

From: Dan Thompson <danielphompson@hotmail.com>
Sent time: 2022/02/24 12:07:37 PM
To: Ray Akers <ray@akerscargill.com>; Salim Nice
Cc: David Rosenbaum; Jessi Bon
Subject: Re: 72% of survey respondents like ADU's and 69% want more triplexes

GMHB EXHIBIT 308

I disagree with Ray on this issue for these reasons:

- 1 It would be political suicide to upzone the residential neighborhoods. Readers can stop here.
- 2 The fantastic work Salim did on GMPC housing growth targets sets up the next comp. plan to reduce residential density (like Bellevue eliminating the DADU while allowing the ADU).
- 3 Upzoning requires new construction which is always the least affordable.
- 4 The bills before the legislature are drafted by the Master Builders Assoc. (and not surprisingly Tana Senn gets 70% of her campaign contributions from builders, developers and the realtor org.) and have nothing to do with affordable housing. That is why the main provisions of these state bills are:
 - A. Allowing the property owner to live offsite if renting one of the units. The developer doesn't want to live in a rental unit or rental neighborhood. This allows the rental property to be purchased by large real property trusts, and of course property upkeep and tenant screening decline.
 - B. They have population thresholds to exempt wealthy eastside cities like Medina, Clyde Hill, Hunts Point, etc.
 - C. They increase the minimum size of the DADU to sub rosa subdivide the lot, which of course makes the DADU much less affordable.
 - D. They increase the gross floor area of all structures to lot area ratio to essentially subdivide the property. Otherwise if the GFAR for a duplex or triplex remains the same as for a SFH on the same lot you create no additional net housing (measured by bedrooms) but now must include a separate kitchen, bathroom and entrance for each unit.

The MI comp. plan has a provision to allow developers to apply for lower minimum lots sizes in a subdivision except it requires the house on the smaller lot to have the same GFAR ratio, and to build a common green area. The developer of the Old Boys and Girls Club could have opted for this approach (and I am sure that was Grauz's intent when he snuck this provision into the 2018 amendments), but there are issues like neighborhood traffic, tall narrow houses that are not good for elderly owners, the cost to build a small house per sf is high, and the fact SFH's for this zone are more profitable.

E Ray's intent is noble: he hopes that by increasing housing in the SFH zones parts of the town center can be rezoned commercial only, not a bad idea 50 years ago. But our planning commission can't even agree on Salim's FAR formula for retail in the town center, and MI's net zero housing growth target through 2044 with past credit can easily be accommodated by infill development (Old Boys and Girls Club) and town center housing which the property owners will fight to the death to maintain.

Which is why I have said from the beginning the key to Salim's town center plan is to allow a fourth story for properties south of 29th if they agree to the retail set aside because those properties were downzoned in the 2016 TC code rewrite because no retail was required.

Daniel Thompson

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From: Ray Akers <ray@akerscargill.com>
Sent: Thursday, February 24, 2022 10:01 AM
To: Salim Nice <salim.nice@mercergov.org>
Cc: david.rosenbaum@mercergov.org <david.rosenbaum@mercergov.org>; Jessi Bon <jessi.bon@mercergov.org>
Subject: 72% of survey respondents like ADU's and 69% want more triplexes

Dear Mayor Nice,

Although I cannot vouch for the ability of Zillow to produce an unbiased survey, the results of their latest survey suggest the public is in alignment with the housing industry's lobbying efforts and the pending housing legislation in Olympia. https://patch.com/washington/mercercisland/s/i4viu/most-puget-sound-residents-support-more-housing-density-study?utm_term=article-slot-4&utm_source=newsletter-daily&utm_medium=email&utm_campaign=newsletter

Among those surveyed, there is a clear preference for duplexes and triplexes. The strong support for 'mid-housing' will be a driving force for new housing legislation in the future.

While the housing lobby may not succeed with their full legislative agenda in 2022, I anticipate they'll make some gains. You can be certain that industry lobbyists will return year after year, until they succeed in getting statewide zoning measures made into law, allowing for 'mid-housing' in single-family zones.

When mid-housing becomes an option in single-family zones, the choicest single-family neighborhoods will be targeted, first. Overnight, the value of 'dirt' in 98040 will increase. Builders calculate the value of land based upon the number of units allowed. At present, a level single-family lot in 98040 is valued at about \$1,250,000. The ability to build two units on the same lot would translate to a lot value of \$2,500,000, and so forth.

Access to single-family zones will launch a slow-motion building boom here, at first not very noticeable. The higher property taxes will be among the first impacts felt, prompting more turnover in single-family properties, resulting in more displacement of the Island's elderly and those on fixed-incomes.

Over time, the redevelopment happening on single-family lots will begin to burden Mercer Island's infrastructure. Traffic congestion and crime will rise with more density. Ultimately, too much density will devastate Mercer Island's character and quality of life, and the changes will be permanent and irreversible.

Forewarned is forearmed. Mercer Island should plan, today, for more duplexes and triplexes in the future. The building code must provide for mitigation of the impacts to our infrastructure, and tougher environmental protections for Mercer Island's fragile ecosystem.

Thank you for your consideration of this important quality of life issue.

Best,

Ray Akers
Consultant/Broker
Seattle & Mercer Island
(206)722-4444 & (206)232-0243

From: Robin Russell <scubarobin@msn.com>
Sent time: 2022/03/14 03:24:25 PM
To: Council
Cc: Jessi Bon
Subject: New Parks Zone

Dear Council Members:

Am writing to give my support to the proposal Lisa Anderal has made for the new Parks Zone and including this new Zone in the 2024 Comprehensive Plan.

Thank you and best regards,

Robin Russell
206.419.3498

From: Al Lippert <aql@comcast.net>
Sent time: 2022/03/15 01:51:27 PM
To: Council
Cc: Jessi Bon
Subject: New Parks Zone

There is a limited amount of land on our island. Whatever parks we have is very unlikely to be increased. Our parks must be protected against all challenges...both foreign and domestic.

Please vote in favor of the proposal Lisa Anderal has made for the new Parks Zone and including this new Zone in the 2024 Comprehensive Plan.

Thank you,
Al Lippert

From: docrobinson@comcast.net
Sent time: 2022/03/15 02:47:35 PM
To: Salim Nice; David Rosenbaum; Lisa Anderl; Jake Jacobson; Craig Reynolds; Wendy Weiker; Ted Weinberg
Cc: Jessi Bon; Jason Kintner; Ryan Daly
Subject: Including the Park zone into the comprehensive plan

I just became aware of the inclusion of a park zone as part of the comprehensive plan. This is the right step for Mercer Island.

Parks are probably number 3 in importance to residents, after health and safety. It will be an enlightened move. Thank you.

Best,

Gary Robinson

From: Dan Thompson <danielphompson@hotmail.com>
Sent time: 2022/03/15 03:14:18 PM
To: Council
Cc: Jessi Bon; Tom Acker <gngundr@comcast.net>; victor.raisys@gmail.com; Traci Granbois; Jeff Thomas
Subject: Council's March 15, 2022 Meeting

Dear Council, it will be a joy to have in person meetings again. I really think it has been difficult for citizens to feel they are being heard when addressing the council by Zoom.

Tonight's agenda packet has some potentially self-inflicted wounds that make me ask myself are they really necessary:

1 EXECUTIVE SESSION

A. I don't know where the ST litigation is right now. This is an inherited mess. At some point the city and council should begin to educate the citizens on the significant reductions in intensity of use for any bus intercept due to the eastside transit restructure and actual Link ridership, especially cross lake. It will likely end up that most of the litigation was meaningless (except the lost mitigation funds in 2017) due to ST's inflated ridership estimates to support ST 2, and to force the four other subareas to contribute half of the second transit tunnel's construction cost, which has risen from \$2.2 billion in 2016 in ST 3 to around \$4.2 billion today, which the S. King Co., Pierce Co. and Snohomish Co. subareas don't have (and I thought Balducci's presentation to the council from her kitchen in which her computer could not populate a single staff address was tragic).

B. Next is collective bargaining. If this has to do with the extended fire fighters contract it is time to put out a RFP to eastside fire departments. The council owes the citizens this because the budgets have become abusive.

2 AB 6037: Island Crest Way Corridor Safety Analysis

Quite frankly this report tells us what we already know, but is very politically risky:

A. Removing the trees along ICW or in the median has been a non-starter for over a decade, and angers a section of Islanders who mostly stay out of politics. Same with adding two 2' gravel shoulders so cars can exit and re-enter the roadway (?). ICW has an average speed of 40 mph. A 2' gravel shoulder is insane. The use of the word "consider" in the report tells me the council and CM already know this.

B. A roundabout at SE 68th seems reasonable, but any changes to 53rd and Island Park Elementary School are very tricky, unless of course the school is totally rebuilt at the back of the property, which still won't affect the traffic from drop offs and pick ups.

C. Widen the eastside path to 10' to make it a bi-directional shared use path. Haven't we just spent 10 years on this issue with the trail through the Lid Park? 10' without shoulders is too narrow, you have to slow bikes to pedestrian speeds, and either have to take out the trees to the west or vegetation screening for the neighborhoods to the east. Dan Grausz spent over ten years on this riddle, and the reality is any bike path will have to be on a separate street to the east of ICW.

3 Economic Development Work Group and the Housing Work Group for the 2024 periodic review of the Mercer Island Comprehensive Plan as [presented / amended].

"The scope of work [for the comp. plan] 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."

So far so good, except we have a very confusing comp. plan due to the years under Bassett and Grausz believing the comp. plan can dictate zoning (i.e. the CFZ, or the emergency rezone of Parcel 12, or a bunch of 2018 housing amendments).

Based on the fabulous job Salim Nice did during his work on the GMPC, and his efforts to stop state upzoning bills, the fact is Mercer Island's housing growth targets when adjusted for past permits and for future town center housing development including the Xing Hua mean MI has zoned thousands more housing units than required, mainly ADU/DADU's. My suggestion is to adopt Bellevue's approach and eliminate DADU's, and/or eliminate any additional GFAR for ADU's/DADU's to only those lots under 8400 sf (the code currently allows an additional 5% GFAR or 500 sf whichever is less to lots 10,000 sf or less), which is an amendment I proposed that the council remanded to add to the rewrite of the residential code, whenever that is.

But I would highly caution against three things:

- A. Changing minimum lot sizes in the residential neighborhoods.
- B. Changing use (single family to multi-family) in the residential neighborhoods.
- C. Changing GFAR in the residential neighborhoods.

4 Town Center Retail Code Amendment Third Reading

Initially I supported the council subcommittee's recommendation on this, and thought the council needed to do something ASAP. Now with 6 options I am as confused as the planning commission was. **I guess I am left asking a question the planning commission asked itself: does anyone know what the hell they are doing?**

One problem I see is the planning commission simply has opposite land use views as the council, and misunderstands its role is to make policy, rather than obtain citizen feedback (which is why there are no qualifications necessary to serve on the PC, unlike the DC).

The second problem is what we have now is a political and not town center retail document, with performing arts centers, "greater than" language which seems to water down the entire point, or to another remand to the PC which seems pointless, or do nothing which is admitting defeat.

Or, the council could consider hiring a single, real, town center expert who has designed actual town centers the citizens and council like. We don't need to reinvent the wheel, very few of us know how to design and code a town center unless it is based on photos of town centers we like, and we need someone to bridge the different points of view among the PC, council, and special interests.

5 Planning Session Agenda

First I think this plan shows what an excellent job Jessi Bon is doing in actually *planning*. However I am not sure some on the council really understand what Priority 1 means, and why it is Priority 1 (except for Salim Nice):

"Prepare for the impacts of growth and change with a continued consideration on environmental sustainability."

"Environmental sustainability" is not carbon emissions (unless we are talking about tree preservation which environmentalists never do). "Sustainability" in the context of growth means the changes to neighborhood character, zoning, budgets, parks, park acres per 1000 citizens, schools, opens spaces, infrastructure etc. from increased population growth.

Some on the council think they can have increased *housing* growth and upzoning and maintain the "sustainability" of the Island, but they cannot, and they need to get honest with the citizens about what they are lobbying for behind the citizens' backs, mostly on behalf of the Master Builders Assoc.

For too long citizens were told "growth" and "change" were inevitable when the citizens did not want either, and neither benefited them. Then we learned we were sold this based on some foolish environmental ideology, affordable housing ideology ARCH rejects, and too often campaign donations to our "elected leaders", and *we ended up with a dysfunctional town center*. Luckily some of us were able to save our residential neighborhoods.

Rather than prepare for the impacts of (population) growth and change better to fight against both. Mercer Island is one of the few cities ahead of its GMPC housing growth targets, and we have already reached our "built out" population figure from the 2014 PROS plan of 26,000 we were not suppose to reach until post 2050.

Please don't make the tragic mistakes the past councils made on this existential issue, and listen to the citizens.

Welcome back.

Daniel Thompson

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Fax: (206) 622-3965

From: Dan Thompson <danielphompson@hotmail.com>
Sent time: 2022/03/15 04:24:55 PM
To: David Rosenbaum
Subject: Re: Council's March 15, 2022 Meeting

I am well. I heard you were the "mediator" over the state bills and did a fabulous job. Salim spoke highly about your ability to sooth feathers. It will be an ongoing fight except this year I think eastside mayors were initially caught flat footed but rebounded strong to defeat the bills. I also think Harrell in Seattle will avoid any kind of upzones. Salim did a good job partnering with eastside city mayors, and I think that got the attention of Senn and Wellman who both would have voted yes if the spotlight had not been shown on them. The eastside cities won't be caught flat footed again.

I don't know about the town center retail plans. I am not sure anyone does. What I do know is touching residential zoning when it comes to use, minimum lot size, and GFAR would be an unwise fight for the council. I agree with Jessi that having residential development be a pretty quiet issue lately has been a benefit for the city and council, and the reality is the CPD and Jeff don't have the time or money to address that nuclear issue. ARCH is pretty realistic when it comes to creating affordable housing on MI if the city does not have tens of millions of dollars to subsidize affordable housing, plus the added infrastructure costs: you can't, although I know Ted and Craig think you can.

Daniel Thompson

Thompson & Delay
Attorneys at Law
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Fax: (206) 622-3965

From: David Rosenbaum <david.rosenbaum@mercergov.org>
Sent: Tuesday, March 15, 2022 4:16 PM
To: Dan Thompson <danielphompson@hotmail.com>
Subject: Re: Council's March 15, 2022 Meeting

Thanks Dan,
Hope you're well.
I'd like
to think I know what that priority means! - I'm glad we worked to stop those two bills in the legislature - this is going to be an ongoing fight.
Best,
Dave

David Rosenbaum
Deputy Mayor
Mercer Island City Council (Position One)
David.Rosenbaum@mercergov.org
(206) 275-7996

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From: Dan Thompson <danielphompson@hotmail.com>
Sent: Tuesday, March 15, 2022 3:14 PM
To: Council <council@mercergov.org>
Cc: Jessi Bon <jessi.bon@mercergov.org>; Tom Acker <ngundr@comcast.net>; victor.raisys@gmail.com <victor.raisys@gmail.com>; Traci Granbois <traci.granbois@gmail.com>; Jeff Thomas <jeff.thomas@mercerisland.gov>
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Welcome back.

Attorneys at Law
506 2nd Ave., Suite 2500
Seattle, WA 98104
Phone: (206) 622-0670
Fax: (206) 622-3965

From: docrobinson@comcast.net
Sent time: 2022/03/16 09:08:05 AM
To: Craig Reynolds
Subject: RE: Including the Park zone into the comprehensive plan

Craig,

You know I thought of that as I hit the send button.

It is not surprising that you picked up on it.

Thank you for your attentiveness to the Island.

Best,

G.

From: Craig Reynolds <craig.reynolds@mercergov.org>
Sent: Wednesday, March 16, 2022 8:17 AM
To: Gary Robinson <docrobinson@comcast.net>
Subject: RE: Including the Park zone into the comprehensive plan

Parks are PART of health!

Craig W. Reynolds
Councilmember
City of Mercer Island
<https://www.facebook.com/CouncilMIReynolds>
(206) 549-3044 | mercerisland.gov

From: docrobinson@comcast.net <docrobinson@comcast.net>
Sent: Tuesday, March 15, 2022 2:48 PM
To: Salim Nice <salim.nice@mercerisland.gov>; David Rosenbaum <david.rosenbaum@mercergov.org>; Lisa Anderl <lisa.anderl@mercergov.org>; Jake Jacobson <jake.jacobson@mercergov.org>; Craig Reynolds <craig.reynolds@mercergov.org>; Wendy Weiker <Wendy.Weiker@mercergov.org>; Ted Weinberg <ted.weinberg@mercergov.org>
Cc: Jessi Bon <jessi.bon@mercergov.org>; Jason Kintner <Jason.Kintner@mercergov.org>; Ryan Daly <Ryan.Daly@mercergov.org>
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Best,

Gary Robinson

From: Peter Struck <peter.l.struck@gmail.com>
Sent time: 2022/03/17 01:06:52 PM
To: Lisa Anderl
Subject: Proposed Comp Plan Amendment - Parks

Lisa;

First, many thanks for your efforts to propose (and have approved) a new zoning code designation!! We know there is still a lot of work to be done.

Second, we are going to send out a blast e-mail to CCMIP supporters, and thought a quote from you (if interested) would be appreciated.

For example, what was the motivation behind your proposal, or what do you hope that this zoning code will accomplish?

Thanks, Peter

From: Dan Thompson <danielphompson@hotmail.com>
Sent time: 2022/03/21 12:30:45 PM
To: Jake Jacobson
Subject: Annual Planning Meeting

Hi Jake, here are some of my thoughts on the annual planning meeting and work agenda.

First, this city council and manager are doing an excellent job. Things are very quiet. The council and city are addressing the nuts and bolts of running a city, something past councils didn't do, and left a backlog. Ideology is usually not very helpful when it comes to water, sewer, garbage, police, fire, roads, YFS, and so on.

Second, virtually every council and annual work agenda ends up with too much on the plate. There will always be one major unanticipated issue, and one small one. A council should plan for more than one major discretionary issue and one small one after all the must do's in the agenda (and it is already March 21).

So I will break down this year based on categories.

1 Residential development/neighborhoods.

This issue is quieter than it has been for many years. I know the "revisit" of the RDS is a few years overdue but from talking with Jessi I think she plans to let things go. I have some small esoteric proposed amendments but I think she is correct about not stirring the hornets nest. Two issues to think about here:

A. The CPD is waaaaay behind on processing basic residential permits that don't expand GFA, and this is irritating homeowners. I can't blame Jeff because he inherited a dysfunctional CPD, and had to change staff. The Xing Hua won't help. But use this to thwart major changes like the JCC proposed variances.

B. The variances the JCC are discussing are dramatic, and completely contrary to the intent of the RDS, and CUP's, which eliminated many *deviations* the JCC now wants extreme variances for, like GFAR and impervious surface (lot coverage) limits. Just the proposed tree removal is breathtaking. I think this is a MICA redux in that I don't ever see the JCC raising the \$100+ million necessary for its plans, but will put everyone through hell, again. I think the city needs to let the JCC know it will object to the variances before an application is filed, and next time the JCC won't get their application fee back. **The CPD does not have the staff or money for another CFZ. Make sure the application fee covers the litigation and the public meetings, which is probably close to \$250,000.**

C. Do not let the progressives on the council attempt to:

Change minimum lot sizes.

Change GFAR.

Change yard setbacks.

Allow a property owner to live offsite and still rent out the main house and ADU/DADU.

Allow multi-family housing in the SFH zone.

In fact, based on the GMPC zero new net housing targets I like Salim's idea of copying Bellevue and eliminating DADU's, and certainly eliminating any additional GFAR for DADU/ADU's, one of my proposed code amendments (at least disallow it for houses 84,000 sf and above).

2 Parks.

A. Parks are good. The one issue without a win/win is the bike skills area, and my advice there is to run it through the parks commission first. If the 2006 Master Plan is followed I don't think anyone will be happy. I think a bike skills area will be allowed at this location, **and it would be a political mistake to try and move the BSA to some other area because that area/neighborhood/school district/PTA will object.**

B. Don't let Paul West lead these projects and submit the assumptions like footprint for the BSA on his own. This is exactly the mistake made with the ADMP, why Jessi hired Ryan Daly, and formed the parks commission. The assumptions given to an outside consultant need to be reviewed by the council or parks commission **before they are published or given to a consultant, certainly by Paul.**

C. I think the parks levy should be on a 2022 ballot so it does not fall on a council election year **and because 2023 is a budget year**. The keys are:

1 How much, and what is included. If just the current levy is placed on a ballot it will be renewed. I think it can go higher but how much higher is tricky, because if you ask for \$1 too much in a levy you get zero. Be very careful that some progressive council members don't try to use the parks levy for other purposes, like YFS, unless maybe a permanent funding source for school counselors.

2 It will need to include a measure that permanently protects the zoning of the parks (although internal park related development would still be open for debate, just the boundaries would be protected). Jessi is correct, simply language that creates a park zone and requires a vote of the citizens to change that zoning is necessary, rather than some kind of "trust" which requires trustees and a dedicated funding source.

3 Public Safety.

I think the citizens would like to see some kind of public discussion of property thefts, and the use of our new police cameras. I think this would be a good chance for Ed Holmes to speak to the council to tell the progressives he was right about nutty ideas like defunding the police.

4 Town Center.

This is the most difficult issue, one Bassett called the mother of all agenda items. But a lot of the work has been done. Three things I would like to see:

A. I can live with the council's FAR method for retail, but to sell it to property owners south of 29th it will require a *choice*: 1. What the code allows now, which is shitty because height is limited to 3 stories under the 2016 rewrite based on the idea retail would not be required, and ground floor housing is shit; **OR a fourth story in exchange for the FAR requirements**. Every property owner will choose the fourth story, we will get the retail, *and* we need this housing to meet our GMPC housing targets without changing the zoning in our neighborhoods.

B. Begin a discussion about the use and scale of the Tully's property. It won't be with MICA. Personally I don't have an issue with Mainstreet as the builder/developer, but you can't ask a developer like Mainstreet to include 33,000 sf of performing arts center when MICA had no money. Plus, the city is going to have to contribute the property, matching funds from ST, and maybe some cash for the underground commuter parking. **But the Tully's purchase was a very wise move that got hijacked by MICA into an ugly process (and so will the JCC variances) so get the discussion back on track to show what can be done with the property, even if now the discussion is theoretical. The key is to find the use.**

C. We need a parking management plan that uses our police cameras to enforce street parking limits. Even if the discussion is just preliminary it will signal to developers they need to be honest with prospective tenants or purchasers about the fact they are building units with one stall/unit, but really selling two parking stalls/unit with one on the street.

5 Fire Dept. CBA.

It is time to issue a RFP for our fire dept., and this should have been done a while ago before it became a campaign issue.

6 Comprehensive Plan.

The scope of the rewrite looks good, and limiting it. The Plan really does not bind a council, but can cause a lot of political damage because progressives believe the comp. plan language can dictate development codes, a mistake Bassett and Grausz made. A Plan is really a land use document, not a political document.

8Unfortunately, our Plan has two parts: the original part from the original Plan about MI being basically a SFH neighborhood, and the progressive add ons from Bassett and Grausz about bikes, climate, equity, etc. Some decisions will have to be made.

I think Salim's goal -- and Sammamish may do it first -- is to declare in the PLAN MI "built out" to prohibit moves to upzone the Island for population growth. I like the idea although some of the progressives will object.

However the council has a totally dysfunctional planning commission who sees their job as making policy, rather than finding out what the citizens want, so unlike the parks commission the council will likely get a draft comp. plan that is contrary to what the council wants unless Jeff nips that in the bud.

7 ICW "safety corridor study.

I like Salim but this safety study is really about building a case for a north/south bike trail. I have already written why this project has never been acceptable to the citizens over the last 15 years, and three years ago Yamashita told the council he wouldn't even study it -- although it is now number one in the CIP -- because politically it is not possible.

If Salim wants a north/south bike path it will have to be to the east of ICW. Salim's one flaw is he has very little understanding of the love citizens have for mature trees (and parks). Smart as hell and a great mayor but blind to the parks/tree nuts.

8 On/Off Leash Laws/bikes.

Don't touch this issue with a 10' pole. Be very wary about proposals from NIM's or The Cascade Club too.

Daniel Thompson

Thompson & Delay
Attorneys at Law
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Seattle, WA 98104
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From: Sarah Fletcher <fletchsa1@gmail.com>
Sent time: 2022/04/22 07:45:27 PM
To: Salim Nice
Subject: Re: Fehrs Report - Outdated information and incorrect incorrect info
Attachments: image.png image.png image.png

Thanks Salim, Adam Zack is saying that "the last periodic update of the Mercer Island Comprehensive Plan occurred in 2015 and was adopted in 2016."

And you have Fehr and Peers using that outdated information for their report.

[Microsoft Word - Impact Fees Rate Study_Update_April2022 \(usgovcloudapi.net\)](#)

TABLE 3: EXISTING AND FUTURE YEAR LAND USE GROWTH

	2020	2040	Growth	% Growth
Households	10,259	11,250	991	9.7%
Employment	6,971	8,011	1,040	14.9%

Source: Fehr & Peers, 2022.

I might have got it wrong with regard to housing units versus households. It had "10,570 housing units," total households "10,128," so perhaps, there are now more households which Fehrs has documented. I apologize, I got that wrong.

Mercer Island city, Washington

Total Population

25,748

Source: 2020 Decennial Census

Bachelor's Degree Or Higher

76.2 %

Source: 2020 American Community Survey 5-Year Estimates

Employment Rate

61.2 %

Source: 2020 American Community Survey 5-Year Estimates

Total Housing Units

10,570

Source: 2020 Decennial Census

Without Health Care Coverage

2.0 %

Source: 2020 American Community Survey 5-Year Estimates

Total Households

10,128

And if The Comprehensive Plan was only updated in 2016, then that is before the center lanes were closed and that is what Fehrs is going off of (outdated information):

Exhibit A: Transportation Deficiency Calculation for Motorized Projects

	Intersection	LOS Standard	LOS ¹	Existing Deficiency Percent
1	SE 28th Street/80th Avenue SE	C	B	0%
11	Signal coordination (ICW to Mercer Way) ²	C/D	B-D	0%
14	80th Ave/North Mercer Way	C	C	0%
15	N Mercer Way/I-90 Westbound Off-Ramp/Island Crest Way	D	C	0%

1. LOS estimates are from the Comprehensive Plan.

2. Project #11 Signal Coordination includes four intersections, two with an LOS standard C and two with an LOS Standard D. All intersections are estimated to meet their respective standards.

Source: Mercer Island Comprehensive Plan, Fehr & Peers 2022

I just want the correct Levels of Service documented and East Mercer Way Levels of Service needs to be included in that there was a noticeable LOS degrade. If the intersections are at LOS A which they are along North Mercer Way, then would there be an "existing deficiency percent" and how does that change the report?

Thanks.

Sarah

On Fri, Apr 22, 2022 at 7:30 PM Salim Nice <salim.nice@mercerisland.gov> wrote:

This sounds serious. Can you send me the link to the PC report? I'll work on this. Thanks

From: Sarah Fletcher <fletchsa1@gmail.com>

Sent: Friday, April 22, 2022 7:28:10 PM

To: Salim Nice <salim.nice@mercerisland.gov>

Subject: Fehrs Report - Outdated information and incorrect incorrect info

Hello Salim, I don't know if you managed to read the Fehrs Report which is going to be discussed at the next Planning Commission meeting, but the US Census Housing Units are incorrect and outdated. The latest housing units are 10,570 housing units, but Fehrs is making out that MI only has "10,259."

And do you know why Pehrs used the Level of Service information from The Comprehensive Plan, rather than use actual latest data? You see, the Traffic Study which was done for The Comprehensive Plan was done before the center HOV lanes were closed and the traffic pre-the closing and thereafter are like chalk and cheese. The Levels of Service along North Mercer Way are more like LOS A, not C, and the LOS at the East Mercer Way I would think was at F.

There is this scandal which involves Fehrs & Peers. [Emails reveal secret meetings involving Fehr & Peers, the city's traffic concurrency consultant | Sammamish Comment](#)

I just don't know why they are going off very outdated information as to whether the City told them to or they told the City they would be, but why did they not go off up-to-date Level of Service data? Could you please get down to finding out how old that data is which was in The Comprehensive Plan and that it needs updating by Fehrs or by someone and that they are not to go off incorrect information. And once again, the intersections along North Mercer Way are not in the Town Center, so therefore will be LOS D. The roundabout is going to cause a degrade from LOS A to probably LOS C. I don't know if Fehrs is aware of that or not.

Thanks.

I am emailing you in the hopes you can get me the information, and I will then be emailing the Planning Commission. I don't know whether it benefits us by having the incorrect information, but I want the correct information. It is the same with Transpo. They also didn't put correct information in their reports.

Thanks Salim.

Sarah

From: Dan Thompson <danielthompson@hotmail.com>
Sent time: 2022/05/25 11:01:11 AM
To: Council
Jessi Bon; Jeff Thomas; Traci Granbois; Ray Akers <ray@akerscargill.com>; Carv Zwingle; Matthew Goldbach <blkship@yahoo.com>; Ira Appelman; Mike Cero <mscero@comcast.net>; Peter Struck; Meg Lippert; Ashley Hay <ashleyhay@outlook.com>; Thomas Acker <tomacker1@comcast.net>; Robert Medved; Mark Coen; laura.duncan@me.com; Jim Eanes <eanes.jim@gmail.com>; victor.raisys@gmail.com; Gary Robinson; Don Howard <donhowardmd@gmail.com>; Doris Cassan; Jon Hanlon; John Hall <johnmhall@jmhc corp.net>; olivialippens@gmail.com; Robin Russell
Subject: Council Subcommittee On Housing Needs Assessment Plan

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Here are some of the issues with the Sodo project that will be the same for MI's town center:

AFFORDABLE HOUSING IN THE TOWN CENTER

First is HOA dues are a little over \$1/sf/mo. in this development. That is over \$800/mo. on top of a mortgage that is not deductible for an 800 sf unit. Great for the wealthy, not so much for an affordable unit.

Parking is a necessity, especially for women or families, but at \$50,000/stall, which is affordable for the non-price restricted units but not price restricted. Unfortunately, this is really the fault of Seattle politics in which transit is not safe to use, certainly in Sodo, which of course affects MI residents who have to travel to downtown Seattle, but even with safe areas like MI a car is a necessity in suburbia. Yes the purchaser can subsequently sell their unit at market rates, but without secured parking the unit won't resell.

Next there is the down payment. There is a catch-22 hinted at in the article. For those at 80% AMI or above there are no subsidies for a down payment, but in reality, the developers really want to fill the affordable units with folks who don't look affordable, like the 80% to 115% segment not unlike on MI.

Now with mortgage rates over 5% and rising for those with excellent credit -- and higher for those who need affordable housing -- the monthly mortgage rate has gone way up.

Next, \$375,000 really isn't all that affordable for someone with a 60% AMI (plus the parking and HOA dues). It is a ruse, and somewhat of a lottery.

Finally, with the elimination of the long tail for warranties on new condo construction MI will likely see older more affordable multi-family housing converted to expensive condos.

One would think the real surprise is someone hasn't scammed the system and the SODO project by funding someone with an AMI 115% or lower to buy an affordable unit in the Sodo development and then flip it at market rates. Except market rates for units this building, in this location, probably without parking that is likely a studio with very large HOA dues are not going to sell.

On Mercer Island this same unit, say in the Xing Hua, would be much closer to \$500,000 if a studio, with HOA dues and no parking per our code.

Good lesson for the council subcommittee on our "housing needs assessment" plan.

I have written about this many times and recently posted where I think the subcommittee will look in the SFH zone for affordable housing (which was a theme in the 2018 comprehensive plan amendments). You can find a recent post on ND in which I discuss the different areas in a long reply.

[South Mercer Island QFC closing? — Nextdoor](#)

There are two key issues with affordable housing -- either allowing multi-family or increasing density -- in the residential zone (other than it is contrary to the comprehensive plan):

A. It would be political suicide. For those around at the time, the citizen anger to out-of-scale residential development that led to the 2017 RDS dwarfs the anger of Ordinance 21C-02 and went on for four years before the RDS was adopted (late).

B. It would not create any housing that anyone with less than 200% AMI could afford, certainly if living alone, because **drum roll ... new zoning needs new construction to implement it, and new construction is always the least affordable, especially when the land is very expensive, and the residential zone would have no affordable housing set asides.**

C. In order to create any meaningful additional housing the regulatory limits for height, lot coverage, yard setbacks, parking minimums, and most importantly GFAR would have to be increased over existing minimums, and those new regulatory limits would apply to any building in the zone, including a SFH, which would result in massive single family homes with little to no side yards or vegetation, exactly what the citizens objected to and led to the 2017 rewrite of the RDS.

Otherwise you create more dwellings -- each with their own kitchen, bath and common areas, but no new actual housing GFA (bedrooms).

D. Use public or park land. We have seen how the public reacts when the council considers using park land for emergency or affordable housing, and I would advise going back down that path. The city owns very little public land, except maybe something like the residential lot on 40th and ICW, but that lot was purchased to preserve sight lines and because it is such a poor location for housing.

E. A public/private project like the Tully's project with Mainstreet (without MICA). The problem there was the city had very little cash to contribute, parking was so expensive and needed to be commuter oriented for the ST match, and so the scale of the project was unpalatable to the citizens. King Co. offered to purchase the property to construct affordable housing for the elderly with limited parking, but that is a very poor use for this critical parcel the council was very wise to purchase.

My advice would be to eliminate park land (that ideally will be separately zoned and protected in the rewrite of the comp. plan or renewal of the parks levy) and the residential zone from the housing needs assessment plan, and look at the low hanging fruit which is adding a fourth story south of 29th in exchange for the FAR retail plan.

Mercer Island is one of the few cities that has already reached its maximum build out population of 26,000, and is one of the few cities that has met or exceeded its housing growth targets in the 2035 Vision Statement. We don't need any new housing, but the real issue is that creating affordable housing when the underlying land is so expensive is basically impossible, and a poor use of dollars for affordable housing.



Seems the developer of these Seattle condos can't even give them away - Puget Sound Business Journal

Prices for income-restricted homes have been cut to as low as \$375,000 for studios.

www.bizjournals.com

May 23, 2022

By [Marc Stiles](#) — Senior Reporter, Puget Sound Business Journal

Four years ago Daniels Real Estate rolled out a plan to sell a dozen Seattle condos in the new Gridiron building at below-market prices.

"We thought these would fly off the shelf," [Kevin Daniels](#) said in a May 10 email interview. They have not. Even after cutting prices, "(we) can't even give them away, it seems."

The 12-story glass-and-steel project between Lumen Field and Seattle's new waterfront was built on the site of a century-old brick building whose facade remains. King County, which once stored bleachers from the old Kingdome stadium in the building, sold the building for \$6 million to Daniels, who agreed to include below-market residences in the project.

Under the deal, Gridiron can charge up to \$483,000 for an income-restricted one-bedroom unit but is now listing those for \$399,000. Two studio units are priced at \$375,000.

"Imagine any opportunity to buy a home in Seattle under \$400,000 in a new building with the same finishes as the market-rate units," Daniels said.

In about the last week, two more of the income-restricted condos were put under contract, said listing agent [Kim Davis](#) of Your Seattle Home Team. She added that tour activity has picked up, going from "probably less than five" before the price cuts to around a dozen so this month.

Still, six below-market homes on the market for nearly four years haven't sold even though the income-restriction covenant lifts after the units first sell. That allows buyers to eventually sell them at market-rate prices and make what Daniels called "a tidy sum."

Sales are restricted to households that make 115% of the area median income (AMI). That's a maximum of \$93,200 for a single-person household and \$106,500 for a couple.

He thinks the slow sales are the result of "the best intentions going up against economic realities. ... The issue appears to be that there are no programs to assist with any income over 80% AMI, so the down payment is out of reach for most of this workforce housing income level."

In addition, Daniels thinks rising crime and a worsening homeless crisis downtown have cut into the sale of downtown condos to people who are downsizing,

He doesn't think that parking costs of an additional \$50,000 a stall is holding back sales given Gridiron's proximity to light rail, streetcar and bus service.

There are a total of 95 market-rate units at Gridiron and of the 20 still for sale, one is under contract, Daniels said. Prices range from the low- to mid-\$500,000s to the low- to mid-\$900,000s.

Among the market-rate sales, six were over \$1 million, with public records showing the highest price paid was over \$1.1 million.

Monthly homeownership dues are around \$1.10 a square foot, up from 71 cents a foot when the building opened in 2018.

Daniel Thompson

Thompson & Delay

Attorneys at Law

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Seattle, WA 98104

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Fax: (206) 622-3965

From: Dan Thompson <danielthompson@hotmail.com>
Sent time: 2022/05/26 11:21:06 AM
To: Robin Russell; Council
Jessi Bon; Jeff Thomas; Traci Granbois; Ray Akers <ray@akerscargill.com>; Carv Zwingle; Matthew Goldbach <blkship@yahoo.com>; Ira Appelman; Mike Cero <mscero@comcast.net>; Peter Struck; Meg Lippert; Ashley Hay <ashleyhay@outlook.com>; Thomas Acker <tomacker1@comcast.net>; Robert Medved; Mark Coen; laura.duncan@me.com; Jim Eanes <eanes.jim@gmail.com>; victor.raisys@gmail.com; Gary Robinson; Don Howard <donhowardmd@gmail.com>; Doris Cassan; Jon Hanlon; John Hall <johnmhall@jmhc corp.net>; olivialippens@gmail.com
Cc:
Subject: Re: Council Subcommittee On Housing Needs Assessment Plan

Hi Robin, this is from the last line in the article I copy at the end of my email:

"Monthly homeownership dues are around \$1.10 a square foot, up from 71 cents a foot when the building opened in 2018."

So you are correct it looks like monthly dues have risen pretty steeply in just three years, and are now over \$1/sf/month. Probably developers do a bait and switch on monthly condo dues in order to sell them.

Another interesting factor in today's Seattle Times is that population levels have declined in Seattle and Bellevue over the last year, and the declines based on history were not insignificant which suggests systemic changes in housing and work. Earlier the census noted King Co.'s population dropped by over 1% over the last year.

Much of our planning, and the PSRC's 2050 Vision Statement, are based on large population increases regionally, which the PSRC hopes to concentrate in "urban" areas, and in transit-oriented development. Even the PSRC acknowledged the assumptions and data in the 2050 Vision Statement -- which is based on 2018 data -- was out of date the day the 2050 Vision Statement was adopted and would be revisited, but still the county and state continue to plan for transit and housing based on those assumptions, when post pandemic housing and transit predictions are out of date (and ST's ridership estimates used to sell ST 2 (East Link) and ST 3 were wildly inflated to increase farebox recovery rates to 40% when Metro's is 20% to lower the general fund tax increases in order to sell the levies).

In fact, the 2050 Vision Statement does not account for EV's although EV's are a major plank of Inslee's and Biden's climate plans, or working from home.

Make no mistake about it: throughout the region as cities perform their 8 year cycle update to their comprehensive plans you will continue to hear claims about population growth and traffic congestion and peak commuting that are no longer true, and don't hold your breath for the PSRC to revisit the 2050 Vision Statement.

As I like to say, you can try to force people to do what they don't want to do, like where they live or how they get around, but it is very, very difficult, and then a pandemic comes around and changes everything.

With the recent realignment by the ST Board that extends taxes five years through 2044, ST will now cost the region \$142 billion through 2044 (without the funding to build the West Seattle to Ballard extension or final extension to Tacoma Mall), money that could have solved a lot of our social issues, while actual ridership on Link will never reach the 40% farebox recovery assumptions -- which is rider X fare -- with the loss of the peak commuter who historically pays 100% of their fare, and this will devastate the operations budget.

Daniel Thompson

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Attorneys at Law
506 2nd Ave., Suite 2500
Seattle, WA 98104
Phone: (206) 622-0670
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From: Robin Russell <scubarobin@msn.com>
Sent: Wednesday, May 25, 2022 7:41 PM
To: Dan Thompson <danielthompson@hotmail.com>; council@mercergov.org <council@mercergov.org>
Cc: jessi.bon@mercergov.org <jessi.bon@mercergov.org>; jeff.thomas@mercercisland.gov <jeff.thomas@mercercisland.gov>; traci.granbois@gmail.com <traci.granbois@gmail.com>; Ray Akers <ray@akerscargill.com>; Carvz@yahoo.com <carvz@yahoo.com>; Matthew Goldbach <blkship@yahoo.com>; Ira Appelman <appelman@bmi.net>; Mike Cero <mscero@comcast.net>; Peter Struck <struckmi@aol.com>; Meg Lippert <meg.lippert@gmail.com>; Ashley Hay

<ashleyhay@outlook.com>; Thomas Acker <tomacker1@comcast.net>; Robert A. Medved <robertamedved@msn.com>; Mark Coen <MSCNB@msn.com>; laura.duncan@me.com <laura.duncan@me.com>; Jim Eanes <eanes.jim@gmail.com>; victor.raisys@gmail.com <victor.raisys@gmail.com>; docrobinson@comcast.net <docrobinson@comcast.net>; Don Howard <donhowardmd@gmail.com>; Doris Cassan <dc@dollarseattle.com>; Jon Hanlon <ducttape2@gmail.com>; John Hall <johnmhall@jmhcorp.net>; olivialippens@gmail.com <olivialippens@gmail.com>

Subject: Re: Council Subcommittee On Housing Needs Assessment Plan

Are you sure the HOA dues are that high? Typically with new construction the HOA dues are very low since a new building doesn't need much maintenance.

Robin
206.419.3498

From: Dan Thompson <danielphompson@hotmail.com>

Sent: Wednesday, May 25, 2022 11:01:11 AM

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

Cc: jessi.bon@mercergov.org <jessi.bon@mercergov.org>; jeff.thomas@mercerisland.gov <jeff.thomas@mercerisland.gov>; traci.granbois@gmail.com <traci.granbois@gmail.com>; Ray Akers <ray@akerscargill.com>; Carvz@yahoo.com <carvz@yahoo.com>; Matthew Goldbach <blkship@yahoo.com>; Ira Appelman <appelman@bmi.net>; Mike Cero <mscero@comcast.net>; Peter Struck <struckmi@aol.com>; Meg Lippert <meg.lippert@gmail.com>; Ashley Hay <ashleyhay@outlook.com>; Thomas Acker <tomacker1@comcast.net>; Robert A. Medved <robertamedved@msn.com>; Mark Coen <MSCNB@msn.com>; laura.duncan@me.com <laura.duncan@me.com>; Jim Eanes <eanes.jim@gmail.com>; victor.raisys@gmail.com <victor.raisys@gmail.com>; docrobinson@comcast.net <docrobinson@comcast.net>; Don Howard <donhowardmd@gmail.com>; Doris Cassan <dc@dollarseattle.com>; Jon Hanlon <ducttape2@gmail.com>; John Hall <johnmhall@jmhcorp.net>; olivialippens@gmail.com <olivialippens@gmail.com>; Robin Russell <scubarobin@msn.com>

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D. Use public or park land. We have seen how the public reacts when the council considers using park land for emergency or affordable housing, and I would advise going back down that path. The city owns very little public land, except maybe something like the residential lot on 40th and ICW, but that lot was purchased to preserve sight lines and because it is such a poor location for housing.

E. A public/private project like the Tully's project with Mainstreet (without MICA). The problem there was the city had very little cash to contribute, parking was so expensive and needed to be commuter oriented for the ST match, and so the scale of the project was unpalatable to the citizens. King Co. offered to purchase the property to construct affordable housing for the elderly with limited parking, but that is a very poor use for this critical parcel the council was very wise to purchase.

My advice would be to eliminate park land (that ideally will be separately zoned and protected in the rewrite of the comp. plan or renewal of the parks levy) and the residential zone from the housing needs assessment plan, and look at the low hanging fruit which is adding a fourth story south of 29th in exchange for the FAR retail plan.

Mercer Island is one of the few cities that has already reached its maximum build out population of 26,000, and is one of the few cities that has met or exceeded its housing growth targets in the 2035 Vision Statement. We don't need any new housing, but the real issue is that creating affordable housing when the underlying land is so expensive is basically impossible, and a poor use of dollars for affordable housing.

[Seems the developer of these Seattle condos can't even give them away - Puget Sound Business Journal \(bizjournals.com\)](#)



Seems the developer of these Seattle condos can't even give them away - Puget Sound Business Journal

Prices for income-restricted homes have been cut to as low as \$375,000 for studios.

www.bizjournals.com

May 23, 2022

By [Marc Stiles](#) – Senior Reporter, Puget Sound Business Journal

Four years ago Daniels Real Estate rolled out a plan to sell a dozen Seattle condos in the new Gridiron building at below-market prices.

"We thought these would fly off the shelf," [Kevin Daniels](#) said in a May 10 email interview. They have not. Even after cutting prices, "(we) can't even give them away, it seems."

The 12-story glass-and-steel project between Lumen Field and Seattle's new waterfront was built on the site of a century-old brick building whose facade remains. King County, which once stored bleachers from the old Kingdome stadium in the building, sold the building for \$6 million to Daniels, who agreed to include below-market residences in the project.

Under the deal, Gridiron can charge up to \$483,000 for an income-restricted one-bedroom unit but is now listing those for \$399,000. Two studio units are priced at \$375,000.

"Imagine any opportunity to buy a home in Seattle under \$400,000 in a new building with the same finishes as the market-rate units," Daniels said.

In about the last week, two more of the income-restricted condos were put under contract, said listing agent [Kim Davis](#) of Your Seattle Home Team. She added that tour activity has picked up, going from "probably less than five" before the price cuts to around a dozen so this month.

Still, six below-market homes on the market for nearly four years haven't sold even though the income-restriction covenant lifts after the units first sell. That allows buyers to eventually sell them at market-rate prices and make what Daniels called "a tidy sum."

Sales are restricted to households that make 115% of the area median income (AMI). That's a maximum of \$93,200 for a single-person household and \$106,500 for a couple.

He thinks the slow sales are the result of "the best intentions going up against economic realities. ... The issue appears to be that there are no programs to assist with any income over 80% AMI, so the down payment is out of reach for most of this workforce housing income level."

In addition, Daniels thinks rising crime and a worsening homeless crisis downtown have cut into the sale of downtown condos to people who are downsizing,

He doesn't think that parking costs of an additional \$50,000 a stall is holding back sales given Gridiron's proximity to light rail, streetcar and bus service.

There are a total of 95 market-rate units at Gridiron and of the 20 still for sale, one is under contract, Daniels said. Prices range from the low- to mid-\$500,000s to the low- to mid-\$900,000s.

Among the market-rate sales, six were over \$1 million, with public records showing the highest price paid was over \$1.1 million.

Monthly homeownership dues are around \$1.10 a square foot, up from 71 cents a foot when the building opened in 2018.

Daniel Thompson

Thompson & Delay
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Fax: (206) 622-3965

From: Dan Thompson <danielphompson@hotmail.com>
Sent time: 2022/06/21 04:01:04 PM
To: Salim Nice
Subject: Re: Parks Zone follow-up

Great job on the DADU proposed changes.

Re: the parks I think "suggest" and "evaluate" are not going to do it. You were right the first time: it needs to be an either/or to fracture the conservative opposition that includes park lovers. Park voters will expect to see some kind of binding promise as part of the levy, or will distrust. At least there needs to be some code language before the council before the levy vote in November.

Daniel Thompson

Thompson & Delay
Attorneys at Law
506 2nd Ave., Suite 2500
Seattle, WA 98104
Phone: (206) 622-0670
Fax: (206) 622-3965

From: Salim Nice <salim.nice@mercercisland.gov>
Sent: Tuesday, June 21, 2022 3:46 PM
To: Dan Thompson <danielphompson@hotmail.com>
Subject: FW: Parks Zone follow-up

I asked for all the legislative actions taken to date on permeant protection of parks. Below is the staff response.

Salim Nice

Mayor
City of Mercer Island
p: 206-275-7997 | m: 206-232-0133 | mercercisland.gov

Notice: Emails and attachments may be subject to disclosure pursuant to the Public Records Act (chapter 42.56 RCW).

From: Merrill Thomas-Schadt <merrill.schadt@mercergov.org>
Date: Tuesday, June 21, 2022 at 3:44 PM
To: Salim Nice <salim.nice@mercercisland.gov>
Cc: Jessi Bon <jessi.bon@mercergov.org>, Jeff Thomas <jeff.thomas@mercercisland.gov>
Subject: Parks Zone follow-up

Mayor Nice-

Below are follow ups from the Council planning meeting today on the topic of a parks zoning designation.

[PROS Plan](#), Chapter 4: Goals

- Goal 1 (page 24): Provide a high quality, welcoming, and inclusive parks and recreation system that meets community needs now and in the future.
 - Objective 1.1: *Retain publicly owned parks and open spaces in perpetuity. Actively pursue options to permanently protect parks and open space through conservation easements, zoning changes, or other strategies. Evaluate the transfer of some or all open space to the Open Space Conservancy Trust.*

[Resolution No 1621](#) approved the 2024 Comp Plan Periodic Review.

- During this process, [it was suggested](#) that staff explore creating a parks zone.
- Included in the final Resolution is subtask LU-11 (page 13): *Add a goal and policy(s) regarding the creation of a parks zone to the Land Use Element.*

Please let me know if I can provide more background.

-Merrill

bcc: City Council

Merrill Thomas-Schadt (she/her)
Sr. Management Analyst
City of Mercer Island
206-549-5536 | mercercisland.gov

GMHB Exhibit #308 - 0030

Due to the regional COVID-19 outbreak, many City of Mercer Island staff are now working remotely. Responses to emails and phone calls may take additional time as we have modified our operations. Thank you for your patience.

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From: Dan Thompson <danielphompson@hotmail.com>
Sent time: 2022/06/21 04:15:38 PM
To: Salim Nice
Subject: Re: Parks Zone follow-up

Sure

Daniel Thompson

Thompson & Delay
Attorneys at Law
506 2nd Ave., Suite 2500
Seattle, WA 98104
Phone: (206) 622-0670
Fax: (206) 622-3965

From: Salim Nice <salim.nice@mercerisland.gov>
Sent: Tuesday, June 21, 2022 4:07 PM
To: Dan Thompson <danielphompson@hotmail.com>
Subject: Re: Parks Zone follow-up

My understanding is that this is more about the process than clear language. Creating a park zone and placing the parks into it is the primary process that needs to occur. Once there is a zone, and the parks are in it, future Councils will be hard-pressed to rezone parks. Could you work with Lisa to propose a step that could occur near term?

Salim Nice

Mayor
City of Mercer Island
p: 206-275-7997 | m: 206-232-0133 | [mercerisland.gov](https://www.mercerisland.gov)

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Date: Tuesday, June 21, 2022 at 4:01 PM
To: Salim Nice <salim.nice@mercerisland.gov>
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Daniel Thompson

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Cc: Jessi Bon <jessi.bon@mercergov.org>, Jeff Thomas <jeff.thomas@mercerisland.gov>
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Please let me know if I can provide more background.

-Merrill

bcc: City Council

Merrill Thomas-Schadt (she/her)

Sr. Management Analyst

City of Mercer Island

206-549-5536 | [mercerisland.gov](https://www.merцерisland.gov)

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From: Dan Thompson <danielphompson@hotmail.com>
Sent time: 2022/09/30 03:26:20 PM
To: Salim Nice; Alison Van Gorp; Jeff Thomas
Cc: Jessi Bon; Victor Raisys; Robert Medved
Subject: Planning Commission Review Of 2024 Comprehensive Plan Update

Hello, I watched much of the recent planning commission meeting (4.5 hours) that kicks off review of the update to the comprehensive plan. **I am concerned the planning commission is not aware of the council's unanimous vote that the update would be "surgical" in review, and only amend those areas required by law.**

Instead, the planning commission is going through the comprehensive plan line by line and word by word, recommending changes to key language that are a fundamental change to the plan and underlying development regulations, such as for conditional use permits. In some cases, it appears the CPD itself has included these sub rosa amendments in the draft update at the request of private parties. I think the planning commission's sweeping approach is contrary to the council's direction, and also contrary to the notice given to the citizens about the scope of the review and any amendments.

I think it would be helpful if Jeff could remind the planning commission about the scope of the surgical review and to identify those specific areas open for amendment in the update due to legal requirements. This could save the planning commission, CPD, and council a great deal of time. As it is now, the planning commission is basically reviewing sweeping proposed amendments to the comprehensive plan without public notice.

As we all know from the community facilities zone and other comprehensive plan amendments in 2018, there is a tactic by some to "amend" the comprehensive plan believing the citizens (and council) are not watching or don't understand the subtlety of the change in language, and then demanding the implementing code amendments be adopted to supposedly implement the amendments to the comp. plan. In the past this has caused a lot of distrust between the citizens and council/CPD/planning commission, and was the basis of our appeal to the GMHB and the city's amendment of its code re: concurrency.

IMO these non-surgical amendments need specific docketing if the planning commission is going to consider them, especially after the council promised the citizens the 2024 update would not include any amendments not *required* by law, and that any implementing development regulations must be docketed and considered *concurrently* if not required by law.

Thank you.

Daniel Thompson

Thompson & Delay
Attorneys at Law
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Fax: (206) 622-3965

From: Dan Thompson <danielphompson@hotmail.com>
Sent time: 2022/10/25 02:49:09 PM
To: Salim Nice
Subject: Fw: Planning Commission Meeting Oct. 26/Code and Comp. Plan Amendment Docket/Public Comments And Objections/Proposal To Eliminate Height Limits On Commercial

FYI

Daniel Thompson

Thompson & Delay
Attorneys at Law
506 2nd Ave., Suite 2500
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Fax: (206) 622-3965

From: Dan Thompson <danielphompson@hotmail.com>
Sent: Tuesday, October 25, 2022 2:48 PM
To: jessi.bon@mercergov.org <jessi.bon@mercergov.org>
Subject: Fw: Planning Commission Meeting Oct. 26/Code and Comp. Plan Amendment Docket/Public Comments And Objections/Proposal To Eliminate Height Limits On Commercial

Is this really something we need right before a vote on the parks levy? Is there any political filter at the CPD at all?

Daniel Thompson

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Attorneys at Law
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Seattle, WA 98104
Phone: (206) 622-0670
Fax: (206) 622-3965

From: Dan Thompson <danielphompson@hotmail.com>
Sent: Tuesday, October 25, 2022 2:43 PM
To: Matthew Goldbach <blkship@yahoo.com>; Robert A. Medved <robertamedved@msn.com>; Thomas Acker <tomacker1@comcast.net>
Subject: Fw: Planning Commission Meeting Oct. 26/Code and Comp. Plan Amendment Docket/Public Comments And Objections/Proposal To Eliminate Height Limits On Commercial

FYI

Daniel Thompson

Thompson & Delay
Attorneys at Law
506 2nd Ave., Suite 2500
Seattle, WA 98104
Phone: (206) 622-0670
Fax: (206) 622-3965

From: Dan Thompson <danielphompson@hotmail.com>
Sent: Tuesday, October 25, 2022 2:43 PM
To: jeff.thomas@mercerisland.gov <jeff.thomas@mercerisland.gov>; jessi.bon@mercergov.org <jessi.bon@mercergov.org>
Cc: alison.vangorp@mercerisland.gov <alison.vangorp@mercerisland.gov>; planning.commission@mercerisland.gov <planning.commission@mercerisland.gov>; deb.estrada@mercerisland.gov <deb.estrada@mercerisland.gov>; council@mercergov.org <council@mercergov.org>
Subject: Fw: Planning Commission Meeting Oct. 26/Code and Comp. Plan Amendment Docket/Public Comments And Objections/Proposal To Eliminate Height Limits On Commercial

I understand staff's proposal number 9 to increase height limits for commercial buildings in the town center is to meet future GMPC job targets, but I think using this process for such a dramatic and sensitive issue is unwise and should be withdrawn for the following reasons:

2 This is not a proposal staff should make in this docketing process without direction from the council, let alone notice. The council is working on a town center economic development plan, there is a moratorium on development south of 29th that is going on 3 years, we are just starting the update to our comp. plan, and there is a lot of citizen concern over lost retail space and the Xing Hua development. Suddenly telling citizens staff want to allow 4 and 5 story commercial buildings in the town center without direction from the council, or warning the citizens, seems tone deaf to me, especially with a vote on the parks levy in two weeks. Ironically, I doubt this proposal meets the docketing criteria unless Carolyn Boatsman's proposed amendment passes that *"would repeal the docketing criterion stating, "the proposal does not raise policy or land use issues that are more appropriately addressed by an ongoing work program item approved by the city council"*.

3 Traditionally, zoning segregated uses (commercial, housing, retail). A newer concept is "mixed-use zoning" like we have in the town center. But what we are learning is commercial is more profitable than housing which is more profitable than retail, and you can see this in the proposed projects in The Spring District. If MI allows commercial buildings with the same height limit in the TC that is what it will get. Since MI has around 1220 housing units to permit under its GMPC housing growth targets, removing that housing capacity from the town center for commercial office space likely means the council will have to upzone the single-family zones on MI to meet those targets, probably not something the council is keen on telling the citizens if the 2017 rewrite of the residential code and 2018 Prop. 1 are any indication.

My advice is to make consideration of such an enormous code change part of a larger work program, with council direction, and a lot of notice to the citizens understanding all the likely ramifications because my guess is this will be a very unpopular idea.

Daniel Thompson

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Attorneys at Law
506 2nd Ave., Suite 2500
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Fax: (206) 622-3965

From: Dan Thompson

Sent: Monday, October 24, 2022 3:22 PM

To: council@mercergov.org <council@mercergov.org>; planning.commission@mercerisland.gov
<planning.commission@mercerisland.gov>

Cc: jessi.bon@mercergov.org <jessi.bon@mercergov.org>; jeff.thomas@mercerisland.gov <jeff.thomas@mercerisland.gov>; Robert A. Medved <robertamedved@msn.com>; alison.vangorp@mercerisland.gov <alison.vangorp@mercerisland.gov>

Subject: Planning Commission Meeting Oct. 26/Code and Comp. Plan Amendment Docket/Public Comments And Objections

On Tuesday, Oct. 26 the planning commission will consider the annual docket for amendments to the codes and the comprehensive plan. These are my public comments.

1 Summary Of Docket Proposals.

There are 12 proposed amendments, 8 by private citizens (including commissioners Murphy and Boatsman) and four by city staff. [ITEM-Attachment-001-9bd573b45bcc4ceb85706bd6d9f014b7.pdf \(usgovcloudapi.net\)](#) The deadline for filing proposed amendments was Oct. 1, and each amendment required a new cover sheet and outline of the proposal in enough specificity to allow citizens to comment and the planning commission to understand the proposed amendment without oral testimony, which was in large part the impetus for the appeal to the GMHB requiring the city to create the annual docketing basis.

2 Actual Amendments With Cover Sheets And Narrative.

The actual amendment text and cover sheet are found at [ITEM-Attachment-001-15c0004dfe804fc68881323dc0ccc79e.pdf \(usgovcloudapi.net\)](https://www.usgovcloudapi.net/ITEM-Attachment-001-15c0004dfe804fc68881323dc0ccc79e.pdf)

3 The City's Proposed Amendments Are Untimely And Procedurally Deficient.

The City's four proposed amendments have no cover sheet and no outline of the proposed amendment, just a blurb in the summary. As a result the amendments are procedurally deficient and untimely and should be struck from the docket.

Some of the city's proposed amendments, at least based on the blurb in the summary, appear to have significant impacts. For example:

9 "The Town Center code currently limits commercial buildings to 2 stories/27 feet in height. This amendment would provide an allowance for commercial buildings to exceed two stories in the Town Center."

10 "Surgical amendments to the administrative code to correct errors and improve clarity and consistency, including correcting the appeal process for shoreline exemptions and clarifying the notice of decision requirements for Type II land use approvals."

It is impossible for a citizen or the planning commission to know what these proposed amendments actually mean in order to comment on them, which violates the entire purpose of the docketing process. Is the CPD proposing to eliminate any building height limits in the town center, or the need of an applicant to satisfy certain criteria to build above the two-story base height limit in the comp. plan? What exactly are the "amendments to the administrative code" is the city proposing?

If the citizens and planning commissioners must comply with the procedural requirements so must the city. In fact, the appeal to require the city to adopt the docketing system was due to endless amendments from the CPD that were vague or often "placeholders".

4 The 8 Other Proposed Amendments.

The eight other proposed amendments were timely filed and meet the procedural requirements and so should be decided on the merits.

Daniel Thompson

Thompson & Delay
Attorneys at Law
506 2nd Ave., Suite 2500
Seattle, WA 98104
Phone: (206) 622-0670
Fax: (206) 622-3965

From: Dan Thompson <danielphompson@hotmail.com>
Sent time: 2022/10/26 06:46:54 PM
To: Victor Raisys <victor.raisys@gmail.com>; Salim Nice
Subject: Fwd: Planning Commission Meeting Oct. 26/Code and Comp. Plan Amendment Docket/Public Comments And Objections

Sent from my iPhone

Begin forwarded message:

From: Dan Thompson <danielphompson@hotmail.com>
Date: October 26, 2022 at 6:46:09 PM PDT
To: Deb Estrada <Deborah.Estrada@mercerisland.gov>
Cc: Jessi Bon <jessi.bon@mercergov.org>, Council Mailbox <council@mercergov.org>, Salim Nice <salimnice@gmail.com>, Jeff Thomas <jeff.thomas@mercerisland.gov>
Subject: Re: Planning Commission Meeting Oct. 26/Code and Comp. Plan Amendment Docket/Public Comments And Objections

It is now 6:40. Public appearances were scheduled for 6. The citizens waiting to speak have busy lives.

We don't need a debate about whether to bunch or individualize the proposed amendments. We don't need a long presentation by staff and arguments among commissioners about the docketing criteria when I was co-counsel who appealed to the GMHB to establish the criteria and two of the folks suggesting amendments are planning commissioners.

I also have real differences with Staff's presentation that recent GMPC housing allocations materially affect the "surgical approach" to the update of the comp. Plan.

This is very disrespectful to the citizens. It is also a very bad look for the PC.

What the hell is going on?

Sent from my iPhone

On Oct 26, 2022, at 4:05 PM, Deb Estrada <Deborah.Estrada@mercerisland.gov> wrote:

Thank you for reaching out. The login information is available on tonight's agenda and outlined below:

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

Join by Telephone at 6:00 pm: To listen to the hearing via telephone, please call **253.215.8782** and enter **Webinar ID 849 4030 8329**.

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

- 1) Click this [Link](#)
- 2) If the Zoom app is not installed on your computer, you will be prompted to download it.
- 3) If prompted for Meeting ID, enter **849 4030 8329**.

Please let me know if you have additional questions.

Best,

Deb

Deborah Estrada, MMC

Administrative Coordinator/Deputy City Clerk
City of Mercer Island - Community Planning & Development
206.275.7791 | mercerisland.gov/CPD

Notice: Emails and attachments may be subject to disclosure pursuant to the Public Records Act (chapter 42.56 RCW)

From: Dan Thompson <danielpthompson@hotmail.com>
Sent: Wednesday, October 26, 2022 4:03 PM
To: Deb Estrada <Deborah.Estrada@mercerisland.gov>
Subject: Re: Planning Commission Meeting Oct. 26/Code and Comp. Plan Amendment Docket/Public Comments And Objections

Do I need a link to log in?

Daniel Thompson

Thompson & Delay
Attorneys at Law
506 2nd Ave., Suite 2500
Seattle, WA 98104
Phone: (206) 622-0670
Fax: (206) 622-3965

From: Deb Estrada <Deborah.Estrada@mercerisland.gov>
Sent: Wednesday, October 26, 2022 2:15 PM
To: Dan Thompson <danielpthompson@hotmail.com>
Cc: Alison Van Gorp <alison.vangorp@mercergov.org>; Jeff Thomas <jeff.thomas@mercerisland.gov>
Subject: Re: Planning Commission Meeting Oct. 26/Code and Comp. Plan Amendment Docket/Public Comments And Objections

Thank you, Dan. I will add you to the list of speakers for this evening. This meeting will be held via Zoom; however, we anticipate that our next meeting will provide an in person option.

Best,

Deb

Deborah Estrada, MMC

Administrative Coordinator/Deputy City Clerk
City of Mercer Island - Community Planning & Development
[206.275.7791](tel:206.275.7791) | mercerisland.gov/CPD

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From: Dan Thompson <danielpthompson@hotmail.com>
Sent: Wednesday, October 26, 2022 2:10:52 PM
To: Deb Estrada <Deborah.Estrada@mercerisland.gov>
Subject: Re: Planning Commission Meeting Oct. 26/Code and Comp. Plan Amendment Docket/Public Comments And Objections

Hi Deb, I would like to speak at the Planning Commission meeting tonight. Is the meeting Zoom only. If in-person appearances are allowed I would prefer that but can do Zoom too. Although apparently each proposed amendment is allotted 5 minutes I would think I can address all five of my proposed amendments in five minutes now that the city has withdrawn its proposed amendments.

Thanks.

Daniel Thompson

Thompson & Delay
Attorneys at Law
506 2nd Ave., Suite 2500
Seattle, WA 98104
Phone: (206) 622-0670
Fax: (206) 622-3965

From: Deb Estrada <Deborah.Estrada@merceraisland.gov>

Sent: Tuesday, October 25, 2022 10:23 AM

To: Dan Thompson <danielphompson@hotmail.com>

Subject: RE: Planning Commission Meeting Oct. 26/Code and Comp. Plan Amendment Docket/Public Comments And Objections

Good Morning, Mr. Thompson –

Please let me know if you wish to speak to the Comprehensive Plan/Docket tomorrow evening.

Best,

Deb

Deborah Estrada, MMC

Administrative Coordinator/Deputy City Clerk
City of Mercer Island - Community Planning & Development
206.275.7791 | merceraisland.gov/CPD

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Sent: Monday, October 24, 2022 3:22 PM

To: Council <council@mercergov.org>; Planning Commission
<Planning.Commission@mercergov.org>

Cc: Jessi Bon <jessi.bon@mercergov.org>; Jeff Thomas <jeff.thomas@merceraisland.gov>; Robert Medved <RobertAMedved@msn.com>; Alison Van Gorp <alison.vangorp@mercergov.org>

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Some of the city's proposed amendments, at least based on the blurb in the summary, appear to have significant impacts. For example:

9 "The Town Center code currently limits commercial buildings to 2 stories/27 feet in height. This amendment would provide an allowance for commercial buildings to exceed two stories in the Town Center."

10 "Surgical amendments to the administrative code to correct errors and improve clarity and consistency, including correcting the appeal process for shoreline exemptions and clarifying the notice of decision requirements for Type II land use approvals."

It is impossible for a citizen or the planning commission to know what these proposed amendments actually mean in order to comment on them, which violates the entire purpose of the docketing process. Is the CPD proposing to eliminate any building height limits in the town center, or the need of an applicant to satisfy certain criteria to build above the two-story base height limit in the comp. plan? What exactly are the "amendments to the administrative code" is the city proposing?

If the citizens and planning commissioners must comply with the procedural requirements so must the city. In fact, the appeal to require the city to adopt the docketing system was due to endless amendments from the CPD that were vague or often "placeholders".

4 The 8 Other Proposed Amendments.

The eight other proposed amendments were timely filed and meet the procedural requirements and so should be decided on the merits.

Daniel Thompson

Thompson & Delay
Attorneys at Law
506 2nd Ave., Suite 2500
Seattle, WA 98104
Phone: (206) 622-0670
Fax: (206) 622-3965

From: Dan Thompson <danielthompson@hotmail.com>
Sent time: 2022/10/27 11:16:05 AM
To: Salim Nice
Subject: Re: Follow up re: GMPC meeting
Attachments: image001.png

First, remember you are probably the most knowledgeable person on these issues.

Second, you did your job. You got MI a net zero housing growth target so we don't have to change our zoning.

Actually 0 to 30% AMI is supportive housing, not affordable housing. If you have a zero retained wage earning capacity something else is going on. That means a lifetime of subsidized housing which is what is driving the cost.

When it comes to housing incentives the real dividing line is 80% AMI, because 80% AMI tenants look like market rate tenants. Developers will never go for mixing 0% to 70% AMI tenants in their buildings.

So who will oppose and who will support option 3 (or any option).

1. Builders will oppose. They hate affordable housing, even at 80%. Their schtick progressives have bought into is just increase market rate housing supply (upzone) and that will create affordable housing. You can't build affordable housing without public subsidies even if you wanted to. Builders wanted the GMPC housing targets to force cities like MI to subdivide those huge expensive SFH lots for two SFH's but the targets don't require that.

2. Bellevue, Issaquah, Kirkland will oppose. They just don't know it yet. It is like the bus intercept. MI was worried we would get 20 buses per hour, and then Bellevue and Issaquah decided they wanted all those workers to go to Bellevue and not Seattle, and so did the workers, and next thing you know we might get 12 half full buses/peak hour with almost no off-peak bus frequency going east. (Assuming East Link can run across the bridge). Bellevue is not going to adopt a below 80% AMI housing set aside in those expensive new towers, and it has no jurisdiction over the small and very wealthy cities in West Bellevue (for example, Clyde Hill's housing growth target is one I believe). Do you think the MBA will complain to Balducci. Of course not, they will go straight to Bellevue's mayor (and Kemper).

3. Harrell will oppose. He got over 65% of the SFH vote in Seattle. He has enough on his plate.

4. Mercer Island and Sammamish will support because they don't want any new housing targets. Even Craig Reynolds realizes you cannot build affordable housing on MI without public subsidies no matter how small the lot or housing, and most cities are tapped out.

Probably the goal is the legislature wants more eastside cities to pass levies to fund affordable housing to help out Seattle. The GMPC housing targets did not do what they hoped (make housing "progressive"). Set asides or donations to ARCH from city budgets is too small, and ARCH believes affordable housing begins with affordable land (Kent).

But all of this is a tiny eddy in the big river. No one is building anything for several years. REIT's lost 30% of their value, pension funds are exiting the housing market, money from Asia has dried up, and interest/mortgage rates will be high for many years as we head into a recession and more and more renters are joining up or moving home. I think there is a pretty good chance Xing Hua never gets built, and have doubts about Riot Games, and more and more think Victor's mantra that I use for parks and residential neighborhoods is correct: **do nothing. Xing Hua if built won't benefit the council or citizens.**

Wait and see: Akyuz, Reynolds and Weinberg will claim MI has to upzone its SFH zones to meet these targets and are naive enough to agree to price caps on any new development. They are like Bassett in that they are not sophisticated thinkers so simply adopt their party's line, except Reynolds is more nuanced. King Co. has given MI and other cities a problem that cannot be solved with current city budgets, no state funding, and current market conditions. So it won't get solved.

You did your job: a net zero housing growth target. Let the progressives come up with a way to build 0% to 50% affordable housing on MI that does not require a zoning change, especially in the SFH zone because at heart they believe SFH zones are "privileged". And make sure they do it right before next year's council elections.

Not your problem to solve, and bigger dogs will solve it for you.

Daniel Thompson

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Seattle, WA 98104
Phone: (206) 622-0670
Fax: (206) 622-3965

From: Salim Nice <salim.nice@mercerisland.gov>
Sent: Thursday, October 27, 2022 7:52 AM
To: Dan Thompson <danielthompson@hotmail.com>
Subject: FW: Follow up re: GMPC meeting

Lots of good info on the state of the city code relative to 1220 requirements below. The city has no AMI tools that produce/incentivize housing units below 60% AMI. If the GMPC adopts Option 3, which I believe they will, Mercer Island needs to start over with all our incentive tools because we would have no requirement to create AMI units above 50%.

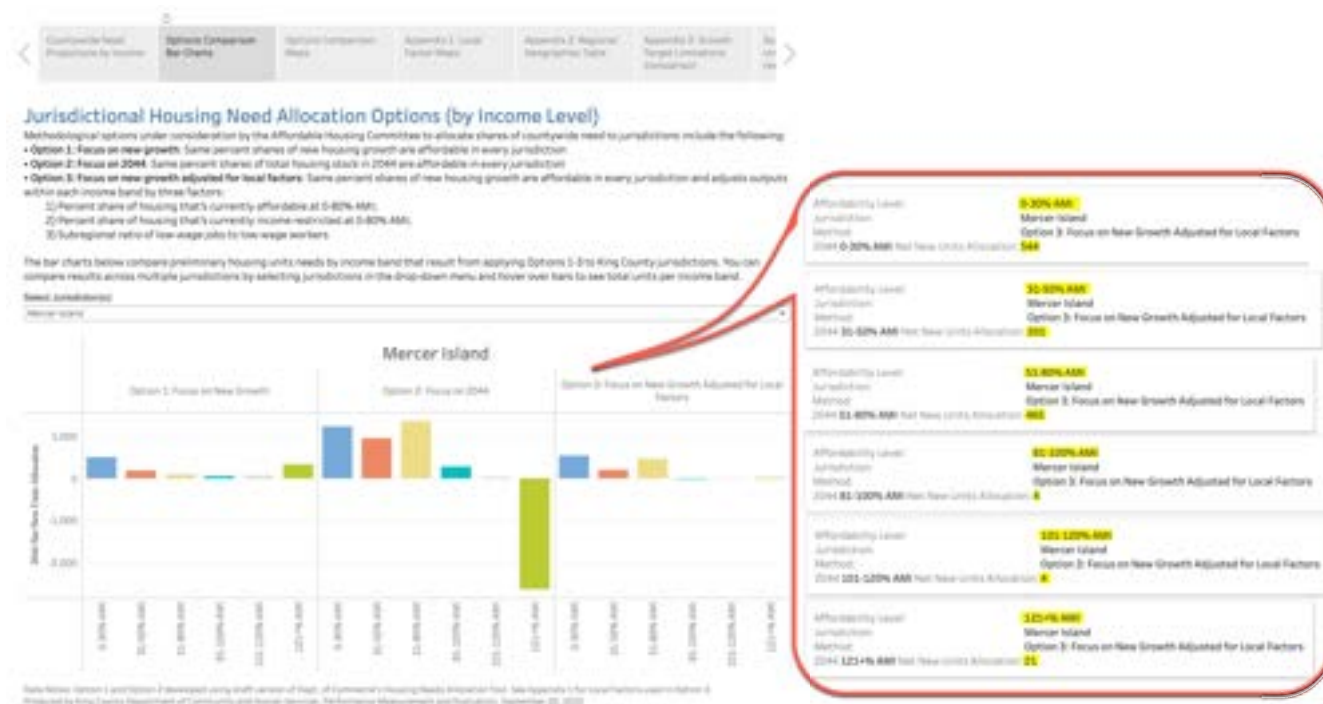
Starting over might mean the TC height incentives transition to a Fee in Lieu, and the city directs those dollars to ARCH with the mandate that they only go to 30% or 50% AMI unit production.

Other options might be 50% AMI requirements for ADU/DADU production.

If Olympia passes destructive SFR zoning requirements, those could/should be tied to 1220 (AMI) unit production. In this scenario, no Fee in Lieu options should be allowed because, on balance with the TC strategy offered above, 1220 does require AMI unit production within the jurisdiction. Because 1220 has the local production requirement and Mercer Island is primarily SFR, and 1220 has racial components, we should require the densification of SFR only be with 50% and below AMI units.

The last note I'll leave you with is the 0-30% AMI requirement should be viewed as a 30% requirement. The 30%-50% AMI requirement should be looked at as 50%. The legislation works more like a step and less like a ramp. I asked at the GMPC if there was any requirement to zone, for example, for 15% or 40% AMI units. The answer was no. We know developers will only work the top of the bands, so I consider these steps.

I made you a graphic below that explains Option 3. Call me when you have a chance.



From: Alison Van Gorp <alison.vangorp@mercergov.org>
Date: Thursday, July 28, 2022 at 2:58 PM
To: Salim Nice <salim.nice@mercerisland.gov>, Jeff Thomas <jeff.thomas@mercerisland.gov>, Jessi Bon <jessi.bon@mercergov.org>
Cc: Andrea Larson <Andrea.Larson@mercergov.org>
Subject: RE: Follow up re: GMPC meeting

That sounds good to me. I agree that there is a lot still in flux. I was on the meeting yesterday, and a similar one this morning with the King County Planning Directors group. There are tons of good questions being generated and I'd anticipate some additional thinking and refinements from King County and Commerce. I will talk with Jessi and Jeff when they are back about timing for a council briefing and we can all coordinate in advance of developing the AB.

GMHB Exhibit #308 - 0042

Thanks,
Alison

From: Salim Nice <salim.nice@mercerisland.gov>
Sent: Thursday, July 28, 2022 2:54 PM
To: Alison Van Gorp <alison.vangorp@mercergov.org>; Jeff Thomas <jeff.thomas@mercerisland.gov>; Jessi Bon <jessi.bon@mercergov.org>
Cc: Andrea Larson <Andrea.Larson@mercergov.org>
Subject: Re: Follow up re: GMPC meeting

If we're going to need an AB in September, then I think we should wait on briefing the Council. A briefing now is likely to generate a lot of questions that we don't necessarily have answers to. If you were in the meeting yesterday, you probably heard them describe the process as fluid. It might be more nailed down by September. Why don't we chat in early September?

From: Alison Van Gorp <alison.vangorp@mercergov.org>
Date: Thursday, July 28, 2022 at 2:31 PM
To: Salim Nice <salim.nice@mercerisland.gov>; Jeff Thomas <jeff.thomas@mercerisland.gov>; Jessi Bon <jessi.bon@mercergov.org>
Cc: Andrea Larson <Andrea.Larson@mercergov.org>
Subject: RE: Follow up re: GMPC meeting

Hi Salim – Would you like a written briefing to go out to the Council on this in the near term to give them time to digest this info during the August recess? Or would an agenda bill for a future City Council packet be adequate? Either way, I'd be happy to take the lead on drafting something and run it by you for review.

It also sounds like we should add this to the City Council schedule for one of the September meetings. I would recommend putting this on the Council calendar for the September 20 meeting. Lindsay Masters is scheduled to join me for a presentation on the ARCH 2023 work program/budget at that meeting, so I think there could be some good synergy between the 2 items.

Also, I realized that I neglected to follow up on the town center code affordability requirements yesterday. It is located here: https://library.municode.com/wa/mercer_island/codes/city_code?nodeId=CICQOR_TIT19UNLADECO_CH19.11TOCEDEDEST_19.11.040AFHO

The key code requirements are:

- Buildings over 2 stories must provide 10% affordable units
- 3-story buildings require affordable units at 70% AMI for rental housing (90% AMI for ownership housing)
- 4- and 5-story buildings require affordable units at 60% AMI for rental housing (90% AMI for ownership housing)
- The unit mix and design of the affordable units must be equivalent to the other units in the building

Also, here's a link to the [2021 income and rent limits](#) based on Area Median Income (AMI). Note that the 2022 income and rent limits are going up 16% above what is listed on this table. HUD calculates the 2022 area median income based on 2019 data, so the new calculations will reflect the high incomes around our region pre-pandemic (without reflecting the impacts the pandemic had on many lower income and service workers).

I believe Jessi and Jeff will both be out on vacation for another ~10 days. I'm happy to help with anything you'd like to get out to the Council before their return, or to schedule a meeting to discuss strategy together once they're back.

Thanks,
Alison

From: Salim Nice <salim.nice@mercerisland.gov>
Sent: Thursday, July 28, 2022 10:52 AM
To: Jeff Thomas <jeff.thomas@mercerisland.gov>; Alison Van Gorp <alison.vangorp@mercergov.org>; Jessi Bon <jessi.bon@mercergov.org>
Subject: FW: Follow up re: GMPC meeting

Team,

We will need to update the Council on the GMPC meeting, and my question is, who should do that? I have attached the slide deck, and below is an important question and answer regarding ARCH. If we wait for the video to post to the GMPC page, we can let Council view the presentation and listen to the questions. Can we agree on what will be sent out before we send anything? I prefer a single comprehensive update on the topic. I'll be asked to vote in September unless they push the meeting, and I will need Council direction.

This link should be highlighted with some simple instructions like:

Using the link below, click on the second tab, "Options Comparison Bar Charts," at the top and click on the drop-down. Unselect "Aligona" and check "Mercer Island." The bar charts should update to present three Mercer Island-specific scenarios.

https://tableaupub.kingcounty.gov/t/Public/Views/AllocationMethodComparisons/Updated/AllocationsStory?%3Aembed=y&%3AisGuestRedirectFromVizportal=y&%3Aorigin=card_share_link

Best,
Salim

From: Miller, Ivan <ivan.miller@kingcounty.gov>
Date: Thursday, July 28, 2022 at 9:32 AM
To: Salim Nice <salim.nice@mercerisland.gov>; Marshall, Sunaree <sunmarshall@kingcounty.gov>
Cc: Rider, Kelly <kridr@kingcounty.gov>; Huston, Jennifer <jennifer.huston@kingcounty.gov>
Subject: RE: Follow up re: GMPC meeting

Hello Mayor Nice,

Attached is the AHC presentation from last night. This and the rest of the presentations, and the recording, should hopefully be posted to the [GMPC's page](#) today.

Best,

Ivan Miller, AICP
Countywide Planning
King County Executive Department | Performance, Strategy, and Budget
206.263.8297 | ivan.miller@kingcounty.gov

From: Salim Nice <salim.nice@mercerisland.gov>
Sent: Thursday, July 28, 2022 6:37 AM
To: Marshall, Sunaree <sunmarshall@kingcounty.gov>
Cc: Rider, Kelly <kridr@kingcounty.gov>; Huston, Jennifer <jennifer.huston@kingcounty.gov>; Miller, Ivan <ivan.miller@kingcounty.gov>
Subject: Re: Follow up re: GMPC meeting

[EXTERNAL Email Notice] External communication is important to us. Be cautious of phishing attempts. Do not click or open suspicious links or attachments.

