



PLANNING COMMISSION SPECIAL VIDEO MEETING AGENDA

Wednesday, January 26, 2022

Zoom Virtual Platform
9611 SE 36th Street | Mercer Island, WA 98040
Phone: 206.275.7706 | www.mercergov.org

PLANNING COMMISSIONERS:

Chair: Daniel Hubbell

Vice Chair: Vacant

Commissioners: Carolyn Boatsman, Jordan Friedman, Tiffin Goodman, Michael Murphy, Victor Raisys

In compliance with the Americans with Disabilities Act, those requiring accommodation for meetings should notify the Staff Liaison at least 24 hours prior to the meeting.

The Planning Commission meeting will be held virtually using video conferencing technology provided by Zoom, and the public will have the opportunity to provide comment during Appearances by either calling in or logging onto the meeting as a Zoom attendee.

Registering to Speak: Individuals wishing to speak during live Appearances must register their request with the City Clerk by 4pm on the day of the Planning Commission meeting. Register at 206.275.7793 or email andrea.larson@mercerisland.gov. Please reference "Appearances". Each speaker will be allowed three (3) minutes to speak.

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

To attend the meeting, please use the following Zoom information:

Join by Telephone at 6:00 pm: To listen to the hearing via telephone, please call **253.215.8782** and enter Webinar ID **837 8425 2521** and Passcode **022603** when prompted.

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

- 1) Click this [Link](#)
- 2) If the Zoom app is not installed on your computer, you will be prompted to download it.
- 3) If prompted for Meeting ID, enter **837 8425 2521**; Enter Passcode **022603**

CALL TO ORDER & ROLL CALL, 6 PM

SPECIAL BUSINESS

1. Elect Vice-Chair
2. Amend Bylaws Pertaining to Meeting Schedule

PUBLIC APPEARANCES

This is the time set aside for members of the public to speak to the Commission about issues of concern. If you wish to speak, please consider the following points:

- Speak audibly into the podium microphone.
- State your name and address for the record.
- Limit your comments to 3 minutes.

The Commission may limit the number of speakers and modify the time allotted. Total time for appearances: 15 minutes.

PUBLIC HEARING

1. ZTR21-005 Noise & Lighting

REGULAR BUSINESS

2. Approve the December 15, 2021, Minutes
3. **PCB22-01:** Deliberate ZTR21-005 Noise & Lighting
4. **PCB22-02:** Conduct Working Session for ZTR21-004 Town Center Commercial Requirements

OTHER BUSINESS

5. Deputy Director's Report
6. Planned Absences for Future Meetings
7. Announcements & Communications
8. Next Scheduled Meeting

ADJOURNMENT



CITY OF MERCER ISLAND PLANNING COMMISSION REGULAR VIDEO MEETING MINUTES

Wednesday, December 15, 2021

CALL TO ORDER

The Planning Commission was called to order by Chair Hubbell at 6:04pm from a remote location.

PRESENT

Chair Daniel Hubbell

Commissioner Carolyn Boatsman

Commissioner Jordan Friedman

Commissioner Tiffin Goodman

Commissioner Michael Murphy

Commissioner Victor Raisys

Vice Chair Ted Weinberg

All Commissioners participated in the meeting remotely.

ABSENT

none.

STAFF PRESENT

Alison Van Gorp, Deputy CPD Director, and Adam Zack, Senior Planner, participated in the meeting remotely.

PUBLIC APPEARANCES

Mr. Daniel Thompson

REGULAR BUSINESS

Agenda Item #1: Review and approval of the November 17, 2021 Minutes

The review and approval of the November 17, 2021 Minutes

It was moved by Raisys; seconded by Murphy to:

Approve the November 17, 2021 Minutes

Passed 7-0

Agenda Item #1: ZTR21-006 Land Use Review Types

Adam Zack, Senior Planner, introduced ZTR21-006 Land Use Review Types and walked the Commission through the original docket request.

Zack continued the presentation on permit types and noticing requirements.

The Commission discussed noticing requirements and provided feedback and direction to staff of things they would like to see in the proposed code amendment.

The Commission was recessed from 7:48 PM – 8:00 PM.

The Commission continued the discussion of noticing requirements after the break.

OTHER BUSINESS

Deputy Director's Report

Alison Van Gorp, CPD Deputy Director, gave an update on the schedule for the first quarter of 2022 and reminded commissioners to send in their tally of volunteer hours for fourth quarter 2021.

Item 2.

Planned Absences

There were no planned absences.

Announcements & Communications

There were no announcements & communications.

Next Scheduled Meeting: January 26, 2022

ADJOURN

The meeting adjourned at 9:34 pm

CITY OF MERCER ISLAND

COMMUNITY PLANNING & DEVELOPMENT

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PHONE: 206.275.7605 | www.mercerisland.gov



PLANNING COMMISSION

TO: Planning Commission

FROM: Adam Zack, Senior Planner

DATE: January 18, 2022

SUBJECT: ZTR21-005

ATTACHMENTS:

- A. Boatsman Docket Request dated November 2, 2020.
- B. MICC 8.24.020 with staff drafted alternative amendment
- C. MICC 19.02.020 with staff proposed amendment

SUMMARY

The purpose of this memo is to provide the Planning Commission with the staff recommendation for ZTR21-005. This zoning code amendment was proposed in a Docket Request dated November 2, 2020 (Attachment A). The docket request proposed amendments to Mercer Island City Code (MICC) to address noise from gas-powered landscaping equipment and light trespass from external lighting fixtures in residential zones. This staff report focuses on and provides the staff recommendation for addressing noise from landscaping equipment and directional spotlights.

At the November 17, 2021 meeting, staff provided an overview of the proposed code amendments and provided some initial guidance on potential approaches for the Commission's consideration. The Commission discussed potential approaches to the issue of noise generated by landscaping equipment, with a particular interest in considering a ban on gas-powered leaf blowers. The Commission also directed staff to further investigate approaches to exterior lighting provisions for residential areas in neighboring cities, and to further develop a draft code amendment.

Staff has drafted an optional amendment to the nuisance provisions in Chapter 8.24 MICC to further regulate the allowed hours for noise from landscaping equipment. Staff does not recommend development of a code amendment banning gas-powered landscaping equipment at this time, as it would be beyond the scope of the City Council direction on this docket request. If the Planning Commission would like to pursue a ban on gas-powered landscaping equipment, they can provide a general recommendation to the City Council.

To address lighting in residential zones, the staff recommended amendments would add new standards for exterior lighting in MICC 19.02.020 Development standards. The proposed amendments would add a new subsection to the residential development standards. The purpose of the exterior lighting regulations is to establish standards for lighting fixture shielding, direction, and brightness to minimize light spillover onto neighboring properties in residential zones.

NOISE GENERATED BY LANDSCAPING EQUIPMENT

Conditions, activities, and actions considered nuisances in Mercer Island are established in [MICC 8.24.020 Types of nuisances](#). Noises from landscaping equipment, including leaf blowers, are currently allowed between 7:00 am and 8:00 pm on weekdays and 9:00 am and 8:00 pm on weekends and holidays (MICC 8.24.020(Q)(3)). Noises resulting from permitted activities like construction are allowed between 7:00 am and 7:00 pm on weekdays, 9:00 am and 6:00 pm on Saturday, and prohibited on Sundays and holidays.

If the Planning Commission would like to recommend amending the hours that noise from landscaping is allowed, they can propose an amendment to MICC 8.24.020(Q) as follows:

“Q. Sounds.

1. Sounds regulated by this section.

- a. The intent of this section is to regulate sounds heard beyond the property line of the source;
- b. The following sounds are explicitly regulated by this section:
 - i. Sounds caused by the construction or repair of any building or structure;
 - ii. Sounds caused by construction, maintenance, repair, clearing or landscaping;
 - iii. Sounds created by the installation or repair of utility services; and
 - iv. Sounds created by construction equipment including special construction vehicles.

2. Sounds related to activity authorized by a permit from the city of Mercer Island are limited as follows:

- a. Sounds shall only be allowed between the hours of 7:00 a.m. to 7:00 p.m. on Mondays through Fridays, and between the hours of 9:00 a.m. and 6:00 p.m. on Saturdays.
- b. Sounds shall be prohibited at any time of day on Sunday and legal holidays.

3. Sounds related to activity that does not require a permit from the eCity of Mercer Island and are not caused by landscaping as described in subsection 4, shall only be allowed between the hours of 7:00 a.m. to 8:00 p.m. on Mondays through Fridays, and between the hours of 9:00 a.m. and 8:00 p.m. on Saturdays, Sundays, and legal holidays.

4. Sounds caused by landscaping, including sounds caused by lawnmowers, leaf blowers and other landscaping equipment, shall only be allowed between the hours of 8:00 a.m. to 8:00 p.m. on Mondays through Fridays, and between the hours of 9:00 a.m. and 8:00 p.m. on Saturdays, Sundays, and legal holidays.

45. The enforcement officer may authorize a variance to this section pursuant to WAC Chapter 173-60.”

The Planning Commission can recommend the specific hours they would like to limit noise from landscaping. The option above would allow these noises between 8:00 a.m. and 8:00 p.m. on weekdays (one hour later start time) and 9:00 a.m. and 6:00 p.m. on weekends and holidays (no change in hours). Staff does not recommend prohibiting noise from landscaping on Sundays and legal holidays because these days are often when private property owners will do yard work. Attachment B provides this option with the entire text of MICC 8.24.020, the alternative begins on page 3, line 43.

Gas-Powered Leaf Blower Ban

When discussing noise from gas-powered landscaping equipment, the Planning Commission discussed a possible ban on gas-powered leaf blowers. Similar bans or limitations on the use of gas-powered leaf blowers have been adopted in more than 100 cities nationwide in recent years. In researching this growing trend, staff found that such bans are becoming more common, especially in California (due to air quality concerns). That said, these bans are still uncommon in Washington. In addition, in talking with the City's Public Works staff about the deployment of electric landscaping equipment in the City, staff learned that large capacity backpack-style leaf blowers are not yet available with electric motors, nor do the currently available electric leaf blowers have the battery capacity to operate for the long timespans required by full-time landscape maintenance crews. Thus, while electric leaf blowers are a great option for homeowners, it may not yet be practical to enforce a ban on commercial landscaping companies.

Furthermore, while banning gas-powered leaf blowers might be a wise policy choice, it is beyond the scope of the project assigned to the Planning Commission by the City Council with the 2020 docket. If the Planning Commission would like to recommend a leaf blower ban, staff recommends that the commission make a general recommendation to the City Council for further consideration and direction. Then, the City Council can decide whether the City should undertake the work of adopting a ban and give direction on the desired process for considering such a code amendment.

RESIDENTIAL LIGHTING

In their initial direction provided on November 17, 2021, the Planning Commission asked staff to draft proposed regulations to control exterior spot lighting in residential zones. To prepare a draft, staff reviewed residential lighting standards in several neighboring jurisdictions, the International Dark Sky Association, and reference materials on the American Planning Association website. In general, lighting regulations are designed to ensure that new or substantially replaced exterior lighting fixtures:

- Minimize the amount of light that spills onto neighboring properties;
- Reduce ambient light pollution; and
- Only illuminate the object or area where light is needed.

There are two aspects of lighting fixtures that are typically regulated:

- Direction and shielding to keep light limited to the area or object where light is needed, and
- Brightness of the lighting fixture, usually measured in lumens.

