



**CITY OF MERCER ISLAND
DESIGN COMMISSION
FINDINGS OF FACT AND CONCLUSIONS
OF LAW**

**Agenda Item: 2
May 12, 2022**

Project:	Pagliacci Pizza Addition (DSR22-001)
Description:	A design review application for a 194 square foot addition to an existing restaurant with associated landscaping.
Applicant:	Richard Floisand of Floisand Studio for Pagliacci Pizza
Site Address:	3077 78 th Avenue SE, Mercer Island WA 98040; Identified by King County Assessor tax parcel number 531510-1105
Zoning District:	Town Center, Subarea 3 (TC-3)
Exhibits:	1. Design Review Plan Set, including Narrative, Context Summary and Plans, dated January 19, 2022, prepared by Floisand Studio

1. SUMMARY

The applicant has applied for design review of a proposed 194 square foot addition to the existing Pagliacci Pizza building. The site is located at 3077 78th Ave SE in the Town Center, Subarea 3 (TC-3) zone. The addition is for expanded cooler space and unheated storage. The project will relocate the existing dumpster enclosure to the north to accommodate the addition. New landscaping will be provided to screen the relocated trash enclosure. All proposed materials match the existing building.

Pursuant to MICC 19.15.220(C)(1)(c)(i)(b), any additions of gross square footage to an existing building require review by the Design Commission.

MICC 19.15.220(C)(2)(a) requires any project that requires design commission approval to go before the design commission with a study session prior to application “to discuss project concepts before the plans are fully developed.” Because of the small size of the proposed addition and the integration of the design with the existing building, staff consulted with the Design Commission Chair regarding the need for a separate study session for this application. Based on that consultation, it was agreed that the study session could be consolidated with the public hearing for purposes of efficiency and timing.

Pursuant to MICC 19.15.030 Table A, an application for Design Commission review is a Type IV permit, and pursuant to MICC 19.15.030 Table B, a public hearing is required for Type IV permits. At the public hearing, the design commission must review the project to determine if the project meets the criteria listed in MICC Section 19.11, Town Center Development and Design Standards.

2. FINDINGS OF FACT

Pursuant to MICC 19.15.220(C)(1)(c), any additions of gross square footage to an existing building require review by the Design Commission. The proposal is for a 194 square foot addition to an existing restaurant building within the Town Center.

Planning staff conducted a review of the project and provides the following analysis detailing compliance with the criteria listed in MICC Section 19.11, Town Center Development and Design Standards, as well as design review process found in MICC 19.15.220.

Many of the Town Center design standards are intended to be applied to major new construction projects. Based on the small scale of the proposed addition, the staff review and analysis considers the direction provided in MICC 19.11.150(A)(1):


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 design commission shall review each project on the project's degree of overall conformity with the objectives, standards and the comprehensive plan.

As a result, the review and analysis are limited to those Town Center design standards that apply based on the scope of the project. Those standards that do not apply are not included.

The following is an analysis of the proposal regarding the criteria for approval:


1. **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(E). 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).

Design Commission Finding:

The proposal is for a minor exterior modification as defined in MICC 19.16.010. As such, the proposal is subject to design review by either the Code Official or the Design Commission. 


2. **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 alteration 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.

Design Commission Findings:

The proposal meets (b) above because the alterations will result in a 194 square foot addition to the existing restaurant building. Therefore, the proposal is subject to Design Commission review. 

- 3. MICC 19.11.030(A)(2), Base Building Height.** A base building height of up to two stories (not to exceed 27 feet) shall be allowed. One-story structures located adjacent to the public right-of-way in the TC-5, TC-4, TC-4 Plus and TC-3 subareas shall be a minimum of 15 feet and may be as tall as 27 feet with approval of the design commission to ensure the taller façade provides features that ensure a pedestrian scale.

Design Commission Findings:


The proposed addition is 8.5 feet in height. This standard is met. 

- 4. MICC 19.11.030(A)(3), Calculation of Building Height.**

a. The intent of the building height calculation in this section is to limit the visual mass of a building so that it does not appear to exceed the maximum height limit in subsection (A)(1) of this section.

b. The maximum allowable building height in subsection (A)(1) of this section shall be calculated as the vertical distance measured from the base of a building 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 adjacent to a public sidewalk.

Design Commission Findings:


The subject property is in the TC-3 zone. The proposed addition is 8.5 feet in height. This standard is met. 

- 5. MICC 19.11.070(B)(2), Landscaping Standards.**

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

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

Design Commission Findings:


As shown on the Landscaping Plan, the proposal will not remove or modify existing landscaping. Current landscaping is maintained and adequately irrigated. The proposal includes a new 117 square foot planting bed to screen the relocated dumpster enclosure. The existing irrigation system will be extended to the new planting bed. The proposal complies with this standard 

