



PLANNING COMMISSION

REGULAR HYBRID MEETING AGENDA

Wednesday, April 23, 2025 at 6:00 PM

PLANNING COMMISSIONERS

Chair: Dan Thompson
Vice Chair: JB Gibson
Commissioners: Kate Akyuz,
Nazim Nice, and Anthony Perez

LOCATION

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

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

Individuals wishing to speak live during Public Appearances (public comment period) must register with the Deputy City Clerk at (206) 275-7791 or cityclerk@mercerisland.gov by 4pm on the day of the Planning Commission meeting. Each speaker will be allowed three (3) minutes to speak.

Join the meeting at 6:00 pm (Public Appearances will start sometime after 6:00 PM) by:

- 1) **Telephone:** Call 253.215.8782 and enter Webinar ID **827 7117 8960**, Passcode **274542**.
- 2) **Zoom:** Click this [Link](#) (Webinar ID **827 7117 8960**, Passcode **274542**)
- 3) **In person:** Mercer Island Community & Event Center | 8236 SE 24th Street, Mercer Island, WA 98040

CALL TO ORDER & ROLL CALL, 6 PM

PUBLIC APPEARANCES

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

REGULAR BUSINESS

1. Planning Commission Meeting Minutes

Recommended Action: Approve the February 26, 2025 Regular Meeting minutes.

2. PCB25-07: Public Hearing on New Dwelling Units in Existing Buildings (HB 1042)

Recommended Action: Hold public hearing and recommend amendments and/or adoption of the proposed permanent regulations on new dwelling units in existing buildings.

3. PCB25-08: Parks and Recreation Commission Parks Zone Recommendation

Recommended Action: Receive Report. No action necessary.

OTHER BUSINESS

4. Staff Report

ADJOURNMENT



PLANNING COMMISSION REGULAR MEETING MINUTES

Wednesday, February 26, 2025

Item 1.

CALL TO ORDER

The Planning Commission was called to order by Vice Chair Gibson at 6:03 pm.

Commissioners Kate Akyuz (6:08), JB Gibson, Nazim Nice, and Dan Thompson (remote) were present.

Commissioner Anthony Perez received an excused absence.

Staff Participation:

Jeff Thomas, Director (remote)

Alison Van Gorp, Deputy CPD Director

Adam Zack, Principal Planner

Kim Adams-Pratt, Legal Counsel

Molly McGuire, Senior Planner

Deb Estrada, Deputy City Clerk

Raven Gillis, Recreation Specialist

PUBLIC APPEARANCES. There were no public appearances.

REGULAR BUSINESS

1. Planning Commission Meeting Minutes of January 22, 2025, Regular Meeting:

A motion was made by Thompson; seconded by Nice to:

Approve the minutes.

Approved 3-0

2. PCB25-03: Planning Commission Work Plan

Adam Zack, Principal Planner, provided a brief presentation that addressed the following:

- Background:
 - Planning Commission Duties and Responsibilities
 - Comprehensive Plan
 - Development Regulations
- Adding Projects to the Work Plan
- Legislative Review Process
- Additional Project Steps
- Tentative 2025 PC Work Plan
- New Dwellings in Existing Buildings
- Downhill Façade Height
- Co-Living Housing
- Annual Docket

Zack and legal counsel responded to questions by the Commission.

3. PCB25-05: Permanent Regulations for Temporary Uses and Structures Including Outdoor Dining (First Reading)

Molly McGuire, Senior Planner, provided a brief presentation that addressed the following:

- Background and Purpose
- Regulations

- Commerce on Public Property
- Temporary Uses and Structures
- Permit Processing
- Temporary Uses and Structures Exempt from Permit Requirements
- Criteria for Approval
- Additional Conditions for Select Uses
- Standards for Removal and Assurance Devices

Staff and legal counsel responded to questions by the Commission. Staff also requested that the Planning Commission provide comments on the draft permanent regulations for temporary uses and structures by March 14, 2025, noting that a public hearing and second reading on the draft permanent regulations for temporary uses and structures was scheduled for the March 26, 2025, meeting.

4. PCB 25-05: Planning Commission Bylaws Adoption (Second Reading)

Deb Estrada, Deputy City Clerk, briefly outlined Commission members' proposed amendments to the Planning Commission Bylaws and responded to questions.

A motion was made by Thompson; seconded by Akyuz to:
adopt the bylaws.

A motion was made by Thompson; seconded by Gibson to:

Amend 4.2A to read that the "Planning Commission's regular meetings will be held on the fourth Wednesday of each month at 5:00 P.M."

Failed: 2-2

A motion was made by Gibson; seconded by Akyuz to:

Amend Section 7, to read the "bylaws may be amended by a majority vote (3 votes) of the entire membership of the Planning Commission."

Approved 4-0

Main motion approved 4-0

OTHER BUSINESS

5. Staff Report – None

ADJOURNED - The meeting adjourned at 7:36 pm

Deborah Estrada, Deputy City Clerk



PLANNING COMMISSION CITY OF MERCER ISLAND

PCB 25-07
April 23, 2025
Public Hearing

Item 2.

AGENDA BILL INFORMATION

TITLE:	PCB 25-07: Public Hearing on New Dwelling Units in Existing Buildings (HB 1042)	<input type="checkbox"/> Discussion Only
RECOMMENDED ACTION:	Hold public hearing and recommend amendments and/or adoption of the proposed permanent regulations on new dwelling units in existing buildings.	<input checked="" type="checkbox"/> Action Needed: <input checked="" type="checkbox"/> Motion <input type="checkbox"/> Recommendation

STAFF:	Adam Zack, Principal Planner
EXHIBITS:	1. Comparison of Proposed Development Code Amendment and RCW 35A.21.440.

EXECUTIVE SUMMARY

The purpose of this PCB is to recommend development code amendments to comply with recent changes in the state law pertaining to allowing new dwelling units to be constructed in existing buildings ([RCW 35A.21.440](#)).

- On April 14, 2023, the Washington State Legislature enacted Engrossed Substitute House Bill (HB) 1042;
- HB 1042 established [RCW 35A.21.440](#), which sets requirements for how code cities can regulate the development of new housing in existing buildings;
- [RCW 35A.21.440](#) requires that all code cities, including Mercer Island, allow the development of new housing in existing buildings subject to conditions;
- The City has established development regulations in Title 19 Mercer Island City Code (MICC);
- The development regulations in Title 19 MICC must be amended to comply with [RCW 35A.21.440](#); and
- The City Council included a project to comply with recent statewide legislation, including HB 1042, on the 2024 Annual Docket.
- The March 26, 2025 Regular Planning Commission meeting was canceled due to inclement weather, which pushed the PC's initial briefing to April 23.

BACKGROUND

In 2023, the WA State Legislature enacted House Bill 1042 (HB 1042). This bill enacted [RCW 35A.21.440 – New housing in existing buildings—Prohibitions on local regulation](#). This state law requires code cities in Washington to allow new dwelling units to be added to existing buildings subject to specific conditions. Mercer Island must update its code to comply with these changes by June 30, 2025 (RCW 35A.21.440(1)(a)). If the City does not amend the development code to comply with HB 1042 the state law supersedes local regulations (RCW 35A.21.440(1)(b)).

SUMMARY OF AMENDMENTS EXPECTED

This project is expected to result in the amendment of the following sections of the Mercer Island Comprehensive Plan or the development code established in Title 19 Mercer Island City Code (MICC):

Comprehensive Plan

- No amendments expected

Title 19 MICC

- MICC 19.06.XXX – New Dwelling Units in Existing Buildings. [*NEW SECTION*]

PUBLIC PARTICIPATION

The project will utilize the standard public participation required for every development code amendment as established in Title 19 MICC. The standard public participation process includes the following steps:

- Opportunity for the public to comment during public access at first PC meeting
- Public hearing notice and public comment period at least 30 days prior to the PC public hearing
- SEPA Comment Period
- Public hearing at second PC meeting
- Public access at City Council's first reading
- Public access at City Council's second reading

PUBLIC MEETINGS

The project is expected to be completed with three public meetings. The PC will have a first touch in April, hold a public hearing, and make its recommendation to the City Council. The City Council is expected to hold a first reading on June 3 and the second reading and adoption on June 17. As noted above, the City must enact regulations before June 30, 2025 to avoid state regulations superseding local requirements. Please note that the City Council agenda is subject to change and all dates are approximate as of the preparation of this scope.

