

<b>Mercer Island City Code Compliance Matrix</b>		
<b>Mercer Island City Code (MICC) 19.06.010-Prohibited Uses.</b>	<b>How the proposed development meets the provisions of the MICC relative to Prohibited Uses</b>	<b>City Review/Notes</b>
The following uses are prohibited in all zones except as specifically allowed below.	Noted	
A. Portable toilets except for temporary encampments, emergency or construction use.	N/A - the project does not propose portable toilets.	
B. Electric fences or any device designed to give an electric shock to any person coming in contact therewith.	N/A - the project does not propose electric fences or devices designed for electric shock on contact.	
C. Houseboats and watercraft used for habitation or commercial purposes.	N/A - the project does not propose watercraft.	
D. Excavation and removal from the lot, as distinguished from grading on the lot, of black soil, peat, sand, gravel or other natural deposits.	N/A - the project does not propose excavation as removal from the site.	
E. The use of any vehicle or trailer as a dwelling.	N/A - the project does not propose use of any vehicle or trailer as a dwelling.	
F. Any signs, except as permitted by this Code, or other city or state regulation.	N/A - the project does not propose signage.	
G. The lease of any dwelling or dwelling unit for a period of less than 30 days; provided, rooms in a bed and breakfast, hotel, or motel may be leased for periods of less than 30 days.	N/A - the project does not propose dwelling units.	

<b>Mercer Island City Code Compliance Matrix</b>		
<b>Mercer Island City Code (MICC) 19.06.020-Temporary Signs</b>	<b>How the proposed development meets the provisions of the MICC relative to Temporary Signs</b>	<b>City Review/Notes</b>
A. General provisions. All temporary signs in the city are subject to the following conditions:	N/A - the project does not propose signage.	
1. Signs may not be placed on private property without permission of the owner.	N/A - the project does not propose signage.	
2. All signs shall be unlit.	N/A - the project does not propose signage.	
3. Signs shall not obstruct vehicular or pedestrian traffic.	N/A - the project does not propose signage.	
4. It is the responsibility of the person posting a temporary sign to remove it.	N/A - the project does not propose signage.	
5. Except as specified elsewhere in this section, temporary signs shall not exceed 60 inches above the ground and shall not exceed six square feet in area; provided, signs up to 16 square feet in area may be allowed subject to the issuance of a permit from the code official; further provided, both sides of an A-frame sign shall be counted in calculating the sign's area.	N/A - the project does not propose signage.	
6. Signs in public rights-of-way. Signs may not be placed on public property except for publicly owned rights-of-way. In addition to all other applicable conditions, signs placed in rights-of-way shall be subject to the following conditions:	N/A - the project does not propose signage.	
a. Signs may be placed on rights-of-way adjacent to a single-family dwelling only with permission of the adjoining property owner.	N/A - the project does not propose signage.	
b. Signs shall not create a traffic safety or maintenance problem, and the city may remove and dispose of any signs that do constitute a problem.	N/A - the project does not propose signage.	
c. Signs placed on public property shall be freestanding and shall not be attached to any structure or vegetation. Signs attached to utility poles, traffic signs, street signs, or trees are specifically forbidden.	N/A - the project does not propose signage.	
d. Signs shall be either an A-frame design or shall be attached to a stake driven into the ground well clear of tree roots, irrigation lines and any other underground vegetation or structures that could be damaged by such a stake.	N/A - the project does not propose signage.	
e. A temporary sign may only be erected for a maximum of 120 days during any 365-day period.	N/A - the project does not propose signage.	
B. Temporary signs allowed in all zones.	N/A - the project does not propose signage.	

1. Temporary, noncommercial signs. Temporary, noncommercial signs, which are signs that express non-commercial messages such as public/community events, religious, political, ideological, or other philosophical messages, are allowed in all zones, subject to the conditions set out in subsection (A) of this section.	N/A - the project does not propose signage.	
a. Except as allowed in subsection (C) of this section, banners, pennants, and other similar attention getting devices are not allowed.	N/A - the project does not propose signage.	
2. Temporary commercial signs. Temporary commercial signs are not allowed outside of the TC, B and PBZ zones except for real estate signs and garage sale signs.	N/A - the project does not propose signage.	
a. Real estate signs. Signs advertising the sale, rental, or lease of property are allowed in all zones, subject to the following conditions.	N/A - the project does not propose signage.	
i. One real estate sign per street frontage is allowed on property being offered for sale, rent, or lease.	N/A - the project does not propose signage.	
ii. Three real estate A-frame signs may be posted in the public right-of-way, subject to the conditions set out in subsection (A)(6) of this section, for the following purposes:	N/A - the project does not propose signage.	
(a) Advertising a real estate open house at a single-family dwelling; provided, no more than four signs total may be posted for property being sold by the same owner;	N/A - the project does not propose signage.	
(b) Directing the public to a multiple-family dwelling in which there is a dwelling unit available for rental or sale.	N/A - the project does not propose signage.	
iii. Real estate sales and rental signs shall be removed within seven days after the sale or rental of the property being advertised.	N/A - the project does not propose signage.	
iv. Real estate signs in public rights-of-way may be posted only during those hours that a real estate or rental agent is actually present at the property and shall be removed at the end of the open house or when the sales or rental office closes each day.	N/A - the project does not propose signage.	
b. Garage sales.		
i. Three signs directing the public to a garage sale may be posted in a public right-of-way subject to the conditions set out in subsection (A)(6) of this section.	N/A - the project does not propose signage.	

ii. Garage sale signs may be posted no more than 24 hours before the beginning of the sale and shall be removed at the end of the sale.	N/A - the project does not propose signage.	
C. Temporary commercial signs in the TC, B, and PBZ zones. Temporary commercial signs in the form of banners, A-frame sandwich boards and streamers are allowed in the TC, B, and PBZ zones; provided, temporary signs shall not be permanently attached to any structure on the site; and further provided, the temporary signs conform to the following conditions:	N/A - the project does not propose signage.	
1. Banners.		
a. Shall be no larger than 48 square feet; however, no business may display more than ten square feet of banner per ten feet of business facade as measured by that portion of the building facing the access street, up to a maximum of 48 square feet, but always in proportion to the business building.	N/A - the project does not propose banners.	
b. Shall be limited to one banner per side of the business as it faces and is accessible to the public.	N/A - the project does not propose banners.	
c. Shall be attached to the building housing the business.	N/A - the project does not propose banners.	
d. May hang for up to 30 days at one time, but no more than a total of 120 days per calendar year on a side of the business designated for display. Any side of a business must be free of any banner for a period of no less than 14 days before the next banner is hung.	N/A - the project does not propose banners.	
e. Shall be professionally produced by a person skilled in the art of graphic design.	N/A - the project does not propose banners.	
f. Shall be hung in a manner which does not obstruct traffic or a view of any other business.	N/A - the project does not propose banners.	
g. Shall be well maintained.	N/A - the project does not propose banners.	
2. A-Frames. Each licensed business may post one A-frame sign either on property owned or controlled by the business or in the public right-of-way, subject to the conditions set out in subsection (A)(6) of this section; provided, the sign:	N/A - the project does not propose signage.	
a. Shall not exceed 60 inches above the ground and shall not exceed 24 square feet in area; provided, both sides of the A-frame shall be counted in calculating the sign's area.	N/A - the project does not propose signage.	
b. May be used on a daily basis, but only during business hours.	N/A - the project does not propose signage.	
c. Shall be located within 100 feet of the business displaying the sign.	N/A - the project does not propose signage.	

d. Shall be professionally produced by a person skilled in the art of graphic design.	N/A - the project does not propose signage.	
e. Shall be well maintained.	N/A - the project does not propose signage.	
3. Streamers, flags, or pennants attached to a string or wire.	N/A - the project does not propose signage.	
a. May be used a maximum of two times per year for a maximum of seven days each time.	N/A - the project does not propose signage.	
b. Shall be attached to the building housing the business displaying the streamer.	N/A - the project does not propose signage.	
c. Shall not obstruct vehicular or pedestrian traffic or obstruct a view of any other business.	N/A - the project does not propose signage.	
d. Shall be well maintained.	N/A - the project does not propose signage.	
4. Other temporary signage. Other forms of portable signs are expressly prohibited.	N/A - the project does not propose signage.	

**Mercer Island City Code Compliance Matrix**

<b>Mercer Island City Code (MICC) 19.06.030-Antennas</b>	<b>How the proposed development meets the provisions of the MICC relative to Antennas</b>	<b>City Review/Notes</b>
A. Antennas are not permitted within required yards or setbacks.	Installation of the antenna would be in the ROW.	
B. Dish antennas are not permitted between a building and a street.	N/A - the project does not propose a dish antenna.	
C. No part of a dish antenna shall exceed 15 feet above average building elevation. Dish antennas shall not be permitted on rooftops of buildings.	N/A - the project does not propose dish antenna.	
D. The code official shall review the proposed location of a dish antenna to determine that the antenna is located and designed so as to minimize the visual impact on surrounding properties and streets and is reasonably and adequately screened from view from abutting properties.	N/A - the project does not propose a dish antenna.	
E. Dish antennas shall not be installed on a portable, or movable device, such as a trailer.	N/A - the project does not propose a dish antenna.	
F. Dish antennas shall not exceed 12 feet in diameter.	N/A - the project does not propose a dish antenna.	
G. Dish antennas shall be constructed of transparent material such as wire mesh and shall be finished in a dark color and a non-light-reflective surface.	N/A - the project does not propose a dish antenna.	
H. Only one dish antenna shall be permitted on any residential lot.	N/A - the project does not propose a dish antenna.	
I. A deviation from any of the above standards may be granted by the code official or the design commission for projects which require design commission approval.	Noted	
J. Dish antennas shall be installed and maintained in compliance with the applicable construction codes set forth in MICC title 17.	N/A - the project does not propose a dish antenna.	

**Mercer Island City Code Compliance Matrix**

<b>Mercer Island City Code (MICC) 19.06.040-Wireless Communication</b>	<b>How the proposed development meets the provisions of the MICC relative to Wireless Communication</b>	<b>City Review/Notes</b>
This section is intended to apply to macro wireless communications facilities and other facilities that do not qualify as small wireless facilities, which are governed by MICC 19.06.070 and 19.06.075.	N/A - the project is not a WCF.	
A. Town Center, commercial/office, business and planned business zones.	N/A - the project is not within the Town Center Zone.	
1. Permitted use. Attached wireless communications facilities ("WCFs") are permitted in the Town Center, commercial/office, business and planned business zones. WCFs with support structures are permitted in the commercial/office, business and planned business zone districts, and are not permitted in the Town Center district.	N/A - the project is not within the Town Center Zone.	
a. Town Center zone (TC). The height of attached WCFs shall not exceed the height of the structure it is attached to by more than 15 feet. Wireless support structures are not allowed in the TC zone.	N/A - the project is not within the Town Center Zone.	
b. Commercial/office zone (C-O). The height of attached WCFs shall not exceed the height of the structure it is attached to by more than ten feet. Structures shall not be located within front yard setbacks. Structures in the side and rear yards must be set back from adjacent property a distance equal to the height of the pole. New WCFs may be located on a monopole and shall not exceed 60 feet in height.	N/A - the project is not a WCF.	
c. Planned business zone (PBZ) and business zone (B). The height of attached WCFs shall not exceed the height of the structure it is attached to by more than ten feet. Structures shall not be located within the setbacks. New WCFs may be located on a monopole and shall not exceed 60 feet in height.	N/A - the project is not a WCF.	
2. Performance standards. WCFs shall comply with the standards in subsection (E) of this section.	N/A - the project is not a WCF.	
B. Public institution zone (I-90 Corridor).	N/A - the project is not a WCF.	
1. Permitted use. Wireless communications facilities, including antenna support structures and equipment cabinets, are permitted. Facilities must meet all of the following criteria:	N/A - the project is not a WCF.	

