisys and seconded by Murphy to:

**Accept staff recommendation on noise ordinance in presentation.** Passed 6-0

It was moved by Boatsman and seconded by Goodman to:

**Amend the draft code item section Q item #2 to add “or emanating from the use of a gas-powered blower”**

⇒ Failed 1-5

Main motion passed 6-0.

It was moved by Boatsman and seconded by Raisys to:

**Adopt draft lighting code amendments provided by staff.**

Passed as amended 5-1

It was moved by Boatsman and seconded by Goodman to:

**Amend Section K Item 1a by removing “Lighting within a public right-of-way” and replacing it with “Lighting installed by a public agency”**

Suggested wording change from staff “permitted” lighting; approved by Boatsman and Goodman

⇒ Passed 6-0

It was moved by Goodman and seconded by Boatsman to:

**Insert “serving residential uses” to Section K item 1**

⇒ Passed 6-0

It was moved by Goodman second by Raisys to:

**Change Section 2 b ii remove the word “or” after the phrase opaque barrier and replace it with “and”**

Amendment was withdrawn

It was moved by Boatman seconded by Raisys to:

**Amend Section 2 E remove the word “offsite” and replace it with “that occurs outside of property lines”**

Amendment was withdrawn

It was moved by Boatsman and seconded by Goodman to:

**Add to Section 2 item D an additional list item that reads “onto biodiversity areas, fish and wildlife habitat conservation areas, or wetlands”**

⇒ Passed 6-0

It was moved by Raisys and seconded by Goodman to:

**Exclude low voltage pathway and landscape lighting (1200 lumens or fewer) from section K.1.c**

⇒ Passed 5-1

It was moved by Goodman and seconded by Murphy to:

**Change Section 2b to read “four unshielded lighting fixtures not exceeding 450 lumens is allowed”**

⇒ Passed 4-2

⇒ Main motion passed as amended.

The Planning Commission took a recess from 9:15pm to 9:25pm

Additional Planning Commission Recommendation to City Council: Due to noise and environmental concerns, the Planning Commission advises City Council to consider adopting a phased approach to limiting or banning the use of gas-powered outdoor maintenance tools and replacing them with electric outdoor maintenance tools.

### **Agenda Item #3: Working Session for ZTR21-004 Town Center Commercial Requirements**

Sarah Bluvas and Jeff Thomas made a presentation and gave information on ZTR21-004 Town Center Commercial Requirements.

The Commission deliberated on the information and request from City Council.

A consensus was reached to come back with a draft including expanded street level uses.

### **OTHER BUSINESS**

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

Alison Van Gorp, CPD Deputy Director, reported on the recruitment for the open seat on the Planning Commission.

#### **Planned Absences**

There were no planned absences.

#### **Announcements & Communications**

There were no announcements & communications.

**Next Scheduled Meeting: 2/16/2022**

### **ADJOURN**

The meeting adjourned at 11:16pm

# CITY OF MERCER ISLAND

## COMMUNITY PLANNING & DEVELOPMENT

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## PLANNING COMMISSION

**TO:** Planning Commission

**FROM:** Adam Zack, Senior Planner

**DATE:** February 11, 2022

**SUBJECT:** Comprehensive Plan Periodic Review  
Draft Scope, Public Participation Plan, and Schedule

**ATTACHMENTS:**

- A. Draft Comprehensive Plan Update Scope of Work and Master Schedule
- B. Draft Comprehensive Plan Update Public Participation Plan

### SUMMARY

The Washington State Growth Management Act (GMA) requires King County and incorporated jurisdictions within King County to update their Comprehensive Plan on or before June 30, 2024. The purpose of this memo is to present a proposed scope of work, master schedule, and public participation plan for completing the periodic update of the Mercer Island Comprehensive Plan. Additional summary information includes:

- The last periodic update of the Mercer Island Comprehensive Plan occurred in 2015 and was adopted in 2016).
- The proposed scope of work and master schedule for this effort is included as Attachment A.
- The proposed public participation plan for this effort is included as Attachment B.
- After the February 16 briefing, staff is seeking feedback from the Planning Commission and the community on potential revisions to the scope of work, the schedule, and/or the public participation plan. Comments and feedback are requested by March 1 and should be submitted via email to Senior Planner Adam Zack at [adam.zack@mercerisland.gov](mailto:adam.zack@mercerisland.gov). (Note: The Let's Talk Page will be forthcoming).
- The comments will be compiled and presented to the City Council for review and consideration at the March 15, 2022, City Council meeting. Staff will be seeking approval of the project scope at this meeting so that planning work may commence on this two-year project.
- The proposed scope of work anticipates adoption of the periodic update to the Mercer Island Comprehensive Plan by May 2024.

## BACKGROUND

The Mercer Island Comprehensive Plan (*Plan*) sets forth a vision and establishes goals, policies, and implementation actions for managing and growing into the future. The vision is a statement of how the *Plan* will guide the City. *Plan* goals describe what objectives the City will pursue to further the vision. The policies and implementation actions established in the *Plan* describe what the City will do to achieve its goals and provide crucial guidance for the City in capital improvements, development regulations, and other supporting programs and services.

The *Plan* considers projected growth during a twenty-year period called a “planning horizon”. Currently, the GMA requires cities and counties to update each respective plan every nine years to extend the planning horizon. The *Plan* is shaped by a combination of state, regional, county, and local contexts.

### Statewide Planning Context

The Washington State Legislature adopted the Growth Management Act (GMA) in 1990. The GMA establishes a requirement that counties and cities adopt comprehensive plans to manage growth. The GMA also includes a timeline for counties and cities to periodically review their comprehensive plans ([RCW 36.70A.130](#)). During periodic review, counties and cities must extend the twenty-year planning period in their comprehensive plans. Other GMA requirements establish a statewide framework for counties and cities to plan for managing growth. Some of the key GMA requirements are:

- Consistency with the 14 coequal planning goals established in [RCW 36.70A.020](#) and [36.70A.480\(1\)](#);
- Comprehensive plans must include land use, housing, utilities, capital facilities, transportation, economic development, and parks and recreation elements ([RCW 36.70A.070](#));
- Plans must designate natural resource lands and critical areas, rural lands, and urban growth areas (UGAs);
- Cities and counties must provide sufficient development capacity to accommodate the projected growth ([RCW 36.70A.115](#));
- Comprehensive Plans must include provisions to ensure that public facilities and infrastructure keep pace with the projected growth;
- Comprehensive plans must be internally consistent, avoiding goals and policies that work at cross-purposes; and
- Comprehensive plans must be externally consistent so that growth assumptions and targets are coordinated between neighboring jurisdictions.

