

# GMHB EXHIBIT 247



## PLANNING COMMISSION CITY OF MERCER ISLAND

PCB 24-15  
June 5, 2024  
Special Business

### AGENDA BILL INFORMATION

|                            |  |  |
|----------------------------|--|--|
| <b>TITLE:</b>              | PCB 24-15: Comprehensive Plan Periodic Review: Deliberations | <input type="checkbox"/> Discussion Only<br><input checked="" type="checkbox"/> Action Needed: |
| <b>RECOMMENDED ACTION:</b> | Prepare a recommendation to the City Council                 | <input type="checkbox"/> Motion<br><input checked="" type="checkbox"/> Recommendation          |

|                  |   |
|------------------|---|
| <b>STAFF:</b>    | Adam Zack, Senior Planner   |
| <b>EXHIBITS:</b> | 1. Planning Commissioner Comments<br>2. Public Comments<br>3. Public Hearing Draft Housing Element with Minimum Requirements References |

### EXECUTIVE SUMMARY

The purpose of this report is to provide the Planning Commission (PC) with additional information as requested so that they can continue deliberating their recommendation.

- On May 29, 2024, the Planning Commission (PC) held a public hearing on the proposed Comprehensive Plan update;
- Following the public testimony, the PC began preparing its recommendation to the City Council;
- As of May 29, 2024, two Planning Commissioner proposed amendments have been provided (Exhibit 1);
- As of May 29, 2024, twelve public comments were submitted (Exhibit 2);
- The PC recommendation will have two major components: 1) recommended drafts of the Comprehensive Plan elements, and 2) findings that provide some context for the PC recommended drafts;
  - The recommended drafts of the Comprehensive Plan elements will be based on the drafts the PC has prepared throughout the Comprehensive Plan periodic review;
  - Findings will be included with the recommendation to the City Council to provide additional context or other information;
- An initial draft of findings was provided with [PCB 24-13](#) Exhibit 1;
- The public hearing drafts of the Comprehensive Plan elements were provided with [PCB 24-13](#) Exhibits 2-8
- At the meeting on May 29, 2024, the PC asked staff to provide the following additional information or materials: (1) A method for tracking responses to public comments; (2) Information about the Comprehensive Plan Periodic Review Scope of Work, Public Participation Plan, and Master Schedule, as approved by City Council in 2022 and the Scope of Work Addendum approved by the City Council in 2023; and (3) More information about the Housing Element and minimum requirements set in state law;
- The PC will resume deliberating its recommendation to the City Council on June 5, 2024,
- with a focus on the Transportation, Capital Facilities, Utilities, and Parks and Open Space elements.

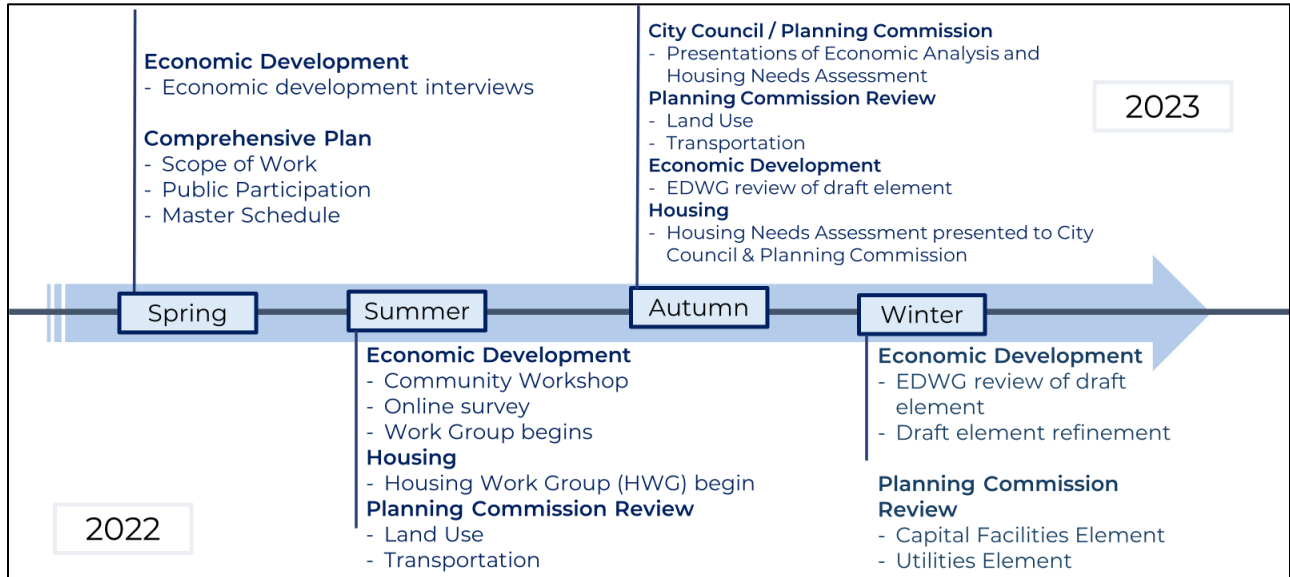
### PUBLIC COMMENTS

The public can submit written comments regarding the Comprehensive Plan periodic review to [comp.plan@mercerisland.gov](mailto:comp.plan@mercerisland.gov). Public comments submitted by 4:30 PM on Tuesday June 4, 2024, will be provided to the Planning Commission in advance of the meeting on June 5. Comments received after June 4 will be provided to the Planning Commission at a later meeting.

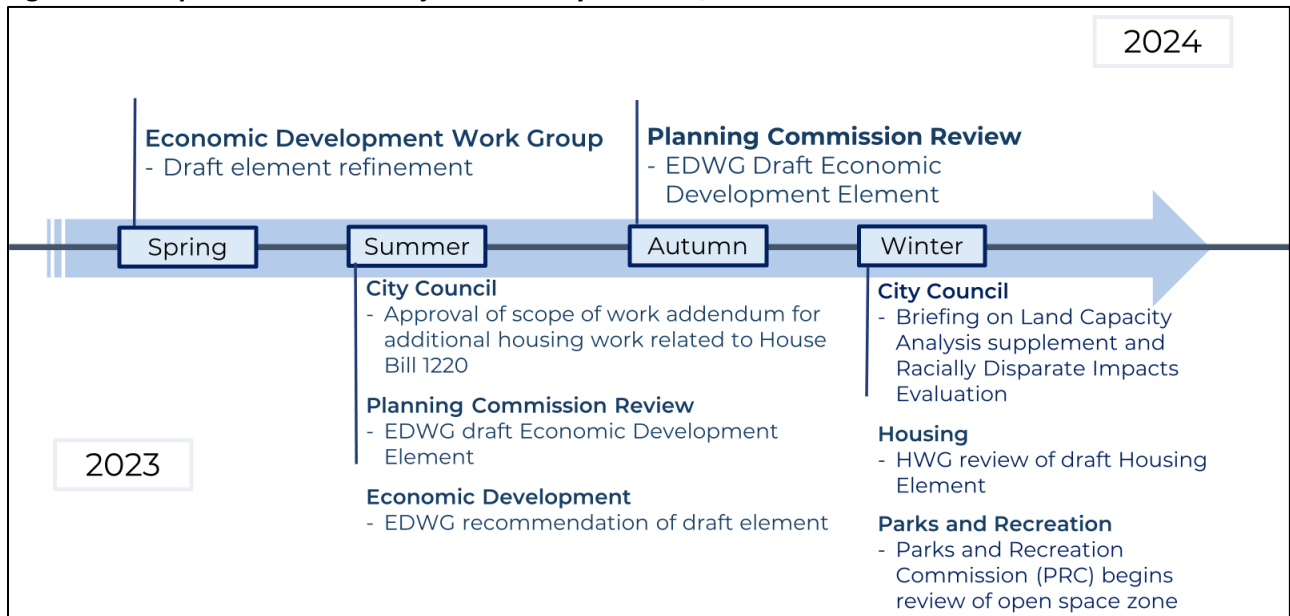
## BACKGROUND

The City has been engaged in the periodic review of its Comprehensive Plan since March 2022, when the City Council approved the Scope of Work, Master Schedule, and Public Participation Plan with [Resolution No. 1621](#). At public meetings over the last two years, the PC has prepared public review drafts of each element slated for update and the new Economic Development and Parks and Open Space elements. Each of these public review drafts were posted to the [Project Website](#) as they were completed. The public was able to comment on the drafts during the public meetings and submit written comments throughout the periodic review process. The periodic review process to date is summarized in figures 1, 2, and 3.

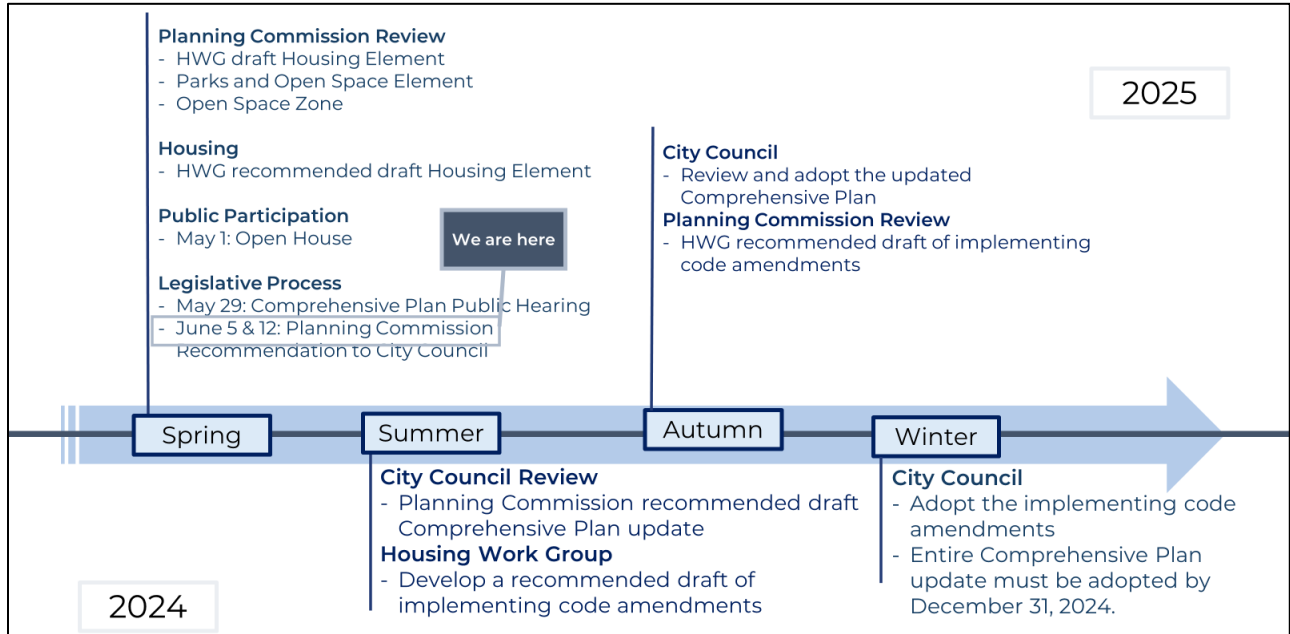
**Figure 1. Comprehensive Plan Project Summary Timeline, 2022-2023.**



**Figure 2. Comprehensive Plan Project Summary Timeline, 2023-2024.**



**Figure 3. Comprehensive Plan Project Summary Timeline, 2024-2025.**



On May 29, 2024, the PC conducted a public hearing on the updated Comprehensive Plan and began deliberating its recommendation to the City Council. These deliberations will continue at the June 5 and June 12 meetings. The intent is to arrive at a recommendation to the City Council by June 12. Making a recommendation to the City Council will conclude the PC review of the Comprehensive Plan elements.

**ISSUE/DISCUSSION**

At its May 29 meeting, the PC asked staff to provide the following additional information or materials: (1) A method for tracking responses to public comments; (2) Information about the Comprehensive Plan Periodic Review Scope of Work, Public Participation Plan, and Master Schedule, as approved by City Council in 2022 and the Scope of Work Addendum approved by the City Council in 2023; and (3) More information about the Housing Element and minimum requirements set in state law. Additional information on each of these items is provided below.

**Comprehensive Plan Periodic Review Public Hearing Comment Tracking**

The tables, starting on page 4, summarize the comments received between when the public hearing notice was published on April 22, and May 29, 2024. Table 1, at the top of page 4, lists the comments provided by Planning Commissioners, showing the proposed amendments in strikeout/underline format. The full comments submitted by Planning Commissioners are provided in Exhibit 1. Public comments received to date are listed in Table 2, at the top of page 5. The full text of all public comments is provided in Exhibit 2. The “change made” column in both tables is provided as a way to track whether the PC made an amendment to the draft or made a finding in response to the comment, with the meeting date noted. The final column with the header “Amendment, Finding, or No Action” tracks whether the Planning Commission amended the draft Comprehensive Plan, made a finding, or took no action in response to the comment.

**Table 1. Planning Commission Written Comments.**

| Log # | Received From    | Comment   | Change Made (Y/N) | Amendment, Finding, or No Action |
|-------|------------------|---|-------------------|----------------------------------|
| PC-1  | Carolyn Boatsman | <p>1. Transportation Element, Goal 12:</p> <p>Promote bicycle and pedestrian networks that safely access and link commercial areas, residential areas, schools, <del>and</del> parks, <u>and</u> transit, within the City.</p>  | Y<br>5/29         | Amendment                        |
| PC-2  | Carolyn Boatsman | <p>2. Land Use Element, text on page 5:</p> <p><u>Beginning in 2022, the City began composing a Climate Action Plan. The Climate Action Plan establishes strategies for the City to reduce greenhouse gas emissions and vehicle miles traveled to meet its adopted greenhouse gas reduction goals address climate change. These strategies are an important step to move the City forward in its response to the changing climate. Where needed, goals and policies were amended or added to this Land Use Element to support the strategies in the Climate Action Plan, including amendments to the policies under goals 26, 27, and 28.</u></p> | Y<br>5/29         | Amendment                        |
| PC-3  | Carolyn Boatsman | <p>3. Housing Element Policy 1.4.M</p> <p>1.4.M Neighborhoods in which environmental health hazards, <u>including noise and light pollution</u>, are minimized to the extent possible.</p>  | Y<br>5/29         | Amendment                        |
| PC-4  | Chris Goelz      | <p>Draft findings F-3 and F-6:</p> <p>in F-3 – "effecting" should be "affecting"</p> <p>in F-6 – "commutes" should be "commuters"</p>   |                   |                                  |
| PC-5  | Chris Goelz      | <p>Alternate Finding F-3:</p> <p>Try to mitigate through regulation any impacts of moderate density housing on traffic, on-street parking and pedestrian safety, especially in those areas close to transit.</p>  |                   |                                  |

**Table 2. Written Public Comments.**

| Log #  | Received From              | Change Made (Y/N) | Amendment, Finding, or No Action |
|--------|----------------------------|-------------------|----------------------------------|
| PUB-1  | Sarah Fletcher             |                   |                                  |
| PUB-2  | Jeffrey Weisman            |                   |                                  |
| PUB-3  | Alceu Spencer Peres Junior |                   |                                  |
| PUB-4  | John Hall                  |                   |                                  |
| PUB-5  | Sarah Fletcher             |                   |                                  |
| PUB-6  | Sarah Fletcher             |                   |                                  |
| PUB-7  | Sarah Fletcher             |                   |                                  |
| PUB-8  | Daniel Thompson            |                   |                                  |
| PUB-9  | Matthew Goldbach           |                   |                                  |
| PUB-10 | Traci Granbois             |                   |                                  |
| PUB-11 | Gary Robinson              |                   |                                  |
| PUB-12 | Sarah Fletcher             |                   |                                  |

**Comprehensive Plan Periodic Review Scope of Work, Public Participation Plan, and Master Schedule**

The City Council approved a scope of work, public participation plan, and master schedule on March 15, 2022 with [Resolution No. 1621](#). On July 5, 2023, the City Council approved an addendum to the scope of work with [Resolution No. 1645](#). The addendum to the scope of work added new tasks to the planned update of the Housing Element in response to new guidance for complying with recent statewide housing legislation released by the WA Department of Commerce (Commerce). The scope of work addendum included tasks to prepare two reports based on the Commerce guidance: the Land Capacity Analysis Supplement and Racially Disparate Impacts Evaluation

**Housing Element and Minimum Requirements**

The PC requested information about where to find a draft of the Housing Element with the goals and policies mapped to the minimum requirements. The Housing Element draft provided with [PCB 24-05](#) mapped the policies to the minimum requirements. As a note, PCB 24-05 Exhibit 3 provided the minimum requirements from the GMA, Puget Sound Regional Council’s *Vision 2050* regional plan, and the King County countywide planning policies.

