

CITY OF MERCER ISLAND

COMMUNITY PLANNING & DEVELOPMENT

9611 SE 36TH STREET | MERCER ISLAND, WA 98040

PHONE: 206.275.7605 | www.mercerisland.gov



DESIGN REVIEW STAFF REPORT & RECOMMENDATION DSR24-010 (EXHIBIT 1)

Project No:	DSR24-010
Description:	Design Review with the Hearing Examiner to review a proposal to construct a new eight-unit apartment building.
Applicant/ Owner:	Jeffrey Glad (Medici Architects) / 2900 Development LLC
Site Address:	2900 78th Ave SE, Mercer Island WA 98040 Identified by King County Assessor tax parcel number: 5315101219
Zoning District	Town Center (TC), TC-4 Subarea
Staff Contact:	Ryan Harriman, EMPA, AICP – Planning Manager Adam Zack – Principal Planner
Exhibits:	1. Design Review Staff Report dated September 29, 2025 2. Design Review Package and Plan Set, February 20, 2025 3. Development Application, May 16, 2024 4. Determination of Completeness, June 10, 2024 5. Notice of Application, June 17, 2024 6. Project Narrative, February 20, 2025 7. PRE22-027 Pre-application meeting notes, May 3, 2022 8. Public Comments 8.1. Sarah Fletcher, July 2, 2024 8.2. Kellie Sanderson, June 26, 2024 9. Public Comment Responses, February 20, 2025 9.1. Sarah Fletcher 9.2. Kellie Sanderson 10. Study Session Public Comments 10.1. Carolyn Boatsman, February 20, 2023 10.2. Catherine Lategan, February 10, 2023 10.3. Charlene Bohbot, February 3, 2023 10.4. Jaqueline Tacher, January 30, 2023 10.5. Jeff Goldstein, January 29, 2023 10.6. John Lackland, February 20, 2023 10.7. Julien and David Kern, February 12, 2023 10.8. Kate Akyuz, February 10, 2023 10.9. Kelly LeFebvre, January 29, 2023

	10.10. Lara Felker, February 1, 2023 10.11. Lisa Lackland, February 18, 2023 10.12. Lorin Freedman, February 3, 2023 10.13. Matt Anderson, January 29, 2023 10.14. Michael Fink, no date 10.15. Michael Hubert, February 1, 2023 10.16. Paul Hoeffler, January 31, 2023 10.17. Pradeep Kumar, January 31, 2023 10.18. Richard Winslow, February 21, 2023 10.19. Sabina Chang, January 31, 2023 10.20. Sarah Fletcher, January 31, 2023 10.21. Shelby Dobbs, January 30, 2023 11. Applicant Response to Public Comment, April 28, 2023 12. SEP24-009 SEPA ODNs, August 19, 2024 13. SEPA Checklist, April 19, 2023 14. Arborist Report, February 7, 2022 15. Native Plant Guide for Western Washington Yards, Exhibit 15 16. Notice of Public Hearing, September 8, 2025 17. Zoning Map 18. Transportation Concurrency Certificate 24-007, Dated September 25, 2025 19. Public Comments 19.1. Sarah Fletcher, September 15, 2025 19.2. Sarah Fletcher, September 23, 2025 20. Applicant Slide Deck, September 24, 2025
--	--

APPLICANT CONTACT INFORMATION

Applicant's Agent	Applicant
Medici Architects c/o Jeffrey Glad 11711 SE 8th St, STE 100, Bellevue, WA 98005 Phone: (425) 453-9298, x. 137 Email: jeff@mediciarchitects.com	2900 Development LLC c/o Jason Imani 3010 77th Ave SE, Suite 108, Mercer Island, WA 98040 Phone: (206) 390-5460 Email: jason@jasonimani.com

TERMS USED IN THIS STAFF REPORT

Term	Refers to, unless otherwise specified:
Applicant	Jeffrey Glad (Medici Architects) / 2900 Development LLC
Proposed development	Eight-unit apartment building by 2900 Development LLC
Subject property	The site where development is located as defined in this staff report
City	City of Mercer Island
Code official	The director of the community planning and development department for the city of Mercer Island or a duly authorized designee.

I. INTRODUCTION

A. Project Description

The Applicant requests Design Review of a new multi-family development located at 2900 78th Ave SE. The proposed development is a new four (4) story multi-family building consisting of eight (8) residential units, with shared garage parking. The Applicant intends to conform to Town Center Development and Design standards, while taking advantage of the maximum height and stories increase by providing community benefits as outlined within Chapter 19.11 MICC. The Subject Property fronts the intersection of 78th Ave SE and SE 29th Street, with vehicular access coming from 78th Ave SE (**Exhibit 6**).

B. Background

On May 3, 2022, the applicant completed a pre-application meeting regarding the potential redevelopment of 2900 78th Ave SE. The pre-application meeting was assigned file number PRE22-027 (**Exhibit 7**). A pre-application meeting is required for all Type IV land use reviews, including design review (MICC 19.15.030(H)). Completion of PRE22-027 satisfied the pre-application meeting requirement established in the City Code.

At the time the Applicant completed the pre-application meeting, the City was considering a zoning code amendment regarding Town Center retail requirements. The applicant was notified that a Town Center zoning code amendment was being reviewed by Planning Commission and City Council, and that the ordinance may affect retail requirements for the subject property. The zoning code amendment was assigned file number ZTR21-004 and was completed with the adoption of Ordinance 22C-09. Ordinance 22C-09 became effective on December 1, 2022.

On July 26, 2022, the Applicant submitted a complete application for a site development permit for the proposed development. The site development permit was assigned file number 2207-281. The site development application vests the proposed development to the regulations in place at the time of complete application. The site development permit can be approved once the design review is complete.

On December 13, 2022, the applicant applied for a Design Commission study session for a 10-unit residential apartment building located at 2900 78th Avenue SE. The application for a Design Commission study session was assigned file number DSR22-014. All proposed developments subject to Design Commission design review must complete a study session prior to application (MICC 19.15.220(C)(2)(a)). On October 4, 2023, the Design Commission completed a study session and made recommendations for DSR22-014, satisfying the study session requirement.

The Design Commission issued a recommendation during the study session, DSR22-014, on October 4, 2023. Following the study session, the Applicant submitted the formal design review application, DSR24-010, on May 21, 2024. That application was assigned file number DSR24-010. The application was deemed complete on June 11, 2024. The development is vested to the code in effect at the time the site development permit application was deemed complete. This means that though DSR24-010 was deemed complete on June 11, 2024, the proposed development is vested to the code as it was effective on July 26, 2022.

On June 17, 2024, a notice of application for DSR24-010 was published in the Community Planning and Development (CPD) weekly bulletin. Notice of application was also posted on the site and mailed to property owners within 300 feet of the site (**Exhibit 5**).

Pursuant to the State Environmental Policy Act (SEPA), the City issued an Optional Determination of Nonsignificance (ODNS) on June 17, 2024. The ODNS was posted on the WA Department of Ecology (Ecology) SEPA register with the SEPA #202402608. The Notice of Application and SEPA determination initiated a public comment period from June 17 to July 17, 2024.

On August 19, 2024, the City reissued the ODNS. The reissued ODNS was published on the SEPA register under SEPA #202403596. The SEPA determination was reissued to resolve procedural irregularities with the initial issuance (**Exhibit 12**). By reissuing SEPA, the City resolved those irregularities. Following the SEPA determination staff began its administrative review of the application and prepared a recommendation.

On June 17, 2025, the City Council adopted Ordinance 25C-17. This ordinance amended Chapter 3.34 MICC, dissolved the Design Commission, and re-assigned all quasi-judicial duties from the Design Commission to the Hearing Examiner. The procedural requirements for design review remained the same but through the amendments to Chapter 3.34 MICC, decision-making authority for quasi-judicial design review now rests with the Hearing Examiner.

The proposed development requires formal design review and decision by the Hearing Examiner following a pre-decision public hearing prior to the issuance of any associated permits. A notice of public hearing consistent with the requirements of MICC 19.15.100 is required. The notice of public hearing must be (1) provided in at least 30 days in advance of the hearing, (2) mailed to the parties of record, (3) mailed to property owners within 300 feet of the property, (4) published in the weekly CPD bulletin, and (5) posted on site in a location that is visible to the public right of way. The notice was mailed to parties of record and neighboring property owners on September 5, 2025. A public hearing notice visible from the right of way was posted on site on September 5, 2025. The notice of public hearing was published in the Weekly CPD Bulletin on September 8, 2025 (**Exhibit 16**). The public hearing notice requirements in MICC 19.15.100 have been met.

If the Hearing Examiner approves the proposed design, the Applicant may proceed with the site development permit application process. However, a building permit application will be required.

Relevant Dates

- May 3, 2022 – Pre-application meeting PRE22-027
- June 21, 2022 – Ordinance 22C-09 adopted (not effective until 12/1/2022)
- July 26, 2022 – Site development permit 2207-281 deemed complete, vesting the proposed development prior to the effective date of Ordinance 22C-09
- December 13, 2022 – Application for study session DSR22-014
- October 4, 2023 – Design Commission completed study session and made a recommendation
- May 21, 2024 – Application for design review submitted DSR24-010
- June 11, 2024 – Determination of completeness
- June 17, 2024 – Notice of Application & ODNS issued (first time, SEPA# 202402608)
- July 17, 2024 – Comment period ended
- August 19, 2024 – DNS issued (second time, SEPA# 202403596)

- June 30, 2025 – Quasi-judicial design review reassigned to the Hearing Examiner
- September 8, 2025 – Notice of Public Hearing published
- October 10, 2025 – Public hearing

C. Existing Conditions

The Subject Property is developed with a commercial building, formerly Baskin-Robbins. Neighboring development includes a senior living facility to the east, 78th Ave SE to the west, a multi-story mixed use building to the north, and a parking lot for a financial institution to the south.

D. Location

The subject property is located 2900 78th Ave SE, in the Town Center zone, in the TC-4 subarea. The neighboring properties to the north, south, and east are also within the Town Center zone and the TC-4 subarea. The intersection of SE 29th Street and 78th Avenue SE is located to the west of the subject property.

E. Application

The application for design review, DSR24-010 (**Exhibit 3**), was submitted on May 21, 2024. On June 11, 2024, DSR24-010 was deemed complete for the purpose of review, pursuant to MICC 19.15.070 (**Exhibit 4**).

F. Notice of Application

The City issued a notice of application for the proposed development on June 17, 2024, consistent with the provisions of MICC 19.15.090, which include the following methods: a mailing sent to neighboring property owners within 300-feet of the subject property; a notice sign posted on the subject property; and publication in the City's weekly permit bulletin. The notice of application began a 30-day comment period, which took place June 17, 2024, through July 17, 2024 (**Exhibit 5**).

E. Opportunities for Public Comment

Multiple comments were received during the public comment period associated with the Notice of Application (**Exhibit 8**). The City does not respond to comment letters, because the Applicant bears the burden of proof that the proposed development is consistent with the provisions of the MICC; the City does not defend application proposals, instead, the City collects the comments, provides the comments to the Applicant, includes the comments as exhibits within the staff report, and requires the Applicant to provide the City with documentation that the comments were addressed.

F. Response to Public Comment

The Applicant compiled all public comments received and provided a response letter to the record addressing each comment. The responses to the public comments are contained in **Exhibit 9**.

G. Additional Public Comment

As part of the study session, DSR22-014, the City issued a notice of application and established an additional public comment period that was not required by the City Code. During the additional public comment period several comments were received (**Exhibit 10**).

H. SEPA Environmental Review

The proposed development was reviewed under the provisions of the State Environmental Policy Act (SEPA), with file number SEP24-009. On August 19, 2024, the Mercer Island Department of Community

Planning and Development (CPD), the lead agency, determined that the proposed development will not have a probable significant adverse impact on the environment and issued a DNS (**Exhibit 12**). The SEPA determination was made after reviewing a complete environmental checklist (**Exhibit 13**) and other information on file with the lead agency under file number SEP24-009. An environmental impact statement (EIS) is not required pursuant to RCW 43.21C.031(2). There was no further comment period on the DNS and no appeals were filed.

I. Public Hearing

MICC 19.15.030 requires a public hearing is required for Design Review before the Design Commission. Ordinance 25C-17 dissolved the Design Commission and reassigned all quasi-judicial design review to the Hearing Examiner. A Notice of Public Hearing for the October 10, 2025, public hearing was issued on September 8, 2025 and provided to the public as required by MICC 19.15.100(D) (**Exhibit 16**).

