
CITY OF MERCER ISLAND

COMMUNITY PLANNING & DEVELOPMENT

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STAFF REPORT

DESIGN COMMISSION DESIGN REVIEW

- Project:** DSR20-001 Xing Hua Mixed Use Building
- Description:** A request for design review approval of a new four-story mixed-use building in the Town Center zone.
- Applicant:** Scheer Chan and Lu Zhang of Johnston Architects
- Site Addresses:** 2570 77th Ave SE and 2885 78th Ave SE Mercer Island, WA 98040; Identified by King County Tax Parcels # 531510-1316 and 531510-1326
- Staff Contact:** Robin Proebsting, Senior Planner
- Zoning District:** Town Center (TC)
- Exhibits:**
1. Development Application, received on January 23, 2020.
 2. Notice of Application, dated January 27, 2020
 3. Plan set prepared by Johnston Architects, dated December 4, 2020
 4. Material Board prepared by Johnson Architects
 5. Landscape Material Board prepared by SiteWorkshop
 6. Mitigated Determination of Nonsignificance was issued by the City of Mercer Island on January 25, 2021
 7. Public Comment
 - a. Atencio
 - b. Bearse
 - c. Crosby
 - d. Department of Archeology & Historic Preservation
 - e. Eanes
 - f. Felker
 - g. Fletcher
 - h. Fletcher 2-16-2020
 - i. Goldbach
 - j. Gregson 2-7-2020
 - k. Gregson 2-12-2021
 - l. Johnson
 - m. Kasper

- n. Lund
 - o. Majewski
 - p. Morgan
 - q. Ong
 - r. Raisys
 - s. Sterling
 - t. Vaggione
8. Arborist Report prepared by American Forest Management, received on January 23, 2020.
 9. Street Improvement Memo prepared by Patrick Yamashita, City of Mercer Island City Engineer, dated August 19, 2020
 10. Transportation Impact Analysis prepared by Transpogroup, dated October 2020.
 11. Memorandum prepared by Michael Swenson and Darwin Li, Transpogroup, dated January 8, 2021
 12. Review memorandum prepared by John Davies, KPG, dated January 15, 2021
 13. Notice of Public Hearing
 14. Draft Declaration of Public Pedestrian Access Easement

INTRODUCTION

I. Project Description

The applicant has applied for Design Commission Design Review in order to obtain approval for a new four-story, mixed-use building located in the Town Center zone. The building is proposed to have a building height of 54 feet and will have a total above ground gross floor area of 162,990 sq ft. Parking spaces for 203 vehicles will be located below grade and will be accessed from SE 29th St. A service/loading area will be provided and will be accessed from 77th Ave SE. Tenant signage is not proposed with this application but a master sign plan for future signage has been provided.

The applicant received Design Commission feedback and guidance at two study sessions, held November 14, 2018 and January 23, 2019. This guidance has been incorporated into the design as shown in the revised plan set.

II. Site Description and Context

The subject site is located at 2885 78th Ave SE and 2750 77th Ave SE and is currently development with one one-story and one two-story commercial buildings, plus associated surface parking, which are proposed to be demolished. The subject property is bordered by a fast-food restaurant with a drive-through to the north, 77th Ave SE and a grocery store to the west, a gas station to the south, and 78th Ave SE, a five-story mixed-use building and a grocery store to the east.

FINDINGS OF FACT & CONCLUSIONS OF LAW

III. Application Procedure

1. The application for Design Commission Design Review approval was submitted on January 23, 2020.

2. A notice of application was issued on January 27, 2020 and the 30-day comment period took place between January 27, 2020 and February 26, 2020 (Exhibit 2).
3. 17 public comments were received. Issues raised by the comments included:
 - a. Support for the increased businesses and amenities that are proposed to be offered by the development;
 - b. Concerns about traffic and parking impacts (addressed in items 6 and 7 below);
4. A notice of public hearing was issued on January 25, 2021 (Exhibit 13).
5. MICC 19.15.030 establishes Design Commission Design Review as a Tyle IV land use review, for which the decision authority is the Design Commission.

IV. Public Comment

6. Traffic impacts have been reviewed and analyzed in the Transportation Impact Analysis provided by the applicant (Exhibit 10, pages 1-21). The analysis reviews the impact by the proposed development on nearby intersections consistent with the methodology prescribed by the Institute of Transportation Engineers Trip Generation Manual. Analysis examining the impact of the proposed development is documented in the Transportation Impact Analysis (Exhibit 10) The analysis reviews the projected effects of the proposed development on nearby intersections and I-90 accesses and concludes that the proposed development would not cause any intersections to fall below the City's adopted levels of service. The analysis and conclusions were reviewed and approved by the City's third-party consultant (Exhibit 12).
7. Parking impacts have also been reviewed and analyzed in the TIA provided by the applicant (Exhibit 12). The TIA demonstrates that the City's minimum parking requirements for each of the proposed uses are met. The analysis in items 60 and 61 below further examines this issue.

V. State Environmental Policy Act (SEPA)

8. A Mitigated Determination of Nonsignificance was issued by the City of Mercer Island on January 25, 2021.

VI. Consistency with Design Standards

9. MICC 19.11.010(D) - Design Vision.

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

Staff Analysis: The proposed building faces primarily faces 77th and 78th Aves, but also faces SE 29th St., orienting the building toward the public right-of-way. The building extends to the edge of the sidewalk on all three frontages. The proposal also includes landscaping between the building and the edge of the street. Parking for the building is located underground in the two lower floors of the building. The building also features modulated building heights and wall façades. A through-block connection with landscaping and public spaces is being provided along the northern property line, consistent with this standard.

- 2. Function. The design of buildings, structures and streetscapes within the Town Center is intended to support a built environment that is convenient and accessible to pedestrians, motorists, bicyclists and public transit users. Development should enhance the Town Center as a vibrant, healthy, mixed use downtown that serves as the city's retail, business, social, cultural and entertainment center and ensures the commercial and economic vitality of the area. New or redevelopment should increase the attractions and pedestrian amenities that bring residents to the Town Center, including local shopping, services, offices, specialty retail, restaurants, residences, festivals, special events, and entertainment. Outdoor spaces should function as social settings for a variety of experiences, adding to the comfort of life in Mercer Island, while maintaining a human scale and an ability for easy pedestrian circulation.*

Staff Analysis: The proposed development is a mixed use building that will contain retail, restaurant and residential uses. The retail and restaurant uses together with the additional foot traffic resulting from the residents living in the new housing provided by this project help to increase the commercial and economic viability of the Town Center. The pedestrian plazas in addition to the through-block connection increase amenities to bring residents to the Town Center while adding to the comfort of life in Mercer Island maintaining a human scale and an ability for easy pedestrian circulation, consistent with this standard

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

Staff Analysis: The proposed development incorporates storefronts with canopies, street trees along street frontages, and seating, water features, landscaping and vegetation, outdoor art, and gathering places within the public plazas as well as the through-block connection. The project will incorporate various materials, colors textures, and form and massing, consistent with this standard.

- 4. Pedestrian Orientation. Pedestrian-oriented and customer intensive retail businesses and offices are encouraged to locate on the street level to promote active use of sidewalks by pedestrians, thus increasing the activity level and economic viability of the Town Center. New or redevelopment should also enhance and support a range of transportation choices and be designed to maximize opportunities for alternative modes of transportation and maintain individual mobility. Even with a healthy variety of development in the Town Center, each*

individual development or redevelopment project shall favor the pedestrian over the automobile in terms of site design, building placement and parking locations.

Staff Analysis: The retail uses of the proposed building will be located on the street level, directly abutting public sidewalks, and the building's parking is located underground, both of which prioritize pedestrians over automobiles. 7 bike racks providing 14 bike parking spaces will be provided, promoting alternative modes of transportation. Lastly, a light rail station scheduled to open in 2023 will be within walking distance of the project, consistent with this standard.