### Regional Planning Context

The Puget Sound Regional Council (PSRC) is a regional policy body that develops policies and coordinates decisions about regional growth within King, Pierce, Snohomish, and Kitsap Counties. The PSRC allocates growth throughout the region through its multicounty planning policies. The multicounty planning policies regarding growth for the next periodic review are established in a regional plan called [Vision 2050](#). The multicounty planning policies in *Vision 2050* are one of the principal ways PSRC coordinates planning at the regional level.

### Countywide Planning Context

King County coordinates planning throughout the County through Countywide Planning Policies (CPPs). The CPPs establish housing and employment growth targets for the cities within King County. The King County Council updated the CPPs on December 14, 2021, with [Ordinance 19384](#). The updated CPPs established the

following growth targets for Mercer Island: 1,239 additional housing units and 1,300 additional jobs by 2044. The 2044 housing growth target did not change from the previous 2035 target. The 2044 employment growth target increased by 140 jobs over the 2035 employment growth target.

In addition to setting growth targets, King County assesses the amount of development capacity for UGAs within its boundaries. The 2044 development capacity for King County UGAs is provided in the [2021 King County Urban Growth Capacity Report](#) (UGC Report), dated June 21, 2021. The UGC Report details how much development is possible in UGAs given current zoning, achieved densities and intensities, existing development, planned development, and environmental constraints. This report is crucial to help King County and its cities understand how much development is possible through the planning period. The CPPs and UGC Report are two important ways King County coordinates assumptions about growth among the cities within its boundaries.

#### Local Context

The City of Mercer Island adopted its first GMA compliant Comprehensive Plan in 1994 ([Ordinance A-122](#)). The City's Comprehensive Plan has been amended several times since 1994. The last periodic review of the *Plan* was completed in 2015. The existing Comprehensive Plan planning period is 2015 to 2035. The next mandated periodic review of the Mercer Island Comprehensive Plan must be adopted by June 30, 2024 ([RCW 36.70A.130](#)). This periodic review will extend the planning period for the Comprehensive Plan through the year 2044. Because the 2044 housing growth target has not changed and the 2044 employment growth target only increased by 140 jobs since the last periodic review, the *Plan* update is generally expected to require only minor changes to maintain compliance with GMA.

#### **SCOPE OF WORK**

Staff has prepared the attached draft scope of work outlining a focused “surgical” update of the *Plan* (Attachment A). The concept is to have a narrow scope, primarily limited to only those updates required by state law. As such, the element-specific tasks for the Land Use, Utilities, Capital Facilities, and Transportation Elements are primarily constrained to only those updates required by the GMA and to account for recent planning actions. There are two aspects of the *Plan* update that will include more extensive goal and policy work beyond the technical updates elsewhere in the *Plan*. In depth goal and policy review will take place during work on drafting a new Economic Development Element and amendments to housing goals and policies to address the findings in the *Housing Needs Assessment*.

#### Planning Commission Comments

Planning Commissioners may propose adding or subtracting tasks from the element-specific task list (Attachment A, page 9, Table 2). Please keep in mind, additions to the scope of work may increase the duration of the project and push back the target adoption date. Conversely, removing element-specific tasks reduces the scope for that element. The tasks marked as “required” are those necessary to maintain compliance with state and regional planning requirements. Only those tasks marked as local choices should be altered.

#### **MASTER SCHEDULE**

Attachment A includes the master schedule for the *Plan* update project. The master schedule begins on page 3 of Attachment A. Establishing a schedule at the outset of the project will help the City stay on track for adoption by the projected date. Throughout the project, staff will use the schedule to check in on progress toward eventual adoption.

This project is expected to take approximately 2 years commencing this spring and concluding with City Council adoption in April 2024 and filing with appropriate agencies in May 2024. Most of 2022 and 2023 will

be spent preparing technical analyses and drafting amendments with the Planning Commission culminating in public workshops in the late summer and fall of 2023. The project will then enter the public hearing phase at the end of 2023. The Planning Commission public hearing and deliberations are planned to take approximately 3 months from September to November 2023. The City Council review process will begin after the Planning Commission makes a recommendation. The Council review will include a public hearing and is expected to take roughly 4 months from January to April 2024.

#### Planning Commission Comments

The Planning Commission may provide input on the projected duration and expected adoption date. The current project schedule anticipates adoption by May 2024. Adding additional tasks to the scope or expanding public participation beyond what is proposed in the public participation plan will likely push back the expected adoption date. The periodic review is required to be adopted by June 30, 2024. Adjustments to the scope, public participation plan, and master schedule should not extend the target adoption date past the GMA required adoption deadline on June 30, 2024.

#### **PUBLIC PARTICIPATION PLAN**

Public participation is a vital aspect of the periodic review process. Public participation improves the planning process by gathering the shared knowledge and experience of the community and fostering public confidence in the proposed *Plan* amendments. The public participation plan (PPP) details the engagement goals, tasks, phases, and schedule for public participation during the *Plan* update. The draft PPP is provided in Attachment B.

The PPP details the following strategies for engaging the public during the periodic review:

- A dedicated public comment email address ([comp.plan@mercerisland.gov](mailto:comp.plan@mercerisland.gov)) for the public to provide written comments throughout the project;
- A dedicated project Let's Talk Page where drafts and written public comments will be posted (<https://letstalk.mercergov.org/comprehensive-plan-periodic-update>);
- An economic development vision survey to identify high-level themes that the Economic Development Element vision, goals, and policies should address;
- An economic development vision community workshop to gather more input on the themes identified in the survey;
- An Economic Development Work Group (EDWG) to engage with stakeholders and subject matter experts while refining drafts of the Economic Development Element. The EDWG will be composed of both City Council and Planning Commission members;
- A Housing Work Group (HWG) to engage stakeholders and subject matter experts while refining drafts of housing goal and policy amendments. The HWG will be composed of both City Council and Planning Commission members;
- An economic development community workshop to receive feedback on the draft Economic Development Element in advance of the Planning Commission public hearing;
- An overall Comprehensive Plan Update community workshop to gather public input on the proposed *Plan* amendments in advance of the Planning Commission public hearing; and,
- Public hearings preceding adoption.

