



Joint Commission Recommendations Summary by Issue

#	Item	Joint Commission Recommendation	Rationale
1	Vision for Town Center	Maintain Town center vision as recommended by Stakeholder Group but summarize at a higher level.	<i>A vision should be succinct and forward-looking, with detail provided by policies and regulations.</i>
2	Subareas and Building Height	Divides Town Center into 5 subareas (TC-5, TC-4, TC-3, TCMF-4, and TCMF-3). The TC zones are mixed use and the TCMF zones are multifamily. The number after the hyphen indicates the maximum building height (in floors) for each subarea.	<i>Taller buildings are focused to the North near I-90 and height is stepped down towards the South and Mercedale Park. This approach represents a balance of providing enough height to enable economically viable development while stepping down heights in some areas in response to community desires.</i>
3	Measuring Building Height	Measure height from average building elevation (the current method) and also from the base of each façade.	<i>Adding the second method of measuring each façade will reduce façade height on the lower façade of sloping sites. This method would have reduced the overall height of the Legacy/Hadley Apartments currently under construction (approx. 75' high on lower side).</i>
4	Upper Floor Stepbacks Average Daylight Plane	Require 3 rd , 4 th and 5 th floors of buildings to be stepped back from the 2 nd floor underneath a 45 degree angle called the "daylight plane". Allow portions of these upper floors to come forward toward the street in exchange for other portions of the building stepping back further from the street.	<i>Requiring upper floors to step back will reduce the perception of "canyons" along Town Center streets. Allowing flexibility in design by averaging the open area above the daylight plane will minimize the possibility of look-alike buildings and encourage creative design.</i>
5	Architectural Standards/Modulation	Require major façade modulation every 120' along block frontages. Minor façade modulation required every 50'.	<i>Will reduce the perceived mass of Town Center buildings.</i>
6	Public Open Space (Plazas)	Public open space is required for 3, 4 and 5 story buildings. The minimum public open space area remains at 3% of the gross floor area, but the minimum 4,000 square foot requirement of current code is removed. Public open space requirements can be fulfilled with the provision of a through block connection, as long as it also meets the public open space standards. Furniture and other decorative features cannot reduce the minimum required usable area for a public open space.	<i>Removing the static 4,000 square foot requirement allows the public open space requirement to be scaled to the building size. Provision of separate spaces for a public open space and a through block connection is too onerous. While desirable, furniture and other decorative features have impeded public use of public open spaces in some existing Town Center projects.</i>

AB 5174
Exhibit 2

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#	Item	Joint Commission Recommendation	Rationale
7	Through-Block Connections	Through block connections are required in 4 areas, and are optional in all other areas. Width is 20' and can be split on adjacent properties provided the entire 20' is built at the same time. Additional design standards for adjacent land uses, landscaping, etc. have been added. Design Commission has discretion over the exact location of the connection and can approve non-linear configuration.	<i>Through block connections will improve connectivity and support a pedestrian friendly Town Center. Through block connections are most important (and required) in the larger Town Center blocks. They can be used effectively in other areas for pedestrian circulation as well as reducing the perceived bulk and scale of buildings.</i>
8	Landscaping	Require an area equivalent to 25% of site to be landscaped, including green roofs and green walls. Added additional detailed standards for landscaping.	<i>Increase greenery, reduce perceived and actual mass of buildings.</i>
9	Affordable Housing	Mixed use and residential buildings over two stories must have 10% of the housing units in the building affordable to renters earning 60% AMI or ownership units affordable to buyers earning 90% AMI.	<i>Town Center has few units affordable to many of Mercer Island's employment base, including service and retail workers, teachers and office workers.</i>
10	Green Building	Require all new Town Center buildings and major remodels to achieve LEED Gold or Built Green 4-star certification.	<i>Sustainability is a community priority. Green building has become more common in new construction and these standards will set the bar a bit higher than what the market may otherwise deliver.</i>
11	Streetscapes	Updated street standards focus on creating wide sidewalks and more on-street parking to support a walkable retail environment. 77 th Ave. SE—12' Sidewalks. Parallel parking on both sides of street with "sharrows" in the two travel lanes. Eliminate center left turn lane. 78 th Ave. SE— no major changes —15' sidewalks with pocket parking and a center median. Other Town Center streets—12' sidewalks with angled parking along one side.	<i>The objective for all streets is to improve the pedestrian environment and maximize on-street parking for both parking supply and as a buffer between travel lanes and pedestrians. The greatest opportunity for streetscape improvements is 77th Ave. SE as the right of way can be repurposed to widen sidewalks and add on-street parking.</i>

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12	Retail	<p>Primary Retail Frontages: Reduce the area where retail, restaurant and personal service uses are required. Maintain the “60/40” requirement in that reduced area. Also limit the amount of personal service uses that can locate on a primary retail frontage.</p> <p>Limit the width of individual uses along primary retail frontages to 60 feet, with Design Commission flexibility to 66 feet.</p>	<p><i>Based on the EcoNorthwest economic analysis, Town Center cannot support the amount of retail use required in either the current code or Stakeholder Group recommendation. Focusing the retail area around SE 27th, 77th SE and 78th SE will encourage grouping of retail uses and a more vibrant retail area.</i></p> <p><i>Limiting the street frontage of uses will encourage a diversity of uses, storefronts and designs along primary retail frontages. This will help reduce the perceived bulk of buildings and create a more interesting streetscape.</i></p>
13	Parking	<p>Reduce amount of required parking and increase allowable shared parking from 20% to 50%.</p> <p>Increase parking stall and driving aisle sizes.</p> <p>Restrict “repurposing” of parking stalls designated for specific uses (such as leasing of excess stalls).</p>	<p><i>The BERK parking study found an overall excess of parking in the Town Center. Based on the EcoNorthwest economic analysis, reducing parking requirements will make provision of public benefits more feasible.</i></p> <p><i>Increasing parking stall and driving aisle sizes will make parking inside garages more accessible and address a common complaint that the newer parking areas are difficult to maneuver.</i></p> <p><i>Restricting repurposing of parking stalls will ensure excess stalls remain available for use by retail customers and building visitors.</i></p>
14	Multi-family subareas	Remove public open space requirement in the TCMF subareas.	<i>The TCMF subareas are on the edges of the Town Center and are less desirable for public open spaces.</i>
15	Signs	Code official shall specify language for “walk off” parking signage.	<i>Having common language for “walk-off” parking signs will make it easier for the public to locate available parking.</i>



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Town Center (part of the Comprehensive Plan)

TOWN CENTER VISION:

MERCER ISLAND TOWN CENTER SHOULD BE...

1. **THE HEART** of Mercer Island, where residents want to shop, eat, play and relax together.
2. **ACCESSIBLE** to people of all ages and abilities.
3. **CONVENIENT** to enter, explore and leave with a variety of transportation modes.
4. **WELL DESIGNED** with public spaces that offer attractive settings for entertainment, relaxation and recreation.
5. **DIVERSE** with a range of uses, building types and styles that acknowledge both the history and future of the island.
6. **LOCAL** providing businesses and services that meet every day needs on the island.
7. **HOME** to a variety of housing options for families, singles and seniors.

SAMPLE ONLY—NOT MERCER ISLAND (this is Overlake)



MERCER ISLAND TOWN CENTER 2035

SAMPLE ONLY—NOT MERCER ISLAND (this is Overlake)

GOAL 1: Create a mixed-use Town Center with pedestrian scale and connections.

1.1 A walkable mixed-use core should be located adjacent to the regional transit facility and be of sufficient size and intensity to create a focus for Mercer Island.

LAND USE AND DEVELOPMENT

Goal 2: Create a policy and regulatory structure that will result in a diversity of uses that meets Islanders' daily needs and helps create a vibrant, healthy Town Center serving as the City's business, social, cultural and entertainment center.



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2.1 Use a variety of creative approaches to organize various land uses, building types and heights in different portions of the Town Center.

Goal 3: Have a mixture of building types, styles and ages that reflects the evolution of the Town Center over time, with human-scaled buildings, varied height, set-backs and step-backs and attractive facades.

3.1 Buildings taller than two stories may be permitted if appropriate public amenities and enhanced design features are provided.

3.2 Locate taller buildings on the north end of the Town Center and step down building height through the center to lower heights on the south end, bordering Mercerdale Park. See Figure TC-1.

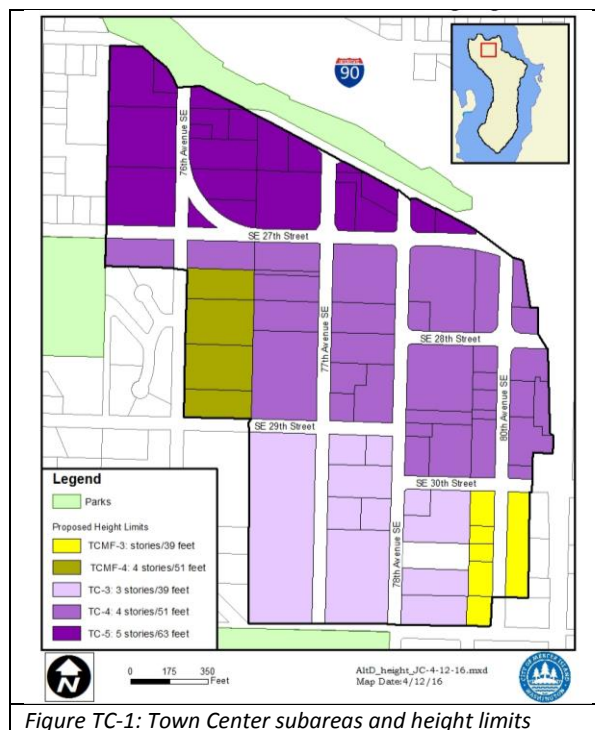


Figure TC-1: Town Center subareas and height limits

3.3 Calculate building height on sloping sites by measuring height on the lowest side of the building.

3.4 Mitigate the “canyon” effect of straight building facades along streets through use of upper floor step-backs, façade articulation, and similar techniques.