10. **MICC 19.11.010(E) - 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 building is to contain 4 stories above ground and 2 levels of underground parking. The buildings surrounding the subject lot range in height from one story to five stories, and 4-5 story buildings are within sight of the subject property, making the proposed 4-story building proportionate to other Town Center buildings, consistent with this standard.

11. **MICC 19.11.010(F) - 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 building will be a new building and is proposed to be four stories in height, similar to the five story buildings to the east across 78th Ave SE and opposite the corner of SE 28th St & 78th Ave SE. The buildings mass will be broken up by various material types including wood, brick, and glazing. The building will be modulated horizontally to comply with the daylight plane standards of MICC 19.11.030(A)(7).

The proposed building contains modulations of forms on the horizontal plane. This modulation helps to reduce the impact of the mass of the structure, meeting this criterion.

12. **MICC 19.11.010(G) 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 facade treatments.*

Staff Analysis: The proposed building is pedestrian in scale and contains distinctive building shapes, textures, and patterns (discussed in items 43-57 of this staff report below). It provides pedestrian plazas and a through-block connection that contain landscaping and amenities including artwork. The building also interfaces with the right-of-way through the use of street trees and other landscaping, consistent with this standard.

13. **MICC 19.11.020(A) Land uses**

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

| Use | TC-5 | TC-4 TC-4 Plus | TC-3 | TCFM-3 | TCMF-4 |
|--|-------------|---------------------------|-------------|---------------|---------------|
| Residential dwelling | <i>P</i> | <i>P</i> | <i>P</i> | <i>P</i> | <i>P</i> |
| Restaurant | <i>P</i> | <i>P</i> | <i>P</i> | <i>P</i> | <i>P</i> |
| Retail – small scale | <i>P</i> | <i>P</i> | <i>P</i> | <i>P</i> | <i>P</i> |
| <i>C – Conditional Use; P – Permitted; N – Not Allowed</i> | | | | | |

Staff Analysis: The proposed mixed-use building is to be constructed within the TC-4 subarea of the Town Center. The building will provide a mix of residential, restaurant and retail uses (Exhibit 3). Residential, restaurant and retail uses are permitted uses pursuant to MICC 19.11.020(A)(1).

14. **MICC 19.11.020(B)(1) Required Ground Floor Uses.** *Retail, restaurant or personal service uses are required along retail street frontages, as shown on Figure 2 of MICC 19.11.020(B). If public parking is provided pursuant to MICC 19.11.130(B)(5), then the following applies:*
- A minimum of 40 percent of the ground floor street frontage shall be occupied by one or more of the following permitted uses: retail, restaurant, and/or personal service use.*
 - A maximum of 60 percent of each ground floor street frontage can be occupied by the following uses: hotel/motel, personal service, public facility, or office.*
 - Driveways, service and truck loading areas, parking garage entrances and lobbies shall not be included in calculating the required percentages of ground floor use.*

Staff Analysis: The ground floors along 77th Ave SE, 78th Ave SE, and SE 29th Street are subject to this requirement shown in Figure 2. Public parking is being provided, so the street frontages along the ground floors on 77th and 78th must contain a minimum of 40% retail, restaurant and/or personal service and a maximum 60% of hotel/motel, personal service, public facility, or office. The applicant is not proposing hotel/motel, personal service, public facility, or office uses. The ground floors along 77th Ave SE and 78th Ave SE are proposed to be 100% restaurant or retail use. The street frontage on SE 29th St is 41.8% retail use (Exhibit 3, sheet G005). This criterion is met.

15. **MICC 19.11.020(B)(3):** *No use shall occupy a continuous linear street frontage exceeding 60 feet in length.*

Staff Analysis: Retail frontage are proposed to vary in length between 27-feet and 48-feet wide, consistent with this standard (Exhibit 3, sheet G005).

16. **MICC 19.11.020(B)(4):** *The minimum required depth of storefronts along retail street frontages is 16 feet.*

Staff Analysis: The proposed depth of the commercial spaces will be a minimum of 26 ft 4 inches, consistent with this standard.

17. **MICC 19.11.020(D) - Accessory Uses.**

1. *Outdoor Storage and Display of Merchandise. The total area allowed for outdoor storage and/or merchandise display shall be less than five percent of the total gross square footage of the use; provided, however, that such area may exceed five percent if it is fenced, screened, and located in a manner that is acceptable to the design commission. This standard does not apply to temporary uses such as material storage during construction or street vendors.*
2. *Commerce on Public Property. Commerce on public property may be allowed pursuant to MICC 19.06.050.*
3. *Transit Facilities. Bus parking/loading space, and shelters and facilities for transit users should be integrated in the design of major new construction. Plans should be coordinated with transit providers to maximize the interface with community-wide and regional transit systems.*
4. *Bicycle Facilities. Parking and facilities that support bicycle use, including racks, covered and secured bike-storage areas, and in the case of office buildings, lockers and showers, should be included in the design of major new construction*
5. *Utility and Equipment Cabinets. Existing or proposed utility and equipment cabinets or boxes, including wireless communication facilities, shall be placed inside a building or placed underground, if physically feasible. In the event the city determines such location is not physically feasible, the utility and equipment cabinets must be screened by fencing, landscaping and/or stealth screening technologies so that they are not visible.*

Staff Analysis: The current proposal is not proposing outdoor storage and display merchandise or commerce on public property. Transit is not proposed in the immediate area of the subject property. A park and ride and bus stops and the future light rail station will be within walking distance of the property. 7 bicycle racks providing 14 bicycle parking space will be provided for the public (Exhibit 3, sheet L100). Utility and equipment cabinets, including two reduced pressure backflow devices, will be located inside the building, consistent with this standard (Exhibit 3, sheet A201). A recommended condition of approval has been added to this staff report, requiring that design details for utilities be provided for review at building permit review.

16. **MICC 19.11.020(E) - Objectionable or Hazardous Uses.** *No use shall be allowed which produces excessive odor, dust, smoke, cinders, gas, fumes, noise, vibration, refuse matter or water-carried waste. The standard for "excessive" shall be based on the average or normal production of these items by adjoining uses permitted in the vicinity of the proposed new use. A use is excessive if it is likely to unreasonably interfere with the ability of the adjoining*

property owners to utilize their property for working or living activities or if it is likely to unreasonably interfere with the ability of pedestrians and residents to remain in or enjoy the area.

Staff Analysis: The proposed building is to house residential, restaurant, and retail uses. The proposed use will not produce excessive odor, dust, smoke, cinders, gas, fumes, noise, vibration, refuse or water-carried waste. This criterion is met.

17. **MICC 19.11.030(A)(1) Bulk Regulations.** *The bulk regulations for properties in the Town Center are as follows.*

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

Staff Analysis: The proposed building qualifies for the maximum allowable building height by providing affordable housing, green building features, stepping back of upper stories, providing open space, and providing a through-block pedestrian connection, pursuant to MICC 19.11.010(B). Since the subject site is located within the TC-4 subarea and proposes to utilize parapet walls and sloped roofs, the maximum allowable building height is 56 feet (51 feet allowed by zone, plus 5 feet for the use of parapet and/or sloped roofs). The proposed

building meets the height standard, as shown in the analysis in item 18, below. The building will be set back for landscaping, façade modulation, and a through-block connection.

18. MICC 19.11.030(A)(3) - Calculation of Building Height.

1. *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.*
2. *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.*
3. *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 proposed building includes parapet walls on the western and northern sides of the building (shown in the blue, orange, and purple portions of the diagram 2 on sheet G005 of Exhibit 3), and a sloped roof on the eastern and southern sides of the building, shown in the same diagram. The vertical distance measured from the base of the building facade to the highest point of the roof structure excluding appurtenances ranges from 49 feet to 54 feet, below the maximum allowable building height of 56 feet, consistent with this standard (Exhibit 3, sheet G005).

- 19. MICC 19.11.030(A)(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: The proposed building contains two mezzanines (Exhibit 3, sheets A201M and A204M). Excluding the mezzanines, the proposed building will have four stories. Four stories are allowed for buildings in the TC-4 subarea, therefore this criterion is met.