### Planning Commission Comments

The Planning Commission may provide feedback on the engagement goals and tasks beginning on page 3 of Attachment B. Proposed changes should indicate whether participation planned for a given topic should be expanded or reduced. Staff would also be interested in feedback on how the commission would like to engage with the broader community during the update process. Commissioners with a longer tenure may be able to share lessons from past long range planning efforts such as the Town Center Code update and the Residential Development Standards update, and the types of public outreach and engagement they felt where the most productive and informative as the Commission developed its recommendations.

### **NEXT STEPS**

- **March 1** – Questions, comments and/or requested revisions from City Council and Planning Commission due.
- **March 1** – City Council considers ratification of the King County CPPs including Mercer Island growth targets.
- **March 15** – City Council considers requested revisions and adopts a resolution approving the scope, master schedule, and public participation plan for completing this periodic update.

### **FEEDBACK REQUESTED**

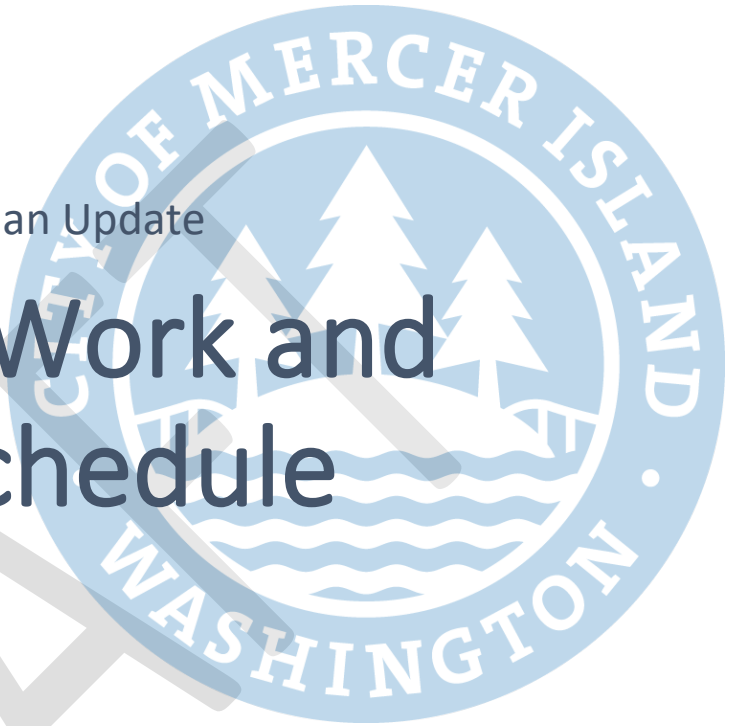
Please provide feedback in written comments referencing page and line number(s) on the draft scope of work, master schedule and public participation plan no later than March 1, 2022, via email to [adam.zack@mercerisland.gov](mailto:adam.zack@mercerisland.gov). Staff will compile all feedback for City Council consideration at its March 15 regular meeting.



2044 Comprehensive Plan Update

# Scope of Work and Master Schedule

City of Mercer Island, WA



DRAFT

Department of Community Planning and Development  
First Draft: February 7, 2022

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## Scope of Work

### Purpose

The Washington State Growth Management Act (GMA) requires King County and incorporated jurisdictions within King County to update their Comprehensive Plan on or before June 30, 2024. This proposed project to update the 2015 Mercer Island Comprehensive Plan (*Plan*) to plan for growth through the year 2044 is intended to satisfy this state requirement.

At its core, the *Plan* sets forth a vision and establishes goals, policies, and implementation actions for managing and growing into the future. The vision is a statement of how the *Plan* will guide the City. *Plan* goals describe what objectives the City will pursue to further the vision. The policies and implementation actions established in the *Plan* describe what the City will do to achieve its goals and provide crucial guidance for the City in capital improvements, development regulations and other supporting programs and services.

The *Plan* considers projected growth during a twenty-year period called a “planning horizon”. Currently, the GMA requires cities and counties to update each respective plan every nine years to extend the planning horizon.

There are five categories of amendments expected during this periodic *Plan* update as follows:

1. Amendments required by the GMA;
2. Amendments required by regional planning documents such as the Puget Sound Regional Council (PSRC) *Vision 2050* and King County Countywide Planning Policies;
3. Amendments required to extend the planning horizon to the year 2044;
4. Amendments to reflect City actions since the last update; and
5. Other amendments as directed by City Council, referred to herein as local choices.

Within each category, there may be technical and/or policy amendments required. Technical amendments generally provide little to no discretion and focus on necessary data compilation and analysis, often required by state, regional or county agencies. Policy amendments generally are more discretionary as they typically involve local responses to findings highlighted by technical amendments.

### Strategy

The primary focus of this periodic *Plan* update is to ensure consistency with technical and/or policy changes by state, regional or county agencies and to incorporate new growth projections to extend the planning horizon to the year 2044. The population growth projection is provided by the Washington State Office of Financial Management (OFM). The expected regional growth in population and employment for the central Puget Sound area is distributed to counties by the Puget Sound Regional Council (PSRC) via the policies established in *Vision 2050*. Forecasted growth is allocated to individual cities within King County via countywide planning policies. Updating growth projections is largely a technical process because the projections have already been set by state, regional, and county efforts.

The proposed strategy for this periodic *Plan* update is largely “surgical” in nature with a few key exceptions. That the City is planning a largely surgical update reflects both the quality of the existing *Plan* as well as the results of the countywide new growth projections process from 2021. Generally, the existing *Plan* vision, goals, and policies still align with the results of the new growth projections process, hence the proposed surgical nature of this periodic *Plan* update to ensure consistency with technical and/or policy changes by state, regional or county agencies.

The two key exceptions to this surgical strategy that will require more extensive technical and policy work are drafting an Economic Development Element and updating the Housing Element to address the findings and recommendations from the *Housing Needs Assessment*.

The Economic Development Element will include goals and policies to define the City’s role in economic development. This effort will require additional public outreach to ensure that the Economic Development Element aligns with the City’s vision for economic development through the planning horizon. The expanded scope and public participation plan for the Economic Development Element reflect the broader nature of this effort.

