

## **SEPA ENVIRONMENTAL CHECKLIST**

### ***Purpose of checklist:***

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

### ***Instructions for applicants:***

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown. You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

### ***Instructions for Lead Agencies:***

Please adjust the format of this template as needed. Additional information may be necessary to evaluate the existing environment, all interrelated aspects of the proposal and an analysis of adverse impacts. The checklist is considered the first but not necessarily the only source of information needed to make an adequate threshold determination. Once a threshold determination is made, the lead agency is responsible for the completeness and accuracy of the checklist and other supporting documents.

### ***Use of checklist for nonproject proposals:***

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the [SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS \(part D\)](#). Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in Part B - Environmental Elements –that do not contribute meaningfully to the analysis of the proposal.

## **A. BACKGROUND**

1. Name of proposed project, if applicable:

**Municipal Code Amendment related to Town Center Street Frontage Requirements and Eligible Uses (ZTR21-004)**

2. Name of applicant:

**Jeff Thomas, Interim Director  
City of Mercer Island Community Planning & Development**

3. Address and phone number of applicant and contact person:

**9611 SE 36<sup>th</sup> St  
Mercer Island WA 98040  
206-275-7733**

4. Date checklist prepared:

**April 29, 2022**

5. Agency requesting checklist:

**City of Mercer Island**

6. Proposed timing or schedule (including phasing, if applicable):

**In June 2020, the City of Mercer Island enacted a moratorium on major new construction in the SE quadrant of the Town Center (TC) zone. The moratorium applies to the area south of SE 29<sup>th</sup> Street, east of 77<sup>th</sup> Ave SE, and west of 80<sup>th</sup> Ave SE and has remained in place while the Mercer Island City Council considers potential updates to TC regulations. The following timeline details the legislative actions taken since the City enacted the moratorium and began drafting the proposed code amendment.**

## LEGISLATIVE TIMELINE

- June 2, 2020** The City Council passed [Ordinance No. 20-12](#), which established a 6-month moratorium on major new construction south of SE 29<sup>th</sup> Street in the TC zone. The City Council indicated that the City desired to possibly complete updates and/or amendments to development regulations within the Town Center, including requirements for various types of commercial space.
- July 21, 2020** The City Council completed the required Public Hearing for Ordinance No. 20-12 and directed staff to prepare an amended interim ordinance reducing the size of the geographic area subject to the moratorium and including additional findings of fact.
- September 1, 2020** The City Council adopted [Ordinance No. 20-18](#) with a reduced size of the geographic area subject to the moratorium and included additional findings of fact. Additionally, the City Council directed staff to prepare a scope of work for a TC commercial analysis to inform options for resolving the moratorium and a corresponding budget appropriation request.
- November 17, 2020** The City Council completed the required Public Hearing and adopted [Ordinance No. 20-26](#) renewing the moratorium for another 6-month period with its current geographic area as previously amended.
- December 1, 2020** The City Council adopted [Ordinance No. 20-29](#), the 2021-22 Biennial Budget. Included in the budget was a \$50,000 one-time appropriation for qualified professional services to perform a TC commercial analysis and support the completion of any necessary updates and/or amendments to development regulations within the TC zone to respond to the moratorium. The City Council also approved [Resolution No. 1594](#), establishing the 2021 docket for amendments to the Comprehensive Plan and development regulations. Included in the docket was a placeholder for amending the Town Center Sub-Area Plan and corresponding development regulations as necessary to respond to the moratorium.
- April 6 and 20, 2021** The City contracted with the firm Community Attributes, Inc. (CAI) to analyze the demand for additional ground floor commercial uses and the feasibility of requiring such uses in new buildings. On April 6, the City Council received a presentation on the findings of this analysis and commenced discussion ([AB 5841](#) and [associated presentation](#)). Further City Council discussion ensued on April 20, and the Council directed staff to complete additional analysis and to research legislative options, including a “no net loss” option.
- May 4, 2021** The City Council completed the required Public Hearing and adopted [Ordinance No. 21-09](#) renewing the TC moratorium for another 6-month period with its current geographic area as previously amended.