**NEXT STEPS**

The area of focus for the deliberations on June 5 will be to discuss proposed amendments to the Transportation, Utilities and Capital Facilities elements. The Commission may also wish to address the public comments received and continue to discuss the findings. The PC will then meet on June 12 to continue deliberations, with a focus on the Land Use, Housing and Economic Development elements. The goal is to complete the PC recommendation by June 12 to stay on schedule.

**RECOMMENDED ACTION**

Continue deliberations and consider the recommended motions provided in [PCB 24-13](#). If commissioners would like to propose changes to the public hearing draft elements, please be prepared to make a motion. The motion should include at least: (1) the element name, (2) goal or policy number, and (3) the specific amendment proposed. To the extent possible, please provide the proposed amendment in writing to Adam Zack, [adam.zack@mercercisland.gov](mailto:adam.zack@mercercisland.gov) by the end of the day on Monday, June 3, 2024, so other commissioners have the opportunity to review the proposed amendment.

## EXHIBIT 1

Proposed amendments to the public hearing draft of the Comprehensive Plan

1. Transportation Element, Goal 12:

Promote bicycle and pedestrian networks that safely access and link commercial areas, residential areas, schools, ~~and~~ parks, and transit, within the City.

2. Land Use Element, text on page 5:

Beginning in 2022, the City began composing a Climate Action Plan. The Climate Action Plan establishes strategies for the City to reduce greenhouse gas emissions and vehicle miles traveled to meet its adopted greenhouse gas reduction goals address climate change. Those strategies are an important step to move the City forward in its response to the changing climate. Where needed, goals and policies were amended or added to this Land Use Element to support the strategies in the Climate Action Plan, including amendments to the policies under goals 26, 27, and 28.

3. Housing Element Policy 1.4.M

1.4.M Neighborhoods in which environmental health hazards, including noise and light pollution, -are minimized to the extent possible.

I proposed this policy in the Housing Work Group, which was included after I explained what it meant, but looking at it again, it would be better to not have a policy that doesn't come across easily, if you didn't have a career in environmental health, as I did. I think keeping the broad language is helpful for things that may come up in the future, but it would be more useful to include specific language as well in order to provide a policy basis for possible improvements in regards to light and noise pollution, which are problems now.

Here are several references to health impacts of exposure to light and noise pollution. I have mislaid reference to racial and income disparities in exposure to these source of pollution, but will forward prior to the meeting on May 29.

Here are references to health impacts of exposure to light pollution:

1. Dark Sky International quoting American Medical Association: "American Medical Association findings of an increasing body of scientific evidence that implicates exposure to blue-rich white light at night to increased risks for cancer, diabetes, and cardiovascular disease."

<https://darksky.org/news/ama-report-affirms-human-health-impacts-from-leds/>

2. American Heart Association: "People continuously exposed to bright, artificial light at night may be at increased risk of developing conditions that affect blood flow to the brain and having a stroke

## **EXHIBIT 1**

according to research published today in **Stroke**, the peer-reviewed scientific journal of the American Stroke Association, a division of the American Heart Association.”

<https://newsroom.heart.org/news/more-exposure-to-artificial-bright-outdoor-nighttime-light-linked-to-higher-stroke-risk>

Here are references to exposure to noise pollution:

1. Harvard Medicine: “They’ve shown that noise pollution not only drives hearing loss, tinnitus, and hypersensitivity to sound, but can cause or exacerbate cardiovascular disease; type 2 diabetes; sleep disturbances; stress; mental health and cognition problems, including memory impairment and attention deficits; childhood learning delays; and low birth weight. Scientists are investigating other possible links, including to dementia.”

<https://magazine.hms.harvard.edu/articles/noise-and-health>

2. EPA: “Noise pollution adversely affects the lives of millions of people. Studies have shown that there are direct links between noise and health. Problems related to noise include stress related illnesses, high blood pressure, speech interference, hearing loss, sleep disruption, and lost productivity. Noise Induced Hearing Loss (NIHL) is the most common and often discussed health effect, but research has shown that exposure to constant or high levels of noise can cause countless adverse health effects.”

<https://www.epa.gov/clean-air-act-overview/clean-air-act-title-iv-noise-pollution>

**EXHIBIT 1**

**Adam Zack**

---


**From:** Carolyn Boatsman  
**Sent:** Tuesday, May 28, 2024 10:40 PM  
**To:** Adam Zack  
**Cc:** Alison Van Gorp  
**Subject:** Additional information re: light pollution and health effects

Hi Adam. Would you please pass on to Commissioners this additional reference re: light pollution? Thank you.

Commissioners: This reference describes how light pollution exposure is greater in poorer, non-white neighborhoods. This is easy to spot anecdotally when observing multifamily housing in mixed use areas. Most of Mercer Island's affordable housing is and will be located in the Town Center and Commercial Office Zone where the risk of light pollution is the greatest.

The policy language, however, is meant to highlight light pollution, in general, as an environmental health issue that may need attention.

<https://appliedsciences.nasa.gov/our-impact/story/brighter-neighborhoods-harm-human-health>



**Brighter Neighborhoods Harm Human Health | NASA Applied Sciences**

A newly emerging field of study is connecting the bright lights of U.S. cities at night to poorer human health.

[appliedsciences.nasa.gov](https://appliedsciences.nasa.gov)

## EXHIBIT 1

### **Adam Zack**

---

**From:** Chris Goelz  
**Sent:** Tuesday, May 28, 2024 1:54 PM  
**To:** Alison Van Gorp  
**Cc:** Adam Zack  
**Subject:** Re: 5/29 Agenda Packet timing

Hi Alison

I don't want to miss the deadline for submitting comments. So let's consider my draft F-3 submitted:

Try to mitigate through regulation any impacts of moderate density housing on traffic, on-street parking and pedestrian safety, especially in those areas close to transit.

Still open for suggestions. Just not sure when I'll be back on email.

Chris

---

**From:** Chris Goelz <Chris.Goelz@mercerisland.gov>  
**Sent:** Tuesday, May 28, 2024 10:28 AM  
**To:** Alison Van Gorp <alison.vangorp@mercergov.org>  
**Subject:** Re: 5/29 Agenda Packet timing

Hi

Just a couple of typos if you think it's worth it --

in F-3 – "effecting" should be "affecting"

in F-6 – "commutes" should be "commuters"

Then there's this:

F-3: Identify regulations that can reduce the following impacts when establishing regulations for moderate density: • More people parking on neighborhood streets; • Traffic and parked cars effecting pedestrian safety; • Reduced parking requirements in areas close to transit causing more residents to park on the street; and • Loss of mature trees and landscaping when new development occurs

How about this instead?

Try to mitigate through regulation any impacts of moderate density housing on traffic, on-street parking and pedestrian safety, especially in those areas close to transit.

## **EXHIBIT 1**

Any suggestions?

I'm thinking that the tree thing isn't really a thing. I don't have any reason to think that the new middle housing units will be bigger than the McMansions that we're currently building – so I don't see that they present a particular threat to mature trees. And I certainly don't think they should be encumbered with additional regulation re trees.

Thanks.  
Chris

---

**From:** Alison Van Gorp <[alison.vangorp@mercergov.org](mailto:alison.vangorp@mercergov.org)>  
**Sent:** Friday, May 24, 2024 4:16 PM  
**To:** Chris Goelz <[Chris.Goelz@mercerisland.gov](mailto:Chris.Goelz@mercerisland.gov)>  
**Cc:** Adam Zack <[adam.zack@mercerisland.gov](mailto:adam.zack@mercerisland.gov)>  
**Subject:** RE: 5/29 Agenda Packet timing

Hi Chris – Happy to chat on Tuesday. I'm open 10-11 or 4-5.

-Alison

---

**From:** Chris Goelz <[Chris.Goelz@mercerisland.gov](mailto:Chris.Goelz@mercerisland.gov)>  
**Sent:** Friday, May 24, 2024 3:14 PM  
**To:** Alison Van Gorp <[alison.vangorp@mercergov.org](mailto:alison.vangorp@mercergov.org)>  
**Subject:** Re: 5/29 Agenda Packet timing

Hi Alison

I have a couple of questions about the process at the meeting. I'd like to see a softening on the parking mandates, but am trying to figure out if it's worth raising and, if it is, how best to do it. (Do you deal with the comment from WDFW that we should replace our making minimums with parking maximums?)

Maybe we can chat for a few minutes on Tuesday.

Thanks.  
Chris

---

**From:** Alison Van Gorp <[alison.vangorp@mercergov.org](mailto:alison.vangorp@mercergov.org)>  
**Sent:** Friday, May 17, 2024 4:30 PM  
**Subject:** 5/29 Agenda Packet timing

Planning Commissioners – I wanted to briefly follow up regarding the updated meeting schedule and timing of the next agenda packet. As you know, next Wednesday's meeting has been canceled. As such, the next packet will be for the 5/29 meeting, which we would typically send out by the end of next week. However, with the large volume of material that will be included in this packet, we are aiming to get it out as soon as possible to give you more time for review. We are working with our consultant teams

**EXHIBIT 1**

to complete the exhibits and we are planning to publish the packet by Tuesday at the latest. This will give you a full week in advance of the Public Hearing to review the materials. If you have questions during your review that you would like to discuss with staff prior to the hearing, please let us know. We can schedule one-on-one or small group meetings with commissioners if needed.

Thanks,  
Alison

Adam Zack

**From:** Sarah Fletcher <fletcha1@gmail.com>  
**Sent:** Tuesday, May 28, 2024 9:04 PM  
**To:** Planning Commission; ComprehensivePlanUpdate; Patrick Yamashita  
**Subject:** The Comprehensive Plan - Transport Element - My extensive comments  
**Attachments:** DSCN2451.JPG; DSCN2447.JPG; DSCN2453.JPG; DSCN2452.JPG; DSCN2446.JPG

Hello, first of all, may I remind you that you are not Transport experts.

Before I go into detail with regards to the Comprehensive Plan comments, someone needs to do something about the dangerous bike path on the sidewalk by the Park and Ride bus stop on the north side of North Mercer Way. Would someone like to let me know, who was responsible for the sloshed green paint signs on the sidewalk by the bus stops on the north side of North Mercer Way? I am sorry, but that was the most stupid thing anyone could have come up with.

Let me explain.

For the bicyclists and pedestrians coming from 80th Ave SE towards 77th Ave SE, there is a sign up which as a pedestrian makes it look like pedestrians must walk behind the bicyclists, then, as you enter the area by the bus stops, there are signs painted on the sidewalk which if one were to follow what is on the signs, it would have that the bicyclists are to ride in the center of the sidewalk going both eastbound and westbound. And then, coming from the other direction, just by the bike path, there is a sign which directs bicyclists to either use the bike path which leads from North Mercer Way to 24th St which route is what every bicyclist should be using, they should not be cycling on the sidewalk which is not marked as the green paint has rubbed off and by having the bicyclists ride on the sidewalk which is meant for pedestrians in the path where people are standing waiting for the bus is just stupid. No-one can read the signs on the sidewalk.

See photographs of what it is looking like. Pedestrians are getting shouted at by bicyclists and it is just a matter of time before there is an incident and normally, I ask that the City be protected should there be any accident, but in this instance, I hope there is an incident and I hope the City is sued for millions. That is the only thing that will teach them a lesson as my emails to date have gone on deaf ears.

I have gone through the document and I will add my comments.

For the life of me, "Mountains to Sound Trail," for a start, it is Mountains to Sound Greenway Trust which is what they do:

"The Mountains to Sound Greenway Trust is a coalition-based organization that leads and inspires action to conserve and enhance this special landscape, ensuring a long-term balance between people and nature." It is meaningless. Please remove it from page 2:

I do not believe owns any property on Mercer Island and they don't provide any trails whatsoever on Mercer Island.

~~the vision and development of the Town Center. The regional Mountains-to-Sound Trail runs along the I-90 corridor providing a convenient connection to Seattle and Bellevue for pedestrians and bicyclists.~~

And please remove this: The Temple Herzl, for example, want to build a building and not provide one parking, not one, but have shared parking with the synagogue and the French American School, is that what we want? No, we do not want shared parking, so remove this goal:

- 1.2 Encourage businesses and residential areas to explore opportunities for shared parking and other parking management strategies.

I have absolutely no idea what you mean by this, would you like to give an example:

- 2.6 Prioritize transportation investments in the Town Center that promote mixed-use and compact development and provide multi-modal/multimodal access to regional transit facilities.

And I want you to add the wording "and retain trees" to read: "Encourage programs that retain trees and encourage programs that plant trees in unused portions of rights-of-way."

- 3.3 Construct transportation improvements with sensitivity to existing trees and vegetation.  
Encourage programs that plant trees in unused portions of public rights-of-way.

And would someone like to explain how anyone thinks that you could build a parking lot which would be for Mercer Islanders only. I don't know if you are aware, but pre-covid, Sound Transit were offering permits for people to park in the Park and Ride for \$120 a month on a first come, first serve basis. It was not exclusive to Mercer Islanders. Business is business and if someone from Bellevue, for example, wanted to purchase a permit for the MI Park and Ride, how do you think you are going to tell them that it is "for Mercer Islanders only?" It is not, so take this language out.

