

Omnibus Legislation Planning Commission Comment Matrix

NOTE:

- This form is for Planning Commission amendments related to the Omnibus Legislation draft code only.
- Submit amendments only, **no commentary or discussion**. Save your discussion of amendments and commentary for the next public meeting.
- Do not use this form for confidential matters.
- Include the code reference and your name. Enter each amendment on a separate line.
- Staff will prepare responses, as time allows, and provide the Planning Commission with the matrix document by September 23, 2025.
- The matrix will also be appended to the Planning Commission packet for each meeting it will be discussed and published online.

Category	Log Numbers
Question	3, 7, 8, 9, 12, 14, 15, 18, 19, 23, 24, 28, 29, 31, 32, 44, 45, 52, 53, 61, 63, 64, 67, 69, 72, 76, 77, 78, 87, 104
Non-Substantive	1, 2, 5, 6, 10, 11, 13, 16, 17, 20, 22, 25, 26, 27, 30, 33, 34, 35, 36, 38, 39, 40, 41, 42, 46, 47, 48, 49, 50, 51, 54, 57, 58, 60, 62, 65, 66, 68, 70, 71, 73, 74, 89, 92, 93, 96, 100
Substantive	4, 21, 37, 43, 55, 56, 59, 75, 79, 80, 81, 82, 83, 84, 85, 86, 88, 90, 91, 94, 95, 97, 98, 99, 101, 102, 103

Log #	Received From	Section	Comment	Staff Response
1	JB Gibson	19.06.080(B)(1)	Clarify that the use is permitted in all zones where residential dwelling is allowed	Non-Substantive Proposed amendments to 19.06.080(A) and (B) have been withdrawn. See response to Comment Log #4 below.
2	JB Gibson	19.06.080(C)(3)(a)	Clarify that the parking rate is a minimum	Non-Substantive The City cannot require more than 0.25 parking spaces per sleeping unit in co-living housing (RCW 36.70.535(3)(a)(ii)). The proposed amendment would clarify that developers may provide more spaces if desired.

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3	JB Gibson	19.06.080	The proposed amendment strikes 19.06.080-A-1-C. Based on my (limited) research of HB 1220, cities may not ban tenancy based on criminal history or personal behaviors, but it does allow tenancy restrictions if they are reasonable and linked to public health and safety. This provision appears to be both. Would it be feasible to adjust this language as needed to fit the requirements of HB 1220 rather than strike it completely? If so, I would also recommend we add the same language to 19.06.080-B to replace the struck section 19.06.080-B-3-a.	<p>Question</p> <p>Yes, the City can enact occupancy, spacing, and intensity of use regulations on Shelter, Temporary, Emergency, and Permanent Supportive (STEP) housing to protect health or safety. The challenge here is that the City doesn't currently have evidence that a spacing or occupancy requirement would protect health or safety. There needs to be a report or study that empirically makes the case that whatever occupancy, spacing, or intensity of use regulation is necessary to protect health or safety. Without evidence, it would be difficult to make the case that any occupancy, spacing, or intensity of use standard is in place to address health and safety rather than to address some other concern.</p> <p>If the Planning Commission would like to address a health or safety concern it can propose a finding to accompany the recommendation. The finding can be something along the lines of "the Planning Commission requests that the City Council direct staff to conduct a study of potential occupancy, spacing, and intensity of use standards and health and safety as they relate to STEP Housing." Then, the Council can direct staff to undertake the work necessary to demonstrate the need for those standards.</p> <p>This limitation comes from RCW 35A.21.430, which states:</p> <p>"A code city shall not prohibit transitional housing or permanent supportive housing in any zones in which</p>

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				<p>residential dwelling units or hotels are allowed. Effective September 30, 2021, a code city shall not prohibit indoor emergency shelters and indoor emergency housing in any zones in which hotels are allowed, except in such cities that have adopted an ordinance authorizing indoor emergency shelters and indoor emergency housing in a majority of zones within a one-mile proximity to transit. Reasonable occupancy, spacing, and intensity of use requirements may be imposed by ordinance on permanent supportive housing, transitional housing, indoor emergency housing, and indoor emergency shelters to protect public health and safety. Any such requirements on occupancy, spacing, and intensity of use may not prevent the siting of a sufficient number of permanent supportive housing, transitional housing, indoor emergency housing, or indoor emergency shelters necessary to accommodate each code city's projected need for such housing and shelter under RCW 36.70A.070(2)(a)(ii). [emphasis added]"</p> <p><u>Tenancy and Occupancy</u> Occupancy refers to how many people may occupy a building, dwelling, etc., whereas tenancy refers to who may occupy a building, dwelling, etc. As outlined above, regulating occupancy will require the City to conduct a study to establish a link between occupancy, the proposed regulations, and public health and safety. Tenancy, on the other hand, is much more difficult to regulate because there are state and federal limits to how tenancy can be</p>

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				limited. If the Planning Commission is concerned about tenancy, a similar study and analysis would be required to ensure that the proposed regulations are legal.
4	Planning Commission	19.06.080(B)	Analyze whether “Social Service Transitional Housing” can be limited to only those zones where hotels are allowed. [Note: this comment was provided by the Planning Commission by consensus on September 10, 2025]	<p>Substantive</p> <p>The Planning Commission requested analysis of this potential amendment by consensus at the September 10 meeting. Staff began analyzing the potential emergency housing capacity impacts following that meeting. After initial review, the CPD Director decided to pull the proposed amendments to MICC 19.06.080(A) and (B) related to “special needs group housing” and “social service transitional housing” from the omnibus legislation to allow the City to consider permanent amendments during its process to comply with the recent Growth Management Hearings Board (GMHB) Final Decision and Order (FDO). Compliance with the FDO will require the City to comprehensively review its housing capacity and how it will accommodate its affordable housing needs, which include shelters, transitional, emergency, and permanent supportive (STEP) housing.</p> <p>Redirecting work on permanent regulations for STEP housing to the GMHB FDO compliance effort will give the City time to conduct the necessary analysis without delaying the other amendments in the omnibus legislation. The Planning Commission will be able to comment on and review the STEP housing regulations during the GMHB FDO compliance effort.</p>

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				During the Planning Commission’s September 10 meeting there was discussion about the interim development regulations allowing emergency housing in all zones. To clarify, prior to the interim regulations being adopted the following were allowed in all zones with a conditional use permit: noninstitutional group housing facilities for unrelated persons that are privately or publicly operated, 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. The adopted interim development regulations amended the code to adopt the definitions of emergency housing, emergency shelter, and transitional housing from state statute.
5	N Nice	19.02.020.G.4 – Parking Requirements (Residential) Page 3	4. Except as otherwise provided in this chapter, each lot shall provide parking deemed sufficient by the code official for the use occurring on the lot; provided, any lot that contains ten or more parking spaces shall also meet the parking lot <i>HB 1293: The phrase “parking deemed sufficient by the code official” gives open-ended authority to an individual’s judgment without measurable criteria. An applicant cannot know in advance what will be “sufficient” — it depends on the official’s opinion. Is this compliant with HB 1293?</i>	Non-Substantive This standard can be clarified in the same way the parking standards are elsewhere in the draft as follows: “Except as otherwise provided in this chapter, each lot shall provide parking deemed sufficient by the code official for the use occurring on the lot <u>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;</u> provided, any lot that contains ten or more parking spaces shall also meet the parking lot [...]”

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6	N Nice	19.03.020 .B.3– Parking Requirements (Multifamily) Page 5	<p>3. Group parking areas shall be screened from view from streets and adjoining properties at pedestrian eye level. If screening consists of solid planting, it shall be of evergreen variety and shall constitute a solid planting within two years.</p> <p>HB 1293: Is the language on screening specific enough? And screening has to be provided from adjoining properties – at all eye levels? That seems impractical if there is a multistory building next door. Other areas of the code seem to better define screening when landscape is used and refers to it as “Full Screen”. There could more some consistency here (and “full screen” says 3 years not 2).</p> <p>Per 19.12.040 Landscape design and outdoor spaces: Full screen. A full screen provides a dense vegetated separation between dissimilar uses on adjacent properties. A full screen should shall block views from adjacent properties as seen at the pedestrian eye level in all seasons within three years of installation. The number of trees provided shall be one tree for every ten feet of landscape perimeter length.</p> <p>This definition provides a specific quantity of trees per a specific distance, so the applicant knows what qualifies as solid planting without any judgement from the reviewer. Would this language be more HB 1293 compliant?</p>	<p>Non-substantive Revising two years to three to match Chapter 19.12 would be a simple amendment. Most development regulated by this section would also be subject to Chapter 19.12 so both sections would be consistent and the three-year time frame will provide applicants with flexibility.</p> <p>Question The phrase “at pedestrian eye level” would mean the eye level at the street and not include all eye levels. In general, this would be interpreted as visual screening between 5 and 6 feet from the streets and adjoining properties.</p> <p>Yes, this requirement meets the HB 1293 clear and objective standard. Group parking areas in the MF zones subject to MICC 19.03.020(B)(3) would also be subject to the screening standards in Chapter 19.12 MICC because they are part of regulated improvements outside the Town Center Zones. Because the screening and landscaping standards in Chapter 19.12 MICC would also apply, the general standard in 19.03.020(B)(3) would be made more specific by the other screening and landscaping standards. The net effect of the two standards is that the sum total is clear and objective.</p>
7	N Nice	19.03.020.B.9- Parking Requirements	<p>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</p>	<p>Question No, further amendment of the proposed parking standard in MICC 19.03.020(B)(9) would not be necessary to meet</p>

