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# CITY OF MERCER ISLAND

## COMMUNITY PLANNING & DEVELOPMENT

9611 SE 36TH STREET | MERCER ISLAND, WA 98040

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## STAFF REPORT

### DESIGN COMMISSION FINDINGS OF FACT AND CONCLUSIONS OF LAW

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<b>Project No.:</b>	DSR21-012
<b>Description:</b>	A request for design review approval to renovate an existing gas station in the Town Center.
<b>Applicant / Owner:</b>	Brad Kaul (Kaul Design Architecture, PLLC) / Matt Randish
<b>Site Address:</b>	7833 SE 28th Street, Mercer Island, WA 98040, identified by King County Assessor's tax parcel number 5452300380.
<b>Zoning District</b>	Town Center (TC)
<b>Staff Contact:</b>	Ryan Harriman, EMPA, AICP – Planning Manager
<b>Exhibits:</b>	<ol style="list-style-type: none"><li>1. Development Application, received on October 6, 2021</li><li>2. Notice of Application, dated January 24, 2022</li><li>3. Plan Set, received on December 21, 2021</li><li>4. Project Narrative, received on December 21, 2021</li><li>5. SEPA Checklist, dated March 5, 2021 (See SUB2 for SEP20-025)</li><li>6. Mitigated Determination of Nonsignificance, issued by the City of Mercer Island on September 27, 2021</li><li>7. Arborist Report prepared by Tree133 LLC, dated October 20, 2020</li><li>8. Transportation and Civil Engineering Trip Generation Report prepared by Heath and Associated, Inc, dated October 15, 2020</li><li>9. Study Session Feedback and Applicant Response</li><li>10. Building Materials</li><li>11. DSR21-012 Notice of Public Hearing</li></ol>

**Terms used in this staff report:**

Term	Refers to, unless otherwise specified:
Applicant	Matt Randish
Proposed development	Shell Station Renovation, DSR21-012
Subject property	The site where development is located as defined in this staff report
City	City of Mercer Island

MICC	Mercer Island City Code.
Code Official	Community and Planning Development Director city of Mercer Island or a duly authorized designee

## INTRODUCTION

### I. Project Description

The Applicant applied for Design Commission Design Review for a proposed renovation to the Shell gas station in the Town Center. The renovations will include a 580 square foot addition to the existing convenience store, replacement of the existing fuel pumps and associated canopy, and reconfiguration of the site's parking. The gas station's fuel tanks are also proposed to be replaced, with associated site restoration, as a part of this project. New signs are proposed to be installed on the convenience store building and on the replacement canopy. The proposed development does not meet the definition of major new construction and most of the design elements in Chapter 19.11 MICC are not applicable.

The proposed development has been designed to serve as an independent remedial action under Model Toxics Control Act (MTCA) and will follow the guidance as laid out in the State of Washington Pollution Liability Insurance Agency's (PLIA) opinion letter dated April 20, 2020.

The Applicant received Design Commission feedback and guidance at a study session, held May 13, 2021. The guidance has been incorporated into the design as shown in the revised plan set.

### II. Site Description and Context

The subject property is located at 7833 SE 28th Street and is currently developed with a gas station. The subject property contains a convenience store and a canopy covering eight fuel pumps, plus associated surface parking. The subject property is bordered by a grocery store to the west, a mixed-use commercial and residential building across SE 28th Street to the northwest, and office buildings to south, across SE 28th Street to the north, and across 80th Avenue SE to the east.

## FINDINGS OF FACT

### III. Application Procedure

1. The application (**Exhibit 1**) for Design Commission Design Review approval was submitted on October 6, 2021.
2. A Notice of Application (**Exhibit 2**) was issued on January 24, 2022 and the 30-day comment period took place between January 24, 2022 and February 24, 2022.
3. No public comments were received during the public comment period.
4. A Notice of Public Hearing was issued on October 3, 2022 (**Exhibit 11**).
5. MICC 19.15.030 established Design Commission Design Review as a Type IV land use review, for which the decision authority is the Design Commission.
6. A public hearing was held on November 2, 2022 with the Design Commission.

**IV. State Environmental Policy Act**

7. A Mitigated Determination of Nonsignificance (**Exhibit 6**) was issued by the City of Mercer Island on September 27, 2021. The SEPA threshold decision was based on the environmental checklist (**Exhibit 5**) and documentation contained in the case record.

**V. Consistency With Design Standards**

8. **MICC 19.15.220(B)(1), Powers of the Design Commission** states that: No building permit or other required permit shall be issued by the city for any major new construction or minor exterior modification of any regulated improvement without prior approval of the Design Commission or Code Official as authorized pursuant to MICC 19.15.010(C)(4)(a). Certain development and activities that do not require a permit are subject to design review as provided in MICC 19.15.220(C)(1)(c).

**Staff Finding:** The proposed development does not meet the definition of major new construction and most of the design elements in Chapter 19.11 MICC are not applicable. As such, the proposal must undergo design review by the Design Commission.

9. **MICC 19.15.220(C)(1)(c)(i), Design Review Procedure, Review Authority:** The following development proposals shall require Design Commission review:
  - a. New buildings;
  - b. Any additions of gross floor area to an existing building(s);
  - c. Any alterations to an existing building that will result in a change of 50 percent, or more, of the exterior surface area;
  - d. Any alterations to a site, where the alteration will result in a change to the site design that affects more than 50 percent of the development proposal site; and
  - e. Any alterations to existing facades, where the building is identified by the city as an historic structure.

**Staff Finding:** This proposed development is a modification to an existing building that will result in an increase to that building's gross floor area. The proposed development does not meet the definition of major new construction and most of the design elements in Chapter 19.11 MICC are not applicable. The proposal will require Design Commission review and approval under MICC 19.15.220(C)(1)(c)(i).

10. **MICC 19.15.220(C)(2)(a), Design Review Procedure, Study Session:** In addition to the pre-application meeting, an Applicant for a project that will require design review and approval by the Design Commission shall meet with the Design Commission in a study session to discuss project concepts before the plans are fully developed. At this session, which will be open to the public, the Applicant should provide information regarding its site, the intended mix of uses, and how it will fit into the focus area objectives. The Design Commission may provide feedback to be considered in the design of the project.