As a prelude to a Housing Element update, the City will prepare a *Housing Needs Assessment*. The *Housing Needs Assessment* is a technical document that defines housing need across all income segments based on housing inventory and projected growth. Goal and policy amendments during the *Plan* update may be required to address housing needs. If such amendments are needed to address recommendations in the *Housing Needs Assessment*, a process broader than the surgical update may be required. As such, the scope and public participation plan for the Housing Element update allows additional room for goal and policy work in response to the *Housing Needs Assessment*.

#### **Schedule**

City Council is scheduled to consider the approval of this project scope, schedule, and public participation plan in March 2022. Once approved, work will immediately commence. Final City Council adoption of the periodic *Plan* update is proposed for April 2024. Filing of the 2044 Mercer Island Comprehensive Plan to state, regional and county agencies will immediately follow the *Plan* update adoption. A proposed Master Schedule is provided in Table 1 followed by a summary of tasks and sub tasks.

1 Table 1. Comprehensive Plan Periodic Review Master Schedule.

Task #	Task Description	2022												2023												2024					
		J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J
1	Develop a scope of work and public participation plan	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J
2	Public Participation	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J
3	Consultant contracts	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J
PP-2.1*	EDE stakeholder and SME interviews	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J
PP-2.2*	EDE Community Vision Workshop	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J
PP-2.3*	EDE Vision Survey	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J
4	Housing Needs Assessment and Economic Analysis Planning Commission and City Council Briefings	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J
PP-2.4*	Economic Development Work Group (EDWG) meeting with stakeholders and SMEs	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J
PP-3.1*	Housing Work Group (HWG) prepares initial list of housing policy responses	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J
5	Land Use Element Planning Commission review	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J
6	Transportation Element Planning Commission Review	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J
PP-3.2*	HWG meeting with SMEs to refining draft Housing Element	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J
PP-2.5*	EDWG meeting with stakeholders to refine the first draft of the EDE	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J
7	Housing Element Planning Commission Review	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J
8	EDE Planning Commission Review	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J
PP-2.8*	EDE Community Workshop	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J
9	Utilities Element Planning Commission Review	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J
10	Capital Facilities Element Planning Commission Review	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J
PP-4.3*	Overall <i>Plan</i> update Community Workshop	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J

Task #	Task Description	2022												2023												2024					
		J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J
11	Planning Commission <i>Plan</i> update tune up	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A		
12	SEPA Review	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J
13	Planning Commission Overall <i>Plan</i> update public hearing	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J
14	Planning Commission Overall <i>Plan</i> Deliberations	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J
15	Planning Commission <i>Plan</i> Update Recommendation	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J
16	City Council receives Planning Commission recommendation	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J
17	City Council overall <i>Plan</i> update public hearing	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J
18	City Council overall <i>Plan</i> update deliberations	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J
19	City Council adopts <i>Plan</i> update	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J
20	City files adopted <i>Plan</i> update with PSRC, Commerce, and King County	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J

Note: \* Tasks labeled “PP” are drawn from the Public Participation Plan. Please see the Public Participation Plan for a description of and numbering for these tasks.

## Tasks

### **Task 1 – Develop a Scope of Work and Public Participation Plan** **January – March 2022**

City staff will prepare a draft scope of work (SOW) and public participation plan (PPP) for the *Plan* update. The City Council and Planning Commission will provide input on the SOW and PPP before the City Council adopts them by resolution

*Deliverable:* A SOW and PPP for the *Plan* update.

### **Task 2 – Public Participation** **Duration of Plan update**

Public participation will be integrated throughout the project as established by the PPP developed during Task 1. Public participation strategies will include public comment periods, public meetings, stakeholder and subject matter expert consultations, community workshops, and public hearings. Specific engagement strategies are detailed in the PPP.

*Deliverable:* Public participation opportunities throughout the *Plan* update, see PPP for more detail.

### **Task 3 – Consultant Contracts** **March – April 2022**

The City will retain qualified professional consultant services for specific projects during the *Plan* update. Task 3 will involve preparing and executing contracts for consultants.

*Deliverable:* Consultant contracts for work during the *Plan* update.

### **Task 4 – Housing Needs Assessment and Economic Analysis Planning Commission and City Council Briefings** **June 2022**

The City will prepare two technical reports that provide data on housing and the Mercer Island economy. First, the City will produce a *Housing Needs Assessment* (HNA). The HNA is a document detailing the expected housing needs in the City throughout the planning period based on the forecasted growth, existing housing stock, and land use assumptions in the *Plan*. The GMA requires the City to plan for accommodating the projected growth through the planning horizon, including housing needs for people across all income levels. The HNA will help the City ensure that the *Plan* accounts for the projected growth in housing. The Planning Commission will be briefed on the HNA before progressing to work on the Housing Element later in the *Plan* update.

In addition to the HNA, the City will produce an Economic Analysis of the local economy. The Economic Analysis will provide data that current economic conditions and expected growth during the planning period. The information in this technical report will underpin the later work on the Economic Development Element.

*Deliverable:* A final draft of the *Housing Needs Assessment* and *Economic Analysis*.

### **Task 5 – Land Use Element Planning Commission Review** **July – October 2022**

New growth projections will be incorporated into the Land Use Element of the *Plan*. Incorporating the new growth projections will be a technical update of the Land Use Element, with minimal changes to goals and policies. No changes to land use designations are expected. Assumptions about growth inform the other updates of the *Plan* and so the work on the Land Use Element should be completed early in the

periodic review. The Planning Commission will review and prepare a public hearing draft of the updated Land Use Element in the early stages of the *Plan* update.

*Deliverable:* A public hearing draft of the Land Use Element.

#### **Task 6 – Transportation Element Planning Commission Review**

**July – October 2022**

The GMA requires that the *Plan* be internally consistent, using the same assumptions about growth throughout all *Plan* elements. Updating the growth projections in the *Plan* will require updates to the Transportation Element. These updates will largely be technical amendments to ensure that expectations about transportation demand are consistent with assumptions about growth elsewhere in the *Plan*. The Planning Commission will review the amendments to the Transportation Element necessary to update the growth projections and maintain internal consistency.

*Deliverable:* A public hearing draft of the Transportation Element.

#### **Task 7 – Housing Element Planning Commission Review**

**October – December 2022**

The findings in the HNA will likely require updates to the goals, policies, and programs established in the Housing Element. The Planning Commission will review the HNA findings and recommend updates to the Housing Element as needed. The updates to the Housing Element are one aspect of the *Plan* update where substantive amendments to goals and policies are expected.