II. CRITERIA FOR REVIEW AND STAFF ANALYSIS

A. MICC 19.11.010 – General

1. Applicability. This chapter establishes development and design standards for the Mercer Island Town Center (TC) zone, the location and boundaries of which are set forth in MICC 19.01.040 and appendix D, the Mercer Island Zoning Map. The general purpose of this chapter is to implement the land use policies of the Mercer Island comprehensive plan for the area referred to as the Town Center. The development and design standards are not intended to slow or restrict development, but rather to add consistency and predictability to the permit review process.

Staff Analysis: The subject property is located within the Town Center zone, specifically within the TC-4 Subarea of that zone (**Exhibit 17**). The proposed development is subject to the provisions of Chapter 19.11 MICC and requires Design Review.

2. User guide. The Town Center is divided into subareas mostly for the purpose of regulating maximum height limits. A two-story height limit applies throughout the Town Center. Only by providing certain benefits to the community can a development project add additional stories up to the maximum height allowed in the particular subarea. These community benefits include affordable housing; green building features; stepping back of upper stories to reduce building mass and maintain light and air; provision of public open spaces as gathering places; and provision of through-block pedestrian connections to break up larger blocks and enhance pedestrian access.

Staff Analysis: The subject property is located within the Town Center, specifically within the TC-4 Subarea of that zone. The proposed development would be constructed to the maximum height allowed and provide corresponding benefits consistent with those listed in MICC 19.11.010(B) (**Exhibit 2**). The proposed benefits would include: public open space for the required major site feature, three minor site features in the form of special paving in pedestrian areas, a water feature, and a bike rack (**Exhibit 6**).

3. Town Center vision. The Town Center vision found in the Mercer Island comprehensive plan is adopted herein by reference.

Staff Analysis: The Town Center vision statement is established in the Land Use Element of the Mercer Island Comprehensive Plan. The vision statement states:

“Mercer Island Town Center Should be:

- THE HEART of Mercer Island and embody a small-town character, where residents want to shop, eat, play and relax together.
- ACCESSIBLE to people of all ages and abilities.
- CONVENIENT to enter, explore, and leave with a variety of transportation modes.
- WELL DESIGNED with public spaces that offer attractive settings for entertainment, relaxation, and recreation.
- DIVERSE with a range of uses, building types and styles that acknowledge both the history and future of the Island.
- LOCAL providing businesses and services that meet everyday needs on the Island.
- HOME to a variety of housing options for families, singles, and seniors.”

The Land Use Element includes six goals with associated policies that address the Town Center. The development code in Title 19 MICC implements the goals and policies of the City’s Comprehensive Plan. Because the Comprehensive Plan and MICC must be consistent with each other, development that meets the requirements of the development code is consistent with the Comprehensive Plan. As detailed in the application materials analyzed in this staff report, the proposed development can be conditioned to meet the requirements of the development code and is consistent with the Comprehensive Plan.

4. Design vision.

- a. Development and design standards. The development and design standards that follow are intended to enhance the Town Center for pedestrians and develop a sense of place. To accomplish this vision, new or redevelopment is encouraged to orient buildings toward the public right-of-way with buildings brought forward to the sidewalk or landscaped edge; parking placed behind buildings and in less visible areas or underground; design structures with varied mass and scale, modulation of heights and wall planes; and pedestrian through-block connections that will break up very large or long blocks for improved pedestrian circulation from one side of the block through to the other side.

Staff Analysis: The proposed development:

- Is oriented toward the public right-of-way and the sidewalk;
- Provides parking for the proposed development located behind the building in less visible areas of the site, under much of the proposed building;
- Has varied mass and scale, modulation of heights and wall planes; and
- Does not include a through-block connection (**Exhibit 2**).

The proposed development is consistent with the design vision element.

- b. Function. The design of buildings, structures and streetscapes within the Town Center is intended to support a built environment that is convenient and accessible to pedestrians, motorists, bicyclists and public transit users. Development should enhance the Town Center as a vibrant, healthy, mixed use downtown that serves as the city’s retail, business, social, cultural and entertainment center and ensures the commercial and economic vitality of the area. New or redevelopment should increase the

attractions and pedestrian amenities that bring residents to the Town Center, including local shopping, services, offices, specialty retail, restaurants, residences, festivals, special events, and entertainment. Outdoor spaces should function as social settings for a variety of experiences, adding to the comfort of life in Mercer Island, while maintaining a human scale and an ability for easy pedestrian circulation.

Staff Analysis: The proposed development is a multi-family residential use that provides convenience and accessibility to pedestrians, motorists, bicycles and possibly public transit users (**Exhibit 2**). The proposed development is consistent with this design vision element.

- c. Site features. New or redevelopment should include public amenities, such as storefronts with canopies, street trees, greenery, seating, fountains or water features, outdoor cafes, sculpture or other forms of art, and places for gathering and lingering. The use of materials, color, texture, form and massing, proportion, public amenities, mitigation of environmental impacts, landscaping and vegetation, and architectural detail should be incorporated in the design of new or redevelopment with the purpose of supporting a human scale, pedestrian-oriented Town Center. New or redevelopment shall be coordinated and consistent with the downtown street standards.

Staff Analysis: The proposed development is a multi-family residential use, no retail/commercial development is included in the proposal (**Exhibit 2**). The subject property is relatively small for a multifamily development in the Town Center: 7,200 square feet (0.17 acres). On the compact site the proposal provides pedestrian accessibility, public open space, and parking for residents and guests. The proposed development is consistent with this design vision element.

- d. Pedestrian orientation. Pedestrian-oriented and customer intensive retail businesses and offices are encouraged to locate on the street level to promote active use of sidewalks by pedestrians, thus increasing the activity level and economic viability of the Town Center. New or redevelopment should also enhance and support a range of transportation choices and be designed to maximize opportunities for alternative modes of transportation and maintain individual mobility. Even with a healthy variety of development in the Town Center, each individual development or redevelopment project shall favor the pedestrian over the automobile in terms of site design, building placement and parking locations.

Staff Analysis: The proposed development is a multi-family residential use with parking at street level, offering accessibility to pedestrians and motorists (**Exhibit 2**). The proposed development is consistent with this design vision element.

- 5. Scale. The design of all structures shall consider how the structure and site development will be viewed from the street and adjacent properties. Scale is not simply the size of the buildings, it is the proportion of buildings in relationship to each other, to the street and to the pedestrian environment.

Staff Analysis: The proposed development is a multi-family residential use that will cover the entirety of the subject property and is at a scale consistent with the bulk requirements of the TC-4 subarea (**Exhibit 2**). The proposed development is consistent with this design vision element.

- 6. Form. Building forms shall 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. Building additions should complement the original structure in design.

Staff Analysis: The proposed development does not present visual mass impacts that are out of proportion or that appear from the street or sidewalk as having unmodulated visual mass (**Exhibit 2**). The proposed development is consistent with this design vision element.

7. Style. The objectives and standards do not set or encourage a particular style of architecture or design theme. However, building and site design shall be pedestrian in scale and address design features such as sloped roof lines; distinctive building shapes; integration of art, textures, and patterns; treatment of pedestrian and public spaces; interface with the public right-of-way; landscaping; signage and façade treatments.

Staff Analysis: The proposed development is oriented to promote multiple modes of transportation and is designed to be pedestrian in scale and addresses design features such as distinctive building shapes; integration of art, textures, and patterns; treatment of pedestrian and public spaces; interface with the public right-of-way; landscaping; and façade treatments (**Exhibit 2**). The proposed development is consistent with this design vision element.

B. MICC 19.11.015 – Town Center subareas.

1. Pursuant to MICC 19.11.015(B)(2), the purpose of the TC-4 subarea is to be a transition between the taller buildings in the TC-5 subarea and the lower structures in the TC-3 and TCMF-3 subareas. A broad mix of land uses is allowed. Buildings may be up to four stories in height.

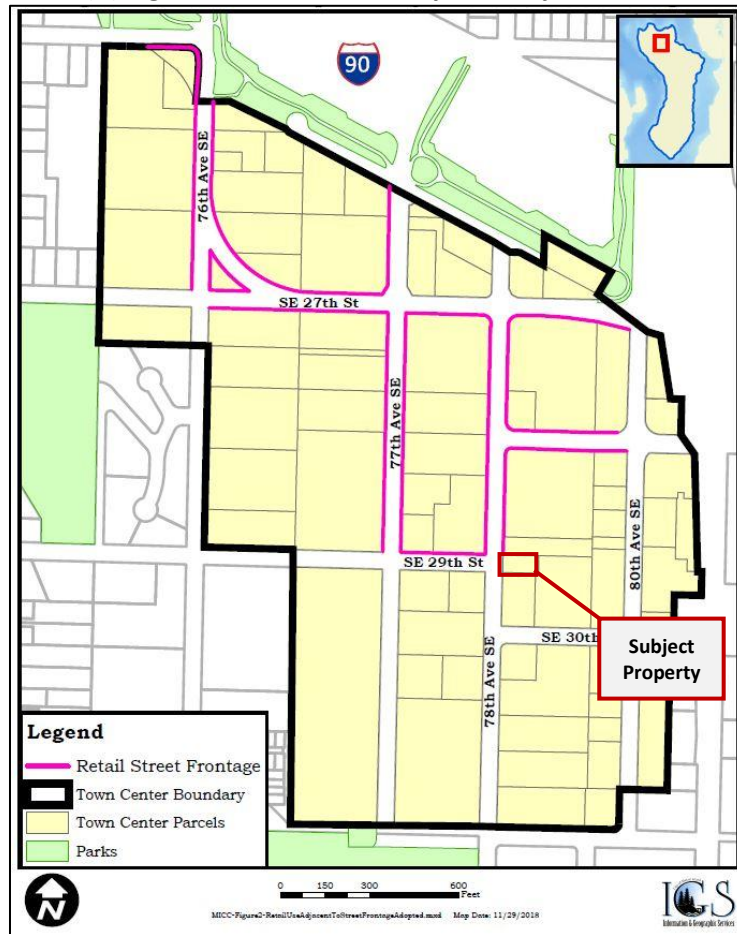
Staff Analysis: The subject property is located within TC-4 subarea which allows a broad range of land uses and buildings up to four stories in height. The proposed development is a four-story apartment building that does not exceed the maximum height of 51-feet except as allowed for parapet and rooftop appurtenances (**Exhibit 2**).

C. MICC 19.11.020 - Land uses.

1. MICC 19.11.020 lists “residential dwelling” as a permitted use in the TC-4 subarea.

Staff Analysis: On July 26, 2022, the Applicant submitted an application for a site development permit. The site development permit (SDP) was assigned file number 2207-281. SDP 2207-281 was determined complete on July 26, 2022. The proposed development is vested to the version of Chapter 19.11 MICC effective on July 26, 2024. At that time, MICC 19.11.020 did not require commercial development to be located on the first floor of a proposed development on the subject lot. The MICC 19.11.020(B)(Figure 2) effective as of July 26, 2022, is shown below:

MICC 19.11.020(B) Figure 2 — Retail Use Required Adjacent To Street Frontages



Source: MICC 19.11.020(B) effective as of July 26, 2022.

The requirement for ground floor retail, restaurant, or personal service along the street frontage is not applicable to the proposed development as the subject property is located south of the retail street frontage boundary along 78th Ave SE as shown in Figure 2 of MICC 19.11.020(B).

The application is vested to a version of the MICC effective prior to the adoption of Ordinance 22C-09. The proposed development is not subject to the requirements of MICC 19.11.020(B)(2-4) that were adopted by Ordinance 22C-09, which had an effective date of December 1, 2022.

The proposed development is a multi-family residential building which is permitted within the TC-4 subarea under the "residential dwelling" category. The proposed development is not required to include ground floor commercial development because it has vested to a version of the Town Center development code that existed prior to the effective date of Ordinance 22C-09.

D. MICC 19.11.030 - Bulk regulations.

1. Bulk regulations by subarea.
 - a. The bulk regulations for properties in the Town Center and the dimensions of the proposed development are listed in Table 1.

Table 1. Town Center Bulk Regulations and Dimensions of the Proposed Development.

