

**From:** [Evan Maxim](#)  
**To:** [Robin Proebsting](#)  
**Subject:** FW: MICA/Fire Lane to 34th/new public notice and comment period.  
**Date:** Tuesday, January 31, 2017 2:45:27 PM

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FYI

Regards,

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**From:** Dan Thompson [mailto:danielphompson@hotmail.com]  
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**Subject:** MICA/Fire Lane to 34th/new public notice and comment period.

Hello,

I previously submitted written comments on MICA, mostly addressing our current street and intersection levels of service -- now and after closure of the center roadway -- and the failure of MICA to identify any formal or informal parking agreements with private property owners. Since I submitted my comments, and after public notice of the SEPA application, there have been developments that I think necessitate new public notice and a new public comment period:

1. Just recently MICA amended its application to include a paved fire lane running through Mercerdale Park to 34th. Including the necessary turn around (usually either 96' or 120 diameter) this results in an additional 7000sf of impervious surface in the middle of Mercerdale Park. I believe this is a material change in the application that should result in new public notice of the permit application, and should allow for further public comments. To be honest, I find it odd that MICA's architect and the DSG would forget that a performing arts center with auditoriums holding up to 300 persons would need emergency access, and the current regulations pertaining to the size and location of the fire lane. It would be like issuing public notice of an application for a house but forgetting to include the easement or

driveway. Who overlooks the necessary fire lane for a performing arts center in public notice of a SEPA application? To be honest, my assumption was emergency access would be from 32nd since 32nd and 77th provide much better access than 34th, and it would not result in additional impervious surface running right through the park. Some are somewhat suspicious that the new, overlooked fire lane running to 34th became necessary around the same time the DSG was asking MICA to clarify its offsite parking accommodations. I have commented publicly on several occasions that I believe MICA (and the DSG) plan on using Mercedale neighborhood as MICA's offsite parking, but just haven't informed the citizens living in Mercedale of this. The fire lane running to 34th doesn't make sense --to me anyway-- as the location for a fire lane, but does make sense if the purpose is to designate (publicly or not) Mercedale neighborhood as MICA's offsite parking. The risk of doing this is if the traffic is bad enough in Mercedale the citizens will request to be designated a residential parking zone, requiring parking permits for resident parking, which not be a problem for MICA unless MICA does indeed intend to use Mercedale neighborhood as its offsite parking. Since there has been so much public comment on the new fire lane, and its purpose and omission from public notice of the SEPA permit, new public notice should be issued showing the fire lane with new opportunity for public comment.

2. Recently the city commissioned a parking study by KPG to determine the effects to the town center of loss of SOV access to I-90 once the center roadway closes on June 1, 2017. In Sept. 2015 the city, as part of its negotiating principles, identified town center traffic mitigation as the second most important negotiating principle arising from the closure of the center roadway. Unfortunately we have just learned WSDOT (in addition to the FHWA) will prohibit SOV access from the dedicated HOV ramps at ICW. I believe the KPG traffic study should be made part of the SEPA permit file. The KPG traffic study clearly notes that even now the several town center intersections are at or below their minimum levels of service for streets and intersections, and will clearly fall below those levels once the center roadway closes and MI is not allowed SOV access. Unfortunately, our city has not begun to permit and construct the needed town center traffic mitigation that will result from the closure of the center roadway and loss of SOV access which will require approximately 700 SOV per peak hour that currently use the ICW access ramps to drive through the town center to access I-90 westbound at 76th or W. Mercer Way. Such permitting and construction will take years. These recent changes in loss of SOV access, as well as the KPG traffic study, represent material changes to MICA's SEPA permit that should also result in new public notice and citizen opportunity to comment.

3. As part of the recent town center development code rewrite the council stated its intent to narrow 77th from 27th to 32nd, and eliminate the turn lane and bike lane (although bike access is a negotiating principle for light rail mitigation) in order to create 77 street parking spaces. Although the council did not publicly say why this street parking was needed, it goes without saying the council was attempting to create the offsite parking MICA has failed to

obtain from private property owners. Unfortunately our city does not have the funds to narrow 77th and eliminate the turn and bike lanes, and even if it did the closure of the center roadway and loss of SOV access would make this idea a very foolish one since 77th will be critical to handle the SOV coming from the south end that will have to drive through the town center in order to access westbound access ramps at 76th or W. Mercer Way. The fact is narrowing 77th in order to create street parking is really no longer financial or practically feasible, and is another material change to MICA's SEPA permit that should result in new public notice and opportunity to comment.

In the end, considering such a contentious issue as MICA, and a DSG whose credibility with the citizens is not ideal, I think it is the better course to make sure public notice includes these material changes and allows the citizens the full opportunity to comment on the material changes. Otherwise the hearings before the council are going to be infected with claims of unfairness and procedural errors, which made the town center code rewrite such an unpleasant process that badly hurt the council's credibility with the citizens.

Thank you for your attention to this matter. From what I have read on ND and other chat groups I am not the only person writing to you requesting new notice and opportunity to comment. When this matter begins its appeal process, and ultimately ends up before the council in one fashion or another, I really think it would be better if procedural irregularities are not part of the discussion.

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