<b>July 6, 2021</b>	Staff presented several legislative options to City Council ( <a href="#">AB 5910</a> and <a href="#">associated presentation</a> ). Council provided further direction to review and propose: <ul style="list-style-type: none"> <li>• Updates to <a href="#">MICC 19.11.020(B)</a> Retail Use Required Adjacent to Street Frontages;</li> <li>• A new TC commercial Floor Area Ratio (FAR) requirement; and</li> <li>• The applicability of a new TC “no net loss” requirement.</li> </ul>
<b>September 21, 2021</b>	The City Council directed staff to work with the Planning Commission to develop the necessary code amendment to <a href="#">MICC 19.11.020(B)</a> , including updating MICC 19.11.020(B) Figure 2 Retail Use Required Adjacent to Street Frontages; instituting a Town Center Commercial FAR requirement; and adding a selective “No Net Loss” provision ( <a href="#">AB 5933</a> and <a href="#">associated presentation</a> ).
<b>September 22 and October 20, 2021</b>	The Planning Commission reviewed and commented on a proposal to amend MICC 19.11.020(B). (Video recordings: <a href="#">September 22</a> and <a href="#">October 20</a> )
<b>November 3, 2021</b>	The Planning Commission completed the required Public Hearing, deliberated the proposal to amend MICC 19.11.020(B), and voted 5-1 on a recommendation to the City Council to not adopt the proposal. ( <a href="#">Video recording</a> )
<b>November 16, 2021</b>	The City Council held a Public Hearing and adopted <a href="#">Ordinance No. 21C-27</a> , which renewed the TC moratorium for an additional 6-month period with its current geographic area as previously amended ( <a href="#">AB 5976</a> ). The Council also received the Planning Commission’s recommendation on the proposed code amendment and conducted the first reading of Ordinance No. 21C-28 ( <a href="#">AB 5977</a> ).
<b>December 7, 2021</b>	The City Council conducted the second reading of Ordinance No. 21C-28 and remanded the proposed code amendment back to the Planning Commission for a second Public Hearing and recommendation ( <a href="#">AB 5985</a> ).
<b>January 26, 2022</b>	The Planning Commission reviewed and commented on the amendments proposed and direction given by the City Council in preparation for a second Public Hearing on February 16.
<b>February 16, 2022</b>	The Planning Commission completed the second Public Hearing, deliberated, and voted 6-0 on a recommendation to the City Council to not adopt the proposed amendment to MICC 19.11.020(B).
<b>March 15, 2022</b>	The City Council received the Planning Commission’s recommendation, conducted a third reading of Ordinance No. 21C-28 ( <a href="#">AB 6036</a> ), and directed staff to update the code proposal for a fourth reading scheduled for June 21, 2022.
<b>May 3 and 17, 2022</b>	The City Council held a Public Hearing and adopted <a href="#">Ordinance No. 22-03</a> , which renews the moratorium for an additional 6-month period with its current geographic area as previously amended ( <a href="#">AB 5976</a> ).
<b>June 21, 2022</b>	The City Council will conduct a fourth reading of Ordinance No. 22C-09 (formerly Ord. No. 21C-28) and either adopt the proposed code amendment or provide additional direction to staff.

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

**This is a legislative, nonproject action, with no additions, expansions or further activity associated with this proposal.**

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

**The City is not aware of any environmental information related to this proposal.**

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

**There are no other applications for governmental approvals of other proposals directly affecting the property covered by this proposal.**

10. List any government approvals or permits that will be needed for your proposal, if known.

**The Department of Commerce was notified of the City's intent to adopt development regulation amendments on January 18, 2022, and updated on April 18, 2022.**

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

**The non-project action considers amendments to Mercer Island City Code (MICC) 19.11.020(B). This proposal intends to protect and enhance Mercer Island's retail sector while maintaining and improving the community's quality of life; it includes five primary components:**