<p>a. Antennas shall not project more than two feet in height over the nearest I-90 retaining wall, unless they are located on an existing structure, and must be screened as much as possible from public views;</p>	<p>N/A - the project is not a WCF.</p>	
<p>b. Equipment cabinet dimensions shall not exceed 480 cubic feet, should be placed underground if feasible and shall be completely screened from pedestrian and park activities with landscaping;</p>	<p>N/A - the project is not a WCF.</p>	
<p>c. Facilities shall be within 15 feet of the pedestrian side of the I-90 retaining wall, unless they are located on an existing structure. Facilities may be located between the retaining walls in the traffic corridor;</p>	<p>N/A - the project is not a WCF.</p>	
<p>d. Facilities shall be at least 300 feet from any single-family dwelling, unless located between and below the top of the retaining walls in the traffic corridor;</p>	<p>N/A - the project is not a WCF.</p>	
<p>e. Applicants shall demonstrate that they have attempted to collocate on existing structures such as other wireless support structures, rooftops, light poles, utility poles, walls, etc.</p>	<p>N/A - the project is not a WCF.</p>	
<p>2. Performance standard and location. Wireless communications facilities shall comply with the standards in subsection (E) of this section. No wireless communications facilities are allowed along the Greta Hackett Outdoor Sculpture Gallery, defined as the south side of I-90 between 76th Avenue SE and 80th Avenue SE.</p>	<p>N/A - the project is not a WCF.</p>	
<p>C. Island Crest Way Corridor.</p>		
<p>1. WCFs are permitted within the right-of-way boundary along Island Crest Way from SE 40th Street to SE 53rd Place and from SE 63rd to SE 68th Street. WCFs must be attached directly to and in line with existing utility poles, with the smallest feasible overhang. WCF antennas shall not exceed 96 inches in length, 12 inches in width, and 12 inches in depth. The WCF must not project over the height of the pole, but a pole with a height of up to 70 feet may replace an existing pole, or a pole with a height of up to 110 feet may replace an existing pole if the WCF is being collocated with another WCF consistent with subsection (F) of this section. All WCFs shall be set back from adjacent residential structures by a minimum of 40 feet.</p>	<p>N/A - the project is not a WCF.</p>	

2. Performance standards. Wireless communications facilities shall comply with the standards in subsection (E) of this section. Proponents shall provide an agreement with the utility pole owner granting access to the pole.	N/A - the project is not a WCF.	
D. Residential districts.		
1. Permitted use. WCFs are prohibited in single-family and multifamily residential zones; provided, WCFs are permitted as stated below on the following public and utility properties:	N/A - the project is not a WCF.	
a. South Mercer Island Fire Station, 8473 SE 68th Street. Maximum height: 60 feet;	N/A - the project is not a WCF.	
b. Puget Sound Energy Power Substation, 8477 SE 68th Street. Maximum height: 60 feet;	N/A - the project is not a WCF.	
c. Mercer Island Water Reservoir, 4300 88th Avenue SE. Maximum height: 60 feet;	N/A - the project is not a WCF.	
d. Island Crest Park, if the WCF is either (i) attached to an existing ballfield light standard, or (ii) attached to a new stealth designed replacement ballfield light standard located along the eastern border of Island Crest Park.	N/A - the project is not a WCF.	
i. Maximum number of support structures: A maximum of two support structures (existing or replacement ballfield light standards) with up to three antennas on each such support structure, unless the proposed new antenna(s) qualify as a 6409 eligible facility, as described in section 19.06.040(l);	N/A - the project is not a WCF.	
ii. Maximum height: 110 feet; and	N/A - the project is not a WCF.	
e. Certain rights-of-way adjacent to Clise Park.	N/A - the project is not a WCF.	
i. Maximum number of support structures: One stealth support structure with up to three antennas on such support structure located within the rights-of-way at the intersection of Island Crest Way, 84th Avenue SE and SE 39th Street, in a location at such intersection abutting trees and having the least visual impact while ensuring the maximum protection of mature trees.	N/A - the project is not a WCF.	

<p>ii. Maximum number and location of equipment cabinets: Three equipment cabinets associated with such support structure located in that portion of the SE 39th Street or 84th Avenue SE rights-of-way adjacent to Clise Park, except that if such location does not permit the proper functioning of the WCF as determined by the director of community planning and development ("director") then the equipment cabinet shall be located in the Island Crest Way right-of-way adjacent to Clise Park.</p>	<p>N/A - the project is not a WCF.</p>	
<p>iii. Maximum height: 110 feet.</p>	<p>N/A - the project is not a WCF.</p>	
<p>WCFs on the above properties may be attached or have a monopole structure. Except as to the Puget Sound Energy Substation referred to above, equipment cabinets shall be placed underground if feasible. In Island Crest Park, 84th Avenue SE or SE 39th Street right-of-way, the director may allow or require the equipment cabinets to be placed aboveground if there is a significant benefit to the parks by either the retention of trees and/or vegetation or the improvement of park uses. Any aboveground equipment cabinet must be properly screened consistent with subsection (E)(3) of this section. The setback of the support structure from any adjacent residential property line shall be equal to the height of the support structure except in Island Crest Park or those rights-of-way described in subsection (D)(1)(e) of this section, where the setback of the support structure shall be 40 feet from any residential structure.</p>	<p>N/A - the project is not a WCF.</p>	
<p>E. Performance standards.</p>		
<p>1. Attached WCFs. Attached WCFs which are visible to the traveling public and/or neighboring residences shall be designed to blend in with the existing structure and be placed in a location which is as unobtrusive as possible to the traveling public and/or neighboring residences consistent with the proper functioning of the WCF, and use color matching to blend in with the structure to which it is attached. If the aesthetic impacts cannot be mitigated by placement and color solutions, the WCF can be required to be screened.</p>	<p>N/A - the project is not a WCF.</p>	

<p>2. WCFs with support structures. WCFs with support structures shall be designed to blend into the existing site and be placed in a location which is as unobtrusive as possible consistent with the proper functioning of the WCF, and use colors to blend into the existing site. If the aesthetic impacts cannot be mitigated by placement and color solutions, the WCF can be required to be screened with landscaping and/or fencing.</p>	<p>N/A - the project is not a WCF.</p>	
<p>3. Equipment cabinets. Equipment cabinets that are visible to the traveling public and/or neighboring residences shall be designed to blend in with existing surroundings, be placed underground if feasible, or placed in a location as unobtrusive as possible consistent with proper functioning of the WCF, and use colors to blend in with the adjacent surroundings. Screening may be required using landscaping or fencing.</p>	<p>N/A - the project is not a WCF.</p>	
<p>4. Reserved.</p>		
<p>5. Priority locations. WCFs shall be located only in the zones and properties described in this chapter and a WCF applicant shall locate any WCF in the following siting priority consistent with proper functioning of the WCF:</p>	<p>N/A - the project is not a WCF.</p>	
<p>a. Public properties described in subsections (B) and (D) of this section;</p>	<p>N/A - the project is not a WCF.</p>	
<p>b. Town Center, commercial/office and planned business zones described in subsection (A) of this section; and</p>	<p>N/A - the project is not a WCF.</p>	
<p>c. Island Crest Way corridor described in subsection (C) of this section.</p>	<p>N/A - the project is not a WCF.</p>	
<p>F. Shared facilities and collocation. Collocation is highly encouraged. The applicant shall collocate the WCF with an existing WCF site unless the applicant can demonstrate to the director's satisfaction that such collocation is not feasible due to radio interference, usable signal, other engineering reason, property owner's refusal to lease property, or zoning restriction. The city also encourages WCF applicants to construct and site facilities with a view toward sharing sites and structures with other utilities, and accommodating the future collocation of other future WCFs.</p>	<p>N/A - the project is not a WCF.</p>	

<p>G. Electromagnetic radiofrequency emissions. The city recognizes that the Federal Telecommunications Act of 1996 gives the Federal Communications Commission sole jurisdiction in the field of regulation of radio-frequency (RF) emissions and WCFs which meet FCC standards shall not be conditioned or denied on the basis of RF impacts. As part of a complete application under this chapter, applicants shall provide to the city an affidavit signed by a licensed RF engineer stating that the proposed installation is compliant with applicable federal RF regulations.</p>	<p>Noted.</p>	
<p>H. When there are more than six antennas at one site, the director shall deem that site full and deny additional antennas, unless the antenna qualifies as a 6409 eligible facility.</p>	<p>Noted.</p>	
<p>I. 6409 eligible facilities. 6409 eligible facilities shall be reviewed in accordance with 47 CFR Section 1.6100 Wireless facility modifications, or as hereafter amended.</p>	<p>N/A - the project is not a WCF.</p>	
<p>1. Time frame for review. Within 60 days of the date on which an applicant submits a request seeking approval under this section, the city shall approve the application unless it determines that the application is not covered by 47 CFR 1.6100 (or as hereafter amended).</p>	<p>Noted.</p>	
<p>2. Tolling of the time frame for review. The 60-day period begins to run when the application is filed, and may be tolled only by mutual agreement or in cases where the city determines that the application is incomplete. The time frame for review is not tolled by a moratorium on the review of applications.</p>	<p>Noted.</p>	

<p>a. To toll the time frame for incompleteness, the city must provide written notice to the applicant within 30 days of receipt of the application, clearly and specifically delineating all missing documents or information. Such delineated information is limited to documents or information only to the extent reasonably related to determining whether the request meets the requirements of 47 CFR Section 1.6100 or as hereafter amended. The city cannot require an applicant to submit any other documentation, including but not limited to: documentation intended to illustrate the need for such wireless facilities or to justify the business decision to modify such wireless facilities.</p>	<p>Noted.</p>	
<p>b. The time frame for review begins running again when the applicant makes a supplemental submission in response to the city's notice of incompleteness.</p>	<p>Noted.</p>	
<p>c. Following a supplemental submission, the city will have ten days to notify the applicant that the supplemental submission did not provide the information identified in the original notice delineating missing information. The time frame is tolled in the case of second or subsequent notices pursuant to the procedures identified in subsection (2)(a) of this section. Second or subsequent notices of incompleteness may not specify missing documents or information that were not delineated in the original notice of incompleteness.</p>	<p>Noted.</p>	
<p>3. Failure to act. In the event the city fails to approve or deny a request seeking approval under this section within the time frame for review (accounting for any tolling), the request shall be deemed granted. The deemed grant does not become effective until the applicant notifies the city in writing after the review period has expired (accounting for any tolling) that the application has been deemed granted.</p>	<p>Noted.</p>	
<p>J. Removal of WCFs. If a WCF becomes obsolete or unused, it must be removed at the applicant's sole cost and expense within six months of cessation of operation at the site.</p>	<p>Noted.</p>	

<p>K. Amateur radio facilities. Amateur radio (ham) towers shall be permitted by right in all zones, pursuant to the FCC Order entitled Amateur Radio Preemption, 101 FCC 2nd 952 (1985). Any height restrictions applicable to amateur radio (ham) towers may be waived by the director upon a showing by the applicant that the proposed amateur radio (ham) tower is the minimum necessary for the facility to function as proposed.</p>	<p>N/A - the project is not a radio facility.</p>	
<p>L. Any design criteria required to make a facility into a stealth facility (i.e., intended to make the facility look like something other than a wireless tower or base station) shall be considered concealment elements for purposes of future eligible facilities requests.</p>	<p>N/A - the project is not a WCF.</p>	
<p>M. Temporary wireless communications facilities. Temporary wireless communications facilities shall be permitted in all zones and subject to the Type I land use review process pursuant to MICC chapter 19.15. Temporary wireless communications facilities may not be deployed for more than 30 days except in case of emergency or natural disaster, in which case the director may authorize a longer period of deployment.</p>	<p>N/A - the project is not a WCF.</p>	