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		(Multifamily) Page 6	<p>permitted may be increased if the applicant can demonstrate that no adverse impacts will occur based on review of detailed information provided by the applicant that includes a description of the physical structure(s), identification of potential uses, and analysis of likely parking demand.</p> <p>HB 1293: The last sentence appears subjective:</p> <ul style="list-style-type: none">• “May be increased based on review of detailed information...” leaves discretion to staff/board with no measurable standard.• Applicant cannot tell in advance whether their proposal will be approved — does this conflict with the “clear and objective” and that it can be ascertained by the applicant?• Even though the applicant is asked to provid detailed information, the final decision rests on interpretation. Does HB1293 prohibit this? <p>To be compliant, would you need to rewrite the last sentence to a measurable standard and show how compliance will be judged? As an example (the numbers are just made up though):</p> <p>“The percentage of compact stalls permitted may be increased up to 70 percent if a parking demand study, prepared by a qualified professional and submitted by the applicant, demonstrates that projected peak parking utilization will not exceed 85 percent of available stalls.”</p> <p>If modification to meet compliance for HB1293 is necessary, it may be easier to just strike the highlighted portion and leave the compact car requirement at a 50%.</p>	<p>the clear and objective standard. The decision to increase the percentage of compact stalls allowed in a parking area would be tied to the findings of the detailed information (parking study) provided by the applicant. That detailed information would be reviewed by either the code official or Hearing Examiner, depending on the permit process required, to determine whether the percentage can be increased. In practice, the applicant would have the parking study completed, propose a parking area with a percentage of compact stalls based on the study, and then the reviewer (code official or Hearing Examiner) would compare the proposed parking area plan with the parking study to ensure that the share of compact stalls are within the range. Because the applicant would have the parking study in advance of designing their parking area, they would be able to determine whether their proposal does or does not meet the standard.</p> <p>This also resolves the first bullet to the left. The standard is not subjective because the requirement (share of compact parking stalls to be provided) would be based on a study. The applicant would know whether or not the proposal fits within the range determined in their detailed information about likely parking demand.</p> <p>HB 1293 does not require the City to remove all discretion from the permit review process. Rather, the key requirement from RCW 36.70A.630 states:</p>

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				<p>“(1) For purposes of this section, "design review" means a formally adopted local government process by which projects are reviewed for compliance with design standards for the type of use adopted through local ordinance.</p> <p>(2) Except as provided in subsection (3) of this section, counties and cities planning under RCW 36.70A.040 may apply in any design review process only clear and objective development regulations governing the exterior design of new development. For purposes of this section, a clear and objective development regulation:</p> <p>(a) Must include one or more ascertainable guideline, standard, or criterion by which an applicant can determine whether a given building design is permissible under that development regulation; and</p> <p>(b) May not result in a reduction in density, height, bulk, or scale below the generally applicable development regulations for a development proposal in the applicable zone.”</p> <p>The study requirement is the ascertainable requirement and will provide an objective basis to determine the share of compact parking stalls that may be provided in a proposed parking area.</p>

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8	N Nice	19.04.010.D.1.e - Planned business zone Page 7	<p>e. The buffers may be modified to allow expansion or modification of the service station use at the corner of 84th Avenue SE and SE 68th Street through the PBZ site plan review process. This review shall provide conditions that assure compatibility with adjacent uses including, but not limited to, landscaping which screens objectionable views, light, glare and noise.</p> <p>HB 1293: Q: Separate review processes like the PBZ site plan review comply with HB 1293 even though the language here doesn't have clear and objective standards? Like buffers may be reduced by 50% or standards for lighting, screening, noise, and glare? And subjective words like <i>objectionable</i> are ok?</p>	<p>Question</p> <p>The standards for review and adoption of a PBZ site plan appear to have been established to provide review criteria and an authorization pathway for a site plan that would apply to all development within the zone at the time the zone was created. Approval of a site plan is not directly related to the exterior design of new development and so not subject to the clear and objective requirement in RCW 36.70A.630. Amending this standard would be beyond the scope of this project.</p>
9	N Nice	19.04.010.D.2 - Planned business zone Page 7	<p>2. Landscaping requirements. Required yards shall be landscaped, the landscaping to include incorporation of existing landscaping along with new shrubs and trees making the planned business zone compatible with surrounding uses and controlling objectionable views, glares or noise as further specified in the design standards.</p> <p>HB 1293: Q: no measurable criteria, what existing planting must be kept (can it be relocated?), planting spaces, thresholds for glare, sound, or screening. Is this compliant language? My discussion with Adam Zach would suggest that keeping any existing landscaping would meet the criteria if it's not elaborated on in the code. One azalea, for example, would comply.</p>	<p>Question</p> <p>The landscaping requirements in the PBZ are applied in addition to the standards in Chapter 19.12 MICC. Nearly all new development in the PBZ would be regulated improvements and subject to design review under Chapter 19.12 MICC. More specific requirements are not necessary.</p>
10	N Nice	19.04.020.B.3 – Commercial Offices Page 10	<p>3. A strip of land adjacent to all external boundaries of the site, including any frontage on public rights-of-way, shall be devoted exclusively to the planting, cultivation, growing and maintenance of sight-obscuring trees, shrubs and plant life.</p> <p>HB 1293: Q: size of strip of land? Specifics for screening and plantings like</p>	<p>Non-Substantive</p> <p>“A strip of land adjacent to all external boundaries of the site, including any frontage on public rights-of-way <u>excluding required access points</u>, shall be devoted exclusively to the planting, cultivation, growing and</p>

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			those contained in 19.12.040 could be good for consistency? <i>Devoted exclusively</i> suggests no utilities, paving, or other items may be located in this zone. Is this compliant language with HB 1293?	maintenance of sight-obscuring trees, shrubs and plant life landscaping providing a partial screen.” The partial screen standard is more specific and tie this to an existing standard. Most development in the C-O zone would be regulated improvements and subject to the design standards in Chapter 19.12 MICC.
11	N Nice	19.04.020.B.7 – Commercial Offices Page 11	7. Compact vehicles. Up to 50 percent of the required off-street parking spaces may be designed for accommodating compact vehicles. Such parking spaces must be clearly designated as compact stalls. The percentage of compact stalls permitted may be increased if the applicant can demonstrate that no adverse impacts will occur. HB 1293: Q: adverse impacts is undefined. Is this compliant language?	Non-Substantive This could be clarified by tying the allowance to a parking study: “The percentage of compact stalls permitted may be increased if the applicant can demonstrate that no adverse impacts will occur <u>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.”</u>
12	N Nice	19.04.020.B.9 – Commercial Offices Page 11	9. Variances. Notwithstanding any of the minimum parking requirements set out in subsection C of this section, the code official may grant variances from the minimum parking requirements with the approval of the city engineer 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. HB 1293: Q: the applicant cannot know in advance whether their parking variance will be granted – the outcome depends on the reviewer’s judgment. Is there a measurable standard required to know whether a variance would be approved? If parking demand is required (presumably by	Question The requirement here is that the applicant must provide a parking study that details the expected parking demand and details why there is a need to vary the parking standard. Applying for this type of parking variance would be optional, the applicant can decide whether to pursue a variance. The clear and objective standard here is that the applicant must either (1) meet the non-varied standard or (2) provide the parking study. The study would inform whether a variance would be allowed.

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			<p>a parking study), does the criteria for the parking study need to be specified (e.g. the method, define the inputs, specify the maximum reduction, etc)?</p> <p>The “description of the physical structure(s), identification of potential uses, and analysis of parking demand” are inputs, but there’s no rule for how those inputs translate into an allowed reduction.</p> <p>Note: analysis of parking demand also listed in C.16, E (all on page 11) F (Page 11-12). 19.06.080.B.1.c (page 14) Similar comment may apply to those items as well.</p>	
13	N Nice	19.06.030 - Antennas	<p>D. The code official shall review the proposed location of a dish antenna to determine that the antenna is located and designed so as to minimize the visual impact on surrounding properties and streets and is reasonably and adequately screened from view from abutting properties.</p> <p>HB 1293: Q This was not in the Omnibus document, but curious if this section is compliant? There are no standards for an applicant to judge whether they have met this code. Screening must be from what vantage point?</p>	<p>Non-Substantive This section could be improved by making the following change:</p> <p>“The code official shall review the proposed location of a dish antenna to determine that the antenna is located and designed so as to minimize the visual impact on surrounding properties and streets and is reasonably and adequately screened from view from abutting properties.”</p> <p>The clear and objective standard is that the antenna be screened from view.</p>
14	N Nice	19.06.030.I – Antennas Page 12	<p>A deviation from any of the above standards may be granted for projects which require design review.</p>	<p>Question Criteria for granting the deviation do not need to be set here. Antennas associated with a development subject to design review would have to comply with the requirements in either Chapter 19.11 or 19.12 MICC, which would be</p>

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			HB 1293: Q: No fixed conditions or measurable thresholds for when a deviation is allowed. Is that necessary?	clear and objective once the other amendments proposed have been made.
15	N Nice	19.11.010. D.6 – General (Town Center) Page 20	<p>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.</p> <p>Building forms should avoid excessive visual mass that appears out of proportion to adjacent structures or presents a monolithic appearance from the street or sidewalk. Building additions should complement the original structure in scale, articulation, and design character.</p> <p>Original language makes this section difficult to read. Suggest rewording.</p> <p>Q: Also, confirm these ‘aspirational’ sections of the code really don’t create any enforceable impact unless specific criteria are listed elsewhere?</p>	<p>Question</p> <p>This section details the vision for Town Center. There are no standards that a proposed development would be held to so they were not proposed to be struck.</p> <p>Changes to the design vision would be a substantive project to allow for additional public input to inform the vision.</p>
16	N Nice	19.11.020.C.1 – Land uses (Town Center) Page 27	<p>1. Outdoor storage and display of merchandise. The total area allowed for outdoor storage and/or merchandise display shall be less than five percent of the total gross square footage of the use; provided, however, that such area may exceed five percent if it is fenced and screened. This standard does not apply to temporary uses such as material storage during construction or street vendors</p> <p>HB 1293: Q: When fencing and screening is mentioned, is this referencing 19.11.080 – Screening for standards?</p> <p>How would the applicant know the height of the fence?</p>	<p>Non-substantive</p> <p>The standard could be clarified that the screening must be a full screen. Full screening would be appropriate here because there is also a fence required, implying that merchandise should not be visible from the right of way.</p> <p>Yes, where screening is required, the screening standards later in Chapter 19.11 MICC would apply. The requirement is that a fence must be provided but there is not a height standard established. The applicant could determine that a fence has been provided and would have the discretion</p>

