

BUSINESS OF THE CITY COUNCIL
City of Mercer Island, Wa.



CONDITIONAL USE PERMIT -
HERZL-NER TAMID CONSERVATIVE
CONGREGATION

BILL NO. 890
DEPT. OF ORIGIN Community Development
DATE SUBMITTED December 6, 1979
FOR AGENDA OF December 10, 1979
CLASS: Minute Order

PROCEEDING:

PUBLIC MEETING TO CONSIDER
PLANNING COMMISSION RECOMMENDATION

EXHIBITS: Staff Report, Plot Plan,
Minutes
CLEARANCE: City Attorney
APPROVED BY CITY MANAGER *EDR*
FOR SUBMITTAL:

EXPENDITURE	AMOUNT	APPROPRIATION
REQUIRED: \$ N/A	BUDGETED: \$ N/A	REQUIRED: \$ N/A

SUMMARY STATEMENT

On June 20, 1979 the Planning Commission denied a Conditional Use Permit application of the Herzl-Ner Tamid Synagogue for the establishment of a Non-commercial Recreational Area for a portion of the Herzl property. The Herzl appealed the decision to the City Council which heard the matter on July 9, 1979. Subsequent to considerable discussion, the City Council moved to alter the context of the application by removing the Non-commercial Recreational Area criteria from the consideration because of the types of uses proposed. The City Council remanded the application to the Planning Commission for consideration of the proposal within a Conditional Use Permit context exclusively

On December 5, 1979 the Planning Commission considered and recommended approval of a revised Conditional Use Permit application by the Herzl. The exhibits herein contain more specifics on the matter.

RECOMMENDED ACTION.

DAVID P. GUILLEN, PRINCIPAL PLANNER

1. Move that the City Council affirm the recommendation of the Planning Commission in that the Conditional Use Permit request of the Herzl-Ner Tamid meets the required showing in Section 19.02 of the Zoning Code. (Effect: Approval of the application).

ALTERNATIVES

1. Move that the City Council disaffirm the recommendation of the Planning Commission.
(Effect: Denial of the application).
2. Move that the City Council continue action on the item to acquire additional information.
3. Move that the application be remanded to the Planning Commission for reconsideration.

CITY OF MERCER ISLAND
Planning Commission

STAFF REPORT

APPLICANT: HERZL-NER TAMID SYNAGOGUE

LOCATION: 3600 BLOCK, EAST MERCER WAY

ZONING: R-9.6

APPLICABLE SECTION OF CODES: ZONING CODE SECTION 4.02 AND 19.02

HEARING DATE: DECEMBER 5, 1979

PREVIOUS ACTION: PLANNING COMMISSION PUBLIC HEARING, JUNE 20, 1979

EXHIBITS: STAFF REPORT, PLOT PLAN, CITY COUNCIL MINUTES, PLANNING COMMISSION MINUTES.

RESPONSIBLE STAFF: DAVID P. GUILLEN, PRINCIPAL PLANNER

REQUEST: THE APPLICANT REQUESTS APPROVAL OF A CONDITIONAL USE PERMIT FOR RELOCATION AND RECONSTRUCTION OF A CARE-TAKER'S HOME AND THE INSTALLATION OF AN ASPHALT PLAY AREA

STAFF SUMMARY

1. The Staff Report of June 20, 1979 is hereby incorporated by reference.
2. History Background.

As you may recall, the Herzl-Ner Tamid Congregation came before the Planning Commission on June 20, 1979 for approval of a Conditional Use Permit to allow the establishment of a non-commercial recreational area on a portion of their property adjacent to Lake Washington. They wished to install an outdoor amphitheater, barbecue pit, jungle gym/playtoy in addition to the relocation of the caretaker's facility and the asphalt play area, which is before you tonight. At the June 20 meeting, the Planning Commission denied the request of the Synagogue for the Conditional Use Permit to install the improvements. It was generally felt that the number and types of facilities to be incorporated on the property were excessive. The Planning Commission did, however, indicate a certain willingness to review a more limited proposal at some time in the future.

