CITY OF MERCER ISLAND
CITY COUNCIL REGULAR HYBRID MEETING
Tuesday, November 04, 2025 at 5:00 PM

MERCER ISLAND CITY COUNCIL:

Mayor Salim Nice, Deputy Mayor David Rosenbaum, Councilmembers: Lisa Anderl, Daniel Becker, Craig Reynolds, Wendy Weiker, and Ted Weinberg

LOCATION & CONTACT:

MICEC – Slater Room Council Chambers and via Zoom
8236 SE 24th Street | Mercer Island, WA 98040
206.275.7793 | www.mercerisland.gov

We strive to create an inclusive and accessible experience. Those requiring accommodation for meetings should notify the City Clerk's Office three days prior to the meeting at 206.275.7793 or by emailing cityclerk@mercerisland.gov.

The hybrid meeting will be live streamed on the City Council's YouTube Channel.

Individuals wishing to speak live during Appearances (public comment period) must register with the City Clerk at 206.275.7793 or cityclerk@mercerisland.gov before 4 PM on the day of the Council meeting. Each speaker will be allowed to speak for three (3) minutes. A timer will be visible to online to speakers, City Council, and meeting participants.

Written comments may be sent to the City Council at council@mercerisland.gov.

Join the meeting at 5:00 PM (Appearances will start sometime after 5:00 PM) by:

- **Telephone:** Call 253.215.8782 and enter Webinar ID 821 1723 9523 and Password 730224
- **Zoom:** Click this link (Webinar ID 821 1723 9523; Password 730224)
- **In Person:** Mercer Island Community & Event Center – Slater Room Council Chambers (8236 SE 24th Street, Mercer Island, WA 98040)

MEETING AGENDA

CALL TO ORDER & ROLL CALL, 5:00 PM

PLEDGE OF ALLEGIANCE

AGENDA APPROVAL

CITY MANAGER REPORT

APPEARANCES

(This is the opportunity for anyone to speak to the City Council on any item, except items before the City Council requiring a public hearing, any quasi-judicial matters, or campaign-related matters)

CONSENT AGENDA

1. AB 6798: October 24, 2025 Payroll Certification

Recommended Action: Approve the October 24, 2025 Payroll Certification in the amount of $995,759.28 and authorize the Mayor to sign the certification on behalf of the entire City Council.

2. AB 6799: Certification for Claims Paid September 30, 2025 through October 15, 2025

Recommended Action: Approve the September 30, 2025 through October 15, 2025 Accounts Payable Certification of Claims in the amount of $2,715,982.15 and authorize the Mayor to sign the certification on behalf of the entire City Council.

3. City Council Regular Hybrid Meeting Minutes of October 21, 2025

Recommended Action: Approve the City Council Regular Hybrid Meeting Minutes of October 21, 2025.

4. AB 6793: Lakeline Reach 1 Capacity Improvement Phase 1 Project

Recommended Action: Reallocate the following capital project resources in the 2025-2026 biennial budget to the Lakeline Reach 1 Capacity Improvement Project, amounting to a $1,839,846 budget adjustment as follows:
1. $1,041,201 from the Pump Station Rehabilitation Project (90.30.0005).
2. $500,000 from the Wet Well Cleaning & Restoration Project (90.30.0006).
3. $298,645 from the Sewer Easements and Right-of-Way Project (90.30.0012).

5. AB 6794: East Mercer Way Emergency Water Main Repair Appropriation Request

Recommended Action: Appropriate $245,280 from the available fund balance within the Water Fund to the Emergency Water System Repairs capital project (90.40.0001) to complete emergency water main repairs in the 7700 block of East Mercer Way.

6. AB 6797: Connection Charges Update for the Water Distribution and Sewer Conveyance Systems

Recommended Action: Appropriate $20,000 from the Water Fund and $20,000 from the Sewer Fund unassigned fund balance to update connection charges for the water and sewer utility systems.

7. AB 6800: Shop Small Month, Proclamation No. 375

Recommended Action: Approve Proclamation No. 375 Proclaiming November 2025 Shop Small Month on Mercer Island.

8. AB 6803: Ratification of Proclamation Ending Local Emergency (Proclamation No. 376)

Recommended Action: Ratify Proclamation No. 376 ending the local emergency issued by the City Manager on August 7, 2025.

9. AB 6804: Signing on to AWC's letter to Governor Ferguson on Proposed Municipal Wastewater Nutrient Regulations

Recommended Action: Authorize Mayor Nice to sign the AWC Letter to Governor Ferguson in support of AWC's budget request for a collaborative process to gather all affected parties on the proposed wastewater nutrient regulations to work together towards an outcome that is protective of Puget Sound and financially sustainable for ratepayers and residents.

REGULAR BUSINESS

10. AB 6791: B&O Tax Code Amendment (Ordinance. No. 25C-23, First Reading)

Recommended Action: Set Ordinance No. 25C-23 for second reading and adoption.

11. AB 6802: Omnibus Ordinance Related to Permanent Regulations for Housing Production and Permit Streamlining (Ordinance No. 25C-27 First Reading)

Recommended Action:
1. Move to schedule Ordinance No. 25C-27 for second reading.

2. Move to accept the Planning Commission recommended Minor amendments and return to the staff recommended draft for substantive amendments listed in AB 6802 Exhibit 3.

OR

2. Move to accept the Planning Commission recommended amendments from AB 6802 Exhibit 3.

12. AB 6801: Permanent Regulations for Temporary Uses and Structures, Including Outdoor Dining (Ordinance No. 25C-26 First Reading)

Recommended Action: Move to accept the Planning Commission recommended amendments from Exhibit 3 – Log Numbers [*all minor amendments and/or list log numbers*] in Ordinance No. 25C-26 and schedule Ordinance No. 25C-26 for second reading.

OTHER BUSINESS

13. Planning Schedule

14. Councilmember Absences & Reports

ADJOURNMENT

BUSINESS OF THE CITY COUNCIL
CITY OF MERCER ISLAND

AB 6798
November 4, 2025
Consent Agenda

AGENDA BILL INFORMATION

TITLE:	AB 6798: October 24, 2025 Payroll Certification	☐ Discussion Only ☒ Action Needed: ☒ Motion ☐ Ordinance ☐ Resolution
RECOMMENDED ACTION:	Approve the October 24, 2025 Payroll Certification in the amount of $995,759.28.	

DEPARTMENT:	Administrative Services
STAFF:	Ali Spietz, Chief of Administration Nicole Vannatter, Human Resources Manager
COUNCIL LIAISON:	n/a
EXHIBITS:	1. October 24, 2025 Payroll Certification 2. FTE/LTE Counts
CITY COUNCIL PRIORITY:	n/a

AMOUNT OF EXPENDITURE	$ n/a
AMOUNT BUDGETED	$ n/a
APPROPRIATION REQUIRED	$ n/a

EXECUTIVE SUMMARY

This agenda bill is to approve the City of Mercer Island payroll certification for the period from October 1, 2025 through October 15, 2025 in the amount of $995,759.28 (see Exhibit 1).

BACKGROUND

RCW 42.24.080 requires that all claims presented against the City by performing labor must be certified by the appropriate official to ensure that the labor was performed as described, and that the claims are just, due, and unpaid obligations against the City, before payment can be made. RCW 42.24.180 allows the payment of claims to occur prior to City Council approval to expedite processing of the payment of claims, provided, however, that review and approval of the claims' documentation occurs at the next regularly scheduled public meeting. The Payroll Certification details the total payment to employees for labor performed and benefits payments made for each payroll. The City is on a semi-monthly payroll schedule with payments on the 10th and 25th of each month.

ISSUE/DISCUSSION

Each payroll varies depending on several factors (i.e., number of employees, pay changes, leave cash outs, overtime, etc.). In addition to regular pay for employees, this payroll has variations that are outlined below.

Additional payments:

Description	Amount
Leave cash outs for current employees	$14,268.16
Leave cash outs for terminated employees	$8,984.72
Service and recognition awards	$450.00
Overtime earnings (see chart for overtime hours by department).	$18,598.23
Total	**$42,301.11**

Overtime hours by department:

Department	Hours
Administrative Services	
City Attorney's Office	
City Manager's Office	
Community Planning & Development	
Finance	
Municipal Court	
Police	75.00
Public Works	162.50
Thrift Shop	
Youth & Family Services	
Total Overtime Hours	**237.50**

NEXT STEPS

FTE/LTE COUNTS

The table in Exhibit 2 shows the budgeted versus actual counts for Full Time Equivalents (FTEs) and Limited Term Equivalents (LTEs) for the current payroll. Casual labor employees (temporary and seasonal) are not included in the counts.

Casual Labor

In addition to FTE and LTE employees, the City utilizes casual labor to address workload needs that exceed the capacity or expertise of the City's regular staff and that are time limited or seasonal. Casual labor is used primarily to address seasonal workload needs and short-term workload issues created by special projects or position vacancies. Compared to an LTE position, a casual labor position has limited benefits and is filled for a shorter period (1-3 months, 6 months, or 9 months). The departments/divisions that utilize casual labor the most are Parks Maintenance, Recreation, Public Works, and the Thrift Store.

RECOMMENDED ACTION

Approve the October 24, 2025 Payroll Certification in the amount of $995,759.28 and authorize the Mayor to sign the certification on behalf of the entire City Council.

CITY OF MERCER ISLAND PAYROLL CERTIFICATION

PAYROLL PERIOD ENDING		**10.15.2025**
PAYROLL DATED		**10.24.2025**
Net Cash	$	669,712.92
Net Voids/Manuals		
Net Total	**$**	**669,712.92**
Federal Tax Deposit	$	111,876.86
Social Security and Medicare Taxes	$	70,464.32
State Tax (California & Oregon)	$	1,425.25
State Tax (California)	$	4.60
Family/Medical Leave Tax (California & Oregon)	$	33.99
Public Employees Retirement System 1 (PERS 1)	$	-
Public Employees' Retirement System (PERS Plan 2)	$	32,337.23
Public Employees' Retirement System (PERS Plan 3)	$	10,620.45
Public Employees' Retirement System (PERSJM)	$	596.69
Public Safety Employees' Retirement System (PSERS)	$	-
Law Enforcement Officers' & Fire Fighters' Retirement System (LEOFF Plan2)	$	16,604.44
Regence & LEOFF Trust Medical Insurance Deductions	$	13,199.54
Domestic Partner Medical Insurance Deductions	$	2,091.91
Kaiser Medical Insurance Deductions	$	1,427.83
Health Care - Flexible Spending Account Contributions	$	1,944.82
Dependent Care - Flexible Spending Account Contributions	$	922.61
ICMA Roth IRA Contributions	$	568.77
ICMA 457 Deferred Compensation Contributions	$	48,542.77
ICMA 401K Deferred Compensation Contributions	$	-
Garnishments (Chapter 13)	$	1,072.03
Tax Wage Garnishment	$	-
Child Support Wage Garnishment	$	867.72
Mercer Island Employee Association Dues	$	257.50
AFSCME Union Dues	$	3,396.60
Police Union Dues	$	3,299.89
Standard - Supplemental Life Insurance	$	344.95
Unum - Long Term Care Insurance	$	176.90
AFLAC - Supplemental Insurance Plans	$	238.52
Transportation - Flexible Spending Account Contributions	$	115.00
Miscellaneous	$	507.76
Oregon Transit Tax and Oregon Benefit Tax	$	17.79
Washington Long Term Care	$	3,089.62
Tax & Benefit Obligations Total	**$**	**326,046.36**
TOTAL GROSS PAYROLL	**$**	**995,759.28**

I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered or the labor performed as described herein, that any advance payment is due and payable pursuant to a contract or is available as an option for full or partial fulfillment of a contractual obligation, and that the claim is a just, due and unpaid obligation against the City of Mercer Island, and that I am authorized to authenticate and certify to said claim.

Finance Director

I, the undersigned, do hereby certify that the City Council has reviewed the documentation supporting claims paid and approved all checks or warrants issued in payment of claims.

Mayor Date

FTE AND LTE COUNTS AS OF 10/15/2025

Full Time Equivalents (FTEs)	2025 Budgeted	2025 Actual
Administrative Services	14.50	14.50
City Attorney's Office	2.00	2.00
City Manager's Office	3.00	3.00
Community Planning & Development	17.00	17.00
Finance	9.00	9.00
Municipal Court	3.10	3.10
Police	37.50	35.50
Public Works	64.00	63.00
Recreation	10.25	8.25
Youth & Family Services	11.93	10.93
Thrift Shop	3.00	3.00
Total FTEs	**175.28**	**169.28**
Limited Term Equivalents (LTEs)	**2025 Budgeted**	**2025 Actual**
Administrative Services	1.00	1.00
City Manager's Office	1.00	2.00
Community Planning & Development	2.00	2.00
Public Works	4.75	3.75
Youth & Family Services	2.83	1.83
Thrift Shop	6.50	7.90
Total LTEs	**18.08**	**18.48**
Total FTEs & LTEs	**193.36**	**187.76**

FTE Vacancies:

1.0 CIP Project Manager
1.0 Family Support Specialist
2.0 Police Officer
1.0 Recreation Facility Supervisor
1.0 Recreation Assistant

BUSINESS OF THE CITY COUNCIL
CITY OF MERCER ISLAND

AB 6799
November 4, 2025
Consent Agenda

AGENDA BILL INFORMATION

TITLE:	AB 6799: Certification for Claims Paid September 30, 2025 through October 15, 2025	☐ Discussion Only ☒ Action Needed: ☒ Motion ☐ Ordinance ☐ Resolution
RECOMMENDED ACTION:	Approve the Accounts Payable Certification for Claims paid September 30, 2025 through October 15, 2025 in the amount of $2,715,982.15.	

DEPARTMENT:	Finance
STAFF:	Matt Mornick, Finance Director LaJuan Tuttle, Deputy Finance Director
COUNCIL LIAISON:	n/a
EXHIBITS:	1. Certification for Claims Paid September 30 - October 15, 2025
CITY COUNCIL PRIORITY:	n/a

AMOUNT OF EXPENDITURE	$ n/a
AMOUNT BUDGETED	$ n/a
APPROPRIATION REQUIRED	$ n/a

EXECUTIVE SUMMARY

The purpose of this agenda bill is to approve the September 30, 2025 through October 15, 2025 Accounts Payable Certification of Claims in the amount of $2,715,982.15 (see Exhibit 1).

BACKGROUND

Claims refer to all external payments that are made to satisfy the obligations of the City, regardless of how payments are processed (e.g., through warrants, checks, electronic funds transfers, etc.). RCW 42.24.080 requires that all claims presented against the City must be certified by the appropriate official to ensure that the claims are just, true, and unpaid obligations against the City, before payment can be made.

RCW 42.24.180 allows the payment of claims to occur prior to City Council approval to expedite processing of the payment of claims, provided, however, that review and approval of the claims' documentation occurs at the next regularly scheduled public meeting.

ISSUE/DISCUSSION

The Accounts Payable Certification of Claims (see Exhibit 1) includes a table that summarizes the claims paid September 30, 2025 through October 15, 2025.

The table combines printed checks and electronic payments. The disbursement method is identified by the Method code in the first column of the table:

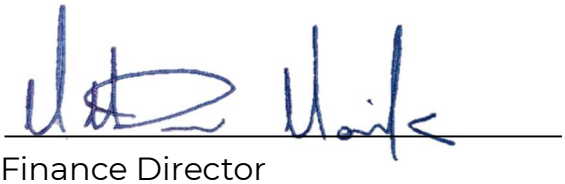
- **Check Register –** printed accounts payable checks.
- **Direct Disbursement** – wire transfers. Note that "check" numbers are two digits to easily identify them as distinct from printed checks.
- **Electronic Funds Transfer** - EFT/ACH payments. "Check" numbers started at 5000 for this payment type.

RECOMMENDED ACTION

Approve the September 30, 2025 through October 15, 2025 Accounts Payable Certification of Claims in the amount of $2,715,982.15 and authorize the Mayor to sign the certification on behalf of the entire City Council.

City of Mercer Island
Certification of Claims

I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered, or the labor performed as described herein, that any advance payment is due and payable pursuant to a contract or is available as an option for full or partial fulfillment of a contractual obligation, and that the claim is a just, due and unpaid obligation against the City of Mercer Island, and that I am authorized to authenticate and certify to said claim.



Finance Director

I, the undersigned, do hereby certify that the City Council has reviewed the documentation supporting claims paid and approved all checks or warrants issued in payment of claims.

_____ _____

Mayor Date

Date	Method	Checks	Warrant	Total Amount
09/30/25	Direct Disbursement	163-176	WT 09-25	$698,936.79
10/03/25	Check Register	224910-224969	100325	$1,012,517.93
10/03/25	Electronic Funds Transfer	5011	EFT 1003	$2,476.00
10/10/25	Check Register	224970-225040	101025	$996,291.48
10/10/25	Electronic Funds Transfer	5012-5013	EFT 1010	$5,759.95
			GRAND TOTAL:	**$2,715,982.15**

CITY COUNCIL MINUTES
REGULAR HYBRID MEETING
OCTOBER 21, 2025

CALL TO ORDER & ROLL CALL

Mayor Salim Nice called the Regular Hybrid Meeting to order at 5:00 pm in the Slater Room Council Chambers at the Mercer Island Community & Event Center, 8236 SE 24th Street, Mercer Island, Washington.

Mayor Salim Nice, Deputy Mayor Dave Rosenbaum, and Councilmembers Daniel Becker, Craig Reynolds, Wendy Weiker, and Ted Weinberg attended in person. Councilmember Lisa Anderl attended via Zoom.

PLEDGE OF ALLEGIANCE

The City Council delivered the Pledge of Allegiance.

AGENDA APPROVAL

It was moved by Weinberg; seconded by Rosenbaum to:
Approve the agenda as presented.
PASSED: 7-0
FOR: 7 (Anderl, Becker, Nice, Rosenbaum, Reynolds, Weiker, and Weinberg)

CITY MANAGER REPORT

City Manager Jessi Bon reported on the following items:

- **Council, Boards & Commission Meetings:**
  - City Council Meeting on Tuesday, November 4 at 5:00 pm
  - Planning Commission Meeting on Wednesday, October 22 at 6:00 pm
  - Utility Board Special Meeting on Tuesday – October 28 at 5:00 pm
- **City Updates:**
  - First Hill Park Playground Replacement – The playground replacement is underway with aging play structures removed and preparations for the renovated play area are underway. The new play equipment has been delivered and will be installed in November.
  - Clarke & Groveland Beach Parks Joint Infrastructure Plan – Three design concepts for both Clarke and Groveland Beach Parks have been designed and the community is invited to review the concepts and complete a survey for one or both parks on Let's Talk through November 3.
  - YFS Youth Belongs – At the first Youth Belongs meeting of the school year YFS, MISD, and MIPD discussed current youth behavior trends and how MISD is responding.
- **Upcoming Events:**
  - Fall Recycling Event: October 25 from 9:00 – 3:00 pm at the Mercer Island Boat Launch
  - Town Center Trick-or-Treating: October 31 from 3:30 – 5:30 pm in the Town Center
- **News:**
  - Welcome Officer Font! Officer Font recently graduated from the Basic Law Enforcement Academy and is now beginning field training with MIPD senior officers.

APPEARANCES

Eric Radman (Mercer Island) spoke about the water reservoirs.

CONSENT AGENDA

AB 6788: September 26, 2025, October 3, 2025, and October 10, 2025 Payroll Certifications

Recommended Action: Approve the September 26, 2025 Payroll Certification for $3,174.19, the October 3, 2025 Payroll Certification for $500, and the October 10, 2025 Payroll Certifications for $989,199.44 and authorize the Mayor to sign the certification on behalf of the entire City Council.

AB 6789: Certification for Claims Paid September 16, 2025 through September 30, 2025

Recommended Action: Approve the September 16, 2025 through September 30, 2025 Accounts Payable Certification of Claims in the amount of $649,850.87 and authorize the Mayor to sign the certification on behalf of the entire City Council.

City Council Regular Hybrid Meeting Minutes of October 7, 2025.

Recommended Action: Approve the City Council Regular Hybrid Meeting Minutes of October 7, 2025.

AB 6792: 2026 Aerial Mapping Project Interlocal Agreement

Recommended Actions: Authorize the City Manager to execute the interlocal agreement with eCityGov Alliance and other area jurisdictions for the 2026 Aerial Mapping Project substantially in the form attached as Exhibit 1, and to execute any future amendment that does not substantively modify the interlocal agreement.

It was moved by Weinberg; seconded by Reynolds to:
Approve the Consent Agenda as presented, and the recommendations contained therein.
PASSED: 7-0
FOR: 7 (Anderl, Becker, Nice, Rosenbaum, Reynolds, Weiker, and Weinberg)

REGULAR BUSINESS

AB 6796: Sound Cities Association Voting Delegate for the Annual Meeting

Mayor Nice noted that Councilmember Weinberg volunteered to attend the meeting and serve as the voting delegate for Mercer Island.

It was moved by Weiker; seconded by Reynolds to:
Appoint Councilmember Weinberg as the voting delegate at the Sound Cities Association Annual Meeting on December 3, 2025.
PASSED: 7-0
FOR: 7 (Anderl, Becker, Nice, Rosenbaum, Reynolds, Weiker, and Weinberg)

AB 6790: 2025-2026 Capital Improvement Program Update

Chief of Operations Jason Kintner introduced Public Works Deputy Director Kellye Hilde who presented an overview of the Capital Improvement Program (CIP), the number of projects included in the 2025-2026 CIP, and of the staff who comprise the CIP Team.

Parks Capital Manager Shelby Perrault spoke about the 2025-2026 Parks, Recreation, and Open Space CIP that includes 29 projects in the 2025-2026 CIP. She highlighted the following projects:

- Luther Burbank Park Boiler Building
- Luther Burbank Park South Shoreline
- Jake Jacobson Pickleball Courts at Luther Burbank Park
- Roanoke Playground Replacement
- Luther Burbank Waterfront Improvements
- First Hill Park Playground Replacement
- Deane’s Children’s Play Area Site Plan
- Clarke and Groveland Beach Park Joint Infrastructure Plan

Parks Capital Manager Perrault provided a program overview and status of the Public Buildings CIP projects included in the 2025-2026 CIP. She highlighted the following projects:

- Public Works Building Seismic Retrofit Repairs
- Mercer Island Thrift Shop Improvements
- Facility Access Control Security Upgrade
- Mercer Island Community & Event Center (MICEC) HVAC Replacement
- MICEC Groundwater Intrusion
- 9655 Building Improvements

Capital Division Manager Clint Morris spoke about the Streets, Pedestrian, and Bicycle Facilities included in the 2025-2026 CIP. He highlighted the following projects:

- Town Center Commuter Parking Lot
- Island Crest Way Corridor Improvements
- 80th Avenue Pedestrian Improvements
- Residential Street Resurfacing

Capital Division Manager Morris presented a program overview and status of the Sewer Utility and the projects included in the 2025-2026 CIP. He highlighted the following projects:

- Lakeline Reach 1 Capacity Improvements
- General Sewer Plan ad Hydraulic Model
- SCADA Equipment Replacement
- Sewer Pump Station 20 Replacement

Capital Division Manager Morris provided an overview of the Stormwater Utility projects included in the 2025-2026 CIP. He highlighted the following projects:

- Subbasin 23.2 Watercourse Improvements
- Subbasin 22.1 and 25b.2 Watercourse Improvements
- 2025 Street Replated Stormwater Drainage Improvements

Capital Division Manager Morris spoke about the Water Utility projects included in the 2025-2026 CIP. He highlighted the following projects:

- North and South Reservoir Tank Improvements
- Reservoir Booster Pump Station Upgrade
- Reservoir Standby Generator Replacement
- Water Meter Replacement and Advanced Metering
- Water Main Replacements
- Asbestos Cement (AC) Water Main Replacements
- Pressure Reducing Valve Station Replacements
- Water Supply Pipeline Replacement
- Reservoir Security Improvements
- Water Systems Plans

City Council discussed and asked questions of staff throughout the presentation.

AB 6795: Water Supply Pipeline Project Update

Chief of Operations Jason Kintner provided background on the water supply pipeline project. He spoke about the goals of the new supply line, service to Shorewood Apartments, and discussed the project elements for the water and roadway parts of the project. Chief of Operations Kintner discussed the design considerations being at the 60% stage, the estimated project cost and timeline, and next steps.

City Council discussed the project and asked questions of staff.

OTHER BUSINESS

Councilmember Absences and Reports

Councilmember Weinberg noted his next monthly open lunch on November 16 at 12pm at Alister.
Councilmember Reynolds noted that the Parks & Recreation Commission met and that he attended a tour of

the Boiler Building at Luther Burbank Park.
Councilmember Anderl noted she attended the tour of the Boiler Building at Luther Burbank Park.

ADJOURNMENT

The Regular Hybrid Council Meeting adjourned at 6:48 pm.

_____
Salim Nice, Mayor

Attest:

_____
Andrea Larson, City Clerk

BUSINESS OF THE CITY COUNCIL
CITY OF MERCER ISLAND

AB 6793
November 4, 2025
Consent Agenda

AGENDA BILL INFORMATION

TITLE:	AB 6793: Lakeline Reach 1 Capacity Improvement Phase 1 Project	☐ Discussion Only ☒ Action Needed: ☒ Motion ☐ Ordinance ☐ Resolution
RECOMMENDED ACTION:	Reallocate $1,839,846 in sewer capital project resources in the 2025-2026 biennial budget to address the revised timeline for the Lakeline Reach 1 Capacity Improvement Project.	

DEPARTMENT:	Public Works
STAFF:	Jason Kintner, Chief of Operations Clint Morris, Capital Division Manager Christopher Marks, Utilities Engineer
COUNCIL LIAISON:	n/a
EXHIBITS:	1. Lakeline Reach 1 Project Location Map 2. Department of Ecology Order #23515
CITY COUNCIL PRIORITY:	3. Make once-in-a-generation investments to update and modernize aging infrastructure, capital facilities, and parks.

AMOUNT OF EXPENDITURE	$ 2,863,825
AMOUNT BUDGETED	$ 1,023,979
REALLOCATION REQUIRED	$ 1,839,846

EXECUTIVE SUMMARY

This agenda item provides the City Council with an overview of Lakeline Reach 1, describes the proposed Phase 1 work and presents staff's recommendations for the reallocation of budget resources to align with the project's revised implementation timeline.

- Lakeline Reach 1 consists of 13,350 feet of sewer main located 5 to 100 feet offshore along the east shoreline of Mercer Island (see Exhibit 1). No inspections, maintenance, or improvements have occurred since its original installation in 1966 due to lack of access to this section of the Lakeline.
- During recent wet weather events, sanitary sewer overflows at the upstream end of Reach 1 prompted regulatory action by the Washington State Department of Ecology (Ecology). See Exhibit 2.
- To align with Ecology's timeline and the City's General Sewer Plan, the Phase 1 Capacity Improvement Project is proposed to be moved to the 2025-2026 biennium, which requires an appropriation of $1,839,846. This work was originally planned for the 2027-2028 biennium.
- This project is complex and will be completed in phases. Phase 1 will include data collection, condition assessments, hydraulic modeling, and preliminary project scoping.

- The analysis and preliminary project scoping work completed in Phase 1 will identify, prioritize and plan future reinvestment needs. These projects will be included in the City's updated General Sewer Plan (currently underway and scheduled to be completed in late 2026) and the City's Capital Improvement Program.

BACKGROUND

Mercer Island's sewer collection system includes approximately 105 miles of gravity mains, 2,400 manholes, 17 pump stations, and one flush station. A unique and key feature of the system is the Lakeline—a series of low-pressure sewer mains located 5 to 100 feet offshore that convey wastewater flows around the perimeter of the Island. The Lakeline receives flows from residential connections and pump stations before ultimately discharging to King County's North Metro or South Metro pump stations for off-Island treatment.

The Lakeline system and its supporting infrastructure are divided into five hydraulically distinct segments, or "reaches." Reach 1, located along the east shoreline of Mercer Island, extends from 4266 E Mercer Way to King County's South Pump Station at 9603 SE 72nd Street. This reach crosses more than 170 waterfront properties and includes City pump stations 25, 24, 23, and 22, and approximately 13,350 feet of 8- to 14-inch cast-iron pipe (refer to Exhibit 1 for location).

The current condition of Reach 1 pipe is unknown. Although previous General Sewer Plans identified the need for assessment, rehabilitation, and potential replacement, no formal evaluation is known to have been conducted, and to date, only Reach 3 has undergone improvements. This is largely due to the absence of access points along the Lakeline, which has prevented routine inspection, maintenance, or improvements since its original installation in 1966.

Between 2018 and 2023, five sanitary sewer overflows occurred within this area, prompting regulatory action and renewed attention to system performance. A recent Notice of Violation and Administrative Order from Ecology affirms the need to evaluate Reach 1. The order, attached as Exhibit 2, outlines several corrective actions, some already completed, others ongoing, and the remainder to be addressed through this project. Together, this violation, the limited inspection data, and recommendations from the City's 2019 General Sewer Plan, resulted in the staff recommendation to move the Reach 1 Capacity Improvement Project from the 2027-2028 biennium to the current biennium.

ISSUE/DISCUSSION

PROJECT DESCRIPTION

The Lakeline Reach 1 Capacity Improvements Project will provide comprehensive engineering design and support services to assess and upgrade one of the City's most critical sewer conveyance systems. This multi-year effort focuses on identifying and correcting system deficiencies within Reach 1 to improve reliability, increase flow capacity, and prevent future sanitary sewer overflows.

The following table summarizes the Ecology deadlines for this project. A detailed list of Ecology's required corrective action items is provided in Exhibit 2.

Ecology Deadlines Specific to This Effort	
Phase 1	**Future Phase**
Complete comprehensive hydraulic model of sewer system **December 31, 2025** Submit hydraulic model analysis **June 30, 2026** Submit engineering report and identification of improvements to prevent overflows at PS 25 **June 30, 2027**	Install discharge flow meters in each pump station **December 31, 2028** Complete construction of identified improvements **December 31, 2028** Certify improvements complete per WAC 173-240-095 **January 31, 2029**

Given the project's scale and the need to first evaluate the condition of the Lakeline before defining specific improvements, a phased approach will be implemented. Phase 1 will focus on gathering essential data through field surveying, bulkhead assessments, geotechnical review, CCTV video inspection, ultrasonic testing, and hydraulic modeling and analysis. This phase will also initiate early project scoping, environmental review, and community outreach. Staff estimate eighteen months to complete the Phase 1 work.

Future phases, anticipated in the second half of 2027 through 2028, will build on Phase 1 findings and include design and engineering support for both small- and large-scale construction projects. Early efforts will prioritize improving access to the Lakeline and addressing critical point repairs, while long-term work may represent a once-in-a-generation investment to fully rehabilitate/replace Reach 1 and extend the service life of this sewer infrastructure. The current reallocation request covers Phase 1 work only as is needed due to the change in the project timeline. Additional phases will be programmed and funded through the City's 6-Year Capital Improvement Program.

PROJECT TEAM

A Request for Qualifications (RFQ) was advertised on May 12, 2025, and closed on June 5, 2025. Tetra Tech, the sole respondent, was determined to be qualified to lead this effort. Tetra Tech has partnered with Carollo Engineers and Psomas to provide planning and engineering services and will be supported by a group of specialized subconsultants (collectively referred to as the Consultant Team) which includes the following:

- ADS (flow monitoring)
- Applied Professional Services (utility mapping)
- Ballard Marine (in-water support)
- Blue Coast (shoreline stabilization)
- Bravo Environmental (CCTV video inspections)
- Confluence (environmental and permitting)
- Norton Corrosion (corrosion evaluation)
- ProgramX (real property support)
- PRR (public outreach)
- SFE Global (non-invasive pipeline evaluation)
- Shannon & Wilson (geotechnical)
- Tree Solutions (tree assessment and planning)
- V&A Consulting (pipeline analysis)

Tetra Tech brings relevant experience from major regional infrastructure projects, including King County's North Mercer Island Interceptor improvements and the Kennydale Lakeline System Analysis and Sewer

Improvements project in Renton. Tetra Tech also has extensive knowledge of the City's sewer system having partnered on previous projects including the General Sewer Plan as well as emergency repairs to the Lakeline.

PROJECT BUDGET

The total estimated cost for the Phase 1 scope of work is $2,863,825. The 2025-2026 budget included $1,023,979 to begin this work, with project completion for Phase 1 originally anticipated in 2028. Staff are now recommending accelerating the Phase 1 project to meet the required action items outlined in Ecology's Administrative Order.

The projects identified in this first phase will complete all required action items and will be included in the City's General Sewer Plan as well as future Capital Improvement Programs. A summary of project costs is provided in the table below.

LAKELINE REACH 1 CAPACITY IMPROVEMENTS – PHASE 1 PROJECT BUDGET	
DESCRIPTION	**TOTAL**
Estimated Project Cost	
City	
Project Management	$ 46,874.10
Operations Support	$ 25,384.62
City Total	**$ 72,258.72**
Consultant Team	
Project Management	$ 197,263.72
System Mapping & Field Investigations	$ 1,702,578.09
Hydraulic Model Development	$ 179,316.51
Initial Condition Assessment	$ 195,740.27
Identification of Phase 2 Projects	$ 164,128.24
Public Outreach	$ 115,330.39
Real Property Support	$ 135,848.01
Environmental & Permitting Support	$ 101,361.05
Consultant Team Subtotal	**$ 2,791,566.28**
Total Estimated Project Cost	**$ 2,863,825.00**
2025-2026 Budget Available for Project	
90.30.0007 – Lake Line Reach 1 Capacity Imp	$ 1,023,979.00
Total 2025-2026 Budget Available for Project	**$ 1,023,979.00**
Budget Reallocation Needed	
90.30.0005 – "Pump Station Rehabilitation"	$ 1,041,201.00
90.30.0006 – "Wet Well Cleaning & Restoration"	$ 500,000.00
90.30.0012 – "Sewer Easements and Right-of-Way	$ 298,645.00
Total Budget Reallocation Needed	**$ 1,839,846.00**

This accelerated scope of work requires reallocating $1.84 million in sewer utility project resources from elsewhere in the 2025-2026 CIP. The project funding reallocation was summarized in the previous table and is described below.

The Pump Station Rehabilitation capital project (90.30.0005) is included in the 2025-2026 CIP to rehabilitate one pump station each biennium. For this biennium, Pump Station 20 is slated for replacement. Design work is approximately 90% complete and has been funded using rollover funds from the 2023-2024 biennium. Construction costs for Pump Station 20, including a 15% contingency, are estimated at $3,763,000, leaving $1,604,206 of the total project budget of $5,367,206 in the 2025-2026 CIP. As a result, staff recommends $1,041,201 be reallocated to the Lakeline Reach 1 Capacity Improvement Project.

The Wet Well Cleaning & Restoration capital project (90.30.0006) is included in the 2025–2026 CIP to clean, assess, and restore wet wells at the City's seventeen sewer pump stations. As of July 2025, cleaning is complete, assessments are approximately 90% complete, and no previously unidentified deficiencies have been found requiring restoration under this project. As a result, $500,000 in available funds will be reallocated to support the Lakeline Reach 1 Capacity Improvement Project.

The Sewer Easements and Right-of-Way capital project (90.30.0012) is included in the 2025–2026 CIP to fund property access improvements and legal support for sewer pump station maintenance and operations. Limited need for easement or property-related work this biennium has left these funds largely available to meet the current project's needs. Of the $305,534 adopted budget, staff recommend $298,645 be reallocated to support field investigations (surveying) and real property work associated with the Lakeline Reach 1 Capacity Improvement Project.

At completion of the contract, any funds not used on this Lakeline Reach 1 Project will remain in the Sewer Fund.

NEXT STEPS

Staff recommends establishing the total 2025-2026 project budget at $2,863,825 to fully fund the Lake line Reach 1, Phase 1 work. Upon approval, the consultant team will begin work in November 2025, with completion anticipated within approximately 18 months. Regular updates will be provided to the City Council as the project progresses.

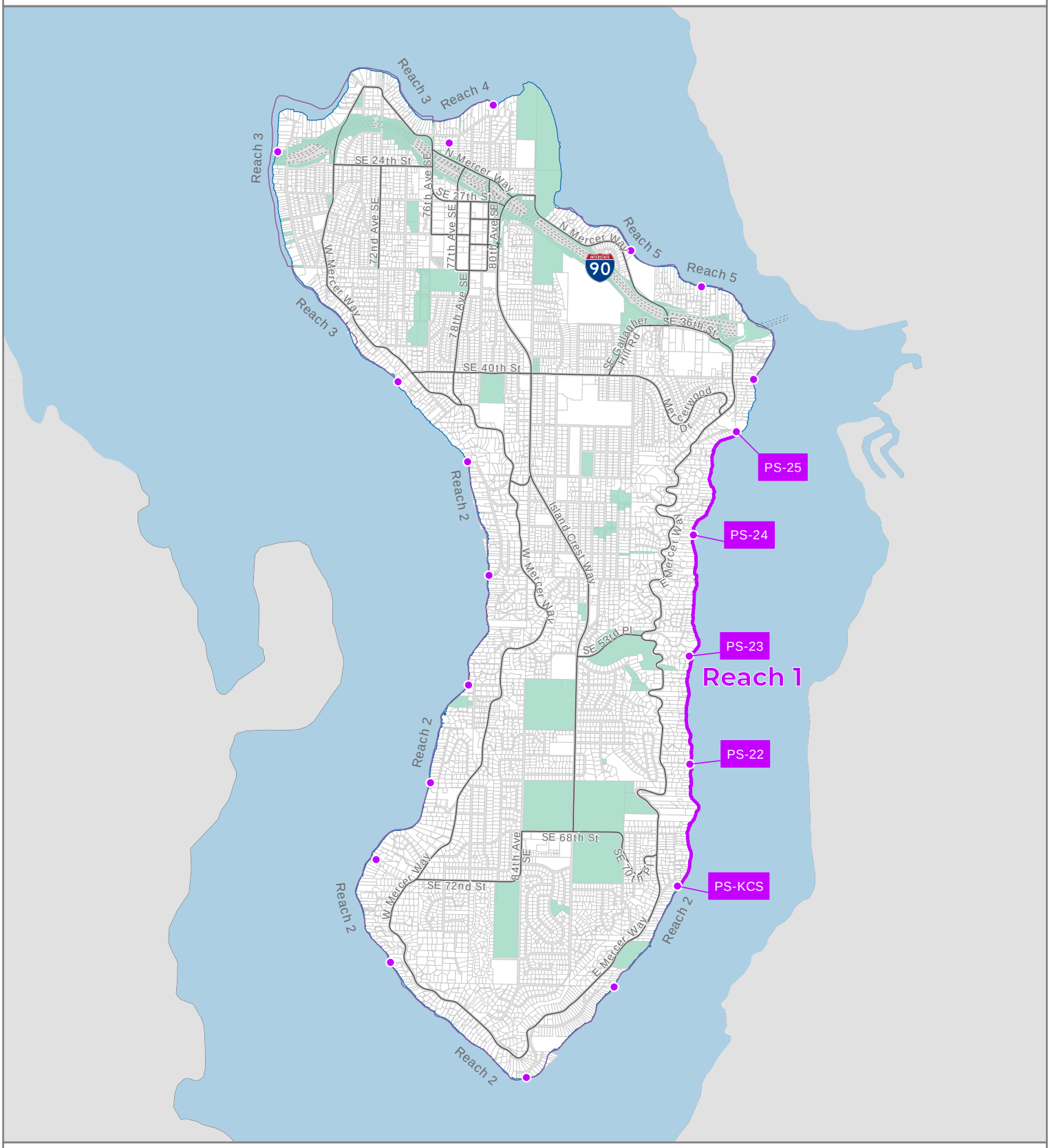
Future phases of the Lakeline Reach 1 Capacity Improvement Project will be programmed into the City's General Sewer Plan and the 2027-2028 CIP for Council consideration.

RECOMMENDED ACTION

Reallocate the following capital project resources in the 2025-2026 biennial budget to the Lakeline Reach 1 Capacity Improvement Project, amounting to a $1,839,846 budget adjustment as follows:

1. $1,041,201 from the Pump Station Rehabilitation Project (90.30.0005).
2. $500,000 from the Wet Well Cleaning & Restoration Project (90.30.0006).
3. $298,645 from the Sewer Easements and Right-of-Way Project (90.30.0012).

Lakeline Reach 1 Capacity Improvements



- Pump Stations
- Parcels
- Parks
- Major Roads
- I-90

Information & Geographic Services

2024CIPTemplate.aprx
Map: Lakeline Reach 1 Capacity Improvements
Date:6/13/2025

Disclaimer: No warranties of any sort including accuracy, fitness or merchantability accompany this map.

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
Northwest Region Office
PO Box 330316, Shoreline, WA 98133-9716 • 206-594-0000

March 20, 2025

Jessi Bon
City Manager
City of Mercer Island
9601 SE 36th Street
Mercer Island, WA 98040

Re: Administrative Order

Administrative Order Docket #	#23515
Notice of Violation Docket #	#22903
Site Location	Sanitary Sewer Lift Station #25 Located in King County 4266 E Mercer Way #25 Mercer Island, WA 98040

Dear City Manager Jessi Bon:

The Department of Ecology (Ecology) has issued the enclosed Administrative Order (Order). Through this Order, Ecology is taking an enforcement action requiring the City of Mercer Island to comply with:

- Chapter 90.48.080 Revised Code of Washington (RCW) – Discharge of polluting matter in waters prohibited.

If you have questions, please contact Greg Lipnickey at Greg.Lipnickey@ecy.wa.gov or (425) 449-6560.

Sincerely,

Rachel McCrea

Rachel McCrea
Section Manager
Water Quality Program
Northwest Region Office

Enclosure: Administrative Order Docket #23515

By Certified Mail# 9171 9690 0935 0233 1454 76

cc: Sean Wilson, Permit Manager, Ecology, Sean.Wilson@ecy.wa.gov
Shawn McKone, Unit Supervisor, Ecology, Shawn.Mckone@ecy.wa.gov
Greg Lipnickey, Enforcement Specialist, Ecology, Greg.Lipnickey@ecy.wa.gov
Jason Kintner, Chief of Operations, City of Mercer Island,
Jason.kintner@mercerisland.gov
Alaine Sommargren, Deputy Public Works Director,
Alaine.Sommargren@mercerisland.gov
Chris Kelley, Sewer Foreman, City of Mercer Island, Chris.Kelley@mercerisland.gov

State of Washington
Department of Ecology

In the Matter of an Administrative Order Against The City of Mercer Island Jessi Bon Administrative Order Docket #23515

To: Jessi Bon
City Manager
City of Mercer Island
9601 SE 36th Street
Mercer Island, WA 98040

Administrative Order Docket #	#23515
Notice of Violation Docket #	#22903
Site Location	Sanitary Sewer Lift Station #25 Located in King County 4266 E Mercer Way #25 Mercer Island, WA 98040

The Department of Ecology (Ecology) has issued this Administrative Order (Order) requiring the City of Mercer Island to comply with:

- Chapter 90.48.080 Revised Code of Washington (RCW) – Discharge of polluting matter in waters prohibited.

Ecology has the authority to issue this Order under RCW 90.48.120(1).

This Order follows a Notice of Violation (NOV) Docket #22903 Ecology issued to the City of Mercer Island on July 1, 2024.

Ecology received a response to the Notice of Violation on July 29, 2024, and considered your response when administering this Order.

1. Facts

Findings of Fact:
Between December 20, 2019, and December 5, 2023, the City of Mercer Island (Mercer Island) reported five overflows of sanitary sewage from Lift Station #25 located at 4266 E Mercer Way to the Ecology Environmental Report Tracking System (ERTS). The five events each lasted between 6.5 and 40 hours and each discharged between 45,000 and 160,000 gallons of untreated sanitary sewage to Lake Washington.

Ecology approved Mercer Island's latest General Sewer Plan (GSP) in January 2019. In the GSP, Mercer Island discusses their plan for maintaining and upgrading their sanitary sewer system for "the next 20 years[1]" and identifies some specific areas of the sanitary sewer system slated for upgrades, lining, or replacement of the pipe. The GSP also includes sections to discuss lift station capacity, maintenance, repair, replacement, or upgrades. LS #25 is mentioned briefly in Table 6.4 of the GSP for "capacity improvements." Table 6.4 also states that these improvements are to occur between 2019 and 2022. The most recent overflow event occurred after the dates stated in the GSP.

In Mercer Island's response to the NOV, Mercer Island outlined plans for collection system modeling and improvements over the next four to six years. These projects and timelines are reasonable, timely, and in line with Mercer Island's goal of preventing future Sanitary Sewer Overflows (SSOs). Ecology used the projects and timelines included in Mercer Island's NOV response to inform the requirements of this Order.

Violations:
RCW 90.48.080 states that "It shall be unlawful for any person to throw, drain, run, or otherwise discharge into any of the water of this state, or to cause, permit or suffer to be thrown, run, drained, allowed to seep or otherwise discharge into such waters any organic or inorganic matter that shall cause or tend to cause pollution of such waters..."

During the five SSO events listed in Table 1, Mercer Island discharged a total of approximately 475,000 gallons of untreated sewage to Lake Washington. In addition to containing pollutants that can deplete surface waters of dissolved oxygen, untreated sewage is known to contain high levels of suspended solids, harmful bacteria, and viruses. Low oxygen levels and suspended solids disrupt the plants and animals in the affected waters. Bacteria and viruses are pollutants that can cause illness to humans and wildlife as well as interfere with designated uses of primary contact recreation.

2. Order to Comply

For these reasons, and in accordance with RCW 90.48.120(1), it is order that the City of Mercer Island take the following corrective actions.

1. **Overflow response and reporting:**
   Mercer Island must take the following actions when it experiences a failure of any portion of its collection system:

   ONGOING

   Immediately take action to stop, contain, and cleanup unauthorized discharges or otherwise stop the noncompliance and correct the problem.