<b>Mercer Island City Code Compliance Matrix</b>		
<b>Mercer Island City Code (MICC) 19.06.050-Commerce on Public Property</b>	<b>How the proposed development meets the provisions of the MICC relative to Commerce on Public Property.</b>	<b>City Review/Notes</b>
A. The purpose of this chapter is to allow for the safe, healthful and aesthetic use of public property for the benefit of private commerce.	N/A - the project does not propose commerce.	
B. The provisions of this section shall apply only to public sidewalks, streets and rights-of-way within the Town Center zone.	N/A - the project does not propose commerce.	
C. Any person(s), corporation, or company who wishes to use the public right-of-way for the exchange of goods or services shall apply for a private commerce on public property permit. Such permit shall be in the form specified by the code official and shall contain such information as deemed necessary by the code official.	N/A - the project does not propose commerce.	
D. Criteria for permit. A private commerce on public property permit shall be reviewed based on the following criteria:	N/A - the project does not propose commerce.	
1. The applicant business has an active business license for a location immediately adjacent to the public property location where the request has been made.	N/A - the project does not propose commerce.	
2. The location of the business activity does not create a safety hazard for motorists, bicyclists or pedestrians.	N/A - the project does not propose commerce.	
a. The business location maintains sufficient area for the free passage of pedestrians along sidewalks and access to other adjacent businesses.	N/A - the project does not propose commerce.	
b. The business location does not obstruct the views of motorists turning into or out of a street or parking lot.	N/A - the project does not propose commerce.	
3. The business operation does not generate litter, noise or other nuisances that would be objectionable to the public or other businesses in the immediate area.	N/A - the project does not propose commerce.	
a. Adequate refuse containers shall be provided.	N/A - the project does not propose commerce.	
b. Hours of operations are sensitive to the surrounding neighborhood.	N/A - the project does not propose commerce.	
c. No music or sound is amplified.	N/A - the project does not propose commerce.	
d. The area can be maintained in a clean condition.	N/A - the project does not propose commerce.	
e. Physical improvements can be removed or secured when not in operation.	N/A - the project does not propose commerce.	

4. The design for any non-temporary improvements is consistent with the design requirements for the Town Center plan.	N/A - the project does not propose commerce.	
5. The location and design do not unreasonably obstruct the visibility of any adjacent businesses.	N/A - the project does not propose commerce.	
6. The location of a business engaged in the sale of alcoholic beverages is separated from the public space with a barrier, fence, landscaping or other demarcation.	N/A - the project does not propose commerce.	
E. A permit to operate a private business on public property shall be reviewed and approved by the design commission; provided, that occasional, temporary business operations involving temporary structures and/or temporary right-of-way obstructions may be approved by the code official. Permit applications from one or a group of existing eating and drinking establishments at Mercer Island to temporarily operate private business on public property during the effective period set forth in section 6 of Ordinance No. 21C-25 shall be considered to be temporary, and they may be approved by the code official without review or approval by the design commission.	N/A - the project does not propose commerce.	
F. All permittees must comply with all applicable city, county, state and federal laws, including the International Fire Code.	N/A - the project does not propose commerce.	
G. Permits for ongoing commercial use on public property shall be subject to renewal annually on the date of the original permit approval. Failure to submit a renewal request within 30 days of the annual renewal date shall result in the suspension of the permit.	N/A - the project does not propose commerce.	
H. The revocation of a permit shall be governed by chapter 6.10 MICC.	N/A - the project does not propose commerce.	
I. The provisions of this section shall not apply to the annual city-sponsored event known as "Summer Celebration."	N/A - the project does not propose commerce.	
J. The code official may require a bond or assignment of funds as set out in MICC 19.01.060(C) to ensure that public property subject to commercial use under this section is restored to its former condition immediately following cessation of the commercial use.	N/A - the project does not propose commerce.	

<p>K. The code official may require evidence of insurance, indemnification or other measures deemed necessary and sufficient to limit the city's liability for the acts or omissions of persons, corporations, or companies seeking and obtaining permission to use public property for commercial purposes.</p>	<p>N/A - the project does not propose commerce.</p>	
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**Mercer Island City Code Compliance Matrix**

<b>Mercer Island City Code (MICC) 19.06.060-Encroachment into Public Right of Way</b>	<b>How the proposed development meets the provisions of the MICC relative to Encroachment into Public Right of Way</b>	<b>City Review/Notes</b>
A. An encroachment is any intrusion, irrespective of height or size, into a sidewalk, street, or other public right-of-way and includes, but is not limited to, fill material, retaining walls, rockeries, plants either deliberately planted or growing from adjacent property, or any other material or structures.	Noted	
B. An encroachment into a public right-of-way is not allowed without an encroachment agreement.	N/A - the applicant is not proposing encroachment into public right of way.	
C. A land owner seeking an encroachment agreement shall submit an application to the city engineer along with the applicable fee, and shall show the special topographical conditions which warrant an encroachment into the public right-of-way and show that there will be no interference with public use and enjoyment or access from such encroachment.	N/A - the applicant is not seeking encroachment.	
D. An encroachment agreement shall:		
1. Specify the type and location of materials, plants, or structures allowed in the right-of-way;	N/A - the applicant is not seeking encroachment.	
2. Specify the rights and responsibilities of the city and the adjacent land owner for maintenance and eventual removal of the encroachment;	N/A - the applicant is not seeking encroachment.	
3. Make provisions for reasonable public access, including view, to the right-of-way and to any adjacent public property;	N/A - the applicant is not seeking encroachment.	
4. Make provisions for future access to the right-of-way for utilities, drainage, vehicles, and pedestrians;	N/A - the applicant is not seeking encroachment.	
5. Protect the public health and safety;	N/A - the applicant is not seeking encroachment.	
6. State that the city shall be entitled to revoke an encroachment agreement at any time, with or without cause and without penalty or liability, and that the property owner shall return the property to the same or better condition than existed prior to the encroachment; and	N/A - the applicant is not seeking encroachment.	
7. Contain any other criteria deemed necessary by the city engineer.	N/A - the applicant is not seeking encroachment.	
E. An encroachment agreement does not constitute a surrender by the city of any property rights to the right-of-way.	N/A - the applicant is not seeking encroachment.	

F. An encroachment agreement runs with the land adjacent to and benefited from the encroachment and is not valid until recorded with the King County assessor's office.	N/A - the applicant is not seeking encroachment.	
G. Before a land owner may begin construction of the encroachments allowed under an encroachment agreement, that person shall obtain a right-of-way permit pursuant to MICC 19.09.060 after submitting an application to the city engineer along with the applicable fee.	N/A - the applicant is not seeking encroachment.	

<b>Mercer Island City Code Compliance Matrix</b>		
<b>Mercer Island City Code (MICC) 19.06.070-Small wireless facilities deployment</b>	<b>How the proposed development meets the provisions of the MICC relative to small wireless facilities deployment</b>	<b>City Review/Notes</b>
The following provisions establish standards for small wireless facilities deployments; provided, however, that any small wireless facilities or small wireless facilities network component which is not exempt from SEPA review shall also comply with chapter 19.21 MICC or as hereafter amended:	Noted.	
A. Small wireless facility approval required. Small wireless facilities are permitted in all zoning designations subject to a Type II land use review process pursuant to chapter 19.15 MICC. In addition to the small wireless facility approval, one or more right-of-way use permits may also be required for small wireless facility deployment.	N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)	
B. Previously approved small wireless facilities on existing or replacement utility poles. Eligible small wireless facilities permitted under the provisions of a franchise approval prior to the adoption of these standards shall be considered to have satisfied the design and concealment standards when installed and maintained in accordance with the franchise agreement.	N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)	
C. Hollow poles that can conceal equipment and appurtenances are required in undergrounded utility areas, if feasible, and preferred in all other portions of the city.	N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)	
D. Replacement pole—Street light standard. With the express permission of the city, a street light standard may be installed to support a new small wireless facility. The design of the street light standard shall be in accordance with the city requirements in effect at the time. Wherever feasible, all equipment and cabling shall be internal to the replacement street light standard, or concealed through the design and implementation of a concealment plan.	N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)	

<p>E. Undergrounded utility areas. An applicant desiring to locate any aboveground infrastructure in an undergrounded utility area shall provide a separate, standalone pole. Pole design must be approved by the city pursuant to MICC 19.06.075. However, notwithstanding the above, all backhaul, electricity, cabling and components of small wireless facilities other than antenna(s) and the pole shall be located underground to the extent feasible and all wiring, cabling to the antenna(s) or other equipment that cannot be undergrounded shall be internal to the standalone pole or concealed through the design and implementation of a concealment plan. Further, notwithstanding any other provision in the MICC to the contrary, guy poles located within or adjacent to undergrounded utility areas shall not be used to support any small wireless facilities.</p>	<p>N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities). The project would be above ground.</p>	
<p>F. Notwithstanding any provision of MICC 19.15.030, there shall be no appeal to the hearing examiner of permits issued pursuant to this section, in order to comport with the permit processing timelines set forth in 47 CFR 1.6003 (or as hereafter amended). However, nothing in this section is intended to affect any potential right of any party to any applicable judicial appeal.</p>	<p>Noted.</p>	

**Mercer Island City Code Compliance Matrix**

<b>Mercer Island City Code (MICC) 19.06.075-Small wireless facilities deployment - Design and concealment standards</b>	<b>How the proposed development meets the provisions of the MICC relative to small wireless facilities deployment - Design and concealment standards</b>	<b>City Review/Notes</b>
Small wireless facility deployments, whether permitted on the right-of-way pursuant to a franchise or in accordance with this chapter, shall conform to the design standards set forth in this section.	N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)	
A. Small wireless facility deployment design standards—General requirements. All small wireless facility deployments shall comply with the following provisions:	N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)	
1. Ground-mounted equipment in the rights-of-way is prohibited unless such facilities are placed underground or the applicant can demonstrate that pole-mounted or undergrounded equipment is infeasible. If ground-mounted equipment is necessary, then the applicant shall submit a concealment plan pursuant to subsection (G) of this section. Generators located in the rights-of-way are prohibited, except in case of emergency or natural disaster.	N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)	
2. Noiseless small wireless facilities are required if feasible. If noiseless facilities are not feasible, then the facility with the lowest noise profile is required. In any event, no small wireless facility equipment shall be operated so as to produce noise in violation of chapter 8.24 MICC.	N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)	
3. Small wireless facilities are not permitted on traffic signal poles.	N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)	
4. Placement of replacement poles and new poles and any associated equipment shall comply with state and federal laws and regulations including the Americans with Disabilities Act (ADA), city construction and sidewalk standards, and shall maintain the path of travel in order to provide a clear and safe passage within the rights-of-way.	N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)	

