

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.

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

5. Is this action part of your 8-year periodic update required under RCW 36.70A.130 of the Growth Management Act (GMA)?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
6. Proposed Dates: Enter the anticipated public hearing date(s) for your Planning Commission/Planning Board or for your Council/Commission.	Planning Commission: January 26 and February 16, 2022 City Council: March 15 and June 21, 2022 Proposed / Date of Adoption: June 21, 2022
7. Contact Information:	
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:	jeff.thomas@mercerisland.gov
E. Work Phone:	206-275-7733
F. Cell/Mobile Phone: <i>(optional)</i>	
Consultant Information:	
G. Is this person a consultant?	<input type="checkbox"/> Yes
H. Consulting Firm name?	
8. Would you like Commerce to contact you for Technical Assistance regarding this submitted amendment?	<input type="checkbox"/> Yes

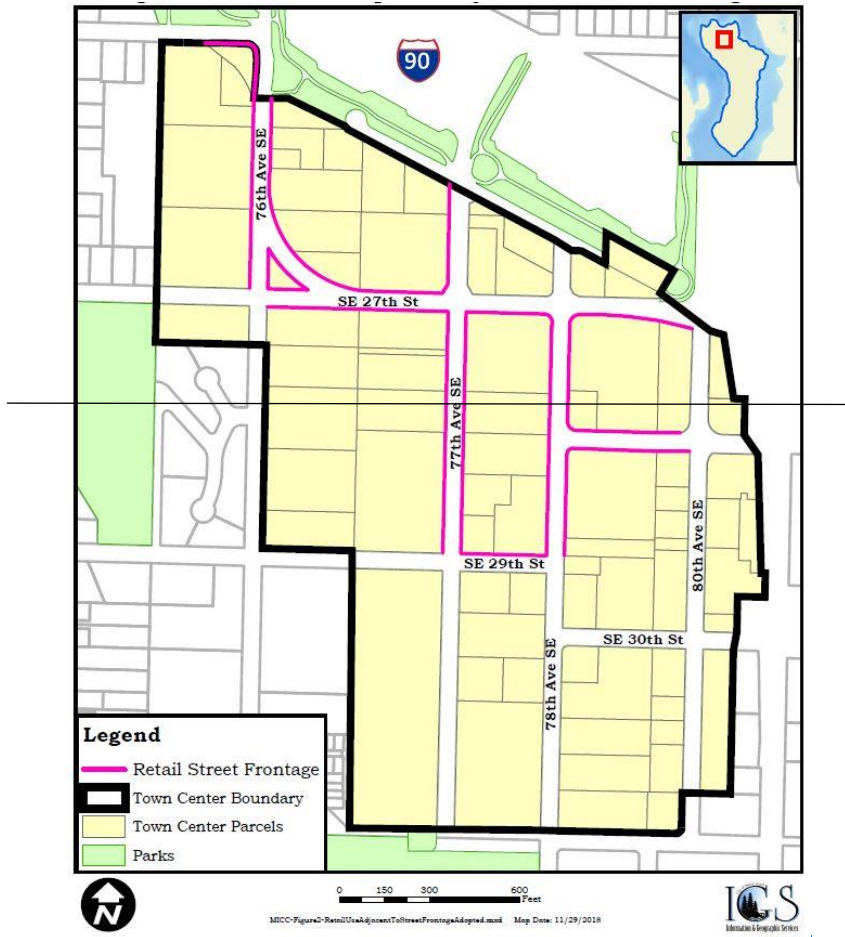
REQUIRED: Attach or include a copy of the proposed amendment text or document(s). We do not accept a website hyperlink requiring us to retrieve external documents. Jurisdictions must submit the actual document(s) to Commerce. If you experience difficulty, please email the reviewteam@commerce.wa.gov