During the hearing, the applicant objected to the requirement for the establishment of a non-commercial recreational area. They believed that the types of improvements envisioned for the property would not fit the definition of a non-commercial recreational area, and therefore did not have to meet the additional criteria which are listed in the Zoning Code for such a use.

On June 29, 1979, the Herzl-Ner Tamid Synagogue appealed the decision of the Planning Commission to the City Council for consideration. The City Council considered the appeal on July 23, 1979. At the appeal, the Herzl stressed the fact that they did not wish to be considered for a non-commercial recreational area. There were statements expressed by members of the Council that the definition of a non-commercial recreational area, as applied to the Herzl-Ner Tamid Synagogue, might be questionable. Subsequent to considerable discussion, the City Council stated that virtually all the uses envisioned in the submitted plot plan would be uses appurtenant to most types of churches or synagogues. The City Council remanded the proposal back to the Planning Commission for consideration within a different context.

The City Council dictated that any subsequent review by the Planning Commission of the proposed improvements to the Herzl-Ner Tamid Synagogue be reviewed as uses which relate to the entire Synagogue complex and not as a separate tract used exclusively for recreational use. The Council also suggested that the Herzl might reduce the number of facilities on the property.

3. Request.

Taking these issues into consideration, the Herzl-Ner Tamid has resubmitted their proposed plan to the Planning Commission for review and approval. You will note that the types of uses proposed on the site plan are very limited. A caretaker's facility has always existed on the subject property. This house is in poor repair and is proposed to be moved further to the west, which is an area closer to the Synagogue complex. The only additions to the existing caretaker's facility would be the incorporation of a small storage room and lavatory facilities for use by day school children. The other proposed improvement is asphaltting of a flat grassed area adjacent to the existing parking lot. According to the Herzl director, Lou Weiner, the existing asphalt parking lot is now used as a play area, which causes some problems of child safety. One aspect of this proposal which should be made clear is that the asphalt area is to be used as such, and not as additional parking for the Synagogue.

In this Staff Report, I will not go through the required showings of Section 19.02 because the proposal is so limited. In the previous Staff Report for the proposal before the Planning Commission on June 20, it was Staff's position that the envisioned improvements met the intent of the criteria. With the reduction in the intensity and number of uses, Staff does not have a problem recommending approval of the site plan as depicted in Exhibit B. The limited request also leads Staff to a position to not require landscaping. The intensity of uses as proposed in Exhibit B should not affect adjoining properties. These limited uses can be constructed at the convenience of the Herzl with no bonding requirement, because no mitigating measures are necessary to assure compliance and meet the criteria of Section 19.02

RECOMMENDED MOTION

Move that the Planning Commission recommend to City Council Conditional Use Permit request by the Herzl-Ner Tamid Conservative Congregation be approved as submitted on December 5, 1979, as depicted in Exhibit B as modified, in that it meets the required showings in Section 19.02 of the Zoning Code.

Note: The file copy of Exhibit B indicates the true condition of the waterfront structure labelled "existing dock."