- 4.4 Investigate opportunities for operating, constructing and/or financing park and ride lots for Mercer Island residents only.

And why are you wasting our money on this? Light rail is Sound Transit's project, not Mercer Island's project, if they want to make it safe to get to their light rail (that is even if it should work), let them study opportunities and besides, it is up to WSDOT to approve, so take this out:

- 4.6 Study opportunities to provide innovative last-mile solutions serving the Town Center, light rail station, and park and ride.

And just remove this section. This is up to Metro King County. All you need to say is that Metro, Sound Transit and the City will look at various transportation options, that should be good enough:

- 4.9 Implement transportation programs and projects that address the needs of and promote access to opportunity for underserved communities, Black, Indigenous, and other People of Color, people with low or no incomes, and people with special transportation needs, while preventing and mitigating displacement of these groups.

I have never heard of the Eastside Partnership, King County Metro are the ones who schedule the bus routes, so shouldn't you be coordinating planning with them?

- 5.5 Work with the participants of the Eastside Transportation Partnership (ETP) to coordinate transportation planning for the Eastside subarea.

And what on earth do you mean by this?:

- 6.2 Develop strategies to manage property access along arterial streets in order to preserve their function.

And again, this is up to Sound Transit, not the City of MI, let ST study opportunities:

- ~~4.2-4.12.4~~ Study opportunities to expand electric bicycle facilities that serve the Town Center, light rail station, and park and ride.

I have never heard of a Level of Service for pedestrians. What on earth do you mean by this?:

- ~~12.56~~ Prioritize areas near schools and commercial areas for a higher level of service for pedestrians, bicycles, and transit.

AND FINALLY, IT HAS TAKEN ME 5 YEARS TO GET YOU TO CORRECT THE INFORMATION WITH REGARDS TO THIS:

You had 80th Ave SE and North Mercer Way and 77th Ave SE and North Mercer Way as being "Town Center Intersections" which they never were, but you refused to correct it, and finally, you have to make the heading Town Center and Adjacent Town Center with an LOS of C which is all I wanted you to do.

Table 1. 2018 Existing Intersection Operations

| Intersection   | AM Peak Hour | PM Peak Hour |
|--|--------------|--------------|
| <b>Town Center Intersections Within and Adjacent to the Town Center (LOS C Standard)</b> |              |              |
| SE 24th St/76th Ave SE   | B            | B            |
| N Mercer Way/77th Ave SE   | A            | A            |
| N Mercer Way/Park & Ride/80th Ave SE   | C            | C            |

And there is an assumption that light rail will work, but it is not a given. The first engineering company who were asked to look at light rail on the I-90 bridge said it wouldn't work which was not what Sound Transit wanted to hear so fired that engineering company, so do not make out that light rail "runs through", we don't know yet if it will be operational, plus I have never heard of the buses deemed "fixed route service"

**EXHIBIT 2**

Link light rail runs through Mercer Island along the median of I-90 with a station located north of the Town Center, between 77th Avenue SE and 80th Avenue SE. The light rail provides frequent connections to Seattle, Bellevue, and other regional destinations.

Local fixed route service operates on the arterial roadway system, and provides public transit service connecting residential and activity areas.

And I am sorry, but this is COMPLETELY FALSE:

~~According to the Fourth Quarter 2017 Park and Ride Utilization Report prepared by King County, the Mercer Island lot is typically fully occupied during weekdays. A number of the users of this lot do not reside on the Island.~~

The Mercer Island Park and Ride is not full at all, not at all and certainly not "typically fully occupied. Since covid, you can always get parking, so please remove that statement. I live right opposite and keep monitoring the Park and Ride. If you want photos of any given day after 9am, i can provide them to you to show you the empty parking lot.

I don't know for the rest of the parking lots, but please amend this from 100% to 50% occupied:

**Table 2: Mercer Island Park and Ride Locations and Capacities**

| Lot                         | Location          | Capacity | Cars Parked | % Spaces Occupied |
|-----------------------------|-------------------|----------|-------------|-------------------|
| Mercer Island Park and Ride | 8000 N Mercer Way | 447      | 447         | 100%              |

And keep the wording "analysis assumes the opening of the East Link", we don't know if it is going to actually work:

~~The analysis assumes the opening of the East Link light rail line in 2023, which will result in provides an additional travel option between the Town Center and regional destinations.~~

And none of these two projects should be done if there is going to be a lot of construction in the Town Center because all those construction trucks are going to damage the roadway:

| ID                                 | Location                                       | Description  | Justification         | Cost (\$) |
|------------------------------------|--|--|-----------------------|-----------|
| <b>Non-Motorized Projects (NM)</b> |  |  |                       |           |
| NM-1                               | 80th Ave SE Sidewalk (SE 27th St - SE 32nd St) | Replace existing curb, sidewalk, ADA ramps, trees, and lighting. | 2023-2028 TIP (SP136) | 1,376,000 |
| NM-2                               | 78th Ave SE Sidewalk (SE 32nd St - SE 34th St) | Replace existing curb, sidewalk, ADA ramps, trees, and lighting. | 2023-2028 TIP (SP137) | 779,488   |

And I am getting annoyed. I have told you dozens of times that it is not up to the City of Mercer Island to remove the bus bay and to widen the trail, it is not your project, nor are you transport experts, not to mention it is a lot of money. And like I keep telling you, having bicyclists on the sidewalk no matter how wide is a disaster and it is just a matter of time before there is an accident. Who can make it that the signs tell bicyclists to use the bike trail leading to 24th St to 84th Ave SE and to not have bicyclists riding on the sidewalk which by definition is for pedestrians, not bicyclists?

|      |   |  |                       |           |
|------|---|--|-----------------------|-----------|
| NM-8 | North Mercer Way - MI Park and Ride Frontage Improvements | Remove bus bay on north side of NMW, widen trail, and construct safety improvements. | 2023-2028 TIP (SP144) | 1,203,081 |
|------|---|--|-----------------------|-----------|

And I am sorry, but the trees are not damaged adjacent to Mercerdale Park:

|       |   |  |                       |         |
|-------|---|--|-----------------------|---------|
| NM-10 | SE 32nd St Sidewalk Replacement (77th Ave SE - 78th Ave SE) | Replace sidewalk and trees adjacent to Mercerdale Park due to tree damage. | 2023-2028 TIP (SP147) | 324,719 |
|-------|---|--|-----------------------|---------|

And as a pedestrian, putting a traffic light at the intersection of 28th Ave SE and 80th Ave SE is going to be the worst possible thing, not to mention that it is not going to work and it is going to cause more backups so please remove this, not to mention the high costs. And what about the plan to make a one-way street where Tully's is? Some new person in the city came up with the terrible idea to get rid of a section of Greta Hackett park in order to add parking, what is happening with that plan? So in addition to your

wanting to add a traffic signal there, you want to add a one-way street next to the traffic light, how is that going to look and how will it work?

|     |                               |                                |  |                  |
|-----|-------------------------------|--------------------------------|--|------------------|
| I-2 | <u>SE 28th St/80th Ave SE</u> | <u>Install traffic signal.</u> | <u>2022</u><br><u>Transportation</u><br><u>Impact Fee (#1)</u> | <u>1,464,000</u> |
|-----|-------------------------------|--------------------------------|--|------------------|

And I don't understand, there is already a turn lane which has a left-turn light, so why are you spending all this money when there is already a left turning lane? Please explain:

|     |                                     |   |   |                |
|-----|-------------------------------------|---|---|----------------|
| I-3 | <u>80th Ave SE/North Mercer Way</u> | <u>Add turn lane to improve traffic operations at the intersection.</u> | <u>2022</u><br><u>Transportation</u><br><u>Impact Fee (#14)</u> | <u>754,000</u> |
|-----|-------------------------------------|---|---|----------------|

And this is a WSDOT issue, not a MI issue and I don't understand how you could make it an "exclusive westbound left turn lane"

|     |  |   |   |                |
|-----|--|---|---|----------------|
| I-4 | <u>North Mercer Way/I-90 Westbound Off-Ramp/Island Crest Way</u> | <u>Add exclusive westbound left turn lane at I-90 off-ramp.</u> | <u>2022</u><br><u>Transportation</u><br><u>Impact Fee (#15)</u> | <u>650,000</u> |
|-----|--|---|---|----------------|

And you need to figure out the coordination and synchronization with WSDOT and with the City of MI. This is what I have observed. When the intersection leading from 27th St onto the I-90 going westbound is clogged, drivers are instead using the 28th St and Island Crest Way intersection to get onto the I-90 clogging up 28th St. Who is responsible for the synchronization and what happens if you come up with the traffic light at 27th St and 80th Ave SE and it makes the traffic conditions worse and more dangerous for pedestrians? What is the backup plan? Would you revert it back to a stop street?

|     |   |  |   |                |
|-----|---|--|---|----------------|
| R-2 | <u>Signal Coordination Along Island Crest Way (North Mercer Way – SE 28th St) and at the North Mercer Way/80th Ave SE intersection.</u> | <u>Coordinate four existing traffic signals along Island Crest Way and North Mercer Way.</u> | <u>2022</u><br><u>Transportation</u><br><u>Impact Fee (#11)</u> | <u>690,000</u> |
|-----|---|--|---|----------------|











**Adam Zack**

---

**From:** Jeffery Weisman <jeffery.weisman@gmail.com>  
**Sent:** Wednesday, May 29, 2024 10:18 AM  
**To:** Planning Commission  
**Subject:** The Public Hearing Comments on Select Comprehensive Plan Element

Hello Planning Commissioners,

I have read the draft Comprehensive Plan Periodic Review documents on MI's Let's Talk page and wish to submit the following comments on some of the elements for the 5/29 Public Hearing:

**Transportation**

Goal 4.9 - Was this specifically required by the new housing bills passed as law by the State? If I recall correctly, this came out of the King County Planning Policies document, which is \*guidance,\* not law. Please strike "Black, Indigenous, and other People of Color" from this goal. Differentiating programs and how we treat others based solely on skin color is racism and suggests that people are less well-off based solely on the color of their skin. Differentiating programs and resources based on needs relating to income or disability status is a good thing and is proper. Racism is not. Additionally, as a member of the Jewish community in this post-10/7 world, I am disappointed with the goal as-proposed, as it explicitly excludes the Jewish Community, among many others.

Goal 4.10 - Please articulate that off-street parking is a significant issue (read essentially necessary) for handicapped persons and families.

Goal 5.4 - Change equity to equality

Goal 7.3 - Nice idea, likely impossible unfortunately

Goal 12.4 - Post-COVID, e-bikes have really gravitated from rentals or city-owned to personally-owned. We should deploy city money in a more impactful way than this

Goal 14.6 - This was already studied. Surely there are better uses of city money post-COVID

**Housing**

Goal 1.7 - Remove this in its entirety. It is incompatible with Goal 1.9 and Goal 16.5 of the Land Use Element. It makes no sense to disperse affordable housing across the Island - access to existing high capacity transit is essential (i.e., locate it in the Town Center) and access to retail is a very good-to-have. Goal 1.9 – Housing choices for those earning lower wages should also be located in close proximity to retail.

Goal 1.10 - Change "encourage" to "continue to allow." ADUs are already allowed. Encouraging them implies financial incentives or regulation / permitting relief - we should let the market determine if ADUs need to be built and not create the justification for using City dollars to provide landlord incentives relating to ADUs.

Goal 2.1 - We shouldn't support construction near planned things, only ones that already exist; if a plan were to fall through or experience a multi-year delay, there is no benefit (except to developers) to encourage allegedly compatible construction next to it.

Goal 2.2.C - Revise "build and preserve affordable housing" to "renovate and preserve preexisting affordable housing." This is an important anti-displacement measure that should not be overlooked.

Goal 2.5.H - This is a \*bad\* one if you think about it; a cursory reading of this sounds good. It can be used to waive \*any\* building regulations not related to health and safety if marketed as income restricted

housing - Gross Floor Area Ratio, permeable surface, height/floor limits, facade height, parking requirements, and property line offset requirements, to name a few.

Goal 3.2 - This is purely performative - please remove it; if anything, talking about something fosters inaction on the topic as people can say they've done something (by only adding a sentence or two)

Goal 4.2.B - Who pays for this Relocation assistance? The city? The landlord? If the latter, that cost will indirectly be passed on to renters. Please remove this as implementation can be messy and will inevitably add bureaucracy and costs to all.

Goal 5.1.D - Please revert this to the original as proposed by the Housing Working Group. Unnecessarily is a qualitative definition and is subject to broad interpretation.

### **Economic Development Element**

Page 5, Lines 14-18 - See comment below. Remove "are more likely to choose not to own a car and" from Line 15...this is a postulation backed up by zero facts and a counterexample is presented in the following comment.

Page 12, Lines 16-20 - Residents of less expensive, multifamily housing are not by default less likely to own a car. Perhaps less likely to own a "weekend," "sports," or "fun" car, yes. Oftentimes taking public transport may require significantly more time than driving and that may preclude residents from working a second job or coordinating childcare / pickups / etc. Please remove "will be 19 less likely to own a car," from line 18-19. Beacon Hill, the Central District, the U-District are all dense and have transportation options, but still have a ton of car ownership. Also, change "will be more likely to shop locally" to "may be more likely to shop locally" - this makes the statement consistent with Line 16 on Page 5 (i.e., it is a "may," not a "will.")

Page 12, Lines 16 and 17 refer to "more housing priced in the middle range" - please change this to remove the reference to its price. Mercer Island has expensive dirt, so even an HB1110-mandated middle housing - even HB1110 as passed refers to middle housing, not affordable housing, and not middle range-priced housing. Suggest "More Middle Housing" - that is what the law requires and defines...the market will determine whether it is priced in the middle range, a term that is undefined - middle range of MI? Middle range of the Eastside? Middle range of King County? Middle range of Washington State?

Page 12, Line 17. Reword to read "Recent state legislation mandates encouraging" from "Recent legislation will encourage" We have no clue if the laws will work to encourage development, especially in such a high-cost part of the area as our city; it, however, is fact that state legislation has mandated encouraging, so lets state the facts, not the stated intent of the laws.

Goal 7.6 - Remove this entire goal. Small scale retail development "outside the existing commercial districts" is an under-the-radar method of saying "inside the residential zones" and is a bad idea. Living next to a 7-11, gas station, or pot shop would be a nightmare and is incompatible with our existing community. It is well-accepted that in US suburbs, retail needs density to be viable and that is why residential, commercial, and mixed use zoning exists. Do not allow retail in residential, even at an unquantified "small scale"

### **Land Use**

Overall - Do not remove mentions of "single family," "single-family" or permutations thereof. Except for Goal 16 on Page 23...achieving additional capacity in Town Center and multifamily zones should receive preference to single-family zones.

Goal 15 - Strike the addition of "to moderate" in relation to housing density. Mercer Island \*is\* principally a low density, single family community (Table 2 of the Housing Element quantifies that as 67% of housing units and presumably a larger portion of the land area) and it should remain so. These two words can be used to change the character of and densify the entire island, removing trees, walkable and bikeable neighborhoods, and the suburban and sometimes even rural feel of the Island.