**Staff Finding:** The Applicant met with the Design Commission for a study session for this project on May 13, 2021. The Design Commission provided guidance at the study session that the Applicant incorporated into their proposal.

The Design Commission identified the following items for the Applicant to consider incorporating into the proposed development:

- a. Trees:
  - i. Removal permit will be a part of DC approval at future Hearing: excavation will require tree removal with tree replacement (remove 2 and replace with 2);
- b. Need to research contamination
  - i. Proposing soldier pile wall – will excavate and collect soil samples; clean up soil & site; contracting with Aspect to look into contamination; there may be an environmental covenant under the street;
- c. Signage:
  - i. Proposing new sign above the entrance doors. Need to see proposed wall signage.
  - ii. No sign is allowed on the Western façade.
  - iii. Lighting: red internal LED illuminated light string along the entire canopy except facing the building.
  - iv. Color of the canopy are the typical yellow and white with two small pectin's on the canopy.
- d. Parking:
  - i. 4.8 stalls required per code
  - ii. 6 total proposed with 2 EV charging stations
  - iii. Want to designate 1 as EV only and the other EV as open to all vehicles to satisfy the 4.8 (5) stall requirement
- e. Façade:
  - i. West façade revision: proposed glazing/windows 19-feet
  - ii. South façade – blank wall; screening to the south and cedar fence
  - iii. North: entrance door
    - 1) Want to see the interior layout to see why the door location was chosen
  - iv. East: window location – by the bathroom & prep area
    - 1) Façade modulates by ~10 inches
- f. Screening:
  - i. Landscaping SE side by EV stations
  - ii. Cedar wood fence: mechanical equipment
  - iii. Truck staging: side by QFC
  - iv. Coolers & compressors: ground by the southside
- g. Materials:
  - i. Present materials: photos or in-person
  - ii. View materials in the lobby
- h. Color:
  - i. PNW color
  - ii. Need to see photos and colors in person
  - iii. Need photos of recent projects they've done

- i. Suggest matching the building to the canopy:
  - i. Efface/fascia
  - ii. Wrap columns with stone to match building?
  - iii. Match grey to building

The Applicant incorporated the Design Commission’s feedback and guidance into the design of the proposed development. See the plan set in **Exhibit 3**, the Applicant’s response to each recommendation in **Exhibit 9**, and pictures of the building materials to be used in **Exhibit 10**.

**11. MICC 19.11.010 General.**

**D. Design Vision**

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

**Staff Finding:** MICC 19.11.010(D)(1) encourages, but doesn’t require the orientation of buildings toward the public right-of-way with buildings brought forward to the sidewalk or landscaped edge; parking placed behind buildings and in less visible areas or underground; design structures with varied mass and scale, modulation of heights and wall planes; and pedestrian through-block connections that will break up very large or long blocks for improved pedestrian circulations from one side of the block through to the other side. The proposed development is the remodel/expansion of the existing gas station store/repair area.

**Staff Finding:** The proposed development is fairly minor in scope. The existing building is located up to the landscape edge along SE 28th Street. The existing parking areas will be reconfigured; however, the Applicant will provide more screening to the parking areas and will utilize electric charging stations for a couple parking stalls. The existing structures, except for the store, will be similar to the structures on the subject property. The Applicant is providing improved pedestrian access from the sidewalk to the existing building entrance. The proposed development is consistent with this design vision element.

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, bicycles and public transit users. Development should enhance the Town Center as a vibrant, healthy, mixed use downtown that serves as a the city’s retail, business, social cultural and entertainment center and ensures the commercial and economic vitality of the area. New or redevelopment should increase the attractions

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

**Staff Finding:** The proposed development provides convenient and accessibility to pedestrians, motorists, bicycles and public transit users. Pedestrians will utilize the accessible pathway from the sidewalk to the front entrance, motorists will have easy access and the proposal includes electric charging stations. The proposed development is consistent with this design vision element.

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

**Staff Finding:** The proposed development is an expansion, renovation, and clean-up of a permitted and an existing use. The site is compact and limited in size. The proposal provides pedestrian accessibility, and the store will have a canopy over the entrance. The street trees will be removed and replaced, and additional landscaping is included. The Applicant proposes to utilize a mix of materials such as an asphalt parking lot, stamped and stained concrete pedestrian walkway, concrete curbing and new landscaping to increase the visible appearance of the subject property. The proposed development is consistent with this design vision element.

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

**Staff Finding:** The proposed development is retail and at street level, offering accessibility to pedestrians and motorists. The existing buildings and site arrangements are not changing dramatically from what already exists on the subject property. The Applicant is increasing the pedestrian access to the store, rearranged the parking, and

increased the landscaping. The proposed development is consistent with this design vision element.

- 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 buildings, it is the proportion of buildings in relationship to each other, to the street and to the pedestrian environment.

**Staff Finding:** The proposed development is an addition and remodel of an existing gas station. The existing building is remaining in its current location, the canopy over the gas pumps is being replaced and upgraded to current market standards, the parking and pedestrian access is being modified, and electric charging stations are being added. The scope of the proposed development is minimal, but the subject property will be cleaned up and appear significantly better than its current state. The proposed development is consistent with this design vision element.

- F. Form. Building forms shall not present visual mass impacts that are out of proportion to the adjoining structures, or that appear from the street or sidewalk as having unmodulated visual mass. Building additions should complement the original structure in design.

**Staff Finding:** The proposed development does 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. The proposed addition to the store complements the existing store. The proposed development is consistent with this design vision element.

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

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

## 12. MICC 19.11.020 Land uses.

- A. Permitted and conditional uses.

- 1. Use table by subarea. Permitted and conditional uses are allowed in each subarea as shown in the use table in MICC 19.11.020(A)(1).

**Staff Finding:** The proposed development is consistent with the permitted use table found in MICC 19.11.020(A)(1). The subject property is located within the TC-3 subarea of the Town

Center. The proposed development will include a gas station, which is categorized as transportation/utilities, and a convenience store, which is categorized as retail – small scale. Both Transportation/utility and retail small-scale uses are permitted within the TC-3 subarea under MICC 19.11.020(A)(1).

