



DETERMINATION OF NON-SIGNIFICANCE (DNS) WITH MITIGATION AND USE OF PHASED SEPA DETERMINATION (WAC 197-11-060(5))

- Application Nos.:** SEP16-015 and ZTR16-002
- Description of proposal:** **This State Environmental Policy Act (SEPA) threshold determination analyzes the environmental impacts associated with two “non-project actions” proposed by the applicant, Mercer Island Center for the Arts (MICA), as part of a phased SEPA review pursuant to WAC 197-11-060(5)(b) & (c)(i).** This SEPA Determination covers the following two non-project elements of the proposed MICA project:
1. A Zoning Code Text Amendment to Mercer Island City Code chapter 19.05, Special Purpose, to allow the uses planned for the performing arts center and to allow the use of off-site parking to meet the proposal’s parking demand; and
 2. An Agreement to Lease Subject to Certain Conditions Precedent (“agreement to lease”) between the City of Mercer Island and MICA for the portion of the Mercerdale Park property where a performing arts center is proposed to be located.
- The environmental impacts of “project actions” needed for the MICA project, such as a long subdivision, critical area determination and construction permits, are not ready for decision at this time and will be further analyzed after the City Council makes decisions on the zoning code text amendment and agreement to lease.
- Proponent:** Lesley Bain (Framework), Architect for MICA
- Location of proposal:** Mercerdale Park, 3205 77th Avenue SE, Mercer Island, WA
- Lead agency:** City of Mercer Island
- Project documents:** ***Please follow this file path to access the associated documents for this project:***
https://mieplan.mercergov.org/public/MICA-SEP16-015_ZTR16-002

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

This threshold determination is a phased SEPA decision pursuant to WAC 197-11-060(5)(b) & (c)(i). Phased review assists agencies and the public to focus on issues that are ready for decision and exclude from consideration issues not yet ripe for a SEPA determination. In addition, phased review is appropriate when the sequence is from a non-project document to a document of narrower scope such as a site-specific analysis for subsequent project-level development applications (e.g., long subdivision, critical area determination, building permit).

This threshold determination will be supplemented with site-specific environmental review at the time of a project-level development application, and a new SEPA threshold determination will be issued prior to issuance

of any underlying project-level permits. The site-specific environmental review will address probable environmental impacts from the proposal, including but not limited to issues related to transportation (traffic and parking), surface waters (wetlands and wetland buffers), storm water, plants, aesthetics, light and glare, recreation, and the cumulative impacts of the project in any one or more SEPA checklist categories.

_____ There is no comment period for this DNS.

 X This DNS is issued after using the optional DNS process in WAC 197-11-355. There is no further comment period on the DNS.

_____ This DNS is issued under WAC 197-11-340(2); the lead agency will not act on this proposal for 14 days from the date below. Comments must be submitted by _____.

Responsible Official: Scott Greenberg, Director
Development Services Group
City of Mercer Island
9611 SE 36th Street
Mercer Island, WA 98040
Email: scott.greenberg@mercergov.org

Date: September 11, 2017

Signature: _____



APPEAL INFORMATION

There is no administrative (City) appeal of a SEPA threshold determination associated with a City Council legislative action (the proposed zoning code amendment) pursuant to MICC 19.07.120(T)(1). Any appeal must be filed with the State of Washington Central Puget Sound Growth Management Hearings Board. Visit http://www.gmhb.wa.gov/Home_CPSB.aspx for more information.

FINDINGS

1. A series of non-project and project-level proposals are required for the proposed performing arts center to be built in Mercedale Park. The non-project actions include a zoning code text amendment and an agreement to lease. The project-level actions include multiple land use approvals (e.g., long subdivision and critical area determination), and construction permits.
2. The applicant initially submitted a SEPA checklist and supporting information for the entire MICA project, combining both the non-project and project actions. This submittal was reviewed by City staff and peer reviewers with technical expertise in various subject areas. The peer reviewers requested more detailed project-level information at the end of the first review cycle. The applicant provided some additional information, but in certain topic areas, the more detailed information is contingent on details of the building and project design, which cannot be known until a decision is made by the City Council on the non-project zoning code text amendment.
3. Due to the complexity of this project and the sequence of multiple project and non-project approvals needed, the City is opting to use a phased review approach pursuant to WAC 197-11-060(5). WAC 197-11-776 defines phased review as: "...the coverage of general matters in broader environmental documents, with subsequent narrower documents concentrating solely on the issues specific to the later analysis (WAC 197-11-060(5)). Phased review may be used for a single proposal or EIS (WAC 197-11-060)."
4. Phased review allows for environmental review of the issues and impacts ready for decision and excludes issues that are not yet ready for a decision. In this case, the proposed zoning code text amendment and agreement to lease are ready for review and decision. Being ready for review and decision simply means there is adequate information available to determine the environmental impacts and potential mitigation of those elements of the larger project. Being ready for review and decision does not mean that the City Council is ready to act immediately. The zoning code text amendment and agreement to lease both require additional public process prior to City Council action. Other proposals (such as the land use and construction approvals) are contingent upon the review and approval of the zoning code text amendment and agreement to lease approval, and are not ready for review and decision. City Council decisions on the zoning code text amendment and proposed agreement to lease could result in changes to the site design, building design and/or parking requirements of the project, affecting potential environmental impacts of the project.
5. Additional SEPA review of the physical MICA project, including but not limited to site-specific impacts, cumulative impacts and mitigation, will occur following decisions on the zoning code text amendment and agreement to lease, consistent with WAC 197-11-060(5).