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			How would the applicant know the requirement for the screening? If it's landscape, is it Full screen, partial, or filtered?	to determine the size of the fence. Because a screen must be provided consistent with the screening standards elsewhere, visual impacts are expected to be mitigated
17	N Nice	19.11.020.C.3 – Land uses (Town Center) Page 27	<p>3. Transit facilities. Bus parking/loading space, and shelters and facilities for transit users shall be integrated in the design of major new construction. Plans must be coordinated with transit providers to maximize the interface with community-wide and regional transit systems.</p> <p>HB 1293: Q: are the standards for quantities? <i>Integrated</i> seems vague, there's no measurable definition of integrated. <i>Maximize the interface</i> seems subjective. <i>Plans must be coordinated with transit providers</i> doesn't specify what constitutes adequate coordination or what happens if the provider doesn't respond or agree.</p> <p>An applicant can't self-verify compliance without knowing exactly what facilities are required, their size, location, or design specifications.</p>	Non-Substantive “integrated in the design of ...” can be replaced with “provided with” to clarify. There is no numerical standard proposed and adding one would be a substantive change.
18	N Nice	19.11.020.C.4 – Land uses (Town Center) Page 27	<p>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.</p> <p>HB 1293: Q: are the standards for quantities? Quantity of one would meet the regulation for each of these – it's basically up to the applicant to decide?</p>	Question Yes, this standard is a yes/no standard there is no proposed numerical standard. Adding a numerical standard would be a substantive change.

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19	N Nice	19.11.020.C.5 – Land uses (Town Center) Page 27-28	<p>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.</p> <p>“So that they are not visible” seems subjective unless the vantage point is defined.</p>	<p>Question</p> <p>This would be interpreted as requiring a full screen as defined in MICC 19.11.080. The “full screen” requirement would be required for outdoor utility and equipment cabinets.</p>
20	N Nice	19.11.020.D – Land uses (Town Center) Page 28	<p>Objectionable or hazardous uses. No use shall be allowed which produces excessive odor, dust, smoke, cinders, gas, fumes, noise, vibration, refuse matter or water-carried waste. The standard for "excessive" shall be based on the average or normal production of these items by adjoining uses permitted in the vicinity of the proposed new use. A use is excessive if it is likely to unreasonably interfere with the ability of the adjoining property owners to utilize their property for working or living activities or if it is likely to unreasonably interfere with the ability of pedestrians and residents to remain in or enjoy the area.</p> <p>HB 1293: “Excessive” is undefined in measurable terms — even though this section tries to tie it to “average or normal production” of nearby uses, that baseline is still open to interpretation. <i>Enjoy the area</i> sounds subjective. Is this HB 1293 compliant?</p>	<p>Non-Substantive</p> <p>This section should be struck. The City has a nuisance code to address these concerns established in Chapter 8.24 MICC.</p>
21	N Nice	19.11.030.A.5.a – Bulk Regulations	<p>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</p>	<p>Substantive</p> <p>The requirement that rooftop appurtenances be screened from view from the surrounding hillside is a standard that</p>

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		(Town Center) Page 29	<p>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.</p> <p>Q: from the hillside surrounding the Town Center seems like it could be a hard standard to meet as mechanical equipment is often open to the sky above. Is it the entire hillside? If not, a map may need to be provided. If this isn't commonly enforced, it may be best to remove it?</p>	currently exists. The standard is enforced and new development is reviewed for adequate screening of rooftop appurtenance. Removing this requirement altogether would be beyond the scope of this project.
22	N Nice	19.11.030.A.7.a– Bulk Regulations (Town Center) Page 30	<p>a. From a height of 25 27 feet at the front property line, buildings shall step back at a 45-degree angle up to the maximum height limit.</p> <p>Base building height is 27' per 19.11.030 (see page 28). Maybe these numbers would make more sense if they coordinated?</p>	Non-Substantive
23	N Nice	19.11.060.A.1 – Site design (Town Center) Page 34	<p>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.</p> <p>HB 1293: 3 minor site features are required per 19.11.060.A but beyond that there are no measurable standards, which leaves it up to the reviewer to determine if an applicant's project complies.</p>	<p>Question</p> <p>The requirement is that major new construction must include the minor site features. It would be up to the applicant to incorporate the minor site features into the building design. The requirement does not need a set numerical standard to be clear and objective because the requirement is whether these features have been included. Setting a hard standard around this kind of requirement would likely need a more in depth review process. A numerical standard is not proposed here because there was not one already set in the code. The amendment can get to clear and objective by simply requiring the feature.</p>

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24	N Nice	19.11.060. A.2 – Site design (Town Center) Page 34	<p>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.</p> <p>HB 1293: 3 minor site features are required per 19.11.060.A but beyond that there are no measurable standards, which leaves it up to the reviewer to determine if an applicant’s project complies.</p> <p>Size of kiosk, bulletin boards, etc? Creatively designed is subjective.</p> <p>Large number of people gather is undefined. This is compliant with HB 1293?</p>	<p>Question See response to log #23 above</p>
25	N Nice	19.11.060. C.2b – Site design (Town Center) Page 36	<p>At least two linear feet of seating surfaces per 100 square feet of public open space must 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.</p> <p>This amendment acknowledges many projects and jurisdictions look for lower maintenance options for benches, but tries to maintain compliances with HB 1293 (otherwise the amendment might be less specific about the appearance of the synthetic material).</p>	<p>Non-Substantive</p>
26	N Nice	19.11.060. C.2d –	<p>At least 25 percent but not more than 60 percent of an outdoor public open space, measured by horizontal square footage at ground level of the</p>	<p>Non-Substantive</p>

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		Site design (Town Center) Page 37	<p>planting area, shall be landscaped with shade trees, ground cover or other vegetation.</p> <p>HB 1293: do we need to specify how this is measured to clarify, for example, it's not counting the canopy of the shade tree, but the area of planting at the ground level?</p> <p>And is this subject to the standards in MICC.19.070 – Greenery and outdoor spaces which count areas at different ratios depending on what is planted?</p>	An additional standard for measuring the percentage of an outdoor public space is not necessary, but this section could be improved by removing “with shade trees, ground cover or other vegetation”. This would address the first question because the requirement is simply to landscape at least 25% but not more than 60% of the outdoor public space. The landscaped area in an outdoor public space provided as part of the site design would also be subject to the landscaping standards in MICC 19.11.070.
27	N Nice	19.11.070.B.1 – Greenery and outdoor spaces (Town Center) Page 43	1. Landscaped surface requirement	Non-Substantive
28	N Nice	19.11.070 –Greenery and outdoor spaces (Town Center) Page 43 & 44	<p>The term local and regional best landscaping practices is used four times on pages 43 and 44.</p> <p>HB 1293: Q: does the “best landscaping practices” phrase need either a cross-reference to a fixed standard or a list of measurable installation requirements to remove subjectivity? Or remove the word ‘best’?</p>	<p>Question</p> <p>No, we do not need to establish a set of best practices in the code. For these types of requirements City staff can maintain a list of best practices and provide those to applicants if needed. Under this standard the applicant must demonstrate that they have been referring to best practices and provide an explanation.</p>
29	N Nice	19.11.070.B.1.e – Greenery and outdoor spaces (Town Center) Page 44	<p>e. Green Walls</p> <p>I. Artistic green walls adjacent to ground level publicly accessible space with decorative patterns qualify as a landscaped surface at a 125 percent rate;</p>	<p>Question</p> <p>Green walls are measured in square footage of the wall, the same as other landscaped areas. The percentages here are applied to the square footage to determine how much of the required landscaping area is addressed by the green wall.</p>

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			<p>ii. Standard green walls qualify as landscaped surfaces at a 75 percent rate;</p> <p>iii. Vine trellis/arbors/walls qualify as landscaped surfaces at a 50 percent rate. Planter areas must feature minimum soil depth necessary to maintain healthy vine growing conditions as determined by regional best landscaping practices.</p> <p>HB 1293: Q: It’s not clear how this is measured. Vertically or horizontally? A green wall takes up very little horizontal space.</p> <p>Are the terms Artistic and Standard clear? Decorative patterns is subjective. Is the term Standard clear? Is it clear what the difference is between ii and iii?</p>	<p>The key in MICC 19.11.070(B)(1)(e)(i) is that these are green walls adjacent to ground level publicly accessible space. The words “artistic” and “with decorative patterns” could be removed but do not have to be for this standard to be clear and objective.</p>
30	N Nice	19.11.080. B.1.b – Screening (Town Center) Page 46	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.	Non-substantive
31	N Nice	19.11.080.D. – Screening (Town Center) Page 47	D. Built screening. Any screening not composed of landscaping must be constructed of opaque building materials to provide a sight-obscuring barrier between the screened object(s) and the adjacent property and/or right of way from pedestrian eye level. The materials of the screening must be the same design, color, and materials as the exterior of the accompanying structure.	Question The phrase “from pedestrian eye level” would mean the eye level at the street and not include all eye levels. In general, this would be interpreted as visual screening between 5 and 6 feet from the streets and adjoining properties.