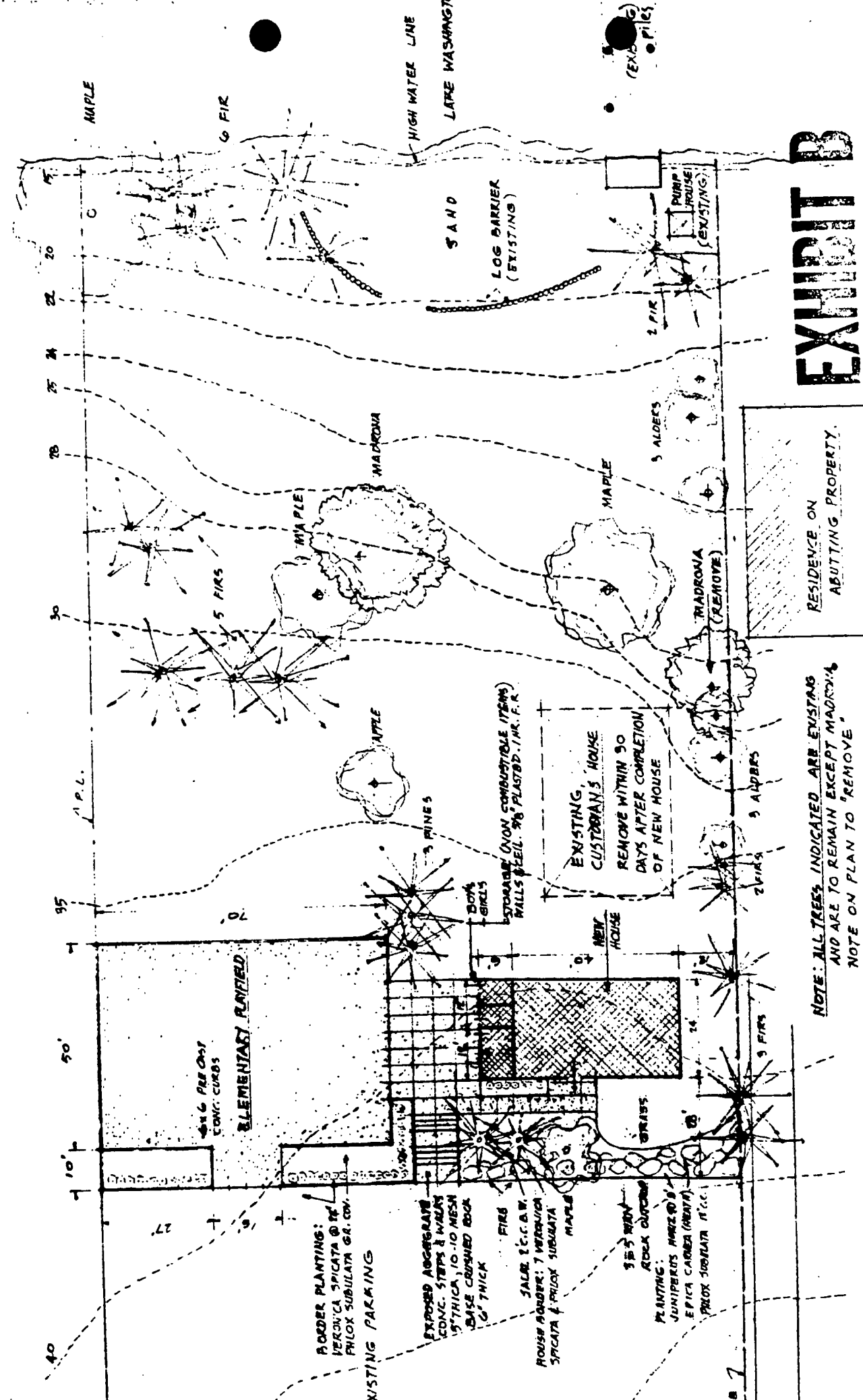


EXHIBIT B

RESIDENCE ON ADJUTING PROPERTY.

NOTE: ALL TREES INDICATED ARE EXISTING AND ARE TO REMAIN EXCEPT MADROVA. NOTE ON PLAN TO "REMOVE".

SCALE 1" = 20'

MAPLE

6 FIR

HIGH WATER LINE

LARGE WASHING TUB

SAND

LOG BARRIER (EXISTING)

PUMP HOUSE (EXISTING)

(EXISTING) PILES

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M.P.L.

4x6 PRE-CAST CONC. CURBS

ELEMENTARY PLAYFIELD

BORDER PLANTING:
VERONICA SPICATA @ 10'
PHLOX SUBULATA GR. COV.

EXISTING PARKING

EXPOSED AGGREGATE
CONC. STEPS & WALK
5" THICK, 10-10 MESH
BASE CRUSHED ROCK
6" THICK

HOUSE BORDER: 7 VERONICA
SPICATA & PHLOX SUBULATA
MAPLE

3x5 MESH
ROCK CURB
PLANTING:
JUNIPERUS HORIZONTALIS
EPICA CARNEA (HEAT)
PHLOX SUBULATA 10' C.C.

