

17 October 2025

Molly McGuire, Senior Planner  
City of Mercer Island Community Planning and Development  
9611 SE 36<sup>th</sup> Street  
Mercer Island, WA 98040

Re: DS25-009 Review Letter 2  
3700 E Mercer Way, Mercer Island, WA 98040

Dear Ms. McGuire,

Thank you for your comments on the submitted Design Review application. Below please find responses to each comment.

1. *Dimensions to demonstrate compliance with Appendix A were only added to the new parking area, however, this information is also needed on any existing parking areas to determine the number of compact stalls proposed. Per MICC 19.04.040(B)(7), up to 50 percent of the required off-street parking spaces may be designed for accommodating compact vehicles. The design commission may increase this percentage of compact stalls permitted if the applicant can demonstrate that no adverse impacts will occur. If you want the design commission (hearing examiner) to consider increasing the percentage of compact stalls allowed, please provide the requested increase and a demonstration that no adverse impacts will occur. Otherwise, demonstrate that the parking area meets this requirement.*

**Response:** We have increased the number of standard parking stalls, to achieve a ratio of 48% or 50 to 105. Please refer to sheet C6.01. We request a slight reduction to the number of standard stalls in order to accommodate the code-required fire lane on this highly constrained site. Based on the survey, none of the existing parking stalls met current requirements for standard stalls; thus we are improving the current ratio considerably. Based on the existing and new uses, no adverse impacts will occur; the added standard stalls are more than adequate to meet new uses.

2. *Please address the following feedback provided by the City Engineer:*
  - a) *Existing Conditions a.i (1-4): Please provide an interpretation or context for the numbers, especially the 33 and 57 cars. In other words, explain what it means, why you believe that to be true, and how it supports your request for a parking reduction.*

- b) Please clearly indicate how many parking spaces are proposed.
- c) Proposed Conditions – special events at the new building: There was no description. Please provide a description of expected peak demand or a qualitative description if not known.
- d) 2.b and 2.c could appear to be making conflicting statements. 2.b says that that typical weekday uses can comfortably coexist with the existing synagogue and that the existing parking lot at 105 spaces is sized for large events. 2.c says that large events... cannot comfortably coexist with school functions... Please rewrite for clarity.
- e) Please consider adding a table in section 2 showing the code required parking for each use (school, office, synagogue), total code required parking, proposed parking based on 25% reduction, etc. and add footnotes for additional pertinent information such as programming the facilities so as not to have overlapping events at the school/office and synagogue that exceed available parking capacity, elimination of the shared parking for French American School, etc. This table should “tell the story” at a glance and demonstrate that the reduction of parking spaces will not have an adverse impact.
- f) If the shared parking arrangement with the French American School is going to be terminated, please make such a statement and when it will be terminated. According to the CUP staff report, the parking arrangement is for 30 spaces and is intended to be terminated.
- g) Please provide a conclusion summarizing and demonstrating that the parking reduction will not have adverse impacts.

**Response:** Parking memorandum has been significantly revised; a table as suggested is included.

- 3. MICC 19.12.040(B)(4)(b) requires that impervious surfaces should constitute no more than 25 percent of the total required landscape area. The total required landscape area for this site is 6,720 square feet, and 25 percent of this is 1,680 square feet. The impervious surface area proposed is 3,925 square feet. Please revise to comply with this standard.

**Response:** Per 19.12.010 E. When a standard uses the word "shall," the standard is mandatory. When a standard uses the word "should," the standard is mandatory unless the applicant can demonstrate, to the satisfaction of the design commission or code official, an equal or better means of satisfying the standard and objective. Diagram 3/A-010 has been revised to show a reduced area of impervious surface that meets the intent of the objective, as follows:

- a. There is more pervious landscaping than is required by code. The code requires that 6,720 sf is landscaped, and that no more than 25% of that is impervious. The pervious surface would this be 75% of 6,720 sf or 5,040 sf. We are providing 6,885 sf of pervious landscaping; 6,263 if you discount the play surfacing.

- b. Per 19.12.040 B.1., [Design Review] shall be primarily concerned with: (a) areas of a site that require landscaping in order to address the impact of development on adjoining properties or public ways; and (b) parts of the development that are visible from adjoining properties or public ways. Most of the landscape is not adjacent to public ways or other properties.
- c. Per 19.12.040 B.2.b., On-site recreation areas appropriate to the users should be provided for residential and public projects. DCYF requires play areas for preschool; we have included a concrete tricycle track and artificial turf (required fall protection) that is free-draining. Pervious concrete is not appropriate for early learning areas as it is very sharp and can abrade skin.

