



# PLANNING COMMISSION

## SPECIAL HYBRID MEETING AGENDA

Wednesday, May 13, 2026 at 6:00 PM

### PLANNING COMMISSIONERS

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

### LOCATION

Mercer Island Community & Event Center and Zoom  
8236 SE 24<sup>th</sup> Street | Mercer Island, WA 98040  
(206) 275-7706 | [www.mercerisland.gov](http://www.mercerisland.gov)

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

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

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

- 1) **Telephone:** Call 253.215.8782 and enter Webinar ID **873 6828 8246**, Passcode **191128**.
- 2) **Zoom:** Click this [Link](#) (Webinar ID **873 6828 8246**, Passcode **191128**)
- 3) **In person:** Mercer Island Community & Event Center | 8236 SE 24<sup>th</sup> Street, Mercer Island, WA 98040

### CALL TO ORDER & ROLL CALL, 6:00 PM

#### EXECUTIVE SESSION – Approximately 15 Minutes

1. **Executive Session** to discuss with legal counsel pending or potential litigation pursuant to RCW 42.30.110(1)(i).

#### PUBLIC APPEARANCES

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

#### SPECIAL BUSINESS

2. **Planning Commission Meeting Minutes**  
**Recommended Action:** Approve the May 6, 2026 Special Meeting minutes.
3. **PCB26-05: Briefing on Development Code Amendments: land capacity: zoning map, Town Center boundary and subareas, height increases, permitted uses, design standards, and consistency.**  
**Recommended Action:** Receive briefing; no action necessary.

#### OTHER BUSINESS

4. **Staff Report**

#### ADJOURNMENT



# PLANNING COMMISSION SPECIAL MEETING MINUTES

Wednesday, May 6, 2026

Item 2.

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## CALL TO ORDER

The Planning Commission was called to order by Chair Thompson at 6:01 pm.

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

### Staff Participation:

Alison Van Gorp, Deputy CPD Director  
Raven Gillis, Recreation Specialist  
Adam Zack, Principal Planner

Deb Estrada, Deputy City Clerk  
Kim Adams-Pratt, Contract Legal Counsel (Remote)

## PUBLIC APPEARANCES

There were no public comments.

## REGULAR BUSINESS

### 1. Planning Commission Meeting Minutes of April 29, 2026, Regular Meeting:

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

**Approve the minutes.**

Motion Passed 5-0

### 2. PCB26-04: Briefing on Comprehensive Plan Elements and Station Subarea Plan.

Adam Zack, Principal Planner, briefed the Planning Commission the draft Comprehensive Plan Elements and Station Subarea Plan.

## OTHER BUSINESS

### 3. Staff Report

There was no staff report.

**ADJOURNED** - The meeting adjourned at 6:40 pm

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Deborah Estrada, Deputy City Clerk



# PLANNING COMMISSION CITY OF MERCER ISLAND

PCB 26-05  
May 13, 2026  
Special Business

## AGENDA BILL INFORMATION

<b>TITLE:</b>	PCB 26-05: Briefing on Development Code Amendments: land capacity: zoning map, Town Center boundary and subareas, height increases, permitted uses, design standards, consistency	<input checked="" type="checkbox"/> Discussion Only <input type="checkbox"/> Action Needed: <input type="checkbox"/> Motion <input checked="" type="checkbox"/> Recommendation
<b>RECOMMENDED ACTION:</b>	Receive Report – No Action Necessary	

<b>STAFF:</b>	Alison Van Gorp, CPD Deputy Director Adam Zack, Principal Planner
<b>EXHIBITS:</b>	1. Initial Draft Development Code Amendments

## EXECUTIVE SUMMARY

The purpose of this agenda item is to brief the Planning Commission on the Station Subarea Plan Goals and Policies. Planning Commission comments on the draft goals and policies are due on May 11.

- The City completed a periodic review and update of the Mercer Island Comprehensive Plan, which was adopted by the City Council on November 19, 2024 ([AB 6573](#)).
- The 2024 Comprehensive Plan was appealed to the GMHB on the grounds that the Comprehensive Plan did not adequately plan for and accommodate future affordable housing needs (GMHB case number 25-3-0003). On August 1, 2025, the GMHB issued a final decision and order (GMHB Order).
- The GMHB Order found that the City must make changes to its Comprehensive Plan to comply with the Washington State Growth Management Act (GMA).
- The City Council has provided directions for addressing compliance with the four issues in the GMHB Order at the following meetings:
  - [January 16, 2026 – AB 6838](#)
  - [February 17, 2026 – AB 6865, AB 6866, and AB 6871](#)
  - [March 17, 2026 – AB 6888 and AB 6894](#)
  - [April 21, 2026 – AB 6909 and AB 6911](#)
- The City is required to update its Comprehensive Plan and adopt a Station Subarea Plan in order to comply with the GMHB Order.
- Development regulation amendments to implement the Comprehensive Plan and Station Subarea Plan need to be made concurrently with the Comprehensive Plan update.
- The draft development code amendments are provided in Exhibit 1.
- Planning Commission comments on the drafts of the Station Subarea Plan, Land Use Element, Housing Element, and Economic Development Element are due by 4:00 PM on May 18.

## BACKGROUND

Background materials are provided on the [City's Let's Talk page](#). A summary of previous agenda materials is outlined below:

### January 16, 2026

- [AB 6838](#): Compliance with [Growth Management Hearings Board Final Decision and Order](#) related to the City of Mercer Island Periodic Update to the Comprehensive Plan Overview of City Council Planning Session.

### February 17, 2026

- [AB 6865](#): Compliance with Growth Management Hearings Board Final Decision and Order Related to the City of Mercer Island Periodic Update to the Comprehensive Plan
- [AB 6866](#): GMA Compliance Public Engagement Plan
- [AB 6871](#): Legislative Review Alternatives to Help City Meet GMHB Order Compliance Deadline (Ordinance No. 26C-03 First Reading)

### March 3, 2026

- [AB 6893](#): Compliance with Growth Management Hearings Board Order – Follow-Up Discussion on Financing Affordable Housing
- [AB 6890](#): Legislative Review Alternatives to Help City Meet GMHB Order Compliance Deadline (Ordinance No. 26C-03 Second Reading)

### March 17, 2026

- [AB 6888](#): Final Approval of the Modified Station Subarea Boundary
- [AB 6894](#): Update on the Growth Management Hearings Board Order – GMA Compliance Work Plan

### March 25, 2026

- [PCB26-01](#): Briefing on the Growth Management Hearings Board Order and steps to achieve Growth Management Act compliance

### April 21, 2026

- [AB 6909](#): GMA Compliance – Policy Direction on Development Code Amendments
- [AB 6911](#): GMA Compliance – Legislative Review Process

### April 28, 2026

- [PCB26-02](#): Planning Commission Legislative Review Process
- [PCB26-03](#): Briefing on Station Subarea Plan Goals and Policies

### May 6, 2026

- [PCB 26-04](#): Briefing on Comprehensive Plan Elements and Station Subarea Plan

## ISSUE/DISCUSSION

City staff will brief the Planning Commission on the draft development code amendments. Specifically, the briefing will focus on the development code amendments related to the zoning changes in Town Center, including zoning map, Town Center boundary and subareas, height increases, permitted uses, design standards, and internal consistency. The Planning Commission will have the opportunity to ask questions about the drafts. The purpose of the briefing is to prepare the commissioners to provide comments on the drafts. The next briefing on May 20 will focus on the remainder of code amendments, including those for

inclusionary zoning, fee-in-lieu of affordable housing, and siting group housing (i.e., permanent supportive and emergency housing).

The Planning Commission comments on the draft development code amendments are due May 25. Please send your comments to Adam Zack, Principal Planner by 4:00 PM on Monday, May 25 ([Adam.Zack@MercerIsland.gov](mailto:Adam.Zack@MercerIsland.gov)). Comments received by the deadline will be entered into a comment matrix and provided to the Planning Commission by in the next Planning Commission packet. Staff responses to the comments will be provided in advance of the public hearing and the Planning Commission will review the comment matrix and decide which amendments to recommend, if any, during their public hearing on June 3, 2026.

## NEXT STEPS

Comments on the draft development code amendments are due the end of the day on May 25, 2026.

May 13 – Planning Commission briefing on development code amendments: land capacity zoning changes.

May 20 – Planning Commission briefing on development code amendments: inclusionary zoning, fee in lieu of affordable housing and STEP housing

May 26 – Planning Commission comments on draft development code amendments are due.

May 27 – Planning Commission briefing on Comprehensive Plan Elements: Transportation, Capital Facilities, and Utilities.

June 1 – Planning Commission comments on the Transportation, Capital Facilities, and Utilities elements are due.

June 3 – Planning Commission public hearing – to be continued to June 10

June 10 – Planning Commission public hearing and recommendation

June 16 – Planning Commission recommendation is delivered to the City Council.

## RECOMMENDED ACTION

Receive Report. No action necessary.

# Title 19 MICC

## Chapter 19.03 MICC – Multiple Family

### MICC 19.03.020 – PARKING REQUIREMENTS

- A. Parking lot dimension. All parking areas shall conform to the design standards set out in appendix A of this development code. Residential uses are subject to the provisions of MICC 19.03.020(C).
- B. Except as otherwise provided in this chapter, each lot shall also meet the following parking requirements.
1. Off-street parking shall be established and maintained at a minimum ratio of two parking spaces for each unit in a multiple-family dwelling.
  2. Parking shall not be allowed in front yard setbacks.
  3. Group parking areas shall be screened from view from streets and adjoining properties at pedestrian eye level. If screening consists of solid planting, it shall be of evergreen variety and shall constitute a solid planting within three years.
  4. Notwithstanding any of the minimum parking requirements set out in this subsection, the code official may grant variances from the minimum parking requirements with the approval of the city engineer. The variance may be granted based on review of detailed information provided by the applicant that includes a description of the physical structure(s), identification of potential uses, and analysis of likely parking demand.
  5. All off-street parking areas shall be graded and surfaced to a standard comparable to the street which serves the parking area. The parking area shall be developed and completed to the required standards before an occupancy permit for the building to be served is issued. All traffic control devices such as parking strips designating car stalls, directional arrows or signs, bull rails, curbs and other structures shall be installed and completed as shown on the approved plans. Hard surfaced parking area shall use paint or similar devices to delineate parking stalls and directional arrows.
  6. Off-street parking shall be located on the same lot or on an adjoining lot or lots to the building to be served, except that off-street parking may be located in an area beginning within 500 feet of the front entrance of the building to be served; provided, there are no intersecting streets between the parking area and building to be served.
  7. The city engineer shall have the authority to fix the location and width of vehicular entrances and exits to and from property, and to alter existing entrances and exits as may be required to control street traffic in the interest of public safety and general welfare.

8. Off-street parking shall meet the relevant state design standards for the physically handicapped.
9. Up to 50 percent of the required off-street parking spaces may be designed for accommodating compact vehicles. Such parking spaces shall be clearly designated as compact stalls. The percentage of compact stalls permitted may be increased based on review of detailed information provided by the applicant that includes a description of the physical structure(s), identification of potential uses, and analysis of likely parking demand.

C. Residential development parking standards.

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

## Chapter 19.06 MICC – General Regulations

### MICC 19.06.080 – SITING OF GROUP HOUSING.

#### A. *Special needs group housing.*

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

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

#### B. *Social service transitional housing.*

1. ~~Permitted.~~ Social service transitional housing is permitted in all zones subject to the following conditions; when authorized by the issuance of a conditional use permit (CUP). Review of the conditional use permit application will be based upon the criteria set forth in MICC 19.15.100 and the supplemental criteria set forth in subsection (B)(3) of this section.
  - a. The facility and program secures and maintains all licenses and/or approvals as required by the state or federal government;
  - b. The facility shall comply with all applicable construction codes set forth in MICC title 17, including maximum occupancy restrictions; and

c. The facility has adequate off-street parking as determined by the city engineer based on review of detailed information provided by the applicant that includes a description of the physical structure(s), identification of potential uses, and analysis of parking demand. Social service transitional housing shall not be required to provide more parking than other residential uses in the subject zone.

2. *Exceptions.*

a. *Exemption from notice requirements.* If the police chief determines that the safety of the intended residents in a domestic violence shelter will be compromised by CUP public notice requirements established in Chapter 19.15 MICC, they may be waived.

b. A domestic violence shelter is not required to comply with subsection (B)(3)(c) of this section, which requires a 600-foot setback.

c. Social service transitional housing facilities that house persons with familial status and persons with handicaps within the meaning of the FHAA is permitted in all zones pursuant to subsection A of this section, and are not required to obtain a CUP.

3. Following permit approval and prior to issuance of a certificate of occupancy, the applicant must certify in writing that is has performed the following actions:

a. Provide the City with the name, if any, of the facility and the name and headquarters address of the managing entity;

b. Provide the City with a description of any other programs operating in the building and copies of the applicable licenses and certifications held by the program;

c. Notify residents within 500 feet of the social service transitional housing;

d. Conduct at least one public meeting;

e. Designate at least one point of contact authorized to make decisions and take corrective action in the case of an emergency and provide the City and residents within 500 feet with at least one telephone number to be used in emergencies.

f. Provide the City with documentation of the sponsor's or managing agency's operational policies or procedures for:

1. Promoting and addressing health and safety inside the building and in areas immediately adjacent to the building;

2. Admissions, including a description of the populations the project will serve and potential sources of referral;

- 3. Program exit or transfer;
- 4. Handling complaints and grievances from occupants;
- 5. Health, fire, safety, and occupancy; and
- 6. Staffing to provide services and resources to the population being served comparable to standard or customary practices for the particular type of housing being provided. The staffing policy or procedure may include, but is not limited to, the number of staff or volunteers present during daytime and nighttime operations, staff or volunteer training, and other processes to provide services and resources to the populations being served.
- g. The written certification by the sponsor or managing entity constitutes full compliance with (a) through (f) of this subsection. Nothing in this subsection prohibits the sponsor or managing agency from voluntarily updating any of the information submitted under (a) through (f) of this subsection.