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

**Staff Finding:** The proposed development is an alteration and remodel of an existing use and structures in the TC. The primary use is an automobile service station that has a retail component. While the standard is to require retail uses to front SE 28th Street, the site Applicant is expanding the existing building and replacing the canopy.

14. **MICC 19.11.020(B)(3):** No use shall occupy a continuous linear street frontage exceeding 60-feet in length. The Design Commission may approve up to an additional six feet in length if the use incorporates a feature to promote pedestrian activity, including but not limited to: an additional pedestrian entrance onto a sidewalk or through-block connection, or additional ten percent transparency beyond the requirement of MICC 19.11.100(B)(1)(b).

**Staff Finding:** The proposed development is an alteration and remodel of an existing use and structures in the TC. The primary use is an automobile service station that has a retail component. The proposed development does not occupy a continuous linear street frontage exceeding 60-feet in length as the structures are primarily oriented for motorized transportation due to the use. Additionally, potential contaminants may be located in the soils on or adjacent to the subject property that may need to be cleaned up as part of the proposed development under an interim condition.

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

**Staff Finding:** No storefronts are located along the street.

16. **MICC 19.11.020(D) Accessory Uses.**

1. Outdoor storage and display of merchandise. The total area allowed for outdoor storage and/or merchandise display shall be less than five percent of the total gross square footage of the use; provided, however, that such area may exceed five percent if it is fenced, screened, and located in a manner that is acceptable to the Design Commission. This



standard does not apply to temporary uses such as material storage during construction or street vendors.

2. Commerce on public property. Commerce on public property may be allowed pursuant to MICC 19.06.050.
3. Transit facilities. Bus parking/loading space, and shelters and facilities for transit users should be integrated in the design of major new construction. Plans should be coordinated with transit providers to maximize the interface with community-wide and regional transit systems.
4. Bicycle facilities. Parking and facilities that support bicycle use, including racks, covered and secured bike-storage areas, and in the case of office buildings, lockers and showers, should be included in the design of major new construction.
5. Utility and equipment cabinets. Existing or proposed utility and equipment cabinets or boxes, including wireless communication facilities, shall be placed inside a building or placed underground, if physically feasible. In the event the city determines such location is not physically feasible, the utility and equipment cabinets must be screened by fencing, landscaping and/or stealth screening technologies so they are not visible.

**Staff Finding:** The outdoor storage area exceeds the five percent standard. The area is located between the building and the rear and side yard of the building. Screening is provided by fencing and landscaping.

17. **MICC 19.11.020(E) Objectional or hazardous uses.** No use shall be allowed which produces excessive odor, dust, smoke, cinders, gas, fumes, noise, vibration, refuse matter or water-carried waste. The standard for “excessive” shall be based on the average or normal production of these items by adjoining uses permitted in the vicinity of the proposed new use. A use is excessive if it is likely to unreasonably interfere with the ability of the adjoining property owners to utilize their property for working or living activities or if it is likely to unreasonably interfere with the ability of pedestrians and residents to remain in or enjoy the area.

**Staff Finding:** The proposed development is an alteration and remodel of an existing use and structures in the TC. The primary use is an automobile service station with a retail component. Nothing proposed will change the existing use so that it is an objectionable or hazardous use.

18. **MICC 19.11.030(A)(3) Bulk Regulations – Calculation of building height.**

- a. The intent of the building height calculation in this section is to limit the visual mass of a building so that it does not appear to exceed the maximum height limit in MICC 19.11.030(A)(1).
- b. The maximum allowable building height in MICC 19.11.030(A)(1) shall be calculated as the vertical distance measured from the base of a building façade to the highest point of the roof structure excluding appurtenances. The base of the building façade shall be measured from the adjacent public sidewalk if applicable, or from the lower of existing or finished grade along building facades that are not adjacent to a public sidewalk.
- c. If the bases of the opposite building facades are at approximately the same elevation, then the building height at any point between the facades can never exceed the maximum

permitted building height. If the bases of the opposite building facades are not at approximately the same elevation, then the building must be configured to go down in height as between the higher and lower facades in a manner similar to MICC 19.11.030, Figure 4 or in an equivalent manner such that the average of the building heights calculated between the facades is approximately equal to or less than the maximum permitted building height.

**Staff Finding:** As shown in **Exhibit 3**, the remodeled and expanded convenience store building and the new gas pump canopy are both proposed to be 18-feet in height. Both structures meet the 27-foot base building height allowed within the TC-3 subarea of the Town Center set forth in MICC 19.11.030(A)(1). These standards are met.

19. **MICC 19.11.030(A)(6)(b) Setbacks – All public rights-of-way other than 78th Ave SE.** 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 curbline is interrupted by parking pockets. Additional setbacks along SE 32<sup>nd</sup> Street are encouraged to provide space for more pedestrian-oriented activities and to accommodate street trees and parking pockets.

**Staff Finding:** As depicted in **Exhibit 3**, no structures on the subject property are located within 12-feet of the face of the street curb. The proposed development is consistent with this standard.

20. **MICC 19.11.050 Green building standards.** Any major new construction shall meet the LEED Gold standard. Project that are primarily residential (at least 50 percent of the gross floor area is composed of residential uses) may instead meet the Built Green 4 Star standard. The Applicant shall provide proof of LEED or Built Green certification within 180 days of issuance of a final certificate of occupancy, or such later date as may be allowed by the code official for good cause, by submitting a report analyzing the extent credits were earned toward such rating. Failure to submit a timely report regarding LEED or Built Green ratings by the date required is a violation of this Code.

**Staff Finding:** The provisions of MICC 19.11.050 are not applicable to the proposed development. The proposed development does not meet the definition of major new construction and most of the design elements in Chapter 19.11 MICC are not applicable. The proposed development is a renovation to the Shell gas station in the Town Center. The renovations will include a 580 square foot addition to the existing convenience store, replacement of the existing fuel pumps and associated canopy, and reconfiguration of the site's parking. The gas station's fuel tanks are also proposed to be replaced, with associated site restoration, as a part of this project. New signs are proposed to be installed on the convenience store building and on the replacement canopy.