ANALYSIS

1. Earth
 - a. *Impacts:* The proposed code amendment and agreement to lease are non-project actions and would not create erosion or have other impacts to the earth. If adopted, the proposed code amendment would enable future project actions that could have environmental impacts. Future project actions will be reviewed for impacts and mitigation related to earth, including but not limited to slope stability, and appropriate SEPA action will be taken.
 - b. *Mitigation Measures:* No mitigation measures are needed to reduce or control erosion, or other impacts to the earth.
2. Air

- a. *Impacts:* The proposed code amendment and agreement to lease are non-project actions and would not create emissions or have other impacts to air. If adopted, the proposed code amendment would enable future project actions that could have environmental impacts. Future project actions will be reviewed for impacts and mitigation related to emissions from construction and operation of the project, and appropriate SEPA action will be taken.
- b. *Mitigation Measures:* No mitigation measures are needed to reduce or control emissions or other impacts to air.

3. Water

- a. *Impacts:* The proposed code amendment and agreement to lease are non-project actions and would not increase discharge to water nor create impacts to drainage patterns or to surface, ground, or runoff water. If adopted, the proposed code amendment would enable future project actions that could have environmental impacts. Future project actions will be reviewed for impacts and mitigation related to a storm water management plan (to address storm water collection and runoff), and for impacts and mitigation related to the Category III wetland, and appropriate SEPA action will be taken.
- b. *Mitigation Measures:* No mitigation measures are needed to reduce or control impacts to drainage patterns or to surface, ground, or runoff water.

4. Plants

- a. *Impacts:* The proposed code amendment and agreement to lease are non-project actions and would not create impacts to trees, plants or vegetation. If adopted, the proposed code amendment would enable future project actions that could have environmental impacts. Future project actions will be reviewed for impacts and mitigation related to plants, trees and vegetation, and appropriate SEPA action will be taken.
- b. *Mitigation Measures:* No mitigation measures are needed to reduce or control impacts to trees, plants or vegetation.

5. Animals

- a. *Impacts:* The proposed code amendment and agreement to lease are non-project actions and would not create impacts to animals including fish and marine life. If adopted, the proposed code amendment would enable future project actions that could have environmental impacts. Future project actions will be reviewed for impacts and mitigation related to animals, and appropriate SEPA action will be taken.
- b. *Mitigation Measures:* No mitigation measures are needed to reduce or control impacts to animals including fish and marine life.

6. Energy and natural resources

- a. *Impacts:* The proposed code amendment and agreement to lease are non-project actions and would not create impacts to nor deplete energy or natural resources. If adopted, the proposed code amendment would enable future project actions that could have environmental impacts. Future project actions will be reviewed for impacts and mitigation related to energy and natural resources (including green building), and appropriate SEPA action will be taken.
- b. *Mitigation Measures:* No mitigation measures are needed to reduce or control energy impacts or conserve energy and natural resources.

7. Environmental health

- a. *Impacts:* The proposed code amendment and agreement to lease are non-project actions and would not create noise, nor create or be affected by environmental health hazards, including toxic or hazardous substances. If adopted, the proposed code amendment would enable future project actions that could have environmental impacts. Future project actions will be reviewed for impacts and mitigation related to environmental health, and appropriate SEPA action will be taken.
- b. *Mitigation Measures:* No mitigation measures are needed to reduce or control noise or environmental health hazards.

8. Land use and shoreline use

- a. *Impacts:* The proposed code amendment is a non-project action that would allow “public facilities” as an additional use within Mercerdale Park. The proposed list of uses allowed as “public facilities” includes: theatre, lecture hall, classroom, performing studio, visual arts studio, exhibition gallery, gathering and meeting spaces, café and bar, and accessory functions. Adding the proposed use as a permitted use to Mercer Island City Code (MICC) 19.05.010 would not have direct impacts on the environment.