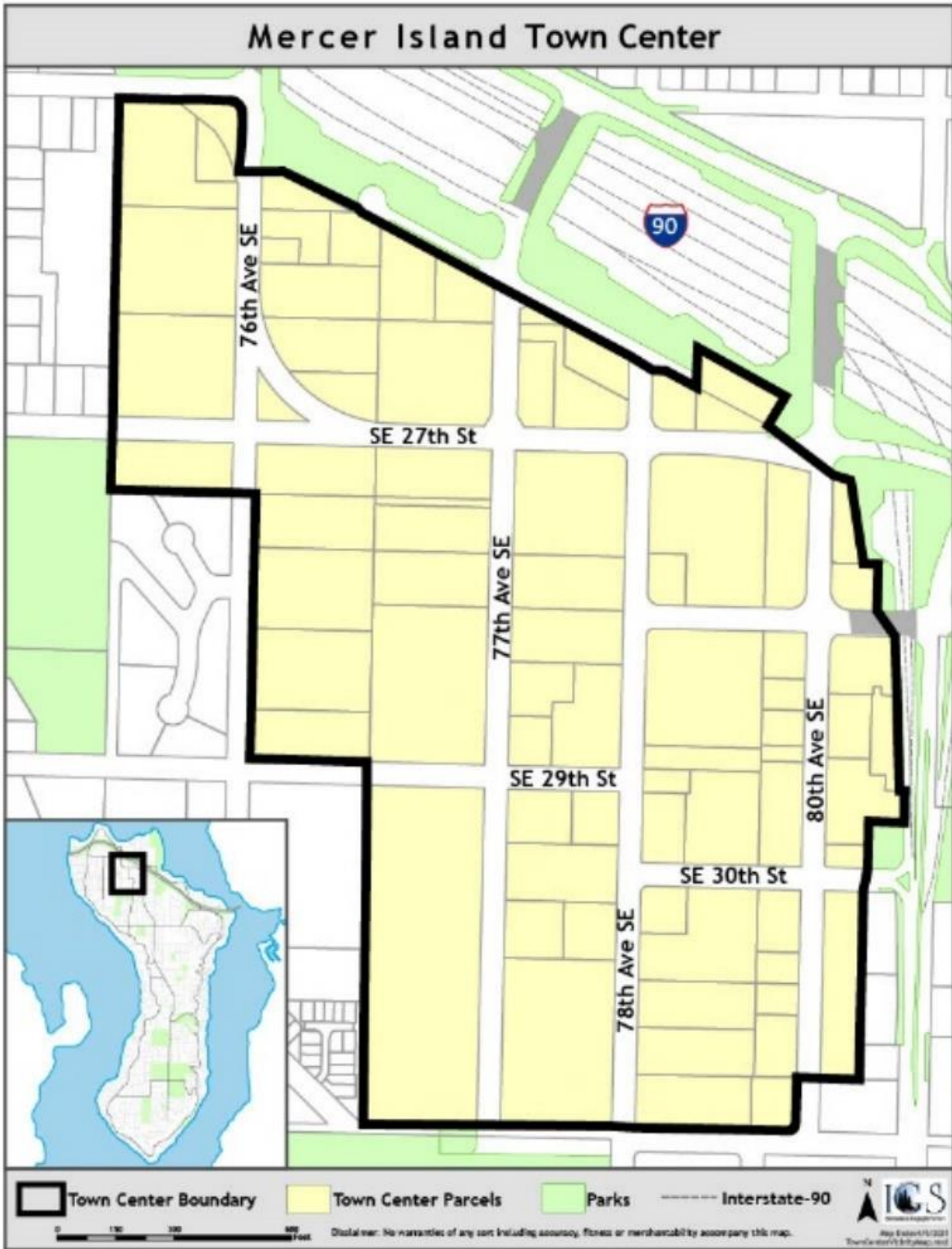
- **Updates Figure 2., which illustrates the street frontages in the Town Center (TC) zone required to provide certain types of commercial use and establishes the following list of eligible commercial uses (as defined by MICC 19.16.010):**
  - **Retail**
  - **Restaurant**
  - **Personal service**
  - **Museum and art exhibition**
  - **Theater**
  - **Bar**
  - **Financial and insurance service**
  - **Recreation**

- **Service station**
- **Identifies parcels in the TC zone that will be required to provide a minimum commercial floor area ratio (FAR) of .2623 of the gross lot area for ground floor street frontage for eligible uses;**
- **Defines a cap on the square footage of museum and art exhibition or theater use that may contribute to the achievement of the total minimum FAR requirement of the corresponding site;**
- **Identifies parcels in the TC zone that will be required to provide a no net loss of existing floor area for ground floor street frontage for eligible uses; and**
- **Establishes a review period of five years from the date of Ordinance adoption OR after 75,000 gross square feet of floor area for eligible commercial uses adjacent to street frontages has been authorized through Building Permit issuance.**

**This action proposes repealing the current MICC 19.11.020(B) in its entirety and replacing it with the proposed amendment.**

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

**The proposed legislative change will be effective in the Town Center (TC) zoning designation, outlined in the map below.**





## **B. ENVIRONMENTAL ELEMENTS**

### **1. Earth**

#### **a. General description of the site**

**This is a non-project action for the Town Center (TC) zone, which is located on the north end of Mercer Island. The TC zone is flat, with hillsides to the west (North Mercerdale Hillside) and south (Mercerdale Hillside Park) outside of the zone boundaries.**

#### **b. What is the steepest slope on the site (approximate percent slope)?**

**The TC zone is flat with an approximate slope range of 0-6.9% in most areas. North Mercerdale Hillside (west of the TC zone) and Mercerdale Hillside Park (south of the TC zone) feature steeper slopes, with a range of 7-57% in various areas of each park/natural area.**

#### **c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.**

**This is a non-project action, and no removal of soil is proposed. A range of soil types are present on Mercer Island. There are no agricultural lands of long-term significance in the City.**

#### **d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.**

**This a non-project action. Any development-related land use action within the area affected by the proposed code amendments will be required to comply with Mercer Island City Code (MICC) Ch. 19.07, Environment, which includes standards for geologically hazardous areas.**

#### **e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill.**

**This a non-project action. Any development-related land use action within the area affected by the proposed code amendments will have the option to follow the City of Mercer Island's Unified Development Code (Title 19 MICC) as it pertains to filling, excavation, or grading.**

#### **f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.**

**This a non-project action. Any development-related land use action within the area affected by the proposed code amendments will be required to comply with MICC Ch. 15.09, Stormwater Management Program, and Ch. 19.07, Environment, which includes standards for erosion hazard areas.**



g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

**This a non-project action. Any development-related land use action within the area affected by the proposed code amendments will be required to comply with the City of Mercer Island's Unified Development Code (Title 19 MICC) as it pertains to project construction and impervious surfaces.**

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

**This a non-project action. Any development-related land use action within the area affected by the proposed code amendments will be required to comply with MICC Ch. 15.09, Stormwater Management Program, and Ch. 19.07, Environment, which includes standards for erosion hazard areas and other geologically hazardous areas.**

## **2. Air**

a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.