21. **MICC 19.11.060(A) Minor site features.** All major new construction regardless of its height shall have at least three minor site features that contribute to a well-balanced mix of features in that subarea as determined by the Design Commission. Minor site features may include, but are not limited to, the following:
1. Decorative landmarks. Imaginative features that complement the building design and create visual focal points that give identity to an area, such as decorative clocks, special paving in

- pedestrian areas, art features, water features, drinking fountains, or creative designs for necessary building features or functions. Art should be integrated with the public street improvements. Examples include sculpture, murals, inlays, mosaics, friezes or bas-reliefs. The location of art shall provide for public view but not hinder pedestrian traffic.
2. Kiosks. Community-oriented kiosks, which may include bulletin boards and newsstands or racks, creatively designed and consolidated and placed in areas where large numbers of people gather, and which complement the site design and streetscape and reduces visual clutter.
  3. Additional sidewalk setback. At least five feet of sidewalk width, in addition to the minimum sidewalk setback provided for in MICC 19.11.030(A)(6), may be provided along 78<sup>th</sup> 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 the space in a public open space to the extent that doing so reduces the actual space that is usable by the public below the minimum required area.

**Staff Finding:** The provisions of MICC 19.11.060(A) are not applicable to the proposed development. The proposed development is a renovation to the Shell gas station in the Town Center. The renovations will include a 580 square foot addition to the existing convenience store, replacement of the existing fuel pumps and associated canopy, and reconfiguration of the site's parking. The gas station's fuel tanks are also proposed to be replaced, with associated site restoration, as a part of this project. New signs are proposed to be installed on the convenience store building and on the replacement canopy. The proposed development does not meet the definition of major new construction and most of the design elements in Chapter 19.11 MICC are not applicable.

22. **MICC 19.11.060(B) Major Site Features.** Any major new construction in the TC-5, TC-4, TC-4 Plus or TC-3 subarea which exceeds the two-story base height and that includes or abuts a preferred through-block connection location shown on Figure 7 of MICC 19.11.060 shall include a through block connection subject to Design Commission determination that such connection is feasible and achievable. Any major new construction exceeding three stories in height in the TC-5, TC-4 or TC-4 Plus subarea shall include at least one of the major site features listed in MICC 19.11.060(B)(1) or (2), subject to Design Commission determination that such choices contribute to a well-balanced mix of features in that subarea.

**Staff Finding:** The provisions of MICC 19.11.060(B) are not applicable to the proposed development. The proposed development is a renovation to the Shell gas station in the Town Center, TC-3 Subarea. The renovations will include a 580 square foot addition to the existing convenience store, replacement of the existing fuel pumps and associated canopy, and reconfiguration of the site's parking. The gas station's fuel tanks are also proposed to be replaced, with associated site restoration, as a part of this project. New signs are proposed to be installed on the convenience store building and on the replacement canopy, which does not

exceed the two-story base height established in MICC 19.11.030(A)(1). The site also does not abut a through-block connection shown in MICC 19.11.060, Figure 7.

23. **MICC 19.11.060(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 site features. Site features other than listed in MICC 19.11.060(B) will only be considered as a major site feature if it is of equal or greater public benefit than one or more of the major site features listed in MICC 19.11.060(B). Underground or structured parking that supports park and ride use may be considered a major site feature. The amount of park and ride parking qualifying as a major site feature shall be determined by the Design Commission.
  2. Minor site features. Examples of other minor site features include contribution to a public art or design project within close proximity to the new construction, such as the city's I-90 Artway; and/or transit-oriented development (TOD) amenities, such as facilities that support bicycle use.

**Staff Finding:** Not applicable.

24. **MICC 19.11.070 Greenery and outdoor spaces.**

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

**Staff Findings:** The provisions of MICC 19.11.070 are not applicable to the proposed development, however, the proposed development is consistent with the objectives listed in MICC 19.11.070 as planting is provided in horizontal beds, undesirable views of storage areas are screened by fences and landscaping, and parking is screened by landscaping.

The proposed development is a renovation to the Shell gas station in the Town Center. The renovations will include a 580 square foot addition to the existing convenience store, replacement of the existing fuel pumps and associated canopy, and reconfiguration of the site's parking. The gas station's fuel tanks are also proposed to be replaced, with associated site restoration, as a part of this project. New signs are proposed to be installed on the convenience store building and on the replacement canopy.

- 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 percent rate. Ground level planting area that supports trees (which will require deeper soil depths) may qualify for bonus credit. Specifically, planting areas that support a large tree (height greater than 30-feet at maturity) may be counted at a 200 percent rate (includes planting area under protected dripline at maturity) and planting areas that support a medium sized tree (height greater than 15-feet at maturity) may be counted at 150 percent rate. Terraced or other raised planting surfaces qualify as landscaped surfaces at the same rates as ground level planting beds depending on the soil depth (shallow soil depths capable of supporting only ground cover plants qualify at a 50 percent rate).
  - b. Green roof. Green roofs qualify as a landscaped surface at a 50 percent rate (i.e., two square feet of green roof qualifies as one square foot of landscaped area). Green roof areas supporting large shrubs and trees may qualify for bonus credit (up to a 100 percent rate) as determined by the Design Commission depending on the planting's visibility.
  - c. Green walls/trellises/arbors.
    - i. Artistic green walls adjacent to ground level publicly accessible space with decorative patterns qualify as a landscaped surface at a 125 percent rate.
    - ii. Standard green walls qualify as landscaped surfaces at a 75 percent rate.
    - iii. Vine trellis/arbors/walls qualify as landscaped surfaces at a 50 percent rate. Planter areas must feature minimum soil depth necessary to maintain healthy vine growing conditions as determined by regional best landscaping practices.

**Staff Finding:** The proposed development does not meet the definition of major new construction and most of the design elements in Chapter 19.11 MICC are not applicable. The proposed development is a renovation to the Shell gas station in the Town Center, TC-3 Subarea. The Applicant proposes to replace the existing street trees due to the clean-up portion of the proposed development. The Applicant will replace the trees and enhance the existing landscaping, but the site is limited due to the placement of existing structures and ingress and egress drives.