[1] City of Mercer Island General Sewer Plan, Final, November 2018, Executive Summary, ES-1

Mercer Island must immediately report to Ecology and the local health jurisdiction at the numbers listed below, all:

- Pump Station overflows or bypasses.
- Collection system overflows.
- Any other failures of the sewage system (pipe breaks, etc.).
- Any sanitary sewer overflow (SSO) that discharges to a municipal separate storm sewer system (MS4).

Northwest Region Office:

206-594-0000

Public Health – Seattle and King County:

WaterRecreationProgramSewageRelease@kingcounty.gov (business hours)

206-263-7885 (non-business hours)

Immediate reporting is defined as reporting violations immediately without delay of any interval of time from the moment Mercer Island becomes aware of the violation. Priority should first be given to stopping an active noncompliance.

Mercer Island must also submit to Ecology a written follow-up report within five days of the time that Mercer Island becomes aware of any reportable event. Email this report to the Ecology Permit Manager assigned to King County's treatment plant permits and the Ecology Regional Compliance Specialist. As of the issuance of the Order these contacts are Sean Wilson (sean.wilson@ecy.wa.gov) and Greg Lipnickey (greg.lipnickey@ecy.wa.gov).

Mercer Island may use any reporting form that includes all the required content listed in this section.

The report must contain:

- A description of the noncompliance and its cause.
- The period of noncompliance, including exact dates and times.
- The estimated time that Mercer Island expects the noncompliance to continue if not yet corrected.
- Steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- Indicate the type of event (e.g., sanitary sewer overflow or pump failure).
- Indicate the type of sewer overflow structure (e.g., maintenance hole, pump station).
- Estimate the quantity (in gallons) of the untreated overflow.

- Indicate whether the noncompliance was related to or exacerbated by wet weather.
- Indicate the types of human health and environmental impacts of the event.
- Include a description of actions taken to stop, contain, and cleanup unauthorized discharges and to mitigate any associated environmental impacts.
- If an ERTS number was assigned to the event when it was initially reported, include this number in the five-day follow up report for reference.
- Identification of other agencies contacted per the emergency notification call list.
- If samples were taken to characterize the event or its impact, provide any analytical results that are available with the five-day report.

COMPLETED

2. **Upgraded Sewer Supervisory Control and Data Acquisition (SCADA) System:** Mercer Island must upgrade their existing SCADA system to better provide operators with real-time monitoring and control of lift station conditions. The upgraded SCADA system must also be able to export reports and allow operators to view trends to better respond to future precipitation events and reduce overflow events. Mercer Island must complete the SCADA upgrades by December 31, 2025.

PHASE 1 EFFORT

3. **Comprehensive Hydraulic Modeling Development:** Mercer Island must expand the current sewer system hydraulic model to encompass all of Mercer Island to assist in future infrastructure planning and response capabilities. Complete the model development by December 31, 2025. Submit the results of the update as a non-council approved addendum to Chapter 4 of the 2018 Mercer Island GSP to Ecology by June 30, 2026. This addendum must (1) demonstrate that the corrective actions listed in 4 and 5 of these recommendations will prevent future overflows from LS#25 and (2) define the location of the flow monitors described in corrective action 6.

COMPLETED

4. **Wet Well Cleaning and Rehabilitation:** Mercer Island must assess, clean, and rehabilitate the wet well at LS #25. Confirmation of completion must be submitted to Ecology by December 31, 2026.

PHASE 1 EFFORT

5. **Lakeline Reach 1 Capacity Improvements:** Mercer Island must complete a comprehensive review of the infrastructure that makes up the Lakeline Reach 1, which consists of pump stations (including LS #25), piping, and other structures. Develop and submit an engineering report that describes improvements required to prevent future SSOs at LS #25.
    a. By June 30, 2027, submit to Ecology for review and approval an engineering report and design plans and specifications that provides a comprehensive review of the system and identifies necessary improvements.

FUTURE PHASE

b. Complete construction of identified projects by December 31, 2028. Submit a Declaration of construction of water pollution control facilities form (WAC 173-240-095) to Ecology by no later than January 31, 2029.

6. **Future Flow Monitoring Programs:**

FUTURE PHASE OR OTHER PROJECT

a. Mercer Island must install equipment capable of measuring the discharge flow rate at each pump station to enhance flow monitoring capabilities.
b. Mercer Island must install equipment capable of measuring the flow rate at locations in the Mercer Island sewer collection system as identified in the addendum required by Item #3. This flow equipment will help Mercer Island staff to better detect inflow & infiltration (I&I) and identify capacity deficiencies.
c. Mercer Island must complete installation of monitoring equipment and notify Ecology of the installation by December 31, 2028.

3. Termination of the Order

This Order shall be deemed fulfilled and shall have no further effect on Mercer Island 90-days after the actions identified in Section 2 of this Order have been completed and all required completion notifications have been submitted to Ecology.

4. Failure to Comply With This Order

Failure to comply with this Order may result in the issuance of civil penalties or other actions, whether administrative or judicial, to enforce the terms of this Order.

5. Your Right to Appeal

You have a right to appeal this Order to the Pollution Control Hearings Board (PCHB) within thirty (30) days of the date of receipt of this Order. The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B0.001(2).

To appeal, you must do all of the following within thirty (30) days of receipt of this Order:

- File your appeal and a copy of this Order with the PCHB (see address below). Filing means actual receipt by the PCHB during regular business hours.

- Serve a copy of your appeal and this Order on Ecology by mail. in person and by email (see addresses below).

You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

Filing with the PCHB

For the most current information regarding filing with the PCHB, visit: https://eluho.wa.gov/ or call: 360-664-9160.

Service on Ecology

Street Address:
Department of Ecology
Attn: Appeals Processing Desk
300 Desmond Drive SE
Lacey, WA 98503

Mailing Address:
Department of Ecology
Attn: Appeals Processing Desk
PO Box 47608
Olympia, WA 98504-7608

E-Mail Address:
ecologyappeals@ecy.wa.gov

6. Contact Information

Please direct all questions about this Order to:

Greg Lipnickey
Municipal Wastewater Permits Unit
Water Quality Program
Department of Ecology
P.O. Box 330316
Shoreline, WA 98133-9716

Phone: (425) 449-6560
Email: Greg.Lipnickey@ecy.wa.gov

7. More Information

- **Pollution Control Hearings Board Website:**
  https://www.eluho.wa.gov
- **Chapter 43.21B RCW – Environmental and Land Use Hearings Office – Pollution Control Hearings Board:**
  https://app.leg.wa.gov/RCW/default.aspx?cite=43.21B
- **Chapter 371-08 WAC – Practice and Procedure**
  https://app.leg.wa.gov/WAC/default.aspx?cite=371-08
- **Chapter 34.05 RCW – Administrative Procedure Act**
  https://app.leg.wa.gov/RCW/default.aspx?cite=34.05
- **Ecology's Laws, Rules, & Rulemaking Website**
  https://ecology.wa.gov/Footer/rulemaking

8. Signature

Rachel McCrea
Section Manager
Water Quality Program
Northwest Region Office

March 20, 2025
Date

BUSINESS OF THE CITY COUNCIL
CITY OF MERCER ISLAND

AB 6794
November 4, 2025
Consent Agenda

AGENDA BILL INFORMATION

TITLE:	AB 6794: East Mercer Way Emergency Water Main Repair Appropriation Request	☐ Discussion Only ☒ Action Needed: ☒ Motion ☐ Ordinance ☐ Resolution
RECOMMENDED ACTION:	Appropriate $245,280 from the available fund balance within the Water Fund to complete emergency water main repairs.	

DEPARTMENT:	Public Works
STAFF:	Jason Kintner, Chief of Operations Kellye Hilde, Deputy Director Clint Morris, Capital Division Manager Ian Powell, Street Engineer
COUNCIL LIAISON:	n/a
EXHIBITS:	1. Location Map
CITY COUNCIL PRIORITY:	3. Make once-in-a-generation investments to update and modernize aging infrastructure, capital facilities, and parks.

AMOUNT OF EXPENDITURE	$ 274,983
AMOUNT BUDGETED	$ 407,378
APPROPRIATION REQUIRED	$ 245,280

EXECUTIVE SUMMARY

The purpose of this agenda item is to appropriate $245,280 from the available balance within the Water Fund to complete emergency water main repairs on East Mercer Way.

- The City's 2025-2026 Capital Improvement Program for the Water Utility included $407,378 for Emergency Water System Repairs (90.40.0001).
- To date in 2025, the City has responded to an unusually high number of water system emergencies, including 16 water main breaks. As of July 2025, the Emergency Water System Repair Budget only had $29,703 remaining.
- On August 5, 2025 two water main breaks occurred on East Mercer Way: one in the 7700 block and one in the 8300 block. The break near the 7700 block was extensive, requiring more than 200 linear feet of pipe to be replaced.
- On August 7, 2025 the City Manager issued Proclamation No. 365, allowing emergency powers for the City to enter into contracts without regard to time-consuming bidding and contracting procedures.
- Public works staff contracted with Fury Site Works to repair the two breaks in the 7700 block. That associated water work was completed by the end of August, at a cost of $152,493.32.

- The break in the 7700 Block caused extensive damage to the East Mercer Way roadway, with repairs estimated to cost $114,490. This work is currently planned for completion by mid-November (weather dependent).
- The cost to repair the 7700 block main breaks exceeds the available budgeted funds.
- An appropriation of $245,280 from the Water Fund is needed to cover these additional emergency water construction expenses.

BACKGROUND

Each year, the City's Capital Improvement Program for the Water Utility includes a budget for Emergency Water System Repairs (90.40.0001). For the 2025-2026 Biennium $407,378 was budgeted. The City has experienced an unusually high number of emergency responses for the water system in 2025. As of July 2025, the Emergency Water System Repair Budget only had $29,703 remaining.

On August 5, 2025 two water main breaks occurred on East Mercer Way: one in the 7700 block and another in the 8300 block. The following day, Public Works staff discovered the 7700 block location involved two breaks within 200 feet of each other. These main breaks caused extensive damage to the southbound lane and adjacent paved shoulder on East Mercer Way. The broken section of water main was deactivated and several homes were put on temporary water supply lines. Public Works operation staff repaired the break in the 8300 block on August 6, 2025. In the 7700 block, the water main remained deactivated and the roadway was closed to traffic.

On August 7, 2025 the City Manager issued Proclamation No. 365, enacting emergency powers that enabled the City to enter into necessary contracts without the delays associated with formal bidding and contracting processes. The City contracted Fury Site Works, an underground utility contractor that recently completed two large water construction contracts for the City in 2022 and 2024.

Repair work began on August 19, 2025 and the water main was replaced and activated into service on August 29. The roadway was reopened to one lane of traffic on August 26, 2025. Staff chose to replace approximately 220 feet of 8-inch water main in the 7700 block because the two breaks were less than 200 feet apart and a previous repair from 1999 was known to exist within that same 200 feet of pipe. Due to other existing utility lines in the area, the old water main was removed and replaced in the same location, which added costs to the repair. The total construction cost of the 220 feet of replaced water main was $152,493.32.

The two breaks at the 7700 Block caused extensive damage to the East Mercer Way roadway, and those repairs are estimated to cost $114,490. This work is currently planned for completion by mid-November.

ISSUE/DISCUSSION

The unforeseen failure of the East Mercer Way water main at two adjacent points necessitated immediate remedial action. Staff developed initial cost estimates and proceeded with hiring a contractor to perform the repairs. The costs of the water and roadway exceed the available repair budget.

An additional $245,280 is needed to cover the cost of the 7700 East Mercer Way water main repair. This represents a 60% increase to the 2025-2026 Emergency Water Repair project budget, and the funds will be allocated from the available balance within the Water Fund. Updated project costs are shown in Table 1 on the following page.

Table 1

EMERGENCY WATER SYSTEM REPAIRS (90.40.0001) PROJECT BUDGET		
PROJECT ELEMENTS	**ORIGINAL BUDGET**	**ADDITIONAL COSTS**
2025-2026 Budgeted Amount	$407,378	
Water Repair Costs Encumbered January to July 2025	$377,675	
7700 E Mercer Way Main Break Repair (Fury Site Works)		$152,493
7700 E Mercer Way Roadway Repair (estimated cost)		$114,490
Project Management/Utility Team (City)		$8,000
TOTAL PROJECT COST	**$377,675**	**$274,983**
REMAINING BUDGET AVAILABLE	**$29,703**	**$29,703**
BUDGET APPROPRIATION NEEDED		**$245,280**

At the end of 2024, the Water Fund unassigned fund balance was $17,911,082. This atypically large amount was due to the sale of limited tax general obligation (LTGO) bonds in October 2024 to finance major capital improvements to the water distribution system. Total revenues generated from the bond sale were $26.6 million.

As of October 2025, staff estimates the unassigned fund balance in the Water Fund is $11.7 million. With the $245,280 proposed appropriation, adequate resources will remain in the Water Fund to complete planned capital reinvestment work.

NEXT STEPS

The roadway repair work in the 7700 block of East Mercer Way is anticipated to be completed by mid-November.

RECOMMENDED ACTION

Appropriate $245,280 from the available fund balance within the Water Fund to the Emergency Water System Repairs capital project (90.40.0001) to complete emergency water main repairs in the 7700 block of East Mercer Way.

City of Mercer Island

Information & Geographic Services



Location of the East Mercer Way Watermain Break Repair. Approximately 220 feet of new watermain and half roadway width asphalt paving.

92nd Ave SE

92nd Ave SE

E Mercer Way

E Mercer Way

SE 77th Pl

9261

9271

7466

7466

7615

7620

7627

7631

7635

7700

CLARKE BEACH PARK

CLARKE BEACH PARK

Legend

- Address
- Parcels
- Buildings
- Docks
- Shoreline
- Major Roads
- Street Centerline
- Paved Road
- Paved Driveway
- Parks

1: 709

90.4 0 45.19 90.4 Feet

of Mercer Island Map Printed: September 4, 2025

Disclaimer: These maps were developed by the City of Mercer Island and are intended to be a general purpose digital reference tool. These maps are not an accepted legal instrument for describing, establishing, recording or maintaining descriptions for property concerns or boundaries. The City makes no representation or warranty with respect to the accuracy or currency of these data sets, especially in regard to labeling of surveyed dimensions, or agreement with official sources such as records of survey, or mapped locations of features.

Notes

BUSINESS OF THE CITY COUNCIL
CITY OF MERCER ISLAND

AB 6797
November 4, 2025
Consent Agenda

AGENDA BILL INFORMATION

TITLE:	AB 6797: Connection Charges Update for the Water Distribution and Sewer Conveyance Systems	☐ Discussion Only ☒ Action Needed: ☒ Motion ☐ Ordinance ☐ Resolution
RECOMMENDED ACTION:	Appropriate $20,000 from the Water Fund and $20,000 from the Sewer Fund unassigned fund balance to update the connection charges for the water and sewer utility systems.	

DEPARTMENT:	Finance
STAFF:	Matthew Mornick, Finance Director
COUNCIL LIAISON:	n/a
EXHIBITS:	n/a
CITY COUNCIL PRIORITY:	n/a

AMOUNT OF EXPENDITURE	$ 40,000
AMOUNT BUDGETED	$ 0
APPROPRIATION REQUIRED	$ 40,000

EXECUTIVE SUMMARY

The agenda bill seeks City Council's authorization of additional budget authority to study and update the water distribution and sewer conveyance system's connection charges in 2026.

- Chapter 15.12.040 of the City of Mercer Island's municipal code requires a connection charge paid at the time a customer applies to make a new connection to the City's water distribution and sewer conveyance systems (per State law, RCW 35.92.025).
- Connection charges (also known as system development charges) are one-time fees for new development, or redevelopment that recover a proportional share of the value of the infrastructure investment required to provide utility service. Connection charges equitably recover costs from new connections and provide a revenue source for capital financing.
- The Utility Board and City Council last evaluated water and sewer connection charges in 2006 and 2009. Since then, connection charges increased each year by CPI-W First Half for Seattle-Tacoma-Bellevue, as outlined in the City's 2025 fee schedule.
- Significant capital reinvestment is currently underway for the water and sewer utility systems. Staff is also updating the Water System Plan as well as key elements of the General Sewer Plan and the City's Comprehensive Plan. These updates will inform the long-range operation, maintenance, and future capacity needs for each utility system.
- Staff recommends funding a new work item to the 2025-2026 work plan (Finance Item 1.15 in Exhibit 1 of AB 6769) to study connection charges in tandem with long-range planning efforts to ensure fees for

service – for both current and future customers – equitably maintain the operational integrity and financial stability for each utility system.

BACKGROUND

Connection charges (also known as system development charges) are imposed as a condition of service on new customer connections to the water distribution and sewer conveyance systems. It is also assessed to existing customers requiring increased capacity.

Connection charges are based on a blend of historical and planned future capital infrastructure investments. The underlying premise is that growth (future connections) will pay for growth-related costs that the utility system has and will incur to provide adequate system capacity (RCW 35.92.025). In the absence of this charge, growth-related costs are borne in large part by existing customers.

Water Connection Charge

In 2006, Finance staff, the Utility Board, and an outside consultant completed an in-depth water cost of service rate and connection charge study. During this study staff updated fiscal policies, completed a cost-of-service analysis, and a corresponding revenue requirement analysis.

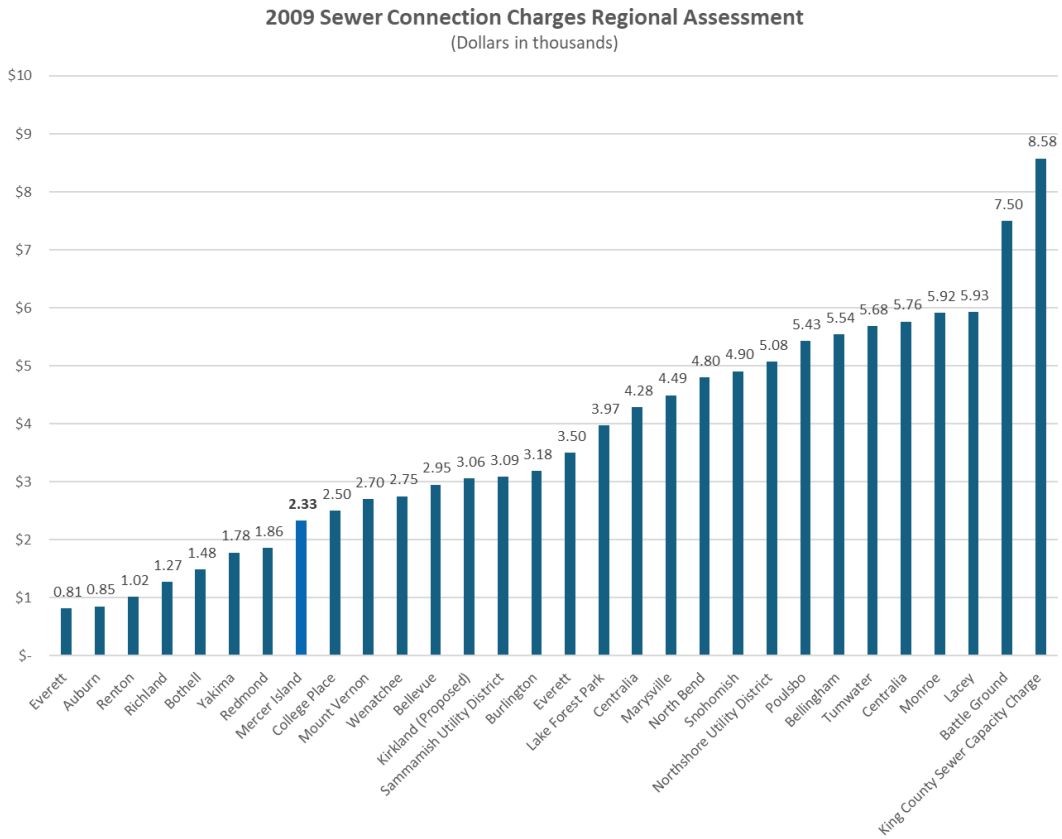
In December of 2006, the City Council adopted a long-range water rate plan with base connection charges to fund operations, maintenance, and reinvestment needs for the water distribution system (Resolution No. 1379). The base connection charge for a ¾-inch or smaller water meter was a $1,881 one-time charge that scaled up based on the new connection's water meter size. Each year since, the water system connection charges increased by the CPI-W First Half for Seattle-Tacoma-Bellevue. In 2025, the water system connection charge is $3,236 for a new ¾-inch or smaller water meter.

Sewer Connection Charge

Records indicate the initial sewer connection charge was established in December 1999 (Resolution No. 1258). In the ten years that followed, capital reinvestment in the sewer conveyance system was limited and the fee remained unchanged.

Significant capital resources were committed to the Reach 3 Sewer Lake Line project, which began early 2009. With the increase in capital spending in the sewer utility system, Finance staff and an outside consultant completed a new study to update the connection charge. The study evaluated existing sewer system asset costs, projected changes to the size of the customer base, the costs of planned future capital facilities, and the equitable share of existing and future costs that will serve new customers. The study also included a comparison of connection charges from other jurisdictions (Figure 1).

Figure 1



The proposed sewer connection charge resulting from the study was $4,223, an increase of $3,302 over the previous $921 charge per new connection. The Utility Board reviewed the study, staff analysis, and did not proceed with staff's recommendation. The Utility Board requested the sewer connection charge be primarily based on the historical costs of reinvestment in the Sewer System.

A connection charge of $2,329 was ultimately approved in 2009, adjusted by inflation on an annual basis, coupled with the recommendation the connection charge be restudied when significant changes to the utility system occur. This ensured new users would pay a fee equivalent to what previous existing users had paid.

In 2025, the sewer system connection charge is $2,837 per King County residential customer equivalent (RCE). The RCE measurement is based on a combination of housing type (e.g., single family/ multi-family) and square footage. The RCE is then multiplied by the connection charge to determine the charge to the developer/ customer. For example, a housing unit with net square footage less than 1,500 square feet is 0.81 RCE. When multiplied by the $2,837 connection charge, the resulting one-time fee is $2,297.97.

ISSUE/DISCUSSION

On October 21, the City Council received an extensive update on the work underway in the 2025-2026 CIP (AB 6790). A key takeaway was both the water distribution and sewer conveyance system are undergoing significant system reinvestments. Furthermore, long-range planning is underway to assess the integrity of current infrastructure and future reinvestment needs.

As part of the Water System Plan update in 2026 (capital project 90.40.0008 in the 2025-2026 adopted CIP), staff is evaluating the water distribution system's current inventory of physical infrastructure, historical water usage data, population, service connections, and water consumption trends. Staff is also projecting future water demand and future infrastructure needs over the next 20 years.

Similar work is underway for the sewer conveyance system. Staff is developing the first systemwide hydraulic model (capital project 90.30.0009) to help identify capacity issues and to prioritize future sewer system capital reinvestment needs. This modeling work will inform the General Sewer Plan update scheduled for early 2028. These long-range planning efforts are slated for completion alongside an update to the housing element of the City's Comprehensive Plan in 2026. Together, these efforts will clarify the likely future demands on the water and sewer utility systems.

Staff recommends conducting an in-depth study of water and sewer connection charges in tandem with long-range planning efforts. This objective has been identified as a new work item in the 2025-2026 work plan update shared with the City Council at the September 16, 2025 meeting (Finance Item 1.15 in Exhibit 1 of AB 6769). There are adequate resources to fund the $20,000 budget appropriation requests from both the Water and Sewer Fund's unassigned balance.

Staff seeks to update connection charges based on current costs, future capital plans, and projected usage patterns. This work will ensure fees for service – for both current and future customers – equitably maintain the operational integrity and financial stability for each utility system.

NEXT STEPS

Staff will conduct a request for proposals to work with an outside consultant and update the water and sewer connection charges in 2026. This work will coincide with long-range Water System Plan and General Sewer Plan updates in 2025 and 2026.

Staff will comply with state law, legal precedence, and industry guidelines to establish a cost basis for each utility system based on current system assets, outstanding debts, and future capital improvements as outlined in the 2027-2032 CIP. Projects will be categorized as replacements, capacity enhancing, and/or improvements/upgrades.

Together, this will help establish what portion of these improvements are tied to added system capacity, which will inform new water and sewer connection charges. Staff will compare the amount and method in which these charges are applied with neighboring jurisdictions. Staff will work with the Utility Board to develop a recommendation for the City Council's consideration. The City Council's resulting decision will be incorporated into the City's fee schedule update, tentatively anticipated for November 2026.

RECOMMENDED ACTION

Appropriate $20,000 from the Water Fund and $20,000 from the Sewer Fund unassigned fund balance to update connection charges for the water and sewer utility systems.

BUSINESS OF THE CITY COUNCIL
CITY OF MERCER ISLAND

AB 6800
November 4, 2025
Consent Agenda

AGENDA BILL INFORMATION

TITLE:	AB 6800: Shop Small Month, Proclamation No. 375	☐ Discussion Only ☒ Action Needed: ☒ Motion ☐ Ordinance ☐ Resolution
RECOMMENDED ACTION:	Approve Proclamation No. 375 Proclaiming November 2025 Shop Small Month in Mercer Island.	

DEPARTMENT:	Community Planning and Development
STAFF:	Jeff Thomas, Community Planning and Development Director Deborah Estrada, Administrative Coordinator/Deputy City Clerk
COUNCIL LIAISON:	Dave Rosenbaum
EXHIBITS:	1. Shop Small Month, Proclamation No. 375
CITY COUNCIL PRIORITY:	n/a

AMOUNT OF EXPENDITURE	$ n/a
AMOUNT BUDGETED	$ n/a
APPROPRIATION REQUIRED	$ n/a

EXECUTIVE SUMMARY

The purpose of this agenda bill is to proclaim November 2025 as Shop Small Month in Mercer Island, Proclamation No. 375 (Exhibit 1).

BACKGROUND

The Shop Small movement gained national recognition in 2011 when the United States Senate unanimously designated the Saturday after Thanksgiving as Small Business Saturday.

In 2021, the Mercer Island City Council issued its first Small Business Saturday proclamation (AB 5974). Beginning in 2022, the Council expanded its recognition to Shop Small Month—celebrating and supporting the hundreds of small, locally owned, and independently operated businesses that contribute to Mercer Island's economic vitality and community character.

ISSUE/DISCUSSION

Throughout Shop Small Month, the City will lead a social media campaign encouraging Islanders to shop small and local during the holiday season. The Mercer Island Chamber of Commerce will also host its third annual "Thankful for Local" BINGO this November. Participants can search for hidden turkeys and collect stickers at

participating businesses. Completed cards must be submitted to the Chamber by November 21, with winners announced on November 24.

In partnership with the Chamber, the City will once again host the Holiday Makers Market on December 6, from 10:00 AM to 3:00 PM at the Mercer Island Community and Event Center. The market showcases the incredible talent of local artisans, fosters community connection, and features more than 70 vendors. Admission is free.

RECOMMENDED ACTION

Approve Proclamation No. 375 Proclaiming November 2025 Shop Small Month on Mercer Island.

City of Mercer Island, Washington
Proclamation

WHEREAS, the City of Mercer Island recognizes and celebrates the vital role small businesses play in strengthening our local economy and enriching our community.

Small businesses create jobs, stimulate economic growth, and help ensure our Town Center and business districts remain vibrant, active, and thriving.

Mercer Island is home to more than 200 locally owned and operated businesses that provide a wide range of goods and services to residents and visitors alike.

The City of Mercer Island is committed to supporting economic vitality by encouraging all community members to "shop small" and "think local first" when making purchases.

NOW, THEREFORE, I, Salim Nice, Mayor of the City of Mercer Island, do hereby proclaim November 2025 as

SHOP SMALL MONTH

on Mercer Island.

APPROVED, this 4th day of November 2025.

_____

Mayor Salim Nice

Proclamation No. 375

BUSINESS OF THE CITY COUNCIL
CITY OF MERCER ISLAND

AB 6803
November 4, 2025
Consent Agenda

AGENDA BILL INFORMATION

TITLE:	AB 6803: Ratification of Proclamation Ending Local Emergency (Proclamation No. 376)	☐ Discussion Only ☒ Action Needed: ☒ Motion ☐ Ordinance ☐ Resolution
RECOMMENDED ACTION:	Ratify Proclamation No. 376 ending the local emergency issued by the City Manager on August 7, 2025.	

DEPARTMENT:	Public Works
STAFF:	Jessi Bon, City Manager Jason Kinter, Chief of Operations Merrill Thomas-Schadt, Senior Management Analyst
COUNCIL LIAISON:	n/a
EXHIBITS:	1. Proclamation No. 376
CITY COUNCIL PRIORITY:	3. Make once-in-a-generation investments to update and modernize aging infrastructure, capital facilities, and parks.

AMOUNT OF EXPENDITURE	$ n/a
AMOUNT BUDGETED	$ n/a
APPROPRIATION REQUIRED	$ n/a

EXECUTIVE SUMMARY

The purpose of this agenda bill is to obtain City Council ratification of Proclamation No. 376 (Exhibit 1) ending the declaration of a local emergency related to the multiple water main breaks along East Mercer Way that occurred on August 5 and 6, 2025.

BACKGROUND

During the evening of August 5, 2025, and morning of August 6, 2025, multiple water main breaks along East Mercer Way occurred. The impacts of the "Main Breaks" on Mercer Island included water service outage and interruption to approximately 55 homes, flood damage to public and private properties, and closure of a segment of East Mercer Way.

In response to the situation, on August 7, 2025, the City Manager declared a local emergency, issued Proclamation No. 365, and activated its Emergency Operations Center (EOC) while the repairs of the Main Breaks were completed. Proclamation No. 365 was ratified by the City Council on September 2, 2025 (AB 6761).

ISSUE/DISCUSSION

Public Works crews, in coordination with a utility construction contractor, promptly repaired the damaged water mains, restored water service, and mitigated other impacts associated with the main breaks.

The state of local emergency related to the impacts of the Main Breaks declared in Proclamation No. 365 has ended. Proclamation No. 365 is no longer necessary to preserve the public health, safety, and welfare of Mercer Island or for continuity of government operations. It has, therefore, been lifted by the City Manager.

RECOMMENDED ACTION

Ratify Proclamation No. 376 ending the local emergency issued by the City Manager on August 7, 2025.

City of Mercer Island, Washington
Proclamation Ending Local Emergency

WHEREAS, to preserve the public health, safety and welfare of Mercer Island, as well as continuity of government operations, the City issued Proclamation No. 365 declaring a local emergency related to the impacts of multiple water main breaks along East Mercer Way during the evening of August 5, 2025, and morning of August 6, 2025; and

WHEREAS, impacts of the Main Breaks on Mercer Island include water service outage and interruption, flood damage to public and private properties, and closure of a segment of East Mercer Way; and

WHEREAS, City Public Works crews, in coordination with the contractor, promptly repaired the damaged water mains, restored water service, and mitigated other impacts associated with the main breaks; and

WHEREAS, Proclamation No. 365 is no longer necessary to preserve the public health, safety, and welfare of Mercer Island or for continuity of government operations.

NOW, THEREFORE, IT IS HEREBY PROCLAIMED AS FOLLOWS:

End of Local Emergency. The state of local emergency related to the aftermath of the August 5, 2025, and August 6, 2025, Main Breaks along East Mercer Way declared in Proclamation No. 365 has ended. Proclamation No. 365 is no longer necessary to preserve the public health, safety, and welfare of Mercer Island or for continuity of government operations, and it is, therefore, lifted.

Dated this 28th day of October 2025.

Jessi Bon
City Manager

BUSINESS OF THE CITY COUNCIL
CITY OF MERCER ISLAND

AB 6804
November 4, 2025
Consent Agenda

AGENDA BILL INFORMATION

TITLE:	AB 6804: Signing on to AWC's letter to Governor Ferguson on Proposed Municipal Wastewater Nutrient Regulations	☐ Discussion Only ☒ Action Needed: ☒ Motion ☐ Ordinance ☐ Resolution
RECOMMENDED ACTION:	Authorize Mayor Nice to sign the AWC Letter to Governor Ferguson in support of AWC's budget request for a collaborative process to gather all affected parties on the proposed wastewater nutrient regulations to work together towards an outcome that is protective of Puget Sound and financially sustainable for ratepayers and residents.	

DEPARTMENT:	City Council
STAFF:	Salim Nice, Mayor Jessi Bon, City Manager Robbie Cunningham Adams, Senior Management Analyst
COUNCIL LIAISON:	n/a
EXHIBITS:	1. AWC Nutrients and Municipal Wastewater Letter 2. AWC Nutrients and Municipal Wastewater Memo
CITY COUNCIL PRIORITY:	n/a

AMOUNT OF EXPENDITURE	$ n/a
AMOUNT BUDGETED	$ n/a
APPROPRIATION REQUIRED	$ n/a

EXECUTIVE SUMMARY

The purpose of this agenda bill is to authorize Mayor Nice to sign the AWC Nutrients and Municipal Wastewater letter to Governor Ferguson (Exhibit 1), requesting a budget amendment for a collaborative process to gather all affected parties on the proposed wastewater nutrient regulations to work together towards an outcome that is protective of Puget Sound and financially sustainable for ratepayers and residents.

BACKGROUND

The Department of Ecology is proposing new regulations for wastewater plants related to nutrient discharges that will require wastewater plant upgrades that are projected to cost over $25 billion. The Association of Washington Cities (AWC) estimates that these regulations could lead to significant increases for utility bills for

Washingtonians. AWC provided a memo detailing the environmental issue at hand, the proposed Department of Ecology regulations, and the significant required infrastructure improvements in wastewater systems to mitigate it (Exhibit 2).

ISSUE/DISCUSSION

AWC requested that mayors of cities who either operate their own wastewater treatment plants that discharge into the Puget Sound, or that are served by large county systems that discharge into the Puget Sound sign on to a letter (Exhibit 1) to Governor Bob Ferguson asking him to engage on this issue by supporting in his proposed budget a collaborative process led by the Ruckelshaus Center, which has a proven track record of facilitating durable, consensus-based solutions to complex environmental challenges. This process would gather all affected parties to work together towards an outcome that is protective of Puget Sound and financially sustainable for ratepayers and residents.

City Council approval is required to authorize Mayor Nice to sign this letter on behalf of the Mercer Island City Council. AWC requested signatures on this letter by November 5.

NEXT STEPS

Upon City Council approval of this motion, Mayor Nice will sign the AWC letter.

RECOMMENDED ACTION

Authorize Mayor Nice to sign the AWC Letter to Governor Ferguson in support of AWC's budget request for a collaborative process to gather all affected parties on the proposed wastewater nutrient regulations to work together towards an outcome that is protective of Puget Sound and financially sustainable for ratepayers and residents.

AWC ASSOCIATION OF WASHINGTON CITIES
1076 Franklin St. SE | Olympia, WA 985
360.753.4137 | 1.800.562.8981
wacities.org

October 27, 2025

Governor Bob Ferguson
Office of the Governor
PO Box 40002
Olympia, Washington 98504-0002

We, the undersigned mayors, chief executives, and utility leaders from across the Puget Sound region are writing to share our commitment to Puget Sound health and to convey our serious concerns about the state's current path toward nutrient regulation for municipal wastewater treatment plants as proposed by the Department of Ecology.

This regulatory approach will require wastewater plant upgrades that are projected to cost over $25 billion, before accounting for inevitable cost overruns. This will result in millions of Washingtonians seeing their utility bills double, triple or more – some by hundreds of dollars more per month. Cities and wastewater utilities have been engaged with Ecology on this topic for many years. We are committed to addressing excess nutrients and low dissolved oxygen; yet we are also aware of scientific uncertainty as to whether these investments will result in measurable positive benefits for the Sound.

In sum, the stakes are enormously high, and we must get this right.

Local governments are on the front lines of providing essential services, and our residents are struggling to absorb the cost of providing those services. We see, as you do, the rising affordability challenges that are compounding across our communities. Utility bills are now joining the increasing costs for housing, transportation, and food as major pressures on household budgets.

We ask for your leadership. We are committed to improving water quality and developing cost-effective strategies by working together. Washington can do better than a zero-sum approach. We want to find solutions that will provide tangible environmental benefits backed by solid scientific justification, and that can be achieved faster and at a manageable cost.

We are requesting that you support in your proposed budget a collaborative process led by the Ruckelshaus Center, which has a proven track record of facilitating durable, consensus-based solutions to complex environmental challenges. This process would gather all affected parties to work together towards an outcome that is protective of Puget Sound and financially sustainable for ratepayers and residents. Such an approach could be coordinated with revisions to Ecology's general permit and advanced restoration plan.

Thank you for considering this request. We look forward to working with you and your administration on this critical issue.

Nutrients and Dissolved Oxygen: Big Stakes and Uncertainty

A healthy Puget Sound with robust aquatic life is a priority for our communities. Regional and municipal clean water utilities exist to help protect water quality and human health. Utilities are committed to both regulatory compliance and investing public dollars to achieve tangible environmental benefits. This document is for local elected officials to explain an important water quality issue – significant new state regulations regarding nutrient discharges to Puget Sound from wastewater plants.

Nutrients, especially nitrogen, are essential components to support life and growth in natural systems. However, too much nitrogen in Puget Sound can lead to excessive algal growth and ultimately low oxygen as that growth dies. The low dissolved oxygen can stress aquatic organisms. This problem is of most concern in shallow, poorly flushed bays.

The Department of Ecology's current regulatory process regarding nutrient removal focuses primarily on requirements for wastewater treatment plants - upgrades that will have **significant impacts on utility rates**, **housing affordability**, and capacity to invest in other water quality and salmon recovery actions. Preliminary cost estimates to meet current and future nutrient requirements indicate **$25 billion in facility upgrade needs, leading to millions of households seeing monthly sewer bills increase by $100-300.** These rate increases will impact the lowest income households hardest, worsening housing affordability.

While utilities are committed to protecting the Sound, scientific questions remain as to whether and the extent to which expensive clean water infrastructure upgrades will result in measurable improvements in DO levels and in Puget Sound health. **In short, the stakes are enormously high, and we must get this right.**

Clean water utilities believe we can improve water quality in a cost-effective way through greater partnership. We ask for your leadership to encourage Governor Ferguson to provide an opportunity to evaluate other potential solutions, those that will provide more targeted environmental benefits more quickly and at a lower cost. Instead of proceeding with the current approach, we are strongly encouraging the state to engage in a collaborative process led by the Ruckelshaus Center, which has a proven track record of facilitating durable, consensus-based solutions to complex environmental challenges.

We are asking Mayors around the region to sign a letter to Governor Ferguson asking him to provide funding in his proposed budget for a collaborative process to gather all affected parties to work together towards an outcome that is protective of both the Puget Sound and its residents. Please email Carl Schroeder at the Association of Washington Cities (carls@awcnet.org) if you would like to add your signature to the attached letter or with any questions.

Proposal Summary:

- Use the next 18-24 months for a collaborative process facilitated by the Ruckelshaus Center to conduct a nutrient dialogue across impacted parties to develop a consensus framework to address nutrient levels in Puget Sound.
- Include the state, municipal utilities, affected communities, environmental organizations, the scientific community, and Tribes
- Focus water quality investments on desired biological outcomes and build a regional strategy for priority actions and funding to realize them.
- Develop a multifaceted approach that includes early actions, coordinated science, cost-effective management actions, and accountable, yet adaptive, regulatory structures.

The stakes are high:

- The Puget Sound region already faces rapidly increasing utility rates to ensure reliability of aging assets, serve a growing population, and address existing regulatory mandates. The projected scale of investment in nutrient upgrades will further exacerbate housing affordability challenges and require hard tradeoffs in public investments.
- For example, the King County Wastewater Treatment Division ("WTD") manages three regional treatment facilities (out of the nearly 60 such systems across the region) that discharge to Puget Sound. Depending on Ecology's regulatory choices, the cost to WTD ratepayers to comply with nutrient regulations could be $10B-$20B. This would be the single largest expenditure in the history of the agency. Other clean water utilities across Puget Sound face similar significant cost and rate increases.
- Scientific questions remain as to the extent to which expensive clean water infrastructure upgrades will result in measurable improvements in DO levels and Puget Sound health. The Salish Sea Model utilized by Ecology is a robust model, but the model can't accurately measure to the regulatory threshold level in many areas of Puget Sound (0.2 mg/L).

Summary:

- Nitrogen is the primary chemical building block (or nutrient) for marine algae—including phytoplankton—that form the base of food webs, supporting all fish, shellfish, and marine mammals that live in Puget Sound.
- Nitrogen sources are both natural, like the ocean and air, and human-caused including point sources like wastewater treatment facilities (aka clean water utilities) and non-point sources such as storm-water runoff, agricultural runoff, and leaking septic tanks.
- Approximately 90% of the nitrogen in Puget Sound comes from the Pacific Ocean. Reducing human input of nitrogen may only chip at the margins. Even aggressive nitrogen treatment may not result in substantial water quality improvements or biological value.
- Ecology is proposing to further regulate clean water utilities for nutrients through either changes to a utility's individual treatment facility discharge permit or through an opt-in general permit coupled with an Advanced Restoration Plan.
- Nutrient regulation is driven by dissolved oxygen (DO) water quality standards. Washington's marine DO standards are not biologically based, are nearly sixty years old, and need updating to reflect Puget Sound's environment and inhabitants.
- Washington's approach stands in contrast to that taken in Chesapeake Bay under similar challenges. The best practice regulatory approach is to develop water quality standards that reflect variable habitat conditions and the scientifically supported biological needs of species.
- The nutrient challenge is multi-faceted, involving multiple public and private parties and the state. In recent years, disagreements among parties have resulted in costly litigation, taking time and resources away from faster progress forward for the benefit of the public and Puget Sound.
- Clean water utilities are committed to doing their part by undertaking near-term opportunities to optimize nutrient removal, evaluating more substantial, long-term wastewater plant upgrades to meet future nitrogen limits, collaborating with Ecology and supporting continued scientific research, modeling, monitoring, outreach and other associated activities.
- Regulatory requirements established today will require significant capital investments and result in large ratepayer impacts for decades to come, even as our collective scientific understanding of the interaction between nutrients and dissolved oxygen continues to evolve.
- Our region will benefit from a collaborative process to better address nutrient pollution that includes the perspectives from many parties including regulators, Tribes, utilities, the scientific community, and non-governmental organizations.

BUSINESS OF THE CITY COUNCIL
CITY OF MERCER ISLAND

AB 6791
November 4, 2025
Regular Business

AGENDA BILL INFORMATION

TITLE:	AB 6791: B&O Tax Code Amendment (Ordinance. No. 25C-23, First Reading)	☐ Discussion Only ☒ Action Needed: ☒ Motion ☐ Ordinance ☐ Resolution
RECOMMENDED ACTION:	Conduct first reading of Ordinance No. 25C-23 to update City Code related to business & occupation tax and set it for second reading and adoption.	

DEPARTMENT:	Finance
STAFF:	Matthew Mornick, Finance Director
COUNCIL LIAISON:	
EXHIBITS:	1. Ordinance No. 25C-23
CITY COUNCIL PRIORITY:	n/a

EXECUTIVE SUMMARY

The purpose of this agenda is to introduce a mandatory revision to the Mercer Island City Code to bring it into compliance with state requirements.

- Over the summer the Association of Washington Cities (AWC) formed a city working group to review required changes to the Business and Occupation (B&O) tax model ordinance in response to the passage of Senate Bill (SB) 5814. The new law expands the state and local retail sales tax to a list of services for which retail sales tax did not previously apply.
- The B&O tax model ordinance is the standard legal framework cities use to incorporate the B&O tax structure into their municipal code (RCW 35.102). Ordinance 25C-23 (Exhibit 1) incorporates the changes from SB 5814 into Chapter 4.10.020 of the Mercer Island City Code (MICC).
- Many cities in Washington state collect a local B&O tax, calculated as a percentage of a business's gross revenue in each city each year. In cities using a tiered system, businesses pay a percentage depending on their classification or business type.
- The City of Mercer Island charges a 0.10% tax on gross revenue earned from local business activities each year, regardless of a business's tax classification.
- Changes outlined in Exhibit 1 do not increase the City's B&O tax rate for any business segment, do not expand the City B&O tax on any business segment that is not currently subject to the tax, and therefore have no material impact on the City's forecasted B&O tax revenues.

The City Council must adopt Ordinance No. 25C-23 before the end of the year to take effect by January 1, 2026 to comply with state requirements.

BACKGROUND

A total of 53 cities in Washington state impose a local B&O tax on the gross receipts of businesses engaging in business in their city. Since 2004, cities with local B&O taxes were required to adopt the B&O tax model ordinance with mandatory uniform provisions related to a minimum threshold, tax classification definitions, engaging in business definition, and allocation and apportionment for activities occurring in more than one jurisdiction (RCW 35.102). The latest revisions to the model ordinance focused on tax classification definitions.

Over the summer, the Association of Washington Cities (AWC) formed a working group of City finance directors and tax managers to review changes to the B&O model ordinance in response to the passage of SB 5814. The new legislation changed the taxation classification of certain activities from services to retail sales. As a result, B&O tax cities must amend their tax code to align with the model ordinance by January 1, 2026.

ISSUE/DISCUSSION

Ordinance No. 25C-23 updates Chapter 4.10.020 MICC to bring it into compliance with the latest changes to the business and occupation tax model ordinance (Exhibit 1). The AWC work group limited revisions to the model ordinance to changes necessary to implement the state's changes to sales at retail in SB 5814. Specifically, the passage of SB 5814 expanded the state's retail sales tax to a list of services for which retail sales tax did not previously apply. In the past, sales tax was mainly on physical goods. It now applies to:

- Advertising services
- Live presentations
- Information technology services
- Custom website development services
- Investigation, security, and armored car services
- Temporary staffing services
- Sales of custom software and customization of prewritten software

When a service is subject to the state's retail sales tax, it is also subject to the state's "retailing" B&O tax classification. For cities using a tiered a tiered system for applying a B&O tax, the local B&O tax rate for "retailing" is typically lower than the rate for "service and other activities."

