

Re: CUP24-001 & SEP24-003

Jeff Davis <jeffd@davisdoor.com>

Fri 5/24/2024 3:54 PM

To: Molly McGuire <molly.mcguire@mercerisland.gov>

Molly,

My wife and I are Mercer Island Resident, I since 1960 and my wife since 1955. For the last 35 years we have been living at 4568 East Mercer Way. We experience the massive traffic and pedestrian traffic increase with the additional developments at the JCC. The traffic backup and pedestrian crossings are very dangerous. People pull out from the JCC without regard to cross traffic and the pedestrians cross at night with dark clothes never using the flags or even looking. When it is raining and dark it is often not possible to see pedestrians in dark clothing.

All this being said, please make note that we are not in favor of additional development at the JCC or the Temple. This is a residential neighborhood...

From a safety standpoint, this is a bad idea.

Thank you,

Jeff Davis
206-510-4535

To: Molly McGuire

cc: Jeff Thomas
Matthew Goldbach

Re: CUP24-001 & SEP24-003

Public Comments of Neighbors in Response to the Request for a Conditional Use Permit with SEPA Review for the construction of a new, three-story K-8 school with rental offices, shared parking, and associated site improvements.

1) Identity of Neighbors.

John Hall has owned his house located at 9970 SE 40th Street, Mercer Island since 1981. He has been a resident of Mercer Island since 1958. He has lived in the same neighborhood.

Matthew Goldbach has owned his house located at 9980 SE 40th St since 2014. He has been a resident of Mercer Island since 2014.

Furthermore, both Matt Goldbach and John Hall were founding members of Concerned Neighbors for the Protection of the Neighborhood (CNPC), an association of Mercerwood neighbors who were the named Appellants in the litigation before the Growth Management Hearings Board contesting the Community Facilities Zone that was subsequently repealed by the Council.

2) Identification of Project.

The applicant's Project Narrative states as follows:

"The proposed amendment to the existing conditional use permit(s) would permit a private school school to use the existing outdoor play areas and the non-commercial recreational area; and would permit certain non-occupied portions of the school building to project into the residential zone."

"Existing development is noncompliant with current impervious surface limits but legally conforming per 19.01.050.A.7. Added impervious surface will be offset by removed impervious surface so that we retain existing lot coverage and impervious surface areas."

"The project on the adjoining B-zoned lot is a 3-story mixed-use building housing a K-8 private school on the lower levels and rental office space on the upper level and a half."

"Concurrently, a preschool will be developed on the R-9.6 parcels, within the existing synagogue building, which is permitted outright."

The project narrative has that the preschool uses will be considered as part of the transportation/traffic study, but they have failed to include the addition of the preschoolers who would be in the existing synagogue building so the number of school children does not include the additional synagogue building preschool children.

The Applicant is proposing that the B-Zoned property have no on-site parking at all, and that the parking for both the School and Office portion of the building be a shared-use on the existing Herzl parking lot.

3) Neighbors' Understanding of the Permits at Issue.

This process is not very clear. The property owner originally requested to rezone the B zone to add schools as an allowed use. The CPD initially proposed additional regulatory limits for a school, including the location of an onsite playfield, parking limits, and the question of setbacks between the adjacent R-zoned property which shares an internal lot line, but the Council simply added schools as a use to the B zone.

Now, the applicant has filed an application for a three story building without any onsite parking to include a K-8 school and unaffiliated 12,300 square feet of office space, and no onsite playfield, that must go before the Design Commission, and that building permit depends on a SEPA review and modification of the CUP of the Herzl property to amend its available parking use to "share" parking with the new B-zoned property that will displace the required parking for the French American School under its conditional use permit rendering the French American School CUP in non-compliance.

It is hard for us to not feel this is a bait and switch in which the council was led to believe adding schools as an allowed use in the B-zone would result in a standard one-story school with onsite parking and playfield that now results instead in an application for a three-storied mixed-use building with no on-site parking or playfield.

4) Prior Precedent.

We are aware of one prior precedent in which the applicant sought to have no onsite parking, and that was the Mercer Island Center for the Arts, a performing arts center building in Mercerdale Park.

Attached in Exhibit 1 is the Determination of Non-Significance (DNS) with Mitigation and Use of Phased SEPA Determination (WAC 197-11-060(5)) through the WAC issued by Scott Greenberg on September 11, 2017. MICA, a performing arts center, sought to build a 35,00 sq ft building in Mercerdale Park with no onsite parking and sought to use public parking along 77th and in the Mercerdale neighborhood to meet its estimated parking requirements (which the DSG found the applicant had underestimated.)

Instead, as noted in the Determination of Non-Significance, the Director required the applicant to identify "and reserve" 205 private parking places in the Town Center as part of its conditions.

As noted below, we feel that due to the incredible importance of the East Mercer Way intersection involved in this matter, the high number of schools that are or will be located in this area, the lack of any public parking along East Mercer Way, and the current and future increases in zoning and development in the area that a Determination of Non Significance is inappropriate.

5) The Unique Features of the Location make a Determination of Non Significance inappropriate and an analysis under SEPA is appropriate.

The code modifications the application is seeking are extreme and very unusual. Therefore, the applicant carries the burden of proving these code modifications will not affect existing uses and neighbors.

The undersigned and represented neighbors object to a Determination of Non-Significance under SEPA based the following conditions of this location:

- A. This area of East Mercer Way has a high volume of traffic, including Islanders using East Mercer Way to go south, Islanders using this intersection to access Gallagher Hill, and access to and from the I-90 eastbound and westbound.
- B. This intersection is one of two westbound exits from I-90 to Mercer Island. Therefore, it is critical that this intersection have the capacity to meet its volume to avoid overloading exiting traffic in the Town Center Island Crest Way I-90 exit, or backing up traffic onto I-90.
- C. This area has a number of inchoate future developments. These include a new City Hall and the return of staff to City Hall; the Council's recent addition of multifamily housing as a use to the Commercial Office zone; the JCC's proposal to rezone its property to Commercial Office to support a substantial increase in square footage and intensity of use.
- D. Four different K-8 schools, including the JCC, The French American School, the proposed school on the B-zone property, and a new preschool on the Herzl property. Schools create a high intensity of use and parking and traffic per square foot, and create a significant amount of foot traffic along East Mercer Way.
- E. East Mercer Way does not have sidewalks from I-90 to 40th Ave SE. There is no space to park cars along East Mercer Way. If cars are parked along this stretch of East Mercer Way, the children attending the French American School, the JCC School, as well as the proposed school on Parcel B and on the synagogue's property will be forced into the center of the road in order to walk along East Mercer Way, and the sight lines of cars going both north and south along East Mercer Way will be seriously impeded. Therefore, there can be NO parking along East Mercer Way now or in the future.
- F. We believe the City must consider ALL current and future uses at this location to make a determination on future traffic and parking impacts, and that should be done through the SEPA process to protect current and future uses.

6) The Applicant understates the Parking requirements that result in the French American School CUP being out of compliance, and the parking must be permanently reserved by easement.

The applicant proposes to share the existing parking on the Herzl property with Herzl, rather than providing any onsite parking on the B-zone property as required by code, as well as the parking for the proposed pre-school on the Herzl property without any increase in the number of parking stalls or parking area.

First, we believe the estimated parking needs for both schools and the offices - which often operate on weekends and so are not consistent with a shared parking use - have been underestimated by the applicant.

Second, this parking is a required element of the French American School CUP and each year the FASP must file its lease to park at Herzl to comply with the CUP. Without this parking, the FAS CUP will be out of compliance and the CUP void.

Third, to avoid this situation in the future, the Herzl property allocated to the B-zone for parking must be permanently reserved and run with the land which should be by easement. Herzl must understand that the property reserved for parking for the B-zone, as well for the playfield, will be permanently reserved and non-developable forever.

7) The Applicant's Transportation Concurrency Application is Flawed and Misrepresents the Total Number of Trips, the Total Use of this Intersection, and Should be Subject to a Full SEPA Analysis.

Attached is the Applicant's Transportation Concurrency Application and Memo. We believe the application misrepresents the number of trips, and that it is critical that the Planning Department consider the uses both current and future for this intersection as a whole in a formal SEPA process.

According to the application, the proposal includes a private K-8 grade school and 12,300 of gross square feet of general office space. Furthermore, the private school will enroll up to 150 students in pre-K up to grade 8 school levels.

According to the Transportation Concurrency Ordinance, the Land Use categories, the applicant uses "Code 530" which is actually for a high school, although the trips per unit at 0.26 are consistent with a private school (K-8 imprint.) The applicant also estimates that 12,300 square feet of office space will result in 1.15 trips per unit. The applicant's total prior proposed vehicle trips with a net new vehicle trips equal 53.

We and the neighbors simply don't believe this Transportation Concurrency Ordinance passes the smell test. We believe the proper category is "520" for elementary school with 1.37 trips per unit and the 12,300 sq ft of office space will certainly result in more than 14 total proposed vehicle trips.

The other major concern is that this Transportation Concurrency Ordinance should not be reviewed as a "first come, first serve" concurrency analysis. This intersection is one of the most stressed on Mercer Island and serves many existing and future uses and expansion of uses.

For example, the applicant's Transportation Concurrency Ordinance, if incorrect, could result in the City being unable to build a new City Hall and return staff to the office. It has to be remembered that WSDOT controls the ramp metering eastbound onto I-90, that prioritizes the traffic backups on the I-90 and I-405. This intersection serves the exit westbound from I-90 for Islanders living south along East Mercer Way and up Gallagher Hill and for other people coming to Mercer Island. If this traffic is backed up onto I-90, it would cause systemic backups and dangerous situations. Furthermore, it will migrate more traffic to the exit at Island Crest Way which is known as the "big left" and one of the busiest intersections on Mercer Island.

Finally, the JCC has requested its property be rezoned to Commercial Office with an increase in intensity of use. The City has recently amended the Commercial Office zone to include multifamily housing to meet the City's obligation under ESB1220, to meet the City's affordable housing mandate. The applicant believes that both of these will be not possible due to the increase of traffic due to this application and the lack of transit serving this location, and lack of organized school buses.

8) Conclusion.

The neighbors request that the City require a formal SEPA Analysis for both the parking and Transportation concurrency. The shared use agreement will result in the French American School CUP be non-compliant and void that CUP since there is not adequate alternate parking.

The neighbors also believe that the Transportation Concurrency Ordinance is flawed and underestimates future trips for this critical intersection, and a first come, first serve approach could negatively impact the City's desire to build the City Hall, the JCC's request for a rezone, and the Council's recent addition of multifamily housing in the Commercial Office zone to meet its affordable housing mandates under HB 1220.

Thank you for your consideration of this.

John Hall and Matthew Goldbach



DETERMINATION OF NON-SIGNIFICANCE (DNS) WITH MITIGATION AND USE OF PHASED SEPA DETERMINATION (WAC 197-11-060(5))

Application Nos.: SEP16-015 and ZTR16-002

Description of proposal: This State Environmental Policy Act (SEPA) threshold determination analyzes the environmental impacts associated with two “non-project actions” proposed by the applicant, Mercer Island Center for the Arts (MICA), as part of a phased SEPA review pursuant to WAC 197-11-060(5)(b) & (c)(i). This SEPA Determination covers the following two non-project elements of the proposed MICA project:

1. A Zoning Code Text Amendment to Mercer Island City Code chapter 19.05, Special Purpose, to allow the uses planned for the performing arts center and to allow the use of off-site parking to meet the proposal’s parking demand; and
2. An Agreement to Lease Subject to Certain Conditions Precedent (“agreement to lease”) between the City of Mercer Island and MICA for the portion of the Mercerdale Park property where a performing arts center is proposed to be located.

The environmental impacts of “project actions” needed for the MICA project, such as a long subdivision, critical area determination and construction permits, are not ready for decision at this time and will be further analyzed after the City Council makes decisions on the zoning code text amendment and agreement to lease.

Proponent: Lesley Bain (Framework), Architect for MICA

Location of proposal: Mercerdale Park, 3205 77th Avenue SE, Mercer Island, WA

Lead agency: City of Mercer Island

Project documents: *Please follow this file path to access the associated documents for this project:*
https://mieplan.mercergov.org/public/MICA-SEP16-015_ZTR16-002

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

This threshold determination is a phased SEPA decision pursuant to WAC 197-11-060(5)(b) & (c)(i). Phased review assists agencies and the public to focus on issues that are ready for decision and exclude from consideration issues not yet ripe for a SEPA determination. In addition, phased review is appropriate when the sequence is from a non-project document to a document of narrower scope such as a site-specific analysis for subsequent project-level development applications (e.g., long subdivision, critical area determination, building permit).

This threshold determination will be supplemented with site-specific environmental review at the time of a project-level development application, and a new SEPA threshold determination will be issued prior to issuance

of any underlying project-level permits. The site-specific environmental review will address probable environmental impacts from the proposal, including but not limited to issues related to transportation (traffic and parking), surface waters (wetlands and wetland buffers), storm water, plants, aesthetics, light and glare, recreation, and the cumulative impacts of the project in any one or more SEPA checklist categories.

_____ There is no comment period for this DNS.

 X This DNS is issued after using the optional DNS process in WAC 197-11-355. There is no further comment period on the DNS.

_____ This DNS is issued under WAC 197-11-340(2); the lead agency will not act on this proposal for 14 days from the date below. Comments must be submitted by _____.

Responsible Official: Scott Greenberg, Director
Development Services Group
City of Mercer Island
9611 SE 36th Street
Mercer Island, WA 98040
Email: scott.greenberg@mercergov.org

Date: September 11, 2017 **Signature:** 

APPEAL INFORMATION

There is no administrative (City) appeal of a SEPA threshold determination associated with a City Council legislative action (the proposed zoning code amendment) pursuant to MICC 19.07.120(T)(1). Any appeal must be filed with the State of Washington Central Puget Sound Growth Management Hearings Board. Visit http://www.gmhb.wa.gov/Home_CPSB.aspx for more information.

FINDINGS

1. A series of non-project and project-level proposals are required for the proposed performing arts center to be built in Mercedale Park. The non-project actions include a zoning code text amendment and an agreement to lease. The project-level actions include multiple land use approvals (e.g., long subdivision and critical area determination), and construction permits.
2. The applicant initially submitted a SEPA checklist and supporting information for the entire MICA project, combining both the non-project and project actions. This submittal was reviewed by City staff and peer reviewers with technical expertise in various subject areas. The peer reviewers requested more detailed project-level information at the end of the first review cycle. The applicant provided some additional information, but in certain topic areas, the more detailed information is contingent on details of the building and project design, which cannot be known until a decision is made by the City Council on the non-project zoning code text amendment.
3. Due to the complexity of this project and the sequence of multiple project and non-project approvals needed, the City is opting to use a phased review approach pursuant to WAC 197-11-060(5). WAC 197-11-776 defines phased review as: "...the coverage of general matters in broader environmental documents, with subsequent narrower documents concentrating solely on the issues specific to the later analysis (WAC 197-11-060(5)). Phased review may be used for a single proposal or EIS (WAC 197-11-060)."
4. Phased review allows for environmental review of the issues and impacts ready for decision and excludes issues that are not yet ready for a decision. In this case, the proposed zoning code text amendment and agreement to lease are ready for review and decision. Being ready for review and decision simply means there is adequate information available to determine the environmental impacts and potential mitigation of those elements of the larger project. Being ready for review and decision does not mean that the City Council is ready to act immediately. The zoning code text amendment and agreement to lease both require additional public process prior to City Council action. Other proposals (such as the land use and construction approvals) are contingent upon the review and approval of the zoning code text amendment and agreement to lease approval, and are not ready for review and decision. City Council decisions on the zoning code text amendment and proposed agreement to lease could result in changes to the site design, building design and/or parking requirements of the project, affecting potential environmental impacts of the project.
5. Additional SEPA review of the physical MICA project, including but not limited to site-specific impacts, cumulative impacts and mitigation, will occur following decisions on the zoning code text amendment and agreement to lease, consistent with WAC 197-11-060(5).

ANALYSIS

1. Earth
 - a. *Impacts:* The proposed code amendment and agreement to lease are non-project actions and would not create erosion or have other impacts to the earth. If adopted, the proposed code amendment would enable future project actions that could have environmental impacts. Future project actions will be reviewed for impacts and mitigation related to earth, including but not limited to slope stability, and appropriate SEPA action will be taken.
 - b. *Mitigation Measures:* No mitigation measures are needed to reduce or control erosion, or other impacts to the earth.
2. Air

- a. *Impacts:* The proposed code amendment and agreement to lease are non-project actions and would not create emissions or have other impacts to air. If adopted, the proposed code amendment would enable future project actions that could have environmental impacts. Future project actions will be reviewed for impacts and mitigation related to emissions from construction and operation of the project, and appropriate SEPA action will be taken.
- b. *Mitigation Measures:* No mitigation measures are needed to reduce or control emissions or other impacts to air.

3. Water

- a. *Impacts:* The proposed code amendment and agreement to lease are non-project actions and would not increase discharge to water nor create impacts to drainage patterns or to surface, ground, or runoff water. If adopted, the proposed code amendment would enable future project actions that could have environmental impacts. Future project actions will be reviewed for impacts and mitigation related to a storm water management plan (to address storm water collection and runoff), and for impacts and mitigation related to the Category III wetland, and appropriate SEPA action will be taken.
- b. *Mitigation Measures:* No mitigation measures are needed to reduce or control impacts to drainage patterns or to surface, ground, or runoff water.

4. Plants

- a. *Impacts:* The proposed code amendment and agreement to lease are non-project actions and would not create impacts to trees, plants or vegetation. If adopted, the proposed code amendment would enable future project actions that could have environmental impacts. Future project actions will be reviewed for impacts and mitigation related to plants, trees and vegetation, and appropriate SEPA action will be taken.
- b. *Mitigation Measures:* No mitigation measures are needed to reduce or control impacts to trees, plants or vegetation.

5. Animals

- a. *Impacts:* The proposed code amendment and agreement to lease are non-project actions and would not create impacts to animals including fish and marine life. If adopted, the proposed code amendment would enable future project actions that could have environmental impacts. Future project actions will be reviewed for impacts and mitigation related to animals, and appropriate SEPA action will be taken.
- b. *Mitigation Measures:* No mitigation measures are needed to reduce or control impacts to animals including fish and marine life.

6. Energy and natural resources

- a. *Impacts:* The proposed code amendment and agreement to lease are non-project actions and would not create impacts to nor deplete energy or natural resources. If adopted, the proposed code amendment would enable future project actions that could have environmental impacts. Future project actions will be reviewed for impacts and mitigation related to energy and natural resources (including green building), and appropriate SEPA action will be taken.
- b. *Mitigation Measures:* No mitigation measures are needed to reduce or control energy impacts or conserve energy and natural resources.

7. Environmental health

- a. *Impacts:* The proposed code amendment and agreement to lease are non-project actions and would not create noise, nor create or be affected by environmental health hazards, including toxic or hazardous substances. If adopted, the proposed code amendment would enable future project actions that could have environmental impacts. Future project actions will be reviewed for impacts and mitigation related to environmental health, and appropriate SEPA action will be taken.
- b. *Mitigation Measures:* No mitigation measures are needed to reduce or control noise or environmental health hazards.

8. Land use and shoreline use

- a. *Impacts:* The proposed code amendment is a non-project action that would allow “public facilities” as an additional use within Mercerdale Park. The proposed list of uses allowed as “public facilities” includes: theatre, lecture hall, classroom, performing studio, visual arts studio, exhibition gallery, gathering and meeting spaces, café and bar, and accessory functions. Adding the proposed use as a permitted use to Mercer Island City Code (MICC) 19.05.010 would not have direct impacts on the environment.

The proposed agreement to lease is a non-project action that would follow approval of a code amendment allowing the proposed land use (which is not allowed today). If the code amendment is approved, the proposed agreement to lease would then allow public facilities as a permitted use within Mercerdale Park and would not create land use impacts.

There are also environmentally critical areas in and adjacent to Mercerdale Park (wetland, wetland buffer, and geologic hazard areas). If adopted, the proposed code amendment would enable future project actions that could have environmental impacts. Future project actions will be reviewed for impacts and mitigation related to land use and critical areas, and appropriate SEPA action will be taken.

- b. *Mitigation Measures:* No mitigation measures are needed to ensure the proposal is compatible with existing and projected land uses and plans.

9. Housing

- a. *Impacts:* The proposed code amendment and agreement to lease are non-project actions and would not create impacts to housing. If adopted, the proposed code amendment would have no impact on existing housing nor would it allow any housing in Mercerdale Park. Future project actions would not require additional analysis for housing impacts.
- b. *Mitigation Measures:* No mitigation measures are needed to reduce or control housing impacts.

10. Aesthetics

- a. *Impacts:* The proposed code amendment and agreement to lease are non-project actions and would not create aesthetic impacts. If adopted, the proposed code amendment would enable future project actions that could have environmental impacts. Future project actions will be reviewed for impacts and mitigation related to aesthetics, and appropriate SEPA action will be taken.
- b. *Mitigation Measures:* No mitigation measures are needed to reduce or control aesthetic impacts.

11. Light and glare

- a. *Impacts:* The proposed code amendment and agreement to lease are non-project actions and would not create light and glare impacts. If adopted, the proposed code amendment would enable future project actions that could have environmental impacts. Future project actions will be reviewed for impacts and mitigation related to light and glare, and appropriate SEPA action will be taken.
- b. *Mitigation Measures:* No mitigation measures are needed to reduce or control light and glare impacts.

12. Recreation

- a. *Impacts:* The proposed code amendment and agreement to lease are non-project actions and would not create recreational impacts. If adopted, the proposed code amendment would enable future project actions that could have environmental impacts. Future project actions will be reviewed for impacts and mitigation related to recreation, and appropriate SEPA action will be taken.
- b. *Mitigation Measures:* No mitigation measures are needed to reduce or control impacts on recreation.

13. Historic and Cultural Preservation

- a. *Impacts:* The proposed code amendment and agreement to lease are non-project actions and would not create impacts to historic or cultural resources. If adopted, the proposed code amendment would enable future project actions that could have environmental impacts. Future project actions will be reviewed for impacts and mitigation related to historic and cultural preservation, and appropriate SEPA action will be taken.
- b. *Mitigation Measures:* No mitigation measures are needed to avoid, minimize, or compensate for loss, changes to, and disturbance to historic or cultural resources.

14. Transportation

- a. *Impacts:* The proposed code amendment would create new parking requirements for Public Facilities in Mercedale Park. It would allow the amount of required parking to be determined through a parking demand study, similar to the allowance in the current code for the Town Center. It would also allow all parking to be provided off-site pursuant to a traffic management plan.

If shared parking is used, the applicant proposes use of unrecorded written agreements that can be terminated within 90 days. If such off-site parking agreement is terminated, the applicant proposes to locate alternative parking and/or provide shuttle service for parking. Because the parking agreement would not be recorded on title, a new owner may be unaware of the parking agreement, and could choose not to honor the agreement. This could lead to inadequate parking being provided for the proposed public facility. Requiring these parking agreements to be recorded would provide some level of certainty as to the continued existence of the required baseline number of parking stalls for the proposal. Further, extending the termination period to 120 days would give more time to locate additional (replacement) parking, and negotiate and record a new parking agreement.

While the final configuration, size and design of a specific public facility project in Mercedale Park is still under consideration, some concerns related to the proposed parking code amendments can be determined today. The primary concern is where staff, visitors and

patrons would park if one or more of the proposed off-site parking agreements is terminated. A related concern is the ability for City staff to adequately monitor compliance with the off-site parking agreements and approved traffic management plan over the duration of the proposed long-term lease period.

If adopted, the proposed code amendment and agreement to lease would enable future project actions that could have environmental impacts. Future project actions will be reviewed for additional impacts and mitigation related to transportation and parking, and appropriate SEPA action will be taken when more project details are known.

- b. *Mitigation Measures:* The following mitigation measures are needed to reduce or control transportation impacts related to parking. The applicant shall:
- Complete a Parking Management Plan that includes both construction and operation of the facility.
 - Provide for periodic review of the Parking Management Plan (Plan), not less than annually and any time an element of the Plan changes and disrupts availability of required parking.
 - Provide annual reporting of the traffic demand management plan to provide program adjustments based on the report.
 - MICA shall identify a designated "Parking Coordinator" who is responsible for parking and traffic management and coordination of these issues with the City.
 - Enter into written agreement(s) approved by the City for any proposed off-site, off-street parking. Such agreements shall be recorded with King County prior to issuance of any construction permits. Such agreements may be terminated upon not less than one hundred twenty (120) days' notice to the code official, provided that the applicant has agreed to either enter into a replacement parking contract or make alternative parking arrangements, such as a shuttle service; in the case of any replacement and/or alternative parking arrangement, such arrangements must be reviewed and approved by the code official prior to the end of the 120-day notice period.
 - Update any private parking agreements as necessary to maintain baseline level of available parking to meet demand with an appropriate level of redundancy; and if parking is disrupted, modify MICA program scheduling until such parking is made available again.
 - Provide clear signage at the proposed MICA site to assist with clarity of parking and loading requirements.
 - Provide patron education specifically to restrict patron parking in the residential neighborhoods south, east and west of Mercerdale Park.

15. Public Services

- a. *Impact:* The proposed code amendment and agreement to lease are non-project actions and would not create impacts to public services. If adopted, the proposed code amendment would enable future project actions that could have environmental impacts. Future project actions will be reviewed for impacts and mitigation related to public services, and appropriate SEPA action will be taken.
- b. *Mitigation Measures:* No mitigation measures are needed to reduce or control impacts on public services.

16. Utilities

- a. *Impact:* The proposed code amendment and agreement to lease are non-project actions and would not create impacts to utilities. If adopted, the proposed code amendment would enable future project actions that could have environmental impacts. Future project actions will be reviewed for impacts and mitigation related to utilities, and appropriate SEPA action will be taken.
- b. *Mitigation Measures:* No mitigation measures are needed to reduce or control impacts on utilities.