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.

**Staff Finding:** The Applicant will be required to replant the landscaping strip and street trees based on a city approved palette of species and minimum size at time of

planting. Drought tolerant species have been provided with minimum sizing meeting code requirements.

- b. Trees and ground cover.
  - i. Prominent trees should be preserved to the extent feasible
  - ii. Trees planted within five feet of public curbs or in paved areas shall be installed with root guards and grates to prevent physical damage to sidewalks, curbs, gutters, pavement and other public or private improvements.
  - iii. Ground cover shall be planted to have 100 percent ground cover in two years.
  - iv. Any tree cutting or pruning shall be consistent with Chapter 19.10 MICC.

**Staff Finding:** The existing street trees will need to be removed as part of the clean-up. Trees will be replanted as part of the proposal. Please refer to the landscaping plans located on sheets **L1-L3 in Exhibit 3**.

- c. Soil quality, depth, and volume. Applicants for new projects in Town Center must include the relevant provisions in construction details, based on regional best landscaping practices, including:
  - i. In planting beds: place three inches of compost and till to a minimum depth of eight inches.
  - ii. In turf areas: place one and three-quarters inches of compost and till to a minimum depth of eight inches.
  - iii. Scarify (loosen) subsoil four inches below amended layer to produce a minimum soil depth of 12 inches of uncompacted soil.
  - iv. After planting: apply two to four inches of arborist wood chip mulch to planting beds. Coarse bark mulch may be used but has fewer benefits to plants and soil.

**Staff Finding:** The proposed development is consistent with the soil quality, depth, and volume requirements. Please refer to the landscaping plans located on sheets **L1-L3 in Exhibit 3**.

- 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.

**Staff Finding:** The Applicant will utilize the existing irrigation system to provide water to the landscaping. A recommended condition of approval is added to this staff report requiring all landscaped areas to be automatically irrigated.

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

**Staff Finding:** The Applicant acknowledges the need to maintain landscaping and irrigation in a good condition. A recommended condition of approval is added to this staff report that would require the Applicant to ensure the landscaped areas are maintained.

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 four-foot-wide (interior dimension) landscape bulb should be provided at the end of parking aisles.
  - c. A ratio of one tree for every six parking spaces should be provided throughout any surface parking lot. Of the total number of trees required, 50 percent shall be a minimum of 24-inch box in size, and 50 percent shall be a minimum of 15-gallon in size.
  - 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 four feet wide (interior dimension), between rows of parking stalls; or
    - ii. Tree wells, eight feet wide, resulting from the conversion of two opposing full sized parking stalls to compact stalls; or
    - iii. Tree wells, at least five feet square, placed diagonally between standard or compact parking stalls.

**Staff Finding:** The proposed development does not meet the definition of major new construction and most of the design elements in Chapter 19.11 MICC are not applicable. The proposed development is a renovation to the Shell gas station in the Town Center, TC-3 Subarea. The Applicant proposes to replace the existing street trees due to the clean-up portion of the proposed development. The Applicant will replace the trees and enhance the existing landscaping, but the site is limited due to the placement of existing structures and ingress and egress drives. Please refer to the landscaping plans located on sheets **L1-L3 in Exhibit 3**.

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

**Staff Finding:** **Exhibit 3** shows that all parking spaces proposed for the proposed development are physically separated from the street by landscaping, including shrubs and trees. The proposed landscaped areas are located on private property and are not less than three feet in width. This standard is met.

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

**Staff Finding:** The proposed development provides stamped concrete paving with building mounted lighting at the entrance, and an awning.

6. Building facades. Building façade modulation and setbacks should include features such as courtyards, fountains and/or landscaping.

**Staff Finding:** The proposed development does not meet the definition of major new construction and most of the design elements in Chapter 19.11 MICC are not applicable. The building façade modulation and setbacks are remaining as they currently exist.

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

**Staff Finding:** The existing landscaping between properties will remain while adding to the existing landscaping strip between this parcel and the QFC. Please refer to the landscaping plans located on sheets **L1-L3 in Exhibit 3**.

25. **MICC 19.11.080(A) Screening – Objectives.** In order to obtain the design vision set forth in MICC 19.11.010, any storage, service and truck loading areas, utility structures, elevator and mechanical equipment on the ground or roof shall be screened from public view in such a manner that they are not visible from public streets, sidewalks or residential areas located on the hillside surrounding the Town Center.

**Staff Finding:** Screening is provided for all storage areas and mechanical equipment.

26. **MICC 19.11.080(B) Screening – 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 services vehicles and for convenient access by each tenant. Any emissions of noise, vapor, heat or fumes should be mitigated. Loading activities should generally be concentrated and located where they will not create a nuisance for adjacent uses.
2. Garbage, recycling collection, composting and utility areas. Garbage, recycling collection, food scrap composting and utility areas shall be enclosed and screened around their perimeter by a wall or fence at least seven feet high, concealed on the top and must have self-closing doors. If the area is adjacent to a public street or pedestrian alley, a landscaped planting strip, minimum three feet wide, shall be located on three sides of such facility. Any emissions of noise, vapor, heat or fumes should be mitigated.



3. Meters and mechanical units. Water meters, gas meters, electric meters, ground-mounted mechanical units and any other similar structures should be hidden from public view or screened.
4. Fences. Fences should be made of masonry, ornamental metal or wood, or some combination of the three. The use of chain link, plastic or wire fencing is prohibited.

**Staff Finding:** The proposed development was designed to screen all of the areas listed in MICC 19.11.080(B) as required, utilizing fences made of wood or landscaping.

27. **MICC 19.11.090(A) Lighting – Objectives.** Lighting shall be an integral part of any new or existing development. Lighting shall contribute to the individuality, security and safety of the site design without having overpowering effects on the adjacent areas. Lighting is viewed as an important feature, for functional and security purposes, as well as to enhance the streetscape and public spaces. The design of light fixtures and their structural support should be integrated with the architectural theme and style of the main structures on the site.