The proposed agreement to lease is a non-project action that would follow approval of a code amendment allowing the proposed land use (which is not allowed today). If the code amendment is approved, the proposed agreement to lease would then allow public facilities as a permitted use within Mercerdale Park and would not create land use impacts.

There are also environmentally critical areas in and adjacent to Mercerdale Park (wetland, wetland buffer, and geologic hazard areas). If adopted, the proposed code amendment would enable future project actions that could have environmental impacts. Future project actions will be reviewed for impacts and mitigation related to land use and critical areas, and appropriate SEPA action will be taken.

- b. *Mitigation Measures:* No mitigation measures are needed to ensure the proposal is compatible with existing and projected land uses and plans.

9. Housing

- a. *Impacts:* The proposed code amendment and agreement to lease are non-project actions and would not create impacts to housing. If adopted, the proposed code amendment would have no impact on existing housing nor would it allow any housing in Mercerdale Park. Future project actions would not require additional analysis for housing impacts.
- b. *Mitigation Measures:* No mitigation measures are needed to reduce or control housing impacts.

10. Aesthetics

- a. *Impacts:* The proposed code amendment and agreement to lease are non-project actions and would not create aesthetic impacts. If adopted, the proposed code amendment would enable future project actions that could have environmental impacts. Future project actions will be reviewed for impacts and mitigation related to aesthetics, and appropriate SEPA action will be taken.
- b. *Mitigation Measures:* No mitigation measures are needed to reduce or control aesthetic impacts.

11. Light and glare

- a. *Impacts:* The proposed code amendment and agreement to lease are non-project actions and would not create light and glare impacts. If adopted, the proposed code amendment would enable future project actions that could have environmental impacts. Future project actions will be reviewed for impacts and mitigation related to light and glare, and appropriate SEPA action will be taken.
- b. *Mitigation Measures:* No mitigation measures are needed to reduce or control light and glare impacts.

12. Recreation

- a. *Impacts:* The proposed code amendment and agreement to lease are non-project actions and would not create recreational impacts. If adopted, the proposed code amendment would enable future project actions that could have environmental impacts. Future project actions will be reviewed for impacts and mitigation related to recreation, and appropriate SEPA action will be taken.
- b. *Mitigation Measures:* No mitigation measures are needed to reduce or control impacts on recreation.

13. Historic and Cultural Preservation

- a. *Impacts:* The proposed code amendment and agreement to lease are non-project actions and would not create impacts to historic or cultural resources. If adopted, the proposed code amendment would enable future project actions that could have environmental impacts. Future project actions will be reviewed for impacts and mitigation related to historic and cultural preservation, and appropriate SEPA action will be taken.
- b. *Mitigation Measures:* No mitigation measures are needed to avoid, minimize, or compensate for loss, changes to, and disturbance to historic or cultural resources.

14. Transportation

- a. *Impacts:* The proposed code amendment would create new parking requirements for Public Facilities in Mercedale Park. It would allow the amount of required parking to be determined through a parking demand study, similar to the allowance in the current code for the Town Center. It would also allow all parking to be provided off-site pursuant to a traffic management plan.

If shared parking is used, the applicant proposes use of unrecorded written agreements that can be terminated within 90 days. If such off-site parking agreement is terminated, the applicant proposes to locate alternative parking and/or provide shuttle service for parking. Because the parking agreement would not be recorded on title, a new owner may be unaware of the parking agreement, and could choose not to honor the agreement. This could lead to inadequate parking being provided for the proposed public facility. Requiring these parking agreements to be recorded would provide some level of certainty as to the continued existence of the required baseline number of parking stalls for the proposal. Further, extending the termination period to 120 days would give more time to locate additional (replacement) parking, and negotiate and record a new parking agreement.

While the final configuration, size and design of a specific public facility project in Mercedale Park is still under consideration, some concerns related to the proposed parking code amendments can be determined today. The primary concern is where staff, visitors and

patrons would park if one or more of the proposed off-site parking agreements is terminated. A related concern is the ability for City staff to adequately monitor compliance with the off-site parking agreements and approved traffic management plan over the duration of the proposed long-term lease period.