3. ~~Supplemental conditional use criteria.~~

- a. ~~A determination made by the police chief as to whether a tenant may be a threat to the health or safety of others or whether an individual's tenancy is likely to result in significant physical damage to the property of others, and, if so, whether conditions can be attached to satisfactorily control those risks.~~
- b. ~~The facility is at least 1,000 feet from any other facility under this classification.~~
- c. ~~The facility is at least 600 feet from the property line of educational or recreational facilities where children are known to congregate, including but not limited to any public park, the I-90 Trail, churches or synagogues, schools, licensed daycares, the Mercer Island Branch of the King County Library, public pools, the Mercerwood Shore Club, Mercer Island Beach Club, the Jewish Community Center, Mercer View Community Center, or the Boys and Girls Club.~~
- d. ~~The facility and program secures and maintains all licenses and/or approvals as required by the state or federal government.~~
- e. ~~The facility shall comply with all applicable construction codes set forth in MICC title 17, including maximum occupancy restrictions.~~
- f. ~~The program will be operated under the authority of a reputable governing board or social service or government agency or proprietor, to whom staff are responsible and who will be available to city officials, if necessary, to resolve concerns pertaining to the facility.~~
- g. ~~The facility shall operate under a written management plan, including a detailed description of staffing, supervision, and security arrangements~~

~~appropriate to the type and number of clients and to its hours of operation, which shall be submitted to and approved by the city prior to the first occupancy by any person intended to be served by the facility.~~

- ~~h. The facility has adequate off-street parking. The code official may require the applicant to submit a traffic study.~~
- ~~i. The city shall determine the number of dwelling units or occupancy rooms or suites permitted in the proposed facility based on the following criteria:
 
  - ~~i. The specific nature of the occupancy and the persons that will be housed in the proposed facility.~~
  - ~~ii. The size of the dwelling units or occupancy rooms or suites and the specific configuration of the facilities within these units, rooms, or suites.~~
  - ~~iii. The impacts on nearby residential uses of the proposed facility.~~~~
- ~~4. *Appeal.* The conditional use permit decision made under subsection B of this section may be appealed pursuant to MICC 19.15.130.~~

[ ... ]

### **MICC 19.06.XXX – AFFORDABLE HOUSING [NEW SECTION]**

A. *Applicability.* This section applies to development of affordable housing units in all zones.

B. *Design elements.*

1. The affordable housing units shall generally be intermingled with all other dwelling units in the development and are not required to be located on the top story or bonus stories.
2. The tenure (owner- or renter-occupied) of the affordable housing units shall be the same as the tenure of the rest of the dwelling units in the development.
3. The affordable housing units shall consist of a mix of the unit types (by number of bedrooms) that is generally proportionate to the mix of units in the overall development.
4. Affordable units may not be smaller than other units with the same number of bedrooms in the development, unless the code official determines that rooms within the affordable units provide adequate space for their intended use. In no case shall the affordable units be more than ten percent smaller than the market-rate units having the same number of bedrooms in the development, or less than 500 square feet if a studio unit, 600 square feet if a one-bedroom unit, 800 square feet if a two-bedroom unit, 1,000 square feet if a three-bedroom unit, or 1,200 square feet if a four-bedroom unit; whichever is less.
5. The exteriors of the affordable housing units must be compatible with and comparable in quality to the rest of the dwelling units in the development and shall

comply with any design standards for the underlying zoning district. The interior finish of the affordable units shall, at a minimum, be comparable to entry level rental or ownership housing in the development.

C. Availability. The affordable housing units shall be available for occupancy in a time frame comparable to the availability of the rest of the dwelling units in the development.

D. Agreement. Prior to issuance of a building permit, an agreement in form and substance acceptable to the city attorney shall be executed providing price restrictions, homebuyer or tenant qualifications and long-term affordability. The agreement shall be recorded with King County department of records and elections and shall constitute a covenant running with the land. Affordable housing units shall remain as affordable housing for a minimum of 50 years from the date of initial owner occupancy for owner affordable units and for the life of the project for rental affordable housing units. At the sole discretion of the code official, the city may approve a shorter affordability time period for owner-occupied affordable housing, not to be less than 30 years, in order to meet federal financial underwriting guidelines.

1. The agreement shall provide the city sole discretion to establish monitoring fees for the affordable units, which fees may be adjusted over time to account for inflation. The purpose of any monitoring fee is for the review and processing of documents to maintain compliance with income and affordability restrictions of the affordability agreement.

2. The city may agree, at its sole discretion, to subordinate any affordable housing regulatory agreement for affordable ownership units for the purpose of enabling the owner to obtain financing for development of the property.

E. Alternative Compliance.

1. The Code Official may approve a request to deviate from providing the affordable housing unit on site if the applicant provides a cash payment of a fee in lieu of constructing affordable housing units.

2. Timing. Application for and approval by the Code Official for alternative compliance must be granted prior to issuing a building permit for the project, unless otherwise permitted by the Code Official.

3. Alternative Compliance Agreement. An agreement setting the terms for alternative compliance, including the number of affordable housing units subject to alternative compliance and the fee in lieu cash payment amount must be executed between the City and Applicant and recorded with King County prior to issuing a building permit for the project. The agreement must indicate that the fee in lieu cash payment has been agreed to and is due upon sale or transfer of property, or issuance of the certificate of occupancy, whichever occurs first.

4. Fee in Lieu. Cash payment of a fee in lieu of constructing affordable housing units may be provided and will be used only for the subsequent provision of affordable housing units by the City or other housing provider approved by the City Manager.

- a. Fee Amount and Payment. The following requirements apply to the collection and use of the fee in lieu cash payments received pursuant to this section:
- i. The fee in lieu cash payment amount is specified in the City's fee schedule.
  - ii. The payment obligation will be calculated based on the fee schedule in effect at the time the Alternative Compliance Agreement is executed.
  - iii. The payment obligation is due upon sale of the subject parcel or issuance of the certificate of occupancy, whichever occurs first.
  - iv. The city may impose an application fee, as provided in the city's adopted fee schedule, to cover the reasonable cost of administration of the fee in lieu program. The fee is not refundable and is collected from the applicant of the development activity permit at the time of permit issuance.
  - v. Any appeal of the decision of the city regarding the calculation of fee amounts shall follow the process for the appeal of the underlying development application, as set forth in the Mercer Island City Code.
- b. Fee schedule, review of schedule and updates.
- i. The fee in lieu shall be adopted in the City's fee schedule based on the most recent rate study approved by the city council and updated annually thereafter as described in this section.
  - ii. Fee in lieu rates shall be updated annually using the following procedures:
    - A. The code official shall use the Construction Cost Index for Seattle (June-June) published by the Engineering News Record to calculate annual inflation adjustments in the fee in lieu rates. The fee in lieu rate shall not be adjusted for inflation should the index remain unchanged.
    - B. The updated fee in lieu rates shall be effective January 1.
  - iii. The code official shall review the fee in lieu rate annually to determine if a new fee in lieu rate study is necessary and recommend to the city council when a new study should be prepared.
- c. Deposit of Fees. All in-lieu fees collected hereunder shall be deposited in a housing fund. The fund shall be administered by the City and shall be used only for the purpose of providing funding assistance for the provision of affordable housing units and the reasonable costs of administration

consistent with the policies and programs contained in the housing element of the comprehensive plan.

- F. Impact fees. Affordable housing may be exempt from impact fees pursuant to MICC 19.17.090, 19.18.070, and 19.19.070.

## Chapter 19.11 MICC

### **MICC 19.11.010 – GENERAL RESERVED.**

- ~~A. **Applicability**. This chapter establishes development and design standards for the Mercer Island Town Center (TC) zone, the location and boundaries of which are set forth in MICC 19.01.040 and appendix D, the Mercer Island Zoning Map. The general purpose of this chapter is to implement the land use policies of the Mercer Island comprehensive plan for the area referred to as the Town Center. The development and design standards are not intended to slow or restrict development, but rather to add consistency and predictability to the permit review process.~~
- ~~B. **User guide**. The Town Center is divided into subareas mostly for the purpose of regulating maximum height limits. A two-story height limit applies throughout the Town Center. Only by providing certain benefits to the community can a development project add additional stories up to the maximum height allowed in the particular subarea. These community benefits include affordable housing; green building features; stepping back of upper stories to reduce building mass and maintain light and air; provision of public open spaces as gathering places; and provision of through-block pedestrian connections to break up larger blocks and enhance pedestrian access.~~
- ~~C. **Town Center vision**. The Town Center vision found in the Mercer Island comprehensive plan is adopted herein by reference.~~
- ~~D. **Design vision**.~~
- ~~1. **Development and design standards**. The development and design standards that follow are intended to enhance the Town Center for pedestrians and develop a sense of place. To accomplish this vision, new or redevelopment is encouraged to orient buildings toward the public right-of-way with buildings brought forward to the sidewalk or landscaped edge; parking placed behind buildings and in less visible areas or underground; design structures with varied mass and scale, modulation of heights and wall planes; and pedestrian through-block connections that will break up very large or long blocks for improved pedestrian circulation from one side of the block through to the other side.~~
  - ~~2. **Function**. The design of buildings, structures and streetscapes within the Town Center is intended to support a built environment that is convenient and accessible to pedestrians, motorists, bicyclists and public transit users. Development should enhance the Town Center as a vibrant, healthy, mixed use downtown that serves as the city's retail, business, social, cultural and entertainment center and ensures the commercial and economic vitality of the area. New or redevelopment should increase the attractions and pedestrian amenities that bring residents to the Town Center, including local shopping, services, offices, specialty retail, restaurants,~~

residences, festivals, special events, and entertainment. Outdoor spaces should function as social settings for a variety of experiences, adding to the comfort of life in Mercer Island, while maintaining a human scale and an ability for easy pedestrian circulation.

3. ~~*Site features.* New or redevelopment should include public amenities, such as storefronts with canopies, street trees, greenery, seating, fountains or water features, outdoor cafes, sculpture or other forms of art, and places for gathering and lingering. The use of materials, color, texture, form and massing, proportion, public amenities, mitigation of environmental impacts, landscaping and vegetation, and architectural detail should be incorporated in the design of new or redevelopment with the purpose of supporting a human scale, pedestrian-oriented Town Center. New or redevelopment shall be coordinated and consistent with the downtown street standards.~~
4. ~~*Pedestrian orientation.* Pedestrian-oriented and customer intensive retail businesses and offices are encouraged to locate on the street level to promote active use of sidewalks by pedestrians, thus increasing the activity level and economic viability of the Town Center. New or redevelopment should also enhance and support a range of transportation choices and be designed to maximize opportunities for alternative modes of transportation and maintain individual mobility. Even with a healthy variety of development in the Town Center, each individual development or redevelopment project shall favor the pedestrian over the automobile in terms of site design, building placement and parking locations.~~
5. ~~*Scale.* The applicant should consider how the structure and site development will be viewed from the street and adjacent properties. Scale is not simply the size of the buildings, it is the proportion of buildings in relationship to each other, to the street and to the pedestrian environment.~~
6. ~~*Form.* Building forms that do not present visual mass impacts that are out of proportion to the adjoining structures, or that appear from the street or sidewalk as having unmodulated visual mass are encouraged. Building additions should complement the original structure in design.~~
7. ~~*Style.* The objectives and standards do not set or encourage a particular style of architecture or design theme. However, these design standards aim to encourage designs that are pedestrian in scale and encourage design features such as sloped roof lines; distinctive building shapes; integration of art, textures, and patterns; treatment of pedestrian and public spaces; interface with the public right-of-way; landscaping; signage and facade treatments.~~

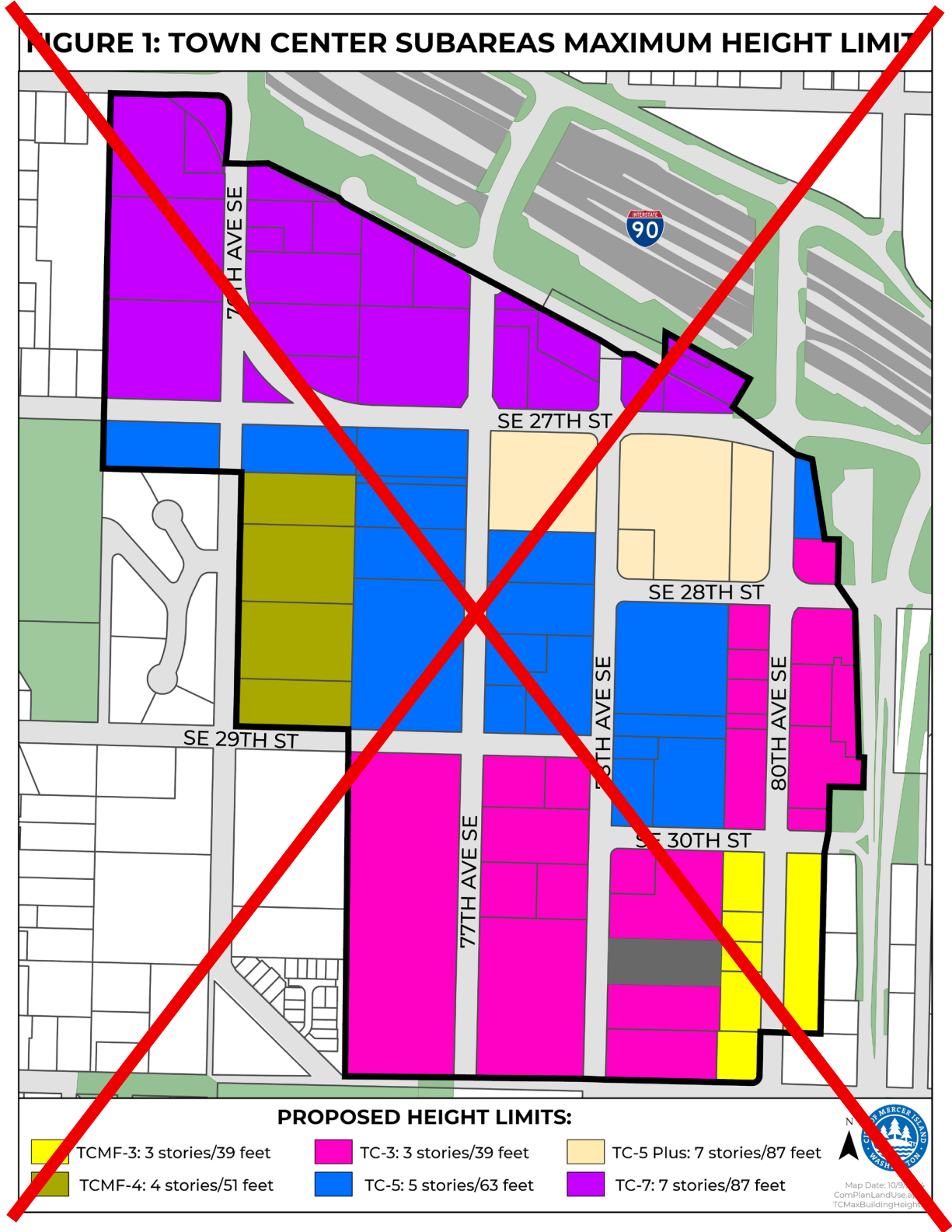
### **MICC 19.11.015 – TOWN CENTER SUBAREAS.**

