

## Notice of Intent to Adopt Amendment / Notice of Adoption Cover Sheet

Pursuant to RCW 36.70A.106, the following jurisdiction provides the following required state agency notice.

<p><b>1. Jurisdiction Name:</b></p>	<p>City of Mercer Island</p>
<p><b>2. Select Submittal Type:</b> Select the Type of Submittal listed. (Select One Only)</p>	<p><input type="checkbox"/> <b>60-Day Notice</b> of Intent to Adopt Amendment.</p> <p><input checked="" type="checkbox"/> <b>Request of Expedited Review</b> / Notice of Intent to Adopt Amendment.</p> <p><input type="checkbox"/> <b>Supplemental Submittal</b> for existing Notice of Intent to Adopt Amendment.</p> <p><input type="checkbox"/> <b>Notice of Final Adoption</b> of Amendment.</p>
<p><b>3. Amendment Type:</b> Select Type of Amendment listed. (Select One Only)</p>	<p><input type="checkbox"/> <b>Comprehensive Plan</b> Amendment.</p> <p><input checked="" type="checkbox"/> <b>Development Regulation</b> Amendment.</p> <p><input type="checkbox"/> <b>Critical Areas Ordinance</b> Amendment.</p> <p><input type="checkbox"/> <b>Combined Comprehensive and Development Regulation</b> Amendments.</p> <p><input type="checkbox"/> <b>Countywide Planning Policy</b>.</p>
<p><b>4. Description</b> Enter a brief description of the amendment.</p> <p>Begin your description with “Proposed” or “Adopted”, based on the type of Amendment you are submitting.</p> <p>Examples: <i>“Proposed comprehensive plan amendment for the GMA periodic update.”</i> or <i>“Adopted Ordinance 123, adoption amendment to the sign code.”</i> <b>(Maximum 400 characters).</b></p>	<p>Proposed code amendment to MICC 19.11.020(B) governing Town Center development regulations, including:</p> <ul style="list-style-type: none"> <li>• Revising the uses required adjacent to street frontages;</li> <li>• Adding a commercial floor area ratio (FAR) requirement for redevelopment;</li> <li>• Adding a limited no net loss requirement for redevelopment; and</li> <li>• Defining the eligible uses.</li> </ul>

<b>5. Is this action part of your 8-year periodic update required under RCW 36.70A.130 of the Growth Management Act (GMA)?</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>6. Proposed Dates:</b> Enter the anticipated public hearing date(s) for your Planning Commission/Planning Board or for your Council/Commission.	<b>Planning Commission:</b> January 26 and February 16, 2022  <b>City Council:</b> March 15, 2022  <b>Proposed / Date of Adoption:</b> March 15, 2022
<b>7. Contact Information:</b>	
A. Prefix/Salutation: <i>(Examples: "Mr.," "Ms.," or "The Honorable" (elected official))</i>	Mr.
B. Name:	Jeff Thomas
C. Title:	Interim Director, Community Planning & Development
D. Email:	<a href="mailto:jeff.thomas@mercerisland.gov">jeff.thomas@mercerisland.gov</a>
E. Work Phone:	206-275-7733
F. Cell/Mobile Phone: <i>(optional)</i>	
<b>Consultant Information:</b>	
G. Is this person a consultant?	<input type="checkbox"/> Yes
H. Consulting Firm name?	
<b>8. Would you like Commerce to contact you for Technical Assistance regarding this submitted amendment?</b>	<input type="checkbox"/> Yes