*Deliverable:* A public hearing draft of the Housing Element.

#### **Task 8 – Economic Development Element Planning Commission Review**

**January – April 2023**

An Economic Development Element establishes goals and policies that provide for economic vitality in the City through the planning horizon. The *Plan* does not currently have an Economic Development Element; adopting one during the update is a local choice. Preparing an Economic Development Element is an aspect of the *Plan* update where significant public participation will be required to ensure that the goals and policies of the element reflect the collective vision of a vital economy on the island. The Planning Commission will review the proposed Economic Development Element during the latter half of the *Plan* update project.

*Deliverable:* a public hearing draft of the Economic Development Element.

#### **Task 9 – Utilities Element Planning Commission Review**

**March – June 2023**

The GMA requires a Utilities Element that ensures utility capacity will keep pace with the projected growth. The Utilities Element includes an inventory of facilities that will need to be consistent with the new growth projections. Work on the Utilities Element will include an update of the utilities inventory and assessment of future needs. The Planning Commission will review the amendments to the Utilities Element necessary to update the growth projections and maintain internal consistency.

*Deliverable:* A public hearing draft of the Utilities Element.

#### **Task 10 – Capital Facilities Element Planning Commission Review**

**March – June 2023**

The GMA requires a Capital Facilities Element that ensures capital facility capacity keeps pace with the projected growth. The Capital Facilities Element includes an inventory and level of service (LOS) analysis of facilities to ensure that capital facility LOS keeps pace with projected growth. The Planning Commission



will review the amendments to the Capital Facilities Element necessary to update the growth projections and maintain internal consistency.

*Deliverable:* A public hearing draft of the Capital Facilities Element.

#### **Task 11 – Planning Commission *Plan* Update Tune Up**

**July 2023**

The Planning Commission will review the overall *Plan* update and consider the feedback received during the community workshop. More information about the community workshop is provided in the PPP. This review will allow the Planning Commission to incorporate public input in advance of their public hearing.

*Deliverable:* A public hearing draft of the overall *Plan* update.

#### **Task 12 – SEPA Review**

**August – September 2023**

The City is required to review potential environmental impacts under the State Environmental Policy Act (SEPA). Prior to adopting the *Plan* update, the City must issue a SEPA determination. The SEPA determination will be issued after the Planning Commission has prepared a public hearing draft of amendments to the *Plan* and before the Planning Commission holds a public hearing.

*Deliverable:* A SEPA determination covering the amendments proposed with the *Plan* update.

#### **Task 13 – Planning Commission Public Hearing**

**September 2023**

Prior to making a recommendation to the City Council, the Planning Commission will hold a public hearing on the *Plan* update.

*Deliverable:* Public input regarding the *Plan* update for the Planning Commission.

#### **Task 14 – Planning Commission Deliberations**

**October – November 2023**

Prior to making a recommendation to the City Council, the Planning Commission will consider the input received during the public hearing on the *Plan* update.

*Deliverable:* Public input regarding the *Plan* update for the Planning Commission.

#### **Task 15 – Planning Commission *Plan* Update Recommendation**

**November 2023**

Making a recommendation to the City Council on the *Plan* update is the final action the Planning Commission will take on the periodic review.

*Deliverable:* the Planning Commission recommendation to the City Council regarding the *Plan* update.

#### **Task 16 – City Council Receives Planning Commission Recommendation**

**January 2024**

The City Council will be briefed on the Planning Commission recommendation for the overall *Plan* update. This briefing will prepare the City Council to hold a public hearing on the proposed amendments.

*Deliverable:* A first draft of an ordinance to adopt the *Plan* update.

#### **Task 17 – City Council Public Hearing**

**February 2024**

Once the Planning Commission makes a recommendation to the City Council, the Council will consider the recommendation during a public hearing. The public hearing can take place over the course of several

City Council Meetings. The City Council will adopt the *Plan* update by ordinance following the public hearing.

*Deliverable:* Public input on the *Plan* update.

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**Task 18 – City Council Deliberations****March – April 2024**

Prior to adopting the *Plan* update, the City Council will consider the input received during the public hearing on the *Plan* update.

*Deliverable:* A refined ordinance to adopt the *Plan* update.

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**Task 19 – City Council Adopts the *Plan* Update****April 2024**

The City Council will adopt the 2044 *Plan* update by ordinance following a public hearing. The target date for adoption is April 2024.

*Deliverable:* 2044 Comprehensive Plan Update adoption by ordinance.

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**Task 20 – City Files Adopted *Plan* Update With PSRC, Commerce, and King County****May 2024**

The City Council will adopt the 2044 *Plan* update by ordinance following a public hearing. The target date for adoption is April 2024.

*Deliverable:* Certification of the 2044 Comprehensive Plan Update.

**Element-Specific Subtasks**

There are specific tasks that will be associated with the update of each *Plan* Element. Table 3 shows the element-specific subtasks that make up the *Plan* update. The majority of these subtasks are required by state, regional, and King County planning policies. Some element-specific subtasks are local choices. Some of the local choice subtasks have been added to the scope of work by other actions such as the Annual Docket or recently adopted development code changes. Local choice subtasks are highlighted in green in Table 3.

**Table 2. Comprehensive Plan Element-Specific Subtasks.**

Land Use Element		
Subtask Number	Task Description	Required or Local Choice
LU-1	Revise Land Use Element Section III to incorporate new growth projections	Required
LU-2	Add policy to Land Use Element Goal 18 to adopt the City Stormwater Management Plan by reference	Required
LU-3	Update capacity discussion in Land Use Element Section III to incorporate forecasted growth in population and employment.	Required
LU-4	Update Figure TC-1 with new map, relocate figure to be under Goal 2. Include policy referencing Figure TC-1	Local Choice
LU-5	Review Town Center policies under Goal 2 to be consistent with the 2021 commercial use requirements update, including 'no net loss' of commercial land in Town Center policy.	Local Choice
LU-6	Add policy(s) to Land Use Element Goal 14 regarding preserving existing commercial use square footage in Town Center.	Local Choice
LU-7	Adopt Climate Action Plan by reference in Land Use Element Section V, Goal 28	Local Choice
LU-8	Review and, if necessary, amend climate change policies in response to the Climate Action Plan	Local Choice
LU-9	Revise symbology of Figure 1 Land Use Map to optimize the map for web viewing	Local Choice
LU-10	Review Land Use Goals and Policies for consistency with planning actions taken since the previous update.	Local Choice
Housing Element		
Subtask Number	Task Description	Required or Local Choice
H-1	Develop a Housing Needs Assessment (HNA)	Required
H-2	Update Housing Element Section II to reflect the 2044 growth projections	Required
H-3	Adopt policies under Housing Element Goal 3 articulating the existing affordable housing program(s) in the City.	Required
H-4	Add policy under Housing Element Goal 1 explaining that manufactured housing is not regulated differently than site-built housing	Required
H-5	Review Housing policies for potential changes needed based on the HNA results	Required
H-6	Ensure Housing Element is consistent with SHB 1220	Required