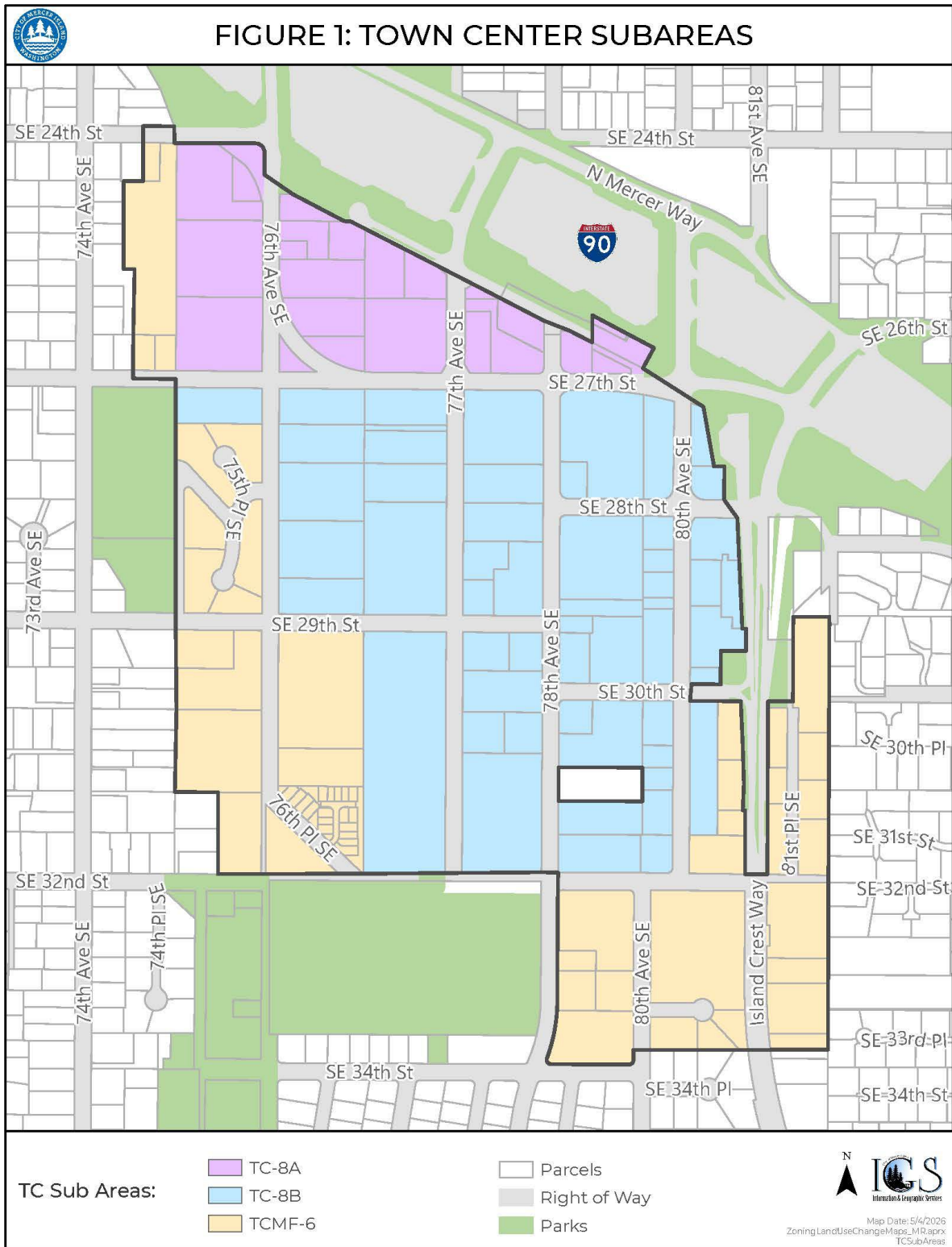
- A. ~~*Intent.* The primary intent of establishing subareas within the Town Center is to provide differing building height standards and land uses within the Town Center. Buildings within the Town Center are limited to two stories in height unless community benefits are provided as discussed throughout this chapter. The purpose of the different height standards is to locate taller buildings on the north end of the Town Center, and step down building height through the center to the south end of Town Center, bordering Mercerdale Park.~~

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

1. *TC-78 subarea.* The purpose of the TC-78 subarea is to create a focused mixed use core, oriented toward pedestrian connections and regional transit access. A broad mix of land uses is allowed. Buildings may be up to ~~seven~~ eight stories in height. The TC-8 subarea is divided into TC-8A and TC-8B with the difference being the allowed uses in TC-8A and TC-8B established in MICC 19.11.020 are different.
2. *TCMF-6 subarea.* The purpose of the TCMF-6 subarea is to provide for primarily multifamily residential housing of up to six stories. Street-oriented housing, live/work units and limited retail uses are allowed at the street level.  
  
~~*TC-5 subarea.*~~ The purpose of the TC-5 subarea is to be a transition between the taller buildings in the TC-7 subarea and the lower structures in the TC-3 and TCMF-3 subareas. A broad mix of land uses is allowed. Buildings may be up to five stories in height.
3. ~~*TC-5 plus subarea.*~~ The purpose of the TC-5 Plus subarea is to be a transition between the taller buildings in the TC-7 subarea and the TC-5 subarea. A broad mix of land uses is allowed. Buildings may be up to seven stories in height with the provision of additional affordable housing units and public open space.
4. ~~*TC-3 subarea.*~~ The purpose of the TC-3 subarea is to create an area of transition between the Town Center and adjacent residential neighborhoods. A broad mix of land uses is allowed. Buildings may be up to three stories in height.
5. ~~*TCMF-4 (Multifamily residential) subarea.*~~ The purpose of the TCMF-4 subarea is to provide for primarily multifamily residential housing of up to four stories. Street-oriented housing, live/work units and limited retail uses are allowed at the street level.
6. ~~*TCMF-3 (Multifamily residential) subarea.*~~ The purpose of the TCMF-3 subarea is to provide for primarily multifamily residential housing of up to three stories. Street-oriented housing, live/work units and limited retail uses are allowed at the street level.

**FIGURE 1 — TOWN CENTER SUBAREAS AND MAXIMUM HEIGHT LIMIT**





**MICC 19.11.020 – LAND USES.**

A. Permitted and conditional uses.

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

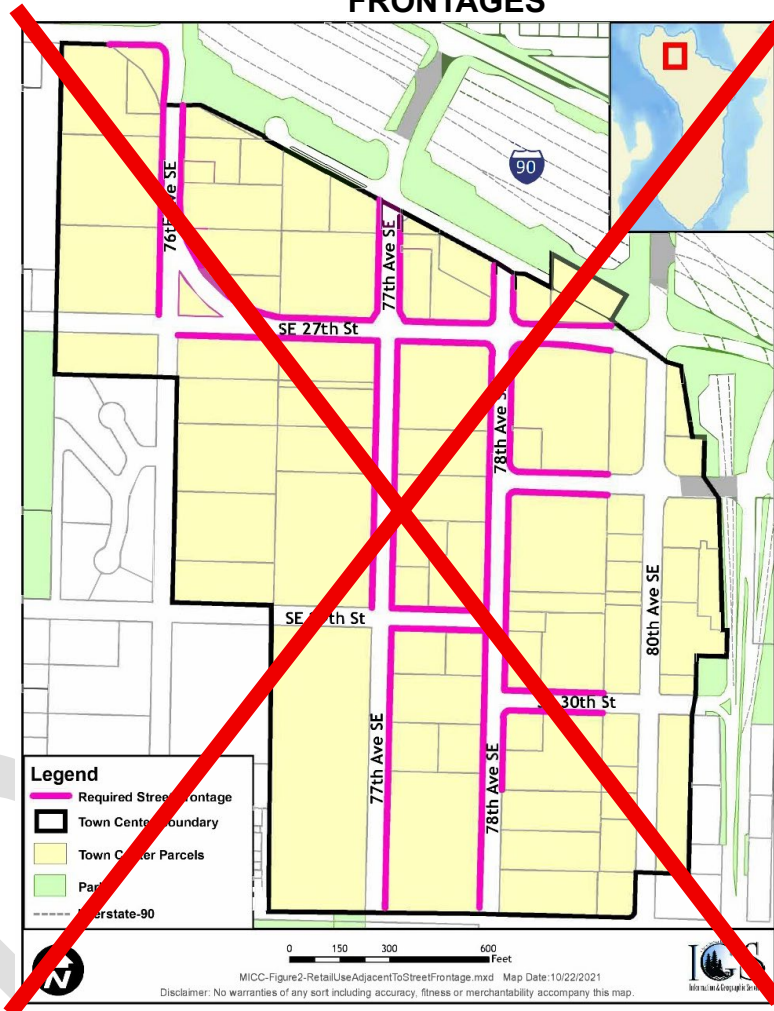
Use	TC-8A	TC-8B	TCMF-6	TC-7	TC-5 TC-5 Plus	TC-3	TCMF-3	TCMF-4
Adult entertainment	C	N	N	G	N	N	N	N
Bar	P	P	N	P	P	P	N	N
Care services	P	P	C	P	P	P	G	G
Hotel/motel	P	P	C	P	P	P	G	G
Live/work units	C	C	P	G	G	G	P	P
Manufacturing	C	C	N	G	G	G	N	N
Office	P	P	C	P	P	P	G	G
Parking, not associated with an on-site use	C	C	N	G	G	G	N	N
Public facility	P	P	C	P	P	P	G	G
Recreation	P	P	C	P	P	P	G	G
Residential dwelling	P	P	P	P	P	P	P	P
Restaurant	P	P	P	P	P	P	P	P
Retail — small scale	P	P	P	P	P	P	P	P
Retail — large scale (> 20,000 square feet)	C	C	N	G	G	G	N	N
Retail — outdoors	C	C	N	G	G	G	N	N
Rooming houses	P	P	P	P	P	P	P	P
Service	P	P	P	P	P	P	P	P
Social service transitional housing	P	P	P	G	G	G	G	G
Special needs group housing	P	P	P	P	P	P	P	P
Transportation/utilities (including automobile service stations)	P	P	P	P	P	P	P	P
Warehousing	N	N	N	N	G	N	N	N
C — Conditional Use    P — Permitted    N — Not Allowed								

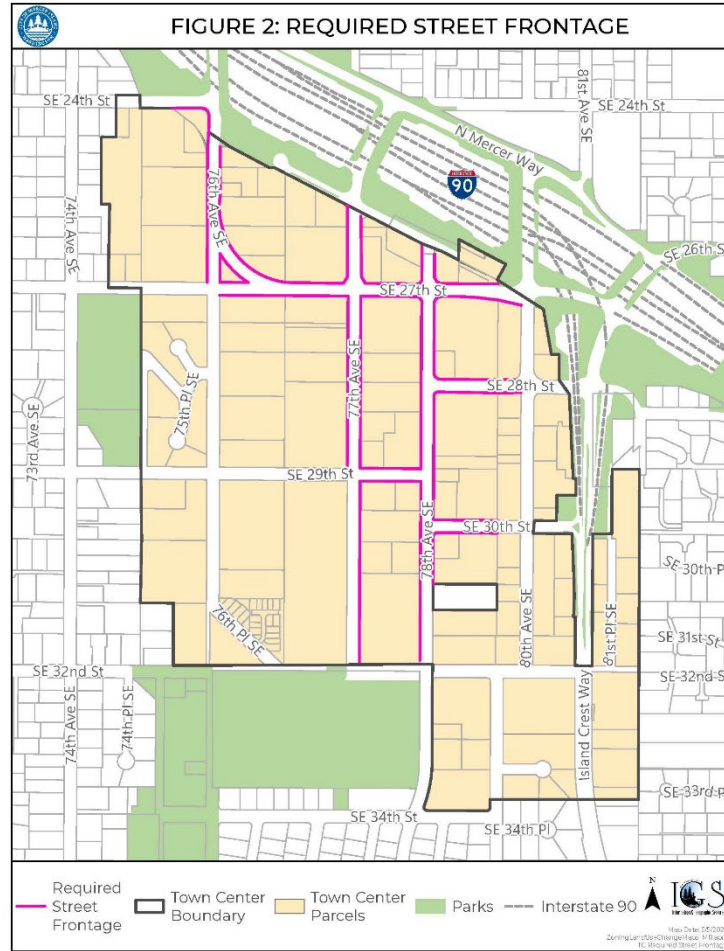
2. *North American Industry Classification System.* Questions as to the inclusion or exclusion of a particular use shall be determined by the code official based on North American Industry Classification System (NAICS) — United States, published by the U.S. Department of Commerce.

B. Required ground floor street frontage uses.

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

**FIGURE 2 — USES REQUIRED ADJACENT TO GROUND FLOOR STREET FRONTAGES**



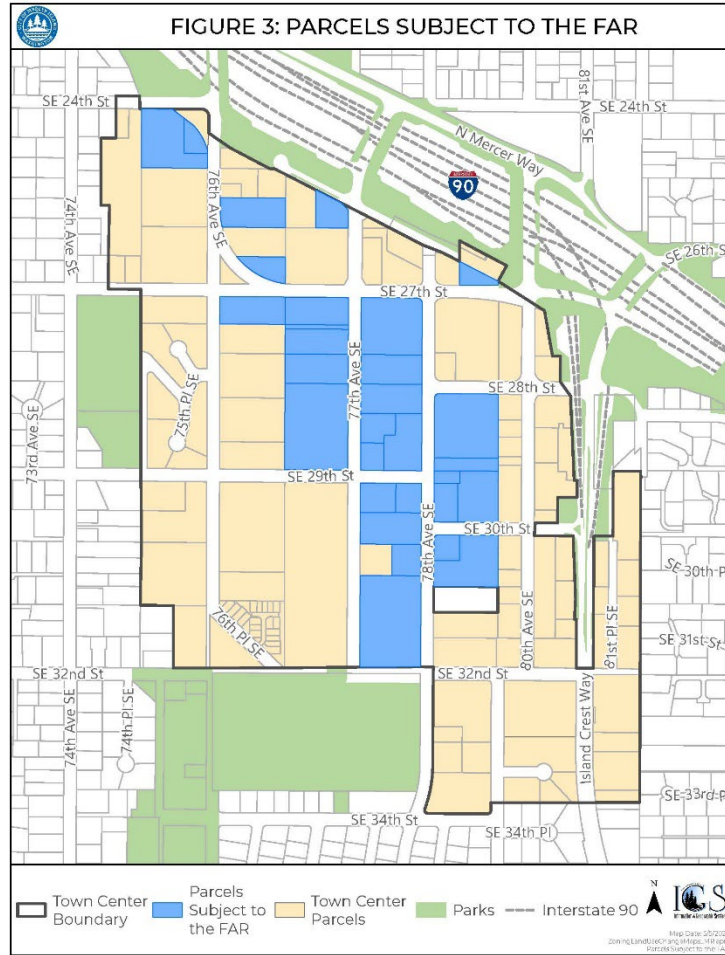


- a. No use shall occupy a continuous linear street frontage exceeding 60 feet in length, with the exception of museum and art exhibition and/or theater uses. An additional 20 feet in length may be approved if the use incorporates an additional pedestrian entrance onto a sidewalk or through-block connection, or additional ten percent transparency beyond the requirement of Subsection 19.11.100(B)(1)(b).
  - b. The minimum required depth of uses along street frontages is 16 feet.
  - c. Required driveways, service and truck loading areas, parking garage entrances, and lobbies shall be permitted.
2. The identified parcels as shown on Figure 3 are required to provide a minimum floor area ratio (FAR) equivalent to 0.2623 of the gross lot area as provided by King County for ground floor street frontage for retail, restaurant, personal service, museum and art exhibition, theater, bar, financial and insurance service, recreation, and/or service station uses, as defined by Section 19.16.010, upon redevelopment. For the purposes of determining redevelopment, the value of redevelopment shall be an amount equal to or greater than 50 percent of the total

assessed improvement value at the time of the application for redevelopment, as determined by King County.