**EXHIBIT 2****PUB-2**

Goal 15.1 - Revert to read "Preserve the neighborhood character in single-family residential zones. All residential zones weakens this goal and if denser housing must be accommodated, then the "character" of Town Center or multifamily zones should be the first to be altered as that "character" is less-pronounced and the amount of the city changed is smaller than that of our single-family neighborhoods and their special character.

Goal 15.2 - Clarify that this be done in accordance with and not to exceed GMA requirements and/or statewide housing legislation

Goal 15.3 - Clarify that the encouraging is only to be done in accordance with (and most importantly not to exceed) GMA requirements.

Goal 15.5 - This should be reverted enough to articulate the fact that Mercer Island is a primarily single-family residential community. "As a primarily single family residential community....." See again Table 2 of Housing Element

Goal 16.5 - I like the preference to areas near HCT as it makes sense

Goal 17.3 - Please revert to original PC recommendation to read: "Add multifamily residential uses to the Commercial Office zone. This should be accomplished through changes in zoning regulations that minimize adverse effects to surrounding areas, especially residential zones." This policy change (change minimize to consider and strike "especially residential zones.") that removes specific protection of residential zones from the impacts from an expanded CO zone appears to have been added at the last minute.

Goal 27.6.4 – Remove this goal, also added at the last minute. Smaller units have more surface area to achieve the same floor area and thus lose more energy to the environment. Additionally, the greenest house is one that has already been built. This is a bad addition and can be used to justify destroying the character of the majority of our neighborhoods (over 67% of the housing according to Table 2 of the housing element).

Warmest regards,

Jeff Weisman

**Adam Zack**

---

**From:** Alceu Spencer Peres Júnior <alceus1957@hotmail.com>  
**Sent:** Wednesday, May 29, 2024 2:26 PM  
**To:** Planning Commission; ComprehensivePlanUpdate  
**Subject:** Comments to Comprehensive Plan Review

To whom it may concern,

Please see below my comments to tonight's public hearing. Thank you!

*Housing Element*

2.1: Only support construction near existing infrastructure. Plans change and large projects are inevitably delayed and sometimes cancelled.

2.2.C: From an environmental point of view, it is preferable to preserve and update affordable housing than to build new – you lose trees, discard building materials, need to cut down new wood for lumber, and concrete is very energy-intensive to produce. New “affordable” housing will be more expensive and contributes to displacement...update this goal accordingly.

2.5.H: Delete this. Building a six story box with no yard, no trees, and no permeable surfaces could be done with this goal as a justification. Having grass, having trees, having a short building, and having permeable surfaces can be considered to be non-safety related.

1.7: Get rid of this – it is inconsistent with the goal two steps down from it. Also dispersing makes it harder to benefit from existing transit options or makes it necessary to significantly grow the size and cost (and reduce the efficiency of) transit offerings.

1.9: Close to retail offerings is also an important thing to add

1.10: Encourage to me implies incentives which are usually financial or reduced permit review. We already have ADUs permitted by code, so let’s just keep allowing them

5.1.D: The Housing Working Group-suggested language is preferable to what the Planning Commission came up with – trust the experience of the City Council members and go back to their words.

*Land Usage Element*

15.1: This should be going back to the original language "Preserve the neighborhood character in single-family residential zones. The change “All residential zones” weakens the goal in this paragraph. Single-family zones will be the most affected by not preserving the character – they have the most neighborhood character and this is a good thing. It is over 67% of our city and it looks like the goal of this recent revision is to destroy it.

15.5: As noted below, data in this plan says we have a single-family city..... Protect that, this unique to MI and develop the town center as needed since there is less character there" See again Table 2 of Housing Element

17.3: Undo the recent changes to this – what you had as a Commission a few months ago was just fine. This recent revision no longer protects residential areas from the likely-to-be expanded allowed uses in the Commercial Office zone.

Overall comment: it looks like your goal as a Commission/planning department is to remove the single-family character of our city. Is there a reason for that beyond ideology? That is the reason why people move here – Seattle is right across the bridge if you want density and less character.

- Please keep "single family," "single-family" or permutations thereof. Except for Goal 16 on Page 23...achieving additional capacity in Town Center and multifamily zones should receive preference to single-family zones.

Heading 15: delete "moderate" in relation to housing density. Mercer Island \*is\* a low density, single family community (Table 2 of the Housing Element quantifies that as 67% of housing units and presumably a larger portion of the land area). Like mentioned above, there is no reason to change that. These two words can be used to change the character of and densify the entire island, removing trees, walkable and bikeable neighborhoods, and the suburban and sometimes even rural feel of the Island.

27.6.4: Delete this in its entirety. We already have one of the lowest GFARs in the region. If I recall correctly, to explain why they supported this, a Commissioner mentioned that they know of families around the world that live in 2,000 sqft apartments; Mercer Island is not Hong Kong, London, or Tokyo. It is a suburb of a midsize US city that consists of at least 67% single family homes. There are many options across both bridges for smaller apartment or middle housing units that arguably are more convenient due to their proximity to existing transit, retail, and jobs.

#### *Economic Dev. Element*

Starting at line 16 on pp. 12: It is incorrect that car ownership is less likely in less expensive and/or multi-family housing. This assertion is false and should be removed.

(same location): there is nothing about housing on Mercer Island that is "priced in the middle range". Stick to the words used by Olympia – Middle Housing. It is about the size/capacity of the housing, not the cost.

Housing priced in the middle range could be Renton Highlands, Preston, or South Everett

7.6: Get rid of the goal. This is precisely why we have zoning. There are residential areas, there are commercial districts, there are mixed use areas, etc. "Studying" retail outside of districts that are zoned for commercial (and mixed use) breaks the residential zoning that makes Mercer Island so livable and unique for those who wish to live away from retail. This amounts to studying removal of residential-only zoning and should be avoided (beyond the small-scale home offices/business already allowed by code)

#### *Transportation Element*

4.9: This is really a socioeconomic issue and not a race issue as one Commissioner mentioned in a recent meeting. Injecting race into this goal muddies the water and diverges from the intent (helping those who need help through extra programs and resource allocation). As a person who would qualify as BIPOC, I also find that aspect of this goal to be quite patronizing.

4.10: Three Commissioners have noted in some form that guaranteed parking off of a street is necessary for families and those who are handicapped – these are solid points and important to note here

**Adam Zack**

---

**From:** JOHN HALL <velooce@comcast.net>  
**Sent:** Wednesday, May 29, 2024 2:44 PM  
**To:** Alison Van Gorp; Planning Commission; Jessi Bon; Salim Nice; Jake Jacobson; Lisa Anderl  
**Cc:** John Hall  
**Subject:** Planning Commission Special Hybrid Meeting, Wed, May 29, 2024

Dear Planning Commission & CPD

I am sending this email because I have family obligations and cannot attend this meeting. I can't explain how disappointed I am in this process. Right before a holiday weekend, you send out a huge amount of information (which I'm sure no one has had a chance to completely digest) as well as this suggestion to change the CUP to commercial zoning which works against our neighborhoods. We have already seen how that worked with the CFZ, when the city spent half a million dollars to try to push the illegal spot zone. This behavior caused 6 neighbors to be overwhelmed trying to protect their homes and the tranquility of a quiet neighborhood, and ultimately, they left. Their frustration was the result of having to deal with 4 years of planning commission and council meetings, when they should be simply enjoying their family and children. All of this for a special interest. Residential zoning is designed to protect neighborhoods. This type of activity is abusive, and here we go once again, having our neighborhood left to defend ourselves.

Regards,

John Hall

**Adam Zack**

---

**From:** Sarah Fletcher <fletchsa1@gmail.com>  
**Sent:** Wednesday, May 29, 2024 1:31 PM  
**To:** Planning Commission  
**Subject:** Comprehensive Plan Update Your housing units are way off

Hello, if you look at how many housing units you have down, when the Cty had an analysis done in 2021, they have more units than you have.

On page 2 of this: [Microsoft Word - 2024-05-20 Public Hearing DRAFT LAND USE ELEMENT.docx \(usgovcloudapi.net\)](#)

Between 2001 and 2007, 510 new housing units, and 115,922 square feet of commercial area were constructed in the Town Center. Between 2007 and August 2014, 360 new housing units, and 218,015 square feet of new commercial area were constructed.

[CAI.Mercer Island Town Center Economic Analysis Summary Memorandum 2021 0406.pdf \(mercergov.org\)](#)

It has that 1,210 units were created:

**Multifamily**

**Exhibit 7** illustrates the change in Mercer Island's Town Center multifamily inventory since 2000. Inventory, as measured by units, has increased by 375 units since 2010 (from 835 to 1,210).

And Mercer Island's population has decreased by 1010 since 2020, so that needs to be discussed.

Sarah Fletcher

**Adam Zack**

---

**From:** Sarah Fletcher <fletchsa1@gmail.com>  
**Sent:** Wednesday, May 29, 2024 1:38 PM  
**To:** Planning Commission; ComprehensivePlanUpdate; Patrick Yamashita  
**Subject:** Re: The Comprehensive Plan - Transport Element - My extensive comments  
**Attachments:** DSCN2456.JPG; DSCN2455.JPG; DSCN2457.JPG; DSCN2454.JPG

Hello, I just took some photographs from the P&R, it is not full. See attached.

On Tue, May 28, 2024 at 9:04 PM Sarah Fletcher <[fletchsa1@gmail.com](mailto:fletchsa1@gmail.com)> wrote:

Hello, first of all, may I remind you that you are not Transport experts.

Before I go into detail with regards to the Comprehensive Plan comments, someone needs to do something about the dangerous bike path on the sidewalk by the Park and Ride bus stop on the north side of North Mercer Way. Would someone like to let me know, who was responsible for the sloshed green paint signs on the sidewalk by the bus stops on the north side of North Mercer Way? I am sorry, but that was the most stupid thing anyone could have come up with.

Let me explain.

For the bicyclists and pedestrians coming from 80th Ave SE towards 77th Ave SE, there is a sign up which as a pedestrian makes it look like pedestrians must walk behind the bicyclists, then, as you enter the area by the bus stops, there are signs painted on the sidewalk which if one were to follow what is on the signs, it would have that the bicyclists are to ride in the center of the sidewalk going both eastbound and westbound. And then, coming from the other direction, just by the bike path, there is a sign which directs bicyclists to either use the bike path which leads from North Mercer Way to 24th St which route is what every bicyclist should be using, they should not be cycling on the sidewalk which is not marked as the green paint has rubbed off and by having the bicyclists ride on the sidewalk which is meant for pedestrians in the path where people are standing waiting for the bus is just stupid. No-one can read the signs on the sidewalk.

See photographs of what it is looking like. Pedestrians are getting shouted at by bicyclists and it is just a matter of time before there is an incident and normally, I ask that the City be protected should there be any accident, but in this instance, I hope there is an incident and I hope the City is sued for millions. That is the only thing that will teach them a lesson as my emails to date have gone on deaf ears.

I have gone through the document and I will add my comments.

For the life of me, "Mountains to Sound Trail," for a start, it is Mountains to Sound Greenway Trust which is what they do:

"The Mountains to Sound Greenway Trust is a coalition-based organization that leads and inspires action to conserve and enhance this special landscape, ensuring a long-term balance between people and nature." It is meaningless. Please remove it from page 2:

I do not believe owns any property on Mercer Island and they don't provide any trails whatsoever on Mercer Island.

~~the vision and development of the Town Center. The regional Mountains-to-Sound Trail runs along the I-90 corridor providing a convenient connection to Seattle and Bellevue for pedestrians and bicyclists.~~

And please remove this: The Temple Herzl, for example, want to build a building and not provide one parking, not one, but have shared parking with the synagogue and the French American School, is that what we want? No, we do not want shared parking, so remove this goal:

- 1.2 Encourage businesses and residential areas to explore opportunities for shared parking and other parking management strategies.

I have absolutely no idea what you mean by this, would you like to give an example:

- 2.6 Prioritize transportation investments in the Town Center that promote mixed-use and compact development and provide ~~multi-modal~~ multimodal access to regional transit facilities.

And I want you to add the wording "and retain trees" to read: "Encourage programs that retain trees and encourage programs that plant trees in unused portions of rights-of-way."

- 3.3 Construct transportation improvements with sensitivity to existing trees and vegetation. Encourage programs that plant trees in unused portions of public rights-of-way.

And would someone like to explain how anyone thinks that you could build a parking lot which would be for Mercer Islanders only. I don't know if you are aware, but pre-covid, Sound Transit were offering permits for people to park in the Park and Ride for \$120 a month on a first come, first serve basis. It was not exclusive to Mercer Islanders. Business is business and if someone from Bellevue, for example, wanted to purchase a permit for the MI Park and Ride, how do you think you are going to tell them that it is "for Mercer Islanders only?" It is not, so take this language out.

- 4.4 Investigate opportunities for operating, constructing and/or financing park and ride lots for Mercer Island residents only.

And why are you wasting our money on this? Light rail is Sound Transit's project, not Mercer Island's project, if they want to make it safe to get to their light rail (that is even if it should work), let them study opportunities and besides, it is up to WSDOT to approve, so take this out:

- 4.6 Study opportunities to provide innovative last-mile solutions serving the Town Center, light rail station, and park and ride.

And just remove this section. This is up to Metro King County. All you need to say is that Metro, Sound Transit and the City will look at various transportation options, that should be good enough:

- 4.9 Implement transportation programs and projects that address the needs of and promote access to opportunity for underserved communities, Black, Indigenous, and other People of Color, people with low or no incomes, and people with special transportation needs, while preventing and mitigating displacement of these groups.

I have never heard of the Eastside Partnership, King County Metro are the ones who schedule the bus routes, so shouldn't you be coordinating planning with them?

- 5.5 Work with the participants of the Eastside Transportation Partnership (ETP) to coordinate transportation planning for the Eastside subarea.

And what on earth do you mean by this?:

- 6.2 Develop strategies to manage property access along arterial streets in order to preserve their function.

And again, this is up to Sound Transit, not the City of MI, let ST study opportunities:

- ~~4.2.4~~ 4.2.4 Study opportunities to expand electric bicycle facilities that serve the Town Center, light rail station, and park and ride.

I have never heard of a Level of Service for pedestrians. What on earth do you mean by this?:

- ~~12.56~~ 12.56 Prioritize areas near schools and commercial areas for a higher level of service for pedestrians, bicycles, and transit.

AND FINALLY, IT HAS TAKEN ME 5 YEARS TO GET YOU TO CORRECT THE INFORMATION WITH REGARDS TO THIS:

You had 80th Ave SE and North Mercer Way and 77th Ave SE and North Mercer Way as being "Town Center Intersections" which they never were, but you refused to correct it, and finally, you have to make the heading Town Center and Adjacent Town Center with an LOS of C which is all I wanted you to do.

