



PLANNING COMMISSION

SPECIAL HYBRID MEETING AGENDA

Wednesday, September 10, 2025 at 6:00 PM

PLANNING COMMISSIONERS

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

LOCATION

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

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

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

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

- 1) **Telephone:** Call 253.215.8782 and enter Webinar ID **895 2626 3248**, Passcode **680224**.
- 2) **Zoom:** Click this [Link](#) (Webinar ID **895 2626 3248**, Passcode **680224**)
- 3) **In person:** Mercer Island Community & Event Center | 8236 SE 24th Street, Mercer Island, WA 98040

CALL TO ORDER & ROLL CALL, 6 PM

PUBLIC APPEARANCES

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

SPECIAL BUSINESS

1. Planning Commission Meeting Minutes

Recommended Action: Approve the July 23, 2025 Regular Meeting minutes.

2. PCB25-15: Public Hearing for Permanent Regulations for Temporary Uses and Structures Including Outdoor Dining (Fourth Reading)

Recommended Actions:

- 1) Hold public hearing.
- 2) Recommend the City Council adopt the proposed code amendments as shown in Exhibit 1.

3. PCB25-16: Study Session: Omnibus Legislation Related to Permanent Regulations for Housing Production and Permit Streamlining

Recommended Action: Receive report. No action necessary.

OTHER BUSINESS

4. Staff Report

ADJOURNMENT



PLANNING COMMISSION REGULAR MEETING MINUTES

Wednesday, July 23, 2025

Item 1.

CALL TO ORDER

The Planning Commission was called to order by Chair Thompson at 6:00 pm.

Planning Commissioners Kate Akyuz, JB Gibson, Nazim Nice, Anthony Perez, and Dan Thompson were present.

Staff Participation:

Jeff Thomas, Director (Remote)

Alison Van Gorp, Deputy CPD Director

Adam Zack, Principal Planner

Molly McGuire, Senior Planner

Kim Adams-Pratt, Contract Legal Counsel

Deb Estrada, Deputy City Clerk

Raven Gillis, Recreation Specialist

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

Approve the revised order of business as follows:

- 1) Discuss PCB25-14, a Study Session on the Omnibus Ordinance Related to Permanent Regulations for Housing Production and Permit Streamlining, and
- 2) finish with a third reading on PCB25-13 regarding Permanent Regulations for Temporary Uses and Structures Including Outdoor Dining.

Approved 5-0

PUBLIC APPEARANCES – There were no public appearances.

REGULAR BUSINESS

1. Planning Commission Meeting Minutes of June 10, 2025, Special Meeting:

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

Approve the minutes.

Passed 4-0; Commissioner Nice abstained.

2. PCB25-14: Study Session – Omnibus Ordinance Related to Permanent Regulations for Housing Production and Permit Streamlining

Principal Planner, Adam Zack, provided a presentation and responded to questions that addressed the following:

- Omnibus Ordinance Purpose and Background
- Scope of Work
- Topics addressed by the Omnibus Ordinance:
 - HB 1220 - Affordable and emergency housing
 - SB 6015 - Residential parking requirements
 - HB 1293 - Clear and objective design standards
 - SB 5290 - Permit review timelines
 - HB 1998 - Co-Living Housing
 - Remove references to Design Commission review
 - Comprehensive Plan - implementing amendments to the Town Center development code
- Planning Commission Comments (Process)
- Schedule & Next Steps

3. PCB25-13: Permanent Regulations for Temporary Uses and Structures Including Outdoor Dining (Third Reading) (6:52 PM)

Senior Planner, Molly McGuire, briefly summarized the background and motions incorporated into the current draft.

(June 10 Tabled Motion)

Motion by Akyuz; seconded by Gibson to:

Recommend that the City Council adopt the proposed amendments to MICC 19.06.050 – Commerce on public property as amended; proposed new section MICC 19.06.130 – Temporary use permits as amended; and proposed amendments to MICC 19.15.030 – Land use review types as amended.

Motion by Gibson; seconded by Akyuz to:

Approve the amendments listed under Category A as presented in PCB 25-13

Passed 5-0

Motion by Nice; seconded by Gibson to:

Approve the amendments listed under Category B as presented in PCB 25-13

Passed 5-0

Motion by Gibson; seconded by Akyuz to:

Accept minor amendments Log Numbers 13 (first alternate), 14, 15, 18, 25, staff alternate 27, 30, 34, 54, and 55

Passed 5-0

In response to previous Commission feedback, Vice Chair Gibson offered the following motion.

[10 minute recess X:XX to 7:35]

Motion by Gibson; seconded by Thompson to:

Replace Section F with New Section F as follows:

F. Temporary structure deviation criteria. Temporary structures which cannot meet the development standards of the underlying zone applicable to the site on which the temporary structure is located, and require a temporary use permit, may apply for a temporary structure deviation. The code official may approve, or condition and approve, an application for a temporary structure deviation subject to the criteria in subsections (E)(1)(a) through (j) and the following criteria:

1. The proposed use is allowed in the underlying zone, including allowances provided by a conditional use permit.
2. The temporary structure must be accessory to the established use of the property.
3. Temporary structures shall ensure sufficient temporary or permanent vegetative or equal screening from adjacent residentially zoned properties and public right of way to mitigate visual effects created by the deviation.
4. The proposed structure provides significant public benefit. Significant public benefit may be demonstrated by meeting one of the following conditions:
 - a. The temporary use or structure is owned or operated by the City of Mercer Island.
 - b. The temporary use or structure is owned or operated by an organization or corporation serving at least 250 people; or
 - c. The temporary use or structure is open to the public without charge and access is not limited to membership in an organization

5. A temporary structure deviation does not allow a deviation from the applicable provision of MICC Chapters 19.07 Environment, 19.10 Trees, 19.13 Shoreline Master Program, and 19.21 Environmental Procedures.
6. Deviations for temporary structures shall be limited to the following. Deviations from requirements not listed below are strictly prohibited.
 - a. The maximum gross floor area for temporary structures shall be 20% of the lot area.
 - b. The maximum lot coverage for temporary structures shall be limited to 10% of the lot area.
 - c. Temporary structures may exceed the maximum building height allowed in the underlying zone, including allowances provided by a conditional use permit, by the lesser of 35 percent or 10 feet.
 - d. Yard setbacks may be reduced to four feet, subject to the following:
 - i. The temporary structure is not adjacent to a property with an established residential use.
 - ii. The height of the structure within the setback area of the underlying zone, including allowances provided by a conditional use permit, does not exceed 20 feet.

Passed 5-0

Motion by Thompson; seconded by Gibson to:

Amend Section G, Time Limitation, and delete the sentence, “The code official may grant an extension not to exceed 30 days per calendar year.”

Passed 4-1 (Akyuz)

Motion by Gibson; seconded by Thompson to:

Amend 19.06.130(D) item #2 to add “with a maximum duration of 72 hours within any given 60-day period” to the end.

Passed 5-0

[Recess 8:27 – 8:45]

Staff conferred with the city attorney during the recess and reported that it was recommended that a second public hearing be scheduled for September 10 to give the public an opportunity to review amendments made at tonight’s meeting.

Motion by Nice; seconded by Gibson to:

Add Log No. 29, amending 19.06.130(D5) to allow for structures like Sukkots that are typically erected for ~8 days in October but require some setup and take down time. .

Passed 5-0

Motion by Nice; seconded by Gibson to:

Add Log 16, amending 19.06.050(D3c), to strike “No music or sound is amplified.”

Passed 5-0

Motion by Akyuz; seconded by Gibson to:

Table the main Motion to the Special September 10 Meeting

“Recommend that the City Council adopt the proposed amendments to MICC 19.06.050 – Commerce on public property as amended; proposed new section MICC 19.06.130 – Temporary use permits as amended; and proposed amendments to MICC 19.15.030 – Land use review types as amended.”

Passed 5-0

OTHER BUSINESS

Item 1.

4. Staff Report **[review recording]**

Deputy Director Alison Van Gorp reminded the Commission that there would not be an August meeting and summarized the upcoming schedule of meetings.

Annual Docket opens XXX

ADJOURNED - The meeting adjourned at 9:00 pm

Deborah Estrada, Deputy City Clerk

DRAFT



PLANNING COMMISSION CITY OF MERCER ISLAND

PCB 25-15
September 10, 2025
Special Business

AGENDA BILL INFORMATION

TITLE:	PCB 25-15: Public Hearing for Permanent Regulations for Temporary Uses and Structures Including Outdoor Dining (Fourth Reading).	<input type="checkbox"/> Discussion Only <input checked="" type="checkbox"/> Action Needed: <input checked="" type="checkbox"/> Motion <input checked="" type="checkbox"/> Recommendation
RECOMMENDED ACTION:	Hold the public hearing and recommend the City Council adopt the proposed code amendments as shown in Exhibit 1.	

STAFF:	Molly McGuire, Senior Planner
EXHIBITS:	1. Draft Permanent Regulations for Temporary Uses and Structures 2. 07-23-2025 Amendments & Comments Matrix with Staff Responses

EXECUTIVE SUMMARY

The purpose of this agenda bill is to recommend the adoption of permanent regulations for temporary uses and structures in place of interim regulations which were originally adopted on June 4, 2024, under [Ordinance No. 24C-07](#) and renewed for an additional 6-months on May 20, 2025 under [Ordinance No. 25C-07](#).

- Temporary uses and structures are development or activities that take place on a property for a limited duration. They can include a wide range of development and activities from garage sales to outdoor festivals.
- Prior to 2024, the City did not have a permit process for temporary uses or structures and the development code lacked clarity about how such structures and uses were regulated. As a result, some temporary uses and structures were not allowed.
- At its December 5, 2023 meeting, the City Council docketed a project to develop regulations for temporary uses and structures when it approved [Resolution No. 1655](#).
- On June 4, 2024, the City Council adopted Ordinance No. 24C-07, which established interim regulations and permitting procedures for temporary structures and uses.
- Staff prepared an initial draft of permanent regulations for temporary uses and structures establishing:
 - Development standards for temporary uses and structures on real property not owned by the City of Mercer Island ("private property");
 - Development regulations to continue a pandemic-era allowance for outdoor dining use within public rights of way and private parking spaces; and
 - A permitting process for temporary uses and structures.
- On February 26, 2025, the Planning Commission held a first reading of the draft permanent regulations and provided initial feedback to staff (see [PCB25-12](#)).
- On June 10, 2025, the Planning Commission held a public hearing to discuss the proposed amendments and draft regulations and directed staff to draft additional amendments.
- Staff updated the draft regulations to incorporate the Planning Commission input provided on June 10, 2025 (Exhibit 1).
- At the July 23, 2025, public meeting, the Planning Commission made motions to recommend the incorporation of 15 additional amendments.

- Due to the significant changes made during the July 23, 2025, meeting, a second public hearing was necessary to ensure the public is aware of the changes and has an opportunity to comment on the entire draft regulations. This public hearing is scheduled for September 10, 2025.
- The Planning Commission should review the updated draft regulations and arrive at a recommendation during its meeting on September 10, 2025.

BACKGROUND

In 2023, the City Council approved [Resolution No. 1655](#) setting the 2024 Docket, which added Comprehensive Plan and development regulation amendments to the City's Work Plan. City Council directed staff to proceed with developing interim regulations to address two docketed items related to temporary uses and structures and renew the existing interim regulations for outdoor dining. More information on the background of the interim regulations is provided in [PCB25-05](#), from the February 26, 2025 Planning Commission meeting.

The Planning Commission held a regular meeting on February 26, 2025, where it had the first reading of the draft regulations for temporary uses and structures. The Commission provided initial feedback on the draft regulations and asked staff questions related to various topics. Staff requested that the Planning Commissioners provide comments, amendments, and questions and established a deadline for these materials to be submitted, prior to the previously scheduled March 26, 2025, public hearing. The March 26, 2025, public hearing was canceled and rescheduled for June 10, 2025. During the June 10, 2025 public hearing, the Planning Commission made motions to recommend 16 amendments be incorporated into the draft. Details of these amendments can be found in [PCB25-12](#) and [PCB25-13](#). The Planning Commission also provided feedback on three "Buckets" presented by staff. The feedback included direction from the Planning Commission to staff to return with a draft that would address the desired regulations for what temporary uses require a temporary use permit and what types do not require an additional land use authorization, which temporary uses would be "normal" that require a permit, and which temporary uses would be allowed through the approval of a temporary use "deviation". The draft also included amendments that were recommended by staff to maintain consistency throughout the development code. A summary of the Planning Commission's feedback and resulting amendments can be found in [PCB25-13](#).

Planning Commission Feedback – July 23, 2025

During the July 23, 2025 public meeting, staff presented a draft which incorporated the feedback and direction given by the Planning Commission during the June 10, 2025 public hearing. These amendments were sorted into two categories: Category A and B. Category A was sorted into three subsections that align with the three buckets presented at the June 10, 2025 public hearing. Category B included eight amendments that were recommended by staff for consistency. These categories are detailed in PCB25-13. The Planning Commission made motions to accept all the amendments in Category A and B.

In addition to the amendments in Category A and B, the Planning Commission made motions during the July 23, 2025 meeting to incorporate several amendments to the draft regulations. These amendments are detailed in the Issue/Discussion section below.

Amendments Matrix

Ahead of the July 23, 2025 public meeting, the Planning Commission provided amendments and questions in the form of a matrix (Exhibit 2). The amendments were sorted into four categories and responses were prepared by staff:

- 1) Substantive – Not recommended
 - a. These amendments were not recommended by staff for reasons that include uncertainty in administering the language or something to the same effect being already covered elsewhere in the Mercer Island City Code.
- 2) Substantive – Not consistent with docketed scope

- a. These amendments were not recommended by staff due to the amendment establishing a regulation that the temporary membrane structure by the Mercer Island Country Club would not be able to satisfy. The temporary structures and uses code amendment was initially docketed to establish a regulatory framework for this temporary membrane structure.
- 3) Substantive – Previously resolved
 - a. These amendments were not recommended by staff because they would reverse policy direction given by the Planning Commission at the June 10, 2025 public hearing.
- 4) Minor
 - a. Minor amendments were grouped together, and a motion was made during the July 23, 2025 meeting to recommend the adoption of the following minor amendments in Exhibit 2:
13 (first alternative), 14, 15, 18, 25, 27 (staff alternative), 30, 34, 54, and 55.

These amendments are shown in strikethrough/underline format in red text in Exhibit 1.

ISSUE/DISCUSSION

PROPOSED CODE AMENDMENTS

During the July 23, 2025 public meeting, the following motions were made, in addition to the motions made to recommend the adoption of Category A and B, and the 10 minor amendments from the matrix in Exhibit 2. These amendments are shown in strikethrough/underline format in red text in Exhibit 1:

Temporary Structure Deviation Criteria – Amendment 12

Category A3, presented during the July 23, 2025 public meeting included draft amendments to address criteria of approval for temporary structure deviations. Vice Chair Gibson presented an alternative draft, which was reviewed by staff during the meeting. Following discussion, Vice Chair Gibson made a motion to replace the staff drafted Section F with a new Section F, as follows:

- F. Temporary structure deviation criteria. Temporary structures which cannot meet the development standards of the underlying zone applicable to the site on which the temporary structure is located, and require a temporary use permit, may apply for a temporary structure deviation. The code official may approve, or condition and approve, an application for a temporary structure deviation subject to the criteria in subsections (E)(1)(a) through (j) and the following criteria:
 - 1. The proposed use is allowed in the underlying zone, including allowances provided by a conditional use permit.
 - 2. The temporary structure must be accessory to the established use of the property.
 - 3. Temporary structures shall ensure sufficient temporary or permanent vegetative or equal screening from adjacent residentially zoned properties and public right of way to mitigate visual effects created by the deviation.
 - 4. The proposed structure provides significant public benefit. Significant public benefit may be demonstrated by meeting one of the following conditions:
 - a. The temporary use or structure is owned or operated by the City of Mercer Island.
 - b. The temporary use or structure is owned or operated by an organization or corporation serving at least 250 people; or
 - c. The temporary use or structure is open to the public without charge and access is not limited to membership in an organization.

5. A temporary structure deviation does not allow a deviation from the applicable provisions in MICC Chapters 19.07 Environment, 19.10 Trees, 19.13 Shoreline Master Program, and 19.21 Environmental Procedures.
6. Deviations for temporary structures shall be limited to the following. Deviations from requirements not listed below are strictly prohibited.
 - a. The maximum gross floor area for temporary structures shall be 20% of the lot area.
 - b. The maximum lot coverage for temporary structures shall be limited to 10% of the lot area.
 - c. Temporary structures may exceed the maximum building height allowed in the underlying zone, including allowances provided by a conditional use permit, by the lesser of 35 percent or 10 feet.
 - d. Yard setbacks may be reduced to four feet, subject to the following:
 - i. The temporary structure is not adjacent to a property with an established residential use.
 - ii. The height of the structure within the setback area of the underlying zone, including allowances provided by a conditional use permit, does not exceed 20 feet.

Time Limitation – Amendment 13

The draft presented by staff on July 23, 2025 included the option for an applicant to request that the code official grant a 30-day extension to the 180-day time limitation for the operation of the temporary use or structure. A motion was made by Chair Thompson to remove this option from the draft.

Maximum Duration for Temporary Uses and Structures That Cannot Meet Underlying Development Standards – Amendment 9

A motion was made by Vice Chair Gibson to allow temporary uses and structures that cannot meet the development standards of the underlying zone applicable to the site on which the temporary use or structure is located to be allowed with a maximum duration of 72 hours within any given 60-day period. Temporary uses and structures that meet this standard do not need to obtain a permit. The draft presented by staff on July 23, 2025 set a maximum duration of 48 hours.

Exemption for Any Temporary Structure Used for Worship – Amendment 10

A motion was made by Commissioner Nice to include any temporary structure used for worship under 250 square feet in area and 10 feet in height erected for no more than a total of 15 calendar days in any given 365-day period in the list of temporary uses and structures that are exempt from permit requirements.

Amplified Music or Sound – Amendment 4

A motion was made by Commissioner Nice to strike the restriction on amplified music or sound from the criteria for approval for temporary commerce on public property.

PUBLIC HEARING

Due to the extent of the amendments made at the July 23 meeting, a second public hearing has been scheduled for September 10 to ensure the public is aware of the changes and has an opportunity to comment on the entire draft regulations.

Additional amendments should be limited to those made in response to public comment. The Planning Commission is expected to approve a recommendation following the public hearing at the September 10 meeting.

NEXT STEPS

A City Council briefing on the PC recommendation and first reading of an ordinance to adopt permanent regulations for temporary structures and uses is scheduled for November 4, 2025.

RECOMMENDED ACTIONS

Hold the public hearing and recommend the City Council adopt the proposed code amendments as shown in Exhibit 1.

Note: the main motion below was originally made on June 10, 2025, and it was tabled for future discussion during the June 10 and July 23, 2025 meetings. The secondary motions made during previous meetings were voted on and included in Exhibit 1. The only outstanding action to take is to vote on the recommended main motion.

Main Motion: “Move to recommend that the City Council adopt the proposed amendments to MICC 19.06.050 – Commerce on public property as amended; proposed new section MICC 19.06.130 – Temporary use permits as amended; and proposed amendments to MICC 19.15.030 – Land use review types as amended.”

MICC 19.06.050 – Commerce and Temporary Structures on Public Property.

- A. The purpose of this chapter is to allow for the safe, healthful and aesthetic use of public property for the benefit of private commerce. The provisions of this chapter do not exempt proposed activities from compliance with other titles of the Mercer Island City Code.
- B. The provisions of this section shall apply only to public sidewalks, streets and rights-of-way within the Town Center zone, Planned Business Zone, and Commercial Office zone.
- C. Any person(s), corporation, or company who wishes to use the public right-of-way for the exchange of goods or service shall apply for a private commerce on public property permit, except as provided below. Such permit shall be in the form specified by the code official and shall contain such information as deemed necessary by the code official.

[AMENDMENT 1 – MINOR LOG 13, first alternative]

- 1. Temporary uses and structures associated with commerce on public property operating for no more than a total of seven calendar days or less in any given 90-calendar day period do not require a permit. Nothing in this section exempts commerce on public property activities from compliance with the criteria in MICC 19.06.050(D), Criteria for permit.
- D. *Criteria for permit.* A private commerce on public property permit shall be reviewed based on the following criteria:
 - 1. The applicant business has an active business license for a location immediately adjacent to the public property location where the request has been made.

[AMENDMENT 2 – MINOR LOG 14]

- 2. The location of the private commerce on public property business activity does not create a safety, noise, or environmental hazard for motorists, bicyclists or pedestrians.

[AMENDMENT 3 – MINOR LOG 15]

- a. The business private commerce on public property location maintains sufficient area for the free passage of deliveries, service access, and pedestrians per ADA standards, along sidewalks and access to other adjacent businesses.
- b. The business private commerce on public property location does not obstruct the views of motorists turning into or out of a street or parking lot.
- 3. The business operation does not generate litter, noise or other nuisances that would be objectionable to the public or other businesses in the immediate area.
 - a. Adequate refuse containers shall be provided.
 - b. Hours of operations are sensitive to the surrounding neighborhood.

[AMENDMENT 4]

- ~~c. No music or sound is amplified.~~

d. The area can be maintained in a clean condition.

e. Physical improvements can be removed or secured when not in operation.

~~4. The design for any non temporary improvements is consistent with the design requirements for the Town Center plan.~~

[AMENDMENT 5 – MINOR LOG 18]

~~45.~~ The location and design do not unreasonably obstruct the visibility of any adjacent businesses or their signage.

~~56.~~ The location of a private commerce on public property business engaged in the sale of alcoholic beverages is separated from the public space with a barrier, fence, landscaping or other demarcation.

~~6.~~ The total number of public parking stalls occupied by the commerce on public property activity may not exceed two public parking stalls immediately adjacent to the business associated with the activity.

[AMENDMENT 6 – MINOR LOG 54]

- E. A permit to operate a private business on public property shall be subject to design review reviewed and approved by the design commission; provided, that occasional, temporary business operations involving temporary structures and/or temporary right-of-way obstructions may be approved by the code official. ~~Permit applications from one or a group of existing eating and drinking establishments at Mercer Island to temporarily operate private business on public property during the effective period set forth in section 6 of Ordinance No. 21C-25 shall be considered to be temporary, and they may be approved by the code official without review or approval by the design commission.~~ Permit applications from existing eating and drinking establishments at Mercer Island to temporarily provide outdoor food and beverage service on public property adjacent to the eating and drinking establishment shall be considered to be temporary, and they may be approved by the code official without review or approval by the design commission.
- F. All permittees must comply with all applicable city, county, state and federal laws, including the International Fire Code.
- G. Permits for ongoing commercial use on public property shall be subject to renewal annually on the date of the original permit approval. Failure to submit a renewal request within 30 days of the annual renewal date shall result in the suspension of the permit.
- H. The revocation of a permit shall be governed by chapter 6.10 MICC.
- I. The provisions of this section shall not apply to the annual event known as the “Mercer Island Farmers Market,” or the annual city sponsored event known as “Summer Celebration” or other events sponsored fully or in part by the City.

- J. The code official may require a bond or assignment of funds as set out in MICC 19.01.060(C) to ensure that public property subject to commercial use under this section is restored to its former condition immediately following cessation of the commercial use.
- K. The code official may require evidence of insurance, indemnification or other measures deemed necessary and sufficient to limit the city's liability for the acts or omissions of persons, corporations, or companies seeking and obtaining permission to use public property for commercial purposes.
- L. A commerce on public property authorization does not constitute a surrender by the city of any property rights to the right-of-way. Additionally:
 - 1. The City Engineer may require removal of improvements associated with commerce on public property if it is determined to create a hazard or as required to perform scheduled or ongoing maintenance, public works projects, emergency operations, or other municipal activities.

MICC 19.06.130 – Temporary Use and Structure Permits.

- A. *Purpose and applicability.* A temporary use permit authorizes a use or conforming structure on private property on a short-term basis. Temporary encampments are not considered temporary uses for purposes of this section and are instead subject to the requirements contained within MICC 19.06.090.
- B. *Permit required.*
 - 1. No temporary use or structure shall be permitted within the city except in accordance with the provisions of this chapter. A temporary use permit is required for temporary uses and structures except those specifically exempted pursuant to MICC 19.06.130(D).
 - 2. The property owner or their authorized agent may apply for a temporary use permit on private property.
 - 3. Any temporary use or structure authorized by this chapter may be subject to other permitting and review requirements of the MICC and/or other public agencies.
- C. *Application.* ~~The a~~Applications for a temporary use permits, temporary structure deviation permits, and renewal of temporary structure deviation permits shall be submitted on forms obtained from the Community Planning & Development Department, and consistent with MICC 19.15.060. The application shall contain all information deemed necessary by the code official to determine if the proposed permit or action will comply with the requirements of this section. The Community Planning & Development Department shall verify that the application is consistent with the requirements of this chapter, and that the application contains proof of a valid business license, if applicable.
 - 1. Temporary use permit applications shall be processed as a Type II land use review, pursuant to MICC 19.15.030 Land Use Review Types, and are subject to MICC

19.06.130(E), Criteria for approval. Temporary use permit approvals shall be valid for five years.

2. Temporary structure deviation permit applications shall be processed as a Type III land use review, pursuant to MICC 19.15.030 Land Use Review Types, and are subject to MICC 19.06.130(E), Criteria for approval and MICC 19.06.130(F), Temporary structure deviation criteria. Temporary structure deviation permit approvals shall be valid for five years, with the option for renewal.
3. Applications for renewal of temporary structure deviation permits shall be processed as a Type II land use review, pursuant to MICC 19.15.030 Land Use Review Types, and subject to the following criteria:
 - a. Temporary structure deviation permits shall not be eligible for renewal 20 years after the date of original approval. After 20 years, a new temporary structure deviation permit is required.
 - b. Documentation must be provided that all conditions of permit approval have been met.
 - c. No changes to the use, structure, or associated deviation have been made.

[AMENDMENT 7 – MINOR LOG 25]

- d. A complete application must be submitted to the Community Planning & Development Department at least 90 days prior to expiration ~~of a five-year term.~~
 - e. Renewals shall be valid for five years.
- D. Exemptions. The following temporary uses and structures are exempt from the permit requirements of this chapter but shall comply with other substantive requirements of this chapter unless specifically noted otherwise:
1. The following activities on private property are exempt from the permit requirements of this chapter, but shall comply with other substantive requirements of this chapter, unless specifically noted otherwise:

[AMENDMENT 8 – MINOR LOG 27, staff alternative]

1. Any temporary use or structure that ~~complies with can meet~~ the development standards of the underlying zone applicable to the site on which the temporary use or structure is located may be allowed provided the ~~duration term~~ does not exceed a single term of seven consecutive days within any given 90-day period;

[AMENDMENT 9]

2. Any temporary use or structure that cannot meet the development standards of the underlying zone applicable to site on which the temporary use or structure is located may be allowed with a maximum duration of ~~7248~~ hours within any given 60-day period;

3. Garage sales, yard sales, and estate sales conducted by or on behalf of the occupant(s) of a residential dwelling, provided the use does not exceed 30 days in a calendar year;
4. Rummage and other outdoor sales sited at a school, ~~church~~ place of worship, or other nonresidential institutional facility, provided the use does not exceed 30 days in a calendar year;

[AMENDMENT 10]

5. Any temporary structure used for worship under 250 square feet in area and 10 feet in height erected for no more than a total of 15 calendar days in any given 365-day period.

[AMENDMENT 11 – MINOR LOG 30]

6. Exemptions for Construction-Related Activities: The following uses and structures do not require a temporary use permit, provided they are associated with an approved land use application and/or construction permit and the use is discontinued within 30 days of the project completion, cessation of work, or completion of real estate rental or sales activities:

- a. When located in the [R-8.4, R-9.6, R-12, and/or R-15 zones], a single ~~Contractor's~~ office under 400 square feet, storage yard, ~~and~~ equipment parking and equipment servicing (not to exceed 8 hours in duration) on or near the site or in the vicinity of an active construction project.
- b. In all other zones, a contractor's office, storage yard, and equipment parking and equipment servicing on or near the site or in the vicinity of an active construction project.
- c. Sales/marketing trailers used for the purpose of real estate sales and/or rental information, located within the subdivision or development to which they pertain.

E. *Criteria for approval.*

1. The code official, in consultation with appropriate City departments, shall review each application for a temporary use permit. The code official may approve, or condition and approve, an application for a temporary use permit if the application satisfies all of the following criteria:
 - a. The temporary use will not be ~~materially~~ detrimental to the public health, safety or welfare, nor injurious to property or improvements in the vicinity of the temporary use;
 - b. Structures proposed for the temporary use comply with applicable provisions of the Building and Fire Codes;
 - c. The temporary use shall obtain all necessary permits and/or authorizations required by the City and/or state and federal agencies;

- d. The structure or use is located where there is safe ingress and egress from the street, including a clear sight area adjacent to the street;
- e. Adequate parking is available to serve the temporary use, and if applicable, the temporary use does not occupy required off-street parking areas for adjacent or nearby uses;
- f. Use of any portion or percentage of private off-street parking areas for outdoor food and beverage service shall require the landlord's / property owner's approval. Nothing in this section compels a landlord or property owner to permit a tenant to expand its business to the exterior;
- g. The use or structure shall not interfere with ADA accessible parking spaces or access to adjacent and surrounding businesses;
- h. Hours of operation of the temporary use are specified, and would not adversely impact surrounding uses;
- i. The temporary use will not cause nuisance factors such as noise, light, or glare which would adversely impact surrounding land uses. Any mechanical equipment shall not exceed the maximum permissible noise levels set forth in WAC 173-60-040, which is hereby incorporated as though fully set forth herein. Any such equipment shall not be located within 5 feet of any lot line abutting properties within the R-8.4, R-9.6, R-12, and R-15 zones;
- j. The temporary use will not include permanent fencing, walls, or other structures that would hinder removal of the structure from the site; and
- k. The temporary use will comply with the applicable portions of MICC Title 19 including, but not limited to, Ch. 19.07, Environment, 19.10, Trees, 19.13, Shoreline Master Program, and 19.21, Environmental Procedures.

[AMENDMENT 12]

F. Temporary structure deviation criteria. Temporary structures which cannot meet the development standards of the underlying zone applicable to the site on which the temporary structure is located, and require a temporary use permit, may apply for a temporary structure deviation. The code official may approve, or condition and approve, an application for a temporary structure deviation subject to the criteria in subsections (E)(1)(a) through (j) and the following criteria:

- 1. The proposed use is allowed in the underlying zone, including allowances provided by a conditional use permit.
- 2. The temporary structure must be accessory to the established use of the property.
- 3. Temporary structures shall ensure sufficient temporary or permanent vegetative or equal screening from adjacent residentially zoned properties and public right of way to mitigate visual effects created by the deviation.

4. The proposed structure provides significant public benefit. Significant public benefit may be demonstrated by meeting one of the following conditions:
 - a. The temporary use or structure is owned or operated by the City of Mercer Island;
 - b. The temporary use or structure is owned or operated by an organization or corporation serving at least 250 people; or
 - c. The temporary use or structure is open to the general public without charge and access is not limited to membership in an organization.
 5. A temporary structure deviation does not allow a deviation from the applicable provisions in MICC Chapters 19.07 Environment, 19.10 Trees, 19.13 Shoreline Master Program, and 19.21 Environmental Procedures.
 6. Deviations for temporary structures shall be limited to the following. Deviations from requirements not listed below are strictly prohibited.
 - a. The maximum gross floor area for temporary structures shall be 20 percent of the lot area.
 - b. The maximum lot coverage for temporary structures shall be limited to 10 percent of the lot area.
 - c. Temporary structures may exceed the maximum building height allowed in the underlying zone, including allowances provided by a conditional use permit, by the lesser of 35 percent or 10 feet.
 - d. Yard setbacks may be reduced to four feet, subject to the following:
 - i. The temporary structure is not adjacent to a property with an established residential use.
 - ii. The height of the structure within the setback area of the underlying zone, including allowances provided by a conditional use permit, does not exceed 20 feet.
- ~~F. Temporary structure deviation criteria. Temporary structures which cannot meet the development standards of the underlying zone applicable to the site on which the temporary structure is located, and require a temporary use permit, may apply for a temporary structure deviation. The code official may approve, or condition and approve, an application for a temporary structure deviation subject to the following criteria:~~
- ~~1. The proposed use is allowed in the underlying zone.~~
 - ~~2. The existing use provides significant public benefit. Significant public benefit can be demonstrated by meeting one of the following conditions:~~

- ~~a. The temporary use or structure is owned or operated by the City of Mercer Island;~~
- ~~b. The temporary use or structure is owned or operated by an organization or corporation serving at least 50 people; or~~
- ~~c. The temporary use or structure is open to the general public and access is not limited to membership in an organization.~~
- ~~3. Temporary structures may exceed the maximum building height allowed in the underlying zone by the lesser of 35 percent or 20 feet.~~
- ~~4. Yard setbacks may be reduced to zero feet. However, for temporary structures that exceed the maximum building height allowed in the underlying zoning designation, yard setbacks may not be reduced below the following:~~
 - ~~a. Front setbacks may not be reduced to less than 10 feet;~~
 - ~~b. Side and rear setbacks may not be reduced to less than four feet each.~~
- ~~5. For temporary structures that do not meet the development standards in the underlying zone and will be erected for more than 30 consecutive days, temporary site obscuring screening shall be provided from adjacent residentially zoned properties and public right-of-way.~~
- ~~6. A temporary structure deviation does not allow a deviation from the applicable provisions in MICC Chapters 19.07 Environment, 19.10 Trees, 19.13 Shoreline Master Program, and 19.21 Environmental Procedures.~~

[AMENDMENT 13]

- G. *Time limitation.* Temporary uses or structures may operate for a total of 180 days per calendar year. ~~The code official may grant an extension not to exceed 30 days per calendar year.~~
- ~~1. Extensions may be requested, in writing, at the time of application, or at least one week prior to the end of the time limit stated on the temporary use permit, provided all conditions of permit approval have been met.~~
 - ~~1. The code official may issue a temporary use or structure permit up to the durations set forth in Table A, Table of Temporary Use and Structure Permit Duration.~~

Table A. Table of Temporary Use and Structure Permit Duration

Temporary Use or Structure	Maximum Duration	Applicable Development Standards
Temporary Uses or Structures (not including activities listed in MICC	180 Days[†]	MICC 19.06.130(E)

19.06.130(D), Exemptions)		
Activities listed in MICC 19.06.130(D), Exemptions not related to another permit.	30 days of site occupation or operation in any calendar year, unless otherwise stated	MICC 19.06.130(D)
Activities listed in MICC 19.06.130(D), Exemptions related to another permit.	180 days of site occupation or operation in any calendar year ¹	MICC 19.06.130(D)
Mobile food vendors	30 days or as provided pursuant to the terms of the issued temporary use permit	MICC 19.06.130(F)(1)

¹The code official may grant an extension not to exceed 30 days in total, upon the applicant showing compliance with all conditions of permit approval. If a request for an extension is not received in writing at least one week prior to the end of the time limit stated on the temporary use permit, the temporary use permit shall expire and the use or structure shall be timely removed pursuant to MICC 19.06.130(I).

- H. *Limitation on activity.* A property will not be granted a temporary use permit for a temporary use or structure for a minimum of three months after the expiration of a previous temporary use or structure permit except pursuant to a renewal authorized by this section.
- I. *Removal of a temporary use.* The code official shall establish, as a condition of each temporary use permit, a date by which the use/structure and all physical evidence of the use/structure must be removed. The site occupied by the temporary use or structure shall be restored to the original or better condition upon the removal of the use or structure. If the permittee has not removed the use/structure as required by the temporary use permit, the city may take any and all enforcement actions permitted by law, including, but not limited to abatement pursuant to MICC Title 6.

[AMENDMENT 14 – MINOR LOG 34]

- J. *Assurance device.* The code official may require a financial guarantee pursuant to the requirements in MICC 19.01.060, in a form acceptable to the City's finance department, to assure compliance with the provisions of this title and the temporary use permit as approved.

MICC 19.15.030 – Land Use Review Types.

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

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

- D. *Type IV.* Type IV reviews require discretion and may be actions of broad public interest. Decisions on Type IV reviews are only taken after an open record hearing.
- E. The types of land use approvals are listed in Table A of this section. The required public process for each type of land use approval are listed in Table B of this section.
- F. *Consolidated permit processing.* An application for a development proposal that involves the approval of two or more Type II, III and IV reviews may be processed and decided together, including any administrative appeals, using the highest numbered land use decision type applicable to the project application. Consolidated land use reviews shall be subject to the longest review time period identified in MICC 19.15.040.
1. The following permits and land use reviews are excluded from consolidated review and approval:
 - a. Building permits associated with the construction of one or more new single-family dwellings on lots resulting from the final plat approval of a short subdivision or long subdivision.
 - b. Building permits associated with shoreline conditional use permits and shoreline variance.
 - c. Project SEPA reviews.
 2. When a review is heard by multiple decision bodies, the higher decision body will make the final decision, and the lower decision body will review the project at a public meeting and issue a recommendation that will be reviewed by the higher decision body. The higher decision body will either adopt the recommendation as part of the permit conditions, will remand the recommendation back to the lower body for further consideration, will amend the recommendation, or will deny adoption of the recommendation and will adopt their own permit conditions. The hierarchy of decision bodies is as follows, from highest to lowest:
 - a. City council;
 - b. Hearing examiner;
 - c. Design commission.
- G. *Interior alterations exempt from site plan review.*
1. Applications for interior alterations are exempt from site plan review provided they meet the following criteria:
 - a. The proposed development does not result in additional sleeping quarters or bedrooms;
 - b. The proposed development would not result in nonconformity with federal emergency management agency substantial improvement thresholds; or

- c. The proposed development would not increase the total square footage or valuation of the structure thereby requiring upgraded fire access or fire suppression systems.
 - 2. Applications for interior alterations are subject to review for consistency with any otherwise applicable building, plumbing, mechanical, or electrical codes.
- H. *Land use review types and review processing procedures.*

[AMENDMENT 15 – MINOR LOG 55]

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

Reminders:

- This form is for Planning Commission amendments related to the Temporary Uses and Structures draft code only.
- Submit amendments only, no commentary or discussion. Do not use this form for confidential matters.
- Include the code reference and your name. Enter each amendment on a separate line.
- Staff will prepare responses, as time allows, and provide the Planning Commission with the matrix document by July 22, 2025.
- The matrix for each meeting will also be appended to the Planning Commission packet and published online.

Log #	City Code	Received From	Amendment/Comment	Staff Response
1	19.06.050	JB Gibson	Where would temporary structures on parks (i.e. mostly music in the park) be regulated?	Question Temporary structures in parks are regulated through Special Event Permits by Parks & Recreation. You can find more information about these in PCB25-05 .
2	19.06.130(D)	JB Gibson	Propose to amend item #2 to add “within any given 90 day period” to the end.	Substantive – Not recommended This would effectively limit one property to one lemonade stand per summer. Staff recommend shortening the 90-day period if the PC wants to add this amendment to avoid being overly restrictive.
3	19.06.130(E)	JB Gibson	Propose to amend criteria to add: “a. The temporary use is allowable according to the development standards of the underlying zone applicable to the site on which the temporary use is located. b. Structures proposed for the temporary use comply with the development standards of the underlying zone applicable to the site on which the use is located”.	Minor Amendment MICC 19.06.130(E)(k) already requires the temporary use to comply with the applicable portions of MICC Title 19. This amendment would not change the requirements because all new development must meet the standards of the zone, except as provided in this code section.
4	19.06.130(F)	JB Gibson	Propose to amend criteria to add: The use, activity, or structure will be compatible with existing and planned uses on adjoining properties as determined by the reviewing authority. Compatibility determinations may consider noise, safety, visual effects, and operational characteristics.	Substantive – Not recommended This criterion does not set measurable standards and is expected to be difficult to administer. MICC 19.06.130(E)(1)(a) accomplishes something similar to the effect of the proposed language by requiring the use to not be detrimental to the public health, safety, or welfare, nor injurious to property or improvements in the vicinity of the temporary use. Without definition, compatibility would have to be determined on a case-by-case basis.

5	19.06.130(F)	JB Gibson	Propose to amend criteria to add: The maximum gross floor area for the site may increase by a maximum of 10%.	Substantive – Not consistent with docketed scope The temporary structures and uses code amendment was initially docketed to establish a regulatory framework to allow the Mercer Island Country Club to place a temporary membrane structure over their tennis courts. The amendment as proposed would establish a regulation that the temporary membrane structure cannot satisfy.
6	19.06.130(F)	JB Gibson	Propose to amend criteria to add: The maximum lot coverage for the site may increase by a maximum of 10%.	Substantive – Not consistent with docketed scope The temporary structures and uses code amendment was initially docketed to establish a regulatory framework to allow the Mercer Island Country Club to place a temporary membrane structure over their tennis courts. The amendment as proposed would establish a regulation that the temporary membrane structure cannot satisfy.
7	19.06.130(F)	JB Gibson	Staff Question: Does the MICC tennis bubble increase their lot coverage and/or GFA beyond the allowable limits? If so, by how much?	Question A temporary membrane structure would count toward lot coverage or gross floor area maximums. The maximum allowed GFA on the Mercer Island Country Club's 242,480 sf lot is 8,000 sf. The existing building is 18,629 sf. The maximum allowed lot coverage is 96,992 sf (based on an assumed <15% slope). Existing lot coverage is 165,368 sf according to previous permits.
8	19.06.130(F)	JB Gibson	Staff Question: Item 2a exempts/ uses/structures owned or operated by the City. Section 19.03.130(A) states that this section only applies to temporary structures on private property. Is property owned and operated by the city by definition public? If so, then is this provision necessary?	Question A circumstance where the City operates a temporary use on private property is plausible. For example, the City could host an event at Aubrey Davis Park, which is not owned by the City.
9	19.06.130(F)	JB Gibson	Amend item #4 to read: "Yard setbacks may be reduced to zero feet only if adjacent to a property without an established residential use."	Substantive – Not consistent with docketed scope The temporary structures and uses code amendment was initially docketed to establish a regulatory framework to allow the Mercer Island Country Club to place a temporary membrane structure over their tennis courts. The amendment as proposed would establish a regulation that the temporary membrane structure cannot satisfy.

				See also Staff Response to Item 10.
10	19.06.130(F)	JB Gibson	Staff Question: Does the zero feet setback conflict with fire code requirements?	Question If there is any conflict with fire code requirements, it would be resolved through MICC 19.06.130(E)(b).
11	19.06.130(F)	JB Gibson	Amend item #5 to read: “Temporary structures that exceed the area/bulk regulations of the underlying zone (lot coverage, setbacks, height limits, floor area ratio) shall limit the massing and position of the structure or ensure sufficient vegetative or equal screening from adjacent residentially zoned properties and public right of way to provide visual compatibility and architectural harmony of the neighborhood.”	Substantive – Not recommended The proposed amendment does not set clear and objective criteria for determining visual compatibility and architectural harmony. The state law specifically prohibits cities planning under the Growth Management Act (GMA) from establishing regulations for building design that are not clear and objective (RCW 36.70A)
12	19.06.130(G)	JB Gibson	Staff Question: If the permits are approved for a five year period, does the process for annual removal and reinstallation need to be documented in the regulation?	Question No, additional regulation would not be required. The annual removal of the temporary use after its permitted time period would be addressed by the conditions of approval proposed in MICC 19.06.130(J).
13	19.06.050(C1)	Nazim Nice	<p>If the intent is to allow multiple events of shorter duration, then suggest this alternative:</p> <p>1. Temporary uses and structures associated with commerce on public property operating for no more than a total of seven calendar days or less in any given 90-calendar day period do not require a permit. Nothing in this section exempts commerce on public property activities from compliance with the criteria in MICC 19.06.050(D), Criteria for permit.</p> <p>If intent is to allow a maximum of seven days once ever 90 days, suggest this alternative:</p> <p>1. Temporary uses and structures associated with commerce on public property operating for no more than one continuous period of up to seven calendar days or less within any given 90-calendar day period do not require a permit. Nothing in this section exempts commerce on public property activities from compliance with the criteria in MICC 19.06.050(D), Criteria for permit.</p>	<p>Minor Amendment – Staff recommendation Staff recommend the first alternative proposed. This alternative is minor and clarifies the maximum term for commerce on public property not requiring a permit.</p> <p>The second alternative would be substantive, since it alters the period for operation of commerce on public property. If the Planning Commission wants to recommend this alternative, Log 13 would need to be pulled from the minor amendments and discussion and a motion is required.</p>

14	19.06.050(D2)	Nazim Nice	The location of the private commerce on public property business activity does not create a safety, noise, or environmental hazard for motorists, bicyclists or pedestrians. (add missing period)	Minor Amendment
15	19.06.050(D2a)	Nazim Nice	The business private commerce on public property location maintains sufficient area for the free passage of deliveries, service access, and pedestrians per ADA standards, along sidewalks and access to other adjacent businesses.	Minor Amendment
16	19.06.050(D3c)	Nazim Nice	<p>No music or sound is amplified.</p> <p>May be worth a little more discussion. Does this mean live music is acceptable (which may or may not be loud)? Virtually all music played from a speaker would be amplified. To meet this code, you'd have to play music from a wind-up music box, or an old-school gramophone. If we're just trying to regulate noise level, is that already covered by the reference to noise above this text? I think it is, so I'm suggesting we strike this.</p> <p>The business operation does not generate litter, noise or other nuisances that would be objectionable to the public or other businesses in the immediate area.</p> <p>Or are we trying to specify a maximum decibel level of sound or music? Are we after low volume sound from a speaker or low-volume unamplified live performances?</p>	<p>Substantive – Previously resolved</p> <p>This amendment was included in the draft at the June 10 public hearing. No motion was made to recommend or discuss this amendment (Log 9).</p>
17	19.06.050(D3)	Nazim Nice	<p>Is it implied that items a-e are all required, if applicable, or does this need to be explicitly stated? For example:</p> <p>The business operation does not generate litter, noise or other nuisances that would be objectionable to the public or other businesses in the immediate area. All of the following are required, if applicable:</p>	<p>Question</p> <p>Yes, it is clear that items a-e are required. Further amendment is not necessary to ensure that development must be consistent with a-e.</p>
18	19.06.050(D4)	Nazim Nice	The location and design do not unreasonably obstruct the visibility of any adjacent businesses or their signage.	Minor Amendment

19	19.06.050(E)	Nazim Nice	There are several references to the design commission in this code. Since it was dissolved in 2025, it seems like this reference should be removed?	Question Amendments to address this are recommended and will be presented to the Planning Commission during the July 23 meeting, see PCB25-13.
20	19.06.050(G)	Nazim Nice	Is reapplication required or is reinstatement allowed, in case of lapse? Do either needed to be stated here?	Question Commerce on public property permits may be renewed on an annual basis. The applicant must submit a renewal request (as stated in this section). If the applicant does not submit a renewal request within the time stated, the application is suspended and, if the applicant wishes to reinstate the permit, a new application would be required. This standard has been in place since 2008, and the City has not had any issues administering this section (ORD No. 08C-06)
21	19.06.050(L1)	Nazim Nice	1. The City Engineer may require removal of improvements associated with commerce on public property if it is determined to create a hazard or as required to perform scheduled or ongoing maintenance, public works projects, emergency operations, or other municipal activities. Reasonable notice shall be provided unless emergency operations or hazard justify immediate removal.	Substantive – Not recommended The City Engineer has an established process for notifying property owners of work conducted by the Public Works Department, hazards, and/or emergency operations.
22	MICC 19.06.130 – Temporary Use and Structure Permits.	Nazim Nice	With the renaming of this as Temporary Use and Structure Permits, should references within this code section be updated to also correspond? There are several references to temporary use permits that remain in the text.	Minor Amendment No, further amendment is not necessary, but the amendments as proposed could improve clarity. Staff can ensure that consistent terms are used throughout the Planning Commission’s recommended draft that is presented to the City Council.
23	19.06.130(C2)	Nazim Nice	Temporary structure deviation permit applications shall be processed as a Type-III IV land use review, pursuant to MICC 19.15.030 Land Use Review Types, and are subject to MICC 19.06.130(E), Criteria for approval and MICC 19.06.130(F), Temporary structure deviation criteria. Temporary structure deviation permit approvals shall be valid for five years, with the option for renewal. To correspond to Table A... please verify.	Substantive – Previously resolved Amendments to address this are recommended and will be presented to the Planning Commission during the July 23 meeting. The temporary structure deviation permit applications would be subject to Type III land use review, consistent with the direction from the Planning Commission at the June 10 public hearing, see PCB25-13.
24	19.06.130(C3c)	Nazim Nice	c. No changes to the use, structure, or any associated deviations have been made from the originally approved permitted plans. Maybe this is implied, would like staff guidance.	Question This standard is for the renewal of the associated original deviation, not “any” deviation. Further amendments to this section are not necessary. The renewal being consistent with the originally

				approved plans is implicit in this section and does not need to be restated.
25	19.06.130(C3d)	Nazim Nice	A complete application must be submitted to the Community Planning & Development Department at least 90 days prior to Expiration of a five-year term.	Minor Amendment
26	19.06.130(C3e)	Nazim Nice	e. Renewals shall be valid for five years. <i>Does this need any clarification? What if someone forgets to renew at 5 years? They have to start over with a new 20 year max term? Or can they pick up the previous term and renew for 4 years if they are a year late?</i>	Question Clarification is not needed here. If a complete application is not submitted at least 90 days prior to expiration as required in MICC 19.06.130(C)(3)(d), the applicant must apply for a new temporary structure deviation rather than a renewal.
27	19.06.130(D1)	Nazim Nice	Any temporary use or structure that can meet complies with the development standards of the underlying zone applicable to the site may be permitted , on which the temporary use or structure is located may be allowed provided the term duration does not exceed a single term of seven consecutive days within any given 90-day period;	Minor Amendment – Staff alternative Since this section is for temporary uses that are exempt from permit applications, staff do not recommend using the term “may be permitted” here to avoid confusion because this section is describing those activities that are exempt from a temporary use and structure permit. Staff recommend the amendment read: “Any temporary use or structure that can meet <u>complies with</u> the development standards of the underlying zone applicable to the site on which the temporary use or structure is located, provided the term <u>duration</u> does not exceed <u>a single term of seven consecutive</u> days within any given 90-day period.”
28	19.06.130(D2)	Nazim Nice	2. Any temporary use or structure that cannot meet the development standards of the underlying zone applicable to site on which the temporary use or structure is located may be allowed with a maximum duration of 48 72 hours; <i>Thinking this is more practical if you had a day of set up, an event for a day, and day of tear down.</i>	Substantive – Not consistent with docketed scope This amendment would differ from the Planning Commission’s original direction at the June 10 public hearing for a maximum duration of 48 hours; however, Staff does not foresee any issues with lengthening this duration to 72 hours.
29	19.06.130(D5)	Nazim Nice	5. Any temporary structure used for worship under 250 square feet in area and 10 feet in height erected for no more than a total of 15 calendar days in any given 365-day period. <i>An amendment, if not permitted elsewhere, to allow for structures like</i>	Substantive This amendment would exempt an additional activity from permit requirements under subsection (D).

