



## PLANNING COMMISSION MEETING MINUTES APRIL 5, 2017

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### **CALL TO ORDER:**

Chair called the meeting to order at 6:03 PM in the Mercer Room at the Mercer Island Community and Event Center at 8236 SE 24th Street, Mercer Island, Washington.

### **ROLL CALL:**

Chair Suzanne Skone, Commissioners Daniel Hubbell, Lucia Pirzio-Biroli, Bryan Cairns, and Jennifer Mechem were present. City staff was represented by Scott Greenberg, Planning Director, Alison Van Gorp, Administrative Services Manager/Ombudsman, Evan Maxim, Planning Manager, and Nicole Gaudette, Senior Planner.

Vice-Chair Richard Weinman and Commissioner Tiffin Goodman were absent.

### **REGULAR BUSINESS:**

#### **Agenda Item #1: ZTR16-004 Residential Design Standards**

Evan Maxim introduced the proposed amendments, provided a brief overview of the proposed regulations, and described next steps.

Chair Skone opened the public hearing at 6:12 p.m.

Jeffrey Small – The relevant issue is property rights. Citizens need to reassert their property rights.

Derek Cheshire 7615 E Mercer Way - Is in the process of building. Current rules are already tough. Should not make them more restrictive - too burdensome. Codes were not written to consider 2 acre lot. Supports construction hour change.

Carolyn Boatsman 3210 74<sup>th</sup> Ave SE - We are looking at changing these regulations. Changes will not make things more difficult or harder to develop. Sees the work as positive. Encourage PC to make decisions for the long term. Encourage people to stay for a long time. Retain large trees and healthy trees. Integrate LID into the code consistent with 2015 SWDM.

Johan Valentin 4346 E Mercer Way - Understands the work related to mega-homes. Supports the tree retention, GFA, other suggestions, except for the daylight plane or variable setbacks. Concerned that most two story homes will be prohibited today as a result of this rule. Consider a public vote.

Doug McKiernan 9200 SE 70<sup>th</sup> Place - Opposes the proposed changes. Worried about the impact of proposed code changes on private property rights and values. May reduce tax revenue and building permits. Agrees that there are ugly, out of scale homes built recently - don't be reactive. Concerned about retirement nest egg. Trees are a renewable resource - should not have a blanket regulation. Consider a public vote.

Sue Williams 7517 78<sup>th</sup> Ave SE - This issue should be more about property rights than personal

preferences. Anecdotal next door. Island is not a PUD. Nebulous and moving target. Tighten up interpretations and deviations / variances. Consider a public vote.

Walter Boos 2925 71<sup>st</sup> Ave SE - Can all find situations that are bad. Proposed changes are like a sledgehammer where a fly swatter would do. Have intended to tear down and rebuild. Code revisions would prohibit a reasonably sized home on their property.

James Hummer 3058 61<sup>st</sup> Ave SE - Appreciates work and changes. Across street from a remodel project with a 30 foot tall concrete gazebo that has been going on for four years. Proposal is a good step in the right direction.

Sheila Dahl 2530 70<sup>th</sup> Ave SE - If current regulations were enforced on a regular basis, would not be a problem. On their street, there are many large homes - new cap is unfair. As long as their reasonable setback and coverage rules, large lot should support a large house.

Mark Coen, First Hill - Think we are very polarized; not against property rights, but also recognize we are one island. We're flooding on first hill, lots of landslides. The battle for tree retention and pervious surfaces is not only aesthetic - also an environmental goal. Stormwater is number one pollutant in our state. All regulations are connected, and these changes are crucial.

Aric Weiker 4808 E Mercer Way - 3 trees from his own property fall on his house, 2 trees fall on his property from park. Consider tree ordinance as a life / safety issue. Concerned about possible dangers to house or family or property.

Dr. Alfred Skinner 2412 67<sup>th</sup> Ave SE - Lived on MI since 1953. One assault after another on the character on the Island. Concerned that the children on MI are losing space and incentive to play outdoors. Tax revenue should not be the main criteria for approval.

Bennett Williams 7517 78<sup>th</sup> Ave SE - Against the proposed changes as currently written. Does not understand the goals of the regulations. Tree regulations are very chilling on the market. Concerned about impacts to senior citizens. Financial impacts. Wants a professional study and a vote.

Dennis Dahl 2530 70<sup>th</sup> Ave SE - Late to the issue. Sees the issue as enforcing the code not limiting it. Example of unfinished space in basement. Fears the "closing the door behind you" syndrome.

Robert Rowe 7620 E Mercer Way - Opposed to the changes to the re-zoning. Likes the change to the work hours. Biggest issue here is property rights. How many valid complaints have you received because of the current codes? Proposed code is an overkill; please leave it "as-is".

Sue Stewart 3205 84<sup>th</sup> Ave SE - Importance of habitat protection and birds / wildlife. Landscaping used to provide some habitat. Coval project resulted in almost all the trees being removed. No room for massive trees and significant trees in that project. Loss of those trees affected upper Luther Burbank Park. Large trees drink lots of water, clean air, and remove pollutants. The north end of the island does not meet national clean air standards because I-90 poisons the air.

Bob Delcour 5616 E Mercer Way - Seen the Council come up with different ideas. Should judge standards based on safety. May reduce property value; how are you going to reimburse property values. Took about a year to build their house. Wanted to take out trees, couldn't, took out the neighbors cars later. Things that could be done. All the old maples are starting to die. They lose power every year.