**Table 1. 2018 Existing Intersection Operations**

| Intersection   | AM Peak Hour | PM Peak Hour |
|--|--------------|--------------|
| <b>Town Center Intersections Within and Adjacent to the Town Center (LOS C Standard)</b> |              |              |
| SE 24th St/76th Ave SE   | B            | B            |
| N Mercer Way/77th Ave SE   | A            | A            |
| N Mercer Way/Park & Ride/80th Ave SE   | C            | C            |

And there is an assumption that light rail will work, but it is not a given. The first engineering company who were asked to look at light rail on the I-90 bridge said it wouldn't work which was not what Sound

Transit wanted to hear so fired that engineering company, so do not make out that light rail "runs through", we don't know yet if it will be operational, plus I have never heard of the buses deemed "fixed route service"

Link light rail runs through Mercer Island along the median of I-90 with a station located north of the Town Center, between 77th Avenue SE and 80th Avenue SE. The light rail provides frequent connections to Seattle, Bellevue, and other regional destinations.

Local fixed route service operates on the arterial roadway system, and provides public transit service connecting residential and activity areas.

And I am sorry, but this is COMPLETELY FALSE:

According to the Fourth Quarter 2017 Park and Ride Utilization Report prepared by King County, the Mercer Island lot is typically fully occupied during weekdays. A number of the users of this lot do not reside on the Island.

The Mercer Island Park and Ride is not full at all, not at all and certainly not "typically fully occupied. Since covid, you can always get parking, so please remove that statement. I live right opposite and keep monitoring the Park and Ride. If you want photos of any given day after 9am, i can provide them to you to show you the empty parking lot.

I don't know for the rest of the parking lots, but please amend this from 100% to 50% occupied:

**Table 2: Mercer Island Park and Ride Locations and Capacities**

| Lot                         | Location          | Capacity | Cars Parked | % Spaces Occupied |
|-----------------------------|-------------------|----------|-------------|-------------------|
| Mercer Island Park and Ride | 8000 N Mercer Way | 447      | 447         | 100%              |

And keep the wording "analysis assumes the opening of the East Link", we don't know if it is going to actually work:

The analysis assumes the opening of the East Link light rail line in 2023, which will result in provides an additional travel option between the Town Center and regional destinations.

And none of these two projects should be done if there is going to be a lot of construction in the Town Center because all those construction trucks are going to damage the roadway:

| ID                                 | Location                                       | Description  | Justification         | Cost (\$) |
|------------------------------------|--|--|-----------------------|-----------|
| <b>Non-Motorized Projects (NM)</b> |  |  |                       |           |
| NM-1                               | 80th Ave SE Sidewalk (SE 27th St - SE 32nd St) | Replace existing curb, sidewalk, ADA ramps, trees, and lighting. | 2023-2028 TIP (SP136) | 1,376,000 |
| NM-2                               | 78th Ave SE Sidewalk (SE 32nd St - SE 34th St) | Replace existing curb, sidewalk, ADA ramps, trees, and lighting. | 2023-2028 TIP (SP137) | 779,488   |

And I am getting annoyed. I have told you dozens of times that it is not up to the City of Mercer Island to remove the bus bay and to widen the trail, it is not your project, nor are you transport experts, not to mention it is a lot of money. And like I keep telling you, having bicyclists on the sidewalk no matter how wide is a disaster and it is just a matter of time before there is an accident. Who can make it that the signs tell bicyclists to use the bike trail leading to 24th St to 84th Ave SE and to not have bicyclists riding on the sidewalk which by definition is for pedestrians, not bicyclists?

|      |   |  |                       |           |
|------|---|--|-----------------------|-----------|
| NM-8 | North Mercer Way - MI Park and Ride Frontage Improvements | Remove bus bay on north side of NMW, widen trail, and construct safety improvements. | 2023-2028 TIP (SP144) | 1,203,081 |
|------|---|--|-----------------------|-----------|

And I am sorry, but the trees are not damaged adjacent to Mercerdale Park:

|       |   |  |                       |         |
|-------|---|--|-----------------------|---------|
| NM-10 | SE 32nd St Sidewalk Replacement (77th Ave SE - 78th Ave SE) | Replace sidewalk and trees adjacent to Mercerdale Park due to tree damage. | 2023-2028 TIP (SP147) | 324,719 |
|-------|---|--|-----------------------|---------|

And as a pedestrian, putting a traffic light at the intersection of 28th Ave SE and 80th Ave SE is going to be the worst possible thing, not to mention that it is not going to work and it is going to cause more backups so please remove this, not to mention the high costs. And what about the plan to make a one-

**EXHIBIT 2**

**PUB-6**

way street where Tully's is? Some new person in the city came up with the terrible idea to get rid of a section of Greta Hackett park in order to add parking, what is happening with that plan? So in addition to your wanting to add a traffic signal there, you want to add a one-way street next to the traffic light, how is that going to look and how will it work?

|     |                               |                                |  |                  |
|-----|-------------------------------|--------------------------------|--|------------------|
| I-2 | <u>SE 28th St/80th Ave SE</u> | <u>Install traffic signal.</u> | <u>2022 Transportation Impact Fee (#1)</u> | <u>1,464,000</u> |
|-----|-------------------------------|--------------------------------|--|------------------|

And I don't understand, there is already a turn lane which has a left-turn light, so why are you spending all this money when there is already a left turning lane? Please explain:

|     |                                     |   |   |                |
|-----|-------------------------------------|---|---|----------------|
| I-3 | <u>80th Ave SE/North Mercer Way</u> | <u>Add turn lane to improve traffic operations at the intersection.</u> | <u>2022 Transportation Impact Fee (#14)</u> | <u>754,000</u> |
|-----|-------------------------------------|---|---|----------------|

And this is a WSDOT issue, not a MI issue and I don't understand how you could make it an "exclusive westbound left turn lane"

|     |  |   |   |                |
|-----|--|---|---|----------------|
| I-4 | <u>North Mercer Way/I-90 Westbound Off-Ramp/Island Crest Way</u> | <u>Add exclusive westbound left turn lane at I-90 off-ramp.</u> | <u>2022 Transportation Impact Fee (#15)</u> | <u>650,000</u> |
|-----|--|---|---|----------------|

And you need to figure out the coordination and synchronization with WSDOT and with the City of MI. This is what I have observed. When the intersection leading from 27th St onto the I-90 going westbound is clogged, drivers are instead using the 28th St and Island Crest Way intersection to get onto the I-90 clogging up 28th St. Who is responsible for the synchronization and what happens if you come up with the traffic light at 27th St and 80th Ave SE and it makes the traffic conditions worse and more dangerous for pedestrians? What is the backup plan? Would you revert it back to a stop street?

|     |   |  |   |                |
|-----|---|--|---|----------------|
| R-2 | <u>Signal Coordination Along Island Crest Way (North Mercer Way – SE 28th St) and at the North Mercer Way/80th Ave SE intersection.</u> | <u>Coordinate four existing traffic signals along Island Crest Way and North Mercer Way.</u> | <u>2022 Transportation Impact Fee (#11)</u> | <u>690,000</u> |
|-----|---|--|---|----------------|









**Adam Zack**

---

**From:** Sarah Fletcher <fletchsa1@gmail.com>  
**Sent:** Wednesday, May 29, 2024 5:18 PM  
**To:** Planning Commission; ComprehensivePlanUpdate; Council; Jeff Thomas; Adam Zack; Alison Van Gorp  
**Subject:** Comprehensive Plan Update - PSE

Hello, I am sorry, but I have not had enough time to review anything except the Transportation Element. I have glanced at a few of the other documents, but I need more time.

Just with regards to the survey, [ITEM-Attachment-001-cc036cc685874e0b85e0d600574bfc59.pdf](https://usgovcloudapi.net/ITEM-Attachment-001-cc036cc685874e0b85e0d600574bfc59.pdf) ([usgovcloudapi.net](https://usgovcloudapi.net))

I am sorry, but what PSE wants is so against any of our values when they want to add transmission lines to the Eastside. Look up "Energize Eastside," which is they want to shove massive transmission lines [Overview - Energize Eastside EIS](#)

Please see the video. It is a massive detriment to the environment:

I hope that you will make sure that Mercer Island will not receive their electricity through this Energize Eastside power lines. This is what they are asking for, please make sure that Mercer Island will not be behind this grid infrastructure, we don't want a part of it and you certainly won't be expediting any local permitting, that would be nuts to do so:

**Policy 8 – Grid Infrastructure**

Expedite the local permitting and approval process in order to maintain grid capacity and reliability. [Land Use Element]

**PSE Programs**

New regional transmission lines are needed to serve new utility scale clean energy resources, such as wind and solar.

New local transmission lines are needed to meet increasing local demand due to growth, EV's, and electrification of the heating sector (e.g., Sammamish to Juanita line in Kirkland).

Transmission upgrades are needed to meet increasing local demand (e.g., Energize Eastside line in Redmond, Bellevue, Newcastle, and Renton upgraded from 115kv to 230kv) due to growth, EVs, and electrification of the heating sector.

In order to assure continued capacity and reliability, new and larger substations will be needed to meet growing energy needs due to growth, EVs and electrification of the heating sector.

<https://www.youtube.com/watch?v=JPgTw1YBpvY>

**Adam Zack**

---

**From:** Dan Thompson <danielphompson@hotmail.com>  
**Sent:** Wednesday, May 29, 2024 4:18 PM  
**To:** Council; Planning Commission; ComprehensivePlanUpdate  
**Cc:** Jeff Thomas; Jessi Bon; Adam Ragheb; Ashley Hay; Ira Appelman; aql1@cornell.edu; Ray Akers; Thomas Acker; Matthew Goldbach; Elizabeth Buckley; Bob Harper; Lloyd Gilman; Matt Goldbach; Carv Zwingle; Traci Granbois; Michael Cero; fletchsa1@gmail.com; victor.raisys@gmail.com; Doris Cassan; Gary Robinson; Dan Glowitz; Dwight Schaeffer; Don Howard; Rob Dunbabin; Gary Robinson; John Hall; Joy Matsuura; jkennedy59@me.com; Isarchin@aol.com; Meg Lippert; Susan Lund; Mike Cero; Morrene Jacobson; Robert Medved; Mark Coen; Dave Oberg; olivialippens@gmail.com; Peter Struck; Robin Russell; Rebecca Wilson  
**Subject:** Re: Public Comments For May 29, 2024 Public Hearing On Update To Comprehensive Plan

Dear Planning Commission and CPD, please consider these my public comments for tonight's public hearing on the Comp. Plan update.

The PC agenda packet is 583 pages and was released on Thursday afternoon before the three-day holiday weekend. Here is a link to the agenda and agenda packet: [MEET-Packet-6f827fb3de734c159107786bf83dbfaa.pdf \(usgovcloudapi.net\)](https://usgovcloudapi.net/6f827fb3de734c159107786bf83dbfaa.pdf) The results of the citizen survey begin at page 262 but are not posted on Let's Talk.

**1. CONSULTANT'S REPORT.**

The city has hired a consultant to prepare a report "to close the policy gaps and resolve the internal consistency topics as recommended by staff in PCB24-13 Table 1 as presented" with 19 identified "policy gaps" and 7 "Findings" that is attached to the agenda. It is also my understanding that certain planning commission members whose terms end tonight will propose even more amendments, and the planning commission will hold two more meetings. None of the consultant's gaps or findings address the planning commission's unauthorized amendments.

**2. STANDING.**

I am a resident of Mercer Island and own property on Mercer Island and our law firm is in the town center. I have participated in this process since March 2022 and took the survey which I found biased. The unauthorized amendments by the planning commission in contradiction of Resolution 1621 adopted unanimously by the council in March 2022 will injure me and my property.

**3. INCORPORATION OF PRIOR SUBMISSIONS.**

Attached at the bottom of this email and incorporated specifically is my email to the council dated May 20, 2024. Also incorporated by reference into these public comments are my prior submissions to the council and CPD on the update of the comp. plan including my email and public comments to the council on May 6.

**4. LEGAL BASIS FOR OBJECTIONS TO DRAFT COMP. PLAN UPDATE.**

My emails of May 20 and May 6 and prior submissions outline my objections to this process, and specifically the planning commission's disregard of the Council's Resolution 1621. The specific legal bases are:

**a. RCW [36.70A.020](#). Goal 11: "(11) Citizen participation and coordination. Encourage the involvement of citizens in the planning process, including the participation of vulnerable populations and overburdened communities, and ensure coordination between communities and jurisdictions to reconcile conflicts".** This is the most critical goal in the GMA, especially when it comes to the comprehensive plan. In my email of May 20, I recite the history of this process and how unfair it has been to the citizens due to lack of public notice and participation.

Now the citizens are being given a 583 page agenda packet no council member has read with a table prepared by an outside consultant to "to close the policy gaps and resolve the internal consistency topics as recommended by staff in PCB24-13 Table 1 as presented" on the Thursday afternoon before a three day weekend for tonight's public hearing.

I sympathize with the position the council and city were put in by the planning commission's disregard of Res. 1621 and release of the first public draft in April 2024, but since that time the city's actions have been even more in violation of its duty of notice and participation toward the citizens as it tries to mitigate or fix the problems created by the planning commission. This time table has ensured a citizen cannot meaningfully participate.

**b. RCW [36.70A.035](#) Public participation—Notice provisions.**

I am not sure I have ever seen such an unfair process, or one more in violation of 36.70A.035. There was almost no public participation at the May 1 public meeting in large part because the council told the citizens in March 2022 in Resolution 1621 there would be no changes to the Plan except those specifically required by state law, and there will be almost no public participation at the May 29 public hearing, because the planning commission has continued to amend the Plan, with no time for a citizen (or council member) to read 583 pages, the consultant's report and findings on "policy gaps and resolve the internal consistency topics as recommended by staff in PCB24-13 Table 1", and to meaningfully participate.

**c. Lack Of Concurrent Development Regulations To Implement The Planning Commission's Proposed Amendments To The Plan.**

I was the attorney of record to the Growth Management Hearings Board in the appeal of the Community Facilities Zone, in which the appellants alleged failed to include the concurrent development regulations. The GMHB agreed with appellants, and upon remand the MICC was amended to require that any development regulations necessary to implement a Comp. Plan amendment must be drafted and adopted concurrently so the citizens know just what the comp. Plan amendment really means.

In this case, the planning commission has proposed sweeping changes to the single-family zone, including reducing minimum lot size, increasing or modifying regulatory limits including parking minimums, changing allowed uses including retail, none of which include the concurrent development regulations that would be necessary to implement the proposed Comp. Plan amendments, or within the purview of 1621.

To its credit, the CPD has identified some of the planning commission's unauthorized amendments. Either all of them must be removed or the concurrent development regulations drafted, publicized, and adopted in the draft elements concurrently.

**5. REQUEST FOR OPEN PUBLIC HEARING AT COUNCIL LEVEL.**

It is certain the council will make sweeping changes to the draft Comprehensive Plan based on the reconstitution process. The citizens should be allowed an open record hearing at the council level when the council's approach is clearer and the planning commission is finally removed from this process.