Good morning. Excellent presentation yesterday on your part and the rest of the staff. Can you please tell me how to access the recording of the meeting? Thanks!

From: Marshall, Sunaree <sunmarshall@kingcounty.gov>
Date: Thursday, July 21, 2022 at 5:21 PM
To: Salim Nice <salim.nice@mercerisland.gov>
Cc: Rider, Kelly <kridr@kingcounty.gov>; Huston, Jennifer <jennifer.huston@kingcounty.gov>
Subject: RE: Follow up re: GMPC meeting

Hello Mayor Nice,

I'm glad we were able to connect this afternoon. In answer to your question, there are two different relevant processes:

1. Commerce will provide guidance on providing sufficient land capacity for a jurisdiction's housing needs. This will help a jurisdiction understand what to put in their Comp Plan and related regulations to demonstrate they are planning for and accommodating their share of countywide housing needs. Commerce has not yet released this guidance, so I'm not sure if they will take subregional approaches into account.
2. The Affordable Housing Committee will track affordable housing unit production over time. It's out intent, though we don't yet have the mechanism in place, to be able to track both the physical location of a unit and the funding contributions made to ARCH or SKHHP in order to demonstrate a jurisdiction's progress toward their target. We'll work with ARCH and SKHHP staff on an approach that makes sense, but that work likely won't begin until next year at the earliest.

I hope this helps.

Best,
Sunaree

Sunaree Marshall (she/her/hers)
sunaree.marshall@kingcounty.gov
(206) 263-3524

From: Salim Nice <salim.nice@mercerisland.gov>
Sent: Thursday, July 21, 2022 2:22 PM
To: Marshall, Sunaree <sunmarshall@kingcounty.gov>
Subject: Re: Follow up re: GMPC meeting

[EXTERNAL Email Notice] External communication is important to us. Be cautious of phishing attempts. Do not click or open suspicious links or attachments.

Good afternoon, Sunaree.

My question is as follows, Mercer Island is a member of ARCH, and we contribute to the ARCH Housing Trust Fund each year to support the construction of affordable housing in East King County. Together the ARCH jurisdictions have helped to create over 7,000 affordable units. Will this sub-regional approach to creating housing continue to be supported, and will housing units created through sub-regional cooperation count towards each of the participating jurisdictions' affordable housing targets on a pro-rata basis?

The mobile number below is always a good way to reach me.

Thank You,

Salim Nice
Mayor
City of Mercer Island
p: 206-275-7997 | m: 206-232-0133 | mercerisland.gov

Notice: Emails and attachments may be subject to disclosure pursuant to the Public Records Act (chapter 42.56 RCW).

From: Marshall, Sunaree <sunmarshall@kingcounty.gov>
Date: Thursday, July 21, 2022 at 2:18 PM
To: Salim Nice <salim.nice@mercerisland.gov>
Cc: Rider, Kelly <kridr@kingcounty.gov>; Huston, Jennifer <jennifer.huston@kingcounty.gov>; Miller, Ivan <ivan.miller@kingcounty.gov>
Subject: Follow up re: GMPC meeting

Good afternoon Mayor Nice,

I heard from Ivan Miller that you were trying to reach me with a question about the Affordable Housing Committee item on the GMPC agenda. I've tried to give you a call a couple of times, but seems like we keep missing each other. I'm in meetings from 2:30pm on today, but am available tomorrow from 8:30 – 9 or after 3pm if you'd like to reach out.

Best,
Sunaree

Sunaree Marshall (she/her/hers)
Housing Policy and Special Projects Manager
King County Dept. of Community and Human Services
401 5th Avenue, Suite 500
Seattle, WA 98104
Phone: (206) 263-3524
Sunaree.marshall@kingcounty.gov

From: Dan Thompson <danielthompson@hotmail.com>
Sent time: 2022/10/31 04:55:58 PM
To: Salim Nice
Subject: AHC

"Sammamish, Issaquah, North Bend, and Bellevue staff connected with AHC staff to ask questions. Sammamish staff inquired about September 29 AHC meeting outcomes and Issaquah staff met with AHC staff to better understand the options. Sammamish staff wanted to ensure their comprehensive planning communications accurately described Committee efforts underway. Issaquah staff emphasized the importance of moving forward with a decision on jurisdictional housing needs to stay on track for comprehensive plan updates. AHC staff also met with Bellevue staff several times to address and clarify points of concern."

"Question/Comment 1: We share the concerns brought up by City of Bellevue and others that we are agreeing to do something that is just not even close to feasible. I understand showing the capacity is there, it's spread around, and the need is great but giving such huge numbers to each City that will not happen in reality with no teeth anyways seems like a huge effort waste for us all. All the focus and effort we are putting into this should be instead on getting projects on the ground and creating more housing units everywhere."

I read Bellevue mayor's very polite question but the point is in private meetings with these four they said no. Bellevue does not care what these staff wonks write. The second comment is right out of the MBA agenda, and is a lot less polite than Bellevue.

Geez, North Bend got a 1002 housing unit target?

Apparently the concern about option 2 was gentrification, which this group now calls "displacement".

Daniel Thompson

Thompson & Delay
Attorneys at Law
506 2nd Ave., Suite 2500
Seattle, WA 98104
Phone: (206) 622-0670
Fax: (206) 622-3965

From: Cliff Cawthon <cliff.cawthon@habitatskc.org>
Sent time: 2023/01/25 08:08:57 AM
To: j.neiuwenhuis@bellevue.gov; kcurtis@kirklandwa.gov; Salim Nice; Rob McFarland <RMcFarland@northbendwa.gov>; mstuart@redmondwa.gov; ktreen@sammamish.us
Cc: Molly Judge <mollyj@imaginehousing.org>; Chad Vaculin <chad@housingconsortium.org>
Subject: FW: Comments from the Eastside Affordable Housing Coalition
Attachments: image002.png EAHC_GMPC letter_1.24.23.docx

Please see the attached letter and email below. Thank you.

Best,

Cliff Cawthon

From: Cliff Cawthon
Sent: Wednesday, January 25, 2023 8:06 AM
To: Ivan.miller@kingcounty.gov; dow.constantine@kingcounty.gov
Cc: claudia.balducci@kingcounty.gov; Molly Judge <mollyj@imaginehousing.org>; Chad Vaculin <chad@housingconsortium.org>
Subject: Comments from the Eastside Affordable Housing Coalition

Hello,

My name is Cliff Cawthon, and I'm the co-chair of the Eastside Affordable Housing Coalition, a coalition of affordable housing developers, providers and advocates in East King County. I've attached a letter with some of our thoughts on the jurisdictional housing needs allocation preference that the Affordable Housing Committee is transmitting to the GMPC. We're in support and we would encourage the GMPC to also support the goals reflected in the estimate for jurisdictions' housing needs.

Please feel free to reach out if you have any questions.

Thank you.

Best,

Cliff

Clifford "Cliff" Cawthon | Advocacy and Policy Manager
Habitat for Humanity Seattle-King & Kittitas Counties
500 Naches Ave SW, Ste. 200, Renton, WA 98057
Phone: 206.450.6765/ Mobile: 206.747.7694 | cliff.cawthon@habitatskc.org
| www.habitatskc.org



we build
**strength, stability,
self-reliance and shelter**

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From: Cecelia Gregson <gregsoncecelia@icloud.com>
Sent time: 2023/02/06 05:52:08 PM
To: Council; tana.senn@leg.wa.gov; tana.senn@leg.wa.gov; My-Linh.Thai@leg.wa.gov
Cc: Jim Gregson <jcgregson@psfinc.com>
Subject: HB 1110
Attachments: ITEM-Attachment-001-6982a1e55aaf4937968a216d063589cd.pdf

Good evening,

Please consider this constituent's opposition to this pocket-lining attempt to produce more housing through I'll conceived legislation. Seattle has a slew of finished and unfinished housing projects sitting with substantial vacancies. We are heading into an economic recession. The logic is poor and the timing is terrible.

Please do not support this thinly veiled money grubbing effort to enrich developers and real estate agencies. Our small city lacks any of the infrastructure, employment, and transportation to meaningfully impact the social agenda driving legislation such as this.

Thank you. - Cecelia

Sent from my iPhone

From: Robert A. Medved <robertamedved@msn.com>
Sent time: 2023/02/12 05:36:19 PM
To: Salim Nice <salimnice@gmail.com>; Lisa Anderl <lisanderl@yahoo.com>; jake4033@outlook.com
Subject: Re: DENSITY
Attachments: PastedGraphic-1.png PastedGraphic-2.png February 19, 2015, Findings of Fact.pdf

Salim, Lisa and Jake:

Totally agree with Salim.

It appears HB 1110 and SSB 5364 ignore "Vision 2050," available at: [VISION 2050 | Puget Sound Regional Council \(psrc.org\)](https://www.psrc.org/VISION%202050), and ignore the "Guidance for Growth Targets to Implement the VISION 2050 Regional Growth Strategy," available at: www.psrc.org/media/5102.

It also appears that the City, in some instances, does not create land use plans and, in other instances, does not consistently implement the land use plans it has created. For example, in 2015, the City conducted months of meetings with an outside consultant and with select MI Citizens to amend the TC Subarea Plan. Their TC Subarea Plan was submitted to the City Council for review but was ignored. Instead, former Mayor Bassett brought colored crayons, gave those crayons to each City Councilmember and asked them to outline in crayon where they thought the boundaries of the TC Subareas should be located. By way of further example, in 2015, I prepared the attached Findings Of Fact which, among other things, document the history of the TC through 2015. IMO, the attached Findings Of Fact also document a piecemeal approach to land use planning.

The global issue exposed by HB 1110 and SSB 5364 is the failure of municipalities to create land use plans and the failure of municipalities to implement their created land use plans. These failures conflict with the goals of the GMA.

After years of attempting to correct this global issue, I am at a loss as to what is the next political strategy to address this global issue.

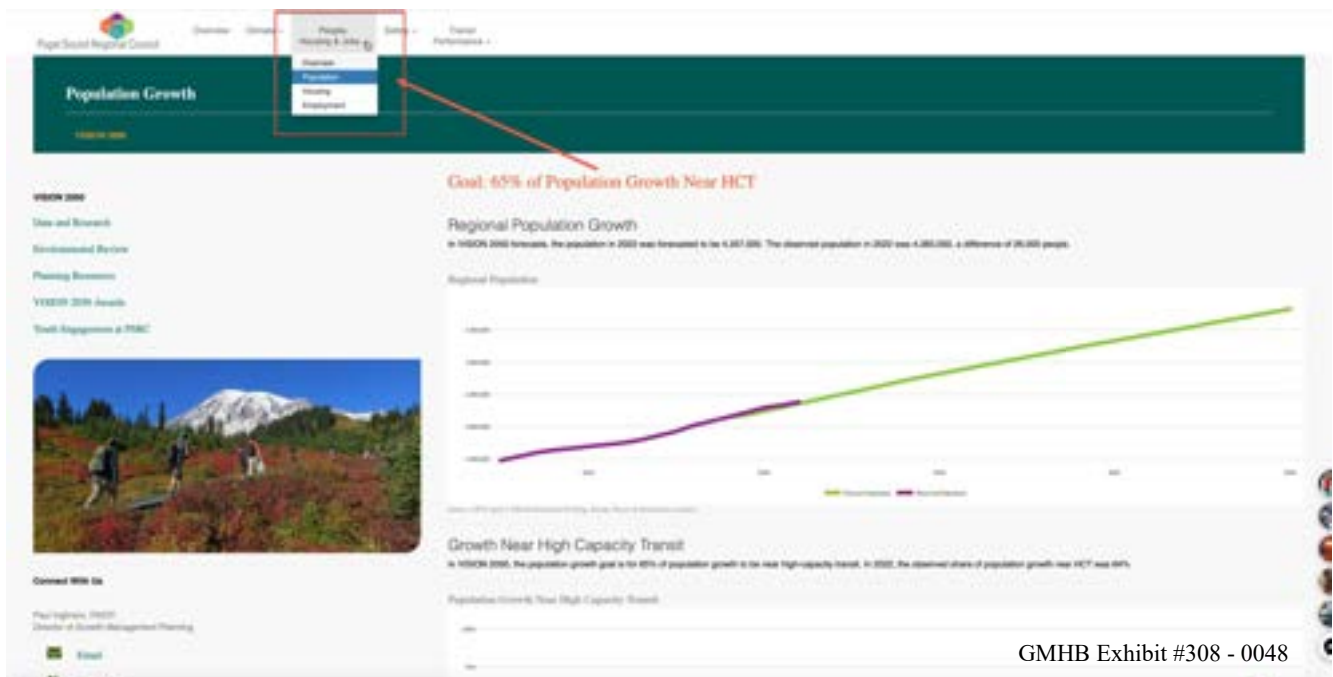
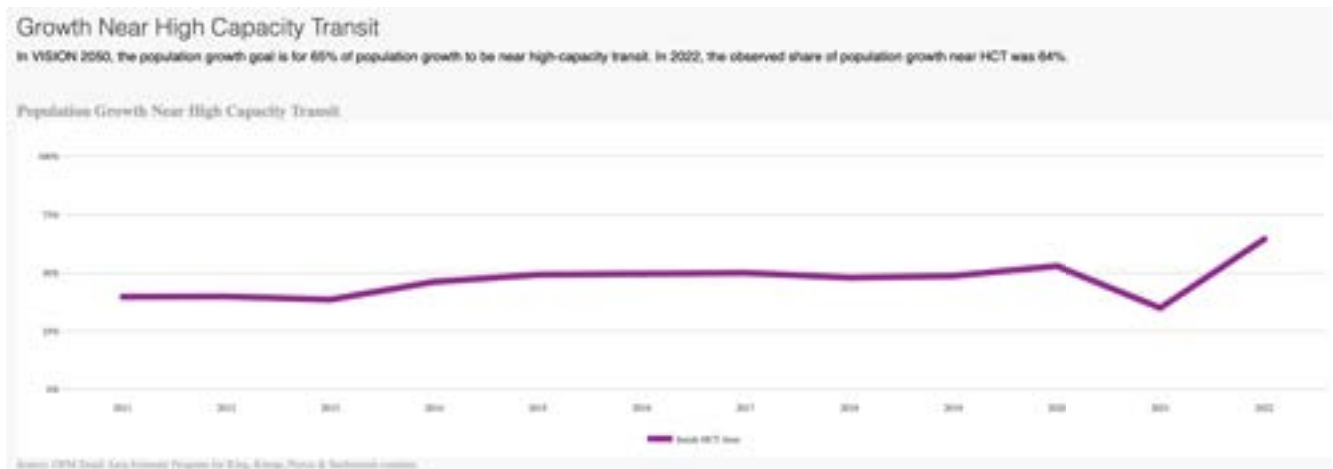
Thanks,
Bob

Robert A. Medved
Telephone: 206-550-3300
E-mail: robertamedved@msn.com

The information contained in this e-mail is confidential and may also be attorney-client privileged. The information is intended only for the use of the individual or entity to whom it is addressed. If you are not the intended recipient, or the employee or agent responsible to deliver this e-mail to the intended recipient, you are hereby notified that any use, dissemination, distribution or copying of this communication is strictly prohibited. If you have received this e-mail in error, please immediately notify me by replying to this e-mail and please delete the original. Thank you.

From: Salim Nice <salimnice@gmail.com>
Sent: Saturday, February 11, 2023 7:57 AM
To: Robert A. Medved <RobertAMedved@msn.com>
Cc: Lisa Anderl <lisanderl@yahoo.com>; Jake Jacobson <jake4033@outlook.com>
Subject: Re: DENSITY

And to those who say this is just a planning document, no, the data says the plan is working. <https://psrcwa.shinyapps.io/rtp-dashboard/>



On Feb 11, 2023, at 7:43 AM, Salim Nice <salimnice@gmail.com> wrote:

<PastedGraphic-1.png>

On Feb 11, 2023, at 7:37 AM, Salim Nice <salimnice@gmail.com> wrote:

Bob,

Here is another document (<https://www.psrc.org/media/5102>) that 1110 runs afoul of. If single-family zones are allowed to grow density in the uncontrolled way prescribed by HB 1110, then building trends will be opposite of what is specified in Vision 2050. There will be no mechanism to shut off the spigot once the legislation is passed. I can't find a better example of doing the opposite of what we, as a region, said we would do. For the record, Mercer Island is a High Capita Transit Community (HCTC).

Best,
Salim

On Feb 10, 2023, at 2:46 PM, Robert A. Medved <RobertAMedved@msn.com> wrote:

Lisa, Jake and Salim:

The attached File Memorandum is FYI. If you have any question or would like to discuss the File Memorandum, just give me a call and feel free to share or otherwise circulate the File Memorandum. Great seeing each of you at the MIYFS Breakfast.

Bob

Robert A. Medved
Telephone: 206-550-3300
E-mail: robertamedved@msn.com

The information contained in this e-mail is confidential and may also be attorney-client privileged. The information is intended only for the use of the individual or entity to whom it is addressed. If you are not the intended recipient, or the employee or agent responsible to deliver this e-mail to the intended recipient, you are hereby notified that any use, dissemination, distribution or copying of this communication is strictly prohibited. If you have received this e-mail in error, please immediately notify me by replying to this e-mail and please delete the original. Thank you.

<File Memorandum.pdf>

From: Dan Thompson <danielphompson@hotmail.com>
Sent time: 2023/02/17 11:07:04 AM
To: Salim Nice
Subject: Fw: Please Help Spread The Word About HB 1110 and Bills To Upzone Mercer Island's Residential Neighborhoods
Attachments: HB 1110 and SB 5634.eml

See below. I will continue to work to get the word out.

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 <danielphompson@hotmail.com>

Sent: Friday, February 17, 2023 11:06 AM

To: Ashley Hay <ashleyhay@outlook.com>; Ira Appelman <appelman@bmi.net>; Ray Akers <ray@akerscargill.com>; Thomas Acker <tomacker1@comcast.net>; Matthew Goldbach <blkship@yahoo.com>; Bob Harper <robert.harper@comcast.net>; Buckley Elizabeth <mezzo@elizabethbuckley.com>; bartdawson <bartdawson@aol.com>; Bruce Maxwell <bmaxwell@lumatech.com>; Carvz@yahoo.com <carvz@yahoo.com>; fletchsa1@gmail.com <fletchsa1@gmail.com>; traci.granbois@gmail.com <traci.granbois@gmail.com>; Mike or Susie Cero <mscero@outlook.com>; traci.granbois@gmail.com <traci.granbois@gmail.com>; Mark Coen <MSCNB@msn.com>; Rob Dunbabin <rob@casadeyarns.com>; Mike Cero <mscero@comcast.net>; Doris Cassan <dc@dollarseattle.com>; docrobinson@comcast.net <docrobinson@comcast.net>; Dwight Schaeffer <drschaeffer@comcast.net>; Don Howard <donhowardmd@gmail.com>; Jon Hanlon <ducttape2@gmail.com>; paul delay <paul@thompsondelay.com>; Jim Eanes <eanes.jim@gmail.com>; eraz@comcast.net <eraz@comcast.net>; El Jahncke <ejahncke@wa-cap.com>; Gary Robinson <gdrobinsong@gmail.com>; John Hall <johnmhall@jmhcorp.net>; heatherjordancartwright@gmail.com <heatherjordancartwright@gmail.com>; Joe Kennedy <jkennedy59@mac.com>; Kevin Corbett <kevin.corbett@kgevergreen.com>; lsarchin@aol.com <lsarchin@aol.com>; Lloyd Gilman <biznlloyd@gmail.com>; Meg Lippert <meg.lippert@gmail.com>; Lori Robinson <loleleirobinson@icloud.com>; Morrene Jacobson <morrene2000@gmail.com>; Robert A. Medved <robertamedved@msn.com>; obergcd@comcast.net <obergcd@comcast.net>; olivialippens@gmail.com <olivialippens@gmail.com>; Patrick Daugherty <pdaugherty3@gmail.com>; 'Peter Struck' <peter.l.struck@gmail.com>; Rebecca Wilson <rebeccajwilson10@gmail.com>; Robin Russell <scubarobin@msn.com>; Robert DIEDERICH <rjdiederich@msn.com>; Susan Lund <srlund@aol.com>; sdlandau@aol.com <sdlandau@aol.com>; victor.raisys@gmail.com <victor.raisys@gmail.com>

Subject: Please Help Spread The Word About HB 1110 and Bills To Upzone Mercer Island's Residential Neighborhoods

Please Do Not Reply All To This Email

As most of you know, the state legislature is considering two bills that would force cities like Mercer Island to allow multi-family housing in our single family zones. The city and council are asking for our help in spreading information about the effects of these bills to cities and areas outside Mercer Island.

Attached is Mayor Nice's email to the mayor of Bellevue, which is the same email template he is using in reaching out to mayors throughout this area. Also attached is the letter the council unanimously authorized Mayor Nice to sign and submit opposing the proposed legislation.

The attached email and letter are excellent ways to spread the word. Please forward Mayor Nice's email and the letter the council authorized to at least one person you know off-Island, and ask your friends to post this on their Nextdoors or Facebook or other social media. Despite incredible effort from Mayor Nice our biggest problem right now is making folks aware of this legislation and making their opposition known to their councils and elected state representatives.

Here are the email addresses of our state elected representatives.

Tana.senn@leg.wa.gov

My-linh.thai@leg.wa.gov (co-sponsor of HB 1110)

Ray Akers also has a good post on Nextdoor with his letter to our state representatives so please contact them as well with many excellent replies. [See below, my letter sent to our State Senator & State Representatives, today: — Nextdoor](#)

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 <danielphompson@hotmail.com>
Sent time: 2023/04/13 03:37:39 PM
To: Salim Nice
Subject: Re: Boards & Commissions Annual Recruitment - Open now!

We have such a good city manager and mayor folks don't feel the urgency to volunteer for these commissions these days. I mean that seriously.

I will circulate the list. I will think about the parks commission, but really if the 44' roundabout and stacks art project are scrapped there isn't much at the parks commission, except getting Ryan to move on Ashley's idea about a parks needs inventory for gifts so the council or city never have to decide in public on a gift based on subjective criteria, and donors don't have to go through a long and subjective process.

I am really worried about the work before the CPD coming up. I wish we could replace Allison's salary for someone who could really help with the housing bills, revisit the RDS that now has to address and control upzoning bills like 1110, the Comp. Plan, although you might be the only person in the state who truly understands all the moving parts.

The entire agenda coming up is just to adopt all the new building mandates. The legislature and Inslee must think cities don't have anything to do, or any permits to review and permit.

[After 3 years, \\$338M Renton office complex mostly empty, to be auctioned | The Seattle Times](#) Here is a taste of the future for cities like Seattle and Bellevue, and it goes to the old saying zoning is not construction. If you think your job is tough, next year The Seattle Times estimates Harrell will have to cut over \$250 million from his operating budget in a city people think money grows on trees.

Also did you see Harrell's new zoning plan. [Seattle mayor proposes zoning changes to boost industrial areas - Puget Sound Business Journal \(bizjournals.com\)](#) I wonder if he is doing this to get ahead of 1110 so he can tell the progressive crazies in Seattle he isn't going to further upzone the SFH zones (in 2017 they were upzoned to three dwellings per lot) because that is his base, but instead do this luke warm zoning plan.



Seattle mayor proposes zoning changes to boost industrial areas - Puget Sound Business Journal

The changes aim to strengthen land use protections for existing industries, prepare for growth near light rail and support environmental quality for nearby residents.

www.bizjournals.com



After 3 years, \$338M Renton office complex mostly empty, to be auctioned

The pending auction of an ambitious office campus in Renton is another red flag for an office market battered by COVID, remote work and higher interest rates.

www.seattletimes.com

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: Salim Nice <salim.nice@mercerisland.gov>
Sent: Thursday, April 13, 2023 7:15 AM
To: Dan Thompson <danielphompson@hotmail.com>
Subject: Fwd: Boards & Commissions Annual Recruitment - Open now!

In the event you know anyone willing to serve...

From: Andrea Larson <Andrea.Larson@mercergov.org>
Sent: Wednesday, March 29, 2023 7:58 PM
Subject: Boards & Commissions Annual Recruitment - Open now!

Good Evening,

Please share the below recruitment information with anyone you think might be interested in in volunteering on one of our Boards & Commissions. Please let me know if you have any questions.

There are expiring positions on [City boards and commissions](#), and you can join! The annual recruitment for boards and commissions is open now through May 5, 2023, [click here to apply today!](#)

Help shape the future of your city in unique ways by sharing your expertise or perspective – candidates must be current residents of Mercer Island, unless otherwise specified by the Mercer Island City Code (see [MICC 3.34.030\(B\)2](#) Design Commission), and some boards or commissions highly prefer certain qualifications (for example, Design Commission). The following positions are accepting applications:

- **Arts Council** (3 positions; terms expire May 31, 2027)
- **Design Commission** (2 positions; landscape architects and urban planners are encouraged to apply and will be given priority and considered for appointment before other applicants; terms expire May 31, 2027)
- **Parks & Recreation Commission** (2 positions, terms expire May 31, 2027)
- **Planning Commission** (2 positions; terms expire May 31, 2027)

Interested in volunteering? [Click here to apply today!](#) Applications will be accepted through May 5, 2023. Questions? Email the [City Clerk](#).

BCC: City Council Agenda Distribution List

Kind Regards,

Andrea Larson
City Clerk
City of Mercer Island
206.275.7793 | mercerisland.gov

Notice: Emails and attachments may be subject to disclosure pursuant to the Public Records Act (chapter 42.56 RCW)

The City of Mercer Island utilizes a hybrid working environment. Please see the City's [Facility and Program Information](#) page for City Hall and City service hours of operation.

From: docrobinson@comcast.net
Sent time: 2023/07/04 09:11:04 AM
To: Lisa Anderl
Subject: RE: Parks Zone

Thank you.

Best,

G.

From: Lisa Anderl <lisa.anderl@mercergov.org>
Sent: Monday, July 03, 2023 8:04 PM
To: Gary Robinson <docrobinson@comcast.net>
Subject: Fwd: Parks Zone

FYI.
Lisa Anderl
206-841-0207

From: Jeff Thomas <jeff.thomas@mercerisland.gov>
Sent: Monday, July 3, 2023 10:54 AM
To: Lisa Anderl <lisa.anderl@mercergov.org>
Cc: Jessi Bon <jessi.bon@mercergov.org>; Jake Jacobson <jake.jacobson@mercergov.org>
Subject: RE: Parks Zone

Hi Lisa,

Thanks for the message and apologies for the tardy response.

I needed to check-in on the status of the draft regs with a few staff. The draft regs are still making their way through a few internal reviews prior to daylighting.

I don't have an exact calendar date for you at the moment, but I will be discussing with Jessi shortly and will provide you an update as soon as possible.

Thanks, Jeff

From: Lisa Anderl <lisa.anderl@mercergov.org>
Sent: Friday, June 23, 2023 9:56 AM
To: Jeff Thomas <jeff.thomas@mercerisland.gov>
Cc: Jessi Bon <jessi.bon@mercergov.org>; Jake Jacobson <jake.jacobson@mercergov.org>
Subject: Fwd: Parks Zone

Hi Jeff. Is this still on track? Is there any draft language you can share?

From: Jeff Thomas <jeff.thomas@mercerisland.gov>
Sent: Thursday, January 19, 2023 3:25 PM
To: Lisa Anderl <lisa.anderl@mercergov.org>
Cc: Jessi Bon <jessi.bon@mercergov.org>
Subject: RE: Parks Zone

Hi Lisa,

Sure thing – the creation of the new parks zone is part of the overall Comprehensive Plan periodic update which currently needs to be completed by 12-31-2024 (per GMA requirements). It is tied to the periodic update schedule wise because of necessary policy work that will need to concurrently occur to the Comprehensive Plan.

Internal work is well under way and the necessary Comprehensive Plan draft policy work has already received preliminary review by the PC as part of their work on the Land Use Element update. The draft parks zone is expected to be presented to the PRC for targeted input in the spring with preliminary review by the PC to follow in the summer.

The formal legislative review process (PC recommendation and CC adoption) for the new parks zone will follow right behind the formal legislative review process for the Comprehensive Plan periodic update in 2024.

Thanks, Jeff

From: Lisa Anderl <lisa.anderl@mercergov.org>
Sent: Thursday, January 19, 2023 1:44 PM
To: Jeff Thomas <jeff.thomas@mercercisland.gov>
Cc: Jessi Bon <jessi.bon@mercergov.org>
Subject: Parks Zone

Hi Jeff. So that I might respond to a question from a constituent, could you please remind me where we are on the creation of a parks zone? Next steps? Approximate timeline? Thanks in advance!

Lisa Anderl
Mercer Island City Council
Lisa.anderl@mercercisland.gov
206-841-0207

From: Dan Thompson <danielthompson@hotmail.com>
Sent time: 2023/10/04 03:35:52 PM
To: Salim Nice; Jessi Bon; lisanderl@yahoo.com; JakeJacobsonforMI@gmail.com; JakeJacobsonforMI@gmail.com; Jeff Thomas; David Rosenbaum
Cc: Thomas Acker <tomacker1@comcast.net>; Traci Granbois; Adam.ragheb@gmail.com; Matt Goldbach; John Hall <johnmhall@jmhcorp.net>; Carv Zwingle; Mike Cero <mscero@comcast.net>; Robert Medved
Subject: Public Comments/Planning Commission 9-27 Meeting/Comp. Plan Update

Hello, here is a link to the public comments submitted for the 9-27 Planning Commission meeting on updating the comp. plan. [ITEM-Attachment-001-7dc8249a9bd2402693f45e0501f7cd79.pdf \(usgovcloudapi.net\)](https://usgovcloudapi.net/ITEM-Attachment-001-7dc8249a9bd2402693f45e0501f7cd79.pdf) Interestingly only two members of the public submitted comments.

What these comments suggest to me is the commission and some of the public have not been adequately informed of the council's prior direction that only amendments required by law will be considered in this 8-year cycle update of the comprehensive plan. Perhaps the fact that only two members of the public submitted comments suggests the public understands this better than the commission. I have previously noted that the council can't tell the public to not get involved because no changes except those required by law will be adopted, and then change course, without public involvement.

I am not sure the commission understands that many of their proposed amendments would require concurrent development regulations.

My understanding is the upcoming council docketing process for code and comp. plan suggestions will include a suggestion that single family residential zoning be protected in perpetuity (and the council promised during the campaign to renew the parks levy to address permanently protecting park zoning by October 2023) which may be a good opportunity to lay to rest forever attempts to rezone residentially zoned property, or to change the uses and regulatory limits within that zone absent completely reopening the 2017 residential code rewrite with full public notice.

Some examples:

Comments 64 and 65 by commissioner Kate Akyuz state:

64 "Proposed New Policy(ies) Under Goal 6: 1. Establish a minimum wage on Mercer Island. 2. Provide tax incentives to retailers, landscapers, and home health care services that provide living wage jobs, paid time off, and health insurance to their employees. 3. Coordinate with the Housing Element to ensure that the employees that work in our community have future opportunities for housing in our community."

65 "Proposed new policy under Goal 10: Review residential development standards and consider addition of small neighborhood establishments such as cafes and small boutique grocery."

Numerous comments by new commissioner Goelz, mostly related to the economic element.

Public Comments by Kian Bradley:

"Single-use zoning in most of the city The EDE and Implementation Plan do not address the possibility of opening up commercial area outside of the town center. Allowing small-scale retail (such as cafes, gyms and small professional offices) interspersed through neighborhoods would accomplish several of the EDE's stated goals:

Although I have several responses to dispersing retail within the SFH zones when we barely have any retail density in the town center, this comp. plan update is not open to these ideas. **I have asked Jeff many times to remind the commission of the limited scope of this comp. plan rewrite to avoid confusion among the citizens -- and commission -- and would ask that he do so again.**

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: Biz Gilman <biznlloyd@gmail.com>
Sent time: 2024/01/15 02:27:25 PM
To: Salim Nice; David Rosenbaum; Craig Reynolds; Jake Jacobson; Lisa Anderl; Ted Weinberg; Wendy Weiker
Cc: City Manager; lisa.wellman@leg.wa.gov; my-linh.thai@leg.wa.gov; tana.senn@leg.wagov
Subject: AB6393

Dear Council, et al.

It comes to my attention that you are about to consider a change to Mercer Island zoning regulations, particularly with change to the Planned Business Zone (PBZ) at the south end of Mercer Island. Such change is unnecessary, unwelcomed, and would impose disruption to established neighborhoods, including the Gilman residence at 7217 80th Avenue Southeast.

The change, (permanent via Agenda Bill (AB) Comprehensive Plan update, AB6393 Housing Capacity), is said to be in response to the state legislature's requirement for Emergency Shelter and Housing (E2SHB 1220-2021). The state's imposed zoning regulation on the corporate Mercer Island, is not appropriate for our mainly residential community.

For Mercer Island generally, the predominant commercial development is on the north end. The PBZ supplements commerce on the south end. Residents here on the south end—even some residents from the north end—are well served by the PBZ as it is. There is Grocery, auto service, restaurant, cleaners, dance, novelties, other medical and consumer businesses that are conveniently located in the limited area of the PBZ. Note the operative word “limited”.

Any housing requirement such as for high-rise multi-family housing is not needed, as you might be aware, because 1) The city has existing provision for emergency shelter, 2) The residential community and its growth are established, 3) Legal requirement :The United States Supreme Court has taken the case of San Francisco vs. The Ninth Circuit of Appeals, 4) Comprehensive Planning is intended for non-residential communities, and 5) The activist agenda of the state legislature is waning.

Citizens will hear your thoughtful conversation in council. Elizabeth and I will share our views with our SoleMates, TrailMates, and friends of the History Society. Also, we will tell every client encounter, at Bridge Physical Therapy and Wellness, with whom we meet each Tuesday and Thursday.

Please, don't persevere decision to scrap the PBZ component of AB6393 by waiting for legal resolution, nor by waiting future occasion for further consideration. Give clear direction of policy to the city manager and staff now to stop activity in planning for the change.

Biz and I are looking forward to learning your individual thoughts in considering the Agenda Bill and in making the right decision.

Please do not spoil the prime residential neighborhood in which we reside.

Cordially,

GMHB Exhibit #308 - 0058

Lloyd Gilman
BiznLloyd@GMail.com

From: Biz Gilman <biznlloyd@gmail.com>
Sent time: 2024/01/15 02:36:16 PM
To: Salim Nice; David Rosenbaum; Craig Reynolds; Jake Jacobson; Lisa Anderl; Ted Weinberg; Wendy Weiker
Cc: City Manager; lisa.wellman@leg.wa.gov; my-linh.thai@leg.wa.gov; tana.senn@leg.wagov; tana.senn@leg.wa.gov
Subject: AB6393 ****RESENT TO CORRECT TANA'S ADDRESS

Dear Council, et al.

It comes to my attention that you are about to consider a change to Mercer Island zoning regulations, particularly with change to the Planned Business Zone (PBZ) at the south end of Mercer Island. Such change is unnecessary, unwelcomed, and would impose disruption to established neighborhoods, including the Gilman residence at 7217 80th Avenue Southeast.

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Please, don't perseverate decision to scrap the PBZ component of AB6393 by waiting for legal resolution, nor by waiting future occasion for further consideration. Give clear direction of policy to the city manager and staff now to stop activity in planning for the change.

Biz and I are looking forward to learning your individual thoughts in considering the Agenda Bill and in making the right decision.

Please do not spoil the prime residential neighborhood in which we reside.

Cordially,

GMHB Exhibit #308 - 0060

Lloyd Gilman
BiznLloyd@GMail.com

From: Sarah Gest <sarahgest19@gmail.com>
Sent time: 2024/01/15 03:54:09 PM
To: Salim Nice; David Rosenbaum; Craig Reynolds; Jake Jacobson; Lisa Anderl; Ted Weinberg; Wendy Weiker
Cc: lisa.wellman@leg.wa.gov; my-linh.thai@leg.wa.gov; tana.senn@leg.wa.gov
Subject: Citizen Concerns on AB 6393: 2024 Comprehensive Plan Periodic Update, Housing Element

Hello,

As a student, engaged voter, and thoughtful citizen, I ask that you do not pursue or approve zoning for high-rise multi-family structures in the Mercer Island Southend Business District.

High-rises on the South End would be incredibly intrusive to and inconsistent with the surrounding landscape. The added structures would not only exacerbate traffic but likely be used to justify additional, costly infrastructure projects on the Southend. It is also worthwhile to consider the environmental impact of the construction and additional traffic caused by rezoning. There are other options at your disposal to meet the Growth Management Act which do not as severely and negatively impact the quality of life for Mercer Island residents.

Additionally, I ask that you deeply consider the actions of our legislators who voted in support of E2SHB 1220-2021. It is arrogant for our state legislators to set local housing zone regulations, a responsibility that should fall to local leaders who best know the needs of their community. The actions of Sen. Lisa Wellman, Rep. My-Linh Thai, and Rep. Tana Senn devalued your positions as local leaders and showed a lack of understanding for the diversity of communities across the state.

I ask that in your decision you carry out your duty as city councillors: to represent the people of Mercer Island and act in the best interest of the community. Building high-rise multi-family structures on the Southend would meet neither of these duties.

Thank you for your consideration.

Respectfully,

Sarah Gest

From: Dave Oberg <oberged@comcast.net>

Sent time: 2024/01/15 10:41:35 PM

To: Salim Nice; David Rosenbaum; Craig Reynolds; Jake Jacobson; Lisa Anderl; Ted Weinberg; Wendy Weiker

Subject: AB6393 -- ACTION REQUESTED - Preserve our Quality of Life on the Island -- Limit Multi-family Housing Capacity to I-90/Sound Transit Corridor

Subject: "AB6393: 2024 Comprehensive Plan Periodic Update, Housing Element – Housing Capacity Direction" to be discussed at the January 16, 2024 Council Meeting addresses questions raised at the January 2, 2024 Council Meeting on the same subject.

At the January 2 Council Meeting a question was asked about using the Southend PBZ for increased housing capacity. AB6393 provides an answer to that question; but, without addressing any drawbacks of doing that.

I strongly recommend that the Council remove the thought of using the PBZ as a source for increased housing capacity and only consider those original three options identified and evaluated by CPD as addressed at the January 2 Council Meeting.

The Southend PBZ is inappropriate for this purpose and should be removed from further consideration for many reasons:

1. Such use (multi-story, multi-family housing) is out of character with all of the Island except the areas near I-90 and the Town Center
2. It would decrease the quality of life in a single-family area (which effectively extends all the way north to about SE 36th St.)
3. Adding 70-some housing units to the Southend would increase traffic on Island Crest with unknown attendant problems – increased jam-ups at Island Park School; pressure on ICW & SE 68th intersection, ICW road capacity and left turn backups, more criticisms from Bike riders and so on.
4. Would add requirements for additional City infrastructure (sewer, water) and private utility infrastructure capacity (PSE, cable, etc.)

Confining increased housing capacity potential to the Northend along the I-90/Sound Transit corridor would not be as harmful to MI quality of life as distributing it all over MI.

I personally think it "unfair" that the state/county have dictated this capacity increase to MI. We don't have significant amounts of developable land (which the County and some other cities do have), unless we started to fill in the lakeshore areas to create more land to build on.

Thanks for your consideration.

Dave Oberg
Mercer Island Resident

From: Biz Gilman <biznllloyd@gmail.com>
Sent time: 2024/01/15 11:20:25 PM
To: Ted Weinberg
Cc: Lloyd Gilman
Subject: Re: AB6393

Hi Ted,

Were it not for considerable south end community disapproval, the PBZ might be the low hanging developmental fruit. With that possibility out of the way, the north end would be ripe except that it has been tried. Note that the AB give three options (even all) to be selected as preferred. That wording opens up to much. So, I suspect Lisa's asking for the PBZ to be considered by staff was her way of clearing the deck. In fact, in private communication with Lisa, I believe she does not support such option. The Growth Management Act leaves us the opportunity to avoid its trap of conforming to the progressive agenda by our simply defining the status quo as our plan.

Best,

L

BiznLloyd@gMail.com

On Jan 15, 2024, at 10:05 PM, Ted Weinberg <ted.weinberg@mercergov.org> wrote:

Hi Biz,

Great to hear from you. This is a pivotal long-term decision for our community and I really appreciate receiving your guidance and thoughts. I agree that the south end is *not* the right place for this. In fact, I was rather surprised when Councilmember Anderl asked at the 1/2/24 meeting that the City to add the south end as a fourth option.

I also agree that the legislature should focus on upgrading infrastructure first (roads, utilities, schools, fire/police) before increasing the density which depends upon that infrastructure. Furthermore, density should be targeted where land is more affordable, like Seattle and Bellevue.

As HB's 1110 and 1220 are currently law, however, I'd be curious to hear your opinion on which of the other 3 options we're considering for bringing the City into compliance with that law:

- A. Allowing another floor of height across Town Center.
- B. Allowing apartment buildings in the Commercial Office zone (i.e. from Gallagher Hill to East Mercer along SE 36th).
- C. Allowing 16% more density in the MF-3 zone (i.e. Shorewood & Covenant Shores).

I'm currently on the fence between the three, frankly. They all have issues. All three would require infrastructure upgrades, which the State isn't funding (yet). Option C encourages the redevelopment of what is currently some of the island's most affordable housing; so it would actually reduce overall affordability for the next couple decades until its new construction becomes middle-aged construction. Option B is far away from transit, so while it would be a net increase in housing, it would need more parking and therefore be less affordable – and it'll put a lot of traffic pressure on the 36th & EMW intersection. Option A would add more parking pressure in Town Center and likely displace some cherished commercial establishments.

Again, I would appreciate hearing your thoughts on the 3 options above. And feel free to reach out on any other issue relating to the City. I'm here to serve you.

Cheers!

Ted Weinberg

Councilmember

City of Mercer Island

P: 206-275-7993 | e: ted.weinberg@mercercisland.gov | w: mercercisland.gov

Notice: Emails and attachments may be subject to disclosure pursuant to the Public Records Act (chapter 42.56 RCW)

From: Biz Gilman <biznllloyd@gmail.com>

Sent: Monday, January 15, 2024 2:36 PM

To: Salim Nice <salim.nice@mercercisland.gov>; David Rosenbaum <david.rosenbaum@mercergov.org>; Craig Reynolds <craig.reynolds@mercergov.org>; Jake Jacobson <jake.jacobson@mercergov.org>; Lisa Anderl <lisa.anderl@mercergov.org>; Ted Weinberg <ted.weinberg@mercergov.org>; Wendy Weiker <Wendy.Weiker@mercergov.org>

GMHB Exhibit #308 - 0064

Dear Council, et al.

It comes to my attention that you are about to consider a change to Mercer Island zoning regulations, particularly with change to the Planned Business Zone (PBZ) at the south end of Mercer Island. Such change is unnecessary, unwelcomed, and would impose disruption to established neighborhoods, including the Gilman residence at 7217 80th Avenue Southeast.

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Citizens will hear your thoughtful conversation in council. Elizabeth and I will share our views with our SoleMates, TrailMates, and friends of the History Society. Also, we will tell every client encounter, at Bridge Physical Therapy and Wellness, with whom we meet each Tuesday and Thursday.

Please, don't persevere decision to scrap the PBZ component of AB6393 by waiting for legal resolution, nor by waiting future occasion for further consideration. Give clear direction of policy to the city manager and staff now to stop activity in planning for the change.

Biz and I are looking forward to learning your individual thoughts in considering the Agenda Bill and in making the right decision.

Please do not spoil the prime residential neighborhood in which we reside.

Cordially,

Lloyd Gilman
BiznLloyd@gmail.com

From: Ashley Hay <ashleyhay@outlook.com>
Sent time: 2024/01/16 09:55:27 AM
To: Salim Nice; David Rosenbaum; Craig Reynolds; Jake Jacobson; Lisa Anderl; Ted Weinberg; Wendy Weiker
Cc: lisa.wellman@leg.wa.gov; My-Linh Thai <my-linh.thai@leg.wa.gov>; tana.senn@leg.wa.gov
Subject: Please preserve our quality of life on the South End of Mercer Island

Dear Council,

Tonight you will review three options for compliance with HB1220 (AB 6393: 2024 Comprehensive Plan Periodic Update, Housing Element – Housing Capacity Direction).

I ask that you allow for capacity in areas which are currently zoned for multi-family housing.

Please do not consider amending the land use of the south end Planned Business Zone (PBZ) as a solution to this, or future, housing bills.

Multifamily and mixed-use development are currently not allowed in the PBZ and this should not be amended.

While seemingly good intentioned, recent housing bills (HB1220, HB1110, HB1517, HB2113, HB1245) are an assault upon communities like ours, communities where peaceful, quiet, single-family neighborhoods are cherished. If not implemented carefully, these bills will cause irreparable damage to our single-family neighborhoods, and will forever change Mercer Island for the worse.

These irrational housing bills are being forced upon communities, telling us when, where, and how much to grow. This will cause long term negative impacts on suburban communities like ours - the only way to mitigate these negative impacts is to concentrate the damage to our Town Center and to the areas near transit.

Zoning for multi-family structures in the south end PBZ is contrary to the GMA guidance, PSRC Vision 2050 and upcoming HB1517 which promotes development near High Capacity Transit (HCT) stations. We should prepare for the impacts of Transit Oriented Development by concentrating future growth capacity in the town center and, possibly, in the north end Commercial Office zones.

While none of these bills are ideal, or even rational, we have the ability to concentrate the impacts to those areas which are currently zoned for higher density.

Thank you.
-Ashley

From: Trevor Reed <trevorreed283@gmail.com>
Sent time: 2024/01/16 01:44:15 PM
To: Council
Subject: Agenda Item 7 - AB 6393: 2024 Comprehensive Plan Periodic Update, Housing Element – Housing Capacity Direction

Dear Council,

My name is Trevor Reed. I'd like to address the Housing Element discussion today.

As I understand, the council must adjust its zoning to accommodate lower-income residents as during the update of its comprehensive plan.

I'd like to voice my support for two of the options here:

- We should increase zoning density in the Town Center
- and we should **also** move forward with allowing housing in the planned business zone on the south end of the island.

These locations make the most sense because of their proximity to public transit, commercial activity, and existing infrastructure. Additionally, these locations' current low intensity usage – exemplified by excess surface parking and old decrepit, single level buildings - means they are most likely to be redeveloped and deliver the units we need to meet our growth needs. Critically, by siting housing next to transit and amenities it will reduce the need to drive – decreasing wear and congestion on our roads and reducing transportation cost burdens on residents.

The Council must both rezone to provide capacity and ensure the capacity increases occur in places that are market viable for new housing. This is why option C is not sufficient. It is highly unlikely existing revenue generating units at Shorewood would be torn down to provide a moderate increase in density. Increasing capacity in an area with a high level of development is a dodge of our duties since it would not increase the capacity of market viable development. Option B is insufficient because residents will not have easy access to public transit.

To achieve housing production goals in the most efficient means and with the lowest impact, I would also like to advocate for the reduction of parking minimums in these locations. As council is aware from the Tully's site redevelopment and commuter parking proposals – underground parking can run near to \$100k per space in today's development environment. This is an onerous cost that is passed through to renters and contradicts the goal of creating more affordable housing. It bears emphasis that the city found excess garage capacity in its study last year and many of these units will be located next to light rail, providing car free connections regionwide.

Finally, our city faces projected budget shortfalls, a town center pockmarked with empty parking lots and old low value buildings, while no housing options exist for my peers' starting families or options for our parents to downsize to. We need housing to restore our community's vitality.

In conclusion – please upzone the core and the South End commercial center, reduce parking minimums, and focus on creating market viable development opportunities to ensure ***the housing we need actually gets built.***

Best,

Trevor Reed

From: Dan Thompson <danielphompson@hotmail.com>
Sent time: 2024/01/16 02:07:11 PM
To: Council
Cc: Jessi Bon; Jeff Thomas
Subject: AB 6393: 2024 Comprehensive Plan Periodic Update, Housing Element – Housing Capacity Direction

I think the best thing to do tonight is choose the least nuclear options because I don't see this housing getting built or funded, which is why many cities are upzoning their shit areas. "Affordable" "multi-family" "rental" housing on MI is like Voldemort, he who shall not be named.

I posted on this last week. https://nextdoor.com/p/t-4GhkgCR-Rg?utm_source=share&extras=NDE0NTk4OQ%3D%3D&utm_campaign=1705441222911

So here are the options:

1. Allowing more multi-family in the south-end shopping center area.

I understand why Lisa proposed this (because upzoning our CUP's to CO foolishly prohibits us from using the CO zone, and south end residents need to pay attention too), but it is truly nuclear. Stay away from this, and tonight's agenda packet seems to indicate this is off the table. My understanding is the emails from our non-progressive friends on the south end are pouring in.

2. Adding more density in the zone primarily made up of Shorewood.

I am not sure this is feasible, but I agree with Craig on two issues: 1. Shorewood has poor transit; and 2. Upzoning it would likely displace whatever affordable housing is there today, basically taking us backwards. *New construction replaces old construction and is the least affordable.* The state and county might not understand that but we should.

3. Allowing multi-family in the Commercial Office zone.

This was the obvious option, before the council added upzoning CUP's to CO to the docket, because: 1. No one is going to build this housing anyway; and 2. It would maybe increase the price of city hall so a large bond is not necessary for a new city hall. Of course, it is maybe the worst area on MI with zero retail or transit and a view of I-90, but no citizen would care about adding multi-family housing to it. My understanding is Salim's amendment is to limit multi-family housing to CO zoned properties that don't abut a SFH zone to deal with the upzone of the JCC/CC CUP's, but like exempting the city from the town center height limit on commercial buildings this is pretty much a spot zone (not Salim's fault).

4 Adding an additional floor to Town Center buildings.

This has been a sensitive issue since 2016, although citizens confuse it with preserving retail. I supported adding a fourth story south of 29th when the council amended the code to require retail south of 29th (which I agreed with) because the deal in 2016 was three story height limit but no retail requirement.

The first key is whether an additional story comes with a mandate that all the extra units be 30% to 70% AMI, and how that will affect future development. No property owner can afford to build an entire floor of units (plus retail) at a loss, so this upzone is hardly a gift. Builders like 80% AMI because those tenants look like market rate tenants; otherwise it is the fee in lieu of. I guess if we want to cool town center development this might make some sense.

The second key is the TC code limits commercial only buildings to two stories. The greater the difference in number of stories between housing and commercial only, the less likely commercial office buildings are built, and business taxes are valuable city revenue and are needed to meet our jobs quota. So I guess commercial only needs to go to three stories (without the mezzanine allowance) or the TC is not used for the housing allocation.

5. HB 1110.

This is a good warmup for HB 1110, which impacts the SFH zone so will be nuclear. Whether added to the docket or not, my proposed amendments and Adam Ragheb's parking ideas north of the light rail station will need to be part of that because the key is how to use our regulatory tools to discourage duplexes or four-plexes while still encouraging single family homes and ADU/DADU's

Daniel Thompson

Thompson & Delay
Attorneys at Law
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2955 80th Ave SE, Suite 202

Mercer Island, WA 98040
Phone: (206) 622-0670
Fax: (206) 622-3965

From: Dave Oberg <obergcd@comcast.net>
Sent time: 2024/01/16 09:15:49 PM
To: Craig Reynolds
Cc: Salim Nice; David Rosenbaum; Jake Jacobson; Lisa Anderl; Ted Weinberg; Wendy Weiker
Subject: RE: AB6393 -- ACTION REQUESTED - Preserve our Quality of Life on the Island -- Limit Multi-family Housing Capacity to I-90/Sound Transit Corridor

Councilman Reynolds,

Thank you for your reply.

And, thank you for seconding Councilman Jacobson's motion to remove the PBZ from CPD's evaluation for how to solve the housing capacity problem at tonight's Council meeting.

I appreciate your comment that at some point in the future a senior living facility (a la Aljoya) might be appropriate for the South End. But, please consider that while those potential residents might not be that mobile and moving up and down the Island; however, they will require staff to operate the facility 24/7. That staffing need could create similar demands on transportation and a net increase for infrastructure compared to non-senior residential occupants.

Dave Oberg
Mercer Island 206-232-2392
Cell 206-963-8171

From: Craig Reynolds [mailto:craig.reynolds@mercergov.org]
Sent: Tuesday, January 16, 2024 10:21 AM
To: Dave Oberg <obergcd@comcast.net>
Subject: Re: AB6393 -- ACTION REQUESTED - Preserve our Quality of Life on the Island -- Limit Multi-family Housing Capacity to I-90/Sound Transit Corridor

Mr. Oberg:

Thank you for your note. I hear and share your concerns.

That said, planning for increased density is not something we can opt not to do. It is forced upon us by state law. This is not a "do / don't do" decision. It is a "how" decision", since "do" is mandated.

Please allow me to explain my still-evolving thinking.

I believe the new state regulations are well intended. There is a clear shortage of affordable housing around the region, and on Mercer Island in particular. I believe that having a variety of housing price points and types is in the best interests of the Island, as smaller and lower cost options provide more choices for boomerang children, seniors that want to age in place, and people that work on the Island such as first responders and teachers. A diversity of housing stock and density levels can create a more vibrant and diverse Island community.

There are some state regulatory changes that we are just stuck with. Others give us some flexibility. The current rules will require for us to plan / zone for 143 more multi-family dwelling units over the next couple of decades than we had already planned, as the state believes these units are the only ones likely to be affordable. We are stuck with that, and now we just have to figure out where.

Of course planning for this affordable housing is not the same as building it. The city has no money to build it, and we cannot force developers to build anything. Though there are incentives we can create to encourage them to build such units, it is hard to see a way to create so many affordable units on MI, when the land is so expensive. The housing work group (a subset of the city council and the planning commission) will be meeting over the next few months to try to refine a plan for Planning Commission and Council consideration. One thing we have to keep in mind is that no decision like this is permanent. We will have periodic opportunities to revise our plan, and in fact we may be forced to do so if the plan does not appear to result in the goal set out for us. Of course, the goals themselves may change over time---either up or down.

Right now the Council is considering four options which can be oversimplified as follows, each of which has material advantages and disadvantages:

- (1) Adding an additional floor to Town Center buildings
- (2) Allowing multi-family in the Commercial Office zone
- (3) Adding more density in the zone primarily made up of Shorewood
- (4) Allowing more multi-family in the south-end shopping center area

GMHB Exhibit #308 - 0071

I am still listening and learning and do not anticipate making a decision before the Tuesday meeting. But so far, it appears these are the only options we have. And thus we will have to choose one of them—or a combination. Right now, my thinking is that my preference order is approximately in the order shown above, but this may change as I get more community input and learn more from staff and my fellow councilmembers. It is an important decision with long-term implications. I wish we had more time.

Thanks again for your input.

Craig W. Reynolds

Councilmember

City of Mercer Island

(206) 356-9429 | mercerisland.gov

From: Dave Oberg <obergcd@comcast.net>

Date: Monday, January 15, 2024 at 10:42 PM

To: Salim Nice <salim.nice@mercerisland.gov>, David Rosenbaum <david.rosenbaum@mercergov.org>, Craig Reynolds <craig.reynolds@mercergov.org>, Jake Jacobson <jake.jacobson@mercergov.org>, Lisa Anderl <lisa.anderl@mercergov.org>, Ted Weinberg <ted.weinberg@mercergov.org>, Wendy Weiker <Wendy.Weiker@mercergov.org>

Subject: AB6393 -- ACTION REQUESTED - Preserve our Quality of Life on the Island -- Limit Multi-family Housing Capacity to I-90/Sound Transit Corridor

Subject: "AB6393: 2024 Comprehensive Plan Periodic Update, Housing Element – Housing Capacity Direction" to be discussed at the January 16, 2024 Council Meeting addresses questions raised at the January 2, 2024 Council Meeting on the same subject.

At the January 2 Council Meeting a question was asked about using the Southend PBZ for increased housing capacity. AB6393 provides an answer to that question; but, without addressing any drawbacks of doing that.

I strongly recommend that the Council remove the thought of using the PBZ as a source for increased housing capacity and only consider those original three options identified and evaluated by CPD as addressed at the January 2 Council Meeting.

The Southend PBZ is inappropriate for this purpose and should be removed from further consideration for many reasons:

- Such use (multi-story, multi-family housing) is out of character with all of the Island except the areas near I-90 and the Town Center

- It would decrease the quality of life in a single-family area (which effectively extends all the way north to about SE 36th St.) Adding 70-some housing units to the Southend would increase traffic on Island Crest with unknown attendant problems – increased jam-ups at Island Park School; pressure on ICW & SE 68th intersection, ICW road capacity and left turn backups, more criticisms from Bike riders and so on.

- Would add requirements for additional City infrastructure (sewer, water) and private utility infrastructure capacity (PSE, cable, etc.)

Confining increased housing capacity potential to the Northend along the I-90/Sound Transit corridor would not be as harmful to MI quality of life as distributing it all over MI.

I personally think it "unfair" that the state/county have dictated this capacity increase to MI. We don't have significant amounts of developable land (which the County and some other cities do have), unless we started to fill in the lakeshore areas to create more land to build on.

Thanks for your consideration.

Dave Oberg

Mercer Island Resident

From: Trevor Reed <trevorreed283@gmail.com>
Sent time: 2024/01/17 08:42:46 AM
To: Wendy Weiker
Subject: Re: Agenda Item 7 - AB 6393: 2024 Comprehensive Plan Periodic Update, Housing Element – Housing Capacity Direction

Thanks Wendy,

Yeah, there are transportation issues - I wish some of the ST settlement money could have gone to a circulator service and improving North/South connections. There are so few housing options on the South End in particular. My parents would like to downsize and stay near their current neighborhood - but there are no alternatives. Being walking distance from Lakeridge and IMS would be great for families, too.

I reviewed the District's enrollment forecast and it's sad to see the forecasted enrollment decline (and the cuts that will require)- especially as many of my peers are moving to Issaquah, Snoqualmie, or the South Sound to afford to start families. It makes no sense one of the best districts in the State is shrinking while the school age population is growing statewide.

Kirk Hovenkotter - the new TCC ED is a friend - we talk semi-regularly about transportation advocacy.

Best,

Trevor

On Tue, Jan 16, 2024 at 10:20 PM Wendy Weiker <Wendy.Weiker@mercergov.org> wrote:

Hi Trevor,

Welcome back! Great to see you and hear your comments tonight. Sorry we didn't get low income MF zoning capacity in the south-end business district because I think we'll do better to focus density in the north end, especially given our traffic concerns and issues you know so well.

Hope you and yours are doing well. I bet transportation choices coalition would benefit from your volunteerism/board service...

Best,
Wendy

On Jan 16, 2024, at 1:44 PM, Trevor Reed <trevorreed283@gmail.com> wrote:

Dear Council,

My name is Trevor Reed. I'd like to address the Housing Element discussion today.

As I understand, the council must adjust its zoning to accommodate lower-income residents as during the update of its comprehensive plan.

I'd like to voice my support for two of the options here:

- We should increase zoning density in the Town Center
- and we should **also** move forward with allowing housing in the planned business zone on the south end of the island.

These locations make the most sense because of their proximity to public transit, commercial activity, and existing infrastructure. Additionally, these locations' current low intensity usage – exemplified by excess surface parking and old decrepit, single level buildings - means they are most likely to be redeveloped and deliver the units we need to meet our growth needs. Critically, by siting housing next to transit and amenities it will reduce the need to drive – decreasing wear and congestion on our roads and reducing transportation cost burdens on residents.

The Council must both rezone to provide capacity and ensure the capacity increases occur in places that are market viable for new housing. This is why option C is not sufficient. It is highly unlikely existing revenue generating units at Shorewood would be torn down to provide a moderate increase in density. Increasing capacity in an area with a high level of development is a dodge of our duties since it would not increase the capacity of market viable development. Option B is insufficient because residents will not have easy access to public transit.

To achieve housing production goals in the most efficient means and with the lowest impact, I would also like to advocate for the reduction of parking minimums in these locations. As council is aware from the Tully's site redevelopment and commuter parking proposals – underground parking can run near to \$100k per space in today's development environment. This is an onerous cost that is passed through to renters and contradicts the goal of creating more affordable housing. It bears emphasis that the city found excess garage capacity in its study last year and many of these units will be located next to light rail, providing car free connections regionwide.

Finally, our city faces projected budget shortfalls, a town center pockmarked with empty parking lots and old low value buildings, while no housing options exist for my peers' starting families or options for our parents to downsize to. We need housing to restore our community's vitality.

In conclusion – please upzone the core and the South End commercial center, reduce parking minimums, and focus on creating market viable development opportunities to ensure ***the housing we need actually gets built.***

Best,

Trevor Reed

From: Dan Thompson <danielphompson@hotmail.com>
Sent time: 2024/01/17 12:24:18 PM
To: Wendy Weiker
Subject: Re: AB 6393: 2024 Comprehensive Plan Periodic Update, Housing Element – Housing Capacity Direction

Hi Wendy, hope you are well.

IMO the council has done a very good job (especially with renewing the parks levy and merging fire districts) but four council members made some very poor decisions re: the comp. plan and dev. code docket without understanding the consequences. I talked to Craig yesterday, and the decisions to reject Jeff Thomas's facade height formula (that Dan Grausz came up with in 2017) was a bad decision, and allowing any CUP to upzone to CO was catastrophic.

We really don't know the consequences of adding a story in the town center. If commercial building heights stay at two stories but multi-family can now go to 4-6 stories we will lose any commercial buildings and the tax revenue that goes with it. If there is a punishing affordability mandate on this 1220 housing then it will chill any town center development which is not good (as long as retail is preserved). A TC property owner is not going to build an entire story of 30% to 70% AMI housing.

All of this housing should have gone in the CO zone, and the CUP's should have never been upzoned to CO in every neighborhood to benefit friends at the JCC and CC. Land use 101 says the conditional use never gets more favorable regulatory limits than the surrounding zone, because then every property owner will want to be a CUP, or even worse if multi-family is added to the CO and any CUP can upzone to CO we will lose all our CUP's to multi-family.

The council's decision on the JCC and CC was maybe one of the worst and most damaging long term decisions four council members have ever made, and the council being forced to upzone the TC is just the beginning of the consequences of this mistake.

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: Wendy Weiker <Wendy.Weiker@mercergov.org>
Sent: Tuesday, January 16, 2024 10:16 PM
To: Dan Thompson <danielphompson@hotmail.com>
Subject: Re: AB 6393: 2024 Comprehensive Plan Periodic Update, Housing Element – Housing Capacity Direction

Hi Dan,

Happy New Year. Thank you for your input on this. Tonight council voted down the option of allowing for MF in the south end business district zone. As you well know, we had to find somewhere to focus planning and development capacity for low income housing per state law so directed staff to consider changes to our Town Center and Commercial zones.

Thanks again for your input; it is always appreciated.

Best,
Wendy

On Jan 16, 2024, at 2:07 PM, Dan Thompson <danielphompson@hotmail.com> wrote:

I think the best thing to do tonight is choose the least nuclear options because I don't see this housing getting built or funded, which is why many cities are upzoning their shit areas. "Affordable" "multi-family" "rental" housing on MI is like Voldemort, he who shall not be named.

I posted on this last week. https://nextdoor.com/p/t-4GhkgCR-Rg?utm_source=share&extras=NDE0NTk4OQ%3D%3D&utm_campaign=1705441222911

GMHB Exhibit #308 - 0075

So here are the options:

1. Allowing more multi-family in the south-end shopping center area.

I understand why Lisa proposed this (because upzoning our CUP's to CO foolishly prohibits us from using the CO zone, and south end residents need to pay attention too), but it is truly nuclear. Stay away from this, and tonight's agenda packet seems to indicate this is off the table. My understanding is the emails from our non-progressive friends on the south end are pouring in.

2. Adding more density in the zone primarily made up of Shorewood.

I am not sure this is feasible, but I agree with Craig on two issues: 1. Shorewood has poor transit; and 2. Upzoning it would likely displace whatever affordable housing is there today, basically taking us backwards. *New construction replaces old construction and is the least affordable.* The state and county might not understand that but we should.

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This has been a sensitive issue since 2016, although citizens confuse it with preserving retail. I supported adding a fourth story south of 29th when the council amended the code to require retail south of 29th (which I agreed with) because the deal in 2016 was three story height limit but no retail requirement.

The first key is whether an additional story comes with a mandate that all the extra units be 30% to 70% AMI, and how that will affect future development. No property owner can afford to build an entire floor of units (plus retail) at a loss, so this upzone is hardly a gift. Builders like 80% AMI because those tenants look like market rate tenants; otherwise it is the fee in lieu of. I guess if we want to cool town center development this might make some sense.

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Daniel Thompson

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From: Trevor Reed <trevorreed283@gmail.com>
Sent time: 2024/01/20 02:27:26 PM
To: Lisa Anderl
Subject: Re: Agenda Item 7 - AB 6393: 2024 Comprehensive Plan Periodic Update, Housing Element – Housing Capacity Direction

Thank you for your email council member Anderl.

I understand there is opposition. However, I believe much of that opposition is very near-sighted. I grew up on the South End about a block from the QFC. Most of my peer's parents have left the island to downsize and those who remain, like my parents, weigh whether remaining in the community is more advantageous than keeping a house far bigger than they want.

I know many who oppose housing on the island in one breath then complain how they wish their kids could live closer or on island. Our declining school enrollments against the backdrop of overall rising school age populations speak to this paradox. I think it's a community's responsibility to create opportunities for those who called it home growing up to have opportunities to provide for their families as their parents provided for them.

The cost of housing has far outpaced wage growth. The cost of homeownership alone has doubled since 2019 due to the massive COVID era increases and mortgage rates. They've more than quadrupled since the recession. Unless we provide more diverse housing options, a generation of islanders will be locked out.

The South End with easy access to IMS and Lakeridge should make room for more families and provide options for downsizing. Traffic congestion is fixable - it is a shame the Sound Transit mitigation money was not used to support driving alternatives like a South end shuttle.

I believe a community's vitality is based on its capacity to provide for its own. We aren't providing viable options to empty nesters or the products of our community to return with their young families.

Best,

Trevor

On Tue, Jan 16, 2024 at 9:16 PM Lisa Anderl <lisa.anderl@mercergov.org> wrote:

Hi Trevor. Thank you for your thoughtful comments here and during the meeting. As you probably heard there was massive opposition to anything on the south end and council did not support that option. I appreciate your involvement in community issues!

Lisa Anderl
206-841-0207

From: Trevor Reed <trevorreed283@gmail.com>
Sent: Tuesday, January 16, 2024 1:44:15 PM
To: Council <council@mercergov.org>
Subject: Agenda Item 7 - AB 6393: 2024 Comprehensive Plan Periodic Update, Housing Element – Housing Capacity Direction

Dear Council,

My name is Trevor Reed. I'd like to address the Housing Element discussion today.

As I understand, the council must adjust its zoning to accommodate lower-income residents as during the update of its comprehensive plan.

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GMHB Exhibit #308 - 0077

The Council must both rezone to provide capacity and ensure the capacity increases occur in places that are market viable for new housing. This is why option C is not sufficient. It is highly unlikely existing revenue generating units at Shorewood would be torn down to provide a moderate increase in density. Increasing capacity in an area with a high level of development is a dodge of our duties since it would not increase the capacity of market viable development. Option B is insufficient because residents will not have easy access to public transit.

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Finally, our city faces projected budget shortfalls, a town center pockmarked with empty parking lots and old low value buildings, while no housing options exist for my peers' starting families or options for our parents to downsize to. We need housing to restore our community's vitality.

In conclusion – please upzone the core and the South End commercial center, reduce parking minimums, and focus on creating market viable development opportunities to ensure ***the housing we need actually gets built.***

Best,

Trevor Reed

From: Dan Thompson <danielphthompson@hotmail.com>
Sent time: 2024/01/26 11:30:55 AM
To: victor.raisys@gmail.com; Salim Nice; Jessi Bon
Cc: Doris Cassan; Jake Jacobson; Ashley Hay
Subject: Re: Parks Zone/February 8 Joint Planning Commission--Parks Commission Meeting.

I've added Ashley Hay to this email as I think she will be critical in this process

I spoke to Jessi Bon and better understand the initial draft of the parks zone, some of which I think needs to be amended, and I plan to post on this. But here is a quick summary:

1. Jessi drafted the initial draft parks zone so send your ire to her.

2. The process was rushed because Jessi wanted to complete the parks zone as part of the adoption of the rewrite of the comp. plan. Unfortunately, that led citizens to feel this was being rushed, and the fix was in. It was unwise to give the parks commission the draft on Dec. 28 for a one-time review on Jan. 4. The feeling now is to take our time on this zone and if necessary add it to the new comp. plan after the comp. plan rewrite is adopted. The good news is 6 years ago we were fighting to stop the council from placing a 35,000 sf performing arts center in Mercedale Park, and today we are debating a new parks zone.

3. This is not a redo of the Parks, Recreation and Open Space Plan. We spent two years on that before the parks commission. The PROS plan is the template for the *park-related* development within our parks over the next decade. It didn't help when some planning commission members began with their own ideas about new development in the park when that process is over. It also didn't help when the draft zone included underground parking when the city will never have the money for underground park-related parking, but spooked some, and of course some planning commission members started talking about underground zillion dollar parking garages in Mercedale Park for the town center, when if they had followed the parking management plan process at the city council they would know there is plenty of parking in the town center, and if there is ever underground parking it will be at Tully's. The newer members of the planning commission don't quite understand their role.

4. The key is not "no new impervious surfaces" but no new NET impervious surfaces. For example, the PROS plan repurposed the tennis courts at Luther Burbank for pickle ball rather than pour new concrete. If necessary, the city could remove the concrete cow milking foundation at the north end of Luther Burbank if it needed new impervious surface someplace else. The PROS plan dealt with this tension between open/green space and recreation/impervious surfaces. Another related issue is just what are "impervious surfaces". Some like me believe packed gravel is impervious surfaces; the city does not. Some citizens felt the no new net impervious surfaces meant no new impervious surfaces or would preclude some promised projects in the PROS plan. This needs to be better spelled out in the parks zone and tie in the PROS plan.

5. What I think is driving the debate over regulatory limits are the non-conforming buildings in Luther and maybe the Thrift Store (not sure if that is in Mercedale Park). Those are getting old and will need replacement (the Thrift Store is up to generating \$800,000 in revenue, and next year should go to \$1 million for YFS). Everyone including YFS would like to be in a newer non-park building but finances are not infinite. So the draft regulatory limits were designed to allow these old non-conforming buildings to be replaced with the same size buildings, when I think the regulatory limits need to be less (at least less than 35' height) and these buildings granted a conditional use with the right to rebuild if necessary. **What we don't want is NEW buildings, or current buildings being replaced with larger buildings.**

6. A "zone" is just lines on a map. Every zone has regulatory limits that determine the scale of development, and uses. Height is only one. There is gross floor area to lot area ratio, impervious surface limits, setbacks, and so on. The general rule is a park has the same regulatory limits as the surrounding zone, which on MI is mostly the residential zone that has a 30' height limit. It was a mistake for the draft zone to have a higher height limit FOR EVERY PARK. At the same time, the rest of the regulatory limits for the residential zone don't make sense for a park. We are not going to cover 40% of a park with impervious surfaces as allowed under the RDS (I hope, unless the council upzones the parks to Commercial/Office). It is the restriction on new NET impervious surfaces that essentially replaces the other regulatory limits in the residential zone for the parks zone.

7. The issue with Aubrey Davis Park is WSDOT. The linear parks along I-90 are not the issue so much as the Lid Park which is the airspace for I-90 which WSDOT is going to maintain jurisdiction and ownership over. But anything WSDOT

does would be transportation related. I believe – and the city manager is exploring – that ADP can be added to the parks zone to the extent it controls what the city of Mercer Island does in the park.

8. What we are trying to do is to prevent this or future councils from rezoning park land or changing the uses in our parks to non-park related (MICA, commuter parking lots, rezoning the property next to HAPS or part of the sculpture garden which means more concrete). That means protecting the "perimeter" of the parks, and the non-park related uses in the parks, along with limiting net new impervious surfaces. That should not be that hard. The PROS plan determines what park-related development occurs. WHETHER THIS COUNCIL WILL UNDERSTAND THAT, AND THAT THEY ARE OUR FEAR – ALTHOUGH MUCH BETTER THAN PAST COUNCILS (BY A NARROW 4-3 MARGIN, IMAGINE IF REYNOLDS AND AKZUR CONTROLLED THE COUNCIL) – AND REMOVE THEIR ABILITY TO CHANGE THE ZONING OR USES IN A PARK WITH A SIMPLE MAJORITY VOTE I DON'T KNOW. BUT IF THEY DON'T THIS PARKS ZONE IS A TROJAN HORSE.

There will be another planning commission meeting before the Feb. 8 joint parks/planning commission meeting. The planning commission needs to do no harm. Stick to the script and the issues in the draft zone. I think the city manager understands how some of the language in the draft parks zone spooked the citizens although that was not the intent, and the process appeared rush which also spooked many of us. If we take our time, and make sure the parks commission and not planning commission leads, I think we will get a parks zone that does what we want, IF the council is willing to relinquish control over our parks.

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From: victor.raisys@gmail.com <victor.raisys@gmail.com>

Sent: Friday, January 26, 2024 10:45 AM

To: 'Salim Nice' <salim.nice@mercergov.org>; 'Jessi Bon' <jessi.bon@mercergov.org>

Cc: 'dc dollarseattle.com' <dc@dollarseattle.com>; 'Jake Jacobson' <jake.jacobson@mercerisland.gov>; Laurie Raisys (Island Books); Victor Raisys (Island Books); Dan Thompson; Ryan Daly

Subject: RE: Parks Zone/February 8 Joint Planning Commission--Parks Commission Meeting.

I'm removing most of the people on this email thread. I'm writing in my capacity as a private citizen and MI business owner (and not in my capacity as Planning Commissioner).

I want to echo Mrs. Cassan's comments below. Mayor Nice asked for my endorsement (and I believe Laurie's endorsement as well) for the recent Parks Levy. While we rarely make political endorsements because of our business, we agreed to give our endorsement and support to the Parks Levy because we value our parks. Having now seen the draft parks zone proposal and the city staff efforts to jam this proposal through, I deeply regret our endorsement and support of the Parks Levy.

While the Parks Levy is behind us and we can neither withdraw our vote nor our endorsement, I suspect that the city will need support on other important issues in the near future (for instance, funding for City Hall). As Pete Townsend sang, "Won't Get Fooled Again".

Victor

From: dc dollarseattle.com <dc@dollarseattle.com>

Sent: Thursday, January 25, 2024 2:39 PM

To: Dan Thompson <danielphthompson@hotmail.com>; Council <council@mercergov.org>

Cc: Parks & Rec Commission <ParksAndRec.Commission@mercergov.org>; Jessi Bon <jessi.bon@mercergov.org>; Ryan Daly <Ryan.Daly@mercergov.org>; Planning Commission <Planning.Commission@mercergov.org>; Ashley Hay <ashley.hay@mercerisland.gov>; Ray Akers <ray@akerscargill.com>; aql1@cornell.edu <aql1@comcast.net>; Ira Appelman <appelman@bmi.net>; Matthew Goldbach <blkship@yahoo.com>; Lloyd Gilman <biznlloyd@gmail.com>; Elizabeth Buckley <mezzo@elizabethbuckley.com>; Bob Harper <Robert.Harper@comcast.net>; Carv Zwingle <carvz@yahoo.com>; Traci Granbois <traci.granbois@gmail.com>; fletchsa1@gmail.com; Mike Cero <mscero@comcast.net>; Gary Robinson <dicrobinson@comcast.net>; Dwight Schaeffer <drschaeffer@comcast.net>; Rob Dunbabin <rob@cadecadearns.com>; Robin Russell <scubarobin@msn.com>; Susan Lund <srlund@aol.com>; Thomas Acker <tomack1@comcast.net>; Tom Acker <gngundr@comcast.net>; Gary Robinson <gdrobinsong@gmail.com>; John Hall <johnmhall@jmhcorp.net>; Olivia Lippens <olivia.lippens@mercerisland.gov>

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<Olivia@lippens.com>; Dave Oberg <obergcd@comcast.net>; Robert Medved <RobertAMedved@msn.com>; Mark Coen <mscnb@msn.com>; John <john@larsen.net>; jkenedy59@me.com; Morrene Jacobson <morrene2000@gmail.com>; Joy Matsuura <jmatsu999@yahoo.com>; lsarchin@aol.com; Meg Lippert <meg.lippert@gmail.com>; Lou Glatz <louglatz@hotmail.com>; Lori Robinson <loreleirobinson@icloud.com>; Ryan Rahlfs <ryanrahlfs@gmail.com>; Rebecca Wilson <rebeccajwilson10@gmail.com>

Subject: Re: Parks Zone/February 8 Joint Planning Commission--Parks Commission Meeting.

This is so, so disappointing. Would the Parks Levy have passed if this type of conversations had been out in the open. I think not. I know I would have not done so. Thank you guys/gals for continuing to be are eyes and ears. Really appreciate it. dc

From: Dan Thompson <danielpthompson@hotmail.com>

Date: Thursday, January 25, 2024 at 2:06 PM

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

Cc: Parks & Rec Commission <ParksAndRec.Commission@mercergov.org>, jessi.bon@mercergov.org <jessi.bon@mercergov.org>, Ryan Daly <Ryan.Daly@mercergov.org>, planning.commission@mercerisland.gov <planning.commission@mercerisland.gov>, ashley.hay@mercerisland.gov <ashley.hay@mercerisland.gov>, Ray Akers <ray@akerscargill.com>, aql1@cornell.edu <aql@comcast.net>, Ira Appelman <appelman@bmi.net>, Matthew Goldbach <blkship@yahoo.com>, Lloyd Gilman <biznlloyd@gmail.com>, Buckley Elizabeth <mezzo@elizabethbuckley.com>, Bob Harper <robert.harper@comcast.net>, carvz@yahoo.com <carvz@yahoo.com>, traci.granbois@gmail.com <traci.granbois@gmail.com>, fletchsa1@gmail.com <fletchsa1@gmail.com>, Mike Cero <mscero@comcast.net>, docrobinson@comcast.net <docrobinson@comcast.net>, dc dollarseattle.com <dc@dollarseattle.com>, Dwight Schaeffer <drschaefter@comcast.net>, Rob Dunbabin <rob@cascadearns.com>, Robin Russell <scubarobin@msn.com>, Susan Lund <srlund@aol.com>, Thomas Acker <tomacker1@comcast.net>, Tom Acker <gngundr@comcast.net>, Gary Robinson <gdrobinsong@gmail.com>, John Hall <johnmhall@jmhcorp.net>, Olivia Lippens <olivia@lippens.com>, obergcd@comcast.net <obergcd@comcast.net>, Robert A. Medved <robertamedved@msn.com>, Mark Coen <mscnb@msn.com>, John <john@larsen.net>, jkenedy59@me.com <jkenedy59@me.com>, Morrene Jacobson <morrene2000@gmail.com>, Joy Matsuura <jmatsu999@yahoo.com>, lsarchin@aol.com <lsarchin@aol.com>, Meg Lippert <meg.lippert@gmail.com>, Lou Glatz <louglatz@hotmail.com>, Lori Robinson <loreleirobinson@icloud.com>, Ryan Rahlfs <ryanrahlfs@gmail.com>, Rebecca Wilson <rebeccajwilson10@gmail.com>

Subject: Parks Zone/February 8 Joint Planning Commission--Parks Commission Meeting.

Hello, I watched the parks commission and planning commission meetings on the new parks zone. I think the planning commission is not well suited to this issue. I and others complained about the short notice the parks commission was given to review the draft zone. **Thank you to Mayor Nice for scheduling a joint parks-planning commission meeting on Feb. 8 that should be in person. The parks commission should really be driving this debate. This is NOT a development debate. It is how to prohibit as much as possible development in our parks.**

I have tried to copy some of the citizens who have worked so hard over the last 15 years to protect and preserve our parks.

For *many* years I have told councils and city managers that parks should *always* be a win. When parks are not a "win" it gets ugly. Probably the smartest thing Jessi did after the acrimonious Aubrey Davis Park Master Plan process was to form the parks commission. The parks commission gets it: they represent the parks, and the citizens, and not the city or council.

Here are the basic issues for the joint meeting:

1. Which parks are placed into the parks zone. IMO if it has "park" in the name it needs to go into the zone or this process will look phony, and any park not included will create suspicion the council plans to develop that "park".

2. The USES allowed should be the same as today: *only park-related development or uses are allowed*, and to many extents the PROS plan reflects this. Ideally, we can move YFS to a new city hall, or allow a conditional use permit for *existing* non-park related uses. We do it all the time. Instead the city is trying to tailor the regulatory limits and uses in the zone to accommodate a few non-conforming conditional uses.

3. The regulatory limits must reflect the surrounding zone unless they are less in the new parks zone. Nearly every park sits in the residential zone. The mistake Ryan and the city make is requesting greater a regulatory limit for height (35') when the height limit is 30' under the RDS, and not understanding there are regulatory limits for GFAR, yard setbacks, impervious surface limits, and so on for any zone.

4. NO NEW NET IMPERVIOUS SURFACE LIMITS. This has been a central tenant at the parks commission and is the most important factor that serves as a safeguard for all the other factors, as even the CPD recognizes. The problem is the planning doesn't understand this, the decades long history of this concept, and how central this issue was to the PROS plan that the planning commission members never participated in.

5. THERE MUST BE A HEIGHTENED STANDARD FOR THE COUNCIL TO CHANGE THE USE OR ZONING OF ANY PARK IN THE ZONE. The whole motivation of a parks zone is due to past councils trying to change the zoning or use of our parks (including this council). If we create a parks zone but allow this or a future council to rezone our parks simply based on a majority vote we haven't protected any park by this zone. It will be a Trojan Horse. This is why some citizens wanted a municipal trust for our parks. My suggestion is a VOTE OF THE CITIZENS is required before the use or zoning of a park in the zone is changed.