For example, the City of Issaquah applies a B&O tax rate on a business's gross income based on how that business is classified for taxing purposes. Businesses that fall within the "services and other business activities" classification pay a 0.15% tax on gross receipts. Businesses that fall within the "retailing" classification pay a lower tax on gross receipts at a rate of 0.12%.

The City of Mercer Island applies a flat B&O tax rate of 0.10% on gross receipts for all businesses and all classifications. The City does not use a tiered system to apply a B&O tax rate. As a result, the City's revenue from business and occupation taxes will not be impacted by the changes to the model ordinance.

NEXT STEPS

Staff seeks to answer questions from the City Council and schedule a second reading of Ordinance No. 25C-23 at the November 18, 2025 City Council meeting. Upon adoption, MICC chapter 4.10 will be revised, and staff will notify AWC and the Washington state Department of Revenue of the adopted code amendments.

RECOMMENDED ACTION

Set Ordinance No. 25C-23 for second reading and adoption.

CITY OF MERCER ISLAND
ORDINANCE NO. 25C-23

AN ORDINANCE OF THE CITY OF MERCER ISLAND, WASHINGTON UPDATING CHAPTER 4.10.020 MICC TO INCLUDE AMENDMENTS REQUIRED UNDER CHAPTER 35.102 RCW, MUNICIPAL BUSINESS AND OCCUPATION TAX, PROVIDING FOR SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Mercer Island's business and occupation tax requirements, including how the tax is levied, are adopted in chapter 4.10.020 MICC; and

WHEREAS, a city workgroup of the Association of Washington Cities (AWC) developed a model ordinance in accordance with RCW 35.102.040(1)(a) for adoption by cities that impose a business and occupation tax; and

WHEREAS, RCW 35.102.040(1)(c) requires the City to update its business and occupation tax code to align with updates to mandatory requirements in the model ordinance; and

WHEREAS, the model ordinance was reviewed and updated by an AWC work group in 2025 in response to SB 5814 changing the definition of certain business activities from services to sales; and

WHEREAS, the tax classification changes are effective January 1, 2026.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MERCER ISLAND, WASHINGTON, DO HEREBY ORDAIN AS FOLLOWS:

Section 1. **Amended**. Chapter 4.10.020 MICC, Business & Occupation Tax Code, shall be amended as set forth in Exhibit A to this Ordinance. Exhibit A is incorporated herein by this reference as if set forth in full.

Section 2. **Severability**. If any section, sentence, clause or phrase of this ordinance or any municipal code section amended hereby should be held to be invalid or unconstitutional by a court of competent jurisdiction, or its application held inapplicable to any person, property, or circumstance, such invalidity or unconstitutionality shall not affect the validity of any other section, sentence, clause, or phrase of this ordinance or its application to any other person, property, or circumstance.

Section 3. **Effective Date**. This ordinance shall take effect and be in force on January 1, 2026, provided thirty days have passed since the date of publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF MERCER ISLAND, WASHINGTON, AT ITS MEETING ON NOVEMBER _____, 2025.

CITY OF MERCER ISLAND

_____
Salim Nice, Mayor

Approved as to Form:

_____
Bio Park, City Attorney

ATTEST:

_____
Andrea Larson, City Clerk

Date of Publication:

Exhibit A

Chapter 4.10 BUSINESS AND OCCUPATION TAX

...

4.10.020 Definitions.

In construing the provisions of this chapter, the following definitions shall be applied. Words in the singular number shall include the plural, and the plural shall include the singular.

Agricultural product, farmer.

1. *Agricultural product* means any product of plant cultivation or animal husbandry including, but not limited to: a product of horticulture, grain cultivation, vermiculture, viticulture, or aquaculture as defined in RCW 15.85.020; plantation Christmas trees; turf; or any animal including but not limited to an animal that is a private sector cultured aquatic product as defined in RCW 15.85.020, or a bird, or insect, or the substances obtained from such an animal. "Agricultural product" does not include animals intended to be pets.
2. *Farmer* means any person engaged in the business of growing or producing, upon the person's own lands or upon the lands in which the person has a present right of possession, any agricultural product whatsoever for sale. "Farmer" does not include a person using such products as ingredients in a manufacturing process, or a person growing or producing such products for the person's own consumption. "Farmer" does not include a person selling any animal or substance obtained therefrom in connection with the person's business of operating a stockyard or a slaughter or packing house. "Farmer" does not include any person in respect to the business of taking, cultivating, or raising timber.

Business includes all activities engaged in with the object of gain, benefit, or advantage to the taxpayer or to another person or class, directly or indirectly.

Business and occupation tax or *gross receipts tax* means a tax imposed on or measured by the value of products, the gross income of the business, or the gross proceeds of sales, as the case may be, and that is the legal liability of the business.

RCW Chapter 82.32. Where provisions of RCW Chapter 82.32 are incorporated in MICC 4.10.160, *department* as used in the RCW shall refer to the "director" as defined in this section and *warrant* as used in the RCW shall mean "citation or criminal complaint."

City means the city of Mercer Island.

Commercial or industrial use means the following uses of products, including by-products, by the extractor or manufacturer thereof:

1. Any use as a consumer; and
2. The manufacturing of articles, substances or commodities.

Competitive telephone service means the providing by any person of telecommunications equipment or apparatus, or service related to that equipment or apparatus such as repair or maintenance service, if the equipment or apparatus is of a type which can be provided by persons that are not subject to regulation as telephone companies under RCW Title 80 and for which a separate charge is made.

Consumer means the following:

1. Any person who purchases, acquires, owns, holds, or uses any tangible or intangible personal property irrespective of the nature of the person's business and including, among others, without limiting the scope hereof, persons who install, repair, clean, alter, improve, construct, or decorate real or personal property of or for a consumer other than for the purpose of:
    a. Resale as tangible or intangible personal property in the regular course of business;

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b. Incorporating such property as an ingredient or component of real or personal property when installing, repairing, cleaning, altering, imprinting, improving, constructing, or decorating such real or personal property of or for consumers;

c. Incorporating such property as an ingredient or component of a new product or as a chemical used in processing a new product when the primary purpose of such chemical is to create a chemical reaction directly through contact with an ingredient of a new product; or

d. Consuming the property in producing ferrosilicon which is subsequently used in producing magnesium for sale, if the primary purpose of such property is to create a chemical reaction directly through contact with an ingredient of ferrosilicon;

2. Any person engaged in any business activity taxable under MICC 4.10.030(A)(7);

3. Any person who purchases, acquires, or uses any competitive telephone service as herein defined, other than for resale in the regular course of business;

4. Any person who purchases, acquires, or uses any personal, business, or professional service defined as a retail sale or retail service in this section, other than for resale in the regular course of business;

5. Any person who is an end user of software;

6. Any person engaged in the business of "public road construction" in respect to tangible personal property when that person incorporates the tangible personal property as an ingredient or component of a publicly owned street, place, road, highway, easement, right-of-way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle by installing, placing or spreading the property in or upon the right-of-way of a publicly owned street, place, road, highway, easement, bridge, tunnel, or trestle or in or upon the site of a publicly owned mass public transportation terminal or parking facility;

7. Any person who is an owner, lessee or has the right of possession to or an easement in real property which is being constructed, repaired, decorated, improved, or otherwise altered by a person engaged in business;

8. Any person who is an owner, lessee, or has the right of possession to personal property which is being constructed, repaired, improved, cleaned, imprinted, or otherwise altered by a person engaged in business;

9. Any person engaged in "government contracting." Any such person shall be a consumer within the meaning of this subsection in respect to tangible personal property incorporated into, installed in, or attached to such building or other structure by such person.

Nothing contained in this or any other subsection of this section shall be construed to modify any other definition of "consumer."

Delivery means the transfer of possession of tangible personal property between the seller and the buyer or the buyer's representative. Delivery to an employee of a buyer is considered delivery to the buyer. Transfer of possession of tangible personal property occurs when the buyer or the buyer's representative first takes physical control of the property or exercises dominion and control over the property. "Dominion and control" means the buyer has the ability to put the property to the buyer's own purposes. It means the buyer or the buyer's representative has made the final decision to accept or reject the property, and the seller has no further right to possession of the property and the buyer has no right to return the property to the seller, other than under a warranty contract. A buyer does not exercise dominion and control over tangible personal property merely by arranging for shipment of the property from the seller to itself. A buyer's representative is a person, other than an employee of the buyer, who is authorized in writing by the buyer to receive tangible personal property and take dominion and control by making the final decision to accept or reject the property. Neither a shipping company nor a seller can serve as a buyer's representative. It is immaterial where the contract of sale is negotiated or where the buyer obtains title to the property. Delivery terms and other provisions of the Uniform Commercial Code (RCW Title 62A) do not determine when or where delivery of tangible personal property occurs for purposes of taxation.

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Digital automated service, digital code, and *digital goods* have the same meaning as RCW 82.04.192.

Digital products means digital goods, digital codes, digital automated services, and the services described in RCW 82.04.050(2)(g) and 82.04.050(6)(b).

Director means the finance director of the city or any officer, agent or employee of the city designated to act on the director's behalf.

Eligible gross receipts tax means a tax which:

1. Is imposed on the act or privilege of engaging in business activities within MICC 4.10.030; and
2. Is measured by the gross volume of business, in terms of gross receipts, and is not an income tax or value added tax; and
3. Is not, pursuant to law or custom, separately stated from the sales price; and
4. Is not a sales or use tax, business license fee, franchise fee, royalty or severance tax measured by volume or weight, or concession charge, or payment for the use and enjoyment of property, property right or a privilege; and
5. Is a tax imposed by a local jurisdiction, whether within or without the state of Washington, and not by a country, state, province, or any other non-local jurisdiction above the county level.

Engaging in business.

1. The term *engaging in business* means commencing, conducting, or continuing in business, and also the exercise of corporate or franchise powers, as well as liquidating a business when the liquidators thereof hold themselves out to the public as conducting such business.
2. This section sets forth examples of activities that constitute engaging in business in the city, and establishes safe harbors for certain of those activities so that a person who meets the criteria may engage in de minimis business activities in the city without having to register and obtain a business license or pay city business and occupation taxes. The activities listed in this section are illustrative only and are not intended to narrow the definition of "engaging in business" in subsection 1 of this definition. If an activity is not listed, whether it constitutes engaging in business in the city shall be determined by considering all the facts and circumstances and applicable law.
3. Without being all inclusive, any one of the following activities conducted within the city by a person, or its employee, agent, representative, independent contractor, broker or another acting on its behalf, constitutes engaging in business and requires a person to register and obtain a business license:
    a. Owning, renting, leasing, maintaining, or having the right to use, or using, tangible personal property, intangible personal property, or real property permanently or temporarily located in the city.
    b. Owning, renting, leasing, using, or maintaining an office, place of business, or other establishment in the city.
    c. Soliciting sales.
    d. Making repairs or providing maintenance or service to real or tangible personal property, including warranty work and property maintenance.
    e. Providing technical assistance or service, including quality control, product inspections, warranty work, or similar services on or in connection with tangible personal property sold by the person or on its behalf.
    f. Installing, constructing, or supervising installation or construction of real or tangible personal property.
    g. Soliciting, negotiating, or approving franchise, license, or other similar agreements.

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h. Collecting current or delinquent accounts.

i. Picking up and transporting tangible personal property, solid waste, construction debris, or excavated materials.

j. Providing disinfecting and pest control services, employment and labor pool services, home nursing care, janitorial services, appraising, landscape architectural services, security system services, surveying, and real estate services including the listing of homes and managing real property.

k. Rendering professional services such as those provided by accountants, architects, attorneys, auctioneers, consultants, engineers, professional athletes, barbers, baseball clubs and other sports organizations, chemists, psychologists, court reporters, dentists, doctors, detectives, laboratory operators, teachers, and veterinarians.

l. Meeting with customers or potential customers, even when no sales or orders are solicited at the meetings.

m. Training or recruiting agents, representatives, independent contractors, brokers or others, domiciled or operating on a job in the city, acting on its behalf, or for customers or potential customers.

n. Investigating, resolving, or otherwise assisting in resolving customer complaints.

o. In-store stocking or manipulating products or goods, sold to and owned by a customer, regardless of where sale and delivery of the goods took place.

p. Delivering goods in vehicles owned, rented, leased, used, or maintained by the person or another acting on its behalf.

4. If a person, or its employee, agent, representative, independent contractor, broker or another acting on the person's behalf, engages in no other activities in or with the city but the following, it need not register and obtain a business license and pay tax:

   a. Meeting with suppliers of goods and services as a customer.

   b. Meeting with government representatives in their official capacity, other than those performing contracting or purchasing functions.

   c. Attending meetings, such as board meetings, retreats, seminars, and conferences, or other meetings wherein the person does not provide training in connection with tangible personal property sold by the person or on its behalf. This provision does not apply to any board of directors member or attendee engaging in business such as a member of a board of directors who attends a board meeting.

   d. Renting tangible or intangible property as a customer when the property is not used in the city.

   e. Attending, but not participating in, a "trade show" or "multiple vendor events." Persons participating at a trade show shall review the city's trade show or multiple vendor event ordinances.

   f. Conducting advertising through the mail.

   g. Soliciting sales by phone from a location outside the city.

5. A seller located outside the city merely delivering goods into the city by means of common carrier is not required to register and obtain a business license; provided, that it engages in no other business activities in the city. Such activities do not include those in subsection 4 of this definition.

The city expressly intends that engaging in business include any activity sufficient to establish nexus for purposes of applying the tax under the law and the constitutions of the United States and the state of Washington. Nexus is presumed to continue as long as the taxpayer benefits from the activity that constituted the original nexus generating contact or subsequent contacts.

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Extracting is the activity engaged in by an extractor and is reportable under the extracting classification.

Extractor means every person who from the person's own land or from the land of another under a right or license granted by lease or contract, either directly or by contracting with others for the necessary labor or mechanical services, for sale or for commercial or industrial use, mines, quarries, takes or produces coal, oil, natural gas, ore, stone, sand, gravel, clay, mineral or other natural resource product; or fells, cuts or takes timber, Christmas trees, other than plantation Christmas trees, or other natural products; or takes fish, or takes, cultivates, or raises shellfish, or other sea or inland water foods or products. "Extractor" does not include persons performing under contract the necessary labor or mechanical services for others; or persons meeting the definition of "farmer."

Extractor for hire means a person who performs under contract necessary labor or mechanical services for an extractor.

Gross income of the business means the value proceeding or accruing by reason of the transaction of the business engaged in and includes gross proceeds of sales, compensation for the rendition of services, gains realized from trading in stocks, bonds, or other evidences of indebtedness, interest, discount, rents, royalties, fees, commissions, dividends, and other emoluments however designated, all without any deduction on account of the cost of tangible property sold, the cost of materials used, labor costs, interest, discount, delivery costs, taxes, or any other expense whatsoever paid or accrued and without any deduction on account of losses.

Gross proceeds of sales means the value proceeding or accruing from the sale of tangible personal property, digital goods, digital codes, digital automated services or for other services rendered, without any deduction on account of the cost of property sold, the cost of materials used, labor costs, interest, discount paid, delivery costs, taxes, or any other expense whatsoever paid or accrued and without any deduction on account of losses.

Manufacturer, to manufacture.

1. *Manufacturer* means every person who, either directly or by contracting with others for the necessary labor or mechanical services, manufactures for sale or for commercial or industrial use from the person's own materials or ingredients any products. When the owner of equipment or facilities furnishes, or sells to the customer prior to manufacture, materials or ingredients equal to less than 20 percent of the total value of all materials or ingredients that become a part of the finished product, the owner of the equipment or facilities will be deemed to be a processor for hire, and not a manufacturer. A business not located in this city that is the owner of materials or ingredients processed for it in this city by a processor for hire shall be deemed to be engaged in business as a manufacturer in this city.
2. *To manufacture* means all activities of a commercial or industrial nature wherein labor or skill is applied, by hand or machinery, to materials or ingredients so that as a result thereof a new, different or useful product is produced for sale or commercial or industrial use, and shall include:
    a. The production of special-made or custom-made articles;
    b. The production of dental appliances, devices, restorations, substitutes, or other dental laboratory products by a dental laboratory or dental technician;
    c. Crushing and/or blending of rock, sand, stone, gravel, or ore; and
    d. The producing of articles for sale or for commercial or industrial use from raw materials or prepared materials by giving such materials, articles, and substances of trade or commerce new forms, qualities, properties or combinations including, but not limited to, such activities as making, fabricating, processing, refining, mixing, slaughtering, packing, aging, curing, mild curing, preserving, canning, and the preparing and freezing of fresh fruits and vegetables.

"To manufacture" shall not include the production of digital goods or the production of computer software if the computer software is delivered from the seller to the purchaser by means other than tangible storage media, including the delivery by use of a tangible storage media where the tangible storage media is not physically transferred to the purchaser.

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Manufacturing means the activity conducted by a manufacturer and is reported under the manufacturing classification.

Nonprofit corporation or *nonprofit organization* means a corporation or organization in which no part of the income can be distributed to its members, directors, or officers and that holds a current tax exempt status as provided under Section 501(c)(3) of the Internal Revenue Code, as hereafter amended, or is specifically exempted from the requirement to apply for its tax exempt status under Section 501(c)(3) of the Internal Revenue Code, as hereafter amended. Where the term "nonprofit organization" is used, it is meant to include a nonprofit corporation.

Office or *place of business* means a fixed location or permanent facility where the regular business of the person is conducted and which is either owned by the person or over which the person exercises legal dominion and control. The regular business of the person is presumed conducted at a location:

1. Whose address the person uses as its business mailing address;
2. Where the place of primary use is shown on a telephone billing or a location containing a telephone line listed in a public telephone directory or other similar publication under the business name;
3. Where the person holds itself out to the general public as conducting its regular business through signage or other means; and
4. Where the person is required to obtain any appropriate state and local business license or registration unless they are exempted by law from such requirement.

A vehicle such as a pickup, van, truck, boat or other motor vehicle is not an office or place of business. A post office box is not an office or place of business. If a person has an office or place of business, the person's home is not an office or place of business unless it meets the criteria for office or place of business above. If a person has no office or place of business, the person's home or apartment within the city will be deemed the place of business.

Person means any individual, receiver, administrator, executor, assignee, trustee in bankruptcy, trust, estate, firm, co-partnership, joint venture, club, company, joint stock company, business trust, municipal corporation, political subdivision of the state of Washington, corporation, limited liability company, association, society, or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit, or otherwise and the United States or any instrumentality thereof.

Processing for hire means the performance of labor and mechanical services upon materials or ingredients belonging to others so that as a result a new, different or useful product is produced for sale, or commercial or industrial use. A processor for hire is any person who would be a manufacturer if that person were performing the labor and mechanical services upon that person's own materials or ingredients. If a person furnishes, or sells to the customer prior to manufacture, materials or ingredients equal to 20 percent or more of the total value of all materials or ingredients that become a part of the finished product, the person will be deemed to be a manufacturer and not a processor for hire.

Product, by-product.

Product means tangible personal property, including articles, substances, or commodities created, brought forth, extracted, or manufactured by human or mechanical effort.

By-product means any additional product, other than the principal or intended product, which results from extracting or manufacturing activities and which has a market value, without regard to whether or not such additional product was an expected or intended result of the extracting or manufacturing activities.

Reporting period means:

1. A three-month period beginning the first day of January, April, July or October of each year (quarterly); or
2. A 12-month period beginning the first day of January of each year (annual).

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Retail service means the sale of or charge made for personal, business, or professional services including amounts designated as interest, rents, fees, admission, and other service emoluments however designated, received by persons engaging in the following business activities:

1. Amusement and recreation services including but not limited to golf, pool, billiards, skating, bowling, swimming, bungee jumping, ski lifts and tows, basketball, racquet ball, handball, squash, tennis, batting cages, day trips for sightseeing purposes, and others, when provided to consumers. "Amusement and recreation services" also includes the provision of related facilities such as basketball courts, tennis courts, handball courts, swimming pools, and charges made for providing the opportunity to dance. The term "amusement and recreation services" does not include instructional lessons to learn a particular activity such as tennis lessons, swimming lessons, or archery lessons;
2. Abstract, title insurance, and escrow services;
3. Credit bureau services;
4. Automobile parking and storage garage services;
5. Landscape maintenance and horticultural services but excluding (a) horticultural services provided to farmers and (b) pruning, trimming, repairing, removing, and clearing of trees and brush near electric transmission or distribution lines or equipment, if performed by or at the direction of an electric utility;
6. Service charges associated with tickets to professional sporting events; and
7. The following personal services: physical fitness services, tanning salon services, tattoo parlor services, steam bath services, Turkish bath services, escort services, and dating services;
8. The term shall also include the renting or leasing of tangible personal property to consumers and the rental of equipment with an operator.

Retailing means the activity of engaging in making sales at retail and is reported under the retailing classification.

Retail Service shall include the sale of or charge made for personal, business, or professional services including amounts designated as interest, rents, fees, admission, and other service emoluments however designated, received by persons engaging in the following business activities:

1. Amusement and recreation services including but not limited to golf, pool, billiards, skating, bowling, swimming, bungee jumping, ski lifts and tows, basketball, racquet ball, handball, squash, tennis, batting cages, day trips for sightseeing purposes, and others, when provided to consumers. “Amusement and recreation services” also include the provision of related facilities such as basketball courts, tennis courts, handball courts, swimming pools, and charges made for providing the opportunity to dance. The term “amusement and recreation services” does not include instructional lessons to learn a particular activity such as tennis lessons, swimming lessons, or archery lessons.
2. Abstract, title insurance, and escrow services;
3. Credit bureau services;
4. Automobile parking and storage garage services;
5. Landscape maintenance and horticultural services but excluding (i) horticultural services provided to farmers and (ii) pruning, trimming, repairing, removing, and clearing of trees and brush near electric transmission or distribution lines or equipment, if performed by or at the direction of an electric utility;
6. Service charges associated with tickets to professional sporting events; and
7. The following personal services: Physical fitness services, tanning salon services, tattoo parlor services, steam bath services, Turkish bath services, escort services, and dating services.

8. The term shall also include the renting or leasing of tangible personal property to consumers and the rental of equipment with an operator.

Return means any document a person is required by the city to file to satisfy or establish a tax or fee obligation that is administered or collected by the city and that has a statutorily defined due date.

Royalties means compensation for the use of intangible property, such as copyrights, patents, licenses, franchises, trademarks, tradenames, and similar items.

Sale, casual or isolated sale.

1. *Sale* means any transfer of the ownership of, title to, or possession of property for a valuable consideration and includes any activity classified as a "sale at retail," "retail sale," or "retail service." It includes renting or leasing, conditional sale contracts, leases with option to purchase, and any contract under which possession of the property is given to the purchaser but title is retained by the vendor as security for the payment of the purchase price. It also includes the furnishing of food, drink, or meals for compensation whether consumed upon the premises or not.
2. *Casual or isolated sale* means a sale made by a person who is not engaged in the business of selling the type of property involved on a routine or continuous basis.

Sale at retail, retail sale.

1. *Sale at retail* or *retail sale* means every sale of tangible personal property (including articles produced, fabricated, or imprinted) to all persons irrespective of the nature of their business and including, among others, without limiting the scope hereof, persons who install, repair, clean, alter, improve, construct, or decorate real or personal property of or for consumers, other than a sale to a person who presents a resale certificate under RCW 82.04.470 and who:
    a. Purchases for the purpose of resale as tangible personal property in the regular course of business without intervening use by such person; or
    b. Installs, repairs, cleans, alters, imprints, improves, constructs, or decorates real or personal property of or for consumers, if such tangible personal property becomes an ingredient or component of such real or personal property without intervening use by such person; or
    c. Purchases for the purpose of consuming the property purchased in producing for sale a new article of tangible personal property or substance, of which such property becomes an ingredient or component or is a chemical used in processing, when the primary purpose of such chemical is to create a chemical reaction directly through contact with an ingredient of a new article being produced for sale; or
    d. Purchases for the purpose of consuming the property purchased in producing ferrosilicon which is subsequently used in producing magnesium for sale, if the primary purpose of such property is to create a chemical reaction directly through contact with an ingredient of ferrosilicon; or
    e. Purchases for the purpose of providing the property to consumers as part of competitive telephone service, as defined in RCW 82.04.065; or
    f. Purchases for the purpose of satisfying the person's obligations under an extended warranty as defined in subsection 8 of this definition, if such tangible personal property replaces or becomes an ingredient or component of property covered by the extended warranty without intervening use by such person.

    The term shall include every sale of tangible personal property which is used or consumed or to be used or consumed in the performance of any activity classified as a “sale at retail” or “retail sale” even though such property is resold or utilized as provided in (a), (b), (c), (d), (e), or (f) of this subsection following such use.

    The term also means every sale of tangible personal property to persons engaged in any business that is taxable under RCW 82.04.280(1)(a), (b), and (g), 82.04,290, and 82.04.2908.

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2. *Sale at retail* or *retail sale* also means every sale of tangible personal property to persons engaged in any business activity which is taxable under MICC 4.10.030(A)(7).

3. The term "sale at retail" or "retail sale" includes the sale of or charge made for personal, business, or professional services including amounts designated as interest, rents, fees, admission, and other service emoluments however designated, received by persons engaging in the following business activities:

   a. Information technology training services, technical support, and other services including, but not limited to, assisting with network operations and support, help desk services, in-person training related to hardware or software, network system support services, data entry services, and data processing services; or

   b. Custom website development services. For the purposes of this subsection (3), "website development services" means the design, development, and support of a website provided by a website developer to a customer; or

   c. Investigation, security services, security monitoring services, and armored car services including, but not limited to, background checks, security guard and patrol services, personal and event security, armored car transportation of cash and valuables, and security system services and monitoring. This does not include locksmith services; or

   d. Temporary staffing services. For the purposes of this subsection (3), "temporary staffing services" means providing workers to other businesses, except for hospitals licensed under chapter 70.41 or 71.12 RCW, for limited periods of time to supplement their workforce and fill employment vacancies on a contract or for fee basis; or

   e. Advertising services.

      (i) For the purposes of this subsection (3), "advertising services" means all digital and nondigital services related to the creation, preparation, production, or dissemination of advertisements including, but not limited to:

         (A) Layout, art direction, graphic design, mechanical preparation, production supervision, placement, referrals, acquisition of advertising space, and rendering advice concerning the best methods of advertising products or services; and

         (B) Online referrals, search engine marketing, and lead generation optimization, web campaign planning, the acquisition of advertising space in the internet media, and the monitoring and evaluation of website traffic for purposes of determining the effectiveness of an advertising campaign.

      (ii) "Advertising services" do not include:

         (A) Web hosting services and domain name registration;

         (B) Services rendered in respect to the following:

            (I) "Newspapers" as defined in RCW 82.04.214;

            (II) Printing or publishing under RCW 82.04.280; and

            (III) "Radio and television broadcasting" within this state as defined in RCW 82.04 (section 1, chapter 9, Laws of 2025); and

         (C) Services rendered in respect to out-of-home advertising, including: Billboard advertising; street furniture advertising; transit advertising; place-based advertising, such as in-store display advertising or point-of-sale advertising; dynamic or static signage at live events; naming rights; and fixed signage advertising. Out-of-home advertising does not include direct mail; or

   f. Live presentations including, but not limited to, lectures, seminars, workshops, or courses where participants attend either in person or via the internet or telecommunications

equipment that allows audience members and the presenter or instructor to give, receive, and discuss information with each other in real time.

For the purposes of (a) through (c) and (e) of this subsection (3), the terms "sale at retail" and "retail sale" do not include a sale between members of an affiliated group as defined in RCW 82.04.299(1)(f).

4. "Sale at retail" or "retail sale" shall include the sale of or charge made for tangible personal property consumed and/or for labor and services rendered in respect to the following:

   a. The installing, repairing, cleaning, altering, imprinting, or improving of tangible personal property of or for consumers, including charges made for the mere use of facilities in respect thereto, but excluding charges made for the use of coin-operated laundry facilities when such facilities are situated in an apartment house, rooming house, or mobile home park for the exclusive use of the tenants thereof, and also excluding sales of laundry service to nonprofit health care facilities, and excluding services rendered in respect to live animals, birds and insects;

   b. The constructing, repairing, decorating, or improving of new or existing buildings or other structures under, upon, or above real property of or for consumers, including the installing or attaching of any article of tangible personal property therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation, and shall also include the sale of services or charges made for the clearing of land and the moving of earth excepting the mere leveling of land used in commercial farming or agriculture;

   c. The charge for labor and services rendered in respect to constructing, repairing, or improving any structure upon, above, or under any real property owned by an owner who conveys the property by title, possession, or any other means to the person performing such construction, repair, or improvement for the purpose of performing such construction, repair, or improvement and the property is then reconveyed by title, possession, or any other means to the original owner;

   d. The sale of or charge made for labor and services rendered in respect to the cleaning, fumigating, razing or moving of existing buildings or structures, but shall not include the charge made for janitorial services; and for purposes of this section, the term *janitorial services* shall mean those cleaning and caretaking services ordinarily performed by commercial janitor service businesses including, but not limited to, wall and window washing, floor cleaning and waxing, and the cleaning in place of rugs, drapes and upholstery. The term "janitorial services" does not include painting, papering, repairing, furnace or septic tank cleaning, snow removal or sandblasting;

   e. The sale of or charge made for labor and services rendered in respect to automobile towing and similar automotive transportation services, but not in respect to those required to report and pay taxes under RCW Chapter 82.16;

   f. The sale of and charge made for the furnishing of lodging and all other services, except telephone business and cable service, by a hotel, rooming house, tourist court, motel, trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property, and it shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or enjoy the same;

   g. The installing, repairing, altering, or improving of digital goods for consumers;

   h. The sale of or charge made for tangible personal property, labor and services to persons taxable under subsections (3)(a), (b), (c), (d), (e), (f), and (g) of this definition when such sales or charges are for property, labor and services which are used or consumed in whole or in part by such persons in the performance of any activity defined as a "sale at retail" or "retail sale" even though such property, labor and services may be resold after such use or consumption. Nothing contained in this subsection shall be construed to modify subsection 1

of this definition and nothing contained in subsection 1 of this definition shall be construed to modify this subsection.

5. "Sale at retail" or "retail sale" shall also include the providing of competitive telephone service to consumers.

6. "Sale at retail" or "retail sale"

   a. "Sale at retail" or "retail sale" shall also include the sale of prewritten software, custom software, and customization of prewritten computer software to a consumer, other than a sale to a person who presents a resale certificate under RCW 82.04.470, regardless of the method of delivery to the end user. For purposes of this subsection 6

      (i) the sale of prewritten computer software includes the sale of or charge made for a key or an enabling or activation code, where the key or code is required to activate prewritten computer software and put the software into use. There is no separate sale of the key or code from the prewritten computer software, regardless of how the sale may characterized by the vendor or by the purchaser.

      (ii)

         (A) The term “sale at retail” or “retail sale” also includes the charge made to consumers for the right to access and use prewritten computer software, custom software, and customization of prewritten computer software, where possession of the software is maintained by the seller or a third party, regardless of whether the charge for the service is on a per use, per user, per license, subscription, or some other basis.

         (B)

            (I) The service described in (ii)(A) of this subsection 6 includes the right to access and use prewritten software, custom software, and customization of prewritten computer software to perform data processing.

            (II) For purposes of this subsection (II)(B) “*data processing”* means the systematic performance of operations on data to extract the required information in an appropriate form or to convert the data to usable information. Data processing includes check processing, image processing, form processing, survey processing, payroll processing, claim processing, and similar activities.

7. "Sale at retail" or "retail sale" shall also include the sale of or charge made for labor and services rendered in respect to the building, repairing, or improving of any street, place, road, highway, easement, right-of-way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle which is owned by a municipal corporation or political subdivision of the state, the state of Washington, or by the United States and which is used or to be used primarily for foot or vehicular traffic including mass transportation vehicles of any kind (public road construction).

8. "Sale at retail" or "retail sale" shall also include the sale of or charge made for an extended warranty to a consumer. For purposes of this subsection, *extended warranty* means an agreement for a specified duration to perform the replacement or repair of tangible personal property at no additional charge or a reduced charge for tangible personal property, labor, or both, or to provide indemnification for the replacement or repair of tangible personal property, based on the occurrence of specified events. The term "extended warranty" does not include an agreement, otherwise meeting the definition of "extended warranty" in this subsection, if no separate charge is made for the agreement and the value of the agreement is included in the sales price of the tangible personal property covered by the agreement.

9. "Sale at retail" or "retail sale" shall also include the sale of or charge made for labor and services rendered in respect to the constructing, repairing, decorating, or improving of new or existing buildings or other structures under, upon, or above real property of or for the United States, any instrumentality thereof, or a county or city housing authority created pursuant to RCW Chapter 35.82, including the installing or attaching of any article of tangible personal property therein or

thereto, whether or not such personal property becomes a part of the realty by virtue of installation (government contracting).

10. "Sale at retail" or "retail sale" shall not include the sale of services or charges made for the clearing of land and the moving of earth of or for the United States, any instrumentality thereof, or a county or city housing authority. Nor shall the term include the sale of services or charges made for cleaning up for the United States, or its instrumentalities, radioactive waste and other by-products of weapons production and nuclear research and development. (This should be reported under the service and other classification.)
11. "Sale at retail" or "retail sale" shall not include the sale of or charge made for labor and services rendered for environmental remedial action. (This should be reported under the service and other classification.)
12.
    a. "Sale at retail" or "retail sale" shall also include the following sales to consumers of digital goods, digital codes, and digital automated services:
        i. Sales in which the seller has granted the purchaser the right of permanent use;
        ii. Sales in which the seller has granted the purchaser a right of use that is less than permanent;
        iii. Sales in which the purchaser is not obligated to make continued payment as a condition of the sale; and
        iv. Sales in which the purchaser is obligated to make continued payment as a condition of the sale.
    b. A retail sale of digital goods, digital codes, or digital automated services under this subsection includes any services provided by the seller exclusively in connection with the digital goods, digital codes, or digital automated services, whether or not a separate charge is made for such services.
    c. A retail sale of digital goods, digital codes, or digital automated services does not include the following services if the sale occurs between members of an affiliated group as defined in RCW 82.04.299(1)(f):
        i. Any service that primarily involves the application of human effort by the seller, and the human effort originated after the customer requested the service;
        ii. Live presentations, such as lectures, seminars, workshops, or courses, where participants are connected to other participants via the internet or telecommunications equipment, which allows audience members and the presenter or instructor to give, receive, and discuss information with each other in real time;
        iii. Advertising services. For purposes of this subsection, "advertising services" means all services directly related to the creation, preparation, production, or dissemination of advertisements. Advertising services include layout, art direction, graphic design, mechanical preparation, production supervision, placement, and rendering advice to a client concerning the best methods of advertising that client's products or services. Advertising services also include online referrals, search engine marketing and lead generation optimization, web campaign planning, the acquisition of advertising space in the internet media, and the monitoring and evaluation of website traffic for purposes of determining the effectiveness of an advertising campaign. Advertising services do not include web hosting services and domain name registration; and
        iv Data processing services. For purposes of this subsection, "data processing service" means a primarily automated service provided to a business or other organization where the primary object of the service is the systematic performance of operations by the service provider on data supplied in whole or in part by the customer to extract the required information in an appropriate form or to convert the data to usable information.

Data processing services include check processing, image processing, form processing, survey processing, payroll processing, claim processing, and similar activities. Data processing does not include the service described in subsection (insert reference) of this section.

d. For purposes of this subsection, *permanent* means perpetual or for an indefinite or unspecified length of time. A right of permanent use is presumed to have been granted unless the agreement between the seller and the purchaser specifies or the circumstances surrounding the transaction suggest or indicate that the right to use terminates on the occurrence of a condition subsequent.

13. "Sale at retail" or "retail sale" shall also include the installing, repairing, altering, or improving of digital goods for consumers.

Sale at wholesale or *wholesale sale* means any sale of tangible personal property, digital goods, digital codes, digital automated services, prewritten computer software, custom software, customization of prewritten software to a consumer, or services described in subsection (5)(b) of the definition of "sale at retail," which is not a retail sale, and any charge made for labor and services rendered for persons who are not consumers, in respect to real or personal property and retail services, if such charge is expressly defined as a retail sale or retail service when rendered to or for consumers. Sale at wholesale also includes the sale of telephone business to another telecommunications company as defined in RCW 80.04.010 for the purpose of resale, as contemplated by RCW 35.21.715.

Services. The term "services" excludes retail or wholesale services.

Software, prewritten software, custom software, customization of canned software, master copies, retained rights.

1. *Prewritten software* or *canned software* means computer software, including prewritten upgrades, that is not designed and developed by the author or other creator to the specifications of a specific purchaser. The combining of two or more prewritten computer software programs or prewritten portions thereof does not cause the combination to be other than prewritten computer software. Prewritten computer software includes software designed and developed by the author or other creator to the specifications of a specific purchaser when it is sold to a person other than such purchaser. Where a person modifies or enhances computer software of which such person is not the author or creator, the person shall be deemed to be the author or creator only of the person's modifications or enhancements. Prewritten computer software or a prewritten portion thereof that is modified or enhanced to any degree, where such modification or enhancement is designed and developed to the specifications of a specific purchaser, remains prewritten computer software; however, where there is a reasonable, separately stated charge or an invoice or other statement of the price given to the purchaser for the modification or enhancement, the modification or enhancement shall not constitute prewritten computer software.
2. *Custom software* means software created for a single person.
3. *Customization of canned software* means any alteration, modification, or development of applications using or incorporating canned software to specific individualized requirements of a single person. Customization of canned software includes individualized configuration of software to work with other software and computer hardware but does not include routine installation. Customization of canned software does not change the underlying character or taxability of the original canned software.
4. *Master copies of software* means copies of software from which a software developer, author, inventor, publisher, licensor, sublicensor, or distributor makes copies for sale or license. The software encoded on a master copy and the media upon which the software resides are both ingredients of the master copy.
5. *Retained rights* means any and all rights, including intellectual property rights such as those rights arising from copyrights, patents, and trade secret laws, that are owned or are held under contract or license by a software developer, author, inventor, publisher, licensor, sublicensor, or distributor.

Exhibit A

6. *Software* means any information, program, or routine, or any set of one or more programs, routines, or collections of information, used, or intended for use, to convey information that causes one or more computers or pieces of computer-related peripheral equipment, or any combination thereof, to perform a task or set of tasks. "Software" includes the associated documentation, materials, or ingredients regardless of the media upon which that documentation is provided, that describes the code and its use, operation, and maintenance and that typically is delivered with the code to the consumer. All software is classified as either canned or custom.

Successor means any person to whom a taxpayer quitting, selling out, exchanging, or disposing of a business sells or otherwise conveys, directly or indirectly, in bulk and not in the ordinary course of the taxpayer's business, any part of the materials, supplies, merchandise, inventory, fixtures, or equipment of the taxpayer. Any person obligated to fulfill the terms of a contract shall be deemed a successor to any contractor defaulting in the performance of any contract as to which such person is a surety or guarantor.

Tax year or *taxable year* means the calendar year.

Taxpayer means any "person," as herein defined, required to have a business license under this chapter or liable for the collection of any tax or fee under this chapter, or who engages in any business or who performs any act for which a tax or fee is imposed by this chapter.

Value of products.

1. The value of products, including by-products, extracted or manufactured, shall be determined by the gross proceeds derived from the sale thereof whether such sale is at wholesale or at retail, to which shall be added all subsidies and bonuses received from the purchaser or from any other person with respect to the extraction, manufacture, or sale of such products or by-products by the seller.
2. Where such products, including by-products, are extracted or manufactured for commercial or industrial use; and where such products, including by-products, are shipped, transported or transferred out of the city, or to another person, without prior sale or are sold under circumstances such that the gross proceeds from the sale are not indicative of the true value of the subject matter of the sale; the value shall correspond as nearly as possible to the gross proceeds from sales in this state of similar products of like quality and character, and in similar quantities by other taxpayers, plus the amount of subsidies or bonuses ordinarily payable by the purchaser or by any third person with respect to the extraction, manufacture, or sale of such products. In the absence of sales of similar products as a guide to value, such value may be determined upon a cost basis. In such cases, there shall be included every item of cost attributable to the particular article or article extracted or manufactured, including direct and indirect overhead costs. The director may prescribe rules for the purpose of ascertaining such values.
3. Notwithstanding subsection 2 of this definition, the value of a product manufactured or produced for purposes of serving as a prototype for the development of a new or improved product shall correspond to:
    a. The retail selling price of such new or improved product when first offered for sale; or
    b. The value of materials incorporated into the prototype in cases in which the new or improved product is not offered for sale.

Value proceeding or accruing means the consideration, whether money, credits, rights, or other property expressed in terms of money, a person is entitled to receive or which is actually received or accrued. The term shall be applied, in each case, on a cash receipts or accrual basis according to which method of accounting is regularly employed in keeping the books of the taxpayer.

Wholesaling means engaging in the activity of making sales at wholesale, and is reported under the wholesaling classification.

BUSINESS OF THE CITY COUNCIL
CITY OF MERCER ISLAND

AB 6802
November 4, 2025
Regular Business

AGENDA BILL INFORMATION

TITLE:	AB 6802: Omnibus Ordinance Related to Permanent Regulations for Housing Production and Permit Streamlining (Ordinance No. 25C-27 First Reading)	☐ Discussion Only ☒ Action Needed: ☒ Motion ☐ Ordinance ☐ Resolution
RECOMMENDED ACTION:	Complete a first reading and schedule a second reading of Ordinance 25C-27.	

DEPARTMENT:	Community Planning and Development
STAFF:	Jeff Thomas, CPD Director Adam Zack, Principal Planner
COUNCIL LIAISON:	n/a
EXHIBITS:	1. Ordinance No. 25C-27 Related to Permanent Regulations for Housing Production and Permit Streamlining 2. Planning Commission Recommendation dated October 8, 2025 3. Planning Commission Amendment Matrix
CITY COUNCIL PRIORITY:	n/a

AMOUNT OF EXPENDITURE	$ n/a
AMOUNT BUDGETED	$ n/a
APPROPRIATION REQUIRED	$ n/a

EXECUTIVE SUMMARY

The purpose of this agenda item is to complete a first reading of Ordinance No. 25C-27, omnibus legislation related to permanent regulations for housing production and permit streamlining (Exhibit 1). The Planning Commission held a public hearing on September 24 and October 8. Following the public hearing on October 8, the Planning Commission recommended adoption of the proposed amendments (Exhibit 2).

- In the last few years, the WA Legislature has adopted many bills related to housing production and permit streamlining 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 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.

- On July 15, 2025, the City Council approved a scope of work for a project to adopt omnibus legislation related to permanent regulations to replace the interim regulations for housing production and permit streamlining (AB 6735).
- The Planning Commission was briefed on the approved scope of work on July 23, 2025, and the initial draft of code amendments on September 10, 2025.
- The Planning Commission comment period on the draft code amendments was open from August 11 to September 19. All Planning Commission comments were entered into a comment matrix.
- On September 24, 2025, the Planning Commission started a public hearing on the draft code amendments. At that meeting, the Planning Commission addressed the submitted comments in the Comment Matrix as follows:
    - Comments categorized as non-substantive were incorporated into the draft of code amendments with direction for staff to resolve any overlapping or undrafted amendments;
    - Comments categorized as substantive were placed in the Planning Commission parking lot; and
    - Staff was directed to incorporate Comment Log #s 68, 70, and 71 into the draft with additional clarification that the parking variances, cooperative parking, and parking reductions should not apply to parcels in the R-8.4, R-9.6, R-12, and R-15 zones.
- A draft of the code amendments that incorporated the Planning Commission comments was published with PCB25-18 in advance of the continued public hearing on October 8, 2025.
- On October 8, 2025, the Planning Commission continued its public hearing on the proposed amendments and completed its recommendation to the City Council (Exhibit 2).
- The Planning Commission recommendation was incorporated into Ordinance No. 25C-27 (Exhibit 1).
- The amendments to the initial staff draft the Planning Commission has recommended are listed in Exhibit 3.
- After the City Council concludes the first reading of Ordinance No. 25C-27, a second reading and adoption can be scheduled for November 18, 2024.

BACKGROUND

Beginning in 2021, the WA State Legislature enacted a number of bills related to housing production and permit streamlining 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 address new housing requirements. 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 renewed every 6-12 months or replaced by permanent regulations to maintain compliance with State law.

Rather than prepare several code amendments to adopt permanent regulations to replace each interim ordinance related to housing production and permit streamlining individually, the City will adopt one set of amendments 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 six 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 attached to the Planning Commission recommendation in Exhibit 2 includes notation following the amended section or subsection to indicate which topic the

amendment would address. The notation has been removed from Ordinance 25C-27 and is included in the Planning Commission recommendation for reference only.

Omnibus Legislation Project History to Date

- July 15, 2025 – City Council approved scope of work and schedule
- July 23, 2025 – PC briefed on scope of work, schedule, and compliance topics to be addressed
- August 11, 2025 – First draft of omnibus legislation publicly available, Public and PC comment periods begins
- September 10, 2025 – PC briefing on first draft of omnibus legislation
- September 19, 2025 – PC comment period closes, public comment period still open
- September 24, 2025 – PC public hearing begins, PC comments from the comment matrix were resolved
- October 8, 2025 – PC public hearing continues, PC arrives at a recommendation

The Planning Commission (PC) comment period was open from August 11 to September 19, 2025. All PC comments were entered into a comment matrix that was provided to the PC prior to their public hearing on September 24, 2025. Minor and substantive amendments proposed by the PC were resolved on September 24, 2025. All of the substantive amendments except for three were not added to the draft. A draft of the proposed amendments that incorporated the PC input was published with PCB25-18 in advance of the continued public hearing on October 8, 2025. The PC completed its public hearing on the proposed amendments and recommended adoption of those amendments on October 8, 2025 (Exhibit 2). The PC amendments have been incorporated into the draft development code amendments in Ordinance No. 25C-17 (Exhibit 1).