Planning Commission

- March 26 – First Touch
- April 23 – Public Hearing, Second Touch, and Recommendation

City Council

- May 20 – First Reading
- June 3 – Second Reading and Adoption

RCW 35A.21.440 – NEW HOUSING IN EXISTING BUILDINGS – PROHIBITIONS ON LOCAL REGULATION

The requirements for regulation of new housing in existing buildings in code cities established by HB 1042 are codified in [RCW 35A.21.440 – New housing in existing buildings – Prohibitions on local regulation](#). RCW 35A.21.440 states:

- (1)(a) Code cities must adopt or amend by ordinance, and incorporate into their development regulations, zoning regulations, and other official controls the requirements of subsection (2) of this section for buildings that are zoned for commercial or mixed use no later than six months after its next periodic comprehensive plan update required under RCW 36.70A.130.
- (b) The requirements of subsection (2) of this section apply and take effect in any code city that has not adopted or amended ordinances, regulations, or other official controls as required under this section by the timeline in (a) of this subsection and supersede, preempt, and invalidate any conflicting local development regulations.

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- (2) Through ordinances, development regulations, zoning regulations, or other official controls as required under subsection (1) of this section, code cities may not:
- (a) Impose a restriction on housing unit density that prevents the addition of housing units at a density up to 50 percent more than what is allowed in the underlying zone if constructed entirely within an existing building envelope in a building located within a zone that permits multifamily housing, provided that generally applicable health and safety standards, including but not limited to building code standards and fire and life safety standards, can be met within the building;
 - (b) Impose parking requirements on the addition of dwelling units or living units added within an existing building, however, cities may require the retention of existing parking that is required to satisfy existing residential parking requirements under local laws and for nonresidential uses that remain after the new units are added;
 - (c) With the exception of emergency housing and transitional housing uses, impose permitting requirements on the use of an existing building for residential purposes beyond those requirements generally applicable to all residential development within the building's zone;
 - (d) Impose design standard requirements, including setbacks, lot coverage, and floor area ratio requirements, on the use of an existing building for residential purposes beyond those requirements generally applicable to all residential development within the building's zone;
 - (e) Impose exterior design or architectural requirements on the residential use of an existing building beyond those necessary for health and safety of the use of the interior of the building or to preserve character-defining streetscapes, unless the building is a designated landmark or is within a historic district established through a local preservation ordinance;
 - (f) Prohibit the addition of housing units in any specific part of a building except ground floor commercial or retail that is along a major pedestrian corridor as defined by the code city, unless the addition of the units would violate applicable building codes or health and safety standards;
 - (g) Require unchanged portions of an existing building used for residential purposes to meet the current energy code solely because of the addition of new dwelling units within the building, however, if any portion of an existing building is converted to new dwelling units, each of those new units must meet the requirements of the current energy code;
 - (h) Deny a building permit application for the addition of housing units within an existing building due to nonconformity regarding parking, height, setbacks, elevator size for gurney transport, or modulation, unless the code city official with decision-making authority makes written findings that the nonconformity is causing a significant detriment to the surrounding area; or

- (i) Require a transportation concurrency study under RCW 36.70A.070 or an environmental study under chapter 43.21C RCW based on the addition of residential units within an existing building.
- (3) Nothing in this section requires a code city to approve a building permit application for the addition of housing units constructed entirely within an existing building envelope in a building located within a zone that permits multifamily housing in cases in which the building cannot satisfy life safety standards.
- (4) For the purpose of this section, "existing building" means a building that received a certificate of occupancy at least three years prior to the permit application to add housing units.

ISSUE/DISCUSSION

Staff has prepared an initial draft of a new section of Chapter 19.06 MICC to comply with RCW 35A.21.440. The proposed draft is provided below with a citation of the RCW in brackets following each provision to help connect the proposed development code section with the requirement from the state law. The bracketed citations are for reference only and will be removed from the draft prior to adoption. A more detailed explanation of the connection between the proposed code section and the RCW is provided in Exhibit 1.

19.06.XXX – NEW DWELLING UNITS IN EXISTING BUILDINGS

- A. *Applicability.* This section applies to any development of new dwelling units in an existing building in a zone where commercial and mixed land uses are allowed. For the purposes of this section, “existing building” means a building that received a certificate of occupancy at least three (3) years prior to the submittal of a permit application to add housing units. [RCW 35A.21.440(1)(a) and (4)]
- B. *Permitted Use.* Development of new dwelling units in an existing building is a residential land use permitted in the TC, PBZ, C-O, B, and MF-2 zones. [RCW 35A.21.440(1)(a)]
- C. *Maximum density.* A maximum residential density established for the underlying zone may be exceeded by up to fifty (50) percent than what is permitted within the underlying zone provided that the development is constructed entirely within the existing building envelope in a building within a zone which permits multifamily housing, provided that generally applicable health and safety standards, including but not limited to building code standards, and fire and life safety standards, can be met within the building. [RCW 35A.21.440(2)(a)]
- D. *Parking.* New parking spaces are not required for dwelling units added to an existing building. The code official may condition approval to require the retention of existing parking spaces provided the total number of spaces to be retained is less than or equal to the number of spaces that would be required for multifamily uses in the subject zone. [RCW 35A.21.440(2)(b)]
- E. *Permit Required.* Development of new dwelling units in an existing building is permitted outright in any zone allowing commercial or mixed land uses unless the subject zone requires a land use permit for residential uses, in which case the permit requirement in the subject zone controls. [RCW 35A.21.440(2)(c)]
- F. *Development Standards.* Development of new dwelling units in an existing building is subject to the development standards, including building height, setbacks, lot coverage, and floor area ratio

requirements, applicable to residential development within the subject zone. [RCW 35A.21.440(2)(d) & (e)]

G. *Design Standards*. New dwelling units in existing buildings are exempt from the design standards in Chapters 19.11 and 19.12 MICC, with the following exceptions:

1. The street standards established in MICC 19.11.120. [RCW 35A.21.440(2)(E)]
2. Required ground floor street frontage uses established in MICC 19.11.020. [RCW 35A.21.440(2)(F)]

H. *Transportation Concurrency and Environmental Review*. Development of new residential units in existing buildings is not subject to the transportation concurrency requirements in Chapter 19.20 MICC and environmental review required in Chapter 19.21 MICC. [RCW 35A.21.440(2)(i)]

Review Process

On April 23, there will be a public hearing, and staff will brief the Planning Commission on the initial draft code amendment. Following the public hearing, Commissioners can propose amendments to the draft for the City Council to consider at its first reading scheduled for June 3.

NEXT STEPS

June 3, 2025 – City Council briefing on PC recommendation and first reading of an ordinance to adopt permanent regulations on new dwelling units in existing buildings.

June 17, 2025 – City Council second reading of an ordinance to adopt permanent regulations on new dwelling units in existing buildings.

RECOMMENDED ACTION

Hold public hearing and recommend amendments and/or adoption of the proposed permanent regulations on new dwelling units in existing buildings.

Table 1. Comparison of Proposed New Development Code Section and RCW 35A.21.440.

RCW Section #	RCW 35A.21.440	Draft Code Section	Proposed New Development Code	Staff Commentary
1(a)	Code cities must adopt or amend by ordinance, and incorporate into their development regulations, zoning regulations, and other official controls the requirements of subsection (2) of this section for buildings that are zoned for commercial or mixed use no later than six months after its next periodic comprehensive plan update required under RCW 36.70A.130.	A	<i>Applicability.</i> This section applies to any development of new dwelling units in an existing building in a zone where commercial and mixed land uses are allowed. For the purposes of this section, “existing building” means a building that received a certificate of occupancy at least three (3) years prior to the submittal of a permit application to add housing units.	The definition of “existing building” comes from RCW 35A.21.440(4) below. The definition is added here so it only applies to this use whereas a definition added to Chapter 19.16 MICC would apply in every situation. This definition is particular to this circumstance so applying it throughout the code could have unintended consequences.
		B	<i>Permitted Use.</i> Development of new dwelling units in an existing building is a residential land use permitted in the TC, PBZ, C-O, B, and MF-2 zones. [RCW 35A.21.440(1)(a)]	Commercial uses are allowed in the following zones: C-O, B, PBZ, and MF-2 (Chapter 19.04 MICC) Mixed-uses are allowed in the TC zone. (Chapter 19.11 MICC)
1(b)	The requirements of subsection (2) of this section apply and take effect in any code city that has not adopted or amended ordinances, regulations, or other official controls as required under this section by the timeline in (a) of this subsection and supersede, preempt, and invalidate any conflicting local development regulations.			No development code amendments needed to address RCW 35A.21.440(1)(b)
2	Through ordinances, development regulations, zoning regulations, or other official controls as required under subsection (1) of this section, code cities may not:			The next 8 subsections will address RCW 35A.21.440(2)
2(a)	[Code cities may not] Impose a restriction on housing unit density that prevents the addition of housing units at a density up to 50 percent more than what is allowed in the underlying zone if constructed entirely within an existing building envelope in a building located within a zone that permits multifamily housing, provided that generally applicable health and safety standards, including but not limited to building code standards and fire and life safety standards, can be met within the building;	C	<i>Maximum density.</i> A maximum residential density established for the underlying zone may be exceeded by up to fifty (50) percent than what is permitted within the underlying zone provided that the development is constructed entirely within the existing building envelope in a building within a zone which permits multifamily housing, provided that generally applicable health and safety standards, including but not limited to building code standards, and fire and life safety standards, can be met within the building.	This provision would only affect zones with an established maximum density <i>and</i> allows multifamily housing. The only zone that would be subject to this section is the MF-2 zone. The maximum density in MF-2 zone has a maximum density of 38 dwelling units per acre. If a development were allowed an additional 50 percent, the maximum density would then be 57 dwelling units per acre. Note, this would only apply if the development is entirely within the existing building envelope. The City’s other zone subject to the proposed section B above that also allows multifamily residential uses is the TC zone. TC does not have an established maximum density.
2(b)	[Code cities may not] Impose parking requirements on the addition of dwelling units or living units added within an existing building, however, cities may require the retention of existing parking that is required to satisfy existing residential parking requirements under local laws and for nonresidential uses that remain after the new units are added;	D	<i>Parking.</i> New parking spaces are not required for dwelling units added to an existing building. The code official may condition approval to require the retention of existing parking spaces provided the total number of spaces to be retained is less than or equal to the number of spaces that would be required for multifamily uses in the subject zone.	
2(c)	With the exception of emergency housing and transitional housing uses, [code cities may not] impose permitting requirements on the use of an existing building for residential purposes beyond those requirements generally applicable to all residential development within the building's zone;	E	<i>Permit Required.</i> Development of new dwelling units in an existing building is permitted outright in any zone allowing commercial or mixed land uses unless the subject zone requires a land use permit for residential uses, in which case the permit requirement in the subject zone controls.	Permitting a use outright means that a land use permit is not required. Uses permitted outright are still required to get other necessary permits such as building permits. A development would still be subject to the design standards in that zone.