If I could only get numbers 4 and 5 it would be a great start This parks zone was promised to be in good faith and legitimate during the campaign to renew the parks levy and increase it, and the city and council need to be honest and act in good faith during this process.

Let the parks commission lead.

Thank you.

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From: Dan Thompson <danielthompson@hotmail.com>
Sent time: 2024/01/26 02:29:53 PM
To: Craig Reynolds
Subject: Re: PCB 24 - 01: Comprehensive Plan Update: Parks Zone – First Review/January 24, 2024/Public Comments

Hi Craig, I don't think there is much doubt Islanders feel strongly about their parks. There is a natural tension between recreation and development and open/green spaces that was addressed in the PROS plan. This process is not designed to reevaluate the PROS plan.

I was part of the citizens' groups that fought attempts to rezone or change the uses in our parks, and those efforts badly damaged the prior councils. In 2019 a number of citizens asked the Open Space Committee to place the parks into the trust. It wasn't a practical idea (I think you were on the council when Jessi discussed the pros and cons of a municipal trust) although they were desperate after years of council attempts to rezone one park after another. Since the demise of that council and city management there has been a lot less citizen involvement in the parks because this council hasn't done anything stupid re: parks (although rezoning the polluted property next to Haps when the sales proceeds would go to WSDOT and part of the sculpture garden for the massively out of scale Tully's project was pretty stupid, but no harm no foul since those parcels will likely never be developed).

I will send you my recent email in response to an email from Victor to Jessi and Salim and some others. The motivation for a parks zone is primarily to prevent future councils from changing the zoning or uses in our parks. There really isn't any other purpose because the current zoning (which reflects the zone the parks sit in) works pretty well if park uses must be park related, the city follows the PROS plan, and the parks commission follows its policy of no new NET impervious surfaces, which I suspect you disagree with.

I lean toward the open/green space spectrum. I don't think park land is "free land" to develop. Ryan Daly gave a presentation to the planning commission in 2019 when you might have been on the PC. Current urban/park planning re: urban parks is changing. In the past it focused on the number of amenities (tennis courts, basketball courts, etc.) per 1000 residents. Today, planners recognize the more urban the area the more important open/green/passive park space is, because that is what is lost with urbanization and what urban dwellers crave. Others prefer more development in our parks, but that debate was decided in the PROS plan which kind of split the baby in half.

Everyone tells me "I share your desire to protect the parks", especially during elections, but the devil is in the details. My point to Jessi, and Salim, is since you guys started this parks zone process you better not appear dishonest, because that would be a terrible unforced error because there wasn't a lot of angst over parks, until the new parks zone was introduced.

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From: Craig Reynolds <craig.reynolds@mercergov.org>
Sent: Friday, January 26, 2024 1:39 PM
To: Dan Thompson <danielthompson@hotmail.com>
Subject: RE: PCB 24 - 01: Comprehensive Plan Update: Parks Zone – First Review/January 24, 2024/Public Comments

Just curious...

When you talk about "citizens", do you mean all US citizens, US citizen Island residents, all residents, or something else?

Should we consider what the non-citizen Island residents want? (I think about 10% of Islanders are not US citizens.) I ask this question in this context and also more generally, since you often talk/write about what the "citizens" want.

On what basis do you know what the "first preference of the citizens" is?

I share your desire to protect the parks. Just want to know where you are coming from so I can better know how to personally weight your priorities

From: Dan Thompson <danielphompson@hotmail.com>
Sent: Wednesday, January 24, 2024 2:27 PM
To: Planning Commission <Planning.Commission@mercergov.org>
Cc: Parks & Rec Commission <ParksAndRec.Commission@mercergov.org>; Council <council@mercergov.org>; Ryan Daly <Ryan.Daly@mercergov.org>; Jessi Bon <jessi.bon@mercergov.org>
Subject: Re: PCB 24 - 01: Comprehensive Plan Update: Parks Zone – First Review/January 24, 2024/Public Comments

I should have noted the first preference of the citizens was to form a municipal trust and to place the parks into the trust, not unlike our open space trust. This way the parks in the trust would be outside the control of the council, and could never be rezoned.

I agree with City Manager Bon a municipal trust is not practical for a city the size of MI (as opposed to LA), but citizens have tried in the past to move the open space committee to add parks to the trust.

I raise this because the **prime motivation** for this new parks zone has always been to remove any ability of the council to rezone a park, or to allow non-park-related development. If a new parks zone is created, but a council can change the zoning of a park in the zone no differently than today then we haven't done anything to *permanently protect our parks*.

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From: Dan Thompson <danielphompson@hotmail.com>
Sent: Wednesday, January 24, 2024 2:07 PM
To: planning.commission@mercerisland.gov <planning.commission@mercerisland.gov>
Cc: Parks & Rec Commission <ParksAndRec.Commission@mercergov.org>; council@mercergov.org <council@mercergov.org>; Ryan Daly <Ryan.Daly@mercergov.org>; jessi.bon@mercergov.org <jessi.bon@mercergov.org>
Subject: PCB 24 - 01: Comprehensive Plan Update: Parks Zone – First Review/January 24, 2024/Public Comments

Dear Planning Commission, please consider these my public comments for tonight's first meeting on the new parks zone. As many know, I have pursued a distinct parks zone for over a decade, and feel very passionately about this zone, and whether it is a Trojan Horse or actually protects our park zoning and the development allowed within our parks. My post on ND plus replies can be found at https://nextdoor.com/p/8mZSHggsrHK?utm_source=share&extras=NDE0NTk4OQ%3D%3D&utm_campaign=1706132013117

1. Process At The Parks Commission.

This process was originally planned to occur *before* the vote on renewing the parks levy, but apparently there was not time until now. However, despite the very long delay, the parks dept. first presented the draft zone to the parks commission on Dec. 28, three business days before the parks commission's only opportunity to review and comment on the draft parks zone. The citizens received virtually no notice which is reflected in the absence of comments at the parks commission despite this being a hot button issue for over a decade.

I have complained about this, and it is my understanding the Mayor will call for a joint parks--planning commission meeting on this zone. I think that is appropriate because the parks commission is more knowledgeable about the age old tension between passive and active (recreational) space within the parks boundaries, while the planning commission is more knowledgeable about zoning and regulatory limits (including the parks dept.).

I am also disappointed at the combative and defensive responses from the city to the questions asked by the planning commission, and hope a joint meeting will loosen the city up to modifications to its draft zone.

2. Two Absolutely Critical Elements To The New Parks Zone.

If there are only two key elements to a parks zone they are:

- A. A binding policy of no new net impervious surfaces, which is the parks commission informal policy today. This is the one policy that will protect our parks, and the one policy the city is already backtracking on.
- B. A heightened standard for the council to change the zoning of a park in the zone. The motivation for a parks zone is past efforts by councils to rezone parks, or allow non-park related development, for commuter parking lots, MICA, marina's, golf courses, the Tully's project, development of the (polluted) parcel next to Haps, and so on. **My preference is a vote of the citizens is required. My second choice is a unanimous council.** I have lived on MI since 1970 and I can't remember a single time the citizens supported rezoning a park, or allowing non-park related development in a park.

3. What Is A Parks Zone?

The short answer is any zone is nothing but designations on the land use and zoning maps. Here are the three key issues for what is **IN** the parks zone:

A. Which parks are put in the zone. This is unclear from the agenda packet, except the entire Aubrey Davis PARK is not in the zone. The city has also floated the idea of a bifurcated parks zone with some parks getting more protection than others. IMO any parcel with the name "parks" in it needs to be in the zone or this process will look phony. Any "park" omitted will raise suspicion the city and council plan non-park related development in the park and stir up a hornets nest for no reason.

B. The regulatory limits in the park zone including allowed uses.

C. How hard it is for the council to rezone park land in the zone. Ideally it would require a vote of the citizens.

4. Problems With The City's Draft Parks Zone.

The first question is whether the proposed parks zone provides less protection for our parks than today, let alone enhanced protections. Right now I am afraid the answer is no, except for the parks commission's desire that there be no new net impervious surfaces which staff's report misinterprets and misquotes.

4. Impervious Surface Limits.

Impervious Surface Limits. According to staff's report: "Impervious Surfaces

- No net new impervious surfaces unless authorized by an adopted City plan, and
- Emergency vehicle lanes, public trails, and synthetic turf athletic fields are exempt".

I have fought for 10 years for a no new net impervious surface rule, and the parks commission adopted that informally. But exempting synthetic turf is a massive loophole that covers huge portions of the parks and fundamentally changes their character. The only park I know of today that has synthetic turf is Island Park, and the other synthetic turf is on school property, where it belongs. I think synthetic turf should be eliminated, or at the very least limited to existing synthetic turf.

I also don't know what "authorized by an adopted City plan" means. Is the city referring to the PROS plan?

5. ALLOWED USES.

The key for any park is that the uses be "park related". For example, a parking lot at Luther Burbank to serve park users is park related; a commuter parking lot is not.

The park zone should define and restrict the uses allowed in the zone as all zones do, which is critical. The general rule is a "use" must be "park related".

Four proposed uses that concern me without further definition are:

- Government offices and government services.
- Public parking, parking structures, and underground parking.
- Transit stops.
- Wireless communications facilities.

Re: parking, I think it must be clear that any parking must be limited to serving park users, although staff's report does state,

"• Note: impervious surface requirement would limit the amount of new parking that could be created unless it was shown on an adopted City plan". **This should inform the planning commission on how important a prohibition on any new net impervious surfaces is in this new zone, as a backstop protection.**" Underground parking seems pointless to me due to the cost and the fact it can only serve park users when surface parking is cheaper.

I also think any "government offices" should be limited to existing structures in a park, such as Luther Burbank, and not allow new buildings or structures. I don't want to see a new city hall in Luther Burbank because the land is "free".

A transit stop really is not necessary WITHIN a park on MI that I can fathom, and it should be clarified any stop is on the perimeter of the park, and not a "transit facility" or transit structure. A transit stop is on a *street*, and so does not need to be included as a use in the parks zone.

Finally, I don't think wireless communications facilities should be allowed in parks. That is like giving our park land to private vendors. There are plenty of rights of way on MI for wireless facilities that are not in parks.

The one park this becomes confusing is Luther Burbank due to YFS. Ideally, YFS would not need park buildings, and the buildings at Luther Burbank would be reserved for park use. In any case, any parks zone should restrict uses to park related uses, and if necessary grant a conditional use to *existing* uses, but not to any new uses. If a new city hall is built YFS can move there.

6. Regulatory Limits.

The current rule is the regulatory limits applicable to a park reflect the zone in which the park sits because that is the *zone*. Nearly every park on MI sits in a residential zone, so the RDS applies to any development in a park (**which as the city notes will be virtually zero new development based on the no new net impervious surface limit**).

Unfortunately, the draft park zone increases regulatory limits beyond those allowed in the RDS.

2. Regulatory Limits. Height. Staff's report states:

"Building Height: 35-foot maximum, approximately three stories. This is the maximum for most zones outside of Town Center."

This isn't true. Most if not all parks sit in the residential zone which has a 30' height limit. The Commercial/Office zone outside the town center has a 36' height limit (and town center buildings that are commercial only are limited to two stories). The rule today is the regulatory limits for a park must mimic those of the zone it sits in, and I think that rule should be followed. If a park sits in a residential zone, which nearly all do, then the height limit should be 30'. Parks don't need a height limit applicable to Commercial/Office zones. The new park zone would actually INCREASE maximum height of buildings compared to today.

7. Ability To Rezone Parks. In the past, THIS council has voted to rezone parks for the Tully's project and next to Haps. Past councils were worse, which is why many of us have fought so long for a dedicated park zone. I would like to see a heightened standard for rezoning park land, either a super majority vote on the council or a vote of the citizens. My ultimate goal was to remove the ability to rezone our parks or use them for non-park related development from the city or council without express citizen approval. What is the point of a new "park zone" if the council can rezone parks the same as in the past?

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From: Dan Thompson <danielphompson@hotmail.com>
Sent time: 2024/01/26 02:30:16 PM
To: Craig Reynolds
Subject: Fw: Parks Zone/February 8 Joint Planning Commission--Parks Commission Meeting.

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From: Dan Thompson <danielphompson@hotmail.com>
Sent: Friday, January 26, 2024 11:30 AM
To: victor.raisys@gmail.com <victor.raisys@gmail.com>; 'Salim Nice' <salim.nice@mercergov.org>; 'Jessi Bon' <jessi.bon@mercergov.org>
Cc: 'dc dollarseattle.com' <dc@dollarseattle.com>; 'Jake Jacobson' <jake.jacobson@mercerisland.gov>; ashley.hay@mercerisland.gov <ashley.hay@mercerisland.gov>
Subject: Re: Parks Zone/February 8 Joint Planning Commission--Parks Commission Meeting.

I've added Ashley Hay to this email as I think she will be critical in this process

I spoke to Jessi Bon and better understand the initial draft of the parks zone, some of which I think needs to be amended, and I plan to post on this. But here is a quick summary:

1. Jessi drafted the initial draft parks zone so send your ire to her.
2. The process was rushed because Jessi wanted to complete the parks zone as part of the adoption of the rewrite of the comp. plan. Unfortunately, that led citizens to feel this was being rushed, and the fix was in. It was unwise to give the parks commission the draft on Dec. 28 for a one-time review on Jan. 4. The feeling now is to take our time on this zone and if necessary add it to the new comp. plan after the comp. plan rewrite is adopted. The good news is 6 years ago we were fighting to stop the council from placing a 35,000 sf performing arts center in Mercerdale Park, and today we are debating a new parks zone.
3. This is not a redo of the Parks, Recreation and Open Space Plan. We spent two years on that before the parks commission. The PROS plan is the template for the *park-related* development within our parks over the next decade. It didn't help when some planning commission members began with their own ideas about new development in the park when that process is over. It also didn't help when the draft zone included underground parking when the city will never have the money for underground park-related parking, but spooked some, and of course some planning commission members started talking about underground zillion dollar parking garages in Mercerdale Park for the town center, when if they had followed the parking management plan process at the city council they would know there is plenty of parking in the town center, and if there is ever underground parking it will be at Tully's. The newer members of the planning commission don't quite understand their role.
4. The key is not "no new impervious surfaces" but no new NET impervious surfaces. For example, the PROS plan repurposed the tennis courts at Luther Burbank for pickle ball rather than pour new concrete. If necessary, the city could remove the concrete cow milking foundation at the north end of Luther Burbank if it needed new impervious surface someplace else. The PROS plan dealt with this tension between open/green space and recreation/impervious surfaces. Another related issue is just what are "impervious surfaces". Some like me believe packed gravel is impervious surfaces; the city does not. Some citizens felt the no new net impervious surfaces meant no new impervious surfaces or would preclude some promised projects in the PROS plan. This needs to be better spelled out in the parks zone and tie in the PROS plan.

5. What I think is driving the debate over regulatory limits are the non-conforming buildings in Luther and maybe the Thrift Store (not sure if that is in Mercerdale Park). Those are getting old and will need replacement (the Thrift Store is up to generating \$800,000 in revenue, and next year should go to \$1 million for YFS). Everyone including YFS would like

to be in a newer non-park building but finances are not infinite. So the draft regulatory limits were designed to allow these old non-conforming buildings to be replaced with the same size buildings, when I think the regulatory limits need to be less (at least less than 35' height) and these buildings granted a conditional use with the right to rebuild if necessary. **What we don't want is NEW buildings, or current buildings being replaced with larger buildings.**

6. A "zone" is just lines on a map. Every zone has regulatory limits that determine the scale of development, and uses. Height is only one. There is gross floor area to lot area ratio, impervious surface limits, setbacks, and so on. The general rule is a park has the same regulatory limits as the surrounding zone, which on MI is mostly the residential zone that has a 30' height limit. It was a mistake for the draft zone to have a higher height limit FOR EVERY PARK. At the same time, the rest of the regulatory limits for the residential zone don't make sense for a park. We are not going to cover 40% of a park with impervious surfaces as allowed under the RDS (I hope, unless the council upzones the parks to Commercial/Office). It is the restriction on new NET impervious surfaces that essentially replaces the other regulatory limits in the residential zone for the parks zone.

7. The issue with Aubrey Davis Park is WSDOT. The linear parks along I-90 are not the issue so much as the Lid Park which is the airspace for I-90 which WSDOT is going to maintain jurisdiction and ownership over. But anything WSDOT does would be transportation related. I believe – and the city manager is exploring – that ADP can be added to the parks zone to the extent it controls what the city of Mercer Island does in the park.

8. What we are trying to do is to prevent this or future councils from rezoning park land or changing the uses in our parks to non-park related (MICA, commuter parking lots, rezoning the property next to HAPS or part of the sculpture garden which means more concrete). That means protecting the "perimeter" of the parks, and the non-park related uses in the parks, along with limiting net new impervious surfaces. That should not be that hard. The PROS plan determines what park-related development occurs. WHETHER THIS COUNCIL WILL UNDERSTAND THAT, AND THAT THEY ARE OUR FEAR – ALTHOUGH MUCH BETTER THAN PAST COUNCILS (BY A NARROW 4-3 MARGIN, IMAGINE IF REYNOLDS AND AKZUR CONTROLLED THE COUNCIL) – AND REMOVE THEIR ABILITY TO CHANGE THE ZONING OR USES IN A PARK WITH A SIMPLE MAJORITY VOTE I DON'T KNOW. BUT IF THEY DON'T THIS PARKS ZONE IS A TROJAN HORSE.

There will be another planning commission meeting before the Feb. 8 joint parks/planning commission meeting. The planning commission needs to do no harm. Stick to the script and the issues in the draft zone. I think the city manager understands how some of the language in the draft parks zone spooked the citizens although that was not the intent, and the process appeared rush which also spooked many of us. If we take our time, and make sure the parks commission and not planning commission leads, I think we will get a parks zone that does what we want, IF the council is willing to relinquish control over our parks.

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From: victor.raisys@gmail.com <victor.raisys@gmail.com>

Sent: Friday, January 26, 2024 10:45 AM

To: 'Salim Nice' <salim.nice@mercergov.org>; 'Jessi Bon' <jessi.bon@mercergov.org>

Cc: 'dc dollarseattle.com' <dc@dollarseattle.com>; 'Jake Jacobson' <jake.jacobson@mercerisland.gov>; Laurie Raisys (Island Books); Victor Raisys (Island Books); Dan Thompson; Ryan Daly

Subject: RE: Parks Zone/February 8 Joint Planning Commission--Parks Commission Meeting.

I'm removing most of the people on this email thread. I'm writing in my capacity as a private citizen and MI business owner (and not in my capacity as Planning Commissioner).

I want to echo Mrs. Cassan's comments below. Mayor Nice asked for my endorsement (and I believe Laurie's endorsement as well) for the recent Parks Levy. While we rarely make political endorsements because of our business, we agreed to give our endorsement and support to the Parks Levy because we value our parks. Having now seen the draft parks zone proposal and the city staff efforts to jam this proposal through, I deeply regret our endorsement and support of the Parks Levy.

While the Parks Levy is behind us and we can neither withdraw our vote nor our endorsement, I suspect that the city will need support on other important issues in the near future (for instance, funding for City Hall). As Pete Townsend sang, "Won't Get Fooled Again".

Victor

From: dc dollarseattle.com <dc@dollarseattle.com>

Sent: Thursday, January 25, 2024 2:39 PM

To: Dan Thompson <danielpthompson@hotmail.com>; Council <council@mercergov.org>

Cc: Parks & Rec Commission <ParksAndRec.Commission@mercergov.org>; Jessi Bon <jessi.bon@mercergov.org>; Ryan Daly <Ryan.Daly@mercergov.org>; Planning Commission <Planning.Commission@mercergov.org>; Ashley Hay <ashley.hay@mercergov.org>; Ray Akers <ray@akerscargill.com>; aql1@cornell.edu <aql@comcast.net>; Ira Appelman <appelman@bmi.net>; Matthew Goldbach <blkship@yahoo.com>; Lloyd Gilman <biznlloyd@gmail.com>; Elizabeth Buckley <mezzo@elizabethbuckley.com>; Bob Harper <Robert.Harper@comcast.net>; Carv Zwingle <carvz@yahoo.com>; Traci Granbois <traci.granbois@gmail.com>; fletchsa1@gmail.com; Mike Cero <mscero@comcast.net>; Gary Robinson <docrobinson@comcast.net>; Dwight Schaeffer <drschaeffer@comcast.net>; Rob Dunbabin <rob@cascaheyarns.com>; Robin Russell <scubarobin@msn.com>; Susan Lund <srlund@aol.com>; Thomas Acker <tomacker1@comcast.net>; Tom Acker <gngundr@comcast.net>; Gary Robinson <gdrobinsong@gmail.com>; John Hall <johnmhall@jmhcorp.net>; Olivia Lippens <Olivia@lippens.com>; Dave Oberg <obergcd@comcast.net>; Robert Medved <RobertAMedved@msn.com>; Mark Coen <mscnb@msn.com>; John <john@larsen.net>; jkenedy59@me.com; Morrene Jacobson <morrene2000@gmail.com>; Joy Matsuura <jmatsu999@yahoo.com>; lsarchin@aol.com; Meg Lippert <meg.lippert@gmail.com>; Lou Glatz <louglatz@hotmail.com>; Lori Robinson <loreleirobinson@icloud.com>; Ryan Rahlfs <ryanrahlfs@gmail.com>; Rebecca Wilson <rebeccajwilson10@gmail.com>

Subject: Re: Parks Zone/February 8 Joint Planning Commission--Parks Commission Meeting.

This is so, so disappointing. Would the Parks Levy have passed if this type of conversations had been out in the open. I think not. I know I would have not done so. Thank you guys/gals for continuing to be are eyes and ears. Really appreciate it. dc

From: Dan Thompson <danielpthompson@hotmail.com>

Date: Thursday, January 25, 2024 at 2:06 PM

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

Cc: Parks & Rec Commission <ParksAndRec.Commission@mercergov.org>, jessi.bon@mercergov.org <jessi.bon@mercergov.org>, Ryan Daly <Ryan.Daly@mercergov.org>, planning.commission@mercergov.org <planning.commission@mercergov.org>, ashley.hay@mercergov.org <ashley.hay@mercergov.org>, Ray Akers <ray@akerscargill.com>, aql1@cornell.edu <aql1@cornell.edu>, Ira Appelman <appelman@bmi.net>, Matthew Goldbach <blkship@yahoo.com>, Lloyd Gilman <biznlloyd@gmail.com>, Buckley Elizabeth <mezzo@elizabethbuckley.com>, Bob Harper <robert.harper@comcast.net>, carvz@yahoo.com <carvz@yahoo.com>, traci.granbois@gmail.com <traci.granbois@gmail.com>, fletchsa1@gmail.com <fletchsa1@gmail.com>, Mike Cero <mscero@comcast.net>, docrobinson@comcast.net <docrobinson@comcast.net>, dc dollarseattle.com <dc@dollarseattle.com>, Dwight Schaeffer <drschaeffer@comcast.net>, Rob Dunbabin <rob@cascaheyarns.com>, Robin Russell <scubarobin@msn.com>, Susan Lund <srlund@aol.com>, Thomas Acker <tomacker1@comcast.net>, Tom Acker <gngundr@comcast.net>, Gary Robinson <gdrobinsong@gmail.com>, John Hall <johnmhall@jmhcorp.net>, Olivia Lippens <olivia@lippens.com>, obergcd@comcast.net <obergcd@comcast.net>, Robert A. Medved <robertamedved@msn.com>, Mark Coen <mscnb@msn.com>, John <john@larsen.net>, jkenedy59@me.com <jkenedy59@me.com>, Morrene Jacobson <morrene2000@gmail.com>, Joy Matsuura <jmatsu999@yahoo.com>, lsarchin@aol.com <lsarchin@aol.com>, Meg Lippert <meg.lippert@gmail.com>, Lou Glatz <louglatz@hotmail.com>, Lori Robinson <loreleirobinson@icloud.com>, Ryan Rahlfs <ryanrahlfs@gmail.com>, Rebecca Wilson <rebeccajwilson10@gmail.com>

Subject: Parks Zone/February 8 Joint Planning Commission--Parks Commission Meeting.

Hello, I watched the parks commission and planning commission meetings on the new parks zone. I think the planning commission is not well suited to this issue. I and others complained about the short notice the parks commission was given to review the draft zone. **Thank you to Mayor Nice for scheduling a joint parks-planning commission meeting on Feb. 8 that should be in person. The parks commission should really be driving this debate. This is NOT a development debate. It is how to prohibit as much as possible development in our parks.**

I have tried to copy some of the citizens who have worked so hard over the last 15 years to protect and preserve our parks.

For *many* years I have told councils and city managers that parks should *always* be a win. When parks are not a "win" it gets ugly. Probably the smartest thing Jessi did after the acrimonious Aubrey Davis Park Master Plan process was to

form the parks commission. The parks commission gets it: they represent the parks, and the citizens, and not the city or council.

Here are the basic issues for the joint meeting:

1. Which parks are placed into the parks zone. IMO if it has "park" in the name it needs to go into the zone or this process will look phony, and any park not included will create suspicion the council plans to develop that "park".
2. The USES allowed should be the same as today: *only park-related development or uses are allowed*, and to many extents the PROS plan reflects this. Ideally, we can move YFS to a new city hall, or allow a conditional use permit for *existing* non-park related uses. We do it all the time. Instead the city is trying to tailor the regulatory limits and uses in the zone to accommodate a few non-conforming conditional uses.
3. The regulatory limits must reflect the surrounding zone unless they are less in the new parks zone. Nearly every park sits in the residential zone. The mistake Ryan and the city make is requesting greater a regulatory limit for height (35') when the height limit is 30' under the RDS, and not understanding there are regulatory limits for GFAR, yard setbacks, impervious surface limits, and so on for any zone.
4. NO NEW NET IMPERVIOUS SURFACE LIMITS. This has been a central tenant at the parks commission and is the most important factor that serves as a safeguard for all the other factors, as even the CPD recognizes. The problem is the planning doesn't understand this, the decades long history of this concept, and how central this issue was to the PROS plan that the planning commission members never participated in.
5. THERE MUST BE A HEIGHTENED STANDARD FOR THE COUNCIL TO CHANGE THE USE OR ZONING OF ANY PARK IN THE ZONE. The whole motivation of a parks zone is due to past councils trying to change the zoning or use of our parks (including this council). If we create a parks zone but allow this or a future council to rezone our parks simply based on a majority vote we haven't protected any park by this zone. It will be a Trojan Horse. This is why some citizens wanted a municipal trust for our parks. My suggestion is a VOTE OF THE CITIZENS is required before the use or zoning of a park in the zone is changed.

If I could only get numbers 4 and 5 it would be a great start. This parks zone was promised to be in good faith and legitimate during the campaign to renew the parks levy and increase it, and the city and council need to be honest and act in good faith during this process.

Let the parks commission lead.

Thank you.

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From: Dan Thompson <danielphompson@hotmail.com>
Sent time: 2024/01/26 02:33:24 PM
To: Craig Reynolds
Subject: Re: PCB 24 - 01: Comprehensive Plan Update: Parks Zone – First Review/January 24, 2024/Public Comments

To follow up, if the word citizen is confusing, you could use Islanders, or residents. What I don't care about is what off Islanders think about our parks, and that was a big sticking point during the Aubrey Davis Park Master Plan process and the outside consultant. Islanders IMO have a unique approach to their parks. They like them more natural and a little wooly, and more than anything get agitated if "their" park is changed. For many years the parks dept. didn't understand this.

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From: Dan Thompson <danielphompson@hotmail.com>
Sent: Friday, January 26, 2024 2:29 PM
To: Craig Reynolds <craig.reynolds@mercergov.org>
Subject: Re: PCB 24 - 01: Comprehensive Plan Update: Parks Zone – First Review/January 24, 2024/Public Comments

Hi Craig, I don't think there is much doubt Islanders feel strongly about their parks. There is a natural tension between recreation and development and open/green spaces that was addressed in the PROS plan. This process is not designed to reevaluate the PROS plan.

I was part of the citizens' groups that fought attempts to rezone or change the uses in our parks, and those efforts badly damaged the prior councils. In 2019 a number of citizens asked the Open Space Committee to place the parks into the trust. It wasn't a practical idea (I think you were on the council when Jessi discussed the pros and cons of a municipal trust) although they were desperate after years of council attempts to rezone one park after another. Since the demise of that council and city management there has been a lot less citizen involvement in the parks because this council hasn't done anything stupid re: parks (although rezoning the polluted property next to Haps when the sales proceeds would go to WSDOT and part of the sculpture garden for the massively out of scale Tully's project was pretty stupid, but no harm no foul since those parcels will likely never be developed).

I will send you my recent email in response to an email from Victor to Jessi and Salim and some others. The motivation for a parks zone is primarily to prevent future councils from changing the zoning or uses in our parks. There really isn't any other purpose because the current zoning (which reflects the zone the parks sit in) works pretty well if park uses must be park related, the city follows the PROS plan, and the parks commission follows its policy of no new NET impervious surfaces, which I suspect you disagree with.

I lean toward the open/green space spectrum. I don't think park land is "free land" to develop. Ryan Daly gave a presentation to the planning commission in 2019 when you might have been on the PC. Current urban/park planning re: urban parks is changing. In the past it focused on the number of amenities (tennis courts, basketball courts, etc.) per 1000 residents. Today, planners recognize the more urban the area the more important open/green/passive park space is, because that is what is lost with urbanization and what urban dwellers crave. Others prefer more development in our parks, but that debate was decided in the PROS plan which kind of split the baby in half.

Everyone tells me "I share your desire to protect the parks", especially during elections, but the devil is in the details. My point to Jessi, and Salim, is since you guys started this parks zone process you better not appear dishonest, because that would be a terrible unforced error because there wasn't a lot of angst over parks, until the new parks zone was introduced.

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From: Craig Reynolds <craig.reynolds@mercergov.org>
Sent: Friday, January 26, 2024 1:39 PM
To: Dan Thompson <danielphompson@hotmail.com>
Subject: RE: PCB 24 - 01: Comprehensive Plan Update: Parks Zone – First Review/January 24, 2024/Public Comments

Just curious...

When you talk about “citizens”, do you mean all US citizens, US citizen Island residents, all residents, or something else?

Should we consider what the non-citizen Island residents want? (I think about 10% of Islanders are not US citizens.) I ask this question in this context and also more generally, since you often talk/write about what the “citizens” want.

On what basis do you know what the “first preference of the citizens” is?

I share your desire to protect the parks. Just want to know where you are coming from so I can better know how to personally weight your priorities

Craig W. Reynolds
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From: Dan Thompson <danielphompson@hotmail.com>
Sent: Wednesday, January 24, 2024 2:27 PM
To: Planning Commission <Planning.Commission@mercergov.org>
Cc: Parks & Rec Commission <ParksAndRec.Commission@mercergov.org>; Council <council@mercergov.org>; Ryan Daly <Ryan.Daly@mercergov.org>; Jessi Bon <jessi.bon@mercergov.org>
Subject: Re: PCB 24 - 01: Comprehensive Plan Update: Parks Zone – First Review/January 24, 2024/Public Comments

I should have noted the first preference of the citizens was to form a municipal trust and to place the parks into the trust, not unlike our open space trust. This way the parks in the trust would be outside the control of the council, and could never be rezoned.

I agree with City Manager Bon a municipal trust is not practical for a city the size of MI (as opposed to LA), but citizens have tried in the past to move the open space committee to add parks to the trust.

I raise this because the **prime motivation** for this new parks zone has always been to remove any ability of the council to rezone a park, or to allow non-park-related development. If a new parks zone is created, but a council can change the zoning of a park in the zone no differently than today then we haven't done anything to *permanently protect our parks*.

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From: Dan Thompson <danielphompson@hotmail.com>
Sent: Wednesday, January 24, 2024 2:07 PM
To: planning.commission@mercerisland.gov <planning.commission@mercerisland.gov>
Cc: Parks & Rec Commission <ParksAndRec.Commission@mercergov.org>; council@mercergov.org <council@mercergov.org>; Ryan Daly <Ryan.Daly@mercergov.org>; jessi.bon@mercergov.org <jessi.bon@mercergov.org>
Subject: PCB 24 - 01: Comprehensive Plan Update: Parks Zone – First Review/January 24, 2024/Public Comments

Dear Planning Commission, please consider these my public comments for tonight's first meeting on the new parks zone. As many know, I have pursued a distinct parks zone for over a decade, and feel very passionately about this zone, and whether it is a Trojan Horse or actually protects our park zoning and the development allowed within our parks. My post on ND plus replies can be found at <https://nextdoor.com/p/8mZSHHgsrHK?>

1. Process At The Parks Commission.

This process was originally planned to occur *before* the vote on renewing the parks levy, but apparently there was not time until now. However, despite the very long delay, the parks dept. first presented the draft zone to the parks commission on Dec. 28, three business days before the parks commission's only opportunity to review and comment on the draft parks zone. The citizens received virtually no notice which is reflected in the absence of comments at the parks commission despite this being a hot button issue for over a decade.

I have complained about this, and it is my understanding the Mayor will call for a joint parks--planning commission meeting on this zone. I think that is appropriate because the parks commission is more knowledgeable about the age old tension between passive and active (recreational) space within the parks boundaries, while the planning commission is more knowledgeable about zoning and regulatory limits (including the parks dept.).

I am also disappointed at the combative and defensive responses from the city to the questions asked by the planning commission, and hope a joint meeting will loosen the city up to modifications to its draft zone.

2. Two Absolutely Critical Elements To The New Parks Zone.

If there are only two key elements to a parks zone they are:

- A. A binding policy of no new net impervious surfaces, which is the parks commission informal policy today. This is the one policy that will protect our parks, and the one policy the city is already backtracking on.
- B. A heightened standard for the council to change the zoning of a park in the zone. The motivation for a parks zone is past efforts by councils to rezone parks, or allow non-park related development, for commuter parking lots, MICA, marina's, golf courses, the Tully's project, development of the (polluted) parcel next to Haps, and so on. **My preference is a vote of the citizens is required. My second choice is a unanimous council.** I have lived on MI since 1970 and I can't remember a single time the citizens supported rezoning a park, or allowing non-park related development in a park.

3. What Is A Parks Zone?

The short answer is any zone is nothing but designations on the land use and zoning maps. Here are the three key issues for what is **IN** the parks zone:

A. Which parks are put in the zone. This is unclear from the agenda packet, except the entire Aubrey Davis PARK is not in the zone. The city has also floated the idea of a bifurcated parks zone with some parks getting more protection than others. IMO any parcel with the name "parks" in it needs to be in the zone or this process will look phony. Any "park" omitted will raise suspicion the city and council plan non-park related development in the park and stir up a hornets nest for no reason.

B. The regulatory limits in the park zone including allowed uses.

C. How hard it is for the council to rezone park land in the zone. Ideally it would require a vote of the citizens.

4. Problems With The City's Draft Parks Zone.

The first question is whether the proposed parks zone provides less protection for our parks than today, let alone enhanced protections. Right now I am afraid the answer is no, except for the parks commission's desire that there be no new net impervious surfaces which staff's report misinterprets and misquotes.

4. Impervious Surface Limits.

Impervious Surface Limits. According to staff's report: "Impervious Surfaces

- No net new impervious surfaces unless authorized by an adopted City plan, and
- Emergency vehicle lanes, public trails, and synthetic turf athletic fields are exempt".

I have fought for 10 years for a no new net impervious surface rule, and the parks commission adopted that informally. But exempting synthetic turf is a massive loophole that covers huge portions of the parks and fundamentally changes their

character. The only park I know of today that has synthetic turf is Island Park, and the other synthetic turf is on school property, where it belongs. I think synthetic turf should be eliminated, or at the very least limited to existing synthetic turf.

I also don't know what "authorized by an adopted City plan" means. Is the city referring to the PROS plan?

5. ALLOWED USES.

The key for any park is that the uses be "park related". For example, a parking lot at Luther Burbank to serve park users is park related; a commuter parking lot is not.

The park zone should define and restrict the uses allowed in the zone as all zones do, which is critical. The general rule is a "use" must be "park related".

Four proposed uses that concern me without further definition are:

- Government offices and government services.
- Public parking, parking structures, and underground parking.
- Transit stops.
- Wireless communications facilities.

Re: parking, I think it must be clear that any parking must be limited to serving park users, although staff's report does state,

"• Note: impervious surface requirement would limit the amount of new parking that could be created unless it was shown on an adopted City plan". **This should inform the planning commission on how important a prohibition on any new net impervious surfaces is in this new zone, as a backstop protection.**" Underground parking seems pointless to me due to the cost and the fact it can only serve park users when surface parking is cheaper.

I also think any "government offices" should be limited to existing structures in a park, such as Luther Burbank, and not allow new buildings or structures. I don't want to see a new city hall in Luther Burbank because the land is "free".

A transit stop really is not necessary WITHIN a park on MI that I can fathom, and it should be clarified any stop is on the perimeter of the park, and not a "transit facility" or transit structure. A transit stop is on a *street*, and so does not need to be included as a use in the parks zone.

Finally, I don't think wireless communications facilities should be allowed in parks. That is like giving our park land to private vendors. There are plenty of rights of way on MI for wireless facilities that are not in parks.

The one park this becomes confusing is Luther Burbank due to YFS. Ideally, YFS would not need park buildings, and the buildings at Luther Burbank would be reserved for park use. In any case, any parks zone should restrict uses to park related uses, and if necessary grant a conditional use to *existing* uses, but not to any new uses. If a new city hall is built YFS can move there.

6. Regulatory Limits.

The current rule is the regulatory limits applicable to a park reflect the zone in which the park sits because that is the *zone*. Nearly every park on MI sits in a residential zone, so the RDS applies to any development in a park (**which as the city notes will be virtually zero new development based on the no new net impervious surface limit**).

Unfortunately, the draft park zone increases regulatory limits beyond those allowed in the RDS.

2. Regulatory Limits. Height. Staff's report states:

"Building Height: 35-foot maximum, approximately three stories. This is the maximum for most zones outside of Town Center."

This isn't true. Most if not all parks sit in the residential zone which has a 30' height limit. The Commercial/Office zone outside the town center has a 36' height limit (and town center buildings that are commercial only are limited to two stories). The rule today is the regulatory limits for a park must mimic those of the zone it sits in, and I think that rule should be followed. If a park sits in a residential zone, which nearly all do, then the height limit should be 30'. Parks don't need a height limit applicable to Commercial/Office zones. The new park zone would actually INCREASE maximum height of buildings compared to today.

7. Ability To Rezone Parks. In the past, THIS council has voted to rezone parks for the Tully's project and next to Haps. Past councils were worse, which is why many of us have fought so long for a dedicated park zone. I would like to see a heightened standard for rezoning park land, either a super majority vote on the council or a vote of the citizens. My ultimate goal was to

remove the ability to rezone our parks or use them for non-park related development from the city or council without express citizen approval. What is the point of a new "park zone" if the council can rezone parks the same as in the past?

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From: victor.raisys@gmail.com
Sent time: 2024/01/26 03:17:49 PM
To: Dan Thompson; Salim Nice; Jessi Bon
Cc: Doris Cassan; Jake Jacobson; Ashley Hay
Subject: RE: Parks Zone/February 8 Joint Planning Commission--Parks Commission Meeting.

See my comments below....

From: Dan Thompson <danielpthompson@hotmail.com>
Sent: Friday, January 26, 2024 11:31 AM
To: victor.raisys@gmail.com; 'Salim Nice' <salim.nice@mercergov.org>; 'Jessi Bon' <jessi.bon@mercergov.org>
Cc: 'dc dollarseattle.com' <dc@dollarseattle.com>; 'Jake Jacobson' <jake.jacobson@mercerisland.gov>; ashley.hay@mercerisland.gov
Subject: Re: Parks Zone/February 8 Joint Planning Commission--Parks Commission Meeting.

I've added Ashley Hay to this email as I think she will be critical in this process

I spoke to Jessi Bon and better understand the initial draft of the parks zone, some of which I think needs to be amended, and I plan to post on this. But here is a quick summary:

1. Jessi drafted the initial draft parks zone so send your ire to her.

[Victor Raisys] consider it sent. Jessi, see my "ire"/comments in my previous email. Salim, as leader of the council that oversees Jessi's work, you bear partial responsibility for this as well.

The current proposal to create a zone to protect our parks does everything but protect our parks. It is one of the most tone deaf documents I've seen come out of the city (and I've seen a lot). It seems to attempt to codify every hot button issue the parks have faced over the past few decades. City Hall, Fire Department, MICA, Thrift Shop in our parks – check. Transit parking at Kite Hill – check.

2. The process was rushed because Jessi wanted to complete the parks zone as part of the adoption of the rewrite of the comp. plan. Unfortunately, that led citizens to feel this was being rushed, and the fix was in. It was unwise to give the parks commission the draft on Dec. 28 for a one-time review on Jan. 4. The feeling now is to take our time on this zone and if necessary add it to the new comp. plan after the comp. plan rewrite is adopted. The good news is 6 years ago we were fighting to stop the council from placing a 35,000 sf performing arts center in Mercedale Park, and today we are debating a new parks zone.

[Victor Raisys] I strongly disagree about your view of the good news and what we are debating today. We are fighting the exact same thing we have for two decades – development in our parks. While the current proposal may not allow a performing arts center (because it's not a government office), it would allow City Hall to be built in our parks with the caveat of impervious surfaces (a hurdle that I'm sure that CPD could find a way around). Please see discussion of city staff confirming this:

<https://youtu.be/suiagN2EEYY?t=4054> (1:07:35)

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[Victor Raisys] what I took away from the planning commission meeting is that ADP is complex. This is a communications issue. Someone needs to explain in doggie, horsey, pony style terms that everyone can understand why ADP is/is not included in the zone. Simply leaving it out without an easily understandable explanation is not helpful.

8. What we are trying to do is to prevent this or future councils from rezoning park land or changing the uses in our parks to non-park related (MICA, commuter parking lots, rezoning the property next to HAPS or part of the sculpture garden which means more concrete). That means protecting the "perimeter" of the parks, and the non-park related uses in the parks, along with limiting net new impervious surfaces. That should not be that hard. The PROS plan determines what park-related development occurs. **WHETHER THIS COUNCIL WILL UNDERSTAND THAT, AND THAT THEY ARE OUR FEAR – ALTHOUGH MUCH BETTER THAN PAST COUNCILS (BY A NARROW 4-3 MARGIN, IMAGINE IF REYNOLDS AND AKZUR CONTROLLED THE COUNCIL) – AND REMOVE THEIR ABILITY TO CHANGE THE ZONING OR USES IN A PARK WITH A SIMPLE MAJORITY VOTE I DON'T KNOW. BUT IF THEY DON'T THIS PARKS ZONE IS A TROJAN HORSE.**

[Victor Raisys] agree. If the goal of the proposal is to protect the parks, why isn't the mechanism for change included in the proposal. Seems like a big miss.

There will be another planning commission meeting before the Feb. 8 joint parks/planning commission meeting. The planning commission needs to do no harm. Stick to the script and the issues in the draft zone.

[Victor Raisys] Hoping that the planning commission does no harm is not a sound strategy. Previously, the city council has acted as a safety valve and a check point for things that come out of the planning commission. However, that was not the process that was proposed for the parks zone. The plan was that the planning commission would review/iterate three times (January, February, March) and then the parks zone proposal would disappear into the black hole of the Comprehensive Plan update. My understanding was that the city council would not be reviewing the parks zone as a standalone agenda item and would only be reviewing the parks zone in the broader context of an updated comprehensive plan (when they would also be reviewing the housing elements, economic elements etc). This lack of city council oversight (safety valve) was deeply concerning to me – to use your words below, it spooked me. It contributed to the proposal feeling jammed and rushed.

I think the city manager understands how some of the language in the draft parks zone spooked the citizens although that was not the intent, and the process appeared rush which also spooked many of us. If we take our time, and make sure the parks commission and not planning commission leads, I think we will get a parks zone that does what we want, IF the council is willing to relinquish control over our parks.

[Victor Raisys] agree. Many of us are spooked. This felt jammed.

Daniel Thompson

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Mercer Island, WA 98040
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Fax: (206) 622-3965

From: victor.raisys@gmail.com <victor.raisys@gmail.com>

Sent: Friday, January 26, 2024 10:45 AM

To: 'Salim Nice' <salim.nice@mercergov.org>; 'Jessi Bon' <jessi.bon@mercergov.org>

Cc: 'dc dollarseattle.com' <dc@dollarseattle.com>; 'Jake Jacobson' <jake.jacobson@mercercisland.gov>; Laurie Raisys (Island Books); Victor Raisys (Island Books); Dan Thompson; Ryan Daly

Subject: RE: Parks Zone/February 8 Joint Planning Commission--Parks Commission Meeting.

I'm removing most of the people on this email thread. I'm writing in my capacity as a private citizen and MI business owner (and not in my capacity as Planning Commissioner).

I want to echo Mrs. Cassan's comments below. Mayor Nice asked for my endorsement (and I believe Laurie's endorsement as well) for the recent Parks Levy. While we rarely make political endorsements because of our business, we agreed to give our endorsement and support to the Parks Levy because we value our parks. Having now seen the draft parks zone proposal and the city staff efforts to jam this proposal through, I deeply regret our endorsement and support of the Parks Levy.

While the Parks Levy is behind us and we can neither withdraw our vote nor our endorsement, I suspect that the city will need support on other important issues in the near future (for instance, funding for City Hall). As Pete Townsend sang, "Won't Get Fooled Again".

Victor

From: dc dollarseattle.com <dc@dollarseattle.com>

Sent: Thursday, January 25, 2024 2:39 PM

To: Dan Thompson <danielphthompson@hotmail.com>; Council <council@mercergov.org>

Cc: Parks & Rec Commission <ParksAndRec.Commission@mercergov.org>; Jessi Bon <jessi.bon@mercergov.org>; Ryan Daly <Ryan.Daly@mercergov.org>; Planning Commission <Planning.Commission@mercergov.org>; Ashley Hay <ashley.hay@mercercisland.gov>; Ray Akers <ray@akerscargill.com>; aql1@cornell.edu <aql1@comcast.net>; Ira Appelman <appelman@bmi.net>; Matthew Goldbach <blkship@yahoo.com>; Lloyd Gilman <biznlloyd@gmail.com>; Elizabeth Buckley <mezzo@elizabethbuckley.com>; Bob Harper <Robert.Harper@comcast.net>; Carv Zwingle <carvz@yahoo.com>; Traci Granbois <traci.granbois@gmail.com>; fletchsa1@gmail.com; Mike Cero <mscero@comcast.net>; Gary Robinson <docrobinson@comcast.net>; Dwight Schaeffer <drschaeffer@comcast.net>; Rob Dunbabin <rob@cascadeyarns.com>; Robin Russell <scubarobin@msn.com>; Susan Lund <srlund@aol.com>; Thomas Acker <tomacker1@comcast.net>; Tom Acker <gngundr@comcast.net>; Gary Robinson <gdrobinsong@gmail.com>; John Hall <johnmhall@jmhcorp.net>; Olivia Lippens <Olivia@lippens.com>; Dave Oberg <obergcd@comcast.net>; Robert Medved <RobertAMedved@msn.com>; Mark Coen <mscnb@msn.com>; John <john@larsen.net>; jkennedy59@me.com; Morrene Jacobson <morrene2000@gmail.com>; Joy

Matsuura <jmatsu999@yahoo.com>; lsarchin@aol.com; Meg Lippert <meg.lippert@gmail.com>; Lou Glatz <louglatz@hotmail.com>; Lori Robinson <loreleirobinson@icloud.com>; Ryan Rahlfs <ryanrahlfs@gmail.com>; Rebecca Wilson <rebeccajwilson10@gmail.com>

Subject: Re: Parks Zone/February 8 Joint Planning Commission--Parks Commission Meeting.

This is so, so disappointing. Would the Parks Levy have passed if this type of conversations had been out in the open. I think not. I know I would have not done so. Thank you guys/gals for continuing to be are eyes and ears. Really appreciate it. dc

From: Dan Thompson <danielphompson@hotmail.com>

Date: Thursday, January 25, 2024 at 2:06 PM

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

Cc: Parks & Rec Commission <ParksAndRec.Commission@mercergov.org>, jessi.bon@mercergov.org <jessi.bon@mercergov.org>, Ryan Daly <Ryan.Daly@mercergov.org>, planning.commission@mercerisland.gov <planning.commission@mercerisland.gov>, ashley.hay@mercerisland.gov <ashley.hay@mercerisland.gov>, Ray Akers <ray@akerscargill.com>, aql1@cornell.edu <aql@comcast.net>, Ira Appelman <appelman@bmi.net>, Matthew Goldbach <blkship@yahoo.com>, Lloyd Gilman <biznlloyd@gmail.com>, Buckley Elizabeth <mezzo@elizabethbuckley.com>, Bob Harper <robert.harper@comcast.net>, carvz@yahoo.com <carvz@yahoo.com>, traci.granbois@gmail.com <traci.granbois@gmail.com>, fletchsa1@gmail.com <fletchsa1@gmail.com>, Mike Cero <mscero@comcast.net>, docrobinson@comcast.net <docrobinson@comcast.net>, dc dollarseattle.com <dc@dollarseattle.com>, Dwight Schaeffer <drschaefter@comcast.net>, Rob Dunbabin <rob@cascadeyarns.com>, Robin Russell <scubarobin@msn.com>, Susan Lund <srlund@aol.com>, Thomas Acker <tomacker1@comcast.net>, Tom Acker <gngundr@comcast.net>, Gary Robinson <gdrobinsong@gmail.com>, John Hall <johnmhall@jmhcorp.net>, Olivia Lippens <olivia@lippens.com>, obergcd@comcast.net <obergcd@comcast.net>, Robert A. Medved <robertamedved@msn.com>, Mark Coen <mscnb@msn.com>, John <john@larsen.net>, jkennedy59@me.com <jkennedy59@me.com>, Morrene Jacobson <morrene2000@gmail.com>, Joy Matsuura <jmatsu999@yahoo.com>, lsarchin@aol.com <lsarchin@aol.com>, Meg Lippert <meg.lippert@gmail.com>, Lou Glatz <louglatz@hotmail.com>, Lori Robinson <loreleirobinson@icloud.com>, Ryan Rahlfs <ryanrahlfs@gmail.com>, Rebecca Wilson <rebeccajwilson10@gmail.com>

Subject: Parks Zone/February 8 Joint Planning Commission--Parks Commission Meeting.

Hello, I watched the parks commission and planning commission meetings on the new parks zone. I think the planning commission is not well suited to this issue. I and others complained about the short notice the parks commission was given to review the draft zone. **Thank you to Mayor Nice for scheduling a joint parks-planning commission meeting on Feb. 8 that should be in person. The parks commission should really be driving this debate. This is NOT a development debate. It is how to prohibit as much as possible development in our parks.**

I have tried to copy some of the citizens who have worked so hard over the last 15 years to protect and preserve our parks.

For *many* years I have told councils and city managers that parks should *always* be a win. When parks are not a "win" it gets ugly. Probably the smartest thing Jessi did after the acrimonious Aubrey Davis Park Master Plan process was to form the parks commission. The parks commission gets it: they represent the parks, and the citizens, and not the city or council.

Here are the basic issues for the joint meeting:

1. Which parks are placed into the parks zone. IMO if it has "park" in the name it needs to go into the zone or this process will look phony, and any park not included will create suspicion the council plans to develop that "park".

2. The USES allowed should be the same as today: only *park-related development or uses are allowed*, and to many extents the PROS plan reflects this. Ideally, we can move YFS to a new city hall, or allow a conditional use permit for *existing* non-park related uses. We do it all the time. Instead the city is trying to tailor the regulatory limits and uses in the zone to accommodate a few non-conforming conditional uses.

3. The regulatory limits must reflect the surrounding zone unless they are less in the new parks zone. Nearly every park sits in the residential zone. The mistake Ryan and the city make is requesting greater a regulatory

limit for height (35') when the height limit is 30' under the RDS, and not understanding there are regulatory limits for GFAR, yard setbacks, impervious surface limits, and so on for any zone.

4. NO NEW NET IMPERVIOUS SURFACE LIMITS. This has been a central tenant at the parks commission and is the most important factor that serves as a safeguard for all the other factors, as even the CPD recognizes. The problem is the planning doesn't understand this, the decades long history of this concept, and how central this issue was to the PROS plan that the planning commission members never participated in.

5. THERE MUST BE A HEIGHTENED STANDARD FOR THE COUNCIL TO CHANGE THE USE OR ZONING OF ANY PARK IN THE ZONE. The whole motivation of a parks zone is due to past councils trying to change the zoning or use of our parks (including this council). If we create a parks zone but allow this or a future council to rezone our parks simply based on a majority vote we haven't protected any park by this zone. It will be a Trojan Horse. This is why some citizens wanted a municipal trust for our parks. My suggestion is a VOTE OF THE CITIZENS is required before the use or zoning of a park in the zone is changed.

If I could only get numbers 4 and 5 it would be a great start. This parks zone was promised to be in good faith and legitimate during the campaign to renew the parks levy and increase it, and the city and council need to be honest and act in good faith during this process.

Let the parks commission lead.

Thank you.

Daniel Thompson

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

From: Ashley Hay <ashley.hay@mercerisland.gov>
Sent time: 2024/01/26 06:24:06 PM
To: victor.raisys@gmail.com; Dan Thompson; Salim Nice; Jessi Bon
Cc: Doris Cassan; Jake Jacobson
Subject: Re: Parks Zone/February 8 Joint Planning Commission--Parks Commission Meeting.

Thank you, Victor, for your detailed responses below. Zoning our parks is a very important issue for our community, and I am looking forward to the joint Parks Commission + Planning Commission meeting on Feb. 8.

I will comment on item 3. below, where you have referenced my input, and I thank you for referencing the Surface Level/Street Level/At Grade parking which I suggested as a substitute for Public Parking, Parking Structures and Underground Parking.

When the Parks Commission reviewed this Parks Zone draft on 1/4/24, I suggested that any public parking in our Parks Zones be specified as at grade/Street Level, because a parking structure or underground parking facility is not, in my opinion, desired by the community, nor reasonable considering intended parks usage, nor is it financially feasible for our community.

Unfortunately this suggestion was left out of the matrix which was presented to the Planning Commission, but I appreciate that you caught this and referenced it in the Planning Commission meeting (with support from other Commissioners).

Parking is one of the many things we will need to address in our joint meeting.

As we move forward I am encouraged by the fact that many commissioners are hearkening back to the original purpose and intent of the Parks Zoning, which is to protect and preserve our beautiful parks. If we remain focused on that, I believe that we will achieve that goal, but it is not something which can be rushed or decided by a small handful of citizens.

I look forward to continuing the discussion in February.

-Ashley

From: victor.raisys@gmail.com <victor.raisys@gmail.com>
Sent: Friday, January 26, 2024 3:17 PM
To: Dan Thompson <danielphthompson@hotmail.com>; Salim Nice <salim.nice@mercerisland.gov>; Jessi Bon <jessi.bon@mercergov.org>
Cc: Doris Cassan <dc@dollarseattle.com>; Jake Jacobson <jake.jacobson@mercergov.org>; Ashley Hay <ashley.hay@mercerisland.gov>
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Daniel Thompson

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Mercer Island, WA 98040
Phone: (206) 622-0670

From: victor.raisys@gmail.com <victor.raisys@gmail.com>

Sent: Friday, January 26, 2024 10:45 AM

To: 'Salim Nice' <salim.nice@mercergov.org>; 'Jessi Bon' <jessi.bon@mercergov.org>

Cc: 'dc dollarseattle.com' <dc@dollarseattle.com>; 'Jake Jacobson' <jake.jacobson@mercerisland.gov>; Laurie Raisys (Island Books); Victor Raisys (Island Books); Dan Thompson; Ryan Daly

Subject: RE: Parks Zone/February 8 Joint Planning Commission--Parks Commission Meeting.

I'm removing most of the people on this email thread. I'm writing in my capacity as a private citizen and MI business owner (and not in my capacity as Planning Commissioner).

I want to echo Mrs. Cassan's comments below. Mayor Nice asked for my endorsement (and I believe Laurie's endorsement as well) for the recent Parks Levy. While we rarely make political endorsements because of our business, we agreed to give our endorsement and support to the Parks Levy because we value our parks. Having now seen the draft parks zone proposal and the city staff efforts to jam this proposal through, I deeply regret our endorsement and support of the Parks Levy.

While the Parks Levy is behind us and we can neither withdraw our vote nor our endorsement, I suspect that the city will need support on other important issues in the near future (for instance, funding for City Hall). As Pete Townsend sang, "Won't Get Fooled Again".

Victor

From: dc dollarseattle.com <dc@dollarseattle.com>

Sent: Thursday, January 25, 2024 2:39 PM

To: Dan Thompson <danielphthompson@hotmail.com>; Council <council@mercergov.org>

Cc: Parks & Rec Commission <ParksAndRec.Commission@mercergov.org>; Jessi Bon <jessi.bon@mercergov.org>; Ryan Daly <Ryan.Daly@mercergov.org>; Planning Commission <Planning.Commission@mercergov.org>; Ashley Hay <ashley.hay@mercerisland.gov>; Ray Akers <ray@akerscargill.com>; aql1@cornell.edu <aql@comcast.net>; Ira Appelman <appelman@bmi.net>; Matthew Goldbach <blkship@yahoo.com>; Lloyd Gilman <biznlloyd@gmail.com>; Elizabeth Buckley <mezzo@elizabethbuckley.com>; Bob Harper <Robert.Harper@comcast.net>; Carv Zwingle <carvz@yahoo.com>; Traci Granbois <traci.granbois@gmail.com>; fletchsa1@gmail.com; Mike Cero <mscero@comcast.net>; Gary Robinson <docrobinson@comcast.net>; Dwight Schaeffer <drschaeffer@comcast.net>; Rob Dunbabin <rob@cascadeyarns.com>; Robin Russell <scubarobin@msn.com>; Susan Lund <srlund@aol.com>; Thomas Acker <tomacker1@comcast.net>; Tom Acker <gngundr@comcast.net>; Gary Robinson <gdrobinsong@gmail.com>; John Hall <johnmhall@jmhcorp.net>; Olivia Lippens <Olivia@lippens.com>; Dave Oberg <obergcd@comcast.net>; Robert Medved <RobertAMedved@msn.com>; Mark Coen <mscnb@msn.com>; John <john@larsen.net>; jkennedy59@me.com; Morrene Jacobson <morrene2000@gmail.com>; Joy Matsuura <jmatsu999@yahoo.com>; lsarchin@aol.com; Meg Lippert <meg.lippert@gmail.com>; Lou Glatz <louglatz@hotmail.com>; Lori Robinson <loreleirobinson@icloud.com>; Ryan Rahlfs <ryanrahlfs@gmail.com>; Rebecca Wilson <rebeccajwilson10@gmail.com>

Subject: Re: Parks Zone/February 8 Joint Planning Commission--Parks Commission Meeting.

This is so, so disappointing. Would the Parks Levy have passed if this type of conversations had been out in the open. I think not. I know I would have not done so. Thank you guys/gals for continuing to be eyes and ears. Really appreciate it. dc

From: Dan Thompson <danielphthompson@hotmail.com>

Date: Thursday, January 25, 2024 at 2:06 PM

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

Cc: Parks & Rec Commission <ParksAndRec.Commission@mercergov.org>, jessi.bon@mercergov.org <jessi.bon@mercergov.org>, Ryan Daly <Ryan.Daly@mercergov.org>, planning.commission@mercerisland.gov <planning.commission@mercerisland.gov>, ashley.hay@mercerisland.gov <ashley.hay@mercerisland.gov>, Ray Akers <ray@akerscargill.com>, aql1@cornell.edu <aql@comcast.net>, Ira Appelman <appelman@bmi.net>, Matthew Goldbach <blkship@yahoo.com>, Lloyd Gilman <biznlloyd@gmail.com>, Buckley Elizabeth <mezzo@elizabethbuckley.com>, Bob Harper <robert.harper@comcast.net>, carvz@yahoo.com <carvz@yahoo.com>, traci.granbois@gmail.com <traci.granbois@gmail.com>, fletchsa1@gmail.com <fletchsa1@gmail.com>, Mike Cero <mscero@comcast.net>, docrobinson@comcast.net <docrobinson@comcast.net>, dc dollarseattle.com <dc@dollarseattle.com>, Dwight Schaeffer <drschaeffer@comcast.net>, Rob Dunbabin <rob@cascadeyarns.com>, Robin Russell <scubarobin@msn.com>, Susan Lund <srlund@aol.com>, Thomas Acker <tomacker1@comcast.net>, Tom Acker <gngundr@comcast.net>, Gary Robinson <gdrobinsong@gmail.com>, John Hall <johnmhall@jmhcorp.net>, Olivia Lippens <olivia@lippens.com>, obergcd@comcast.net <obergcd@comcast.net>, Robert A. Medved <robertamedved@msn.com>, Mark Coen <mscnb@msn.com>, John <john@larsen.net>, jkennedy59@me.com <jkennedy59@me.com>, Morrene Jacobson <morrene2000@gmail.com>, Joy Matsuura <jmatsu999@yahoo.com>, lsarchin@aol.com <lsarchin@aol.com>, Meg Lippert <meg.lippert@gmail.com>, Lou

Glatz <louglatz@hotmail.com>, Lori Robinson <lorelei-robinson@icloud.com>, Ryan Rahlfs <ryanrahlfs@gmail.com>, Rebecca Wilson <rebeccajwilson10@gmail.com>

Subject: Parks Zone/February 8 Joint Planning Commission--Parks Commission Meeting.

Hello, I watched the parks commission and planning commission meetings on the new parks zone. I think the planning commission is not well suited to this issue. I and others complained about the short notice the parks commission was given to review the draft zone. **Thank you to Mayor Nice for scheduling a joint parks-planning commission meeting on Feb. 8 that should be in person. The parks commission should really be driving this debate. This is NOT a development debate. It is how to prohibit as much as possible development in our parks.**

I have tried to copy some of the citizens who have worked so hard over the last 15 years to protect and preserve our parks.

For *many* years I have told councils and city managers that parks should *always* be a win. When parks are not a "win" it gets ugly. Probably the smartest thing Jessi did after the acrimonious Aubrey Davis Park Master Plan process was to form the parks commission. The parks commission gets it: they represent the parks, and the citizens, and not the city or council.

Here are the basic issues for the joint meeting:

- 1. Which parks are placed into the parks zone. IMO if it has "park" in the name it needs to go into the zone or this process will look phony, and any park not included will create suspicion the council plans to develop that "park".**
- 2. The USES allowed should be the same as today: only *park-related development or uses are allowed*, and to many extents the PROS plan reflects this. Ideally, we can move YFS to a new city hall, or allow a conditional use permit for *existing* non-park related uses. We do it all the time. Instead the city is trying to tailor the regulatory limits and uses in the zone to accommodate a few non-conforming conditional uses.**
- 3. The regulatory limits must reflect the surrounding zone unless they are less in the new parks zone. Nearly every park sits in the residential zone. The mistake Ryan and the city make is requesting greater a regulatory limit for height (35') when the height limit is 30' under the RDS, and not understanding there are regulatory limits for GFAR, yard setbacks, impervious surface limits, and so on for any zone.**
- 4. NO NEW NET IMPERVIOUS SURFACE LIMITS. This has been a central tenant at the parks commission and is the most important factor that serves as a safeguard for all the other factors, as even the CPD recognizes. The problem is the planning doesn't understand this, the decades long history of this concept, and how central this issue was to the PROS plan that the planning commission members never participated in.**
- 5. THERE MUST BE A HEIGHTENED STANDARD FOR THE COUNCIL TO CHANGE THE USE OR ZONING OF ANY PARK IN THE ZONE. The whole motivation of a parks zone is due to past councils trying to change the zoning or use of our parks (including this council). If we create a parks zone but allow this or a future council to rezone our parks simply based on a majority vote we haven't protected any park by this zone. It will be a Trojan Horse. This is why some citizens wanted a municipal trust for our parks. My suggestion is a VOTE OF THE CITIZENS is required before the use or zoning of a park in the zone is changed.**

If I could only get numbers 4 and 5 it would be a great start This parks zone was promised to be in good faith and legitimate during the campaign to renew the parks levy and increase it, and the city and council need to be honest and act in good faith during this process.

Let the parks commission lead.

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 <danielphompson@hotmail.com>
Sent time: 2024/01/26 09:00:04 PM
To: Salim Nice; Jessi Bon
Subject: Fwd: Parks Zone/February 8 Joint Planning Commission--Parks Commission Meeting.

There is your savior.

Sent from my iPhone

Begin forwarded message:

From: Ashley Hay <ashley.hay@mercerisland.gov>
Date: January 26, 2024 at 6:24:15 PM PST
To: victor.raisys@gmail.com, Dan Thompson <danielphompson@hotmail.com>, Salim Nice <salim.nice@mercerisland.gov>, Jessi Bon <jessi.bon@mercergov.org>
Cc: Doris Cassan <dc@dollarseattle.com>, Jake Jacobson <jake.jacobson@mercergov.org>
Subject: Re: Parks Zone/February 8 Joint Planning Commission--Parks Commission Meeting.

Thank you, Victor, for your detailed responses below. Zoning our parks is a very important issue for our community, and I am looking forward to the joint Parks Commission + Planning Commission meeting on Feb. 8.

I will comment on item 3. below, where you have referenced my input, and I thank you for referencing the Surface Level/Street Level/At Grade parking which I suggested as a substitute for Public Parking, Parking Structures and Underground Parking.

When the Parks Commission reviewed this Parks Zone draft on 1/4/24, I suggested that any public parking in our Parks Zones be specified as at grade/Street Level, because a parking structure or underground parking facility is not, in my opinion, desired by the community, nor reasonable considering intended parks usage, nor is it financially feasible for our community.

Unfortunately this suggestion was left out of the matrix which was presented to the Planning Commission, but I appreciate that you caught this and referenced it in the Planning Commission meeting (with support from other Commissioners).

Parking is one of the many things we will need to address in our joint meeting.

As we move forward I am encouraged by the fact that many commissioners are hearkening back to the original purpose and intent of the Parks Zoning, which is to protect and preserve our beautiful parks. If we remain focused on that, I believe that we will achieve that goal, but it is not something which can be rushed or decided by a small handful of citizens.

I look forward to continuing the discussion in February.

-Ashley

From: victor.raisys@gmail.com <victor.raisys@gmail.com>
Sent: Friday, January 26, 2024 3:17 PM
To: Dan Thompson <danielphompson@hotmail.com>; Salim Nice <salim.nice@mercerisland.gov>; Jessi Bon <jessi.bon@mercergov.org>
Cc: Doris Cassan <dc@dollarseattle.com>; Jake Jacobson <jake.jacobson@mercergov.org>; Ashley Hay <ashley.hay@mercerisland.gov>
Subject: RE: Parks Zone/February 8 Joint Planning Commission--Parks Commission Meeting.

See my comments below....

From: Dan Thompson <danielphompson@hotmail.com>
Sent: Friday, January 26, 2024 11:31 AM

GMHB Exhibit #308 - 0107

To: victor.raisys@gmail.com; 'Salim Nice' <salim.nice@mercergov.org>; 'Jessi Bon' <jessi.bon@mercergov.org>
Cc: 'dc dollarseattle.com' <dc@dollarseattle.com>; 'Jake Jacobson' <jake.jacobson@mercerisland.gov>;
ashley.hay@mercerisland.gov
Subject: Re: Parks Zone/February 8 Joint Planning Commission--Parks Commission Meeting.

I've added Ashley Hay to this email as I think she will be critical in this process

I spoke to Jessi Bon and better understand the initial draft of the parks zone, some of which I think needs to be amended, and I plan to post on this. But here is a quick summary:

1. Jessi drafted the initial draft parks zone so send your ire to her.

[Victor Raisys] consider it sent. Jessi, see my "ire"/comments in my previous email. Salim, as leader of the council that oversees Jessi's work, you bear partial responsibility for this as well.

The current proposal to create a zone to protect our parks does everything but protect our parks. It is one of the most tone deaf documents I've seen come out of the city (and I've seen a lot). It seems to attempt to codify every hot button issue the parks have faced over the past few decades. City Hall, Fire Department, MICA, Thrift Shop in our parks – check. Transit parking at Kite Hill – check.

2. The process was rushed because Jessi wanted to complete the parks zone as part of the adoption of the rewrite of the comp. plan. Unfortunately, that led citizens to feel this was being rushed, and the fix was in. It was unwise to give the parks commission the draft on Dec. 28 for a one-time review on Jan. 4. The feeling now is to take our time on this zone and if necessary add it to the new comp. plan after the comp. plan rewrite is adopted. The good news is 6 years ago we were fighting to stop the council from placing a 35,000 sf performing arts center in Mercedale Park, and today we are debating a new parks zone.

[Victor Raisys] I strongly disagree about your view of the good news and what we are debating today. We are fighting the exact same thing we have for two decades – development in our parks. While the current proposal may not allow a performing arts center (because it's not a government office), it would allow City Hall to be built in our parks with the caveat of impervious surfaces (a hurdle that I'm sure that CPD could find a way around). Please see discussion of city staff confirming this:

<https://youtu.be/suiagN2EEYY?t=4054> (1:07:35)

<https://youtu.be/suiagN2EEYY?t=4280> (1:11:30)

If there has been a change in the plan and process, I haven't seen it communicated. Now would be a good time to do so. People are extremely fired up over this.

3. This is not a redo of the Parks, Recreation and Open Space Plan. We spent two years on that before the parks commission. The PROS plan is the template for the *park-related* development within our parks over the next decade. It didn't help when some planning commission members began with their own ideas about new development in the park when that process is over. It also didn't help when the draft zone included underground parking when the city will never have the money for underground park-related parking, but spooked some, and of course some planning commission members started talking about underground zillion dollar parking garages in Mercedale Park for the town center, when if they had followed the parking management plan process at the city council they would know there is plenty of parking in the town center, and if there is ever underground parking it will be at Tully's. The newer members of the planning commission don't quite understand their role.

[Victor Raisys] agree with all of the above. I'll refrain from commenting on my planning commission colleagues.

Re: parking. Introducing the words "parking structures" and "underground parking" (regardless of whether affordable or not) is unhelpful. Using this language brings out the wacky proposals (e.g. dig up Mercedale for underground parking) and simultaneously makes the parks advocates lose their minds. Nobody wants parking structures and underground parking in our parks. They are hot button issues for our parks advocates. They still remember the Kite Hill transit parking proposal. The Parks Commission had an easy elegant solution for the wording on this: street level, surface parking at grade (Ashley, can correct me on this).

4. The key is not "no new impervious surfaces" but no new NET impervious surfaces. For example, the PROS plan repurposed the tennis courts at Luther Burbank for pickle ball rather than pour new concrete. If necessary, the city could remove the concrete cow milking foundation at the north end of Luther Burbank if it needed new impervious surface someplace else. The PROS plan dealt with this tension between open/green space and recreation/impervious surfaces. Another related issue is just what are "impervious surfaces". Some like me believe packed gravel is impervious surfaces; the city does not. Some citizens felt the no new net impervious surfaces meant no new impervious surfaces or would preclude some promised projects in the PROS plan. This needs to be better spelled out in the parks zone and tie in the PROS plan.

[Victor Raisys] agree

5. What I think is driving the debate over regulatory limits are the non-conforming buildings in Luther and maybe the Thrift Store (not sure if that is in Mercerdale Park). Those are getting old and will need replacement (the Thrift Store is up to generating \$800,000 in revenue, and next year should go to \$1 million for YFS). Everyone including YFS would like to be in a newer non-park building but finances are not infinite. So the draft regulatory limits were designed to allow these old non-conforming buildings to be replaced with the same size buildings, when I think the regulatory limits need to be less (at least less than 35' height) and these buildings granted a conditional use with the right to rebuild if necessary. **What we don't want is NEW buildings, or current buildings being replaced with larger buildings.**

[Victor Raisys] While that may have indeed been the intent, that is not what was proposed. The current proposal would enable new buildings to be built in our parks. Again, see videos above for city staff discussion of building a NEW City Hall in Mercerdale Park. A broadly worded, open ended proposal that discusses government buildings and offices as an accepted use in our parks (especially given the historical fight over City Hall/Fire Station in Mercerdale Park) is not helpful. A tightly worded proposal that discusses the plan for the eventual replacement of existing non-conforming government buildings in our parks would have been much more helpful and likely better received.

6. A "zone" is just lines on a map. Every zone has regulatory limits that determine the scale of development, and uses. Height is only one. There is gross floor area to lot area ratio, impervious surface limits, setbacks, and so on. The general rule is a park has the same regulatory limits as the surrounding zone, which on MI is mostly the residential zone that has a 30' height limit. It was a mistake for the draft zone to have a higher height limit FOR EVERY PARK. At the same time, the rest of the regulatory limits for the residential zone don't make sense for a park. We are not going to cover 40% of a park with impervious surfaces as allowed under the RDS (I hope, unless the council upzones the parks to Commercial/Office). It is the restriction on new NET impervious surfaces that essentially replaces the other regulatory limits in the residential zone for the parks zone.

[Victor Raisys] agree-ish. Agree that is a mistake for the proposal to have a higher height limit for every park (this one size fits all approach is problematic throughout the proposal). However, why is there any sort of development height limit for, as an example, Wyldwood Park, near my house? What could possibly be built or developed there? Why leave that possibility open and available? While I acknowledge that Luther Burbank Park may have some development needs (that I would argue need to be tightly defined) I think park advocates and citizens in general would like some assurances that the other (or the majority of) parks on the island will not be developed. This is the parks protection piece that parks advocates are looking for and is missing from the current proposal. In developing a plan that works for Luther Burbank, we have left our other parks exposed and unprotected. The one size fits all approach does not work.

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Daniel Thompson

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From: victor.raisys@gmail.com <victor.raisys@gmail.com>

Sent: Friday, January 26, 2024 10:45 AM

To: 'Salim Nice' <salim.nice@mercergov.org>; 'Jessi Bon' <jessi.bon@mercergov.org>

Cc: 'dc dollarseattle.com' <dc@dollarseattle.com>; 'Jake Jacobson' <jake.jacobson@mercercisland.gov>; Laurie Raisys (Island Books); Victor Raisys (Island Books); Dan Thompson; Ryan Daly

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Victor

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Sent: Thursday, January 25, 2024 2:39 PM

To: Dan Thompson <danielphompson@hotmail.com>; Council <council@mercergov.org>

Cc: Parks & Rec Commission <ParksAndRec.Commission@mercergov.org>; Jessi Bon <jessi.bon@mercergov.org>; Ryan Daly <Ryan.Daly@mercergov.org>; Planning Commission <Planning.Commission@mercergov.org>; Ashley Hay <ashley.hay@mercercisland.gov>; Ray Akers <ray@akerscargill.com>; aql1@cornell.edu <aql@comcast.net>; Ira Appelman <appelman@bmi.net>; Matthew Goldbach <blkship@yahoo.com>; Lloyd Gilman <biznllloyd@gmail.com>; Elizabeth Buckley <mezzo@elizabethbuckley.com>; Bob Harper <Robert.Harper@comcast.net>; Carv Zwingle <carvz@yahoo.com>; Traci Granbois <traci.granbois@gmail.com>; fletchsa1@gmail.com; Mike Cero <mscero@comcast.net>; Gary Robinson <docrobinson@comcast.net>; Dwight Schaeffer <drschaeffer@comcast.net>; Rob Dunbabin <rob@cascaedeyarns.com>; Robin Russell <scubarobin@msn.com>; Susan Lund <srlund@aol.com>; Thomas Acker <tomacker1@comcast.net>; Tom Acker <gngundr@comcast.net>; Gary Robinson <gdrobinsong@gmail.com>; John Hall <johnmhall@jmhcorp.net>; Olivia Lippens <Olivia@lippens.com>; Dave Oberg <obergcd@comcast.net>; Robert Medved <RobertAMedved@msn.com>; Mark Coen <mscnb@msn.com>; John <john@larsen.net>; jkennedy59@me.com;

Morrene Jacobson <morrene2000@gmail.com>; Joy Matsuura <jmatsu999@yahoo.com>; lsarchin@aol.com; Meg Lippert <meg.lippert@gmail.com>; Lou Glatz <louglatz@hotmail.com>; Lori Robinson <loleirobinson@icloud.com>; Ryan Rahlfs <ryanrahlfs@gmail.com>; Rebecca Wilson <rebeccajwilson10@gmail.com>

Subject: Re: Parks Zone/February 8 Joint Planning Commission--Parks Commission Meeting.

This is so, so disappointing. Would the Parks Levy have passed if this type of conversations had been out in the open. I think not. I know I would have not done so. Thank you guys/gals for continuing to be are eyes and ears. Really appreciate it. dc

From: Dan Thompson <danielphompson@hotmail.com>

Date: Thursday, January 25, 2024 at 2:06 PM

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

Cc: Parks & Rec Commission <ParksAndRec.Commission@mercergov.org>, jessi.bon@mercergov.org <jessi.bon@mercergov.org>, Ryan Daly <Ryan.Daly@mercergov.org>, planning.commission@mercerisland.gov <planning.commission@mercerisland.gov>, ashley.hay@mercerisland.gov <ashley.hay@mercerisland.gov>, Ray Akers <ray@akerscargill.com>, aql1@cornell.edu <aql@comcast.net>, Ira Appelman <appelman@bmi.net>, Matthew Goldbach <blkship@yahoo.com>, Lloyd Gilman <biznloyd@gmail.com>, Buckley Elizabeth <mezzo@elizabethbuckley.com>, Bob Harper <robert.harper@comcast.net>, carvz@yahoo.com <carvz@yahoo.com>, traci.granbois@gmail.com <traci.granbois@gmail.com>, fletchsa1@gmail.com <fletchsa1@gmail.com>, Mike Cero <mscero@comcast.net>, docrobinson@comcast.net <docrobinson@comcast.net>, dc dollarseattle.com <dc@dollarseattle.com>, Dwight Schaeffer <drschaeffer@comcast.net>, Rob Dunbabin <rob@cascadeyarns.com>, Robin Russell <scubarobin@msn.com>, Susan Lund <srlund@aol.com>, Thomas Acker <tomacker1@comcast.net>, Tom Acker <gngundr@comcast.net>, Gary Robinson <gdrobinsong@gmail.com>, John Hall <johnmhall@jmhcorp.net>, Olivia Lippens <olivia@lippens.com>, obergcd@comcast.net <obergcd@comcast.net>, Robert A. Medved <robertamedved@msn.com>, Mark Coen <mscnb@msn.com>, John <john@larsen.net>, jkennedy59@me.com <jkennedy59@me.com>, Morrene Jacobson <morrene2000@gmail.com>, Joy Matsuura <jmatsu999@yahoo.com>, lsarchin@aol.com <lsarchin@aol.com>, Meg Lippert <meg.lippert@gmail.com>, Lou Glatz <louglatz@hotmail.com>, Lori Robinson <loleirobinson@icloud.com>, Ryan Rahlfs <ryanrahlfs@gmail.com>, Rebecca Wilson <rebeccajwilson10@gmail.com>

Subject: Parks Zone/February 8 Joint Planning Commission--Parks Commission Meeting.

Hello, I watched the parks commission and planning commission meetings on the new parks zone. I think the planning commission is not well suited to this issue. I and others complained about the short notice the parks commission was given to review the draft zone. **Thank you to Mayor Nice for scheduling a joint parks-planning commission meeting on Feb. 8 that should be in person. The parks commission should really be driving this debate. This is NOT a development debate. It is how to prohibit as much as possible development in our parks.**

I have tried to copy some of the citizens who have worked so hard over the last 15 years to protect and preserve our parks.

For *many* years I have told councils and city managers that parks should *always* be a win. When parks are not a "win" it gets ugly. Probably the smartest thing Jessi did after the acrimonious Aubrey Davis Park Master Plan process was to form the parks commission. The parks commission gets it: they represent the parks, and the citizens, and not the city or council.

Here are the basic issues for the joint meeting:

1. Which parks are placed into the parks zone. IMO if it has "park" in the name it needs to go into the zone or this process will look phony, and any park not included will create suspicion the council plans to develop that "park".

2. The USES allowed should be the same as today: *only park-related development or uses are allowed*, and to many extents the PROS plan reflects this. Ideally, we can move YFS to a new city hall, or allow a conditional use permit for *existing* non-park related uses. We do it all the time. Instead the city is

trying to tailor the regulatory limits and uses in the zone to accommodate a few non-conforming conditional uses.

3. The regulatory limits must reflect the surrounding zone unless they are less in the new parks zone. Nearly every park sits in the residential zone. The mistake Ryan and the city make is requesting greater a regulatory limit for height (35') when the height limit is 30' under the RDS, and not understanding there are regulatory limits for GFAR, yard setbacks, impervious surface limits, and so on for any zone.

4. NO NEW NET IMPERVIOUS SURFACE LIMITS. This has been a central tenant at the parks commission and is the most important factor that serves as a safeguard for all the other factors, as even the CPD recognizes. The problem is the planning doesn't understand this, the decades long history of this concept, and how central this issue was to the PROS plan that the planning commission members never participated in.

5. THERE MUST BE A HEIGHTENED STANDARD FOR THE COUNCIL TO CHANGE THE USE OR ZONING OF ANY PARK IN THE ZONE. The whole motivation of a parks zone is due to past councils trying to change the zoning or use of our parks (including this council). If we create a parks zone but allow this or a future council to rezone our parks simply based on a majority vote we haven't protected any park by this zone. It will be a Trojan Horse. This is why some citizens wanted a municipal trust for our parks. My suggestion is a VOTE OF THE CITIZENS is required before the use or zoning of a park in the zone is changed.

If I could only get numbers 4 and 5 it would be a great start This parks zone was promised to be in good faith and legitimate during the campaign to renew the parks levy and increase it, and the city and council need to be honest and act in good faith during this process.