**This is a non-project, legislative action only. The City does not expect that restricting the eligible ground floor street frontage uses to the types of commercial development that already predominate in the TC area will materially change emissions to the air.**

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

**This is a non-project, legislative action only.**

c. Proposed measures to reduce or control emissions or other impacts to air, if any:

**This a non-project action. Any development-related land use action within the area affected by the proposed code amendments will be required to comply with the City of Mercer Island's Unified Development Code (Title 19 MICC) for any construction and ongoing emissions.**

## **3. Water**

a. Surface Water:

- 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

**This is a non-project, legislative action only for the Town Center zone. A year-round watercourse is located in North Mercerdale Hillside to the west of the TC zone. The watercourse is piped through the TC zone and empties into Lake Washington via an open watercourse at Lincoln Landing, located north of the TC zone.**

- 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

**This is a non-project, legislative action only.**

- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

**This is a non-project, legislative action only.**

- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

**This is a non-project, legislative action only. The City does not expect any new surface water diversions or withdrawals as a result of implementing the proposed code amendments.**

- 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

**This is a non-project, legislative action only.**

- 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

**This is a non-project, legislative action only. No new discharges of waste materials to surface waters are anticipated as a result of imposing restrictions on ground floor street frontage and a minimum FAR ratio and no-net-loss requirement on certain parcels within the TC zone.**

b. Ground Water:

- 1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.

**This is a non-project, legislative action only.**

- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the

number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

**This is a non-project, legislative action only.**

c. Water runoff (including stormwater):

- 1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

**This is a non-project, legislative action only. New development or redevelopment occurring within the area affected by the proposed code amendments will be required to comply with the City's stormwater management regulations.**

- 2) Could waste materials enter ground or surface waters? If so, generally describe.

**This is a non-project, legislative action only.**

- 3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.

**This is a non-project, legislative action only. The proposed code amendments are not expected to alter drainage patterns in the vicinity of the TC zone.**

d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any:

**This is a non-project, legislative action only. Any development-related land use action in the area affected by the proposed code amendments will be required to comply with MICC Ch. 15.09, Stormwater Management Program and; and Ch. 19.07, Environment. Final design for specific projects will be reviewed for compliance under SEPA and other federal, state, and local permitting processes.**

#### 4. Plants

a. Check the types of vegetation found on the site:

- deciduous tree: alder, maple, aspen, other
- evergreen tree: fir, cedar, pine, other
- shrubs
- grass
- pasture
- crop or grain
- Orchards, vineyards or other permanent crops.

- wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
- water plants: water lily, eelgrass, milfoil, other
- other types of vegetation

**This is a non-project, legislative action only.**

- b. What kind and amount of vegetation will be removed or altered?

**This is a non-project, legislative action only. Any development-related land use action in the area affected by the proposed code amendments will be required to comply with MICC Ch. 15.09, Stormwater Management Program; Ch. 19.07, Environment; and Ch. 19.10, Trees.**

- c. List threatened and endangered species known to be on or near the site.

**This is a non-project, legislative action only. Any development-related land use action in the area affected by the proposed code amendments will be required to comply with Ch. 19.07, Environment, including standards for fish and wildlife habitat areas.**

- d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

**This is a non-project, legislative action only.**

- e. List all noxious weeds and invasive species known to be on or near the site.

**Mercer Island contains areas of knotweed, English ivy, and Himalayan blackberry; other noxious weeds and invasive species are known to be present on Mercer Island and specifically within or near the Town Center boundary.**

## 5. Animals

- a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site.

Examples include:

birds: hawk, heron, eagle, songbirds, other:

mammals: deer, bear, elk, beaver, other:

fish: bass, salmon, trout, herring, shellfish, other \_\_\_\_\_

**Mercer Island contains animal species typical of suburban development in the Puget Sound region, including but not limited to American crows, Steller's Jays, Bald eagles, songbirds, deer, rats, and salmon. There have also been sightings of band-tailed pigeons, pileated woodpeckers, and cavity-nesting ducks.**

b. List any threatened and endangered species known to be on or near the site.

**This is a non-project, legislative action only. The identification of threatened or endangered plant species will occur through site-specific development proposals.**

c. Is the site part of a migration route? If so, explain.

**Mercer Island is located within the Pacific Flyway.**

d. Proposed measures to preserve or enhance wildlife, if any:

**This a non-project, legislative action only. Any development-related land use action in the area affected by the proposed code amendments will be required to comply with Ch. 19.07, Environment, including standards for fish and wildlife habitat areas.**

e. List any invasive animal species known to be on or near the site.

**Invasive animal species on Mercer Island include starlings and rats.**

## **6. Energy and Natural Resources**

a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

**This is a non-project, legislative action only. Gas, oil, and electricity may be used during construction of future developments allowed under this legislative action.**

b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

**This is a non-project, legislative action only. It is not anticipated that the proposed code amendments relating to eligible uses of ground floor street frontage will affect potential use of solar energy by adjacent properties, but impacts of specific future development proposals in the affected area will be subject to SEPA review at that time.**

c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:

**This is a non-project, legislative action only. Any development-related action that requires a building permit in the area affected by the proposed code amendments will be required to comply with the applicable provisions of the Washington Energy Code.**

Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.