Examples of lighting codes from nearby cities are available at the following links:

- Sammamish Municipal Code 21.A.30.230 Outdoor lighting.
<https://www.codepublishing.com/WA/Sammamish/?Sammamish21A/Sammamish21A30.html#21A.30.230>
- Issaquah Municipal Code 18.07.107 Outdoor lighting.
<https://www.codepublishing.com/WA/Issaquah/#!/Issaquah18/Issaquah1807.html#18.07.107>
- Kirkland Zoning Code 115.85 Lighting Regulations.
<https://www.codepublishing.com/WA/Kirkland/?KirklandZ115/KirklandZ115.html#115.85>

Direction and Shielding

Establishing standards for the direction and shielding of lighting fixtures controls where the light is provided. In reviewing lighting code guidance and examples, the direction and shielding measures where the most common way to prevent light spillover onto neighboring properties. In general, the reference materials established standards for lighting fixtures to be directed downward, no more than 45 degrees above straight down. Most lighting standards also included a shielding requirement. A shielded lighting fixture has an opaque barrier around the bulb and is angled so the bulb is not visible below the barrier.

Figure 1 shows a helpful illustration of shielded lighting from the Fountain Hills Dark Sky Association provides a helpful illustration of shielded lighting on their website at:

<https://fhdarksky.com/information/what-is-shielding/>

Figure 1. Fountain Hills Dark Sky Association Illustration of Shielded Lighting.

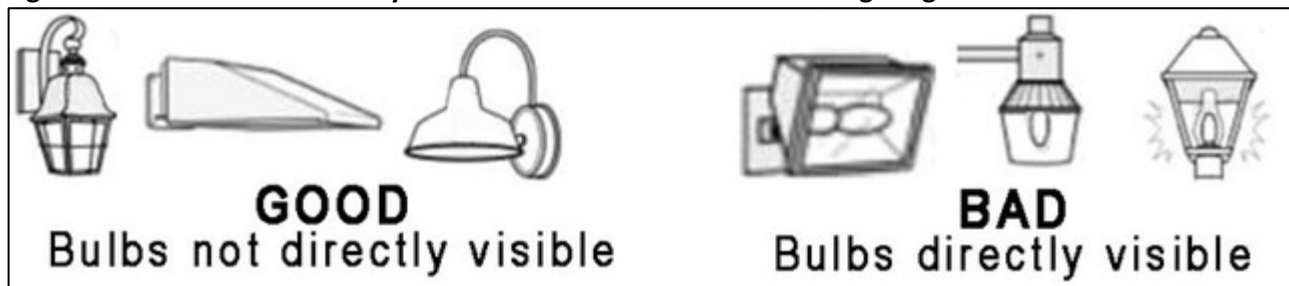
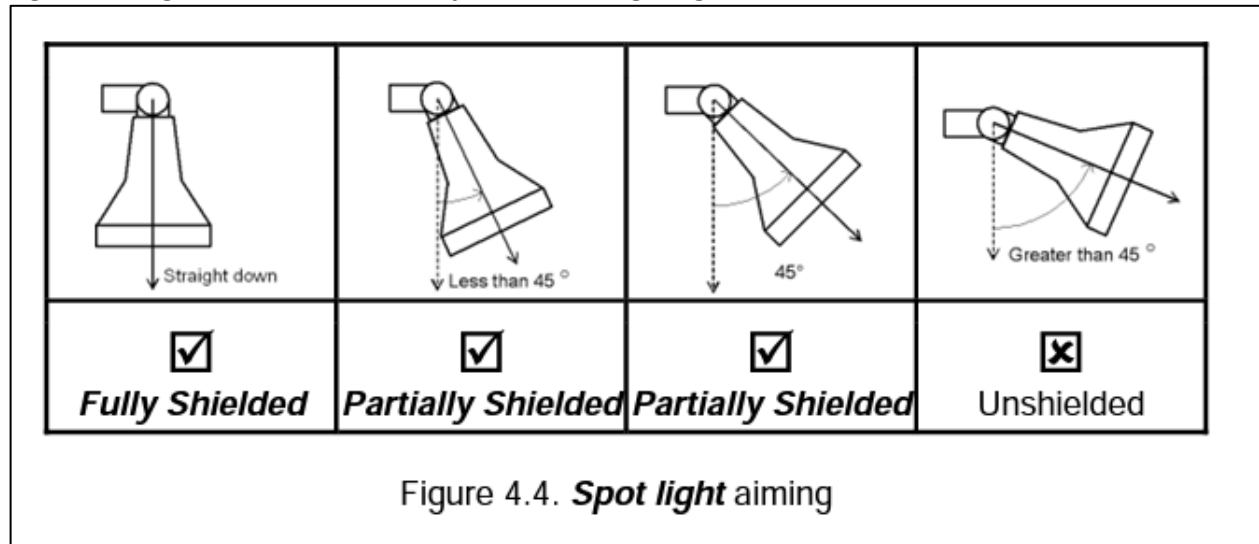


Figure 2 shows a helpful illustration of lighting fixture direction from the Flagstaff Arizona Naval Observatory lighting regulations (<http://www.flagstaffdarkskies.org/wp-content/uploads/2015/10/CBL-POLC-standard-v2.0.pdf>).

Figure 2. Flagstaff Naval Observatory Directional Lighting Illustration.



Shielding and direction are the two most effective and common lighting regulations available to limit the light spillover onto neighboring properties.

Brightness

In addition to requiring shielding and directing light downward, regulating brightness was a common feature of the regulations and guidance reviewed. Brightness of lighting fixtures is typically measured in lumens. Lumens differ from bulb wattage because they measure brightness whereas wattage is a measure of energy usage. High-efficiency lightbulbs produce more lumens with less wattage.

The more lumens a fixture produces, the brighter the light. The U.S. Department of Energy provides the following rule of thumb for comparing lumens to incandescent bulb wattage

(<https://www.energy.gov/energysaver/lumens-and-lighting-facts-label>):

“The brightness, or lumen levels, of the lights in your home may vary widely, so here's a rule of thumb:

- To replace a 100 watt (W) incandescent bulb, look for a bulb that gives you about 1600 lumens. If you want something dimmer, go for fewer lumens; if you prefer brighter light, look for more lumens.
- Replace a 75W bulb with an energy-saving bulb that gives you about 1100 lumens
- Replace a 60W bulb with an energy-saving bulb that gives you about 800 lumens
- Replace a 40W bulb with an energy-saving bulb that gives you about 450 lumens.”

Most of the code examples reviewed established a limit on the lumens produced by exterior lighting fixtures. Limiting the brightness of a fixture, combined with shielding and direction, helps to prevent the amount of light spillover onto neighboring properties.

DRAFT RESIDENTIAL LIGHTING REGULATIONS

After reviewing examples of lighting regulations and other reference materials, staff prepared the following draft of lighting provisions. The lighting regulations would be added as a new subsection (K) to [MICC](#)

[19.02.020 Development standards](#). The full text of MICC 19.02.020 with the new subsection (K) is provided in Attachment C. The proposed standards are:

K. Exterior Lighting.

1. Applicability. This section applies to all exterior lighting installed after the effective date of this ordinance in the R-8.4, R-9.6, R-12, and R-15 zones. The following lighting types are exempt:

- a. Lighting within a public right-of-way or easement for the purpose of illuminating roads, trails, and pedestrian ways;
- b. Repair of lighting fixtures existing prior to the effective date of this ordinance;
- c. Emergency lighting;
- d. Temporary seasonal lighting; and
- e. lighting required by state or federal law.

2. Standards.

- a. All exterior lighting shall be designed to minimize light trespass onto neighboring properties.
- b. All exterior lighting must be either fully or partially shielded except that one unshielded lighting fixture not exceeding 450 lumens is allowed at the main entry of each residence.
 - i. Fully shielded means the lighting fixture has a solid opaque barrier at the top of the fixture in which the bulb is located and the fixture is angled so the bulb is not visible below the barrier.
 - ii. Partially shielded means the fixture is shielded by a solid opaque barrier or angled no more than 45 degrees above straight down, which is half-way between perpendicular and parallel to the adjacent grade.
- c. Each exterior lighting fixture shall not exceed 1,600 lumens.
- d. Exterior lighting fixtures shall be designed so that they do not project their output:
 - i. Onto neighboring properties;
 - ii. Past the object being illuminated;
 - ii. Skyward;
 - iii. Onto a public roadway; or
 - iv. Onto a trail or pedestrian way.

- e. Exterior lighting fixtures with a motion sensor must not be activated by off-site movement.

The proposed MICC 19.02.020(K) would regulate exterior lighting to prevent light trespass onto neighboring properties. The combination of shielding, direction, and brightness requirements would address the problem of lights shining beyond the extent of the property. Furthermore, the proposed MICC 19.02.020(K)(2)(d)(iii) would prevent motion activated spotlights from being triggered by offsite movement. The proposed regulations would establish clear standards for property owners and planners alike. In most instances, nonconformity with the standards will be simple to resolve because lighting fixtures can be easily repositioned to avoid light spilling beyond the property boundary.

STAFF RECOMMENDATION

Establish new residential lighting standards in MICC 19.02.020. The proposed MICC 19.02.020(K) will address the concern raised in the docket proposal and establish clear standards for residential lighting. The proposed amendment is shown in Attachment C beginning on page 10, line 18.

Criteria for Approval of Development Code Amendments

The criteria for approval of amendments to Title 19 MICC are established in [MICC 19.15.250\(D\) Code amendment](#), which states:

D. Criteria. The city may approve or approve with modifications a proposal to amend this Code only if:

1. The amendment is consistent with the comprehensive plan; and
2. The amendment bears a substantial relation to the public health, safety, or welfare; and
3. The amendment is in the best interest of the community as a whole.

The Comprehensive Plan Land Use Element does not include policies for lighting in residential zones. The general intent of the policies for residential zones outside of Town Center is for these areas to remain low density residential areas and to maintain the character of existing residential neighborhoods established in the Comprehensive Plan. The proposed amendment will not affect residential density. The proposed exterior lighting standards could enhance the character of existing neighborhoods by preventing single-family neighborhoods from having more intense types of exterior lighting found in denser urban environments. The proposal is consistent with the Comprehensive Plan. The amendment satisfies the criterion of approval established in MICC 19.02.020(D)(1).

The proposed amendment benefits public safety by establishing standards for lighting that allow property owners to place exterior lighting for security of personal property. By creating exemptions to the standards for lighting of public rights of way and pedestrian paths, the proposed amendment further serves public safety. These exemptions ensure that the lighting regulations will not create an undue burden for lighting in public areas for the purpose of safety. The amendment benefits public welfare by reducing light spillover between properties in residential zones resulting from unshielded or excessively bright external lighting fixtures. Because the proposed amendments relate to public safety and welfare, the amendment meets the criterion of approval established in MICC 19.02.020(D)(2).

The proposed amendment is in the best interest of the community as a whole because the lighting regulations strike a balance between the public safety needs for security lighting and the public welfare needs of limiting light trespass between properties. This balance, between safety and welfare needs, ensures the proposed amendments will not transgress the public interest of the overall community. Property owners that want to place exterior lighting fixtures on their property are allowed to do so under the proposed regulations. Owners of adjoining properties that do not want their property illuminated by their neighbors' exterior lighting are protected by light trespass under the proposed regulations. The proposed amendment satisfies the criterion of approval established in MICC 19.02.020(D)(3) because it will serve the community interest as a whole.

Do not amend noise regulations in MICC 8.24.020. The existing noise regulations limit noise from landscaping equipment similar to what is allowed for construction and other permitted development. The City does not require a permit for regular landscaping work, meaning enforcement of the limited hours of operation would fall to code enforcement. Amending the noise code to regulate landscaping equipment differently from other similar noises would be unnecessarily complicated. Furthermore, there is not a substantive difference between the noise generated by landscaping and other noises regulated by MICC 8.24.020 to necessitate regulating these noises differently.

If the Planning Commission would like to recommend a ban on gas-powered leaf blowers as discussed at the meeting on November 17, 2021, they provide a general recommendation on the matter to the City Council. A gas-powered leaf blower ban is beyond the scope of the docket proposal. As such, the City Council must decide whether the City should undertake the work of adopting a ban.

CITY OF MERCER ISLAND

COMMUNITY PLANNING & DEVELOPMENT

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CITY USE ONLY

Item 3.