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

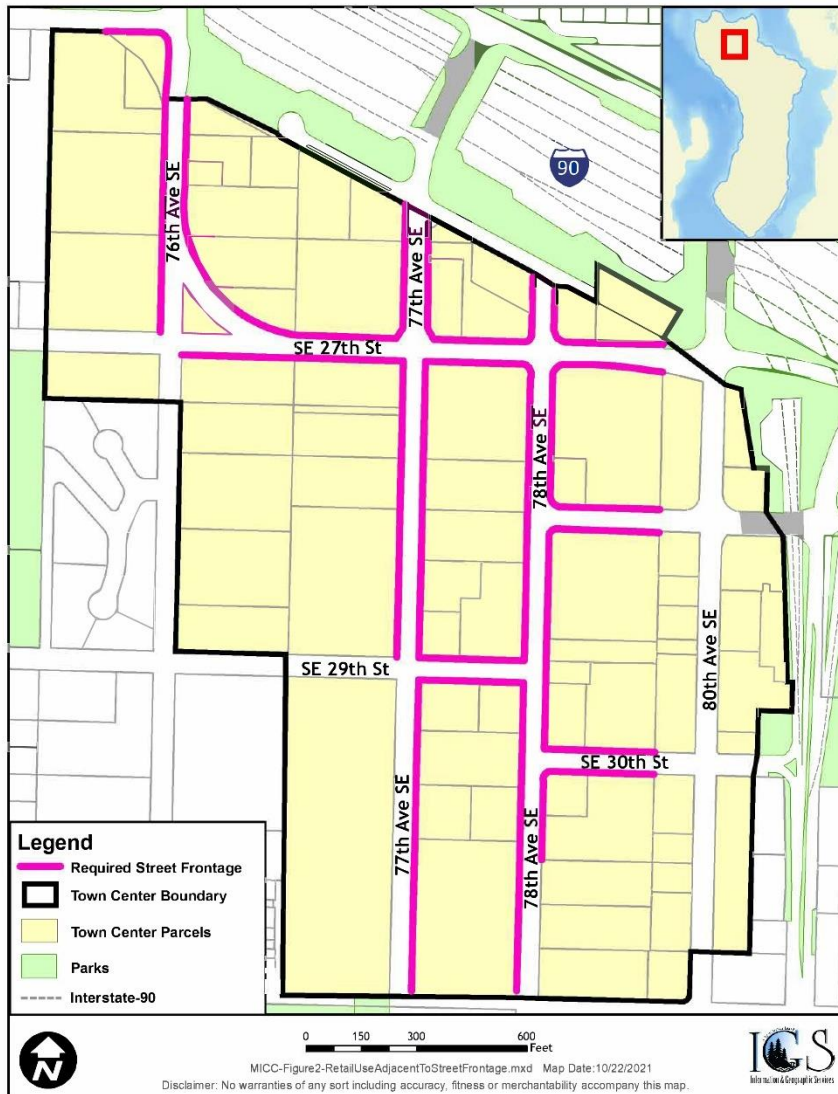


A new MICC 19.11.020(B) is proposed as follows:

B. Required ground floor street frontage uses.

1. Retail, restaurant, personal service, museum and art exhibition, theater, bar, financial and insurance service, recreation, and/or service station uses, as defined by MICC 19.16.010, are required along ground floor street frontages as shown on Figure 2.

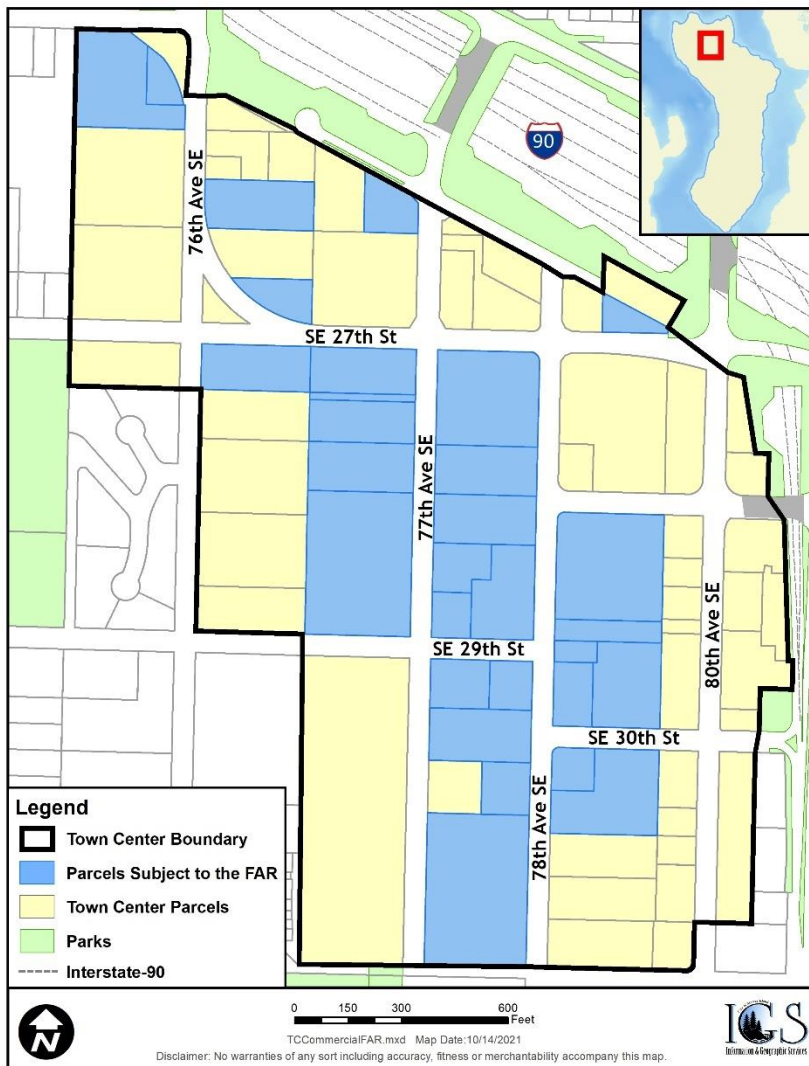
Figure 2. Uses Required Adjacent to Ground Floor Street Frontages