			Sukkots that are typically erected for ~8 days in October but require some setup and take down time.	
30	19.06.130(D5)	Nazim Nice	<p>5- 6. Exemptions for Construction-Related Activities: The following uses and structures do not require a temporary use permit, provided they are associated with an approved land use application and/or construction Permit and the use is discontinued within 30 days of the project completion, cessation of work, or completion of real estate rental or sales activities:</p> <p>It appeared that this section had no time limit.</p>	Minor Amendment
31	19.06.130(G)	Nazim Nice	<p>G. Time limitation. Temporary uses or structures may operate for a total of 180 days per calendar year. The code official may grant an extension not to exceed 30 days per calendar year.</p> <p>Is the word <i>operate</i> the correct word? For example, a structure could be erected but not operational if it's part of a business and it's closed. When does the 180 days start? From the time the structure is fully erected? What if it takes a month to erect and take down? Is that part of the 180 days? Possibly return to some language that was in Table A as proposed below?</p> <p>G. Time limitation. Temporary uses or structures may occupy the site or operate for a total of 180 days per calendar year. The code official may grant an extension not to exceed 30 days per calendar year.</p> <p>Consider striking the 30-day extension if we're tailoring this to air supported structures.</p> <p>Check IFC 3103.5 Use Period. Temporary tents, air supported, air-inflated or tensioned membrane structures shall not be erected for a period of more than 180 days within a 12-month period on a single premises.</p>	<p>Question</p> <p>It is possible that a temporary air-supported membrane structure that is erected for more than 180 days may be permitted through a fire code alternative. Since the Mercer Island Country Club "tennis bubble" was permitted from November 15 through April 30 (199 days), it is likely they received approval of a fire code alternative.</p> <p>Substantive – Not consistent with docketed scope</p> <p>The temporary structures and uses code amendment was initially docketed to establish a regulatory framework to allow the Mercer Island Country Club to place a temporary membrane structure over their tennis courts. The amendment as proposed would establish a regulation that the temporary membrane structure cannot satisfy.</p>
32	19.06.130(F3)	Nazim Nice	<p>3. Temporary structures may exceed the maximum building height allowed in the underlying zone by the lesser of 35 percent or 20 feet.</p> <p>I want to confirm this results in a maximum of 40.5' in residential zones? And someone could build that high 4' from the property line?</p>	<p>Question</p> <p>The maximum allowed height in residential zones is 30 feet from ABE. An increase in 35 percent of that height is 10.5 feet, for a total of 40.5 feet. As the deviation criteria is written, a structure that is 10.5 feet in height could be erected 4 feet from side or rear</p>

			Are we just trying to approve the MICC Bubble form? In that case we could stipulate a stepped height limit that conforms to its shape if exceeding the height limit. At 10' from the PL, the MICC Bubble is just under 18' tall. At 20' from the PL it is just under 32' tall, per the approved plans.	property lines, provided they meet all building and fire codes as well.
33	19.06.130(F4)	Nazim Nice	<p>4. Yard setbacks may be reduced to zero feet. However, for temporary structures that exceed the maximum building height allowed in the underlying zoning designation, yard setbacks may not be reduced below the following:</p> <p>a. Front setbacks may not be reduced to less than 10 feet;</p> <p>b. Side and rear setbacks may not be reduced to less than four feet each.</p> <p>Are we tailoring this to allow the MICC Bubble? If that's the case, it appears a 4'-0 ¼" setback was permitted for what looks to be a side setback, but there was an assumed property line for "code purposes" of 17' into the neighbor's property as a no-build easement and nearest structure on the property to the north is 48.68' from the assumed property line. This indicated that larger setbacks and involvement from the neighbors may be necessary to build such a structure to comply with code (I believe this related to the building and fire code which are specific to 'tent' structures. IFC 3103.8.2 requires 20' separation from lot lines, buildings, etc. 3103.8.3 requires separation of 50' to other structures unless joined together with a corridor). It doesn't appear that the MICC Bubble required a deviation from the front or rear setbacks (to be verified). Where did those reductions come from and why are they necessary?</p>	<p>Question</p> <p>The MICC "tennis bubble" was permitted 4'-0 ¼" from the rear property line. It is possible a fire code alternative was approved for fire code requirement deviations. Any structure would need to comply with fire and building codes in order to obtain a temporary use permit or temporary structure deviation.</p>
34	19.06.130(J)	Nazim Nice	Assurance device. The code official may require a financial guarantee pursuant to the requirements in MICC 19.01.060, in a form acceptable to the City's finance department, to assure compliance with the provisions of this title and the temporary use permit as approved.	Minor Amendment
35	19.06.050	Dan Thompson	Bifurcate Motions to approve MICC 19.06.050 Commerce and Temporary Structures on Public Property from 19.06.130 Temporary Use and Structure Permits and 19.15.030.	<p>Substantive – Not recommended</p> <p>The motion that was made and tabled at the June 10, 2025 public hearing was:</p> <p><i>"Move to recommend that the City Council adopt the proposed amendments to MICC 19.06.050 – Commerce on public property as amended; proposed new section MICC 19.06.130 – Temporary</i></p>

				<p><i>use permits as amended; and proposed amendments to MICC 19.15.030 – Land use review types as amended.”</i></p> <p>Because this motion is still on the table, it must be resolved as proposed. There is no procedural reason to split the main motion at this time. The Planning Commission is not required to vote separately on each section. This motion, which is already on the table, would make a recommendation on the proposed code sections as a package as amended.</p> <p>Note: All amendments that have been made thus far are linked to this main motion under the “as amended” clause. Staff recommend against further complicating the parliamentary procedure for no reason.</p>
36	19.06.050(E)	Dan Thompson	Amend to replace design commission with hearing examiner.	<p>Question</p> <p>Amendments to address this are recommended and will be presented to the Planning Commission during the July 23 meeting, see PCB25-13.</p>
37		Dan Thompson	<p>Amend MICC 19.16.130 C - F to replace the term “temporary structure deviation” with “temporary structure variance” to conform with MICC 19.16.010 Definitions:</p> <p><i>Deviation:</i> A minor modification of standard development code provisions that does not require the special circumstances necessary for granting a variance and which complies with the city's deviation criteria.</p> <p><i>Variance:</i> A modification of standard development code provisions based on special circumstances and complying with the city's variance criteria.</p>	<p>Substantive – Previously resolved</p> <p>As discussed at the June 10 public hearing, the variance definition includes the demonstration of a “special circumstance”. Staff does not recommend using this term here, since it is unlikely the temporary uses and structures that would be using this application type would be able to demonstrate a special circumstance, and therefore, it does not align with the definition of “variance”.</p>
38	19.06.130(C)(2)	Dan Thompson	Replace Type III permit review with Type IV permit review.	<p>Substantive – Previously resolved</p> <p>On June 10, the Planning Commission provided direction by consensus that this type of review should be a Type III.</p>

39	19.06.130(C)(3))	Dan Thompson	Replace Type II permit review with Type III permit review.	Substantive – Previously resolved On June 10, the Planning Commission provided direction by consensus that this type of review should be a Type II.
40	19.06.130(C)(3) (a)	Dan Thompson	Replace 20 years with 10 years.	Substantive – Previously resolved On June 10, the Planning Commission provided direction by consensus the term for authorizations should be 20 years with a renewal allowed every five years.
41	19.06.130(F)	Dan Thompson	Replace Code Official with Hearing Examiner to remain consistent with 19.15.030 noting temporary structure deviation (variance) is a Type IV permit.	Substantive – Previously resolved On June 10, the Planning Commission provided direction by consensus that this type of review should be a Type III not a Type IV.
42	19.06.130(F)(2)	Dan Thompson	Replace “can be” with “may be” and add “subject to other criteria in this section”.	Substantive – Not recommended See the staff response to Item 53.
43	19.06.130(F)(2) (a)	Dan Thompson	Eliminate this section to be consistent with 19.06.130(A) noting this pertains to “private property”.	Substantive Please see the staff response to Item 8.
44	19.06.130(F)(2) (b)	Dan Thompson	Question: This section notes that a significant public benefit is met by an organization or corporation “serving” at least 50 people. I would request clarification on “serving” and “50 people.” For example, does this include <ul style="list-style-type: none"> • students • teachers • administrators • parishioners, religious personnel such as priests and rabbis • members • members of the public who are allowed to use day passes? 	Question This would be the people that benefit from the use. Any of the groups identified could benefit from an organization or corporation. The applicant would need to demonstrate how many people are served by the use.
45	19.06.130(F)(2) (b)	Dan Thompson	Replace 50 with 250 people to be consistent with providing a significant public amenity to Mercer Island residents. .	Substantive – Previously resolved The 50-person threshold is proposed based on the Planning Commission input provided at the June meeting. This standard is proposed based on the public benefit requirement in the marinas code in MICC 19.13.040(L).

46	19.06.130(F)(2)(c)	Dan Thompson	Add “without charge to the general public”.	Minor Amendment
47	19.06.130(F)(3)	Dan Thompson	Replace language with language that temporary structures may exceed the maximum building height in the underlying zone by a maximum of 10’ measured at the highest point.	Minor Amendment The language in the proposed draft would limit an increase in height in the single-family residential zones to 10.5 feet because the limit is “the lesser of 35 percent or 20 feet.”. This amendment reduces this allowance to a maximum of 10 feet above the maximum allowed building height in all zones.
48	19.06.130(F)(4)	Dan Thompson	Delete the language in Section (F)(4) in its entirety and instead include the following language: “A temporary structure that does not meet the development standards of the underlying zone may not intrude into any yard setback when the adjacent property has an existing residential structure on it. “A temporary structure which cannot meet the development standards of the underlying zone cannot intrude into the yard setbacks if an adjacent property has a pre-existing temporary structure which cannot meet the development standards that intrudes into the yard setbacks.”	Substantive – Not consistent with docketed scope This amendment is not recommended. The temporary structures and uses code amendment was initially docketed to establish a regulatory framework to allow the Mercer Island Country Club to place a temporary membrane structure over their tennis courts. The amendment as proposed would establish a regulation that the temporary membrane structure cannot satisfy. As written, these amendments would prohibit the MICC “tennis bubble” since the subject property is adjacent to properties with existing residential structures.
49	19.06.130(G)	Dan Thompson	Delete language that “The code official may grant an extension not to exceed 30 days per calendar year” and clarify the 180 day maximum relates to the time the structure is up including installation and taking down the structure rather than “operate”.	Substantive – Not consistent with docketed scope See Item 31. This would preclude the tennis bubble
50	19.06.130(I)	Dan Thompson	Add language that the date by which the structure (not use) must be removed cannot exceed 180 days in any calendar year.	No Amendment Necessary A 180-day limit would be established in MICC 19.06.130(G), Time limitation.
51	19.15.030	Dan Thompson	Move temporary structure deviation (variance) renewal from Type II to Type III but leave Temporary Structure deviation (variance) as a Type IV permit review.	Substantive – Previously resolved On June 10, the Planning Commission provided direction by consensus that this type of review should be a Type III, not a Type IV.
52	19.06.130(F)	Dan Thompson	Add a Section that states, A temporary structure which cannot meet the development standards of the underlying zone applicable to the site on which the temporary structure is located may not increase lot coverage	Substantive – Not recommended Staff foresee potential issues with administering this proposed amendment. “Existing” lot coverage on the site may be problematic. Further, please see the Staff Response to Item 7.

			by either the maximum lot coverage allowed in the zone or the existing lot coverage on the site, whichever is greater.	
53	19.06.130(F)	Dan Thompson	<p>Add a section that states: “The applicant has the burden to show that the a temporary structure which cannot meet the development standards of the underlying zone applicable to the site on which the temporary structure is located does or does not make appropriate provisions for the public health, safety, and general welfare, and the public use and interest will or will not be served by approval of the structure, considering the following factors:</p> <ol style="list-style-type: none">1. Whether the non-conforming structure is one that the parcel owner had in the past but let lapse.2. The distance of the setbacks of the non-conforming structure from any residentially zoned property.3. The extent to which the temporary structure will exceed the zone's regulatory limits.4. The size of the lot compared to the gross floor area of the proposed non-conforming structure.5. The number of months per year the non-conforming structure will be up, and whether it is planned to be a recurring structure each year.6. The number of individuals who will use or benefit from the non-conforming structure.7. The proposed screening for the non-conforming structure.	<p>Substantive – Not recommended</p> <p>This amendment is not recommended. Staff foresee potential issues with administering this proposed amendment. The factors listed in the proposed amendment are subjective and it is unclear how these factors, when addressed by the applicant, would relate to the decision. the proposed amendment would only require that the factors be considered but does not specify what that consideration would mean. For example, as drafted the applicant would be required to list the distance of the setbacks of the structure from any residentially zoned property and that information must be considered but no other action is required.</p> <p>The deviation criteria in the proposed draft can be clearly administered by the code official and results in the outcomes directed by the Planning Commission during the June 10 public hearing.</p>

			<p>8. Whether the applicant intends to charge a separate fee to use the structure so as to commercialize it.</p> <p>9. The objections from the neighbors and whether those objections can be mitigated.</p> <p>10. The increase in the intensity of use of the property due to the variance, including traffic, light, off-site parking, noise, and hours of operation.</p> <p>11. Whether the dimensions of the proposed non-conforming structure are discretionary or whether the dimensions are required by a governing body such as a covered tennis court.</p> <p>12. Whether the property's structures already exceed the zone's regulatory limits for the zone.</p>	
54	19.06.050(E)	Staff Recommended	<p>A permit to operate a private business on public property shall be subject to design review reviewed and approved by the design commission; provided, that occasional, temporary business operations involving temporary structures and/or temporary right-of-way obstructions may be approved by the code official. Permit applications from one or a group of existing eating and drinking establishments at Mercer Island to temporarily operate private business on public property during the effective period set forth in section 6 of Ordinance No. 21C-25 shall be considered to be temporary, and they may be approved by the code official without review or approval by the design commission. <u>Permit applications from existing eating and drinking establishments at Mercer Island to temporarily provide outdoor food and beverage service on public property adjacent to the eating and</u></p>	<p>Minor Amendment – Staff recommended</p> <p>This amendment removes the reference to the Design Commission, in addition to the amendment provided in PCB25-13 under B7.</p>

			<u>drinking establishment shall be considered to be temporary, and they may be approved by the code official without review or approval by the design commission.</u>	
55	19.15.030 Table A	Staff Recommen ded	Move “Temporary structure deviation” from Type IV to Type III to align with the rest of the draft and PC direction from June 10, 2025.	Minor Amendment – Staff recommended This amendment is to correct an error in the draft, which aligns with Planning Commission direction from the June 10 public hearing.



PLANNING COMMISSION CITY OF MERCER ISLAND

PCB 25-16
September 10, 2025
Special Business

AGENDA BILL INFORMATION

TITLE:	PCB 25-16: Study Session – Omnibus Legislation Related to Permanent Regulations for Housing Production and Permit Streamlining	<input checked="" type="checkbox"/> Discussion Only <input type="checkbox"/> Action Needed: <input type="checkbox"/> Motion <input type="checkbox"/> Recommendation
RECOMMENDED ACTION:	Receive report. No action necessary.	

STAFF:	Adam Zack, Principal Planner
EXHIBITS:	1. Omnibus Legislation Code Amendment Package

EXECUTIVE SUMMARY

The purpose of this agenda bill is to brief the Planning Commission on the expected development code amendments that will be included in omnibus legislation to streamline regulations for residential development. The initial draft code amendment package is provided in Exhibit 1. This is the first Planning Commission study session on this draft and public hearing is scheduled for September 24. The Council adopted scope of work for this project directs the Planning Commission complete review of the omnibus legislation by the end of October and targets adoption before the end of 2025.

- In the last few years, the WA Legislature has adopted many bills that require amendments to the Mercer Island City Code (MICC).
- Compliance with the updated state laws, combined with the state-required update to the Comprehensive Plan, required code amendments at a rapid pace.
- To keep pace with the changes in the State law, the City has adopted a series of interim ordinances between 2021 and 2025.
- Interim ordinances establish temporary regulations that eventually expire unless they are renewed or replaced by permanent regulations.
- Given the breadth of amendments required to replace the interim ordinances, on July 15, 2025, the City Council approved a scope of work for a project to adopt omnibus legislation related to permanent regulations for housing production and permit streamlining.
- The Council-approved scope of work directs the Planning Commission to complete review of this omnibus legislation by the end of October to allow the Council to adopt the ordinance before the end of the year.
- The Planning Commission was briefed on the approved scope of work on July 23, 2025.

BACKGROUND

Beginning in 2021, the WA State Legislature enacted a series of bills that required local jurisdictions to amend their development codes to comply. During this period the City was also required to update its Comprehensive Plan. To comply with new legislation, meet its comprehensive plan update deadline, and maintain consistency with State law, the City enacted a series of interim ordinances that temporarily amended the MICC. The interim ordinances must be either renewed every 6-12 months or replaced by permanent regulations to maintain compliance with State law.

OMNIBUS LEGISLATION

Rather than prepare several code amendments to adopt permanent regulations to replace each interim ordinance individually, the City will adopt one set of omnibus legislation to replace them all at once. Omnibus legislation is the most efficient way to adopt permanent regulations because many of the interim ordinances overlap, with more than one ordinance amending the same development code section.

The omnibus legislation will address seven compliance topics that relate to housing production and streamlining permit review. On July 23, the Planning Commission was briefed on the topics to be addressed with the omnibus legislation. The omnibus legislation draft in Exhibit 1 includes notation following each amended section or subsection to indicate which topic the amendment is proposed to address. The notation is for reference only and will be removed from the text prior to adoption.

Please note, this project will not include regulations for middle housing, ADUs, and unit lot subdivision. Given the expected public interest in these amendments and that they largely affect single-family zones, staff will prepare a separate scope of work, schedule, and public participation plan for these amendments. This will allow for additional public outreach without delaying the adoption of an omnibus ordinance addressing all other interim ordinances. Each section that would be amended by the omnibus legislation is listed in Table 1.

TABLE 1. CHAPTER 19.01 MICC – GENERAL PROVISIONS AMENDMENT SUMMARY

Section Amended	Topic(s) Addressed	Summary of Amendments
19.01.050 – Nonconforming structures, sites, lots, and uses.	Design Commission	Reference to Design Commission removed
19.02.010 – Single-family	Design Commission	Reference to Design Commission removed
19.02.020 – Development standards	SB 6015	Amend residential parking standards to comply with state law
19.03.010 – Multiple-family	Design Commission	Reference to Design Commission removed
19.03.020 – Parking requirements	Design Commission	Reference to Design Commission removed
	SB 6015	Amend residential parking standards to comply with state law
19.04.010 – Planned Business Zone – PBZ	Design Commission	Reference to Design Commission removed
19.04.020 – Commercial Offices	Design Commission	Reference to Design Commission removed
19.04.040 – Parking Requirements	Design Commission	Reference to Design Commission removed
	HB 1293	Amend design standards to be clear and objective
19.05.010 – Public Institution – PI	Design Commission	Reference to Design Commission removed
19.06.030 – Antennas	Design Commission	Reference to Design Commission removed
19.06.050 – Commerce on Public Property	Design Commission	Reference to Design Commission removed
19.06.080 – Siting of Group Housing	HB 1220	Amendments to affordable and emergency housing to comply with state law
	HB 1998	Amendments to Rooming House regulations comply with state law concerning co-living housing
19.06.120 – Criteria for Approval – Design Review	HB 1293	Amend design standards to be clear and objective

Section Amended	Topic(s) Addressed	Summary of Amendments
19.10.060 – Tree Removal – Associated With a Development Proposal	Design Commission	Reference to Design Commission removed
19.11.010 – General	HB 1293	Amend design standards to be clear and objective
19.11.015 – Town Center Subareas	Comp Plan	Amendments to implement the Comprehensive Plan periodic review
19.11.020 – Land Uses	HB 1293	Amend design standards to be clear and objective
	HB 1998	Amendments to Rooming House regulations comply with state law concerning co-living housing
	Design Commission	Reference to Design Commission removed
	Comp Plan	Amendments to implement the Comprehensive Plan periodic review
19.11.030 – Bulk Regulations	Comp Plan	Amendments to implement the Comprehensive Plan periodic review
	HB 1293	Amend design standards to be clear and objective
19.11.040 – Affordable Housing	Comp Plan	Amendments to implement the Comprehensive Plan periodic review
	HB 1293	Amend design standards to be clear and objective
19.11.060 – Site Design	Comp Plan	Amendments to implement the Comprehensive Plan periodic review
	HB 1293	Amend design standards to be clear and objective
	Design Commission	Reference to Design Commission removed
19.11.070 – Greenery and Outdoor Spaces	HB 1293	Amend design standards to be clear and objective
19.11.080 – Screening	HB 1293	Amend design standards to be clear and objective
19.11.090 – Lighting	HB 1293	Amend design standards to be clear and objective
19.11.100 – Building Design	HB 1293	Amend design standards to be clear and objective
	Comp Plan	Amendments to implement the Comprehensive Plan periodic review
19.11.110 – Materials and Color	HB 1293	Amend design standards to be clear and objective
19.11.120 – Street Standards	HB 1293	Amend design standards to be clear and objective
	Design Commission	Reference to Design Commission removed
19.11.130 – Parking, Vehicular, and Pedestrian Circulation	HB 1293	Amend design standards to be clear and objective
	SB 6015	Amend residential parking standards to comply with state law
19.11.140 – Signs	HB 1293	Amend design standards to be clear and objective
19.11.150 - Administration	Design Commission	Reference to Design Commission removed
19.12.010 - General	HB 1293	Amend design standards to be clear and objective
	Design Commission	Reference to Design Commission removed
19.12.020 – Site Features and Context	HB 1293	Amend design standards to be clear and objective
19.12.030 – Building design and visual interest	HB 1293	Amend design standards to be clear and objective

Section Amended	Topic(s) Addressed	Summary of Amendments
19.12.040 – Landscape Design and Outdoor Spaces	HB 1293	Amend design standards to be clear and objective
	Design Commission	Reference to Design Commission removed
19.12.050 – Vehicular and Pedestrian Circulation	HB 1293	Amend design standards to be clear and objective
	SB 6015	Amend residential parking standards to comply with state law
19.12.060 – Screening of Service and Mechanical Areas	HB 1293	Amend design standards to be clear and objective
19.12.070 – Lighting	HB 1293	Amend design standards to be clear and objective
19.12.080 – Signs	HB 1293	Amend design standards to be clear and objective
19.15.010 – Purpose, Intent and Roles	Design Commission	Reference to Design Commission removed
19.15.030 – Land Use Review Types	SB 5290	Amend permit review procedures to comply with state requirements
	Design Commission	Reference to Design Commission removed
19.15.040 – Review Procedures	SB 5290	Amend permit review procedures to comply with state requirements
19.15.060 – Application	SB 5290	Amend permit review procedures to comply with state requirements
	HB 1293	Amend design standards to be clear and objective
19.15.070 – Determination of Completeness and Letter of Completion	SB 5290	Amend permit review procedures to comply with state requirements
19.15.220 – Design Review and the Design Commission	Design Commission	Reference to Design Commission removed
	HB 1293	Amend design standards to be clear and objective
	SB 5290	Amend permit review procedures to comply with state requirements
19.16.010 – Definitions	Design Commission	Reference to Design Commission removed
	HB 1293	Amend design standards to be clear and objective
	SB 5290	Amend permit review procedures to comply with state requirements
	HB 1220	Amendments to affordable and emergency housing to comply with state law
	HB 1998	Amendments to Rooming House regulations comply with state law concerning co-living housing
Appendix A	SB 6015	Amend residential parking standards to comply with state law
Appendix C	Design Commission	Reference to Design Commission removed

ISSUE/DISCUSSION

The Planning Commission (PC) comment period on the draft omnibus legislation began on August 11 and will conclude on September 17, 2025. All PC comments should be submitted to staff by 5:00 pm on September 17. The PC will hold a public hearing on the proposed amendments on September 24.

SUBSTANTIVE AND NONSUBSTANTIVE PC COMMENTS

In general, staff will divide PC comments into two buckets: non-substantive and substantive.

Non-Substantive Comments

Non-substantive comments would not alter the substance of the code provision or establish a new requirement. These are often referred to as ‘word smithing’ amendments and can also include grammatical corrections. The staff recommendation for non-substantive comments will be to make these amendments in a block with a single motion. In places where non-substantive comments overlap, the PC can ask staff to resolve the overlap in the non-substantive comments motion.

Substantive Comments

Comments sorted into this bucket will be those that suggest changes to the code that would alter the substance of an existing code provision or add a new code requirement that does not currently exist. Because of the breadth of amendments in the omnibus ordinance and the timeline established by the City Council approved scope of work, staff recommends against the addition of substantive comments to the omnibus ordinance unless they are proposed in response to public comments or necessary to comply with the pertinent State law.

Given the breadth of changes necessary and the scope of work approved by the City Council, the legislative review will need to stay focused on those amendments necessary to address the seven topics discussed above rather than considering new regulatory requirements.

To stay on schedule for the omnibus ordinance, staff recommend the PC create a parking lot to place any substantive comments that are proposed during the review of the omnibus ordinance. Rather than discard substantive comments that propose new ideas or delay the omnibus ordinance to debate amendments that go above and beyond what is required to resolve the seven issues discussed above, the parking lot can gather those ideas for the PC to consider during the next annual docket process. Through a separate process next year, the PC can consider the proposed substantive code amendments and decide which it would like to formally propose through the docket.

NEXT STEPS

On July 15, the City Council approved a scope of work to adopt an omnibus ordinance related to permanent regulations for housing production and permit streamlining ([PCB25-14](#)). The scope of work gives the Planning Commission (PC) clear directions from the City Council – begin working on the omnibus ordinance in July and complete a recommendation for the City Council no later than the end of October. The scope provides the public with a timeline for submitting comments on the proposed amendments. The Council-directed PC schedule is outlined in Table 3.

TABLE 3. PLANNING COMMISSION LEGISLATIVE REVIEW SCHEDULE.

Planning Commission Meeting	Scope of Work
September 10	Briefing on code amendments by chapter
September 17	Planning Commission comments due
September 24	Public Hearing
October 8	Public Hearing (continued) and recommendation
October 22 (If necessary)	Work Session on PC recommendation. The PC must arrive at a recommendation no later than October 22.

RECOMMENDED ACTION

Receive report. No action necessary.

Notation Guide

There is notation following each amended section or subsection to indicate which topic the amendment is proposed to address. The notation is for reference only and will be removed from the text prior to adoption. Table 1 lists the topics and notation used in this draft.

Table 1. Topics to be Addressed by the Omnibus Legislation.

Topic (Notation)	Description	MICC Chapters Affected	RCW Reference	Interim Ordinance #
House Bill 1220 (HB 1220)	Affordable and emergency housing.	19.02, 19.06, 19.11	36.70A.070	25C-05 (24C-03)
Senate Bill 6015 (SB 6015)	Residential parking requirements	19.02, 19.03, 19.11, 19.12	36.70A.622	25C-08
House Bill 1293 (HB 1293)	Clear and objective design standards	19.03, 19.06, 19.11, 19.12, 19.15, 19.16	36.70A.630	25C-11
Senate Bill 5290 (SB 5290)	Permit review timelines	19.15	36.70B.080	24C-17
House Bill 1998 (HB 1998)	Co-Living Housing	19.06, 19.11, 19.16	36.70A.535	N/A
Design Commission (DC)	Remove references to Design Commission review ¹	19.01, 19.02, 19.03, 19.04, 19.05, 19.06, 19.10, 19.11, 19.12, 19.15, 19.16, App. C	N/A	25C-14 ²
Comprehensive Plan Implementation (Comp Plan)	In 2024, the City Council updated the Comprehensive Plan and made implementing amendments to the Town Center development code.	19.11	36.70A.130	24C-18

Notes:

1. In 2025, the City Council dissolved the Design Commission and reassigned design review to the Hearing Examiner. Though no further code amendments are required to implement that action, minor code amendments to remove reference to the DC will ensure the code remains consistent as the design standards are amended to address HB 1293.
2. Ordinance 25C-14 was a permanent amendment to reassign design review to the Hearing Examiner and dissolve the Design Commission concurrent with the adoption of Ordinance No. 25C-11. While additional amendments to assign design review to the Hearing Examiner are not required, there are references to the design commission throughout Title 19 of the MICC that can be removed. Amending or removing these references will clarify for applicants and other code uses who the official responsible for review is.

Chapter 19.01 MICC

MICC 19.01.050 – Nonconforming structures, sites, lots, and uses.

[...]

D. Exterior alteration or enlargement of nonconforming structures. [...]

3. Nonconforming structures other than single-family or in Town Center.

- a. Reconstruction following catastrophic loss. Any legally nonconforming structure not covered under subsections (D)(1) or (2) of this section, that suffers a catastrophic loss may be reconstructed to its previous legally nonconforming configuration regardless of the extent of damage or reconstruction cost. No structure may be reconstructed so as to increase the degree of its nonconformity or create any new nonconformance. Regulated improvements reconstructed to their previous legally nonconforming configuration shall be subject to partial design review as provided by MICC 19.12.010(D)(2); however, no condition may be imposed ~~by the design commission or code official~~ which would have the effect of reducing the number of units contained in a multiple-family dwelling prior to the catastrophic loss. [DC] [...]

Chapter 19.02 MICC

MICC 19.02.010 – Single-family.

A use not permitted by this section is prohibited. Please refer to MICC 19.06.010 for other prohibited uses.

A. Uses permitted in Zones R-8.4, R-9.6, R-12, and R-15. [...]

4. Public schools accredited or approved by the state for compulsory school attendance, subject to ~~design commission review and all of the following~~ conditions: [DC] [...]

C. Conditional uses. The following uses are permitted when authorized by the issuance of a conditional use permit when the applicable conditions set forth in this section and in MICC 19.15.040 have been met: [...]

6. Retirement homes located on property used primarily for a place of worship subject to the following conditions:

- a. Retirement home structures shall not occupy more than 20 percent of the lot; provided, the total lot coverage for the retirement home, the place of worship, and all other structures shall not exceed the lot coverage specified in MICC 19.02.060.
 - b. A plot, landscape and building plan shall be ~~filed with the design commission for its approval,~~ provided and the construction and maintenance of buildings and structures and the establishment and continuation of uses shall comply with the approved plot, landscape and building plan. ~~Alterations to the project are permitted only upon approval by the design commission of a new or amended plan.~~ [DC] [...]
8. Nonschool uses of school buildings, subject to the following conditions: [...]
- d. Minor changes in the building exterior, landscaping, signs, and parking may be permitted pursuant to obtaining any applicable permits ~~subject to the review and approval of the design commission;~~ and [DC] [...]

MICC 19.02.020 – Development standards.

[...]

G. *Parking.*

1. *Applicability.* Subsection (G)(2) of this section shall apply to all new construction and remodels where more than 40 percent of the length of the structure's external walls have been intentionally structurally altered, except as provided below. [SB 6015]
2. *Parking required.*
 - a. Each single-family dwelling with a gross floor area of 3,000 square feet or more shall have at least three parking spaces sufficient in size to park a passenger automobile; ~~provided, at least two of the stalls shall be covered stalls.~~ [SB 6015]
 - b. Each single-family dwelling with a gross floor area of less than 3,000 square feet shall have at least two parking spaces sufficient in size to park a passenger automobile; ~~provided, at least one of the stalls shall be a covered stall.~~ [SB 6015]
3. No construction or remodel shall reduce the number of parking spaces on the lot below the number existing prior to the project unless the reduced parking still satisfies the requirements set out above.
4. Except as otherwise provided in this chapter, each lot shall provide parking deemed sufficient by the code official for the use occurring on the lot; provided, any lot that contains ten or more parking spaces shall also meet the parking lot

requirements set out in appendix A of this development code, except as provided below. [SB 6015]

5. Garages and carports are not required in order to meet minimum parking requirements for residential development. [SB 6015]
6. Parking spaces that count towards minimum parking requirements may be enclosed or unenclosed. [SB 6015]
7. Parking spaces in tandem shall count towards meeting minimum parking requirements at a rate of one space for every 20 linear feet with any necessary provisions for turning radius. For purposes of this subsection, "tandem" is defined as having two or more vehicles, one in front of or behind the others with a single means of ingress and egress. [SB 6015]
8. Existence of legally nonconforming gravel surfacing in existing designated parking areas may not be a reason for prohibiting utilization of existing space in the parking area to meet parking standards, up to a maximum of six parking spaces. [SB 6015]
9. Parking spaces are not required to exceed eight feet by 20 feet, except for required parking for people with disabilities. [SB 6015]
10. Required off-street parking shall not be a condition of permitting a residential project if compliance with tree retention pursuant to Chapter 19.10 MICC would otherwise make a proposed residential development or redevelopment infeasible. [SB 6015]
11. Parking spaces that consist of grass block pavers may count toward minimum parking requirements. [SB 6015]
12. Existing parking spaces that do not conform to the requirements of this section by June 6, 2024 are not required to be modified or resized, except for compliance with the Americans with Disabilities Act. Existing paved parking lots are not required to change the size of existing parking spaces during resurfacing if doing so will be more costly or require significant reconfiguration of the parking space locations. [SB 6015] [...]

Chapter 19.03 MICC

MICC 19.03.010 – Multiple-family.

A. Design requirements.

1. Any development within the MF-2L or MF-2 zones shall comply with chapter 19.12 MICC, Design standards for zones outside Town Center.
2. ~~Plans for any development on property located in an MF zone shall be submitted to the design commission for its approval as set out in MICC 19.15.220. This~~

~~requirement does not apply to property owned by or under the control of the city or to single family dwellings. [DC] [...]~~

- G. Yard requirements. Except as provided elsewhere in this section, each lot shall have front, side and rear yards not less than the following depths or widths ~~following or as approved by the design commission: [DC] [...]~~

MICC 19.03.020 - Parking requirements.

- A. Parking lot dimension. All parking areas shall conform to the design standards set out in appendix A of this development code ~~unless alternative design standards are approved by the design commission and city engineer. Residential uses are subject to the provisions of MICC 19.03.020(C). [SB 6015 & DC]~~
- B. Except as otherwise provided in this chapter, each lot shall also meet the following parking requirements.
1. Off-street parking shall be established and maintained at a minimum ratio of two parking spaces for each unit in a multiple-family dwelling.
 2. Parking shall not be allowed in front yard setbacks.
 3. Group parking areas shall be screened from view from streets and adjoining properties. If screening consists of solid planting, it shall be of evergreen variety and shall constitute a solid planting within two years.
 4. Notwithstanding any of the minimum parking requirements set out in this subsection, the code official may grant variances from the minimum parking requirements with the approval of the city engineer ~~and the design commission for projects reviewable by the design commission. [DC]~~
 5. All off-street parking areas shall be graded and surfaced to a standard comparable to the street which serves the parking area. The parking area shall be developed and completed to the required standards before an occupancy permit for the building to be served is issued. All traffic control devices such as parking strips designating car stalls, directional arrows or signs, bull rails, curbs and other structures shall be installed and completed as shown on the approved plans. Hard surfaced parking area shall use paint or similar devices to delineate parking stalls and directional arrows.
 6. Off-street parking shall be located on the same lot or on an adjoining lot or lots to the building to be served, except that off-street parking may be located in an area beginning within 500 feet of the front entrance of the building to be served;

provided, there are no intersecting streets between the parking area and building to be served.

7. The city engineer shall have the authority to fix the location and width of vehicular entrances and exits to and from property, and to alter existing entrances and exits as may be required to control street traffic in the interest of public safety and general welfare.
8. Off-street parking shall meet the relevant state design standards for the physically handicapped.
9. Up to 50 percent of the required off-street parking spaces may be designed for accommodating compact vehicles. Such parking spaces shall be clearly designated as compact stalls. The design commission may increase the percentage of compact stalls permitted may be increased if the applicant can demonstrate that no adverse impacts will occur based on review of detailed information provided by the applicant that includes a description of the physical structure(s), identification of potential uses, and analysis of likely parking demand.

DC

C. Residential development parking standards.

1. Garages and carports are not required in order to meet minimum parking requirements for residential development.
2. Parking spaces that count towards minimum parking requirements may be enclosed or unenclosed.
3. Parking spaces in tandem shall count towards meeting minimum parking requirements at a rate of one space for every 20 linear feet with any necessary provisions for turning radius. For purposes of this subsection, "tandem" is defined as having two or more vehicles, one in front of or behind the others with a single means of ingress and egress.
4. Existence of legally nonconforming gravel surfacing in existing designated parking areas may not be a reason for prohibiting utilization of existing space in the parking area to meet parking standards, up to a maximum of six parking spaces.
5. Parking spaces are not required to exceed eight feet by 20 feet, except for required parking for people with disabilities.
6. Required off-street parking shall not be a condition of permitting a residential project if compliance with tree retention pursuant to the requirements of Chapter 19.10 MICC would otherwise make the proposed residential development or redevelopment infeasible.
7. Parking spaces that consist of grass block pavers may count toward minimum parking requirements.

8. Existing parking spaces that do not conform to the requirements of this section by June 6, 2024 are not required to be modified or resized, except for compliance with the Americans with Disabilities Act. Existing paved parking lots are not required to change the size of existing parking spaces during resurfacing if doing so will be more costly or require significant reconfiguration of the parking space locations. [SB 6015]

Chapter 19.04 MICC

MICC 19.04.010 - Planned business zone—PBZ.

- A. The purpose of the planned business zone (PBZ) is to provide a location for a mix of small scale, neighborhood oriented business, office, service, public and residential uses in high quality, coordinated developments which are compatible with adjacent residential areas. Development in the PBZ will be subject to requirements and design standards as further set forth herein.

Provided, that transit service is available, a sheltered transit stop and associated parking (transit center) shall be a public benefit feature encouraged in the PBZ. ~~Appropriate incentives for the inclusion of a transit center in the PBZ shall be established by the design commission in conjunction with review and approval of a PBZ site plan and major new construction.~~ [DC] [...]

- D. Development standards—General.

1. Buffer requirements. All structures and off-street parking shall be set back from the perimeter property line of the PBZ as follows:[...]
 - e. The buffers may be modified to allow expansion or modification of the service station use at the corner of 84th Avenue SE and SE 68th Street through the PBZ site plan review process. This review shall provide conditions that assure compatibility with adjacent uses including, but not limited to, landscaping which screens objectionable views, light, glare and noise, ~~as required by the design commission.~~ [DC]
2. Landscaping requirements. Required yards shall be landscaped, the landscaping to include incorporation of existing landscaping along with new shrubs and trees making the planned business zone compatible with surrounding uses and controlling objectionable views, glares or noise as further specified in the design standards. ~~The installation and maintenance of such landscaping may be secured by a bond to the city in a reasonable amount if required by the design commission.~~ [DC]

3. Minimum open space requirements. ~~Subject to review by the design commission,~~ a minimum of 15 percent of the PBZ shall be maintained in open space, including buffers and setbacks. [DC]
4. Sign requirements. Signs shall conform to the applicable subsections of MICC 19.12.080, Signs.
5. Outdoor storage and merchandise display. Outdoor storage and/or display of merchandise is allowed as an accessory use to a permitted use in this zone, other than public storage facilities, housing for persons with handicaps, and single-family dwellings; provided, the storage or display area meets the following conditions:
 - a. The total area allowed for outdoor storage and/or merchandise display shall be no more than five percent of the total gross square footage of the subject use; provided, such area may exceed five percent if it is fenced or screened in a manner acceptable to the design commission; [DC]
 - b. Stored and/or displayed materials shall not obstruct fire lanes;
 - c. The stored and/or displayed materials shall be attractively and safely displayed, and remain within the area specified for such display;
 - d. Bulk (uncontained) materials shall be stored less than 24 hours;
 - e. Items stored on a site during construction and temporary uses approved by the code official (e.g., Christmas trees sale lots) shall be exempt from the requirements of this subsection.
6. Division of land. The approval of a PBZ site plan as set forth in subsection H of this section showing the proposed parcel development and specific building locations is intended to satisfy the criteria for a variance in MICC 19.08.020(B) and division of parcels greater than four acres into four or fewer lots is permissible through a short subdivision.
7. ~~Modification of development standards. It is the intention of this PBZ to encourage superior development proposals and toward that end, deviation from the development standards set forth in this section may be authorized when the design commission or the code official (whichever is appropriate to review the deviation) finds that, compared to such development standards, the deviation would advance the achievement of the stated purposes of the PBZ district and the spirit and intent of the design standards.~~ [DC]
8. Relationship to other code provisions. To the extent that other development standards are in conflict with those herein, the PBZ standards shall control. [...]

G. Design requirements.

1. Design review for major new construction.

a. *Site plan design review.* All proposals for major new construction in the PBZ shall conform to a site plan (PBZ site plan) filed with the community planning and development department and approved ~~by the design commission~~ in accordance with the PBZ development standards set forth in ~~subsections D, E, and F of this codesection and the design standards.~~ In approving the PBZ site plan, the design commission shall utilize the procedures specified in MICC 19.15.220. [DC]

b. Development proposal design review. In addition to the PBZ site plan approval, specific development proposals for major new construction shall be reviewed ~~by the design commission~~ for compliance with the PBZ site plan, the PBZ development standards set forth in this code ~~subsections D, E, and F of this section, and the design standards.~~ [DC]

~~In approving a development proposal for major new construction, the design commission shall utilize the procedures specified in MICC 19.15.220.~~ At the option of the applicant, the PBZ site plan approval may proceed in advance of or concurrently with the review of specific development proposals. [DC]

2. Design review for minor modifications. The community planning and development department shall review minor exterior modifications to buildings or structures in the PBZ and minor modifications to the PBZ site plan for compliance with the development standards and the design standards. ~~If the community planning and development department determines that the modification is of great significance it may refer the modification to the design commission.~~ [DC]

3. Design review process. Review and approval of site plan review and major new construction shall conform to the public notice and hearing requirements as established in MICC 19.15.100.

H. Division of land through binding site plan. [...]

2. Binding site plan requirements.

a. If major new construction is proposed concurrent with the binding site plan, approval of a PBZ site plan is required. If no new construction is proposed, a binding site plan may be approved solely by the planning commission. Where a PBZ site plan has been approved ~~by the design commission~~, the

planning commission shall use such approved PBZ site plan as the basis for the approval of the binding site plan. [DC] [...]

MICC 19.04.020 - Commercial offices.

A. Uses permitted. [...]

13. Public and private schools accredited or approved by the state for compulsory school attendance, subject to ~~design commission review and~~ the following conditions: [DC] [...]

B. Required conditions. [...]

3. A strip of land adjacent to all external boundaries of the site, including any frontage on public rights-of-way, shall be devoted exclusively to the planting, cultivation, growing and maintenance of sight-obscuring trees, shrubs and plant life.

~~If required by the design commission, t~~The maintenance of such protective strips and landscaping shall be guaranteed through a bond or assignment of funds as set out in MICC 19.01.060(C). ~~In lieu of such protective strips, under appropriate circumstances, there may be substituted a use classification of the outer margin of this zone consistent with the use classification of the surrounding area.~~ [DC]

[...]

6. A plot, landscape, and building plan showing compliance with these conditions shall be ~~filed with the design commission for its approval~~ submitted by the applicant, and the construction and maintenance of building and structures and the establishment and continuation of uses shall comply with the approved plot landscape, and building plan. [DC] [...]

- D. Lot area requirements. There are no requirements for minimum or maximum lot areas in this zone except that lots shall conform to approved plot and building plans ~~approved by the design commission and~~ kept on file with the community planning and development department. [DC] [...]

MICC 19.04.040 – Parking requirements.

[...]