PROJECT#

RECEIPT #

FEE

Date Received:

Received By:

DEVELOPMENT APPLICATION

STREET ADDRESS/LOCATION 3210 74 AV SE		ZONE R8.4
COUNTY ASSESSOR PARCEL #'S Parcel 1300300705		PARCEL SIZE (SQ. FT.) 10,800
PROPERTY OWNER (required) Carolyn and Mark Boatsman	ADDRESS (required) 3210 74 AVE SE	CELL/OFFICE (required) 206-595-8579 E-MAIL (required) c.boatsman@comcast.net
PROJECT CONTACT NAME Request for code amendment	ADDRESS City wide	CELL/OFFICE E-MAIL
TENANT NAME	ADDRESS	CELL PHONE E-MAIL

DECLARATION: I HEREBY STATE THAT I AM THE OWNER OF THE SUBJECT PROPERTY OR I HAVE BEEN AUTHORIZED BY THE OWNER(S) OF THE SUBJECT PROPERTY TO REPRESENT THIS APPLICATION, AND THAT THE INFORMATION FURNISHED BY ME IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Carolyn M Boatsman
SIGNATURE

November 2, 2020

DATE

PROPOSED APPLICATION(S) AND CLEAR DESCRIPTION OF PROPOSAL (PLEASE USE ADDITIONAL PAPER IF NEEDED):

Two requests to amend City nuisance code:

- 1) Limit commercial landscaping operations using power tools to the same hours as construction noise from work under City permit.
- 2) Require that residential use of spot lighting be directed toward the owner's property.

ATTACH RESPONSE TO DECISION CRITERIA IF APPLICABLE

CHECK TYPE OF LAND USE APPROVAL REQUESTED:

APPEALS

- ☐ Building
- ☐ Code Interpretation
- ☐ Land use
- ☐ Right-of-Way Use

CRITICAL AREAS

- ☐ Critical Area Review 1 (Hourly Rate 2hr Min)
- ☐ Critical Area Review 2 (Determination)
- ☐ Reasonable Use Exception

DESIGN REVIEW

- ☐ Pre Design Meeting
- ☐ Design Review (Code Official)
- ☐ Design Commission Study Session
- ☐ Design Review- Design Commission- Exterior Alteration
- ☐ Design Review- Design Commission- New Building

WIRELESS COMMUNICATION FACILITIES

- ☐ Wireless Communications Facilities- 6409 Exemption
- ☐ New Wireless Communication Facility

DEVIATIONS

- ☐ Changes to Antenna requirements
- ☐ Changes to Open Space
- ☐ Seasonal Development Limitation Waiver

ENVIRONMENTAL REVIEW (SEPA)

- ☐ SEPA Review (checklist)- Minor
- ☐ SEPA review (checklist)- Major
- ☐ Environmental Impact Statement

SHORELINE MANAGEMENT

- ☐ Exemption
- ☐ Permit Revision
- ☐ Shoreline Variance
- ☐ Shoreline Conditional Use Permit
- ☐ Substantial Development Permit

SUBDIVISION LONG PLAT

- ☐ Long Plat- Preliminary
- ☐ Long Plat- Alteration
- ☐ Long Plat- Final Plat

VARIANCES (Plus Hearing Examiner Fee)

- ☐ Variance

SUBDIVISION SHORT PLAT

- ☐ Short Plat- Two Lots
- ☐ Short Plat- Three Lots
- ☐ Short Plat- Four Lots
- ☐ Short Plat- Deviation of Acreage Limitation
- ☐ Short Plat- Amendment
- ☐ Short Plat- Final Plat

OTHER LAND USE

- ☐ Accessory Dwelling Unit
- ☐ Code Interpretation Request
- ☐ Comprehensive Plan Amendment (CPA)
- ☐ Conditional Use (CUP)
- ☐ Lot Line Revision
- ☐ Noise Exception
- ☐ Reclassification of Property (Rezoning)
- ☐ Transportation Concurrence (see supplemental application form)
- ☐ Planning Services (not associated with a permit or review)
- ☒ Zoning Code Text Amendment
- ☐ Request for letter
- ☐ Temporary Commerce on Public Property

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CITY USE ONLY

Item 3.

PROJECT#

RECEIPT #

FEE

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DEVELOPMENT APPLICATION

Received By:

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COUNTY ASSESSOR PARCEL #'S		PARCEL SIZE (SQ. FT.)	
Parcel 1300300705		10,800	
PROPERTY OWNER (required)	ADDRESS (required)	CELL/OFFICE (required)	
Carolyn and Mark Boatsman	3210 74 AVE SE	206-595-8579	
		E-MAIL (required)	
		c.boatsmn@comcast.et	
PROJECT CONTACT NAME	ADDRESS	CELL/OFFICE	
Comp plan update docket request	City wide		
		E-MAIL	
TENANT NAME	ADDRESS	CELL PHONE	
		E-MAIL	

DECLARATION: I HEREBY STATE THAT I AM THE OWNER OF THE SUBJECT PROPERTY OR I HAVE BEEN AUTHORIZED BY THE OWNER(S) OF THE SUBJECT PROPERTY TO REPRESENT THIS APPLICATION, AND THAT THE INFORMATION FURNISHED BY ME IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Carolyn M Boatsman
SIGNATURE

November 2, 2020

DATE

PROPOSED APPLICATION(S) AND CLEAR DESCRIPTION OF PROPOSAL (PLEASE USE ADDITIONAL PAPER IF NEEDED):

I am requesting a Comprehensive Land Use Plan Update as follows:

Adopt a goal and policies for use of City rights of way establishing a priority of use, based upon the public good. Uses that should, at the least, be allowed and included in the priority are roads and appurtenances, utility installation, residential parking, and environmental benefit.

ATTACH RESPONSE TO DECISION CRITERIA IF APPLICABLE

CHECK TYPE OF LAND USE APPROVAL REQUESTED:

APPEALS

- ☐ Building
- ☐ Code Interpretation
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- ☐ Short Plat- Four Lots
- ☐ Short Plat- Deviation of Acreage Limitation
- ☐ Short Plat- Amendment
- ☐ Short Plat- Final Plat

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- ☐ Zoning Code Text Amendment
- ☐ Request for letter
- ☐ Temporary Commerce on Public Property

MICC 8.24.020 Types of nuisances.

Each of the following conditions, actions or activities, unless otherwise permitted by law, is declared to constitute a public nuisance, and is subject to criminal enforcement and penalties as provided in this chapter. In addition, or in the alternative, whenever the enforcement officer determines that any of these conditions, actions or activities exist upon any premises or in any lake, river, stream, drainage way or wetlands, the officer may require or provide for the abatement thereof pursuant to this chapter:

A. The existence of any offensive or dangerous accumulation of weeds, trash, dirt, filth, waste shrubs, lawn or yard trimmings, the carcass of any animal or other offensive matter;

B. The existence of any dead, diseased, infested or dying tree that may constitute a danger to street trees, streets or portions thereof;

C. The existence of any tree, shrub or foliage, unless by consent of the city, which is apt to destroy, impair, interfere or restrict:

1. Streets, sidewalks, sewers, utilities or other public improvements,

2. Visibility on, or free use of, or access to such improvements;

D. The existence of any vines or climbing plants growing into or over any street tree, or any public hydrant, pole or electrolier, or the existence of any shrub, vine or plant growing on, around or in front of any hydrant, standpipe, sprinkler system connection or any other appliance or facility provided for fire protection purposes in such a way as to obscure the view thereof or impair the access thereto;

E. The existence of any accumulation of materials or objects in a location when the same endangers property, safety or constitutes a fire hazard;

F. The existence of a sidewalk or a portion of a sidewalk adjacent to any premises which is out of repair, and in a condition to endanger persons or property, or in a condition to interfere with the public convenience in the use of such sidewalk;

G. The dumping or otherwise unlawful depositing of refuse, sawdust or any other material without a permit;

H. The existence of any obstruction to a street, alley, crossing or sidewalk, and any excavation in or under any street, alley, crossing or sidewalk, which is by ordinance prohibited, or which is made without lawful permission, or which, having been made by lawful permission, is kept and maintained after the purpose thereof has been accomplished, and for an unreasonable length of time;

I. The erecting, maintaining, using, placing, depositing, leaving or permitting to be or remain in or upon any private lot, building, structure or premises, or in or upon any street, alley, sidewalk, park, parkway or other public or private place in the city, any one or more of the following disorderly, disturbing, unsanitary, fly-producing, rat-harboring, disease-causing places, conditions or things:

1. Any putrid, unhealthy or unwholesome bones, meat, hides, skins, the whole or any part of any dead animal, fish or fowl, or waste parts of fish, vegetable or animal matter in any quantity, but

MICC 8.24.020 with staff drafted alternative amendment

nothing in this subsection shall prevent the temporary retention of waste in approved covered receptacles,

2. Any privies, vaults, cesspools, sumps, pits or like places which are not securely protected from flies and rats, or which are foul or malodorous,

3. Any filthy, littered or trash-covered dwellings, cellars, house yards, barnyards, stable yards, factory yards, vacant areas in the rear of stores, vacant lots, houses, buildings or premises,

4. Any animal manure in any quantity which is not securely protected from flies or weather conditions, or which is kept or handled in violation of any ordinance of the city,

5. Any poison oak or poison ivy, Russian thistle or other noxious weeds, whether growing or otherwise, but nothing in this subsection shall prevent the temporary retention of such weeds in approved covered receptacles,

6. Any inherently offensive or dangerous accumulation of bottles, cans, glass, ashes, paper or paper products, small pieces of scrap iron, wire, metal articles, household appliances, bric-a-brac or cement, broken concrete, broken glass, broken plaster and all such trash or abandoned material unless it is kept in approved covered bins or appropriate containers,

7. Any trash, litter, rags, accumulations of empty barrels, boxes, crates, packing cases, mattresses, bedding, excelsior, packing hay, straw or other packing materials, lumber not neatly piled, scrap iron, tin or other metal not neatly piled, or anything whatsoever in which flies or rats may breed or multiply or which may be a fire hazard;

J. The depositing, or causing to be deposited in any street, alley, sidewalk, park, parkway or other public place which is open to travel, of any hay, straw, paper, wood, boards, boxes, leaves, manure or other rubbish or material;

K. The storage or keeping on any premises in public view for more than 30 days of any used or unused building materials as defined in MICC [8.24.010](#), whose retail cost new would exceed \$100.00 without a special permit from the building official; provided, that nothing in this subsection shall:

1. Prohibit such storage without a permit when done in conjunction with a construction project for which a building permit has been issued and which is being prosecuted diligently to completion,

2. Prohibit such storage without a permit upon the premises of a bona fide lumberyard, dealer in building materials or other commercial enterprise when the same is permitted under the zoning ordinance and other applicable laws,

3. Make lawful any such storage or keeping when it is prohibited by other ordinances or laws;

L. The existence of any fence or other structure or thing or private property abutting or fronting upon any public street, sidewalk or place which is in a sagging, leaning, fallen, decayed or otherwise dilapidated or unsafe condition;

M. The existence or maintenance on any premises of a storage area, junkyard or dumping ground for the wrecking or disassembling of automobiles, trucks, trailers, house trailers, boats, tractors or other vehicle or machinery of any kind, or for the storing or leaving of worn out, wrecked, inoperative or abandoned automobiles, trucks, trailers, house trailers, boats, tractors or other vehicle or machinery of any kind or of any major parts thereof;

N. The existence on any premises of any abandoned or unused well, cistern or storage tank without first demolishing or removing from the city such storage tank or securely closing and barring any entrance or trapdoor thereto or without filling any well or cistern or capping the same with sufficient security to prevent access thereto by children;

O. The existence on any premises, in a place accessible to children, of any unattended and/or discarded icebox, refrigerator or other large appliance;

P. The existence of any drainage onto or over any sidewalk or public pedestrianway;

Q. *Sounds.*

1. *Sounds regulated by this section.*

a. The intent of this section is to regulate sounds heard beyond the property line of the source;

b. The following sounds are explicitly regulated by this section:

i. Sounds caused by the construction or repair of any building or structure;

ii. Sounds caused by construction, maintenance, repair, clearing or landscaping;

iii. Sounds created by the installation or repair of utility services; and

iv. Sounds created by construction equipment including special construction vehicles.