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			Q: Is this section compliant with HB 1293 w/o giving a height or vantage point (landscape section above specifies at pedestrian eye level)?	
32	N Nice	19.11.090.B.2 – Lighting (Town Center) Page 47	2. Light type. Lighting must use LED or similar minimum wattage light sources, which give more designed to provide "natural" light. Non-color corrected low-pressure sodium and mercury vapor light sources are prohibited. [HB 1293] Natural lighting may mean daylight or moonlight which have different color temperatures. Is either acceptable? Typically warmer colors are preferred at night (2700-3000K).	Question The standard does not establish a color-temperature requirement. An applicant would have discretion to determine the color-temperature of the lighting.
33	N Nice	19.11.090.B.2 – Lighting (Town Center) Page 48	Shielding. All exterior lighting fixtures must be shielded or located to confine light spread within the site boundaries when adjacent to residential uses. Was the intent of this modification to limit the shielding to only when adjacent to residential uses and not elsewhere in the Town Center?	Non-Substantive The standard should apply throughout Town Center, not only sites adjacent to residential uses. Striking “when adjacent to residential uses” would be resolve this comment.
34	N Nice	19.11.100B.2 – Building Design (Town Center) Page 49	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 embellish the facade. b. Decorative light fixtures. c. Decorative paving. d. Trellises, railings, gates, grill work, or unique landscaping. e. Flower baskets supported by ornamental brackets.	Non-Substantive The standard as proposed is a simple yes/no requirement and so it meets the clear and objective standard from RCW 36.70A.630. This list includes unnecessary adjectives that can be removed (i.e., drop “unique” and just require landscaping). Decorative paving can be amended to “Paving with a texture, color, or stamped pattern different from other paved features.”

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			<p>Terms such as “embellish”, “Decorative” and “Unique” are subjective and different reviewers could come to different conclusions.</p> <p>Decorative Paving is unclear how it would work because the section states seven elements shall be included ON the street facing façade. Paving could be adjacent to a façade (not typically on it), but the code does not specify how close, or quantity.</p> <p>Same with unique landscaping. Must this be on the façade such as a green wall, or adjacent? How much and how close?</p>	
35	N Nice	19.11.100B.3.b.ii – Building Design (Town Center) Page 50	<p>ii. A change in building materials that effectively contrasts from the rest of the facade.</p> <p>b. ii. The term ‘effectively’ contrasts is subjective unless defined.</p>	Non-substantive
36	N Nice	19.11.100B.3.c – Building Design (Town Center) Page 50	<p>c. Building walls with contrasting articulation and roofline modulation that make it appear like two or more distinct buildings. See examples on Figure 11. To qualify for this option, these contrasting facades shall employ all of the following:</p> <p>i. Different building materials and/or configuration of building materials; and</p> <p>ii. Contrasting window design (sizes or configurations).</p> <p>iii. Roofline modulation</p> <p>HB 1293: It wasn’t clear whether roof line modulation above was a requirement, so this amendment moves it to the requirements, and removes the somewhat subject and undefined term “contrasting</p>	Non-Substantive

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			articulation”. It seems like examples (Figure 11) can be used to illustrate intent but cannot substitute for measurable standards under HB 1293.	
37	N Nice	19.11.100B.4 – Building Design (Town Center) Page 52	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; Could be subjective w/o a measurable definition. Might it be clearer to split the windows and entry apart and elaborate on a measurable requirement? b. Use of vertical piers/columns; Any depth required? c. Change in roofline; Any definition of what would qualify? d. Change in building material or siding style; % of façade required? e. Vertical elements such as a trellis with plants, green wall, art element; Or Area required for plants, art?	Substantive Setting more specific parameters for the required building façade modulation is beyond the scope of the current project. The standard as proposed is a simple yes/no requirement and so it meets the clear and objective standard from RCW 36.70A.630. Making these standards more specific with minimum dimensions or detailed definitions would improve the requirement but is not necessary to comply with the state law at this time.

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38	N Nice	19.11.100B.5 – Building Design (Town Center) Page 53	<p>5. Walls. Untreated blank walls are prohibited. New development must use one of the following methods to treat blank wall</p> <p>a. Display windows at least 16 inches of depth to allow for changeable displays. Tack on display cases shall not qualify as a blank wall treatment.</p> <p>Façade area required?</p> <p>c. A vertical trellis in front of the wall with climbing vines or plant materials. The vertical trellis must be designed to cover at least sixty (60) percent of the wall within three years of planting. that are sufficient to obscure or screen at least 60% of the wall surface within three years.</p> <p>Original wording suggests the trellis would grow over 3 years, not the plants. Worded as amended, it probably also means the size of the trellis is at least 60% of the wall – although that would mean the vine would need to achieve 100% coverage in 3 years which is probably unlikely.</p>	<p>Non-Substantive</p> <p>Note, the minimum area for display windows does not need to be defined, the standard is to either provide a window or not.</p>
39	N Nice	19.11.100B.6 – Building Design (Town Center) Page 54	<p>6. Entrances. Building entrances must be located along the sidewalk. Entrance doors shall be recessed from the facade surface to emphasize the entrance and provide a sheltered transition to the interior of the building.</p> <p>How would the applicant know how much of a recess is enough? Providing sheltered transition is subjective.</p>	<p>Question</p> <p>Any amount of recess would meet the requirement. The applicant would have discretion in how much to recess the building entrance.</p> <p>Non-Substantive</p> <p>Can strike the phrase “to emphasize the entrance and provide a sheltered transition to the interior of the building” to improve the clarity and the standard would remain effectively the same.</p>

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40	N Nice	19.11.100B.7 – Building Design (Town Center) Page 54	<p>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 on 80 percent of a building's frontage along the retail frontages shown on MICC 19.11.020 Figure 2. [HB 1293]</p> <p>Section 7 – Weather Protection, specifically calls out that canopies are required along retail frontages shown on MICC 19.11.020 Figure 2.</p> <p>Figure 2 references Retail, restaurants, personal service, museum and exhibition, theater, bar, financial and insurances services, recreation</p> <p>As worded, are canopies only required for retail and not the others and was this the intent (doesn't seem right)? Maybe strike the word retail?</p>	<p>Non-substantive</p> <p>This could be clarified as follows: “on 80 percent of a building's frontage along the retail required street frontages shown on MICC 19.11.020 Figure 2.” This amendment would more accurately refer to Figure 2.</p>
41	N Nice	19.11.100B.8 – Building Design (Town Center) Page 55	<p>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(DC). Other courtyards must:</p>	<p>Non-Substantive</p>
42	N Nice	19.11.100B.8 – Building Design (Town Center) Page 55	<p>b. Be covered with trees, ground cover, or other landscaping over at least 50 percent of its area;</p> <p>Is it clear how trees are measured? Canopy or simply the areas they are planted in? How would an applicant know the quantities required or spacing?</p>	<p>Non-Substantive</p> <p>This section could be clarified by simply referring to landscaping as follows: “Be covered with trees, ground cover, or other landscaping over at least 50 percent of its area;” this is more clear and would then the landscaped area would be subject to the greenery and outdoor spaces requirements in MICC 19.11.070.</p>

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			<p>c. Include seating, special paving material, pedestrian-scale lighting and other pedestrian furnishings; and</p> <p>HB1293: Quantities required? “Special” and “Pedestrian-scale” seem subjective</p>	<p>Pedestrian scale could be defined as follows: “Include seating, special paving material, pedestrian-scale walkway lighting and other pedestrian furnishings”</p> <p>Special paving material is typically textured, dyed, or otherwise differentiated from surrounding paving. The applicant would have the option to determine what type of special paving material to incorporate into their design.</p>
43	N Nice	<p>19.11.110.A.1 – Materials and colors (Town Center)</p> <p>Page 55</p> <p>Also same code</p> <p>19.12.030.B.3.b– Materials & color (Outside Town Center) Page 73</p>	<p>1. Concrete walls. Concrete walls must be architecturally treated with one of the following features: textured concrete such as exposed aggregate, sand blasting, stamping or color coating.</p> <p>For the parking lot: Maybe time to update this section? We haven’t done exposed aggregate except to try to match something poured in the 70’s or 80’s. Stained concrete, stucco or textured plaster, or color integral architectural concrete are possible more modern solutions. “Stamping” is usually for horizontal surfaces. Vertical surfaces typically either have an applied veneer (plaster or masonry) after pouring or something placed within the formwork (like reveals, chamfer strips, or form boards with texture – like rough sawn lumber to give the concrete a wood texture).</p>	<p>Substantive</p>
44	N Nice	<p>19.11.130.A – Parking, vehicular and pedestrian circulation (Town Center) Page 58</p>	<p>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.</p>	<p>Question</p> <p>The objective section establishes general guidelines but does not set a standard for development. An application would not be approved or denied based on the objectives in this section.</p>