RCW Section #	RCW 35A.21.440	Draft Code Section	Proposed New Development Code	Staff Commentary
2(d)	[Code cities may not] Impose design standard requirements, including setbacks, lot coverage, and floor area ratio requirements, on the use of an existing building for residential purposes beyond those requirements generally applicable to all residential development within the building's zone;	F	<i>Development Standards.</i> Development of new dwelling units in an existing building is subject to the development standards, including building height, setbacks, lot coverage, and floor area ratio requirements, applicable to residential development within the subject zone.	Proposed subsection F helps to address both RCW 35A.21.440(2)(d) and (e)
2(e)	[Code cities may not] Impose exterior design or architectural requirements on the residential use of an existing building beyond those necessary for health and safety of the use of the interior of the building or to preserve character-defining streetscapes, unless the building is a designated landmark or is within a historic district established through a local preservation ordinance;	G	<i>Design Standards.</i> New dwelling units in existing buildings are exempt from the design standards in Chapters 19.11 and 19.12 MICC, with the following exceptions: 1. The street standards established in MICC 19.11.120, and 2. Required ground floor street frontage uses established in MICC 19.11.020.	Proposed subsections G(1) and G(2) are drafted to address both RCW 35A.21.440(2)(e) and (f).
2(f)	[Code cities may not] Prohibit the addition of housing units in any specific part of a building except ground floor commercial or retail that is along a major pedestrian corridor as defined by the code city, unless the addition of the units would violate applicable building codes or health and safety standards			
2(g)	[Code cities may not] Require unchanged portions of an existing building used for residential purposes to meet the current energy code solely because of the addition of new dwelling units within the building, however, if any portion of an existing building is converted to new dwelling units, each of those new units must meet the requirements of the current energy code;			A section addressing nonconformity to the energy code is not necessary. The City has adopted the WA State Energy Code by reference in Chapter 17.09 MICC. Section C505.1 of the WA State Energy Code states: “[...] Buildings or spaces undergoing a change in space conditioning, change in occupancy or use shall conform to the provisions of this code without requiring the unaltered portion of the existing building to comply with this code. [...]”
2(h)	[Code cities may not] Deny a building permit application for the addition of housing units within an existing building due to nonconformity regarding parking, height, setbacks, elevator size for gurney transport, or modulation, unless the code city official with decision-making authority makes written findings that the nonconformity is causing a significant detriment to the surrounding area; or			No development code amendments are necessary to address RCW 35A.21.440(2)(h).
2(i)	[Code cities may not] Require a transportation concurrency study under RCW 36.70A.070 or an environmental study under chapter 43.21C RCW based on the addition of residential units within an existing building.	H	<i>Transportation Concurrency and Environmental Review.</i> Development of new dwelling units in existing buildings is not subject to the transportation concurrency requirements in Chapter 19.20 MICC and environmental review required in Chapter 19.21 MICC.	
3	Nothing in this section requires a code city to approve a building permit application for the addition of housing units constructed entirely within an existing building envelope in a building located within a zone that permits multifamily housing in cases in which the building cannot satisfy life safety standards.			No development code amendments are necessary to address RCW 35A.21.440(3).
4	For the purpose of this section, "existing building" means a building that received a certificate of occupancy at least three years prior to the permit application to add housing units.			This definition incorporated into proposed Section A above



PLANNING COMMISSION
CITY OF MERCER ISLAND

PCB 25-08
April 23, 2025
Regular Business

AGENDA BILL INFORMATION

TITLE:	PCB 25-08: Parks and Recreation Commission Parks Zone Recommendation	<input checked="" type="checkbox"/> Discussion Only <input type="checkbox"/> Action Needed: <input type="checkbox"/> Motion <input type="checkbox"/> Recommendation
RECOMMENDED ACTION:	Receive Report. No action necessary.	
STAFF:	Carson Hornsby, Management Analyst II Alison Van Gorp, Deputy Director of Community Planning and Development	
EXHIBITS:	1. PRC Memo to City Council, dated April 9, 2025 2. Draft Parks Zone Development Regulations 3. Draft Zoning Map 4. Draft Land Use Map	

EXECUTIVE SUMMARY

The Parks Zone is a proposed new zone that will establish development regulations for most City-owned and/or managed parks. The purpose of the Parks Zone is to ensure park lands are preserved and managed appropriately, in alignment with the Parks, Recreation, and Open Space (PROS) Plan, City code, master plans, and similar guiding documents.

- The Parks and Recreation Commission (PRC) began working on the Parks Zone in October 2024 after finishing their work on the Open Space Zone, which was adopted by the City Council and took effect December 31, 2024.
- The PRC held several meetings to finalize their Parks Zone recommendations, which are summarized in a hand-off memo to the City Council and Planning Commission (Exhibit 1).
- The PRC’s recommendations include proposed drafts of the Parks Zone development regulations (Exhibit 2), Zoning Map (Exhibit 3), and Land Use Map (Exhibit 4).
- The City Council received a briefing of the PRC’s Parks Zone recommendation on April 15 and passed a motion directing the Planning Commission (PC) to complete the legislative review of the proposed Parks Zone by June 2025.
- The PRC Chair and Vice Chair will present their recommendation to the PC at the April 23 meeting. The PC will then begin the legislative review of the Parks Zone. Public hearings for the amendments to the Development Code and Comprehensive Plan are scheduled for the May 28 PC meeting. It is anticipated that the PC will complete the legislative review process by June 2025 and the City Council will commence their review of the Parks Zone in July 2025.

BACKGROUND

Parks Zone/Open Space Zone Background

The scope of work for the 2024 Comprehensive Plan Periodic Update, adopted by the City Council in 2022 with [Resolution No. 1621](#), included the creation of a new Parks Zone and development regulations for the new zone. In January 2024, a preliminary draft of the Parks Zone development regulations was presented to the PRC and PC. Following community and commission feedback, the legislative review was paused, and the draft was returned to the PRC for further review. In March 2024, the PRC recommended dividing the Parks

Zone planning into two phases: creating a zone for City-owned open space lands and another for public park properties.

The PRC and Open Space Conservancy Trust (OSCT) Board held several joint meetings to develop legislation for the Open Space Zone. On May 8, 2024, PRC and OSCT Chairs presented a joint recommendation to the PC, which completed its review in June 2024 as part of the Comprehensive Plan Update. On September 25, 2024, the PC approved a recommendation for the Open Space Zone code amendment. The City Council adopted [Ordinance No. 24C-15](#) establishing the Open Space Zone on November 4, 2024 with an effective date of December 31, 2024.

After the adoption of the Open Space Zone, the PRC shifted focus to the development of the new Parks Zone with the goal of providing a recommendation to the PC in Q2 2025. Establishment of the Parks Zone will require the following amendments to the MICC and Comprehensive Plan:

- Development Regulations – create a new subsection or subsection(s) under MICC 19.05, amend [MICC 19.01.040](#) to establish the Parks Zone, and amend [MICC 19.16.010](#) to adopt new definitions as needed.
- Zoning Map – amend the Zoning Map in the MICC to reflect where the Parks Zone applies.
- Land Use Map and Designations – amend the Land Use Map and Land Use Designation table in the Land Use Element of the Comprehensive Plan.