If adopted, the proposed code amendment and agreement to lease would enable future project actions that could have environmental impacts. Future project actions will be reviewed for additional impacts and mitigation related to transportation and parking, and appropriate SEPA action will be taken when more project details are known.

b. *Mitigation Measures:* The following mitigation measures are needed to reduce or control transportation impacts related to parking. The applicant shall:

- Complete a Parking Management Plan that includes both construction and operation of the facility.
- Provide for periodic review of the Parking Management Plan (Plan), not less than annually and any time an element of the Plan changes and disrupts availability of required parking.
- Provide annual reporting of the traffic demand management plan to provide program adjustments based on the report.
- MICA shall identify a designated "Parking Coordinator" who is responsible for parking and traffic management and coordination of these issues with the City.
- Enter into written agreement(s) approved by the City for any proposed off-site, off-street parking. Such agreements shall be recorded with King County prior to issuance of any construction permits. Such agreements may be terminated upon not less than one hundred twenty (120) days' notice to the code official, provided that the applicant has agreed to either enter into a replacement parking contract or make alternative parking arrangements, such as a shuttle service; in the case of any replacement and/or alternative parking arrangement, such arrangements must be reviewed and approved by the code official prior to the end of the 120-day notice period.
- Update any private parking agreements as necessary to maintain baseline level of available parking to meet demand with an appropriate level of redundancy; and if parking is disrupted, modify MICA program scheduling until such parking is made available again.
- Provide clear signage at the proposed MICA site to assist with clarity of parking and loading requirements.
- Provide patron education specifically to restrict patron parking in the residential neighborhoods south, east and west of Mercedale Park.

15. Public Services

- a. *Impact:* The proposed code amendment and agreement to lease are non-project actions and would not create impacts to public services. If adopted, the proposed code amendment would enable future project actions that could have environmental impacts. Future project actions will be reviewed for impacts and mitigation related to public services, and appropriate SEPA action will be taken.
- b. *Mitigation Measures:* No mitigation measures are needed to reduce or control impacts on public services.

16. Utilities

- a. *Impact:* The proposed code amendment and agreement to lease are non-project actions and would not create impacts to utilities. If adopted, the proposed code amendment would enable future project actions that could have environmental impacts. Future project actions will be reviewed for impacts and mitigation related to utilities, and appropriate SEPA action will be taken.
- b. *Mitigation Measures:* No mitigation measures are needed to reduce or control impacts on utilities.



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memorandum

date September 8, 2017

to Robin Proebsting, Project Planner and Scott Greenberg, SEPA Official; City of Mercer Island

from Claire Hoffman, Ecologist; ESA

subject Proposed Mercer Island Center for the Arts (MICA) –SEPA Review

This memorandum documents the State Environmental Policy Act (SEPA) third-party review process conducted by Environmental Science Associates (ESA) on behalf of the City of Mercer Island (City) for the proposed Mercer Island Center for the Arts (MICA) project. The City also retained Perrone Consulting and DKS to review the geotechnical and transportation evaluations, respectively, conducted by the MICA (Applicant). The responsible official at the City will make the SEPA threshold determination for the proposed project (Mercer Island City Code [MICC] 19.07.120). Note that the project may require phased review (WAC 197-11-776). This memorandum also includes ESA's SEPA determination recommendation to the City for the proposed MICA project.

The proposed MICA project would be located at 3205 77th Ave SE (Parcel #1224049068). The proposal includes a building approximately 28,300 square feet with a 300-seat main stage theatre, a 100-seat theatre, a 100-seat recital hall, and educational spaces. Public bathrooms accessible from the exterior and storage space for the Mercer Island Farmers Market would also be provided.

The following is a summary timeline of the review process by ESA, Perrone Consulting and DKS, beginning with the submission of the SEPA Checklist by the Applicant in July 2016.

August 2016

DKS reviewed the Traffic Impact Analysis by TranspoGroup (June 2016).

The City requested public comment on a SEPA Checklist (July 27, 2016) and received a number of comment letters during this initial comment period. Concerns included all elements of the environment, but primary concerns were parking, transportation, loss of park lands, impacts to the wetland and trees, and erosion/slides.

September 2016

ESA reviewed the SEPA Checklist (July 27, 2016) by Framework Cultural Placemaking and attachments. For detail of this review, refer to the Memorandum dated September 20, 2016 to Scott, Project Planner for the City from ESA (Attachment 1).

October 2016

Perrone Consulting reviewed the Earth and subsurface water elements of the SEPA Checklist (July 27, 2016) by Framework Cultural Placemaking as well as the geotechnical design report by HartCrowser (2016).

January 2017

In response to the aforementioned reviews and public comments, the Applicant was asked by the City to submit a revised SEPA Checklist. A revised Checklist was submitted to the City on January 12, 2017, which included additional attachments and responses to public comment. This version was deemed incomplete. MICA made several resubmittal attempts, and its April 4, 2017 submittal was deemed complete.