B. General requirements. [...]

3. Design. Parking lot design ~~should~~ must conform to the diagrams set out in appendix A of this development code, ~~unless alternative design standards are approved by the design commission and city engineer.~~ [HB 1293] [...]
 7. Compact vehicles. Up to 50 percent of the required off-street parking spaces may be designed for accommodating compact vehicles. Such parking spaces must be clearly designated as compact stalls. The ~~design commission may increase the percentage of compact stalls permitted~~ may be increased if the applicant can demonstrate that no adverse impacts will occur. [DC] [...]
 9. Variances. Notwithstanding any of the minimum parking requirements set out in subsection C of this section, the code official may grant variances from the minimum parking requirements with the approval of the city engineer ~~and the design commission for projects reviewable by the design commission~~ based on review of detailed information provided by the applicant that includes a description of the physical structure(s), identification of potential uses, and analysis of parking demand. [DC]
- C. Minimum parking requirements for specific uses. A use which is similar to any of the below-referenced uses shall adhere to the minimum parking requirements for the referenced use or uses. The ~~design commission shall determine the minimum parking requirements for a use in a commercial zone that is not referenced in this section~~ must be determined based on a parking study submitted by the applicant. [DC] [...]
16. Public and private schools shall provide at a minimum two off-street parking spaces per classroom unless additional parking spaces are ~~deemed necessary through design commission or administrative SEPA review required as mitigation pursuant to Chapter 19.21 MICC~~ and shall provide adequate off-street loading and unloading facilities as determined by the city engineer based on review of detailed information provided by the applicant that includes a description of the physical structure(s), identification of potential uses, and analysis of parking demand. [DC] [...]
- E. Cooperative parking. Cooperative parking between two or more adjoining property owners is allowed; ~~provided, the~~ The code official, with approval from the ~~design commission and city engineer,~~ may reduce the total required spaces by 25 percent of the total combined required spaces ~~when the applicant has demonstrated~~ provided that no adverse impact will occur due to the reduced number of stalls based on review of detailed information provided by the applicant that includes a description of the physical structure(s), identification of potential uses, and analysis of parking demand. [DC]
- F. Parking lot dimension. All parking areas shall conform to the design standards set out in appendix A of this development code unless alternative design standards are approved

by the ~~design commission and city engineer~~ based on review of detailed information provided by the applicant that includes a description of the physical structure(s), identification of potential uses, and analysis of parking demand. [DC]

Chapter 19.05 MICC

MICC 19.05.010 – Public institution – PI.

[...]

- E. Structures, excluding stacks, shall not exceed 36 feet or three stories in height, whichever is less; provided, the height of buildings located on sites exceeding five acres may be increased by 12 feet or one story, whichever is less, for each additional two and one-half acres of area when specifically approved by the city council ~~upon recommendation of the design commission~~ in accordance with the following conditions: [DC] [...]

- F. Public schools. The following requirements apply to public schools: [...]

~~4. Review process.~~

- a. ~~Major new construction (except portable classrooms) requires design commission review pursuant to MICC 19.15.220.~~
- b. ~~Minor exterior modification and portable classrooms require administrative design review pursuant to MICC 19.15.220.~~ [DC]

Chapter 19.06 MICC

MICC 19.06.030 – Antennas.

[...]

- I. A deviation from any of the above standards may be granted ~~by the code official or the design commission~~ for projects which require ~~design commission approval~~ review. [DC]
[...]

MICC 19.06.050 – Commerce on public property

[...]

- E. A permit to operate a private business on public property shall be ~~reviewed and approved by the design commission~~ subject to design review; provided, that occasional, temporary business operations involving temporary structures and/or temporary right-of-way obstructions may be approved administratively by the code official. Permit applications

from existing eating and drinking establishments at Mercer Island to temporarily provide outdoor food and beverage service on public property adjacent to the eating and drinking establishment shall be considered to be temporary, and they may be approved by the code official ~~without review or approval by the design commission.~~ [DC] [...]

MICC 19.06.080 – Siting of group housing.

A. *Special needs group housing.*

1. *Permitted.* Special needs group housing is permitted in all zones subject to the following conditions:
 - a. The facility shall meet all applicable Washington State licensing requirements.
 - b. The facility shall comply with all applicable construction codes set forth in MICC title 17, including maximum occupancy restrictions.
 - c. ~~Operators of housing for persons with handicaps or with familial status within the meaning of the Federal Fair Housing Amendments Act (FHAA) may not accept individuals whose tenancy would constitute a direct threat to the health or safety of other individuals, or whose tenancy would result in substantial physical damage to the property of others.~~

The code official may require the operator of a special needs group home to deny housing to an individual if the police chief determines, based on the characteristics and relevant conduct of the individuals at issue, that such tenant is a direct threat to the health and safety of others, or that such individual's tenancy would result in substantial physical damage to the property of others. The police chief's determination may be appealed to the hearing examiner by the operator or tenant at issue under the appeal procedure set out in MICC 19.15.130. [HB 1220]
2. *Reasonable accommodation.* Reasonable accommodations shall be made to handicapped persons, pursuant to the process provided in MICC 19.01.030, when such accommodations may be necessary to afford such persons equal opportunity to use and enjoy a dwelling, as required by the FHAA.

B. *Social service transitional housing.*

1. ~~Permitted. Social service transitional housing is permitted in all zones subject to the following conditions: when authorized by the issuance of a conditional use permit (CUP). Review of the conditional use permit application will be based upon the criteria set forth in MICC 19.15.100 and the supplemental criteria set forth in subsection (B)(3) of this section.~~ [HB 1220]
 - a. The facility and program secures and maintains all licenses and/or approvals as required by the state or federal government;

- b. The facility shall comply with all applicable construction codes set forth in MICC title 17, including maximum occupancy restrictions; and
- c. The facility has adequate off-street parking as determined by the city engineer based on review of detailed information provided by the applicant that includes a description of the physical structure(s), identification of potential uses, and analysis of parking demand. [relocated from (B)(3) below]

2. *Exceptions.*

- a. If the police chief determines that the safety of the intended residents in a ~~domestic violence shelter~~ will be compromised by CUP public notice requirements, they may be waived. [HB 1220]
- b. ~~A domestic violence shelter is not required to comply with subsection (B)(3)(c) of this section, which requires a 600 foot setback.~~ [HB 1220]
- c. ~~Social service transitional housing facilities that house persons with familial status and persons with handicaps within the meaning of the FHAA is permitted in all zones pursuant to subsection A of this section, and are not required to obtain a CUP.~~ [HB 1220]

3. ~~*Supplemental conditional use criteria.*~~

- a. ~~A determination made by the police chief as to whether a tenant may be a threat to the health or safety of others or whether an individual's tenancy is likely to result in significant physical damage to the property of others, and, if so, whether conditions can be attached to satisfactorily control those risks.~~ [HB 1220]
- b. ~~The facility is at least 1,000 feet from any other facility under this classification.~~ [HB 1220]
- c. ~~The facility is at least 600 feet from the property line of educational or recreational facilities where children are known to congregate, including but not limited to any public park, the I-90 Trail, churches or synagogues, schools, licensed daycares, the Mercer Island Branch of the King County Library, public pools, the Mercerwood Shore Club, Mercer Island Beach Club, the Jewish Community Center, Mercer View Community Center, or the Boys and Girls Club.~~ [HB 1220]
- d. ~~The facility and program secures and maintains all licenses and/or approvals as required by the state or federal government.~~ [relocated to (B)(1) above]
- e. ~~The facility shall comply with all applicable construction codes set forth in MICC title 17, including maximum occupancy restrictions.~~ [relocated to (B)(1) above]

- ~~f. The program will be operated under the authority of a reputable governing board or social service or government agency or proprietor, to whom staff are responsible and who will be available to city officials, if necessary, to resolve concerns pertaining to the facility. [HB 1220]~~
- ~~g. The facility shall operate under a written management plan, including a detailed description of staffing, supervision, and security arrangements appropriate to the type and number of clients and to its hours of operation, which shall be submitted to and approved by the city prior to the first occupancy by any person intended to be served by the facility. [HB 1220]~~
- ~~h. The facility has adequate off-street parking. The code official may require the applicant to submit a traffic study. [relocated to (B)(1) above]~~
- ~~i. The city shall determine the number of dwelling units or occupancy rooms or suites permitted in the proposed facility based on the following criteria:
 - ~~i. The specific nature of the occupancy and the persons that will be housed in the proposed facility. [HB 1220]~~
 - ~~ii. The size of the dwelling units or occupancy rooms or suites and the specific configuration of the facilities within these units, rooms, or suites. [HB 1220]~~
 - ~~iii. The impacts on nearby residential uses of the proposed facility. [HB 1220]~~~~
- ~~4. Appeal. The conditional use permit decision made under subsection B of this section may be appealed pursuant to MICC 19.15.130. [HB 1220]~~

C. Rooming houses.

- 1. Permitted. Rooming houses are permitted in multifamily zones and in the Town Center unless: [HB 1998]
 - ~~a. The rooming house fails to comply with all applicable construction codes set forth in MICC title 17, including maximum occupancy restrictions; [HB 1998]~~
 - ~~b. The rooming house does not have adequate off-street parking, which will be determined by a traffic study that shall be promptly provided by the rooming house owner and/or operator if requested by the code official; [HB 1998]~~
 - ~~c. The police chief determines that any tenant is a threat to the health or safety of others; and [HB 1998]~~
 - ~~d. The code official determines that the rooming house creates any significant adverse impact affecting surrounding properties; and measures which may be required by the code official to be taken by the rooming house owner~~

~~and/or operator to mitigate such impacts are not promptly taken or do not satisfactorily mitigate such impacts. [HB 1998]~~

2. ~~*Appeal.* Determinations made by the code official pursuant to subsection C of this section may be appealed pursuant to MICC 19.15.130. *Dimensional Standards.* Co-living housing is subject to the setback, yard, building height, and design standards for multifamily residential uses established by the existing zoning designation. [HB 1998]~~
3. ~~*Parking.* Parking shall be provided as follows.~~
 - a. ~~Parking must be provided at a rate of 0.25 parking stalls per sleeping unit. [HB 1998]~~
 - b. ~~Co-living housing is exempt from all minimum parking requirements if the applicant can demonstrate that the proposed co-living housing is within one half mile walking distance of one of the following types of transit stops:~~
 - i. ~~A stop on a high-capacity transportation system funded or expanded under the provisions of chapter 81.104 RCW;~~
 - ii. ~~Commuter rail stops;~~
 - iii. ~~Stops on rail or fixed guideway systems, including transitways;~~
 - iv. ~~Stops on bus rapid transit routes or routes that run on high occupancy vehicle lanes; or~~
 - v. ~~Stops for a bus or other transit mode providing fixed route service at intervals of at least 15 minutes for at least five hours during the peak hours of operation on weekdays. [HB 1998]~~
4. ~~*Density.* To calculate density, a sleeping unit in a co-living housing development shall count as one quarter (0.25) of a dwelling unit. [HB 1998]~~
5. ~~*Mix of uses.* Co-living housing is exempt from any development standard requiring additional nonresidential land uses, including MICC 19.11.020(B). [HB 1998]~~

MICC 19.06.120 – Criteria for approval – Design review.

- A. ~~*Intent and purpose.* These regulations are intended to implement and further the comprehensive plan of the city and are adopted for the following purposes:~~
 1. ~~To promote the public health, safety and general welfare of the citizens of the city.~~
 2. ~~To recognize that land use regulations aimed at the orderliness of community growth, the protection and enhancement of property values, the minimization of discordant and unsightly surroundings, the avoidance of inappropriateness and poor quality of design and other environmental and aesthetic objectives provide~~

~~not only for the health, safety and general welfare of the citizens, but also for their comfort and prosperity and the beauty and balance of the community, and, as such, are the proper and necessary concerns of local government.~~

- ~~3. To protect, preserve and enhance the social, cultural, economic, environmental, aesthetic, and natural values that have established the desirable quality and unique character of Mercer Island.~~
- ~~4. To promote and enhance construction and maintenance practices that will tend to promote visual quality throughout Mercer Island.~~
- ~~5. To recognize environmental and aesthetic design as an integral part of the planning process.~~

~~B. *Criteria for design review decisions.* Design objectives and standards for regulated improvements within the Town Center are set forth in chapter 19.11 MICC. Design objectives and standards for regulated improvements in all zones outside the Town Center are set forth in chapter 19.12 MICC. Following the applicable review process in chapter 19.15 MICC, the design commission or code official shall deny an application if it finds that all the following criteria have not been met, or approve an application, or approve it with conditions, based on finding that all the following criteria have been met:~~

- ~~1. The proposal conforms with the applicable design objectives and standards of the design requirements for the zone in which the improvement is located, provided further:~~
 - ~~a. In the Town Center, particular attention shall be given to whether:~~
 - ~~i. The proposal meets the requirements for additional building height, if the proposal is for a building greater than two stories; and~~
 - ~~ii. The proposal adheres to the required parking standards and a parking plan has been provided that demonstrates that the proposal meets the objectives of MICC 19.11.130. [HB 1293]~~

Chapter 19.10 MICC

MICC 19.10.060 – Tree Removal—Associated With A Development Proposal.

[...]

B. *Commercial or multifamily zoning designations—Tree removal*

1. In the PI, B, C-O, PBZ, TC, MF-2, MF-2L, and MF-3 zoning designations a tree permit is required and will be granted if it meets any of the following criteria:
 - a. It is necessary for public safety, removal of hazardous trees, or removal of diseased or dead trees;

- b. It is necessary to enable construction work on the property to proceed and the owner has used reasonable best efforts to design and locate any improvements and perform the construction work in a manner consistent with the purposes set forth in MICC 19.10.005;
 - c. It is necessary to enable any person to satisfy the terms and conditions of any covenant, condition, view easement or other easement, or other restriction encumbering the lot that was recorded on or before July 31, 2001; and subject to MICC 19.10.090(B);
 - d. It is part of the city's forest management program or regular tree maintenance program and the city is the applicant;
 - e. It is desirable for the enhancement of the ecosystem or slope stability based upon professional reports in form and content acceptable to the city arborist.
- ~~2. Design commission review required in commercial zones. A tree permit for a development proposal, resulting in regulated improvements located in a commercial zone, that has previously received design commission approval must first be reviewed and approved by the city's design commission prior to permit issuance by the city. [DC]~~

Chapter 19.11 MICC

MICC 19.11.010 – General.

- A. **Applicability.** This chapter establishes development and design standards for the Mercer Island Town Center (TC) zone, the location and boundaries of which are set forth in MICC 19.01.040 and appendix D, the Mercer Island Zoning Map. The general purpose of this chapter is to implement the land use policies of the Mercer Island comprehensive plan for the area referred to as the Town Center. The development and design standards are not intended to slow or restrict development, but rather to add consistency and predictability to the permit review process.
- B. **User guide.** The Town Center is divided into subareas mostly for the purpose of regulating maximum height limits. A two-story height limit applies throughout the Town Center. Only by providing certain benefits to the community can a development project add additional stories up to the maximum height allowed in the particular subarea. These community benefits include affordable housing; green building features; stepping back of upper stories to reduce building mass and maintain light and air; provision of public open spaces as gathering places; and provision of through-block pedestrian connections to break up larger blocks and enhance pedestrian access.
- C. **Town Center vision.** The Town Center vision found in the Mercer Island comprehensive plan is adopted herein by reference.

D. *Design vision.*

1. *Development and design standards.* The development and design standards that follow are intended to enhance the Town Center for pedestrians and develop a sense of place. To accomplish this vision, new or redevelopment is encouraged to orient buildings toward the public right-of-way with buildings brought forward to the sidewalk or landscaped edge; parking placed behind buildings and in less visible areas or underground; design structures with varied mass and scale, modulation of heights and wall planes; and pedestrian through-block connections that will break up very large or long blocks for improved pedestrian circulation from one side of the block through to the other side.
2. *Function.* The design of buildings, structures and streetscapes within the Town Center is intended to support a built environment that is convenient and accessible to pedestrians, motorists, bicyclists and public transit users. Development should enhance the Town Center as a vibrant, healthy, mixed use downtown that serves as the city's retail, business, social, cultural and entertainment center and ensures the commercial and economic vitality of the area. New or redevelopment should increase the attractions and pedestrian amenities that bring residents to the Town Center, including local shopping, services, offices, specialty retail, restaurants, residences, festivals, special events, and entertainment. Outdoor spaces should function as social settings for a variety of experiences, adding to the comfort of life in Mercer Island, while maintaining a human scale and an ability for easy pedestrian circulation.
3. *Site features.* New or redevelopment should include public amenities, such as storefronts with canopies, street trees, greenery, seating, fountains or water features, outdoor cafes, sculpture or other forms of art, and places for gathering and lingering. The use of materials, color, texture, form and massing, proportion, public amenities, mitigation of environmental impacts, landscaping and vegetation, and architectural detail should be incorporated in the design of new or redevelopment with the purpose of supporting a human scale, pedestrian-oriented Town Center. New or redevelopment shall be coordinated and consistent with the downtown street standards.
4. *Pedestrian orientation.* Pedestrian-oriented and customer intensive retail businesses and offices are encouraged to locate on the street level to promote active use of sidewalks by pedestrians, thus increasing the activity level and economic viability of the Town Center. New or redevelopment should also enhance and support a range of transportation choices and be designed to maximize opportunities for alternative modes of transportation and maintain individual mobility. Even with a healthy variety of development in the Town Center, each individual development or redevelopment project shall favor the pedestrian over the automobile in terms of site design, building placement and parking locations.
- ~~E5.~~ *Scale.* ~~The design of all structures shall~~ applicant should consider how the structure and site development will be viewed from the street and adjacent properties. Scale is not simply the size of the buildings, it is the proportion of buildings in relationship to each other, to the street and to the pedestrian environment. [HB 1293]

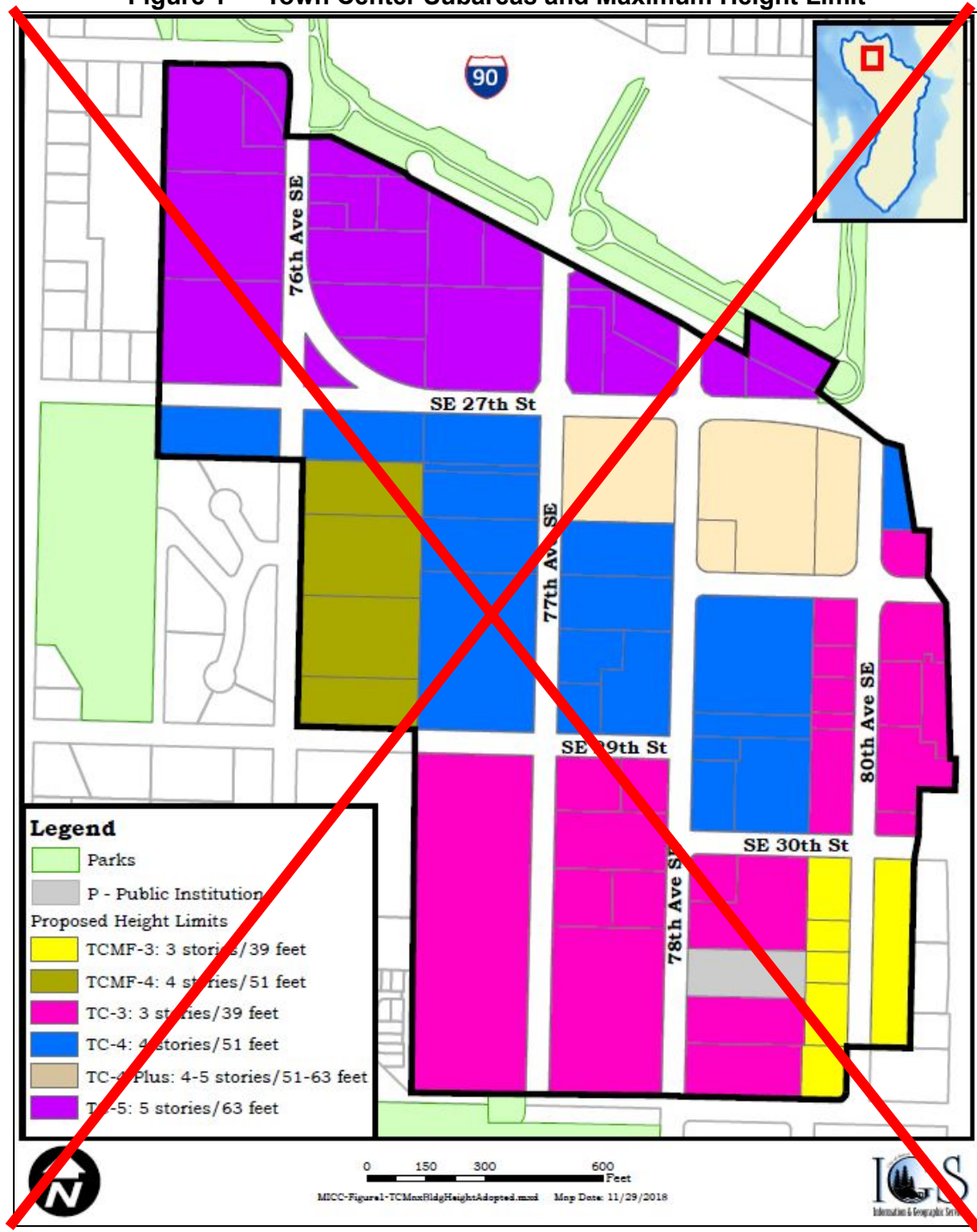
- ~~F6.~~ *Form.* Building forms ~~shall that do~~ not present visual mass impacts that are out of proportion to the adjoining structures, or that appear from the street or sidewalk as having unmodulated visual mass are encouraged. Building additions should complement the original structure in design. [HB 1293]
- ~~G7.~~ *Style.* The objectives and standards do not set or encourage a particular style of architecture or design theme. However, ~~building and site design shall t~~These design standards aim to encourage designs that are be pedestrian in scale and ~~encourage address with~~ design features such as sloped roof lines; distinctive building shapes; integration of art, textures, and patterns; treatment of pedestrian and public spaces; interface with the public right-of-way; landscaping; signage and facade treatments. [HB 1293]

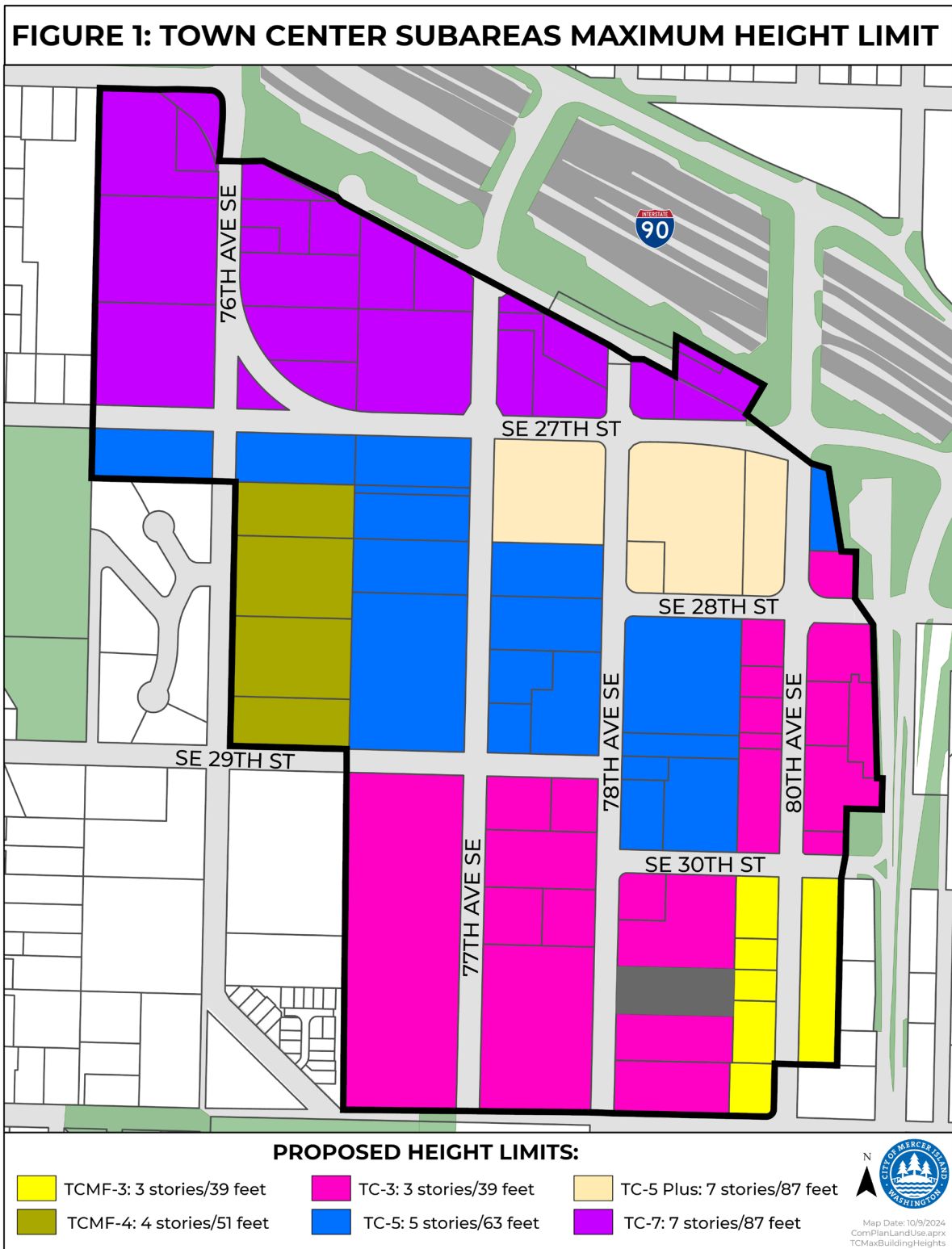
MICC 19.11.015 – Town Center subareas.

- A. *Intent.* The primary intent of establishing subareas within the Town Center is to provide differing building height standards and land uses within the Town Center. Buildings within the Town Center are limited to two stories in height unless community benefits are provided as discussed throughout this chapter. The purpose of the different height standards is to locate taller buildings on the north end of the Town Center, and step down building height through the center to the south end of Town Center, bordering Mercedale Park.
- B. *Subareas established.* The following subareas have been established and are depicted on Figure 1 below.
1. *TC-57 subarea.* The purpose of the TC-57 subarea is to create a focused mixed use core, oriented toward pedestrian connections and regional transit access. A broad mix of land uses is allowed. Buildings may be up to ~~five~~ seven stories in height. [Comp Plan]
 2. *TC-45 subarea.* The purpose of the TC-45 subarea is to be a transition between the taller buildings in the TC-57 subarea and the lower structures in the TC-3 and TCMF-3 subareas. A broad mix of land uses is allowed. Buildings may be up to ~~four~~ five stories in height. [Comp Plan]
 3. *TC-45 plus subarea.* The purpose of the TC-45 Plus subarea is to be a transition between the taller buildings in the TC-57 subarea and the TC-45 subarea. A broad mix of land uses is allowed. Buildings may be up to ~~five~~ seven stories in height with the provision of additional affordable housing units and public open space. [Comp Plan]
 4. *TC-3 subarea.* The purpose of the TC-3 subarea is to create an area of transition between the Town Center and adjacent residential neighborhoods. A broad mix of land uses is allowed. Buildings may be up to three stories in height. [Comp Plan]
 5. *TCMF-4 (Multifamily residential) subarea.* The purpose of the TCMF-4 subarea is to provide for primarily multifamily residential housing of up to four stories. Street-oriented housing, live/work units and limited retail uses are allowed at the street level. [Comp Plan]

6. **TCMF-3 (Multifamily residential) subarea.** The purpose of the TCMF-3 subarea is to provide for primarily multifamily residential housing of up to three stories. Street-oriented housing, live/work units and limited retail uses are allowed at the street level. [Comp Plan]

Figure 1 — Town Center Subareas and Maximum Height Limit





[Comp Plan]

MICC 19.11.020 – Land uses.**A. Permitted and conditional uses.**

1. *Use table by subarea.* Permitted and conditional uses are allowed in each subarea as shown in the use table below.

Use	TC-57	TC-45 TC-45 Plus	TC-3	TCMF-3	TCMF-4
Adult entertainment	C	N	N	N	N
Bar	P	P	P	N	N
Care services	P	P	P	C	C
Hotel/motel	P	P	P	C	C
Live/work units	C	C	C	P	P
Manufacturing	C	C	C	N	N
Office	P	P	P	C	C
Parking, not associated with an on-site use	C	C	C	N	N
Public facility	P	P	P	C	C
Recreation	P	P	P	C	C
Residential dwelling	P	P	P	P	P
Restaurant	P	P	P	P	P
Retail — small scale	P	P	P	P	P
Retail — large scale (> 20,000 square feet)	C	C	C	N	N
Retail — outdoors	C	C	C	N	N
Rooming houses	P	P	P	CP	CP
Service	P	P	P	P	P
Social service transitional housing	PG	PG	PG	PG	PG
Special needs group housing	P	P	P	P	P
Transportation/utilities (including automobile service stations)	P	P	P	P	P
Warehousing	N	C	N	N	N
C — Conditional Use P — Permitted N — Not Allowed					

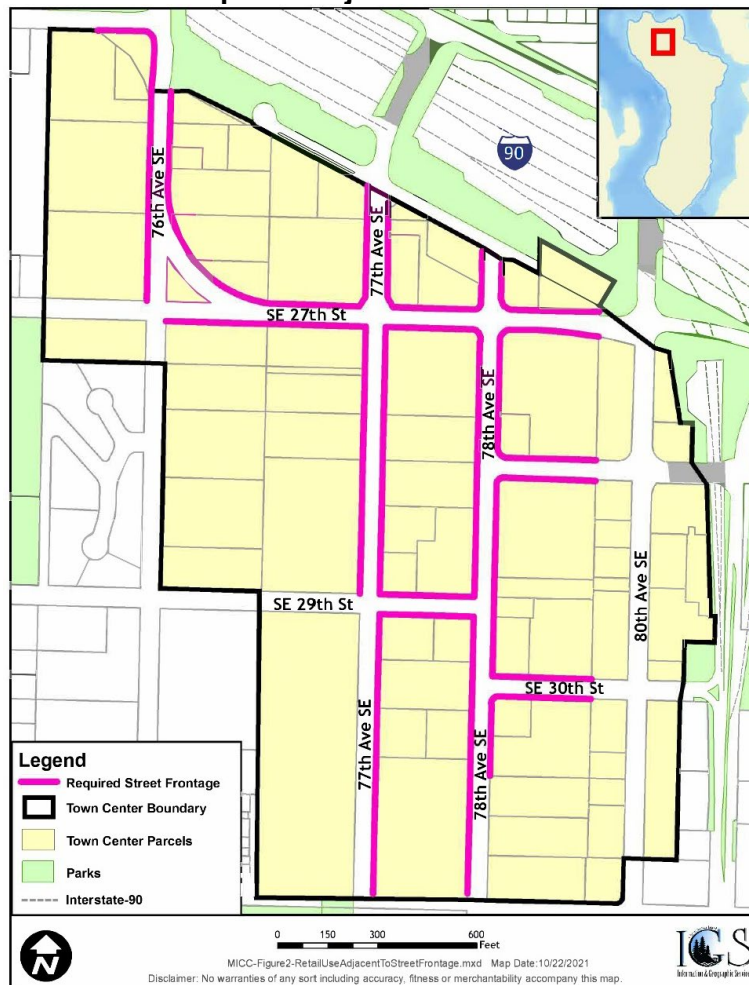
[HB 1998 & Comp Plan]

2. *North American Industry Classification System.* Questions as to the inclusion or exclusion of a particular use shall be determined by the code official based on North American Industry Classification System (NAICS) — United States, published by the U.S. Department of Commerce.

B. Required ground floor street frontage uses.

1. Retail, restaurant, personal service, museum and art exhibition, theater, bar, financial and insurance service, recreation, and/or service station uses, as defined by Section 19.16.010, are required along ground floor street frontages as shown on Figure 2.

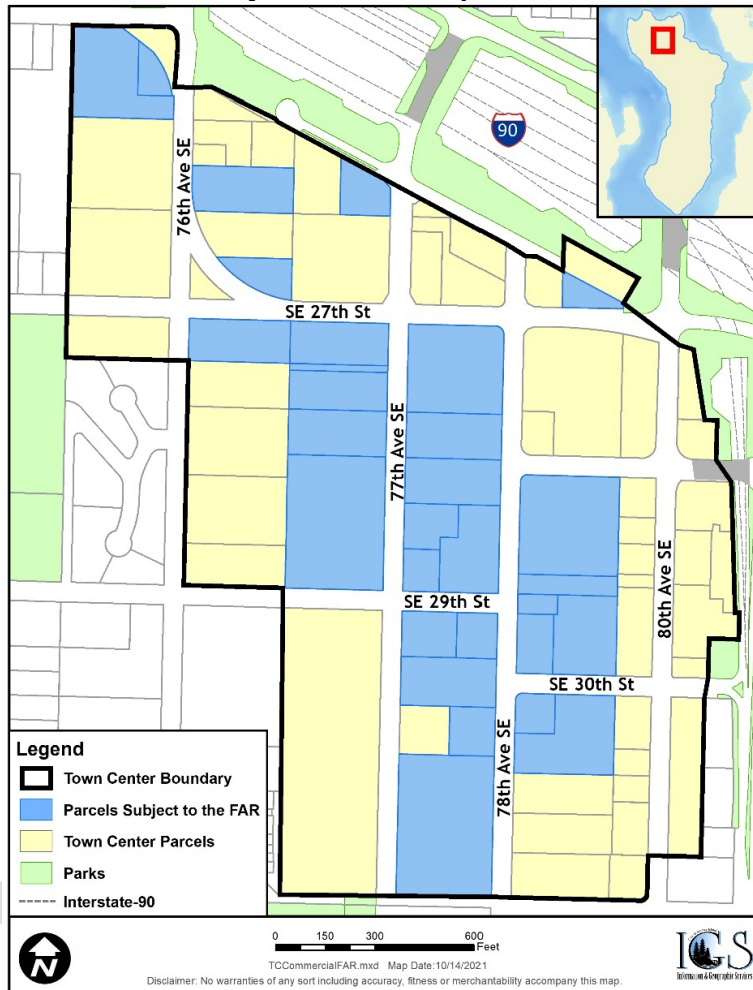
Figure 2 — Uses Required Adjacent to Ground Floor Street Frontages



- a. No use shall occupy a continuous linear street frontage exceeding 60 feet in length, with the exception of museum and art exhibition and/or theater uses. ~~The design commission may approve up to a~~ An additional 20 feet in length may be approved if the use incorporates a feature to promote pedestrian activity, including but not limited to: an additional pedestrian entrance onto a sidewalk or through-block connection, or additional ten percent transparency beyond the requirement of Subsection 19.11.100(B)(1)(b). **[HB 1293 & DC]**
 - b. The minimum required depth of uses along street frontages is 16 feet.
 - c. Required driveways, service and truck loading areas, parking garage entrances, and lobbies shall be permitted.
2. The identified parcels as shown on Figure 3 are required to provide a minimum floor area ratio (FAR) equivalent to 0.2623 of the gross lot area as provided by King County for ground floor street frontage for retail, restaurant, personal service, museum and art exhibition, theater, bar, financial and insurance service, recreation, and/or service station uses, as defined by Section 19.16.010, upon redevelopment. For the purposes of determining redevelopment, the value of redevelopment shall be an amount equal to

or greater than 50 percent of the total assessed improvement value at the time of the application for redevelopment, as determined by King County.

Figure 3 — Parcels Subject to FAR Requirement for Ground Floor Uses

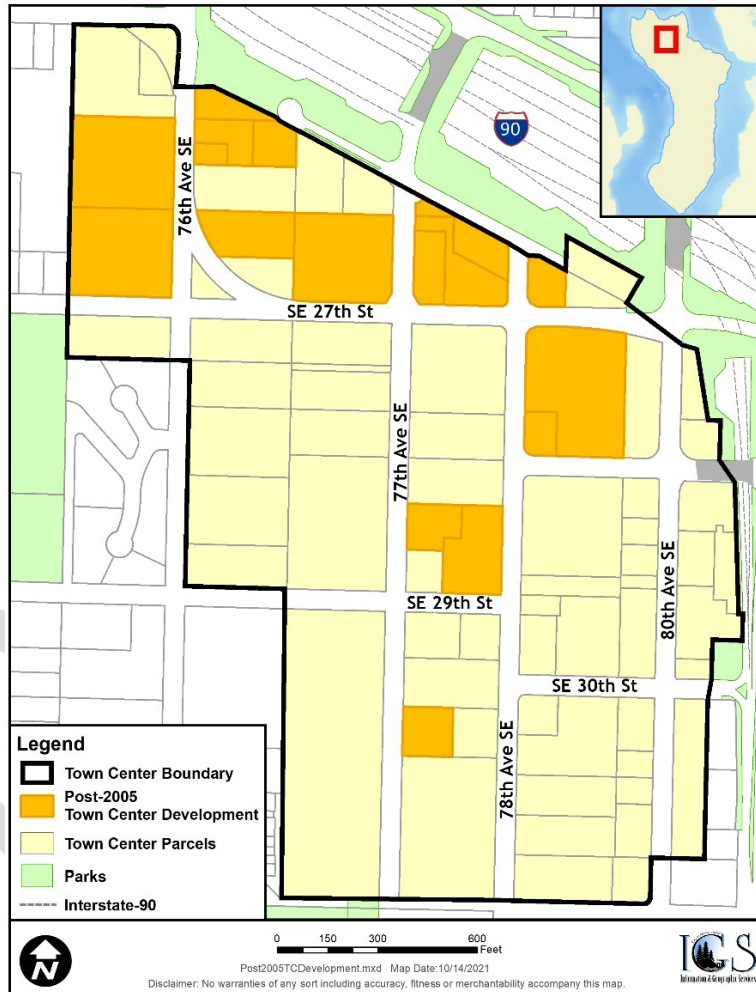


- a. When a FAR calculation results in a fraction, the fraction shall be rounded to the nearest whole number as follows:
 - i. Fractions of 0.50 or above shall be rounded up to the closest whole number; and
 - ii. Fractions below 0.50 shall be rounded down to the closest whole number.
- b. Each individual museum and art exhibition or theater use shall be limited to a contributing cap of 5,000 square feet towards the achievement of the total minimum ground floor FAR requirement for the corresponding site. For example, a site with a minimum FAR requirement of 20,000 square feet may only have one of these identified uses contribute a maximum of 5,000 square feet towards the necessary minimum through a 1:1 contribution. The remaining 15,000 square feet of ground floor street frontage must come from retail, restaurant, personal service,

bar, financial and insurance service, recreation, and/or service station uses as defined in Section 19.16.010.

3. The identified parcels as shown on Figure 4 are required to provide a no net loss of existing floor area for ground floor street frontage for retail, restaurant, personal service, museum and art exhibition, theater, bar, financial and insurance service, recreation, and/or service station uses, as defined by Section 19.16.010. For the purposes of determining redevelopment, the value of redevelopment shall be an amount equal to or greater than 50 percent of the total assessed improvement value at the time of the application for redevelopment, as determined by King County.

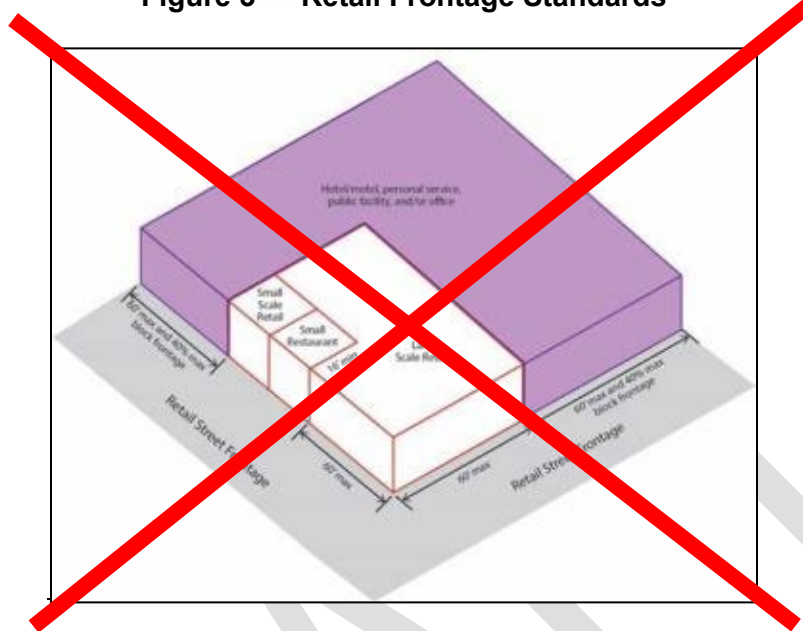
Figure 4 — Parcels Subject No Net Loss Requirement for Ground Floor Uses



4. A review of these requirements shall occur five years from the date of ordinance adoption or after 75,000 gross square feet of floor area for ground floor retail, restaurant, personal service, museum and art exhibition, theater, bar, financial and insurance service, recreation, and/or service station uses adjacent to street frontages has been authorized through building permit issuance.
- C. ~~Reducing continuous retail frontages through the use of smaller retail spaces is intended to encourage pedestrian friendly retail, ensure that the retail spaces are appropriately sized for~~

small retail operators, and limit large ("box store") development. Figure 3 provides an example of how a building floor can be designed. Smaller retail spaces are provided along a street and larger nonretail space is provided in the back of the floor. [HB 1293]

Figure 3 — Retail Frontage Standards



[HB 1293]

D.—Accessory uses.

1. **Outdoor storage and display of merchandise.** The total area allowed for outdoor storage and/or merchandise display shall be less than five percent of the total gross square footage of the use; provided, however, that such area may exceed five percent if it is fenced, and screened, and located in a manner that is acceptable to the design commission. This standard does not apply to temporary uses such as material storage during construction or street vendors. [DC]
2. **Commerce on public property.** Commerce on public property may be allowed pursuant to MICC 19.06.050.
3. **Transit facilities.** Bus parking/loading space, and shelters and facilities for transit users shall be integrated in the design of major new construction. Plans must be coordinated with transit providers to maximize the interface with community-wide and regional transit systems.
4. **Bicycle facilities.** Parking and facilities that support bicycle use, including racks, covered and secured bike-storage areas, and in the case of office buildings, lockers and showers, must be included in the design of major new construction.
5. **Utility and equipment cabinets.** Existing or proposed utility and equipment cabinets or boxes, including wireless communication facilities, shall be placed inside a building or placed underground, if physically feasible. In the event the city determines such location

is not physically feasible, the utility and equipment cabinets must be screened by fencing, landscaping and/or stealth screening technologies so that they are not visible.

ED. Objectionable or hazardous uses. No use shall be allowed which produces excessive odor, dust, smoke, cinders, gas, fumes, noise, vibration, refuse matter or water-carried waste. The standard for "excessive" shall be based on the average or normal production of these items by adjoining uses permitted in the vicinity of the proposed new use. A use is excessive if it is likely to unreasonably interfere with the ability of the adjoining property owners to utilize their property for working or living activities or if it is likely to unreasonably interfere with the ability of pedestrians and residents to remain in or enjoy the area.

MICC 19.11.030 – Bulk regulations.

A. Bulk regulations by subarea.

- The bulk regulations for properties in the Town Center are as follows:

	TC-57	TC-45 and TC-45 Plus	TC-3	TCMF-3	TCMF-4
Base Building Height Allowed	27 Feet	27 Feet	27 Feet	27 Feet	27 Feet
Base Stories Allowed	2	2	2	2	2
Maximum Allowable Building Height	6387 feet	TC-45: 5163 Feet TC-45 Plus: 6387 Feet	39 Feet	39 Feet	51 Feet
	Up to 5 additional feet allowed for parapet and/or sloped roof.				
Maximum Allowable Building Stories	57	TC-45: 45 TC-45 Plus: 57	3	3	4
Ground Floor Height Adjacent to Streets	15 feet minimum, 27 feet maximum			N/A	N/A
Setback from Property Lines	No minimum setback required except where necessary to provide landscaping, facade modulation, through-block connection or an easement for required sidewalk width.				
Required Upper Story Setback (Average Daylight Plane)	All street frontages are subject to the average daylight plane standards described in subsection (A)(7) of this section.				

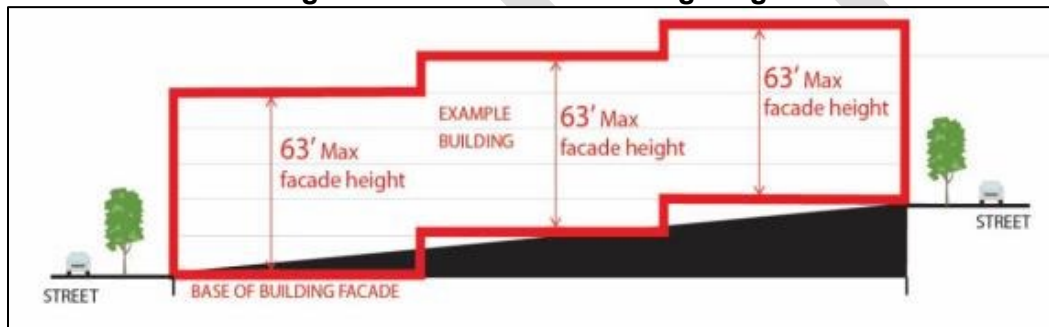
[Comp Plan]

- Base building height.** A base building height of up to two stories (not to exceed 27 feet) shall be allowed. One-story structures located adjacent to the public right-of-way in the TC-7, TC-5, ~~TC-4~~, TC-45 Plus and TC-3 subareas shall be a minimum of 15 feet and may be as tall as 27 feet with approval of the design commission to ensure the taller facade provides features that ensure a pedestrian scale. [HB 1293 & Comp Plan]
- Calculation of building height.**

 - The intent of the building height calculation in this section is to limit the visual mass of a building so that it does not appear to exceed the maximum height limit in subsection (A)(1) of this section.

- b. The maximum allowable building height in subsection (A)(1) of this section shall be calculated as the vertical distance measured from the base of a building facade to the highest point of the roof structure excluding appurtenances. The base of the building facade shall be measured from the adjacent public sidewalk if applicable, or from the lower of existing or finished grade along building facades that are not adjacent to a public sidewalk. See Figure 4.
- c. If the bases of the opposite building facades are at approximately the same elevation, then the building height at any point between the facades can never exceed the maximum permitted building height. If the bases of the opposite building facades are not at approximately the same elevation, then the building must be configured to go down in height as between the higher and lower facades in a manner similar to Figure 4 or in an equivalent manner such that the average of the building heights calculated between the facades is approximately equal to or less than the maximum permitted building height.