2. Sounds related to activity authorized by a permit from the city of Mercer Island are limited as follows:

a. Sounds shall only be allowed between the hours of 7:00 a.m. to 7:00 p.m. on Mondays through Fridays, and between the hours of 9:00 a.m. and 6:00 p.m. on Saturdays.

b. Sounds shall be prohibited at any time of day on Sunday and legal holidays.

3. Sounds related to activity that does not require a permit from the City of Mercer Island and are not caused by landscaping as described in subsection 4, shall only be allowed between the hours of 7:00 a.m. to 8:00 p.m. on Mondays through Fridays, and between the hours of 9:00 a.m. and 8:00 p.m. on Saturdays, Sundays, and legal holidays.

1 4. Sounds caused by landscaping, including sounds caused by lawnmowers, leaf blowers
2 and other landscaping equipment, shall only be allowed between the hours of 8:00 a.m.
3 to 8:00 p.m. on Mondays through Fridays, and between the hours of 9:00 a.m. and 6:00
4 p.m. on Saturdays, Sundays, and legal holidays.

5
6 45. The enforcement officer may authorize a variance to this section pursuant to WAC
7 Chapter 173-60."

8
9 R. Production at any time of any of the following sounds or noises, which by reason of their intensity,
10 frequency, duration, volume, pitch or any other reason, disturb the peace, quiet, repose or comfort of any
11 person or persons:

12
13 1. The sounding of any horn, siren or other signaling device except as a warning of danger, or as
14 specifically permitted or required by law,

15
16 2. Sounds in connection with the starting, operation, repair or rebuilding, or testing of any motor
17 vehicle or internal combustion engine within a residential district,

18
19 3. The use of a sound amplifier or other device capable of producing or reproducing amplified
20 sound upon public streets for the purpose of commercial advertising for sales or for attracting the
21 attention of the public to any vehicle structure, or property or the contents therein, except as
22 permitted by law, and except that vendors whose sole method of selling is from a moving vehicle
23 shall be exempt from this subsection,

24
25 4. The use of a musical instrument, whistle, radio, sound amplifier or other device capable of
26 producing or reproducing sound,

27
28 5. Sounds produced by any vehicle which is so loaded, or has any defect or is not equipped with
29 a proper muffler so as to cause loud and unnecessary grating, grinding, rattling or other noise,

30
31 6. Any other unreasonably loud, disturbing, continuous, irritating, or unnecessary noise, whether
32 emanating from a human, animal or mechanical source.
33

Draft Amendments to MICC 19.02.020 Development standards

MICC 19.02.020 Development standards.**A. Minimum net lot area.**

- R-8.4: The net lot area shall be at least 8,400 square feet. Lot width shall be at least 60 feet and lot depth shall be at least 80 feet.
- R-9.6: The net lot area shall be at least 9,600 square feet. Lot width shall be at least 75 feet and lot depth shall be at least 80 feet.
- R-12: The net lot area shall be at least 12,000 square feet. Lot width shall be at least 75 feet and lot depth shall be at least 80 feet.
- R-15: The net lot area shall be at least 15,000 square feet. Lot width shall be at least 90 feet and lot depth shall be at least 80 feet.

1. Minimum net lot area requirements do not apply to any lot that came into existence before September 28, 1960. In order to be used as a building site, lots that do not meet minimum net lot area requirements shall comply with MICC 19.01.050 (G)(3).

2. In determining whether a lot complies with the minimum net lot area requirements, the following shall be excluded: the area between lateral lines of any such lot and any part of such lot which is part of a street.

B. Street frontage. No building will be permitted on a lot that does not front onto a street acceptable to the city as substantially complying with the standards established for streets.

C. Yard requirements.

1. *Minimum.* Except as otherwise provided in this section, each lot shall have front, rear, and side yards not less than the depths or widths following:

a. Front yard depth: 20 feet or more.

b. Rear yard depth: 25 feet or more.

c. Side yards shall be provided as follows:

i. *Total width.*

(a) For lots with a lot width of 90 feet or less, the sum of the side yards' width shall be at least 15 feet.

(b) For lots with a lot width of more than 90 feet, the sum of the side yards' width shall be a width that is equal to at least 17 percent of the lot width.

Draft Amendments to MICC 19.02.020 Development standards

ii. *Minimum side yard width.* The minimum side yard width is five feet or 33 percent of the aggregate side yard total width, whichever is greater.

iii. *Variable side yard depth requirement.* For lots with an area of 6,000 square feet or more, the minimum side yard depth abutting an interior lot line shall be the greater of the minimum side yard depth required under subsection (C)(1)(c)(ii) of this section, or as follows:

(a) Single-family dwellings shall provide a minimum side yard depth of seven and one-half feet if the building:

(1) For nongabled roof end buildings, the height is more than 15 feet measured from existing or finished grade, whichever is lower, to the top of the exterior wall facade adjoining the side yard; or

(2) For gabled roof end buildings, the height is more than 18 feet measured from existing or finished grade, whichever is lower, to the top of the gabled roof end adjoining the side yard.

(b) Single-family dwellings with a height of more than 25 feet measured from the existing or finished grade, whichever is lower, to the top of the exterior wall facade adjoining the side yard shall provide a minimum side yard depth of ten feet.

2. Yard determination.

a. Front yard.

i. *Front yard — General.* For lots that are not corner lots or waterfront lots, the front yard shall extend the full width of the lot and is determined using the following sequential approach, in descending order of preference, until a front yard is established:

(a) The yard abutting an improved street from which the lot gains primary access.

(b) The yard abutting the primary entrance to a building.

(c) The orientation of buildings on the surrounding lots and the means of access to the lot.

ii. *Front yard — Corner lots.* On corner lots the front yard shall be measured from the narrowest dimension of the lot abutting a street. The yard adjacent to the widest dimension of the lot abutting a street shall be a side yard; provided:

Draft Amendments to MICC 19.02.020 Development standards

(a) If a setback equivalent to or greater than required for a front yard is provided along the property lines abutting both streets, then only one of the remaining setbacks must be a rear yard.

iii. *Front yard — Waterfront lots.* On a waterfront lot, regardless of the location of access to the lot, the front yard may be measured from the property line opposite and generally parallel to the ordinary high water line.

iv. This section shall apply except as provided for in MICC 19.08.030 (F)(1).

b. *Rear yard.* Except as allowed in subsections (C)(2)(a)(ii) and (iii) of this section, the rear yard is the yard opposite the front yard. The rear yard shall extend across the full width of the rear of the lot, and shall be measured between the rear line of the lot and the nearest point of the main building including an enclosed or covered porch. If this definition does not establish a rear yard setback for irregularly shaped lots, the code official shall establish the rear yard based on the following method: The rear yard shall be measured from a line or lines drawn from side lot line(s) to side lot line(s), at least ten feet in length, parallel to and at a maximum distance from the front lot line.

c. *Side yard.* Any yards not designated as a front or rear yard shall be defined as a side yard.

3. Intrusions into required yards.

a. Minor building elements.

i. Except as provided in subsection (C)(3)(a)(ii) of this section, porches, chimney(s) and fireplace extensions, window wells, and unroofed, unenclosed outside stairways and decks shall not project more than three feet into any required yard. Eaves shall not protrude more than 18 inches into any required yard.

ii. No penetration shall be allowed into the minimum side yard setback abutting an interior lot line except where an existing flat-roofed house has been built to within 18 inches of the interior side yard setback line and the roof is changed to a pitched roof with a pitch of 2:12 or steeper, eaves may penetrate up to 18 inches into the side yard setback.

b. *Hardscape and driveways.* Hardscape and driveways not more than 30 inches above existing grade or finished grade, whichever is lower, may be located in any required yard; provided, that driveways may exceed the 30-inch limit when a permit applicant demonstrates the proposed height is the minimum feasible to meet the standards in MICC 19.09.040.

c. *Fences, retaining walls and rockeries.* Fences, retaining walls and rockeries are allowed in required yards as provided in MICC 19.02.050.

d. *Garages and other accessory buildings.* Garages and other accessory buildings are not allowed in required yards, except as provided in MICC 19.02.040.

Draft Amendments to MICC 19.02.020 Development standards

e. *Heat pumps, air compressors, air conditioning units, and other similar mechanical equipment.* Heat pumps, air compressors, air conditioning units, and other similar mechanical equipment may be located within any required yard provided they will 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 three feet of any lot line.

f. *Architectural features.* Detached, freestanding architectural features such as columns or pedestals that designate an entrance to a walkway or driveway and do not exceed 42 inches in height are allowed in required yards.

g. *Other structures.* Except as otherwise allowed in this subsection (C)(3), structures over 30 inches in height from existing grade or finished grade, whichever is lower, may not be constructed in or otherwise intrude into a required yard.

4. *Setback deviation.* The code official may approve a deviation to front, side, and rear setbacks pursuant to MICC 19.15.040.

D. *Gross floor area.*

1. Except as provided in subsection (D)(3) of this section, the gross floor area shall not exceed:

a. R-8.4: 5,000 square feet or 40 percent of the lot area, whichever is less.

b. R-9.6: 8,000 square feet or 40 percent of the lot area, whichever is less.

c. R-12: 10,000 square feet or 40 percent of the lot area, whichever is less.

d. R-15: 12,000 square feet or 40 percent of the lot area, whichever is less.

2. *Gross floor area calculation.* The gross floor area is the sum of the floor area(s) bounded by the exterior faces of each building on a residential lot, provided:

a. The gross floor area shall be 150 percent of the floor area of that portion of a room(s) with a ceiling height of 12 feet to 16 feet, measured from the floor surface to the ceiling.

b. The gross floor area shall be 200 percent of the floor area of that portion of a room(s) with a ceiling height of more than 16 feet, measured from the floor surface to the ceiling.

c. Staircases shall be counted as a single floor for the first two stories accessed by the staircase. For each additional story above two stories, the staircase shall count as a single floor area. For example, a staircase with a ten-foot by ten-foot dimension that accesses three stories shall be accounted as 200 square feet (100 square feet for the first two stories, and 100 square feet for the third story).

d. For the purposes of calculating allowable gross floor area, lots created in a subdivision through MICC 19.08.030 (G), Optional standards for development, may apply the square

Draft Amendments to MICC 19.02.020 Development standards

footage from the open space tract to the lot area not to exceed the minimum square footage of the zone in which the lot is located.

3. *Allowances.*

a. The gross floor area for lots with an area of 7,500 square feet or less may be the lesser of 3,000 square feet or 45 percent of the lot area; or

b. If an accessory dwelling unit is proposed, the 40 percent allowed gross floor area may be increased by the lesser of five percentage points or the actual floor area of the proposed accessory dwelling unit, provided:

i. The allowed gross floor area of accessory buildings that are not partially or entirely used for an accessory dwelling unit shall not be increased through the use of this provision;

ii. The lot will contain an accessory dwelling unit associated with the application for a new or remodeled single-family home; and

iii. The total gross floor area shall not exceed 4,500 square feet or 45 percent of the lot area, whichever is less.

E. *Building height limit.*

1. *Maximum building height.* No building shall exceed 30 feet in height above the average building elevation to the highest point of the roof.

2. *Maximum building height on downhill building facade.* The maximum building facade height on the downhill side of a sloping lot shall not exceed 30 feet in height. The building facade height shall be measured from the existing grade or finished grade, whichever is lower, at the furthest downhill extent of the proposed building, to the top of the exterior wall facade supporting the roof framing, rafters, trusses, etc.