**FIGURE 3 — PARCELS SUBJECT TO FAR REQUIREMENT FOR GROUND FLOOR USES**

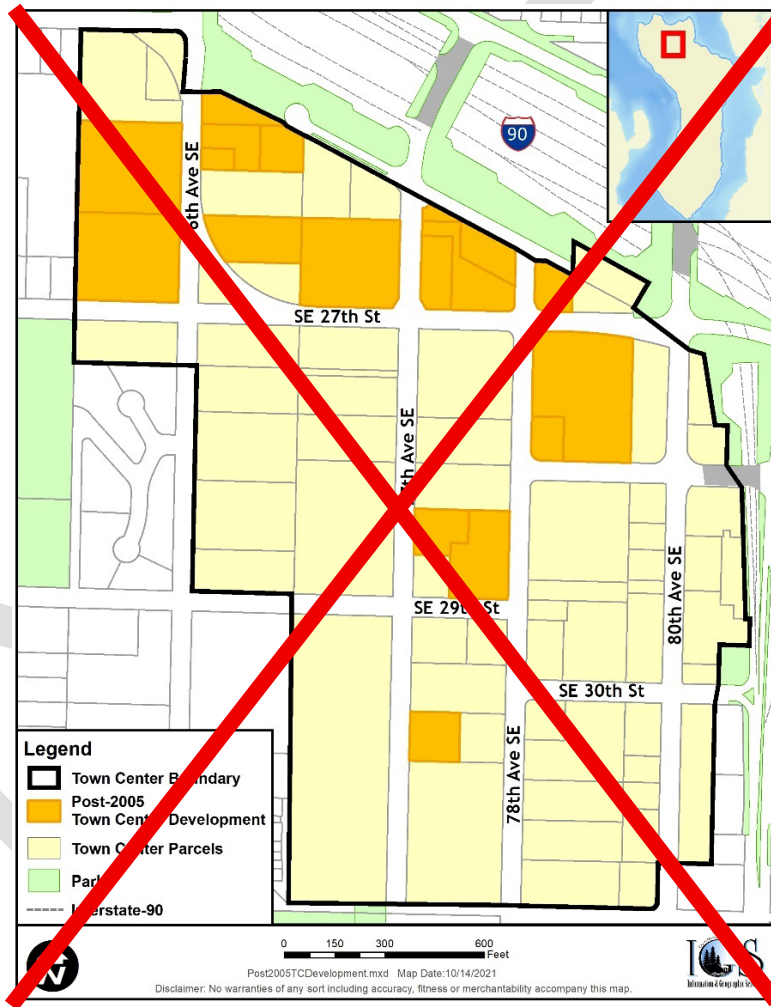


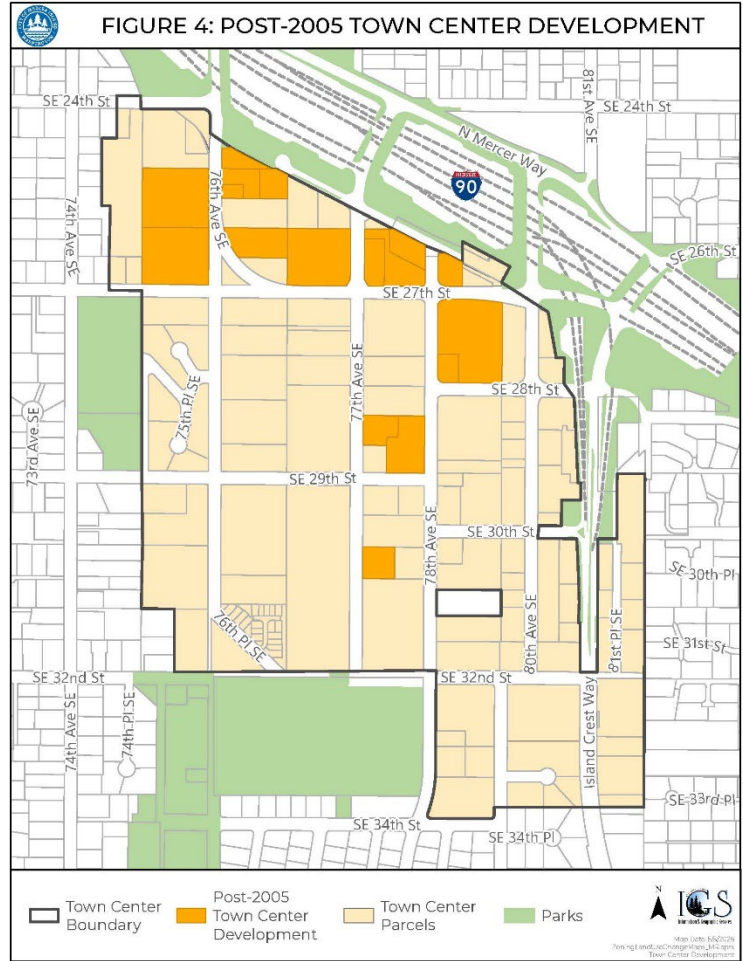


- a. When a FAR calculation results in a fraction, the fraction shall be rounded to the nearest whole number as follows:
  - i. Fractions of 0.50 or above shall be rounded up to the closest whole number; and
  - ii. Fractions below 0.50 shall be rounded down to the closest whole number.
  
- b. Each individual museum and art exhibition or theater use shall be limited to a contributing cap of 5,000 square feet towards the achievement of the total minimum ground floor FAR requirement for the corresponding site. For example, a site with a minimum FAR requirement of 20,000 square feet may only have one of these identified uses contribute a maximum of 5,000 square feet towards the necessary minimum through a 1:1 contribution. The remaining 15,000 square feet of ground floor street frontage must come from retail, restaurant, personal service, bar, financial and insurance service, recreation, and/or service station uses as defined in Section 19.16.010.

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

**FIGURE 4 — PARCELS SUBJECT NO NET LOSS REQUIREMENT FOR GROUND FLOOR USES**





4. A review of these requirements shall occur five years from the date of ordinance adoption or after 75,000 gross square feet of floor area for ground floor retail, restaurant, personal service, museum and art exhibition, theater, bar, financial and insurance service, recreation, and/or service station uses adjacent to street frontages has been authorized through building permit issuance.

C. Accessory uses.

1. *Outdoor storage and display of merchandise.* The total area allowed for outdoor storage and/or merchandise display shall be less than five percent of the total gross square footage of the use; provided, however, that such area may exceed five percent if it is fully screened. This standard does not apply to temporary uses such as material storage during construction or street vendors.
2. *Commerce on public property.* Commerce on public property may be allowed pursuant to MICC 19.06.050.
3. *Transit facilities.* Bus parking/loading space, and shelters and facilities for transit users shall be provided in the design of major new construction. Plans must be

coordinated with transit providers to maximize the interface with community-wide and regional transit systems.

4. *Bicycle facilities.* Parking and facilities that support bicycle use, including racks, covered and secured bike-storage areas, and, in the case of office buildings, lockers and showers, must be included in the design of major new construction.
5. *Utility and equipment cabinets.* Existing or proposed utility and equipment cabinets or boxes, including wireless communication facilities, shall be placed inside a building or placed underground, if physically feasible. In the event the city determines such location is not physically feasible, the utility and equipment cabinets must be screened by fencing, landscaping and/or stealth screening technologies so that they are not visible.

**MICC 19.11.030 – BULK REGULATIONS.**

A. Bulk regulations by subarea.

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

	<u>TC-8A and TC-8B</u>	<u>TCMF-6</u>	<u>TC-7</u>	<u>TC-5 and TC-5 Plus</u>	<u>TC-3</u>	<u>TCMF-3</u>	<u>TCMF-4</u>
Base Building Height Allowed			27 Feet	27 Feet	27 Feet	27 Feet	27 Feet
Base Stories Allowed			2	2	2	2	2
Maximum Allowable Building Height	<u>105 Feet</u>	<u>78 Feet</u>	87 feet	TC-5: 63 Feet TC-5 Plus: 87 Feet	39 Feet	39 Feet	51 Feet
	Up to 5 additional feet allowed for parapet and/or sloped roof.						
Maximum Allowable Building Stories	<u>8</u>	<u>6</u>	7	TC-5: 5 TC-5 Plus: 7	3	3	4
Ground Floor Height Adjacent to Streets	<u>15 feet minimum, 27 feet maximum</u>	<u>N/A</u>	15 feet minimum, 27 feet maximum		N/A	N/A	N/A
Setback from Property Lines	No minimum setback required except where necessary to provide landscaping, facade modulation, through-block connection or an easement for required sidewalk width.						
Required Upper Story	All street frontages are subject to the average daylight plane standards described in <del>subsection (A)(7)</del> of this section.						

Setback (Average Daylight Plane)	
-------------------------------------	--

~~2. **Base building height.** A base building height of up to two stories (not to exceed 27 feet) shall be allowed. One-story structures located adjacent to the public right-of-way in the TC 7, TC 5, TC 5 Plus and TC 3 subareas shall be a minimum of 15 feet and may be as tall as 27 feet.~~

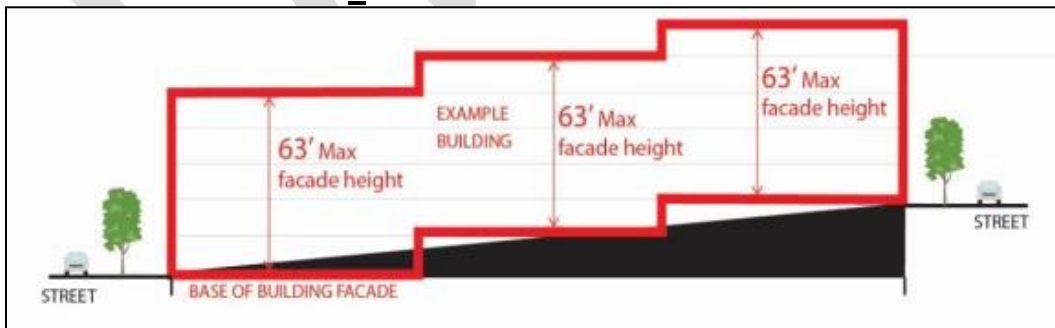
23. Calculation of building height.

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

ab. The maximum allowable building height in subsection (A)(1) of this section shall be calculated as the vertical distance measured from the base of a building facade to the highest point of the roof structure excluding appurtenances. The base of the building facade shall be measured from the adjacent public sidewalk if applicable, or from the lower of existing or finished grade along building facades that are not adjacent to a public sidewalk. See Figure 45.

eb. If the bases of the opposite building facades are at approximately the same elevation, then the building height at any point between the facades can never exceed the maximum permitted building height. If the bases of the opposite building facades are not at approximately the same elevation, then the building must be configured to go down in height as between the higher and lower facades in a manner similar to Figure 4 or in an equivalent manner such that the average of the building heights calculated between the facades is approximately equal to or less than the maximum permitted building height.

**FIGURE 45 — MAXIMUM BUILDING HEIGHT**



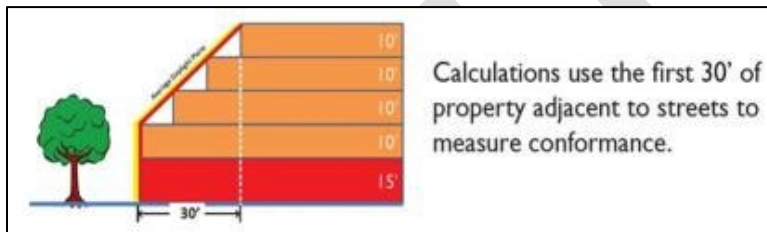
34. **Mezzanines.** A mezzanine shall not be counted as a story for determining the allowable number of stories when constructed in accordance with the requirements of the construction codes set forth in Title 17 MICC.

45. *Rooftop appurtenances.* Rooftop appurtenances may extend up to ten feet above the maximum building height allowed. This provision shall not be construed to allow building height in excess of the maximum limit. Rooftop appurtenances must be located at least ten feet from the exterior edge of any building, and shall not cover more than 20 percent of the rooftop area.
- a. ~~*Screening of rooftop appurtenances.* Appurtenances shall not be located on the roof of a structure unless they are hidden or camouflaged by building elements that were designed for that purpose as an integral part of the building design.~~ All appurtenances located on the roof must be grouped together and screened. The screening shall be sight-obscuring, located at least ten feet from the exterior edge of any building; and effective in obscuring the view of the appurtenances from public streets or sidewalks or residential areas located on the hillside surrounding the Town Center.
  - b. *Wireless communication facilities.* Wireless communication facilities (WCFs) shall be governed by MICC 19.06.040; provided, they shall be screened as required by subsection (A)(5)(a) of this section.
56. *Setbacks.*
- a. *78th Avenue SE.* All structures shall be set back so that space is provided for at least 15 feet of sidewalk between the structure and the face of the street curb, excluding locations where the curblines is interrupted by parking.
  - b. *All other public rights-of-way.* All structures shall be set back so that space is provided for at least 12 feet of sidewalk between the structure and the face of the street curb, excluding locations where the curblines is interrupted by parking ~~pockets.~~
67. *Average daylight plane.* Average minimum upper-level building setbacks are required as follows: Only the development site's applicable block frontage may be used to determine compliance with the provisions herein.
- a. From a height of 27 feet at the front property line, buildings shall step back at a 45-degree angle up to the maximum height limit.
  - b. Calculations for determining compliance with the average daylight plane standards shall utilize cubic volume (cubic feet) and shall consider only the first 30 feet of depth along block frontages.
  - c. ~~Only the development site's applicable block frontage may be used to determine compliance with the provisions herein.~~
  - d. ~~Portions of block frontages may project beyond the daylight plane, provided the applicable block frontage as a whole complies with the minimum average. Figure 5 illustrates the concept.~~
  - ed. For each cubic foot that part of a building protrudes beyond the daylight plane ("debit"), the project must include an equivalent cubic footage of open space ("credit") either on the ground floor adjacent to the street (such as a

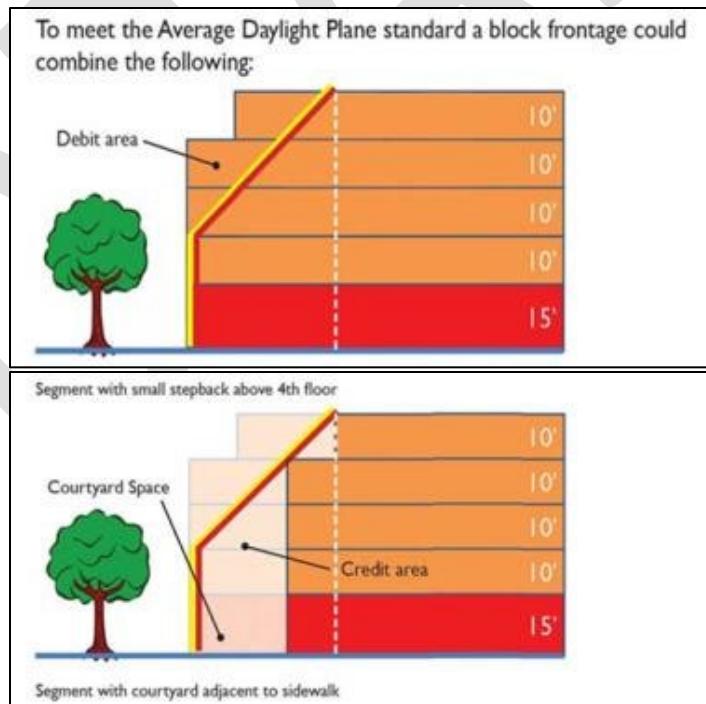
public open space, courtyard or through-block connection), and/or by setting portions of the building facade farther back beneath the daylight plane. For the purposes of this section, the cubic feet of a portion of a building is measured from floor to the top of the roof, and along the outside of exterior walls. The cubic feet of open or credit volume is measured from finished ground level or top of roof to an imaginary line representing the daylight plane as defined in subsection (A)(76)(b)(i)(a) and (b) of this section. Eaves, pedestrian weather protection and landscaping are allowed within the required open space.