Legislative Review Process

Once the PRC's Parks Zone recommendation has been transmitted to the PC, the PC will commence the formal legislative review process to gather public input and provide a recommendation to the City Council, as established in [Chapter 19.15 MICC](#). The legislative review process includes the following steps:

- The Planning Commission holds a public hearing ([MICC 19.15.020](#)).
- The Planning Commission makes a written recommendation to the City Council following the public hearing ([MICC 19.15.260\(B\)\(2\)](#)).
- The City Council considers the Planning Commission recommendation during a public meeting, deciding to adopt, reject, or amend the recommendation ([MICC 19.15.260\(B\)\(3\)](#)).

The Land Use Map in the Comprehensive Plan will need to be updated in 2025 to adopt the Parks Zone. The City Council will review the Parks Zone amendments with the City's annual Comprehensive Plan amendments, which are limited to once a year by the Growth Management Act ([RCW 36.70A.130\(2\)](#)).

ISSUE/DISCUSSION

PRC Hand-Off Memo

The hand-off memo in Exhibit 1 summarizes the PRC's recommendation on the Parks Zone development regulations, the Zoning Map, and the Land Use Map. The PRC's recommendations are supported by references to applicable PROS Plan goals and objectives. A section is included at the end of the hand-off memo with additional recommendations to the City Council that fall outside the scope of the Parks Zone project.

Draft Parks Zone Development Regulations

The proposed draft of the Parks Zone development regulations is provided in Exhibit 2. Zoning designations in the Mercer Island Development Code ([MICC Title 19](#)) each have specific development regulations that outline permitted uses and development standards in the zone. An amendment to the MICC will be required to adopt the Parks Zone development regulations, which include the following components:

- Purpose: a statement that summarizes the goals and objectives of the zone.
- Designation Requirements: the criteria land must meet to be included in the zone.

- Uses Permitted: the uses and activities allowed in the zone.
- Development Standards: the rules that dictate how land in the zone can be developed.
- Definitions: the definitions for key terms used in the Parks Zone development regulations that will be added to the definitions section of the Development Code.
- Zone Establishment: adding the Parks Zone to the list of zones in the Development Code.

Additional context on the PRC’s proposed draft of the Parks Zone development regulations is included in the PRC hand-off memo (Exhibit 1).

Draft Zoning Map

The proposed draft of the Mercer Island Zoning Map with the addition of the new Parks Zone is provided in Exhibit 3. The Zoning Map is a visual representation of zoning designations in the City, which is established in [MICC Title 19 Appendix D](#). Once approved, the proposed Zoning Map will replace the current adopted Zoning Map in the MICC. The draft Zoning Map includes the following parks in the Parks Zone:

Bicentennial Park	Mercerdale Park
Clarke Beach Park	Roanoke Park
Deane's Children's Park	Rotary Park
First Hill Park	SE 28th Street Mini Park
Groveland Beach Park	Secret Park
Homestead Park	Slater Park
Island Crest Park	Wildwood Park
Luther Burbank Park	

The PRC provided additional explanation in the hand-off memo (Exhibit 1) regarding other properties that were considered but are not recommended for inclusion in the Parks Zone.

Draft Land Use Map

The proposed draft of the Mercer Island Land Use Map is provided in Exhibit 4. The Land Use Map is a visual representation of land use designations in the City that serves as a foundation for the Zoning Map in the MICC. The Land Use Map is established in the Land Use Element of the Mercer Island Comprehensive Plan, which will require an amendment in 2025 to adopt the Parks Zone. The draft Land Use Map includes the following updates from the current adopted Land Use Map:

- SE 28th St. Mini Park changed from Single Family Residential to Park.
- Rotary Park changed from Open Space to Park.
- Title changed from “City of Mercer Island Land Use” to “City of Mercer Island Land Use Map”
- Black diagonal lines removed from Open Space in the legend and on the map.
- Legend organized in alphabetical order.
- “Land Use Plan” changed to “Land Use Map” in the text under the legend.
- Park and Open Space labels were removed except for park properties with new changes proposed.

NEXT STEPS

The PC will begin the legislative review of the Parks Zone at the April 23 meeting after receiving the PRC recommendation. The meeting will include time for Q&A and discussion with staff and the Chair and Vice Chair of the PRC. With the PC’s initial feedback, staff will prepare the draft development code and Comprehensive Plan amendments for consideration. Public hearings for each of these amendments are scheduled for the May 28 PC meeting. The PC is expected to complete its review and make a recommendation to the City Council by early June and the City Council will review the Parks Zone in July 2025.

RECOMMENDED ACTION

Receive Report. No action necessary.

**PARKS AND RECREATION COMMISSION**

2040 84th Ave SE | Mercer Island, WA 98040-3732
(206) 275-7793 | www.mercerisland.gov

DATE: April 9, 2025

TO: City Council
Planning Commission

FROM: Parks and Recreation Commission
Peter Struck, Chair
Paul Burstein, Vice Chair
Sara Marxen
Jodi McCarthy
Rory Westberg
Don Cohen
Ashley Hay

With Councilmember Reynolds attending as Council Liaison to the PRC.

SUBJECT: Draft Parks Zone Development Regulations, Zoning Map, and Land Use Map

Introduction

The Parks and Recreation Commission (PRC) is pleased to submit this recommendation on the Parks Zone to the City Council and Planning Commission (PC). The recommendation includes the draft Parks Zone development regulations, draft Zoning Map, and draft Land Use Map. The Parks Zone is a proposed new zone that will establish specific land use regulations for most of the City's parks with the goal of preserving and maintaining parks on Mercer Island. This recommendation was prepared in alignment with the goals and objectives in the Parks, Recreation, and Open Space (PROS) Plan.

Background

The City Council directed staff to develop a new Parks Zone to be included as part of the 2024 Comprehensive Plan Periodic Update. A preliminary Parks Zone draft was presented to the PRC and PC in January 2024. After receiving feedback from the commissions and the community, the City Manager directed staff to pause the legislative review process and return to the PRC for further discussion and review.

The PRC revisited the Parks Zone in March 2024 and provided a recommendation to staff to separate the Parks Zone planning work into two phases: the first phase to develop a new zone for City-owned public Open Space Lands and the second phase to develop a new zone for City-owned public park properties. The PRC, Open Space Conservancy Trust (OSCT) Board, and PC worked with staff to develop the Open Space Zone development regulations adopted alongside the 2024 Comprehensive Plan Periodic Update. The Open Space Zone was adopted by the City Council with [Ordinance No. 24C-15](#).

The PRC began developing the draft Parks Zone development regulations in November 2024 and finalized a recommendation at the April 9, 2025 PRC meeting. A summary of the Parks Zone development regulations and the PRC's recommendations are provided below.

What is the proposed Parks Zone?

The Parks Zone is a proposed new zoning code that will establish development regulations for most City-owned and managed parks to ensure the land is managed in a manner appropriate for such properties, consistent with the PROS Plan, City code, master plans, forest management plans, and similar documents. The City stewards approximately 138 acres of park land that is recommended for inclusion in the Parks Zone.

Draft Parks Zone Development Regulations (Sections A-E)

The Mercer Island Development Code ([MICC Title 19](#)) classifies land within the City into various zones. Each zoning district has its own development regulations that specify the permitted uses and development standards in the zone. A summary of the PRC's proposed draft of the Parks Zone development regulations is provided below.

Purpose (Section A)

The proposed purpose statement of the Parks Zone is to preserve and maintain parks which provide green space and recreational, social, and conservation opportunities.

Designation Requirements (Section B)

The designation requirements of a zone describe the criteria the land must meet to be included in the zone. The Parks Zone designation requirements specify that land in the Parks Zone must be owned, leased, or managed by the City of Mercer Island and fulfill the purpose of the Parks Zone. This language is consistent with the designation requirements of the Open Space Zone.

Uses Permitted (Section C)

The proposed permitted uses in the Parks Zone include recreational uses, recreational facilities, recreational amenities, park maintenance facilities, city government services in the Luther Burbank Administrative Building, Boiler Building, and Caretakers House, public art, trails, habitat restoration and enhancement, parking, temporary uses and structures, wireless communications facilities, and utilities. The permitted uses are summarized below.

Recreational Uses

Recreational uses include uses related to entertainment, athletics, ecology, and leisure. Examples of recreational uses include sports, cycling, and use of community gardens. This recommendation is in alignment with the following PROS Plan Goal:

- Goal 5: Provide a variety of recreation programs, services, and facilities that promote the health and well-being of residents of all ages and abilities.

Recreational Facilities and Amenities

Recreational facilities and recreational amenities include structures that are specifically provided for recreational uses or to supplement recreational uses. Examples of recreational facilities include athletic fields, sport courts, and playgrounds. Examples of recreational amenities include picnic tables, benches, and barbecues. This recommendation is in alignment with the following PROS Plan Objective:

- Objective 2.5: Provide amenities at parks, trails, open space areas, and facilities where appropriate and when feasible to improve the user experience and access.