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memorandum

date September 8, 2017
to Robin Proebsting, Project Planner and Scott Greenberg, SEPA Official; City of Mercer Island
from Claire Hoffman, Ecologist; ESA
subject Proposed Mercer Island Center for the Arts (MICA) –SEPA Review

This memorandum documents the State Environmental Policy Act (SEPA) third-party review process conducted by Environmental Science Associates (ESA) on behalf of the City of Mercer Island (City) for the proposed Mercer Island Center for the Arts (MICA) project. The City also retained Perrone Consulting and DKS to review the geotechnical and transportation evaluations, respectively, conducted by the MICA (Applicant). The responsible official at the City will make the SEPA threshold determination for the proposed project (Mercer Island City Code [MICC] 19.07.120). Note that the project may require phased review (WAC 197-11-776). This memorandum also includes ESA's SEPA determination recommendation to the City for the proposed MICA project.

The proposed MICA project would be located at 3205 77th Ave SE (Parcel #1224049068). The proposal includes a building approximately 28,300 square feet with a 300-seat main stage theatre, a 100-seat theatre, a 100-seat recital hall, and educational spaces. Public bathrooms accessible from the exterior and storage space for the Mercer Island Farmers Market would also be provided.

The following is a summary timeline of the review process by ESA, Perrone Consulting and DKS, beginning with the submission of the SEPA Checklist by the Applicant in July 2016.

August 2016

DKS reviewed the Traffic Impact Analysis by TranspoGroup (June 2016).

The City requested public comment on a SEPA Checklist (July 27, 2016) and received a number of comment letters during this initial comment period. Concerns included all elements of the environment, but primary concerns were parking, transportation, loss of park lands, impacts to the wetland and trees, and erosion/slides.

September 2016

ESA reviewed the SEPA Checklist (July 27, 2016) by Framework Cultural Placemaking and attachments. For detail of this review, refer to the Memorandum dated September 20, 2016 to Scott, Project Planner for the City from ESA (Attachment 1).

October 2016

Perrone Consulting reviewed the Earth and subsurface water elements of the SEPA Checklist (July 27, 2016) by Framework Cultural Placemaking as well as the geotechnical design report by HartCrowser (2016).

January 2017

In response to the aforementioned reviews and public comments, the Applicant was asked by the City to submit a revised SEPA Checklist. A revised Checklist was submitted to the City on January 12, 2017, which included additional attachments and responses to public comment. This version was deemed incomplete. MICA made several resubmittal attempts, and its April 4, 2017 submittal was deemed complete.

May 2017

ESA reviewed the January 12, 2017 SEPA Checklist, responses to comments, and attachments. On May 15, 2017 ESA met with the Applicant at the ESA office to discuss ESA's comments on the January SEPA Checklist. At this meeting, ESA asked for a revised SEPA Checklist to clarify wetland impacts and mitigation, tree removal and replacement, stormwater discharge, and improve general organization of the information in the SEPA Checklist.

Perrone Consulting and DKS reviewed the geotechnical and transportation elements, respectively, of the January 12, 2017 SEPA Checklist. Additionally, DKS reviewed a revised Transportation Impact Analysis by TranspoGroup (January 2017) and Perrone Consulting reviewed the Geotechnical Engineering Design Report (July 26, 2016) by HartCrowser. The City had a conference call with the Applicant, HartCrowser (the Applicant's consultant), DKS, Perrone Consulting, and ESA on June 7, 2017. DKS and Perrone Consulting requested further clarification on transportation and geotechnical elements, respectively.

June 2017

The Applicant sent an interim of their revisions to the City and ESA on June 6, 2017 via email. ESA had minor follow-up comments.

After further clarification between DKS and the Applicant, they submitted a revised SEPA Checklist with updated transportation attachments on June 29, 2017. On June 30, 2017, DKS reviewed this interim version and required no further changes (Attachment 2).

The Applicant submitted additional slope stability review which was reviewed by Perrone Consulting on June 23, 2017. Perrone Consulting had minor comments, but agreed with the overall determination that the slopes on the proposed project site would be relatively stable and pose a low risk of failure (Attachment 3).

July 2017

The Applicant submitted a reissued SEPA checklist on July 3, 2017 (Attachment 4), which addressed comments and questions from ESA, DKS, and Perrone Consulting.

Evaluation and Recommendation

The following discussion reviews the elements of the environment addressed in the reissued SEPA Checklist (July 3, 2017). ESA relied on DKS and Perrone Consulting to assess potential impacts to the transportation and geotechnical elements, respectively. ESA recommends a mitigated determination of non-significance (MDNS) for the MICA project. Some elements discussed below do not require mitigation because they comply with existing regulations and less than significant impacts are expected. Elements where mitigation is required to reduce the impacts to a level of non-significance are identified below.

1. Earth.

Based on review of analysis from Perrone Consulting, the Applicant has provided sufficient information to insure that the proposed project does not result in undue slope stability risk. Significant impacts to slope stability are not anticipated.

2. Air.

Emissions from construction and operation of the project are expected to be well below the Federal de minimis threshold of 100 tons per year, which is the applicable threshold within King County. Significant impacts to air quality are not anticipated.

3A. Water. Surface.

The SEPA Checklist and supporting Wetland Delineation Report and Critical Areas Report were reviewed by Claire Hoffman, professional wetland biologist from ESA. Additionally, she conducted a site visit to verify wetland and vegetation conditions on September 13, 2016. The delineation and proposed mitigation meet the requirements of MICC 19.07.080. MICC 19.07.080.C. allows for buffer averaging of Category III wetlands to a minimum of 25 feet with enhancement. The Applicant is proposing to avoid the wetland, and thus no direct wetland impacts are expected. The Applicant incorporated ESA's recommendations from the September 20, 2016 memorandum and from the May 15, 2016 meeting. Impacts to surface waters (wetlands and wetland buffers) are not anticipated to be significant.

Required Mitigation: enhance 11,362 square feet of degraded buffer with native trees, shrubs, and groundcover as proposed by the applicant in the Critical Areas Study of the July 2017 SEPA Checklist (see Attachment G). Comply with mitigation and monitoring methods outlined in Attachment G, Critical Areas Study. The enhancement area can only be reduced if the impact area is reduced.

3B. Water. Ground.

There are no withdrawals or discharges proposed as part of the project. No significant impacts are anticipated.

3C. Stormwater.

The proposed project would construct a detention vault and discharge to the existing City stormwater system as well as the on-site wetland. Stormwater discharge to surface waters (i.e. to the wetland) is allowed under MICC 15.09.040. As design of the MICA progresses, ESA recommends that the Applicant provide a detailed stormwater management plan to insure that current City and State standards are met. With development and compliance with a stormwater management plan, significant impacts are expected to be avoided.

Required Mitigation: develop and comply with a Stormwater Management Plan.

4. Plants.

Vegetation was field verified during a site visit (September 13, 2016) and the Tree Assessment and Critical Areas study for the project were reviewed. Adequate information has been provided by the Applicant regarding impacts to trees and other vegetation. There are a number of dead or unhealthy trees that would be replaced as part of this project. The exact number, location, size, and species of dead and healthy trees will need to be provided for the permitting process. A tree permit would be required per MICC 19.10. With the mitigation proposed, significant impacts to plants and vegetation are not expected.

Required Mitigation: plant a minimum of 74 trees within the wetland buffer, trees should be primarily coniferous and native species as proposed by the applicant in the Critical Areas Study of the July 2017 SEPA Checklist (see Attachment G). Comply with tree mitigation outlined in Attachment G, Critical Areas Study of the July 2017 SEPA Checklist. Prior to the permitting process, provide the exact number, location, size, and species of dead and

healthy trees that would be removed. The number of trees planted can only be reduced if the number removed is reduced.

5. Animals.

ESA reviewed the Critical Areas study and crosschecked available information regarding listed species and protected habitats on and near the site. There are no protected species known to use the site, and there are no expected significant impacts to wildlife.

6. Energy and Natural Resources.

The Applicant proposes to meet LEED Silver, which includes standards for energy efficiency. By obtaining LEED Silver, the proposal is not expected to result in significant impacts to energy and natural resources.

7. Environmental Health.

ESA reviewed the Phase I Environmental Assessment (Aerotech, 2015) which concluded that there is no obvious evidence of potential environmental risks or Recognized Environmental Conditions indicating the presence of hazardous or other conditions. Special emergency services are not expected to be required. Significant impacts to environmental health are not anticipated.

8. Land and Shoreline Use.

The Applicant has requested a zoning code text amendment to allow a cultural center to be built in the Public Institution zone (P zone). The code amendment is specific to this parcel; as such the code amendment would not affect other parcels in the P zone. The decision on the text amendment will be made by City of Mercer Island Council.

The following critical areas are found on/near the project site: a wetland, wetland buffer, and known or suspected land slide hazard area on-site, as well as erosion hazard areas and steep slopes to the west of the site. For a discussion of the wetland and wetland buffer refer to Element 3A above, Water and geologic hazard areas are discussed under Element 1, Earth. The project is not within the shoreline area. Impacts to land use are not anticipated to be significant. No additional mitigation is required.

9. Housing.

There is no housing proposed to be added or removed as part of this project. Impacts to housing are not anticipated to be significant.

10. Aesthetics.

The MICA building would look different than existing conditions; it would be taller and larger than the existing recycling center. The proposed mainstage is the tallest structure at 30 feet high, closer to the park the building would be approximately 16 feet tall. MICC 19.05.010 requires that buildings in the P-zone shall not exceed 36 feet or three stories. The MICA building would be visible from the park, street, adjacent businesses, and some homes. The design of the building will be subject to review and approval by the City. Vegetation would be removed but replaced as part of the mitigation plan; however, it will take time for trees to mature. Landscaping around the building would follow the requirements of MICC 19.12.040. With compliance to existing City regulations and design approval, the proposed building and landscaping are not anticipated to result in significant impacts to aesthetics.

11. Light and glare.

The proposed project is not anticipated to result in significant impacts from light and glare and will comply with MICC 19.12.070. The project will be required to develop a lighting plan.

Required Mitigation: Lighting Plan

12. Recreation.

The proposed project would be in the northwest corner of Mercerdale Park in the current location of a former recycling center building, public restrooms, and a portion of Bicentennial Park. The plaza and flagpole, and public restrooms would be permanently removed. During construction, portions of the park immediately adjacent to the MICA building would be unavailable during construction. The public restrooms would be unavailable during construction. The trail around Mercerdale Park lawn would be relocated but remain open during construction. The trail leading to the Mercerdale Hillside Trail would not be changed, but may need to be closed temporarily during construction for safety reasons. After construction, the trail around Mercerdale Park lawn will be restored and the public restrooms and sinks will be replaced in the new MICA building. With mitigation, significant impacts to recreation are not anticipated. Visitors to the Sunday Mercer Island Farmer's Market which occurs June – October may be inconvenienced by construction activities. The Applicant will work with the Farmer's Market to insure that access to the Market is not restricted for vendors or visitors during construction as well as after the MICA building is completed. For these reasons the Farmer's Market is not expected to be significantly impacted. With the implementation of the proposed mitigation measures, significant impacts to recreation are not anticipated to be significant.

The Applicant has requested a code amendment which would allow for an arts center within the P-zone. The review of the code amendment is outside of the scope of this review. If the code is amended to allow for an arts center within the P-zone, there would be no significant impact to recreation.

Required Mitigation:

- The flagpole will be replaced by the Applicant; the flagpole will be located in an area agreed upon between the Applicant and the City within or immediately adjacent to Mercerdale Park.
- The trail leading to the Mercerdale Hillside Trail may be closed during construction hours for the safety of trail users. The Applicant will ensure it is accessible to the public on evenings and weekends.
- The Applicant will coordinate with the Farmers Market to assure that the Sunday activities of the Market are not significantly affected. This includes maintain access to the Farmer's Market both during construction and operation.

13. Historic and Cultural Preservation.

The historic and cultural preservation evaluations included in the SEPA checklist were reviewed by a historian at ESA. There are no recorded sites, cemeteries, register-listed properties, traditional cultural places, or indications of former use on historical aerials, maps, or in published ethnographies. None of the existing buildings are over 45 years old and thus do not meet the threshold for consideration as a historic property. No significant historic or cultural impacts are anticipated.

14. Transportation.

The transportation element was reviewed by DKS for the City. With the following mitigation measures, impacts to transportation and parking are not anticipated to be significant.

Required Mitigation:

- The Applicant will complete a Parking Management Plan which includes both construction and operation of the facility.
- Identify a designated “Parking Coordinator” – who is an on-site staff member responsible for parking and traffic management.
- Provide for periodic review of Parking Management Plan, any time an element of the Plan changes and disrupts availability of necessary parking.
- Update any private parking agreements as necessary to maintain baseline level of available parking to meet demand with an appropriate level of redundancy; and if parking is disrupted, modify MICA program scheduling until such parking is made available again.
- Provide annual reporting of the traffic demand management plan to provide program adjustments based on reporting.
- Manage the loading zones areas through program scheduling, patron education, signage and staffing assistance if necessary to ensure through traffic is not inhibited.
- Provide necessary illumination at the MICA site for safe pedestrian crossing and load/unload activities.
- Provide clear signage at the MICA site to assist with clarity of parking and loading requirements.
- Coordinate facility scheduling with other local events such as Summer Celebration, Farmer’s Market, Parks events, and the Thrift Shop.
- Provide patron education specifically to restrict patron parking in the neighborhood south of Mercerdale Park.
- Schedule afternoon activities for kids such that only one class has drop-off/pick-up at one time to manage traffic flow at the pullout area and ensure safe access to vehicles.

This SEPA review has been conducted very early in the design process and the Applicant has not yet completed design, or all required supporting documents. If the mitigation is completed in accordance with the measures outline above, it is ESA’s opinion that the project would be mitigated to a level of non-significance. Based on this review, ESA recommends a mitigated determination of non-significance (MDNS).

If you have any questions, please call us at (206) 789-9658.

Sincerely,

Claire Hoffman

cc.
Scott Olmsted, ESA
Molly Adolfson, ESA

DUE TO THE LARGE FILE SIZE (32MB), ATTACHMENTS TO THE ESA REPORT AND SEPA CHECKLIST ARE AVAILABLE ONLINE AT https://mieplan.mercergov.org/public/MICA-SEP16-015_ZTR16-002

OR CAN BE VIEWED AT MERCER ISLAND CITY HALL DURING REGULAR BUSINESS HOURS.

HOWEVER, ATTACHMENT "D"-PROPOSED ZONING CODE AMENDMENT—IS ATTACHED

SEPA Environmental Checklist
Mercer Island Center for the Arts

Attachment D
Proposed Zoning Code Text Amendment

January 2017

19.05.010 Public institution – P.

A. Uses Permitted.

1. Government services.
2. Public schools under the administration of Mercer Island School District No. 400 subject to the requirements in subsection F of this section. Subsections B, C and E of this section do not apply to public schools. Uses other than public schools located on land owned by the Mercer Island School District shall comply with applicable provisions of Chapter [19.02](#) MICC.
3. Public park.
4. Transit facilities including transit stops and associated parking lots.
5. On-site hazardous waste treatment and storage facilities are allowed as accessory uses to a use permitted in this zone. These facilities shall comply with the state siting criteria as set forth in Chapter [173-303](#) WAC.
6. Wireless communications facilities subject to the conditions set out in MICC [19.06.040](#).

7. Public Facilities in Mercerdale Park, with primary uses of theatre, lecture hall, classroom, performing studio, visual arts studio, exhibition gallery, gathering and meeting spaces, café and bar, and accessory functions thereof (hereafter referred to as “Mercerdale Park Public Facilities”), subject to the requirements in subsection G of this section.

B. Mercer Island I-90 Right-of-Way Added to Public Institution Zone. The entire area within the Mercer Island I-90 right-of-way, including, but not limited to, the roadway, street overcrossings, lids, open space, recreation areas, linear greenbelts and the park-and-ride lot area as approved by the city on November 14, 1983, and incorporated in the right-of-way plan approved by WSDOT on May 1, 1987, shall be part of the public institution zone. All uses within the I-90 right-of-way shall be maintained as set forth in city-approved I-90 related documents.

C. Design Requirements. Any development within the public institution zone shall comply with the applicable sections of Chapter [19.11](#) MICC, Town Center Development and Design Standards, except as otherwise allowed in subsection G of this section.

D. Parking Requirements. All uses permitted in this zone shall comply with the parking requirements set out in MICC [19.05.020](#).

E. Structures, excluding stacks, shall not exceed 36 feet or three stories in height, whichever is less; provided, the height of buildings located on sites exceeding five acres may be increased by 12 feet or one story, whichever is less, for each additional two and one-half acres of area when specifically approved by the city council upon recommendation of the design commission in accordance with the following conditions:

1. Approval by the Federal Aviation Administration.
2. Adequate provision for ultimate off-street parking needs.

F. Public Schools. The following requirements apply to public schools: **[MICA proposes no changes to this section and, therefore, the text is excluded.]**

G. Mercerdale Park Public Facilities, shall be subject to the following requirements:

<u>Setback from Property Lines</u>	<u>No minimum setback required, except as necessary to comply with MICC 19.11.030.A.1.</u>	
<u>Height Limit (as defined by MICC 19.16.010)</u>	<u>As allowed pursuant to MICC 19.05.010.E.</u>	

Street Standards

The Street Standard requirements of
MICC 19.11.120 are inapplicable.

19.05.020 Parking requirements.

A. The following parking requirements apply to all uses in the P zone.

B. General Requirements. The following apply except as otherwise required or allowed pursuant to MICC 19.05.020.C.

1. Surfacing and Grading. All off-street parking areas shall be graded and surfaced to a standard comparable to the street which serves the parking area. The parking area shall be developed and completed to the required standards before an occupancy permit for the building to be served is issued.

2. Traffic Control Devices. All traffic control devices such as parking strips designating car stalls, directional arrows or signs, bull rails, curbs and other structures shall be installed and completed as shown on the approved plans. Hard surfaced parking areas shall use paint or similar devices to delineate parking stalls and directional arrows.

3. Design. Parking lot design should conform to the diagrams set out in Appendix A of this development code, unless alternative design standards are approved by the design commission and city engineer.

4. Location. Off-street parking shall be located on the same lot or on an adjoining lot or lots to the building to be served; except, that off-street parking may be located in an area beginning within 500 feet of the building to be served; provided there are no intersecting street between the parking area and building to be served. This requirement does not apply to transit facilities.

5. Ingress and Egress. The city engineer shall have the authority to fix the location and width of vehicular ingress or egress to and from property, and to alter existing ingress and egress as may be required to control street traffic in the interest of public safety and general welfare.

6. Handicapped Standards. Off-street parking shall meet the relevant state design standards for the physically disabled.

7. Compact Vehicles. Up to 50 percent of the required off-street parking spaces may be designed for accommodating compact vehicles. Such parking spaces must be clearly designated as compact stalls. The design commission may increase the percentage of compact stalls permitted if the applicant can demonstrate that no adverse impacts will occur.

8. Loading Space. An off-street loading space, having access to a public street, shall be required adjacent to each building hereafter erected or enlarged. Such loading space shall be of adequate size to accommodate the maximum number and size of vehicles simultaneously loaded or unloaded, in connection with the business or businesses conducted in such building. No part of the truck or van using the loading space may project into the public right-of-way.

9. Variances. Notwithstanding any of the minimum parking requirements set out in subsection C of this section, the code official may grant variances from the minimum parking requirements with the approval of the design commission and the city engineer for projects reviewable by the design commission.

C. Minimum Parking Requirements for Specific Uses.

1. Government buildings shall provide one parking space per 200 square feet of gross floor area.

2. Public elementary and middle schools shall provide a minimum of two parking spaces per classroom. Public high schools shall provide a minimum of one parking space per classroom plus an additional one parking space per 10 students. If the parking spaces that would need to be provided as specified above are in excess of the actual parking demands of the school's staff, students, and visitors, the code official may allow a reduction in minimum parking requirements based on a parking analysis prepared by a qualified professional, with the approval of the city engineer and the design commission, for projects reviewable by the design commission.

3. Mercedale Park Public Facilities shall provide parking as follows:

a. A parking demand study shall be prepared by a professional traffic engineer and approved by the City Engineer determining the parking requirements for the proposed public facility.

b. The amount of parking required by the approved parking demand study may be met by entirely off-site with a combination of on-street parking and shared off-street parking pursuant to a traffic management plan approved by the City Engineer determining that parking demand for all land uses shall not significantly overlap and that uses will be served by adequate parking if on-street parking and shared parking reductions are authorized.

c. Prior to establishing shared parking, the property owner or owners shall enter into an unrecorded written agreement approved by the code official that can only be terminated upon not less than ninety (90) day notice to the code official, provided that one of the affected property owners has agreed to either enter into a replacement parking contract or make alternative parking arrangements, such as shuttle service, in either case satisfactory to the code official prior to the end of the notice period.

4. Mercedale Park Public Facilities shall be exempt from the requirements of MICC 19.05.020.B.4.

D. Mixed Use Parking. In the case of mixed uses, the total requirements for off-street parking facilities shall be the sum of the requirements for the various uses computed separately. Off-street parking facilities for one use shall not be considered as providing required parking facilities for any other use, except as hereinafter specified for cooperative use.

E. Cooperative Parking. Cooperative parking between two or more adjoining property owners is allowed; provided, the code official, with approval from the design commission and city engineer, may reduce the total required spaces by when the applicant has demonstrated that no adverse impact will occur due to the reduced number of stalls.

F. Parking Lot Dimension. All parking areas shall conform to the design standards set out in Appendix A of this development code unless alternative design standards are approved by the design commission and city engineer. (Ord. 14C-06 § 4; Ord. 99C-13 § 1).

CITY OF MERCER ISLAND
COMMUNITY PLANNING & DEVELOPMENT
 9611 SE 36TH STREET | MERCER ISLAND, WA 98040
 PHONE: 206.275.7605 | www.mercergov.org



CITY USE ONLY		
PERMIT #	RECEIPT#	FEE
DATE RECEIVED:		

TRANSPORTATION CONCURRENCY APPLICATION	Received By:
---	--------------

STREET ADDRESS/LOCATION 3700 E Mercer Way		COUNTY ASSESSOR PARCEL #'S 0824059045
PROPERTY OWNER <i>(required)</i> Herzl-Ner Tamid Conservative Congregation	ADDRESS <i>(required)</i> 3700 E Mercer Way	CELL/OFFICE <i>(required)</i> 206-232-8555 ext. 203 E-MAIL <i>(required)</i> merav@h-nt.org
APPLICANT NAME <i>(if different from above)</i> Anjali Grant	ADDRESS 3427 Beacon Ave S, Seattle 98144	CELL/OFFICE 206-512-4209 E-MAIL anjali@agrantedesign.com

Use this form to determine the net number of additional dwelling units and/or vehicle trips generated by the proposed development. A **TRAFFIC IMPACT ANALYSIS** complying with the **City's Traffic Impact Analysis Guidelines** must be submitted with this form if the development proposal will generate 10 or more peak hour vehicle trips. **In determining the net new trips, no credit shall be given for vehicle trip ends from sites/structures that have been vacant for more than one year or for trips from any unpermitted or illegal development.**

WRITTEN DESCRIPTION OF DEVELOPMENT PROPOSAL:
 The proposed project includes a private school and 12,300 gross square feet of general office. The private school will enroll up to 150 students in the PK-8 grade levels.

TYPE OF DEVELOPMENT: Check all boxes that apply.

<input type="checkbox"/>	Single Family	<input type="checkbox"/>	Mixed use	<input checked="" type="checkbox"/>	School
<input type="checkbox"/>	Multifamily	<input type="checkbox"/>	Commercial	<input checked="" type="checkbox"/>	Other <u>Offices</u>

RELATED APPLICATION TYPE(S): Check all boxes that apply.

<input checked="" type="checkbox"/>	Building Permit	<input type="checkbox"/>	Design Review	<input checked="" type="checkbox"/>	Conditional Use Permit
<input type="checkbox"/>	Development Agreement	<input type="checkbox"/>	Short or Long Plat	<input type="checkbox"/>	Other _____

FOR RESIDENTIAL PROJECTS: Demonstrate net dwelling units.

Number of Existing Dwelling units:		Number of Dwelling Units to be Demolished:		Number of Net New Dwelling Units:	
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FOR COMMERCIAL PROJECTS: Complete this section of the form to demonstrate total proposed vehicle trip ends. Use the Vehicle Trip tables on the following pages to fill in the following sections to determine the Net New Vehicle Trips associated with your development proposal.

Credit can be given for a previous use if that use has not been vacant for more than one year. If offsetting trips with previous use:				
Provide Previous/Current Tenant Name and Use :				
Has the above named use been vacated for one year or more?		<input type="checkbox"/>	Yes	
		<input checked="" type="checkbox"/>	No	
PROPOSED LAND USE – ITE Land Use Category/Code	Unit of Measure	Number of Units (ft ² , dwellings, room, bed, etc.)	Trips per Unit	Total Proposed Vehicle Trips (Number of Units x Trips Per Unit)
530	students	150 students	0.26	39
710	1,000 sf GFA	12,300 sf	1.15	14
CURRENT/PRIOR LAND USE - ITE Land Use Category/Code (only if use occupied in last 1 year)	Unit of Measure	Number of Units (ft ² , dwellings, room, bed, etc.)	Trips per Unit	Total Proposed Vehicle Trips (Number of Units x Trips Per Unit)
Net New Vehicle Trips Subtract Total Prior Vehicle Trips from Total Proposed Vehicle Trips				53

CONCURRENCY VALIDITY AND EXPIRATION (MICC 19.20.040D, MICC 19.20.040E, MICC 19.20.040F)

Validity: A transportation concurrency certificate is valid only for the specified uses, densities, intensity and development proposal site(s) for which it was issued and shall not be transferred to a different project or parcel. A transportation concurrency certificate shall remain valid for the longer of:

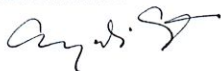
1. One (1) year from the date of issuance;
2. During the period of time the development proposal associated with the certificate is under review by the city;
3. For the same period of time as the development approval. If the development does not have an expiration date or an approved phasing schedule that allows a longer build-out, the concurrency certificate shall be valid for one (1) year from the date of the last permit approval associated with the development proposal;
4. For a period of time specified in an approved development agreement.

