

CITY OF MERCER ISLAND

COMMUNITY PLANNING & DEVELOPMENT

9611 SE 36TH STREET | MERCER ISLAND, WA 98040

PHONE: 206.275.7605 | www.mercerisland.gov



Pre-Application Meeting (PRE24-004)

An Intake Screening is required in addition to a Pre-Application Meeting. A Pre-Application Meeting does not replace the required Intake Screening. This meeting is to provide guidance and information include prior to formal submittal.

Summary:

Site Location:	3700 E Mercer Way	Parcel Numbers:	0824059045, 2107000010, and 1515600010
Lot Size:	Lot 1: 26,774 sq ft or 0.61 acres Lot 2: 84,200 sq ft or 1.93 acres Lot 3: 48,076 sq ft or 1.10 acres	Zoning:	B (Commercial) & R-9.6 (Single Family)
Brief Project Description:	The applicant proposes to develop a new school and office building on the Herzl (HNT) property.	Documents Provided:	Application form, Narrative, and Drawings
Applicant Information:			
Herzl Ner-Tamid Conservative Congregation c/o Anjali Grant, 3427 Beacon Ave S, Seattle 98144		Email: anjali@agrantsdesign.com	Phone: 206-512-4209
Second Pre-application Meeting Required:	Not required.		

Proposal:

The applicant proposes to develop 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. The bulk of the project is situated on the B-zoned parcel at the northwest corner of the site. Parking, trash, utilities, and pedestrian paths are located on adjacent parcels owned by Herzl Ner-Tamid Conservative Congregation (HNT).

Permits Required:

- Conditional Use Permit – Hearing Examiner
- Design Review – Design Commission
- SEPA
- Traffic Concurrency
- Building Permit

Location: The subject property is located at 3700 E Mercer Way (King County Assessor Parcel Numbers: 0824059045, 2107000010, and 1515600010). The subject property is situated in the SW 1/4 of Section 8, Township 24 North, and Range 5 East, W.M in the City of Mercer Island, King County, WA.

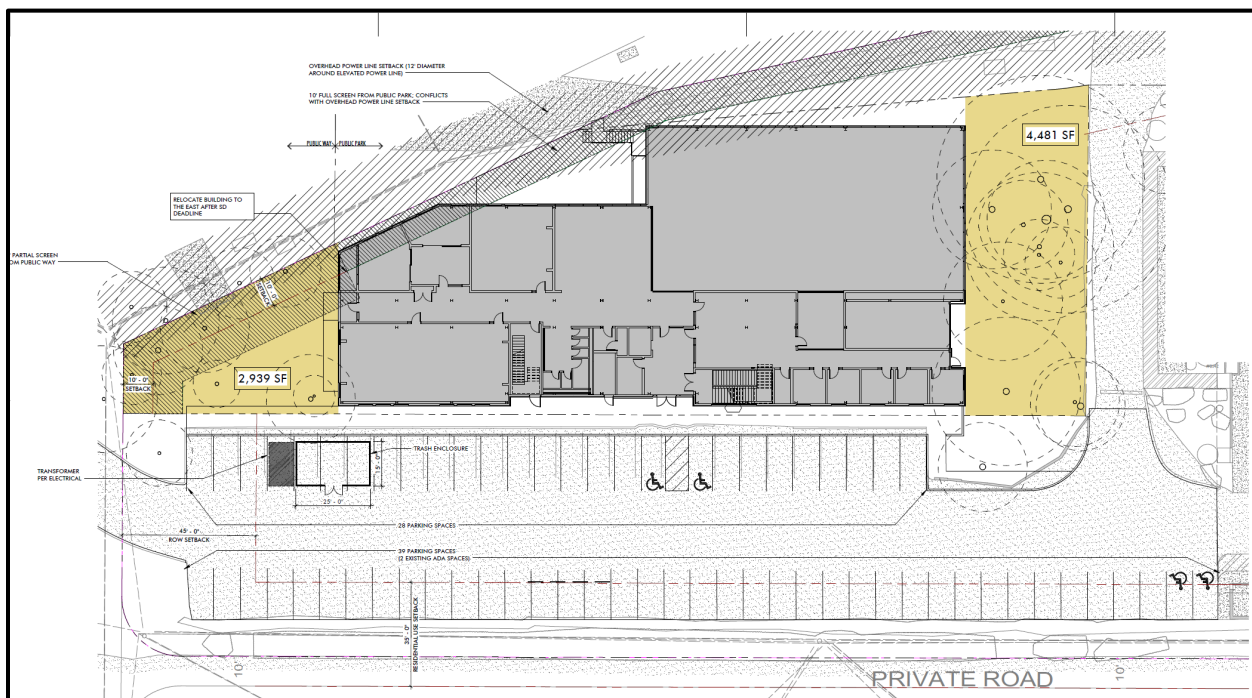
Property:

County Assessor Tax Parcel	Lot Size	Zoning
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0824059045 (Lot 1)	26,774 sq ft or 0.61 acres	B
2107000010 (Lot 2)	84,200 sq ft or 1.93 acres	B and R-9.6
1515600010 (Lot 3)	48,076 sq ft or 1.10 acres	B and R-9.6



Background:

The subject property contains three existing structures: a synagogue building (1970), a multipurpose building (1970), and a single-family residence (approved 1979). The existing structures were developed as part of a

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1969 Land Use variance process to allow a religious institution on a residential site. There is another parcel, zoned B, to the west of the original property.

Applicant Questions:

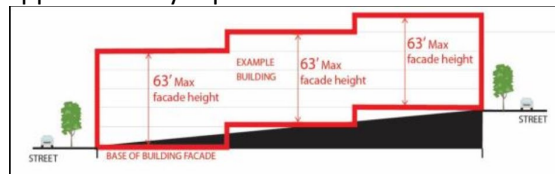
1. MICC 19.04.050 Business – B.

a. Height limit

i. Looking at stepping the building north to south to maintain accessibility; average will be below 36-foot height limit.

Staff Comment: Pursuant to MICC 19.11.030(A)(3), Calculation of building height.

- a. The intent of the building height calculation in this section is to limit the visual mass of a building so that it does not appear to exceed the maximum height limit in subsection (A)(1) of this section.
- b. The maximum allowable building height in subsection (A)(1) of this section shall be calculated as the vertical distance measured from the base of a building facade to the highest point of the roof structure excluding appurtenances. The base of the building facade shall be measured from the adjacent public sidewalk if applicable, or from the lower of existing or finished grade along building facades that are not adjacent to a public sidewalk. See Figure 4.
- c. If the bases of the opposite building facades are at approximately the same elevation, then the building height at any point between the facades can never exceed the maximum permitted building height. If the bases of the opposite building facades are not at approximately the same elevation, then the building must be configured to go down in height as between the higher and lower facades in a manner similar to Figure 4 or in an equivalent manner such that the average of the building heights calculated between the facades is approximately equal to or less than the maximum permitted building height.



Staff Comment: It is the responsibility of the Applicant to ensure the proposed development is consistent with the provisions of MICC 19.04.050(D). The Design Commission will want to see how the proposed development is consistent with the height requirements.

2. MICC 19.02.010 Single-family

a. MICC 19.02.060 B. Maximum Impervious Surface Limits

i. Exception for Pedestrian-Oriented Walkways. Uncovered pedestrian walkways constructed with gravel or pavers not to exceed 60 inches in width shall be exempt from the maximum impervious surface limits.

b. Replacing/repairing impervious existing parking for maintenance and accessibility, but not increasing impervious area.

Staff Comment: Pursuant to MICC 19.02.060(C)(3), Pedestrian-oriented walkways. Uncovered pedestrian walkways constructed with gravel or pavers not to exceed 60 inches in width shall be exempt from the maximum impervious surface limits. The Applicant may want to consider a distinct decorative paver system to denote a clear separation from the walkway and the parking area.

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Staff Comment: Paver systems are generally considered as a Hard Surface in the Stormwater regulations (MICC 15.09), will be a part of the Stormwater Mitigation system. All pervious pavements are considered Hard Surface in the Stormwater regulations (MICC 15.09), there will be no difference of the type of pervious materials from the stormwater point of view.

3. Chapter 19.10 MICC - TREES

a. We will follow up with a tree form; the area of development is pretty heavily wooded so tree removal and replacement will be a topic of discussion.

Staff Comment: The proposed development shall be required to be consistent with the provisions of Chapter 19.10 MICC.

4. MICC 19.12.030 - BUILDING DESIGN AND VISUAL INTEREST

a. Tripartite articulation, façade modulation and roofline variation.

Staff Comment: The Applicant should review Chapter 19.12 MICC in its entirety to prepare the design for the Design Commission study session. The Applicant will need to ensure the proposed development is consistent with the provisions of Chapter 19.12 MICC. This will need to be demonstrated at the Design Commission study session. The Design Review Study Session is a separate part of the review process that takes place between the pre-application meeting and the formal application.