May 2017

ESA reviewed the January 12, 2017 SEPA Checklist, responses to comments, and attachments. On May 15, 2017 ESA met with the Applicant at the ESA office to discuss ESA's comments on the January SEPA Checklist. At this meeting, ESA asked for a revised SEPA Checklist to clarify wetland impacts and mitigation, tree removal and replacement, stormwater discharge, and improve general organization of the information in the SEPA Checklist.

Perrone Consulting and DKS reviewed the geotechnical and transportation elements, respectively, of the January 12, 2017 SEPA Checklist. Additionally, DKS reviewed a revised Transportation Impact Analysis by TranspoGroup (January 2017) and Perrone Consulting reviewed the Geotechnical Engineering Design Report (July 26, 2016) by HartCrowser. The City had a conference call with the Applicant, HartCrowser (the Applicant's consultant), DKS, Perrone Consulting, and ESA on June 7, 2017. DKS and Perrone Consulting requested further clarification on transportation and geotechnical elements, respectively.

June 2017

The Applicant sent an interim of their revisions to the City and ESA on June 6, 2017 via email. ESA had minor follow-up comments.

After further clarification between DKS and the Applicant, they submitted a revised SEPA Checklist with updated transportation attachments on June 29, 2017. On June 30, 2017, DKS reviewed this interim version and required no further changes (Attachment 2).

The Applicant submitted additional slope stability review which was reviewed by Perrone Consulting on June 23, 2017. Perrone Consulting had minor comments, but agreed with the overall determination that the slopes on the proposed project site would be relatively stable and pose a low risk of failure (Attachment 3).

July 2017

The Applicant submitted a reissued SEPA checklist on July 3, 2017 (Attachment 4), which addressed comments and questions from ESA, DKS, and Perrone Consulting.

Evaluation and Recommendation

The following discussion reviews the elements of the environment addressed in the reissued SEPA Checklist (July 3, 2017). ESA relied on DKS and Perrone Consulting to assess potential impacts to the transportation and geotechnical elements, respectively. ESA recommends a mitigated determination of non-significance (MDNS) for the MICA project. Some elements discussed below do not require mitigation because they comply with existing regulations and less than significant impacts are expected. Elements where mitigation is required to reduce the impacts to a level of non-significance are identified below.

1. Earth.

Based on review of analysis from Perrone Consulting, the Applicant has provided sufficient information to insure that the proposed project does not result in undue slope stability risk. Significant impacts to slope stability are not anticipated.

2. Air.

Emissions from construction and operation of the project are expected to be well below the Federal de minimis threshold of 100 tons per year, which is the applicable threshold within King County. Significant impacts to air quality are not anticipated.

3A. Water. Surface.

The SEPA Checklist and supporting Wetland Delineation Report and Critical Areas Report were reviewed by Claire Hoffman, professional wetland biologist from ESA. Additionally, she conducted a site visit to verify wetland and vegetation conditions on September 13, 2016. The delineation and proposed mitigation meet the requirements of MICC 19.07.080. MICC 19.07.080.C. allows for buffer averaging of Category III wetlands to a minimum of 25 feet with enhancement. The Applicant is proposing to avoid the wetland, and thus no direct wetland impacts are expected. The Applicant incorporated ESA's recommendations from the September 20, 2016 memorandum and from the May 15, 2016 meeting. Impacts to surface waters (wetlands and wetland buffers) are not anticipated to be significant.

Required Mitigation: enhance 11,362 square feet of degraded buffer with native trees, shrubs, and groundcover as proposed by the applicant in the Critical Areas Study of the July 2017 SEPA Checklist (see Attachment G). Comply with mitigation and monitoring methods outlined in Attachment G, Critical Areas Study. The enhancement area can only be reduced if the impact area is reduced.

3B. Water. Ground.

There are no withdrawals or discharges proposed as part of the project. No significant impacts are anticipated.

3C. Stormwater.

The proposed project would construct a detention vault and discharge to the existing City stormwater system as well as the on-site wetland. Stormwater discharge to surface waters (i.e. to the wetland) is allowed under MICC 15.09.040. As design of the MICA progresses, ESA recommends that the Applicant provide a detailed stormwater management plan to insure that current City and State standards are met. With development and compliance with a stormwater management plan, significant impacts are expected to be avoided.

Required Mitigation: develop and comply with a Stormwater Management Plan.

4. Plants.

Vegetation was field verified during a site visit (September 13, 2016) and the Tree Assessment and Critical Areas study for the project were reviewed. Adequate information has been provided by the Applicant regarding impacts to trees and other vegetation. There are a number of dead or unhealthy trees that would be replaced as part of this project. The exact number, location, size, and species of dead and healthy trees will need to be provided for the permitting process. A tree permit would be required per MICC 19.10. With the mitigation proposed, significant impacts to plants and vegetation are not expected.