Figure 4 — Maximum Building Height

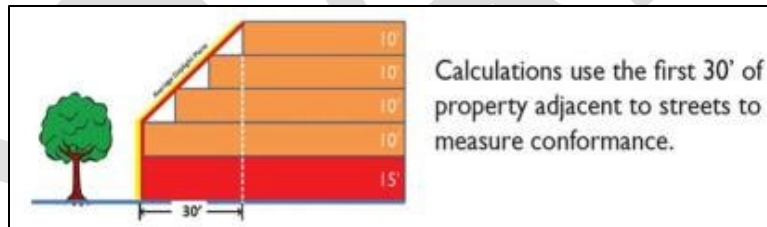


4. **Mezzanines.** A mezzanine shall not be counted as a story for determining the allowable number of stories when constructed in accordance with the requirements of the construction codes set forth in MICC Title 17 MICC.
5. **Rooftop appurtenances.** ~~Rooftop appurtenances are discouraged. If necessary, rooftop appurtenances may extend up to ten feet above the maximum building height allowed, provided there is a functional need for the appurtenance and that functional need cannot be met with an appurtenance of a lesser height. This provision shall not be construed to allow building height in excess of the maximum limit. Rooftop appurtenances should must be located at least ten feet from the exterior edge of any building, and together with the screening provided for below, shall not cover more than 20 percent of the rooftop area. [HB 1293]~~
- a. **Screening of rooftop appurtenances.** Appurtenances shall not be located on the roof of a structure unless they are hidden or camouflaged by building elements that were designed for that purpose as an integral part of the building design. All appurtenances located on the roof ~~should must~~ be grouped together and incorporated into the roof design and thoroughly screened. The screening ~~should~~ shall be sight-obscuring, located at least ten feet from the exterior edge of any building; and effective in obscuring the view of the appurtenances from public streets or sidewalks or residential areas located on the hillside surrounding the Town Center. [HB 1293]

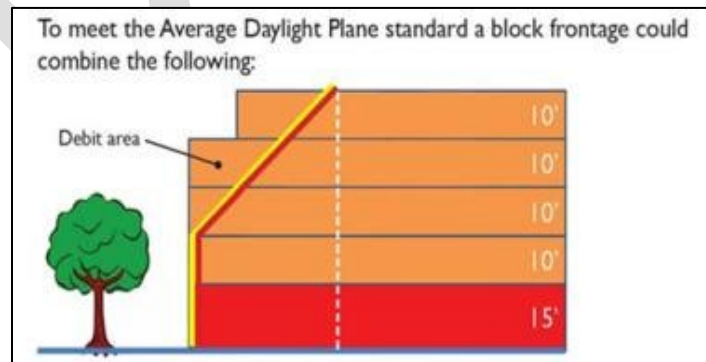
- b. *Wireless communication facilities.* Wireless communication facilities (WCFs) shall be governed by MICC 19.06.040; provided, they shall be screened as required by subsection (A)(5)(a) of this section.
6. *Setbacks.*
- a. *78th Avenue SE.* All structures shall be set back so that space is provided for at least 15 feet of sidewalk between the structure and the face of the street curb, excluding locations where the curblineline is interrupted by parking pockets. ~~Additional setbacks are encouraged to provide space for more pedestrian-oriented activities and to accommodate street trees and parking pockets.~~ [HB 1293]
 - b. *All other public rights-of-way.* All structures shall be set back so that space is provided for at least 12 feet of sidewalk between the structure and the face of the street curb, excluding locations where the curblineline is interrupted by parking pockets. ~~Additional setbacks along SE 32nd Street are encouraged to provide space for more pedestrian-oriented activities and to accommodate street trees and parking pockets.~~ [HB 1293]
7. *Average daylight plane.*
- a. ~~Block frontages along streets must integrate average minimum upper level building setbacks to:~~
 - i. ~~Reduce the perceived scale of building facades along streets;~~
 - ii. ~~Increase the amount of light and air to adjacent streets;~~
 - iii. ~~Promote modulation of building facades along streets that adds variety and provides visual interest;~~
 - iv. ~~Encourage the integration of courtyards and open space along block frontages; and~~
 - v. ~~Allow for flexibility in the design of block frontages along streets.~~ [HB 1293]
 - b. ~~The a~~Average minimum upper-level building setbacks shall comply with the following are required as follows:
 - ia. From a height of 25 feet at the front property line, buildings shall step back at a 45-degree angle up to the maximum height limit.
 - ii**b.** Calculations for determining compliance with the average daylight plane standards shall utilize cubic volume (cubic feet) and shall consider only the first 30 feet of depth along block frontages.
 - iii**c.** Only the development site's applicable block frontage may be used to determine compliance with the provisions herein.

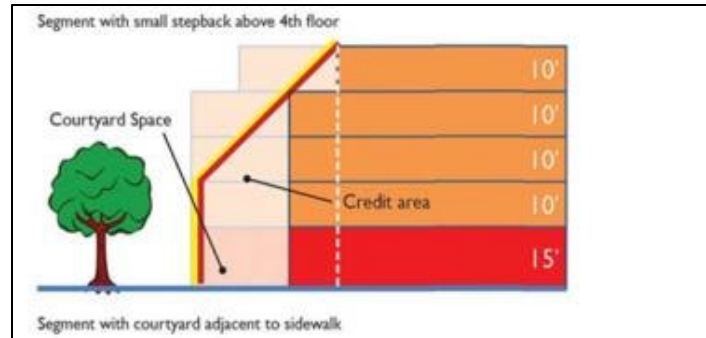
- ivd. ~~Since the daylight plane standards above apply a minimum average,~~ portions of block frontages may project beyond the daylight plane ~~concept described in subsection (A)(7)(a) of this section,~~ provided the applicable block frontage as a whole complies with the minimum average. Figure 5 illustrates the concept.
- ve. For each cubic foot that part of a building protrudes beyond the daylight plane ("debit"), the project must include an equivalent cubic footage of open space ("credit") either on the ground floor adjacent to the street (such as a public open space, courtyard or through-block connection), and/or by setting portions of the building facade farther back beneath the daylight plane. For the purposes of this section, the cubic feet of a portion of a building is measured from floor to the top of the roof, and along the outside of exterior walls. The cubic feet of open or credit volume is measured from finished ground level or top of roof to an imaginary line representing the daylight plane as defined in subsection (A)(7)(b)(i) of this section. ~~The intent is that the required open space or credit volume be open to the sky; however, the design commission has discretion to allow eaves, pedestrian weather protection and landscaping are allowed within the required open space as long as the objectives in subsection (A)(7)(a) of this section are met.~~ [HB 1293]
- vif. Daylight plane debits and credits shall be applied on the same block frontage and cannot be transferred to other block frontages.

Figure 5 — Illustrating the Average Daylight Plane Standards



The average daylight plane extends vertically from the applicable property line 25 feet and then steps back at a 45-degree angle to help reduce the massing of buildings fronting streets.

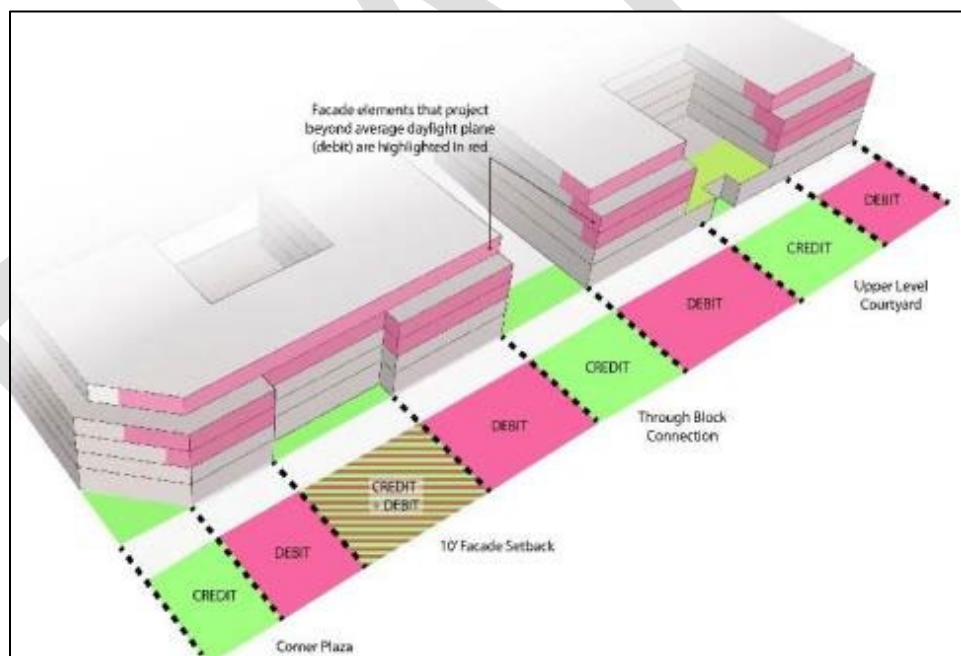




The amount of credit volume shall exceed the debit volume to comply with the "average."

Figure 6 illustrates how a development with multiple block frontages and a through-block connection could meet the average daylight plane standards. The image focuses on the foreground block frontage and illustrates that the block frontage features a combination of debit and credit volume (individual facades that project into average daylight plane are "debit" volume whereas facades that exceed the setback/stepbacks of the average daylight plane are "credit" volume.)

Figure 6 — An Example Development Massing Model with Block Frontages That Comply with the Average Daylight Plane Standards



MICC 19.11.040 – Affordable housing.

- A. *Purpose and intent.* The incentives and regulations offered in this section are used by the city as one means of meeting its commitment to encourage housing affordable to all economic groups, and to meet its regional share of affordable housing requirements. The purpose of this section is to: (1) implement through regulations the responsibility of the city under state law to provide for housing opportunities for all economic segments of the

community, (2) help address the shortage of housing in the city for persons of moderate-income households, (3) promote development of affordable housing that would not otherwise be built in the city, and (4) offer incentives to encourage construction of affordable housing units in Town Center.

- B. *Affordable housing ratio.* In order to qualify as significant affordable housing and in order to qualify for bonus building height over two stories, a development that contains dwelling units must provide affordable housing units equal to at least ~~ten~~ fifteen percent of the total units in the development. The number of required affordable units shall be rounded up to the nearest whole number.
- C. *Affordability level.* For a three-story building the required affordable housing units must be affordable at the 70 percent of median income level for rental housing or 90 percent of median income level for ownership housing. For four- ~~and to five~~ seven-story buildings, the required affordable housing units must be affordable at the ~~60~~ 50 percent of median income level for rental housing or ~~90~~ 80 percent of median income level for ownership housing.
- D. *Design elements.*
1. The affordable housing units shall generally be intermingled with all other dwelling units in the development and are not required to be located on the top story or bonus stories. [Comp Plan]
 2. The tenure (owner- or renter-occupied) of the affordable housing units shall be the same as the tenure of the rest of the dwelling units in the development.
 3. The affordable housing units shall consist of a mix of the unit types (by number of bedrooms) that is generally proportionate to the mix of units in the overall development.
 4. Affordable units ~~may not be smaller than other units with the same number of bedrooms in the development, unless the code official determines that rooms within the affordable units provide adequate space for their intended use. In no case shall the affordable units be more than ten percent smaller than the market rate units having the same number of bedrooms in the development, or less than 500 square feet if a studio unit, 600 square feet if a one-bedroom unit, 800 square feet if a two-bedroom unit, 1,000 square feet if a three-bedroom unit, or 1,200 square feet if a four-bedroom unit; whichever is less shall be of a minimum size equal to the average size of market rate units for the same bedroom count. For example, if the average size of market rate one-bedroom units in a development is 650 square feet, each affordable one-bedroom unit in the development shall be a minimum of 650 square feet.~~ [HB 1293]
 5. The ~~exteriors of the~~ affordable housing units must:
 - a. Have exterior finishes that are ~~be compatible with and comparable in of the same quality to as~~ the rest of the dwelling units in the development; ~~and shall~~
 - b. Ceomply with any design standards for the underlying zoning district; and
 - c. Have ~~The interior finishes of the affordable units shall, at a minimum, be comparable to entry level rental or ownership housing in the development.~~ [HB 1293]

- E. *Availability.* The affordable housing units shall be available for occupancy in a time frame comparable to the availability of the rest of the dwelling units in the development.
- F. *Agreement.* Prior to issuance of a building permit, an agreement in form and substance acceptable to the city attorney shall be executed providing price restrictions, homebuyer or tenant qualifications and long-term affordability. The agreement shall be recorded with King County department of records and elections and shall constitute a covenant running with the land. Affordable housing units shall remain as affordable housing for a minimum of 50 years from the date of initial owner occupancy for owner affordable units and for the life of the project for rental affordable housing units. At the sole discretion of the code official, the city may approve a shorter affordability time period for owner-occupied affordable housing, not to be less than 30 years, in order to meet federal financial underwriting guidelines.
 - 1. The agreement shall provide the city sole discretion to establish monitoring fees for the affordable units, which fees may be adjusted over time to account for inflation. The purpose of any monitoring fee is for the review and processing of documents to maintain compliance with income and affordability restrictions of the affordability agreement.
 - 2. The city may agree, at its sole discretion, to subordinate any affordable housing regulatory agreement for affordable ownership units for the purpose of enabling the owner to obtain financing for development of the property.
- G. *Impact fees.* Affordable housing may be exempt from impact fees pursuant to MICC 19.17.090 (schools), 19.18.070 (parks) and 19.19.070 (transportation).

MICC 19.11.060 – Site design.

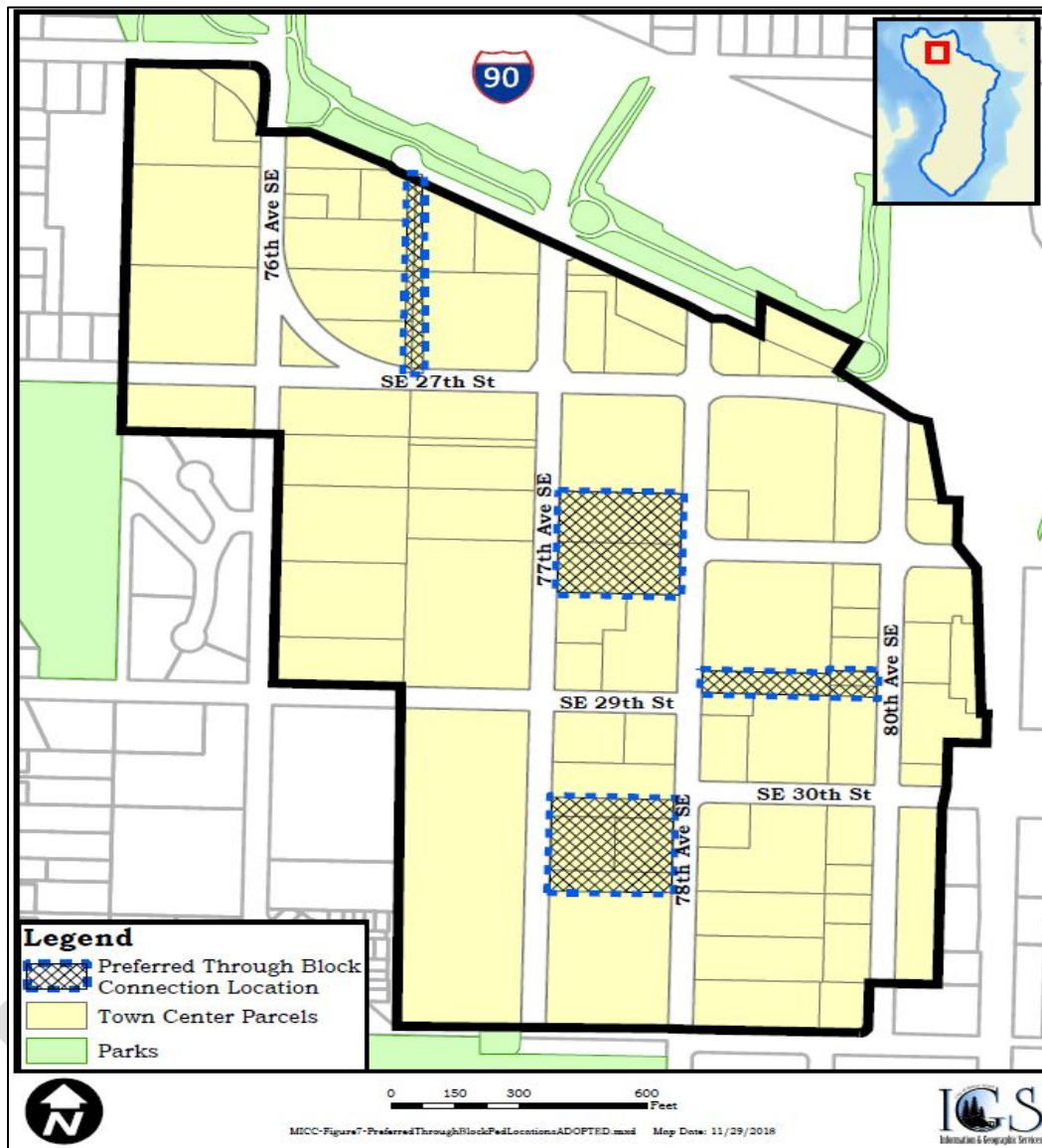
- A. *Minor site features.* All major new construction regardless of its height shall have at least three occurrences of any of the following minor site features ~~that contribute to a well-balanced mix of features in that subarea as determined by the design commission. Minor site features may include, but are not limited to, the following:~~ **[HB 1293]**
 - 1. *Decorative landmarks.* Imaginative features that complement the building design and create visual focal points that give identity to an area, such as decorative clocks, special paving in pedestrian areas, art features, water features, drinking fountains, or creative designs for necessary building features or functions. Art ~~should~~ shall be integrated with the public street improvements. Examples include sculpture, murals, inlays, mosaics, friezes or bas-reliefs. The location of art shall provide for public view but not hinder pedestrian traffic. **[HB 1293]**
 - 2. *Kiosks.* Community-oriented kiosks, which may include bulletin boards and newsstands or racks, creatively designed and consolidated and placed in areas where large numbers of people gather, and which complement the site design and streetscape and reduces visual clutter.
 - 3. *Additional sidewalk setback.* At least five feet of sidewalk width, in addition to the minimum sidewalk setback provided for in MICC 19.11.030(A)(6), ~~may be provided along 78th Avenue SE, along the entire street frontage of the development site. Such additional sidewalk should~~ must be designed to provide additional pedestrian access where parking pockets narrow the sidewalk, to accommodate street trees and benches,

- or to create spaces for more pedestrian-oriented activities such as outdoor dining or seating. [HB 1293]
4. *Impact on public open spaces.* Minor site features may not occupy space in a public open space required by this code to the extent that doing so reduces the actual space that is usable by the public below the minimum required area. [HB 1293]
- B. *Major site features.* Any major new construction in the TC-5~~7~~, TC-4~~5~~, TC-4~~5~~ Plus or TC-3 subarea which exceeds the two-story base height and ~~that includes or abuts a preferred through-block connection location shown on Figure 7~~ shall include a through-block connection subject to design commission determination that such connection is feasible and achievable. Any major new construction exceeding three stories in height in the TC-5, TC-4 or TC-4 Plus subarea shall include at least one of the following major site features, subject to design commission determination that such choices contribute to a well-balanced mix of features in that subarea: [HB 1293 & Comp Plan]
1. *Through-block connection.* Any major new construction that exceeds the two-story base height in the locations shown on Figure 7 must include a through-block connection. ~~Through-block pedestrian connections will~~ To qualify as a major site feature, a through-block connection must conform to ~~upon satisfaction of the development and design standards set forth in subsection DE of this section.~~ If the on-site area of the through-block connection does not equal or exceed three percent of the gross floor area of the development, then public open space shall also be provided so that the total area of the through-block connection and public open space equals or exceeds three percent of the gross floor area of the development.
 2. *Public open space.* ~~Public open spaces will~~ To qualify as a major site feature, public open space must conform to ~~upon satisfaction of the development and design standards set forth in subsection CD of this section.~~ [HB 1293]
- C. *Other site features.* ~~The design commission may approve other major or minor site features in place of those listed above consistent with the provisions of this chapter.~~
1. ~~*Major site features.* Site features other than listed in subsection B of this section will only be considered as a major site feature if it is of equal or greater public benefit than one or more of the major site features listed in subsection B of this section. Underground or structured parking that supports park and ride use may be considered a major site feature. The amount of park and ride parking qualifying as a major site feature shall be determined by the design commission.~~
 2. ~~*Minor site features.* Examples of other minor site features include contribution to a public art or design project within close proximity to the new construction, such as the city's I-90 Artway; and/or transit-oriented development (TOD) amenities, such as facilities that support bicycle use.~~ [HB 1293]
- D. ~~*Public open space.* Refers to plazas, parks or other spaces intended for the use and enjoyment of the public in the Town Center zone. Public open spaces serve as public gathering spaces and, depending on their size, could accommodate a variety of public events, as well as provide space for informal gatherings and quiet activities.~~

1. **Size.** A single public open space shall be a minimum size equal to three percent of the gross floor area of the development and shall be at least 20 feet in width.
 - a. For a fifth, sixth, or seventh floor in the TC-45 Plus subarea, public open space shall increase to a minimum of seven and one-half (7.5) percent of the gross floor area of the development. [HB 1293 & Comp Plan]
 - b. ~~The design commission may allow a~~ A development may be allowed to provide two or more public open spaces provided so long as the design commission determines that such multiple public open spaces will have an equal or greater public benefit and each public space is at least 1,500 square feet in area. [DC & HB 1293]
 - c. ~~The primary purpose of the public open spaces shall be as public gathering places. Other uses of public open spaces whose primary purpose is not for public gathering including but not limited to~~ The following areas shall not be counted as part of the required open space:
 - i. lobby entrances,
 - ii. stairs, and
 - iii. cordoned off/private outdoor restaurant seating, shall not be included in calculating the minimum size of the public open spaces. Such areas shall be in addition to any area required as a minor site feature under subsection A of this section. [HB 1293]
 - d. If a development is required to provide both a public open space and a through-block connection, then the area of the through-block connection that meets the requirements of subsection E of this section shall also be counted towards the public open space requirement. [HB 1293]
2. **Design elements.**
 - a. Public open spaces shall be at the same level as the public sidewalk, serve as a focal point for pedestrian activity within the Town Center zone, and should be fully integrated and designed consistent with any pedestrian connection or other street-level public amenity. [HB 1293]
 - b. ~~Public open spaces shall be designed with sufficient pedestrian amenities including seating, lighting, water features, special paving, landscaping, artwork and special recreational features, as determined by the design commission. At least two linear feet of seating surfaces per 100 square feet of public open space must should be provided. To qualify, s~~ Seating surfaces shall be a minimum of 18 inches in depth. At least half the seating should shall have seat backs and have surfaces made of wood, rather than metal, stone or concrete. In addition, moveable chairs may be substituted for fixed public seating, provided and shall they are not be restricted for the sole use of an adjacent retail business. [HB 1293]
 - c. Pedestrian-oriented frontage is required on at least two sides unless the space is linear in design, in which case pedestrian-oriented frontage is required on at least one side.

- d. At least 25 percent but not more than 60 percent of an outdoor public open space ~~should~~ shall be landscaped with shade trees, ground cover or other vegetation. [HB 1293]
 - e. The public open space may not be covered by a roof, story or skybridge; provided portions of the public open space may be covered for weather protection, or be enclosed pursuant to subsection (D)(2)(f) of this section.
 - f. ~~Public open space may be enclosed and/or covered public open space may be approved by the design commission;~~ provided, that the space is available for public use. [HB 1293]
 - g. ~~All city approvals or permits for any structure shall be reviewed for compatibility with the alignment of any existing or approved public open space.~~ [HB 1293]
3. *Public open space plan.* The applicant shall submit a plan with a minimum scale of one-quarter inch equals one foot for the public open space which shall include a description of all landscaping; lighting; street furniture; color and materials; relationship to building frontage; specific location of the public open space; and the relationship to and coordination with any pedestrian connection or other public amenity.
4. *Public access.* The entire public open space ~~shall~~ should be open to the public 24 hours per day. Temporary closures will be allowed as necessary for maintenance purposes. Upon city approval, portions of the public open space may be separated, as required by the State of Washington Liquor and Cannabis Board or its successor agency, in order to allow outdoor seating for restaurant purposes. [HB 1293]
- DE. *Through-block pedestrian connections.* Through-block pedestrian connections are intended to provide convenient and safe public pedestrian routes through city blocks.
1. *Location.* Connections shall be located on the lots eligible for through-block pedestrian connections as shown on Figure 7 and in other locations based on the following criteria: ~~The actual location of the pedestrian connection on the lot shall be determined by the design commission based upon the following criteria:~~ (a) [HB 1293]
- a. the connection will connect with existing or future rights-of-way, other pedestrian connections and/or public open spaces; and ~~(b)~~
 - b. the connection has the effect of dividing a large city block approximately in the middle of such block in approximately the preferred locations shown on Figure 7; and ~~(c) it is likely that the remainder of the subject connection will be developed in the future based upon development conditions on surrounding lots~~ [HB 1293]

Figure 7 — Preferred Through-Block Pedestrian Connection Locations



2. *Design elements.*

- a. The through-block pedestrian connection shall be the length necessary to provide access between existing rights-of-way; provided, ~~however,~~ that if an applicant does not own all property necessary to make the connection, this option will still be available if an easement is provided to the city for the remainder of the connection. If the applicant cannot obtain the easement after using best efforts, the city may still approve the connection. **[HB 1293]**
- b. The through-block pedestrian connection shall be a minimum of 20 feet wide ~~unless the design commission approves a lesser width because the applicant provides other site features of equal or greater public benefit as determined by the design commission.~~ The width of the through-block pedestrian connection may be

reduced by five feet if the applicant provides an additional five feet of sidewalk along the entirety of one side of the development that fronts on a public right of way. [HB 1293]

- c. The area devoted to a through-block pedestrian connection shall be in addition to the area devoted to any other minor site feature required pursuant to subsection A of this section. The primary purposes of the connection shall be as a means for pedestrian access between rights-of-way and secondarily as a public gathering place. Other uses, including p~~Other uses, including pedestrian access to parking areas, lobby entrances, and stairs, must be secondary to and not conflict with the connection purpose and areas required for such uses shall not be included in calculating the minimum size.~~ [HB 1293]
- ~~bd.~~ The through-block pedestrian connection shall be at the same level as the public sidewalk and incorporate sufficient pedestrian amenities such as seating areas, landscaping, art features, water features, weather protection and pedestrian scale lighting, as determined by the design commission. [HB 1293]
- ~~ee.~~ The through-block pedestrian connection should must use special paving, such as decorative colored concrete, concrete unit brick or stone pavers and coordinated design features such as uniform treatment of signing, landscaping and lighting over the entire length of the connection. Pervious paving is encouraged. [HB 1293]
- ~~d.~~ At least 50 percent of the ground level building frontage shall be designed and constructed to provide occupancy by active residential or nonresidential uses. [HB 1293]
- ~~ef.~~ Where ground level residential uses front onto the through-block connection the building must feature at least one of the public/private space transition elements described below:
 - i. ***Raised deck or porch option.*** Provide at least a 60-square-foot porch or deck raised at least one foot above grade. The porch or deck must be at least six feet wide, measured perpendicular to the building face. A low fence, rail or planting, which is two feet to four feet high, is encouraged between the through-block connection and the deck or porch. A porch roof or weather protection is encouraged. The design ~~should~~ shall consider accessibility. [HB 1293]
 - ii. ***Private open space option.*** Provide a private open space at least ten feet wide between the face of the residence and the edge of the through-block connection. The space may be paved or landscaped. A low fence, rail or planting which is two to four feet high shall be provided between the through-block connection and the open space.
 - iii. ***Landscaped area.*** Provide a landscaped area at least ten feet wide between the face of the building and the edge of the through-block connection. The plantings must reach three feet high within three years after planting.

- iv. *Raised ground floor.* If the residence's ground floor is at least three feet above the grade adjacent to the building, then the landscaped area in option (iii), above, may be reduced to four feet wide.
- v. ~~Other transition design measures that adequately protect the privacy and comfort of the residential unit and the attractiveness and usefulness of the pathway at least as effectively as options (i) through (iv) above, as determined by the design commission.~~ **[HB 1293]**

Figure 8 — Acceptable Public/Private Transitional Space Design between Through-Block Connections and Ground Level Residential Units

The upper left image uses a low fence and landscaped setback. The right images use landscaped terraces and elevated ground level units. The lower left image uses a landscaped berm between the pathway and semi-private open space.



- fg. Where ground level nonresidential uses front onto the through-block connection the building must feature:
 - i. Transparent windows along 50 percent of the ground floor facade between 30 inches and ten feet above the through-block connection.
 - ii. Entrances facing the through-block connection are required for each tenant adjacent to the through-block connection.
- gh. No more than 50 percent of through-block connection ground level frontages may be occupied by vehicle parking areas. ~~Where surface level parking areas are adjacent to the through-block connections, landscaping and building design~~

~~features shall be included to add visual interest and screen vehicles while designing for safety of pedestrians along the connection. Surface level parking adjacent to through block connections must be separated by a landscaped area that provides partial screening. The landscaped area cannot reduce the width of the through block connection by more than five (5) feet.~~ [HB 1293]

- hi. The through-block connection may not be covered by a roof or story; provided portions of the public open space may be covered for weather protection, but not enclosed, and skybridges connecting two buildings are allowed if the skybridge is less than 20 feet wide and less than 14 feet in height.
- ij. All city approvals or permits for any structure shall be reviewed for compatibility with the alignment of any existing or approved through-block connection.
- jk. The connection shall be for exclusive pedestrian use and may not be used by vehicles except as necessary for maintenance or emergency purposes. Dumpsters and other service areas shall not be located within a through-block connection, but may be totally enclosed within a building adjacent to the through-block connection.
- k. ~~The design commission may approve a connection that is not in a straight line.~~ [HB 1293]

Figure 9 — Examples of Acceptable Through-Block Connections

The upper left image features trees on both sides of the connection and outdoor dining area with adjacent restaurants. The upper right image features retail shops fronting onto a corridor. The lower left image features a double pathway with central lawn and adjacent townhouses. The right image features adjacent apartments with a landscaped buffer.



3. *Connection plan.* The applicant shall submit a plan with a minimum scale of one-quarter inch equals one foot for the connection, which shall include a description of all of the following elements: landscaping; lighting; street furniture; color and materials; relationship to building frontage; specific location of the connection and the relationship to and coordination with any public open space.
 4. *Public access.* The entire connection ~~should~~ must be open to the public 24 hours per day. Temporary closures will be allowed as necessary for maintenance purposes. Upon city approval, portions of the connection may be separated, as required by the State of Washington Liquor and Cannabis Board or its successor agency, in order to allow outdoor seating for restaurant purposes. [HB 1293]
- F. *Legal agreements required for public open space and through-block pedestrian connections.* The owners of property to be used for public open space or through-block pedestrian connections shall retain fee ownership of that property and shall execute a legal agreement providing that such property is subject to a right of pedestrian use and access by the public. The agreement shall be in form and substance acceptable to the city attorney and be recorded with the King County recorder's office and the city clerk. The obligations under the agreement shall run with the land and shall terminate upon demolition of the structure for which the through-block connection or public open space was provided. No modifications to either a public open space or through-block pedestrian connection shall be made without approval of the city other than ordinary repairs and maintenance.

MICC 19.11.070 – Greenery and outdoor spaces.

- A. *Objectives.* Outdoor spaces and landscaping should be designed to achieve the design vision set forth in MICC 19.11.010. Development should provide for private open space for employees and residents. Plant materials placed in horizontal beds and on vertical walls/trellises/arbors areas should be used to frame and soften structures, to define site functions, to enhance the quality of the environment, screen undesirable views and create identity sense of place. Trees and landscaping shall be incorporated into the site design in order to soften and screen the visual impact of hard surfaces such as parking lots, service areas, and walls, as well as to enhance a sense of nature along pedestrian walkways, public rights-of-way, sidewalks and outdoor gathering places. Outdoor furniture and fixtures should be compatible with the project architecture and considered as integral elements of the landscape. Whenever possible development should include seating areas and be enhanced by such features as trees and flower displays, fountains, art and open spaces.
- B. *Development and design standards.*
1. ~~Landscaped areas~~surface requirement. ~~Landscaped surfaces equal to Twenty five (25) percent of the development site shall must be provided landscaped surfaces.~~ All required plantings and landscaping ~~shall must~~ be installed according to ~~sound horticultural practices in a manner designed to encourage quick establishment and healthy plant growth, based on local and regional best landscaping practices.~~ The following landscaped types and credits may be used to meet the standards: [HB 1293]
 - a. ~~Ground level planting beds qualify as landscaped surfaces at a 100 percent rate. One hundred (100) percent rate means that one square foot of ground level planting bed counts as one square foot of the required landscaped area.~~ [HB 1293]
 - b. ~~Ground level planting area that supports trees (which will require deeper soil depths) may qualify for bonus credit.~~
 - i. ~~Specifically, p~~Planting areas that support a large tree (height greater than 30 feet at maturity) may be counted at a 200 percent rate (includes planting area under projected dripline at maturity). Two hundred (200) percent rate means that one square foot of a ground level planting bed supporting a large tree counts as two square feet of the required landscaped surfaces. [HB 1293]
 - ii. ~~and A~~ planting areas that supports a medium sized tree (height greater than 15 feet at maturity) may be counted at 150 percent rate. One hundred and fifty percent rate means that one square foot of ground level planting bed supporting a medium sized tree counts as one and a half square feet of the required landscaped surfaces. [HB 1293]
 - c. ~~Terraced or other raised planting surfaces qualify as landscaped surfaces at the same rates as ground level planting beds depending on the soil depth (Ground level planting beds with shallow soil depths capable of supporting only ground cover plants qualify at a 50 percent rate) Fifty percent rate means that one square foot of ground level planting beds with shallow soil depths counts as one half a square foot of the required landscaped surfaces.~~ [HB 1293]

~~bd.~~ *Green roof.* Green roofs qualify as a landscaped surface at a 50 percent rate (i.e., two square feet of green roof qualifies as one square foot of landscaped area). Green roof areas supporting large shrubs and trees ~~may qualify as a landscaped surface at for bonus credit (up to a 100 percent rate) as determined by the design commission depending on the planting's visibility.~~ [HB 1293]

~~ce.~~ *Green walls/trellises/arbors.*

- I. Artistic green walls adjacent to ground level publicly accessible space with decorative patterns qualify as a landscaped surface at a 125 percent rate;
- ii. Standard green walls qualify as landscaped surfaces at a 75 percent rate;
- iii. *Vine trellis/arbors/walls qualify as landscaped surfaces at a 50 percent rate.* Planter areas must feature minimum soil depth necessary to maintain healthy vine growing conditions as determined by regional best landscaping practices.

2. *Landscaping standards.*

- a. *Suitable plant species.* Plant materials for required landscape surfaces shall be selected from a city approved palette of species and minimum size at time of planting. Plant materials ~~should~~ shall be native or adaptive drought-tolerant species.
- b. *Trees and ground cover.*
 - i. Prominent trees ~~should~~ shall be ~~preserved to the extent feasible~~ managed consistent with Chapter 19.10 MICC. [HB 1293]
 - ii. Trees planted within five feet of public curbs or in paved areas shall be installed with root guards and grates to prevent physical damage to sidewalks, curbs, gutters, pavement and other public or private improvements.
 - iii. Ground cover shall be planted to have 100 percent ground cover in two years.
 - iv. Any tree cutting or pruning shall be consistent with chapter 19.10 MICC.
- c. *Soil quality, depth, and volume.* Applicants for new projects in Town Center must include the relevant provisions in construction details, based on regional best landscaping practices, including:
 - i. In planting beds: place three inches of compost and till to a minimum depth of eight inches.
 - ii. In turf areas: place one and three-quarters inches of compost and till to a minimum depth of eight inches.
 - iii. Scarify (loosen) subsoil four inches below amended layer to produce a minimum soil depth of 12 inches of uncompacted soil.

- iv. After planting: apply two to four inches of arborist wood chip mulch to planting beds. Coarse bark mulch may be used ~~but has fewer benefits to plants and soil.~~
 - d. *Irrigation.* All landscaped areas shall be provided with an approved automatic irrigation system consisting of waterlines, sprinklers designed to provide head coverage and to minimize overspray onto structures, walks and windows. Water conserving types of irrigation systems ~~should~~ shall be used.
 - e. *Maintenance.* ~~All landscaping shall be maintained in good condition.~~ Maintenance shall include regular watering, mowing, pruning, clearance of debris and weeds, removal and replacement of dead plants and the repair and replacement of irrigation systems.
3. *Surface parking lot landscaping.* Surface parking lots shall be landscaped to reduce and break up large areas of asphalt and paving.
- a. The landscape design shall be ~~incorporated with low impact development techniques~~ designed to manage runoff from roofs, parking lots and other impervious surfaces consistent with Title 15 MICC. [HB 1293]
 - b. A landscaped area with the minimum interior dimensions of four feet by four feet ~~minimum four foot wide (interior dimension) landscape bulb should~~ must be provided at the end of parking aisles. [HB 1293]
 - c. A ratio of one tree for every six parking spaces ~~should~~ must be provided throughout any surface parking lot. Of the total number of trees required, 50 percent shall be a minimum of 24-inch box in size, and 50 percent shall be a minimum of 15-gallon in size. [HB 1293]
 - d. Planting areas for trees required within the parking rows of a surface parking lot ~~should~~ must be achieved by one of the following ~~acceptable methods:~~ [HB 1293]
 - i. A continuous landscape strip, at least four feet wide (interior dimension), between rows of parking stalls; or
 - ii. Tree wells, eight feet wide, resulting from the conversion of two opposing full sized parking stalls to compact stalls; or
 - iii. Tree wells, at least five feet square, placed diagonally between standard or compact parking stalls.
4. *Landscape screening.* All grade-level parking adjacent to public rights of way, sidewalks, and pedestrian circulation, including structured parking, ~~should~~ must be physically separated from the street and visually screened from pedestrian view by landscaping that provides a partial screen. The landscaping must include shrubs and trees, be located on private property and ~~be wide enough to maintain the plant material and screen the view but not be~~ less than three feet wide. [HB 1293]
5. ~~*Building entries.* Building entries should be emphasized with special landscaping and/or paving in combination with lighting.~~ [HB 1293]

6. ~~*Building facades.* Building facade modulation and setbacks should include features such as courtyards, fountains and/or landscaping.~~ [HB 1293]
7. ~~*Continuity.* Landscaping should provide design continuity between the neighboring properties.~~ [HB 1293]

MICC 19.11.080 – Screening.

- A. *Objectives.* In order to obtain the design vision set forth in MICC 19.11.010, any storage, service and truck loading areas, utility structures, elevator and mechanical equipment on the ground or roof shall be screened from public view in such a manner that they are not visible from public streets, sidewalks or residential areas located on the hillside surrounding the Town Center.
- B. *Development and design standards.*
 1. *On-site service areas.* On-site service areas must meet the following standards.
 - a. All on-site service areas, loading zones, outdoor storage areas, garbage collection and recycling areas and similar activities ~~should~~ must be located in an area not visible from public streets. ~~Consideration should be given to developing common service courts at the interior of blocks.~~
 - b. Service areas ~~should~~ must accommodate all services needed by uses established in the development including loading, trash bins, recycling facilities, food scrap composting areas, storage areas, utility cabinets, utility meters, transformers, etc.
 - c. Service areas ~~should~~ must be located and designed for easy access by service vehicles and for convenient access by each tenant. ~~Any emissions of noise, vapor, heat or fumes should be mitigated. Loading activities should generally be concentrated and located where they will not create a nuisance for adjacent uses.~~ [HB 1293]
 2. *Garbage, recycling collection, composting and utility areas.* Garbage, recycling collection, food scrap composting and utility areas shall be fully enclosed and screened around their perimeter by a wall or fence ~~built screening~~ at least seven feet high, concealed on the top and must have self-closing doors. If the area is adjacent to a public street or pedestrian ~~alleyway~~, a minimum three-foot wide landscaped planting strip providing a partial screen, minimum three feet wide, shall be located on three sides of such facility. ~~Any emissions of noise, vapor, heat or fumes should be mitigated.~~ [HB 1293]
 3. *Meters and mechanical units.* Water meters, gas meters, electric meters, ground-mounted mechanical units and any other similar structures ~~should~~ must be hidden from public view ~~or screened~~. Meters and mechanical units must be screened with either full landscape screening or built screening. [HB 1293]
 4. *Fences.* Fences ~~should~~ must be made of masonry, ornamental metal, or wood, or some combination of the three. The use of chain link, plastic or wire fencing is prohibited. [HB 1293]

C. Landscape screening. Landscape screening must be consistent with the following definitions of screen types. [HB 1293]

1. Full screen. A full screen provides a dense vegetated separation between dissimilar uses on adjacent properties. A full screen shall block views from adjacent properties as seen at the pedestrian eye level in all seasons within three years of installation. The number of trees provided shall be proportionate to one tree for every ten feet of landscape perimeter length.
2. Partial screen. A partial screen provides a moderate vegetated separation between uses on adjacent properties and intermittent views to adjacent properties. A partial screen shall provide the desired screening function as seen at the pedestrian eye level in all seasons within three years of installation. The number of trees provided shall be proportionate to one tree for every 20 feet of landscape perimeter length.
3. Filtered screen. A filtered screen shall provide in all seasons and within three years of installation a lightly vegetated visual separation between uses on adjacent properties and allow visual access to adjacent properties. When compared to the other screen types, a filtered screen is characterized by more open spaces, light filtration and transparency through the plant material forming the screen.

D. Built screening. Any screening not composed of landscaping must be constructed of opaque building materials to provide a sight-obscuring barrier between the screened object(s) and the adjacent property and/or right of way. The materials of the screening must be the same design, color, and materials as the exterior of the accompanying structure. [HB 1293]

MICC 19.11.090 – Lighting.

- A. **Objectives.** Lighting shall be an integral part of any new or existing development. Lighting shall contribute to the individuality, security and safety of the site design without having overpowering effects on the adjacent areas. Lighting is viewed as an important feature, for functional and security purposes, as well as to enhance the streetscape and public spaces. The design of light fixtures and their structural support should be integrated with the architectural theme and style of the main structures on the site.
- B. **Development and design standards.**
 1. ~~Pedestrian-scale walkway light fixtures.~~ Pedestrian-scale light fixtures should must be incorporated into the site design to give visual variety from one building to the next and should blend with the architectural style provided for any on-site pedestrian walkways, including sidewalks. Light fixtures must be designed to fully illuminate the walkway and be placed no more than eight feet above the finished grade. [HB 1293]
 2. Light type. Lighting ~~should~~ must use LED or similar minimum wattage light sources, ~~which give more~~ designed to provide "natural" light. Non-color corrected low-pressure sodium and mercury vapor light sources are prohibited. [HB 1293]
 3. ~~Building entrances.~~ All building entrances should be well lit to provide inviting access and safety. [HB 1293]

4. ~~Building-mounted and display window lights.~~ Building-mounted lights and display window lights should contribute to lighting of walkways in pedestrian areas. [HB 1293]
5. ~~Parking areas.~~ Parking area light fixtures should be designed to confine emitted light to the parking area. The height of the light fixtures should not exceed 16 feet. The design commission shall review and determine the adequacy of lighting in parking areas based on best practices. [HB 1293]
63. *Neon lighting.* Neon lighting may be used as a lighting element; provided, that the tubes are concealed from view at the street level and are an integral part of the building design. Neon tubes used to outline the building are prohibited. [HB 1293]
74. *Shielding.* All exterior lighting fixtures should must be shielded or located to confine light spread within the site boundaries, ~~to the extent possible, especially~~ when adjacent to residential uses. [HB 1293]

MICC 19.11.100 – Building design.

- A. *Objectives.* Building facades should be designed with a variety of architectural elements that suggest the building's use and how it relates to other development in the area. Buildings should be oriented to the street frontage to enliven the street edge as well as to maximize access from the public sidewalk. Building facades should provide visual interest to pedestrians. Special care should be given to landscaping, mass and roof forms of buildings to provide visual interest from residential areas located on the hillside surrounding the Town Center as well as from public streets or sidewalks. Street level windows, minimum building setbacks, on-street entrances, landscaping and articulated walls should be encouraged. Building facades should be designed to achieve the purpose of the development and design standards and the Town Center vision described in MICC 19.11.010. Architectural features and other amenities should be used to highlight buildings, site features and entries and add visual interest. Within the Town Center, all development shall provide elements that attract the interest of residents, shoppers and workers.
- B. *Development and design standards.*
 1. *Fenestration.*
 - a. *Transparent facades.* Articulated, transparent facades ~~should~~ shall be created along pedestrian rights-of-way. Highly tinted or mirrored glass windows ~~shall~~ are not ~~be~~ allowed. Shades, blinds or screens that prevent pedestrian view into building spaces ~~shall~~ are not ~~be~~ allowed, except ~~where required or desired for privacy~~ in dwelling units, hotel rooms, and similar residential uses. [HB 1293]
 - b. *Ground floor windows and doors.* Major new construction along 77th Avenue SE, 78th Avenue SE and SE 27th Street, within the TC-7, TC-5, ~~TC-4~~ and TC-45 Plus subareas, shall have at least 75 percent of the length of the ground floor facade between the height of two feet and seven feet devoted to windows and doors affording views into retail, office, or lobby space. [Comp Plan]
 - c. *Upper story facades.* Upper stories of buildings above two stories ~~should~~ must maintain an expression line along the facade such as a setback, change of material, or a projection to reduce the perceived building mass. Upper story

~~windows should~~ must be divided into individual units and not consist of a "ribbon" of glass. ~~Upper story features such as balconies, roof decks, bay windows or upper story commercial activities should be used to visually connect upper story activity with the street.~~ [HB 1293]

2. *Street-facing facade elements.* All major new construction shall include at least seven of the following elements on the street-facing facades, ~~both on the ground floor level and on other levels, as may be deemed desirable by the design commission taking into account the nature of the development and the site.~~ [HB 1293]
 - a. Window and door treatments which embellish the facade.
 - b. Decorative light fixtures.
 - c. ~~Unique facade treatment, such as decorative materials and design elements.~~ [HB 1293]
 - d. Decorative paving.
 - e. Trellises, railings, gates, grill work, or unique landscaping.
 - f. Flower baskets supported by ornamental brackets.
 - g. Recessed entrances.
 - h. Balconies.
 - i. Medallions.
 - j. Belt courses.
 - k. Decorative masonry and/or tilework.
 - l. ~~Unique, handcrafted pedestrian scaled designs.~~ [HB 1293]
 - m. Planter boxes with seasonal color.
 - n. Projecting metal and glass canopy.
 - o. Clerestories over storefront windows.
 - p. ~~Other elements as approved by the design commission.~~ [HB 1293]
3. *Major facade modulation.* Block frontages shall include at least one of the following features ~~(subsection (B)(3)(a), (b) or (c) of this section) at intervals no greater than 120 feet to break up the massing of the block and add visual interest. The design commission may approve modifications or alternatives to the following features if the proposed modulation is at least as aesthetically acceptable as one of the following features:~~ [HB 1293]

- a. Vertical building modulation at least 20 feet deep and 30 feet wide. See example on Figure 10. For multi-story buildings, the modulation must extend through more than one-half of the building stories.
- b. Use of a significant contrasting vertical modulated design component featuring all of the following:
 - i. An extension through all stories above the first story fronting on the street. Exception: upper stories that are set back more than ten feet horizontally from the facade are exempt.
 - ii. A change in building materials that effectively contrast from the rest of the facade.
 - iii. A modulation horizontally from the rest of the facade by an average of 24 inches.
 - iv. A design to provide roofline modulation.
- c. Building walls with contrasting articulation and roofline modulation that make it appear like two or more distinct buildings. See examples on Figure 11. To qualify for this option, these contrasting facades shall employ all of the following:
 - i. Different building materials and/or configuration of building materials; and
 - ii. Contrasting window design (sizes or configurations).