<p>5. Consistent with the provisions of subsection (4) above, replacement poles shall be located as near as possible to the existing pole subject to approval by the city engineer. The applicant must remove the abandoned pole promptly upon installation of the replacement pole and restore the right-of-way, including paving and/or sidewalks to provide clear and safe passage, at its sole cost and expense.</p>	<p>N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)</p>	
<p>6. Any signage on equipment enclosures shall be of the minimum size and number possible to achieve the intended purpose; provided, that signs are permitted as concealment element techniques where appropriate.</p>	<p>N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)</p>	
<p>7. Antennas and related equipment shall not be illuminated except for security reasons, required by a federal or state authority, or unless approved as part of a concealment plan.</p>	<p>N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)</p>	
<p>8. Side arm mounts for antennas or equipment are prohibited.</p>	<p>N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)</p>	
<p>9. A small wireless facility on a pole shall have the least possible visible impact by utilizing the smallest antenna(s) and equipment feasible.</p>	<p>N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)</p>	
<p>10. Antennas, equipment enclosures, and ancillary equipment, conduit, and cable shall be located within the building or pole to the maximum extent feasible.</p>	<p>N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)</p>	
<p>11. Antennas, equipment enclosures and ancillary equipment, conduit, and cable shall match the color and visual character of the building or pole upon which they are attached to the extent feasible.</p>	<p>N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)</p>	
<p>12. The city may consider the cumulative visual effects of small wireless facilities mounted on poles, together with existing utility equipment, within the rights-of-way when assessing proposed siting locations so as to not adversely affect the visual character of the city. This provision shall not be applied to limit the number of permits issued when no alternative sites are reasonably available nor to impose a technological requirement on the service provider.</p>	<p>N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)</p>	

<p>13. Any design criteria required to make a facility into a stealth facility (i.e., intended to make a facility look like something other than a wireless tower or base station) shall be considered concealment elements for the purposes of future eligible facilities requests.</p>	<p>N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)</p>	
<p>B. Small wireless facilities attached to nonwooden poles. Small wireless facilities attached to existing or replacement nonwooden light poles and other nonwooden poles in the right-of-way or poles outside of the right-of-way shall conform to the following design criteria in addition to the general requirements set forth in subsection (A) of this section:</p>	<p>N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)</p>	
<p>1. Antennas and the associated equipment enclosures shall be sited and installed in a manner which minimizes the visual impact on the streetscape by either:</p>	<p>N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)</p>	
<p>a. Fully concealing the antennas and associated equipment fully within the pole; or</p>	<p>N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)</p>	
<p>b. Through a concealment plan which provides an equivalent or greater impact reduction pursuant to subsection (G) of this section.</p>	<p>N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)</p>	
<p>2. All conduit, cables, wires, and fiber must be routed internally in the light pole. Conduit, cables, wires, and fiber extending outside the pole to connect with externally mounted antennas or equipment shall be located within shrouds, canisters, or sleeves color matched with the support pole.</p>	<p>N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)</p>	
<p>3. An antenna on top of an existing pole may not extend more than six feet above the height of the existing pole and the diameter may not exceed 16 inches, measured at the top of the pole, unless the applicant can demonstrate that more space is needed. The antennas shall be integrated into the pole design so that they appear as a continuation of the original pole, including colored, powder coated, or other permanent coloration, to match the pole, and shall be shrouded or screened to blend with the pole. All cabling and mounting hardware/brackets from the bottom of the antenna to the top of the pole shall be fully concealed and integrated with the pole and shall color match the pole.</p>	<p>N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)</p>	

<p>4. In addition to the increased antenna height allowed in subsection (B)(3) of this section, the height of any replacement pole may not extend more than ten feet above the height of the existing pole or the minimum additional height necessary for adequate clearance from electrical wires, whichever is greater.</p>	<p>N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)</p>	
<p>5. Any replacement nonwooden pole shall substantially conform to the design of the pole it is replacing, or the applicable city pole design standards, if the pole to be replaced does not comply with the city pole design standards at time of application.</p>	<p>N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)</p>	
<p>6. The diameter of a replacement pole shall comply with applicable setback and sidewalk clearance requirements, ADA requirements, and if a replacement light standard then with the city's lighting requirements.</p>	<p>N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)</p>	
<p>7. For facilities collocated with nonwireless uses, the use of the pole for the siting of a small wireless facility shall be considered secondary to the primary function of the pole. If the primary function of a pole serving as the host site for a small wireless facility becomes unnecessary, the pole shall not be retained for the sole purpose of accommodating the small wireless facility and the small wireless facility and all associated equipment shall be promptly removed at the applicant's sole cost and expense, unless a permit is obtained pursuant to MICC 19.06.070, including new review under this section MICC 19.06.075.</p>	<p>N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)</p>	
<p>C. Wooden pole design standards. Small wireless facilities located on wooden poles shall conform to the following design criteria in addition to the general requirements set forth in subsection (A) of this section:</p>	<p>N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)</p>	
<p>1. The wooden pole at the proposed location may be replaced with a taller pole for the purpose of accommodating a small wireless facility; provided, that the replacement pole shall not exceed a height that would exceed the height limits to qualify as a small wireless facility.</p>	<p>N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)</p>	

<p>2. A pole extender may be used instead of replacing an existing pole but may not increase the height of the existing pole if such an extension would exceed the height limits to qualify as a small wireless facility. The pole extender shall be painted to approximately match the color of the pole and shall substantially match the diameter of the pole measured at the top of the pole.</p>	<p>N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)</p>	
<p>3. Replacement wooden poles may either match the approximate color and materials of the replaced pole or shall be the standard new wooden pole used by the pole owner in the city.</p>	<p>N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)</p>	
<p>4. Antennas, equipment enclosures, and all ancillary equipment, boxes, and conduit shall be colored, powder coated, or have other permanent coloration, to match the approximate color of the surface of the wooden pole on which they are attached.</p>	<p>N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)</p>	
<p>5. Panel antennas shall not be mounted on the side of a pole more than 12 inches from the surface of the wooden pole, measured from the exterior surface of the pole to the furthest extent of the panel antenna.</p>	<p>N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)</p>	
<p>6. Antennas should be placed in an effort to minimize visual clutter and obtrusiveness. Multiple antennas are permitted on a wooden pole; provided, that each antenna enclosure shall not be more than three cubic feet in volume, with a cumulative total antenna volume not to exceed 12 cubic feet.</p>	<p>N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)</p>	

<p>7. In addition to the increased antenna height allowed in subsection (C)(2) of this section, a canister antenna may be mounted on top of an existing wooden pole, which may not exceed the height requirements described in subsection (C)(1) of this section. A canister antenna mounted on the top of a wooden pole shall be consistent with the volume limit contained in the definition of small wireless facilities. Any canister antenna shall be colored or painted to match the pole. The canister antenna must be placed to look as if it is an extension of the pole. In the alternative, the applicant may propose a side-mounted canister antenna, so long as the inside edge of the antenna is no more than 12 inches from the surface of the wooden pole. All cables shall be concealed either within the canister antenna or within a sleeve between the antenna and the wooden pole that is colored to match the wooden pole.</p>	<p>N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)</p>	
<p>8. In addition to the increased antenna height allowed in subsection (C)(2) of this section, an omnidirectional antenna may be mounted on the top of an existing wooden pole, provided such antenna is no more than four feet in height and is mounted directly on the top of a pole or attached to a sleeve made to look like the exterior of the pole as close to the top of the pole as technically feasible. All cables shall be concealed within the sleeve between the bottom of the antenna and the mounting bracket.</p>	<p>N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)</p>	
<p>9. All related equipment including but not limited to: ancillary equipment, radios, cables, associated shrouding, microwaves, and conduit which are mounted on wooden poles shall not be mounted more than six inches from the surface of the pole, unless a further distance is technically required, and is confirmed in writing by the pole owner. Further, all related equipment must be painted or color matched to the wooden pole.</p>	<p>N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)</p>	

<p>10. Equipment for small wireless facilities must be attached to the wooden pole, unless otherwise permitted to be ground-mounted pursuant to subsection (A) of this section. The equipment must be placed in the smallest enclosure possible for the intended purpose but in no event can wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing equipment on the structure, exceed 28 cubic feet in volume. The applicant is encouraged to place the equipment enclosure behind any banners or road signs that may be on the pole if such banners or road signs are allowed by the pole owner.</p>	<p>N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)</p>	
<p>11. Notwithstanding the dimensional standards above, the size of any small wireless facility on the wooden pole shall be as small as feasible.</p>	<p>N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)</p>	
<p>12. For facilities collocated with nonwireless uses, the use of the wooden pole for the siting of a small wireless facility shall be considered secondary to the primary function of the pole. If the primary function of a pole serving as the host site for a small wireless facility becomes unnecessary, the pole shall not be retained for the sole purpose of accommodating the small wireless facility and the small wireless facility and all associated equipment shall be promptly removed at the applicant's sole cost and expense, unless a permit is obtained pursuant to MICC 19.06.070, including new review under this section MICC 19.06.075.</p>	<p>N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)</p>	
<p>13. All cables and wires shall be routed through conduit along the outside of the pole. The outside conduit shall be colored, powder coated, or have other permanent coloration, to match the pole. The number and size of conduits shall be minimized to the number necessary to accommodate the small wireless facility.</p>	<p>N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)</p>	
<p>D. Small wireless facilities attached to existing buildings. Small wireless facilities attached to existing buildings shall conform to the following design criteria:</p>	<p>N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)</p>	
<p>1. Small wireless facilities may be mounted to the sides of a building if the antennas do not interrupt the building's architectural theme.</p>	<p>N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)</p>	

2. The interruption of architectural lines or horizontal or vertical reveals is discouraged.	N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)	
3. New architectural features such as columns, pilasters, corbels, or other ornamentation that conceal antennas may be used if they complement the architecture of the existing building.	N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)	
4. Small wireless facilities shall utilize the smallest mounting brackets necessary in order to provide the smallest offset from the building and any brackets must match the color of the building.	N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)	
5. Skirts or shrouds shall be utilized on the sides and bottoms of antennas in order to conceal mounting hardware, create a cleaner appearance, and minimize the visual impact of the antennas. Such skirts or shrouds must also reasonably match the color of the building. Exposed cabling/wiring is prohibited.	N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)	
6. Small wireless facilities shall be painted, colored, and textured to match the adjacent building surfaces.	N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)	
E. Small wireless facilities mounted on cables strung between utility poles shall conform to the following standards:	N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)	
1. Each strand-mounted facility shall not exceed three cubic feet in volume;	N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)	
2. Only one strand-mounted facility is permitted per cable between any two existing poles;	N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)	
3. The strand-mounted devices shall be placed as close as possible to the nearest utility pole, in no event more than six feet from the pole unless a smaller distance is infeasible or a greater distance is required by the pole owner for safety clearance;	N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)	
4. No strand-mounted device shall be located in or above the portion of the roadway open to vehicular traffic or over any pedestrian walkway;	N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)	
5. Ground-mounted equipment to accommodate such strand-mounted facilities is not permitted, except when placed in preexisting equipment cabinets;	N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)	
6. Pole-mounted equipment for strand-mounted facilities shall meet the requirements for pole-mounted small wireless facilities; and	N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)	

7. Such strand-mounted devices must be as small as possible and with the minimum exterior cabling or wires (other than the original strand) necessary to meet the technological needs of the facility.	N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)	
F. New poles in the rights-of-way for small wireless facilities.	N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)	
1. New poles within the rights-of-way are only permitted if the applicant can establish that:	N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)	
a. The proposed small wireless facility cannot be located on an existing utility pole or light pole, electrical transmission tower, or on a site outside of the public rights-of-way such as a public park, public property, building, transmission tower or in or on a nonresidential use in a residential zone whether by roof or panel-mount or separate structure;	N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)	
b. The proposed wireless communications facility receives approval for a concealment plan, as described in subsection (G) of this section;	N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)	
c. The proposed wireless communications facility also complies with the Shoreline Master Program and SEPA, if applicable; and	N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)	
d. No new poles shall be located in a critical area or associated buffer required by the city's critical areas ordinance, except when determined to be exempt pursuant to said ordinance.	N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)	
G. The concealment plan shall include the design of the screening, fencing, or other concealment technology for a pole or equipment structure, and all related transmission equipment or facilities associated with the proposed wireless communications facility, including but not limited to fiber and power connections.	N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)	