Required Mitigation: plant a minimum of 74 trees within the wetland buffer, trees should be primarily coniferous and native species as proposed by the applicant in the Critical Areas Study of the July 2017 SEPA Checklist (see Attachment G). Comply with tree mitigation outlined in Attachment G, Critical Areas Study of the July 2017 SEPA Checklist. Prior to the permitting process, provide the exact number, location, size, and species of dead and

healthy trees that would be removed. The number of trees planted can only be reduced if the number removed is reduced.

5. Animals.

ESA reviewed the Critical Areas study and crosschecked available information regarding listed species and protected habitats on and near the site. There are no protected species known to use the site, and there are no expected significant impacts to wildlife.

6. Energy and Natural Resources.

The Applicant proposes to meet LEED Silver, which includes standards for energy efficiency. By obtaining LEED Silver, the proposal is not expected to result in significant impacts to energy and natural resources.

7. Environmental Health.

ESA reviewed the Phase I Environmental Assessment (Aerotech, 2015) which concluded that there is no obvious evidence of potential environmental risks or Recognized Environmental Conditions indicating the presence of hazardous or other conditions. Special emergency services are not expected to be required. Significant impacts to environmental health are not anticipated.

8. Land and Shoreline Use.

The Applicant has requested a zoning code text amendment to allow a cultural center to be built in the Public Institution zone (P zone). The code amendment is specific to this parcel; as such the code amendment would not affect other parcels in the P zone. The decision on the text amendment will be made by City of Mercer Island Council.

The following critical areas are found on/near the project site: a wetland, wetland buffer, and known or suspected land slide hazard area on-site, as well as erosion hazard areas and steep slopes to the west of the site. For a discussion of the wetland and wetland buffer refer to Element 3A above, Water and geologic hazard areas are discussed under Element 1, Earth. The project is not within the shoreline area. Impacts to land use are not anticipated to be significant. No additional mitigation is required.

9. Housing.

There is no housing proposed to be added or removed as part of this project. Impacts to housing are not anticipated to be significant.

10. Aesthetics.

The MICA building would look different than existing conditions; it would be taller and larger than the existing recycling center. The proposed mainstage is the tallest structure at 30 feet high, closer to the park the building would be approximately 16 feet tall. MICA 19.05.010 requires that buildings in the P-zone shall not exceed 36 feet or three stories. The MICA building would be visible from the park, street, adjacent businesses, and some homes. The design of the building will be subject to review and approval by the City. Vegetation would be removed but replaced as part of the mitigation plan; however, it will take time for trees to mature. Landscaping around the building would follow the requirements of MICA 19.12.040. With compliance to existing City regulations and design approval, the proposed building and landscaping are not anticipated to result in significant impacts to aesthetics.

11. Light and glare.

The proposed project is not anticipated to result in significant impacts from light and glare and will comply with MICC 19.12.070. The project will be required to develop a lighting plan.

Required Mitigation: Lighting Plan

12. Recreation.

The proposed project would be in the northwest corner of Mercerdale Park in the current location of a former recycling center building, public restrooms, and a portion of Bicentennial Park. The plaza and flagpole, and public restrooms would be permanently removed. During constructions, portions of the park immediately adjacent to the MICA building would be unavailable during construction. The public restrooms would be unavailable during construction. The trail around Mercerdale Park lawn would be relocated but remain open during construction. The trail leading to the Mercerdale Hillside Trail would not be changed, but may need to be closed temporarily during construction for safety reasons. After construction, the trail around Mercerdale Park lawn will be restored and the public restrooms and sinks will be replaced in the new MICA building. With mitigation, significant impacts to recreation are not anticipated. Visitors to the Sunday Mercer Island Farmer’s Market which occurs June – October may be inconvenienced by construction activities. The Applicant will work with the Farmer’s Market to insure that access to the Market is not restricted for vendors or visitors during construction as well as after the MICA building is completed. For these reasons the Farmer’s Market is not expected to be significantly impacted. With the implementation of the proposed mitigation measures, significant impacts to recreation are not anticipated to be significant.

The Applicant has requested a code amendment which would allow for an arts center within the P-zone. The review of the code amendment is outside of the scope of this review. If the code is amended to allow for an arts center within the P-zone, there would be no significant impact to recreation.

Required Mitigation:

- The flagpole will be replaced by the Applicant; the flagpole will be located in an area agreed upon between the Applicant and the City within or immediately adjacent to Mercerdale Park.
- The trail leading to the Mercerdale Hillside Trail may be closed during construction hours for the safety of trail users. The Applicant will ensure it is accessible to the public on evenings and weekends.
- The Applicant will coordinate with the Farmers Market to assure that the Sunday activities of the Market are not significantly affected. This includes maintain access to the Farmer’s Market both during construction and operation.

