

25 August 2025

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

Re: DS25-009 Review Letter 1
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. *MICC 19.04.040(B)(2) requires all traffic control devices to be installed as shown on the approved plans. Please include these plans as part of a vehicular and pedestrian circulation plan.*

Response: Traffic control devices added to plan set, sheets A-011, A-012, C6.01, and C6.02. For drawing clarity, vehicular circulation and queueing is shown on A-010.

2. *MICC 19.04.040(B)(3) requires the parking lot to be designed to the standards in Appendix A MICC. The parking lot is existing, however it will be completely repaved and restriped to accommodate required parking spaces, emergency access, vehicular circulation for pick-up and drop-off, bus access, and pedestrian access, which requires compliance with Appendix A. Please demonstrate compliance with Appendix A.*

Response: Dimensions demonstrating compliance added to A-011 and C6.01.

3. *MICC 19.04.040(E) allows for cooperative parking between two or more adjoining property owners; provided the code official, with approval from the design commission (now Hearing Examiner) and city engineer, may reduce the total required spaces by 25 percent of the total combined required spaces when the applicant has demonstrated that no adverse impact will occur due to the reduced number of stalls. Additionally, CUP24-001 Condition of Approval 6 requires the applicant to provide documentation demonstrating that the reduction in parking spaces will not have adverse impacts. Please provide this documentation.*

Response: The attached memorandum provides this documentation.

4. *MICC 19.04.050(B)(26)(b) requires all outdoor play areas for the preschool to be adequately fenced. The plans show an area to the west of the proposed building that looks like it could be a play area. **Please confirm the use of this area and, if it is intended to be a play area for the preschool, show adequate fencing is included in the plans.***

Response: Confirmed. Notes added to A-011 to more clearly identify perimeter fencing. Note that security chainlink fencing at the north side of the school has been identified, in order to meet security requirements which cannot feasibly be addressed by other means.

5. *CUP24-001 contains two conditions of approval to address fence height and location:
Condition 9: The six-foot-tall fence proposed within the access easement on 151560TRCT is not allowed pursuant to MICC 19.02.020(H)(1), unless the applicant provides documentation that improvements are authorized within the easement.
Condition 10: The six-foot-tall fence proposed within the front yard setback of parcel number 2107000010 shall be relocated to be outside of the required 20-foot front yard, or reduced to 42 inches (3.5 feet) in height, as required by MICC 19.02.050(E)(1)(a)(ii).*

Please demonstrate compliance with the above conditions.

Response: Notes added to A-011 to identify these two conditions. Applicant will obtain written authorization from PSE.

6. *The arborist report and Tree Inventory Worksheet on Sheet L-103 contain different counts for removed and replaced trees. The arborist report identifies 134 trees on-site. Of those trees, I have identified 7 trees that are dead and/or not regulated due to size, so for the purposes of our review, there are 127 trees on-site. Based on my calculations, 65 of these regulated trees are proposed to be removed. Nearly all of these trees are Grove trees, which are considered Exceptional and require 6 replacement trees each. 371 replacement trees are required for these removals, unless a qualified arborist provides the information contained in MICC 19.10.070(B)(4) for a reduction in the replacement trees. **Please correct the information on Sheet L-103 to reflect the correct counts for retention, removal, and replacement and, if reduction in the replacement trees is requested, please have the arborist provide the necessary information.** Please see the attached spreadsheet for more information.*

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.**

Attached is a spreadsheet identifying each tree with the proposed replacement per your review letter, our proposed replacement, and the reason.

We propose two methods for reducing the replacement trees:

1. Follow the letter of the MICC code, including the definition of exceptional tree, which does not mandate that groves are part of that definition.
2. Include groves as part of the exceptional tree count and reduce the number of replacements for trees in “fair” condition. Per the Arborist Report:

Fair: Reduced vigor. Damage due to insects or diseases may be significant and associated with defoliation but is not likely to be fatal. Twig dieback, defoliation, discoloration, and/or dead branches may comprise up to 50% of the canopy. A single structural defect of a significant nature or multiple moderate defects. Structural defects are not practical to correct or would require multiple treatments over several years. Major asymmetries/deviations from species norm. Function and aesthetics are compromised.

We have submitted both replacement calculations in spreadsheet form. Note that 15 existing trees have been added to the count per the supplementary arborist report which has been uploaded.

7. ***Please review the City Review/Notes column in the Criteria Compliance Narrative Excel Spreadsheet attached in the review notification email sent on August 8, 2025.***

Response: Criteria Compliance Narrative revised in response to City Notes.

8. *Please review and prepare responses to the public comments received during the public comment period (attached).*

Response: Responses prepared and attached.

ISSUED BY

Anjali Grant