Let the parks commission lead.

Thank you.

Daniel Thompson

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From: Dan Thompson <danielthompson@hotmail.com>
Sent time: 2024/01/27 03:33:24 PM
To: Craig Reynolds
Subject: Re: PCB 24 - 01: Comprehensive Plan Update: Parks Zone – First Review/January 24, 2024/Public Comments

Those issues re: recreation/impervious surfaces vs open/green space were decided in the PROS Plan. This process or zone is to protect the zoning (boundaries) of parks and to prohibit new non-park related uses.

This is where the planning commission is getting caught up. The PROS plan took two years to hash out and includes all the things you mention. We are not revisiting that or what someone today thinks should be added to the PROS plan.

The no new net impervious surface policy the parks commission adopted is a good safe guard because other than height the regulatory limits in the surrounding zone (residential) like GFAR, lot coverage and so on don't make sense in a park. It is the one thing the CPD and Jessi keep telling us will protect our parks and they are right. As the CPD insanely told the PC this zone would allow a new city hall in Luther except for the no new impervious surface rule. No one is going to rely on the good faith of the council which is why many wanted a trust like for open spaces outside the control of the council.

I think Jessi made a mistake and rushed this process. We have a good parks commission (designed to protect us from the parks dept.) and a council that isn't proposing rezoning parks (although you and Wendy had to fight the plan to put a large modular building in Mercerdale for Thrift Store storage that of course went nuclear before being walked back).

I am not sure the parks zone is even necessary because it would be political suicide today for the council to rezone a park, we have the parks commission that does a good job, and the PROS plan. But it was promised when selling renewal of the parks levy.

The issue for the council is it is seen as the risk. Same with the parks dept. which was the motivation for the parks commission. No one wants the CPD or planning commission anywhere near this process.

The reality for the council is it will have to agree to a heightened standard to rezone a park or the citizens will cry fraud.

So it is mostly political risk for the city manager and council. Any park left out or any "discretion" will be seen as a broken promise.

My advice to Jessi and Salim is to slow this down. Get it away from the CPD after the horrible JCC process and away from the planning commission.

I would form a subcommittee. Ashley Hay would be chair, maybe Victor from the PC because he is really worked up, one council member maybe Jake, and Jessi, or Ryan Daly except he doesn't really understand codes. Ashley has incredible credibility on parks, is sophisticated, and very measured.

Anyway that is what I would do. The reality is no council member has much credibility when it comes to parks or green spaces. You guys are too interested in benefitting special interests and organizations, and the council has been for over a decade, which is why this zone is to take parks away from you, or a future council. You think you love green spaces but no one else thinks you do.

Sent from my iPhone

On Jan 27, 2024, at 1:52 PM, Craig Reynolds <craig.reynolds@mercergov.org> wrote:

I agree we need to prioritize (near if not totally) Islander interests. (Not just citizen Islanders.)

I am not convinced yet that we KNOW what types of facilities Islanders want in the parks and whether they want them "wooly" or not.

To the extent possible, I think we need SOME flexibility on impervious surface to allow for things like:
GMFB Exhibit #308 - 0113

- ADA access
- Safe bicycle / pedestrian paths
- Turf for high—use fields
- Amphitheaters
- Pickle ball and tennis and basketball courts, where demand justifies it.

That said, I am a huge fan of green spaces and biodiversity. Hopefully we can have parks that are more than grass and picnic tables.

Craig W. Reynolds

Councilmember

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From: Dan Thompson <danielphompson@hotmail.com>

Date: Friday, January 26, 2024 at 2:33 PM

To: Craig Reynolds <craig.reynolds@mercergov.org>

Subject: Re: PCB 24 - 01: Comprehensive Plan Update: Parks Zone – First Review/January 24, 2024/Public Comments

To follow up, if the word citizen is confusing, you could use Islanders, or residents. What I don't care about is what off Islanders think about our parks, and that was a big sticking point during the Aubrey Davis Park Master Plan process and the outside consultant. Islanders IMO have a unique approach to their parks. They like them more natural and a little wooly, and more than anything get agitated if "their" park is changed. For many years the parks dept. didn't understand this.

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From: Dan Thompson <danielphompson@hotmail.com>

Sent: Friday, January 26, 2024 2:29 PM

To: Craig Reynolds <craig.reynolds@mercergov.org>

Subject: Re: PCB 24 - 01: Comprehensive Plan Update: Parks Zone – First Review/January 24, 2024/Public Comments

Hi Craig, I don't think there is much doubt Islanders feel strongly about their parks. There is a natural tension between recreation and development and open/green spaces that was addressed in the PROS plan. This process is not designed to reevaluate the PROS plan.

I was part of the citizens' groups that fought attempts to rezone or change the uses in our parks, and those efforts badly damaged the prior councils. In 2019 a number of citizens asked the Open Space Committee to place the parks into the trust. It wasn't a practical idea (I think you were on the council when Jessi discussed the pros and cons of a municipal trust) although they were desperate after years of council attempts to rezone one park after another. Since the demise of that council and city management there has been a lot less citizen involvement in the parks because this council hasn't done anything stupid re: parks (although rezoning the polluted property next to Haps when the sales proceeds would go to WSDOT and part of the sculpture garden for the massively out of scale Tully's project was pretty stupid, but no harm no foul since those parcels will likely never be developed).

I will send you my recent email in response to an email from Victor to Jessi and Salim and some others. The motivation for a parks zone is primarily to prevent future councils from changing the zoning or uses in our parks. There really isn't any other purpose because the current zoning (which reflects the zone the parks sit in) works pretty well if park uses must be park related, the city follows the PROS plan, and the parks commission follows its policy of no new NET impervious surfaces, which I suspect you disagree with.

I lean toward the open/green space spectrum. I don't think park land is "free land" to develop. Ryan Daly

gave a presentation to the planning commission in 2019 when you might have been on the PC. Current urban/park planning re: urban parks is changing. In the past it focused on the number of amenities (tennis courts, basketball courts, etc.) per 1000 residents. Today, planners recognize the more urban the area the more important open/green/passive park space is, because that is what is lost with urbanization and what urban dwellers crave. Others prefer more development in our parks, but that debate was decided in the PROS plan which kind of split the baby in half.

Everyone tells me "I share your desire to protect the parks", especially during elections, but the devil is in the details. My point to Jessi, and Salim, is since you guys started this parks zone process you better not appear dishonest, because that would be a terrible unforced error because there wasn't a lot of angst over parks, until the new parks zone was introduced.

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From: Craig Reynolds <craig.reynolds@mercergov.org>

Sent: Friday, January 26, 2024 1:39 PM

To: Dan Thompson <danielphompson@hotmail.com>

Subject: RE: PCB 24 - 01: Comprehensive Plan Update: Parks Zone – First Review/January 24, 2024/Public Comments

Just curious...

When you talk about "citizens", do you mean all US citizens, US citizen Island residents, all residents, or something else?

Should we consider what the non-citizen Island residents want? (I think about 10% of Islanders are not US citizens.) I ask this question in this context and also more generally, since you often talk/write about what the "citizens" want.

On what basis do you know what the "first preference of the citizens" is?

I share your desire to protect the parks. Just want to know where you are coming from so I can better know how to personally weight your priorities

Craig W. Reynolds

Councilmember

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From: Dan Thompson <danielphompson@hotmail.com>

Sent: Wednesday, January 24, 2024 2:27 PM

To: Planning Commission <Planning.Commission@mercergov.org>

GMHB Exhibit #308 - 0115

Cc: Parks & Rec Commission <ParksAndRec.Commission@mercergov.org>; Council <council@mercergov.org>; Ryan Daly <Ryan.Daly@mercergov.org>; Jessi Bon <jessi.bon@mercergov.org>
Subject: Re: PCB 24 - 01: Comprehensive Plan Update: Parks Zone – First Review/January 24, 2024/Public Comments

I should have noted the first preference of the citizens was to form a municipal trust and to place the parks into the trust, not unlike our open space trust. This way the parks in the trust would be outside the control of the council, and could never be rezoned.

I agree with City Manager Bon a municipal trust is not practical for a city the size of MI (as opposed to LA), but citizens have tried in the past to move the open space committee to add parks to the trust.

I raise this because the **prime motivation** for this new parks zone has always been to remove any ability of the council to rezone a park, or to allow non-park-related development. If a new parks zone is created, but a council can change the zoning of a park in the zone no differently than today then we haven't done anything to *permanently protect our parks*.

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From: Dan Thompson <danielphompson@hotmail.com>
Sent: Wednesday, January 24, 2024 2:07 PM
To: planning.commission@mercercisland.gov <planning.commission@mercercisland.gov>
Cc: Parks & Rec Commission <ParksAndRec.Commission@mercergov.org>; council@mercergov.org <council@mercergov.org>; Ryan Daly <Ryan.Daly@mercergov.org>; jessi.bon@mercergov.org <jessi.bon@mercergov.org>
Subject: PCB 24 - 01: Comprehensive Plan Update: Parks Zone – First Review/January 24, 2024/Public Comments

Dear Planning Commission, please consider these my public comments for tonight's first meeting on the new parks zone. As many know, I have pursued a distinct parks zone for over a decade, and feel very passionately about this zone, and whether it is a Trojan Horse or actually protects our park zoning and the development allowed within our parks. My post on ND plus replies can be found at https://nextdoor.com/p/8mZHSHggsrHK?utm_source=share&extras=NDE0NTk4OQ%3D%3D&utm_campaign=1706132013117

1. Process At The Parks Commission.

This process was originally planned to occur *before* the vote on renewing the parks levy, but apparently there was not time until now. However, despite the very long delay, the parks dept. first presented the draft zone to the parks commission on Dec. 28, three business days before the parks commission's only opportunity to review and comment

GMHB Exhibit #308 - 0116

on the draft parks zone. The citizens received virtually no notice which is reflected in the absence of comments at the parks commission despite this being a hot button issue for over a decade.

I have complained about this, and it is my understanding the Mayor will call for a joint parks--planning commission meeting on this zone. I think that is appropriate because the parks commission is more knowledgeable about the age old tension between passive and active (recreational) space within the parks boundaries, while the planning commission is more knowledgeable about zoning and regulatory limits (including the parks dept.).

I am also disappointed at the combative and defensive responses from the city to the questions asked by the planning commission, and hope a joint meeting will loosen the city up to modifications to its draft zone.

2. Two Absolutely Critical Elements To The New Parks Zone.

If there are only two key elements to a parks zone they are:

A. A binding policy of no new net impervious surfaces, which is the parks commission informal policy today. This is the one policy that will protect our parks, and the one policy the city is already backtracking on.

B. A heightened standard for the council to change the zoning of a park in the zone. The motivation for a parks zone is past efforts by councils to rezone parks, or allow non-park related development, for commuter parking lots, MICA, marina's, golf courses, the Tully's project, development of the (polluted) parcel next to Haps, and so on. **My preference is a vote of the citizens is required. My second choice is a unanimous council.** I have lived on MI since 1970 and I can't remember a single time the citizens supported rezoning a park, or allowing non-park related development in a park.

3. What Is A Parks Zone?

The short answer is any zone is nothing but designations on the land use and zoning maps. Here are the three key issues for what is **IN** the parks zone:

A. Which parks are put in the zone. This is unclear from the agenda packet, except the entire Aubrey Davis PARK is not in the zone. The city has also floated the idea of a bifurcated parks zone with some parks getting more protection than others. **IMO any parcel with the name "parks" in it needs to be in the zone or this process will look phony. Any "park" omitted will raise suspicion the city and council plan non-park related development in the park and stir up a hornets nest for no reason.**

B. The regulatory limits in the park zone including allowed uses.

C. How hard it is for the council to rezone park land in the zone. Ideally it would require a vote of the citizens.

4. Problems With The City's Draft Parks Zone.

The first question is whether the proposed parks zone provides less protection for our parks than today, let alone enhanced protections. Right now I am afraid the answer is no, except for the parks commission's desire that there be no new net impervious surfaces which staff's report misinterprets and misquotes.

4. Impervious Surface Limits.

Impervious Surface Limits. According to staff's report: "Impervious Surfaces

- No net new impervious surfaces unless authorized by an adopted City plan, and
- Emergency vehicle lanes, public trails, and synthetic turf athletic fields are exempt".

I have fought for 10 years for a no new net impervious surface rule, and the parks commission adopted that informally. But exempting synthetic turf is a massive loophole that covers huge portions of the parks and fundamentally changes their character. The only park I know of today that has synthetic turf is Island Park, and the other synthetic turf is on school property, where it belongs. I think synthetic turf should be eliminated, or at the very least limited to existing synthetic turf.

I also don't know what "authorized by an adopted City plan" means. Is the city referring to the PROS plan?

5. ALLOWED USES.

The key for any park is that the uses be "park related". For example, a parking lot at Luther Burbank to serve park users is park related; a commuter parking lot is not.

The park zone should define and restrict the uses allowed in the zone as all zones do, which is critical. The general rule is a "use" must be "park related".

Four proposed uses that concern me without further definition are:

- Government offices and government services.
- Public parking, parking structures, and underground parking.

- Transit stops.

- Wireless communications facilities.

Re: parking, I think it must be clear that any parking must be limited to serving park users, although staff's report does state,

"• Note: impervious surface requirement would limit the amount of new parking that could be created unless it was shown on an adopted City plan". **This should inform the planning commission on how important a prohibition on any new net impervious surfaces is in this new zone, as a backstop protection.**"
Underground parking seems pointless to me due to the cost and the fact it can only serve park users when surface parking is cheaper.

I also think any "government offices" should be limited to existing structures in a park, such as Luther Burbank, and not allow new buildings or structures. I don't want to see a new city hall in Luther Burbank because the land is "free".

A transit stop really is not necessary WITHIN a park on MI that I can fathom, and it should be clarified any stop is on the perimeter of the park, and not a "transit facility" or transit structure. A transit stop is on a *street*, and so does not need to be included as a use in the parks zone.

Finally, I don't think wireless communications facilities should be allowed in parks. That is like giving our park land to private vendors. There are plenty of rights of way on MI for wireless facilities that are not in parks.

The one park this becomes confusing is Luther Burbank due to YFS. Ideally, YFS would not need park buildings, and the buildings at Luther Burbank would be reserved for park use. In any case, any parks zone should restrict uses to park related uses, and if necessary grant a conditional use to *existing* uses, but not to any new uses. If a new city hall is built YFS can move there.

6. Regulatory Limits.

The current rule is the regulatory limits applicable to a park reflect the zone in which the park sits because that is the *zone*. Nearly every park on MI sits in a residential zone, so the RDS applies to any development in a park (**which as the city notes will be virtually zero new development based on the no new net impervious surface limit**).

Unfortunately, the draft park zone increases regulatory limits beyond those allowed in the RDS.

2. Regulatory Limits. Height. Staff's report states:

"Building Height: 35-foot maximum, approximately three stories. This is the maximum for most zones outside of Town Center."

This isn't true. Most if not all parks sit in the residential zone which has a 30' height limit. The Commercial/Office zone outside the town center has a 36' height limit (and town center buildings that are commercial only are limited to two stories). The rule today is the regulatory limits for a park must mimic those of the zone it sits in, and I think that rule should be followed. If a park sits in a residential zone, which nearly all do, then the height limit should be 30'. Parks don't need a height limit applicable to Commercial/Office zones. The new park zone would actually INCREASE maximum height of buildings compared to today.

7. Ability To Rezone Parks. In the past, THIS council has voted to rezone parks for the Tully's project and next to Haps. Past councils were worse, which is why many of us have fought so long for a dedicated park zone. I would like to see a heightened standard for rezoning park land, either a super majority vote on the council or a vote of the citizens. My ultimate goal was to remove the ability to rezone our parks or use them for non-park related development from the city or council without express citizen approval. What is the point of a new "park zone" if the council can rezone parks the same as in the past?

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From: Dan Thompson <danielthompson@hotmail.com>

Sent time: 2024/02/05 02:45:02 PM

To: Council; Planning Commission; Parks & Rec Commission; Ryan Daly

Jessi Bon; Thomas Acker <tomacker1@comcast.net>; Mike Cero <mscero@comcast.net>; Robin Russell; Ira Appelman; Meg Lippert; Matthew Goldbach <blkship@yahoo.com>; Elizabeth Buckley; Carv Zwingle; Traci Granbois; Doris Cassan; lsarchin@aol.com; Rob Dunbabin <rob@cascadeyarns.com>; Morrene Jacobson; Robert Medved; Lou Glatz <louglatz@hotmail.com>; Mark Coen; olivialippens@gmail.com; Ray Akers <ray@akerscargill.com>

Subject: Public Comments For Feb. 8 Joint Parks/Planning Commission Meeting On Parks Zone

Below is my reply post from ND to my original post on the new parks zone. https://nextdoor.com/p/ZGy94r94TCsP?utm_source=share&extras=NDE0NTk4OQ%3D%3D&utm_campaign=1707171883059. Included are all the links.

Thanks to City Manager Jessi Bon for slowing down the process and for the joint meeting.

The key IMO for Feb. 8 is to go back to the principles we want for the parks zone which I list below (and have discussed before), and an understanding of, before drafting the specific code language:

1. We are not revisiting the PROS plan.

2. Why a limit on new net impervious surfaces is so important. Because it is about the only regulatory limit that makes sense in a park.

3. The council understanding it will have to adopt a heightened standard to rezone a park in the zone or change its non-park related use, not unlike the trust for open spaces after proposals to turn Pioneer open space into a golf course. I think emotionally it will be hard for the council to accept that this process is to remove our parks from their control.

"The city has released the agenda packet for the Feb. 8 joint parks—planning commission meeting over the new parks zone. <ITEM-Attachment-001-f2372292114c4bcbb666c3a00f92ca64.pdf> (usgovcloudapi.net)

"There is also a Let's Talk site (set to launch Feb. 12). [Comprehensive Plan Periodic Review | Let's Talk Mercer Island](https://www.mercergov.org/ComprehensivePlanPeriodicReview/LetsTalkMercerIsland) ([mercergov.org](https://www.mercergov.org))

"As expected, the agenda packet leads with an outline of the PROS plan because some on the planning commission were unfamiliar with the PROS plan that never went through the planning commission, and thought the parks zone would address new park related development and uses within the parks. Those issues were decided by the PROS plan which was a comprehensive two-year process.

"The city manager has also wisely slowed down this process, with several more meetings (6) to be scheduled before the parks commission so we can formulate the principles before the actual parks zone language. After the parks commission develops an outline and set of principles the zone will go to the planning commission for writing the code, and then to the council for approval. The city manager would still like to complete the zone in 2024 so it can be added to the update of the comprehensive plan, although I think getting it right is the most important issue.

"The only real issues for the parks zone IMO are:

"1. What parks are included in the zone.

"2. What are the limits on new and existing non-park related uses and development.

"3. What are the requirements to change the zoning or uses of parks in the zone. As I have argued, if the council can just change the use or zoning by a majority vote we haven't PERMANENTLY protected our parks any more than today or yesterday.

"I also want to address an issue or policy that has confused some: the parks commission policy of no new NET impervious surfaces that was in the original parks zone draft.

"This policy is important because right now there is no separate parks zone, and so the regulatory limits (height, lot coverage or impervious surface limits, gross floor area of buildings to lot area ratio, setbacks, etc.) are the same as the surrounding zone, which on MI is mostly the residential zone. But a zone designed to limit "development", even the residential zone, has regulatory limits that don't really apply or work in a park. For example, under the residential code 40% of a lot can be impervious surfaces, and gross floor area to lot area ratio is limited to 40%. Both are way too high for a park.

"It is the limit on impervious surfaces (along with building height) that really is the only applicable regulatory limit for a park or parks zone, and what we are trying to do is to restrict non-park related uses and development, which almost always require new impervious surfaces (i.e. a performing arts center in Mercerdale or a commuter parking lot on Kite Hill or the sculpture garden for the Tully's project or a large, manufactured sorting building near the recycling center in Mercerdale Park).

"So really the one regulatory limit or rule that is necessary and works for a parks zone is no new NET impervious surfaces unless approved in the PROS plan. That would basically prohibit new non-park related development because the PROS plan is all park-related development.

"If you would like to send public comments to the different parties their addresses are:"

City Clerk: Deb Estrada Deborah.Estrada@mercercisland.gov>

City Council: council@mercergov.org Parks Commission:

ParksAndRec.Commission@mercergov.org Planning Commission:

planning.commission@mercercisland.gov>

City Parks Dept. (Ryan Daly): Ryan.Daly@mercergov.org(edited)



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From: Dan Thompson <danielthompson@hotmail.com>
Sent time: 2024/02/06 03:22:22 PM
To: Council
Cc: John Hall <johnmhall@jmhcorp.net>; Matthew Goldbach <blkship@yahoo.com>; Jessi Bon; Planning Commission
Subject: Fw: JCC Zone - Why did you leave off the Yeshiva?
Attachments: Yeshiva.pdf

Sarah is right in her email below.

1. Site specific rezone.

Both the JCC and Country Club are individual site specific rezones, which makes them vulnerable to a legal attack.

2. The Community Facility Zone Redux.

I pointed out on ND and many emails to the PC and this council that this would never be a site-specific rezone, and of course the Country Club's proper remedy as I pointed out was a rezone to CO too. And Yeshiva (although apparently the CPD didn't feel Yeshiva's request needed to be communicated to the council during the vote on the development code docket). And every other CUP. Salim Nice understood it. The council can't tell one CUP it gets this extraordinary gift but not any other CUP. This is the CFZ redux, except with CO regulatory limits **and uses**.

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Many don't understand that there are two equally important zoning concepts: 1. Regulatory limits, which in the CO are roughly 1/3 greater than in the surrounding residential zone; and 2. **Uses**. A **conditional use** by definition is a single approved use limited to the regulatory limits of the surrounding zone. The CO zone was never envisioned as being located in the SFH zone. MICC 19.04.020 allows:

Government services.

Professional, scientific, and technical services.

Office uses.

Places of worship.

Civic and social organizations.

Mortuary services.

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Care services.

Auxiliary uses directly related to the principal use, such as residences of watchmen or employees in training, special employee dormitories, employee cafeterias, auditoriums, service stations in connection with authorized motor pool facilities and similar uses.

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You never allow a non-conforming conditional use to have greater regulatory limits than the surrounding zone because then every property owner will want to become a CUP. You certainly don't upzone every CUP in the residential zone to

CO, at least not on MI.

Allowing the JCC to rezone to CO so it could build a complex that is 1/3 greater than allowed in the residential zone, and will allow every other CUP the same regulatory **and use** advantages, was one of the stupidest and most self-serving actions I have seen in my 50 years on Mercer Island, especially when the JCC has zero chance of raising the funding for its plan which will easily cost over \$100 million.

When one considers the rezone of the park property next to Haps to TC 5, the rezone of the sculpture garden to TC 5, the vote to place a huge, manufactured home in Mercerdale Park, and the recent 4-3 votes on the development code and comprehensive plan docket, this council is actually one of the worst stewards of our parks and residential neighborhoods in the history of Mercer Island.

No wonder the residents want to remove their parks from this council's control.

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From: Sarah Fletcher <fletchsa1@gmail.com>

Date: February 5, 2024 at 6:19:14 PM PST

To: planning.commission@merceraisland.gov, council@merceraisland.gov, LandUse.Planning@mercergov.org, andrea.larson@merceraisland.gov

Cc: John Hall <velooce@comcast.net>, Matt Goldbach <blkship@yahoo.com>

Subject: JCC Zone - Why did you leave off the Yeshiva?

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Imagine if this was not for a docket request, but for actually allowing the JCC rezone to CO only for you to find out after the fact that the Yeshiva is also a CO zone, as is the Country Club, the area by the Civic Center, and the JCC. That is four zones that would be CO which would allow retirement homes and possibly multifamily buildings if the vote went ahead for that proposed House Bill in which the Council were suggesting looking at the CO to allow multifamily buildings. And someone might want to let Andrea Larsen know the JCC was not a spot zone which is what she told me. And you will see from the attached pdf of emails among Weinstein, Andrew Leon, Land Use Planning were from October 11th, a month before the November 15th meeting so there was plenty of time to let you all know that the Yeshiva was looking at also covering their basketball court. And Salim informs me that the Yeshiva are moving to Seattle, but no-one informed me and there is nothing on their website about this move. And let's say they do and you gave them approval to rezone to CO, does the zone go back to residential zone? It should.

When all is said and done, the Council should never have ignored the JCC neighbors and allowed the JCC rezone on the docket. This should have been shelved. And please find out how there was no communication between Andrew Leon and the Land and Use Department staff, did they really not know anything about the JCC zoning issue and not think of letting you know? I doubt it.

And I am sorry, but it is time staff signed a Pledge of Allegiance to Mercer Islanders. It is not clear where their loyalties are. They certainly are not with the JCC neighbors that is for sure.

GMHB Exhibit #308 - 0124

From: Dan Thompson <danielphompson@hotmail.com>
Sent time: 2024/02/08 11:31:00 AM
To: Salim Nice; Lisa Anderl; jake4033@outlook.com
Cc: Jessi Bon
Subject: Cost of Outside Attorney For Development Code Docket/JCC Rezone
Attachments: image.png

I read Sarah's email below. She states the city spent \$200,000 on outside attorneys for the recent development code docket and quasi-judicial proceeding to rezone the JCC. Is that true? It seems very high. This was never my intent when Bob Medved and I appealed to the GMHB to require the city to include the development code in the docket (which was really designed to stop Evan Maxim from amending the RDS week in and week out).

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I also think the amount of outside attorneys fees spent on the JCC – and specifically the rezone which many citizens felt was a rigged process – will be a problem if the city elects to place a bond on the ballot for a new city hall, especially when so many think the process (and money spent on attorneys fees) was set up to benefit one specific organization.

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Sent: Thursday, February 8, 2024 8:08 AM
To: council@mercergov.org <council@mercergov.org>
Cc: John Hall <johnmhall@jmhcorp.net>; Matthew Goldbach <blkship@yahoo.com>; jessi.bon@mercergov.org <jessi.bon@mercergov.org>; planning.commission@mercerisland.gov <planning.commission@mercerisland.gov>; Andrew Leon <andrew.leon@mercerisland.gov>
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This is what Amy told Craig:

My Board of Directors has authorized me to prepare an application to rezone the SJCC property from its current Residential zoning to the more appropriate Commercial Office (CO) zone designation. We would also apply for a Comprehensive Plan Amendment to reflect this change. This action would:

- Align the zoning map with how this land has been used for the last 54 years;
- Conform to the CO zoning designation immediately north of the SJCC; and
- Mitigate island-wide zoning impact as this policy would be limited to SJCC property, and SJCC uses, only.

It has on the JCC's website: Our proposed major renovation project builds on feedback from neighbors, members, and our broader community. **It addresses the critical need of replacing the obsolete facilities and providing ADA accessibility in a safe, comfortable, and contemporary space to learn, grow, meet, and build community."**

I don't know that they even know what the word "obsolete" is. The facility is not "obsolete." It is a ridiculous statement.

Rezone the SJCC property from its current Residential zoning to the more appropriate CO zone designation. This action would:
GMHB Exhibit #308 - 0126

Align how this land has been used for the last 54 years within the Mercer Island zoning code;

- Conform with the CO zoning designation immediately north and west of the SJCC; and
- Mitigate Island-wide zoning impact, as this policy would be limited to the SJCC property only."

I am sorry, but Amy really did a number on all of you.

And I don't see anything about it being non-compliant. Providing ADA accessibility, it is already ADA compliant. What exactly is not ADA compliant?

Just because they think their building is "obsolete," that does not entitle them to a rezone. And actually, their theatre was remodeled back in 2014 to a state-of-the art theatre, that is hardly obsolete in my books. It is ridiculous to think that a 2014 building is obsolete.

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And we were not allowed to discuss this with the JCC because I was told by MI City staff that it was quasi judicial. Where did they get that it would be limited to the SJCC property only? Why did no-one correct them? The mayor knew in that it was not going to site specific because he was the one who came out to include The Country Club when that was not on the agenda. And he should have known about the Yeshiva as the Weinstein rep was having friendly discussions with Alison and other staff. So, they were in on it too.

It would impact three other properties. Why this not being a single site zone amendment, you see, I know that down the road, I see them being non-compliant with the CO zone and then, I would like to know if that then means they will have to ask for another "favor" because that is what it is - a favor.

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And in the meantime, is there a reason why no-one will do anything about the bright lighting the neighbors have complained about?

And did you ask why City staff somehow neglected to inform you of how the Yeshiva was asking for a cover for the ballcourt? It seems staff responding to Weinstein were fully aware of the issue. What bothers me is how the JCC neighbors, when they spoke up at the city council meeting, were totally ignored. That is not a good precedent. Please put this back and go back to the SJCC and tell them that you will not be allowing them or anyone else a rezone, not The Country Club, not the Yeshiva, not every church on the island or any other religious institution. With regards to the temporary cover for the basketball court and for the tennis court, six months is not temporary. Did anyone think to ask the neighbors what they thought? Or did you ignore them like

And Andrew needs to explain to Jessi and Council, as do whoever receives the Land Use Planning emails why they somehow didn't mention the fact that the Yeshiva would also have to be part of the CO zone. Something so big which impacts a lot of Mercer Islanders, Andrew and Alison and others had to have mentioned it to the Council and if they didn't, then why did they not?

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Phone: (206) 622-0670
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From: Sarah Fletcher <fletchsa1@gmail.com>

Date: February 5, 2024 at 6:19:14 PM PST

To: planning.commission@mercerisland.gov, council@mercerisland.gov, LandUse.Planning@mercergov.org, andrea.larson@mercerisland.gov

Cc: John Hall <velooce@comcast.net>, Matt Goldbach <blkship@yahoo.com>

Subject: JCC Zone - Why did you leave off the Yeshiva?

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And I am sorry, but it is time staff signed a Pledge of Allegiance to Mercer Islanders. It is not clear where their loyalties are. They certainly are not with the JCC neighbors that is for sure.

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From: Dan Thompson <danielphompson@hotmail.com>
Sent time: 2024/02/08 12:14:14 PM
To: Salim Nice
Cc: Lisa Anderl; jake4033@outlook.com; Jessi Bon
Subject: Re: Cost of Outside Attorney For Development Code Docket/JCC Rezone

I only wondered about the cost to the city of the JCC's recent application to rezone its property. If not \$200,000 then what was the cost because I have others use \$200,000, which as I noted seems high.

I think Sarah is correct that four council members voted to add to the docket rezoning the JCC property to CO, and it was Salim who understood that would eventually apply to every CUP. I also think Sarah raises a good point most council members missed: the CO zone includes greater regulatory limits, **and** also completely different uses (not including a theater). I hardly think it is wrong to suggest many citizens felt the quasi-quasi-judicial process unfairly excluded the citizens. Apparently Allison Van Gorp even responds to Weinstein when on vacation when the request is to cover the basketball court for Yeshiva.

I know that I personally have well over \$50,000 in time in opposing the CFZ, helping the neighbors on the JCC's application for variances, and the recent code docket (and the time on the appeal to set up the docket) for which I was never compensated.

I am just interested in knowing the total cost in outside attorneys fees for the CFZ, variances, and recent application and quasi-judicial process to rezone the JCC property so I can compare it to what the citizens donate each year to YFS. I think it would bother some citizens to think that their donations to YFS effectively have gone to pay the city's outside attorneys for the JCC's applications to upzone its property over the last 6 years.

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From: Salim Nice <salimnice@gmail.com>
Sent: Thursday, February 8, 2024 11:59 AM
To: Dan Thompson <danielphompson@hotmail.com>
Cc: Lisa Anderl <lisa.anderl@mercergov.org>; jake4033@outlook.com <jake4033@outlook.com>; jessi.bon@mercergov.org <jessi.bon@mercergov.org>
Subject: Re: Cost of Outside Attorney For Development Code Docket/JCC Rezone

Let me be clear. She is wrong on almost everything she's currently writing.

On Feb 8, 2024, at 11:31 AM, Dan Thompson <danielphompson@hotmail.com> wrote:

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GMHB Exhibit #308 - 0130

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2. The Community Facility Zone Redux.

I pointed out on ND and many emails to the PC and this council that this would never be a site-specific rezone, and of course the Country Club's proper remedy as I pointed out was a rezone to CO too. And Yeshiva (although apparently the CPD didn't feel Yeshiva's request needed to be communicated to the council during the vote on the development code docket). And every other CUP. Salim Nice understood it. The council can't tell one CUP it gets this extraordinary gift but not any other CUP. This is the CFZ redux, except with CO regulatory limits **and uses**.

3. Uses.

Many don't understand that there are two equally important zoning concepts: 1. Regulatory limits, which in the CO are roughly 1/3 greater than in the surrounding residential zone; and 2. **Uses. A conditional**

use by definition is a single approved use limited to the regulatory limits of the surrounding zone. The CO zone was never envisioned as being located in the SFH zone. MICC 19.04.020 allows:

Government services.

Professional, scientific, and technical services.

Office uses.

Places of worship.

Civic and social organizations.

Mortuary services.

Healthcare services.

Care services.

Auxiliary uses directly related to the principal use, such as residences of watchmen or employees in training, special employee dormitories, employee cafeterias, auditoriums, service stations in connection with authorized motor pool facilities and similar uses.

Wireless communications facilities subject to the conditions set out in MICC [19.06.040](#).

Special needs group housing as provided in MICC [19.06.080](#).

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Public and private schools accredited or approved by the state for compulsory school attendance, subject to design commission review and the following conditions:

a.

A one-fourth acre or larger playfield, play surface or open space shall be provided in one usable unit abutting or adjacent to the site.

4. Land Use 101.

You never allow a non-conforming conditional use to have greater regulatory limits than the surrounding zone because then every property owner will want to become a CUP. You certainly don't upzone every CUP in the residential zone to CO, at least not on MI.

Allowing the JCC to rezone to CO so it could build a complex that is 1/3 greater than allowed in the residential zone, and will allow every other CUP the same regulatory **and use** advantages, was one of the stupidest and most self-serving actions I have seen in my 50 years on Mercer Island, especially when the JCC has zero chance of raising the funding for its plan which will easily cost over \$100 million.

When one considers the rezone of the park property next to Haps to TC 5, the rezone of the sculpture garden to TC 5, the vote to place a huge, manufactured home in Mercerdale Park, and the recent 4-3 votes on the development code and comprehensive plan docket, this council is actually one of the worst stewards of our parks and residential neighborhoods in the history of Mercer Island.

No wonder the residents want to remove their parks from this council's control.

Daniel Thompson

Thompson & Delay

Attorneys at Law

80th Avenue Professional Building

2955 80th Ave SE, Suite 202

From: Sarah Fletcher <fletchsa1@gmail.com>
Date: February 5, 2024 at 6:19:14 PM PST
To: planning.commission@mercercisland.gov, council@mercercisland.gov,
LandUse.Planning@mercergov.org, andrea.larson@mercercisland.gov
Cc: John Hall <velooce@comcast.net>, Matt Goldbach <blkship@yahoo.com>
Subject: JCC Zone - Why did you leave off the Yeshiva?

Hello, I am sorry, but you all did a terrible job of looking at putting the JCC zoning on the docket. Would someone like to explain how you somehow ALL MISSED the fact that the Yeshiva was also asking to have their basketball court covered and that Andrew Leon and LandUse.Planning@mercergov.org FAILED TO TELL ALL OF YOU that. Why do you think that is?

Imagine if this was not for a docket request, but for actually allowing the JCC rezone to CO only for you to find out after the fact that the Yeshiva is also a CO zone, as is the Country Club, the area by the Civic Center, and the JCC. That is four zones that would be CO which would allow retirement homes and possibly multifamily buildings if the vote went ahead for that proposed House Bill in which the Council were suggesting looking at the CO to allow multifamily buildings. And someone might want to let Andrea Larsen know the JCC was not a spot zone which is what she told me. And you will see from the attached pdf of emails among Weinstein, Andrew Leon, Land Use Planning were from October 11th, a month before the November 15th meeting so there was plenty of time to let you all know that the Yeshiva was looking at also covering their basketball court. And Salim informs me that the Yeshiva are moving to Seattle, but no-one informed me and there is nothing on their website about this move. And let's say they do and you gave them approval to rezone to CO, does the zone go back to residential zone? It should.

When all is said and done, the Council should never have ignored the JCC neighbors and allowed the JCC rezone on the docket. This should have been shelved. And please find out how there was no communication between Andrew Leon and the Land and Use Department staff, did they really not know anything about the JCC zoning issue and not think of letting you know? I doubt it. And I am sorry, but it is time staff signed a Pledge of Allegiance to Mercer Islanders. It is not clear where their loyalties are. They certainly are not with the JCC neighbors that is for sure.

Sarah Fletcher

From: Dan Thompson <danielphompson@hotmail.com>
Sent time: 2024/02/08 02:02:58 PM
To: Salim Nice
Cc: Lisa Anderl; jake4033@outlook.com; Jessi Bon
Subject: Re: Cost of Outside Attorney For Development Code Docket/JCC Rezone

Understood. I didn't know the email was not to your council email. Sorry about that.

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: Salim Nice <salimnice@gmail.com>
Sent: Thursday, February 8, 2024 1:52 PM
To: Dan Thompson <danielphompson@hotmail.com>
Cc: Lisa Anderl <lisa.anderl@mercergov.org>; jake4033@outlook.com <jake4033@outlook.com>; jessi.bon@mercergov.org <jessi.bon@mercergov.org>
Subject: Re: Cost of Outside Attorney For Development Code Docket/JCC Rezone

You asked if it's true. Dan, you're hitching yourself to a burning wagon with her emails. I have zero patience for her communication style. If you want to ask specific questions, email them to my city email address, and I'll look into them. Please stop sending me Sarah's emails. I get too many of them as it is.

Thanks,
Salim

On Feb 8, 2024, at 12:14 PM, Dan Thompson <danielphompson@hotmail.com> wrote:

I only wondered about the cost to the city of the JCC's recent application to rezone its property. If not \$200,000 then what was the cost because I have others use \$200,000, which as I noted seems high.

I think Sarah is correct that four council members voted to add to the docket rezoning the JCC property to CO, and it was Salim who understood that would eventually apply to every CUP. I also think Sarah raises a good point most council members missed: the CO zone includes greater regulatory limits, **and** also completely different uses (not including a theater). I hardly think it is wrong to suggest many citizens felt the quasi-quasi-judicial process unfairly excluded the citizens. Apparently Allison Van Gorp even responds to Weinstein when on vacation when the request is to cover the basketball court for Yeshiva.

I know that I personally have well over \$50,000 in time in opposing the CFZ, helping the neighbors on the JCC's application for variances, and the recent code docket (and the time on the appeal to set up the docket) for which I was never compensated.

I am just interested in knowing the total cost in outside attorneys fees for the CFZ, variances, and recent application and quasi-judicial process to rezone the JCC property so I can compare it to what the citizens donate each year to YFS. I think it would bother some citizens to think that their donations to YFS effectively have gone to pay the city's outside attorneys for the JCC's applications to upzone its property over the last 6 years.

Daniel Thompson

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Attorneys at Law
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2955 80th Ave SE, Suite 202

Mercer Island, WA 98040
Phone: (206) 622-0670
Fax: (206) 622-3965

From: Salim Nice <salimnice@gmail.com>
Sent: Thursday, February 8, 2024 11:59 AM
To: Dan Thompson <danielphompson@hotmail.com>
Cc: Lisa Anderl <lisa.anderl@mercergov.org>; jake4033@outlook.com <jake4033@outlook.com>; jessi.bon@mercergov.org <jessi.bon@mercergov.org>
Subject: Re: Cost of Outside Attorney For Development Code Docket/JCC Rezone

Let me be clear. She is wrong on almost everything she's currently writing.

On Feb 8, 2024, at 11:31 AM, Dan Thompson <danielphompson@hotmail.com> wrote:

I read Sarah's email below. She states the city spent \$200,000 on outside attorneys for the recent development code docket and quasi-judicial proceeding to rezone the JCC. Is that true? It seems very high. This was never my intent when Bob Medved and I appealed to the GMHB to require the city to include the development code in the docket (which was really designed to stop Evan Maxim from amending the RDS week in and week out).

I know the city spent a significant amount on outside attorneys for the JCC's application last year to obtain variances, and from what I remember somewhere between \$250,000 and \$400,000 over the CFZ including litigation at the GMHB.

As someone who just donated at the **YFS breakfast** and whose wife is a table captain next year it bothers me to see the city spend so much money that should go to YFS on the JCC's attempts to obtain preferential zoning and regulatory limits. I would think that if anyone would be concerned it would be Craig Reynolds who regularly complains the city does not contribute enough to YFS.

I also think the amount of outside attorneys fees spent on the JCC – and specifically the rezone which many citizens felt was a rigged process – will be a problem if the city elects to place a bond on the ballot for a new city hall, especially when so many think the process (and money spent on attorneys fees) was set up to benefit one specific organization.

Daniel Thompson

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Phone: (206) 622-0670
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From: Sarah Fletcher <fletchsa1@gmail.com>
Sent: Thursday, February 8, 2024 8:08 AM
To: council@mercergov.org <council@mercergov.org>
Cc: John Hall <johnmhall@jmhcorp.net>; Matthew Goldbach <blkship@yahoo.com>; jessi.bon@mercergov.org <jessi.bon@mercergov.org>; planning.commission@mercercisland.gov <planning.commission@mercercisland.gov>; Andrew Leon <andrew.leon@mercercisland.gov>
Subject: Re: Fw: JCC Zone - Why did you leave off the Yeshiva?

Hello, how is this left now? Are you still going to go ahead and put this on the docket? And what surprises me is how the attorneys which cost taxpayers \$200,000 didn't say a thing. Were they on the side of the JCC as well?

And Amy of the SJCC thought this would change the SJCC zone and the zone north of the JCC
ONLY, BUT IT DOESN'T ONLY CHANGE THE SJCC AND NOW THAT EVERYONE

KNOWS IT WILL IMPACT 3 OTHER SITES, NOW WHAT? DO YOU SHELVE THIS ALTOGETHER NOW, BECAUSE THIS ALSO NOW OPENS IT UP TO THE CHURCHES ON THE ISLAND.

This is what Amy told Craig:

<image.png>

It has on the JCC's website: Our proposed major renovation project builds on feedback from neighbors, members, and our broader community. **It addresses the critical need of replacing the obsolete facilities and providing ADA accessibility in a safe, comfortable, and contemporary space to learn, grow, meet, and build community."**

I don't know that they even know what the word "obsolete" is. The facility is not "obsolete." It is a ridiculous statement.

Rezone the SJCC property from its current Residential zoning to the more appropriate CO zone designation. This action would:

Align how this land has been used for the last 54 years within the Mercer Island zoning code;

- Conform with the CO zoning designation immediately north and west of the SJCC; and
- Mitigate Island-wide zoning impact, as this policy would be limited to the SJCC property only."

I am sorry, but Amy really did a number on all of you.

And I don't see anything about it being non-compliant. Providing ADA accessibility, it is already ADA compliant. What exactly is not ADA compliant?

Just because they think their building is "obsolete," that does not entitle them to a rezone. And actually, their theatre was remodeled back in 2014 to a state-of-the art theatre, that is hardly obsolete in my books. It is ridiculous to think that a 2014 building is obsolete.

And I am sorry, but they are incorrect. "CO zoning designation" is not immediately north and west of the SJCC, it is residential zoning and possibly a public facility, then they inform their constituents and the City that "this policy would be limited to the SJCC property **ONLY**," it is an outright lie. What does this teach the children? That it pays to lie to get what you want because that is how it looks.

And we were not allowed to discuss this with the JCC because I was told by MI City staff that it was quasi judicial. Where did they get that it would be limited to the SJCC property only? Why did no-one correct them? The mayor knew in that it was not going to site specific because he was the one who came out to include The Country Club when that was not on the agenda. And he should have known about the Yeshiva as the Weinstein rep was having friendly discussions with Alison and other staff. So, they were in on it too.

It would impact three other properties. Why this not being a single site zone amendment, you see, I know that down the road, I see them being non-compliant with the CO zone and then, I would like to know if that then means they will have to ask for another "favor" because that is what it is - a favor.

They had no right to ask for this rezone matter to be put on the docket. If they honestly thought it would just be for their facility **ONLY**, but now, have discovered that it is not, they should have been told. It should have been shelved and I sincerely hope it will be thrown out. It is because the JCC want to build a massive campus which would make them non-compliant with the residential zone, it has nothing to do with them being non-compliant with this current campus. And I don't want to find out that should they get the approval, they then go and do a switcheroo or sell the property, if it comes to that and they want to build a multifamily building or retirement home on that CO zone that there is a clause in which should they change their plan, that they will not be allowed to and that the zone will go back to R.8.4.

And in the meantime, is there a reason why no-one will do anything about the bright lighting the neighbors have complained about?

And did you ask why City staff somehow neglected to inform you of how the Yeshiva

was asking for a cover for the ballcourt? It seems staff responding to Weinstein were fully aware of the issue. What bothers me is how the JCC neighbors, when they spoke up at the city council meeting, were totally ignored. That is not a good precedent. Please put this back and go back to the SJCC and tell them that you will not be allowing them or anyone else a rezone, not The Country Club, not the Yeshiva, not every church on the island or any other religious institution. With regards to the temporary cover for the basketball court and for the tennis court, six months is not temporary. Did anyone think to ask the neighbors what they thought? Or did you ignore them like

And Andrew needs to explain to Jessi and Council, as do whoever receives the Land Use Planning emails why they somehow didn't mention the fact that the Yeshiva would also have to be part of the CO zone. Something so big which impacts a lot of Mercer Islanders, Andrew and Alison and others had to have mentioned it to the Council and if they didn't, then why did they not?

I look forward to a response.

On Tue, Feb 6, 2024 at 3:22 PM Dan Thompson <danielphompson@hotmail.com> wrote:
Sarah is right in her email below.

1. Site specific rezone.

Both the JCC and Country Club are individual site specific rezones, which makes them vulnerable to a legal attack.

2. The Community Facility Zone Redux.

I pointed out on ND and many emails to the PC and this council that this would never be a site-specific rezone, and of course the Country Club's proper remedy as I pointed out was a rezone to CO too. And Yeshiva (although apparently the CPD didn't feel Yeshiva's request needed to be communicated to the council during the vote on the development code docket). And every other CUP. Salim Nice understood it. The council can't tell one CUP it gets this extraordinary gift but not any other CUP. This is the CFZ redux, except with CO regulatory limits **and uses**.

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Many don't understand that there are two equally important zoning concepts: 1. Regulatory limits, which in the CO are roughly 1/3 greater than in the surrounding residential zone; and 2. **Uses. A conditional use** by definition is a single approved use limited to the regulatory limits of the surrounding zone. The CO zone was never envisioned as being located in the SFH zone. MICC 19.04.020 allows:

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4. Land Use 101.

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When one considers the rezone of the park property next to Haps to TC 5, the rezone of the sculpture garden to TC 5, the vote to place a huge, manufactured home in Mercerdale Park, and the recent 4-3 votes on the development code and comprehensive plan docket, this council is actually one of the worst stewards of our parks and residential neighborhoods in the history of Mercer Island.

No wonder the residents want to remove their parks from this council's control.

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

From: Sarah Fletcher <fletchsa1@gmail.com>

Date: February 5, 2024 at 6:19:14 PM PST

To: planning.commission@mercercisland.gov, council@mercercisland.gov,
LandUse.Planning@mercergov.org, andrea.larson@mercercisland.gov

Cc: John Hall <velooce@comcast.net>, Matt Goldbach <blkship@yahoo.com>

Subject: JCC Zone - Why did you leave off the Yeshiva?

Hello, I am sorry, but you all did a terrible job of looking at putting the JCC zoning on the docket. Would someone like to explain how you somehow ALL MISSED the fact that the Yeshiva was also asking to have their basketball court covered and that Andrew Leon and LandUse.Planning@mercergov.org FAILED TO TELL ALL OF YOU that.
Why do you think that is?

GMHB Exhibit #308 - 0139

Imagine if this was not for a docket request, but for actually allowing the JCC rezone to CO only for you to find out after the fact that the Yeshiva is also a CO zone, as is the Country Club, the area by the Civic Center, and the JCC. That is four zones that would be CO which would allow retirement homes and possibly multifamily buildings if the vote went ahead for that proposed House Bill in which the Council were suggesting looking at the CO to allow multifamily buildings. And someone might want to let Andrea Larsen know the JCC was not a spot zone which is what she told me. And you will see from the attached pdf of emails among Weinstein, Andrew Leon, Land Use Planning were from October 11th, a month before the November 15th meeting so there was plenty of time to let you all know that the Yeshiva was looking at also covering their basketball court. And Salim informs me that the Yeshiva are moving to Seattle, but no-one informed me and there is nothing on their website about this move. And let's say they do and you gave them approval to rezone to CO, does the zone go back to residential zone? It should.

When all is said and done, the Council should never have ignored the JCC neighbors and allowed the JCC rezone on the docket. This should have been shelved. And please find out how there was no communication between Andrew Leon and the Land and Use Department staff, did they really not know anything about the JCC zoning issue and not think of letting you know? I doubt it.

And I am sorry, but it is time staff signed a Pledge of Allegiance to Mercer Islanders. It is not clear where their loyalties are. They certainly are not with the JCC neighbors that is for sure.

Sarah Fletcher

From: Dan Thompson <danielthompson@hotmail.com>
Sent time: 2024/02/11 11:17:03 AM
To: Salim Nice; Jessi Bon
Subject: Comp Plan Survey To Multi-Family Residents.

Apparently a survey over the housing element was sent to only residents and owners of multi-family housing. Some on ND see a conspiracy to freeze out the SFH zone (fortunately Salim is on the housing subcommittee) and some are just confused.

I think a ND post from the city would help clarify what the comp plan is, what the housing element is, the subcommittee's work, and why only multi-family residents received a survey.

It probably would be a good idea for the city to do a post on ND BEFORE doing these things. Also asking seniors to use a cell phone and QR code is going to skew the results.

Personally I would be interested in the different responses from tenants and building owners.

Sent from my iPhone

From: Dan Thompson <danielphompson@hotmail.com>
Sent time: 2024/02/12 11:19:24 AM
To: Jessi Bon; Salim Nice
Subject: Re: Comp Plan Survey To Multi-Family Residents.

Hi Jessi. Thanks for the reply. I am sure you are busy.

Last week I did post on ND a link to the Let's Talk site with a brief explanation of the survey, and since that was the last reply post it seemed to help. https://nextdoor.com/p/wkfmGwRnp_g2?utm_source=share&extras=NDE0NTk4OQ%3D%3D&utm_campaign=1707764619416

I personally think your decision to set up Let's Talk (and the parks commission) were brilliant decisions. It is just that many citizens see Let's Talk as homework, especially if dealing with the "comprehensive plan" and "housing element", two things they don't understand. There are a few planning commission members and council members who don't do this homework either. There are about 100 views on ND for every one on Let's Talk (I was of only two citizens to post comments on Community Conversations, and my comment was about the lack of comments. [Community Conversations | Let's Talk Mercer Island \(mercergov.org\)](https://nextdoor.com/p/MJPpDd_6R4KX?utm_source=share&extras=NDE0NTk4OQ%3D%3D&utm_campaign=1707765202623)). It is why the city posts on ND if there is a backup on EMW. https://nextdoor.com/p/MJPpDd_6R4KX?utm_source=share&extras=NDE0NTk4OQ%3D%3D&utm_campaign=1707765202623

Anything to do with "housing" (i.e. residential) or parks will be emotional and subject to misinterpretation. I thought a post by the city *before* the survey went out would have had three benefits, and only taken five minutes, like my post:

1. The point of any survey is to reach as many subjects as possible, and to let them know the survey will be coming. The city wants citizens to think the survey is *good* for them, not bad.
2. To explain in layman terms what the survey is about, what it isn't about, and to discourage speculation. (And maybe to highlight the amazing job you and Salim have done on many of these state upzoning bills).
3. A city post allows Mason and the city to see the replies. In this case, it would have told them many citizens don't like giving their email address to the city, and many don't know how to use a smart phone or QR code, which means the survey will probably leave out a lot of senior citizens.

By the way, great job on the pivot on the parks zone.

Daniel Thompson

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80th Avenue Professional Building
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Phone: (206) 622-0670
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From: Jessi Bon <jessi.bon@mercergov.org>
Sent: Monday, February 12, 2024 7:44 AM
To: Dan Thompson <danielphompson@hotmail.com>; Salim Nice <salim.nice@mercerisland.gov>
Subject: RE: Comp Plan Survey To Multi-Family Residents.

Dan -

Good morning. We published an article on the multi-family housing survey and the link is [here](#).

-JB

-----Original Message-----

From: Dan Thompson <danielphompson@hotmail.com>
Sent: Sunday, February 11, 2024 11:17 AM
To: Salim Nice <salim.nice@mercerisland.gov>; Jessi Bon <jessi.bon@mercergov.org>
Subject: Comp Plan Survey To Multi-Family Residents.

Apparently a survey over the housing element was sent to only residents and owners of multi-family housing. Some on ND see a conspiracy to freeze out the SFH zone (fortunately Salim is on the housing subcommittee) and some are just confused.

I think a ND post from the city would help clarify what the comp plan is, what the housing element is, the subcommittee's work, and why only multi-family residents received a survey.

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Personally I would be interested in the different responses from tenants and building owners.

Sent from my iPhone

From: Dan Thompson <danielthompson@hotmail.com>
Sent time: 2024/04/18 11:32:57 AM
To: Salim Nice
Subject: Land Use and Housing Elements

This is the link to Let's Talk. [Comprehensive Plan Periodic Review | Let's Talk Mercer Island \(mercergov.org\)](#) This contains links to all draft elements of the update to the comp. plan.

"The Planning Commission has prepared a draft Housing Element for public review. The [draft is available here](#). Included with the draft Housing Element are some proposed amendments to the Land Use Element ([document available here](#)).

"Comments on the draft can be emailed to compplanupdate@merceraisland.gov([External link](#)). The public will also have the opportunity to provide input on the draft Housing Element during a Comprehensive Plan Periodic Review Community Workshop currently planned for May 1, 2024. Other questions and comments can be sent to Adam Zack, Senior Planner at adam.zack@merceraisland.gov([External link](#))."

Daniel Thompson

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From: Dan Thompson <danielphompson@hotmail.com>
Sent time: 2024/04/22 12:18:14 PM
To: Salim Nice; Jake Jacobson; Lisa Anderl
Cc: Jessi Bon; Jeff Thomas
Subject: Fw: FW: Treatment of JCC During Planning Commission Process On Rezone/Comprehensive Plan Update
Attachments: yeshiva and weinstein cover the basketball court.pdf jessica clawson gma cle co sponsor.pdf email from jessica clawson re comp plan change.pdf

Read these emails and compare them to the treatment the citizens and neighbors got during the process at the planning commission to rezone the JCC to CO when the citizens were told city staff and councilmembers could not even speak with them. The JCC was informed that if they submitted written comments (most of which were form emails and most from non-residents) they would be considered by the planning commission and council, but the citizens were told any comments they submitted would not be considered or read, which is why the first 165 written comments were from the JCC.

This was a fundamentally unfair process. It is also flawed in my opinion now that the council has added "multi-family housing" as a use to the CO zone, and any rezone granted to the JCC will be available to any CUP on the Island (I although I think the rezone is likely illegal).

The value of any CUP as multi-family housing in the residential neighborhoods will so outweigh the value as a CUP any CUP – especially those on the water like The Beach Club – will have a financial motive to rezone to CO and sell their property to developers, meaning MI will lose conditional use permits in the residential zone despite the fact the planning commission just amended sec. 15.4 of the comprehensive plan:

15.4 Social and recreation clubs, schools, and religious institutions are predominantly located in single family residential areas of the Island. Development regulation should reflect recognize the desire need and support the ability to retain viable maintain, update, and renovate and healthy social, recreational, educational, and religious organizations facilities as allowed by the land use code. Such facilities are as community assets which are essential for the mental, physical and spiritual health of Mercer Island. Future land use decisions should encourage the retention of these facilities.

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From: Dan Thompson <danielphompson@hotmail.com>
Sent time: 2024/04/30 12:14:53 PM
To: Salim Nice; Jeff Thomas
Subject: May 1 Open House On Comprehensive Plan

Dear Salim and Jeff,

At the end of this email is some draft language I would suggest Jeff propose at tomorrow's public meeting on the comp. plan update to defeat the unnecessary amendments proposed by the planning commission that are all designed to increase the regulatory limits in the single family zone.

1. HOW TO ADDRESS AMENDMENTS TO THE HOUSING AND LAND USE ELEMENTS THAT ARE NOT REQUIRED BY STATE LAW.

As you know, I am concerned that the draft elements for the housing and land use elements contain sweeping changes that seek to change the regulatory limits in the single-family zone without the concurrent regulatory limits. This is a common tactic in which some add flowery language the ordinary citizen doesn't understand that is then used to "require" the development regulations to implement the actual goal. Dan Grausz attempted this in the 2018 comp. plan update.

This is what happened with the community facilities zone in 2018, which we appealed to the GMHB that held that comp. plan amendments require concurrent development regulations so the citizens understand what is really being proposed in vague comp. plan amendment language.

There is some conflict between the PC and CPD about how this language got into the housing and land use elements despite the council's specific instruction that both would only include amendments specifically required by law. Some PC members blamed the CPD. After **Commission Goelz's proposed amendment** to land use element 27.6.4 **after** the council's first reading on the motion to reform the PC my guess is the problem is the PC.

Whether that is due to the PC's lack of knowledge, or by design despite the council's instruction and lack of outreach to the citizens, or both, I can't say, although lack of knowledge about how comp. plan amendments translate into development regulations translate into development certainly does not help, which supports reforming the PC.

2. PROPOSED LANGUAGE FOR INTRODUCTION TO THE HOUSING AND LAND USE ELEMENTS FOR TOMORROW'S MEETING.

Like the initial draft of the new parks zone, I think the draft housing and land use elements are contrary to what a vast majority of Islanders want if they understood the intent, or were told they would get, and they need to be discarded. But for tomorrow's meeting the best approach is an introduction to the housing and land use elements that undercuts the unnecessary amendments – that have no concurrent development regulations – **before the council begins its review and amendments.**

For tomorrow's meeting what I suggest is Jeff have prepared a proposed introduction to the housing and land use elements that he proposes be included because it is consistent with the council's original unanimous instruction, along the lines of:

"Mercer Island is principally a single-family zone 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 zones 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."

I think such an introduction will put an end to the PC's attempts to amend the comp. plan going forward, until this PC is replaced, and will make life much easier for Jeff and the CPD by pointing out who is responsible for the unnecessary amendments to the housing and land use elements the PC is recommending.

Basically the gist of the introduction above is consistent with HB 1110, and what the council promised the citizens when the council forwarded this process to the PC.

Thanks.

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 <danielthompson@hotmail.com>
Sent time: 2024/04/30 01:51:12 PM
To: Salim Nice; Jeff Thomas
Subject: Fw: May 1 Open House On Comprehensive Plan

"Vision Statement".

"Residential Community".

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

. [1 - INTRODUCTION | Comprehensive Plan | Mercer Island, WA | Municode Library](#)

This is the very first statement in the current vision statement in the comp. plan.

The Planning Commission deleted "single family" from the new vision statement.

Resolution 1621 sets forth the scope of the comp. plan update. [RES No. 1621 | MuniDocs | Mercer Island, WA | Municode Library](#) It states the review and update would be surgical and limited to technical amendments and those required by state law.

It also states in Task 2:

"Task 2 – Public Participation Duration of Comprehensive Plan update 8 Public participation will be integrated throughout the project as established by the PPP developed during 9 Task 1. Public participation strategies will include public comment periods, public meetings, stakeholder 10 and subject matter expert consultations, community workshops, and public hearings. Specific 11 engagement strategies are detailed in the PPP. 12 13 Deliverable: Public participation opportunities throughout the Comprehensive Plan update, see PPP for more detail."

I don't think any of these directions or "tasks" or promises have been kept, and the citizens were deceived into not following this process because they relied upon the promises of the council in Resolution 1621. HB 1110 does not require lowering minimum lots sizes, increasing regulatory limits, reducing onsite parking minimums, or requiring the property owner to live onsite if renting out an ADU/DADU or the main house.

According to some on the planning commission the CPD was the problem, and according to the CPD the PC was the problem, and in fact the council will hold a second reading to effectively disband this PC.

So the question is what does Jeff or the council plan to say tomorrow about how it is going to fix the housing and land use elements that apparently everyone believes violate the directions in Resolution 1621 the citizens relied upon and are the basis to reform the planning commission? I really don't think it should be up to a citizen or citizens to fix this screw up.

Daniel Thompson

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From: Dan Thompson <danielpthompson@hotmail.com>

Sent: Tuesday, April 30, 2024 12:14 PM

To: salim.nice@mercerisland.gov <salim.nice@mercerisland.gov>; jeff.thomas@mercerisland.gov <jeff.thomas@mercerisland.gov>

Subject: May 1 Open House On Comprehensive Plan

Dear Salim and Jeff,

At the end of this email is some draft language I would suggest Jeff propose at tomorrow's public meeting on the comp. plan update to defeat the unnecessary amendments proposed by the planning commission that are all designed to increase the regulatory limits in the single family zone.

1. HOW TO ADDRESS AMENDMENTS TO THE HOUSING AND LAND USE ELEMENTS THAT ARE NOT REQUIRED BY STATE LAW.

As you know, I am concerned that the draft elements for the housing and land use elements contain sweeping changes that seek to change the regulatory limits in the single-family zone without the concurrent regulatory limits. This is a common tactic in which some add flowery language the ordinary citizen doesn't understand that is then used to "require" the development regulations to implement the actual goal. Dan Grausz attempted this in the 2018 comp. plan update.

This is what happened with the community facilities zone in 2018, which we appealed to the GMHB that held that comp. plan amendments require concurrent development regulations so the citizens understand what is really being proposed in vague comp. plan amendment language.

There is some conflict between the PC and CPD about how this language got into the housing and land use elements despite the council's specific instruction that both would only include amendments specifically required by law. Some PC members blamed the CPD. After **Commission Goelz's proposed amendment** to land use element 27.6.4 **after** the council's first reading on the motion to reform the PC my guess is the problem is the PC.

Whether that is due to the PC's lack of knowledge, or by design despite the council's instruction and lack of outreach to the citizens, or both, I can't say, although lack of knowledge about how comp. plan amendments translate into development regulations translate into development certainly does not help, which supports reforming the PC.

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amendments to the housing and land use elements the PC is recommending.

Basically the gist of the introduction above is consistent with HB 1110, and what the council promised the citizens when the council forwarded this process to the PC.

Thanks.

Daniel Thompson

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Fax: (206) 622-3965

From: Sarah Fletcher <fletchsa1@gmail.com>

Sent time: 2024/05/01 07:37:18 AM

To: Wendy Weiker; Craig Reynolds; Ted Weinberg; Lisa Anderl; dave.rosenbaum@mercerisland.gov; Jake Jacobson; Jeff Thomas; Matt Mornick

Subject: Comprehensive Plan - Totally against MFTE

Hello, I don't know if you are aware or not, but the City Council back in 2020, repealed the MFTE [City Council Repeals Multi Family Tax Exemption | Mercer Island, Washington](#)

so I would like to know why on earth would you want it back in The Comprehensive Plan? Who is responsible for reinstating it? Staff/Jessi/you?

It took years of fighting to get this MFTE repealed, so to see it back on leaves a bitter taste in one's mouth. Restoring MFTE is the worst possible strategy for Mercer Islanders. What benefit is it for Mercer Islanders? And waiving the permits? Why would the City come up with these things which we have in the past not permitted?

Unless you have an answer, you will ask that that be removed.

And if any developer wants additional stories in the Town Center, they all have to be affordable. And we don't want microhousing which My Linh Thai, the democrat legislature person, wants. We are a unique island. Just ask yourselves, would you want to live in a micro-sized apartment or the other alternative My Linh Thai is wanting is to co-share with strangers.

So please speak up against the MFTE at the very least or at least, tell me why you would want it for Mercer Islanders. And perhaps the finance person, Matt, can explain to all of you how much money we are talking the developer would save. MFTE benefits developers, it does not benefit Mercer Islanders.

Sarah Fletcher

From: Dan Thompson <danielphompson@hotmail.com>
Sent time: 2024/05/03 04:32:07 PM
To: Salim Nice
Subject: Re: CO Slide
Attachments: image001.png

Will the city still meet the target from King County if this parcel is zoned open space instead of CO?
Sent from my iPhone

On May 3, 2024, at 4:22 PM, Salim Nice <salim.nice@mercerisland.gov> wrote:

This is an FYI since this slide (below) might have given the public the wrong impression. A parallel process will make the parcel north of Gallagher Hill open space.

From: Jeff Thomas <jeff.thomas@mercerisland.gov>
Date: Friday, May 3, 2024 at 4:03 PM
To: Salim Nice <salim.nice@mercerisland.gov>
Cc: Jessi Bon <jessi.bon@mercergov.org>
Subject: RE: CO Slide

Salim,

The May 1 open house slide deck correctly depicted current zoning. However, the Open Space Zone is proposed to change the zoning of this parcel. It already has the open space land use designation, so the updates to the Comprehensive Plan Land Use Map won't need changing.

Thanks, Jeff

From: Salim Nice <salim.nice@mercerisland.gov>
Sent: Friday, May 3, 2024 3:11 PM
To: Jeff Thomas <jeff.thomas@mercerisland.gov>
Subject: CO Slide

<image001.png>

Salim Nice

Mayor
City of Mercer Island
p: 206-275-7997 | m: 206-232-0133 | [mercerisland.gov](https://www.mercerisland.gov)

Notice: Emails and attachments may be subject to disclosure under the Public Records Act (chapter 42.56 RCW).

From: Sarah Fletcher <fletchsa1@gmail.com>
Sent time: 2024/05/06 07:43:39 AM
To: Council; Planning Commission
Subject: There should be a pause on The Comprehensive Plan Update

Hello, it is just what with the SPU water line issue, what happens should Mercer Island update The Comprehensive Plan saying that we can plan for so many more housing units, but that SPU can't provide the necessary water utilities/pipes which can accommodate those extra housing units which will obviously require water for each new housing unit or any other unit that is built? It will be a strain on Mercer Islanders and it is not in the best interests of Mercer Islanders? How could the GMA, PSRC and the Legislature people not understand this new predicament that Mercer Islanders are in?

Please consider letting them know that adding more housing is going to be a problem at this stage until we all know more. Thanks.

From: Dan Thompson <danielthompson@hotmail.com>
Sent time: 2024/05/06 03:03:05 PM
To: Council
Cc: Jeff Thomas; Jessi Bon
Subject: AB 6460: Reconstitution of the Planning Commission – Consideration of Amendments to MICC, Chapter 3.46 (Ordinance No. 24C-06, Second Reading and Adoption)

Dear Council, I support this ordinance.

One of the questions I had when this ordinance was first announced was whether the PC understood their mandate in Resolution 1621 or the City's Vision statement about the PC's limited scope and the priority of our single-family zones, or as some suggested were just confused. I discuss and quote both 1621 and the Vision Statement in my post on ND. https://nextdoor.com/p/-fG-bsxB4BpM?utm_source=share&extras=NDE0NTk4OQ%3D%3D&utm_campaign=1715029957743.

1. COMMISSIONER GOELZ'S POST-FIRST READING COMP. PLAN AMENDMENT.

What made up my mind was Commissioner Goelz's proposed amendment **after** the council's first reading to reconstitute the PC. This is from another PC member:

"If you need further proof of the need for significant change on the Planning Commission and/or the danger that the current proposed Comprehensive Plan poses, last night's Planning Commission meeting is a great example (but by no means the only example). Video of the meeting can be found here: <https://www.youtube.com/watch?v=GOZyxv10tC0>

- 53:55 mark in the video: Commission Goelz successfully adds the following new policy to the Draft Land Use Element Goals and Policies. This will now be item number 27.6.4 (found under Goal 27 – Reduce community-wide greenhouse gas emissions).
"Reducing greenhouse gas emissions from construction, heating and cooling of residential structures by encouraging smaller single family residential housing units, moderate density housing (including duplexes and triplexes), and the use of green building materials and techniques"

It is hard to know what Commissioner Goelz means. Does he want to reduce gross floor area to lot area ratio below the current maximum 40% which was a 5% reduction in the 2017 RDS? That would marginally reduce carbon emissions, although electric heat pumps and better insulation would do a better job. I am not sure the builders would be happy.

Or is he arguing to split lots on MI to *require* smaller houses, or increase the regulatory limits to allow triplexes? Of course, more, smaller houses or tri-plexes equaling the same total GFAR would not reduce carbon emissions and probably would increase them.

My guess is his goal and the goal of the other PC members who voted to add this proposed amendment is to subdivide the SFH zone to create smaller lots and require smaller houses, although I am not sure Commission Goelz understands that for lot splitting to work each lot must be split in half. For example, it makes no sense to split a 15,000 sf lot in a R10 zone because then you end up with a non-conforming 5000 sf lot, which is not allowed. So MI will get a lot of very small lots.

This is only one example of amendments adopted by the PC that seek to eliminate the SFH zone and increase regulatory limits in the SFH zone to "encourage" multi-plexes although not required by HB 1110.

2. CONCURRENT DEVELOPMENT REGULATIONS.

In 2019 I along with some others appealed the comp. plan amendment that created the community facilities zone because it failed to include the concurrent development regulations that tell the citizens what the CFZ really meant.

The GMHB agreed with us, and remanded with directions to draft and adopt the concurrent development regulations, and the MICC was amended to require concurrent development regulations any time the comp. plan is amended and the amendment will need new development regulations to implement it. Upon remand – shock and surprise – the proposed regulatory limits in the CFZ were so abusive the citizens objected and the council repealed the CFZ.

I had the opportunity to meet Jeff Thomas at the open meeting on May 1, and wish an open meeting or two had been held earlier, except Res. 1621 said there would be no amendments except those required by law. I was very impressed by Jeff's knowledge, and commitment to drafting concurrent development regulations if any of the PC's proposed

amendments to upzone the SFH zone are retained in the updated comp. plan, although there would be a lot of them, and it would take a long time and probably new staff.

The PC is trying an old trick: amend the comp. plan with vague language like saving carbon by upzoning the SFH and increasing the regulatory limits and splitting lots in ½ with new minimum lots sizes, but without the actual development regulations to implement this huge change.

Jeff believes there can be "aspirational" language in a comp. plan that does not require development regulations to implement the amendments, or change the regulatory limits. I am more skeptical, and don't think "aspirational" language is necessary or wise in a comp. plan (or consistent with Res. 1621), **which is why I have requested a forward or vision statement to the land use and housing elements that states MI is primarily a single-family zone city, and none of the amendments to the comp. plan include changing the current regulatory limits in the single-family zone.**

3. THE GREAT CATCH-22: EVERY USE IN A ZONE GETS THE SAME REGULATORY LIMITS.

In 2017 Seattle amended its RDS, and allowed three dwellings per SFH lot. Seattle also increased GFAR to 50% to encourage more multi-dwelling lots. But that meant a SFH in Seattle could now be 50% GFAR, which is way out of scale.

Like MI there is a lot of money in Seattle. Builders don't like building multiple affordable dwellings per lot, and banks are not keen on lending on them either. So what Seattle got was a lot of brand new HUGE SFH at 50% GFAR.

So when Commissioner Goelz proposes and the PC adopts language that *encouraging smaller single family residential housing units, moderate density housing (including duplexes and triplexes)* he doesn't understand they are mutually exclusive. If you want increased regulatory limits to encourage tri-plexes you are going to get much larger houses, not smaller, because GFAR has to be increased.

4. HOW DID WE GET HERE?

Around 2013 Mayor Bassett obligated MI to 2000 new housing targets through 2035, around 1000 more than required. Bassett was an urbanist and thought new housing in the TC would gentrify the TC and help with tax revenue from construction during a recession when a city is limited to raising the levy cap 1%/year. But Bassett wasn't insane: he made it crystal clear the SFH zones would be untouched.

When 2022 rolled around Salim Nice did a fabulous job of getting a no new net housing growth target, or 1239 units of any size through 2044. Since existing zoning can accommodate 1239 units that was the end of it.

Then King Co. and the affordable housing group went insane.

According to King Co. most of those 1239 targets must be affordable to those earning between 0% [ZERO] and 50% AMI, when just the land and construction costs mean even the smallest studio on MI costs more than 120% AMI just to build. So now cities like MI have two options:

1. Keep to the AMI mandates and build nothing because builders won't build to lose money, which a lot of citizens are ok with because remodels would be ok.
2. Adopt the phony zoning but ignore it and permit as usual, not unlike what Bellevue plans to do.

The one thing King Co. did understand however is affordable housing must be within walking distance of retail and transit. Otherwise, the low-income person needs a car, and the cost of the car including insurance, maintenance and fuel can run \$1000/mo. which is not subsidized, and equals or exceeds the savings from the subsidized affordable housing. For MI that means the TC, not the SFH zone which Metro refuses to serve.

5 CONCLUSION.

The draft housing and land use elements will have to be completely rewritten, and the CPD has even notated where the PC went beyond its mandate in 1621, or where the citizens are willing to go. It is going to be a lot easier to do that with a non-ideological professional PC.

My point however is there should be NO aspirational comp. plan amendments when it comes to the SFH zone, and if there are they need concurrent development regulations so the citizens know exactly what this council plans to do with their neighborhoods, which I am guessing is nothing based on the ordinance to reconstitute the PC, a very smart move in my opinion.

Thank you for reading this long email.

Daniel Thompson

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From: Dan Thompson <danielthompson@hotmail.com>
Sent time: 2024/05/07 01:00:48 PM
To: Salim Nice; Lisa Anderl; Jake Jacobson
Subject: Draft Economic analysis

Here is a link to the draft economic element of the comp. plan.

[18d87fc2dc69d01f323a34e0ef2fb576_Public_Review_DRAFT_EDE.pdf \(ehq-production-us-california.s3.us-west-1.amazonaws.com\)](https://s3.us-west-1.amazonaws.com/18d87fc2dc69d01f323a34e0ef2fb576_Public_Review_DRAFT_EDE.pdf)

I posted about this on this on ND.

If you read it it states on the top of page 5: "*Housing on Mercer Island is primarily detached single-family homes and contributes to the unique Island neighborhood character*", something the PC forgot during the drafting of the housing and land use elements, although the economic element then goes on to state,

"Less expensive, multifamily housing may attract residents in and near the Town Center who are more likely to choose not to own a car and may be more likely to shop local than those in detached single-family housing. The quantity of multifamily housing available may correlate with the market for the basics of everyday living and experiences such as dining out", although most retail experts don't think less wealthy shoppers and diners are better for retail businesses.

Then on page seven the draft states one of the primary advantages MI has is its "*High-Income Residents*", but then later on reverts to claiming multi-family and low-income housing in the single-family zone will boost Island economic activity.

The problem is this ideological and progressive push for multi-family housing in the SFH is throughout the draft comp. plan and won't be easy to eradicate.

Daniel Thompson

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Fax: (206) 622-3965

From: Linnea Augustine <linnea.augustine@gmail.com>
Sent time: 2024/05/07 05:11:35 PM
To: ComprehensivePlanUpdate; Planning Commission; Council
Subject: Concerns Regarding City Planning Commission

Dear members of the Planning Commission and City Council,

I want to express my gratitude for the opportunity to address you regarding the comprehensive plan and the restructuring of the city committee. After reading several Nextdoor posts on these topics, I felt compelled to share my family's perspective.

First and foremost, I believe it is crucial to prioritize the maintenance of our single-family suburban character and the preservation of our natural lands. My husband and I made the decision to move to Mercer Island from Capitol Hill specifically because of these reasons. I am in favor of promoting new business development within our current capacity, as well as utilizing empty lots for food trucks, without placing excessive strain on our infrastructure systems such as water, sewer, and the need for more parking spaces, which would encroach upon our natural lands.

Secondly, I have concerns about allowing off-island land use professionals to have voting rights on local land-use issues. While I welcome their feedback, I believe that the voting rights should remain with the citizens of Mercer Island. I understand that the planning commission members are appointed by council members, which may introduce bias. However, this can be remedied through transparency and by actively encouraging citizen engagement at the start of each planning session. It is essential for the planning committee to understand the priorities of the community before dedicating their time to developing a plan that goes against the interests of the citizens.

Lastly, I would like to emphasize the importance of safety on Mercer Island. I strongly urge you not to adopt Senator Wellan's approach of "housing being our collective responsibility," as seen in Redmond, which introduced low-barrier affordable housing models to Mercer Island. Additionally, it is vital to maintain a safe and drug-free environment around the light rail station. Apart from the limitations our infrastructure may present, our city does not have the necessary addiction treatment facilities and mental healthcare services to adequately support chronic homelessness, as seen in Redmond. Without the proper support, individuals with chronic drug addictions may contribute to drug-dealing gang activities, increase access to hard drugs for our children, affect our local business, and strain our city's resources, including fire and police departments, as well as mental counselors.

Thank you for considering my concerns and taking them into account during your decision-making process.

Sincerely,

Linnea Augustine

From: Dan Thompson <danielthompson@hotmail.com>
Sent time: 2024/05/13 01:07:35 PM
To: Salim Nice
Subject: Fw: Comp. Plan Survey Closed

Sorry I accidentally sent this email to your Gmail account.

Daniel Thompson

Thompson & Delay
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Mercer Island, WA 98040
Phone: (206) 622-0670
Fax: (206) 622-3965

From: Dan Thompson <danielthompson@hotmail.com>
Sent: Monday, May 13, 2024 12:48 PM
To: jessi.bon@mercergov.org <jessi.bon@mercergov.org>
Cc: jeff.thomas@mercerisland.gov <jeff.thomas@mercerisland.gov>; Salim Nice <salimnice@gmail.com>; Andrea Larson <Andrea.Larson@mercergov.org>
Subject: Comp. Plan Survey Closed

According to the link on ND and on Let's Talk the survey on the comp. plan is now closed.

https://nextdoor.com/p/QipyCJXwwWx7?utm_source=share&extras=NDE0NTk4OQ%3D%3D&utm_campaign=1715629451948

[Comprehensive Plan Periodic Review | Let's Talk Mercer Island \(mercergov.org\)](#)

[2024 - 2044 Comprehensive Plan Periodic Review Survey | Let's Talk Mercer Island \(mercergov.org\)](#) **closed**

The city's ND post was only three days/ago. I know there were complaints about the length of the survey, and its complexity, but now it is closed.

The public hearing is scheduled for May 29. Public comments made be made up and through the public hearing, and my understanding is the city is trying to find out what a majority of citizens want, and may even consider a ballot measure.

So I don't know why the survey would be closed so early.



Work is still underway on an update to the Island's Comprehensive Plan - this plan guides growth and development over a 20-year timespan.

We're now looking for your input on this plan through an online survey. This survey serves as a tool to gather additional community inp...

nextdoor.com

Daniel Thompson

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From: Dan Thompson <danielthompson@hotmail.com>

Sent time: 2024/05/20 02:12:13 PM

To: Council

Jeff Thomas; Jessi Bon; Adam Ragheb <adam.ragheb@gmail.com>; Ashley Hay <ashleyhay@outlook.com>; Ira Appelman; aql1@cornell.edu; Ray Akers <ray@akerscargill.com>; Thomas Acker <tomacker1@comcast.net>; Matthew Goldbach <blkship@yahoo.com>; Elizabeth Buckley; Bob Harper; Lloyd Gilman; Matt Goldbach; Carv Zwingle; Traci Granbois; Michael Cero <mikecero@miforss.com>; fletchsa1@gmail.com; victor.raisys@gmail.com; Doris Cassan; Gary Robinson; Dan Glowitz <daniel.glowitz@gmail.com>; Dwight Schaeffer; Don Howard <donhowardmd@gmail.com>; Rob Dunbabin <rob@cascaheyarns.com>; Gary Robinson <gdrobinsong@gmail.com>; John Hall <johnmhall@jmhecorp.net>; Joy Matsuura <jmatsu999@yahoo.com>; jkenedy59@me.com; lsarchin@aol.com; Meg Lippert; Susan Lund; Mike Cero <mscero@comcast.net>; Morrene Jacobson; Robert Medved; Mark Coen; Dave Oberg; olivialippens@gmail.com; Peter Struck; Robin Russell; 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, religious 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 accidentally 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

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Fax: (206) 622-3965

From: Dan Thompson <danielthompson@hotmail.com>
Sent time: 2024/05/29 01:10:58 PM
To: Jessi Bon; Council; Jeff Thomas
Cc: Council
Subject: Survey Results For Periodic Review Of Comprehensive Plan

Hello, tonight the PC will hold the public hearing on the PC's draft update of the Comp. Plan. The 583 page agenda packet was released late Thursday afternoon before a three day weekend, and includes a new consultant's report and recommendations/findings. Several of the recommendations or findings reference the results of the citizen survey. I don't see the results posted on ND or in the 583 page agenda packet. How can I review the survey results?

Daniel Thompson

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From: Dan Thompson <danielphompson@hotmail.com>
Sent time: 2024/05/29 01:37:53 PM
To: Jessi Bon; Council; Jeff Thomas
Subject: Re: Survey Results For Periodic Review Of Comprehensive Plan

I found the survey results beginning on page 262 of the PC agenda packet. [MEET-Packet-6f827fb3de734c159107786bf83dbfaa.pdf \(usgovcloudapi.net\)](#) I don't see the results on Let's Talk.

The survey comments reflected what I thought of the survey: it was a push poll to force answers supporting greater density.

My understanding is tonight is the public hearing to grant standing to citizens who submit written comments or provide oral comments, but the PC will discuss further amendments **after public comments**, and then hold two more meetings. So far no one has signed up to provide comments.