- 20. MICC 19.11.030(A)(5) - Rooftop Appurtenances.** *Rooftop appurtenances are discouraged. If necessary, rooftop appurtenances may extend up to 10 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 10 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.*

Staff Analysis: Rooftop appurtenances for the proposed building include an elevator shaft and air conditioning condensers, which will be at least 10 feet from the exterior edge of any building (Exhibit 3, sheet A205) and will be 10 feet or less above the maximum allowed building height (Exhibit 3, sheets A300 and A301), meeting this standard.

21. MICC 19.11.030(A)(6) - Setbacks.

- a. *78th Ave 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 curblineline 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 curblineline 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: A 15-foot wide sidewalk is provided along the 78th Ave SE building frontage, except for locations where parking pockets are provided. A 12-foot wide sidewalk is provided along 77th Ave SE and a 13-foot wide sidewalk is provided along SE 29th St (Exhibit 3, sheets G005, C201, and C202), consistent with this standard.

22. MICC 19.11.030(A)(7) - Average Daylight Plane.

- a. *Block frontages must integrate average minimum upper level building setbacks to:*
 - i. *Reduce the perceived scale of building façades along streets;*
 - ii. *Increase the amount of light and air to adjacent streets;*
 - iii. *Promote modulation of building facades along streets that adds variety and provides visual interest;*
 - iv. *Encourage the integration of courtyards and open space along block frontages; and*
 - v. *Allow for flexibility in the design of block frontages along streets.*
- b. *The 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: The applicant has correctly applied the method for determining upper-level stepbacks, beginning at 25 feet in height and stepping back at a 45-degree angle. The applicant has also correctly used cubic volume within the first 30 feet of depth along building frontages (Exhibit 3, sheet G006). Using these measurements, the applicant has demonstrated that the volume of the "credit" areas (187,051 sq ft) are greater than the volume of the "debit areas" (107,814 sq ft), meeting the Average Daylight Plane standard.

The proposed credit volume is within pedestrian plazas, a service road and under pedestrian weather protected areas. The expressed intent of the code is for the open space volume credited to the daylight plane calculations to be open to the sky. However, some of the credited area is proposed to be partially landscaped (Exhibit 3, sheet G006) and will provide weather protection to pedestrians and visitors to the building. The Design Commission has the discretion to allow pedestrian weather protection and landscaping within the open space as long as the objectives in subsection (A)(7)(a) are met.

The proposed design addresses the objectives in (A)(7)(a) by adding modulation and texture to the first story, breaking up the tall façade at ground level. Along SE 29th St, the weather protection will also provide flexibility in the block frontage by creating a main entrance framed by the overhead eave.

23. **MICC 19.11.040(B) - Affordable Housing Ratio.** *In order to qualify as significant affordable housing and in order to qualify for bonus building height over two stories, a development that contains dwelling units must provide affordable housing units equal to at least 10 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: The proposed building will contain 159 residential units. 10 percent of the total units, rounded up to the nearest whole number, is 16 units. 17 units are proposed to be affordable, exceeding the minimum of 10% (Exhibit 3, sheet G013). Therefore, this criterion is met.

24. **MICC 19.11.040(C) Affordability Level.** *For a three-story building the required affordable housing units must be affordable at the 70 percent of median income level for rental housing or 90 percent of median income level for ownership housing. For four- and 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: The applicant proposes to provide 17 residential units affordable at the 60 percent of median income level, exceeding this standard. A recommended condition of approval has been added to this staff report, requiring documentation that the proposed affordable units and affordability level be maintained.

25. **MICC 19.11.040(D) - Design Elements.**

1. *The affordable housing units shall generally be intermingled with all other dwelling units in the development and are not required to be located on the top story or bonus story.*
2. *The tenure (owner- or renter-occupied) of the affordable housing units shall be the same as the tenure of the rest of the dwelling units in the development.*
3. *The affordable housing units shall consist of a mix of the unit types (by number of bedrooms) that is generally proportionate to the mix of units in the overall development.*
4. *Affordable units may not be smaller than other units with the same number of bedrooms in the development, unless the code official determines that rooms within the affordable units provide adequate space for their intended use. In no case shall the affordable units be more than 10 percent smaller than the market-rate units having the same number of bedrooms in the development, or less than 500 sq ft if a studio unit, 600 sq ft if a one-bedroom unit, 800 sq ft if a two-bedroom unit, 1,000 sq ft if a three-bedroom unit, or 1,200 sq ft if a four-bedroom unit; whichever is less.*
5. *The exteriors of the affordable housing units must be compatible with and comparable in quality to the rest of the dwelling units in the development and shall comply with any design standards for the underlying zoning district. The interior finish of the affordable units shall, at a minimum, be comparable to entry level rental or ownership housing in the development.*

Staff Analysis: The affordable housing units will be intermingled with all other dwelling units and will be renter occupied like the other units, and the average size of the units designated as affordable is roughly the same as the units not designated as affordable. Roughly 10% of each unit type (by number of bedrooms) is proposed to be affordable (Exhibit 3, sheet G013). A recommended condition of approval has been added to this staff report, requiring that the exterior and interior finishes of the affordable units be the same as the other units. As conditioned, these criteria are met.

26. **MICC 19.11.040(E)** *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: All of the units in the development will be available at the same time, as the affordable units are interspersed with the other units. This criterion is met.

27. **MICC 19.11.040(F)** *Prior to issuance of a building permit, an agreement in form and substance acceptable to the city attorney shall be executed providing price restrictions, homebuyer or tenant qualifications and long-term affordability. The agreement shall be recorded with King County department of records and elections and shall constitute a covenant running with the land. Affordable housing units shall remain as affordable housing for a minimum of 50 years from the date of initial owner occupancy for owner affordable units and for the life of the project for rental affordable housing units. At the sole discretion of the code official, the city may approve a shorter affordability time period for owner-occupied affordable housing, not to be less than 30 years, in order to meet federal financial underwriting guidelines.*

1. *The agreement shall provide the city sole discretion to establish monitoring fees for the affordable units, which fees may be adjusted over time to account for inflation. The purpose of any monitoring fee is for the review and processing of documents to maintain compliance with income and affordability restrictions of the affordability agreement.*
2. *The city may agree, at its sole discretion, to subordinate any affordable housing regulatory agreement for affordable ownership units for the purpose of enabling the owner to obtain financing for development of the property.*

Staff Analysis: The submittal of this agreement is a condition of approval. It will be required before issuance of the building permit. This criterion is met.

28. **MICC 19.11.050 Green building standards.** *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 applicant proposes to meet the standards of the Built Green 4 Star standard and has engaged a third party to verify that the finished building will meet this standard (Exhibit 3, sheet G007). This staff report contains a recommended condition of approval requiring that proof of Built Green certification be provided to the City as specified in this criterion.

29. **MICC 19.11.060(A) 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:*

1. *Decorative Landmarks. Imaginative features that complement the building design and create visual focal points that give identity to an area, such as decorative clocks, special paving in pedestrian areas, art features, water features, drinking fountains, or creative designs for necessary building features or functions. Art should be integrated with the public street improvements. Examples include sculpture, murals, inlays, mosaics, friezes or bas-reliefs. The location of art shall provide for public view but not hinder pedestrian traffic.*
2. *Kiosks. Community-oriented kiosks, which may include bulletin boards and newsstands or racks, creatively designed and consolidated and placed in areas where large numbers of people gather, and which complement the site design and streetscape and reduces visual clutter.*
3. *Additional Sidewalk Setback. At least five feet of sidewalk width, in addition to the minimum sidewalk setback provided for in MICC 19.11.030(A)(6), may be provided along 78th Ave 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.*
4. *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: Four minor site features are proposed by the design: 1) picnic tables open to public, 2) seating stones, 3) special paving, 4) catenary lights (Exhibit 3, sheets L100 and L101). The minor site features do not reduce the space that is usable by the public below the minimum required area; the proposed through-block connection is the proposed major site feature, and [this is proposed to have the full required 20-foot width]. The proposed minor site features contribute both aesthetic and utilitarian enhancement to the TC-4 subarea, and provide amenities that activate the through-block connection area.