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			HB 1293: This is in the ‘Objectives’ section appears aspirational, but seems to contain subjective language that an applicant would have difficulty determining if a design is compliant. Is this HB 1293 compliant?	
45	N Nice	19.11.130.B.1.a – Parking, vehicular and pedestrian circulation (Town Center) Page 58 & 59	<p>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 maximum number of parking stalls set forth in the following table:</p> <p>HB 1293: It’s hard to understand how this is compliant. A range is given and then the code official determines the range based on information. Get rid of the range and strike section b. Determination of range? Or specify the maximum number must be met, but the amount may be reduced through a parking study. But then, would you have to clarify what the criteria is for the reduction such as referring to peak parking demand or other applicable criteria?</p>	<p>Question</p> <p>The wording here is clunky because of the way the code was originally constructed. The code provides a range of number of parking stalls that must be provided, i.e.,MICC 19.11.130(B)(1)(a) allows barber shops to provided <i>between</i> 4 and 5 parking stalls per 1,000 gross square feet. Then, the determination of required stalls within the range in 19.11.130(B)(1)(b) allows the code official to determine how many stalls are required within that range based on a parking analysis. This standard is measurable because the parking study would illustrate how many parking spaces within the range are required for the proposed use. The applicant would have that parking study prepared when completing their application.</p>
46	N Nice	19.11.130.B.1.e – Parking, vehicular and pedestrian circulation (Town Center) Page 59 & 60	<p>e. Shared parking.</p> <p>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 shall not significantly overlap and that uses will be served by adequate parking if</p>	<p>Non-Substantive</p> <p>This could be clarified by the following amendment: ”submitted by the applicant that documents parking demand for all land uses shall not significantly overlap and that <u>all</u> uses will be served by adequate parking if shared parking reductions are authorized.” In order for the traffic engineer to make a finding in the parking demand study that all land uses will be served by adequate parking they will have to account for any proposed overlap.</p>

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			shared parking reductions are authorized. HB 1293: would these need to be measurable thresholds to achieve the 50% reduction? Would there be different standards for a lesser percentage of reduction or all or nothing?	
47	N Nice	19.11.130.B.1.h – Parking, vehicular and pedestrian circulation (Town Center) Page 61	<p>i. Pedestrian walkways. Pedestrian walkways must be provided through all parking lots. Walkways must be raised where the walkway traverses between parking stalls is adjacent to vehicular circulation.</p> <p>HB 1293: Does the height of the raised walkway need to be specified? 6” to match the height of the Concrete curbs called out in the same section?</p> <p>ii. Wheel stops. All landscape and pedestrian areas must be protected from encroachment by parked cars. Wheel stops two feet wide (as measured outward from the paved or planted area) must be constructed for all nonparallel parking stalls.</p> <p>The wheel stop language is difficult to understand. Wheel stops are more like 6” wide but usually are positioned about 2’ away from a curb or planted area. The language may need revising</p>	<p>Non-Substantive This standard could be simplified without changing the requirement that wheel stops be installed: “Wheel stops two feet wide (as measured outward from the paved or planted area) must be constructed for all nonparallel parking stalls.”</p> <p>The height that the walkways must be raised does not need to be defined here because the standard is only that they must be raised, the applicant can design their project to either raise the walkways to the height of the curbs or to another level as needed.</p>
48	N Nice	19.11.130.B.1.i – Parking, vehicular and pedestrian circulation (Town Center) Page 61	<p>i. Relationship to main building. Parking structures must be architecturally integrated or designed with the same architectural theme similar to as the main building.</p> <p>HB 1293: “Architecturally integrated” is subjective and has no measurable standard. “Theme” is an aesthetic concept and not quantifiable. “Similar to” is subjective. Maybe section needs to be more specific about matching the</p>	<p>Non-Substantive</p>

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			same primary cladding material, color palette, architectural features to be compliant?	
49	N Nice	19.11.130.B.1.ii – Parking, vehicular and pedestrian circulation (Town Center) Page 61	<p>ii. Street side edges. An architectural treatment, landscaping and/or space for pedestrian-oriented businesses along the street-side edges of the parking structure shall be provided.</p> <p>BH 1293: lacks specificity of what would meet requirement, and amount of landscaping necessary, or the depth of the business space. Is this ok?</p>	<p>Non-Substantive</p> <p>This provision could be simplified to: “The street-side edges of the parking structure must be fully screened.” This would allow a built screen (architectural treatment) or landscaped screen. The code does not define “space for pedestrian-oriented businesses” so it should not require them.</p>
50	N Nice	19.11.130.B.5 – Parking, vehicular and pedestrian circulation (Town Center) Page 62	<p>5. Public parking. On-site public parking consistent with and complying with the requirements of this section shall be provided in any existing development desiring to provide public parking consistent with the requirements of this section and in any new mixed use or nonresidential development. Nothing contained in this section shall be deemed to prevent a building owner from designating parking spaces as being available to the public exclusively for electric vehicle charging or as being available exclusively to an operator of a car sharing service that makes vehicles available for public use.</p> <p>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.</p> <p>The wording is odd. It seems to have a circular reference that essentially says if you want to provide public parking, you must provide public parking.</p>	<p>Non-Substantive</p> <p>This section could be improved for clarity by removing some redundant phrases.</p> <p>The key here is that providing public parking is optional for existing development but required for new mixed-use and nonresidential development. The section states: “<i>Public parking.</i> On-site public parking consistent with and complying with the requirements of this section shall be provided in any existing development desiring to provide public parking consistent with the requirements of this section and in any new mixed use or nonresidential development. [...] [emphasis added]”</p>

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			<div>- If the intent is to require public parking in certain developments, the “desiring to provide” clause is confusing.</div> <div>- If the intent is to make it optional, it would help the clarity if that is stated more directly.</div>	
51	N Nice	19.11.140.A.1.b – Signs (Town Center) Page 64	<div>Design. The sign shall be architecturally compatible with the constructed with the style, materials, and colors and details of the building or complex. The sign content must be integrated in one design (in contrast to displaying two or more separate elements).</div> <div>HB 1293: is “Architecturally compatible” and “integrated in one design” subjective? Integrated in one design is confusing. Is this saying it must be mounted together on a single continuous surface?</div> <div>The amendment above is to match the language of the same section at 19.12.080 (page 88) which appears more HB 1293 compliant. I still don’t understand what integrated in one design is suggesting, though.</div>	Non-Substantive
52	N Nice	19.11.140.A.4 – Signs (Town Center) Page 66	<div>Window signs are limited to maximum 25 percent of the window area.</div> <div>HB 1293. Does the measurement apply to each individual pane of glass, or to the entire façade as a whole? We’ve observed installations where semi-transparent advertising material—similar to the perforated vinyl used on bus windows—is applied across curtain wall systems. While technically see-through, the effect from the street reads as a full-scale billboard. Would this treatment be evaluated based on cumulative façade coverage or per-pane</div>	Question <div>Window area would be interpreted as an individual window rather than as a total per façade. This effectively limits the total window area that could be covered with a sign to 25 percent (25% of each window can be covered so the total of all windows that may be covered is 25%).</div>

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			transparency? Specifying this per window pane and also stating a maximum number may be necessary to control the size.	
53	N Nice	19.11.140.A.7 – Signs (Town Center) Page 66	7. Temporary signs. Unless prohibited by this chapter, use of temporary signs in the town center shall be governed by MICC 19.06.020, Temporary signs. [HB 1293] Why was this struck? There are other references to this code such as 19.12.080.B.9.g so it wasn't clear why that's ok and this is not.	Question MICC 19.06.020 is already applicable to temporary signs in the Town Center. A cross reference is unnecessary, and this provision is redundant.
54	N Nice	19.11.140.A.8 – Signs (Town Center) Page 66	Lighted signs. Lighted signs shall be of high quality and durable materials, distinctive in shape, designed to enhance the architectural character of the building and use LED lights or other minimum wattage lighting, as necessary to identify the facility or establishment. Channel or punch-through letters are preferred over a sign that contains text and/or logo symbols within a single, enclosed cabinet. HB 1293: are these preferences enforceable without a clear standard? Instead of high quality, maybe would need to specify actual materials, for example?	Non-Substantive Lighted signs. Lighted signs shall be of high quality and durable materials, distinctive in shape, designed to enhance the architectural character of the building and use LED lights or other minimum wattage lighting, as necessary to identify the facility or establishment. Channel or punch-through letters are preferred over a sign that contains text and/or logo symbols within a single, enclosed cabinet. Note: Defining “high quality and durable materials, distinctive in shape, designed to enhance the architectural character of the building” would be a substantive amendment. Revisiting the sign standards for the material requirements will be added to the parking lot as well.
55	N Nice	19.12.030.B.2.a.iii– Building design and visual Interest (Outside Town Center) Page 73	iii. Building façade modulation must utilize at least three of the following elements:	Substantive Setting more specific parameters for the required building façade modulation is beyond the scope of the current project. The standard as proposed is a simple yes/no requirement and so it meets the clear and objective

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			(a) Window fenestration patterns and/or entries; Could be subjective w/o a measurable definition. (b) Use of vertical piers/columns; Any depth required? (c) Change in roofline; Any definition of what would qualify? (d) Change in building material or siding style; % of façade required? (e) Vertical elements such as a trellis with plants, green wall, art element; or Area required for plants, art?	standard from RCW 36.70A.630. Making these standards more specific with minimum dimensions or detailed definitions would improve the requirement but is not necessary to comply with the state law at this time.
56	N Nice	19.12.030.B.2.b.i– Building design and visual Interest (Outside Town Center) Page 73	i. Display windows at least 16 inches of depth to allow for changeable displays. Tack on display cases shall not qualify as a blank wall treatment. Minimum size? A tiny window would meet the requirement.	Substantive Setting a minimum window display size is beyond the scope of this project.
57	N Nice	19.12.030.B.2.b.iii– Building Facades – Visual Interest (Outside Town Center) Page 73	iii. A vertical trellis in front of the wall with climbing vines or plant materials. The vertical trellis must be designed to cover at least sixty (60) percent of the wall within three years of planting. that are sufficient to obscure or screen at least 60% of the wall surface within three years. Original wording suggests the trellis would grow over 3 years, not the plants. Worded as amended, it probably also means the size of the trellis is	Non-Substantive