**The proposed code amendment would not cause environmental health hazards as the proposed code amendments would merely continue the types of uses that predominate in the affected TC zone.**

- 1) Describe any known or possible contamination at the site from present or past uses.

**The Town Center zone includes 13 sites listed as “awaiting cleanup” or “cleanup started” by the Department of Ecology’s Toxics Cleanup Program. Ten of those sites are located on parcels that would be subject to the ground floor street frontage and FAR/no net loss requirements included in this proposal. Any future development on these impacted sites will be subject to appropriate requirements to remove possible contamination.**

- 2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.

**The ten sites impacted by this proposal and identified as “awaiting cleanup” or “cleanup started” by the Department of Ecology’s Toxics Cleanup Program include the following suspected or confirmed contaminants in soil, groundwater, surface water, and/or air:**

- Benzene (5 sites)
- Petroleum
  - Gasoline (5 sites)
  - Diesel (2 sites)
  - Unspecified (4 sites)
  - Other (3 sites)
- Halogenated Organics (7 sites)
- Halogenated Solvents (2 sites)
- Other Halogenated Organics (1 site)
- Non-Halogenated Solvents (2 sites)
- Metals Priority Pollutants (1 site)
- Polycyclic Aromatic Hydrocarbons (1 site)
- Methyl tertiary-butyl ether (1 site)
- Other non-petroleum hazardous substances leaked from underground storage tank systems

- 3) Describe any toxic or hazardous chemicals that might be stored, used, or produced

during the project's development or construction, or at any time during the operating life of the project.

**This is a non-project, legislative action only. Any future developments in the area affected by the proposed code amendments will be required to disclose plans for storing, using, or producing toxic or hazardous chemicals.**

- 4) Describe special emergency services that might be required.

**This is a non-project, legislative action only, and it requires no special emergency services.**

- 5) Proposed measures to reduce or control environmental health hazards, if any:

**This is a non-project action. Any future development in the area affected by the proposed code amendments will be subject to appropriate controls to avoid, mitigate and/or abate environmental health hazards.**

## **7. Noise**

- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

**This is a non-project, legislative action only that will not be affected by noise levels.**

- 2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

**This is a non-project, legislative action only that will not create any noise. Future development or redevelopment is expected to reflect current noise levels because the proposed code amendments encourage development of uses of ground floor street frontage that already predominate in the affected area.**

- 3) Proposed measures to reduce or control noise impacts, if any:

**This non-project, legislative action only. Any project that results from the plan will be required to comply with MICC Ch. 8.24, Nuisance Control Code, which regulates permissible noise levels.**

## **8. Land and Shoreline Use**

- a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.



**The TC zone includes commercial, multi-family residential, and mixed-use properties in addition to two major city parks. Outside of the TC zone, the City's primary land use is single-family residential development. This non-project, legislative action will only apply to properties in the TC zone.**

b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use?

**This is a non-project, legislative action only. There is no agricultural or forest land of long-term significance on Mercer Island.**

1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how:

**This is a non-project, legislative action only. See previous response.**

c. Describe any structures on the site.