Figure 10 — Illustrating Maximum Facade Width Standards

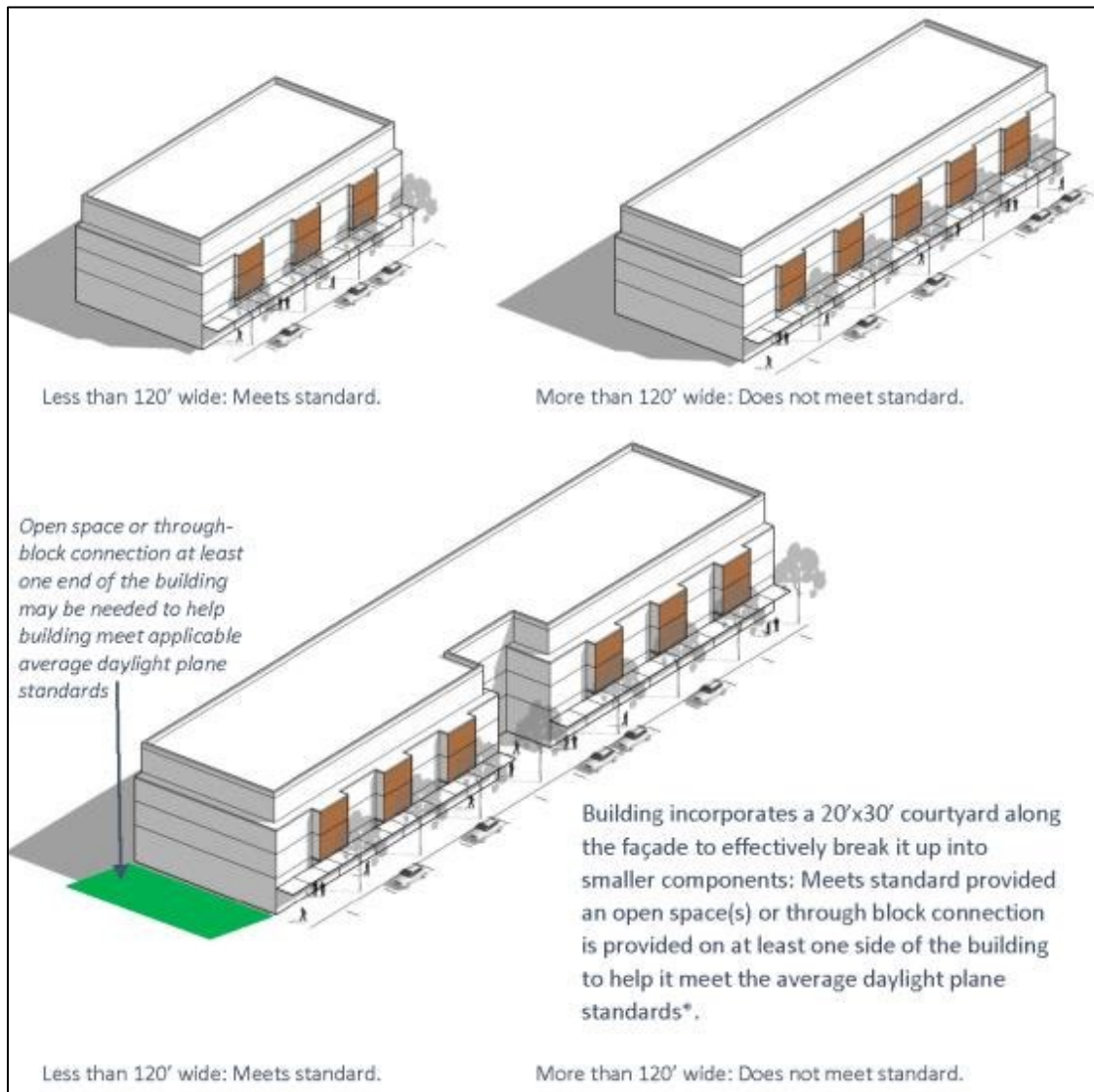


Figure 11 — Facade Examples Employing Building Walls with Contrasting Articulation That Make It Appear Like Two or More Distinct Buildings



Figure 12 — Examples That Do Not Meet Maximum Facade Width Provisions



4. *Minor facade modulation.* All buildings shall include articulation features to reduce the perceived scale of large buildings and add visual interest to facades. See examples on Figure 13. At least three of the following features shall be employed at intervals no greater than 50 feet ~~subject to design commission approval taking into account the nature of the development and the site:~~ **[HB 1293]**
- a. Window fenestration patterns and/or entries;
 - b. Use of vertical piers/columns;
 - c. Change in roofline;
 - d. Change in building material or siding style;
 - e. Vertical elements such as a trellis with plants, green wall, art element; or

- f. Vertical building modulation of at least 12 inches in depth if tied to a change in roofline modulation or a change in building material, siding style, or color; or
- g. ~~Other design techniques approved by the design commission that reinforce a pattern of small storefronts (or residences, if residential uses are used).~~ [HB 1293]

Figure 13 — Minor Facade Modulation Examples



- 5. Walls. Untreated blank walls are prohibited. A blank wall is a wall (including building facades and retaining walls) over six feet in height, with a horizontal length greater than 15 feet that does not include a transparent window or door. New development must use one of the following methods to treat blank walls can include but are not limited to: [HB 1293]
 - a. Display windows at least 16 inches of depth to allow for changeable displays. Tack on display cases shall not qualify as a blank wall treatment.
 - b. A landscape planting bed at least five feet wide or a raised planter bed at least two feet high and three feet wide in front of the wall with planting materials that are sufficient to obscure or screen at least 60 percent of the wall's surface within three years.
 - c. A vertical trellis in front of the wall with climbing vines or plant materials. The vertical trellis must be designed to cover at least sixty (60) percent of the wall within three years of planting. [HB 1293]
 - d. A mural as approved by the design commission covering at least sixty (60) percent of the blank wall space. A mural that meets the definition of a sign established in Chapter 19.16 MICC is also subject to the sign regulations in MICC 19.11.140. [HB 1293]
 - e. ~~Special building detailing that adds visual interest at a pedestrian scale as approved by the design commission. Such detailing must use a variety of surfaces; monotonous designs will not meet the purpose of the standards.~~ [HB 1293]

6. ~~Entrances.~~ Building entrances ~~should concentrate~~ must be located along the sidewalk and ~~should be physically and visually inviting.~~ Entrance doors shall be recessed from the facade surface to emphasize the entrance and provide a sheltered transition to the interior of the building. ~~Special paving treatments and/or landscaping should be used to enhance the entrance. Pedestrian walkways with wheelchair ramps at least eight feet wide should be constructed between the sidewalk and building entrances.~~ [HB 1293]
7. ~~Roofs.~~ Roofs shall relate to the building facade articulations. A variety of roof types and configurations ~~should be used to add interest and reduce the perceived building mass. Varied parapet height or roofline is encouraged. Sloping roofs are also encouraged.~~ [HB 1293]
8. ~~Residential uses on ground floor.~~ Where permitted, residential uses on the ground floor shall comply with the standards in MICC 19.11.060(E)(2)(e). [HB 1293]
9. ~~Identity emphasis.~~ Public buildings, unique community structures and corner structures should have a prominent scale, emphasizing their identity. [HB 1293]
10. ~~Corner lots.~~ Buildings on corner lots should be oriented to the corner. Corner entries and/or architectural treatment should be used to emphasize the corner. [HB 1293]
11. ~~Franchise design.~~ Prototype design for franchises should use customized components consistent with the design requirements for the Town Center that achieve the purpose, intent and vision set forth in MICC 19.11.010. [HB 1293]
12. ~~Harmony.~~ The elements of a building should relate logically to each other, as well as to the surrounding buildings. A single building or complex should be stylistically consistent; architectural style, materials, colors and forms should all work together. [HB 1293]
13. ~~Weather protection.~~ Specially designed all-weather features that integrate weather protection systems at the sidewalk level of buildings to protect pedestrians from the effects of rain, wind, glare, shadow, reflection and sunlight and to make spending time outdoors feasible in all seasons. All major new construction shall have all-weather features that integrate weather protection systems at the sidewalk level of buildings to protect pedestrians from the effects of rain, wind, glare, shadow, reflection and sunlight such as awnings, canopies, trellises, pergolas, and covered arcades or all-weather features along 80 percent of a building's frontage along the retail frontages shown on MICC 19.11.020 Figure 2. [HB 1293]
 - a. Any canopy or awning over a public sidewalk ~~should~~ must be a permanent architectural element. [HB 1293]
 - b. Any canopy or awning over a public sidewalk ~~should~~ must project out from the building facade a minimum horizontal width of six feet and be between eight to 12 feet above grade. [HB 1293]
 - c. ~~Architectural details should not be concealed by awnings or canopies.~~ [HB 1293]
 - d. ~~Awning shapes should relate to the shape of the facade's architectural elements. The use of traditionally shaped awnings is encouraged.~~ [HB 1293]

e.—Vinyl or plastic awnings or canopies are prohibited.

fd. All awnings or canopies shall function to protect pedestrians from rain and other weather conditions.

148. *Courtyards.* Courtyards are an outdoor covered or uncovered area easily accessible to the public at the same level as the public sidewalk or pedestrian connections. If a courtyard is being provided for purposes of meeting the public open space requirement in MICC 19.11.060(B), then the courtyard shall comply with the design standards for public open space in MICC 19.11.060(D). Other courtyards ~~should~~ must: [HB 1293]

a. Be at least ten feet in width, with a building facade on at least one side;

b. Be covered with trees, ground cover, or other landscaping over at least 50 percent of its area;

c. Include seating, special paving material, pedestrian-scale lighting and other pedestrian furnishings; and

d. ~~Manage runoff from courtyard pavement with low impact development techniques when allowed by the code official; and~~ [HB 1293]

e.—Not be covered by a roof, ~~story or skybridge; except that portions of the courtyard may be covered for weather protection, but not enclosed~~ unless the roof is required weather protection. [HB 1293]

MICC 19.11.110 – Materials and color.

A. ~~*Objectives.* Textured high quality materials and colors should bring a visually interesting experience into the streetscape. Color should be carefully considered in relation to the overall design of the building and surrounding buildings. Color and materials should highlight architectural elements such as doors, windows, fascias, cornices, lintels, and sills. Variations in materials and colors should be generally limited to what is required for contrast or to accentuate architectural features. Piecemeal embellishment and frequent changes in materials should be avoided. The materials and colors selected should be consistent with the intent, purpose and vision set forth in MICC 19.11.010.~~ [HB 1293]

B.—*Development and design standards.*

1. ~~*Building exteriors.* Building exteriors should be constructed from high quality and durable materials. It is important that the materials and colors weather well and that building exteriors need minimal maintenance.~~ [HB 1293]

2.—~~*Regional focus.* Materials and colors should reflect the city's regional setting.~~ [HB 1293]

3.—~~*Attention to all sides.* Materials and colors should be used with cohesiveness and compatibility on all sides of a building.~~ [HB 1293]

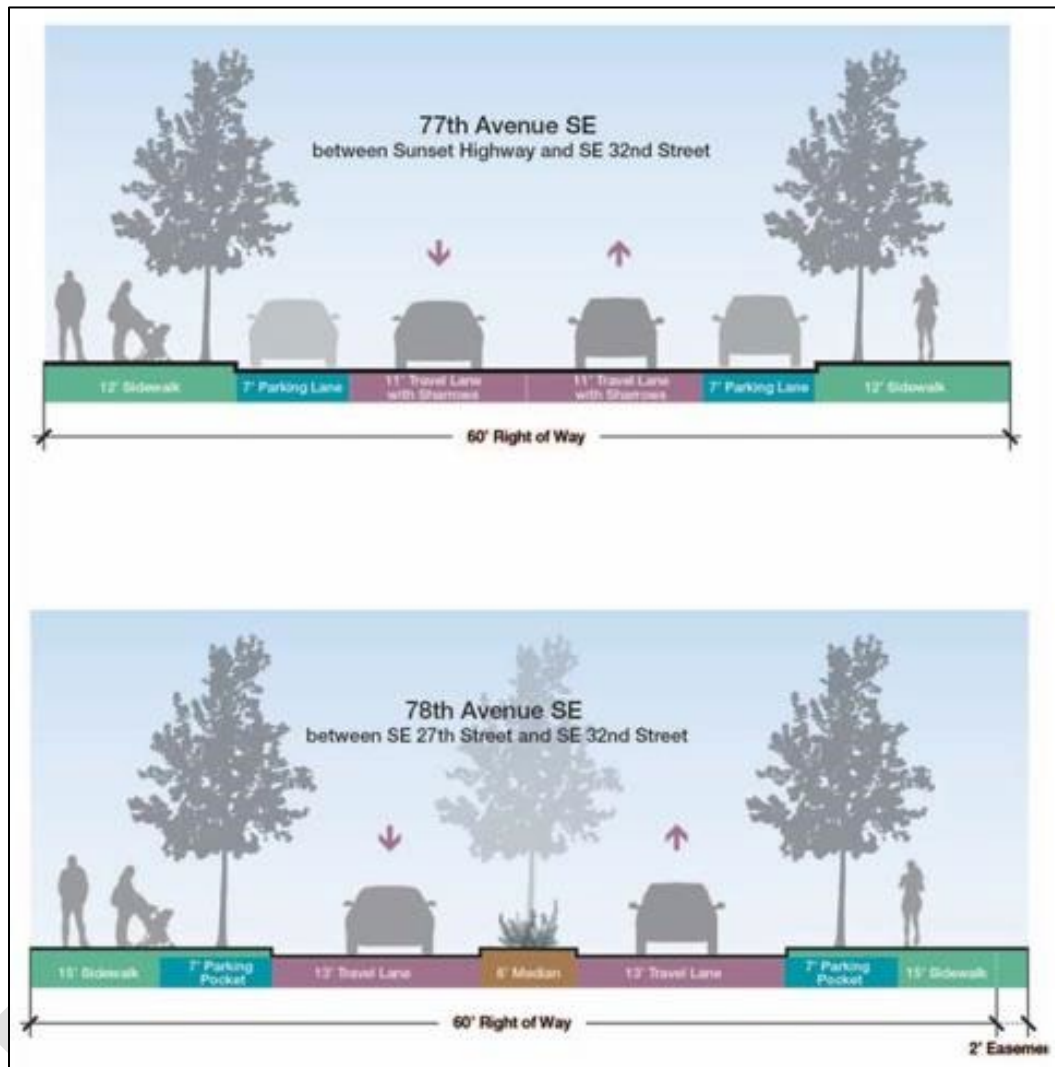
4.—~~*Concrete walls.* Concrete walls should~~ must be architecturally treated. ~~The treatment may include with one of the following features: textured concrete such as exposed aggregate, sand blasting, stamping or color coating.~~ [HB 1293]

5. ~~Harmonious range of colors.~~ A harmonious range of colors should be used within the Town Center. Neon or very bright colors, which have the effect of unreasonably setting the building apart from other adjacent buildings on the street, should not be used. [HB 1293]
6. ~~Bright colors.~~ Bright colors should be used only for trim and accents if the use is consistent with the building design and other design requirements. [HB 1293]
7. ~~Undesired materials.~~ Beveled metal siding, mirrored glass, and vinyl siding are prohibited should not be used. EIFS, stucco and similar materials should be limited to use as a minor building facade element. [HB 1293]
8. ~~Variation of materials.~~ A variation of building materials should be used to assist in the creation of a visually interesting experience. [HB 1293]

MICC 19.11.120 – Street standards.

All major new construction abutting 77th Avenue SE or 78th Avenue SE shall improve the right-of-way adjacent to the property as required in Figure 14. Major new construction abutting all other streets shall improve the right-of-way adjacent to the property as required by the Mercer Island Town Center Streetscape Manual. ~~The design commission may require or grant a modification to the nature or extent of any required street improvement for any of the following reasons upon recommendation by the city engineer:~~ A modification to the required street improvements may be granted or required if the city engineer makes written findings that any one of the following conditions apply to the proposed development: [DC & HB 1293]

- A. If unusual topographic or physical conditions preclude the construction of the improvements as required; or
- B. If the required improvement is part of a larger project that has been scheduled for implementation in the city's six-year capital improvement program; or
- C. If angled parking is required but parallel parking would enhance pedestrian, vehicle or bicycle safety, ~~or result in a more desirable pedestrian environment;~~ or [HB 1293]
- D. If other unusual circumstances preclude the construction of the improvements as required.

Figure 14 — Town Center Street Standards**MICC 19.11.130 – Parking, vehicular and pedestrian circulation.**

- A. Objectives. The Town Center should be accessible for vehicles but have an emphasis toward the needs of pedestrians. Clear, easy to understand circulation should be designed into all development to allow drivers and pedestrians to move safely on and off the site, and within it, without confusion and without disrupting on-street traffic flow. Development should maintain mobility and maximize opportunities for alternative modes of transportation in the Town Center. Placement of structures, landscaping, circulation patterns and access points should collectively seek to promote an integrated, multi-modal transportation system. The harmonious integration of pedestrian and transit user circulation should be considered in every aspect of site design. Development shall provide adequate parking with safe and convenient pedestrian access. Parking stalls shall be located within a structure, underground, or behind buildings, except for residential

developments and developments containing residential units, which shall utilize the residential development parking standards contained within MICC 19.11.130(B)(1)(a) and MICC 19.11.130(C). Parking structures should not dominate the street frontage, and must blend with the building's architectural theme. Creatively designed, clean and functional pedestrian connections are encouraged to provide access through-blocks, between properties and/or to and from the public right-of-way. Parking shall be designed consistent with the urban design vision set forth in MICC 19.11.010 and complement the pedestrian activities. **[SB 6015]**

B. Development and design standards.

1. Parking requirements.

- a. Minimum number of parking stalls required. All new development and remodels greater than ten percent of the existing gross floor area shall provide at least the number of parking stalls set forth in the following table:

RETAIL (Stalls per gross square foot)			OFFICE (Stalls per gross square foot)			RESIDENTIAL (Stalls per unit)	
General Retail	Restaurant/ Deli/ Bakery/ Food	Hotel	Financial Services	Health/ Barber/ Beauty	Other Professional Services		Senior
2 to 3 per 1,000	5 to 10 per 1,000	1 per guest room plus $\frac{3}{4}$ per emp. on shift, plus 5 per 1,000 square feet of retail/office	3 to 5 per 1,000	4 to 5 per 1,000	3 to 5 per 1,000	1 to 1.4 per unit. Site specific deviations to allow less than 1 stall per unit may be allowed based on a detailed parking analysis and with approval of the code official.	0.3 to 1 per unit

LIBRARIES/MUSEUM PUBLIC BUILDINGS (Stalls per gross square foot)	ASSEMBLY OR MEETING SPACES	OTHER USES — NONSPECIFIED (Stalls per gross square foot)
3 to 5 per 1,000	1 space for 3 seats up to 1 space for 5 seats, plus 2 spaces for 3 employees	As determined by the code official

- b. Determination within range. The code official shall ~~have the final authority to determine the number of parking stalls required within the ranges above to accommodate typical daily peak parking demand based upon the applicant's submittal of a completed site plan and detailed parking analysis.~~ [HB 1293]
- c. Underground or structured parking required. If the applicant for a mixed use project or for a residential project provides more parking than one and one-quarter spaces per dwelling unit for any part of a project consisting of residential units or two and one-half spaces per 1,000 square feet for any part of a project that is not used for residential units, then all such additional parking shall either be underground or on the second or higher story of structured parking. This subsection shall not apply to additional parking spaces that may be required pursuant to MICC 19.01.050 or the residential development parking standards in MICC 19.11.130(C). [SB 6015]
- d. Parking lot configuration.
- i. Parking lot design shall conform to the standard stall diagrams set out in appendix A to this title, unless alternative design standards are approved by the design commission and the city engineer
- ii. A design alternative to these standards may be authorized for residential development if the development utilizes the residential development parking standards in MICC 19.11.130(C). [SB 6015]
- iii. No more than 50 percent of the required off-street parking spaces for office and residential uses may be designed for accommodating compact vehicles. No more than 25 percent of the required off-street parking spaces for all other uses may be designed for accommodating compact vehicles. Such parking spaces must be clearly designated as compact stalls.
- e. Shared parking.
- i. The amount of off-street parking required in subsection (B)(1)(a) of this section may be reduced by no more than 50 percent, as determined by the code official upon approval by the city engineer ~~(and design commission for major new construction)~~, when shared off-street parking facilities for two or more uses are proposed. A parking demand study shall be prepared by a professional traffic engineer and submitted by the applicant that documents parking demand for all land uses shall not significantly overlap and that uses

will be served by adequate parking if shared parking reductions are authorized. [HB 1293]

- ii. The determination whether shared parking will be allowed shall occur at the time the shared parking is proposed and when a change of use occurs.
 - iii. If shared parking is requested, the parking facilities for the multiple uses shall be designed and developed as a single on-site common parking facility, or as a system of on-site and off-site facilities. If off-site facilities are used, all facilities shall be connected with improved pedestrian facilities and no building or use ~~should~~ shall be more than 1,320 feet walking distance from the most remote shared parking facility. [HB 1293]
 - iv. If the shared parking is on one or more different properties, a covenant or other contract for shared parking between the cooperating property owners must be approved by the code official. This covenant or contract shall be recorded with the King County department of records and elections division as a deed restriction on all properties and cannot be modified or revoked without the consent of the code official.
 - v. If requirements for shared parking are violated, or the parking demand for shared parking exceeds the shared parking supply, the affected property owners shall provide a remedy satisfactory to the code official or provide the full amount of required off-street parking for each use, in accordance with the requirements of this chapter
- f. *Access restriction prohibited.* Restricting vehicular and pedestrian access between adjoining parking lots at the same grade is prohibited.
- g. *Surface parking lot location.*
- i. *Behind structure.* All surface parking lots shall be located behind building structures.
 - ii. *No corner parking lots.* Parking lots shall not be located on a corner facing an intersection.
- h. *Design of surface parking and pedestrian access.*
- i. *Entrances.*
 - (a) ~~Shared.~~ The number of parking lot entrances, driveways and curb cuts should be minimized in favor of combined driveways and coordinated parking areas among business owners.

- (b) ~~78th Avenue SE. Individual parking entrances and curb cuts on 78th Avenue SE should be consolidated.~~ [HB 1293]
- ii. ~~Pedestrian walkways.~~ Pedestrian walkways ~~should~~ must be provided through all parking lots. ~~Raised concrete pavement should be provided~~ Walkways must be raised where the walkway traverses between parking stalls and/or is adjacent to vehicular circulation. [HB 1293]
 - iii. ~~Landscaping and lighting.~~ Landscaping and lighting of surface parking lots ~~should be in conformance with MICC 19.11.070(B)(4) and 19.11.090(B)(5).~~ [HB 1293]
 - iv. ~~Concrete curbs.~~ All parking areas, landscaping areas and driveways ~~should~~ must be surrounded by six-inch-high vertical concrete curbs. [HB 1293]
 - v. ~~Wheel stops.~~ All landscape and pedestrian areas ~~should~~ must be protected from encroachment by parked cars. Wheel stops two feet wide (as measured outward from the paved or planted area) ~~should~~ must be constructed for all nonparallel parking stalls. [HB 1293]
 - vi. ~~Amenities.~~ Amenities such as seating and planters ~~should be provided to encourage pedestrian circulation.~~ [HB 1293]
- i. *Design of structured parking.*
- i. *Relationship to main building.* Parking structures ~~should~~ must be architecturally integrated or designed with an the same architectural theme similar to as the main building. [HB 1293]
 - ii. ~~Screening.~~ A floor of a parking structure ~~should not face the street. If the design commission determines that there is no feasible alternative to a street-facing floor of a parking structure, then the perimeter of the floor of a parking structure facing the street should have a screening mechanism designed to shield vehicles and any mechanical appurtenances from public views.~~ [HB 1293]
 - iii. *Street side edges.* An architectural treatment, landscaping and/or space for pedestrian-oriented businesses along the street-side edges of the parking structure shall be provided. [HB 1293]
 - iv. ~~Pedestrian access.~~ Where possible, pedestrian elevators and stairwells serving structured parking ~~shall be located in a public lobby space or out onto an active public street.~~ [HB 1293]
2. *Signs and wayfinding.* Signs indicating the location of parking available to the public are required ~~shall be installed as approved by the design commission and city engineer.~~ Such signs shall be installed at the entrance to the parking lot/garage along the street and within the parking lot/garage and shall comply with parking signage standards for the Town Center approved by the design commission and city engineer. [HB 1293]

3. *Loading space.* Off-street loading space with access to a public street shall be required adjacent to or within or underneath each building. Such loading space shall be of adequate size to accommodate the maximum number and size of vehicles simultaneously loaded or unloaded in connection with the business or businesses conducted in the building. No part of the vehicle or vehicles using the loading space may protrude into the public right-of-way.
4. *Drive-through facilities.* Drive-through facilities and stacking lanes ~~should~~ must not be located along the street frontage of a building that faces a right-of-way. Stacking lanes shall be designed so as to accommodate all vehicles on site, and no part of a vehicle using a drive-through facility shall protrude into the public right-of-way. [HB 1293]
5. *Public parking.* On-site public parking consistent with and complying with the requirements of this section shall be provided in any existing development desiring to provide public parking consistent with the requirements of this section and in any new mixed use or nonresidential development. Nothing contained in this section shall be deemed to prevent a building owner from designating parking spaces as being available to the public exclusively for electric vehicle charging or as being available exclusively to an operator of a car sharing service that makes vehicles available for public use. Further, this section shall be interpreted and enforced in such manner as to avoid conflict with the shared parking section in subsection (B)(1)(e) of this section.
 - a. All parking stalls provided for nonresidential uses, or if the primary use in the building is office then for nonoffice uses, or if the primary use of the building is hotel/motel then for non-hotel/motel uses, shall be available for public parking; provided, however, parking stalls that the code official concludes were required to be dedicated for the use of a specific tenant in accordance with a written lease provision in effect as of January 12, 2013, and which were specifically signed for that purpose on January 12, 2013, may be excluded from this requirement until the earlier of the expiration, termination, modification or amendment of the lease.
 - b. Public parking stalls shall be available to motorists for such maximum time period as is determined by the owner, which shall not be less than two hours.
 - c. An owner may require that the motorist patronize at least one business in the development but otherwise the motorist will be entitled to leave the development without moving the parked vehicle, subject to the maximum time period specified by the owner as provided in subsection (B)(5)(b) of this section.
 - d. Once public parking is provided under this provision, it may not thereafter be eliminated unless the development changes use that does not require public parking.
 - e. Public parking under this provision shall not be required for a new mixed use or nonresidential development that is: (i) two stories or less, and (ii) no greater than ten percent of the total gross floor area of all existing structures on the parcel as of October 30, 2015.
6. *Repurposing of parking stalls.*

- a. Parking stalls required for nonresidential uses in a new development or existing development by the foregoing provisions of this section must be kept available exclusively to provide parking for nonresidential uses in that development, as applicable. For parking stalls required for office use, this requirement shall only apply on weekdays between 7:00 a.m. and 6:00 p.m., excluding national holidays. Up to 50 percent of such stalls designated for office use may be allocated for residential use during the hours of 6:00 p.m. and 7:00 a.m. weekdays and at all times on weekends and national holidays.
- b. Owners or operators of developments in which such parking stalls are located are responsible for ensuring that such parking stalls are, in fact, occupied as above required only by vehicles of persons associated with the respective uses and are not being occupied by other vehicles. Compliance with, and allowing public parking in accordance with, the provisions of subsection (B)(5) of this section or shared parking in accordance with subsection (B)(1)(e) of this section shall not be considered a violation of this exclusive use requirement.

C. Residential development parking standards.

1. Garages and carports are not required in order to meet minimum parking requirements for residential development. [SB 6015]
2. Parking spaces that count towards minimum parking requirements may be enclosed or unenclosed. [SB 6015]
3. Parking spaces in tandem shall count towards meeting minimum parking requirements at a rate of one space for every 20 linear feet with any necessary provisions for turning radius. For purposes of this subsection, "tandem" is defined as having two or more vehicles, one in front of or behind the others with a single means of ingress and egress. [SB 6015]
4. Existence of legally nonconforming gravel surfacing in existing designated parking areas may not be a reason for prohibiting utilization of existing space in the parking area to meet parking standards, up to a maximum of six parking spaces. [SB 6015]
5. Parking spaces are not required to exceed eight feet by 20 feet, except for required parking for people with disabilities. [SB 6015]
6. Required off-street parking shall not be a condition of permitting a residential project if compliance with tree retention pursuant to Chapter 19.10 MICC would otherwise make the proposed residential development or redevelopment infeasible. [SB 6015]
7. Parking spaces that consist of grass block pavers may count toward minimum parking requirements. [SB 6015]
8. Existing parking spaces that do not conform to the requirements of this section by June 6, 2024, are not required to be modified or resized, except for compliance with the Americans with Disabilities Act. Existing paved parking lots are not required to change the size of existing parking spaces during resurfacing if doing

so will be more costly or require significant reconfiguration of the parking space locations. [SB 6015]

MICC 19.11.140 – Signs.

- A. *Objectives.* Signs shall be distinctive, finely crafted, and designed to enhance the aesthetics of the Town Center and to improve pedestrian and motorist safety. Signs shall be designed for the purpose of identifying the business in an attractive and functional manner and to help customers find the specific business locations; they should not serve as general advertising. The size of signs shall be in proportion to the size of business store frontage. Signs shall be integrated into the building design, compatible with their surroundings and clearly inform pedestrians and motorists of business names, but should not detract from the architectural quality of individual buildings.
- B. *Development and design standards.*
1. *Freestanding ground signs.*
 - a. *Number.* A building or complex may not display more than one ground sign on each street frontage.
 - b. *Design.* The sign shall be architecturally compatible with the style, materials, colors and details of the building. The sign content ~~should~~ must be integrated in one design (in contrast to displaying two or more separate elements). ~~Use of symbols is encouraged.~~ [HB 1293]
 - c. *Size.* All freestanding ground signs shall be no larger than:
 - i. ~~Proportionate.~~ Proportionate to the street frontage of the businesses they identify; and
 - ii. ~~Maximum size.~~ In no case larger than:
 - (a) *Twenty-five square feet.* A maximum of 25 square feet for individual business ground signs, shopping complex identification ground signs and signs within a ten-foot setback from any property line on a street. [HB 1293]
 - (b) *Fifty square feet.* A maximum of 50 square feet for joint ground signs (identifying more than one business): six square feet for each business included in the complex. When more than five businesses are included in the complex, one additional ground sign may be placed on the street front, if signs are located at least 100 feet apart.
 - d. *Maximum height.* The maximum height of any sign within ten feet from any property line on a street shall be 42 inches. All other ground signs shall be a maximum of six feet in height. The height of a freestanding ground sign is measured from the top of the sign to the existing grade or finished grade, whichever is lower, directly below the sign being measured.

- e. ~~*Backs of signs.* Exposed areas of backs of signs should~~ must be finished to present an attractive appearance with the same color, material, or texture as the exterior finish of the buildings on site. [HB 1293]

2. *Wall signs.*

- a. *Eligibility.* A wall sign shall be granted to commercial uses occupying buildings facing the streets and are limited to one sign per business on each street frontage. Commercial uses occupying a building adjacent to a driveway shall not qualify for a second wall sign. However, a commercial use occupying a building whose only exposure is from a driveway or parking lot shall be allowed one wall sign. Businesses that demonstrate that the entry off a driveway or parking lot is used by customers shall be eligible for a wall sign.
- b. *Size.* All wall signs shall be no larger than: [HB 1293]
 - i. ~~*Proportionate.* Proportionate to the street frontage of the businesses they identify; and~~
 - ii. ~~*Maximum size.* In no case larger than~~: [HB 1293]
 - ~~(a) *Twenty-five square feet.* Twenty-five square feet for individual business signs.~~
 - ~~(b)ii. *Fifty square feet.* Fifty square feet for joint business directory signs identifying the occupants of a commercial building and located next to the entrance.~~
- c. *Determination of size.* The sign size is measured as follows:
 - i. *"Boxed" displays.* "Boxed" display — total area of display including the background and borders.
 - ii. *Individual letters and symbols.* Individual letters and symbols — total combined area of a rectangle drawn around the outer perimeter of each word and each symbol.
- d. *Placement.* Wall signs may not extend above the building parapet, soffit, the eave line or the roof of the building, or the windowsill of the second story.
- e. ~~*Signs above window displays.* When a commercial complex provides spaces for signs above window displays, these signs should be compatible in shape, scale of letters, size, color, lighting, materials and style.~~ [HB 1293]
- f. ~~*Design commission discretion.* If an applicant demonstrates to the satisfaction of the design commission that a wall sign is creative, artistic and an integral part of the architecture, the commission may waive the above restrictions.~~ [HB 1293]
- g. ~~*Master sign plan.* When multiple signs for individual businesses are contemplated for a major construction project, a master sign plan stipulating the location and size of future signs will be required.~~ [HB 1293]

3. *Projecting signs.*

- a. *Sidewalk clearance.* Projecting signs ~~should~~ must clear the sidewalk by a minimum of eight feet.
- b. *Maximum size.* Projecting signs shall not be larger than six square feet.
- c. *Projection from building.* Signs ~~should~~ must not project over four feet from the building unless the sign is a part of a permanent marquee or awning over the sidewalk.
- d. *Awnings.* Awnings that incorporate a business sign shall be fabricated of opaque material and shall use reverse channel lettering. ~~The design commission may require that an awning sign be less than the maximum area for wall signs to assure that the awning is in scale with the structure.~~ Back-lit or internally lit awnings are prohibited. [HB 1293]

4. *Window signs.*

- a. ~~*Area limitation.* Permanent and temporary w~~Window signs are limited to maximum 25 percent of the window area. [HB 1293]
- b. ~~*Integration with window display.* Every effort should be made to integrate window signs with window display.~~ [HB 1293]

5. *Parking lot signs.* Signs within parking lots ~~should~~ shall be limited to those necessary for safety, identification and direction. ~~The code official shall specify~~ Parking lot signs must include required wording for signage identifying public parking required by MICC 19.11.130(B)(2). [HB 1293]

6. *Directional signs.*

- a. *Minimal number.* ~~To avoid a cluttered appearance, o~~Only those directional signs necessary to protect the safety of pedestrians and passengers in vehicles ~~will be~~ are allowed. The code official may, ~~however, require~~ authorize additional directional signs as necessary to ~~provide motorists with required information to find~~ identify public parking area entrances. [HB 1293]
- b. *Size.* These signs shall be no higher than 36 inches and no larger than four square feet.

7. ~~*Temporary signs.* Unless prohibited by this chapter, use of temporary signs in the town Center shall be governed by MICC 19.06.020, Temporary signs.~~ [HB 1293]

8. ~~*Prohibited signs.*~~

- a. *Roof.* Signs mounted on the roof are not permitted.
- b. *Moving signs.* Animated, moving, flashing, blinking, reflecting, revolving, or other similar signs or signs that incorporate these elements are prohibited.

- c. *Pennants and inflated signs.* Pennants or inflated signs, balloons and figures are prohibited.
- d. *Vehicles.* Signs attached to or painted on vehicles parked for more than 180 consecutive days in an area and visible from the public right-of-way are prohibited if, ~~based on the relative amount of time the vehicle is parked rather than being used as a means for actual transportation, the vehicle's primary purpose is as a stationary sign rather than a means for actual transportation.~~ [HB 1293]
- e. *Phone numbers.* Phone numbers are prohibited from permanent, exterior signs.
- 98. *Lighted signs.* Lighted signs shall be of high quality and durable materials, distinctive in shape, designed to enhance the architectural character of the building and use LED lights or other minimum wattage lighting, as necessary to identify the facility or establishment. Channel or punch-through letters are preferred over a sign that contains text and/or logo symbols within a single, enclosed cabinet.
- 409. *Street numbers.*
 - a. *Use.* City-assigned street numbers ~~should~~ must be installed on all buildings.
 - b. *Effect on permitted sign area.* Street numbers will not be counted towards permitted sign area.
- 11. ~~*Design commission discretion.* If an applicant demonstrates to the satisfaction of the design commission that a sign is creative, artistic and an integral part of the architecture, the commission may waive the above restrictions.~~ [HB 1293]
- 120. *Master sign plan.* A master sign plan describing the location and size of all signs is required for any major construction project that would include more than one sign. ~~When multiple signs for individual businesses are contemplated for a major construction project, a master sign plan stipulating the location and size of future signs will be required.~~ [HB 1293]

MICC 19.11.150 – Administration Reserved.

A. ~~Design review.~~

- 1. ~~Authority. Design review shall be conducted by the city's design commission or code official consistent with the procedure set forth in MICC 19.15.220(C). The design commission or the code official shall review the applicability of the development and design standards and determine the project's conformance with this chapter. The degree of conformance with all of the development and design standards will vary on a project by project basis. The design commission shall review each project on the project's degree of overall conformity with the objectives, standards and the comprehensive plan. The design commission or the code official has the authority to approve, approve with conditions, or deny projects based on the criteria set forth in MICC 19.15.220(C).~~

2. ~~Applicant's responsibility. It is the responsibility of the applicant to design a project in compliance with the objectives and development and design standards of this chapter.~~
3. ~~Shall/should. When a standard uses the word "shall," the standard is mandatory. When a standard uses the word "should," the standard is mandatory unless the applicant can demonstrate, to the satisfaction of the design commission, an equal or better means of satisfying the standard and objective.~~
4. ~~Development agreements. An applicant may request modifications to any development and design standards set forth in this chapter by requesting a development agreement consistent with RCW 36.70B.170 through 36.70B.210. All development agreements shall be in form and content acceptable to the city attorney and shall be reviewed and either approved or rejected by the city council after a public hearing pursuant to RCW 36.70B.200.~~
5. ~~Changes of use and tenant improvements. It is the property owners' and tenants' responsibility to ensure compliance with applicable development regulations when a change of use and/or a tenant improvement occurs. [DC]~~

Chapter 19.12 MICC

MICC 19.12.010 – General.

- A. *Applicability.* This chapter establishes design standards for regulated improvements in all zones established by MICC 19.01.040, except Town Center. Design standards for Town Center are set forth in chapter 19.11 MICC. These standards are in addition to any other standards that may be applicable to development in the zone in which the development occurs. In the PBZ, the terms of the PBZ site plan as set forth in MICC 19.04.010 shall control; provided, to the extent not inconsistent with MICC 19.04.010, the provisions of MICC 19.12.010 [excluding (D)(2)(b) and (c)], 19.12.030, 19.12.060, 19.12.070 and 19.12.080 shall apply. These design standards are not intended to slow or restrict development, but to add consistency and predictability to the permit review process.
- B. *Design vision.*
 1. *Site and context.* Non-Town Center areas are largely characterized by residential settings that are heavily vegetated, topographically diverse and enhanced with short and long-range views that are often territorial in nature. The design of new and remodeled structures should respond to this strong environmental context. Site design should maintain the natural character of the island and preserve vegetation concentrations, topography and the view opportunities that make Mercer Island special.
 2. *Building design.* Development of new and remodeled structures should conserve Mercer Island's special environmental characteristics, such as steep slopes, watercourses, and large concentrations of mature trees. Buildings shall be designed to

be architecturally compatible with other structures in the neighborhood with respect to human scale, form and massing, and relationship to natural site features. High quality and durable materials, complementary colors, texture, and architectural detail should be incorporated into the design. Use of materials such as natural wood and stone, and design elements such as large building overhangs and window exposure to natural light, are encouraged.

3. *Landscaping and amenities.* Landscaping should reflect the natural wooded character of Mercer Island and provide visual separation between different land uses. Amenities such as street trees, plantings, and other landscape design elements, including fountains or water features, and art features should be integrated into new and remodeled structures and their sites.
- C. *Applicant's responsibility.* It is the responsibility of the applicant to design a project in compliance with the objectives and standards of this chapter and all other regulations applicable to the zone in which the development occurs.
- D. ~~Major new construction and minor new exterior modification. Design review process. Design review shall be conducted by the city's design commission or code official consistent with the process provided in MICC 19.15.220(C). The design commission or code official shall review each regulated improvement and determine each project's conformance with the applicable objectives and standards of this chapter.~~ [DC]
1. Full application of design requirements: major new construction. All design requirements of chapter 19.12 MICC shall apply, except as provided in MICC 19.01.050(D)(3)(a), when there is new construction from bare ground, or intentional exterior alteration or enlargement of a structure over any three-year period that incurs construction costs in excess of 50 percent of the existing structure's current King County assessed value as of the time the initial application for such work is submitted; provided, application of chapter 19.12 MICC shall not be construed to require an existing structure to be demolished or relocated, or any portion of an existing structure that is otherwise not being worked on as part of the construction to be altered or modified.
 2. Partial application of design requirements: minor exterior modification. The following design requirements shall apply when there is a minor exterior modification, as defined in MICC 19.16.010:
 - a. MICC 19.12.030 pertaining to building design and visual interest;
 - b. MICC 19.12.040(B)(5), (6), (7), (8), (9) and (11) pertaining to landscape design and outdoor spaces: entrance landscaping; planting types; screen types and widths by use and location; perimeter landscape screens; surface parking lot planting; and general planting, irrigation and maintenance standards;
 - c. MICC 19.12.050 pertaining to vehicular and pedestrian circulation;
 - d. MICC 19.12.060 pertaining to screening of service and mechanical areas;
 - e. MICC 19.12.070 pertaining to lighting;

f. MICC 19.12.080 pertaining to signs;

The design requirements pertaining to structures shall be applied only to that portion of an existing structure that undergoes minor exterior modification and shall not require any portion of an existing structure that is otherwise not being worked on as part of the construction to be altered or modified.

3. Value measure when structure has no assessed value. For purposes of determining when a project will be considered major new construction or minor exterior modification, and the threshold for application of design requirements as set forth in subsections (D)(1) and (2) of this section, if there is no current King County assessed value for a structure, a current appraisal of the structure, which shall be provided by the applicant and acceptable to the code official, shall be used as the value point of reference.
- E. ~~Shall/should. When a standard uses the word "shall," the standard is mandatory. When a standard uses the word "should," the standard is mandatory unless the applicant can demonstrate, to the satisfaction of the design commission or code official, an equal or better means of satisfying the standard and objective.~~ **[HB 1293]**
- F. ~~Development agreements.~~ An applicant may request modifications to any design and development standards set forth in this chapter by requesting a development agreement consistent with RCW 36.70B.170 through 36.70B.210. All development agreements shall be in form and content acceptable to the city attorney and will be reviewed and either approved or rejected by the city council after a public hearing pursuant to RCW 36.70B.200.
- ~~GE. Changes of use and tenant improvements.~~ It is the property owners' and tenants' responsibility to ensure compliance with applicable development regulations when a change of use and/or a tenant improvement occurs.

MICC 19.12.020 – Site features and context. Reserved.

A. ~~Objectives.~~Reserved.

- ~~1. To encourage design that respects natural landforms, mature trees, and sensitive areas and uses them to provide project identity.~~
- ~~2. To ensure site design is approached in a systematic and unified manner that takes advantage of inherent opportunities and complies with specific standards for building location and orientation.~~
- ~~3. To link open space and recreation areas, where feasible, with public open space, parks, and trails.~~
- ~~4. To encourage building and site designs that use natural elements which link new or modified development to the neighborhood.~~
- ~~5. To promote functional and visual compatibility and better transitions between different uses, adjacent neighborhoods, and between development and natural features.~~

B. ~~Standards.~~

1. ~~Site features.~~

- a. ~~Landforms.~~ Design and layout of the site should incorporate natural landforms such as trees, topography and water courses into proposed developments. Cut and fill should be minimized and preservation of mature trees should be maximized, particularly adjacent to project boundaries and steep slopes. Natural contours should be respected and retained where feasible.

2. ~~Sloped or hillside development.~~

- a. ~~Building development should generally occur on the least steep portions of the site in order to conserve the more fragile areas for landscaping or general open space.~~
- b. ~~Structures built on substantial slopes or hillsides should be designed to minimize their visual impact on surrounding areas. Ridgelines of major slopes should not be broken by structures or loss of vegetative cover. Acceptable methods to integrate structures into the hillside include, but are not limited to, height control, stepped construction, muted earth tone colors, and tree preservation.~~
- c. ~~Building orientation.~~ Buildings should respond in design to a prominent feature, such as a corner location, a street or the lake. Buildings and site design should provide inviting entry orientation. Buildings should not turn their backs to the street.

3. ~~Relationship of buildings to site.~~

- a. ~~Site design.~~ Site design and architectural style shall be pedestrian in scale and address interface with public rights of way, vehicular and pedestrian circulation.
- b. ~~Architectural context.~~ New development should reflect important design elements of existing structures in the neighborhood, including but not limited to, roof forms, materials and colors.
- c. ~~Multiple structures.~~ Variable siting of individual buildings, heights of buildings, and building modulation should be used in order to provide variety in site and specific building design.
- d. ~~Transitions to neighborhoods.~~ Proposed developments should transition with and not overpower adjoining permitted land uses through modulation of building facades, use of established setbacks, and installation of landscape buffers. Building designs should step down to lower heights adjacent to surrounding buildings.
- e. ~~Decorative landmarks.~~ Imaginative exterior features that complement and are integrated into the building design and create visual focal points that give identity to an area, such as special paving in pedestrian areas, art features, decorative clocks, or water features should be provided. **[HB 1293]**

MICC 19.12.030 – Building design and visual interest.

A. *Objectives.*

1. To ensure high quality materials and finishes are used to bring a visually interesting experience to the streetscape.
2. To ensure that building design is based on a strong, unified, coherent, and aesthetically pleasing architectural concept.
3. To not restrict the design to a particular style.
4. To ensure that new buildings are appropriately designed for the site, maintain human scale, and enhance the architectural character of the neighborhood.
5. To ensure buildings are detailed, provide visual interest, do not have blank walls and that large buildings are modulated and articulated to reduce their apparent mass and scale.
6. To ensure high quality and durable buildings which will help to maintain and protect property values.