Parameter	Standard	MICC Reference	Dimension Proposed	Exhibit Reference
Base Building Height	27 Feet Maximum	19.11.030	51 feet	Exhibit 2, Sheet A4.2
Base Building Stories	2 Stories	19.11.030	4 stories	Exhibit 2, Sheet A4.2
Maximum Building Height	51 feet with up to 5 additional feet allowed for parapet or slopped roof	19.11.030	51 feet plus an additional 6 inches for the parapet*	Exhibit 2, Sheet A4.1
Maximum Building Stories	4 stories	19.11.030	4 stories	Exhibit 2, Sheet A4.2
Ground Floor Adjacent to Streets	15 feet	19.11.030	15-foot ground floor level along 78 th Ave SE	Exhibit 2, Sheet A4.2
Setback From Property Lines	No minimum	19.11.030	North – 0 feet South – 12 feet East – 0 feet West – 15 feet from face of curb	Exhibit 2, Sheet A1.0
Upper-Story Setback	Average daylight plane requirements	19.11.030(A)(7)	See analysis under Section II(D)(7) below	Exhibit 2, Sheet G1.2

*The proposed building would have a rooftop appurtenance that less than ten feet greater than the building height and is consistent with MICC 19.11.030(A)(5). See staff analysis below for more details on the rooftop appurtenance.

Staff Analysis: The proposed development is 51 feet tall excluding the parapet and rooftop appurtenances. The proposed parapet has a height of 51 feet six inches and would not exceed 5 feet above the maximum. The proposed building height is consistent with MICC 19.11.030(A) (**Exhibit 2**).

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

Staff Analysis: The base building height of up to 2 stories is allowed in the TC-4 subarea. Since this project is proposing to utilize the maximum allowed height of 51 feet and the maximum allowed stories of 4, this project is proposing to add 10% affordable housing per MICC 19.11.040(B), and incorporate a public open space per MICC 19.11.040(D) (**Exhibits 2 and 6**).

3. Calculation of building height.
 - a. The intent of the building height calculation in this section is to limit the visual mass of a building so that it does not appear to exceed the maximum height limit in subsection (A)(1) of this section.
 - b. The maximum allowable building height in subsection (A)(1) of this section shall be calculated as the vertical distance measured from the base of a building facade to the highest point of the roof structure excluding appurtenances. The base of the building facade shall be measured from the adjacent public

sidewalk if applicable, or from the lower of existing or finished grade along building facades that are not adjacent to a public sidewalk. See Figure 4.

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

Staff Analysis: The maximum allowable height is calculated from the base of the building façade to the highest point of the roof structure excluding appurtenances. The base of the building façade is at the same level as the public sidewalk along 78th Ave SE. MICC 19.11.030(A)(1) allows a maximum building height of 51 feet plus and additional 5 feet to allow for a parapet and/or sloped roof. The highest point of the roof structure excluding appurtenances and the parapet is 51 feet above the public sidewalk. The parapet exceeds the height of the roof structure by six inches, within the range allowed because it is less than 5 feet (**Exhibit 2, Sheet A4.1**).

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

Staff Analysis: Not applicable. No mezzanines are proposed.

- 5. Rooftop appurtenances. Rooftop appurtenances are discouraged. If necessary, rooftop appurtenances may extend up to ten feet above the maximum building height allowed, provided there is a functional need for the appurtenance and that functional need cannot be met with an appurtenance of a lesser height. This provision shall not be construed to allow building height in excess of the maximum limit. Rooftop appurtenances should be located at least ten feet from the exterior edge of any building, and together with the screening provided for below, shall not cover more than 20 percent of the rooftop area.

- a. Screening of rooftop appurtenances. Appurtenances shall not be located on the roof of a structure unless they are hidden or camouflaged by building elements that were designed for that purpose as an integral part of the building design. All appurtenances located on the roof should be grouped together and incorporated into the roof design and thoroughly screened. The screening should 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.

Staff Analysis: The elevator shaft is the highest portion of the building. The elevator shaft is a rooftop appurtenance, which is allowed to exceed the maximum height of 51 feet by no more than 10 feet. The highest point of the elevator is 52 feet and is not taller than the 61-foot maximum (**Exhibit 2, Sheet A4.1**). While this element is taller than the parapets, it is screened and integrated into the design of the building.

- b. Wireless communication facilities. Wireless communication facilities (WCFs) shall be governed by MICC 19.06.040; provided, they shall be screened as required by subsection (A)(5)(a) of this section.

Staff Analysis: No WCFs are proposed.

6. Setbacks.

- a. 78th Avenue SE. All structures shall be set back so that space is provided for at least 15 feet of sidewalk between the structure and the face of the street curb, excluding locations where the curbline is interrupted by parking pockets. Additional setbacks are encouraged to provide space for more pedestrian-oriented activities and to accommodate street trees and parking pockets.
- b. All other public rights-of-way. All structures shall be set back so that space is provided for at least 12 feet of sidewalk between the structure and the face of the street curb, excluding locations where the curb line is interrupted by parking pockets. Additional setbacks along SE 32nd Street are encouraged to provide space for more pedestrian-oriented activities and to accommodate street trees and parking pockets.

Staff Analysis: On 78th Ave SE, the proposed development is setback to provide a minimum 15-foot public sidewalk between the development and the face of curb. A portion of the street-facing facade is set farther back for daylighting plane purposes and to provide a public open space. There are no other public rights-of-way along the other property lines.

7. Average daylight plane.

- a. Block frontages along streets must integrate average minimum upper level building setbacks to:
 - i. Reduce the perceived scale of building facades along streets;
 - ii. Increase the amount of light and air to adjacent streets;
 - iii. Promote modulation of building facades along streets that adds variety and provides visual interest;
 - iv. Encourage the integration of courtyards and open space along block frontages; and
 - v. Allow for flexibility in the design of block frontages along streets.

Staff Analysis: The average upper level setback is used to reduce the visual scale of the building mass along 78th Ave SE, promote modulation and facade articulation as well as carve out the space along the right-of-way for public open space. The average upper level setback is illustrated on page 4 of the submitted plan set (**Exhibit 2, Sheet G1.2**).

- b. The average minimum upper level building setbacks shall comply with the following:
 - i. From a height of 25 feet at the front property line, buildings shall step back at a 45-degree angle up to the maximum height limit.
 - ii. Calculations for determining compliance with the average daylight plane standards shall utilize cubic volume (cubic feet) and shall consider only the first 30 feet of depth along block frontages.
 - iii. Only the development site's applicable block frontage may be used to determine compliance with the provisions herein.
 - iv. Since the daylight plane standards above apply a minimum average, portions of block frontages may project beyond the daylight plane concept described in subsection (A)(7)(a) of this section, provided the applicable block frontage as a whole complies with the minimum average. Figure 5 illustrates the concept.

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

Staff Analysis: From a height of 25 feet at the property line along 78th Ave SE, a 45-degree angle was applied up to the maximum building height which determined stepbacks for the upper floors. The 45-degree angle line indicates the minimum average. The Applicant completed the debit and credit calculations consistent with MICC 19.11.030(A)(7)(b)(v) to verify that a surplus "credit" volume was being provided (**Exhibit 2, Sheet G1.2**). This calculation only considered the first 30 feet of depth along this street frontage. As proposed, 9,476 CF of "debit" volume is being used to extend the upper two floors to provide a flush facade over the cantilevered portion of the structure. The northwest corner of this site features public open space which pushed the remaining frontage inward and provided 17,295 CF of "credit" volume. The application included the average daylight plane calculations on Sheet G1.2 of the plan set (**Exhibit 2**).

E. MICC 19.11.040 - Affordable housing.

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

Staff Analysis: The proposed development is consistent with the purpose and intent of the affordable housing provisions in MICC 19.11.040. By including one affordable dwelling unit, the proposed development would help address the shortage of housing affordable to moderate income households, would add an affordable housing unit that would not otherwise be built in Mercer Island, and add an affordable housing unit in Town Center.

- 2. Affordable housing ratio. In order to qualify as significant affordable housing and in order to qualify for bonus building height over two stories, a development that contains dwelling units must provide affordable housing units equal to at least ten percent of the total units in the development. The number of required affordable units shall be rounded up to the nearest whole number.

Staff Analysis: To qualify for constructing a four story building within the TC-4 subarea ten percent of the proposed dwelling units must be affordable. The Applicant proposes to provide one affordable housing unit out of the eight total proposed units, which is equal to 12.5 percent of the total units in the development, meeting the requirement. As the proposed development moves forward an agreement between the city and owner will be established to preserve one unit as affordable per MICC 19.11.040(F).

3. Affordability level. For a three-story building the required affordable housing units must be affordable at the 70 percent of median income level for rental housing or 90 percent of median income level for ownership housing. For four- and five-story buildings, the required affordable housing units must be affordable at the 60 percent of median income level for rental housing or 90 percent of median income level for ownership housing.

Staff Analysis: For four- and five-story buildings, the required affordable housing units must be affordable at the 60 percent of median income level for rental housing or 90 percent of median income level for ownership housing. As the proposed development moves forward an agreement between the city and owner will be established to ensure the affordable unit is affordable at the required level per MICC 19.11.040(F), as conditioned.

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

Staff Analysis: The location of the affordable unit has yet to be determined. Given the development will have only 8 units, the affordable unit will be intermingled with the other dwelling units. The application does not describe the proposed tenure of the housing units in the proposed development. The affordable housing agreement pursuant to MICC 19.11.040(F)(4) is expected to stipulate that the affordable unit will be the same as the tenure of the rest of the dwelling units in the development.

With the first two floors having duplicate floor plans, the affordable unit will be the same size as another dwelling unit and similar in size to other with the same number of bedrooms. The exterior of all units, including the affordable unit, will be of the same quality and design concept.

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

Staff Analysis: The affordable unit will be available at the same time as all other units in the development.

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

Staff Analysis: Prior to the issuance of the building permit, an agreement regarding the requirements and qualifications of the affordable unit will be created and recorded with King County. The affordable unit must be available at the same time as all other units in the development. The affordable unit must be similar in size to the other units with the same number of bedrooms.

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

Staff Analysis: Impact fees will be reviewed at site development and required to be paid at the time of building permit issuance.

F. MICC 19.11.050 - Green building standards.

1. Pursuant to MICC 19.11.050, any major new construction shall meet the LEED Gold standard. Projects that are primarily residential (at least 50 percent of the gross floor area is composed of residential uses) may instead meet the Built Green 4 Star standard. The applicant shall provide proof of LEED or Built Green certification within 180 days of issuance of a final certificate of occupancy, or such later date as may be allowed by the code official for good cause, by submitting a report analyzing the extent

credits were earned toward such rating. Failure to submit a timely report regarding LEED or Built Green ratings by the date required is a violation of this Code.

Staff Analysis: The proposed development is 100 percent residential and as the design evolves, it will be determined if it will meet the LEED Gold standard or the Built Green 4 Star standard.

G. MICC 19.11.060 - Site design.

- 1 Minor site features. All major new construction regardless of its height shall have at least three minor site features that contribute to a well-balanced mix of features in that subarea as determined by the design commission. Minor site features may include, but are not limited to, the following:
 - a. Decorative landmarks. Imaginative features that complement the building design and create visual focal points that give identity to an area, such as decorative clocks, special paving in pedestrian areas, art features, water features, drinking fountains, or creative designs for necessary building features or functions. Art should 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.
 - b. 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.
 - c. Additional sidewalk setback. At least five feet of sidewalk width, in addition to the minimum sidewalk setback provided for in MICC 19.11.030(A)(6), may be provided along 78th Avenue SE, along the entire street frontage of the development site. Such additional sidewalk should be designed to provide additional pedestrian access where parking pockets narrow the sidewalk, to accommodate street trees and benches, or to create spaces for more pedestrian-oriented activities such as outdoor dining or seating.
 - d. Impact on public open spaces. Minor site features may not occupy space in a public open space to the extent that doing so reduces the actual space that is usable by the public below the minimum required area.

Staff Analysis: The Applicant proposes to incorporate three (3) minor site features into the proposed development. The proposed minor site features are listed in Table 2.

Table 2. Proposed Minor Site Features and Staff Analysis.

Proposed Minor Site Feature	Staff Analysis
Fountain within the public open space	MICC 19.11.060(A)(1) lists water features as a decorative landmark to satisfy the minor site feature requirement.
A sculptural living wall	MICC 19.11.060(A)(1) establishes a non-exclusive list of allowed decorative landmarks that qualify as minor site features that includes, art features provided they are located for public view and do not hinder pedestrian traffic. As proposed, the sculptural living wall would be in the public view and would not hinder pedestrian traffic.

Proposed Minor Site Feature	Staff Analysis
Special paving in pedestrian areas	MICC 19.11.060(A)(1) lists special paving in pedestrian areas as a decorative landmark to satisfy the minor site feature requirement.

Source: Exhibit 2, pages 4-8.