<p>1. The concealment plan shall minimize the visual obtrusiveness of wireless communications facility installations to the extent feasible. The proposed pole or structure shall have similar designs to existing neighboring poles in the rights-of-way, including similar height, to the extent feasible, and similar coloration and shape. Other concealment methods include, but are not limited to, integrating the installation with architectural features or building design components, utilization of coverings or concealment devices of similar material, color and texture—or the appearance thereof—as the surface against which the installation will be seen or on which it will be installed, landscape design, or other camouflage strategies appropriate for the type of installation. Applicants are required to utilize designs in which all conduit and wires are installed internally in the structure or otherwise integrated into the design of the structure. Use of a unified enclosure equal to or less than four cubic feet in volume may be permitted in meeting these criteria. This requirement shall be applied in a manner which does not dictate the technology employed by the service provider nor unreasonably impair the technological performance of the equipment chosen by the service provider.</p>	<p>N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)</p>	
<p>2. If the director has already approved a concealment plan either for the applicant or another wireless communications facility along the same public right-of-way or for the same pole type, then the applicant shall utilize a substantially similar concealment plan, unless it can show that such concealment plan is not feasible, or that such deployment would undermine the generally applicable design standards.</p>	<p>N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)</p>	
<p>H. These design standards are intended to be used solely for the purpose of concealment and siting. Nothing herein shall be interpreted or applied in a manner which dictates the use of a particular technology. When strict application of these requirements would unreasonably impair the function of the technology chosen by the applicant, alternative forms of concealment or deployment may be permitted which provide similar or greater protections from negative visual impacts of the small wireless facility.</p>	<p>N/A - the proposed development is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities)</p>	

**Mercer Island City Code Compliance Matrix**

<b>Mercer Island City Code (MICC) 19.06.080 - Siting of group housing.</b>	<b>How the proposed development meets the provisions of the MICC relative to siting of group housing.</b>	<b>City Review/Notes</b>
A. Special needs group housing.	N/A - the project does not propose group housing.	
1. Permitted. Special needs group housing is permitted in all zones subject to the following conditions:	N/A - the project does not propose group housing.	
a. The facility shall meet all applicable Washington State licensing requirements.	N/A - the project does not propose group housing.	
b. The facility shall comply with all applicable construction codes set forth in MICC title 17, including maximum occupancy restrictions.	N/A - the project does not propose group housing.	
c. Operators of housing for persons with handicaps or with familial status within the meaning of the Federal Fair Housing Amendments Act (FHAA) may not accept individuals whose tenancy would constitute a direct threat to the health or safety of other individuals, or whose tenancy would result in substantial physical damage to the property of others.	N/A - the project does not propose group housing.	
The code official may require the operator of a special needs group home to deny housing to an individual if the police chief determines, based on the characteristics and relevant conduct of the individuals at issue, that such tenant is a direct threat to the health and safety of others, or that such individual's tenancy would result in substantial physical damage to the property of others. The police chief's determination may be appealed to the hearing examiner by the operator or tenant at issue under the appeal procedure set out in MICC 19.15.130.	N/A - the project does not propose group housing.	
2. Reasonable accommodation. Reasonable accommodations shall be made to handicapped persons, pursuant to the process provided in MICC 19.01.030, when such accommodations may be necessary to afford such persons equal opportunity to use and enjoy a dwelling, as required by the FHAA.	N/A - the project does not propose group housing.	
B. Social service transitional housing.	N/A - the project does not propose group housing.	
1. Permitted. Social service transitional housing is permitted in all zones when authorized by the issuance of a conditional use permit (CUP). Review of the conditional use permit application will be based upon the criteria set forth in MICC 19.15.100 and the supplemental criteria set forth in subsection (B)(3) of this section.	N/A - the project does not propose group housing.	

2. Exceptions.	N/A - the project does not propose group housing.	
a. If the police chief determines that the safety of the intended residents in a domestic violence shelter will be compromised by CUP public notice requirements, they may be waived.	N/A - the project does not propose group housing.	
b. A domestic violence shelter is not required to comply with subsection (B)(3)(c) of this section, which requires a 600-foot setback.	N/A - the project does not propose group housing.	
c. Social service transitional housing facilities that house persons with familial status and persons with handicaps within the meaning of the FHAA is permitted in all zones pursuant to subsection A of this section, and are not required to obtain a CUP.	N/A - the project does not propose group housing.	
3. Supplemental conditional use criteria.	N/A - the project does not propose group housing.	
a. A determination made by the police chief as to whether a tenant may be a threat to the health or safety of others or whether an individual's tenancy is likely to result in significant physical damage to the property of others, and, if so, whether conditions can be attached to satisfactorily control those risks.	N/A - the project does not propose group housing.	
b. The facility is at least 1,000 feet from any other facility under this classification.	N/A - the project does not propose group housing.	
c. The facility is at least 600 feet from the property line of educational or recreational facilities where children are known to congregate, including but not limited to any public park, the I-90 Trail, churches or synagogues, schools, licensed daycares, the Mercer Island Branch of the King County Library, public pools, the Mercerwood Shore Club, Mercer Island Beach Club, the Jewish Community Center, Mercer View Community Center, or the Boys and Girls Club.	N/A - the project does not propose group housing.	
d. The facility and program secures and maintains all licenses and/or approvals as required by the state or federal government.	N/A - the project does not propose group housing.	
e. The facility shall comply with all applicable construction codes set forth in MICC title 17, including maximum occupancy restrictions.	N/A - the project does not propose group housing.	
f. The program will be operated under the authority of a reputable governing board or social service or government agency or proprietor, to whom staff are responsible and who will be available to city officials, if necessary, to resolve concerns pertaining to the facility.	N/A - the project does not propose group housing.	

g. The facility shall operate under a written management plan, including a detailed description of staffing, supervision, and security arrangements appropriate to the type and number of clients and to its hours of operation, which shall be submitted to and approved by the city prior to the first occupancy by any person intended to be served by the facility.	N/A - the project does not propose group housing.	
h. The facility has adequate off-street parking. The code official may require the applicant to submit a traffic study.	N/A - the project does not propose group housing.	
i. The city shall determine the number of dwelling units or occupancy rooms or suites permitted in the proposed facility based on the following criteria:	N/A - the project does not propose group housing.	
i. The specific nature of the occupancy and the persons that will be housed in the proposed facility.	N/A - the project does not propose group housing.	
ii. The size of the dwelling units or occupancy rooms or suites and the specific configuration of the facilities within these units, rooms, or suites.	N/A - the project does not propose group housing.	
iii. The impacts on nearby residential uses of the proposed facility.	N/A - the project does not propose group housing.	
4. Appeal. The conditional use permit decision made under subsection B of this section may be appealed pursuant to MICC 19.15.130.	N/A - the project does not propose group housing.	
C. Rooming houses.	N/A - the project does not propose group housing.	
1. Permitted. Rooming houses are permitted in multifamily zones and in the Town Center unless:	N/A - the project does not propose group housing.	
a. The rooming house fails to comply with all applicable construction codes set forth in MICC title 17, including maximum occupancy restrictions;	N/A - the project does not propose group housing.	
b. The rooming house does not have adequate off-street parking, which will be determined by a traffic study that shall be promptly provided by the rooming house owner and/or operator if requested by the code official;	N/A - the project does not propose group housing.	
c. The police chief determines that any tenant is a threat to the health or safety of others; and	N/A - the project does not propose group housing.	
d. The code official determines that the rooming house creates any significant adverse impact affecting surrounding properties; and measures which may be required by the code official to be taken by the rooming house owner and/or operator to mitigate such impacts are not promptly taken or do not satisfactorily mitigate such impacts.	N/A - the project does not propose group housing.	

2. Appeal. Determinations made by the code official pursuant to subsection C of this section may be appealed pursuant to MICC 19.15.130.	Noted.	
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<b>Mercer Island City Code Compliance Matrix</b>		
<b>Mercer Island City Code (MICC) 19.06.090 - Temporary encampment permit.</b>	<b>How the proposed development meets the provisions of the MICC relative to temporary encampment permit</b>	<b>City Review/Notes</b>
A. General conditions. Temporary encampments are allowed only pursuant to a permit issued in accordance with the following conditions:	N/A - the project is not requesting temporary encampment.	
1. A temporary encampment shall be located at a place of worship. If the place of worship is not actively practicing on the site proposed for a temporary encampment, then the place of worship must comply with all other permit requirements for the underlying zone required for siting a new place of worship and temporary encampment.	N/A - the project is not requesting temporary encampment.	
2. Each lot occupied by a temporary encampment must provide or have available parking and vehicular maneuvering area.	N/A - the project is not requesting temporary encampment.	
3. The temporary encampment and the parking of any vehicles associated with a temporary encampment application shall not displace the host site's parking lot in such a way that the host site no longer meets the minimum or required parking of the principal use as required by code or previous approvals unless an alternative parking plan has been approved by the code official.	N/A - the project is not requesting temporary encampment.	
4. The temporary encampment shall be located within one-half mile of a public transit stop.	N/A - the project is not requesting temporary encampment.	
5. No temporary encampment shall operate within the city of Mercer Island for more than 90 consecutive days, except that the code official may allow up to five additional days to accommodate moving on a weekend.	N/A - the project is not requesting temporary encampment.	
6. The city shall not grant a permit for a temporary encampment that is proposed to commence on a lot or lots within one-half mile of any lot(s) that contained a temporary encampment within the last 18 months. For the purposes of this subsection, the 18 months shall be calculated from the last day of the prior temporary encampment within the one-half-mile radius. No more than one temporary encampment may be located in the city at any time.	N/A - the project is not requesting temporary encampment.	

<p>7. All temporary encampments shall obtain, prior to occupancy of the lots, all applicable city of Mercer Island permits, licenses and other approvals (i.e., business license, building permit, administrative approvals, etc.).</p>	<p>N/A - the project is not requesting temporary encampment.</p>	
<p>8. Each site occupied by a temporary encampment shall be left free of debris, litter, or other evidence of the temporary encampment upon completion of removal of the use.</p>	<p>N/A - the project is not requesting temporary encampment.</p>	
<p>9. The applicant shall submit a complete application for a temporary encampment permit at least 75 days before any occupancy by the temporary encampment.</p>	<p>N/A - the project is not requesting temporary encampment.</p>	
<p>10. The encampment shall be limited to a maximum of 100 persons. After the encampment reaches its 100-person capacity, any individual(s) who arrive after sundown (and meet all screening criteria) will be allowed to stay for one night, after which the individual(s) will not be permitted entry until a vacancy is available. Such occurrences shall be logged and reported to the code official on a weekly basis.</p>	<p>N/A - the project is not requesting temporary encampment.</p>	
<p>11. Because of their temporary nature, temporary structures within temporary encampments shall not be required to meet the design review criteria of chapter 19.11 or 19.12 MICC. Any permanent structures, as determined by the code official, shall meet all applicable design review criteria and receive any necessary design review permits. All temporary structures for temporary encampments shall comply with the following design criteria:</p>	<p>N/A - the project is not requesting temporary encampment.</p>	
<p>a. Temporary encampment structures shall be located a minimum of 20 feet from any property line that abuts a residential property, unless otherwise approved by the code official. All other setbacks and yards applicable to permanent structures shall apply to temporary structures related to temporary encampments;</p>	<p>N/A - the project is not requesting temporary encampment.</p>	