Park Maintenance Facilities

Park maintenance facilities include structures that serve purposes related to park maintenance, operations, and storage. Examples of park maintenance facilities include buildings and sheds. This recommendation is in alignment with the following PROS Plan Objectives:

- Objective 2.1: Maintain all parks and facilities in a manner that keeps them in a safe and attractive condition.

City Government Services in the Luther Burbank Buildings

City government services are a permitted use in the Luther Burbank Administrative Building, Boiler Building, and Caretakers House because these buildings serve a variety of government administrative purposes unrelated to parks and recreation. A new definition is included in the draft for “city government services” limiting the use of these buildings to government services provided by, or on behalf of, the City of Mercer Island. Per staff input, the administrative uses of these buildings are an important aspect of the City’s long-term facilities plans. A recommendation to relocate city government services from buildings in the Parks Zone is included in the “additional recommendations” section below.

Public Art

Public art includes art installations in public spaces for the purpose of community enjoyment and enrichment. Public art includes examples such as sculptures and murals. This recommendation is in alignment with the following PROS Plan Objectives:

- Objective 6.2: Support the priorities of the Mercer Island Arts Council and the goals and initiatives of the Comprehensive Arts & Culture Plan.
- Objective 6.3: Identify and implement opportunities for integrating arts and culture into parks and open space, including, where feasible and appropriate, through permanent and temporary public art installations, arts performance and events, interpretive strategies, and other dynamic expressions. Collaborate with diverse groups to ensure incorporation of art in public space occurs through a lens of diversity, equity, and inclusion.

Trails

Trails include off-street paths for passive recreational uses. This recommendation is in alignment with the following PROS Plan Objectives:

- Objective 4.1: Develop and implement a trail system hierarchy to accommodate different user types and experiences.

Habitat Restoration and Enhancement

Habitat restoration and enhancement includes activities related to the rehabilitation and restoration of park land. Examples of typical habitat restoration work include planting of native plant species, eradication of invasive plant species, and removal of toxic substances from soil and water. This recommendation is in alignment with the following PROS Plan Objectives:

- Objective 3.1: Preserve and protect open space and park land areas with significant environmental features such as wetlands, forests, steep slopes, and plant and animal habitats from development impacts.
- Objective 3.6: Actively work to improve the condition of City-owned parks, trails, and open space areas through invasive species removal, planting of native species, and restoration of urban forests, creeks, wetlands, and other habitat areas. Anticipate climate trends and foster climate-resilient landscapes in parks and open space. Seek opportunities for community education on invasive species and their safe removal to help reduce their spread on Mercer Island. Maintain an Integrated Pest Management Program that maximizes ecological benefits while minimizing environmental, social, and economic impacts.

Parking

Parking is proposed as a permitted use in the Parks Zone. Adequate parking capacity throughout the park system is necessary to accommodate a variety of park uses and maintain park accessibility. This recommendation is in alignment with the following PROS Plan Objectives:

- Objective 1.6: Design and maintain parks and facilities to offer universal accessibility for residents of all physical capabilities, skill levels, and ages as appropriate and in compliance with the Americans with

Disabilities Act (ADA) Standards for Accessible Design. Seek opportunities to eliminate barriers at existing facilities and address goals identified in the Citywide ADA Transition Plan.

Temporary Uses and Structures

Temporary uses and structures address the short-term staging needs of construction projects as well as small group recreational, restoration, or stewardship events. This recommendation is in alignment with the following PROS Plan Objectives:

- Objective 3.14: Continue to facilitate volunteer programs that enhance park improvement and restoration efforts, promote environmental education, support ongoing maintenance efforts, and engage the community in stewardship opportunities.
- Objective 8.9: Promote volunteerism to involve individuals, groups, organizations, and businesses in the development and stewardship of the park and recreation system.

Wireless Communications Facilities

Wireless communication facilities will be allowed only as otherwise permitted in the MICC. This item was identified as a future work item for City Council consideration, which is further described in the “additional recommendations” section below.

Utilities

Utilities are included as a permitted use. Parks are not typically preferred locations for utilities, however, many of the City’s parks have utility facilities because feasible alternative locations for utilities are unavailable. This recommendation is in alignment with the following PROS Plan Objectives:

- Objective 3.11: Design and restore parks, trails, and open space to naturally capture and filter stormwater to improve water quality, increase water infiltration and recharge, and promote a healthy watershed and lake environment. Where feasible, coordinate park, trail, and open space projects with stormwater and utility projects for efficiency and to reduce environmental impacts.

Development Standards (Section D)

The Parks Zone development standards establish regulations for improvement projects that occur on park land such as construction or rehabilitation of recreational facilities, amenities, trails, and other infrastructure. The proposed Parks Zone development standards are summarized in the sections below.

Setbacks

The development regulations include setbacks at twenty (20) feet if the adjacent property is zoned R-8.4, R-9.6, R-12, R-15, MF-2L, MF-2, or MF-3, and zero (0) feet if the adjacent property is zoned PI, OS, TC, PBZ, C-O, or B. This language provides for setback protection focused on residential areas. Fences, gates, culverts, trails, landscaping, furnishings, bollards, signs, kiosks, parking areas, and utilities are recommended to be exempt from setback requirements.

Signs, Scoreboards, and Kiosks

Signs are subject to the regulations in [MICC 19.12.080](#) with a few exceptions. Signs are limited to 16 square feet of surface area, and externally lit signs are prohibited except for park entry signs and signs required for public health, safety, or maintenance purposes. Scoreboards are limited to 250 square feet of surface area (based on the scoreboards at Island Crest Park). Electronic and externally lit scoreboards are permitted. Kiosks are permitted and limited to 22 square feet of surface area and ten feet in height (based on the kiosk at Luther Burbank Park). Surface area is measured as the portion of the kiosk used for providing information.

Trail Standards

The proposed trail standards in the Parks Zone are limited to regulating trail width, with the maximum trail width set at 12 feet. Based on staff input and recommendations, trail standards vary considerably based on the

characteristics of the park (i.e. specific recreational or habitat needs) and therefore it is not possible to include more detailed trail standards in the development regulations without eliminating the flexibility needed to design trails. Additional details on trail standards are provided in park master plans and may also be included in system-wide trail plans.

Building Size

The proposed building size standards are based on existing buildings in the park system and categorized into the following types: restrooms, park maintenance facilities, recreational facilities, and multipurpose facilities. Restrooms, park maintenance facilities, and recreational facilities are limited to 500 square feet in gross floor area and 20 feet in height. Multipurpose facilities, which combine two or more uses, are limited to 3,500 square feet in gross floor area and 20 feet in height. The size standard for multipurpose facilities is based on the multipurpose building at Island Crest Park, which is just under 3,500 square feet in gross floor area. Flagpoles, antennas, chimneys, mechanical equipment, and rooftop appurtenances are not recommended to count toward building height in the Parks Zone.

Picnic Shelters are limited to 1,200 square feet in gross floor area and 16 feet in height, which is based on the picnic shelter at Aubrey Davis Park. The covered walkway at Luther Burbank Park (also referred to as the Luther Burbank Pergola) is the only covered walkway in the park system. The Luther Burbank Pergola is recommended to be limited to 2,000 square feet in gross floor area and 16 feet in height.

The proposed building size standards are summarized in the table below:

Building Type	Gross Floor Area Limit	Height Limit
Restrooms	500 square feet	20 feet
Park Maintenance Facilities	500 square feet	20 feet
Recreational Facilities	500 square feet	20 feet
Multipurpose Facilities	3,500 square feet	20 feet
Picnic Shelters	1,200 square feet	16 feet
Luther Burbank Pergola	2,000 square feet	16 feet

Four exemptions to the building size standards are recommended: the Luther Burbank Administrative Building, Luther Burbank Boiler Building, Luther Burbank Caretakers House, and emergency well buildings. The three Luther Burbank buildings are significantly larger than all other park facilities and they are used to provide City government services. These buildings are a vital part of the City's long-term facilities plans and are not recommended to be subject to the smaller building size limits in the Parks Zone. Emergency well buildings are proposed as exempt from the building size standards because they are considered a utility.

Parking

Parking areas in the Parks Zone are subject to the parking design standards in the City's development code. The parking standards address ingress and egress in the interest of traffic control, public safety, and general welfare of park users. Parking proposals must demonstrate that the number of parking spaces proposed will accommodate the projected parking created by the proposed use.

Impervious Surface

No net new impervious surface in the parks system is permitted unless it has been included in an adopted Park Master Plan (or similar planning document that includes a public process and City Council approval), the City of Mercer Island Americans with Disabilities Act (ADA) Plan or specifically exempted. If the City acquires new park land, a separate process is proposed to determine the amenities and impervious surface coverage of the new park land. Exemptions from the impervious surface standard include emergency vehicle lanes, ADA parking and

accessibility improvements, public trails (any surface other than natural soil is considered impervious), required surfaces for playground equipment, synthetic turf athletic fields, small park amenities 100 square feet in gross floor area or less, emergency maintenance and repairs, and utilities.