MAPLE

FINES

STORAGE (NON COMBUSTIBLE ITEMS)
WALLS 2x4, 2x6 PLASTED. 1/4" P.F.R.

EXISTING CUSTOMER'S HOUSE
REMOVE WITHIN 90
DAYS AFTER COMPLETION
OF NEW HOUSE

NEW HOUSE

2 FIRS

3 ALBEECS

3 FIRS

3 ALBEECS

3 FIRS

3 ALBEECS

3 FIRS

3 ALBEECS

MAPLE

MADROVA

MAPLE

MADROVA (REMOVE)

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3 ALBEECS

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- b. remove heading which is repeated from page 2
- 2. Authorization to Retain Consultants - page 3 -
 - a. correct vote count on motion by Councilmen Lewis to 6-0.
 - b. strike sentence reading - He also outlined costs...
- 3. Authorization to Retain Consultants - page 4 -
 - a. correct vote count on motion by Councilman Horn to 6-0.
 - b. correct vote count on motion by Councilman Rasmussen to 6-0.
 - c. correct spelling of Bert Pound's name
- 4. AB 811 - page 1 - correct spelling of Phyllis Meck-Emery's name
- 5. Consideration of Ordinance - page 2 - correct spelling of Dave Muth's name

The question was called for on the motion as corrected,

Motion passed. Voice vote: 6-0.

CONSENT CALENDAR: It was moved by Councilman Bland, seconded by Councilman Lewis, to approve the Consent Calendar containing AB 814.

The question was called for,

Motion passed. Voice vote: 6-0.

PUBLIC HEARING

*

AB 810
Herzel/Ner Tamid Congregation - Appeal

Dave Guillen described the physical characteristics of the Herzel/Ner Tamid property and the parcel in question which is on the waterfront. The congregation has applied for a non-commercial recreational area conditional use permit. The moving of the caretaker's facilities; addition of a sport court, a BigToy playground structure and a barbeque pit and the construction of a small amphitheater are the proposed changes. Waterfront uses are not included in the application. The Design Commission's discussion on the landscape for the proposed improvements was reviewed. The Planning Commission denied the congregation's application for a conditional use permit, and Mr. Guillen discussed the reasons for this decision as well as the staff's recommendations and conditions for approval.

The City Attorney reviewed the options open to the Council which include affirming the decision of the Planning Commission, granting the C.U.P. thus disaffirming the action of the Planning Commission or granting the C.U.P. with conditions.

The public hearing was opened at 8:23 p.m.

Dick Chapin, representing the applicant, spoke in favor of the granting of the conditional use permit. Mr. Chapin submitted a sheet of

pictures, exhibit 1, showing various views of the subject property. Mr. Chapin discussed the action taken by the Planning Commission and pointed out similar sites in the City where single family residences abut a school or park. Photo exhibits 2-9 were submitted showing some examples of this. The landscaping improvements and the probable hours of activity at the facilities were reviewed. It was also requested that the staff recommendation calling for the removal of the dock be deleted and substituted with a condition that the dock be for the private use of the caretaker who resides in the single family residence on the property.

Also speaking in favor of the granting of the conditional use permit were Dr. Ed Epstein, 8405 S.E. 53rd; Al Locke, 5633 89th S.E.; Dr. Marvin Turck, 7870 Island Crest Way; Lee Kreager, 7219 97th S.E. and Jack Farber, 8212 S.E. 38th Place.

Speaking in opposition to the appeal was Byron Meyer, 3804 East Mercer Way, stating that Herzel/Ner Tamid is a church not a recreational center and Dale Showalter, 3702 East Mercer Way, who expressed his concerns on how many people will use the facilities and how often, what means of control are there when uses are abused and the possible use of the waterfront for water-related activities.

David Clancy of the Planning Commission reviewed the Commission's reasons for denying the application including the technical points of the definition of a non-commercial recreational organization and granting a conditional use permit on top of a conditional use permit.