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			at least 60% of the wall – although that would mean the vine would need to achieve 100% coverage in 3 years which is probably unlikely	
58	N Nice	19.12.030.B.4.a– Materials and colors (Outside Town Center) Page 75	<p>a. A primary entrance must be identified on the site plan submitted with any application for construction of a new building. The primary entrance must be made visually distinct from the rest of the building facade through using at least one of the following architectural features: recessed entrances, roof forms that protrude from the building facade, decorative awnings, canopies, porte-cocheres, or covered walkways.</p> <p>HB 1293: decorative seems subjective without any elaboration on what would qualify as decorative.</p>	Non-Substantive
59	N Nice	19.12.040.B.3 – Landscape design and outdoor spaces. (Outside Town Center) Page 78	<p>3. Minimum landscape area requirements.</p> <p>Most jurisdictions regulate lot coverage and total impervious surface. This comment should be in the “parking lot”, but Mercer Island’s code has always struck me as unusually complex. I can’t think of another jurisdiction that needed to create a worksheet like Mercer Island has just to help applicants interpret the code. It’s great that you have this resource—but its existence also suggests the underlying code may be more complicated than necessary.</p> <p>sitedevelopmentworksheet.pdf</p>	<p>Substantive</p> <p>MICC 19.12.040.B.3 regulates the required landscaped area as a percentage of gross lot area for each zone as well as impervious surface within the landscaped area. The landscaped area is essentially the inverse of lot coverage (the area not covered by structures or used by automobiles). This section could likely be improved by inverting the requirement to focus on lot coverage and impervious surface as the comment suggests, however it is not necessary to comply with state requirements.</p> <p>Also, as a point of clarification, the referenced Site Development Worksheet applies only to single-family development. MICC 19.12 applies to regulated improvements, which by definition, do not include single-family development.</p>

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60	N Nice	19.12.040.B.11.d– Materials and colors (Outside Town Center) Page 82	<p>d. Sight clearance. At intersections, plantings shall not create sight obstructions that may compromise pedestrian or traffic safety as determined by the city engineer.</p> <p>Q: HB 1293 – when is the city engineer able to determine items like this under HB 1293? It implies compliance depends on the engineer’s judgement rather than on ascertainable criteria. HB 1293 requires that applicants be able to predictably determine compliance without relying on discretionary interpretation.</p>	<p>Non-Substantive Striking the phrase “as determined by the city engineer” can be removed and the standard would remain the same.</p> <p>The applicant would be required to submit a landscaping plan that shows how the proposed development can meet the criteria per the proposed 19.12.040(B). The landscaping plan would need to account for site lines at intersections. That would ultimately be reviewed for whether the proposed planting would create hazardous site lines.</p>
61	N Nice	19.12.050.B.2.a – Vehicular and pedestrian circulation (Outside Town Center) Page 83	<p>Pedestrian improvements. All developments shall provide for pedestrian access including pedestrian walkways, sidewalks, and/or paths. Pedestrian improvements must be separated from vehicular areas by physical barriers such as curbs or landscaping. The Code official may will waive this requirement for new parking lots with fewer than 20 spaces and for additions or remodels provided the applicant can demonstrate that these standards would reduce the amount of parking below what would be required for the existing or proposed land uses.</p> <p>HB 1293: Does the waiver need to be granted if the requirement is met rather than giving discretionary authority to the Code official?</p>	<p>Question No, the code can grant discretion for whether to allow an alternative. This standard allows the applicant to request a reduction in the pedestrian improvement requirements provided they can demonstrate that providing those improvements would reduce the amount of parking below the required minimum. There is a measurable standard and the applicant will be required to provide some evidence to qualify.</p>
62	N Nice	19.12.060.B.2.e – Screening and mechanical areas (Outside Town Center) Page 85	<p>e. Appurtenances located on the roof must be grouped together and incorporated into the roof design and thoroughly screened. The screening 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, sidewalks or adjacent residential uses at pedestrian eye level.</p>	<p>Non-Substantive</p>

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63	N Nice	19.12.060.B.4.c – Screening and mechanical areas (Outside Town Center) Page 85	<p>c. Garbage, recycling collection, and utility areas must be covered, enclosed by a fence or wall at least seven feet height, and have a self-closing gate or door.</p> <p>Covered trash areas applies to single family houses, and middle housing? Seems unusual. Possibly strike this, if it was not intentional? Or exempt single family and middle housing.</p>	<p>Question</p> <p>No, the design standards in Chapter 19.12 MICC apply to regulated improvements in all zones outside of Town Center. Regulated improvements are defined in MICC 19.16.010 as: “Regulated improvements: Any development of any property within the city, except: 1.Property owned or controlled by the city; or 2. Single-family dwellings, middle housing dwellings, accessory dwelling units and the buildings, structures and uses accessory thereto; 3. Wireless communications structures, including associated support structures and equipment cabinets; or 4. Small wireless facilities or small wireless facility networks.” Single family homes are not subject to the requirement in 19.12.060(B)(4)(c).</p>
64	N Nice	19.12.080.B.3 – Signs (Outside Town Center) Page 89	<p>3. Signs for non-single-family-dwelling uses in residential zones. One wall sign and one freestanding ground sign are permitted on each separate public street frontage for non-single-family-dwelling uses in residential zones, such as apartment buildings, hospitals, assisted living and retirement facilities, churches, clubs, public facilities, schools, day cares, pre-schools, park and recreation facilities, assembly halls, libraries, pools or stadiums. A wall sign may be unlighted or exterior lighted, not to exceed 12 square feet. A free-standing ground sign shall be no larger than 18 square feet and shall not exceed a maximum height of 42 inches above grade. The location of any freestanding ground sign shall be subject to all setback requirements for the zone in which the sign is located.</p>	<p>Question</p> <p>MICC 19.12.080(B)(3) establishes specific sign standards for uses in the residential zones other than single family homes. That section allows non-residential uses to include a sign in front of the building but not in the front yard because 19.12.080(B)(3) states: “[...] The location of any freestanding ground sign shall be subject to all setback requirements for the zone in which the sign is located.” The setback requirements for the residential zones are established in MICC 19.02.020(C). The yard requirements are the setbacks in the residential zones and so any sign for a non-residential use in the residential zone cannot be placed in the front yard setback, except for as allowed elsewhere (MICC 19.02.020(C)(3)(g)).</p>

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			Is the intent that signs can or cannot be located in a required yard? For example, reading 19.02.020 – Development standards (Residential), it seems to read that a sign could be in a yard if under 30” tall, but at 42” it would need to be located outside a required yard. Is this correct and the intent of the code?	
65	N Nice	19.12.080.B.9.b – Signs (Outside Town Center) Page 89	b. Projecting signs. Projecting signs are prohibited in all zones other than the PBZ. Within the PBZ, projecting signs are permitted subject to the Town Center standards set forth in MICC 19.11.140(B)(3)(b). It seems like the other items in this section may apply, beyond just the <i>maximum size</i> ?	Non-Substantive
66	N Nice	19.12.080.B.9.e – Signs (Outside Town Center) Page 89	e. Internally lit signs. Internally lit signs are prohibited in all zones other than the PBZ. Within the PBZ, lighted signs are permitted subject to the Town Center standards set forth in MICC 19.11.140(B)(9 8)	Non-Substantive
67	Dan Thompson	19.02.010(C)(8) page 3	What is the definition of “minor” changes in the building exterior, landscaping, signs and parking? Why allow any changes?	Question Note – 19.02.010(C)(8) sets required conditions for proposed non-school uses of school buildings. “Minor exterior modification” is defined in MICC 19.16.010 (see Log #69). In effect, this is saying that where necessary, any proposed non-school use of a school building that would must be conditioned so that any proposed exterior modifications, landscaping, signs, and parking changes must get the required permits. These modifications are currently allowed.

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68	Dan Thompson	19.03.020(B)(4) Parking Requirements page 5	Strike this section that allows the code official to grant parking “variances” throughout the code which are Type IV permits without any specification. Parking minimums should be minimums.	<p>Non-Substantive</p> <p>The existing code allows for a variance of the parking minimums. Reassigning this authority to the Hearing Examiner would be a non-substantive amendment.</p> <p>“Notwithstanding any of the minimum parking requirements set out in this subsection, the code official <u>hearing examiner</u> may grant variances from the minimum parking requirements with the approval of the city engineer and the design commission for projects reviewable by the design commission.</p> <p>A new process would need to be established if the decision to vary parking minimums would be assigned to anyone other than hearing examiner or code official. Developing a new process for varying parking minimums is beyond the scope of work for this project.</p>
69	Dan Thompson	19.04.010(G)(2) page 9	Allows minor exterior modifications without defining minor and shifts subjective design review from the DC to CPD.	<p>Question</p> <p>The definition of “minor exterior modification” is established in MICC 19.16.010 as: “Any exterior modification to an existing development or site that does not constitute major new construction.” “Major new construction” is defined in MICC 19.16.010 as: “Construction from bare ground or an enlargement or alteration that changes the exterior of an existing structure that costs in excess of 50 percent of the structure's assessed value. Single-family development is excluded from this definition.”</p>

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				Design review for minor exterior modification was assigned to the code official in the existing development code. The proposed amendments would strike the sentence “If the community planning and development department determines that the modification is of great significance it may refer the modification to the design commission.” This discretion, originally assigned to the code official is proposed to be struck. This change does not alter the existing process beyond removing the option to refer some minor exterior modifications to the design commission for review.
70	Dan Thompson	19.040.040(B)(9) page 11	Strike entire section that allows the code official to grant “variances” from parking minimums in code. Minimums should be minimums.	<p>Non-Substantive</p> <p>The existing code allows for a variance of the parking minimums. Reassigning this authority to the Hearing Examiner would be a non-substantive amendment.</p> <p>“Variances. Notwithstanding any of the minimum parking requirements set out in subsection C of this section, the code official <u>hearing examiner</u> may grant variances from the minimum parking requirements with the approval of the city engineer and the design commission for projects reviewable by the design commission based on review of detailed information provided by the applicant that includes a description of the physical structure(s), identification of potential uses, and analysis of parking demand.”</p> <p>A new process would need to be established if the decision to vary parking minimums would be assigned to anyone</p>