13. Historic and Cultural Preservation.

The historic and cultural preservation evaluations included in the SEPA checklist were reviewed by a historian at ESA. There are no recorded sites, cemeteries, register-listed properties, traditional cultural places, or indications of former use on historical aerials, maps, or in published ethnographies. None of the existing buildings are over 45 years old and thus do not meet the threshold for consideration as a historic property. No significant historic or cultural impacts are anticipated.

14. Transportation.

The transportation element was reviewed by DKS for the City. With the following mitigation measures, impacts to transportation and parking are not anticipated to be significant.

Required Mitigation:

- The Applicant will complete a Parking Management Plan which includes both construction and operation of the facility.
- Identify a designated “Parking Coordinator” – who is an on-site staff member responsible for parking and traffic management.
- Provide for periodic review of Parking Management Plan, any time an element of the Plan changes and disrupts availability of necessary parking.
- Update any private parking agreements as necessary to maintain baseline level of available parking to meet demand with an appropriate level of redundancy; and if parking is disrupted, modify MICA program scheduling until such parking is made available again.
- Provide annual reporting of the traffic demand management plan to provide program adjustments based on reporting.
- Manage the loading zones areas through program scheduling, patron education, signage and staffing assistance if necessary to ensure through traffic is not inhibited.
- Provide necessary illumination at the MICA site for safe pedestrian crossing and load/unload activities.
- Provide clear signage at the MICA site to assist with clarity of parking and loading requirements.
- Coordinate facility scheduling with other local events such as Summer Celebration, Farmer’s Market, Parks events, and the Thrift Shop.
- Provide patron education specifically to restrict patron parking in the neighborhood south of Mercerdale Park.
- Schedule afternoon activities for kids such that only one class has drop-off/pick-up at one time to manage traffic flow at the pullout area and ensure safe access to vehicles.

This SEPA review has been conducted very early in the design process and the Applicant has not yet completed design, or all required supporting documents. If the mitigation is completed in accordance with the measures outline above, it is ESA’s opinion that the project would be mitigated to a level of non-significance. Based on this review, ESA recommends a mitigated determination of non-significance (MDNS).

If you have any questions, please call us at (206) 789-9658.

Sincerely,

Claire Hoffman

cc.
Scott Olmsted, ESA
Molly Adolfson, ESA

DUE TO THE LARGE FILE SIZE (32MB), ATTACHMENTS TO THE ESA REPORT AND SEPA CHECKLIST
ARE AVAILABLE ONLINE AT https://mieplan.mercergov.org/public/MICA-SEP16-015_ZTR16-002

OR CAN BE VIEWED AT MERCER ISLAND CITY HALL DURING REGULAR BUSINESS HOURS.

HOWEVER, ATTACHMENT “D”-PROPOSED ZONING CODE AMENDMENT—IS ATTACHED

SEPA Environmental Checklist
Mercer Island Center for the Arts

Attachment D
Proposed Zoning Code Text Amendment

January 2017

19.05.010 Public institution – P.

A. Uses Permitted.

- 1. Government services.
- 2. Public schools under the administration of Mercer Island School District No. 400 subject to the requirements in subsection F of this section. Subsections B, C and E of this section do not apply to public schools. Uses other than public schools located on land owned by the Mercer Island School District shall comply with applicable provisions of Chapter [19.02](#) MICC.
- 3. Public park.
- 4. Transit facilities including transit stops and associated parking lots.
- 5. On-site hazardous waste treatment and storage facilities are allowed as accessory uses to a use permitted in this zone. These facilities shall comply with the state siting criteria as set forth in Chapter [173-303](#) WAC.
- 6. Wireless communications facilities subject to the conditions set out in MICC [19.06.040](#).

7. Public Facilities in Mercerdale Park, with primary uses of theatre, lecture hall, classroom, performing studio, visual arts studio, exhibition gallery, gathering and meeting spaces, café and bar, and accessory functions thereof (hereafter referred to as “Mercerdale Park Public Facilities”), subject to the requirements in subsection G of this section.

B. Mercer Island I-90 Right-of-Way Added to Public Institution Zone. The entire area within the Mercer Island I-90 right-of-way, including, but not limited to, the roadway, street overcrossings, lids, open space, recreation areas, linear greenbelts and the park-and-ride lot area as approved by the city on November 14, 1983, and incorporated in the right-of-way plan approved by WSDOT on May 1, 1987, shall be part of the public institution zone. All uses within the I-90 right-of-way shall be maintained as set forth in city-approved I-90 related documents.

