

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litigation before the Growth Management Hearings Board contesting the Community Facilities Zone that was subsequently repealed by the Council.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 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 exiting 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. Merceddale 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:
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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:

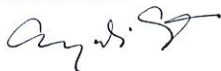
1. One (1) year from the date of issuance;
2. During the period of time the development proposal associated with the certificate is under review by the city;
3. For the same period of time as the development approval. If the development does not have an expiration date or an approved phasing schedule 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 Generation

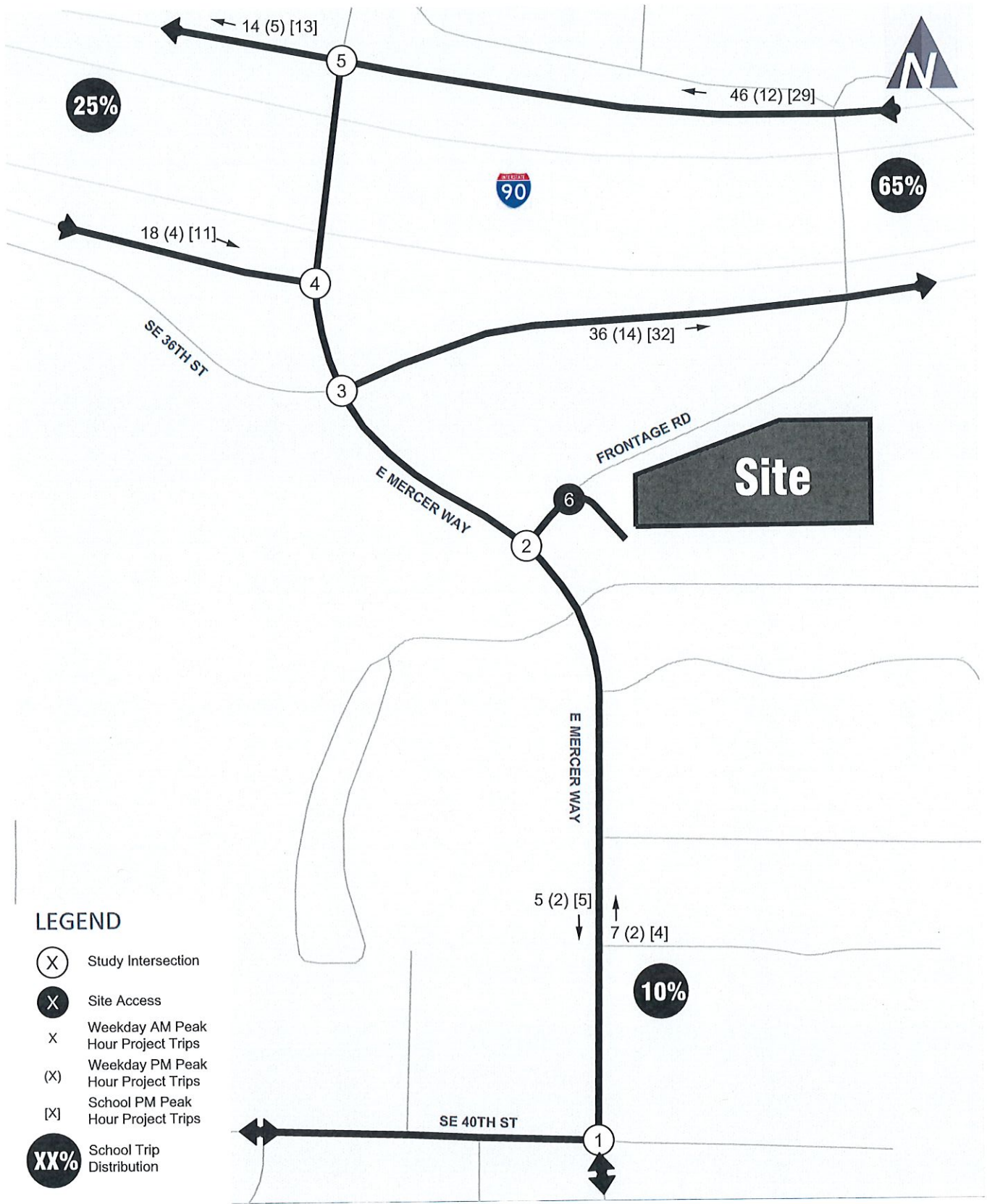
Herzl Private School

<u>Proposed Use</u>														
Land Use	Setting	Size	Units	Model	Equation	Rate	Units	Inbound %	Gross Trips			Total Net New		
									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	-	-	45%	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)	$\ln(T) = 0.86 \ln(x) + 1.16$	-	-	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									51	58	109	51	58	109
PM Peak Hour of Generator									96	58	154	96	58	154
AM Peak Hour									23	45	68	23	45	68
PM Peak Hour														
Net New Trips														
PM Peak Hour of Generator												51	58	109
AM Peak Hour												96	58	154
PM Peak Hour												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