Expiration: A transportation concurrency certificate shall expire if any of the following occur:

1. The timeframe established in section the validity section above is exceeded.
2. The related development permit application is denied or revoked by the city.
3. The related development permit expires prior to issuance of a building permit.

Extension: A transportation concurrency certificate shall not be extended. A new transportation concurrency application, review and certificate are required if the previous transportation concurrency certificate has expired.

DECLARATION: I HEREBY STATE THAT I AM THE OWNER OF THE SUBJECT PROPERTY OR I HAVE BEEN AUTHORIZED BY THE OWNER(S) OF THE SUBJECT PROPERTY TO REPRESENT THIS APPLICATION, AND THAT THE INFORMATION FURNISHED BY ME IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE. I HAVE READ THE ABOVE INFORMATION REGARDING EXPIRATION DEADLINES AND APPEAL PROCESS IN CHAPTER 19.20 MICC. I FURTHER UNDERSTAND THAT ISSUANCE OF A TRANSPORTATION CONCURRENCY CERTIFICATE IS NOT A GUARANTEE THAT THE CITY WILL ISSUE A DEVELOPMENT PERMIT OR BUILDING PERMIT.



Digitally signed by Anjali Grant
Date: 2024.02.15 08:41:28-08'00'

2/15/2024

SIGNATURE

DATE

ITE Trip Generation Rates (Weekday, PM Peak Hour of Adjacent Street Traffic)

Code	ITE Land Use Category	Unit of Measure	Trips Per Unit	Setting/Location	
				General Urban/Suburban	Dense Multi-Use Urban
PORT AND TERMINAL					
30	Intermodal Truck Terminal	1,000 SF GFA	1.72		
90	Park-and-Ride Lot with Bus Service	Parking Spaces	0.43		
INDUSTRIAL					
110	General Light Industrial	1,000 SF GFA	0.63		
130	Industrial Park	1,000 SF GFA	0.40		
140	Manufacturing	1,000 SF GFA	0.67		
150	Warehousing	1,000 SF GFA	0.19		
151	Mini-Warehouse	1,000 SF GFA	0.17		
154	High-Cube Transload & Short-Term Storage	1,000 SF GFA	0.10		
155	High-Cube Fulfillment Center Warehouse	1,000 SF GFA	1.37		
156	High-Cube Parcel Hub Warehouse	1,000 SF GFA	0.64		
157	High-Cube Cold Storage Warehouse	1,000 SF GFA	0.12		
160	Data Center	1,000 SF GFA	0.09		
170	Utilities	1,000 SF GFA	2.27		
180	Specialty Trade Contractor	1,000 SF GFA	1.97		
RESIDENTIAL					
210	Single-Family Detached Housing	Dwelling Units	0.99		
220	Multifamily Housing (Low-Rise) 1-2 floors -	Dwelling Units	0.56		
221	Multifamily Housing (Mid-Rise) 3-10 floors	Dwelling Units		0.44	0.18
222	Multifamily Housing (High-Rise)	Dwelling Units		0.36	0.19
231	Mid-Rise Residential with 1st-Floor Commercial	Dwelling Units	0.36		
232	High-Rise Residential with 1st-Floor	Dwelling Units	0.21		
240	Mobile Home Park	Dwelling Units	0.46		
251	Senior Adult Housing - Detached	Dwelling Units	0.30		
252	Senior Adult Housing - Attached	Dwelling Units	0.26		
253	Congregate Care Facility	Dwelling Units	0.18		
254	Assisted Living	1,000 SF GFA	0.48		
255	Continuing Care Retirement Community	Units	0.16		
260	Recreation Homes	Dwelling Units	0.28		
265	Timeshare	Dwelling Units	0.63		
270	Residential Planned Unit Development	Dwelling Units	0.69		
LODGING					
310	Hotel	Rooms	0.60		
311	All Suites Hotel	Rooms		0.36	0.17
312	Business Hotel	Rooms	0.32		
320	Motel	Rooms	0.38		
330	Resort Hotel	Rooms	0.41		
RECREATIONAL					
411	Public Park	Acres	0.11		
416	Campground / Recreation Vehicle Park	Acres	0.98		
420	Marina	Berths	0.21		
430	Golf Course	Acres	0.28		
431	Miniature Golf Course	Holes	0.33		
432	Golf Driving Range	Tees/Driving Positions	1.25		
433	Batting Cages	Cages	2.22		
434	Rock Climbing Gym	1,000 SF GFA	1.64		
435	Multi-Purpose Recreational Facility	1,000 SF GFA	3.58		

436	Trampoline Park	1,000 SF GFA	1.50		
437	Bowling Alley	1,000 SF GFA	1.16		
440	Adult Cabaret	1,000 SF GFA	2.93		
444	Movie Theater	1,000 SF GFA	6.17		
445	Multiplex Movie Theater	1,000 SF GFA	4.91		
452	Horse Racetrack	Seats	0.06		
454	Dog Racetrack	Attendees	0.15		
460	Arena	1,000 SF GFA	0.47		
462	Professional Baseball Stadium	Attendees	0.15		
465	Ice Skating Rink	1,000 SF GFA	1.33		
466	Snow Ski Area	Slopes	26.00		
473	Casino/Video Lottery Establishment	1,000 SF GFA	13.49		
480	Amusement Park	Acres	3.95		
482	Water Slide Park	Parking Spaces	0.28		
488	Soccer Complex	Fields	16.43		
490	Tennis Courts	Courts	4.21		
491	Racquet/Tennis Club	Courts	3.82		
492	Health/Fitness Club	1,000 SF GFA	3.45		
493	Athletic Club	1,000 SF GFA	6.29		
495	Recreational Community Center	1,000 SF GFA	2.31		
INSTITUTIONAL					
520	Elementary School	1,000 SF GFA	1.37		
522	Middle School / Junior High School	1,000 SF GFA	1.19		
530	High School	1,000 SF GFA	0.97		
534	Private School (K-8)	Students	0.26		
536	Private School (K-12)	Students	0.17		
537	Charter Elementary School	Students	0.14		
538	School District Office	1,000 SF GFA	2.04		
540	Junior / Community College	1,000 SF GFA	1.86		
550	University/College	1,000 SF GFA	1.17		
560	Church	1,000 SF GFA	0.49		
561	Synagogue	1,000 SF GFA	2.92		
562	Mosque	1,000 SF GFA	4.22		
565	Daycare Center	1,000 SF GFA	11.12		
566	Cemetery	Acres	0.46		
571	Prison	1,000 SF GFA	2.91		
575	Fire and Rescue Station	1,000 SF GFA	0.48		
580	Museum	1,000 SF GFA	0.18		
590	Library	1,000 SF GFA	8.16		
MEDICAL					
610	Hospital	1,000 SF GFA	0.97		
620	Nursing Home	1,000 SF GFA	0.59		
630	Clinic	1,000 SF GFA		3.28	5.18
640	Animal Hospital / Veterinary Clinic	1,000 SF GFA	3.53		
650	Free-Standing Emergency Room	1,000 SF GFA	1.52		
OFFICE					
710	General Office Building	1,000 SF GFA		1.15	0.87
712	Small Office Building	1,000 SF GFA	2.45		
714	Corporate Headquarters Building	1,000 SF GFA	0.60		
715	Single Tenant Office Building	1,000 SF GFA	1.74		
720	Medical-Dental Office Building	1,000 SF GFA	3.46		
730	Government Office Building	1,000 SF GFA	1.71		
731	State Motor Vehicles Department	1,000 SF GFA	5.20		

732	United States Post Office	1,000 SF GFA	11.21		
733	Government Office Complex	1,000 SF GFA	2.82		
750	Office Park	1,000 SF GFA	1.07		
760	Research and Development Center	1,000 SF GFA	0.49		
770	Business Park	1,000 SF GFA	0.42		
RETAIL					
810	Tractor Supply Store	1,000 SF GFA	1.40		
811	Construction Equipment Rental Store	1,000 SF GFA	0.99		
812	Building Materials and Lumber Store	1,000 SF GFA	2.06		
813	Free-Standing Discount Superstore	1,000 SF GFA	4.33		
814	Variety Store	1,000 SF GFA	6.84		
815	Free Standing Discount Store	1,000 SF GFA	4.83		
816	Hardware / Paint Store	1,000 SF GFA	2.68		
817	Nursery (Garden Center)	1,000 SF GFA	6.94		
818	Nursery (Wholesale)	1,000 SF GFA	5.18		
820	Shopping Center	1,000 SF GFA	3.81	3.81	4.92
823	Factory Outlet Center	1,000 SF GFA	2.29		
840	Automobile Sales (New)	1,000 SF GFA	2.43		
841	Automobile Sales (Used)	1,000 SF GFA	3.75		
842	Recreational Vehicle Sales	1,000 SF GFA	0.77		
843	Automobile Parts Sales	1,000 SF GFA	4.91		
848	Tire Store	1,000 SF GFA	3.98		
849	Tire Superstore	1,000 SF GFA	2.11		
850	Supermarket	1,000 SF GFA	9.24		
851	Convenience Market (Open 24 Hours)	1,000 SF GFA	49.11		
853	Convenience Market with Gasoline Pumps	1,000 SF GFA	49.29		
854	Discount Supermarket	1,000 SF GFA	8.38		
857	Discount Club	1,000 SF GFA	4.18		
860	Wholesale Market	1,000 SF GFA	1.76		
861	Sporting Goods Superstore	1,000 SF GFA		2.02	1.65
862	Home Improvement Superstore	1,000 SF GFA		2.33	3.35
863	Electronics Superstore	1,000 SF GFA	4.26		
864	Toy/Children's Superstore	1,000 SF GFA	5.00		
865	Baby Superstore	1,000 SF GFA	1.82		
866	Pet Supply Superstore	1,000 SF GFA	3.55		
867	Office Supply Superstore	1,000 SF GFA	2.77		
868	Book Superstore	1,000 SF GFA	15.83		
869	Discount Home Furnishing Superstore	1,000 SF GFA	1.57		
872	Bed and Linen Superstore	1,000 SF GFA	2.22		
875	Department Store	1,000 SF GFA	1.95		
876	Apparel Store	1,000 SF GFA		4.12	1.12
879	Arts and Craft Store	1,000 SF GFA	6.21		
880	Pharmacy / Drugstore without Drive-Through	1,000 SF GFA	8.51		
881	Pharmacy / Drugstore with Drive-Through	1,000 SF GFA	10.29		
882	Marijuana Dispensary	1,000 SF GFA	21.83		
890	Furniture Store	1,000 SF GFA	0.52		
897	Medical Equipment Store	1,000 SF GFA	1.24		
899	Liquor Store	1,000 SF GFA	16.37		
SERVICES					
911	Walk-In Bank	1,000 SF GFA	12.13		
912	Drive-In Bank	1,000 SF GFA	20.45		
918	Hair Salon	1,000 SF GFA	1.45		
920	Copy, Print, and Express Ship Store	1,000 SF GFA	7.42		

925	Drinking Place	1,000 SF GFA	11.36		
926	Food Cart Pod	Food Carts	3.08		
930	Fast Casual Restaurant	1,000 SF GFA	14.13		
931	Quality Restaurant	1,000 SF GFA	7.80		
932	High-Turnover (Sit-Down) Restaurant	1,000 SF GFA		9.77	9.80
933	Fast Food Restaurant without Drive-Through	1,000 SF GFA	28.34		
934	Fast Food Restaurant with Drive-Through	1,000 SF GFA		32.67	78.74
935	Fast Food Restaurant with Drive-Through	1,000 SF GFA	42.65		
936	Coffee/Donut Shop without Drive-Through	1,000 SF GFA	36.31		
937	Coffee/Donut Shop with Drive-Through	1,000 SF GFA		43.38	83.19
938	Coffee/Donut Shop with Drive-Through	1,000 SF GFA	83.33		
939	Bread / Donut / Bagel Shop without Drive-	1,000 SF GFA	28.00		
940	Bread / Donut / Bagel Shop with Drive-Through	1,000 SF GFA	19.02		
941	Quick Lubrication Vehicle Shop	1,000 SF GFA	8.70		
942	Automobile Care Center	1,000 SF GFA	3.11		
943	Automobile Parts and Service Center	1,000 SF GFA	2.26		
944	Gasoline / Service Station	1,000 SF GFA	109.27		
945	Gasoline / Service Station with Convenience	1,000 SF GFA	88.35		
947	Self Service Car Wash	Wash Stalls	5.54		
948	Automated Car Wash	1,000 SF GFA	14.20		
949	Car Wash and Detail Center	Wash Stalls	13.60		
950	Truck Stop	1,000 SF GFA	22.73		
960	Super Convenience Market/Gas Station	1,000 SF GFA	69.28		
970	Winery	1,000 SF GFA	7.31		

MEMORANDUM

Date:	February 6, 2024	TG:	1.23278.00
To:	Patrick Yamashita, PE – City of Mercer Island		
From:	Dan McKinney, Jr.		
Subject:	HNT JDS – TIA Preliminary Analysis		

This memorandum provides a summary of preliminary transportation related information for the proposed private school development on the Herzl (HNT) property in Mercer Island, Washington. The following sections provide a brief description of the proposed project, an estimate of the project’s vehicular trip generation and distribution throughout the adjacent roadway network, and a summary of the recommended study intersections and broader analysis scope for the Transportation Impact Analysis (TIA) report.

Project Description

The proposed project is located at 3700 E Mercer Way. The proposed project includes approximately 14,051 gross square feet of private school and 12,300 gross square feet of general office. The project site location is shown in Figure 1. The private school will enroll up to 150 students in the PK-8 grade levels. The private school space would be occupied by the Jewish Day School (JDS), which is currently located in Bellevue and intends to move to the proposed site.

Vehicular access to the project site would be provided along the northern site limits where a driveway would be provided onto Frontage Rd, as illustrated in Figure 1.



Figure 1 – Project Vicinity

Existing Conditions

This section describes existing condition within the identified study area. Characteristics are provided for the roadway network, non-motorized facilities, transit service, existing traffic volumes, traffic operations, and traffic safety.

Roadway Network

The project site is located in northeast Mercer Island, and is bounded by E Mercer Way to the west, Frontage Road to the north, and SE 40th Street to the south. The major roadways within the study area include:

SE 36th Street is a two-lane roadway classified as an arterial. This roadway provides east-west access with sidewalks located on the south side and a center two-way left-turn lane. SE 36th Street serves as a connection to eastbound and westbound Interstate 90 (I-90) with freeway access at the N Mercer Way and E Mercer Way intersections. The posted speed limit is 30 miles per hour (mph) in the vicinity of the project.

E Mercer Way is a two-lane roadway classified as an arterial with sidewalks. This roadway provides north-south access and a connection to I-90 with a freeway connection at the SE 36th Street intersection. The posted speed limit is 30 mph in the vicinity of the project.

SE 40th Street is an east-west residential roadway located south of the project site area. The road provides one lane in each direction and no sidewalks. The posted speed limit is 25 mph in the vicinity of the project.

Frontage Road is an east-west city facility roadway located north of the project site area. The road provides one lane in each direction and no sidewalks. Access to the project site is provided via a driveway along the south side of Frontage Road.

Non-Motorized Facilities

Sidewalks are provided along SE 36th Street and E Mercer Way with crosswalks located at major intersections allowing safe pedestrian mobility throughout the area. Signalized crossings are provided at the SE 36th Street/E Mercer Way intersection. Unsignalized crossings are located along E Mercer Way at the north and south legs of the Jewish Community Center Access Road intersection. Additional pedestrian circulation near the site is discussed below.

No marked bicycle facilities are provided along roadways in the project vicinity, but E Mercer Way and SE 36th Street are considered bicycle-friendly roadways.

Transit Service

No public transit routes utilize study area roadways, including E Mercer Way, SE 36th Street, and SE 40th Street. The nearest transit stop to the project site is located at the N Mercer Way/Fortuna Drive intersection approximately 0.6 miles northwest of the project site which is served by King County Metro Route 204 Dial-a-Ride Transit (DART) service providing service between North Mercer Island and the Mercer Village Shopping Center. DART service offers both fixed and variable routing on N Mercer Way between the hours of 9 am and 3 pm on weekdays, and 9 am to 7 pm on Saturdays.

The East Link is a planned Sound Transit Link Light Rail extension that would provide service from Downtown Seattle to Mercer Island to Redmond. The segment of the East Link between Bellevue and Redmond is expected to open in April 2024, with the remainder of the link extension, including the segment running through Mercer Island, being scheduled to open in 2025.

Although limited public service is available under existing conditions, the JDS does provide bus service for families of the school. During the 2023-2024 school year, the JDS provided four buses, with a total of 25 students using the bus.

Project Trip Generation

Project trip generation estimates were developed for the project based on information contained in the Institute of Transportation Engineers (ITE) *Trip Generation* (11th Edition, 2021). Trip Generation is a nationally recognized and locally accepted method for determining trip generation for private and public developments. Trips were calculated using the Private School (K-8) (LU #530) and General Office (ITE LU #710) land uses. The following paragraphs summarize the preliminary trip generation estimate for the remaining proposed uses.

Table 1 summarizes the project's estimated trip generation for weekday AM peak hour, PM peak hour, and school peak hour time periods. School peak hour trip generation is based on the PM peak hour of generator for the private school land use. Detailed trip generation calculation worksheets are provided in Attachment A.

Table 1. Estimated Trip Generation

Land Use	Size	Weekday AM Peak Hour			Weekday PM Peak Hour			School PM Peak Hour		
		In	Out	Total	In	Out	Total	In	Out	Total
Proposed Uses										
Private School (LU #530)	150 students	71	55	126	18	21	39	44	50	94
General Office (LU #710)	12,300 sf	25	3	28	5	24	29	7	8	15
Total		96	58	154	23	45	68	51	58	109

Project Trip Distribution & Assignment

Vehicular trip distribution for the private school land use is based on information provided by the JDS regarding the ZIP code locations where students currently attending the school lived. It is assumed that the trip distribution of the proposed private school will match the current trip distribution at JDS. A separate primary vehicular trip distribution was determined for office trips consistent with Mercer Island General Traffic Impact Analysis Requirements. Vehicular trip distribution for the office land use is based on the U.S. Census Bureau's *OnTheMap* tool. *OnTheMap* is a web-based mapping and reporting application, which shows where workers are employed and where they live based on census data. The school and office trip distributions are provided in Attachment B. Table 2 summarizes the general primary trip distribution patterns assumed by land use as shown in Attachment B.

Table 2. Weekday AM & PM Peak Hour Trip Distribution by Land Use

Location	School Trips	Office Trips
East of Mercer Island	65%	45%
West of Mercer Island	25%	40%
Within Mercer Island	10%	15%

Primary project trips for each site use were assigned to the study intersections based on these general travel patterns. The resulting distribution and assignment of primary vehicular trips are shown in Attachment B.

Study Intersections & Analysis Scope

Based on the forecast trip assignment to the adjacent roadway network, the following intersections could be considered for analysis under weekday AM and PM peak hour conditions:

1. SE 40th Street/E Mercer Way
2. Frontage Road/E Mercer Way
3. SE 36th Street/E Mercer Way
4. I-90 EB Off-Ramp/E Mercer Way
5. I-90 WB Ramps/E Mercer Way
6. Site Access/Frontage Rd

Weekday AM peak hour, PM peak hour, and school peak hour volumes were collected at all study intersections during the week of March 25th, 2024.

In addition, an evaluation of traffic operations related impacts, the TIA will also include an evaluation of non-motorized facilities, transit service, and the collision history within the project vicinity. Please identify whether any of the intersection within the project vicinity should be removed or added to the above list of potential study intersection, other whether other specific elements should also considered in the evaluation of potential transportation related impacts.

Attachment A: Trip Generation Worksheets

Attachment B: Trip Generation

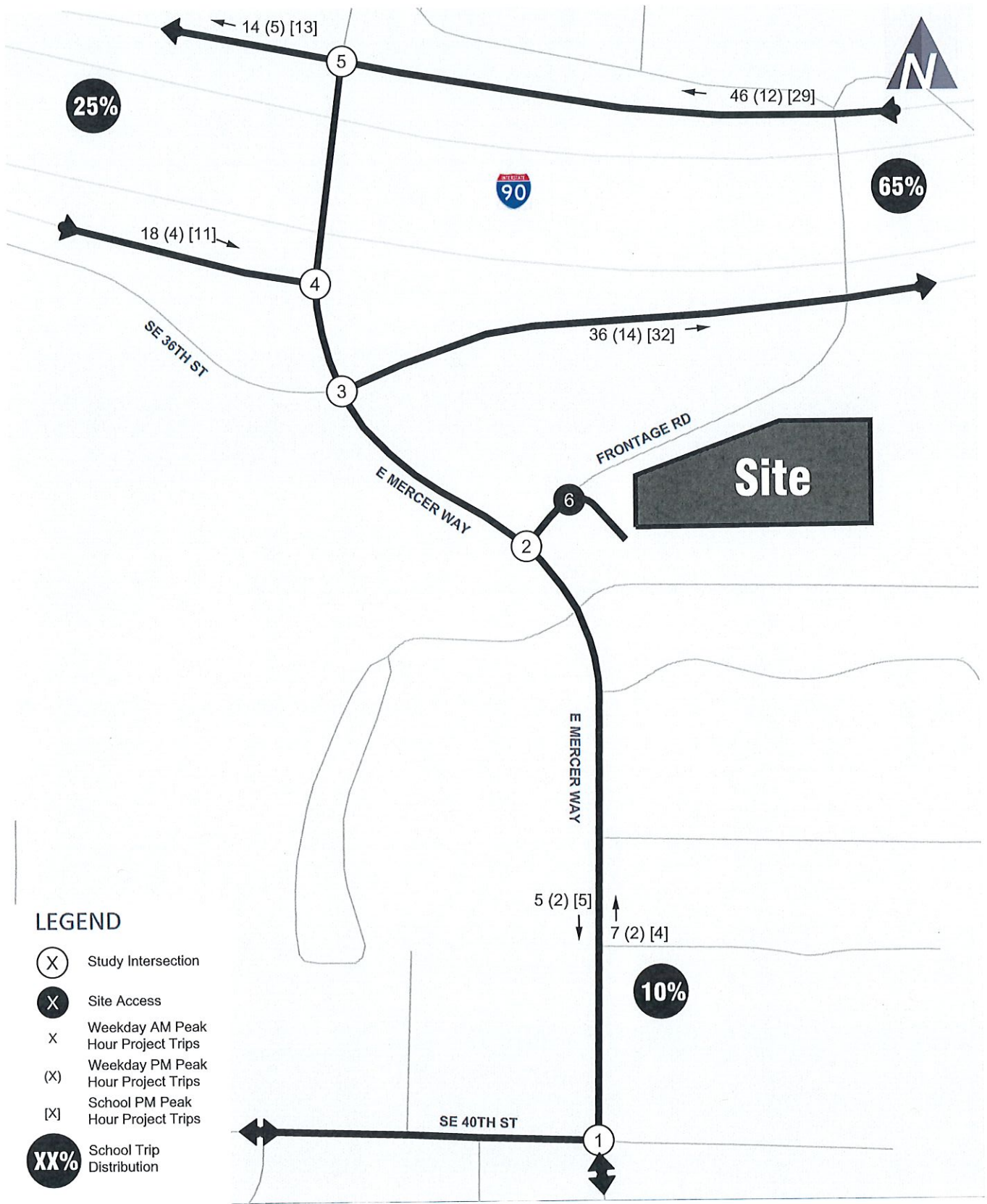
Herzl Private School

Proposed Use														
Land Use	Setting	Size	Units	Model	Equation	Rate	Units	Inbound %	Inbound	Outbound	Subtotal	Inbound	Outbound	Total
Private School (K-8) (LU 530)		150	students											
School Peak Hour				Equation (log)	$\ln(T) = 0.98 \ln(x) - 0.38$	-	-	47%	44	50	94	44	50	94
AM Peak Hour				Equation (lin)	$T = 1.11x - 40.99$	-	-	56%	71	55	126	71	55	126
PM Peak Hour				Rate	-	0.26	per student	46%	18	21	39	18	21	39
General Office Building (LU 710)		12,300	sf											
School Peak Hour				Equation (log)	$\ln(T) = 0.87 \ln(x) + 3.05$	-	-	50%	7	8	15	7	8	15
AM Peak Hour				Equation (log)	$\ln(T) = 0.85 \ln(x) + 1.16$	-	-	88%	25	3	28	25	3	28
PM Peak Hour				Equation (log)	$\ln(T) = 0.83 \ln(x) + 1.29$	-	-	17%	5	24	29	5	24	29
Subtotal														
PM Peak Hour of Generator									51	58	109	51	58	109
AM Peak Hour									96	58	154	96	58	154
PM Peak Hour									23	45	68	23	45	68
Net New Trips														
PM Peak Hour of Generator									51	58	109	51	58	109
AM Peak Hour									96	58	154	96	58	154
PM Peak Hour									23	45	68	23	45	68

Notes:

1. Trip rates based on Institute of Transportation Engineers' (ITE) Trip Generation: 11th Edition equation and average trip rate as shown above.
2. AVO = average vehicle occupancy, Retail and Residential AVO based on NCHRP 365 for urban areas with populations over 1 million people. No AVO rate if trips calculated based on person trip rate.
3. School Peak Hour trips for LU 530 based on PM peak hour of generator. School Peak Hour trips for LU 710 calculated based on time of day distributions at 3-4 pm given in ITE Trip Generation 11th Edition appendices, and daily trips given from equation. Inbound trips for school peak hour are 7.3% of 84 daily inbound trips. Outbound school peak hour trips are 8.4% of 84 daily outbound trips. Total school peak hour trips are 7.8% of 188 total daily trips.

Attachment B: Trip Distribution & Assignment



School Trip Distribution and Assignment

ATTACHMENT

Herzl Private School

transpogroup

B



Office Trip Distribution and Assignment

ATTACHMENT

Herzl Private School



B



Total Trip Distribution and Assignment

ATTACHMENT

Herzl Private School



B

To: Molly McGuire

cc: Jeff Thomas
John Hall

Re: CUP24-001 & SEP24-003

Public Comments of Neighbors in Response to the Request for a Conditional Use Permit with SEPA Review for the construction of a new, three-story K-8 school with rental offices, shared parking, and associated site improvements.