ISSUE/DISCUSSION

Adoption of the omnibus legislation will address the interim ordinances and statewide legislation listed in Table 2. Permanently addressing these topics now will maintain compliance with State law and reduce staff time that would be dedicated to renewing interim ordinances individually.

Table 2. Topics to be Addressed by the Omnibus Ordinance.

Topic (Notation)	Description	MICC Chapters Affected	RCW Reference	Interim Ordinance #
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,	N/A	25C-14[2]

		19.12, 19.15, 19.16, App. C		
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 is the official responsible for review.

PLANNING COMMISSION RECOMMENDED AMENDMENTS AND COMMENT MATRIX

The Planning Commission recommended amendments are listed in Exhibit 3 and categorized as follows:

- Comments categorized as minor were incorporated into the draft of code amendments with direction for staff to resolve any overlapping or undrafted amendments; and
- Substantive amendments #38, 39, and 40 were incorporated into the draft with additional clarification that the parking variances, cooperative parking, and parking reductions should not apply to parcels in the R-8.4, R-9.6, R-12, and R-15 zones.
    - Log #38 amended MICC 19.03.020(B)(4)
    - Log #39 amended MICC 19.04.040(B)(9)
    - Log #40 amended MICC 19.04.040(E)

Minor Comments

The minor amendments generally do not change the policy direction in the development code but rather clarify or correct the proposed amendments. Because they did not alter the policy direction or otherwise change the standards, they were incorporated into the draft of amendments the PC eventually recommended.

Substantive Amendments

Substantive amendments were PC-proposed amendments that suggested 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 legislation and the timeline established by the City Council approved scope of work, staff recommended against the addition of substantive comments to the omnibus legislation. The PC recommendation incorporated three substantive amendments (Exhibit 3, Log #s 38, 39, 40).

Substantive Amendments Log #s 38, 39, and 40

The PC recommended three amendments to parking standards in addition to those proposed by staff. These three amendments are local choices and not required to comply with the State law. All three PC amendments related to variable parking standards in the MF, C-O, PBZ and B zones. The existing development code in the

amended sections allows for parking minimums in these zones to be reduced or shared between lots in some cases.

PC Amendment Log #38 proposed amendments to MICC 19.03.020(B)(4) to limit parking variances granted to development in the multifamily zones so that they could not be applied on an adjacent lot in a single-family zone. The initial staff-proposed amendment would strike the reference to the design commission in this section. The PC amendment was to add the underlined text to MICC 19.03.020(B)(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 provided the parking reduction is not applied on a parcel in the R-8.4, R-9.6, R-12, and R-15 zones ~~and the design commission for projects reviewable by the design commission~~.

PC Amendment Log #39 proposed a similar amendment to MICC 19.04.040(B)(9). The original staff proposed amendment to this section was to (1) strike the reference to the design commission in this section and (2) to make the standard clear and objective by requiring parking variance decisions to be based on a parking study. The PC amendment would limit the parking variance so that it could not be applied on an adjacent single-family zoned parcel. The amendment to MICC 19.04.040(B)(9) from PC Comment Log #70 is highlighted in yellow below, all other amendments are from the original staff proposal.

> 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 provided the parking variance is not applied on a parcel in the R-8.4, R-9.6, R-12, and R-15 zones.

PC Amendment Log #40 also relates to parking and would amend MICC 19.04.040(E) to require that cooperative parking cannot be applied to a single-family zoned parcel. The amendment to MICC 19.04.040(E) from PC Comment Log #71 is highlighted in yellow below, all other amendments are from the original staff proposal.

> Cooperative parking. Cooperative parking between two or more adjoining property owners is allowed~~; provided, the code official~~. The hearing examiner, 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 and the cooperative parking is not applied on a parcel in the R-8.4, R-9.6, R-12, and R-15 zones.

ACCEPTING THE PLANNING COMMISSION RECOMMENDATIONS

The City Council can accept the PC recommendations either in whole or in part. Accepting the minor PC-recommended amendments listed in Exhibit 3 would adhere to the minimum necessary to comply with State law and replace the interim regulations. The PC also recommended three substantive amendments that are not necessary to comply with State law (Exhibit 3, Log #s 38, 39, 40).

Motion to Accept Only the Minor Amendments
Move to accept the Planning Commission recommended Minor amendments and return to the staff recommended draft for substantive amendments listed in AB6802 Exhibit 3.

Motion to Accept Both Minor and Substantive Amendments
Move to accept the Planning Commission recommended amendments from AB6802 Exhibit 3

NEXT STEPS

Second reading and adoption is planned for November 18, or as soon as otherwise feasible. Ordinance No. 25C-27 will become effective on December 31, 2025.

RECOMMENDED ACTION

1. Move to schedule Ordinance No. 25C-27 for second reading.
2. Move to accept the Planning Commission recommended Minor amendments and return to the staff recommended draft for substantive amendments listed in AB 6802 Exhibit 3.

OR

2. Move to accept the Planning Commission recommended amendments from AB 6802 Exhibit 3.

COMMUNITY PLANNING & DEVELOPMENT
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PHONE: 206.275.7605 | www.mercerisland.gov

PLANNING COMMISSION

To: City Council

From: Dan Thompson, Planning Commission Chair

Date October 8, 2025

Subject: Omnibus Legislation Related to Permanent Regulations for Housing Production and Permit Streamlining

Attachments:
A. Planning Commission Recommended Code Amendments for Omnibus Legislation Related to Permanent Regulations for Housing Production and Permit Streamlining

Beginning in 2021, the WA State Legislature enacted a series of bills related to housing production and permit streamlining 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.

Rather than adopt permanent regulations to replace each interim ordinance on at a time, one set of omnibus legislation can replace the interim ordinances all at once. Omnibus legislation is an 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 Planning Commission reviewed the omnibus legislation over the course of four meetings:

- July 23, 2025 – Initial briefing on scope of work and interim ordinances
- September 10, 2025 – Briefing on initial draft of omnibus legislation
- September 24, 2025 – Public hearing and deliberations
- October 8, 2025 – Public hearing and recommendation

The Planning Commission provided 104 comments on the draft legislation. After the public hearing on September 24, 2025, the Planning Commission made fifty amendments based on those comments. The public had the opportunity to comment on the Planning

Commission amendments at the public hearing on October 8. After completing the public hearing, the Planning Commission deliberated its recommendation.

Recommendation

On October 8, 2025, the Planning Commission completed a public hearing and considered its recommendation to the City Council regarding omnibus legislation related to permanent regulations for housing production and permit streamlining. After deliberating, the Planning Commission voted to:

"Recommend that the City Council adopt the proposed amendments to Title 19 of the MICC as provided in Exhibit 1 to PCB25-18 and amended to include PC Log number 6 as presented."

Dan Thompson
Planning Commission Chair

October 8 2025
Date

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 notation and topics used in this draft.

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

Topic (Notation)	Description	MICC Chapters Affected	RCW Reference	Interim Ordinance #
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.

In addition to the notation listed in Table 1, this amended public hearing draft includes notation to indicate each Planning Commission amendment made after the first public hearing on September 24, 2025. The notation will list a log number that is taken from the Planning Commission comment matrix dated September 23, 2025. The format of the Planning Commission amendment notation is: [PC Log #X]. This notation will be removed prior to adoption.

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 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; 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] [PC Log #5]

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 at pedestrian eye level. If screening consists of solid planting, it shall be of evergreen variety and shall constitute a solid planting within ~~two~~three years. [PC Log #6]

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 provided the parking reduction is not applied on a parcel in the R-8.4, R-9.6, R-12, and R-15 zones ~~and the design commission for projects reviewable by the design commission~~. [DC] [PC Log #68, see also the 9/24/2025 PC meeting minutes]

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~~ 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) ~~f~~iled 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 code~~section 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 excluding required access points, shall be devoted ~~exclusively~~ to ~~the planting, cultivation, growing and maintenance of sight-obscuring trees, shrubs and plant life~~ landscaping providing a partial screen. [PC Log #10]

~~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]

7. 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. [PC Log #11] […]

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 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] […] [PC Log #11]

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 provided the parking variance is not applied on a parcel in the R-8.4, R-9.6, R-12, and R-15 zones. [DC] [PC Log #70, see also the 9/24/2025 PC Meeting Minutes]

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~~hearing examiner, 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 and the cooperative parking is not applied on a parcel in the R-8.4, R-9.6, R-12, and R-15 zones. [DC] [PC Log #71, see also the 9/24/2025 PC meeting minutes]

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.

[…]

D. The code official shall review the proposed location of a dish antenna to determine that the antenna is ~~located and designed so as to minimize the visual impact on surrounding properties and streets and is reasonably and adequately~~ screened from view from abutting properties. [PC Log #13] […]

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 19.06.080 – Siting of group housing.

[…]

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 minimum rate of 0.25 parking stalls per sleeping unit. [HB 1998] [PC Log #2]

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.

~~E~~5. *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]

~~F~~6. *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]

~~G~~7. *Style.* The objectives and standards do not set or encourage a particular style of architecture or design theme. However, ~~building and site design shall~~ tThese 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 Mercerdale Park.

B. *Subareas established.* The following subareas have been established and are depicted on Figure 1 below.

1. *TC-~~5~~7 subarea.* The purpose of the TC-~~5~~7 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. T*C-~~4~~5 subarea.* The purpose of the TC-~~4~~5 subarea is to be a transition between the taller buildings in the TC-~~5~~7 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]

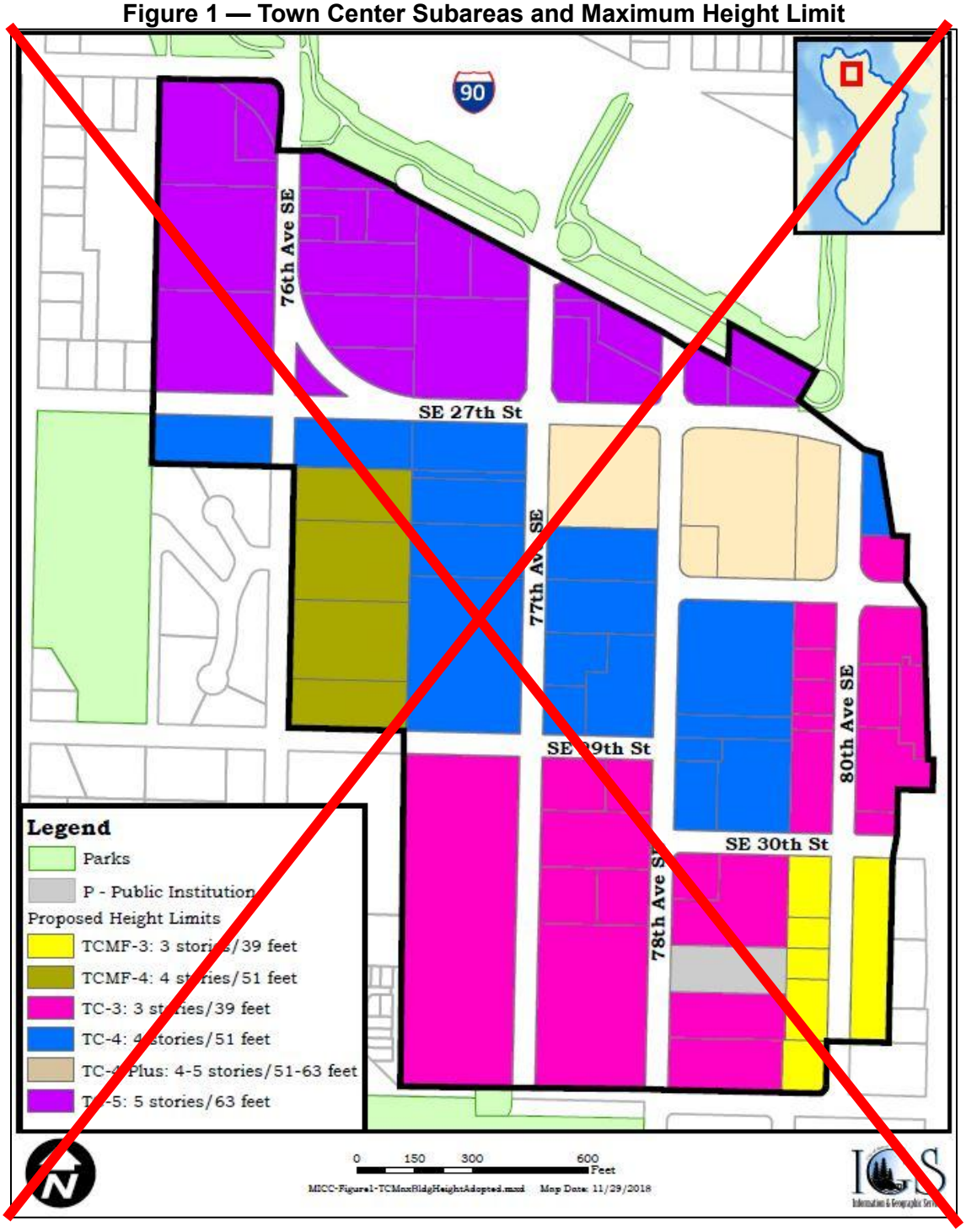
3. *TC-~~4~~5 plus subarea.* The purpose of the TC-4~~5~~ Plus subarea is to be a transition between the taller buildings in the TC-~~5~~7 subarea and the TC-4~~5~~ subarea. A broad mix of land uses is allowed. Buildings may be up to ~~five~~ seven stories in height with the provision of additional affordable housing units and public open space. [Comp Plan]

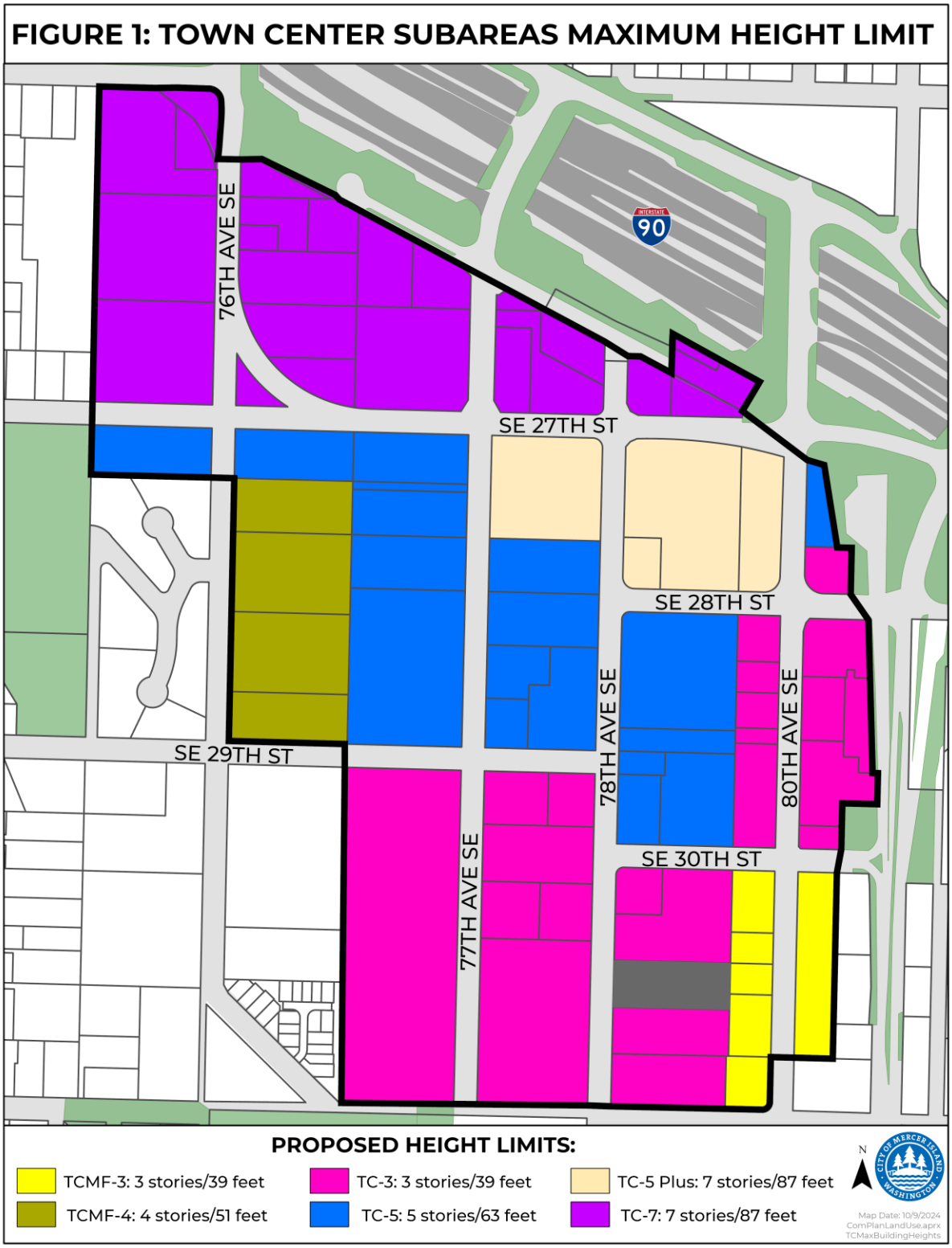
4. *TC-3 subarea.* The purpose of the TC-3 subarea is to create an area of transition between the Town Center and adjacent residential neighborhoods. A broad mix of land uses is allowed. Buildings may be up to three stories in height. [Comp Plan]

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




FIGURE 1: TOWN CENTER SUBAREAS MAXIMUM HEIGHT LIMIT
76TH AVE SE
INTERSTATE 90
SE 27TH ST
SE 28TH ST
78TH AVE SE
80TH AVE SE
SE 29TH ST
77TH AVE SE
SE 30TH ST
PROPOSED HEIGHT LIMITS:
TCMF-3: 3 stories/39 feet
TC-3: 3 stories/39 feet
TC-5 Plus: 7 stories/87 feet
TCMF-4: 4 stories/51 feet
TC-5: 5 stories/63 feet
TC-7: 7 stories/87 feet
N
CITY OF MERCER ISLAND WASHINGTON
Map Date: 10/9/2024
ComPlanLandUse.aprx
TCMaxBuildingHeights

[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-~~5~~7	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	~~C~~P	~~C~~P
Service	P	P	P	P	P
Social service transitional housing	C	C	C	C	C
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					

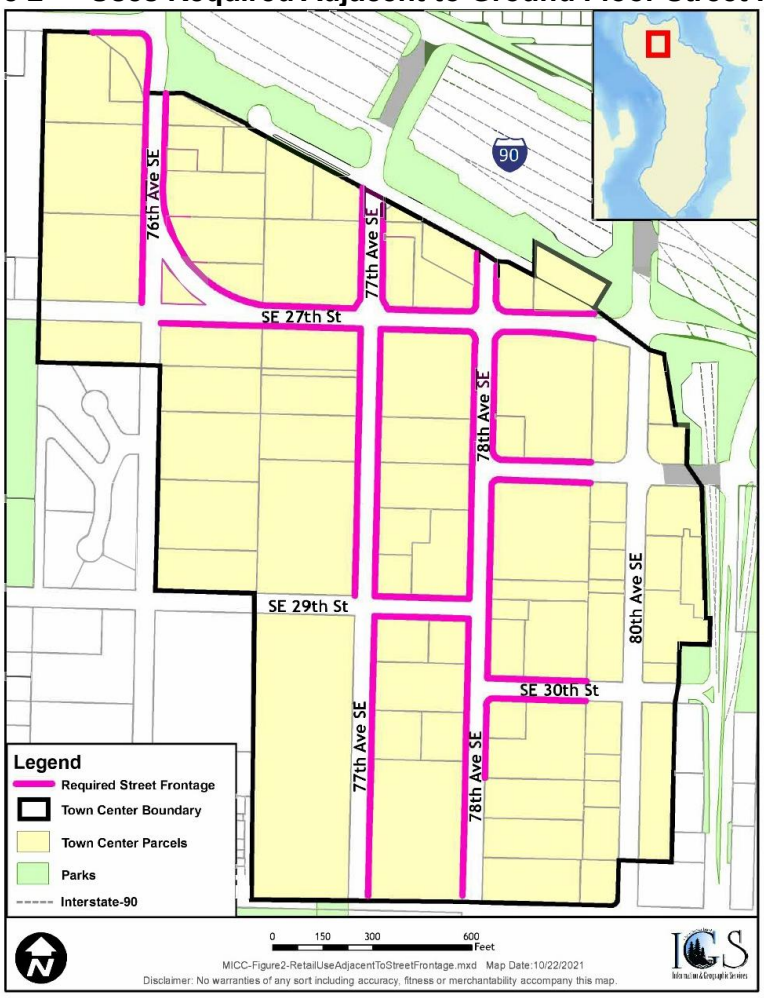
[HB 1998 & Comp Plan]

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]

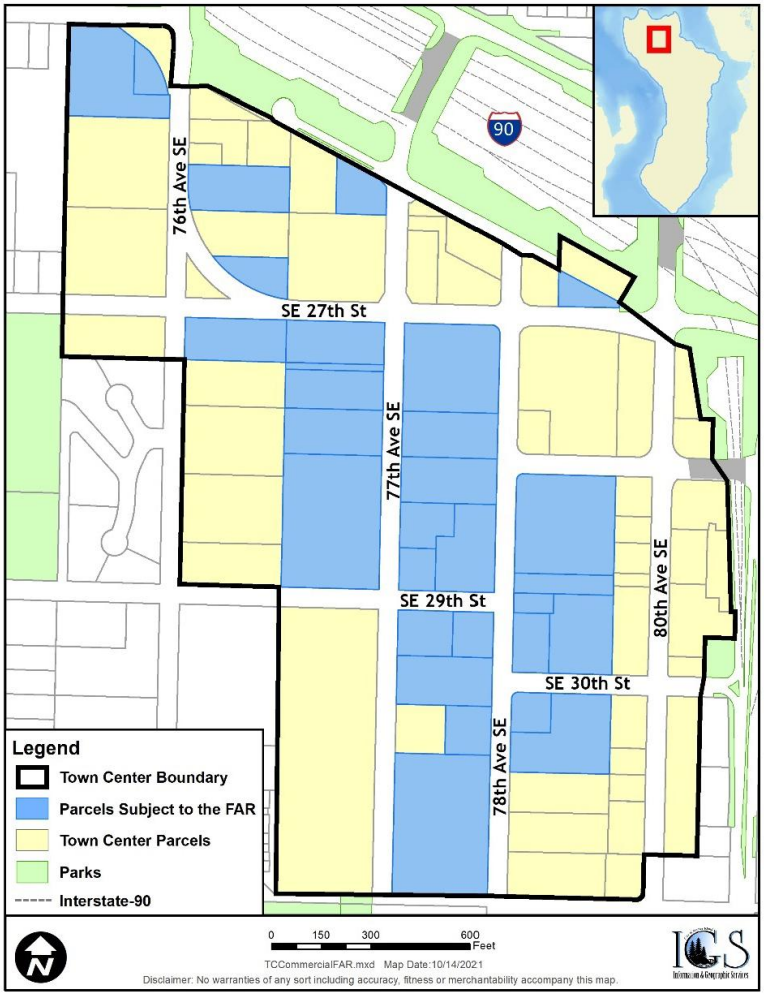
b. The minimum required depth of uses along street frontages is 16 feet.

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

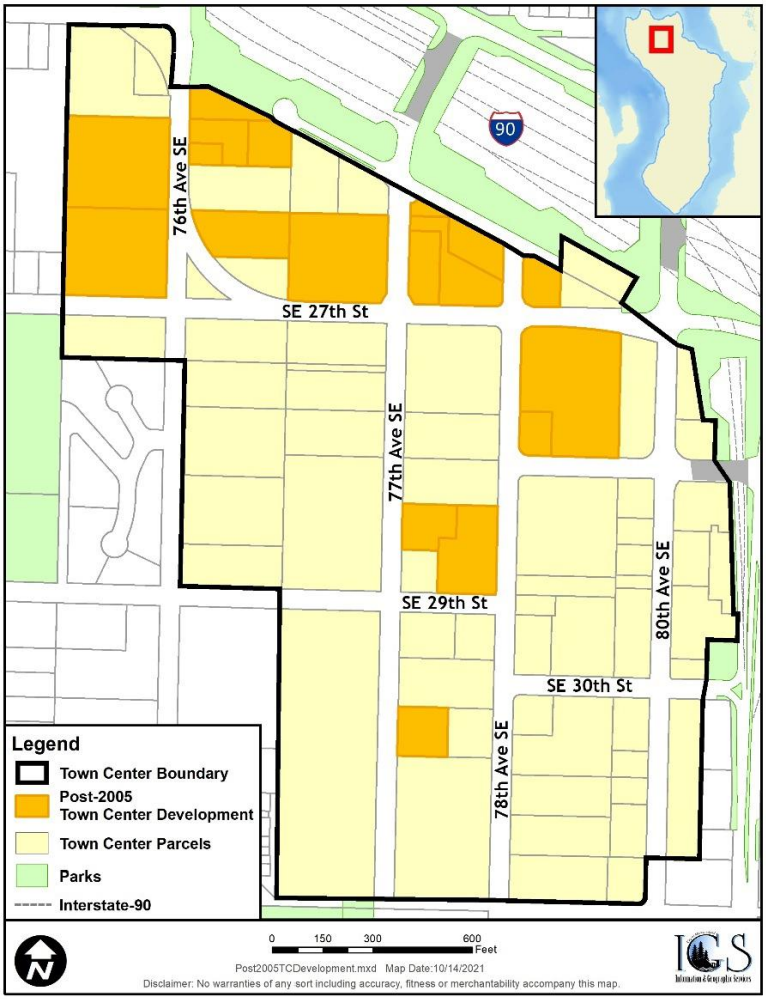
   ii. Fractions below 0.50 shall be rounded down to the closest whole number.

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

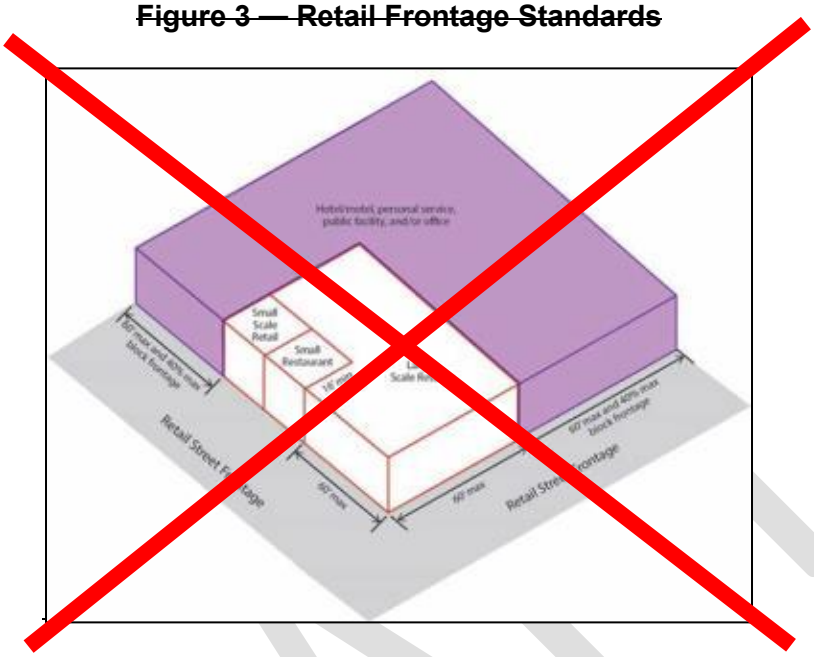


4. A review of these requirements shall occur five years from the date of ordinance adoption or after 75,000 gross square feet of floor area for ground floor retail, restaurant, personal service, museum and art exhibition, theater, bar, financial and insurance service, recreation, and/or service station 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~~, fully 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] [PC Log #16]

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~~ provided 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. [PC Log #17]

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.

~~E. *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.~~ [PC Log #20]

MICC 19.11.030 – Bulk regulations.

A. *Bulk regulations by subarea.*

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

	TC-~~5~~7	TC-4~~5~~ and TC-4~~5~~ 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	~~63~~87 feet	TC-4~~5~~: ~~51~~63 Feet TC-4~~5~~ Plus: ~~63~~87 Feet	39 Feet	39 Feet	51 Feet
	Up to 5 additional feet allowed for parapet and/or sloped roof.				
Maximum Allowable Building Stories	~~5~~7	TC-4~~5~~: 4~~5~~ TC-4~~5~~ Plus: ~~5~~7	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]

2. *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-4~~5~~ 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]

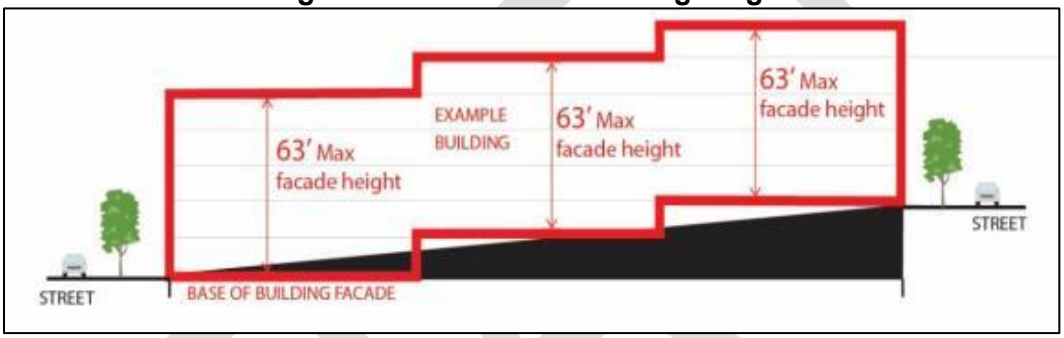
3. *Calculation of building height.*

a. 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,~~ rRooftop 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 curbline 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 curbline 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 stepbacks 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 stepbacks ~~shall comply with the following~~ are required as follows:

~~i~~a. From a height of ~~25~~27 feet at the front property line, buildings shall step back at a 45-degree angle up to the maximum height limit. [PC Log #22]

~~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.

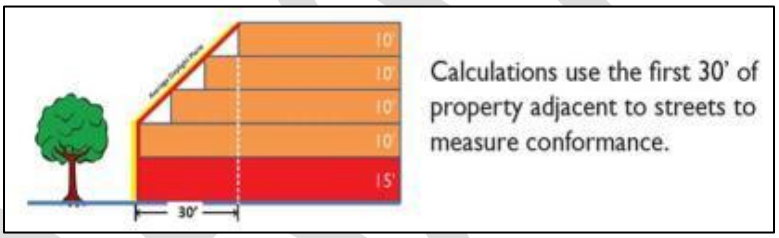
~~iv~~d. ~~Since the daylight plane standards above apply a minimum average, p~~Portions of block frontages may project beyond the daylight plane ~~concept~~

~~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.

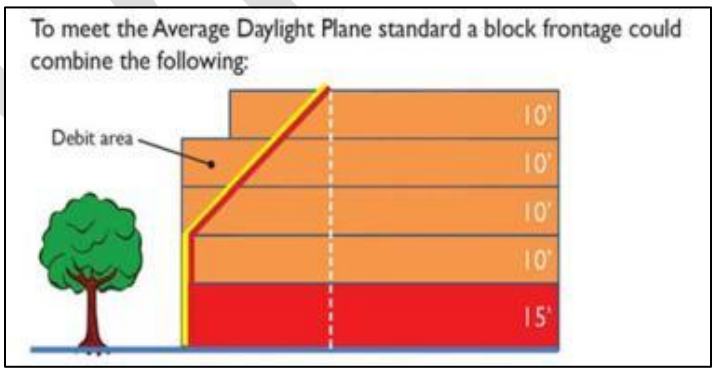
~~v~~e. For each cubic foot that part of a building protrudes beyond the daylight plane ("debit"), the project must include an equivalent cubic footage of open space ("credit") either on the ground floor adjacent to the street (such as a public open space, courtyard or through-block connection), and/or 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 e~~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]

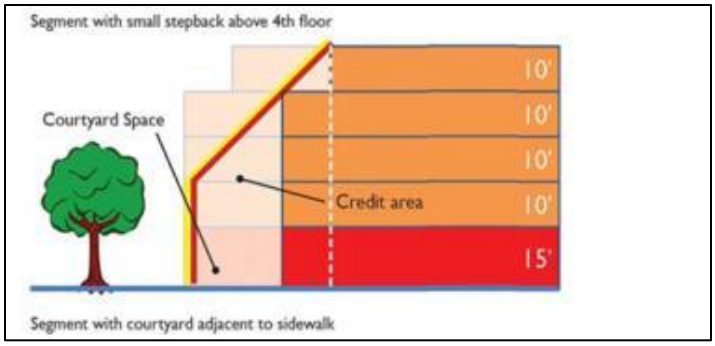
~~vi~~f. Daylight plane debits and credits shall be applied on the same block frontage and cannot be transferred to other block frontages.

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.

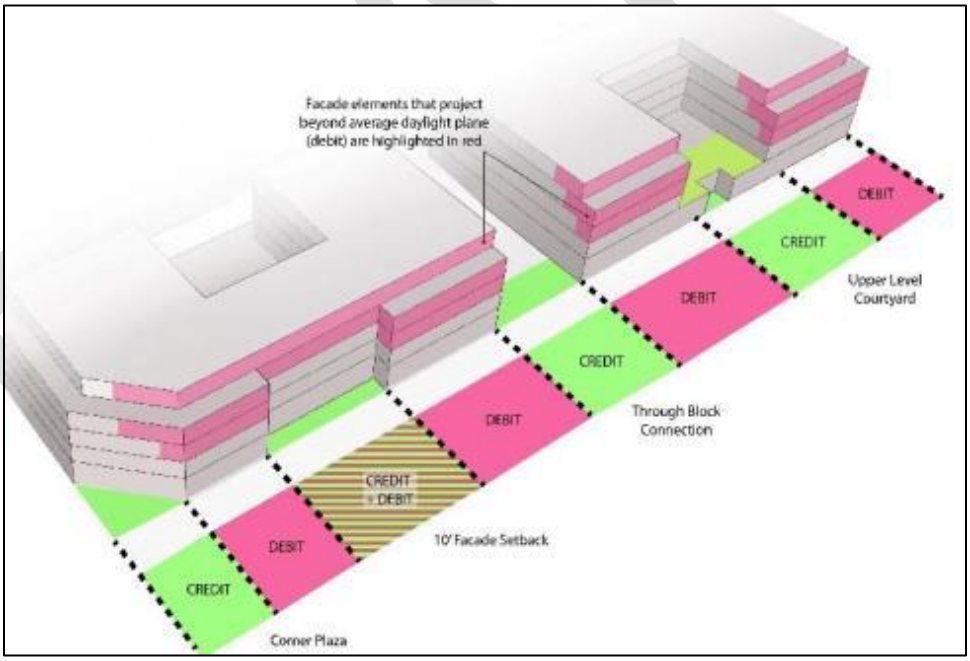




The amount of credit volume shall exceed the debit volume to comply with the "average."

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 stor~~y~~ies. [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. C~~c~~omply 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 D~~E~~ 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 C~~D~~ 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 or synthetic material that mimics the appearance 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] [PC Log #25]

   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] [PC Log #26]

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 e~~E~~nclosed 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]

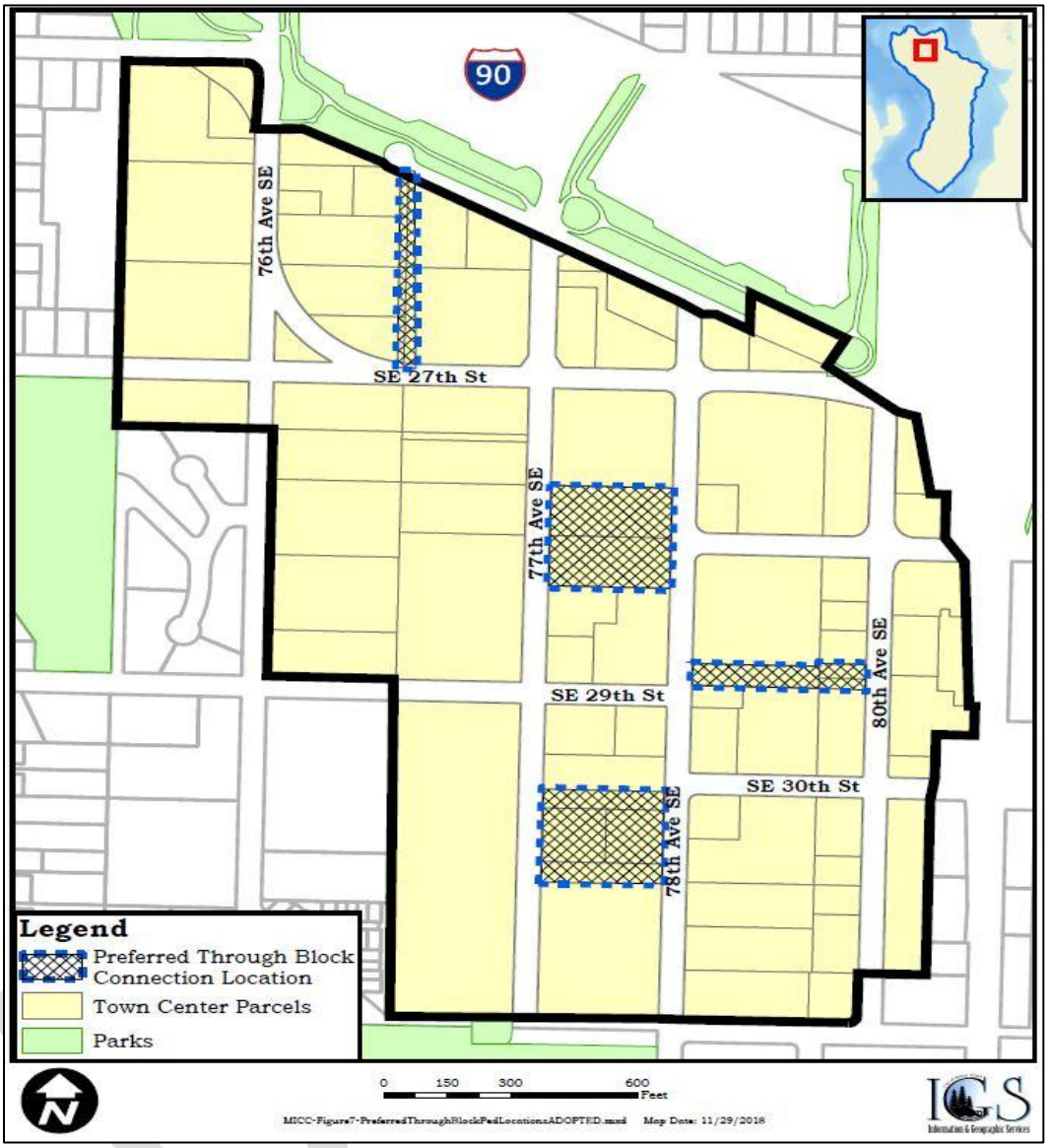
D~~E~~. *Through-block pedestrian connections.* Through-block pedestrian connections are intended to provide convenient and safe public pedestrian routes through city blocks.

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~~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]

~~b~~d. 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]

~~c~~e. 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]

~~e~~f. 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.



~~f~~g. 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.

~~g~~h. 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]

~~h~~i. 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.

~~i~~j. All city approvals or permits for any structure shall be reviewed for compatibility with the alignment of any existing or approved through-block connection.

~~j~~k. 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.

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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 ~~area~~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] [PC Log #27]

   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 area~~s~~ that support~~s~~ 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]

~~b~~d. *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]

~~c~~e. *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 to 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, and transformers~~, etc~~. [PC Log #30]

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 ~~alley~~way, 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 at least eighty (80) percent 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] [PC Log #89]

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 l~~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~~ may be used to satisfy required lighting for~~of~~ walkways in pedestrian areas. [HB 1293] [PC Log #92]

~~5~~4. Parking areas. Parking area light fixtures ~~should~~ must be designed to confine emitted light to the parking area. The height of the light fixtures ~~should~~shall not exceed 16 feet above finished grade. ~~The design commission shall review and determine the adequacy of lighting in parking areas based on best practices.~~ [HB 1293] [PC Log #93]

~~6~~4. *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]

~~7~~5. *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] [PC Log #33]

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~~differentiate the façade from other components of the building. [PC Log #96]

b. ~~Decorative l~~Light fixtures.

c. ~~Unique facade treatment, such as decorative materials and design elements.~~ [HB 1293]

~~d.~~ ~~Decorative paving~~ Paving with a texture, color, or stamped pattern different from other paved features.

~~e~~d. Trellises, railings, gates, grill work, or ~~unique~~ landscaping.

~~f~~e. Flower baskets ~~supported by ornamental brackets~~.

~~g~~f. Recessed entrances.

~~h~~g. Balconies.

~~i~~h. Medallions.

~~j~~i. Belt courses.

~~k~~j. ~~Decorative m~~Masonry and/or tilework.

~~l. Unique, handcrafted pedestrian-scaled designs.~~ [HB 1293]

~~m~~k. Planter boxes ~~with seasonal color~~.

~~n~~l. Projecting metal and glass canopy.

~~o~~m. Clerestories over storefront windows.

~~p. Other elements as approved by the design commission.~~ [HB 1293] [PC Log #34]

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<u>s</u> from the rest of the facade. [PC Log #35]

      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: [PC Log #36]

      i. Different building materials and/or configuration of building materials; and

      ii. Contrasting window design (sizes or configurations).

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Figure 10 — Illustrating Maximum Facade Width Standards

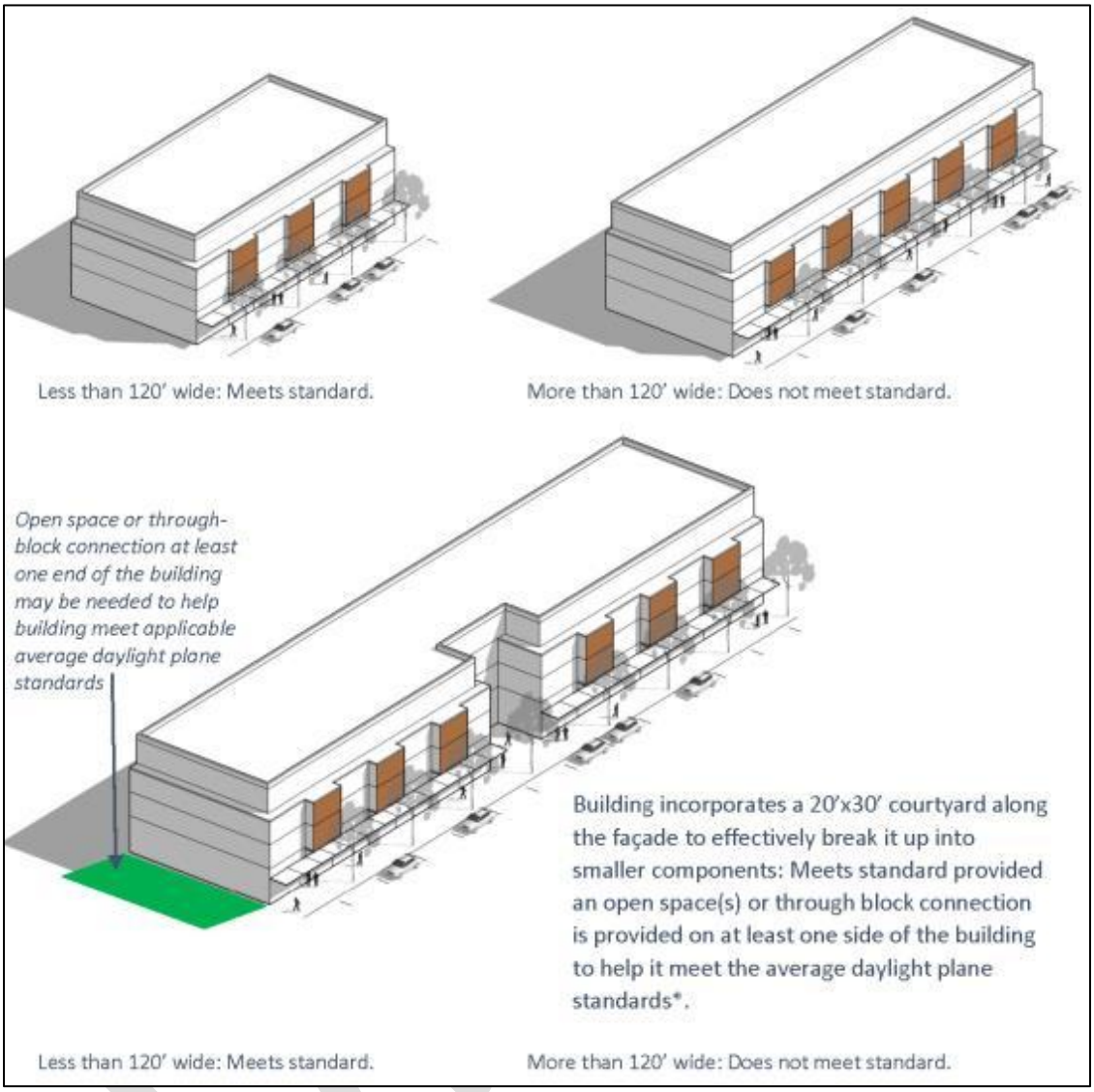


Figure 11 — Facade Examples Employing Building Walls with Contrasting Articulation That Make It Appear Like Two or More Distinct Buildings



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; <u>or</u>

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 m~~M~~ethods 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 that are sufficient to obscure or screen at least 60% of the wall surface within three years. of planting. [HB 1293] [PC Log #38]

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] [PC Log #39]

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~~ required street frontages shown on MICC 19.11.020 Figure 2. [HB 1293] [PC Log #40]

    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.