<p>b. A six-foot-high sight-obscuring fence, vegetative screen or other visual buffering shall be provided between the temporary encampment and any abutting residential property and the right-of-way. The fence shall provide a privacy and a visual buffering among neighboring properties in a manner and material approved by the code official. The code official shall consider existing vegetation, fencing, topographic variations and other site conditions in determining compliance with this requirement; and</p>	<p>N/A - the project is not requesting temporary encampment.</p>	
<p>c. Exterior lighting must be directed downward, away from adjoining properties, and contained within the temporary encampment.</p>	<p>N/A - the project is not requesting temporary encampment.</p>	
<p>12. No children under the age of 18 are allowed to stay overnight in a temporary encampment unless accompanied by a parent or legal guardian. If any other child under the age of 18 attempts to stay overnight at the temporary encampment, the temporary encampment managing organization shall immediately contact the Washington State Department of Social and Health Services Child Protective Services, or its successor.</p>	<p>N/A - the project is not requesting temporary encampment.</p>	
<p>13. The temporary encampment shall comply with all applicable standards of the Seattle-King County health department, or its successor.</p>	<p>N/A - the project is not requesting temporary encampment.</p>	
<p>14. The temporary encampment shall comply with all Washington State and city codes concerning, but not limited to, drinking water connections, human waste, solid waste disposal, electrical systems, cooking and food handling and fire-resistant materials. Servicing of portable toilets and trash dumpsters is prohibited between the hours of 10:00 p.m. and 7:00 a.m. on Mondays through Fridays, excluding legal holidays, and between the hours of 10:00 p.m. and 9:00 a.m. on Saturdays, Sundays, and legal holidays, except in the case of bona fide emergency or under permit from the code official in case of demonstrated necessity.</p>	<p>N/A - the project is not requesting temporary encampment.</p>	

15. The temporary encampment shall permit regular inspections by the city, including the police department, and King County health department to check compliance with the standards for temporary encampments. The Mercer Island fire department shall do an initial fire inspection and safety meeting at the inception of the temporary encampment.	N/A - the project is not requesting temporary encampment.	
16. All temporary encampments shall have services, such as food, water, and waste disposal, provided by a temporary encampment sponsor and supervised by a temporary encampment managing organization.	N/A - the project is not requesting temporary encampment.	
17. The managing organization and temporary encampment sponsor shall sign a hold harmless agreement for the temporary encampment.	N/A - the project is not requesting temporary encampment.	
18. The temporary encampment managing organization shall maintain a resident log for all who are residing at the temporary encampment. Such log shall be kept on site at the temporary encampment. Prospective encampment residents shall provide a verifiable form of identification when signing the log.	N/A - the project is not requesting temporary encampment.	
19. The temporary encampment sponsor and encampment managing organization shall ensure enforcement of a code of conduct at the temporary encampment site. The code of conduct shall be in substantially the following form or address the following issues:	N/A - the project is not requesting temporary encampment.	
a. Possession or use of illegal drugs is not permitted;	N/A - the project is not requesting temporary encampment.	
b. No alcohol is permitted;	N/A - the project is not requesting temporary encampment.	
c. No weapons are permitted;	N/A - the project is not requesting temporary encampment.	
d. All knives over three and one-half inches must be turned in to the encampment managing organization for safekeeping;	N/A - the project is not requesting temporary encampment.	
e. No violence is permitted;	N/A - the project is not requesting temporary encampment.	
f. No open flames are permitted;	N/A - the project is not requesting temporary encampment.	
g. No trespassing into private property in the surrounding neighborhood is permitted;	N/A - the project is not requesting temporary encampment.	
h. No littering on the temporary encampment site or in the surrounding neighborhood is permitted; and	N/A - the project is not requesting temporary encampment.	
i. No convicted sex offender shall reside in the temporary encampment.	N/A - the project is not requesting temporary encampment.	
Nothing within this section shall prohibit the encampment sponsor or encampment managing organization from imposing and enforcing additional code of conduct conditions not otherwise inconsistent with this section.	N/A - the project is not requesting temporary encampment.	

<p>20. The temporary encampment managing organization shall obtain warrant and sex offender checks from the King County sheriff's office for all current camp residents within the seven days prior to moving to Mercer Island, as well as from all new residents checking into the temporary encampment. If said check reveals the subject is a sex offender or has an active warrant, the temporary encampment managing organization or sponsor shall immediately contact the city of Mercer Island police department. The temporary encampment sponsor shall be responsible for verifying that the warrant and sex offender checks occur, that the log of persons residing at the temporary encampment is kept and that verifiable forms of identification are being provided.</p>	<p>N/A - the project is not requesting temporary encampment.</p>	
<p>21. Upon determination that there has been a violation of any condition of approval, the code official may give written notice to the permit holder describing the alleged violation. Within seven days of the mailing of notice of violation, the permit holder shall show cause why the permit should not be revoked. At the end of the seven-day period, the code official shall sustain or revoke the permit. When a temporary encampment permit is revoked, the code official shall notify the permit holder by certified mail of the revocation and the findings upon which revocation is based. Appeals of decisions to revoke a temporary encampment permit will be processed pursuant to RCW Chapter 36.70C. The availability of this procedure shall be in addition to the procedures set out in chapter 6.10 MICC.</p>	<p>N/A - the project is not requesting temporary encampment.</p>	
<p>22. A designated smoking area shall be provided on site in the location which would result in the least impact on neighboring properties based on distance.</p>	<p>N/A - the project is not requesting temporary encampment.</p>	
<p>23. The code official may require any other condition as necessary to mitigate impacts from temporary encampments.</p>	<p>N/A - the project is not requesting temporary encampment.</p>	
<p>B. Permit application. The applicant for a temporary encampment shall submit all of the following, unless waived by the code official:</p>	<p>N/A - the project is not requesting temporary encampment.</p>	
<p>1. General application form;</p>	<p>N/A - the project is not requesting temporary encampment.</p>	

2. A site plan, which extends 50 feet beyond the proposed site's property boundaries, drawn to scale showing all of the following:	N/A - the project is not requesting temporary encampment.	
a. All existing structures;	N/A - the project is not requesting temporary encampment.	
b. Existing parking stalls;	N/A - the project is not requesting temporary encampment.	
c. Parking stalls proposed to be unavailable for parking vehicles during the temporary encampment;	N/A - the project is not requesting temporary encampment.	
d. All proposed temporary structures;	N/A - the project is not requesting temporary encampment.	
e. Proposed electrical and plumbing connections;	N/A - the project is not requesting temporary encampment.	
f. Location of trash receptacles, including trash dumpsters;	N/A - the project is not requesting temporary encampment.	
g. Location of toilets and other sanitary facilities;	N/A - the project is not requesting temporary encampment.	
h. Location and details of any proposed connection to wastewater, potable water, stormwater, electrical supply, or other public or private utility systems;	N/A - the project is not requesting temporary encampment.	
i. Proposed and existing ingress and egress;	N/A - the project is not requesting temporary encampment.	
j. Any permanent alterations on the lot to the site or structures; and	N/A - the project is not requesting temporary encampment.	
k. Designated smoking area;	N/A - the project is not requesting temporary encampment.	
3. Proposed fencing detail or typical section;	N/A - the project is not requesting temporary encampment.	
4. Written authorization from a temporary encampment sponsor on which the temporary encampment is located;	N/A - the project is not requesting temporary encampment.	
5. A hold harmless agreement, on a form approved by the city attorney, with a signature of the temporary encampment sponsor;	N/A - the project is not requesting temporary encampment.	
6. A copy of any agreements with other parties regarding use of parking, either on site or off site;	N/A - the project is not requesting temporary encampment.	
7. A copy of any agreement between the temporary encampment sponsor, temporary encampment managing organization, and any schools and/or child care services;	N/A - the project is not requesting temporary encampment.	
8. A copy of the code of conduct;	N/A - the project is not requesting temporary encampment.	
9. The applicant shall provide:	N/A - the project is not requesting temporary encampment.	
a. The date, time, and location of the required informal public meeting;	N/A - the project is not requesting temporary encampment.	
b. The name of persons representing the temporary encampment managing organization and sponsor at the informal public meeting;	N/A - the project is not requesting temporary encampment.	
c. A summary of comments provided; and	N/A - the project is not requesting temporary encampment.	
d. Copies of any documents submitted at the informal public meeting;	N/A - the project is not requesting temporary encampment.	
10. Any other information deemed necessary by the code official for the processing of a temporary encampment permit; and	N/A - the project is not requesting temporary encampment.	

<p>11. All applicable application filing fees in an amount established by city ordinance or resolution.</p>	<p>N/A - the project is not requesting temporary encampment.</p>	
<p>C. Application process. A temporary encampment permit is an administrative action. In addition to the requirements for the processing of administrative actions specified in chapter 19.15 MICC, the following additional procedures shall apply:</p>	<p>N/A - the project is not requesting temporary encampment.</p>	
<p>1. Informal public meeting required. The code official shall require an applicant to conduct an informal public meeting to inform citizens about a proposed temporary encampment prior to submittal of an application. Notice of the informal public meeting shall be provided in the same manner as required for notice of the application, at least ten days prior to the informal public meeting. Prior to the informal public meeting, the temporary encampment sponsor and managing organization shall meet and confer with the Mercer Island police department regarding any proposed security measures. At the informal public meeting, a representative of the temporary encampment sponsor and managing organization shall present in writing and describe the proposed temporary encampment location, timing, site plan, code of conduct, encampment concerns, management security measures, and any input or comment received on the plan, including any comment or input from the Mercer Island police department, or comment or input from schools and/or child care services under subsection (C)(2) of this section. Copies of the agenda and other materials shall be provided by the applicant at the meeting. The meeting shall be conducted on the subject property whenever feasible.</p>	<p>N/A - the project is not requesting temporary encampment.</p>	

<p>Z. Additional mailed notice. The requirements for mailing the notice of application set forth in chapter 19.15 MICC shall be expanded to include owners of real property within 600 feet of the lot(s) containing the proposed temporary encampment. Prior to any application for a temporary encampment permit, the temporary encampment sponsor, or temporary encampment managing organization, shall meet and confer with the administration of any public or private elementary, middle, junior high or high school within 600 feet of the boundaries of the lot(s) proposed to contain the temporary encampment, and shall meet and confer with the operators of any properly licensed child care service within 600 feet of the boundaries of the lot(s) proposed to contain the temporary encampment. The temporary encampment sponsor and the school administration and/or child care service operator shall make a good faith effort to agree upon any additional conditions that may be appropriate or necessary to address school and/or child care concerns regarding the location of a temporary encampment within 600 feet of such a facility. Any such conditions agreed upon between the parties shall be submitted to the code official for consideration, for inclusion within the temporary encampment permit. In the event the parties fail to agree on any conditions, either party may provide the code official with a written summary of the parties' discussions, which the code official may consider in evaluating whether the conditions for the temporary</p>	<p>N/A - the project is not requesting temporary encampment.</p>	
<p>D. Emergencies. The code official may waive these requirements when a catastrophic event necessitates the immediate establishment of a temporary encampment.</p>	<p>N/A - the project is not requesting temporary encampment.</p>	

Mercer Island City Code Compliance Matrix		
Mercer Island City Code (MICC) 19.06.100 - Essential public facilities.	How the proposed development meets the provisions of the MICC relative to essential public facilities.	City Review/Notes
<b>A. Purpose and applicability.</b>		
1. This chapter establishes a process for identifying, siting and regulating essential public facilities (EPFs).	Noted.	
2. Nothing in this chapter shall be construed as precluding the siting of new EPFs, or the expansion or modification of existing EPFs, in contravention of applicable state law. This chapter shall be interpreted in a manner consistent with the requirements of the Growth Management Act, RCW Chapter 36.70A, as now enacted or hereafter amended, and other applicable statutes and regulations.	Noted.	
3. This chapter is intended to:		
a. Ensure that EPFs, as needed to support orderly growth and delivery of public services, are identified, sited and regulated for the public health, safety and welfare in a timely and efficient manner.	Noted.	
b. Ensure that public services are available and accessible to Mercer Island and that the facilities are sited and constructed to provide those services in a timely manner.	Noted.	
c. Provide the city with additional regulatory authority to require mitigation of impacts that may occur because of siting, operating, modifying, or expanding an EPF.	Noted.	
d. Promote enhanced public participation that will produce EPF decisions consistent with community goals and the comprehensive plan.	Noted.	
B. Preapplication meeting required. Prior to submitting a conditional use permit application, an EPF applicant is required to attend a preapplication meeting consistent with the preapplication provisions of Chapters 19.09 and 19.15 MICC. The preapplication meeting is required as a means for applicants to present facility and siting proposals, seek information about potential sites, and propose possible mitigation measures.	The EPF applicant applied for pre-application meeting that was successfully held on November 19, 2024.	