1) Identity of Neighbors.

John Hall has owned his house located at 9970 SE 40th Street, Mercer Island since 1981. He has been a resident of Mercer Island since 1958. He has lived in the same neighborhood.

Matthew Goldbach has owned his house located at 9980 SE 40th St since 2014. He has been a resident of Mercer Island since 2014.

Furthermore, both Matt Goldbach and John Hall were founding members of Concerned Neighbors for the Protection of the Neighborhood (CNPC), an association of Mercerwood neighbors who were the named Appellants in the litigation before the Growth Management Hearings Board contesting the Community Facilities Zone that was subsequently repealed by the Council.

2) Identification of Project.

The applicant's Project Narrative states as follows:

"The proposed amendment to the existing conditional use permit(s) would permit a private school to use the existing outdoor play areas and the non-commercial recreational area; and would permit certain non-occupied portions of the school building to project into the residential zone."

"Existing development is noncompliant with current impervious surface limits but legally conforming per 19.01.050.A.7. Added impervious surface will be offset by removed impervious surface so that we retain existing lot coverage and impervious surface areas."

"The project on the adjoining B-zoned lot is a 3-story mixed-use building housing a K-8 private school on the lower levels and rental office space on the upper level and a half."

"Concurrently, a preschool will be developed on the R-9.6 parcels, within the existing synagogue building, which is permitted outright."

The project narrative has that the preschool uses will be considered as part of the transportation/traffic study, but they have failed to include the addition of the preschoolers who would be in the existing synagogue building so the number of school children does not include the additional synagogue building preschool children.

The Applicant is proposing that the B-Zoned property have no on-site parking at all, and that the parking for both the School and Office portion of the building be a shared-use on the existing Herzl parking lot.

3) Neighbors' Understanding of the Permits at Issue.

This process is not very clear. The property owner originally requested to rezone the B zone to add schools as an allowed use. The CPD initially proposed additional regulatory limits for a school, including the location of an onsite playfield, parking limits, and the question of setbacks between the adjacent R-zoned property which shares an internal lot line, but the Council simply added schools as a use to the B zone.

Now, the applicant has filed an application for a three story building without any onsite parking to include a K-8 school and unaffiliated 12,300 square feet of office space, and no onsite playfield, that must go before the Design Commission, and that building permit depends on a SEPA review and modification of the CUP of the Herzl property to amend its available parking use to "share" parking with the new B-zoned property that will displace the required parking for the French American School under its conditional use permit rendering the French American School CUP in non-compliance.

It is hard for us to not feel this is a bait and switch in which the council was led to believe adding schools as an allowed use in the B-zone would result in a standard one-story school with onsite parking and playfield that now results instead in an application for a three-storied mixed-use building with no on-site parking or playfield.

4) Prior Precedent.

We are aware of one prior precedent in which the applicant sought to have no onsite parking, and that was the Mercer Island Center for the Arts, a performing arts center building in Mercerdale Park.

Attached in Exhibit 1 is the Determination of Non-Significance (DNS) with Mitigation and Use of Phased SEPA Determination (WAC 197-11-060(5)) through the WAC issued by Scott Greenberg on September 11, 2017. MICA, a performing arts center, sought to build a 35,00 sq ft building in Mercerdale Park with no onsite parking and sought to use public parking along 77th and in the Mercerdale neighborhood to meet its estimated parking requirements (which the DSG found the applicant had underestimated.)

Instead, as noted in the Determination of Non-Significance, the Director required the applicant to identify "and reserve" 205 private parking places in the Town Center as part of its conditions.

As noted below, we feel that due to the incredible importance of the East Mercer Way intersection involved in this matter, the high number of schools that are or will be located in this area, the lack of any public parking along East Mercer Way, and the current and future increases in zoning and development in the area that a Determination of Non Significance is inappropriate.

5) The Unique Features of the Location make a Determination of Non Significance inappropriate and an analysis under SEPA is appropriate.

The code modifications the application is seeking are extreme and very unusual. Therefore, the applicant carries the burden of proving these code modifications will not affect existing uses and neighbors.

The undersigned and represented neighbors object to a Determination of Non-Significance under SEPA based the following conditions of this location:

- A. This area of East Mercer Way has a high volume of traffic, including Islanders using East Mercer Way to go south, Islanders using this intersection to access Gallagher Hill, and access to and from the I-90 eastbound and westbound.
- B. This intersection is one of two westbound exits from I-90 to Mercer Island. Therefore, it is critical that this intersection have the capacity to meet its volume to avoid overloading exiting traffic in the Town Center Island Crest Way I-90 exit, or backing up traffic onto I-90.
- C. This area has a number of inchoate future developments. These include a new City Hall and the return of staff to City Hall; the Council's recent addition of multifamily housing as a use to the Commercial Office zone; the JCC's proposal to rezone its property to Commercial Office to support a substantial increase in square footage and intensity of use.
- D. Four different K-8 schools, including the JCC, The French American School, the proposed school on the B-zone property, and a new preschool on the Herzl property. Schools create a high intensity of use and parking and traffic per square foot, and create a significant amount of foot traffic along East Mercer Way.
- E. East Mercer Way does not have sidewalks from I-90 to 40th Ave SE. There is no space to park cars along East Mercer Way. If cars are parked along this stretch of East Mercer Way, the children attending the French American School, the JCC School, as well as the proposed school on Parcel B and on the synagogue's property will be forced into the center of the road in order to walk along East Mercer Way, and the sight lines of cars going both north and south along East Mercer Way will be seriously impeded. Therefore, there can be NO parking along East Mercer Way now or in the future.
- F. We believe the City must consider ALL current and future uses at this location to make a determination on future traffic and parking impacts, and that should be done through the SEPA process to protect current and future uses.

6) The Applicant understates the Parking requirements that result in the French American School CUP being out of compliance, and the parking must be permanently reserved by easement.

The applicant proposes to share the existing parking on the Herzl property with Herzl, rather than providing any onsite parking on the B-zone property as required by code, as well as the parking for the proposed pre-school on the Herzl property without any increase in the number of parking stalls or parking area.

First, we believe the estimated parking needs for both schools and the offices - which often operate on weekends and so are not consistent with a shared parking use - have been underestimated by the applicant.

Second, this parking is a required element of the French American School CUP and each year the FASP must file its lease to park at Herzl to comply with the CUP. Without this parking, the FAS CUP will be out of compliance and the CUP void.

Third, to avoid this situation in the future, the Herzl property allocated to the B-zone for parking must be permanently reserved and run with the land which should be by easement. Herzl must understand that the property reserved for parking for the B-zone, as well for the playfield, will be permanently reserved and non-developable forever.

7) The Applicant's Transportation Concurrency Application is Flawed and Misrepresents the Total Number of Trips, the Total Use of this Intersection, and Should be Subject to a Full SEPA Analysis.

Attached is the Applicant's Transportation Concurrency Application and Memo. We believe the application misrepresents the number of trips, and that it is critical that the Planning Department consider the uses both current and future for this intersection as a whole in a formal SEPA process.

According to the application, the proposal includes a private K-8 grade school and 12,300 of gross square feet of general office space. Furthermore, the private school will enroll up to 150 students in pre-K up to grade 8 school levels.

According to the Transportation Concurrency Ordinance, the Land Use categories, the applicant uses "Code 530" which is actually for a high school, although the trips per unit at 0.26 are consistent with a private school (K-8 imprint.) The applicant also estimates that 12,300 square feet of office space will result in 1.15 trips per unit. The applicant's total prior proposed vehicle trips with a net new vehicle trips equal 53.

We and the neighbors simply don't believe this Transportation Concurrency Ordinance passes the smell test. We believe the proper category is "520" for elementary school with 1.37 trips per unit and the 12,300 sq ft of office space will certainly result in more than 14 total proposed vehicle trips.

The other major concern is that this Transportation Concurrency Ordinance should not be reviewed as a "first come, first serve" concurrency analysis. This intersection is one of the most stressed on Mercer Island and serves many existing and future uses and expansion of uses.

For example, the applicant's Transportation Concurrency Ordinance, if incorrect, could result in the City being unable to build a new City Hall and return staff to the office. It has to be remembered that WSDOT controls the ramp metering eastbound onto I-90, that prioritizes the traffic backups on the I-90 and I-405. This intersection serves the exit westbound from I-90 for Islanders living south along East Mercer Way and up Gallagher Hill and for other people coming to Mercer Island. If this traffic is backed up onto I-90, it would cause systemic backups and dangerous situations. Furthermore, it will migrate more traffic to the exit at Island Crest Way which is known as the "big left" and one of the busiest intersections on Mercer Island.

Finally, the JCC has requested its property be rezoned to Commercial Office with an increase in intensity of use. The City has recently amended the Commercial Office zone to include multifamily housing to meet the City's obligation under ESB1220, to meet the City's affordable housing mandate. The applicant believes that both of these will be not possible due to the increase of traffic due to this application and the lack of transit serving this location, and lack of organized school buses.

8) Conclusion.

The neighbors request that the City require a formal SEPA Analysis for both the parking and Transportation concurrency. The shared use agreement will result in the French American School CUP be non-compliant and void that CUP since there is not adequate alternate parking.

The neighbors also believe that the Transportation Concurrency Ordinance is flawed and underestimates future trips for this critical intersection, and a first come, first serve approach could negatively impact the City's desire to build the City Hall, the JCC's request for a rezone, and the Council's recent addition of multifamily housing in the Commercial Office zone to meet its affordable housing mandates under HB 1220.

Thank you for your consideration of this.

John Hall and Matthew Goldbach



DETERMINATION OF NON-SIGNIFICANCE (DNS) WITH MITIGATION AND USE OF PHASED SEPA DETERMINATION (WAC 197-11-060(5))

- Application Nos.:** SEP16-015 and ZTR16-002
- Description of proposal:** This State Environmental Policy Act (SEPA) threshold determination analyzes the environmental impacts associated with two “non-project actions” proposed by the applicant, Mercer Island Center for the Arts (MICA), as part of a phased SEPA review pursuant to WAC 197-11-060(5)(b) & (c)(i). This SEPA Determination covers the following two non-project elements of the proposed MICA project:
1. A Zoning Code Text Amendment to Mercer Island City Code chapter 19.05, Special Purpose, to allow the uses planned for the performing arts center and to allow the use of off-site parking to meet the proposal’s parking demand; and
 2. An Agreement to Lease Subject to Certain Conditions Precedent (“agreement to lease”) between the City of Mercer Island and MICA for the portion of the Mercerdale Park property where a performing arts center is proposed to be located.
- The environmental impacts of “project actions” needed for the MICA project, such as a long subdivision, critical area determination and construction permits, are not ready for decision at this time and will be further analyzed after the City Council makes decisions on the zoning code text amendment and agreement to lease.
- Proponent:** Lesley Bain (Framework), Architect for MICA
- Location of proposal:** Mercerdale Park, 3205 77th Avenue SE, Mercer Island, WA
- Lead agency:** City of Mercer Island
- Project documents:** *Please follow this file path to access the associated documents for this project:*
https://mieplan.mercergov.org/public/MICA-SEP16-015_ZTR16-002

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

This threshold determination is a phased SEPA decision pursuant to WAC 197-11-060(5)(b) & (c)(i). Phased review assists agencies and the public to focus on issues that are ready for decision and exclude from consideration issues not yet ripe for a SEPA determination. In addition, phased review is appropriate when the sequence is from a non-project document to a document of narrower scope such as a site-specific analysis for subsequent project-level development applications (e.g., long subdivision, critical area determination, building permit).

This threshold determination will be supplemented with site-specific environmental review at the time of a project-level development application, and a new SEPA threshold determination will be issued prior to issuance

of any underlying project-level permits. The site-specific environmental review will address probable environmental impacts from the proposal, including but not limited to issues related to transportation (traffic and parking), surface waters (wetlands and wetland buffers), storm water, plants, aesthetics, light and glare, recreation, and the cumulative impacts of the project in any one or more SEPA checklist categories.

_____ There is no comment period for this DNS.

 X This DNS is issued after using the optional DNS process in WAC 197-11-355. There is no further comment period on the DNS.

_____ This DNS is issued under WAC 197-11-340(2); the lead agency will not act on this proposal for 14 days from the date below. Comments must be submitted by _____.

Responsible Official: Scott Greenberg, Director
Development Services Group
City of Mercer Island
9611 SE 36th Street
Mercer Island, WA 98040
Email: scott.greenberg@mercergov.org

Date: September 11, 2017 **Signature:** 

APPEAL INFORMATION

There is no administrative (City) appeal of a SEPA threshold determination associated with a City Council legislative action (the proposed zoning code amendment) pursuant to MICC 19.07.120(T)(1). Any appeal must be filed with the State of Washington Central Puget Sound Growth Management Hearings Board. Visit http://www.gmhb.wa.gov/Home_CPSB.aspx for more information.

FINDINGS

1. A series of non-project and project-level proposals are required for the proposed performing arts center to be built in Mercedale Park. The non-project actions include a zoning code text amendment and an agreement to lease. The project-level actions include multiple land use approvals (e.g., long subdivision and critical area determination), and construction permits.
2. The applicant initially submitted a SEPA checklist and supporting information for the entire MICA project, combining both the non-project and project actions. This submittal was reviewed by City staff and peer reviewers with technical expertise in various subject areas. The peer reviewers requested more detailed project-level information at the end of the first review cycle. The applicant provided some additional information, but in certain topic areas, the more detailed information is contingent on details of the building and project design, which cannot be known until a decision is made by the City Council on the non-project zoning code text amendment.
3. Due to the complexity of this project and the sequence of multiple project and non-project approvals needed, the City is opting to use a phased review approach pursuant to WAC 197-11-060(5). WAC 197-11-776 defines phased review as: "...the coverage of general matters in broader environmental documents, with subsequent narrower documents concentrating solely on the issues specific to the later analysis (WAC 197-11-060(5)). Phased review may be used for a single proposal or EIS (WAC 197-11-060)."
4. Phased review allows for environmental review of the issues and impacts ready for decision and excludes issues that are not yet ready for a decision. In this case, the proposed zoning code text amendment and agreement to lease are ready for review and decision. Being ready for review and decision simply means there is adequate information available to determine the environmental impacts and potential mitigation of those elements of the larger project. Being ready for review and decision does not mean that the City Council is ready to act immediately. The zoning code text amendment and agreement to lease both require additional public process prior to City Council action. Other proposals (such as the land use and construction approvals) are contingent upon the review and approval of the zoning code text amendment and agreement to lease approval, and are not ready for review and decision. City Council decisions on the zoning code text amendment and proposed agreement to lease could result in changes to the site design, building design and/or parking requirements of the project, affecting potential environmental impacts of the project.
5. Additional SEPA review of the physical MICA project, including but not limited to site-specific impacts, cumulative impacts and mitigation, will occur following decisions on the zoning code text amendment and agreement to lease, consistent with WAC 197-11-060(5).

ANALYSIS

1. Earth
 - a. *Impacts:* The proposed code amendment and agreement to lease are non-project actions and would not create erosion or have other impacts to the earth. If adopted, the proposed code amendment would enable future project actions that could have environmental impacts. Future project actions will be reviewed for impacts and mitigation related to earth, including but not limited to slope stability, and appropriate SEPA action will be taken.
 - b. *Mitigation Measures:* No mitigation measures are needed to reduce or control erosion, or other impacts to the earth.
2. Air

- a. *Impacts:* The proposed code amendment and agreement to lease are non-project actions and would not create emissions or have other impacts to air. If adopted, the proposed code amendment would enable future project actions that could have environmental impacts. Future project actions will be reviewed for impacts and mitigation related to emissions from construction and operation of the project, and appropriate SEPA action will be taken.
 - b. *Mitigation Measures:* No mitigation measures are needed to reduce or control emissions or other impacts to air.
3. Water
 - a. *Impacts:* The proposed code amendment and agreement to lease are non-project actions and would not increase discharge to water nor create impacts to drainage patterns or to surface, ground, or runoff water. If adopted, the proposed code amendment would enable future project actions that could have environmental impacts. Future project actions will be reviewed for impacts and mitigation related to a storm water management plan (to address storm water collection and runoff), and for impacts and mitigation related to the Category III wetland, and appropriate SEPA action will be taken.
 - b. *Mitigation Measures:* No mitigation measures are needed to reduce or control impacts to drainage patterns or to surface, ground, or runoff water.
4. Plants
 - a. *Impacts:* The proposed code amendment and agreement to lease are non-project actions and would not create impacts to trees, plants or vegetation. If adopted, the proposed code amendment would enable future project actions that could have environmental impacts. Future project actions will be reviewed for impacts and mitigation related to plants, trees and vegetation, and appropriate SEPA action will be taken.
 - b. *Mitigation Measures:* No mitigation measures are needed to reduce or control impacts to trees, plants or vegetation.
5. Animals
 - a. *Impacts:* The proposed code amendment and agreement to lease are non-project actions and would not create impacts to animals including fish and marine life. If adopted, the proposed code amendment would enable future project actions that could have environmental impacts. Future project actions will be reviewed for impacts and mitigation related to animals, and appropriate SEPA action will be taken.
 - b. *Mitigation Measures:* No mitigation measures are needed to reduce or control impacts to animals including fish and marine life.
6. Energy and natural resources
 - a. *Impacts:* The proposed code amendment and agreement to lease are non-project actions and would not create impacts to nor deplete energy or natural resources. If adopted, the proposed code amendment would enable future project actions that could have environmental impacts. Future project actions will be reviewed for impacts and mitigation related to energy and natural resources (including green building), and appropriate SEPA action will be taken.
 - b. *Mitigation Measures:* No mitigation measures are needed to reduce or control energy impacts or conserve energy and natural resources.

7. Environmental health

- a. *Impacts:* The proposed code amendment and agreement to lease are non-project actions and would not create noise, nor create or be affected by environmental health hazards, including toxic or hazardous substances. If adopted, the proposed code amendment would enable future project actions that could have environmental impacts. Future project actions will be reviewed for impacts and mitigation related to environmental health, and appropriate SEPA action will be taken.
- b. *Mitigation Measures:* No mitigation measures are needed to reduce or control noise or environmental health hazards.

8. Land use and shoreline use

- a. *Impacts:* The proposed code amendment is a non-project action that would allow “public facilities” as an additional use within Mercerdale Park. The proposed list of uses allowed as “public facilities” includes: theatre, lecture hall, classroom, performing studio, visual arts studio, exhibition gallery, gathering and meeting spaces, café and bar, and accessory functions. Adding the proposed use as a permitted use to Mercer Island City Code (MICC) 19.05.010 would not have direct impacts on the environment.

The proposed agreement to lease is a non-project action that would follow approval of a code amendment allowing the proposed land use (which is not allowed today). If the code amendment is approved, the proposed agreement to lease would then allow public facilities as a permitted use within Mercerdale Park and would not create land use impacts.

There are also environmentally critical areas in and adjacent to Mercerdale Park (wetland, wetland buffer, and geologic hazard areas). If adopted, the proposed code amendment would enable future project actions that could have environmental impacts. Future project actions will be reviewed for impacts and mitigation related to land use and critical areas, and appropriate SEPA action will be taken.

- b. *Mitigation Measures:* No mitigation measures are needed to ensure the proposal is compatible with existing and projected land uses and plans.

9. Housing

- a. *Impacts:* The proposed code amendment and agreement to lease are non-project actions and would not create impacts to housing. If adopted, the proposed code amendment would have no impact on existing housing nor would it allow any housing in Mercerdale Park. Future project actions would not require additional analysis for housing impacts.
- b. *Mitigation Measures:* No mitigation measures are needed to reduce or control housing impacts.

10. Aesthetics

- a. *Impacts:* The proposed code amendment and agreement to lease are non-project actions and would not create aesthetic impacts. If adopted, the proposed code amendment would enable future project actions that could have environmental impacts. Future project actions will be reviewed for impacts and mitigation related to aesthetics, and appropriate SEPA action will be taken.
- b. *Mitigation Measures:* No mitigation measures are needed to reduce or control aesthetic impacts.

11. Light and glare

- a. *Impacts:* The proposed code amendment and agreement to lease are non-project actions and would not create light and glare impacts. If adopted, the proposed code amendment would enable future project actions that could have environmental impacts. Future project actions will be reviewed for impacts and mitigation related to light and glare, and appropriate SEPA action will be taken.
- b. *Mitigation Measures:* No mitigation measures are needed to reduce or control light and glare impacts.

12. Recreation

- a. *Impacts:* The proposed code amendment and agreement to lease are non-project actions and would not create recreational impacts. If adopted, the proposed code amendment would enable future project actions that could have environmental impacts. Future project actions will be reviewed for impacts and mitigation related to recreation, and appropriate SEPA action will be taken.
- b. *Mitigation Measures:* No mitigation measures are needed to reduce or control impacts on recreation.

13. Historic and Cultural Preservation

- a. *Impacts:* The proposed code amendment and agreement to lease are non-project actions and would not create impacts to historic or cultural resources. If adopted, the proposed code amendment would enable future project actions that could have environmental impacts. Future project actions will be reviewed for impacts and mitigation related to historic and cultural preservation, and appropriate SEPA action will be taken.
- b. *Mitigation Measures:* No mitigation measures are needed to avoid, minimize, or compensate for loss, changes to, and disturbance to historic or cultural resources.

14. Transportation

- a. *Impacts:* The proposed code amendment would create new parking requirements for Public Facilities in Mercedale Park. It would allow the amount of required parking to be determined through a parking demand study, similar to the allowance in the current code for the Town Center. It would also allow all parking to be provided off-site pursuant to a traffic management plan.

If shared parking is used, the applicant proposes use of unrecorded written agreements that can be terminated within 90 days. If such off-site parking agreement is terminated, the applicant proposes to locate alternative parking and/or provide shuttle service for parking. Because the parking agreement would not be recorded on title, a new owner may be unaware of the parking agreement, and could choose not to honor the agreement. This could lead to inadequate parking being provided for the proposed public facility. Requiring these parking agreements to be recorded would provide some level of certainty as to the continued existence of the required baseline number of parking stalls for the proposal. Further, extending the termination period to 120 days would give more time to locate additional (replacement) parking, and negotiate and record a new parking agreement.

While the final configuration, size and design of a specific public facility project in Mercedale Park is still under consideration, some concerns related to the proposed parking code amendments can be determined today. The primary concern is where staff, visitors and

patrons would park if one or more of the proposed off-site parking agreements is terminated. A related concern is the ability for City staff to adequately monitor compliance with the off-site parking agreements and approved traffic management plan over the duration of the proposed long-term lease period.

If adopted, the proposed code amendment and agreement to lease would enable future project actions that could have environmental impacts. Future project actions will be reviewed for additional impacts and mitigation related to transportation and parking, and appropriate SEPA action will be taken when more project details are known.

- b. *Mitigation Measures:* The following mitigation measures are needed to reduce or control transportation impacts related to parking. The applicant shall:
- Complete a Parking Management Plan that includes both construction and operation of the facility.
 - Provide for periodic review of the Parking Management Plan (Plan), not less than annually and any time an element of the Plan changes and disrupts availability of required parking.
 - Provide annual reporting of the traffic demand management plan to provide program adjustments based on the report.
 - MICA shall identify a designated "Parking Coordinator" who is responsible for parking and traffic management and coordination of these issues with the City.
 - Enter into written agreement(s) approved by the City for any proposed off-site, off-street parking. Such agreements shall be recorded with King County prior to issuance of any construction permits. Such agreements may be terminated upon not less than one hundred twenty (120) days' notice to the code official, provided that the applicant has agreed to either enter into a replacement parking contract or make alternative parking arrangements, such as a shuttle service; in the case of any replacement and/or alternative parking arrangement, such arrangements must be reviewed and approved by the code official prior to the end of the 120-day notice period.
 - Update any private parking agreements as necessary to maintain baseline level of available parking to meet demand with an appropriate level of redundancy; and if parking is disrupted, modify MICA program scheduling until such parking is made available again.
 - Provide clear signage at the proposed MICA site to assist with clarity of parking and loading requirements.
 - Provide patron education specifically to restrict patron parking in the residential neighborhoods south, east and west of Mercerdale Park.

15. Public Services

- a. *Impact:* The proposed code amendment and agreement to lease are non-project actions and would not create impacts to public services. If adopted, the proposed code amendment would enable future project actions that could have environmental impacts. Future project actions will be reviewed for impacts and mitigation related to public services, and appropriate SEPA action will be taken.
- b. *Mitigation Measures:* No mitigation measures are needed to reduce or control impacts on public services.

16. Utilities

- a. *Impact:* The proposed code amendment and agreement to lease are non-project actions and would not create impacts to utilities. If adopted, the proposed code amendment would enable future project actions that could have environmental impacts. Future project actions will be reviewed for impacts and mitigation related to utilities, and appropriate SEPA action will be taken.
- b. *Mitigation Measures:* No mitigation measures are needed to reduce or control impacts on utilities.



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memorandum

date September 8, 2017
to Robin Proebsting, Project Planner and Scott Greenberg, SEPA Official; City of Mercer Island
from Claire Hoffman, Ecologist; ESA
subject Proposed Mercer Island Center for the Arts (MICA) –SEPA Review

This memorandum documents the State Environmental Policy Act (SEPA) third-party review process conducted by Environmental Science Associates (ESA) on behalf of the City of Mercer Island (City) for the proposed Mercer Island Center for the Arts (MICA) project. The City also retained Perrone Consulting and DKS to review the geotechnical and transportation evaluations, respectively, conducted by the MICA (Applicant). The responsible official at the City will make the SEPA threshold determination for the proposed project (Mercer Island City Code [MICC] 19.07.120). Note that the project may require phased review (WAC 197-11-776). This memorandum also includes ESA's SEPA determination recommendation to the City for the proposed MICA project.