**Staff Finding:** Please refer to the lighting plan on **Page 11 of Exhibit 3**. The proposed development does not meet the definition of major new construction and most of the design elements in Chapter 19.11 MICC are not applicable. The existing lighting will remain similar to what is existing.

28. **MICC 19.11.090(B) Lighting – Development and design standards.**

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 entrance. All building entrances should be well lit to provide inviting access and safety.
4. Building-mounted and display window lights. Building-mounted lights and display window lights should contribute to lighting of walkways in pedestrian areas.
5. Parking areas. Parking area light fixtures should be designed to confine emitted light to the parking area. The height of the light fixtures should not exceed 16-feet. The Design Commission shall review and determine the adequacy of lighting in parking areas based on best practices.
6. Neon lighting. Neon lighting may be used as a lighting element; provided, that the tubes are concealed and are an integral part of the building design. Neon tubes used to outline the building are prohibited.
7. Shielding. All lighting fixtures should be shielded or located to confine light spread within the site boundaries, to the extent possible, especially when adjacent to residential uses.

**Staff Finding:** **Page 11 of Exhibit 3** demonstrates that all lighting proposed for this development is proposed to be LED lighting mounted to the convenience store building and the gas pump canopy.

**29. MICC 19.11.100 Building Design.**

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

**Staff Finding:** The proposed development is a renovation to the Shell gas station in the Town Center, TC-3 Subarea. The renovations will include a 580 square foot addition to the existing convenience store, replacement of the existing fuel pumps and associated canopy, and reconfiguration of the site's parking. The gas station's fuel tanks are also proposed to be replaced, with associated site restoration, as a part of this project.

- 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 shall not be allowed. Shades, blinds or screens that prevent pedestrian view into building spaces shall not be allowed, except where required or desired for privacy in dwelling units, hotel rooms and similar residential uses.

**Staff Finding:** The building is offset from the street and does not front the pedestrian right-of-way. The sidewalk and pedestrian walkway provide access to the building. The proposal includes a variety of materials, textures, and colors schemes to improve the site and is more appealing to customers.

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

- a. Window and door treatment which embellish the façade.
- b. Decorative light fixtures.
- c. Unique façade 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 designed.
- m. Planter boxes with seasonal color.
- n. Projecting metal and glass canopy.
- o. Clerestories over storefront windows.
- p. Other elements as approved by the design commission.

**Staff Finding:** Not applicable. The proposed development does not meet the definition of major new construction and most of the design elements in Chapter 19.11 MICC are not applicable.

3. Major façade modulation. Block frontages shall include at least one of the features listed in MICC 19.11.100(B)(3)(a) through (c) at intervals not greater than 120-feet to break up the massing of the block to add visual interest.

**Staff Finding:** Not applicable. Upon completion of the proposed addition, the convenience store building will be 40-feet by 40-feet. Since the building is less than 120-feet in width on both street frontages, this standard is not applicable

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

**Staff Finding:** Not applicable. The proposed development does not meet the definition of major new construction and most of the design elements in Chapter 19.11 MICC are not applicable.

5. Walls. Untreated blank walls are prohibited. A blank wall is a wall (including building facades and retaining walls) over six feet in height, with a horizontal length greater than

15-feet that does not include a transparent window or door. Methods to treat blank walls can include but are not limited to:

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

**Staff Finding:** Bland walls were eliminated per suggested modifications from the Design Commission. The proposed development is consistent with this standard.

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

**Staff Finding:** The entrance to the convenience store is not changing from the existing layout. The proposed development does not meet the definition of major new construction and most of the design elements in Chapter 19.11 MICC are not applicable. The proposed development is a renovation to the Shell gas station in the Town Center, TC-3 Subarea. The renovations will include a 580 square foot addition to the existing convenience store, replacement of the existing fuel pumps and associated canopy, and reconfiguration of the site's parking. The gas station's fuel tanks are also proposed to be replaced, with associated site restoration, as a part of this project.

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

**Staff Finding:** The proposed development does not meet the definition of major new construction and most of the design elements in Chapter 19.11 MICC are not applicable. The proposed development is a renovation to the Shell gas station in the Town Center, TC-3 Subarea. The roof is flat with parapets to offset mundane box style architecture with minor modulation.

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

**Staff Finding:** The proposed development is sized consistent with the provisions of Chapter 19.12 MICC. The proposed development is a renovation to the Shell gas station in the Town Center, TC-3 Subarea.

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

**Staff Finding:** Not applicable. The proposed development does not meet the definition of major new construction and most of the design elements in Chapter 19.11 MICC are not applicable. The proposed development is a renovation to the Shell gas station in the Town Center, TC-3 Subarea. The building is to be expanded as part of the proposed development, but nothing else is changing.

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

**Staff Finding:** The proposed development is consistent with the design requirements for the Town Center that achieve the purpose, intent and vision set forth in MICC 19.11.010.

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

**Staff Finding:** The elements of the proposed development relate logically to each other and the surrounding buildings. The proposed development is a renovation of an existing gas station and convenience store. The potential contamination from the existing fuel storage tanks limit potential site reconfiguration.

12. Weather protection. Specially designed all-weather features that integrate weather protections systems at the sidewalk level of buildings to protect pedestrians from the effects of rain, wind, glare, shadow, reflection and sunlight and to make spending time outdoors feasible in all seasons. All major new construction shall have awnings, canopies, trellises, pergolas, covered arcades or all-weather features along 80 percent of a building's frontage along retail frontages.
  - 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 façade a minimum horizontal width of six feet and be between eight to 12-feet above grade.
  - c. Architectural details should not be concealed by awnings or canopies.
  - d. Awning shapes should relate to the shape of the façade's architectural elements. The use of traditionally shaped awnings is encouraged.
  - e. Vinyl or plastic awnings or canopies are prohibited.

- f. All awnings or canopies shall function to protect pedestrians from rain and other weather conditions.

**Staff Finding:** Not applicable. The proposed development does not meet the definition of major new construction and most of the design elements in Chapter 19.11 MICC are not applicable. The Applicant is providing an enhanced entrance with weather protection.