- fe. Daylight plane debits and credits shall be applied on the same block frontage and cannot be transferred to other block frontages.

**FIGURE 56 — ILLUSTRATING THE AVERAGE DAYLIGHT PLANE STANDARDS**



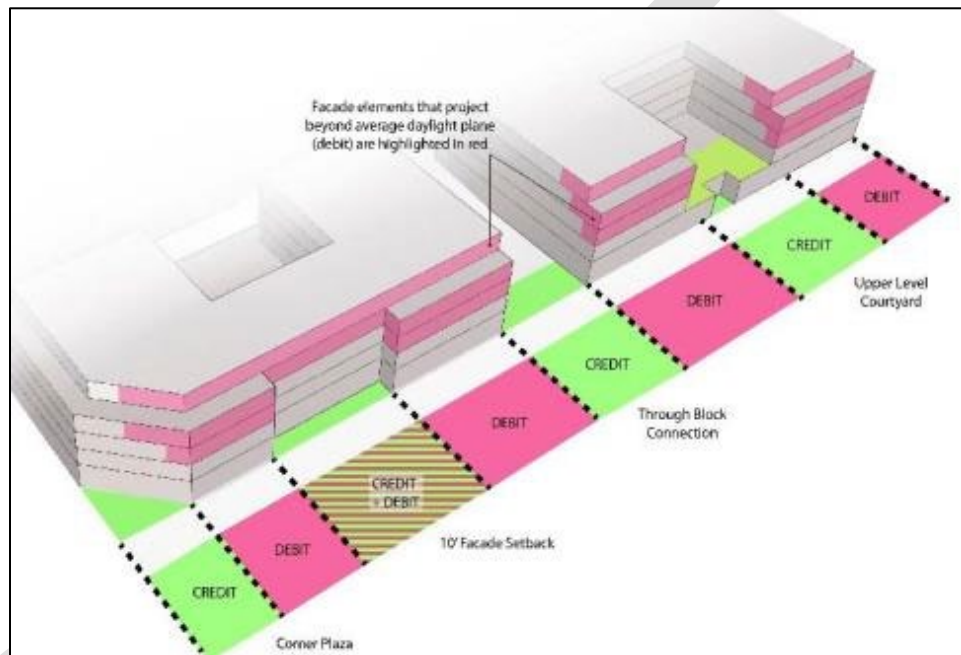
The average daylight plane extends vertically from the applicable property line 25 feet and then steps back at a 45-degree angle to help reduce the massing of buildings fronting streets.



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

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

**FIGURE 67 — AN EXAMPLE DEVELOPMENT MASSING MODEL WITH BLOCK FRONTAGES THAT COMPLY WITH THE AVERAGE DAYLIGHT PLANE STANDARDS**



**MICC 19.11.040 – Affordable housing.**

~~A. *Purpose and intent.* The incentives and regulations offered in this section are used by the city as one means of meeting its commitment to encourage housing affordable to all economic groups, and to meet its regional share of affordable housing requirements. The purpose of this section is to: (1) implement through regulations the responsibility of the city under state law to provide for housing opportunities for all economic segments of the community, (2) help address the shortage of housing in the city for persons of moderate-income households, (3) promote development of affordable housing that would not otherwise be built in the city, and (4) offer incentives to encourage construction of affordable housing units in Town Center.~~

~~AB. *Affordable Housing Requirement.* Developments with five or more dwelling units Affordable housing ratio. In order to qualify as significant affordable housing and in order to qualify for bonus building height over two stories, a development that contains dwelling units must provide affordable housing units equal to at least ~~fifteen~~ ten percent of the total units in the development. The number of required affordable units shall be rounded up to the nearest whole number.~~

~~B.G. *Affordability level.* For a three-story building the All required affordable housing units must be affordable at the ~~70~~ 50 percent of median income level for rental housing or 90 percent of median income level for ownership housing. For four- to ~~eight~~seven-story buildings, the required affordable housing units must be affordable at the 50 percent of median income level for rental housing or 80 percent of median income level for ownership housing.~~

~~D. *Design elements.*~~

- ~~1. The affordable housing units shall generally be intermingled with all other dwelling units in the development and are not required to be located on the top story or bonus stories.~~
- ~~2. The tenure (owner- or renter-occupied) of the affordable housing units shall be the same as the tenure of the rest of the dwelling units in the development.~~
- ~~3. The affordable housing units shall consist of a mix of the unit types (by number of bedrooms) that is generally proportionate to the mix of units in the overall development.~~
- ~~4. Affordable units shall be of a minimum size equal to the average size of market rate units for the same bedroom count. For example, if the average size of market rate one-bedroom units in a development is 650 square feet, each affordable one-bedroom unit in the development shall be a minimum of 650 square feet.~~
- ~~5. The affordable housing units must:
 
  - ~~a. Have exterior finishes that are e compatible with and of the same quality as the rest of the dwelling units in the development;~~
  - ~~b. Comply with any design standards for the underlying zoning district; and~~
  - ~~c. Have interior finishes comparable to entry level rental or ownership housing in the development.~~~~

~~E. *Availability.* The affordable housing units shall be available for occupancy in a time frame comparable to the availability of the rest of the dwelling units in the development.~~

~~F. *Agreement.* Prior to issuance of a building permit, an agreement in form and substance acceptable to the city attorney shall be executed providing price restrictions, homebuyer or tenant qualifications and long-term affordability. The agreement shall be recorded with King County department of records and elections and shall constitute a covenant running with the land. Affordable housing units shall remain as affordable housing for a minimum of 50 years from the date of initial owner occupancy for owner-affordable units and for the life of the project for rental-affordable housing units. At the sole discretion of the code official, the city may approve a shorter affordability time period for owner-occupied affordable housing, not to be less than 30 years, in order to meet federal financial underwriting guidelines.~~

- ~~1. The agreement shall provide the city sole discretion to establish monitoring fees for the affordable units, which fees may be adjusted over time to account for inflation. The purpose of any monitoring fee is for the review and processing of~~

~~documents to maintain compliance with income and affordability restrictions of the affordability agreement.~~

- ~~2. The city may agree, at its sole discretion, to subordinate any affordable housing regulatory agreement for affordable ownership units for the purpose of enabling the owner to obtain financing for development of the property.~~

~~G. *Impact fees.* Affordable housing may be exempt from impact fees pursuant to MICC 19.17.090 (schools), 19.18.070 (parks) and 19.19.070 (transportation).~~

### **MICC 19.11.060 – SITE DESIGN.**

A. *Minor site features.* All major new construction regardless of its height shall have at least three occurrences of any of the following minor site features: Minor site features may not occupy space in a public open space required by this code to the extent that doing so reduces the actual space that is usable by the public below the minimum required area.

1. *Decorative landmarks.* Imaginative features that complement the building design and create visual focal points that give identity to an area, such as decorative clocks, special paving in pedestrian areas, art features, water features, drinking fountains, or creative designs for necessary building features or functions. Art shall be integrated with the public street improvements. Examples include sculpture, murals, inlays, mosaics, friezes or bas-reliefs. The location of art shall provide for public view but not hinder pedestrian traffic.
2. *Kiosks.* Community-oriented kiosks, which may include bulletin boards and newsstands or racks, creatively designed and consolidated and placed in areas where large numbers of people gather, and which complement the site design and streetscape and reduces visual clutter.
3. *Additional sidewalk setback.* At least five feet of sidewalk width, in addition to the minimum sidewalk setback provided for in MICC 19.11.030(A)(6) along the entire street frontage of the development site. Such additional sidewalk must be designed to provide additional pedestrian access where parking pockets narrow the sidewalk, to accommodate street trees and benches, or to create spaces for more pedestrian-oriented activities such as outdoor dining or seating.
- ~~4. *Impact on public open spaces.* Minor site features may not occupy space in a public open space required by this code to the extent that doing so reduces the actual space that is usable by the public below the minimum required area.~~

B. *Major site features.* Any major new construction in the TC-8A and TC-8B ~~TC-7, TC-5, TC-5 Plus or TC-3~~ subareas which exceeds the two-story ~~base~~ height shall include at least one of the following major site features:

1. *Through-block connection.* Any major new construction that exceeds the two-story ~~base~~ height in the locations shown on Figure 7 must include a through-block connection. To qualify as a major site feature, a through-block connection must conform to the development and design standards set forth in subsection D of this section. If the on-site area of the through-block connection does not equal or exceed three percent of the gross floor area of the development, then public

open space shall also be provided so that the total area of the through-block connection and public open space equals or exceeds three percent of the gross floor area of the development.

2. *Public open space.* To qualify as a major site feature, public open space must conform to the development and design standards set forth in subsection C of this section.

C. *Public open space standards.* ~~Refers to plazas, parks or other spaces intended for the use and enjoyment of the public in the Town Center zone. Public open spaces serve as public gathering spaces and, depending on their size, could accommodate a variety of public events, as well as provide space for informal gatherings and quiet activities.~~

1. *Size.* A single public open space shall be a minimum size equal to three percent of the gross floor area of the development and shall be at least 20 feet in width. This space may be divided in two, provided each space is at least 1,500 square feet in area.

- a. ~~For a fifth, sixth, or seventh floor in the TC 5 Plus subarea, public open space shall increase to a minimum of seven and one-half (7.5) percent of the gross floor area of the development.~~

- b. ~~A development may be allowed to provide two or more public open spaces provided each public space is at least 1,500 square feet in area.~~

- c. ~~The following areas shall not be counted as part of the required open space:~~

- i. lobby entrances,
- ii. stairs, and
- iii. ~~cordoned off/private outdoor restaurant seating.~~

- d. ~~If a development is required to provide both a public open space and a through-block connection, then the area of the through-block connection that meets the requirements of subsection E of this section shall also be counted towards the public open space requirement.~~

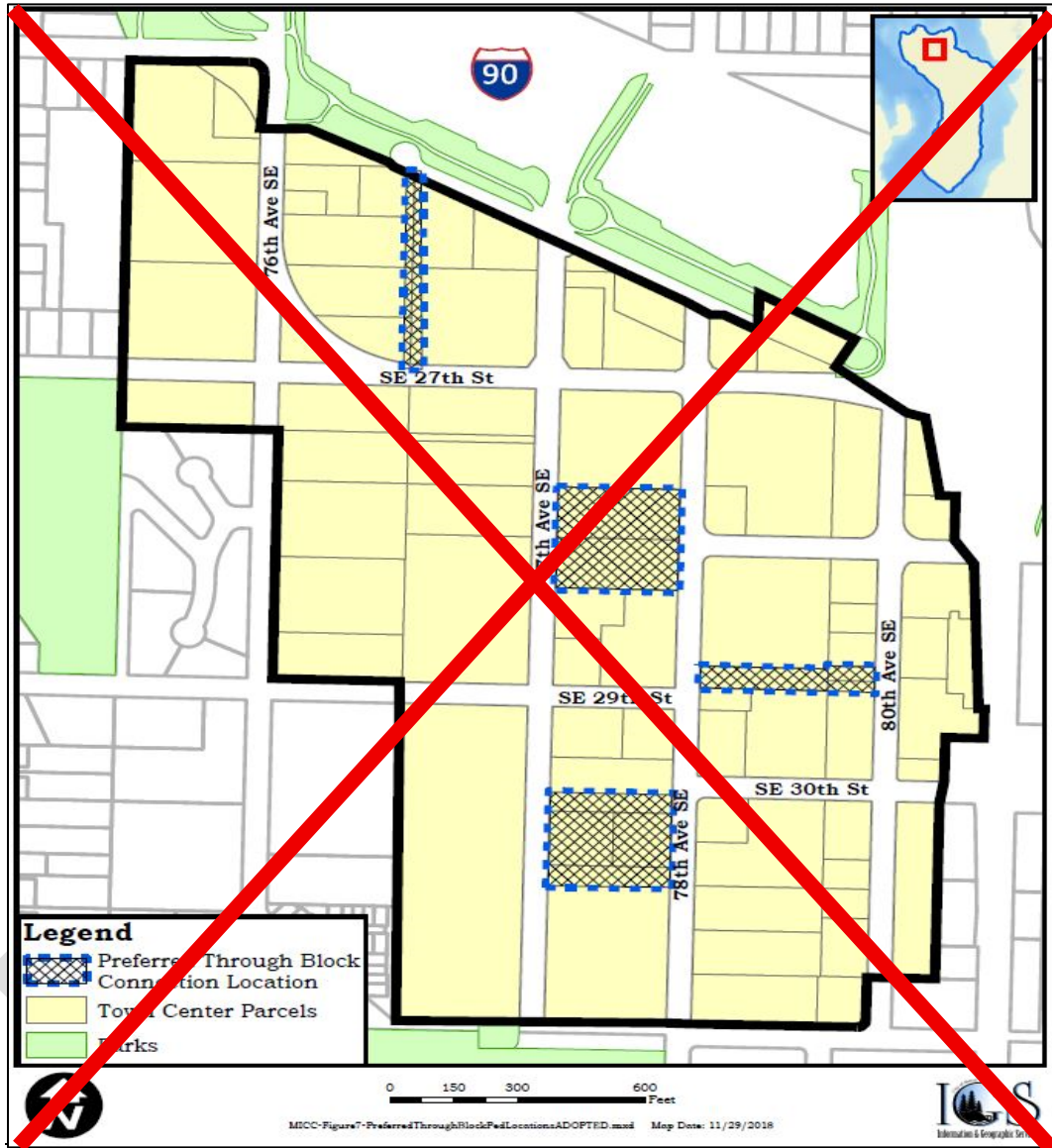
2. ~~Design elements~~ *Design elements.*