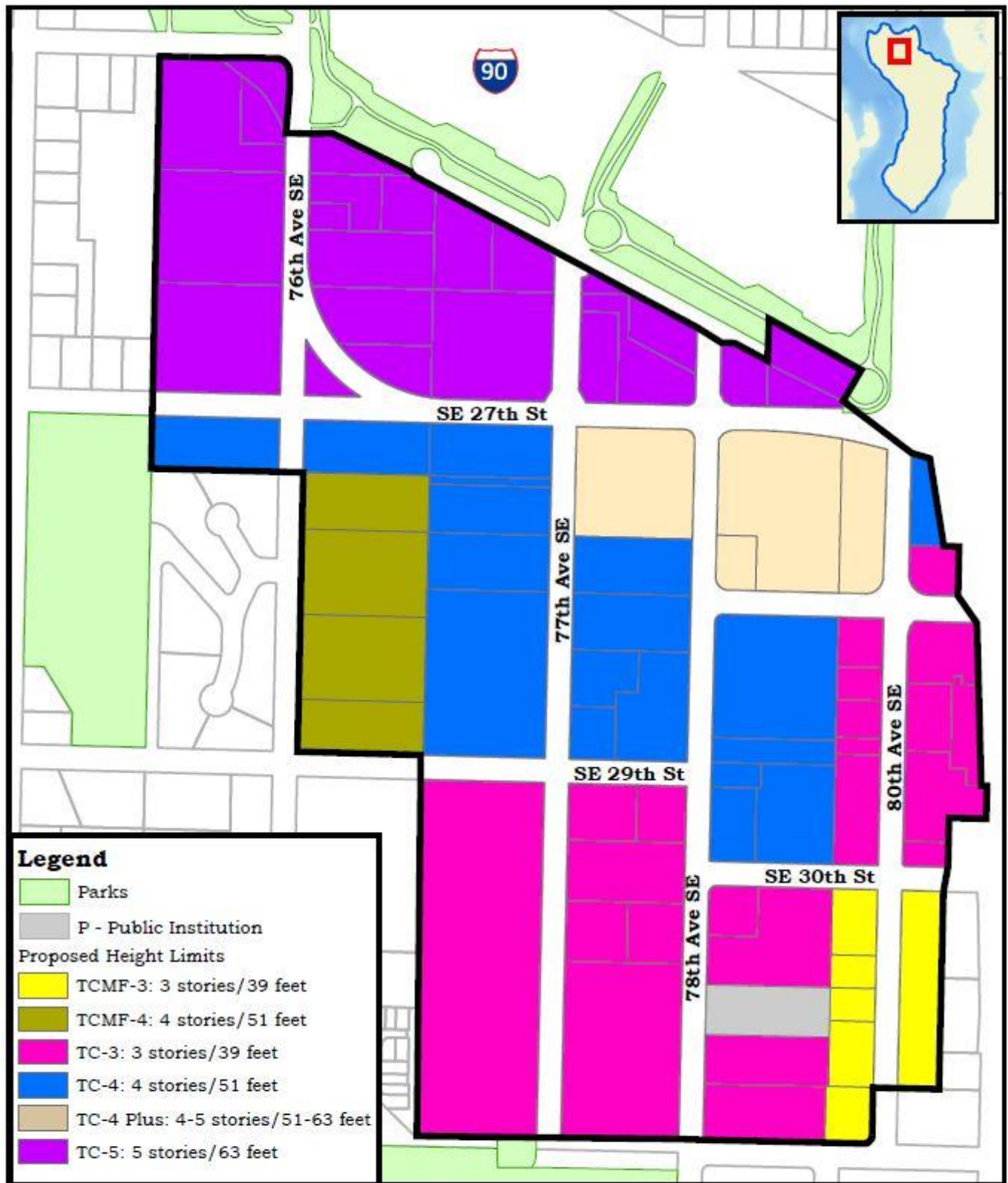
**The TC zone includes multi-story, mixed-use commercial/residential buildings as well as single-story and two-story commercial office buildings and shopping centers; surface and structure parking facilities; senior living facilities; and two public parks featuring green space, walking paths, public art, a play structure, and seating areas. Single-family residences, condos, and multi-family residences directly surround the TC zone.**

d. Will any structures be demolished? If so, what?

**This is a non-project, legislative action only. Since projects have not been designed, requirements for demolition of structures are unknown at this time. However, the City can anticipate that the proposed requirements will result in redevelopment of older parcels, resulting in potential demolition of existing single-story shopping centers and development of new multi-story, mixed-use commercial/residential buildings.**

e. What is the current zoning classification of the site?

**The TC zone includes six subareas: TC-5, TC-4, TC-4 Plus, TC-3, TCMF-4, and TCMF-3. The subareas are denoted in the map on the following page.**



0 150 300 600 Feet  
 MISC-Figure1-TCMaxBldgHeightAdopted.mxd Map Date: 11/29/2018



f. What is the current comprehensive plan designation of the site?

**The comprehensive plan designates the site as the Town Center (TC) zone.**

g. If applicable, what is the current shoreline master program designation of the site?

**This is a non-project, legislative action only. Any development-related land use action in the area affected by the proposed code amendments will be required to comply with Ch. 19.13, Shoreline Master Program.**

h. Has any part of the site been classified as a critical area by the city or county? If so, specify.

**This is a non-project, legislative action only. Any development-related land use action in the area affected by the proposed code amendments will be required to comply with Ch. 19.07, Environment, including standards for critical areas.**

i. Approximately how many people would reside or work in the completed project?

**This is a non-project, legislative action only. Since no projects have been designed, the number of residences or work spaces is unknown at this time.**

j. Approximately how many people would the completed project displace?

**This is a non-project, legislative action only. Since no projects have been designed, displacement impacts are unknown at this time.**

k. Proposed measures to avoid or reduce displacement impacts, if any:

**This is a non-project, legislative action only. Since no projects have been designed, displacement mitigation needs are unknown at this time.**

l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

**The proposed legislative action is consistent with the provisions of the existing Mercer Island Comprehensive Plan. Any development-related land use action in the area affected by the proposed code amendments will be required to comply with the applicable zoning standards of MICC Title 19, Unified Development Code.**

m. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any:

**The proposal is legislative only, and no development is being proposed. There is no agricultural or forest land of long-term significance on Mercer Island.**

## 9. Housing

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

**This is a non-project, legislative action only. Since projects have not been designed yet, the number of resulting housing units is unknown at this time. However, the City anticipates that the proposal will result in future development of multi-story, mixed-use commercial/residential buildings that will expand the community's supply of multi-family housing options.**

- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

**This is a non-project, legislative action only. Since projects have not been designed, the number of existing housing units that would be eliminated is unknown. Additionally, the parcels identified as likely to redevelop (i.e. the parcels subject to the proposed FAR requirement) currently contain very few housing units, so minimal displacement is anticipated.**

- c. Proposed measures to reduce or control housing impacts, if any:

**This is a non-project, legislative action only. Since no projects have been designed, housing impact mitigation needs are unknown at this time.**

## 10. Aesthetics

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

**No new structures are proposed as part of this non-project action. Future development in the area affected by the propose code amendments will be regulated by the MICC Title 17, Construction Codes, and MICC Title 19, Unified Development Code.**

- b. What views in the immediate vicinity would be altered or obstructed?