- a. No use shall occupy a continuous linear street frontage exceeding 60 feet in length, with the exception of museum and art exhibition and/or theater uses. 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.

- c. Required driveways, service and truck loading areas, parking garage entrances, and lobbies shall be permitted.
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 for ground floor street frontage for retail, restaurant, personal service, museum and art exhibition, theater, bar, financial and insurance service, recreation, and/or service station uses, as defined by MICC 19.16.010, 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.

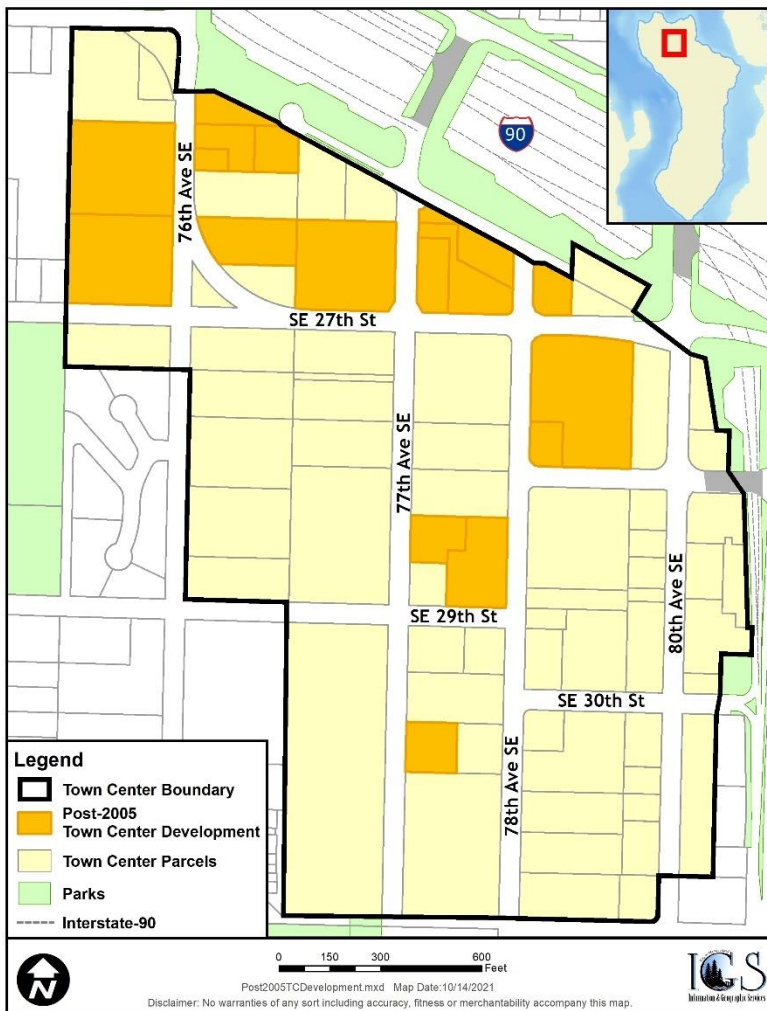
Figure 3. Parcels Subject to FAR Requirement for Ground Floor Uses



- 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 or theater use shall be limited to a contributing cap of 5,000 square feet towards the achievement of the total minimum ground floor 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 of ground floor street frontage must come from retail, restaurant, personal service, bar, financial and insurance service, recreation, and/or service station uses as defined in MICC 19.16.010.
3. The identified parcels as shown on Figure 4 are required to provide a no net loss of existing floor area for ground floor street frontage for retail, restaurant, personal service, museum and art exhibition, theater, bar, financial and insurance service, recreation, and/or service station uses, as defined by MICC 19.16.010, upon redevelopment equal to or greater than 50% of the current total assessed value as determined by King County.

Figure 4. Parcels Subject No Net Loss Requirement for Ground Floor Uses



4. A review of these requirements shall occur five (5) years from the date of Ordinance adoption or after 75,000 square feet of floor area for ground floor retail, restaurant, personal service, museum and art exhibition, theater, bar, financial and insurance service, recreation, and/or service station uses adjacent to street frontages has been authorized through Building Permit issuance.