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3.5 Buildings on larger parcels or with longer frontage should provide more variation of the building face, to allow for more light and create the appearance of a smaller scale, more organic, village-like development pattern. Building mass and long frontages resulting from a single user should be broken up by techniques such as creating a series of smaller buildings (like Island Square), providing public pedestrian connections within and through a parcel, and use of different but consistent architectural styles to create smaller building patterns.

3.6 Building facades should provide visual interest to pedestrians. Street level windows, minimum building set-backs, on-street entrances, landscaping, and articulated walls should be encouraged.

Goal 4: Create an active, pedestrian-friendly retail core.

4.1 Street-level retail, office, and service uses should reinforce the pedestrian-oriented circulation system.

4.2 Retail street frontages (Figure TC-2) should be the area where the majority of retail activity is focused. Retail shops and restaurants should be the dominant use, with personal services also encouraged to a more limited extent.



Figure TC-2: Required Retail Frontage Types

Goal 5: Encourage a variety of housing forms, including townhomes, apartments and live-work units attractive to families, singles, and seniors at a range of price points.

- a. Land uses and architectural standards should provide for the development of a variety of housing types, sizes and styles.
- b. Encourage development of low-rise multi-family housing in the TCMF subareas of the Town Center.
- c. Encourage the development of affordable housing within the Town Center.
- d. Encourage the development of accessible housing within the Town Center.
- e. Encourage options for ownership housing within the Town Center.



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(NOTE: Proposed change to Housing Element Policy 3.9): Use regulatory and financial incentives in the Town Center and PBZ/CO districts such as density bonuses, fee waivers, and property tax reductions to encourage residential development for a range of household and ownership types and income levels.

CIRCULATION AND PARKING

Goal 6: Be convenient and accessible to people of all ages and abilities, including pedestrians, bicyclists, transit users and motorists.

Goal 7: Town Center streets should be viewed as multiple-use facilities, providing for the following needs:

- Access to local businesses and residences
- Access for emergency vehicles
- Routes for through traffic
- Transit routes and stops
- On-street parking
- Pedestrian and bicycle travel
- Sidewalk activities, including limited advertising and merchandising and restaurant seating.
- Occasional special events and outdoor entertainment

7.1 All Town Center streets should provide for safe and convenient multi-modal access to existing and future development in the Town Center.

7.2 Design streets using universal design principles to allow older adults and individuals with disabilities to “stroll or roll”, and cross streets safely.

7.3 78th Avenue SE should be the primary pedestrian corridor in the Town Center, with ample sidewalks, landscaping and amenities.

7.4 77th Avenue SE should serve as the primary bicycle corridor connecting the regional bicycle network along I-90 and the planned light rail station with Mercerdale Park and the rest of the Island south of the Town Center.

Goal 8: Be pedestrian-friendly, with amenities, tree-lined streetscapes, wide sidewalks, storefronts with canopies, and cross-block connections that make it easy to walk around.

8.1 Provide convenient opportunities to walk throughout Town Center.

8.2 Create safe pedestrian routes that break-up larger city blocks.

Goal 9: Have ample parking, both on-street and off, and the ability to park once and walk to a variety of retail shops.



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9.1 Reduce the land area devoted to parking by encouraging structured and underground parking. If open-air, parking lots should be behind buildings.

9.2 Encourage improved access to transit, bicycle, pedestrian and shared parking facilities to reduce trip generation and provide transportation alternatives, particularly for secondary trips once users reach the Town Center.

9.3 Consider a range of regulatory and incentive approaches that can increase the supply of public parking in conjunction with development proposals.

9.4 On and off-street parking should be well-lit, convenient and well-signed so that drivers can easily find and use parking.

9.5 Develop long-range plans for the development of additional commuter parking to serve Mercer Island residents.

9.6 Prioritize parking for Mercer Island residents within the Town Center.

Goal 10: Prioritize Town Center transportation investments that promote multi-modal access to regional transit facilities.

Goal 11: Promote the development of pedestrian linkages between public and private development and transit in and adjacent to the Town Center.

PUBLIC REALM

Goal 12: Have inviting, accessible outdoor spaces with seating, greenery, water features, and art that offer settings for outdoor entertainment and special events as well as for quiet contemplation.



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12.1 Outdoor public spaces of various sizes in Town Center are important and should be encouraged.

12.2 Encourage the provision of on-site open space in private developments but allow development agreements and payment of a calculated amount of money as an option to dedication of land. In addition, encourage aggregation of smaller open spaces between parcels to create a more substantial open space.

12.3 Investigate potential locations and funding sources for the development (and acquisition if needed) of one or more significant public open space(s) that can function as an anchor for the Town Center’s character and redevelopment. Identified “opportunity sites” are shown in Figure TC-3 and described below. These opportunity sites should not preclude the identification of other sites, should new opportunities or circumstances arise.

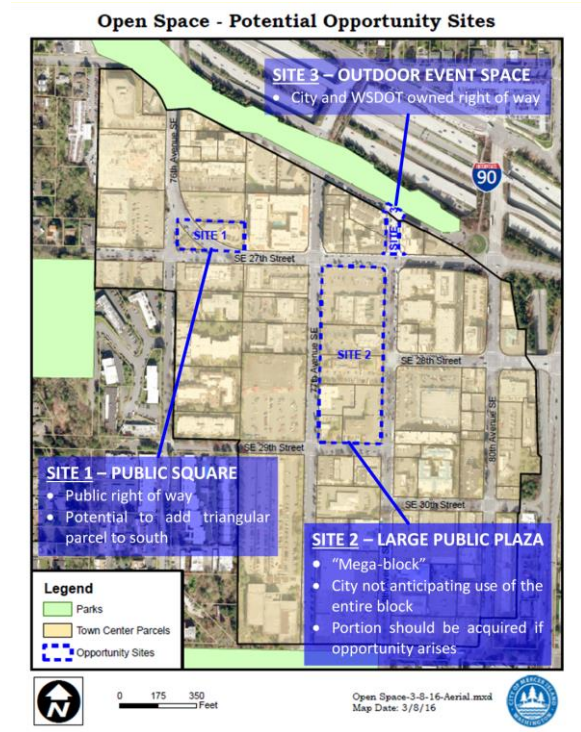


Figure TC-3: Possible locations for significant public open space

SUSTAINABILITY

GOAL 13: Town Center buildings should meet a high standard of energy efficiency and sustainable construction practices as well as exhibiting other innovative green features, above and beyond what is required by the existing Construction Code.

ECONOMIC DEVELOPMENT

GOAL 14: Continue to encourage vitality through the support of economic development activities in the Town Center.

14.1 Establish the Town Center as an active and attractive commercial node, including the use of gateways, wayfinding and signage, and links to transit.

14.2 Maintain a diversity of Town Center land uses.

14.3 Support economic growth that accommodates Mercer Island’s share of the regional employment growth target of 1,228 new jobs from 2006-2035, by maintaining adequate zoning capacity, infrastructure, and supportive economic development policies.



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14.4 Investigate formation of a business improvement area (BIA), or other mechanism authorized by state law, to help promote Island businesses, to support Town Center activities, and to finance improvements and amenities. Identify a staff person who will help coordinate economic development activities.

14.5 Support public and private investment in existing properties, infrastructure, and marketing to help maintain longstanding businesses and attract new ones.

14.6 Create a healthy economic environment where Town Center businesses can serve the needs of Mercer Island residents as well as draw upon broader retail and commercial market areas.



Town Center Development and Design Guidelines

Planning Commission Recommendation —4/27/16

CHAPTER 19.11—TOWN CENTER DEVELOPMENT AND DESIGN GUIDELINES

19.11.010	General
19.11.015	Town Center Sub-Areas
19.11.020	Land Uses
19.11.030	Bulk Regulations
19.11.040	Affordable Housing
19.11.050	Green Building
19.11.060	Site Design
19.11.070	Greenery and Outdoor Spaces
19.11.080	Screening
19.11.090	Lighting
19.11.100	Building Design
19.11.110	Materials and Color
19.11.120	Street Standards
19.11.130	Parking, Vehicular and Pedestrian Circulation.
19.11.140	Signs
19.11.150	Administration

19.11.010 General

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

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

C. Town Center Vision. The Town Center Vision found in the Mercer Island Comprehensive Plan is adopted herein by reference.

D. Design Vision.

1. Development and Design Standards. The development and design standards that follow are intended to enhance the Town Center for pedestrians and develop a sense of place. To accomplish this vision, new or redevelopment is encouraged to orient buildings toward the public right-of way with buildings

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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 and vehicular circulation from one side of the block through to the other side.

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

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

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

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.

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.

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; view protection; 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.