**Transportation Element**

Subtask Number	Task Description	Required or Local Choice
T-1	Ensure that the 10-year traffic forecast is consistent with growth projections	Required
T-2	Update Transportation Element Section V to ensure future funding capability will be consistent with current conditions and growth projections	Required
T-3	Ensure that the multiyear transportation financing plan is consistent with updated growth projections	Required
T-4	Update the transportation inventory	Required
T-5	Add policy under Transportation Element Goal 12 to adopt the Pedestrian and Bicycle Facilities Plan by reference	Local Choice
T-6	Add policy under Transportation Element Goal 12 that establishes a timeline for reviewing the Pedestrian and Bicycle Facilities Plan	Local Choice
T-7	Amend Town Center intersections list in Transportation Element Section III Table 1	Local Choice
T-8	Adopt the streetscape manual by reference	Local Choice

**Utilities Element**

Subtask Number	Task Description	Required or Local Choice
U-1	Ensure that utility capacity is consistent with growth projections	Required

**Capital Facilities Element**

Subtask Number	Task Description	Required or Local Choice
CF-1	Update the Capital Facilities Inventory	Required
CF-2	Ensure that capital facilities inventory, LOS, and projection of future needs are consistent with adopted growth projections	Required
CF-3	Add impact fee policies describing what impact fees pay for	Required

**Economic Development Element**

Subtask Number	Task Description	Required or Local Choice
EDE-1	Conduct an Economic Analysis	Local Choice
EDE-2	Develop an Economic Development Element	Local Choice
EDE-2	Ensure the Economic Development Element is consistent with projected growth	Required

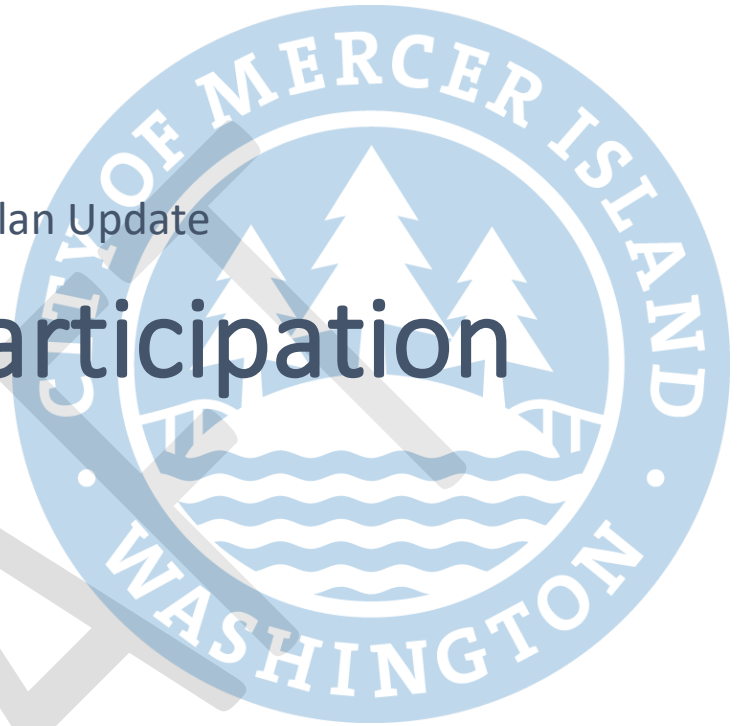
**Parks, Recreation, and Open Space Element**

Subtask Number	Task Description	Required or Local Choice
PRO-1	Adopt a Parks, Recreation, and Open Space Element that adopts the Parks, Recreation, and Open Space Plan by reference	Required

2044 Comprehensive Plan Update

# Public Participation Plan

City of Mercer Island, WA



Department of Community Planning and Development  
First Draft: February 7, 2022

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## Public Participation Plan

The Growth Management Act (GMA) requires the City to update its Comprehensive Plan (*Plan*) on or before June 30, 2024 (RCW 36.70A.130(5)(a)). This update will extend the *Plan* planning horizon to the year 2044. The 2044 Comprehensive Plan Periodic Review and Update (*Plan* update) will satisfy this requirement. Public participation is a vital aspect of the *Plan* update process. Public participation improves the planning process by gathering the shared knowledge and experience of the community and fostering public confidence in the proposed *Plan* amendments. This document details the goals, tasks, phases, and schedule for public participation during the *Plan* update.

The *Plan* update will primarily be a targeted “surgical” update. The focus of the majority of the work will be technical updates to the growth projections and associated infrastructure needs detailed in the *Plan*. As such, most of the work in the *Plan* update will not require extensive public outreach. There are two aspects of the *Plan* update that will have a broader scope than the technical updates, creating more opportunities for public participation. These two aspects are adopting an Economic Development Element and updating housing goals and policies to respond to the findings in the *Housing Needs Assessment*. These two components of the *Plan* update will require more goal and policy work than the remainder of the project.

The drafting and adoption of an Economic Development Element will include extensive opportunities for the public to provide input. The Economic Development Element goals and policies will define how the City chooses to grow its economy. This will require additional public outreach to ensure that the Economic Development Element aligns with the public’s vision for economic development through the planning horizon. The public participation plan for the Economic Development Element reflects the broader nature of this part of the project.

The City will prepare a *Housing Needs Assessment* as part of updating the growth projections in the *Plan*. The *Housing Needs Assessment* is a technical document that defines housing need based on the projected growth. Policy responses during the *Plan* update may be required to address housing needs. If policy amendments are needed to address the findings in the *Housing Needs Assessment*, those amendments would require a broader public participation. As such, the public participation planned for the Housing Element update allows additional room for community input. Updates to Housing Element goals and policies will give stakeholders several opportunities to provide input during the *Plan* update.