The proposed MICA project would be located at 3205 77th Ave SE (Parcel #1224049068). The proposal includes a building approximately 28,300 square feet with a 300-seat main stage theatre, a 100-seat theatre, a 100-seat recital hall, and educational spaces. Public bathrooms accessible from the exterior and storage space for the Mercer Island Farmers Market would also be provided.

The following is a summary timeline of the review process by ESA, Perrone Consulting and DKS, beginning with the submission of the SEPA Checklist by the Applicant in July 2016.

August 2016

DKS reviewed the Traffic Impact Analysis by TranspoGroup (June 2016).

The City requested public comment on a SEPA Checklist (July 27, 2016) and received a number of comment letters during this initial comment period. Concerns included all elements of the environment, but primary concerns were parking, transportation, loss of park lands, impacts to the wetland and trees, and erosion/slides.

September 2016

ESA reviewed the SEPA Checklist (July 27, 2016) by Framework Cultural Placemaking and attachments. For detail of this review, refer to the Memorandum dated September 20, 2016 to Scott, Project Planner for the City from ESA (Attachment 1).

October 2016

Perrone Consulting reviewed the Earth and subsurface water elements of the SEPA Checklist (July 27, 2016) by Framework Cultural Placemaking as well as the geotechnical design report by HartCrowser (2016).

January 2017

In response to the aforementioned reviews and public comments, the Applicant was asked by the City to submit a revised SEPA Checklist. A revised Checklist was submitted to the City on January 12, 2017, which included additional attachments and responses to public comment. This version was deemed incomplete. MICA made several resubmittal attempts, and its April 4, 2017 submittal was deemed complete.

May 2017

ESA reviewed the January 12, 2017 SEPA Checklist, responses to comments, and attachments. On May 15, 2017 ESA met with the Applicant at the ESA office to discuss ESA's comments on the January SEPA Checklist. At this meeting, ESA asked for a revised SEPA Checklist to clarify wetland impacts and mitigation, tree removal and replacement, stormwater discharge, and improve general organization of the information in the SEPA Checklist.

Perrone Consulting and DKS reviewed the geotechnical and transportation elements, respectively, of the January 12, 2017 SEPA Checklist. Additionally, DKS reviewed a revised Transportation Impact Analysis by TranspoGroup (January 2017) and Perrone Consulting reviewed the Geotechnical Engineering Design Report (July 26, 2016) by HartCrowser. The City had a conference call with the Applicant, HartCrowser (the Applicant's consultant), DKS, Perrone Consulting, and ESA on June 7, 2017. DKS and Perrone Consulting requested further clarification on transportation and geotechnical elements, respectively.

June 2017

The Applicant sent an interim of their revisions to the City and ESA on June 6, 2017 via email. ESA had minor follow-up comments.

After further clarification between DKS and the Applicant, they submitted a revised SEPA Checklist with updated transportation attachments on June 29, 2017. On June 30, 2017, DKS reviewed this interim version and required no further changes (Attachment 2).

The Applicant submitted additional slope stability review which was reviewed by Perrone Consulting on June 23, 2017. Perrone Consulting had minor comments, but agreed with the overall determination that the slopes on the proposed project site would be relatively stable and pose a low risk of failure (Attachment 3).

July 2017

The Applicant submitted a reissued SEPA checklist on July 3, 2017 (Attachment 4), which addressed comments and questions from ESA, DKS, and Perrone Consulting.

Evaluation and Recommendation

The following discussion reviews the elements of the environment addressed in the reissued SEPA Checklist (July 3, 2017). ESA relied on DKS and Perrone Consulting to assess potential impacts to the transportation and geotechnical elements, respectively. ESA recommends a mitigated determination of non-significance (MDNS) for the MICA project. Some elements discussed below do not require mitigation because they comply with existing regulations and less than significant impacts are expected. Elements where mitigation is required to reduce the impacts to a level of non-significance are identified below.

1. Earth.

Based on review of analysis from Perrone Consulting, the Applicant has provided sufficient information to insure that the proposed project does not result in undue slope stability risk. Significant impacts to slope stability are not anticipated.

2. Air.

Emissions from construction and operation of the project are expected to be well below the Federal de minimis threshold of 100 tons per year, which is the applicable threshold within King County. Significant impacts to air quality are not anticipated.

3A. Water. Surface.

The SEPA Checklist and supporting Wetland Delineation Report and Critical Areas Report were reviewed by Claire Hoffman, professional wetland biologist from ESA. Additionally, she conducted a site visit to verify wetland and vegetation conditions on September 13, 2016. The delineation and proposed mitigation meet the requirements of MICC 19.07.080. MICC 19.07.080.C. allows for buffer averaging of Category III wetlands to a minimum of 25 feet with enhancement. The Applicant is proposing to avoid the wetland, and thus no direct wetland impacts are expected. The Applicant incorporated ESA's recommendations from the September 20, 2016 memorandum and from the May 15, 2016 meeting. Impacts to surface waters (wetlands and wetland buffers) are not anticipated to be significant.

Required Mitigation: enhance 11,362 square feet of degraded buffer with native trees, shrubs, and groundcover as proposed by the applicant in the Critical Areas Study of the July 2017 SEPA Checklist (see Attachment G). Comply with mitigation and monitoring methods outlined in Attachment G, Critical Areas Study. The enhancement area can only be reduced if the impact area is reduced.

3B. Water. Ground.

There are no withdrawals or discharges proposed as part of the project. No significant impacts are anticipated.

3C. Stormwater.

The proposed project would construct a detention vault and discharge to the existing City stormwater system as well as the on-site wetland. Stormwater discharge to surface waters (i.e. to the wetland) is allowed under MICC 15.09.040. As design of the MICA progresses, ESA recommends that the Applicant provide a detailed stormwater management plan to insure that current City and State standards are met. With development and compliance with a stormwater management plan, significant impacts are expected to be avoided.

Required Mitigation: develop and comply with a Stormwater Management Plan.

4. Plants.

Vegetation was field verified during a site visit (September 13, 2016) and the Tree Assessment and Critical Areas study for the project were reviewed. Adequate information has been provided by the Applicant regarding impacts to trees and other vegetation. There are a number of dead or unhealthy trees that would be replaced as part of this project. The exact number, location, size, and species of dead and healthy trees will need to be provided for the permitting process. A tree permit would be required per MICC 19.10. With the mitigation proposed, significant impacts to plants and vegetation are not expected.

Required Mitigation: plant a minimum of 74 trees within the wetland buffer, trees should be primarily coniferous and native species as proposed by the applicant in the Critical Areas Study of the July 2017 SEPA Checklist (see Attachment G). Comply with tree mitigation outlined in Attachment G, Critical Areas Study of the July 2017 SEPA Checklist. Prior to the permitting process, provide the exact number, location, size, and species of dead and

healthy trees that would be removed. The number of trees planted can only be reduced if the number removed is reduced.

5. Animals.

ESA reviewed the Critical Areas study and crosschecked available information regarding listed species and protected habitats on and near the site. There are no protected species known to use the site, and there are no expected significant impacts to wildlife.

6. Energy and Natural Resources.

The Applicant proposes to meet LEED Silver, which includes standards for energy efficiency. By obtaining LEED Silver, the proposal is not expected to result in significant impacts to energy and natural resources.

7. Environmental Health.

ESA reviewed the Phase I Environmental Assessment (Aerotech, 2015) which concluded that there is no obvious evidence of potential environmental risks or Recognized Environmental Conditions indicating the presence of hazardous or other conditions. Special emergency services are not expected to be required. Significant impacts to environmental health are not anticipated.

8. Land and Shoreline Use.

The Applicant has requested a zoning code text amendment to allow a cultural center to be built in the Public Institution zone (P zone). The code amendment is specific to this parcel; as such the code amendment would not affect other parcels in the P zone. The decision on the text amendment will be made by City of Mercer Island Council.

The following critical areas are found on/near the project site: a wetland, wetland buffer, and known or suspected land slide hazard area on-site, as well as erosion hazard areas and steep slopes to the west of the site. For a discussion of the wetland and wetland buffer refer to Element 3A above, Water and geologic hazard areas are discussed under Element 1, Earth. The project is not within the shoreline area. Impacts to land use are not anticipated to be significant. No additional mitigation is required.

9. Housing.

There is no housing proposed to be added or removed as part of this project. Impacts to housing are not anticipated to be significant.

10. Aesthetics.

The MICA building would look different than existing conditions; it would be taller and larger than the existing recycling center. The proposed mainstage is the tallest structure at 30 feet high, closer to the park the building would be approximately 16 feet tall. MICA 19.05.010 requires that buildings in the P-zone shall not exceed 36 feet or three stories. The MICA building would be visible from the park, street, adjacent businesses, and some homes. The design of the building will be subject to review and approval by the City. Vegetation would be removed but replaced as part of the mitigation plan; however, it will take time for trees to mature. Landscaping around the building would follow the requirements of MICA 19.12.040. With compliance to existing City regulations and design approval, the proposed building and landscaping are not anticipated to result in significant impacts to aesthetics.

11. Light and glare.

The proposed project is not anticipated to result in significant impacts from light and glare and will comply with MICC 19.12.070. The project will be required to develop a lighting plan.

Required Mitigation: Lighting Plan

12. Recreation.

The proposed project would be in the northwest corner of Mercerdale Park in the current location of a former recycling center building, public restrooms, and a portion of Bicentennial Park. The plaza and flagpole, and public restrooms would be permanently removed. During constructions, portions of the park immediately adjacent to the MICA building would be unavailable during construction. The public restrooms would be unavailable during construction. The trail around Mercerdale Park lawn would be relocated but remain open during construction. The trail leading to the Mercerdale Hillside Trail would not be changed, but may need to be closed temporarily during construction for safety reasons. After construction, the trail around Mercerdale Park lawn will be restored and the public restrooms and sinks will be replaced in the new MICA building. With mitigation, significant impacts to recreation are not anticipated. Visitors to the Sunday Mercer Island Farmer's Market which occurs June – October may be inconvenienced by construction activities. The Applicant will work with the Farmer's Market to insure that access to the Market is not restricted for vendors or visitors during construction as well as after the MICA building is completed. For these reasons the Farmer's Market is not expected to be significantly impacted. With the implementation of the proposed mitigation measures, significant impacts to recreation are not anticipated to be significant.

The Applicant has requested a code amendment which would allow for an arts center within the P-zone. The review of the code amendment is outside of the scope of this review. If the code is amended to allow for an arts center within the P-zone, there would be no significant impact to recreation.

Required Mitigation:

- The flagpole will be replaced by the Applicant; the flagpole will be located in an area agreed upon between the Applicant and the City within or immediately adjacent to Mercerdale Park.
- The trail leading to the Mercerdale Hillside Trail may be closed during construction hours for the safety of trail users. The Applicant will ensure it is accessible to the public on evenings and weekends.
- The Applicant will coordinate with the Farmers Market to assure that the Sunday activities of the Market are not significantly affected. This includes maintain access to the Farmer's Market both during construction and operation.

13. Historic and Cultural Preservation.

The historic and cultural preservation evaluations included in the SEPA checklist were reviewed by a historian at ESA. There are no recorded sites, cemeteries, register-listed properties, traditional cultural places, or indications of former use on historical aerials, maps, or in published ethnographies. None of the existing buildings are over 45 years old and thus do not meet the threshold for consideration as a historic property. No significant historic or cultural impacts are anticipated.

14. Transportation.

The transportation element was reviewed by DKS for the City. With the following mitigation measures, impacts to transportation and parking are not anticipated to be significant.

Required Mitigation:

- The Applicant will complete a Parking Management Plan which includes both construction and operation of the facility.
- Identify a designated “Parking Coordinator” – who is an on-site staff member responsible for parking and traffic management.
- Provide for periodic review of Parking Management Plan, any time an element of the Plan changes and disrupts availability of necessary parking.
- Update any private parking agreements as necessary to maintain baseline level of available parking to meet demand with an appropriate level of redundancy; and if parking is disrupted, modify MICA program scheduling until such parking is made available again.
- Provide annual reporting of the traffic demand management plan to provide program adjustments based on reporting.
- Manage the loading zones areas through program scheduling, patron education, signage and staffing assistance if necessary to ensure through traffic is not inhibited.
- Provide necessary illumination at the MICA site for safe pedestrian crossing and load/unload activities.
- Provide clear signage at the MICA site to assist with clarity of parking and loading requirements.
- Coordinate facility scheduling with other local events such as Summer Celebration, Farmer’s Market, Parks events, and the Thrift Shop.
- Provide patron education specifically to restrict patron parking in the neighborhood south of Mercerdale Park.
- Schedule afternoon activities for kids such that only one class has drop-off/pick-up at one time to manage traffic flow at the pullout area and ensure safe access to vehicles.

This SEPA review has been conducted very early in the design process and the Applicant has not yet completed design, or all required supporting documents. If the mitigation is completed in accordance with the measures outline above, it is ESA’s opinion that the project would be mitigated to a level of non-significance. Based on this review, ESA recommends a mitigated determination of non-significance (MDNS).

If you have any questions, please call us at (206) 789-9658.

Sincerely,

Claire Hoffman

cc.
Scott Olmsted, ESA
Molly Adolfson, ESA

DUE TO THE LARGE FILE SIZE (32MB), ATTACHMENTS TO THE ESA REPORT AND SEPA CHECKLIST ARE AVAILABLE ONLINE AT https://mieplan.mercergov.org/public/MICA-SEP16-015_ZTR16-002

OR CAN BE VIEWED AT MERCER ISLAND CITY HALL DURING REGULAR BUSINESS HOURS.

HOWEVER, ATTACHMENT "D"-PROPOSED ZONING CODE AMENDMENT—IS ATTACHED

SEPA Environmental Checklist
Mercer Island Center for the Arts

Attachment D
Proposed Zoning Code Text Amendment

January 2017

19.05.010 Public institution – P.

A. Uses Permitted.

1. Government services.
2. Public schools under the administration of Mercer Island School District No. 400 subject to the requirements in subsection F of this section. Subsections B, C and E of this section do not apply to public schools. Uses other than public schools located on land owned by the Mercer Island School District shall comply with applicable provisions of Chapter [19.02](#) MICC.
3. Public park.
4. Transit facilities including transit stops and associated parking lots.
5. On-site hazardous waste treatment and storage facilities are allowed as accessory uses to a use permitted in this zone. These facilities shall comply with the state siting criteria as set forth in Chapter [173-303](#) WAC.
6. Wireless communications facilities subject to the conditions set out in MICC [19.06.040](#).

7. Public Facilities in Mercerdale Park, with primary uses of theatre, lecture hall, classroom, performing studio, visual arts studio, exhibition gallery, gathering and meeting spaces, café and bar, and accessory functions thereof (hereafter referred to as "Mercerdale Park Public Facilities"), subject to the requirements in subsection G of this section.

B. Mercer Island I-90 Right-of-Way Added to Public Institution Zone. The entire area within the Mercer Island I-90 right-of-way, including, but not limited to, the roadway, street overcrossings, lids, open space, recreation areas, linear greenbelts and the park-and-ride lot area as approved by the city on November 14, 1983, and incorporated in the right-of-way plan approved by WSDOT on May 1, 1987, shall be part of the public institution zone. All uses within the I-90 right-of-way shall be maintained as set forth in city-approved I-90 related documents.

C. Design Requirements. Any development within the public institution zone shall comply with the applicable sections of Chapter [19.11](#) MICC, Town Center Development and Design Standards, except as otherwise allowed in subsection G of this section.

D. Parking Requirements. All uses permitted in this zone shall comply with the parking requirements set out in MICC [19.05.020](#).

E. Structures, excluding stacks, shall not exceed 36 feet or three stories in height, whichever is less; provided, the height of buildings located on sites exceeding five acres may be increased by 12 feet or one story, whichever is less, for each additional two and one-half acres of area when specifically approved by the city council upon recommendation of the design commission in accordance with the following conditions:

1. Approval by the Federal Aviation Administration.
2. Adequate provision for ultimate off-street parking needs.

F. Public Schools. The following requirements apply to public schools: **[MICA proposes no changes to this section and, therefore, the text is excluded.]**

G. Mercerdale Park Public Facilities, shall be subject to the following requirements:

<u>Setback from Property Lines</u>	<u>No minimum setback required, except as necessary to comply with MICC 19.11.030.A.1.</u>	
<u>Height Limit (as defined by MICC 19.16.010)</u>	<u>As allowed pursuant to MICC 19.05.010.E.</u>	

Street Standards

The Street Standard requirements of
MICC 19.11.120 are inapplicable.

19.05.020 Parking requirements.

A. The following parking requirements apply to all uses in the P zone.

B. General Requirements. The following apply except as otherwise required or allowed pursuant to MICC 19.05.020.C.

1. Surfacing and Grading. All off-street parking areas shall be graded and surfaced to a standard comparable to the street which serves the parking area. The parking area shall be developed and completed to the required standards before an occupancy permit for the building to be served is issued.

2. Traffic Control Devices. All traffic control devices such as parking strips designating car stalls, directional arrows or signs, bull rails, curbs and other structures shall be installed and completed as shown on the approved plans. Hard surfaced parking areas shall use paint or similar devices to delineate parking stalls and directional arrows.

3. Design. Parking lot design should conform to the diagrams set out in Appendix A of this development code, unless alternative design standards are approved by the design commission and city engineer.

4. Location. Off-street parking shall be located on the same lot or on an adjoining lot or lots to the building to be served; except, that off-street parking may be located in an area beginning within 500 feet of the building to be served; provided there are no intersecting street between the parking area and building to be served. This requirement does not apply to transit facilities.

5. Ingress and Egress. The city engineer shall have the authority to fix the location and width of vehicular ingress or egress to and from property, and to alter existing ingress and egress as may be required to control street traffic in the interest of public safety and general welfare.

6. Handicapped Standards. Off-street parking shall meet the relevant state design standards for the physically disabled.

7. Compact Vehicles. Up to 50 percent of the required off-street parking spaces may be designed for accommodating compact vehicles. Such parking spaces must be clearly designated as compact stalls. The design commission may increase the percentage of compact stalls permitted if the applicant can demonstrate that no adverse impacts will occur.

8. Loading Space. An off-street loading space, having access to a public street, shall be required adjacent to each building hereafter erected or enlarged. Such loading space shall be of adequate size to accommodate the maximum number and size of vehicles simultaneously loaded or unloaded, in connection with the business or businesses conducted in such building. No part of the truck or van using the loading space may project into the public right-of-way.

9. Variances. Notwithstanding any of the minimum parking requirements set out in subsection C of this section, the code official may grant variances from the minimum parking requirements with the approval of the design commission and the city engineer for projects reviewable by the design commission.

C. Minimum Parking Requirements for Specific Uses.

1. Government buildings shall provide one parking space per 200 square feet of gross floor area.

2. Public elementary and middle schools shall provide a minimum of two parking spaces per classroom. Public high schools shall provide a minimum of one parking space per classroom plus an additional one parking space per 10 students. If the parking spaces that would need to be provided as specified above are in excess of the actual parking demands of the school's staff, students, and visitors, the code official may allow a reduction in minimum parking requirements based on a parking analysis prepared by a qualified professional, with the approval of the city engineer and the design commission, for projects reviewable by the design commission.

3. Mercedale Park Public Facilities shall provide parking as follows:

a. A parking demand study shall be prepared by a professional traffic engineer and approved by the City Engineer determining the parking requirements for the proposed public facility.

b. The amount of parking required by the approved parking demand study may be met by entirely off-site with a combination of on-street parking and shared off-street parking pursuant to a traffic management plan approved by the City Engineer determining that parking demand for all land uses shall not significantly overlap and that uses will be served by adequate parking if on-street parking and shared parking reductions are authorized.

c. Prior to establishing shared parking, the property owner or owners shall enter into an unrecorded written agreement approved by the code official that can only be terminated upon not less than ninety (90) day notice to the code official, provided that one of the affected property owners has agreed to either enter into a replacement parking contract or make alternative parking arrangements, such as shuttle service, in either case satisfactory to the code official prior to the end of the notice period.

4. Mercedale Park Public Facilities shall be exempt from the requirements of MICC 19.05.020.B.4.

D. Mixed Use Parking. In the case of mixed uses, the total requirements for off-street parking facilities shall be the sum of the requirements for the various uses computed separately. Off-street parking facilities for one use shall not be considered as providing required parking facilities for any other use, except as hereinafter specified for cooperative use.

E. Cooperative Parking. Cooperative parking between two or more adjoining property owners is allowed; provided, the code official, with approval from the design commission and city engineer, may reduce the total required spaces by when the applicant has demonstrated that no adverse impact will occur due to the reduced number of stalls.

F. Parking Lot Dimension. All parking areas shall conform to the design standards set out in Appendix A of this development code unless alternative design standards are approved by the design commission and city engineer. (Ord. 14C-06 § 4; Ord. 99C-13 § 1).

CITY OF MERCER ISLAND
COMMUNITY PLANNING & DEVELOPMENT
 9611 SE 36TH STREET | MERCER ISLAND, WA 98040
 PHONE: 206.275.7605 | www.mercergov.org



CITY USE ONLY		
PERMIT #	RECEIPT#	FEE
DATE RECEIVED:		

TRANSPORTATION CONCURRENCY APPLICATION	Received By:
---	--------------

STREET ADDRESS/LOCATION 3700 E Mercer Way		COUNTY ASSESSOR PARCEL #'S 0824059045
PROPERTY OWNER (required) Herzl-Ner Tamid Conservative Congregation	ADDRESS (required) 3700 E Mercer Way	CELL/OFFICE (required) 206-232-8555 ext. 203 E-MAIL (required) merav@h-nt.org
APPLICANT NAME (if different from above) Anjali Grant	ADDRESS 3427 Beacon Ave S, Seattle 98144	CELL/OFFICE 206-512-4209 E-MAIL anjali@agrantedesign.com

Use this form to determine the net number of additional dwelling units and/or vehicle trips generated by the proposed development. A **TRAFFIC IMPACT ANALYSIS** complying with the City's **Traffic Impact Analysis Guidelines** must be submitted with this form if the development proposal will generate 10 or more peak hour vehicle trips. **In determining the net new trips, no credit shall be given for vehicle trip ends from sites/structures that have been vacant for more than one year or for trips from any unpermitted or illegal development.**

WRITTEN DESCRIPTION OF DEVELOPMENT PROPOSAL:
 The proposed project includes a private school and 12,300 gross square feet of general office. The private school will enroll up to 150 students in the PK-8 grade levels.

TYPE OF DEVELOPMENT: Check all boxes that apply.

<input type="checkbox"/>	Single Family	<input type="checkbox"/>	Mixed use	<input checked="" type="checkbox"/>	School
<input type="checkbox"/>	Multifamily	<input type="checkbox"/>	Commercial	<input checked="" type="checkbox"/>	Other <u>Offices</u>

RELATED APPLICATION TYPE(S): Check all boxes that apply.

<input checked="" type="checkbox"/>	Building Permit	<input type="checkbox"/>	Design Review	<input checked="" type="checkbox"/>	Conditional Use Permit
<input type="checkbox"/>	Development Agreement	<input type="checkbox"/>	Short or Long Plat	<input type="checkbox"/>	Other _____

FOR RESIDENTIAL PROJECTS: Demonstrate net dwelling units.

Number of Existing Dwelling units:		Number of Dwelling Units to be Demolished:		Number of Net New Dwelling Units:	
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FOR COMMERCIAL PROJECTS: Complete this section of the form to demonstrate total proposed vehicle trip ends. Use the Vehicle Trip tables on the following pages to fill in the following sections to determine the Net New Vehicle Trips associated with your development proposal.

Credit can be given for a previous use if that use has not been vacant for more than one year. If offsetting trips with previous use:				
Provide Previous/Current Tenant Name and Use :				
Has the above named use been vacated for one year or more?		<input type="checkbox"/>	Yes	
		<input checked="" type="checkbox"/>	No	
PROPOSED LAND USE – ITE Land Use Category/Code	Unit of Measure	Number of Units (ft ² , dwellings, room, bed, etc.)	Trips per Unit	Total Proposed Vehicle Trips (Number of Units x Trips Per Unit)
530	students	150 students	0.26	39
710	1,000 sf GFA	12,300 sf	1.15	14
CURRENT/PRIOR LAND USE - ITE Land Use Category/Code (only if use occupied in last 1 year)	Unit of Measure	Number of Units (ft ² , dwellings, room, bed, etc.)	Trips per Unit	Total Proposed Vehicle Trips (Number of Units x Trips Per Unit)
Net New Vehicle Trips Subtract Total Prior Vehicle Trips from Total Proposed Vehicle Trips				53

CONCURRENCY VALIDITY AND EXPIRATION (MICC 19.20.040D, MICC 19.20.040E, MICC 19.20.040F)

Validity: A transportation concurrency certificate is valid only for the specified uses, densities, intensity and development proposal site(s) for which it was issued and shall not be transferred to a different project or parcel. A transportation concurrency certificate shall remain valid for the longer of:

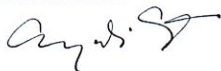
1. One (1) year from the date of issuance;
2. During the period of time the development proposal associated with the certificate is under review by the city;
3. For the same period of time as the development approval. If the development does not have an expiration date or an approved phasing schedule that allows a longer build-out, the concurrency certificate shall be valid for one (1) year from the date of the last permit approval associated with the development proposal;
4. For a period of time specified in an approved development agreement.

Expiration: A transportation concurrency certificate shall expire if any of the following occur:

1. The timeframe established in section the validity section above is exceeded.
2. The related development permit application is denied or revoked by the city.
3. The related development permit expires prior to issuance of a building permit.

Extension: A transportation concurrency certificate shall not be extended. A new transportation concurrency application, review and certificate are required if the previous transportation concurrency certificate has expired.

DECLARATION: I HEREBY STATE THAT I AM THE OWNER OF THE SUBJECT PROPERTY OR I HAVE BEEN AUTHORIZED BY THE OWNER(S) OF THE SUBJECT PROPERTY TO REPRESENT THIS APPLICATION, AND THAT THE INFORMATION FURNISHED BY ME IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE. I HAVE READ THE ABOVE INFORMATION REGARDING EXPIRATION DEADLINES AND APPEAL PROCESS IN CHAPTER 19.20 MICC. I FURTHER UNDERSTAND THAT ISSUANCE OF A TRANSPORTATION CONCURRENCY CERTIFICATE IS NOT A GUARANTEE THAT THE CITY WILL ISSUE A DEVELOPMENT PERMIT OR BUILDING PERMIT.