30. **MICC 19.11.110(A) Materials and color – Objectives.** Textured high quality materials and colors should bring a visually interesting experience into the streetscape. Color should be carefully considered in relation to the overall design of the building and surrounding buildings. Color and materials should highlight architectural elements such as doors, windows, fascias, cornices, lintels, and sills. Variations in materials and colors should be generally limited to what is required for contrast or to accentuate architectural features. Piecemeal embellishment and frequent changes in materials should be avoided. The materials and colors selected should be consistent with the intent, purpose and vision set forth in MICC 19.11.010.

**Staff Finding:** The proposed development is consistent with MICC 19.11.110(A). Please refer to the pictures of the building materials in **Exhibit 10**. The proposed development does not meet the definition of major new construction and most of the design elements in Chapter 19.11 MICC are not applicable. The proposed development is a renovation to the Shell gas station in the Town Center, TC-3 Subarea. The building is to be expanded, the canopy will be replaced, the gas pumps and tanks will be replaced, and contaminated soils will be cleaned up as part of the proposed development, but nothing else is changing.

31. **MICC 19.11.110(B) Materials and color – 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 weather well and that building exteriors need minimal maintenance.
  2. Regional focus. Materials and colors should reflect the city's regional setting.
  3. Attention to all sides. Materials and colors should be used with cohesiveness and compatibility on all sides of a building.
  4. Concrete walls. Concrete walls should be architecturally treated. The treatment may include textured concrete such as exposed aggregate, sand blasting, stamping or color coating.
  5. Harmonious range of colors. A harmonious range of colors should be used within the Town Center. Neon or very bright colors, which have the effect of unreasonably setting the building apart from other adjacent buildings on the street, should not be used.
  6. Bright colors. Bright colors should be used only for trim and accents if the use is consistent with the building design and other design requirements.
  7. Undesired materials. Beveled metal siding, mirrored glass, and vinyl siding should not be used. EIFS, stucco and similar materials should be limited to use as a minor building façade element.
  8. Variation of materials. A variation of building materials should be used to assist in the creation of a visually interesting experience.

**Staff Finding:** The proposed development is consistent with MICC 19.11.110(B). Please refer to the pictures of the building materials in **Exhibit 10**. The proposed development utilizes materials that are high quality and durable and are consistent with a Pacific Northwest look and feel. A consistent, harmonious materials palette is used on all sides of the building, and different combinations of materials are used on different facades, providing variation in materials while maintaining a coherent overall design. The material color palette is consistent with other buildings within the Town Center. No neon nor bright colors are proposed for this project. None of the materials listed as undesired are proposed for this project. Breaking up the continuity of the exterior material and colors contribute to the visual interest of the project overall.

32. **MICC 19.11.120 Street Standards.** Major new construction abutting all streets other than 77th Avenue SE and 78th Avenue SE shall improve the right-of-way adjacent to the property as required by the Mercer Island Town Center Streetscape Manual. The Design Commission may require or grant a modification to the nature or extent of any required street improvement for any of the following reasons upon recommendation by the city engineer:
- A. If unusual topographic or physical conditions preclude the construction of the improvements as required; or
  - B. If the required improvement is part of a larger project that has been scheduled for implementation in the city's six-year capital improvement program; or
  - C. If angled parking is required but parallel parking would enhance pedestrian, vehicle or bicycle safety, or result in a more desirable pedestrian environment; or
  - D. If other unusual circumstances preclude the construction of the improvements as required.

**Staff Finding:** Not applicable. The proposed development does not meet the definition of major new construction and most of the design elements in Chapter 19.11 MICC, including MICC 19.11.120, are not applicable.

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

**Staff Finding:** The proposed development is consistent with MICC 19.11.130(A) as it is accessible for vehicles but has an emphasis toward the needs of pedestrians. The proposed development provides a clear, easy to understand circulation that allows drivers and pedestrians to move safely on and off the subject property, and within it, without confusion and without disrupting on-street traffic flow. The proposed development does not meet the definition of major new construction and most of the design elements in Chapter 19.11 MICC are not applicable. The proposed development is a renovation to the Shell gas station in the Town Center, TC-3 Subarea. The building is to be expanded, the canopy will be replaced, the gas pumps and tanks are being replaced, and contaminated soils will be cleaned up as part of the proposed development, but nothing else is changing.

**34. MICC 19.11.130(B) Parking, vehicular and pedestrian circulation – Development and design standards.**

**1. Parking requirements.**

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

**Staff Finding:** The proposed development contains the minimum number of parking stalls required as identified by the table in MICC 19.11.130(B)(1)(a). The proposed development also includes electric charging stations for electric vehicles.

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

**Staff Finding:** The proposed development contains the minimum number of parking stalls required as identified by the table in MICC 19.11.130(B)(1)(a). The proposed development also includes electric charging stations for electric vehicles.

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

**Staff Finding:** The proposed development is consistent with this requirement. The proposed development contains the minimum number of parking stalls required.

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



**Staff Finding:** The proposed development does not restrict vehicular and pedestrian access between adjoining parking lots at the same grade.

e. Surface Parking Lot Location

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

**Staff Finding:** The parking areas are located within the areas where existing parking is allowed. There are no parking stalls along the property corner at the intersection.

f. Design of surface parking access.

- i. Entrances. 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.

**Staff Finding:** The number of parking lot entrances, driveways and curb cuts are minimized and are within the existing site entrances, driveways and curb cuts.

- 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.

**Staff Finding:** A pedestrian walkway is proposed through the parking area. It is important to remember that this is an existing development that is being remodeled and the site contamination is being cleaned up as part of the proposal. This is not a new development. Besides the additional space encumbered by the store coolers, the site isn't changing. This is more of a modernization of an existing use.

- iii. Landscaping and lighting. Landscaping and lighting of surface parking lots should be in conformance with MICC 19.11.070(B)(4) and 19.11.090(B)(5).

**Staff Finding:** The proposed parking locations are consistent with MICC 19.11.070(B)(4) and 19.11.090(B)(5). At grade-level parking is physically separated from the street and visually screened from pedestrian view by landscaping. The landscaping includes shrubs and trees and is wide enough to maintain the plant material and screen the view but not less than three feet wide.