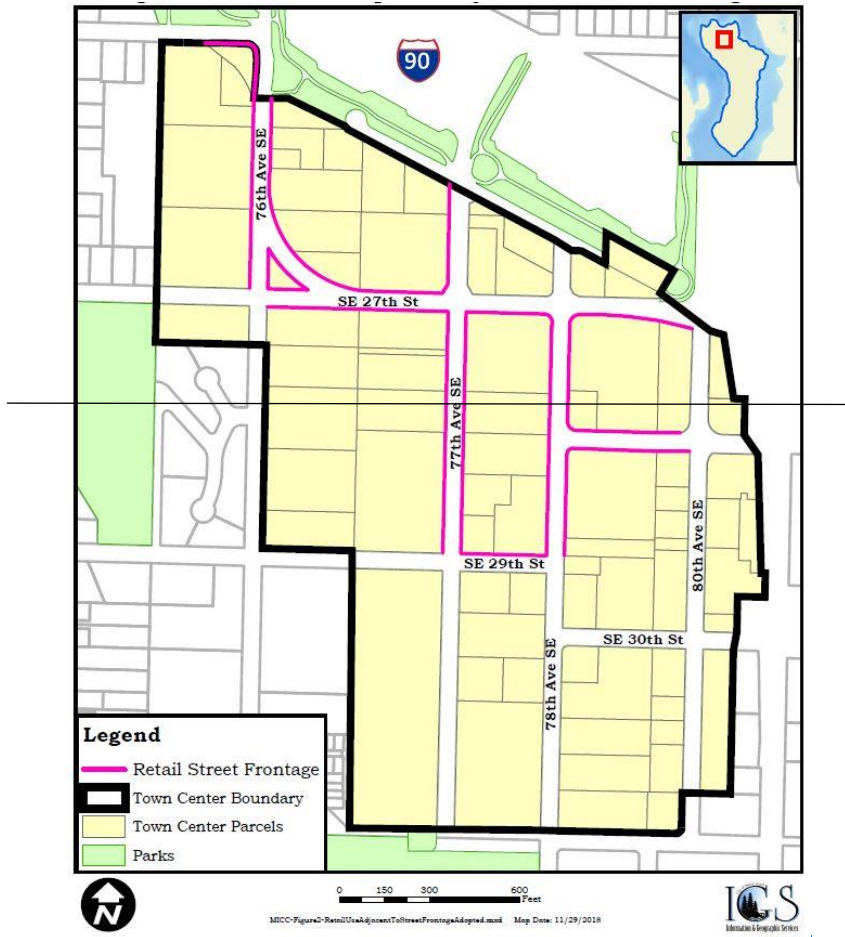
**REQUIRED:** Attach or include a copy of the proposed amendment text or document(s). We do not accept a website hyperlink requiring us to retrieve external documents. Jurisdictions must submit the actual document(s) to Commerce. If you experience difficulty, please email the [reviewteam@commerce.wa.gov](mailto:reviewteam@commerce.wa.gov)

**MICC 19.11.020(B) is proposed to be repealed in its entirety.**

~~B. *Required ground floor uses.* Retail, restaurant or personal service uses are required along retail street frontages as shown on Figure 2.~~

- ~~1. If public parking is provided pursuant to MICC [19.11.130\(B\)\(5\)](#), then the following applies:
  - ~~a. A minimum of 40 percent of the ground floor street frontage shall be occupied by one or more of the following permitted uses: retail, restaurant, and/or personal service use.~~
  - ~~b. A maximum of 60 percent of each ground floor street frontage can be occupied by the following uses: hotel/motel, personal service, public facility, or office.~~
  - ~~c. Driveways, service and truck loading areas, parking garage entrances and lobbies shall not be included in calculating the required percentages of ground floor use.~~~~
- ~~2. 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 or more 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 percentages of ground floor use.~~~~
- ~~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\(B\)\(1\)\(b\)](#).~~
- ~~4. The minimum required depth of storefronts along retail street frontages is 16 feet.~~

**Figure 2 — Retail Use Required Adjacent To Street Frontages**



**A new MICC 19.11.020(B) is proposed as follows:**

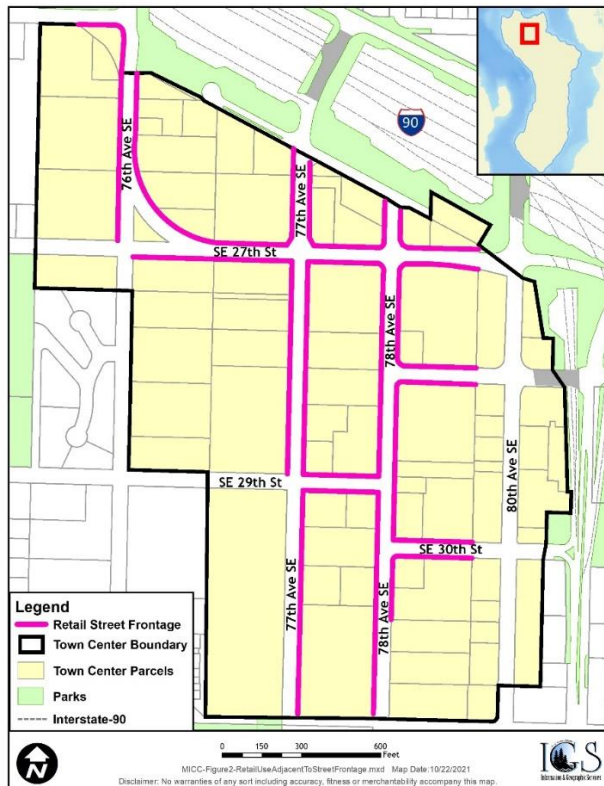
**B. Required Street Frontage Uses**

1. Retail, restaurant and/or personal service uses; museums and art exhibition uses; and/or theater uses as defined in MICC 19.16 and listed below are required adjacent to street frontages as shown on Figure 2.