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

~~14~~8. *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~~C). Other courtyards ~~should~~ must: [HB 1293] [PC Log #41]

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; [PC Log #42]

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~~must be constructed from high quality and durable materials with demonstrated minimal post-installation maintenance. ~~It is important that the materials and colors weather well and that building exteriors need minimal maintenance.~~ [HB 1293] [PC Log #100]

~~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~~2. ~~—~~*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~~3. ~~*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]

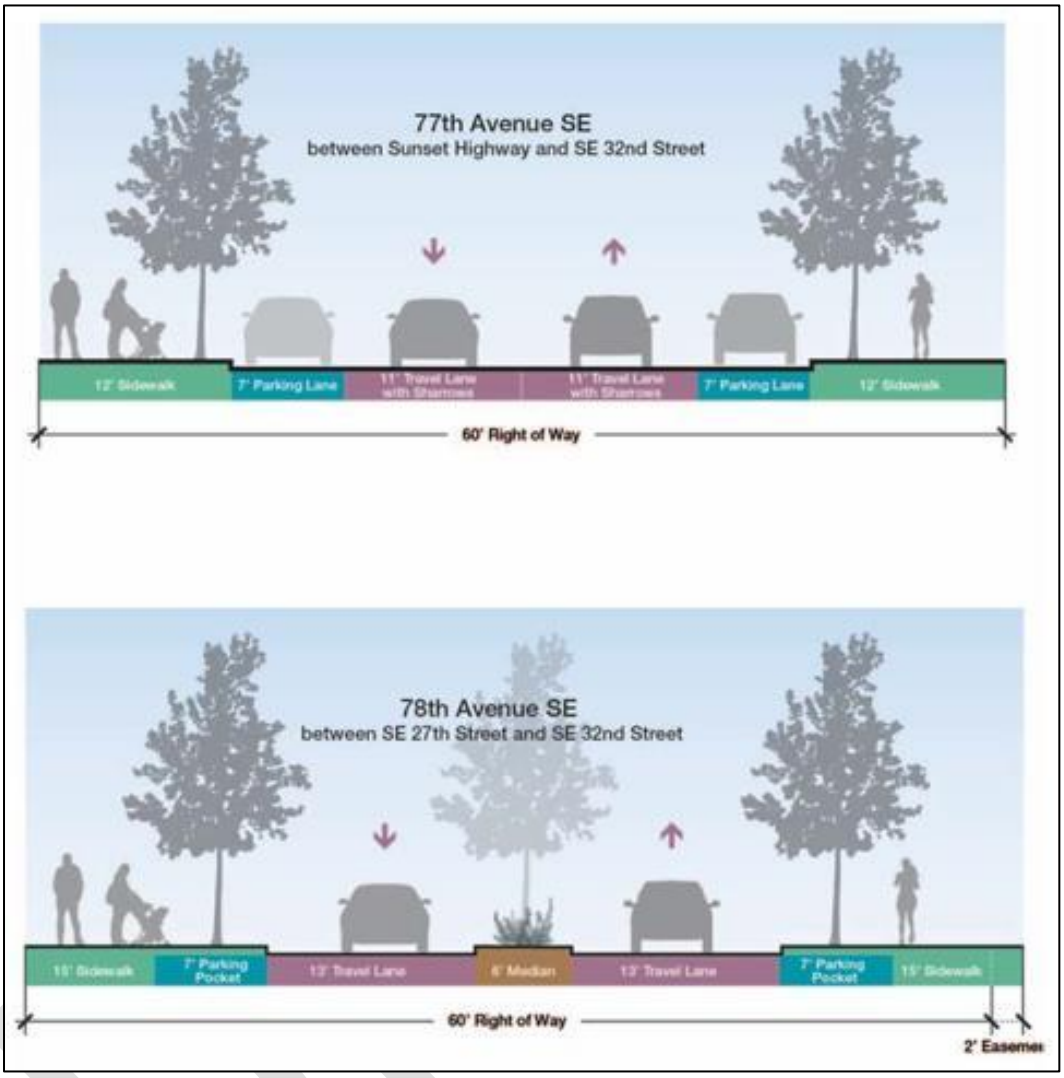
A. If unusual topographic or physical conditions preclude the construction of the improvements as required; or

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 ⅔ 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] [PC Log #46]

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~~ii. *Concrete curbs.* All parking areas, landscaping areas and driveways ~~should~~ must be surrounded by six-inch-high vertical concrete curbs. [HB 1293]

~~v~~iii. *Wheel stops.* All landscape and pedestrian areas ~~should~~ must be protected from encroachment by parked cars. Wheel stops t~~wo feet wide (as measured outward from the paved or planted area) should~~ must be constructed for all nonparallel parking stalls. [HB 1293] [PC Log #47]

~~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 architectural theme similar to~~ the same primary cladding material, color palette, architectural features as the main building. [HB 1293] [PC Log #48]

~~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]

~~i~~ii. *Street side edges.* ~~An architectural treatment, landscaping and/or space for pedestrian-oriented businesses along t~~The street-side edges of the parking structure shall be ~~provided~~fully screened. [HB 1293] [PC Log #49]

~~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. [PC Log #50]

   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 constructed with ~~be architecturally compatible~~ with the same ~~style,~~ materials~~,~~ and colors ~~and details~~ of the building or complex. 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] [PC Log #51]

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.

~~9~~8. *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. [PC Log #54]

~~10~~9. *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]

1~~2~~0. *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.

~~G~~F. *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]

~~c~~b. *Ground level facades.* Untreated b~~B~~lank 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 that are sufficient to screen at least sixty (60) percent of the wall within three years of planting. [PC Log #57]

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]

4~~3~~. *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]

~~d~~b. *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]

~~5~~4. *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] [PC Log ~~#~~58]

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]

~~6~~5. *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~~

~~iv~~d. ~~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 l~~L~~andscapin~~g~~e ~~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]

~~6~~4. *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~~be~~ 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] [PC Log #60]

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~~T~~his 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 a~~ppurtenances 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 at pedestrian eye level~~areas surrounding the building~~. [HB 1293] [PC Log #62]

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 way~~s~~. ~~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)~~. [PC Log #65]

   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~~8).[PC Log #66]

   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.

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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.

~~5~~4. *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~~
~~• 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~~ ~~• Temporary use permit~~	~~• 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~~ ~~• Temporary use permit~~ ~~• Temporary structure deviation renewal~~	~~• 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]~~	~~• 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~~

		• Temporary structure deviation	commerce on public property • Shoreline conditional use permit (SCUP)[6] • Shoreline variance[6] • Shoreline revision (variance and SCUP)

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

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~~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

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

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

[SB 5290]

Table B – Type II Land Use Reviews										
Permit	Pre-Application Meeting Required (MICC 19.15.050)	Determination of Completeness (MICC 19.15.070)	Public Notification (MICC 19.15.080)	Notice of Application (MICC 19.15.090)	Public Comment Period	Public Hearing (MICC 19.15.140)	Notice of Decision (MICC 19.15.120)	Decision Body	Timeline Decision Due from Date of Completeness (MICC 19.15.030)	Appeal Authority (MICC 19.15.130)

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Modified wireless communication facilities (6409 per CFR 1.40001)	No	Yes	Yes	No	No	No	No	Code Official	65 days	Hearing Examiner
Lot line revision	No	Yes	Yes	No	No	No	No	Code Official	65 days	Hearing Examiner
Setback deviation	No	Yes	Yes	No	No	No	No	Code Official	65 days	Hearing Examiner
Final plat	No	No	Yes	No	No	Yes	Yes	City Council	N/A	Superior Court
Code official design review	No	Yes	Yes	No	No	No	No	Code Official	65 days	Hearing Examiner
Accessory dwelling unit	No	Yes	Yes	No	No	No	No	Code Official	65 days	Hearing Examiner
Parking modification (reviewed by city engineer)	No	No	Yes	No	No	No	No	Code Official	N/A	Hearing Examiner
Small wireless facility deployment	No	Yes	Yes	No	No	No	No	Code Official	65 days	Hearing Examiner
Seasonal development limitation waiver	No	Yes	Yes	No	No	No	No	Code Official	65 days	Hearing Examiner
Final short plat	No	No	Yes	No	No	No	No	Code Official	N/A	Superior Court
Temporary Use Permit	No	Yes	Yes	No	No	No	No	Code Official	65 days	Hearing Examiner

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Temporary Structure Deviation Renewal	No	Yes	Yes	No	No	No	No	Code Official	65 days	Hearing Examiner

[SB 5290]

Table C – Type III Land Use Reviews

Permit	Pre-Application Meeting Required (MICC 19.15.050)	Determination of Completeness (MICC 19.15.070)	Public Notification (MICC 19.15.080)	Notice of Application (MICC 19.15.090)	Public Comment Period	Public Hearing (MICC 19.15.140)	Notice of Decision (MICC 19.15.120)	Decision Body	Timeline Decision Due from Date of Completeness (MICC 19.15.030)	Appeal Authority (MICC 19.15.130)
New and modified wireless (non-6409) eligible facility	Yes	Yes	No	Yes	30 days	No	Yes	Code Official	100 days	Hearing Examiner
SEPA threshold determination	Yes	Yes	No	Yes	30 days	No	Yes	Code Official	100 days	Hearing Examiner
Critical area review 2	Yes	Yes	No	Yes	30 days	No	Yes	Code Official	100 days	Hearing Examiner
Public agency exception	Yes	Yes	No	Yes	30 days	No	Yes	Code Official	100 days	Hearing Examiner
Temporary encampment	Yes	Yes	No	Yes	30 days	Public meeting	Yes	Code Official	100 days	Hearing Examiner
Short plat alteration and vacations	Yes	Yes	No	Yes	30 days	No	Yes	Code Official	100 days	Hearing Examiner
Preliminary short plat	Yes	Yes	No	Yes	30 days	No	Yes	Code Official	100 days	Hearing Examiner
Development code	Yes	No	No	Yes	30 days	No	Yes	Code Official	N/A	Hearing Examiner

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interpretations										
Major building permit	Yes	Yes	No	Yes	30 days	No	No, except to Parties of Record	Code Official	100 days	Hearing Examiner
Shoreline substantial development permit	Yes	Yes	No	Yes	30 days	No	Yes	Code Official	100 days	Shoreline Hearings Board
Shoreline substantial development permit revisions	Yes	Yes	No	Yes	30 days	No	Yes	Code Official	100 days	Shoreline Hearings Board
Temporary Structure Deviation	Yes	Yes	No	Yes	30 days	No	Yes	Code Official	100 days	Hearing Examiner

[SB 5290]

Table D – Type IV Land Use Reviews										
Permit	Pre-Application Meeting Required (MICC 19.15.050)	Determination of Completeness (MICC 19.15.070)	Public Notification (MICC 19.15.080)	Notice of Application (MICC 19.15.090)	Public Comment Period	Public Hearing (MICC 19.15.140)	Notice of Decision (MICC 19.15.120)	Decision Body	Timeline Decision Due from Date of Completeness (MICC 19.15.030)	Appeal Authority (MICC 19.15.130)
Preliminary long plat	Yes	Yes	No	Yes	30 days	Yes	Yes	Hearing Examiner	170 days	Superior Court
Conditional use permit	Yes	Yes	No	Yes	30 days	Yes	Yes	Hearing Examiner	170 days	Superior Court

Variance	Yes	Yes	No	Yes	30 days	Yes	Yes	Hearing Examiner	170 days	Superior Court
Critical areas reasonable use exception	Yes	Yes	No	Yes	30 days	Yes	Yes	Hearing Examiner	170 days	Superior Court
Long plat alteration and vacations	Yes	Yes	No	Yes	30 days	Yes	Yes	Hearing Examiner	170 days	Superior Court
Parking modifications (reviewed by hearing examiner)	Yes	Yes	No	Yes	30 days	Yes	Yes	Hearing Examiner	170 days	Superior Court
Variance from short plat acreage limitation	Yes	Yes	No	Yes	30 days	Yes	Yes	Hearing Examiner	170 days	Superior Court
Wireless communication facility height variance	Yes	No	No	Yes	30 days	Yes	Yes	Hearing Examiner	170 days	Superior Court
Planned unit development	Yes	Yes	No	Yes	30 days	Yes	No	Hearing Examiner	170 days	Superior Court
Hearing Examiner design review	Yes	Yes	No	Yes	30 days	Yes	Yes	Hearing Examiner	170 days	Superior Court
Permanent commerce on public property	Yes	Yes	No	Yes	30 days	Yes	Yes	Hearing Examiner	170 days	Superior Court
Shoreline conditional use	Yes	Yes	No	Yes	30 days	Yes	Yes	Ecology after Heari	170 days	Shoreline Hearings Board

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permit (SCUP)								ng Examiner Recommendation		
Shoreline variance	Yes	Yes	No	Yes	30 days	Yes	Yes	Ecology after Hearing Examiner Recommendation	170 days	Shoreline Hearings Board
Shoreline revision (variance and SCUP)	Yes	Yes	No	Yes	30 days	Yes	Yes	Ecology	170 days	Shoreline Hearings Board

[SB 5290]

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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

Submittal[2]	Land Use Review Type			
	Type I	Type II	Type III	Type IV
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

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).	R	R	R	R
A legal description of the subject property.	R	R	R	R
A completed SEPA environmental checklist unless the project is demonstrated to be categorically exempt from SEPA review per Chapter 19.21 MICC.	R	R	R	R
Drainage plans and documentation required by the Stormwater Management Manual for Western Washington as adopted by Chapter 15.09 MICC, if applicable.	R	R	R	R
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.	C	R	R	R
Affidavit of Ownership.	C	R	R	R
Affidavit of Agent Authority, if applicable.	C	R	R	R
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.	N/A	R	R	R
Any preapplication meeting notes obtained prior to application.	C	C	R	R
A signed statement from the applicant attesting to the accuracy of all information submitted with the application.	R	R	R	R
Any additional materials required by the code official as shown in the land use application form specific to the proposed development.	C	C	C	C
The applicable permit fee.	R	R	R	R

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 reviewa~~ 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 incompletion to the applicant, stating either that the application is complete or that the application is incomplete. If an application is incomplete, the letter of incompletion 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 incompletion.* 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 incompletion, 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 commissionh~~hearing examiner or code official as authorized pursuant to this chapter. Deviations from an approved plan a~~pproved 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 (~~C~~A)(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~~<u>decisions</u>.* All decisions of the ~~design commission~~ <u>hearing examiner that pertain to design review</u> 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] […]

Appendices

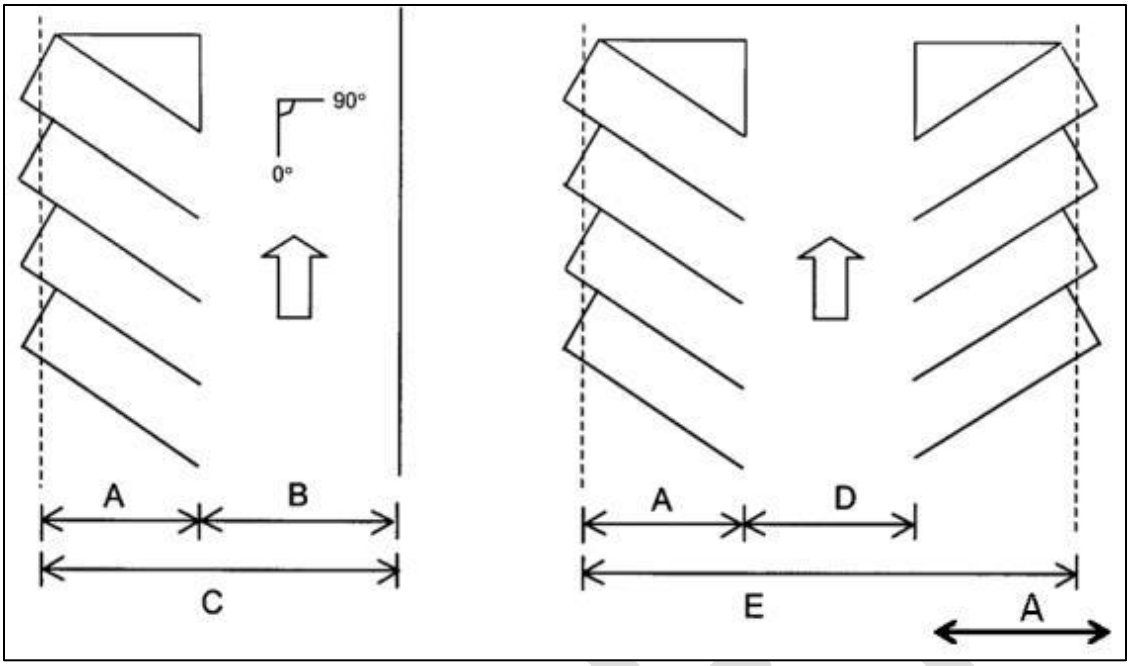
Appendix A PARKING LOT DIMENSIONS

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.

	Standard Stall (9' × 18.5') *						Compact Stall (8.5' × 16') *				
Parking Angle	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

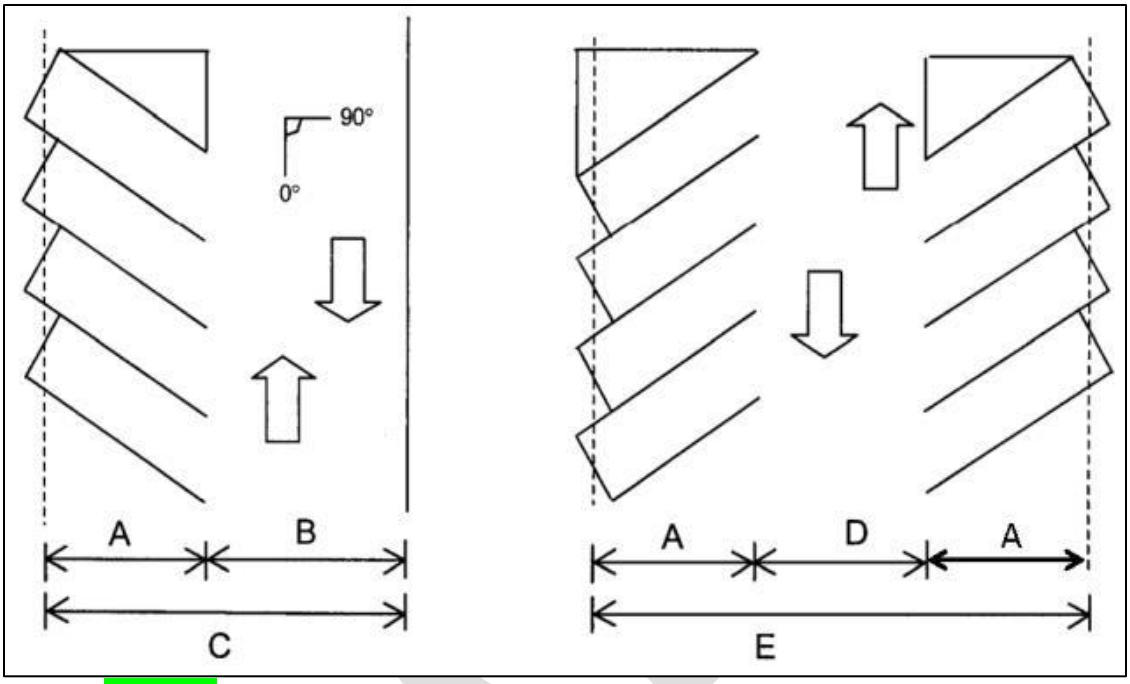
*Standard residential stalls shall be no greater than 8’ x 20’ and compact residential stalls shall be no greater than 8’ x 16’.



2. Two-Way Traffic.

	Standard Stall (9' × 18.5') *						Compact Stall (8.5' × 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 COMMISSION**~~[1]

[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)

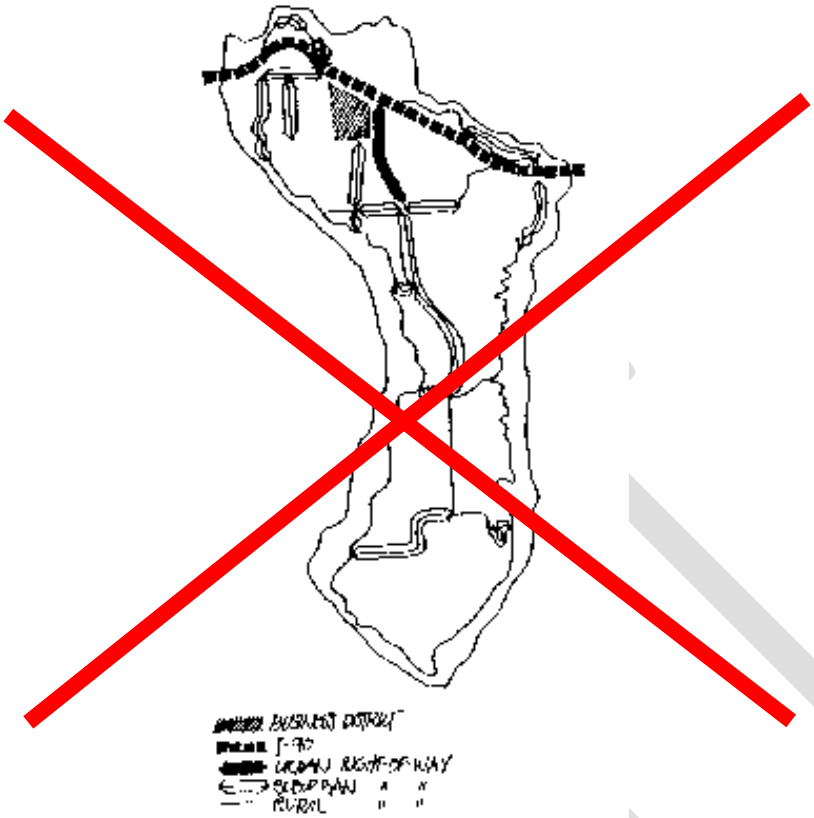


~~The intent of the guidelines is to develop further goals and objectives synthesized from previous Mercer Island planning studies, the community and the design commission in order to provide a framework within which right-of-way improvements may be implemented that will result in a coherent, continuous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

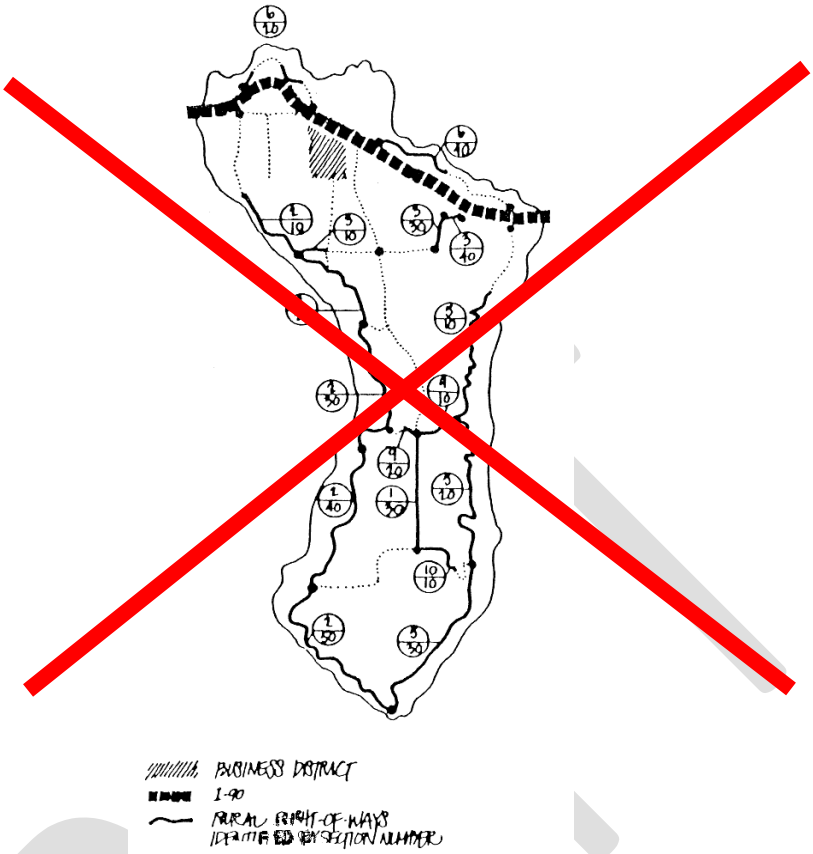
GENERAL GOALS

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.

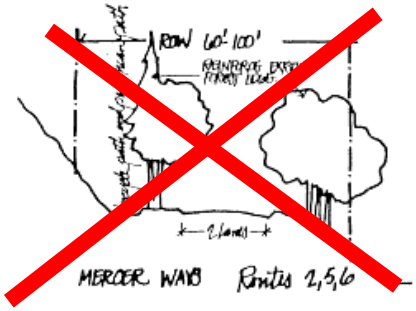
GUIDELINES

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.

DRAFT



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

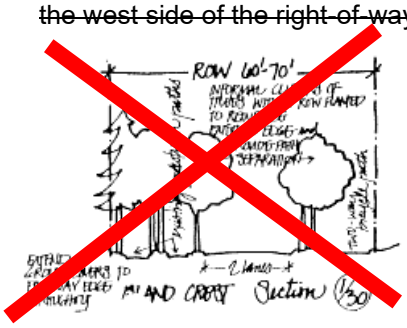


~~It is recommended that bicycle travel be accommodated along the Mercer Ways through a separation of the bicycle facility by a minimum setback of five feet from the roadway wherever topography permits. In considering the facility, extra care should be given to potential disruption of the right-of-way 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.

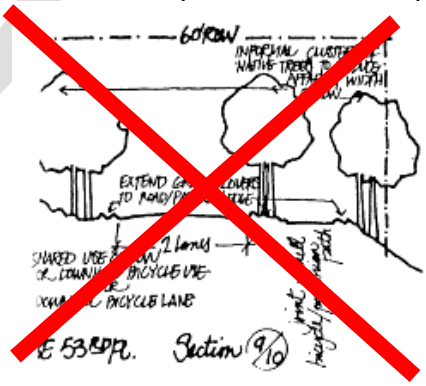


The pedestrian path that now exists along Island Crest Park should be maintained because it is of a scale that is appropriate to the natural setting of the island. Special care should be taken in maintaining and reinforcing the existing trees and groundcovers within this portion of the right-of-way to 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.

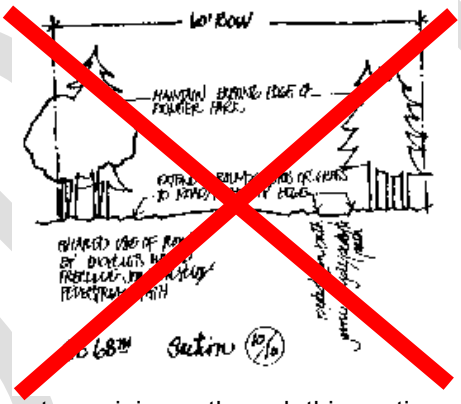
A bicycle facility along SE 53rd Place due west of Island Crest, section 9/20 should be implemented to facilitate cross-Island travel when this arterial is completed. Every effort should be made to retain the rural character of the upper portion of section 9/20. This should be the major consideration 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 0/10, 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.~~

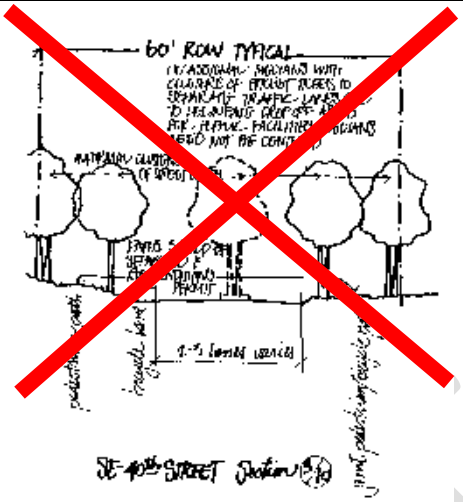
~~*INTENT:*~~

~~*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.~~



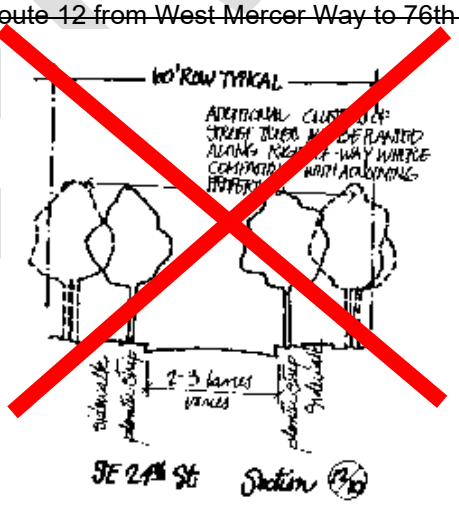
~~*GOAL:*~~
~~*INTENT:*~~
~~*CRITERIA:*~~
~~RIGHT-OF-WAY DEVELOPMENT:~~



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.~~

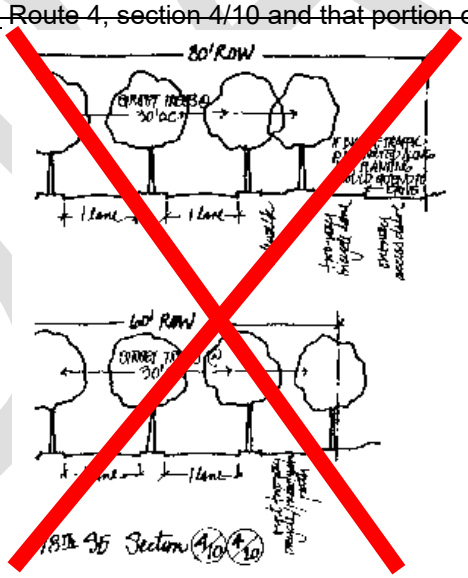
~~c. 72nd Avenue SE: Route 7, section 7/10.~~
~~Since closely adjoining residential properties make a separated bicycle facility along this arterial unrealistic, a shared right-of-way is recommended.~~

~~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.~~

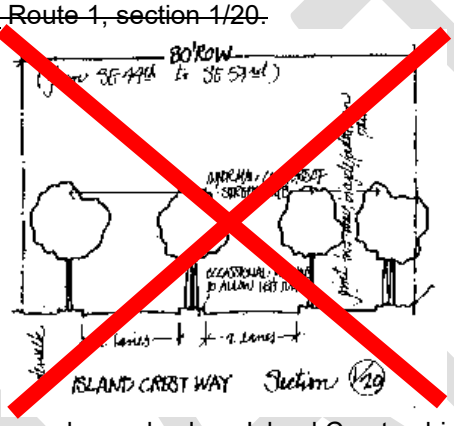
~~If bicycle traffic is to be routed along 78th SE, it is recommended that a joint two-way bicycle/pedestrian path be implemented along the east side of the right-of-way. A separated sidewalk and bicycle lane could~~

~~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.~~

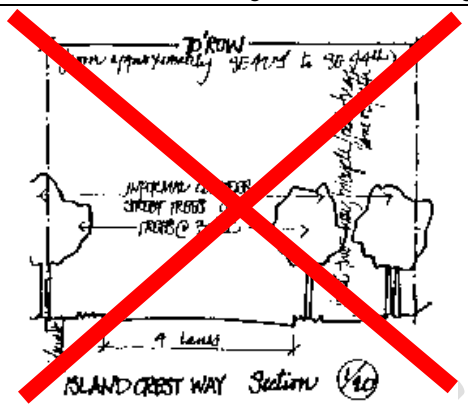
~~SE 78th north of SE 40th is recommended for street trees and median trees at approximately 30 feet on center. Plant materials should be an extension of the sycamores, red maples and ivy used on SE 78th within the Business District.~~

~~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.~~

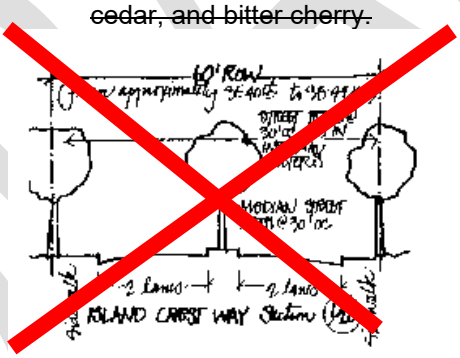


~~Occasional medians to allow left turns to cross-streets are feasible from Merrimount Drive south to SE 53rd Place. Planting is recommended to be informal clusters of trees common to the Island and complementary to the natural forest edge on the west side of the arterial.~~

~~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.~~



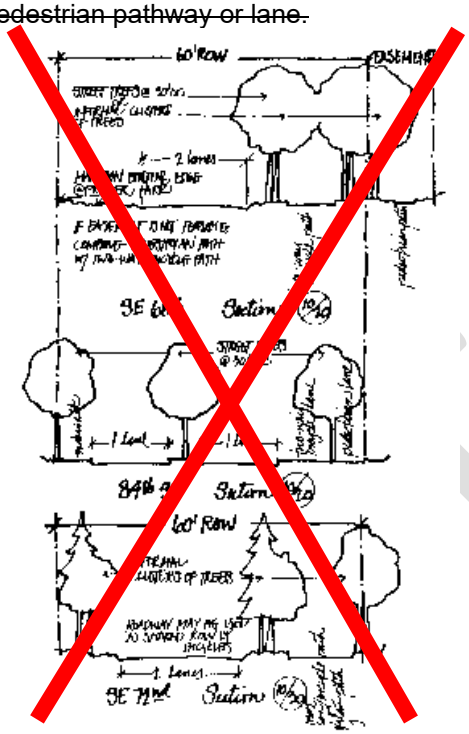
~~Groundcovers should be native to the Island and relatively maintenance free, such as ivy, salal, and red fescue field grass. Wherever right-of-way groundcover areas adjoin private property, effort should be made to achieve a pleasing transition by the use of compatible materials or if appropriate,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

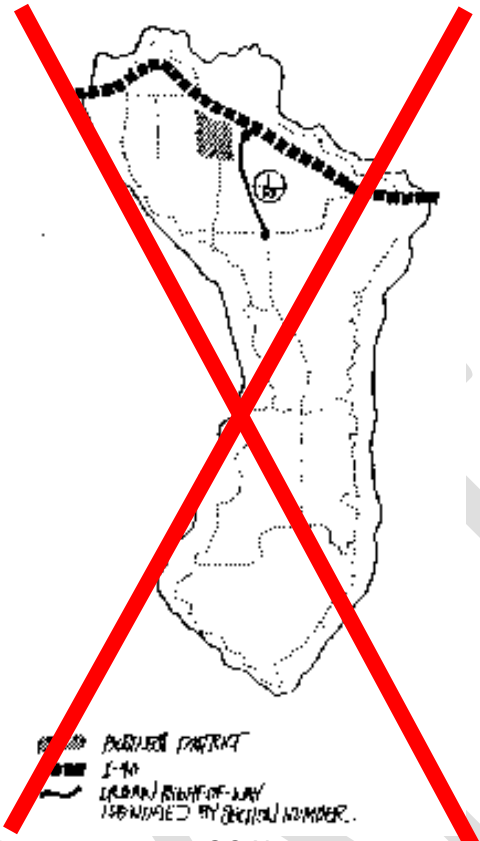
Bicycle/pedestrian facilities should be developed in keeping with the adjoining rural portions of the right-of-way with particular attention given to the need for pedestrian and bicycle paths in areas where school traffic must be accommodated.

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.

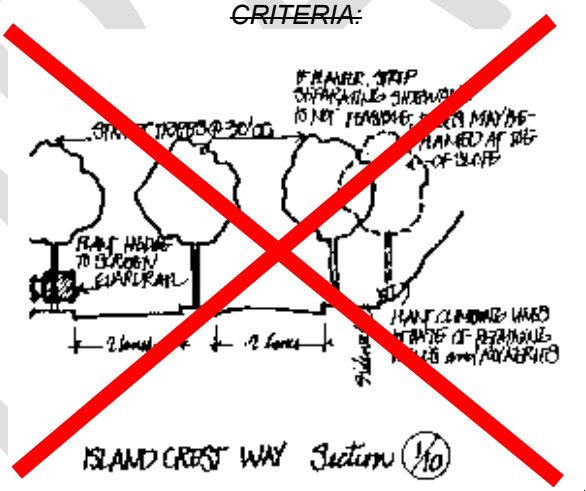
Of particular concern is the lack of landscaping in that portion of the East Mercer right-of-way directly adjoining the Mercerwood Shore Club, which is currently entirely paved and in need of a generous planting buffer in order to screen the pavement expanse of the Club's tennis courts directly below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

DRAFT

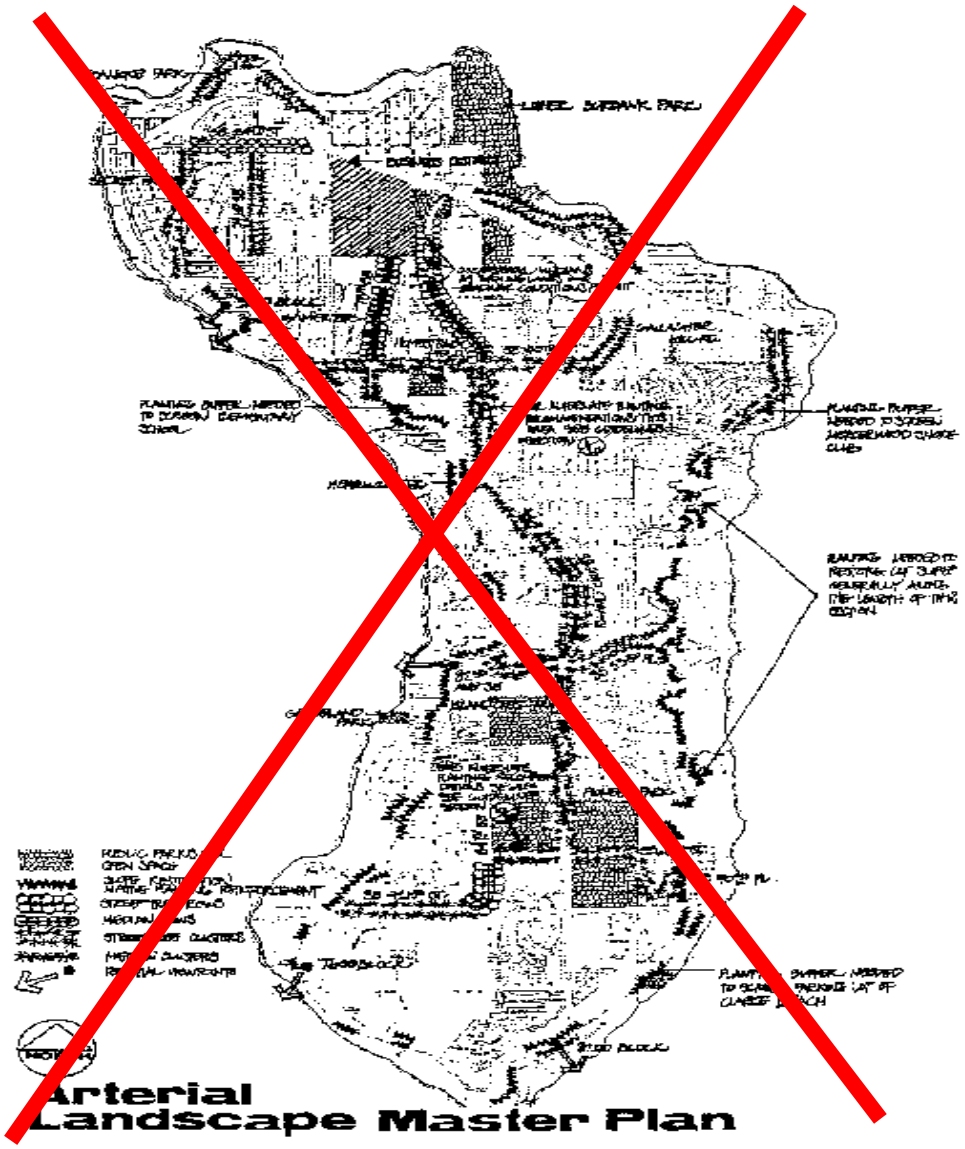


~~*GOAL:*~~
~~*INTENT:*~~
~~*CRITERIA:*~~

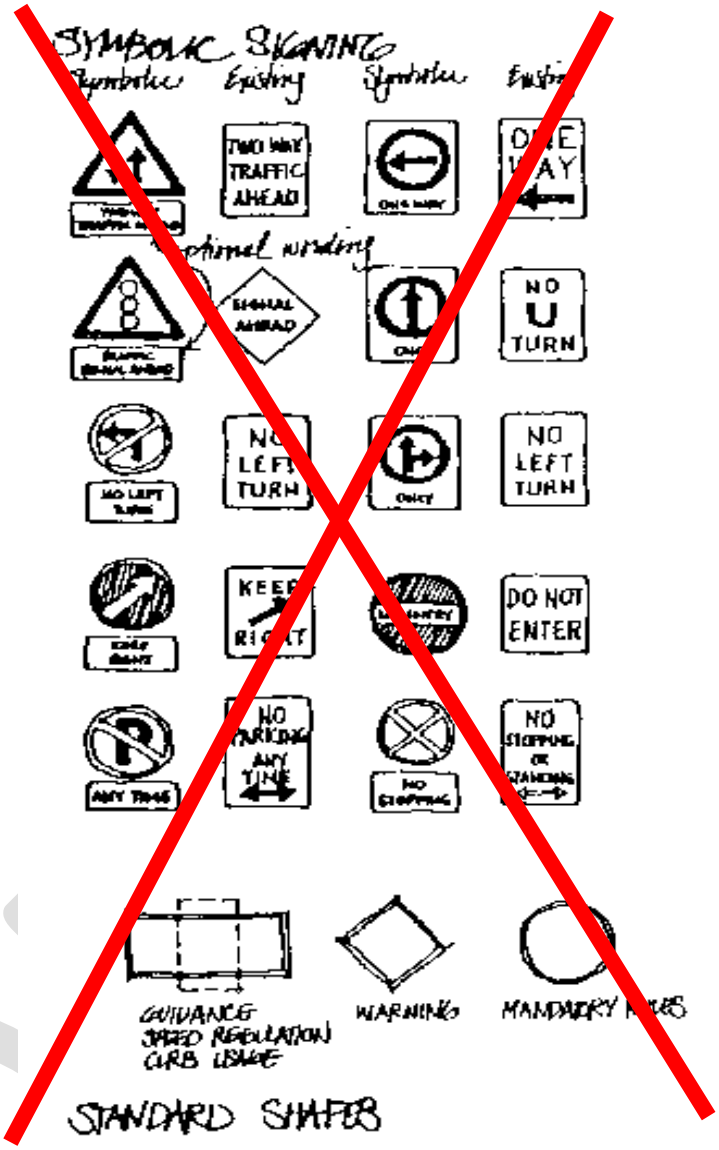


~~3b. Encourage a pedestrian crossing at SE 30th or SE 32nd as a means of providing pedestrian access to the Business District in keeping with the sidewalk-street tree concepts outlined in that section.~~

~~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, LIGHTING AND OTHER STREET FURNITURE.~~
~~CONCEPTS~~

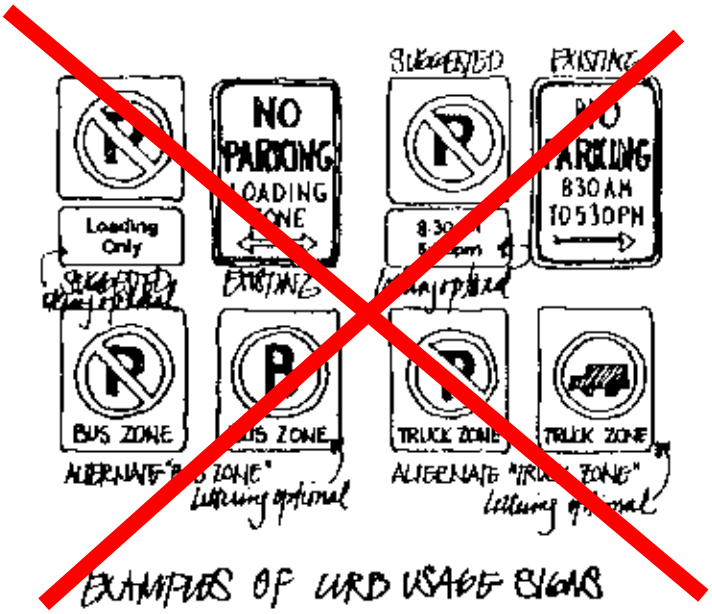


~~Public signing, street furniture and lighting elements should reinforce and clarify the predominantly natural, informal, residential character of the Island instead of dominating or detracting from it. Appropriate street furnishings can do much to make the Island environment more legible, expressive, 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.~~

DRAFT

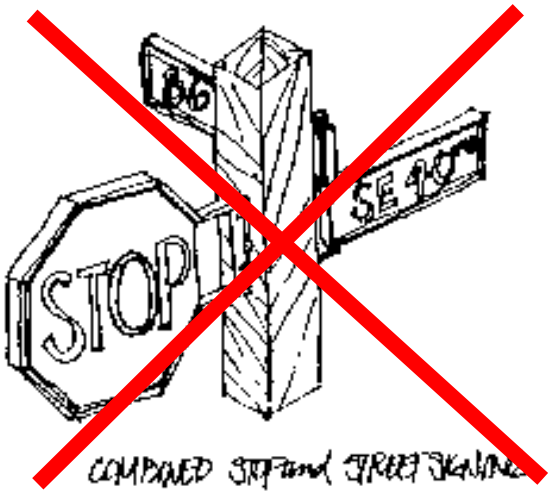


~~The color coding and diamond outline are of particular importance for easy identification of these signs, while the image in this case is of secondary importance.~~