Lighting

Lighting standards are recommended to minimize glare, sky glow, and light trespass onto neighboring properties, and require shielding of light fixtures with a few exemptions for specific types of lighting. In addition, specific lighting standards for outdoor performance, sport and recreation facilities, and play fields are proposed to meet the Illuminating Engineering Society of North America's (IESNA) published standards, specific shielding and angling requirements, and require that lights remain off when not in use.

Definitions (Section E)

Definitions for key terms in the Mercer Island Development Code are provided in [MICC 19.16.010](#). The new definitions for key terms used in the Parks Zone development regulations include athletic field, city government services, community garden, furnishings, light trespass, multipurpose facilities, park, park maintenance, park maintenance facilities, playground, public art, recreational amenities, recreational facilities, recreational uses, and restroom.

Draft Zoning Map

The Zoning Map in [MICC Title 19 Appendix D](#) shows how land within the City is divided into zones with specific uses and development regulations. The new draft Zoning Map includes the Parks Zone and the park properties that are recommended for inclusion in the new zone including Bicentennial Park, Clarke Beach Park, Deane's Children's Park, First Hill Park, Groveland Beach Park, Homestead Park, Island Crest Park, Luther Burbank Park, Mercerdale Park, Roanoke Park, Rotary Park, SE 28th Street Mini Park, Secret Park, Slater Park, and Wildwood Park.

The properties that were considered but are not recommended for inclusion in the Parks Zone are summarized below.

Aubrey Davis Park

Aubrey Davis Park was considered for inclusion in the Parks Zone. However, Aubrey Davis Park is owned by the Washington State Department of Transportation (WSDOT) and located in I-90 right-of-way (ROW). The City does not have the authority to impose conflicting development regulations on I-90 ROW due to WSDOT's preemptive authority over the state highway system. The I-90 ROW is zoned Public Institution, which does not include any development regulations that apply to I-90 ROW. Land is zoned based on its primary use, which in this case is transportation. With these considerations in mind, the Public Institution Zone is a suitable zone for the I-90 corridor.

The City's use of Aubrey Davis Park is regulated by several turnback agreements and airspace leases between WSDOT and the City, which give WSDOT authority over all improvements. These agreements are nearing their sunset date. Additionally, the [Aubrey Davis Park Master Plan](#) provides a long-term plan for park amenities and operations. The agreements and park master plan are the result of collaborative efforts between WSDOT and the City. A unilateral decision by the City to rezone the I-90 corridor may contradict this collaborative approach and may affect future negotiations regarding turnback agreements and airspace leases. For these reasons, Aubrey Davis Park is not recommended for inclusion in the Parks Zone. A recommendation to prioritize renegotiation of the agreements with WSDOT is provided in the "additional recommendations" section below.

Landings and Street Ends

The landings and street ends are properties located in ROW areas that have a primary purpose of utilities and a secondary purpose of passive recreation. The landings and street ends have vital utility facilities that are part of

the water, wastewater, and stormwater systems that serve Mercer Island. The PRC considered the landings and street ends for inclusion in the Parks Zone. However, per staff input, it is a best practice to zone land based on its primary use, and the primary use of landings and street ends is utilities. Application of Parks Zone development regulations to landings and street ends may restrict the ability of staff and utility agencies to operate, maintain, and upgrade utility infrastructure on these properties. For these reasons, the landings and street ends are not recommended for inclusion in the Parks Zone.

Mercer Island Community and Event Center (MICEC)

The MICEC serves a variety of recreational and non-recreational programs, activities, and events. The MICEC serves as the home of the City's emergency operations center, emergency shelter, and emergency warming and cooling center, and provides a physical location for City Council, Board, and Commission meetings. The facility also provides citywide office and meeting space and leased space for childcare services. The MICEC is not recommended for inclusion in the Parks Zone because it is a large multi-purpose facility that serves many City government uses in addition to recreation.

Draft Land Use Map

The Land Use Map in the Mercer Island Comprehensive Plan is a visual representation of land use designations in the City, which provides the basis for the Zoning Map. According to staff, additional changes are necessary in 2025 to adopt the Parks Zone and ensure consistency between the Land Use Map and Zoning Map.

The draft Land Use Map includes the following changes compared to the current adopted Land Use Map:

1. SE 28th St. Mini Park changed from Single Family Residential to Park.
2. Rotary Park changed from Open Space to Park.
3. Title changed from "City of Mercer Island Land Use" to "City of Mercer Island Land Use Map"
4. Black diagonal lines removed from Open Space in the legend and on the map.
5. Legend organized in alphabetical order.
6. "Land Use Plan" changed to "Land Use Map" in the text under the legend.
7. Park and Open Space labels removed except for Park properties with new changes proposed.

Additional Recommendations

The PRC identified several additional recommendations for consideration by the City Council:

- The PRC is interested in exploring new opportunities for collaboration with the Arts Council and being involved in the review process for public art installations in parks. The PRC understands public art falls under the authority of the Arts Council and City Council but would appreciate opportunities to provide input on new public art installations in the park system.
- The PRC had several discussions on critical and forested areas (e.g. open space land) in the park system that focused on preserving green space. The forested area of Island Crest Park is a unique example of open space land within a developed park due to its large size and location abutting the park boundary. This area of Island Crest Park bears a closer resemblance to parcels designated as Open Space in comparison to park land. In keeping with the principle of aligning the zoning designation to the primary land use, the City Council should consider subdividing Island Crest Park to create separate parcels for the open space and active use areas and rezoning the open space parcel to Open Space.
- Similar to the Open Space Zone, siting of wireless communications facilities in parks should be limited to the extent allowed in the MICC.
- The WSDOT airspace leases that regulate the City's use of Aubrey Davis Park will expire in 2034. The City should prioritize renegotiation of these agreements with WSDOT and any other governing documents to preserve Aubrey Davis Park for years to come.

- The Luther Burbank Administrative Building, Boiler Building, and Caretakers House are unique buildings in the park system because they are much larger than other park facilities and they serve non-recreational purposes. The City's long-term facilities plans should include a goal to relocate City government services from these three buildings so that all facilities in the Parks Zone are dedicated to serving parks and recreation purposes.

Conclusion

Parks increase the quality of life on Mercer Island by preserving green spaces and providing recreational, social, and conservation opportunities. The City's parks warrant special zoning protections consistent with the proposed purpose of the Parks Zone and the goals and objectives identified in the PROS Plan. The PRC supports the draft Parks Zone development regulations, Zoning Map, and Land Use Map, and looks forward to further discussion with the City Council and Planning Commission.

DRAFT PARKS ZONE DEVELOPMENT REGULATIONS

MICC 19.05.XXX – Parks Zone. [New Subsection]

- A. *Purpose.* The purpose of the Parks Zone is to preserve and maintain parks which provide green space and recreational, social, and conservation opportunities.
- B. *Parks Zone Designation Requirements.* In addition to the requirements established in [MICC 19.15.240](#), Parks must be owned, leased, or managed by the City of Mercer Island and fulfill the purpose provided in subsection (A) above to qualify for classification as Parks Zone.
- C. *Uses Permitted.* The following land uses are permitted in the Parks Zone. A use not permitted by this section is prohibited.
 - 1. Recreational uses.
 - 2. Recreational facilities and recreational amenities.
 - 3. Park maintenance facilities.
 - 4. City government services in the Luther Burbank Administrative Building, Luther Burbank Boiler Building, and Luther Burbank Caretakers House.
 - 5. Public art.
 - 6. Trails.
 - 7. Habitat restoration and enhancement as authorized by [Chapter 19.07 MICC](#).
 - 8. Parking.
 - 9. Temporary uses and structures compatible with the purpose of the Parks Zone, as authorized by the City Manager or designee.
 - 10. Wireless communications facilities. (Only if otherwise permitted by [MICC 19.06.040](#) – Wireless communications or [MICC 19.06.070](#) – Small wireless facilities deployment, and subject to [MICC 19.06.075](#) – Small wireless facility deployments design and concealment standards).
 - 11. Utilities.

MICC 19.05.XXX – Parks Zone Development Standards. [New Subsection]

- A. *Applicability.* The provisions of this section shall apply to all development proposals in the Parks zoning designation.

B. Setbacks.

1. The following minimum setbacks apply:
 - a. Zero (0) feet if adjacent property is zoned PI, OS, TC, PBZ, C-O, or B; and
 - b. Twenty (20) feet if adjacent property is zoned R-8.4, R-9.6, R-12, R-15, MF-2L, MF-2, or MF-3.
2. Setbacks are measured from the adjacent property line or the edge of adjacent public rights-of-way.
3. The following developments are exempt from setback requirements: fences, gates, culverts, trails, landscaping, furnishings, bollards, signs, kiosks, parking areas, and utilities.