30. **MICC 19.11.060(B) 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:*
 1. *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.*

2. *Public Open Space. Public open spaces will qualify as a major site feature upon satisfaction of the development and design standards set forth in subsection D of this section.*

Staff Analysis: The proposed building will exceed the two-story base height by being 4 stories in height with two mezzanines. The building site abuts a through-block connection location as shown on Figure 7. A through-block connection is being provided to meet the major site feature requirement. Public open space is not required to meet the major site feature requirement because the requirement is being met with the provision of a through-block connection. The through-block connection will be 5,722 sq ft which is larger than 3 percent of the 162,990 sq ft gross floor area of the proposed development, consistent with this standard (Exhibit 3, sheet G008).

31. **MICC 19.11.060(C) Other Site Features.** *The Design Commission may approve other major or minor site features in place of those listed in MICC 19.11.060(B) consistent with the provision of Chapter 19.11 MICC.*

1. *Major Site Features. Site features other than listed in subsection B of this section will only be considered as a major site feature if it is of equal or greater public benefit than one or more of the major site features listed in subsection B of this section. Underground or structured parking that supports park and ride use may be considered a major site feature. The amount of park and ride parking qualifying as a major site feature shall be determined by the design commission.*
2. *Minor Site Features. Examples of other minor site features include contribution to a public art or design project within close proximity to the new construction, such as the city's I-90 Artway; and/or transit-oriented development (TOD) amenities, such as facilities that support bicycle use.*

Staff Analysis: As discussed above, the proposed development provides a through-block connection that fulfills the requirement for a major site feature. Other site features are not required. This standard does not apply.

32. **MICC 19.11.060(E)(1) Through-Block Pedestrian Connections.** *Through-block connections are intended to provide convenient and safe public pedestrian routes through city blocks. 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: The proposed through-block connection is located adjacent to an area shown on Figure 7 and connects the existing 77th Ave SE and 78th Ave SE rights-of-way. The connection divides the block almost halfway between SE 27th Street and SE 29th Street 29th.

The entirety of the through-block connection is being developed with this project. This standard is met.

33. MICC 19.11.060(E)(2) Design Elements

- a. The connection shall be the length necessary to provide access between existing right-of-way; provided, however, that if an applicant does not own all property necessary to make the connection. The connection shall be a minimum of 20 feet wide unless the design commission approves a lesser width because the applicant provides other site features equal or greater public benefit as determined by the design commission. The area devoted to a connection shall be in addition to the area devoted to any other minor site feature required pursuant to subsection A of this section. The primary purposes of the connection shall be as a means for pedestrian access between rights-of-way and secondarily as a public gathering place. Other uses, including pedestrian access to parking areas, lobby entrances, and stairs, must be secondary to and not conflict with the connection purpose and areas required for such uses shall not be included in calculating the minimum size.*
- b. The connection shall be at the same level as the public sidewalk and incorporate sufficient pedestrian amenities such as seating areas. Landscaping, art features, water features, weather protection and pedestrian scale lighting, as determined by the design commission.*
- c. The connection should use special paving, such as decorative colored concrete, concrete unit brick or stone pavers and coordinated design features such as uniform treatment of signing, landscaping and lighting over the entire length of the connection. Pervious paving is encouraged.*
- d. At least 50 percent of the ground level building frontage shall be designed and constructed to provide occupancy by active residential or nonresidential uses.*
- e. Where ground level residential uses front onto the through-block connection the building must feature at least one of the public/private space transition elements described below:*
 - i. Raised Deck or Porch Option. Provide at least a 60-square foot porch or deck raised at least one foot above grade. The porch or deck must be at least six feet wide, measured perpendicular to the building face. A low fence, rail or planting, which is two feet to four feet high, is encouraged between the through-block connection and the deck or porch. A porch roof or weather protection is encouraged. The design should consider accessibility.*
- f. Where ground level nonresidential uses front onto the through-block connection the building must feature:*
 - i. Transparent windows along 50 percent of the ground floor façade between 30 inches and 10 feet above the through-block connection.*
 - ii. Entrances facing the through-block connection are required for each tenant adjacent to the through-block connection.*

- g. No more than 50 percent of through-block connection ground level frontages may be occupied by vehicle parking areas. Where surface level parking areas are adjacent to the through-block connections, landscaping and building design features shall be included to added visual interest and screen vehicles while designing for safety of pedestrians along the connection.*
- h. The through-block connection may not be covered by a roof or story; provided portions of the public open space may be covered for weather protection, but not enclosed, and skybridges connecting two buildings are allowed if the skybridge is less than 20 feet wide and less than 14 feet in height.*
- i. All city approvals or permits for any structure shall be reviewed for compatibility with the alignment of any existing or approved through-block connection.*
- j. The connection shall be for exclusive pedestrian use any may not be used by vehicles except as necessary for maintenance or emergency purposes. Dumpsters and other service areas shall not be located within a through-block connection, but may be totally enclosed within a building adjacent to the through-block connection.*
- k. The design commission may approve a connection that is not in a straight line.*

Staff Analysis: The entirety of the through-block connection is being developed with this project, connecting the existing 77th Ave SE and 78th Ave SE rights-of-way. The through-block connection contains picnic tables and seating rocks, which are minor site features, however, the through-block connection meets the minimum area requirements even with the minor site features subtracted from the area (Exhibit 3, sheet L101). The through-block connection will be at the same level as adjacent public sidewalk (Exhibit 3, sheet L200) and will incorporate lighting and seating areas and special decorative paving (Exhibit 3, sheet L101). The entirety of the connection is fronted by residential and retail uses (Exhibit 3, sheet A301.1). The residential uses adjacent to the through-block connection are provided with raised porches that are more than 6-feet wide and at least 60 sq ft (Exhibit 3, sheet G008). 50 percent transparency of the ground floor façade between 30 inches and 10 feet above the connection has been provided (sheet G006 of Exhibit 3, sheet G006). The connection will not be used by vehicles, will not be covered, and will not provide access to dumpsters or other service areas.

34. MICC 19.11.060(E)(3) – (4)

- 3. Connection Plan.** The applicant shall submit a plan with a minimum scale of one quarter inch equals one foot for the connection, which shall include a description of all of the following elements: landscaping; lighting; street furniture; color and materials; relationship to building frontage; specific locations of the connection and the relationship to and coordination with any public open space.
- 4. Public Access.** The entire connection 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 connection may be separated, as required by the State of

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

Staff Analysis: The applicant has submitted a connection plan a ¼" = 1'0" scale showing landscaping, lighting, street furniture, color and materials, and relationship to building frontage (Exhibit 3, sheet L110). The entire connection will be open to the public 24 hours a day. If a future tenant wishes to separate a portion of the through-block connection pursuant to the Liquor and Cannabis Board regulations, that tenant must seek approval from the appropriate agencies. These standards are met.

35. **MICC 19.11.060(F) Legal Agreements Required for Public Open Space and Through-Block Pedestrian Connections.** *The owners of property to be used for public open space or through-block pedestrian connections shall retain fee ownership of that property and shall execute a legal agreement providing that such property is subject to a right of pedestrian use and access by the public. The agreement shall be in form and substance acceptable to the city attorney and be recorded with the King County recorder's office and the city clerk. The obligations under the agreement shall run with the land and shall terminate upon demolition of the structure for which the through-block connection or public open space was provided. No modifications to wither a public open space or through-block pedestrian connection shall be made without approval of the city other than ordinary repairs and maintenance.*

Staff Analysis: The applicant has provided a draft legal agreement that guarantees the right of pedestrian use and access by the public (Exhibit 14). This agreement has been preliminarily reviewed by and is acceptable to the city attorney. A recommended condition of approval has been added to this staff report, requiring that the final agreement be recorded prior to the issuance of certificate of occupancy for the building. This standard is met.