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				other than hearing examiner or code official. Developing a new process for varying parking minimums is beyond the scope of work for this project.
71	Dan Thompson	19.04.040(E) page 11	Strike language that allows code official to reduce required cooperative parking 25%.	<p>Non-Substantive</p> <p>The existing code grants the option to reduce parking if cooperative parking is proposed. Reassigning this review to the hearing examiner would be a non-substantive amendment.</p> <p>“Cooperative parking. Cooperative parking between two or more adjoining property owners is allowed; provided, the. The code official hearing examiner, with approval from the design commission and city engineer, may reduce the total required spaces by 25 percent of the total combined required spaces when the applicant has demonstrated <u>provided that no adverse impact will occur due to the reduced number of stalls based on review of detailed information provided by the applicant that includes a description of the physical structure(s), identification of potential uses, and analysis of parking demand.”</u></p> <p>A new process would need to be established if the decision to vary parking minimums would be assigned to anyone other than hearing examiner or code official. Developing a new process for varying parking minimums is beyond the scope of work for this project.</p>
72	Dan Thompson	MICC 19.06.050(E) Commerce on Public Property. Pages 12-13	Is this supplanted by the new TUP so we should eliminate this. This may have been adopted by the council before the TUP was finalized.	Question

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				The final amendment that is presented to the City Council will be reviewed for formatting to be consistent with your recent recommendation for temporary uses.
73	Dan Thompson	19.11.040(B) Affordable housing. Page 33.	Will this be amended to comply with the GMHB's D&O?	Question Yes, the entire section 19.11.040 will be reviewed and will likely be amended in response to the GMHB FDO. The FDO includes specific orders related to affordable housing that will require review of 19.11.040.
74	Dan Thompson	19.11.130(B)(3) page 59	strike language allowing parking minimums to be reduced by 50%. I agree with Commissioner Nice's comments on 19.11.130(B)(b) that gives the code official broad discretion to determine parking minimums within a range.	Non-Substantive The existing development code at 19.11.130(B)(1)(b) allows the code official to make a determination of how many parking spaces are required within the ranges provided in MICC 19.11.130(B)(1)(a). The existing development code at 19.11.130(B)(1)(e)(i) allows the code official to authorize a reduction in the total number of required parking spaces based on a parking study when shared parking is proposed provided the parking demand for all land uses does not overlap. This authority can be reassigned to the hearing examiner as a non-substantive amendment “Determination within range. The code official <u>hearing examiner</u> shall have the final authority to determine the number of parking stalls required within the ranges above to accommodate typical daily peak parking demand based upon the applicant's submittal of a completed site plan and detailed parking analysis. [...]

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				<p>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 <u>hearing examiner</u> upon approval by the city engineer (and design commission for major new construction), when shared off-street parking facilities for two or more uses are proposed. A parking demand study shall be prepared by a professional traffic engineer and submitted by the applicant that documents parking demand for all land uses shall not significantly overlap and that uses will be served by adequate parking if shared parking reductions are authorized.”</p> <p>Removing this allowance or reassigning authority for the review to someone other than the hearing examiner or code official is beyond the scope of the current project.</p>
75	Anthony Perez	19.02.020	MICC 10.02.020 – Development Standards, Item 10. The Defination of “Infeasible” requires discussion and a possible MICC resolution to present “Clear and Objective” direction. Options include; cost burden above XX%, site constraint beyond XX%, etc	<p>Substantive</p> <p>The proposed standard in MICCC 19.02.020(G)(10) is taken specifically from RCW 36.70A.622(1)(f).</p> <p>Note: the clear and objective standard from the state law does not apply to this standard. Clear and objective standards are only required for those development regulations governing the exterior design of new development (RCW 36.70A.630(2)).</p>
76	Anthony Perez	19.03.010	MICC 19.03.010 – Multiple Family, Item A1. Unclear if this item is removed in whole or an error in notation. Please clarify.	<p>Question</p> <p>The proposed amendment would remove the “1” numbering for this section. The amended text would read: “A. <i>Design requirements.</i> Any development within the</p>

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				MF-2L or MF-2 zones shall comply with chapter 19.12 MICC, Design standards for zones outside Town Center.” The “2” would be struck entirely so there is no need to maintain the numbering once the amendment is made.
77	Anthony Perez	19.03.020	MICC 19.03.020 – Parking Requirements, Item C6 – “Infeasible” clarification (again).	Question See Log # 75
78	Anthony Perez		MICC 19.06.080 – Siting for Group Housing – NOTATION ONLY. These items per HB 1334 and 1110 and common coming requirements for development density	Question Changes to 19.06.080(A) and (B) have been withdrawn and will be picked up again during the work related to the GMHB FDO, see Log #4.
79	Anthony Perez		MICC 19.11.010 – Town Center – Item D5: Replace “should” with ...applicant “shall consider and discuss at Application how the structure...”. ALP Commentary for inclusion: Clear and Objective means (to me) to line out requirements (not recommendations) for architects seeking compliance and artful, location and program-appropriate interpretations of the Zoning Codes. “Should” and “ encouraged” only creates confusion in what is required	Substantive See Log # 81 Note – Clear and objective is a standard established in RCW 36.70A.630(2), which states: “(2) Except as provided in subsection (3) of this section, counties and cities planning under RCW 36.70A.040 may apply in any design review process only clear and objective development regulations governing the exterior design of new development. For purposes of this section, a clear and objective development regulation: (a) Must include one or more ascertainable guideline, standard, or criterion by which an applicant can determine whether a given building design is permissible under that development regulation; and

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				<p>(b) May not result in a reduction in density, height, bulk, or scale below the generally applicable development regulations for a development proposal in the applicable zone.”</p> <p>The design vision in MICC 19.11.010(D) can meet this standard by not setting a firm requirement. Typically, these types of vision statements and objectives would be established as vision, goals, and policies in a separate planning document rather than the development code. Rather than strike these policy statements from the code, they can be left in for now and considered the next time the City reviews and updates its Town Center subarea plan. Review of the subarea plan will likely take place after the City complies with the GMHB FDO, a planning process expected to make further changes to the Town Center regulations.</p>
80	Anthony Perez	19.11.010(D)(6)	MICC 19.11.010 – Town Center – Item D6: Replace “encouraged” with ...visual mass that shall be considered and discussed at Application.”	Substantive See Log #81
81	Anthony Perez	19.11.010(D)(7)	MICC 19.11.010 – Town Center – Item D7: Replace “encouraged” with ...visual mass that shall be considered and discussed at Application.”	Substantive The proposed amendment to the design vision in MICC 19.11.010(D) to require consideration and discussion at application is not necessary to state in this section, application requirements are set in Chapter 19.15 MICC and ultimately the burden of proof that an application meets the standards in all of Title 19 MICC rests with the applicant meaning they are already required to do more than consider and discuss the requirements at application. An applicant must submit an application that

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				demonstrates how every aspect of the proposal meets every requirement.
82	Anthony Perez	19.11.010(D)(7)	MICC 19.11.010 – Town Center – Item D7: Replace second ambiguous “encouraged” with the following: These design standards aim to encourage designs that are pedestrian in scale and “shall require consideration and discussion at Application features such as...”	Substantive See Log # 81
83	Anthony Perez	19.11.020(C)	MICC 19.11.020 – Land Uses – Item C: Please Staff clarify the removal of this diagrammatic example. From an architectural experience POV, both the description and diagram reduce unclear and ambiguous design standards. Propose retaining “Reducing continuous retail frontages through the use of smaller retail spaces” and replacing “ is intended” with “shall require pedestrian friendly retail, ensure...” and add. “Retail configurations shall be considered and discussed at Application.”	Substantive The staff-proposed amendment would strike MICC 19.11.020(C) in its entirety, including Figure 3. In the original design standards, this standard was too nebulous to amend into a clear and objective requirement. Even replacing the phrase “is intended” with a proscriptive “shall” would result in a firm requirement that development include pedestrian friendly retail without defining what that means. Setting a definition for pedestrian friendly retail would require Planning Commission review beyond the scope of the current project.
84	Anthony Perez	19.11.030(A)(5)	MICC 19.11.030 – Bulk Regulations – Item A5: Consider substitute for “appurtenances” with “Accessory Uses” for greater clarity.	Substantive The term appurtenance is defined in the MICC 19.16.010 as follows: “Town Center and multifamily zones: A subordinate element added to a structure which is necessarily connected to its use and is not intended for human habitation or for any commercial purpose, other than the mechanical needs of the building, such as areas for mechanical and elevator equipment, chimneys, antennas, communication facilities, smoke and ventilation stacks.”