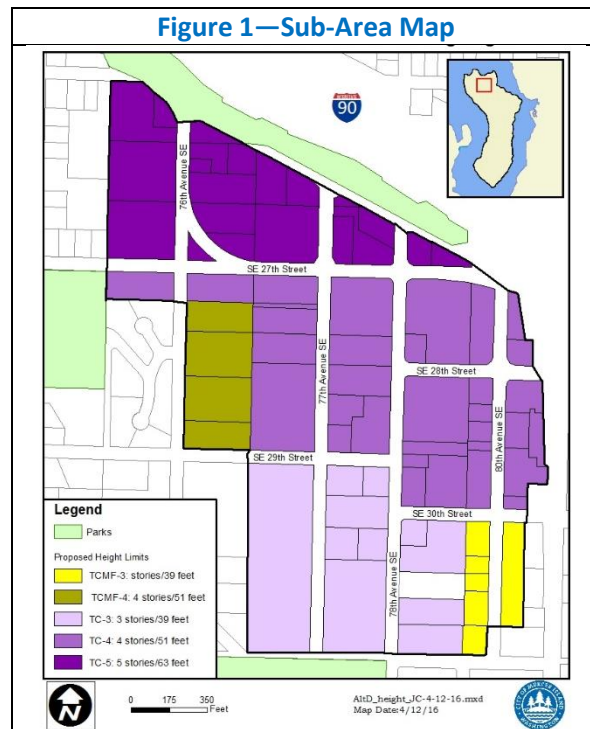
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19.11.015 Town Center Sub-Areas

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

B. Sub-Areas Established. The following sub-areas have been established and are depicted on Figure 1 below.



1. TC-5 Sub-Area. The purpose of the TC-5 Sub-Area is to create a focused mixed-use core, oriented toward pedestrian connections and regional transit access. A broad mix of land uses is allowed. Buildings may be up to 5 stories in height.
2. TC-4 Sub-Area. The purpose of the TC-4 Sub-Area is to be a transition between the taller buildings in the TC-5 sub-area and the lower structures in the TC-3 and TCMF-3 sub-areas. A broad mix of land uses is allowed. Buildings may be up to 4 stories in height.
3. TC-3 Sub-Area. The purpose of the TC-3 Sub-Area is to create an area of transition between the Town Center and adjacent residential neighborhoods. A broad mix of land uses is allowed. Buildings may be up to 3 stories in height.

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4. TCMF-4 (Multi-Family Residential) Sub-Area. The purpose of the TCMF-4 Sub-Area is to provide for primarily multi-family residential housing of up to 4 stories. Street-oriented housing, live/work units and limited retail uses are allowed at the street level.

5. TCMF-3 (Multi-Family Residential) Sub-Area. The purpose of the TCMF-3 Sub-Area is to provide for primarily multi-family residential housing of up to 3 stories. Street-oriented housing, live/work units and limited retail uses are allowed at the street level.

19.11.020 Land Uses

A. Permitted and Conditional Uses.

1. Use Table by Sub-Area. Permitted and conditional uses are allowed in each sub-area as shown in the Use Table below.

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

C – CONDITIONAL USE P – PERMITTED N – NOT ALLOWED

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

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D. Required Ground Floor Uses. Retail, restaurant or personal service uses are required along retail street frontages as shown on Figure 2.

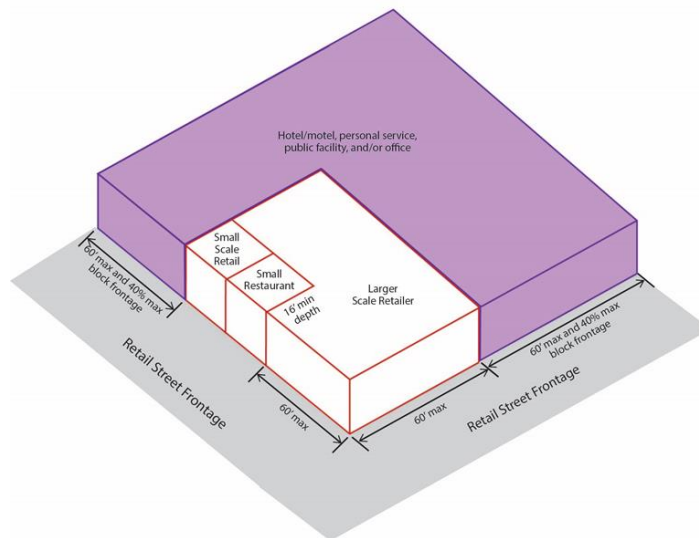
1. A minimum of 40% of the ground floor street frontage shall be occupied by one or more of the following permitted uses: retail, restaurant, and/or personal service use. A maximum of 60% of each ground floor street frontage can be occupied by the following uses: hotel/motel, personal service, public facility, or office.
2. No use shall occupy a continuous linear street frontage exceeding 60 feet in length. The design commission may approve up to an additional 6 feet in length (need to add criteria)
3. The minimum required depth of storefronts along retail street frontages is 16 feet.

Figure 2— Area of Required Retail, Restaurant or Personal Services Use Along Ground Floor Street Frontages



E. Reducing continuous retail frontages through the use of smaller retail spaces is intended to encourage pedestrian friendly retail, ensure that the retail spaces are appropriately-sized for small retail operators, and limit large (“box store”) development. Figure 3 below provides an example of how a building floor can be designed pursuant to the table above. Smaller retail spaces are provided along a street and larger non-retail space is provided in the back of the floor.

Figure 3—Retail Frontage Standards



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F. 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 are not visible.

G. 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.

19.11.030 Bulk Regulations

A. Bulk Regulations by Sub-Area

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

	TC-5	TC-4	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	51 feet	39 feet	39 feet	51 feet
	Up to 5 additional feet allowed for parapet and/or sloped roof.				
Maximum Allowable Building Stories	5	4	3	3	4

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	TC-5	TC-4	TC-3	TCMF-3	TCMF-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, façade 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.6 below.				

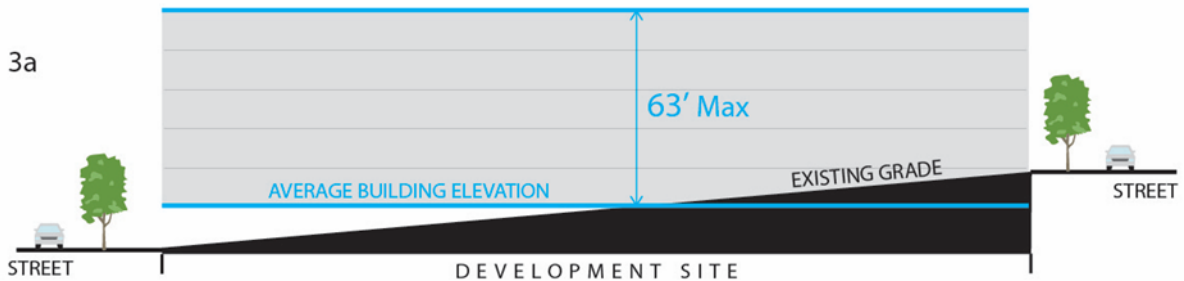
2. Base Building Height. A base building height of up to two stories (not to exceed 27 feet) shall be allowed. One-story structures located adjacent to the public right-of-way in the TC-5, TC-4 and TC-3 subareas shall be a minimum of 15 feet and may be as tall as 27 feet with approval of the design commission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

3. Calculation of Building Height. The maximum allowable building height above must comply with all of the following as shown on Figure 4:

a. Average Building Elevation. The vertical distance measured from the average building elevation to the highest point of the roof structure excluding appurtenances.

b. Maximum Façade Height. The vertical distance measured from the bottom of a building façade to the highest point of the roof structure excluding appurtenances.

Figure 4. Maximum Building and Façade Height.



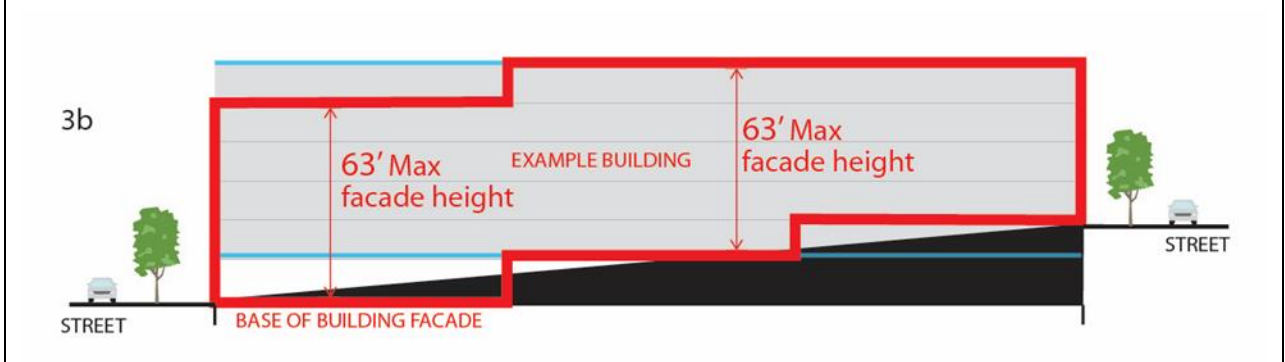
The graphic above illustrates the maximum building height envelope on a sloping site. For example, in the TC-5 zone, the maximum height of buildings on sloping sites shall not exceed 63 feet from the average building elevation [see subsection (A)(3)(a) above].

However, the maximum height of individual building facades in the TC-5 zone, as measured from the bottom of a building façade to the highest point of the roof structure excluding appurtenances [see subsection (A)(3)(b) above] also cannot exceed 63 feet. The graphic below illustrates an example building complying with these standards. Note that on the downhill side of the site, the building cannot

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be built up to the top of the building height envelope (63' above average building elevation), since the base of the façade starts below the average building elevation. On the uphill side, note that the façade height cannot achieve the maximum 63' height since the building height cannot exceed 63' above the average building elevation (which in this case is below the grade of the adjacent street and where the bottom of the building façade is).