Randy Koehler 3056 70<sup>th</sup> Ave SE - Does not have a problem with the current code. MI is not a sleepy community. Can't legislate bad taste. Understands concerns about impervious surface issue. Problem with impervious surface is in the drainage infrastructure. Deviations may be too much. Would prefer better design. Reduce impervious surface will draw house to the front of the lot. Should be an avenue to allow for a house to be located near the back of a lot.

Tom Hildebrandt 6880 W Mercer Way - Understands the intent of the regulation is to limit mega-homes on the island. Should also enforce the current regulations. Read through regulations – there should be increased protection of wetlands or watercourses. Construction hours could limit the DIY interests that he has for his own house. Some people are prevented from operating power tools on Saturday due to their religion. So restricting work on Sundays would be unfair. This could be fixed by providing an exception for homeowners doing construction.

Allen Hovsepian 4344 90<sup>th</sup> Ave SE - Should not regulate the neighbor for aesthetics. Things change, people do not play in yards as much anymore. Schools will suffer. Reduction in property values of \$200K on average. Concern about impacts to tax revenue. GFA is good now - most restrictive already. Limit building hours.

John Hall - Concerned you cannot legislate good design. Won't be better design, will be smaller. Also concerned about the effect on remodeling - how will this affect non-conforming regulations. Concerned about effect on non-conforming homes.

Greg Lipton 9301 SE 46<sup>th</sup> St - What happens if there is a natural disaster and your house is destroyed. Supports the concern of runoff and landslides. City should be more aggressive in monitoring trees and maintenance (ivy).

Tom Gallagher 4243 Shore Club Dr. - Most of his projects are custom. Typical client buys lot for 1.5 million or so. Proposed regulations will eliminate most homes he builds. Friend, architect on island, believes the regulations on MI are most complex on the island. Does not support daylight plane. Zoning should not dictate design.

John Pace 7870 Island Crest Way - Stop the work at a macro level and focus on a single item and doing it right. Sustainability will be addressed later - and should be the filter for review now. Does not see the rigor he would expect on the island. Over your head and underwater with the work - focus on the main variable and get that right.

Daniel Thompson 7265 N Mercer Way - Appreciates and is encouraged by the PC's implementation and work as described. This work is good and should be encouraged. Large houses are in KC. Seems like we are more concerned about the values for those who are leaving the island, than those who are staying on the island. Values are due to character and consistency. Does not believe GFA regulations will make much of a change. New stormwater regulations may have greatest impact. Reduce height. Allow 5 foot exemption for pitched roof.

Tim Wettack 7852 SE 71<sup>st</sup> St - In favor of the proposed changes. Tree safety should be considered further. There are already restrictions on property rights. Important thing here is the character of the community.

Peni Schwartz 4656 86<sup>th</sup> Ave SE - Very sympathetic to these concerns. House is largest asset you own. Don't want to impact that. Purposefully avoid CC&Rs. No one worried about ruining the character of the island. Older homes will be taken down and replaced over time. Inventory of your trees and put it on your title. Does not want to get a permit for the trees.

Bernard Chester 8522 SE 79<sup>th</sup> PI - Good residential zoning improves values and desirability of a community. Simplify the adherence to the code. Can't dictate style. Look at footprint and spacing from other houses. Good zoning over time increases values in a community.

Anonymous - Moved here to let his kids play in back yard. Supports grandchildren. Has community parties. Has trees across back yard, neighbors have trees. What kind of character do we want MI to be? Do we want it to be a hodge-podge of various types of homes or something else?

Tom Imrich 6231 Island Crest Way - Present and proposed code are inadequate and insufficient. Property value loss argument is utter fiction.

Robert Medved 7238 SE 32<sup>nd</sup> St - Support the changes in general and globally. Modify short platting of combined lots. Lot of fearmongering tonight. History of property rights. No one has a property right to do what they want on their property. Can't limit reasonable use, but otherwise can be regulated. No one has the unrestricted right to do what they want on their property. The property rights argument is aimed at people who are less sophisticated.

Bart Dawson 8812 SE 77<sup>th</sup> PI - Preservationist. Character of community is in the Comprehensive Plan. Supports the draft code changes. Need quality development relative to dollars. Location, location, location -this will help property values. No decrease in taxes. Making exceptions for each piece of property would require review similar to design commission for SFR. It's better to make objective rules that apply to all properties.

David Weber 3046 70<sup>th</sup> Ave SE - Value of my home has nothing to do with whether it is larger or not. It is the location between the east side and the west side. Economy in Seattle is driving home values.

Christine Nakano 8427 SE 36<sup>th</sup> St - I support the regulation of overdevelopment on the island. Lives on a small lot in a small house. Enjoyed back yard, now affected by neighbors. Concerned about tear down / replacements. Must spend money on her property due to surrounding development. What about her property rights?

Diane Katz - Ostentatious overconsumption. Houses are huge and overwhelming the island. Likes the proposed regulations. Supports ecology on the island.

Chair Skone closed the public hearing at 7:54 p.m.

#### **OTHER BUSINESS:**

There was no other business discussed by the Planning Commission.

#### **ANNOUNCEMENTS AND COMMUNICATIONS:**

None.

#### **NEXT MEETING:**

The next Planning Commission meeting is scheduled for April 19, 2017 at 6:00 p.m. at City Council Chambers.

**ADJOURNMENT:** Chair Skone adjourned the meeting at 7:58 pm.