

## Scott Greenberg

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**From:** Sarah Fletcher <fletchsa1@gmail.com>  
**Sent:** Friday, August 19, 2016 5:05 PM  
**To:** Scott Greenberg  
**Cc:** Bruce Bassett; Dan Grausz; Council Mailbox  
**Subject:** SEP16-015 and ZTR16-02 - MICA

Good afternoon, I apologize for my email being so long, but I am trying to get everything in.

I wish to appeal the Decision should the City issue a Determination of Non Significance or should the City determine that there are no adverse environmental impacts. I am requesting to be made a party of record, including emails involving the City and receive notice of any public meetings or decisions.

In a January 2014 City Council Meeting with regard to MICA, it was stated: "Council asked about the size and scale of the building. Ms. Bain noted that a **wish list** would be developed and then it would be **paired down** to fit with the **cost** and needs identified for the building. Mayor Bassett asked if there would be parking for the **facility**. Mr. Hill responded that they are striving to create a "**green**" **facility** and they do not want to pave over more area for parking. Stowe Sprague also commented on parking for the **facility**, noting that there are opportunities for re-stripping, **sharing spaces with the Thrift Shop, working with local property owners to create parking agreements, or a shuttle from the park-and-ride lot.**

The Council discussed the location of **MICA** at the south end of the Town Center and if it really would be "the heart" of the Town Center. They expressed concern that if there is no parking, and patrons were encouraged to use mass transit to visit the **facility**, the walk to Mercedale Park may be a deterrent. Mr. Hill and Ms. Bain spoke about a **shift in thinking regarding how people get around and that the perception of how far a walk is depends on the walk being aesthetically pleasing.** They also mentioned that **MICA** would be located at the end of 77<sup>th</sup> Ave SE which is the **main road through** the Town Center from the freeway."

It is all very well for Sprague to comment on the facility being "green," but what is "green" about the facility? And as for parking for the facility, did anyone check with The Thrift Shop, Rite Aid, Farmer's, and the City and with Metro to see if it was alright for MICA patrons to park in their lots and for Metro to provide a shuttle for the patrons? And I can't see people walking from the Park and Ride to where MICA Theater is to be no matter how aesthetically pleasing it might be. As an example, when it comes to Farmer's Market, there are signs in the Rite Aid Parking Lot which specifically state "No Event Parking" and how many people ignore the signs and park in their lot anyway? I know I do. So expecting people to trudge from the "off-site parking" to walk to where MICA is proposed to be is a bit unrealistic. And do you know what the plan is for cars to get to Island Crest Way HOV lane from the Town Center? Will the main road be 77<sup>th</sup> Ave SE, the very street that MICA is proposed to be built on?

The City Council have just revised their Comprehensive Plan and I would like to know the following:

"Cherish the Environment. Island residents see themselves as "stewards" of the island environment. In considering community decisions, protection and enhancement of trees, open spaces, clean water and air, neighborhood quiet and environmentally sensitive lands will be given high priority."

Q: The Plan specifically states that protection and enhancement of trees, open spaces, etc. will be given high priority. With MICA, that does the very opposite. How do you propose to cherish the environment with such a building?

“In Land Use Issues: . . . Within the bounds of limited public resources, **open space and park land must be preserved to enhance the community’s extraordinary quality of life and recreation opportunities.**”

Q: It specifically states “open space and park land must be preserved to enhance . . . How does MICA preserve “open space and park land? When you put a building of that scale in a corner of the park, any feeling of open space will be gone. Preserves means preserves. It does not mean not preserving the open space.

“Environment • The City is committed to implementing policies aimed at preserving and enhancing the Island's physical characteristics. Regulatory tools such as the Zoning Code, Subdivision Ordinance, Critical Lands Regulations, Shoreline Master Program, Tree Ordinance and Design Standards continue to serve as the underpinning for protection of environmental values.

Q: It specifically states that the City is “committed to implementing policies aimed at preserving and enhancing the Island’s physical characteristics . . . continue to serve as the underpinning for protection of environmental values.” Please explain how the Zoning Code change protects the environmental values?

• Open space (trees and green spaces) preservation continues to be a primary activity for attaining the community’s quality-of-life vision. City leaders will continue to search for effective new tools and standards to protect and enhance the environment.”

Q” It specifically states “Open space (trees and green spaces) preservation continues to be a primary activity for attaining the community’s quality-of-live vision.” How can adding more parking and adding more cars which cause more car pollution help attain our quality of life?

“GOAL 10: The protection of the natural environment will continue to be a priority in all Island development. Protection of the environment and private property rights will be consistent with all state and federal laws.

Q: To me, protecting the wetland and buffer and trees and forest area classifies as “natural environment.” Please explain how a large building in the park classifies as protection of the natural environment?

10.1 The City of Mercer Island shall protect environmentally sensitive lands such as watercourses, geologic hazard areas, steep slopes, shorelines, wildlife habitat conservation areas, and wetlands. Such protection should continue through the implementation and enforcement of critical areas and shoreline regulations

Q: How do you plan on protecting the environmentally sensitive lands, such as where the proposed MICA is to be located?