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				<p>Accessory use is defined in MICC 19.16.010 as follows:</p> <p>“Accessory use: A use customarily incidental and accessory to the principal use of a site or a building or other structure located upon the same lot.”</p> <p>The proposed substitution would make the standard less specific applying screening standards to a use rather than a feature of the development.</p>
85	Anthony Perez	19.11.030(A)(6)(a)	MICC 19.11.030 – Bulk Regulations – Item A6a: 78th Avenue SE: Substitute “encouraged” within the language of setbacks with “shall” and stating a minimum required number of setbacks. The reason is the statement of Public Good, minimizing monotony in façade presentation and encouraging creative interpretations of stated City code minimums via variegated facades within the CBD. Additional statements as needed as to address a question of civic “take” of property value. Hypothesis for PC consideration; state “Additional (1) setback per 100’ maximum street facade shall be required for street trees, façade variation and parking pockets. ” and “Design standards addressment shall require consideration and discussion at Application.”	<p>Substantive</p> <p>Requiring an additional setback along 78th Ave SE and setting a standard for how large that setback would be requires further Planning Commission discussion beyond the scope of the current project.</p>
86	Anthony Perez	19.11.030(A)(6)(b)	MICC 19.11.030 – Bulk Regulations – Item A6b: All other public right-of-way: Hypothesis for PC consideration; state “Additional (1) setback per 120’ maximum street facade shall be required for street trees, façade variation and parking pockets. ” and “Design standards addressment shall require consideration and discussion at Application.”	<p>Substantive</p> <p>Adjusting setbacks for tree plantings is beyond the scope of the current project.</p> <p>Note: A development application should include a full account of how the proposal meets all the standards in Title 19 MICC. The burden of proof for any proposed</p>

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				development always rests with the applicant and so they must provide a complete account of how the proposal meets <i>all</i> of the standards. To help with the application prep, the City offers a pre-application meeting to review the proposal and provide applicants with information about how they can prepare an application that will demonstrate how the proposed development meets the code.
87	Anthony Perez	19.11.070(B)(1)(a)&(c)	MICC 19.11.070 – Greenery and outdoor spaces – Items B1a and c: Seeking Staff clarification on intent between “a” requirement and “c” requirement. There seems to be the implication that “a” is a greater depth but not stated as so. If so – please specify needed depth to qualify for 100% rate.	<p>Question</p> <p>The difference between (a) and (c) is that shallower ground level beds that can only support ground cover count for less of the required landscaping area. The existing code does not set a numerical depth standard to differentiate (a) and (c). In practice, planners reviewing a proposal for compliance with this standard would review the plantings proposed in the landscaping plan to determine whether the proposed landscaping is purely ground cover plantings or if it includes larger plantings. It would be up to the applicant to demonstrate that the proposed landscaping area was capable of supporting larger plantings and thus qualify for the 100% rate in MICC 19.11.070(B)(1)(a).</p> <p>Setting a numerical standard would require additional review beyond the scope of this project. A review of landscaping standards can be added to the Planning Commission parking lot for consideration at a later date.</p>
88	Anthony Perez	19.11.070(B)(6)	MICC 19.11.070 – Greenery and outdoor spaces – Item 6: To remain – proposing: “Building facade modulation and setbacks must include	<p>Substantive</p> <p>Building façade modulation, setbacks, and major building features (i.e., courtyards and fountains) are regulated by</p>

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			landscaping features such as courtyards, fountains, and/or landscaping.	other sections setting a requirement in the greenery and outdoor spaces section in addition to those other sections would require additional review beyond the scope of the current project.
89	Anthony Perez	19.11.080(D)	MICC 19.11.080 – Screening – Item D: Add addition to include screening that may include small level of transparency: “...landscaping must be constructed of [add] at least 80% opaque building materials...”	Non-Substantive
90	Anthony Perez	19.11.090(A)	MICC 19.11.090 – Lighting – Item A Objectives: Remove “should be” and replace with “must” as noted: “...and their structural support must be integrated....”	Substantive Changing the objective statement to a list of requirements by changing “should” to “must” would require additional review for consistency with the clear and objective standard in the state law. The terms “architectural theme and style” and “main structures” would need to be defined to make this a requirement.
91	Anthony Perez	19.11.090(B)(1)	MICC 19.11.090 – Lighting – Item B1: Retain architectural style note to read...”Light Fixtures must blend with the architectural style, provide for any on-site...”	Substantive The standards would need to define how a lighting fixture would “blend with the architectural style”. Setting such a standard is beyond the scope of the current project.
92	Anthony Perez	19.11.090(B)(4)	MICC 19.11.090 – Lighting – Item B4: Retain and adjust whole section to read...”Building mounted lighting and display window lighting may be used to satisfy walkway lighting requirements in pedestrian areas.”	Non-Substantive
93	Anthony Perez	19.11.090(B)(5)	MICC 19.11.090 – Lighting – Item B5: Retain and adjust whole section to read...”Parking area light fixtures are to be designed to configured to constrain emitted lighting within the parking areas. The height of such fixtures is not to exceed 16’ AFG.”	Non-Substantive
94	Anthony Perez	19.11.100(A)	MICC 19.11.100 – Building Design – Item A – Building Objectives: Remove all “should” and replace with “to be” or “to” depending on grammatical clarity needed. As noted below:	Substantive Note – the objective statement and the “should” language as drafted do not set requirements or standards for

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				<p>proposed development and so are not required to meet the clear and objective standard in state law. Rewording the objective section could be considered as part of a comprehensive review of this section.</p> <p>Amending the objective for the building design standards would require additional Planning Commission review beyond the scope of this project. his combined with Logs # 97 and 98, would place consideration of the building design section in the parking lot. A more comprehensive review of the section would allow the Planning Commission to recommend exterior building design standards that satisfy the clear and objective requirement set in state law.</p>
95	Anthony Perez	19.11.100(A)	“Objectives: Building Facades to be designed with architectural elements that indicate the buildings use and how it relates to neighboring development. Buildings to be oriented to the street frontage and activate the street edge and maximum access from the public sidewalks. Building facades to provide visual variety to pedestrians. Street level windows, minimum building setbacks, on-street entrances, landscaping and articulated walls are required. Building facades per development needs, design standards and Town Center Vision per MICC 19.11.010. Architectural features and amenities must be used to highlight buildings, site features and entries, visual and architectural interest. Within the Town Center, all development to provide architectural elements that attract, engage and create visual interest for the local citizenry.”	Substantive See log # 94

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96	Anthony Perez	19.11.100(B)(2)(a)	MICC 19.11.100 – Building Design – Item B2a – Street Facing Façade elements: Remove “embellish” and replace with “differentiate the façade.”	Non-Substantive
97	Anthony Perez	19.11.100(B)(9)	MICC 19.11.100 – Building Design – Item B9 – Identity Emphasis: Retain section but remove ambiguity as follows: “Public Buildings, unique program community structures and corner buildings must have architectural elements applied and conscribed from referenced architype and local architectural references.”	Substantive The code would need to establish a clear standard or definition of “referenced architype and local architectural references”. Establishing this kind of standard would require work beyond the scope of the current project.
98	Anthony Perez	19.11.100(B)(10)	MICC 19.11.100 – Building Design – Item B10 – Corner Lots: Retain section but remove ambiguity as follows: “Buildings on corner lots must be corner oriented with entries, and architectural elements to emphasize specialty access and location.”	Substantive The proposed amendment would require the City to define what it means for a building to be “corner oriented” and the type of architectural elements that “emphasize special access and location”. Establishing this kind of standard would require work beyond the scope of the current project.
99	Anthony Perez	19.11.110(A)	MICC 19.11.110 – Building Design – Materials and color: – Item A: Objectives: Retain section but remove ambiguity as follows: “Textured, architectural-quality materials must bring material variety and visual interest to the streetscape. Color and materials to highlight architectural elements like doors, windows, fascias, cornices, lintel and sills.”	Substantive Using the word “must” would establish this as a requirement and the other requirements in the proposed amendment do not set a clear and objective standard. This combined with Logs # 101 and 102, would place consideration of the building design, materials and color section in the parking lot. A more comprehensive review of the section would allow the Planning Commission to recommend exterior finish and color material standards that satisfy the clear and objective requirement set in state law.
100	Anthony Perez	19.11.110(B)(1)	MICC 19.11.110 – Building Design – Development and Design Standards: – Item B1: Retain section but remove ambiguity as follows:	Non-Substantive

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			"Building Exteriors: Building Exteriors to be constructed of architectural-quality, regionally durable materials with demonstrated minimal post-installation maintenance."	
101	Anthony Perez	19.11.110(B)(5)&(6)	MICC 19.11.110 – Building Design – Development and Design Standards: – Item B5 & B6 combined: Retain section but remove ambiguity as follows: " Exterior color selections to build cohesive and context-sensitive streetscape through a compatible Color Palette. Primary building colors to be selected to demonstrate compatibility with adjacent structures through hue, saturation, and value. Colors must reflect the prevailing architectural character of the district. Metallic, neon, or fluorescent finishes are prohibited unless explicitly approved for artistic or cultural installations.	Substantive The proposed amendment would require definitions for "compatible color palette" and "prevailing architectural character" to be clear and objective. The recommended best practice for color-based design standards is to set a defined color palette with specific color values. The City does not currently have such a palette and establishing one would require additional review beyond the scope of this amendment project.
102	Anthony Perez	19.11.110(B)(8)	MICC 19.11.110 – Building Design – Development and Design Standards: – Item B8. Retain section but remove ambiguity as follows: Monotony Avoidance; Repetitive use of identical color schemes on adjacent buildings is not allowed. Variations within a harmonious color and durable material range is required to promote district visual interest without architectural fragmentation.	Substantive The proposed amendment would require definitions for "harmonious color" and "durable material range" to be clear and objective. The recommended best practice for color-based design standards is to set a defined color palette with specific color values. The City does not currently have such a palette and establishing one would require additional review beyond the scope of this amendment project.
103	Anthony Perez	19.11.130	MICC 19.11.130 – Parking , Vehicular and Pedestrian circulation – Item B1hiii. Maintain as is – no ambiguity and needed for clarity.	Substantive The cross-reference in this section would need to be reviewed for consistency with other amendments. Striking this section eliminates an unnecessary reference to another section of the code. All landscaping and lighting is required to conform to the relevant sections of Chapter

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				19.11 MICC there is no need to reference those sections here.
104	Anthony Perez	19.12.020	MICC 19.12.020 – Please Staff describe “Reserved”	Question The term “reserved” is used in code drafting to maintian consistent numbering throughout a code chapter when a section is omitted. This reduces the need for renumbering sections throughout the chapter and helps to avoid creating incorrect cross references in other areas of the code.