I think this may have been the most illegal and screwed up public process I have seen on MI, over the most important document between the council and citizens. It violates about every principle in the GMA. Granted the PC dropped an unexpected turd on the city and council in April, but there is no excuse for the lack of public notice or participation in this process since then. I wouldn't expect even the legacy council or Julie Underwood to do this.

I find it bizarre that a planning commission that has been "reconstituted" (fired) by the council is still amending the comp. Plan and will hold three more meetings with more amendments.

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From: Dan Thompson <danielphompson@hotmail.com>
Sent: Wednesday, May 29, 2024 1:10 PM
To: jessi.bon@mercergov.org <jessi.bon@mercergov.org>; council@mercergov.org <council@mercergov.org>; jeff.thomas@mercerisland.gov <jeff.thomas@mercerisland.gov>
Cc: council@mercergov.org <council@mercergov.org>
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From: Dan Thompson <danielphthompson@hotmail.com>
Sent time: 2024/05/29 04:18:27 PM
To: Council; Planning Commission; ComprehensivePlanUpdate
Jeff Thomas; Jessi Bon; Adam Ragheb <adam.ragheb@gmail.com>; Ashley Hay <ashleyhay@outlook.com>; Ira Appelman; aql1@cornell.edu; Ray Akers <ray@akerscargill.com>; Thomas Acker <tomacker1@comcast.net>; Matthew Goldbach <blkship@yahoo.com>; Elizabeth Buckley; Bob Harper; Lloyd Gilman; Matt Goldbach; Carv Zwingle; Traci Granbois; Michael Cero <mikecero@miforss.com>; fletchsa1@gmail.com; victor.raisys@gmail.com; Doris Cassan; Gary Robinson; Dan Glowitz <daniel.glowitz@gmail.com>; Dwight Schaeffer; Don Howard <donhowardmd@gmail.com>; Rob Dunbabin <rob@casca deyarns.com>; Gary Robinson <gdrobinsong@gmail.com>; John Hall <johnmhall@jmhecorp.net>; Joy Matsuura <jmatsu999@yahoo.com>; jkenedy59@me.com; lsarchin@aol.com; Meg Lippert; Susan Lund; Mike Cero <miscero@comcast.net>; Morrene Jacobson; Robert Medved; Mark Coen; Dave Oberg; olivialippens@gmail.com; Peter Struck; Robin Russell; Rebecca Wilson <rebeccajwilson10@gmail.com>
Cc:
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 \(usgovcloudapi.net\)](#) 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.

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From: Dan Thompson <danielptompson@hotmail.com>

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

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

Cc: jeff.thomas@mercisland.gov <jeff.thomas@mercisland.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@cascadearns.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 <mcsnb@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.

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Around 12 citizens attended the public meeting.

GMHB Exhibit #308 - 0168

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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.

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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, religious 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 accidentally 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

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From: Sarah Fletcher <fletchsa1@gmail.com>
Sent time: 2024/05/29 05:19:39 PM
To: Council
Subject: Fwd: The Comprehensive Plan - Transport Element - My extensive comments
image.png image.png image.png image.png image.png image.png image.png image.png image.png image.png image.png image.png
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Hello, I have spent extensive time on just the Transportation Element. I have not been given enough time to go through the other elements. Could you please allow more time for comments? Thanks.

----- Forwarded message -----

From: **Sarah Fletcher** <fletchsa1@gmail.com>
Date: Wed, May 29, 2024 at 1:37 PM
Subject: Re: The Comprehensive Plan - Transport Element - My extensive comments
To: <planning.commission@mercerisland.gov>, <comp.plan@mercerisland.gov>, Patrick Yamashita <patrick.yamashita@mercerisland.gov>

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> 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:

~~1.6. Prioritize transportation investments in the Town Center that promote mixed-use and compact development and provide multi-modal 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 suburbs.

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:

44-412.4 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?:

12.4.6 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
Town Center Intersections Within and Adjacent to the Town Center (LOS C Standard)		
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 2022 Park and Ride Utilization Report prepared by King County, Metrolink 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 2024, which will result in providing 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 (\$)
Non-Motorized Projects (N/M)				
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)	1,175,000
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-3	North Mercer Way - Mt Park and Ride Frontage Improvements	Remove bus bay on north side of hwy, 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-4	SE 32nd St Sidewalk Replacement (72th Ave SE - 78th Ave SE)	Replace sidewalk and trees adjacent to Mercerdale Park due to tree damage.	2023-2028 TIP (SP147)	824,719

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	SE 28th St/80th Ave SE	Install traffic signal.	2022 Transportation Impact Fee (W1)	1,464,000

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	80th Ave SE/North Mercer Way	Add turn lane to improve traffic operations at the intersection.	2022 Transportation Impact Fee (W14)	754,000

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	North Mercer Way/I-90 Westbound Off- Ramp/Island Crest Way	Add exclusive westbound left turn lane at I-90 off-ramp.	2022 Transportation Impact Fee (W15)	650,000

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?

I-5	Signal Coordination Along Island Crest Way (North Mercer Way - SE 28th St) and at the North Mercer Way/80th Ave SE intersection.	Coordinate four existing traffic signals along Island Crest Way and North Mercer Way.	2022 Transportation Impact Fee (W11)	490,000

From: docrobinson@comcast.net
Sent time: 2024/05/29 05:43:31 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

From: Dan Thompson <danielphompson@hotmail.com>
Sent time: 2024/05/30 03:40:47 PM
To: Jessi Bon; Council; Jeff Thomas
Subject: Re: Recap Of Last Night's Planning Commission Meeting (Considering None of You Probably Watched).

Last night the Planning Commission held its public hearing on the comprehensive plan. This hearing is to establish a resident's standing and is the most important legal step in the process.

Senator Wellman showed up at the MICEC where some residents also showed up thinking the meeting would be hybrid. She expressed her deep disappointment that such an important meeting for MI would not be hybrid at least. She did not speak.

Only one resident spoke to the PC: Matt Goldbach, and there were technical issues at one end. Imagine a single resident offering oral public comments at a public hearing on a substantial rewrite of the comp. Plan. It just shows how screwed up this process is, and has been since Resolution 1621, and proves my comment to the council last meeting that the citizens are going to rely on the council **to fix this**.

Commissioners Goelz and Boatsman were attending their last meeting before their terms expired. Both offered additional amendments to the comp. Plan, but the commission decided to not vote on them (I couldn't really understand what the amendments were since they were not part of the agenda packet, which is a little odd in a public hearing on an 8-year cycle update to the comp. plan after two years of consideration).

Several commission members noted they were confused by the whole process. Who was actually proposing the amendments "to close the policy gaps and resolve the internal consistency topics as recommended by staff in PCB24-13 Table 1 as presented" that are even more progressive than the PC's amendments. How are these amendments to resolve internal inconsistency mandated, and by whom or what law? When did staff prepare a table, what staff, and when was an outside consultant hired. **Why were the survey results buried in the 583-page agenda packet. Where were the results of citizen comments at the May 1 public meeting?** So the PC decided to not vote on anything, and many figured the council was behind the consultant's report and staff table.

A few commission members messaged me privately to restate their opinion that the PC got thrown under the bus for the CPD's direction, and this table and consultant's report prove their point because the PC had nothing to do with it, and to them it appeared way more progressive than anything they proposed. I guess the CPD is running things now, and according to some PC members has since March 2022.

Then things got personal. Commissioner Akyuz attacked Commissioner Ragheb, over what was not clear. Kate's understanding of this entire process is very tenuous. She clearly never understood Res. 1621. Maybe because the council appointed so many politically ambitious folks who hope to run for council (again) to the PC things got heated. Chair Murphy spoke about how unfair the reconstitution of the PC was.

What this tragic meeting taught me is this PC cannot function, certainly when it comes to something as critical and complex as the 8-year cycle update of the comp. Plan, and the council's goal to mitigate state and county policies. The CPD is zero help in all of this, and maybe the problem. They just don't understand how comp. Plan amendments must translate into development code amendments, how those translate into development, and how all of this is political because the comp. plan is supposed to be the opportunity for the citizens to tell THEIR COUNCIL AND NO ONE ELSE the vision they have for their city. If they are asked or allowed to participate.

What it also taught me is the council and city manager and dir. of the CPD need to stop being asleep at the wheel. I agree with Ted there needs to be a council liaison to the PC, and for this council and city manager and dir. of the CPD to wait until April 2024 to understand what the PC had been doing for two years was gross negligence. You knew this was likely with this PC which is why you passed Res. 1621, but never thought about lifting the lid on the stew for over two years.

Daniel Thompson

Thompson & Delay
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Sent: Wednesday, May 29, 2024 1:37 PM

To: jessi.bon@mercergov.org <jessi.bon@mercergov.org>; council@mercergov.org <council@mercergov.org>; jeff.thomas@mercerisland.gov <jeff.thomas@mercerisland.gov>

Subject: Re: Survey Results For Periodic Review Of Comprehensive Plan

I found the survey results beginning on page 262 of the PC agenda packet. [MEET-Packet-6f827fb3de734c159107786bf83dbfaa.pdf \(usgovcloudapi.net\)](#) I don't see the results on Let's Talk.

The survey comments reflected what I thought of the survey: it was a push poll to force answers supporting greater density.

My understanding is tonight is the public hearing to grant standing to citizens who submit written comments or provide oral comments, but the PC will discuss further amendments **after public comments**, and then hold two more meetings. So far no one has signed up to provide comments.

I think this may have been the most illegal and screwed up public process I have seen on MI, over the most important document between the council and citizens. It violates about every principle in the GMA. Granted the PC dropped an unexpected turd on the city and council in April, but there is no excuse for the lack of public notice or participation in this process since then. I wouldn't expect even the legacy council or Julie Underwood to do this.

I find it bizarre that a planning commission that has been "reconstituted" (fired) by the council is still amending the comp. Plan and will hold three more meetings with more amendments.

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From: Dan Thompson <danielphompson@hotmail.com>

Sent: Wednesday, May 29, 2024 1:10 PM

To: jessi.bon@mercergov.org <jessi.bon@mercergov.org>; council@mercergov.org <council@mercergov.org>; jeff.thomas@mercerisland.gov <jeff.thomas@mercerisland.gov>

Cc: council@mercergov.org <council@mercergov.org>

Subject: Survey Results For Periodic Review Of Comprehensive Plan

Hello, tonight the PC will hold the public hearing on the PC's draft update of the Comp. Plan. The 583 page agenda packet was released late Thursday afternoon before a three day weekend, and includes a new consultant's report and recommendations/findings. Several of the recommendations or findings reference the results of the citizen survey. I don't see the results posted on ND or in the 583 page agenda packet. How can I review the survey results?

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From: Dan Thompson <danielthompson@hotmail.com>
Sent time: 2024/06/03 01:12:05 PM
To: Council
Cc: Jessi Bon
Subject: AB 6484 2024 Community Survey Results

Here is a link to my ND post on the survey results. https://nextdoor.com/p/WcdmSfBXkDZz?utm_source=share&extras=NDE0NTk4OQ%3D%3D&utm_campaign=1717444628861

As noted in my post I thought there were two interesting findings in the survey:

1. "Mercer Island community members were asked to list each of the news and information outlets they were currently using to be kept up to date on City programs, services, and events. The majority of respondents listed the Mercer Island NextDoor account as their means of keeping up to date (38%). The MI Weekly email newsletter was the second most selected option (35%), and the third most selected option was the City Website (34%)".

2. The highest priority of all, and the only priority rated "High" by the residents who responded, is "Efforts by city to regulate development on the Island", with one of the lowest satisfaction rates (38%).

Overall, the citizens are satisfied with the direction of the city and levels of service, and I agree with them. I think the city manager and council have done a good job, especially considering what they inherited in 2020.

But as my post concludes, **"If a city and council want to pass some bonds for a new city hall and maintenance building they should be concerned about one of the lowest approval ratings (38%) for the most important issue for the citizens, regulating development on the Island, when otherwise the citizens are pretty happy with the job the city and council are doing"**.

IMO, at the heart of this dissatisfaction among the citizens is the city's abysmal efforts at public notice and participation, from Xing Hua to last year's development code docket to the rollout of the parks zone to the comprehensive plan update.

I also think Jeff Thomas, Jessi Bon, and the council are playing with fire with the two individuals at the CPD they let lead these land use projects and who do not IMO value citizen involvement, and who have the lowest satisfaction rate in the survey on the most important issue for the citizens.

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From: Dan Thompson <danielthompson@hotmail.com>
Sent time: 2024/06/04 10:30:56 AM
To: Salim Nice; Jake Jacobson; Lisa Anderl
Subject: Fw: my revised comments/motions for tomorrow

See Adam's suggested "motions" below. I think Adam would be an excellent member if the council forms a new housing work group to fix the comp. Plan. He knows where the bodies are buried and who buried them.

You will note the CPD is now asking PC members to frame their "amendments" as "motions" based on the 7 total public comments received at the public hearing (although not mine) to avoid the fact the PC and CPD are continuing to amend the comp. Plan *after* the public hearing.

My concern now is the PC and CPD are wasting so much time on a draft that is DOA. The PC plans at least one more meeting after tomorrow. School is out in two weeks and kids come home from college, then the July 4th week and summer celebration, and the citizens and council basically go on summer vacation.

I don't see how the council can come up with a new draft comp. Plan by the end of 2024 that allows the citizens time to review it and comment by the end of 2024. Major amendments and deletions are necessary to comply with Resolution 1621. There is still the 2024 comp. plan and dev. Code docket which is critical because in 2025 the next PC will need to begin the dev. code amendments to implement the Plan (or not implement it), plus all the stuff the council added last year like the JCC, Country Club, and so on.

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From: Adam Ragheb <adam.ragheb@gmail.com>
Sent: Tuesday, June 4, 2024 7:12 AM
To: Dan Thompson <danielthompson@hotmail.com>
Subject: my revised comments/motions for tomorrow

adam z suggested i rephrase my comments as motions - so these are my revised suggested motions for tomorrow:

All proposed motions are based on public comments received for the 5/29 Public Hearing on the Transportation Element.

1. I move that we add to our findings: "Transportation Element Policy Goal 4.9 received two strong public comments. One comment mentioned the word socioeconomic as a possible alternative. During a brief discussion, it was brought up that key definitions related to this goal are not currently contained within the Comprehensive Plan document."
2. I move that we add to our findings: "Transportation Element Policy Goal 4.10 received three public comments asking that we note that off-street parking is important to families and those who are handicapped."
3. I move that we correct the phrase on Page 2, third paragraph from "The regional Mountains-to-Sound Trail runs along the I 90 corridor providing a convenient connection to Seattle and Bellevue for pedestrians and bicyclists." to "The regional Mountains to Sound Greenway Trail runs along the I 90 corridor providing a convenient connection to Seattle and Bellevue for pedestrians and bicyclists."
4. I move that we amend Transportation Element Policy 3.3 on Page 4 to add "and retain trees" per public comment. It currently reads "Construct transportation improvements with sensitivity to existing trees and vegetation. Encourage programs that plant trees in unused portions of public rights-of-way." And as-amended would read "Construct transportation improvements with sensitivity to existing trees and vegetation. Encourage programs that plant trees and retain trees in unused portions of public rights-of-way."
5. I move that we add to our findings: "In relation to Transportation Element Policy Goal 12.4 on Page 10, the Council should consider this in conjunction with the trend of eBikes moving to personal ownership from organizational ownership since the technology's original inception and ensure no Sound Transit study efforts are being duplicated."
6. I move that we revise the second to last paragraph on Page 19 from "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." to "Link light rail is planned to run 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. It is planned for the light rail to provide frequent connections to Seattle, Bellevue, and other regional destinations."
7. I move that we revise the second to last paragraph of Page 21 of the Transportation element from "The Mercer Island lot is typically fully occupied during weekdays. A number of the users of this lot do not reside on the Island." to "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 although photographs and public testimony note that the lot is often less than full in 2024 post-COVID. A number of the users of this lot do not reside on the Island."
8. I move that we revise the second paragraph of Page 23 from "The opening of the East Link light rail line provides an additional travel option between the Town Center and regional destinations." to "The analysis assumes the opening of the East Link light rail line in 2023, which will result in an additional travel option between the Town Center and regional destinations."

From: Meg Lippert <meg.lippert@gmail.com>

Sent time: 2024/06/04 08:02:26 PM

To: Council; Planning Commission; ComprehensivePlanUpdate

Jeff Thomas; Jessi Bon; Adam Ragheb <adam.ragheb@gmail.com>; Ashley Hay <ashleyhay@outlook.com>; Ira Appelman; aql1@cornell.edu; Ray Akers <ray@akerscargill.com>; Thomas Acker <tomacker1@comcast.net>; Matthew Goldbach <blkship@yahoo.com>; Elizabeth Buckley; Bob Harper; Lloyd Gilman; Matt Goldbach; Carv Zwingle; Traci Granbois; Michael Cero <mikecero@miforss.com>; fletchsa1@gmail.com; victor.raisys@gmail.com; Doris Cassan; Gary Robinson; Dan Glowitz <daniel.glowitz@gmail.com>; Dwight Schaeffer; Don Howard <donhowardmd@gmail.com>; Rob Dunbabin <rob@casadeyarns.com>; Gary Robinson <gdrobinsong@gmail.com>; John Hall <johnhall@jmhc corp.net>; Joy Matsuura <jmatsu999@yahoo.com>; jkennedy59@me.com; lsarchin@aol.com; Susan Lund; Mike Cero <mscero@comcast.net>; Morrene Jacobson; Robert Medved; Mark Coen; Dave Oberg; olivialippens@gmail.com; Peter Struck; Robin Russell; Rebecca Wilson <rebeccajwilson10@gmail.com>; Dan Thompson

Subject: Re: Public Comments For May 29, 2024 Public Hearing On Update To Comprehensive Plan

Dear Council, Planning Commission, and City Planning Department,

Although it is past the deadline for input for the public hearing on the Draft Comprehensive Plan Update, I hope that there will be further opportunity for citizens to comment on the document.

I have read the comments that Dan Thompson noted below, following his thoughtful, professional reading of the document, and I concur with his recommendations and conclusions. I hope that you will take them under advisement.

As this process moves along, I hope that in the future you will be providing ample time and opportunity for citizens to read, understand, analyze and respond to proposed updates and changes.

Thank you,
Meg Lippert

On Wed, May 29, 2024 at 1:18 PM Dan Thompson <danielphompson@hotmail.com> wrote:

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/MEET-Packet-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. GMHB Exhibit #308 - 0184

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.

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From: Dan Thompson <danielphompson@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 <biznloyd@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 <drschaefter@comcast.net>; Don Howard <donhowardmd@gmail.com>; Rob Dunbabin <rob@cascadevarns.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, religious 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 accidentally 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

From: Dan Thompson <danielphompson@hotmail.com>
Sent time: 2024/06/05 01:27:03 PM
To: Council
Cc: Jessi Bon
Subject: Citizen Comments And Participation At May 29 Planning Commission Public Hearing On Draft Comprehensive Plan

Hello, last night I spoke to the council about the survey results and the process at the planning commission re: the comp. Plan. I disagreed with the city manager's estimates for public participation at the May 29 public hearing, and the surveyor's speculation about the very low citizen satisfaction scores for regulating development and citizen participation in the survey.

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Here is who submitted comments (Matt Goldbach was the only citizen to offer oral comments but due to technology issues his comments were not comprehensible).

1. Sarah Fletcher. Five comments (with photos), the last simply agreeing with my comments. (She makes some good comments about the bike path along the sidewalk on N. Mercer Way and across the park and ride that are echoed in public comments for the TIP).
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There are few things more important and more complex than the 8-year cycle update of the comp. Plan. There should be hundreds of *substantive* citizen when the few citizen comments mostly object to the process.

I agree with the surveyor that the city manager and council have done a very good job over the last four years. The parks commission has been a huge help. But I disagree with the surveyor's approach that attempts to paint any negative citizen approval such as regulating development or public participation as an anomaly.

Finally, I want to note this isn't just about the PC. This is about the disastrous development code docket last year, the Boys and Girls subdivision, the initial rollout of the parks zone, the bait and switch on the Hertzl rezone compared to the development application that was recently filed, *and* the comp. plan.

It is the CPD staff who get paid well over \$100,000/year to understand Res. 1621, that the council has no plans to voluntarily increase its future housing allocation, that according to the county all future housing growth must be in a dense zone at 0-60% AMI, and that Res. 1621 was all about maintaining the regulatory limits in the SFH zone to buffer HB 1110.

Maybe the CPD needs to be reconstituted.

Daniel Thompson

Thompson & Delay

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2955 80th Ave SE, Suite 202

Mercer Island, WA 98040

Phone: (206) 622-0670

Fax: (206) 622-3965

From: John Hall <johnmhall@jmhcorp.net>
Sent time: 2024/06/05 02:07:26 PM
To: Council; Jessi Bon
Cc: John Hall
Subject: : Citizen Comments
Attachments: image001.jpg

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

Cc: jessi.bon@mercergov.org <jessi.bon@mercergov.org>

Subject: Citizen Comments And Participation At May 29 Planning Commission Public Hearing On Draft Comprehensive Plan

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It is the CPD staff who get paid well over \$100,000/year to understand Res. 1621, that the council has no plans to voluntarily increase its future housing allocation, that according to the county all future housing growth must be in a dense zone at 0-60% AMI, and that Res. 1621 was all about maintaining the regulatory limits in the SFH zone to buffer HB 1110.

Maybe the CPD needs to be reconstituted.

I am in complete agreement with Dan's Letter

John Hall



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From: Sarah Fletcher <fletchsa1@gmail.com>
Sent time: 2024/06/06 01:51:05 PM
To: Planning Commission; Adam Zack; Jessi Bon; Council
Subject: Re: This new Planning Commission, it is not working
Attachments: DSCN2465.JPG DSCN2466.JPG DSCN2467.JPG

Hello, I just can't pinpoint the problem and who exactly is to blame, but I just don't think that some Planning Commission members are understanding how significant the Comprehensive Plan is and that you don't put false information in it, nor do you put outdated information in. So again, I have taken photographs of the Park and Ride until you get it that the Park and Ride is never 100% full. And based on Sound Transit's figures and my photographs as evidence, you will not put that the P&R is full. It is like Sound Transit's Environmental Impact Statements where they read more like they wish that there were no environmental impacts and they will state that there are no environmental impacts, yet we are feeling the impacts of their supposedly no impacts. And not only that, but I am sorry, if the Planning Commission are not following what is going on with Sound Transit and the City staff members are not informing the Planning Commission and you don't want to listen to citizens, then I am sorry, the system is not working.

And I don't know what was discussed last night with regards to the green paint on the sidewalk which I have warned you is a danger, what is happening with that?

I will be happy to meet with whoever wants to at the Park and ride and I will walk you all around. I get annoyed when you make out like I don't know what I am talking about when it comes to the Park and Ride and Sound Transit. I should be thanked for the work I am doing.

On Wed, Jun 5, 2024 at 11:19 PM Sarah Fletcher <fletchsa1@gmail.com> wrote:

Here is the latest data for the 550 bus. Covid has been over for a while now and yet, ridership is still down 46%:

[Ridership | Ridership | Sound Transit](#)

So don't tell me that I don't know what I am talking about. You don't go and put incorrect information in The Comprehensive Plan. You have no right being advisors to the City if you are going to lie about the information. It seems that that is what has been happening in the past whenever we have had an Economical Analysis done or Transpo does their analysis. I thought that with the Planning Commission, things would be different, but it doesn't appear that it is if you are going to put incorrect information in The Comprehensive Plan.

In the meantime, I have reached out to the Sound Transit outreach person and will let him know about what latest information he has with regards to how full the park and ride is and I will continue taking photographs.

On Wed, Jun 5, 2024 at 10:58 PM Sarah Fletcher <fletchsa1@gmail.com> wrote:

Hello, there is a problem and you are the wrong people to be advising. I am sorry, but the problem is that none of you have a clue about Sound Transit's mitigation. And what's more, you don't put outdated data from 2017 in The Comprehensive and deem it "fact." When you state the Park and Ride is 100% full, but that it is not, and I keep proving to you that it is not, you should be acknowledging what I am telling you. I will keep taking photographs every day and email them to you, but you have incorrect information. Fact. The Park and Ride is **never 100% full**.

And what's more, none of you should be advising the city on Sound Transit when you don't have a clue about the mitigation. Who on staff should be aware of what Sound Transit's mitigation is and I am not talking about the 2017 Settlement Agreement mitigation, but the other mitigation?

This is what is states:

"Hide-and-Ride: Mitigation for potential hide-and-ride activities near stations and the best ways to mitigate such activities are specific to each area surrounding a station. The station most likely to generate hide-and-ride impacts is the Rainier Station. At the Mercer Island and South Bellevue Stations the parking analysis determined a low potential for hide-and-ride impacts.

However, given the locations of these stations, **Sound Transit will evaluate hide-and-ride impacts within one year of East Link commencing operations.** If impacts are determined, Sound Transit will implement appropriate mitigation measures as discussed in this section.

Prior to implementing any parking mitigation measures, Sound Transit will inventory existing on-street parking around the Rainier and Mercer Island stations up to one year prior to the start of light rail revenue service. For the South Bellevue station, inventory of existing on street parking will be conducted prior to closure to the South Bellevue park-and-ride lot. **These inventories will document the current on street parking supply within a one-quarter-mile radius of the stations. Based on the inventory results, Sound Transit and the local jurisdiction will work with the affected stakeholders to identify and implement appropriate mitigation measures, if necessary.**

Parking control measures would, when deemed needed and effective to address adverse impacts, consist of parking meters, restricted parking sign age, passenger and truck load zones, and residential parking zone (RPZ) sign age. Other parking mitigation strategies could include promotion of alternative transportation services (e.g., encourage the use of bus transit, vanpool or carpool services, walking, or bicycle riding).

For parking controls agreed to with the local jurisdiction and community, Sound Transit will be responsible for the cost of installing the signage or other parking controls and any expansion of the parking controls for one year after opening the light rail system. The local jurisdictions will be responsible for monitoring the parking controls and providing all enforcement and maintenance of the parking controls. The local residents will be responsible for an RPZ-related costs imposed by the local jurisdiction."

This is the Sound and Transit parking pass program before covid. [New reserved permit-parking option available for Mercer Island Park-and-Ride lot and Issaquah Transit Center | Sound Transit](#)

Why do you think Sound Transit phased it out? Are you trying to tell me it is because the Park and Ride is 100% full? Well, it is not. All I asked is that you put accurate and more up-to-date information (not from 2017) in The Comprehensive Plan and stop wasting our time.

Sarah Fletcher

From: Sarah Fletcher <fletchsa1@gmail.com>
Sent time: 2024/06/07 07:34:21 AM
To: Council; Jessi Bon
Cc: Dan Thompson; Carv Zwingle; Traci Granbois; Gary Robinson
Subject: Re: Citizen Comments And Participation At May 29 Planning Commission Public Hearing On Draft Comprehensive Plan

Hello, I want to know what is going to happen with regards to retaining mature trees. This is the situation. Citizens want mature trees to not be cut down, city staff don't inform the city council when it comes to projects, such as the Island Crest Way bike trail, nor do they tell the council about how many mature trees will need to be removed around the Town Center for more projects, but someone on the Planning Commission two nights ago didn't want to add the language to retain mature trees because she said something or other about capital projects requiring mature trees to be cut down. This is the sentence which all I asked was for wording to be added "to retain trees", but the Planning Commission couldn't add that wording. Granted, it was not clear what they meant about unused portions of right-of-way. There is a section along North Mercer Way which has a forest area, I don't know if they meant that, but regardless, it shouldn't have been terrible to just add "retain trees": "Encourage programs that **retain trees** and encourage programs that plant trees in unused portions of rights-of-way."

So where do we stand? Should the Planning Commission person not have advised to retain the mature trees in line with what citizens want? Should the City staff be informing the city council with every project, how many mature trees will need to be removed? Or should the City council be asking the city staff as to how many mature trees will need to be removed for each project before voting on a project? You wonder why citizens are not happy and keep feeling like we are not listened to.

People balked when 5 mature trees had to be removed just for that crosswalk by Aljoya, but staff fail to inform the council how many mature trees will be removed for the Island Crest Way bike trail, for the Xing Hua project, for the sidewalk replacement projects on 80th Ave SE (opposite Montesourri), or for the other project adjacent to Mercerdale Park, or for the Temple Herzl project, not to mention all the developers who want to remove mature trees for their projects. When one thinks of bicyclists, you think of them riding their bikes instead of driving in their cars, and one would think that they were for the environment, but apparently, they are not. The Island Crest Way bike trail which not only will remove a lot of trees, but will also cost an absolute fortune, are you trying to say that the bicyclists will want you to go ahead with that project? Now, if you all value trees, then, no, that project should not go ahead as are other projects. The canopy in the Town Center, that offers value, but again, it doesn't seem like you appreciate it. I have checked the trees out. They need to remove some of the cement sidewalk in some instances to give the roots more room to grow. Or the City needs to look at a firm like Slabjack and see what they can do. I don't know. And as for lighting, how about installing the solar lighting which Sound Transit had along 80th Ave SE before their new path? It keeps the lighting at pedestrian level.

And in addition, on one hand, the city is telling us how as part of the Climate Action Plan, we should be retaining trees, but it somehow gets lost on staff and on the Planning Commission.

So, what is the answer? Where does the city council, the Planning Commission, the Design Commission and City staff stand on retaining mature trees? Why doesn't someone add up how many trees will be removed for each project for a start? Why do staff never seem to inform the council of that when it comes to the Island Crest Project, and the other Town Center Transportation Improvement Projects? And what is it going to take to make it that mature trees are not cut down? When will you just get it that small plantlings do not offer the same benefit as mature trees?

I hope that Jessi, you will guide everyone and figure out whether mature trees should be retained or not. It just seems that citizens' voices are not being heard. We want mature trees to be retained, but it seems like city staff, etc. do not want mature trees to be retained.

And honestly, I don't know why people move to Mercer Island if they don't like the natural beauty of trees, etc.

Thanks. I look forward to getting this straightened out as to where the City stands on mature trees.

Sarah Fletcher

On Thu, Jun 6, 2024 at 11:42 AM <gdrobinsong@gmail.com> wrote:

Daniel,

I concur. I have spoken (took them to lunch) with everyone who has headed the CPD over the past 20 years except the current head. I have also spoken to the mayor. With all of them, I recommended a Business Process Analysis of the CPD to improve its functioning. One gets the impression that it exists to serve the CPD staff, not the residents. Recently, a neighbor spoke with a builder on the Island who said this was the first and last home he would build on the Island because of the difficulties dealing with the CPD. *A business process analysis is a comprehensive method for describing and analyzing an organization's processes. It sets the stage for effectively monitoring, controlling, and continuously improving these processes. The CPD needs this desperately.*

GMHB Exhibit #308 - 0195

It is evident that the Planning Commission has lost its way and has decided that it determines its scope of work, not the Council.

As a footnote please let me add that I didn't just agree with your comments about the CPD. I added to them and that my wife and I have had a business on the Island for the past 34 years.

Best,

G.

Gary D. Robinson, Ph.D.

Telephone: 206-232-7980 (Pacific Time)

Mobile: 206-883-7260

docrobinson@comcast.net

gdrobinsong@gmail.com

Skype: docrobinson

From: Dan Thompson <danielpthompson@hotmail.com>

Sent: Wednesday, June 05, 2024 1:32 PM

To: Gary Robinson <gdrobinsong@gmail.com>; carvz@yahoo.com; traci.granbois@gmail.com

Subject: Fw: Citizen Comments And Participation At May 29 Planning Commission Public Hearing On Draft Comprehensive Plan

FYI since some of you submitted written comments for the May 29 public hearing.

Daniel Thompson

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80th Avenue Professional Building

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Fax: (206) 622-3965

From: Dan Thompson <danielpthompson@hotmail.com>

Sent: Wednesday, June 5, 2024 1:27 PM

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

Cc: jessi.bon@mercergov.org <jessi.bon@mercergov.org>

GMHB Exhibit #308 - 0196

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From: Dan Thompson <danielphompson@hotmail.com>
Sent time: 2024/06/10 01:54:15 PM
To: Salim Nice
Subject: Fw: Exhibit 1 for 6/12 PC Meeting
Attachments: image.png

See the links below for the PC's agenda packet and links to public comments at the May 1 meeting. Not surprisingly the nine citizens who submitted prepared comments requesting a vision statement or preamble protecting the regulatory limits in the single family zone are listed last and are incomplete.

I felt the survey the CPD sent out was biased and poorly worded.

My hope is this is the last PC meeting on the comp. Plan. I am very concerned that according to the recent city weekly rewriting the comp. Plan will begin in Sept. That leaves very little time.

Daniel Thompson

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From: Adam Ragheb <adam.ragheb@gmail.com>
Sent: Monday, June 10, 2024 1:35 PM
To: Dan Thompson <danielphompson@hotmail.com>
Subject: Re: Exhibit 1 for 6/12 PC Meeting

[PCB24-16x1.pdf](#) (19.07 MB)

On Mon, Jun 10, 2024 at 1:33 PM Adam Ragheb <adam.ragheb@gmail.com> wrote:

See this link - Exhibit 1 of agenda for 6/12 meeting

[Planning Commission Special Hybrid Meeting 06/12/2024 06:00 PM | Mercer Island, WA \(municode.com\)](#)

starts on p79 of 159

<https://mccmeetingspublic.blob.core.usgovcloudapi.net/mercercwa-meet-e0bbac465ee2476e8f70c82f080f6639/ITEM-Attachment-001-20ae9cad34784b4c84d5914f06548edb.pdf>

maybe the typed-out version of the images shown on page 16 of exhibit 1?

On Mon, Jun 10, 2024 at 1:29 PM Dan Thompson <danielphompson@hotmail.com> wrote:

Can you ask Adam Zach to see the actual written comments from the May 1 public meeting. I asked for those but they were never produced. Those are the only comments that can possibly support Zach's comments about support for multi-family housing or greater density in the single family zone.

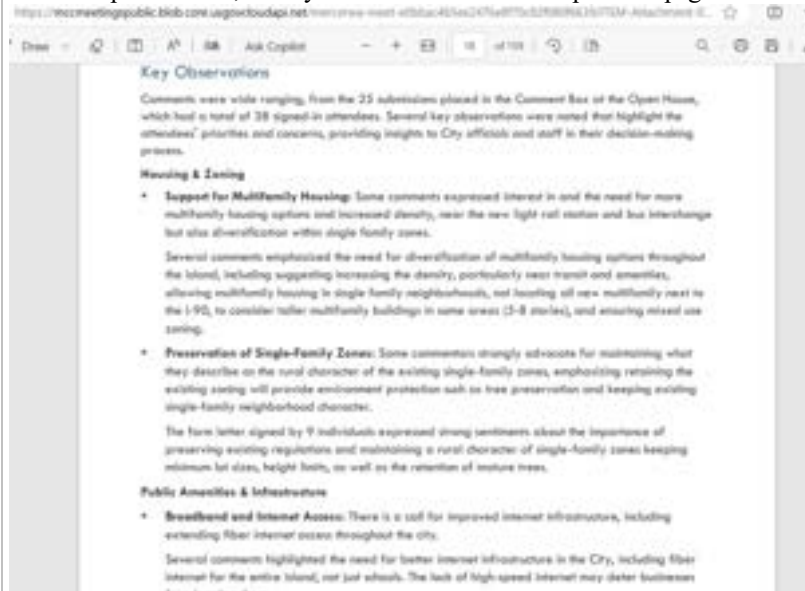
Daniel Thompson

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Phone: (206) 622-0670
Fax: (206) 622-3965

From: Adam Ragheb <adam.ragheb@gmail.com>
Sent: Saturday, June 8, 2024 2:58 PM
To: Dan Thompson <danielphompson@hotmail.com>
Subject: Exhibit 1 for 6/12 PC Meeting

While reading the materials for this week's PC meeting, I wanted you to see how the public comments from the in-person City-hosted meeting were presented:

It is exhibit 1 on the 6/12 agenda. Two comments supported density/multifamily/etc. (on page 17), and 9 instances of the Housing Element preamble were counted. This is how those results were presented (multifamily listed first and not quantified since it tallied only two by my reading). Reading the observations only would lead me to think there is broader support for MF than SFH preservation, but if you look at the data on the previous page the evidence is clearly in the other direction (thankfully!)



Just a heads-up!

From: Dan Thompson <danielphompson@hotmail.com>
Sent time: 2024/06/11 03:37:44 PM
To: Salim Nice
Subject: Fw: Motions for 6/12
Attachments: _Ragheb_June10_Comments.docx

See below and attached. Adam Ragheb is trying hard but the point is the public hearing was May 29, and this draft has so many problematic goals and policies that continuing to tweak it is pointless.

What I find strange is that Adam Ragheb, Adam Zach and the rest of the PC are making these motions based on one or two public comments they sometimes misinterpret because there has been such little public input.

IMO the "public input" begins with the 2017 rewrite of the RDS that many of the PC and CPD members were not involved in, the 2016 town center code rewrite process, the actions the council has taken to fix the TC code, the recent citizen survey on regulating development, and of course the March 2022 Resolution 1621 which was the council's explicit recognition that HB 1110 does not require changing the regulatory limits in the SFH zone and the council and citizens don't want to change the SFH zone.

I feel like telling Adam Zach that the "form" comments 9 citizens submitted at the May 1 public meeting asking for a vision statement or preamble to the housing and land use elements to maintain the regulatory limits and character of the SFH zone was written by the mayor, but you would think he would already know that if he followed anything, including your obtaining a net zero future housing growth target, all the work you did on HB 1110, and Resolution 1621.

Daniel Thompson

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Fax: (206) 622-3965

From: Adam Ragheb <adam.ragheb@gmail.com>
Sent: Tuesday, June 11, 2024 8:01 AM
To: Dan Thompson <danielphompson@hotmail.com>
Subject: Motions for 6/12

Just an FYI...maybe useful to CC down the road

From: Dan Thompson <danielphompson@hotmail.com>
Sent time: 2024/06/11 09:22:57 PM
To: Salim Nice
Cc: Carv Zwingle; mscero@outlook.com
Subject: Re: Boeing Field strategic Plan
Attachments: 3c57aca8a56422e099089456ddfc8411.png.crop1200x630.png

Thanks for the quick response from Salim and Carv.

I don't need to know more since I have the hardest working mayor in North America.

Plus I spend about two hours/day on the CPD from the comp plan to JCC to Hertzl to whatever.

At least unlike in years past I have a mayor who understands everything I do and more.

A great irony is Sen. Wellman showed up at the MICEC for the May 29 public hearing on the comp plan only to find it was Zoom only.

What the clueless CPD and PC didn't understand is she is up for re-election this fall and Salim convinced her to maintain a city's regulatory limits in the single family zone in HB 1110.

Adam Zach and the progressive wing of the PC (two of whom are gone) thought she was there to parrot the progressive theme of density when she was there to tell MI citizens she saved their single family neighborhoods (without crediting Salim of course).

Sent from my iPhone

On Jun 11, 2024, at 9:04 PM, Salim Nice <salim.nice@mercerisland.gov> wrote:

Mercer Island has a seat on the Renton Airport Advisory Council (RAAC). I served for many years before handing the assignment to Councilmember Anderl. The KCIA plan is important to the extent that it pushes displaced flight operations to Renton Municipal Airport. We're monitoring both issues, and my father-in-law is the Mercer Island voting delegate in Lisa's absence, which is often the case because the RAAC meets on Tuesday nights, conflicting with our council meetings. If you ever want to learn more, I can connect you with Captain Thomas Imrich. Just let me know.

From: Dan Thompson <danielphompson@hotmail.com>
Sent: Tuesday, June 11, 2024 8:54 PM
To: Salim Nice <salim.nice@mercerisland.gov>; Carv Zwingle <carvz@yahoo.com>; mscero@outlook.com <mscero@outlook.com>
Subject: Boeing Field strategic Plan

<3c57aca8a56422e099089456ddfc8411.png>

King County International Airport-Boeing Field is developing a new Strategic Plan.
nextdoor.com

This post is on ND. Is this an issue for MI?

Sent from my iPhone

From: Dan Thompson <danielphompson@hotmail.com>
Sent time: 2024/07/10 04:27:33 PM
To: Salim Nice
Subject: AB 6510: 2024 Comprehensive Plan Periodic Update – Presentation of Planning Commission Recommended Draft

According to staff's report:

"Staff requests the City Council provide any proposed amendments to the June 12, 2024 PC recommended drafts on a rolling basis discussed below from July 17 through August 12, 2024, as follows:

July 29 – Introduction, Land Use Element and Housing Element

August 5 – Transportation Element, Utilities Element and Capital Facilities Element

August 12 – Economic Development Element, Parks and Recreation Element and Shoreline Master Program Please send proposed amendments to Adam Zack, Senior Planner (adam.zack@mercerisland.gov).

Is the council going to discuss and adopt/amend the awful draft housing and land use elements during the height of summer or will the council instead hire an independent expert to rewrite the draft plan and so this discussion and adoption will occur in the fall.

Thanks.

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 <danielphompson@hotmail.com>
Sent time: 2024/07/12 12:29:16 PM
To: Salim Nice
Subject: Re: Follow Up to our meeting
Attachments: Outlook-w13teden.png

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I think MI's current population is 25k and most now predict East Link will carry between 20,000 and 25,000 riders/day. Frequenry is 8 min. Peak and I am not sure off peak. Maybe 10-15. I am surprised 87% of workers commute to MI.

I don't know about waiving permit fees or B&O taxes. Other businesses might complain.

Parking is obviously an important issue for TC businesses and Victor, but not that much of a problem today. The city will build a surface parking lot. I think enforcement today could begin with restricting parking on TC streets from midnight to 5 am to make it easy to identify overflow residential parking. It is the John Hall approach when he goes to get coffee at 6 am: cars with frosted windshields have been parked on the street all night, and are easy to target because all they could be is overflow residential parking which crowds out retail parking. This is really apparent at the angle parking across from QFC along that strip of shops.

I think it is smart you reached out to Jen, the Chamber and Victor, because only they will pay attention to the plan or complain. Right now the TC is moving in the right direction and the average resident is happy about new restaurants and bars opening, but will be unhappy with the Xing Hua and condos at the Baskins and Robbins property.

Have you thought about allowing commercial only buildings to go from 2 to 3 stories if the ground level is all retail space?

Daniel Thompson

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Sent: Friday, July 12, 2024 11:31 AM
To: Dan Thompson <danielphompson@hotmail.com>
Subject: FW: Follow Up to our meeting

From: jen@mercerislandchamber.com <jen@mercerislandchamber.com>
Date: Monday, July 1, 2024 at 12:22 PM
To: Salim Nice <salim.nice@mercerisland.gov>, Victor Raisys (Island Books) <victor@islandbooks.com>
Subject: Re: Follow Up to our meeting

Salim,

This looks great. Thank you for all of your work and time, and for allowing the Chamber to contribute.

Please let me know how else I can assist you, and I look forward to seeing vision for Mercer Island take shape and move forward.

Best,

Jen Dean

Chief Executive Officer
Mercer Island Chamber of Commerce



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Subject: FW: Follow Up to our meeting

Please edit as you see fit. I've tried to incorporate all your feedback. Thank you.

Mercer Island Economic Development Plan 2024-2044

I. Executive Summary

Mercer Island stands at a pivotal moment with the opening of Sound Transit's East Link Light Rail Line 2 in 2025. This plan outlines our strategy to leverage this unprecedented opportunity, transforming our Town Center into a vibrant destination for residents, commuters, and visitors alike. Our vision is to create a thriving, walkable district known for its exceptional dining, unique retail, and cultural experiences while maintaining our community's distinct character.

II. Market Analysis

A. Total Addressable Market

- Mercer Island population: 26,000+
- Daily East Link ridership: 50,000 (stops every 12 minutes)
- On-island workforce: 7,071 (87.1% commute from off-island)

B. Target Market Segments

1. Residents: Focus on retaining local spending and increasing frequency of visits
2. Commuters: Capture morning/evening traffic for quick service food/beverage and convenience retail
3. Day-trippers: Attract Seattle/Bellevue residents for unique dining and shopping experiences
4. Tourists: Position Mercer Island as a scenic, easily accessible destination between Seattle and Bellevue

III. Town Center Brand Development

A. Theme and Vision: "Mercer Island: Blending Urban Culture with Vibrant Island Life"

- Position Town Center as a refreshing escape from big city bustle, offering a curated selection of dining, shopping, and cultural experiences in a picturesque island setting.

B. Marketing Voice: Sophisticated yet approachable; emphasize quality, community, and natural beauty

C. Visual Identity

- Develop a cohesive visual brand including logo, color scheme, and typography that reflects the island's natural beauty and upscale yet welcoming character
- Create branded wayfinding signage, street furniture, and public art to reinforce the Town Center identity

IV. Strategic Focus Areas

A. Food & Beverage

- Target mix: 40% full-service restaurants, 30% quick-service concepts, 20% cafes/bakeries, 10% bars/tasting rooms
- Emphasize farm-to-table and outdoor dining where possible
- Encourage local/regional restaurant groups to open concept restaurants unique to Mercer Island
- Target and encourage entrepreneurs with unique cultural dining experiences to open on Mercer Island

B. Specialty Retail

- Focus on boutique clothing (including consignment and high-end thrifting), home goods, gifts, books, and specialty food shops

- Prioritize local/regional brands and maker spaces over national chains
- Encourage pop-up shops and rotating vendor markets to create a dynamic retail environment

C. Arts & Culture

- Develop and expand the "Arts on the Island Weekend" as a signature annual event in September, growing it into a unique arts and culture experience
- Leverage First Friday Art Walks throughout the year, with increased focus during May-September
- Partner with regional arts organizations for rotating public art installations and performances
- Encourage the development of small galleries, workshop spaces, and pop-up maker events

V. Supportive Policies & Incentives

A. Permitting & Fee Structure

- Establish a dedicated "concierge" service to guide businesses through the permitting process
- Implement a guaranteed 30-day permit review for target business types
- Waive or reduce permit fees for the first 20 qualifying businesses in identified priority categories

B. Tax Incentives

- Offer 3-year B&O tax exemption for new qualifying businesses in Town Center
- Explore the creation of a "Restaurant Row" designation with additional tax benefits
- Explore and develop incentives that attract targeted businesses through development and work with public and private partners to foster affordable commercial space solutions

C. Parking Requirements

- Conduct a comprehensive review of current parking regulations in the city code, considering their impact on the Town Center's vision and economic vitality
- Analyze historical parking space trends in Town Center (1980-present) and correlate with retail business numbers
- Consider shared parking agreements, focusing on utilizing existing surface lots for general Town Center parking
- Invest in public parking infrastructure, including:
 - a) Requiring or incentivizing developers to provide angle-in street parking
 - b) Opportunistically acquiring Town Center property for parking development
- Implement and consistently enforce time limits for street parking using existing ALPR technology
- Defer implementation of a "smart parking management system" until basic parking enforcement is consistently applied

D. Public Space Activation

- Create flexible-use outdoor spaces for dining, markets, and events
- Implement and promote a permanent seasonal parklet program allowing businesses to convert parking spaces to outdoor seating
- Develop a year-round program of events and activations to drive foot traffic
- Ensure adequate public parking for community events like Music in the Park and the Farmers Market when planning new developments

VI. Implementation Timeline

Year 1 (2025):

- Finalize Town Center branding and begin implementation
- Launch expedited permitting program and initial tax incentives and concierge
- Begin public space improvements and activation program

Years 2-3 (2026-2027):

- Full rollout of marketing campaign targeting key market segments
- Evaluate and adjust incentive programs based on initial uptake and feedback
- Develop signature event series

Years 4-5 (2028-2029):

- Reassess market conditions and adjust strategy as needed
- Consider expansion of successful programs to other commercial areas

VII. Performance Metrics & Evaluation

- Track new business openings, sales tax revenue, and commercial vacancy rates
- Conduct annual surveys of residents, businesses, and visitors
- Monitor light rail ridership and conduct intercept surveys to gauge Town Center visits
- Establish a Town Center business association to provide ongoing feedback and collaboration
- Track changes in available parking spaces in Town Center over time

VIII. Sustainability Integration

- Offer incentives to businesses and developers implementing innovative sustainability practices
- Align economic development goals with the city's comprehensive plan sustainability element
- Encourage green building practices and energy-efficient retrofits in commercial spaces

This plan focuses on leveraging the unique opportunity presented by the new light rail connection to create a distinct identity for Mercer Island's Town Center. By targeting specific business types, implementing supportive policies, and creating a cohesive brand experience, Mercer Island can transform its commercial core into a vibrant destination that serves both residents and visitors while maintaining its essential character. The plan also addresses key concerns around parking and sustainability, ensuring a balanced approach to growth and development.

Salim Nice

Mayor

City of Mercer Island

p: 206-275-7997 | m: 206-232-0133 | mercerisland.gov

Notice: Emails and attachments may be subject to disclosure under the Public Records Act (chapter 42.56 RCW).

From: Victor Raisys (Island Books) <victor@islandbooks.com>

Date: Friday, June 28, 2024 at 4:22 PM

To: jen@mercerislandchamber.com <jen@mercerislandchamber.com>, Salim Nice <salim.nice@mercerisland.gov>

Subject: RE: Follow Up to our meeting

My comments below are made as an individual business owner and not in my capacity as a planning commission member

Salim, thank you for meeting with Jen. As a business owner, I appreciate you giving the business community a voice and a seat at the table regarding economic development. It is refreshing and much appreciated.

Sounds like it was a productive meeting. From my perspective, I thought the overall outline below looked good. One area of concern is section V.C. Parking Requirements (should be no surprise to you that this is a hot button issue for me). *I've embedded my parking comments below....*

Thanks for both of your efforts on this important work.

Victor

From: jen@mercerislandchamber.com <jen@mercerislandchamber.com>

Sent: Friday, June 28, 2024 2:36 PM

To: Salim Nice <salim.nice@mercerisland.gov>

Cc: Victor Raisys (Island Books) <victor@islandbooks.com>

Subject: Re: Follow Up to our meeting

This is much better than what we had.

I have made some comments inline below on the sections you mentioned.

Also, I found Redmond's Economic Development plan as one that I like in its simplicity but focus layout.

Something to think about adding would be a sustainability element. I think there might be some push back that there is nothing addressing the city's comp plan sustainability element that would be good to offer incentives to businesses/developers coming in with unique sustainability ideas.

Thank you for all of your time and effort Salim.

Jen Dean

Chief Executive Officer

Mercer Island Chamber of Commerce

7605 SE 27th ST, Ste 206

O: 206.232.3404

C: 614.940.3687

www.mercerislandchamber.com

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From: Salim Nice <salim.nice@mercerisland.gov>
Sent: Thursday, June 27, 2024 9:28 AM
To: Jen Dean <jen@mercerislandchamber.com>
Cc: Victor Raisys (Island Books) <victor@islandbooks.com>
Subject: Follow Up to our meeting

Are there gaps you'd like to fill? I drafted the following based on our discussions.

Mercer Island Economic Development Plan 2024-2044

I. Executive Summary

II. Market Analysis

- A. Total Addressable Market
- B. Target Market Segments

III. Town Center Brand Development

- A. Theme and Vision
- B. Marketing Voice
- C. Visual Identity (Logo, Color Scheme, etc.)

IV. Strategic Focus Areas

- A. Food & Beverage
- B. Specialty Retail
- C. Arts & Culture

V. Supportive Policies & Incentives

- A. Permitting & Fee Structure
- B. Tax Incentives
- C. Parking Requirements
- D. Public Space Activation

VI. Implementation Timeline

VII. Performance Metrics & Evaluation

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4. Tourists: Position Mercer Island as a scenic, easily accessible destination between Seattle and Bellevue

III. Town Center Brand Development

A. Theme and Vision: "Island Oasis: Where Urban Convenience Meets Small-Town Charm." (Jen, please come up with something better-less words is better) I came up with Mercer Island: Blending Urban Culture with Vibrant Island Life- I think urban speaks to city amenities but small scale, culture speaks to the arts in all its forms, vibrant speaks to activity/things to see and do and then incorporating the island life aspect.

- Position Town Center as a refreshing escape from the big city bustle, offering a curated selection of dining, shopping, and cultural experiences in a picturesque island setting.

B. Marketing Voice: Sophisticated yet approachable; emphasize quality, community, and natural beauty

C. Visual Identity

- Develop a cohesive visual brand including logo, color scheme, and typography that reflects the island's natural beauty and upscale yet welcoming character
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- Emphasize farm-to-table and outdoor dining where possible
- Encourage local/regional restaurant groups to open concept restaurants unique to Mercer Island
- [Need another, Jen?]- Like the one above I think to play to the cultural aspect is maybe "target and encourage entrepreneurs with unique cultural dining experiences to open on Mercer Island"

B. Specialty Retail

- Focus on boutique clothing (consignment, high-end thrifting), home goods, gifts, books, and specialty food shops
- Prioritize local/regional brands and maker spaces over national chains
- Encourage pop-up shops and rotating vendor markets to create a dynamic retail environment

C. Arts & Culture

- Develop a signature annual festival or event series to draw visitors year-round and brand it together. Best of Mercer Island? Jen? For this I think we could use and highlight Arts on the Island Weekend that we are doing this year. The idea after this year is to grow it even more into a very unique arts and culture experience (we can get funding for this event from the state/county/region because it is arts focused). It is also a perfect 'end of summer' event, being in September. We can play off the First Friday Art Walks throughout the year, and especially again in the summer months as many participants drop out during the winter and only participate in May - September. Then other organizations on the island have kind of a compass to point programming toward. As the chamber develops more programs which include the Taste of Mercer Island, it can all follow a similar branding element.

- Partner with regional arts organizations for rotating public art installations and performances
- Encourage the development of small galleries, workshop spaces, and pop-up maker events

V. Supportive Policies & Incentives

A. Permitting & Fee Structure

- Establish a dedicated "concierge" service to guide businesses through the permitting process
- Implement a guaranteed 30-day permit review for target business types
- Waive or reduce permit fees for the first 20 qualifying businesses in identified priority categories

B. Tax Incentives

- Offer 3-year B&O tax exemption for new qualifying businesses in Town Center
- Explore the creation of a "Restaurant Row" designation with additional tax benefits
- Permit waiver for first 5 businesses. Jen? - I am not as versed in different tax incentives without a little more time to research, since permits is covered in the section above, maybe a line that states to Explore and develop incentives that attract targeted businesses through development and work with public and private partners to foster affordable commercial space solutions. I am sure you have better language for that.

C. Parking Requirements

- Waive on-site parking requirements for first 5-8 qualifying businesses

>>> What does this mean and how does this work? Lots of questions here. Business owners and building owners are usually separate entities – who are you waiving the parking requirements for? If you're waiving the parking requirements for the building/owner developer, what guarantees will you have that the qualifying business will remain in the space (because the waived parking requirements will remain in perpetuity). If you're waiving it for the business owner, what does that look like? In either case, where does the waived parking capacity go? Presumably, the qualifying businesses will still need parking for their business, where will that come from?

- Develop shared parking agreements

>>> I believe this came out of the recent parking study correct (and has been advocated by Jim Eanes for years). If I recall the details correctly, the city leases parking spaces in existing lots (likely in surface lots because they have the most parking available) and makes them available for general town center parking – correct? If so, this is an awesome for my landlord (and all other landlords) because they can make more money from their property. This is also a fantastic deal for developers who are putting up buildings with inadequate parking because it takes the parking pressure off their residential and commercial tenants. This is horrible for existing businesses because it adds additional parking pressure to the shrinking inventory of Town Center parking

and invest in public parking infrastructure (right of way)

>>> I think this is one of the most important things you can do. I think we should be looking at either requiring or providing incentives for developers to provide enough right of way, on all street sides of new buildings for angle-in street parking. I think the city should also be looking at opportunistically acquiring Town Center property for parking (e.g. the old Baskin Robbins property which is now Hub Social)

- Implement a smart parking management system to maximize efficiency

>>> Not sure what is meant by this. If this is using the ALPRs, then yes, by all means, let's use the technology we have to improve the parking situation in our Town Center. If this is something else, then I would say let's focus on getting the basics right first before we start chasing yet another solution. Focus first on building the muscle memory for setting time limits for our street parking and actually providing consistent enforcement for our street parking before moving to yet another solution.

>>> What is missing in all the above is a comprehensive review of the current parking regulations in our code. There seems to be a strong resistance by city staff to revisit parking regulations in our code. At the same time, the recent parking study completely ignored the impact of our parking regulations in our code. Similar to the issue of declining retail/commercial space in our Town Center (which was addressed with the FAR), we also have an issue of declining parking in our Town Center. It would be interesting to compare how many parking spaces we had in the Town Center in 1980, 1990, 2000, 2010 and today; it would also be interesting to see what the correlation is to the number of retail businesses in the Town Center. The answer from city staff seems to be that our parking regulations are in line with the rest of King County – this is intellectually lazy and sloppy. Have you tried parking in Bellevue in places that are not near a Kemper Freeman property with a large parking structure – it is horrendous; try parking on Old Main in Bellevue around lunch or on a Friday night – it's not possible. I think we need to ask ourselves (and actually do some rigorous analysis) if our parking regulations in our code align with our Theme and Vision IIIA. As an example, let's assume Rite Aid and Islandia properties are developed – where exactly do we think that people will park for Music in the Park and the Farmers Market (in keeping with our Theme and Vision in IIIA above).

D. Public Space Activation

- Create flexible-use outdoor spaces for dining, markets, and events
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Salim Nice

Mayor

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P.S. John Hall's group use to go to Einstein's every morning to meet for coffee but all the angled parking spots were filled so now they meet at Met Market.

Daniel Thompson

Thompson & Delay
Attorneys at Law
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IV. Strategic Focus Areas

A. Food & Beverage

- Target mix: 40% full-service restaurants, 30% quick-service concepts, 20% cafes/bakeries, 10% bars/tasting rooms
- Emphasize farm-to-table and outdoor dining where possible
- Encourage local/regional restaurant groups to open concept restaurants unique to Mercer Island
- Target and encourage entrepreneurs with unique cultural dining experiences to open on Mercer Island

B. Specialty Retail

- Focus on boutique clothing (including consignment and high-end thrifting), home goods, gifts, books, and specialty food shops
- Prioritize local/regional brands and maker spaces over national chains
- Encourage pop-up shops and rotating vendor markets to create a dynamic retail environment

C. Arts & Culture

- Develop and expand the "Arts on the Island Weekend" as a signature annual event in September, growing it into a unique arts and culture experience
- Leverage First Friday Art Walks throughout the year, with increased focus during May-September
- Partner with regional arts organizations for rotating public art installations and performances
- Encourage the development of small galleries, workshop spaces, and pop-up maker events

V. Supportive Policies & Incentives

A. Permitting & Fee Structure

- Establish a dedicated "concierge" service to guide businesses through the permitting process
- Implement a guaranteed 30-day permit review for target business types
- Waive or reduce permit fees for the first 20 qualifying businesses in identified priority categories

B. Tax Incentives

- Offer 3-year B&O tax exemption for new qualifying businesses in Town Center
- Explore the creation of a "Restaurant Row" designation with additional tax benefits
- Explore and develop incentives that attract targeted businesses through development and work with public and private partners to foster affordable commercial space solutions

C. Parking Requirements

- Conduct a comprehensive review of current parking regulations in the city code, considering their impact on the Town Center's vision and economic vitality
- Analyze historical parking space trends in Town Center (1980-present) and correlate with retail business numbers
- Consider shared parking agreements, focusing on utilizing existing surface lots for general Town Center parking
- Invest in public parking infrastructure, including:
 - a) Requiring or incentivizing developers to provide angle-in street parking
 - b) Opportunistically acquiring Town Center property for parking development
- Implement and consistently enforce time limits for street parking using existing ALPR technology
- Defer implementation of a "smart parking management system" until basic parking enforcement is consistently applied

D. Public Space Activation

- Create flexible-use outdoor spaces for dining, markets, and events
- Implement and promote a permanent seasonal parklet program allowing businesses to convert parking spaces to outdoor seating
- Develop a year-round program of events and activations to drive foot traffic
- Ensure adequate public parking for community events like Music in the Park and the Farmers Market when planning new developments

VI. Implementation Timeline

Year 1 (2025):

- Finalize Town Center branding and begin implementation
- Launch expedited permitting program and initial tax incentives and concierge
- Begin public space improvements and activation program

Years 2-3 (2026-2027):

- Full rollout of marketing campaign targeting key market segments
- Evaluate and adjust incentive programs based on initial uptake and feedback
- Develop signature event series

Years 4-5 (2028-2029):

- Reassess market conditions and adjust strategy as needed
- Consider expansion of successful programs to other commercial areas

VII. Performance Metrics & Evaluation

- Track new business openings, sales tax revenue, and commercial vacancy rates
- Conduct annual surveys of residents, businesses, and visitors
- Monitor light rail ridership and conduct intercept surveys to gauge Town Center visits
- Establish a Town Center business association to provide ongoing feedback and collaboration
- Track changes in available parking spaces in Town Center over time

VIII. Sustainability Integration

- Offer incentives to businesses and developers implementing innovative sustainability practices
- Align economic development goals with the city's comprehensive plan sustainability element
- Encourage green building practices and energy-efficient retrofits in commercial spaces

This plan focuses on leveraging the unique opportunity presented by the new light rail connection to create a distinct identity for Mercer Island's Town Center. By targeting specific business types, implementing supportive policies, and creating a cohesive brand experience, Mercer Island can transform its commercial core into a vibrant destination that serves both residents and visitors while maintaining its essential character. The plan also addresses key concerns around parking and sustainability, ensuring a balanced approach to growth and development.

Salim Nice

Mayor

City of Mercer Island

p: 206-275-7997 | m: 206-232-0133 | mercerisland.gov

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From: Victor Raisys (Island Books) <victor@islandbooks.com>

Date: Friday, June 28, 2024 at 4:22 PM

To: jen@mercerislandchamber.com <jen@mercerislandchamber.com>, Salim Nice <salim.nice@mercerisland.gov>

Subject: RE: Follow Up to our meeting

My comments below are made as an individual business owner and not in my capacity as a planning commission member

Salim, thank you for meeting with Jen. As a business owner, I appreciate you giving the business community a voice and a seat at the table regarding economic development. It is refreshing and much appreciated.

Sounds like it was a productive meeting. From my perspective, I thought the overall outline below looked good. One area of concern is section V.C. Parking Requirements (should be no surprise to you that this is a hot button issue for me). *I've embedded my parking comments below....*

Thanks for both of your efforts on this important work.

Victor

From: jen@mercerislandchamber.com <jen@mercerislandchamber.com>

Sent: Friday, June 28, 2024 2:36 PM

To: Salim Nice <salim.nice@mercerisland.gov>

Cc: Victor Raisys (Island Books) <victor@islandbooks.com>

Subject: Re: Follow Up to our meeting

This is much better than what we had.

I have made some comments inline below on the sections you mentioned.

Also, I found Redmond's Economic Development plan as one that I like in its simplicity but focus layout.

Something to think about adding would be a sustainability element. I think there might be some push back that there is nothing addressing the city's comp plan sustainability element that would be good to offer incentives to businesses/developers coming in with unique sustainability ideas.

Thank you for all of your time and effort Salim.

Jen Dean

Chief Executive Officer
Mercer Island Chamber of Commerce
7605 SE 27th ST, Ste 206
O: 206.232.3404
C: 614.940.3687
www.mercerislandchamber.com

Thank you for your email. My work schedule fluctuates from week to week which may result in a delayed response to your message. Please allow for additional time for a response.

From: Salim Nice <salim.nice@mercisland.gov>
Sent: Thursday, June 27, 2024 9:28 AM
To: Jen Dean <jen@mercislandchamber.com>
Cc: Victor Raisys (Island Books) <victor@islandbooks.com>
Subject: Follow Up to our meeting

Are there gaps you'd like to fill? I drafted the following based on our discussions.

Mercer Island Economic Development Plan 2024-2044

I. Executive Summary

II. Market Analysis

- A. Total Addressable Market
- B. Target Market Segments

III. Town Center Brand Development

- A. Theme and Vision
- B. Marketing Voice
- C. Visual Identity (Logo, Color Scheme, etc.)

IV. Strategic Focus Areas

- A. Food & Beverage
- B. Specialty Retail
- C. Arts & Culture

V. Supportive Policies & Incentives

- A. Permitting & Fee Structure
- B. Tax Incentives
- C. Parking Requirements
- D. Public Space Activation

VI. Implementation Timeline

VII. Performance Metrics & Evaluation

I. Executive Summary

Mercer Island stands at a pivotal moment with the opening of Sound Transit's East Link Light Rail Line 2 in 2025. This plan outlines our strategy to leverage this unprecedented opportunity, transforming our Town Center into a vibrant destination for residents, commuters, and visitors alike. Our vision is to create a thriving, walkable district known for its exceptional dining, unique retail, and cultural experiences while maintaining our community's distinct character.

II. Market Analysis

A. Total Addressable Market

- Mercer Island population: 26,000+
- Daily East Link ridership: 50,000 (stops every 12 minutes)
- On-island workforce: 7,071 (87.1% commute from off-island)

B. Target Market Segments

1. Residents: Focus on retaining local spending and increasing the frequency of visits
2. Commuters: Capture morning/evening traffic for quick service food/beverage and convenience retail
3. Day-trippers: Attract Seattle/Bellevue residents for unique dining and shopping experiences
4. Tourists: Position Mercer Island as a scenic, easily accessible destination between Seattle and Bellevue

III. Town Center Brand Development

A. Theme and Vision: "Island Oasis: Where Urban Convenience Meets Small-Town Charm." (Jen, please come up with something better-less words is better) **I came up with Mercer Island: Blending Urban Culture with Vibrant Island Life- I think urban speaks to city amenities but small scale, culture speaks to the arts in all its forms, vibrant speaks to activity/things to see and do and then incorporating the island life aspect.**

- Position Town Center as a refreshing escape from the big city bustle, offering a curated selection of dining, shopping, and cultural experiences in a picturesque island setting.

B. Marketing Voice: Sophisticated yet approachable; emphasize quality, community, and natural beauty

C. Visual Identity

- Develop a cohesive visual brand including logo, color scheme, and typography that reflects the island's natural beauty and upscale yet welcoming character
- Create branded wayfinding signage, street furniture, and public art to reinforce the Town Center identity

IV. Strategic Focus Areas

A. Food & Beverage

- Target mix: 40% full-service restaurants, 30% quick-service concepts, 20% cafes/bakeries, 10% bars/tasting rooms
- Emphasize farm-to-table and outdoor dining where possible
- Encourage local/regional restaurant groups to open concept restaurants unique to Mercer Island
- **[Need another, Jen?]- Like the one above I think to play to the cultural aspect is maybe "target and encourage entrepreneurs with unique cultural dining experiences to open on Mercer Island"**

B. Specialty Retail

- Focus on boutique clothing (consignment, high-end thrifting), home goods, gifts, books, and specialty food shops
- Prioritize local/regional brands and maker spaces over national chains
- Encourage pop-up shops and rotating vendor markets to create a dynamic retail environment

C. Arts & Culture

- Develop a signature annual festival or event series to draw visitors year-round and brand it together. **Best of Mercer Island? Jen? For this I think we could use and highlight Arts on the Island Weekend that we are doing this year. The idea after this year is to grow it even more into a very unique arts and culture experience (we can get funding for this event from the state/county/region because it is arts focused). It is also a perfect 'end of summer' event, being in September. We can play off the First Friday Art Walks throughout the year, and especially again in the summer months as many participants drop out during the winter and only participate in May - September. Then other organizations on the island have kind of a compass to point programming toward. As the chamber develops more programs which include the Taste of Mercer Island, it can all follow a similar branding element.**

- Partner with regional arts organizations for rotating public art installations and performances
- Encourage the development of small galleries, workshop spaces, and pop-up maker events

V. Supportive Policies & Incentives

A. Permitting & Fee Structure

- Establish a dedicated "concierge" service to guide businesses through the permitting process
- Implement a guaranteed 30-day permit review for target business types
- Waive or reduce permit fees for the first 20 qualifying businesses in identified priority categories

B. Tax Incentives

- Offer 3-year B&O tax exemption for new qualifying businesses in Town Center
- Explore the creation of a "Restaurant Row" designation with additional tax benefits
- Permit waiver for first 5 businesses. **Jen? - I am not as versed in different tax incentives without a little more time to research, since permits is covered in the section above, maybe a line that states to Explore and develop incentives that attract targeted businesses through development and work with public and private partners to foster affordable commercial space solutions. I am sure you have better language for that.**

C. Parking Requirements

- Waive on-site parking requirements for first 5-8 qualifying businesses

>>> What does this mean and how does this work? Lots of questions here. Business owners and building owners are usually separate entities – who are you waiving the parking requirements for? If you're waiving the parking requirements for the building/owner developer, what guarantees will you have that the qualifying business will remain in the space (because the waived parking requirements will remain in perpetuity). If you're waiving it for the business owner, what does that look like? In either case, where does the waived parking capacity go? Presumably, the qualifying businesses will still need parking for their business, where will that come from?

- Develop shared parking agreements

>>> I believe this came out of the recent parking study correct (and has been advocated by Jim Eanes for years). If I recall the details correctly, the city leases parking spaces in existing lots (likely in surface lots because they have the most parking available)

and makes them available for general town center parking – correct? If so, this is an awesome for my landlord (and all other landlords) because they can make more money from their property. This is also a fantastic deal for developers who are putting up buildings with inadequate parking because it takes the parking pressure off their residential and commercial tenants. This is horrible for existing businesses because it adds additional parking pressure to the shrinking inventory of Town Center parking

and invest in public parking infrastructure (right of way)

>>> I think this is one of the most important things you can do. I think we should be looking at either requiring or providing incentives for developers to provide enough right of way, on all street sides of new buildings for angle-in street parking. I think the city should also be looking at opportunistically acquiring Town Center property for parking (e.g. the old Baskin Robbins property which is now Hub Social)

- Implement a smart parking management system to maximize efficiency

>>> Not sure what is meant by this. If this is using the ALPRs, then yes, by all means, let's use the technology we have to improve the parking situation in our Town Center. If this is something else, then I would say let's focus on getting the basics right first before we start chasing yet another solution. Focus first on building the muscle memory for setting time limits for our street parking and actually providing consistent enforcement for our street parking before moving to yet another solution.

>>> What is missing in all the above is a comprehensive review of the current parking regulations in our code. There seems to be a strong resistance by city staff to revisit parking regulations in our code. At the same time, the recent parking study completely ignored the impact of our parking regulations in our code. Similar to the issue of declining retail/commercial space in our Town Center (which was addressed with the FAR), we also have an issue of declining parking in our Town Center. It would be interesting to compare how many parking spaces we had in the Town Center in 1980, 1990, 2000, 2010 and today; it would also be interesting to see what the correlation is to the number of retail businesses in the Town Center. The answer from city staff seems to be that our parking regulations are in line with the rest of King County – this is intellectually lazy and sloppy. Have you tried parking in Bellevue in places that are not near a Kemper Freeman property with a large parking structure – it is horrendous; try parking on Old Main in Bellevue around lunch or on a Friday night – it's not possible. I think we need to ask ourselves (and actually do some rigorous analysis) if our parking regulations in our code align with our Theme and Vision IIIA. As an example, let's assume Rite Aid and Islandia properties are developed – where exactly do we think that people will park for Music in the Park and the Farmers Market (in keeping with our Theme and Vision in IIIA above).

D. Public Space Activation

- Create flexible-use outdoor spaces for dining, markets, and events
- Implement and promote a permanent seasonal parklet program allowing businesses to convert parking spaces to outdoor seating
- Develop a year-round program of events and activations to drive foot traffic

VI. Implementation Timeline

Year 1 (2025):

- Finalize Town Center branding and begin implementation
- Launch expedited permitting program and initial tax incentives and concierge
- Begin public space improvements and activation program

Years 2-3 (2026-2027):

- Full rollout of a marketing campaign targeting key market segments
- Evaluate and adjust incentive programs based on initial uptake and feedback
- Develop signature event series

Years 4-5 (2028-2029):

- Reassess market conditions and adjust strategy as needed
- Consider expansion of successful programs to other commercial areas

VII. Performance Metrics & Evaluation

- Track new business openings, sales tax revenue, and commercial vacancy rates
- Conduct annual surveys of residents, businesses, and visitors
- Monitor light rail ridership and conduct intercept surveys to gauge Town Center visits
- Establish a Town Center business association to provide ongoing feedback and collaboration

This plan focuses on leveraging the unique opportunity presented by the new light rail connection to create a distinct identity for Mercer Island's Town Center. By targeting specific business types, implementing supportive policies, and creating a cohesive brand experience, Mercer Island can transform its commercial core into a vibrant destination that serves residents and visitors while maintaining its essential character.

Salim Nice

Mayor

City of Mercer Island

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GMHB Exhibit #308 - 0217

From: Dan Thompson <danielphompson@hotmail.com>
Sent time: 2024/07/28 12:06:02 PM
To: Salim Nice
Subject: Re: Supplement to AB 6510 Packet Materials, Exhibit 1a - Comprehensive Plan Introduction and Shoreline Master Program

That is a very long introduction but it hits the main points. Your vision statement could go first as a kind of summary for those who don't want to read such a long introduction.

I don't think Adam Zach hopes this would be the introduction and vision statement he would be writing with the PC "reconstituted". It was a bold move you made to reconstitute the PC and you are a master of lining up votes first.

Suddenly instead of changing MI Zach is focused on not being reconstituted himself. He should have understood the existing language in the vision statement that commissions are limited by what the council specifically allows applies to city agencies as well, and Jessi would do well to remind her agencies of that.

Sent from my iPhone

On Jul 28, 2024, at 11:33 AM, Salim Nice <salim.nice@mercerisland.gov> wrote:

I can't find the Vision Statement in this document. Crazy. I've emailed staff and drafted a new Vision Statement.

"Mercer Island: A thriving, predominantly single-family residential community that balances growth with tradition. We preserve our unique character and natural beauty while striving to maintain excellent municipal services with fiscal responsibility. We support local businesses and ensure outstanding educational and recreational opportunities, managing our limited resources wisely to meet competing needs for generations to come."

From: Jeff Thomas <jeff.thomas@mercerisland.gov>
Date: Friday, July 19, 2024 at 5:18 PM
To: Salim Nice <salim.nice@mercerisland.gov>, David Rosenbaum <david.rosenbaum@mercergov.org>, Craig Reynolds <craig.reynolds@mercergov.org>, Wendy Weiker <Wendy.Weiker@mercergov.org>, Jake Jacobson <jake.jacobson@mercergov.org>, Ted Weinberg <ted.weinberg@mercergov.org>, Lisa Anderl <lisa.anderl@mercergov.org>
Cc: Jessi Bon <jessi.bon@mercergov.org>, Andrea Larson <Andrea.Larson@mercergov.org>, Ali Spietz <ali.spietz@mercerisland.gov>, Adam Zack <adam.zack@mercerisland.gov>
Subject: RE: Supplement to AB 6510 Packet Materials, Exhibit 1a - Comprehensive Plan Introduction and Shoreline Master Program

City Council,

We had a somewhat minor omission in the packet materials for AB 6510 on July 16. The Comprehensive Plan "Introduction" and "Shoreline Master Program" (SMP) were not included in Exhibit 1a.

The clean copy versions attached are exactly what is in the current 2016 Comprehensive Plan as the Planning Commission did not propose any amendments to these.

Please note should the City propose any amendments to the SMP, a process with the Department of Ecology is required to receive final approval. Staff does not recommend the City embarks on any SMP amendments at this time.

Happy to answer any questions you may have. ~ Jeff

From: Adam Zack <adam.zack@mercerisland.gov>
Sent: Friday, July 19, 2024 4:30 PM
To: Jeff Thomas <jeff.thomas@mercerisland.gov>
Cc: Alison Van Gorp <alison.vangorp@mercergov.org>
Subject: RE: RE: Comp Plan Intro and SMP

The Intro and SMP are attached. I've also provided a link to the online version of each. e had

Introduction: https://library.municode.com/wa/mercer_island/codes/comprehensive_plan?nodeId=MEISCOPL_1IN

GMHB Exhibit #308 - 0219

SMP: https://library.municode.com/wa/mercer_island/codes/comprehensive_plan?nodeId=MEISCOPL_7SHMAPRPO

Let me know if you need anything else.

Thanks,

Adam Zack

Senior Planner

City of Mercer Island – Community Planning and Development

206-275-7719 | www.mercerisland.gov

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The City of Mercer Island utilizes a hybrid working environment. Please see the City's [Facility and Program Information](#) page for City service hours of operation.

From: Jeff Thomas <jeff.thomas@mercerisland.gov>

Sent: Friday, July 19, 2024 4:07 PM

To: Adam Zack <adam.zack@mercerisland.gov>

Cc: Alison Van Gorp <alison.vangorp@mercergov.org>

Subject: RE: Comp Plan Intro and SMP

Adam, friendly reminder to send me these two docs so I can forward to CC. Thx -

<Comprehensive Plan Introduction.docx>

<SHORELINE_MASTER_PROGRAM_POLICIES.docx>

From: Dan Thompson <danielphompson@hotmail.com>
Sent time: 2024/07/28 04:41:07 PM
To: Salim Nice
Subject: Re: Comprehensive Plan Amendments - Introduction

Nice job.
Sent from my iPhone

On Jul 28, 2024, at 4:06 PM, Salim Nice <salim.nice@mercerisland.gov> wrote:

FYI

From: Salim Nice <salim.nice@mercerisland.gov>
Date: Sunday, July 28, 2024 at 4:06 PM
To: Adam Zack <adam.zack@mercerisland.gov>
Cc: Jessi Bon <jessi.bon@mercergov.org>, Jeff Thomas <jeff.thomas@mercerisland.gov>
Subject: Re: Comprehensive Plan Amendments - Introduction

I would like to replace my 3rd amendment with this:

3.) Replace this travel writer's quote: "Islands can seem rather special, but then so can islanders ... most people who remove themselves to islands regard themselves as having entered paradise Classically, a person goes to an island in much the same spirit as a person heads into exile—seeking simplicity, glorying in a world that is still incomplete and therefore full of possibilities." -Paul Theroux

With: ***"Mercer Island: A thriving, predominantly single-family residential community that balances growth with tradition. We preserve our unique character and natural beauty while striving to maintain excellent municipal services with fiscal responsibility. We support local businesses and ensure outstanding educational and recreational opportunities, managing our limited resources wisely for generations to come."***

From: Salim Nice <salim.nice@mercerisland.gov>
Date: Sunday, July 28, 2024 at 11:06 AM
To: Adam Zack <adam.zack@mercerisland.gov>
Cc: Jessi Bon <jessi.bon@mercergov.org>, Jeff Thomas <jeff.thomas@mercerisland.gov>
Subject: Comprehensive Plan Amendments - Introduction

Here are my amendments:

1. Change "circulation" to "transportation" wherever it occurs.

Replace "In 2018, the City Council committed to a continuous process of self-improvement and self-assessment by evaluating City's policies and programs against the best practices established by the leading international analytic framework. Initially this was accomplished through the use of the STAR Community Rating System. As better analytic tools become available, the intention is to continue to identify and adopt the leading international analytic framework." with "In 2015, the City convened a 42-member stakeholder group that made recommendations, which were picked up by the joint Planning and Design Commissions. These commissions then made recommendations to the Council, resulting in a rewrite of the Town Center code. The new code includes trading additional building height for affordable housing requirements, pedestrian-friendly street-level facades, greater setbacks, and mid-block connectors. It also implements daylight planning and façade modulation to reduce the canyon effect caused by developments from 2004 and 2014."

~~Boldly title and quote the Vision Statement. Label it Mercer Island's Vision Statement. I reserve the right to make further edits once someone shares the actual Vision Statement with me. I have separately emailed staff looking for the official Vision Statement.~~

-
Salim Nice

Mayor

City of Mercer Island

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GMHB Exhibit #308 - 0221

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From: Dan Thompson <danielphompson@hotmail.com>
Sent time: 2024/07/29 01:14:06 PM
To: Salim Nice
Subject: Re: Land Use Chapter Amendments

Agree with all amendments. I would add in the first paragraph something like the bolded language in your text below.

Is the council still going to retain a consultant to go through the elements and draft or are you planning on drafting the comp. Plan? What is the citizen participation in all of this. Is it your plan to cut the crap and get to a workable draft to submit for public comment, which makes sense to me.

What the PC never understood is when the public gets a draft of something they think the council plans to do it, and once the citizens go crazy they are hard to calm down. So even if the offending language is removed the council still takes the political hit. Obviously you know that because you reconstituted the PC.

My point to the council when I spoke to them was the citizens are not going to wade through this like you are but and were told they didn't have to since it was a "surgical operation" which of course meant no change. They trust this council and especially you. Whatever changes you can make now make sense.

The last thing the council wants to do is propose a draft comp. Plan that allows someone like me to go on ND and write, "can you believe the council wants to put low-income apartments in the south end" because the PC liked to think aloud in a draft comp. plan.

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: Salim Nice <salim.nice@mercerisland.gov>
Sent: Monday, July 29, 2024 1:03 PM
To: Dan Thompson <danielphompson@hotmail.com>
Subject: FW: Land Use Chapter Amendments

FYI

From: Salim Nice <salim.nice@mercerisland.gov>
Date: Monday, July 29, 2024 at 12:50 PM
To: Adam Zack <adam.zack@mercerisland.gov>, Jeff Thomas <jeff.thomas@mercerisland.gov>
Cc: Jessi Bon <jessi.bon@mercergov.org>
Subject: Land Use Chapter Amendments

Below are my proposed amendments to the Land Use Element. I propose the following amendments by section:

Within **II. EXISTING CONDITIONS AND TRENDS** replace "Mercer Island ~~has not been~~ is designated as an ~~Urban Center~~ High Capacity Transit community in the Puget Sound Regional Council's Vision 202050. This designation recognizes the importance of the localities with high-capacity transit service as a place to focus new development due to the excellent access to employment centers, educational institutions and other opportunities." with, "For land use and Planning purposes, Mercer Island is now designated as a High Capacity Transit Community (HCTC) in the Puget Sound Regional Council's Vision 2050 plan. This is a change from its previous designation as a Large Urban City. The new designation recognizes Mercer Island's importance as a locality with high-capacity transit service, making it an ideal place to focus new development **within walking distance of the high capacity transit and within the density boundaries as required by 1220**. This is due to the excellent access it provides to employment centers, educational institutions, and other opportunities."