C. Design Requirements. Any development within the public institution zone shall comply with the applicable sections of Chapter [19.11](#) MICC, Town Center Development and Design Standards, except as otherwise allowed in subsection G of this section.

D. Parking Requirements. All uses permitted in this zone shall comply with the parking requirements set out in MICC [19.05.020](#).

E. Structures, excluding stacks, shall not exceed 36 feet or three stories in height, whichever is less; provided, the height of buildings located on sites exceeding five acres may be increased by 12 feet or one story, whichever is less, for each additional two and one-half acres of area when specifically approved by the city council upon recommendation of the design commission in accordance with the following conditions:

- 1. Approval by the Federal Aviation Administration.
- 2. Adequate provision for ultimate off-street parking needs.

F. Public Schools. The following requirements apply to public schools: [MICA proposes no changes to this section and, therefore, the text is excluded.]

G. Mercerdale Park Public Facilities, shall be subject to the following requirements:

<u>Setback from Property Lines</u>	<u>No minimum setback required, except as necessary to comply with MICC 19.11.030.A.1,</u>	
<u>Height Limit (as defined by MICC 19.16.010)</u>	<u>As allowed pursuant to MICC 19.05.010.E,</u>	

<u>Street Standards</u>	<u>The Street Standard requirements of MICC 19.11.120 are inapplicable.</u>	
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19.05.020 Parking requirements.

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

B. General Requirements. The following apply except as otherwise required or allowed pursuant to MICC 19.05.020.C.

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.

2. Traffic Control Devices. All traffic control devices such as parking strips designating car stalls, directional arrows or signs, bull rails, curbs and other structures shall be installed and completed as shown on the approved plans. Hard surfaced parking areas shall use paint or similar devices to delineate parking stalls and directional arrows.

3. Design. Parking lot design should conform to the diagrams set out in Appendix A of this development code, unless alternative design standards are approved by the design commission and city engineer.

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 building to be served; provided there are no intersecting street 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.

7. Compact Vehicles. Up to 50 percent of the required off-street parking spaces may be designed for accommodating compact vehicles. Such parking spaces must be clearly designated as compact stalls. The design commission may increase the percentage of compact stalls permitted if the applicant can demonstrate that no adverse impacts will occur.

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.

C. Minimum Parking Requirements for Specific Uses.

1. Government buildings shall provide one parking space per 200 square feet of gross floor area.

2. Public elementary and middle schools shall provide a minimum of two parking spaces per classroom. Public high schools shall provide a minimum of one parking space per classroom plus an additional one parking space per 10 students. If the parking spaces that would need to be provided as specified above are in excess of the actual parking demands of the school's staff, students, and visitors, the code official may allow a reduction in minimum parking requirements based on a parking analysis prepared by a qualified professional, with the approval of the city engineer and the design commission, for projects reviewable by the design commission.

3. Mercerdale Park Public Facilities shall provide parking as follows:

a. A parking demand study shall be prepared by a professional traffic engineer and approved by the City Engineer determining the parking requirements for the proposed public facility.

b. The amount of parking required by the approved parking demand study may be met by entirely off-site with a combination of on-street parking and shared off-street parking pursuant to a traffic management plan approved by the City Engineer determining that parking demand for all land uses shall not significantly overlap and that uses will be served by adequate parking if on-street parking and shared parking reductions are authorized.

c. Prior to establishing shared parking, the property owner or owners shall enter into an unrecorded written agreement approved by the code official that can only be terminated upon not less than ninety (90) day notice to the code official, provided that one of the affected property owners has agreed to either enter into a replacement parking contract or make alternative parking arrangements, such as shuttle service, in either case satisfactory to the code official prior to the end of the notice period.

4. Mercedale Park Public Facilities shall be exempt from the requirements of MICC 19.05.020.B.4.

D. Mixed Use Parking. In the case of mixed uses, the total requirements for off-street parking facilities shall be the sum of the requirements for the various uses computed separately. Off-street parking facilities for one use shall not be considered as providing required parking facilities for any other use, except as hereinafter specified for cooperative use.

E. Cooperative Parking. Cooperative parking between two or more adjoining property owners is allowed; provided, the code official, with approval from the design commission and city engineer, may reduce the total required spaces by when the applicant has demonstrated that no adverse impact will occur due to the reduced number of stalls.

F. Parking Lot Dimension. All parking areas shall conform to the design standards set out in Appendix A of this development code unless alternative design standards are approved by the design commission and city engineer. (Ord. 14C-06 § 4; Ord. 99C-13 § 1).