36. **MICC 19.11.070(B)(1) Development and Design Standards.**

1. *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:*
 - a. *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).*

- b. *Green Roof. Green roofs qualify as a landscaped surface at a 50 percent rate (i.e., two sq ft 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.*
- c. *Green Walls/Trellises/Arbors.*
 - i. *Artistic green walls adjacent to ground level publicly accessible space with decorative patterns qualify as a landscaped surface at a 125 percent rate.*
 - ii. *Standard green walls qualify as landscaped surfaces at a 75 percent rate.*
 - iii. *Vine trellis/arbors/walls qualify as landscaped surfaces at a 50 percent rate. Planter areas must feature minimum soil depth necessary to maintain healthy vine growing conditions as determined by regional best landscaping practices.*

Staff Analysis: The site has an area of 63,780 sq ft, establishing a landscaped surface area requirement of 15,945 sq ft. The proposed design exceeds this standard by providing 19,446 sq ft of landscaping, using the methodology prescribed by this code subsection (Exhibit 3, sheet L501).

37. MICC 19.11.070(B)(2) Landscaping Standards.

- a. *Suitable Plant Species. Plant materials for required landscape surfaces shall be selected from a city approved palette of species and minimum size at time of planting. Plant materials should be native or adaptive drought-tolerant species.*
- b. *Trees and Ground Cover.*
 - i. *Prominent trees should be preserved to the extent feasible.*
 - ii. *Trees planted within five feet of public curbs or in paved areas shall be installed with root guards and grates to prevent physical damage to sidewalks, curbs, gutters, pavement and other public or private improvements.*
 - iii. *Ground cover shall be planted to have 100 percent ground cover in two years.*
 - iv. *Any tree cutting or pruning shall be consistent with Chapter 19.10 MICC.*
- c. *Soil Quality, Depth, and Volume. Applicants for new projects in Town Center must include the relevant provisions in construction details, based on regional best landscaping practices, including:*
 - i. *In planting beds: place three inches of compost and till to a minimum depth of eight inches.*
 - ii. *In turf areas: place one and three-quarters inches of compost and till to a minimum depth of eight inches.*

- iii. *Scarify (loosen) subsoil four inches below amended layer to produce a minimum soil depth of 12 inches of uncompacted soil.*
 - iv. *After planting: apply two to four inches of arborist wood chip mulch to planting beds. Coarse bark mulch may be used but has fewer benefits to plants and soil.*
- d. *Irrigation. All landscaped areas shall be provided with an approved automatic irrigation system consisting of waterlines, sprinklers designed to provide head to head coverage and to minimize overspray onto structures, walks and windows. Water conserving types of irrigation systems should be used.*
- e. *Maintenance. All landscaping shall be maintained in good condition. Maintenance shall include regular watering, mowing, pruning, clearance of debris and weeds, removal and replacement of dead plants and the repair and replacement of irrigation systems.*

Staff Analysis: A variety of native plant species are proposed to be used, as shown on the plant schedules on sheets L5.11-L5.14 of the plan set (Exhibit 3). Existing trees along the through-block connection are proposed to be retained (Exhibit 8). Street trees along 78th Ave SE are proposed for removal, consistent with guidance provided by the Design Commission at its Jan. 22, 2019 study session (Exhibit 3, sheet L001). Trees along 77th Ave SE, 78th Ave SE, and SE 29th St, where trees are within five feet of sidewalk, are proposed to be installed with root barriers (Exhibit 3, sheet L520) and protected with grates (Exhibit 3, sheet L101). Planting installation details are provided in Exhibit 3, sheet L520. Irrigation covering all landscaped areas is proposed in Exhibit 3, sheet L411. A recommended condition of approval has been added to this staff report, requiring the property owner to maintain the landscaping in good condition.

38. **MICC 19.11.070(B)(5) Building Entries.** *Building entries should be emphasized with special landscaping and/or paving in combination with lighting.*

Staff Analysis: The entrance at the corner of SE 29th St and 78th Ave SE will be emphasized with specialty concrete pavement, trees in decorative grates and will be bordered by planting areas. The entrance on 77th Ave SE next to the through-block connection will be emphasized with trees, a planting bed, and overhead catenary lighting, consistent with this standard (Exhibit 3, sheet L101).

39. **MICC 19.11.070(B)(6) Building Façades.** *Building Façade modulation and setbacks should include features such as courtyards, fountains and/or landscaping.*

Staff Analysis: The building modulation on 78th Ave SE includes an area with a tree, planting bed, and decorative concrete, and the building modulation at 77th Ave at the entrance to the through block connection provides a courtyard and landscaping, consistent with this standard (Exhibit 3, sheet L101).

40. **MICC 19.11.070(B)(7) Continuity.** *Landscaping should provide design continuity between the neighboring properties.*

Staff Analysis: The proposed landscaping is consistent with that of the neighboring properties, which also contain deciduous trees and planting beds.

41. MICC 19.11.080(B) Development and Design Standards.

1. *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.*
2. *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.*
3. *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.*
4. *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: The proposed service areas, including loading, garbage, and recycling services, are located in an area perpendicular to 77th Ave. Garbage collection is proposed to be located indoors, connected to the loading zone, where they will not be visible from the street. Electrical meters will be located indoors (Exhibit 3, sheet A200P1). Air conditioning condensers will be located on the building roof and will be screened (Exhibit 3, sheet A205). No fencing is proposed.

42. MICC 19.11.090(B) Lighting

1. *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.*
2. *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.*
3. *Building Entrances. All building entrances should be well lit to provide inviting access and safety.*

4. *Building-Mounted and Display Window Lights.* Building-mounted lights and display window lights should contribute to lighting of walkways in pedestrian areas.
5. *Parking Areas.* Parking area light fixtures should be designed to confine emitted light to the parking area. The height of the light fixtures should not exceed 16 feet. The design commission shall review and determine the adequacy of lighting in parking areas based on best practices.
6. *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.
7. *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 lighting fixtures include streetlights, wall mounted lights, catenary lights, and bollards. The proposed street lights will be shielded, and fixtures will be installed at heights that provide pedestrian scale lighting. LED and energy-saving light sources are proposed to be used (Exhibit 3, sheet L101, EP101). Building entry plazas will be well lit through a variety of measures including catenary lighting, wall mounted fixtures and LED integrated furnishings, and will have light levels between 1-4 foot candles, a typical level for outdoor security lighting (Exhibit 3, sheet EP100). Parking is proposed to be entirely underground, which will contain visible light. Neon lighting is not proposed. Lighting fixtures will be shielded (Exhibit 3, EP101).

43. MICC 19.11.100(B)(1) Building Design Development and Design Standard: Fenestration

1. *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.
2. *Ground Floor Windows and Doors.* Major new construction along 77th Ave SE, 78th Ave SE and SE 27th Street, within tC-5, TC-4 and TC-4 Plus subareas, shall have at least 75 percent of the length of the ground floor façade between the height of two feet and seven feet devoted to windows and doors affording views into retail, office, or lobby space.
3. *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 has been designed to create visual interest through the use of façade modulation, fenestration, and materials on all sides of the building (Exhibit 3, sheets 301.1 and 302.1). At least 75% transparency is provided on the ground floor facade

between 2 and 7 feet (Exhibit 3, sheet G006). Upper story facades will be distinguished through use of contrasting materials and colors as well as through distinct fenestration patterns. Upper stories will also have balconies (Exhibit 3, sheets 301.1 and 302.1), consistent with this code standard.