6. MICC 19.11.080, Screening.

B. Development and design standards.

1. *On-site service areas.* All on-site service areas, loading zones, outdoor storage areas, garbage collection and recycling areas and similar activities should be located in an area not visible from public streets. Consideration should be given to developing common service courts at the interior of blocks. Service areas should accommodate loading, trash bins, recycling facilities, food scrap composting areas, storage areas, utility cabinets, utility meters, transformers, etc. Service areas should be located and designed for easy access by service vehicles and for convenient access by each tenant. Any emissions of noise, vapor, heat or fumes should be mitigated. Loading activities should generally be concentrated and located where they will not create a nuisance for adjacent uses.
2. *Garbage, recycling collection, composting and utility areas.* Garbage, recycling collection, food scrap composting and utility areas shall be enclosed and screened around their perimeter by a wall or fence at least seven feet high, concealed on the top and must have self-closing doors. If the area is adjacent to a public street or pedestrian alley, a landscaped planting strip, minimum three feet wide, shall be located on three sides of such facility. Any emissions of noise, vapor, heat or fumes should be mitigated.
3. *Meters and mechanical units.* Water meters, gas meters, electric meters, ground-mounted mechanical units and any other similar structures should be hidden from public view or screened.
4. *Fences.* Fences should be made of masonry, ornamental metal or wood, or some combination of the three. The use of chain link, plastic or wire fencing is prohibited.

Design Commission Findings:


The relocated trash enclosure is fully screened and, other than location, will match the existing enclosure design. A rusted steel screen that is 7' in height surrounds and encloses the garbage, recycling, composting facilities. The proposal complies with this standard. 

7. MICC 19.11.090(B), Lighting.

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

Design Commission Findings:


The existing dumpster enclosure is illuminated with two building mounted, downcast, and shielded fixtures that are incorporated into the building design. The proposed lighting will use comparable fixtures and will be relocated from the current location to the north façade of the addition to illuminate the relocated dumpster enclosure. Neon lighting is not proposed. All lighting is located to confine light spread within the site boundaries. No other modifications to building or site lighting are proposed. The project complies with these standards. 


8. MICC 19.11.100(B), Building Design Development and Design Standards.

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.

Design Commission Findings:

The proposed addition and relocated dumpster enclosure are set back from the primary building façade and the back of sidewalk by 19'7". The primary building meets all applicable development and design standards. By setting the addition and dumpster enclosure back from the primary


façade and providing landscaping, the visual impact of the proposal is minimal, and it reads like an integrated service component of the overall site development. 

The proposed addition is 8'2" in width. Combined with the width of the relocated dumpster enclosure, the total width is 13'1". Since the addition is less than 15 feet in width, it is not considered a blank wall per this standard. This standard does not apply. 

9. MICC 19.11.100(B)(7), Building Design Development and Design Standards.

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


Design Commission Findings:

The addition uses a simple shed roof form at a lower height than the roof of the existing structure. This integrates with the existing design while minimizing the perceived mass of the addition. This standard is met. 

10. MICC 19.11.100(B)(12), Building Design Development and Design Standards.

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.

Design Commission Findings:

The elements used for the proposed addition are consistent with the existing building relative to architectural style, materials, colors and form. The project complies with this standard. 

11. MICC 19.11.110 (B), Materials and Color.

MICC 19.11.110(B)

1. *Building Exteriors.* Building exteriors should be constructed from high quality and durable materials. It is important that the materials and colors weather well and that building exteriors need minimal maintenance.

2. *Regional Focus.* Materials and colors should reflect the city's regional setting.

3. *Attention to All Sides.* Materials and colors should be used with cohesiveness and compatibility on all sides of a building.

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


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

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

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

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

Design Commission Findings:

The proposal materials and colors match those of the existing building. The addition is clad with grey metal siding, and the relocated dumpster enclosure reuses the existing steel screening. The proposal complies with these standards. 

3. CONCLUSIONS OF LAW

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

1. The application has undergone a Type IV review by the Design Commission at an open record hearing under MICC 19.15.140.
2. The Design Commission concludes that the proposal complies with the Mercer Island City Code, provided that the following conditions are met.

4. CONDITIONS OF APPROVAL

The City of Mercer Island Design Commission hereby grants the applicant design approval for 194 square foot addition to an existing restaurant with associated landscaping for the site located at 2807 78th Ave SE, as shown in Exhibit 1. The Design Commission Chair is authorized to sign the Findings of Fact and Conclusions of Law on behalf of the Commission. The Design Commission conditions the approval as follows:

1. All aspects of the proposed project shall be consistent with the detail information submitted with this application (including, but not limited to, elevations, perspective drawings, colors, and materials), as depicted by Exhibit 1.
2. The applicant shall apply for and obtain a building permit from the City of Mercer Island prior to construction of any site or building improvements.
3. The applicant shall submit a complete application for a building permit within three years from the date of this decision, or within two years from the decision on appeal from the final design review decision. Failure to submit a complete building permit application within these time limits shall require a new design review application.

Entered this 20th day of May, 2022:



~~Colin Brandt~~ *ANTHONY L. PEREZ*
Design Commission ~~Chair~~ *VICE CHAIR*
City of Mercer Island

Under the Mercer Island Zoning Code, any party of record on this decision has a right to appeal this decision to the Hearing Examiner or Decision Authority specified in MICC Title 19. If you desire to file an appeal, you must submit the appropriate form, available from the Development Services Group, and file it with the City Clerk within fourteen days from the date this decision is signed. Upon receipt of a complete appeal application and appeal fee, an appeal hearing will be scheduled. If you have any questions, please call the Development Services Group at (206) 275-7605.