Digitally signed by Anjali Grant
Date: 2024.02.15 08:41:28-08'00'

2/15/2024

SIGNATURE

DATE

ITE Trip Generation Rates (Weekday, PM Peak Hour of Adjacent Street Traffic)

Code	ITE Land Use Category	Unit of Measure	Trips Per Unit	Setting/Location	
				General Urban/Suburban	Dense Multi-Use Urban
PORT AND TERMINAL					
30	Intermodal Truck Terminal	1,000 SF GFA	1.72		
90	Park-and-Ride Lot with Bus Service	Parking Spaces	0.43		
INDUSTRIAL					
110	General Light Industrial	1,000 SF GFA	0.63		
130	Industrial Park	1,000 SF GFA	0.40		
140	Manufacturing	1,000 SF GFA	0.67		
150	Warehousing	1,000 SF GFA	0.19		
151	Mini-Warehouse	1,000 SF GFA	0.17		
154	High-Cube Transload & Short-Term Storage	1,000 SF GFA	0.10		
155	High-Cube Fulfillment Center Warehouse	1,000 SF GFA	1.37		
156	High-Cube Parcel Hub Warehouse	1,000 SF GFA	0.64		
157	High-Cube Cold Storage Warehouse	1,000 SF GFA	0.12		
160	Data Center	1,000 SF GFA	0.09		
170	Utilities	1,000 SF GFA	2.27		
180	Specialty Trade Contractor	1,000 SF GFA	1.97		
RESIDENTIAL					
210	Single-Family Detached Housing	Dwelling Units	0.99		
220	Multifamily Housing (Low-Rise) 1-2 floors -	Dwelling Units	0.56		
221	Multifamily Housing (Mid-Rise) 3-10 floors	Dwelling Units		0.44	0.18
222	Multifamily Housing (High-Rise)	Dwelling Units		0.36	0.19
231	Mid-Rise Residential with 1st-Floor Commercial	Dwelling Units	0.36		
232	High-Rise Residential with 1st-Floor	Dwelling Units	0.21		
240	Mobile Home Park	Dwelling Units	0.46		
251	Senior Adult Housing - Detached	Dwelling Units	0.30		
252	Senior Adult Housing - Attached	Dwelling Units	0.26		
253	Congregate Care Facility	Dwelling Units	0.18		
254	Assisted Living	1,000 SF GFA	0.48		
255	Continuing Care Retirement Community	Units	0.16		
260	Recreation Homes	Dwelling Units	0.28		
265	Timeshare	Dwelling Units	0.63		
270	Residential Planned Unit Development	Dwelling Units	0.69		
LODGING					
310	Hotel	Rooms	0.60		
311	All Suites Hotel	Rooms		0.36	0.17
312	Business Hotel	Rooms	0.32		
320	Motel	Rooms	0.38		
330	Resort Hotel	Rooms	0.41		
RECREATIONAL					
411	Public Park	Acres	0.11		
416	Campground / Recreation Vehicle Park	Acres	0.98		
420	Marina	Berths	0.21		
430	Golf Course	Acres	0.28		
431	Miniature Golf Course	Holes	0.33		
432	Golf Driving Range	Tees/Driving Positions	1.25		
433	Batting Cages	Cages	2.22		
434	Rock Climbing Gym	1,000 SF GFA	1.64		
435	Multi-Purpose Recreational Facility	1,000 SF GFA	3.58		

436	Trampoline Park	1,000 SF GFA	1.50		
437	Bowling Alley	1,000 SF GFA	1.16		
440	Adult Cabaret	1,000 SF GFA	2.93		
444	Movie Theater	1,000 SF GFA	6.17		
445	Multiplex Movie Theater	1,000 SF GFA	4.91		
452	Horse Racetrack	Seats	0.06		
454	Dog Racetrack	Attendees	0.15		
460	Arena	1,000 SF GFA	0.47		
462	Professional Baseball Stadium	Attendees	0.15		
465	Ice Skating Rink	1,000 SF GFA	1.33		
466	Snow Ski Area	Slopes	26.00		
473	Casino/Video Lottery Establishment	1,000 SF GFA	13.49		
480	Amusement Park	Acres	3.95		
482	Water Slide Park	Parking Spaces	0.28		
488	Soccer Complex	Fields	16.43		
490	Tennis Courts	Courts	4.21		
491	Racquet/Tennis Club	Courts	3.82		
492	Health/Fitness Club	1,000 SF GFA	3.45		
493	Athletic Club	1,000 SF GFA	6.29		
495	Recreational Community Center	1,000 SF GFA	2.31		
INSTITUTIONAL					
520	Elementary School	1,000 SF GFA	1.37		
522	Middle School / Junior High School	1,000 SF GFA	1.19		
530	High School	1,000 SF GFA	0.97		
534	Private School (K-8)	Students	0.26		
536	Private School (K-12)	Students	0.17		
537	Charter Elementary School	Students	0.14		
538	School District Office	1,000 SF GFA	2.04		
540	Junior / Community College	1,000 SF GFA	1.86		
550	University/College	1,000 SF GFA	1.17		
560	Church	1,000 SF GFA	0.49		
561	Synagogue	1,000 SF GFA	2.92		
562	Mosque	1,000 SF GFA	4.22		
565	Daycare Center	1,000 SF GFA	11.12		
566	Cemetery	Acres	0.46		
571	Prison	1,000 SF GFA	2.91		
575	Fire and Rescue Station	1,000 SF GFA	0.48		
580	Museum	1,000 SF GFA	0.18		
590	Library	1,000 SF GFA	8.16		
MEDICAL					
610	Hospital	1,000 SF GFA	0.97		
620	Nursing Home	1,000 SF GFA	0.59		
630	Clinic	1,000 SF GFA		3.28	5.18
640	Animal Hospital / Veterinary Clinic	1,000 SF GFA	3.53		
650	Free-Standing Emergency Room	1,000 SF GFA	1.52		
OFFICE					
710	General Office Building	1,000 SF GFA		1.15	0.87
712	Small Office Building	1,000 SF GFA	2.45		
714	Corporate Headquarters Building	1,000 SF GFA	0.60		
715	Single Tenant Office Building	1,000 SF GFA	1.74		
720	Medical-Dental Office Building	1,000 SF GFA	3.46		
730	Government Office Building	1,000 SF GFA	1.71		
731	State Motor Vehicles Department	1,000 SF GFA	5.20		

732	United States Post Office	1,000 SF GFA	11.21		
733	Government Office Complex	1,000 SF GFA	2.82		
750	Office Park	1,000 SF GFA	1.07		
760	Research and Development Center	1,000 SF GFA	0.49		
770	Business Park	1,000 SF GFA	0.42		
RETAIL					
810	Tractor Supply Store	1,000 SF GFA	1.40		
811	Construction Equipment Rental Store	1,000 SF GFA	0.99		
812	Building Materials and Lumber Store	1,000 SF GFA	2.06		
813	Free-Standing Discount Superstore	1,000 SF GFA	4.33		
814	Variety Store	1,000 SF GFA	6.84		
815	Free Standing Discount Store	1,000 SF GFA	4.83		
816	Hardware / Paint Store	1,000 SF GFA	2.68		
817	Nursery (Garden Center)	1,000 SF GFA	6.94		
818	Nursery (Wholesale)	1,000 SF GFA	5.18		
820	Shopping Center	1,000 SF GFA	3.81	3.81	4.92
823	Factory Outlet Center	1,000 SF GFA	2.29		
840	Automobile Sales (New)	1,000 SF GFA	2.43		
841	Automobile Sales (Used)	1,000 SF GFA	3.75		
842	Recreational Vehicle Sales	1,000 SF GFA	0.77		
843	Automobile Parts Sales	1,000 SF GFA	4.91		
848	Tire Store	1,000 SF GFA	3.98		
849	Tire Superstore	1,000 SF GFA	2.11		
850	Supermarket	1,000 SF GFA	9.24		
851	Convenience Market (Open 24 Hours)	1,000 SF GFA	49.11		
853	Convenience Market with Gasoline Pumps	1,000 SF GFA	49.29		
854	Discount Supermarket	1,000 SF GFA	8.38		
857	Discount Club	1,000 SF GFA	4.18		
860	Wholesale Market	1,000 SF GFA	1.76		
861	Sporting Goods Superstore	1,000 SF GFA		2.02	1.65
862	Home Improvement Superstore	1,000 SF GFA		2.33	3.35
863	Electronics Superstore	1,000 SF GFA	4.26		
864	Toy/Children's Superstore	1,000 SF GFA	5.00		
865	Baby Superstore	1,000 SF GFA	1.82		
866	Pet Supply Superstore	1,000 SF GFA	3.55		
867	Office Supply Superstore	1,000 SF GFA	2.77		
868	Book Superstore	1,000 SF GFA	15.83		
869	Discount Home Furnishing Superstore	1,000 SF GFA	1.57		
872	Bed and Linen Superstore	1,000 SF GFA	2.22		
875	Department Store	1,000 SF GFA	1.95		
876	Apparel Store	1,000 SF GFA		4.12	1.12
879	Arts and Craft Store	1,000 SF GFA	6.21		
880	Pharmacy / Drugstore without Drive-Through	1,000 SF GFA	8.51		
881	Pharmacy / Drugstore with Drive-Through	1,000 SF GFA	10.29		
882	Marijuana Dispensary	1,000 SF GFA	21.83		
890	Furniture Store	1,000 SF GFA	0.52		
897	Medical Equipment Store	1,000 SF GFA	1.24		
899	Liquor Store	1,000 SF GFA	16.37		
SERVICES					
911	Walk-In Bank	1,000 SF GFA	12.13		
912	Drive-In Bank	1,000 SF GFA	20.45		
918	Hair Salon	1,000 SF GFA	1.45		
920	Copy, Print, and Express Ship Store	1,000 SF GFA	7.42		

925	Drinking Place	1,000 SF GFA	11.36		
926	Food Cart Pod	Food Carts	3.08		
930	Fast Casual Restaurant	1,000 SF GFA	14.13		
931	Quality Restaurant	1,000 SF GFA	7.80		
932	High-Turnover (Sit-Down) Restaurant	1,000 SF GFA		9.77	9.80
933	Fast Food Restaurant without Drive-Through	1,000 SF GFA	28.34		
934	Fast Food Restaurant with Drive-Through	1,000 SF GFA		32.67	78.74
935	Fast Food Restaurant with Drive-Through	1,000 SF GFA	42.65		
936	Coffee/Donut Shop without Drive-Through	1,000 SF GFA	36.31		
937	Coffee/Donut Shop with Drive-Through	1,000 SF GFA		43.38	83.19
938	Coffee/Donut Shop with Drive-Through	1,000 SF GFA	83.33		
939	Bread / Donut / Bagel Shop without Drive-	1,000 SF GFA	28.00		
940	Bread / Donut / Bagel Shop with Drive-Through	1,000 SF GFA	19.02		
941	Quick Lubrication Vehicle Shop	1,000 SF GFA	8.70		
942	Automobile Care Center	1,000 SF GFA	3.11		
943	Automobile Parts and Service Center	1,000 SF GFA	2.26		
944	Gasoline / Service Station	1,000 SF GFA	109.27		
945	Gasoline / Service Station with Convenience	1,000 SF GFA	88.35		
947	Self Service Car Wash	Wash Stalls	5.54		
948	Automated Car Wash	1,000 SF GFA	14.20		
949	Car Wash and Detail Center	Wash Stalls	13.60		
950	Truck Stop	1,000 SF GFA	22.73		
960	Super Convenience Market/Gas Station	1,000 SF GFA	69.28		
970	Winery	1,000 SF GFA	7.31		

MEMORANDUM

Date:	February 6, 2024	TG:	1.23278.00
To:	Patrick Yamashita, PE – City of Mercer Island		
From:	Dan McKinney, Jr.		
Subject:	HNT JDS – TIA Preliminary Analysis		

This memorandum provides a summary of preliminary transportation related information for the proposed private school development on the Herzl (HNT) property in Mercer Island, Washington. The following sections provide a brief description of the proposed project, an estimate of the project’s vehicular trip generation and distribution throughout the adjacent roadway network, and a summary of the recommended study intersections and broader analysis scope for the Transportation Impact Analysis (TIA) report.

Project Description

The proposed project is located at 3700 E Mercer Way. The proposed project includes approximately 14,051 gross square feet of private school and 12,300 gross square feet of general office. The project site location is shown in Figure 1. The private school will enroll up to 150 students in the PK-8 grade levels. The private school space would be occupied by the Jewish Day School (JDS), which is currently located in Bellevue and intends to move to the proposed site.

Vehicular access to the project site would be provided along the northern site limits where a driveway would be provided onto Frontage Rd, as illustrated in Figure 1.



Figure 1 – Project Vicinity

Existing Conditions

This section describes existing condition within the identified study area. Characteristics are provided for the roadway network, non-motorized facilities, transit service, existing traffic volumes, traffic operations, and traffic safety.

Roadway Network

The project site is located in northeast Mercer Island, and is bounded by E Mercer Way to the west, Frontage Road to the north, and SE 40th Street to the south. The major roadways within the study area include:

SE 36th Street is a two-lane roadway classified as an arterial. This roadway provides east-west access with sidewalks located on the south side and a center two-way left-turn lane. SE 36th Street serves as a connection to eastbound and westbound Interstate 90 (I-90) with freeway access at the N Mercer Way and E Mercer Way intersections. The posted speed limit is 30 miles per hour (mph) in the vicinity of the project.

E Mercer Way is a two-lane roadway classified as an arterial with sidewalks. This roadway provides north-south access and a connection to I-90 with a freeway connection at the SE 36th Street intersection. The posted speed limit is 30 mph in the vicinity of the project.

SE 40th Street is an east-west residential roadway located south of the project site area. The road provides one lane in each direction and no sidewalks. The posted speed limit is 25 mph in the vicinity of the project.

Frontage Road is an east-west city facility roadway located north of the project site area. The road provides one lane in each direction and no sidewalks. Access to the project site is provided via a driveway along the south side of Frontage Road.

Non-Motorized Facilities

Sidewalks are provided along SE 36th Street and E Mercer Way with crosswalks located at major intersections allowing safe pedestrian mobility throughout the area. Signalized crossings are provided at the SE 36th Street/E Mercer Way intersection. Unsignalized crossings are located along E Mercer Way at the north and south legs of the Jewish Community Center Access Road intersection. Additional pedestrian circulation near the site is discussed below.

No marked bicycle facilities are provided along roadways in the project vicinity, but E Mercer Way and SE 36th Street are considered bicycle-friendly roadways.

Transit Service

No public transit routes utilize study area roadways, including E Mercer Way, SE 36th Street, and SE 40th Street. The nearest transit stop to the project site is located at the N Mercer Way/Fortuna Drive intersection approximately 0.6 miles northwest of the project site which is served by King County Metro Route 204 Dial-a-Ride Transit (DART) service providing service between North Mercer Island and the Mercer Village Shopping Center. DART service offers both fixed and variable routing on N Mercer Way between the hours of 9 am and 3 pm on weekdays, and 9 am to 7 pm on Saturdays.

The East Link is a planned Sound Transit Link Light Rail extension that would provide service from Downtown Seattle to Mercer Island to Redmond. The segment of the East Link between Bellevue and Redmond is expected to open in April 2024, with the remainder of the link extension, including the segment running through Mercer Island, being scheduled to open in 2025.

Although limited public service is available under existing conditions, the JDS does provide bus service for families of the school. During the 2023-2024 school year, the JDS provided four buses, with a total of 25 students using the bus.

Project Trip Generation

Project trip generation estimates were developed for the project based on information contained in the Institute of Transportation Engineers (ITE) *Trip Generation* (11th Edition, 2021). Trip Generation is a nationally recognized and locally accepted method for determining trip generation for private and public developments. Trips were calculated using the Private School (K-8) (LU #530) and General Office (ITE LU #710) land uses. The following paragraphs summarize the preliminary trip generation estimate for the remaining proposed uses.

Table 1 summarizes the project's estimated trip generation for weekday AM peak hour, PM peak hour, and school peak hour time periods. School peak hour trip generation is based on the PM peak hour of generator for the private school land use. Detailed trip generation calculation worksheets are provided in Attachment A.

Table 1. Estimated Trip Generation

Land Use	Size	Weekday AM Peak Hour			Weekday PM Peak Hour			School PM Peak Hour		
		In	Out	Total	In	Out	Total	In	Out	Total
Proposed Uses										
Private School (LU #530)	150 students	71	55	126	18	21	39	44	50	94
General Office (LU #710)	12,300 sf	25	3	28	5	24	29	7	8	15
Total		96	58	154	23	45	68	51	58	109

Project Trip Distribution & Assignment

Vehicular trip distribution for the private school land use is based on information provided by the JDS regarding the ZIP code locations where students currently attending the school lived. It is assumed that the trip distribution of the proposed private school will match the current trip distribution at JDS. A separate primary vehicular trip distribution was determined for office trips consistent with Mercer Island General Traffic Impact Analysis Requirements. Vehicular trip distribution for the office land use is based on the U.S. Census Bureau's *OnTheMap* tool. *OnTheMap* is a web-based mapping and reporting application, which shows where workers are employed and where they live based on census data. The school and office trip distributions are provided in Attachment B. Table 2 summarizes the general primary trip distribution patterns assumed by land use as shown in Attachment B.

Table 2. Weekday AM & PM Peak Hour Trip Distribution by Land Use

Location	School Trips	Office Trips
East of Mercer Island	65%	45%
West of Mercer Island	25%	40%
Within Mercer Island	10%	15%

Primary project trips for each site use were assigned to the study intersections based on these general travel patterns. The resulting distribution and assignment of primary vehicular trips are shown in Attachment B.

Study Intersections & Analysis Scope

Based on the forecast trip assignment to the adjacent roadway network, the following intersections could be considered for analysis under weekday AM and PM peak hour conditions:

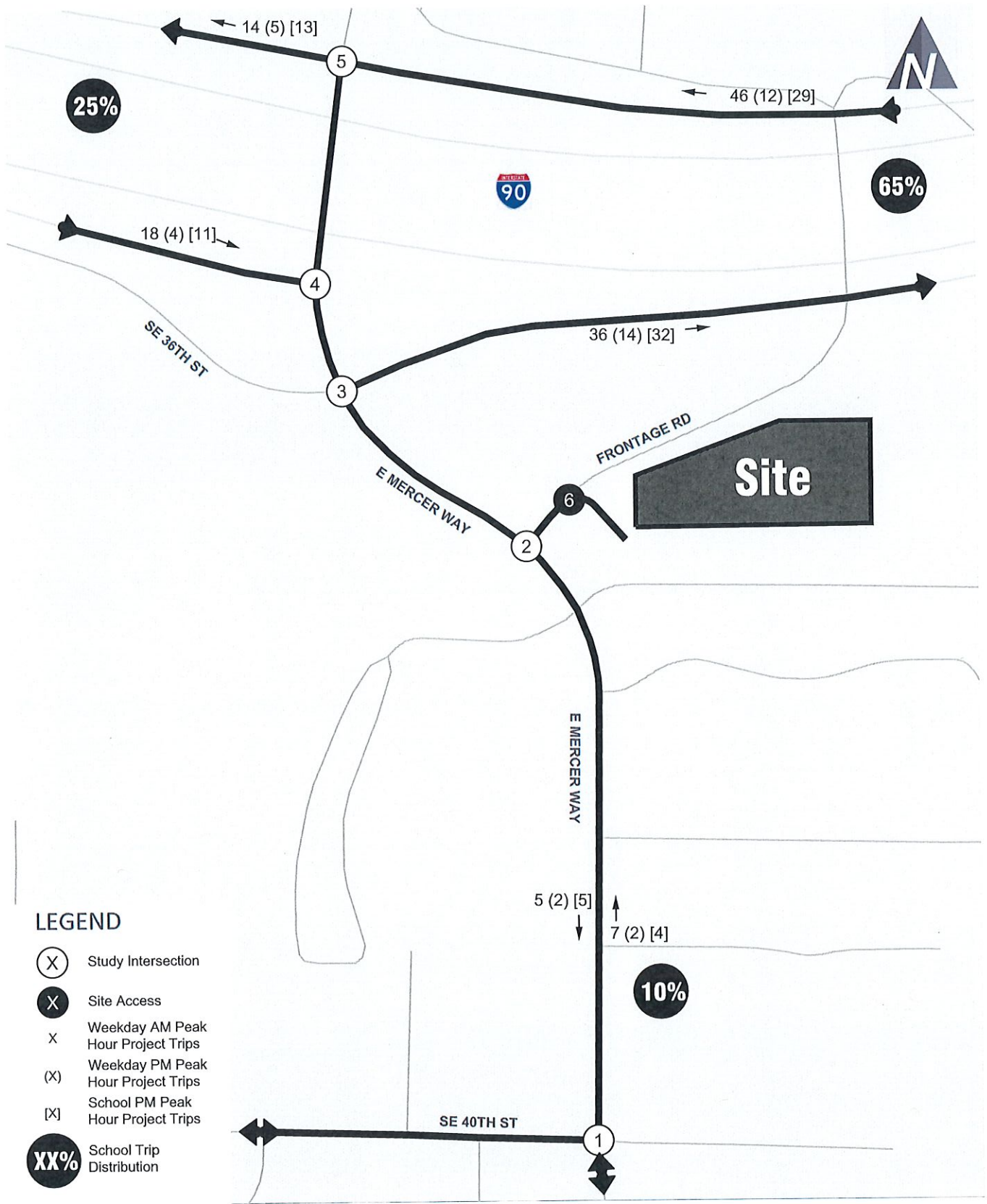
1. SE 40th Street/E Mercer Way
2. Frontage Road/E Mercer Way
3. SE 36th Street/E Mercer Way
4. I-90 EB Off-Ramp/E Mercer Way
5. I-90 WB Ramps/E Mercer Way
6. Site Access/Frontage Rd

Weekday AM peak hour, PM peak hour, and school peak hour volumes were collected at all study intersections during the week of March 25th, 2024.

In addition, an evaluation of traffic operations related impacts, the TIA will also include an evaluation of non-motorized facilities, transit service, and the collision history within the project vicinity. Please identify whether any of the intersection within the project vicinity should be removed or added to the above list of potential study intersection, other whether other specific elements should also considered in the evaluation of potential transportation related impacts.

Attachment A: Trip Generation Worksheets

Attachment B: Trip Distribution & Assignment



School Trip Distribution and Assignment

ATTACHMENT

Herzl Private School



B



Office Trip Distribution and Assignment

ATTACHMENT

Herzl Private School



B



Total Trip Distribution and Assignment

ATTACHMENT

Herzl Private School



B

Molly McGuire

From: Ryan Harriman
Sent: Monday, April 21, 2025 2:29 PM
To: Molly McGuire
Subject: Fw: Parking on E Mercer

Heads up on this issue.

Thanks.

[Ryan Harriman, EMPA, AICP](#)

Planning Manager
City of Mercer Island – Community Planning & Development
206-275-7717 | www.mercerisland.gov

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From: Matthew Goldbach
Sent: Monday, April 21, 2025 2:21 PM
To: Ryan Harriman
Subject: Parking on E Mercer

Hi Ryan

Attached are photos taken 04/18/2025 on E Mercer. This overflow parking from the JCC ...FASP and the Herzl has been a problem for many years. The idea of “shared parking” has been a disaster in the Town Center and on E Mercer.

Ignoring this problem and adding density to this area will be a very costly error.

On the 18th the Herzl obviously did not allow the FASP to use their parking lot. The lot was empty all day and the FASP had their staff park on E Mercer. This has been a problem for years. If the City does not take into consideration this issue and allows the Herzl development there will be consequences!!

Thanks in advance for your efforts.

Matt Goldbach
MI resident









Sent from my iPhone

Comments to CUP24-001 & SEP24-003

Merkys Gomez <merkysg@gmail.com>

Thu 5/30/2024 4:52 PM

To: Molly McGuire <molly.mcguire@mercerisland.gov>

Hello,

I'm writing to express my concerns about the proposal I received in the mail, the lack of public involvement, and the short timeframe we were given to respond.

I live at 3712 E Mercer Way, the house on the corner of the tiny one-lane road behind the synagogue. I have several safety issues already trying to get safely out of my street. The increase that would come with the proposed building cannot have taken into account the harm that this would cause to our community in terms of traffic, road noise, and other environmental impacts. Already we are not allowed to do things on our property because of the environmental impact, and now this 3-story building is set to be constructed, which goes against the sense of community and environmental well-being that the city claims to foster. In addition to the issues relating to traffic, I don't see any plans for parking. As the first house on the street behind the synagogue, I already experience issues with people parking on my property. Also, people often turn into our tiny one-lane road not realizing that there is no turn-around, causing inordinate congestion. This will only get worse with the increase in overflow of cars in the area.

I demand a public hearing, to be added as a party of record, and to receive notice before decisions are made. I also make that same request for others on our island - this will impact traffic all the way down E Mercer, not just those of us immediately adjacent to the synagogue. This is not transparent and not the way to do this in our community. We need more time as a community to address these concerns in an open forum.

-Merkys

3712 E Mercer Way

206.235.7630

Molly McGuire

From: Ryan Harriman
Sent: Tuesday, April 8, 2025 1:31 PM
To: Merkys Gomez
Cc: Molly McGuire
Subject: Re: Qs re SEPA Threshold MDNS App. No. SEP24-003

Hi Merkys,

Thank you for the email.

Please find my responses below in red.

Molly McGuire, Senior Planner, is still the project lead. I serve as the responsible official for SEPA.

If an appeal is filed, it would be heard at the time of the CUP public hearing, which hasn't been scheduled.

Please let me know if you have any other questions.