2.2 Strike text and replace with: "2.2 Establish a minimum commercial square footage standard in Town Center to preserve the existing quantity of commercial space in recent developments as new development occurs, with a specific focus on maintaining the current number of large grocery stores to ensure adequate access to food for residents."

5: Strike five occurrences of "Encourage" and replace with "Allow."

12.2 Strike “payment of a calculated amount of money” and replace with “fee in lieu.”

15.3 Strike paragraph. This text is located in a section titled “OUTSIDE THE TOWN CENTER,” yet it sets goals for Town Center.

15.4 Strike existing text and replace with: “Social and recreation clubs, schools, and religious institutions are predominantly located in single-family residential areas of the Island. The City Council may consider measures within the land use code to address the maintenance, updating, and renovation of these facilities, while ensuring compatibility with surrounding neighborhoods. Such facilities contribute to the mental, physical, and spiritual well-being of Mercer Island residents. Land use decisions should balance the retention of these facilities with overall community planning and zoning regulations.”

16.1 Strike existing text and replace with: “Encourage using existing homes to meet changing population needs and help people age in place. Consider allowing accessory dwelling units (ADUs) and shared housing. These options can provide affordable and accessible housing, reduce tax burdens, and keep neighborhoods stable.”

16.6 Strike

In the alternative to striking 16.6, replace it with, “Explore flexible residential development regulations and incentives to encourage the creation of permanent open spaces comparable to the countywide 4:1 program, homes meeting Universal Design standards for accessibility, and sustainable development achieving passive house efficiency standards.”

Link for reference: <https://code.universaldesign.org>

If 16.6 remains, reconcile with Goal 21.

16.7 and 16.8 Strike and replace with a single goal of 16.7: “Encourage the preservation and maintenance of naturally occurring affordable housing.”

17.3 Strike

18.12 Strike. This is an unfunded liability. Presumably, people purchasing these assets are doing so at a discount that reflects previous impacts on the property.

27.6.4 Strike. The SMP overwater structures/docks change the Council made should be enough to remind us that this policy will not work. I suggest we let Washington State's energy code serve its intended purpose unincumbered by additional competing policies.

Salim Nice

Mayor

City of Mercer Island

p: 206-275-7997 | m: 206-232-0133 | mercerisland.gov

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From: Sara Seumae McAllister <sara@allister-mi.com>
Sent time: 2024/07/31 12:18:07 AM
To: Salim Nice
Subject: Re: FW: Mayor Nice - Economic Development Amendment

Good evening, Salim,

I'd like to thank you for including me in this very important conversation about the future plans for Mercer Island and our Town Center. I'm very much invested in our island not only as a resident for almost 18 years but also as a new business owner in the heart of Town Center.

You asked for my first impression which I would say is positive! I was especially delighted to see the section about a dedicated concierge service for new businesses. I would say that the process of starting allister has been a bit rocky not just from the standpoint of getting our ducks in a row with the city but also the State and County. Having a "best practices" section on the City website would have been so helpful especially since I didn't have access to the City Hall. The process is not exactly intuitive!

I also like how you are thinking about parking and overall getting traffic from off-island to visit our businesses. That's one of my main goals with allister, to bring more folks from the neighboring areas to come visit MI and learn about the many other businesses we offer.

However, I am not convinced that simply laying out a plan for the different businesses you'd want to see would be enough. I don't see how the City could have jurisdiction on what commercial building owners do with their empty retail spots. It can also be viewed negatively. It's great to say that you want X percentage of fine dining, for example, but how are you going to impose that really? We also have a wonderful book store already, do we really need another one? What would be the purpose of that? And as much as I love art myself, I don't see the value of having that be a focus either. Walking around to look at art or see art installations around town is something you do as a supplement to another activity. I'm not convinced that it will be much of a draw at all. It's more of a "nice to have" which you can certainly push for in the future. Just ask Jen at the Chamber how many people she sees attend the Friday Art Walks.

After giving this whole topic lots of thought in the past few years, I have come to the conclusion that this city needs something BIG to distinguish itself from Seattle and Bellevue. The folks in Seattle group us with Bellevue and think of us as "the Eastside" while folks in Bellevue think of us as Seattle. No one really cares about us at all unless there's a festival. So how can we make our Island attractive enough for people to want to come here and spend a day walking around and spend money at our stores and eat in our restaurants (and look at our art)? That got me thinking about what the city of Woodinville has been so successful in doing which is to position themselves as a destination for Wine lovers! Honestly even if you don't drink much wine, it's really fun to spend a Saturday popping into a restaurant and walking around the wineries. So why can't we be the wine destination for people who don't want to drive all the way over to Woodinville? We can!

We already have the wildly popular "Art Uncorked" annual event which draws not only MI residents but so many folks from all around us who enjoy wine, music, and the food trucks. We need to make more of a marketing push to continue to grow that event. Then, use the popularity of that event to have discussions with wineries and encourage them to open tasting rooms on MI. The City could then act as a liason by getting the commercial landlords to work with these wineries to bring them here. Imagine if more little spaces around Barrels became tasting rooms with outside seating. Or the new mixed use building having just tasting rooms underneath, That would draw so many people here who then would want to frequent our other offerings. That additional traffic would then necessitate more sidewalks, additional parking, etc. But without a goal outlining a clear mission, I think any effort for "revitalization" will sadly not be fruitful.

Happy to discuss this in more detail in person if you'd like. I'm up for a good jam session anytime!

Regards,
Sara

Sara Seumae McAllister
GM/Owner
206-650-7818 cell
[allister-mi.com](mailto:sara@allister-mi.com)

On Tue, Jul 30, 2024 at 7:46 AM Salim Nice <salim.nice@mercerisland.gov> wrote:

| Good morning, Sara,

GMHB Exhibit #308 - 0225

Attached is my redraft, which is a direct replacement for the proposed goals in the draft Comprehensive Plan Economic Element. I think the best place to start is by having you react to this document. After your initial reaction, I'll send you the current proposal so you can tell me if I missed the mark in any substantive way. There is still time to revise this, although that window is closing quickly. I appreciate you taking the time to read and respond. As the newest business owner in Town Center, next to Crawlspace Gastropub, I'm certain you'll be a strong voice in this conversation. My aim is to have something you support in front of the Council.

Thanks,

Salim Nice

Mayor
City of Mercer Island
p: 206-275-7997 | m: 206-232-0133 | mercerisland.gov

Notice: Emails and attachments may be subject to disclosure under the Public Records Act (chapter 42.56 RCW).

From: Salim Nice <salim.nice@mercerisland.gov>
Date: Friday, July 19, 2024 at 12:31 PM
To: Adam Zack <adam.zack@mercerisland.gov>
Cc: Jeff Thomas <jeff.thomas@mercerisland.gov>, Jessi Bon <jessi.bon@mercergov.org>
Subject: Mayor Nice - Economic Development Amendment

This replaces the chapter's goals and policies. I intend to keep the preamble materials.

Thank you,

Salim Nice

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From: Sara Seumae McAllister <sara@allister-mi.com>
Sent time: 2024/08/01 01:17:25 AM
To: Salim Nice
Subject: Re: FW: Mayor Nice - Economic Development Amendment
Attachments: Economic Development Amendment 20240730 Tracked Changes.docx

Hi Salim,

This is really great and I'm glad that you liked the Wine idea enough to integrate it into your proposal! I have made comments directly in the doc. Please LMK if you aren't able to see my comments for any reason and I can resend.

Looking forward to hearing more!

Regards,
Sara

Sara Seumae McAllister
GM/Owner
206-650-7818 cell
[allister-mi.com](mailto:sara@allister-mi.com)

On Wed, Jul 31, 2024 09:06 AM, Salim Nice <salim.nice@mercerisland.gov> wrote:

Could you please review this version and let me know if it better achieves your goals?

Salim

From: Sara Seumae McAllister <sara@allister-mi.com>
Date: Wednesday, July 31, 2024 at 12:18 AM
To: Salim Nice <salim.nice@mercerisland.gov>
Subject: Re: FW: Mayor Nice - Economic Development Amendment

Good evening, Salim,

I'd like to thank you for including me in this very important conversation about the future plans for Mercer Island and our Town Center. I'm very much invested in our island not only as a resident for almost 18 years but also as a new business owner in the heart of Town Center.

You asked for my first impression which I would say is positive! I was especially delighted to see the section about a dedicated concierge service for new businesses. I would say that the process of starting allister has been a bit rocky not just from the standpoint of getting our ducks in a row with the city but also the State and County. Having a "best practices" section on the City website would have been so helpful especially since I didn't have access to the City Hall. The process is not exactly intuitive!

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GMHB Exhibit #308 - 0227

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GMHB Exhibit #308 - 0228

Thanks,

Salim Nice

Mayor
City of Mercer Island
p: 206-275-7997 | m: 206-232-0133 | mercerisland.gov

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From: Dan Thompson <danielphompson@hotmail.com>
Sent time: 2024/08/01 11:49:00 AM
To: Salim Nice
Subject: Re: GMPC Caucus Follow-Up

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This neuters the AHC. I guess you could say the AHC has been "reconstituted".

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: Salim Nice <salim.nice@mercerisland.gov>
Sent: Wednesday, July 31, 2024 2:30 PM
To: Dan Thompson <danielphompson@hotmail.com>
Subject: Fwd: GMPC Caucus Follow-Up

From: Aj Foltz <AJ@SoundCities.org>
Sent: Tuesday, July 30, 2024 11:47 AM
To: Salim Nice <salim.nice@mercerisland.gov>
Cc: Andie Parnell <andie@SoundCities.org>; David Hoffman <David@SoundCities.org>; Jeff Thomas <jeff.thomas@mercerisland.gov>; Jessi Bon <jessi.bon@mercergov.org>
Subject: RE: GMPC Caucus Follow-Up

Good morning Mayor Nice,

My apologies in advance for the lengthy email. Thank you for raising this question to my attention. After reviewing the Housing CPPs and other related documents (attached), it is my clear understanding that **the CPP Housing Chapter does not give AHC this authority or influence over jurisdictions' implementation of AHC feedback**. AHC's role is to offer "early guidance and assistance" to align jurisdictions' plans with the CPP Housing Chapter; it is not stated in the CPPs that jurisdictions are required to implement AHC's feedback.

However, your question raised broader red flags regarding AHC's authority in formally stating that the jurisdictions are not compliant with the Housing CPPs if they do not submit their letters for review. This calls into question the entire statement from the meeting packet: "2. *The jurisdiction's plan is not in alignment with the CPP Housing Chapter until they have submitted to the plan review program and incorporated the AHC's feedback.*"

It is my understanding that jurisdictions are not required to submit their comprehensive plans for review by AHC. The section of the packet you asked about says that AHC will prepare a letter for approval at the December 5th meeting for all jurisdictions that did not submit their plans for review. ***This letter will outwardly state that the jurisdiction's plan is not compliant with the CPP Housing Chapter.*** I do not believe that AHC has the authority to state this, since 1) AHC did not see or review the comprehensive plan, and 2) the review process is not required.

The CPP that established the comprehensive plan review process is H-26, which states:

H-26 The Growth Management Planning Council or its designee will conduct a housing-focused review of all King County jurisdiction's draft periodic comprehensive plan updates for alignment with the Housing Chapter goals and policies prior to plan adoption and provide comments.

The CPP does not clearly state that jurisdictions must participate in AHC's review process or implement AHC's feedback if they submit. "Designee" alludes to AHC.

Another document, the Housing-Focused Draft Comprehensive Plan Review Guide (attached), states on page 6 that:

All King County jurisdictions should participate in the AHC's housing-focused comprehensive plan review program, as established by CPP H-26, which is intended to support jurisdictions in strengthening alignment of their comprehensive plans with the CPP Housing Chapter during the periodic update process.

GMHB Exhibit #308 - 0230

Once again, this language does not say that jurisdictions “must” participate in the review process.

Notably, **the CPP does not state that the jurisdictions need to adopt AHC’s recommendations, but the Comp Plan Review Guide does.** This language is included on page 3 of the attached document:

- “Jurisdictions will receive a comment letter on how their draft plan aligns with the CPP Housing Chapter that may include **recommendations or suggestions** to improve alignment; and
- **Jurisdictions will incorporate feedback and adopt their plan.**”

Phrasing AHC’s review as “recommendations or suggestions” and then requiring that jurisdictions implement this feedback is contradictory.

Overall, the CPPs do not grant AHC the authority to:

1. Require that jurisdictions implement AHC’s feedback, and
2. State that jurisdictions’ plans are not in compliance with the CPP Housing Chapter if they did not submit their plans for review.

Please let me know if you have any follow-up questions. I discussed this analysis with David and Andie, who both agree with my understanding of the issue.

Thank you,

Aj Foltz (she/her)

Policy Analyst | Sound Cities Association

38 Cities. A Million People. One Voice.

206.849.3056

www.soundcities.org

I would like to acknowledge that the cities represented by the Sound Cities Association sit on the ancestral lands of the Muckleshoot, Snoqualmie, Puyallup, Tulalip, Suquamish and Coast Salish Tribes and the Duwamish people. I ask that we consider Indigenous lives and lands in our discussions of regional policy issues.

From: Salim Nice <salim.nice@mercerisland.gov>

Sent: Friday, July 26, 2024 12:07 PM

To: Aj Foltz <AJ@SoundCities.org>

Cc: Andie Parnell <andie@SoundCities.org>; David Hoffman <David@SoundCities.org>; Jeff Thomas <jeff.thomas@mercerisland.gov>; Jessi Bon <jessi.bon@mercergov.org>

Subject: Re: GMPC Caucus Follow-Up

To be clear, I’m looking for the authority behind that language. I suspect the origin isn’t going to be necessary. Under which adopted Countywide Planning Policy is this authority derived? Is that any more clear? Sorry if I was ambiguous earlier.

From: Aj Foltz <AJ@SoundCities.org>

Date: Friday, July 26, 2024 at 12:03 PM

To: Salim Nice <salim.nice@mercerisland.gov>

Cc: Andie Parnell <andie@SoundCities.org>, David Hoffman <David@SoundCities.org>, Jeff Thomas <jeff.thomas@mercerisland.gov>, Jessi Bon <jessi.bon@mercergov.org>

Subject: RE: GMPC Caucus Follow-Up

Good afternoon Mayor Nice,

Thank you for clarifying. I am working on understanding the origin of this language and I will get back to you soon.

Best regards,

Aj Foltz

Aj Foltz (she/her)

Policy Analyst | Sound Cities Association

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From: Salim Nice <salim.nice@mercerisland.gov>

Sent: Wednesday, July 24, 2024 4:45 PM

To: Aj Foltz <AJ@SoundCities.org>

Cc: Andie Parnell <andie@SoundCities.org>; David Hoffman <David@SoundCities.org>; Jeff Thomas <jeff.thomas@mercerisland.gov>; Jessi Bon <jessi.bon@mercergov.org>

Subject: Re: GMPC Caucus Follow-Up

GMHB Exhibit #308 - 0231

I'm looking for the specific policy that supports this part of the statement, **"and incorporated the AHC's feedback."**

From: Aj Foltz <AJ@SoundCities.org>

Date: Wednesday, July 24, 2024 at 4:42 PM

To: Salim Nice <salim.nice@mercerisland.gov>

Cc: Andie Parnell <andie@SoundCities.org>, David Hoffman <David@SoundCities.org>

Subject: GMPC Caucus Follow-Up

Good afternoon Mayor Nice,

Thank you for the warm welcome today during the GMPC caucus meeting! I am looking forward to this work.

I wanted to clarify your question during caucus to ensure I bring you the correct analysis. You referred to the following section, regarding timing issues and jurisdictions not submitting plans for review, on page 39 of the packet:

"2. The jurisdiction's plan is not in alignment with the CPP Housing Chapter until they have submitted to the plan review program and incorporated the AHC's feedback."

Could you please restate your question here? I am speaking to Laura Benjamin-LaPitz (Bellevue staff) later this week, who mentioned they were working on this issue and could assist with answering your questions. I'll bring you an answer soon!

Once again, I am looking forward to working on growth management issues in this region! Thank you again.

Best regards,

Aj Foltz

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From: Dan Thompson <danielphompson@hotmail.com>
Sent time: 2024/08/02 11:24:52 AM
To: Salim Nice
Subject: Re: GMPC Caucus Follow-Up

My wife is out of town this weekend. Plan on doing chores Saturday and then mixing a cocktail and re-reading this email.

You started this process two years ago when you demanded a no new net housing growth target Jeff thought was impossible. The way you educated yourself on the housing rules and how to play the game is amazing. I remember how frustrated you were trying to educate other larger cities, but I told you folks like Issaquah (Mullet) don't think they have to pay attention until the end. But when they did they would all think hey, that mayor from MI has been talking about this forever, he knows what is going on. Same with MI citizens: they don't want another public meeting or public hearing. They figure they got a mayor who knows this stuff inside and out and knows what they want. That is why they don't show up at council meetings and pass levies by 66% when four years earlier they voted by 58.5% to reject Prop. 1. They have the money, if they are happy with the city.

You reconstituted the PC so the council can control the implementation of development regulations, and now you have knocked out our main adversary: King Co. and the AHC. That is just so huge.

As a bonus Issaquah and Bellevue at phase III in the 11th hour decided the 554 would not go to MI when East Link opens across the lake, and Metro started cutting peak routes to Seattle. The 550 has gone from almost 12,000 riders/day to under 5000/day. You can forget about a bus intercept with 50 average daily users of the S. Bellevue Park and Ride.

In the same vein one of two things will happen under 1220: cities like Bellevue will ignore it but still require affordability set asides in new multi-family housing but not upzone their SFH zones, or affordability mandates naive progressives come up with will grind multi-family housing development to a halt.

We both set it a few years ago: if progressive government workers (Akyuz) understood the market they would have threatened cities like MI and Sammamish to upzone their SFH zones to the sky **unless** they got serious about impact fees on new zillion dollar SFH homes and gave that money to ARCH. The reality is MI gives too little to ARCH, and builders make a fortune from our SFH zones.

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: Salim Nice <salim.nice@mercerisland.gov>
Sent: Thursday, August 1, 2024 4:34 PM
To: Dan Thompson <danielphompson@hotmail.com>
Subject: Re: GMPC Caucus Follow-Up

This was a big lift to get done.

From: Dan Thompson <danielphompson@hotmail.com>
Date: Thursday, August 1, 2024 at 11:49 AM
To: Salim Nice <salim.nice@mercerisland.gov>
Subject: Re: GMPC Caucus Follow-Up

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Cc: Andie Parnell <andie@SoundCities.org>, David Hoffman <David@SoundCities.org>

Subject: GMPC Caucus Follow-Up

Good afternoon Mayor Nice,

GMHB Exhibit #308 - 0235

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206.849.3056
www.soundcities.org

From: Sarah Fletcher <fletchsa1@gmail.com>
Sent time: 2024/08/03 04:35:08 PM
To: Salim Nice; Council; Jessi Bon
Subject: Mature trees (9) taken out by Haps and along the Aubrey Davis Trail

Hello, let me guess, none of you knew anything about the removal of perfectly good trees. See the googlemaps showing you the trees:

[2401 76th Ave SE - Google Maps](#)

And if you walk up that path, on the right, they took out 6 trees which had been marked the other day with metal tags and orange circles painted on. Perhaps, someone would like to first find out who was responsible for the removal, why were they removed, why were the really other dead trees along the trail not removed, and who did the work, and how much did it cost? Let me know if I am to do a public records request.

Don't you all wonder why so many trees are being removed and don't you ever just think to ask why? I mean, surely you can't be that stupid that you don't know what is going on whilst you are on the council? I mean, how many times have I told you what is going on? And what have any of you done to stop the culling? Anything?

Please remove the phrase in The Comprehensive Plan about us "cherishing the environment," when you don't have the first clue about cherishing any of the parks, you allowed the Aubrey Davis Park to be removed, you have allowed trees to come down, and yet, you don't ask staff to remove the ivy from the trees which is killing the trees in itself.

Sarah Fletcher

From: Sarah Fletcher <fletchsa1@gmail.com>
Sent time: 2024/08/09 08:42:11 AM
To: mollie.mcquire@mercerisland.gov; Council
Subject: Fwd: Comments for Comprehensive Plan
Attachments: Sarah Fletcher Comments for the Comprehensive Plan Update 08.01.2024 (1).pdf

Hello Mollie, I just saw on Let's Talk that if we have comments for the Comprehensive Plan to let you know. I had emailed the city this email. The thing is, do you know if what is posted on Let's Talk is the latest version of The Comprehensive Plan or whether it is going to be updated before you ask for us to request amendments. It is just that I want Linnear Park removed in that they are showing the I-90 freeway as "Linnear Park" which it is not, not to mention that The Greta Hackett Sculpture Gallery and The Aubrey Davis Park have never been a part of some park I had never heard of such as Linnear Park. Please make sure that what is on Let's Talk is the latest Comprehensive Plan so that I can go off of that and not waste my time going off an outdated Comprehensive Plan. Thanks.
Please advise. Thanks.

----- Forwarded message -----

From: Sarah Fletcher <fletchsa1@gmail.com>
Date: Mon, Aug 5, 2024 at 8:10 PM
Subject: Comments for Comprehensive Plan
To: ComprehensivePlanUpdate <comp.plan@mercerisland.gov>, <compplanupdate@mercerisland.gov>, Adam Zack <adam.zack@mercerisland.gov>, Jeff Thomas <jeff.thomas@mercerisland.gov>, <alison.vangorp@mercerisland.gov>, <planning.commission@mercerisland.gov>

Hello, attached are my comments with regards to the draft Comprehensive Plan Land Use and Housing Elements. I have already provided my Transportation Comments.

Basically, please do not add multifamily and anything else to the Commercial Zones.

And I don't know why we would want our single family residential zones to have to accommodate low income households. If the cost to purchase land on Mercer Island is already high, how do they think they will accommodate low income households? That is impossible.

And please do not allow multifamily residential to be added to any CO zones. You see, let's say, the council approves the JCC, Temple Herzl, The Shore Club, The Beach Club, and the Yeshiva and The Country club to be rezoned to CO zone, then, by your allowing multifamily residential to be allowed to CO zones, you are effectively allowing multifamily residential in all of those areas and if you think that is not the case, please explain.

And I do not understand what you mean by "watering wildlife" or "people of color." It seems like staff are just parrot phrasing which is the act of repeating something said by someone else without thought or understanding.

And I did not know that Linnear Park includes the I-90 freeway and the airspace over it, and the Park and Ride as that is what it looks like on your map. Someone is trying to shove the Linnear Park into the Comprehensive Plan, but it needs to be shelved completely and stop wasting our time.

And does PBZ (like the south end Town Center) allow residential, so someone could build a home in the Town Center, is that how you all understand it?

You will see all my comments in the attachment. I just included a few in the email itself.

Sarah Fletcher

From: c.boatsman@comcast.net
Sent time: 2024/08/18 06:39:15 PM
To: Craig Reynolds
Subject: Re: Climate issues in the comp plan

Got it Craig. Thanks for the early heads up!
Carolyn

On Aug 18, 2024, at 6:35 PM, Craig Reynolds <craig.reynolds@mercergov.org> wrote:

Carolyn:

Per our discussion today, here is a recap of what is happening on the comp plan. This is a very important document that is refreshed very 10 years or so per state law. It establishes goals and priorities and a vision for the city.

- The planning commission has gone through an extensive process to prepare updated plans involving many meetings and opportunities for public comment.
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1. Delete 21.3 of land use element: “Consider expanding requirements for green building certification to additional zones and/or development of subdivisions as a component of a green building program.”
2. Reinstate deleted goal 21.5: “Conduct annual tracking of new, or significantly remodeled, structures verified under various green building programs on Mercer Island and incorporate statistics into the City’s sustainability tracking system and performance measures. “
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8. Amend goal 1.21 of the capital facilities statement as follows: “City operations should be optimized to minimize carbon footprint impacts, especially with respect to energy consumption and on-site generation, ~~and~~ waste reduction, and procurement.

Craig W. Reynolds

Councilmember

City of Mercer Island

(206) 356-9429 | [mercerisland.gov](https://www.mercerisland.gov)

<Planning_Commission_Recommendation_Clean_Copy_06-12-2024.pdf>

From: Carolyn Boatsman <c.boatsman@comcast.net>
Sent time: 2024/08/24 03:43:58 PM
To: Craig Reynolds
Subject: Re: Climate issues in the comp plan

Thank you for letting me know about these proposed amendments. I will be able to consider them in greater detail and follow up the week of August 26. Would you be able to tell me which of the 8 you are in agreement with?

Thank you.
Carolyn

On 08/18/2024 6:34 PM PDT Craig Reynolds <craig.reynolds@mercergov.org> wrote:

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Per our discussion today, here is a recap of what is happening on the comp plan. This is a very important document that is refreshed very 10 years or so per state law. It establishes goals and priorities and a vision for the city.

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Craig W. Reynolds

Councilmember

City of Mercer Island

(206) 356-9429 | mercerisland.gov

From: Dan Thompson <danielphompson@hotmail.com>
Sent time: 2024/08/29 12:48:53 PM
To: Craig Reynolds
Cc: Council; Jeff Thomas; Jessi Bon
Subject: August 18 Facebook Post/Comprehensive Plan Amendments

Hi Craig, copied below is your Facebook post from August 18. I know you care deeply about DEI, and I applauded your courage in your proposed amendments on the Anti-Semitism proclamation, but I wanted to address a few points you raise.

1. First, I think it would help some of your less sophisticated readers if you cited the city's Land Capacity Analysis Supplement in your Facebook posts. [b6f9e8ba8c1e2cd4a66706f7f287576d_2023-12-15_LCA_Supplement_Report.pdf \(ehq-production-us-california.s3.us-west-1.amazonaws.com\)](https://b6f9e8ba8c1e2cd4a66706f7f287576d_2023-12-15_LCA_Supplement_Report.pdf(ehq-production-us-california.s3.us-west-1.amazonaws.com)). It is a little dense, but so is this subject, and too many want to address it ideologically without understanding the parameters.
2. The Planning Commission draft directly contradicts Resolution 1621 the council unanimously adopted in March 2021. It also fundamentally misunderstands the interplay of HB 1220 and HB 1110, and the city's GMPC housing growth targets. **It is critical to understand that HB 1110 was never about housing affordability, which is why there are very few affordable mandates in 1110. The idea that new construction in the most expensive SFH zones will create affordable housing, or any builder desires that, is naive.**
3. The city's GMPC future housing growth target is 1239 housing units (of any size). The current zoning will allow 1428 new units. The issue is not zoning capacity (fn. 1): the issue is affordability, which King Co. defines as 60% AMI and below except for 32 units that can be 80% AMI+. King Co. also uses a rather high AMI of \$146,500. Land Analysis, Fn. 1, page 13. The Land Analysis breakdown is:

30 to 50% AMI: 202
50 to 80% AMI: 488
80 to 100% AMI: 4
100 to 120% AMI: 5
more than 120% AMI: 23.
4. Affordability includes more than just the cost of housing. It includes whether the person has to own a car, the cost of which can equal or exceed the housing subsidy. MI has very poor intra-Island transit service due to topography and Metro budgets. The 201 was awful transit until cancelled.
5. As a result, King Co. and the Affordable Housing Subcommittee (which is non-binding) count only housing in the CO zone or town center toward the city's affordable housing targets, which exceed MI's GMPC housing targets, because these units are within walkable transit and retail. Plus, a city can use regulatory limits like height as incentives for affordable housing set asides, something not available in the SFH zone. Since around 2006 the Puget Sound Regional Council has recommended the same zoning, which is why MI like most cities already has zoning that focuses most new housing growth in the town center. HB 1110 directly contradicts 20 years of regional planning and zoning by dispersing future housing into the least dense areas with little transit service.
6. **As a result, upzoning in the single-family zone becomes irrelevant, which is the fundamental error the PC made because progressives believe the SFH zone is inherently privileged and white. According to the Land Capacity Analysis Supplement, the estimated needed income to afford something in the SFH zone is \$15,867/mo. So even with rezoning, Mercer Island cannot use anything in the SFH zone to meet these 0% to 60% income bands for future housing because as the County correctly notes it will never be affordable in the SFH zone no matter how dense because just the cost of the land and new construction will exceed 200% AMI for any unit.**
7. The County's "mandate" is basically unrealistic. Mercer Island like most eastside cities has a catch-22: it doesn't want to go above its GMPC future housing growth target it fought for (and as noted in the Land Analysis existing zoning can accommodate 1428 housing units when the GMPC target is 1239 units), but it must create or zone for housing in these income bands that are impossible on Mercer Island if market rate, but the County will accept. It's all a bit silly, but the County has no understanding of market forces.
8. To argue a city only has to have the "capacity" for these affordable housing targets but not "mandate" they be affordable seems a bit disingenuous to me, but what it really does is remove the SFH zone from consideration.
9. I suppose the council could consider upzoning the south end shopping center to create this affordable housing capacity, but that is a nuclear issue on Mercer Island the council wisely decided to avoid, so some on the council now want to bury this residential upzoning throughout the Island. [Legislators sound off on Mercer Island mayor's letter to the community | Mercer Island Reporter \(mi-reporter.com\)](https://legislators-sound-off-on-merc-island-mayor-s-letter-to-the-community-merc-island-reporter-mi-reporter.com)

10. Your desire for more DEI language in the comp. plan has some issues.

First, it is a bit disingenuous for a councilmember to request *language* about affordable housing when the council will vote to spend over \$1 million to repurpose tennis courts in Luther Burbank Park to pickle ball courts but sends around \$40,000/year to ARCH's housing trust fund.

Second, it makes the same mistake the PC did, and some PC complained bitterly about: how to distinguish "people of color", a very lazy term when discussing land use. 1220 clearly was about Black and Hispanic people who have been displaced, but it is very hard to make such distinctions in comp. plan language. Seattle is more white than Bellevue, but should wealthy Asians receive preferential treatment from MI?

Third, as the county belatedly learned despite years of warnings, the biggest threat to affordable housing is displacement through upzoning and gentrification when new construction replaces older more affordable housing. In 1970 The Central District was 85% Black; today it is 15%, and the same dynamic is happening in Columbia City and South Seattle. New construction is death to Blacks and poor residents.

Fourth, the DEI language you quote and the PC adopted looks like virtue signaling. It has no meaning and no substance, and basically is redundant of 1220 which is also meaningless because where is the money going to come from, for whom, and for what. While these can be noble goals, they are not appropriate for a comp. Plan, and should be addressed individually in later well thought out, funded, legislation.

Thank you for reading this long email. I think it is important you don't speak to an unsophisticated audience and forget to tell them the nuances of this issue, which is why the PC's draft Comp. Plan is so bad. The PC simply did not know what it was doing, and forgot its single mission which is the same mission a council has when drafting a comp. Plan. Find out what the citizens who pay the bills and created this Island want. Instead the PC thought the simple fact they were appointed to the PC made their views representative of the majority of Islanders, and so defaulted to their pre-ordained progressive ideology.

History has shown that MI councils that ignore the residents' desires when it comes to parks and the SFH zone fail miserably. This council and city manager have worked too hard to have this council make the same mistake as the prior council which lost the trust of the residents, a very precious and hard to obtain thing. Please don't make that mistake with this draft comp. plan.

Fn. 1. The U.S. Census Bureau estimates annual population growth. But so does a state agency called the Office of Financial Management that is a subagency with the state Dept. of Commerce. Under Inslee, the DOC has been politicized to meet his climate and housing (transit-oriented development) agenda by inflating population growth. Pre-pandemic the OFM predicted 1 million new residents would move to the state, and they would each need their own housing unit. However, since the 2020 Census the U.S. Census Bureau and OFM have markedly different estimates of annual population growth. [How fast is Seattle growing? It depends on whom you ask | The Seattle Times](#). According to the Census Bureau, population growth in Bellevue has declined, and has declined in King Co. as a whole over the last few years. MI has lost 1000 residents. But the OFM continues to estimate significant population growth (1 million new residents or 50,000/year through 2039) and regional housing and transit policy is set based on those questionable population estimates.

Despite constant claims that housing construction has not kept pace with population growth since 2010, the 2020 Census actually shows housing construction did keep pace. [What the 2020 census data tells us about housing in Seattle \(sccinsight.com\)](#). Over the last four years multi-family housing construction has outpaced population growth. At any one time there are around 20,000 vacant apartments in Seattle for rent. This site alone shows 14,434 housing units for rent in Seattle today. [Apartments for rent in Seattle WA - 14,434 Rentals | Apartments.com](#).

Daniel Thompson

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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

"With this post I am going to recap some DEI-related changes that some councilmembers have requested be made to the Mercer Island Comprehensive Plan draft prepared by our Planning Commission. I will also recap how you can offer your opinion on these issues. This is a long post already, so I am going to concentrate on this one topic. I would love to hear your input on these issues, here or otherwise.

Let me preface my comments by stating that I feel strongly that Mercer Island should be a safe and welcoming space for EVERYONE. I think the Planning Commission draft did a very good job of capturing that idea, though I proposed a couple of amendments that I feel would make that message even stronger. Unfortunately, a few amendments that other councilmembers have indicated that they will propose go the other way.

But first, in case you missed my prior post, here is a recap of what is happening with revisions to the Mercer Island Comprehensive Plan. This is a very important document that is refreshed very 10 years or so per state law. It establishes goals and priorities and a vision for the city.

- The resident-volunteer-Planning Commission has gone through an extensive process to prepare an updated plan involving many meetings and opportunities for public comment. They had a huge task, and I think they did some very fine work.

- Their draft was first exposed to the Council at the last meeting of July.

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Over the course of August, councilmembers have been asked to pre-submit amendment requests (i.e., proposed changes to the draft). So far there are about 175 questions or proposed amendments (mostly the latter). Below are some of the proposed DELETIONS from the draft that concern me:

Housing policy 3.2: "Acknowledge historic inequities in access to homeownership opportunities for communities of color."

Capital facilities policy 1.4: "The City should provide affordable and equitable access to public services to all communities, especially the historically underserved."

Land use policy 18.11: "Ensure all people in Mercer Island have a clean and healthy environment, regardless of race, social, or economic status."

Land use policy 29.5: "Prioritize services and access to opportunity for people of color, people with low incomes, and historically underserved communities to ensure all people can attain the resources and opportunities to improve quality of life and address past inequities."

Land use policy 29.6 "Coordinate with tribes to identify and mitigate potential impacts when implementing this element."

-

In addition to these specific items, there are a number of proposed amendments that that I believe would weaken our commitment to providing a variety of housing types and price points---which would certainly have disparate impact on communities of color. I find this most unfortunate as well.

In fairness, I have not yet heard the arguments in favor of these changes, but I would like to hear YOUR arguments either way before we vote on these amendments on September 3.

In the meantime, if you want to learn about the Comp Plan process and contents more generally, or provide feedback, please visit":

From: c.boatsman@comcast.net
Sent time: 2024/09/01 03:16:38 PM
To: Ted Weinberg
Subject: Non substantive comp plan amendments

Hi Ted. I've been reviewing the so called non-substantive amendments. Some look rather substantive! For example, do you think that your amendments for 27.5 and 28.7 are likely to be noncontroversial, ie good chance to pass as you've proposed?

Thanks Ted. Great amendments. Thank you for your work.

Carolyn

From: Carolyn Boatsman <c.boatsman@comcast.net>
Sent time: 2024/09/01 03:38:34 PM
To: Craig Reynolds
Subject: Re: Climate issues in the comp plan

Hi Craig. I apologize for my not getting this out sooner. It is so important. I have simply had trouble lately trying to get to my things with deadlines, including several environmental issues I am working on.

I think I misinterpreted what I needed to do, thinking that I needed to spend time studying it and sharing some ideas. I am working on it today. Initially I thought, well I needn't have labored over it.. Now I'm finding some useful things to write in a message to SMI and others, so working on that.

While the delay is a negative, I hope that what I will share will be a positive!

All best,
Carolyn

On 08/27/2024 7:15 PM PDT Craig Reynolds <craig.reynolds@mercergov.org> wrote:

Sorry for slow reply. Comments on the ones I support added inline below.

Craig W. Reynolds

Councilmember

City of Mercer Island

(206) 356-9429 | [merceraisland.gov](https://www.mercerisland.gov)

From: Carolyn Boatsman <c.boatsman@comcast.net>
Date: Saturday, August 24, 2024 at 6:44 PM
To: Craig Reynolds <craig.reynolds@mercergov.org>
Subject: Re: Climate issues in the comp plan

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Thank you.

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Oppose

2. Reinstate deleted goal 21.5: “Conduct annual tracking of new, or significantly remodeled, structures verified under various green building programs on Mercer Island and incorporate statistics into the City’s sustainability tracking system and performance measures. “

Support

3. Delete section 3.4 of the transportation element: “Promote the expanded use of alternative fuel and zero emission vehicles by the general public with measures such as converting public and private fleets, applying incentive programs, and developing an electric vehicle infrastructure plan

to provide for electric vehicle charging stations.”

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Oppose

5. Add a new Utilities Element Policy 6.8: “Continue to encourage the installation of home solar, wind, and geothermal systems, as well as other energy conservation and renewable energy generation systems.”

Support

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Support

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Support

Craig W. Reynolds

Councilmember

City of Mercer Island

(206) 356-9429 | mercerisland.gov

From: Carolyn Boatsman <c.boatsman@comcast.net>
Sent time: 2024/09/01 03:47:16 PM
To: Craig Reynolds
Subject: Re: Climate issues in the comp plan

Craig, it looks like the non-substantive Council amendments are already in the draft. Am I correct on that? I see one example that looks like that is true, but I can't find any staff statement that indicates that is what they did. Thanks!
Carolyn

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Councilmember

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To: Craig Reynolds <craig.reynolds@mercergov.org>
Subject: Re: Climate issues in the comp plan

Thank you for letting me know about these proposed amendments. I will be able to consider them in greater detail and follow up the week of August 26. Would you be able to tell me which of the 8 you are in agreement with?

Thank you.

Carolyn

On 08/18/2024 6:34 PM PDT Craig Reynolds <craig.reynolds@mercergov.org> wrote:

Carolyn:

Per our discussion today, here is a recap of what is happening on the comp plan. This is a very important document that is refreshed very 10 years or so per state law. It establishes goals and priorities and a vision for the city.

- The planning commission has gone through an extensive process to prepare updated plans involving many meetings and opportunities for public comment.

- Their draft was first exposed to the Council at the last meeting of July.
- The Council schedule for next steps is as follows:
 - **September 3, 2024** – City Council deliberation on City Council proposed amendments as well as recommended amendments resulting from agency comments.
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- Comments from the public are welcome at any time, but the earlier they come in the process (certainly no later than 9/17 and ideally before 9/3) the more likely they are to be reflected. Comments can be submitted by:
 - Signing up to speak during the “appearances” part of any Council meeting. Meetings start at 5 PM, and “appearances” generally start 15-30 minutes into the meeting. Those who wish to speak are allowed three minutes and need to register in advance by sending an email to cityclerk@mercerisland.gov . Speakers can be in person or via zoom. The city clerk will explain logistics once you register.
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Attached is the clean copy of the current PC recommendation.

Over the course of August, councilmembers have been asked to pre-submit amendment requests (i.e., proposed changes to the attached draft). So far there are about 175 questions or proposed amendments (mostly the latter). Below are the amendments that most explicitly relate to climate. Of course, there are numerous land use or housing issues that have second order climate implications. But for now the list focuses on the first order issues. Your comments on these would be most welcome. Some, in my view, are good from a climate perspective. Some others take us backwards.

1. Delete 21.3 of land use element: “Consider expanding requirements for green building certification to additional zones and/or development of subdivisions as a component of a green building program.”

Oppose

2. Reinstate deleted goal 21.5: “Conduct annual tracking of new, or significantly remodeled, structures verified under various green building programs on Mercer Island and incorporate statistics into the City’s sustainability tracking system and performance measures. “

Support

3. Delete section 3.4 of the transportation element: “Promote the expanded use of alternative fuel and zero emission vehicles by the general public with measures such as converting public and private fleets, applying incentive programs, and developing an electric vehicle infrastructure plan to provide for electric vehicle charging stations.”

Oppose

4. Reinstate deleted goal 7.2 of the utilities element: “The City shall encourage PSE or the current provider to make service available to any location on Mercer Island that wishes to use natural gas.”

Oppose

5. Add a new Utilities Element Policy 6.8: “Continue to encourage the installation of home solar, wind, and geothermal systems, as well as other energy conservation and renewable energy generation systems.”

Support

6. Add a new Utilities Element Policy 6.9: “Explore the installation of solar generation systems on city owned buildings.”

Support

7. Add a new Utilities Element Policy 6.10: “Explore the possibility of supporting or encouraging plans to create a Public Utility District to replace PSE.”

Support

8. Amend goal 1.21 of the capital facilities statement as follows: “City operations should be optimized to minimize carbon footprint impacts, especially with respect to energy consumption and on-site generation, ~~and~~ waste reduction, and procurement.

Support

Craig W. Reynolds

Councilmember

City of Mercer Island

(206) 356-9429 | mercerisland.gov

From: c.boatsman@comcast.net
Sent time: 2024/09/01 09:17:19 PM
To: Ted Weinberg
Subject: Re: Draft Comprehensive Plan

Great minds think alike! I've been going over a brief list from Craig of substantive amendments that are directly climate related. Like you, I've been figuring out who proposed, finding context, comparing to the climate plan, and compiling comments. I'm really late in doing this since I plan to share with others, eg, SMI, but hopefully it will be helpful. Hope to get it out in an hour! I'll see about attending on Tuesday.

It's wonderful what you're doing and it should be very helpful. I may end up referencing it. What a huge project! It was hard for me to work on it for two years and then step away in the last six weeks before transmittal.

I am limited as to what I can do right now but still keep me in mind. Maybe I can put in a word here and there.

I asked staff to prepare a table of contents for the draft so that the public can, on their own, find context easily. Goodness. You would think.

OK, back to work! Thinking of you,
Carolyn

On Sep 1, 2024, at 6:21 PM, Ted Weinberg <ted.weinberg@mercergov.org> wrote:

Hi Carolyn!

Attached are:

- **City Council Comp Plan Amendment Log – Weinberg – With Index.docx.** The first page of this document contains an index I built showing which element starts on which page number of the July 16th City Council Agenda. I kept coming back and referring to the index to find the element in question.
- **Amendment Matrix_08-16-24.xlsx.** A spreadsheet listing all 190 or so amendments, who sent them, which I support or oppose, and a "My Thoughts" column explaining why/why not. It's handy because it allows me to filter the amendments by author, element, and whether or not I support it.

Hope this helps.

Cheers!

Ted Weinberg
Councilmember
City of Mercer Island
P: 206-275-7993 | e: ted.weinberg@mercerisland.gov | w: mercerisland.gov

Notice: Emails and attachments may be subject to disclosure pursuant to the Public Records Act (chapter 42.56 RCW)

From: Carolyn Boatsman <c.boatsman@comcast.net>
Sent: Sunday, September 1, 2024 3:52 PM
To: Adam Zack <adam.zack@mercerisland.gov>
Cc: Craig Reynolds <craig.reynolds@mercergov.org>; Ted Weinberg <ted.weinberg@mercergov.org>
Subject: Draft Comprehensive Plan

Hi Adam. I hope this finds you enjoying the late summer!

I am trying to look at Council member proposed amendments in context but am finding it quite difficult to find the context in the draft. Would it be possible to provide a guide to the page numbers of the elements in a downloaded document?

Thank you.
Carolyn

<Amendment_Matrix_08-16-2024.xlsx>

<City Council Comp Plan Amendment Log - Weinberg - With Index.docx>

GMHB Exhibit #308 - 0253

From: Carolyn Boatsman <c.boatsman@comcast.net>
Sent time: 2024/09/02 01:32:33 AM
To: Council
Subject: Comments re: Council amendments to Comp Plan - pertaining to Climate
Attachments: Proposed amendments by CC 2024 Comp Plan v3.docx

Greetings Council Members:

Please find attached my comments regarding proposed amendments that directly pertain to climate. For each amendment, I have referenced relevant policies in the Climate Action Plan. Thank you for considering my comments.

Carolyn Boatsman

From: Carolyn Boatsman <c.boatsman@comcast.net>
Sent time: 2024/09/02 02:14:50 AM
To: David Rosenbaum; Lisa Anderl; Ted Weinberg; Salim Nice; Wendy Weiker; Craig Reynolds; Jake Jacobson
Cc: Andrea Larson; Jessi Bon
Subject: Comments re: Council proposed amendments to Comp Plan - pertaining to Climate
Attachments: Proposed amendments by CC 2024 Comp Plan v3.docx

Greetings Council Members:

My comments regarding the proposed amendments are attached. For each amendment, relevant policies from the Climate Action Plan are referenced.

Thank you for considering.
Carolyn Boatsman

(Note: I am sending to individual addresses as my email will not send to the council@mercerisland.gov address nor the older address.)

From: Dan Thompson <danielphompson@hotmail.com>
Sent time: 2024/09/02 11:29:42 AM
To: Craig Reynolds
Cc: Council; Jeff Thomas; Jessi Bon
Subject: Re: August 18 Facebook Post/Comprehensive Plan Amendments

When I try the link on the city's Land Capacity Analysis Supplement or post it on ND it says access has "expired". This is a critical document and should be available to citizens for tomorrow's marathon session on the Comprehensive Plan.

Although the fault lies with the PC for spending two years drafting a comp. plan that is so contrary to Resolution 1621 and leaves the council very little time to rewrite the plan the fact is this expedited process is almost directly contrary to how a major rewrite of the comp. plan should occur and freezes out the citizens, the same mistake the PC made.

Tomorrow night's council meeting should have occurred in 2022 not 2024.
Sent from my iPhone

On Aug 29, 2024, at 12:48 PM, Dan Thompson <danielphompson@hotmail.com> wrote:

Hi Craig, copied below is your Facebook post from August 18. I know you care deeply about DEI, and I applauded your courage in your proposed amendments on the Anti-Semitism proclamation, but I wanted to address a few points you raise.

1. First, I think it would help some of your less sophisticated readers if you cited the city's Land Capacity Analysis Supplement in your Facebook posts. [b6f9e8ba8c1e2cd4a66706f7f287576d_2023-12-15_LCA_Supplement_Report.pdf \(ehq-production-us-california.s3.us-west-1.amazonaws.com\)](https://b6f9e8ba8c1e2cd4a66706f7f287576d_2023-12-15_LCA_Supplement_Report.pdf(ehq-production-us-california.s3.us-west-1.amazonaws.com)). It is a little dense, but so is this subject, and too many want to address it ideologically without understanding the parameters.

2. The Planning Commission draft directly contradicts Resolution 1621 the council unanimously adopted in March 2021. It also fundamentally misunderstands the interplay of HB 1220 and HB 1110, and the city's GMPC housing growth targets. **It is critical to understand that HB 1110 was never about housing affordability, which is why there are very few affordable mandates in 1110. The idea that new construction in the most expensive SFH zones will create affordable housing, or any builder desires that, is naive.**

3. The city's GMPC future housing growth target is 1239 housing units (of any size). The current zoning will allow 1428 new units. The issue is not zoning capacity (fn. 1): the issue is affordability, which King Co. defines as 60% AMI and below except for 32 units that can be 80% AMI+. King Co. also uses a rather high AMI of \$146,500. Land Analysis, Fn. 1, page 13. The Land Analysis breakdown is:

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5. As a result, King Co. and the Affordable Housing Subcommittee (which is non-binding) count only housing in the CO zone or town center toward the city's affordable housing targets, which exceed MI's GMPC housing targets, because these units are within walkable transit and retail. Plus, a city can use regulatory limits like height as incentives for affordable housing set asides, something not available in the SFH zone. Since around 2006 the Puget Sound Regional Council has recommended the same zoning, which is why MI like most cities already has zoning that focuses most new housing growth in the town center. HB 1110 directly contradicts 20 years of regional planning and zoning by dispersing future housing into the least dense areas with little transit service.

6. As a result, upzoning in the single-family zone becomes irrelevant, which is the fundamental error the PC made because progressives believe the SFH zone is inherently privileged and white. According

to the Land Capacity Analysis Supplement, the estimated needed income to afford something in the SFH zone is \$15,867/mo. So even with rezoning, Mercer Island cannot use anything in the SFH zone to meet these 0% to 60% income bands for future housing because as the County correctly notes it will never be affordable in the SFH zone no matter how dense because just the cost of the land and new construction will exceed 200% AMI for any unit.

7. The County's "mandate" is basically unrealistic. Mercer Island like most eastside cities has a catch-22: it doesn't want to go above its GMPC future housing growth target it fought for (and as noted in the Land Analysis existing zoning can accommodate 1428 housing units when the GMPC target is 1239 units), but it must create or zone for housing in these income bands that are impossible on Mercer Island if market rate, but the County will accept. It's all a bit silly, but the County has no understanding of market forces.

8. To argue a city only has to have the "capacity" for these affordable housing targets but not "mandate" they be affordable seems a bit disingenuous to me, but what it really does is remove the SFH zone from consideration.

9. I suppose the council could consider upzoning the south end shopping center to create this affordable housing *capacity*, but that is a nuclear issue on Mercer Island the council wisely decided to avoid, so some on the council now want to bury this residential upzoning throughout the Island. [Legislators sound off on Mercer Island mayor's letter to the community | Mercer Island Reporter \(mi-reporter.com\)](#)

10. Your desire for more DEI language in the comp. plan has some issues.

First, it is a bit disingenuous for a councilmember to request *language* about affordable housing when the council will vote to spend over \$1 million to repurpose tennis courts in Luther Burbank Park to pickle ball courts but sends around \$40,000/year to ARCH's housing trust fund.

Second, it makes the same mistake the PC did, and some PC complained bitterly about: how to distinguish "people of color", a very lazy term when discussing land use. 1220 clearly was about Black and Hispanic people who have been displaced, but it is very hard to make such distinctions in comp. plan language. Seattle is more white than Bellevue, but should wealthy Asians receive preferential treatment from MI?

Third, as the county belatedly learned despite years of warnings, the biggest threat to affordable housing is displacement through upzoning and gentrification when new construction replaces older more affordable housing. In 1970 The Central District was 85% Black; today it is 15%, and the same dynamic is happening in Columbia City and South Seattle. New construction is death to Blacks and poor residents.

Fourth, the DEI language you quote and the PC adopted looks like virtue signaling. It has no meaning and no substance, and basically is redundant of 1220 which is also meaningless because where is the money going to come from, for whom, and for what. While these can be noble goals, they are not appropriate for a comp. Plan, and should be addressed individually in later well thought out, funded, legislation.

Thank you for reading this long email. I think it is important you don't speak to an unsophisticated audience and forget to tell them the nuances of this issue, which is why the PC's draft Comp. Plan is so bad. The PC simply did not know what it was doing, and forgot its single mission which is the same mission a council has when drafting a comp. Plan. Find out what the citizens who pay the bills and created this Island want. Instead the PC thought the simple fact they were appointed to the PC made their views representative of the majority of Islanders, and so defaulted to their pre-ordained progressive ideology.

History has shown that MI councils that ignore the residents' desires when it comes to parks and the SFH zone fail miserably. This council and city manager have worked too hard to have this council make the same mistake as the prior council which lost the trust of the residents, a very precious and hard to obtain thing. Please don't make that mistake with this draft comp. plan.

-

Fn. 1. The U.S. Census Bureau estimates annual population growth. But so does a state agency called the Office of Financial Management that is a subagency with the state Dept. of Commerce. Under Inslee, the DOC has been politicized to meet his climate and housing (transit-oriented development) agenda by inflating population growth. Pre-pandemic the OFM predicted 1 million new residents would move to the state, and they would each need their own housing unit. However, since the 2020 Census the U.S. Census Bureau and OFM have markedly different estimates of annual population growth. [How fast is Seattle growing? It depends on whom you ask | The Seattle Times](#). According to the Census Bureau, population

growth in Bellevue has declined, and has declined in King Co. as a whole over the last few years. MI has lost 1000 residents. But the OFM continues to estimate significant population growth (1 million new residents or 50,000/year through 2039) and regional housing and transit policy is set based on those questionable population estimates.

Despite constant claims that housing construction has not kept pace with population growth since 2010, the 2020 Census actually shows housing construction did keep pace. [What the 2020 census data tells us about housing in Seattle \(sccinsight.com\)](https://www.sccinsight.com/2020/08/11/what-the-2020-census-data-tells-us-about-housing-in-seattle/). Over the last four years multi-family housing construction has outpaced population growth. At any one time there are around 20,000 vacant apartments in Seattle for rent. This site alone shows 14,434 housing units for rent in Seattle today. [Apartments for rent in Seattle WA - 14,434 Rentals | Apartments.com](https://www.apartments.com/seattle-wa/).

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

"With this post I am going to recap some DEI-related changes that some councilmembers have requested be made to the Mercer Island Comprehensive Plan draft prepared by our Planning Commission. I will also recap how you can offer your opinion on these issues. This is a long post already, so I am going to concentrate on this one topic. I would love to hear your input on these issues, here or otherwise.

Let me preface my comments by stating that I feel strongly that Mercer Island should be a safe and welcoming space for EVERYONE. I think the Planning Commission draft did a very good job of capturing that idea, though I proposed a couple of amendments that I feel would make that message even stronger. Unfortunately, a few amendments that other councilmembers have indicated that they will propose go the other way.

But first, in case you missed my prior post, here is a recap of what is happening with revisions to the Mercer Island Comprehensive Plan. This is a very important document that is refreshed very 10 years or so per state law. It establishes goals and priorities and a vision for the city.

- The resident-volunteer-Planning Commission has gone through an extensive process to prepare an updated plan involving many meetings and opportunities for public comment. They had a huge task, and I think they did some very fine work.

- Their draft was first exposed to the Council at the last meeting of July.

- The Council schedule for next steps is as follows:

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- o Sending an email to council@mercerisland.gov

Over the course of August, councilmembers have been asked to pre-submit amendment requests (i.e., proposed changes to the draft). So far there are about 175 questions or proposed amendments (mostly the latter). Below are some of the proposed DELETIONS from the draft that concern me:

Housing policy 3.2: "Acknowledge historic inequities in access to homeownership opportunities for communities of color."

Capital facilities policy 1.4: "The City should provide affordable and equitable access to public services to all communities, especially the historically underserved."

Land use policy 18.11: "Ensure all people in Mercer Island have a clean and healthy environment, regardless of race, social, or economic status."

Land use policy 29.5: "Prioritize services and access to opportunity for people of color, people with low incomes, and historically underserved communities to ensure all people can attain the resources and opportunities to improve quality of life and address past inequities."

Land use policy 29.6 "Coordinate with tribes to identify and mitigate potential impacts when implementing this element."

-

In addition to these specific items, there are a number of proposed amendments that that I believe would weaken our commitment to providing a variety of housing types and price points---which would certainly have disparate impact on communities of color. I find this most unfortunate as well.

In fairness, I have not yet heard the arguments in favor of these changes, but I would like to hear YOUR arguments either way before we vote on these amendments on September 3.

In the meantime, if you want to learn about the Comp Plan process and contents more generally, or provide feedback, please visit":

From: jimeanes@seattlebiketours.org
Sent time: 2024/09/02 11:36:22 AM
To: Salim Nice
Subject: Re: Phone Message - Economic Development Element

Hi Salim -

I have not been keeping up on what the city has been doing.

Recently we have hit what I call a **tipping point** in Town Center. Five years ago, we surveyed residents (via the Chamber) and found that over 50% of the residents would no longer shop in our Town Center. More recently we did a little larger survey and the number was over 85%. This could be an anomaly but if you own a business in Town Center what you notice right away is that we have gone from about 50% non-resident customers to almost no resident customers outside of the Town Center. Currently if your business doesn't attract non-residents my thought is that you will quickly be out of business. (Malcolm Gladwell has a book on what a Tipping Point is but we also studied this in my college classes.)

What is interesting about this is that there is a well proven retail principle that states "**if your own residents won't shop in your Town Center then no one else will as either.**" Because of this fact, I have been asking every customer coming in the doors, where they live and why they are visiting us? The answers are pretty much the same. They are using Mercer Island as a central meeting place (or they are just visiting the Northwest and saw us listed on Google). Last Saturday, we had a good business day but almost everyone coming through the doors were from Renton, South Seattle, West Seattle, Sammamish, Issaquah, Bellevue, Kirkland, North Bend,... We still get a few customers that live in the Town Center (**most Town Center residents also won't shop in the Town Center**) but other than that we only had two people come through the doors that were Mercer Island residents from outside the Town Center.

The reason this information is important is that it is pointing out a fact that every new business owner better pay attention to. "**If you can't attract non-residents to your doors, you will not have a viable business.**" This also points to the importance of your business being located as close as possible to the on/off ramps to the island since customers will not come via transit. **Transit only works if you have a vibrant third place and our arterial roads are mis-designed for us to have a vibrant third place.**

This is the key reason for me not paying attention. We are now at a point that more local businesses are closing or planning to close than ever before. We have to make sure we aren't the next business to follow suit. Of late while working on a business plan to site a new business in the Town Center, I was not only advised by past TC business owners and off island business owners that locating a business in our community was not a wise idea, but by one of our own Mercer Island Chamber Board members.

Thanks,

Jim

Worth noting - Almost every community in the Puget Sound region now has a **Strong Towns** chapter which works to give them a vibrant Town Center. Mercer Island does not.

On 2024-08-27 19:13, Salim Nice wrote:

Did you get my message some weeks back? Maybe you called back, and I missed it.

We have two substantive amendments to the economic development element of the Comprehensive Plan that seek to make TC much more friendly to the business owner and designed to facilitate startups. Have you been following the Comprehensive Plan Economic Development Element? What has been published is a huge disappointment, and the Council is poised to make significant amendments to it.

Any interest in catching up?

Salim Nice

Mayor
City of Mercer Island
p: 206-275-7997 | m: 206-232-0133 | mercerisland.gov [1]

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Links:

[1] <https://www.mercerisland.gov/>

From: Dan Thompson <danielphthompson@hotmail.com>
Sent time: 2024/09/02 11:54:44 AM
To: Craig Reynolds
Cc: Council; Jeff Thomas; Jessi Bon
Subject: Re: August 18 Facebook Post/Comprehensive Plan Amendments

Never mind. I accessed it from Let's Talk.
Sent from my iPhone

On Sep 2, 2024, at 11:29 AM, Dan Thompson <danielphthompson@hotmail.com> wrote:

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Thank you for reading this long email. I think it is important you don't speak to an unsophisticated audience and forget to tell them the nuances of this issue, which is why the PC's draft Comp. Plan is so bad. The PC simply did not know what it was doing, and forgot its single mission which is the same mission a council has when drafting a comp. Plan. Find out

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Daniel Thompson

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Mercer Island, WA 98040
Phone: (206) 622-0670
Fax: (206) 622-3965

"With this post I am going to recap some DEI-related changes that some councilmembers have requested be made to the Mercer Island Comprehensive Plan draft prepared by our Planning Commission. I will also recap how you can offer your opinion on these issues. This is a long post already, so I am going to concentrate on this one topic. I would love to hear your input on these issues, here or otherwise.

Let me preface my comments by stating that I feel strongly that Mercer Island should be a safe and welcoming space for EVERYONE. I think the Planning Commission draft did a very good job of capturing that idea, though I proposed a couple of amendments that I feel would make that message even stronger. Unfortunately, a few amendments that other councilmembers have indicated that they will propose go the other way.

But first, in case you missed my prior post, here is a recap of what is happening with revisions to the Mercer Island Comprehensive Plan. This is a very important document that is refreshed every 10 years or so per state law. It establishes goals and priorities and a vision for the city.

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Over the course of August, councilmembers have been asked to pre-submit amendment requests (i.e., proposed changes to the draft). So far there are about 175 questions or proposed amendments (mostly the latter). Below are some of the proposed DELETIONS from the draft that concern me:

Housing policy 3.2: “Acknowledge historic inequities in access to homeownership opportunities for communities of color.”

Capital facilities policy 1.4: “The City should provide affordable and equitable access to public services to all communities, especially the historically underserved.”

Land use policy 18.11: “Ensure all people in Mercer Island have a clean and healthy environment, regardless of race, social, or economic status.”

Land use policy 29.5: “Prioritize services and access to opportunity for people of color, people with low incomes, and historically underserved communities to ensure all people can attain the resources and opportunities to improve quality of life and address past inequities.”

Land use policy 29.6 “Coordinate with tribes to identify and mitigate potential impacts when implementing this element.”

-

In addition to these specific items, there are a number of proposed amendments that that I believe would weaken our commitment to providing a variety of housing types and price points---which would certainly have disparate impact on communities of color. I find this most unfortunate as well.

In fairness, I have not yet heard the arguments in favor of these changes, but I would like to hear YOUR arguments either way before we vote on these amendments on September 3.

In the meantime, if you want to learn about the Comp Plan process and contents more generally, or provide feedback, please visit”:

From: Rosemary Moore <rosemarymoore100@hotmail.com>
Sent time: 2024/09/02 11:56:38 AM
To: Council
Subject: Comments on some proposed amendments to the Mercer Island Comprehensive Plan

Good Morning Councilors and City staff,

Please consider the following comments as you consider the MI Comprehensive Plan and proposed amendments to it, at the September 3 and subsequent council meetings:

1. I **oppose** the proposal to delete 21.3 of Land Use Element which states: "Consider expanding requirements for green building certification to additional zones and/or development of subdivisions as a component of a green building program."

Deleting this would be contrary to the spirit and goals of our recently enacted Climate Action Plan.

There is a climate crisis. We on Mercer Island should not ignore this for short-term benefits. We should do all we can, as a relatively affluent community, to fight it.

2. I **support reinstating** deleted goal 21.5 of the Land Use Element which states "Conduct annual tracking of new, or significantly remodeled, structures verified under various green building programs on Mercer Island and incorporate statistics into the City's sustainability tracking system and performance measures."

Again, this is in keeping with our CAP goals.

3. I **oppose deleting** policy 3.4 of the Transportation Element: "Promote the expanded use of alternative fuel and zero emission vehicles by the general public with measures such as converting public and private fleets, applying incentive programs, and developing an electric vehicle infrastructure plan to provide for electric vehicle charging stations."

This policy is consistent with many policies in our Climate Action Plan. There are numerous recent authoritative science reports emphasizing how we need to come off fossil fuels immediately. We cannot pretend that Mercer Island is somehow exempt! I hope you will **retain** this policy.

4. I **oppose reinstating** deleted goal 7.2 of the Utilities Element which states: "The City shall encourage PSE or the current provider to make service available to any location on Mercer Island that wishes to use natural gas."

This would be regressive and extremely harmful to our climate. For good reason, the Climate Plan is largely predicated upon the transition from fossil fuels in buildings to electricity. It includes many policies to that effect. This policy should not be reinstated. It would be greatly counterproductive to encourage PSE to provide gas on demand. The Comp Plan should be silent on this question and let state regulations direct these outcomes.

5. I **support adding** a new Utilities Element Policy 6.8 stating: "Continue to encourage the installation of home solar, wind, and geothermal systems, as well as other energy conservation and renewable energy generation systems."

Encouraging the installation of a variety of home clean energy generation systems is consistent with science, the climate crisis and with our Climate Action Plan.

6. Similarly, for the same reasons, I strongly **support adding** a new Utilities Element Policy 6.9 stating: "Explore the installation of solar generation systems on city owned buildings."

7. I **support adding** a new Utilities Element Policy 6.10: "Explore the possibility of supporting or encouraging plans to create a Public Utility District to replace PSE."

Creating a PUD would ultimately be decided by the voting public. A PUD could prioritize the transition to clean energy instead of having to prioritize shareholder value. For the same reason, a PUD could likely provide power at less cost to consumers. The proposed policy would provide the incentive for our city officials to explore the topic on behalf of us residents and consider benefits that a PUD could bring to MI residents. This is a low-risk policy, only encouraging consideration of the topic.

8. I **oppose** adding the following phrase to the beginning of Capital Facilities Element Goal 1.21: "To the extent possible, where reasonable and consistent with fiscal sustainability . . ."

Policy 1.21 would then read: "To the Extent possible, where reasonable and consistent with fiscal sustainability, City operations should be optimized to minimize carbon footprint impacts, especially with respect to energy consumption, waste reduction, and procurement. New Capital Facilities should incorporate and encourage the sustainable stewardship of the natural environment, consider the benefit of creating cutting-edge, demonstration projects, and favor options that have the lowest feasible carbon footprint and greatest carbon sequestration potential. The City's commitment to adopted GHG emission reduction targets as part of its membership in the

K4C should be considered.

The Climate Plan includes a policy that the City should consider climate impacts in all of its major actions and projects. We do not need to water this down by emphasizing and giving priority to fiscal sustainability particularly where we are a wealthy community and there is a global climate crisis. The existing policy does not require the city to **ignore** fiscal sustainability or mandate always choosing the greenest option without any regard to cost; therefore there is no need for this change in emphasis.

Thank you all for all your work on this important topic. Thank you for considering these comments.

Sincerely,

Rosemary Moore
6230 East Mercer Way
Mercer Island
WA 98040

From: c.boatsman@comcast.net
Sent time: 2024/09/02 12:56:11 PM
To: Craig Reynolds
Subject: Re: Climate issues in the comp plan

I should have sent a follow up that no longer needed assist. I think you had an error in number 8 on your list. The way it was written seems to be the draft version. In the non substantive list there is a proposal to amend by Jake and Lisa.

Of course I could have the whole thing snarled up!

I hope you received my mail last night (this morning) on the list of amendments.

Thank you Craig.
Carolyn

On Sep 2, 2024, at 8:29 AM, Craig Reynolds <craig.reynolds@mercergov.org> wrote:

Not sure I understand. I should have some time if you want to call to discuss today.

Craig W. Reynolds

Councilmember
City of Mercer Island
(206) 356-9429 | [mercervisland.gov](https://www.mercerisland.gov)

From: Carolyn Boatsman <c.boatsman@comcast.net>
Date: Sunday, September 1, 2024 at 3:47 PM
To: Craig Reynolds <craig.reynolds@mercergov.org>
Subject: Re: Climate issues in the comp plan

Craig, it looks like the non-substantive Council amendments are already in the draft. Am I correct on that? I see one example that looks like that is true, but I can't find any staff statement that indicates that is what they did. Thanks!
Carolyn

On 08/27/2024 7:15 PM PDT Craig Reynolds <craig.reynolds@mercergov.org> wrote:

Sorry for slow reply. Comments on the ones I support added inline below.

Craig W. Reynolds

Councilmember
City of Mercer Island
(206) 356-9429 | [mercervisland.gov](https://www.mercerisland.gov)

From: Carolyn Boatsman <c.boatsman@comcast.net>
Date: Saturday, August 24, 2024 at 6:44 PM
To: Craig Reynolds <craig.reynolds@mercergov.org>
Subject: Re: Climate issues in the comp plan

Thank you for letting me know about these proposed amendments. I will be able to consider them in greater detail and follow up the week of August 26. Would you be able to tell me which of the 8 you are in agreement with?

Thank you.
Carolyn

On 08/18/2024 6:34 PM PDT Craig Reynolds
<craig.reynolds@mercergov.org> wrote:

Carolyn:

Per our discussion today, here is a recap of what is happening on the comp plan. This is a very important document that is refreshed very 10 years or so per state law. It establishes goals and priorities and a vision for the city.

- The planning commission has gone through an extensive process to prepare updated plans involving many meetings and opportunities for public comment.
- Their draft was first exposed to the Council at the last meeting of July.
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Attached is the clean copy of the current PC recommendation.

Over the course of August, councilmembers have been asked to pre-submit amendment requests (i.e., proposed changes to the attached draft). So far there are about 175 questions or proposed amendments (mostly the latter). Below are the amendments that most explicitly relate to climate. Of course, there are numerous land use or housing issues that have second order climate implications. But for now the list focuses on the first order issues. Your comments on these would be most welcome. Some, in my view, are good from a climate perspective. Some others take us backwards.

1. Delete 21.3 of land use element: “Consider expanding requirements for green building certification to additional zones and/or development of subdivisions as a component of a green building program.”

Oppose

2. Reinstate deleted goal 21.5: “Conduct annual tracking of new, or significantly remodeled, structures verified under various green building programs on Mercer Island and incorporate statistics into the City’s sustainability tracking system and performance measures. “

Support

3. Delete section 3.4 of the transportation element: “Promote the expanded use of alternative fuel and zero emission vehicles by the general public with measures such as converting public and private fleets, applying incentive programs, and developing an electric vehicle infrastructure plan to provide for electric vehicle

charging stations.”

Oppose

4. Reinstate deleted goal 7.2 of the utilities element: “The City shall encourage PSE or the current provider to make service available to any location on Mercer Island that wishes to use natural gas.”

Oppose

5. Add a new Utilities Element Policy 6.8: “Continue to encourage the installation of home solar, wind, and geothermal systems, as well as other energy conservation and renewable energy generation systems.”

Support

6. Add a new Utilities Element Policy 6.9: “Explore the installation of solar generation systems on city owned buildings.”

Support

7. Add a new Utilities Element Policy 6.10: “Explore the possibility of supporting or encouraging plans to create a Public Utility District to replace PSE.”

Support

8. Amend goal 1.21 of the capital facilities statement as follows: “City operations should be optimized to minimize carbon footprint impacts, especially with respect to energy consumption and on-site generation, ~~and~~ waste reduction, and procurement.

Support

Craig W. Reynolds

Councilmember

City of Mercer Island

(206) 356-9429 | mercerisland.gov

From: Jack Haskins <jack@futurewise.org>
Sent time: 2024/09/03 11:38:28 AM
To: ComprehensivePlanUpdate; Council
Cc: Tim Trohimovich <Tim@futurewise.org>
Subject: Futurewise Comments on the Planning Commission Recommendation for Mercer Island's Comprehensive Plan Periodic Review
Attachments: Outlook-csr0b251.png Futurewise Comment Letter on Mercer Island Periodic Update Recommendation for City Council Final.pdf

Hello,

I hope this message finds its reader in good health. Attached is a letter containing Futurewise's comments on the City Planning Commission's recommended draft for the comprehensive plan periodic update. Please notify me if you have any trouble accessing the document or any questions about the comments.

Warmest regards,

 **Jack Haskins** (*he/him*)
Legal Intern
Futurewise
v m: (206) 343-0681
e: jack@futurewise.org

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Jack Haskins (*he/him*)

Legal Intern

Futurewise

v m: (206) 343-0681

e: jack@futurewise.org

From: Dan Thompson <danielphompson@hotmail.com>
Sent time: 2024/09/04 11:52:53 AM
To: Craig Reynolds
Cc: Council; Jeff Thomas; Jessi Bon
Subject: Re: August 18 Facebook Post/Comprehensive Plan Amendments/Problems With TV Feed

Last night I attended half the council meeting on the comp. Plan in person, and went home to watch the other half on TV. However, the comp. plan amendment the council was discussing was not legible on TV, no matter how close I got. Since the mayor didn't want to read each amendment in full it was very difficult to follow the discussion, although the mayor did summarize a number of the amendments. The fact the amendments were not in numerical order didn't help.

I understand very few citizens are following this process, and the amount of amendments in two weeks is astronomical. But a 10-year update of a Comp. Plan on top of state, county and agency mandates, is a very big deal for a city, and ideally this process should have started 12 -24 months ago with a workable draft so the citizens could have *some* input. This process is hardly better than the process at the planning commission, although the council is trying to get the train back on the rails.

On Sept. 17 it would help if the actual amendment the council is debating and voting on is legible on TV so the citizens know what the council is voting on.

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 <danielphompson@hotmail.com>
Sent: Thursday, August 29, 2024 12:48 PM
To: Craig Reynolds <craig.reynolds@mercergov.org>
Cc: council@mercergov.org <council@mercergov.org>; jeff.thomas@mercerisland.gov <jeff.thomas@mercerisland.gov>; jessi.bon@mercergov.org <jessi.bon@mercergov.org>
Subject: August 18 Facebook Post/Comprehensive Plan Amendments

Hi Craig, copied below is your Facebook post from August 18. I know you care deeply about DEI, and I applauded your courage in your proposed amendments on the Anti-Semitism proclamation, but I wanted to address a few points you raise.

1. First, I think it would help some of your less sophisticated readers if you cited the city's Land Capacity Analysis Supplement in your Facebook posts. b6f9e8ba8c1e2cd4a66706f7f287576d_2023-12-15_LCA_Supplement_Report.pdf (ehq-production-us-california.s3.us-west-1.amazonaws.com). It is a little dense, but so is this subject, and too many want to address it ideologically without understanding the parameters.
2. The Planning Commission draft directly contradicts Resolution 1621 the council unanimously adopted in March 2021. It also fundamentally misunderstands the interplay of HB 1220 and HB 1110, and the city's GMPC housing growth targets. **It is critical to understand that HB 1110 was never about housing affordability, which is why there are very few affordable mandates in 1110. The idea that new construction in the most expensive SFH zones will create affordable housing, or any builder desires that, is naive.**
3. The city's GMPC future housing growth target is 1239 housing units (of any size). The current zoning will allow 1428 new units. The issue is not zoning capacity (fn. 1): the issue is affordability, which King Co. defines as 60% AMI and below except for 32 units that can be 80% AMI+. King Co. also uses a rather high AMI of \$146,500. Land Analysis, Fn. 1, page 13. The Land Analysis breakdown is:

30 to 50% AMI: 202
50 to 80% AMI: 488
80 to 100% AMI: 4

100 to 120% AMI: 5
more than 120% AMI: 23.

4. Affordability includes more than just the cost of housing. It includes whether the person has to own a car, the cost of which can equal or exceed the housing subsidy. MI has very poor intra-Island transit service due to topography and Metro budgets. The 201 was awful transit until cancelled.

5. As a result, King Co. and the Affordable Housing Subcommittee (which is non-binding) count only housing in the CO zone or town center toward the city's affordable housing targets, which exceed MI's GMPC housing targets, because these units are within walkable transit and retail. Plus, a city can use regulatory limits like height as incentives for affordable housing set asides, something not available in the SFH zone. Since around 2006 the Puget Sound Regional Council has recommended the same zoning, which is why MI like most cities already has zoning that focuses most new housing growth in the town center. HB 1110 directly contradicts 20 years of regional planning and zoning by dispersing future housing into the least dense areas with little transit service.

6. As a result, upzoning in the single-family zone becomes irrelevant, which is the fundamental error the PC made because progressives believe the SFH zone is inherently privileged and white. According to the Land Capacity Analysis Supplement, the estimated needed income to afford something in the SFH zone is \$15,867/mo. So even with rezoning, Mercer Island cannot use anything in the SFH zone to meet these 0% to 60% income bands for future housing because as the County correctly notes it will never be affordable in the SFH zone no matter how dense because just the cost of the land and new construction will exceed 200% AMI for any unit.

7. The County's "mandate" is basically unrealistic. Mercer Island like most eastside cities has a catch-22: it doesn't want to go above its GMPC future housing growth target it fought for (and as noted in the Land Analysis existing zoning can accommodate 1428 housing units when the GMPC target is 1239 units), but it must create or zone for housing in these income bands that are impossible on Mercer Island if market rate, but the County will accept. It's all a bit silly, but the County has no understanding of market forces.

8. To argue a city only has to have the "capacity" for these affordable housing targets but not "mandate" they be affordable seems a bit disingenuous to me, but what it really does is remove the SFH zone from consideration.

9. I suppose the council could consider upzoning the south end shopping center to create this affordable housing *capacity*, but that is a nuclear issue on Mercer Island the council wisely decided to avoid, so some on the council now want to bury this residential upzoning throughout the Island. [Legislators sound off on Mercer Island mayor's letter to the community | Mercer Island Reporter \(mi-reporter.com\)](#)

10. Your desire for more DEI language in the comp. plan has some issues.

First, it is a bit disingenuous for a councilmember to request *language* about affordable housing when the council will vote to spend over \$1 million to repurpose tennis courts in Luther Burbank Park to pickle ball courts but sends around \$40,000/year to ARCH's housing trust fund.

Second, it makes the same mistake the PC did, and some PC complained bitterly about: how to distinguish "people of color", a very lazy term when discussing land use. 1220 clearly was about Black and Hispanic people who have been displaced, but it is very hard to make such distinctions in comp. plan language. Seattle is more white than Bellevue, but should wealthy Asians receive preferential treatment from MI?

Third, as the county belatedly learned despite years of warnings, the biggest threat to affordable housing is displacement through upzoning and gentrification when new construction replaces older more affordable housing. In 1970 The Central District was 85% Black; today it is 15%, and the same dynamic is happening in Columbia City and South Seattle. New construction is death to Blacks and poor residents.

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Daniel Thompson

Thompson & Delay
Attorneys at Law
80th Avenue Professional Building
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Land use policy 29.6 "Coordinate with tribes to identify and mitigate potential impacts when implementing this element."

-

In addition to these specific items, there are a number of proposed amendments that that I believe would weaken our commitment to providing a variety of housing types and price points---which would certainly have disparate impact on communities of color. I find this most unfortunate as well.

In fairness, I have not yet heard the arguments in favor of these changes, but I would like to hear YOUR arguments either way before we vote on these amendments on September 3.

In the meantime, if you want to learn about the Comp Plan process and contents more generally, or provide feedback, please visit":

From: Dan Thompson <danielthompson@hotmail.com>
Sent time: 2024/09/04 04:26:06 PM
To: Council
Cc: Jessi Bon; Jeff Thomas
Subject: AB 6519: 2024 Comprehensive Plan Periodic Update: City Council Deliberations on the Proposed Comprehensive Plan Amendments/Transportation Concurrency Ordinance

Ted has proposed an amendment I think the council and ad hoc committee should consider. Ted suggested the Economic Development Element in the Plan consider identifying the 27th St. corridor through the town center in a holistic method based on **all likely** future development.

I think there are several intersections on Mercer Island that are equally as important. One is the intersection at **SE 36th St. and East Mercer Way.**

This issue was raised in the neighbors' response to the SEPA application filed by Hertzl for its B zone property development.

The first appeal I took to the GMHB was to force the city to adopt a **transportation concurrency ordinance** that was first due in 1994, but I don't think the city applies the TCO correctly.

The city applies the TCO in a kind of first come first served manner, rather than bringing all the stakeholders of a systemically important intersection together to figure out future development and traffic capacity, which determines development. The council also ignores the TCO when considering applications to upzone or rezone these properties.

Some of the competing interests for this intersection are:

1. WSDOT which controls the ramp metering eastbound.
2. The exit from I-90 westbound. When this is backed up not only is it a safety hazard on I-90 but it funnels traffic to the only other exit westbound when "the big left" is already one of the most congested intersections. Increasing congestion in the town center is a bad idea.
3. The JCC's proposed plans to rezone its property and increase GFA and membership, and traffic.
4. Hertzl's plan to build a school and office building on its B zone property with no onsite parking while starting a pre-school on the Hertzl property.
5. The French American School whose CUP is predicated on parking at Hertzl, parking that will go away if Hertzl's plans to use this parking through a CUP for the building on the B zone property is approved rendering the FAS's CUP out of compliance.
6. City Hall, along with a new maintenance building.
7. Residents who must exit here to get to East Mercer Way or Gallagher Hill to get home, or to reach I-90 eastbound and westbound to avoid the town center.
8. Possible new multi-family housing in some of the CO zoned properties that don't abut a residentially zoned property.
9. The police department and possibly a new city hall with more city departments onsite (rather than in park, a major selling point for a bond for a new city hall).

So far, since its adoption the city has applied the TCO one applicant at a time first come first served. Presumably when traffic exceeds capacity the city will deny any further applications for development that increase traffic. The reality is the city never finds traffic capacity at maximum no matter how badly it exceeds the levels of service for the intersection (which don't apply to WSDOT), and too often accepts a traffic study from the applicant no matter how unbelievable.

My guess is the city will approve Hertzl's application without considering current and future traffic congestion, or planned future development by other stakeholders, let alone citizens trying to get home or to I-90. Pre-pandemic this intersection was clogged, and yet the city continues to allow greater intensity of use for anyone who applies.

I support Ted's idea to create some kind of master plan for 27th to prepare for future development, but think the council should go further and create a plan for other systemically important arterials or intersections, including 36th and EMW that we know will be oversubscribed based on planned future development. Better to determine

maximum traffic capacity for systemically important intersections and bring in all stakeholders first to figure out how to allocate that limited capacity rather than assuming traffic capacity is limitless, until it isn't.

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 <danielthompson@hotmail.com>
Sent time: 2024/09/05 12:43:28 PM
To: Council
Cc: Jessi Bon; Jeff Thomas
Subject: Re: AB 6519: 2024 Comprehensive Plan Periodic Update: City Council Deliberations on the Proposed Comprehensive Plan Amendments/Transportation Concurrency Ordinance

One follow up email for the ad hoc committee meeting today. Previously I suggested exploring increasing the two story height limit in the town center if the street level was retail. With the need for more housing in the town center and the desire for more retail space I think this could be a win/win. Two stories is pretty short when other buildings with housing can go to 3-5 stories, which will likely be increased to meet 1220 housing targets in the town center.

