

Re: FW: Question on Procedure and Public Hearings

Sarah Fletcher <fletchsa1@gmail.com>

Mon 12/18/2023 1:16 PM

To: Ryan Harriman <ryan.harriman@mercerisland.gov>

Cc: Jessi Bon <jessi.bon@mercergov.org>; Jeff Thomas <jeff.thomas@mercerisland.gov>; John Kenney <John.Kenney@mercergov.org>

Hello Ryan, thank you for that. It is not fair or up to the City Arborist to be able to amend which trees and which he doesn't feel should be deemed exceptional without it going through a Docket Request. So, for example, if I wanted to ask that the docket be amended to include Leylandi's, I would have to submit an amendment, but it seems that city staff can just amend anything however they want. With regard to the application form itself, there are errors. So if there are errors, who is it up to to amend? Who was responsible for the intake form and making sure that the correct information was put down?

You can ask the applicant,

- a) Why did the owner not do any upkeep as he said he would in the narrative?
- b) And did it not seem implausible that the Old Boys and Girls Club would have to do the upkeep, why would they come up with that agreement?

The original Agreement: The owners of the property got the school district to donate the land for PEAK, and the citizens donated the construction costs, on the promise the old Boys and Girls Club would be converted to ball fields, and not developed. You can see what the owner had proposed in this article: [East Seattle School is sold | Mercer Island Reporter \(mi-reporter.com\)](#)

And as for the gymnasium. This is what was in the Agreement which term was 25 years and it was up to the City and the Club to maintain it and if they were not to, there is a calculation as to how much they have to pay. And there is going to be displacement - displacement for all the people who played volleyball on the field. And the Secret Garden or whatever garden they mention doesn't offer volleyball.

And wasn't the gym being used up until the sale of the property?



On Mon, Dec 18, 2023 at 11:24 AM Ryan Harriman <ryan.harriman@mercerisland.gov> wrote:

Hello Ms. Fletcher,

This email is responsive to the email you sent to Jessi Bon, City manager, on December 14, 2023. The purpose of this email is to provide some clarification on a few items mentioned in your email.

Regarding your statement about the application already being approved, this statement is not accurate. The approval referenced in the link you provided is for TCC23-003, a traffic concurrency certificate, not SUB19-002. The Hearing Examiner will conduct an open record public hearing on January 24, 2023, to take public testimony. After the public hearing, the Hearing Examiner will

decide to either approve the proposal, approve the proposal with conditions, remand to staff for additional processing, or deny the proposal.

Regarding your statements about trees, Leyland cypress and Portugal laurel are not exceptional trees. The project arborist report identifies unhealthy trees based on existing health conditions and tree structure, and specifies which trees are most suitable for preservation. The project arborist determined that very few of the trees on the subject property are viable for retention, or are so close to the existing building, that removal of the existing building's foundation will put the trees at risk of falling over.

Additionally, the trees mentioned as a possible grove, do not consist of 8 or more trees that form a continuous canopy. The City Arborist determined that the Leyland cypress and Portugal laurel will not be regulated on private property. The subject property does not contain a grove or an orchard and most of the trees are in non-viable/poor condition. Even if they met the other criteria for a grove, non-viable trees shouldn't be preserved.

In regard to the decision process and public hearing, the City has completed its review of the application and has scheduled it for a public hearing and decision by the Hearing Examiner. The Hearing Examiner will review the application, the staff report, City Code as well as public comments. The Hearing Examiner will determine if the application meets the code requirements, and will issue a decision for approval, approval with conditions or denial.

Please let me know if you have any questions.

Best regards,

Ryan Harriman, EMPA, AICP

Planning Manager

City of Mercer Island – Community Planning & Development

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From: Sarah Fletcher <fletchsa1@gmail.com>
Sent: Thursday, December 14, 2023 8:23 PM
To: Jessi Bon <jessi.bon@mercergov.org>
Subject: Question on Procedure and Public Hearings

Hello Jessi, I thought you would be the best person to ask.

It says that this was already approved so what exactly is the point of having a Public Appearance? <https://permitsearch.mybuildingpermit.com/PermitDetails/TCC23-003/Mercer%20Island> for 2825 West Mercer Way address. It has : "14 LOT PLAT OLD B&G CLUB" "APPROVED."

And as an example, when it came to this development, I went to every meeting and emailed everyone and all I asked was that they not cut down the row of mature trees and design around the trees, but everyone ignored my request. The Code specifically has that if there is an orchard/grove on site,

It has:

" A group of 8 or more trees each 10 inches or more in diameter that form a continuous canopy. Trees that are part of a grove shall also be considered **exceptional trees**, unless they also meet the definition of a hazardous tree."

And this is what it has for exceptional trees:

" A tree or group of trees that because of its unique historical, ecological, or aesthetic value constitutes an important community resource. An exceptional tree is a tree that is rare or exceptional by virtue of its size, species, condition, cultural/historic importance, age, and/or contribution as part of a tree grove. Trees with a diameter of more than 36 inches, or with a diameter that is equal to or greater than the diameter listed in the Exceptional Tree list shown below are considered exceptional trees."

Well, there is a grove by the City's definition, but the City has approved the grove to be cut down, so not only did they go against what is written in the Code, but they went against my public comments.

So what is the point of a Public Hearing when the project has already been approved and the trees are set for removing? What could I or citizens have done differently to make sure that the trees remained and that the architect designed the houses around the trees?

I get so tired of emailing and emailing. There has to be a better way without my having to email and email dozens of times. It causes more work for everyone.

Thanks.