B. *Standards.*

1. ~~Reserved. *Scale, form and mass.* Scale, form, massing, building proportions, spacing of windows and doorways, roof silhouette, facade orientations, and style of architecture shall have a unified character and, as to commercial, regulated residential and regulated public facilities, recognize pedestrian needs.~~
 - a. ~~*Scale.* Building scale should be proportional to other adjacent buildings, the street edge and, as to commercial, regulated residential and regulated public facilities, to the pedestrian environment.~~
 - b. ~~*Form and mass.* Building forms should not present visual mass or bulk impacts that are out of proportion to adjacent structures, or that appear from the public way or surrounding properties as having unmodulated visual bulk.~~ [HB 1293]
2. *Building facades—Visual interest.*
 - a. ~~*Facade modulation.* Building facade modulation shall break up the overall bulk and mass of the exterior of buildings and structures. Such modulation should always be addressed on the horizontal plane and the vertical plane. Large or massive buildings should integrate features along their facades that are visible from the public right of way, pedestrian routes and nearby structures to reduce the apparent building mass and achieve an architectural scale consonant with other nearby structures.~~ [HB 1293]
 - b. ~~*Modulation guidelines.* Building facade modulation shall break up the overall bulk and mass of the exterior of buildings and structures as follows.~~
 - i. ~~Horizontal b~~ Building facade modulation should must occur at no less than every 50 feet of wall length. Forms of both vertical and horizontal building modulation may include, but are not limited to: facade indentations and

~~extrusions; actual building separation; connecting atriums, courtyards and plazas; variable roof forms and overhangs; and decks and balconies.~~

~~ii. Building façade modulation must occur every 25 feet of wall length along any facade visible from the public right of way.~~

~~iii. Building façade modulation must utilize at least three of the following elements:~~

~~(a) Window fenestration patterns and/or entries;~~

~~(b) Use of vertical piers/columns;~~

~~(c) Change in roofline;~~

~~(d) Change in building material or siding style;~~

~~(e) Vertical elements such as a trellis with plants, green wall, art element; or~~

~~(f) Vertical building modulation of at least 12 inches in depth if tied to a change in roofline modulation or a change in building material, siding style, or color.~~

~~ii. Building facades visible from public ways and public spaces should be stepped back or projected forward at intervals to provide a minimum of 40 percent overall facade modulation. [HB 1293]~~

~~eb. Ground level facades. Untreated blank walls at the ground level that may be visible from a public right of way are prohibited view should be avoided. Ground level facades should create visual interest by utilizing features such as windows, wall articulation, arcades, trellises or other plant features. One of the following features must be provided every fifteen horizontal feet of ground-level wall visible from a public right of way: [HB 1293]~~

~~i. Display windows at least 16 inches of depth to allow for changeable displays. Tack on display cases shall not qualify as a blank wall treatment.~~

~~ii. A landscape planting bed at least five feet wide or a raised planter bed at least two feet high and three feet wide in front of the wall with planting materials that are sufficient to obscure or screen at least sixty (60) percent of the wall's surface within three years.~~

~~iii. A vertical trellis in front of the wall with climbing vines or plant materials. The vertical trellis must be designed to cover at least sixty (60) percent of the wall within three years of planting.~~

~~iv. A mural covering at least sixty (60) percent of the blank wall space. A mural that meets the definition of a sign established in Chapter 19.16 MICC is also subject to the sign regulations in MICC 19.12.080. [HB 1293]~~

- d. ~~*Fenestration.* Fenestration should be integrated in the overall building design and should provide variety in facade treatment.~~ [HB 1293]
- e. ~~*Horizontal variation and emphasis.* Building facades should be made more visually interesting through the use of reveals, medallions, belt courses, decorative tile work, clerestory windows, or other design features. The scale of the detail should reflect the scale of the building.~~ [HB 1293]
- f. ~~*Signs.* Building design should allow space for a wall sign, consistent with the provisions of MICC 19.12.080, Signs, if it is anticipated that a wall sign will be used.~~ [HB 1293]
- 3. ~~*Building articulation.* Design shall articulate building facades by use of variations of color, materials or patterns, or arrangement of facade elements that are proportional to the scale of the building. Architectural details that are used to articulate the structure may include reveals, battens, and other three dimensional details that create shadow lines and break up the flat surfaces of the facade.~~ [HB 1293]

 - a. ~~*Tripartite articulation.* Tripartite building articulation (building top, middle, and base) should be used to create human scale and architectural interest.~~
 - b. ~~*Fenestration.* Fenestration should be used in facades visible from public ways and public spaces visible from public ways for architectural interest and human scale. Windows should be articulated with treatments such as mullions or recesses and complementary articulation around doorways and balconies should be used.~~
 - c. ~~*Architectural elements.* The mass of long or large scale buildings should be made more visually interesting by incorporating architectural elements, such as arcades, balconies, bay windows, dormers, and/or columns.~~
 - d. ~~*Upper story setback.* Upper stories should be set back to reduce the apparent bulk of a building and promote human scale. When buildings are adjacent to single-family residential dwellings, upper story setbacks shall be provided from property lines.~~ [HB 1293]
- 43. *Materials and color.*

 - a. ~~*Durable building exteriors.* Building exteriors should be constructed from high quality and durable materials that will weather well and need minimal maintenance. Beveled metal siding, mirrored glass, and vinyl siding are prohibited.~~ [HB 1293]
 - b. ~~*Consistency and continuity of design.* Materials and colors generally should be used with consistency on all sides of a building.~~ [HB 1293]
 - c. ~~*Material and color variation.* Color and materials should highlight architectural elements such as doors, windows, fascias, cornices, lintels, sills and changes in building planes. Variations in materials and colors should generally be limited to what is required for contrast or to accentuate architectural features.~~ [HB 1293]

- ~~db.~~ *Concrete walls.* Concrete walls ~~should~~ must be architecturally treated. ~~The enhancement may include with one of the following features:~~ textured concrete such as exposed aggregate, sand blasting, stamping, or color coating. [HB 1293]
- ~~e.~~ *Bright colors.* Bright colors ~~should be used only for trim and accents.~~ Bright colors may be approved if the use is consistent with the building design and other design requirements. Fluorescent colors are prohibited. [HB 1293]

54. *Building entrances.*

- a. *Architectural features and design.* ~~Special design attention should be given to the primary building entrance(s).~~ A primary entrance must be identified on the site plan submitted with any application for construction of a new building. ~~A The primary entrance should be consistent with overall building design, but~~ must be made visually distinct from the rest of the building facade ~~through using at least one of the following architectural features:~~ Examples include recessed entrances, entrances which roof forms that protrude from the building facade, and decorative awnings, canopies, porte-cocheres, ~~and or~~ covered walkways. [HB 1293]
- b. *Entrance connections.* The primary entrance to a building ~~should be easy to recognize and should~~ must be visible from the public way ~~and/or physically connected to the public right of way with walkways.~~ Landscaping ~~should reinforce the importance of the entrance as a gathering place and create visual and physical connections to other portions of the site and to vehicular and pedestrian access points.~~ [HB 1293]

65. *Rooflines.*

- ~~a.~~ *Roofline variation, interest, and detail.* ~~Roofline variation, interest, and detail shall be used to reduce perceived building height and mass and increase compatibility with smaller scale and/or residential development. Roofline variation, interest and detail may be achieved through use of roofline features such as dormers, stepped roofs, and gables that reinforce a modulation or articulation interval, incorporation of a variety of vertical dimensions, such as multiplaned and intersecting rooflines, or flat-roofed designs that include architectural details such as cornices and decorative facings.~~ [HB 1293]
- ~~b.~~ *Roofline variation, numeric standard.* ~~Roof line variation shall occur on all multifamily structures with roof lines which exceed~~ at a minimum rate of one variation per 50 feet in of roof line length on all multifamily structures, and one variation per 70 feet of roof line on all commercial, office or public structures which exceed 70 feet in length. Roof line variation shall be achieved using one or more of the following methods: [HB 1293]
 - i~~a~~. Vertical off-set ridge or cornice line;
 - ii~~b~~. Horizontal off-set ridge or cornice line;
 - iii~~c~~. Variations of roof pitch between 5:12 and 12:12; ~~or~~

- ~~ivd. Any other approved technique which achieves the intent of this section. Roofline features such as dormers, stepped roofs, and gables; [HB 1293]~~
- ~~e. Vertical dimensions, such as multi-planed and intersecting rooflines; or~~
- ~~f. Flat-roofed designs that include architectural details such as cornices and decorative facings. [HB 1293]~~
- ~~7. Additional standards for buildings containing residential units. Buildings containing residential units should incorporate the following additional design elements to make them residential in character:
 - ~~a. Bay windows, dormers, patios or decks;~~
 - ~~b. Base articulation such as plinths; or~~
 - ~~c. Other techniques approved by the design commission which make the building residential in character. [HB 1293]~~~~
- ~~8. Corporate design. Building and site design for chain or franchise businesses should use customized components consistent with the objectives and standards of this chapter. Specific icons or trademarks of a company may be used, but the overall design of the building and site must represent a development compatible with the neighborhood including its colors, materials, textures and treatment of design. [HB 1293]~~
- ~~9. All-weather features. All-weather features at the sidewalk, courtyard or public gathering space areas of commercial and regulated public facilities, such as awnings, canopies, covered walkways, trellises, or covered patios, should be provided to make spending time outdoors feasible in all seasons. [HB 1293]~~
- ~~10. Public schools should respect privacy for adjacent residential properties by providing appropriate screening and placement of windows in buildings. Distance from residential property lines should also be considered when determining the appropriate amount of screening and the type and placement of windows. [HB 1293]~~

MICC 19.12.040 – Landscape design and outdoor spaces.

A. Objectives.

1. To ensure that landscape design reinforces the natural and wooded character of Mercer Island, complements the site, the architecture of site structures and paved areas, while enhancing the visual appearance of the neighborhood.
2. To ensure that landscape design is based on a strong, unified, coherent, and aesthetically pleasing landscape concept.
3. To ensure that landscape plantings, earth forms, and outdoor spaces are designed to provide a transition between each other and between the built and natural environment.
4. To ensure suitable natural vegetation and landforms, particularly mature trees and topography, are preserved where feasible and integrated into the overall landscape

design. Significant trees and tree stands should be maintained in lieu of using new plantings.

5. To provide a vegetated screen between dissimilar uses, to screen surface parking areas from adjacent uses and public rights-of-way.
6. To ensure planting designs include a suitable combination of trees, shrubs, groundcovers, vines, and herbaceous material; include a combination of deciduous and evergreen plant material; emphasize native plant material; provide drought tolerant species; and exclude invasive species.

B. ~~Standards. Any quantitative standards contained in MICC 19.12.040(B) that specify types of plant material, quantities, spacing, and planting area widths are not intended to dictate a rigid and formal landscape. The applicant should incorporate the quantitative standards into a quality landscape and planting design that~~ must submit a landscaping plan that demonstrates how the proposal meets the stated objectives and standards of this section. [HB 1293]

1. ~~Landscape area. The landscaping design plan shall address all areas of a site not covered by structures or used by automobiles. Landscape areas include open space, plantings, patios, plazas, pedestrian ways, trails, and other outdoor spaces. Surface parking lot planting and screening are required as set forth in MICC 19.12.040(B)(7), (8) and (9). Design review, however, shall be primarily concerned with: (a) areas of a site that require landscaping in order to address the impact of development on adjoining properties or public ways; and (b) parts of the development that are visible from adjoining properties or public ways.~~ [HB 1293]
2. ~~Outdoor spaces. Outdoor spaces should be designed at a human scale and include hardscape spaces, spaces created by plant materials and combinations of the two.~~
 - a. ~~Strategically placed and useable pedestrian areas such as courtyards, plazas, outdoor seating or other gathering places should be provided for commercial, regulated residential and public facilities.~~
 - b. ~~On-site recreation areas appropriate to the users should be provided for residential and public projects.~~
 - c. ~~The design of outdoor spaces should combine necessary site functions, such as storm water detention, with open space and visual interest areas.~~
3. ~~Architectural features. The design of landscape architectural features should be in scale with and complement the architecture of site structures and the visual character of the neighborhood.~~
 - a. ~~Use of architectural screens, arbors, trelliswork, art features, fountains and paving treatments such as wood, brick, stone, gravel and/or other similar methods and materials should be used in conjunction with native plant materials or in place of plant materials where planting opportunities are limited.~~
 - b. ~~Fences should be made of ornamental metal or wood, masonry, or some combination of the three. The use of razor wire, barbed wire, chain link, plastic or wire fencing is prohibited if it will be visible from a public way or adjacent properties,~~

~~unless there are security requirements which cannot feasibly be addressed by other means.~~

- ~~c. Fences should not create the effect of walled compounds that are isolated from adjacent developments and public ways. [HB 1293]~~

2. Fences. The use of razor wire, barbed wire, chain link, plastic or wire fencing that would be visible from the public right of way is prohibited. Prohibited fencing types may be allowed if the applicant can demonstrate that they are necessary for security that cannot be addressed by other means. [HB 1293]

43. Minimum landscape area requirements.

- a. *Total landscaped area.* The following minimum areas shall be landscaped:

- i. *Single-family residential (SF).* For nonresidential uses in ~~single-family residential~~ the R-8.4, R-9.6, R-12, and R-15 zones (SF), a minimum of 35 percent of the gross lot area ~~of~~ shall be landscaped. [HB 1293]
- ii. *Multifamily residential (MF).* In multifamily residential zones (MF-2, MF-2L, MF-3), a minimum of 40 percent of the gross lot area shall be landscaped.
- iii. *Planned business zone (PBZ).* In the planned business zone (PBZ) landscape area requirements shall be as set forth in MICC 19.04.010.
- iv. *Commercial office (CO).* In commercial office (CO) zones, a minimum of 40 percent of the gross lot area shall be landscaped.
- v. *Business (B).* In business (B) zones, a minimum of 25 percent of the gross lot area shall be landscaped; provided, for fuel stations, a minimum of ten percent of the gross lot area shall be landscaped.

- b. *Impervious surfaces.* For all zones except multifamily zones, ~~area landscaped by impervious surfaces should~~ must constitute no more than 25 percent of the total required landscape area; ~~provided, for multifamily residential zones, area landscaped by impervious surfaces should~~ must constitute no more than ten percent of the total required landscape area. [HB 1293]

~~5. Entrance landscaping.~~ For commercial and regulated public facilities, landscaping at entrances ~~should frame an outdoor space near the entrance and reinforce this important building feature as a gathering place.~~ [HB 1293]

64. Planting material, types and design. The following planting types ~~should~~ must be used:

- a. Native or northwest-adapted plants ~~should~~ must be used for all open space and buffer locations and drought tolerant plantings ~~should be used in a majority of plantings.~~ [HB 1293]
- b. ~~New plantings should complement existing species native to the Pacific Northwest.~~ [HB 1293]

- c. ~~Ground cover should be used to ensure planting areas are attractive, minimize maintenance and the potential for encroachment of invasive plant material. Ground cover should~~ must be planted and spaced to achieve total coverage within three years after installation. [HB 1293]

7. *Perimeter screen types and widths by use and location.*

- a. *Required screen types and widths.* The following screen types and widths ~~should~~ must be used: [HB 1293]

Use	Adjacent to	Screen Type and Width		
		Full	Partial	Filtered
Institutional Use or Public Facility	Public Way		20 feet ^{1, 2}	
Public Schools	Public Way		20 feet ¹	
	Single-Family Residential	20 feet ^{1, 3, 4}		
Utility Development	Public Way		10 feet	
Commercial or Multifamily outside of C-O Zone	Public Way			10 feet
All uses inside of C-O Zone	Public Way		20 feet	
Commercial, Institutional, Utility or Public Facility	Residential (Single or Multifamily)	20 feet ¹		
	Institutional, Commercial, Utility, Public Facility		10 feet	
	Public Park	20 feet		
Multifamily Development	Single-Family Residential		20 feet	
	Multifamily Residential		10 feet	
	Institutional, Commercial, Utility, or Public Facility		10 feet	
	Public Park	20 feet		
All other private uses	Public Park	20 feet		

¹ ~~Breaks in full or partial screen planting may be allowed for institutional and public facilities to create focal points, preserve views, and highlight the prominence of important buildings.~~ Reserved. [HB 1293]

² Perimeter landscape requirements may be modified if necessary to enable an existing public facility to make safety-related improvements to a legally nonconforming parking lot.

³ School bus and student loading and unloading and primary parking areas located 100 feet or less from an abutting single-family zoned property shall provide a 30-foot-wide full screen. The number of trees required in the 30-foot-wide full screen area shall be 1.25 times the number otherwise required for a full screen. The ~~design commission~~

~~may modify~~ screening width, location, height and number of trees may be modified to avoid casting shadows on adjacent residential properties or to accommodate existing storm detention systems and utilities. [DC]
~~4. Owners of adjacent single family zoned property shall be consulted on perimeter screen design and planting materials. Reserved.~~ [HB 1293]

- b. *Perimeter width averaging.* Averaging of screen widths may be allowed, if the ~~objectives of this section, the minimum landscape area requirements set forth in MICC 19.12.040(B)(4) and the following criteria are met:~~ [HB 1293]
 - i. Plant material is clustered to more effectively screen parking areas and structures; and
 - ii. Significant trees are retained; and
 - iii. Averaging of screen widths would not reduce the total landscaped area below the minimum required by this section. [HB 1293]
- 8. *Perimeter landscape screens.* Perimeter landscape screens ~~should~~ must be consistent with the following definitions of screen types: ~~Where existing undergrowth will be retained, the shrub and ground cover requirements for all screen types may be adjusted, provided the objectives of this section are met.~~ [HB 1293]
 - a. *Full screen.* A full screen provides a dense vegetated separation between dissimilar uses on adjacent properties. A full screen ~~should~~ shall block views from adjacent properties as seen at the pedestrian eye level in all seasons within three years of installation. The number of trees provided shall be ~~proportionate to~~ one tree for every ten feet of landscape perimeter length. [HB 1293]
 - b. *Partial screen.* A partial screen provides a moderate vegetated separation between uses on adjacent properties and intermittent views to adjacent properties. A partial screen shall provide the desired screening function as seen at the pedestrian eye level in all seasons within three years of installation. The number of trees provided shall be proportionate to one tree for every 20 feet of landscape perimeter length.
 - c. *Filtered screen.* A filtered screen ~~should~~ shall provide in all seasons and within three years of installation a lightly vegetated visual separation between uses on adjacent properties and allow visual access to adjacent properties. When compared to the other screen types, a filtered screen ~~should~~ is characterized by more open spaces, light filtration and transparency through the plant material forming the screen. [HB 1293]
- 9. *Surface parking lot planting.* Surface parking lot planting is required in addition to required perimeter landscape screens. The requirements for surface parking lot planting for new parking lots with fewer than 20 spaces and for additions or remodels may be waived or modified if the applicant can demonstrate that these standards would reduce the amount of parking below the minimum required for the site.
 - a. *Standards by location.* Surface parking lots not located adjacent to public rights-of-way ~~should~~ must provide one tree for every six parking stalls. Surface parking lots located in the front of buildings or adjacent to public rights-of-way ~~should~~ must provide one tree for every four parking stalls. Trees ~~should~~ must be at least six feet

high at the time of planting. All lots ~~should~~ must have planting areas at the end of parking aisles. [HB 1293]

- b. *Common standards for surface parking lot planting.* The following standards apply to all surface parking lot planting:
 - i. *Shrubs.* Shrubs ~~should~~ must be maintained at a maximum three feet height within surface parking lots so views between vehicles and pedestrians will not be blocked. ~~Irregular spacing and clustering is encouraged; however, t~~The minimum number of shrubs shall be determined by assuming shrubs are planted on three foot centers throughout the entire planting area. Where vehicle headlights may project onto neighboring properties, shrubs shall be spaced to provide a continuous planting buffer full screen. [HB 1293]
 - ii. *Planting islands or strips.* Planting islands or strips ~~should~~ must have an area of at least 80 square feet and a narrow dimension of not less than five feet if wheel stops are provided to prevent vehicle overhang. A narrow dimension of not less than eight feet may be provided if the vehicle overhang area is included in the planting area. [HB 1293]
 - iii. *Tree location.* In parking lots, trees ~~should~~ must be planted no closer than four feet from pavement edges where vehicles overhang planted areas. ~~Curb stops may be used to proportionally decrease this distance.~~ [HB 1293]
 - iv. *Narrow planting strips and parking spaces.* Narrow parking lot islands or peninsulas and planting strips shall not be planted in sod. ~~Location of wider parking spaces adjacent to islands is suggested to reduce damage to plant materials.~~ [HB 1293]
 - v. ~~Clustering of new plant material.~~ Clustering of new plant material within surface parking lots may be approved if the objectives of this section are met. [HB 1293]
10. *Landscape grading standards.*
- a. ~~Slopes in planting areas.~~ Graded slopes in planting areas ~~should~~ must not exceed a 3(Horizontal): 1(Vertical) slope, in order to decrease erosion potential and to facilitate maintenance. Graded slopes planted with grass ~~should~~ must not exceed a 4(H): 1(V) slope. [HB 1293]
 - b. ~~Erosion control.~~ On ungraded slopes equal to or greater than 2(H): 1(V), erosion control netting or alternative procedures shall be used to prevent erosion.
 - c. ~~Guidelines.~~ The obligation to install plants, shrubs and ground cover includes the obligation to utilize soil, planting practices and irrigation equipment that maximize the likelihood of their long term survival. [HB 1293]
11. *General planting, irrigation and maintenance standards.* The following standards apply to the planting requirements set forth above:

- a. *Coverage.* Planting areas ~~should~~ must be completely covered with trees, shrubs, flowers, mulched areas, and/or ground covers. [HB 1293]
- b. *Berms and landforms.* Earth berms and landforms in combination with shrubs and trees may be used to achieve the initial planting height requirement.
- c. *Minimum width.* All planting areas ~~should~~ must be a minimum of five feet in width. ~~Planting areas should be wider wherever possible.~~ [HB 1293]
- d. *Sight clearance.* At intersections, plantings shall not create sight obstructions that may compromise pedestrian or traffic safety as determined by the city engineer. [HB 1293]
- e. *Planting coverage.* All required planting areas ~~should~~ must extend to the ditch slope, curb line, street edge, or area of sidewalk. [HB 1293]
- f. *Curbs required.* Permanent curbs or structural barriers/dividers ~~should~~ must enclose planting areas in vehicle use areas except when draining runoff from pavement to planting areas functioning as rain gardens or other low impact development facilities. Wheel stops ~~should also~~ or curbs must be used placed to protect planting areas from damage due to cars overhanging the curb. [HB 1293]
- g. *Plantings near utilities.*
 - 1. Trees shall not be planted within eight feet of a water or sewer pipeline. Shrubs shall be at least four feet from hydrants.
 - 2. A full screen will be required to screen above-ground utilities from adjacent uses and public rights-of-way.
 - 3. Perimeter plantings shall be clustered in areas to screen structures, utility structures, loading areas, trash enclosures, storage areas and mechanical equipment.
 - 4. This subsection shall not apply to utilities, structures, loading areas, enclosures or equipment unless the utility, structure, loading area, enclosure or equipment is being added as part of the regulated improvement being reviewed.
- h. *Drainage.* ~~Planting areas shall be provided with adequate drainage.~~ [HB 1293]
- i. ~~*Maintenance requirements.* All required landscaping shall be maintained in good condition to prevent the creation of a nuisance as defined in Title 8 MICC. Plant material should be cared for in a way that allows their natural form to be maintained, even when the plant reaches maturity. Performance guarantees to ensure maintenance or required landscaping may be required pursuant to MICC 19.01.060.~~ [HB 1293]

MICC 19.12.050 – Vehicular and pedestrian circulation.

A. Objectives.

1. To create an attractive street edge and unified streetscape, to encourage pedestrian activity in commercial areas, stimulate business, maintain adequate public safety, and create a sense of community.
2. To provide for safe and efficient parking and loading areas while minimizing their visual and noise impacts.
3. To provide safe and efficient pedestrian connections within and between projects and the public way to enhance safety and circulation.

B. Standards.

1. ~~Vehicular circulation characteristics.~~

~~a. *Parking lot design.* Parking areas should be designed for efficient and safe ingress and egress by vehicles and should not inhibit safe pedestrian movement or circulation. Parking lot design should be subordinate to the overall site design and should be located behind new buildings when appropriate and physically feasible. Below grade parking is also encouraged. Planting strips should be incorporated between parking aisles in new and expanded parking lots where space permits. Parking lot design shall conform to the development standards, such as stall and aisle dimensions, are contained established in appendix A. [HB 1293]~~

~~b. *Loading docks.* Proposed development of features such as loading docks, and other features designed to support activities with a substantial likelihood of generating significant noise should be designed with noise attenuation walls and sited in a manner to limit impacts to adjacent properties and pedestrian areas. [HB 1293]~~

2. *Pedestrian circulation characteristics.*

a. *Pedestrian improvements.* All developments shall provide for pedestrian access including pedestrian walkways, sidewalks, and/or paths. ~~Areas for sitting and gathering should be provided as an integral part of regulated public facilities, regulated residential and commercial building design. Pedestrian improvements should must be separated from vehicular areas by physical barriers such as curbs or landscaping. The Code official may waive t~~This requirement for new parking lots with fewer than 20 spaces and for additions or remodels ~~may be waived or modified where provided~~ the applicant can demonstrate that these standards would reduce the amount of parking below what would be required for the ~~site existing or proposed land uses.~~ [HB 1293]

b. *On-site circulation for regulated public facilities and commercial buildings.* ~~Proposed development should be linked to existing and planned walkways and trails. Entrances of all buildings should must be linked to each other and to public ways and parking lots by pedestrian walkways. Where possible and feasible, the~~

~~p~~Pedestrian system walkways shall connect to existing paths or sidewalks on neighboring properties. [HB 1293]

3. Residential development parking standards.

- a. Garages and carports are not required in order to meet minimum parking requirements for residential development.
- b. Parking spaces that count towards minimum parking requirements may be enclosed or unenclosed.
- c. Parking spaces in tandem shall count towards meeting minimum parking requirements at a rate of one space for every 20 linear feet with any necessary provisions for turning radius. For purposes of this subsection, "tandem" is defined as having two or more vehicles, one in front of or behind the others with a single means of ingress and egress.
- d. Existence of legally nonconforming gravel surfacing in existing designated parking areas may not be a reason for prohibiting utilization of existing space in the parking area to meet parking standards, up to a maximum of six parking spaces.
- e. Parking spaces are not required to exceed eight feet by 20 feet, except for required parking for people with disabilities.
- f. Required off-street parking shall not be a condition of permitting a residential project if compliance with tree retention pursuant to MICC Chapter 19.10 would otherwise make a proposed residential development or redevelopment infeasible.
- g. Parking spaces that consist of grass block pavers may count toward minimum parking requirements.
- h. Existing parking spaces that do not conform to the requirements of this section by June 6, 2024 are not required to be modified or resized, except for compliance with the Americans with Disabilities Act. Existing paved parking lots are not required to change the size of existing parking spaces during resurfacing if doing so will be more costly or require significant reconfiguration of the parking space locations. [SB 6015]

MICC 19.12.060 – Screening of service and mechanical areas.

A. Objectives:

- ~~1. To ensure that building and site appurtenances are properly integrated into the design concept.~~
- ~~2. To properly screen mechanical equipment to reduce visual impacts.~~
- ~~3. To ensure service and truck loading areas, utility structures, and elevators are screened from public view in such a manner that they are not visible from public ways or residential areas.~~ [HB 1293]

When screening is required, it may be either a landscaped screen consistent with the standard in MICC 19.12.040(B)(8) or built screening, which is any screening not composed of landscaping. Built screening must be constructed of opaque building materials to provide a sight-obscuring barrier between the screened object(s) and the adjacent property and/or right of way. The materials of the screening must be the same design, color, and materials as the exterior of the accompanying structure. [HB 1293]

B. *Standards.*

1. *Accessory buildings.* Ground level outdoor storage buildings, mechanical equipment and utility vaults shall be fully screened from adjacent public ways. [HB 1293]
2. *Rooftop mechanical equipment and appurtenances.*
 - a. All rooftop mechanical equipment shall be not be visible and shall be enclosed, hidden or fully screened from adjacent properties, public ways and parks by built or landscaping screening. Rooftop appurtenances are allowed if there is a functional need for the appurtenance and that functional need cannot be met with an appurtenance of a lesser height. [HB 1293]
 - b. This provision shall not be construed to allow Rooftop mechanical equipment and appurtenances must not result in building height in excess of the maximum limit established in the zone. [HB 1293]
 - c. Rooftop appurtenances should must be located at least ten feet from the exterior edge of any building, and shall not cover more than 20 percent of the rooftop area. [HB 1293]
 - d. Appurtenances shall not be located on the roof of a structure unless they are hidden or camouflaged by building elements that were designed for that purpose as an integral part of the building design.
 - e. All appurtenances located on the roof should must be grouped together and incorporated into the roof design and thoroughly screened. The screening should must be sight-obscuring, located at least ten feet from the exterior edge of any building; and effective in obscuring the view of the appurtenances from public streets, or sidewalks, or adjacent residential uses areas surrounding the building. [HB 1293]
3. *Meters and mechanical units.* Water meters, gas meters, electric meters, ground-mounted mechanical units and any other similar structures should must be hidden from public view or screened. [HB 1293]
4. *On-site service areas.* Service areas are those that accommodate loading, trash bins, recycling facilities, storage areas, utility cabinets, utility meters, transformers and other necessary onsite services. [HB 1293]
 - a. All on-site service areas, loading zones, outdoor storage areas, garbage collection and recycling areas and similar activities should be must be fully screened or located in an area not visible from public rights of ways. Service areas should

~~accommodate loading, trash bins, recycling facilities, storage areas, utility cabinets, utility meters, transformers, etc.~~ [HB 1293]

- ~~b. Service areas should must be located and designed for easy access by so that service vehicles and for convenient access by all tenants can access them without obstructing public rights of way. Loading activities should generally be concentrated and located where they will not create a nuisance for adjacent uses. Loading docks shall meet the standards identified in MICC 19.12.050(B)(1)(b) must be fully screened.~~ [HB 1293]
- ~~c. Garbage, recycling collection, and utility areas must be covered, enclosed by a fence or wall at least seven feet height, and have a self-closing gate or door.~~ [HB 1293]
- ~~d. A landscaped area three feet wide that will provide a filtered screen must be provided for any on-site service areas that are adjacent to public rights of way or alleys.~~ [HB 1293]
- ~~5. *Garbage, recycling collection and utility areas.* Garbage, recycling collection and utility areas shall be enclosed and screened around their perimeter by a wall or fence at least seven feet high, concealed on the top and must have self-closing doors. If the area is adjacent to a public way or pedestrian alley, a landscaped planting strip, minimum three feet wide, shall be located on three sides of such facility.~~ [HB 1293]
- ~~6. *Fence, trellis and arbor standards.* Fences, trelliswork and arbors shall meet the standards identified in MICC 19.12.040(B)(3).~~ [HB 1293]
- ~~7. *Noise, vapor, heat or fumes.* With respect to all aspects of the development referred to above in this section, emissions of noise, vapor, heat or fumes should be mitigated.~~ [HB 1293]

MICC 19.12.070 – Lighting.

A. Objectives.

- 1. To regulate exterior lighting in order to avoid unsafe and unpleasant conditions as the result of poorly designed or installed exterior lighting.
- 2. To discourage excessive lighting that negatively impacts adjacent land uses.
- 3. To protect low and moderate density residential zones from the negative impacts associated with institutional, mixed-use, and commercial exterior lighting.
- 4. To create a safe environment during hours of darkness.
- 5. To ensure lighting is an integral part of any new or existing development. Lighting shall contribute to the individuality, security and safety of the site design without having overpowering effects on the adjacent areas.

6. To ensure lighting is viewed as an important feature for functional and security purposes and that the design of light fixtures and their structural support is integrated with the architectural theme and style of the main structures on the site.

B. Standards.

1. ~~Architectural elements.~~ Lighting should be designed as an integral architectural element of the building and site. [HB 1293]
2. ~~Function and security.~~ On site lighting shall be sufficient for pedestrian, bicyclist, and vehicular safety. Building entrances should be well lit to provide inviting access and safety. Building mounted lights and window lights should contribute to lighting of walkways in pedestrian areas. [HB 1293]
3. ~~Lighting height.~~ Freestanding, parking area, and building-mounted light fixtures shall not exceed 16 feet in height, including any standard or base.
42. ~~Shielding.~~ All exterior lighting fixtures shall be shielded or located to confine light spread within the site boundaries. Full cut-off fixtures ~~should~~ must be used. The use of unshielded incandescent lighting fixtures less than 160 watts and any unshielded lighting less than 50 watts may be allowed. Parking area light fixtures shall be designed to confine emitted light to the parking area. [HB 1293]
53. ~~Uplighting of structures and signs.~~
 - a. ~~Residential zones.~~ Structures in residential zones shall not be illuminated by uplighting. ~~Limited uplighting of signs and plantings in residential zones may be approved provided there is no glare or spillover lighting off the site boundaries.~~ [HB 1293]
 - b. ~~Nonresidential zones.~~ Structures, signs, and plantings in nonresidential zones may be illuminated by uplighting, ~~provided there is no glare or spillover lighting off the site boundaries.~~ [HB 1293]
64. ~~Light type.~~ Lighting ~~should~~ must use low wattage color-corrected ~~sodium~~ light sources, which give more "natural" light. Metal halide, quartz, neon and mercury vapor lighting are prohibited in residential zones. High pressure sodium lights may only be used as street lights and must be fully shielded. [HB 1293]

MICC 19.12.080 – Signs.

A. Objectives.

1. Signs shall be distinctive in shape, of high quality and durable materials, designed to enhance the architectural character of the building and use the minimum wattage necessary to identify the facility or establishment. Channel or punch-through letters are preferred over a sign that contains the text and/or logo symbols within a single, enclosed cabinet.

2. Signs shall be designed for the purpose of identifying the facility or establishment in an attractive and functional manner and to help customers find the specific establishment and location; signs in residential zones should not serve as general advertising.
3. The size of signs shall be proportional to the size of the building and site.
4. Signs shall be integrated into both the site design and building design, shall be compatible with their residential, office, or business, or public park or open space surroundings, and clearly inform viewers of building or activity use, but shall not detract from the architectural quality of individual buildings or park surroundings.

B. *Standards.*

1. *Freestanding ground signs outside residential zones.*

- a. *Number.* An individual building or a building complex outside residential zones may display one ground sign on each street frontage.
- b. *Design.* The sign shall be ~~architecturally compatible with the~~ constructed with the same style, materials, and colors and details of the building or complex. Use of symbols is encouraged. [HB 1293]
- c. *Size.* All freestanding signs shall be no larger than: [HB 1293]
 - i. ~~Proportionate.~~ Proportionate to the street frontage of the use they identify; and [HB 1293]
 - ii. ~~Maximum size.~~ In no case shall a freestanding ground sign be larger than: [HB 1293]
 - (A)i. ~~Twenty-five square feet.~~ Twenty-five square feet for single-tenant building ground signs and complex identification ground signs. Such signs may be allowed in front or side yard setbacks; or [HB 1293]
 - (B)ii. ~~Forty square feet.~~ Forty square feet for joint tenant ground signs (identifying more than one facility or establishment within a building or building complex) with six square feet maximum for any one establishment included in a building or building complex; provided, joint tenant ground signs shall be restricted to a maximum of 25 square feet if located within front or side yard setbacks. [HB 1293]
- d. *Maximum height.* The maximum height of any sign within ten feet from any property line facing a street shall be 42 inches. All other ground signs shall be no higher than six feet.
- e. *Backs of signs.* Exposed areas of backs of signs ~~should~~must be finished with appropriate the same color, material or texture to present an attractive appearance relative to the building material, color and texture as the exterior finish of the buildings on site. [HB 1293]

2. *Wall signs outside residential zones.*

- a. *Number and eligibility.* An individual building or a building complex outside residential zones may display one wall sign on each street frontage. A business or other use occupying a building whose only entrance is from a driveway or parking lot shall be allowed one wall sign facing that driveway or parking lot.
 - b. *Size.* All signs shall be no larger than:-[HB 1293]
 - i. ~~*Proportionate.* Proportionate to the street frontage of the use they identify; and~~
 - ii. ~~*Maximum size.* In no case shall a wall sign be larger than:~~
 - i.(A) ~~*Twenty-five square feet.* Twenty-five square feet for any individual business or other use; or~~ [HB 1293]
 - ii.(B) ~~*Forty square feet.* Forty square feet for joint tenant directory signs identifying the occupants of a building or a building complex and located next to the entrance.~~ [HB 1293]
 - c. *Determination of size.* The sign size shall be measured as follows:
 - i. Boxed sign displays: Total area of a boxed sign display, including the background and borders.
 - ii. Individual letters and symbols: Total combined area of a rectangle drawn around the outer perimeter of each word and each symbol.
 - d. *Placement.* Wall signs may not extend above the building parapet, soffit, the eave line or the roof of the building, or the windowsill of the second story. Wall signs shall be integrated with the overall building and site design.
 - e. *Master signage plan.* When multiple signs for individual businesses in one building or multiple buildings in a complex are contemplated, a master signage plan stipulating the location and size of allowed signs shall be required.
3. *Signs for non-single-family-dwelling uses in residential zones.* One wall sign and one freestanding ground sign are permitted on each separate public street frontage for non-single-family-dwelling uses in residential zones, such as apartment buildings, hospitals, assisted living and retirement facilities, churches, clubs, public facilities, schools, day cares, pre-schools, park and recreation facilities, assembly halls, libraries, pools or stadiums. A wall sign may be unlighted or exterior lighted, not to exceed 12 square feet. A free-standing ground sign shall be no larger than 18 square feet and shall not exceed a maximum height of 42 inches above grade. The location of any freestanding ground sign shall be subject to all setback requirements for the zone in which the sign is located.
4. *Signs for licensed practitioners or service operators in residential zones.* Licensed practitioners or service operators in residential zones shall be permitted one unlighted window or wall sign for identification purposes only, bearing only the occupant's name and occupation, not to exceed 72 square inches.

5. *Parking lot signs.* Signs within parking lots ~~should~~must be limited to those necessary for safety and identification. Any required signs for individual stalls ~~should~~must be marked on the pavement. Freestanding or wall-mounted signs ~~should not be~~ are not permitted, with the exception of ADA handicapped accessible parking signs.
6. *Directional signs.*
 - a. ~~Minimal number.~~ To address safety concerns and avoid a cluttered appearance, only those directional signs necessary to protect the safety of pedestrians and vehicle occupants shall be allowed. [HB 1293]
 - b. ~~Size and height.~~ Directional signs shall be no larger than three square feet and no higher than 36 inches above grade. [HB 1293]
7. *Temporary signs.* Unless prohibited by this chapter, use of temporary signs shall be governed by MICC 19.06.020, Temporary signs.
8. *Street numbers.*
 - a. *Use.* City-assigned street numbers ~~should~~must be installed on all buildings. [HB 1293]
 - b. *Effect on permitted sign area.* Street numbers will not be counted towards permitted sign area.
 - c. *Size.* Street numbers for any building or building complex shall be no smaller than six inches in height.
9. *Prohibited signs.*
 - a. *Roof.* Signs mounted on the roof are prohibited.
 - b. *Projecting signs.* Projecting signs are prohibited in all zones other than the PBZ. Within the PBZ, projecting signs are permitted subject to the Town Center standards set forth in MICC 19.11.140(B)(3)(b).
 - c. *Window signs.* Window signs are prohibited in all zones other than the PBZ, except as provided above in MICC 19.12.080(B)(4). Within the PBZ, window signs are permitted subject to the Town Center standards set forth in MICC 19.11.140(B)(4).
 - d. *Inflated signs.* Inflated signs, balloons and figures are prohibited.
 - e. *Internally lit signs.* Internally lit signs are prohibited in all zones other than the PBZ. Within the PBZ, lighted signs are permitted subject to the Town Center standards set forth in MICC 19.11.140(B)(9).
 - f. *Neon.* Neon signs are prohibited.
 - g. *Portable.* Portable signs, such as signs on trailers, are prohibited. This standard is not intended to prohibit A-frame signs as allowed pursuant to MICC 19.06.020, Temporary signs.

- h. *Flashing, moving or animated signs, etc.* Flashing, moving, animated, blinking, reflecting, revolving, or other similar signs or signs that incorporate these elements are prohibited.
 - i. *Off-premises signs.* Off-premises signs (signs related to a building, business, tenant or establishment not located on the same premises as the sign) are prohibited.
 - j. *Vehicles.* Signs attached to or painted on vehicles parked and visible from the public right-of-way are prohibited if, based on the relative amount of time the vehicle is parked rather than being used as a means for actual transportation, the vehicle's primary purpose is as a stationary sign rather than a means for actual transportation.
 - k. *Vending machines.* Vending machines, such as soft drink or snack machines, shall not be placed where they are visible from the public right-of-way.
10. *Signs for public schools in public institution zones.* One wall sign and one freestanding ground sign are permitted for each public school. A wall sign shall not exceed 12 square feet. A freestanding ground sign shall not exceed 18 square feet and shall not exceed a maximum height of 42 inches above grade. A freestanding ground sign shall be set back a minimum of ten feet from a public right-of-way and 35 feet from abutting properties. Wall and freestanding ground signs shall not have internal lighting, except for an electronic readerboard.
11. *Electronic readerboards.* A public school may have no more than one electronic readerboard. This electronic readerboard shall count as the wall sign or freestanding ground sign allowed by MICC 19.12.080(B)(10). Electronic readerboards shall comply with the following:
- a. Electronic readerboards shall be designed and placed to minimize light and glare from being visible to adjacent residential properties.
 - b. Electronic readerboards shall dim during twilight and night hours to reduce glare.
 - c. Electronic readerboards shall be turned off between 10:00 p.m. and 7:00 a.m.
 - d. The display shall include only static text and/or static graphics. No moving graphics, animations such as flying or fading, video, or blinking/pulsing/strobe effects are allowed.
 - e. Each message and/or graphic shall be displayed for at least ten seconds. The change from one message/graphic to the next may utilize a scrolling or wipe effect, but the effect shall take no more than one second to complete.
 - f. Electronic readerboards shall display any message deemed necessary by the city of Mercer Island Emergency Operations Center (EOC) upon request by the EOC. The display of any such message shall be exempt from the requirements of subsections (B)(11)(c) and (B)(11)(e) of this section.

Chapter 19.15 MICC

MICC 19.15.010 – Purpose, Intent and Roles

[...]

- C. *Roles and responsibilities.* The roles and responsibilities for carrying out the provisions of the development code are shared by appointed boards and commissions, elected officials and city staff. The authorities of each of these bodies are set forth below.
1. *City council.* The city council is responsible for establishing policy and legislation affecting land use within the city. The city council acts on recommendations of the planning commission and hearing examiner.
 2. *Planning commission.* The role of the planning commission in administering the development code is governed by chapter 3.46 MICC. In general, the planning commission is the designated planning agency for the city (see RCW Chapter 35A.63). The planning commission makes recommendations to the city council on land use legislation, comprehensive plan amendments and quasi-judicial matters.
 3. ~~*Design commission.* The role of the design commission in administering the development code is governed by chapter 3.34 MICC and MICC 19.15.220. In general, the design commission is responsible for maintaining the city's design standards and acting on sign, commercial and multiple family design applications.~~
 4. ~~*Community planning and development department.*~~ The responsible officials in the community planning and development department act upon ministerial and administrative permits. [DC]
 - a. The code official is responsible for administration, interpretation and enforcement of the development code.
 - b. The building official is responsible for administration and interpretation of the building code, except for the International Fire Code.
 - c. The city engineer is responsible for the administration and interpretation of engineering standards.
 - d. The environmental official is responsible for the administration of the State Environmental Policy Act and the shoreline master program.
 - e. The fire code official is responsible for administration and interpretation of the International Fire Code.

54. *Hearing examiner.* The role of the hearing examiner in administering the development code is governed by chapter 3.40 MICC. [...]

MICC 19.15.030 – Land use review types.

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

- A. *Type I.* Type I reviews are based on clear, objective and nondiscretionary standards or standards that require the application of professional expertise on technical issues.
- B. *Type II.* Type II reviews are based on clear, objective and nondiscretionary standards or standards that require the application of professional expertise on technical issues. The difference between Type I and Type II review is that public notification shall be issued for Type II decisions.
- C. *Type III.* Type III reviews require the exercise of discretion about nontechnical issues.
- D. *Type IV.* Type IV reviews require discretion and may be actions of broad public interest. Decisions on Type IV reviews are only taken after an open record hearing.
- E. The types of land use approvals are listed in Table A of this section. The required public process for each type of land use approval are listed in Table B of this section.
- F. *Consolidated permit processing.* An application for a development proposal that involves the approval of two or more Type II, III and IV reviews may be processed and decided together, including any administrative appeals, using the highest numbered land use decision type applicable to the project application. Consolidated land use reviews shall be subject to the longest review time period identified in MICC 19.15.040. [SB 5290]

1. The following permits and land use reviews are excluded from consolidated review and approval:

- a. Building permits associated with the construction of one or more new single-family dwellings on lots resulting from the final plat approval of a short subdivision or long subdivision.
- b. Building permits associated with shoreline conditional use permits and shoreline variance.
- c. ~~Project SEPA reviews shall be processed as a Type III land use review.~~
[SB 5290]

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

adoption of the recommendation and will adopt their own permit conditions. The hierarchy of decision bodies is as follows, from highest to lowest:

- a. City council; and
- b. Hearing examiner;
- c. ~~Design commission.~~ [DC]

G. Interior alterations exempt from site plan review.

1. Applications for interior alterations are exempt from site plan review provided they meet the following criteria:
 - a. The proposed development does not result in additional sleeping quarters or bedrooms;
 - b. The proposed development would not result in nonconformity with federal emergency management agency substantial improvement thresholds; or
 - c. The proposed development would not increase the total square footage or valuation of the structure thereby requiring upgraded fire access or fire suppression systems. [SB 5290]
2. Applications for interior alterations are subject to review for consistency with any otherwise applicable building, plumbing, mechanical, or electrical codes. [SB 5290]

Table A. Land Use Review Type			
Type I	Type II	Type III	Type IV
<ul style="list-style-type: none"> • Home business • Nonmajor single-family dwelling building permits • Tree removal permit • Right-of-way permit • Special needs group housing safety determination • Tenant improvement/change of use • Shoreline exemption¹ • Critical area review¹ • Temporary commerce on public property • Site development permits • Transportation 	<ul style="list-style-type: none"> • Modified wireless communication facilities (6409 per 47 CFR 1.40001) • Lot line revision • Setback deviations • Final plat^{2,3} • Code official design review • Accessory dwelling unit • Parking modification⁷ (reviewed by city engineer) • Small wireless facility deployment • Seasonal development limitation waiver • Final short plat 	<ul style="list-style-type: none"> • New and modified wireless (non-6409) eligible facility • SEPA threshold determination • Critical area review 2 • Public agency exception • Temporary encampment⁴ • Short plat alteration and vacations • Preliminary short plat • Development code interpretations • Major single-family dwelling building permit⁵ • Shoreline 	<ul style="list-style-type: none"> • Preliminary long plat approval • Conditional use permit • Variance • Critical areas reasonable use exception • Long plat alteration and vacations • Parking modifications⁷ (reviewed by design commission) • Variance from short plat acreage limitation • Wireless communication facility height variance

concurrency certificate • Temporary use permit	• Temporary use permit • Temporary structure deviation renewal	substantial development permit ¹ • Shoreline revision (substantial development) ¹ • Temporary structure deviation	• Planned unit development • Design commission design review • Permanent commerce on public property • Shoreline conditional use permit (SCUP) ⁶ • Shoreline variance ⁶ • Shoreline revision (variance and SCUP)
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1 Appeal will be heard by the shorelines hearings board.