<p>C. Public participation. The applicant shall present a public participation plan for city review and comment as part of the preapplication meeting. Applicants shall conduct local outreach efforts with early notification to prospective neighbors to inform them about the project and to engage residents in the development of the proposal, site planning and mitigation design prior to submittal of a conditional use permit application.</p>	<p>The applicant presented a Public Participation Plan for the project as part of the pre-application materials. Local outreach efforts are being conducted prior to submittal of a conditional use permit application.</p>	
<p>D. Conditional use permit required. An EPF shall require a conditional use permit in all zones. Outside of the Town Center zone, an application for a conditional use permit shall follow the procedure and meet the criteria in chapter 19.15 MICC. Within the Town Center zone, an application for a conditional use permit shall follow the procedure and meet the criteria in chapter 19.15 MICC and MICC 19.15.040. In addition, regardless of the proposed location of the EPF, materials showing compliance with the following items must be submitted:</p>	<p>The Project is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities). An EPF requires a Conditional Use Permit in all zones (MICC 19.06.100(D)). The project is outside of the Town Center zone and is exempt from design review.</p>	
<p>1. Documentation of need. The applicant must demonstrate the need for the proposed EPF. Included in the analysis of need should be the projected service population, an inventory of existing and planned comparable facilities and projected demand for this type of essential public facility.</p>	<p>The City operates a water utility meter reading program that involves reading 82% of meters manually and reading the remaining 28% through a radio read system. Water metering information is used in the City's utility billing system, from which utility billing statements are generated.</p> <p>In 2018, the City began evaluating options to improve its water metering practices, which led to a comprehensive Water Meter Replacement Program (the Program). The Program includes implementation of an Advanced Metering Infrastructure (AMI) system to replace the 7,900 existing water meters with new smart meters, standardized in type and technology. This will enable a meter-reading approach that will best support reduced water loss and improved water resource management. The new meters will automatically transmit water usage data to the City on an hourly basis via data collection equipment placed at the proposed location.</p>	
<p>2. Consistency with applicant's plans. The proposal shall be consistent with the applicant's own long-range plans for facilities and operations.</p>	<p>The project is part of the implementation of the Program and will contribute to the goal of improved water resource management which is the overall long-range plan for facilities and operations.</p>	

<p>3. Consistency with Mercer Island Comprehensive Plan. The proposal shall be consistent with the Mercer Island Comprehensive Plan.</p>	<p>The Mercer Island Comprehensive Plan calls for the City to provide adequate water supply and improved water quality to the water service area now and in the future. The meter replacement program is a capital project designed to fulfill that requirement through implementing the City of Mercer Island's Comprehensive Plan, Chapter 6, Capital Facilities Goals and Policies, Goal 1 (1.1, 1.2, 1.3, 1.9, 1.15 and 1.18).</p>	
<p>4. Minimum site requirements. The applicant shall submit documentation showing the minimum siting requirements for the proposed facility. Site requirements may be determined by the following factors: minimum size of the facility, access, support facilities, topography, geology, and mitigation needs. The applicant shall also identify future expansion needs of the facility.</p>	<p>The site requirements that informed the location of the project was primarily based on the AMI system performance requirement (a certain percentage of meters must be read within a certain number of days). Sizing, topography, support facilities are all non-factors as the physical location of the equipment boxes is not a concern. There will be no future expansion needs.</p>	
<p>5. Alternative site selection. The applicant shall search for and investigate alternative sites before submitting a proposal for conditional use permit approval. The proposal shall indicate whether any alternative sites have been identified that meet the minimum site requirements of the facility.</p>	<p>Once the AMI performance system requirements were identified, the equipment system was designed to be configured for that specific location. Therefore, alternative site locations were not required to meet site selection requirements.</p>	
<p>6. Proposed impact mitigation. The proposal must include adequate, appropriate and reasonable mitigation measures for the impacted area(s) and community. Mitigation measures may include, but are not limited to, natural features that will be preserved or created to serve as buffers, other site design elements used in the development plan, and/or operational or other programmatic measures contained in the proposal. The proposed measures shall be adequate to substantially reduce or compensate for anticipated adverse impacts created by the proposed facility.</p>	<p>The proposal would not cause any permanent impacts to the natural or built environment, therefore, no mitigation is required.</p>	

<p>E. Design review required. In addition to conditional use permit approval, design review pursuant to chapter 19.15 MICC is required for any regulated improvements. Design review may be consolidated with the conditional use permit review pursuant to chapter 19.15 MICC.</p>	<p>The proposed development is not a regulated improvement pursuant to MICC 19.16.010 and is exempt from Design Review.</p>	
<p>F. Independent consultant review. The code official may require independent consultant review of the proposal to assess its compliance with the criteria contained in this chapter, as well as the conditional use permit criteria. If independent consultant review is required, the applicant shall make a deposit with the city sufficient to defray the cost of such review. Unexpended funds, if any, will be returned to the applicant following the final decision on the application.</p>	<p>Noted.</p>	

<b>Mercer Island City Code Compliance Matrix</b>		
<b>Mercer Island City Code (MICC) 19.06.110 - Criteria for approval—Conditional use permits, variances, and setback deviations</b>	<b>How the proposed development meets the provisions of the MICC relative to small wireless facilities deployment</b>	<b>City Review/Notes</b>
<b>A. Conditional use permits.</b>		
1. Purpose. A use may be authorized by a conditional use permit for those uses listed in chapters 19.02 and 19.11 MICC. The intent of the conditional use permit review process is to evaluate the particular characteristics and location of certain uses relative to the development and design standards established in this title. The review shall determine if the development proposal should be permitted after weighing the public benefit and the need for the use with the potential impacts that the use may cause.	Noted.	
2. Criteria for conditional use permits that are not located in Town Center. An applicant must demonstrate how the development proposal meets the following criteria:		
a. The permit is consistent with the regulations applicable to the zone in which the lot is located;	The Project is considered an Essential Public Facility (EPF) (Mercer Island City Code (MICC) 19.16.010.E – Essential public facilities). An EPF requires a Conditional Use Permit in all zones (MICC 19.06.100(D)).	
b. The proposed use is determined to be acceptable in terms of size and location of site, nature of the proposed uses, character of surrounding development, traffic capacities of adjacent streets, environmental factors, size of proposed buildings, and density;	The proposed location was identified due to its ability to capture transmissions from water meters across Mercer Island. The location is not within the Town Center Zone.  The equipment is proposed for installation in the City right-of-way (ROW) near at the intersection of W. Mercer Way & SE 32nd St. Installation of the data box and antenna would be on a Puget Sound Energy-owned replacement pole at 47.581830, -122.248637	
c. The use is consistent with policies and provisions of the comprehensive plan; and	Applicable comprehensive plan policies include: Policies 2.1, 2.7 of the Utilities Element. These Water Utility Policies encourage cost-effective and reliable water supply. The project contributes to water conservation and efficiency by improving water metering practices. The project enables a meter-reading approach that will best support reduced water loss and improved water resource management.	

d. Conditions shall be attached to the permit assuring that the use is compatible with other existing and potential uses within the same general area and that the use shall not constitute a nuisance.	Noted.	
3. Criteria for conditional use permits that also require design review and are located in Town Center. An applicant must demonstrate how the development proposal meets the following criteria:	N/A - the project is not located in Town Center and does not require design review.	
a. General criteria.		
i. The proposed use complies with all the applicable development and design provisions of this chapter.	N/A - the project is not located in Town Center and does not require design review.	
ii. The proposed use is consistent with the comprehensive plan.	N/A - the project is not located in Town Center and does not require design review.	
iii. The proposed use is harmonious and appropriate in design, character, and appearance with the existing or intended uses within the surrounding area.	N/A - the project is not located in Town Center and does not require design review.	
iv. The proposed use will not generate excessive fumes, odor, dust, light, radiation, or refuse that would be injurious to surrounding uses.	N/A - the project is not located in Town Center and does not require design review.	
v. The proposed use will not generate levels of noise that adversely impact the health, safety, or general welfare of surrounding uses.	N/A - the project is not located in Town Center and does not require design review.	
vi. The proposed use will be served by adequate public services, including streets, fire and public safety protection, water, sewer, and storm water control, and will not adversely impact the level of service standards for such facilities.	N/A - the project is not located in Town Center and does not require design review.	
vii. The proposed location, size, design, and operating characteristics of the proposed use will not be detrimental to the public interest, health, safety, convenience, or welfare of the city.	N/A - the project is not located in Town Center and does not require design review.	
b. Additional criteria for approval of a conditional use for adult entertainment in Town Center.	N/A - the project is not located in Town Center and does not require design review.	

<p>i. The point of entry into the structure housing the adult entertainment use shall be located at least 100 feet, measured in a straight line, from the property line of: (a) any R-zoned property; (b) any public institution zoned property; (c) any property containing one or more of the following uses: residential uses including single- or multiple-family dwellings or residential care facilities; schools including public, private, primary or secondary, preschool, nursery school, or day care; recreational uses including publicly owned park or open space; commercial or noncommercial or private recreation facility; religious institutions; public institutions; or uses which cater primarily to minors.</p>	<p>N/A - the project is not located in Town Center and does not require design review.</p>	
<p>ii. No adult entertainment use shall be located closer than 400 feet to another adult entertainment use. Such distance shall be measured by following a straight line from the nearest point of entry into the proposed adult entertainment use to the nearest point of entry into another adult entertainment use.</p>	<p>N/A - the project is not located in Town Center and does not require design review.</p>	
<p>iii. The point of entry into an adult entertainment use shall not be located along 78th Avenue SE.</p>	<p>N/A - the project is not located in Town Center and does not require design review.</p>	
<p>iv. Signing shall be limited to words and letters only. Window or exterior displays of goods or services that depict, simulate, or are intended for use in connection with specified sexual activities as defined by Chapter 5.30 MICC are prohibited.</p>	<p>N/A - the project is not located in Town Center and does not require design review.</p>	
<p>4. No building permit, business license, or other permits related to the use of the land shall be issued until final approval of the conditional use permit.</p>	<p>N/A - the project is not located in Town Center and does not require design review.</p>	
<p>5. Change after conditional use permit granted.</p>		
<p>a. Change of ownership. Conditional use permits granted shall continue to be valid upon change of ownership of the site.</p>	<p>Noted.</p>	
<p>b. Change of use. Modifications to the use shall require an amendment to the conditional use permit and shall be subject to the review process in chapter 19.15 MICC.</p>	<p>Noted.</p>	