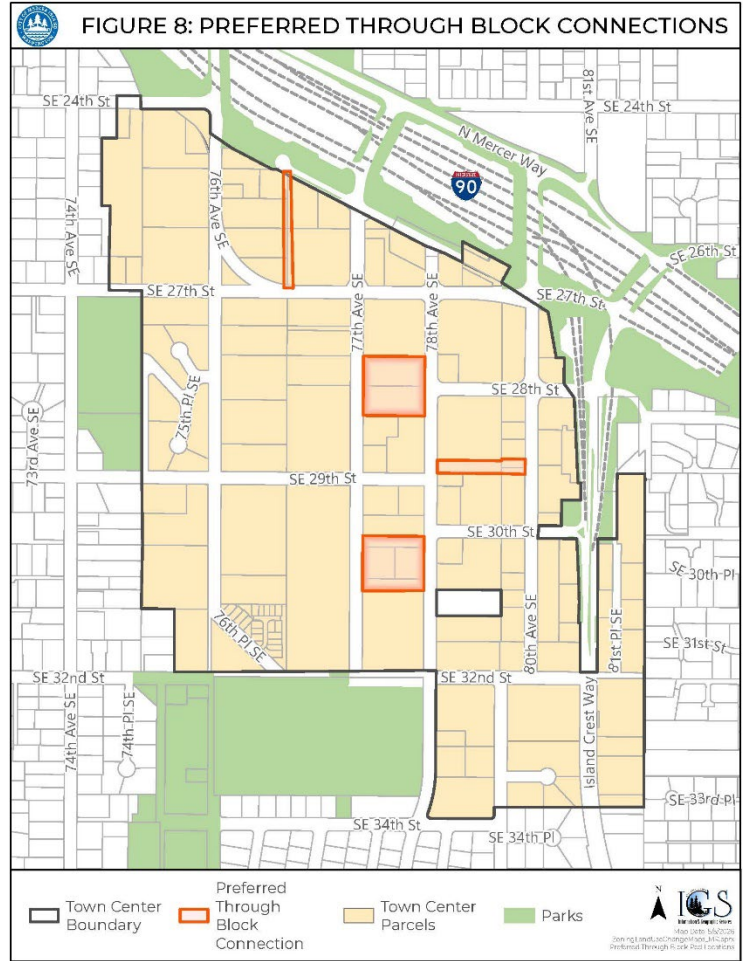
- a. Public open spaces shall be at the same level as the public sidewalk and integrated with any pedestrian connection or other street-level public amenity.

- b. At least two linear feet of seating surfaces per 100 square feet of public open space must be provided. Seating surfaces shall be a minimum of 18 inches in depth. At least half the seating shall have seat backs and have surfaces made of wood or synthetic material that mimics the appearance of wood, rather than metal, stone or concrete. In addition, moveable chairs may be substituted for fixed public seating, provided they are not restricted for the sole use of an adjacent retail business.

- c. ~~Pedestrian-oriented frontage is required on at least two sides unless the space is linear in design, in which case pedestrian-oriented frontage is required on at least one side.~~
  - d. ~~At least 25 percent but not more than 60 percent of an outdoor public open space shall be landscaped.~~
  - e. ~~The public open space may not be covered by a roof, story or skybridge; provided portions of the public open space may be covered for weather protection, or be enclosed pursuant to subsection (D)(2)(f) of this section.~~
  - fd. Public open space may be enclosed and/or covered provided, that the space is available for public use.
3. *Public open space plan.* The applicant shall submit a plan with a minimum scale of one-quarter inch equals one foot for the public open space which shall include a description of all landscaping; lighting; street furniture; color and materials; relationship to building frontage; specific location of the public open space; and the relationship to and coordination with any pedestrian connection or other public amenity.
4. *Public access.* The entire public open space shall be open to the public 24 hours per day. Temporary closures will be allowed as necessary for maintenance purposes. Upon city approval, portions of the public open space may be separated, as required by the State of Washington Liquor and Cannabis Board or its successor agency, in order to allow outdoor seating for restaurant purposes.
- D. *Through-block pedestrian connections.* Through-block pedestrian connections are intended to provide convenient and safe public pedestrian routes through city blocks.
1. *Location.* Connections shall be located on the lots eligible for through-block pedestrian connections as shown on Figure 7 and in other locations based on the following criteria:
- a. ~~The~~ connection will connect with existing or future rights-of-way, other pedestrian connections and/or public open spaces; and
  - b. ~~The~~ connection has the effect of dividing a city block approximately in the middle of such block in approximately the preferred locations shown on Figure 7.

**FIGURE 78 — PREFERRED THROUGH-BLOCK PEDESTRIAN CONNECTION LOCATIONS**





2. Design elements.

- a. The through-block pedestrian connection shall be the length necessary to provide access between existing rights-of-way; provided that if an applicant does not own all property necessary to make the connection, this option will still be available if an easement is provided to the city for the remainder of the connection. If the applicant cannot obtain the easement after using best efforts, the city may still approve the connection.
- b. The through-block pedestrian connection shall be a minimum of 20 feet wide. The width of the through-block pedestrian connection may be reduced by five feet if the applicant provides an additional five feet of sidewalk along the entirety of one side of the development that fronts on a public right of way.
- c. The area devoted to a through-block pedestrian connection shall be in addition to the area devoted to any other minor site feature required pursuant to subsection A of this section. Pedestrian access to parking areas, lobby entrances, and stairs shall not be included in calculating the minimum size.

- d. The through-block pedestrian connection shall be at the same level as the public sidewalk.
- e. The through-block pedestrian connection must use special paving, such as decorative colored concrete, concrete unit brick or stone pavers over the entire length of the connection. Pervious paving is encouraged.
- f. Where ground level residential uses front onto the through-block connection the building must feature at least one of the public/private space transition elements described below:
  - i. *Raised deck or porch option.* Provide at least a 60-square-foot porch or deck raised at least one foot above grade. The porch or deck must be at least six feet wide, measured perpendicular to the building face. A low fence, rail or planting, which is two feet to four feet high, is encouraged between the through-block connection and the deck or porch. A porch roof or weather protection is encouraged. The design shall consider accessibility.
  - ii. *Private open space option.* Provide a private open space at least ten feet wide between the face of the residence and the edge of the through-block connection. The space may be paved or landscaped. A low fence, rail or planting which is two to four feet high shall be provided between the through-block connection and the open space.
  - iii. *Landscaped area.* Provide a landscaped area at least ten feet wide between the face of the building and the edge of the through-block connection. The plantings must reach three feet high within three years after planting.
  - iv. *Raised ground floor.* If the residence's ground floor is at least three feet above the grade adjacent to the building, then the landscaped area in option (iii), above, may be reduced to four feet wide.

**FIGURE 89 — ACCEPTABLE PUBLIC/PRIVATE TRANSITIONAL SPACE DESIGN BETWEEN THROUGH-BLOCK CONNECTIONS AND GROUND LEVEL RESIDENTIAL UNITS**

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



- g. Where ground level nonresidential uses front onto the through-block connection the building must feature:
- i. Transparent windows along 50 percent of the ground floor facade between 30 inches and ten feet above the through-block connection. Articulated, transparent facades along the through-block connection. Tinted or mirrored glass windows are not allowed. Shades, blinds or screens that prevent pedestrian view into building spaces are not allowed, except in hotel rooms and residential uses.
  - ii. Entrances facing the through-block connection are required for each tenant adjacent to the through-block connection.
- h. No more than 50 percent of through-block connection ground level frontages may be occupied by vehicle parking areas. Surface level parking adjacent to through block connections must be separated by a landscaped area that provides partial screening. The landscaped area cannot reduce the width of the through block connection by more than five (5) feet.
- i. The through-block connection may not be covered by a roof or story; provided portions of the public open space may be covered for weather protection, but not enclosed, and skybridges connecting two buildings are allowed if the skybridge is less than 20 feet wide and less than 14 feet in height.

- j. All city approvals or permits for any structure shall be reviewed for compatibility with the alignment of any existing or approved through-block connection.
- k. The connection shall be for exclusive pedestrian use and may not be used by vehicles except as necessary for maintenance or emergency purposes. Dumpsters and other service areas shall not be located within a through-block connection, but may be totally enclosed within a building adjacent to the through-block connection.

### FIGURE 910 — EXAMPLES OF ACCEPTABLE THROUGH-BLOCK CONNECTIONS

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



- 3. *Connection plan.* The applicant shall submit a plan with a minimum scale of one-quarter inch equals one foot for the connection, which shall include a description of all of the following elements: landscaping; lighting; street furniture; color and materials; relationship to building frontage; specific location of the connection and the relationship to and coordination with any public open space.
- 4. *Public access.* The entire connection must be open to the public 24 hours per day. Temporary closures will be allowed as necessary for maintenance purposes. Upon city approval, portions of the connection may be separated, as required by the

State of Washington Liquor and Cannabis Board or its successor agency, in order to allow outdoor seating for restaurant purposes.

- F. *Legal agreements required for public open space and through-block pedestrian connections.* The owners of property to be used for public open space or through-block pedestrian connections shall retain fee ownership of that property and shall execute a legal agreement providing that such property is subject to a right of pedestrian use and access by the public. The agreement shall be in form and substance acceptable to the city attorney and be recorded with the King County recorder's office and the city clerk. The obligations under the agreement shall run with the land and shall terminate upon demolition of the structure for which the through-block connection or public open space was provided. No modifications to either a public open space or through-block pedestrian connection shall be made without approval of the city other than ordinary repairs and maintenance.

### **MICC 19.11.070 – GREENERY AND OUTDOOR SPACES.**

- ~~A. *Objectives.* Outdoor spaces and landscaping should be designed to achieve the design vision set forth in MICC 19.11.010. Development should provide for private open space for employees and residents. Plant materials placed in horizontal beds and on vertical walls/trellises/arbors areas should be used to frame and soften structures, to define site functions, to enhance the quality of the environment, screen undesirable views and create identity sense of place. Trees and landscaping shall be incorporated into the site design in order to soften and screen the visual impact of hard surfaces such as parking lots, service areas, and walls, as well as to enhance a sense of nature along pedestrian walkways, public rights of way, sidewalks and outdoor gathering places. Outdoor furniture and fixtures should be compatible with the project architecture and considered as integral elements of the landscape. Whenever possible development should include seating areas and be enhanced by such features as trees and flower displays, fountains, art and open spaces.~~

AB. Development and design standards.

1. ~~*Landscaped surface requirement.*~~—Twenty five (25) percent of the development site must be landscaped surfaces. All required plantings and landscaping must be installed according to local and regional best landscaping practices. The following landscaped types and credits may be used to meet the standards:
  - a. Ground level planting beds qualify as landscaped surfaces at a 100 percent rate. One hundred (100) percent rate means that one square foot of ground level planting bed counts as one square foot of the required landscaped area.
  - b. Ground level planting area that supports trees (which will require deeper soil depths) qualify for bonus credit.
    - i. Planting areas that support a large tree (height greater than 30 feet at maturity) may be counted at a 200 percent rate (includes planting area under projected dripline at maturity). Two hundred (200) percent rate means that one square foot of a ground level planting

bed supporting a large tree counts as two square feet of the required landscaped surfaces.

- ii. A planting area that supports a medium sized tree (height greater than 15 feet at maturity) may be counted at 150 percent rate. One hundred and fifty percent rate means that one square foot of ground level planting bed supporting a medium sized tree counts as one and a half square feet of the required landscaped surfaces.
  - c. Ground level planting beds with shallow soil depths capable of supporting only ground cover plants qualify at a 50 percent rate. Fifty percent rate means that one square foot of ground level planting beds with shallow soil depths counts as one half a square foot of the required landscaped surfaces.
  - d. ~~Green roof.~~ Green roofs qualify as a landscaped surface at a 50 percent rate (i.e., two square feet of green roof qualifies as one square foot of landscaped area). Green roof areas supporting large shrubs and trees qualify as a landscaped surface at a 100 percent rate.
  - e. Green walls/trellises/arbors.
    - i. Artistic green walls adjacent to ground level publicly accessible space with decorative patterns qualify as a landscaped surface at a 125 percent rate;
    - ii. Standard green walls qualify as landscaped surfaces at a 75 percent rate;
    - iii. ~~Vine trellis/arbors/walls qualify as landscaped surfaces at a 50 percent rate.~~ Vine trellis/arbors/walls qualify as landscaped surfaces at a 50 percent rate. Planter areas must feature minimum soil depth necessary to maintain healthy vine growing conditions as determined by regional best landscaping practices.
2. Landscaping standards.
- a. *Suitable plant species.* Plant materials for required landscape surfaces shall be selected from a city approved palette of species and minimum size at time of planting. Plant materials shall be native or adaptive drought-tolerant species.
  - b. Trees and ground cover.
    - i. Prominent trees shall be managed consistent with Chapter 19.10 MICC.
    - ii. Trees planted within five feet of public curbs or in paved areas shall be installed with root guards and grates to prevent physical damage to sidewalks, curbs, gutters, pavement and other public or private improvements.

- iii. Ground cover shall be planted to have 100 percent ground cover in two years.
  - iv. Any tree cutting or pruning shall be consistent with chapter 19.10 MICC.
- c. *Soil quality, depth, and volume.* Applications for major new construction projects in Town Center must include the relevant provisions in construction details, based on regional best landscaping practices, including:
- i. In planting beds: place three inches of compost and till to a minimum depth of eight inches.
  - ii. In turf areas: place one and three-quarters inches of compost and till to a minimum depth of eight inches.
  - iii. Scarify (loosen) subsoil four inches below amended layer to produce a minimum soil depth of 12 inches of uncompacted soil.
  - iv. After planting: apply two to four inches of arborist wood chip mulch to planting beds. Coarse bark mulch may be used.
- d. *Irrigation.* All landscaped areas shall be provided with an approved automatic irrigation system consisting of waterlines, sprinklers designed to provide head to head coverage and to minimize overspray onto structures, walks and windows. Water conserving types of irrigation systems shall be used.
- e. *Maintenance.* Maintenance shall include regular watering, mowing, pruning, clearance of debris and weeds, removal and replacement of dead plants and the repair and replacement of irrigation systems.
3. *Surface parking lot landscaping.* Surface parking lots shall be landscaped to reduce and break up large areas of asphalt and paving.
- a. The landscape design shall be –designed to manage runoff from roofs, parking lots and other impervious surfaces consistent with Title 15 MICC.
  - b. A landscaped area with the minimum interior dimensions of four feet by four feet –must be provided at the end of parking aisles.
  - c. A ratio of one tree for every six parking spaces –must be provided throughout any surface parking lot. Of the total number of trees required, 50 percent shall be a minimum of 24-inch box in size, and 50 percent shall be a minimum of 15-gallon in size.
  - d. Planting areas for trees required within the parking rows of a surface parking lot –must be achieved by one of the following methods:

- i. A continuous landscape strip, at least four feet wide (interior dimension), between rows of parking stalls; or
  - ii. Tree wells, eight feet wide, resulting from the conversion of two opposing full sized parking stalls to compact stalls; or
  - iii. Tree wells, at least five feet square, placed diagonally between standard or compact parking stalls.
4. *Landscape screening.* All grade-level parking adjacent to public rights of way, sidewalks, and pedestrian circulation, including structured parking, must be physically separated from the street and visually screened from pedestrian view by landscaping that provides a partial screen consistent with MICC 19.11.080(B). The landscaping must include shrubs and trees, be located on private property and not be less than three feet wide.