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

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

4 A public meeting is required.

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

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

7 Parking modifications are issued pursuant to the provisions of MICC 19.11.130. [SB 5290]

Table B. Review Processing Procedures

	Type I	Type II	Type III	Type IV
	No Notice of Application No Notice of Decision Code Official	Public Notification No Notice of Application No Notice of Decision Code Official	Notice of Application Notice of Decision Code Official	Notice of Application Public Hearing Notice of Decision Hearing Examiner/Design Commission
Preapplication meeting required	No	No	Yes	Yes
Determination of Completeness ³	No	No	Yes	Yes
Public Notification	No	Yes	No	No
Notice of Application (mailing and posting)	No	No	Yes	Yes
Public Comment Period	None	None	30 days	30 days
Public Hearing (open record pre-decision)	No	No	No	Yes

Notice of Decision	Code Official	Code Official	Code Official	Hearing Examiner ² or Design Commission
Notice of Decision	No	No	Yes	Yes
Appeal Authority	Hearing Examiner ¹	Hearing Examiner or Design Commission (code official design review)	Hearing Examiner	Superior Court or Shoreline Hearings Board (shoreline permits)

1. Appeals of final short plat approvals shall be to superior court. Appeals of shoreline exemptions shall be to the shoreline hearings board.
2. The hearing examiner will provide a recommendation to ecology for decisions on shoreline conditional use permits and shoreline variances.
3. Determinations of completeness are subject to the standards in MICC 19.5.070. **[SB 5290]**

H. Land use review types and review processing procedures.

Table A – Type I Land Use Reviews

<u>Permit</u>	<u>Pre-Application Meeting Required (MICC 19.15.050)</u>	<u>Determination of Completeness (MICC 19.15.070)</u>	<u>Public Notification (MICC 19.15.080)</u>	<u>Notice of Application (MICC 19.15.090)</u>	<u>Public Comment Period</u>	<u>Public Hearing (MICC 19.15.140)</u>	<u>Notice of Decision (MICC 19.15.120)</u>	<u>Decision Body</u>	<u>Timeline Decision Due from Date of Completeness (MICC 19.15.030)</u>	<u>Appeal Authority (MICC 19.15.130)</u>
<u>Home business</u>	No	No	No	No	No	No	No	Code Official	N/A	Hearing Examiner
<u>Nonmajor building permits</u>	No	Yes	No	No	No	No	No, except to Parties of Record	Code Official	65 days	Hearing Examiner
<u>Tree removal permit</u>	No	Yes	No	No	No	No	No	Code Official	65 days	Hearing Examiner

<u>Right-of-Way permit</u>	<u>No</u>	<u>Yes</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>Code Official</u>	<u>65 days</u>	<u>Hearing Examiner</u>
<u>Special needs group housing safety determination</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>Code Official</u>	<u>N/A</u>	<u>Hearing Examiner</u>
<u>Tenant improvement/change of use</u>	<u>No</u>	<u>Yes</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>Code Official</u>	<u>65 days</u>	<u>Hearing Examiner</u>
<u>Shoreline exemption</u>	<u>No</u>	<u>Yes</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>Code Official</u>	<u>65 days</u>	<u>Shoreline Hearings Board</u>
<u>Critical area review 1</u>	<u>No</u>	<u>Yes</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>Code Official</u>	<u>65 days</u>	<u>Hearing Examiner</u>
<u>Temporary commerce on public property</u>	<u>No</u>	<u>Yes</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>Code Official</u>	<u>65 days</u>	<u>Hearing Examiner</u>
<u>Site development permit</u>	<u>No</u>	<u>Yes</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>Code Official</u>	<u>65 days</u>	<u>Hearing Examiner</u>
<u>Transportation concurrency certificate</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>Code Official</u>	<u>N/A</u>	<u>Hearing Examiner</u>
<u>Temporary use permit</u>	<u>No</u>	<u>Yes</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>Code Official</u>	<u>65 days</u>	<u>Hearing Examiner</u>

[SB 5290]

Table B – Type II Land Use Reviews

<u>Permit</u>	<u>Pre-Applic ation Meetin g Requir ed (MICC 19.15. 050)</u>	<u>Determin ation of Comple teness (MICC 19.15.07 0)</u>	<u>Public Notific ation (MICC 19.15. 080)</u>	<u>Notice of Applic ation (MICC 19.15. 090)</u>	<u>Public Com ment Perio d</u>	<u>Public Hearin g (MICC 19.15. 140)</u>	<u>Notice of Decisi on (MICC 19.15. 120)</u>	<u>Decis ion Body</u>	<u>Timeline Decision Due from Date of Comple teness (MICC 19.15.03 0)</u>	<u>Appeal Authori ty (MICC 19.15. 130)</u>
<u>Modified wireless communi cation facilities (6409 per CFR 1.40001)</u>	<u>No</u>	<u>Yes</u>	<u>Yes</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>Code Offici al</u>	<u>65 days</u>	<u>Hearin g Exami ner</u>
<u>Lot line revision</u>	<u>No</u>	<u>Yes</u>	<u>Yes</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>Code Offici al</u>	<u>65 days</u>	<u>Hearin g Exami ner</u>
<u>Setback deviation</u>	<u>No</u>	<u>Yes</u>	<u>Yes</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>Code Offici al</u>	<u>65 days</u>	<u>Hearin g Exami ner</u>
<u>Final plat</u>	<u>No</u>	<u>No</u>	<u>Yes</u>	<u>No</u>	<u>No</u>	<u>Yes</u>	<u>Yes</u>	<u>City Coun cil</u>	<u>N/A</u>	<u>Superi or Court</u>
<u>Code official design review</u>	<u>No</u>	<u>Yes</u>	<u>Yes</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>Code Offici al</u>	<u>65 days</u>	<u>Hearin g Exami ner</u>
<u>Accessor y dwelling unit</u>	<u>No</u>	<u>Yes</u>	<u>Yes</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>Code Offici al</u>	<u>65 days</u>	<u>Hearin g Exami ner</u>
<u>Parking modificati on (reviewed by city engineer)</u>	<u>No</u>	<u>No</u>	<u>Yes</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>Code Offici al</u>	<u>N/A</u>	<u>Hearin g Exami ner</u>
<u>Small wireless facility deployme nt</u>	<u>No</u>	<u>Yes</u>	<u>Yes</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>Code Offici al</u>	<u>65 days</u>	<u>Hearin g Exami ner</u>

<u>Seasonal development limitation waiver</u>	<u>No</u>	<u>Yes</u>	<u>Yes</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>Code Official</u>	<u>65 days</u>	<u>Hearing Examiner</u>
<u>Final short plat</u>	<u>No</u>	<u>No</u>	<u>Yes</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>Code Official</u>	<u>N/A</u>	<u>Superior Court</u>
<u>Temporary Use Permit</u>	<u>No</u>	<u>Yes</u>	<u>Yes</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>Code Official</u>	<u>65 days</u>	<u>Hearing Examiner</u>
<u>Temporary Structure Deviation Renewal</u>	<u>No</u>	<u>Yes</u>	<u>Yes</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>Code Official</u>	<u>65 days</u>	<u>Hearing Examiner</u>

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Table C – Type III Land Use Reviews

<u>Permit</u>	<u>Pre-Application Meeting Required (MICC 19.15.050)</u>	<u>Determination of Completeness (MICC 19.15.070)</u>	<u>Public Notification (MICC 19.15.080)</u>	<u>Notice of Application (MICC 19.15.090)</u>	<u>Public Comment Period</u>	<u>Public Hearing (MICC 19.15.140)</u>	<u>Notice of Decision (MICC 19.15.120)</u>	<u>Decision Body</u>	<u>Timeline Decision Due from Date of Completeness (MICC 19.15.030)</u>	<u>Appeal Authority (MICC 19.15.130)</u>
<u>New and modified wireless (non-6409) eligible facility</u>	<u>Yes</u>	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>30 days</u>	<u>No</u>	<u>Yes</u>	<u>Code Official</u>	<u>100 days</u>	<u>Hearing Examiner</u>
<u>SEPA threshold determination</u>	<u>Yes</u>	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>30 days</u>	<u>No</u>	<u>Yes</u>	<u>Code Official</u>	<u>100 days</u>	<u>Hearing Examiner</u>
<u>Critical area review 2</u>	<u>Yes</u>	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>30 days</u>	<u>No</u>	<u>Yes</u>	<u>Code Official</u>	<u>100 days</u>	<u>Hearing Examiner</u>
<u>Public agency exception</u>	<u>Yes</u>	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>30 days</u>	<u>No</u>	<u>Yes</u>	<u>Code Official</u>	<u>100 days</u>	<u>Hearing Examiner</u>

<u>Temporary encampment</u>	<u>Yes</u>	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>30 days</u>	<u>Public meeting</u>	<u>Yes</u>	<u>Code Official</u>	<u>100 days</u>	<u>Hearing Examiner</u>
<u>Short plat alteration and vacations</u>	<u>Yes</u>	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>30 days</u>	<u>No</u>	<u>Yes</u>	<u>Code Official</u>	<u>100 days</u>	<u>Hearing Examiner</u>
<u>Preliminary short plat</u>	<u>Yes</u>	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>30 days</u>	<u>No</u>	<u>Yes</u>	<u>Code Official</u>	<u>100 days</u>	<u>Hearing Examiner</u>
<u>Development code interpretations</u>	<u>Yes</u>	<u>No</u>	<u>No</u>	<u>Yes</u>	<u>30 days</u>	<u>No</u>	<u>Yes</u>	<u>Code Official</u>	<u>N/A</u>	<u>Hearing Examiner</u>
<u>Major building permit</u>	<u>Yes</u>	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>30 days</u>	<u>No</u>	<u>No, except to Parties of Record</u>	<u>Code Official</u>	<u>100 days</u>	<u>Hearing Examiner</u>
<u>Shoreline substantial development permit</u>	<u>Yes</u>	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>30 days</u>	<u>No</u>	<u>Yes</u>	<u>Code Official</u>	<u>100 days</u>	<u>Shoreline Hearings Board</u>
<u>Shoreline substantial development permit revisions</u>	<u>Yes</u>	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>30 days</u>	<u>No</u>	<u>Yes</u>	<u>Code Official</u>	<u>100 days</u>	<u>Shoreline Hearings Board</u>
<u>Temporary Structure Deviations</u>	<u>Yes</u>	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>30 days</u>	<u>No</u>	<u>Yes</u>	<u>Code Official</u>	<u>100 days</u>	<u>Hearing Examiner</u>

[SB 5290]

Table D – Type IV Land Use Reviews

<u>Permit</u>	<u>Pre-Application Meeting Required</u>	<u>Determination of Completeness (MICC 19.15.070)</u>	<u>Public Notification (MICC 19.15.080)</u>	<u>Notice of Application (MICC 19.15.090)</u>	<u>Public Comment Period</u>	<u>Public Hearing (MICC 19.15.140)</u>	<u>Notice of Decision (MICC 19.15.120)</u>	<u>Decision Body</u>	<u>Timeline Decision Due from Date of Completeness (MICC</u>	<u>Appeal Authority (MICC 19.15.130)</u>
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	<u>(MICC 19.15.050)</u>								<u>19.15.030)</u>	
<u>Preliminary long plat</u>	<u>Yes</u>	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>30 days</u>	<u>Yes</u>	<u>Yes</u>	<u>Hearing Examiner</u>	<u>170 days</u>	<u>Superior Court</u>
<u>Conditional use permit</u>	<u>Yes</u>	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>30 days</u>	<u>Yes</u>	<u>Yes</u>	<u>Hearing Examiner</u>	<u>170 days</u>	<u>Superior Court</u>
<u>Variance</u>	<u>Yes</u>	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>30 days</u>	<u>Yes</u>	<u>Yes</u>	<u>Hearing Examiner</u>	<u>170 days</u>	<u>Superior Court</u>
<u>Critical areas reasonable use exception</u>	<u>Yes</u>	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>30 days</u>	<u>Yes</u>	<u>Yes</u>	<u>Hearing Examiner</u>	<u>170 days</u>	<u>Superior Court</u>
<u>Long plat alteration and vacations</u>	<u>Yes</u>	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>30 days</u>	<u>Yes</u>	<u>Yes</u>	<u>Hearing Examiner</u>	<u>170 days</u>	<u>Superior Court</u>
<u>Parking modifications (reviewed by hearing examiner)</u>	<u>Yes</u>	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>30 days</u>	<u>Yes</u>	<u>Yes</u>	<u>Hearing Examiner</u>	<u>170 days</u>	<u>Superior Court</u>
<u>Variance from short plat acreage limitation</u>	<u>Yes</u>	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>30 days</u>	<u>Yes</u>	<u>Yes</u>	<u>Hearing Examiner</u>	<u>170 days</u>	<u>Superior Court</u>
<u>Wireless communication facility height variance</u>	<u>Yes</u>	<u>No</u>	<u>No</u>	<u>Yes</u>	<u>30 days</u>	<u>Yes</u>	<u>Yes</u>	<u>Hearing Examiner</u>	<u>170 days</u>	<u>Superior Court</u>
<u>Planned unit development</u>	<u>Yes</u>	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>30 days</u>	<u>Yes</u>	<u>No</u>	<u>Hearing Examiner</u>	<u>170 days</u>	<u>Superior Court</u>

<u>Hearing Examiner design review</u>	<u>Yes</u>	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>30 days</u>	<u>Yes</u>	<u>Yes</u>	<u>Heari ng Exam iner</u>	<u>170 days</u>	<u>Superio r Court</u>
<u>Permane nt commerc e _____ on public property</u>	<u>Yes</u>	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>30 days</u>	<u>Yes</u>	<u>Yes</u>	<u>Heari ng Exam iner</u>	<u>170 days</u>	<u>Superio r Court</u>
<u>Shoreline condition al _____ use permit (SCUP)</u>	<u>Yes</u>	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>30 days</u>	<u>Yes</u>	<u>Yes</u>	<u>Ecolo gy after Heari ng Exam iner Reco mme ndati on</u>	<u>170 days</u>	<u>Shoreli ne Hearing s Board</u>
<u>Shoreline variance</u>	<u>Yes</u>	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>30 days</u>	<u>Yes</u>	<u>Yes</u>	<u>Ecolo gy after Heari ng Exam iner Reco mme ndati on</u>	<u>170 days</u>	<u>Shoreli ne Hearing s Board</u>
<u>Shoreline revision (variance and SCUP)</u>	<u>Yes</u>	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>30 days</u>	<u>Yes</u>	<u>Yes</u>	<u>Ecolo gy</u>	<u>170 days</u>	<u>Shoreli ne Hearing s Board</u>

SB 5290

MICC 19.15.040 – Review procedures.

- A. The following are general requirements for processing a permit application under the development code Title 19 MICC. Additional or alternative requirements may exist for actions under specific code sections (see MICC 19.07.110, 19.07.190, 19.08.020, and 19.08.070). [SB 5290]
- B. Decisions for land use review applications subject to the standards in Title 19 MICC must be issued in a timely manner, subject to the following standards: [SB 5290]
1. The decision for any Type I or Type II land use review must be issued within 65 days of the determination of completeness issued consistent with MICC 19.15.070. [SB 5290]
 2. The decision for any Type III land use review must be issued within 100 days of the determination of completeness issued consistent with MICC 19.15.070. [SB 5290]
 3. The decision for any Type IV land use review and reclassification of property consistent with MICC 19.15.240 that does not require a Comprehensive Plan amendment must be issued within 170 days of the determination of completeness issued consistent with MICC 19.15.070. [SB 5290]
 4. The following land use approvals are exempt from the decision timelines established in this section: [SB 5290]
 - a. Home business;
 - b. Special needs group housing safety determination;
 - c. Temporary commerce on public property;
 - d. Transportation concurrency certificate;
 - e. Final plat;
 - f. Parking modification reviewed by City Engineer;
 - g. Final short plat;
 - h. Development code interpretation;
 - i. Comprehensive Plan, subarea plan, and development code amendments docketed through the process established in MICC 19.15.230. [SB 5290]
 5. The time periods for issuance of a decision for a land use review established in this section shall start over if an applicant proposes a change in use that adds or removes commercial or residential elements from the original application that would make the application fail to meet the determination of completeness for the new use, as required by Chapter 19.15 MICC. [SB 5290]

6. If, at any time, an applicant informs the City, in writing, that the applicant would like to temporarily suspend the review of the project for more than 60 days, or if an applicant is not responsive for more than 60 consecutive days after the City has notified the applicant, in writing, that additional information is required to further process the application, an additional 30 days may be added to the time periods established in this section. Any written notice from the City to the applicant that additional information is required to further process the application shall include a notice that failure to respond to a request for additional information within 60 days may result in 30 days being added to the time for review. For the purposes of this subsection, "not responsive" means that the applicant is not making demonstrable progress on providing additional requested information to the local government, or that there is no ongoing communication from the applicant to the local government on the applicant's ability or willingness to provide the additional information. [SB 5290]
- C. If a decision regarding a land use review is not issued in compliance with this section, a portion of the permit fee must be refunded to the applicant or discounted prior to final collection as provided below. The portion of the permit fee that must be refunded or discounted for missing time periods shall be: [SB 5290]
1. 10 percent if the final decision for a land use review is issued as follows:
- a. For Type I and Type II land use reviews, between 66 and 78 days after the determination of completeness was issued;
- b. For Type III land use reviews, between 101 and 120 days after the determination of was issued; and
- c. For Type IV land use reviews and reclassification of property consistent with MICC 19.15.240 that does not require a Comprehensive Plan amendment, between 171 and 204 days after the determination of completeness was issued. [SB 5290]
2. 20 percent if the final decision for a land use review is issued as follows:
- a. For Type I and Type II land use reviews, more than 78 days after the determination of completeness was issued;
- b. For Type III land use reviews, more than 120 days after the determination of completeness was issued; and
- c. For Type IV land use reviews and reclassification of property consistent with MICC 19.15.240 that does not require a Comprehensive Plan amendment, more than 204 days after the determination of completeness was issued. [SB 5290]
- D. For the purposes of this section, the number of days shall be calculated by counting every calendar day and excluding the following time periods:

1. Any period between the day that the City has notified the applicant, in writing, that additional information is required to further process the application and the day when responsive information is resubmitted by the applicant; [SB 5290]
 2. Any period after an applicant informs the City, in writing, that they would like to temporarily suspend review of the application until the time that the applicant notifies the City, in writing, that they would like to resume the application. The code official may set conditions for the temporary suspension of land use review; and [SB 5290]
 3. Any period after an administrative appeal is filed until the administrative appeal is resolved and any additional time period provided by the administrative appeal. [SB 5290]
- E. Nothing in this section prohibits the City from extending the deadline for issuing a decision for a specific project permit application for any reasonable period of time mutually agreed upon by the applicant and the City. Such an extension may be granted only if a signed affidavit confirming the extension is submitted by the applicant prior to a review deadline established by this section. [SB 5290]

MICC 19.15.060 – Application.

- A. The department shall not commence review of any application until the applicant has submitted the materials and fees specified for complete applications. An application shall contain all information deemed necessary by the code official to determine if the proposed permit or action will comply with the requirements of the applicable development regulations. The applicant for a development proposal shall have the burden of demonstrating that the proposed development complies with the applicable regulations and decision criteria. All land use applications shall include, at a minimum, the following materials in Table A below:
1. ~~All applications for permits or land use reviews by the city shall be submitted on forms provided by the city;~~
 2. ~~A site plan, prepared in a form prescribed by the code official;~~
 3. ~~A completed SEPA environmental checklist, if required;~~
 4. ~~Any studies or reports required for the processing of the application;~~
 5. ~~A list of any permits or land use review types necessary for approval of the development proposal that have been obtained prior to filing the application or that are pending before the city or any other governmental entity;~~
 6. ~~Drainage plans and documentation required by the Stormwater Management Manual for Western Washington as adopted by chapter 15.09 MICC, if applicable;~~
 7. ~~Legal description of the site;~~

8. ~~Verification that the property affected by the application is in the exclusive ownership of the applicant, or that the applicant has a right to develop the site and that the application has been submitted with the consent of all owners of the affected property; provided, that compliance with subsection (A)(9) of this section shall satisfy the requirements of this subsection;~~
9. ~~For Type II, III, and IV reviews, a title report from a reputable title company indicating that the applicant has either sole marketable title to the development site or has a publicly recorded right to develop the site (such as an easement). If the title report does not clearly indicate that the applicant has such rights, then the applicant shall include the written consent of the record holder(s) of the development site. The code official may waive this requirement if the title report will not substantively inform the review of the development proposal; and~~
10. ~~All applications for preliminary design review shall contain all information and materials deemed necessary by the code official to determine if the proposal complies with this chapter. Such materials may include a site survey; site plans; elevations; sections; architectural plans; roof plans; renderings and/or models; landscaping plan; parking plan; color and materials board; vicinity maps; site photographs; SEPA checklist; traffic study; pedestrian and vehicle circulation plans; and written narrative describing the project proposal and detailing how the project is meeting the applicable design objectives and standards established in chapter 19.11 or 19.12 MICC. For new construction, submittal of lighting and sign master plans may be deferred to the public hearing if applicable. [SB 5290 & HB 1293]~~

Table A. Required Submittals by Land Use Review Type

"R" means Required

"C" means When Required by Code Official

"N/A" means Not Applicable

<u>Submittal²</u>	<u>Land Use Review Type</u>			
	<u>Type I</u>	<u>Type II</u>	<u>Type III</u>	<u>Type IV</u>
Completed application form(s) provided by the City.	R	R	R	R
Any studies or reports required for the processing of the application. Required studies or reports shall be listed on the application form. ¹	R	R	R	R
A list of any permits or land use reviews necessary for approval of the development proposal that have been obtained prior to filing the application or that are pending before the city or any other governmental entity.	R	R	R	R
If multiple land use reviews are required, the applicant may request a consolidated review of the land use applications with a consolidated review request form, unless the land use reviews are excluded from consolidated review pursuant to MICC 19.15.030(F).	R	R	R	R
A project narrative describing the proposal and how it is consistent with the Comprehensive Plan and meets all applicable standards in Title 19 MICC.	R	R	R	R
Code compliance matrix in a form acceptable by the code official.	R	R	R	R
A statement describing the proposed measures to ensure the proposal will comply with Chapter 19.10 MICC. ³	R	R	R	R

<u>A site plan, prepared as described on the application form, unless the project is exempt from site plan review pursuant to MICC 19.15.030(G).</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>
<u>A legal description of the subject property.</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>
<u>A completed SEPA environmental checklist unless the project is demonstrated to be categorically exempt from SEPA review per Chapter 19.21 MICC.</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>
<u>Drainage plans and documentation required by the Stormwater Management Manual for Western Washington as adopted by Chapter 15.09 MICC, if applicable.</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>
<u>A title report from a reputable title company indicating that the applicant has either sole marketable title to the development site or has a publicly recorded right to develop the site (such as an easement). If the title report does not clearly indicate that the applicant has such rights, then the applicant shall include the written consent of the record holder(s) of the development site. The code official may waive this requirement if the title report will not substantively inform the review of the development proposal.</u>	<u>C</u>	<u>R</u>	<u>R</u>	<u>R</u>
<u>Affidavit of Ownership.</u>	<u>C</u>	<u>R</u>	<u>R</u>	<u>R</u>
<u>Affidavit of Agent Authority, if applicable.</u>	<u>C</u>	<u>R</u>	<u>R</u>	<u>R</u>
<u>All applications for preliminary design review shall contain all information and materials deemed necessary by the code official to determine if the proposal complies with this chapter. Such materials may include a site survey; site plans; elevations; sections; architectural plans; roof plans; renderings and/or models; landscaping plan; parking plan; color and materials board; vicinity maps; site photographs; SEPA checklist; traffic study; pedestrian and vehicle circulation plans; and written narrative describing the project proposal and detailing how the project meets the applicable design objectives and standards established in Chapters 19.11 or 19.12 MICC. For new construction, submittal of lighting and sign master plans may be deferred to the public hearing if applicable.</u>	<u>N/A</u>	<u>R</u>	<u>R</u>	<u>R</u>
<u>Any preapplication meeting notes obtained prior to application.</u>	<u>C</u>	<u>C</u>	<u>R</u>	<u>R</u>
<u>A signed statement from the applicant attesting to the accuracy of all information submitted with the application.</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>
<u>Any additional materials required by the code official as shown in the land use application form specific to the proposed development.</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>The applicable permit fee.</u>	<u>R</u>	<u>R</u>	<u>R</u>	<u>R</u>

Notes:

1. The code official may request additional studies or information at any time during review, provided such reports or studies are necessary to complete review of the application.
2. The code official may waive any submittal materials required by this section provided such waiver is described in the determination of completeness issued in compliance with MICC 19.15.070.
3. Additional application requirements for tree removal are established in MICC 19.10.090 application requirements.

- B. A determination of completeness shall not preclude the code official from requesting additional information or studies either at the time of determination of completeness or subsequently if new or additional information is required or substantial changes in the proposed action occur, as determined by the code official.

- C. All applications for permits or land use review by the city shall be accompanied by a filing fee in an amount established by city ordinance.

MICC 19.15.070 – Determination of completeness and letter of completion.

- A. *Complete application required.* The city will not accept an incomplete application for processing and review. An application is complete only when all information required on the application form ~~and all submittal items required by the development code have~~ has been provided to the satisfaction of the code official. The code official may request additional information or studies either at the time of the notice of completeness or subsequently if new information is required or the applicant proposes substantial changes in the proposed action occur. [SB 5290]
- B. *Determination of completeness.* Within 28 calendar days after receiving an application for a ~~Type III and Type IV land use review~~ project permit application (as such is defined in RCW 36.70B.020), the city shall mail, email, or provide in person a written letter of completion or letter of incompleteness to the applicant, stating either that the application is complete or that the application is incomplete. If an application is incomplete, the letter of incompleteness shall identify what additional documentation is necessary to result in a procedurally complete application. To the extent known at the time of review, the code official shall identify other agencies of local, state, or federal governments that may have jurisdiction over some aspect of the application. An application shall be deemed complete if the city does not provide a written determination to the applicant stating that the application is incomplete within 28 days after receiving an application. [SB 5290]
1. At the discretion of the code official, the determination of completeness may include or be combined with any of the following:
- a. A preliminary determination of those development regulations that will be used for project mitigation;
 - b. A preliminary determination of consistency, as provided under RCW 36.70B.040;
 - c. Other information the code official chooses to include; and
 - d. A notice of application issued in compliance with MICC 19.15.090. [SB 5290]
- C. *Response to letter of incompleteness.* Within 14 days after an applicant has submitted all additional information identified as being necessary for a complete application, the city shall notify the applicant that the application is complete, or indicate that the application is incomplete and specify additional documentation as specified in subsection B of this section that is necessary to result in a complete application.
1. If an applicant is not responsive for more than 60 consecutive days after the city has notified the applicant, in writing, that additional information is required to further process the application, an additional 30 days may be added to the time periods for local government action to issue a final decision for each type of project permit that is subject to MICC 19.15.040. [SB 5290]

2. Any written notice from the city to the applicant that additional information is required to further process the application must include a notice that non-responsiveness for 60 consecutive days may result in 30 days being added to the time for review. For the purposes of this section, "non-responsiveness" means that an applicant is not making demonstrable progress on providing additional requested information to the local government, or that there is no ongoing communication from the applicant to the local government on the applicant's ability or willingness to provide additional information. [SB 5290]

- D. *Completion date.* The date an application is determined complete is the date of receipt by the department of all of the information necessary to make the application complete as provided in this chapter. The department's issuance of a letter of complete application, or the failure of the department to provide such a letter as directed by this section the applicant a letter detailing what additional documentation is necessary to result in a complete application, shall cause an application to be conclusively deemed to be complete as provided in this section. [SB 5290]
- E. If the applicant fails to provide the required information within 90 days of the letter of incompleteness, the application shall lapse.

MICC 19.15.220 – Design Review and the Design Commission.

A. *Rules and records.*

1. ~~The design commission shall adopt rules and regulations for the conduct of its business, subject to the approval of the city council.~~ [DC]
2. ~~A majority of the membership shall constitute a quorum for the purpose of transacting business. Action by the design commission shall be by majority vote of the members constituting the quorum. A tie vote on a motion to approve shall constitute a failure of the motion and a denial of the application.~~ [DC]
3. ~~The code official shall serve as executive secretary of the design commission and shall be responsible for all records. All meetings of the design commission shall be open to the public. The design commission shall keep minutes of its proceedings and such minutes and a copy of its rules shall be kept on file in the office of the city clerk and open to inspection by the public.~~ [DC]

B. *Powers of the design commission and additional functions.*

1. ~~No building permit or other required permit shall be issued by the city for any major new construction or minor exterior modification of any regulated improvement without prior approval of the design commission or code official as authorized pursuant to MICC 19.15.010(C)(4)(a). Certain development and activities that do not require a permit are subject to design review as provided in subsection (C)(1)(c) of this section.~~ [DC]

2. ~~The design commission or code official may require a bond or assignment of funds as set out in MICC 19.01.060(C) to secure the installation and maintenance of landscaping, screens, and other similar site improvements.~~ [DC]
3. ~~When the city council deems it necessary to retain consultants for a proposed capital improvement, the council shall seek recommendations from the design commission as to the selection of consultants to provide design services.~~ [DC]
4. ~~Consultants or city officials charged with the design responsibility for a major capital improvement shall hold preliminary discussions on the proposed project with the design commission to obtain its preliminary recommendations as to aesthetic, environmental and design principles and objectives. In addition, the design commission shall review major capital improvements at the completion of the design development phase. A capital improvement approved by the city council after review and recommendations by the design commission may be implemented on a phasing basis without further review so long as the improvement is developed in substantial conformity with the reviewed plan. Significant deviations from an approved plan shall be submitted to the design commission for its further review and recommendations.~~ [DC]
5. ~~The design commission or code official shall complete its review and make its decision and/or recommendations pursuant to the process set forth in subsection C of this section, and the review and decision and/or recommendations shall be based upon the design objectives and standards set forth in subsection C of this section, with such amendments as may be made from time to time.~~ [DC]
6. ~~Additional functions.~~ The design commission may undertake the following additional functions as needed: [DC]
 - a. ~~The design commission may assist any person, group, or agency who requests design advice on matters not requiring formal commission action.~~ [DC]
 - b. ~~The design commission shall consult and cooperate with the planning commission and other governmental bodies on matters affecting the appearance of the Island. The design commission may offer recommendations to the appropriate city agencies and officials on legislation to promote aesthetic and environmental values.~~ [DC]
 - c. ~~The design commission shall act as the appeal authority for design review decisions made by the code official for minor exterior modifications.~~ [DC]

C. ~~Design review procedure.~~

1. *General.*

- a. *Intent.* The intent of the design review process is to ensure that regulated development in all land use zones complies with design objectives and standards established in chapters 19.11 and 19.12 MICC. [HB 1293]
- b. *Scope.* No building permit or other required permit shall be issued by the city for development of any regulated improvement without prior approval of the ~~design commission~~ hearing examiner or code official as authorized pursuant to this chapter. Deviations from an approved plan ~~approved by the design commission or code official~~ shall be permitted only upon the filing and approval of an amended plan. ~~In no instance shall the design commission's or code official's action conflict with the city's development code or other applicable city ordinances or with state or federal requirements. Certain development and activities that do not require a permit are subject to design review as provided in subsection (C)(1)(c) of this section.~~ [DC]
- c. *Review authority.*
 - i. The following development proposals shall require ~~design commission~~ hearing examiner design review: [DC]
 - (a) New buildings;
 - (b) Any additions of gross floor area to an existing building(s);
 - (c) Any alterations to an existing building that will result in a change of 50 percent, or more, of the exterior surface area;
 - (d) Any alterations to a site, where the alteration will result in a change to the site design that affects more than 50 percent of the development proposal site; and
 - (e) Any alterations to existing facades, where the building is identified by the city as an historic structure;
 - ii. All other development proposals requiring design review and not requiring ~~design commission~~ hearing examiner design review under subsection ~~(CA)~~ (1)(c)(i) of this section shall be reviewed by the code official. ~~The code official shall have the authority to determine that an application normally reviewed by code official shall require design commission review and approval, based on factors such as~~

~~the scope, location, context, and visibility of the proposed change or modification; and [DC]~~

iii. *Exemptions from design review.* The following activities shall be exempt from ~~either design commission or code official design review:~~ [DC]

- (a) Any activity which does not require a building permit; or
- (b) Interior work that does not alter the exterior of the structure; or
- (c) Normal building and site maintenance including repair and replacement that involves no material expansion or material change in design. For example, replacement in kind of roof mounted heating and cooling equipment or ventilation equipment does not require design review.

d. *Process.*

i. *Time frame and procedure.* Design review shall be conducted in accordance with the timelines and procedures set forth in MICC 19.15.040, Review procedures. ~~Design review is not subject to the one open record hearing requirement or consolidated permit review processing.~~ [HB 1293 & SB 5290]

ii. *Written ~~recommendations~~ decisions.* All decisions of the design commission ~~hearing examiner that pertain to design review~~ shall be reduced to writing and shall include findings of fact and conclusions that support the decisions.

2. *Review process.*

a. ~~*Study session.* In addition to the preapplication meeting, an applicant for a project that will require design review and approval by the design commission shall meet with the design commission in a study session to discuss project concepts before the plans are fully developed. At this session, which will be open to the public, the applicant should provide information regarding its site, the intended mix of uses, and how it will fit into the focus area objectives. The design commission may provide feedback to be considered in the design of the project.~~ [HB 1293]

b. ~~*Plan submittal.* All materials shall be submitted a minimum of 30 days prior to any meeting dates including study sessions, public meetings, and public~~

hearings. ~~The final plans shall be in substantial conformity with approved preliminary plans.~~ [HB 1293]

Chapter 19.16 MICC

MICC 19.16.010 – Definitions.

[...]

Blank Wall: Any wall (including building facades and retaining walls) over six feet in height, with a horizontal length greater than 15 feet that does not include a transparent window or door. [HB 1293] [...]

Building Façade Modulation: A stepping back or projecting forward of portions of a building face within specified intervals of building width and depth as a means of breaking up the apparent bulk of structure's continuous exterior walls. Building façade modulation can include facade indentations and extrusions; actual building separation; connecting atriums, courtyards and plazas; variable roof forms and overhangs; and decks and balconies. [HB 1293] [...]

Formal design review: Design review conducted by the ~~design commission~~ Hearing Examiner. [DC] [...]

Interior Alteration: Construction activities that do not modify the existing site layout or its current use and involve no exterior work adding to the building footprint. [SB 5290] [...]

Major ~~single-family dwelling~~ building permit: A building permit for:

1. A new ~~single-family~~ dwelling on a vacant lot or as replacement of an existing or demolished building; or
 2. Any change to a ~~single-family~~ dwelling that requires a building permit and results in any of the following;
 - a. An increase in the existing maximum building height above the highest point of the building, except for a reroof that increases the highest point of the building by 12 inches or less;
 - b. A reduction in any existing side yard;
 - c. An increase in the existing gross floor area of more than 500 square feet; or
 - d. An increase in the existing lot coverage of more than 100 square feet. [SB 5290]
- [...]

Master site plan: The comprehensive, long range plan intended to guide the growth and development on a parcel of land that shows the existing and proposed conditions on the site including topography, vegetation, drainage, flood plains, wetlands, waterways, landscaping, open spaces, walkways, means of ingress and egress, circulation, utilities, structures and buildings, and any other information reasonably necessary for the ~~design commission~~ to make an informed decision about development of the site. [DC] [...]

Rooming house: A home or other facility, other than special needs group housing or social service transitional housing as provided in MICC 19.06.080(A) and (B), ~~that provides room or room and board to seven or more persons unrelated to the operator, and does not include persons with handicaps or persons with familial status within the meaning of the FHAA with sleeping units that are independently rented and lockable and provide living and sleeping space, and residents share kitchen facilities with other sleeping units in the building. Rooming houses include co-living housing as defined in RCW 36.70A.535.~~ **[HB 1998]** [...]

Social Service Transitional Housing: Noninstitutional group housing facilities for unrelated persons, other than special needs group housing or rooming houses, ~~that are privately or publicly operated, including those facilities required to be licensed by the state or federal governments as well as those that may not be required to be licensed, that provide temporary and transitional housing to meet community social service needs including, but not limited to, work release facilities and other housing facilities serving as an alternative to incarceration, halfway houses, emergency shelters, homeless shelters, domestic violence shelters and other such crisis intervention facilities. Social service transitional housing excludes institutional facilities that typically cannot be accommodated in a single-family residential structure. Further, the term shall include "emergency housing," and "transitional housing" as defined within RCW 84.36.043(2)(c) or as hereafter amended. The term shall further include "emergency shelter" as defined within RCW 36.70A.030 or as hereafter amended.~~ **[HB 1220]** [...]

Special Needs Group Housing: Noninstitutional group housing that primarily supports unrelated persons with handicaps or persons protected by familial status within the meaning of the FHAA, but not including individuals whose tenancy would constitute a direct threat to the health and safety of other individuals or whose tenancy would result in substantial physical damage to the property of others. Special needs group housing includes, but is not limited to, foster family homes, adult family homes and residential care facilities as provided in Chapter 70.128 RCW, but excludes facilities ~~that typically cannot be accommodated in a single-family residential structure~~ such as hospitals, nursing homes, assisted living facilities and detention centers. Further, the term shall include "permanent supportive housing" as defined in RCW 36.70A.030 or as hereafter amended. **[HB 1220]** [...]

Appendices

Appendix A PARKING LOT DIMENSIONS

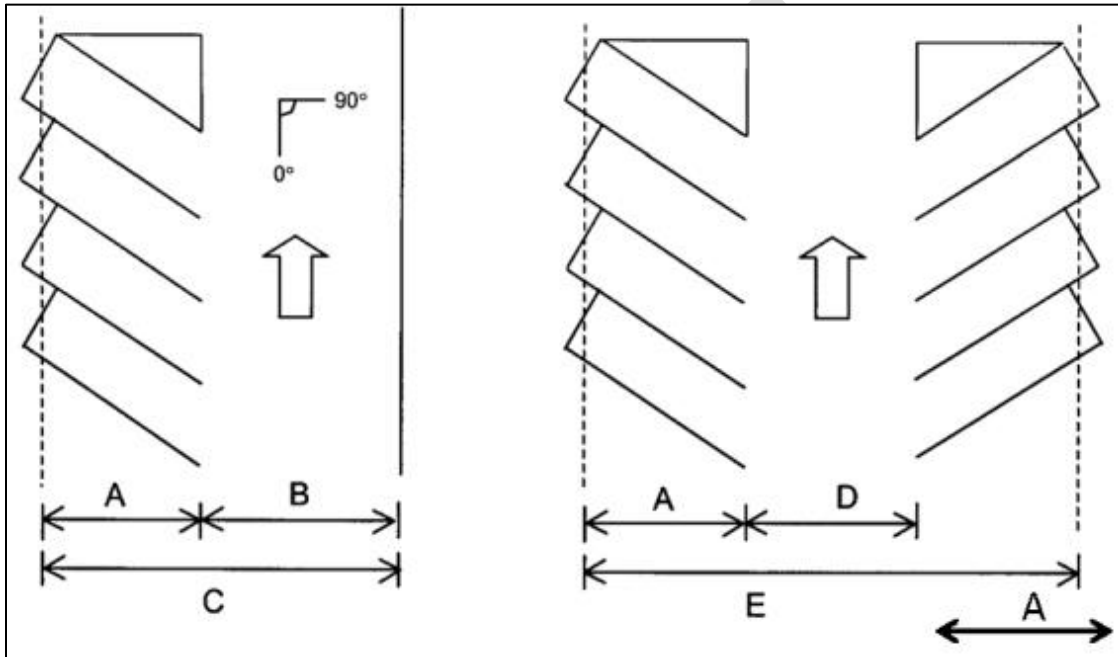
All parking areas shall conform to the following design standards unless alternative design standards ~~are approved by the design commission~~ authorized by Title 19 MICC subject to review by the hearing examiner and/or city engineer:

1. One-Way Traffic.

Parking Angle	Standard Stall (9' x 18.5') *					Compact Stall (8.5' x 16') *				
	A	B	C	D	E	A	B	C	D	E
0	8.0	12.0	20.0	12.0	28.0	8.0	12.0	20.0	12.0	28.0
45	12.0	18.0	30.0	18.0	42.0	11.0	18.0	29.0	18.0	40.0
50	13.0	18.0	31.0	18.0	44.0	12.0	18.0	30.0	18.0	42.0
55	14.0	18.0	32.0	18.0	46.0	13.0	18.0	31.0	18.0	44.0

60	15.0	18.0	33.0	18.0	48.0		13.0	18.0	31.0	18.0	44.0
65	16.0	18.0	34.0	18.0	50.0		14.0	18.0	32.0	18.0	46.0
70	16.5	18.0	34.5	18.0	51.0		15.5	18.0	33.5	18.0	49.0
75	17.0	18.0	35.0	18.0	52.0		15.5	18.0	33.5	18.0	49.0
80	17.5	18.0	35.5	18.0	53.0		16.0	18.0	34.0	18.0	50.0
85	18.0	18.0	36.0	18.0	54.0		16.0	18.0	34.0	18.0	50.0
90	18.5	18.0	36.5	18.0	55.0		16.0	18.0	34.0	18.0	50.0

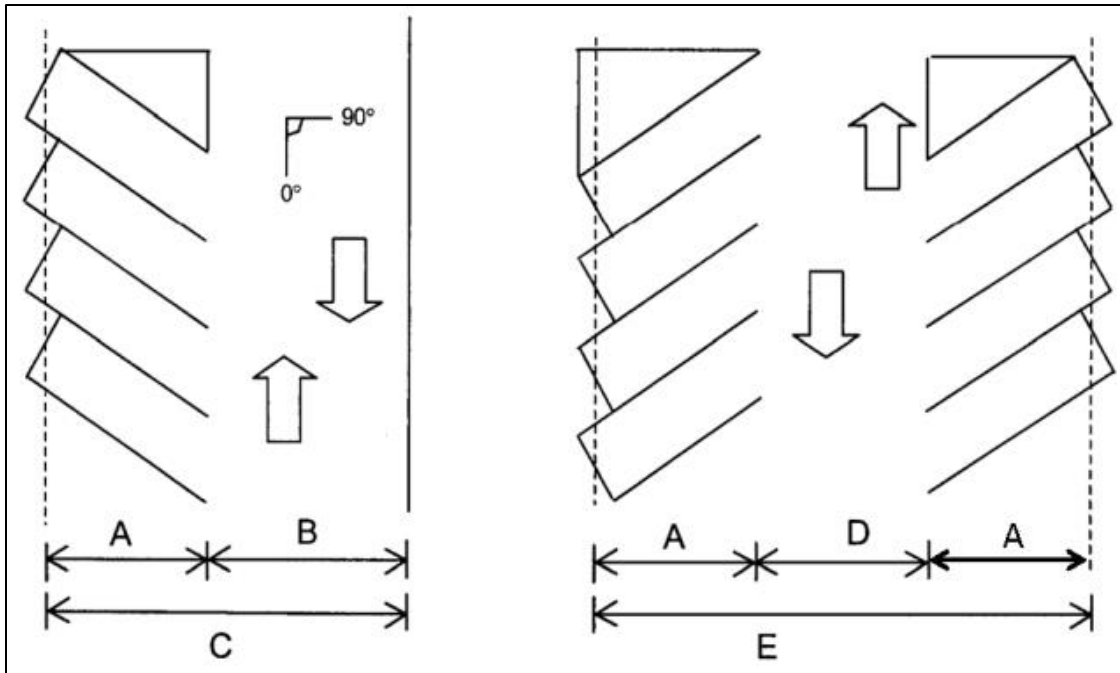
*Standard residential stalls shall be no greater than 8' x 20' and compact residential stalls shall be no greater than 8' x 16'.



2. Two-Way Traffic.

	Standard Stall (9' x 18.5') *						Compact Stall (8.5' x 16') *				
Parking Angle	A	B	C	D	E		A	B	C	D	E
0	8.0	24.0	32.0	24.0	40.0		8.0	24.0	32.0	24.0	40.0
45	12.0	24.0	36.0	24.0	48.0		11.0	24.0	35.0	24.0	46.0
50	13.0	24.0	37.0	24.0	50.0		12.0	24.0	36.0	24.0	48.0
55	14.0	24.0	38.0	24.0	52.0		13.0	24.0	37.0	24.0	50.0
60	15.0	24.0	39.0	24.0	54.0		13.0	24.0	37.0	24.0	50.0
65	16.0	24.0	40.0	24.0	56.0		14.0	24.0	38.0	24.0	52.0
70	16.5	24.0	40.5	24.0	57.0		15.0	24.0	39.0	24.0	54.0
75	17.0	24.0	41.0	24.0	58.0		15.0	24.0	39.0	24.0	54.0
80	17.5	24.0	41.5	24.0	59.0		16.0	24.0	40.0	24.0	56.0
85	18.0	24.0	42.0	24.0	60.0		16.0	24.0	40.0	24.0	56.0
90	18.5	24.0	42.5	24.0	61.0		16.0	24.0	40.0	24.0	56.0

*Standard residential stalls shall be no greater than 8' x 20' and compact residential stalls shall be no greater than 8' x 16'.



[Appendix A **SB 6015**]

Appendix C DESIGN GUIDELINES OF THE MERCER ISLAND DESIGN COMMISSION¹

[NOTE: Design Guidelines for the Design Commission are struck because there is no longer a Design Commission. All design standards will be located in Chapters 19.11 and 19.12 of the MICC. The code does not reference these guidelines]

SIGN GUIDELINES:

(Repealed by Ord. 04C-08)

ARTERIAL RIGHT-OF-WAY GUIDELINES:

CONCEPTS:

¹(Adopted May 14, 1973)



The intent of the guidelines is to develop further goals and objectives synthesized from previous Mercer Island planning studies, the community and the design commission in order to provide a framework within which right-of-way improvements may be implemented that will result in a coherent, continuous right-of-way system representative of the island environment and complementary to its natural character.

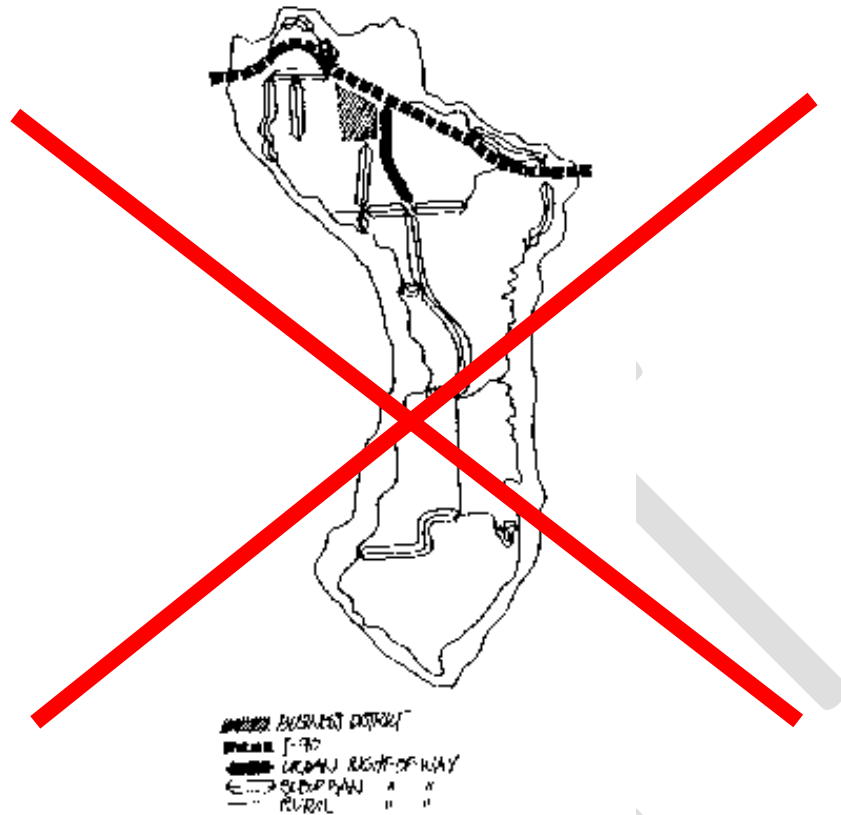
The following goals, intentions and criteria constitute a basis for evaluating improvements and development as they may contribute to the overall intended right-of-way system.

CLASSIFICATION:

In consideration of the general environmental characteristics of the Island, the arterial rights-of-way have been grouped into three general classifications which are applicable to Mercer Island: rural, suburban and urban. Several of the arterials may have more than a single classification depending on their basic character. For the purpose of developing guidelines, only the major distinct segments of an arterial have been differentiated.

Because there is general community consensus that the rural characteristics of the Island should be retained, right-of-way development must be evaluated, not only on the basis of the prevalent classification for any one arterial, but also on the basis of retaining and reinforcing the much-sought-after rural image.

For this reason the suburban segments of any one right-of-way should be subordinated to the rural segments and development "downgraded" accordingly.



These arterials have also been assigned route and section numbers by the Public Works Department which are recognized by the Urban Arterial Board, as well as an arterial designation of major, secondary, and collector. However, since the guidelines deal chiefly with visual characteristics of the right of way, the arterial section designations have been introduced primarily as a means of reference. Diagrams keying the classification are found with the corresponding guidelines under rural, suburban, and urban right-of-way headings.

The rural rights of way are generally characterized by continuous vegetation belts, ravines, hillsides, winding roadways, group access drives, and relative freedom from infringing housing. These are the rights of way most highly characteristic of the Island environment and provide a unique exposure to Mercer Island for both visitors and residents. This category includes the majority of the Mercer Ways, Island Crest from SE 53rd Place to SE 68th, the majority of SE 53rd Place, SE 68th east of Island Crest, and Gallagher Hill Road.

The suburban rights of way pass through fairly dense residential communities and are characterized by closely adjoining housing, uniform front yard setbacks, individual driveways, and a lack of continuous vegetation buffers. This category includes SE 40th, SE 24th, 72nd SE, 78th SE, Island Crest from SE 40th to SE 53rd Place, a portion of SE 53rd Place, 84th SE, SE 68th and SE 72nd, SE 70th Place, Merrimount Drive, and portions of the Mercer Ways.

The urban rights of way are the arterials within and adjoining the Business District. Island Crest north of SE 40th is the only right of way covered in this section.

TRAILS

A. BICYCLE FACILITIES

Different needs exist for bicycles in urban rights of way than in rural. The volume, composition and speed of vehicular traffic as well as topography generally dictate the type of system that should be provided. There are three basic types of bicycle facilities:

Shared Right-of-Way (Class III Bikeway): a mixture of motorized vehicle and bicycle traffic in the same roadway; low vehicular volumes and speeds are a prerequisite.

Bicycle Lane (Class II Bikeway): a separately designated facility for bicycle traffic following the alignment of the roadway. The separation may be made by curbing, striping or buttons as required to ensure bicycle safety.

Bicycle Path (Class I Bikeway): a facility that is separated from motorized vehicles and may or may not parallel the alignment of the roadway.

B. PEDESTRIAN FACILITIES

Pedestrian facilities exist for purposes of commuting, recreation, exercise, health and pleasure, and must accommodate a variety of uses. For example, a facility chiefly in use by children capable of quick, erratic movements needs special safety consideration. This is particularly applicable in areas where schools, parks, playgrounds, etc., are the predominant pedestrian traffic generators.

Likewise, surfacing materials must be compatible with the right-of-way, surrounding landscape, topography, and drainage conditions. Pathways may be paved, covered with gravel or wood chips, or simply left in their natural state (e.g., the pathway network along Island Crest Park owes much of its charm to its meandering, unpaved state).