## **6. IDENTIFICATION OF SPECIFIC AMENDMENTS OUTSIDE RESOLUTION 1621.**

Since the planning commission continued to amend the land use and housing elements *after* the May 1 public meeting and continues to do so today, and the outside consultant has now prepared a complex matrix of amendments the consultant and/or city believe "close the policy gaps and resolve the internal consistency topics as recommended by staff in PCB24-13 Table 1" it is virtually impossible for any citizen to comment in real time on those amendments that are outside the scope of 1621, and that would need concurrent development regulations if adopted.

However here is a short list from before the consultant's report and the city's Table: **If there is one overall clarification that is needed, it is "affordable housing" must be in the Town Center and CO zones to meet County policies, and the council will not increase its GMPC future housing target of 1239 units. Therefore, upzoning the SFH zone is irrelevant.**

### **Housing Element:**

- 1.4.D - (See CPD comment)
- 1.7 - (This vague amendment needs clarification and that County policy recognizes affordable housing must be in the town center and CO zone)
- 1.8 - (What does this mean?)
- 1.9 - (This vague amendment needs clarification and that County policy recognizes affordable housing must be in the town center and CO zone)
- 1.10 - (Does "encourage" mean GFAR bonuses? Mercer Island allows ADUs, but they are not affordable)
- 2.1 - (Clarify within Town Center and CO Zone)
- 2.3 - (How? Needs clarification)
- 2.4 - (See CPD comment. Clarify not in single family zone)
- 2.5 - (Must be limited to Town Center and CO Zone)
- 2.5.H - (See CPD comment)
- 3.1.C - (Needs clarification and zone)
- 3.2 - (Vague - specify)
- 5.1.D - (See CPD comment. 5.1.D must identify what is being balanced)
- 5.1.E - (Needs clarification of zone and whether incentives include regulatory limits)
- 5.2 to 5.5 - (Need concurrent development regulations)

### **Land Use Element:**

**Needs a Vision Statement consistent with the City's Vision Statement and Vision Statement in my May 20, 2024 email that Mercer Island is primarily a single family community and that all future affordable housing must go in the town center and CO zones per County policies.**

Goal 15 - Strike the addition of "to moderate" in relation to housing density. Mercer Island *\*is\** principally a low density, single family community (Table 2 of the Housing Element quantifies that as 67% of housing units and presumably a larger portion of the land area) and it should remain so. These two words can be used to change the character of and densify the entire island, removing trees, walkable neighborhoods, and the suburban and sometimes even rural feel of the Island.

15.1 - Revert to read "Preserve the neighborhood character in single-family residential zones. All residential zones weakens this goal and if denser housing must be accommodated, then the "character" of Town Center or multifamily zones should be the first to be altered.

15.2 - Clarify that this be done in accordance with and not to exceed GMPC requirements and/or statewide housing legislation, or the city's GMA future housing allocation.

15.3 - Clarify that the encouraging is only to be done in accordance with (and most importantly not to exceed) GMA requirements.

15.5 - Should be amended to articulate the fact that Mercer Island is a primarily single-family residential community. "As a primarily single family residential community....." See again Table 2 of Housing Element Goal 16.

Needs concurrent development regulations to identify the flexible land use techniques and entitlement regulations.

16.1 - Mercer Island has lost over a 1,000 residents since 2020. In 2020, we were at 25,752 and in 2023, we were at 24,742 according to the latest US Census Bureau: [U.S. Census Bureau QuickFacts: United States](#) and King County's population has been flat over the past four years.

This goal needs to identify what "shared housing opportunities" means, and how they would achieve affordable housing in the single family zone when County policy states all affordable housing must be in the Town Center or CO zone.

16.2 - This goal is irrelevant. County policy mandates that all 1239 future housing units must be affordable and in the Town Center or CO zone.

16.4 - Mercer Island already allows accessory dwelling units on single family lots. This policy needs to state that current ADU regulations will not change.

16.5 – "Encourage" should be changed to "to allow".

16.6 – Needs concurrent development regulations to identify the flexible residential development regulations and to further identify that the only other affordable housing recognized by County policy is in the Town Center and the CO zone.

17.3 - Revert to original PC recommendation to read: "Add multifamily residential uses to the Commercial Office zone. This should be accomplished through changes in zoning regulations that minimize adverse effects to surrounding areas, especially residential zones." Commissioner Akyuz introduced this policy change (change minimize to consider and strike "especially residential zones.") that removes specific protection of residential zones from the impacts from an expanded CO zone.

Goal 27.6.4 – remove this goal. Smaller units have more surface area to achieve the same floor area and thus lose more energy to the environment. Additionally, the greenest house is one that has already been built. This is a bad addition and can be used to justify destroying the character of the majority of our neighborhoods (over 67% of the housing according to Table 2 of the housing element). This goal needs to be removed or the concurrent development regulations drafted to identify how smaller housing units will be encouraged and needs to reflect that triplexes needs to be removed as not mandated by state law for Mercer Island.

29.1 Goal. This action plan needs to clarify how the "usability" of the Development Code will eliminate repetitious overlapping and conflicting provisions and to state nothing in this goal supports changing the Development Code for the single family zone.

### **Economic Development:**

7.6 - **Delete this.** Small scale retail development in the residential zones is a bad idea. Retail needs density to be viable and that is why residential, commercial, and mixed use zoning exists. Do not allow retail in residential, even at an unquantified "small scale".

Lines 16-20 - residents of middle-priced housing are not by default less likely to own a car. Perhaps less likely to own a "weekend" or "fun" car, yes. Oftentimes taking public transport may require significantly more time

than driving and that may preclude residents from working a second job or coordinating childcare / pickups / etc. Please remove "will be 19 less likely to own a car," from line 18-19. Beacon Hill, the Central District, the U-District are all dense and have transportation options, but still have a ton of car ownership.

Lines 16 and 17 refer to "more housing priced in the middle range" - please change this to remove the reference to its price. Mercer Island has expensive dirt, so even an HB1110-mandated middle housing - even HB1110 as passed refers to middle housing, not affordable housing, and not middle range-priced housing. Suggest "More Middle Housing" - that is what the law requires and defines...the market will determine whether it is priced in the middle range, a term that is undefined - middle range of MI? Middle range of the Eastside? Middle range of King County? Middle range of Washington State?

**Transportation Element:**

4.10 - Needs to articulate that off street parking is an issue (i.e., necessary) - especially for handicapped and families.

**7. CONCLUSION.**

Obviously, the city and council were as surprised as the citizens by the planning commission's unauthorized amendments, and the PC has been "reconstituted". However the process since the release of the April draft Comp Plan has not allowed the citizens to participate, and in fact the council told them to not participate in March 2022 in Resolution 1621 because there would be no changes to the Comp. Plan except those required by state law.

I believe at least a second public hearing will be necessary before the Council, and maybe a third, after the first or second removal of unauthorized amendments. At this time, it is a moving target, with the process before the same planning commission that was basically fired for its unauthorized amendments to the comp. plan.

The city's and council's initial actions since April 2024 have been productive, but at some point when a final draft is finally prepared the citizens are legally entitled to public notice and participation to review and object to those amendments still left they believe are inconsistent with their vision of the city.

Thank you.

**Daniel Thompson  
Thompson & Delay  
Attorneys at Law  
80th Avenue Professional Building  
2955 80th Ave SE, Suite 202  
Mercer Island, WA 98040  
Phone: (206) 622-0670  
Fax: (206) 622-3965**

**From:** Dan Thompson <danielpthompson@hotmail.com>

**Sent:** Monday, May 20, 2024 2:12 PM

**To:** council@mercergov.org <council@mercergov.org>

**Cc:** jeff.thomas@mercerisland.gov <jeff.thomas@mercerisland.gov>; jessi.bon@mercergov.org <jessi.bon@mercergov.org>; Adam Ragheb <adam.ragheb@gmail.com>; Ashley Hay <ashleyhay@outlook.com>; Ira Appelman <appelman@bmi.net>; aql1@cornell.edu <aql1@cornell.edu>; Ray Akers <ray@akerscargill.com>; Thomas Acker <tomacker1@comcast.net>; Matthew Goldbach <blkship@yahoo.com>; Buckley Elizabeth <mezzo@elizabethbuckley.com>; Bob Harper <robert.harper@comcast.net>; Lloyd Gilman <biznlloyd@gmail.com>; Matt Goldbach <matt@bitmax.net>; Carvz@yahoo.com <carvz@yahoo.com>; traci.granbois@gmail.com <traci.granbois@gmail.com>; Michael Cero <mikecero@miforss.com>; fletchsa1@gmail.com <fletchsa1@gmail.com>; victor.raisys@gmail.com <victor.raisys@gmail.com>; Doris Cassan <dc@dollarseattle.com>; docrobinson@comcast.net <docrobinson@comcast.net>; Dan Glowitz <daniel.glowitz@gmail.com>; Dwight Schaeffer <drschaeffer@comcast.net>; Don Howard <donhowardmd@gmail.com>; Rob Dunbabin <rob@cascadeyarns.com>; Gary Robinson <gdrobinsong@gmail.com>; John Hall <johnmhall@jmhcorp.net>; Joy Matsuura <jmatsu999@yahoo.com>; jkennedy59@me.com <jkennedy59@me.com>; lsarchin@aol.com <lsarchin@aol.com>; Meg Lippert <meg.lippert@gmail.com>; Susan Lund <srlund@aol.com>; Mike Cero <mscero@comcast.net>; Morrene Jacobson <morrene2000@gmail.com>; Robert A. Medved <robertamedved@msn.com>; Mark Coen <mscnb@msn.com>; obergcd@comcast.net <obergcd@comcast.net>; olivialippens@gmail.com <olivialippens@gmail.com>; Peter Struck <struckmi@aol.com>; Robin Russell <scubarobin@msn.com>; Rebecca Wilson <rebeccajwilson10@gmail.com>

**Subject:** Reconstitution of the Planning Commission. What Now?

Dear Council, I supported the ordinance reconstituting the planning commission and appreciate the council taking such quick action, but the question now is what do we do about the PC's draft elements in the Comprehensive Plan.

I think it might help to take a look at the history of this, and then the process going forward, and then my recommendation for a preamble or vision statement to the housing and land use elements.

## **I. HISTORY OF THIS PROCESS.**

**1. March 15, 2022.** The 8-year cycle update of the comp. plan was originally due in 2022 but extended to 2024 due to Covid. At its March 15, 2022 meeting the council adopted Resolution 1621 which limited the PC's review of the comp. plan to:

**"Scope of Work (Exhibit 1A)" "The scope of work proposes a focused "surgical" periodic review of the Comprehensive Plan. The concept is to have a narrow scope of work, 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".**

[ITEM-Attachment-001-f8b71ddd8fb14da894f278ca49a885f1.pdf \(usgovcloudapi.net\)](#) (page 2).

**2. March 15, 2022 to April 2024.** The planning commission conducted its review of the comp. plan for two years. During this time there were no public meetings, and really no updates or any public notices from the city. The citizens had been told there would be no changes except those specifically required by state law so tuned out. I sent three emails during this time to the council, PC, and CPD noting concern that the PC was not following its mandate but nothing was ever done.

**3. April 2024.** In April 2024 the city published the first draft of the PC's amended Comp. Plan on Let's Talk, although the PC continued to amend the comp. plan. At this time, it became apparent to the council and citizens that the PC had buried in the draft dozens of amendments that sought to reduce minimum lot sizes in the SFH zone, increase regulatory limits in the SFH zone, reduce parking minimums, and in essence to eliminate the SFH zone. The dir. of the CPD even took the extraordinary action of noting in the elements themselves where the PC had gone beyond its mandate.

**4. April 2024 to May 2024.** The council "reconstituted" the PC.

**5. May 1, 2024.** The city puts together a hasty public meeting to review the comp. plan even though the second reading reconstituting the PC had not occurred, and the PC was still making major amendments, like Commissioner Goelz's amendment to reduce maximum house size in the SFH zone and increase regulatory limits for multi-family housing in the SFH zone buried in the climate section of the land use element, apparently not understanding that under ESB 1220 nothing in the SFH zone counts toward MI's affordability mandates, and that according to King Co. virtually all of MI's 1239 future housing targets must be affordable to those earning between 0% to 60% AMI and be in a dense zone near walkable transit.

Around 12 citizens attended the public meeting.

**6. May 9 to May 19, 2024.** After the public meeting the city throws together a hasty survey on the comp. plan, except it explains nothing, and many of the questions begin with statements about what the "city" values or prioritizes when the city is not a party to this process, which is between the citizens and their council. The city prioritizes what the citizens prioritize. Many citizens complain about the composition of the questions and required format of the answers when many disagree with all the proposed answers.

**7. May 29, 2024, two days after Memorial.** This is probably the most surreal part. Now the citizens are supposed to read and understand all the elements in the draft comp. plan that has continued to be amended, find the PC's buried unauthorized amendments that have no concurrent development regulations, and submit their written and/or oral comments to the PC on a draft comp. plan **that got the PC fired.**

How weird is that.

## **II. NOW WHAT?**

The reality is the citizens can't suddenly read and understand every element in the comp. plan by May 29 to find the PC's buried amendments, and it is unfair to ask them to do it after the council **PROMISED** them there would be no amendments except those specifically required by state law, and my guess is most council members haven't read the entire draft comp. plan.

The very first two priorities in the Growth Management Act are public notice and public participation, especially when it comes to the comp. plan because that is the citizens' vision for their city, and should be a document and open process they can understand.

It is pretty pointless to ask the same PC to help with the rewrite.

So the council is going to have to do this on its own, with some help from the CPD. The problem IMO is Adam Zach was part of the problem, so this is where Jeff Thomas is going to have to step up, and because he knows where the buried amendments are.

I don't know what the actual process should be. The PC or its members should not be part of the process because they have proven they won't listen. I would imagine a council subcommittee that includes Salim Nice, and two other council members who voted to reconstitute the PC, Jeff Thomas and Jessi Bon since this happened on their watch, that goes through the elements line by line removing every PC proposed amendment.

**III. WHY A PREAMBLE OR VISION STATEMENT SHOULD BE PART OF THE LAND USE AND HOUSING ELEMENTS.**

The citizens can't possibly read and understand the draft elements with such short notice, but the council can include a preamble or vision statement they can understand and follows through on the promises in Resolution 1621 (and the 2017 rewrite of the RDS).