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 <danielthompson@hotmail.com>
Sent: Wednesday, September 4, 2024 4:26 PM
To: council@mercergov.org <council@mercergov.org>
Cc: jessi.bon@mercergov.org <jessi.bon@mercergov.org>; jeff.thomas@mercerisland.gov <jeff.thomas@mercerisland.gov>
Subject: AB 6519: 2024 Comprehensive Plan Periodic Update: City Council Deliberations on the Proposed Comprehensive Plan Amendments/Transportation Concurrency Ordinance

Ted has proposed an amendment I think the council and ad hoc committee should consider. Ted suggested the Economic Development Element in the Plan consider identifying the 27th St. corridor through the town center in a holistic method based on **all likely** future development.

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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: Carolyn Boatsman <c.boatsman@comcast.net>
Sent time: 2024/09/05 03:52:20 PM
To: Ted Weinberg
Subject: Comp Plan issues, particularly climate

Hi Ted. I was not able to listen to the entire meeting. Do you have a feeling for whether the 8 climate related issues to which I testified moved in my direction? Did I have any effect with my testimony? I doubt that the Council members would propose policy that differs with PROS so they should not with CAP. It's the guiding policy at this time.

Thanks so much for your work on this Ted. I thought that your question about whether it made sense to include policy that would meet HB1110 now, instead of redoing next year, was a good one. What would be the staff time expenditure saved? Why not make it good now? Etc.

I think that your question was not answered. Salim's reply was very fast and slightly off topic, so that one listening might think, "is my question being answered?" and while that split second thinking is going on, he moves on. That's how it appears to me.

Thank you.
Carolyn

From: c.boatsman@comcast.net
Sent time: 2024/09/09 08:38:58 PM
To: Ted Weinberg
Subject: Re: Comp Plan issues, particularly climate

Thank you very, very much Ted for your great work on the Comp Plan. I apologize for the late reply. I have not been able to give this the careful examination I meant, although I went through a period of general disgust on hearing the outcome!

Aside from the less consequential 8th item, do you recall if these were the typical 5-2 votes?

Thanks again.
Carolyn

On Sep 6, 2024, at 11:46 AM, Ted Weinberg <ted.weinberg@mercergov.org> wrote:

Attached is an updated copy of my tracking spreadsheet. I've added a column for what passed, what failed, what got withdrawn, and what got deferred to the new committee. In general, it was not a good night for environmental policy. Craig and I are still vastly outnumbered on the council when it comes to doing the right thing for the long term. What little climate change legislation I did get passed, I squeaked through by making it subtle enough that staff categorized it as non-substantive (e.g. CC's 62, 63, and 165). Craig was a little more successful, getting CC's 79, 81-3, and 85 passed despite their exposure to the "substantive" spotlight.

Regarding the 8 you asked about (with **wins** and **losses** color-coded):

- **CC-19**, Lisa & Jake's attempt to delete Land Use policy 21.3 about green building certification **failed**, but only after Jessi referred to it as "just a 'consider.'" So 21.3 is still there, but it's unclear whether Jessi will make it a priority.
- **CC-61**, my attempt to reinstate Land Use policy 21.5, also **failed**. Both Jessi and Jeff indicated they felt it was duplicative of what's already in the CAP.
- **CC-128**, Jake & Lisa's attempt to cut language supporting EV usage and infrastructure, **passed**, despite my vehement opposition. Again, staff's insistence that it's an operational thing covered in the CAP was the excuse. Disappointing.
- **CC-135**, Jake & Lisa's attempt to bring back deleted Utilities policy 7.2 encouraging PSE to provide natural gas to anyone who wants it, **passed** – despite my vehement opposition and my explanation that existing customers are unaffected. "People want it for cooking" was the excuse offered by Jake. "I want it for my fireplace," was Salim's response.
- **CC-100**, Craig's attempt to add Utilities policy 6.8 to promote solar, wind, and geothermal energy usage, **failed**. Same excuse – we already have it in the CAP (which the conservative majority isn't funding for implementation).
- **CC-101**, Craig's attempt to add Utilities policy 6.9 to explore solar generation systems on city owned buildings, also **failed**. Same excuse.
- **CC-102**, Craig's proposal that we explore a PUD, **failed**.
- **CC-143**, Jake & Lisa's attempt to add "To the extent possible, where reasonable and consistent with fiscal responsibility" to Capital Facilities policy 1.21, **passed**. I was actually okay with this one. It doesn't really impact implementation, and I didn't want to give mis-informers ammunition to say I voted against fiscal responsibility.

Cheers!

Ted Weinberg
Councilmember
City of Mercer Island
P: 206-275-7993 | e: ted.weinberg@mercercisland.gov | w: mercercisland.gov

Notice: Emails and attachments may be subject to disclosure pursuant to the Public Records Act (chapter 42.56 RCW)

From: Carolyn Boatsman <c.boatsman@comcast.net>
Sent: Thursday, September 5, 2024 3:52 PM
To: Ted Weinberg <ted.weinberg@mercergov.org>
Subject: Comp Plan issues, particularly climate

GMHB Exhibit #308 - 0281

Hi Ted. I was not able to listen to the entire meeting. Do you have a feeling for whether the 8 climate related issues to which I testified moved in my direction? Did I have any effect with my testimony? I doubt that the Council members would propose policy that differs with PROS so they should not with CAP. It's the guiding policy at this time.

Thanks so much for your work on this Ted. I thought that your question about whether it made sense to include policy that would meet HB1110 now, instead of redoing next year, was a good one. What would be the staff time expenditure saved? Why not make it good now? Etc.

I think that your question was not answered. Salim's reply was very fast and slightly off topic, so that one listening might think, "is my question being answered?" and while that split second thinking is going on, he moves on. That's how it appears to me.

Thank you.

Carolyn

<Amendment_Matrix_09-03-2024.xlsx>

From: Jim Stanton <jlstanton@gmail.com>
Sent time: 2024/09/20 01:50:12 PM
To: Council
Subject: Comp Plan and Active Transportation

The Sustainability Group recently recommended the city retain policy 3.4 of the Comp Plan's Transportation Element:

"Promote the expanded use of alternative fuel and zero emission vehicles by the general public with measures such as converting public and private fleets, applying incentive programs, and developing an electric vehicle infrastructure plan to provide for electric vehicle charging stations..... As it It strongly agrees with Climate Plan. Stating it in the Transportation Element is appropriate as it strengthens and clarifies policy direction."

An additional improvement would be to specifically include 'all forms of active and electrically powered transportation' to make it clear that bicycles, e-bikes, scooters, e-scooters and whatever comes next are included. Unlike sister communities around Lake Washington, Mercer Island lags far behind in providing safe infrastructure and support for non-automobile transportation. Despite this, e-bikes and e-scooters usage is growing on the island. When the light rail station opens with covered, secure bike storage, commuting usage will jump to another level. Improving safe infrastructure will encourage usage, make our roads safer, and reduce the automobile parking and traffic to and from elementary and middle schools. Increased usage of non-automobile transportation will, of course, reduce carbon emissions.

Respectfully,

Jim Stanton
Neighbors in Motion

From: Jim Stanton <jlstanton@gmail.com>
Sent time: 2024/09/21 08:22:28 AM
To: Craig Reynolds; Kirk Griffin <kirk.griffin@outlook.com>; Ted Weinberg
Subject: Re: Comp Plan and Active Transportation

Thanks. I am late to comment for several reasons including the arrival of our first grand child.

Cycling around Puget Sound constantly reminds one of how far behind other communities MI has fallen in supporting safe alternatives to cars. Equally the increase in use of cycling, e-bikes and e-scooters, especially by kids tells me the city is ignoring safety issues that will likely only get addressed after a tragedy.

Living near IMS, play fields, and Lakeridge Elementary likely gives us a perspective that the city staff and council don't share. When light rail opens perhaps more adults will weigh in.

Regards

Jim

Sent from My iPhone

On Sat, Sep 21, 2024 at 07:46 Craig Reynolds <craig.reynolds@mercergov.org> wrote:

Jim:

I cannot recall where we ended up on this particular amendment. But I know many of the sustainability items were removed from the comp plan, as the council had voted to adopt the CAP into the plan "by reference". Though this was disappointing to me, as I thought the comp plan items added some specificity and a time bound, which is always helpful for goal setting. But the will of the Council was otherwise on many of these items.

There will be an official 30 day public comment period opening up on our around October 1 via letstalk, and you will have another opportunity to comment then.

Craig W. Reynolds

Councilmember

City of Mercer Island

(206) 356-9429 | mercerisland.gov

From: Jim Stanton <jlstanton@gmail.com>
Reply-To: "jlstanton@gmail.com" <jlstanton@gmail.com>
Date: Friday, September 20, 2024 at 1:50 PM
To: Council <council@mercergov.org>
Subject: Comp Plan and Active Transportation

The Sustainability Group recently recommended the city retain "policy 3.4 of the Comp Plan's Transportation Element:

GMHB Exhibit #308 - 0284

"Promote the expanded use of alternative fuel and zero emission vehicles by the general public with measures such as converting public and private fleets, applying incentive programs, and developing an electric vehicle infrastructure plan to provide for electric vehicle charging stations. As it It strongly agrees with Climate Plan. Stating it in the Transportation Element is appropriate as it strengthens and clarifies policy direction."

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Respectfully,

Jim Stanton

Neighbors in Motion

From: Jim Stanton <jlstanton@gmail.com>
Sent time: 2024/09/21 11:14:15 AM
To: Craig Reynolds; Ted Weinberg; Kirk Griffin <kirk.griffin@outlook.com>
Subject: Re: Comp Plan and Active Transportation

Another hurdle is that while the Comp Plan calls for connected networks of active transportation paths, the Transportation page on the city's website says the city prefers "small projects" which has led to fragmented pieces of trails around the island. Small projects are easy ones for city staff: no controversy, easy to implement, and the immediate neighbors are happy, but it doesn't build toward a vision or network. Add in leaving the traffic engineering position vacant for a year, and it's no surprise that cycling/active transportation is being ignored.

Oh well, at least since I posted my views on Sustainable, Eliot Newman and John Howe agree with me.

Cheers,

Jim

On Sat, Sep 21, 2024 at 8:53 AM Craig Reynolds <craig.reynolds@mercergov.org> wrote:

Congrats on the grandchild! We had our first on election day last year. He is a wonder to behold.

I agree with you on all counts here. Every time I try to push something, most of the reset of the council and the staff say "wait for the next plan". Well darn it, how about if we do things on the current plan!

I think there will be some action in the next few months related to scooters / ebikes. Not clear yet what it will be. We are getting tons of letters of the form:

- These things do not belong on sidewalks. They are going to kill someone, or
- These things do not belong on streets, they are going to get killed.

Not sure how to thread this needle other than by building more bike paths. And from there we get pushback from much of the council saying "no point building a path there (wherever "there" is at that point in time) because it is not connected to anything, which of course creates a perennial chicken and egg problem.

All incredibly frustrating.

We did manage to get a few bike things in the comp plan draft. So there are some small victories. You will see those when the draft comes out.

Craig W. Reynolds

Councilmember

City of Mercer Island

(206) 356-9429 | mercerisland.gov

From: Jim Stanton <jlstanton@gmail.com>

Reply-To: "jlstanton@gmail.com" <jlstanton@gmail.com>

Date: Saturday, September 21, 2024 at 8:22 AM

To: Craig Reynolds <craig.reynolds@mercergov.org>, Kirk Griffin <kirk.griffin@outlook.com>, Ted Weinberg

GMHB Exhibit #308 - 0286

<ted.weinberg@mercergov.org>

Subject: Re: Comp Plan and Active Transportation

Thanks. I am late to comment for several reasons including the arrival of our first grand child.

Cycling around Puget Sound constantly reminds one of how far behind other communities MI has fallen in supporting safe alternatives to cars. Equally the increase in use of cycling, e-bikes and e-scooters, especially by kids tells me the city is ignoring safety issues that will likely only get addressed after a tragedy.

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Regards

Jim

Sent from My iPhone

On Sat, Sep 21, 2024 at 07:46 Craig Reynolds <craig.reynolds@mercergov.org> wrote:

Jim:

I cannot recall where we ended up on this particular amendment. But I know many of the sustainability items were removed from the comp plan, as the council had voted to adopt the CAP into the plan "by reference". Though this was disappointing to me, as I thought the comp plan items added some specificity and a time bound, which is always helpful for goal setting. But the will of the Council was otherwise on many of these items.

There will be an official 30 day public comment period opening up on our around October 1 via letstalk, and you will have another opportunity to comment then.

Craig W. Reynolds

Councilmember

City of Mercer Island

(206) 356-9429 | mercerisland.gov

From: Jim Stanton <jstanton@gmail.com>

GMHB Exhibit #308 - 0287

Reply-To: "jlstanton@gmail.com" <jlstanton@gmail.com>

Date: Friday, September 20, 2024 at 1:50 PM

To: Council <council@mercergov.org>

Subject: Comp Plan and Active Transportation

The Sustainability Group recently recommended the city retain policy 3.4 of the Comp Plan's Transportation Element:

"Promote the expanded use of alternative fuel and zero emission vehicles by the general public with measures such as converting public and private fleets, applying incentive programs, and developing an electric vehicle infrastructure plan to provide for electric vehicle charging stations. As it It strongly agrees with Climate Plan. Stating it in the Transportation Element is appropriate as it strengthens and clarifies policy direction."

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Respectfully,

Jim Stanton

Neighbors in Motion

From: Sarah Fletcher <fletchsa1@gmail.com>
Sent time: 2024/09/27 11:05:16 AM
To: Molly McGuire; Council
Subject: Comments for the Comprehensive Plan
Attachments: image.png image.png image.png image.png

Hello Molly, These are my comments so far. But I don't know if I am going off the latest draft. They have to be in by the 1st October.

What should I be doing with these comments?

My Comments for the Comprehensive Plan:

Re Land Use, I want all references to "Linnear Park" removed. There has never been a Linnear Park nor should there ever be a Linnear Park and especially considering the City is including the I-90 freeway

Linear Park (I-90)	PI	The linear park (I-90) land use designation primarily contains the Interstate 90 right-of-way. The land use designation is also improved with parks and recreational facilities (e.g., Aubrey Davis park, I-90 Outdoor Sculpture Gallery, etc.) adjacent to and on the lid above the Interstate 90 freeway.



Then, with regards to this, it is outdated, we have already surpassed how many housing units we need, so why are we having to amend the Comprehensive Plan to allow higher densities in the Town Center which the Council is to vote on this Tuesday night?

Table 4. 2010-2030 Housing Unit and Population Forecast

EXPAND						
Year	Overall Household Size	SFR Units	Multi-family Units	Total Increase in units per decade	Total Housing Units	Population
2010 (Census)	2.48	6,873	2,236	N/A	9,109	22,699

You have not updated this.

From: Molly McGuire <molly.mcguire@mercerisland.gov>
Sent time: 2024/09/27 11:09:55 AM
To: Sarah Fletcher <fletchsa1@gmail.com>; Council
Subject: Re: Comments for the Comprehensive Plan
Attachments: image.png image.png image.png image.png

Hi Sarah,

Comments on the Comprehensive Plan Periodic

Molly McGuire

Senior Planner

City of Mercer Island – Community Planning & Development

206-275-7712 | www.mercerisland.gov

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The City of Mercer Island utilizes a hybrid working environment. Please see the City's [Facility and Program Information](#) page for City service hours of operation.

From: Sarah Fletcher <fletchsa1@gmail.com>
Sent: Friday, September 27, 2024 11:05 AM
To: Molly McGuire <molly.mcguire@mercerisland.gov>; Council <council@mercergov.org>
Subject: Comments for the Comprehensive Plan

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You have not updated this.

From: Sarah Fletcher <fletchsal@gmail.com>
Sent time: 2024/09/29 10:11:31 PM
To: Jeff Thomas; Adam Zack; Jessi Bon; Salim Nice
Cc: Council; Laura.Hodgson@commerce.wa.gov; Senn, Rep. Tana <tana.senn@leg.wa.gov>; Thai, Rep. My-Linh <my-linh.thai@leg.wa.gov>; Sen. Lisa Wellman
Subject: Re: Agenda Item AB6548 - HB 1220 has absolutely nothing to do with affordability
Attachments: image.png image.png image.png image.png image.png

Hello,

I don't know why we have to add one more housing unit. We have reached our housing units per this as of April 1, 2020 - 10,570:[2024 Population Trends \(wa.gov\)](#) but this is what you have in the Comprehensive Plan - 9,615, so why are we having to add one more housing unit? We have reached our requirements.

[2 - LAND USE ELEMENT | Comprehensive Plan | Mercer Island, WA | Municode Library](#)

Table 8. Housing units by structure type for cities, towns and counties: April 1, 2020, and April 1, 2023 (continued)

County Municipality	April 1, 2020, Structure Type				Estimated April 1, 2023, Structure Type			
	Total	1 Unit	2+ Units	Mn/10/Spec	Total	1 Unit	2+ Units	Mn/10/Spec
Grays Harbor (continued)								
Abandon	7,236	4,823	2,045	368	7,271	4,840	2,049	382
Cosmopolis	712	601	41	70	728	603	47	78
Elma	1,381	901	303	177	1,402	912	303	187
Hopkum	3,908	2,866	894	148	3,930	2,865	894	171
McClary	823	706	95	22	853	738	95	22
Montesano	1,796	1,356	344	96	1,799	1,366	346	97
Oakville	287	266	0	81	290	271	0	79
Ocean Shores	8,518	4,412	431	875	8,188	4,968	470	752
Westport	1,486	961	356	169	1,555	1,017	360	178
Island								
Unincorporated	41,922	32,663	4,565	4,754	42,879	33,153	4,681	4,844
Incorporated	30,106	25,271	785	4,050	30,747	25,765	822	4,160
Coupeville	11,818	7,332	3,780	704	11,931	7,388	3,859	684
Langley	1,016	668	300	128	1,032	695	208	129
Oak Harbor	743	526	217	0	754	533	221	0
Port Townsend	19,357	8,118	3,383	576	19,145	8,160	3,430	595
Jefferson								
Unincorporated	19,887	14,406	1,453	3,228	19,481	14,899	1,481	3,301
Incorporated	13,395	10,109	363	2,923	13,877	10,327	369	2,961
Port Townsend	5,892	4,279	1,090	305	5,804	4,372	1,112	320
King								
Unincorporated	909,234	516,685	434,586	17,363	1,820,823	522,651	480,294	17,878
Incorporated	92,938	78,189	7,960	5,809	94,329	80,048	8,508	5,777
Algona	876,296	437,516	426,626	12,154	925,494	442,605	471,788	12,101
Bellevue	1,048	824	43	181	1,061	833	47	181
Bothell (part)	28,549	15,313	10,065	2,871	28,720	15,488	10,376	2,877
Black Diamond	1,118	118	0	0	1,118	118	0	0
Bothell (part)	64,688	32,823	21,860	5	66,315	32,929	33,381	5
Burien	1,841	1,569	87	215	2,761	2,278	283	222
Carnation	12,682	5,514	6,137	1,031	12,901	5,587	6,283	1,031
Clayton Hill	20,765	12,736	8,038	11	21,065	12,796	8,258	11
Covington	814	704	64	46	854	718	80	46
Des Moines	1,098	1,086	12	0	1,099	1,083	16	0
Duvall	7,149	6,171	904	74	7,513	6,446	883	74
Everett	13,222	7,788	5,225	268	13,485	7,843	5,439	273
Federal Way	2,778	2,411	182	189	3,009	2,440	382	187
Issaquah	5,365	3,536	1,341	488	5,609	3,767	1,546	496
Kent	37,877	20,529	15,818	1,330	38,079	20,647	16,068	1,364
Kirkland	185	185	0	0	186	186	0	0
Lake Forest Park	17,303	8,059	9,242	2	18,000	8,222	9,778	2
Maple Valley	9,589	6,598	2,704	287	9,797	6,679	2,827	291
Medina	48,157	27,352	19,923	1,862	50,362	27,760	20,737	1,865
Mercer Island	46,919	22,033	17,945	54	42,998	22,337	20,587	52
North Bend	5,565	4,653	908	4	5,589	4,658	927	4
Port of Everett	8,435	8,072	614	551	8,948	8,481	816	551
Port of Tacoma	1,531	1,531	0	0	1,540	1,538	2	0
Port of Seattle	10,570	7,431	3,139	0	10,605	7,451	3,154	0

https://www.mercerisland.gov/sites/default/files/fileattachments/community_planning_amp_development/page/9241/gma-comp_plan_faqs_may_2024.pdf

And the King County say that we need 9,516

<https://mccmeetingspublic.blob.core.usgovcloudapi.net/mercerwa-meet-6f827fb3de734c159107786bf83dbfaa/ITEM-Attachment-001-dc80767e9c264f528834ca202d898f8a.pdf>

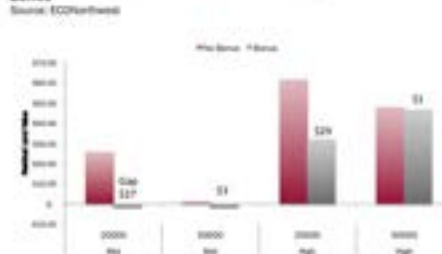
and you might not be aware of this Economical Analysis which the taxpayers paid for:

https://www.mercerisland.gov/sites/default/files/fileattachments/community/page/9321/economicanalysis_report_draft_4may2016.pdf

No financial incentive for bonus use in TCMF Zones

Under the proposed January Joint Commission draft examining zoning, parking, and bonus height provisions, there is little financial incentive for bonus use in the TCMF zones. 20,000 square foot lots are closer to market feasibility with a higher rent profile. 50,000 square foot lots have a smaller gap between than 20,000 square foot lots.

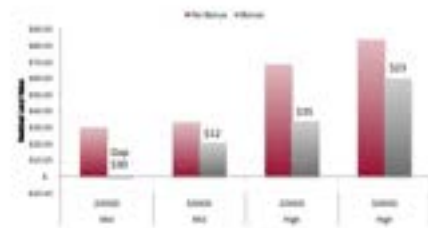
Exhibit 21. Comparison of RLVs in Bonus Height in TCMF Zones
Source: ECD Northwest



No financial incentive for bonus use in TC Zones

Under the proposed January Joint Commission draft examining zoning, parking, and bonus height provisions, there is little financial incentive for bonus use in the TCMF zones. 50,000 square foot lots are closer to market feasibility with a higher rent profile. 50,000 square foot lots have a smaller gap between than 30,000 square foot lots.

Exhibit 22: Comparison of RLVs in Bonus Height in TC Zones
Source: EOCNorthwest



On Thu, Sep 26, 2024 at 5:25 PM Sarah Fletcher <fletchsa1@gmail.com> wrote:

Hello, I am sorry, but you have had to have spent hundreds of hours on this only HB 1220 has absolutely nothing to do with affordable housing. It has to do with:

Re: AB 0148: 2024 Comprehensive Plan Periodic Update -- HB 1220 Affordable Housing Target Capacity Options
Recommended Action: Direct staff to prepare an ordinance containing bonus development regulations for public hearing and consideration on November 13, 2024 incorporating Option (select A or B) and an adjustment of the affordable housing requirement to (select C) at 60% AAB.
[Attachments: 01-04-0001](#)
[Attachments: 01-04-0001](#)

This is what it says on the Washington State's Department of Commerce's website:

S.T.E.P.

HB 1220 (2021) requires jurisdictions to update their development regulations with respect to emergency shelters, transitional housing, emergency housing, and permanent supportive housing (S.T.E.P.)

To assist cities and counties in integrating effective S.T.E.P. planning into local regulations, Commerce worked with Abt Associates and the Corporation for Supportive Housing (CSH) to develop a portfolio of new S.T.E.P. guidance documents and tools including:

[Updating GMA Housing Elements – Washington State Department of Commerce](#)

And this is the one new section that has to do with affordable housing:

```
9      *NEW SECTION. Sec. 7. A new section is added to chapter 36.70A
10  RCW to read as follows:
11      In addition to ordinances, development regulations, and other
12  official controls adopted or amended, a city or county should
13  consider policies to encourage the construction of accessory dwelling
14  units as a way to meet affordable housing goals. These policies could
15  include, but are not limited to:
16      (1) The city or county may not require the owner of a lot on
17  which there is an accessory dwelling unit to reside in or occupy the
18  accessory dwelling unit or another housing unit on the same lot;
19      (2) The city or county may require the owner not to use the
20  accessory dwelling unit for short-term rentals;
21      (3) The city or county may not count residents of accessory
22  dwelling units against existing limits on the number of unrelated
23  residents on a lot;
```

It does not say anything about having to change our Town Center to add an additional storey to what is currently allowed, etc. I am sorry, but having a 7-storey building where Tully's is or in other sections of our Town Center is a terrible idea and for what? I am copying the Commerce person to ask for her input. These are the two proposals for the next council meeting:

[ITEM-Attachment-001-6186fcd822fd4a9a9da888aa379a34f7.pdf \(usgovcloudapi.net\)](#)

[Town Center Capacity Alternatives \(usgovcloudapi.net\)](#)

Please advise as to whether what is being suggested has anything to do with the HB1220. Thank you.

You do not realize that we have lost a population of over 1,000 people, we don't want our Town Center built up, we want to keep it a village. Citizens signed a petition to keep the heights to 2 to 3 storeys in the Town Center, no-one except Wendy Weiker who is on the council wants the higher density. And we don't want microhousing or shared kitchens which is what My Ling Thai wants for us as she was one of the sponsors of the HB 1110 which is very unpopular.

Sarah Fletcher

From: Sarah Fletcher <fletchsa1@gmail.com>
Sent time: 2024/09/30 09:35:35 PM
To: Jeff Thomas; Adam Zack; Jessi Bon; Salim Nice
Cc: Council; Laura.Hodgson@commerce.wa.gov; Senn, Rep. Tana <tana.senn@leg.wa.gov>; Thai, Rep. My-Linh <my-linh.thai@leg.wa.gov>; Sen. Lisa Wellman
Subject: Re: Agenda Item AB6548 - HB 1220 has absolutely nothing to do with affordability
Attachments: image.png image.png image.png image.png image.png

Hello, I don't know if you all saw this expose on Plymouth Housing. I believe this HB1220 has to do with transitional housing. The Legislature are making Mercer Island have to get transitional housing, but I am sorry, we don't want something like Plymouth Housing on our island if they are going to be offering drugs. How do you get Mercer Island out of having to offer transitional housing? [Jonathan Choe on X: "EXCLUSIVE: In February I exposed a nightmare of drugs, crime, chaos, and death inside some of Plymouth Housing's taxpayer funded apartments for the homeless. But their leaders ignored all my questions about accountability. So I confronted them at their annual gala and they ran. https://t.co/KQNiICTxIX" / X](#)

On Sun, Sep 29, 2024 at 10:11 PM Sarah Fletcher <fletchsa1@gmail.com> wrote:

Hello,

I don't know why we have to add one more housing unit. We have reached our housing units per this as of April 1, 2020 - 10,570: [2024 Population Trends \(wa.gov\)](#) but this is what you have in the Comprehensive Plan - 9,615, so why are we having to add one more housing unit? We have reached our requirements.

[2 - LAND USE ELEMENT | Comprehensive Plan | Mercer Island, WA | Municode Library](#)

Table 8. Housing units by structure type for cities, towns and counties: April 1, 2020, and April 1, 2023 (continued)

County Municipality	April 1, 2020, Structure Type				Estimated April 1, 2023, Structure Type			
	Total	1 Unit	2+ Units	MnTR/Spc	Total	1 Unit	2+ Units	MnTR/Spc
Greys Harbor continued								
Aberdeen	7,236	4,823	2,045	388	7,271	4,840	2,049	382
Cosmopolis	712	601	41	70	728	603	47	78
Elma	1,381	901	303	177	1,402	912	303	187
Holyman	3,908	2,886	894	148	3,930	2,885	894	171
McClary	823	706	85	22	853	736	85	22
Montesano	1,786	1,356	344	86	1,799	1,366	346	87
Oakville	287	208	0	81	290	211	0	79
Ocean Shores	5,518	4,412	431	675	5,188	4,368	470	782
Westport	1,486	961	356	169	1,555	1,017	360	178
Island	41,922	33,883	4,585	4,754	42,678	33,153	4,681	4,844
Unincorporated	30,186	25,271	785	4,880	30,747	25,765	822	4,160
Incorporated	11,816	7,332	3,780	704	11,931	7,388	3,859	684
Coupeville	1,916	688	200	128	1,932	695	208	129
Langley	743	528	217	0	754	533	221	0
Oak Harbor	10,057	8,118	3,363	576	10,145	8,160	3,430	585
Jefferson	19,087	14,406	1,483	3,278	19,481	14,899	1,481	3,301
Unincorporated	13,395	10,138	363	2,823	13,677	10,327	389	2,981
Incorporated	5,692	4,279	1,090	305	5,804	4,372	1,112	320
Port Townsend	5,692	4,279	1,090	305	5,804	4,372	1,112	320
King	869,234	818,885	434,586	17,863	1,038,823	822,651	489,294	17,878
Unincorporated	52,935	79,169	7,980	5,809	54,329	80,646	8,506	5,777
Incorporated	816,298	437,516	426,626	12,154	984,494	442,605	471,788	12,101
Algona	1,048	824	43	181	1,081	833	47	181
Auburn (part)	28,049	15,313	10,685	2,671	28,720	15,498	10,875	2,677
Beacon Arts Village	118	0	0	0	118	0	0	0
Bellevue	66,688	32,823	31,860	5	66,315	32,929	33,381	5
Black Diamond	1,841	1,589	57	215	2,761	2,276	263	222
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Clyde Hill	1,099	1,088	12	0	1,099	1,083	16	0
Covington	7,149	8,171	904	74	7,513	8,448	993	74
Des Moines	13,222	7,788	5,225	208	13,485	7,843	5,439	203
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Kennmore	9,589	6,999	2,704	287	9,797	6,679	2,627	291
Kent	49,157	27,352	19,823	1,882	50,362	27,780	20,737	1,880
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https://www.mercerisland.gov/sites/default/files/fileattachments/community_planning_amp_development/page/9241/gma-comp_plan_faqs_may_2024.pdf

And the King County say that we need 9,516

<https://mccmeetingspublic.blob.core.usgovcloudapi.net/mercerwa-meet-6f827fb3de734c159107786bf83dbfaa/ITEM-Attachment-001-dc80767e9c264f528834ca202d898f8a.pdf>

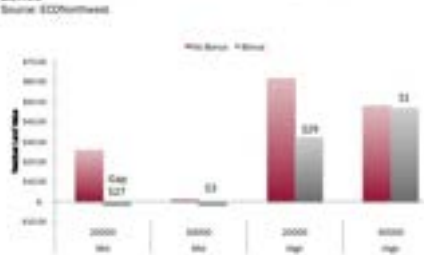
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AB 5548: 2024 Comprehensive Plan Periodic Update - HB 1220 Affordable Housing Target Capacity Options
Recommended Action: Direct staff to prepare an ordinance containing interim development regulations for public hearing and consideration on November 25, 2024 incorporating Option (select B or C) and an adjustment of the affordable housing requirement to (select B) at 50% MFR.

[AB5548.pdf \(0.58 MB\)](#)

[AB5548a1.pdf \(3.21 MB\)](#)

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[Updating GMA Housing Elements – Washington State Department of Commerce](#)

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9 ***NEW SECTION.** Sec. 7. A new section is added to chapter 36.70A
10 **RCW** to read as follows:
11 In addition to ordinances, development regulations, and other
12 official controls adopted or amended, a city or county should
13 consider policies to encourage the construction of accessory dwelling
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15 include, but are not limited to:
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18 accessory dwelling unit or another housing unit on the same lot;
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[Town Center Capacity Alternatives \(usgovcloudapi.net\)](#)

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Sarah Fletcher

From: Dan Thompson <danielphompson@hotmail.com>
Sent time: 2024/10/02 12:44:45 PM
To: Council
Cc: Molly McGuire; Planning Commission; Jessi Bon
Subject: 2025 Docket Suggestions/Summary/Thoughts

[2025 Annual Docket of Proposed Comprehensive Plan and Development Code Amendments | Let's Talk Mercer Island \(mercergov.org\)](https://mercergov.org)

Not any blockbusters like rezoning the JCC this year. The CPD did not accept any suggested amendments of the Comp. Plan and instead told citizens to do that through comments on the council's draft plan.

Two proposed amendments — Haley and White — want to limit hedge heights between houses to 12', unless both neighbors agree, analogizing limits on fence height. That could be tough because of pre-existing hedges. At the same time, some laurel hedges (like mine) are over 20' (although the neighbor likes it). But like Arborvitae if you top it you create a much denser hedge, so a catch-22. This is probably best dealt with between neighbors, not the code. After all, what is a hedge and what is a tree.

Jessica Clawson, the attorney for the JCC and other CUP's, wants to allow exterior remodels of CUP's in the R zone that don't enlarge the building. This actually makes sense since so many today are non-conforming after the 2017 code rewrite and unauthorized expansion over the years.

I have my usual five. I don't know why the PC and council have not adopted my suggestion to reduce maximum ceiling height from 12' to 10' before counting against GFAR just based on the climate action plan. The PC spent a lot of time on the Comp. Plan trying to reduce house size to reduce carbon emissions except it reduced livable GFA (or GFAR) when MI already has one of the lowest GFAR's. But an extra 2' of ceiling height before counting as GFA creates 20% more house volume without creating any new livable area (unless you are a bird) and this 20% is the most intensive to heat and cool. Considering the reconstitution of the PC I may not be their favorite this year.

Also now that covered parking requirements have been eliminated due to state law it makes no sense to allow houses under 3000 sf to have only two parking stalls (one covered in the old code) since the original goal in 2017 was to allow these "smaller" houses to have one covered parking stall to allow more GFA for housing. Plus recent changes to state law allow a house to use the driveway as a parking stall in many cases.

Adam Ragheb has refiled his proposed amendment from last year requiring any house under 3000 sf to have at least two parking stalls (already required) but with EV charging capabilities.

Goldbach refiled his two suggestions from last year that prohibit rezoning R zoned property, or in the alternative prohibit a CUP from applying to rezone R zoned property. He also has two new interesting amendments:

1. Amending the code to set out the specific criteria so that a site-specific rezone is a not an illegal spot zone. This makes sense. The applicant and council need to know what the criteria are before an appeal to the superior court — which will apply legal criteria whether the code does or not — so they can draft an application that addresses the criteria and build a record for an appeal. I also think the CPD has to obtain an outside legal analysis of any application for a site specific rezone to address both traffic levels of service and whether the site specific rezone is an "illegal" site specific rezone, the language in the code, so the code should set forth the legal criteria.

2. Prohibit property zoned TC, CO, B or PBZ from using a CUP on an adjacent residentially zoned property for TC, CO, B or PBA uses such as parking or playfields. This is consistent with the council's 2021 amendment that prohibits a CUP from using adjacent residentially zoned property not part of the CUP for CUP uses unless the CUP is reopened completely. The intent of both is to prevent creep into the residential zone. This issue came up with the building permit Hertzl filed that shifts all onsite parking for the B zoned property and the playground to Hertzl through a CUP. The problem though is I don't think Hertzl (or even the CPD) understood that would require a permanent easement running with the land on the Hertzl property for any B zone uses to avoid what is happening with Hertzl's plan: the CUP for the FAS becomes non-conforming because parking for the FAS is on Hertzl's property, which will go away if the B zoned property is allowed to use that parking instead.

Finally, Dan Grove filed a proposed amendment that basically would adopt the CPD's suggested amendment from last year re: measuring facade height on steep slopes. I agree with this, and it was a huge issue during the 2017 code rewrite, and this was one thing Dan Grausz got right. Last year Craig Reynolds and a majority instead opted for a developer proposed suggestion that codified allowing facade modulation to circumvent the rule on facade height and defeat the massing these overly tall facades create for anyone downhill, in 2017 primarily the East Seattle community. The discussion for this came at the end of a long night and did not get the consideration it should have. Jeff Thomas is right on this.

Finally I would like to commend Molly. She was very helpful in educating those who wished to submit proposed amendments about recent changes to the code or state law, and was very pleasant to work with.

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 <danielthompson@hotmail.com>
Sent time: 2024/10/11 03:25:02 PM
To: Salim Nice
Subject: Comp. Plan

Hi Salim, I am reading through the comp. Plan and just want to say how much I appreciate all the work you have done, and the political risk you took to reconstitute the planning commission, disband the housing work group, and just learn this zoning stuff and work to modify it. I think the comp. plan is good, but more importantly it is nothing new. The citizens reading this (all two of us) will yawn.

[U.S. Census Bureau QuickFacts: Seattle city, Washington](#)

This is the updated Census figures for Mercer Island showing Mercer Island has lost 1000 residents from 2020 to 2023, and King Co. as a whole has gained around 1600 residents in 3-4 years when OFM estimated one million new residents would move to WA over the next 20 years, mostly to King Co. This is only because Seattle gained 17,000 residents.

The Census figures for King Co. of course undermine 1110, and the PSRC 2050 Vision Statement (that never discusses EV's or work from home) and GMPC housing and job allocations that was just working off the OFM estimates (and even then every city had existing zoning that met its new GMPC housing targets through 2044).

I see in the Comp. Plan several sections where Adam Zach or maybe the progressive council members included language about MI being part of a region as though the region cared when we were going to be the bus intercept dump or a regional parking lot would be on Kite Hill, and that the comp. plan will change as circumstances change, because like all progressives they think the region will grow exponentially including King Co. that is 2200 sq miles and will "urbanize".

So what happens when our population decreases by 1000 residents? Do these same progressives believe we should downzone? Deprioritize transit? De-urbanize?

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 <danielthompson@hotmail.com>
Sent time: 2024/10/11 03:32:31 PM
To: Salim Nice
Subject: Re: Comp. Plan

Thanks. Fascinating. Would this affect 1220 targets?

I am surprised Sammamish hasn't filed a request with the GMPC.

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: Salim Nice <salim.nice@mercerisland.gov>
Sent: Friday, October 11, 2024 3:31 PM
To: Dan Thompson <danielthompson@hotmail.com>
Subject: Re: Comp. Plan

We're finding out right now as the GMPC adjudicates requests from Duvall and Snoqualmie to trim their housing targets. I'll keep you updated. We should have a decision this year.

From: Dan Thompson <danielthompson@hotmail.com>
Sent: Friday, October 11, 2024 3:25:02 PM
To: Salim Nice <salim.nice@mercerisland.gov>
Subject: Comp. Plan

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This is the updated Census figures for Mercer Island showing Mercer Island has lost 1000 residents from 2020 to 2023, and King Co. as a whole has gained around 1600 residents in 3-4 years when OFM estimated one million new residents would move to WA over the next 20 years, mostly to King Co. This is only because Seattle gained 17,000 residents.

The Census figures for King Co. of course undermine 1110, and the PSRC 2050 Vision Statement (that never discusses EV's or work from home) and GMPC housing and job allocations that was just working off the OFM estimates (and even then every city had existing zoning that met its new GMPC housing targets through 2044).

I see in the Comp. Plan several sections where Adam Zach or maybe the progressive council members included language about MI being part of a region as though the region cared when we were going to be the bus intercept dump or a regional parking lot would be on Kite Hill, and that the comp. plan will change as circumstances change, because like all progressives they think the region will grow exponentially including King Co. that is 2200 sq miles and will "urbanize".

So what happens when our population decreases by 1000 residents? Do these same progressives believe we should downzone? Deprioritize transit? De-urbanize?

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From: Rosemary Moore <rosemarymoore100@hotmail.com>
Sent time: 2024/10/29 02:12:05 PM
To: Council
Subject: FW: Comments on some proposed amendments to the Mercer Island Comprehensive Plan

Good Afternoon Councilors and City staff,

I am forwarding my September 2nd email with comments on the MI Comprehensive Plan and proposed amendments to it. In addition to my September 2nd comments please also consider the following:

9. Under the Housing element, there should be more incentives for middle housing and disincentives for “mega-houses” (those upward of 4,500 – 5000 square feet). This will help solve the region’s housing crisis, encourage new businesses on MI, and help to reduce emissions as more compact, dense housing will result in lower per person emissions.

10. Land Use Element & Transportation. We need to reduce expansive **parking** mandates to encourage middle housing, a walkable downtown, and flexibility throughout the island. Not **every** home needs 3 off street parking spaces. I suggest omitting this as a mandate from Goal 11.2 under Transportation Goals. MI has more business parking than is necessary, resulting in soulless parking space deserts and a disincentive for folks to walk downtown. Some people can’t walk and need disabled parking nearby but fewer parking spaces per business would make downtown more walkable for others.

Given the increase in Electric Vehicles, the City should strive to provide public EV chargers throughout the island.

Goal 12 limits bicycle transportation improvements to 'shoulders' along roadways instead of providing separate bike lanes. The city has long overstated its financial support for bicycle/pedestrian infrastructure by funding multi-use road shoulders as 100% bicycle/pedestrian facilities. These road shoulders are equally used for auto and boat parking, trash can storage, and yard service vehicles making them **unusable and often unsafe for bicycle and pedestrian use**. The goal should be to develop a safe network of separated and protected **sidewalks** and **bike lanes** to safely accommodate pedestrians, bikes, and new forms of transportation such as e-scooters.

11. Utilities.

Water Our 2024 experience, common sense and our warming climate/reduced snowpack mean that water shortages will occur frequently. We should also plan for increased need due to more residents e.g from middle housing. A higher proportion of the bills should reflect the water used. Basic water use per person should be inexpensive with a higher expensive rate for those who use more per person. Subsidies or exceptions should be available for low income households.

Electric, Gas and Energy generally Due to the necessity of coming off fossil fuels, the plan should anticipate and work towards an **increase** in Electric use.

The City should develop policies and support charging policies and incentives to **conserve** energy use.

The City should invest in **solar and battery storage** and provide incentives to the utilities and residents to do so, to speed up the reduction of the City’s footprint. MI should be a leader, not a foot dragger.

Thank you for considering these comments and for all your hard work.
Sincerely,

Rosemary Moore
6230 East Mercer Way
Mercer Island
WA 98040
Cell: (1) 206 251 7009

From: Rosemary Moore
Sent: Monday, September 2, 2024 11:57 AM
To: council@mercierisland.gov
Subject: Comments on some proposed amendments to the Mercer Island Comprehensive Plan

Good Morning Councilors and City staff,

Please consider the following comments as you consider the MI Comprehensive Plan and proposed amendments to it, at the September 3 and subsequent council meetings:

1. I **oppose** the proposal to delete 21.3 of Land Use Element which states: “Consider expanding requirements for green building certification to additional zones and/or development of subdivisions as a component of a green building program.”

Deleting this would be contrary to the spirit and goals of our recently enacted Climate Action Plan.

There is a climate crisis. We on Mercer Island should not ignore this for short-term benefits. We should do all we can, as a relatively affluent community, to fight it.

2. **I support reinstating** deleted goal 21.5 of the Land Use Element which states “Conduct annual tracking of new, or significantly remodeled, structures verified under various green building programs on Mercer Island and incorporate statistics into the City’s sustainability tracking system and performance measures.”

Again, this is in keeping with our CAP goals.

3. **I oppose deleting** policy 3.4 of the Transportation Element: “Promote the expanded use of alternative fuel and zero emission vehicles by the general public with measures such as converting public and private fleets, applying incentive programs, and developing an electric vehicle infrastructure plan to provide for electric vehicle charging stations.”

This policy is consistent with many policies in our Climate Action Plan. There are numerous recent authoritative science reports emphasizing how we need to come off fossil fuels immediately. We cannot pretend that Mercer Island is somehow exempt! I hope you will **retain** this policy.

4. **I oppose reinstating** deleted goal 7.2 of the Utilities Element which states: “The City shall encourage PSE or the current provider to make service available to any location on Mercer Island that wishes to use natural gas.”

This would be regressive and extremely harmful to our climate. For good reason, the Climate Plan is largely predicated upon the transition from fossil fuels in buildings to electricity. It includes many policies to that effect. This policy should not be reinstated. It would be greatly counterproductive to encourage PSE to provide gas on demand. The Comp Plan should be silent on this question and let state regulations direct these outcomes.

5. **I support adding** a new Utilities Element Policy 6.8 stating: “Continue to encourage the installation of home solar, wind, and geothermal systems, as well as other energy conservation and renewable energy generation systems.”

Encouraging the installation of a variety of home clean energy generation systems is consistent with science, the climate crisis and with our Climate Action Plan.

6. Similarly, for the same reasons, I strongly **support adding** a new Utilities Element Policy 6.9 stating: “Explore the installation of solar generation systems on city owned buildings.”

7. **I support adding** a new Utilities Element Policy 6.10: “Explore the possibility of supporting or encouraging plans to create a Public Utility District to replace PSE.”

Creating a PUD would ultimately be decided by the voting public. A PUD could prioritize the transition to clean energy instead of having to prioritize shareholder value. For the same reason, a PUD could likely provide power at less cost to consumers. The proposed policy would provide the incentive for our city officials to explore the topic on behalf of us residents and consider benefits that a PUD could bring to MI residents. This is a low-risk policy, only encouraging consideration of the topic.

8. **I oppose** adding the following phrase to the beginning of Capital Facilities Element Goal 1.21: “To the extent possible, where reasonable and consistent with fiscal sustainability . . .”

Policy 1.21 would then read: “To the Extent possible, where reasonable and consistent with fiscal sustainability, City operations should be optimized to minimize carbon footprint impacts, especially with respect to energy consumption, waste reduction, and procurement. New Capital Facilities should incorporate and encourage the sustainable stewardship of the natural environment, consider the benefit of creating cutting-edge, demonstration projects, and favor options that have the lowest feasible carbon footprint and greatest carbon sequestration potential. The City’s commitment to adopted GHG emission reduction targets as part of its membership in the K4C should be considered.

The Climate Plan includes a policy that the City should consider climate impacts in all of its major actions and projects. We do not need to water this down by emphasizing and giving priority to fiscal sustainability particularly where we are a wealthy community and there is a global climate crisis. The existing policy does not require the city to **ignore** fiscal sustainability or mandate always choosing the greenest option without any regard to cost; therefore there is no need for this change in emphasis.

Thank you all for all your work on this important topic. Thank you for considering these comments.

Sincerely,

Rosemary Moore
6230 East Mercer Way
Mercer Island
WA 98040

From: Dan Thompson <danielthompson@hotmail.com>
Sent time: 2024/10/30 12:30:34 PM
To: Council
Cc: ComprehensivePlanUpdate; Jeff Thomas; Jessi Bon; Planning Commission
Subject: Public Comments And Proposed Amendments For Draft Comprehensive Plan

Dear Council, please consider these my public comments for the draft Comprehensive Plan for the Nov. 4 and 19 public hearings. I apologize for the length of this email but this process gives citizens one month to review an entire and entirely new Comprehensive Plan and one shot to submit public comments.

At the end of this long email I set forth some of the key regulatory limits for 2025 in the SFH zone that will implement HB 1110 and 1337 while preserving the council's goals and policies in its draft Comprehensive Plan, along with proposed amendments to Policies 5.2 and 5.3 of the Housing Element.

1. LACK OF PUBLIC PARTICIPATION — NEED FOR COUNCIL LIAISON TO PLANNING COMMISSION.

Whether it was because King Co. took so long to release its housing policies for affordable housing, the planning commission ignored Res. 1621 and did not release its draft plan until April 2024 two years after starting the process, or did not give a damn about what the citizens wanted, or the planning dept. neglected to explain to the planning commission the meaning of Res. 1621, or the fact the council disengaged from the process until April 2024 and had to completely rewrite the planning commission's draft, the one group that got the shaft was the citizens.

Although I think the council's draft is much better than the planning commission's draft, the fact is the citizens were never allowed to participate in a very complex process that ideally lasts at least a year with the citizens involved. The city held one public meeting and the planning commission one public hearing for a draft that was so bad the council "reconstituted" the planning commission. This is basically the antithesis of the Growth Management Act's primary goal for public participation.

For these reasons I repeat my recommendation to the council that it appoint a council liaison to the planning commission so we don't have this problem in the future.

2. THE INNACURACY OF THE OFFICE OF FINANCIAL MANAGEMENT'S FUTURE POPULATION GROWTH ESTIMATES/APPEALS TO GMPC/AMENDMENT TO LAND USE ELEMENT VISION STATEMENT.

ALL of these upzoning policies are based on the OFM's future population estimates that estimate between 2020 and 2040 one million new residents will move to Washington State, most to King Co. In fact, The Census Bureau estimates show King Co. population growth has been flat over from 2020 through 2023, [U.S. Census Bureau QuickFacts: King County, Washington](#), and MI has lost 1000 residents. [U.S. Census Bureau QuickFacts: Mercer Island city, Washington](#) (24,742, below the 25,000 threshold for HB 1110). Meanwhile the PSRC has estimated regional population growth at 5.8 million by 2050.

As a result, I think Section II. Vision Statement, Introduction, p. 7 of the draft comp. plan should not simply accept the OFM/PSRC future population estimates for Mercer Island today (26,036 which is 1294 residents more than the U.S. Census Bureau for 2023) or in 2050 (27,916), but should *at least* note the discrepancy between the OFM and The Census Bureau population estimates to date, population growth in King Co. has been flat since 2020, and Mercer Island has lost 1000 residents since 2020. We are upzoning for people who are never coming.

The Plan notes it is a dynamic Plan, and subject to change depending on changing circumstances. The Plan should note this discrepancy in population growth estimates, and that the council will revisit the Plan if OFM population growth estimates continue to diverge from the Census Bureau (the 2030 Census will trump any estimates by the OFM), which includes appealing to the GMPC.

3. THERE IS NO "ZONING" CAPACITY SHORTAGE LET ALONE CRISIS.

The GMPC's future housing allocations are based on the highly questionable OFM future population growth estimates. Even then, the GMPC determined King Co. has **EXISTING** zoning for 800,000 new residents, and that every city in King Co. has existing zoning to accommodate their GMPC future housing allocations (except perhaps Sammamish), even though those allocations are based on the questionable OFM population growth estimates.

For this reason, cities in East King Co. are appealing to the GMPC to reset their future housing allocations and affordable housing targets based on the discrepancy between the OFM future population estimates and The Census Bureau.

4. MERCER ISLAND'S EXISTING ZONING CAPACITY EXCEEDS ITS GMPC FUTURE HOUSING ALLOCATION EVEN WHEN BASED UPON THE OFM FUTURE POPULATION ESTIMATES.

The GMPC allocated Mercer Island a "no new net" housing allocation of 1239 units through 2044. Mercer Island's *existing* zoning capacity will allow 1429 new housing units according to the 2021 Urban Growth Capacity Report. Generally, the GMPC discourages cities from adopting zoning that exceeds the GMPC future housing targets so the housing and jobs are spread throughout the region to reduce commuting based on actual population growth.

Not only that, but King Co. required the council to increase zoning capacity in the town center by 143 units to meet Mercer Island's affordable housing targets without undue displacement, that further increased MI's zoning capacity, well beyond its GMPC housing allocation of 1239 units.

5. TIMELINE OF UPZONING LEGISLATION.

April 2021. The OFM releases future population estimates through 2040 that estimate 1 million new residents would move to Washington State, most to King Co. Despite population growth being flat in King Co. from 2020 through 2023 according to The Census Bureau, the OFM refuses to revisit those estimates and instead continues to release very questionable population growth estimates that differ from The Census Bureau. As a result cities like Duvall and Snoqualmie are appealing their housing allocations to the GMPC.

10-29-2021. The PSRC releases its 2050 Vision Statement. When adopted the Vision, that was based on 2018-19 data, was already obsolete due to work from home and electric vehicles, both of which the 2050 Vision Statement does not discuss or incorporate. As in prior years, the PSRC adopts two somewhat conflicting goals:

1. Transit oriented development, mainly around Light Rail and high capacity transit, although Light Rail is estimated to account for 1% of all trips when ST 3 is fully completed;
2. **Self-contained** "urban villages", or "15-minute cities" in which a resident can meet all their daily needs in that "village" or city. Although urban villages were a secondary goal when the 2050 Vision was adopted because most had to commute to the urban city for work, work from home has made it the primary goal and method to reduce carbon emissions (along with EV's).

2021. The Legislature adopts HB 1220.

2022. Based on the OFM's future population estimates the GMPC allocates jobs and housing targets to cities in King Co. through 2044. Every city already has existing zoning to meet its housing allocation, and the GMPC estimates King Co. has existing zoning for 800,000 new housing units.

2023. King Co. Issues Ordinance 19660 and its affordable housing allocations under ESB 1220. King Co. comes to two realities:

1. Affordable housing **capacity** must be in dense, commercial zones near walkable transit and retail so a subsidized person can live without the cost of a car, a developer has the scale of lot and building to provide some affordable units, and the city can use its regulatory limits to incentivize *and require* affordable housing although nearly every city already does that. Unfortunately, King Co.'s definition of "affordable" is based on 0%-60% AMI and is so unrealistic no developer will build this housing. Cities can insist developers build it and get no development (Mercer Island has had

one mixed-use development, the Xing Hua, since 2014 and it was permitted under the 2016 code) or ignore the affordability mandates which are not binding, just the "capacity".

2. The real problem is "displacement", or when new construction replaces older more affordable housing, because new construction is always the most expensive to build and builders build to an area's AMI which on Mercer Island is \$141,000/yr. **It isn't the lack of new market rate housing that is the problem, it is that the region is destroying so much older affordable housing to build new housing, or gentrification, and upzoning accelerates that displacement because builders buy low to sell high.** Unfortunately by 2024 the displacement horse is out of the barn.

2023. The legislature adopts HB 1110. 1110 requires cities to allow more units and density in the single-family zone depending on population, which is directly contrary to Vision 2050 which recommends TOD in dense zones and King Co.'s policies on affordable housing, and the GMA when first adopted to set growth boundaries. As a result 1110 has almost no meaningful affordability mandates, and further increases a city's zoning capacity well beyond the GMPC housing allocation that is based on OFM population estimates.

Again, zoning for people who will never come, in the least affordable zone without walkable transit or retail so everyone must drive to meet their daily needs increasing carbon emissions.

6. WHY THE PLANNING COMMISSION WAS RECONSTITUTED.

Some planning commission members claim they were blindsided when it was reconstituted and that the planning dept. was more to blame, while some council members felt the past planning commission was never going to listen to the council anyway, let alone the citizens. Both are true, depending which planning commission members we are talking about.

The planning dept. and planning commission decided Mercer Island — the single-family zone — would now be a low and **moderate density** zone, breaking with 60 years of Island precedent. They didn't care, or understand, that the OFM estimates were turning out to be inflated, or 1220 required almost all of Mercer Island's future housing allocation to go in the Town Center, or that Mercer Island had existing zoning that exceeded the GMPC housing targets through 2044.

A slim majority of the planning commission's mission was to upzone and eliminate the single-family zone on Mercer Island due to political ideology, even though the average lot on MI in the SFH zone costs \$16,000/mo. with a standard mortgage, which would have destroyed the hard work the council and rest of the city have done since 2020 to rebuild trust with the citizens.

The council had no option in April 2024 but to reconstitute the planning commission because time was so short and begin rewriting an entire new Plan (in a budget year no less).

7. LAND USE GOALS 15.1 AND 15.6.

I could never figure out whether the planning commission really understood how development regulations are necessary to implement a comprehensive plan, and that concurrent development regulations are required. To be honest, I don't think they did understand.

But what the planning commission fundamentally did not understand is that in 2025 the goal will be to implement HB 1110 and 1337 while adopting development regulations that preserve the goals in the comprehensive plan, which in the SFH zone is a low density zone.

So what does that mean?

When asked, Adam Zach told the council that "moderate" density means 2 to 4 units per SFH lot. The council rejected that, and instead repeatedly noted in the Comprehensive Plan that Mercer Island's single-family zone is a low density,

primarily single-family zone. **Which means like today — and for the last 64 years — one dwelling per SFH lot.**

As a result, Goal 15 and 15.1 of the Land Use Element state:

"Mercer Island should remain principally a low density, single family residential community".

" 15.1 Preserve the neighborhood character in residential zones. For the purpose of implementing this element, neighborhood character only refers to the form, bulk, scale, and intensity of the built environment".

And Goal 15.6 states:

"15.6

"Manage impacts that could result from new development in residential zones by establishing standards to:

"15.6.1 Regulate on- and off-street parking;

"15.6.2 Encourage the retention of landscaped areas and the retention and planting of trees;

"15.6.3 Establish incentives and anti-displacement measures consistent with the Housing Element; and

"15.6.4 Control new development to be compatible in scale, form, and character with existing surrounding neighborhoods".

8. DEVELOPMENT CODE REGULATIONS IN 2025.

HB 1110 must be implemented by June 2025. The key is the other regulatory limits and development codes that are adopted concurrently to implement the council's policies and goals in the comprehensive plan.

The way to do this is through the regulatory limits in the SFH zone. These are height, GFAR (including exemptions for clerestory space or covered decks and other area), lot coverage (impervious surface limits), yard setbacks, tree preservation, and building envelope.

Number one is that multiple dwellings do **not** receive a GFAR bonus over a SFH home. Whether 1, 2, 3, or 4 dwellings on a lot the GFAR is the same, as are the other regulatory limits.

Number two is any additional dwellings on a SFH lot above a single family house must have an affordability mandate, no different than multi-family in the town center under 1220. This includes ADU's and DADU's. This is consistent with Housing Element 5.5.

Number three is parking minimums must be at the maximum allowed (although now uncovered), and the city must petition DOC for a waiver to allow parking minimums within ½ mile of the light rail station.

For those who feel these code amendments are contrary to the intent of HB 1110, it is important to remember that:

1. Mercer Island already has existing zoning plus additional zoning under 1220 that exceeds its GMPC housing targets through 2044.

2. The GMPC housing targets are based on OFM future population estimates that are inflated compared to The Census Bureau.

3. Nothing in the SFH zone will be affordable to anyone earning less than 200% AMI no matter how small the unit, based on King Co. policy under 1220.

4. HB 1110 is directly contrary to PSRC and King Co. policies that focus new housing in dense zones near walkable retail and transit to reduce carbon emissions and allow a poor person to live without a car.

9. PROPOSED AMENDMENTS TO HOUSING ELEMENT 5.2 AND 5.3.

Housing Element 5.2 and 5.3 state:

"5.2 Identify the regulatory amendments necessary to allow duplexes, triplexes, townhomes, and other moderate density housing types in residential zones".

"5.3 Amend residential development standards to allow middle housing types and ADUs in residential zones consistent with the state law".

I understand the intent of 5.2 but think 5.2 should be amended to add **"consistent with state law and the comprehensive plan"**.

And 5.3 should be amended to add , **"consistent with the comprehensive plan"**.

This clarifies for the next planning commission and the citizens that the council will implement HB 1110 and 1337 to the minimum extent required by state law while prioritizing the goals and policies in the comprehensive plan when implementing 1110 and 1337.

Thank you.

Daniel Thompson

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From: Carv Zwingle <carvz@yahoo.com>
Sent time: 2024/10/30 02:50:14 PM
To: Salim Nice; Council
Subject: Draft Comprehensive Plan

Mr. Mayor and Council,

It would appear Council has endeavored to severely restrict public participation in this process. I simply ask that you seriously endeavor to preserve the scale and character of our single family zone.

Carv Zwingle

From: Morrene Jacobson <morrene2000@gmail.com>
Sent time: 2024/10/30 02:54:41 PM
To: Council
Subject: draft comprehensive plan

We have read and agree with the comments Dan Thompson sent you on the subject. Like Dan, we feel it is essential that you do all you can to preserve the scale and character of our single family zones on Mercer Island.

Thank you.

Terry and Morrene Jacobson

From: Alceu Spencer Peres Júnior <alceus1957@hotmail.com>
Sent time: 2024/10/31 11:15:27 AM
To: ComprehensivePlanUpdate; Council
Subject: 2024 City Council Draft Comprehensive Plan - Assorted Comments

Hello Councilmembers,

Thank you for your tireless efforts on the Comprehensive Plan - I observe significant improvement compared to that which was delivered to you by your Planning Commission. While personally I would like to see more of the patronizing language removed, I see that its source is state and county officials vying to signal their effectiveness in solving regional socioeconomic, not racial, issues.

I applaud removing moderate from Goal 15 of the Land Use Element - unnecessary densification of the Island is antithetical to the vision of many Islanders and will destroy it; I have lived experience in high density, moderate density, and low density environments and I am not speaking in hyperbole when referring to the destruction of the character of the Island.

To further clarify the intent of the Comprehensive Plan, I suggest small but important revisions to Land Use Element's Goals 5.2 and 5.3; these clarifications' intent is to clarify the limit to which Mercer Island's future code and policies shall not exceed.

5.2 - add the words 'consistent with state laws and the Mercer Island Comprehensive Plan' to the end - it would read 'Identify the regulatory amendments necessary to allow duplexes, triplexes, townhomes, and other moderate density housing types in residential zones consistent with state laws and the Mercer Island Comprehensive Plan.'

5.3 - add the words 'consistent with the Mercer Island Comprehensive Plan.' to the end - it would read 'Amend residential development standards to allow middle housing types and ADUs in residential zones consistent with the state law and the Mercer Island Comprehensive Plan.'

Hearing deliberations and having humbly read myself up on the matter, I would like to kindly ask if the implementation of these goals can focus on preserving the Island's low density character of its residential areas through.

1. Parking Minimums per unit, not structure (based on Goal 15.6.1).
2. Holding GFAR, and other massing-related, values consistent with those of existing single family residences (MI must allow middle housing, but MI does not need to encourage it).
3. Having affordability mandates on middle housing (precedent is being set with Town Center's rezone and we should hold county/state officials to their word about helping affordability instead of the builders and their campaign donations).
4. Strengthening tree retention policies (this is consistent with the CAP, and once again, lets actually preserve the environment and keep carbon in sequestered form *vis a vis* enriching builders - our wonderful trees to the best of my humble knowledge have not and cannot make campaign contributions).

Warmest regards,

Alceu Spencer Peres Jr.

From: Dan Thompson <danielphompson@hotmail.com>
Sent time: 2024/11/01 11:09:49 AM
To: Council
Cc: Jeff Thomas; Planning Commission
Subject: Seattle Times Article "Is Seattle's rental scene hot or cold? Yes".

[Is Seattle's rental scene hot or cold? Yes | The Seattle Times](#)

I think this is a very good article to read before Tuesday's hearing on the comprehensive plan. It discusses issues I have raised for some time and tried to explain to the planning commission, including **displacement** when older housing is replaced with new housing, that **new construction is always the least affordable, there is plenty of market rate housing available, really a glut, and smaller landlords are leaving the Seattle rental market** due to impossible rules on vetting tenants and evicting bad tenants.

HB 1110 and 1337 are upzoning for people who will never come and will need new construction to implement which is always the least affordable per sf. in the most expensive zone per sf (SFH) while replacing the older and most affordable housing.

Progressive policies are killing the middle and work classes and are the underlying cause for racial disparities in housing. What we are doing is really immoral.

From the article:

1. "'We see a big increase in multifamily units being completed, the most units coming into the market since 1970,'" said Divounguy. Seattle's Department of Construction and Inspections confirmed that more than 16,000 new units were slated to enter the city's rental market this year".
2. "What's going on? Economists stress that metro Seattle's median household income — around [\\$120,000 a year](#) — has kept up with rents. Zillow said demand is so slack in new buildings that developers in Seattle are offering some of the most generous concessions in the nation including as many as three months of free rent".
3. "And that's a possibility for some. If, for example, you are a single Big Tech employee with a beagle named Captain Kirk, it may be easy to bag an apartment in one of the new complexes in Bellevue or Seattle. But be prepared to pay. In one Bellevue building close to Microsoft, apartments rent for \$2,000 for a petite studio to \$5,700 for a two-bedroom, which doesn't include add-ons. Parking is \$250 a month, and rent for Captain Kirk is \$110 a month".
4. "But what if you are not on a Big Tech salary and can't afford these rents? That's a challenge, as house manager Elyssa Morley and bicycle mechanic David Lerma discovered when they decided to move in together".
5. "Sean Flynn, president of the Rental Housing Association of Washington, which represents small landlords, said older rentals don't have amenities like gyms and rooftop barbecues. They might not have a dishwasher. But they cost less and are often bigger than new apartments. Flynn said competition can be fierce for those units because mom-and-pop rentals are vanishing in Seattle.
6. "The city is losing affordable rentals because my membership is pressing the 'sell' button. With Seattle's regulations, the risk of getting a tenant who doesn't pay is too high," said Flynn. Once sold, these properties aren't rentals anymore because, Flynn said, they are torn down or owner-occupied".

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From: Sarah Fletcher <fletchsa1@gmail.com>
Sent time: 2024/11/04 01:11:33 PM
To: Jessi Bon; Council; Planning Commission
Subject: Tonight's Meeting - Outdated Census Data

Hello, this is what I just don't understand. Did no-one notice that the data that was being used in The Comprehensive Plan was outdated (2020) but why then, did the City staff or whoever continue on putting the outdated information in The Comprehensive Plan as if it is current? So then, you now come to the Council tonight and ask them to approve the outdated data? And let's say, they do now, what is the point>

Mercer Island has lost over 1,200 people since 2020, the trajectory has been showing a downward trend since 2020. And did staff ask you whether they should go off the Office of Financial Management or go off the US Census Bureau, and did you all inform them to go off the OFCM and why?

And I had been trying to get you to come out with how many actual housing units are there on MI? I even did a public records request. The reason I was trying to find that out was that when it has we need to add such and such, you know what the basis is. Why should we have our island ruined just because no-one bothered to come out with how many actual housing units we need and for what population?

Thanks.

Sarah Fletcher

From: Jeffery Weisman <jeffery.weisman@gmail.com>
Sent time: 2024/11/05 06:12:31 AM
To: Council
Subject: Thank You and My Public Comments on the 2024 City Council Draft Comprehensive Plan

Please consider this my public comment for the November 4 Public Hearing on the Mercer Island Comprehensive Plan.

Thank you for your attention to detail and your work so far on the Comprehensive Plan - your review document put out for public comment is worlds better than the mess that was recommended by three members of the Planning Commission. Your efforts to preserve the Island's unique character are much appreciated by a strong majority of Islanders. Also, thank you for increasing the required proportion of affordable units and lowering the AMI thresholds in the limited part of Town Center that will be given an extra story or two of building allowance.

Most importantly, thank you for scratching-out the unquantified mention of moderate density in Goal 15 of the Land Use Element - this greatly clarifies the City's vision that it is not to be sold out to builders under the false pretense of increasing affordability. Goals 5.2 and 5.3 are clearly driven not by a majority of Islanders' desires, but by housing mandates blanket-imposed on all cities meeting certain size and location criteria. I propose the following two revisions so that for at least the next 8-10 years there is no ambiguity as to the reason why Mercer Island is allowing middle housing and that it will be allowed only to the extent required by law and no further.

Land Use Element, Goal 5.2: Identify the regulatory amendments necessary to allow duplexes, triplexes, townhomes, and other moderate density housing types in residential zones consistent with Washington State law and this Comprehensive Plan. (add consistent with Washington State law and this Comprehensive Plan)

Land Use Element, Goal 5.3: Amend residential development standards to allow middle housing types and ADUs in residential zones consistent with the state law and this Comprehensive Plan. (add "and this Comprehensive Plan")

I also wish to propose two changes to the Utilities Element, which are:

Utilities Element, Goal 6.4: Make the language stronger, perhaps requiring undergrounding unless demonstrated to not be feasible. This will improve the resiliency of our local electrical grid during the stronger storms brought about by global warming, and will give residents with heat pumps instead of natural gas or oil for heat and/or with EVs more piece of mind that the electrical grid will keep them warm and mobile.

Utilities Element, Goal 6.6: Remove the leading space and capitalize "clearing;" alternatively, add a "The" to the beginning of the goal to fix the current clerical error.

Please preserve the character and scale of Mercer Island's single family zone. This will be your greatest legacy as a Councilmember to future generations of Islanders.

Thank you for your time and service to the Mercer Island community,

Jeffery Weisman

Dear Council,

Because HB 1110 and 1337 are based upon OFM projections that Washington State will gain 1 million new residents from 2020 to 2040 I think it is important to verify those claims when considering any upzoning. Previously I forwarded data from the U.S. Census Bureau that shows King Co.'s population since 2020 has been flat, and Mercer Island has lost 1000 residents since 2020, plus the GMPC's finding in 2022 that King Co. has existing zoning for 800,000 new residents.

*The U.S. Census Bureau last month released its state-to-state migration data for 2023. It shows the number of folks who moved to Washington was roughly the same as the number who left.

These numbers look very different from the previous decade, when Washington was growing rapidly from in-migration. Take, for example, the year 2015. Washington gained about 231,000 from other states and only lost 179,000.

Several eastside cities have appealed their future housing allocations to the GMPC on the basis OFM's population estimates are so far off, and it makes no sense to upzone for people who have not come (which would be 200,000 new residents from 2020 through 2024 if OFM was correct but in fact is zero today) and probably are not coming.

My request in my last email to the council and in my public comments on the draft Comprehensive Plan is that the Plan note this discrepancy, at least in a footnote, and the Plan specifically states the council is reserving the right to appeal its housing allocations should actual population growth as determined by the U.S. Census Bureau continue to differ from OFM's estimates. Because in 2030 the 10-year census by the U.S. Census Bureau will be the applicable population determination, and my guess is it will show OFM's estimates were politically driven as were the PSRC's.

I would also note this does not just impact the single-family zone. At the last council meeting representatives from the owners of Tabit Square noted the new upzoning to seven stories along with affordability mandates to meet new population growth and create affordable housing will likely make development of that property unviable, again based on future OFM population growth estimates that are likely flawed.

Here are the states from which WA is gaining — and losing — residents

[illegible]

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: Sarah Fletcher <fletchsal@gmail.com>
Sent time: 2024/11/07 10:18:45 PM
To: Jessi Bon; Jeff Thomas; Adam Zack; Council; Planning Commission; Molly McGuire
Subject: How does one get it

that a developer may not pay a fee-in-lieu for not providing on-street parking in the Town Center and a developer may not pay a fee-in-lieu of not providing affordable housing, but instead can pay a fee-in-lieu to ARCH instead.

And for the developer of Tabit Square to think that that location could handle a 7-storey building, is ludicrous. He said he was from Bainbridge Island. It is like he hasn't even seen where his development is located. All one needs to ask him if he is aware that at that intersection of 77th Ave SE and 27th St where his development is located, traffic is always backing up there.

And with regards to the removal of mature trees. Please up the fine for removal of mature trees illegally to \$6000, rather than \$600. And also, developers should not be allowed to remove trees and think that they can plant them elsewhere if there is not enough room on their property or pay a fee-in-lieu for the removal.

I do not know if this is a Comprehensive Plan Update or a Docket Amendment or a Code Update, but please do something. And please let me know where I can see the draft language you are proposing? You all go on about how you want citizens to be involved, well, I am an example of someone who is involved, the thing is, it doesn't seem like my voice is being heard.

Sarah

Yes I did. Both paid practitioner and lay. Salim alerted me to the fact each needs separate applications. Thanks for reaching out.
Sent from my iPhone

Dan: Did you file for the Planning Commission?? If not, please do so.

From: Dan Thompson <danielc@thompson@hotmail.com>

Dear Council,

Below is a link to an article in today's Seattle Times looking at population growth in WA state. The article notes:

^aThe U.S. Census Bureau last month released its state-to-state migration data for 2023. It shows the number of folks who moved to Washington was roughly the same as the number who left.

^aAbout 212,600 Washington residents in 2023 had lived in another state one year earlier. The estimate for those who left for another state was slightly larger, at 215,300, but the difference between those two figures is well within the margin of error, so let's just call it a wash.

"These numbers look very different from the previous decade, when Washington was growing rapidly from in-migration. Take, for example, the year 2015. Washington gained about 231,000 from other states and only lost 179,000."

Several eastside cities have appealed their future housing allocations to the GMPC on the basis OFM's population estimates are so far off, and it makes no sense to upzone for people who have not come (which would be 200,000 new residents from 2020 through 2024 if OFM was correct but in fact is zero today) and probably are not coming.

My request in my last email to the council and in my public comments on the draft Comprehensive Plan is that the Plan note this discrepancy, at least in a footnote, and the Plan specifically states the council is reserving the right to appeal its housing allocations should actual population growth as determined by the U.S. Census Bureau continue to differ from OFM's estimates. Because in 2030 the 10-year census by the U.S. Census Bureau will be the applicable population determination, and my guess is it will show OFM's estimates were politically driven as were the PSRC's.

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Here are the states from which WA is gaining — and losing — residents.

[illegible]

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

From: Andrea Larson
Sent time: 2024/11/14 08:33:36 AM
To: Council
Cc: Jessi Bon; Jeff Thomas; Alison Van Gorp; Adam Zack; Deb Estrada
Subject: FW: Snoqualmie Tribe Comments- City of Mercer Island Comprehensive Plan
Attachments: image001.png Snoqualmie_Tribe_Comments-City_of_Mercer_Island.pdf

Good Morning Council,

Please see the attached comments regarding the Comprehensive Plan that were submitted yesterday by the Snoqualmie Tribe.

Thank you,

Andrea Larson, CMC

City Clerk

City of Mercer Island

206.275.7793 | mercerisland.gov

Notice: Emails and attachments may be subject to disclosure pursuant to the Public Records Act (chapter 42.56 RCW)

The City of Mercer Island utilizes a hybrid working environment. Please see the City's [Facility and Program Information](#) page for City Hall and City service hours of operation.

From: Kelsey Payne <kelsey.payne@snoqualmietribe.us>

Sent: Wednesday, November 13, 2024 12:58 PM

To: Alison Van Gorp <alison.vangorp@mercergov.org>

Cc: Jaime Martin <jaime.martin@snoqualmietribe.us>; ENR Review <ENRReview@snoqualmietribe.us>; Adam Zack <adam.zack@mercerisland.gov>

Subject: Snoqualmie Tribe Comments- City of Mercer Island Comprehensive Plan

Dear Alison Van Gorp,

Please accept these comments on behalf of the Snoqualmie Tribe pertaining to the City of Mercer Island's comprehensive plan. Let us know if you have questions or would like to follow up.

Sincerely,

Kelsey Payne

Kelsey Payne (she/her)

Water Quality Manager | Snoqualmie Indian Tribe

PO Box 969 | Snoqualmie, WA 98065

Email: kelsey.payne@snoqualmeitribe.us

Phone: (425) 414-6340



From: Sarah Fletcher <fletchsa1@gmail.com>
Sent time: 2024/11/15 05:22:47 PM
To: Salim Nice
Subject: Re: Mercer Island Comprehensive Plan Update
Attachments: image001.png image002.png image003.png image004.png image005.png image006.png image007.png image008.png
image009.png image010.png

Hello Salim, I have been corresponding directly with PSRC. Are you trying to tell me that the City did not let PSRC know that we are not an urban capacity center which PSRC told us we are? They are making out that the local governments approved it as did citizens. See the email threads.

----- Forwarded message -----

From: **Mark Simonson** <MSimonson@psrc.org>
Date: Fri, Nov 15, 2024 at 5:19 PM
Subject: RE: Mercer Island Comprehensive Plan Update
To: Sarah Fletcher <fletchsa1@gmail.com>

Evening Sarah;

Making some time now to provide some response to your follow-up questions. But honestly a lot of them involve policy and planning process questions which are outside of my normal data-centered job functions. I got some help with some of the responses – especially regarding PSRC and the VISION 2050 plan - and can refer you to staff better versed in that subject matter if you like.

Mercer Island's designation as a High-Capacity Transit Community:

[VISION 2050](#) was developed through a multi-year process with local governments, tribes, other public agencies, and residents. The plan was then adopted by PSRC's General Assembly, which includes all elected mayors and councilmembers in the region. High Capacity Transit Communities are defined under VISION 2050 as cities and unincorporated areas that are or will be connected to the regional high-capacity transit system. Because Mercer Island will have a light rail station, the city meets the definition in VISION as a high capacity transit community. VISION 2050 does include a process to make amendments to the regional geographies if circumstances have materially changed. The process is described briefly on p. 42 of the VISION 2050 plan linked earlier.

Updated Growth Targets

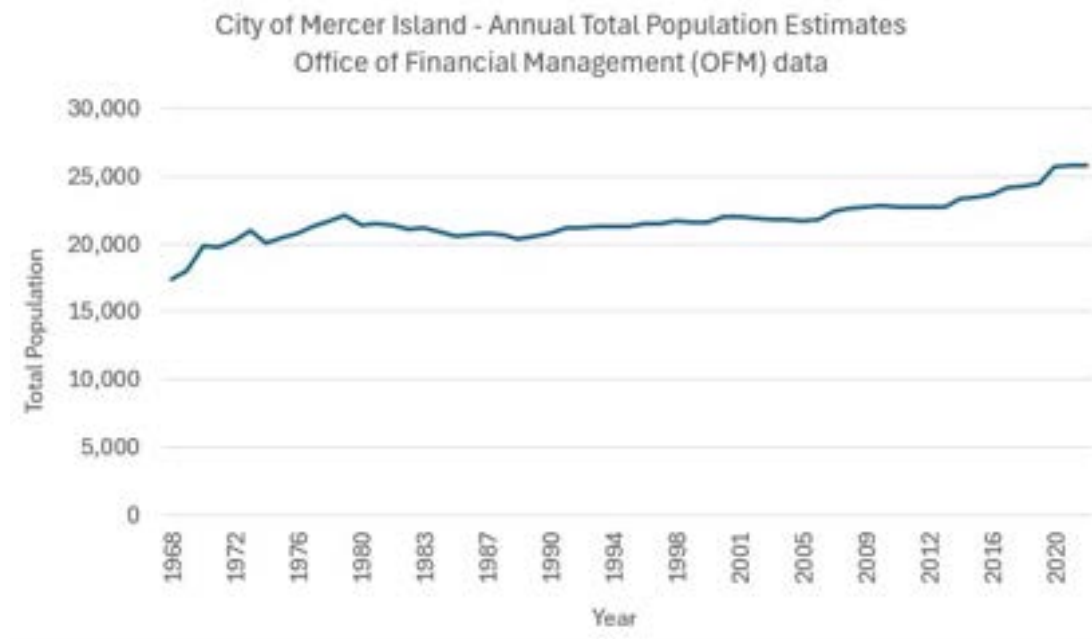
The [King County countywide planning policies](#) include specific growth targets for jurisdictions. The High Capacity Transit Communities designation is an important factor in setting targets, but targets were negotiated between the cities in that classification. Developing updated growth targets is part of the planning process – they are not adopted once and remain static. The update process brings together the county and cities to collaborate on how to accommodate the next 20 years of growth. Whether or not a city has reached its prior growth target is only one factor in that collaborative process to determine what the updated target will be. In establishing targets for individual jurisdictions, King County and its cities also considered other factors, including things like recent growth, permitted development, and access to transit.

Impacts of HB 1110:

HB 1110 is state legislation – PSRC does not have a role in establishing requirements under the bill. [Commerce](#) is the state agency tasked with working with jurisdictions to implement this state law.

Thanks for re-providing the links and the screenshots with the data. And sorry the graph I provided appeared to be missing some data points – it does include the estimates from 1968 to 2022. Not sure if it got cropped or what but I've attached it as a separate graphic for you. I agree that the most recent data estimate from one source has shown a lower number but I want to caution about over-interpreting that number – as the graph shows, annual population estimates can rise or fall over time, due to actual changes and potentially also reflecting measurement error – there's always some uncertainty around these estimates. A period of flat or no growth doesn't necessarily predict future trends – the change from 2000 to 2010 was very flat, less than 1000 people, but there was over a 3,000 person increase from 2010 to 2020.

Regards, Mark



From: Sarah Fletcher <fletchsa1@gmail.com>
Sent: Saturday, November 9, 2024 4:28 PM
To: Mark Simonson <MSimonson@psrc.org>
Subject: Re: Mercer Island Comprehensive Plan Update

You don't often get email from fletchsa1@gmail.com. [Learn why this is important](#)

Hello Mark, I really appreciate your taking the time to respond. I think the links which did not come out in the previous email can be found below.

There are a few problems though. PSRC just changed our island definition to another one without any input from Mercer Islanders? You are deeming the whole of Mercer Island as a "high capacity transit community", which we are definitely not. All it is is that there is a light rail track and two transit stations going through the north end of our island and that is it. Not even more than 10% of the whole population are forecasted to take light rail should it open, so who has the power to change our island definition? It has to be changed. I think that the PSRC made a mistake? All I am asking is how do we get this corrected?

We are updating our Comprehensive Plan and we need to get this definition correct before our city changes the code to accommodate this new definition, someone needs to go to the PSRC and let them know that we are most definitely not, nor do we

plan on ever becoming a "high capacity transit community" and you might want to know what that definition is exactly and what happens if we are not?

"For example, King County categorizes the City of Mercer Island as a "High Capacity Transit community" in its current Countywide Planning Policies (CPPs) but it used to categorize the City as an "Urban Center". The Puget Sound Regional Council (PSRC) regional plan Vision 2050 uses the same nomenclature."

Please ask the rest of the Puget Sound Council to amend the 2050 Vision and go back to deeming us an "urban center."

Since 2020, we have now lost a population of over 1,000 people. We have less than 25,000 - 24,746. So the PSRC and the Growth Management Act Hearing Board have it all wrong. As we are now below the 25,000 threshold, we should not have to comply with the Growth Management Act numbers. So how do we get our zoning changed from high capacity transit and how do we get our zoning amended so that we don't have to add anymore housing units?

The graph you sent only goes to 2012.

The thing is, if we are decreasing in population, why are we needing to add more housing, not to mention that we have already reached our targets for both King County and PSRC?

We have reached our housing units per this table as of April 1, 2020 - 10,570: [2024 Population Trends \(wa.gov\)](https://www.wa.gov) but this is what you have in the Comprehensive Plan - 9,615, so why are we having to add one more housing unit? We have reached our requirements.