There are two types of pedestrian facilities that may be implemented within the rights-of-way:

Sidewalk or Lane: adjacent to roadway, either paved (sidewalk) or unsurfaced (lane).

Path: independently aligned and generally landscaped to enhance the walkers' experience.

C. JOINT BICYCLE/PEDESTRIAN FACILITIES

In areas where right-of-way widths, road conditions, or grades restrict separate bicycle/pedestrian routes, a joint facility may be implemented. It is particularly appropriate in situations where pedestrian traffic is minimal or grades are such to preclude excessive bicycle speeds. A joint facility, particularly one designed to accommodate two way bicycle traffic, may also be advantageous where excessive pavement widening may not be a desirable right-of-way improvement.

Joint Bicycle/Pedestrian Lane: following the alignment of the roadway, either directly adjacent or separated from the roadway.

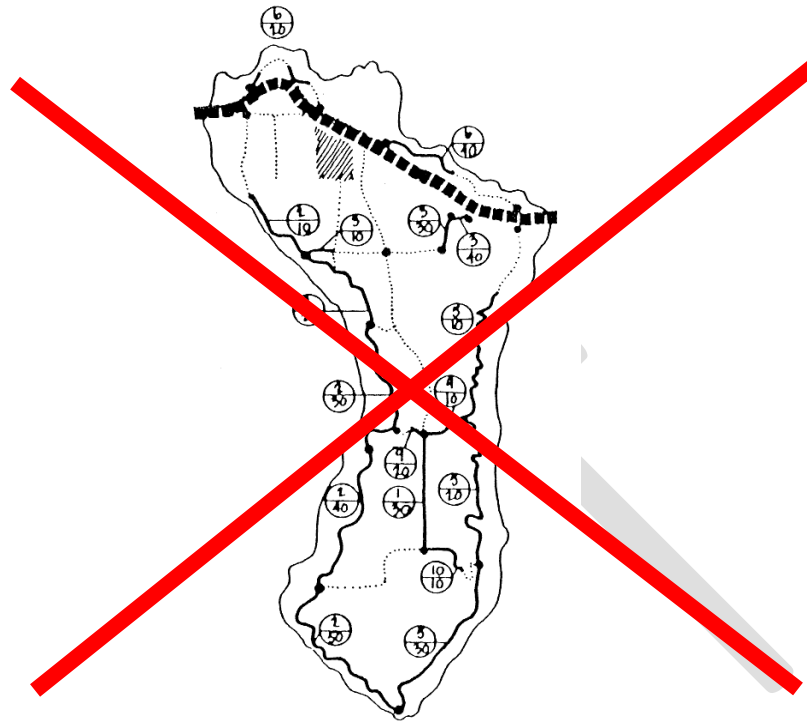
Joint Bicycle/Pedestrian Path: independently aligned and separated from the roadway.

GENERAL GOALS

In order to enable a more specific consideration of the design criteria of individual rights-of-way, the general overriding considerations that are applicable to all rights-of-way are given here as reference for the more specific considerations that follow.

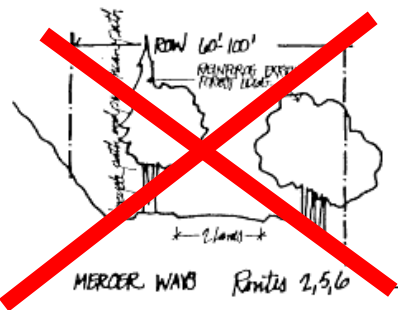
GUIDELINES

RURAL RIGHTS-OF-WAY: majority of Mercer Ways, Island Crest from SE 53rd Place, to SE 68th, most of SE 53rd Place, SE 68th east of Island Crest, a portion of SE 70th Place, and Gallagher Hill Road. For route section locations see the adjoining map.



/////// BUSINESS DISTRICT
 - - - - - I-90
 ~~~~~ RURAL RIGHT-OF-WAYS  
 IDENTIFIED BY SECTION NUMBER

GOAL:  
 INTENT:  
 CRITERIA:  
 GOAL:  
 INTENT:  
 CRITERIA:

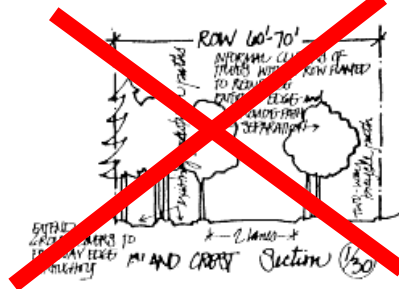


It is recommended that bicycle travel be accommodated along the Mercer Ways through a separation of the bicycle facility by a minimum setback of five feet from the roadway wherever topography permits. In considering the facility, extra care should be given to potential disruption of the right of way and its adjoining landscape. In some instances a continuous separately designated bicycle facility may be extremely difficult to implement.

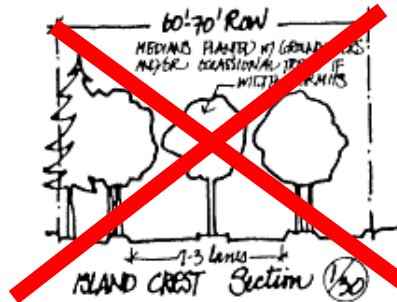
Pedestrian lanes or pedestrian use of the separated bicycle facility should be considered, particularly along those portions of the Mercer Ways where school traffic or access to public open space trails must be accommodated.

b. Island Crest: Section 1/30.

A bicycle path could readily be implemented along the east side of Island Crest where a sufficient width of cleared right-of-way now exists to easily accommodate a two-way bicycle path. The setback from the roadway to the path should be planted with native trees and groundcovers similar to those that exist on the west side of the right-of-way.

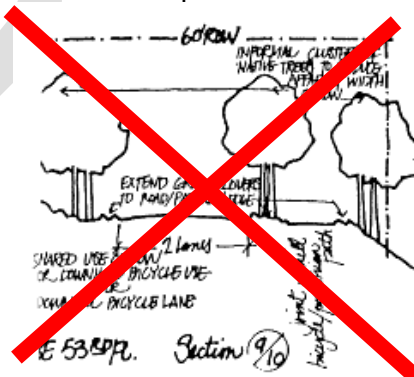


The pedestrian path that now exists along Island Crest Park should be maintained because it is of a scale that is appropriate to the natural setting of the island. Special care should be taken in maintaining and reinforcing the existing trees and groundcovers within this portion of the right-of-way to ensure that the character of the path, which is largely dependent upon its narrow and meandering nature, is maintained. Pedestrian paths south of SE 63rd are recommended for the east side of the right-of-way adjoining the proposed bicycle path, with the Pioneer Park edge left undisturbed.



If portions of this section of Island Crest are widened to accommodate a turning lane to cross streets, extreme care should be taken to preserve the character of the right-of-way by retaining the existing vegetation edge along Island Crest and Pioneer Parks. The roadway pavement should be kept at a minimum width and medians resulting from the turning lanes should be planted with groundcovers and perhaps occasional trees that are in keeping with the existing native materials along the western edge of the right-of-way.

c. SE 53rd Place: Route 9 except for the western portion of section 9/20.





That portion of SE 53rd Place east of Island Crest, section 9/10 could easily accommodate downhill bicycle traffic by means of a shared right of way or a bicycle lane. To ensure user safety due to the relatively steep grades, a separate bicycle facility to accommodate uphill traffic should be implemented. A unique opportunity exists for such a facility along the south side of the right-of-way which adjoins one of the major Island ravines and is uninterrupted by private driveways. The uphill bicycle facility could be implemented as a joint bicycle/pedestrian path, particularly appropriate for joint use due to the slow uphill bicycle speeds.

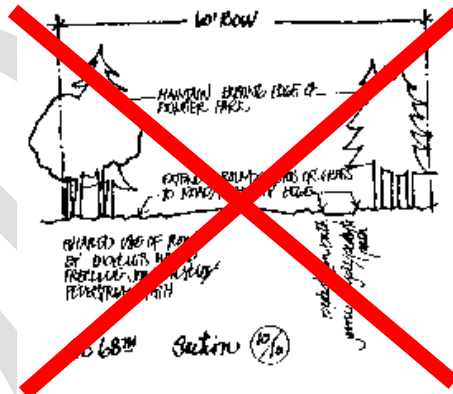
A bicycle facility along SE 53rd Place due west of Island Crest, section 9/20 should be implemented to facilitate cross Island travel when this arterial is completed. Every effort should be made to retain the rural character of the upper portion of section 9/20. This should be the major consideration and for this reason a shared right of way along this portion of the roadway is recommended.

A minimal pedestrian lane or path is recommended along this portion of SE 53rd Place as a means of accommodating pedestrian school traffic to the adjoining elementary school.

Informal clusters of native trees are recommended along this right of way, particularly along section 9/10 which should receive substantial tree planting in order to reduce the excessive width of the right of way and extend the adjoining ravine vegetation within closer proximity of the roadway. Clusters of trees should also be utilized to separate the roadway from the bicycle/pedestrian path. Groundcovers should be extended to the road and pathway edge.

With substantial planting, SE 53rd Place could visually become an integral part of the ravine, instead of merely skirting its edge.

d. SE 68th and SE 70th Place: The western two thirds of section 9/10, route 10.



In order to keep the paved roadway to a minimum through this section of SE 68th adjoining Pioneer Park, a minimal bicycle path and a shared right of way should be adequate to serve both uphill and downhill traffic. The potential use of the easement along 92nd SE should be considered as a bicycle connection to East Mercer Way, by passing the lower portion of SE 70th P1.

A combination of a pedestrian lane and path along one side of the roadway or a joint use of the bicycle path should be adequate to handle pedestrian traffic, since the network of trails within Pioneer Park can be expected to carry a substantial number of trail users along this section of SE 68th. The existing forest edge of Pioneer Park should be maintained. Groundcovers or grass should be extended to the road and pathway edge.

e. Gallagher Hill Road: Route 3 sections 3/30 and 3/40.

Due to the fairly high volume of vehicular traffic anticipated for Gallagher Hill Road as a collector/distributor to the I-90 interchange, special consideration is recommended for this right-of-way in order to maintain its present rural character.

It would appear that the extension of the bicycle facility along SE 40th would be better accommodated along Mercerwood Drive, for to safely implement a facility along Gallagher Hill Road would mean a substantial widening of the roadway pavement, particularly in view of its steep grades.

A pedestrian pathway could easily be implemented along the western side of the right-of-way, either along its full length or only the upper portions, as a means of providing pedestrian access to potential future public easements within the adjoining ravine.

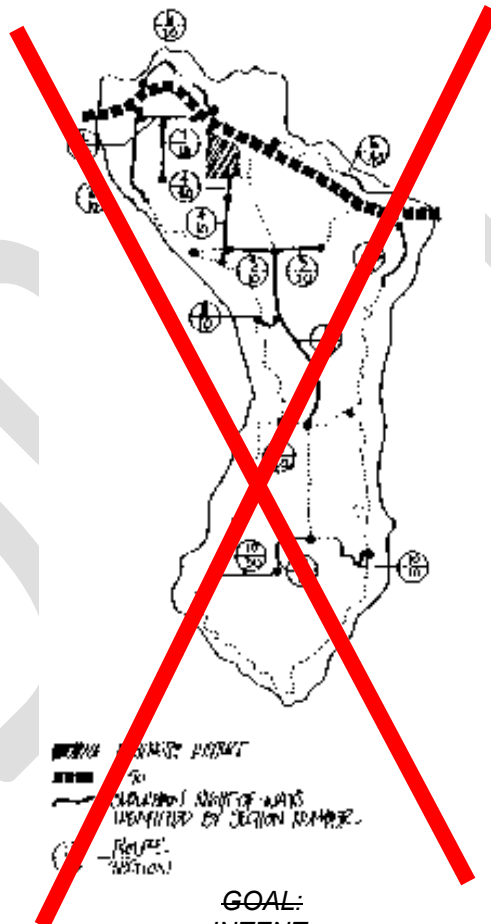
**GOAL:**

Minimize disruption of the natural processes within the right-of-way.

**INTENT:**

**CRITERIA:**

**SUBURBAN RIGHTS OF WAY:** (a) SE 40th, (b) SE 24th, (c) 72nd SE, (d) 78th SE, (e) Island Crest from SE 53rd Place to SE 40th, (f) SE 53rd Place, (g) 84th SE, SE 68th and SE 72nd, (h) SE 70th Place, (i) Merrimount Drive, (j) portions of Mercer Ways.

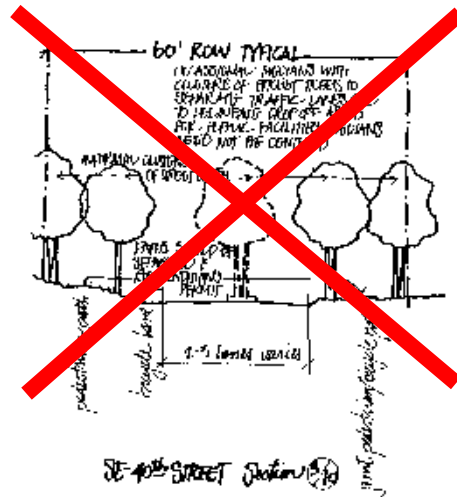


**GOAL:**

**INTENT:**

**CRITERIA:**

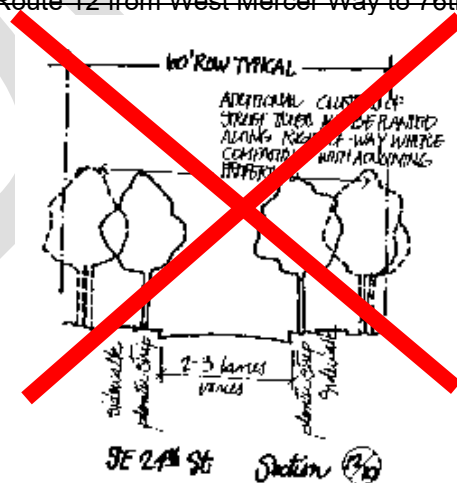
**RIGHT-OF-WAY DEVELOPMENT:**



A combination of a bicycle lane and a joint bicycle/pedestrian path or lane with maximum separation from the roadway as permitted within the existing right-of-way should be adequate to accommodate two-way bicycle travel along SE 40th from 92nd SE to 70th or 76th SE, depending upon which route is used as an access to the Business District. Private easements should be considered as a means to provide more generous facility separation and planting buffers. The unimproved portion of SE 40th should be developed in a similar manner if and when the arterial connection is extended to West Mercer Way. Wherever right-of-way conditions or easements permit the implementation of a pedestrian path, such a facility should be considered. Where a path is not feasible a lane or a joint bicycle/pedestrian path may be implemented, with special attention given to the separation of pedestrian and downhill bicycle traffic where high bicycle speeds may be a danger to the pedestrian.

There is an opportunity along SE 40th to introduce occasional street medians which should be planted as a further means of dividing the roadway. Occasional street trees in informal cluster patterns are suggested for this right-of-way both within the median and the planting buffers between the roadway, the pedestrian and bicycle facilities, and the adjoining property. Plant materials should be of a type common to the Island, but may be contrasted with occasional groupings of flowering or ornamental trees. Special recognition should be given to the plant materials of the adjoining properties and a pleasing transition achieved from the private to the public sector wherever this is appropriate.

b. SE 24th Street: Route 12 from West Mercer Way to 76th SE.



Due to steep grades and relatively high traffic volumes, bicycle facilities are not recommended for this arterial. Pedestrian sidewalks which are suggested for both sides of the arterial may accommodate uphill

bicycle traffic. An alternate bicycle route bypassing SE 24th may be implemented along 72nd SE as a means of tying into North Mercer Way.

Street trees are recommended at approximately 30 feet on center along both sides of SE 24th. Plant material should be of the standard street tree variety, such as red maple, sycamore, oak, linden, etc.

The pavement width from 71st SE to West Mercer Way is excessive for a two lane arterial. It is recommended that the current width is maintained only to accommodate a left turn lane onto West Mercer Way with the remainder of the right of way devoted to planting and pedestrian facilities.

c. 72nd Avenue SE: Route 7, section 7/10.

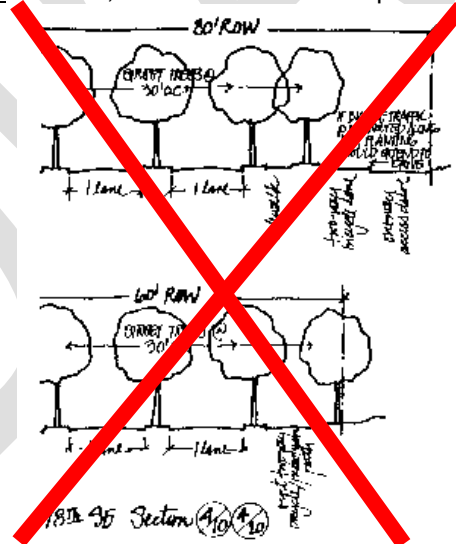
Since closely adjoining residential properties make a separated bicycle facility along this arterial unrealistic, a shared right of way is recommended.

When the remaining open drainage ditches are covered, the pedestrian lanes that now adjoin the roadway are suggested for conversion to paths that are setback from the roadway by a planting buffer wherever feasible.

Informal cluster planting should be implemented within the right of way or easements secured for planting purposes, particularly along sections where the cover has been removed, in order to delineate the roadway and provide a measure of screening for the adjoining housing. Wherever possible cluster planting should be introduced between the roadway and the path to further enhance the walkers' experience.

Special attention should be given to the use of informal cluster planting as a means of breaking up the extensive gravelled shoulders that extend from the right of way onto private property and are used for parking purposes by adjoining residents. Private easements should be obtained wherever additional planting would aid the streetscape, and planted by the city in conjunction with the overall right of way development.

d. 78th Avenue SE: Route 4, section 4/10 and that portion of section 4/20 south of SE 32nd.



Separate bicycle provision may not be necessary for 78th SE since 76th SE and SE 34th may easily be utilized as a designated shared right of way from SE 40th to the Business District. That portion of 78th SE from SE 34th to the Business District could be designated as a shared right of way or a bicycle facility could be implemented as part of the development of the Mercerdale site to provide access to the Business District from SE 34th.

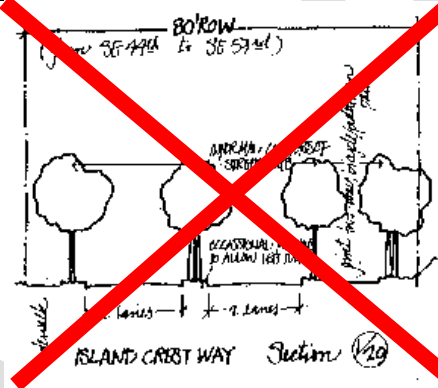
If bicycle traffic is to be routed along 78th SE, it is recommended that a joint two-way bicycle/pedestrian path be implemented along the east side of the right of way. A separated sidewalk and bicycle lane could

~~easily be implemented along the 80 foot portion of the right-of-way by limiting the adjoining local access drive to one-way traffic. This joint bicycle/pedestrian facility could also be implemented to accommodate a one-way bicycle route north, with use of 77th Place SE as a shared right-of-way to accommodate a bicycle route south.~~

~~Sidewalks along both sides of the arterial are the recommended pedestrian facilities. That portion of SE 78th south of SE 40th could easily be utilized as a shared right-of-way to accommodate bicycle traffic from West Mercer Way to the Business District. Pedestrian lanes and planting are recommended as in c. above. An alternate facility may be a joint bicycle/pedestrian path along one side of the right-of-way.~~

~~SE 78th north of SE 40th is recommended for street trees and median trees at approximately 30 feet on center. Plant materials should be an extension of the sycamores, red maples and ivy used on SE 78th within the Business District.~~

e. Island Crest Way: Route 1, section 1/20.

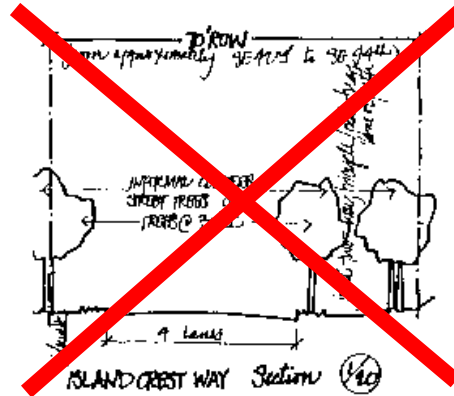


~~Due to the high traffic volume and speeds along Island Crest, a bicycle lane or path, or a joint bicycle/pedestrian lane or path is recommended. In both cases, these facilities are recommended for consolidated two-way traffic in order to minimize the pavement expanse and provide optimum right-of-way landscaping.~~

~~Present use patterns suggest that a sidewalk along the west side in combination with a two-way joint bicycle/pedestrian lane or path along the east side of the right-of-way may be sufficient to accommodate the traffic along this portion of Island Crest. This joint bicycle/pedestrian facility may not be possible north of approximately SE 42nd unless additional easements are obtained due to the existing 60 foot right-of-way. By routing the bicycle traffic along 86th SE where a joint two-way bicycle lane can be quite easily accommodated, this northern portion of the Island Crest right-of-way could be generously landscaped.~~

~~The joint two-way bicycle/pedestrian facility along the east side could be developed into an informal meandering lane to accommodate not only bicycle/pedestrian traffic, but also bus stops, seating and occasional turnouts for bicycle rest stops with generous planting buffers from the roadway.~~

~~Uninterrupted median street trees are recommended along Island Crest at approximately 30 feet on center from SE 40th to approximately SE 42nd of a type mentioned in b. above, providing left turn traffic can be accommodated.~~

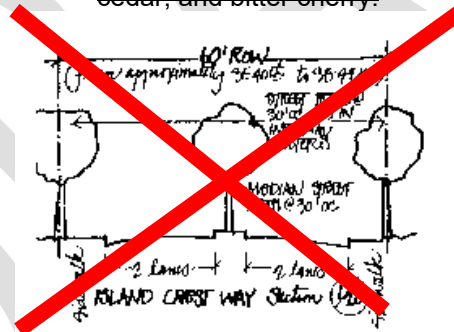


Occasional medians to allow left turns to cross streets are feasible from Merrimount Drive south to SE 53rd Place. Planting is recommended to be informal clusters of trees common to the Island and complementary to the natural forest edge on the west side of the arterial.

Informal cluster planting in the planting strips is recommended for both sides of the right-of-way, with occasional groupings of ornamental or flowering trees. Plant material should be located so as to best delineate the roadway, buffer adjoining housing, and reinforce the existing vegetation.

An alternate of street trees at approximately 30 feet on center should be considered from SE 40th to Merrimount Drive, in order to define the roadway along this stretch which is significantly devoid of trees, particularly along the east side. In this case, the informal cluster median planting would commence just south of Merrimount Drive.

Particular attention should be given to the selection of plant material along the west edge of the right-of-way, for it should reinforce the remaining natural forest edge, i.e., big leaf maple, Douglas fir, western red cedar, and bitter cherry.



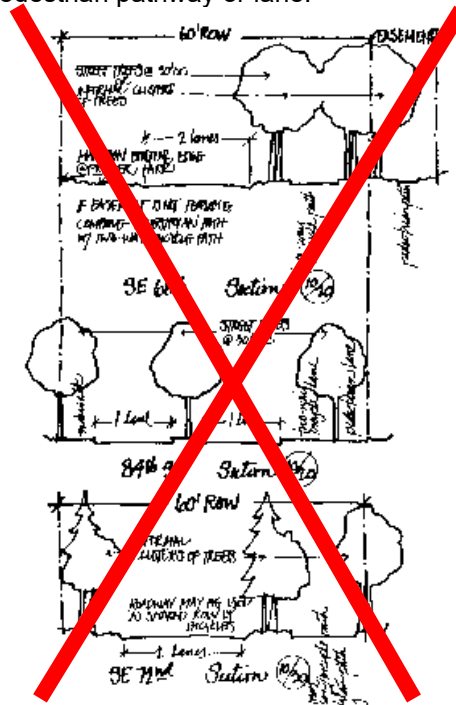
Groundcovers should be native to the Island and relatively maintenance free, such as ivy, salal, and red fescue field grass. Wherever right-of-way groundcover areas adjoin private property, effort should be made to achieve a pleasing transition by the use of compatible materials or if appropriate, by the extension of the adjoining groundcover areas within the right-of-way.

f. SE 53rd Place: Route 9, western portion of section 9/20 only.

This western portion of SE 53rd Place should be developed in keeping with upper 53rd Place as a shared right-of-way or it may be developed to accommodate a bicycle path or lane. Pedestrian lanes or paths should be extended to West Mercer Way.

Particular care should be taken to ensure that vegetation cover is restored along this right-of-way and all bank cuts properly replanted. It is recommended that informal cluster planting be utilized within the right-of-way as well as any easements obtained for planting purposes. Attention should be given to maximum screening of residential driveways in order to maintain continuity with the rural portions of 53rd Place to the east. Natural

groundcovers in keeping with adjoining properties should be extended to the edge of the pavement and pedestrian pathway or lane.



- g. ~~SE 68th Street, 84th Avenue SE and SE 72nd Street; Route 10, sections 10/20 and 10/30.~~

A joint bicycle/pedestrian path or separated bicycle and pedestrian paths are recommended for the south side of SE 68th, adjoining the shopping center. The former could very easily be accommodated within the right-of-way without relocation of existing roadway, whereas an easement would be necessary to implement the latter under the same conditions. The separate pathway system is recommended for consideration since it would leave the natural edge of Pioneer Park undisturbed which may in time develop into a pedestrian pathway network similar to that now existing along Island Crest Park, and it would concentrate the pedestrian/bicycle activity adjacent to the shopping center. A joint bicycle/pedestrian lane is recommended along the east side of 84th SE, to facilitate access to the shopping center and to serve the Junior High School. This may be extended as a path or lane along the south side of SE 72nd to West Mercer Way, or an alternate may be used of an uphill bicycle/pedestrian lane with shared use of the right-of-way for downhill bicycle traffic.

Street trees are recommended for the south side of SE 68th. Trees may be at approximately 30 feet on center and of the standard street tree types as mentioned in b. above, or may be informally planted in the planting strips separating the roadway and the bicycle and pedestrian facilities in keeping with Pioneer Park. Special care should be taken to maintain and reinforce the tree cover along Pioneer Park.

Median street trees and planter strip trees are suggested along both sides of 84th SE at approximately 30 feet on center from the eastern driveway of the school to SE 68th, with ivy or native grass suggested for use as groundcover. Street trees may be planted on the property line bordering the sidewalk along the west side of 84th SE without disrupting the existing sidewalk.

SE 72nd is suggested for informal cluster planting along the strip separating the roadway and the pedestrian or bicycle/pedestrian lane along the south side. Groundcovers should be in keeping with adjoining properties as in subsection e. above.



~~h. SE 70th Place: Route 10, eastern portion of section 10/10.~~

~~Along SE 70th Place the bicycle/pedestrian facilities should be treated as an extension of upper SE 68th, that is a shared right-of-way or a minimal bicycle path along the south side, or the alternate use of the right-of-way along 92nd SE as a means of connecting to East Mercer Way.~~

~~Pedestrian paths or lanes are suggested for lower SE 70th Place.~~

~~Special attention is directed to lower SE 70th Place where much of the tree cover has been recently lost. Informal cluster planting of native trees is suggested along this portion as a means of partially screening the adjoining housing and delineating the roadway. Native groundcovers should be extended to the edge of the roadway and adjoining pedestrian paths and lanes.~~

~~i. Merrimount Drive: Route 8~~

~~A shared right-of-way, or an alternate of a bicycle lane, to accommodate downhill traffic is recommended for Merrimount Drive. A combination of pedestrian paths or lanes could be implemented along one side of the right-of-way.~~

~~Use of native materials such as big leaf maple, western red cedar, bitter cherry, etc., is recommended along this right-of-way as a means of extending the natural forest edge which now dominates at the northwest intersection with Island Crest.~~

~~Planting of native groundcovers within the right-of-way is suggested as a means of further delineating the road and pathways. These should be planted to the roadway edge.~~

~~j. Portions of Mercer Ways: Route 2, northern half of section 2/10; portions of route 6, sections 6/20 and 6/40; route 5 segment of section 5/10.~~

~~Bicycle/pedestrian facilities should be developed in keeping with the adjoining rural portions of the right-of-way with particular attention given to the need for pedestrian and bicycle paths in areas where school traffic must be accommodated.~~

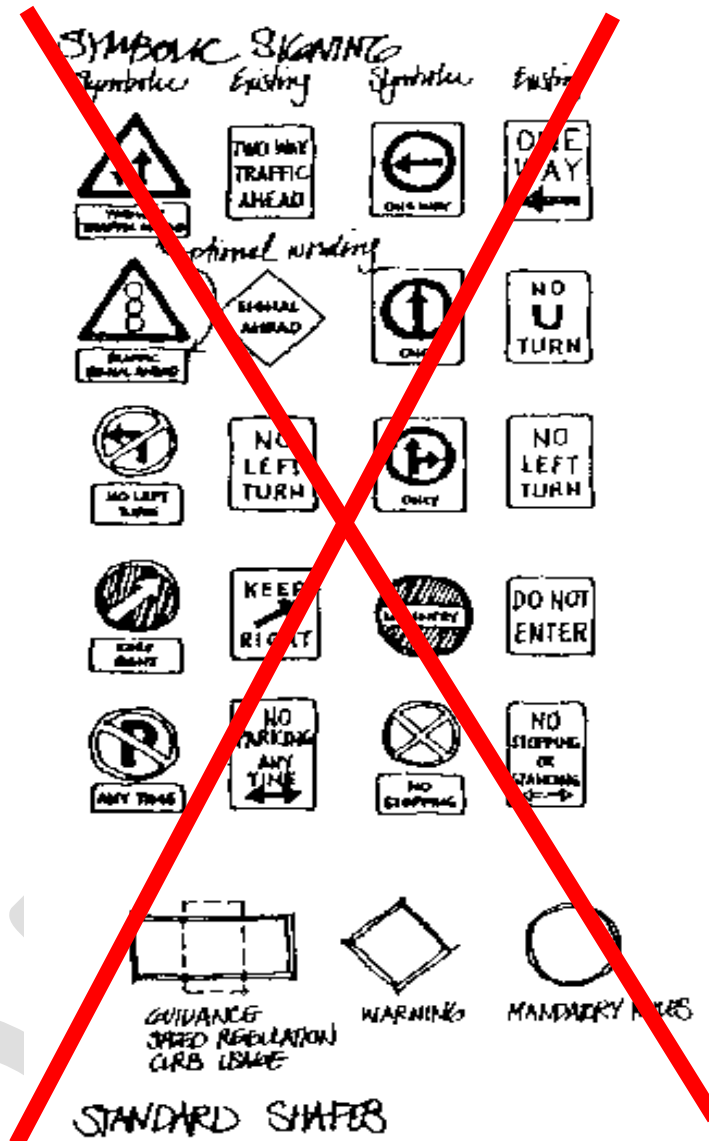
~~The segments of Mercer Ways classified as suburban are lacking tree cover enclosure and are very apparent disruptions to the continuity of the rural roadway experience. Planting is of particular necessity along these segments. It should reinforce the remaining forest edge where this is appropriate and in the more developed areas such as section 2/10, informal cluster planting of native materials is recommended as in subsection c. above.~~

~~Of particular concern is the lack of landscaping in that portion of the East Mercer right-of-way directly adjoining the Mercerwood Shore Club, which is currently entirely paved and in need of a generous planting buffer in order to screen the pavement expanse of the Club's tennis courts directly below the right-of-way.~~

~~URBAN RIGHTS-OF-WAY: Island Crest from SE 40th to I-90, route 1, section 1/10. All other urban arterials are covered in the Business Section.~~

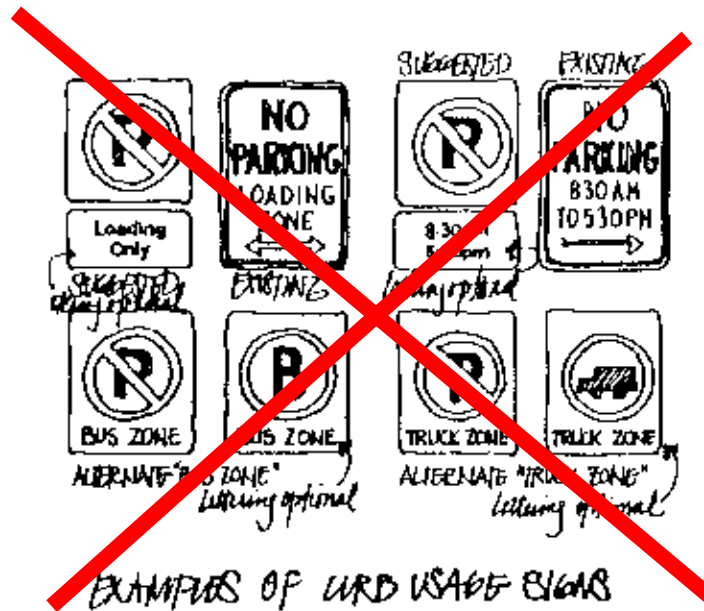
- ~~3c.—Lighting should provide general illumination to the right-of-way corridor, be pleasing to the pedestrian, and of such intensity as to prevent area-wide lighting or disruption of the general view from the adjoining apartment community. Lighting standards should not exceed 24 feet in height and should be the same type of standard used in the Business District or compatible with it. (Also see Public Signing, Lighting and Other Street Furniture).~~





Public signing, street furniture and lighting elements should reinforce and clarify the predominantly natural, informal, residential character of the Island instead of dominating or detracting from it. Appropriate street furnishings can do much to make the Island environment more legible, expressive, pleasant and engaging as well as establish a "sense of place" about the Island as a whole or a particular area within it. Public signing can more effectively and uniformly reveal the function, form and activities of the Island and clarify its overall environment. "Out of control" signing, lighting and furnishings—ones that are in conflict with the surroundings—obscure the meaning of the environment as often as they clarify it. Public signing, street furniture and lighting should be evaluated on the basis of 1) does it detract from the overall environment and 2) does it provide the type of information which clarifies and reinforces the environment of Mercer Island and provides the necessary guidance and orientation to the user.

#### **GUIDELINES** *Public Signing* *Curb Usage Signs*



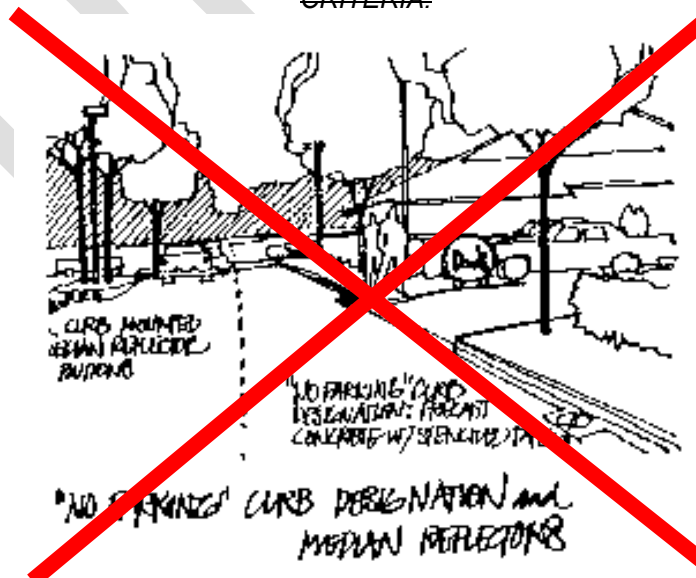
Curb-usage signs (no parking, bus stop, loading, etc.) although classified as Regulatory Signs, are not as important to traffic safety as other regulatory and warning signs, and thus offer a chance to introduce purely symbolic signing without compromising user safety.

The diagonally slashed red circle is an internationally accepted prohibitive symbol and is included in the Manual as acceptable signing for prohibiting truck and bicycle entry. The slashed circle, in conjunction with perhaps limited wording, may be used as the basis for most of the curb usage signing needed, within the Business District. (See diagrams.)

Warning Signs  
Other Regulatory Signs  
Guide Signs

#### GUIDELINES

GOAL:  
INTENT:  
CRITERIA:

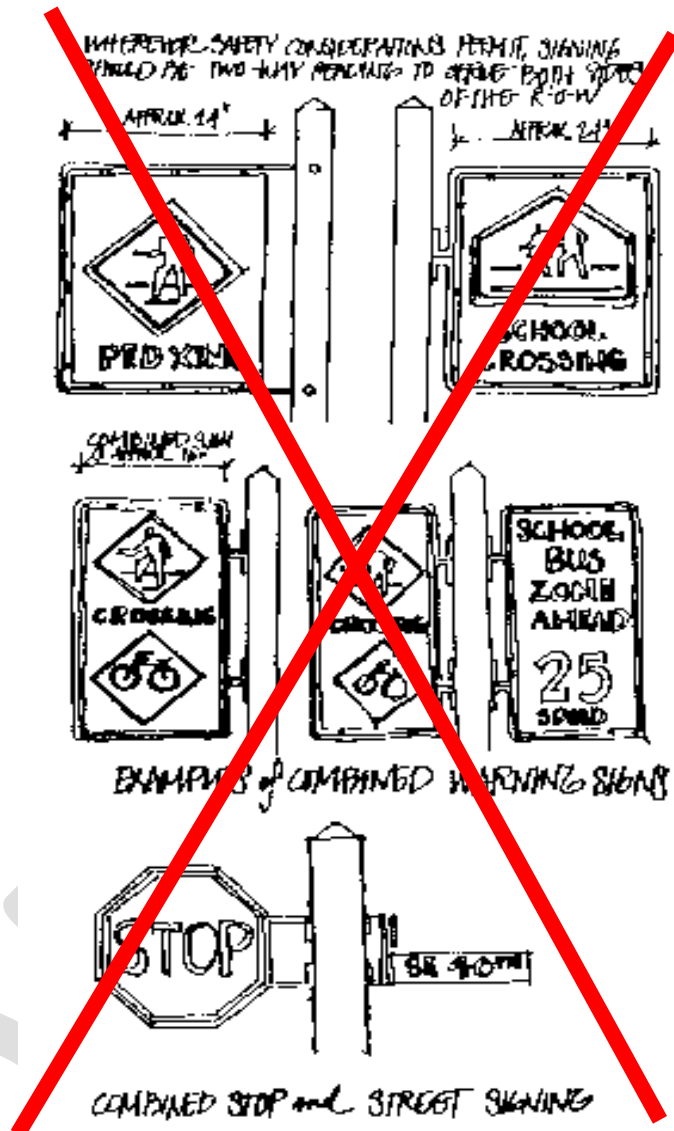


~~Parking and other curb usage signs should be incorporated as part of the signing mounted on light standards within the Business District and in all other locations where possible in order to keep the number of upright posts at a minimum. The "no parking" sign/symbol may be the dominant element on all curb usage signs, with other uses such as truck load, bus zone, taxis only, etc., indicated by word message as part of the "no parking" sign. Symbols may be used to specifically indicate the permitted usage for a bus zone, taxi zone, etc., that are based on the open green circle which is the standard symbol signifying permitted use.~~

~~An alternative approach to posting "no parking" areas within the Business District would be to post only those limited areas where parking is allowed, providing a general "no on street parking" sign/symbol is adequately displayed or incorporated as part of the gateway signing at key entry points to the Business District. In this case the positive green circle would be the basic symbol employed.~~

~~"No parking" designations within the Business District may also be incorporated by means of curb markings, striping, or by the use of the slashed red circle symbol as part of the curb shoulder. In this case the "no parking" designation should be used at approximately 40-50 foot intervals. Reflector buttons for medians should be made a part of the curb. Use of upright reflector mounts should be discouraged.~~

~~Warning Signs: The use of warning signs should be kept to a minimum because their unnecessary use tends to lessen their impact. This is particularly true in the case of Mercer Island where the majority of motorists are very familiar with existing conditions. Low speeds, as well as a uniform, consistent, uncomplicated backdrop, such as that along the majority of the rights of way, present additional reasons for further reducing warning sign usage and sign size.~~



The color coding and diamond outline are of particular importance for easy identification of these signs, while the image in this case is of secondary importance.

Wherever safety considerations permit, the size of all signs and accompanying verbal guidance should be reduced in size as permitted by the Manual on Uniform Traffic Control. Use of symbols that offer greater legibility along with smaller size should be employed. Warning signs for trail crossings should be combined with actual trail signs wherever possible, particularly along the rural rights-of-way. The incorporation of the diamond warning symbol and verbal guidance message as a part of a rectangular background should be considered for it has distinct advantages for establishing a uniform mounting system and for the incorporation of additional signs.

Regulatory Signs: The majority of regulatory signs are rectangular with the long axis being vertical. Two notable exceptions are the octagonal "stop" sign and the triangular "yield" sign. Minimum size standards have been established for both "stop" and "yield" signs which are permitted on low volume local streets and secondary roads. These should be employed throughout the Island.

Where their use is necessary, turning signs should employ the green circle with arrow symbol as opposed to the purely verbal black and white signs. Turn prohibition signs should employ the red circle.





Speed limit signs should be kept at minimum permitted sizes, and where permissible they should be combined with other roadside signing.

Guide Signs: The only guide sign currently in use is the bicycle route sign marking an officially designated bicycle trail. The use of these signs will most likely increase as new bicycle trails and types of facilities are developed. New symbolic signing may be developed for bicycle route markers as well as designated viewpoints or trailheads. Signing should be kept at minimum sizes, used only where essential to differentiate the facility or identify its location, and mounted jointly with other signing wherever possible.

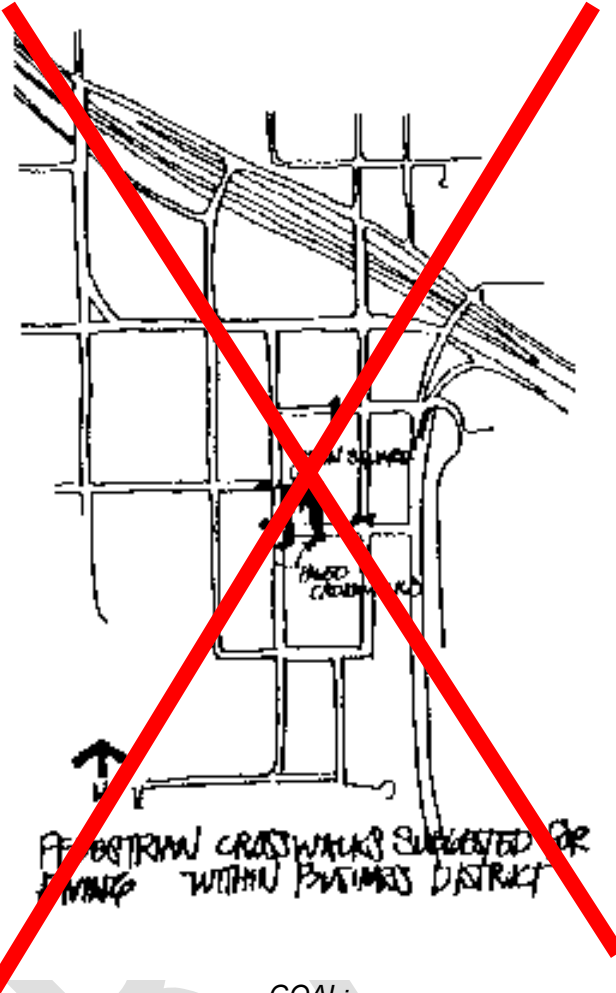
Mounting: All signing should be uniformly mounted. Signs should be mounted in conjunction with lighting standards and should be integrated with other signing wherever possible. Signs should be mounted in conformity with height and setback requirements. Upright posts should be of wood, stained in dark or neutral colors. The back sides of all one-face reading signs and metal mounting frames should be anodized or painted to closely match the color of the wood.

Street Name Signs: A distinct, well designed system of street name signing could do much to give Mercer Island special identity. The mounting and upright post should be compatible with that used for other public signing. The letter type should be picked for legibility and clarity. Value contrast as opposed to color should be emphasized to facilitate readability. Another alternative would be to incorporate the message "dead end" or an appropriate symbol as part of the street name sign with no change in color. A graphic symbol that is representative of the Island could be incorporated into all street name signs and used consistently to graphically convey "Mercer Island" in other locations, such as the gateway signing to the Business District.

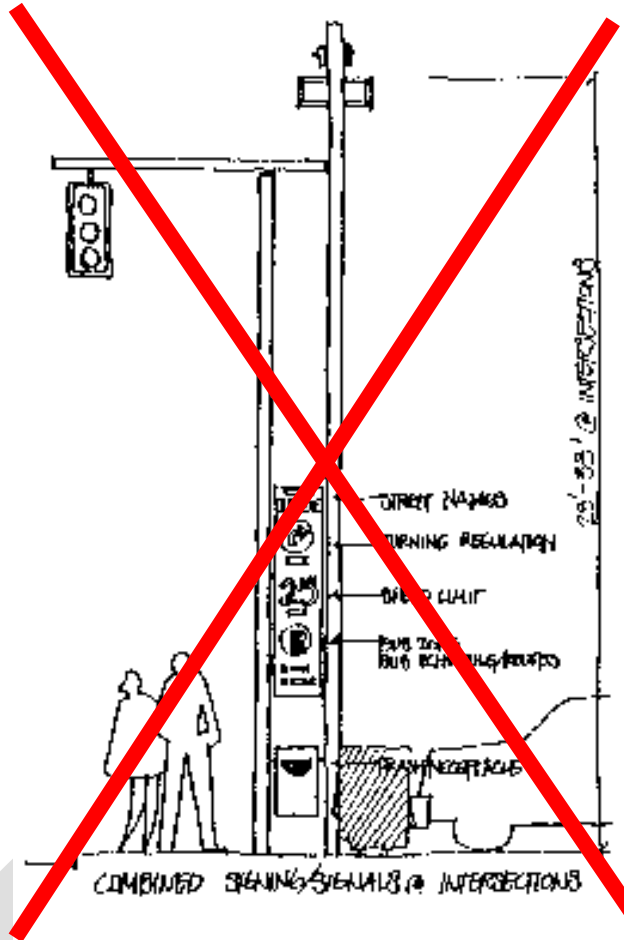
An alternate to the use of the diamond "dead end" signs could be the color coding of street name signs for those streets that terminate as dead ends. For example, all through street name signs could be dark brown with white lettering; all "dead end" name signs could be signal yellow with black lettering.

Crosswalks: The major pedestrian crosswalks within the Business District should be indicated by a differentiation of pavement as opposed to striping. The pavement should be complementary to that used for adjoining sidewalks as well as pavement within the future town square which the majority of these crossings adjoin. It is the intent that paving within the town square as well as other pedestrian precincts, be of a unit type material such as concrete pavers, brick, tile, etc.

### Lighting



GOAL:  
INTENT:  
CRITERIA:



- a. ~~Light Levels: The minimum light level provided by street lights within the Business District at a point furthest away from the light source should not be less than 0.2 f.c. and the maximum should not exceed about 5 f.c., the average level of light should be approximately 1.2 f.c. to 2 f.c. including a maintenance factor of 60 percent.~~
- b. ~~Increase lighting levels at intersections, crosswalks and driveways to 2 times minimum, that of the remainder of the street or about 4 f.c. average at intersections within the Business District. Light should be uniform at intersections and of a contrasting color to mid-block areas.~~

~~GOAL:~~  
~~INTENT:~~  
~~CRITERIA:~~  
~~GOAL:~~  
~~INTENT:~~  
~~CRITERIA:~~

## ~~Street Furniture~~

~~GOAL:~~  
~~INTENT:~~  
~~CRITERIA:~~

~~GENERAL GUIDELINES FOR PUBLIC, QUASI-PUBLIC, AND MULTI-FAMILY DWELLINGS.  
Repealed by Ord. 04C-08.~~