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.

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.

a. Screening of Rooftop Appurtenances. Appurtenances shall not be located on the roof of a structure unless they are hidden or camouflaged by building elements that were designed for that purpose as an integral part of the building design. All appurtenances located on the roof should be grouped together and incorporated into the roof design and thoroughly screened. The screening should be sight-obscuring, located at least 10 feet from the exterior edge of any building; and effective in obscuring the view of the appurtenances from public streets or sidewalks or residential areas located on the hillside surrounding the Town Center.

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

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

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7. Average Daylight Plane.

a. Block frontages along streets must integrate average minimum upper level building setbacks to:

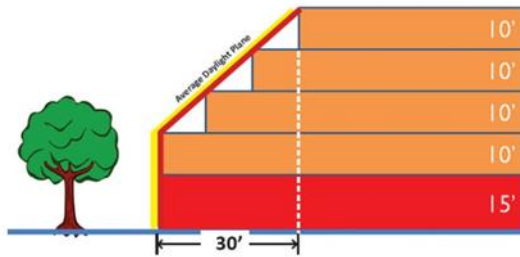
- i. Reduce the perceived scale of building facades along streets;
- ii. Increase the amount of light and air to adjacent streets;
- iii. Promote modulation of building facades along streets that adds variety and provides visual interest;
- iv. Encourage the integration of courtyards and open space along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

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 setback 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 (a) above 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 façade 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 area is measured from finished ground level or top of roof to an imaginary line representing the daylight plane as defined in subsection (i) above. The intent is that the required open space or credit area 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 7(a) above are met.

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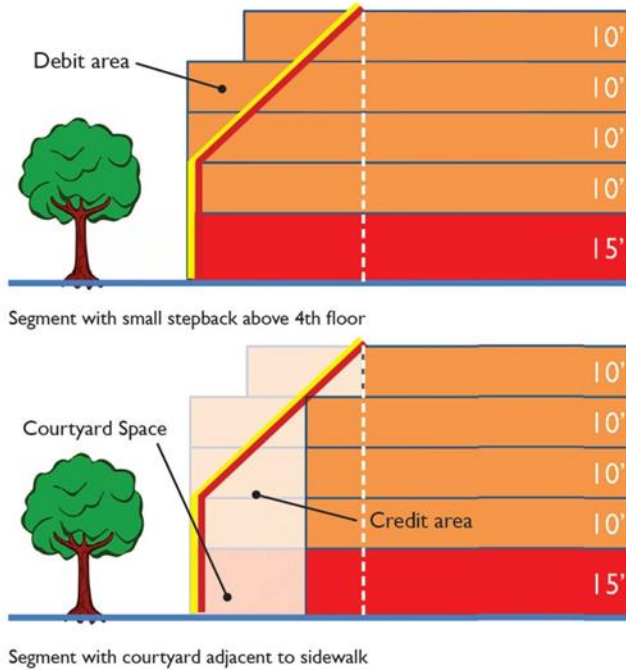
Figure 5. Illustrating the Average Daylight Plane Standards.



Calculations use the first 30' of property adjacent to streets to measure conformance.

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

To meet the Average Daylight Plane standard a block frontage could combine the following:



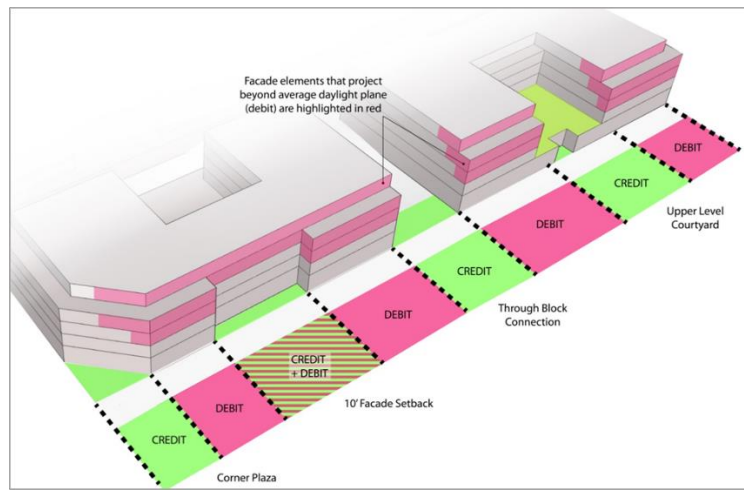
The cubic volume of credit area shall exceed the debit area to comply with the “average.”

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Figure 6. An example development massing model with block frontages that comply with the Average Daylight Plane standards.

The upper image illustrates how a development with multiple block frontages and a through-block connection could meet the Average Daylight Plane standards. The lower image focuses on the foreground block frontage and illustrates that the block frontage features a combination of debit and credit areas (individual facades that project into average daylight plane are “debit” areas whereas facades that exceed the setback/stepbacks of the average daylight plane are “credit” areas)



19.11.040 Affordable Housing

A. Affordable Housing Ratio. In order to qualify as significant affordable housing and in order to qualify for building height over two stories, a development that contains dwelling units must provide moderate income affordable housing units equal to at least ten percent (10%) of the total units in the development. The number of required affordable units shall be rounded up to the nearest whole number.

B. Design Elements.

1. The affordable housing units shall generally be intermingled with all other dwelling units in the development and are not required to be located on the top floor 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 ten percent (10%) smaller than the market-rate units having the same number of bedrooms in the development, or

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less than 500 square feet if a studio unit, 600 square feet if a one-bedroom unit, 800 square feet if a two-bedroom unit, 1,000 square feet if a three-bedroom unit, or 1,200 square feet if a four-bedroom unit; whichever is less.

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

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

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

E. Impact Fees. Affordable housing may be exempt from impact fees pursuant to MICC 19.17.090 (Schools), 19.18.070 (Parks) and 19.19.070 (Transportation).

19.11.050 Green Building Standards

Any major new construction shall meet LEED Gold or Built Green 4 star standards. 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.

19.11.060 Site Design

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:

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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 complements 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 Avenue SE, along the entire street frontage of the development site. Such additional sidewalk should be designed to provide additional pedestrian access where parking pockets narrow the sidewalk, to accommodate street trees and benches, or to create spaces for more pedestrian-oriented activities such as outdoor dining or seating.

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.

B. Major Site Features. Any major new construction in the TC-5, TC-4 or TC-3 subareas which exceeds the two-story base height 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 MICC 19.11.060(E).

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 MICC 19.11.060(D).

C. Other Site Features. The design commission may approve other major or minor site features in place of those listed above consistent with the provisions of this chapter.

1. **“Major” Criteria.** A site feature will only be considered as “major” if it is of equal or greater public benefit than one or more of the major site features listed above and should not be less than one percent of the project’s construction costs. Underground or structured parking that supports park and ride use may be considered a major public benefit if open space or a through-block connection is not practicable.

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.

D. Public Open Space. Refers to plazas, parks or other spaces intended for the use and enjoyment of the public in the Town Center zone. Public open spaces serve as public gathering spaces and, depending on their size,

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could accommodate a variety of public events, as well as provide space for informal gatherings and quiet activities.

1. Size. A single public open space shall be a minimum size equal to three percent of the gross floor area of the development and shall be at least 20 feet in width. The design commission may allow a development to provide two or more public open spaces so long as the design commission determines that such multiple public open spaces will have an equal or greater public benefit and each is at least 1,500 square feet in area. The primary purpose of the public open spaces shall be as public gathering places. Other uses, including but not limited to lobby entrances, stairs, and cordoned off/private outdoor restaurant seating, must be secondary to the public gathering place purpose and areas required for such uses should not be included in calculating the minimum size of the public open spaces. Such areas shall be in addition to any area required as a minor site feature under MICC 19.11.060(A). Portions of a public open space that also meet the requirements for a through-block connection in MICC 19.11.060(E) may be counted as both a public open space and a through-block connection.

2. Design Elements.

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

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

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

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

e. The public open space may not be covered by a roof, story or skybridge; provided portions of the public open space may be covered for weather protection, or be enclosed pursuant to paragraph f below.

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

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

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

4. Public Access. The entire public open space should be open to the public 24 hours per day. Temporary closures will be allowed as necessary for maintenance purposes. Upon city approval, portions of the public open space may be separated, as required by the State of Washington Liquor and Cannabis Board or its successor agency, in order to allow outdoor seating for restaurant purposes.

E. Through-Block Pedestrian Connections. Applicants shall provide convenient and safe public pedestrian routes through city blocks.

1. Location. Connections shall be located on the lots eligible for through-block pedestrian connections as shown on Figure 6 below 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 6; 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.

Figure 6.
Preferred Through-Block Pedestrian Connection Locations.



2. Design Elements.

a. The connection shall be the length necessary to provide access between existing rights-of-way; provided, however, that if an applicant does not own all property necessary to make the connection, this option will still be available if an easement is provided to the city for the remainder of the connection. If the applicant cannot obtain the easement after using best efforts, the city may still approve the connection. The connection shall be a minimum of 20 feet wide. The area devoted to a connection shall be in addition to the area devoted to any other minor site feature required pursuant to MICC 19.11.060(A). 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 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. Portions of a through-block

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connection that also meet the requirements for a public open space in MICC 19.11.060.D may be counted as both a public open space and a through-block connection.