~~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.~~

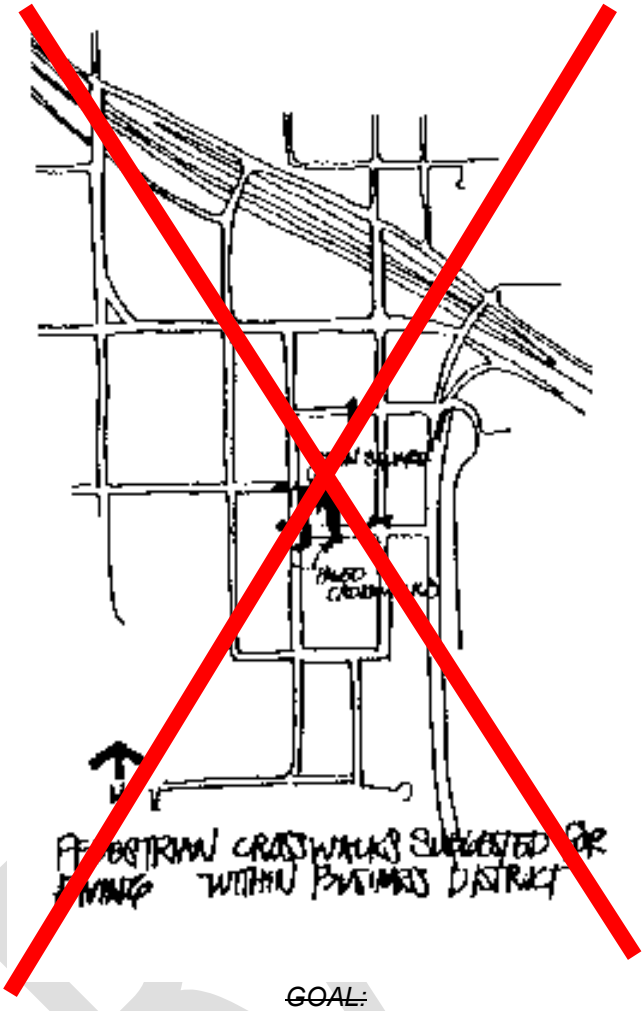
~~Guide Signs: The only guide sign currently in use is the bicycle route sign marking an officially designated bicycle trail. The use of these signs will most likely increase as new bicycle trails and types of facilities are developed. New symbolic signing may be developed for bicycle route markers as 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.~~

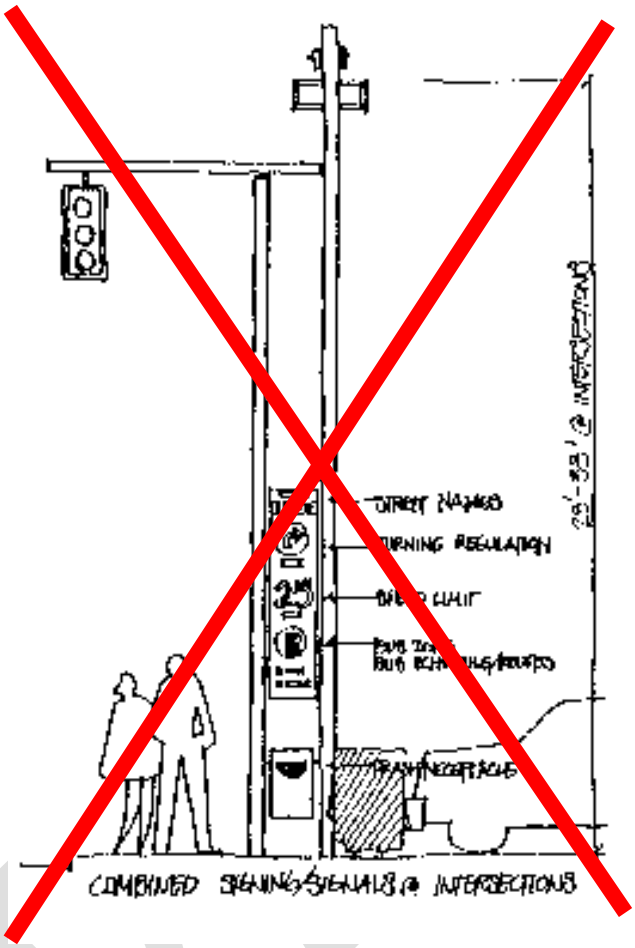
~~An alternate to the use of the diamond "dead end" signs could be the color coding of street name signs for those streets that terminate as dead ends. For example, all through street name signs could be dark brown with white lettering; all "dead end" name signs could be signal yellow with black lettering.~~

~~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.~~

CITY OF MERCER ISLAND
ORDINANCE NO. 25C-27

AN ORDINANCE OF THE CITY OF MERCER ISLAND, WASHINGTON TO ADOPT REGULATIONS RELATED TO HOUSING PRODUCTION AND PERMIT STREAMLINING; REPEALING INTERIM ORDINANCES 24C-17, 24C-18, 25C-08, AND 25C-11; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, In 2023 the Washington State Legislature adopted House Bill (HB) 1293 that required locally adopted design standards to be clear and objective; and

WHEREAS, The City of Mercer Island adopted Ordinance No. 25C-14 to dissolve the Design Commission at the same time made amendments to comply with HB 1293; and

WHEREAS, In 2023 the Washington State Legislature adopted Senate Bill (SB) 5290 that required local jurisdictions to simplify some permit review procedures and establish permit review timelines; and

WHEREAS, In 2024 the Washington State Legislature adopted SB 6015 that established requirements for locally adopted parking regulations; and

WHEREAS, In 2024 the City of Mercer Island completed the periodic review of its Comprehensive Plan; and

WHEREAS, On June 17, 2025, the City of Mercer Island adopted Ordinance No. 25C-11, which established interim regulations to comply with HB 1293,

WHEREAS, By December 31, 2025, cities must adopt amendments to comply with HB 1998; and

WHEREAS, HB 1293, SB 5290, SB 6015, the Comprehensive Plan periodic review implementing amendments, Ordinance No. 25C-14, and HB 1998, all relate to encouraging housing production and streamlining permit review; and

WHEREAS, On May 20, 2025, the City Council adopted Ordinance No. 25C-08, which renewed the interim regulations established by Ordinance No. 24C-08 to comply with SB 6015; and

WHEREAS, on December 3, 2024, the City of Mercer Island adopted Ordinance No. 24C-17 which established interim regulations to comply with SB 5290; and

WHEREAS, on June 3, 2025, the City of Mercer Island adopted Ordinance No. 25C-08, which renewed interim regulations to comply SB 6015 originally established by Ordinance No. 24C-08; and

WHEREAS, on December 3, 2024, the City of Mercer Island adopted Ordinance No. 24C-18, which established interim regulations to implement its comprehensive plan periodic review; and

WHEREAS, in 2024 the Washington State Legislature adopted HB 1998 which requires cities to allow co-living housing in all mixed-use and multifamily zones; and

WHEREAS, On September 18, 2025, the City notified the WA Department of Commerce (Commerce) of the intent to adopt development code amendments. The notice was assigned submittal ID 2025-S-9880. The Commerce 60-day review period concluded on June 6, 2025; and

WHEREAS, on September 22, 2025, the City issued a State Environmental Policy Act (SEPA) determination of nonsignificance (DNS). The SEPA determination was posted in the Community Planning and Development Bulletin and posted to the statewide SEPA register under file number 202503938. The SEPA determination was issued consistently with the procedures established in chapter 19.21 MICC; and

WHEREAS, on September 24, 2025, the Planning Commission held a public hearing on omnibus legislation related to housing production and permit streamlining and continued that public hearing to October 8, 2025; and

WHEREAS, on October 6, 2025, the comment period on the SEPA determination closed and no comments on the DNS were received; and

WHEREAS, on October 8, 2025, the Planning Commission completed a public hearing on omnibus legislation related to housing production and permit streamlining and recommended adoption of the proposed amendments to the City Council; and

WHEREAS, on November 4, 2025, the City Council held the first reading of the omnibus legislation.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MERCER ISLAND, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. **Whereas Clauses Adopted.** The “Whereas Clauses” set forth in the recital of this Ordinance are hereby adopted as the preliminary findings and conclusions of the City Council for passing this ordinance.

Section 2. **Amendment of MICC 19.01.050.** MICC 19.01.050(D)(3)(a) is amended as shown in Exhibit A.

Section 3. **Amendments in Chapter 19.02 MICC.** MICC 19.02.010 and .020 are amended as shown in Exhibit B.

Section 4. **Amendment of Chapter 19.03 MICC.** MICC 19.03.010 and .020 are amended as shown in Exhibit C.

Section 5. **Amendments in Chapter 19.04 MICC.** MICC 19.04.010, .020 and .040 are amended as shown in Exhibit D.

Section 6. **Amendment of MICC 19.05.010.** MICC 19.05.010 is amended as shown in Exhibit E.

Section 7. **Amendments in Chapter 19.06 MICC.** MICC 19.06.030, .080 and .120 are amended as shown in Exhibit F.

Section 8. **Amendment of MICC 19.10.060.** MICC 19.10.060(B) is amended as shown in Exhibit G.

Section 9. **Amendments in Chapter 19.11 MICC.** MICC 19.11.010 thru .040 and .060 thru .150 are amended as shown in Exhibit H.

Section 10. **Amendment of Chapter 19.12 MICC.** Chapter 19.12 MICC is amended as shown in Exhibit I.

Section 11. **Amendments in Chapter 19.15 MICC.** MICC 19.15.010, .030, .040, .060, .070 and .220 MICC are amended as shown in Exhibit J.

Section 12. **Amendment of Chapter 19.16 MICC.** Chapter 19.16 MICC is amended as shown in Exhibit K.

Section 13. **Amendment of Title 19 MICC, Appendix A.** Appendix A in title 19 MICC, Unified Land Development Appendices, is amended as shown in Exhibit L.

Section 14. **Repeal of Title 19 MICC, Appendix C.** Appendix C in title 19 MICC, Unified Land Development Appendices, is repealed.

Section 15. **Repeal of Ordinance No. 25C-08.** Ordinance No. 25C-08 is repealed.

Section 16. **Repeal of Ordinance No. 25C-11**. Ordinance No. 25C-11 is repealed.

Section 17. **Repeal of Ordinance No. 24C-17.** Ordinance No. 24C-17 is repealed.

Section 18. **Repeal of Ordinance No. 24C-18.** Ordinance No. 24C-18 is repealed.

Section 19. **Severability.** If any section, sentence, clause, or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, or its application held inapplicable to any person, property, or circumstance, such invalidity or unconstitutionality shall not affect the validity of any other section, sentence, clause, or phrase of this ordinance or its application to any other person, property, or circumstance.

Section 20. **Publication and Effective Date.** A summary of this ordinance consisting of its title shall be published in the official newspaper of the City. This ordinance shall take effect and be in full force five days after the date of publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF MERCER ISLAND, WASHINGTON, AT ITS MEETING ON NOVEMBER 18, 2025.

CITY OF MERCER ISLAND

_____

Salim Nice, Mayor

Approved as to Form:

ATTEST:

_____ _____

Bio Park, City Attorney Andrea Larson, City Clerk

Date of Publication:

Exhibit A

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. […]

Exhibit B

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: […]

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.~~ […]

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 […]

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.

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~~.

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~~.

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 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; 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.

5. Garages and carports are not required in order to meet minimum parking requirements for residential development.

6. Parking spaces that count towards minimum parking requirements may be enclosed or unenclosed.

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.

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.

9. Parking spaces are not required to exceed eight feet by 20 feet, except for required parking for people with disabilities.

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.

11. Parking spaces that consist of grass block pavers may count toward minimum parking requirements.

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. […]

Exhibit C

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.~~ […]

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~~: […]

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).

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 at pedestrian eye level. If screening consists of solid planting, it shall be of evergreen variety and shall constitute a solid planting within ~~two~~three 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 provided the parking reduction is not applied on a parcel in the R-8.4, R-9.6, R-12, and R-15 zones ~~and the design commission for projects reviewable by the design commission~~.

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.

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.

Exhibit D

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.~~ […]

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~~.

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.~~

3. Minimum open space requirements. ~~Subject to review by the design commission, a~~ A minimum of 15 percent of the PBZ shall be maintained in open space, including buffers and setbacks.

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~~;

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.~~

~~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) ~~f~~iled 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 code~~section and the design standards~~. ~~In approving the PBZ site plan, the design commission shall utilize the procedures specified in MICC 19.15.220.~~

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~~.

~~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.

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.~~

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. […]

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: […]

B. Required conditions. […]

3. A strip of land adjacent to all external boundaries of the site, including any frontage on public rights-of-way excluding required access points, shall be devoted ~~exclusively~~ to ~~the planting, cultivation, growing and maintenance of sight-obscuring trees, shrubs and plant life~~ landscaping providing a partial screen.

~~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.~~

[…]

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.

7. 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. […]

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. […]

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~~. […]

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 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. […]

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 provided the parking variance is not applied on a parcel in the R-8.4, R-9.6, R-12, and R-15 zones.

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. […]

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. […]

E. Cooperative parking. Cooperative parking between two or more adjoining property owners is allowed~~; provided, the~~. The ~~code official~~hearing examiner, 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 and the cooperative parking is not applied on a parcel in the R-8.4, R-9.6, R-12, and R-15 zones.

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.

Exhibit E

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: […]

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.~~

Exhibit F

MICC 19.06.030 – Antennas.

[…]

D. The code official shall review the proposed location of a dish antenna to determine that the antenna is ~~located and designed so as to minimize the visual impact on surrounding properties and streets and is reasonably and adequately~~ screened from view from abutting properties. […]

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. […]

MICC 19.06.080 – Siting of group housing.

[…]

C. *Rooming houses.*

1. *Permitted.* Rooming houses are permitted in multifamily zones and in the Town Center ~~unless:~~

~~a. The rooming house fails to comply with all applicable construction codes set forth in MICC title 17, including maximum occupancy restrictions;~~

~~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;~~

~~c. The police chief determines that any tenant is a threat to the health or safety of others; and~~

~~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~~.

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.

3. *Parking*. Parking shall be provided as follows.

a. Parking must be provided at a minimum rate of 0.25 parking stalls per sleeping unit.

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.

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.

5. *Mix of uses*. Co-living housing is exempt from any development standard requiring additional nonresidential land uses, including MICC 19.11.020(B).

~~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.

Exhibit G

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.~~

Exhibit H

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.

~~E~~5. *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.

~~F~~6. *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.

~~G~~7. *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~~T~~hese 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.

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 Mercerdale Park.

B. *Subareas established.* The following subareas have been established and are depicted on Figure 1 below.

1. *TC-~~5~~7 subarea.* The purpose of the TC-~~5~~7 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.

2. T*C-~~4~~5 subarea.* The purpose of the TC-~~4~~5 subarea is to be a transition between the taller buildings in the TC-~~5~~7 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.

3. *TC-~~4~~5 plus subarea.* The purpose of the TC-~~4~~5 Plus subarea is to be a transition between the taller buildings in the TC-~~5~~7 subarea and the TC-~~4~~5 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.

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.

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.

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.

Figure 1 — Town Center Subareas and Maximum Height Limit

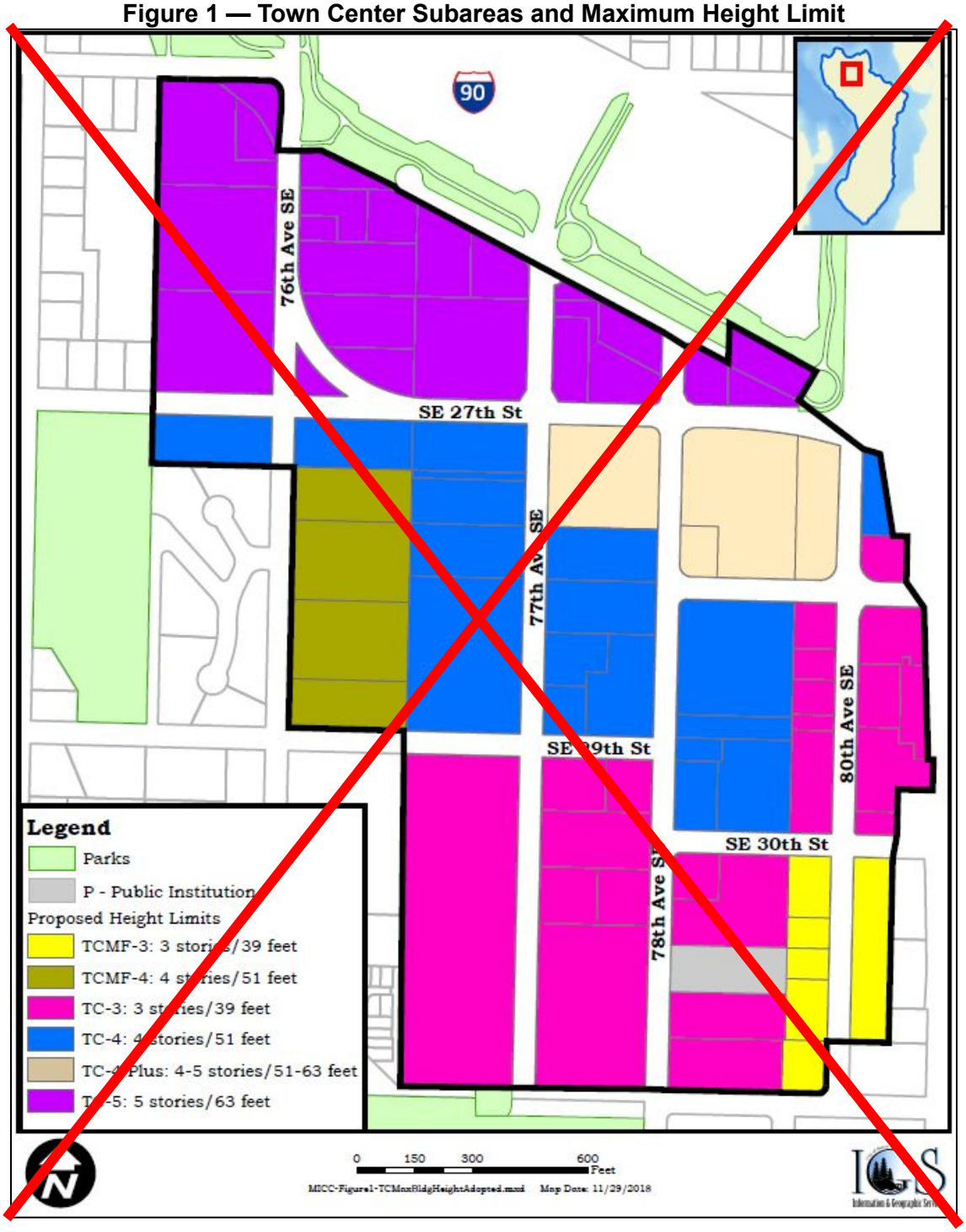
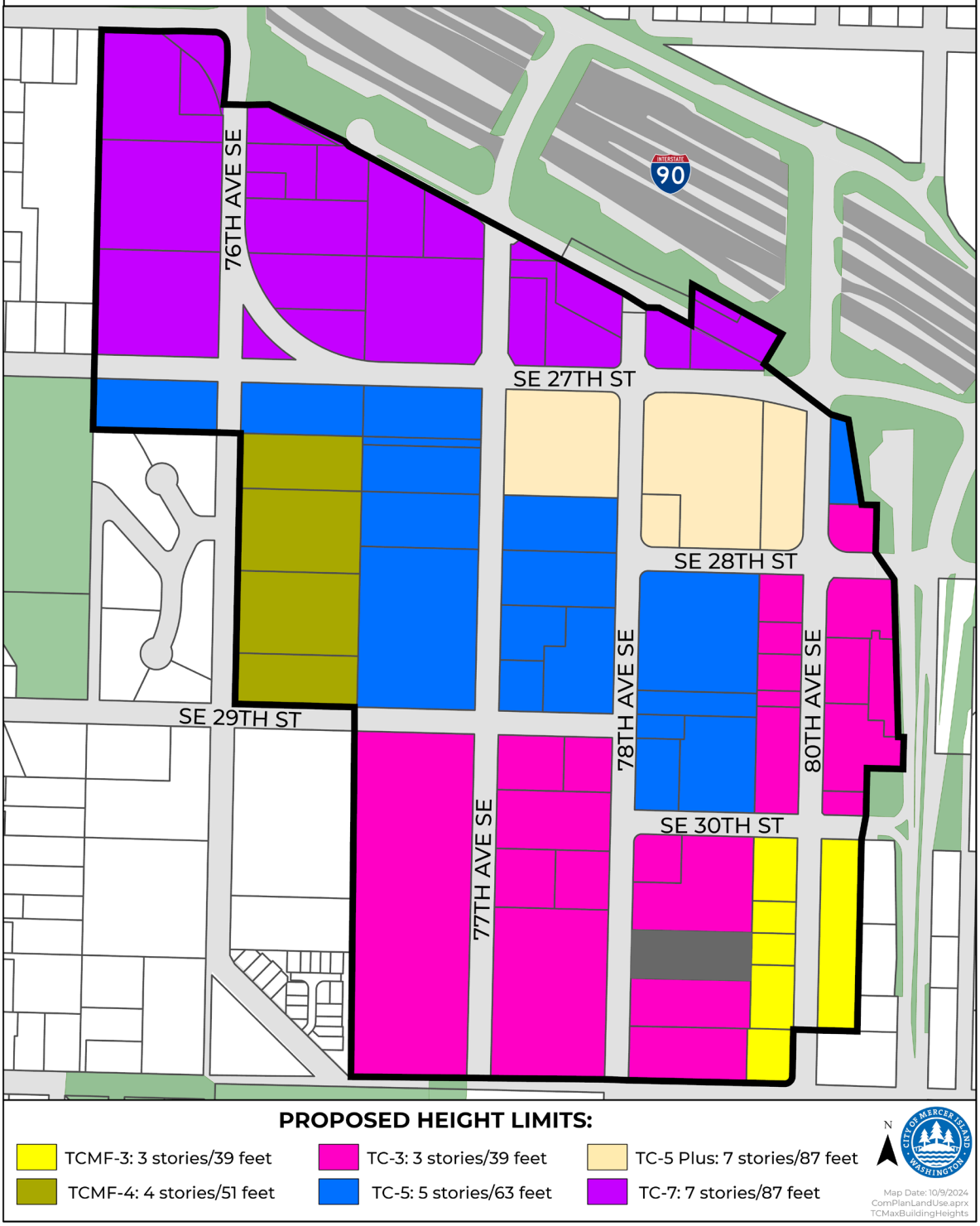


FIGURE 1: TOWN CENTER SUBAREAS MAXIMUM HEIGHT LIMIT



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.

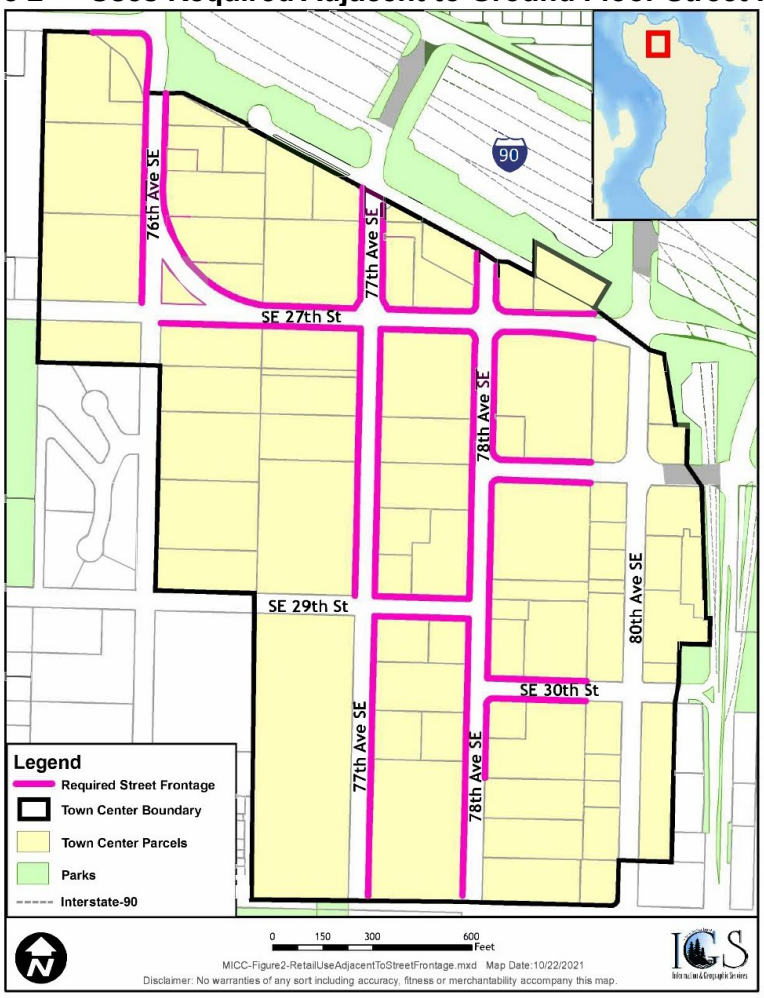
Use	TC-~~5~~7	TC-45 TC-45 Plus	TC-3	TCMF-3	TCMF-4
Adult entertainment	C	N	N	N	N
Bar	P	P	P	N	N
Care services	P	P	P	C	C
Hotel/motel	P	P	P	C	C
Live/work units	C	C	C	P	P
Manufacturing	C	C	C	N	N
Office	P	P	P	C	C
Parking, not associated with an on-site use	C	C	C	N	N
Public facility	P	P	P	C	C
Recreation	P	P	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	~~C~~P	~~C~~P
Service	P	P	P	P	P
Social service transitional housing	C	C	C	C	C
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					

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).

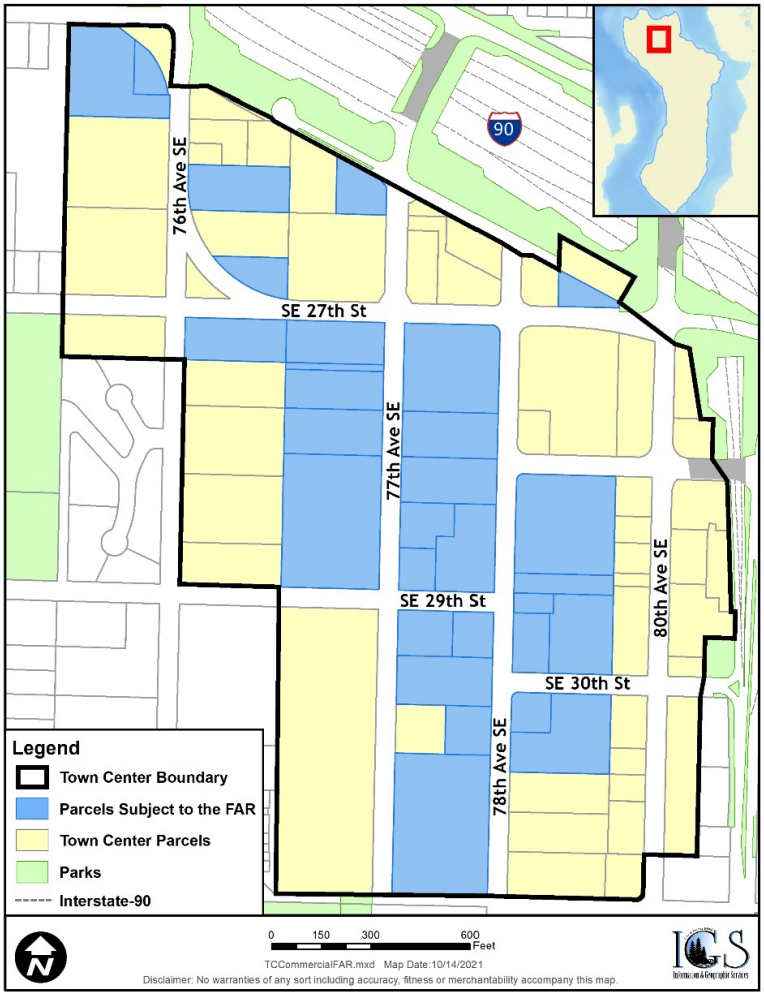
b. The minimum required depth of uses along street frontages is 16 feet.

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

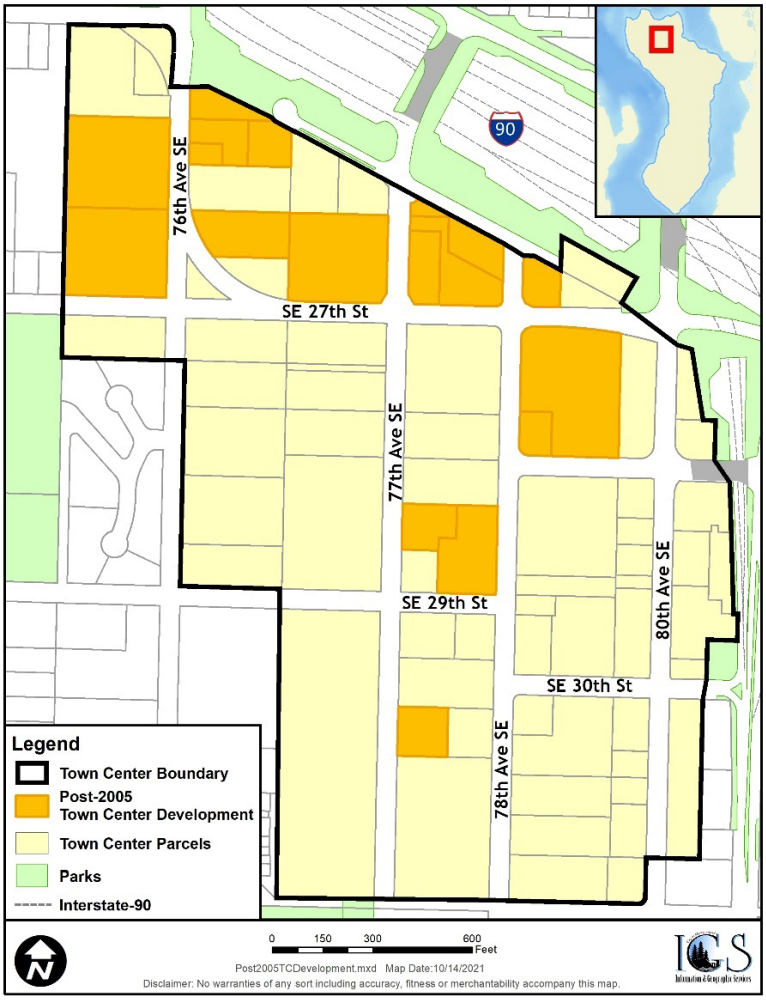
   ii. Fractions below 0.50 shall be rounded down to the closest whole number.

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

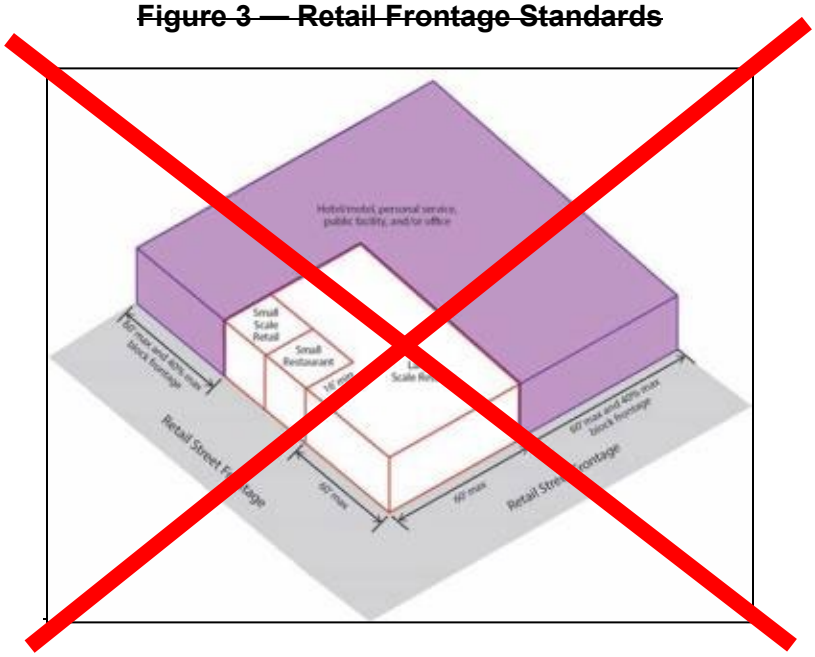


4. A review of these requirements shall occur five years from the date of ordinance adoption or after 75,000 gross square feet of floor area for ground floor retail, restaurant, personal service, museum and art exhibition, theater, bar, financial and insurance service, recreation, and/or service station 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.~~

~~Figure 3 — Retail Frontage Standards~~



~~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,~~ fully 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.

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~~ provided 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.

~~E. *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.*

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

	TC-~~5~~7	**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	~~63~~87 feet	TC-45: ~~51~~63 Feet TC-45 Plus: ~~63~~87 Feet	39 Feet	39 Feet	51 Feet
	Up to 5 additional feet allowed for parapet and/or sloped roof.				
Maximum Allowable Building Stories	~~5~~7	TC-45: 45 TC-45 Plus: ~~5~~7	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.				

2. *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~~.

3. *Calculation of building height.*

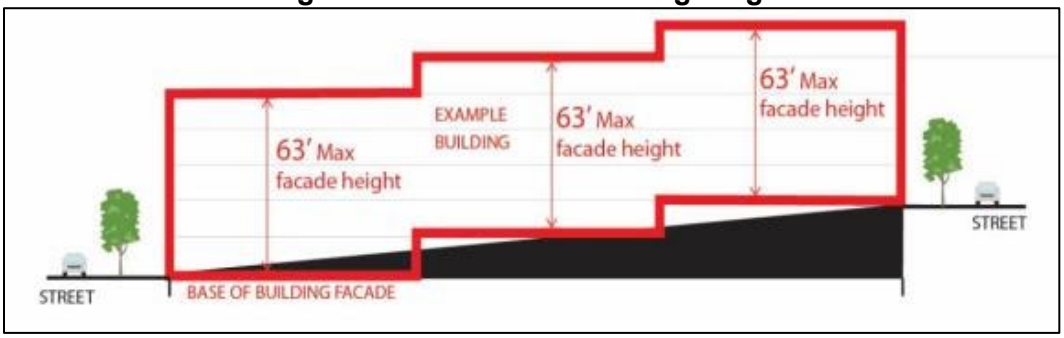
a. The intent of the building height calculation in this section is to limit the visual mass of a building so that it does not appear to exceed the maximum height limit in subsection (A)(1) of this section.

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,~~ ~~r~~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.

   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.

   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 curbline 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~~.

   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 curbline 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.~~

7. *Average daylight plane.*

   ~~a. Block frontages along streets must integrate average minimum upper level building stepbacks 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.~~

   ~~b. The a~~Average minimum upper-level building stepbacks ~~shall comply with the following~~ are required as follows:

      ~~i~~a. From a height of ~~25~~27 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.

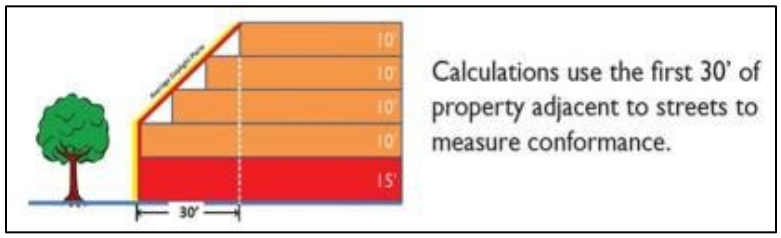
      ~~iii~~c. Only the development site's applicable block frontage may be used to determine compliance with the provisions herein.

      ~~iv~~d. ~~Since the daylight plane standards above apply a minimum average, p~~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.

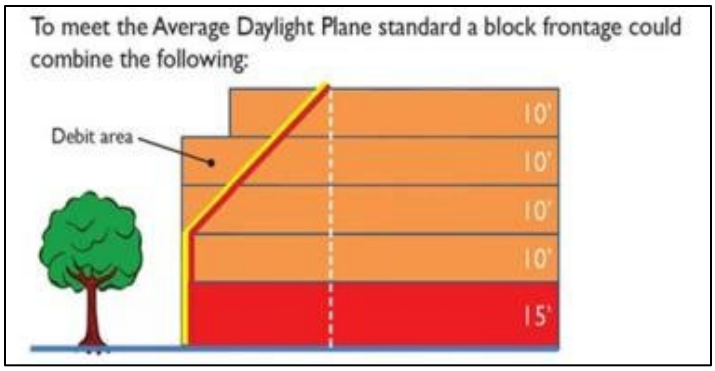
~~v~~e. For each cubic foot that part of a building protrudes beyond the daylight plane ("debit"), the project must include an equivalent cubic footage of open space ("credit") either on the ground floor adjacent to the street (such as a public open space, courtyard or through-block connection), and/or 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 e~~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~~.

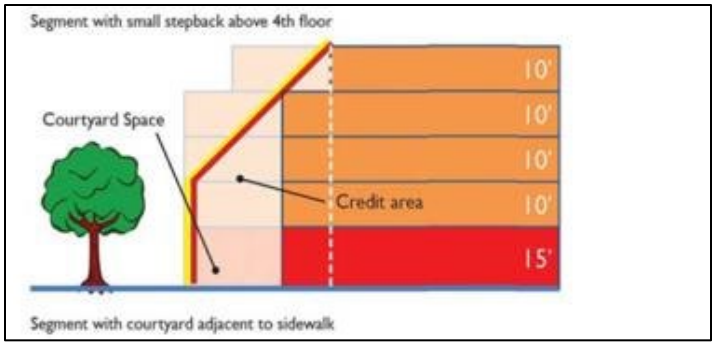
~~vi~~f. Daylight plane debits and credits shall be applied on the same block frontage and cannot be transferred to other block frontages.

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.

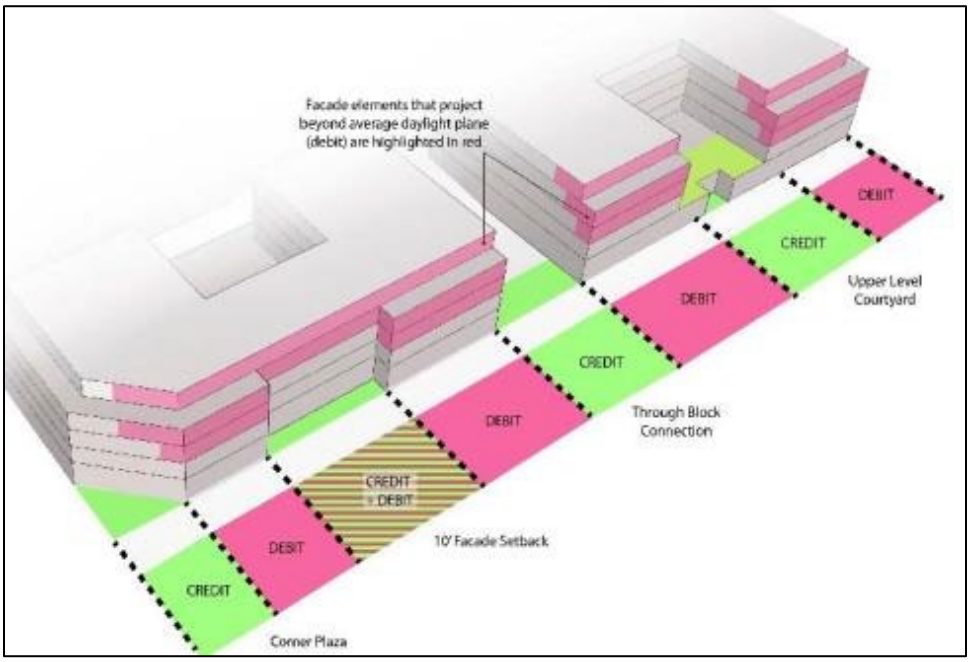




The amount of credit volume shall exceed the debit volume to comply with the "average."

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 stor~~y~~ies.

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.

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. C~~c~~omply 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.

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~~:

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.

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.

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.

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~~:

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 D~~E~~ 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 C~~D~~ of this section.

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.~~

~~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.

   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.

   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.~~

   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.

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.

   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 or synthetic material that mimics the appearance 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.

   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~~.

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 e~~E~~nclosed and/or covered ~~public open space may be approved by the design commission;~~ provided, that the space is available for public use.

~~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.~~

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.

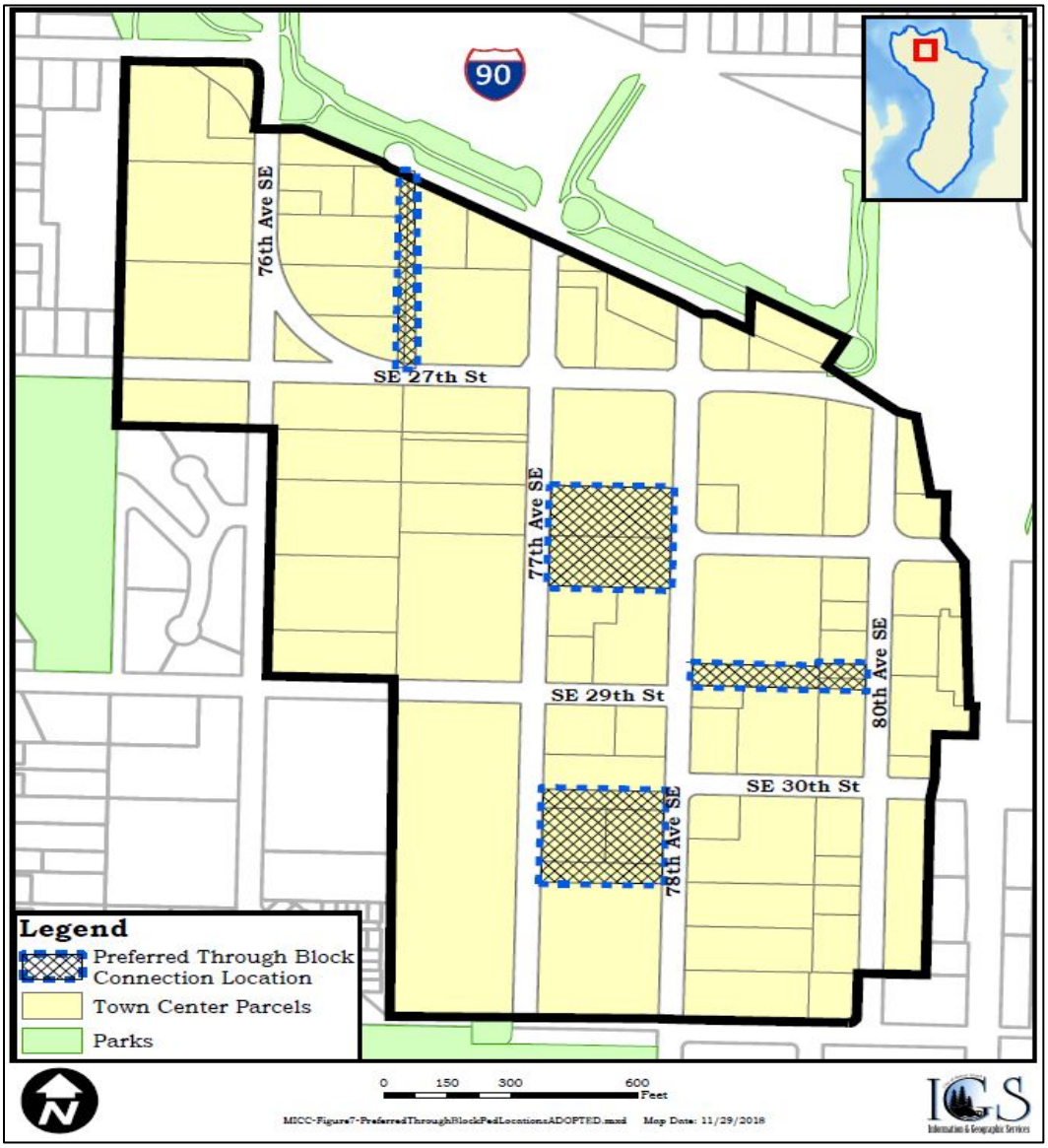
D~~E~~. *Through-block pedestrian connections.* Through-block pedestrian connections are intended to provide convenient and safe public pedestrian routes through city blocks.

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)~~

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~~

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.

   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.

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~~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.

~~b~~d. 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~~.

~~c~~e. 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.

~~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.~~

~~e~~f. 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.

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.~~

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.



~~f~~g. 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.

~~g~~h. 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.

~~h~~i. 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.

~~i~~j. All city approvals or permits for any structure shall be reviewed for compatibility with the alignment of any existing or approved through-block connection.

~~j~~k. 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.~~

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.

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 ~~area~~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:

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.

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.

ii. ~~and~~ A planting area~~s~~ that support~~s~~ 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.

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.

~~b~~d. *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~~.

~~c~~e. *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.

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 to 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.

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.

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.

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:

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.

~~5. *Building entries.* Building entries should be emphasized with special landscaping and/or paving in combination with lighting.~~

~~6. *Building facades.* Building facade modulation and setbacks should include features such as courtyards, fountains and/or landscaping.~~

~~7. *Continuity.* Landscaping should provide design continuity between the neighboring properties.~~

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, and 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.~~

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 ~~alley~~way, 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.~~

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.

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.

C. *Landscape screening.* Landscape screening must be consistent with the following definitions of screen types.

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 at least eighty (80) percent 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.

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 l~~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.

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.

3. ~~*Building entrances.* All building entrances should be well lit to provide inviting access and safety.~~

4. *Building-mounted and display window lights.* Building-mounted lights and display window lights~~ should contribute to~~ may be used to satisfy required lighting for~~of~~ walkways in pedestrian areas.

~~5~~4. Parking areas. Parking area light fixtures ~~should~~ must be designed to confine emitted light to the parking area. The height of the light fixtures ~~should~~shall not exceed 16 feet above finished grade. ~~The design commission shall review and determine the adequacy of lighting in parking areas based on best practices.~~

~~6~~4. *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.