### **MICC 19.11.080 – SCREENING.**

~~A. *Objectives.* In order to obtain the design vision set forth in MICC 19.11.010, any storage, service and truck loading areas, utility structures, elevator and mechanical equipment on the ground or roof shall be screened from public view in such a manner that they are not visible from public streets, sidewalks or residential areas located on the hillside surrounding the Town Center.~~

AB. Development and design standards.

1. *On-site service areas.* On-site service areas must meet the following standards.
  - a. All on-site service areas, loading zones, outdoor storage areas, garbage collection and recycling areas and similar activities must be located in an area not visible from public streets.
  - b. Service areas must accommodate all services needed by uses established in the development including loading, trash bins, recycling facilities, food scrap composting areas, storage areas, utility cabinets, utility meters, and transformers.
  - c. Service areas must be located and designed for easy access by service vehicles and for convenient access by each tenant.
2. *Garbage, recycling collection, composting and utility areas.* Garbage, recycling collection, food scrap composting and utility areas shall be fully enclosed and screened around their perimeter by built screening at least seven feet high, concealed on the top and must have self-closing doors. If the area is adjacent to a public street or pedestrian way, a minimum three-foot wide landscaped planting strip providing a partial screen shall be located on three sides of such facility.
3. *Meters and mechanical units.* Water meters, gas meters, electric meters, ground-mounted mechanical units and any other similar structures must be hidden from public view. Meters and mechanical units must be screened with either full landscape screening or built screening.

4. *Fences.* Fences must be made of masonry, ornamental metal, or wood, or some combination of the three. The use of chain link, plastic or wire fencing is prohibited.

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

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

C.D. *Built screening.* Any screening not composed of landscaping must be constructed of at least eighty (80) percent opaque building materials to provide a sight-obscuring barrier between the screened object(s) and the adjacent property and/or right of way. The materials of the screening must be the same design, color, and materials as the exterior of the accompanying structure.

### **MICC 19.11.090 – LIGHTING.**

A. ~~*Objectives.* Lighting shall be an integral part of any new or existing development. Lighting shall contribute to the individuality, security and safety of the site design without having overpowering effects on the adjacent areas. Lighting is viewed as an important feature, for functional and security purposes, as well as to enhance the streetscape and public spaces. The design of light fixtures and their structural support should be integrated with the architectural theme and style of the main structures on the site.~~

B. Development and design standards.

1. *Pedestrian walkway light fixtures.* Light fixtures must be provided for any on-site pedestrian walkways, including sidewalks. Light fixtures must be designed to fully illuminate the walkway and be placed no more than eight feet above the finished grade.
2. *Light type.* Lighting must use LED or similar minimum wattage light sources designed to provide "natural" light. Non-color corrected low-pressure sodium and mercury vapor light sources are prohibited.

3. *Building-mounted and display window lights.* Building-mounted lights and display window lights may be used to satisfy required lighting for walkways in pedestrian areas.
4. ~~*Parking areas*~~*Parking areas.* Parking area light fixtures must be designed to confine emitted light to the parking area. The height of the light fixtures shall not exceed 16 feet above finished grade.
54. *Neon lighting.* Neon lighting may be used as a lighting element; provided, that the tubes are concealed from view at the street level. Neon tubes used to outline the building are prohibited.
65. *Shielding.* All exterior lighting fixtures must be shielded or located to confine light spread within the site boundaries.

### MICC 19.11.100 – BUILDING DESIGN.

~~A. *Objectives.* Building facades should be designed with a variety of architectural elements that suggest the building's use and how it relates to other development in the area. Buildings should be oriented to the street frontage to enliven the street edge as well as to maximize access from the public sidewalk. Building facades should provide visual interest to pedestrians. Special care should be given to landscaping, mass and roof forms of buildings to provide visual interest from residential areas located on the hillside surrounding the Town Center as well as from public streets or sidewalks. Street level windows, minimum building setbacks, on-street entrances, landscaping and articulated walls should be encouraged. Building facades should be designed to achieve the purpose of the development and design standards and the Town Center vision described in MICC 19.11.010. Architectural features and other amenities should be used to highlight buildings, site features and entries and add visual interest. Within the Town Center, all development shall provide elements that attract the interest of residents, shoppers and workers.~~

AB. Development and design standards.

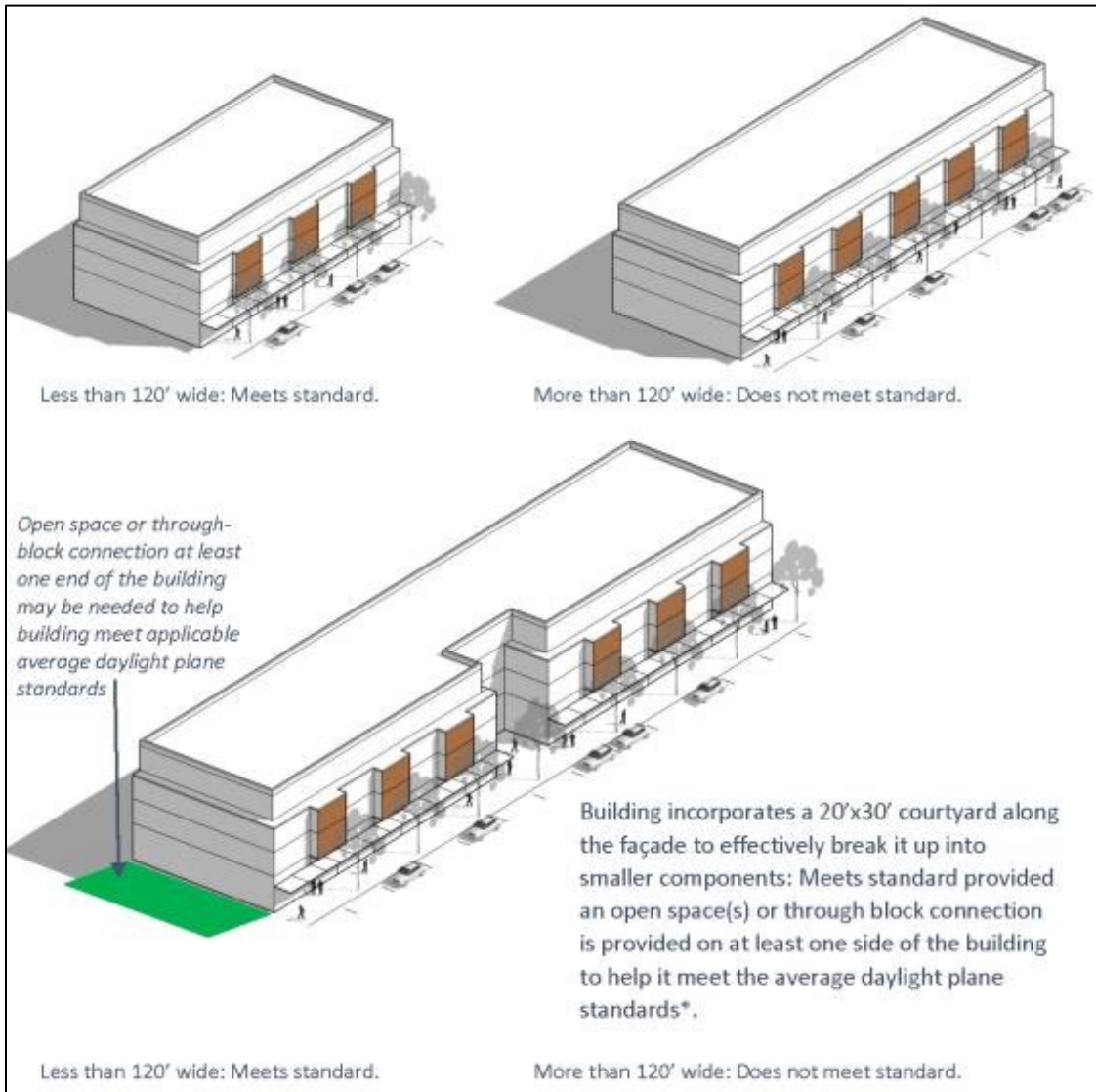
1. Fenestration.
  - a. *Transparent facades.* Articulated, transparent facades shall be created along pedestrian rights-of-way. ~~Highly tinted or mirrored glass windows~~ are not allowed. Shades, blinds or screens that prevent pedestrian view into building spaces are not allowed, except in ~~dwelling units~~, hotel rooms, and ~~similar residential uses~~.
  - ~~b. *Ground floor windows and doors.* Major new construction along 77th Avenue SE, 78th Avenue SE and SE 27th Street, within the TC-7, TC-5, and TC-5 Plus subareas, shall have at least 75 percent of the length of the ground floor facade between the height of two feet and seven feet devoted to windows and doors affording views into retail, office, or lobby space.~~

- c. *Upper story facades.* Upper stories of buildings above two stories must maintain an expression line along the facade such as a setback, change of material, or a projection to reduce the perceived building mass. Upper story windows must be divided into individual units and not consist of a "ribbon" of glass.
2. *Street-facing facade elements.* All major new construction shall include at least seven of the following elements on the street-facing facades.
  - a. Window and door treatments which differentiate the façade from other components of the building.
  - b. Light fixtures.
  - c. Paving with a texture, color, or stamped pattern different from other paved features.
  - d. Trellises, railings, gates, grill work, or landscaping.
  - e. Flower baskets-.
  - f. Recessed entrances.
  - g. Balconies.
  - h. Medallions.
  - i. Belt courses.
  - j. Masonry and/or tilework.
  - k. Planter boxes-.
  - l. Projecting metal and glass canopy.
  - m. Clerestories over storefront windows.
3. *Major facade modulation.* Block frontages shall include at least one of the following features at intervals no greater than 120 feet to break up the massing of the block and add visual interest.
  - a. Vertical building modulation at least 20 feet deep and 30 feet wide. See example on Figure 10. For multi-story buildings, the modulation must extend through more than one-half of the building stories.
  - b. Use of a significant contrasting vertical modulated design component featuring all of the following:
    - i. An extension through all stories above the first story fronting on the street. Exception: upper stories that are set back more than ten feet horizontally from the facade are exempt.

- ii. A change in building materials that contrasts from the rest of the facade.
  - iii. A modulation horizontally from the rest of the facade by an average of 24 inches.
  - iv. A design to provide roofline modulation.
- c. Building walls that make it appear like two or more distinct buildings. See examples on Figure 11. To qualify for this option, these contrasting facades shall employ all of the following:
- i. Different building materials and/or configuration of building materials; and
  - ii. Contrasting window design (sizes or configurations).

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**FIGURE 4011 — ILLUSTRATING MAXIMUM FACADE WIDTH STANDARDS**



**FIGURE 1412 — FACADE EXAMPLES EMPLOYING BUILDING WALLS WITH CONTRASTING ARTICULATION THAT MAKE IT APPEAR LIKE TWO OR MORE DISTINCT BUILDINGS**



**FIGURE 1413 — EXAMPLES THAT DO NOT MEET MAXIMUM FACADE WIDTH PROVISIONS**



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

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

**FIGURE 1314 — MINOR FACADE MODULATION EXAMPLES**



5. *Walls.* Untreated blank walls are prohibited. New development must use one of the following methods to treat blank walls:
- Display windows at least 16 inches of depth to allow for changeable displays. Tack on display cases shall not qualify as a blank wall treatment.
  - A landscape planting bed at least five feet wide or a raised planter bed at least two feet high and three feet wide in front of the wall with planting materials that are sufficient to obscure or screen at least 60 percent of the wall's surface within three years.
  - A vertical trellis in front of the wall with climbing vines or plant materials that are sufficient to obscure or screen at least 60% of the wall surface within three years. of planting.
  - A mural covering at least sixty (60) percent of the blank wall space. A mural that meets the definition of a sign established in Chapter 19.16 MICC is also subject to the sign regulations in MICC 19.11.140.
6. *Entrances.* Building entrances must be located along the sidewalk. Entrance doors shall be recessed from the facade surface.
7. *Weather protection.* All major new construction shall have all-weather features that integrate weather protection systems at the sidewalk level of buildings to protect pedestrians from the effects of rain, wind, glare, shadow, reflection and sunlight such as awnings, canopies, trellises, pergolas, and covered arcades along 80 percent of a building's frontage on the required street frontages shown on MICC 19.11.020 Figure 2.

- a. Any canopy or awning over a public sidewalk must be a permanent architectural element.
  - b. Any canopy or awning over a public sidewalk must project out from the building facade a minimum horizontal width of six feet and be between eight to 12 feet above grade.
  - c. Vinyl or plastic awnings or canopies are prohibited.
  - d. All awnings or canopies shall function to protect pedestrians from rain and other weather conditions.
8. *Courtyards.* Courtyards are an outdoor covered or uncovered area easily accessible to the public at the same level as the public sidewalk or pedestrian connections. If a courtyard is being provided for purposes of meeting the public open space requirement in MICC 19.11.060(B), then the courtyard shall comply with the design standards for public open space in MICC 19.11.060(C). Other courtyards must:
- a. Be at least ten feet in width, with a building facade on at least one side;
  - b. Be covered with landscaping over at least 50 percent of its area;
  - c. Include seating, special paving material, pedestrian-scale lighting and other pedestrian furnishings; and
  - d. Not be covered by a roof unless the roof is required weather protection.

### **MICC 19.11.130 – PARKING, VEHICULAR AND PEDESTRIAN CIRCULATION.**

~~A. Objectives. The Town Center should be accessible for vehicles but have an emphasis toward the needs of pedestrians. Clear, easy to understand circulation should be designed into all development to allow drivers and pedestrians to move safely on and off the site, and within it, without confusion and without disrupting on-street traffic flow. Development should maintain mobility and maximize opportunities for alternative modes of transportation in the Town Center. Placement of structures, landscaping, circulation patterns and access points should collectively seek to promote an integrated, multi-modal transportation system. The harmonious integration of pedestrian and transit user circulation should be considered in every aspect of site design. Development shall provide adequate parking with safe and convenient pedestrian access. Parking stalls shall be located within a structure, underground, or behind buildings, except for residential developments and developments containing residential units, which shall utilize the residential development parking standards contained within MICC 19.11.130(B)(1)(a) and MICC 19.11.130(C). Parking structures should not dominate the street frontage, and must blend with the building's architectural theme. Creatively designed, clean and functional pedestrian connections are encouraged to provide access through blocks, between properties and/or to and from the public right-of-way. Parking shall be designed consistent with the urban design vision set forth in MICC 19.11.010 and complement the pedestrian activities.~~

AB. Development and design standards.