C. Signs and Kiosks.

1. Signs shall be governed by [MICC 19.12.080](#), except as follows:
 - a. Signs shall not exceed 16 square feet of surface area. Surface area shall be measured as the part of the sign used to display information.
 - b. Externally lit signs are prohibited except for park entry signs and signs required for public health, safety, or maintenance purposes.
2. Scoreboards shall not exceed 250 square feet of surface area. Surface area shall be measured as the side of the scoreboard that displays the score. Electronic and externally lit scoreboards are permitted.
3. Kiosks shall not exceed 22 square feet of surface area and 10 feet in height. Surface area shall be measured as the portion of the kiosk used/usable for providing information.

D. Trail Standards.

1. Trails shall not exceed 12 feet in width.

E. Building Size.

1. Unless exempted by subsection (E)(3), the following standards shall apply to buildings in the Parks Zone:

Building Type	Gross Floor Area Limit	Height Limit
Restrooms	500 square feet	20 feet
Park Maintenance Facilities	500 square feet	20 feet
Recreational Facilities	500 square feet	20 feet
Multipurpose Facilities	3,500 square feet	20 feet
Picnic Shelters	1,200 square feet	16 feet
Luther Burbank Pergola	2,000 square feet	16 feet

2. Flagpoles, antennas, chimneys, mechanical equipment, and rooftop appurtenances do not count toward building height in the Parks Zone.

3. The following buildings in the Parks Zone shall be exempt from the standards in subsection (E)(1):

- a. Luther Burbank Administrative Building.
- b. Luther Burbank Boiler Building.
- c. Luther Burbank Caretakers House.
- d. Emergency well buildings.

F. *Parking.* The following parking requirements apply to all land uses in the Parks Zone.

1. *Design.* Parking lot design must conform to the diagrams included in [Appendix A](#) of this development code, unless alternative design standards are approved by the City Engineer.
2. *Ingress and egress.* The City Engineer shall have the authority to condition future development permit approvals to fix the location and width of vehicular ingress or egress to and from the subject property and alter existing ingress and egress as may be required to control street traffic in the interest of public safety and general welfare.
3. *Minimum parking requirements.* Parking proposals must demonstrate to the satisfaction of the City Engineer that the number of parking spaces proposed will accommodate the projected parking created by the proposed use. The City Engineer may condition approval to require a minimum number of parking spaces if the proposed use is expected to create demand for additional parking spaces beyond existing and proposed onsite parking facilities.

G. *Impervious Surface.*

1. No net new impervious surface in the parks system is permitted unless it has been included in an adopted Park Master Plan (or similar planning document that includes a public process and City Council approval), the City of Mercer Island Americans with Disabilities Act (ADA) Plan, or specifically exempted by this section, and stormwater and other applicable requirements are met. If the City acquires new park land, a separate planning process will take place to determine the amenities and impervious surface coverage of the new park land. The following uses are exempt:
 - a. Emergency vehicle lanes not available for public use.
 - b. ADA parking and accessibility improvements.
 - c. Public trails.
 - d. Required surfaces for playground equipment.
 - e. Synthetic turf athletic fields.
 - f. Small park amenities 100 square feet or less in gross floor area, including but not limited to benches, picnic tables, signs, and trash cans.
 - g. Emergency maintenance and repairs.
 - h. Utilities.

H. *Lighting.*

1. All exterior lighting shall be designed to minimize glare, sky glow, and light trespass onto neighboring properties. Fixtures must be fully shielded and installed in a manner that prevents light trespass beyond the property line of the property on which they are located.

Fully shielded means a light fixture constructed and installed in such a manner that all light emitted, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the fixture, is projected below the horizontal plane through the fixture's lowest light-emitting part.

2. The following lighting types are exempt from this requirement:
 - a. Lighting fixtures existing prior to the effective date of this section and the repair of the same.
 - b. Emergency lighting.
 - c. Pathway and landscaping lighting fixtures producing less than 200 lumens.
 - d. Temporary seasonal lighting.
 - e. Lighting required by state or federal law.

I. *Lighting for Outdoor Performance, Sport and Recreation Facilities, and Play Fields.*

1. Lighting levels for outdoor performance areas, sport and recreation facilities, and play fields shall not exceed by more than five percent the Illuminating Engineering Society of North America (IESNA) published standards for the proposed activity.
2. Where playing fields or other special activity areas are to be illuminated, lighting fixtures shall be mounted, aimed, and shielded so that their beams fall within the primary playing area and immediate surroundings, and so that no direct illumination is directed off the site.
3. Lighting shall be turned off as soon as possible after the conclusion of an event and shall not remain on for more than 30 minutes following its end.
4. All lighting shall be equipped with timers to automatically extinguish lights, ensuring that facilities are not illuminated when not in use.

MICC 19.16.010 – Definitions

[...]

Athletic Field. A developed field for organized sports, including but not limited to baseball, softball, soccer, lacrosse, and football.

[...]

City Government Services. Services provided by, or on behalf of, the City of Mercer Island including, but not limited to, fire protection, police and public safety activities, courts, administrative offices, and equipment maintenance facilities.

[...]

Community Garden. A shared plot of land where individuals or groups collectively grow fruits, vegetables, flowers, and plants.

[...]

Furnishings. In the Parks Zone or Open Space Zone, small amenities including but not limited to picnic tables, benches, bike racks, trash cans, signs, and pet waste stations.

[...]

Light Trespass. Light that falls beyond the property it is located on.

[...]

Multipurpose Facilities. In the Parks Zone, facilities that serve two or more uses including, but not limited to, restrooms, maintenance facilities, recreation facilities, support facilities for recreational uses, storage, and concessions.

[...]

Park. Public land that is available for recreational, ecological, educational, or cultural uses. Parks are accessible to the public and typically feature natural landscapes, open spaces, and facilities designed to support leisure, community gatherings, conservation, and outdoor activities.

[...]

Park Maintenance. Activities performed to ensure parks are clean, safe, and operational. Park maintenance includes, but is not limited to infrastructure repair, cleaning, landscaping, and litter removal.

[...]

Park Maintenance Facilities. Structures that serve park maintenance or operations purposes, including but not limited to buildings and sheds.

[...]

Playground. An outdoor recreational facility provided as a play area for children.

[...]

Public Art. Art that is installed in public spaces for the purpose of community enjoyment and enrichment. Public Art is visually and physically accessible to the public and embodies public or universal concepts rather than commercial, partisan, or personal interests.

[...]

Recreational Amenities. Structures, furnishings, or developments that are provided to supplement recreational uses or enhance recreational facilities, including but not limited to picnic tables, benches, bleachers, barbecues, fencing, outdoor exercise equipment, lighting, scoreboards, and

waste receptacles. Recreational Amenities include all amenities addressed by the definition of Passive Recreational Amenities.

[...]

Recreational Facilities. Buildings, structures, or developments that are provided specifically for recreational uses, including but not limited to restrooms, playgrounds, picnic shelters, concession stands, athletic fields, sport courts, batting cages, bullpens, skateparks, bike skills areas, community gardens, spray parks, amphitheaters, swimming areas, docks, piers, and boat launches.

[...]

Recreational Uses. In the Parks Zone, land uses that provide opportunities for entertainment, athletic, ecological, and/or other leisure activities. Recreational uses include but are not limited to sports, cycling, skating, swimming, and use of community gardens, play equipment, and exercise equipment. Recreational uses include all uses addressed by the definition of Passive Recreational Uses.

[...]

Restroom. A public restroom facility that provides basic amenities including but not limited to toilets and sinks.

[...]