The city has a vision statement, (although the PC was surprised to learn that). [Mercer Island's Vision Statement | Mercer Island, Washington](#). It states as its very first community value:

**Residential  
Community**

**Mercer Island is principally a single-family residential community, supported by healthy schools, institutions and recreational clubs.**

My suggestion is a preamble or vision statement for the land use and housing elements that the citizens can understand and will reassure them, and really is just consistent with Resolution 1621:

**"Mercer Island is principally a single-family residential community. Large minimum lot sizes and a lower gross floor area to lot ratio with yard setbacks and limits on impervious surfaces contribute to the rural character of the single-family zone Islanders cherish, and the retention of mature trees and vegetation that allow carbon to be captured, limit solar heat, and provide homes for birds and woodland animals. In 2017**

**new regulatory limits were adopted for our single family zone after a years long process of citizen involvement and extensive public process, and those adopted regulatory limits including minimum lot size, height limits, impervious surface limits, yard setbacks, gross floor area to lot area ratios, and onsite parking minimums that preserve the rural character of our single family zone will not be changed as part of these amendments to our comprehensive plan."**

This way if we accidently miss one of the PC's unauthorized amendments, or a council in the future tries to claim an amendment that had no concurrent development regulations and was defined as "inspirational" now needs development regulations to implement it this vision or preamble would make it clear that was never the intent with this rewrite.

Thank you.

## Daniel Thompson

Thompson & Delay  
Attorneys at Law  
80th Avenue Professional Building  
2955 80th Ave SE, Suite 202  
Mercer Island, WA 98040  
Phone: (206) 622-0670  
Fax: (206) 622-3965

**Adam Zack**

---

**From:** blkship <blkship@yahoo.com>  
**Sent:** Wednesday, May 29, 2024 4:39 PM  
**To:** Planning Commission  
**Cc:** Jessi Bon; Salim Nice; Jeff Thomas; Lisa Anderl; Wendy Weiker; Craig Reynolds; Ted Weinberg; Jake Jacobson  
**Subject:** Comments to Planning Commission

**-594-**  
**pages**

Commissioner's

594 is the number of pages in tonight's packet.....594....

While I doubt any Commissioner has read all of the data provided....it is also very unlikely any resident has had a chance to read the materials and form opinions since it has only been available for three work days. Memorial day weekend got in the way.....

The City Council directed the CPD and Planning Commission to take a surgical approach to this Comp Plan update. Only make changes required by the State and County. If this was done a simple matrix of "what is proposed to be added, modified, removed" would provide the information that the residents need to participate in a serious discussion. A real "Public meeting".

This appears to be the same tactics used to push the CFZ. That didn't turn out to well.

I want to be on the record as **opposed** to moving forward without better resident participation.

Matt Goldbach  
9980 SE 40st  
Mercer Island, WA

**Adam Zack**

---

**From:** Traci Granbois <traci.granbois@gmail.com>  
**Sent:** Wednesday, May 29, 2024 5:26 PM  
**To:** Planning Commission  
**Cc:** Alison Van Gorp; Jeff Thomas; Salim Nice; Lisa Anderl; Jake Jacobson; Wendy Weiker; David Rosenbaum; Craig Reynolds; Ted Weinberg  
**Subject:** 5.29.24 PC meeting - SCOPE

Good evening Planning Commissioners,

Thank you for your service to our community and the time & expertise you volunteer.

In March 2022, our Mercer Island City Council unanimously adopted the following scope of work for the Planning Commission in regards to the legally required Comp Plan update:

« The scope of work proposes a focused “surgical” periodic review of the Comprehensive Plan. The concept is to have a narrow scope of work, primarily limited to only those updates required by state law. »

None of the proposed amendments fall within this very narrow scope of work. Because all proposed amendments exceed the authority of the Planning Commission, the City should stop further consideration of all of the Planning Commission's work on the Comp Plan update.

Thank you again for your time.

Best,  
Traci Granbois

**Adam Zack**

---

**From:** docrobinson@comcast.net  
**Sent:** Wednesday, May 29, 2024 5:44 PM  
**To:** Council; Planning Commission; ComprehensivePlanUpdate  
**Subject:** Planning commission

Dear Planning Commission and CPD,

I associate myself with Dan Thompson’s remarks and include and add the following.

One of the qualities of good management is “customer.” It would appear that the Planning Commission is not customer-resident “in” but rather Planning Commission-in. Dan Thompson points out that The P.C. agenda packet is 583 pages and was released on Thursday afternoon before the three-day holiday weekend. The results of the citizen survey begin on page 262 **but are not posted on Let’s Talk. Please see the following and my additional comments.**

**1. CONSULTANT’S REPORT.**

The city has hired a consultant to prepare a report "to close the policy gaps and resolve the internal consistency topics as recommended by staff in PCB24-13 Table 1 as presented," with 19 identified "policy gaps" and 7 "Findings" that are attached to the agenda. I also understand that certain planning commission members whose terms end tonight will propose even more amendments, and the planning commission will hold two more meetings. None of the consultant’s gaps or findings address the planning commission’s unauthorized amendments. It appears that the Planning commission does not consider itself a staff–advisory function but rather an executive function with its own agenda.

**2. STANDING.**

I am a resident of Mercer Island, own property on Mercer Island, and we have a business on Mercer Island. I participated in this process and took the survey, which I found biased and not up to research standards. The written version, distributed at the community meeting, had errors that had to be brought to the staff's attention. I concur that the unauthorized amendments by the planning commission in contradiction of Resolution 1621, adopted unanimously by the Council in March 2022 will injure me and my property.

**3. INCORPORATION OF PRIOR SUBMISSIONS.**

Attached at the bottom of this email, which is explicitly incorporated, is Dan Thompson’s email to the Council dated May 20, 2024. Also incorporated by reference into these public comments are his prior submissions to the Council and CPD on the comp update. The Plan includes his email and public comments to the Council on May 6.

**4. LEGAL BASIS FOR OBJECTIONS TO DRAFT COMP. PLAN UPDATE.**

His emails of May 20 and May 6 and prior submissions outline his objections to this process, precisely the planning commission's disregard of the Council's Resolution 1621. The specific legal bases are:

a. **RCW 36.70A.020. Goal 11: "(11) Citizen participation and coordination. Encourage the involvement of citizens in the planning process, including the participation of vulnerable populations and overburdened communities, and ensure coordination between communities and jurisdictions to reconcile conflicts".** This is the most critical goal in the GMA, especially regarding the Comprehensive Plan. In my email of May 20, I recite the history of this process and how unfair it has been to the citizens due to lack of public notice and participation.

Now, the citizens are being given a 583-page agenda packet no council member has read, with a table prepared by an outside consultant to "close the policy gaps and resolve the internal consistency topics as recommended by staff in PCB24-13 Table 1 as presented" on the Thursday afternoon before a three day weekend for tonight's public hearing.

I sympathize with the position the Council and city were put in by the planning commission's disregard of Res. 1621 and the release of the first public draft in April 2024. Still, since then, the city's actions have been even more in violation of its duty of notice and participation toward the citizens as it tries to mitigate or fix the problems created by the planning commission. This timetable has ensured a citizen cannot meaningfully participate.

**b. RCW 36.70A.035 Public participation—Notice provisions.**

I concur that I have never seen such an unfair process or one more violation of 36.70A.035. There was almost no public participation at the May 1 public meeting, mainly because the Council told the citizens in March 2022 in Resolution 1621 that there would be no changes to the Plan except those specifically required by state law. There will be almost no public participation at the May 29 public hearing because the planning commission has continued to amend the Plan, with no time for a citizen (or council member) to read 583 pages, the consultant's report and findings on "policy gaps and resolve the internal consistency topics as recommended by staff in PCB24-13 Table 1", and to participate meaningfully.

**c. Lack Of Concurrent Development Regulations To Implement The Planning Commission's Proposed Amendments To The Plan.**

Dan Thompson was the attorney of record to the Growth Management Hearings Board in the appeal of the Community Facilities Zone, in which the appellants alleged failed to include the concurrent development regulations. The GMHB agreed with appellants, and upon remand, the MICC was amended to require any development regulations necessary to implement a Comp. Plan amendments must be drafted and adopted concurrently so the citizens know what the Comp. Plan amendment means.

In this case, the planning commission has proposed sweeping changes to the single-family zone, including reducing minimum lot size, increasing or modifying regulatory limits, including parking minimums, and changing allowed uses, including retail, none of which include the concurrent development regulations that would be necessary to implement the proposed Comp—plan amendments, or within the purview of 1621.

To its credit, the CPD has identified some of the planning commission's unauthorized amendments. Either all of them must be removed, or the concurrent development regulations must be drafted, publicized, and adopted in the draft elements concurrently.

**5. REQUEST FOR OPEN PUBLIC HEARING AT THE COUNCIL LEVEL.**

The Council will undoubtedly make sweeping changes to the draft Comprehensive Plan based on the reconstitution process. ***The citizens should be allowed an open record hearing at the council level when the Council's approach is more transparent, and the planning commission is finally removed from this process.***

## 6. IDENTIFICATION OF SPECIFIC AMENDMENTS OUTSIDE RESOLUTION 1621.

Since the planning commission continued to amend the land use and housing elements *after* the May 1 public meeting and continues to do so today, and the outside consultant has now prepared a complex matrix of amendments the consultant and/or city believe "close the policy gaps and resolve the internal consistency topics as recommended by staff in PCB24-13 Table 1" it is virtually impossible for any citizen to comment in real-time on those amendments that are outside the scope of 1621, and that would need concurrent development regulations if adopted. This speaks to the apparent lack of sensitivity by the Planning Commission regarding residents' desires. The Planning Commission appears to have gone rogue.

Below is a short list from before the consultant's report and the city's Table: **If there is one overall clarification that is needed, it is that "affordable housing" must be in the Town Center and C.O. zones to meet County policies and the Council will not increase its GMPC future housing target of 1239 units. Therefore, upzoning the SFH zone is irrelevant.**

### Housing Element:

- 1.4.D - (See CPD comment)
- 1.7 – (This vague amendment needs clarification and that County policy recognizes affordable housing must be in the town center and C.O. zone)
- 1.8 – (What does this mean?)
- 1.9 – (This vague amendment needs clarification and that County policy recognizes affordable housing must be in the town center and C.O. zone)
- 1.10 – (Does "encourage" mean GFAR bonuses? Mercer Island allows ADUs, but they are not affordable)
- 2.1 – (Clarify within Town Center and CO Zone)
- 2.3 – (How? Needs clarification)
- 2.4 – (See CPD comment. Clarify not in single family zone)
- 2.5 – (Must be limited to Town Center and CO Zone)
- 2.5.H – (See CPD comment)
- 3.1.C – (Needs clarification and zone)
- 3.2 – (Vague – specify)
- 5.1.D – (See CPD comment. 5.1.D must identify what is being balanced)
- 5.1.E – (Needs clarification of zone and whether incentives include regulatory limits)
- 5.2 to 5.5 – (Need concurrent development regulations)

### Land Use Element:

**Needs a Vision Statement consistent with the City's Vision Statement and Vision Statement in my May 20, 2024 email that Mercer Island is primarily a single-family community and that all future affordable housing must go in the town center and C.O. zones per County policies.**

Goal 15 - Strike the addition of "to moderate" in relation to housing density. Mercer Island *\*is\** principally a low-density, single-family community (Table 2 of the Housing Element quantifies that as 67% of housing units and presumably a more significant portion of the land area), and it should remain so. ***These two words can be used to change the character of and densify the entire island, removing trees, walkable neighborhoods, and the suburban and sometimes even rural feel of the Island.***

15.1 - Revert to read "Preserve the neighborhood character in single-family residential zones. All residential zones weakens this goal and if denser housing must be accommodated, then the "character" of Town Center or multifamily zones should be the first to be altered.

15.2 - *Clarify that this be done in accordance with and not to exceed GMPC requirements and/or statewide housing legislation, or the city's GMA future housing allocation.*

15.3 - *Clarify that the encouraging is only to be done in accordance with (and most importantly not to exceed) GMA requirements.*

15.5 - Should be amended to articulate the fact that Mercer Island is a primarily single-family residential community. "As a primarily single family residential community....." See again Table 2 of Housing Element

Goal 16.

Needs concurrent development regulations to identify the flexible land use techniques and entitlement regulations.

16.1 - Mercer Island has lost over a 1,000 residents since 2020. In 2020, we were at 25,752 and in 2023, we were at 24,742 according to the latest U.S. Census Bureau: [U.S. Census Bureau QuickFacts: United States](#) and King County's population has been flat over the past four years.

This goal needs to identify what "shared housing opportunities" means, and how they would achieve affordable housing in the single family zone when County policy states all affordable housing must be in the Town Center or C.O. zone.

16.2 - This goal is irrelevant. County policy mandates that all 1239 future housing units must be affordable and in the Town Center or C.O. zone.

16.4 - Mercer Island already allows accessory dwelling units on single family lots. This policy needs to state that current ADU regulations will not change.

16.5 – "Encourage" should be changed to "to allow".

16.6 – Needs concurrent development regulations to identify the flexible residential development regulations and to further identify that the only other affordable housing recognized by County policy is in the Town Center and the C.O. zone.

17.3 - Revert to original P.C. recommendation to read: "Add multifamily residential uses to the Commercial Office zone. This should be accomplished through changes in zoning regulations that minimize adverse effects to surrounding areas, especially residential zones." Commissioner Akyuz introduced this policy change (change minimize to consider and strike "especially residential zones.") that removes specific protection of residential zones from the impacts from an expanded C.O. zone.

Goal 27.6.4 – remove this goal. Smaller units have more surface area to achieve the same floor area and thus lose more energy to the environment. Additionally, the greenest house is one that has already been built. This is a bad addition and can be used to justify destroying the character of the majority of our neighborhoods (over 67% of the housing according to Table 2 of the housing element). This goal needs to be removed or the concurrent development regulations drafted to identify how smaller housing units will be encouraged and needs to reflect that triplexes needs to be removed as not mandated by state law for Mercer Island.

29.1 Goal. This action plan needs to clarify how the "usability" of the Development Code will eliminate repetitious overlapping and conflicting provisions and to state nothing in this goal supports changing the Development Code for the single family zone.

### **Economic Development:**

7.6 - **Delete this!!**. Small scale retail development in the residential zones is a bad idea. Retail needs density to be viable and that is why residential, commercial, and mixed use zoning exists. Do not allow retail in residential, even at an unquantified "small scale".

Lines 16-20 - residents of middle-priced housing are not by default less likely to own a car. Perhaps less likely to own a "weekend" or "fun" car, yes. Oftentimes taking public transport may require significantly more time than driving and that may preclude residents from working a second job or coordinating childcare / pickups / etc. Please remove "will be 19 less likely to own a car," from line 18-19. Beacon Hill, the Central District, the U-District are all dense and have transportation options, but still have a ton of car ownership.

Lines 16 and 17 refer to "more housing priced in the middle range" - please change this to remove the reference to its price. Mercer Island has expensive dirt, so even an HB1110-mandated middle housing - even HB1110 as passed refers to middle housing, not affordable housing, and not middle range-priced housing. Suggest "More Middle Housing" - that is what the law requires and defines...the market will determine whether it is priced in the middle range, a term that is undefined - middle range of MI? Middle range of the Eastside? Middle range of King County? Middle range of Washington State?

#### **Transportation Element:**

4.10 - Needs to articulate that off street parking is an issue (i.e., necessary) - especially for handicapped and families.