Mr. Chapin addressed the Council suggesting that the conditions for approval be changed to allow activity only during daylight hours and that the C.U.P. might be issued for accessory church uses rather than for a non-commercial recreational area.

The public hearing was closed at 9:40 p.m.

The Council discussed the Planning Commission decision, the various uses of the property and the criteria for granting a conditional use permit.

It was moved by Councilman Bland, seconded by Councilman Lewis, to approve the conditional use permit as submitted and overturn the decision of the Planning Commission.

It was moved by Councilman Horn, seconded by Councilman Lewis, that approval be subject to the following conditions:

1. activity in the recreational tract be limited to daylight hours or the hours 7 a.m. to 10 p.m. whichever is the lesser
2. the dilapidated existing dock be removed
3. a bond be secured in the amount needed to install the proposed improvements in addition to possible reconstruction of the existing fence and removal of the existing dilapidated dock
4. that a revised landscape plan be submitted for Design Commission approval.

The meeting was recessed at 10:17 p.m. and reconvened at 10:27 p.m.

The City Attorney explained the options open to the Council and the differences between conditional use permits granted for non-commercial

recreational areas and church related uses.

It was moved by Councilman Horn, seconded by Councilman Rasmussen, to table the motions on the floor to permit the applicant to apply for a conditional use permit for the whole property of the Herzel/Ner Tamid congregation.

The question was called for,

Motion passed. Voice vote: 4-1. (Councilman Bland voted no and Councilman Stewart abstained.)

REGULAR BUSINESS

AB 812 King County Park Bond

The City Manager explained that AB 812 needs no action at this time and has been returned to the staff and the Park Advisory Board.

AB 813 Councilmanic Bond Ordinance

It was moved by Councilman Rasmussen, seconded by Councilman Bland, to sell \$3 million in Councilmanic Bonds all at once.

The Council discussed the advantages and disadvantages of selling \$3 Million in Councilmanic Bonds as opposed to selling \$2.5 million now and \$500,000 at a later date.

The question was called for,

Motion failed. Voice vote: 5-1. (Councilman Rasmussen voted in favor.)

It was moved by Councilman Horn, seconded by Councilman Lewis, to adopt Resolution 780 as presented.

The question was called for,

Motion passed. Voice vote: 6-0.

It was moved by Councilman Horn, seconded by Councilman Stewart, to adopt Ordinance 483 as presented.

The question was called for,

Motion passed. Voice vote: 6-0.

It was moved by Councilman Rasmussen, seconded by Councilman Bland, that the City Manager have drawn up the appropriate ordinances and resolutions to sell an additional \$500,000 in bonds to make a total sale of \$3 million.

The question was called for,

Motion failed. Voice vote: 5-1. (Councilman Rasmussen voted in favor.)

CITY OF MERCER ISLAND
Planning Commission

PUBLIC MEETING

June 20, 1979

MINUTES

Present: Planning Commission Staff Others
 V.C. Bryant D. Guillen W. Stewart
 D. Clancy
 L. Copass
 R. Keever
 J. Nelson

Not present:
 C.P. Gregory
 S. Fry

The meeting was called to order at 7:32 p.m. by Chairman Keever in the School Administration building. The minutes of the May 16, 1979 Planning Commission meeting were approved as submitted.

Communications: Receipt of letters from Edward Watanabe, Dale and Barbara Showalter, Morgan L. Bates, and Leo and Margaret Anderson was acknowledged.

PUBLIC MEETING

- CAPEDER
Watercourse Deviation

Mr. Guillen described the site and the watercourse as outlined in the Staff Summary. He explained that in Staff's opinion the requested location of the driveway provided the best solution for the site because it utilized an existing driveway, thus limiting the number of accesses onto East Mercer Way. He stated that Staff would prefer a wood to a concrete surface on the timber bridge. He went on to say that Staff recommended approval subject to the four conditions listed in the Staff Recommendation. In response to Commissioner Copass' inquiry, Mr. Guillen stated that the design did meet the rear yard setback requirements.

Al Lee of 15655 N.E. 85th, Redmond, was present as a proponent and stated he was available to answer questions.