**No views will be altered or obstructed as part of this non-project action. View impacts will be analyzed when specific projects are proposed for development.**

- b. Proposed measures to reduce or control aesthetic impacts, if any:

**This is a non-project, legislative only action. Any development-related land use action in the area affected by the propose code amendments will be required to comply with MICC Ch. 19.11, Town Center Development and Design Standards.**

## 11. Light and Glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

**The proposal is legislative only, and no development causing light or glare is being proposed at this time.**

- b. Could light or glare from the finished project be a safety hazard or interfere with views?

**The proposal is legislative only, and no development causing light or glare is being proposed at this time.**

- c. What existing off-site sources of light or glare may affect your proposal?

**There are no known existing off-site sources of light or glare that may affect this non-project action.**

- d. Proposed measures to reduce or control light and glare impacts, if any:

**This is a non-project, legislative action only, and no project resulting in light or glare impacts is being proposed at this time. Any development-related land use actions in the area affected by the propose code amendments will be required to comply with applicable lighting standards in MICC Title 19, Unified Development Code.**

## **12. Recreation**

- a. What designated and informal recreational opportunities are in the immediate vicinity?

**The TC zone is adjacent to Mercedale Park to the south and a portion of Aubrey Davis Park to the north, including a stretch of the I-90 Trail as well as the Greta Hackett Outdoor Sculpture Gallery.**

- b. Would the proposed project displace any existing recreational uses? If so, describe.

**This is a non-project, legislative action only, and no development that would result in the displacement of existing recreational uses is being proposed at this time in the area affected by the propose code amendments.**

- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

**This is a non-project, legislative action only, and no development that would result in the displacement of existing recreational uses is being proposed at this time in the area affected by the propose code amendments.**

### 13. Historic and cultural preservation

- a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers? If so, specifically describe.

**Two buildings on Mercer Island are listed on both the National Register of Historic Places and Washington Heritage Register. These buildings are not located in the TC zone. There are commercial buildings such as office buildings located in the TC zone that are 45 years old or older.**

- b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.

**There is no evidence of Indian or historic use or occupation.**

- c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.

**The proposal is legislative only, and no development is being proposed at this time.**

- d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.

**The proposal is legislative only, and no development is being proposed at this time. Upon any specific project, cultural resource evaluations and inventories on sites that have a greater potential for historic significance will be performed, including consultation with Tribes and the State Department of Historic Preservation as required. Such surveys will direct avoidance and/or mitigation measures to be implemented on a site-specific basis. Inadvertent discovery plans will be required for all sites with greater potential for archaeological, cultural and historic resources. The proposed code amendments are not expected to result in any disturbance to cultural resources in the affected area.**

### 14. Transportation

- a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any.

**The proposal is legislative only, and no development is being proposed at this time. The proposed code amendments reflect and conform to the current street grid in the TC zone. Any future developments will be required to mitigate impacts to transportation facilities per MICC Ch. 19.20, Transportation Concurrency Program.**

b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?

**The TC zone is currently served by Sound Transit and King County Metro buses.**

c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate?

**The proposal is legislative only, and no change to parking spaces is being proposed. Any development-related land use action in the area affected by the propose code amendments will be required to provide minimum parking requirements in MICC Title 19, Unified Development Code, and as may be required by parking demand studies.**

d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).

**The proposal is legislative only, and no change to road improvements is being proposed at this time. Future Town Center developments will be subject to the requirements stipulated in 19.11.120, Street Standards.**

e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

**The proposal is legislative only, and no development is being proposed at this time. Any future developments would occur in the vicinity of the forthcoming Sound Transit Light Rail station located in between 77<sup>th</sup> Ave SE and 80<sup>th</sup> Ave SE and accessible by auto, bike, and pedestrian travel.**

f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates?

**The proposal is legislative only, and no development is being proposed at this time. The proposal intends to grow the level of commercial services available in the Town Center over a 20-year period, which could result in increased truck and other vehicular trips to the Town Center. Any future developments will be required to provide traffic data concurrent with the requirements of 19.20, Transportation Concurrency Management System.**

g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.

**The proposal is legislative only, and no development is being proposed at this time. The proposed code amendments do not reflect a change to roads or streets in the area.**



h. Proposed measures to reduce or control transportation impacts, if any:

**The proposal is legislative only. Transportation impacts of individual project actions will be analyzed and mitigated by compliance with MICC Ch. 19.20, Transportation Concurrency Management System.**

### 15. Public Services

a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe.