**Definitions**

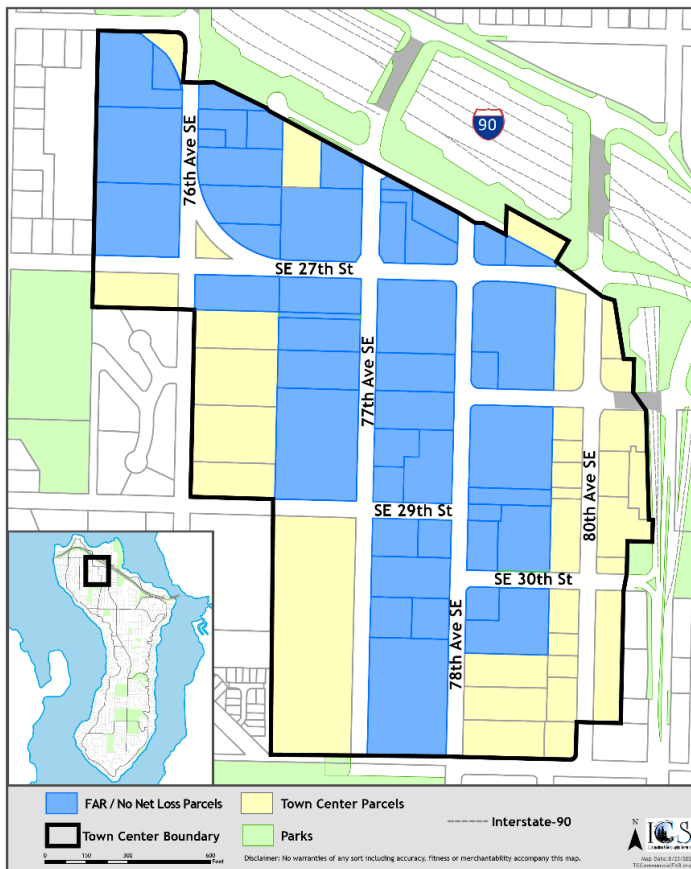
- a. *Museums and art exhibitions:* The exhibition of objects of historical, cultural, and/or educational value that are not offered for sale.
- b. *Personal services:* A business that provides services relating to personal grooming and health. Uses include barber shops, hair stylists, spas, fitness centers and nail salons.
- c. *Restaurant:* An establishment where food and drink are prepared and consumed. Such establishment may also provide catering services.
- d. *Retail use:* An establishment engaged in selling goods or merchandise and rendering services incidental to the sale of such goods.
- e. *Theaters:* Establishments primarily engaged in producing live presentations involving the performances of actors and actresses, singers, dancers, musical groups and artists, and other performing artists

**Figure 2 Uses Required Adjacent to Street Frontages**



- a. 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 10 percent transparency beyond the requirement of MICC [19.11.100\(B\)\(1\)\(b\)](#).
  - b. The minimum required depth of uses along street frontages is 16 feet.
2. The identified parcels as shown on Figure 3 are required to provide a minimum Floor Area Ratio (FAR) equivalent to 0.2623 of the gross lot area as provided by King County or a no net loss of existing floor area on the effective date of this Ordinance, whichever is greater, for retail, restaurant and/or personal service uses; museum and art exhibition uses; and/or theater uses adjacent to street frontages upon redevelopment. For the purposes of determining redevelopment, the value of redevelopment shall be an amount equal to or greater than 50% of the current total assessed improvement value as determined by King County.

**Figure 3 – Parcels Subject to FAR or No Net Loss Requirement for Required Street Frontage Uses**



- a. When a FAR calculation results in a fraction, the fraction shall be rounded to the nearest whole number as follows:
  - i. Fractions of 0.50 or above shall be rounded up to the closest whole number; and
  - ii. Fractions below 0.50 shall be rounded down to the closest whole number.
  
- b. Each individual museum and art exhibition use as well as theater use shall be limited to a contributing cap of 5,000 square feet towards the achievement of the total minimum FAR requirement for the corresponding site. For example, a site with a minimum FAR requirement of 20,000 square feet may only have one of these identified uses contribute a maximum of 5,000 square feet towards the necessary minimum through a 1:1 contribution. The remaining 15,000 square feet must come from retail, restaurant and/or personal service uses as defined in MICC 19.16.
  
- c. A review of this requirement shall occur five (5) years from the date of Ordinance adoption or after 75,000 square feet of floor area for retail, restaurant and/or personal service uses; museum and art exhibition uses; and/or theater uses adjacent to street frontages has been authorized through Building Permit issuance.