- 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 occupied by active residential or non-residential 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 1 foot above grade. The porch or deck must be at least 6 feet wide, measured perpendicular to the building face. A low fence, rail or planting, which is 2 feet to 4 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.
 - ii. Private open space option. Provide a private open space at least a 10 foot wide between the face of the residence and the edge of the through-block connection. The space may be paved or landscaped. A low fence, rail or planting, which is 2 to 4 feet high shall be provided between the through-block connection and the open space.
 - iii. Landscaped area. Provide a landscaped area at least 10 feet wide between the face of the building and the edge of the through-block connection. The plantings must reach 3 feet high within 3 years after planting.
 - iv. Raised ground floor. If the residence's ground floor is at least 3 feet above the grade adjacent to the building, then the landscaped area in option (iii), above, may be reduced to 4 feet wide.
 - v. Other transition design measures that adequately protects the privacy and comfort of the residential unit and the attractiveness and usefulness of the pathway at least as effectively as option (i) through (iv) above, as determined by the design commission.

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Figure 7. Acceptable public/private transitional space design between through-block connections and ground level residential units.

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



f. Where ground level non-residential uses front onto the through block connection the building must feature:

- i. Transparent windows along 50 percent of the ground floor façade between 30” and 10’ 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 add 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.

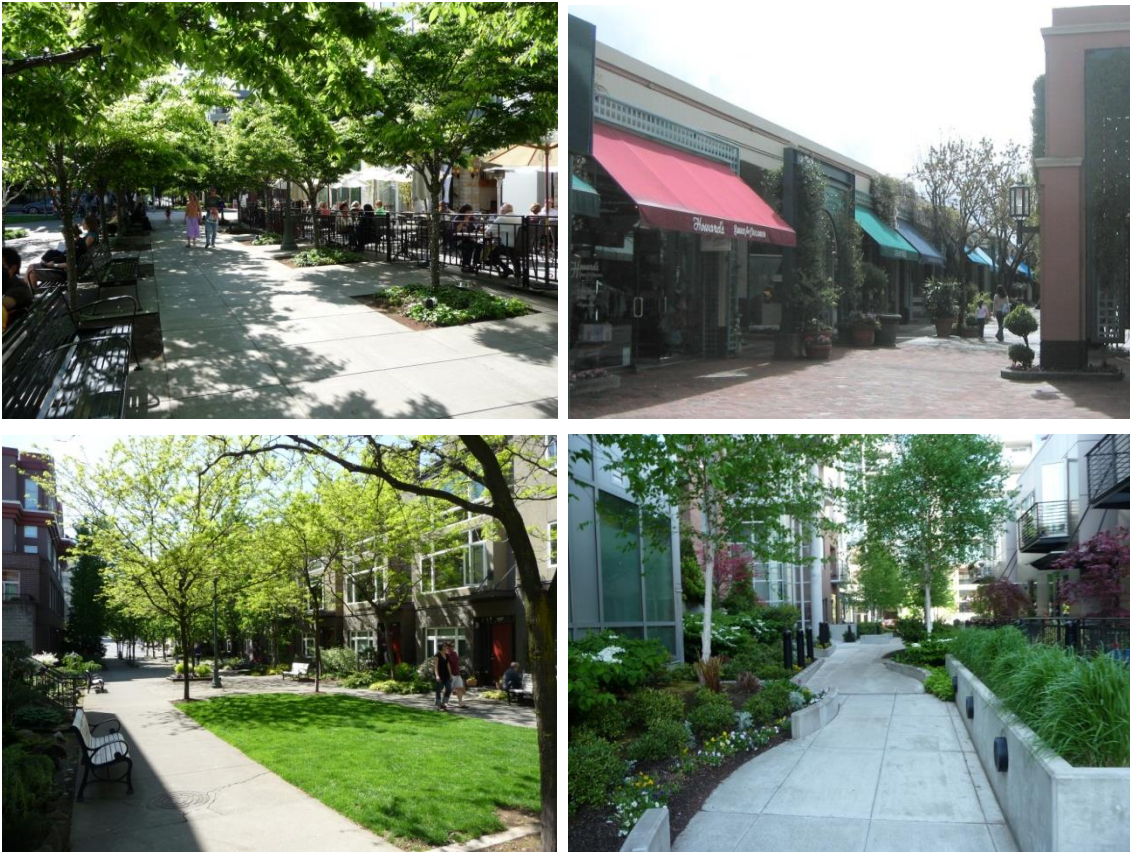
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- i. All city approvals or permits for any structure shall be reviewed for compatibility with the alignment of any existing or approved through-block connection.
- j. The connection shall be for exclusive pedestrian use and may not be used by vehicles except as necessary for maintenance or emergency purposes.
- k. The design commission may approve a connection that is not in a straight line.

Figure 8. Examples of acceptable through block connections.

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



3. Connection Plan. The applicant shall submit a plan with a minimum scale of one-quarter inch equals one foot for the connection, which shall include a description of all of the following elements: landscaping; lighting; street furniture; color and materials; relationship to building frontage; specific location of the connection and the relationship to and coordination with any public open space.

4. Public Access. The entire connection 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

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

F. Legal Agreements Required for Public Open Space and Through-Block Pedestrian Connections. The owners of property to be devoted to public open space or through-block pedestrian connections should retain fee ownership of that property but 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. At the end of 50 years from the date the agreement is signed, the agreement will be reviewed by the city and the agreement shall continue or change in accordance with the then-existing public need for pedestrian use and public access for subsequent 50-year terms. No modifications to either a public open space or through-block pedestrian connection shall be made without approval of the city other than ordinary repairs and maintenance.

19.11.070 Greenery and Outdoor Spaces

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

B. 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% 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% 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% 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% rate).

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b. Green roof. Green roofs qualify as a landscaped surface at a 50% rate (i.e., 2 sf of green roof qualifies as 1 sf of landscaped area). Green roof areas supporting large shrubs and trees may qualify for bonus credit (up to a 100% 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% rate;

ii. Standard green walls qualify as landscaped surfaces at a 75% rate.

iii. Vine trellis/arbors/walls qualify as landscaped surfaces at a 50% rate. Planter areas must feature minimum soil depth necessary to maintain healthy vine growing conditions as determined by regional best landscaping practices.

2. Landscaping Standards.

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

b. Trees and Groundcover.

i. Prominent trees should be preserved to the extent feasible.

ii. Trees planted within 5 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. Groundcover shall be planted to have 100 percent groundcover in 2 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 3 inches of compost and till to a minimum depth of 8 inches.

ii. In turf areas: place 1.75 inches of compost and till to a minimum depth of 8 inches.

iii. Scarify (loosen) subsoil 4 inches below amended layer to produce a minimum soil depth of 12 inches of uncompacted soil.

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iv. After planting: apply 2 to 4 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.

3. Surface Parking Lot Landscaping. Surface parking lots shall be landscaped to reduce and break up large areas of asphalt and paving.

a. The landscape design shall be incorporated with low impact development techniques designed to manage runoff from roofs, parking lots and other impervious surfaces.

b. A minimum 4-foot-wide (interior dimension) landscape bulb should be provided at the end of parking aisles.

c. A ratio of 1 tree for every 6 parking spaces should be provided throughout any surface parking lot. Of the total number of trees required, 50 percent shall be a minimum of 24-inch box in size, and 50 percent shall be a minimum of 15-gallon in size.

d. Planting areas for trees required within the parking rows of a surface parking lot should be achieved by one of the following acceptable methods:

i. A continuous landscape strip, at least 4 feet wide (interior dimension), between rows of parking stalls; or

ii. Tree wells, 8 feet wide, resulting from the conversion of 2 opposing full sized parking stalls to compact stalls; or

iii. Tree wells, at least 5 feet square, placed diagonally between standard or compact parking stalls.

4. Landscape Screening. All grade-level parking, structures for storage, trash and loading should be physically separated from the street and visually screened from pedestrian view by landscaping. The landscaping must include shrubs and trees, be located on private property and be wide enough to maintain the plant material and screen the view but not less than 3 feet wide.

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

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6. Building Facades. Building facade modulation and setbacks should include features such as courtyards, fountains or landscaping.

7. Continuity. Landscaping should provide design continuity between the neighboring properties.

19.11.080 Screening

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

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 3 feet wide, shall be located on 3 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.

19.11.090 Lighting

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

B. Development and Design Standards.

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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. (consider adding lighting level requirement for parking garages)
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.

19.11.100 Building Design

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

B. Development and Design Standards.

1. Fenestration

a. Transparent Facades. Articulated, transparent facades should be created along pedestrian rights-of-way. Highly tinted or mirrored glass windows, shades, blinds or screens that prevent pedestrian view into buildings shall not be allowed.

b. Ground Floor Windows and Doors. Major new construction along 77th Avenue SE, 78th Avenue SE and SE 27th Street, within the TC-5 and TC-4 sub-areas, shall have at least 75 percent

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of the length of the ground-floor facade between the height of two feet and seven feet devoted to windows and doors affording views into retail, office, or lobby space.

c. Upper Story Facades. Upper stories of buildings above two stories 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 floor windows should be divided into individual units and not consist of a “ribbon” of glass. Upper-story features should improve the relationship between the upper story and the street. Such features include, but are not limited to, balconies, roof decks, bay windows or upper-story commercial activities.

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

- a. Window and door treatments which embellish the facade.
- b. Decorative light fixtures.
- c. Unique facade treatment, such as decorative materials and design elements.
- d. Decorative paving.
- e. Trellises, railings, gates, 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.