#### **7. CONCLUSION.**

Obviously, the city and Council were as surprised as the citizens by the planning commission's unauthorized amendments, and the P.C. has been "reconstituted". ***However the process since the release of the April draft Comp Plan has not allowed the citizens to participate, and in fact the Council told them to not participate in March 2022 in Resolution 1621 because there would be no changes to the Comp. Plan except those required by state law.***

***I believe at least a second public hearing will be necessary before the Council, and maybe a third, after the first or second removal of unauthorized amendments.*** At this time, it is a moving target, with the process before the same planning commission that was basically fired for its unauthorized amendments to the Comp. plan.

The city's and council's initial actions since April 2024 have been productive, but at some point when a final draft is finally prepared the citizens are legally entitled to public notice and participation to review and object to those amendments still left they believe are inconsistent with their vision of the city.

Thank you.

Gary D. Robinson

**Adam Zack**

---

**From:** Sarah Fletcher <fletchsa1@gmail.com>  
**Sent:** Wednesday, May 29, 2024 7:10 PM  
**To:** Gary Robinson  
**Cc:** Council; Planning Commission; ComprehensivePlanUpdate  
**Subject:** Re: Planning commission

I concur with Daniel and Gary.

You might all be interested to know that between 2013 and 2023, Mercer Island has only added **2,474 people**. In 2013, our population was 23,310, 10 years later, our population is 24,742 and between 2020 and 2023, we lost just over 1,000 people (1,010 to be exact.) Yet, we have added over 1,210 housing units in the Town Center so it is not like we don't have enough housing. We have plenty of housing.

So what is the point of updating The Comprehensive Plan with a full review and revision when we just have to update the critical areas regulations, capital facilities element and the transportation element and notify the department of our intention, that is it:

"A city or town that opts out of a full review and revision of its comprehensive plan must update its critical areas regulations and its capital facilities element and its transportation element."

(b)(i) A city or town located within [a] county planning under RCW **36.70A.040 may opt out of a full review and revisions of its comprehensive plan** established in this section if the city or town meets the following criteria:

(A) Has a population fewer than 500;

(B) Is not located within 10 miles of a city with a population over 100,000;

**(C) Experienced a population growth rate of fewer than 10 percent in the preceding 10 years;** and

(D) Has provided the department with notice of its intent to participate in a partial review and revision of its comprehensive plan.

(ii) The department shall review the population growth rate for a city or town participating in the partial review and revision of its comprehensive plan process at least three years before the periodic update is due as outlined in subsection (4) of this section and notify cities of their eligibility.

(iii) A city or town that opts out of a full review and revision of its comprehensive plan must update its critical areas regulations and its capital facilities element and its transportation element.

On Wed, May 29, 2024 at 5:43 PM <[docrobinson@comcast.net](mailto:docrobinson@comcast.net)> wrote:

Dear Planning Commission and CPD,

I associate myself with Dan Thompson’s remarks and include and add the following.

One of the qualities of good management is “customer.” It would appear that the Planning Commission is not customer-resident “in” but rather Planning Commission-in. Dan Thompson points out that The P.C. agenda packet is 583 pages and was released on Thursday afternoon before the three-day holiday weekend. The results of the citizen survey begin on page 262 **but are not posted on Let’s Talk. Please see the following and my additional comments.**

### **1. CONSULTANT'S REPORT.**

The city has hired a consultant to prepare a report "to close the policy gaps and resolve the internal consistency topics as recommended by staff in PCB24-13 Table 1 as presented," with 19 identified "policy gaps" and 7 "Findings" that are attached to the agenda. I also understand that certain planning commission members whose terms end tonight will propose even more amendments, and the planning commission will hold two more meetings. None of the consultant’s gaps or findings address the planning commission’s unauthorized amendments. It appears that the Planning commission does not consider itself a staff–advisory function but rather an executive function with its own agenda.

### **2. STANDING.**

I am a resident of Mercer Island, own property on Mercer Island, and we have a business on Mercer Island. I participated in this process and took the survey, which I found biased and not up to research standards. The written version, distributed at the community meeting, had errors that had to be brought to the staff's attention. I concur that the unauthorized amendments by the planning commission in contradiction of Resolution 1621, adopted unanimously by the Council in March 2022 will injure me and my property.

### **3. INCORPORATION OF PRIOR SUBMISSIONS.**

Attached at the bottom of this email, which is explicitly incorporated, is Dan Thompson’s email to the Council dated May 20, 2024. Also incorporated by reference into these public comments are his prior submissions to the Council and CPD on the comp update. The Plan includes his email and public comments to the Council on May 6.

### **4. LEGAL BASIS FOR OBJECTIONS TO DRAFT COMP. PLAN UPDATE.**

His emails of May 20 and May 6 and prior submissions outline his objections to this process, precisely the planning commission's disregard of the Council's Resolution 1621. The specific legal bases are:

- a. **RCW [36.70A.020](#). Goal 11: "(11) Citizen participation and coordination. Encourage the involvement of citizens in the planning process, including the participation of vulnerable populations and overburdened communities, and ensure coordination between communities and jurisdictions to reconcile conflicts"**. This is the most critical goal in the GMA, especially regarding the Comprehensive Plan. In my email of May 20, I recite the history of this process and how unfair it has been to the citizens due to lack of public notice and participation.

Now, the citizens are being given a 583-page agenda packet no council member has read, with a table prepared by an outside consultant to "close the policy gaps and resolve the internal consistency topics as recommended by staff in PCB24-13 Table 1 as presented" on the Thursday afternoon before a three day weekend for tonight's public hearing.

I sympathize with the position the Council and city were put in by the planning commission's disregard of Res. 1621 and the release of the first public draft in April 2024. Still, since then, the city's actions have been even more in violation of its duty of notice and participation toward the citizens as it tries to mitigate or fix the problems created by the planning commission. This timetable has ensured a citizen cannot meaningfully participate.

- b. **RCW [36.70A.035](#) Public participation—Notice provisions.**

I concur that I have never seen such an unfair process or one more violation of 36.70A.035. There was almost no public participation at the May 1 public meeting, mainly because the Council told the citizens in March 2022 in Resolution 1621 that there would be no changes to the Plan except those specifically required by state law. There will be almost no public participation at the May 29 public hearing because the planning commission has continued to amend the Plan, with no time for a citizen (or council member) to read 583 pages, the consultant's report and findings on "policy gaps and resolve the internal consistency topics as recommended by staff in PCB24-13 Table 1", and to participate meaningfully.

- c. **Lack Of Concurrent Development Regulations To Implement The Planning Commission's Proposed Amendments To The Plan.**

Dan Thompson was the attorney of record to the Growth Management Hearings Board in the appeal of the Community Facilities Zone, in which the appellants alleged failed to include the concurrent development regulations. The GMHB agreed with appellants, and upon remand, the MICC was amended to require any

development regulations necessary to implement a Comp. Plan amendments must be drafted and adopted concurrently so the citizens know what the Comp. Plan amendment means.

In this case, the planning commission has proposed sweeping changes to the single-family zone, including reducing minimum lot size, increasing or modifying regulatory limits, including parking minimums, and changing allowed uses, including retail, none of which include the concurrent development regulations that would be necessary to implement the proposed Comp—plan amendments, or within the purview of 1621.

To its credit, the CPD has identified some of the planning commission's unauthorized amendments. Either all of them must be removed, or the concurrent development regulations must be drafted, publicized, and adopted in the draft elements concurrently.

#### **5. REQUEST FOR OPEN PUBLIC HEARING AT THE COUNCIL LEVEL.**

The Council will undoubtedly make sweeping changes to the draft Comprehensive Plan based on the reconstitution process. ***The citizens should be allowed an open record hearing at the council level when the Council's approach is more transparent, and the planning commission is finally removed from this process.***

#### **6. IDENTIFICATION OF SPECIFIC AMENDMENTS OUTSIDE RESOLUTION 1621.**

Since the planning commission continued to amend the land use and housing elements *after* the May 1 public meeting and continues to do so today, and the outside consultant has now prepared a complex matrix of amendments the consultant and/or city believe "close the policy gaps and resolve the internal consistency topics as recommended by staff in PCB24-13 Table 1" it is virtually impossible for any citizen to comment in real-time on those amendments that are outside the scope of 1621, and that would need concurrent development regulations if adopted. This speaks to the apparent lack of sensitivity by the Planning Commission regarding residents' desires. The Planning Commission appears to have gone rogue.

Below is a short list from before the consultant's report and the city's Table: **If there is one overall clarification that is needed, it is that "affordable housing" must be in the Town Center and C.O. zones to meet County policies and the Council will not increase its GMPC future housing target of 1239 units. Therefore, upzoning the SFH zone is irrelevant.**

**Housing Element:**

1.4.D - (See CPD comment)

1.7 – (This vague amendment needs clarification and that County policy recognizes affordable housing must be in the town center and C.O. zone)

1.8 – (What does this mean?)

1.9 – (This vague amendment needs clarification and that County policy recognizes affordable housing must be in the town center and C.O. zone)

1.10 – (Does “encourage” mean GFAR bonuses? Mercer Island allows ADUs, but they are not affordable)

2.1 – (Clarify within Town Center and CO Zone)

2.3 – (How? Needs clarification)

2.4 – (See CPD comment. Clarify not in single family zone)

2.5 – (Must be limited to Town Center and CO Zone)

2.5.H – (See CPD comment)

3.1.C – (Needs clarification and zone)

3.2 – (Vague – specify)

5.1.D – (See CPD comment. 5.1.D must identify what is being balanced)

5.1.E – (Needs clarification of zone and whether incentives include regulatory limits)

5.2 to 5.5 – (Need concurrent development regulations)

**Land Use Element:**

**Needs a Vision Statement consistent with the City’s Vision Statement and Vision Statement in my May 20, 2024 email that Mercer Island is primarily a single-family community and that all future affordable housing must go in the town center and C.O. zones per County policies.**

Goal 15 - Strike the addition of "to moderate" in relation to housing density. Mercer Island *\*is\** principally a low-density, single-family community (Table 2 of the Housing Element quantifies that as 67% of housing units and presumably a more significant portion of the land area), and it should remain so. ***These two words can***

*be used to change the character of and densify the entire island, removing trees, walkable neighborhoods, and the suburban and sometimes even rural feel of the Island.*

15.1 - Revert to read "Preserve the neighborhood character in single-family residential zones. All residential zones weakens this goal and if denser housing must be accommodated, then the "character" of Town Center or multifamily zones should be the first to be altered.

15.2 - *Clarify that this be done in accordance with and not to exceed GMPC requirements and/or statewide housing legislation, or the city's GMA future housing allocation.*

*15.3 - Clarify that the encouraging is only to be done in accordance with (and most importantly not to exceed) GMA requirements.*

15.5 - Should be amended to articulate the fact that Mercer Island is a primarily single-family residential community. "As a primarily single family residential community....." See again Table 2 of Housing Element

Goal 16.

Needs concurrent development regulations to identify the flexible land use techniques and entitlement regulations.

16.1 - Mercer Island has lost over a 1,000 residents since 2020. In 2020, we were at 25,752 and in 2023, we were at 24,742 according to the latest U.S. Census Bureau: [U.S. Census Bureau QuickFacts: United States](#) and King County's population has been flat over the past four years.

This goal needs to identify what "shared housing opportunities" means, and how they would achieve affordable housing in the single family zone when County policy states all affordable housing must be in the Town Center or C.O. zone.

16.2 - This goal is irrelevant. County policy mandates that all 1239 future housing units must be affordable and in the Town Center or C.O. zone.

16.4 - Mercer Island already allows accessory dwelling units on single family lots. This policy needs to state that current ADU regulations will not change.

16.5 – "Encourage" should be changed to "to allow".

16.6 – Needs concurrent development regulations to identify the flexible residential development regulations and to further identify that the only other affordable housing recognized by County policy is in the Town Center and the C.O. zone.

17.3 - Revert to original P.C. recommendation to read: "Add multifamily residential uses to the Commercial Office zone. This should be accomplished through changes in zoning regulations that minimize adverse effects to surrounding areas, especially residential zones." Commissioner Akyuz introduced this policy change (change minimize to consider and strike "especially residential zones.") that removes specific protection of residential zones from the impacts from an expanded C.O. zone.

Goal 27.6.4 – remove this goal. Smaller units have more surface area to achieve the same floor area and thus lose more energy to the environment. Additionally, the greenest house is one that has already been built. This is a bad addition and can be used to justify destroying the character of the majority of our neighborhoods (over 67% of the housing according to Table 2 of the housing element). This goal needs to be removed or the concurrent development regulations drafted to identify how smaller housing units will be encouraged and needs to reflect that triplexes needs to be removed as not mandated by state law for Mercer Island.

29.1 Goal. This action plan needs to clarify how the “usability” of the Development Code will eliminate repetitious overlapping and conflicting provisions and to state nothing in this goal supports changing the Development Code for the single family zone.

### **Economic Development:**

7.6 - **Delete this!!**. Small scale retail development in the residential zones is a bad idea. Retail needs density to be viable and that is why residential, commercial, and mixed use zoning exists. Do not allow retail in residential, even at an unquantified "small scale".

Lines 16-20 - residents of middle-priced housing are not by default less likely to own a car. Perhaps less likely to own a "weekend" or "fun" car, yes. Oftentimes taking public transport may require significantly more time than driving and that may preclude residents from working a second job or coordinating childcare / pickups / etc. Please remove "will be 19 less likely to own a car," from line 18-19. Beacon Hill, the Central District, the U-District are all dense and have transportation options, but still have a ton of car ownership.

Lines 16 and 17 refer to "more housing priced in the middle range" - please change this to remove the reference to its price. Mercer Island has expensive dirt, so even an HB1110-mandated middle housing - even HB1110 as passed refers to middle housing, not affordable housing, and not middle range-priced housing. Suggest "More Middle Housing" - that is what the law requires and defines...the market will determine whether it is priced in the middle range, a term that is undefined - middle range of MI? Middle range of the Eastside? Middle range of King County? Middle range of Washington State?

**Transportation Element:**

4.10 - Needs to articulate that off street parking is an issue (i.e., necessary) - especially for handicapped and families.

**7. CONCLUSION.**

Obviously, the city and Council were as surprised as the citizens by the planning commission's unauthorized amendments, and the P.C. has been "reconstituted". ***However the process since the release of the April draft Comp Plan has not allowed the citizens to participate, and in fact the Council told them to not participate in March 2022 in Resolution 1621 because there would be no changes to the Comp. Plan except those required by state law.***

***I believe at least a second public hearing will be necessary before the Council, and maybe a third, after the first or second removal of unauthorized amendments.*** At this time, it is a moving target, with the process before the same planning commission that was basically fired for its unauthorized amendments to the Comp. plan.

The city's and council's initial actions since April 2024 have been productive, but at some point when a final draft is finally prepared the citizens are legally entitled to public notice and participation to review and object to those amendments still left they believe are inconsistent with their vision of the city.

Thank you.

Gary D. Robinson