John JeDroanie, civil engineer for the project, pointed out the location of the catch basin and described the proposed de-watering system, which included a continuous slot grate and an outfall pipe leading from the catchbasin.

Motion: Commissioner Bryant moved that the watercourse deviation request of Mirto and Ludmila Capeder be approved subject to the following conditions:

1. That the improvements be in substantial compliance with the site plan as presented June 6, 1979.
2. That all work in the 25-foot setback be performed by manual means.
3. That the heavy timber bridge be surfaced with a wood material and not concrete or asphalt.
4. That a work program (sequence and method of construction) be approved by the Code Official prior to building permit application.

The motion was seconded by Commissioner Clancy and passed unanimously.

* PUBLIC HEARING

- HERZL-NER-TAHID
Request for Conditional Use Permit for
Non-Commercial Recreational Tract

Mr. Guillen presented the Staff report as outlined in the Staff Summary. He explained that in 1971 a variance to use the same property as a semi-private waterfront tract had been denied. He explained that this application was for a Conditional Use Permit to allow use of the property as a non-commercial recreational area. He went on to say that establishment of a non-commercial recreational area was allowed by the Zoning Code subject to five conditions, all of which were satisfactorily met by the applicant. Mr. Guillen described

the proposed improvements, which included an asphalt play court, a children's play area, an outdoor chapel, a barbecue pit, and a new custodian's cottage in addition to more landscaping. He stated that Staff felt the dilapidated pier located in the southeast corner of the property should be removed so the non-commercial recreational area could not in any way be construed as a permit for a waterfront recreation area.

Mr. Guillen informed the Commission that the Design Commission had recommended that the twenty-foot property line setback requirement be relaxed, resulting in the placement of the asphalt play area and the amphitheater within the twenty-foot setback area to the north. He said this had been done in an effort to move the active areas as far away from the residential area as possible.

Mr. Guillen went on to say that the Temple Herzl Congregation was using the site in many of the ways described in the request. He summarized Staff's recommendations as outlined in the Staff Summary and suggested the Planning Commission might want to include in the bond the reconstruction of the existing fence as it was such an important part of the landscape plan. He also suggested the Planning Commission might want to set a time limit for completion of the proposed improvements.

Commissioner Copass noted that a non-commercial recreational area had as part of its definition in the Zoning Code a specified limit of the number of members. She asked if the 480-500 families the congregation was reported to have as members would be an upper limit.

In response to Commissioner Clancy's inquiry, Mr. Guillen reported that the temple was not operating under a Conditional Use Permit presently, as it predated the sections of the Zoning Code which require a permit for such a use.

Ted Roseblume, immediate past president of the congregation, spoke as a proponent of the plan. He stated that he felt it was inappropriate to require removal of the existing dock because it was not connected in any way with the application and because such removal might jeopardize future water-use rights of the congregation. He said it was unnecessary to require a bond because the Congregation could be relied upon to implement the plan without one. He stated that they would be happy to share the cost of replacing the fence but that it should be a mutual responsibility with adjoining property owners. He indicated they would be amenable to a reasonable time limit, as they were themselves anxious to complete the job. He objected strongly to the idea of limiting membership. He stressed that they were requesting a social use of the site which was incidental to the synagogue. He added that they had had no complaints from neighbors and planned to continue the good relationship with neighbors. He went on to say that all play areas had been planned away from residential areas and that the plan had been presented to neighbors prior to its submission to the Design Commission.

Julius Skolnik, president of the Congregation, emphasized the point that by definition the site would not be a recreational area but would be for social use incidental to the function as a church. He also said he felt a bond was unnecessary, the fence should not have to be replaced before its useful life was ended, and that he would be agreeable to a reasonable time limit.

Joe Piha, executive director of Temple Herzl, explained that the asphalt play area was conceived to move the children's activities out of the driveway to a safer location.