Best regards,

Ryan Harriman, EMPA, AICP

Planning Manager

City of Mercer Island – Community Planning & Development

206-275-7717 | www.mercerisland.gov

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From: Merkys Gomez
Sent: Tuesday, April 8, 2025 11:17 AM
To: Ryan Harriman
Subject: Qs re SEPA Threshold MDNS App. No. SEP24-003

Mr. Harriman,

I received a letter from the City regarding SEPA Threshold MDNS App. No. SEP24-003. It looks like there was an extension to respond to April 21, 2025. Even with that, it doesn't provide a lot of time for someone like me, who is not a city planner and does not know the process for these types of applications.

The first time I received any news about this proposed plan was from an undated Public Notice of Application that provided for a comment period ending on May 30, 2024. I provided comments and in emails with the City Planner listed on that notice (Molly McGuire) asked about dates for the next steps.

Despite my questions, the only information that I received was that there would be a Public Hearing to which I would receive notice. I have never received notice of a public hearing. Instead, the only additional information I received was the SEPA Threshold MDNS notice this month.

The public hearing required as part of the Conditional Use Permit process has not been scheduled yet. Once it is scheduled, you will receive a Notice of Public Hearing within 30 days of the public hearing date.

As a resident on the island who lives adjacent to the project, I need more information to be able to participate meaningfully. I have several questions for you that I hope you can answer so that I can inform myself and respond timely:

* The SEPA Threshold MDNS letter stated that no EIS is required. Can you please provide a copy of the completed environmental checklist as well as the "other information on file with the lead agency"?

The completed environmental checklist is available through the project documents link on the notice.

* Can you please provide a copy of the Traffic Impact Analysis, as well as KPG's review?

These documents are available [HERE](#).

* Can you please provide the original plan and the plan that incorporates the Mitigation Measures?

The original plan is available through the project documents link on the notice. Plans that incorporate the mitigation measures have not been submitted yet. The mitigation measures will be required to be addressed through the Conditional Use Permit process. These documents are available [HERE](#).

* Other than the documents linked on the "Project Documents" link, are there any other documents that haven't been disclosed to the public?

All project documents are available in the above links.

* The appeal information section indicates that a "timely and complete appeal application" would need to be filed but does not provide a link or location for obtaining said application. Where can I obtain that? Also there is reference to an appeal fee but it is not listed anywhere. Is there a fee? I would hope that this type of barrier is not raised toward residents, especially those of us immediately impacted by this type of proposed planning by a private business entity.

* What is the process for Application No. CUP34-001 & SEP24-003 & Any Other Subsequent Applications that go along with these to move forward? In other words, what are the steps that are taken?

The appeal application form can be found [HERE](#). A fee is associated with filing an appeal. This fee is established in the Fee Schedule, [HERE](#).

* How long do those steps generally take?

* Is the amount of time given to the residents to respond spelled out statutorily? If so, where is that information?

The amount of time given for the public to appeal a SEPA determination is established in the Washington Administrative Code (WAC) under [WAC 197-11-680](#).

I look forward to your response,

Merkys

Comments to Addition to Synagogue

Michael Bundesmann <mikebundesmann@gmail.com>

Thu 5/30/2024 4:57 PM

To: Molly McGuire <molly.mcguire@mercerisland.gov>

I'm writing to express my concerns about the proposal I received in the mail, the lack of public involvement, and the short timeframe we were given to respond.

I live at 3712 E Mercer Way, the house on the corner of the tiny one-lane road behind the synagogue. I am concerned about the increase traffic, use of our one-lane road and impact on our home, which is the first house behind the syngagogue. Already my family and I experience issues trying to get out. Also, with no plans for parking, I don't see how this won't impact the homes around synagogue. The increase that would come with the proposed building cannot have taken into account the harm that this would cause to our community in terms of traffic, road noise, and other environmental impacts.

I demand a public hearing, to be added as a party of record, and to receive notice before decisions are made. This will impact traffic all the way down E Mercer, not just those of us immediately adjacent to the synagogue. This is not transparent and not the way to do this in our community. We need more time as a community to address these concerns in an open forum. Please schedule a public hearing.

-Mike

3712 E Mercer Way
206.428.8969

Sent from my iPad

From: [Ryan Harriman](#)
To: [Molly McGuire](#)
Subject: FW: CUP-24-001 and SEP24-003
Date: Monday, May 20, 2024 7:38:52 AM

Please add this to the public comments.

Thanks!

[Ryan Harriman](#), EMPA, AICP

Planning Manager

City of Mercer Island – Community Planning & Development

206-275-7717 | www.mercerisland.gov

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From: Sarah Fletcher <fletchsa1@gmail.com>

Sent: Saturday, May 18, 2024 2:19 PM

To: Ryan Harriman <ryan.harriman@mercerisland.gov>; Jeff Thomas <jeff.thomas@mercerisland.gov>; John Kenney <John.Kenney@mercergov.org>

Cc: Council <council@mercergov.org>

Subject: CUP-24-001 and SEP24-003

Hello, I have comments and questions with regards to the requested CUP with SEPA review.

I do believe it will have adverse environmental impacts to the mature trees that are on site, including a grove.

For a start, your plan L-200 is missing, so how are we supposed to respond when the information is missing? If you come out with a Record of Decision, but you are going off information which we are not privy to, is that legal? Why did no-one not notice that the plan was missing and especially the City's arborist whose only job it is to make sure that the information in the City arborist report and the plans is correct, which it is not.

I also noticed that in the Davey Report, they have not calculated the trees correctly.

On page 3, they have the trees listed as totaling 134, but they only total 129, so now, that Arborist's report needs to be redone with the correct information. And it looks like they are going to clearcut the equivalent of the building footprint.

Come on already, it is time you just stopped allowing mature trees to be cut down at every opportunity. You have the climate Action Plan and you ban the fireworks because of the environmental impact, yet you allow a developer to come in and remove a whole swath of trees. Your CAP is useless.

Second of all, when it comes to your calculations of students, you have 150 K-8 school students and teachers who will be using the new building, you have not mentioned how many people will be using the offices above the school, and in the narrative, the applicant has mentioned that a "preschool will be developed on the R-

9.6 parcels, within the existing synagogue building, which is permitted outright," but what neither the applicant, the City nor the Transpo expert have documented is how many additional students/kindergarteners does the Temple Herzl think will be attending not the K-8 school which is proposed for the 0824059045 property, so the Transpo study needs to be redone to include the 150 students, the teachers/admin staff for the K-8 school, the Temple Herzl congregants, as well as however many preschoolers they think will be attending the school within the Temple building. And you have completely ignored Temple Herzl's figures. How many congregants can occupy the synagogue? I am sure thousands. And what about should the JCC be allowed to build their education campus which would allow extra parking, but that would be for the JCC and FASP property, nothing about for the Temple Herzl kindergarten/synagogue. It states that for places of worship, they shall provide one parking space for every five seats, and I assume that the parking that is there now, is concurrent for the synagogue. And how can they show "no adverse impacts would occur," of course there would be adverse impacts when people all start parking along East Mercer Way which is already a dangerous roadway. And with regards to traffic volumes, I am sorry, but Transpo's Impact Analysis, something is seriously off. What I don't understand is how Transpo can say there are LOS Bs (delays) of let's say 20 seconds, but that is per light cycle, and what they have deliberately failed to mention is that there might be about 3 light cycles before one can get from Gallagher Hill onto the I-90 ramp going eastbound and for people coming onto the island from the I-90 westbound, especially in the rush hours morning and afternoon. How on earth did they come up with their LOS?

And what's more, if you look at the Footnote 4, it says "Traffic operations ran in HCM 2000 due to clustered intersection", would you like to explain what they means exactly? And why did Transpo use Highway Capacity Manual, 2000 (from 1997) when there are 2022 HCM Reports, that seems odd? What does it say for HCM 2022? And with the I-90 Two-Way HOV Project, Mercer Islanders wishing to use the Island Crest Way HOV ramp as SOV drivers, are not allowed to use that HOV ramp, so they have to either drive to the East Mercer Way ramp or to the Island Crest Way ramp. These additional drivers are going to be impacted with any additional conditional use and development at that intersection, not to mention, right now, city staff are not using the Civic Center around the corner, but when they should arrive, that is going to change the amount of drivers at that intersection, so how does Transpo account for those additional drivers?

And if you look at the HCM, under 2.2 Limitation, it has "**The methodology DOES NOT TAKE INTO ACCOUNT the potential impact of downstream congestion on intersection operation. NOR does the methodology detect and adjust for the impacts of turn-pocket overflows on through traffic and intersection operation,**" but don't you see, by not taking these things into consideration, they are not giving you a proper assessment for the LOS at the intersection leading to the I-90 eastbound. If they did include the methodology, it obviously would create an impact, so how do you leave this? Just ignore the methodology in the hopes no-one would notice and approve the project? Transpo needs to explain what the repercussions are of not studying the things they mention and why they did not use that methodology.

And it is not the first time that Transpo has "made a mistake and fudged the

numbers," when it comes to actually adding up all the users of the buildings, you have to ask why they would do that? And are they going to redo their analysis and if not, why not? And is the City going to just accept their incorrect figures? And what I don't understand is how did it manage to get through so many staff without them not noticing that the figures were off? What is wrong with you if you do just accept their figures? Since when can someone build a building which will hold over 150 people and not provide parking? I don't believe there is anything about them not only not being allowed that, but not even be permitted to pay a fee-in-lieu of parking, where in the Code does it say that someone can build a building on Mercer Island and not provide one parking bay? I would be interested to see that. And if that is allowed, then the Code needs to be changed immediately.

And with regards to parking, how can they be allowed to build a new building and not provide one parking spot? You will find that at times, the overflow of the JCC and FASP people use the Temple Herzl parking lot, so all this is going to do is make it that there will be so many people needing to park that they will be parking illegally on East Mercer Way, which is not only illegal, but will add to the dangerous sidewalk in which I do not believe there is a sidewalk and I don't see the Temple offering to add a sidewalk (I could be wrong).

And I am thinking of what a precedent this sets. So, if you are going to allow this building for the 150 preschool children, plus who knows how many teachers and admin staff, and for the additional kindergarteners and for the congregants of the Temple Herzl on shabbat and on other Jewish holidays and at funerals, that is not a good precedent because what is stopping anyone from then being allowed to build a new building and to not offer parking? All they can say is that but the Temple Herzl were allowed to do it, so why can't we and what would your answer be?

And then, this is the most stupid thing I have heard of and I am at a loss as to why Ryan Harriman didn't explain to the applicant that there is no way that they can even think of building a 3-story building in which he has the "141 occupants exceed 49, the **limit** of occupants permitted access to only a single exit (Table 1006.2.1)," then if that is the case in which you have over 150 occupants with just one exit, why you want us to tell you that we think that is nuts and shouldn't be allowed, why not, before this comes to the citizens, get it permitted that they don't exceed the 49 limit and why not consult the fire marshall before you come out with the Public Notice of Application and ask him what he thinks? I am a layman and I am sorry, but I don't think that the fire marshall would allow that. Is Ryan afraid to speak out or is it because he is favoring the Temple over neighbors/citizens, in other words, he has a bias towards the Temple? I also don't know what the applicant was thinking. How could they possibly think that the city could approve it knowing that the 49 limit is exceeded and why they are leaving it up to citizens to let them know that it exceeds the limit, it is a waste of everyone's time.

And you might want to do a noise impact study. It is all very well saying that there would not be a noise impact, but what are you basing that statement off of? You see, you have the I-90 freeway and light rail which don't have any barriers, and the trees that are on the Herzl property might act as a bit of a barrier, but you don't know what

the impact will be with a building there instead. You don't know if the noise from the freeway will impact the kindergarteners and the neighbors. It would be prudent to get base decibel readings to measure the current decibels and get an environmental impact study on whether they think the noise levels will be within acceptable limits or not.

And I am sorry, for neighbors who have million dollar homes to have to look at the trash enclosure, that is not on. That is not fair and certainly not being a good neighbor.

And the height for the light poles is 20ft, I take it they won't be asking for a variance for that.

All I ask is that you work with the neighbors and come up with something that is agreeable to all of you and within code and to not keep taking out mature trees and not to have it that neighbors have to overlook trash bins or bright lights and which does not impact the traffic more than it does now and that proper studies and reports are done, the missing plan is found, etc.

Sarah Fletcher

Molly McGuire

From: Sarah Fletcher <fletchsa1@gmail.com>
Sent: Sunday, April 6, 2025 8:52 AM
To: Ryan Harriman; Molly McGuire; Design Commission
Subject: Temple Herzl Project DCB 25-4

Hello, I met someone from the Jewish School and they said that the project had been approved? Has it? And I told them about the JCC proposal and they said they had no idea that the JCC had plans to build a campus.

So, if the JCC campus is going to be so big and if the FASP school moves out, why can't the Temple Herzl rather purchase the FASP school from the JCC and not have to build another building and not have to go through this whole process? Will you please ask them to coordinate with the JCC and ask them if there would be place for them to have their K-8 school and what the plan is for the FASP. And with regards to the JCC, I went to see a film at the JCC last night and when I told people that the plan was to demolish the theater in which we saw the film, they were all really surprised and didn't know why. I think that is the plan is it not?

With regards to this:

"Preliminary Staff Analysis: The design and layout of the proposed mixed-use building incorporates the natural topography of the subject property. The existing slopes outside of the building footprint would be retained where possible. The proposed tree removals are limited to those necessary to construct the building."

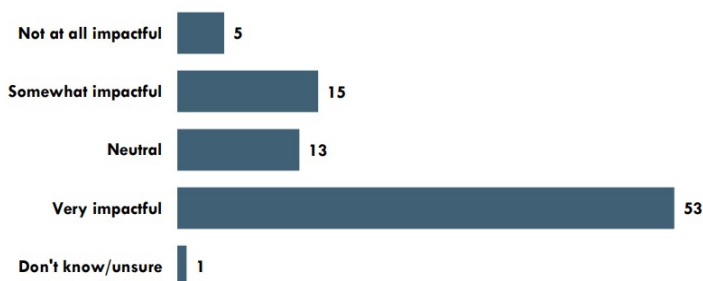
What I don't understand is if the building is on the other side of the synagogue, why on earth do they have to remove trees which are nowhere near the proposed new school? What can the architect do to make it that not so many mature trees are removed? And can you ask the architect to come back with a revised plan to save more of the trees?

And in the survey, 62% of respondents consider tree and landscape loss VERY IMPACTFUL (see below), then, do you honestly think that the language which has been drafted offers any protections against significant trees/grove trees, any trees from being cut down/removed? No, it doesn't. So, what do you propose?

Loss of mature trees and landscaping when new development occurs

62% of respondents consider the tree and landscape loss because of development to be very impactful on their neighborhood. See Exhibit 50.

Exhibit 50: Tree And Landscaping Loss as a Result of Development (N=87)



And with regards to traffic. I find it a bit suspicious when, in the narrative, they deliberately leave off that this school is **not for Mercer Island school children**, but only for Bellevue children to have their own

private kindergarten school (K-8). So, let me ask you, are you all aware that this is not for Mercer Island kindergarteners but for Bellevue kindergarteners and don't you find it off that the applicant and the staff deliberately are not informing you of this fact? Why do you think that is?

This is what they state:

"The proposed project on the commercially zoned lot is a 3-story mixed-use building housing a Preschool-8 private school on levels 0, 1 and 2; and B-occupancy community rental space on levels 2 and 3. B occupancy includes offices and training/skill development not in a school or academic program."

And this is pathetic. Why should private schools also not respect privacy for adjacent residential properties? So, are you trying to tell the Design Commission that just because it is not a private school, they don't need to do a thing, or that you don't care less?:

"10. Public schools should respect privacy for adjacent residential properties by providing appropriate screening and placement of windows in buildings. Distance from residential property lines should also be considered when determining the appropriate amount of screening and the type and placement of windows.

Preliminary Staff Analysis: The proposed development does not contain a public school."

So, what about for private schools and neighbors? Are you trying to say that they can do what they want or perhaps, staff could find some language about any project or something for private schools and neighbors and if there is nothing in the code, then there needs to be something in the code to protect neighbors from any development and private schools and explain the different standards for private schools versus public schools.

"Preliminary Staff Analysis: The proposed development would require 105 parking spaces across all uses which utilize the cooperative parking. The existing parking lot contains 105 parking spaces with no surface parking lot planting and there is no room within the existing parking lot to provide plantings." They are going to have to come up with a parking lot which provide plantings. I am sorry, but for neighbors to have to overlook a parking lot with no plants to cover it is not nice.

And with regards to this:

7. Noise, vapor, heat or fumes. With respect to all aspects of the development referred to above in this section, emissions of noise, vapor, heat or fumes should be mitigated. Preliminary Staff Analysis: N/A

NOISE is a factor because it seems like you will be allowing them to take out trees between the freeway and the building, so what about the noise for the children and the noise for the neighbors to the other side? So, tell me, let's say that noise is going to be a factor, but staff said it wouldn't, what then?

LIGHTING. There is already problems with lighting at the JCC bothering the neighbors and the city has done nothing. The JCC is saying it is for security which seems to trump the neighbors' complaints about the lighting, so why are you not making anyone do anything about the lighting being too bright?

And TRAFFIC is going to be a problem. It already is, as is overflow parking from the JCC and FASP.

I look forward to a response. Thank you.

Sarah Fletcher

Molly McGuire

From: Sarah Fletcher <fletchsa1@gmail.com>
Sent: Monday, April 7, 2025 5:21 PM
To: Molly McGuire
Subject: Re: WITHDRAWAL AND REISSUANCE OF REVISED SEPA MITIGATED DETERMINATION OF NONSIGNIFICANCE - (City of Mercer Island) Herzl Ner-Tamid Conservative Congregation Preschool, K-8 School, and Rental Offices Project MDNS (SEP24-003)

Thank you Mollie, but do you know why they omitted the fact that this is to accommodate a Bellevue Preschool, has nothing to do with Mercer Island kindergardeners as they would go to the JCC Kindergarten. Was it your responsibility or the applicants to mention that fact?

Sarah

On Mon, Apr 7, 2025 at 2:27 PM Molly McGuire <molly.mcguire@mercerisland.gov> wrote:

Hi Sarah,

This determination is necessary for the applicant to move forward with the next steps of the application process, which is the study session with the Design Commission. This meeting is tentatively scheduled for the regular meeting in June. This is the only portion of the application that has received a decision, as of yet.

Sincerely,

Molly McGuire

Senior Planner
City of Mercer Island – Community Planning & Development
206-275-7712 | www.mercerisland.gov

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From: Sarah Fletcher <fletchsa1@gmail.com>
Sent: Monday, April 7, 2025 1:22 PM
To: Molly McGuire <molly.mcguire@mercerisland.gov>
Subject: Re: WITHDRAWAL AND REISSUANCE OF REVISED SEPA MITIGATED DETERMINATION OF NONSIGNIFICANCE - (City of Mercer Island) Herzl Ner-Tamid Conservative Congregation Preschool, K-8 School, and Rental Offices Project MDNS (SEP24-003)

Hello Molly, but I thought it was coming up for discussion before the Design Commission. Is that now not the case?

Sarah

On Mon, Apr 7, 2025 at 10:45 AM Molly McGuire <molly.mcguire@mercerisland.gov> wrote:

Hello,

Please find attached the Notice of Withdrawal and Reissuance of the REVISED SEPA Mitigated Determination of Nonsignificance for the Herzl Ner-Tamid Conservative Congregation Preschool, K-8 School, and Rental Offices project located at 3700 E Mercer Way, Mercer Island, WA 98040.

You may follow this file path to access additional associated documents for this project:

[https://mieplan.mercergov.org/public/CUP24-001 and SEP24-003](https://mieplan.mercergov.org/public/CUP24-001%20and%20SEP24-003)

Bcc: SEPA Agencies List & Parties of Record

Sincerely,

Molly McGuire

Senior Planner

City of Mercer Island – Community Planning & Development

206-275-7712 | www.mercerisland.gov

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From: Molly McGuire

Sent: Monday, March 17, 2025 1:21 PM

To: Molly McGuire <molly.mcguire@mercerisland.gov>

Cc: Anjali Grant <anjali@agrantdesign.com>; Ryan Harriman <ryan.harriman@mercerisland.gov>
Subject: SEPA MITIGATED DETERMINATION OF NONSIGNIFICANCE - (City of Mercer Island) Herzl Ner-Tamid Conservative Congregation Preschool, K-8 School, and Rental Offices Project MDNS (SEP24-003)

Hello,

Please find attached the SEPA Mitigated Determination of Nonsignificance for the Herzl Ner-Tamid Conservative Congregation Preschool, K-8 School, and Rental Offices project located at 3700 E Mercer Way, Mercer Island, WA 98040.

You may follow this file path to access additional associated documents for this project:
[https://mieplan.mercergov.org/public/CUP24-001 and SEP24-003](https://mieplan.mercergov.org/public/CUP24-001_and_SEP24-003)

Bcc: SEPA Agencies List

Sincerely,

Molly McGuire

Senior Planner
City of Mercer Island – Community Planning & Development
206-275-7712 | www.mercerisland.gov

Notice: Emails and attachments may be subject to disclosure pursuant to the Public Records Act (chapter 42.56 RCW).

The City of Mercer Island utilizes a hybrid working environment. Please see the City's [Facility and Program Information](#) page for City service hours of operation.

Molly McGuire

From: Sarah Fletcher <fletchsa1@gmail.com>
Sent: Monday, April 7, 2025 5:36 PM
To: Molly McGuire; Anjali Grant; Ryan Harriman
Subject: Fwd: The Temple Herzl/JCC

Hello, I don't know if you had seen this and what the designation is for the Temple Herzl site. I will be sending you my other email which I had sent to the Planning department, not to you. I hope you will have a response. Please include this.

Sarah Fletcher

----- Forwarded message -----

From: Sarah Fletcher <fletchsa1@gmail.com>
Date: Wed, Nov 3, 2021 at 5:35 PM
Subject: The Temple Herzl/JCC
To: Jessi Bon <jessi.bon@mercergov.org>, Jeff Thomas <jeff.thomas@mercerisland.gov>, Alison VanGorp <alison.vangorp@mercergov.org>
Cc: Council Mailbox <council@mercergov.org>

Hello, I have been emailing Carolyn Boatsman and she kindly explained the situation for the layman to understand.

With regard to the Temple Herzl, it seems like "Places of Worship" and "public and private schools" come under "Commercial Business" Is the Temple and JCC deemed "Business Commercial"? I take it all the other places of worship even if they have a dayschool are deemed "Business Commercial." There is no mention of places of worship and public and private schools under "Business:" [Chapter 19.04 - COMMERCIAL | City Code | Mercer Island, WA | Municode Library](#)

So if they have the Temple and schools under "Commercial Business," then everything is correct. If they have it under "Business," then, that needs to be corrected and the Temple and schools should come under "Commercial Business."

Could someone please explain in simple terms what is wrong with the current zoning and why does the Temple Herzl want to change the "Business" to have places of worship and public and private schools when there is already a zone for it - "Commercial Business." Does the Temple Herzl want to change the definition of "Business" to include "places of worship" and "Schools," and if so, why? What can they not do under their current zone? I really do not understand what they are wanting. And I sincerely hope that you don't have staff spending a lot of time on this. That whole JCC/FASP business should have been nipped in the bud years ago.

Thanks.

Sarah Fletcher

Re: CUP24-001 & SEP24-003 Development of 3700 E Mercer Way

Winky Lai <winkylai@gmail.com>

Tue 5/28/2024 11:32 AM

To: Molly McGuire <molly.mcguire@mercerisland.gov>

Cc: Jeff Thomas <jeff.thomas@mercerisland.gov>

Dear Ms. Molly,

My name is Winky Lai and my husband Suresh Krishnamoorthy, we reside at 3716 E Mercer Way immediately adjacent to the proposed development location of 3700 E Mercer Way. We are in strong opposition to the proposed conditional use permit for the construction of a new 3 story school with rental offices.

As a neighbor on the adjacent property, my immediate concern is how the new K-8 school population is going to have a significant impact on the traffic pattern at one of the busiest intersections on the north east corner of the island. How is the city / entity applying for this development going to mitigate this significant increase in traffic to minimize the impact on all island residents, especially those who use the east most exit to get on/off the island? I feel strongly that the cost of the traffic study & mitigation should be the responsibility of the entity seeking the development and not by the City of Mercer Island/residents of Mercer Island. I reviewed the reference document to the application and it appears that with the new construction, there is no plan for any additional parking for the almost 47,000square feet new facility that will be both a K-8 school and rental offices. I find this alarming because there is no public transportation to this location and not planning for parking or have a detailed traffic impact study done before proceeding with any permitting is preposterous and irresponsible and would have significant negative impact on the island. As a neighbor, we already have to deal with the deadlock traffic everyday when the French School during drop off & pickup hours and also the school at the existing HNT location at their drop off and pickup. With the new proposed SJCC expansion and the proposed new 3 story school addition - this is going to change the current residential neighborhood to a unsafe & noisy commercial area.

Also with the new K-8 school and rental office - the plan stated that there is a "6' WELDED WIRE AND STEEL FENCE ALONG SOUTH EDGE AS SHOWN (BUDGET PERMITTING)" that language is extremely vague. My concern is that we've lived in our house for 11 years now (3rd house in- adjacent to the HNT parking lot), the HNT has neglected to maintain their landscape on the south side of their property - the overgrown trees and the general disrepair is already a huge eyesore, safety issue & fire hazard to residents on our street. Over the 11 years we've lived in our property, I can count 3 occurrences when someone was hired by the HNT did any sort of maintaining their landscaping on the south side of their property - right in front of my house. The 3 occurrences occurred relatively soon after complaints were voiced during community meeting regarding the SJCC expansion several years ago. All the other times (I already have to go out to trim their shrubberies twice since spring this year) - residents on our street is burdened with the responsibility to clean up the overgrown shrubbery simply because it has post safety issue to drivers and no one at the HNT will address the issue.

I also noticed that they have plan to have the trash receptacles relocated to right in front of my front window - that is unacceptable considering how they have a history of neglecting general maintenance along the fence lines to make sure they're creating a nuisance for their neighbors.