44. MICC 19.11.100(B)(2) Street-Facing Façade Elements. *All major new construction shall include at least seven of the following elements on the street-facing facades, both on the ground floor level and on other levels, as may be deemed desirable by the design commission taking into account the nature of the development and the site.*

- a. *Window and door treatments which embellish the façade.*
- b. *Decorative light fixtures.*
- c. *Unique façade treatment, such as decorative materials and design elements.*
- d. *Decorative painting.*
- e. *Trellises, railings, grates, grill work, or unique landscaping.*
- f. *Flower baskets supported by ornamental brackets.*
- g. *Recessed entrances.*
- h. *Balconies.*
- i. *Medallions.*
- j. *Belt courses.*
- k. *Decorative masonry and/or tilework.*
- l. *Unique, handcrafted pedestrian-scaled designs.*
- m. *Planter boxes with seasonal color.*
- n. *Projecting metal and glass canopy.*
- o. *Clerestories over storefront windows.*
- p. *Other elements as approved by the design commission.*

Staff Analysis: The proposed design includes the following seven façade elements, summarized below:

| Façade Element | Use in proposed design |
|------------------------------------|--|
| Window and door treatments | The windows utilize asymmetrical divided lites, and the doors will include a transom window, accentuated by contrasting trim (Exhibit 3, sheets A301.1 and A302.1) |
| Decorative light fixtures | Catenary lights will be incorporated into the through-block connection (Exhibit 3, sheet L100) |
| Façade treatment | The façade will incorporate brick, metal panel and cement panels, wood siding, and concrete (Exhibit 3, sheets A301.1 and A302.1) |
| Decorative paving | Decorative paving is proposed to be incorporated into the through-block connection, the 78 th Ave SE plaza, and the recessed residential lobby entry (Exhibit 3, sheet L101). |
| Recessed entrances | The residential lobby entry is recessed at SE 29 th St (Exhibit 3, sheet A201). |
| Balconies on street-facing facades | Balconies are proposed along SE 29 th St, 77 th Ave SE |

| | |
|--|---|
| | and 78 th Ave SE (Exhibit 3, sheets A301.1 and A302.1). |
| Unique handcrafted pedestrian-scaled designs | The streetscape will include decorative tree grates salvaged from the site (Exhibit 3, L101), as well as weather protection approximately 9-10 feet above grade, providing a sheltered pedestrian environment (Exhibit 3, sheets A301.1 and A302.1). A seating nook will be provided in the through-block connection (Exhibit 3, L101). |

45. **MICC 19.11.100(B)(3) Major Façade Modulation.** *Block frontages shall include at least one of the following features (subsection (B)(3)(a), (b) or (c) of this section) at intervals no greater than 120 feet to break up the massing of the block and add visual interest. The design commission may approve modifications or alternatives to the following features if the proposed modulation is at least as aesthetically acceptable as one of the following features:*

- a. *Vertical building modulation at least 20 feet deep and 30 feet wide. See example on Figure 10. For multi-story buildings, the modulation must extend through more than one-half of the building stories.*
- b. *Use of a significant contrasting vertical modulated design component featuring all of the following:*
 - i. *An extension through all stories above the first story fronting on the street. Exception: upper stories that are set back more than 10 feet horizontally from the facade are exempt.*
 - ii. *A change in building materials that effectively contrast from the rest of the façade.*
 - iii. *A modulation horizontally from the rest of the façade by an average of 24 inches.*
 - iv. *A design to provide roofline modulation.*
- c. *Building walls with contrasting articulation and roofline modulation that make it appear like two or more distinct buildings. See examples on Figure 11. To qualify for this option, these contrasting facades shall employ all of the following:*
 - i. *Different building materials and/or configuration of building materials; and*
 - ii. *Contrasting window design (sizes or configurations).*

Staff Analysis: The proposed design incorporates all three features described in this section. The building uses vertical building modulation in the form of recessed modulations that are 20 feet deep and 30 feet wide are provided along SE 29th Street and 78th Ave, the facades exceeding 120 feet. The portion of building along 77th Ave SE is 81 feet 2 inches long. Subsection (3)(b) is met by a strong saw-tooth modulation along 78th Ave, connecting to a series of sloped roofs that create a modulated roofline(Exhibit 3, sheet A303). The facade along 78th Ave SE is articulated to create a plaza, creating the appearance of two buildings, consistent with subsection (3)(c).

46. **MICC 19.11.100(B)(4) Minor Façade Modulation.** *All buildings shall include articulation features to reduce the perceived scale of large buildings and add visual interest to facades. See examples on Figure 13. At least three of the following features shall be employed at intervals*

no greater than 50 feet subject to design commission approval taking into account the nature of the development and the site:

- a. Window fenestration patterns and/or entries;*
- b. Use of vertical piers/columns;*
- c. Change in roofline;*
- d. Change in building material or siding style;*
- e. Vertical elements such as a trellis with plants, green wall, art element;*
- f. Vertical building modulation of at least 12 inches in depth if tied to a change in roofline modulation or a change in building material, siding style, or color; or*
- g. Other design techniques approved by the design commission that reinforce a pattern of small storefronts (or residences, if residential uses are used).*

Staff Analysis: The proposed design incorporates changes in roofline, 12-inch vertical modulation throughout, and fenestration patterns both on the ground-floor commercial area, as well as the upper-floor residential area (Exhibit 3, sheets A301.1, A302.1, A303, and A304).

47. MICC 19.11.100(B)(5) Walls. *Untreated blank walls are prohibited. A blank wall is a wall (including building facades and retaining walls) over six feet in height, with a horizontal length greater than 15 feet that does not include a transparent window or door. Methods to treat blank walls can include but are not limited to:*

- a. Display windows at least 16 inches of depth to allow for changeable displays. Tack on display cases shall not qualify as a blank wall treatment.*
- b. A landscape planting bed at least five feet wide or a raised planter bed at least two feet high and three feet wide in front of the wall with planting materials that are sufficient to obscure or screen at least 60 percent of the wall's surface within three years.*
- c. A vertical trellis in front of the wall with climbing vines or plant materials.*
- d. A mural as approved by the design commission.*
- e. Special building detailing that adds visual interest at a pedestrian scale as approved by the design commission. Such detailing must use a variety of surfaces; monotonous designs will not meet the purpose of the standards.*

Staff Analysis: No portions of walls will be blank and untreated for more than a 15-ft wide by 6-ft high space, consistent with this criterion (Exhibit 3, sheets A300.1 and A301.1).

48. MICC 19.11.100(B)(6) 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: Entrances are provided for each of the commercial spaces, at the residential lobby on SE 29th St, and on the north east of the building along the through-block connection. Residential units along the through-block connection also have entrances along the through-block connection. Entrances are recessed from the building facade on the east side through the use of the vertical sawtooth modulation, on the north and south by being set behind lobby/courtyard areas, and on the west by being recessed under cantilevered upper stories (Exhibit 3, sheets G005 and A304). Special paving treatments are provided along the north and south entrances (Exhibit 3, sheet L101).

49. **MICC 19.11.100(B)(7) Roofs.** *Roofs shall relate to the building facade articulations. A variety of roof types and configurations should be used to add interest and reduce the perceived building mass. Varied parapet height or roofline is encouraged. Sloping roofs are also encouraged.*

Staff Analysis: A variety of sloping roofs in various configurations have been provided to reduce perceived building mass. The east façade proposes a vertically modulating façade that corresponds to an articulated roof line. Other portions of the building will use sloping roofs (Exhibit 3, sheets A303 and A304).

50. **MICC 19.11.100(B)(8) Residential Uses on Ground Floor.** *Where permitted, residential uses on the ground floor shall comply with the standards in MICC 19.11.060(E)(2)(e).*

Staff Analysis: The residential uses are provided with raised porches that are more than 6-feet wide and at least 60 sq ft (Exhibit 3, sheet G008).

51. **MICC 19.11.100(B)(9) Identity Emphasis.** *Public buildings, unique community structures and corner structures should have a prominent scale, emphasizing their identity.*

Staff Analysis: The proposed building is located on the corner of 78th Ave and SE 29th Street. This corner space establishes its identity by providing a courtyard framed by street trees, landscaped beds, and seating. A cantilevered portion of the second story, together with a canopy also emphasizes and distinguishes the corner.