1. Parking requirements.

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

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

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

- b. Determination within range. The code official shall determine the number of parking stalls required within the ranges above based upon the applicant's completed site plan and detailed parking analysis.
- c. Underground or structured parking required. If the applicant for a mixed use project or for a residential project provides more parking than one and

one-quarter spaces per dwelling unit for any part of a project consisting of residential units or two and one-half spaces per 1,000 square feet for any part of a project that is not used for residential units, then all such additional parking shall either be underground or on the second or higher story of structured parking. This subsection shall not apply to additional parking spaces that may be required pursuant to MICC 19.01.050 or the residential development parking standards in MICC 19.11.130(C).

- d. Parking lot configuration.
  - i. Parking lot design shall conform to the standard stall diagrams set out in appendix A to this title.
  - ii. A design alternative to these standards may be authorized for residential development if the development utilizes the residential development parking standards in MICC 19.11.130(C).
  - iii. No more than 50 percent of the required off-street parking spaces for office and residential uses may be designed for accommodating compact vehicles. No more than 25 percent of the required off-street parking spaces for all other uses may be designed for accommodating compact vehicles. Such parking spaces must be clearly designated as compact stalls.
- e. Shared parking.
  - i. The amount of off-street parking required in subsection (B)(1)(a) of this section may be reduced by no more than 50 percent, as determined by the code official upon approval by the city engineer, when shared off-street parking facilities for two or more uses are proposed. A parking demand study shall be prepared by a professional traffic engineer and submitted by the applicant that documents parking demand for all land uses and that uses will be served by adequate parking if shared parking reductions are authorized.
  - ii. The determination whether shared parking will be allowed shall occur at the time the shared parking is proposed and when a change of use occurs.
  - iii. If shared parking is requested, the parking facilities for the multiple uses shall be designed and developed as a single on-site common parking facility, or as a system of on-site and off-site facilities. If off-site facilities are used, all facilities shall be connected with improved pedestrian facilities and no building or use shall be more than 1,320 feet walking distance from the most remote shared parking facility.
  - iv. If the shared parking is on one or more different properties, a covenant or other contract for shared parking between the cooperating property owners must be approved by the code official. This covenant or contract shall be recorded with the King County

department of records and elections division as a deed restriction on all properties and cannot be modified or revoked without the consent of the code official.

- v. If requirements for shared parking are violated, or the parking demand for shared parking exceeds the shared parking supply, the affected property owners shall provide a remedy satisfactory to the code official or provide the full amount of required off-street parking for each use, in accordance with the requirements of this chapter
  - f. *Access restriction prohibited.* Restricting vehicular and pedestrian access between adjoining parking lots at the same grade is prohibited.
  - g. Surface parking lot location.
    - i. *Behind structure.* All surface parking lots shall be located behind building structures.
    - ii. *No corner parking lots.* Parking lots shall not be located on a corner facing an intersection.
  - h. Design of surface parking and pedestrian access.
    - i. *Pedestrian walkways.* Pedestrian walkways must be provided through all parking lots. Walkways must be raised where the walkway traverses between parking stalls or is adjacent to vehicular circulation.
    - ii. *Concrete curbs.* All parking areas, landscaping areas and driveways must be surrounded by six-inch-high vertical concrete curbs.
    - iii. *Wheel stops.* All landscape and pedestrian areas must be protected from encroachment by parked cars. Wheel stops must be constructed for all nonparallel parking stalls.
  - i. Design of structured parking.
    - i. *Relationship to main building.* Parking structures must be designed with the same primary cladding material, color palette, architectural features as the main building.
    - ii. *Street side edges.* The street-side edges of the parking structure shall be fully screened.
2. *Signs and wayfinding.* Signs indicating the location of parking available to the public are required. Such signs shall be installed at the entrance to the parking lot/garage along the street and within the parking lot/garage.
  3. *Loading space.* Off-street loading space with access to a public street shall be required adjacent to or within or underneath each building. Such loading space

shall be of adequate size to accommodate the maximum number and size of vehicles simultaneously loaded or unloaded in connection with the business or businesses conducted in the building. No part of the vehicle or vehicles using the loading space may protrude into the public right-of-way.

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

kept available exclusively to provide parking for nonresidential uses in that development, as applicable. For parking stalls required for office use, this requirement shall only apply on weekdays between 7:00 a.m. and 6:00 p.m., excluding national holidays. Up to 50 percent of such stalls designated for office use may be allocated for residential use during the hours of 6:00 p.m. and 7:00 a.m. weekdays and at all times on weekends and national holidays.

- b. Owners or operators of developments in which such parking stalls are located are responsible for ensuring that such parking stalls are, in fact, occupied as above required only by vehicles of persons associated with the respective uses and are not being occupied by other vehicles. Compliance with, and allowing public parking in accordance with, the provisions of subsection (B)(5) of this section or shared parking in accordance with subsection (B)(1)(e) of this section shall not be considered a violation of this exclusive use requirement.

7. Affordable Housing. The code official may authorize an alternative minimum number of parking stalls for any development that includes affordable dwelling units at or below 49 percent of the median income level subject to review of a parking demand study prepared by a qualified professional. The applicant shall provide the parking demand study, which must include a description of the physical structure(s), identification of potential uses, and analysis of parking demand.

BC. Residential development parking standards.

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

7. Parking spaces that consist of grass block pavers may count toward minimum parking requirements.
8. Existing parking spaces that do not conform to the requirements of this section by June 6, 2024, are not required to be modified or resized, except for compliance with the Americans with Disabilities Act. Existing paved parking lots are not required to change the size of existing parking spaces during resurfacing if doing so will be more costly or require significant reconfiguration of the parking space locations.

### MICC 19.11.140 – SIGNS.

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

- e. *Backs of signs.* Exposed areas of backs of signs must be finished with the same color, material, or texture as the exterior finish of the buildings on site.
2. Wall signs.
- a. *Eligibility.* A wall sign shall be granted to commercial uses occupying buildings facing the streets and are limited to one sign per business on each street frontage. Commercial uses occupying a building adjacent to a driveway shall not qualify for a second wall sign. However, a commercial use occupying a building whose only exposure is from a driveway or parking lot shall be allowed one wall sign. Businesses that demonstrate that the entry off a driveway or parking lot is used by customers shall be eligible for a wall sign.
  - b. *Size.* All wall signs shall be no larger than:
    - i. *Twenty-five square feet.* Twenty-five square feet for individual business signs.
    - ii. *Fifty square feet.* Fifty square feet for joint business directory signs identifying the occupants of a commercial building and located next to the entrance.
  - c. *Determination of size.* The sign size is measured as follows:
    - i. *"Boxed" displays.* "Boxed" display — total area of display including the background and borders.
    - ii. *Individual letters and symbols.* Individual letters and symbols — total combined area of a rectangle drawn around the outer perimeter of each word and each symbol.
  - d. *Placement.* Wall signs may not extend above the building parapet, soffit, the eave line or the roof of the building, or the windowsill of the second story.
3. Projecting signs.
- a. *Sidewalk clearance.* Projecting signs must clear the sidewalk by a minimum of eight feet.
  - b. *Maximum size.* Projecting signs shall not be larger than six square feet.
  - c. *Projection from building.* Signs must not project over four feet from the building unless the sign is a part of a permanent marquee or awning over the sidewalk.
  - d. *Awnings.* Awnings that incorporate a business sign shall be fabricated of opaque material and shall use reverse channel lettering. Back-lit or internally lit awnings are prohibited.

4. *Window signs.* Window signs are limited to maximum 25 percent of the window area.
5. *Parking lot signs.* Signs within parking lots shall be limited to those necessary for safety, identification and direction. Parking lot signs must include required wording for signage identifying public parking required by MICC 19.11.130(B)(2).
6. Directional signs.
  - a. *Minimal number.* Only those directional signs necessary to protect the safety of pedestrians and passengers in vehicles are allowed. The code official may authorize additional directional signs as necessary to identify public parking area entrances.
  - b. *Size.* These signs shall be no higher than 36 inches and no larger than four square feet.
7. Prohibited signs.
  - a. *Roof.* Signs mounted on the roof are not permitted.
  - b. *Moving signs.* Animated, moving, flashing, blinking, reflecting, revolving, or other similar signs or signs that incorporate these elements are prohibited.
  - c. *Pennants and inflated signs.* Pennants or inflated signs, balloons and figures are prohibited.
  - d. *Vehicles.* Signs attached to or painted on vehicles parked for more than 180 consecutive days in an area visible from the public right-of-way are prohibited.
  - e. *Phone numbers.* Phone numbers are prohibited from permanent, exterior signs.
8. *Lighted signs.* Lighted signs shall use LED lights or other minimum wattage lighting, as necessary to identify the facility or establishment. Channel or punch-through letters are preferred over a sign that contains text and/or logo symbols within a single, enclosed cabinet.
9. Street numbers.
  - a. *Use.* City-assigned street numbers must be installed on all buildings.
  - b. *Effect on permitted sign area.* Street numbers will not be counted towards permitted sign area.
10. *Master sign plan.* A master sign plan describing the location and size of all signs is required for any major construction project that would include more than one sign.

## Chapter 19.15 MICC

### MICC 19.15.220 – Design Review and the Design Commission.

#### A. Design review procedure.

##### 1. General.

- a. *Intent.* The intent of the design review process is to ensure that regulated development in all land use zones complies with design objectives and standards established in chapters 19.11 and 19.12 MICC.
- b. *Scope.* No building permit or other required permit shall be issued by the city for development of any regulated improvement without prior approval of the hearing examiner or code official as authorized pursuant to this chapter. Deviations from an approved plan shall be permitted only upon the filing and approval of an amended plan.
- c. *Review authority.*
  - i. Hearing Examiner design review. The following development proposals shall require hearing examiner design review:
    - (a) New buildings;
    - (b) Any additions of gross floor area to an existing building(s);
    - (c) Any alterations to an existing building that will result in a change of 50 percent, or more, of the exterior surface area;
    - (d) Any alterations to a site, where the alteration will result in a change to the site design that affects more than 50 percent of the development proposal site; and
    - (e) Any alterations to existing facades, where the building is identified by the city as an historic structure;
  - ii. Hearing examiner design review not required for specific applications. Applications for social service transitional housing and special needs group housing that would otherwise be subject to hearing examiner design review under this section shall be subject to code official design review.
  - iii. Code Official design review. All other development proposals requiring design review and not requiring hearing examiner design review under subsection (A)(1)(c)(i) of this section shall be reviewed by the code official. Code official design review is an administrative process that does not require a pre-decision public hearing; and

- iii. *Exemptions from design review.* The following activities shall be exempt from design review:
- (a) Any activity which does not require a building permit; or
  - (b) Interior work that does not alter the exterior of the structure; or
  - (c) Normal building and site maintenance including repair and replacement that involves no material expansion or material change in design. For example, replacement in kind of roof mounted heating and cooling equipment or ventilation equipment does not require design review.
- d. *Process.*
- i. *Time frame and procedure.* Design review shall be conducted in accordance with the timelines and procedures set forth in MICC 19.15.040, Review procedures.
  - ii. *Written decisions.* All design review decisions of the ~~design commission~~ shall be reduced to writing and shall include findings of fact and conclusions that support the decisions.
2. *Plan submittal.* All materials shall be submitted a minimum of 30 days prior to any public hearings.

## Chapter 19.16 MICC

### MICC 19.16.010 – DEFINITIONS

[ ... ]

Affordable housing unit: A dwelling unit reserved for occupancy by eligible households and having monthly housing expenses to the occupant no greater than 30 percent of a given monthly household income, adjusted for household size, as follows:

1. Extremely low-income household: a single person, family, or unrelated persons living together whose adjusted income is at or below 30 percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development.
2. Low-Income household: a single person, family, or unrelated persons living together whose adjusted income is at or below 80 percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development.
3. Low income: For owner-occupied housing, 50 percent of the King County median income, and for renter-occupied housing, 50 percent of the King County median

~~income. Very low-income household: a single person, family, or unrelated persons living together whose adjusted income is at or below 50 percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development.~~

- ~~24. Moderate-income household: a single person, family, or unrelated persons living together whose adjusted income is at or below 120 percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development. For owner-occupied housing, 90 percent of the King County median income. For renter-occupied housing, 60 percent of the King County median income.~~

~~Pursuant to the authority of RCW 36.70A.540, the city finds that the higher income levels specified in the definition of affordable housing in this chapter, rather than those stated in the definition of "low income households" in RCW 36.70A.540, are needed to address local housing market conditions in the city.~~

- ~~35. King County median income: The median family income for the Seattle-Bellevue, WA HUD Metro FMR Area as most recently published by the United States Department of Housing and Urban Development under Section 8(f)(3) of the United States Housing Act of 1937, as amended. In the event that HUD no longer publishes median family income figures for King County, the city may estimate the King County median income in such manner as the city shall determine.~~

- ~~46. Eligible household: One or more adults and their dependents who certify that their annual household income does not exceed the applicable percent of the King County median income, adjusted for household size, and who certify that they meet all qualifications for eligibility, including any requirements for recertification on income eligibility.~~

- ~~57. Housing expense: In the case of renter-occupied housing, rent, tenant-paid utilities, one parking space, and other tenant expenses required for the dwelling unit; and in the case of owner-occupied housing, mortgage, mortgage insurance, property taxes, property insurance, and homeowner's dues.~~

[ ... ]

~~Public Open Space: plazas, parks or other spaces intended for the use and enjoyment of the public. Public open spaces serve as public gathering spaces and, depending on their size, could accommodate a variety of public events, as well as provide space for informal gatherings and quiet activities.~~

[ ... ]

~~Social Service Transitional Housing: Noninstitutional group housing facilities for unrelated persons, other than special needs group housing or rooming houses, that are privately or publicly operated, including those facilities required to be licensed by the state or federal governments as well as those that may not be required to be licensed, that provide temporary and transitional housing to meet community social service needs including, but not~~

limited to, work-release facilities and other housing facilities serving as an alternative to incarceration, halfway houses, emergency shelters, homeless shelters, domestic violence shelters and other such crisis intervention facilities. ~~Social service transitional housing excludes institutional facilities that typically cannot be accommodated in a single-family residential structure.~~ Further, the term shall include “emergency housing,” and “transitional housing” as defined within RCW 84.36.043(2)(c) or as hereafter amended. The term shall further include “emergency shelter” as defined within RCW 36.70A.030 or as hereafter amended.

[ ... ]

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