Design Review is separate from the consolidated permit process per MICC 19.15.220. Please also see MICC 19.15.220 as to the required timing for Design Review and how it interplays with the CUP Review processes.

The Design Commission review process length depends on the application, its complexity, its conformance with code requirements, the volume of public input, the deliberations of the Design Commission, etc. The Design Commission may decide to continue a proceeding in order to reconvene to finish one or more matters.

Staff Comment: The Applicant should review MICC 19.12.010 to ensure consistency with the Design Vision, the Design Review Process, and how the words “shall/should” are utilized. Pursuant to MICC 19.12.010(E), When a standard uses the word "shall," the standard is mandatory. When a standard uses the word "should," the standard is mandatory unless the applicant can demonstrate, to the satisfaction of the design commission or code official, an equal or better means of satisfying the standard and objective.

5. MICC 19.12.040 - LANDSCAPE DESIGN AND OUTDOOR SPACES

a. Averaging of perimeter screen widths per B.7.b.

i. PSE overhead power diagram

b. Trash & transformer screening expectations per B.11.g.

c. Fencing requirements (B.3.b. “ornamental metal or wood, masonry, or some combination of the three”) vs security needs

Staff Comment: Pursuant to MICC 19.12.040(B)(7)(b), Perimeter width averaging. Averaging of screen widths may be allowed, if the objectives of this section, the minimum landscape area requirements set forth in MICC 19.12.040(B)(4) and the following criteria are met:

- i. Plant material is clustered to more effectively screen parking areas and structures; and
- ii. Significant trees are retained.

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Staff Comment: Pursuant to MICC 19.12.040(B)(11)(g), Plantings near utilities. Trees shall not be planted within eight feet of a water or sewer pipeline. Shrubs shall be at least four feet from hydrants. A full screen will be required to screen above-ground utilities from adjacent uses and public rights-of-way. Perimeter plantings shall be clustered in areas to screen structures, utility structures, loading areas, trash enclosures, storage areas and mechanical equipment. This subsection shall not apply to utilities, structures, loading areas, enclosures or equipment unless the utility, structure, loading area, enclosure or equipment is being added as part of the regulated improvement being reviewed. Since this is part of the regulated improvement being reviewed, it is required.

Staff Comment: Pursuant to MICC 19.12.040(B)(3), Architectural features. The design of landscape architectural features should be in scale with and complement the architecture of site structures and the visual character of the neighborhood.

b. Fences should be made of ornamental metal or wood, masonry, or some combination of the three. **The use of razor wire, barbed wire, chain link, plastic or wire fencing is prohibited if it will be visible from a public way or adjacent properties, unless there are security requirements which cannot feasibly be addressed by other means.**

What is the Applicant proposing to use to justify security requirements?

6. MICC 19.12.050 - VEHICULAR AND PEDESTRIAN CIRCULATION

- a. Is a pedestrian connection to the public way required separate from the existing driveway?
- b. Any additional survey requirements for the ROW?
- c. Note egress to the north.

Staff Comment: Yes, a pedestrian connection to the public right of way is separate from the existing driveway. Pursuant to MICC 19.12.050(B)(a) Pedestrian improvements should be separated from vehicular areas by physical barriers such as curbs or landscaping. The Applicant will want to explore options, specifically with the pavers mentioned in question 2.

Review Comments:

PLANNING COMMENTS:

Planning Contact: ryan.harriman@mercerisland.gov or (206) 275-7717.

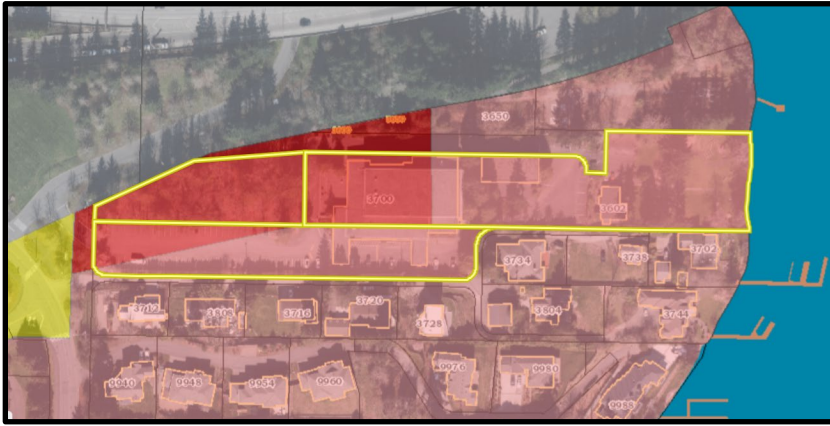
New construction:

The applicant proposes to develop parcel 0824059045 with a 3-story building that would house administrative offices for the private school; a preschool; a chapel; and (leased) offices for affiliated groups, businesses & nonprofits.