Thank you for your attention and I truly hope that the city will engage with more neighbors about their concerns with the collective development in the northeast corner of the island - please review the comprehensive proposed plan of entities such as SJCC / HNT / French school and see how this would impact the tax payers & residents of the island before granting any new special permit for these development. We moved to Mercer Island because we wanted to live in a serene and safe neighborhood. However, allowing these new large size developments into existing residential area will

completely destroy the neighborhoods and set a precedent to further change the island from a residential neighborhood to a commerce center. You will be chasing away your tax payers to other cities.

Regards,
Winky Lai
3716 E Mercer Way

Molly McGuire

From: Ryan Harriman
Sent: Tuesday, April 8, 2025 1:46 PM
To: Winky Lai
Cc: Molly McGuire
Subject: Re: SEP24-003 SEPA THRESHOLD MITIGATED DETERMINATION OF NON-SIGNIFICANCE (MDNS)

Hi Winky,

Please see my response to your comments below in red.

Best regards,

[Ryan Harriman, EMPA, AICP](#)

Planning Manager

City of Mercer Island – Community Planning & Development

206-275-7717 | www.mercerisland.gov

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From: Winky Lai
Sent: Tuesday, April 8, 2025 1:04 PM
To: Ryan Harriman
Subject: Re: SEP24-003 SEPA THRESHOLD MITIGATED DETERMINATION OF NON-SIGNIFICANCE (MDNS)

Hello Mr. Harriman,

My name is Winky Lai - my husband and I own a home on 3716 E Mercer Way, a property adjacent to the proposed development of the Herzel expansion into a 3 story preschool, K-8 school, and rental offices. I have received a letter from the city last month (post marked 3/14/2025) and since I admittedly has very little knowledge/understanding about this permitting process and only have 2 weeks to file an appeal by the deadline stated in the letter by March 21,2025. I have completely missed the deadline. Fortunately - I have noticed that the city has updated the website on 4/7/25 and have a revised letter of the "sep24-003 revised mdns 04072025.pdf" with a new deadline for appeal by 5 pm on April 21, 2025.

Correct. If you want to file an appeal on the SEPA MDNS, a complete appeal package would be required to be submitted by the deadline provided. Please note that the SEPA MDNS is one part of the process, the main part is the conditional use permit and associated public hearing.

As a neighbour who will be directly impacted by this proposed construction project, I wanted to make sure that our concerns are being heard and considered. However - since I am not a city planning professional, I would like to ask for your help to explain how the appeal process works - as clearly stated

in the letter from the city under the Appeal Information - it appears that I would need to complete an appeal application and paying the appeal fee.

Question 1 - where can I locate this appeal application form?

Question 2 - what is the appeal fee for this case?

The appeal application form can be found [HERE](#). A fee is associated with filing an appeal. This fee is established in the Fee Schedule, [HERE](#).

Any party of record may appeal this determination to the City Clerk at 9611 SE 36th Street, Mercer Island, WA 98040 no later than 5 pm on April 21, 2025 by filing a timely and complete appeal application and paying the appeal fee. You should be prepared to make specific factual objections. Contact the City Clerk to read or ask about the procedures for SEPA appeals. To reverse, modify, or remand this decision, the appeal hearing body must find that there has been substantial error, the proceedings were materially affected by irregularities in procedure, the decision was unsupported by material and substantial evidence in view of the entire record, or the decision is in conflict with the city's applicable decision criteria

I understand that the responsible official for the project has changed from the original representative Molly McGuire to yourself, while trying to familiarize myself with any additional info I may find from the city project file <https://permitbulletin.mercerisland.gov/public/CUP24-001%20and%20SEP24-003/> I came across a response letter addressed to me dated 9/22/2024 that I do not recall receiving in the mail. I even went back to check on the daily email notification that I get from the US Postal Service for a 2 weeks time frame after which the letter was dated and did not see any letter coming from Anjali Grant Design or the City of Mercer Island. Can you help me understand the process of communication - Is the expectation for us (residents) to go to the city's website to find out if a response is available from the city when we send in a concern or is there an expectation that the communication will be send to us directly ? I just wanted to make sure I understand the expectation because this project will directly impact myself, all the neighbors on my street that is adjacent to the project site but also everyone who takes the East Mercer Way exit off the island so I wanted to stay engaged and informed in a timely manner.

I understand your concern. The City doesn't directly respond to public comments. The Applicant is responsible for providing a response to the public record, which is what they did. It's up to the public to obtain the responses from the record. Your comments are part of the record and will be reviewed by the Hearing Examiner prior to the public hearing. Please note that the City is not the Applicant, and the Applicant has the burden of proof that the proposed development is consistent with the Mercer Island City Code. The Hearing Examiner will review the materials, hold a public hearing, take testimony, and issue a decision.

Contents of the /public/CUP24-001 and SEP24-003/SUB3/ folder

<https://permitbulletin.mercerisland.gov/public/CUP24-001%20and%20SEP24-003/SUB3/>

Name
arborist report.pdf
cartlund monson comment response.pdf
cup24-001 response letter.pdf
geotech report.pdf
jeff davis comment response.pdf
kevin lo comment response.pdf
mercero island code compliance matrix - chapter 19.06.110 a - conditional use permit.xlsx
merkys gomez comment response.pdf
michael bundesmann comment response.pdf
plans.pdf
project narrative.pdf
ronil mokashi comment response.pdf
tcc24 response letter.pdf
title report.pdf
transportation impact analysis.pdf
winky lai comment response.pdf

Contents of the /public/CUP24-001 and SEP24-003/SUB4/ folder

<https://permitbulletin.mercerisland.gov/public/CUP24-001%20and%20SEP24-003/SUB4/>

Name
241220 cupcao response letter.pdf
cupcao response letter.pdf
john hall comment response.pdf
matthew goldbach comment response.pdf
mercero island code compliance matrix - chapter 19.06.110 a - conditional use permit.xlsx
plans.pdf
sarah fletcher comment response.pdf
synagogue seating capacity.pdf

Thank you for your attention. I look forward to your response.

Regards,
Winky Lai

22 September 2024

Jeff Davis
4568 E Mercer Way
Mercer Island, WA 98040

Re: CUP24-001 Comment Response

Dear Jeff Davis,

Thank you for your comments regarding the submitted Conditional Use Permit. We've taken the liberty of summarizing and responding to the main points:

traffic backup and pedestrian crossing from the JCC are very dangerous

The proposed project has no affiliation with the Stroum Jewish Community Center (SJCC) or the French American School of Puget Sound (FASPS). Regular parking by FASPS staff on site will cease prior to the start of this project, thereby enhancing pedestrian safety at crossings. Site lighting will be added to increase pedestrian safety.

we are not in favor of addition development ... this is a residential neighborhood

The Conditional Use Permit does not propose any buildings in the residential zone. The school building is proposed to be located on an adjacent lot that has been commercially zoned for 25 years. According to Goal 17.2 of the Land Use policies in the City's state-mandated Comprehensive Plan, "Commercial uses and densities near the I-90/East Mercer Way exit and SE 36th Street are appropriate for that area." The City of Mercer Island, like many other communities across the State of Washington, is obligated to plan for growth and has designated the commercially zoned lot, by use of zoning, to be an area of growth.

Thank you again for your feedback and participation in the public process.

Sincerely,

Anjali Grant

26 November 2024

John Hall
9970 SE 40th Street
Mercer Island, WA 98040

Matthew Goldbach
9980 SE 40th Street
Mercer Island, WA 98040

Re: CUP24-001 Comment Response

John Hall and Matthew Goldbach,

Thank you for your comments regarding the submitted Conditional Use Permit. We've taken the liberty of summarizing and responding to the main points:

2) The number of children does not include the ...preschool children

To number of school children in the traffic analysis includes the preschool, which has been relocated to the main school building.

3) the council was led to believe adding schools as an allowed use in the B-zone would result in a standard one-story school with onsite parking and playfield

I, Anjali Grant, was present at the hearings and no such representation or claim was made. The site is too small to reasonably house a school as well as a playfield or on-site parking.

4) We are aware of one prior precedent in which the applicant sought to have no onsite parking,

Unlike the precedent cited, we are not proposing to have no onsite parking, nor to use public parking. Parking is proposed to be shared with the existing synagogue site, which is used for worship at times when the new building will not be used. The school and rental spaces will have lease agreements limiting hours of use to those which do not conflict with hours of worship. We have included parking quantity calculations per city code in our revised application, which demonstrate that we have ample parking when uses do not overlap.

5) The code modifications the application is seeking are extreme and very unusual.

We are not seeking modifications to code.

5A) it is critical that this intersection have the capacity to meet its volume to avoid overloading exiting traffic in the Town Center Island Crest Way I-90 exit, or backing up traffic onto I-90.

We understand that traffic is a primary concern. In collaboration with our traffic consultant, we have carefully designed a drop-off and pick-up flow that will allow for 62 waiting cars to be stored on the existing synagogue's driveway loop while enabling parents to quickly and efficiently drop off their students. Preschool and K-8 drop-off will be staggered to allow the parents and caregivers of a maximum of 40 preschool children to park and exit their vehicles. Further details can be found in the traffic analysis and on the site plan. (add more language from Dan)

5D) Four different K-8 schools, including the JCC, The French American School, the proposed school on the B-zone property, and a new preschool on the Herzl property. Schools create a high intensity of use and parking and traffic per square foot, and create a significant amount of foot traffic along East Mercer Way.

There are two K-8 schools in this list: the French American School and JDS. The French American School is in the process of building a Seattle campus, which may decrease its presence at this location. The JDS preschool will be part of the K-8 and consists of 2 classrooms with a maximum of 20 students each.

5E) There is no space to park cars along East Mercer Way.

Parents will be instructed not to park cars along East Mercer Way. There is ample parking on site to accommodate school and office uses during business hours.

5F) We believe the City must consider ALL current and future uses at this location to make a determination on future traffic and parking impacts, and that should be done through the SEPA process to protect current and future uses.

This comment is beyond the scope of our individual project. That said, the school building is proposed to be located on a lot that has been commercially zoned for 25 years. There is no change of zoning proposed. According to Goal 17 of the City of Mercer Island Comprehensive Plan section on Land Use policies, "commercial uses and densities near the I-90/East Mercer Way exit and SE 36th Street are appropriate for that area." Along with many cities and counties across the state of Washington, the City of Mercer Island is required to plan for growth and has identified areas of the City for that growth to occur.

6) First, we believe the estimated parking needs for both schools and the offices - which often operate on weekends and so are not consistent with a shared parking use - have been underestimated by the applicant.

The school and office will have lease agreements limiting hours of use to hours which do not conflict with hours of worship. We have included parking quantity calculations per city code in our revised application, which demonstrate that we have ample parking when uses do not overlap.

6) Second, this parking is a required element of the French American School CUP and each year the FASP must file its lease to park at Herzl to comply with the CUP. Without this parking, the FAS CUP will be out of compliance and the CUP void.

In 2007, HNT wrote a letter to the French American School of Puget Sound (FASPS) agreeing to provide faculty parking for 30 cars during the 2007-2008 school year, anticipating being able to do so 'in the future.' This has been an informal, non-binding arrangement reviewed annually. Once construction starts, this parking will not be available and we have notified FASPS accordingly.

FASPS's Conditional Use Permit documents demonstrate that there is code-required parking without the parking historically provided by HNT. In addition, we understand that FASPS is in the process of building a Seattle campus, which may reduce their presence at the current location.

6) Third, to avoid this situation in the future, the Herzl property allocated to the B-zone for parking must be permanently reserved and run with the land which should be by easement. Herzl must understand that the property reserved for parking for the B-zone, as well for the playfield, will be permanently reserved and non-developable forever.

The Conditional Use Permit will essentially bind the properties together for the purposes of development. The applicant is amenable to conditions that preserve minimum parking quantities as required by code.

7) The Applicant's Transportation Concurrency Application is Flawed and Misrepresents the Total Number of Trips, the Total Use of this Intersection, and Should be Subject to a Full SEPA Analysis.

The Traffic Impact Analysis completed followed all City guidelines and meets the requirements for a full SEPA Analysis. The trip generation land use categories and rates outlined in the Mercer Island Transportation Concurrency Ordinance are based on the 10th

Edition of the Institute of Transportation Engineers (ITE) *Trip Generation Manual* (10th Edition, 2017). As noted in the Transportation Impact Analysis report submitted (May 2024), project impacts were analyzed based on trip generation from the most updated ITE *Trip Generation Manual* (11th Edition, 2021). Land use codes for the proposed Private School (K-8) (LU #530) and General Office Building (LU #710) were used, corresponding to the land use codes, rates and equations in the updated 11th Edition manual. As shown in Table 4 as well as Appendix D of the Transportation Impact Analysis, the private school (K-8), based on ITE's 11th Edition LU #530, has a trip rate of 0.26 trips per student during the weekday PM peak hour resulting in 39 trips. The office building, based on ITE's 11th Edition LU #710, uses an equation to calculate trips during the weekday PM peak hour per guidance from ITE. The effective trip rate for 12,300sf of office space is approximately 2.36 trips per 1,000 sf, resulting in 29 trips associated with the office use during the weekday PM peak hour. As shown in Table 4 as well as Appendix D of the Transportation Impact Analysis, the site is estimated to generate 68 new trips during the weekday PM peak hour.

Thank you again for your feedback and participation in the public process.

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26 November 2024

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Thank you again for your feedback and participation in the public process.

Sincerely,

Anjali Grant

22 September 2024

Merkys Gomez
3712 E Mercer Way
Mercer Island, WA 98040

Re: CUP24-001 Comment Response

Dear Merkys Gomez,

Thank you for your comments regarding the submitted Conditional Use Permit. We've taken the liberty of summarizing and responding to the main points:

I'm writing to express my concerns about ... the lack of public involvement

The public process is mandated by City of Mercer Island laws and regulations, which the Design Team is bound to follow.

The increase ... cannot have taken into account the harm that this would cause... in terms of traffic, road noise, and other environmental impacts.

The school is proposed on a plot that has been commercially zoned for 25 years. According to Goal 17.2 of the Land Use policies in the City's state-mandated Comprehensive Plan, "Commercial uses and densities near the I-90/East Mercer Way exit and SE 36th Street are appropriate for that area." The City of Mercer Island, like many other communities across the State of Washington, is obligated to plan for growth and has designated the commercially zoned lot, by use of zoning, to be an area of growth.

In collaboration with our traffic consultant, we have carefully designed a drop-off and pick-up flow that will allow for 68 waiting cars to be stored on the existing synagogue's driveway loop while enabling parents to quickly and efficiently drop off their students. Preschool and K-8 drop-off will be staggered to allow the parents and caregivers of a maximum of 40 preschool children to park and exit their vehicles. Pick-up will be staggered throughout the afternoon. Further details can be found in the traffic analysis and on the site plan.

An environmental impact statement has been prepared to assess environmental impacts as required by state law. The site is adjacent to I-90, which produces a significant amount of road noise; the proposed development is not anticipated to increase this noise. There is impact to existing trees, which will be offset by replacement.

People often turn into our tiny one-lane road not realizing that there is no turn-around

We are amenable to adding some wayfinding signage at this location or at the right-of-way, if desired and permitted by the City.

I don't see any plans for parking

Parking is proposed to be shared with the existing synagogue site, which is used for worship at times when the new building will not be used. The school and rental spaces will have lease agreements limiting hours of use to those which do not conflict with hours of worship. We have included parking quantity calculations per city code in our revised application, which demonstrate that we have ample parking for these uses.

This will impact traffic all the way down E Mercer

We understand that traffic is a primary concern. In collaboration with our traffic consultant, we have carefully designed a drop-off and pick-up flow that will allow for 68 waiting cars to be stored on the existing synagogue's driveway loop while enabling parents to quickly and efficiently drop off their students. Preschool and K-8 drop-off will be staggered to allow the parents and caregivers of a maximum of 40 preschool children to park and exit their vehicles. Pick-up will be staggered throughout the afternoon. Further details can be found in the traffic analysis and on the site plan.

Thank you again for your feedback and participation in the public process.

Sincerely,

Anjali Grant

22 September 2024

Michael Bundesmann
3712 E Mercer Way
Mercer Island, WA 98040

Re: CUP24-001 Comment Response

Dear Michael Bundesmann,

Thank you for your comments regarding the submitted Conditional Use Permit. We've taken the liberty of summarizing and responding to the main points:

I'm writing to express my concerns about ... the lack of public involvement

The public process is mandated by City of Mercer Island laws and regulations, which the Design Team is bound to follow.

I am concerned about the increased traffic

We understand that traffic is a primary concern. In collaboration with our traffic consultant, we have carefully designed a drop-off and pick-up flow that will allow for 68 waiting cars to be stored on the existing synagogue's driveway loop while enabling parents to quickly and efficiently drop off their students. Preschool and K-8 drop-off will be staggered to allow the parents and caregivers of a maximum of 40 preschool children to park and exit their vehicles. Pick-up will be staggered throughout the afternoon. Further details can be found in the traffic analysis and on the site plan.

... with no plans for parking

Parking is proposed to be shared with the existing synagogue site, which is used for worship at times when the new building will not be used. The school and rental spaces will have lease agreements limiting hours of use to those which do not conflict with hours of worship. We have included parking quantity calculations per city code in our revised application, which demonstrate that we have ample parking for these uses.

The increase ... cannot have taken into account the harm that this would cause... in terms of traffic, road noise, and other environmental impacts.

The school is proposed on a plot that has been commercially zoned for 25 years. According to Goal 17.2 of the Land Use policies in the City's state-mandated Comprehensive Plan, "Commercial uses and densities near the I-90/East Mercer Way exit and SE 36th Street are appropriate for that area." The City of Mercer Island, like many other communities across the State of Washington, is obligated to plan for growth and has designated the commercially zoned lot, by use of zoning, to be an area of growth.

In collaboration with our traffic consultant, we have carefully designed a drop-off and pick-up flow that will allow for 68 waiting cars to be stored on the existing synagogue's driveway loop while enabling parents to quickly and efficiently drop off their students. Preschool and K-8 drop-off will be staggered to allow the parents and caregivers of a maximum of 40 preschool children to park and exit their vehicles. Pick-up will be staggered throughout the afternoon. Further details can be found in the traffic analysis and on the site plan.

An environmental impact statement has been prepared to assess environmental impacts as required by state law. The site is adjacent to I-90, which produces a significant amount of road noise; the proposed development is not anticipated to increase this noise. There is impact to existing trees, which will be offset by replacement.

Thank you again for your feedback and participation in the public process.

Sincerely,

Anjali Grant

26 November 2024

Sarah Fletcher
fletchsa1@gmail.com

Re: CUP24-001 Comment Response

Dear Sarah Fletcher,

Thank you for your comments regarding the submitted Conditional Use Permit. We've taken the liberty of summarizing and responding to the main points:

...it will have adverse environmental impacts to the mature trees that are on the site...

An environmental impact statement has been prepared to assess environmental impacts as required by state law. Existing trees will be removed to allow for development. We will protect existing trees to remain and provide tree replacement per the requirements of the Mercer Island Municipal Code.

The school building is proposed to be located on a lot that has been commercially zoned for 25 years. According to Goal 17 of the City of Mercer Island Comprehensive Plan section on Land Use policies, "commercial uses and densities near the I-90/East Mercer Way exit and SE 36th Street are appropriate for that area." Along with many cities and counties across the state of Washington, the City of Mercer Island is required to plan for growth, and has identified areas of the City for that growth to occur.

Tree retention per the Mercer Island Municipal Code is prioritized for residential areas which are not planned for growth.

your plan L-200 is missing

L-200 has been included in the revised submittal.

In the Davey Report, they have not calculated the trees correctly

There are 134 trees documented in the arborist's report, which matches the narrative on page 7.

It looks like they are going to clearcut the equivalent of the building footprint

Existing trees will be removed to allow for development. We will protect existing trees to remain and provide tree replacement per the requirements of the Mercer Island Municipal Code.

The Transpo study needs to be redone to include the 150 students, the teachers/admin staff for the K-8 school, the Temple Herzl congregants, as well as however many preschoolers they think will be attending the school within the Temple building.

The preschool is part of the 150 students, and is now located inside the school building. New traffic associated with the proposed use was calculated; existing traffic generated from existing uses was accounted for in the traffic counts.

We understand that traffic is a primary concern. In collaboration with our traffic consultant, we have carefully designed a drop-off and pick-up flow that will allow for 68 waiting cars to be stored on the existing synagogue's driveway loop while enabling parents to quickly and efficiently drop off their students. Preschool and K-8 drop-off will be staggered to allow the parents and caregivers of a maximum of 40 preschool children to park and exit their vehicles. Pick-up will be staggered throughout the afternoon. Further details can be found in the traffic analysis and on the site plan.

How [can] Transpo say there are LOS Bs of let's say 20 seconds...How on earth did they come up with their LOS?

why did Transpo use Highway Capacity Manual, 2000?

Transpo needs to explain ... why they did not use that methodology

The Traffic Impact Analysis completed followed all City guidelines and meets the requirements for a full SEPA Analysis. The trip generation land use categories and rates outlined in the Mercer Island Transportation Concurrency Ordinance are based on the 10th Edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual (10th Edition, 2017). As noted in the Transportation Impact Analysis report submitted (May 2024), project impacts were analyzed based on trip generation from the most updated ITE Trip Generation Manual (11th Edition, 2021). Land use codes for the proposed Private School (K-8) (LU #530) and General Office Building (LU #710) were used, corresponding to the land use codes, rates and equations in the updated 11th Edition manual. As shown in Table 4 as well as Appendix D of the Transportation Impact Analysis, the private school (K-8), based on

ITE's 11th Edition LU #530, has a trip rate of 0.26 trips per student during the weekday PM peak hour resulting in 39 trips. The office building, based on ITE's 11th Edition LU #710, uses an equation to calculate trips during the weekday PM peak hour per guidance from ITE. The effective trip rate for 12,300sf of office space is approximately 2.36 trips per 1,000 sf, resulting in 29 trips associated with the office use during the weekday PM peak hour. As shown in Table 4 as well as Appendix D of the Transportation Impact Analysis, the site is estimated to generate 68 new trips during the weekday PM peak hour.

Please note that the City of Mercer Island engages an outside peer reviewer to evaluate the transportation analysis to ensure that it meets the standards required.

How can they be allowed to build a new building and not provide one parking spot?

Parking is proposed to be shared with the existing synagogue site, which is used for worship at times when the new building will not be used. The school and rental spaces will have lease agreements limiting hours of use to those which do not conflict with hours of worship. We have included parking quantity calculations per city code in our revised application, which demonstrate that we have ample parking for these uses.

You will find that at times, the overflow of the JCC and FASP people use the Temple Herzl parking lot

In 2007, HNT wrote a letter to the French American School agreeing to provide faculty parking for 30 cars during the 2007-2008 school year, anticipating being able to do so 'in the future.' This has been an informal, non-binding arrangement reviewed annually. Once construction starts, this parking will not be available and we have notified the French American school accordingly.

141 occupants exceed 49, the limit of occupants permitted access to only a single exit

A second means of egress has been provided for the third level.

You don't know if the noise from the freeway will impact the kindergarteners and the neighbors

We have taken sound readings of the freeway and will be using noise-reducing windows along the north (freeway) side of the building. It is beyond the scope of this project to modify the noise of the existing freeway.

...for neighbors who have million dollar homes to have to look at the trash enclosure

We have relocated the trash receptacles to the north side of the commercial lot, well away from residential neighbors.

All I ask is that you work with the neighbors and come up with something that is agreeable to all of you and within code

The public process is mandated by City of Mercer Island laws and regulations, which the Design Team is bound to follow. We will comply with all applicable codes and regulations.

Thank you again for your feedback and participation in the public process.

Sincerely,

Anjali Grant

22 September 2024

Winky Lai
3716 E Mercer Way
Mercer Island, WA 98040

Re: CUP24-001 Comment Response

Dear Winky Lai,

Thank you for your comments regarding the submitted Conditional Use Permit. We've taken the liberty of summarizing and responding to the main points:

We are in strong opposition to the proposed conditional use permit for the construction of a new 3 story school with rental offices.

To be clear, the school and offices are permitted uses. The Conditional Use Permit is for shared parking and site uses only.

How is the city/entity going to mitigate the significant increase in traffic ... ?

We understand that traffic is a primary concern. In collaboration with our traffic consultant, we have carefully designed a drop-off and pick-up flow that will allow for 68 waiting cars to be stored on the existing synagogue's driveway loop while enabling parents to quickly and efficiently drop off their students. Preschool and K-8 drop-off will be staggered to allow the parents and caregivers of a maximum of 40 preschool children to park and exit their vehicles. Pick-up will be staggered throughout the afternoon. Further details can be found in the traffic analysis and on the site plan.

There is no plan for additional parking

Parking is proposed to be shared with the existing synagogue site, which is used for worship at times when the new building will not be used. The school and rental spaces will have lease agreements limiting hours of use to those which do not conflict with hours of worship. We have included parking quantity calculations per city code in our revised application, which demonstrate that we have ample parking for these uses.

*This is going to change the current residential neighborhood to an unsafe & noisy commercial area
Allowing these new large size developments into existing residential area will completely destroy the
neighborhoods*

The school building is proposed to be located on a lot that has been commercially zoned for 25 years. There is no change of zoning proposed. According to Goal 17 of the City of Mercer Island Comprehensive Plan section on Land Use policies, "commercial uses and densities near the I-90/East Mercer Way exit and SE 36th Street are appropriate for that area." Along with many cities and counties across the state of Washington, the City of Mercer Island is required to plan for growth, and has identified areas of the City for that growth to occur.

The overgrown trees and the general disrepair is already a huge eyesore, safety issue & fire hazard

HNT has a landscaping service that maintains the grounds on a weekly basis. Tree work is managed on an "as needed" periodic basis. HNT is currently reviewing several proposals for tree trimming services and plans to execute on one of these proposals in due course

They have a plan to have trash receptacles relocated to right in front of my window

We have relocated the trash receptacles to the north side of the commercial lot, well away from residential neighbors.

Thank you again for your feedback and participation in the public process.

Sincerely,

Anjali Grant