Dale Showalter of 3702 East Mercer Way, said he felt the Congregation had been a good neighbor but that it was a nuisance because of the number of people involved. He disagreed with earlier testimony that there was already widespread use of the site and expressed concern over the impossibility of controlling what would go on in the recreational area if the Conditional Use Permit were granted. He concluded by saying he felt the property was inadequate for the types of uses proposed and asked the Planning Commission to reject the proposal.

Gary Shavey of 7900 Northbrook Lane said he felt the Planning Commission was committed to review the application in the context of the definition of a non-commercial recreational tract with the membership limited by number or by area.

PLANNING COMMISSION MINUTES
June 20, 1979 Page 3

Horace Hall of 4006 East Mercer Way said he was opposed to the relaxation of the setback requirement.

Byron Meyers of 3804 East Mercer Way said he felt the recreational tract would downgrade the neighborhood. He presented a letter, which was read for the record, written by Dr. James Bethel in 1971 to the Planning Commission in opposition to a request for a waterfront recreational tract. The letter expressed concern over having an institution for a neighbor because of uncontrollable membership and the problems inherent in that growth.

Barbara Showalter said her main concern centered about the two questions of how many people and what kinds of control.

Mr. Skolnik commented that the residential area would have better protection than if single family homes were to be built on the site, as the setback could be as little as five feet from the property line. He also noted that a majority of the residences abutting the property had been built after the construction of the temple.

Mrs. Meyers of 3804 East Mercer Way said she was concerned that in the future the facility would be expanded even further to include water use.

Mr. Piha reiterated that their intent was merely to improve what already existed.

Mr. Rosenwald elaborated on the landscape plan which he said was conceived to protect the neighbors by discouraging active play in the area adjacent to the homes. He said he thought there would be less activity after implementation of the plan, as there would be shrubs and plants in what was now essentially an open area.

The meeting was at this point closed to the public.

In response to Commissioner Clancy's question, Mr. Guillen stated the application was classified as an application for a non-commercial recreational tract upon Staff's opinion that many of the uses were recreational-type uses. He added that it would be possible for the applicant to come back before the Planning Commission and seek approval for individual improvements without creating a non-commercial tract.

Commissioner Bryant asked how often the site was used, what times of the year it was used, and what time of the day it was used. Mr. Guillen's reply was that it was used sporadically based upon information provided by Mr. Piha.

Commissioner Nelson asked if a new application would have to be approved before mooring buoys and other types of water equipment could be used. Mr. Guillen replied that the tract ended at the high water mark and thus the application did not include that portion of the property. He added that the Congregation could apply for use of the dock at a future time.

Commissioner Keever observed that the membership was bound to increase when the facilities were made more attractive. He went on to say that this main concern was the effects additional traffic would have on the bicyclists and joggers along East Mercer Way. He suggested the applicant be asked to provide bicycle and jogging paths to help mitigate the effects.

Commissioner Clancy said he felt it was not appropriate to grant a Conditional Use Permit "on top of" an existing conditional use of the property as a church in a residential neighborhood. He added that activities should be restricted to those related to the original conditional use. He went on to say that the circumstances of the applicant did not meet the criteria for a non-commercial recreational tract because the membership was not in any way limited.

Commissioner Bryant discounted the importance of definitions and added that in his opinion the primary issue was the use of the land. He said he did not believe development of the site would change the use. He suggested more plants be added along the south boundary to better shield the Showalters. He said in his opinion there was no way to control how the site was used whether or not the application was approved.

Commissioner Nelson said the two major issues in her opinion were traffic and potential waterfront use.

Commissioner Copass said she felt very strongly that the dock should be removed so that there was no possibility the site could be used as a semi-private waterfront tract.

Commissioner Keever said he felt it would be reasonable to require the applicant to replace the fence, to provide bicycle and pedestrian paths, and to put up a bond.

Motion: Commissioner Clancy moved that the application be denied.

The motion was seconded by Commissioner Bryant and passed unanimously.