Pursuant to MICC 19.01.040(G)(2): Where a boundary between zones divides a lot into two or more pieces, the entire lot shall be deemed to be located in the first zone on the following list in which any part of the lot is located: R-15, R-12, R-9.6, R-8.4, MF-2L, MF-3, MF-2, PI, PBZ, C-O, TC, and B. The location of the zone boundary shall be determined by use of the scale appearing on the zone map unless the location of the boundary is indicated by dimensions.

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Red is Zone B

Light Red: Zone R-9.6

Design Review: Design Review is separate from the consolidated permit process per MICC 19.15.220. Please also see MICC 19.15.220 as to the required timing for Design Review and how it interplays with the CUP Review process. The applicant should consider applying for a study session with the Design Commission early in the process. See MICC 19.06.120 - Criteria for approval—Design review.

Design Standards:

The proposed design shall be consistent with Chapter 19.12 MICC- Design Standards for Zones Outside Town Center.

Zoning:

Zone B – Permitted Uses:

- Office uses.
- Public and private schools accredited or approved by the state for compulsory school attendance.

Zone R-9.6 – Permitted Uses:

- Single-family dwelling.
- Accessory buildings incidental to the main building.
- Private recreational areas.
- Places of worship may have a stage theater program as an accessory use.

Zone R-9.6 – Conditional Uses:

- Private schools accredited or approved by the state for compulsory school attendance, subject to conditions set out in subsection (A)(4) of this section.
 - a. All structures shall be located at least 35 feet from any abutting property and at least 45 feet from any public right-of-way.
 - b. Off-street parking shall be established and maintained at a minimum ratio of one parking space per classroom with high schools providing an additional one parking space per ten students.
 - c. A one-fourth acre or larger playfield shall be provided in one usable unit abutting or adjacent to the site.

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The Conditional Use Permit is needed for the entire property utilized in the parking plan. The new building needs Design Review. Ideally, the intent of the new Conditional Use Permit will supersede previous agreements, incorporating historical agreements as needed. The Applicant bears the burden of proof that the proposed development application is consistent with the requirements of the Mercer Island City Code. Staff does not approve Conditional Use Permits. The Applicant must present their case to the hearing examiner.

See MICC 19.04.050(A) Required Conditions

Design requirements:

C. *Structure setback requirements.* All structures shall have a minimum setback from any public right-of-way of ten feet; except, service station pump islands which shall have a setback from the street line of at least 15 feet to provide for safe access or egress to or from such street.

D. *Building height limit.* Maximum allowable building height shall be the lesser of (1) three stories or (2) 36 feet, calculated using the method described in MICC [19.11.030\(A\)\(3\)](#).

Parking:

Parking in the B Zone is subject to the provisions of MICC 19.04.040.

- Financial and insurance services, healthcare services, office uses and professional, scientific, and technical services shall provide one parking space for every 300 square feet of gross floor area of the building.
- Places of worship shall provide one parking space for every five seats in the chapel, nave, sanctuary, or similar worship area.
- Public and private schools shall provide at a minimum two off-street parking spaces per classroom unless additional parking spaces are deemed necessary through design commission or administrative SEPA review and shall provide adequate off-street loading and unloading facilities as determined by the city engineer.
- *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
- *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 25 percent of the total combined required spaces when the applicant has demonstrated that no adverse impact will occur due to the reduced number of stalls.

Parking in the R-9.6 Zone is subject to MICC 19.02.020(G).

- Except as otherwise provided in this chapter, each lot shall provide parking deemed sufficient by the code official for the use occurring on the lot; provided, any lot that contains ten or more parking spaces shall also meet the parking lot requirements set out in appendix A of this development code.

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Off-street parking shall be established and maintained at a minimum ratio of one parking space per classroom with high schools providing an additional one parking space per ten students.

The code official will want the applicant to complete a traffic impact analysis and parking analysis to determine if the proposed parking is sufficient. This will likely be a recommend condition of approval for the CUP. The applicant will need to provide operational details for a parking management plan associated with any agreement the city may approve. The applicant will need to show the math and demonstrate how the uses will work together during holidays, events, and general business hours.