3. Antennas, lightning rods, plumbing stacks, flagpoles, electrical service leads, chimneys and fireplaces, solar panels, and other similar appurtenances may extend to a maximum of five feet above the height allowed for the main structure in subsections (E)(1) and (2) of this section; provided:

a. Solar panels shall be designed to minimize their extension above the maximum allowed height, while still providing the optimum tilt angle for solar exposure.

b. Rooftop railings may not extend above the maximum allowed height for the main structure.

4. The formula for calculating average building elevation is as follows:

Formula: Average Building Elevation = (Weighted Sum of the Mid-point Elevations) ÷ (Total Length of Wall Segments)

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Where: Weighted Sum of the Mid-point Elevations = The sum of: ((Mid-point Elevation of Each Individual Wall Segment) × (Length of Each Individual Wall Segment))

For example for a house with ten wall segments:

$$(A \times a) + (B \times b) + (C \times c) + (D \times d) + (E \times e) + (F \times f) + (G \times g) + (H \times h) + (I \times i) + (J \times j) \\ a + b + c + d + e + f + g + h + i + j$$

Where: A, B, C, D... = The existing or finished ground elevation, whichever is lower, at midpoint of wall segment.

And: a, b, c, d... = The length of wall segment measured on outside of wall.

F. Lot coverage—Single-family dwellings.

1. *Applicability.* This section shall apply to the development of single-family dwellings including, but not limited to, the remodeling of existing single-family dwellings and construction of new single-family dwellings. This section does not apply to regulated improvements.

2. *Landscaping objective.*

a. 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 maintaining the visual appearance of the neighborhood.

b. To ensure that landscape design is based on a strong, unified, coherent, and aesthetically pleasing landscape concept.

c. 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.

d. To ensure suitable natural vegetation and landforms, particularly mature trees and topography, are preserved where feasible and integrated into the overall landscape design. Large trees and tree stands should be maintained in lieu of using new plantings.

e. 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.

3. *Lot coverage—Landscaping required.*

a. *Minimum area required.* Development proposals for single-family dwellings shall comply with the following standards based on the net lot area:

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Lot Slope	Maximum Lot Coverage (house, driving surfaces, and accessory buildings)	Required Landscaping Area
Less than 15%	40%	60%
15% to less than 30%	35%	65%
30% to 50%	30%	70%
Greater than 50% slope	20%	80%

b. *Hardscape.*

i. A maximum of nine percent of the net lot area may consist of hardscape improvements including, but not limited to, walkways, decks, etc., and provided:

(a) The hardscape for lots with a net lot area of 8,400 square feet or less may be the lesser of 755 square feet or 12 percent of the net lot area.

ii. Hardscape improvements are also permitted in the maximum lot coverage area established in subsection (F)(3)(a) of this section.

c. *Softscape and driveways.*

i. The required landscaping area in subsection (F)(3)(a) of this section shall consist of softscape improvements, except where used for hardscape improvements pursuant to subsection (F)(3)(b) of this section.

ii. Driveways and other driving surfaces are prohibited within the landscaping area.

For example, a flat lot with a net area of 10,000 square feet shall provide a minimum 6,000 square feet of landscaped area. Up to 900 square feet of the landscaped area may be used for a walkway, patio, or deck or other hardscape area. The remainder of the area shall be used for softscape improvements, such as landscaping, tree retention, etc.

d. Development proposals for a new single-family home shall remove Japanese knotweed (*Polygonum cuspidatum*) and Regulated Class A, Regulated Class B, and Regulated Class C weeds identified on the King County Noxious Weed list, as amended, from required landscaping areas established pursuant to subsection (F)(3)(a) of this section. New landscaping associated with new single-family home shall not incorporate any weeds identified on the King County Noxious Weed list, as amended. Provided, that removal shall

Draft Amendments to MICC 19.02.020 Development standards

not be required if the removal will result in increased slope instability or risk of landslide or erosion.

e. *Allowed adjustments.* A one-time reduction in required landscaping area and an increase in the maximum lot coverage are allowed, provided:

i. The total reduction in the required landscaping area shall not exceed five percentage points, and the total increase in the maximum lot coverage shall not exceed five percentage points; and

ii. The reduction in required landscaping area and increase in maximum lot coverage are associated with:

(a) A development proposal that will result in a single-story single-family dwelling with a wheelchair accessible entry path, and may also include a single-story accessory building; or

(b) A development proposal on a flag lot that, after optimizing driveway routing and minimizing driveway width, requires a driveway that occupies more than 25 percent of the otherwise allowed lot coverage area. The allowed reduction in the required landscaping area and increase in maximum lot coverage shall not exceed five percent, or the area of the driveway in excess of 25 percent of the lot coverage, whichever is less.

For example, a development proposal with a driveway that occupies 27 percent of the otherwise allowed lot coverage may increase the total lot coverage by two percent; and

iii. A recorded notice on title, covenant, easement, or other documentation in a form approved by the city shall be required. The notice on title or other documentation shall describe the basis for the reduced landscaping area and increased lot coverage.

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.

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.

Draft Amendments to MICC 19.02.020 Development standards

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; 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.

H. *Easements*. Easements shall remain unobstructed.

1. *Vehicular access easements*. No structures shall be constructed on or over any vehicular access easement. A minimum five-foot yard setback from the edge of any easement that affords or could afford vehicular access to a property is required for all structures; provided, that improvements such as gates, fences, rockeries, retaining walls and landscaping may be installed within the five-foot yard setback so long as such improvements do not interfere with emergency vehicle access or sight distance for vehicles and pedestrians.

2. *Utility and other easements*. No structure shall be constructed on or over any easement for water, sewer, storm drainage, utilities, trail or other public purposes unless it is permitted within the language of the easement or is mutually agreed in writing between the grantee and grantor of the easement.

I. *Large lots*. The intent of this section is to ensure that the construction of a single-family dwelling on a large lot does not preclude compliance with applicable standards related to subdivision or short subdivision of the large lot. Prior to approval of a new single-family dwelling and associated site improvements, accessory buildings, and accessory structures on large lots, the applicant shall complete one of the following:

1. *Design for future subdivision*. The proposed site design that shall accommodate potential future subdivision of the lot as follows:

a. The proposed site design shall comply with the applicable design requirements of chapters 19.08, Subdivision, 19.09, Development, and 19.10, Trees, MICC.

b. The proposed site design shall not result in a circumstance that would require the removal of trees identified for retention, as part of a future subdivision.

c. The proposed site design shall not result in a circumstance that would require modifications to wetlands, watercourses, and associated buffers as part of a future subdivision.

Draft Amendments to MICC 19.02.020 Development standards

d. Approval of a site design that could accommodate a potential future subdivision does not guarantee approval of such future subdivision, nor does it confer or vest any rights to a future subdivision.

2. *Subdivide*. Prior to application for a new single-family dwelling, the property is subdivided or short platted to create all potential lots and building pads permitted by zoning. The proposed single-family dwelling shall be located on a lot and within a building pad resulting from a recorded final plat.

3. *Limit subdivision*. Record a notice on title, or execute a covenant, easement, or other documentation approved by the city, prohibiting further subdivision of the large lot for a period of five years from the date of final inspection or certificate of occupancy.

J. Building pad. New buildings shall be located within a building pad established pursuant to chapter 19.09 MICC. Intrusions into yard setbacks authorized pursuant to MICC 19.02.020(C)(3) may be located outside of the boundaries of the building pad.

K. Exterior Lighting.

1. Applicability. This section applies to all exterior lighting installed after the effective date of this ordinance in the R-8.4, R-9.6, R-12, and R-15 zones. The following lighting types are exempt:

- a. Lighting within a public right-of-way or easement for the purpose of illuminating roads, trails, and pedestrian ways;
- b. Repair of lighting fixtures existing prior to the effective date of this ordinance;
- c. Emergency lighting;
- d. Temporary seasonal lighting; and
- e. lighting required by state or federal law.

2. Standards.

- a. All exterior lighting shall be designed to minimize light trespass onto neighboring properties.
- b. All exterior lighting must be either fully or partially shielded except that one unshielded lighting fixture not exceeding 450 lumens is allowed at the main entry of each residence.
 - i. Fully shielded means the lighting fixture has a solid opaque barrier at the top of the fixture in which the bulb is located and the fixture is angled so the bulb is not visible below the barrier.
 - ii. Partially shielded means the fixture is shielded by a solid opaque barrier or angled no more than 45 degrees above straight down, which is half-way between perpendicular and parallel to the adjacent grade.

1
2 c. Each exterior lighting fixture shall not exceed 1,600 lumens.

3
4 d. Exterior lighting fixtures shall be designed so that they do not project their output:

5
6 i. Onto neighboring properties;

7
8 ii. Past the object being illuminated;

9
10 iii. Skyward;

11
12 iv. Onto a public roadway; or

13
14 v. Onto a trail or pedestrian way.

15
16 e. Exterior lighting fixtures with a motion sensor must not be activated by off-site
17 movement.



Public Hearing: ZTR21-005 Noise and Lighting

Mercer Island City Code (MICC) 19.02.020 and 8.24.020

City of Mercer Island Planning Commission

January 26, 2022

Adam Zack, Senior Planner

Department of Community Planning and Development

Purpose

- To brief the Planning Commission on the staff recommendation regarding ZTR21-005.
- To hold a public hearing on the proposed amendments.
- Obtain the Planning Commission recommendation for ZTR21-005.



Process to date

- Initially requested through the 2020 Docket
- Added to the CPD work program by the City Council
- Planning Commission discussed at their meeting on November 17, 2021
- Staff recommendation provided in a report dated January 18, 2022



SEPA

- Staff issued a determination of nonsignificance (DNS) on December 21, 2022
- Comment period: December 21, 2021, to January 12, 2022
- No comments were received on the SEPA determination



Staff Recommendation

- Staff does not recommend amending MICC 8.24.020 to further regulate noise from gas-powered landscaping equipment;
- If the Planning Commission wants to recommend hours of operation, staff prepared an alternative. The PC would need to specify hours of operation for gas-powered landscaping equipment; and
- Amend MICC 19.02.020 to regulate external lighting fixtures in residential zones.



Background: Noise

Noise from gas-powered landscaping equipment:

- MICC 8.24.020(Q)(3) currently limits this noise in the same way as other noises from activities that do not require a permit:

“Sounds related to activity that does not require a permit from the city of Mercer Island shall only be allowed between the hours of **7:00 a.m. to 8:00 p.m. on Mondays through Fridays, and between the hours of 9:00 a.m. and 8:00 p.m. on Saturdays, Sundays, and legal holidays.**” (emphasis added)



Noise: Alternative Hours

Noise from gas-powered landscaping equipment:

If Planning Commission wants to recommend different hours: amend MICC 8.24.020(Q)(3) to set new hours:

“Sounds caused by landscaping shall only be allowed between the hours of **8:00 a.m. to 8:00 p.m.** on Mondays through Fridays, and between the hours of **9:00 a.m. and 8:00 p.m.** on Saturdays, Sundays, and legal holidays.” (emphasis added)



Background: Noise

Gas-Powered Leaf Blower Ban

- At the meeting November 17, the Planning Commission discussed a potential gas-powered leaf blower ban
- Recommending a ban is beyond the scope of the project docketed by the City Council
- If the Planning Commission would like to consider a ban, they can request further direction from the Council with their recommendation on ZTR21-005