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

**Staff Finding:** The proposed development is consistent with this standard.

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

**Staff Finding:** The proposed development is consistent with this standard.

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

**Staff Finding:** Not applicable.

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

**Staff Finding:** Signage is limited to what is proposed by the applicant. There is one free standing sign. The other signs are wall signs and signs for the electric vehicle charging stations.

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

**Staff Finding:** Off-street loading will be provided by vans that can use any standard parking stall on the subject property.

- 35. **MICC 19.11.140(A) Signs – 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 the 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.

**Staff Finding:** The proposed development includes signage designed for the purpose of identifying the business in an attractive and functional manner and to help customers find the specific business locations; the signs do not serve as general advertising. The signs are in proportion to the size of the business store frontage. The signs are integrated into the building

design, compatible with their surroundings and clearly inform pedestrians and motorists of business names, but do not detract from the architectural quality of individual buildings.

**36. MICC 19.11.140(B)(1) Development and design standards – Freestanding ground signs**

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

**Staff Finding:** One ground sign is provided. Existing signs will be refaced.

- 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.

**Staff Finding:** The proposed development utilizes signage that is architecturally compatible with the style, materials, colors and details of the building.

- c. Size. All signs shall be:

- i. Proportionate. Proportionate to the street frontage of the business they identify.
- ii. Maximum size. In no case larger than a maximum of 25 square feet for individual business ground signs, shopping complex identification ground signs and signs within a ten-foot setback from any property line on a street.

**Staff Finding:** The proposed development utilizes signage that is proportionate to the street frontage of the business it identifies, and the signage is consistent with the allowed maximum allowed size.

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

**Staff Finding:** The proposed development is consistent with this standard.

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

**Staff Finding:** Not applicable.

**37. MICC 19.11.140(B)(2) Development and design standards – 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.

**Staff Finding:** The subject property contains two uses, the first being a convenience store and the second a fuel station, however, the uses are under the umbrella of the parent company. The proposed development contains the correct number of wall signs, and their location and size are consistent with the requirements of MICC 19.11.140(B)(2).

- b. Size. All signs shall be:
  - i. Proportionate. Proportionate to the street frontage of the business they identify.
  - ii. Maximum size. In no case larger than twenty-five square feet for individual business signs.

**Staff Finding:** Signage is proportionate to the street frontage of the business they identify. All signs are less than 25 sq ft.

- c. Determination of size. The sign size is measured as follows:
  - i. "Boxed" displays – total area of display including the background and borders.
  - ii. Individual letters and symbols – total area of a rectangle drawn around the outer perimeter of each word and each symbol.

**Staff Finding:** No boxed displays are proposed.

- 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.

**Staff Finding:** The proposed development will utilize wall signage that does not extend above the building parapet, soffit, the eave line or the roof of the building.

38. **MICC 19.11.140(B)(9) Development and design standards – Lighted signs.** Lighted signs shall be of high quality and durable materials, distinctive in shape, designed to enhance the architectural character of the building and use LED lights or other minimum wattage lighting, as necessary to identify the facility or establishment. Channel or punch-through letters are preferred over a sign that contains text and/or logo symbols within a single, enclosed cabinet.

**Staff Finding:** The proposed development utilizes lighted signs that are of high quality and made from durable materials, distinctive in shape, designed to enhance the architectural character of the building and use LED lights or other minimum wattage lighting, as necessary to identify the facility or establishment.

## CONCLUSIONS OF LAW

Based on the above Findings of Fact, the following Conclusions of Law have been made:

1. The application has undergone ministerial review by the Design Commission at an open record hearing pursuant to MICC 19.15.030.

2. The proposed development is consistent with Mercer Island City Code, provided that the recommended conditions of approval are adopted and are met.

#### **RECOMMENDED CONDITIONS OF APPROVAL**

1. All subsequent development review associated with this proposal shall comply with the Mercer Island City Code and the City of Mercer Island Comprehensive Plan, and other applicable codes and policies, or as otherwise approved by the City.
2. All aspects of the proposed development shall be in substantial conformance with the detail information submitted with this application (i.e. elevations, perspective drawings, colors, materials, font, size of sign lettering and relationship and layout of the approved wording and graphics), as depicted by **Exhibit 3**.
3. The Applicant shall ensure the mitigation conditions outlined in the SEPA MDNS (**Exhibit 6**) are adhered to throughout the entirety of the proposed development.
4. If a building permit is required and the Applicant has not submitted a complete application for a building permit within three years from the date of this notice, or within two years from the decision on appeal from the final design review decision, design review approval shall expire.
5. 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. Prior to building permit issuance, the Applicant shall provide a landscaping maintenance plan, documenting how all landscaping on the subject property will 1) be maintained in good condition by the property owner, in a manner consistent with MICC 19.11.070(B)(2)(e), and 2) provide 100% cover of groundcover plants within two years, consistent with MICC 19.11.070(B)(2)(b)(iii).
6. 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.
7. The Applicant shall be responsible for obtaining any necessary local, state, and federal permits and approvals for the project, and is responsible for complying with any conditions of approval placed on these or other state or federal permits or approvals, and for submitting revised drawings to the City for its review and approval, if necessary to reflect these state or federal conditions of approval.

#### **DEVELOPMENT REGULATION COMPLIANCE – DISCLOSURE**

1. Comply with all local, state and federal regulations
2. Timing of improvements (e.g. tree protection, site development stuff – roads, stormwater, TESC)
3. Fish window
4. Consistent with other agency requirements
5. Required permits must be obtained prior to construction
6. Engineering / Fire / Arborist development regulations

## RECOMMENDATION

Based upon the above noted Findings of Fact and Conclusions of Law, design review application **DSR21-012**, as depicted in **Exhibit 3**, staff recommends the Design Commission adopts the staff findings and conclusions contained within this staff report and **APPROVE** the proposed development subject to the recommended conditions of approval also contained in this staff report. This decision is final, unless appealed in writing consistent with adopted appeal procedures, MICC 19.15.020(J), and all other applicable appeal regulations.

Recommended this 2nd day of October, 2022

*Ryan Harriman*

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