**The proposal intends to grow the level of commercial services available in the Town Center, which could result in increased auto, bike, and pedestrian traffic to the Town Center and thus need for more public services to accommodate an increase in use. The City anticipates that the sales tax base will increase as well, providing more resources for public services.**

b. Proposed measures to reduce or control direct impacts on public services, if any.

**The proposal is legislative only, and no development is being proposed. Any future developments in the area affected by the proposed code amendments will be analyzed for potential impacts on public services as part of the review process.**

### 16. Utilities

- a. Circle utilities currently available at the site:  
electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other \_\_\_\_\_
- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

**The proposal is legislative only, and no development is being proposed.**

### C. SIGNATURE

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: Jeff Thomas

Name of signee: Jeff Thomas

Position and Agency/Organization: Interim Director, City of Mercer Island Community Planning and Development Department

Date Submitted: May 24, 2022



## D. SUPPLEMENTAL SHEET FOR NON-PROJECT ACTIONS

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment. When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

**The proposed code amendment does not make changes to regulations related to clearing, grading or land development, and is therefore unlikely to increase discharges to water. Additionally, the proposal does not make changes to the regulations for toxic or hazardous substances. This amendment is unlikely to have any effect on the production, storage, or release of toxic or hazardous substances. Finally, the proposal is not expected to affect emissions to air and/or increase the production of noise beyond what is currently allowed in the code.**

**All new developments permitted under the proposed amendments would still be required to comply with existing stormwater and impervious surface regulations as well as to manage toxic and hazardous substances under existing regulations.**

Proposed measures to avoid or reduce such increases are:

**Auto emissions and demand for parking at new developments could be reduced through increased use of nonmotorized or non-single vehicle transportation, including walking, biking, or riding public transportation. Any development-related land use action will be required to comply with MICC Ch. 15.09, Stormwater Management Program; Ch. 19.07, Environment; and Ch. 8.24, Nuisance Control Code.**

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

**The TC zone features very little open space; impacts to plants and animals in the area will be minimal. However, plants and animals may be affected by future development-related land use actions, including displacement from new development.**

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

**Any development-related land use action will be required to comply with Ch. 19.07, Environment, including standards for wetlands, watercourses, and fish and wildlife habitat areas; Ch. 19.10, Trees; and Ch. 19.13, Shoreline Master Program.**

3. How would the proposal be likely to deplete energy or natural resources?

**The proposed code amendment could result in future development-related land action that increases activity in the TC zone, including generating auto traffic to and from the zone. However, it is not anticipated that the intensity of these activities will significantly increase as a result of this non-project action.**

Proposed measures to protect or conserve energy and natural resources are:

**Any development-related land use actions will be required to comply with applicable provisions in MICC Title 19, including Ch. 19.11.050, Green building standards, and other chapters related to energy and natural resource use.**

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

**No environmentally sensitive or government-protected areas exist in the TC zone. However, the zone is adjacent to two public park spaces at its north and south boundaries. Future development-related land use action could result in increased activity in the TC zone, which could result in increased use of these park spaces. However, it is not anticipated that the intensity of these activities will significantly increase as a result of this non-project action.**

Proposed measures to protect such resources or to avoid or reduce impacts are:

**Any development-related land use action under this proposed amendment will be required to comply with Ch. 19.07, Environment.**

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

**The TC zone is not directly adjacent to shoreline, and this action does not propose any uses that are incompatible with existing plans for land and shoreline use. However, future development-related land use action could result in increased demand for services in the TC zone, which could drive activity at City docks if patrons arrive by water to use TC services. However, it is not anticipated that the intensity of these activities will significantly increase as a result of this non-project action.**

Proposed measures to avoid or reduce shoreline and land use impacts are:

**Projects implemented under this proposed code amendment will be subject to further environmental and land use review, as appropriate, to ensure consistency with all local, state, and federal laws and regulations. Any development-related land use action will be required to comply with applicable provisions of MICC Title 19, Unified Development Code, including, but not limited to, zoning standards and Ch. 19.13, Shoreline Master Program.**

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

**The proposed code amendment may result in future development-related land use that spurs pedestrian, bike, automotive, and public transportation activity in the TC zone. Future activity may also result in need for law enforcement services, including enforcing parking regulations. However, it is not anticipated that the intensity of these activities will significantly increase as a result of this non-project action.**

Proposed measures to reduce or respond to such demand(s) are:

**Transportation impacts of individual project actions will be analyzed and mitigated by compliance with MICC Ch. 19.20, Transportation Concurrency Program, as well as any required compliance with MICC Ch. 19.17, School Impact Fees, Ch. 19.18, Parks Impact Fees, and Ch. 19.19, Transportation Impact Fees.**

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

**The proposal is in compliance with local, state, and federal regulations, and all future development-related land use action shall also comply with all local, state, and federal regulations.**