~~7~~5. *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~~.

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.

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.

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.~~

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~~.

a. Window and door treatments which ~~embellish~~differentiate the façade from other components of the building.

b. ~~Decorative l~~Light fixtures.

c. ~~Unique facade treatment, such as decorative materials and design elements.~~

~~d.~~ ~~Decorative paving~~ Paving with a texture, color, or stamped pattern different from other paved features.

~~e~~d. Trellises, railings, gates, grill work, or ~~unique~~ landscaping.

~~f~~e. Flower baskets ~~supported by ornamental brackets~~.

~~g~~f. Recessed entrances.

~~h~~g. Balconies.

~~i~~h. Medallions.

~~j~~i. Belt courses.

~~k~~j. ~~Decorative m~~Masonry and/or tilework.

~~l. Unique, handcrafted pedestrian-scaled designs.~~

~~m~~k. Planter boxes ~~with seasonal color~~.

~~n~~l. Projecting metal and glass canopy.

~~o~~m. Clerestories over storefront windows.

~~p. Other elements as approved by the design commission.~~

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:~~

   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<u>s</u> 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

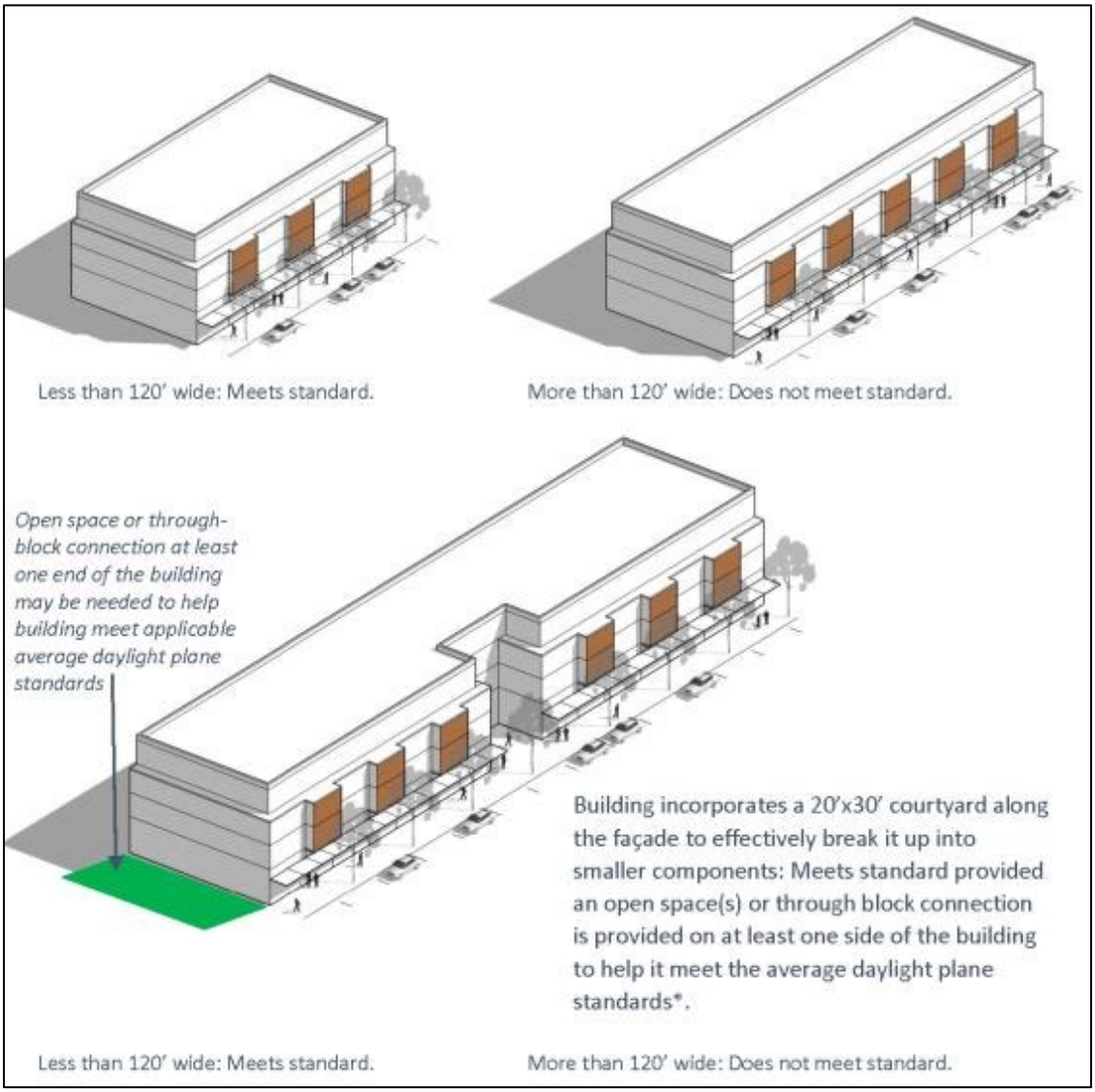


Figure 11 — Facade Examples Employing Building Walls with Contrasting Articulation That Make It Appear Like Two or More Distinct Buildings



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~~:

    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; <u>or</u>

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)~~.

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 m~~M~~ethods to treat blank walls ~~can include but are not limited to~~:

   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 that are sufficient to obscure or screen at least 60% of the wall surface within three years. of planting.

   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.

   ~~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.~~

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.~~

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.~~

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).~~

9. ~~*Identity emphasis.* Public buildings, unique community structures and corner structures should have a prominent scale, emphasizing their identity.~~

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.~~

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.~~

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.~~

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 <u>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</u> ~~awnings~~, canopies, trellises, pergolas, <u>and</u> covered arcades ~~or all-weather features~~ along 80 percent of a building's frontage ~~along~~ the ~~retail~~ <u>required street</u> frontages shown on <u>MICC 19.11.020</u> Figure 2.

   a. Any canopy or awning over a public sidewalk ~~should~~ <u>must</u> be a permanent architectural element.

   b. Any canopy or awning over a public sidewalk ~~should~~ <u>must</u> project out from the building facade a minimum horizontal width of six feet and be between eight to 12 feet above grade.

   c. ~~Architectural details should not be concealed by awnings or canopies.~~

   ~~d. Awning shapes should relate to the shape of the facade's architectural elements. The use of traditionally shaped awnings is encouraged.~~

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

   ~~f~~<u>d</u>. All awnings or canopies shall function to protect pedestrians from rain and other weather conditions.

~~14~~8. *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~~C). Other courtyards ~~should~~ must:

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~~

~~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.

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.~~

~~B.~~ *Development and design standards.*

1. *Building exteriors.* Building exteriors ~~should~~must be constructed from high quality and durable materials with demonstrated minimal post-installation maintenance. ~~It is important that the materials and colors weather well and that building exteriors need minimal maintenance.~~

~~2. *Regional focus.* Materials and colors should reflect the city's regional setting.~~

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

4~~2~~. *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.

~~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.~~

~~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.~~

~~7~~3. ~~*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.~~

~~8. *Variation of materials.* A variation of building materials should be used to assist in the creation of a visually interesting experience.~~

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:

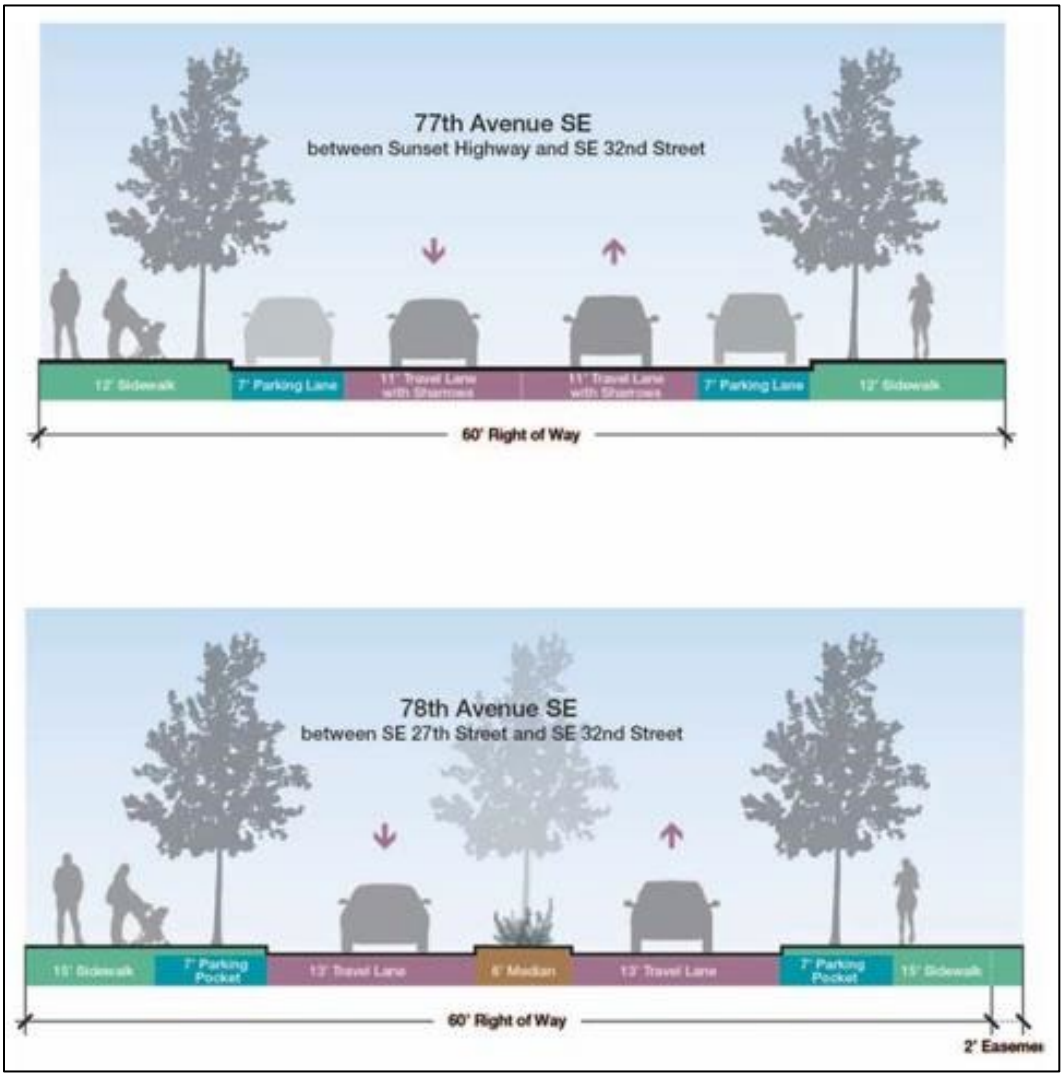
A. If unusual topographic or physical conditions preclude the construction of the improvements as required; or

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

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.

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 ⅔ 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.

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).

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).

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.

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.

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.~~

~~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.

~~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).~~

~~iv~~ii. *Concrete curbs.* All parking areas, landscaping areas and driveways ~~should~~ must be surrounded by six-inch-high vertical concrete curbs.

~~v~~iii. *Wheel stops.* All landscape and pedestrian areas ~~should~~ must be protected from encroachment by parked cars. Wheel stops t~~wo feet wide (as measured outward from the paved or planted area) should~~ must be constructed for all nonparallel parking stalls.

~~vi. *Amenities.* Amenities such as seating and planters should be provided to encourage pedestrian circulation~~.

i. *Design of structured parking.*

i. *Relationship to main building.* Parking structures ~~should~~ must be ~~architecturally integrated or~~ designed with ~~an architectural theme similar to~~ the same primary cladding material, color palette, architectural features as the main building.

~~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.~~

~~i~~ii. *Street side edges.* ~~An architectural treatment, landscaping and/or space for pedestrian-oriented businesses along t~~The street-side edges of the parking structure shall be ~~provided~~fully screened.

~~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.~~

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~~.

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.

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.

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 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.

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 constructed with ~~be architecturally compatible~~ with the same ~~style,~~ materials~~,~~ and colors ~~and details~~ of the building or complex. The sign content ~~should~~ must be integrated in one design (in contrast to displaying two or more separate elements). ~~Use of symbols is encouraged.~~

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.

(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.

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:

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.* 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.~~

~~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.~~

~~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.~~

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.

4. *Window signs.*

~~a. *Area limitation.* Permanent and temporary w~~Window signs are limited to maximum 25 percent of the window area.

~~b. *Integration with window display.* Every effort should be made to integrate window signs with window display.~~

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).

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.

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.~~

~~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~~.

e. *Phone numbers.* Phone numbers are prohibited from permanent, exterior signs.

~~9~~8. *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.

~~10~~9. *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.~~

1~~2~~0. *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.~~

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.~~

Exhibit I

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.~~

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.~~

~~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.

~~G~~F. *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.~~

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.~~

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.~~

~~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.~~

~~c~~b. *Ground level facades.* Untreated b~~B~~lank 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~~.~~:

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 that are sufficient to screen 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.

~~d. *Fenestration.* Fenestration should be integrated in the overall building design and should provide variety in facade treatment.~~

~~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.~~

~~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.~~

~~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.~~

~~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.~~

4~~3~~. *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.

~~b. *Consistency and continuity of design.* Materials and colors generally should be used with consistency on all sides of a building.~~

~~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.~~

~~d~~b. *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.

~~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.~~

~~5~~4. *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.

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.~~

~~6~~5. *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.~~

~~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:

~~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~~

~~iv~~d. ~~Any other approved technique which achieves the intent of this section.~~ Roofline features such as dormers, stepped roofs, and gables;

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.

~~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.~~

~~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.~~

~~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.~~

~~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.~~

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.

1. *Landscape area.* The l~~L~~andscapinge ~~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.~~

~~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.~~

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.

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.

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.

~~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.~~

~~6~~4. *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~~.

b. ~~New plantings should complement existing species native to the Pacific Northwest.~~

~~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.

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:

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.

[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.

[4] ~~Owners of adjacent single-family zoned property shall be consulted on perimeter screen design and planting materials.~~Reserved.

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:

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.

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.~~

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.

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~~be~~ characterized by more open spaces, light filtration and transparency through the plant material forming the screen.

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.

   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.

      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.

      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.~~

      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.~~

      ~~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.~~

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.

~~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.~~

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.

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.~~

d. *Sight clearance.* At intersections, plantings shall not create sight obstructions that may compromise pedestrian or traffic safety ~~as determined by the city engineer~~.

e. *Planting coverage.* All required planting areas ~~should~~ must extend to the ditch slope, curb line, street edge, or area of sidewalk.

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.

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.~~

~~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.~~

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.

~~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~~.

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~~T~~his 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.

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.

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.

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.~~

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.

B. *Standards.*

1. *Accessory buildings.* Ground level outdoor storage buildings, mechanical equipment and utility vaults shall be fully screened from adjacent public ways.

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.~~

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.

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.

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 a~~ppurtenances 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 at pedestrian eye level~~areas surrounding the building~~.

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.

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.

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 way~~s~~. ~~Service areas should accommodate loading, trash bins, recycling facilities, storage areas, utility cabinets, utility meters, transformers, etc.~~

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.

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.

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.

~~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.~~

~~6. *Fence, trellis and arbor standards.* Fences, trelliswork and arbors shall meet the standards identified in MICC 19.12.040(B)(3).~~

~~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.~~

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.~~

~~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.~~

~~3.~~ *Lighting height.* Freestanding, parking area, and building-mounted light fixtures shall not exceed 16 feet in height, including any standard or base.

4<u>2</u>. *Shielding.* All exterior lighting fixtures shall be shielded or located to confine light spread within the site boundaries. Full cut-off fixtures ~~should~~ <u>must</u> 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.

~~5~~<u>3</u>. *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.~~

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~~.

~~6~~<u>4</u>. *Light type.* Lighting ~~should~~ <u>must</u> 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.

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.~~

c. *Size.* All freestanding signs shall be no larger than:

~~i. *Proportionate.* Proportionate to the street frontage of the use they identify; and~~

~~ii. *Maximum size.* In no case shall a freestanding ground sign be larger than:~~

~~(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

~~(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.

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.

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:

~~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

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.

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.~~

~~b. *Size and height.*~~ Directional signs shall be no larger than three square feet and no higher than 36 inches above grade.

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.

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~~8).

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.

Exhibit J

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.

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.

~~5~~4. *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.

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~~.

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~~.

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.

~~Table A. Land Use Review Type~~			
~~Type I~~	~~Type II~~	~~Type III~~	~~Type IV~~
~~• 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~~ ~~• Temporary use permit~~	~~• 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~~ ~~• Temporary use permit~~ ~~• Temporary structure deviation renewal~~	~~• 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]~~ ~~• Temporary structure deviation~~	~~• 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)

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.

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	Hearing Examiner	Superior Court or Shoreline

		~~Design Commission (code official design review)~~		~~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.~~

H. *Land use review types and review processing procedures.*

Table A – Type I Land Use Reviews

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

Tenant improvement/change of use	No	Yes	No	No	No	No	No	Code Official	65 days	Hearing Examiner
Shoreline exemption	No	Yes	No	No	No	No	No	Code Official	65 days	Shoreline Hearings Board
Critical area review 1	No	Yes	No	No	No	No	No	Code Official	65 days	Hearing Examiner
Temporary commerce on public property	No	Yes	No	No	No	No	No	Code Official	65 days	Hearing Examiner
Site development permit	No	Yes	No	No	No	No	No	Code Official	65 days	Hearing Examiner
Transportation concurrency certificate	No	No	No	No	No	No	No	Code Official	N/A	Hearing Examiner

Table B – Type II Land Use Reviews

Permit	Pre-Application Meeting Required (MICC 19.15.050)	Determination of Completeness (MICC 19.15.070)	Public Notification (MICC 19.15.080)	Notice of Application (MICC 19.15.090)	Public Comment Period	Public Hearing (MICC 19.15.140)	Notice of Decision (MICC 19.15.120)	Decision Body	Timeline Decision Due from Date of Completeness (MICC 19.15.030)	Appeal Authority (MICC 19.15.130)
Modified wireless communication facilities (6409 per CFR 1.40001)	No	Yes	Yes	No	No	No	No	Code Official	65 days	Hearing Examiner
Lot line revision	No	Yes	Yes	No	No	No	No	Code Official	65 days	Hearing Examiner

Setback deviation	No	Yes	Yes	No	No	No	No	Code Official	65 days	Hearing Examiner
Final plat	No	No	Yes	No	No	Yes	Yes	City Council	N/A	Superior Court
Code official design review	No	Yes	Yes	No	No	No	No	Code Official	65 days	Hearing Examiner
Accessory dwelling unit	No	Yes	Yes	No	No	No	No	Code Official	65 days	Hearing Examiner
Parking modification (reviewed by city engineer)	No	No	Yes	No	No	No	No	Code Official	N/A	Hearing Examiner
Small wireless facility deployment	No	Yes	Yes	No	No	No	No	Code Official	65 days	Hearing Examiner
Seasonal development limitation waiver	No	Yes	Yes	No	No	No	No	Code Official	65 days	Hearing Examiner
Final short plat	No	No	Yes	No	No	No	No	Code Official	N/A	Superior Court
Temporary Use Permit	No	Yes	Yes	No	No	No	No	Code Official	65 days	Hearing Examiner
Temporary Structure Deviation Renewal	No	Yes	Yes	No	No	No	No	Code Official	65 days	Hearing Examiner

Table C – Type III Land Use Reviews

Permit	Pre-Application Meeting Required (MICC 19.15.050)	Determination of Completeness (MICC 19.15.070)	Public Notification (MICC 19.15.080)	Notice of Application (MICC 19.15.090)	Public Comment Period	Public Hearing (MICC 19.15.140)	Notice of Decision (MICC 19.15.120)	Decision Body	Timeline Decision Due from Date of Completeness (MICC 19.15.030)	Appeal Authority (MICC 19.15.130)
New and modified wireless (non-6409) eligible facility	Yes	Yes	No	Yes	30 days	No	Yes	Code Official	100 days	Hearing Examiner

SEPA threshold determination	Yes	Yes	No	Yes	30 days	No	Yes	Code Official	100 days	Hearing Examiner
Critical area review 2	Yes	Yes	No	Yes	30 days	No	Yes	Code Official	100 days	Hearing Examiner
Public agency exception	Yes	Yes	No	Yes	30 days	No	Yes	Code Official	100 days	Hearing Examiner
Temporary encampment	Yes	Yes	No	Yes	30 days	Public meeting	Yes	Code Official	100 days	Hearing Examiner
Short plat alteration and vacations	Yes	Yes	No	Yes	30 days	No	Yes	Code Official	100 days	Hearing Examiner
Preliminary short plat	Yes	Yes	No	Yes	30 days	No	Yes	Code Official	100 days	Hearing Examiner
Development code interpretations	Yes	No	No	Yes	30 days	No	Yes	Code Official	N/A	Hearing Examiner
Major building permit	Yes	Yes	No	Yes	30 days	No	No, except to Parties of Record	Code Official	100 days	Hearing Examiner
Shoreline substantial development permit	Yes	Yes	No	Yes	30 days	No	Yes	Code Official	100 days	Shoreline Hearings Board
Shoreline substantial development permit revisions	Yes	Yes	No	Yes	30 days	No	Yes	Code Official	100 days	Shoreline Hearings Board
Temporary Structure Deviation	Yes	Yes	No	Yes	30 days	No	Yes	Code Official	100 days	Hearing Examiner

Table D – Type IV Land Use Reviews

Permit	Pre-Application Meeting Required (MICC 19.15.050)	Determination of Completeness (MICC 19.15.070)	Public Notification (MICC 19.15.080)	Notice of Application (MICC 19.15.090)	Public Comment Period	Public Hearing (MICC 19.15.140)	Notice of Decision (MICC 19.15.120)	Decision Body	Timeline Decision Due from Date of Completeness (MICC	Appeal Authority (MICC 19.15.130)

									19.15.030)	
Preliminary long plat	Yes	Yes	No	Yes	30 days	Yes	Yes	Hearing Examiner	170 days	Superior Court
Conditional use permit	Yes	Yes	No	Yes	30 days	Yes	Yes	Hearing Examiner	170 days	Superior Court
Variance	Yes	Yes	No	Yes	30 days	Yes	Yes	Hearing Examiner	170 days	Superior Court
Critical areas reasonable use exception	Yes	Yes	No	Yes	30 days	Yes	Yes	Hearing Examiner	170 days	Superior Court
Long plat alteration and vacations	Yes	Yes	No	Yes	30 days	Yes	Yes	Hearing Examiner	170 days	Superior Court
Parking modifications (reviewed by hearing examiner)	Yes	Yes	No	Yes	30 days	Yes	Yes	Hearing Examiner	170 days	Superior Court
Variance from short plat acreage limitation	Yes	Yes	No	Yes	30 days	Yes	Yes	Hearing Examiner	170 days	Superior Court
Wireless communication facility height variance	Yes	No	No	Yes	30 days	Yes	Yes	Hearing Examiner	170 days	Superior Court
Planned unit development	Yes	Yes	No	Yes	30 days	Yes	No	Hearing Examiner	170 days	Superior Court
Hearing Examiner design review	Yes	Yes	No	Yes	30 days	Yes	Yes	Hearing Examiner	170 days	Superior Court
Permanent commerce on public property	Yes	Yes	No	Yes	30 days	Yes	Yes	Hearing Examiner	170 days	Superior Court

Shoreline conditional use permit (SCUP)	Yes	Yes	No	Yes	30 days	Yes	Yes	Ecology after Hearing Examiner Recommendation	170 days	Shoreline Hearings Board
Shoreline variance	Yes	Yes	No	Yes	30 days	Yes	Yes	Ecology after Hearing Examiner Recommendation	170 days	Shoreline Hearings Board
Shoreline revision (variance and SCUP)	Yes	Yes	No	Yes	30 days	Yes	Yes	Ecology	170 days	Shoreline Hearings Board

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).

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:

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.

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.

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.

4. The following land use approvals are exempt from the decision timelines established in this section:

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.

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.

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.

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:

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.

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.

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;

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

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.

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.

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.~~

Table A. Required Submittals by Land Use Review Type

"R" means Required

"C" means When Required by Code Official

"N/A" means Not Applicable

Submittal[2]	Land Use Review Type			
	Type I	Type II	Type III	Type IV
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
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).	R	R	R	R
A legal description of the subject property.	R	R	R	R
A completed SEPA environmental checklist unless the project is demonstrated to be categorically exempt from SEPA review per Chapter 19.21 MICC.	R	R	R	R
Drainage plans and documentation required by the Stormwater Management Manual for Western Washington as adopted by Chapter 15.09 MICC, if applicable.	R	R	R	R

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.	C	R	R	R
Affidavit of Ownership.	C	R	R	R
Affidavit of Agent Authority, if applicable.	C	R	R	R
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.	N/A	R	R	R
Any preapplication meeting notes obtained prior to application.	C	C	R	R
A signed statement from the applicant attesting to the accuracy of all information submitted with the application.	R	R	R	R
Any additional materials required by the code official as shown in the land use application form specific to the proposed development.	C	C	C	C
The applicable permit fee.	R	R	R	R

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~~.

B. *Determination of completeness.* Within 28 calendar days after receiving an application for a ~~Type III and Type IV land use reviewa~~ 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 incompletion to the applicant, stating either that the application is complete or that the application is incomplete. If an application is incomplete, the letter of incompletion 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.

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.

C. *Response to letter of incompletion.* 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.

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.

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.

E. If the applicant fails to provide the required information within 90 days of the letter of incompletion, 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.~~

~~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.~~

~~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.~~

~~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.~~

~~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.~~

~~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.~~

~~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.~~

~~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.~~

~~6. *Additional functions.* The design commission may undertake the following additional functions as needed:~~

~~a. The design commission may assist any person, group, or agency who requests design advice on matters not requiring formal commission action.~~

~~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.~~

~~c. The design commission shall act as the appeal authority for design review decisions made by the code official for minor exterior modifications.~~

~~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.

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 commissionh~~hearing examiner or code official as authorized pursuant to this chapter. Deviations from an approved plan a~~pproved 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.~~

c. *Review authority.*

i. The following development proposals shall require ~~design commission~~ hearing examiner design review:

(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 (~~C~~A)(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

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

(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.~~

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.~~

~~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.~~

Exhibit K

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. […]

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. […]

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

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. […]

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. […]

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. […]

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. […]

Exhibit L

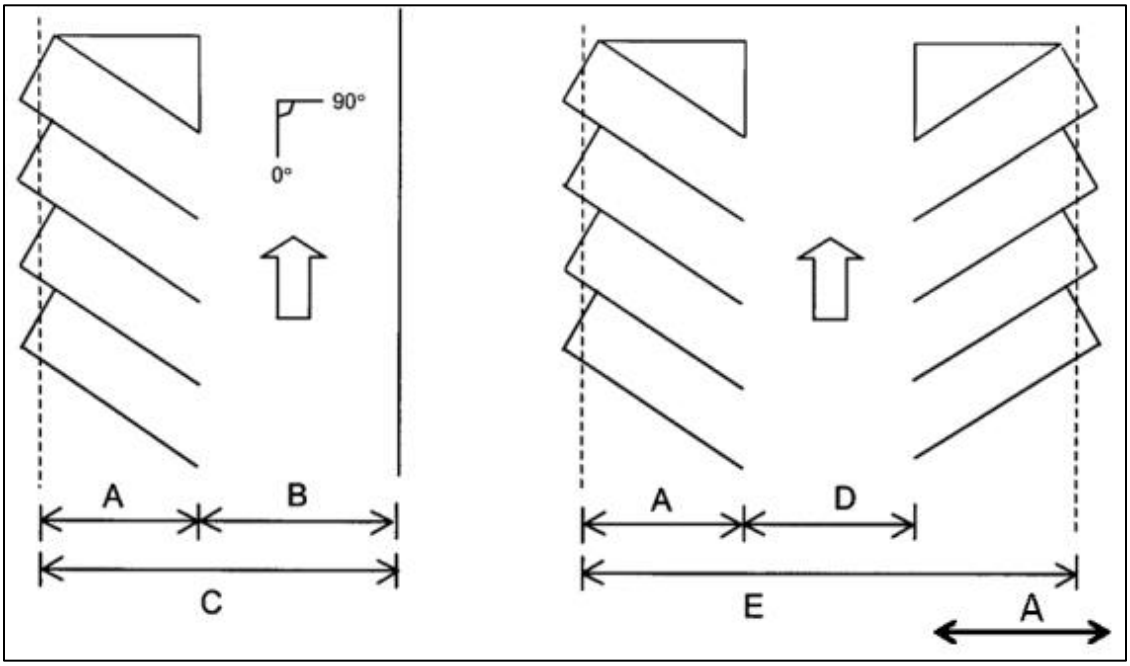
Appendix A PARKING LOT DIMENSIONS

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.

	Standard Stall (9' × 18.5') *						Compact Stall (8.5' × 16') *				
Parking Angle	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

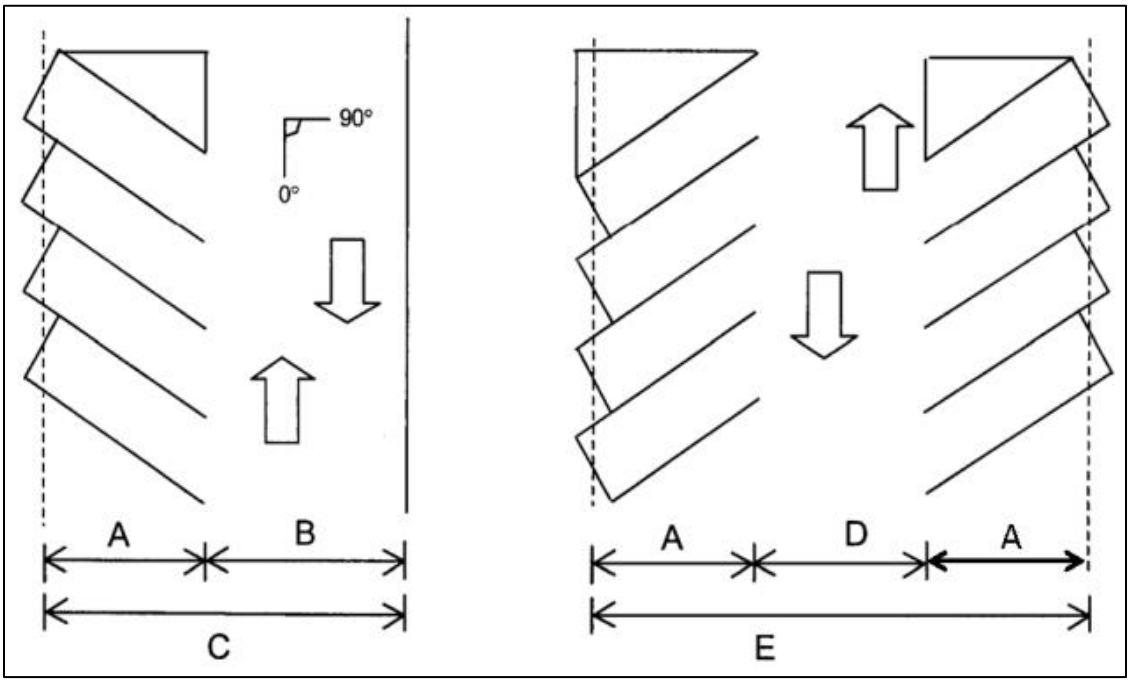
*Standard residential stalls shall be no greater than 8’ x 20’ and compact residential stalls shall be no greater than 8’ x 16’.



2. Two-Way Traffic.

	Standard Stall (9' × 18.5') *						Compact Stall (8.5' × 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’.



AB 6802 – OMNIBUS ORDINANCE PLANNING COMMISSION AMENDMENT MATRIX

This matrix identifies the differences between two drafts of the omnibus ordinance: 1) The initial staff draft based on the existing interim ordinances released on August 11, 2025; and 2) The proposed code recommended by the Planning Commission on October 8, 2025.

Terms/Notation Used:

'MINOR' Classification	The Planning Commission recommended code results in a minor amendment that does not include substantive policy amendments from either the interim regulations currently in effect or the initial staff draft.	Log Nos.: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 41, 42, 43, 44, 45
'SUBSTANTIVE' Classification	The Planning Commission recommended code results in significant amendments from either the interim regulations currently in effect or the initial staff draft. Only three amendments are categorized as substantive and were categorized as such by the Planning Commission on September 24, 2025.	Log Nos.: 38, 39, 40

Log No.	Code Section	Initial Staff Drafted Amendment	Planning Commission Comment/Recommendation	Classification & Staff Comments
1	19.06.080(B)(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.~~	Clarify that the use is permitted in all zones where residential dwelling is allowed	Minor Proposed amendments to 19.06.080(A) and (B) were withdrawn.
2	19.06.080(C)(3)(a)	Parking must be provided at a rate of 0.25 parking stalls per sleeping unit.	Parking must be provided at a minimum rate of 0.25 parking stalls per sleeping unit.	Minor The City cannot require more than 0.25 parking spaces per sleeping unit in co-living housing (RCW 36.70.535(3)(a)(ii)). The proposed amendment would clarify that developers may provide more spaces if desired.
3	19.02.020(G)(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.	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 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; 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	Minor This standard can be clarified in the same way the parking standards are elsewhere in the draft

Log No.	Code Section	Initial Staff Drafted Amendment	Planning Commission Comment/Recommendation	Classification & Staff Comments
4	19.03.020(B)(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.	Group parking areas shall be screened from view from streets and adjoining properties at pedestrian eye level. If screening consists of solid planting, it shall be of evergreen variety and shall constitute a solid planting within ~~two~~three years.	Minor Revising two years to three to match Chapter 19.12 would be a simple amendment. Most development regulated by this section would also be subject to Chapter 19.12 so both sections would be consistent and the three-year time frame will provide applicants with flexibility.
5	19.04.020(B)(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.~~	A strip of land adjacent to all external boundaries of the site, including any frontage on public rights-of-way excluding required access points, shall be devoted ~~exclusively~~ to ~~the planting, cultivation, growing and maintenance of sight-obscuring trees, shrubs and plant life~~ landscaping providing a partial screen. ~~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.~~	Minor The partial screen standard is more specific and tie this to an existing standard. Most development in the C-O zone would be regulated improvements and subject to the design standards in Chapter 19.12 MICC.
6	19.04.020(B)(7)	No change initially proposed	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.	Minor This could be clarified by tying the allowance to a parking study
7	19.06.030(D)	No change initially proposed	The code official shall review the proposed location of a dish antenna to determine that the antenna is ~~located and designed so as to minimize the visual impact on surrounding properties and streets and is reasonably and adequately~~ screened from view from abutting properties.	Minor The clear and objective standard is that the antenna be screened from view.
8	19.11.020(C)(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	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,~~ fully 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.	Minor The standard could be clarified that the screening must be a full screen. Full screening would be appropriate here because there is also a fence required, implying that merchandise should not be visible from the right of way.

Log No.	Code Section	Initial Staff Drafted Amendment	Planning Commission Comment/Recommendation	Classification & Staff Comments
		temporary uses such as material storage during construction or street vendors.		
9	Purposefully.blank			
10	19.11.020(C)(3)	No change initially proposed	Transit.facilities¡ Bus parking/loading space, and shelters and facilities for transit users shall be ~~integrated~~ provided 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.	Minor “integrated in the design of …” can be replaced with “provided with” to clarify. There is no numerical standard proposed and adding one would be a substantive change.
11	19.11.020(D)	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.	~~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.~~	Minor This section should be struck. The City has a nuisance code to address these concerns established in Chapter 8.24 MICC.
12	19.11.030(A)(7)(a)	No Change initially proposed	From a height of ~~25~~27 feet at the front property line, buildings shall step back at a 45-degree angle up to the maximum height limit.	Minor
13	19.11.060(C)(2)(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.	~~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 or synthetic material that mimics the appearance 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.	Minor
14	19.11.060(C)(2)(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.	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~~.	Minor An additional standard for measuring the percentage of an outdoor public space is not necessary, but this section could be improved by removing “with shade trees, ground cover or other

Log No.	Code Section	Initial Staff Drafted Amendment	Planning Commission Comment/Recommendation	Classification & Staff Comments
				vegetation". This would address the first question because the requirement is simply to landscape at least 25% but not more than 60% of the outdoor public space. The landscaped area in an outdoor public space provided as part of the site design would also be subject to the landscaping standards in MICC 19.11.070.
15	19.11.070(B)(1)	Landscaped.~~area~~suface.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:	Landscaped.~~area~~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:	Minor
16	19.11.080(B)(1)(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~~.	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, and transformers~~, etc~~.	Minor
17	19.11.090(B)(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.	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.	Minor The standard should apply throughout Town Center, not only sites adjacent to residential uses. Striking "when adjacent to residential uses" would be resolve this comment.
18	19.11.100(B)(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~~. a. Window and door treatments which embellish the facade. b. Decorative light fixtures. c. ~~Unique facade treatment, such as decorative materials and design elements.~~	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.~~ a. Window and door treatments which ~~embellish~~differentiate the façade from other components of the building. b. ~~Decorative l~~Light fixtures. c. ~~Unique facade treatment, such as decorative materials and design elements.~~	Minor The standard as proposed is a simple yes/no requirement and so it meets the clear and objective standard from RCW 36.70A.630. This list includes unnecessary adjectives that can be removed (i.e., drop "unique" and just require landscaping). Decorative paving can be amended to "Paving with a texture, color, or stamped pattern different from other paved features."

Log No.	Code Section	Initial Staff Drafted Amendment	Planning Commission Comment/Recommendation	Classification & Staff Comments
		~~d.~~ Decorative paving. ~~c~~d. Trellises, railings, gates, grill work, or unique landscaping. ~~f~~e. Flower baskets supported by ornamental brackets. ~~g~~f. Recessed entrances. ~~h~~g. Balconies. ~~i~~h. Medallions. ~~j~~i. Belt courses. ~~k~~j. Decorative masonry and/or tilework. ~~l. Unique, handcrafted pedestrian-scaled designs.~~ ~~m~~k. Planter boxes with seasonal color. ~~n~~l. Projecting metal and glass canopy. ~~o~~m. Clerestories over storefront windows. ~~p. Other elements as approved by the design commission.~~	~~d. Decorative paving~~ Paving with a texture, color, or stamped pattern different from other paved features. ~~c~~d. Trellises, railings, gates, grill work, or ~~unique~~ landscaping. ~~f~~e. Flower baskets ~~supported by ornamental brackets~~. ~~g~~f. Recessed entrances. ~~h~~g. Balconies. ~~i~~h. Medallions. ~~j~~i. Belt courses. ~~k~~j. ~~Decorative m~~Masonry and/or tilework. ~~l. Unique, handcrafted pedestrian-scaled designs.~~ ~~m~~k. Planter boxes ~~with seasonal color~~. ~~n~~l. Projecting metal and glass canopy. ~~o~~m. Clerestories over storefront windows. ~~p. Other elements as approved by the design commission.~~	
19	19.11.100(B)(3)(b)(ii)	No change initially proposed	A change in building materials that ~~effectively~~ contrasts from the rest of the facade.	Minor
20	19.11.100(B)(3)(c)	No change initially proposed	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).	Minor

Log No.	Code Section	Initial Staff Drafted Amendment	Planning Commission Comment/Recommendation	Classification & Staff Comments
21	19.11.100(B)(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 m~~M~~ethods to treat blank walls ~~can include but are not limited to~~: 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. 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. ~~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.~~	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 m~~M~~ethods to treat blank walls ~~can include but are not limited to~~: 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 that are sufficient to obscure or screen at least 60% of the wall surface within three years. of planting. 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. ~~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.~~	Minor Note, the minimum area for display windows does not need to be defined, the standard is to either provide a window or not.
22	19.11.100(B)(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~~	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~~	Minor Can strike the phrase “to emphasize the entrance and provide a sheltered transition to the interior of the building” to improve the clarity and the standard would remain effectively the same.

Log No.	Code Section	Initial Staff Drafted Amendment	Planning Commission Comment/Recommendation	Classification & Staff Comments
		~~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.~~	~~walkways with wheelchair ramps at least eight feet wide should be constructed between the sidewalk and building entrances.~~	
23	19.11.100(B)(7)	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 ~~a~~long the retail frontages shown on MICC 19.11.020 Figure 2.	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 ~~a~~long the ~~retail~~ required street frontages shown on MICC 19.11.020 Figure 2.	Minor This could be clarified as follows: “on 80 percent of a building's frontage along the ~~retail~~required street frontages shown on MICC 19.11.020 Figure 2.” This amendment would more accurately refer to Figure 2.
24	19.11.100(B)(8)	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: 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~~	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~~C). Other courtyards ~~should~~ must: 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~~	Minor This section could be clarified by simply referring to landscaping as follows: “Be covered with ~~trees, ground cover, or other~~ landscaping over at least 50 percent of its area;” this is more clear and would then the landscaped area would be subject to the greenery and outdoor spaces requirements in MICC 19.11.070. Pedestrian scale could be defined as follows: “Include seating, special paving material, ~~pedestrian-scale~~ walkway lighting and other pedestrian furnishings” Special paving material is typically textured, dyed, or otherwise differentiated from surrounding paving. The applicant would have the option to determine what type of special paving material to incorporate into their design.

Log No.	Code Section	Initial Staff Drafted Amendment	Planning Commission Comment/Recommendation	Classification & Staff Comments
		~~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.	~~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.	
25	19.11.130(B)(1)(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.	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.	Minor This could be clarified by the following amendment: ”submitted by the applicant that documents parking demand for all land uses ~~shall not significantly overlap~~ and that all uses will be served by adequate parking if shared parking reductions are authorized.” In order for the traffic engineer to make a finding in the parking demand study that all land uses will be served by adequate parking they will have to account for any proposed overlap.
26	19.11.130(B)(1)(h)	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. […] ~~iv~~ii. Concrete.curbs¡ All parking areas, landscaping areas and driveways ~~should~~ must be surrounded by six-inch-high vertical concrete curbs.	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. […] ~~iv~~ii. Concrete.curbs¡ All parking areas, landscaping areas and driveways ~~should~~ must be surrounded by six-inch-high vertical concrete curbs.	Minor This standard could be simplified without changing the requirement that wheel stops be installed: “Wheel stops ~~two feet wide (as measured outward from the paved or planted area)~~ must be constructed for all nonparallel parking stalls.” The height that the walkways must be raised does not need to be defined here because the standard is only that they must be raised, the applicant can design their project to either raise the walkways to the height of the curbs or to another level as needed.
27	19.11.130(B)(1)(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.	Relationship.to.main.building¡ Parking structures ~~should~~ must be ~~architecturally integrated or~~ designed with ~~an architectural theme similar to~~ the same primary cladding material, color palette, architectural features as the main building.	Minor
28	19.11.130(B)(1)(ii)	No change initially proposed	Street.side.edges¡ ~~An architectural treatment, landscaping and/or space for pedestrian-oriented businesses along t~~The street-side edges of the parking structure shall be ~~provided~~fully screened.	Minor This provision could be simplified to: “The street-side edges of the parking structure must be fully screened.” This would allow a built screen

Log No.	Code Section	Initial Staff Drafted Amendment	Planning Commission Comment/Recommendation	Classification & Staff Comments
				(architectural treatment) or landscaped screen. The code does not define “space for pedestrian-oriented businesses” so it should not require them.
29	19.11.130(B)(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.	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.	Minor
30	19.11.140(B)(1)(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.~~	Design¡ The sign shall constructed with ~~be architecturally compatible~~ with the same ~~style,~~ materials~~;~~ and colors ~~and details~~ of the building or complex. The sign content ~~should~~ must be integrated in one design (in contrast to displaying two or more separate elements). ~~Use of symbols is encouraged.~~	Minor
31	19.11.140(B)(8)	No change initially proposed	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.	Minor
32	19.12.030(B)(2)(b) (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.	A vertical trellis in front of the wall with climbing vines or plant materials that are sufficient to screen at least sixty (60) percent of the wall within three years of planting.	Minor
33	19.12.030(B)(4)(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~~	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	Minor

Log No.	Code Section	Initial Staff Drafted Amendment	Planning Commission Comment/Recommendation	Classification & Staff Comments
		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.	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.	
34	19.12.040(B)(11) (d)	Sight.clearance¡ At intersections, plantings shall not create sight obstructions that may compromise pedestrian or traffic safety as determined by the city engineer.	Sight.clearance¡ At intersections, plantings shall not create sight obstructions that may compromise pedestrian or traffic safety~~ as determined by the city engineer~~.	Minor
35	19.12.060(B)(2)(e)	A~~ll a~~ppurtenances 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~~.	A~~ll a~~ppurtenances 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 at pedestrian eye level~~areas surrounding the building~~.	Minor
36	19.12.080(B)(9)(b)	No change initially proposed	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)~~.	Minor
37	19.12.080(B)(9)(e)	No change initially proposed	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~~8).	Minor
38	19.03.020(B)(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~~.	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 provided the parking reduction is not applied on a parcel in the R-8.4, R-9.6, R-12, and R-15 zones~~ and the design commission for projects reviewable by the design commission~~.	Substantive [Re-categorized by PC on 9/24] The existing code allows for a variance of the parking minimums. Reassigning this authority to the Hearing Examiner would be a non-substantive amendment. “Notwithstanding any of the minimum parking requirements set out in this subsection, the ~~code official~~ hearing examiner 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~~.