Critical area constraints (on and off-site):

1. Geological hazardous areas – seismic and potential slide.
2. Critical area study
3. Geotechnical reports must address the criteria in MICC 19.07.160, which include an analysis documenting that the subject property, neighboring properties, and other critical areas will not be adversely impacted. A statement of risk must also be provided. Please review this code section for full details.

State Environmental Policy Act (SEPA) Review:

1. The proposed scope of work requires SEPA review.

Easements:

1. Vehicular Access Easements. No structures shall be constructed on or over any vehicular access easement. A minimum five-foot yard setback from the edge of any easement that affords or could afford vehicular access to a property is required for all structures; provided, that improvements such as gates, fences, rockeries, retaining walls and landscaping may be installed within the five-foot yard setback so long as such improvements do not interfere with emergency vehicle access or sight distance for vehicles and pedestrians.
2. Utility and Other Easements. No structure shall be constructed on or over any easement for water, sewer, storm drainage, utilities, trail or other public purposes unless it is permitted within the language of the easement or is mutually agreed in writing between the grantee and grantor of the easement.
3. Since multiple property owners share an interest in the easement, all parties with an interest must agree to the change.

Impact fees

1. Rates are available online and typically are adjusted from year to year.
2. Note that fees are due at the time they are assessed--they do not vest to the time of complete subdivision or building permit application.

Transportation Concurrency:

1. Please apply for a transportation concurrency certificate at the same prior to submittal of any of proposed land use application.

Vesting:

1. Please see the standards in MICC 19.15.170.

Application fees:

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1. Deposit due at time of application
2. Review time is billed hourly against the deposit; additional fees may be requested if additional review time is required.
3. When third-party technical review is required (e.g. geotechnical, wetland, watercourse etc.), this is billed separately, in addition to staff review time.

Other Items:

3. A robust traffic study and parking management plan will be needed to demonstrate complementary parking uses. Of particular concern is parking surges due to the confluence of events. Parking for existing uses will be under consideration as the new development and change of use may impact the existing parking.
4. The Conditional Use Permit will need to include both sites (Lot 1 and Lots 2+3) if parking on both sites is interdependent.
5. Design Review will be required for the new building. Design Review may also be needed for exterior alterations to existing buildings or the site. Please refer to MICC 19.15.220.
6. Both Design Review and the Conditional Use Permit have separate open record public hearings.
7. SEPA review is required as part of the Conditional Use Permit and Design Review processes.
8. Transportation Concurrency Application or Certificate. Submit prior to, or concurrent with, any development proposal that will result in the creation of one or more net new vehicle trips during peak hours.
9. The applicant will want to consider completing the parking analysis and traffic impact analysis before the city issues a recommendation to the Hearing Examiner. That way the Hearing Examiner would be able to review the materials as part of the public hearing process.

FIRE COMMENTS:

Fire Contact: Jeromy.Hicks@mercerisland.gov or 206-275-7966.

Vehicle Access:

Provide vehicle access per IFC Chapter 5 and Appendix D. Provide at least 20' around building and 26' by hydrants.

Provide Aerial Access points. Appears this may be achieved with the current plan, but verify access points conform with IFC Appendix D and Chapter 5.

Gates: Separate FIRE permit required. Must meet IFC Chapter 5 and Appendix D. Help sheet located at this link:

https://www.mercerisland.gov/sites/default/files/fileattachments/community_planning_amp_development/page/24371/auto_security_gates_2022.pdf

Hydrants:

Provide hydrants per IFC Appendix B and C. Appears that one additional hydrant may need to be installed.

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Provide hydrant within 15' of FDC- FDC must be remote.

Fire Flow: Verify fire flow per IFC Appendix B. Use 25% reduction due to fire sprinkler system.

Systems/Permits Required:

NFPA 13 Fire Sprinkler System

NFPA 72 Voice Fire Alarm System

NFPA 80 Fire Rated Doors

NFPAUL Listed Kitchen Hood Suppression System

Knox Box: Provide approved Knox Box at main entryway with w-sets of stamped keys.

Fire Lane Marking/Speed Calming Devices- To be approved by Fire Marshal. Provide details on plan.

TREE COMMENTS:

Tree Contact: John.Kenney@mercerisland.gov or 206-275-7713.