“10.2 Land use actions, storm water regulations and basin planning should reflect intent to maintain and improve the ecological health of watercourses and Lake Washington water quality.

10.3 New development should be designed to avoid increasing risks to people and property associated with natural hazards.”

Q: Because of the arborist allowing the trees, bushes and shrubs to be removed from the Mercerdale hillside, there is now an increased risk to the property because of a landslide and if MICA are to install a retaining wall, in doing so, will that mean the destruction of more trees?

10.4 The ecological functions of watercourses, wetlands, and habitat conservation areas should be maintained and protected from the potential impacts associated with development.”

Just about in every instance, should the proposed MICA building and parking go ahead, it will be going against the very principles which are in the Comprehensive Plan which took a lot of time and energy of a lot of people to get to where we did.

And when it comes to the Mercer Island Municipal Code Chapter 9.30 Park Rules, it states: "it is unlawful for any person to remove, destroy, mutilate, injure, cut, disturb or mark or write upon any structure or building, or any fixture therein or attached thereto, or any monument statue, vase, fountain, ... or to pick, cut, or remove any tree, shrub, bush, plant or flower (Ord A 91 Para 1. 1991)."

So basically, it would be **illegal** for MICA to remove the monument and cut down any tree. If I were to cut down a tree, as per the ordinance, I would have to pay a penalty. MICA should not be allowed to cut down a tree for the construction as per the "Site Design Tree Ordinance Requirements. The tree ordinance requires that you use "reasonable best efforts to design and locate any improvements" in a way that preserves large (regulated) trees (MICC 19.10.040.B.2)." From what it looks like, they are not using one reasonable effort to locate their building. And not only that, tell me how adding a building to a park is an "improvement?" It does not improve the Park, nor will it improve my quality of life in that adding the building will just add to the traffic congestion and to everyone else's who lives in and around the Town Center.

The proposed building is oversized for the park and where Freshy's is located is a much better location than the old Recycle Center in that Freshy's and the Recycle Center are about the same size, whereas, the proposed MICA building looks almost three times as big.

I have some questions as follows:

- 1) Will the proposed building encroach onto the path?
- 2) Are they planning on building a new path and if so, where will it go?
- 3) What will happen to the trail, it looks like the path leading down from the stairs above will be blocked by the proposed building?
- 4) What will happen to the Bicentennial Monument in that it is of significance and there is an ordinance on monuments. You can't just demolish it.
- 5) And the public restroom, will the MICA building be open for the public to use the restroom anytime or will it only be open during the hours that MICA will be open?

Although an environmental study was done, it was not done for the hillside behind the proposed building which needs to be done.

- 1) Who is responsible for doing that Study - the Developer above, the City or MICA?
- 2) Was the Environmental Study done before all of the trees, bushes and shrubs were removed or subsequent to this event? I ask in that because all the trees, bushes and shrubs were removed from the hillside, it now puts the hillside at risk of a landslide and if there is a landslide and the building is damaged, I believe the City are on the hook. Is this correct?
- 3) Do you know if MICA will be built to withstand a 9.0 earthquake?

I would like to know if you are aware of the trees that are currently on-site. My concerns are as follows:

- 1) Will neighbors' views be blocked by this proposed building?
- 2) How high is the proposed building?

3) Why is the lease site halfway down the street that is next to Mercerdale Park when the proposed building does not come that far down?

I would like to know if the Code will be followed with regard to "Site Design Tree Ordinance Requirements? The tree ordinance requires that you use "reasonable **best efforts to design and locate any improvements in a way that preserves large (regulated) trees (MICC 19.10.040.B.2). To save a Regulated Tree, you may be asked to relocate a driveway, walkway, uncovered patio or move the building footprint if there are other reasonable options.** During the preliminary design phase, builders are encouraged to consider creative construction methods to minimize the construction impact on trees including construction of pilings, cantilevered decks, tunneling, hand digging within drip lines and the consolidation of stormwater detention tanks and utilities under driveways. The city arborist is a resource to help you explore these and other reasonable options.

**When making the effort to preserve a tree, you will be asked to temporarily fence the tree at the drip line, defined by the outermost leaves on a tree. The area within the drip line contains the most critical roots and should not be disturbed. Remember, the bigger the tree, the further out the drip line and roots extend.**

Plan Submittal Requirements In an effort to help you design around your healthy trees, you must show on the permit application the location, diameter and/or size, and species of all Regulated Trees. **Trees proposed to be cut shall be identified and differentiated from those trees not being cut. For a permit involving any critical tree area, the applicant shall also identify vegetative cover that will be retained or removed (MICC 19.10.080.A.3)."**

Could you please inform me as to what measures the arborist is going to use to preserve the trees? And Is there an Arborist's Report and is he adhering to the code?

If you allow a variance for MICA, does it not set a precedent?

