Citizen Observations on the MICA SEPA Application

MICA has submitted four SEPA checklists since February 2016 and the latest one filed January 20 is incomplete, inaccurate and non-responsive (in part) to the City of Mercer Island’s July 18, 2016 request for additional information. Specific failures include the following.

***PLATTING:***  The interim City Manager’s September 26, 2016 correspondence to the City

Council clearly and unequivocally advised the MICA is required to apply for and obtain a

long plat. In view of that September 26, 2016 correspondence, it is deceptive for MICA

to assert that it is “not clear whether or not a plat will be necessary. MICA must obtain an approved final long plat (not a short plat), and the lease cannot be executed until MICA obtains an approved final long plat (not a final short plat). To comment that MICA will do a short plat if required is disingenuous.

***STREETS AND RIGHTS-OF-WAY:*** A portion of the MICA proposal will be constructed in a City Right-Of-Way, SE 32nd Street and in order to do so, MICA must have that City Right-Of-Way vacated. It has not acknowledged the obligation to do so.

***OFF-SITE DEVELOPMENT:***  the MICA proposal requires 18,292 square feet of off-site development. This includes a “FIRE LANE/PATH” that begins at 34th Street and contains approximately 6,986 square feet of off-site development. We note that MICA rejected a “FIRE LANE/PATH” that begins at 32nd Street and contains approximately 1,540 square feet of off-site development, and (iv) that the difference between a “FIRE LANE/PATH” that begins at 34th Street and a “FIRE LANE/PATH” that begins at 32th Street is approximately 5,446 square feet of off-site development.

***CRITICAL AREA DEVELOPMENT: T***he MICA proposal includes alterations to the wetland and alterations to the wetland buffers.

***PROPOSED ZONING TEXT AMENDMENT:*** MICA’s proposed zoning text amendment applies to a single parcel of property, and constitutes special privileges for MICA. Such privileges have been held by the courts to constitute spot zoning.

***PARKING:*** MICA’s parking plan is noh-existent. It is based on hopes and dreams and not evidence. Moreover, the Mercer Island City Engineer has determined that it does not meet specifications.

***UNLAWFUL ACTIVITIES REGARDING ALCOHOL:***  MICA is proposing serving alcohol in its facility. Such an activity is unlawful in a city park.

***GROWTH MANAGEMENT ACT COMPLIANCE***: Concurrency requirements apply to each and every new development and certainly apply to the “MICA project. It is deceptive for MICA to represent that “With regard to concurrency, the MICA project is in an area already served by utilities and other city services.” The “MICA project” is new development that is subject to the applicable regulation.

***CONFLATION WITH I-90 MOBILIZATION ISSUES:*** The present plans and issues associated with the forecast changes to I-90 mobilization portend severe impact on traffic congestion and mobility in the City Center. MICA’s construction of a 34,000-sq. ft. theater with seating for 500 in three venues will increase and intensify traffic congestion, particularly on 77th street SE, to a degree that mobility will be degraded if not halted..

***SUMMARY:*** The combined significance of these failures to adhere to MICC’s and RCW’s, where applicable, does not permit a declaration of non-significance of the SEPA CHECKLIST.

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