PUBLIC MEETING

- SWANSON-DEAN
Watercourse Deviation

Mr. Guillen explained that the address of the subject property in the Staff report had been transposed and the location of the site was the 4700 block rather than the 7400 block of 81st Avenue S.E. He noted that the vicinity map had reflected that error. He then presented the Staff report as outlined in the Staff Summary. He said that although there was a significant problem with flooding on Forest Avenue, that issue should not have bearing on the decision unless the watercourse deviation would actually affect the drainage problem. He concluded by saying that with proper storm water retention, the existing drainage problem would not be increased and that Staff recommended approval with the conditions as stated in the Recommended Motion.

Commissioner Keever asked if anyone present objected to the vicinity map being in error. Albert Perret of 4661 Forest Avenue S.E. said he objected on the ground that he did not have enough time to prepare for the meeting.

Al Swanson spoke as a proponent of the application. He said access from Forest Avenue would be very difficult and hoped the watercourse deviation would be granted to allow access from 81st.

Morgan Bates of 4651 Forest Avenue S.E. suggested that a guarantee bond for at least two years be required to protect property owners who might be affected.

Mr. Perret criticized the notification procedure and said he felt the Staff report should be made available further ahead of time. He asked if there were any guarantees that major groundwork be completed before the rainy season and that vegetation along the watercourse remain undisturbed. Mr. Guillen replied that the City required the work to be completed within the April to October time frame and that the only clearing which would be allowed within the setback area would be for utility purposes.

The meeting was at this point closed to the public.

Commissioner Bryant asked if the site was classified as a steep slope. Mr. Guillen replied that he was not certain but that even if it was not considered a steep slope the City Engineer would require soils testing and on-site water retention.

In response to Commissioner Copass' inquiry, Mr. Guillen clarified the intent of Condition 1 of Staff's Recommended Motion to offer the alternative of a tightline system from the property to Lake Washington or a storm water retention system.

Considerable discussion ensued concerning the significance of the inclusion of the incorrect location in the Staff Report. Mr. Guillen stated that he could not determine at that time if the legal notice in the Reporter had indicated the right address. He added that legal notification is not required for public meetings. Commissioner Clancy suggested going ahead on the assumption that a correct legal notice had been given and if they found out later it was incorrect they could reconsider. Commissioner Bryant said he felt unable to properly evaluate the application without having seen the property. Commissioner Copass reminded the Commission that the applicant also had rights, including the right to a timely decision. Commissioner Clancy indicated he did not feel he needed to see this particular property in order to evaluate the application.

**CITY OF
MERCER ISLAND
PUBLIC NOTICE
Planning Commission
CONDITIONAL
USE PERMIT**

Notice is hereby given of a PUBLIC HEARING before the Planning Commission on December 5, 1979, beginning at 7:30 P.M. in the School Administration Building, 4160 66th Ave. S.E. to consider an application for a CONDITIONAL USE PERMIT as outlined below:

APPLICANT: HERZL NER TAMID

LOCATION: 3700 BLOCK E. MERCER WAY

ZONING: R-9.6

REQUEST: RELOCATION OF CARETAKER'S RESIDENCE AND ASPHALT PLAY AREA.

Information pertaining to this application is on file with the Department of Community Development, 3505 68th Ave. S.E. Contact David P. Gullen, 232-6400.

JACK BUNNELL, City Clerk
PUBLISHED IN THE MERCER ISLAND REPORTER
NOVEMBER 28, 1979.

11-28-79

CITY OF MERCER ISLAND
PUBLIC NOTICE

Planning Commission
CONDITIONAL USE PERMIT

Notice is hereby given of a PUBLIC HEARING before the Planning Commission on December 5, 1979, beginning at 7:30 p.m. in the School Administration Building, 4160 86th Ave. S.E. to consider an application for a CONDITIONAL USE PERMIT as outlined below:

APPLICANT: HERZL NER TAMID
LOCATION: 3700 BLOCK E. MERCER WAY
ZONING: R-9.6
REQUEST: RELOCATION OF CARETAKER'S RESIDENCE AND ASPHALT
PLAY AREA.

Information pertaining to this application is on file with the Department of Community Development, 3505 88th Ave. S.E. Contact David P. Guillen, 232-6400.

JACK BUNNELL
City Clerk

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