

Scott Greenberg

From: Timera Drake <timera@thompsondelay.com>
Sent: Monday, August 22, 2016 4:23 PM
To: Scott Greenberg
Cc: danielphompson@hotmail.com
Subject: Comments on ZTR16-002 and SEP16-015
Attachments: 20160822162540.pdf

Please find attached a letter from Daniel Thompson.

Sincerely,

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PAUL J. DELAY

August 22, 2016

Scott Greenberg
Development Services Group
City of Mercer Island
9611 SE 36th St.
Mercer Island, WA 98040

via email: scott.greenberg@mercergov.org

Re: File No. ZTR16-002
SEP16-015
Zoning Code Text Amendment and
SEPA Environmental Threshold Determination for MICA

Dear Mr. Greenberg,

I'm a longtime Mercer Island resident. I reside at 7265 N. Mercer Way, Mercer Island. Please consider this letter to be my written comments on the project applications identified above. These comments also incorporate written comments submitted by other citizens. Please forward any decision to me as soon as issued, or notice of open record public hearing. Please note me as a party of record on the applications identified above, and continue to include me in any communications among the DSG, the applicant, or other public citizens.

PRELIMINARY COMMENTS

14-Day Comment Period

I believe the language in the application for zoning code text amendment that states, "Only those person who submit written comments on or before Monday, August 22, 2016 at 5:00 p.m. *or* testify at the open record hearing to be scheduled will be parties of record; and only parties of record will receive a notice of the decision and have the right to appeal," (emphasis added) is a correct statement of the MICC and RCW 36.70B.110. However, I believe the language for SEP16-015 noting that "Only those persons who submit written comments within this fourteen (14) day comment period will become parties of record and only parties of record will receive a notice of the decision and have the right to appeal" is an incorrect statement of the MICC and state law, and is obviously contradicted by the language for ZTR16-002. Should any citizen file an administrative appeal of SEP16-015 and ZTR16-002 an open record hearing would be required, and any citizen would be allowed to testify or submit written comments and become a party of record with the right to appeal to the superior court. Therefore the language in

the notice of application for SEP16-015 and ZTR16-002 should be changed or modified in order to properly advise the citizens of their legal rights.

Public Records Act Request/Objection to Untimely Access to File Materials

Both notices of application provide the minimum 14-day period to file written comments, although the MICC and state law provide up to 30 days. Both applications identify numerous extensive studies and/or environmental documents, together with a SEPA checklist. Both applications note these documents are available for review at the DSG. However, none of the documents are available on the City's website or online.

Therefore, please consider this letter a request under the Public Records Act for a copy of all the studies and/or environmental documents reviewed or submitted with the application together with the SEPA checklist, as well as any emails in the City's possession addressing these applications. I also believe that providing citizens the minimum 14 day period in which to submit written comments without having the studies and/or environmental documents reviewed and relied upon available online or through the Public Records Act, when these documents are already in digital form and could be made available online, violates a citizen's due process. This policy discriminates against the disabled, who are unable to travel to the City's offices to review the file. Furthermore, in my experience now that most files are electronic in nature it is not possible to review them at the City's location. Therefore I would request that the public comment period be extended to 30 days, or in the alternative, the notices of application be corrected to note that any citizen who testifies or submits written comments at the open record hearing will become a party of record with the right to appeal.

COMMENTS ON ZONING CODE TEXT AMENDMENT

Please accept this letter as my objection to the zoning code text amendment that allows MICA to be placed in Mercerdale Park. Although the text amendment will be subject to an open record hearing, I believe MICA should not be placed in a public park, especially considering Mercerdale is the only significant open or green space in the town center. MICA is not within easy walking distance of mass transit. There is no metro service from the park-and-ride to MICA. I object to the City Council granting a long-term lease to a private organization for construction in a public park. I also object to any action by the City Council absent a public vote since the zoning code amendment for MICA will create a precedent that will allow other private developers to request or demand the reduction or elimination of required on-site parking.

COMMENTS TO SEP16-015 AND ZTR16-002

I object to the City issuing a Determination of Non-Significance or Mitigated Determination of Non-Significance for MICA. An environmental impact statement should be required for this project.

Geotechnical

The geotechnical report is flawed in that it addresses the likelihood of a slide from the hillside behind MICA. Although MICA itself is on flat land, it is backed by a steep, heavily-wooded ravine with significant water runoff. The geotechnical report should address the risk to patrons of MICA should a slide occur.

Wetlands

I object to and disagree with MICA's mitigation plan for the loss of wetlands and the effect it will have on flora and fauna.

Traffic and Parking

Most significantly, I object to MICA's parking management plan that proposed to eliminate any requirement for off-street (on-site) parking. MICA has not presented any informal or formal agreements with private property owners for parking for MICA, including the Farmer's property or the Rite-Aid property. MICA's proposal to use the parking for the thrift store will overburden an already burdened parking lot, and reduce the revenue generated by the thrift store. Furthermore, the MICA parking will overwhelm the residential neighborhood surrounding the thrift store. MICA's traffic and parking studies were completed prior to the determination by FHWA on August 5, 2016, that eliminated Mercer Island SOV access to the HOV lanes. As a result, the regular exit from I-90 onto 77th eastbound will become critical for citizens exiting an overburdened I-90 in order to get to Island Crest Way. The City Council's proposal to eliminate the turn lane on 77th, as well as the bike lane, in order to provide street parking for MICA, is an unwise decision that will create traffic gridlock in the town center, both for citizens who live north of ICW attempting to drive through the town center to the top of Island Crest Way in order to access the I-90 HOV/HOT lane (if allowed by FHWA), and for citizens attempting to exit to ICW eastbound or SOV citizens driving through the town center to enter at 76th westbound.

Environmental Elements

MICA will significantly affect the surface water and runoff from the hill behind it, and will negatively affect the animals and plants in the wetland. The aesthetics of Mercedale Park will be harmed by MICA, and will harm recreation opportunities. MICA is contrary to Mercer Island's commitment to historical and cultural preservation of green spaces and open spaces. Further studies of alternative sites should be performed. MICA will have negative aesthetic impacts to recreational users, adjacent land owners, and citizens in general.

CONCLUSION

As a result, I oppose MICA in Mercedale Park. More specifically I oppose the City's proposed Determination of Non-Significance or Mitigated Determination of Non-Significance and believe a formal EIS is necessary. MICA has not met its burden in its application to address geotechnical, wetlands, traffic and parking, and other SEPA-related factors in the checklist. As a

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result, I would ask that these applications be denied at this time, and the Council's determination of a zoning code text amendment is premature.

Sincerely,

A handwritten signature in blue ink, appearing to read 'D. Thompson', with a large, stylized initial 'D'.

Daniel P. Thompson

DPT:tcd