### Roles

The *Plan* update will engage various groups. These groups have unique roles in the process, summarized below.

#### City Council

The Mercer Island City Council are the elected officials endowed with the legislative authority to adopt *Plan* amendments. The City Council also directs Planning Commission and staff work programs. The City Council will review the proposed *Plan* amendments throughout the *Plan* update. Ultimately, the City Council will adopt the *Plan* update after considering the Planning Commission, staff recommendations and public input.

### Planning Commission

The Planning Commission is a volunteer advisory committee made up of island residents. The commission was established to review and make recommendations to the City Council on amendments to the *Plan*. They provide the City Council with the lay perspective on planning issues. The Planning Commission review of the *Plan* update will include the majority of the public participation, including a public hearing prior to making their recommendation to the City Council.

### Housing Work Group

A Housing Work Group (HWG) will work on drafting updated Housing Element goals and policies. The HWG will be made up of two Planning Commission members and two City Council members. The HWG will meet with stakeholders and subject matter experts during the *Plan* update to get input on housing goal and policy amendments to address housing needs.

### Economic Development Work Group

An Economic Development Work Group (EDWG) will work on drafting new goals and policies for the Economic Development Element. The EDWG will be composed of two Planning Commission members and two City Council members. The work group will meet with stakeholders and subject matter experts during the *Plan* update to refine the draft Economic Development Element.

### City Staff

City staff provides professional and technical recommendations to the Planning Commission and City Council. Staff will prepare drafts and make recommendations throughout the *Plan* update.

### Subject Matter Experts

Subject matter experts (SME) are professionals that work in a *Plan* related field (i.e. affordable housing nonprofit staff, King County Economic Development Council, etc.). SMEs can provide the City with their professional and technical expertise during the *Plan* update.

### Stakeholders

Stakeholders are groups and individuals that have an interest in the outcome of the *Plan* update. Stakeholders are diverse and can have numerous and conflicting concerns. The *Plan* update will benefit from engaging these groups and individuals to gather varied perspectives and build consensus on the proposed updates. Engaging stakeholders with diverse viewpoints will help the Planning Commission and City Council understand the plurality of public opinions on goals and policies in the *Plan*. Some of the *Plan* update stakeholders are listed below.

- Local business owners;
- Housing providers;
- Developers;
- Builders and contractors;
- Local and regional policy advocacy organizations; and
- The general public.

## Public Participation Goals and Tasks

Public participation is central to planning under GMA. Public participation is one of the statewide planning goals established in RCW 36.70A.020(11), which states:



“Citizen participation and coordination. Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts.”

In pursuit of this statewide planning goal, this public participation plan details the public participation goals and tasks the City will use throughout the *Plan* update.

### **Goal 1 – Inform the Public Throughout the *Plan* Update**

Keeping the public informed throughout the *Plan* update will help ensure stakeholders know what to comment on, when comments will be effective, and how to provide their perspective to decision makers.

#### Tasks

**1.1** Maintain a project webpage on the City website. The project webpage will list working drafts, project timeline, and public comments.

**1.2** Publish notice of special public meetings such as community workshops in *The Mercer Island Reporter* and on the City website.

**1.3** Maintain a mailing list of interested parties. Interested parties will be notified of public meetings.

### **Goal 2 – Gather Input on Economic Development Element Goals and Policies**

Drafting a new Economic Development Element will require extensive public input on proposed vision, goals, and policies. Stakeholders and subject matter experts (SME) should be engaged throughout the refinement of proposed Economic Development Element goals and policies.

#### Tasks

**2.1** City staff will conduct SME and key stakeholder interviews to establish a list of priority policy issues to address in the Economic Development Element. Key stakeholders are those with specific interest in economic development in the City. After the interviews, staff will prepare a list of important economic development issues to get more information on during the workshop and survey (Tasks 2.2 and 2.3).

**2.2** City staff will hold an Economic Development Vision Community Workshop to get public input on a vision for economic development and identify priority policy topics to be addressed in the Economic Development Element.

**2.3** City staff will conduct a survey to gather public input on the vision for economic development and identify priority policy topics to be addressed in the Economic Development Element.

**2.4** The Economic Development Work Group (EDWG) will meet with economic development SMEs to refine the preliminary draft of economic development goals and policies to address the priority policy issues identified in tasks 2.1 through 2.3. This meeting will result in a first draft of the Economic Development Element.

**2.5** The EDWG will meet with a stakeholder panel to get input on and refine the first draft of the Economic Development Element.

**2.6** The Planning Commission considers the EDWG and stakeholder input during its first touch of the Economic Development Element.

**2.7** The Planning Commission considers the EDWG and stakeholder input during its second touch of the Economic Development Element.

**2.8** The City will hold a community workshop to get feedback on and refine the third draft of the Economic Development Element.

**2.9** The Planning Commission considers the public input from the community workshop during its third touch of the Economic Development Element.

### **Goal 3 – Gather Input on updates to the housing goals and policies**

Housing goals and policies might need to be updated after the City has prepared a *Housing Needs Assessment* (HNA). Any necessary changes are expected to be minor refinements of the existing housing policies to account for the findings in the HNA. Input from housing stakeholders and SMEs will be sought to ensure that the goals and policies adequately address the findings in the HNA.

#### Tasks

**3.1** Housing Work Group (HWG) prepares an initial list of housing policy responses based on the HNA findings.

**3.2** The HWG will meet with SMEs to refine the initial list of policy responses to be incorporated into the first draft of amendments to housing goals and policies.

**3.3** Planning Commission first two touches on the draft housing goal and policy amendments.

**3.4** Planning Commission third touch on the draft housing goal and policy amendments, resulting in a public hearing draft.

**3.5** The Planning Commission will hold a public hearing on the *Plan* update (Task 4.2, below), which will include the amendments to the Housing Element.

### **Goal 4 – Gather Public Input on the Overall *Plan* Update**

Gathering public input on the overall *Plan* update will be vital to ensure the update satisfies the statewide planning goal for public participation. This will increase community support for the update.

#### Tasks

**4.1** Create a dedicated Comprehensive Plan update public comment email inbox.

**4.2** Planning Commission refines draft amendments and responds to public comments during public meetings.

**4.3** Hold a community workshop on the *Plan* update after the Planning Commission has prepared a pre-hearing draft of the overall *Plan* update. The community workshop will precede a Planning Commission public hearing.

