

22 September 2024

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

Re: CUP24-001 Review Letter 1 Response

Dear Ms. McGuire,

Thank you for your comments on the submitted Conditional Use Permit application. Below please find responses to each comment.

1. *Revise the Code Compliance Matrix to exclude the variance section, since per recent conversation indicating that variances are no longer requested.*

Response: Code Compliance Matrix updated to exclude the variance section.

2. *Update Site Plan to accurately reflect the proposed development as discussed in previous conversations regarding the trash enclosure variance requests.*

Response: Site plan revised to show trash enclosure on B-zoned lot.

3. *Update the Code Compliance Matrix to include sections MICC 19.02.010(C)(3) for places of worship. a. MICC 19.020.010(C)(3), off-street parking shall be established and maintained at a ratio of one parking space for each five seats in the chapel, nave, sanctuary, or similar worship area.*

Response: Code Compliance Matrix updated.

Note: there are 82 required parking spaces for the existing worship area per the previous permit drawings, using the same required parking ratio. Original drawing included in the plan set for reference.

4. *The Code Compliance Matrix includes the following response to MICC 19.06.110(A)(2)(c): The use is consistent with policies and provisions of the comprehensive plan. The comprehensive plan allows for private school uses in residential properties, and encourages consolidating parking.*

Please provide specific policies and provisions from the comprehensive plan to support this finding.

Response:

2. V. Land Use Policies, Goal 15

15.4: As a primarily single family residential community with a high percentage of developed land, the community cannot provide for all types of land uses. ... Compatible permitted uses such as education, recreation, open spaces, government social services and religious activities will be encouraged

2. V. Land Use Policies, Goal 17

17.2: Commercial uses and densities near the I-90/East Mercer Way exit and SE 36th Street are appropriate for that area. All activities in the CO zone are subject to design review and supplemental design guidelines may be adopted.

17.4: Social and recreation clubs, schools, and religious institutions are predominantly located in single family residential areas of the Island. Development regulation should reflect the desire to retain viable and healthy social, recreational, educational, and religious organizations as community assets which are essential for the mental, physical and spiritual health of Mercer Island.

4.II. Transportation Goals and Policies, Goal 1

1.2: Encourage businesses and residential areas to explore opportunities for shared parking and other parking management strategies.

5. *Provide documentation that the preschool meets the requirements in MICC 19.02.010(A)(11). If the preschool does not meet these requirements, it will need to be added to the Conditional Use Permit under MICC 19.02.010(C)(9).*

Response: The preschool has been relocated to the building on B-zoned lot.

6. *Sheet A-011 includes the note "Existing 3-story religious institution with licensed preschool (partial change of use)". The project narrative states "Concurrently, a preschool will be developed on the R-9.6 parcels, within the existing synagogue building, which is permitted outright". If the licensed preschool exists, what is the change of use? Please provide more information on this, or revise the narrative and plan set for clarity.*

Response: The preschool has been relocated to the building on the commercial parcel. There is no existing licensed preschool. Project narrative and plan set revised for clarity.

7. *Please provide a Code Compliance Matrix for the residential development standards contained in MICC 19.02.020 and MICC 19.02.060 for lot coverage – regulated improvements. Any standard that does not specifically state that the standard applies to only single-family residences applies to the proposed development per MICC 19.02.005(B).*

Response: Code compliance matrix for the residential development standards added.

8. *Review and prepare responses to the public comments received during the comment period found at this link: [CUP24-001 Public Comments](#)*

Response: Responses to the public comments attached.

9. *The associated Transportation Concurrency Certificate (TCC24-004) is currently WCI or “Waiting on Customer Information”. The review letter was sent to the project contact on June 7, 2023 by Ryan Harriman.*

Response: Revised Transportation Concurrency Certificate attached as part of this response.

10. *The Associated Design Commission Review is currently On Hold pending the approval of the Conditional Use Permit. No action is required for DSR24-004 at this time.*

Response: Noted. Per correspondence with Molly McGuire, Design Review coaching session may overlap with Conditional Use Permit review, with risk borne by the developer. Project Team to reach out when we are ready for Design Review coaching session.

Tree:

11. *Replacement is required for any trees that are removed, according to the replacement ratios in MICC 19.10.070. At least half of the trees need to be Pacific Northwest native, see the following link: [CUP24-001 Public Comments](#)*

The trees need to be at least 10' apart from each other, structures, fences and utilities. If requested and you can show no room exists on site for all trees, the remainder can be fee in lieu if requested. A tree watering plan must also be submitted to ensure the trees survive long term.

Response: Noted. We cannot find language in the code supporting locating trees 10' from the fence or utilities. Trees currently located in the landscape buffer zone (at the fence) have not been included in the tree replacement calculations. We will be providing fee in lieu for many of the removed trees due to site constraints.

12. *For tree retention the following code and definition will apply for zone B. Parcel B appears to be in the residential zone and will need to follow the tree retention code in MICC 19.10.060(A)*

Response: Tree retention per MICC 19.19.060(A) is only required for single-family dwellings or subdivisions. We will follow the tree replacement schedule on 19.10.070 for tree 8097 that is being removed.

13. *Please provide the referenced arborist report. Update the plans with a tree protection plan to include fencing to protect trees according to the tree protection zone provided by your project arborist.*

Response: Arborist report is Appendix B from original submission, re-submitted here. Tree protection plan added to plan set.

ISSUED BY

Anjali Grant