2. Major site features. Any major new construction in the TC-5, TC-4, TC-4 Plus or TC-3 subarea which exceeds the two-story base height and that includes or abuts a preferred through-block connection location shown on Figure 7 shall include a through-block connection subject to design commission determination that such connection is feasible and achievable. Any major new construction exceeding three stories in height in the TC-5, TC-4 or TC-4 Plus subarea shall include at least one of the following major site features, subject to design commission determination that such choices contribute to a well-balanced mix of features in that subarea:

Staff Analysis: The subject property abuts a preferred through-block connection location shown on MICC 19.11.060(Figure 7). Given its location and that the development would be located in the TC-4 subarea and exceed the two-story base height, the development must include a through-block connection or the Hearing Examiner must find such connection is not feasible and achievable. The development code does not establish criteria for determining whether a through-block connection is achievable and feasible. Given the small size of the lot, existing easements, and the position of buildings on adjacent properties, a through-block connection is probably not achievable on this property. The applicant proposes a public open space as a major site feature instead of the through-block connection (**Exhibit 2, Pages 4-5**). The code authorizes public open space as an alternative major site feature in-lieu of the through-block connection, provided the open space meets the requirements in MICC 19.11.060(D).

- a. Through-block connection. Through-block pedestrian connections will qualify as a major site feature upon satisfaction of the development and design standards set forth in subsection E of this section. If the on-site area of the through-block connection does not equal or exceed three percent of the gross floor area of the development, then public open space shall also be provided so that the total area of the through-block connection and public open space equals or exceeds three percent of the gross floor area of the development.

Staff Analysis: The through-block connection is not achievable on this property. The applicant proposes satisfying the major site feature requirement with a public open space pursuant to MICC 19.11.060(B)(2) (**Exhibit 2, Page 4**).

- b. Public open space. Public open spaces will qualify as a major site feature upon satisfaction of the development and design standards set forth in MICC 19.11.060(D).

Staff Analysis: The Applicant proposes to incorporate a public open space that meets the requirements of MICC 19.11.060(D), analyzed below (**Exhibit 2, Pages 4-5**).

3. Other site features. The design commission may approve other major or minor site features in place of those listed above consistent with the provisions of Chapter 19.11 MICC.

Staff Analysis: Other major or minor site features are not proposed.

4. Public open space. Refers to plazas, parks or other spaces intended for the use and enjoyment of the public in the Town Center zone. Public open spaces serve as public gathering spaces and, depending on their size, could accommodate a variety of public events, as well as provide space for informal gatherings and quiet activities.
 - a. Size. A single public open space shall be a minimum size equal to three percent of the gross floor area of the development and shall be at least 20 feet in width. For a fifth floor in the TC-4 Plus subarea, public open space shall increase to a minimum of seven and one-half percent of the gross floor area of the development. The design commission may allow a development to provide two or more public open spaces so long as the design commission determines that such multiple public open spaces will have an equal or greater public benefit and each is at least 1,500 square feet in area. The primary purpose of the public open spaces shall be as public gathering places. Other uses of public open spaces whose primary purpose is not for public gathering including but not limited to lobby entrances, stairs, and cordoned off/private outdoor restaurant seating shall not be included in calculating the minimum size of the public open spaces. Such areas shall be in addition to any area required as a minor site feature under subsection A of this section. If a development is required to provide both a public open space and a through-block connection, then the area of the through-block connection that meets the requirements of subsection E of this section shall also be counted towards the public open space requirement.

Staff Analysis: The proposed public open space is 465 square feet which is 3.2 percent of the proposed gross floor area; meeting the minimum requirement is that public open space be at least 3 percent of the gross floor area of the development. The width of the proposed open space is 20-feet from the north property line to the driveway; meeting the minimum width requirement (**Exhibit 2, Pages 4-5**). The proposed development is not in the TC-4 Plus subarea. The applicant does not propose more than one public open space. The proposed open space is adjacent to the public sidewalk and would primarily be used as a public gathering space. As proposed the open space would satisfy the size requirements in MICC 19.11.060(D).

- b. Design elements.
 - i. Public open spaces shall be at the same level as the public sidewalk, serve as a focal point for pedestrian activity within the Town Center zone, and should be fully integrated and designed consistent with any pedestrian connection or other public amenity.

Staff Analysis: The proposed open space would be adjacent to the public sidewalk and at the same level. Being adjacent to and at the same level as the public sidewalk, the public open space will be a focal point for pedestrian activity within the zone. The public open space integrates the proposed minor site features consistent with this requirement.

- ii. Public open spaces shall be designed with sufficient pedestrian amenities including seating, lighting, water features, special paving, landscaping, artwork and special recreational features, as determined by the design commission. At least two linear feet of seating surfaces per 100 square feet of space should be provided. To qualify, seating surfaces shall be a minimum of 18 inches in depth. At least half the seating should have seat backs and have surfaces made of wood, rather than metal, stone or concrete. In addition, moveable chairs may be provided and shall not be for the sole use of an adjacent retail business.

Staff Analysis: The proposed public open space would include a water feature, lighting, and seating. Twelve linear feet of seating is proposed for the 520-square foot open space. The seating must have at least 6 linear feet. The seating surfaces will be 18 inches deep. The seating surfaces will be made of wood and at least half of the seating will have backs (**Exhibit 2, Page 5**).

- iii. Pedestrian-oriented frontage is required on at least two sides unless the space is linear in design, in which case pedestrian-oriented frontage is required on at least one side.

Staff Analysis: Pedestrian oriented frontage is provided on two sides: (1) the west (ROW) and (2) the south (building entry) sides (**Exhibit 2, Page 4**).

- iv. At least 25 percent but not more than 60 percent of an outdoor public open space should be landscaped with shade trees, ground cover or other vegetation.

Staff Analysis: Landscaping will cover 26.3 percent of the proposed public open space (**Exhibit 2, Pages 6, 8, and 9**).

- v. The public open space may not be covered by a roof, story or skybridge; provided portions of the public open space may be covered for weather protection, or be enclosed pursuant to subsection (D)(2)(f) of this section.

Staff Analysis: Some of the proposed public open space is covered by an upper story of the structure (**Exhibit 2, Page 16**). Pursuant to MICC 19.11.060(D)(2)(f) covered public open space can be approved as proposed because the covered area would be available for public use.

- vi. Enclosed and/or covered public open space may be approved by the design commission; provided, that the space is available for public use.

Staff Analysis: Some of the proposed public open space is covered by an upper story of the structure (**Exhibit 2, Page 16**). Pursuant to MICC 19.11.060(D)(2)(f) covered public open space can be approved as proposed because the covered area would be available for public use.

- vii. All city approvals or permits for any structure shall be reviewed for compatibility with the alignment of any existing or approved public open space.

Staff Analysis: No existing or approved public open space is located on the site (**Exhibit 2, Page 4**).

- i. Public open space plan. The applicant shall submit a plan with a minimum scale of one-quarter inch equals one foot for the public open space which shall include a description of all landscaping; lighting; street furniture; color and materials; relationship to building frontage; specific location of the public open space; and the relationship to and coordination with any pedestrian connection or other public amenity.

Staff Analysis: The applicant provided a public open space plan consistent with the requirements in MICC 19.11.060(C)(3) (**Exhibit 2, Pages 4-5**).

- ii. Public access. The entire public open space should be open to the public 24 hours per day. Temporary closures will be allowed as necessary for maintenance purposes. Upon city approval, portions of the

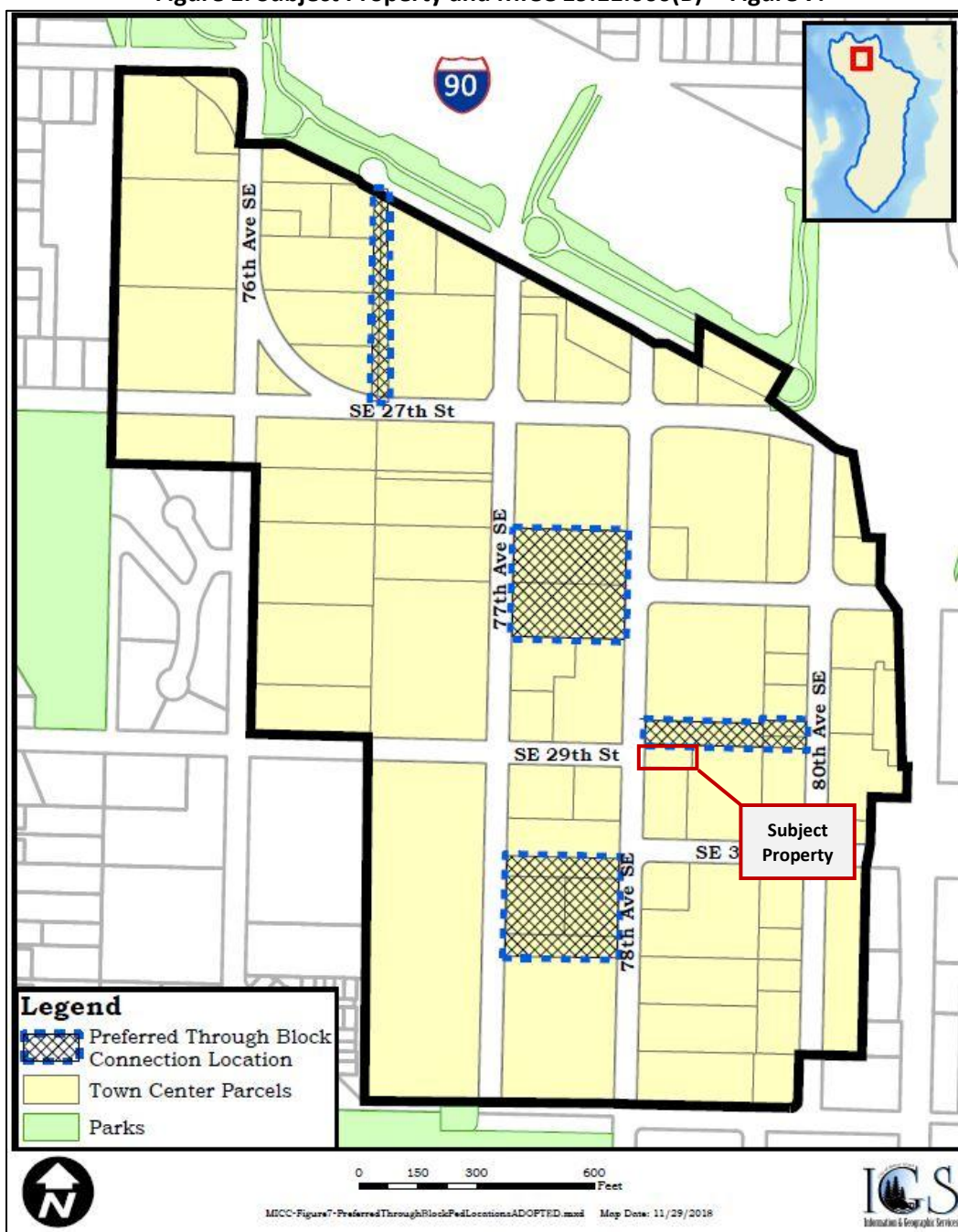
public open space may be separated, as required by the State of Washington Liquor and Cannabis Board or its successor agency, in order to allow outdoor seating for restaurant purposes.

Staff Analysis: The public open space is adjacent to the sidewalk and does not include features that would close it to the public (**Exhibit 2, Page 4**). The proposed open space will be open to the public, consistent with the requirement in MICC 19.11.060(C)(4).

5. Through-block pedestrian connections. Through-block pedestrian connections are intended to provide convenient and safe public pedestrian routes through city blocks.
 - a. Location. Connections shall be located on the lots eligible for through-block pedestrian connections as shown on Figure 7 and in other locations based on the following criteria. The actual location of the pedestrian connection on the lot shall be determined by the design commission based upon the following criteria: (a) the connection will connect with existing or future rights-of-way, other pedestrian connections and/or public open spaces; (b) the connection has the effect of dividing a large city block approximately in the middle of such block in approximately the preferred locations shown on Figure 7; and (c) it is likely that the remainder of the subject connection will be developed in the future based upon development conditions on surrounding lots.

Staff Analysis: Due to the small size of the subject property, it is not feasible to provide a through-block connection. The project incorporates a public open space that meets the major site feature requirements of MICC 19.11.060(B) (**Exhibit 2, Page 4**). Figure 1 highlights the subject property as it appears on MICC 19.11.060(B) Figure 7.

Figure 1. Subject Property and MICC 19.11.060(B) – Figure 7.