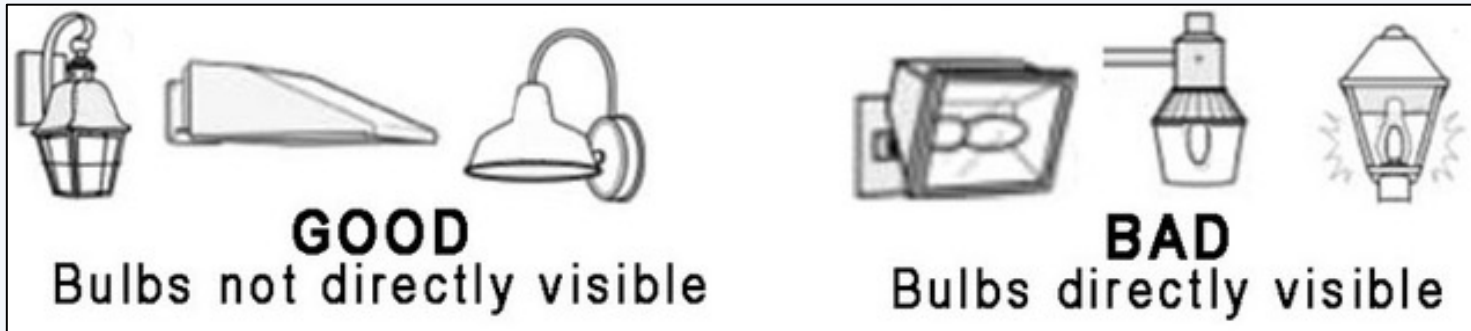
Background: Lighting

Residential Lighting

- Exterior lighting in residential zones is not currently regulated by Chapter 19.02 MICC
- Two commonly regulated aspects of lighting:
 - Direction and shielding of lighting fixtures, and
 - Brightness of lighting fixtures



Shielding



Direction

Straight down	Less than 45°	45°	Greater than 45°
<input checked="" type="checkbox"/> Fully Shielded	<input checked="" type="checkbox"/> Partially Shielded	<input checked="" type="checkbox"/> Partially Shielded	<input type="checkbox"/> Unshielded

Background: Lighting

Shielding: opaque barrier around light bulb

Direction: where the fixture is pointed. Typically, a requirement that directional lights point downward

Background: Lighting

Residential Lighting: Brightness

- Measured in lumens (watts measure energy usage)
 - 1,600 lumens roughly 100-watt incandescent bulb
 - 450 lumens roughly 40-watt incandescent bulb
- Very common for regulations limit lumens combined with directional/shielding requirements



Staff Recommended Lighting Regulations

- Adds a new subsection (K) to MICC 19.02.020 Development standards.
- Requires most external lighting fixtures to be shielded or directed downward
- Limits the lumens allowed for external lighting fixtures



Staff Recommended Lighting Regulations

K. Exterior Lighting.

1. Applicability. This section applies to all exterior lighting installed after the effective date of this ordinance in the R-8.4, R-9.6, R-12, and R-15 zones. The following lighting types are exempt:

- a. Lighting within a public right-of-way or easement for the purpose of illuminating roads, trails, and pedestrian ways;
- b. Repair of lighting fixtures existing prior to the effective date of this ordinance;
- c. Emergency lighting;
- d. Temporary seasonal lighting; and
- e. lighting required by state or federal law.



Staff Recommended Lighting Regulations

2. Standards.

- a. All exterior lighting shall be designed to minimize light trespass onto neighboring properties.
- b. All exterior lighting must be either fully or partially shielded except that one unshielded lighting fixture not exceeding 450 lumens is allowed at the main entry of each residence.
 - i. Fully shielded means the lighting fixture has a solid opaque barrier at the top of the fixture in which the bulb is located and the fixture is angled so the bulb is not visible below the barrier.
 - ii. Partially shielded means the fixture is shielded by a solid opaque barrier or angled no more than 45 degrees above straight down, which is half-way between perpendicular and parallel to the adjacent grade.



Staff Recommended Lighting Regulations

- c. Each exterior lighting fixture shall not exceed 1,600 lumens.
- d. Exterior lighting fixtures shall be designed so that they do not project their output:
 - i. Onto neighboring properties;
 - ii. Past the object being illuminated;
 - ii. Skyward;
 - iii. Onto a public roadway; or
 - iv. Onto a pedestrian way.
- e. Exterior lighting fixtures with a motion sensor must not be activated by off-site movement.



Criteria for Approval of Zoning Code Amendments

Established in MICC 19.15.250(D), which states:

D. *Criteria.* The city may approve or approve with modifications a proposal to amend this Code only if:

1. The amendment is consistent with the comprehensive plan; and
2. The amendment bears a substantial relation to the public health, safety, or welfare; and
3. The amendment is in the best interest of the community as a whole.



Process

1. Public testimony
2. Planning Commission deliberations and recommendation
3. Recommendation taken to City Council in March



Questions?

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PLANNING COMMISSION

To: Planning Commission

From: Jeff Thomas, Interim Director

Sarah Bluvas, Economic Development Coordinator

Date: January 26, 2022

RE: ZTR21-004 Town Center Commercial Requirements

Exhibits:

1. MICC 19.11.020(B) Proposed Code Amendments v(5) – TRACK CHANGES version
2. MICC 19.11.020(B) Proposed Code Amendments v(5) – CLEAN version

SUMMARY

In June 2020, the City Council placed a moratorium on major new construction in the southeast corner of the Town Center zoning designation. Over the last six months the City Council has engaged in a discussion on how to retain and expand commercial space in the Town Center.

On November 3, 2021, the Planning Commission conducted a Public Hearing on proposed amendments to Mercer Island City Code (MICC) 19.11.020(B) and transmitted a recommendation to not adopt the proposal to the City Council on November 16, 2021. The City Council subsequently conducted first and second ordinance readings on November 16, 2021, and December 7, 2021, for the proposed amendments, at which time they proposed amending elements related to the commercial floor area ratio (FAR) / no net loss requirements and remanded the matter back to the Planning Commission to work with staff on the following:

- A. Reconcile the definition of Personal Services as defined in MICC 19.16.010 and work with staff to add a definition for Visual or Performing Arts Centers;
- B. Exempt visual or performing arts centers from the 60' contiguous street frontage requirement; and
- C. Establish a 5,000-square foot cap for visual or performing arts centers that can be applied to the FAR or no net loss requirement.

Additionally, it was directed that a Planning Commission recommendation be presented to the City Council at a regular business meeting on or before March 15, 2022, during a third reading of the ordinance.

Tonight, staff will present an updated draft of the proposed amendments, which incorporates the City Council's requests, as well as review next steps for reaching a Planning Commission recommendation. The

proposal would repeal and replace MICC 19.11.020(B) and modify one or more definitions contained in MICC 19.16.010.

BACKGROUND

The current Town Center development regulations were established in June 2016. Per the current code, major new development located north of SE 29th Street in the Town Center must provide ground floor street frontage commercial space for use by retail, restaurant, or personal services (e.g. barber shop, nail salon, fitness center, etc.). Between 40 and 60 percent of the ground floor street frontage north of SE 29th Street must be designed for retail, restaurant, or personal services; 40 percent is required for those major new developments that provide public parking, while 60 percent is required for those developments that do not provide public parking. Commercial space is allowed, but not required, south of SE 29th Street in the Town Center zoning designation (“TC zone”).

In June 2020, the City Council enacted a moratorium on major new construction generally in the southeast quadrant of the TC zone. This moratorium was intended to temporarily prevent submittal of development applications while the City considers potential updates and/or amendments to development regulations within the Town Center, including requirements for ground-floor retail use and for preserving existing commercial square footage in the TC zone. The City Council cited the goal of protecting and expanding Mercer Island’s retail sector to maintain and improve the community’s quality of life and emergency preparedness as primary drivers for enacting the moratorium.

Since enacting the moratorium, City staff, the City Council, the Planning Commission, and consulting firm Community Attributes, Inc., participated in several discussions to present findings and arrive at a proposal to amend MICC 19.11.020(B), including 11 City Council meetings and three Planning Commission meetings. The Planning Commission held the required Public Hearing on the proposal on November 3, 2021, and ultimately recommended in a 5-1 vote to not approve the proposed amendments as presented. The City Council reviewed the proposed amendments on November 16 and December 7, 2021, amended the proposal, and voted 7-0 to remand the matter back to the Planning Commission. (See complete legislative history at the end of this memo.)

The following sections provide more details about the City Council’s amendments and direction to staff and the Planning Commission.

Amendments Made by the City Council

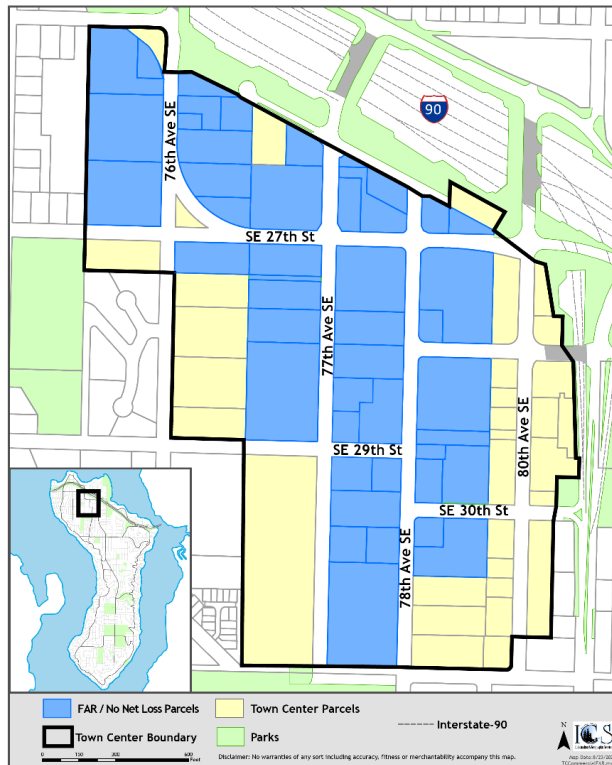
During the first reading of Ordinance No. 21C-28 on November 16, 2021, the City Council voted 6-0 to make a handful of amendments to the proposal prior to the second reading (Denoted in blue in **Exhibit 1**). The most significant of these amendments pertained to the commercial floor area ratio (FAR) and no net loss requirements outlined in the proposal as well as to the eligible uses required adjacent to street frontages.

Revision to Commercial FAR and No Net Loss Requirements

Per the City Council’s amendments, the revised code would include a “greater of the two” requirement for parcels subject to either the commercial FAR *or* no net loss of existing commercial space upon redevelopment. An updated Figure 3 identifies the parcels subject to this requirement. It also effectively combines and replaces the previously proposed Figures 3 and 4, which identified the parcels subject to the FAR and to no net loss (respectively) in separate maps. (See revised Figure 3 on the next page.) Additionally, the City Council added an evaluation requirement of five

years from the date of the Ordinance adoption or after 75,000 square feet of retail, restaurant, and/or personal service commercial uses has been authorized through Building Permit issuance.

Figure 3. Parcels Subject to FAR or No Net Loss Requirement for Required Street Frontage Uses



Addition of Visual or Performing Arts Uses

The City Council also amended the list of uses required adjacent to street frontages identified in Figure 2 (the “pink lines map”) to include visual or performing arts centers as eligible uses to meet the commercial FAR or no net loss requirement. During the second reading of Ord. No. 21C-28, the Council provided additional direction related to this amendment. That direction is addressed in the next section of this memo.

City Council Direction to Staff and the Planning Commission

On December 7, 2021, the City Council remanded the proposal with amendments back to the Planning Commission to reconcile the definitions for eligible uses required adjacent to street frontages and to incorporate additional code language related to visual and performing arts centers. **Exhibit 1** includes staff’s recommendations for addressing the Council’s requests (denoted in red in the exhibit). More details about these recommendations are provided below.

Defining Eligible Uses

To date, discussion regarding eligible commercial uses has been framed in three categories: restaurant, retail, and personal service uses. MICC 19.16.010 defines these categories as follows:

- a) *Restaurant*: An establishment where food and drink are prepared and consumed. Such establishment may also provide catering services.

- b) *Retail use*: An establishment engaged in selling goods or merchandise and rendering services incidental to the sale of such goods.
- c) *Personal services*: A business that provides services relating to personal grooming and health. Uses include barber shops, hair stylists, spas, fitness centers and nail salons.