<p>c. Applicability. A conditional use permit shall be applicable only to the property for which it was granted, as defined by the legal description of the property boundaries submitted with the conditional use permit application ("permitted property"). The use(s) permitted under a conditional use permit shall not extend beyond the permitted property to adjoining property or property added to the permitted property unless the conditionally approved use(s) are already allowed on the adjoining or added property or a new conditional use permit is granted for the adjoining or added property.</p>	<p>Noted.</p>	
<p>B. Variances.</p>		
<p>1. Purpose. An applicant or property owner may request a variance from any numeric standard, except for the standards contained within chapter 19.07 MICC. A variance shall be granted by the city only if the applicant can meet all criteria in subsections (B)(2)(a) through (B)(2)(h) of this section. A variance for increased lot coverage for a regulated improvement pursuant to subsection (B)(2)(i) of this section shall be granted by the city only if the applicant can meet criteria in subsections (B)(2)(a) through (B)(2)(i) of this section.</p>	<p>Noted, no variance is sought at this time.</p>	
<p>2. Criteria.</p>		
<p>a. The strict enforcement of the provisions of this title will create an unnecessary hardship to the property owner. For the purposes of this criterion, in the R-8.4, R-9.6, R-12, and R-15 zoning designations, an "unnecessary hardship" is limited to those circumstances where the adopted standards of this title prevent the construction of a single-family dwelling on a legally created, residentially zoned lot;</p>	<p>Noted, no variance is sought at this time.</p>	
<p>b. The variance is the minimum necessary to grant relief to the property owner;</p>	<p>Noted, no variance is sought at this time.</p>	
<p>c. No use variance shall be allowed;</p>	<p>Noted, no variance is sought at this time.</p>	
<p>d. There are special circumstances applicable to the particular lot such as the size, shape, topography, or location of the lot; or factors necessary for the successful installation of a solar energy system such as a particular orientation of a building for the purposes of providing solar access;</p>	<p>Noted, no variance is sought at this time.</p>	

<p>e. The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the property is situated;</p>	<p>Noted, no variance is sought at this time.</p>	
<p>f. The granting of the variance will not alter the character of the neighborhood, nor impair the appropriate use or development of adjacent property;</p>	<p>Noted, no variance is sought at this time.</p>	
<p>g. The variance is consistent with the policies and provisions of the comprehensive plan and the development code;</p>	<p>Noted, no variance is sought at this time.</p>	
<p>h. The basis for requesting the variance is not the direct result of a past action by the current or prior property owner; and</p>	<p>Noted, no variance is sought at this time.</p>	
<p>i. Public and private schools, religious institutions, private clubs and public facilities in single-family zones with slopes of less than 15 percent may request a variance to increase the impervious surface to a maximum 60 percent impervious surface and such variance application will be granted if the hearing examiner determines that the applicant has demonstrated that the following criteria are satisfied:</p>	<p>Noted, no variance is sought at this time.</p>	
<p>i. There will be no net loss of permeable surface from the existing permeable surface. No net loss will be determined by the code official and may be achieved by off-site mitigation and/or by reconstructing existing parking areas to allow storm water penetration. This replacement will be an exception to MICC 19.02.060(C)(2), prohibiting parking areas from being considered as permeable surfaces;</p>	<p>Noted, no variance is sought at this time.</p>	

<p>ii. All storm water discharged shall be mitigated consistent with the most recent Washington State Department of Ecology Stormwater Management Manual for Western Washington, including attenuation of flow and duration. Mitigation will be required for any and all new and replaced impervious surfaces. In designing such mitigation, the use of a continuous simulation hydrologic model such as KCRS or WWHM shall be required; event based models will not be allowed. In addition, mitigation designs shall utilize flow control best management practices (BMPs) and low impact development (LID) techniques to infiltrate, disperse and retain storm water on site to mitigate the increased volume, flow and pollutant loading to the maximum extent feasible;</p>	<p>Noted, no variance is sought at this time.</p>	
<p>iii. The director must approve a storm drainage report submitted by the applicant and prepared by a licensed civil engineer assuring the city that city infrastructure, in concert with the project design, is adequate to accommodate storm drainage from the project site, or identifying appropriate improvements to public and/or private infrastructure to assure this condition is met, at the applicant's expense; and</p>	<p>Noted, no variance is sought at this time.</p>	
<p>iv. The variance may not be used with other provisions to exceed this maximum 60 percent impervious surface coverage.</p>	<p>Noted, no variance is sought at this time.</p>	
<p>3. Height variance for a wireless communication facility. If strict application of the provisions of MICC 19.06.040 would preclude an antenna from receiving or transmitting a usable signal, or, if the property owner believes that an alternative exists which is less burdensome to adjacent property owners, an application for a variance may be filed under the provisions of MICC 19.15.230(B). The code official may grant a height variance upon finding that the criteria in MICC 19.15.230(F) are met, and that one of the following criteria is also met:</p>	<p>Noted, no variance is sought at this time.</p>	
<p>a. Compliance with the above provisions would prevent the antenna from receiving or transmitting a usable signal; and the alternative proposed constitutes the minimum necessary to permit acquisition or transmission of a usable signal; or</p>	<p>Noted, no variance is sought at this time.</p>	

b. The alternative proposed has less impact on adjacent property owners than strict application of the above provisions; or	Noted, no variance is sought at this time.	
c. In Island Crest Park, if the parks director supports the variance because there will be a significant benefit to the park by either the retention of trees and/or vegetation or improvement of park uses.	Noted, no variance is sought at this time.	
4. The code official may grant a variance, with restrictions if deemed necessary, from the four-acre limitation for purpose of permitting short subdivision of property containing more than four acres into four or less lots when all of the following circumstances shall be found to apply:	Noted, no variance is sought at this time.	
a. That there are special circumstances applicable to the particular lot, such as type of ownership, restrictive covenants, physiographic conditions, location or surroundings, or other factors;	Noted, no variance is sought at this time.	
b. That the granting of the variance will not result in future uncoordinated development nor alter the character of the neighborhood; and	Noted, no variance is sought at this time.	
c. That granting the variance will not conflict with the general purposes and objectives of the comprehensive plan or the development code.	Noted, no variance is sought at this time.	
C. Setback deviations.		
1. Purpose. The purpose of a setback deviation is to increase protection of a critical area or critical area buffer. A setback deviation provides flexibility in designing a development proposal to allow for increased protection of critical areas or critical area buffer.	Noted, no setback deviation is being sought at this time.	
2. Criteria. A setback deviation shall be granted by the city only if the applicant demonstrates all of the following:	Noted, no setback deviation is being sought at this time.	
a. No use deviation shall be allowed;	Noted, no setback deviation is being sought at this time.	
b. The granting of the deviation will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the property is situated;	Noted, no setback deviation is being sought at this time.	
c. The granting of the deviation will not alter the character of the neighborhood, nor impair the appropriate use or development of adjacent property;	Noted, no setback deviation is being sought at this time.	

d. The deviation is consistent with the policies and provisions of the comprehensive plan and the development code;	Noted, no setback deviation is being sought at this time.	
e. The basis for requesting the deviation is not the direct result of a past action by the current or prior property owner;	Noted, no setback deviation is being sought at this time.	
f. The setback deviation is associated with the approval of development of a single lot or subdivision that is constrained by critical areas or critical area buffers;	Noted, no setback deviation is being sought at this time.	
g. The building pad resulting from the proposed deviation will result in less impact to critical areas or critical area buffers; and	Noted, no setback deviation is being sought at this time.	
h. Yard setbacks shall not be reduced below the following minimums:	Noted, no setback deviation is being sought at this time.	
i. Front and rear setbacks may not be reduced to less than ten feet each;	Noted, no setback deviation is being sought at this time.	
ii. Side setbacks may not be reduced to less than five feet.	Noted, no setback deviation is being sought at this time.	

<b>Mercer Island City Code Compliance Matrix</b>		
<b>Mercer Island City Code (MICC) 19.06.120 - Criteria for approval—Design review.</b>	<b>How the proposed development meets the provisions of the MICC relative to small wireless facilities deployment</b>	<b>City Review/Notes</b>
A. Intent and purpose. These regulations are intended to implement and further the comprehensive plan of the city and are adopted for the following purposes:	The proposed development is not a regulated improvement pursuant to MICC 19.16.010 and is exempt from Design Review.	
1. To promote the public health, safety and general welfare of the citizens of the city.	The proposed development is not a regulated improvement pursuant to MICC 19.16.010 and is exempt from Design Review.	
2. To recognize that land use regulations aimed at the orderliness of community growth, the protection and enhancement of property values, the minimization of discordant and unsightly surroundings, the avoidance of inappropriateness and poor quality of design and other environmental and aesthetic objectives provide not only for the health, safety and general welfare of the citizens, but also for their comfort and prosperity and the beauty and balance of the community, and, as such, are the proper and necessary concerns of local government.	The proposed development is not a regulated improvement pursuant to MICC 19.16.010 and is exempt from Design Review.	
3. To protect, preserve and enhance the social, cultural, economic, environmental, aesthetic, and natural values that have established the desirable quality and unique character of Mercer Island.	The proposed development is not a regulated improvement pursuant to MICC 19.16.010 and is exempt from Design Review.	
4. To promote and enhance construction and maintenance practices that will tend to promote visual quality throughout Mercer Island.	The proposed development is not a regulated improvement pursuant to MICC 19.16.010 and is exempt from Design Review.	
5. To recognize environmental and aesthetic design as an integral part of the planning process.	The proposed development is not a regulated improvement pursuant to MICC 19.16.010 and is exempt from Design Review.	
B. Criteria for design review decisions. Design objectives and standards for regulated improvements within the Town Center are set forth in chapter 19.11 MICC. Design objectives and standards for regulated improvements in all zones outside the Town Center are set forth in chapter 19.12 MICC. Following the applicable review process in chapter 19.15 MICC, the design commission or code official shall deny an application if it finds that all the following criteria have not been met, or approve an application, or approve it with conditions, based on finding that all the following criteria have been met:	The proposed development is not a regulated improvement pursuant to MICC 19.16.010 and is exempt from Design Review.	
1. The proposal conforms with the applicable design objectives and standards of the design requirements for the zone in which the improvement is located, provided further:	The proposed development is not a regulated improvement pursuant to MICC 19.16.010 and is exempt from Design Review.	

a. In the Town Center, particular attention shall be given to whether:	The proposed development is not a regulated improvement pursuant to MICC 19.16.010 and is exempt from Design Review.	
i. The proposal meets the requirements for additional building height, if the proposal is for a building greater than two stories; and	The proposed development is not a regulated improvement pursuant to MICC 19.16.010 and is exempt from Design Review.	
ii. The proposal adheres to the required parking standards and a parking plan has been provided that demonstrates that the proposal meets the objectives of MICC 19.11.130.	The proposed development is not a regulated improvement pursuant to MICC 19.16.010 and is exempt from Design Review.	

**Mercer Island City Code Compliance Matrix**

<b>Mercer Island City Code (MICC) 19.07.100 - Mitigation sequencing</b>	<b>How the proposed development meets the provisions of the MICC relative to small wireless facilities deployment</b>	<b>City Review/Notes</b>
A. Avoiding the impact altogether by not taking a certain action or parts of an action. The applicant shall consider reasonable, affirmative steps and make best efforts to avoid critical area impacts. However, avoidance shall not be construed to mean mand	The selection of the W. Mercer Way & SE 32nd St data collection device was selected following the propagation study. This site is ideal given its distance from other existing and proposed data collection device locations and its ability to access data	
B.Minimizing impacts by limiting the degree or magnitude of the action and its implementation, using a setback deviation pursuant to section 19.06.110(C), using appropriate technology, or by taking affirmative steps to avoid or reduce impacts;	Ground disturbance will be minimized by staging all construction vehicles on the paved roadway. No setback deviation is being sought at this time.	
C.Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;	There will be no need to rectify critical area impacts, as all impacts can be avoided and minimized.	
D.Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;	There will be no need to reduce critical area impacts over time, as all impacts can be avoided and minimized.	
E.Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and/or	There will be no need to compensate for critical area impacts, as all impacts can be avoided and minimized.	
F.Monitoring the impact and taking appropriate corrective measures to maintain the integrity of compensating measures.	There will be no need to monitor the impact as all critical areas impacts can be avoided and minimized.	