Source: MICC 19.11.060(E)(1), Figure 7 – Preferred Through-Block Pedestrian Connection Locations

H. MICC 19.11.070 - Greenery and outdoor spaces.

1. Objectives. Outdoor spaces and landscaping should be designed to achieve the design vision set forth in MICC 19.11.010. Development should provide for private open space for employees and residents. Plant materials placed in horizontal beds and on vertical walls/trellises/arbors areas should be used to frame and soften structures, to define site functions, to enhance the quality of the environment, screen undesirable views and create identity sense of place. Trees and landscaping shall be

incorporated into the site design in order to soften and screen the visual impact of hard surfaces such as parking lots, service areas, and walls, as well as to enhance a sense of nature along pedestrian walkways, public rights-of-way, sidewalks and outdoor gathering places. Outdoor furniture and fixtures should be compatible with the project architecture and considered as integral elements of the landscape. Whenever possible development should include seating areas and be enhanced by such features as trees and flower displays, fountains, art and open spaces.

Staff Analysis: The proposed development is consistent with the objectives listed in MICC 19.11.070(A).

2. Development and design standards.
 - a. Landscaped area requirement. Landscaped surfaces equal to 25 percent of the development site shall be provided. All required plantings and landscaping shall be installed according to sound horticultural practices in a manner designed to encourage quick establishment and healthy plant growth, based on local and regional best landscaping practices. The following landscaped types and credits may be used to meet the standards:
 - i. Ground level planting beds qualify as landscaped surfaces at a 100 percent rate. Ground level planting area that supports trees (which will require deeper soil depths) may qualify for bonus credit. Specifically, planting areas that support a large tree (height greater than 30 feet at maturity) may be counted at a 200 percent rate (includes planting area under projected dripline at maturity) and planting areas that support a medium sized tree (height greater than 15 feet at maturity) may be counted at 150 percent rate. Terraced or other raised planting surfaces qualify as landscaped surfaces at the same rates as ground level planting beds depending on the soil depth (shallow soil depths capable of supporting only ground cover plants qualify at a 50 percent rate).
 - ii. Green roof. Green roofs qualify as a landscaped surface at a 50 percent rate (i.e., two square feet of green roof qualifies as one square foot of landscaped area). Green roof areas supporting large shrubs and trees may qualify for bonus credit (up to a 100 percent rate) as determined by the design commission depending on the planting's visibility.
 - iii. Green walls/trellises/arbors.
 1. Artistic green walls adjacent to ground level publicly accessible space with decorative patterns qualify as a landscaped surface at a 125 percent rate;
 2. Standard green walls qualify as landscaped surfaces at a 75 percent rate;
 3. 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.

Staff Analysis: The landscaped surfaces shall equal at least 25% of the development site. This site is 7,200 SF so at least 1,800 SF (25%) shall be landscaped (**Exhibit 2, Pages 6, 8, and 9**). Because of the small site, a combination of ground level planting, green walls, and a green roof will be utilized to meet this requirement. The proposed landscaped areas and their contribution toward the landscaped surfaces requirement are shown in Table 3.

Table 3. Proposed Landscaped Areas.

Area on Landscaping Plan	Description	Square Footage	Landscape Credit	Total Landscaped Area
Ground Level Planting	The public open space and the planter strip south of the driveway include space for shrubs and ground cover	207 ft ²	100% per MICC 19.11.070(B)(1)(a)	207 ft ²
Green Wall	A green wall will be incorporated into the public open space along the north property line that will cover up the blank wall of the adjacent property	283 ft ²	125% per MICC 19.11.070(B)(1)(b)	353 ft ²
Green Roof	The largest portion of landscaping on site will be sedum trays on the roof of the proposed structure	2,480 ft ²	50% per MICC 19.11.070(B)(1)(c)	1,240 ft ²
Totals		2,970 ft ²	-	1,800 ft ²

Source: Exhibit 2, Pages 4-9.

Staff Finding: The proposed landscaped elements combine for a total of 1,800 square feet in landscaped area, meeting the minimum landscaped area of 25 percent of the subject property established in MICC 19.11.070(B)(1). The proposed development would provide landscaped area consistent with MICC 19.11.070(B)(1).

- b. Landscaping standards.
- i. Suitable plant species. Plant materials for required landscape surfaces shall be selected from a city approved palette of species and minimum size at time of planting. Plant materials should be native or adaptive drought-tolerant species.

Staff Analysis: The City has not approved a palette of species. To implement this section, staff refer to the *Native Plant Guide for Western Washington Yards* (Native Plant Guide) published by the King County Department of Natural Resources and Parks (**Exhibit 15**). Approval of this proposal should be conditioned to require a landscaping plan that demonstrates the proposed landscaping will be composed of either native or drought-tolerant species. Trees and ground cover.

- 1. Prominent trees should be preserved to the extent feasible.

Staff Analysis: There are two prominent trees on adjacent properties near the northwest and southwest corners of the lot. The applicant has identified both trees for protection during development (**Exhibit 2, Page 6**). When the applicant eventually develops the site, submitted plans will be reviewed for compliance with Chapter 19.10 MICC – Trees, which establishes regulations for tree protection during development.

- 2. Trees planted within five feet of public curbs or in paved areas shall be installed with root guards and grates to prevent physical damage to sidewalks, curbs, gutters, pavement and other public or private improvements.

Staff Analysis: No tree planting is proposed within five feet of public curbs or in paved areas (**Exhibit 2, Page 6**).

3. Ground cover shall be planted to have 100 percent ground cover in two years.

Staff Analysis: A condition of approval is recommended to satisfy this requirement.

4. Any tree cutting or pruning shall be consistent with chapter 19.10 MICC.

Staff Analysis: When the applicant eventually develops the site, submitted plans will be reviewed for compliance with Chapter 19.10 MICC – Trees, which establishes regulations for tree protection during development.

- iii. Soil quality, depth, and volume. Applicants for new projects in Town Center must include the relevant provisions in construction details, based on regional best landscaping practices, including:

Staff Analysis: The appropriate soil information shall be included in the landscaping plans submitted with the building permit application.

1. In planting beds: place three inches of compost and till to a minimum depth of eight inches.

Staff Analysis: The application indicates that planting beds will receive a minimum of 12 inches of topsoil, tilled into the top 12 inches, meeting the requirement (**Exhibit 2, Page 6**).

2. In turf areas: place one and three-quarters inches of compost and till to a minimum depth of eight inches.

Staff Analysis: The application indicates that turf areas will receive a minimum of 2 inches of bark mulch, tilled into the top 12 inches (**Exhibit 2, Page 6**). Installation of landscaping shall be included in the landscaping plans submitted with the building permit application.

3. Scarify (loosen) subsoil four inches below amended layer to produce a minimum soil depth of 12 inches of uncompacted soil.

Staff Analysis: Scarification shall be included in the landscaping plans submitted with the building permit application.

4. After planting: apply two to four inches of arborist wood chip mulch to planting beds. Coarse bark mulch may be used but has fewer benefits to plants and soil.

Staff Analysis: Wood chip or mulch application shall be included in the landscaping plans submitted with the building permit application.

- iv. Irrigation. All landscaped areas shall be provided with an approved automatic irrigation system consisting of waterlines, sprinklers designed to provide head to head coverage and to minimize overspray onto structures, walks and windows. Water conserving types of irrigation systems should be used.

Staff Analysis: The submitted landscaping plan specifies that landscaped areas will be irrigated by an automatic irrigation system with a rain shut off device (**Exhibit 2, Page 6**). Irrigation shall be included in the landscaping plans submitted with the building permit application.

- v. Maintenance. All landscaping shall be maintained in good condition. Maintenance shall include regular watering, mowing, pruning, clearance of debris and weeds, removal and replacement of dead plants and the repair and replacement of irrigation systems.

Staff Analysis: Installation and maintenance of landscaping will be guaranteed at the time of site development by preparation of a performance guarantee bond pursuant to MICC 19.01.060(C). A bond quantity worksheet will be required to be submitted at site development and a financial guarantee shall be required for 150 percent of the cost of materials and labor. The financial guarantee shall be in place to ensure performance. The financial guarantee will be released and switch to maintenance once the plantings are installed and approved. The financial guarantee shall be in place for a period designated by the Code Official.

A plan for ongoing maintenance of the landscaping shall be included in the landscaping plans submitted with the building permit application.

Staff Analysis: With conditions, the proposed development will be consistent with MICC 19.11.070(B)(2).

- c. Surface parking lot landscaping. Surface parking lots shall be landscaped to reduce and break up large areas of asphalt and paving.

Staff Analysis: Surface parking is not proposed with the application (**Exhibit 2, Page 4**)

- i. The landscape design shall be incorporated with low impact development techniques designed to manage runoff from roofs, parking lots and other impervious surfaces.
- ii. A minimum four-foot-wide (interior dimension) landscape bulb should be provided at the end of parking aisles.
- iii. A ratio of one tree for every six parking spaces should be provided throughout any surface parking lot. Of the total number of trees required, 50 percent shall be a minimum of 24-inch box in size, and 50 percent shall be a minimum of 15-gallon in size.
- iv. Planting areas for trees required within the parking rows of a surface parking lot should be achieved by one of the following acceptable methods:
 - 1. A continuous landscape strip, at least four feet wide (interior dimension), between rows of parking stalls; or
 - 2. Tree wells, eight feet wide, resulting from the conversion of two opposing full sized parking stalls to compact stalls; or
 - 3. Tree wells, at least five feet square, placed diagonally between standard or compact parking stalls.

Staff Analysis: MICC 19.11.070(B)(3) – Surface parking lot landscaping is not applicable. No surface parking is proposed as part of the development (**Exhibit 2, Page 4**).

- d. Landscape screening. All grade-level parking should be physically separated from the street and visually screened from pedestrian view by landscaping. The landscaping must include shrubs and trees, be located on private property and be wide enough to maintain the plant material and screen the view but not less than three feet wide.

Staff Analysis With the exception of the driveway, the grade level covered parking is screened by the building structure and physically separated from pedestrian view by the proposed public open space. The public open space includes landscaping, is located on public property, and is more than three feet wide (**Exhibit 2, Page 4**). The proposed development is consistent with MICC 19.11.070(B)(4).

- e. Building entries. Building entries should be emphasized with special landscaping and/or paving in combination with lighting.

Staff Analysis: The building entry is emphasized by the public open space which includes landscaping, special paving, and lighting (**Exhibit 2, Pages 4-9**). The proposed development is consistent with MICC 19.11.070(B)(5).

- f. Building facades. Building facade modulation and setbacks should include features such as courtyards, fountains and/or landscaping.

Staff Analysis: The building façade modulation/step back features the proposed public open space and the minor site elements consistent with the site design standards in MICC 19.11.060. The proposed development is consistent with MICC 19.11.070(B)(6).

- g. Continuity. Landscaping should provide design continuity between the neighboring properties.

Staff Analysis: MICC 19.11.070(B)(7) is not applicable since the proposed landscaping does not continue between neighboring properties (**Exhibit 2, Page 4**). The property to the north has a blank wall/stairs extending to the ROW and the landscaping strip between the bank property to the south is broken up by the required on-site loading zone which leave no room for additional landscaping.

Staff Finding: The proposed development is consistent with the applicable standards in MICC 19.11.070.

I. MICC 19.11.080 - Screening.

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

Staff Analysis: The proposed development is consistent with the objectives listed in MICC 19.11.080(A). Storage and service areas are proposed to be fully enclosed on the first floor and screened from view (**Exhibit 2, Page 4**). An area of the roof is set aside for rooftop mechanical

equipment. The mechanical equipment and requisite screening will be addressed at the time the site is developed.

2. Development and design standards.

- a. On-site service areas. All on-site service areas, loading zones, outdoor storage areas, garbage collection and recycling areas and similar activities should be located in an area not visible from public streets. Consideration should be given to developing common service courts at the interior of blocks. Service areas should accommodate loading, trash bins, recycling facilities, food scrap composting areas, storage areas, utility cabinets, utility meters, transformers, etc. Service areas should be located and designed for easy access by service vehicles and for convenient access by each tenant. Any emissions of noise, vapor, heat or fumes should be mitigated. Loading activities should generally be concentrated and located where they will not create a nuisance for adjacent uses.

Staff Analysis: Due to limited space and lack of turn around space, the loading zone is located at the front of the subject property, adjacent to the public ROW, and fully enclosed on the first floor of the building (**Exhibit 2, Page 4**). Utility equipment will be screened from public view by landscaping and building elements.

- b. Garbage, recycling collection, composting and utility areas. Garbage, recycling collection, food scrap composting and utility areas shall be enclosed and screened around their perimeter by a wall or fence at least seven feet high, concealed on the top and must have self-closing doors. If the area is adjacent to a public street or pedestrian alley, a landscaped planting strip, minimum three feet wide, shall be located on three sides of such facility. Any emissions of noise, vapor, heat or fumes should be mitigated.