If MICA is given approval, why would you give them preferential treatment? For example, what happens if someone else comes along and asks for a variance or whatever, and they state that the City gave MICA a variance so we want one too? That is what I am worried about in that it opens the floodgates.

And the Code talks about "off-street parking," but in the Application, you are talking about "off-site parking," is there a difference between off-site and off-street? Do you think they meant to say "off-street?" To me, "off-site parking" could mean somewhere as far away as the Park and Ride. And are you trying to tell me that people are going to park all the way at the Park and Ride and get a shuttle to MICA and what about the parents dropping their children off, where are they going to be dropping the children off? And how are the refuse trucks supposed to get to the back of the building to pick the trash up from? It doesn't look like you have allowed space for the refuse trucks to get to the back of the building or if there is enough room for them to turn around.

And when the center roadway closes and I-90 goes to the R8A configuration most if not all eastbound traffic including transit will exit at the non-HOV 77th Ave SE. exit in order to continue down 77th Ave SE and then up to Island Crest Way. In order to provide the necessary parking for MICA the council is going to create total gridlock on 77th. Ave SE. Do you know how the cars and buses from North Mercer Way are going to get to Island Crest Way? Has a Traffic Study been performed and by whom and when was it done?

In the Application Notice it states::

"2. A Text Amendment to Mercer Island City Code chapter 19.05, Special Purpose, to allow the uses planned for the performing arts center and allowing use of **off-site parking** to meet the proposal's parking demand."

I have copied portions of the Code below from Chapter 19.05:

"19.05.020 Parking requirements.

A. The following parking requirements apply to all uses in the P zone.

B. General Requirements.

1. Surfacing and Grading. All **off-street parking** areas shall be graded and surfaced to a standard comparable to the street which serves the parking area. The parking area shall be developed and completed to the required standards before an occupancy permit for the building to be served is issued.

4. Location. **Off-street parking** shall be located on the same lot or on an adjoining lot or lots to the building to be served; except, that **off-street parking** may be located in an area beginning within 500 feet of the front entrance of the building to be served; provided, that **there are no intersecting streets between the parking area and building to be served**. This requirement does not apply to transit facilities.

5. Ingress and Egress. The city engineer shall have the authority to fix the location and width of vehicular ingress or egress to and from property, and to alter existing ingress and egress as may be required to control street traffic in the interest of public safety and general welfare.

6. Handicapped Standards. **Off-street parking** shall meet the relevant state design standards for the physically disabled.

8. Loading Space. An **off-street loading space**, having access to a public street, shall be required **adjacent to each building** hereafter erected or enlarged. Such loading space shall be of adequate size to accommodate the maximum number and size of vehicles simultaneously loaded or unloaded, in connection with the business or businesses conducted in such building. No part of the truck or van using the loading space may project into the public right-of-way.

9. Variances. Notwithstanding any of the minimum parking requirements set out in subsection C of this section, the code official may grant variances from the minimum parking requirements with the approval of the design commission and the city engineer for projects reviewable by the design commission."

What is not clear is that when one looks at the Lease, the border goes halfway down 32nd Street, but if there is supposed to be parking along the whole of 32nd Street, wouldn't the Lease need to be extended to the whole street, rather than just a part? That is why it is not clear as to where the "off-site parking" is? And they are limited in that if the parking is across the road in the Rite Aid parking lot or on the street across the road from the proposed MICA, how does one propose patrons are supposed to get to the parking in a safe manner? Have anyone submitted any parking agreements with private land owners to evidence its "off-site" parking, which should be a requirement for any SEPA review. And if patrons are expected to park in the Rite Aid parking lot, did anyone check with them to see if it is alright to park in their lot, and the same for Farmer's?

Does MICA comply with the ADA requirement for access for the disabled? The reason I ask is because I have an elderly mum who has a walker and she cannot walk very far. I would have to park outside the main entrance, get her walker out of the back of the car and walk her to the door. Will there be a parking zone for the disabled? And if MICA is to build a long paved driveway to allow disabled persons to be dropped off and picked up with a turnaround, this then increases the impervious surface area which will then add to the building footprint.

And are you aware that the City's street mobility rating under the GMA is already at the lowest level, and therefore any variance would have to address further degradation of mobility on the City's streets from both MICA traffic and off-site parking?

The City Council have enough to deal with without getting into the Lease business which is what it will come to with MICA. There should not be any change in Code because this opens the floodgates, the

parking is not sufficient, and there has been no mention of how they plan on creating a “green facility” and the fact that they do not want to pave over more area for parking” and it is not good to just assume that Rite Aid, the Thrift Shop and Farmer’s would allow MICA patrons to park. I did not see a Lease with any of them. Is there one that I have not seen? And they state that 77<sup>th</sup> is the main road leading to the freeway, so once again, with all our potential traffic congestion problems now and in future, that is not prudent to allow for MICA to be built where they plan.

Mercerdale Park is just not the best environmental option. Thank you for your consideration.

Sarah Fletcher