**4.4** The Planning Commission will hold a public hearing and deliberations before making a recommendation to the City Council on the *Plan* update.

**4.5** The City Council will hold a public hearing and deliberations before adopting the *Plan* update by ordinance.

## Engagement Phases

Public participation for the *Plan* update will be divided into four distinct phases. Each phase will be composed of outreach tasks to achieve the public participation goals outlined above. The four phases are:

### **Phase I – Ongoing Notices**

### **Phase II – Identify Policy Responses**

### **Phase III – Refine Drafts**

### **Phase IV – Build Consensus**

#### **Phase I: Ongoing Notices**

The purpose of Phase I is to ensure that the public stays up to date on the *Plan* update project throughout its duration. By providing public notice throughout the *Plan* update, the City will keep the public informed of the status of the project and how to provide comments. Phase I will take place through the duration of the *Plan* update. The tasks undertaken during Phase I are related to public participation goals 1 and 4.

#### **Phase II: Identify Policy Responses**

The purpose of Phase II is to engage the general public, stakeholders, and SMEs to set the agenda for making goal and policy updates. The focus of this phase will be amendments to the Housing Element and drafting the new Economic Development Element. Phase II will take place early in the drafting process for these two elements. The input gathered in this phase will highlight priority goal and policy amendments needed to address the housing and economic development issues the community is concerned about. The tasks undertaken during Phase II are related to public participation goals 2 and 3.

#### **Phase III: Refine Drafts**

The purpose of Phase III is to gather input on the draft *Plan* Elements in advance of public hearings. Phase III will center on engaging the broader public and gathering input on proposed goal and policy updates. Refining drafts will take place through the middle of the *Plan* update process, in advance of the Planning Commission and City Council public hearings. The tasks undertaken during Phase III are related to public participation goals 2, 3, and 4.

#### **Phase IV: Build Consensus**

The purpose of Phase IV is to build public buy in on the drafts refined during Phase III by engaging the public in the fine-tuning of the *Plan* update in advance of its adoption. Phase IV will take place during the last stages of the *Plan* update. The tasks undertaken during Phase IV are related to public participation goals 2, 3, and 4.

Table 1 lists the four public participation phases, information flow, and public participation tasks undertaken during each phase.

1 **Table 1. Public Participation Phases, Information Flow, and Tasks.**

Phase	Information Flow	Public Participation Tasks
<b>Phase I Ongoing Notices</b>	<b>City</b> ↓ <b>Public</b>	<b>1.1</b> Maintain a project webpage on the City website. The project webpage will list working drafts, project timeline, and public comments.
		<b>1.2</b> Publish notice of special public meetings in The Mercer Island Reporter and on the City website.
		<b>1.3</b> Maintain a mailing list interested parties. Interested parties will be notified of public meetings.
		<b>4.1</b> Create a dedicated Comprehensive Plan update public comment email inbox.
<b>Phase II Identify Policy Responses</b>	<b>General Public, Stakeholders and SMEs</b> ↓ <b>City</b>	<b>2.1</b> Economic development SME and key stakeholder interviews to identify policy priorities.
		<b>2.2</b> Economic Development Vision Community Workshop.
		<b>2.3</b> Economic Development Vision Survey.
		<b>2.4</b> EDWG meeting with stakeholders and SMEs.
		<b>3.1</b> HWG prepares initial list of housing policy responses.
		<b>3.2</b> HWG meeting with SMEs to refine a draft of housing goal and policy amendments.
<b>Phase III Refine Drafts</b>	<b>General Public, Stakeholders, and SMEs</b> ↓ <b>City</b>	<b>2.5</b> EDWG meeting with stakeholders to refine the draft Economic Development Element.
		<b>2.6</b> Planning Commission first touch on the draft Economic Development Element
		<b>2.7</b> Planning Commission second touch on the draft Economic Development Element
		<b>2.8</b> Economic Development Element community workshop
		<b>2.9</b> Planning Commission third touch on the draft Economic Development Element
		<b>3.3</b> Planning Commission first and second touch on draft housing goal and policy amendments.
		<b>3.4</b> Planning Commission third touch on draft housing goal and policy amendments.
		<b>4.2</b> Planning Commission refines draft <i>Plan</i> amendments and responds to public comments.
<b>Phase IV Build Consensus</b>	<b>General Public</b> ↻ <b>City</b>	<b>4.3</b> Hold a community workshop on the <i>Plan</i> update.
		<b>3.5</b> Planning Commission public hearing on the <i>Plan</i> update (Task 4.4, below), which will include the amendments to the Housing Element.
		<b>4.4</b> Planning Commission will hold a public hearing before making a recommendation to the City Council on the <i>Plan</i> update.
		<b>4.5</b> City Council public hearing before adopting the <i>Plan</i> update.

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3

Public Participation Schedule

Table 2. Public Participation Schedule.

		2022												2023												2024						
Phase	Public Participation Task	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J
I	1.1 Project website		F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J
	1.2 Publish notices	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J
	1.3 Maintain mailing list	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	
	4.1 Dedicated public comment email	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	
II	2.1 Staff interviews Economic Development SMEs and stakeholders	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J
	2.2 Economic Development Vision Community Workshop	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J
	2.3 Economic Development Vision Survey	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J
	2.4 EDWG meeting with stakeholders and SMEs	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J
	3.1 HWG prepares initial list of housing policy responses	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J
	3.2 HWG meeting with SMEs to refine a draft of housing goal and policy amendments	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J
III	2.5 EDWG meeting with stakeholders to refine the draft Economic Development Element	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J
	3.3 Planning Commission first and second touch on draft housing goal and policy amendments	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J
	3.4 Planning Commission third touch on draft housing goal and policy amendments	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J
	2.6 Planning Commission first touch on the draft Economic Development Element	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J
	2.7 Planning Commission second touch on the draft Economic Development Element	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J
	2.8 Economic Development Element community workshop	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J
	2.9 Planning Commission third touch on the draft Economic Development Element	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J
	4.2 Planning Commission refines draft amendments and responds to public comments	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J
	4.3 Hold a community workshop on the <i>Plan</i> update	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J
IV	3.5 & 4.4 Planning Commission <i>Plan</i> update public hearing, deliberations, and recommendation	J	F	M	A	M	J	J		S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J
	4.5 City Council <i>Plan</i> update public hearings, deliberations, and adoption	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J