Staff Analysis: The proposed development will screen the solid waste enclosure around the perimeter, concealed on the top, and will have self-closing doors. The walls of the solid waste enclosure will be comprised of CMU blocks for durability and will have a roof and fascia that correspond to the color palette of the main building. The height of the enclosure will be approximately 10 feet. Self-closing doors will be provided as a man-door on the parking garage side and a double door that can be opened from the loading zone side (**Exhibit 2, Page 4**).

- c. Meters and mechanical units. Water meters, gas meters, electric meters, ground-mounted mechanical units and any other similar structures should be hidden from public view or screened.

Staff Analysis: The proposed development ensures meters will be screened from public view by placing utility rooms on the first floor adjacent to the structured parking area (**Exhibit 2, Page 4**). Additionally, the mechanical equipment will be located on the roof and screened from public view.

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

Staff Analysis: Fencing is not proposed (**Exhibit 2, Page 4**). This standard is not applicable.

J. MICC 19.11.090 - Lighting.

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

Staff Analysis: The proposed development is consistent with the objectives of MICC 19.11.090.

2. Development and design standards.

- a. Pedestrian-scale light fixtures. Pedestrian-scale light fixtures should be incorporated into the site design to give visual variety from one building to the next and should blend with the architectural style.

Staff Analysis: The proposed development will have pedestrian scaled lighting fixtures within the public open space. The proposed lighting will be placed below eye level and illuminate the pedestrian areas in the public open space (**Exhibit 2, Page 7**).

- b. Light type. Lighting should use LED or similar minimum wattage light sources, which give more "natural" light. Non-color corrected low-pressure sodium and mercury vapor light sources are prohibited.

Staff Analysis: The proposed development will incorporate LED lighting at all building entrances, within the parking garage, as landscape lighting in the public open space, and at all private deck spaces (**Exhibit 2, Page 7**).

- c. Building entrances. All building entrances should be well lit to provide inviting access and safety.

Staff Analysis: The proposed development will provide lighting at the building entrance (**Exhibit 2**).

- d. Building-mounted and display window lights. Building-mounted lights and display window lights should contribute to lighting of walkways in pedestrian areas.

Staff Analysis: The proposed development will utilize building mounted lighting to light the public open space and the adjacent landscaped areas (**Exhibit 2, Page 7**).

- e. Parking areas. Parking area light fixtures should be designed to confine emitted light to the parking area. The height of the light fixtures should not exceed 16 feet. The design commission shall review and determine the adequacy of lighting in parking areas based on best practices.

Staff Analysis: The proposed development will provide lighting within the parking garage. The electrical plans that will be submitted during the building permit process will detail the lighting within the parking garage. The ceiling of the parking garage is less than 16 feet tall so all garage-mounted lighting fixtures will not exceed the maximum height (**Exhibit 2, Page 7**).

- f. Neon lighting. Neon lighting may be used as a lighting element; provided, that the tubes are concealed and are an integral part of the building design. Neon tubes used to outline the building are prohibited.

Staff Analysis: Not applicable. Neon lighting is not proposed for the proposed development (**Exhibit 2, Page 7**).

- g. Shielding. All lighting fixtures should be shielded or located to confine light spread within the site boundaries, to the extent possible, especially when adjacent to residential uses.

Staff Analysis: The proposed development must contain lighting projection within the subject property boundaries. The proposed lighting fixtures will be focused on lighting the required site features with illumination contained on site (**Exhibit 2, Page 7**).

Staff Finding: As conditioned, the proposed development will be consistent with the provisions of MICC 19.11.090.

K. MICC 19.11.100 - Building design.

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

Staff Analysis: The proposed development is consistent with MICC 19.11.100 (**Exhibit 2**). The proposed building façade is oriented to the public sidewalk. The public open space adjacent to the sidewalk will provide visual interest to the pedestrians. The design of the building facade adjacent to the public right of way incorporates street level windows, building setbacks, on-street pedestrian entrances, landscaping and articulated walls (**Exhibit 2**). Renderings of the building façade that interfaces with public sidewalk are provided in Figures 2 and 3.

Figure 2. Building Façade Rendering from Southwest Corner of the Site.



(Source: Exhibit 2)

Figure 3. Building Façade Rendering from Northwest Corner of the Site.



(Source: Exhibit 2)

2. Development and design standards.

a. Fenestration.

- i. Transparent facades. Articulated, transparent facades should be created along pedestrian rights-of-way. Highly tinted or mirrored glass windows shall not be allowed. Shades, blinds or screens that prevent pedestrian view into building spaces shall not be allowed, except where required or desired for privacy in dwelling units, hotel rooms and similar residential uses.

Staff Analysis: The proposed development has a limited facade along the right-of-way. The proposed façade incorporates transparency in the floor to ceiling windows along the ground level frontage adjacent to the public sidewalk (**Exhibit 2, Sheet A4.2**).

- ii. Ground floor windows and doors. Major new construction along 77th Avenue SE, 78th Avenue SE and SE 27th Street, within the TC-5, TC-4 and TC-4 Plus subareas, shall have at least 75 percent of the length of the ground floor facade between the height of two feet and seven feet devoted to windows and doors affording views into retail, office, or lobby space.

Staff Analysis: The site is located in the TC-4 subarea along 78th Ave SE. Façade is defined in MICC 19.16.010, which states, "Facade: Any exterior wall of a structure, including projections from and attachments to the wall. Projections and attachments include balconies, decks, porches, chimneys, unenclosed corridors and similar projections." The proposed building design shows that approximately 54 percent of the linear facade would be transparent (**Exhibit 2, Sheet A4.2**). The final design of the building must include at least 75 percent of the ground floor façade length between a height of two and seven feet must be composed of windows and doors. A condition of approval is recommended to satisfy this requirement.

- iii. Upper story facades. Upper stories of buildings above two stories should maintain an expression line along the facade such as a setback, change of material, or a projection to reduce the perceived building mass. Upper story windows should be divided into individual units and not consist of a "ribbon" of glass. Upper story features such as balconies, roof decks, bay windows or upper story commercial activities should be used to visually connect upper story activity with the street.

Staff Analysis: The proposed building is four stories tall. The upper stories includes five exterior finish materials and windows. The fenestration on the upper floors is integrated into the design of the individual dwelling units with the inclusion of the balconies facing the street (**Exhibit 2, Sheet A4.2**). These balconies visually connect the upper stories with the street level below. A "ribbon" of glass is not proposed.

- b. Street-facing facade elements. All major new construction shall include at least seven of the following elements on the street-facing facades, both on the ground floor level and on other levels, as may be deemed desirable by the design commission taking into account the nature of the development and the site.

- i. Window and door treatments which embellish the facade.
ii. Decorative light fixtures.
iii. Unique facade treatment, such as decorative materials and design elements.
iv. Decorative paving.

- v. Trellises, railings, gates, grill work, or unique landscaping.
- vi. Flower baskets supported by ornamental brackets.
- vii. Recessed entrances.
- viii. Balconies.
- ix. Medallions.
- x. Belt courses.
- xi. Decorative masonry and/or tilework.
- xii. Unique, handcrafted pedestrian-scaled designs.
- xiii. Planter boxes with seasonal color.
- xiv. Projecting metal and glass canopy.
- xv. Clerestories over storefront windows.
- xvi. Other elements as approved by the design commission.

Staff Analysis: The Applicant proposes the street-facing façade elements listed with the corresponding requirement in Table 4:

Table 4. Proposed Street Facing Façade Elements.

Proposed Element	Corresponding Required Element
A combination of Equitone integrated color panels and Nichita non- combustible wood siding, wrap the massing above the public open space.	Clerestories over storefront windows (MICC 19.11.100(B)(2)(o))
Clerestory windows are provided above the storefront windows of the lobby.	Window and door treatments which embellish the façade (MICC 19.11.100(B)(2)(a)).
Recessed balconies for the individual residential units.	Balconies (MICC 19.11.100(B)(2)(h)).
Accent material to highlight the recessed balconies.	Unique facade treatment, such as decorative materials and design elements (MICC 19.11.100(B)(2)(c)).
Perforated metal panels wrap the street facing residential balconies.	Unique facade treatment, such as decorative materials and design elements (MICC 19.11.100(B)(2)(c)).
Slanted structural columns that support the cantilevered upper floors.	Unique facade treatment, such as decorative materials and design elements (MICC 19.11.100(B)(2)(c)).
Powder coated steel sheets that create the perimeter of the raised gravel bed along the north property line with color coordinated exit passageway door to integrate into the overall design.	Trellises, railings, gates, grill work, or unique landscaping (MICC 19.11.100(B)(2)(e)).
Green wall	Trellises, railings, gates, grill work, or unique landscaping (MICC 19.11.100(B)(2)(e)).

(Source: **Exhibit 2, Sheet A4.2**)

- c. Major facade modulation. Block frontages shall include at least one of the following features (subsection (B)(3)(a), (b) or (c) of this section) at intervals no greater than 120 feet to break up the massing of the block and add visual interest. The design commission may approve modifications or

alternatives to the following features if the proposed modulation is at least as aesthetically acceptable as one of the following features:

- i. Vertical building modulation at least 20 feet deep and 30 feet wide. See example on Figure 10. For multi-story buildings, the modulation must extend through more than one-half of the building stories.
- ii. Use of a significant contrasting vertical modulated design component featuring all of the following:
 - 1. An extension through all stories above the first story fronting on the street. Exception: upper stories that are set back more than ten feet horizontally from the facade are exempt.
 - 2. A change in building materials that effectively contrast from the rest of the facade.
 - 3. A modulation horizontally from the rest of the facade by an average of 24 inches.
 - 4. A design to provide roofline modulation.
- iii. 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:
 - 1. Different building materials and/or configuration of building materials; and
 - 2. Contrasting window design (sizes or configurations).

Staff Analysis: The street-facing façade is modulated into two major vertical massings. The cantilevered massing that stacks on all upper floors is 26 feet wide. The second major massing is recessed 30 feet from the ROW and is 19 feet wide. The massings feature a mixture of materials that highlight this form as distinct massing that sits on top of the lobby structure. This recessed massing features a parapet roofline where the cantilevered massing shows a flat roof with overhangs. The proposed variation in material, façade articulation, roof line modulation, and the cantilever section on the southwest section of the building façade compared to the grounded, recessed massing on northwest section of the facade, result in a building facade that reads as two distinct but connected buildings (**Exhibit 2, Sheet A4.2**).

- d. Minor facade modulation. All buildings shall include articulation features to reduce the perceived scale of large buildings and add visual interest to facades. See examples on Figure 13. At least three of the following features shall be employed at intervals no greater than 50 feet subject to design commission approval taking into account the nature of the development and the site:
 - i. Window fenestration patterns and/or entries;
 - ii. Use of vertical piers/columns;
 - iii. Change in roofline;
 - iv. Change in building material or siding style;
 - v. Vertical elements such as a trellis with plants, green wall, art element;
 - vi. Vertical building modulation of at least 12 inches in depth if tied to a change in roofline modulation or a change in building material, siding style, or color; or
 - vii. Other design techniques approved by the design commission that reinforce a pattern of small storefronts (or residences, if residential uses are used).

Staff Analysis: The proposed development is required to include minor façade modulations in the design of the building. The Applicant proposed the following minor modulations (**Exhibit 2, Sheet A4.2**):

- Recessed balconies for each residential unit.
 - Bumpouts highlighted by a change in material.
 - Fenestration patterns that break up the opaque massing.
- e. Walls. Untreated blank walls are prohibited. A blank wall is a wall (including building facades and retaining walls) over six feet in height, with a horizontal length greater than 15 feet that does not include a transparent window or door. Methods to treat blank walls can include but are not limited to:
- i. Display windows at least 16 inches of depth to allow for changeable displays. Tack on display cases shall not qualify as a blank wall treatment.
 - ii. A landscape planting bed at least five feet wide or a raised planter bed at least two feet high and three feet wide in front of the wall with planting materials that are sufficient to obscure or screen at least 60 percent of the wall's surface within three years.
 - iii. A vertical trellis in front of the wall with climbing vines or plant materials.
 - iv. A mural as approved by the design commission.
 - v. Special building detailing that adds visual interest at a pedestrian scale as approved by the design commission. Such detailing must use a variety of surfaces; monotonous designs will not meet the purpose of the standards.

Staff Analysis: The proposal includes a green wall to break up the blank wall near the north property line (**Exhibit 2, Page 8**). The list of blank wall treatments provided in MICC 19.11.100(B)(5) is a nonexclusive list, allowing the approval of other treatments not listed. The proposed green wall provides treatment of the blank wall on the north property line.