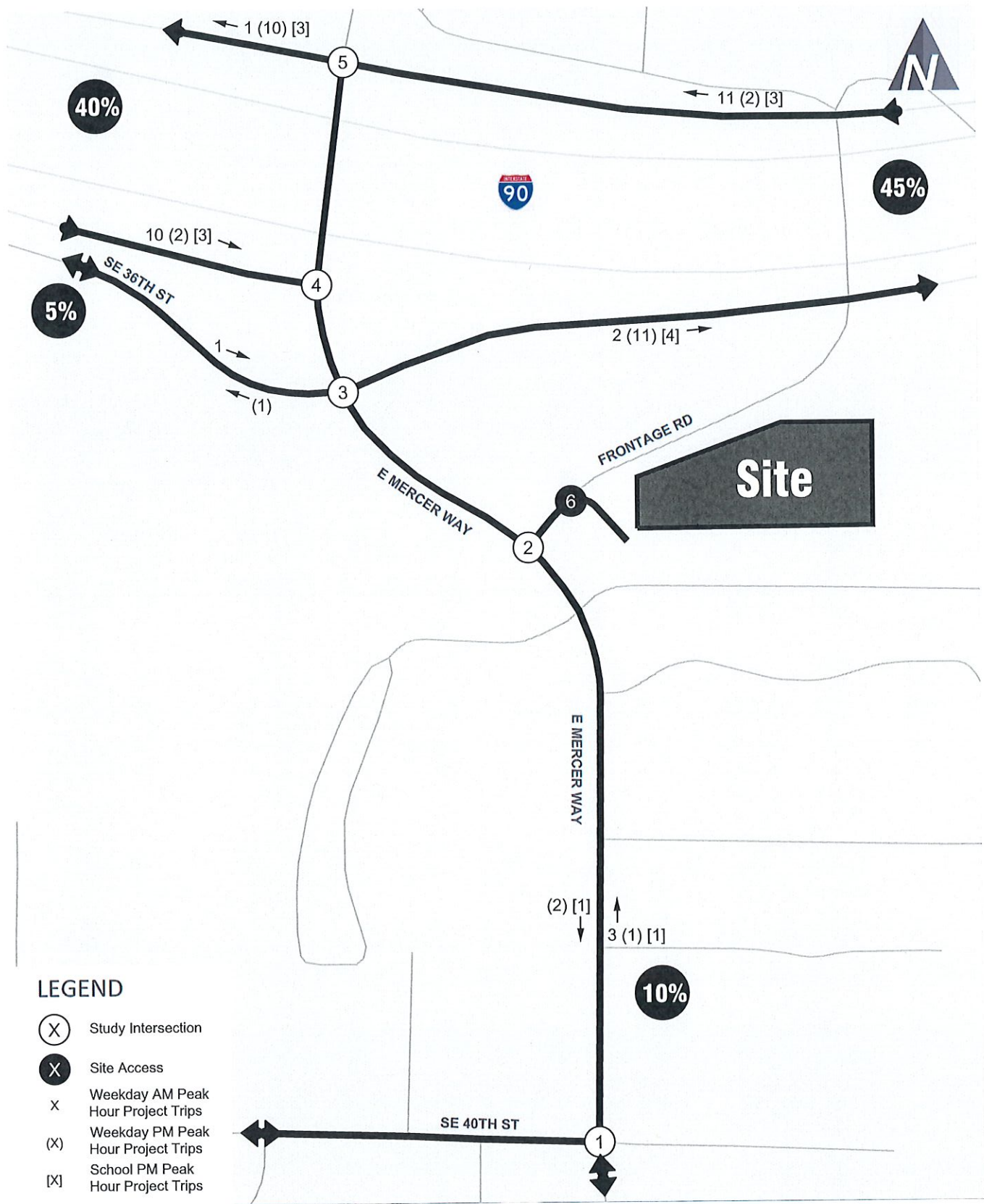
School Trip Distribution and Assignment

ATTACHMENT

Herzl Private School

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B



Office Trip Distribution and Assignment

ATTACHMENT

Herzl Private School

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B



Total Trip Distribution and Assignment

ATTACHMENT

Herzl Private School



B