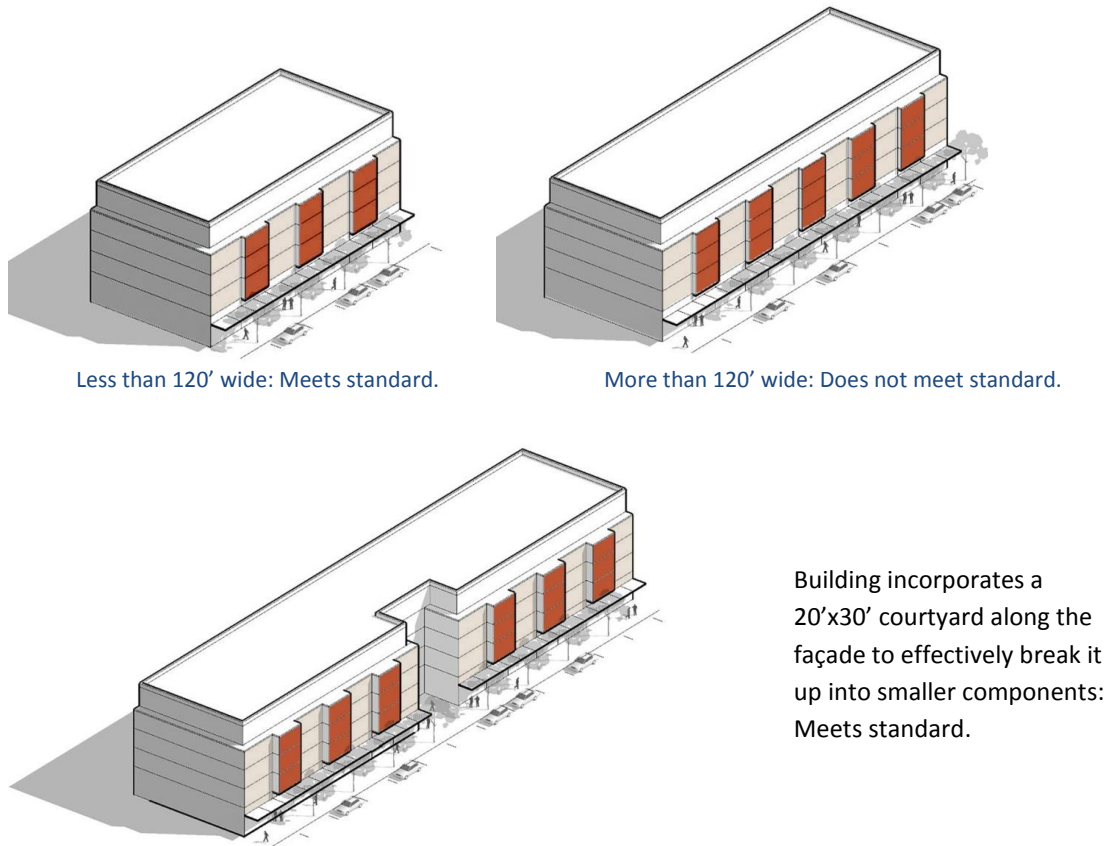
3. Major façade modulation. Block frontages shall include at least one of the following features (a, b or c) no more than every 120 feet to break up the massing of the block and add visual interest. The design commission may approve modifications or alternatives to the following features if the proposed modulation at least as aesthetically acceptable as one of the following features:

- a. Provide vertical building modulation at least 20 feet deep and 30 feet wide. See example on Figure 9. For multi-story buildings, the modulation must extend through more than one-half of the building floors.

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Figure 9. Illustrating maximum façade width standards.



b. Use of a significant contrasting vertical modulated design component featuring all of the following:

- i. Component extends through all floors above the first floor fronting on the street. Exception: upper floors that are set back more than 10 feet horizontally from the façade are exempt.
- ii. Utilizes a change in building materials that effectively contrast from the rest of the façade.
- iii. Component is modulated horizontally from the rest of the façade by an average of 24 inches.
- iv. Component is designed to provide roofline modulation.

c. Façade employs building walls with contrasting articulation and roofline modulation that make it appear like two or more distinct buildings. See examples on Figure 10. To qualify for this option, these contrasting façades must employ all of the following:

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- i. Different building materials and/or configuration of building materials; and
- ii. Contrasting window design (sizes or configurations).

Figure 10. Façade examples employing building walls with contrasting articulation that make it appear like two or more distinct buildings.



Figure 11. Examples that do not meet maximum façade width provisions.



4. Minor Façade Modulation. All buildings shall include articulation features every 50 feet (maximum) to reduce the perceived scale of large buildings and add visual interest to facades. See examples on Figure 12. 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;

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- f. Providing 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;
- g. Other design techniques approved by the design commission that effectively reinforce a pattern of small storefronts (or residences, if residential uses are used).

Figure 12. Minor Façade Modulation examples.



5. Walls. Untreated blank walls are prohibited. A wall (including building façades and retaining walls) is considered a blank wall if it is over six feet in height, has a horizontal length greater than 15 feet and 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. 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. Installing a vertical trellis in front of the wall with climbing vines or plant materials.
- d. Installing a mural as approved by the design commission.
- e. Special building detailing that adds visual interest at a pedestrian scale as determined by the design commission. Such detailing must use a variety of surfaces; monotonous designs will not meet the purpose of the standards.

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

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landscaping should be used to enhance the entry.. Minimum eight-foot wide pedestrian walkways with wheelchair ramps should be constructed between the sidewalk and building entrances.

7. Roofs. Roofs are a design element and 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.

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.

9. Identity Emphasis. Public buildings, unique community structures and corner structures should have a prominent scale, emphasizing their identity.

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.

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.

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.

13. Canopies and Awnings. Specially designed all-weather features that integrate weather protection systems at the sidewalk level of buildings to mitigate the effects of rain, wind, glare, shadow, reflection and sunlight on the pedestrian environment to make spending time outdoors feasible in all seasons, such as awnings, canopies, trellises, pergolas, or covered arcades. All major new construction shall have canopies or all-weather features along 80 percent of a building's frontage along Primary 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 facade's architectural elements. The use of traditionally shaped awnings is encouraged.
- e. Vinyl or plastic awnings or canopies are not allowed.
- f. All awnings or canopies must function to protect pedestrians from rain and other weather conditions.

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14. Courtyards. An outdoor covered or uncovered area easily accessible to the public at the same level as the public sidewalk or pedestrian connections which should:

- a. Be at least 10 feet in width, with a building facade on at least one side;
- b. Be covered with trees, groundcover, or other landscaping over at least 50 percent of its area; and
- c. Include seating, special paving material, pedestrian-scale lighting and other pedestrian furnishings;
- d. Runoff from courtyard pavement may be managed with low impact development techniques when allowed by the code official;
- e. The courtyard may not be covered by a roof, story or skybridge; provided portions of the courtyard may be covered for weather protection, but not enclosed.

19.11.110 Materials and Color

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

B. Development and Design Standards.

1. Building Exteriors. Building exteriors should be constructed from high quality and durable materials. It is important that the materials and colors will weather well and that building exteriors will need minimal maintenance.
2. Regional Focus: Materials and colors should reflect Mercer Island'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 enhancement 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.

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6. Bright Colors. Bright colors should be used only for trim and accents. The design commission may approve bright colors 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 façade element.

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

19.11.120 Street Standards

All major new construction shall improve the right-of-way adjacent to the property as required below. 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 6-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.

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Figure 13. Town Center Street Standards.



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19.11.130 Parking, Vehicular and Pedestrian Circulation

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

B. Development and Design Standards.

1. Parking.

a. Number of Parking Stalls Required. All new development and remodels greater than 10 percent of the existing gross floor area shall provide the number of parking stalls set forth in this table:

RETAIL (Stalls per gross square foot)			OFFICE (Stalls per gross square foot)			RESIDENTIAL (Stalls per unit)	
General Retail	Restaurant/Deli /Bakery/ Food	Hotel	Financial Services	Health/ Barber/ Beauty	Other Professional Services		Senior
2 to 3/1000	5 to 10/1,000	1/Guest Room plus 2/3 Emp. on shift, plus 5/1,000 square feet of retail/office	3 to 5/1,000	4 to 5/1,000	3 to 5/1,000	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.	.3 to 1 per unit

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

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b. Determination Within Range. The code official shall have the final authority to require parking within the minimum and maximum limits based upon the applicant's submittal of a completed site plan and 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 two spaces per unit for any part of a project consisting of residential units or 3.5 spaces per 1,000 square feet for any part of a project that is not used for residential units, then all such additional parking shall either be underground or on the second or higher story of structured parking. This subsection shall not apply to additional parking spaces that may be required pursuant to MICC 19.01.050.

d. Parking Lot Configuration. Parking lot design should 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. *-NOTE: Appendix A will be updated to comply with WSDOT-recommended parking standards.

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, provided:

(a) The normal hours of operation of each use are separated by at least two hours; or

(b) A parking demand study is prepared by a professional traffic engineer and submitted by the applicant documenting that the hours of actual parking demand for the proposed uses will not conflict, 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. The total number of parking spaces requested for shared parking shall not be less than the minimum required spaces for any single use.

iv. The parking facilities are 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.