Log No.	Code Section	Initial Staff Drafted Amendment	Planning Commission Comment/Recommendation	Classification & Staff Comments
				A new process would need to be established if the decision to vary parking minimums would be assigned to anyone other than hearing examiner or code official. Developing a new process for varying parking minimums is beyond the scope of work for this project. September 24 Direction On September 24, 2025, the Planning Commission clarified that discretion on parking requirements should not apply to residentially-zoned properties but would continue to apply in other zones.
39	19.04.040(B)(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.	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 provided the parking variance is not applied on a parcel in the R-8.4, R-9.6, R-12, and R-15 zones.	Substantive [Re-categorized by PC on 9/24] The existing code allows for a variance of the parking minimums. Reassigning this authority to the Hearing Examiner would be a non-substantive amendment. “Variances. Notwithstanding any of the minimum parking requirements set out in subsection C of this section, the ~~code official~~ hearing examiner 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.” A new process would need to be established if the decision to vary parking minimums would be assigned to anyone other than hearing examiner or code official. Developing a new process for varying parking minimums is beyond the scope of work for this project. September 24 Direction On September 24, 2025, the Planning Commission clarified that discretion on parking requirements

Log No.	Code Section	Initial Staff Drafted Amendment	Planning Commission Comment/Recommendation	Classification & Staff Comments
				should not apply to residentially-zoned properties but would continue to apply in other zones.
40	19.04.040(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.	Cooperative parking. Cooperative parking between two or more adjoining property owners is allowed~~; provided, the~~. The ~~code official~~hearing examiner, 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 and the cooperative parking is not applied on a parcel in the R-8.4, R-9.6, R-12, and R-15 zones.	Substantive [Re-categorized by PC on 9/24] The existing code grants the option to reduce parking if cooperative parking is proposed. Reassigning this review to the hearing examiner would be a non-substantive amendment. "Cooperative parking. Cooperative parking between two or more adjoining property owners is allowed~~; provided, the~~. The ~~code official~~ hearing examiner, 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." A new process would need to be established if the decision to vary parking minimums would be assigned to anyone other than hearing examiner or code official. Developing a new process for varying parking minimums is beyond the scope of work for this project. September 24 Direction On September 24, 2025, the Planning Commission clarified that discretion on parking requirements should not apply to residentially-zoned properties but would continue to apply in other zones.
41	19.11.080(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	Built.screening. Any screening not composed of landscaping must be constructed of at least eighty (80) percent 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.	Minor

Log No.	Code Section	Initial Staff Drafted Amendment	Planning Commission Comment/Recommendation	Classification & Staff Comments
		same design, color, and materials as the exterior of the accompanying structure.		
42	19.11.090(B)(4)	~~Building_mounted.and.display.window.lights¡ Building-mounted lights and display window lights should contribute to lighting of walkways in pedestrian areas~~.	Building_mounted.and.display.window.lights¡ Building-mounted lights and display window lights ~~should contribute to~~ may be used to satisfy required lighting for~~of~~ walkways in pedestrian areas.	Minor
43	19.11.090(B)(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.~~	Parking areas. Parking area light fixtures ~~should~~ must be designed to confine emitted light to the parking area. The height of the light fixtures ~~should~~shall not exceed 16 feet above finished grade. ~~The design commission shall review and determine the adequacy of lighting in parking areas based on best practices.~~	Minor
44	19.11.100(B)(2)(a)	No change initially proposed	Window and door treatments which ~~embellish~~differentiate the façade from other components of the building	Minor
45	19.11.110(B)(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.~~	Building.exteriors¡ Building exteriors ~~should~~must be constructed from high quality and durable materials with demonstrated minimal post-installation maintenance. ~~It is important that the materials and colors weather well and that building exteriors need minimal maintenance.~~	Minor

BUSINESS OF THE CITY COUNCIL
CITY OF MERCER ISLAND

AB 6801
November 4, 2025
Regular Business

AGENDA BILL INFORMATION

TITLE:	AB 6801: Permanent Regulations for Temporary Uses and Structures, Including Outdoor Dining (Ordinance No. 25C-26 First Reading)	☐ Discussion Only ☒ Action Needed: ☒ Motion ☒ Ordinance ☐ Resolution
RECOMMENDED ACTION:	Schedule Ordinance 25C-26 for a second reading.	

DEPARTMENT:	Community Planning and Development
STAFF:	Jeff Thomas, CPD Director Molly McGuire, Senior Planner
COUNCIL LIAISON:	n/a
EXHIBITS:	1. Ordinance No. 25C-26 2. Planning Commission Recommendation – Temporary Uses 3. Interim Regulations / Planning Commission Recommendation Matrix
CITY COUNCIL PRIORITY:	n/a

AMOUNT OF EXPENDITURE	$ n/a
AMOUNT BUDGETED	$ n/a
APPROPRIATION REQUIRED	$ n/a

EXECUTIVE SUMMARY

The purpose of this agenda bill is to conduct the first reading of Ordinance No. 25C-26 (Exhibit 1) to amend the Mercer Island City Code (MICC) to establish permanent regulations for temporary uses and structures, including outdoor dining, in place of the 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, which was identical to the interim regulations in effect, 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).
- Due to several factors, the first public hearing with the Planning Commission was rescheduled, which required the renewal of the interim regulations under Ordinance No. 24C-07. On May 20, 2025, these interim regulations were renewed for an additional 6 months under Ordinance No. 25C-07 and will now expire on December 16, 2025.
- 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.
- 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 was aware of the changes and had an opportunity to comment on the entire draft regulations. This public hearing was held on September 10, 2025 where the Planning Commission made a motion to recommend that the City Council adopt the development regulations in Exhibit 2.
- A side-by-side comparison of the development regulations prior to June 2024, the interim regulations adopted under Ordinance No. 24C-07, and the Planning Commission recommended code is provided in Exhibit 3.

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 from the City of Mercer Island and the Mercer Island Country Club related to temporary uses and structures. After discussing the prioritization of the Mercer Island Country Club docketed item at its March 1, 2024 Planning Session, City Council directed staff to proceed with developing interim regulations to address both docketed items and renew the existing interim regulations for outdoor dining at its regular business meeting on April 2, 2024 (see AB 6441).

Existing Regulations for Temporary Uses and Structures

Prior to the adoption of Ordinance No. 24C-07 in 2024, the Mercer Island City Code (MICC) did not include regulations for temporary uses and structures. Without established regulations, some temporary uses and structures were either subject to development standards intended for more intense permanent uses or prohibited altogether.

Existing Regulations for Commerce on Public Property

Regulations for commerce on public property are established in MICC 19.06.050 – Commerce on public property. This section allows business owners to use a portion of the right of way or public sidewalks for private commerce. Commerce on public property is permitted through Community Planning and Development with a right of way use permit or through Parks and Recreation with a special event permit

depending on the location and scale of the proposed use or activity. During the COVID-19 Pandemic, the City adopted interim regulations under Ordinance No. 20C-17 for commerce on public property to allow businesses to utilize more outdoor spaces. The interim regulations amended MICC 19.05.060 to consider existing eating and drinking establishments that temporarily provide outdoor food and beverage service on adjacent public property to be considered temporary and may be approved without review or approval by the Design Commission. These amendments also clarified that non-temporary improvements must be consistent with the design requirements in the Town Center Plan.

Planning Commission Review

In February of 2025, the Planning Commission began reviewing the staff proposed draft regulations for temporary uses and structures and commerce on public property, which closely aligned with the interim regulations originally adopted in June 2024 under Ordinance No. 24C-07.

The first public hearing with the Planning Commission was held on June 10, 2025. During this time, the Planning Commission provided staff with significant feedback on the draft regulations. Staff returned on July 23, 2025 with a revised draft that addressed the Planning Commission direction and feedback. During this meeting, several more amendments were made by motion, and additional direction was provided to staff which resulted in the need for a second public hearing to ensure the public was aware of the changes and had an opportunity to comment on the new draft.

A second public hearing with the Planning Commission was held on September 10, 2025, at which time the Planning Commission made a final motion to recommend that the City Council adopt the proposed amendments as shown in Exhibit 2.

ISSUE/DISCUSSION

Between February and September 2025, the Planning Commission made several substantial changes to the draft regulations originally presented by staff, which were mostly the same as the interim regulations adopted by the City Council on May 20, 2024. The matrix in Exhibit 3 classifies the Planning Commission changes into “minor” and “substantive.” Minor amendments are those amendments that do not result in substantive policy changes from either the code prior to June 2024 or the interim regulations that are currently in effect. Substantive amendments do result in significant changes from either the code prior to June 2024 or the interim regulations currently in effect. The City Council may direct staff to incorporate all “minor” amendments, reclassify “minor” amendments to “substantive” for further discussion, and/or direct staff to only incorporate certain amendments from the matrix in Exhibit 3. These changes can be further categorized into the following:

MINOR – Commerce on public property (MICC 19.06.050)

Matrix Reference Log No(s).: 1, 2, 5, 6, 7, 8, 9, 10, 11, 12, 13*

*DESIGN REVIEW

The Planning Commission recommendation removes the references to the Design Commission, which was dissolved on June 17, 2025 under Ordinance No. 25C-17. Design review for development proposals would be considered under MICC 19.15.220.

SUBSTANTIVE – Commerce on public property (MICC 19.06.050)

APPLICABILITY – *Matrix Reference Log No(s).: 3, 14*

The Planning Commission recommendation broadens the applicability of the commerce on public property regulations to include public sidewalks, streets, and rights-of-way within the Planned Business zone and Commercial Office zone in addition to the original Town Center zone. The draft also adds the "Mercer Island Farmers Market" and any other events sponsored fully or in part by the City to the provision that exempts "Summer Celebration" from compliance with MICC 19.06.050. The interim regulations in Ordinance No. 24C-07 did not amend these sections.

PERMIT REQUIRED – *Matrix Reference Log No(s).: 4*

The Planning Commission recommendation exempts any temporary use and structure associated with commerce on public property that operates for no more than a total of seven calendar days or less in any given 90-day period from the private commerce on public property permit. Currently, all private commerce on public property requires a permit, issued by the Community Planning & Development Department. The interim regulations in Ordinance No. 24C-07 did not amend this section.

PROPERTY RIGHTS AND REMOVAL – *Matrix Reference Log No(s).: 15*

The Planning Commission recommendation adds a provision that clarifies that a commerce on public property authorization does not constitute a surrender by the city of any property rights to the right-of-way and includes the ability for the City Engineer to require the removal of improvements under certain circumstances including emergencies and maintenance.

MINOR – Temporary uses and structures on private property (MICC 19.06.130)

Matrix Reference No(s).: 16, 17, 18, 26

SUBSTANTIVE – Temporary uses and structures on private property (MICC 19.06.130)

PERMIT REQUIRED – *Matrix Reference Log No(s).: 20*

The Planning Commission recommendation exempts two types of temporary uses and structures from requiring a permit: 1) temporary uses and structures that comply with the development standards of the underlying zone, provided the duration does not exceed a single term of seven consecutive days within any given 90-day period; and 2) temporary uses and structures that do not comply with the development standards of the underlying zone, provided the duration does not exceed a maximum duration of 72 hours within any given 60-day period. The draft also adds maximum durations to other listed exempt activities, adds a new exemption for a structure under 250 square feet in area and 10 feet in height used for worship, and clarifies standards for construction-related activities when located in single-family zones.

APPLICATION PROCESS – *Matrix Reference Log No(s).: 19, 22, 24, 27*

The Planning Commission recommendation divides temporary use permits into three different application processes: 1) typical temporary use permits which are subject to the Type II land use review process and valid for five years; 2) temporary structure deviations which are subject to the Type III land use review process and valid for five years with the option for renewal; and 3) temporary structure deviation renewals which are subject to the Type II land use review process and eligible for up to 20 years after the original approval provided certain conditions are met.

Each land use review type is subject to different noticing and decision criteria, outlined in MICC 19.15.030 and summarized below:

- Type I land use reviews – No public notification, no public notice of application, no public hearing, and decision by the code official within 65 days of complete application.
- Type II land use reviews – Public notification, but no public notice of application, no public hearing, and decision by the code official within 65 days of complete application.
- Type III land use reviews – Requires a pre-application meeting, no public notification, public notice of application, no public hearing, and decision by the code official within 100 days of complete application, including a notice of decision and, typically, a staff report.
- Type IV land use reviews – Requires a pre-application meeting, no public notification, public notice of application, public hearing, and decision by, most often, the Hearing Examiner, within 170 days of complete application, including a notice of decision and a staff report.

The interim regulations in Ordinance No. 24C-07 required a Type I land use review for all temporary uses and structures, unless specifically exempt from permit requirements. These permits were subject to the City's hourly staff rate of $176 in 2025.

Should the City Council adopt permanent regulations consistent with the Planning Commission's recommendation, the Fee Schedule will need to be updated to include a new established fee for Temporary Structure Deviations due to the significant increase in staff resources necessary to process a Type III permit review.

CRITERIA FOR APPROVAL – *Matrix Reference Log No(s).: 21*

The Planning Commission recommendation rearranges the subsections from the interim regulations to strike the additional criteria of approval for special temporary uses and structures, which included mobile food vendors and outdoor dining. Instead, these special uses are now subject to all the same standards as any other temporary use and structure in subsection (e), with no additional carve-outs or standards. The parking requirements that were included in the interim regulations for these special temporary uses were added to the criteria for approval for all temporary uses and structures. The Planning Commission also recommended the addition of a standard to prevent mechanical equipment from exceeding the maximum permissible noise levels in the Washington Administrative Code and establishes a setback for mechanical equipment abutting single-family residential zones.

The most substantial change to this section recommended by the Planning Commission is the requirement for all temporary uses and structures, unless otherwise specified, to be subject to the development standards in the underlying zoning designation applicable to the site.

TEMPORARY STRUCTURE DEVIATIONS – *Matrix Reference Log No(s).: 19, 22, 27*

The Planning Commission recommendation includes criteria for a new permit application for temporary structure deviations, which would be for those structures that do not meet certain dimensional development standards in the underlying zoning designation, such as building height, gross floor area, lot coverage, and setbacks. The temporary structure would be required to meet the criteria for approval for all other temporary uses and structures in subsection (e), in addition to the criteria in subsection (F). The additional criteria include requirements for screening and public benefit and allowances for the temporary structure to exceed gross floor area and lot coverage by a certain percentage, and for the temporary structure to reduce yard

setbacks depending on the adjacent uses and proposed structure height. Using a recent example, the Mercer Island Country Club's "tennis bubble" appears that it would comply with these recommended criteria, provided they submit a complete application for a temporary structure deviation.

TIME LIMITATIONS – *Matrix Reference Log No(s).: 23*

The Planning Commission recommendation strikes an option from the interim regulations which allows for a temporary use or structure to request a 30-day extension, in addition to the maximum durations outlined in Table A. The Planning Commission recommendation also strikes Table A and instead subjects all temporary uses and structures to a flat duration of 180 days, except as otherwise specified. Using a recent example, the Mercer Island Country Club's "tennis bubble" would only be allowed to operate for 180 days under these recommendations, as opposed to the original Mercer Island Country Club's docket proposal of 243 days. The interim regulations in Ordinance No. 24C-07 allowed for a maximum duration of 180 days with the option for a 30-day extension to align with building code standards for temporary membrane structures.

Ordinance No. 25C-26

If adopted by the City Council, Ordinance No. 25C-26 (Exhibit 1) will amend MICC 19.06.050, Commerce on public property, add a new section to Chapter 19.06 MICC to establish regulations for temporary uses and structures on private property, and amend MICC 19.15.030, Permit review types, to establish permit review processes for temporary use permits, temporary structure deviations, and temporary structure deviation renewals.

NEXT STEPS

Once the City Council completes deliberation, Ordinance No. 25C-26 will be revised as directed and scheduled for a second reading and adoption on November 18, 2025, or as soon as otherwise practicable.

RECOMMENDED ACTION

Move to accept the Planning Commission recommended amendments from Exhibit 3 – Log Numbers [*all minor amendments and/or list log numbers*] in Ordinance No. 25C-26 and schedule Ordinance No. 25C-26 for second reading.

CITY OF MERCER ISLAND
ORDINANCE NO. 25C-26

AN ORDINANCE OF THE CITY OF MERCER ISLAND, WASHINGTON, AMENDING TITLE 19 OF THE MERCER ISLAND CITY CODE RELATED TO (1) OUTDOOR SEATING FOR EATING AND DRINKING ESTABLISHMENTS, AND (2) TEMPORARY USES AND STRUCTURES; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the adoption of land use and zoning regulations is a valid exercise of the City's police power and is specifically authorized by RCW 35A.63.100; and

WHEREAS, the City Council adopted interim regulations related to outdoor seating for eating and drinking establishments (outdoor dining) on August 4, 2020 under Ordinance No. 20C-17; and

WHEREAS, the City Council renewed the interim regulations for outdoor dining on February 16, 2021 under Ordinance No. 21C-03, July 6, 2021 under Ordinance No. 21C-16, December 7, 2021 under Ordinance No. 21C-25, and June 20, 2023 under Ordinance Number 23C-09.

WHEREAS, through the annual Development Code and Comprehensive Plan docket and the adoption of Resolution No. 1655 in 2023, the City added the task of developing regulations for temporary uses and structures in response to two docket request applications; and

WHEREAS, the City Council directed City Staff to incorporate the existing interim regulations for outdoor dining on public and private property under Ordinance No. 20C-17 within the regulations for temporary uses and structures; and

WHEREAS, on June 4, 2024, the City Council adopted interim regulations for both outdoor dining and temporary uses and structures under Ordinance No. 24C-07; and

WHEREAS, the City Council renewed the interim regulations for outdoor dining and temporary uses and structures on May 20, 2025 under Ordinance No. 25C-07; and

WHEREAS, the interim regulations for outdoor dining and temporary uses and structures under Ordinance No. 24C-07 expire on December 16, 2025; and

WHEREAS, on February 20, 2025, the City notified the Washington State Department of Commerce of the City's intent to amend the Development Code; and

WHEREAS, on March 10, 2025, the City issued a State Environmental Policy Act (SEPA) threshold determination of non-significance (DNS) consistent with the procedures established in Chapter 19.21 MICC; and

WHEREAS, on June 10, 2025, and September 10, 2025, the Planning Commission held duly advertised public hearings on the development of regulations for outdoor dining and temporary uses and structures; and

WHEREAS, on November 4, 2025, the City Council was briefed on the Planning Commission recommendation and had its first reading of this ordinance, and on November 18, 2025, the City Council had its second reading of this ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MERCER ISLAND, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. **Whereas Clauses Adopted.** The "Whereas Clauses" set forth in the recital of this ordinance are hereby adopted as the findings and conclusions of the City Council for passing this ordinance.

Section 2. **Amendment of Section MICC 19.06.050.** Section MICC 19.06.050, Commerce on public property, is amended as shown in Exhibit A.

Section 3. **New Section MICC 19.06.130.** The City Council adopts a new section MICC19.06.130, Temporary uses and structures, as shown in Exhibit B.

Section 4. **Amendment of Section MICC 19.15.030.** Section MICC 19.15.030, Permit review types, is amended as shown in Exhibit C.

Section 5. **Repeal of Ordinance No. 24C-07**. Ordinance No. 24C-07 is repealed.

Section 6. **Severability.** If any section, sentence, clause, or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, or its application held inapplicable to any person, property, or circumstance, such invalidity or unconstitutionality shall not affect the validity of any other section, sentence, clause, or phrase of this ordinance or its application to any other person, property, or circumstance.

Section 7. **Publication and Effective Date.** A summary of this ordinance consisting of its title shall be published in the official newspaper of the City. This ordinance shall take effect and be in full force five days after the date of publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF MERCER ISLAND, WASHINGTON, AT ITS MEETING ON NOVEMBER _____, 2025.

CITY OF MERCER ISLAND

_____
Salim Nice, Mayor

ATTEST:

_____
Andrea Larson, City Clerk

APPROVED AS TO FORM

_____
Bio Park, City Attorney

Date of publication:

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.

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.

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.

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.

~~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 improvements is consistent with the design requirements for the Town Center plan.~~

4~~5~~. The location and design do not unreasonably obstruct the visibility of any adjacent businesses or their signage.

5~~6~~. 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.

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*. Applications for 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.

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. Any temporary use or structure that complies with 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 does not exceed a single term of seven consecutive days within any given 90-day period;

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 72 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, place of worship, or other nonresidential institutional facility, provided the use does not exceed 30 days in a calendar year;

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.

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, equipment parking and equipment servicing (not to exceed 8 hours in duration) on the site 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.

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.

G. *Time limitation.* Temporary uses or structures may operate for a total of 180 days per calendar year.

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.

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.*

Table A. Land Use Review Type			
Type I	**Type II**	**Type III**	**Type IV**
• 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	• 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 • Temporary use permit • Temporary structure deviation renewal	• 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] • Temporary structure deviation	• 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)

COMMUNITY PLANNING & DEVELOPMENT
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PLANNING COMMISSION

To:	City Council
From:	Dan Thompson, Planning Commission Chair
Date	September 10, 2025
Subject:	Permanent Regulations for Temporary Uses and Structures Including Outdoor Dining
Attachments:	A. Planning Commission Recommended Code Amendments for Commerce on Public Property and Temporary Uses and Structures

In December 2023, the City Council approved Resolution No. 1655 which included adding a project to develop regulations for temporary uses and structures to the 2024 Annual Docket. In June 2024, the City Council adopted interim regulations by Ordinance No. 24C-07, which established regulations and a permitting process for temporary uses and structures, and incorporated existing interim regulations for outdoor dining that had been in place since 2020. These interim regulations have been renewed once for an additional six months and will expire in December 2025.

The Planning Commission held a first reading on February 26, 2025 and provided initial feedback on the draft regulations presented by staff. A public hearing was held on June 10, 2025, during which the Planning Commission provided additional direction related to three different categories of temporary uses and structures, which include 1) temporary uses and structures that are exempt from permit requirements; 2) 'normal' temporary uses and structures that require a permit; and 3) temporary uses and structures that do not meet the underlying development standards and require a 'deviation'. Staff prepared a revised draft to incorporate this direction and presented it during the July 23, 2025 public meeting. During this meeting, several motions were made by the Planning Commission to amend the draft further, which resulted in a second public hearing being required before a recommendation could be made. This second public hearing was held on September 10, 2025.

Recommendation

On September 10, 2025, the Planning Commission held a second public hearing and considered its recommendation to the City Council regarding amendments to the development code to establish regulations for temporary uses and structures and

incorporate outdoor dining into the regulations for commerce on public property. After deliberating, the Planning Commission unanimously voted 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."

Dan Thompson
Planning Commission Chair

October 1, 2025
Date

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.

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.

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.

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.

~~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 improvements is consistent with the design requirements for the Town Center plan.~~

4~~5~~. The location and design do not unreasonably obstruct the visibility of any adjacent businesses or their signage.

5~~6~~. 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.

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*. Applications for 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.

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. Any temporary use or structure that complies with 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 does not exceed a single term of seven consecutive days within any given 90-day period;

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 72 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, place of worship, or other nonresidential institutional facility, provided the use does not exceed 30 days in a calendar year;

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.

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, equipment parking and equipment servicing (not to exceed 8 hours in duration) on the site 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.

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.

G. *Time limitation.* Temporary uses or structures may operate for a total of 180 days per calendar year.

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.

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.*

Table A. Land Use Review Type

Type I	Type II	Type III	Type IV
• 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	• 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 • Temporary use permit • Temporary structure deviation renewal	• 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] • Temporary structure deviation	• 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)

AB 6801 – INTERIM REGULATIONS / PLANNING COMMISSION RECOMMENDATION MATRIX

This matrix identifies the differences between three different versions of the development code: 1) The code as it existed prior to June 2024; 2) The code as amended through the interim regulations adopted in June 2024 under Ordinance No. 24C-07 and currently effective until December 2025; and 3) The proposed code recommended by the Planning Commission following two public meetings and two public hearings.

Terms/Notation Used:

'MINOR' Classification	The Planning Commission recommended code results in a minor amendment that does not include substantive policy amendments from either the code prior to June 2024 or the interim regulations currently in effect.	Log Nos.: 1, 2, 5, 6, 7, 8, 9, 10, 11, 12, 13, 16, 17, 18, 26
'SUBSTANTIVE' Classification	The Planning Commission recommended code results in significant amendments from either the code prior to June 2024 or the interim regulations currently in effect.	Log Nos.: 3, 4, 14, 15, 19, 20, 21, 22, 23, 24, 27
–	The section does not exist in the code prior to June 2024, or the section was not amended as part of the interim regulations currently in effect.	
RED	Visually highlights the differences between the Planning Commission recommendation and either the code prior to June 2024 or the interim regulations currently in effect.	

Log No.	Code Section	Code Prior to June 2024	Interim Regulations (ORD No. 24C-07)	Planning Commission Recommendation	Classification & Staff Comments
MICC 19.06.050 – Commerce on Public Property					
1	MICC 19.06.050 Title	MICC 19.06.050 – Commerce on Public Property	–	MICC 19.06.050 – Commerce and Temporary Structures on Public Property.	MINOR
2	(A)	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.	–	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.	MINOR
3	(B)	B. The provisions of this section shall apply only to public sidewalks, streets and rights-of-way within the Town Center zone	–	B. The provisions of this section shall apply only to public sidewalks, streets and rights-of-way within the Town Center zone, Planned	SUBSTANTIVE Expands the applicability of commerce on public property to public sidewalks, streets, and

Log No.	Code Section	Code Prior to June 2024	Interim Regulations (ORD No. 24C-07)	Planning Commission Recommendation	Classification & Staff Comme
				Business Zone, and Commercial Office zone.	rights-of-way in other zones outside of the Town Center.
4	(C)	C. Any person(s), corporation, or company who wishes to use the public right-of-way for the exchange of goods or services shall apply for a private commerce on public property permit. Such permit shall be in the form specified by the code official and shall contain such information as deemed necessary by the code official.	–	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. 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.	SUBSTANTIVE Exempts any temporary use and/or structure associated with commerce on public property operating for no more than a total of seven calendar days or less in a 90-day period from obtaining a permit.
5	(D)(2)	2. The location of the business activity does not create a safety hazard for motorists, bicyclists or pedestrians.	–	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.	MINOR
6	(D)(2)(a)	a. The business location maintains sufficient area for the free passage of pedestrians along	–	a. The ~~business~~ private commerce on public property location maintains sufficient area for the free passage of deliveries,	MINOR

Log No.	Code Section	Code Prior to June 2024	Interim Regulations (ORD No. 24C-07)	Planning Commission Recommendation	Classification & Staff Comme
		sidewalks and access to other adjacent businesses.		service access, and pedestrians per ADA standards, along sidewalks and access to other adjacent businesses.	
7	(D)(2)(b)	b. The business location does not obstruct the views of motorists turning into or out of a street or parking lot.	–	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.	MINOR
8	(D)(3)(c)	c. No music or sound is amplified.	–	~~c. No music or sound is amplified.~~	MINOR Allows a business operation to amplify music or sound. Note that the business would still be subject to the Nuisance Control Code in Chapter 8.24 MICC.
9	(D)(4)	4. The design for any improvements is consistent with the design requirements for the Town Center plan.	4. The design for any non-temporary improvements is consistent with the design requirements for the Town Center plan.	~~4. The design for any improvements is consistent with the design requirements for the Town Center plan.~~	MINOR Design standards for any permanent improvements in the Town Center is established in Chapter 19.11 MICC. This amendment does not result in changes to how these design standards are administered.
10	(D)(5)	5. The location and design do not unreasonably obstruct the visibility of any adjacent businesses.	–	4~~5~~. The location and design do not unreasonably obstruct the visibility of any adjacent businesses or their signage.	MINOR
11	(D)(6)	6. The location of a business engaged in the sale of alcoholic beverages is separated from the public space with a barrier, fence, landscaping or other demarcation.	–	5~~6~~. 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	MINOR

Log No.	Code Section	Code Prior to June 2024	Interim Regulations (ORD No. 24C-07)	Planning Commission Recommendation	Classification & Staff Comme
				barrier, fence, landscaping or other demarcation.	
12	(E)	E. A permit to operate a private business on public property shall be 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.	E. A permit to operate a private business on public property shall be 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.	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~~.	MINOR Consistent with Ord 25C-14 which dissolved the Design Commission.
13	(E)	–	–	–	MINOR

Log No.	Code Section	Code Prior to June 2024	Interim Regulations (ORD No. 24C-07)	Planning Commission Recommendation	Classification & Staff Comme
					Staff Recommends the following amendment to the Planning Commission Recommendation in Log 12: 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~~ on 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~~.

Log No.	Code Section	Code Prior to June 2024	Interim Regulations (ORD No. 24C-07)	Planning Commission Recommendation	Classification & Staff Comme
14	(I)	I. The provisions of this section shall not apply to the annual city-sponsored event known as "Summer Celebration."	–	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.	SUBSTANTIVE Exempts additional events from compliance with this section. Any event that will be located fully or partially within the City ROW will be required to obtain a ROW Use Permit.
15	(L)	–	–	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.	SUBSTANTIVE Includes a mechanism for the City to remove improvements associated with commerce on public property in certain instances, including emergencies or maintenance operations.
New Section MICC 19.06.130 – Temporary Use Permits					
16	MICC 19.06.130 Title	–	MICC 19.06.130 – Temporary Use Permits	MICC 19.06.130 – Temporary Use and Structure Permits	MINOR
17	(A)	–	A. *Purpose and applicability.* A temporary use permit authorizes a use or 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	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	MINOR

Log No.	Code Section	Code Prior to June 2024	Interim Regulations (ORD No. 24C-07)	Planning Commission Recommendation	Classification & Staff Comme
			the requirements contained within MICC 19.06.090.	requirements contained within MICC 19.06.090.	
18	(B)	–	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 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.	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.	MINOR
19	(C)	–	C. *Application.* The application for a temporary use permit 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	C. *Application.* Applications for 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	SUBSTANTIVE Establishes three separate processes for temporary use permits, temporary structure deviation permits, and renewal of temporary structure deviation permits. Also establishes temporary use permits as a Type II land use review, instead of a Type I as originally drafted in the interim regulations. In summary:

Log No.	Code Section	Code Prior to June 2024	Interim Regulations (ORD No. 24C-07)	Planning Commission Recommendation	Classification & Staff Comme
			application is consistent with the requirements of this chapter, and that the application contains proof of a valid business license, if applicable. Temporary use applications shall be processed as a Type I land use review, pursuant to MICC 19.15.030 Land Use Review Types.	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:	Temporary use permits and renewals of temporary structure deviation permits would be subject to the Type II land use review process, while temporary structure deviation permits would be subject to the Type III land use review process, including noticing and decision procedures.

Log No.	Code Section	Code Prior to June 2024	Interim Regulations (ORD No. 24C-07)	Planning Commission Recommendation	Classification & Staff Comme
				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. 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.	
20	(D)	–	D. *Exemptions.* 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: a. Garage sales, yard sales, and estate sales conducted by or on behalf of the occupant(s) of a residential dwelling. Tents or other temporary structures used in conjunction with any garage, yard,	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. Any temporary use or structure that complies with 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 does not	SUBSTANTIVE Exempts temporary uses from requiring a permit by duration and whether or not the structure or use is required to meet the development standards in the underlying zone. Also adds clarification for the duration of several exemptions that were included in the interim regulations and adds a new exemption for a temporary structure used for worship.

Log No.	Code Section	Code Prior to June 2024	Interim Regulations (ORD No. 24C-07)	Planning Commission Recommendation	Classification & Staff Comme
			or estate sale shall not exceed 120 square feet in area; b. Rummage and other outdoor sales sited at a school, church, or other nonresidential institutional facility; c. Fireworks stands operating under a permit issued by the fire marshal's office; d. 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: i. Contractor's office, storage yard, and equipment parking and servicing on or near the site or in the vicinity of an active construction project. ii. 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.	exceed a single term of seven consecutive days within any given 90-day period; 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 72 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, place of worship, or other nonresidential institutional facility, provided the use does not exceed 30 days in a calendar year; 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. 6. Exemptions for Construction-Related Activities: The following uses and structures do not require a temporary use permit, provided they are associated with	

Log No.	Code Section	Code Prior to June 2024	Interim Regulations (ORD No. 24C-07)	Planning Commission Recommendation	Classification & Staff Comme
				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, equipment parking and equipment servicing (not to exceed 8 hours in duration) on the site 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.	
21	(E)	–	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	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	SUBSTANTIVE As a result of striking the entirety of subsection (F) from the interim regulations, several of those criteria were moved into the general "Criteria for approval" subsection, including parking standards, which were only applicable to outdoor dining.

Log No.	Code Section	Code Prior to June 2024	Interim Regulations (ORD No. 24C-07)	Planning Commission Recommendation	Classification & Staff Comme
			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. 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; c. Structures proposed for the temporary use comply with applicable provisions of the Building and Fire Codes; d. 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; e. Hours of operation of the temporary use are specified, and would not adversely impact surrounding uses; f. The temporary use will not cause nuisance factors such as noise, light, or glare which would adversely impact surrounding land uses; g. The temporary use will not include permanent fencing, walls,	permit if the application satisfies all of the following criteria: a. The temporary use will not be 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	The most substantive change to this section is that all temporary uses and structures, except those specified in subsection (D) and the amended subsection (F), must meet the development standards in the underlying zone.

Log No.	Code Section	Code Prior to June 2024	Interim Regulations (ORD No. 24C-07)	Planning Commission Recommendation	Classification & Staff Comme
			or other structures that would hinder removal of the structure from the site; and h. 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. 2. Except as otherwise provided above, the underlying development standards of the zoning designation applicable to the site on which the temporary use or structure is proposed do not apply.	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,	

Log No.	Code Section	Code Prior to June 2024	Interim Regulations (ORD No. 24C-07)	Planning Commission Recommendation	Classification & Staff Comme
				Shoreline Master Program, and 19.21, Environmental Procedures.	
22	(F)	–	F. *Additional conditions for certain temporary uses/structures.* The following temporary uses and structures are permitted when authorized by the issuance of a temporary use permit when the applicable conditions set forth in this section and in MICC 19.06.130(E), Criteria for approval, have been met. 1. Mobile Food Vendors. Mobile food vendors shall comply with the following conditions: a. The mobile food vendor shall obtain and keep the Eastside Fire and Rescue permit or approval and King County Health Department permit or approval on the mobile food vending facility at all times, and copies of these approvals shall be made available to the City upon the City's request. b. The mobile food vendor must be located on a paved surface. If the mobile food vendor will be operating within a parking area, the mobile food vending facility may not protrude into the drive aisle, block fire lanes, or result in the site providing less than the required minimum number of parking stalls.	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.	SUBSTANTIVE This section was rewritten by the Planning Commission to include criteria for those structures that would not meet certain development standards in the underlying zone to obtain a "Temporary Structure Deviation". The criteria include the requirement for the temporary structure to provide significant public benefit, screening, and allows certain underlying development standards to be exceeded or reduced, including building height, gross floor area, and lot coverage.

Log No.	Code Section	Code Prior to June 2024	Interim Regulations (ORD No. 24C-07)	Planning Commission Recommendation	Classification & Staff Comme
			c. A mobile food vendor shall not be parked in a location that will impede garbage collection. d. A mobile food vendor must obtain permission from the property owner prior to operating. e. The mobile food vendor must have fully functional wheels and be able to move immediately by being towed or driven without the removal of blocks or other structural devices.	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.	

<table>
<tr><th>Log No.</th><th>Code Section</th><th>Code Prior to June 2024</th><th>Interim Regulations (ORD No. 24C-07)</th><th>Planning Commission Recommendation</th><th>Classification & Staff Comme</th></tr>
<tr><td></td><td></td><td></td><td></td><td>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.</td><td></td></tr>
<tr><td>23</td><td>(G)</td><td>–</td><td>G. Time limitation.

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

<table><tr><th>Temporary Use or Structure</th><th>Maximum Duration</th><th>Applicable Development Standards</th></tr><tr><td>Temporary Uses or</td><td>180 Days[1]</td><td>MICC 19.06.130(E)</td></tr></table></td><td>G. Time limitation. Temporary uses or structures may operate for a total of 180 days per calendar year.</td><td>SUBSTANTIVE

The maximum durations from the interim regulations were incorporated into the subsections above. Unless otherwise stated, all temporary uses and structures may operate for a total of 180 days per calendar year.

The most substantive change in this section is the removal of the option for a 30-day extension from the code official.</td></tr>
</table>

Log No.	Code Section	Code Prior to June 2024	Interim Regulations (ORD No. 24C-07)			Planning Commission Recommendation	Classification & Staff Comme
			Structures (not including activities listed in MICC 19.06.130(D), Exemptions and Mobile food vendors)				
			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, unless otherwise stated[1]	MICC 19.06.130(D)		

Log No.	Code Section	Code Prior to June 2024	Interim Regulations (ORD No. 24C-07)	Planning Commission Recommendation	Classification & Staff Comme
			<table><tr><td>Mobile food vendors</td><td>30 days or as provided pursuant to the terms of the issued tempora ry use permit</td><td>MICC 19.06.130(F)(1)</td></tr></table> [1]The 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).		
24	(H)	–	H. *Limitation on activity.* 1. 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.	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.	SUBSTANTIVE – applies if Log 19, 22, and 27 are adopted.

Log No.	Code Section	Code Prior to June 2024	Interim Regulations (ORD No. 24C-07)	Planning Commission Recommendation	Classification & Staff Comme
25	(I)	–	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.	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.	No changes between interim regulations and Planning Commission recommendation.
26	(J)	–	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 finance department, to assure compliance with the provisions of this title and the temporary use permit as approved.	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.	MINOR

MICC 19.15.030 – Land Use Review Types			
27	(H) Table A		**Classification & Staff Comments**

Code Prior to June 2024

Table A. Land Use Review Type

Type I	Type II	Type III	Type IV
• 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	• 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	• 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]	• 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)

SUBSTANTIVE – applies if 19, 22, and 24 are adopted.

Interim Regulations (ORD No. 24C-07)

Table A. Land Use Review Type

Type I	Type II	Type III	Type IV
• 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 • Temporary use permit	• 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	• 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]	• 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)

Planning Commission Recommendation

Table A. Land Use Review Type

Type I	Type II	Type III	Type IV
• 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	• 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 • Temporary use permit • Temporary structure deviation renewal	• 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] • Temporary structure deviation	• 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)

2025 PLANNING SCHEDULE

Please email the City Manager & City Clerk when an agenda item is added, moved, or removed.

Items are not listed in any particular order. Agenda items & meeting dates are subject to change.

NOVEMBER 18, 2025 ABSENCES:		DD 11/6	FN 11/7	CA 11/7	Clerk 11/10	CM 11/10
ITEM TYPE | TIME | TOPIC				**STAFF**		
STUDY SESSION						
SPECIAL BUSINESS						
10	Eastside Fire and Rescue Fire Chief Recognition			Ali Spietz		
CONSENT AGENDA						
--	AB xxxx: November 10, 2025 Payroll Certification			Ali Spietz/Nicole Vannatter		
--	AB xxxx: Certification of Claims October 16-31, 2025			LaJuan Tuttle/Ashley Olson		
--	AB xxxx: Permanent Regulations in MICC Title 19 for Temporary Uses and Structures (Ordinance No. 25C-26 Second Reading)			Jeff Thomas/Molly McGuire		
--	AB xxxx: Permanent Regulations in MICC Title 19 Related to Housing Production and Permit Streamlining (Ordinance No. 25C-27 Second Reading)			Jeff Thomas/Adam Zack		
--	AB xxxx: B&O Tax Code Amendment (Ordinance No. 25C-23 Second Reading)			Matt Mornick		
--	AB xxxx: Utility Easement Replacement (9150 Fortuna Dr.)			Jason Kintner/Kellye Hilde/Patrick Yamashita		
--	AB xxxx: Amendment to ILA for Jail Services with SCORE			Michelle Bennett/Jeff Magnan		
--	AB xxxx: Sound Transit Roundabout Bill of Sale			Jason Kintner/Patrick Yamashita		
REGULAR BUSINESS						
30	AB xxxx: **Public Hearing**: Receive Q3 2025 Financial Status Update and Budget Amending Ordinance; Adopt 2026 Property Tax Ordinances, and 2026 NORCOM Budget Resolution			Matt Mornick/ Ali Spietz		
15	AB xxxx: **Public Hearing:** Amendments to MICC Chapter 16.01 – Historical Designation to Comply with Recent Statewide Legislation (HB 1576) (Ordinance No 25C-28 First Reading)			Jeff Thomas/Madelyn Nelson		
30	AB xxxx: 2026 Annual Docket Review of Proposed Comprehensive Plan and Development Code Amendments (Resolution No. xxxx)			Jeff Thomas/Molly McGuire		
30	AB xxxx: Adoption of 2026 Legislative Priorities			Jessi Bon/Robbie Cunningham Adams		
20	AB 6777: 2024 MIPD Annual Report			Michelle Bennet/Mike Seifert/Jeff Magnan		
10	AB xxxx: Impound Code Amendments (Ordinance No. 25C-xx First Reading)			Michelle Bennet/Mike Seifert/Amelia Tjaden		
EXECUTIVE SESSION						
30	Executive Session for planning or adopting the strategy or position to be taken by the City Council during the course of any collective bargaining, professional negotiations, or grievance or mediation proceedings, or reviewing the proposals made in the negotiations or proceedings while in progress pursuant to RCW 42.30.140(4)(b) for approximately 30 minutes.					

DECEMBER 2, 2025 ABSENCES:		DD 11/20	FN 11/21	CA 11/21	Clerk 11/24	CM 11/24
ITEM TYPE | TIME | TOPIC				**STAFF**		
STUDY SESSION						

SPECIAL BUSINESS		
CONSENT AGENDA		
--	AB xxxx: November 25, 2025 Payroll Certification	Ali Spietz/Nicole Vannatter
--	AB xxxx: Certification of Claims November 1-15, 2025	LaJuan Tuttle/Ashley Olson
--	AB xxxx: Amendments to MICC Chapter 16.01 – Historical Designation to Comply with Recent Statewide Legislation (HB 1576) (Ordinance No 25C-28 Second Reading)	Jeff Thomas/Madelyn Nelson
--	AB xxxx: 2026 Fee Schedule Update	Ali Spietz
--	AB xxxx: Impound Code Amendments (Ordinance No. 25C-xx Second Reading)	Michelle Bennet/Mike Seifert/Amelia Tjaden
REGULAR BUSINESS		
30	AB xxxx: A rezone (RNZ 25-001) for two City-owned properties located at 9601 and 9611 SE 36th Street (Ordinance No 25C-29 First Reading)	Jeff Thomas/Molly McGuire
EXECUTIVE SESSION		

DECEMBER 16, 2025 ABSENCES:	**DD 12/4**	**FN 12/5**	**CA 12/5**	**Clerk 12/8**	**CM 12/8**
ITEM TYPE | TIME | TOPIC			**STAFF**		
STUDY SESSION					
SPECIAL BUSINESS					
CONSENT AGENDA					
--	AB xxxx: A rezone (RNZ 25-001) for two City-owned properties located at 9601 and 9611 SE 36th Street (Ordinance No 25C-29 Second Reading)		Jeff Thomas/Molly McGuire		
REGULAR BUSINESS					
EXECUTIVE SESSION					

2026 PLANNING SCHEDULE

JANUARY 6, 2026 ABSENCES:	DD 12/11	FN 12/12	CA 12/12	Clerk 12/15	 12/15
ITEM TYPE | TIME | TOPIC			**STAFF**		
STUDY SESSION					
SPECIAL BUSINESS					
15	AB xxxx: Councilmember Oath of Office and Mayor and Deputy Mayor Elections		Ali Spietz/Andrea Larson		
CONSENT AGENDA					
--	AB xxxx: December 10, 2025 Payroll Certification		Ali Spietz/Nicole Vannatter		
--	AB xxxx: December 24, 2025 Payroll Certification		Ali Spietz/Nicole Vannatter		
--	AB xxxx: Certification of Claims November 1-15, 2025		LaJuan Tuttle/Ashley Olson		
--	AB xxxx: Certification of Claims November 16-30, 2025		LaJuan Tuttle/Ashley Olson		
--	AB xxxx: Certification of Claims December 1-15, 2025		LaJuan Tuttle/Ashley Olson		
REGULAR BUSINESS					
EXECUTIVE SESSION					

JANUARY 16, 2026 PLANNING SESSION - 9:30 AM ABSENCES:	DD 12/16	FN 12/17	CA 12/17	Clerk 12/18	CM 12/18
ITEM TYPE | TIME | TOPIC			**STAFF**		
PLANNING SESSION BUSINESS					
10	AB xxxx: 2025 Community Member of the Year		Ali Spietz/Andrea Larson		

JANUARY 20, 2026 ABSENCES:	DD 1/8	FN 1/9	CA 1/9	Clerk 1/12	CM 1/12
ITEM TYPE | TIME | TOPIC			**STAFF**		
STUDY SESSION					
	AB xxxx: Sustainability Work Program Annual Update		Jason Kintner/Kellye Hilde/ Alaine Sommargren/Alanna DeRogatis		
SPECIAL BUSINESS					
30	AB xxxx: Mercer Island Municipal Court Report		Judge Gregory		
CONSENT AGENDA					

--	AB xxxx: January 9, 2026 Payroll Certification	Ali Spietz/Nicole Vannatter
--	AB xxxx: Certification of Claims December 16-31, 2025	LaJuan Tuttle/Ashley Olson
REGULAR BUSINESS		
10	AB xxxx: 2026 City Council Liaison Assignments	Mayor/Andrea Larson
EXECUTIVE SESSION		

FEBRUARY 3, 2026 ABSENCES:	**DD 1/22**	**FN 1/23**	**CA 1/23**	**Clerk 1/26**	**CM 1/26**
ITEM TYPE | TIME | TOPIC			**STAFF**		
STUDY SESSION					
SPECIAL BUSINESS					
30	Sound Transit Presentation		Jessi Bon/David Sandler		
CONSENT AGENDA					
--	AB xxxx: January 25, 2026 Payroll Certification		Ali Spietz/Nicole Vannatter		
--	AB xxxx: Certification of Claims January 1-15, 2026		LaJuan Tuttle/Ashley Olson		
REGULAR BUSINESS					
EXECUTIVE SESSION					