4. *MICC 19.12.060(B)(5) requires garbage areas to be enclosed or screened around their perimeter by a wall or fence at least seven feet high, concealed on the top and must have self-closing doors. Please provide documentation that the garbage area complies with these standards.*

**Response:** Please see sheet A-353 which demonstrates compliance.

5. *MICC 19.12.070(B)(3) requires freestanding, parking area, and building-mounted lighting fixtures shall not exceed 16 feet in height. Please provide measurements for any of these lighting types to document compliance with this standard.*

**Response:** Dimensions for exterior wall-mounted luminaires have been added to exterior elevations LU-7 and LU-8. E-101 has been revised to show the 24" high light pole base for free-standing light poles. The fixture itself is listed on E-700 as fixture P, and described as "mounted on 14' tall pole base....In parking and road expose 2' of base."

6. *MICC 19.12.080(B)(3) and (4) provides standards for parking lot signs. Please provide documentation of compliance with these standards, including markings on pavement for compact stalls as required in MICC 19.04.040(B)(7).*

**Response:** See sheet C6.11 for details and sheet C6.01 for compact stall markings.

7. *Following a more detailed review of the tree removal and replacement plans, I caught a couple of errors shown on both of our spreadsheets and the plan set:*

a. *Trees 8055, 8059, 8100, 8179, 9651, 9652, 9653, 9654, 9656, 0011, 0014, 0015, 0016, 0017, and 0018 are not shown on the plan set.*

b. *The arborist, as the qualified profession, needs to provide the documentation for the requested reduction in replacement trees consistent with MICC 19.10.070(B)(4). This should be beyond the commentary on the condition of the trees and address the measures listed in the cited code section.*

*c. A few trees were previously identified as retained in error. I have corrected all of these errors, and included the additional 10 regulated trees from the supplemental arborist report. The final counts are:*

- *137 regulated trees.*
  - o 82 of those are proposed to be removed (which may need to be adjusted depending on the proposed action for the above trees which are missing from the plan set)*
  - o 41 are proposed to be retained.*
  - o 14 are unknown.*
- *82 removed trees.*
  - o 78 of those trees are either "exceptional" and/or "grove" trees (which are exceptional) and require 6 replacement trees each.*
  - o 6 trees marked as "Priority 1 Removal" in the arborist report have been reduced to 0 replacement trees required. Any additional reduction in replacement trees would need to come from a qualified professional as described above.*
- *Without a request for reduction from the arborist, 441 replacement trees are required. Please provide a replacement tree plan, or request a fee-in-lieu by demonstrating that there is no room on the site or adjacent ROW consistent with MICC 19.10.070(C).*

**Response:**

- a. Noted trees have been added to L-101 and L-102.
- b. A letter from the arborist has been included in the response, addressing the number of replacement trees per 19.10.070 B.4.
- c. Errors have been corrected.

The site is extremely constrained with regard to replacing trees on site, due to existing underground utilities, new and proposed security fencing, and existing buildings, parking and program areas. We are proposing replacement where feasible. There are 34 replacement trees shown:

- 1 west of the new building (sheet L-301)
- 10 on the north property line (sheet L-302)
- 11 east of the new building (sheet L-302)
- 12 on the east side of the site (sheet L-302.1)

Please note that the MICC does not support the CUP review statement that replacement trees "need to be at least 10' apart from each other, structures, fences and utilities."

Comments from previous response:

The Tree Inventory Worksheet was first submitted to the City of Mercer Island on **September 22, 2024** as part of the Conditional Use Permit application, clearly showing the method for calculating replacement trees. It is reasonable to infer, from a close and careful reading of the Mercer Island Municipal Code, that exceptional trees follow the definition included therein:

*Tree, exceptional:* A tree or group of trees that because of its unique historical, ecological, or aesthetic value constitutes an important community resource. An *exceptional* tree is a tree that is rare or *exceptional* by virtue of its size, species, condition, cultural/historic importance, age, **and/or** contribution as part of a tree grove. Trees with a diameter of more than 36 inches, or with a diameter that is equal to or greater than the diameter listed in the *Exceptional Tree Table*, are considered *exceptional* trees:

(Exceptional Tree Table follows)

Notwithstanding the definition of “grove,” **there is no mandate within the definition of exceptional trees stating that all trees within a grove are exceptional.** In addition, Section 19.10.060 A.2.b.11. considers exceptional trees and trees in a grove **separately.**

**ISSUED BY**

Anjali Grant