While the definitions for restaurant and retail use are relatively straight-forward, there has been previous discussion of whether the definition of personal services should be expanded, or another eligible use added, to cover personal affairs services such as banks. Currently, banks are included in the definition for “financial and insurance services” in MICC 19.16.010. The Planning Commission may choose to amend the definition for personal services, define a new term such as “personal affairs services,” or simply add banks to the list of eligible uses should they wish to do so.

The City Council also added visual arts and performing centers as eligible uses during the first reading of Ord. No. 21C-28. MICC 19.16.010 includes the following definitions that align with the intent of the Council’s additions:

- a) *Museums and art exhibitions*: The exhibition of objects of historical, cultural, and/or educational value that are not offered for sale.
- b) *Theaters*: Establishments primarily engaged in either (1) producing live presentations involving the performances of actors and actresses, singers, dancers, musical groups and artists, and other performing artists or (2) exhibiting motion pictures or videos.

Staff recommend using the complete definition of “museums and art exhibitions” and the first definition of “theaters” (producing live presentations involving the performance of...and other performing artists) to satisfy the “visual arts and performing arts centers” requirement.

The revised code language proposed for MICC 19.11.020(B)(1) references MICC 19.16.010 and incorporates the five definitions outlined above.

Other Amendments Pertaining to Visual or Performing Arts Center Uses

Finally, staff incorporated language into the revised proposal to satisfy the City Council’s direction to provide the following for a development that elects to pursue visual or performing arts centers as its eligible use:

- a) An exemption from the 60’ contiguous street frontage requirement; and
- b) The establishment of a 5,000-square foot cap for these uses that can be applied to the commercial FAR or no net loss requirement.

The Planning Commission may propose alternatives to these provisions should they wish to do so.

Public Outreach on ZTR21-004

In preparation for the Public Hearing scheduled for February 16, 2022, City staff have conducted/planned the following outreach:

- Bulletin Notice: January 10, 2022
- Published in *Mercer Island Reporter*: January 12, 2022
- Posted on City Website and Planning Commission Calendar: January 13, 2022

- Mailed (700+ addressees) and Posted On-Site: January 14, 2022
- Business E-mail List (900+ addressees): Scheduled for January 27, 2022

Additionally, City staff and the Chamber of Commerce are conducting targeted outreach to Town Center commercial property owners and managers to solicit feedback on the proposed amendments and to make them aware of the Public Hearing. Staff will share relevant input from these efforts with the Planning Commission at least five business days before the scheduled Public Hearing.

NEXT STEPS

Staff will research and address any questions raised after tonight's presentation and discussion no later than five business days before the Public Hearing scheduled for February 16, 2022. The Planning Commission will conduct the Public Hearing and then deliberate a recommendation to the City Council, to be delivered no later than March 15, 2022, as directed.

EXHIBITS

1. MICC 19.11.020(B) Proposed Code Amendments v(5) – TRACK CHANGES version
2. MICC 19.11.020(B) Proposed Code Amendments v(5) – CLEAN version

LEGISLATIVE HISTORY

- June 2, 2020: The City Council passed [Ordinance No. 20-12](#), which established a 6-month moratorium on major new construction south of SE 29th Street in the TC zoning designation. The City Council indicated that the City desired to possibly complete updates and/or amendments to development regulations within the Mercer Island Town Center, including requirements for various types of commercial space.
- July 21, 2020: The City Council completed the required Public Hearing for Ordinance No. 20-12 on the Town Center Moratorium and directed staff to prepare an amended interim Ordinance reducing the size of the geographic area subject to moratorium and include additional findings of fact.
- September 1, 2020: The City Council adopted [Ordinance No. 20-18](#) with a reduced size of the geographic area subject to moratorium and included additional findings of fact. Additionally, the City Council provided direction to staff to prepare a scope of work for a Town Center commercial analysis to inform options for resolving the moratorium and a corresponding budget appropriation request.
- November 17, 2020: The City Council completed the required Public Hearing and adopted [Ordinance No. 20-26](#) renewing the moratorium for another 6-month period with its current geographic area as previously amended.
- December 1, 2020: The City Council adopted [Ordinance No. 20-29](#), the 2021-22 Biennial Budget. Included in the budget is a \$50,000 one-time appropriation for qualified professional services to perform a Town Center commercial analysis and support the completion of any necessary updates and/or amendments to development regulations within the Mercer Island Town Center to be responsive to the moratorium. The City Council also approved [Resolution No. 1594](#), establishing the 2021 docket for amendments to the Comprehensive Plan and development regulations. Included in the docket is a placeholder for amending the Town Center Sub-Area Plan and corresponding development regulations as necessary to be responsive to the moratorium.
- April 6 and 20, 2021: The City contracted with the firm Community Attributes, Inc. (CAI) to analyze the demand for additional ground floor commercial uses and the feasibility of requiring such uses in new buildings. On April 6, the City Council received a presentation on the findings of this analysis and

commenced discussion ([AB 5841](#) and [associated presentation](#)). Further City Council discussion ensued on April 20, and the Council directed staff to complete additional analysis and to research legislative options in addition to a “no net loss” option.

- May 4, 2021: The City Council completed the required Public Hearing and adopted [Ordinance No. 21-09](#) renewing the moratorium for another 6-month period with its current geographic area as previously amended.
- July 6, 2021: Staff presented a number of legislative options to City Council ([AB 5910](#) and [associated presentation](#)). Council provided further direction to review and propose:
 - Updates to [MICC 19.11.020\(B\)](#) Retail Use Required Adjacent to Street Frontages;
 - A new TC commercial Floor Area Ratio (FAR) requirement; and
 - The applicability of a new TC “no net loss” requirement.
- September 21, 2021: The City Council directed staff to work with the Planning Commission to develop the necessary code amendments to [MICC 19.11.020\(B\)](#), including updating [MICC 19.11.020\(B\)](#) Figure 2 Retail Use Required Adjacent to Street Frontages; instituting a Town Center Commercial FAR requirement; and adding a selective “No Net Loss” provision ([AB 5933](#) and [associated presentation](#)).
- September 22, and October 20, 2021: Staff presented the necessary code amendments to implement the City Council direction to the Planning Commission for review and comment. (Video recordings: [September 22](#) and [October 20](#))
- November 3, 2021: The Planning Commission completed the required Public Hearing, deliberated the proposed amendments, and voted 5-1 on a recommendation to send to the City Council to not adopt the proposed amendments on November 16. ([Video recording](#))
- November 16, 2021: The City Council adopted [Ordinance No. 21C-27](#), which renews the moratorium for an additional 6-month period with its current geographic area as previously amended ([AB 5976](#)), held the required Public Hearing, and conducted the first reading of Ordinance No. 21C-28 ([AB 5977](#)).
- December 7, 2021: The City Council conducted the second reading of Ordinance No. 21C-28 and remanded the ordinance back to the Planning Commission for a new public hearing and recommendation ([AB 5985](#)).

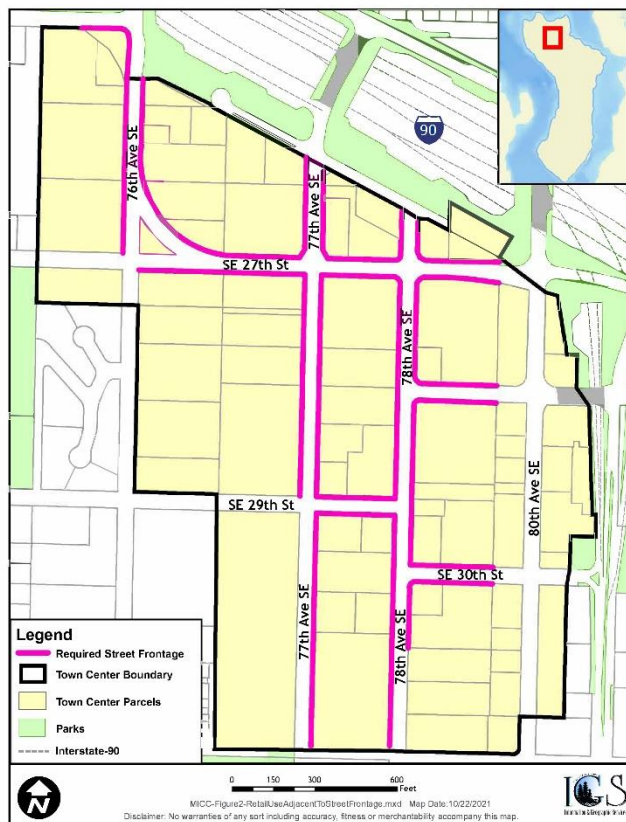
B. Required Street Frontage ~~Commercial~~ Uses.

1. Retail, restaurant and/or personal service ~~commercial~~ uses; museums and art exhibition uses; and/or theater uses as defined by MICC 19.16.010 and listed below are required adjacent to street frontages as shown on Figure 2.

Definitions

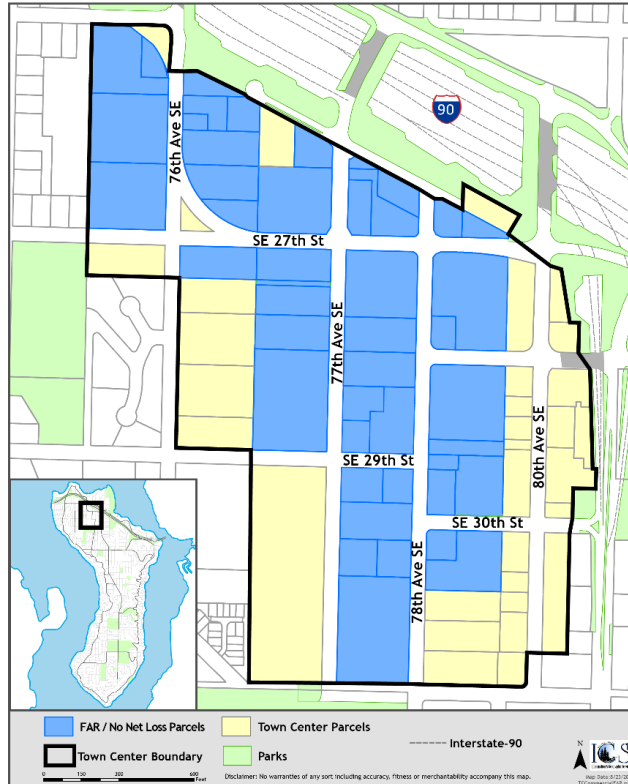
- a. Museums and art exhibitions: The exhibition of objects of historical, cultural, and/or educational value that are not offered for sale.
- b. Personal services: A business that provides services relating to personal grooming and health. Uses include barber shops, hair stylists, spas, fitness centers and nail salons.
- c. Restaurant: An establishment where food and drink are prepared and consumed. Such establishment may also provide catering services.
- d. Retail use: An establishment engaged in selling goods or merchandise and rendering services incidental to the sale of such goods.
- e. Theaters: Establishments primarily engaged in producing live presentations involving the performances of actors and actresses, singers, dancers, musical groups and artists, and other performing artists