MICC 19.01.040 – Zone Establishment

A. Zones.

Zone	Symbol
Single-Family	R-8.4
Single-Family	R-9.6
Single-Family	R-12
Single-Family	R-15
Multiple-Family	MF-2L
Multiple-Family	MF-2
Multiple-Family	MF-3
Business	B
Planned Business	PBZ
Commercial Offices	C-O
Public Institution	PI
<u>Parks</u>	<u>P</u>
Open Space	OS
Town Center	TC

- B. The location and boundaries of the various zones of the city are shown and delineated on the city of Mercer Island Zoning Map which is included in Appendix D of this development code and is incorporated herein by reference.
- C. The location and boundaries of the various zones as hereafter determined by the city council shall be shown and delineated on zone maps covering portions of the city, each of which shall be a part of this Code either by adoption as a part hereof or by amendment hereto.
- D. Each zone map and all notations and other information shown therein shall become part of this Code.
- E. A zone map may be divided into parts and each part may, for purposes of identification, be subdivided into units. Such parts may be separately and successively adopted by means of an amendment of this Code and, as adopted, such zone map, or its parts, shall become a part of this Code.
- F. Changes in the boundaries of a zone shall be made by ordinance adopting an amended map, or part of said zone map.
- G. When uncertainty exists as to the boundaries of any zones shown on any zone map, the following rules shall apply:
 - 1. Boundaries shown on a map as approximately following street lines or lot lines shall be construed as actually following such lines.
 - 2. Where a boundary between zones divides a lot into two or more pieces, the entire lot shall be deemed to be located in the first zone on the following list in which any part of the lot is located: R-15, R-12, R-9.6, R-8.4, MF-2L, MF-3, MF-2, P, OS, PI, PBZ, C-O, TC, and B. The location of the zone boundary shall be determined by use of the scale appearing on the zone map unless the location of the boundary is indicated by dimensions.
 - 3. Where property abuts Lake Washington, the land use classification of the upland property extends waterward across the abutting shorelands and beds to the line of navigability/inner harbor line as established in 1984 by the board of natural resources by Resolution No. 461.
 - 4. In case any uncertainty exists, the planning commission shall recommend and the city council shall determine the location of boundaries.
 - 5. Where a public street is officially vacated or abandoned, the land use classification applicable to the abutting property shall apply to such vacated or abandoned street. If a vacated street forms the boundary between two or more zones, the land use classifications of each abutting zone shall extend to the mid-point of the vacated street unless the planning commission recommends and the city council decides otherwise.
- H. Except as hereinafter provided:
 - 1. No land, building, structure or premises shall be used for any purpose or in any manner other than a use listed in this Code, or amendments thereto, for the zone in which such land, building, structure or premises is located.

2. No building or structure shall be erected nor shall any building or structure be moved, altered, enlarged or rebuilt, nor shall any open spaces surrounding any building or structure be encroached upon or reduced in any manner, except in conformity with the requirements of this development code or amendments thereto.
3. No yard or other open spaces provided about any building or structure, for the purpose of complying with the regulations of this Code or amendments thereto shall be considered as providing a yard or open space for any other building or structure.

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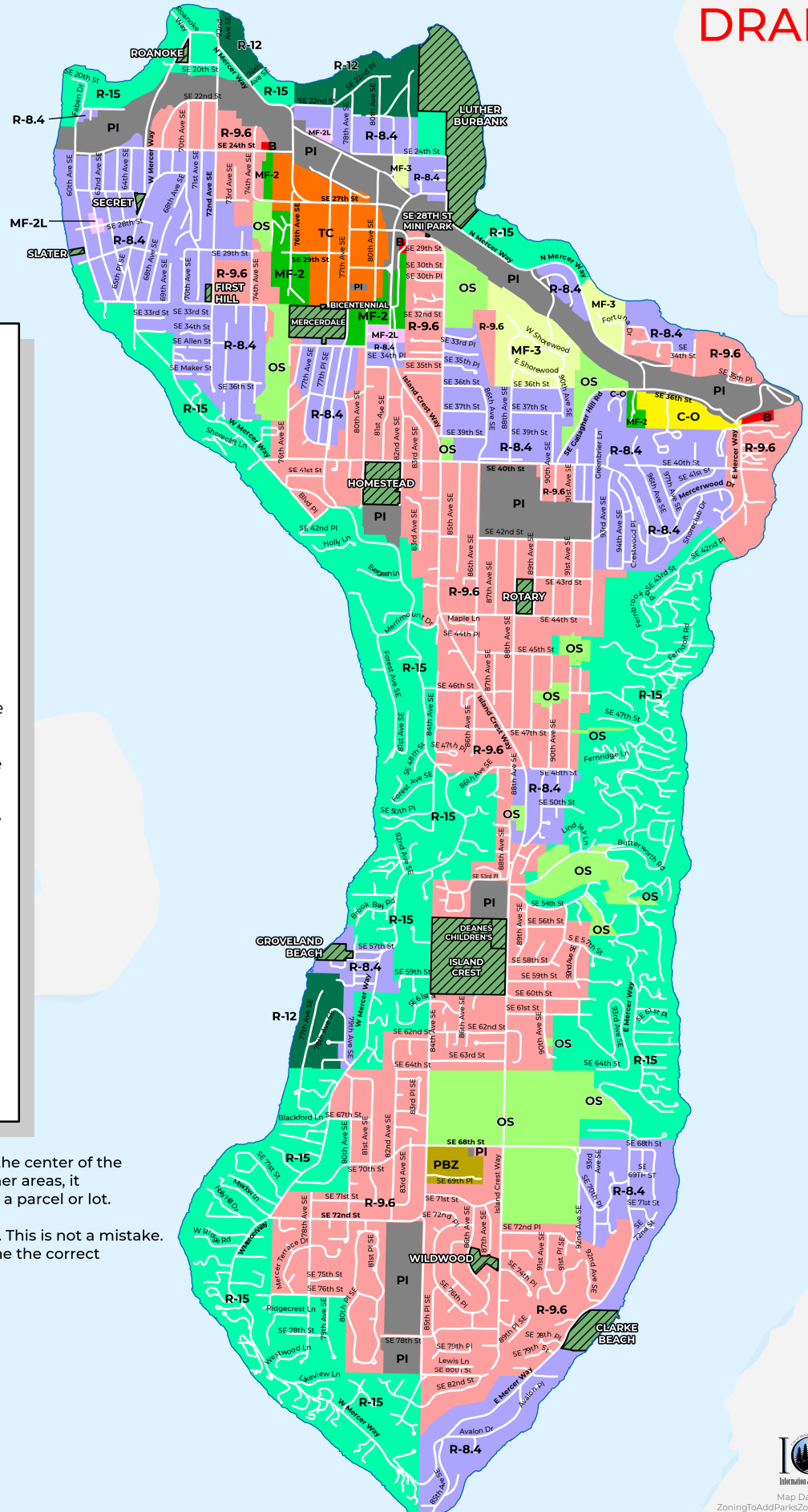



CITY OF MERCER ISLAND ZONING MAP Item 3.

Item 3.

PCB25-08 | Exhibit 3

DRAFT



- | | |
|--|---|
|  | P
Park |
| | OS
Open Space |
| | R-8.4
Residential 8,400 sq. ft. lot |
| | R-9.6
Residential 9,600 sq. ft. lot |
| | R-12
Residential 12,000 sq. ft. lot |
| | R-15
Residential 15,000 sq. ft. lot |
| | MF-2L Multi-Family, Limited
Maximum density 26 units/acre |
| | MF-2 Multi-Family
Maximum density 38 units/acre |
| | MF-3 Multi-Family
Maximum density 26 units/acre |
| | B
Business |
| | PBZ
Planned Business Zone |
| | C-O
Commercial Offices |
| | PI
Public Institution |
| | TC
Town Center |

The zone boundaries generally coincide with the center of the public right of way and plat boundaries. In other areas, it coincides with lot-lines. In a few cases, it splits a parcel or lot.

In some areas, parcels are split into two zones. This is not a mistake. Please consult with a City planner to determine the correct designation for your property.

Original map Adopted: Ord 99C-13

Amended: Ord 00C-06

Amended: Ord 05C-13

Amended: Ord 13C-02

Amended: Ord 14C-07

Amended: Ord 14C.

Amended: DR16-01
DSG Director's Memo, dated 06/10/2016

Amended: Ord 17C-24

Red: Ord 18C-14

31	led: Ord 24C-15
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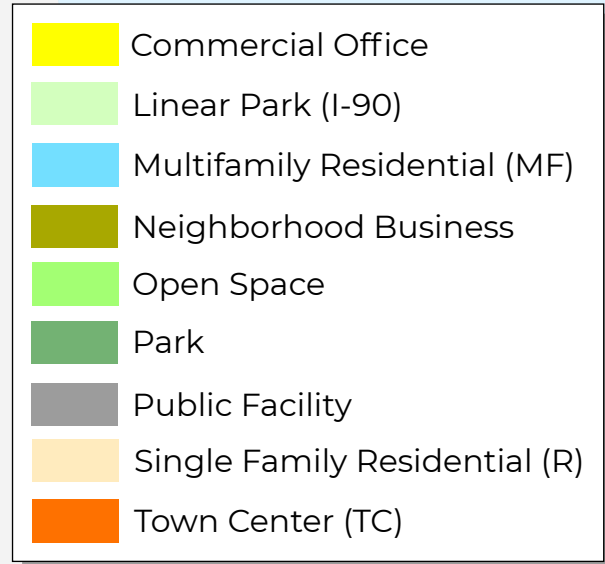


CITY OF MERCER ISLAND LAND USE MAP

Item 3.

PCB25-08 | Exhibit 4

DRAFT
3/28/2025B



Rotary Park:
Change from Open Space
to Park

SE 28th St Mini Park:
Change from Single Family
Residential to Park

The Land Use Map is intended to be a generalized depiction of land uses. The map is not a description of zoning boundaries nor should it be interpreted on a site specific basis.

The Mercer Island City limits delineates the communities' Urban Growth Area. The City limits are contiguous with the Mercer Island Lake Washington Shoreline.