52. **MICC 19.11.100(B)(10) Corner Lots.** *Buildings on corner lots should be oriented to the corner. Corner entries and/or architectural treatment should be used to emphasize the corner.*

Staff Analysis: The subject site contains a corner at the intersection of SE 29th St and 78th Ave SE, and the proposed building orients one of the residential lobby entrances toward the corner. This corner contains a courtyard with landscaping, seating, and public art. A second-floor cantilever also helps emphasize the corner, consistent with this standard.

53. **MICC 19.11.100(B)(11) Franchise Design.** *Prototype design for franchises should use customized components consistent with the design requirements for the Town Center that achieve the purpose, intent and vision set forth in MICC 19.11.010.*

Staff Analysis: The proposed building is not being constructed for a franchise. This criterion does not apply.

54. **MICC 19.11.100(B)(12) Harmony.** *The elements of a building should relate logically to each other, as well as to the surrounding buildings. A single building or complex should be stylistically consistent; architectural style, materials, colors and forms should all work together.*

Staff Analysis: The architectural style is consistently modern throughout all portions of the building, and the proposed materials are utilized to distinguish different portions of the development, breaking up monotony, while complementing each other across the development (Exhibit 3, sheets A303-309).

55. **MICC 19.11.100(B)(13) Weather Protection.** *Specially designed all-weather features that integrate weather protection systems at the sidewalk level of buildings to protect pedestrians from the effects of rain, wind, glare, shadow, reflection and sunlight and to make spending time outdoors feasible in all seasons. All major new construction shall have 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.*

- a. Any canopy or awning over a public sidewalk should be a permanent architectural element.
- b. 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.
- c. Architectural details should not be concealed by awnings or canopies.
- d. Awning shapes should relate to the shape of the façade's architectural elements. The use of traditionally shaped awnings is encouraged.
- e. Vinyl or plastic awnings or canopies are prohibited.
- f. All awnings or canopies shall function to protect pedestrians from rain and other weather conditions.

Staff Analysis: The proposed building includes six-foot wide weather protection along 100 percent of the building's frontage, which is proposed to be a permanent architectural element (Exhibit 3, sheets A100.1, A303, and A304). The weather protection is proposed to be 10 feet above grade, consistent with this standard (Exhibit 3, sheet A400).

56. **MICC 19.11.100(B)(14) 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:*

- a. *Be at least 10 feet in width, with a building façade on at least one side;*
- b. *Be covered with trees, ground cover, or other landscaping over at least 50 percent of its area;*
- c. *Including seating, special paving material, pedestrian-scale lighting and other pedestrian furnishings;*

- d. *Manage runoff from courtyard pavement with low impact development techniques when allowed by the code official; and*
- e. *Not be covered by a roof, story or skybridge; except that portions of the courtyard may be covered for weather protection, but not enclosed*

Staff Analysis: The proposed design does not contain public open space as described in MICC 19.11.060(B), because a through-block connection is being proposed to meet the Major Site Feature requirement instead of public open space. However, courtyards are proposed as part of the building design, located along 78th Ave SE (the "mid-block plaza") and the southeast corner of the building. The proposed courtyards exceed 10 feet in width and have a building facade on at least one side. Approximately 50% of the courtyard area is landscaped and special paving is proposed in these areas (Exhibit 3, sheet L101). Seating is proposed and neither courtyard will be enclosed (Exhibit 3, sheets A305 and A306).

57. MICC 19.11.110(B) Materials and Colors.

1. *Building Exteriors. Building exteriors should be constructed from high quality and durable materials. It is important that the materials and colors weather well and that building exteriors need minimal maintenance.*
2. *Regional Focus. Materials and colors should reflect the city's regional setting.*
3. *Attention to All Sides. Materials and colors should be used with cohesiveness and compatibility on all sides of a building.*
4. *Concrete Walls. Concrete walls should be architecturally treated. The treatment may include textured concrete such as exposed aggregate, sand blasting, stamping or color coating.*
5. *Harmonious Range of Colors. A harmonious range of colors should be used within the Town Center. Neon or very bright colors, which have the effect of unreasonably setting the building apart from other adjacent buildings on the street, should not be used.*
6. *Bright Colors. Bright colors should be used only for trim and accents if the use is consistent with the building design and other design requirements.*
7. *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.*
8. *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 building is to be constructed of brick, wood siding, metal panel and cement panels, and wood cladding. Mesh screen metal panels will be used on the roof for screening (Exhibit 3, sheets A301.1 and A302.1). These materials are high quality and durable and are consistent with a Pacific Northwest look and feel. A consistent, harmonious materials palette is used on all side of the building, and different combinations of materials are used on

different facade, providing variation in materials while maintaining a coherent overall design (Exhibit 3, sheets A303 through A309). The material color palette includes white, black, red brick, and wood colored. These colors are consistent with other buildings within the Town Center. No neon nor bright colors are proposed for this project. None of the materials listed as undesired are proposed for this project.

58. **MICC 19.11.120 Street Standards.** *All major new construction abutting 77th Ave SE or 78th Ave 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.*

59. **Staff Analysis:** A modification to the 77th Ave SE standard is recommended by the staff, pursuant to MICC 19.11.120(B) (Exhibit 9). The City Council added a project to the six-year Capital Improvement Program (CIP) to restripe and channelize 77th Ave SE between SE 32nd St and N Mercer Way, which will create on-street parking to comply with the street standard in MICC 19.11.120. Since street improvements for 77th Ave SE are already planned, and since a piecemeal restriping would create awkward transitions between the existing lane configuration and the configuration shown in this code section, staff recommend that the Design Commission require the developer to pay a fee in lieu of constructing the actual street improvement. The amount would be determined by the City Engineer based on a proportionate share of the corridor-wide improvements. Payment would be due prior to the issuance of the certificate of occupancy. A recommended condition of approval, reflecting these requirements, has been added to this staff report.

The proposed frontage improvements along 78th Ave SE provide a 15-foot sidewalk and 7-foot parking pocket, consistent with this standard, and existing travel lanes and median strip already meet this standard (Exhibit 3, sheets C200 and C201).

60. **MICC 19.11.130(B)(1) – (4) Parking, Vehicular and Pedestrian Circulation.**

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

- a. *Minimum Number of Parking Stalls Required. All new development and remodels greater than 10 percent of the existing gross floor area shall provide at least the number of parking stalls set forth in the following table:*
- b. *Determination within Range. The code official shall have the final authority to determine the number of parking stalls required within the ranges above to accommodate typical daily peak parking demand based upon the applicant's submittal of a completed site plan and detailed parking analysis.*
- c. *Underground or Structured Parking Required. If the applicant for a mixed use project or for a residential project provides more parking than one and one-quarter spaces per dwelling unit for any part of a project consisting of residential units or two and one-half spaces per 1,000 sq ft 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.*
- d. *Parking Lot Configuration. Parking lot design shall conform to the standard stall diagrams set out in Appendix A to this title, unless alternative design standards are approved by the design commission and the city engineer. No more than 50 percent of the required off-street parking spaces for office and residential uses may be designed for accommodating compact vehicles. No more than 25 percent of the required off-street parking spaces for all other uses may be designed for accommodating compact vehicles. Such parking spaces must be clearly designated as compact stalls.*
- e. *Shared Parking.*

- i. *The amount of off-street parking required in subsection (B)(1)(a) of this section may be reduced by no more than 50 percent, as determined by the code official upon approval by the city engineer (and design commission for major new construction), when shared off-street parking facilities for two or more uses are proposed. A parking demand study shall be prepared by a professional traffic engineer and submitted by the applicant that documents parking demand for all land uses shall not significantly overlap and that uses will be served by adequate parking if shared parking reductions are authorized.*
- ii. *The determination whether shared parking will be allowed shall occur at the time the shared parking is proposed and when a change of use occurs.*
- iii. *If shared parking is requested, the parking facilities for the multiple uses shall be designed and developed as a single on-site common parking facility, or as a system of on-site and off-site facilities. If off-site facilities are used, all facilities shall be connected with improved pedestrian facilities and no building or use should be more than 1,320 feet walking distance from the most remote shared parking facility.*
- iv. *If the shared parking is on one or more different properties, a covenant or other contract for shared parking between the cooperating property owners must be approved by the code official. This covenant or contract shall be recorded with the King County department of records and elections division as a deed restriction on all properties and cannot be modified or revoked without the consent of the code official.*
- v. *If requirements for shared parking are violated, or the parking demand for shared parking exceeds the shared parking supply, the affected property owners shall provide a remedy satisfactory to the code official or provide the full amount of required off-street parking for each use, in accordance with the requirements of this chapter.*