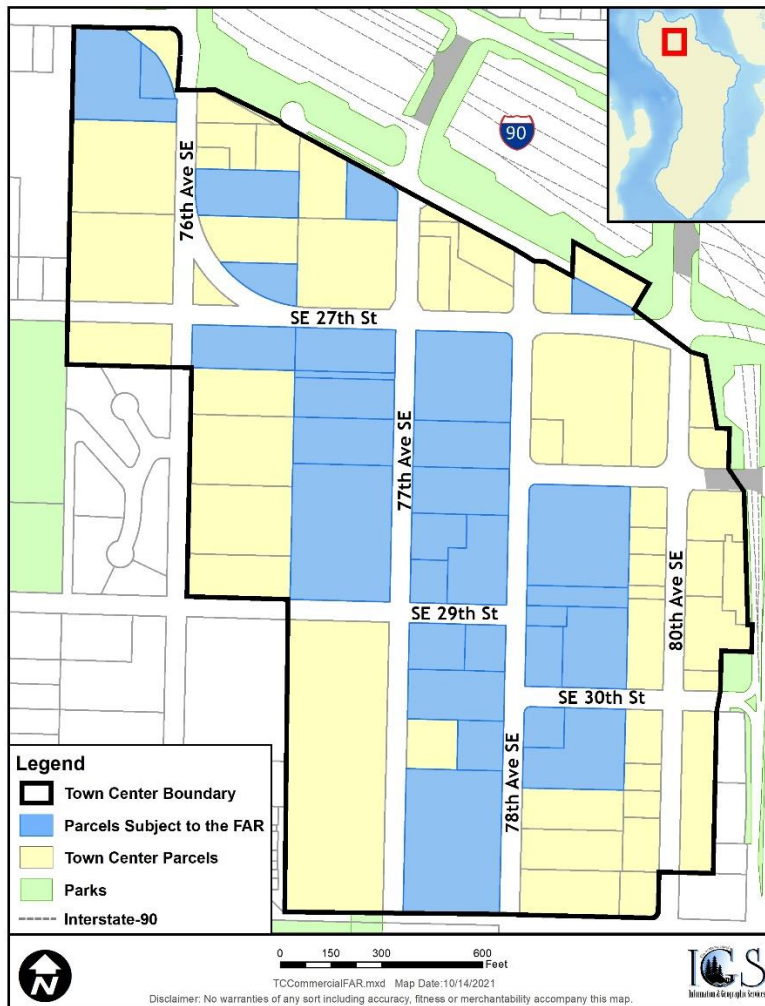
Figure 2. ~~Commercial~~ Uses Required Adjacent to Street Frontages



- a. No ~~commercial~~ uses 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 an additional six feet in length 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 10 percent transparency beyond the requirement of MICC 19.11.100(B)(1)(b).
 - b. The minimum required depth of ~~commercial~~ uses along street frontages is 16 feet.
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 or a no net loss of existing floor area on the effective date of this Ordinance, whichever is greater, for retail, restaurant and/or personal service ~~commercial~~ uses; museum and art exhibition uses; and/or theater uses adjacent to street frontages upon redevelopment. For the purposes of determining redevelopment, the value of redevelopment shall be an amount equal to or greater than 50% of the current total assessed improvement value as determined by King County.

Figure 3 – Parcels Subject to FAR Requirement or No Net Loss Requirement for Required Street Frontage ~~Commercial~~ 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.

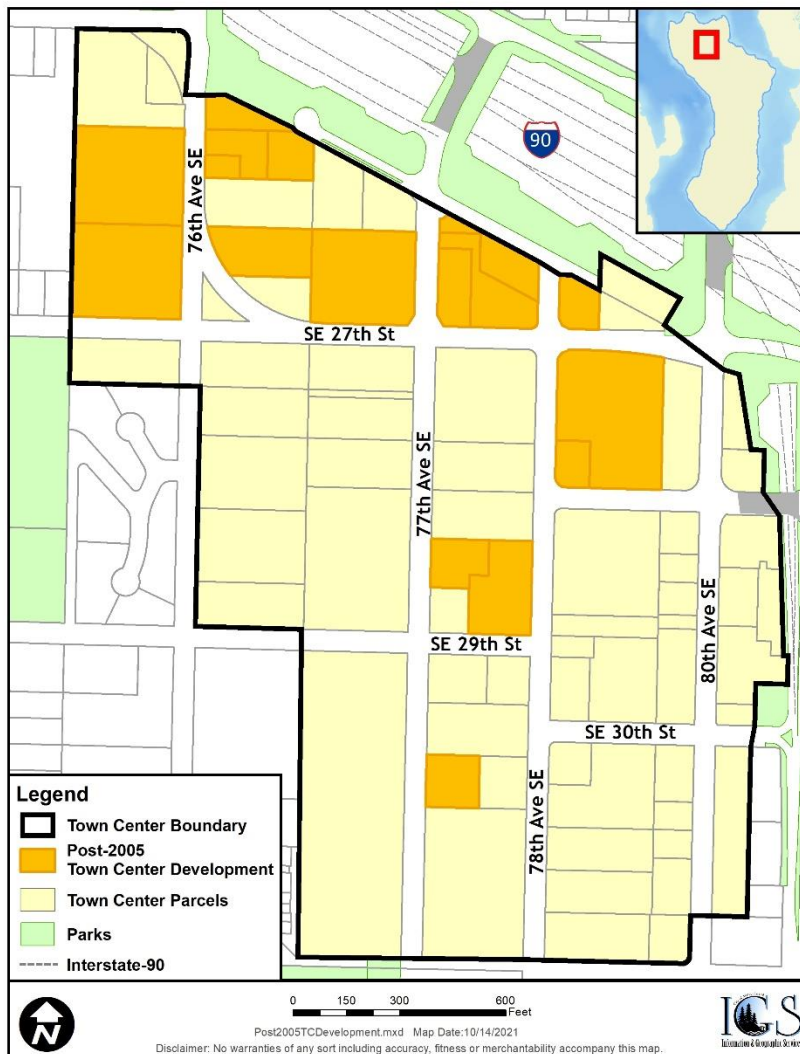
b. Each individual museum and art exhibition use as well as theater use shall be limited to a contributing cap of 5,000 square feet towards the achievement of the total minimum FAR requirement for the corresponding site. For example, a site with a minimum FAR requirement of 20,000 square feet may only 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 must come from retail, restaurant and personal service uses as defined in MICC 19.16.

Proposed Amendments to MICC 19.11.020(B) – Version #5
 TRACK CHANGES: Amendments Proposed by City Council (Blue) &
 Amendments for Planning Commission Review (Red)

bc. A review of this requirement shall occur five (5) years from the date of Ordinance adoption or after 75,000 square feet of floor area for retail, restaurant and/or personal service commercial uses; museum and art exhibition uses; and/or theater uses adjacent to street frontages has been authorized through Building Permit issuance.

3. ~~The identified parcels as shown on Figure 4 are required to provide a no net loss of existing floor area for retail, restaurant or personal service commercial uses adjacent to street frontages upon redevelopment equal to or greater than 50% of the current total assessed value as determined by King County.~~

Figure 4 – ~~Parcels Subject to No Net Loss for Commercial Uses~~



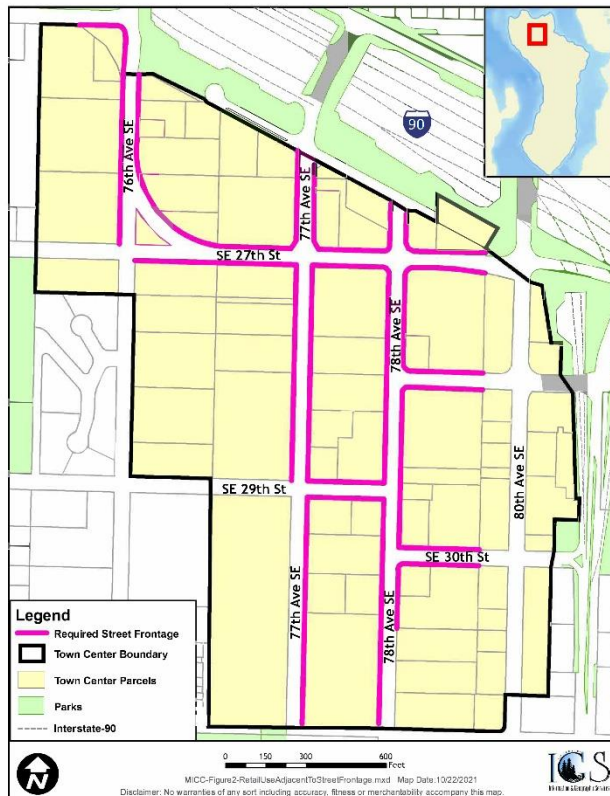
B. Required Street Frontage Uses

1. Retail, restaurant and/or personal service uses; museums and art exhibition uses; and/or theater uses as defined in MICC 19.16.010 and listed below are required adjacent to street frontages as shown on Figure 2.

Definitions

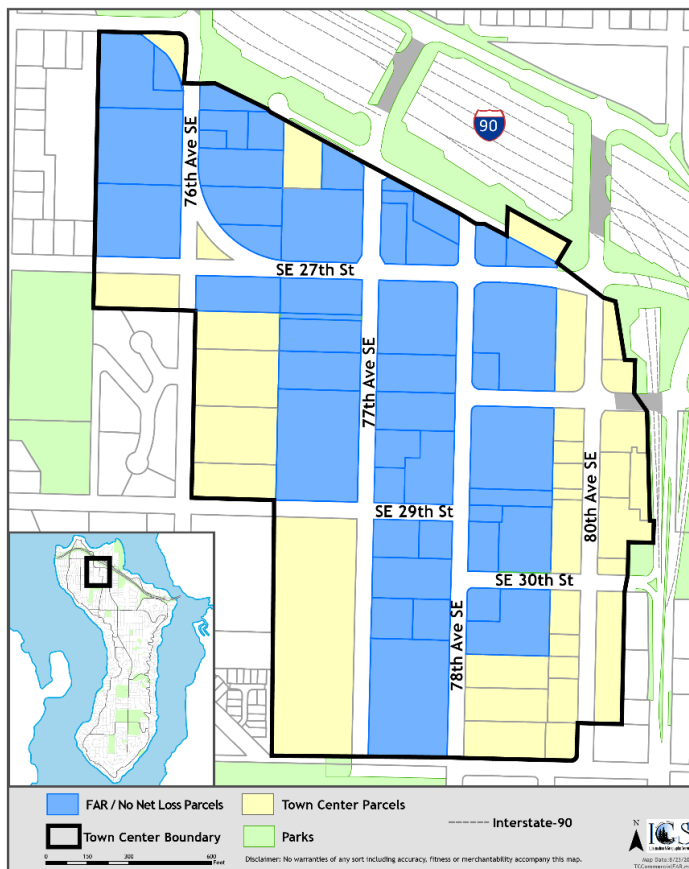
- a. *Museums and art exhibitions:* The exhibition of objects of historical, cultural, and/or educational value that are not offered for sale.
- b. *Personal services:* A business that provides services relating to personal grooming and health. Uses include barber shops, hair stylists, spas, fitness centers and nail salons.
- c. *Restaurant:* An establishment where food and drink are prepared and consumed. Such establishment may also provide catering services.
- d. *Retail use:* An establishment engaged in selling goods or merchandise and rendering services incidental to the sale of such goods.
- e. *Theaters:* Establishments primarily engaged in producing live presentations involving the performances of actors and actresses, singers, dancers, musical groups and artists, and other performing artists

Figure 2 Uses Required Adjacent to 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 an additional six feet in length 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 10 percent transparency beyond the requirement of MICC [19.11.100](#)(B)(1)(b).
 - b. The minimum required depth of uses along street frontages is 16 feet.
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 or a no net loss of existing floor area on the effective date of this Ordinance, whichever is greater, for retail, restaurant and/or personal service uses; museum and art exhibition uses; and/or theater uses adjacent to street frontages upon redevelopment. For the purposes of determining redevelopment, the value of redevelopment shall be an amount equal to or greater than 50% of the current total assessed improvement value as determined by King County.

Figure 3 – Parcels Subject to FAR or No Net Loss Requirement for Required Street Frontage 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 use as well as theater use shall be limited to a contributing cap of 5,000 square feet towards the achievement of the total minimum 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 must come from retail, restaurant and/or personal service uses as defined in MICC 19.16.
- c. A review of this requirement shall occur five (5) years from the date of Ordinance adoption or after 75,000 square feet of floor area for retail, restaurant and/or personal service uses; museum and art exhibition uses; and/or theater uses adjacent to street frontages has been authorized through Building Permit issuance.