- f. Entrances. Building entrances should concentrate along the sidewalk and should be physically and visually inviting. Entrance doors shall be recessed from the facade surface to emphasize the entrance and provide a sheltered transition to the interior of the building. Special paving treatments and/or landscaping should be used to enhance the entrance. Pedestrian walkways with wheelchair ramps at least eight feet wide should be constructed between the sidewalk and building entrances.

Staff Analysis: The lobby entrance faces the right-of-way and connects directly to it. The entrance is recessed from the cantilevered massing and is framed by a change a façade material and structural concrete elements (**Exhibit 2, Sheet A4.2**).

- g. Roofs. Roofs shall relate to the building facade articulations. A variety of roof types and configurations should be used to add interest and reduce the perceived building mass. Varied parapet height or roofline is encouraged. Sloping roofs are also encouraged.

Staff Analysis: The roof line differences correlate with and help emphasize the different massing. The parapet and elevator shaft help to create varied roof line heights (**Exhibit 2, Sheets A4.0-A4.4**).

- h. Residential uses on ground floor. Where permitted, residential uses on the ground floor shall comply with the standards in MICC 19.11.060(E)(2)(e).

Staff Analysis: Residential uses on the ground floor are a lobby, mail, and package pickup (**Exhibit 2, Page 4**).

- i. Identity emphasis. Public buildings, unique community structures and corner structures should have a prominent scale, emphasizing their identity.

Staff Analysis: Not applicable. This is not a public building, community structure, or corner structure.

- j. Corner lots. Buildings on corner lots should be oriented to the corner. Corner entries and/or architectural treatment should be used to emphasize the corner.

Staff Analysis: Not Applicable. The subject property is not a corner lot.

- k. Franchise design. Prototype design for franchises should use customized components consistent with the design requirements for the Town Center that achieve the purpose, intent and vision set forth in MICC 19.11.010.

Staff Analysis: Not applicable. There is no franchise design included in the proposed development.

- l. Harmony. The elements of a building should relate logically to each other, as well as to the surrounding buildings. A single building or complex should be stylistically consistent; architectural style, materials, colors and forms should all work together.

Staff Analysis: The building elements were chosen or designed to work together to create a cohesive design. The building exterior is stylistically consistent throughout, with style, materials, colors, and forms consistent throughout (**Exhibit 2, Sheets A4.0-A4.4**).

- m. Weather protection. Specially designed all-weather features that integrate weather protection systems at the sidewalk level of buildings to protect pedestrians from the effects of rain, wind, glare, shadow, reflection and sunlight and to make spending time outdoors feasible in all seasons. All major new construction shall have awnings, canopies, trellises, pergolas, covered arcades or all-weather features along 80 percent of a building's frontage along the retail frontages shown on Figure 2.

- i. Any canopy or awning over a public sidewalk should be a permanent architectural element.
- ii. Any canopy or awning over a public sidewalk should project out from the building facade a minimum horizontal width of six feet and be between eight to 12 feet above grade.
- iii. Architectural details should not be concealed by awnings or canopies.
- iv. Awning shapes should relate to the shape of the facade's architectural elements. The use of traditionally shaped awnings is encouraged.
- v. Vinyl or plastic awnings or canopies are prohibited.
- vi. All awnings or canopies shall function to protect pedestrians from rain and other weather conditions.

Staff Analysis: An awning is proposed above the building entry and exit passageway door (**Exhibit 2, Sheet A4.1**). The subject lot does not include retail frontage and is not located along the retail frontages shown in MICC 19.11.020 – Figure 2.

- n. Courtyards. Courtyards are an outdoor covered or uncovered area easily accessible to the public at the same level as the public sidewalk or pedestrian connections. If a courtyard is being provided for purposes of meeting the public open space requirement in MICC 19.11.060(B), then the courtyard shall comply with the design standards for public open space in MICC 19.11.060(D). Other courtyards should:
 - i. Be at least ten feet in width, with a building facade on at least one side;
 - ii. Be covered with trees, ground cover, or other landscaping over at least 50 percent of its area;
 - iii. Include seating, special paving material, pedestrian-scale lighting and other pedestrian furnishings;
 - iv. Manage runoff from courtyard pavement with low impact development techniques when allowed by the code official; and
 - v. Not be covered by a roof, story or skybridge; except that portions of the courtyard may be covered for weather protection, but not enclosed.

Staff Analysis: A courtyard is being provided for the purposes of meeting the building design requirements in MICC 19.11.060(D) (**Exhibit 2, Page 4**). The staff analysis in Section II.G of this staff report describes how the proposal can meet the requirements of MICC 19.11.060(D).

L. MICC 19.11.110 - Materials and color.

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

Staff Analysis: The proposed development is consistent with the objectives in MICC 19.11.110. The proposed design includes textured materials and varied colors to contribute to the visual interest of the design (**Exhibit 2, Sheets A4.0-A4.4**). As analyzed in Section II.A of this staff report, the proposal is consistent with MICC 19.11.010.

- 2. Development and design standards.
 - a. Building exteriors. Building exteriors should be constructed from high quality and durable materials. It is important that the materials and colors weather well and that building exteriors need minimal maintenance.

Staff Analysis: The Applicant proposes utilizing Equitone, Nichiha concrete, and powder coated metal which are durable and require minimal maintenance (**Exhibit 2, Sheets A4.0-A4.4**).

- b. Regional focus. Materials and colors selected are commonly used around the region.

Staff Analysis: The proposed development incorporates materials and colors into the design that are commonly utilized around the region (**Exhibit 2, Sheets A4.0-A4.4**).

- c. Attention to all sides. Materials and colors should be used with cohesiveness and compatibility on all sides of a building.

Staff Analysis: All sides of the building were taken into consideration. On the portion of the massing that is more obscured from public view on the north and east elevations, the main material is comprised of Equitone and Nichiha paneling. These panels are then accented with black infill panels to help break up the massing of the blank wall which has limited window openings due to its proximity to the property line and adjacent building (**Exhibit 2, Sheets A4.0-A4.4**).

- d. Concrete walls. Concrete walls should be architecturally treated. The treatment may include textured concrete such as exposed aggregate, sand blasting, stamping or color coating.

Staff Analysis: At the ground floor level of the proposed development, the parking garage is constructed out of concrete which is used as an architectural accent at the garage entrance and is used to separate the parking garage use from the lobby/residential use. Where visible from the ROW or adjacent property, the concrete walls at the lobby/parking garage level shall be architecturally treated (**Exhibit 2, Sheets A4.0-A4.4**).

- e. Harmonious range of colors. A harmonious range of colors should be used within the Town Center. Neon or very bright colors, which have the effect of unreasonably setting the building apart from other adjacent buildings on the street, should not be used.

Staff Analysis: The selection of white, black, grays and bronze are blended throughout the proposed building design (**Exhibit 2, Sheets A4.0-A4.4**). No bright colors are proposed.

- f. Bright colors. Bright colors should be used only for trim and accents if the use is consistent with the building design and other design requirements.

Staff Analysis: The proposed development will not utilize bright colors.

- g. Undesired materials. Beveled metal siding, mirrored glass, and vinyl siding should not be used. EIFS, stucco and similar materials should be limited to use as a minor building facade element.

Staff Analysis: The proposed development does not utilize any of the undesirable materials listed in MICC 19.11.110(B)(7) (**Exhibit 2, Sheets A4.0-A4.4**).

- h. Variation of materials. A variation of building materials should be used to assist in the creation of a visually interesting experience.

Staff Analysis: The proposed development would include several building materials for exterior finishes including Equitone, metal paneling, board formed concrete, living walls, and Nichiha paneling (**Exhibit 2, Sheets A4.0-A4.4**).

M. MICC 19.11.120 - Street standards.

- 1. All major new construction abutting 77th Avenue SE or 78th Avenue SE shall improve the right-of-way adjacent to the property as required in Figure 14. Major new construction abutting all other streets shall improve the right-of-way adjacent to the property as required by the Mercer Island Town Center

Streetscape Manual. The design commission may require or grant a modification to the nature or extent of any required street improvement for any of the following reasons upon recommendation by the city engineer:

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

Staff Analysis The proposed development is located along 78th Ave SE, improvements to the ROW adjacent to the property are required per Figure 14 in MICC 19.11.120. The right of way improvements shall include widening the public sidewalk to 15 feet. This measurement is from the face of curb to the back of sidewalk. This frontage shall also follow the Mercer Island Town Center Streetscape Manual and incorporate design elements such as city approved streetlights, street sign, and bike rack. Existing street trees are located on both sides of the property, and none will be added due to the 60-foot width of the subject property, and the required access (**Exhibit 2, Page 4**).

N. MICC 19.11.130 - Parking, vehicular and pedestrian circulation.

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

Staff Analysis: The proposed development is consistent with the objectives in MICC 19.11.130(A) as it is accessible for vehicles but has an emphasis toward the needs of pedestrians. The proposed development provides a clear, easy to understand circulation that allows drivers and pedestrians to move safely on and off the subject property, and within it, without confusion and without disrupting on-street traffic flow. Parking stalls are located within a structure that does not dominate the street frontage and is blended with the building's architectural theme (**Exhibit 2, Page 4**).

2. Development and design standards.

a. Parking requirements.

- i. Minimum number of parking stalls required. All new development and remodels greater than ten percent of the existing gross floor area shall provide at least the number of parking stalls set forth in the table provided in MICC 19.11.130(B)(1)(a). The table requires a range of 1 to 1.4 parking stalls per dwelling unit

Staff Analysis: The minimum number of required parking stalls for residential use is 1 to 1.4 per unit. All parking for this project will be located in an at-grade, open parking garage below the proposed residential units. The configuration of this garage allows for a total of 8 parking stalls, which includes 1 van accessible stall. The proposed development would have 8 dwelling units. Parking is proposed at a rate of 1 parking stall per unit (**Exhibit 2, Page 4**). The rate of 1 parking stall per unit is authorized by MICC 19.11.130(B)(1)(a) based on a detailed parking analysis and with approval of the code official.

- ii. Determination within range. The code official shall have the final authority to determine the number of parking stalls required within the ranges above to accommodate typical daily peak parking demand based upon the Applicant's submittal of a completed site plan and detailed parking analysis.

Staff Analysis: The proposed development would include 8 parking stalls for 8 residential units; a rate within the requirements identified in MICC 19.11.130(B)(1)(a) (**Exhibit 2, Page 4**). The code official will have the final authority to determine the number of parking stalls required during review of the building permit. That determination will be made based on the Applicant's submittal of a detailed parking analysis.

- iii. Underground or structured parking required. If the applicant for a mixed use project or for a residential project provides more parking than one and one-quarter spaces per dwelling unit for any part of a project consisting of residential units or two and one-half spaces per 1,000 square feet for any part of a project that is not used for residential units, then all such additional parking shall either be underground or on the second or higher story of structured parking. This subsection shall not apply to additional parking spaces that may be required pursuant to MICC 19.01.050.

Staff Analysis: Not applicable. This residential project is not proposing more than 1.25 spaces per dwelling unit. The currently proposed parking count is 1 space per dwelling unit (**Exhibit 2, Page 4**).

- iv. Parking lot configuration. Parking lot design shall conform to the standard stall diagrams set out in Title 19, Appendix A, unless alternative design standards are approved by the Design Commission and the city engineer. No more than 50 percent of the required off-street parking spaces for office and residential uses may be designed for accommodating compact vehicles. No more than 25 percent of the required off-street parking spaces for all other uses may be designed for accommodating compact vehicles. Such parking spaces must be clearly designated as compact stalls.

Staff Analysis: The proposed parking garage conforms to the standards set forth in Appendix A which includes standard stalls having dimensions of 9-feet x 18.5-feet, compact stalls with dimensions of 8.5-feet x 16-feet, and a two-way drive aisle with a width of 24-feet. A total of (5) standard stalls and (3) compact stalls which meets the 50 percent maximum requirement for compact stalls (**Exhibit 2, Page 4**).

- v. Shared Parking.

Staff Analysis: Not applicable. Shared parking is not proposed.

- vi. Access restriction prohibited. Restricting vehicular and pedestrian access between adjoining parking lots at the same grade is prohibited.

Staff Analysis: There is a landscaped strip on the neighboring property separating the subject lot and the property adjacent to the south. The landscaped strip limits vehicular and pedestrian access between the parking lots on both properties but this landscaping is entirely on the neighboring property. The proposed development would not restrict vehicular and pedestrian access between parking lots at the same grade (**Exhibit 2, Page 4**).

- vii. Surface Parking Lot Location

- 1. Behind structure. All surface parking lots shall be located behind the building structures.
 - 2. No corner parking lots. Parking lots shall not be located on a corner facing an intersection.

Staff Analysis: A surface parking lot is not proposed (**Exhibit 2, Page 4**).