[2 - LAND USE ELEMENT | Comprehensive Plan | Mercer Island, WA | Municode Library](#)

Table 8. Housing units by structure type for cities, towns and counties: April 1, 2020, and April 1, 2023 (continued)

County	April 1, 2020, Structure Type				Estimated April 1, 2023, Structure Type			
	Total	1 Unit	2+ Units	MNTR/Spec	Total	1 Unit	2+ Units	MNTR/Spec
Grays Harbor continued								
Aberdeen	7,236	4,823	2,545	368	7,271	4,840	2,549	382
Cosmopolis	712	601	41	70	726	603	47	78
Elma	1,381	921	323	177	1,432	912	323	187
Hosquiam	3,909	2,888	894	148	3,830	2,865	894	171
McClary	823	756	95	22	853	796	95	22
Montezano	1,786	1,356	344	98	1,799	1,366	346	87
Oakville	287	206	0	81	290	211	0	79
Ocean Shores	5,515	4,412	431	675	6,188	4,966	470	752
Westport	1,486	961	356	169	1,555	1,017	360	178
Island	41,922	32,683	4,968	4,754	42,678	33,153	4,681	4,844
Unincorporated	30,186	25,271	785	4,550	30,747	25,785	822	4,160
Incorporated	11,816	7,332	3,780	754	11,891	7,368	3,858	684
Coppenille	1,516	688	250	128	1,532	695	258	129
Langley	743	526	217	0	754	533	221	0
Oak Harbor	10,057	6,118	3,363	576	10,145	6,180	3,430	585
Jefferson	19,087	14,486	1,453	3,228	19,481	14,899	1,481	3,301
Unincorporated	13,395	10,189	383	2,823	13,677	10,327	369	2,981
Incorporated	5,692	4,279	1,090	305	5,804	4,372	1,112	320
Port Townsend	5,692	4,279	1,090	305	5,804	4,372	1,112	320
King	969,234	916,685	434,586	17,963	1,826,823	922,851	488,294	17,878
Unincorporated	92,508	79,189	7,960	5,809	94,329	80,046	8,808	5,777
Incorporated	876,296	437,516	426,626	12,154	926,494	442,805	471,788	12,101
Algona	1,646	824	43	181	1,661	833	47	181
Autumn (part)	28,049	15,313	10,065	2,671	28,720	15,468	10,575	2,877
Beaux Arts Village	118	118	0	0	118	118	0	0
Bellevue	64,686	32,823	31,860	8	66,316	32,929	33,381	5
Black Diamond	1,841	1,589	57	215	2,761	2,276	263	222
Bothell (part)	12,682	5,514	6,137	1,031	12,801	5,587	6,263	1,031
Burien	20,785	12,736	8,038	11	21,065	12,796	8,258	11
Carnation	814	354	64	46	854	718	90	46
Clyde Hill	1,098	1,086	12	0	1,099	1,083	16	0
Covington	7,149	6,171	904	74	7,513	6,446	993	74
Des Moines	13,222	7,789	5,225	208	13,485	7,843	5,439	203
Duvall	2,778	2,411	182	185	3,009	2,440	382	187
Enumclaw (part)	5,365	3,336	1,341	488	5,809	3,767	1,346	496
Federal Way	37,677	20,529	15,818	1,330	38,579	20,647	16,068	1,364
Hunts Point	185	185	0	0	186	186	0	0
Issaquah	17,303	8,059	9,342	2	18,000	8,222	9,778	2
Kenneth	9,589	6,088	2,754	287	9,797	6,579	2,627	291
Kent	49,157	27,352	19,823	1,852	50,382	27,796	20,737	1,865
Kirkland	40,019	22,020	17,945	54	42,956	22,337	20,567	52
Lake Forest Park	5,585	4,853	908	4	5,589	4,858	927	4
Maple Valley	9,435	8,070	814	551	9,948	8,481	916	551
Medina	1,131	1,131	0	0	1,140	1,138	2	0
Mercer Island	10,570	7,431	3,139	0	10,605	7,451	3,154	0

https://www.mercerisland.gov/sites/default/files/fileattachments/community_planning_amp_development/page/9241/gma-comp_plan_faqs_may_2024.pdf

And the King County say that we need 9,516

<https://mccmeetingspublic.blob.core.usgovcloudapi.net/mercerwa-meet-6f827fb3de734c159107786bf83dbfaa/ITEM-Attachment-001-dc80767e9c264f528834ca202d898f8a.pdf>

So, how do you get us out of having to add anymore housing units as we have reached our goal, and we are losing people and are now below the 25,000 threshold, and how do you get it that we are not deemed a High Capacity Transit Community? Is there a Mediator we can go to? What is really going to be terrible is the HB1110 coming out next June. We really need to find a way to get out of that. Please can you help us with that?

Thank you.

Sarah Fletcher

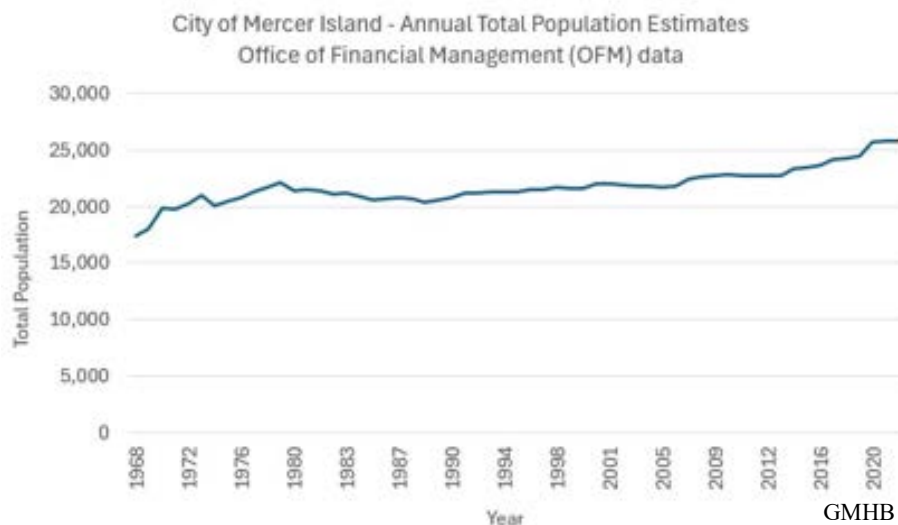
On Sat, Nov 9, 2024 at 3:05 PM Mark Simonson <MSimonson@psrc.org> wrote:

Good afternoon Sarah.

Sorry for the delay in responding, I'm making some time today to catch up. You raise a number of questions and I'll answer as best I can. My apologies in advance if this gets wordy, and if it includes details of the planning process you're already familiar with. Please note that the pictures you included in your original email did not come through, so I relied on the text and some web searches to hopefully trace the data to the correct sources.

First I want to provide some details on the land use forecasts we produce. Known as the LUV-it dataset (stands for "Land Use Vision- Implemented Targets") it is designed to be consistent with the growth plans being implemented across the region. Part of that includes the adopted growth targets in each county, where the jurisdictions collaboratively decide what portion of the projected growth by county each will plan for. King County's jurisdictions adopted [updated targets back in 2023](#) – Mercer Island's housing unit growth figure from 2019 to 2044 was set at 1,239 additional units. Taking these adopted growth targets along with a number of other inputs the PSRC land use model, UrbanSim, allocates future year population, household and employment growth. (More details on the PSRC model and LUV-it forecast data can be found in this [tech memo](#) and this [data guide](#).)

You ask a good question about the monitoring of forecasts – namely, how to weigh the trajectory of short-range changes versus a long-range projection. While valuable to monitor annual trends, its important to note that annual changes can ebb and flow. The chart below is taken from [OFM's annual population estimates](#) back to 1968 – a combination of Census results and their own permit-based process of estimating in-between years. Growth has occurred over the long run, while experiencing periods of flat or even decreasing population along the way. A benefit of the modeled approach is the ability to account for more factors beyond short range change, to avoid over-adjusting for recent experience.



PSRC does update forecasts on a regular basis, with the schedule dictated by project needs and planning cycles. We are currently planning on an updated version of LUV-it in 2026.

I also want to add some explanation around the numbers you cite. The Census estimate of 24,742 appears to be taken from the Bureau's [Population Estimates Program](#). Its one of several sources for current year estimates. I compiled a few in this table below, including those from another Census product, the American Community Survey, and the previously-referenced OFM estimates. There's some differences in the absolute totals and trajectories among the Current Year Estimates data sources which circles back to being cautious about making too many inferences about long range projections with short-run observations. Also in this table I included the LUV-it data in 2 separate columns to clarify the 26,036 figure is a projection for 2025 from our modeling work that started with a 2018 set of estimates. (The 2020 is a modeled output as well). We will need a few more years of data observations before being able to evaluate that 2025 projection.

Year	Current Year Estimates			LUV-it Dataset	
	Census PEP	Census ACS	OFM April 1st Estimates	Base Year	Model Forecast Years
2018				24,245	
2019					
2020	25,747	25,820	25,748		25,527
2021	25,345	25,506	25,790		
2022	25,026	25,464	25,780		
2023	24,742		25,800		
2024			25,830		
2025					26,036

I also want to touch on the housing unit counts you have in the last paragraph. I did some searching around and believe the [source for of the 9,615 housing units in 2030](#) is the original (current) housing growth targets developed back in I think 2010 or 2011, and established the amount of growth each jurisdiction needed to plan for out to 2031. Growth targets are required to be updated on a schedule laid out in the Growth Management Act guidelines (I believe 10 years). The 2023 update replaces the earlier figures – the process is essentially repeated, and the county and cities again collaborate on how much growth each jurisdiction needs to plan for to accommodate the expected growth over the next 20 years, informed by updated assessments of existing housing and land development capacity. From the city's [Housing Needs Assessment](#) report, that updates Mercer Island's numbers to be 10,473 housing units in 2019, and coupled with the adopted growth target from 2019-2044 of 1,239 units, a year 2044 total of 11,712 units. In short, to the best of my knowledge the prior target does not play a significant role in establishing the new growth target.

As to the planned densities in the Town Center area, I'm not the best person to comment of the specific densities allowed by the current development regulations. A staff person from the city would be the best resource there.

Hope this provides some useful answers to your questions, happy to circle back on any follow-ups. Regards, Mark

Mark Simonson (he/him/his)

Program Manager

Puget Sound Regional Council

Phone (206) 971-3273

msimonson@psrc.org

www.psrc.org



From: Sarah Fletcher <fletchsa1@gmail.com>
Sent: Wednesday, October 30, 2024 6:08 PM
To: Mark Simonson <MSimonson@psrc.org>
Subject: Mercer Island Comprehensive Plan Update

You don't often get email from fletchsa1@gmail.com. [Learn why this is important](#)

Hello, we are in the process of updating our Comprehensive Plan, but the Puget Sound Regional Council's urban SIM guide is off and not realistic.

The population figure is wrong in the draft, it has that the population is **26,036**, but according to the latest US Census data, we have a population of **24,742**. So, as there has been a decrease in population, does Puget Sound Regional Council adjust their projections? Or what can we do to get it that the housing unit requirements are lessened? How many housing units do you have down for Mercer Island as of 2024? And where are you finding the information?

"The total number of housing units is expected to increase by 1,239 from 2024 to 2044. This would be a growth rate of approximately 62 dwelling units per year. During that same period, the PSRC projects that the population will increase by 1,880 people; 94 people per year.

but if you go onto the latest US Census, it has a population of **24,742**, a decrease of over 1,000 people. The trajectory is that Mercer Island is losing more and more people each year not increasing our population like PSRC is trying to make out.

And this is what I get from Bing:

How many units per acre in the Town Center are allowed?

The average allowed density in the City of Mercer Island is more than 6.2 dwelling units per acre. This figure is based on the proportional acreage of each land use designation (or zones) that allows residential development, the densities permitted under the regulations in place today for that zone, and an assumption that the average practical allowed density for the Town Center is 99.16 units per acre. Since there is no maximum density in the Town Center and density is controlled instead by height limits and other requirements, the figure of 99.16 units per acre represents the overall achieved net density of the mixed-use projects in the Town Center constructed since 2006.

And if I do a Bing search, it says that there are **10,514 housing units** on Mercer Island, but this table is showing there to be **9,615 by 2030**, so doesn't it sound that we have already met our requirements.

Please let me know where we stand and how we can get out of having to add more housing units when we seemed to have reached our required amounts. Thank you.

Sarah Fletcher

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From: Sarah Fletcher <fletchsa1@gmail.com>
Sent time: 2024/11/16 07:05:33 AM
To: Jessi Bon; Jeff Thomas; Adam Zack; Council; Planning Commission
Subject: AB 6576 Comprehensive Plan Periodic Update and HB 1220

Hello, I am sorry, but do you just not picture what traffic is like along 27th St in the Town Center especially where Walgreens and Tabit Square are located, and yet, here on the map, you are showing that area along 27th St as being permitted to go up 5 storeys.

And were you not listening to the owner of Tabit Square when, at the meeting, he was asking you to allow him to pay a fee-in-lieu to have a taller building? So, tell me, how does anyone in their right mind think that the area along 27th St marked in blue on the map could have five storey buildings when traffic along there is already bad? It is nuts.

And next, you will be telling us that they don't have to allow parking for residents as they have light rail right nearby.

I am sorry, that section along 27th St should not be allowing 5 storey buildings. Period. It is all very well that you are just putting it in the Comprehensive Plan to show that you have a plan for additional housing, but now, let's say that you allow that owner/developer of Tabit Square his 7 storey building and allow him to just pay a fee-in-lieu to ARCH which does not even help me or anyone else who is low income on the island. There is no benefit for us to allow 5 storey buildings along 27th St so I respectfully ask that you just have the guts to shelve that plan. You have already messed up when it came to the Baskin Robbins property. You should never have allowed that to not be commercial.

So all I am asking is that you picture what it would really be like to have 5 storey buildings along 27th St between 77th Ave SE and whatever the roadway is where Tabit Square is. How would vehicles enter and exit the underground parking and there is supposed to be onstreet parking in the Town Center. Where exactly would they be putting the onstreet parking for their 5-storey development? That was the one requisite in the Code that in the Town Center, they must have onsite parking. So when you are approving the heights, picture it, where would the onsite parking go exactly?

And the Fire Marshall has he approved a 5-storey building where Tabit Square is with underground parking? It is not a very large space really. You might want to check with him as to what he thinks. And you are not thinking of pedestrian scale or how these tall buildings would fit in with the neighboring buildings.

And no-one has answered me. How do we make it that an owner/developer is not allowed to pay a fee-in-lieu for not providing onstreet parking, for wanting higher storey buildings and not providing affordable housing and to not allow mature trees to be cut down, and that recreation areas cannot just be removed and replaced with a paved structure or that the owner/developer can just do some vegetation management in a nearby park or in which the developer/owner can just pay a measly fee-in-lieu. I am thinking of the Old Boys and Girls Club, how they were allowed to do what they could and offer something or other at Secret Park. Or how the owner/developer asked to pay a fee-in-lieu instead of offering affordable housing. How does that help Mercer Islanders exactly? The whole point of our allowing the higher densities in the Town Center is for affordable housing on the island, not elsewhere. Please come up with language somewhere which makes that clear.

Thanks.

From: Sarah Fletcher <fletchsa1@gmail.com>
Sent time: 2024/11/16 08:11:25 AM
To: Jessi Bon; Jeff Thomas; Adam Zack; Council; Planning Commission
Subject: Re: AB 6576 Comprehensive Plan Periodic Update and HB 1220

The situation as I see it is that you all think that you are updating the Comprehensive Plan just to show the GMA that you are planning for additional growth, but the investor/developer does not know that, so all he sees is that the City is allowing a 5-storey/7 storey, he wants to develop the property to make maximum profit. You see, no-one thinks to let the investor/ developer know that this is just being put into the Comprehensive Plan for other reasons. How do you make sure that whoever purchases a property in the Town Center that it is not really for them to add a 5-storey building, but that it is just to show that the City has planned for the additional growth? This is where the problem lies.

On Sat, Nov 16, 2024 at 7:05 AM Sarah Fletcher <fletchsa1@gmail.com> wrote:

Hello, I am sorry, but do you just not picture what traffic is like along 27th St in the Town Center especially where Walgreens and Tabit Square are located, and yet, here on the map, you are showing that area along 27th St as being permitted to go up 5 storeys.

And were you not listening to the owner of Tabit Square when, at the meeting, he was asking you to allow him to pay a fee-in-lieu to have a taller building? So, tell me, how does anyone in their right mind think that the area along 27th St marked in blue on the map could have five storey buildings when traffic along there is already bad? It is nuts.

And next, you will be telling us that they don't have to allow parking for residents as they have light rail right nearby.

I am sorry, that section along 27th St should not be allowing 5 storey buildings. Period. It is all very well that you are just putting it in the Comprehensive Plan to show that you have a plan for additional housing, but now, let's say that you allow that owner/developer of Tabit Square his 7 storey building and allow him to just pay a fee-in-lieu to ARCH which does not even help me or anyone else who is low income on the island. There is no benefit for us to allow 5 storey buildings along 27th St so I respectfully ask that you just have the guts to shelve that plan. You have already messed up when it came to the Baskin Robbins property. You should never have allowed that to not be commercial.

So all I am asking is that you picture what it would really be like to have 5 storey buildings along 27th St between 77th Ave SE and whatever the roadway is where Tabit Square is. How would vehicles enter and exit the underground parking and there is supposed to be onstreet parking in the Town Center. Where exactly would they be putting the onstreet parking for their 5-storey development? That was the one requisite in the Code that in the Town Center, they must have onsite parking. So when you are approving the heights, picture it, where would the onsite parking go exactly?

And the Fire Marshall has he approved a 5-storey building where Tabit Square is with underground parking? It is not a very large space really. You might want to check with him as to what he thinks. And you are not thinking of pedestrian scale or how these tall buildings would fit in with the neighboring buildings.

And no-one has answered me. How do we make it that an owner/developer is not allowed to pay a fee-in-lieu for not providing onstreet parking, for wanting higher storey buildings and not providing affordable housing and to not allow mature trees to be cut down, and that recreation areas cannot just be removed and replaced with a paved structure or that the owner/developer can just do some vegetation management in a nearby park or in which the developer/owner can just pay a measly fee-in-lieu. I am thinking of the Old Boys and Girls Club, how they were allowed to do what they could and offer something or other at Secret Park. Or how the owner/developer asked to pay a fee-in-lieu instead of offering affordable housing. How does that help Mercer Islanders exactly? The whole point of our allowing the higher densities in the Town Center is for affordable housing on the island, not elsewhere. Please come up with language somewhere which makes that clear.

Thanks.

From: Dan Thompson <danielthompson@hotmail.com>
Sent time: 2024/11/18 12:24:10 PM
To: Council
Cc: Jeff Thomas; Jessi Bon; Molly McGuire
Subject: Re: AB 6577: 2025 Annual Comprehensive Plan and Development Code Amendments Docket
Attachments: 20241118110324302.pdf

Dear Council, on 10-2-2024 I forwarded the email at the end of this email with my initial impressions of this year's proposed code docket. The link to the Let's Talk site is [2025 Annual Docket of Proposed Comprehensive Plan and Development Code Amendments | Let's Talk Mercer Island](#) (each proposed amendment is linked to on the right hand side of the first page with a link to a chart summarizing the proposed amendments).

This email is to describe the process before the planning commission and to provide further detail on some of the amendments.

1. PROCESS BEFORE THE PLANNING COMMISSION.

The Planning Commission Never Made A Motion Or Held A Vote On Its Recommendation.

Attached to this email is an email exchange dated 10-24-2024, the day after the public hearing, between Chair Battazzo and Alison Van Gorp. noting the PC neglected to make a formal motion and hold a vote on its recommendation to the council. Instead, they decided to bundle individual motions as a recommendation.

Although this PC has been pretty lax about Roberts Rules Of Order in the past, I am not sure this is legal for a public hearing under the open public meetings act. As discussed below, I don't think the council should give any consideration to the PC's recommendation anyway, but I am unsure whether the council even has the jurisdiction to consider a recommendation that was never formally moved and voted on in public by the PC.

This may be why the proposed Resolution to the council appears to recommend the council add ALL proposed amendments to the 2025 docket. [ITEM-Attachment-001-99d4b7abe1974632b624da62e05fff75.pdf](#).

This was the PC's last meeting, so the council may have to continue this docket to the new PC in January 2025.

The Council Should Not Give The Planning Commission's Recommendation Any Deference Or Consideration.

Only three planning commission members participated, all by Zoom (I have been told the PC and staff made an informal agreement among themselves several months ago to hold all meetings via Zoom although the meetings have been hybrid for over a year). Citizens appeared in person, and there were two staff at the MICEC (city clerk and videographer) and two via Zoom (Alison Van Gorp. and planner Molly McGuire).

To say the PC was disinterested (and some still aggrieved at being reconstituted) would be an understatement. As Ms. Van Gorp. notes in the attached email, *"Thanks for running such an efficient meeting last night -- it was the quickest docket review in the last five years, by a fairly large margin!!"*.

Nearly every vote was 2-1 with Adam Ragheb the one vote, although Ragheb was in the minority repeatedly when drafting the comprehensive plan and turned out he was correct.

Plus I don't think whoever prepared staff's report to the Planning Commission was familiar with this process in the past.

INDIVIDUAL PROPOSED AMENDMENTS.

Amendments 10-14.

Here is a link to the chart summarizing the 15 proposed amendments.
[755206050b67b84bed2160e839bdb89a_2025_Docket_Proposal_Summary.pdf](#).

My amendments were listed as 10-14, and were filed last year. Staff's report recommended the PC not recommend them to be added to the docket, and not surprisingly the PC did not vote to add them to the docket.

But as Molly McGuire pointed out, all five were added to the docket last year (based on council direction in March 2023, and the fact the city co-sponsored all five amendments for the 2024 docket except the CPD did not have time to review any amendments in 2024).

My amendments go to the issues I have raised over the Comprehensive Plan, namely how to draft development regulations that implement HB 1110 and 1337 while implementing the council's goals and policies in the Comprehensive Plan that Mercer Island remain principally a low density community and a single family (dwelling) residential community.

These development codes will need to ensure:

1. Multiple dwellings do **not** receive a GFAR bonus over a SFH home. Whether 1, 2, 3, or 4 dwellings on a lot the total GFAR is the same, as do the other regulatory limits.
2. Any additional dwellings on a SFH lot above a single family house must have an affordability mandate, no different than multi-family in the town center under 1220. This includes ADU's and DADU's. This is consistent with Housing Element 5.5.
3. Parking minimums must be at the maximum allowed (although now uncovered).
4. Any "affordable" dwelling on a SFH lot used to increase the number of dwellings under HB 1110 be no smaller than any other dwelling on the lot to prevent builders from building one 220 sq. foot affordable dwelling and three 1000 sf non-affordable units.

The CPD and next PC and council will have to revisit the RDS next year in order to implement 1110 and 1337 so now is the time to add (or re-add) these amendments to the docket.

Amendment 1.

This was proposed by the attorney for the JCC and Hertzl, but in her private capacity, although the only property I think it would apply to is the JCC because I don't think any other CUP exceeds the regulatory limits under the 2017 RDS.

According to staff's summary, **"This amendment would exclude "exterior alteration" of non-single-family nonconforming structures outside of the Town Center from the determination of nonconforming status during a remodel and add the definition of "enlargement" to the definitions section".** Not surprisingly, the PC recommended this proposed amendment.

This is more complicated than I originally thought in my comments on 10-2-2024.

This would only apply to non single-family structures outside the TC.

There are two competing considerations:

1. When the RDS was rewritten in 2017 it reduced maximum GFAR and removed deviations for lot coverage, so some structures became "non-conforming". The code wanted to allow these non-conforming structures to be able to remodel without increasing their non-conforming regulatory limits.
2. At some point the code wants these out-of-scale non-conforming structures to be replaced with structures consistent with the RDS and surrounding properties. The city did not want someone to maintain a small part of a wall and build an entirely new house or structure under its old GFAR.

To that extent, the code limits the amount a non-conforming structure can be "remodeled": *an intentional exterior alteration or enlargement of the structure over any three-year period that incurs construction costs in excess of 50 percent of the structure's current King County assessed value as of the time the initial application for such work is submitted;* MICC 19.01.050(D)(3).

This amendment claims that rising assessed land values, lower assessed properties on older construction, and the rising

costs of construction means 50% of assessed value means closer to 10% of 20% of the structure's actual exterior or GFAR.

What this amendment fails to note is the JCC is the only CUP that not only exceeds the 2017 RDS regulatory limits, but even the regulatory limits under the pre-2017 RDS, so in some ways this is a spot zone regulation. The proponent suggests the code meant 50% of assessed value meant 50% of the total GFAR could be remodeled in any three-year window, but I am not so sure.

Amendments 8 and 15.

These basically proposed view protection in the single-family zone from hedges that are over 12'. Both proponents made very compelling cases with very good visuals. Apparently, Yarrow Point does this, and some HOA's on Mercer Island. I just don't know how it would work so have no opinion.

Amendment 7.

This was proposed by Dan Grove. As noted in my 10-2-2024 email I fully agree with this proposed amendment, and think the council made a serious mistake at the end of a long meeting last year putting this on the docket but not the city's proposed amendment that is based on Jeff Thomas' administrative interpretation which is just what was in the 2017 RDS rewrite.

Amendments 5 and 6.

These were proposed by Matt Goldbach. For some reason the JCC thinks they are bad for the JCC but I don't see that at all.

Amendment 5 would prohibit a property zoned TC, CO, B or PBZ from using a CUP on a residentially zoned property for TC/CO/B/PBZ uses, which just then extends these zones into the SFH zone.

This amendment goes to Hertzl's B zone property. Hertzl requested the council add schools as a use to the B zone based on a bucolic one-story school with playground and parking. The CPD recommended the council include some regulatory limits for schools in the B zone but the council failed to heed that recommendation.

Instead Hertzl is now proposing a three-story mixed office/school complex with ALL its parking on Hertzl's residentially zoned property together with the playground through a CUP on Hertzl's property next to the B zone property. (One irony is this process has revealed Hertzl has never had a CUP for its residentially zoned property and synagogue and will need to apply for a master CUP before it can apply for a sub-CUP).

This application is before the CPD right now, and I am not even sure the current code would allow this, in part because it makes the French American School CUP non-conforming, but in any case the council should make it clear that a property zoned TC/CO/B/PBZ can't use residentially zoned properties for its required regulatory limits like parking or playground through a CUP.

Amendment 6 would simply add the legal requirements for a site-specific rezone to the code. Jeff Thomas has made it clear the CPD will need to obtain an outside legal opinion on whether the JCC's application to rezone to CO is legal, as required by the code.

Those legal requirements will be applied by a superior court if there is an appeal under LUPA whether they are in the code or not. It makes sense to me that the applicant, CPD, PC, Council and citizens know what the criteria are, because my legal research suggests the JCC rezone is not a legal site specific rezone and we have all spent years pursuing this when if the code contained the legal criteria all parties would have saved a lot of time, money and political aggravation pursuing an illegal site-specific rezone.

As long as the city is going to spend the money on an outside attorney (once again) for this proposed site specific rezone we might as well add the findings and legal requirements to the code for the next applicant.

Thank you.

Daniel Thompson

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

Reply all

Forward

To: council@mercergov.org

Cc: Molly McGuire; planning.commission@mercercisland.gov; jessi.bon@mercergov.org

Wed 10/2/2024 12:44 PM

[2025 Annual Docket of Proposed Comprehensive Plan and Development Code Amendments | Let's Talk Mercer Island \(mercergov.org\)](#)

"Not any blockbusters like rezoning the JCC this year. The CPD did not accept any suggested amendments of the Comp. Plan and instead told citizens to do that through comments on the council's draft plan.

"Two proposed amendments — Haley and White — want to limit hedge heights between houses to 12', unless both neighbors agree, analogizing limits on fence height. That could be tough because of pre-existing hedges. At the same time, some laurel hedges (like mine) are over 20' (although the neighbor likes it). But like Arborvitae if you top it you create a much denser hedge, so a catch-22. This is probably best dealt with between neighbors, not the code. After all, what is a hedge and what is a tree.

"Jessica Clawson, the attorney for the JCC and other CUP's, wants to allow exterior remodels of CUP's in the R zone that don't enlarge the building. This actually makes sense since so many today are non-conforming after the 2017 code rewrite and unauthorized expansion over the years.

"I have my usual five. I don't know why the PC and council have not adopted my suggestion to reduce maximum ceiling height from 12' to 10' before counting against GFAR just based on the climate action plan. The PC spent a lot of time on the Comp. Plan trying to reduce house size to reduce carbon emissions except it reduced livable GFA (or GFAR) when MI already has one of the lowest GFAR's. But an extra 2' of ceiling height before counting as GFA creates 20% more house volume without creating any new livable area (unless you are a bird) and this 20% is the most intensive to heat and cool. Considering the reconstitution of the PC I may not be their favorite this year.

"Also now that covered parking requirements have been eliminated due to state law it makes no sense to allow houses under 3000 sf to have only two parking stalls (one covered in the old code) since the original goal in 2017 was to allow these "smaller" houses to have one covered parking stall to allow more GFA for housing. Plus recent changes to state law allow a house to use the driveway as a parking stall in many cases.

"Adam Ragheb has refiled his proposed amendment from last year requiring any house under 3000 sf to have at least two parking stalls (already required) but with EV charging capabilities.

"Goldbach refiled his two suggestions from last year that prohibit rezoning R zoned property, or in the alternative prohibit a CUP from applying to rezone R zoned property. He also has two new interesting amendments:

"1. Amending the code to set out the specific criteria so that a site-specific rezone is a not an illegal spot zone. This makes sense. The applicant and council need to know what the criteria are before an appeal to the superior court — which will apply legal criteria whether the code does or not — so they can draft an application that addresses the criteria and build a record for an appeal. I also think the CPD has to obtain an outside legal analysis of any application for a site specific rezone to address both traffic levels of service and whether the site specific rezone is an "illegal" site specific rezone, the language in the code, so the code should set forth the legal criteria.

GMHB Exhibit #308 - 0332

"2. Prohibit property zoned TC, CO, B or PBZ from using a CUP on an adjacent residentially zoned property for TC, CO, B or PBA uses such as parking or playfields. This is consistent with the council's 2021 amendment that prohibits a CUP from using adjacent residentially zoned property not part of the CUP for CUP uses unless the CUP is reopened completely. The intent of both is to prevent creep into the residential zone. This issue came up with the building permit Hertzl filed that shifts all onsite parking for the B zoned property and the playground to Hertzl through a CUP. The problem though is I don't think Hertzl (or even the CPD) understood that would require a permanent easement running with the land on the Hertzl property for any B zone uses to avoid what is happening with Hertzl's plan: the CUP for the FAS becomes non-conforming because parking for the FAS is on Hertzl's property, which will go away if the B zoned property is allowed to use that parking instead.

"Finally, Dan Grove filed a proposed amendment that basically would adopt the CPD's suggested amendment from last year re: measuring facade height on steep slopes. I agree with this, and it was a huge issue during the 2017 code rewrite, and this was one thing Dan Grausz got right. Last year Craig Reynolds and a majority instead opted for a developer proposed suggestion that codified allowing facade modulation to circumvent the rule on facade height and defeat the massing these overly tall facades create for anyone downhill, in 2017 primarily the East Seattle community. The discussion for this came at the end of a long night and did not get the consideration it should have. Jeff Thomas is right on this.

"Finally I would like to commend Molly. She was very helpful in educating those who wished to submit proposed amendments about recent changes to the code or state law, and was very pleasant to work with".

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Phone: (206) 622-0670
Fax: (206) 622-3965

From: Dan Thompson <danielphompson@hotmail.com>
Sent time: 2024/11/18 03:36:48 PM
To: Salim Nice
Subject: Fw: 2024 November Planners' Newsletter

See below.

[State-of-Washingtons-Housing-Report-2024.pdf](#) According to this report the OFM has state population over 8 million and notes King Co. alone will need over 300,000 new housing units and the state as a whole over 500,000 when the U.S. Census Bureau shows WA state population grew from 7,705,267 in 2020 to **7,812,880 in 2023**. [U.S. Census Bureau QuickFacts: Washington](#)



U.S. Census Bureau QuickFacts: Washington

Frequently requested statistics for: Washington

www.census.gov

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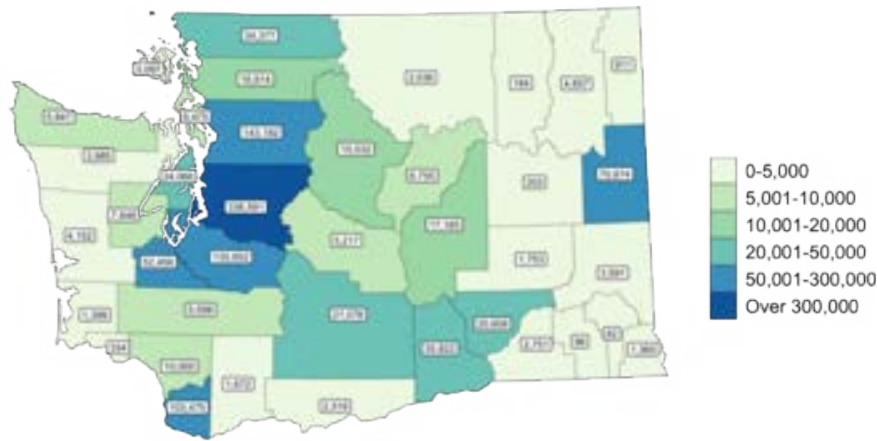
From: Washington State Department of Commerce <WASateCommerce@public.govdelivery.com>
Sent: Monday, November 18, 2024 3:20 PM
To: danielphompson@hotmail.com <danielphompson@hotmail.com>
Subject: 2024 November Planners' Newsletter

Having trouble viewing this email? [View it online](#)



NOV. 18, 2024

2024 November Planners' Newsletter



Housing needs for Washington counties through 2044

New report offers insight into Washington's housing landscape

The Washington Center for Real Estate Research at the University of Washington has published [The State of the State's Housing 2024: Supply and Affordability in Washington State \(PDF\)](#). The report gives an overview of housing in Washington, focusing on recent legislation, demographic and economic conditions, homeownership, house prices, apartment rents, housing affordability, and homelessness.

Key findings in this year's report include:

- After a decade of steady increases, the price of the median house in Washington leveled off between 2022 and 2024.
- A surge in new construction slowed rent growth to an average of 3.6% annually from 2022 to 2024.
- Nearly half of renter households pay more than 30% of income on housing costs.

Washington's median household income reached \$99,000 in 2024, up 18% in three years.

The 2024 report also provides a review of the Buildable Lands reports prepared by seven counties in preparation for the current round of comprehensive plan updates.

Help shape the Comprehensive Plan Implementation Progress Report

Keeping the comprehensive plan centered in local decision-making is essential for effective implementation. Commerce is beginning work on the implementation progress report, as outlined in [RCW 36.70A.130\(9\)](#), and we want your input to ensure it captures both the challenges and successes in your community.

Please consider sharing details or links to help shape the implementation progress report. [Complete this form](#) to share your input.

Public outreach will begin in early 2025, and we're eager to hear your perspectives during this important process.

Remember to sign Periodic Update Grant contracts

Award notifications and instructions for the Periodic Update Grant (PUG) have been sent to counties and cities with updates due in 2026. **Jurisdictions awarded grants for 2026 updates must sign their Year 1 contracts by Jan. 24, 2025.** Once signed, these jurisdictions can request reimbursement for all eligible work outlined in the PUG grant agreements.

For questions or assistance, please contact Contracts Coordinator [Ashley Murphy](#).

Housing Updates

New housing laws may soon preempt local codes

Several state-level preemption clauses impacting infill housing development were enacted during the 2023-24 legislative sessions. These affect areas such as middle housing, accessory dwelling units, and the conversion of commercial buildings to multifamily and co-living spaces. On specified dates, state codes will preempt and supersede local codes unless jurisdictions adopt consistent regulations.

To explore available options as your jurisdiction approaches these statutory deadlines, please review our [Preemption Fact Sheet \(PDF\)](#).

MFTE has helped create 6,000 housing units

The Multi-Family Housing Property Tax Exemption (MFTE) incentivized the creation of nearly 6,000 housing units in 2023 with a total development value estimated at \$1.8 billion across 67 projects.

Those are just some of the takeaways from the latest MFTE annual report.

[View MFTE Annual Report \(PDF\)](#).

The MFTE provides a property tax exemption in exchange for the development of multifamily and affordable housing in designated “residential targeted areas.” Across the state, 58 jurisdictions now offer MFTE programs.

The report also details a 22% decrease for MFTE projects in 2023, which is in line with the decrease in overall housing starts across the state – likely due to higher interest rates and construction costs.

LEARN MORE

CHIP sees high demand for remaining funds

The Connecting Housing to Infrastructure Program (CHIP) saw significant demand in the latest application round that closed Oct. 31.

Cities, counties and public utility districts from across the state [submitted 62 applications requesting a total of \\$48 million \(PDF\)](#). The program has \$12.7 million remaining for the 2023-2025 biennium.

READ MORE

Proportionate impact fee study gets underway

Commerce has selected Harris & Associates, Inc. to develop guidance on calculating proportional impact fees. Under [RCW 82.020.060\(1\)](#), local governments and utilities must adopt a schedule of proportional impact fees within six months of their periodic update.

Commerce is seeking participants for a workgroup running from January to March 2025, and engaging reviewers as well. If you are interested in participating as a stakeholder or reviewer, please send your contact information and experience to Lilith.Vespier@commerce.wa.gov by Dec. 15, 2024.

We're hiring!

The Local Government Division is hiring for two positions on the housing team:

Middle Housing Planner: This position will work with other members of the housing team to provide comments on comprehensive plan and regulatory changes related to housing for the periodic update, manage housing contracts, train growth management staff to address housing topics, and work with consultants to develop support materials for local government as they conduct housing work. This position will also analyze legislation related to zoning, fee structures and planning for housing.

Assistant Housing Planner: This position provides technical and financial assistance on growth management planning and implementation for housing to cities and counties. This position uses expertise in the principles, practices and techniques of land use as detailed in the Growth Management Act (GMA). This position will analyze proposed local comprehensive plans, regulations and incentives related to GMA housing implementation, periodic update and grants, especially related to planning for the lowest income segments.

Explore these and more positions at Commerce on the [Washington state job board](#).

Outside of Commerce

New Federal Flood Risk Management Standard now in effect

The [Federal Flood Risk Management Standard \(FFRMS\)](#) is a new regulation that all federal agencies and federally funded projects must meet to improve resilience against current and future flood risks. Effective Sept. 9, 2024, this standard requires federal agencies to establish specific dimensions—height, width and scope—for federally funded buildings or projects to address potential flood hazards, as outlined by FEMA.



Important to note is that the FFRMS applies to all federal agencies and

GMHB Exhibit #308 - 0337

therefore will apply to Housing and Urban Development projects and Federal Housing Authority mortgages.

Starting Jan. 1, 2025, properties in the special flood hazard zone must have a lowest floor elevation at least 2 feet above base flood elevation to qualify for FHA loans. Communities without a 2-foot freeboard requirement in their floodplain regulations may face limitations on homeownership opportunities, per the [Association of State Floodplain Managers](#).

For more information, see the “Resources” section of Ecology’s [recent newsletter on the impacts of the FFRMS](#).

Ecology to accept applications for Flood Control Assistance Program starting Jan. 1

As the rainy season returns to Washington, communities statewide are reminded to prepare for potential flooding—a natural hazard that incurs greater costs here than any other. Established by the Legislature in 1984, the [Flood Control Assistance Account Program \(FCAAP\)](#) provides critical funding to help local governments plan for and mitigate flood risks.



Ecology will begin accepting applications for FCAAP 2025-2027 planning grants Jan. 1, 2025. Funding and applications for emergency flood response projects will also be available from July 1, 2025, to June 30, 2027. Ecology anticipates the Legislature will appropriate approximately \$1.5 million for all FCAAP projects.

Ecology recently expanded the range of eligible activities and added federally recognized tribes as eligible applicants for this grant program. See Ecology’s [Guide for Flood Hazard Management Planning](#) for details.

Ecology welcomes Sam Weinstein to SEA program

Sam Weinstein (she/her) has joined the Washington Department of Ecology as state and federal policy manager in the Shorelands and Environmental Assistance program.

Sam will coordinate the program’s legislative and policy efforts, lead federal legislative issues, and engage with interested parties across various environmental sectors. She will also serve as the Department’s Growth Management Act coordinator, ensuring that new and existing initiatives align with Washington’s mission to protect and enhance our environment for future generations.

WGS publishes new walk-time evacuation maps

The Washington Geological Survey has published five new tsunami evacuation walk-time maps for communities along Washington’s Pacific Coast and the Strait of Juan de Fuca.



The maps are based on a tsunami that originates from a Cascadia Subduction Zone earthquake. You can click the name of a community below to view its new map as a PDF:

- [Tsoo-Yess River](#)
- [Neah Bay](#)
- [Lower Elwha Klallam](#)
- [Kalaloch](#)
- [Dungeness](#)

The maps show the tsunami inundation zone and paths of tsunami evacuation routes. Colors indicate how many minutes it takes to walk to safety from any given location within the inundation zone. The maps assume a slow walk at 2.46 miles per hour, the same pace used for the timing of crosswalks.

An interactive map through which you can access all WGS published evacuation maps is available on the [WGS Tsunami webpage](#).

Upcoming Events

Capital facilities workshop set for Nov. 20

Join Commerce on Wednesday, Nov. 20, 2024, for a virtual workshop on updating the capital facilities element of the periodic update. Hear from experts on best practices and goals for updating this element, plus planning for housing and stormwater, and other useful tools and resources.

See the [workshop flyer \(PDF\)](#) for more information.

[Register for the capital facilities workshop](#) (Zoom)

The Short Course on Local Planning

The Short Course on Local Planning offers an overview of land use planning laws in Washington, an introduction to comprehensive planning and plan implementation under the Growth Management Act, and a review of roles in planning and mandatory training on the Open Public Meetings Act for local government officials. All courses are online, free and open to the public.

Online (Zoom) courses:

- Dec.17, 2024 at 6 p.m. [Register for the virtual Short Course \(Zoom\)](#)

Ask about local presentations

Commerce also offers e-visits to local planning commissions or other meetings. Topics include, but are not limited to, comprehensive plan basics and roles in the planning process.

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Olympia, WA 98504-2525



From: Dan Thompson <danielthompson@hotmail.com>
Sent time: 2024/11/18 03:43:33 PM
To: Salim Nice
Subject: Re: 2024 November Planners' Newsletter

At the same time the OFM itself is quietly reducing growth estimates, especially for Mercer Island. Population estimates range from 25,748 in 2020 to 25,830 in 2024. [April 1, 2024 Population of Cities, Towns and Counties](#)

So why does our draft Comp. Plan use higher figures than even the OFM?

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 <danielthompson@hotmail.com>
Sent: Monday, November 18, 2024 3:36 PM
To: salim.nice@mercerisland.gov <salim.nice@mercerisland.gov>
Subject: Fw: 2024 November Planners' Newsletter

See below.

[State-of-Washingtons-Housing-Report-2024.pdf](#) According to this report the OFM has state population over 8 million and notes King Co. alone will need over 300,000 new housing units and the state as a whole over 500,000 when the U.S. Census Bureau shows WA state population grew from 7,705,267 in 2020 to **7,812,880 in 2023**. [U.S. Census Bureau QuickFacts: Washington](#)



U.S. Census Bureau QuickFacts: Washington

Frequently requested statistics for: Washington

www.census.gov

Daniel Thompson

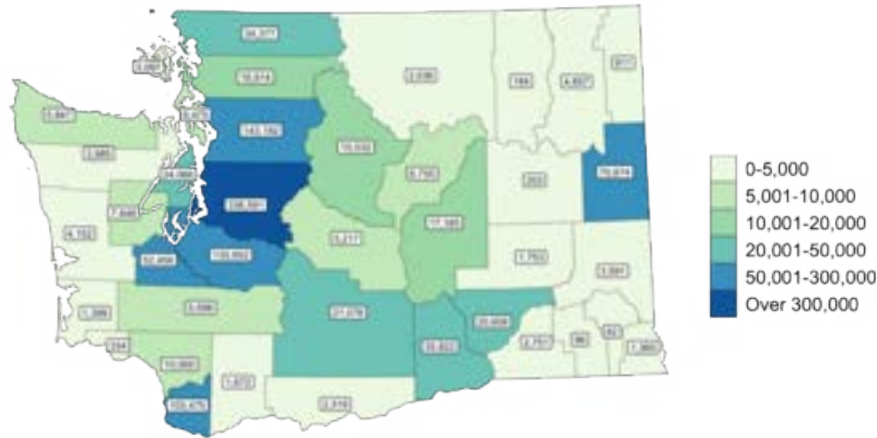
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2024 November Planners' Newsletter



Housing needs for Washington counties through 2044

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- [Lower Elwha Klallam](#)
- [Kalaloch](#)
- [Dungeness](#)

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From: Dan Thompson <danielphthompson@hotmail.com>
Sent time: 2024/11/19 01:07:07 PM
To: Council
Cc: Jeff Thomas; Jessi Bon
Subject: AB 6573: Second reading of Ordinance No. 24C-16 related to the 2024 Comprehensive Plan Periodic Update Recommended Action:

Dear Council, again thank you for all your work on drafting the comprehensive plan that will be adopted tonight. It is a very good Plan.

However, at the risk of beating a dead horse -- and acknowledging that adoption of the Plan is in the consent calendar -- **I want to re-raise my objection to using out of date population estimates for Mercer Island in the Plan.** I just think future population growth estimates from 2020 — 2040 are the big lie in all the upzoning bills.

According to the introduction in the Comp. Plan, *"Mercer Islanders can expect to see their population grow from 26,036 in 2025 to an estimated (PSRC, approximate) 27,916 by 2044"*. Even the OFM is walking back these population estimates the PSRC relied upon. Let's take a look at who is honest and who is not honest.

1. The PSRC Vision 2050 Statement was adopted in Oct. 2020 based on data from 2018 and 2019, including future population growth estimates from the Office of Financial Management. Most considered the 2050 Vision Statement obsolete on the day it was adopted because of the pandemic, work from home, and the 2050 Vision Statement neglected to consider EV's in its carbon estimates (the authors promised they would revisit the Vision after the pandemic but have not done so). I wouldn't call the 2050 Vision Statement dishonest, just obsolete, based on obsolete OFM estimates.

2. Office Of Financial Management. The OFM got a little over its skis in 2020 and predicted 1 million new residents would move to WA state by 2040. These estimates were not dishonest at the time considering past ahistorical population growth, but certainly *very* optimistic by the Inslee administration that was using population growth to support light rail, densification, TOD, and basic urbanism. **But even the OFM is walking back those estimates.** For example, the OFM 2020-2024 population estimates for Mercer Island range from 25,748 in 2020 to 25,830 in 2024, a total gain over four years of 82 residents, 206 fewer residents than in our Comp. Plan. [April 1, 2024 Population of Cities, Towns and Counties](#). So why is our Comp. Plan using 26,036 for 2025?

3. The U. S. Census Bureau. The Bureau is considered the gold standard because it is free of incentives for larger population growth (new congressional seats, federal funding, urban planning policies, access to more data). The U.S. Census Bureau shows WA state population grew from 7,705,267 in 2020 to 7,812,880 in 2023, or 107,613 residents in over three years. [U.S. Census Bureau QuickFacts: Washington](#). **Mercer Island's population as of July 2023 is estimated at 24,742.** [U.S. Census Bureau QuickFacts: Mercer Island city, Washington](#). This is 1294 fewer residents than in the Comp. Plan. As I have previously pointed out, the Bureau shows King Co. population flat from 2020 to 2023. [U.S. Census Bureau QuickFacts: King County, Washington](#). These are the most honest population estimates.

4. The Washington State Dept. of Commerce. This is the body that has become political and dishonest under Gov. Inslee, and refuses to accept accurate population estimates, even from its own OFM. The most recent Planner's Newsletter is below and still claims King Co. will need over 300,000 new housing units, relying on a report it commissioned. [State-of-Washingtons-Housing-Report-2024.pdf](#). Commerce begins with the policies it wants — upzoning, densification, TOD — and then manufactures the population growth it claims support those policies. (I would also point out that contrary to the claims in the Newsletter the MFTE has a 12-year expiration period, so in places like Seattle today more affordable units built under the MFTE are becoming market rate than new affordable units under the MFTE are being added, whereas Mercer Island's affordability set asides are permanent).

CONCLUSION.

Other cities are actually appealing their housing allocations based on these inflated future population estimates. At the very least, I think our Comp. Plan should not rely upon population estimates from the 2050 Vision Statement that even the OFM now concedes are inflated.

Ideally, we would use population estimates from the Census Bureau. As noted in the footnote to the OFM estimates,

"With the exception of corrections or updates to the federal census counts, annual estimates in this official series are not revised on the basis of other information that becomes available after the estimate date". I believe OFM's next population estimates will begin to move toward the estimates from the Census Bureau, especially under a new governor, and we will see the tragic mistake the region has made due to upzoning and displacement.

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

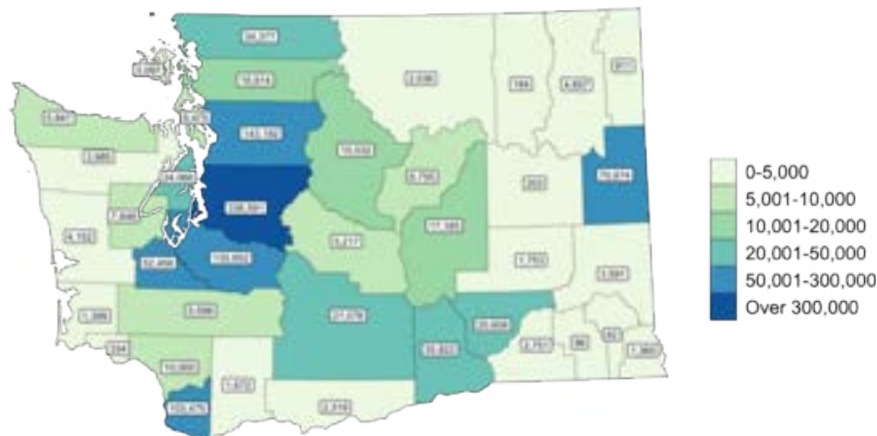
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Sent: Monday, November 18, 2024 3:20 PM
To: danielphompson@hotmail.com <danielphompson@hotmail.com>
Subject: 2024 November Planners' Newsletter

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Nov. 18, 2024

2024 November Planners' Newsletter



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GMHB Exhibit #308 - 0349

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From: Calvert, Maren L. <MCalvert@schwabe.com>
Sent time: 2024/11/19 05:20:40 PM
To: Council
Subject: public comment on Orc 24C-18 [IMAN-PDX.FID1346845]
Attachments: image001.png image002.png Mercer Island Prop. Ord. 24C-18 Alsin Comment Letter.pdf

Maren Calvert

Shareholder
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From: Sarah Fletcher <fletchsa1@gmail.com>
Sent time: 2024/11/25 07:14:12 PM
To: Jessi Bon; Jeff Thomas; Adam Zack; Council; Planning Commission
Subject: Re: AB 6576 Comprehensive Plan Periodic Update and HB 1220

Hello, I had submitted my comments and they were left off. They said only one person commented, but I had commented too. See my email. Who was responsible for not adding my comments or taking them into consideration? And now what?

Sarah Fletcher

Sarah Fletcher

On Sat, Nov 16, 2024 at 7:05 AM Sarah Fletcher <fletchsa1@gmail.com> wrote:

Hello, I am sorry, but do you just not picture what traffic is like along 27th St in the Town Center especially where Walgreens and Tabit Square are located, and yet, here on the map, you are showing that area along 27th St as being permitted to go up 5 storeys.

And were you not listening to the owner of Tabit Square when, at the meeting, he was asking you to allow him to pay a fee-in-lieu to have a taller building? So, tell me, how does anyone in their right mind think that the area along 27th St marked in blue on the map could have five storey buildings when traffic along there is already bad? It is nuts.

And next, you will be telling us that they don't have to allow parking for residents as they have light rail right nearby.

I am sorry, that section along 27th St should not be allowing 5 storey buildings. Period. It is all very well that you are just putting it in the Comprehensive Plan to show that you have a plan for additional housing, but now, let's say that you allow that owner/developer of Tabit Square his 7 storey building and allow him to just pay a fee-in-lieu to ARCH which does not even help me or anyone else who is low income on the island. There is no benefit for us to allow 5 storey buildings along 27th St so I respectfully ask that you just have the guts to shelve that plan. You have already messed up when it came to the Baskin Robbins property. You should never have allowed that to not be commercial.

So all I am asking is that you picture what it would really be like to have 5 storey buildings along 27th St between 77th Ave SE and whatever the roadway is where Tabit Square is. How would vehicles enter and exit the underground parking and there is supposed to be onstreet parking in the Town Center. Where exactly would they be putting the onstreet parking for their 5-storey development? That was the one requisite in the Code that in the Town Center, they must have onsite parking. So when you are approving the heights, picture it, where would the onsite parking go exactly?

And the Fire Marshall has he approved a 5-storey building where Tabit Square is with underground parking? It is not a very large space really. You might want to check with him as to what he thinks. And you are not thinking of pedestrian scale or how these tall buildings would fit in with the neighboring buildings.

And no-one has answered me. How do we make it that an owner/developer is not allowed to pay a fee-in-lieu for not providing onstreet parking, for wanting higher storey buildings and not providing affordable housing and to not allow mature trees to be cut down, and that recreation areas cannot just be removed and replaced with a paved structure or that the owner/developer can just do some vegetation management in a nearby park or in which the developer/owner can just pay a measly fee-in-lieu. I am thinking of the Old Boys and Girls Club, how they were allowed to do what they could and offer something or other at Secret Park. Or how the owner/developer asked to pay a fee-in-lieu instead of offering affordable housing. How does that help Mercer Islanders exactly? The whole point of our allowing the higher densities in the Town Center is for affordable housing on the island, not elsewhere. Please come up with language somewhere which makes that clear.

Thanks.

From: Suzanne Skone <s.skone@comcast.net>
Sent time: 2024/11/26 02:33:13 PM
To: Council; Jeff Thomas
Subject: Interim Regulations 2024 Comprehensive Plan Update and HB1220 Affordable Housing zoning related to 2730 80th Ave SE
Attachments: 2730 Auto Spa Letter to Council.pdf



Outlook

Futurewise Comments on the Planning Commission Recommendation for Mercer Island's Comprehensive Plan Periodic Review

From Jack Haskins <jack@futurewise.org>

Date Tue 9/3/2024 11:41 AM

To ComprehensivePlanUpdate <Comp.Plan@mercerisland.gov>; Council <council@mercergov.org>

Cc Tim Trohimovich <Tim@futurewise.org>

 1 attachment (299 KB)

Futurewise Comment Letter on Mercer Island Periodic Update Recommendation for City Council Final.pdf;

Hello,

I hope this message finds its reader in good health. Attached is a letter containing Futurewise's comments on the City Planning Commission's recommended draft for the comprehensive plan periodic update. Please notify me if you have any trouble accessing the document or any questions about the comments.

Warmest regards,



Jack Haskins (he/him)

Legal Intern

Futurewise

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September 3, 2024

City of Mercer Island
Office of Planning and Community Development
Attn: Deputy CPD Director Alison Van Gorp and Adam Zack

Dear Deputy Director Van Gorp, staff, and City Council Members:

Subject: Futurewise Comments on the Planning Commission
Recommendation for Mercer Island's Comprehensive Plan
Periodic Review

Send via email to: compplanupdate@mercerisland.gov;
council@mercerisland.gov

Thank you for the opportunity to comment on the Commission's Recommendation for Mercer Island's Comprehensive Plan Periodic Review ahead of the September 3rd City Council meeting. Overall, Futurewise supports the Commission's Recommendation for the 2024 Comprehensive Plan Update. We believe additional analysis is necessary before it can be determined that Mercer Island's housing capacity by income group is being met. Furthermore, we believe the Plan should include additional policies and mandatory provisions to achieve housing affordability and abundance. Please find our comments on these documents and their related appendices, listed below.

Futurewise works throughout Washington State to support land-use policies that encourage healthy, equitable and opportunity-rich communities, and that protect our most valuable farmlands, forests, and water resources. Futurewise has members and supporters throughout Washington State, including in Mercer Island.





Summary of Futurewise's Recommendations

- Overall, Futurewise supports the draft 2024 comprehensive plan update, but suggests improvements to the land capacity analysis and some of the proposed strategies and policies.
- More provisions are needed to provide for higher density affordable housing this including increase densities in the MF-3 comprehensive plan and zone.
- Futurewise urges upzoning around the forthcoming East Link Station walkshed to meet future housing needs and satisfy community goals.
- To maximize the impact of adding multi-family housing to the C-O zone and to increase affordability in other zones, parking requirements should be eliminated near transit and for affordable housing.
- Policies used to overcome barriers to alternative housing options should be more concrete so they can be actionable.
- The City should plan now for the public facilities needed to support middle housing and higher density housing.
- Futurewise also recommends that a financing plan in the capital facility plan identify funding so that the more affordable housing can be economically constructed in Mercer Island. The City should use funding sources other than connection charges and impact fees to fund the public facilities needed to serve housing affordable to families and individuals earning 120 percent or less of the adjusted median income.
- Land use maps should reflect future housing needs and therefore include adjustments to zoning that includes more high-density residential comprehensive plan designations and zones.
- RCW 36.70A.070 and RCW 36.70A.070(2)(c) require the housing element to identify a sufficient capacity for Emergency shelters, Transitional housing, Emergency housing and Permanent supportive housing (STEP) housing.

Comments on the Recommended Housing Element.

We recommend that Mercer Island increase the strategies for meeting capacity requirements.

RCW 36.70A.070 and RCW 36.70A.070(2)(c) provides that the housing element shall "[i]dentif[y] sufficient capacity of land for housing including, but not limited to, government-assisted housing, housing for moderate, low, very low, and



extremely low-income households, manufactured housing, multifamily housing, group homes, foster care facilities, emergency housing, emergency shelters, permanent supportive housing, and within an urban growth area boundary, consideration of duplexes, triplexes, and townhomes. The Land Capacity Analysis Supplement detailed three strategies for addressing the 143-unit capacity shortfall in multi-family and mixed-use zones: “(a) Increase Maximum Height to Permit One Additional Residential Story in Town Center; (b) Allow Multifamily Residential Use in the Commercial Office Zone; and (c) Increase Maximum Density From 26 to 30 Dwellings per Acre in the MF-3 Zone.”¹ Futurewise supports all of these options and their potential for satisfying the city’s need for affordable and diverse housing options.

The recommended draft Housing Element, however, excludes the third option. Although this strategy may not have the greatest impact of the three, Futurewise agrees with the Department’s finding that “[o]vershooting the capacity needs today can help the City prepare for growth that will occur in the years following the planning period.”² This option should be incorporated into the comprehensive plan and zoning regulations.

Futurewise also recommends that the City increase the density for the third option. RCW 36.70A.070 and RCW 36.70A.070(2)(c) provides that the housing element shall “[i]dentif[y] sufficient capacity of land for housing including, but not limited to, government-assisted housing, housing for moderate, low, very low, and extremely low-income households, manufactured housing, multifamily housing, group homes, foster care facilities, emergency housing, emergency shelters, permanent supportive housing, and within an urban growth area boundary, consideration of duplexes, triplexes, and townhomes.” In a high-cost city such as Mercer Island, densities of 30 dwelling units per acre will not be affordable to households earning 50 percent less than the adjusted median income even with subsidies. The density of MF-3 must be closer to that of the Town Center zones.

Upzoning amendments should be considered to make the East Link Station walkshed and bikeshed more accessible and to satisfy the goals of the Plan. The Growth Management Act (GMA) requires jurisdictions to place new housing in relation to employment while satisfying future needs of all economic segments of the city.³ The Washington State Department of Commerce’s (Commerce) Expanded Housing Checklist clarified that a plan’s land use map “should show higher density

¹ Mercer Island Community Planning and Development Department, *Land Capacity Analysis Supplement*, p. 23 (Dec. 2023) last accessed on Aug. 30, 2024, at: <https://letstalk.mercergov.org/comprehensive-plan-periodic-update>.

² *Id.* at p. 34

³ RCW 36.70A.070(2)(d)



housing located near employment (commercial) and/or adjacent to high quality transit if applicable.”⁴ Policy 1.9 of the Housing Element states that the City aims to “[i]ncrease housing choices for everyone, particularly those earning lower wages, in areas with access to employment centers and high-capacity transit.”⁵ Similarly, Policy 2.1 of the Housing Element says to “[s]upport the development and preservation of income-restricted housing that is within walking distance of planned or existing high-capacity transit.”⁶ The Housing Needs Assessment included in Appendix X supports this idea, as seen in Policy Consideration 1.4.⁷ Currently, the area north of I-90 and near the East Link Station disproportionately favors single-family housing and should be redesignated and rezoned as multifamily at transit supportive densities to increase transit use, increase housing affordability, and accommodate future housing capacity needs. Notably, higher density units are at a 143-unit deficit while very-low and low density capacities represent a 332-unit surplus.⁸

Adopt amendments to requirements for mixed-use and multi-family housing in the C-O commercial zone and multifamily zones to increase housing affordability and increase transit use.

The *Land Capacity Analysis Supplement: City of Mercer Island 2024 Comprehensive Plan Periodic Review HB 1220* states that “[m]ultifamily development regulations should be analyzed in the near future for potential amendments to ensure that multifamily zones can accommodate affordable housing needs.”⁹ RCW 36.70A.070(2) and RCW 36.70A.070(2)(c) provide that the housing element shall “[i]dentif[y] sufficient capacity of land for housing including, but not limited to, government-assisted housing, housing for moderate, low, very low, and extremely low-income households, manufactured housing, multifamily housing, group homes, foster care facilities, emergency housing, emergency shelters, permanent supportive housing, and within an urban growth area boundary, consideration of

⁴ Washington State Department of Commerce, *Expanded Housing Checklist*, p. 3 (Feb. 2024) last accessed on Aug. 30, 2024, at: <https://deptofcommerce.app.box.com/s/tx9v2m3jlk2rw5hdz2m3h6k9px83ootr> and at the link on the last page of this letter with the filename: “FINAL Expanded Housing Element_Checklist_240520.pdf.”

⁵ Mercer Island Planning Commission, *Recommended Draft of the Housing Element*, p.11 (June 2024).

⁶ *Id.* at p.12.

⁷ Community Attributes Inc., *City of Mercer Island Housing Needs Assessment*, p. 65 (Aug. 2022)

⁸ Mercer Island Community Planning and Development Department, *Land Capacity Analysis Supplement*, p. 17 (Dec. 2023).

⁹ Mercer Island Community Planning and Development Department, *Land Capacity Analysis Supplement* p. 36 (Dec. 2023).



duplexes, triplexes, and townhomes. Development regulations must be consistent with and implement the comprehensive plan.¹⁰ The deadline to update the comprehensive plan and the development regulations for Mercer Island is the same, December 31, 2024.¹¹ The analysis “for potential amendments to ensure that multifamily zones can accommodate affordable housing needs”¹² should be done concurrently with the comprehensive plan update the necessary amendments adopted by the end of this year.¹³

Futurewise strongly supports amendments such as the inclusion of affordable housing incentives in new C-O zone developments. However, the LCA noted traffic and price drawbacks to adding multi-family units to the C-O zone and increasing density in the MF-3 zone. Transit-oriented development types, which eliminating parking requirements can facilitate, encourage transit and other non-automobile traffic modes reducing traffic. Households living in transit-oriented developments are twice as likely to not own a car, and own roughly half as many cars as comparable households not living in in transit-oriented developments.¹⁴ Housing prices can be reduced by eliminating parking requirements. For at least the multifamily zones and affordable housing, Futurewise recommends amending the Mercer Island City Code (MICC) requirement of two parking spaces per dwelling unit and instead repeal the parking minimums.¹⁵ As the draft Economic Development Element notes, multi-family units are catered to people who typically don’t own cars.¹⁶ This tendency will likely grow more common with the opening of the East Link Station and this plan’s improvements to pedestrian transportation.

The *Land Capacity Analysis Supplement* also wrote:

- Other regulations such as maximum lot coverage and parking standards might still need amendments to support affordable housing;

¹⁰ RCW 36.70A.040(3).

¹¹ RCW 36.70A.130(5), (5)(a). The city has an additional year to update its critical areas regulations. RCW 36.70A.130(7)(b).

¹² Mercer Island Community Planning and Development Department, *Land Capacity Analysis Supplement*, p. 36 (Dec. 2023).

¹³ RCW 36.70A.130(5), (5)(a).

¹⁴ National Academies of Sciences, Engineering, and Medicine, *Effects of TOD on Housing, Parking, and Travel* p. 6 (Washington, DC: The National Academies Press: 2008) last accessed on Feb. 21, 2024, at <https://doi.org/10.17226/14179> and at the link on the last page of this letter with the filename: “14179.pdf.”

¹⁵ MICC 19.03.020(B)(1).

¹⁶ Mercer Island Planning Commission, *Recommended Draft of the Economic Development Element*, p.5 (June 2024).



- For example, the cost of providing parking spaces typically increases per-unit construction costs and residential development in the multifamily zones is required to include two parking spaces per dwelling unit (MICC 19.03.020(B)(1)). Requiring two parking spaces per unit adds to the cost of construction for any potential affordable housing in this zone[.]¹⁷

The peer reviewed literature supports the Land Capacity Analysis Supplement recommendation. A study using American Housing Survey data found that “[m]inimum parking requirements in municipal zoning codes drive up the price of housing”¹⁸ A peer reviewed study of Seattle’s parking reforms showed “that (1) minimum parking requirements constrain developers, though not uniformly; and (2) reducing requirements leads to less parking provision, and presumably cost savings for developers and lower housing prices for consumers. These findings highlight the impact that policymakers can have by reducing or eliminating off-street parking requirements.”¹⁹ “Seattle developers built 40% less parking than would have been required prior to the reforms, resulting in 18,000 fewer parking spaces and saving an estimated \$537 million.”²⁰ In addition to saving money, “parking reform can lower tax rates, revive business districts, decrease property vacancies, and allow development of fewer off-street parking spaces as property becomes available for other uses (Hess, 2017).”²¹ Removing

¹⁷ Mercer Island Community Planning and Development Department, *Land Capacity Analysis Supplement*, p. 36 (Dec. 2023).

¹⁸ C. J. Gabbe & Gregory Pierce, *Hidden Costs and Deadweight Losses: Bundled Parking and Residential Rents in the Metropolitan United States* 27 HOUSING POLICY DEBATE 217, 217 (2017) (page 2 in the enclosed version) last accessed on Aug. 15, 2024, at: <https://scholarcommons.scu.edu/cgi/viewcontent.cgi?article=1040&context=ess> and at the link on the last page of this letter with the filename: “Hidden costs and deadweight losses_ Bundled parking andresidentialia.pdf.” Housing Policy Debate is peer reviewed. Housing Policy Debate Aims and scope webpage last accessed on Aug. 15, 2024, at: <https://www.tandfonline.com/action/journalInformation?show=aimsScope&journalCode=rhpd20> and at the link on the last page of this letter with the filename: “Housing Policy Debate About this Journal webpage.pdf.”

¹⁹ C.J. Gabbe, Gregory Pierce, Gordon Clowers, *Parking policy: The effects of residential minimum parking requirements in Seattle* 91 LAND USE POLICY 104053, 104053 (Feb. 2020) last accessed on Aug. 15, 2024, at: <https://www.sciencedirect.com/science/article/abs/pii/S0264837718312870>. Land Use Policy is peer reviewed. *Id.*

²⁰ C.J. Gabbe, Gregory Pierce, Gordon Clowers, *Parking policy: The effects of residential minimum parking requirements in Seattle* 91 LAND USE POLICY 104053, 104053 (Feb. 2020).

²¹ Daniel Baldwin Hess Jeffrey Rehler, *Minus Minimums: Development Response to the Removal of Minimum Parking Requirements in Buffalo (NY)* 87 JOURNAL OF THE AMERICAN PLANNING ASSOCIATION 396, 397 (2021) last accessed on April 6, 2023, at: <https://www.tandfonline.com/doi/pdf/10.1080/01944363.2020.1864225?needAccess=true&> and at



minimum parking requirements is not just for large cities. On August 13, 2024, the City of Spokane permanently removed mandatory parking minimums, “a move councilmembers hope will spur new development.”²²

Include concrete actions, programs, and funding sources to address all barriers to alternative housing options.

The Growth Management Act in RCW 36.70A.070 and RCW 36.70A.070(2)(d) provides that the housing element shall “[m]ake[] adequate provisions for existing and projected needs of all economic segments of the community, including: ... (ii) Documenting programs and actions needed to achieve housing availability including gaps in local funding, barriers such as development regulations, and other limitations[.]”

To implement this requirements, Commerce’s Second Guidebook on the Housing Element instructs jurisdictions to include a list of barriers to affordable housing needs, including barriers to emergency housing and permanent supportive housing.²³ Actions that correspond to those barriers and are necessary to meeting housing needs must also be included.²⁴

For several of the barriers to more affordable housing options such as middle housing, permanent supportive housing (PSH), and accessory dwelling units (ADUs), the only listed action or program in Table 2 of the Housing Element is “[c]omply with statewide legislation.”²⁵ To maximize success in overcoming these barriers, actions and programs should be reasonably specific and concrete. For example, the actions listed in Table 2 intended to overcome development regulation barriers to multifamily and mixed-use units are to simplify the requirements, reduce permit review times, and consider adjustments to bulk,

the link on the last page of this letter with the filename: “Minus Minimums.pdf.” The Journal of the American Planning Association is peer reviewed. Journal of the American Planning Association Instructions for authors at the link on the last page of this letter with the filename: “JAPA Instructions for Authors June 2017.pdf.”

²² Adam Schwager, *City Council removes parking minimums for new developments* webpage (NonStop Local Multimedia: Aug. 13, 2024), last accessed on Aug. 15, 2024, at: https://www.khq.com/news/city-council-removes-parking-minimums-for-new-developments/article_def8f014-59dd-11ef-af00-b71937c8888c.html.

²³ See Washington State Department of Commerce, *Guidance for Updating Your Housing Element*, p. 50 and Appendix B (Aug. 2023) last accessed on Aug. 30, 2024, at: <https://deptofcommerce.app.box.com/s/1d9d517g509r389fomjpowh8isjpirlh> and at the link on the last page 27 of this letter with the filename: “HB 1220_Book2_Housing Element Update_230823 Final updated 231031.pdf.”

²⁴ See *id.* at 61 and Appendix B.

²⁵ Mercer Island Planning Commission, *Recommended Draft of the Housing Element*, p.4.



dimensions, and parking standards.²⁶

Futurewise supports the listed actions to address funding gaps related to income restricted units, PSH, and emergency housing. Specific state funding sources the City should consider here include the Connecting Housing to Infrastructure (CHIP) Grant, the Coordinating Low-income Housing Planning (CLIHP) Grant, and the Multi-Family Housing Property Tax Exemption (MFTE) Program.²⁷ Futurewise recommends adding a summary of funding sources like these into the plan.

RCW 36.70A.070 and RCW 36.70A.070(2)(d) require that the housing element shall document gaps in local funding. The housing element must be strengthened by identifying the programs and actions to address housing needs based on the comprehensive identification of programs and actions and local funding gaps. The identification of funding gaps is particularly important as it will enable local, county, and state policy makers to understand the housing funding needs in our communities.

Racially disparate impacts could be tied to more facets of the community.

State law requires jurisdictions to “[i]dentify local policies and regulations that result in racially disparate impacts, displacement, and exclusion in housing, including: Zoning that may have a discriminatory effect; Disinvestment; and Infrastructure availability.”²⁸ The Housing Element includes a portion on racially disparate impacts, derived from a December 2023 supplement dedicated to the subject. The supplement was made with RCW 36.70A.070(2)(f) as a guide, however this section should be expanded upon to better capture potential burdens on BIPOC communities in Mercer Island.

The supplement includes a review of policies evaluated under Commerce’s Challenging, Approaching, Supporting framework with specific notes for each goal and policy. Much of the policies discussed relate to the constrained availability of affordable, higher density housing and the disproportionate cost-burden BIPOC residents experience. Futurewise recommends highlighting the fact that while middle housing tend to be more affordable than typical single-family units, subsidies and incentives are still encouraged because middle housing will likely

²⁶ *Id.*

²⁷ Washington State Department of Commerce, *Planning for Housing*, last accessed on Aug. 29, 2024, at: <https://www.commerce.wa.gov/serving-communities/growth-management/growth-management-topics/planning-for-housing/>; Washington State Department of Commerce, *Growth Management Grants*, last accessed on Aug. 29, 2024, at: <https://www.commerce.wa.gov/serving-communities/growth-management/growth-management-grants/>

²⁸ RCW 36.70A.070(e).



not serve low-income families otherwise.²⁹ We also agree that more affordable high-density housing is also needed.

Comments on the Recommended Transportation Element.

Futurewise supports the additions of crosswalk signals to improve pedestrian intersections near Town Center and the East Link Station.

Comments on the Recommended Capital Facilities Element.

The GMA requires jurisdictions to develop and satisfy level-of-service standards (LOS) that show it can serve new development in a specified time period.³⁰ The draft Capital Facilities Element noted that Mercer Island “already acquired and/or built most of the facilities needed to meet its LOS goals, with only a few deficiencies to be addressed by “reinvesting in and maintain existing assets.”³¹ In order to satisfy the GMA goal of concurrency, Futurewise urges the City to anticipate the future needs of middle housing that is developed as a result of HB 1110 and additional multifamily units. A lack of concurrency could be a major barrier to the affordable housing goals of this plan, and it should be adequately accounted for.

Futurewise also recommends that financing plan in the capital facility plan identify funding so that the more affordable housing can be economically constructed in Mercer Island. The City should use funding sources other than connection charges and impact fees to fund the public facilities needed to serve housing affordable to families and individuals earning 120 percent of less of the adjusted median income.³² This will help address economic and racial injustice and help comply with RCW 36.70A.070(2)(d) and (e).

Comments on the Recommended Land Use Element.

In their February 2024 Expanded Housing Checklist, Commerce states under their

²⁹ Washington State Department of Commerce, *Guidance To Address Racially Disparate Impacts – Final* p. 43 (April 2023) last accessed on Aug. 30, 2024, at: <https://deptofcommerce.app.box.com/s/1l217l98jattb87qobtw63pkplzhxege> and at the link on the last page of this letter with the filename:

“RaciallyDisparateImpactsGuidance_230425_FINAL2.pdf.”

³⁰ RCW 36.70A.070(6)(a).

³¹ Mercer Island Planning Commission, *Recommended Draft of the Capital Facilities Element*, p.9 (June 2024).

³² Washington State Department of Commerce, *Guidance To Address Racially Disparate Impacts – Final* p. 43 (April 2023).



guidance for land use maps that the land uses “must reflect projected growth including future housing needs.”³³ Figure 1 of the Land Use Element recommends some changes relating to open spaces and parks, however the decision to not add any multifamily residential zoning will potentially be insufficient to meet projected growth in Mercer Island. Futurewise recommends upzoning adjustments, particularly around the East Link station to accommodate future growth.

Commerce’s Expanded Housing Checklist states plans should have a “consistent population projection throughout the plan which should be consistent with the jurisdiction’s allocation of projected countywide population and housing needs.”³⁴ The checklist also requires documentation of income brackets alongside population and housing needs.³⁵ Table 4 of the Land Use Element does not include information regarding housing needs by income bracket from the countywide process. Table 1 of the LCA does include income brackets when projecting housing needs, but not population. Futurewise recommends assembling this information to comply with Commerce’s guidance.

We recommend that the comprehensive plan address the middle housing requirements in RCW 36.70A.635 so that the City can efficiently and effectively implement these requirements.

RCW 36.70A.635(1)(a) requires Mercer Island³⁶ to authorize the following housing:

- (i) The development of at least two units per lot on all lots zoned predominantly for residential use, unless zoning permitting higher densities or intensities applies;
- (ii) The development of at least four units per lot on all lots zoned predominantly for residential use, unless zoning permitting higher densities or intensities applies, within one-quarter mile walking distance of a major transit stop; and

³³ Washington State Department of Commerce, *Expanded Housing Checklist*, p. 2.

³⁴ *Id.* (citing RCW 36.70A.115; RCW 43.62.035; WAC 365-196-405(f)).

³⁵ *Id.*

³⁶ Washington State Department of Commerce, 2020 OFM City populations and three tiers per RCW 36.70A.635(1) p. 2 last accessed on Aug. 30, 2024, at: and at the link on the last page of the letter with the filename: “Update MH City List only 05-13-2024.pdf.”



(iii) The development of at least four units per lot on all lots zoned predominantly for residential use, unless zoning permitting higher densities or intensities applies, if at least one unit is affordable housing.

The deadline for allowing this housing is June 30, 2025.³⁷ Additional requirements and certain time extensions and exceptions for limited areas may apply.

These requirements are important because of the high proportion of land in Mercer Island zoned for low density housing. Mercer Island cannot realistically expand and protect opportunities for affordable homeownership if such large areas of the City are zoned for low density single family dwellings which are unaffordable to many families. While the City cannot easily influence barriers to homeownership such as application processes and procedures, and mortgage lending, the City can adjust its zoning density and capacity to allow for more diverse homeownership opportunities.

We recommend that the comprehensive plan address the requirements in RCW 36.70A.635(1)(a) now. This will help the City efficiently and effectively implement these requirements by the deadline and to begin increasing affordable housing ownership opportunities. In addition, RCW 36.70a.070(2)(b) requires a statement of goals, policies, objectives, and mandatory provisions for the preservation, improvement, and development of housing moderate density housing options within the urban growth area including, but not limited to, duplexes, triplexes, and townhomes. These are some of the housing types required by RCW 36.70A.635. Incorporating them into the comprehensive plan will aid in complying with RCW 36.70a.070(2)(b).

Comments on the Recommended Land Capacity Analysis (Appendix X)

An analysis of capacity for emergency housing is required by Commerce.

The emergency housing analysis exceptions described on page nine of the Land Capacity Analysis Supplement no longer apply. This July, Commerce published a User Guide and Best Practices Report for Emergency shelter, Transitional housing, Emergency housing and Permanent supportive housing (STEP). Per the report, “all fully planning jurisdictions must do a land capacity analysis to show land capacity for permanent supportive housing and emergency housing/shelters, not just those

³⁷ RCW 36.70A.635(11)(a).



jurisdictions that have occupancy, spacing and intensity of use requirements.”³⁸

More importantly, RCW 36.70A.070 and RCW 36.70A.070(2)(c) require the housing element to “[i]dentif[y] sufficient capacity of land for housing including, but not limited to, government-assisted housing, housing for moderate, low, very low, and extremely low-income households, manufactured housing, multifamily housing, group homes, foster care facilities, emergency housing, emergency shelters, permanent supportive housing, and within an urban growth area boundary, consideration of duplexes, triplexes, and townhomes[.]” These provisions have always required the City to identify a sufficient capacity for STEP housing.

We appreciate that the City will adopt permanent regulations to ensure that emergency housing is not subject to occupancy, spacing, or intensity regulations, we are concerned that this will apparently limit STEP housing within one mile of transit.³⁹ RCW 36.130.020(1) also provides that a “city, county, or other local governmental entity or agency may not adopt, impose, or enforce requirements on an affordable housing development that are different than the requirements imposed on housing developments generally.” STEP housing such as permanent supportive housing is a type of affordable housing. This is clear because the definition in RCW 36.70A.030(31) provides in part that “[p]ermanent supportive housing’ is subsidized, leased housing” Since the City does not impose a one mile of transit limit on housing developments generally, the City cannot adopt or enforce this requirement for STEP housing.

Expand upon the Land Capacity Analysis’ analysis of capacity surplus and deficit by zone category and affordability.

The GMA requires an inventory and analysis of land capacity, where jurisdictions must identify sufficient land to accommodate projected housing needs by income level.⁴⁰ Table 9 of the Land Capacity Analysis (LCA) divides its data (compiled from the previous steps) into only two categories. To better understand the capacity surpluses and deficits Mercer Island is experiencing, and whether the proposed actions will be sufficient in reaching the city’s housing needs, this data needs to be further specified. Densities should be separated out, and capacities

³⁸ Washington State Department of Commerce, *STEP Model Ordinance, User Guide and Best Practices Report*, p. 31 (July 2024) last accessed on Aug. 30, 2024, at: <https://deptofcommerce.app.box.com/s/rawnssegfkxagfm1g45xf4b7dm3awwg1> and at the link on the last page of this letter with the filename: “240724_STEP_MOandUserGuide_FINAL_V1.pdf.”

³⁹ Mercer Island Community Planning and Development Department, *Land Capacity Analysis Supplement*, p. 11 (Dec. 2023).

⁴⁰ RCW 36.70A.070(2)(c)); WAC 365-196-410(2)(d).



further defined by more narrow income groups. Exhibit 16 of Commerce's Second Guidebook on the Housing Element illustrates the desired layout of this data.⁴¹

In light of the 143-unit capacity shortfall discussed in Table 9 of the LCA, certain options for zoning adjustment in Mercer Island were proposed. Futurewise recommends including these strategies and others in an additional table for adjusted residential development capacity like Exhibit 17 of Commerce's Second Guidebook on the Housing Element.⁴²

Thank you for considering our comments. If you require additional information, please contact me at telephone 206-343-0681 or email: jack@futurewise.org.

Very Truly Yours,

Jack Haskins (he/him)
Legal Intern

Enclosures at the following link:

<https://futurewiseorg.sharepoint.com/:f:/g/Et4M8yVrnq5NuivjoBxnLWcBD-w8TSptzt7Noh5fKWB8Lw?e=dV2C4d>

⁴¹ Washington State Department of Commerce, *Guidance for Updating Your Housing Element*, p. 37.

⁴² *Id.* at p. 39.