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v. 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 Director. This covenant or contract shall be recorded with the King County Department of Records and Election Division as a deed restriction on all properties and cannot be modified or revoked without the consent of the code official.

vi. If requirements for shared parking are violated, the affected property owners shall provide a remedy satisfactory to the code official or provide the full amount of required off-street parking for each use, in accordance with the requirements of this chapter.

f. Access Restriction Prohibited. Restricting vehicular and pedestrian access between adjoining parking lots at the same grade is prohibited.

g. Surface Parking Lot Location.

i. Behind Structure. All surface parking lots shall be located behind structures.

ii. Corner. Parking lots shall not be located on a corner facing an intersection.

h. Design of Surface Parking and Pedestrian Access.

i. Entrances.

(a) Shared. The number of parking lot entrances, driveways and curb cuts should be minimized in favor of combined driveways and coordinated parking areas among business owners.

(b) 78th Avenue SE. Individual parking entrances and curb cuts on 78th Avenue SE should be consolidated.

ii. Pedestrian Walkways. Pedestrian walkways should be provided through all parking lots. Raised concrete pavement should be provided where the walkway traverses between parking stalls and/or is adjacent to vehicular circulation.

iii. Landscaping and Lighting. Landscaping and lighting of surface parking lots should be in conformance with MICC 19.11.070 and MICC 19.11.090.

iv. Concrete Curbs. All parking areas, landscaping areas and driveways should be surrounded by six-inch high vertical concrete curbs.

v. Wheel Stops. All landscape and pedestrian areas should be protected from encroachment by parked cars. Two-foot wide wheel stops (as measured outward from the paved or planted area) should be constructed for all nonparallel parking stalls.

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vi. Amenities. Amenities such as seating and planters should be provided to encourage pedestrian circulation.

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 automobiles 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.

2. Signs and Wayfinding (Add a section on the design/visibility/etc of exterior signs directing cars into the parking garage as well as interior signs for wayfinding within the garage)

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

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

5. Public Parking. On-site public parking complying with the following requirements shall be provided in any new mixed use or nonresidential development and for all existing developments desiring to provide public parking that meets the requirements of this section. Nothing contained in this provision 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.

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

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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 time period as is determined by the owner, but not less than two hours.

c. An owner may require that the motorist patronize at least one business in the development but otherwise will be entitled to leave the development without moving their vehicle, subject to the time period specified by the owner as provided in subsection (B)(4)(b) of this section.

d. Once public parking is provided under this provision, it may not thereafter be eliminated.

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.

6. Repurposing of Parking Stalls.

a. Parking stalls required for non-residential uses in a new development or existing development by the foregoing provisions of this Section must be kept available exclusively to provide parking for non-residential uses in that development, as applicable. For parking stalls required for office use, this requirement shall only apply on weekdays between 7:00 am and 6:00 pm, excluding national holidays. Up to 50% of such stalls designated for office use may be allocated for residential use during the hours of 6:00 pm and 7:00 am weekdays and at all times on weekends and national holidays.

b. Owners or operators of developments in which such parking stalls are located are responsible for ensuring that such parking stalls are, in fact, occupied as above required only by vehicles of persons associated with the respective uses and are not being occupied by other vehicles. Compliance with, and allowing public parking in accordance with, the provisions of MICC 19.11.130.B.5 or shared parking in accordance with MICC 19.11.130.B.1.e shall not be considered a violation of this exclusive use requirement.

19.11.140 Signs

A. Objectives. Signs shall be distinctive, finely crafted and designed to enhance the aesthetics of the Town Center and to improve pedestrian and motorist safety. Signs shall be designed for the purpose of identifying the business in an attractive and functional manner and to help customers find the specific business locations; they should not serve as general advertising. The size of signs shall be in proportion to the size of business store frontage. Signs shall be integrated into the building design, compatible with their surroundings and clearly inform pedestrians and motorists of business names, but should not detract from the architectural quality of individual buildings.

B. Development and Design Standards.

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1. Freestanding Ground Signs.

a. Number. A building or complex may not display more than one ground sign on each street frontage.

b. Design. The sign shall be architecturally compatible with the style, materials, colors and details of the building. The sign content should be integrated in one design (in contrast to displaying two or more separate elements). Use of symbols is encouraged.

c. Size. All signs shall be:

i. Proportionate. Proportionate to the street frontage of the businesses they identify; and

ii. Maximum Size. In no case larger than:

(a) Twenty-five square feet. A maximum of 25 square feet for individual business ground signs, shopping complex identification ground signs and signs within a 10-foot setback from any property line on a street.

(b) Fifty square feet. A maximum of 50 square feet for joint ground signs (identifying more than one business): six square feet for each business included in the complex. When more than five businesses are included in the complex, one additional ground sign may be placed on the street front, if signs are located at least 100 feet apart.

d. Maximum Height. The maximum height of any sign within 10 feet from any property line on a street shall be 42 inches. All other ground signs shall be a maximum of six feet in height. The height of a freestanding ground sign is measured from the top of the sign to the existing grade or finished grade, whichever is lower, directly below the sign being measured.

e. Backs of Signs. Exposed areas of backs of signs should be finished to present an attractive appearance.

2. Wall Signs.

a. Eligibility. A wall sign shall be granted to commercial uses occupying buildings facing the streets and are limited to one sign per business on each street frontage. Commercial uses occupying a building adjacent to a driveway shall not qualify for a second wall sign. However, a commercial use occupying a building whose only exposure is from a driveway or parking lot shall be allowed one wall sign. Businesses that demonstrate that the entry off a driveway or parking lot is used by customers shall be eligible for a wall sign.

b. Size. All signs shall be:

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i. Proportionate. Proportionate to the street frontage of the businesses they identify; and

ii. Maximum Size. In no case larger than:

(a) Twenty-five square feet. Twenty-five square feet for individual business signs.

(b) Fifty square feet. Fifty square feet for joint business directory signs identifying the occupants of a commercial building and located next to the entrance.

c. Determination of Size. The sign size is measured as follows:

i. “Boxed” Displays. “Boxed” display – total area of display including the background and borders.

ii. Individual Letters and Symbols. Individual letters and symbols – total combined area of a rectangle drawn around the outer perimeter of each word and each symbol.

d. Placement. Wall signs may not extend above the building parapet, soffit, the eave line or the roof of the building, or the windowsill of the second story.

e. Signs Above Window Displays. When a commercial complex provides spaces for signs above window displays, these signs should be compatible in shape, scale of letters, size, color, lighting, materials and style.

f. Design Commission Discretion. If an applicant demonstrates to the satisfaction of the design commission that a wall sign is creative, artistic and an integral part of the architecture, the commission may waive the above restrictions.

g. 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.

3. Projecting Signs.

a. Sidewalk Clearance. Projecting signs should clear the sidewalk by a minimum of eight feet.

b. Maximum Size. Projecting signs shall not be larger than six square feet.

c. Projection from Building. Signs should not project over four feet from the building unless the sign is a part of a permanent marquee or awning over the sidewalk.

d. Awnings. Awnings that incorporate a business sign shall be fabricated of opaque material and shall use reverse channel lettering. The design commission may require that an awning sign be

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less than the maximum area for wall signs to assure that the awning is in scale with the structure. Back-lit or internally lit awnings are prohibited.

4. Window Signs.

a. Area Limitation. Permanent and temporary window signs are limited to maximum 25 percent of the window area.

b. Integration with Window Display. Every effort should be made to integrate window signs with window display.

5. Parking Lot Signs. Signs within parking lots should be limited to those necessary for safety, identification and direction. The code official shall specify required wording for signage identifying public parking required by MICC 19.11.130.B.5.

6. Directional Signs.

a. Minimal Number. To avoid a cluttered appearance, only those directional signs necessary to protect the safety of pedestrians and passengers in vehicles will be allowed. The code official may, however, require directional signs as necessary to provide motorists with required information to find parking area entrances.

b. Size. These signs shall be no higher than 36 inches and no larger than four square feet.

7. Temporary Signs. Unless prohibited by this chapter, use of temporary signs in the Town Center shall be governed by MICC 19.06.020, Temporary signs.

8. Prohibited Signs.

a. Roof. Signs mounted on the roof are not permitted.

b. Moving Signs. Animated, moving, flashing, blinking, reflecting, revolving, or other similar signs or signs that incorporate these elements are prohibited.

c. Pennants and Inflated Signs. Pennants or inflated signs, balloons and figures are prohibited.

d. Vehicles. Signs attached to or painted on vehicles parked and visible from the public right-of-way are prohibited if, based on the relative amount of time the vehicle is parked rather than being used as a means for actual transportation, the vehicle's primary purpose is as a stationary sign rather than a means for actual transportation.

e. Phone Numbers. Phone numbers are prohibited from permanent, exterior signs.

9. Lighted Signs. Lighted signs shall be of high quality and durable materials, distinctive in shape, designed to enhance the architectural character of the building and use LED lights or other minimum

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wattage lighting, as necessary to identify the facility or establishment. Channel or punch-through letters are preferred over a sign that contains text and/or logo symbols within a single, enclosed cabinet.

10. Street Numbers.

- a. Use. city-assigned street numbers should be installed on all buildings.
- b. Effect on Permitted Sign Area. Street numbers will not be counted towards permitted sign area.

11. Design Commission Discretion. If an applicant demonstrates to the satisfaction of the design commission that a sign is creative, artistic and an integral part of the architecture, the commission may waive the above restrictions.

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.