- viii. Design of surface parking access.

Staff Analysis: A surface parking lot is not proposed (**Exhibit 2, Page 4**).

- ix. Design of structured parking.

- 1. Relationship to main building. Parking structures should be architecturally integrated or designed with an architectural theme similar to the main building.

Staff Analysis: The open parking garage is integrated into the design of the overall building and is recessed from the front face of the building to not detract from the design (**Exhibit 2**).

- 2. Screening. A floor of a parking structure should not face the street. If the design commission determines that there is no feasible alternative to a street-facing floor of a parking structure, then the perimeter of the floor of a parking structure facing the street should have a screening mechanism designed to shield vehicles and any mechanical appurtenances from public views.

Staff Analysis: The building entry and lobby are located between the parking area and the street, screening the parking garage (**Exhibit 2, Sheet A4.2**).

- 3. 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.

Staff Analysis: A public open space and landscaping are proposed for the area adjacent to the public sidewalk and street edge (**Exhibit 2, Pages 4, 5, and 6**).

- 4. Pedestrian access. Where possible, pedestrian elevators and stairwells serving structured parking shall be located in a public lobby space or out onto an active public street.

Staff Analysis: The elevator and one of the stairwells serving the structured parking are located in the lobby (**Exhibit 2, Page 4**).

- A. Signs and wayfinding. Signs indicating the location of parking available to the public shall be installed as approved by the Design Commission and the city engineer. Such signs shall be installed at the entrance to the parking lot along the street and within the parking lot and shall comply with parking signage standards for the Town Center approved by the Design Commission and city engineer.

Staff Analysis: No parking available to the public is proposed, this provision does not apply (**Exhibit 2, Page 4**).

- B. Loading space. Off-street loading space with access to a public street shall be require adjacent to or within or underneath each building. Such loading space shall be of adequate size to accommodate the maximum number and size of vehicles simultaneously loaded or unloaded in connection with the business or businesses conducted in the building. No part of the vehicle or vehicles using the loading space may protrude into the public right-of-way.

Staff Analysis: The proposed off-street loading zone is accessed from 78th Ave SE and will be accessed by a curb cut at the south end of the property. From the back of the sidewalk, the loading zone has a depth of 40-feet, a width of 13-feet and has a 15-foot wide clear vertical clearance (**Exhibit 2, Page 4**).

- C. Drive-through facilities. Drive-through facilities and stacking lanes should not be located along the street frontage of a building that faces a right-of-way. Stacking lanes shall be designed so as to accommodate all vehicles on site, and no part of a vehicle using a drive-through facility shall protrude into the public right-of-way.

Staff Analysis: Drive-through facilities are not proposed (**Exhibit 2, Page 4**).

- D. Public parking. On-site public parking consistent with and complying with the requirements of this section shall be provided in any existing development desiring to provide public parking consistent with the requirements of this section and in any new mixed use or nonresidential development. Nothing contained in this section shall be deemed to prevent a building owner from designating parking spaces as being available to the public exclusively for electric vehicle charging or as being available exclusively to an operator of a car sharing service that makes vehicles available for public use. Further, this section shall be interpreted and enforced in such manner as to avoid conflict with the shared parking section in subsection (B)(1)(e) of this section.

- a. All parking stalls provided for nonresidential uses, or if the primary use in the building is office then for nonoffice uses, or if the primary use of the building is hotel/motel then for non-hotel/motel uses, shall be available for public parking; provided, however, parking stalls that the code official concludes were required to be dedicated for the use of a specific tenant in accordance with a written lease provision in effect as of January 12, 2013, and which were specifically signed for that purpose on January 12, 2013, may be excluded from this requirement until the earlier of the expiration, termination, modification or amendment of the lease.

- b. Public parking stalls shall be available to motorists for such maximum time period as is determined by the owner, which shall not be less than two hours.
- c. An owner may require that the motorist patronize at least one business in the development but otherwise the motorist will be entitled to leave the development without moving the parked vehicle, subject to the maximum time period specified by the owner as provided in subsection (B)(5)(b) of this section.
- d. Once public parking is provided under this provision, it may not thereafter be eliminated unless the development changes use that does not require public parking.
- e. Public parking under this provision shall not be required for a new mixed use or nonresidential development that is: (i) two stories or less, and (ii) no greater than ten percent of the total gross floor area of all existing structures on the parcel as of October 30, 2015.

Staff Analysis: No public parking is proposed (**Exhibit 2, Page 4**).

O. MICC 19.11.140 Signs

- 1. Sign regulations in the Town Center are established in MICC 19.11.140 - Signs.

Staff Analysis: The proposed development does not include signage regulated by MICC 19.11.140 (**Exhibit 2, Page 4**).

III. STAFF FINDINGS

- 1. The proposed development design is consistent with the Town Center vision statement established in the Mercer Island Comprehensive Plan.
- 2. The subject lot is located in the TC-4 subarea of the TC zone.
- 3. Residential dwelling is an allowed use in the TC-4 subarea.
- 4. The Applicant submitted site development permit 2207-281 that was deemed complete on July 26, 2022. The development vested to the design standards in effect on July 26, 2022.
- 5. The development is not required to have ground floor street frontage uses per MICC 19.11.020(B) because it vested to the version of the development code effective as of July 26, 2022, which does not require ground floor street frontage uses on the subject lot.
- 6. The proposed development will be four stories tall and include adequate upper-level building setbacks to meet the average daylight plane standards established in MICC 19.11.030.
- 7. The proposed building will be over two stories or 27 feet tall in the TC-4 subarea, requiring 10 percent of dwelling units to be income-restricted affordable housing. The proposed development would include one income-restricted affordable housing unit, meeting the requirement.
- 8. The proposed building will include 8 dwelling units, one of which must be set aside as income restricted affordable housing. The required affordable housing unit must be affordable to households

earning 60 percent of median income level for rental housing or 90 percent of median income level for ownership housing.

9. The size of the lot, orientation of existing buildings on adjacent properties, and existing easements make construction of a through-block connection unachievable on the subject lot so a through-block connection should not be required.
10. The proposed public open space qualifies as a major site feature required by MICC 19.11.060.
11. The proposed water feature, special paving pedestrian areas, and sculptural living wall qualify as the minor site features required by MICC 19.11.060.
12. The proposed landscaped elements (1) ground level planting, (2) green wall, and (3) green roof, combine for a total of 1,800 square feet in landscaped area, meeting the required minimum landscaped area of 25 percent of the subject property established in MICC 19.11.070(B)(1).
13. On site service areas, elevator systems, and mechanical equipment will be visually screened from public view.
14. The proposed building design incorporates the design elements required for a structure adjacent to the public right of way in the TC-4 subarea. These design elements include:
 - Transparent facades along pedestrian rights of way;
 - Ground floor windows and doors;
 - Street-facing façade elements;
 - Major façade modulation;
 - No untreated blank walls;
 - Weather protection; and
 - A courtyard.
16. Any signs will need to be reviewed under a separate permit and reviewed for compliance with the provisions of MICC 19.11.140.
15. The proposed development design is consistent with or can be conditioned to be consistent with the design standards in Chapter 19.11 MICC:
 - MICC 19.11.010 – General;
 - MICC 19.11.015 – Town Center Subareas;
 - MICC 19.11.020 – Land Uses;
 - MICC 19.11.030 – Bulk Regulations;
 - MICC 19.11.040 – Affordable Housing;
 - MICC 19.11.050 – Green Building Standards;
 - MICC 19.11.060 – Site Design;
 - MICC 19.11.070 – Greenery and Outdoor Spaces;
 - MICC 19.11.080 – Screening;
 - MICC 19.11.090 – Lighting;
 - MICC 19.11.100 – Building Design;

- MICC 19.11.110 – Materials and Color;
- MICC 19.11.120 – Street Standards;
- MICC 19.11.130 – Parking, Vehicular, and Pedestrian Circulation; and
- MICC 19.11.140 – Signs.

IV. CONCLUSIONS

Based on the above findings, the following conclusions have been made:

1. The application has undergone review by the Hearing Examiner at an open record hearing pursuant to MICC 19.15.030.
2. The proposed development can be conditioned to be consistent with Mercer Island City Code.

V. RECOMMENDED CONDITIONS OF APPROVAL

1. All subsequent development reviews associated with this proposal shall comply with the Mercer Island City Code and the City of Mercer Island Comprehensive Plan, and other applicable codes and policies, or as otherwise approved by the City.
2. Compliance with all local, state and federal regulations is required.
3. No construction, tree removal, grading, installation of utilities on land within the proposed development shall be allowed until the Applicant has secured the permits required under the Mercer Island City Code.
4. All design aspects of the proposed development shall be in substantial conformance with the detail information submitted with this application (i.e. elevations, perspective drawings, colors, materials, font, size of sign lettering and relationship and layout of the approved wording and graphics), as depicted in **Exhibit 2** and as conditioned herein.
5. Design approval shall expire if a complete application for a required building permit is not submitted within three years from the date of this decision or two years of the decision on appeal from the final design review decision.
6. The Applicant shall be responsible for obtaining any necessary local, state, and federal permits and approvals for the project, and is responsible for complying with any conditions of approval placed on these or other state or federal permits or approvals, and for submitting revised drawings to the City for its review and approval, if necessary to reflect these state or federal conditions of approval.
7. Prior to the issuance of the building permit, an agreement regarding the requirements and qualifications of the affordable unit will be created and recorded with King County. The affordable unit must be available at the same time as all other units in the development. The affordable unit must be similar in size to the other units with the same number of bedrooms.
8. Impact fees will be reviewed at site development and required to be paid at the time of building permit issuance.

9. The applicant shall provide proof of LEED or Built Green certification within 180 days of issuance of a final certificate of occupancy, or such later date as may be allowed by the code official for good cause, by submitting a report analyzing the extent credits have been earned toward such rating. Failure to submit a timely report regarding LEED or Built Green ratings by the date required is a violation of the conditions of approval.
10. The Applicant shall provide a lighting plan at building permit submittal that demonstrates the lighting associated with the proposed development is consistent with MICC 19.11.090 and that the proposed lighting will be contained within the subject property boundaries.
11. The applicant shall provide a detailed analysis at building permit submittal that demonstrates the building transparency complies with MICC 19.11.100, including the requirement in MICC 19.11.100(B)(1)(b) that 75 percent of the ground floor building façade between the height of 2 and 7 feet is devoted to windows and doors.
12. Concrete walls shall be architecturally treated where they are visible from the right of way.
13. The Applicant shall provide details at building permit submittal that demonstrate how the right of way will be improved to the satisfaction of the City Engineer consistent with MICC 19.11.120.
14. The Applicant shall provide a detailed analysis at building permit submittal, which demonstrates that the proposed loading zone is adequate size to accommodate the proposed use such that no vehicle would protrude into the public right of way.
15. The Applicant shall provide a landscaping plan at building permit submittal that details how landscaping will be installed conforming to MICC 19.11.070 and as shown in **Exhibit 2**. The landscaping plan must include the following details for landscaped areas:
 - a. Soil types to be used;
 - b. Plants to be planted and documentation that those plants are either native or drought-tolerant;
 - c. Depth of plantings;
 - d. Tilling;
 - e. Mulch application;
 - f. Scarification;
 - g. Irrigation; and
 - h. Maintenance plans for landscaped areas

VI. DEVELOPMENT REGULATION COMPLIANCE – DISCLOSURE

1. Compliance with all local, state, and federal regulations is required.
2. Per MICC 19.15.200, revisions that result in substantial changes, as determined by the code official, shall be treated as a new application for purposes of vesting. "Substantial change" includes the creation of additional lots, the elimination of open space, substantial changes in access, or changes to conditions of approval. Additionally, the need for the modification was not known and could not have been reasonably known before the approval was granted.

3. Per MICC 19.15.150, design review approval shall expire if the applicant does not submit a complete application for a building permit within three years from the date of the notice of the final design review decision, or within three years from the decision on appeal from the final design review decision.
4. No construction, tree removal, grading, or installation of utilities shall be allowed prior to issuance of all permits required under the Mercer Island City Code.

VII. RECOMMENDATION

Staff recommend the Hearing Examiner adopts the staff findings of fact and conclusions contained within this staff report, and **APPROVE** the proposed development, DSR24-010, subject to the recommended conditions of approval. This decision is final, unless appealed in writing consistent with adopted appeal procedures, MICC 19.15.020(J), and all other applicable appeal regulations.

Adam Zack

Adam Zack
Principal Planner
City of Mercer Island
Community Planning & Development

Ryan Harriman

Ryan Harriman, EMPA, AICP
Planning Manager
City of Mercer Island
Community Planning & Development