Staff Analysis: Parking amounts, matching those required in the table are provided consistent with the City's code (Exhibit 10, page 26). While the minimum required number of parking spaces for each land use are provided and therefore no reduction in parking spaces is proposed, shared parking is also proposed in the form of "flex spaces", which can be used for either commercial or residential parking between 11am and 9pm (Exhibit 10, page 27, transpo memo). The City's contracted transportation engineer reviewed and agreed with the analysis provided by the applicant (Exhibit 12). The underground parking area is consistent with the standards in Appendix A (Exhibit 3, sheets A200P1 and A200P2). All parking will be in an underground parking garage, and no surface parking is proposed.

61. MICC 19.11.130(B)(1)(i) Design of Structured Parking

- i. *Relationship to Main Building. Parking structures should be architecturally integrated or designed with an architectural theme similar to the main building.*
- ii. *Screening. A floor of a parking structure should not face the street. If the design commission determines that there is no feasible alternative to a street-facing floor of a parking structure, then the perimeter of the floor of a parking structure facing the street should have a screening mechanism designed to shield vehicles and any mechanical appurtenances from public views.*

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

Staff Analysis: The parking structure is integrated into the proposed building by occupying the same footprint as the commercial and residential floor below ground. The parking areas are proposed to be entirely underground with an entrance ramp located on SE 29th St, effectively screening the parking. Stairs and elevators up to 78th Ave SE and the residential lobby at the corner of SE 29th St and 78th Ave SE are provided (Exhibit 3, sheets A200P1, A200P2, and A201).

62. **MICC 19.11.130(B)(2) Signs and Wayfinding.** *Signs indicating the location of parking available to the public shall be installed as approved by the design commission and city engineer. Such signs shall be installed at the entrance to the parking lot/garage along the street and within the parking lot/garage and shall comply with parking signage standards for the Town Center approved by the design commission and city engineer.*

Staff Analysis: An illuminated blade sign, identifying the parking garage entrance on SE 29th St, is proposed (Exhibit 3, sheet A100.1).

63. **MICC 19.11.130(B)(3) Loading Space.** *Off-street loading space with access to a public street shall be required adjacent to or within or underneath each building. Such loading space shall be of adequate size to accommodate the maximum number and size of vehicles simultaneously loaded or unloaded in connection with the business or businesses conducted in the building. No part of the vehicle or vehicles using the loading space may protrude into the public right-of-way.*

Staff Analysis: The applicants are providing an off-street loading space for the proposed building, located adjacent to the southern edge of the retail spaces along 77th Ave SE. Immediately adjacent to the loading space is the driveway to the refuse collection/ loading area. This area will be completely screened from the street.

64. **MICC 19.11.130(B)(5) Public Parking.** *On-site public parking consistent with and complying with the requirements of this section shall be provided in any existing development desiring to provide public parking consistent with the requirements of this section and in any new mixed use or nonresidential development. Nothing contained in this section shall be deemed to prevent a building owner from designating parking spaces as being available to the public exclusively for electric vehicle charging or as being available exclusively to an operator of a car sharing service that makes vehicles available for public use. Further, this section shall be interpreted and enforced in such manner as to avoid conflict with the shared parking section in subsection (B)(1)(e) of this section.*
- 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 10 percent of the total gross floor area of all existing structures on the parcel as of October 30, 2015.*

Staff Analysis: All parking stalls provided for nonresidential uses are available for public parking (Exhibit 3, sheet A200P1). Parking time limits for commercial and flexible (i.e. the nonresidential spaces) are recommended to be addressed as part of the parking management plan (Exhibit 12) and a recommended condition of approval has been added to this staff report, requiring that the time limit for public parking spaces be specified in the parking management plan.

65. **MICC 19.11.140(B)(12) Master Sign Plan.** *When multiple signs for individual businesses are contemplated for a major construction project, a master sign plan stipulating the location and size of future signs will be required.*

Staff Analysis: A master sign plan, showing the proposed locations and types of signs, has been provided (Exhibit 3, sheet A100.1). The design is capable of meeting the standards in this section. For example, sufficient overhead clearance has been provided under the proposed weather protection to allow for projecting signs for future retail and restaurant tenants. None of the prohibited sign types are proposed.

66. **MICC 19.15.150(A):** *Land use review approvals shall expire three years from the date of notice of decision if the development proposal authorized by the land use review is not commenced. For the purposes of this section, the development proposal shall be considered established if construction or substantial progress toward construction of a development proposal for which a land use review approval has been granted must be undertaken within two years of the date of notice of decision of the land use review. Where no construction activities are involved, the use or activity shall be commenced within three years of the date of the notice of decision of the land use review.*

Staff Analysis: As conditioned, this criterion is met.

3. RECOMMENDATION

Based on the analysis and findings included herein, staff recommends to the Planning Commission the following:

Recommended Motion: Move to grant Johnston Architects design approval for the construction of a new mixed use building in the Town Center located at 2570 77th Ave SE and 2885 78th Ave SE, as shown in Exhibit 1, subject to the following conditions.

Alternative Recommended Motion: Move to grant Johnston Architects design approval for the construction of a new mixed use building in the Town Center located at 2570 77th Ave SE and 2885 78th Ave SE, as shown in Exhibit 1, subject to the following conditions and further conditioned as follows [specify conditions].

4. RECOMMENDED CONDITIONS OF APPROVAL

1. All 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 by Exhibit 1.
2. If a building permit is required and the applicant has not submitted a complete application for a building permit within three years from the date of this notice, or within two years from the decision on appeal from the final design review decision, design review approval shall expire.
3. Prior to building permit issuance, the applicant shall provide documentation in a form acceptable to the City that the proposed affordable units and affordability level will be maintained, consistent with the requirements of MICC 19.11.040(C).
4. Prior to building permit issuance, the applicant shall provide documentation that the exterior and interior finishes of the affordable units will be the same as the other units as required by MICC 19.11.040(D)(5).
5. Prior to building permit issuance, the applicant shall submit an affordable housing agreement as required by MICC 19.11.040(F).
6. The applicant shall provide proof of Built Green 4 Star 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.
7. Prior to the issuance of certificate of occupancy, an agreement providing the right of pedestrian use of the through-block connection in a form and substance acceptable to the city attorney shall be recorded with King County.
8. Prior to building permit issuance, the applicant shall provide a landscaping maintenance plan, documenting how all landscaping on the subject property will 1) be maintained in good condition by

the property owner, in a manner consistent with MICC 19.11.070(B)(2)(e), and 2) provide 100% cover of groundcover plants within two years, consistent with MICC 19.11.070(B)(2)(b)(iii).

9. Prior to the issuance of the certificate of occupancy, the applicant shall pay a fee in lieu of constructing street improvements on 77th Ave SE, pursuant to MICC 19.11.120(B). The amount shall be determined by the City Engineer based on a proportionate share of the corridor-wide improvements.
10. Prior to building permit issuance, a landscape plan showing branching height for all street trees on city property shall be provided.
11. Prior to building permit issuance, an updated parking management plan, specifying the proposed time limits for public parking spaces, shall be submitted. The time limits shall be consistent with MICC 19.11.130(B)(5)(b).
12. Prior to building permit issuance, all detail design for the utilities, including water, sewer and storm systems, and all design detail for frontage work in the public right of way and the private property shall be provided for review.