19.11.150 Administration

A. Design Review.

1. Authority. Design review shall be conducted by the city's design commission or code official consistent with the process provided in MICC 19.15.040(F). The design commission or the code official shall review the applicability of the development and design standards and determine the project's conformance with this chapter. The degree of conformance with all of the development and design standards will vary on a project by project basis. The commission shall review each project on the project's degree of overall conformity with the objectives, standards and the comprehensive plan. The design commission or the code official has the authority to approve, approve with conditions, or deny projects based on the criteria set forth in MICC 19.15.040(F).
2. Applicant's Responsibility. It is the responsibility of the applicant to design a project in compliance with the objectives and development and design standards of this chapter.
3. Shall/Should. When a standard uses the word "shall," the standard is mandatory. When a standard uses the word "should," the standard is mandatory unless the applicant can demonstrate, to the satisfaction of the design commission, an equal or better means of satisfying the standard and objective.
4. Development Agreements. An applicant may request modifications to any development and design standards set forth in this chapter by requesting a development agreement consistent with RCW [36.70B.170](#) through [36.70B.210](#). All development agreements shall be in form and content acceptable to the city attorney and will be reviewed and either approved or rejected by the city council after a public hearing pursuant to RCW [36.70B.200](#).

B. Conditional Use Permit Review.

1. General.

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a. Intent. The intent of the conditional use permit review process is to evaluate the particular characteristics and location of certain uses relative to the development and design standards established in this chapter. The review shall determine if the proposal should be permitted after weighing the public benefit and the need for the use with the potential impacts that the use may cause.

b. Scope. The conditional use permit review process shall apply to all uses identified as requiring a conditional use permit in the chart of permitted uses set forth in MICC 19.11.020.A. No building permit, business license or other permits related to the use of the land shall be issued until final approval of the conditional use permit.

c. Review Authority. The planning commission shall conduct the conditional use permit review process and determine whether the proposed conditional use shall be allowed.

d. Process.

i. Time Frame and Procedure. Conditional use permit review shall be conducted in accordance with the timelines and procedures set forth in MICC 19.15.020, Permit review procedures, except as the notice provisions are modified below.

ii. Notice.

(a) Public notice of any proposal in the Town Center which involves a conditional use shall be posted on the project site and mailed to all property owners within 500 feet of the proposed site.

(b) Legal notice shall be published in the official city newspaper (Chapter [2.10](#) MICC).

(c) The notice shall identify the general project proposal and the date, time and location of the planning commission open record hearing, and shall be provided a minimum of 10 days prior to the hearing.

iii. Written Decisions. All decisions of the planning commission shall be reduced to writing and shall include findings of fact and conclusions that support the decisions.

iv. Expiration of Approval. If the activity approved by the conditional use permit has not been exercised within two years from the date of the notice of decision setting forth the conditional use decision, or if a complete application for a building permit has not been submitted within two years from the date of the notice of the conditional use decision, or within two years from the decision on appeal from the conditional use decision, conditional use approval shall expire. The design commission or code official may grant an extension for no longer than 12 months, for good cause shown, if a written request is submitted at least 30 days prior to the expiration date. The applicant is responsible for knowledge of the expiration date.

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2. Review Process.

a. Application Submittal. A complete conditional use permit application, on forms provided by the city development services group (DSG), shall be submitted at the same time as the application and materials for design review. The applicant shall provide a written narrative of the proposed conditional use and address in writing how the proposed use complies with the criteria for conditional use permit approval in MICC 19.11.150.B.2.e. Depending on the type of conditional use proposed, the code official may require additional information.

b. SEPA Determination. The city environmental official will review the SEPA environmental checklist, the proposal and other information required for a complete application to assess the project's probable environmental impacts and issue a determination pursuant to MICC 19.07.120.

c. Acceptance. DSG staff shall determine if the required materials have been provided for review of the conditional use permit, in conjunction with the applicable design review process. If so, the application will be accepted and the process for determination of completeness and review set forth in MICC 19.15.020 shall commence.

d. Review. The planning commission shall conduct an open record hearing to consider a conditional use permit application. The commission may approve the application, or approve it with conditions, only if the all of the applicable criteria set forth below are met. The commission shall deny the application if it finds that the applicable criteria set forth below have not been met. Conditions may be attached to assure that the use is compatible with other existing and potential uses within the same general area and that the use shall not constitute a nuisance. Conditional use permit application review shall be coordinated with design review as follows:

i. Major New Construction. If the conditional use permit application is part of a major new construction project, design review shall commence in accordance with the time frames and procedures set forth in MICC 19.15.040(F); except as follows: The planning commission shall review the conditional use permit application at an open record hearing after the design commission's preliminary design review at a public meeting. If the planning commission approves the conditional use permit (without or with conditions), then the planning commission will forward the project to the design commission for the final design review.

ii. Change in Use and Minor Exterior Modifications. If the conditional use permit application proposes a change in use but is not part of a major new construction project, or is part of a minor exterior modification, then design review shall proceed administratively in accordance with the provisions in MICC 19.15.040(F), and the planning commission shall review the conditional use permit application at an open record hearing. If the staff determines that the minor exterior modification should be reviewed by the design commission as provided for in MICC 19.15.040(F), then the design commission's review and decision shall be conducted at an open record hearing separate from the planning commission's open record hearing on the conditional use permit application.

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e. Criteria for Approval of a Conditional Use Permit. Following the applicable review process above, the planning commission shall approve, approve with conditions or deny a conditional use permit application based on finding that the following criteria have been met:

i. General Criteria.

(a) The proposed use complies with all the applicable development and design provisions of this chapter.

(b) The proposed use is consistent with the comprehensive plan.

(c) The proposed use is harmonious and appropriate in design, character, and appearance with the existing or intended uses within the surrounding area.

(d) The proposed use will not generate excessive fumes, odor, dust, light, radiation, or refuse that would be injurious to surrounding uses.

(e) The proposed use will not generate levels of noise that adversely impact the health, safety, or general welfare of surrounding uses.

(f) The proposed use will be served by adequate public services, including streets, fire and public safety protection, water, sewer, and storm water control, and will not adversely impact the level of service standards for such facilities.

(g) The proposed location, size, design, and operating characteristics of the proposed use will not be detrimental to the public interest, health, safety, convenience, or welfare of the city.

ii. Additional Criteria for Approval of a Conditional Use for Adult Entertainment.

(a) The point of entry into the structure housing the adult entertainment use shall be located at least 100 feet, measured in a straight line, from the property line of: (1) any R-zoned property; (2) any public institution zoned property; (3) any property containing one or more of the following uses: residential uses including single- or multiple-family dwellings, or residential care facilities; schools including public, private, primary or secondary, preschool, nursery school, day care; recreational uses including publicly owned park or open space, commercial or noncommercial or private recreation facility; religious institutions; public institutions; or uses which cater primarily to minors.

(b) No adult entertainment use shall be located closer than 400 feet to another adult entertainment use. Such distance shall be measured by following a straight line from the nearest point of entry into the proposed adult entertainment to the nearest point of entry into another adult entertainment use.

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(c) Point of entry into adult entertainment use shall not be located along 78th Avenue SE.

(d) Signing shall be limited to words and letters only. Window or exterior displays of goods or services that depict, simulate, or are intended for use in connection with specified sexual activities as defined by this chapter are prohibited.

f. Appeal. The planning commission's decision is final unless appealed pursuant to MICC 19.15.020(J).

g. Change After Conditional Use Permit Granted.

i. Change of Ownership. Conditional use permits granted shall continue to be valid upon change of ownership of the site.

ii. Change of Use. Modifications in the operation of a use shall require an amendment to the conditional use permit and are subject to the above review process.

MOVE FROM MICC 19.11.030 TO MICC 19.01.050:

19.01.050.J Change of use-Town Center

1. Single Tenant: If any applicant proposes a change of use on a lot used or occupied by a single tenant or use, the applicant shall meet those code provisions determined by the code official to be reasonably related and applicable to the change in use. These provisions shall apply to the entire lot. If the development is nonconforming due to the number of parking spaces provided for the existing use, any change in use, which requires more parking than the previous use, shall provide additional parking consistent with current code parking requirements.

2. Multi-Tenant: If any applicant proposes a change of use on a portion of a lot occupied by multiple tenants or uses, the applicant shall meet those code provisions determined by the code official to be reasonably related and applicable to the change in use. These provisions shall apply only to that geographic portion of the lot related to the use or tenant space on which the change is proposed. If the multi-tenant lot is nonconforming due to the number of parking spaces provided for the existing uses, any change in use, which requires more parking than the previous use, shall provide additional parking consistent with current code parking requirements.

The following definitions will be added to or amended within MICC 19.16.010:

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

1. Low-Income: For owner occupied housing, fifty percent (50%) of the King County median income, and for renter-occupied housing, fifty percent (50%) of the King County median income.

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2. Moderate-Income: For owner-occupied housing, ninety percent (90%) of the King County median income. For renter-occupied housing, sixty percent (60%) of the King County median income.

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

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

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

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

“Block frontage” refers to all property fronting on one side of a street or required through-block connection that is between intersecting streets, or that is between a street and a required through-block connection. An intercepting street or required through-block connection determines only the boundary of the block frontage on the side of the street in which it intercepts.

19.16.010 –

“Building Height:”

A. Outside of the Town Center: The vertical distance measured from the average building elevation to the highest point of the roof structure excluding appurtenances. 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](#).

B. Within the Town Center: Building height within the Town Center (TC) zone shall be calculated pursuant to MICC 19.11.030.A.

“Daylight plane” refers to an inclined plane beginning at a stated height at the front property line or edge of through block connection above the grade of the sidewalk or through-block connection and extending into the site at a stated upward angle to the horizontal up to the maximum height limit.