1. Please refer to MICC 19.10 for our tree code.
2. Replacement is required for any trees that are removed, according to the replacement ratios in MICC 19.10.070.
3. For tree retention the following code and definition will apply for zone B. Also see the definition below that applies to zone B.

MICC 19.10.060(B). Commercial or multifamily zoning designations—Tree removal.1.

In the PI, B, C-O, PBZ, TC, MF-2, MF-2L, and MF-3 zoning designations a tree permit is required and will be granted if it meets any of the following criteria:

- a. It is necessary for public safety, removal of hazardous trees, or removal of diseased or dead trees;
- b. It is necessary to enable construction work on the property to proceed and the owner has used reasonable best efforts to design and locate any improvements and perform the construction work in a manner consistent with the purposes set forth in MICC [19.10.005](#);
- c. It is necessary to enable any person to satisfy the terms and conditions of any covenant, condition, view easement or other easement, or other restriction encumbering the lot that was recorded on or before July 31, 2001; and subject to MICC [19.10.090\(B\)](#);
- d. It is part of the city's forest management program or regular tree maintenance program and the city is the applicant;
- e. It is desirable for the enhancement of the ecosystem or slope stability based upon professional reports in form and content acceptable to the city arborist.

Reasonable best efforts: In cases where the code requires "reasonable best efforts" to comply with standards, the burden of proving that reasonable best efforts have been taken, and compliance is infeasible, is on the applicant. In determining whether reasonable best efforts have been taken the code official may weigh the applicant's actions to comply with the applicable standard and the action's relative costs to the applicant and public benefits, considered in the short- and long-term time frames.

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The code official may also evaluate whether an applicant's prior actions have contributed to the applicant's inability to comply with the applicable standard.

For additional information please refer to this helpful webpage:

<https://www.mercerisland.gov/cpd/page/tree-permits>

CIVIL ENGINEERING COMMENTS:

Civil Contact: Ruji.Ding@mercerisland.gov or 206-275-7703.

1. Please refer to [MICC Title 15](#) for our Water, Sewers, and Public Utilities code.
2. The project will work on multiply parcels, the permit will need to be clear how all work together and which permit for which parcel.
3. The proposed 8" water line from E. Mercer Way will be a private water line, not a city water line.

For more information on Stormwater Permits please visit here:

<https://www.mercerisland.gov/cpd/page/stormwater-permits>

BUILDING COMMENTS:

Building Contact: gareth.reece@mercerisland.gov or 206-275-7710.

Mapping and Design Criteria: Complete information on codes adopted by Mercer Island and available City mapping is available here: <https://www.mercerisland.gov/cpd/page/codes-design-criteria-research>

Mercer Island City Code 19.07.160 requires a geotechnical engineer's assessment of this project. Please review city mapping to determine if landslide hazards, seismic hazards, or erosion hazards are mapped on the property.

ASCE-7 wind design for structures involves topographic and exposure effects. The City has mapping available for accepted values to be used in design. Please refer to the link above for design criteria. This site is mapped as wind exposure category C and Kzt speedup factor 1.6.

1. Applicant question 6a refers to pedestrian access to the ROW. Regardless of land use requirements, WSBC 1104.1 and 1104.2 require an accessible route to the public way and between accessible features on the property.
2. The pre-application meeting doesn't include plan review for construction codes, but the following items appear to need additional code analysis:
 - a. The preliminary plans show the building sited approximately 3' from an interior lot line and using Type IIB construction. WSBC Table 705.5 (formerly Table 602) requires a 1 hour exterior wall rating for Type IIB fire separation distance of less than 10'. This doesn't appear to have been incorporated into the design.
 - b. Due to fire separation distance noted above, some exterior walls may require parapets per WSBC 705.11. Please include parapet dimensions in all representations of the building for land use purposes.
 - c. On A-004, Basement level, the Assembly occupancy uses OLF of 15. The attached occupancies appear to suggest an OLF of 5 or 7 per WSBC Table 1004.5 for assemblies with chairs only, dances, etc. These values would increase OL to require either 3 or 4 exits.

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- d. On A-004, L02, the occupants of classrooms plan-east of the stair marked with 141 occupants exceed 49, the limit of occupants permitted access to only a single exit (Table 1006.2.1)
- e. On A-004 L03, each business suite is served by a single exit. Third stories are prohibited from being served by a single exit per table 1006.3.4(2).

Sincerely,

Ryan Harriman

Ryan Harriman, EMPA, AICP
Planning Manager
Community Planning & Development
City of Mercer Island

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